

MISSION VALLEY NEIGHBORS ASSOCIATION, INC.

July 1, 2013

Mr. Chairman and Commissioners
City of Prairie Village Planning Commission
7700 Mission Road
Prairie Village, Kansas 66208

Re: Mission Chateau-Response to Letter from MVS, LLC

Dear Mr. Chairman and Commissioners:

This letter is in response to the letter from MVS, LLC to you dated June 18, 2013 (the "MVS Letter").

We also appreciate your service to this community as Commissioners and we acknowledge your time and commitment in your review of the proposed Mission Chateau project.

In summary, we do not believe the MVS Letter is persuasive in making the case for either the need for such a large CCRC in Prairie Village nor the density of the proposed project. "Why so big?" is not adequately addressed by the 10 page MVS Letter. We continue to assert that the Benton House project sets the correct and appropriate precedent for this senior dwelling facility.

Need:

The MVS Letter asserts "that Prairie Village has a proportionately higher need for more senior living residences than Johnson County as a whole". What the MVS Letter does not address is that the Prairie Village senior dwelling offerings are already proportionately higher and the need in Prairie Village does not support a project the size proposed by MVS, LLC.

Between 4% and 7.5% of Americans aged 75 and older live in senior dwelling units. According to a USA Today article on this topic, this percentage is actually dropping compared with 8.1% in 2000 and 10.2% in 1990. According to the latest census, the population in Prairie Village is 21,730 residents. The 7,400 Prairie Village residents 65+ as reflected in the MVS Letter is high (the number was taken from the 66207 and 66208 zip codes). The number of seniors in Prairie Village 75+ is less than the 3,400 reported in the MVS Letter (again, that number was taken from the 66207 and 66208 zip codes). The number of seniors in Prairie Village 65+ is closer to 4,700 and the number of seniors in Prairie Village 75+ is approximately 2,142 (roughly 10% of the Prairie Village population). There are 357 senior dwelling units in Prairie Village (set to grow even more when Benton House is fully developed) so you should subtract 357 from 2,142; thus there are approximately 1,785 seniors that are 75+. If you multiply

1,785 by 7.5% there are approximately 139 seniors 75+ that may be looking to move into senior dwelling units in Prairie Village. This number dictates a much smaller senior dwelling development than presently proposed at the Mission Valley site.

Let me also reiterate the information provided by Robert Higney at the May Planning Commission meeting. Citing the Nielsen Senior Life Report, 2013, the 75+ population in zip codes 66207 and 66208 is projected to gain only 24 individuals from 2013 to 2018. The projected percentage of seniors in the Prairie Village population remains stagnant at 10% for the next five years. This is directly contrary to the statement in the MVS Letter that the "need in Prairie Village will increase dramatically over the next few years". The reality is that the massive project proposed by MVS, LLC is intended to provide services to seniors from all over the Johnson County area.

Although the MVS Letter points out that the aging population is centralized in a certain 5 mile radius, what the MVS Letter fails to point out is the number of senior dwelling units offered within this same 5 mile radius. According to the National Investment Center for the Senior Housing and Care Industry (NIC) and the MVS Letter there are 8,140 senior living units offered in Johnson County. What the MVS Letter fails to mention is that there are already 34 senior living facilities within this five mile radius totaling 4,348 units (that may hold as many as 5,292 residents when you consider double occupancy in certain units). Prairie Village and the five mile radius around the Mission Valley site are clearly saturated with senior dwelling units. The senior living need is met. Who does Prairie Village want to be?

If you listen to those that support the Mission Chateau project they generally suggest that Prairie Village needs more senior dwelling units, that the Tutera company is a good operator and that they would want to live there, or they think by offering more senior dwelling units in Prairie Village this will open single family housing as the seniors move to the Mission Chateau property. For purposes of this discussion, let's assume that these assertions are all true. Each of these suggestions are still addressed by a less dense senior dwelling project with better transitioning and a SNF that exists within the primary facility (thus serving the residences of Mission Chateau and not a wide ranging population). *None of these points asserted by the Tutera proponents are contingent on the existence of a massive project.* A smaller development will still provide senior housing. Tutera will still be the operator. If Prairie Village residents move into a smaller development that will still open up housing. As discussed below, if you model the size of the Mission Chateau project after Benton House on a proportionate basis you still meet all of the desires of those in support of the Tutera project. Thus, there is no need for a project the size proposed by Tutera. "Why so big?"

Density:

The MVS Letter, in part, compares the proposed Mission Chateau project against certain other Independent Living Facilities in the area, certain other Assisted Living Facilities in the area, and certain other Memory Care Facilities in the area. The MVS Letter does not analyze the proposed Mission Chateau project against any other Skilled Nursing Facilities nor does the MVS Letter compare the proposed Mission Chateau project against other CCRCs in the area. The

selective comparisons reflected in the MVS Letter attempt to show that the size of the proposed project is somehow in line with other facilities in the Johnson County area. We disagree.

First, before looking at the comparisons based on residents per acre, we want to address comparisons based on square feet per acre. The other CCRCs in Johnson County (minus Claridge Court which is located in C-2 zoning) on average are 7,487 square feet per acre. The proposed Mission Chateau project is 20,870 square feet per acre. If you use 7,487 square feet per acre at the Mission Valley site the project would be 137,760 square feet. A project this size is not only consistent with other CCRCs in Johnson County, it is also consistent with the Benton House precedent described below.

Now let us address the comparisons used in the MVS Letter. It is our belief that the Facilities chosen by MVS, LLC as reflected in the comparisons mentioned above do not reflect the true picture. In fact, the comparisons are cherry-picked to support the proposed Mission Chateau project but in reality they distort the truth. For instance, the MVS Letter attempted to support the claim that the Independent Living Facility portion of the proposed Mission Chateau project is in line with other Independent Living Facilities. When the MVS Letter compared Assisted Living Facilities, however, the comparison was made using different facilities than those used to compare the Independent Living facilities. These different facilities are again used to support the claim that the Assisted Living Facility portion of the project is in line with other Assisted Living Facilities in the area. Why not compare the same Facilities for both the Independent Living comparison and the Assisted Living comparison? We believe the only fair and reasonable comparison has to include a total residents comparison of the varied living options offered at all of the Facilities listed in the MVS Letter. We have made this comparison (See Attachment One).

As you can see, the average number of residents per acre (when fully occupied) in all of the senior dwelling facilities used in the MVS Letter reflects that the average number of residents is 15.5 per acre. The average number of residents per acre in the Mission Chateau project is 24.5. Keep in mind that the MVS Letter emphasizes that the units in the proposed Mission Chateau project are larger than the older model senior dwelling units developed in the medical model era. In other words, you would think that if the units were bigger, the number of residents per acre would actually go down. This is not the case. The reality is that the Mission Chateau project is too big.

If you take the proposed Mission Chateau project and compare it to all of the senior dwelling facilities cited in the MVS Letter that are zoned either R-1, R-1a or R-1b, then the number of residents per acre is 12.5. Again, this compares to 24.5 residents per acre for the proposed Mission Chateau project. (See Attachment Two).

Finally, if you compare the proposed Mission Chateau project against the other CCRCs in Johnson County, the residents per acre goes down even further to 8.7. Again, this compares to 24.5 residents per acre for the proposed Mission Chateau project (See Attachment Three).

In summary, the comparisons provided in the MVS Letter do not give an accurate depiction of the proposed Mission Chateau project. If you compare the proposed Mission

Chateau project against the other facilities used in the MVS Letter then Mission Chateau is much larger. If you compare the other senior dwelling facilities located in R-1 zoning then the Mission Chateau project is too large. If you compare the proposed project against other CCRC facilities, then, again, it is significantly too big.

As you look at the comparisons one realizes that the larger facilities are located on much larger tracts of land (see Santa Marta or Lakewood) or the facilities are located on properties with higher density zoning (see Claridge Court or the Atriums). The size of the proposed project on property zoned R-1a is not appropriate.

"Why so big?" is not answered.

Mission Chateau v. Benton House:

At the June 4, 2013 Planning Commission meeting, MVNA proposed a senior dwelling facility at the Mission Valley site similar in size to the Benton House property on a proportionate basis. Since the former Somerset School was 49,800 square feet located on 6.79 acres and the Benton House project (when fully developed) will be roughly the same size, we proposed that the senior dwelling facility at the Mission Valley site be similar in size to the existing Mission Valley school building; roughly 100,000 square feet. During the question and answer period of the June 4, 2013 Planning Commission meeting, Commissioner Schafer suggested that 150,000 square feet would be appropriate and proportionate with the Benton House project. If you take the Benton House project (when fully developed) over the number of square feet in the Benton House property and do a comparison using the number of square feet in the Mission Valley site, *the size of the building at the Mission Valley site would be 135,154 square feet.**

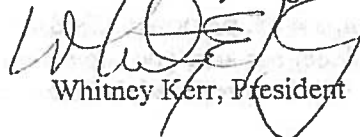
Benton House is the appropriate comparison. Benton House is located on property zoned R-1a. Benton House is on a former school site that required the issuance of a Special Use Permit. Benton House does not dominate the surrounding neighborhood and it preserves green space. Finally, Benton House is surrounded by single family residential on at least three sides.

In summary, the MVS Letter does not address "Why so big?" The need for senior housing in Prairie Village does not support a massive project and a massive project is not appropriate at the Mission Valley site.

Thank you for your attention to this matter.

Sincerely,

Mission Valley Neighbors Association, Inc.



Whitney Kerr, President

* 49,800 sq. ft at Benton House = 135,154 sq. at Mission Chateau
295,786.67 sq. ft. of land 802,747.30 sq. ft. of land

TUTERA'S RETIREMENT LIVING SAMPLE Maximum Residents

RETIREMENT FACILITY	ZONING	INDEP. LIV.	ASSIST. LIV.	SKILLED NURS.	MEM. CARE	TOTAL RES.	BLDG. SQ.FT.	ACRES	RES PER ACRE	SQ.FT./ACRE	PERIMETER TYPE	
SANTA MARTA	RP-4	231	32	32	16	311	294284	46.0	6.8	6397.5	MF	
VILLAGE SHALOM	R-1	128	54	52	12	246	220012	25.5	9.6	8627.9	TEMPLE,HOSPITAL,W-SF,E-MF	
CEDAR LAKE VILLAGE	RP4	197	36			233	160501	21.0	11.1	7661.1	FARM, AGRO	
FORUM	R-1	220	30	60	30	340	183445	7.5	45.2	24394.3	2-R,2-B	
TALL GRASS	R-1	227	32	44	28	331	317600	65.0	5.1	4886.2	2-MF,1-C,1-HWAY	
LAKESWOOD	RP-5	976	26	172		1174	909,088	100.0	11.7	9090.9	MULTIFAM,RES(BUILT AFTER LAKEVIEW)	
ATRIUMS	CP-0	203	35			238	183456	4.8	49.8	38379.9	4-B	
BICKFORD	CPO		101		30	131	49602	6.4	20.4	7714.2	1-R,3-B	
BROOKDALE PLACE	RP-3	416	40			40	496	312418	19.7	25.2	15866.8	4-B
CYPRESS SPRINGS	DFD					66	66	35166	2.4	27.3	14531.4	4-B
EMERITUS AT OVERLAND PK	CPO					56	56	24796	2.0	28	12398.0	OFFICE, MF
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	
LAMAR COURT	RP-3		88			88	79311	4.0	22.3	20078.7	MF,SWEET LIFE	
PARK MEADOWS	RP-4	261	90		40	391	193569	8.5	45.8	22666.2	HIS,HWAY,1-B,1-R	
ROSE ESTATES	R-1		80			80	52195	5.9	13.5	8787.0	2-GREEN,1-R,1-2LANE MEDIAN	
SILVERCREST AT DEER CREEK	BO	141	24			165	157583	8.0	20.5	19624.3	4-BUS OFFICE	
STRATFORD COMMONS	RP-4				47	47	27649	4.7	10.0	5870.3	3-MF,1-S	
SUNRISE OP	CPO		69		20	89	47618	2.4	37.2	19923.8	4-BC	
SUNRISE LEAWOOD	SDO		53		30	83	63350	2.8	29.7	22706.1	4-BO,BC	
TOWNVILLAGE LEAWOOD	SDO	231				231	226745	8.5	27.3	26770.4	MF,BUSINESS,8BROOKSIDE SENIOR LIV	
SUNRISE LENEXA	RP-5		99		38	137	62664	1.9	72.1	32981.1	FIRESTATION,BUS, PARK 87&LACKMAN	
SWEET LIFE OF SHAWNEE	PUDMR				54	54	35182	3.7	14.8	9612.6	3-B,1-AGRIC	
BRIGHTON GARDENS	R1B		105	45	25	176	80382	4.4	39.8	18186.0	MF-1,SINGLE-2	
VILLA VENTURA	R-7.5	158	42			200	39903	4.6	43.2	8618.4	HOSPICE, CHURCH, 2-R	
KINGSWOOD MANOR	R15,R17	370	14	82	45	511	191019	15.4	33.2	12428.0	MF-1,SING-1,CHURCH-2	
BENTON HOUSE	R1A		47		13	60	39512	6.8	8.8	5819.1	RESI	
CLARBRIDGE	AGR				34	34	22875	2.1	16.3	10997.6	GREEN-1,RETIREMEN,RES,KCMO	
HOMESTEAD OLATHE	R4				43	43	20381	3.8	11.5	5434.9	RETIRE-1,BUS-1,IND-1,MF-1	
TOTAL		3759	1177	487	729	6152	4128244	396.3	15.5	10417.5		
MISSION CHATEAU	R-1A	242	72	100	36	450	384,000	18.4	24.5	20870.0		

ATTACHMENT ONE

TUTERA'S RETIREMENT SAMPLE ZONED R1 Maximum Residents

RETIREMENT FACILITY	ZONING	INDEP. LIV.	ASSIST. LIV.	SKILLED NURSING	MEMORY CARE	TOTAL RES	BLDG. SQ.FT.	ACRES	RES/ACRE	SQ.FT./ACRE	BUS PERMETER TYPE
VILLAGE SHALOM	R-1	128	54	52	12	246	220012	25.5	9.6	8627.9	NF TEMPLE,HOSPITAL,W-SF,E-MF
FORUM	R-1	220	30	60	30	340	183445	7.5	45.2	24394.3	FP 2-R,2-8
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	8009.4	
MISSION CHATEAU	R-1A	242	72	100	36	450	384,000	18.4	24.5	20,870	TUTERA'S RETIREMENT SAMPLES ZONED R-1

ATTACHMENT TWO

JOHNSON COUNTY CCRC'S Maximum Residents

RETIREMENT FACILITY	ZONING	INDEP.	LIVING ASSIST.	LIVING SKILLED	NURSING MEMORY CARE	TOTAL RESIDENTS	BUILDING SQ.FT.	ACRES	RES PER ACRE	SQ.FT. PER ACRE	BUS PERIMETER	TYPE
ABERDEEN VILLAGE	RP-3	153	56	60	16	285	164,722	35.5	8.0	4640.1	NF	2-B,1-1,1-SF
SANTA MARTA	RP-4	231	32	32	16	311	294284	46	6.8	6397.5	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
LAKWOOD	RP-5	300	26	172		498	909,088	100	5.0	9090.9	NF	MULTIFAM,RES(BUILT AFTER LKV
TOTAL		1657	230	465	126	2478	2330224	284.3	8.7	8196.4		
MISSION CHATEAU	R-1A	242	72	100	36	450	384,000	18.4	24.5	20,870		

ATTACHMENT THREE

LAW OFFICES
DUGGAN SHADWICK DOERR & KURLBAUM LLC

11040 OAKMONT
OVERLAND PARK, KANSAS 66210

TELEPHONE (913) 498-3536
FACSIMILE (913) 498-3538

July 1, 2013

Mr. Chairman and Commissioners
City of Prairie Village Planning Commission
7700 Mission Road
Prairie Village, Kansas 66208

Re: Mission Chateau-Response to June 14, 2013 Letter from Polsinelli

Dear Mr. Chairman and Commissioners:

This letter is in response to Mr. Peterson's June 14, 2013 letter to Mr. Enslinger and Mr. Williamson which we understand has been forwarded to you.

As you know, our firm represents Mission Valley Neighbors Association, Inc. ("MVNA"). This letter is being provided to you on behalf of MVNA.

Throughout this process we have heard from Mr. Peterson that we need to stick to the facts surrounding the proposed MVS, LLC ("MVS") Application. MVNA has been very determined to stay with facts in its correspondence with the City as well as the materials presented at the on-going Public Hearing. Despite Mr. Peterson's statement that he was going to deal with facts and that MVS was going to be transparent in this process, in his June 14 letter: i) Mr. Peterson accuses MVNA of "diversionary tactics" multiple times; ii) he accuses MVNA of "gamesmanship" and that one of its arguments is "disingenuous" and that another position is "ridiculous"; iii) he accuses MVNA of suggesting that it believes that "common sense" is the only planning tool to be utilized in these types of decisions; iv) he states that MVNA wants to use "whimsical" standards; v) that MVNA is on a "spiritual crusade"; vi) that MVNA has used "great dramatic effort" in making one of its substantive arguments, and vii) he characterizes our legal arguments as "entertaining" and "lengthy lectures about chicken coops and outhouses".

It appears that Mr. Peterson's methods are to insist on facts and transparency but to apply a different standard. No wonder, when the facts do not support your application and when compliance with the law is inconvenient, the best resort appears to be to ridicule your opponent.

Let us quickly review some of the facts as they relate to Mr. Peterson's letter:

1. Mr. Peterson accuses Mr. Duggan of using "diversionary and irrelevant efforts" in comparing the MVS project to retail and other commercial developments. Of course, you will recall the argument made by MVNA

was to compare the proposed *density* of the MVS project with the nearby commercial developments that were only half as dense as the proposed MVS project. Despite his suggestion that comparing the MVS project to commercial developments was a "diversionary" and "irrelevant" effort, in his June 14 letter, Mr. Peterson welcomes a focus on Claridge Court as a comparison to the MVS project. Please keep in mind that Claridge Court is, in fact, on property that is commercially zoned C-2 (the exact same zoning as Corinth Square). As we all know, Claridge Court is hardly within a residential area or even a transitional area. It is bounded by two arterial streets on the south and west and by apartments to the north and east. There are no single family residential units close to Claridge Court so please stop comparing the proposed MVS project to Claridge Court when it comes to land use. Let us also point out that Brighton Gardens is located on property that is zoned R-1b and the few homes that are in some proximity are also located in R-1b. R-1b zoning, though similar, is not the most restrictive zoning classification in the City as is the case with R-1a zoning.

2. Mr. Peterson wants to discount the comparison with Benton House by stating that it is distinguishable from Mission Chateau because of several factors. In a comparison between the Benton House property and the Mission Valley site those items that are different pale in comparison to the similarities. What Mr. Peterson fails to point out is that Benton House is on a former school property, the Benton House developer obtained its authorization to operate through the use of a special use permit, that the surrounding properties are bounded by single family residential properties (which is the case for the Mission Valley site except for the properties to the north), and despite Mr. Peterson's assertion that it has a single focus, I think everyone can agree that is Benton House is comprised of senior dwelling housing and related services.
3. The City's zoning ordinances are clear that there are a number of standards applicable to any similar land use application including Sections 19.28.035 and 19.52.030 of the City's Ordinances (the latter of which essentially contains the codification of the "Golden Factors"). MVNA's presentation spent considerable time addressing these standards and factors. MVNA also spent considerable time pointing out that this is not only a quantitative analysis but also a qualitative analysis. Is it reasonable to suggest that if you can show that you have met the minimum standards required by the City's ordinances, that compliance with the qualitative aspects is less important or even somehow suggests it "shifts the burden to those in opposition"? If that is the case, then why even have the Golden Factors? Why have qualitative standards in the City's Ordinances?

Satisfying the City's Ordinances and meeting the qualitative standards are solely the responsibility of the Applicant. There is no shift in the burden to any other party.

4. Let us discuss the timing of the phasing. Here is what we know. I draw your attention to the Mission Chateau Drawings submitted by MVS on April 5, 2013 as a part of its application. Page A-1 of these drawings (posted on the City's website) clearly reflects that Phase I is the SNF. The drawing shows the SNF and the circle drive leading to the SNF. "Phase I" is printed on the bottom of the drawing. You do not have to look this up, however, because at the final neighborhood meeting conducted by MVS Mr. Peterson was asked which phase was going to be first. Mr. Peterson clearly and unequivocally stated that the first phase was going to be the construction of the Skilled Nursing Facility. He did not stop there. The next question from a different neighbor was a follow up to the first inquiry. The second neighbor asked what would happen if after the SNF was built the second phase could not be built. Mr. Peterson stated again very clearly and with detail that in connection with the construction of the SNF the developer would be required to complete the drive, grading, and landscaping, but if they could not then build the remaining portions of the development they would have to plant grass on the remaining portions because they would not be able to keep it as dirt. The phasing of this project and the concept that the first phase was going to be the SNF clearly came from MVS. This is not in question. At the June 4 Hearing, Mr. Peterson was asked by Commissioner Vennard about phasing and specifically about "this conversation about the skilled nursing being built first." Mr. Peterson's answer was vague at best. When Commissioner Vennard stated that she was "wondering if I had missed something someplace" Mr. Peterson responded "I don't know why they keep...I don't know why they keep pounding that drum. I - I - I question that it might be a little diversionary". There is that "diversionary" word again. MVNA has asked the City's Staff and the Planning Commission to address this issue because the phasing originally proposed by MVS is neither consistent with the City's Ordinances nor State Law. When addressing this issue in his June 14 letter, Mr. Peterson states that "Mission Chateau will be constructed in accordance with the requirements of the City of Prairie Village Ordinances as interpreted by the City Attorney. End of Story." We do not believe that answer is sufficient. We certainly hope that this issue will be addressed in detail at the July work session because we believe the phasing is a serious question with significant legal implications. It is far from a diversionary tactic and it was introduced as an issue by MVS, despite what Mr. Peterson has stated on the record.

Your Planning Staff was at the neighborhood meeting. I suspect their recollection is similar to mine.


5. Mr. Peterson suggests in his June 14 letter that MVNA believes that the J.C. Nichols vision for the City is cast in stone in all aspects and any change in community visions as to redevelopment should be dismissed out of hand. No one stated this on behalf of MVNA. This is a straw man argument and completely misses the point MVNA presented. Remember facts and transparency are the standards proposed by Mr. Peterson.
6. Mr. Peterson discusses Village Vision. As MVNA addressed this issue in detail at the June 4 Hearing, there is no need to go into more detail other than to point out that Mr. Peterson's sole mention of Village Vision in his letter and the Applicant's presentation has been to discuss the City's stated vision for Corinth Shopping Center as it somehow relates to the MVS project. Remember that Mr. Peterson said in the same letter that when MVNA used the fact that Corinth Square's density was about half as dense as the proposed Mission Chateau project he said such a comparison was "diversionary and irrelevant". Yet, here he is suggesting that a specific reference to Corinth Square (a commercial development) is applicable to the Mission Valley site. He fails to mention several other stated goals in Village Vision, including, an emphasis on maintaining the character of the City's neighborhoods and protecting green space.

MVNA is anxious to see a significant re-design of the proposed Mission Chateau project; one that can fit for the entire community, one that can be embraced by the neighbors, and one with which MVNA can be enthused.

Thank you for your continued hard work and your commitment to the review of this proposed project.

Very truly yours.

DUGGAN SHADWICK DOERR & KURLBAUM LLC



BRIAN D. DOERR

BDD:cw

cc: Dennis Enslinger
Ron Williamson
John Duggan


Dear Prairie Village City Council and Mayor Ron Shaffer, June 15, 2013

I wanted to put my two cents in regarding the project at the Mission Valley Middle School. Everyone loves Prairie Village. My parents built the third house in Kenilworth and we moved there in 1960. I was raised in Prairie Village. I lived there part of my adult life, but alas, now I am in Leawood. (Right across from Mission Valley on Reinhardt Lane in Leawood Lanes.) You have done a great job with planning and vision for the lovely city.

I thought perhaps you and the developer would consider a neighborhood of maintenance free villas in the spot. To me, those are in demand and not as available in Prairie Village . We seem to have several large independent living and assisted living facilities. They have marketing departments actively seeking new residents.

A reasonably priced villa with sidewalks and small retail shops in that location would be wonderful. WE need more of that type of housing. Residents could walk to Corinth Shops and Franklin Park. What a fantastic location. I would look forward to living there someday myself.

Thank you for your consideration of my letter. You have a hard job and you have done it well. I just wanted to give you my opinion on the proposed development of the old Mission Valley school property.

Sincerely, 
Judy M. Donnelly

8500 Reinhardt

Leawood , KS 66206

Subject: I support seniors staying in PV

5/15/13

Dear Council Member:, Mayor P

I am very concerned about the community dialogue that has surrounded the Mission Chateau development. As a Prairie Village senior resident, I am getting the strong feeling that there are some people who don't seem to want senior citizens in Prairie Village.

It is clear there aren't enough senior housing options in Prairie Village for our city's aging residents. The Mission Chateau development would be a beautiful addition to our community - and I have already inquired about being added to a waiting list. What a shame it would be to not have the opportunity to stay in the city where I have raised and educated my children and been a vital member of our community. Is this the thanks and respect we want to show seniors in our community?

Once seniors *do* make the transition from their current Prairie Village homes to their senior living apartments, it opens up new housing opportunities to families who wish to make Prairie Village their new home. More residents—whether they be in single family homes or the senior living apartments—will help our city thrive for years to come.

I strongly support approval of the Mission Chateau project, and I hope that you will too.

Sincerely,

Doris M Griffith

P.S. P. V. can't afford to maintain a park
the area is too expensive for any school
to take it over.

Name

Address

Phone Number

E-mail address

The Chateau will bring money also!!!



Ms. Doris M. Griffith
2301 W. 72nd Ter.
Prairie Village, KS 66208-3348

8412 Somerset Drive
Prairie Village, KS 66207
June 3, 2013

Ron Shaffer, Mayor - @pvKansas.com
cityclerk@pvKansas.com
David Morrison dmorrison@pvKansas.com

Planning Committee:

For the last eight to nine months I have attended many meetings with regard to the Mission Valley Development. Some of my concerns are:

- Zoning – how can there be residential zoning for a business that is a for profit. This is NOT a residential a development.
- The number of residential occupants and staff doubles the size of Santa Marta per square foot.
- The density of health care facilities in the Prairie Village area doubles that of the state of Kansas.
- Traffic – Mission Road closing in the last week gives us an indication of what this facility will do to Somerset Dr. traffic. I can hardly get out of my drive in the last week.
- Taxes: the additional taxes created by the for-profit business will not be any where near the loss of values to the surrounding homes.

The May 7th meeting was a nothing but a filibuster. There was not equal time for both sides. Since this meeting was held in a facility to accommodate a large number of people I was amazed that there was an hour of discussion that did not apply the majority of people attending.

We feel the area will be better served by making the school campus available to The Kansas City Christian Schools or a development like Corinth Downs.

Respectfully submitted,

Thomas and Rhetta Johnston

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.

Sincerely,


Russell and Joy Jones

22 Coventry Ct., Prairie Village, Ks.

TOR ESTHERS LEVINS - Upper 80's III tonight

I have lived in the neighborhood for a very long time in a house bordering the Mission Valley Project. I think it is preposterous to believe that this mammoth commercial enterprise would conform to the character of the neighborhood when in fact it would change the neighborhood completely.

I remember when there was great concern about a neighbor attaching a greenhouse to his home. He had trouble getting it approved - because the Town & Country board worried that it would become an eyesore. That's how stringent the neighborhood has been maintaining requirements through the years. There has always been great concern about maintaining the look and feel of Prairie Village and what the actual name implies. I think Carson Coward, who developed the Town & Country community, would be amazed to see the dimensions of the proposed project. It would not only be contrary to conforming to Carson's Village vision but also the plan of the Village itself, by not maintaining green space to retain the character of our neighborhoods. As a senior citizen in Prairie Village I would not be interested in living in such a massive project.

I want to quote from the AARP report that was issued in 2011 on the needs and preferences of the expanding, aging baby boomers generation. The report says that "84% of baby boomers prefer to stay in their home as they age." So that brings up the question of what in the world would happen to these gigantic buildings if the business venture should fail to live up to expectations and it was abandoned? What other use could there possibly be for such a giant and highly specialized facility?

In conclusion it's hard to believe that anyone worried about the future of Prairie Village would even contemplate such a large scale intrusion that would devalue the quality of life and all the beautiful homes that are the pride of Prairie Village.

nearby

DATE: June 4, 2013

TO: Prairie Village Planning Commission Members
Mayor Ron Schaffer
Brooke Moorhead, Ward 4 council representative
Laura Wassmer, Ward 4 council representative

FROM: Sheila Myers
Resident of 4505 W. 82nd St.

My name is Sheila Myers. I have lived at 4505 W. 82nd St. in Corinth Hills with my family since 1997.

Let me say that I consider myself very lucky to live in Prairie Village. One of the reasons my husband and I were attracted to PV when we moved here was its diversity. You find people at various economic levels in all stages of life: singles, couples with and without children, empty nesters, retirees, elderly folks living alone. We have all kinds of families living in our neighborhood.

I can't imagine how difficult it must be for you all, as members of the planning commission, to balance the rights of property owners with the needs and desires of a diverse population. I appreciate your efforts to keep the "village" in Prairie Village.

As we all know, it has become increasingly difficult for growing families to remain in PV because of a lack of adequately sized and affordable housing. Many families give up trying to find an acceptable home here and move to south Johnson County.

The closing of Mission Valley Middle School was a symptom of this reality. The school lacked the student population to warrant its operation, and the SM school board voted to close Mission Valley and put the property up for sale. MVS LLC purchased the 18-acre site for \$4.3 million, an astounding \$1 million more than the district's asking price.

We all know that private developers operate to make a profit. Nothing wrong with that. But in order to make a profit over and above the \$4.3 million price tag, any project planned for this property must squeeze every dollar out of every inch of space. The developer gambled on this property, in my opinion, banking on the city embracing a rezoning to allow for higher density development.

But the property was not rezoned. This has not deterred the owner from pursuing another high-density proposal. I certainly admire the developer's tenacity.

We find ourselves for the second time in two years debating a controversial, high-density project proposed by the developer for a piece of property zoned R1-a.

I am not disputing whether Prairie Village *needs* another senior living facility. The project we are discussing tonight is not appropriate for this site in this neighborhood.

It is too dense. I have been to Santa Marta and it is huge.

How can you justify a project that is nearly half again as big as a medium density apartment complex?

Another way to frame the size of this project: My husband is in advertising and used to work on the Walmart account. A Walmart Supercenter is between 180,000 and 220,000 square feet. This development is to 1 ½ to 2 Walmart Supercenters.

As proposed, the project will have a detrimental effect on noise, property values, and character of the surrounding area.

Please withhold your approval and encourage the property owner to go back to the drawing board and come up with a design that is properly scaled for the neighborhood and a site zoned R1-a.

If MVS, RED, Tutera and whoever else is involved with this property development can't come up with a plan that fits the neighborhood, satisfies the residents who live around the property and turns a profit, then it should ~~be~~ have paid \$1.3 million for the property. ~~to~~ someone else who will. ~~sell~~ the property and

Sincerely,

Sheila Myers
4505 W. 82nd St.

My name is Jori Nelson. 4802 W. 69th Terrace. There are two statements I wish to make this evening.

I'll preface this by saying that Council woman Ashley Weaver was absent during this discussion and is removed from this statement. On behalf of the Prairie Village Homes Association Board of Directors we would like to urge the city of Prairie Village to stay within the factors of Golden v. Overland Park when considering any development within the City.

I was born and raised here. I attended Briarwood Elementary, Meadowbrook Junior High, and graduated from Shawnee Mission East in 1981. When it came time to purchase my home, I chose Prairie Village. First and foremost, I love my City. I loved growing up here and I knew I wanted to raise my children here. My son graduated from East and my daughter just finished her junior year. I plan to grow old here and "age in place". I'm very active in my community. I have been on the PVHA Board of Directors, the largest and oldest homeowners association in PV, for many, many years. I was recently elected Vice-President after serving for several years as President. While I live north of 75th street, I wanted to state that my opposition isn't about "not in my backyard". This is about the future, the "VISION" of our city.

The Village Vision was adopted by the Planning Commission on May 1, 2007. Many of you were part of that process. Mr. Kro(aw)nblad, Mrs. Vennard as Planning Commissioners and Mr. Vaughn as Chairman of the Village Vision Steering Committee and Chairman of the Planning Commission, Mrs. Wallerstein, a stakeholder at that time. Tonight, please ask yourself, if this project meets those visions that you spent years

researching, discussing, creating, and adopting? Is this massive development a good fit for that neighborhood or for the future of our City?

JC Nichols was the man who had the foresight and ingenuity to develop and design Prairie Village. He wrote a speech in 1948 that is as pertinent today as it was 65 years ago entitled: Planning for Permanence: He stated that cities are handmade. Whether our American cities are physically bad or physically good is our responsibility. The city that fails to take inventory of the conditions under which it lives and transacts its business, and fails to take account its growing needs and plans for the future, will not only suffer in its competition for supremacy and fail to appeal to families from throughout its territory...to come and live in the city, but it will also fail to hold its own citizens seeking the most desirable place to transact their business and rear their families.

In 1970 we had a population of 28,378. In the last census 2010, our population had declined to 21,447...a decrease of 7.5%. Families are moving south...to Overland Park, Leawood, and Olathe. Olathe has had to build new schools to accommodate their growth! Prairie Village on the other hand has had to close Somerset Elementary, Ridgview Elementary, Porter Elementary, and Mission Valley Middle School. This loss of population is a trend that must not continue. These families and professionals are the future of our City!

In the VV a detailed analysis of the age and amenity characteristics of Prairie Village's housing stock, it appears that Prairie Village is losing households with growing children and those in their prime earning years to neighboring jurisdictions

with more diverse housing stock, more modern amenities, and more contemporary housing.

I'll discuss the **goals, Conceptual Framework Development Principles and land use recommendations** from the Village Vision Plan, your vision, that are applicable to this permit request. The goals that you made were intended to ensure the long-term sustainability of our community. I'll also point out specific goals that are stated in the VV that align with Golden v. Overland Park

Goal #1) Community Character and Activities: Provide an attractive, friendly, and safe community with a unique village identity appealing to a **diverse community population**.

Participants of the VV expressed a strong preference for trying to attract more diversity to the area in terms of race, ethnicity, religion, family size, income, etc. In particular, they wanted to see more young people, especially young families, moving to Prairie Village.

This massive development will not attract diversity, and is not the Vision for our future.

Goal #2) Community Facilities & Services: Provide diverse community recreation areas, cultural programs, parks, green spaces...with a well-maintained infrastructure and excellent City services. *While the Tutera Group states that this complex will leave approximately ten acres of what they call open space~ They are leaving only 3 small pockets of green space... these "open spaces" are inconsequential compared to the bulk of this development. The remaining six acres are unusable acres because they are located in a flood zone and also includes the detention pond. The project with its proposed density*

diminishes a great deal of green space which is contrary to several objectives of the Village Vision. The Village Vision specifically identifies the need to retain green space in our landlocked City.

Goal #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.

In the VV it discussed the important role our housing stock plays in defining our community. Housing options (in terms of type, location, size, and price) should meet the needs of current residents, and anticipate the needs of future residents. They believe neighborhoods should be able to accommodate the young and old, families and individuals alike.

This massive development does not meet the needs of the majority of our current residents, and does not offer the diversity of housing that future residents are seeking, and is not the Vision for our future.

#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. *One of the 8 Golden Factors is community character and this will in no way preserve our charming community character.

This massive development in no way preserves our community character, does not create the identity and sense of place that we are known for, and is not the Vision for our future.

#5) Prosperity – promote a strong economy...that meets the needs of residents and attracts visitors.

This massive development does not meet the needs of the majority of our residents and is extremely prosperous for the Tintera Group, while only bringing in \$107,000 in tax revenues, it is estimated that this would be offset in the loss of neighboring property taxes of at least \$40,000 and is not the Vision for our future.

Conceptual Framework Development Principles in the VV:

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

This massive development is an isolated project, does not enhance the existing neighborhood, and is not the Vision for our future. * One of the 8 Golden Factors is suitability of the subject property for the uses to which it has been restricted. This subject property is zoned R1A and that is why the developer has had to file for a special use permit because this is not suitable for the site and the neighborhood.

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

This massive development will dominate the neighborhood, leaves little open space and is not the Vision for our future.

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.

These buildings are not oriented to face the street and will in no way enhance our public safety. This massive development will dominate the neighborhood and is not the Vision for our future. * One of the 8 Golden factors addresses the gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners. The fact that this property was purchased by the developer without any contingency factor to obtain the special use permit prior to purchase is not the responsibility of the surrounding individual landowners.

Does not
READ

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.

This massive development's building height, bulk, and density will dominate the neighborhood and is not the Vision for our future. *One of the 8 Golden Factors stated that the extent to which removal of the restrictions will detrimentally affect nearby property. Removing the R1A restrictions and allowing the special use permit will detrimentally affect all of the nearby property by reducing their property values, create safety concerns, and affect their entire neighborhood on a daily basis.

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.

This massive development does not create a range of housing types and price levels and is not the Vision for our future.

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.

This massive development is not strengthening our social fabric or strengthening the neighbors' current home investments, and is not the **VISION** for our future.

(Appendice A to the VV) Development & Redevelopment Conditions

States that redevelopment is certainly an option, but redevelopment needs to take place strategically by not only respecting but **enhancing the relationship of one land use to another**. Land is a valuable resource and once committed to a use, it is often difficult to modify or change that use to another use. Like many suburban communities, the current land use pattern is a direct result of classifying land into single use areas as part of the zoning or "districting" process. Residential uses **are** separated from commercial, multifamily uses **are** separated from single family, office uses are separated from commercial uses, and so on. The resulting pattern segregates or physically separates normally compatible uses from one another. This proposed development does not address any of these issues in a true and meaningful way. [Ⓢ]One of the 8 Golden Factors is zoning and uses of the properties nearby. The three sides surrounding this property are R1A single family. It should remain as such.

Under Land Use and Economics in the VV it states:

Like other cities, costs required to maintain and provide services continues to increase. Our landlocked city is highly reliant on property and sales tax revenue, the city's tax base has difficulty keeping up with the service demands placed upon it. What strain will this massive development put on our already overly taxed services? Especially if the developer chooses to apply for a not-for-profit status, or sells it down the road and they choose to apply for a not-for-profit status? As 82% of all national CCRC's are not-for-profit organizations.

Under land use: Locate higher density housing at the edges of neighborhoods on underutilized sites along corridors and at major intersections.

This massive development is not at the edge of a neighborhood or at a major intersection...it would be located in the middle of an established neighborhood, in the middle of the block and is not the Vision for our future.

Develop edges of neighborhoods with a diversity of housing. With more housing choices, residents can remain in the Prairie Village, even as their housing needs change over time.

This massive development does not create a diversity of housing for a diversity of residents and is not the vision for our future.

Mr. Nichols said "An intelligent city plan thinks impartially for all parts of a city at the same time, and does not forget the greater needs of tomorrow in the press of today. It recognizes the economy of preventive measures over corrective costs. It is simply good, practical common sense." He continues by saying

“Today almost every city of any considerable size is spending immense sums in correcting the evils of its 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 their future needs.” *I believe that if this massive development moves forward we will all be paying the corrective costs for decades to come.*

Regarding zoning Mr. Nichols set the standards. He stated 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 selfish rights; **LET ME REPEAT THAT STATEMENT...** zoning is the application of common sense and fairness in governing the use of private property; it is placing the public welfare above individual and selfish 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. (PAUSE) **SLOW DOWN...** 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. He continues with this direction for any zoning board: 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 Board enforcement 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. Nichols continued by stating: Let us encourage our Planning Boards not to yield to selfish demands and permit unnecessary destruction of sacred home neighborhoods by spot zoning. While this speech was written more than a half century ago, it is almost as if he is speaking directly to you, tonight about this massive development before you. *If you are using this VV plan to direct private development decisions like this you must be certain that the property owner/developers proposals are consistent with the Plan's recommendation. I have given you many examples this evening of why it does not. You, the Planning Commission of today, and the Planning Commission of the past and the residents and stakeholders adopted the Village Vision. Please honor that vision, your vision, for the future of Prairie Village. This is not the direction we want our city to go...*

In closing, I ask you...what do you want the future of our City to look like 10, 20, 50 years from now...for our children and our grandchildren? How will future generations look back at this decision you are about to make? Is this what you want for your legacy? I do not believe that this was what JC Nichols envisioned for our City. I do not believe that this is what you the Planning Commission and the residents and participants of the Village Vision envisioned for our City. How could it be? This plan is completely contrary to the goals, the conceptual framework principles and the land use stated in the Village Vision. *The Tutera Group is requesting a special use permit to change our city's master plan, the Village Vision, which is one of the 8 Golden Factors.

I'll close with Nichols quote: "Too late" are the saddest words in city building. Please deny the applicants special use permit

request. It is not “too late” to make the right choice for the future of our City. Thank you.

**Position Paper from Monroe Taliaferro
In opposition to the proposed development of the former Mission
Valley Middle School Site.**

Att: Prairie Village Planning Commission

Re: Application for a Special Use Permit (PC2013-05) and associated
Site Plan (PC2013-114) in Prairie Village Kansas.

My name is Monroe Taliaferro. I live at 8101 Mission Road, Prairie Village, Kansas. I have lived in Prairie Village continuously since 1952. I was a corporate attorney for Butler Manufacturing Company in Kansas City for 35 years. During the time I was employed at Butler I served for six years on the Prairie Village City Council. During those six years I served on various committees, including Public Works, Public Safety and Administration. When the then current Mayor resigned to fill a vacancy on the Johnson County Commission, I was serving as President of the Prairie Village City Council. My experience of six years on the Council plus being a resident gave me many contacts in our city. I decided to run for Mayor of Prairie Village. I won the first election and two following elections and served as Mayor from 1989 through 1999.

During my ten years as Mayor the city council dealt with two major developments for elderly citizens, Brighton Gardens at 71st and Mission Road and Claridge Court at Somerset and Mission Road. Shortly after the approval of those two projects a writer for the local press called to ask me if Prairie Village planned to become the headquarters for the elderly in the region. I reminded the individual the long history of Prairie Village as a growing, dynamic community made up of mostly single family homes, but the City Council recognized the growing trend to provide limited corporate housing for the elderly. We now have three (3) large facilities to house the elderly that were not considered a part of our forward planning Village Vision. Massive developments are not compatible with our vision for Prairie Village, **Star of Kansas.**

Our emphasis has focused on young families with parks, recreation areas, shopping centers, schools and soccer fields. To ask the citizens of Prairie Village after more than 70 years of dynamic growth to reverse course with a promise of new modern, architecturally pleasing structures is "selling out" our real vision for our community. Three existing retirement communities, Brighton Gardens, Claridge Court and Benton House are enough for Prairie Village! My own living and visiting experience in retirement institutions indicates that elderly residents living in care centers lose interest in the communities or perhaps move into care centers with no knowledge or interest in their surroundings. My efforts to encourage residents to register and vote in recent elections were met for the most part with complete lack of interest. New populations in Prairie Village need to bring new energy, creative ideas and inspired young families.

Most conversations in retirement communities concern the evening menu, whether the mail is in or who was taken into the Care Center today? **We must not become the fading Star of Kansas. We can do better!!**

Respectfully,

Monroe Taliaferro

Prairie Village Mayor and Council 6/15/13
7700 Mission Rd.
Prairie Village, KS. 66208

Re: Mission Chateau project at 84th and Mission Road

We are writing in favor of the proposed Mission Chateau project in the city of Prairie Village.

We have lived in Prairie Village for 48 years. We have enjoyed the community with its good schools, convenient shopping and nice parks for our citizens.

We also recognize that due to our ageing we have different needs and we would like to stay in this community in order to be near our children and grandchildren. We feel this project would give many of our older citizens a retirement location to continue their present life style of friends, shopping etc. rather than moving to another community and we feel there are many Prairie Village residents who also feel this way.

The proposed project is very attractive and has been designed to meet the community's growing need for the highest quality lifestyle that our seniors deserve. The owners of this project have many similar projects that are attractive, well received in their communities and well liked by their residents. The owners are very successful and well respected in the retirement community industry. We feel they are the kind of owners that would be an asset to our community.

Also this project would bring in much needed revenue. This added revenue would give the city more funds to maintain its infrastructure, which would help to maintain property values.

Thank you for your consideration and we urge you to vote for what is best for Prairie Village and all its citizens.

Sincerely,

A handwritten signature in cursive script that reads "Sue Weltner".A handwritten signature in cursive script that reads "Edward Weltner".

Sue & Edward Weltner
7916 Granada
Prairie Village, KS 66208

eswelt@kc.rr.com

Frank A. Young

June 7, 2013

Re: Mission Valley Project

To Prairie Village Councilmen and Mayor

I am very much in favor of this project as proposed by The Futera Group. Much has been said against it and little voiced in favor. Yet those against it represent a small part of the cities population.

The project is a much needed facility for the growing needs of the older generation. Prairie Village itself has many older adults with few places to go in the City and it is a growing number.

The buildings themselves will occupy only about 50 % of the grounds. More than five acres of the eighteen plus acres will be green space.


The project costs are estimated to be close to \$50,000,000. Tax revenues alone will be in excess of \$500,000. A much needed revenue for the City that I believe is needed to meet current budget and future year's shortfalls.





We live just north of the project in Corinth Downs and do not believe there will be any loss in real estate values once the project is completed. Certainly that would be true for most all properties in the city.

Your careful consideration of the project is much needed. I have included a summary of the highlights and values of the project.

As the project goes through the planning process I would hope and expect the Council to vote in favor of the Planning Commissions recommendations.

Sincerely,


Frank A. Young
43 Le Mans Court
Prairie Village, Ks.

First	Last	Text
Beck	??	 <p data-bbox="483 800 1422 863">MISSION VALLEY DEVELOPMENT -- May 7th Planning Commission Meeting- MVNA Summary</p> <p data-bbox="808 905 1338 936">Santa Marta, Olathe, KS on 45.48 acres.</p>  <p data-bbox="1062 1108 1422 1136">1 Independent & Assisted Living South Elevation</p>  <p data-bbox="1081 1402 1349 1430">2 Independent Living East Elevation</p>  <p data-bbox="493 1482 997 1514">Mission Chateau Proposal on 18 acres</p> <p data-bbox="483 1549 1422 1682">Santa Marta is the best example of what we are trying to do with Mission Chateau (paraphrase) from John Peterson, attorney for the Tutera Group (Mission Chateaproposed beds- 450 on 18 acres, whereas Santa Marta has 342 beds on 45.48 acres).</p> <p data-bbox="483 1717 764 1749">DENSITY and BULK</p> <p data-bbox="483 1791 1435 1858">*The proposed Mission Chateau is 387,244 square feet of building on 18 acres. This is 42% larger than what is allowed on a medium density</p>

apartment complex in Johnson County (220,600 square feet).

*The Proposed Mission Chateau is 21,122 square feet per acre. In comparison, Corinth Square and Corinth South are only 11,902 square feet per acre.

*The proposed Mission Chateau would have the **second largest single residential building** in Johnson County nearly **the length of two football fields** laid end to end - facing Mission Road.

SKILLED NURSING FACILITY

*The proposed 100 bed Skilled Nursing Facility proposed on this site has 20% fewer beds than St Luke's South Hospital. In comparison Santa Marta, has only 32 skilled nursing facility beds.

*A Skilled Nursing Facility is a non-acute care hospital with physicians and nurses caring for patients of all ages that aren't able to stay in the hospital but cannot return to their own home. A skilled-nursing facility is **not** a nursing home.

AGE AND POPULATION

***Only 4%** of the age and income qualified population ever move into a CCRC (Continued Care Retirement Community).

***Only 25-30%** of the current PV retirement facilities are occupied by **PV residents**.

*Greater **Prairie Village** would have **30** residents for every senior **bed available** compared to **Johnson County** has **68** residents for every senior **bed available**.

DEPRECIATION IN HOME VALUES

* A licensed real estate appraiser concluded this project would reduce by at least 10 % the market value of a neighboring house. Depreciation of that magnitude typically results in a reduction of the market and appraised value of the houses in a several block radius around the project. It is estimated that the resulting reduction in City revenue could be in excess of \$40,000.

*The complex is estimated to **generate only \$107,000 a year in property taxes** at the current proposed density. With extra city expenses expected to be incurred, there would be minimal monetary value to the city funds (this is assuming they don't apply for a not-for-profit status).

GOLDEN FACTORS: The Supreme Court of Kansas decided in 1978 - Donald Golden v. The City of Overland Park; eight factors a zoning body must consider when hearing requests for change.

1)The **character** of the neighborhood; **2)** The zoning and **uses of**

		<p>properties nearby; 3) The suitability of the subject property for the uses to which it has been restricted; 4) The extent to which removal of the restrictions will detrimentally affect nearby property; 5) The length of time the subject property has remained vacant as zoned; 6) The gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners; 7) The recommendations of a permanent or professional planning staff; and 8) The conformance of the requested change to the city's master or comprehensive plan.</p> <p>What can you do to make your voice heard?</p> <p>1) Attend the June 4th Planning Commission Meeting- 7PM at the Prairie Village Presbyterian Church which is a continuation of the May 7th meeting where the opposition can voice its concerns.</p> <p>2) Attend the July 1st City Council Meeting -- 7:30 pm at Village Presbyterian Church, 6641 Mission Road</p> <p>Thank you for reading all the way down. Beck</p>
Nicki	Adams	<p>5/30/2013</p> <p>We support this project. We live in Somerset Acres West (4306 w 89th Street). This project is well thought out and will only enhance our city. Let the future unfold....we can't remain in a shell forever.</p> <p><i>Kind regards, Nicki Adams, Managing Member Arch Companies, LLC</i></p>
Melissa	Andeel	<p>Hello,</p> <p>I am a resident of 4403 W. 82 Terrace in Prairie Village, and I would like to express my opposition to the Mission Chateau Proposal.</p> <p>Thank you, Melissa Andeel</p>
John	Anderson	<p>Subject: Proposed condo project on Mission Rd.</p> <p>Ruth</p> <p>First of all, it was great seeing you at the meeting the other night. And secondly, I just want to voice a positive opinion about the above. PV is in need of additional senior housing and especially one that is going to be as first-class as this one. Hopefully it will be approved.</p> <p>Let me know if I can help in any way.</p> <p>Later, John</p>

		John Anderson
Susan	Archer	<p>Please let the record show that I am in total opposition to the proposed redevelopment of Mission Valley real estate.</p> <p>Susan Archer 8009 El Monte</p>
Mark	Athon	<p>Prairie Village City Clerk,</p> <p>I live at 8501 Delmar Lane. I am not in favor of the massive redevelopment at the former Mission Valley Middle School. Its too bad the city could not have issued bonds to purchase the property. Interest rates on bonds are at historic lows. It would have been a good investment for the city.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>Mark Athon</p>
Merrill D.	Athon	<p>06/2/2013</p> <p>Hello,</p> <p>Since 1966 I have owned a house that backs up to the Mission Valley School site. Its been a very peaceful neighborhood with little changes. Several neighbors from around 1966 (or their extended families) still live here. Lack of change is why this area is desirable to them. To build a large nursing home development ruins the area. Its one of the best neighborhoods in Prairie Village. The school is a nice buffer zone and adds value. Putting a nursing home there shows lack of respect for people's homes, way of life and their reasons for buying in the neighborhood. I oppose the development. Its too bad the city could not have purchased the land and used the building or made a park. This should be a lesson, as other schools will close in the future.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>Merrill D. Athon, M.D.</p>
Danielle	Babb	<p>06/01/2013</p> <p>I am a resident of Corinth Hills subdivision in Prairie Village and I oppose the</p>

		<p>Tutera senior living development. Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</p> <p>Regards,</p> <p>Danielle G. Babb</p>
Byron	Baker	<p>5/30/2013</p> <p>Both my wife and I are dumbfounded by the objections to the proposal for the Mission Valley School site.</p> <p>From our perspective it would provide a possible home for us in the future, attractive employment opportunities for Prairie Village residents, and pleasant utilization of the site, all without any troublesome additional motor traffic.</p> <p>Byron N. Baker 2313 W 71st Street Byronbaker59@Yahoo.com</p>
Ed	Barnes	<p>Date: May 25, 2013, 1:29:06 PM CDT To: <lwassmer@pvkansas.com>, <bmorehead@pvkansas.com></p> <p>Unless we have given the developer a lot of tax relief, I am in favor of rezoning and let the school-to-nursing home project move forward.</p> <p>I am not, however, in favor of building new sidewalks throughout Prairie Village for the benefit of a few. Almost all streets have walks on one side. Additional burden on our budget should not be undertaken, especially for something that is not necessary to the general public's welfare.</p> <p>Ed Barnes 5625 W. 82d St.</p>
Bill	Barr	<p>06/01/2013</p> <p>Charles, I would like to go on record with my opposition to the proposed Tutera development of the Mission Valley School property, and ask for your assistance in maintaining the vision and desires that residents have for their city. I live at 8600 Delmar and think the proposed development is inappropriate for the size of the property and with the proposed Skilled Nursing Facility makes the project not just a nursing home and would take the property beyond its' approved zoning. I know you have been made aware of the statistics of the development, i.e. number of sq. ft. to be developed (387,244 sq. ft. on 18 acres), density of housing, and effect on housing values etc. etc., any one of which would cause concern, much less all of them combined. Surely the city can find a more appropriate use for the property that will provide for the city as well as both city and neighboring residents.</p> <p>> >Sincerely, >Bill Barr >8600 Delmar</p>

Bill	Barr	<p>06/01/2013</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</p>
Linda	Beatty	<p>06/01/2013</p> <p>I am not opposed to change. I am, however, opposed to a project that is entirely too large and shows no regard for the surrounding homes and families. We will absorb the dream of the developer and it will change in a negative way our community which we dearly love. I propose the same project but half the size. The developer has quick answers for every question and it is usually a study which is full of inaccurate information. We in the surrounding areas of this project will have increased traffic and many parked cars on our streets. Just take a look at Claridge Court. I have watched herds of employees from that facility walk across the street and get into their cars lining the library or walk across the library parking lot, go over the grass and get into their cars at the bank to the west. Who will be around to hear our complaints when this happens to us?</p> <p>Let the record show that throughout this planning comment period, I have previously sent e-mails to council members voicing my opposition to this development. How could the council pass this project as it has been presented? Who are you representing? The developer or the citizens who have placed their trust in you to do the logical thing?</p> <p>Thank you for your time. Linda Beatty 8409 Reinhardt St.</p>
Stephanie/John	Beeder	<p>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> <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

		<p>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.</p> <ul style="list-style-type: none"> • 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</p>
John	Beil	<p>From: John Beil Sent: Wednesday, May 22, 2013 9:26 AM To: dwarman@pvkansas.com; also Laura Wassmer, Charles Clark, David Belz Subject: Mission Valley Development</p> <p>Dear Councilman Warman,</p> <p>I am writing to express my strong opposition to the proposed development of Mission Valley School into a skilled nursing facility. The size of the development and the fact that it will bring minimal revenue to the city of Prairie Village is a major concern. There are a plethora of uses for that land that will benefit all the residents of the neighborhood much more than a nursing home.</p> <p>Respectfully,</p>

		<p>--</p> <p>John Beil</p> <p>Received 5/22/2013</p>
Bill/Susie	Berry	<p>From: Bill Berry <pvwjb@sbcglobal.net> Date: May 29, 2013, 5:32:39 PM CDT To: Laura Wassmer <lhoppv@gmail.com> Cc: Karen S Berry <pvksb@sbcglobal.net> Subject: Re: Mission Valley Project.</p> <p>Laura.</p> <p>Susie and I do not want to see Prairie Village the core of Retirement Centers in the Metropolitan area. We already have at least three now operating in Prairie Village presently and we think it is wrong to allow another one. It would be a drawback for young people to relocate in Prairie Village, let alone stigma of Prairie Village being a City of seniors. The City needs young people now and this project we believe would not attract young growing families.</p> <p>We hope you will support our position.</p> <p>Sincerely</p> <p>Bill/Susie Berry</p> <p>--- On Wed, 5/29/13, Laura Wassmer <lhoppv@gmail.com> wrote:</p> <p>From: Laura Wassmer <lhoppv@gmail.com> Subject: Re: Mission Valley Project. To: "Bill Berry" <pvwjb@sbcglobal.net> Date: Wednesday, May 29, 2013, 9:12 AM</p> <p>Hi Bill. Unfortunately, council members are not allowed to give their views until the issue comes before the Council meeting. On Special Permit and Zoning issues, we are in a semi-judicial capacity so must make our decision based on the Public Record facts from both the residents and the developer--the public record is created at the Planning Commission meetings and then comes before Council. At this time, the issue is still before the Planning Commission so the Public Record is incomplete. I hope that helps----I would be happy to hear your views! Laura</p> <p>On May 29, 2013, at 7:38 AM, Bill Berry <pvwjb@sbcglobal.net> wrote:</p>

		<p>Laura.</p> <p>Could you give us your views on the Mission Valley Project.</p> <p>Thank you</p> <p>Bill/Susie Berry 4504 West 83rd</p>
Bill/Susie	Berry	<p>06/01/2013</p> <p>Let the record show that throughout this planning comment period, we have previously sent e-mails to the Mayor or City Council members voicing our opposition to the development.</p> <p>We do not want to see Prairie Village becoming the core of Retirement Centers in the Metropolitan area. We already have at least three Retirement Centers presently operating in Prairie Village and we think it is wrong to allow another one. It would be a drawback for young people to relocate in Prairie Village, let alone the stigma of Prairie Village becoming a City of Seniors. The City needs more young people now and this project we believe would be a severe detriment in attracting growing young families to Prairie Village. We have been living in Prairie Village for over 40 years.</p> <p>Bill/Susie Berry 4504 West 83rd Street</p>
John/Linda	Blasdel	<p>06/01/2013</p> <p>As long term residents of Leawood, we are opposed to The Mission Chateau facility being build on the Mission Valley Middle School site at 8500 Mission Road. It is too large for the land, is not needed to meet the needs of local residents, and will reduce property values as it changes the environment ecologically and aesthetically.</p> <p>The demographics of this area are changing as more people with young children are moving into existing homes or remodeling or tearing down and rebuilding new homes to accommodate their families. Within a short time Mission Valley School will be needed and can serve multiple purposes in the summer months to the community.</p> <p>Do not approve the zoning for this massive development in our community. We have sent the Mayor and City Council this email voicing our opposition.</p>

		John and Linda Blasdel Inc 8221 Belinder Road, Leawood, Kansas 66206
Todd/Jan	Bleakley	<p>June 4, 2013</p> <p>City of Prairie Village Mayor/City Council/City Clerk 7700 Mission Road Prairie Village, KS 66208</p> <p>Dear City Officials:</p> <p>You have been receiving much feedback regarding the proposed Mission Chateau project. We thank you for your patience and time in considering this proposal and the issues surrounding it.</p> <p>Rather than re-hash all the statistics you are hearing and seeing over and over, we wish to just stress the disappointment we feel that such a divisive fight must be waged to save the character of this wonderful City. We moved here 29 years ago, first to West Riding and now Town and Country. We wanted to live in Prairie Village because of the quiet residential neighborhoods, surrounding green spaces and tasteful business planning. We believed the “village “ feel of our city would remain the top priority of our elected representatives.</p> <p>So, while we understand the need for progress and change, we are quite shocked that a project this massive would even be proposed or considered as an option for the Mission Valley site. We are particularly concerned when we hear that some Council members may have already decided in favor of this project, because they believe that unless there is something illegal proposed, they must approve. The reality is quite the contrary. The developer is and should have been responsible for obtaining the necessary zoning/plan approvals before purchasing the land. Careful developers negotiate an option contingent on zoning. Did this developer not believe such a proposal would be resisted?</p> <p>It is not City Officials’ responsibility to assure that the developer is profitable. If the project does not fit the character of our neighborhood or the “vision” of the City, it should not be approved and the Council and Planning Commission have every right to vote against it without worrying about legal repercussions. Additionally we hope our elected City representatives will bear in mind the public they represent and the strong response this has elicited. If this project were proposed on the Indian Hills Middle School or Homestead Country Club sites, you would find the same intensity of resistance. We are not some isolated group of NIMBY’S (not in my back yard).</p> <p>We hope you will hear our voices, some 1500 or more strong, and keep the</p>

		<p>character of our wonderful Prairie Village in mind when reviewing this project. We want the City to encourage development that increases our tax base, and we are not opposed to Mr. Tutera's proposed use. We ARE opposed to the unprecedented size and scale of the proposed Mission Chateau. It is simply too big.</p> <p>-</p> <p>Thank you very much.</p> <p>Sincerely,</p> <p>Todd and Jan Bleakley 8621 Delmar Lane Prairie Village, KS 66207</p>
MVNA	Board	<p>Date: 2 Aug 2012 16:46:04 -0700</p> <p>Dear MVNA Neighbors and Friends,</p> <p>This is a brief update regarding what is happening with the Mission Valley property. RED representatives met with Prairie Village City Council members for discussion of their proposed plan. MVNA Board members also met with many City Council members and the Mayor to reinforce our position of NO COMMERCIAL and Residential ONLY for Mission Valley.</p> <p>The RED plan may be presented as early as September. Or the presentation could be later in the fall. WE must all remain vigilant and aware of upcoming meetings.</p> <p>A BIG turnout will be critical when RED presents its plan before the Planning Commission. We will also hold an update meeting prior to the Planning Commission meeting. Please stay tuned!</p> <p>We need everyone's support to assure that Mission Valley maintain the R1-a residential designation.</p> <p>WHAT CAN YOU DO RIGHT NOW?</p> <ol style="list-style-type: none"> 1. E-mail or call your City Council representative to remind them that you want only residential on the Mission Valley property! 2. Watch for all meeting notices via these e-mails and/or by checking the City of Prairie Village website under "upcoming meetings": http://pykansas.com/ <p>THANK YOU for all of your interest and support!</p> <p>Sincerely,</p> <p>The Mission Valley Neighbors Association Board of Directors</p>
MVNA	Board	<p>4/24/2013</p> <p>Dear MVNA Friends,</p>

		<p>REMEMBER.....May 7 is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tutera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00 p.m. Here are some of the points we plan to make...</p> <ul style="list-style-type: none"> • MVNA is not anti-development! • Any development needs to be compatible with the surrounding neighborhoods! • The proposed project is essentially FOUR TIMES the existing school's square footage. • The building facing Mission Road is proposed to be 270,000 square feet. This would be the largest single building in Prairie Village by far...(bigger than the sum of the Corinth Square buildings but on less acreage) ! • The separate skilled nursing facility will have nearly the same square footage as the existing school. • The proposed plan does not provide a reasonable transition from the surrounding neighborhoods (high density directly next to low density residential). • PV is already saturated with senior housing. As a result this will be a regional complex serving the greater KC area to the detriment of PV residents. • There are significant health and safety issues including added traffic, noise and congestion, particularly with a school zone nearby. • The developer, Mr. Tutera, will likely be required to obtain a super-majority vote from the City Council for any final approval of this project...this means he will need TEN votes in order for the project to pass!! PLEASE ATTEND AND SHOW YOUR SUPPORT FOR NO MASSIVE DEVELOPMENT IN PRAIRIE VILLAGE!!!! <p>We have made much progress and CAN WIN WITH YOUR SUPPORT! We must show strength in numbers and save the character of Prairie Village!! Our community stands to be irrevocably altered by this project. In this case, Bigger Is Not Better!!</p> <p>As always, our greatest appreciation for your ongoing support and for staying with us! Please email bsatterlee@kc.rr.com to obtain a yard sign or to donate.</p> <p>Sincerely,</p> <p>The MVNA Board</p>
MVNA	Board	<p>Dear MVNA Friends,</p> <p>JUST A REMINDER THAT TOMORROW'S MEETING IS THE MOST IMPORTANT MEETING SO FAR. PLEASE PLAN TO ATTEND; details below!</p> <p>Below is a repeat of our previous message. PLEASE ATTEND THE PRAIRIE VILLAGE PLANNING COMMISSION MEETING, TOMORROW, MAY 7TH, VILLAGE PRESBYTERIAN CHURCH, 6641 MISSION ROAD. WE HAVE GOT TO SHOW THE PLANNING COMMISSION HOW MANY PEOPLE</p>

		<p>ARE OPPOSED TO THIS MASSIVE PLAN!</p> <p>Thanks for your support!</p> <p>REMEMBER.....May 7 (tomorrow) is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tutera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00 p.m. Here are some of the points we plan to make...</p> <ul style="list-style-type: none"> • MVNA is not anti-development! • Any development needs to be compatible with the surrounding neighborhoods! • The proposed project is essentially FOUR TIMES the existing school's square footage. • The building facing Mission Road is proposed to be 270,000 square feet. This would be the largest single building in Prairie Village by far...(bigger than the sum of the Corinth Square buildings but on less acreage) ! • The separate skilled nursing facility will have nearly the same square footage as the existing school. • The proposed plan does not provide a reasonable transition from the surrounding neighborhoods (high density directly next to low density residential). • PV is already saturated with senior housing. As a result this will be a regional complex serving the greater KC area to the detriment of PV residents. • There are significant health and safety issues including added traffic, noise and congestion, particularly with a school zone nearby. • The developer, Mr. Tutera, will likely be required to obtain a super-majority vote from the City Council for any final approval of this project...this means he will need TEN votes in order for the project to pass!! PLEASE ATTEND AND SHOW YOUR SUPPORT FOR NO MASSIVE DEVELOPMENT IN PRAIRIE VILLAGE!!!! <p>We have made much progress and CAN WIN WITH YOUR SUPPORT! We must show strength in numbers and save the character of Prairie Village!! Our community stands to be irrevocably altered by this project. In this case, Bigger Is Not Better!!</p> <p>As always, our greatest appreciation for your ongoing support and for staying with us! Please email bsatterlee@kc.rr.com to obtain a yard sign or to donate.</p> <p>Sincerely, The MVNA Board</p> <p>5/21/13</p>
MVNA	Board	<p>06/01/2013</p> <p>MVNA -- an update regarding the Tutera proposal for the Mission Valley Middle School site, 8500 Mission Road:</p>

		<p>We have appreciated everyone's support in attending Planning Commission meetings regarding the proposed Mission Chateau massive development. Many of you have also sent e-mails to the Mayor or City Council representatives. Thank you!</p> <p>What can you do to make your voice heard?</p> <p>1) Attend the June 4th Planning Commission Meeting- , next Tuesday, 7PM at the Prairie Village Presbyterian Church, 6641 Mission Road, which is a continuation of the May 7th meeting where the opposition can voice its concerns.</p> <p>2) We have one more e-mail request for you to send prior to June 4. To ensure your concerns are officially registered as part of the public comment period, we need you to send an e-mail to the city clerk voicing your concerns. Technically, any e-mails that aren't sent to the City Clerk are not included as part of public comment period and aren't counted or acknowledged. As part of your e-mail opposing the development, please include this sentence: <i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>3) Write to cityclerk@pvkansas.com, to voice your opposition in a way that will make it a part of the permanent record of the Planning Commission's report to the City Council.</p> <p>4) Attend the July 1st City Council Meeting -- 7:30 pm at Village Presbyterian Church, 6641 Mission Road.</p> <p>5) Write to your Mayor and City Councilperson:</p> <p>Mayor Ron Shaffer mayor@pvkansas.com Ashley Weaver: aweaver@pvkansas.com Steve Noll: snoll@pvkansas.com Dale Warman: dwarman@pvkansas.com Ruth Hopkins: rhopkins@pvkansas.com Mike Kelly: mkelly@pvkansas.com Laura Wassmer: lwassmer@pvkansas.com Andrew Wang: awang@pvkansas.com Brooke Morehead: bmorehead@pvkansas.com David Morrison: dmorrison@pvkansas.com David Belz: dbelz@pvkansas.com Charles Clark: cclark@pvkansas.com Ted Odell: todell@pvkansas.com</p>
Joy/Bruce	Bower	<p>June 4, 2013 after 3 p.m.</p> <p>Dear Mr. Clark:</p> <p>We are absolutely opposed to the massive nature of what is proposed for the Mission Valley plot. The main building is much too big---too many beds. It</p>

		<p>does NOT fit the surrounding area....even though the architectural drawings look pretty. The rendering from what you would see on Mission Road is very deceiving. If you put lipstick on a pig, it's still a pig.</p> <p>We want our voices heard.</p> <p>Sincerely,</p> <p>Joy & Bruce Bower 8332 Delmar Lane</p>
Robert/Cheri	Brooks	<p>6/12/2013</p> <p>We are writing in full support of the proposed Mission Chateau project on the Mission Valley school site.</p> <p>We don't understand why anyone, after becoming fully educated on what The Tutera Grpup is proposing, would oppose it.</p> <p>From our perspective it would provide very high quality, and much needed, housing and living assistance, to a growing Prairie Village senior population. In fact, we wish the existing options were as tastefully done and as thoughtful in the use of the land they are built on.</p> <p>We are aware that the city is currently operating at a substantial annual deficit and understand that the Mission Chateau project would contribute a significant amount toward reducing that deficit.</p> <p>It would be a shame if a vocal minority group -- who is organized and aggressive (but appears to be more concerned about their own wishes than what is best for the city, as a whole) -- would prevail with the City Council. The Council should carefully consider what this project brings to the majority of our citizens in terms of high quality living options in a very attractive addition to our cityscape and also helps us all pay to keep our city so livable.</p> <p>Please count us among those who are very much in favor of going forward with the Tutera plan.</p> <p>Robert and Cheri Brooks 7855 Howe Circle</p>
Dave	Brown	<p>From: Dave Brown</p> <p>Sent: Wednesday, May 22, 2013 9:40 AM</p> <p>To: dwarman@pvkansas.com; Laura Wassmer [mailto:lhoppv@gmail.com], Charles Clark</p> <p>Please read below!! I live very close to this proposed project and it will do extensive damage to our home values and neighborhoods. Traffic a large problem and with several grade schools nearby I am concerned about the safety of our children as the traffic volumes go up</p>

dramatically creating more accidents and unsafe conditions on top of the economic damage.

Please let me know where you stand on this issue and what you can be doing to support our community on this? I look forward to hearing from you!

MISSION VALLEY DEVELOPMENT -- May 7th Planning Commission Meeting- MVNA Summary



Santa Marta, Olathe, KS on 45. acres.



Mission Chateau Proposal on 18 acres

Santa Marta is the best example of what we are trying to do with Mission Chateau (paraphrase) from John Peterson, attorney for the Tutera Group (Mission Chateau proposed beds- 450 on 18 acres, whereas Santa Marta has 342 beds on 45.48 acres).

DENSITY and BULK

*The proposed Mission Chateau is **387,244 square feet** of building on 18 acres. This is 42% larger than what is allowed on a medium density apartment complex in Johnson County (220,600 square feet).

*The Proposed Mission Chateau is 21,122 square feet per acre. In comparison, Corinth Square and Corinth South are only 11,902 square feet per acre.

*The proposed Mission Chateau would have the **second largest single residential building** in Johnson County nearly **the length of two football fields** laid end to end - facing Mission Road.

SKILLED NURSING FACILITY

*The proposed 100 bed Skilled Nursing Facility proposed on this site has 20% fewer beds than St Luke's South Hospital. In comparison Santa Marta, has only 32 skilled nursing facility beds.

*A Skilled Nursing Facility is a non-acute care hospital with physicians and nurses caring for patients of all ages that aren't able to stay in the hospital but cannot return to their own home. A skilled-nursing facility is **not** a nursing home.

AGE AND POPULATION

***Only 4%** of the age and income qualified population ever move into a CCRC (Continued Care Retirement Community).

***Only 25-30%** of the current PV retirement facilities are occupied by **PV residents**.


*Greater **Prairie Village** would have **30** residents for every senior **bed available** compared to **Johnson County** has **68** residents for every senior **bed available**.

DEPRECIATION IN HOME VALUES

* A licensed real estate appraiser concluded this project would reduce by at least 10 % the market value of a neighboring house. Depreciation of that magnitude typically results in a reduction of the market and appraised value of the houses in a several block radius around the project. It is estimated that the resulting reduction in City revenue could be in excess of \$40,000.

*The complex is estimated to **generate only \$107,000 a year in property taxes** at the current proposed density. With extra city expenses expected to be incurred, there would be minimal monetary value to the city funds (this is assuming they don't apply for a not-for-profit status).

GOLDEN FACTORS: The Supreme Court of Kansas decided in 1978 - Donald Golden v. The City of Overland Park; eight factors a zoning body

		<p>must consider when hearing requests for change.</p> <p>1)The character of the neighborhood; 2) The zoning and uses of properties nearby; 3) The suitability of the subject property for the uses to which it has been restricted; 4) The extent to which removal of the restrictions will detrimentally affect nearby property; 5) The length of time the subject property has remained vacant as zoned; 6) The gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to the hardship imposed on the individual landowners; 7) The recommendations of a permanent or professional planning staff; and 8) The conformance of the requested change to the city's master or comprehensive plan.</p> <p>Thanks,</p>  <p>David M. Brown Principal</p>
Kay N.	Callison	<p>City Clerk:</p> <p>Please be known that I have recently sent an e-mail to my two City Council Members, Laura Wassmer and Brook Moorehead voicing my opposition to this project for many reasons. Let the record show that during this planning period, I have previously sent an e-mail to my City Council Members voicing my opposition to this development.</p> <p>Kay N. Callison 55 Le Mans Court Prairie Village, Kansas 66208</p>
Kay Nichols	Callison	<p>Jun 3, 2013,</p> <p>Brook and Laura:</p> <p>I live at 55 Le Mans Court, and have attended several presentations by the Tutera Group and the May hearing at Village Church on the Mission Chateau. It is my strong belief that this project as planned, is not appropriate for the site for several reasons.</p> <p>1. It is far more dense than any other building/set of buildings in Prairie</p>

Village, if you calculate the size(of the buildings) compared to total acres of the site. A similar facility in Olathe has the advantage of a large “green” space around the facility, plus the residential area is much further away.

2. The set back on the south and west sides, although they may be by code, are far too small related to the total size of the individual buildings and the total project. The green space related to the building area is far too small percentage wise and total square feet.
3. The set back from Mission Road may be code, but because the buildings are so massive and numerous, the total effect is not positive visually or physically.
4. Questions have arisen related to the width of the internal roads, and if they are sufficient to carry emergency vehicles, cars and trucks. Private roads are to be 28’, I believe, and some of these roads are less than that(22’).
5. The architecture while viewed in small segments is passable, in mass is quite overwhelming, and in my opinion is not add value to the surroundings or the quality of buildings in the area.
6. Concerns about traffic off of Mission Road were partially answered.
7. I question the need for another senior living facility in this or any other Prairie Village location. Currently, Prairie Village is experiencing a great need for quality residential housing as buyers are looking for a quality lifestyle in our community, and specifically single family residences. This is information that was given to me by a real estate broker that specializes in homes in Prairie Village, Fairway, Brookside and a few other neighborhoods.

With so many concerns, questions, comments from neighbors, citizens of Prairie Village, I urge you to vote no to this project as it is presently designed, contemplated. The Council should refer back to the Planning Department for their recommendations, which to my knowledge were not presented to the public as part of the record.

Compared to this project, the newest senior living facility on 83rd Street is quite different, in that the “green” space around the building is considerable, the architecture is attractive and blends in with the neighborhood, and parking seems to be ample. I have only viewed this facility from the exterior as I drive east of 79th Street and 83rd Street from Mission Road frequently. Signage is attractive and appropriately sized, and the building does not overwhelm the site.

I have lived in the Kansas City area nearly all of my life, and in Prairie Village for about 20 years and take great pride in our community, quality residential areas, tree lined streets and sidewalks, nearby shopping centers and related amenities such as schools, parks, public facilities, churches which form a fabric of permanence and add value for the generations to come. I believe it is the desire of Prairie Village residents to continue this tradition and continue to create neighborhoods which will stand the test of time, so that we can take great pride in being part of our Prairie Village community.

		<p>Thank you for your consideration.</p> <p>Kay Nichols Callison</p>
Todd/Beth	Cannon	<p>My wife, Beth, and I have looked at many retirement communities across the country. We finally decided to remain in Kansas City to be close to our family. We are excited and pleased at the prospective development of Mission Chateau. I went to Corinth, Somerset, Indian Hills, and Shawnee Mission East. I had the good fortune to receive an outstanding education. Now in our later years it is nice to think of such a beautiful place being available at reasonable prices.</p> <p>I know there is a lot of noise, but it is to me "full of sound and fury signifying nothing." We have faith in the City to make the proper decision which we will accept. No threats, no law suits, no name calling, no bitterness. We were raised better than that.</p> <p>Todd and Beth Cannon</p>
M.	Cavell	<p>I am oppose to the development plan for Mission Valley. It will not be consistent with present environment, will put too heavy a load on access streets, duplicates other establishments within the area. The overall SIZE (not to mention use) is simply not warranted for PV.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor and my City Council members voicing my opposition to the development.</i></p> <p>M. Cavell 9208 Fontana</p>
M.	Cavell	<p>4/27/2013</p> <p>>As a taxpayer and resident of PV, I am very much not in favor of the proposal. > >> >M. Cavell >>9208 Fontana</p>
M.	Cavell	<p>> Hello I remind you again that I am opposed to the proposal at Mission Valley. It does not fit the environment and area and is far too large in SIZE. There are many similar establishments in and around PV that serve the proposed need. Deviation from currant zone and planning is not necessary. > >M. Cavell >9208 Fontana</p>
Jim	Chaar	<p>4/12/2013</p>

		<p>I live at 9101 Delmar in Kenilworth subdivision. I have been there for five years and have watched the different proposals being presented for redevelopment for the country club and now the middle school that was closed two years ago. The latest proposal by Tutura to redevelop the middle school into a Senior Community addressing the growing needs of aging is a very positive move. I enjoy living in Prairie Village and would like to know when the time came to downsize from my home, that I could find a place to live in this area. Currently I know that the large senior housing areas across from Corinth has a waiting list and the new one that opened in January of 2013 on Somerset is half way occupied.</p> <p>This new facility will offer the city immediate tax revenue and with over six hundred people involved either in living or working at the facility and provide jobs to those retail areas near the facility like Corinth Square. I would much prefer this use of the middle school, rather than having it converted into retail space or homes. There is more tax revenue for the city as a whole by not building homes. The proposal being made really helps reduce the environmental footprint for helping our city become a better place to live and grown old in. I hope you look favorably on this project as you consider it. I will be attending the opens sessions and hope to have the opportunity to speak in favor of it.</p> <p>Jim Chaar <i>Director of Credit</i></p>
Charles	Clark	<p>Bob,</p> <p>This is a copy of a message from the City regarding Mission Valley. I have received emails from folks based on your mailings which ask me how I stand on the matter. As the message makes clear, Council Members will base the Council decision on the full record of the Planning Commission. I am answering that I will not take a stand ahead of my reading and understanding that full record. To do otherwise would mean I should recuse myself from participation in the decision.</p> <p>While I am happy to receive emails, I am forwarding them all on to the City Clerk to be placed in the record for all the Planning Commission and all the Council to read as well. I should have no information that is not shared with the public. I think you might help by suggesting to your readers that their thoughts should be sent in writing to the City Clerk ahead of the Planning Commission meeting.</p> <p>Charles</p> <p>Mission Valley Development Senior Housing Development Posted Date: 5/22/2013</p> <p>New Updates</p> <p>Project Scope</p> <p>MVS, LLC proposes to redevelop the Mission Valley Middle School property into a Senior Housing Development. MVS, LLC has not filed any plans with the City yet. The City anticipates an Planning Commission application filing with plans after the Special Use Permit moratorium is lifted.</p>

The Mission Valley Middle School property is zoned R1-a. R1-a zoning includes the following uses: single family dwellings; golf courses (except for miniature golf and commercial driving ranges); publicly owned parks and recreation areas; churches and synagogues; city hall, police, and fire stations; publicly owned libraries, museums and art galleries; public schools, college and university educational centers operated by a local district or state agency; group homes; residential design manufactured homes; accessory uses; conditional use permits; and special use permits.

Because this project involves the approval of a Special Use Permit, a Public Hearing is required to be held before the Planning Commission. The Planning Commission is the official Public Hearing for the proposed project. If you would like to provide public comment on the proposed project you can either provide written statements which will be forwarded to the Planning Commission or attend one of the meeting(s) at which public comment is being accepted. Written comment can be brought to City Hall at 7700 Mission Road or sent to cityclerk@pvkansas.com . Once the Public Hearing by the Planning Commission is closed, the City cannot receive any new public comment without reopening the public hearing.

After the close of the Public Hearing, the Planning Commission will make a recommendation to the Prairie Village Governing Body (City Council). The Governing Body is required to review the record of the Planning Commission which includes all public comment presented to the Planning Commission. While the Governing Body has allowed members of the public to reconfirm comments made before the Planning Commission, the Prairie Village Governing Body cannot accept any new comments. The Governing Body's decision must be based on the record of the Planning Commission.

For more information on the Comprehensive Plan for the property, visit the [project page](#).

Want to receive updates to this project? [Click Here](#)

Documents

Document Name	Date
Visual Boards - Available at City Hall	5/7/2013
Mission Chateau Powerpoint Presentation	5/7/2013
Mission Chateau Visual Media	5/7/2013
Mission Valley Neighbors Association Powerpoint Presentation	5/7/2013
Real Estate Report - Todd Appraisal	5/7/2013
Jeff Green Partners Report	5/7/2013
Exhibit distributed by Steve Carman	5/7/2013
Staff Reports for Mission Chateau Applications	5/7/2013
Letter & Memo from John Duggan	5/3/2013
Response from City Attorney	5/6/2013
Response from City Planning Consultant	5/6/2013
Senior Living Communities Memo	4/23/2013
Neighborhood Meeting Documentation	4/25/2013
Mission Chateau Affidavit of Neighborhood Meeting	4/12/2013

[Proof of Publication](#) 4/17/2013
[Mission Chateau Narrative Overview](#) 4/5/2013
[Mission Chateau Drawings](#) 4/5/2013
[Mission Chateau FAQ Supplement](#) 4/5/2013
[Mission Chateau Application for Special Use Permit & Site Plan](#) 4/5/2013
[Mission Chateau Traffic Study](#) 4/5/2013
[Mission Chateau Traffic Impact Study Response](#) 3/23/2013
[Mission Chateau Preliminary Drainage Study](#) 4/5/2013
[Mission Chateau Stormwater Management Response](#) 5/1/2013
[Mission Chateau Work Session Presentation](#) 4/2/2013
[Drawings of the Development](#) 4/2/2013
[Mission Chateau Revised Plan](#) 3/5/2013
[Mission Chateau Preliminary Drawings](#) 1/9/2013

Updates

5/22/2013 - The Public Hearing has been continued to the [June 4, 2013 Planning Commission meeting](#) which will be held at Village Presbyterian Church, 6641 Mission Road. If you would like to provide public comment on the proposed project you can either provide written statements which will be forwarded to the Planning Commission or attend the June 4th meeting. Written comment can be brought to City Hall at 7700 Mission Road or sent to cityclerk@pvkansas.com. Please keep in mind that you must provide your comments to the Planning Commission since this is the official Public Hearing. Comments not forwarded to the Planning Commission will not be considered by the Governing Body (City Council). For more information contact Dennis J. Enslinger at 913-385-4603 or denslinger@pvkansas.com.

5/9/2013 - On May 7th, the Planning Commission held a public hearing on the proposed project. During the meeting, John Petersen, the Developer's representative, made a powerpoint presentation to the Planning Commission. In addition, the Mission Valley Neighbors Association made a powerpoint presentation which provided comments regarding the project. See the Documents Section of the Project Page to download the presentations.

Staff is currently working on the draft minutes from the meeting which will be posted to the project page upon completion. Keep in mind that the official minutes are not approved until the next Planning Commission meeting.

The Planning Commission continued the public hearing until the [June 4th Planning Commission meeting](#). The meeting will take place at 7:00 pm in Friendship Hall at Village Presbyterian Church - 6641 Mission Rd.

4/24/2013 - The Developer will be holding a neighborhood meeting about the project on April 25th at 6:30 pm at Prairie Elementary School (6642 Mission Rd). [See attached letter](#).

4/11/2013 - The Developer, Tutura Properties, has submitted an application for a Special Use Permit (PC2013-05) for a Senior Housing development including a skilled nursing facility, independent/assisted living facility, and independent villas. There is also an associated site plan for the proposed development (PC2013-114). A copy of the general project description, [drawings of the development](#), [traffic study](#), and [preliminary drainage study](#) have been provided by the applicant. Printed copies are available for review

at Corinth Library and City Hall.

The Planning Commission will consider the Special Use Permit (PC2013-05) and the Site Plan (PC2013-114) at the [May 7, 2013 Planning Commission meeting](#). The Special Use Permit is a public hearing item. The public hearing session of the Planning Commission meeting will begin after the conclusion of the non-public hearing applications. The meeting will be held in Friendship Hall at the Village Presbyterian Church at 6641 Mission Rd. Given the anticipated public comment regarding this project, the Planning Commission is requesting individuals come prepared to present their comments at the May 7th meeting. The Planning Commission has also scheduled consideration of these two items at the [June 4th Planning Commission meeting](#) to hear any new public comment and discuss a recommendation which would be forwarded to the City Council for consideration. If the Planning Commission completes their discussion and votes on a recommendation at the June 4th meeting, it is anticipated that the City Council will consider the Special Use Permit at their [July 1st meeting](#).

This project page will be updated after each meeting. Individuals are encouraged to [sign-up for email notifications](#) of changes to this project page.

4/2/2013 - The Developer, Tutura Group, presented plans for the redevelopment of the site. The development will be called Mission Chateau, a Senior Living Community. The development consists of a Memory Care and Skilled Nursing facility; an Assisted Living and Independent Living facility; and Villas. [A copy of the presentation can be found here](#). The Developer has indicated they plan on make a formal submission this Friday, April 5th. This project page will be updated to provide submission documents and review dates for the project.

3/27/2013 - The Developer, Tutura Group, has requested a Work Session to present the concept and plans for the proposed development. The Planning Commission will hold a [Work Session on April 2nd](#) after the regular meeting that evening which starts at 7:00 p.m. The meeting will be held in the Indian Hills Middle School Old Gym, 6400 Mission Road. The Work Session will start after the adjournment of the Regular meeting. The Developer has provided some [drawings of the proposed development](#). The public is welcome to attend the Work Session, but no public comment will be accepted since no formal application has been submitted.

The Developer has indicated that they anticipate filing a formal application on Friday, April 5th.

03/08/2013 - The Developer, Tutura Group, held a neighborhood meeting on Tuesday, March 6th to present a [revised plan](#) to area residents. In addition, Tutura Group has provided a handout, [Mission Chateau Supplemental](#), which provides details of the project and addresses how the revised plan addressed concerns of residents.

Tutura Group has indicated that they plan on submitting a formal application with the City on April 5th. This project page will be updated with future meeting dates as they become scheduled.

02/27/2013 - John Peterson, spokesperson for the Mission Chateau project,

announced that the Tutera Group has rescheduled the City-wide neighborhood meeting to present revised drawings of the redevelopment proposal for Tuesday, March 5, 2013 from 6:30 - 8:30 p.m. at Shawnee Mission East, 7500 Mission Road. The meeting will take place in the gym. Mr. Peterson has indicated that copies of the revised drawings will be provided to the City after the completion of the neighborhood meeting. The City will post the drawings when they become available for those who cannot attend the meeting.

02/27/2013 - March 5th Planning Commission Work Session on Proposed Project Cancelled

Because the Tutera Group will be hosting a neighborhood meeting the same night as the planned March 5th Planning Commission Work Session, the Planning Commission will not be having a work session on the proposed redevelopment project. John Petersen, spokesperson for the developer, has also indicated that a formal submission of the proposed project will not be ready by the March 1st deadline for consideration of a public hearing at the April 2nd Planning Commission Meeting. The City will provide an update of the schedule for a future work session and the tentative date of the public hearing on the proposed project as soon as it is available.

02/26/2013 - The neighborhood meeting scheduled for Wednesday, February 27th has been cancelled due to the winter storm. An update will be posted when the meeting has been rescheduled.

02/25/2013 - The neighborhood meeting is rescheduled for Wednesday, February 27th from 6:30 p.m. to 8:30 p.m. in the cafeteria at Indian Hills Middle School.

02/19/2013 - The Developer has cancelled the neighborhood meeting scheduled for Thursday, February 21st due to weather concerns. An update will be posted when the meeting has been rescheduled.

02/06/2013 - The Developer has scheduled an additional City-Wide neighborhood meeting to present revised development plans for February 21st from 6:30 to 8:30 pm in the cafeteria at Shawnee Mission East. The City will post revised drawings as soon as they become available.




In addition, the Planning Commission has rescheduled the work session to discuss the revised development proposal for March 5, 2013. **CANCELLED. See Feb. 27th update.** The [March 5th Planning Commission Meeting](#) will take place in the gym at Indian Hills Middle School (6400 Mission Rd). The regular Planning Commission meeting begins at 7:00 pm and the work session will commence after completion of the regular agenda items. It is anticipated that the developer will be submitting a formal application on March 1, 2013 which would set the tentative public hearing date for consideration of the item at the April 2, 2013 Planning Commission Meeting which will be held in the gym at Indian Hills Middle School.

01/25/2013 - At the January 24, 2013 neighborhood meeting, John Petersen, spokesperson for the Mission Chateau project, announced that the Tutera Group would not be submitting application materials on February 1st. Mr. Peterson indicated that the Tutera Group wanted to take some time to consider the comments made by residents at the recent neighborhood

		<p>meetings and make changes to the proposed design. Therefore, the February 5th Planning Commission worksession on the proposed development has been cancelled.</p> <p>Mr. Petersen committed to hosting at least one additional neighborhood meeting to present the modified design for the project prior to formally submitting an application to the City. City staff will update this project page once the new meeting and submission schedule has been developed.</p> <p>The February 5th Planning Commission Meeting which was scheduled to be held at Indian Hills Middle School has been relocated to the City Hall Council Chambers. The meeting will begin at 7:00 p.m.</p> <p>01/22/2013 - City staff has been provided preliminary drawings of the proposed development (see attached). These drawings were provided to staff as part of the pre-submittal process and are going to be presented at the January 24th neighborhood meeting. It is anticipated a complete set of submittal documents related to the project will be submitted on or before February 1st. If this occurs, the official submittal documents will be posted on this project page on or before February 6th.</p> <p>12/17/2012 - Due to the Shawnee Mission East basketball game on February 5th, the Planning Commission work session will take place in the cafeteria at Indian Hills Middle School, 6400 Mission Rd, Prairie Village, KS on February 5th at 7 p.m.</p> <p>12/17/2012 - The Planning Commission has set a work session for Tuesday, February 5, 2013 to review a senior housing development proposal for the former site of the Mission Valley Middle School. The work session is open to the public, however, given the nature of a work session, no public comment will be taken regarding this issue at the February 5th meeting. The work session will take place at 7 p.m. in the cafeteria of the Shawnee Mission East High School, 7500 Mission Road, Prairie Village, Kansas. The presentation will commence after the Planning Commission conducts its regularly scheduled meeting agenda. It is anticipated that the Planning Commission will hold a public hearing on the request at their Tuesday, March 5, 2013 meeting.</p> <p>The property owner, MVS, LLC will also be hosting a citizen participation meeting on January 24, 2013. The meeting is open to all residents and interested individuals and will allow for public comment. The Senior Housing Development proposal includes detached living units, a senior housing facility, assisted living facility and nursing facility. The purpose of the meeting will be to provide a forum for the Project's developer, engineers and architects to present its proposal for a senior living community and give the City's residents an opportunity to learn more about the project and discuss any questions they may have. The January 24th citizen participation meeting will take place in the cafeteria of Shawnee Mission East High School, 7500 Mission Road, Prairie Village, KS at 6:30 p.m.</p> <p>Visit the link below to read this on our website. http://www.pvkansas.com/index.aspx?page=116&recordid=44</p>
Allen	Collier	5/29/2013

		<p>I truly believe that the new complex, if approved, will be a fine addition to our community. Studied from the traffic standpoint it will be about one half of the 700 cars that were used daily in the area when the school was operative and the new traffic pattern will not be all at the same time as it is when school started and ended on a daily basis. Seniors travel at different times of the day and thus traffic will be smooth. With the proposed complex leaving over one half of the area scenic, makes it a plus for the entire area. The proposed rental for apartments are high and can only attract those who can afford it. This can only enhance the area. At the present time a vacant school is not exactly an enhancement to the area. Many years ago when Kenilworth Apartments were to be built, the same objections were presented. Kenilworth Apartments has been a good addition to the area and enhanced the value of properties in the area. Respectfully submitted, Allen H. Collier, a resident of Prairie Village.</p> <p>-- LOVE CONQUERS ALL Allen (Sparky) Collier</p>
Julie/Tom	Cook	<p>5/20/2013</p> <p>Dear Council Members:</p> <p>I was extremely surprised and disappointed to read in the recent Pitch Magazine that the Tutera Group has the impression that PV residents who oppose a major project on the MV Property is <i>small or insignificant</i>.</p> <p>On the contrary, although our property is not adjacent to the property, we have strong opposition to a massive commercial building on that land. We have not attended a meeting, nor are we "members" of the vocal group who opposes a large construction property on the site. We DO however, support their stance, and I believe I speak for many when I say that this "small" group is NOT out-of-touch with many in our town.</p> <p>Ideally, my husband and I could be fine with a senior center, but we strongly oppose the build-to-the-fence-using-every-square-inch concrete monstrosity. That might bring in revenue, but it would NOT hold true to the city our family chose when we moved her 8 years ago. I could be happy, then, with a small property (like the one on Somerset, Southwest of Lee Blvd) that allows the green space to remain intact. In fact, it would be a lovely gesture to the community to see some public-friendly trails incorporated on the property, ones that the senior residents might be able to use as well -- maybe even something like a trail that allows walkers and bikers to access Mission and Somerset, without having to ride/walk through the busy 83rd/Mission Intersections.</p> <p>Our family while our family is not opposed to retail, I must confess that I was extremely unhappy to see the "Tide" dry-cleaner come in across from Corinth. My guess is that this will put the Corinth cleaner out of business, and I was disappointed and, frankly, shocked, that the council approved that. Again, retail is very acceptable to our family, but should be "fitting" into our lovely, homey, PV community. For instance, the Standees restaurant/theater will be a great addition to our sweet little town....but a national dry cleaning service right across</p>

		<p>the street from a locally-owned service? I was greatly disappointed in that decision, and we do not intend to support the Tide Cleaners for just this reason.</p> <p>Again, we moved to PV 8 years ago, from Phoenix. We chose PV specifically for its quiet community feel, the abundant green space & parks, excellent schools (thank goodness for Gene Johnson's departure!!), and the <u>LACK of</u> "big box" stores that are abundant in Olathe, Lenexa, and south OP. Hopefully you can find a way to incorporate these PV values into the project that will eventually be built by Tutera.</p> <p>Best,</p> <p>Julie & Tom Cook</p> <p>Prairie Village Residents</p>
Mary/Randy	Cordill	<p>My husband, Randy, and I wish to express our strong opposition to the Tutera proposal for Mission Chateau which is being proposed for the Mission Valley site.</p> <p>We oppose the proposal for many factors but especially the following:</p> <ul style="list-style-type: none"> • density of construction on the site compared to other properties in Prairie Village • potential reduction in property values in Prairie Village due to perception that Prairie Village is becoming a semi retirement community based on percent of retirement centers and population per capita compared to other nearby cities (or other cities in general) • potential vibrancy of economy and life in general in Prairie Village based on increasing % of significantly aged population as a per capita percent <p>We believe Prairie Village is in a wonderful location in the Kansas City metropolitan area and has always had a unique and beautiful charm that draws young and older residents who want to enjoy and <u>invest</u> to make it a vibrant community. We would like to see our city leaders recognize the uniqueness and potential of the city and work pro-actively to leverage its positive characteristics to draw more vibrancy to the city to sustain and increase its property values. The Tutera proposal, while attractive in that it supplies tax revenues to the city, is not the right option for the Mission Valley property when assessed in relation to the number of retirement communities already existing in our city. Please support our opposition and provide the leadership necessary to make Prairie Village a city people want to continue to invest and live in.</p> <p>Thank you for your consideration.</p> <p>Mary & Randy Cordill 4904 West 68th Street</p>

David	Costello	 <p>May 31, 2013</p> <p>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 development being considered for the former Mission Valley Middle School site.</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 is the increase in tax revenue to the city and increased traffic to local businesses by the residents, families and employees who will work at Mission Chateau.</p> <p>I believe a vocal minority has been doing most of the talking up to this point. As a business owner in Prairie Village, I just wanted to be sure to register my strong vote of support for the project.</p> <p>Most sincerely,</p>  <p>David Costello Broker/Owner RE/MAX Premier Realty</p> <p>DC:jk</p> <p>RE/MAX Premier Realty 2210 West 75th Street, Prairie Village, KS 66208 Office (913) 652-0400, Fax (913) 652-0410</p>  <p>Each Office Independently Owned and Operated</p>
Tammany	Devine	<p>Let the record know that I am opposed to the Tutera Proposal for a development on the Mission Valley School site. I prefer that the Mission Valley School site remain a facility for the education of area students. Thank-you for your consideration.</p> <p>Tammany Devine 9125 Catalina</p>
D.B/H.M.	Dugan	<p>06/01/2013</p> <p>Please record our opposition to the approval of a special use permit for the Mission Chateau proposal. Our opposition is based on the potential for reducing property values, almost unavoidable and substantial traffic congestion and an overall reduction in lifestyle for the immediate area involved.</p>

		<p>Our existing regulations for apartment complexes needs to be applied to this development.</p> <p>Sincerely,</p> <p>D. B. Dugan</p> <p>H. M. Dugan</p> <p>3907 W. 92nd. Terrace Prairie Village, KS 66207</p>
Marnie	Duval	<p>5/22/2013</p> <p>Council Members:</p> <p>My husband, son and I have lived in Corinth Hills for the last 14 years. Prior to that we lived at 77th and Roe in Prairie Hills for 9 years. Why have we stayed in the Prairie Village area for so long?? Because we love it! We love the location, the schools, the beautiful tree lined streets and the modest well-kept homes in the neighborhoods. We love the many beautiful parks, the walking access to a grocery store, the light traffic. I could go on and on... For the first time in the last 23 years I feel that this wonderful neighborhood and our city are in jeopardy due to the proposed development at the old Mission Valley Middle School. I have many issues with the project (WAY too big for the area, going to increase traffic on 83rd Street and Roe Avenue that if you haven't noticed is already getting REALLY busy, and lastly I still cannot understand why this property wasn't sold to the Kansas City Christian School.)</p> <p>I feel however that the previous email sent out by activist Bob Schubert does a fantastic job of summing up all of the reasons that the property SHOULD NOT be rezoned and the monstrous and UNNECESSARY proposed Mission Chateau development SHOULD NOT be built in our beautiful little town. I really believe that it will ruin our area.</p> <p>Please take a moment to read the previous email I have attached (pay close attention to the section on the (DEPRECIATION IN HOME VALUES) and consider mine and so many other residents opinions in our lovely city of Prairie Village that we DO NOT want this here.</p> <p>Thanks so much for your time and consideration.</p> <p>Marnie Duval</p>

David	Dyer	<p>5/2/2013</p> <p>Dear Council Member:</p> <p>I am writing to you to express my support for the proposed Mission Chateau senior living development being considered for the former Mission Valley Middle School site.</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 is the increase in tax revenue to the city and increased traffic to local businesses by the residents, families and employees who will work at Mission Chateau.</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,</p> <p>David P. Dyer, President Alliance Affiliated Equities Corporation Alliance Equities Corporation</p>
David	Emley	<p>06/01/2013</p> <p>As proposed, the Tutera Group's proposed Mission Chateau is simply too large a concept for its' space and our city.</p> <p>I am sure you have been inundated with facts and figures for months now but the absurdness of this was driven home to me recently when someone described this as "twice as big as SME High School on half the space." When you consider the development that way it's mind boggling and certainly reshapes PV/Mission Road in a vastly different and negative way.</p> <p>Further, our Corinth Shops have recently undergone a major upgrade that has resulted in a wonderful amenity for our City and draws people from all over KC. Unfortunately, the loss of a material percentage of parking spots was a part of the upgrade, as well. In what is already a crowded parking lot (and before Spin! Pizza fills up a large, unused space) the expected shopping traffic that Mission Chateau will generate will only make this situation worse. Frequently during the week, currently, this parking lot is at capacity; with Mission Chateau nearby the parking lot will constantly be full forcing drivers to park on residential streets for extended periods of time and increasing the safety risk for pedestrians in/around the shops and residents enjoying their front yards/neighborhood block. Corinth Shops is a major asset to our community; turning our streets into their parking lot as a result of Mission Chateau is not.</p> <p>Please consider what you can do to ensure that this doesn't happen, as planned, and that the character/quality/strengths of our community remain for its' citizens not real estate developers aiming to profit by exploiting our</p>

resources.

A reminder on some additional facts:

Santa Marta, Olathe, KS on 45.48 acres.

Mission Chateau Proposal on 18 acres

Santa Marta is the best example of what we are trying to do with Mission Chateau (paraphrase) from John Peterson, attorney for the Tutera Group (Mission Chateau proposed beds- 450 on 18 acres, whereas Santa Marta has 342 beds on 45.48 acres).

DENSITY and BULK

*The proposed Mission Chateau is **387,244 square feet** of building on 18 acres. This is 42% larger than what is allowed on a medium density apartment complex in Johnson County (220,600 square feet).

*The Proposed Mission Chateau is 21,122 square feet per acre. In comparison, Corinth Square and Corinth South are only 11,902 square feet per acre.

*The proposed Mission Chateau would have the **second largest single residential building** in Johnson County nearly **the length of two football fields** laid end to end - facing Mission Road.

SKILLED NURSING FACILITY

*The proposed 100 bed Skilled Nursing Facility proposed on this site has 20% fewer beds than St Luke's South Hospital. In comparison Santa Marta, has only 32 skilled nursing facility beds.

*A Skilled Nursing Facility is a non-acute care hospital with physicians and nurses caring for patients of all ages that aren't able to stay in the hospital but cannot return to their own home. A skilled-nursing facility is **not** a nursing home.

AGE AND POPULATION

***Only 4%** of the age and income qualified population ever move into a CCRC (Continued Care Retirement Community).

***Only 25-30%** of the current PV retirement facilities are occupied by **PV residents**.

*Greater **Prairie Village** would have **30** residents for every senior **bed available** compared to **Johnson County** has **68** residents for every senior **bed available**.

DEPRECIATION IN HOME VALUES

* A licensed real estate appraiser concluded this project would reduce by at

least 10 % the market value of a neighboring house. Depreciation of that magnitude typically results in a reduction of the market and appraised value of the houses in a several block radius around the project. It is estimated that the resulting reduction in City revenue could be in excess of \$40,000.

*The complex is estimated to **generate only \$107,000 a year in property taxes** at the current proposed density. With extra city expenses expected to be incurred, there would be minimal monetary value to the city funds (this is assuming they don't apply for a not-for-profit status).

GOLDEN FACTORS: The Supreme Court of Kansas decided in 1978 - Donald Golden v. The City of Overland Park; eight factors a zoning body must consider when hearing requests for change.

1)The **character** of the neighborhood; 2) The zoning and **uses of properties nearby**; 3) The **suitability** of the subject property for the uses to which it has been restricted; 4) The extent to which removal of the restrictions will **detrimentally affect nearby property**; 5) The length of time the subject property has remained vacant as zoned; 6) The gain to the public health, safety, and welfare by the possible diminution in value of the developer's property as compared to **the hardship imposed on the individual landowners**; 7) The recommendations of a permanent or professional planning staff; and 8) The **conformance of the requested change to the city's master or comprehensive plan.**

Here are current, larger PV properties sorted by total developed square footage in comparison to the Mission Chateau:

Property name	Square footage	Lot Size (Acres)	Dens
Benton House	39,512	6.79	5,819.1
Brighton Gardens	80,382	4.42	18,185
The Forum	183,445	7.52	24,394
Claridge Court	241,073	4.78	50,433
SM East	374,175	37.46	9,988.6
Mission Chateau Proposed	387,244	18.43	21,011

David Emley

Carrie

Englert

I want to voice my concerns about proposal on Mission Road at old school site. I am opposed to project and do not think it would be good for city of Prairie Village.

Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.

Carrie Englert

8217 Linden Drive

Brent/Pam	Finley	<p>Members of the Planning Commission:</p> <p>We would like to thank the Planning Commission and the City Commission for all the hard work and due diligence provided with relation to the Mission Valley Middle School redevelopment plans.</p> <p>More importantly, we would like to thank both Commissions for allowing our voices to be heard. It is important and effective to have “civilian” participation and involvement in the operations and planning in our city.</p> <p>While we believe the depreciation of surrounding home values to be a significant problem that must be addressed with regard to the Mission Chateau project, we will leave that discussion to more articulate parties more directly concerned. Neither will we address the “Golden” factors, even though all eight are pertinent factors to consider before allowing this zoning change.</p> <p>Rather we wish to address a more utilitarian argument. This argument is presented because this is the charge to both the Planning Commission and the Prairie Village City Council- to best serve all citizens of Prairie Village.</p> <p>The Prairie Village Strategic Investment Plan states, <i>“The major issues regarding any future development of this site are the <u>density or intensity of development</u>, access, traffic, storm water management and compatibility with the existing developed neighborhood”</i>.</p> <p>Density/Intensity is a measure of the “stress” placed upon city services etc. Measurements such as “footprints” and “dwelling units per acre” are markers that only work when <u>like</u> entities are being compared. The proposed project is not an apartment complex, despite being presented as such in the analyses of Lochner and the developer.</p> <p>In the Mission Chateau project, dwelling units per acre should not be compared to apartment complexes existing in our city. In essence, Mission Chateau is a 160 bed hotel (independent living) with an attached long-term care facility/hospital. Mission Chateau will have 160 beds that are independent living while another 196 beds will be assisted or skilled nursing beds. Greater than 50% of these beds require in-house 24 hour support personnel. To get an idea of the true density/intensity of this huge project and the effect it will have on our city and surrounding neighborhoods we must look at the several issues. The Commission must consider the number of administrators, managers, nursing care providers, maintenance personnel, housekeeping personnel, dietary personnel, visitors, physicians, daily deliveries, etc. per resident. Comparing this to an apartment complex with regard to city services, road conditions, traffic, parking requirements, lighting, etc. is comparing apples to oranges. This type of development is not appropriate for close proximity to any residential area.</p> <p>Furthermore, do the taxes generated by Mission Chateau outweigh the future costs to our city for the services that will be required to maintain it? There is no comparison in Prairie Village for this 387,244 square foot project because it is unprecedented and inappropriate for our small city. 18.4 acres containing</p>

		<p>a project of this size is too dense and intense for Prairie Village.</p> <p>The argument that the Mission Chateau Project will provide needed retirement resources is a stretch. The statistics argue against the 196 long-term care and skilled care facilities ever being occupied to any significant proportion by Prairie Village residents. A less dense development of Retirement Townhouse/Garden Homes with associated amenities (such as a Community Center, green spaces etc.) would be of greater need and of benefit to the citizens of Prairie Village, and would more likely be occupied by Prairie Village residents.</p> <p>Many of the current residents of Prairie Village moved into the community in the last 20 years and invested in significant number of “re-dos” or “rebuilt”. The perception of Prairie Village as a community as well as the City’s property tax base have benefited. A project which results in a perceived callous disregard for the existing homeowners will drive the next generation remodelers into adjacent communities.</p> <p>The current project does not conform to the concept of Prairie Village as a family centered community as expressed in the Village Vision or the Strategic Investment Plan. More importantly, it does not appear to provide an overall benefit to the Citizens of Prairie Village.</p> <p>Sincerely,</p> <p>Brent and Pam Finley</p>
Ben	Frisch	<p>Dear Sir or Madam:</p> <p>I am writing to voice my opposition to the proposed development to the Mission Valley site which sits directly behind my home.</p> <p>I oppose the project as proposed for the following two reasons.</p> <ol style="list-style-type: none"> 1. The appraised value of my property as assessed by Johnson County has decreased by 13%. This is specifically due to the purchase price of my home at the time that the development discussions were taking place. This is not a realtor’s opinion on what will happen to the market this is fact and can be verified with the Johnson County Appraisers Office. 2. The proposed development is just too big. We are not Lenexa or Overland Park or Olathe. We are a residential community. The proposed site is much too large and much too dense and would be wholly out of character with the neighborhood. <p>I understand why some members of the city council would like to have something that will generate tax revenue in a City that has few opportunities to generate new income. But a project of this size and scope will diminish existing tax bases and change the character of one of the City’s finest neighborhoods.</p> <p>I am asking the council to think carefully about this upcoming issue and either deny the proposal in its entirety or request that the developer dramatically cut back on the proposed size and scope.</p>

		<p>Thank you for your consideration.</p> <p>Ben Frisch 8511 Delmar</p>
Kent/Rhonda	Gasaway	<p>5/3/2013 Dear Mayor and esteemed council members,</p> <p>My wife and I and my family have lived in PV for over 15 years. We currently reside at 8636 Mission Road. We are the 6th owner of our house which was built in 1928. We hope that this is the last home we ever own. We are very proud of its history and plan to take meticulous care of it.</p> <p>We were drawn to PV by its charm, family orientation and the fact that the community was well planned and not congested. No high rises, minimal strip centers, lots of trees, winding streets, and plentiful green space. Yet there still is a tasteful and convenient mix of restaurants, shops, groceries etc. Simply put, there is balance. This is rare today. We should all be proud of it.</p> <p>We are against the proposed development at Mission Valley, not because of what they want to use the land for (senior care/living) but because of the scale of the project. It is simply too dense and large for the 18 acre space. It will be out of character with the size and spacing of the surrounding commercial buildings and developments throughout the rest of PV. This seems quite obvious to us and all those who live near the school (as you can tell by all the yard signs).</p> <p>As our elected officials, we trust you are getting a lot of emails like this one. Why? Because our argument against this project (as it stands today) is reasonable and legitimate. Many of us expect to be living in our same homes years after Mr. Tutera has sold this project to some out-of-town buyer (and don't think this won't happen). We feel we have only one time to get this project right. That time is now.</p> <p>For economy of scale reasons, the developer wants this project to be as big as possible. He is driven by dollars. He is a businessman and there is nothing wrong with that. However, it is your job to make sure there is a true compromise between the homeowners affected and the developer (and the impact it will have on the city and future developments). Based on the number of opposing yard signs it should be very clear this compromise has not yet been</p>

		<p>reached. The project (square footage and footprint) needs to be redesigned and downsized materially, not just 5-10%.</p> <p>There needs to be fewer large buildings, more spacing and a lot more green space. Don't fall for his excuses. He bought the land cheap and can undoubtedly make the project work on a much smaller scale. The location is fantastic and his demographics are among the best in the city. Have no worries if he refuses to compromise and thus you vote against the project. He can easily sell the land to another party (be it a private school or another more reasonable developer) at a sizable profit. The real estate market and economy has improved materially since he bought the school. I repeat the above, we have only one time to get the right project for this center-piece property. Now is the time to think long-term. Please be strong and follow your instincts, not the developer. Your decision will greatly impact surrounding property values (which over the long-term will outweigh the incremental taxes on this project) and the perception our city.</p> <p>Thanks for your consideration of all the above and thanks for everything you do for PV. We know your jobs are not easy. J</p> <p>Sincerely, Kent & Rhonda Gasaway</p>
Sandy	Geduldig	<p>06/01/2013</p> <p>I support the development at the Mission Valley school site. Sandy Geduldig, 8400 Linden Ln. PV 66207</p>
Charlotte	Hall	<p>06/01/2013</p> <p>To Whom It May Concern,</p> <p>Please let the record show that I am opposed to the development of the Mission Valley property as proposed by the Tutera group. The project does not fit into the neighborhood. It is too dense for the space.</p> <p>Charlotte Hall 4331 Somerset Drive, Prairie Village</p>
Athena	Heironimus	<p>My name is Athena Heironimus. I moved to Prairie Village just a year ago. I love that there is a mixture of ages in this community. I am hoping to stay in my home for a VERY long time - even as I age. That said - I believe that beautiful spaces should be available for seniors who make alternate choices. However, we are blessed that there are PLENTY of beautifully developed and care- for facilities already in our community.</p>

		<p>Please accept this as my opposition to the development at MVMS. Please keep our community safe from this development.</p> <p>Sincerely,</p> <p>Athena Heironimus, taxpayer and voter</p>
Daniel/Martha	Hiatt	<p>To whom it may concern:</p> <p>Character is defined by making decisions that are HARD -- not conceding with for an easy out - a Yes vote.</p> <p>Please accept this email as my firm opposition to the development proposed by the Tutera Group at the Mission Valley school site.</p> <p>We have attended all meetings and public hearings held on the subject and we are not surprised that this proposal is moving forward - spurred on by special interests and much theater from the developers, understandably not concerned about the neighborhoods they are affecting forever. Simply put, the density of this project is not appropriate for our city - Santa Marta has 45 acres -- Mission Chateau has 18 acres and almost 100 more beds - CRAZY!!!! The size of this Tutera project does not FIT the Prairie Village residential location.</p> <p>Prairie Village will be defined by this vote for decades to come -- VOTE AGAINST THIS PROJECT -- save the village we all love - show character and class by saying NO to greed and hubris --</p> <p>Your time and consideration to SAVE THE VILLAGE is the right VOTE-- Thank you.</p> <p>Cordially, Daniel and Martha Hiatt 8123 El Monte, PV KS</p>
Tom	Hipp	<p>To Whom It May Concern:</p> <p>My name is Thomas Hipp, and I'm a citizen of Prairie Village, living in the Kennelworth Neighborhood at 4500 West 93rd Street. I'm writing to add my opinion to the public record for the upcoming city council meeting on July 1, 2013.</p> <p>As a proud citizen of Prairie Village, I believe that the proposed Mission Chateau development is contradictory to the city's vision and values, and that the land would better serve the city and area if the development was smaller in size and capacity, or different altogether.</p> <p>Thank you very much for all your time and hard work,</p> <p>Tom Hipp</p>

Milburn	Hobson	<p>4/26/2013</p> <p>Dear Charles: My wife and I have been residents in your district for 46 years and would appreciate a positive vote for the Mission Chateau project. I have been retired from medicine for 20 years we are considering moving into one of the villas. Thank you. Milburn Hobson M.D.</p>
Veda	Hoffhaus	<p>Let the record show that throughout the planning comment period of this development, I have voiced my concerns to the Mayor or City Council member to register my opposition to this project. The vastness of the project is not in any way complementary to this residential area and will cause undue problems to traffic and business in this area.</p> <p>Veda Hoffhaus 56 Coventry Court</p>
Barbara/Jim	Holzmark	<p>Hello Sirs:</p> <p>My husband and I would like to be on record as to opposing the development that the Tutera Group is recommending for Prairie Village.</p> <p>We happen to live just east of Mission Road and have been residents of Leawood since August of 1971. All three of our children went to Corinth, Meadowbrook, and Shawnee Mission East.</p> <p>We sincerely hate the thought of the size of the development that is being proposed and feel that the Prairie Village area and Overland Park area at 95th and Mission Road has enough to offer our neighboring residents for Senior Living. We occasionally walk to the Corinth Shopping Center and the thought of a neighborhood shopping area being altered by high rise buildings makes the neighborhood an unfriendly place to live.</p> <p>I could go on and on, but wish to let you know that if this structure is to be built, that you give specific requirements that do not change the atmosphere of the existing neighborhood. Realistically, we do not feel that this facility will be built for ease of entrance and exit. We attended the May meeting and did not see where cars will park, where emergency vehicles will travel and where walkways and grass will be advantageous to the tenants.</p> <p>It is unfortunate that they want quantity of building instead of quality of facility. We are opposed to the proposal as it is stated.</p> <p>Thank you for your interest in our concerns.</p>

		<p>Barbara and Jim Holzmark 3016 W. 84th Street</p>
John/Martha	Houts	<p>We are on our way to the planning commission meeting tonight in support of the Mission Valley homeowners who oppose Tutera's planned overdevelopment.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p><i>John and Martha Houts</i></p>
Susan	Hubbard	<p>To the Planning Commission: I am writing on this day June 3, 2013, to express my incredible displeasure that Mr. Tutera is proposing such a massive retirement facility, practically in my backyard. I live on the corner of Somerset and Delmar, the street directly to the west of the Mission Valley property, and his plan will directly effect our property values and the quality of our lifestyle here in Town & Country. Prairie Village has more than enough retirement facilities and one more will turn it into "God's waiting room". Moreover, we will be subject to hearing more ambulance noise, waste management truck noise, and increased traffic on Somerset Drive. If you feel this project should be built, at least request that it be scaled back to a reasonable size to allow for less density, less overall activity on the property and more green space.</p> <p>Susan Hubbard</p>
Nick	Hulsing	<p>My name is Nick Hulsing, and I live at 4104 W. 91st Street in PV. My wife, Laura, and our 3 children all live about 4 blocks from the proposed Mission Chateau project and I would like to share my opinion (everyone's got one!) with you.</p> <p>As background, my wife and I have lived in PV for almost 20 years in a total of 2 homes. The first was on 71st street just a half block from the Village. One of the first neighbors I met was an older gentleman that lived behind me. We used to talk over the fence. I was a new home owner so I had to learn everything. And I don't recall his name, but my "backyard" neighbor was happy to share his wisdom (and his tools!) whenever I got stuck. He and his wife had PICKED OUT the Lot to build that little Cape Cod over 50 years prior! Unfortunately, time doesn't stand still and a few years later, his wife had failing health and he simply could not care for her himself. But there was nothing in Prairie Village were they go both go (I believe she had Dementia), so they ended up selling their home and moving way out south. I reminder Bob I think it was, telling me goodbye and how he couldn't hardly bare to leave that house and the city of Prairie Village behind. I lost track and I'm not sure what ever happened to those two. But Laura and I were sad, I remember that part.</p> <p>></p>

A couple of years into our new home (our first one), they announced the Brighton Gardens project. We (myself and my neighbors) thought>- "Oh No - lots of Traffic, Lots of Ambulance Sirens, No more quaint Village". But that project went off without a hitch. No Traffic issues. No siren issues. No loss of quaintness in my beloved Village.

In fact, I talked to one of the home owners on that corner and they were so appreciative that the city allowed them to get out of their home because it needed a lot of work and they did not want to spend the money. After living on 71st Street for 12 years, I can tell you that Brighton Gardens barely exists in my mind - you drive right by it and never even notice it is there. But my children attend St Ann Catholic School and I've seen first hand that Brighton Gardens makes a difference to the lives of the seniors living there. How many times my kids have Caroled there or visited with their class rooms and the stories they bring home of the laughter and appreciation of the Brighton residents. When I was little, my mom took us Caroling to senior homes so it brings back a lot of great memories and I'm glad my kids get to share that feeling also.

>

Now, I've come full circle a bit. I own a medical company which supplies equipment to Skilled Nursing Facilities and I've become pretty knowledgeable about senior living over the past 10 years. Let me state- I do not supply equipment to The Tutera Group- this is an opinion based on my knowledge of senior housing and my approximation to the proposed location. From a professional perspective, there is not enough senior housing available today. And over the next 20 years, we are looking at a national disaster due to lack of living for our seniors that need assistance. We all hear of "ObamaCare" of "Healthcare Reform". Well, one of the requirements of that reform is that people can't stay in the hospital any extended length of time or they are penalized by the government. Thus, they are moving patients out much quicker than in the past. And a lot of the time, the seniors are not yet ready to go home or capable of taking care of themselves. So they need a Facility, for either a short-term or permanent stop over.

>

The trend I see across the country is the building of "Continuum of Care" facilities. That means you can move in to one area as an independent, an Apartment. And as your health determines, you transfer or move to other areas as you need additional assistance. This is critical for someone like my old neighbor, Bob, where he can still live on his own, but his wife needed more intense care. They might not live in the same room, but they are walking distance from each other and can still eat together, visit, watch tv, etc. At this time in KC, I know of only (1) new Skilled Nursing facility being built and it is next to KU Hospital and from what I have read, it is focused on Rehab and Acute Care. The urban area (my office is within 1/2 mile of there) does not lend itself to Continuum of Care facilities.

>

We service Claridge Court. And it is a Beautiful Facility! But there is a waiting list to get in. And I was told that you "buy in" to Claridge at a starting price of \$300,000. I don't know about you, but when I retire, I'd like to not spend \$300k - \$700k getting a place to live. I will probably need that to live on.

I've seen the best and the worst facilities in the KC Metro Area. The Villages of Jackson Creek in Independence is one of the nicest in the

		<p>city and so is Rose Hill in Merriam. But the plans I saw from Mission Chateau are dramatically better. That's to be expected - Rose Hill was built over 10 years ago and Jackson Creek is now 6 years old. We're learning a lot about health care and providing better so it is expected that a new plan would include those learnings.</p> <p>I believe it will offer the type of Senior Living that is so desperately needed now and over the next 20 years. When I talk to my employees, I always tell them "if you would provide that equipment to your Mother, then it is acceptable for our patients". I'd like to think my children will say "would this Mission Chateau be acceptable to my Father", and I think the answer will be yes.</p> <p>Thanks,</p> <p>Nick Hulsing</p>
Penni	Johnson	<p>My name is Penni Johnson. I am a PV Taxpayer and live at 4401 Somerset, just steps from the proposed development by Tutura at MVMS. Please consider this my FORMAL and heartfelt notice to you of my OPPOSITION to this massive development project. Would you want it in your backyard, with inadequate green space, inadequate internal road access, starting with a health care facility bring in ambulances, etc at all hours, with the densest development of its kind in all of Johnson County? I don't think so. PLEASE, do not allow this travesty to blemish our neighborhood and diminish our property values.</p> <p>Penni Johnson, taxpayer and active voter.</p>
Cameron	Jones	<p>I am writing to submit my objection to the proposed Mission Chateau at the old Mission Valley Middle School site.</p> <p>The reasons are</p> <ol style="list-style-type: none"> 1. The proposed use of the land is inconsistent with the neighborhood. This is a mainly a single family home region on at least three sides of the site and more than 80% of contiguous land. Even those areas or adjacent apartments are far less dense and remote from single family homes by the present green space of the school. 2. The proposed use is far more population dense than virtually any other residence building in Johnson County, and certainly far greater than any adjacent property or any property in Prairie Village. Surrounding homes are on about 1/2 to one acre per home/family and this is 25 people per acre. This does not include the workers that would be there also, caring for residents. 3. It is a skilled nursing facility, most similar to a hospital, and not a permanent residence for a majority of the people housed there. The density is more like a hospital. The residents would not be part of the community but rather temporary short term guests. It is again inconsistent with the adjacent community. 4. It will greatly impact the area residents with increased traffic, increased emergency vehicles with sirens, decreased property values, loss of green space, and be an eye-sore. <p>I strongly urge you to reject this proposal by Tutura Group. As a homeowner 2 houses away from this property it will greatly change the community in a negative way.</p> <p>Cameron Jones, MD</p>

Jeff	Jones	<p>5/22/2013</p> <p>>Councilman,</p> <p>></p> <p>>I am writing to urge you to vote against the Mission Chateau project.</p> <p>>I have 3 concerns, first is the gigantic size of the development (much larger than would be permitted if this were an apartment project).</p> <p>>Second is the skilled nursing center. At 100 beds it amounts to a mini hospital. Third is the decrease in property values. I know the project will pay city taxes, but these taxes will be offset by the lower property values and resulting decrease in tax revenue from other properties.</p> <p>></p> <p>>Again, I urge you to vote against this proposed development. Thank you!</p> <p>></p> <p>>Jeff Jones</p> <p>>4111 W. 92nd Terr</p>
Pat	Kaufman	<p>From: kaufman25@aol.com</p> <p>Sent: Wednesday, May 22, 2013 7:44 AM</p> <p>To: dwarman@pvkansas.com</p> <p>Subject: Tutera's Chateau</p> <p>Hi Dale, I'm Pat Kaufman and I live in Indian Fields at 6307 West 63 Terrace. Even though I live no where near this development, I don't think it's good for Prairie Village. I'm 64 and even though my husband and I do fairly well, I doubt that we would be able to afford to live there. Nor would I want to. It's way too dense. I cannot for the life of me see how it's good for Prairie Village. I know we're an aging population here in our little city, but I don't think we want to become THE CITY OF THE AGED. We want to attract young families and keep Prairie Village vibrant. Please raise my taxes or do whatever you need to do to raise funds, but don't allow Mr. Tutera to bring his "Chateau" to our city.</p> <p>Thanks for listening,</p> <p>Pat</p>
Pat	Kaufman	<p>Hello, I've already expressed my concerns about the Tutera Chateau development to my city council people, but please <i>let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p><i>Thank you,</i></p> <p><i>Pat Kaufman</i></p> <p><i>4307 West. 63 Terrace</i></p>
Jerry/Brenda	Kolb	<p>I just want to again add my comments in opposition to the proposed project at the old MeadowBrook school site. I feel that the proposed project is too large for the area and space and I am opposed to the project. I was hoping that the</p>

		<p>school could be sold to the KC Christian School and the site could remain in its original purpose.</p> <p>Please let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</p> <p>Jerry and Brenda Kolb 8256 Outlook Ln Prairie Village, KS 66208-4840</p>
Mike	Krieger	<p>I am opposed to the massive re-development planned for the space occupied by Mission Valley Middle School. The density would be extremely high and not keeping with the residential community around it. I don't understand why the option of using it for a private school isn't the best use of space and physical assets. It was a great public school and could be a great private school.</p> <p>Sincerely,</p> <p>Mike Krieger</p>
Donald/Mary	Krohn	<p>Dear Prairie Village Council Members:</p> <p>The purpose of this email is to voice our strong opposition to the Tutera proposal for the redevelopment of the 18.43 acres of the former Mission Valley Middle School property.</p> <p>Listed here are a few of the many reasons why we believe this is wrong for Prairie Village:</p> <p style="padding-left: 40px;">This huge facility does not fit the character of the neighborhood which is surrounded by single family housing and small apartment buildings.</p> <p style="padding-left: 40px;">The density and bulk of the proposed structure is ridiculously large for the site. Please note specifically the square footage per acre of the structure compared to other large public structures in Prairie Village.</p> <p style="padding-left: 40px;">We question the adequacy of the proposed parking spaces for this very large facility. Inadequate parking leads to employees and visitors parking on neighborhood streets and other surrounding facilities similar to the situation that exists presently around Claridge Court.</p> <p style="padding-left: 40px;">A 100 bed ?Skilled Nursing? facility is not needed in Prairie Village and does not enhance our small, unique village identity!</p> <p style="padding-left: 40px;">Prairie Village should not become the ?Retirement Facility Center? for Johnson County. This large and compact proposed facility will lift the greater Prairie Village capacity for the senior resident?s available beds to more than</p>

		<p>double the capacity of Johnson County.</p> <p>This facility will add very little tax revenue for Prairie Village. In fact, considering the reduction in valuation of the residences surrounding the area, the net effect could quite possibly be a loss of revenue.</p> <p>We urge you to revisit the Village Vision Goals adopted by the City of Prairie Village in 2007. We feel that you will reach the conclusion that the Tutera proposed Mission Chateau Project DOES NOT follow goals of the Prairie Village Vision!</p> <p>We urge you to join us in strong opposition to this proposal!</p> <p>Respectfully, Donald and Mary Krohn 8361 Reinhardt St.</p>
Esther	Levens	<p>4/5/2013</p> <p>>Dear Mr. Tutera, > >I have lived in my Town and Country home for 55 years and have never >been more concerned than I am now as a result of your proposed project. >I feel that it could adversely affect the entire character of Prairie >Village. > >I appreciate the fact that you called me regarding speaking with you >about your property since it is located directly behind my house. We >share the same property line. The message that you left said that you >want to discuss whether I would prefer a fence partition or bushes as a >buffer. I was shocked by this question. > >It is premature to discuss this since you have not yet submitted a >proposal to the Planning Commission. Also, I am opposed to the plan I >have seen of the contemplated massive senior living complex that is not >compatible with Town and Country and surrounding neighborhoods. We have >very strict building codes, provisions and prohibitions which are >scrupulously enforced and to which all residents must adhere. Such an >outsized two and three story complex with little green space would >generate huge traffic, parking, lights, noise, flooding and other >congestion problems both day and night and would be entirely out of >keeping with the neighborhood. In addition, the massive size of this >complex is 388,620 square feet, not including hard surface roads and >parking lots. It would jam 450 residents into 18 acres of land. The >proposed Tutera Group project would likely lower the property values of >all homes in the surrounding areas. > >Such a project would be contrary to the very high "Golden Rule" >standards required for Prairie Village R1a zoning. It would dominate >our neighborhood. The project is too much, too big and too close. > >I hope you will respect the wishes of the current residents of our community. > >Sincerely,</p>

		<p>> >Esther Levens >8601 Delmar Lane >Prairie Village, KS 66207</p>
David	Lilliard	<p>Prairie Village Planning Commission June 4, 2013</p> <p>Mr. Chairman and members of the Planning Commission</p> <p>My name is David Lillard My address is 3607 W 84th Terrace in the Corinth Meadows subdivision of Prairie Village</p> <p>I have lived at this address for 49 years, and have been a Prairie Village resident since 1957 when we petitioned for annexation from Mission Township so that our children could enjoy the Prairie Village Pool.</p> <p>I have served on the PV Park Board for several terms, and until my retirement earlier this year, was a member of the Civil Service Commission and the Citizens Advisory Committee to the Police Department.</p> <p>I speak in opposition to the proposed development of the Mission Valley site.</p> <ol style="list-style-type: none"> 1. It is not a good fit for the residential neighborhoods it adjoins. 2. It is a massive complex of structures, driveways and parking spaces that eliminate any reasonable use of green space. 3. It is not needed to serve the residents of Prairie Village <p>Prairie Village is a community of neighborhoods – neighborhood schools, neighborhood parks and public space, neighborhood shopping areas, churches, home associations, garden societies, and all of the other ingredients of community. This site is surrounded on three sides by single family homes and the fourth side by modest two-story apartments. Corinth Meadows, the subdivision in which I live East of Mission Road, is composed of 71 properties -- ranch, tri-level and story and a half homes, typically on 12-15,000 square feet lots.</p> <p>This well established neighborhood would be overwhelmed by the size and mass of structures proposed for the Mission Valley site.</p> <p>Green space has always been a prime concern of Prairie Village leaders, as our system of park properties reflects. My recollection of early Park Board meetings – in the basement of Payless Grocery (now Henhouse) in the Prairie Village shopping center – is of Mayor Bennett’s instructions to look for opportunities to set aside lands for neighborhood parks. Successive</p>

		<p>Mayors, Councils and Boards have ratified those instructions over and over.</p> <p>School grounds, such as those of Mission Valley have always been a part of the “green space” equation. They lend themselves to sports and practice areas of a size that cannot be accommodated in space usually available for parks. The closing of Mission Valley as a middle school has been a major setback for the Corinth Meadows community. While it is unlikely that we can ever recover the school, it is reasonable and responsible to make every effort to retain a significant amount of the open green space. The proposed development would eliminate any possibility of such use.</p> <p>While I am at the stage and age of life to be thinking about “senior living” accommodations, I do not sense any lack of options in my community – certainly none to warrant such massive operations as proposed for the Mission Valley site.</p> <p>I respectfully urge your rejection of the development currently proposed for the Mission Valley site.</p> <p>Thank you.</p>
Dan	Lowe	<p>Dear Honorable Mayor and Council Members:</p> <p>I am writing to you today in support of the Tutera Group’s planned Mission Chateau Senior Living development at 8500 Mission Road. Most of you know me from my company’s previous interest in developing the former Mission Valley School site. Through our partnership with the Tutera Group, RED Legacy had hoped to create a premier senior living and retail development. Although RED Legacy’s vision for the project was not made possible due to the opposition to retail by MVNA, it is my hope that the Council will support and vote in favor of Mission Chateau. I have heard MVNA state they are in support of development, however, their efforts indicate otherwise – and this is unfortunate for growth in our community.</p> <p>Joe Tutera and his team have designed a beautiful property that will serve the needs of Prairie Village and surrounding areas for years to come. As a long-time resident of Prairie Village who lives close to the location, I would like to see this project move forward and I know Mission Chateau would be a good neighbor. I am proud to voice my support for the Tutera Group and the project.</p> <p>With sincere thanks, Dan Lowe</p>
Margie	Lundy	<p>Dear Mayor Shaffer and Council Members,</p> <p>There are a couple of things I’d like to weigh in on with you:</p>

		<p>I believe the Mission Valley site would be better served with single family housing that would appeal to a single person or a couple with no children. It seems that current residents of PV who want to down size but don't want to move out of PV have few choices. In addition we want to attract younger families to our city and this type of home would be very attractive to that demographic...perhaps nice patio homes somewhat like those just south of 83rd on Somerset on the west side of the street.</p> <p>I'm not sure what the true story on Kansas City Christian School buying that property is – there have certainly been a lot of stories floating around – but to me that would have been an ideal plan for that space.</p> <p>I'm very opposed to the current development proposal. It is overwhelming in size for that space, and I feel like we're turning PV into a retirement community.</p> <p>I also do not think we need any more retail there to compete with Corinth Square.</p> <p>I know the pool study has been tabled for now, and am not sure exactly what was being considered, but I would not want to lose the wonderful large lap pool and the space for the outside sun deck that we currently have, by enclosing it for all-weather use. The article in the paper made it appear that is what would happen.</p> <p>Thank you for your consideration of my opinions.</p> <p>Margie Lundy</p>
Peter	Marzullo	<p>Hello,</p> <p>My name is Peter Marzullo and I live with my family in the Corinth Hills neighborhood between Somerset and Row. We are strongly against the proposed development of Mission Chateau. We believe this development will not add value to our neighborhoods and will affect the fabric of the area. We implore you to reject this proposal and reconsider other options for this space.</p> <p>Sincerely,</p> <p>Peter Marzullo 4405 W. 82nd Street Prairie Village, KS 66208</p>

Ed	McGurren	<p>Joyce Mundy, I have lived in Prairie Village for 53 years and am opposed to the current plan to develop the former Mission Valley school property.</p> <p>Reason: The density of the project is unbelievable. The proposed plan might fit 36 acres, not 18! There is not a retirement complex in Johnson County that mirrors the sq. ft. and density that is proposed on this 18 acre parcel of land. I have attended two planning commission meetings and haven't heard anything from Tuter's attorney's that would change my mind. The one story retirement complex at Somerset and Belinder looks great, and was built to PV codes. Why can't this project be built to the same codes?</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor and City Council members voicing my opposition to the development.</i></p> <p>Ed McGurren 9308 Alhambra St.</p>
Nadine	McGurren	<p>Joyce Mundy, City Clerk, Prairie Village, KS.</p> <p>I am opposed to the current plan to develop the old Mission Valley school property. I have lived in Prairie Village for over 50 years and do not want to loose the character and neighborhoods of our city by a developer with deep pockets.</p> <p>Reason: The density of the project is unbelievable. The proposed plan might fit 36 acres, not 18! There is not a retirement complex in Johnson County that mirrors the sq. ft. and density that is proposed on this 18 acre parcel of land. I have attended two planning commission meetings and haven't heard anything from Tuter's attorney's that would change my mind. The one story retirement complex at Somerset and Belinder looks great, and was built to PV codes. Why can't this project be built to the same codes?</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor and City Council members voicing my opposition to the development.</i></p> <p>Nadine McGurren 9308 Alhambra St.</p>
Becky Glick	McInnes	<p>Tuter project at old mission valley middle school appears to be too large of a facility for the land. It seems excessively large and out of scale with the</p>

		<p>neighboring homes and businesses. And for these reasons , I am opposed to the current Tutera project proposal. It does not belong in prairie village.</p> <p>Sent from my iPhone. Becky Glick McInnes.</p>
Tom	Miller	<p>5/3/2013</p> <p>>Councilman Clark; Councilman Belz:</p> <p>></p> <p>>I'm writing to express my concern about the development currently being considered for the former Mission Valley Middle School site.</p> <p>></p> <p>>I've studied the proposed plan for this site, and feel it is entirely >inappropriate for the location and character of the neighborhood.</p> <p>></p> <p>>The size and scope of the development is contrary to the current >setting, with far too much structure under-roof or concrete, and too >little green-space.</p> <p>></p> <p>>In my opinion there will also be insufficient buffer between the >development and existing residences to the South and West. The >resulting increase in traffic (commercial/other) will create a real and >significant increase in noise, and congestion in the area, and present >a very real safety hazard for pedestrian traffic in the area of Corinth >Elementary School.</p> <p>></p> <p>>I've discussed this with many of my neighbors, and without exception >all are opposed. Further they cannot believe our City Council would >consider such a plan seriously, against the wishes of the community.</p> <p>></p> <p>>I urge you to honor the wishes of your constituency and VOTE NO on the >current Tutera development plan. Please turn this one back so that our >City can consider better options and have the development that it >deserves. A development that enhances our neighborhoods. A >development that adds to the beauty and character of our city.</p> <p>></p> <p>>Thank you for your consideration.</p> <p>></p> <p>>Sincerely,</p> <p>></p> <p>>Tom Miller >8016 Granada Road >Prairie Village, KS 66208</p>
Tom	Miller	<p>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</p> <p>Following is an example of one of the emails I have sent to the Council previously.</p> <p>Councilman:</p> <p>I'm writing to express my concern about the development currently being considered for the former Mission Valley Middle School site.</p>

		<p>I've studied the proposed plan for this site, and feel it is entirely inappropriate for the location and character of the neighborhood.</p> <p>The size and scope of the development is contrary to the current setting, with far too much structure under-roof or concrete, and too little green-space.</p> <p>In my opinion there will also be insufficient buffer between the development and existing residences to the South and West. The resulting increase in traffic (commercial/other) will create a real and significant increase in noise, and congestion in the area, and present a very real safety hazard for pedestrian traffic in the area of Corinth Elementary School.</p> <p>I've discussed this with many of my neighbors, and without exception all are opposed. Further they cannot believe our City Council would consider such a plan seriously, against the wishes of the community.</p> <p>I urge you to honor the wishes of your constituency and VOTE NO on the current Tutera development plan. Please turn this one back so that our City can consider better options and have the development that it deserves. A development that enhances our neighborhoods. A development that adds to the beauty and character of our city.</p> <p>Thank you for your consideration.</p> <p>Sincerely,</p> <p>Tom Miller 8016 Granada Road Prairie Village, KS 66208</p>
Susan	Moehl	<p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p><i>My name is Susan Moehl and along with two friends, purchased 4401 Somerset Drive about a year and a half ago. Our story is on the unique side because, being middle-age to retirement age individuals...we specifically sought out the neighborhood we bought in for its single home status, spacious beauty, quiet streets and diversely-aged population. We sold three individual homes to accomplish this. Along with our architect, we met with our neighborhood association on</i></p>

		<p>several occasions to ensure that our modifications to the existing structure met Town and Country guidelines and enhanced the overall living situation for our neighbors. We have received nothing but warm kudos for our efforts to adhere to the existing stylistic and lifestyle goals of our neighborhood.</p> <p>Without reservation, I can say that a densely-developed commercial project such as the one Tutera is proposing, which will impact traffic, noise and environmental pollution, property values and quality of life for near neighbors...would have prevented me from leaving my beautiful Loose Park neighborhood and purchasing my retirement home in Prairie Village. I want a variety of ages surrounding me as I grow older...not just my own peer group.</p> <p>I happen to have a master's in marketing and have practiced marketing for over 30 years in the metro area. The demographics presented at the Open Forum meeting at Village Presbyterian Church by the eldercare consultant speak for themselves: Prairie Village is overbuilt when it comes to eldercare facilities. It does not need more.</p> <p>This is reason alone for you to reject this proposal. Beyond that, it is unethical to negatively impact the lives of the families living in the R-1 zones that border this property.</p> <p>I strongly oppose and will continue to oppose (no matter how many drawn out forums I have to attend) this project...or any other project that seeks to substantively alter the character, safety, quality of life, resident diversity and property values of my Prairie Village neighborhood.</p> <p>Susan Moehl 4401 Somerset Dr. Prairie Village, KS</p>
Jori	Nelson	<p>Dear Council and Mayor,</p> <p>This email is to serve as a written record to state my opposition to this project. There are many, many reasons for this opposition including size, bulk, density, and mass. It doesn't belong in the middle of a residential neighborhood. It is four times the footprint of the current building on that site. 370,000+ square footage on 18 acres? Seriously? It leaves no usable green space. The skilled nursing facility is only 20% smaller than St. Luke's South. He gains over \$36M a year profit from those 100 beds alone. We get \$107,000? That is .4% of a percent of our city budget.</p> <p>Are you really going to sell out the neighborhood, the residents, and our City for .4%?</p> <p>The depreciation of the surrounding homes. The dangers inside and outside</p>

		<p>the facility. There is no guarantee that he will not sell it in the future and they could apply for a not-for-profit status as most senior facilities in Johnson County are. Benton House is ½ empty. Do you really think that this massive development will be filled? Only 25-30% of the residents in our Prairie Village senior facilities are PV residents! Only 3.3% of our population are seniors from ages 75-79. This small demographic would be the limited population that would even consider moving into a CCRC (statistically supported). What happens when it isn't? It goes against everything in the Village Vision. I could go on and on. You were not elected to represent the developer...you were elected to represent the residents. The residents have spoken and we have overwhelmingly said that we don't want this in Prairie Village. Not one person stood up at the neighborhood Tutera meetings in support of this project. In walking the neighborhoods, I did not come across one resident that I spoke to that supported this massive project. Only a couple of residents from PV stood up at the May 7th Planning Commission and supported this project. Most were not PV residents...Tutera's friends, employees, residents of other independent living facilities should not be considered in this decision making process. This is not the direction we need to be going with our City or our demographics!</p> <p>Thank you for your service, Jori Nelson</p>
Jori	Nelson	<p>Joyce,</p> <p>I wanted this on public record. I do not know how they obtained my email address. No one from MVNA received this email. I know that you received a similar email from another resident named Heather. They have been monitoring our conversations on the PVPost.</p> <p>I find this to be intrusive and bordering intimidation. I have sent a copy to Chief as well.</p> <p>Thank you, Jori Nelson</p> <p>Begin forwarded message:</p> <p>From: George Holler <GeorgeH@Tutera.com> Date: June 7, 2013, 5:42:46 PM CDT To: "trucancerian@kc.rr.com" <trucancerian@kc.rr.com> Cc: Joe Tutera <JCT@Tutera.com> Subject: Mission Chateau Project</p> <p>Ms. Nelson,</p> <p>I wanted to reach out and determine your level of interest in meeting and discussing the Mission Chateau Project at Mission Valley. This invitation is a result of the planning commission's suggestion that we continue to have dialog with neighbors and opponents. I feel a more one on one approach might be more beneficial. Please feel free to bring along others if they too</p>

would care to discuss. I would like to thank you in advance for your attention to this matter and look forward to possibly meeting you.

George F. Holler

Tutera Family Communities

www.tuteracommunities.com

For the public record.

Last Tuesday, for the June Planning Commission meeting I spoke about the Village Vision and JC Nichols regarding the future zoning for PV. I did not speak publicly about these issues he is addressing. However, I did respond regarding size of the project on the PV Post. I did not mention anything about models.

While I appreciate the discussions on the Post, I do not appreciate their stalking followed by presumptuous and creepy follow-up email(s).

Thank you,

Jori Nelson

Sent from my iPhone

Begin forwarded message:

From: George Holler <GeorgeH@Tutera.com>

Date: June 10, 2013, 6:34:55 AM HST

To: Jori Nelson <trucancerian@kc.rr.com>

Cc: Joe Tutera <JCT@Tutera.com>

Subject: RE: Mission Chateau Project

Ms. Nelson,

I apologize for the confusion; I was unaware of your position with the MVNA and I now understand that you have identified specific individuals to speak on your behalf. That said, it seems that specific individuals within MVNA may have questions or opinions that are specific to them personally, and I was hoping to address those with you if given the opportunity. As suggested, we will contact the designated MVNA spokespeople in order to establish a time to meet and discuss. I will leave this planning to Mr. Petersen and Mr. Duggan. The intent of my inquiry was to reach out to all those who spoke and are adjacent to the development and offer a one on one meeting and answer any questions on design, use, and suggested changes. Currently, there is a significant amount of inaccurate information circulating concerning Mission Chateau, and it is clear we all want to insure that the facts of the development are consistent so that decision making on this very important project are made based on actual facts. For example, you have stated publically that the

project is two and one half footballs fields long. We both know this is an exaggeration of the size of the project, and that your representation of the size of the project facing Mission road is 220 feet or 30% larger than the project actually is. You have also been on record to state that you believe a two dimensional perspective is more reflective of the design than a three dimensional view. We would look forward to the opportunity to share perspectives of other projects, for example Benton House, where we believe this to not be the case. Once seeing these perspectives we are sure you will agree. I would like to thank you in advance for your passion and motivation to make Mission Chateau the best project it can be for the citizens of Prairie Village. We share that vision with you and look forward to possibly meeting with you and/or the MVNA representatives.

George F. Holler
Tutera Family Communities

From: Jori Nelson [<mailto:trucancerian@kc.rr.com>]
Sent: Saturday, June 08, 2013 2:32 PM
To: George Holler
Cc: Brian Doerr; Whitney Kerr, Jr.; Craig Satterlee; jduggan@kc-dsdlaw.com
Subject: RE: Mission Chateau Project

Mr. Holler,

I am very interested in discussing the redevelopment of Mission Valley. However, I must decline at this time. While I am Vice President of the PVHA, I am also on the Mission Valley Neighborhood Association Board of Directors as well. Please feel free to contact either Brian Doerr or Whitney Kerr when you are ready to discuss this project with our organization.

We look forward to hearing from you very soon.

Sincerely,
Jori Nelson

From: George Holler [<mailto:GeorgeH@Tutera.com>]
Sent: Friday, June 07, 2013 5:43 PM
To: trucancerian@kc.rr.com
Cc: Joe Tutera
Subject: Mission Chateau Project

Ms. Nelson,

		<p>I wanted to reach out and determine your level of interest in meeting and discussing the Mission Chateau Project at Mission Valley. This invitation is a result of the planning commission's suggestion that we continue to have dialog with neighbors and opponents. I feel a more one on one approach might be more beneficial. Please feel free to bring along others if they too would care to discuss. I would like to thank you in advance for your attention to this matter and look forward to possibly meeting you.</p> <p>George F. Holler Tutera Family Communities</p>
Thos.	O'Brien	<p>06/01/2013</p> <p>To the Planning Commission, Mayor and City Council members:</p> <p>I have attended almost every public meeting about this development. I am not a member of the Mission Valley Neighbors Association, but I have attended most of their meetings as well. I have come to my current opinion on my own and over time, having given the matter careful consideration.</p> <p>The Planning Commission should either vote to deny or fail to make a recommendation of Special Use Permit application PC2013-05 - Request for Special Use Permit for Adult Senior Dwellings - Mission Chateau - 8500 Mission Road,</p> <p>The Special Use Permit application does not substantially meet the criteria in Section 19.28.035: "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)."</p> <p>(My comments are indicated by darts (>>>) in bold type under the applicable quotation from the City Code.)</p> <p>"FACTORS THE PLANNING COMMISSION MUST CONSIDER:</p> <p><i>"It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. (Ord. 1973, Sec. I, 1999)."</i></p> <p>"The proposed special use will not cause substantial injury to the value of other property</p>

in the neighborhood in which it is to be located"

>>The Committee has been given evidence that surrounding property values will decrease.

"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 CITY OF PRAIRIE VILLAGE neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations."

>>This development will dominate the immediate neighborhood. I characterize the proposed development as a large Skilled Nursing Facility that would also provide independent and assisted living units.

"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."

>>Based upon drawings provided by the developer, parking areas will not meet the standard.

"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."

>>The developer has provided no support for the protections noted above. Clearly, there will be substantial unnecessarily intrusive noises and possibly hazardous materials and processes.

Also, there are at least two issues that have not been adequately evaluated:

(1) The matter of a permanent standby emergency generator has not been discussed. It seems clear, given the nature of the skilled nursing facility, that such a generator will be necessary; however, it is not shown in the developer's plan. Generators are frequently tested and can be sources of noise and fuel pollution.

(2) The matter of outdoor nighttime lighting and its impact on the surrounding neighborhood has not been discussed. Clearly outdoor lighting will be provided and it is possible that it will be a nuisance to the surrounding residential single family and multifamily dwellings.

		<p>Finally, in my view, the disposition of the 18-acre tract should be determined by employing the planning process that developed Village Vision. This is the process that the City Council abandoned under pressure from MVNA. I urge the City Council to reconsider its prior action and incorporate this tract into Village Vision and, therefore, open the matter for discussion to all residents of Prairie Village under our Zoning ordinances.</p> <p>Sincerely, Thos. O'Brien 4410 West 89th Street</p>
Dee	Pack	<p><i>I have resided at 4900 W. 83rd Terrace since 1979, and with my wife Joyce, support redevelopment of the former Mission Valley site by The Tutera Group. As a lifelong Prairie Village resident I'm concerned the City evolves to maintain the balanced quality of life that has kept me here.</i></p> <p><i>The manner in which mature cities redevelop infill sites is a major factor determining the ongoing viability of that community. In its time Mission Valley (Meadowbrook as I still refer to it) was vital to the growth and identify of PV. Demographic and other factors caused the school to no longer be needed and SMSD offered its excess asset on the open market.</i></p> <p><i>The Tutera Group purchased the property and is proposing a development which is demographically, economically and architecturally compatible with Prairie Village and the marketplace. Additionally, the Tutera Group has an extensive track record developing similar properties and a reputation as an excellent operator/owner. If the proposed project moves forward, the City will gain a valuable neighbor that contributes to its quality of life and tax base.</i></p> <p><i>Let the record show that during the planning comment period and beyond my wife and I support the Mission Chateau development.</i></p> <p>Dee Pack</p>
Shirley	Passman	<p>I would like to voice my opinion on this old Meadowbrook property. The plan I have seen is way too large for the amount of property...as explained in the guidelines of other properties of the same ilk. I have lived in Prairie Village for over 50 years and feel this is not a good deal for this area. My vote is not for the submitted plan.</p> <p>Thank you, Shirley R. Passman 8723 Delmar Street P. V. Ks 66207</p>
Chris	Price	<p>May 30, 2013</p> <p>To the Prairie Village Planning Commission,</p> <p>I will be out of town for the June 4th Planning & Commission meeting and I would like to request that my opinion below be ON RECORD regarding the</p>

		<p>proposed Mission Chateau development at the former site of Mission Valley Middle School.</p> <p>Firstly, I am all for the <i>proper</i> redevelopment of this property. However I am completely against the proposed 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. Furthermore, I feel that this property should be used only for the development of single-family homes, parks & recreation, schools, churches, or synagogues. High-end single-family dwellings will not only add value to the city's tax base, but will also add value to the surrounding neighborhoods, which will have a net positive on the city's tax base as well. This particular piece of property and its surrounding residents deserve better and Prairie Village can certainly do better.</p> <p>I have heard many parties' opinions and I have seen the architectural drawings for Mission Chateau (which appear to 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). I have come to the conclusion that this type of development (condominiums, apartments, medical centers, duplexes, 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. Please do NOT issue a special-use permit for the construction of Mission Chateau or anything similar in scope and size. I know we can do better.</p> <p>Best regards,</p> <p>Chris Price 5506 W 82nd Pl Prairie Village, KS 66208 chrisprice@colonialpatterns.com (e-mail)</p>
Edward/Carol	Price	<p>5/30/2013</p> <p>To: Mayor and City Council of Prairie Village, Kansas</p> <p>First, I want you to know that I am in favor of developing the property where the Mission Valley Middle School sits. However,</p> <p>I am NOT in favor of the outrageously large project intended for that property. I have studied the drawings at length as well as the financial information. Also, the statistics do not support such a plan in that location.</p> <p>The area that this project is planned for is surrounded by single-family homes. The area is designed for those type homes. The area on the south, east, and west of the property is all single-family. To put a development such as the Mission Chateau in that area would be of out place and much too massive. I believe that there is somewhere else in Prairie Village that would be more appropriate. I do not know where that area is, but it is not this one.</p> <p>To mention that in addition to the villas proposed, there are assisted living, nursing home areas and memory home areas . Within 5 minutes of this</p>

		<p>property there are four such places: the new Benton House (which fits beautifully into the neighborhood), Brighton Gardens, Claridge Court and the Forum. I believe that is enough in such a small area of Prairie Village.</p> <p>I am hoping that the City Council will turn down this property plan and rezone it for single-family housing. There could be a number of homes on that property that would also bring tax dollars to the city, as well as shopping, restaurant and grocery business. Prairie Village does not need this development or the problems that go along with it. Too massive and not appropriate for the area. Prairie Village needs to show that we are ALIVE and support our young families in the area as well as our other residents. Let's bring families with children back to our city!</p> <p>Please be sure that this letter becomes on record against the Mission Chateau project.</p> <p>Sincerely,</p> <p>Edward and Carol Price II 5506 W 82nd Place Prairie Village, KS 66208</p>
Julie	Rainen	<p>4/24/2013</p> <p>>Dear Mr. Clark,</p> <p>></p> <p>>I am writing to you to encourage your support for the Mission Chateau</p> <p>>senior living development near 83rd and Mission.</p> <p>></p> <p>>I have attended several of the presentations for the Mission Chateau</p> <p>>and I am impressed and pleased with the scope of project, the</p> <p>>Developers' responsibility to the city of Prairie Village, and their</p> <p>>awareness and consideration for the concerns and input from the</p> <p>>citizens of Prairie Village.</p> <p>></p> <p>>I believe the increase in tax revenue will be good for our city and</p> <p>>this kind of development speaks positively about planning for the future.</p> <p>></p> <p>>I hope you will vote in favor of this project.</p> <p>></p> <p>>Sincerely,</p> <p>></p> <p>>Julie Rainen</p> <p>>Prairie Village resident since 1985</p> <p>></p> <p>>4619 W. 88th St</p> <p>><mailto:jhrainen@gmail.com>jhrainen@gmail.com</p>
Jose	Ramirez	<p>I went through a presentation and thought it was excellent. Joe Turtera one of the owners did an amazing job of making this project very clear, and allowed the audience of many business owners and professionals to ask questions. Not one time did he miss a beat. I met some of his right hand people, and they were extremely professional as well, and really had a handle on this projects specifications.</p>

		<p>As an owner of a small printing company (Moss Printing) in Mission Kansas, I hear alot of what is going on in the local area by many of my walk in clients who live in the area. Since being at this presentation, I feel more inclined to give an opinion regarding this project. I have read articles on the web regarding this project, one comes to mind, is PV Post and this had many comments to read about this project. Now I have a much better understanding.</p> <p>Thank you for asking.</p> <p>Jose Ramirez</p>
Neil	Recker	<p>Dear Sir or Madam:</p> <p>I am a resident of Prairie Village, KS. I live at 8401 Briar Lane.</p> <p>I am writing to voice my opposition to the Tutera proposal for the Mission Valley Middle School site at 8500 Mission Road.</p> <p>The density of the project is not appropriate considering the character of the neighborhood. The neighborhood is a very low density single family residential neighborhood.</p> <p>There is not a sufficient need in Prairie Village for a project of this type that would justify the substantial adverse effects on nearby property owners and on other residents who would be affected by increased traffic. Prairie Village already has a relatively high number of assisted living units per senior resident of Prairie Village.</p> <p>I do not see a need for a very large skilled nursing facility in Prairie Village. A facility of the size proposed would have to draw patients from many miles away, not just from Prairie Village. The negative impact on nearby homeowners and on the community as a whole is not justified.</p> <p>There do not appear to be sufficient property setbacks from the streets that are part of the project.</p> <p>Neil Recker</p>
Ann	Renne	<p>Dear Sir,</p> <p>I would like to go on record as opposing the Tutera plan for the Mission Valley Middle School property. This proposal is too massive and dense for The Village. This community is known for its low buildings and open spaces. I believe that the majority of citizens here want to have a village atmosphere. Large smashed-in buildings such as the one that is proposed do not promote the 'village feel' especially as it is surrounded by residences. This type of development is much more appropriate for Overland Park whose citizens don't seem to mind having The Forum crammed into a small area. But it at</p>

		<p>least abuts a commercial property.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>Thank you for your attention. Ann</p> <p>Ann Renne 8000 Dearborn Prairie Village, KS 66208</p> <p>"I don't know what your destiny will be, but one thing I do know: the only ones among you who will be really happy are those who have sought and found how to serve." Dr. Albert Schweitzer</p>
Polly	Revare	<p>5/21/2013</p> <p>I have viewed the drawings and read the proposal for the retirement >community. I think these guys have really bent over backwards to try to >accommodate our concerns. I think it will be fine. I receive the >emails from the Mission Valley Neighbors Association. You'd think the >owners wanted to open a strip club or a start a coal mine. My >understanding is that the land is currently zoned residential. That >would certainly work too but at that price, the lots would have to be >pretty small. It would not exactly fit in with the look and feel of the >neighborhood either.</p> <p>></p> <p>>Gentlemen, I don't envy you in this decision. It has become very >emotional, almost irrationally so. My view is that you should let them >build the facility.</p> <p>></p> <p>>Sincerely,</p> <p>></p> <p>>Polly Revare >8727 Catalina >PV KS 66207</p>
Steven	Revare	<p>5/21/2013</p> <p>Dear Councilmen:</p> <p>I attended Mission Valley Middle school (then called Meadowbrook Junior High). My children would have gone there for school. I have returned to the area, now living just a few blocks from the site. I was sorry to see the school close, but I am not averse to change. I don't fear new development.</p> <p>On the contrary, I look forward to that space becoming a vibrant place again. If not a school, what better use for the property than a place where people can live out their years in such a great city as Prairie Village?</p>

		<p>As a businessman and member of the community, I urge you to remove any restrictions that would prevent the development of the Mission Valley space. At this time, Prairie Village could use the increased tax revenues and jobs that construction of this project will bring. Those people will also patronize local businesses as the project progresses. Once it is complete, it will provide highly skilled jobs, more tax revenues, and more foot traffic to local businesses in perpetuity.</p> <p>The population of this city has moved in parallel with the whole country as baby boomers and their parents reach the age where they need assisted living. There is no use fighting this trend. Let's embrace the project and welcome the people, taxes, and business it will attract to our city.</p> <p>Sincerely,</p> <p>Steven L. Revare steve@revare.com</p>
Kim	Rock	<p>I would like to voice my opposition for the proposed Tutera development at the Mission Valley Middle School site, 8500 Mission Road. The plan does not fit with the character of the neighborhood. It is too dense and large for the site. It will reduce home values in the area. I have concerns about lighting effecting neighboring homes, traffic issues on Mission Road, and water run-off in an already water saturated area. There are already several retirement facilities within the city and some in close proximity. I believe that the vibrancy of a city requires a balance of age groups and that we should be focused on how to retain young people to keep that balance. I believe that there are better uses for the property that will also generate income for the city.</p> <p>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</p> <p>Thank you.</p> <p>Kim Rock 8600 Delmar Lane</p>
Margy	Ronning	<p>To whom it may concern,</p> <p>I am writing in opposition to the retirement community as it is proposed in the Prairie Village area. The massive development for that small area is completely unbecoming to the surrounding neighborhood and greatly diminishes the value of the surrounding properties. I understand that Tutera is in the business of retirement communities and this is his dream. However, the american dream of owning a home is also one of those surrounding and it completely devalues their properties.</p> <p>I am in real estate and understand how much commercial property, and parking lots behind buildings devalue property. Last month a homeowner spoke to the fact that it would devalue his property by 10%. I think that is</p>

		<p>very conservative and it would be lower. Take for example the house at 8724 Birch Lane, PVKS. This home went on the market on 5/12/12, for \$460,000. This house backs to the parking lot of Hillcrest Covenant Church at 87th St. and Nall. After six price reductions and a lowering of the price to \$314,950, the seller of this home took it off the market after 312 days as it was rejected by the market due to the location.</p> <p>Another example of devaluation of property is the house at 3900 W. 86th St., the property that backs to Mission Valley and sides with Mission Road. This house was completely remodeled and had a beautiful interior. However, it was on and off the market starting in 2007. It started at \$779,000 and finally sold 6 years later for \$515,000.</p> <p>These are just two examples. Not only does it devalue the property, but who wants to purchase any of these properties when there are other choices. Would you?</p> <p>Finally, I would like to know why our city needs to be solely focused on retirement communities. I want to live in a city that see growth of all ages. It's fine if a retirement community is built on a small scale like the new one at Belinder and Somerset. It's in keeping with the neighborhood, but I prefer to live in a community that is looking at growth from all ages. The only way to have growth is to make the city enticing to all ages; not just the aged.</p> <p>My father lived at The Forum for the last 8 months of his life. It was a horrible experience. While every full time care facility will speak highly of their care, there is NEVER enough staff. You don't know how many times I went into my father's room to see him not yet dressed, breakfast and lunch sitting at his bedside table, and his bed wet. The Forum is touted as a very good facility, just as the new Tutura building is suppose to be. However, I will never put another family member in a place like this again.</p> <p>Thank you, Margy Ronning 4324 W. 87th St.</p>
Heather	Rubesch	<p>Please add me to the list of Prairie Village residents opposed to what is being proposed by Tutera at the Mission Valley site. Although I am a ward 3 resident who does not live near the proposed development I know how those homeowners feel. In approximately 2001 before we lived in Prairie Village our house was in a neighborhood that also had a zoning variance issued by the City of Mission for construction of 3 story building adjacent to family homes. We attended all the neighborhood meetings in support of our neighbors who were going to have this large development literally across their back fence and all kinds of assurances were promised regarding noise blocking shrubs, retaining walls, etc. We were at the time across the street from those houses most effected but we knew it would change the character of our neighborhood. 9 years later when we sold all the houses that were</p>

		<p>originally single family homes with young couples and kids had turned over the rentals. Every time one of the original homeowners tried to sell the feedback from prospective buyers was "don't want strangers / institutional building looking in our back yard". So the houses were instead sold to rental management companies and we had a steady stream of less than desirable neighbors.</p> <p>My understanding is that this project will only bring an increase in \$107K in additional revenue for the city. That does not seem like a cost effective trade off for the type of damage that is being done for our community and neighborhood. All the studies I have seen show we have ample current retirement facilities for the aging population of Prairie Village. The aim of this facility is really to cast a wider net and bring Skilled Nursing rehab patients and elderly from across the metro to Prairie Village. While I live my elderly neighbors who share history and stories about our block and the past famous and infamous residents, I am not in favor of importing others into our community. If we are trying to look at the vitality of our community long term I would rather see this space be used to attract affordable housing for young families. I know when we were shopping for a house in the Prairie or Belinder Elementary attendance area a house around \$300K with 4 bedrooms and a two car garage was darn near impossible to find. I believe you could sell a dozen of those and they would likely all fit in the same current footprint of that massive Tutera development and be a whole lot more pleasing to current neighbors and the community at large. We have excellent schools, parks and shops that young families desire. Let's bring in those kind of neighbors not the kind who want to make a quick for profit buck at the expense of disrupting an established neighborhood in the heart of our city.</p> <p>Sincerely, Heather Rubesch 4500 W 74th Place</p>
Heather	Rubesch	<p>Heather Rubesch 4500 West 74th Place Prairie Village</p> <p>Heather had written the city clerk in opposition to the Tutera proposal. I won't read that. But Heather gave me permission to read the following tonight:</p> <p>And I quote:</p> <p>Just also wanted to let you know I received a sort of harassing email from a representative George-Holler at Tutera. He basically said in the email that he had been monitoring my comments regarding the development on PV Post and wanted to talk to me directly. My email address isn't available to non-friends through Facebook so I was a bit freaked out when he emailed me direct on my work email address.</p>

		<p>Turns out he had googled my name and then been able to gain my email address from some contact information related to a conference speaking engagement I had done that listed my bio. He admitted to this when I confronted him on how he had gotten my personal information. Anyway I wanted you to know the lengths Tutera reps are going to in the name of intimidation. My husband and I are more than ever opposed to this based on that creepiness alone and we have shared the tale with many in our neighborhood in hopes they too will see this company for the money grubbing for profit they are. [Unquote]</p> <p>(Read by Bob Schubert, 3700 West 83rd Terrace, Prairie Village)</p>
Daniel	Runion	<p>5/23/2013 Ladies and Gentlemen:</p> <p>My home is in Prairie Village and I oppose the developer?s proposal for the Mission Valley site.</p> <p>Whether applying common sense or <u>Golden</u> factors the developer?s proposal for the Mission Valley site cannot be properly approved. Common sense should not be strained in order to obtain your approval of the developer?s proposal. As summarized below, almost none, if any, of the <u>Golden</u> factors can be met by the developer?s proposal:</p> <ul style="list-style-type: none"> (i) the size and nature of the developer?s proposal do not fit with the character of the neighborhood, (ii) the zoning and uses of nearby properties are materially dissimilar to the developer?s proposal, (iii) while the MV property may be suitable for uses to which it has been restricted, it is not suitable for a 100 bed skilled nursing facility, (iv) removal of the restrictions on the MV property to allow the developer?s proposal would adversely affect nearby properties, including values and character of those properties, (v) the MV property has remained vacant because of the pendency of the developer?s proposal, not because of the existing restrictions, (vi) disallowance of the developer?s proposal would result in a gain (or, more specifically, avoidance of a loss) in that public health (e.g. noise, light and other pollution), safety (e.g. traffic) and welfare (costs to government/local citizenry) would not be adversely affected and the value of the developer?s property would not be adversely affected. The value of the developer?s property, including the related restrictions, is the amount the developer paid in a presumably arms?-length transaction. Conversely, approving the developer?s proposal would adversely affect all of public health, safety and welfare and concomitantly impose hardships on individual landowners. (vii) the developer?s proposal does not conform to the city?s comprehensive plan, e.g., the comprehensive plan does not contemplate a nearly 100 bed skilled nursing facility.

		<p>I respectfully request that you reject the developer's proposal as it does not pass muster under the <u>Golden</u> factors or common sense.</p> <p>Daniel M. Runion, Esq., CPA</p>
Monique	Rydbert-Cox	<p>Dear City Clerk,</p> <p>I am sending this email to voice my concern about the proposed Mission Chateau development project on Mission Road. I believe that this project is too large for the surrounding neighborhood and community and it does not support the charm and character of Corinth, Mission Road, and Prairie Village.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p><i>Sincerely,</i> <i>Monique Rydberg-Cox</i></p>
Rich/Sandy	Saeger	<p>Jun 4, 2013, at 11:50 AM, RICHARD SAEGER <rsaeger@kc.rr.com> wrote:</p> <p>Hello Laura,</p> <p>We are opposed to the Tutera plan for development of the Mission Valley site.</p> <p>An additional project of this magnitude for senior housing does not give a good balance to our community.</p> <p>Rich and Sandy Saeger 8021 Roe</p>
Richard/Sandra	Saeger	<p>Good Morning,</p> <p>We would like to go on record that we are opposed to the Tutera Plan for developing this site. We don't feel it gives balance to our city to have additional senior housing of this magnitude.</p> <p>Richard and Sandra Saeger 8021 Roe Ave</p>
Brenda	Satterlee	<p>Council members and City clerk,</p>

		<p>My name is Brenda Satterlee and I live at 8600 Mission Road. I am against this massive development on the Mission Valley Site for several reasons. It is way too dense for the site. Mission Chateau would be the second largest CCRC in Johnson County. The largest is Lake View in Lenexa and it is on 100 acres. Lake View has 750 residents and Mission Chateau has a capacity for 450 on 18 acres. The plan does not allow for enough residential parking. If the Independent parking need is consistent with Lake View, Santa Marta and Tall Grass, three of the larger CCRC's in Johnson County, their plan comes up 40 to 50 spaces short. I see this as a flaw in the plan, a detriment to the neighborhood, and a safety issue to the neighborhood. This overflow in parking will be on the neighborhood streets 24/7. Is the neighborhood expected to provide the overflow parking so the developer can keep its large buildings to make a larger profit.</p> <p>I organized a door to door campaign to 500 homes over the last two weekends. I walked all five days. I talked to everyone who was home. I will tell you that at least 80% of the people I talked to are very upset and against this development. I also organized the signage campaign in the neighborhood. We walked about four streets and then I started receiving phone calls and emails requesting signs. In a matter of days 250 signs were distributed. If we had hundreds more, we could have distributed them as well based on the request.</p> <p>I hope the elected officials of this city will listen to the community. And yes the surrounding neighborhoods have a stronger voice because you have to consider the Golden Factors. We are being watched by our neighboring cities on this issue. I hope you will not sell out your neighborhoods that have sustained you for decades for the profits of one developer. It only takes common sense to know that the \$107,000 of property tax a year from this development will be minimal if not cost the city money in the future. Almost all CCRC's in the nation and Johnson County are not-for-profit. The only for profit CCRC I found in Johnson County was the Forum.</p> <p>You will be remembered for your vote in future elections.</p> <p>Brenda Satterlee</p>
C. Craig	Satterlee	<p>Subject: Mission Valley - Proposed Special Use Permit</p> <p>Dear Mayor Shaffer, Members of the City Council and Distinguished Planning Commissioners</p> <p>I am urging you <u>not to approve</u> a Special Use Permit for the Mission Valley Site <u>without the official endorsement of the Mission Valley Neighbors Association</u>. I have been to many of the public meetings as well as city council and planning commission meetings regarding this proposed project and subsequent application. MVNA is a group of truly concerned and informed citizens of Prairie Village. There are approximately 1500 citizens involved with this group. <u>They are very politically active</u>. This project has obviously aroused the populace in ways perhaps not anticipated. MVNA has</p>

		<p>not employed public relation firms to manage their image or influence the press. They have not intimidated or pressured the populace. However, they are very involved on a grass-roots level. I have personally walked the neighborhoods and talked with people regarding the MV/MC proposal. The response is overwhelmingly against the massive size and density of this proposal as it leads to a myriad of problems for the community...flooding, workers and visitors parking in the community, traffic congestion, loss of revenues from lost property taxes, chemical and bacterial pollution and flooding into the Dykes branch contributory- all potentially costing the city for correcting vicissitudes. These issues have been dealt with in a perfunctory manner by the developer. These factors may end up <i>costing</i> the city in the long run. The MVNA members/citizens really care! They are a necessary counterbalance to the over-zealous motivation of the developer. They are not anti-development...they bring reason to the table.</p> <p>Thank you all for your cogitation in this matter,</p> <p>C. Craig Satterlee</p> <p>P.S I ask that no one respond to this except the city clerk...just think about it...</p>
Paul	Sauder	<p><i>To whom it may concern,</i></p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development. We are opposed to the scale of the proposed Tutura project at the Mission Valley Middle School site.</i></p> <p><i>Best Regards,</i></p> <p><i>Paul Sauder</i></p>
Bob	Schubert	<p>My name is Bob Schubert. I live at 3700 West 83rd Terrace, Prairie Village – 6 houses from the proposed Tutura detention basin. I am the President of the Corinth Meadows Homes Association, the neighborhood across the street to the east from this proposal. When I leave our neighborhood, I will have to stare at the proposed detention basin while I wait for Mission Road traffic to clear.</p> <p>I oppose the Tutura proposal: it is far too massive and dense for the neighborhood; it is far too massive and dense compared to most comparable nursing home businesses. And it is a massive business proposed for a residential neighborhood!</p> <p>One of the people speaking FOR the project last month, wondered why so many “silver heads” that he saw were opposing this project when it would provide such a “nice” place for them to end up in. Well, I’m not “silver headed”, but I am silver haired. I am 77 years old, but I feel like I’m 50 or 60, I still teach 9 College credit hours and plan to do so for some time to come. I</p>

		<p>certainly don't have a goal to end up in a business like this. I do have a goal to stay out of a business like this as long as I possibly can; and it seems to me that most of my peers feel the same way: According to a study by Met-Life Mature Market Institute, of the nation's oldest baby boomers – now turning 67, “82 percent want to ‘age in place’ and don't plan to move.” (82%!) Two years ago, my wife and I selected our current one-story home, just because it was near Corinth, and we could “age in place.” Not that place! In our own place!</p> <p>Mr. Tutera has been quoted as saying that only a “very small isolated group” opposes his plan. It is not small. It includes most of the people who live immediately adjacent to the proposed site! I noticed that most of the supporters of the proposal who spoke last month were from at least 7 or 8 blocks away from the site. Last week, I drove all of the streets between 83rd and 87th, a block or so to the east and a block or so to the west of Mission Road. Out of the 158 houses closest to the site that I counted, 86 had “No Massive Development” signs, 54%. 54%. Some of those without signs did not want them even though they signed our opposition petition. They are just against signs in their yard, on principle. When presented with a petition opposing the Tutera proposal, 145 persons, so far, have declared their opposition. We have over 1,500 email subscribers, and we eliminate any who desire to be removed. This is not a “very small isolated group”, Mr. Tutera; this is a majority of the immediate neighborhood!</p> <p>And one other thing: if circumstances force me (please note the word “force”),... if circumstances force me to live in any kind of business like this, it will not be in a business run by the Tutera group, not after reading the May 9th edition of the Pitch! The Tutera group being fined over \$100,000, the Tutera group being refused Medicare payment, and the Tutera group having a patient die because their staff waited 8 hours after an “acute change of condition” before calling for emergency medical treatment. These realities do not attract me to a Tutera facility!</p>
Bob	Schubert	<p>4/18/2013</p> <p>Dear Mission Valley Neighbors ,</p> <p>STAY THE COURSE!!! If we remain united, focused and resolute- WE CAN WIN!!</p> <p>Worried developers hope to wear down citizen opposition. But instead of wearing us down they allow the Planning Commission and City Council more time to realize the massive disaster of this proposed development.</p> <p>Remember, once approved, the Mission Valley site will change forever. A few more weeks or even months of concerted opposition can save our home values, neighborhoods and city character, forever. PLEASE remember we have had many victories along the way. The most recent was the passage of a protest petition for special use permits. This increases the number of council votes to approve a special use permit from 7 to 10.</p> <p>You can help by:</p>

		<ul style="list-style-type: none"> • Attending the May 7 Planning Commission public hearing -- 7:00 Village Presbyterian Church -6641 Mission Road. Citizens' attendance reflects support. • Donate for the expenses that are mounting -- signage, research, legal fees and more. • Write your Council Members to tell them you do not support the plan. • Volunteer your time during this critical time. <p>To donate or volunteer call (913-648-6449) or hit "reply".</p> <p>THIS IS THE HOME STRETCH!! WE MUST KEEP UP THE PRESSURE!! KEEP THE MOMENTUM GOING!!</p> <p>Sincerely,</p> <p>The MVNA Board</p> <p>Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>4/19/2013</p> <p>Dear Mission Valley Neighbors,</p> <p>Information about how to donate, and about how to contact your city council person:</p> <p>To donate to Mission Valley Neighbors, please make your check out to MVNA, and mail it to MVNA, c/o Treasurer, 8600 Mission Road, Prairie Village, KS 66206. THANK YOU FOR YOUR SUPPORT!</p> <p>City council email addresses and phone numbers appear below: PRAIRIE VILLAGE CITY COUNCIL</p> <p>WARD NAME EMAIL PHONE</p> <p>1 Ashley Weaver aweaver@pvkansas.com (913) 403-9154</p> <p>Dale Warman dwarman@pvkansas.com (913) 236-9730</p> <p>2 Steve Noll snoll@pvkansas.com (913) 262-1560</p> <p>Ruth Hopkins rhopkins@pvkansas.com (913) 384-0165</p> <p>3 Michael Kelly mkelly@pvkansas.com (913) 461-7644</p> <p>Andrew Wang awang@pvkansas.com (913) 671-8404</p> <p>4 Laura Wassmer lwassmer@pvkansas.com (913) 648-8379</p> <p>Brooke Morehead bmorehead@pvkansas.com (913) 642-4793</p> <p>5 David Morrison dmorrison@pvkansas.com (913) 649-6592</p> <p>Charles Clark cclark@pvkansas.com (913) 341-1109</p>

		<p>6 David Belz dbelz@pvkansas.com not available Ted Odell todell@pvkansas.com (913) 575-9068</p> <p>THANK YOU FOR YOUR SUPPORT!</p> <p>Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>4/20/2013 To the Prairie Village City Council,</p> <p>I hope that the City Council will realize, and take into account in their upcoming deliberations, that there are a number of Prairie Village citizens, especially those living immediately adjacent to the Mission Valley School property, who are vehemently opposed to ANY SUCH NURSING HOME BUSINESS as is proposed by the Tutera group. It would be a business in a residential neighborhood; it would eliminate huge amounts of green space in that residential neighborhood, and it would worsen what consultants agree is a vastly ?over-bedded? metropolitan area, when it comes to nursing homes. As heard on NPR, Kansas ranks second only to Pennsylvania, as the most over-bedded state for nursing homes.</p> <p>WE DON?T WANT IT!</p> <p>Bob</p> <p>Bob Schubert</p>
Bob	Schubert	<p>4/25/2013</p> <p>Dear MVNA Friends,</p> <p>The Prairie Village Post informed me that they only keep their polls open for 8 hours, to mitigate groups who try to sway the vote one way or another. That is why a number of you were unable to vote. One of Tutera's people sent an email at 3:32 pm yesterday requesting support in the poll, but the Post assures me that the poll was closed before that email went out. I regret we were unable to make our voices heard, but see below!</p> <p>Below is a repeat of our previous message. PLEASE ATTEND ON MAY 7TH. WE HAVE GOT TO SHOW THE PLANNING COMMISSION HOW MANY PEOPLE ARE OPPOSED TO THIS MASSIVE PLAN!</p> <p>Thanks for your support!</p> <p>REMEMBER.....May 7 is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tutera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00 p.m. Here are some of the points we plan to make...</p> <ul style="list-style-type: none"> • MVNA is not anti-development! • Any development needs to be compatible with the surrounding neighborhoods! • The proposed project is essentially FOUR TIMES the existing school's

		<p>square footage.</p> <ul style="list-style-type: none"> • The building facing Mission Road is proposed to be 270,000 square feet. This would be the largest single building in Prairie Village by far...(bigger than the sum of the Corinth Square buildings but on less acreage) ! • The separate skilled nursing facility will have nearly the same square footage as the existing school. • The proposed plan does not provide a reasonable transition from the surrounding neighborhoods (high density directly next to low density residential). • PV is already saturated with senior housing. As a result this will be a regional complex serving the greater KC area to the detriment of PV residents. • There are significant health and safety issues including added traffic, noise and congestion, particularly with a school zone nearby. • The developer, Mr. Tutera, will likely be required to obtain a super-majority vote from the City Council for any final approval of this project...this means he will need TEN votes in order for the project to pass!! PLEASE ATTEND AND SHOW YOUR SUPPORT FOR NO MASSIVE DEVELOPMENT IN PRAIRIE VILLAGE!!!! <p>We have made much progress and CAN WIN WITH YOUR SUPPORT! We must show strength in numbers and save the character of Prairie Village!! Our community stands to be irrevocably altered by this project. In this case, Bigger Is Not Better!!</p> <p>As always, our greatest appreciation for your ongoing support and for staying with us! Please email bsatterlee@kc.rr.com to obtain a yard sign or to donate.</p> <p>Sincerely, The MVNA Board Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>4/25/2013</p> <p>Dear MVNA Friends,</p> <p>If you oppose the development of a massive nursing home complex at the Mission Valley School site, please go to pvpost.com and vote against the plan. When you get to the site, scroll almost all the way down and you will see 3 choices: for, mixed feelings, and against. Right now the vote is running in FAVOR of the site; your vote will TURN THE TIDE!</p> <p>Also, below is a repeat of our previous message. PLEASE ATTEND ON MAY 7TH. WE HAVE GOT TO SHOW THE PLANNING COMMISSION HOW MANY PEOPLE ARE OPPOSED TO THIS MASSIVE PLAN!</p> <p>Thanks for your support!</p> <p>REMEMBER.....May 7 is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tutera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00</p>

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		<p>MANY PEOPLE ARE OPPOSED TO THIS MASSIVE PLAN!</p> <p>Thanks for your support!</p> <p>REMEMBER.....May 7 is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tutera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00 p.m. Here are some of the points we plan to make...</p> <ul style="list-style-type: none"> • MVNA is not anti-development! • Any development needs to be compatible with the surrounding neighborhoods! • The proposed project is essentially FOUR TIMES the existing school's square footage. • The building facing Mission Road is proposed to be 270,000 square feet. This would be the largest single building in Prairie Village by far...(bigger than the sum of the Corinth Square buildings but on less acreage) ! • The separate skilled nursing facility will have nearly the same square footage as the existing school. • The proposed plan does not provide a reasonable transition from the surrounding neighborhoods (high density directly next to low density residential). • PV is already saturated with senior housing. As a result this will be a regional complex serving the greater KC area to the detriment of PV residents. • There are significant health and safety issues including added traffic, noise and congestion, particularly with a school zone nearby. • The developer, Mr. Tutera, will likely be required to obtain a super-majority vote from the City Council for any final approval of this project...this means he will need TEN votes in order for the project to pass!! PLEASE ATTEND AND SHOW YOUR SUPPORT FOR NO MASSIVE DEVELOPMENT IN PRAIRIE VILLAGE!!!! <p>We have made much progress and CAN WIN WITH YOUR SUPPORT! We must show strength in numbers and save the character of Prairie Village!! Our community stands to be irrevocably altered by this project. In this case, Bigger Is Not Better!!</p> <p>As always, our greatest appreciation for your ongoing support and for staying with us! Please email bsatterlee@kc.rr.com to obtain a yard sign or to donate.</p> <p>Sincerely, The MVNA Board Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>5/2/2013</p> <p>Dear MVNA Friends,</p> <p>JUST A REMINDER THAT TUESDAY'S MEETING IS THE MOST IMPORTANT MEETING SO FAR. PLEASE PLAN TO ATTEND; details</p>

below! (Also at the end of this message are the email addresses & phone numbers of the City Council members. Below that all the email addresses are shown together; you may be able to copy and paste all the email addresses into your email so you can email all of them to let them know of your opposition to this massive development!

Below is a repeat of our previous message. **PLEASE ATTEND THE PRAIRIE VILLAGE PLANNING COMMISSION MEETING, TUESDAY, MAY 7TH, VILLAGE PRESBYTERIAN CHURCH, 6641 MISSION ROAD. WE HAVE GOT TO SHOW THE PLANNING COMMISSION HOW MANY PEOPLE ARE OPPOSED TO THIS MASSIVE PLAN!**

Thanks for your support!

REMEMBER.....May 7 is the CRITICAL Planning Commission meeting where we, the public, will be allowed to comment on Tintera's plan for "Mission Chateau". The meeting will be at Village Presbyterian Church, 7:00 p.m. Here are some of the points we plan to make...

- MVNA is not anti-development!
- Any development needs to be compatible with the surrounding neighborhoods!
- The proposed project is essentially **FOUR TIMES** the existing school's square footage.
- The building facing Mission Road is proposed to be 270,000 square feet. **This would be the largest single building in Prairie Village by far...(bigger than the sum of the Corinth Square buildings but on less acreage) !**
- The separate skilled nursing facility will have nearly the same square footage as the existing school.
- The proposed plan does not provide a reasonable transition from the surrounding neighborhoods (high density directly next to low density residential).
- PV is already saturated with senior housing. As a result this will be a regional complex serving the greater KC area to the detriment of PV residents.
- There are significant health and safety issues including added traffic, noise and congestion, particularly with a school zone nearby.
- The developer, Mr. Tintera, will likely be required to obtain a super-majority vote from the City Council for any final approval of this project...this means he will need **TEN votes** in order for the project to pass!! **PLEASE ATTEND AND SHOW YOUR SUPPORT FOR NO MASSIVE DEVELOPMENT IN PRAIRIE VILLAGE!!!!**

We have made much progress and **CAN WIN WITH YOUR SUPPORT! We must show strength in numbers and save the character of Prairie Village!! Our community stands to be irrevocably altered by this project.** In this case, **Bigger Is Not Better!!**

As always, our greatest appreciation for your ongoing support and for staying with us! **Please email bsatterlee@kc.rr.com to obtain a yard sign or to donate.**

PRAIRIE VILLAGE CITY COUNCIL
WARDNAMEEMAILPHONE

Mayor Ron Shaffer mayor@pvkansas.com (913) 831-0907
 1 Ashley Weaver aweaver@pvkansas.com (913) 403-9154
 Dale Warman dwarman@pvkansas.com (913) 236-9730
 2 Steve Noll snoll@pvkansas.com (913) 262-1560
 Ruth Hopkins rhopkins@pvkansas.com (913) 384-0165
 3 Michael Kelly mkelly@pvkansas.com (913) 461-7644
 Andrew Wang awang@pvkansas.com (913) 671-8404
 4 Laura Wassmer wassmer@pvkansas.com (913) 648-8379
 Brooke Morehead bmorehead@pvkansas.com (913) 642-4793
 5 David Morrison dmorrison@pvkansas.com (913) 649-6592
 Charles Clark cclark@pvkansas.com (913) 341-1109
 6 David Belz dbelz@pvkansas.com not available
 Ted Odell todell@pvkansas.com (913) 575-9068


Sincerely,

The MVNA Board
 Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206

Bob Schubert

From: Bob Schubert [mailto:mailer_response@emailcounts.com] **On Behalf Of** Bob Schubert
Sent: Wednesday, May 22, 2013 7:11 AM
To: dduval@kc.rr.com
Subject: Update from MVNA (Mission Valley Neighbors Association)

MISSION VALLEY DEVELOPMENT -- May 7th Planning Commission Meeting- MVNA Summary



Santa Marta, Olathe, KS on 45.48 acres.



Mission Chateau Proposal on 18 acres

Santa Marta is the best example of what we are trying to do with Mission Chateau (paraphrase) from John Peterson, attorney for the Tuteria Group (Mission Chateau proposed beds- 450 on 18 acres, whereas Santa Marta has 342 beds on 45.48 acres).

DENSITY and BULK

*The proposed Mission Chateau is **387,244 square feet** of building on 18 acres. This is 42% larger than what is allowed on a medium density apartment complex in Johnson County (220,600 square feet).

*The Proposed Mission Chateau is 21,122 square feet per acre. In comparison, Corinth Square and Corinth South are only 11,902 square feet per acre.

*The proposed Mission Chateau would have the **second largest single residential building** in Johnson County nearly **the length of two football fields** laid end to end - facing Mission Road.

SKILLED NURSING FACILITY

*The proposed 100 bed Skilled Nursing Facility proposed on this site has 20% fewer beds than St Luke's South Hospital. In comparison Santa Marta, has only 32 skilled nursing facility beds.

*A Skilled Nursing Facility is a non-acute care hospital with physicians and nurses caring for patients of all ages that aren't able to stay in the hospital but cannot return to their own home. A skilled-nursing facility is **not** a nursing home.

AGE AND POPULATION

***Only 4%** of the age and income qualified population ever move into a CCRC (Continued Care Retirement Community).

***Only 25-30%** of the current PV retirement facilities are occupied by **PV residents**.

*Greater **Prairie Village** would have **30** residents for every senior **bed available** compared to **Johnson County** has **68** residents for every senior **bed available**.

DEPRECIATION IN HOME VALUES

* A licensed real estate appraiser concluded this project would reduce by at least 10 % the market value of a neighboring house. Depreciation of that magnitude typically results in a reduction of the market and appraised value of the houses in a several block radius around the project. It is estimated that the resulting reduction in City revenue could be in excess of \$40,000.

*The complex is estimated to **generate only \$107,000 a year in property taxes** at the current proposed density. With extra city expenses expected to be incurred, there would be minimal monetary value to the city funds (this is assuming they don't apply for a not-for-profit status).

GOLDEN FACTORS: The Supreme Court of Kansas decided in 1978 - Donald Golden v. The City of Overland Park; eight factors a zoning body must consider when hearing requests for change.

1)The character of the neighborhood; **2) The zoning and uses of properties nearby;** **3) The suitability** of the subject property for the uses to which it has been restricted; **4) The extent to which removal of the restrictions will detrimentally affect nearby property;** **5) The length of time** the subject property has remained vacant as zoned; **6) The gain to the public health, safety, and welfare** by the possible diminution in value of the developer's property as compared to **the hardship imposed on the individual landowners;** **7) The recommendations** of a permanent or professional planning staff; and **8) The conformance of the requested change to the city's master or comprehensive plan.**

What can you do to make your voice heard?

1)Attend the June 4th Planning Commission Meeting- 7PM at the Prairie Village Presbyterian Church which is a continuation of the May 7th meeting where the opposition can voice its concerns.

2)Attend the July 1st City Council Meeting -- 7:30 pm at Village Presbyterian Church, 6641 Mission Road

2)Write to your Mayor and City Councilperson:

Mayor Ron Shaffer mayer@pvkansas.com
Ashley Weaver: aweaver@pvkansas.com

		<p>Steve Noll: snoll@pvkansas.com Dale Warman: dwarman@pvkansas.com Ruth Hopkins: rhopkins@pvkansas.com Mike Kelly: mkelly@pvkansas.com Laura Wassmer: lwassmer@pvkansas.com Andrew Wang: awang@pvkansas.com Brooke Morehead: bmorehead@pvkansas.com David Morrison: dmorrison@pvkansas.com David Belz: dbelz@pvkansas.com Charles Clark: cclark@pvkansas.com Ted Odell: todell@pvkansas.com</p> <p>If you are not receiving e-mails and would like to receive e-mails, please e-mail Bob Schubert: bob@reschubert.com</p>
Rebecca	Schubert	<p>Council Person Wassmer,</p> <p>Please read down and read the facts about the Tutera Project. This is just too big for the area.....and really too big for the former Mission Valley Middle School land. The roads of 22 feet wide go one way. Can you imagine how an 80 year old will handle 22 feet wide streets when he or she is in a hurry and decides to go the wrong way because it is quicker and 911 has been called and they meet each other trying to go forward? The property is to small for the project.</p> <p>5/23/2013 The Rev. Rebecca Schubert 3700 West 83 Terr Corinth Meadows</p>
Debbie	Schulte	<p>5/21/2013 Mr. Clark,</p> <p>I am contacting you now due to the development planned at the top and western entrance to my Corinth Meadows neighborhood. I have been somewhat involved at meetings for this planned development and was actively against retail during the initial development discussions 2 years ago.</p> <p>I understand that the owner, Mr. Tutera, would like to develop another retirement home on the property he owns and is currently going through the permit process the get there. I believe that under his current plan he won't get there for a number of reasons which I will help fight.</p> <p>First it is too dense and too tall. Second, I live on Reinhardt St. which is downstream from the site and am certain that my basement will bear the fruits of the development when we have large amounts of rain and I have heard nothing that I believes solve my concern on this matter. The pond on Mission road suggested as a retaining water basin will be a nuisance to us with pests, a danger to children walking to Corinth school and I am concerned about who will</p>

		<p>manage maintenance of it. Third traffic and parking for this large site are very concerning as overflow would naturally try to park in our neighborhood.</p> <p>I ask for your vote against this as designed and will be there tomorrow to voice my concerns. Feel free to contact me with any questions at my number listed below.</p> <p>Thanks,</p> <p>Debbie Schulte 8425 Reinhardt St. Prairie Village, KS 66206</p>
Gary	Seabaugh	<p>Dear Ones: I am very much opposed to the proposed plan to develop a residential facility on the Mission Valley property. Substantial data exist that support the notion that the surrounding neighborhoods' house values will diminish. Also, it is quite apparent that <i>Town and Country</i> and adjacent neighborhoods have a legacy of very desirable, family friendly and quiet environs which would be altered significantly by a development of this sized and purpose.</p> <p>Sincerely,</p> <p>Gary O. Seabaugh, Ph.D. 8333 Delmar Lane</p>
Lindsey	Shriver	<p>>My name is Lindsey Shriver. I'm writing you to voice my opposition for >the Mission Chateau project. >I am a resident of Prairie Village, and have for the majority of my >life. My husband and I chose to make our home here a little over three >and a half years ago, moving from south Overland Park. When we told our >friends we were moving to Prairie Village, we got this response almost >every time - "Why would you want to move there? You are young, and >Prairie Village is where old people live". Those comments would always >make me upset because I knew what a jewel Prairie Village is, and it >was hard for me to understand why others would think of it that way. I >have always stood up for Prairie Village and defended it to my friends, >inviting them to our house to see just how great it is. >As we have lived here, I have seen improvements in shopping centers >like Corinth that seem to be geared towards attracting younger families >and young adults. My husband and I have loved the improvements! >However, I am very saddened to know that there is a possibility that >ANOTHER retirement community is in the works to be built where Mission >Valley currently stands. This is such a step backwards for Prairie >Village. It continues the stereotype of an older person's community, >which is not going to attract young families that will re-green our >city and keep it thriving. Please do not take this to mean that I do >not value our older citizens, I very much do. >However, we already have 3 retirement homes in the area (one that is >recently built, it may not be in Prairie Village exactly, but close >enough). What will a 4th retirement community do for our city? >The majority of citizens oppose it, does our voice not count? >My husband and I are expecting our 1st child in June. We will soon >outgrow our Prairie Village home that we have come to love. We would</p>


		<p>>like to stay in Prairie Village, but if the building of Mission Chateau >is approved we may have to reconsider our choice to stay. As a young >family, we want to be in a city that chooses projects that attract >young families like us. The choice to approve Mission Chateau shows us >that Prairie Village does not have that same vision. I urge you to to >think carefully about Mission Chateau and let the voices of Prairie >Village's citizens be heard.</p> <p>> >Thank you for your time, >Lindsey Shriver</p>
Beverly	Sederquist	<p>To the Prairie Village City Council,</p> <p>I am not a resident of Prairie Village at this time but I must tell you my strong feelings about the future vote on Mission Chateau.</p> <p>I have attended both of the public meetings and have heard many opinions.</p> <p>I have lived in the area most of my life. My children all went to Indian Hills Jr High and Shawnee Mission East. My three grandchildren are now at Prairie Grade School. My husband and I sold our large home after we were empty nesters. I am now ready to enjoy life without all the responsibilities of a homeowner.</p> <p>Mission Chateau will be a perfect location for me to move back to, not only to be close to my family but to shop in familiar stores and eat in wonderful restaurants.</p> <p>You may not consider this letter but thank you for reading it and know there are many others who feel the same. I look forward to being one of the first to make my new home at Mission Chateau.</p> <p>Sincerely,</p> <p>Beverly Sederquist Presently – 253 Apache Trail W Lake Quivira, KS 66217 baseder@sbcglobal.net</p>
Janine	Smiley	<p>5/6/2013</p> <p>>Dear Councilman Clark: I am writing with concern for the future >development of the Mission Valley site. My concerns are that the >proposed site building is too tall (3 stories) and there is little >allowance for green space.</p> <p>> >I live in Corinth Meadows and have kids that take a school bus or walk >to school. Having a more massive presence close to Mission Road is</p>

		<p>>concerning.</p> <p>></p> <p>>I am also greatly concerned for the proposed skilled nursing facility.</p> <p>>To me, the traffic in and out of the skilled nursing facility would as</p> <p>>great or greater than the total traffic in and out of the entire senior</p> <p>>complex. I don't believe that the skilled nursing facility is only for</p> <p>>the residents of that proposed complex, so great consideration needs to</p> <p>>be given for access into and out of Mission Road.</p> <p>></p> <p>>In addition, skilled nursing facilities, take patients (and not just</p> <p>>seniors) from all over the metro area. This does not coincide with the</p> <p>>"continuum of care" theme I have heard from the Tintera Group. Sure,</p> <p>>they will need to reserve beds in the skilled nursing facility for</p> <p>>residents, but I don't think they are required to reserve many beds at</p> <p>>all for residents of the senior living center.</p> <p>>Therefore, the "continuum of care" will really be for people outside of</p> <p>>Prairie Village who are not residents of the "Mission Chateau" center.</p> <p>></p> <p>>I am not opposed to development. I am opposed to several components</p> <p>>the Tintera Group has outlined in their current proposal.</p> <p>></p> <p>>Janine Smiley</p> <p>>Resident - 3608 W. 84th Terrace, Prairie Village, KS 66206</p>
Janine	Smiley	<p>I am a Prairie Village resident and I wanted to voice a concern about the proposed Mission Chateau development at the former Mission Valley site.</p> <p>I believe the proposed development is too big, square footage-wise, based on the available land on that site. In addition, i believe a three-story building is simply too tall for this area, and the type of development and does not fit with the character of neighborhood.</p> <p>Please note that throughout this public comment period, I have sent e-mails to our City Council representatives that voice this same concern.</p> <p>Thank you.</p> <p>Janine Smiley</p> <p>W. 84th Terrace</p>
Joyce	Smith	<p>5/23/2013</p> <p>As I was driving north on Mission Road yesterday, the abundance of red signs that read "No Massive Development at the MV Site" popped out at me. Also, as one drive the streets of the southern part of PV one sees numerous, numerous red signs in opposition to Mr. Tintera's project. Please look & listen to the residents of Prairie Village! Please listen to those residents who will be most adversely effectd by this massive project. Please do not allow this massive project!</p> <p>Thank you!</p>

		Joyce Smith=
Linnea	St. John	<p>6/12/2013</p> <p>My husband and I have lived in Prairie Village for 25 years and have taken pride in maintaining our home. We find it totally unacceptable that our property values will be negatively impacted in order for the Tutera family to realize their “dream”. Our dream is to live in a family neighborhood of primarily single family dwellings. We could not be more opposed to the Tutera plan. It is MUCH too dense for the space and is not a good use for such space. In our opinion, it will mainly benefit residents outside Prairie Village as well as the Tuteras’ bottom line. There are presently 3 other such facilities in Prairie Village within blocks of this proposed site. The relatively small amount of income that could be generated by this conglomeration of buildings is not sufficient incentive to the city. This type of development would stress existing city services and therefore negate the “increased revenue”. Prairie Village is not in dire straits which would necessitate approving such a use of this PRIME property.</p> <p>There are very few such expanses of land within the city; it is therefore incumbent upon us to maintain the character of the city and not become a city of geriatric facilities. Better use of this prime location would be a private school (we understand there is current interest) or upscale patio homes (for sale, not rent). There is a growing demand for such patio homes and short supply. These would generate more property tax revenue. As is apparent, there is tremendous public opposition to the Tutera plan for the use of this land. The school district erred in selling in the first place. Let us not compound the mistake by approving this plan. As our representatives, we ask you to listen to us and represent our wishes in this matter. We really cannot see logical, strong reasons to support and endorse such a plan. If this is not set for a different purpose, the Tutera group will just return with a modified, smaller scale plan and try to convince us they have made a grand concession. We ask for a resounding “No” to the proposal to add yet another senior facility in Prairie Village. Sincerely, Linnea St. John</p>
Betsy	Stephens	<p>5/21/2013</p> <p>></p> <p>>Today I am writing about the “Mission Valley”</p> <p>>and request your consideration of my thoughts on this important matter.</p> <p>></p> <p>>Progress and change is good, but it must be an evolution of what has</p> <p>>been built and nurtured in Prairie Village. As a city council</p> <p>>representative, I know you take your responsibility to guide the</p> <p>>direction of the city with the community and values in mind seriously,</p> <p>>including generating revenue. Generation of revenue shouldn’t be at</p> <p>>the expense of the residential area – it’s ironic that this residential</p> <p>>zone is being sought to create millions in revenue to Tutera</p> <p>>and the city. The Tutera development is simply</p> <p>>too big and doesn’t meet the needs of our population. Dropping-in a</p> <p>>massive development in our residential zone simply doesn’t fit – they</p> <p>>need to scale way back, add more green space and ensure the integrity</p> <p>>of the fundamental structure of the area.</p> <p>></p> <p>>Please probe on what happens next with the Tutera development. It</p>

		<p>>seems that the next phase will include requests to open up traffic on >the west side of the huge development to allow traffic to flow through >the rear of the complex – directly onto Somerset and into our >neighborhood. Having this occur will drastically change the >neighborhood beyond even Mission Road and will forever make this >portion of Prairie Village swing from a distinctive place to live to an >undesirable location full of transient traffic and delivery vehicles. > >Finding compromise in this plan would be great – but we should not >allow the space become a “big business” using people as the commodity – >instead have them build a facility in scale with the community that >actually becomes part of the village instead of forever negatively >changing our landscape. > >Betsy Stephens >8316 Delmar Lane</p>
Catherine	Sterchi	<p>I want to go on record and state that I am shocked that the City of Prairie Village would even consider such an OUTRAGEOUS development on the Mission Valley property. The plans for the Mission Chateau development that I have seen are absolutely HIDEOUS! I have lived in two homes in Prairie Village since 1978, and have always loved the ambiance and planning that each neighborhood has developed and planned. Lots of large, mature trees, large lots with houses, and generously spaced shopping malls and businesses. That the city council would even entertain such an "oversized" and UGLY development is confusing at the least. The structure is simply too big for the area--and needs to be built somewhere where there is lots of land and space....not crammed into the small area where the old Mission Valley school used to be. Why not patio homes or villas that are structurally consistent with the neighborhood? Or better yet, another school? (I am disgusted with the developers for backing out of their gentleman's agreement with Kansas City Christian School! This should be a RED FLAG as to the people the city is dealing with!)</p> <p>Please reconsider your decision. Take pride in your city and don't allow this MONSTROSITY to be built in a neighborhood that families raise their children. My vote is "NO" to EITHER of the plans of the development.</p> <p>MS. Catherine Sterchi 3919 West 89th Street Prairie Village, KS</p>
Hank/Stephanie	Stratemeier	<p>5/21/2013 >Mr. Mayor and City Council Representatives, > >We are writing to let you know how opposed we are to the plans to make >the former Mission Valley School site into a Senior Housing Facility. >We believe, especially for a city of our size, that we have plenty of >senior housing options, including the one that just opened on the >former Sommerset school site that isn't even filled yet. We strongly</p>

		<p>>believe we should leave the Mission Valley site zoned residential, not >allow the special use permit and instead look to find a development >plan that would attract families who will be here for a long time, >raise their children and spend money in our city. Owning a residence >fairly close to the site, we question how the plans comply with >residential zoning. We believe the city leaders over the years have >done a very good job preserving the character and charm of our city and >the idea of this large development is contrary to that character and >charm. We appreciate you listening to the voices of your constituents >and hope you will vote against these plans and wait for the right plan >that is in line with residential zoning and in keeping with the >character and charm of the area.</p> <p>> >Sincerely, >Hank and Stephanie Stratemeier >8500 Fontana >Prairie Village, KS 66207</p>
Patricia	Stratton	<p>To: City Clerk Re: Mission Valley</p> <p>I am writing to express my concern regarding the proposed project for the Mission Valley property. I think just about everything about it is wrong. First it is entirely too dense. There will be inadequate parking, traffic issues and perhaps flooding problems. I feel like the proposal does not fit in with the neighborhoods around it. It is much too grandiose. It will take away a lot of green space. We already have 4 senior living facilities within a 2 mile radius. Starting with a skilled nursing center is not truly residential. It is a business.</p> <p>Sincerely, Patricia M. Stratton, 8400 Reinhardt St., Prairie Village, KS 66206</p>
Walt	Tegtmeier	<p>Dear Prairie Village City Clerk:</p> <p>I'm writing today to voice my opposition to the proposed Mission Chateau development on the Mission Valley site. I am not opposed to senior living or assisted living and would not mind seeing a development for that purpose, but what the Tuter Group is proposing is flat out wrong for the site, for the homeowners in the surrounding neighborhoods, and especially for the city of Prairie Village. The planned size relative to the site acreage is just plain irresponsible and obviously nothing more than an attempt by the Tuter Group to pocket as much profit without any regard to the surrounding community.</p> <p>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development. I'm quite confident if the Tuter Group learned of a comparable development being proposed near their home at 67th and Mission Road, they would feel the same way.</p> <p>Please tell your fellow public servants on the City Council and planning</p>

		<p>commission that this is a bad idea.</p> <p>Sincerely Walt Tegtmeier [wtegtmeier@everestkc.net]</p>
Tim	Tholen	<p>4/9/13</p> <p>Good morning Councilman Clark,</p> <p>I am writing to express my support for the new senior housing development proposed by The Tutera group on the site of the Mission Valley School. The need in Prairie Village for high quality housing for our aging population is quite obvious. Owning a business that specifically works with the senior population has given me some insight into the need for housing options that are designed to allow this vital segment of our population to remain here.</p> <p>Currently, there are limited options for those that wish to sell their homes and downsize. For whatever reason they need to, be it simply a desire for less house, a medical or cognitive impairment, or the fact that their house needs more work than they are willing to do, families need options to remain in Prairie Village. The options are Benton House, Claridge Court or Brighton Gardens. A case could be made for The Forum as a local option as well. I don't know the math, but I can surmise that there are many more seniors in Prairie Village than there are beds in these facilities.</p> <p>Mayor, many of these families have been residents for 50 years or more. They have raised their children in Prairie Village, and are now grandparents to children who go to school in the area. They are customers or clients of local businesses, providing tax revenue to the city. I am familiar with The Tutera Group, and the fact that they are a local Kansas City company with good intentions and a deep understanding of the senior market says to me that this development would be a wonderful addition to Prairie Village.</p> <p>Sincerely,</p> <p>--</p> <p>Tim Tholen Owner</p>  <p>Thoughtful Care Alzheimer's & Dementia Home Care 8340 Mission Road, Suite 118B Prairie Village, Kansas 66208 tim@thoughtfulcare.com http://thoughtfulcare.com</p>
Judy/Bill	Toalson	To Whom it Concerns:

		<p>In reading the recent update on news@prairievillage, I noticed that you have no record of my May 2, 2013 to both of our Councilmen, Mike Kelly and Andrew Wang. I did not realize at the time that I also needed to have a copy of my letter on record with the City Clerk for it to be entered as correspondence in favor of the Mission Chateau Residence Project.</p> <p>Below is the attachment of that letter, dated May 2, 2013. Please include this as another voice in favor of this project. We are hoping that our own Prairie Village neighbors (many were the children that we raised) of 45+ years will step up to accept and care for their senior residents as we did for them and their schools throughout those many years. Now we need their patience and concern to keep us near, safe and happy in Prairie Village.</p> <p>Thank you, Judy and Bill Toalson 3208 W. 71st Street</p>
Georgia/John	Van Dyke	<p>We want to register our opposition to the Tutera project on Mission Road. We have added our voices to the opposition by email to council members during this "comment period" & want to be on record as adamantly opposed to the proposed Mission Chateau.</p> <p>Georgia & John Van Dyke 7905 Roe</p>
Walt	Vernon	<p>I support this project, for all of the reasons advanced by the developers. We might even live there some day. Walt Vernon</p>
Sue	Vile	<p>I am opposed to the Tutera proposal for this land, as it too densely populated. We need more open space.</p> <p>sue vile</p>
Philippe	Vinaimont	<p><i>I would like to let you know that I am opposed to the projects of a "nursing home" from the Tutera group on Mission Road.</i></p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>Philippe Vinaimont [pvinaimont@hotmail.com]</p>
Laura	Vogt	<p>To whom it may concern:</p> <p>My name is Laura Vogt. I am a Prairie Village resident in north Kenilworth. I oppose the massive redevelopment project being proposed by the Tutera Group that would take the place of the old Mission Valley school.</p>

		<p>We have enough retirement/assisted living facilities in Prairie Village.</p> <p>It concerns me that Our Village will be known only as a place to "retire" and not the thriving Prairie Village I have grown up with.</p> <p>The scale and size of the project are ridiculous. There must be a more creative way to utilize this space.</p> <p>How about more mixed use space complete with a Farmers Market/ small community stage for live events/ more shops/boutiques/restaurants and apartments?</p>
Sandy	Waddell	<p>From: Waddell, Sandy <Sandy.Waddell@Rockhurst.edu> To: mayor <mayor@pvkansas.com> Sent: Tue, Jun 4, 2013 7:49 pm Subject: Opposition</p> <p>Please listen to the majority of PV residents who are opposed to the new development on Mission Road. We do not want or need another facility like this in our city!</p>
Sandy	Waddell	<p>I am a resident of Prairie Village and wanted to contact you about 2 concerns: 1) The development proposed on Mission Road is not something that I support. I am very concerned about the size of the structure. I also question whether PV really needs another facility of that kind. It seems that decisions are being made that will really change the complexion of our city. We live at 9100 Buena Vista</p> <p>Sandy Waddell, M.S.Ed</p>
Sandy	Waddell-Hancock	<p>I want to voice my family's opposition to the proposed development on Mission Road.</p> <p>We don't need another facility like this in Prairie Village. Please open up the discussion and hear the voices and concerns of the majority of citizens.</p> <p>Thank you for your consideration. Sandy Waddell-Hancock 9100 Buena Vista</p>
Brett	Walter	<p>Monday, June 3, 2013</p> <p>I have been a resident of Prairie Village since 1995, and am raising my three children in our local schools. It was a HORRIBLE mistake to close Mission Valley, and sink even more money into the sub-par Indian Hills MS. I know PV had nothing to do with it, but it would have been great if the property became another park - Dog Park, Soccer Park, or Lake for all residents to enjoy. The property was sold CHEAP and now we're faced with a hideous retirement community NEXT to one of the premier neighborhoods in all of PV!</p> <p>I am not a bit happy about this development, and would like to see new</p>

		<p>homes built on the site to bring the <u>families</u> back to PV, and not more elderly folks. I know we'll all be old one day, but there are more than enough developments already built for that purpose. To my novice eye, they are far from capacity. We don't need more retail either -- Ranchmart and the strip mall North of it have many available places to rent.</p> <p><i>Let the record show that throughout this planning comment period, I have previously sent e-mails to the Mayor or City Council members voicing my opposition to the development.</i></p> <p>I want to continue living in Perfect Village, and not a community of congested streets, overbuilt property and retirement communities along Mission Road. We have enough already!</p> <p>Thank you, Brett Walter</p>
Myron	Wang	<p>4/27/2013</p> <p>>Dear Council Persons:</p> <p>></p> <p>>My name is Myron Wang and I have resided for the past twenty-five years >in Corinth Downs of Prairie Village. I am writing to you to today to >wholeheartedly endorse the Mission Chateau project.</p> <p>></p> <p>>This proposed retirement community will be a plumb for our City. I > speak with experience of fifty years on the board of the Village Shalom > Retirement Community and its predecessors. I served as president and > chairman of the board in two building projects the last presently being > located at 123rd and Nall.</p> <p>></p> <p>>I know that you have concerns regarding your constituents. During the > development phase of Village Shalom we had town meetings to address the > issues of surrounding neighbors, --one of those issues being car > traffic.</p> <p>></p> <p>>Let me assure you that there there will be no traffic burden concerns. > Retirement community traffic is minimal as most residents do not have > cars and don't drive. I am certain that the traffic ingress and egress > will be nominal compared to the car traffic generated at a middle > school.</p> <p>></p> <p>>Being a Corinth Downs resident, I have watched the evolution of > homeowners leaving our community and going to retirement and/or nursing > facilities. Some are located in the immediate vicinity and as far away > as Lee's Summit and north of the river.</p> <p>></p> <p>>The Tutera Group is a quality, conscientious retirement community > developer and manager. You can ask any of the residents at the Tutera > Group's Atrium facility in Overland Park.. They will tell you about the > wonderful care they receive. A tour of the facility will make evident</p>

		<p>>that Tutera properties are well built and maintained. > >If you have any questions or concerns, you mail email or call me. I >have no proprietary interest in this project except for the fact that >Mission Chateau is a necessary addition to the Prairie Village community. > >Let's keep our aging resident population in Prairie Village! > >Sincerely, > >Myron Wang >70 Le Mans Court >Prairie Village, Kansas 66208 >email: mlw0818@yahoo.com</p>
John	Ward	<p>4/25/2013</p> <p>From: John O. Ward, PhD</p> <p>To: Mr. Charles Clark, Prairie Village Council</p> <p>April 25, 2013</p> <p>Subject: Mission Chateau</p> <p>Dear Mr. Clark:</p> <p>I am writing to you to encourage your support of the Mission Chateau senior living development near 83rd and Mission. I have owned an economic consulting business located at 8340 Mission Road for nearly 20 years. Our eight employees enjoy working in the Corinth area and we have concerns about the future development of the former school just south of our office.</p> <p>I have attended a development meeting conducted by the Tutera firm and I am impressed with their professionalism and project plans. Besides stabilizing the area and increasing the area tax base, this area need this type of facility. My Mother-in-law is a resident at the Atriums, a Tutera assisted and independent living facility on Metcalf, and I have been impressed with the excellence of that facility. I believe the Mission Chateau project meets a real need for elders in this area and the development team has impressive credentials.</p> <p>I have been impressed with the developer's responsiveness to neighbor concerns and I really like the modifications and new renderings of the project.</p> <p>On behalf of a good number of Prairie Village businesses who share the same feelings I do, I encourage your vote in favor of the project.</p> <p>Most sincerely,</p> <p>John O. Ward Ste 235 8340 Mission Rd Prairie Village, KS</p>

		<p>John Ward www.johnwardeconomics.com</p>
Don/Barbara	Wilson	<p>4/24/2013 >Dear Mr. Clark, > >We are writing to express our opposition to the massive retirement >development proposed for the Mission Valley Middle School site. We >believe that Prairie Village needs residential development for younger, >energetic families and that single family homes is the most desirable >use of the property. For a city of itâ€™s size, Prairie Village has a >number of developments aimed at older citizens. Letâ€™s keep the focus >on attracting younger families to Prairie Village. > >Sincerely, > >Don and Barbara Wilson >4603 W. 89 Street >Prairie Village, KS 66207</p>

MVS, LLC

7611 State Line Road, Suite 301

Kansas City, MO 64114-1698

816-444-0900

jct@tutera.com

June 18, 2013

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

Re: **Mission Chateau – Application Numbers PC 2013-05 and PC 2013-114**

Dear Chairman and Commissioners:

I appreciate the Commissioners' service and time committed to this and all projects presented for their review. A mountain of information has accumulated since our submission in early April 2013 along with hours of presentations. Your continued diligence in reviewing these and additional materials is critical to proper evaluation of the development. This memo contains the presentation materials that would have been presented on June 4th, at the second Planning Commission meeting, had time permitted. I hope you agree that cutting back the property owners' presentations to allow time for comments and questions from the Commissioners advanced the understanding of the project.

This memo will supplement my prior narrative, further describe the project, and specifically speak to the size, quality, design, unit count, unit mix, services, lifestyle, and the makeup of the resident population. The elements above are directly connected and integrated to the need and the changing demographics of Prairie Village, which will be discussed.

Please refer to the attachment of slides as an outline of my discussions.

Mission Chateau

A Continuum of Care Retirement Community

At our first work session, I described Mission Chateau as a rental, fee-for-service Continuum of Care Retirement Community (CCRC) comprised of 5 residential housing options.

- Independent Living
- Villas
- Assisted Living
- Memory Care
- Skilled Nursing

The narrative that accompanied our application speaks to the product and services. These have been covered, and I will not speak to this further other than to stress that Mission Chateau's 351 units provide **housing for RESIDENTS—not PATIENTS**. Patients are in hospitals and surgical centers; residents live in homes—just like we all live in homes of one kind or another. What we are building includes 5 different types of homes all suited for seniors. Seniors will live in all the options—from the villas and independent living, offering no assistance in daily living, to the skilled nursing, which offers assistance that is in part provided by a nurse.

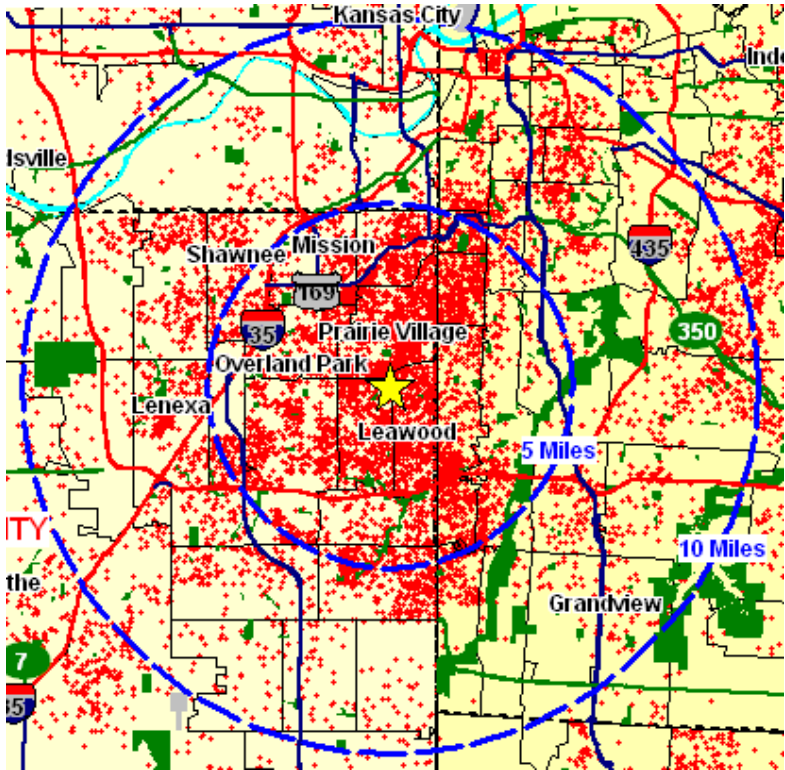
In our neighborhood meeting leading up to our submission, we described at length the number of units, the unit mix and size, lifestyle elements, as well as our site plan and its improvements. This plan changed materially in design, but it retained the CCRC elements along with a unit mix, sizing, and other elements required to sustain a vibrant, quality lifestyle for its community.

When developing a senior living community, unit counts are not an appropriate driver. Unlike apartments or a single-family neighborhood, placing more units on a property does not increase profitability, viability, or lifestyle. Investing \$150,000 per unit in improvements for an ill-conceived, under-utilized residence for the sake of diluting land cost by a few thousand dollars per unit is not good business and is not a motivator. The driver is creating a lifestyle and providing the right mix of residences and services. The following will describe the lifestyle that is being created and how it relates to the number of units and the size of the community for each of the 5 residential options.

Independent Living

Without the Residents, There is No Lifestyle

When creating the sizing and programming for a CCRC, we first look at the market demand and then the existing alternatives. The first component that is studied is the independent living. The independent living facility sets the lifestyle and character of the community. It will be the home for most of the residents and includes most of the lifestyle amenities: pool, spa, fitness area, dining and entertainment alternatives, theater, etc. The studies show that Prairie Village is in the center of the very dense age and income-qualified population. Prairie Village has 7,400 over-65+ seniors. The number of 75+ seniors in the city is 3,400, and this number will grow materially over the next few years as the depression era children are replaced by the baby boomer generation. I will speak to the demographics later, but the demand is very deep, and the lack of supply is astonishing. The need is clear and analysis supports the conclusion that many **Prairie Village seniors leave the city for their senior housing needs**. The dot density map speaks a thousand words.



- Each dot represents one household, age 75+ with annual income of \$50,000 or more. (Age- and Income-Qualified Households “AIQ HH”)

Looking at the map, it is very easy to understand why **Prairie Village has a proportionately**

higher need for more senior living residences than Johnson County as a whole. The need in Prairie Village will increase dramatically over the next few years. The outside rings of Johnson County will see this need in future decades as the current generation ages.

The independent living facility is sized at 160 units. It contains 650 to 1,250 SQFT apartments of modern design and amenities including: walk-in closets, full kitchens, living rooms, dens, large baths, etc. The space dedicated to independent living is 1,310 SQFT per unit, including the common areas, circulation, and amenities. This compares to other full service facilities; e.g., Claridge Court with 1,540 SQFT per unit. Please see the following grid.

Independent Living Facilities Size Comparison

Silvercrest @ Deer Creek	117	Park Meadow	133
Leawood Town Center	187	Atriums	167
Brookdale Place	275	Forum	118
Foxwood Spring	193	Santa Marta	139
Villa Ventura	174	McCrite	123
Kingswood	201	Lakewood	300
Cedar Lake Village	114	Tall Grass Erickson	300
		Average	180

The average size is 180 units. A facility of 160 units is considered “mid-sized.” It is large enough to drive the full range of services and lifestyle being provided at the quality that is desired. The size per unit is consistent with the trend for larger living spaces and more two-bedroom units. We are providing 37%, or 60 units, as two bedrooms. About half these two-bedroom units will be occupied by two residents. Many seniors desire the space for other living areas; e.g., dens, guest rooms, etc. The size also permits a variety of unit sizes and configurations providing residents more choices, a wider price range, and broader market access. All units are market rate rental units—no subsidy. **No buy-in or endowment is required.** Units are offered on a rental basis only, and all services are provided fee-for-service, requiring no long term contract or substantial upfront investment.

Having established the size and program for living spaces, we look at the existing options in the community. Our study was conclusive: **NO RENTAL INDEPENDENT LIVING OPTIONS EXIST IN PRAIRIE VILLAGE.** Claridge Court, developed 21 years ago, offers buy-in occupancy at \$380,000 to \$900,000 per unit along with a monthly maintenance fee starting at \$3,500 per month. Clearly, this is a specialized market. Claridge is the only non-faith-based endowment CCRC in the metro area. It draws from a broad service area as a result. Claridge is full with a multi-month to year-long wait list depending on the unit desired. The closest facility adjacent to Prairie Village is the Forum at 95th and Mission Road, which is currently 24-years old and has no excess capacity.

A modern senior independent living community is not comparable in size, unit count, and design to a mid-rise residential apartment project or single-family development. The design criterion includes, among other factors, reducing the distances between common spaces and the residents’ apartments, security, convenience, and age-appropriate socialization. This lends itself to connected spaces, short hallways, and vertical construction multiple wings off of one central core. As a result of this design, there are fewer buildings with smaller impact on lot coverage (22.9%), more total green space (52%), and the ability to concentrate green space in large areas (5.34 acres of parks).

Villas

The Most Flexible Housing Choice in a Senior Community

Villas are the most independent form of senior living. This product offers the highest level of choice and independence in a rental, maintenance-free lifestyle while maintaining access to all the amenities of the community. The villas are not row homes. They are 2,235 SQFT custom homes in a single-family and duplex configuration. Each home has unique architectural elements making it a **one-of-a-kind residence**: spacious back yard, patios, vaulted ceilings, private entrance, and two-car garage.

Mission Chateau has strategically placed the villas to the south of the property, 35 to 80 feet from our property line and creating a 150-foot transition space to the south. As exhibited in May, the view of the villas and the improvements to the north of the villas are screened by the natural vegetation and/or the villas themselves. The villas are a desirable choice for couples who are moving from a single-family residence, maintain an active lifestyle, and desire CCRC community benefits.

Eleven villas exist to complement the 160 independent living units. **THERE ARE NO SENIOR VILLAS OF ANY KIND IN THE COMMUNITY.**

Assisted Living

Our Assisted Living is a Residential vs. a Medical Model

To understand the lifestyle and features of Mission Chateau, you need to understand the progression of assisted living over the last 20 years. There are many types of assisted living products, and the product continues to evolve. The earliest of the assisted living facilities were intermediate care facilities within convalescent homes. From the 1950s through 1980s, there were nursing homes that contained both a skilled care level of service and an intermediate care. Intermediate care was for residents that could no longer live independently and needed assistance with some daily living activities, nutrition, medications, bathing, etc.; however, they were otherwise physically independent and did not need the care of a nurse. The accommodations were the same as the old style nursing home: double-loaded corridors (doors on the right, doors on the left, and 6-foot hallways down the middle), semi-private, and 220 SQFT rooms with a curtain down the middle of two beds, no private bathing, and limited or no private space. The entire facility would be 400 SQFT per unit (and most units were semi-private). This progressed to the first assisted living facilities. Brighton Gardens was one of the first prototype facilities that gained a large market appeal. It consists of 82 units with 15% semi-private occupancy providing for 94 residents. The design was a substantial step in the right direction, moving the first few steps away from the medical model. Twenty years have now passed; the senior population has grown by leaps and bounds; and the product has evolved. Seniors desire larger private living space, more independence, and a home-like environment. The earlier design of a studio apartment with a mix of semi-private occupancy is no longer acceptable. The Brighton Gardens building is 600 SQFT per unit. The bulk of the units are 325 SQFT. Benton House building is 667 SQFT per unit based on 47 units. It has 23% semi-private occupancy for 58 residents.

Mission Chateau is the next generation of assisted living based on a residential/social model. Rather than develop our assisted living as another evolution of the medical model of the past, our model builds from the ground up, based on the independent living residential model. It provides a living environment and lifestyle for seniors who are accustomed to independent living, either in their current homes or within one of our independent living residences or villas, and now need some assistance, but who are

otherwise independent. This resident does not want to move out of his/her home into a studio unit, and s/he definitely does not want to lose the privacy and dignity of private occupancy. This resident wants space that accommodates his/her furniture and keepsakes, a true one-bedroom apartment, large closet, a living room, and a bedroom. Some residents and spouses desire a two-bedroom unit. They want all the amenities of the CCRC that their friends and neighbors enjoy.

To develop this lifestyle and the quality of this community, our facility provides 1,000 SQFT per unit as compared to 600 or 667 per unit. The apartments at Mission Chateau are twice the size of those at Brighton at 576 to 888 SQFT; they are apartment residences not a room or a studio. Once we established the product, we focused on the right number and mix of units. Please see the following grid.

Assisted Living Facilities Size Comparison

	Units		Units
Freedom Point	100	Sunrise Leawood	53
Brighten Gardens *	94	Park Meadow *	96
Benton House *	59	Sunrise Lenexa	63
Lamar Courts	86	Sunrise Lenexa	63
Rose Estates	80	Bickford AL- OP *	60
Brookdale Place	40	Santa Marta	32
Village Shalom	54	Sunrise OP	40
Atriums	35	Average	64

* Semi-private occupancy reflected as two units

The sample average size is 64; facilities range from 100 to 32 units adjusting for semi-private occupancy. The size is not driven by density standards similar to residential developments as mentioned earlier: it is driven by services and lifestyle. To drive the services, a minimum number of residents are needed. Personal care assistants are on site 24/7. Programming includes activities, wellness, and socialization, which requires a minimum number of participants to generate the lifestyle desired. Keep in mind that all **our units are private occupancy**, and many of the smaller facilities were built in the early years of assisted living or as conversions and were limited by prior design decisions. Mission Chateau contains 10 two-bedroom units and 50 one-bedroom units. There are no two-bedroom units in the market. **THERE ARE NO COMPARABLE RESIDENTIAL MODEL FACILITIES IN THE MARKET.** The Brighton product is 16-years old and is full. The Benton House product serves a more specialized need and is 50% occupied after a few months of operation. Neither product offers its services in connection with a CCRC.

Memory Care

Our Memory Care is a Social Neighborhood vs. Medical Model

Memory care design, services, and programming are best understood by referring to the concepts discussed above for assisted living. Memory care facilities represent a very large need in the senior

community, particularly as residents, or their spouses, age in place. Memory care is a subset of assisted living, but the design of the living space is very different and is extremely important to the quality of life. The residents’ needs are very much centered on the environment and their interactions with that environment. The design of Mission Chateau’s memory care sets the standard for quality and forward-thinking design. It is a culmination of years of research and prior experience from studying the shortfalls and best characteristics of earlier generations of facilities.

The memory care facility is designed around a neighborhood concept. It is on one level surrounding an interior courtyard. The design is based on residential elements originating on the exterior and continuing throughout the interior. The design provides for single-loaded corridors, high ceilings, clear views to green space from every location, no closed-end hallways, and all private occupancy. Each unit contains a private living space and bath to preserve the resident’s dignity and quality of life. This compares to the medical model of double-loaded corridors still being built today. These units consist of a row of doors on the right, a row of doors on the left, with a dead-end corridor at one end, and locked door at the other. They typically consist of the smallest studio units within the facility. Mission Chateau is a huge departure from this model and will set the standard in the metropolitan area for the highest quality, state-of-the-art memory care residences.

Mission Chateau’s memory neighborhood shares support space, kitchen, housekeeping, business office, etc. with the skilled nursing center that is attached in a two-story structure to the north. The memory care neighborhood is 766 SQFT per unit as compared to approximately 490 SQFT for Brighton Gardens and Benton House. The residences at Mission Chateau are 570 SQFT per unit. Brighton’s units are 240 SQFT studios. Benton’s semi-private units are 371 SQFT; private units are 300 SQFT.

Similar to the assisted living model, a minimum number of residents are required to drive the personal assistance and other specialized staffing and programming desired. Please see the following grid.

Memory Care Facilities Size Comparison

	Units	Residents		Units	Residents
Park Meadows	37	48	Sunrise- Overland Park	20	26
Clarbridge	34	38	Sweet Life Brookdale Place	40	45
Village Shalom	12	12	Sweet Life Shawnee	54	57
Benton House **	24	44	Homestead- Olathe	43	46
Cypress Springs	66	66	Bickford OP	30	30
Heritage Center	48	48	Stratford Commons	47	57
Emeritus	56	56	Forum	30	34
Sunrise- Leawood	30	38	Santa Marta MC	16	18
Sunrise- Lenexa	38	38	Brighton Gardens *	24	25
			Average	38	43

** with approved addition 12 units 22 residents

* Based on 84 ALF

On average, there are 38 units with 43 residents in a memory care facility. Mission Chateau has 36 **all-private residences**. Benton is currently 12 units with 83% semi-private occupancy with 22 residents. With its approved expansion, it will be 24 units with 44 residents. Brighton has 24 units with 25 residents. As mentioned, memory care need is a subset of the assisted living demand. The demand for these services is deep. **NO SIMILAR PRODUCT EXISTS IN PRAIRIE VILLAGE, AND NO PRODUCTS EXIST WITHIN A CCRC.** Mission Chateau residences are unmatched by any existing facilities in the county.

Skilled Nursing

All Skilled Nursing Is Not the Same – Neighborhood Design

The need for skilled nursing in the community is largely unmet. Skilled nursing represents 41% of the senior housing need in Johnson County. Many Prairie Village seniors require skilled nursing on a short- and/or long-term basis.

Skilled nursing conjures up in many people's minds the image of a convalescent home of decades earlier. These facilities were based on a medical model. The living environment mimics that of a hospital. Again, double-sided corridors, nurse stations, concentrated dining and social spaces. Over the years, this model has been evolving; however, with the exception of very few facilities, it has yet to break out of this mold. Most facilities are an adaptation of prior medical models based on the limitation of the original designs. The trend is toward private occupancy and residential settings, architecture, and living spaces on a residential scale. Progressive facilities, like Mission Chateau, are built around a residential and social model much like assisted living. A typical skilled nursing facility, such as Brighton, is 400 SQFT per unit with semi-private occupancy, shared bathing, and limited personal space. Resident rooms are typically 220 SQFT.

On the other hand, Mission Chateau is 766 SQFT per unit. The residents' suites range in size from a typical 315 SQFT unit to 515 SQFT for a semi-private suite, which suite may be occupied by two residents or by one resident who desires a bedroom and a den. The units are of the same size as many of the assisted living units currently available in the city.

More importantly, this skilled nursing is designed around neighborhoods of 7 suites. The neighborhoods, similar to the memory care neighborhood, are based on single-loaded corridors with the same strict adherence to the residential scale and the view of exterior and interior green spaces from all vantage points, and with no dead-end hallways. The neighborhoods contain a den and dining and entertainment space scaled to the 7 residential units that are adjacent. The suite has a full private bath, media area, coffee bar, and will accommodate the resident's personal furniture if desired. The design of the **neighborhoods can be seen in the exterior elements**, making the facility look nothing like the institutional nursing home of years ago. This community is truly a leap forward in design and lifestyle

for seniors who need a residence that meets their health needs and that in part provides assistance by a nurse.

The proper size of the skilled nursing residence is relative to the size of the CCRC. It is also **proportionate to the need in the community**. It is not driven off of density calculation, like multifamily or a single-family subdivision. The size is relative to the quality, services, programming, and lifestyle that will be offered to the residents. Mission Chateau is in the middle- to small-range of skilled nursing facilities with 84 units. Mission Chateau is on two floors with about 42 units on each floor, one for long-term residents and the other for short- to mid-term residency. Mission Chateau is 24% skilled nursing, (84 of its 351 units). Claridge Court's is 25% (45 out of 180). Brighton Gardens' is 27% (45 out of 164). All of Johnson County has 3,338 of its 8,140 senior living population in skilled nursing, or 41%.

There are two facilities in the city: Brighton Gardens, 28 units with 45 beds, 60% semi-private occupancy; and Claridge Court, 45 units, all private occupancy. As mentioned, Claridge Court is a buy-in life care facility requiring an upfront investment of \$380,000 to \$900,000, plus an ongoing monthly maintenance fee. For this buy-in, residents are provided lifetime access to the skilled nursing on a priority basis for its current and former independent living residents and their spouses. Claridge is 21-years old and has a wait list as well as a mature group of residents that live in the skilled care facility. Access is very limited as a result and will remain restricted and limited. Mission Chateau will be the only facility that offers the skilled nursing as part of a rental CCRC. It will allow **PRAIRIE VILLAGE RESIDENTS THE HIGHEST QUALITY LIFESTYLE AND RESIDENCE, UNMATCHED BY ANY FACILITY IN THE METROPOLITAN AREA**, while allowing the senior or their spouse to stay in their community close to family, friends, and community services.

Summary and Benefit

Mission Chateau's forward-thinking design and the programming will provide the highest quality lifestyle and residences for the seniors of Prairie Village, while exceeding all planning guidelines, improving public safety, reducing noise and traffic, reducing the volume while improving the quality of water runoff, and increasing the adjacent property values, just to name a few.

Mission Chateau represents a 500% larger investment in the community as compared to a single-family residential development. As a result, Mission Chateau will directly generate, through real-estate taxes alone, enough income to cover approximately 6% of the City's operating deficit, as averaged over the last 4 years.

Although we have a clear mission to the highest quality residences to the seniors of the community, we recognize the need to conform to all development standards. As such, the original plan proposed in the fall of 2011 **met or exceeded all the requirements; and no variances of any kind were being requested**. However, through direction from the City's staff and its consultants, as well as through the feedback

from multiple neighborhood meetings, we were able to make substantial changes in scale, circulations, storm water treatment, parking, height, setbacks, green space, unit count, and density. **These were not minor changes**, rather a completely new site layout, circulation, floor plans, facility programming, elevations, and engineering. These plans were prepared after our first submission ready-set of plans were completed and tendered to the city for review in late 2011. The plan now being considered for approval represents the culmination of many months of work. Nevertheless, all these comments were void of Planning Commission comments; and as such, **we are hard at work to preserve the quality and lifestyle of the community while improving the plan in the areas noted**. I respectfully request that you consider the quality of the lifestyle, the benefit to the community, and the sensitivity of the design to the function.

Thank you in advance for you continued diligence in the review of these and other materials, and we look forward to our July 2nd work session.

Sincerely yours,

Joe Tutera

Joe Tutera
MVS, LLC

Attachment



6201 College Boulevard, Suite 500, Overland Park, KS 66211-2435 • 913.451.8788

June 14, 2013

John D. Petersen
(913) 234-7405
(913) 451-6205
jpetersen@polsinelli.com

Via United States Mail
Via Email

Mr. Dennis Enslinger
Mr. Ron Williamson
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

**Re: Mission Chateau - Application Numbers PC2013-05 and PC2013-114
(the "Project")**

Gentlemen,

In my capacity as Applicant for the above-referenced Project I am writing in the wake of the Public Hearing, Session II, held on June 4, 2013. My purpose is to address several fundamental concepts of the Project and clarify, for the record, our position in regard to issues they present. I am compelled to utilize this form of communication as we move towards the July Work Session and August continuation of the Public Hearing given the disproportionate time allocated to date to the Mission Valley Neighborhood Association ("MVNA") and its surrogates.

As you know, at the completion of those comments, representing well over 3 hours of total testimony, the Applicant deferred much of its time so that we could finally receive input from members of the Planning Commission and answer questions they had at this stage of the process. Our goal in doing so was, and remains, to fully explore all options to address legitimate concerns while at the same time maintaining the integrity of our Plan. I am concerned that this decision has unintentionally diluted our steadfast position in regard to fundamental components of the Application. To clarify same, I respectfully submit the following:

First, we reject any assertion that the size, scope and design of the Project is a "loss leader" presented as a strategy to ask for more but all the while being most willing to accept less. **You will receive under separate cover the testimony Mr. Tutera planned to present on June**

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6 which outlines in detail the research that went into designing a state-of-the-art senior neighborhood based on community needs identified by the City itself in 2011. For MVNA to suggest our willingness over a 12 month period to make fifteen modifications to address their concerns and to explore further changes reflects gamesmanship is, at its best, disingenuous. To be clear, we are working on modifications that in our opinion are significant but they will be designed to maintain our vision of a home for seniors with options at hand for the continuum of care they need.

Secondly, we reject any suggestion that the size and density of our project should be regulated by the design metrics presented by the Benton House development. Despite the incessant assertions by Mr. Duggan that “common sense” is the only planning tool to be utilized and, based on cherry-picking a few lines from case law, suggesting the review process is some sort of spiritual crusade—compatibility is to be determined within the context of objective design criteria set forth in City Ordinances. It is understandable that he falls back on such whimsical standards in an effort to make his case given that our project meets and/or exceeds every single criteria against which the Code requires it to be evaluated.

At the least, it appears Mr. Duggan has abandoned his diversionary and irrelevant efforts to compare our projects to retail and other commercial developments. I welcome a focus on projects with similar uses. That said, it is interesting that he chooses Benton House and ignores more comparable facilities such as Brighton Gardens and Claridge Court. Benton House is distinguishable from Mission Chateau based on a number of factors, including but not limited to, its singular focus, adjacent uses on three of four sides and the type of Public Street upon which it fronts. Brighton Gardens and Claridge Court provide more relevant opportunities for comparison and reasonable benchmarks to judge the existence of any actual negative impacts. Of particular relevance is Claridge Court in that it comports with the most salient comments made at the June 6th Hearing – that the subject property is a transitional piece that should be designed to transition from higher density uses on the north to less density on the south. The exact focus of our proposed plan. In regard to the City’s historic approach to similar circumstances, I would suggest the comparative chart set forth below speaks for itself.

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DENSITY/BULK

	PROPERTY NAME	PROJECT COMPONENTS	STREET FRONTAGE	LOT SIZE (ACRES)	BUILDING S.F.	# OF UNITS	UNITS/ACRE	S.F. PER ACRE
1	Claridge Court	Skilled Nursing	Arterial & Collector Streets	4.78	253,818	180	37.66	53,100
2	Mission Chateau	Independent Living Apartments, Independent Living Villas, Assisted Living, and Skilled Nursing	Arterial Street	18.43	387,244	351	19.05	21,012
3	Brighton Gardens	Assisted Living, Memory Care, and Skilled Nursing	Arterial & Collector Streets	4.42	80,382	152	34.39	18,816
4	Benton House	Assist Living and Memory Care	Collector Streets	6.8	49,000	87	12.79	7,206

BUILDING/LOT FRONTAGE

Claridge Court	-	along Somerset	Lot = 520 feet and Building = 460 feet (88% frontage)
	-	along Mission Rd.	Lot = 435 feet and Building = 340 feet (78% frontage)
Mission Chateau	-	along Mission Rd.	Lot = 1100 feet and Building = 530 feet (48% frontage)
Benton House	-	along Belinder	Lot = 590 feet and Building = 251 feet (43% frontage)
	-	along Somerset	Lot = 501 feet' and building = 255' (51%)
Brighton Gardens	-	along Mission Rd.	Lot = 271 feet and building = 217' (80%)

To be clear, I am not suggesting that meeting or exceeding design metrics in and of itself mandates approval-but-it shifts the burden to those in opposition. Too big, too massive, too dense, must have some discernible, provable ramification to have weight. An "opinion", based on admittedly no data, that a three story building, set back approximately 200 feet, will reduce property values rings hollow when compared to the actual sales-based analysis submitted by the Applicant's expert. And clearly, stated personal preferences for a school, public park and/or single family homes do not carry the day.

Third, the lengthy commentary presented on behalf of MVNA regarding issues of phasing and when and in what sequence the Project's components will be built is once again a diversionary tactic to avoid substantive discussions about planning issues. Although lengthy lectures about chicken coops and outhouses are entertaining to a point, the bottom line is this—Mission Chateau will be constructed in accordance with the requirements of the City of Prairie Village Ordinances as interpreted by the City Attorney. End of Story.

Fourth, I want to briefly address a new theme presented by MVNA during their June 6th presentation. One that I would suggest may well cut to the philosophical heart of this debate.

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Citing the infamous J. C. Nichols, it was suggested in essence that what was designed in the late 1940's is cast in stone in all aspects and any change in community vision as to redevelopment should be dismissed out of hand. In response I would suggest the City has already rejected such a notion.

In regard to the need for more senior housing to meet demographic trends the City Master Plan calls for additional development of this nature and in fact, referenced the subject property as being appropriate for same (**Prairie Village Parks and Recreation Master Plan, Demographics-Page 1-5**). But more striking in this regard is the City's stated vision for Corinth Shopping Center as set forth in **Village Visions-Strategic Investment Plan**. Therein, in a Vision recommended by the Planning Commission and adopted by the Governing Body in 2007, the City advocates redeveloping and increasing Corinth Square from its existing 200,682 square feet of retail and offices to a mixed-use development of over 500,000 square feet - a 45% increase. The City's rationale set forth below is enlightening;

“Fiscally, the City has very few opportunities to increase population, property valuation, sales, and ultimately revenue through new development. This is because Prairie Village is basically landlocked, leaving the alteration or intensification of existing land use as the most viable option to bolster the City's fiscal health.” (Village Vision Strategic Investment Plan, Center Redevelopment – Corinth Square, Page 7.2)

Finally, a few comments to issues that have continually been brought up as reasons to deny our Project ;

1. Detention – Our detention facility as designed has been reviewed and approved by City Public Works Staff. Assertions that this design will create an attractive nuisance and/or become a generator of pestilence and plague is ridiculous. Requests that our storm water facility should be built under ground is yet another diversionary tactic designed to increase costs in the hopes the Project is not economically viable. – Real life example that our design is safe and efficient – please see detention facility approved, built and operational for Benton House.
2. Skilled Nursing Facility – Great dramatic effort has been made in an effort to raise concerns regarding the types of treatment and procedures that would take place in our skilled nursing facility. There are currently 90 skilled nursing beds in the City of Prairie Village. Forty-five beds as part of Brighton Gardens and 45



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beds at Claridge Court. Unless Dr. Saderlee can point to one, issue, or circumstance that has presented a problem for nearby residents or the community at large – may we move on to relevant factors for consideration?

Gentlemen, I would request that a copy of this letter be provided individually to each member of the Planning Commission. I understand and acknowledge this correspondence will be posted on the website and made available to the public. Also, could we be sure that each member of the Commission has a copy of both our Traffic Study and Storm Water Study?

I will thank you in advance for your cooperation. If you have any questions in regard to my comments herein, please feel free to contact me.

Sincerely

A handwritten signature in blue ink, appearing to read "J. D. Petersen", with a long horizontal flourish extending to the right.

John D. Petersen

JDP:jlh
Attachments
072868 / 449966

An architectural rendering of a large, multi-story senior living community. The building features a mix of brick, stone, and wood siding, with multiple gables and dormers. A covered walkway runs along the front of the building. In the foreground, a paved area shows a man in a light blue shirt and dark trousers walking towards a silver sedan. Other cars, including a red one, are parked nearby. The scene is set in a lush, green environment with trees and shrubs under a bright sky.

Mission Chateau

Description of Living Units, Services, and Need

Independent Living Amenities

Community

- “ Concierge’s desk
- “ Valet
- “ Multiple Dining Options
- “ Theater
- “ Wellness Center
- “ Entertainment rooms
- “ Indoor swimming pool and spa
- “ Access to Assisted Living Apartments, Memory Care, and Skilled Nursing Neighborhoods

Apartment

- “ 700 to 1,300 sqft apartments
- “ Full kitchen
- “ Living room
- “ Bedroom
- “ Full bathroom(s)
- “ Walk-in closet
- “ Balconies

Independent Living Options in PV

There are no Rental Independent Living units

Mission Chateau

160 units

- “ **New**
- “ **1,310 sqft per unit**
- “ **No buy-in required**

Claridge Court

0 units

- “ **21 years old**
- “ **1,540 sqft per unit ***
- “ **Buy-in \$380,000 to \$900,000**
- “ **Full with wait list**

***(assumes 45,000 sqft SNF of 253,000)**

Independent Living Villas in PV

There are no Senior Villas

Mission Chateau

11 Units

- “ 2,235 sqft villa
- “ Two car garage
- “ 10’ ceiling
- “ Large picture windows
- “ Individual architecture and style
- “ Private patios and entry

Market

0 Units

- “ 24/7 monitoring
- “ Maintenance free
- “ Full access to Mission Chateau Independent Living community services

Assisted Living Options in PV

Our Assisted Living is a Residential vs. Medical Model

Mission Chateau

60 units

- " New
- " **1,000** sqft per unit
- " **All private occupancy**
- " Full access to Continuum of Care

Brighton Gardens & Benton House

82 & 47 units

- " Brighton -16 years old & Benton - new
- " Brighton - **600** sqft & Benton - **667** sqft per unit
- " Brighton **15%** and Benton **23% semi-private occupancy**
- " No Continuum of Care

Memory Care Neighborhood

Our Memory Care is a Residential vs. Medical Model

Mission Chateau

36 units

- “ New
- “ **766** sqft per resident
- “ **All private occupancy**
- “ Residential Design
- “ Full access to Continuum of Care

Brighton Gardens & Benton House

24 & 12 units

- “ Brighton - 16 years old & Benton - New
- “ Brighton - **490** sqft & Benton - **492** sqft per resident
- “ Brighton - **5%** & Benton - **83% semi-private occupancy**
- “ Double loaded corridors
- “ No Continuum of Care

Skilled Nursing Options in PV

All Skilled Nursing is not the same

Mission Chateau

84 units 100 beds

- “ New
- “ **Residential Design** - Neighborhood
Private den, library, dining area
Residential scale and feel
766 sqft per unit
- “ **Private occupancy suites**
- “ Full access to Continuum of Care

Brighton Gardens & Claridge Court

45 & 45 beds

- “ Brighton - 16 yrs & Claridge - 21 yrs
- “ **Medical Design**
Double loaded corridors
No private courtyard
Typical size **400** sqft per bed
- “ Brighton **60% semi private** & Claridge
priority access to **buy-in** residents
- “ No Continuum of Care

Size of Skilled Care to Total Senior Housing Options

Mission Chateau
24% - 84 of 351

Claridge Court
25% - 45 of 180

Brighton Gardens
27% - 45 of 164

All Of JOCO
41% - 3,338 of 8,140 *

(Duggan 5-2-2013 Memo to PV)

Demographic Trends in Prairie Village

Population

(Source: City of Prairie Village)

- “ The population has **decreased** by **21.5%** since its peak in 1970
 - **28,378 to 22,272 in 2010**

Demographic Trends in Prairie Village

Age Cohorts and Family Information

(Source: Prairie Village Parks and Recreation 1980 to 2008)

- “ The **Senior** population (65+) **increased 74%**
- “ The 24 and **younger** population **decreased 18%**

Demographic Trends in Prairie Village

Household Types Trends

(Source: Prairie Village Parks and Recreation 1980 to 2008)

- “ Family Households decreased 23%
- “Empty Nesters” increased 38%

Demographic Trends in Prairie Village

Senior Population Trends

(Source: MVNA 5/7/2013 Memo)

<u>65+ Population</u>	
2013	2018
6,680	7,407

<u>75+ Population *</u>	
2013	2018
3,386	3,410

* Depression period low birth rate

Seniors in Prairie Village

**Prairie Village demographics are changing.
Prairie Village lacks adequate senior living options.**

The need is increasing quickly.

Prairie Village Seniors are being displaced outside their community.

Comparable residences and lifestyle options do not exist.

**Mission Chateau will provide the highest quality services and lifestyle
in a state of the art community, designed as a residential model,
providing its residents independence and options as their needs change.**

Mission Chateau Modifications Per Input From Neighbors

- No mixed use**
- Increased green space**
- Buildings shifted north**
- Building heights reduced**
- Add Villas along SW boundary**
- Delivery shifted to North**
- Main drive shifted to interior**
- Walking trails, micro park & dog park**
- Reduce building size on Mission Road**
- Water run-off reduced**
- Number of units reduced**
- AM Traffic Reduced**
- Employee count reduced**
- No lights at perimeter**
- Crosswalk to remain**
- Employee Parking moved to the north**
- Contributes to the Revitalization of the City**
- Allows current PV residents to remain in community**



STORM WATER TREATMENT: Health and Safety Issues

- Preliminary Stormwater Management Study
 - Increases impervious cover on the site and redirects stormwater to the northeast corner
 - Utilizes:
 - Swales
 - Rain gardens(3)
 - “The majority of the site will be treated utilizing the detention basin as an extended detention basin.”

Terms

- Retention
 - “Wet Ponds”
 - Facilities that maintain a permanent pool
- Detention (M.C.)
 - “Dry Ponds”
 - Contain water only in the aftermath of runoff events
 - Water is retained and released into Dykes Branch over 1-7 days.

Dry Detention Basin A Safety Issue



Dry Detention Basin

Dry



After Heavy Rain



M.C. Dry Detention Basin



Concerns Regarding Detention

- Substantially increased impervious area increases the risk of **downstream flooding**.
- This is not covered by homeowner's insurance. Flood insurance may cover basement/sump pump damage but not carpet, rugs etc.
- If due to maintenance problems the city may be liable for a nuisance action.

Concerns regarding Detention

- Extended Detention Basins can retain water and breed mosquitoes.
- West Nile Virus is now endemic in our area.
- Transmission to humans is becoming more common.



Concerns regarding Detention

- In the M.C. proposal, substantial additional stormwater travels over ground collecting:
 - Pesticides
 - Herbicides
 - Bacterial contamination (e. coli)
 - Chemicals such as coal tar sealants on driveways and parking lots. These sealants are among the worst culprits in contamination. They contain chemical compounds classified as carcinogens (cancer causing) and are known as PAHs (polycyclic aromatic hydrocarbons).
 - These compounds and bacteria all collect, accumulate, multiply and concentrate in the bottom of a detention pond and later are released downstream.
 - Dry detention ponds have only moderate pollutant removal and are ineffective at removing soluble pollutants.- cfpub.epa.gov

Concerns regarding Detention

- Johnson County is scheduled for regulation in the area of stormwater runoff pollution into neighboring streams and rivers.
- We have concerns that this will not be adequately monitored & regulated



Satellite View –Corinth School Across from Mission Valley Site



Childhood Drowning

- Center for Disease Control
 - 2004 of all children ages 1-4 that died 26% were from drowning.
 - 2005 In children age 1-14 drowning remains the second leading cause of unintentional injury-related death.
- Detention Ponds can have rapidly rising water levels trapping children by unseen vortex flows. Also retain water 1-7 days
- Children are often attracted to stormwater facilities.
- “Although it is not feasible to anticipate every public safety risk, many scenarios are foreseeable and can be accounted for during design”
 - *Stormwater Magazine*, January/February 2006

Internet articles

www.neverleaveachildunattended.org/press_articles/june2602

NEVER LEAVE A CHILD UNATTENDED

Press Room

Editorial: A child drowns . . .

a family grieves, and all parents are reminded to supervise their kids.
Originally published on TCPalm.com - June 26, 2006

Never leaving a child unattended by an adult or a responsible teen is difficult. Parents are busy, children are curious, hazards abound.

The only thing more difficult is losing a child to one of those hazards.

Amber Lynn Jerrells' family has just suffered such a loss, and the hearts of Indian River County go out to them.

The 23-month-old Amber wandered away with her 4-year-old brother from a house full of family members. The two toddlers were pretty quickly missed. But Amber was found in a nearby retention pond, too late to save her.

Grieving families are also angry families at themselves, at fate and, sooner or later, at whoever had a hand in creating the hazard that cost a life. That will include anyone connected with the creation, maintenance and regulation of the retention pond.

Storm-water ordinances overseen by the county Engineering Department govern the enclosure of retention ponds. They are no clearer than the water in some retention ponds, requiring certain slopes in certain developments or a barrier of some sort. And there seems to be a general exception that both developers and county officials have gotten hazy and lazy about: A developer can assert that a pond is "designed to serve as an "aesthetic amenity" and presto! No retaining wall, no fence.

Who decides whether it actually turns out to be an aesthetic amenity or how they should decide, the code doesn't say. And the Engineering Department has all but handed that say-so to developers.

"Sensitive to art and beauty; showing good taste; artistic" that's how Webster's defines "aesthetic." Beauty may be in the eye of the beholder, but the vagueness of the code section and the unchecked discretion officials allow developers on this score too often add up to grassy slopes, a couple of palms and a pond that is neither aesthetic nor safe. That has to change.

The fact remains, though, that unattended toddlers can and do drown in buckets, swales and bathtubs. Though residential pools must be enclosed, residential pools are, nationwide, the most frequent place

jacksonville.com/tu-online/stories/061806/met_22139430.shtml

5-year-old boy drowns in a retention pond | Jacksonville.com

Published Sunday, June 18, 2006

5-year-old boy drowns in a retention pond

By **KEN LEWIS**
The Times-Union,

As her 5-year-old grandson was being rushed to Shands Jacksonville hospital, Sandra White wrung her hands and wailed with grief.

She lingered outside her son's home, staring at the retention pond where her grandson had been found.

Within minutes, more screams broke out inside the house.

A family member had called.

The boy, Labian White, was dead.

"How many kids have to die because of retention ponds?" White yelled at those who had been drawn by the commotion at the mobile home park on 103rd Street. "They need to put fences up. They need to protect our kids."

Labian drowned about 11 a.m. Saturday while playing with other children at Woodland Estates mobile home park. Panicking playmates alerted the boy's family, who raced to the pond to search for the child. His father thrashed through the murky water, finally finding his son, family members said.

Labian

By that time, though, Labian was limp and his lips were blue.

No foul play is suspected in the death, Jacksonville Sheriff's Office Sgt. Rick Hike said. The boy was playing with other children when he fell in or went into the water at the mobile home park at 9359 103rd St., Hike said.

A police officer administered CPR, but the boy was pronounced dead at the hospital, Hike said.

Unintentional drowning claims hundreds of children each year nationwide, according to the Florida Department of Health. More children between the ages of 1 and 4 suffer unintentional drowning in Florida each year than in any other state, statistics show. Including ages 1 to 9, the total number of those drownings in the state reached 73 in 2005 and 67 in 2004.

Family members described Labian as a smart and happy child who loved video games and cartoons. He was the oldest of three children, including 4-year-old and 18-month-old sisters. He had just graduated from preschool a month earlier.

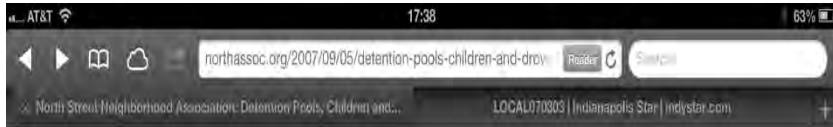
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Articles



"You turn your back for a split second and it's over," [his grandmother] said.

[FortBendNow, 6/12/06: "2 Young Fort Bend Children Drown In Separate Incidents Sunday"](#)

A sheriff's investigator was told that Chiedza Nhubu, a mentally disabled 7-year-old girl, had wandered away from her home and was discovered in a nearby retention pond by the girl's father. "A bystander was walking by during this time and he called Fort Bend County 911," sheriff's reports said. "The dispatcher instructed him on how to perform CPR."

The girl was transported to St. Catherine's Hospital in Katy, where she was pronounced dead Sunday evening.

[Illinois Court Opinions: Mahmoud Mostafa, Naimah Salamah, et al. v. City of Hickory Hills, Hickory Hills Park District, American National Bank and Trust Company, and Asghar Mohsin](#)

Plaintiffs' decedents, Adel Mostafa, age two, and Amgad Salamah, age three, fell into a manmade lagoon in a public park near a playground and drowned...

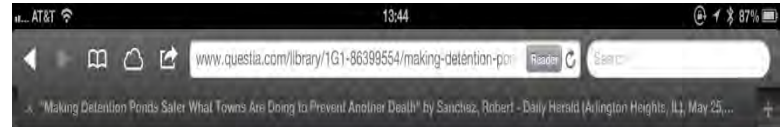
The manmade lagoon, assertedly filled with murky water, was located forty-five feet away from the playground...

On November 9, 1993, the two boys left their apartments, allegedly without the knowledge of their families, crossed the street, entered Martin Park, played in the playground until they allegedly spotted a flock of wild geese drinking water at the edge of the lagoon, ran toward the geese, began to chase them, and slipped into the lagoon and drowned...

...in Cope, plaintiff's decedent, a seven-year-old boy, fell through ice that had gathered on a retention pond, which was partially frozen...

...in Stevens, a seventeen-month-old child fell in a retention pond...prairie grass partially obscured it from view...

Kohl Construction's [condo proposal](#) shows five detention pools and their proximity to the condo units. Most units will have bedrooms, so we presume the development would house a number of young children.



Making Detention Ponds Safer What Towns Are Doing to Prevent Another Death

Daily Herald

By Sanchez, Robert

Newspaper article from *Daily Herald* (Arlington Heights, IL)

[Article details](#)

Beginning of article

Byline: Robert Sanchez Daily Herald Staff Writer

It began with the death of a child.

Six-year-old Mark Fornek of Bolingbrook drowned after being sucked into a drain pipe during a flood in August 1998. He had been playing with a toy boat in a storm water pond near his neighbor's yard when the accident occurred.

The youngster's death raised public awareness about the dangers of storm water ponds. The 12-inch drain the boy got trapped in didn't have a grate.

Lombard was among the area communities that inspected storm water ponds in the wake of the

Previous Next

Ads by

“W.A.R.N” Program

- **W**ater
- **A**wareness
- **R**esidential
- **N**eighborhoods

Detention Basin Across the Street from Corinth Grade School

“Attractive Nuisance”

- “ a dangerous condition which is likely to attract children on their property”

-definitions.uslegal.com

- *Fences* can actually *attract children* and impede firefighters in the event of a drowning rescue.

-usfa.fema.gov, Hansen, Hazard Assessment for Water Retention and Detention

Solution: Underground Detention



M.C. Detention Basin:

- It should be underground for health and safety's sake.
- Adequately monitor and regulate discharge water for pollutants and flooding.

- One Last Caveat: one study found that dry ponds can actually detract from the perceived value of adjacent homes between 3 and 10 percent.

-Emmerlin-Dinovo, C. 1995. Stormwater Detention Basins and Residential Locational Decisions. *Water Resources Bulletin* 31(3):515-521













HOEFLER WYSOCKI
 TUTERA
 GROUP LLC

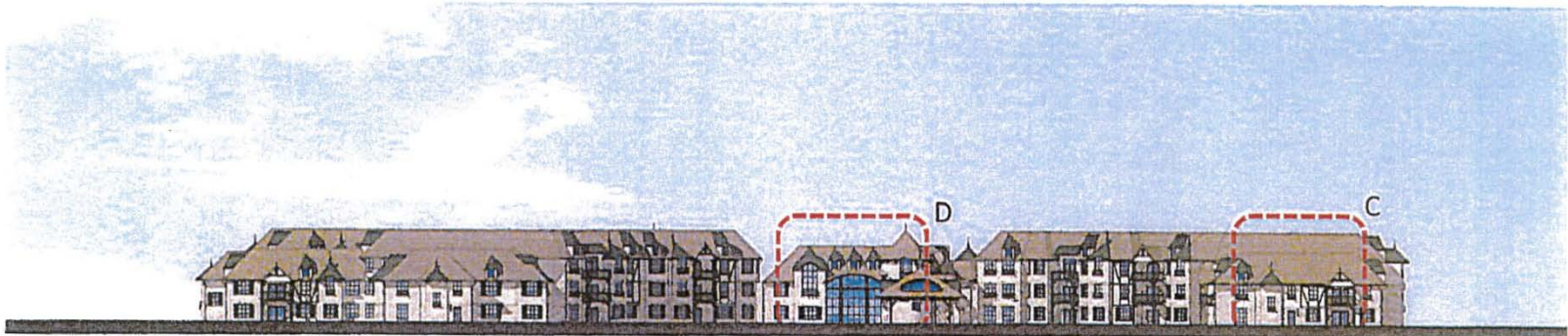
Mission Chateau Senior Living Community

Site Plan - First Floor - 1" = 40'-0"

A1



1 Independent & Assisted Living South Elevation



2 Independent Living East Elevation

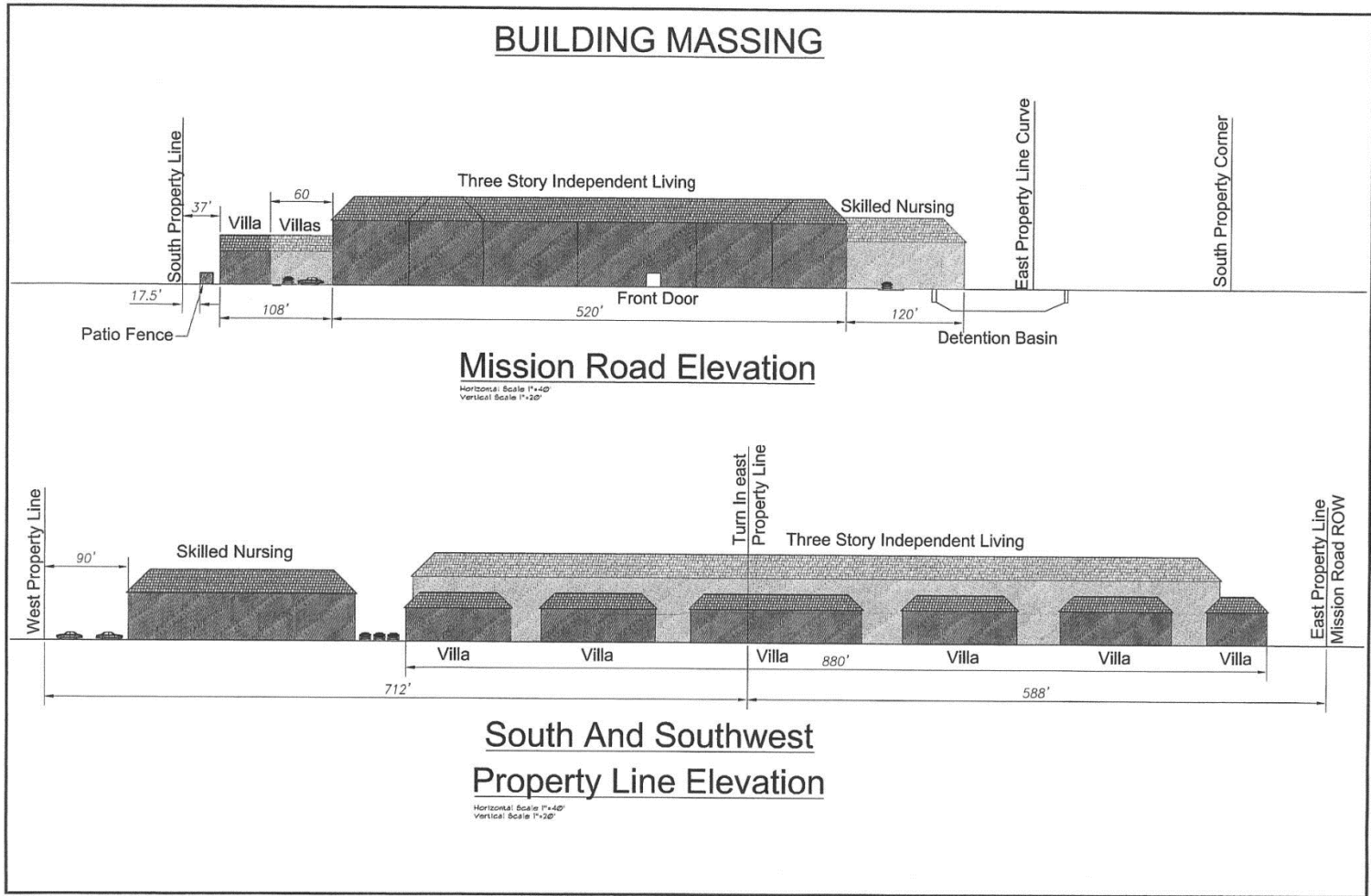
HOEFER WYSOCKI
Architecture

THE
TUTERA
GROUP

Mission Chateau Senior Living Community

4-2-2013

BUILDING MASSING



Top 10 Residential Building Data

ax Year	Property Status	Quick Ref ID	Property Address	LBCS Code	Building Name	Total Sqf
2013	A	R209921	013800 W 116TH ST, OLATHE, KS	1240	SANTA MARTA MAIN BUILDING	294,284
2013	A	R135608	008101 MISSION RD, PRAIRIE VILLAGE, KS	1240	CLARIDGE COURT RETIREMENT	241,073
2013	A	R75578	006565 FOXRIDGE DR, MISSION, KS	1170	THE FALLS APTS	230,826
2013	A	R401623	009100 PARK ST, LENEXA, KS	1240	Lakeview Village (Southridge)	194,500
2013	A	R214792	005901 W 107TH ST, OVERLAND PARK, KS	1230	PARK MEADOWS SENIOR LIVING	193,569
2013	A	R105647	007300 W 107TH ST, OVERLAND PARK, KS	1230	THE ATRIUMS	183,456
2013	A	R95583	003501 W 95TH ST, OVERLAND PARK, KS	1240	THE FORUM OF OP	183,445
2013	A	R115213	008101 SANTA FE DR, OVERLAND PARK, KS	1176	SANTA FE TOWERS	181,452
2013	A	R105066	006555 W 75TH ST, OVERLAND PARK, KS	1210	OVERLAND PARK PLACE	162,431
2013	A	R214623	013750 METCALF AVE, OVERLAND PARK, KS	1210	Building 1.2 (Redtail View)	156,840

These are the LBCS codes I searched for:

<u>Code</u>	<u>Description</u>
1170	Garden apartment complex (1-3 stories)
1171	Federally subsidized apartment complex
1172	Low Rise (Walk-up) apartment
1175	Mid-rise apartment (4-7 stories)
1176	High-rise apartment (8+ stories)
1179	Single room occupancy housing
1180	Dwelling converted to apartments

CORINTH AREA OFFICE AND RETAIL

	<u>Property</u>	<u>Acres</u>	<u>Square Footage</u> ¹
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	3.64	52,752
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 ²	18.4	388,640

Square footage/acre proposed = 21,122

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
Square footage/acre existing mixed use	11,902

$$21,122/11,902 = 1.78$$

¹ The square footage information comes from the Johnson County Appraiser's office and is virtually identical (for buildings then in existence) to information from a registration statement filed by the JC Nichols Company with the Securities and Exchange Commission in 2003. The Commerce Bank building and the CVS building have been built since, and the Tippins building has been removed. All of those adjustments are included in the information above.

² This square footage does not include the developer's proposed construction of car ports throughout the development.

Density Using Total Residents Per Acre:

- Tall Grass:

300 residents on 65 acres – 4.6 residents per acre

- Lakeview:

750 residents on 100 acres – 7.5 residents per acre

- Santa Marta:

342 residents on 46 acres – 7.5 residents per acre

- Benton House:

71 residents (both phases) on 6.79 acres – 10 residents per acre

Mission Chateau:

451 residents on 18 acres – 25 residents per acre

- “A proposed apartment complex that a developer wants to build in Olathe might not see the light of day.”
- “But the Planning Commission is recommending that the City Council deny the project.”
- “Planners believe the complex is too dense for the area, which is surrounded by single-family homes.”
- “This is a high-profile project that impacts surrounding neighborhoods,” said Sean Pendley, a senior planner for the city. “There are a lot of residents who are upset about the density and the height of the buildings.”
- “It included 550 units and three-story buildings on the south property line.”
- “A lower density project would be a more appropriate transition from the single-family homes.”

Parking Shortage in Independent Living

1. Santa Marta

138 Indep. units - 135 parking spaces used - **98%**

2. Lakeview

555 Indep. units - 515 parking spaces used – **93%**

3. Tall Grass

225 Indep. units - 200+ parking spaces used - **90%**

Tutera

160 units x 95%= 152 spaces needed

- 112 spaces provided

40 spaces short

[Special Events – 50-200 Visitors]

Benton House Precedent

Somerset Elementary School	49,800 square feet
School Site	6.79 acres
Benton House (Current Units)	59 Units
Benton House (Current square feet)	39,512 square feet
Approved Expansion (12 Additional Units)	71 Units
Square Foot Expansion (12 Additional Units)	47,548 square feet

















82% of all national CCRC'S are not-for-profit.

As reported by Leading Age (formerly aahsa) citing
Ziegler National CCRC Listing and Profile a publication
of Ziegler Capital Markets

Lakeview

Tall grass

Aberdeen

Santa Marta

Claridge Court

Village Shalom

Johnson County
Treasury and Financial Management



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- [Locations](#)
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THE ACCOUNT DETAILS AND TAX BILL ARE UPDATED NIGHTLY.
INFORMATIONAL PURPOSES ONLY-THIS IS NOT A TAX BILL
[Printer Friendly](#)

**Total taxes paid to City of
Prairie Village \$1,477.62**

REAL ESTATE DETAIL

Property Number: OP76000000 0115
Bill Number: 11121001374
Location: 4000 W 86TH ST
Tax District: 0654UW
Half Tax: \$3,671.01
Full Tax: \$7,342.01

MILL LEVY

Tax Authority	Rate	Tax Amount
STATE OF KS	1.5000	89.15
JOHNSON CO	17.7170	1,052.95
COMM CLGE	8.7850	522.11
JO CO PARK	2.3440	139.31
PRAIRIE VILL	19.4780	1,157.62
512 UNIFIED	27.7570	1,649.65
512 SCH GEN	20.0000	1,142.64*
512 BOND	8.0090	475.99
JOC CONS F#2	10.1870	605.43
JO CO LIB	3.1490	187.16
261 PVCSTWATER		320.00

TAX YEAR	AMOUNT PAID	HALF DUE	FULL DUE	INTEREST DUE	FEES DUE
2012	\$7,342.01	\$0.00	\$0.00	\$0.00	\$0.00

PAYMENT HISTORY

Date Paid	Amount Paid	Receipt
11/29/2012	\$3,671.01	View eReceipt
12/19/2012	\$3,671.00	View eReceipt

* TAX CALCULATED ON APPRAISED VALUE LESS \$20,000.

PRINT YOUR TAX BILL ONLINE!

[View eBill](#)
Click here to generate a printable bill.



LEGAL DESCRIPTION

Appraised Agricultural Use Acreage: 0.00
TOWN & COUNTRY ESTATES LT 115
EX BG SW CR N 164.92' SE
167.42' TO PT S/L W 28.96' TO
POB
PVC 634B 3

ASSESSED VALUES

Class	Land	Improvement
R	18,345	41,087

[Search Again](#) | [View Appraisal Information](#) | [View Map](#) | [Mortgage Company/Taxing Service Information](#)

If paying delinquent (after Dec 20 or May 10) you will need pay the interest due on your account. **Amounts good thru today only.** If you need a future interest date, please contact the Treasurer's Office at 913-715-2600 or **print your bill on the day you will be making payment.**

PAYMENTS WILL BE RETURNED IF THERE IS NOT ENOUGH INTEREST INCLUDED.

Pecchio v. Saum, 2010 WL 4926760

- The first question was whether the zoning code permitted such accessory storage when there was no primary permitted use of the property,...
- Mr. Saum argues that the trial court erred in finding that the “R” (residential) zoning resolution prohibits the accessory use of property when there is no primary, permitted use of the property as outlined in the resolution.
- As Mr. Saum’s assignments of error are without merit, the judgment of the Trumbull County Court of Common Pleas is affirmed.

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

- As noted above, the inquiry is whether under any circumstances a building permit can be compelled for an accessory use prior to any undertaking of the primary use. A resolution of the matter starts with a determination as to the nature of an accessory use. An accessory use has been defined as one 'customarily incidental to the principal use of a building.'

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

- That the nature of an accessory use is something less than a primary use is demonstrated by a characterization of accessory use as 'dependent on' or 'pertaining to.'
- 'Incident' is defined as 'something dependent upon, appertaining or subordinate to, or accompanying something else of greater or principal importance; something arising or resulting from something else of greater or principal importance.'
- A primary use must be and must continue to be dominant to an accessory use.
- According, it would appear that before a permit for an accessory use may be obtained, a primary use to which the accessory use is Incidental and Subordinate must be demonstrated. The requirement of subordination of the accessory use to the primary use, by itself, frustrates the application for such an accessory use without a demonstration of the primary use.
- Rather, it turns, as set forth above, on the fact that there cannot be an accessory use where, as here, there is no demonstration of the primary use.

Village of Old Westbury v. Hoblin,
141 N.Y.S.2d 186 (1955)

- The premises in question, which are leased by the defendant Mandel, are occupied by a stable in which Mandel has been keeping a number of horses. There is no single dwelling on the premises which might establish the use of the stable for such purpose as a permitted accessory use.

Mioduszewski v. Town of Saugus, 337
Mass. 140 (1958)

- However, even if the raising of racing dogs, not shown to be used or useful in any agricultural pursuit, could be regarded as a use accessory to a farm, there was after 1947 no farm to which the use could be an accessory.

Trent v. City of Pittsburg, 5 Kan.App.2d 543 (1980)

- “a. Accessory Building-A detached subordinate building, located on the same lot with the main building, the use of which is incidental to the main building or to the main use of the premises.
- Black’s Law Dictionary (4th ed. Rev.1968) defines the term “incidental” : “Depending upon or appertaining to something else as primary; something necessary, appertaining to, or depending upon another which is termed the principal; something incidental to the main purpose.
- We deal here with one lot. Under the definition section of the ordinance, a lot is to be occupied by one main building, together with accessory buildings. A single-family dwelling house is the main building on a lot in an R-1 residential district and any other buildings are to be accessory.

R.H. Gump Revocable Trust v. City of Wichita, 35
Kan.App.2d 501 (2006)

- The district court has to cut to the essence of this case-City's determination was based solely upon the visual impact and aesthetics of the proposed stealth tower. The court found City was entitled under the law to make this determination and Gump had not proven the unreasonableness of the denial of the conditional use permit.
- We agree.

R.H. Gump Revocable Trust v. City of Wichita, 35 Kan.App.2d 501 (2006)

- In opposition to the change, the plaintiffs argued that preserving the character of the neighborhood was not a legitimate purpose of a zoning ordinance because the result was aesthetic and not related to the public welfare. In ultimately holding that preserving the residential character of the neighborhood was a legitimate purpose of the zoning ordinance, the *Houston* court stated:
- As long ago as 1923 we recognized in a zoning case that '[t]here is an aesthetic and cultural side of municipal development which may be fostered within reasonable limitations.
- '...The concept of the public welfare is broad and inclusive.
- The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as *510 carefully patrolled.'
- '...The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.'

Craig Satterlee – Attractive Nuisance

STORM WATER TREATMENT

- Preliminary Stormwater Management Study
 - Increases impervious cover on the site and redirects stormwater to the northeast corner
 - Utilizes:
 - Swales
 - Rain gardens(3)
 - “The majority of the site will be treated utilizing the detention basin as an extended detention basin.”
 - DRY DETENTION BASIN

Dry Detention Basin A Safety Issue



Dry Detention Basin

Dry



After Heavy Rain



Childhood Drowning

- Center for Disease Control
 - 2004 of all children ages 1-4 that died 26% were from drowning.
 - 2005 In children age 1-14 drowning remains the second leading cause of unintentional injury-related death.
- Detention Ponds can have rapidly rising water levels.



Detention Pond Across the Street from Corinth Grade School

“Attractive Nuisance”

- “ a dangerous condition which is likely to attract children on their property”

-definitions.uslegal.com

- Fences can actually attract children and impede firefighters in the event of a drowning rescue.

-usfa.fema.gov, Hansen, Hazard Assessment for Water Retention and Detention

Solution: Underground Detention



Detention

- Put it underground
- But “don’t take your eye off the ball”
- The Mission Chateau is too massive and dense

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 (192,269 sq. ft. or 23.9%)(27.7% 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.**

- 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. 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. This project is bigger than SME High School on less than ½ the acreage.**
- **Staff Report reflects that the height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium but fails to point out the size of the gymnasium in comparison to the size of the Independent Living/Assisted Living building.**
- **We agree with the Staff that 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.**

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

- 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 22 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 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 a "floor area ratio" which is the preferred method for commercial developments (See Chap. 3.8 of Village Vision). We have pointed out that the density of this project is unprecedented using any analysis when you take into consideration the location of the property.**
 - **There is no meaningful transition on the south and southwest. Placing duplexes 35 feet on the other side of the boundary line to 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.**

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 that the community has enjoyed for 50+ years is going to 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 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 Staff Report 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. It also includes the detention pond. 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.**
 - **The SNF is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility.**
 - **We agree with the Staff that the 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 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 points 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.**
- **(c) For reasons stated above, the density issue is not acceptable.**
- **(d) For reasons presented by MVNA, placing rental duplexes within 35 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 and to suggest that 10 acres of the 18.4 acres will actually be "open space" is misleading.**
- **(h) A floor area ratio of .48 may be low for urban development but that is irrelevant because this is not urban development. The bulk of the buildings will be almost four times the existing bulk of the school.**
- **(i) We agree with the Staff that the Independent Living/Assisted Living building will be a very large building given its overall massing and scale. 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.**
- **(k) If the SNF can be a separate building despite the fact it needs to be a subordinate and accessory use, from a timing standpoint, it is unreasonable to allow the SNF to be built prior to the Independent Living building.**

8. Conformance with the Comprehensive Plan.

- **Two primary goals of Village Vision are to retain green space and to protect the character of the neighborhoods. The proposed project is contrary to these two goals.**
- **Village Vision pointed out that more housing choices should be available but since that statement was made Benton House has opened and the PV area has been further saturated with senior living housing.**
- **Although we think a less dense use can be a win-win for the Applicant and the City, making a determination of this project and the applicable land use question should be made separate from any economic impact to the City.**

STORM WATER TREATMENT: Health and Safety Issues

- Preliminary Stormwater Management Study
 - Increases impervious cover on the site and redirects stormwater to the northeast corner
 - Utilizes:
 - Swales
 - Rain gardens(3)
 - “The majority of the site will be treated utilizing the detention basin as an extended detention basin.”

Terms

- Retention
 - “Wet Ponds”
 - Facilities that maintain a permanent pool
- Detention (M.C.)
 - “Dry Ponds”
 - Contain water only in the aftermath of runoff events
 - Water is retained and released into Dykes Branch over 1-7 days.

Dry Detention Basin A Safety Issue



Dry Detention Basin

Dry



After Heavy Rain



M.C. Dry Detention Basin



Concerns Regarding Detention

- Substantially increased impervious area increases the risk of **downstream flooding**.
- This is not covered by homeowner's insurance. Flood insurance may cover basement/sump pump damage but not carpet, rugs etc.
- If due to maintenance problems the city may be liable for a nuisance action.

Concerns regarding Detention

- Extended Detention Basins can retain water and breed mosquitoes.
- West Nile Virus is now endemic in our area.
- Transmission to humans is becoming more common.



Concerns regarding Detention

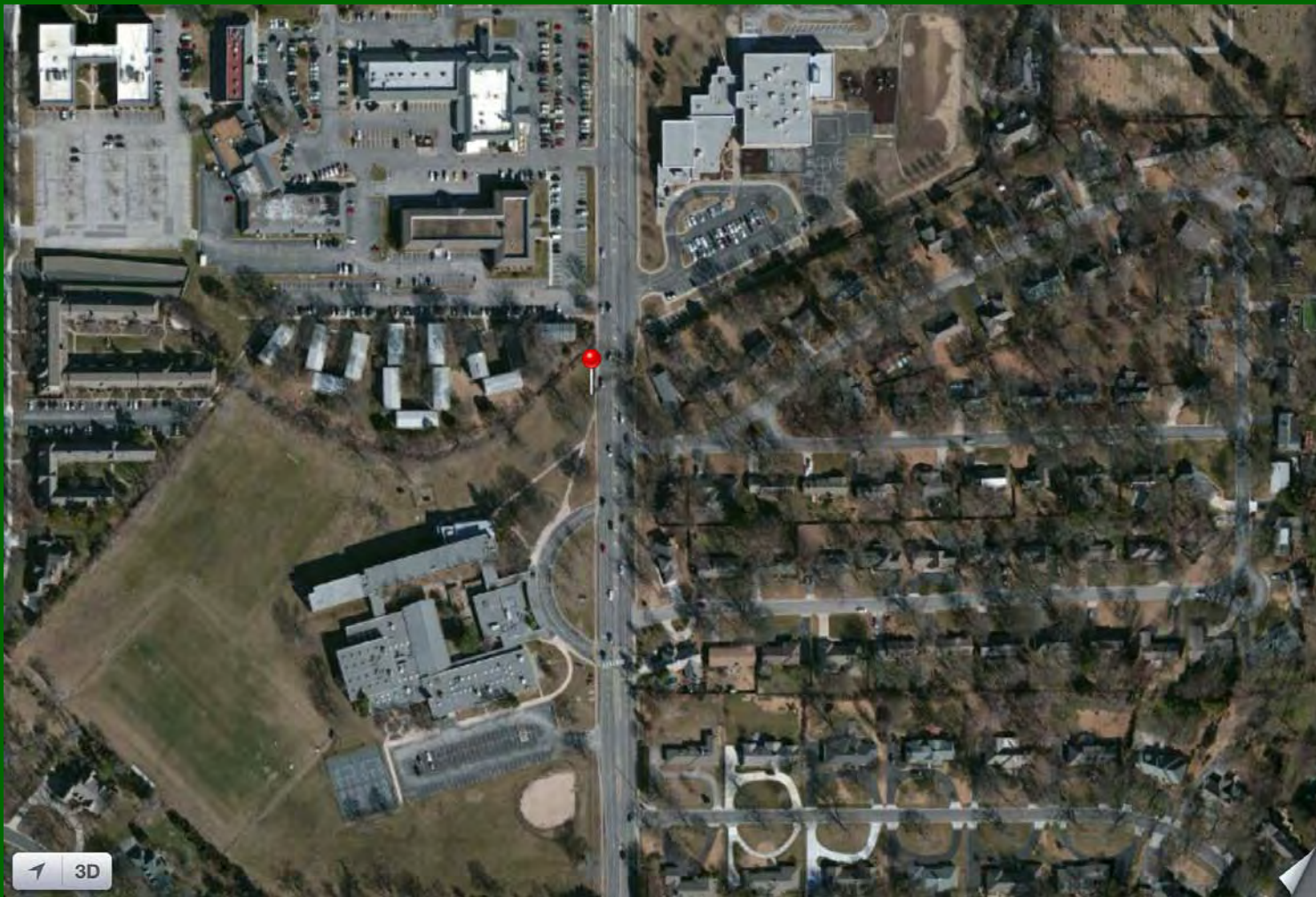
- In the M.C. proposal, substantial additional stormwater travels over ground collecting:
 - Pesticides
 - Herbicides
 - Bacterial contamination (e. coli)
 - Chemicals such as coal tar sealants on driveways and parking lots. These sealants are among the worst culprits in contamination. They contain chemical compounds classified as carcinogens (cancer causing) and are known as PAHs

Concerns regarding Detention

- Johnson County is scheduled for regulation in the area of stormwater runoff pollution into neighboring streams and rivers.
- We have concerns that this will not be adequately monitored & regulated



Satellite View –Corinth School Across from Mission Valley Site



Childhood Drowning

- Center for Disease Control
 - 2004 of all children ages 1-4 that died 26% were from drowning.
 - 2005 In children age 1-14 drowning remains the second leading cause of unintentional injury-related death.
- Detention Ponds can have rapidly rising water levels trapping children by unseen vortex flows. Also retain water 1-7 days
- Children are often attracted to stormwater facilities

Internet articles

AT&T 17:36 63%

www.neverleaveachildunattended.org/press_articles/june2602... Reader

Never Leave A Child Unattended LOCAL 07/03/03 | Indianapolis Star | indystar.com

Press Room

NEVER leave a child unattended in a car, in a store or on the playground or park.

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Editorial: A child drowns . . .

a family grieves, and all parents are reminded to supervise their kids.
Originally published on TCPalm.com - June 26, 2002

Never leaving a child unattended by an adult or a responsible teen is difficult. Parents are busy, children are curious, hazards abound.

The only thing more difficult is losing a child to one of those hazards.

Amber Lynn Jerrells' family has just suffered such a loss, and the hearts of Indian River County go out to them.

The 23-month-old Amber wandered away with her 4-year-old brother from a house full of family members. The two toddlers were pretty quickly missed. But Amber was found in a nearby retention pond, too late to save her.

Grieving families are also angry families at themselves, at fate and, sooner or later, at whoever had a hand in creating the hazard that cost a life. That will include anyone connected with the creation, maintenance and regulation of the retention pond.

Storm-water ordinances overseen by the county Engineering Department govern the enclosure of retention ponds. They are no clearer than the water in some retention ponds, requiring certain slopes in certain developments or a barrier of some sort. And there seems to be a general exception that both developers and county officials have gotten hazy and lazy about: A developer can assert that a pond is "designed to serve as an "aesthetic amenity" and presto! No retaining wall, no fence.

Who decides whether it actually turns out to be an aesthetic amenity or how they should decide, the code doesn't say. And the Engineering Department has all but handed that say-so to developers.

"Sensitive to art and beauty; showing good taste; artistic" that's how Webster's defines "aesthetic." Beauty may be in the eye of the beholder, but the vagueness of the code section and the unchecked discretion officials allow developers on this score too often add up to grassy slopes, a couple of palms and a pond that is neither aesthetic nor safe. That has to change.

The fact remains, though, that unattended toddlers can and do drown in buckets, swales and bathtubs. Though residential pools must be enclosed, residential pools are, nationwide, the most frequent place

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jacksonville.com/tu-online/stories/061806/met_22139430.shtml Reader

5-year-old boy drowns in a retention pond | Jacksonville.com LOCAL 07/03/03 | Indianapolis Star | indystar.com

Published Sunday, June 18, 2006

5-year-old boy drowns in a retention pond

By **KEN LEWIS**
The Times-Union,

As her 5-year-old grandson was being rushed to Shands Jacksonville hospital, Sandra White wrung her hands and wailed with grief.

She lingered outside her son's home, staring at the retention pond where her grandson had been found.

Within minutes, more screams broke out inside the house.

A family member had called.

The boy, Labian White, was dead.

"How many kids have to die because of retention ponds?" White yelled at those who had been drawn by the commotion at the mobile home park on 103rd Street. "They need to put fences up. They need to protect our kids."

Labian drowned about 11 a.m. Saturday while playing with other children at Woodland Estates mobile home park. Panicking playmates alerted the boy's family, who raced to the pond to search for the child. His father thrashed through the murky water, finally finding his son, family members said.

Labian

By that time, though, Labian was limp and his lips were blue.

No foul play is suspected in the death, Jacksonville Sheriff's Office Sgt. Rick Hike said. The boy was playing with other children when he fell in or went into the water at the mobile home park at 9359 103rd St., Hike said.

A police officer administered CPR, but the boy was pronounced dead at the hospital, Hike said.

Unintentional drowning claims hundreds of children each year nationwide, according to the Florida Department of Health. More children between the ages of 1 and 4 suffer unintentional drowning in Florida each year than in any other state, statistics show. Including ages 1 to 9, the total number of those drownings in the state reached 73 in 2005 and 67 in 2004.

Family members described Labian as a smart and happy child who loved video games and cartoons. He was the oldest of three children, including 4-year-old and 18-month-old sisters. He had just graduated from preschool a month earlier.



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Articles

northassoc.org/2007/09/05/detention-pools-children-and-drown...
North Street Neighborhood Association: Detention Pools, Children and... LOCAL070303 | Indianapolis Star | indystar.com

"You turn your back for a split second and it's over," [his grandmother] said.

[FortBendNow, 6/12/06: "2 Young Fort Bend Children Drown In Separate Incidents Sunday"](#)
A sheriff's investigator was told that Chiedza Nhubu, a mentally disabled 7-year-old girl, had wandered away from her home and was discovered in a nearby retention pond by the girl's father. "A bystander was walking by during this time and he called Fort Bend County 911," sheriff's reports said. "The dispatcher instructed him on how to perform CPR."

The girl was transported to St. Catherine's Hospital in Katy, where she was pronounced dead Sunday evening.

[Illinois Court Opinions: Mahmoud Mostafa, Naimah Salamah, et al. v. City of Hickory Hills, Hickory Hills Park District, American National Bank and Trust Company, and Asghar Mohsin](#)
Plaintiffs' decedents, Adel Mostafa, age two, and Amgad Salamah, age three, fell into a manmade lagoon in a public park near a playground and drowned...

The manmade lagoon, assertedly filled with murky water, was located forty-five feet away from the playground...

On November 9, 1993, the two boys left their apartments, allegedly without the knowledge of their families, crossed the street, entered Martin Park, played in the playground until they allegedly spotted a flock of wild geese drinking water at the edge of the lagoon, ran toward the geese, began to chase them, and slipped into the lagoon and drowned...

...in Cope, plaintiff's decedent, a seven-year-old boy, fell through ice that had gathered on a retention pond, which was partially frozen...

...in Stevens, a seventeen-month-old child fell in a retention pond...prairie grass partially obscured it from view...

Kohl Construction's [condo proposal](#) shows five detention pools and their proximity to the condo units. Most units will have bedrooms, so we presume the development would house a number of young children.

www.questia.com/library/1G1-86399554/making-detention-ponds-safer-what-towns-are-doing-to-prevent-another-death...
"Making Detention Ponds Safer What Towns Are Doing to Prevent Another Death" by Sanchez, Robert - Daily Herald (Arlington Heights, IL), May 25, 2009

Making Detention Ponds Safer What Towns Are Doing to Prevent Another Death

Daily Herald By Sanchez, Robert
Newspaper article from *Daily Herald* (Arlington Heights, IL)
[Article details](#)

Beginning of article

Byline: Robert Sanchez Daily Herald Staff Writer

It began with the death of a child.

Six-year-old Mark Fornek of Bolingbrook drowned after being sucked into a drain pipe during a flood in August 1998. He had been playing with a toy boat in a storm water pond near his neighbor's yard when the accident occurred.

The youngster's death raised public awareness about the dangers of storm water ponds. The 12-inch drain the boy got trapped in didn't have a grate.

Lombard was among the area communities that inspected storm water ponds in the wake of the

Previous Next

“W.A.R.N” Program

- **W**ater
- **A**wareness
- **R**esidential
- **N**eighborhoods

Detention Basin Across the Street from Corinth Grade School

Solution:

**Underground
Detention**

“Attractive Nuisance”

- “ a dangerous condition
which is likely to attract
children on their property”

-definitions.uslegal.com

- *Fences* can actually
attract children and
impede firefighters in the
event of a drowning
rescue.

-usfa.fema.gov, Hansen, Hazard
Assessment for Water Retention and
Detention



M.C. Detention Basin:

- It should be underground for health and safety's sake.
- Adequately monitor and regulate discharge water for pollutants and flooding.

- One Last Caveat: one study found that dry ponds can actually detract from the perceived value of adjacent homes between 3 and 10 percent.

-Emmerlin-Dinovo, C. 1995. Stormwater Detention Basins and Residential Locational Decisions. *Water Resources Bulletin* 31(3):515-521

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3 PLANNING COMMISSION AGENDA

4 CITY OF PRAIRIE VILLAGE

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13 TRANSCRIPT

14 OF

15 PROCEEDINGS

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17 .

18 taken on June 4, 2013, beginning at 7:00 p.m., at

19 the Village Presbyterian Church, 6641 Mission

20 Road, in the City of Prairie Village, County of

21 Johnson, and State Kansas.

22 .

23 .

24 .

25 .

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1 APPEARANCES

2 .

3 .

4 ON BEHALF OF THE APPLICANT:

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9 913-451-8788

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11 .

12 PLANNING COMMISSION:

13 Keith Bredehoeft

14 Ron Williamson

15 Dennis Enslinger

16 Gregory Wolf

17 Nancy Vennard

18 Randy Kronblad

19 Ken Vaughn, Chairman

20 Nancy Wallerstein

21 Bob Lindeblad

22 Dirk Schafer

23 Andrew Wang

24 Joyce Hagen Mundy - Secretary

25 .

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1 CHAIRMAN VAUGHN: We were in the process
2 of hearing from the public when we ended that
3 evening and now we're ready to continue.

4 MR. DUGGAN: Thank you, Mr. Chairman and
5 members of the commission. John Duggan on behalf
6 of the Mission Valley Neighbors Association, and
7 we're going to continue with our presentation.
8 Bob, could you put up Slide 1?

9 CHAIRMAN VAUGHN: Keep the microphone
10 close to you because we don't pick up otherwise.

11 MR. DUGGAN: I'll do my best.

12 CHAIRMAN VAUGHN: All right.

13 MR. DUGGAN: What we want to do is just
14 try to summarize where we had finished last time
15 we were here. And according to Mr. Peterson's
16 statements that he made on behalf of the
17 developer, Santa Marta was the most comparable
18 senior facility to the one being proposed by the
19 developer and applicant in this case. As we've
20 identified in Slide 1 -- go to Slide 2, Bob --
21 this obviously presents a significant and massive
22 development to be placed on the subject site,
23 three stories in height. Go to the next slide,
24 please. You can see that this facility at 294,000
25 square feet roughly is around 23,000 square feet

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1 bigger than the primary building. I'm doing my
2 best to speak into the mic. Apparently, it's
3 echoing.

4 THE SPEAKER: Feedback.

5 MR. DUGGAN: All right. I'm going to
6 keep proceeding forward. Hopefully, the echo will
7 diminish here momentarily. As you can see from
8 the slides -- in this particular Slide No. 4, you
9 can see this is a massive project, it's three
10 stories in height. Once again, as we've
11 identified in the prior presentation, we ended up
12 with this project, the Santa Marta project being
13 roughly 294,000 square feet in this facility. Mr.
14 Tuter's proposed main building is 271,000 square
15 feet. The overall square footage for the project
16 as proposed by the applicant is 384,000 square
17 feet, which is approximately four times, four
18 times the density of the school right now. Our
19 understanding is the school is around 100,000
20 square feet.

21 As we're going to outline for you, we think
22 the proposed intensity of the use by the applicant
23 is so intense that it needs to be reduced
24 substantially. And what we're going to end up
25 proposing to the commission after we take you

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1 through what we think are some very salient facts
2 and figures, is that you should actually, if
3 you're going to contemplate an approval, approve
4 something that's comparable in the -- to the
5 existing size right now, which is about 100,000
6 square feet. And we've got a very logical
7 argument. You've established a precedent already
8 in Prairie Village with the most recent approval
9 of a senior facility.

10 If you go to the next slide, Bob, should be
11 Slide 5. That's the site plan for Santa Marta.
12 As we identified previously, there is substantial
13 green space around the Santa Marta project. I've
14 actually walked it. You can physically see when
15 you're out there, that there's substantial areas
16 that are dedicated for green space. We're going
17 to show you the density per acre on this project
18 is about one-fourth in the number of residents to
19 what's being proposed by Mr. Tutera.

20 Go to the next one slide, please, which is
21 Slide 6. This is the site plan which we discussed
22 extensively with the commission the last time we
23 were here. And if I may, you can see that our
24 concerns were with the ring road that went around
25 the perimeter of the existing site. We also are

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1 going to be able to show you some very appropriate
2 views of the south side and the east side of this
3 building. We had Pete Oppermann, who is a land
4 planner, actually do a visual for my clients to
5 show them what you're going to see from Mission
6 Road and what you'll see if you're one of the
7 residents that lives on the south side of the
8 project.

9 Go to the next slide, please. We also, in
10 review of the elevations last time we were here,
11 pointed out to the commission that, obviously,
12 this is the proposed project by Mr. Tutera. The
13 Mission Road view, which is this view right here
14 (indicating), we identify as being roughly at 520
15 feet long, almost two football fields. That's
16 what it's going to look like from Mission Road.
17 If you look at the south side, which is where a
18 lot of the single-family residents are, that's the
19 south side view of the proposed project.

20 Go to the next slide, please. Our graphics
21 are certainly not as dynamic as those supplied by
22 the developer, but Pete Oppermann shows us kind of
23 a massing detail for this project, which we
24 understood from the staff's prior comments, was
25 something that they wanted to see. They wanted to

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1 understand more appropriately what the massing and
2 the density of this project would look like. On
3 the Mission Road elevation, if you look at the
4 slides that we provided to you, when you actually
5 see the villas and the skilled nursing that will
6 be extending from the ends of the main building,
7 for the 271,000-square foot building, you're
8 actually going to be confronted with roughly 748
9 total feet of building that will be visible from
10 Mission Road.

11 If you look at the south and southwest
12 property elevations, you're going to be able to
13 see on that, that there is approximately 800 feet
14 of building that's exposed to the residents on the
15 south side. You can also see that the pictures
16 that were presented last time by the developer of
17 how the villas would perhaps screen the size and
18 the density of the building that's being proposed
19 as the primary facility, 271,000 square feet, just
20 isn't so. You'd have to be literally a midget
21 hiding behind a rock not to be able to see a
22 three-story building protruding up above
23 single-family or a duplex ranch-style product, it
24 just doesn't happen.

25 If you were to go to your neighborhood,

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1 anybody stand in your front yard and say, well, if
2 there's a three-story, 45-foot tall building
3 behind a ranch home, I wouldn't be able to see it,
4 don't divorce yourself from common sense. You're
5 going to be able to see this building from
6 literally all of the residences that abut to it.

7 Go to the next slide, please. Slide 9, we
8 want to just reiterate that if the commission
9 recommends approval, that not only will you have
10 the second largest single residential building in
11 your city, you'll also have the third largest.
12 All you'll be do -- doing is replacing the current
13 second place runner, Claridge Court, with Mr.
14 Tuter's building. Both of which will be running
15 second and third to Santa Marta, which we showed
16 you the pictures earlier, the massive building in
17 Olathe.

18 Go to the next slide, please. We want to
19 reiterate for the commission the facts and figures
20 that we supplied to you in a summary fashion that
21 the square footage per acre proposed by the
22 current development is roughly 21,122 square feet
23 compared to the most dense commercial development
24 in the city at this juncture of 11,902 square feet
25 per acre. Obviously, this project is massive in

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1 scale, it is extremely dense, far more dense than
2 the significant projects you've already got in the
3 city.

4 Go to the next slide, please. My clients and
5 -- and their consultants take exception with some
6 of the analysis done by the staff in its report.
7 The staff likes to use density numbers that we
8 think are totally insignificant and really not
9 supported by more logical analysis. The staff
10 wants to look at units per acre, the staff wanted
11 to look at other -- what we consider the false
12 analyses. We thought, let's look at some of the
13 larger senior living projects in Johnson County in
14 the Kansas City metropolitan area and actually
15 look at how many residents they have on a per acre
16 basis.

17 We looked at Tallgrass. It's got 300
18 residents on 65 acres. It's 4.6 residents per
19 acre. Lakeview, you can see the mathematical
20 calculation, I can even do that one. 750 divided
21 by 100 is 7.5 residents per acre. Santa Marta,
22 the massive project that we showed you at the
23 outset, 342 residents on 46 acres, 7.5 residents
24 per acre. Benton House, what we consider to be an
25 appropriate precedent by the City of Prairie

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1 Village, 71 residents on -- for -- including a
2 future phase of 12 additional residents, if they
3 build it, on 6.79 acres is roughly ten residents
4 per acre. Mission Chateau, 451 residents on 18
5 acres, it's 25 residents per acre. You can see
6 these numbers tell a different story than what's
7 been presented thus far. This is obviously a
8 dense, dense, massive project.

9 Go to the next slide, please. What we did is
10 we clipped some quotes from a recent Olathe news
11 article regurgitating and reporting on some of the
12 reasons why the Olathe Planning Commission and the
13 Olathe City Council have actually turned down a
14 development of an apartment project that Mr.
15 Peterson is involved in. I think these are
16 actually appropriate considerations.

17 First, the proposed apartment complex that a
18 developer wants to build in Olathe might not see
19 the light of day. Why not? The planners believe
20 the complex is too dense for the area which is
21 surrounded by single-family residential homes.
22 According to the news article, it was a high
23 profile project that impacts surrounding
24 neighborhoods and there were a lot of residents
25 who were upset about the density and the height of

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1 the buildings. It included 550 units, some of
2 which were three-story buildings on the south
3 property line adjacent to residential. According
4 to the news article, a lower density project would
5 be more appropriate for specifically the
6 transition from the single-family homes.

7 Some of the identical issues that the
8 surrounding property owners are asking you to
9 consider, other planning commissioners and other
10 city councils are turning down developers because
11 they want projects that are too dense. I think
12 there's some misinformation that's been circulated
13 to planning commissioners and city council
14 members. We've heard some disturbing reports
15 that, quote, city council members and planning
16 commissioners suggesting that they don't have the
17 authority to turn down this project. The fact of
18 the matter is, you have all the authority. And
19 we're going to touch on that later on and tell you
20 exactly what we think the law provides on the
21 simple issue of aesthetics and the height and the
22 mass and the density of the project.

23 Go to the next slide, please. One of the
24 real concerns that the neighbors have about this
25 project is what we consider the obvious

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1 shortcomings in the parking. We went out, we did
2 some surveying, we found out how many independent
3 units there were at Santa Marta, Lakeview and
4 Tallgrass, and how many parking units they had
5 designated for those independent living units.
6 You can see that the numbers runs from 90 percent
7 to 98 percent, but that if we apply the average of
8 95 percent to the proposed project, that this
9 project would actually require 152 spaces just for
10 the independent living units. They're actually
11 suggesting to the planning commission they're only
12 going to provide 112 spaces, which leaves them 40
13 spaces short.

14 You've already had a bad experience with
15 parking. I think everybody in the audience
16 probably knows about Claridge Court. That
17 Claridge Court does not have adequate parking.
18 Where do the employees park, where do the visitors
19 park? They park in the public library, they park
20 in other areas adjacent to Claridge Court.
21 Unfortunately for my clients, the neighbors that
22 reside around this proposed project, there is no
23 public library across the street. And where are
24 all these overflow cars going to park? They're
25 likely to park up and down the streets in the

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1 adjacent neighborhoods. That's just on a daily
2 basis.

3 Let's confront the annual Father's Day,
4 Mother's Day, Thanksgiving, Christmas, Easter.
5 We've done some informal surveys that suggest that
6 special events will create 50 to 200 extra
7 visitors per day. Where are those people going to
8 park? Certainly not in the limited spaces that
9 are being provided by this project. And on those
10 special event days, you're going to see all types
11 of overflow parking going into the adjacent
12 neighborhoods that comes with all of the issues
13 that are associated with that. We think the
14 planning commission, and we think that the staff's
15 analysis of the parking needed for the project is
16 woefully inadequate and should be upgraded.

17 But why is that going to be consistent with
18 so many other oversights in our view? Because
19 more parking is going to reduce density, it's
20 going to reduce this purported green space that
21 they're suggesting that they're offering, which we
22 really don't believe is much green space at all.

23 Go to the next one, please. We were
24 recommended by staff to come up with some type of
25 a suggestion as to what we think would be an

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1 appropriate density level on this project. We --
2 we were instructed and advised that it might be
3 helpful to the commission to have our view of what
4 would be appropriate. We thought, well, let's go
5 look at the most recently approved project, the
6 Benton House precedent. It was built on the
7 Somerset Elementary School. Which we did the
8 research and the elementary school before it was
9 torn down was 49,800 square feet. The school site
10 is 6.79 acres.

11 The Benton House currently has 59 units
12 available. They have the right, as we understand
13 it, to build 12 additional units. The existing
14 square footage of the building is 39,512 square
15 feet. When they get the additional 12 units,
16 they're at 71. The estimated square footage after
17 the expansion is 47,548 square feet. Actually,
18 less than the school that they tore down by a
19 couple thousand feet. Seems to make a lot of
20 sense to us, particularly given that Village
21 Vision says that one of the primary goals of the
22 city is to retain green space.

23 Go to the next slide, please. If you look at
24 Benton House, you can see that they have
25 maintained the green space very similar to what

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1 was there before the school was torn down. Go to
2 the next slide, please. You can see that they did
3 a very appropriate one-story building with some
4 attractive dormers. Obviously, with significant
5 green space -- go to the next slide, please --
6 surrounding the facility.

7 We look at that and we say, well, if you were
8 to apply the similar standards established by the
9 Benton House precedent, the existing school is
10 about a 100,000 square feet. What would be wrong
11 with a 100,000 square feet building maintaining
12 all the green space that's currently available,
13 just like what was done on Benton House? Why, why
14 should the neighbors surrounding this site be
15 required or even requested to have this developer
16 not just double the square footage, not just
17 triple the square footage, but to go to four times
18 the existing square footage? It just doesn't make
19 any sense.

20 We were asked to make a proposal to the
21 commission about what makes sense. Benton House
22 as a precedent makes a lot of sense. Suggesting
23 that we ought to go from a school that was 49,800
24 and the city approving a 48,000 square foot senior
25 living facility to a situation where we have a

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1 school that's approximately 100,000 square feet to
2 now go to almost 400,000 square feet, we think is
3 beyond the pale. You asked for our
4 recommendation. We think that Benton House as a
5 precedent is sensible. It achieves the goals of
6 the city in maintaining the open green space. It
7 certainly maintains and -- and implements the
8 city's goal of trying to create some type of
9 income-producing, tax-generating revenue from the
10 property, just like what was done in Benton House.

11 Go to the next slide, please. We feel like
12 the Benton House project -- and go to the next two
13 slides, please -- would be a very good
14 illustration of what kind of limitations and
15 parameters the developer should be encouraged to
16 work within on this site. Not come in with a
17 three-story building, two-and-a-half football
18 fields long on the south side that all the
19 neighbors have to look at, which is so intense
20 that it almost dominates everything surrounding
21 it. And we're going to talk about that in terms
22 of why would the city even want to do that, why
23 are we even having this conversation? It doesn't
24 seem to be very sensible based upon prior
25 precedent.

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1 Go to the next slide, please. The next one,
2 please. Next. We did a little research and we're
3 a bit concerned and I think this is a massive
4 blind spot in the analysis of the city thus far.
5 And we think that this is something that should be
6 brought to the forefront. 82 percent of all
7 national CCRC's are not-for-profit as reported by
8 the LeadingAge report that we have a copy of. And
9 they cite the Ziegler National CCR (sic) Listing
10 and Profile, a publication of Ziegler Capital
11 Markets.

12 Well, why is that significant, why would we
13 report that fact to you? Because if this
14 developer so chooses to sell this property at some
15 point, whether it's a year from now or five years
16 from now, 82 percent of the people that are his
17 buyers are not-for-profits. That, to me, should
18 be something that would cause your radar screen to
19 start beeping very brightly. I'm sure after the
20 developer gets an opportunity to comment, he will
21 assure you beyond any doubt he'll never sell this
22 project. That is a hollow promise. Because
23 everybody knows circumstances change, business
24 plans change, ownership groups change.

25 What ends up happening if you approve this

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1 project and one of the stated desires that we've
2 heard over and over again is to generate some type
3 of tax revenue for the city? We're going to point
4 out to you that we don't think it's worth the
5 city's time to sell out the traditions of Prairie
6 Village for what we think is very incremental tax
7 revenues, particularly given if the developer
8 chooses to sell, 82 percent of the people that
9 constitute the potential buyers are
10 not-for-profits, which doesn't do very much good
11 to the city's desire to have tax revenues
12 generated from this project. You've already got
13 Claridge Court. Our understanding is it's not
14 generating any tax revenue for the city.

15 We also did a brief review and we came to the
16 conclusion that some of the larger facilities in
17 Kansas City are, in fact, not-for-profit.
18 Lakeview, Tallgrass, Aberdeen, Santa Marta,
19 Claridge Court and Village Shalom. At the end of
20 the day, we think the city needs to pay very close
21 attention to this potentiality. You may approve
22 something and you may get what you want, but you
23 may not really want what you're going to get. And
24 that's the potential sale of the facility to
25 somebody else that's a not-for-profit, which would

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1 create incredible strains on the city's services
2 without any tax revenues to offset them.

3 Go to the next slide, please. We'd like the
4 planning commission to certainly consider this
5 entire issue of -- because we think it's part of
6 the implicit message that's being communicated to
7 you, we're going to generate a lot of tax revenues
8 from this building. We've heard the number of
9 \$107,000. We actually did a little research and
10 some of the some of the homes that are adjacent to
11 this site, we pulled their tax records. The
12 actual taxes paid to the city on this particular
13 property is roughly \$1,477.62. Because my math is
14 not all that great, I just rounded it to \$1,500
15 and made the bold assumption based upon Todd
16 Bleakely's presentation last time and based upon
17 other common experience, that 18 acres would
18 generate roughly 50 home sites. 50 home sites at
19 \$1,500 a year is about \$75,000 a year in property
20 tax revenues for the city. The net difference,
21 the delta between what this project as proposed in
22 its massive scale and density and what a
23 single-family residential community might generate
24 is around \$32,000 a year in property taxes. Is
25 that something that the city really wants to

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1 change the character of the city for is \$32,000 a
2 year? Put it in perspective. The city's annual
3 budget is \$26.5 million per year. A net increase
4 of \$32,000 a year on your budget is .0001. If you
5 took that on \$100, it's 10 cents. Is that really
6 worth it to the city to change the character of
7 Prairie Village for 10 cents on \$10.

8 Please, I just caution the audience, the
9 planning commission has really asked us to be
10 professional. And they know how emotional most of
11 the people here are about this. I would just ask
12 you to be courteous, please, and hold any cheers
13 or anything like that in accordance with the
14 chairman's request.

15 At the end of the day, we think that when you
16 start looking at these issues in a more elucidated
17 fashion, drilling down into some of the details,
18 all of the luster of these fancy drawings and the
19 tax revenues and everything else really begin to
20 fade. They fade so badly that I don't think
21 they're really worth us taking the time to push
22 this issue forward. We think when you start
23 looking at this thing closely, you have a
24 wonderful tradition in Prairie Village right now.
25 Don't trade it in for 10 cents on 100 bucks, it's

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1 not worth it.

2 Go to the next slide, please. We now want to
3 take the time to what we think, as I discussed
4 last time, a request that you use some common
5 sense. You got a report from the city's attorney
6 and you've seen some indications in the staff's
7 reports that a reasonable interpretation of your
8 ordinance would be that the present tense of the
9 language about subsidiary accessory uses also
10 means the future tense. And I asked you the last
11 time we were here not to divorce yourself from
12 common sense.

13 We didn't have a chance to review the
14 Michigan case. Since that time, I've had a more
15 complete opportunity to read it. I hope that
16 you'll have an opportunity to read it, because I
17 don't think you need to be a lawyer to understand
18 what it says. It's very simple. That case stands
19 for the proposition that somebody who has the
20 right to park their boat in their back yard should
21 have the right to park their boat in the back yard
22 even if the house isn't built because you can
23 always determine what the front building line is.
24 It doesn't have anything to do with the subsidiary
25 accessory use. That issue never came up in that

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1 case. All it said was, well, we can always figure
2 out what the front building line is. And if the
3 ordinance merely means park the boat behind that,
4 surely that shouldn't prohibit the person from
5 parking the boat behind that line.

6 What we found interesting is, is there are a
7 number of jurisdictions that have decided the
8 precise issue that we think that you're confronted
9 with. Should you, in fact, consider a special use
10 application that asks to approve in Phase I the
11 subordinate accessory use before the primary use
12 is there? Well, the Ohio Appellate Courts, the
13 New Jersey Appellate Courts, the Massachusetts
14 Appellate Courts, we can go on and on and on, have
15 ruled on the precise issue. We cite -- and we can
16 get you a copy of the case -- the Pecchio v. Saum
17 case, which is an Ohio Appellate Court decision.
18 And in that case, the court held, if you don't
19 have the primary permitted use, you can't have an
20 accessory use to it by definition. It makes a lot
21 of sense. We said to you last time, would you
22 really approve somebody to build the tool shed in
23 their back yard before the house existed? Of
24 course, you wouldn't.

25 Go to the next slide, please. The Mola v.

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1 Reiley case, another New Jersey Supreme Court
2 decision reached the exact same conclusion.
3 Somebody wanted to build the accessory use before
4 the primary use was available. Go to the next
5 slide. That court -- and I've got a Kansas case
6 that's very similar to this -- said, listen, it
7 doesn't mean accessory primary to, it is
8 subordinate to. It's something that's dependent
9 upon and pertaining to, subordinate to or
10 accompanying. The primary use must be first and
11 must be dominant to the accessory use. The court
12 concluded the fact that there cannot be an
13 accessory use where the primary use has not been
14 demonstrated to be in place.

15 Go to the next slide. Village of Old
16 Westbury v. Hoblin, a 1955 New York case reached
17 the exact same conclusion. You can't have an
18 accessory use until you've established the primary
19 use. Go to the next case, a Massachusetts case.
20 I can't pronounce it, Mioduszewski v. Town of
21 Saugus. The court reached the exact same
22 reasoning. You don't approve an accessory use
23 without approving the primary use. They define
24 the accessory uses as the subordinate uses that
25 are only derived from the primary use.

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1 Why we didn't find those cases and apply the
2 common sense that those courts applied, I don't
3 know. But I want to make this point. You're not
4 bound by what that opinion was from legal counsel
5 because they didn't tell you what the most
6 reasonable interpretation was. They only told you
7 an reasonable interpretation would be present
8 tense means future tense. They didn't say divorce
9 yourself from common sense. Use your common
10 sense. There's a lot of other courts around the
11 country from a lot of states that have used their
12 common sense and reached the conclusion, you don't
13 approve the accessory use without having the
14 primary use in place.

15 The Kansas courts have also addressed the
16 issue. Go to the next case, please. In Trent v.
17 City of Pittsburg, Kansas, the Kansas Court of
18 Appeals decided an accessory use case. And in
19 that case, the Kansas Court of Appeals dealt with
20 the same issue. There was a tool shed in the back
21 yard of somebody's house in Pittsburg, Kansas and
22 they decided to remodel it and rent it out to some
23 college students. And people complained and the
24 owner said, well, it's an accessory use because
25 the college students are watching my house when

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1 I'm out of town. The city didn't buy it and the
2 courts didn't buy and they said, we're not going
3 to buy that, that's not an accessory use. They
4 used common sense, we're asking you to use your
5 common sense. You shouldn't be approving
6 accessory uses until the primary use is approved.

7 Which brings us to another interesting point.
8 Your very zoning ordinances require that any
9 structure -- keep in mind, this 18 acres had been
10 platted as one single parcel, one lot. Under your
11 zoning ordinances, by definition, is a single lot.
12 Therefore, the primary building is the primary
13 use. Although staff has not identified this,
14 we've never heard it articulated explicitly by
15 anybody from the developer's team, we are making
16 the bold assumption that the 271,000 square foot
17 building is the primary use, that the skilled
18 nursing facility is an accessory use because
19 they're trying to use that part of the statute,
20 the ordinance, to say it is an accessory use to
21 the senior leaving facility.

22 But it begs the question, what about the
23 duplexes? We've heard nothing from the staff,
24 we've heard nothing from the developer. The
25 duplexes, because they're separate stand-alone

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1 buildings, we believe must be an accessory use to
2 the 271,000-square foot building. Our belief is
3 they've got their own kitchens, they've got their
4 own garages, they've got their own driveways,
5 people can live in one of those duplexes without
6 ever going into that 271,000-square foot building.

7 How in the world are the duplexes an
8 accessory use to the 271,000-square foot building?
9 Once again, we think it's an oversight, but
10 certainly, it doesn't comply with the letter of
11 your zoning ordinances. Accordingly, we ask you
12 to take a hard look at these issues and to make
13 some common sense determinations as to whether you
14 should recommend approval of this project or not.

15 Go to the next slide, please. This is
16 something we want to bring to your attention
17 before some of the other speakers come up and
18 articulate some of their heartfelt concerns about
19 any recommendation for approval of this project.
20 The Kansas Court of Appeals made a very stark and
21 important decision in the case of R.H. Gump
22 Revocable Trust V City of Wichita. The court
23 concluded that aesthetics alone, under the Golden
24 Factors, the one single issue of aesthetics was
25 sufficient to turn down a rezoning application.

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1 The court held that the district court had cut to
2 the essence of the case.

3 In this case, the developer sued the city
4 because they wouldn't approve his cell tower
5 because it was too tall and people could see it
6 and they were offended by its unsightly
7 appearance. The city didn't try to rationalize
8 any of the other Golden Factors, it focused in on
9 one single factor and that was the aesthetics.

10 Go to the next slide. The court of appeals
11 said, we disagree with the developer. Because the
12 developer was saying that the city was irrational,
13 that the city didn't have the right to make a
14 decision based purely on the aesthetics and the
15 nature and the harmony of the neighborhood. The
16 court of appeals said, we disagree. The court of
17 appeals said that in preserving the character of a
18 neighborhood was not a legitimate purpose of a
19 zoning ordinance because the result -- or this is
20 what the developer claimed, was the result of
21 aesthetics only and not related to the public
22 welfare.

23 The court said ultimately, holding that
24 preserving the residential character of the
25 neighborhood was a legitimate purpose of a zoning

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1 ordinance was set forth in their holding in the
2 Houston case. And they quoted it. And they said,
3 in the state of Kansas, since 1923, we've
4 recognized in a zoning case that there is an
5 aesthetic and cultural side of a community
6 development which may be fostered within the
7 reasonable limitations. The concept of public
8 welfare is broad and inclusive. We want you to
9 take a broad and inclusive view of public welfare
10 tonight.

11 The values it represents are spiritual as
12 well as physical, aesthetic as well as monetary.
13 It is within the power of the legislature to
14 determine that the community should be beautiful
15 as well as healthy, spacious as well as clean,
16 well-balanced as well as carefully patrolled. The
17 police power is not confined to the elimination of
18 filth, stench and unhealthy places. It is ample
19 to lay out zones where family values, youth values
20 and the blessings of quiet seclusion and clean air
21 make the area a sanctuary for people. That is the
22 sentiment, the heartfelt desire of most of the
23 residents of Prairie Village. Don't sell your
24 soul for 32,000 bucks a year to build this massive
25 development. It doesn't make sense for your city.

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1 We have a number of people now that would
2 like to speak. I'm actually going to come back up
3 and if you'll indulge me one more time and make
4 our closing summary under your factors and the
5 Golden Factors. At this time, I'd like to invite
6 Jori Nelson to come up and share her thoughts and
7 feelings about Prairie Village and this project.

8 THE SPEAKER: Excuse me. I'm new at
9 this. My name is Jori Nelson, 4802 West 69th
10 Terrace. There are two statements I wish to make
11 this evening. I'll preface this by saying that
12 Councilwoman Ashley Weaver was absent during this
13 discussion and is removed from this statement. On
14 behalf of the Prairie Village Homes Association
15 Board of Directors, we would like to urge the City
16 of Prairie Village to stay within the factors of
17 Golden vs. Overland Park when considering any
18 development within the city. I was born and
19 raised here. I attended Briarwood Elementary,
20 Meadowbrook Junior High and graduated from Shawnee
21 Mission East in 1981.

22 When it came time to purchase my home, I
23 chose Prairie Village. First and foremost, I
24 loved my city. I loved growing up here and I knew
25 I wanted to raise my children here. My son

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1 graduated from East and my daughter just finished
2 her junior year. I plan to grow old here and age
3 in place. I'm very active in my community. I
4 have been on the Prairie Village Homes Association
5 Board of Directors, the largest and oldest
6 homeowners association in Prairie Village, for
7 many, many years. I was recently elected vice
8 president after serving for several years as
9 president.

10 While I live north of 75th Street, I wanted
11 to say that my opposition isn't about, not in my
12 back yard, this is about the future, the vision of
13 our city. The Village Vision was adopted by the
14 planning commission on May 1st, 2007. Many of you
15 were part of that process; Mr. Kronblad and Mrs.
16 Vennard as planning commissioners; Mr. Vaughn as
17 Chairman of the Village Vision steering committee
18 and Chairman of the planning commission; and Mrs.
19 Wallerstein, a stakeholder at that time. Tonight,
20 please ask yourself if this project meets those
21 visions that you spent years researching,
22 discussing, creating and adopting. Is this
23 massive development a good fit for that
24 neighborhood or for the future of our city?

25 JC Nichols was the man who had the for fight

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1 -- foresight and ingenuity to develop and design
2 Prairie Village. He wrote a speech in 1948 that
3 is as pertinent today as it was 65 years ago
4 entitled Planning For Permanence. He stated that
5 cities are handmade. Whether our American cities
6 are physically good or physically bad is our
7 responsibility. The city that fails to take
8 inventory of the conditions under which it lives
9 and transacts its business and fails to take
10 account its growing needs and plans for the future
11 will not only suffer in its competition for
12 supremacy and fail to appeal to families from
13 throughout its territory to come live in the city,
14 but it will also fail to hold its own citizens
15 seeking the most desirable place to transact their
16 business and rear their families.

17 In 1970, we had a population of 28,378. In
18 the last census, 2010, our population had declined
19 to 21,447, a decrease of 7.5 percent. Families
20 are moving south to Overland Park, Leawood and
21 Olathe. Olathe has had to build new schools to
22 accommodate their growth. Prairie Village on the
23 other hand, has had to close Somerset Elementary,
24 Ridgeview Elementary, Porter Elementary and
25 Mission Valley Middle School. This loss of

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1 population is a trend that must not continue.
2 These families and professionals are the future of
3 our city.

4 In the Village Vision, a detailed analysis of
5 the age and amenity characteristics of Prairie
6 Village housing stock, it appears that Prairie
7 Village is losing households with growing children
8 and those in their prime earning years to
9 neighboring jurisdictions with more diverse
10 housing stock, more modern amenities and more
11 contemporary houses. Tonight, I'll discuss with
12 you the goals, conceptual framework development
13 principals and land use rec -- recommendations
14 from the Village Vision, your vision, that is
15 applicable to this permit request. The goals that
16 you made that were intended to ensure the
17 long-term sustainability of our community. I'll
18 also point out specific goals that are stated in
19 the village -- Village Vision that align with
20 Golden vs. Overland Park.

21 Goal No. 1: Community character and
22 activities. Provide attractive, friendly and safe
23 community with a unique village identity appealing
24 to a diverse community population. Participants
25 of the Village Vision express -- expressed a

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1 strong preference for trying to attract more
2 diversity to the area in terms of race, ethnicity,
3 religion, family size and income. In particular,
4 they wanted to see more young people, especially
5 young families, moving to Prairie Village. This
6 massive development will not attract diversity and
7 it's not the vision for our future.

8 Goal No. 2: Community facilities and
9 services. Provide diverse community recreation
10 areas, cultural programs, parks and green spaces
11 with a well-maintained infrastructure and
12 excellent city services. While the Tutera group
13 states that this complex will leave approximately
14 ten acres of what they call open space, they are
15 actually leaving only three small pockets of green
16 space. These open spaces are inconsequential
17 compared to the bulk and density of this
18 development. The remaining 6 acres are unusable
19 acres because they are located in a flood zone and
20 also include the detention pond. The project with
21 its proposed density diminishes a great -- a great
22 deal of green space, which is contrary to several
23 objectives that you wrote in the Village Vision.
24 The Village Vision specifically identifies the
25 need to retain green space in our land --

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1 landlocked city.

2 Goal No. 3: Housing. Encourage
3 neighborhoods with unique character, strong
4 property values and quality housing options for
5 families and individuals of a variety of ages and
6 incomes. In the Village Vision, it discussed the
7 important role our housing stock plays in defining
8 our community. Housing options in terms of type,
9 location, size and price should meet the needs of
10 current residents and anticipate the needs of
11 future residents. They believe neighborhoods
12 should be able to accommodate young and old,
13 families and individuals alike. This massive
14 development does not meet the needs of the
15 majority of our current residents and does not
16 offer a divide -- diversity of housing that the
17 future residents are seeking and is not the vision
18 for our future.

19 No. 4: Land resources. Encourage a
20 high-quality, natural and man-made environment
21 that preserves the community character, creates
22 identity and sense of place and provides
23 opportunities for renewal and redevelopment. One
24 of the eight Golden Factors is community
25 character. And this will in no way preserve our

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1 charming community character. This massive
2 development in no way preserves our community
3 character. It does not create the sense of
4 identity and a sense of place that we are known
5 for and is not the vision for our future.

6 Prosperity, No. 5. Promote a strong economy
7 that meets the needs of the residents and attracts
8 visitors. This massive development does not meet
9 the needs of the majority of our residents and is
10 extremely prosperous for the Tutera Group, will
11 only bring in \$107,000 in tax revenue. It is
12 estimated that this would offset in the loss of
13 neighborhood property values, taxes of at least
14 \$40,000 and is not the vision for our future.

15 Conceptual framework development principals
16 that you wrote in the Village Vision.

17 Principal No. 1: Integrating development.
18 Development should help repair or enhance existing
19 neighborhoods or create new ones, should not take
20 the form of an isolated project. This massive
21 development is an isolated project. It does not
22 enhance the existing neighborhood and is not the
23 vision for our future.

24 Principal No. 2: Incorporating open space.
25 Development should incorporate open space in the

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1 form of plazas, squares and parks and may be used
2 for civic uses. This massive development will
3 dominate the neighborhood, leaves little open
4 space and is not the vision for our future.

5 Principal No. 3: Creating safe and stable
6 neighborhoods. The physical design of a
7 neighborhood should create a sense of identity.
8 Buildings should be oriented to face the street in
9 order to keep more eyes on the street and enhance
10 public safety. These buildings are not oriented
11 to face the street and will in no way enhance our
12 public safety. This massive development will
13 dominate the neighborhood and is not the vision
14 for our future.

15 Principal No. 4: Promoting high-quality
16 design in the built environment. The image and
17 character of development should respond to the
18 best traditions of residential architect --
19 architecture in the area. Building height and
20 bulk should be consistent, even though buildings
21 may be of various shapes and sizes. This massive
22 development's building height, bulk and density
23 will dominate the neighborhood and is not the
24 vision for our future.

25 Principal No. 5: Create a range of housing

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1 choices. Create a range of housing types and
2 price levels should be provided to bring people of
3 diverse ages, races and incomes into daily
4 interaction. This massive development does not
5 create a range of housing types and price levels
6 and is not the vision for our future.

7 Principal No. 6: Leveraging investment.
8 Areas within existing neighborhoods or along
9 corridors should be reclaimed by using
10 redevelopment strategically to leverage current
11 investment and strengthen social fabric. This
12 massive development is not strengthening our
13 social fabric or strengthening the neighbors'
14 current home investments and is not the vision for
15 our future.

16 Your Appendix A to the Village Vision,
17 development and redevelopment conditions, states
18 that, redevelopment is certainly an option, but
19 redevelopment needs to take place strategically,
20 but not only -- by not only respecting, but
21 enhancing the relationship of one land use to
22 another. Land is a valuable resource, and once
23 committed to it, it is often difficult to modify
24 or change that use to another use. Like many
25 suburban communities, the current land use pattern

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1 is a district result of classifying land into
2 single-use areas as a part of zoning or
3 districting process. Residential uses are
4 separated from commercial, multi-family are
5 separated from single family, offices are
6 separated from commercial uses and so on. The
7 resulting pattern segregates or physically
8 separates normally compatible uses from another.
9 This proposed development does not address any of
10 these issues in a true and meaningful way.

11 Under land use and economics in the visual --
12 Village Vision, it states, like other cities,
13 costs required to maintain and provide services
14 continues to increase. Our landlocked city is
15 highly reliant on property and sales tax revenue.
16 The city's tax base has difficulty keeping up with
17 the service demands placed upon it. What strain
18 will this massive development put on our already
19 overly taxed services, especially if the developer
20 chooses to apply for a not-for-profit status or
21 sell it down the road as they -- and they choose
22 to apply for a not-for-profit status? As stated
23 earlier, 82 percent of all CCRC's are
24 not-for-profit.

25 Land use. Locate higher-density houses at

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1 the edges of neighborhood on underutilized sites
2 along corridors and major -- major intersections.
3 This massive development is not at the edge of a
4 neighborhood or at a major intersection. It would
5 be located in the middle of an established
6 neighborhood in the middle of the block and is not
7 the vision for the future.

8 Develop edges of neighborhoods with a
9 diversity of housing. With more housing choices,
10 residents can remain in Prairie Village even as
11 their housing needs change over time. This
12 massive development does not create a diversity of
13 housing for a diversity of residents and is not
14 the vision for our future.

15 Mr. Nichols said, an intelligent city plan
16 thinks impartially for all parts of the city at
17 the same time. It does not forget the greater
18 needs of tomorrow in the press of today. It
19 recognizes the economy of preventative measures
20 over corrective costs. It is simply good,
21 practical common sense. He continues, today,
22 almost every city of any considerable size is
23 spending immense sums in correcting the evils of
24 its past city building. Fire risks, health
25 standards, traffic needs, economic business

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1 hazards, protection of homes' surroundings,
2 stability of property values, and many other faces
3 of city life are crying out for better planning of
4 our cities to meet both their present and future
5 needs. I believe that if this massive development
6 moves forward, we will all be paying the
7 corrective cost -- cost for decades to come.

8 Regarding zoning, Mr. Nichols set the
9 standards. He stated, zoning is merely the
10 application of common sense and fairness in
11 governing the use of private property. It is
12 placing the public welfare above individual and
13 selfish rights. I'll repeat that statement.
14 Zoning is application of common sense and
15 governing the use of private property and it is
16 placing the public welfare over the -- over and
17 above individual welfare and selfish rights. It
18 protects an owner in the enjoyment of his property
19 rights from unreasonable injury by the owner of an
20 adjoining property and taking unfair advantage of
21 his neighborhood. Zoning checks the haphazard,
22 piecemeal, selfishly directed growth of the city
23 according to the whim or desire of every
24 individual owner and establishes higher standard
25 of general benefit and public welfare from which

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1 eventually, every piece of property and every re
2 -- resident of the city procures greater gain.

3 He continues with this direction for the
4 zoning board. When an area has been zoned for
5 specific uses and investments have been made
6 depending on those uses, the board should be
7 extremely cautious in later changing the zoning to
8 higher uses. Where a certain area has been zoned
9 for single residences, two-family homes or
10 apartments, the zoning board enforcement officials
11 and the neighborhood itself must always be on the
12 alert to prevent encroachment of other uses
13 detrimental to such areas, otherwise, basic home
14 values can be quickly undermined. He continued by
15 stating, let us encourage our planning boards not
16 to yield to selfish demands and permit unnecessary
17 destruction of sacred home neighborhoods by spot
18 zoning.

19 While this speech was written more than a
20 half century ago, it is almost as -- as if he is
21 speaking directly to you tonight about this
22 project at this time. If you are using the
23 Village Vision to direct private development
24 decisions like this, you must be certain that the
25 property owner -- developers' proposals are

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1 consistent with the plan's recommendation. I have
2 given you many examples this evening of why it
3 does not. You, the planning commission of today
4 and the planning commission of the past and the
5 residents and stakeholders adopted the Village
6 Vision. Please honor that vision, your vision,
7 for the future of Prairie Village. This is not
8 the direction we want our city to go.

9 In closing, I ask you, what do you want the
10 future of our city to look like ten, 20, 50 years
11 from now, for our children and our grandchildren?
12 How will future generations look back at this
13 decision that you are about to make? Is this what
14 you want for your legacy? I do not believe that
15 this is what JC Nichols envisioned for our city.
16 I do not believe that this is what you, the
17 planning commission, the residents and
18 participants of the Village Vision envision for
19 our city. How could it be? This plan is
20 completely contrary to the goals, the conceptual
21 framework principals and the land use stated in
22 the Village Vision. The Tutera group is
23 requesting a special use permit to change our
24 city's master plan, the Village Vision, which is
25 one of the eight Golden Factors. I'll close with

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1 Nichols' quote, too late are the saddest words in
2 city building. Please deny the applicant's
3 special use request. It is not too late to make
4 the right choice for the future of our city.
5 Thank you. Doctor Craig Satterlee will be
6 speaking next.

7 THE SPEAKER: Okay. I'm going to talk
8 next and I have a little different style. First
9 of all, being a physician, you guys have all sat
10 here too long on your back side, we can just call
11 it a weapon. And if you wouldn't mind, just take
12 a -- stand up just a minute and kind of stretch a
13 little bit and move your legs up and down.
14 Because you've been very patient so far.

15 CHAIRMAN VAUGHN: Let's please come to
16 order. Mr. Satterlee, Mr. Satterlee --

17 THE SPEAKER: Yes.

18 CHAIRMAN VAUGHN: -- would you continue,
19 please.

20 THE SPEAKER: I will. Thank you. Sorry.
21 Excuse me. And thank you for this opportunity to
22 speak. I had to do something while they were
23 loading my slides. Just a second here. Okay.

24 In any case, my topic tonight is stormwater
25 treatment and then some health and safety issues

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1 that we would like to discuss. In the preliminary
2 stormwater management study, this development
3 increases impervious cover on the site and
4 redirects the stormwater to the northeast corner
5 of the property. It utilizes swales, rain
6 gardens. And the majority of the site will be
7 treated utilizing a detention basin as an extended
8 detention basin. The impervious site is now 3.7
9 acres and will go up to 8.6 acres, which is almost
10 a two-and-a-half times increase.

11 Next slide. Well, let's define a couple of
12 terms. A retention pond is a wet pond. If a --
13 it's a facility that maintains a permanent pool of
14 water and utilizes evaporation to get rid of the
15 water. A detention, such as Mission Valley, is a
16 dry pond. It contains water only in the aftermath
17 of a runoff event and water is retained and
18 released into the Dykes branch over a period of
19 time of time.

20 Next slide. So this is the aerial view, this
21 is Mission Road, this is the south side. And most
22 of the water will be directed over to this
23 detention basin. Here's an example of one. Next
24 slide. This is a nearby detention basin that's up
25 on Metcalf. The water runs down from the parking

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1 lots and various areas and is -- goes through
2 different stages and then comes here to the
3 outlet. You can see that it has accumulated the
4 trash from the parking lots. It's up by the
5 Wal-Mart. Now, when it rains, this fills up with
6 water which is released into the nearby stream
7 over time.

8 Next. This is a slide shot -- a screen shot
9 from the diagram provided by the developer. And
10 this is the detention pond as depicted. It's a
11 little bigger than I imagined. But it has steps,
12 I think, going up and then it has a fence around
13 it. Next slide. Well, what are some of the
14 concerns about a detention pond? It substantially
15 increases impervious area, increasing the risk of
16 downstream flooding. This is not covered by
17 homeowners insurance. Flood insurance might cover
18 the basement and the sump pump, but it doesn't
19 cover your carpets and rugs, et cetera. So the
20 folks that are downstream in Prairie Village and
21 Leawood might be affected if there were any
22 issues. If it's due to maintenance problems, the
23 city may be liable for a nuisance action.

24 Next slide. Now, extended detention basins
25 can retain water. Some of them are designed to

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1 and others like this one that I took a picture of
2 (indicating) has standing water in it a few days
3 after it's supposedly all been released. And this
4 is a breeding area for mosquitoes. And the
5 mosquitoes can not only affect the surrounding
6 neighbors, but also the seniors that might be in
7 the facility. And they're more susceptible to the
8 West Nile Virus, which is a very serious disease
9 and it's an endemic in our area. Now, transition
10 to humans is becoming much more common.

11 Next slide. Well, in the Mission Chateau
12 proposal, substantial additional stormwater
13 travels over ground and it collects things as it
14 runs over the ground like pesticides, herbicides,
15 bacterial contamination, especially E. Coli, which
16 is like from animal waste; chemicals, such as coal
17 tar sealants that are on driveways and parking
18 lots. And these sealants are among the worse
19 culprits in contamination because they have
20 cancer-causing agents, what are called carcinogens
21 known as polycyclic aromatic hydrocarbons. These
22 compounds and bacteria all collect and accumulate,
23 multiplying and concentrating in the bottom of a
24 detention pond and later, are released downstream.
25 Dry detention ponds have only a moderate pollutant

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1 removal effect and are ineffective at removing
2 soluble pollutants according to the United States
3 Environmental Protection Agency. Soluble
4 pollutants are anything that can be mixed in the
5 water like your herbicides or anti-bug agents.

6 Next slide. Another concern, Johnson County
7 is scheduled for regulation in the area of
8 stormwater runoff into neighboring streams and
9 rivers. We have concerns that this will not be
10 adequately monitored and addressed, and would ask
11 that that be included.

12 Next slide. This is a satellite photo over
13 the Mission Valley site. And I'd just like to
14 orient you. This is the Mission Valley site.
15 This is Mission Road. And the pin, the red pin is
16 on the easternmost side where the retention pond
17 would be. And this right here is Corinth grade
18 school. And this right here is an apartment
19 complex with many residents and children.

20 Next slide. Now, I apologize for this
21 portion of the talk because I know that 26 percent
22 of the children under age four that are killed are
23 from drowning and there might be somebody in the
24 room that has had that experience. And I
25 apologize for mentioning this. Ages one through

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1 four, drowning remains the second leading cause of
2 unintentional injury-related death. Detention
3 ponds can have rapidly rising water levels that
4 trap children by unseen vortex flows. Because
5 they can retain the water for a few days, also
6 likely a retention pond temporarily. Now,
7 children are often attracted to stormwater
8 facilities. And although it is not feasible to
9 anticipate every public safety risk, many
10 scenarios are foreseeable and can be accounted for
11 during design. This is from Stormwater Magazine.

12 Next slide. These are just a few internet
13 articles. I don't want to dwell on them. This is
14 a drowning of a 23-month-old in Florida. This is
15 a drowning of a five-year-old in a retention pond
16 in Florida. Next. The internet's full of these
17 kind of things and articles from newspapers.
18 These are some in Texas. Seven-year-old mentally
19 disabled girl. Some children that chased after a
20 goose in a pond. This is a five-year-old boy, he
21 was playing with a boat and the water rose rapidly
22 and he was sucked into the drain.

23 So there is a program called the Water
24 Awareness in Residential Neighborhoods. And I
25 think we need to take that into consideration --

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1 next slide -- because the detention basin is
2 directly across the street and a little
3 catty-corner from Corinth grade school and it's
4 right next to the apartment complex which has many
5 young people in it. An attractive nuisance is a
6 dangerous condition which is likely to attract
7 children on to their property. That's a
8 definition from U.S. legal. The FEMA, the Federal
9 Emergency Management Association, an article by
10 Hansen states that fences can actually attract
11 children and impede firefighters in the event of a
12 rescue. So I think the solution for the detention
13 basin is to put it underground. Actually, in
14 reading the water report, there's a little
15 detention basin underground in Corinth South.

16 Next slide. So in summary, we think that the
17 detention basin, if it is built, should be
18 underground for health and safety reasons with
19 adequate monitoring to regulate the discharge of
20 water for pollutants and flooding. And this is
21 just one last caveat and I'll conclude. There was
22 one study that found that dry ponds can actually
23 detract from the perceived value of adjacent homes
24 between 3 and 10 percent. That would seem to
25 affect the folks in the nearby apartment complex

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1 as well as across the street. Thank you.

2 THE SPEAKER: Hello. Okay. Hi. My name
3 is Nancy Synovic. That's weird. Can I just talk
4 or do I need to use this? I need to use that?

5 MS. VENNARD: You can take it off of it.

6 THE SPEAKER: Oh, that's okay. It was
7 the echo thing. I keep wanting to look around and
8 look for myself.

9 Okay. My name is Nancy Synovic and my home
10 is at 4115 West 92nd Terrace in Kenilworth. I'll
11 begin by saying thank you to the City of Prairie
12 Village, Mr. Tutera and all of his colleagues and
13 the people of Prairie Village and Leawood who have
14 used their voices in this process. No matter what
15 their view is on the Mission Chateau project.

16 I am a second-generation Synovic to live in
17 my home. In 1960, my parents, along with
18 countless other couples of young and growing
19 families built their dream homes in Prairie
20 Village and Leawood in hopes of raising their
21 children with other like families who are drawn to
22 what this area had to offer. Fast forward to
23 2007, I purchased the same home in which I grew up
24 when my parents passed away. 53 years later, this
25 community has met and exceeded in many ways those

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1 expectations as this area is still vibrant with
2 new generations as well as the familiar faces of
3 the founding families I've known all my life.

4 Families, they are the foundation, the
5 history and the identity of this community. And
6 not just young families, but middle-aged and
7 senior, singles and couples moving to this area,
8 couples wanting to stay in their homes or
9 downsizing to area ranch homes or moving to any
10 one of the many retirement communities we have in
11 this area or even apartment complexes like the
12 ones close to my -- like the one close to my home
13 Kenilworth Apartments. The balance of our age
14 demographic -- demographic is a good one.

15 I am truly so very grateful for this process.
16 This is the first time I've ever used my voice in
17 this type of forum. I'm -- I'm just -- I'm -- I'm
18 grateful that everyone has come out all these
19 different times that we've had this meetings, it
20 just means you -- that your neighborhood is
21 important to you. And that's what I'm doing here
22 is my neighborhood is just important to me. I
23 have learned a great deal from each of the voices
24 and statistics that I've heard from both sides.

25 And while my voice continues to say that this

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1 project is simply not appropriate for the balance
2 and the intention of this neighbor --
3 neighborhood, I feel it's also important to convey
4 that I and others with similar opinions, we're all
5 your neighbors, we're the people with and without
6 children, we're your coworkers, we're the people
7 with whom you work and sit next to in church and
8 in synagogue and stand next to at the grocery
9 store, Price Chopper for me. Sorry.

10 We are not anti seniors and we are not
11 forsaking any generations. And I will proudly
12 wear an I Support Seniors Staying in Prairie
13 Village sticker just like anyone else on either
14 side. But I am also -- I'm also saying that I am
15 just not in support of such a large building in
16 the -- in -- in this area.

17 Quite simply, my statement is a strong
18 opinion about community balance in size and in
19 use. My opinion is pro my neighborhood. And I
20 believe that this proposed project just simply
21 does not fit this site. I don't have the
22 statistics, the numbers and graphs and diagrams
23 that everybody else has presented. I go by my
24 head and my heart in most of my life's decisions.
25 I think you'll all agree that when you drive

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1 through this area, that there is this splendid
2 graceful rhythm to what you see and what you feel
3 in the landscape, in the trees, in the homes and
4 the neighborhoods, the way the neighborhoods fit
5 together like a carefully tended to land quilt.

6 My fear is that driving down Mission Road,
7 it's going to be, oh, neighborhood and
8 neighborhood and cute little house and lovely
9 street and, bam, what was that, and Panera and a
10 school. And I -- I -- I'm -- it sounds flippant,
11 but it's -- it just doesn't -- it just -- that's
12 what I feel it's going to be and -- and I just
13 don't feel it's appropriate. It's -- anyway, this
14 area was my home for 20-some years when it was
15 first developing. It's been my home while I
16 raised my kids in their teen years. I believe
17 that this will alter the identity of this
18 energetic, family-based, well-planned, maintained
19 and balanced community and come at a high cost to
20 its current residents as well as diminish its
21 appeal to future generations. Again, I thank you
22 for your time and for the opportunity. Thank you.

23 THE SPEAKER: Mr. Chairman and members of
24 the planning commission, my name is David Lillard.
25 My address is 3607 West 84th Terrace in Corinth

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1 Meadows, a subdivision of Prairie Village. I've
2 lived at this address for 49 years. Have been a
3 Prairie Village resident since 1957 when we
4 petitioned for annexation from Mission Township so
5 that our children could enjoy the Prairie Village
6 pool. I have served on the Prairie Village Park
7 Board for several terms. And until my retirement
8 earlier this year, was a member of the Civil
9 Service Commission and the citizens advisory
10 committee to the police department.

11 I speak in opposition to the proposed
12 development of the Mission Valley site. It is not
13 a good fit for the residential neighborhoods it
14 adjoins. It is a massive complex of structures,
15 driveways and parking spaces that eliminate any
16 reasonable use of green space. It is not needed
17 to serve the residents of Prairie Village.

18 Prairie Village is a community of
19 neighborhoods. Neighborhood schools and
20 neighborhood parks, neighborhood shopping centers,
21 churches, homes associations, garden societies,
22 and all the other ingredients of community. This
23 site is surrounded on three sides by single-family
24 homes and the fourth side by modest two-story
25 apartments. Corinth Meadows, the subdivision in

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1 which I live, is east of Mission Road, is composed
2 of 71 properties, ranch, trilevel and
3 story-and-a-half homes, typically on 12 to
4 15,000-square feet lots. This well-established
5 neighborhood would be overwhelmed by the size and
6 mass of structures proposed for the Mission Valley
7 site. Green space has always been a premium and
8 a prime concern of Prairie Village leaders, as our
9 system of park and properties reflects. My -- my
10 recollection of early park board meetings in the
11 basement of the old Payless grocery store, which
12 is now Hen House, made your -- Mayor Bennett, one
13 of our first mayors, instructions to look for
14 opportunities to set aside green space for
15 neighborhood parks. Even this pocket parks, any
16 green space we could come up with. Successive
17 mayors, councils and boards have ratified those
18 instructions over and over. And I'm sure you keep
19 that in mind in your deliberations.

20 School grounds, such as those of Mission
21 Valley have always been a part of the green space
22 equation. They are critical. They lend
23 themselves to sports and practice areas of a size
24 that can not be accommodated in space usually
25 available for parks. Just last night when I drove

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1 through that area, there must have been 60 or 70
2 kids playing soccer, softball, baseball in the
3 green space around Mission Valley. It is used
4 almost daily. The closing of Mission Valley as a
5 middle school has been a major setback for Corinth
6 Meadows, for our community. And while it is
7 unlikely that we can recover the school, it is
8 reasonable and responsible to make every effort to
9 retain a significant amount of open green space.
10 The proposed development would eliminate any
11 possibility of such use.

12 And while I'm at the stage of age of life to
13 be thinking about senior living accommodations, I
14 do not sense any lack of options in my community.
15 Certainly none to warrant such massive operations
16 as proposed for the mill -- the Mission Valley
17 site. As our lawfully constituted commission, you
18 have the authority and privilege and
19 responsibility to protect and secure our
20 neighborhoods, our community, and our way of life.
21 It's an awesome responsibility. I urge you to
22 give very careful consideration to this proposal
23 and to reject it. I appreciate your listening.
24 Thank you very much.

25 THE SPEAKER: Mr. Chairman, members of

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1 the planning commission, my name is Brian Doerr.
2 I'm at 4000 West 86th Street, Prairie Village.
3 It's my privilege and honor to be able to read a
4 position statement from former mayor Monroe
5 Taliaferro in opposition to the development of the
6 former Mission Valley Middle School site:

7 My name is Monroe Taliaferro. I live at 8101
8 Mission Road, Prairie Village, Kansas. And I've
9 lived in Prairie Village continuously since 1952.
10 I was a corporate attorney for Butler
11 Manufacturing Company in Kansas City for 35 years.
12 During the time I was employed at Butler, I served
13 for six years on the Prairie Village City Council.
14 During those years, I served on various
15 committees, including public works, public safety
16 and administration.

17 When the then current mayor resigned to fill
18 a vacancy on the Johnson County Commission, I was
19 serving as president of the Prairie Village City
20 Council. My experience of six years on the
21 council plus being a resident gave me many
22 contacts in our city. I decided to run for mayor
23 of Prairie Village. I won the first election and
24 two following elections and served as the mayor
25 from 1989 through 1999.

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1 During my ten years as mayor, the city
2 council dealt with two major developments for
3 elderly citizens, Brighton Gardens at 71st and
4 Mission Road and Claridge Court at Somerset and
5 Mission Road. Shortly after the approval of those
6 two projects, a writer for the local press called
7 to ask me if Prairie Village planned to become the
8 headquarters for the elderly in the region. I
9 reminded -- I reminded the individual the long
10 history of Prairie Village as a growing, dynamic
11 community made up of mostly single-family homes.
12 But the city council recognized the growing need
13 to provide limited corporate housing for the
14 elderly. We now have three large facilities to
15 house the elderly that were not considered as part
16 of our forward planning, Village Vision. Massive
17 developments are not compatible with our vision
18 for Prairie Village, star of Kansas. Our emphasis
19 has focused on young families with parks,
20 recreation areas, shopping centers, schools and
21 soccer fields. To ask the citizens of Prairie
22 Village after more than 70 years of dynamic growth
23 to reverse course with a promise of new, modern,
24 architecturally-pleasing structures is, quote,
25 selling out our real vision for our community.

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1 Three existing retirement communities for privy --
2 or excuse me -- three existing retirement
3 communities, Brighton Gardens, Claridge Court and
4 Benton House are enough for Prairie Village.

5 My own living and visiting experience in
6 retirement institutions ins -- indicates that
7 elderly residents living in care centers lose
8 interest in the communities or perhaps move into
9 care centers with no knowledge or interest in
10 their surroundings. My efforts to encourage
11 residents to register and vote in recent elections
12 were met for the most part with complete lack of
13 interest. New populations in Prairie Village need
14 to bring new energy, creative ideas and inspired
15 young families.

16 Most conversations in retirement communities
17 concern the evening menu, whether the mail is in,
18 or who was taken into the care center today. We
19 must not become the fading star of Kansas, we can
20 do better. Respectfully, Monroe Taliaferro.

21 Thank you.

22 MR. DUGGAN: Mr. Chairman, John Duggan.
23 And I'm going to close the Mission Valley members'
24 presentation by going through a brief analysis of
25 what we consider to be the findings that we think

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1 are appropriate. I think we're on Slide 4.

2 As has been discussed at some length, one of
3 the important things for the planning commission
4 to do is to make findings of fact that support
5 whatever decision that the planning commission is
6 going to make. And to that end, one of the things
7 that's set forth specifically in the zoning
8 ordinance is that the special use permit complies
9 with all applicable provisions of the regulations,
10 including the intensity of these regulations, yard
11 regulations and use limitations.

12 We actually have identified and, I think,
13 articulated that we do not believe that it's
14 appropriate to consider the skilled nursing
15 facility as a subordinate accessory use until the
16 actual primary use is in existence. To do such
17 would be to divorce yourself from common sense.
18 We believe that the finding of fact needs to be
19 made that that building at 271,000 square feet
20 needs to be built first.

21 Secondly, we think in order to approve the
22 villas, some factual support needs to be presented
23 to the commission which would articulate the basis
24 upon which the duplexes are subordinate accessory
25 use. Absent that, there would be no viable reason

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1 to approve those buildings. In addition to that,
2 we think that the whole manner in which this thing
3 has been presented has been an effort to,
4 obviously, maximize density and mass on site.
5 We're going to talk about traffic issues later on,
6 but if you were to go into this site and you
7 actually were to plat it and say, I want to build
8 a skilled nursing facility on a separate lot, I
9 want to build duplexes on separate lots, I want to
10 build a 271,000-square foot building on a separate
11 lot, and all bounded by either a private or a
12 public street, we all know that the existing
13 densities would be dramatically reduced because
14 this one lot site wouldn't comply with the setback
15 requirements under the UDO, under the zoning
16 ordinances for the city.

17 Obviously, trying to get it approved as one
18 lot, one site, with no sufficient setbacks and all
19 of the safety issues that we think are going to be
20 effectuated by the narrow street that serves all
21 these buildings is an effort to maximize density.
22 When we met with the staff, we discussed these
23 issues. And they readily admitted that the
24 developer came in and set this up and platted it
25 as separate parcels and actually dedicated a

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1 street to service the duplexes, the skilled
2 nursing facility and the 271,000-square foot
3 building, that the density on the project would be
4 reduced dramatically as a result of the setback
5 requirements.

6 Obviously, we think this has all been
7 designed in a fashion to maximize densities, which
8 we think is inappropriate. Accordingly, we don't
9 think that this complies if you're to reasonably
10 interpret your own zoning ordinance, that the
11 villas and the skilled nursing facility are a
12 subordinate accessory use or that, at a minimum,
13 lot coverages and setbacks could be met if you
14 were to apply an appropriate standard for all
15 these buildings. What we believe the case is, is
16 that you have before you one of the most intense,
17 massive developments that's ever been presented to
18 the city. And accordingly, we think, in your
19 discretion, for aesthetic reasons, for community
20 harmony reasons, for all the reasons that we've
21 identified, it doesn't meet the first factor.

22 Go to the next slide, please, forward two.
23 All -- all -- also, the proposal should be
24 specified that it will not adversely affect the
25 welfare or convenience of the public. I think

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1 that we've identified clear density issues, lack
2 of any real transition, parking issues, traffic
3 issues. One of the things that's never really
4 been discussed at any length in this analysis is
5 the developer submitted a traffic report to the
6 city that suggests that we're actually going to
7 reduce traffic at peak times in the morning.

8 What nobody seems to want to identify is the
9 fact that these shift changes at this facility are
10 going to occur in the evening and not in nighttime
11 hours. Those are headlights, those are people
12 talking in parking lots. I grew up in a
13 blue-collar city. I can remember my parents
14 complaining about some of our neighbors getting
15 home late at night, slamming car doors and making
16 noise. We're going to have a large number of
17 employees changing shifts right adjacent to these
18 single-family residential areas at hours in the
19 evening from 6 to 11:00 at night. And when those
20 shift changes occur, those people are not silent,
21 they're going to be just like any other shift
22 change. Those are issues that have never been
23 confronted. We think based upon the reasons that
24 we've suggested, it's going to have a significant
25 adverse impact on the convenience of the adjoining

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1 neighbors, including the public.

2 Go to the next slide, please. The proposed
3 special use will not cause substantial injury to
4 the value of the other properties in the
5 neighborhood in which it is to be located. As set
6 forth in the submissions at the last meeting, we
7 believe that actually, this is going to have a
8 significant reduction in the amount of the
9 appraised values of the properties that adjoin
10 this. We also believe that the analysis of the
11 density is using what we consider to be some red
12 herrings.

13 They come up with units per acre, they come
14 up with a discussion -- we should be on Slide 43.
15 Thank you. We come up with some discussions about
16 units per acre. And quite frankly, we just think
17 that is outside the realm of appropriate
18 discussion. We identified some hard numbers,
19 square feet per acre. This project, the 21,000
20 square feet per acre is twice as dense as the most
21 dense commercial project you have in Prairie
22 Village. To suggest that that's appropriate right
23 next door to single-family residential on a
24 special use permit for an area zoned R-1A, we
25 think, reaches the height of absurdity. That, in

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1 our view, is a density calculation that should be
2 closely reviewed by you, as the commissioners, and
3 you should reject it because it doesn't meet the
4 standards of causing substantial injury to the
5 adjoining property owners.

6 Next slide, 44, please. The location, size,
7 the use and nature and intensity of the operation
8 involved or cannot -- conducted in connection with
9 the site with respect to streets getting access to
10 it are such that the special use will not dominate
11 the immediate neighborhoods so as to hinder
12 development and use of the neighboring property.
13 One of the obvious concerns that anybody has with
14 respect to this project is, you've got a 22-foot
15 wide ring road that basically serves the duplexes
16 and the skilled nursing facility. Abutting this
17 22-foot wide road are a bunch of parking stalls.
18 And you can see this on the site plan that's part
19 of your materials.

20 Well, I have an 85-year-old dad. I'm just
21 telling you, he's not as sharp as he used to be
22 even ten years ago, he's not a very good driver.
23 I don't like riding with him. I -- I don't want
24 to be in a car when he's trying to make a decision
25 if there's an emergency vehicle coming down that

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1 22-foot wide road and he all of a sudden panics on
2 something. You could have a major catastrophe on
3 your hands. Those are some of the people that
4 will be attracted to this facility. There is an
5 assurance that you're going to have a
6 concentration of elderly people. I love my dad
7 dearly, I just don't want to ride in a car with
8 him.

9 You need to take that under consideration
10 because you've got a 22-foot wide road, a typical
11 residential street is 26 feet wide. Santa Marta
12 has a 36-foot wide collector road out in front of
13 it. Those are things that are life safety issues
14 that we think are significant. How are emergency
15 vehicles going to get to all those villas, the
16 skilled nursing facility? If, in fact, an elderly
17 driver has a catastrophe, which is entirely
18 foreseeable, when an emergency vehicle wants to
19 get around there? We don't think that this is
20 appropriate.

21 We've also identified that the issues of
22 traffic in comparison to the school is also what
23 we consider to be a red herring. The school was
24 open 190 days a year. This facility is open 365
25 days a year, 24 hours a day, seven days a week.

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1 Shift changes in the evening and night hours,
2 you've got cars coming and going. This is a much
3 more intense use on traffic and the neighborhood
4 than was ever appropriate for the school. In
5 addition to that, you've now got parking lots, the
6 22-foot wide ring road, the skilled nursing
7 facility parking lots, all adjacent to the
8 single-family residential areas which currently
9 are bounded primarily by grass ball fields. We
10 think that the size, location and nature of the
11 use definitely weighs against the approval.

12 Next slide, 45, please. Off Street parking
13 and loading areas, we discussed that at some
14 length. We believe you're going to have Father's
15 Day, Mother's Day, Memorial Day, 4th of July,
16 Christmas, Thanksgiving. Our research indicates
17 that that generates 50 to 250 additional visitors
18 on these days. We believe that this parking on
19 the facility as proposed by the developer is
20 largely inadequate as it exists for the existing
21 uses, let alone these bubbles.

22 We don't have a public library like Claridge
23 Court does. Where are the people going to park?
24 They're going to filter into all of these
25 single-family residential subdivisions, which is

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1 going to create traffic problems for the adjoining
2 neighborhoods. None of this has been
3 appropriately addressed.

4 F, the adequate utility drainage and other
5 such necessary facilities as Doctor Satterlee
6 identified, we think that the plan is inadequate.
7 And if you're going to use a storm discharge
8 system, it should be buried underground at a
9 minimum for life safety issues.

10 Slide 47, please. Adequate access to the
11 roads, entrance and drives. We just discussed at
12 some length a 22-foot wide driveway and my elderly
13 dad. And maybe I've got a myopic view of his
14 driving skill, I'm confident there's probably
15 other people in the room that as their parents get
16 older, their driving skills become limited. That
17 should be a viable concern for the city. The last
18 thing you want -- and this can happen -- is a
19 catastrophe to occur, because all you have is a
20 22-foot wide driveway to service that number of
21 people, could be blocked by all the people that
22 are going to be parking and entering off that
23 roadway.

24 Go to Slide 48, please. Adjoining properties
25 and the general public shall not be add -- shall

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1 be adequately protected from hazardous, toxic
2 materials, unnecessary and obtrusive noises. Once
3 again, we've got a school operating from 7:30 in
4 the morning, 7 in the morning until 4:30 or 5 at
5 night. And that -- that's 100,000-square foot
6 building. Now we've got a 384,000-square foot
7 operation with full-time employees 24/7/365, cars
8 coming and going at shift changes in the evening
9 and nighttime hours. That is a significant
10 intrusion on the neighborhood, certainly a
11 significant intrusion on the adjoining
12 single-family property owners.

13 Go to Slide 49. Architectural style,
14 exterior materials are compatible with such styles
15 and materials used in the neighborhood in which
16 the proposed building is to be built or located.
17 I can't imagine a more incongruous use to this
18 site than to build a 271,000-square foot,
19 three-story building that's two-and-a-half
20 football fields long backing up to my house.

21 How in the world can anybody with a straight
22 face conceivably look any of these property owners
23 in the eye and say this is consistent with the
24 architectural style of the surrounding areas? I
25 can't imagine anybody would want to do that and

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1 look somebody in the eye with a straight face and
2 say that's consistent with the surrounding areas.
3 It's not. It'd be the second largest residential
4 building in Johnson County. You saw the pictures
5 of Santa Marta. How can somebody suggest to you
6 pictures of Santa Marta that we put up here on the
7 screen are architecturally similar in any way,
8 shape or form to a single-family residential house
9 that's next door to it?

10 Let me discuss briefly the Golden Factors.
11 The character of the neighborhood. We discussed,
12 I think, at some length this proposal is entirely
13 inconsistent. This should be Slide 51. This
14 proposal is entirely inconsistent. Square feet
15 per acre, number of persons living in the site per
16 acre. 25 people per acre on Mr. Tuter's
17 proposal. All the other senior facilities,
18 including Benton House, were ten or less.
19 Two-and-a-half times the most extensive use. We
20 look at these things and we suggest this is not
21 consistent. It's difficult to conceptualize and
22 grasp the massive density of this project. It is
23 what we believe to be entirely consistent with
24 single-family residential R-1a zoning in the
25 surrounding area.

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1 Slide 52. Zoning uses of nearby property.
2 Once again, single-family residential on three
3 sides. We believe placing a 271,000-square foot
4 three-story building, two-and-a-half football
5 fields long doesn't even begin to make weight of
6 an argument that it's consistent with surrounding
7 areas.

8 Please go to Slide 54. The extent that the
9 change will detrimentally affect the neighboring
10 properties. We think that the staff has gotten
11 one thing crystal clear. It says they believe the
12 city -- the city will lose the open space that it
13 has enjoyed for the last 50 years. That is an
14 undeniable truth. When you put the 384,000-square
15 feet in all these parking lots on this site, that
16 open space is not going to be utilized by the
17 community any longer. People aren't going to hold
18 their soccer practices or their football
19 practices, nobody's going to have access to that
20 open space any longer. It's going to have an
21 absolute detrimental impact.

22 The staff report also identifies, well, the
23 site -- height of the building is no greater than
24 the height of the gymnasium. The gymnasium
25 doesn't constitute even 20 percent of what we can

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1 determine of the 100,000 square feet of the school
2 site. So maybe you have a 20,000-square foot
3 portion of that building that has the height of
4 what 271,000 square feet's going to have on this
5 site. It just -- it's not even apples to oranges,
6 it's apples to cucumbers, it doesn't make sense.
7 You can't draw a conclusion that the height of the
8 proposed building is no greater than the existing
9 height of the gymnasium when one portion is about
10 20,000 square feet and the other one is 271,000
11 square feet.

12 The length of time of any vacancy of the
13 property. Once again, this is what we consider to
14 be a false premise. There is no loss of use. The
15 loss of use has been entirely up to the developer.
16 We understand he's had opportunities to sell this
17 building to a school. He's chose not to. He's
18 presented a development plan to you. There was
19 nothing that prohibited this development plan from
20 being presented a year ago. There's nothing that
21 will prohibit a successor developer or this
22 developer to come back to you if you turn this
23 project down. This is a very valuable piece of
24 property that somebody's going to want to use.
25 This use is inappropriate. It's not like it's a

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1 blighted, dormant area, it's a highly sought after
2 development site for an appropriate use.

3 Please go to Slide 56. What's hard to
4 measure here is just the hardship that's going to
5 be encountered by the surrounding property owners.
6 We've heard estimates that it could reduce the
7 surrounding property values by 10 to 20 percent.
8 Some estimates have said it's not going to impact
9 them at all, in fact, it may cause it to go up.
10 As absurd as that may sound, that was something
11 that was tendered to you, that we've got some
12 experts that say, hey, you know what, people might
13 want to buy a house next to this monstrosity.
14 Well, use your common sense once again, please.
15 You're not going to want to buy a house that backs
16 up to it, it's going to have an adverse impact on
17 the surrounding neighborhoods.

18 What we think is important is that you
19 analyze this from the alternatives. You don't
20 have to say this is the only possible use. If you
21 turn this down, guess what happens in the
22 development business? Developers go back to the
23 drawing board, they figure out something that
24 makes more sense. If you turn this down, it's not
25 like all of a sudden, the school's going to just

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1 get overgrown with weeds. We know that's not the
2 case. This gentleman didn't invest all this money
3 just to let it go to weeds, he's going to be back
4 to you with a more appropriate plan, with a more
5 appropriate scale. This is a plan that should be
6 rejected outright.

7 Next slide, please. The staff
8 recommendations, which we've identified on our
9 handout to you on page 57, we don't think gives
10 appropriate consideration to the traffic and the
11 continuous use of the building 24/7/365 as opposed
12 to the school. We also think that the staff
13 report has not -- by their open admission, they
14 have an updated report -- they feel they need more
15 information on density and mass and scale.
16 Obviously, we all do. But what little information
17 we do have in comparison to Santa Marta says in
18 bold print, no, this won't work on this site, find
19 something that's more appropriate.

20 We tender to you the Benton House press --
21 precedent, that was a 47 -- 49,000-square foot
22 school was replaced by a 47,000-square foot senior
23 facility. Maintain the green space. That seems
24 to be a very common sense approach. You have
25 100,000-square foot school, somebody wants to

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1 build a 100,000-square foot senior facility, bring
2 a plan in that makes sense that preserves the
3 green space.

4 At the end of the day, we really believe that
5 the primary goals of the Village Vision are to
6 retain the green space and to provide in a
7 consistent development pattern with the prior
8 uses. There is no doubt the Kansas Board of
9 Appeals and the R.H. Gump case that I cited to you
10 earlier has told you unequivocally, you can turn
11 this down for one reason and one reason only, it
12 just doesn't look right. Aesthetically, it's
13 inappropriate. We've given you massive amounts of
14 evidence to go through every Golden Factor and
15 come back on each one of those factors and say, we
16 don't think it meets the test.

17 As set forth by the court of appeals in the
18 Gump decision, don't forget, values that are
19 represented by the planning and zoning laws are
20 not just about monetary issues, they're spiritual
21 as well as physical, aesthetic as well as
22 monetary. It's within your power as the
23 legislature to make determinations that the
24 community should be beautiful as well as healthy,
25 spacious as well as clean, well-balanced as well

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1 as carefully patrolled. Your power is not
2 confined to the elimination of filth, stench and
3 unhealthy places.

4 You have ample authority to lay out zones
5 where family values, youth values and the
6 blessings of quiet seclusion and clean air make
7 the area a sanctuary for people. Don't forget the
8 privilege, the authority, the responsibility you
9 have to the past heritage of your city and to the
10 legacy of your lead by the decisions you make.
11 But we're asking you to make an informed decision
12 and turn down the request. Thank you so much for
13 your time. By the way, Mr. Chairman, I do believe
14 there were a number of other persons that we were
15 made aware of that are not officially affiliated
16 with the Mission Valley Neighbor Association that
17 want to speak.

18 CHAIRMAN VAUGHN: We thank you for that.
19 But I think at this time, it's 9:00 and I think we
20 ought to take a ten-minute recess until ten after
21 9 and come back and listen to those people.

22 (THEREUPON, a recess was taken.)

23 CHAIRMAN VAUGHN: I know there are
24 several of you that want to speak to us, and we're
25 anxious to hear any new information that's

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1 applicable to this. If you have something new, we
2 want that to be made available to us. And if you
3 have a written document that you plan to read,
4 please give that to us here so that the secretary
5 can put that in the minutes and that we can use
6 it. But we ask you to not come to the microphone
7 and read a long speech that we can read at another
8 time. We would appreciate that. And if you would
9 try not to repeat what other people have already
10 said, we would appreciate that, too.

11 So would the next person like to come
12 forward? We'd like to finish in about a half hour
13 from now with the public portion of this.

14 THE SPEAKER: Hello. I'll try to be
15 brief. My name's -- thank you. My name's Ed
16 Frisch. I live at 8511 Delmar Lane. And I'll --
17 I'll make this brief. I think this is somewhat
18 new information, only because it's not an opinion,
19 it's not an estimate. I'm here to talk
20 specifically about home and property values
21 specific to the property that I live in. Our home
22 does back up to the proposed development. And the
23 time that the property was sold to the developer
24 and today, that property has decreased in
25 appraised value by 13 percent. And that is

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1 appraised by the Johnson County Appraiser. I'll
2 hand you my residential address, that information
3 can be obtained by calling the appraiser's office.
4 That's not a realtor's opinion or something else,
5 that's simply a fact. In 2010 to today, that
6 property's gone down by 13 percent. So to think
7 that this kind of development won't have an
8 impact, it has and will continue to do so. Thank
9 you.

10 THE SPEAKER: My name's Debbie Ferera
11 (spelled phonetically). I live at 4020 West 86th
12 Terrace -- or excuse me -- 86th Street. And I am
13 speaking on behalf of Esther Levin, who is my
14 neighbor who backs up to my side. So our property
15 backs up directly to the property that is proposed
16 for development. And she is ill tonight and asked
17 to be -- asked me if I would read her opinions:

18 I've lived in the neighborhood for a very
19 long time in a house for bordering the Mission
20 Valley project, for 55 years. She moved in in
21 1957. I think it's preposterous to believe that
22 this mammoth commercial enterprise would conform
23 to the character of the neighborhood when, in
24 fact, it would change the neighborhood completely.

25 I remember when there was great concern about

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1 a neighbor attaching a greenhouse to his home. He
2 had trouble getting it approved because the Town
3 and Country board worried that it would become an
4 eyesore. That's how stringent the neighborhood
5 has been maintaining requirements through the
6 years. There is always been a great concern about
7 maintaining the look and feel of Prairie Village
8 and what the actual name implies.

9 I think Carson Cowart (spelled phonetically),
10 who developed the Town and Country community,
11 would be amazed to see the dimensions of the
12 proposed project. It would not only be contrary
13 to conforming to Carson's Village Vision, but also
14 the plan of the village itself by not maintaining
15 green space to retain the character of our
16 neighborhoods. As a senior citizen in Prairie
17 Village, I would not be interested in living in
18 such a massive project.

19 I want to quote from the AARP report that was
20 issued in 2011 on the needs and preferences of the
21 expanding aging baby boomers generation. The
22 report says that 80 -- or, quote, 84 percent of
23 baby boomers prefer to stay in their home as they
24 age, unquote. So that brings us -- that brings up
25 the question of what in the world would happen to

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1 these gigantic buildings if the business venture
2 should fail to live up to expectations and it was
3 abandoned? What other use could there possibly be
4 for such a giant and highly specialized facility?

5 In conclusion, it's hard to believe that
6 anyone worried about the future of Prairie Village
7 would even contemplate such a large-scale
8 intrusion that would devalue the quality of life
9 and all the beautiful nearby homes that are the
10 pride of Prairie Village. Thank you.

11 CHAIRMAN VAUGHN: Again, if you have a
12 written document, if you'd like to present that to
13 us, you can do that and you won't have to read it.

14 THE SPEAKER: My name is Larry Worrall
15 and I live at 4824 West 86th Street. And I speak
16 for my daughter also who lives in -- (inaudible)
17 -- house on -- (inaudible) 87th Street. And we're
18 fortunate enough to have very large lots in this
19 particular neighborhood and how important the --
20 the green space is to us.

21 And I don't know if any of you -- I'm sure
22 you've noticed how nice it is to have Meadowbrook
23 Country Club still there and the way they've
24 cleaned up 91st and Somerset, which looks very
25 nice. And we were -- many citizens of Prairie

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1 Village were very concerned what -- what might
2 happen to -- to that -- to the golf course there.

3 But in any event, I -- from my memory of the
4 -- of the meeting last that -- that we had last --
5 I guess it was two weeks ago or whenever it was,
6 was that I have a lot of concern about the
7 lighting -- or the residents in that immediate
8 vicinity about the lighting that would be required
9 to protect the residents of this -- the chateau
10 here. Because as I understand, there will be
11 memory-impaired residents, there will be much
12 traffic in and out and it's proximity to Corinth
13 Square, which is -- has become a very high-density
14 with seven exits and entrances and very congested
15 areas there at 83rd and Mission and Somerset and
16 Mission.

17 And consequently, traffic in and out of -- of
18 -- of the project here would -- I think would be
19 also affected by it by the -- the Corinth Square
20 density of restaurants and sports bars, et cetera,
21 there. But this project, it would be required,
22 because of the high duty that the project -- that
23 the owners would have to their residents,
24 especially those impaired with memory-impaired,
25 that these heights would have to be very strong,

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1 they would have to be stronger than -- than --
2 than anything we've seen around here. It'd be
3 like Yankee Stadium being lit for 24 hours, 7 days
4 a week at night.

5 And another concern I have, which wasn't
6 addressed before, was what happens -- I don't know
7 about the nonprofit senior living, but whether or
8 not the senior skilled nursing facility for this
9 project, would that become a regional skilled
10 nursing and residents from other senior living,
11 would they been transported into -- to the Chateau
12 skilled nursing home? Which I don't know what
13 happens when you mix the -- the nonprofit that
14 needed a skilled nursing in with the for-profit
15 skilled nursing. But as I understand, the beds of
16 the rooms at the skilled nursing can run anywhere
17 from a couple hundred to \$7,000 a night. So there
18 may be concerns.

19 And then I also have concerns of how many
20 security people that will have to be employed to
21 look after the residents and to protect -- to
22 protect the residents and the -- make sure that
23 they're safe at all times. Thank you very much.

24 CHAIRMAN VAUGHN: I'll remind you again,
25 if you've already submitted a document, we have

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1 that in our record and everyone has read it.

2 THE SPEAKER: My name's Whitney Kerr. I
3 live at 4020 West 86th Street. My -- my big
4 concern -- two biggest concerns are how -- how the
5 character of this is and how detrimental it would
6 be to the neighborhood. We know that Prairie
7 Village will have twice the normal -- or twice the
8 number of retirement homes as compared to Johnson
9 County if this project is completed. Haven't we
10 done our fair share? Wouldn't it be more
11 forward-thinking for us to develop more
12 single-family?

13 The other concern I have is with all the
14 changes coming in -- in healthcare in the next few
15 years, why would we as a community bet so large on
16 a project that's going to be 100 percent dependant
17 on Medicare, Medicaid payments? There could be a
18 lot of changes that come along and we could end up
19 with a real problem. We don't need it. So please
20 reject this. Thank you.

21 THE SPEAKER: My name is John House. I
22 live at 808 Granada, Prairie Village, Kansas,
23 Corinth. What's being presented is a -- a fairly
24 typical development strategy, which is to propose
25 an outrageously large project so that the

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1 commission will consider a lesser sized project.
2 This project should be turned down on its face
3 value. People do not move into an area because it
4 has nice nursing homes. Why do they move into a
5 neighborhood? Because it has good schools. And
6 we have an opportunity to utilize that space
7 because we have Kansas City Christian School that
8 is bursting out its seams, we have a number of
9 other -- of our other faith-based schools that are
10 full. And this property could be utilized for
11 that purpose.

12 If you added another facility like this, you
13 would put an enormous economic strain on our
14 existing properties and create future blight. How
15 would that occur? Because the occupancy would
16 fall and these properties would start to fail and
17 you would have rundown, decrepit properties and
18 you would have -- you would be approving future
19 blight. So I'd recommend that you turn down this
20 project completely and go back to ground zero and
21 start looking at what is needed, and that is
22 quality schools in our area. Thank you very much.

23 THE SPEAKER: My name is Bob Schubert. I
24 live at 3700 West 83rd Terrace, Prairie Village,
25 six houses from the proposed Tutera detention

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1 basin. I'm the president of the Homes
2 Association, which, of course, is the neighborhood
3 across the street to the east of this proposal.
4 Most of the points that I wanted to say have
5 already been stated, so I won't bore you with
6 them. But I did want to make one point.

7 Mr. -- Mr. Tutera has been quoted as saying
8 that only a very small, isolated group opposes his
9 plan. It is not small. It includes most of the
10 people who live immediately adjacent to the
11 proposed site. I notice that most the supporters
12 of the proposal who spoke last month were from at
13 least seven or eight blocks away from the site.
14 So last week, I drove all of the streets between
15 83rd and 87th, a block or two -- to the blocks on
16 the east and a block or so to the west of Mission
17 Road. And out of the 158 houses closest to the
18 site that I counted, 86 had signs that said, no
19 massive development. That's 54 percent. 54
20 percent of the houses have signs. Very casual
21 count, obviously, but that's a majority. That's
22 not a very small, isolated group. Some of
23 those without signs did not want them, even though
24 they signed a protest position that we asked them
25 to sign. They just didn't like having signs in

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1 their yard, but they're still opposed to the --
2 the proposal. We have over 1,500 e-mail
3 subscribers. And the moment one of our
4 subscribers says, take me off your list, they're
5 off. We don't keep anybody on who doesn't want to
6 be on the list. So presumably, all 1,500 of those
7 people are against the project. This is not a
8 very small, isolated group. This is the majority
9 of the immediate neighborhood that opposes this.
10 Thank you very much.

11 THE SPEAKER: I'm not going to read all
12 this, I'm just going to give you the parts that --
13 points that have not been made. But my name is
14 Sheila Myers and I live at 4505 West 82nd Street
15 in Corinth Hills. So I -- I'm not a member of
16 Mission Valley Neighborhood Association and I
17 don't live directly adjacent to the property. I'm
18 not from Prairie Village.

19 My husband and I have been here for 15 years.
20 We've raised three daughters here and I consider
21 myself very lucky to be in this community, I love
22 it. And I -- part of the reason I love it is
23 because of the diverse population. And I can't
24 imagine how difficult it must be for all of you as
25 members of the planning commission to balance the

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1 rights of property owners with the needs and
2 desires of such a diverse population. I
3 appreciate your efforts to keep the village in
4 Prairie Village.

5 And I agree with the points, I think it was
6 made by Jordan, about a lot of families having
7 moved out of Prairie Village because of the lack
8 of affordable, adequate housing. And Mission
9 Valley schools situation is a sentiment of that
10 reality with the closing of the school.

11 When the property was sold to MVS, MVS bought
12 it for 4.3 million, \$1 million more than the
13 asking price. The developer wants to make a
14 profit. There's nothing wrong with that. But in
15 order to make a profit above the \$4.3 million
16 price tag, they've got to squeeze every dollar out
17 of every inch of that space. The developer
18 gambled on this property, in my opinion, banking
19 on the city embracing a rezoning to allow for
20 higher density development. The property's not
21 been rezoned, but this hasn't deterred the owner
22 from pursuing another high-density proposal. I
23 certainly admire his tenacity.

24 We find ourselves for the second time in two
25 years debating a controversial, high-density

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1 project proposed by the developer for a piece of
2 property zoned to R-1a. I'm not disputing whether
3 Prairie Village needs another senior living
4 facility. I just don't think this one is
5 appropriate for the site.

6 One final point, my husband is in advertising
7 and he worked on the Wal-Mart account. A typical
8 Wal-Mart Super Center is between 180,000 and
9 220,000 square feet. So the combined square
10 footage of this development is equivalent to about
11 two Wal-Mart Super Centers. I don't think that's
12 what we want for this property. So thank you very
13 much.

14 THE SPEAKER: Good evening. And I would
15 like to thank the planning commission for giving
16 us this opportunity. My name is Chuck Hitchcock.
17 I live at 8105 El Monte. My wife and I bought
18 that piece of ground in 1970 and built a house.
19 Because we had supreme confidence that the JC
20 Nichols Company was going to develop Corinth Downs
21 into the area that it is, we weren't concerned
22 about them as a developer.

23 However, after several years -- after living
24 there for several years, we got a legal
25 notification in the mail that indicated that their

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1 office building, which is on the curve at
2 Somerset, currently, the way it looks today, they
3 wanted to expand that two to three times larger,
4 which meant the property to the rear of us, which
5 is zoned R2, R3 was going to turn into a gigantic
6 parking lot with lights 24 hours a day.

7 I went to the Nichols Company along with some
8 other neighbors and visited with (inaudible) and
9 their attorney. And he kindly explained what they
10 wanted to do and it sounded halfway reasonable. I
11 stopped at city hall. And I'll never forget the
12 lady named Klebold (spelled phonetically). I told
13 -- she asked me what it was about and I told her,
14 and she said, I think you ought to look at what
15 the proposal really says. And I did it. And we
16 got together as a neighborhood and decided that
17 what we were being told was not really what --
18 that Nichols wanted to do. However, we decided
19 as a group to go to the planning commission
20 meeting, and we did. And we were told that we
21 weren't going do -- to have the opportunity to
22 speak, we were just there to listen. However, the
23 Chairman of the commission, whatever reason,
24 invited us to speak. And we did and we shared our
25 thoughts. And I'll never forget the gentleman who

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1 was the planning commission chair and at that
2 commission, because in my opinion, they showed
3 tremendous courage to deny that Nichols' request.
4 And you can imagine the economic pressure that
5 Nichols was putting on them to -- to -- to pass
6 that, but they didn't do it.

7 So as a -- as a result, we have a beautiful
8 bunch of houses behind us instead of a lighted
9 parking lot. So what I suggest, what I -- I urge
10 and encourage the commission members to do is to
11 show the courage in an -- in the face of enormous
12 economic pressure, to make the right decision,
13 what is best for Prairie Village. Thank you.

14 THE SPEAKER: Hi. My name is Jessica
15 Priestland and I live at 8008 Fontana Street in
16 Corinth Hills. And I just -- after learning about
17 this project, I -- it reminded me of when I grew
18 up in Columbus, Ohio. I grew next -- I grew up
19 next to Friendship Village of Columbus, Ohio which
20 is a facility that offers assisted living, skilled
21 nursing facility, independent living.

22 And all throughout my childhood, I remember
23 being nervous in the middle of the night because I
24 heard ambulances all the time. And I currently
25 have an eight-year-old and a six-year-old and a

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1 13-month-old. And it just kind of -- it's
2 concerning that I think I might be possibly
3 reliving that through my children of hearing
4 ambulances and fire trucks because of maybe life
5 lines being pushed and calls having to be made
6 from seniors falling or maybe the skilled nursing
7 facility has extra calls being made to the
8 facility.

9 And -- and also, one of my concerns is if
10 there's going to be an increase in ambulances and
11 fire trucks to the Prairie Village stations,
12 because I feel there will be a bigger need, and I
13 just wonder if the community -- if there's the
14 same amount of trucks and ambulances, then the
15 resources might possibly be drained at the new
16 facility where a fire truck or an ambulance might
17 not able to get to my home or a neighbor home. So
18 I appreciate this time. Thank you.

19 THE SPEAKER: Hello. My name is Mark
20 Baretta (spelled phonetically). I'm here with my
21 wife, Sally. We live at 8335 Mission Road, which
22 will actually be directly across from the
23 retainage ditch. We're not like a lot of people
24 here, we haven't lived in Prairie Village for 20,
25 30, 40 years. We've lived here for a fraction of

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1 that.

2 And one of the reasons why we moved here is
3 because of just the area, the beauty of it. We're
4 kind of unique in that, you know, we're the next
5 generation of Prairie Village. And I don't mean
6 to say that with any sort of smugness or anything.
7 But we're the type of people that Prairie Village
8 needs to attract to ensure that there are people
9 20, 30 years down the road that can get up and say
10 they've lived here for 20 or 30 years.

11 And with that being said, you know, growing
12 up in Johnson County, certain cities have certain
13 stigmas, you know. I'm not going to go through
14 the list or anything. But if this project is
15 perceived the way it is, Prairie Village will have
16 that stigma and it will not attract people like me
17 and my wife, people in our 20s, 30s.

18 And more importantly, there's a couple things
19 I'm protective of most, my children and my money.
20 This retainage ditch will affect potentially the
21 safety of my one-year-old and my three-year-old.
22 And that's unacceptable to me. And then also the
23 potential of the decreased property value, the
24 short time that I'd lived in Prairie Village, the
25 equity that I have, the future that I've built for

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1 my family will be destroyed, will be eliminated.

2 Thank you.

3 THE SPEAKER: My name's Beverly Worrall.

4 I live at 4824 West 86th Street in Prairie

5 Village, of course. We bought our house in 1987.

6 A comment that I have is something I thought about

7 -- oh, excuse me -- I shouldn't have moved away.

8 Someone said perhaps when we met previously that

9 about 65 to 75 percent of the seniors who live in

10 the three resident establishments are not from

11 Prairie Village. So when I thought about that,

12 here we're going through all of this turmoil and

13 Prairie Village residents are not the ones that

14 are going to occupy these buildings.

15 It occurred to me after talking to a friend

16 today who lives in one of these senior citizen

17 establishments, they're very expensive, can be 5

18 to \$7,000 a month. And it's very possible that

19 there aren't too many people in Prairie Village

20 that can afford those kinds of expenses. I'm -- I

21 -- I don't want to deprive seniors, because I'm

22 one, from -- from living in a nice place like

23 that, but I happen to be one who's going to be

24 dragged out of my house. Thank you very much.

25 THE SPEAKER: Hi. My name's Jim Starcev.

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1 I live at 3507 West 87th Street in Leawood, so
2 we're not a stone's throw away from the project
3 and I also own the property at 3721 Somerset in
4 Prairie Village. I had two thoughts. One, that
5 we keep talking about a massive development. But
6 we're not talking about the massive destruction
7 that has to occur to do that. You know, one of
8 the disadvantages of this property is the only
9 access is on Mission Road. So especially, at this
10 Mission Road -- (inaudible) -- and the
11 construction people are coming through, I'm
12 envisioning all the dump trucks, the --
13 (inaudible) everything else that's going to have
14 to travel through Mission Road to get on to this
15 property for years to come.

16 The second thought that I had -- and just to
17 -- (inaudible) I apologize if I misquote you -- I
18 -- I've attended virtually every meeting on this.
19 At one of the neighborhood meetings, you were
20 asked about any similar properties that you had
21 built this close to residential properties. And
22 you mentioned one at The Plaza by the Saint Luke's
23 Hospital. But you ended it with an interesting
24 quote. And you said, well, it was a neighborhood
25 when we built it. And, you know, that's my

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1 concern of this was that at some point we'll say,
2 it was a neighborhood before this property was
3 built. And that's the biggest concern I have.

4 CHAIRMAN VAUGHN: Is there someone else
5 that wishes to speak? This will be our last one.

6 THE SPEAKER: My name is Robert Jackson.
7 I live at 7427 Rosewood Circle. And as of
8 November the 1st, we'll have been in Prairie
9 Village for 50 years. I only knew about this
10 project about two months -- about two weeks ago.
11 I saw some of the signs and I stopped and talked
12 to someone who had a sign out. But the reason I
13 came here is because about five years ago, I went
14 through something similar to this with Village
15 Vision 75. They wanted to take my house and about
16 150 to 60 other houses out between State Line and
17 Lamar just to beautify 75th Street, which is just
18 a thoroughfare. Then they wanted to go on and
19 build along 75th Street some shops, put some
20 apartments upstairs. And it's called stack um --
21 stack um and pack um. And this all comes from the
22 UN agenda 21. And if you know anything about
23 that, actually, the local part is Aeklia (spelled
24 phonetically). I'm not sure. I talked to the
25 county commissioner about him, I don't know

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1 whether Prairie Village is still -- is a part of
2 that, but we need to get rid of it. And that's
3 one reason I'm speaking up. I'm not really that
4 close to the project, but I am concerned about
5 what's going on in Prairie Village.

6 CHAIRMAN VAUGHN: Thank you. That will
7 close the public participation of the program. I
8 think you've asked to make a comment. Go right
9 ahead now.

10 MR. PETERSON: The applicant. Thank you,
11 Mr. Chairman and members of the planning
12 commission. John Peterson, Polsinelli law firm on
13 behalf of MBS, LLC. Tonight -- sorry about that
14 -- tonight, in addition to myself representing the
15 owner and proposed developer, of course, we have
16 Mr. Joe Tutera, Tutera Investments, LLC; Randy
17 Bloom, who is the president and chief operating
18 officer; Mitch Hofer, who has led the design team
19 and has presented before you and before the
20 neighborhood groups on many occasions; Sterling
21 Cramer with Olsson & Associates.

22 Mr. Chairman, we -- we have probably, believe
23 it or not, about a 45-minute presentation. And
24 the -- there was a primary goal for tonight, at
25 least as far as we concern -- we were concerned.

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1 And I don't want to be presumptuous about this.
2 But we wanted to -- and that primary concern --
3 and I'm going to ask for the first slide to go up
4 that really kind of makes the point -- but that
5 focus tonight that we felt was most important was,
6 Mr. Tutera had his vision and maintains that
7 vision for the property he owns. And it's done
8 with a sincere dedication to the senior commune --
9 community, bringing all of his expertise together
10 to build something, at least from our perspective,
11 what we feel is special, is compatible and it is
12 an addition to this community that we can be proud
13 of, from an economic success standpoint, from
14 allowing alternative lifestyle.

15 And he wanted to speak about really down to
16 the basics of why. Why this site, why the size of
17 the buildings that are being proposed? It's just
18 not to make money, it's not a loss leader, to
19 throw out something big and come back with
20 something smaller. It -- we want to really drill
21 down and explain that. And we're prepared to do
22 that.

23 We have some other issues we wanted to
24 address very quickly that we thought just needed
25 correction in the record about the detention

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1 facilities and safety and all those things. I am
2 going to -- we're going to defer that. And if
3 there's questions about that, I will merely say
4 that the detention facility we're proposing is the
5 exact type of facility and very similar in size to
6 Benton House, which seems to have risen in
7 popularity at least from a -- from a comparative
8 standpoint in terms of the neighbors.

9 We had -- we wanted to address the skilled
10 nursing issue. We heard a lot of testimony last
11 time about gunshots and sores and the -- the
12 amputations and, you know, conjuring up visions we
13 were in a war zone. And we wanted to drill down a
14 little bit to allay any concerns and we've got
15 information about that, if that is a relevant
16 point of inquiry from the planning commission.
17 I'll leave it -- which was a rather lengthy
18 presentation. We have 90 beds of skilled nursing
19 in the City of Prairie -- Prairie Village today.
20 And I don't think we've experienced any of those
21 both at Claridge and (inaudible).

22 Home values, again, you know, the -- you can
23 call it the battle of the experts. We feel ours
24 is based on actual sales. We can get into that,
25 showing real live comparisons against the like

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1 properties in Prairie Village and in Johnson
2 County. There's just one point that I want to
3 correct for the record, because I've been
4 misquoted in some materials I've seen distributed.
5 It was referred tonight. We have never said that
6 Santa Marta was a comparable project of what we're
7 proposing in Prairie Village. Quite to the
8 contrary.

9 They keep throwing it up, I'll put it up.
10 Yes, it's the same type of facility, but just look
11 at the lack of landscaping, look at the elevation,
12 finished floor elevation and the height of the
13 building put on the elevation compared to the
14 street and surrounding areas. Of course, it's not
15 a direct comparison. Our point, which I will
16 agree with you is, take ours compared to that one
17 and as I will say, relatively more of a negative
18 impact than what we're proposing. We have actual
19 sales analysis studies to show that it hasn't
20 negatively impacted property values for adjacent
21 single-family residences. That's the point.

22 Again, an important part of what Mr. Tintera
23 was going to get up was to speak to the issue of
24 the thought based on experience of why this
25 building is -- and buildings are designed the way

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1 they're designed, for the comfort of the
2 residents, because it's a residential model, not a
3 medical model. And also to drill down in-depth
4 about this need issue.

5 Now, having said all that, we're going to
6 defer and we stand ready to entertain questions
7 from the planning commission at this time, input
8 from the planning commission. And I put up as my
9 prop, but to make a point, that's our checklist
10 that we started from the first neighborhood
11 meetings that we conducted when we brought our
12 first plan in. And we heard concerns and we
13 checked the box. And it's everything from
14 initially, no mixed use, that was the first
15 proposal. We took it out. We increased green
16 space. We lowered elements -- the height elements
17 of our building, we pulled buildings off property
18 lines, we internalized driveways. Check, check,
19 check, check.

20 Only tonight for the first time did we hear,
21 well, the use, we just want it configured a little
22 bit different. That's progress, because you can
23 start talking about what our goal is, is to find
24 common ground. But the one box that has not been
25 checked today is to hear from the planning

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1 commission. And we would welcome the opportunity
2 to hear your questions, hear your comments and
3 hear your input based on this premise.

4 What we'd like to do is take that and now
5 hearing over three hours of neighborhood
6 commentary about -- I'm going to put aside that --
7 that I have to operate under common sense and try
8 to take some comments that went to things that we
9 could actually deal with. And we heard some. And
10 would ask that we be allow -- we would request
11 that we continue the public hearing until the
12 August 5th meeting. And in the meantime, we will
13 take the information we hear from the planning
14 commission tonight, elements we heard from the
15 public, continued dialogue we're having with the
16 staff, and we would seek, to the best of our
17 ability, to find that balance and come back with a
18 concept plan that could or could not be taken up
19 in a work session in July.

20 Because what we don't want to do is go back
21 to final design, because we do pay attention that
22 we have enough parking, that the storm drainage is
23 correct. And if we got to a concept that it's the
24 best we can do and it's getting ripe for decision,
25 we can put it into final design and bring it back

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1 at the August meeting. So based on that request,
2 the deferring of the subject matters that we,
3 again, had about 45 minutes to provide further
4 testimony on, I would open it to the planning
5 commission and Mr. Chairman for questions,
6 comments or issues you'd like for us to consider
7 as we continue to evaluate the project.

8 CHAIRMAN VAUGHN: Thank you very much.
9 And I will remind everyone that the public hearing
10 itself is not closed, we will be happy to hear
11 from anybody until the public hearing is actually
12 closed. The public comments, I was talking
13 earlier, just had to do with our opportunity to
14 start asking questions. Maybe we can get to some
15 other point before we're done tonight. And I know
16 that we have questions from commissioners that
17 they'd like to ask. Do you have one?

18 MR. LINDEBLAD: Yes. Mr. Peterson -- and
19 I apologize for my voice, my throat is not good
20 tonight, which is probably why I'm not speaking
21 much. Last -- at your last meeting, you submitted
22 for the record what you said was a detailed real
23 estate consulting report done by Todd Appraisal
24 looking at the value of the properties of homes in
25 similar situations. I'm most concerned about, you

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1 know, the impacts of the adjacent property owners,
2 and especially from the value point. And I
3 haven't seen any report or summary of what your
4 study says. I would like on the a lot more about
5 it, whether you give us more information, give us
6 a synopsis, give us some more information, I think
7 that's really pretty important in the
8 considerations that we have.

9 MR. PETERSON: The -- the full report,
10 Commissioner, was submitted as part of the record
11 after the last --

12 MR. LINDEBLAD: We've never gotten any
13 copies of anything from that. To me, that's
14 important in deliberations on how the impacts
15 would affect the different studies that we would.

16 MR. PETERSON: Well, actually, we did
17 submit a copy of the report at it -- as it was
18 prepared in preparation for the -- for the May
19 meeting. Then hearing testimony, we did some
20 further refinements to that report, which we were
21 going to --

22 MR. TUTERA: That's a summary of the
23 report.

24 MR. PETERSON: -- over -- overview in a
25 summary fashion tonight and then submit for your

1 consideration in written form. Which, obviously,
2 will be -- the minute we submit as part of the
3 public record is subject to review by all
4 interested parties. But in essence, what it did
5 was actually take sales data. And it did an
6 analysis of that, whether it was against the
7 number of identified school properties, so it was
8 properties that have open space and certain kind
9 of activities. Properties, we picked schools and
10 senior living type facilities that were behind or
11 adjacent to single-family. Obviously, different
12 than somebody that has fenced the back yard to
13 another house. And then we took around the
14 identified properties -- and I can read those off
15 for you in just a minute -- but I think most
16 relevant in Prairie Village, it was Brighton and
17 Claridge -- and did a sales analysis.

18 Todd Appraisal conducted a sales analysis,
19 looking back historically and saying, what were
20 properties listed for, what did they sell for,
21 comparing if they were immediately adjacent to the
22 target property or the subject property as opposed
23 to being in the same subdivision or neighborhood,
24 but remote from direct interaction. And it really
25 goes to the issue of visual impact, noise impact,

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1 all of the real or perceived negatives that can
2 come from what goes on across the fence in your
3 back yard.

4 And looking at that, and using a professional
5 judgment -- because we went looking back
6 historically, we went through some fluctuations in
7 the market, even drilled down, as you can see in
8 his report, looking at certain conditions of
9 property and threw some out as being not relevant.
10 So it's all there to make sure that it -- it
11 wasn't skewed on a nonreasonable, rational basis.

12 But, obviously, if somebody's property hasn't
13 been maintained and everybody knows that's the one
14 that the weeds haven't been cut in 50 years, it's
15 going to sell for less. Conversely, if a piece of
16 property somebody did super duper improvements to
17 a piece of property, so you try to balance that
18 out, much like an appraiser does, the county
19 appraiser does. And then did an evaluation of
20 what is the impact if you're right next to it
21 compared to if you're relatively remote. You want
22 to be in the same subdivision because that's
23 general house values and prices for following
24 subdivisions.

25 And it's actually -- if you want to know the

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1 sis -- statistical sampling size is called the Z
2 style statistical sampling, which is a well known
3 and accepted appraisal technology, again,
4 correcting for any nonnormal distribution of the
5 -- of the data that's collected.

6 And I'll run through it very quickly. Best
7 correlated Brookwood Elementary School, Leawood,
8 Kansas, about a 5 to 10 percent discount if you're
9 immediately adjacent to schools. Indian Woods
10 Middle School, 97th and Lamar, 1.1 percent premium
11 to a 1.3 percent discount. There was a range.
12 And Pioneer Middle School in Olathe, Kansas, about
13 a .5 percent premium.

14 Going to what we thought was the most
15 relevant, was best correlated, we thought, the
16 most relevant and, I think, fair comparison for
17 all concerned in terms of what the impact could
18 be, to the extent you can do this, is Brighton
19 Gardens at 75th -- 71st and Mission. It's a
20 three-story facility, relatively, in terms of the
21 size of the building on the piece of property -- I
22 don't want to get into arguing about density and
23 square footage and how you look at it -- but in
24 terms of open space available because of the
25 footprint of the building, the height of the

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1 building, the setback of the building, I think
2 we've got a lot of positives compared to that, but
3 it's a fair example because it's right in the
4 area. About a 2.9 to 7.9 percent premium actually
5 backing up to it, as opposed to being a block
6 away. And there was even a diversion if you're on
7 the north side of 71st, as I recall, or the south
8 side of 71st. There was even a -- a change there.
9 And that is in the report.

10 Village Shalom, 123rd and Nall was the next
11 one we thought was the second most correlated,
12 which is a term of real estate appraisal. 3.7 to
13 5.8 percent premium if you were immediately
14 adjacent. And then I get to my Santa Marta, my
15 Peterson Santa Marta. And he qualifies it by
16 saying it's the least correlated, going to my
17 point. And I quote from it, Santa Marta's
18 landscaping, streetscaping in relationship to its
19 neighbors are vastly inferior to Mission Chateau's
20 planned improvements. You can see it in the
21 pictures, I'm not going to waste our time. It's a
22 large building, ours is a large building. We're
23 going to get to that, we're not ashamed of it.
24 It's a large building. But it's -- at Santa
25 Marta, it's close to the street, they graded the

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1 site to put it up on a pedestal, the building sits
2 on a pedestal, there's a lot of landscaping. Even
3 with that, a 1.1 percent discount to a .6 percent
4 premium for that. And conclusion, it's about a 4
5 percent average.

6 All of this with all the statistical
7 background was in the first report, it'll be
8 submitted in the second report for your
9 consideration, Commissioner Lindeblad. And I'd
10 only close with -- and you didn't ask for this --
11 but that's compared to a report submitted on
12 behalf of the neighbors that said, I can't find
13 any comparable situation. It's quoted in his
14 report. I'm just figuring if you can see a
15 three-story building, it's about a 10 percent
16 discount. And you know what, that gives us a
17 challenge, to be honest, and one of the things
18 we're going to continue to work on. We think
19 we've done pretty darned good about any
20 single-family homeowner in the south seeing a
21 three-story building, but we still want to go to
22 work on that. Because I think that's probably a
23 reasonable part, if you can't see it, you can't
24 hear it, you can't smell it, you can't touch it,
25 how can it be a negative impact unless you want to

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1 enter that particular community?

2 CHAIRMAN VAUGHN: Thank you. Are there
3 other questions from commissioners? Nancy.

4 MS. VENNARD: I have a few things. For
5 -- there's been a -- there has been some
6 conversation about the tax issues. And I wanted
7 to know if any of the Tutera properties have ever
8 been sold to nonprofits or requested to become
9 nonprofits?

10 MR. TUTERA: No.

11 MR. PETERSON: The answer is no.

12 MR. TUTERA: No.

13 MS. VENNARD: Okay.

14 MR. PETERSON: For the record.

15 MS. VENNARD: There has also been this
16 conversation about the skilled nursing being built
17 first. What is your plan for any phasing with the
18 building of these -- of this whole site?

19 MR. PETERSON: We -- and I think part of
20 it, it's our terminology and maybe led people down
21 a road about phasing and timing. And we
22 understand -- I understand the code of the City of
23 Prairie Village. John, I appreciate you reminding
24 us all. And I even used common sense, I hope that
25 makes you happy when I look at it. I understand

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1 the code and I understand state law, I read cases,
2 as well. We understand the requirements for
3 accessory uses. We understand how phasing has to
4 work with that. I understand the position that
5 has been opined by your attorney. That doesn't
6 get me off the hook, the position by your
7 attorney.

8 Our construction and our phasing and our
9 timing of the elements will comply with state law,
10 City of Prairie Village law and in conformance
11 with the opinion that's been rendered by your
12 attorney. That will be, I think, part of the
13 conditions that will come through in terms of the
14 final staff recommendations. We'd like to see how
15 those stipulations read. I'm not trying to dodge
16 the question. Part of it is about our final
17 design. After we hear some other input, some
18 issues that we've heard with the neighbors. But
19 we understand -- I understand the issue. You
20 can't build the assisted -- you can't build the
21 skilled nursing and go, oh, I was just kidding
22 about -

23 MS. VENNARD: I was wondering if I had
24 missed something someplace.

25 MR. PETERSON: No.

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1 MS. VENNARD: Because I had never
2 gotten --

3 MR. PETERSON: I don't why they keep --

4 MS. VENNARD: -- the saying that you were
5 going -- you were building that first, so I
6 thought maybe I missed something.

7 MR. PETERSON: -- I don't know why they
8 keep pounding that drum. I -- I -- I -- question
9 that it might be a little diversionary. We
10 understand we can't go in and build the skilled
11 nursing and be -- and just say, you know, we were
12 kidding about the independent living and the
13 villas. We're not kidding about any of this. We
14 understand the constraints, both legal, conditions
15 that will be put on in the zoning that will ensure
16 that we have a complete project if we are
17 privileged with the opportunity to bring it to
18 Prairie Village.

19 MR. SCHAFER: It just seems like it's the
20 cart ahead of the horse. Just intuitively, it
21 just seems like it's not the right place to start.
22 And, Dennis, next time we get together, I think
23 that we should have an attorney here. And I'll
24 read the Lathrop and Gage opinion. And it says
25 that it's conditioned upon completion of the

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1 primary dwelling. But then what does that mean?
2 And more specifically, when does that mean? And
3 -- and this is just one opinion. And I think we
4 all have an obligation, not just everybody here,
5 but to the city. And if we say, well, this
6 opinion says you can go ahead and build the
7 accessory, but we decide that that is putting the
8 cart ahead of the horse, are we subjecting the
9 city to litigation? And if we are, how does case
10 law speak to that? I mean, to me, this is a real
11 big issue. And I've -- I've got a hard time with
12 it because I really do think it's the cart ahead
13 of the horse.

14 MR. PETERSON: I -- I think it's -- we
15 think it's a big issue, as well. We have been
16 cognizant of this issue as we have continued to
17 work with staff. If we're given the opportunity
18 to come back with a -- a concept plan at the July
19 meeting and then moving to that continued planning
20 commission public hearing and closure -- and I
21 would just say we'd all be ready for a vote by
22 then -- I'll commit to you we'll have that
23 addressed. And I'm looking at Mr. Tutera now. We
24 will have that addressed that satisfies the city
25 attorney so you know that it is not a cart before

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1 the horse situation. That is our commitment to
2 you. Because quite honestly, Commissioner, if I
3 could just interrupt briefly, I don't want to have
4 some Peterson interpretation that I feel pretty
5 good about that gives somebody the opportunity to
6 say, well, we'll slow this project down by just
7 raising that legal issue, that -- that doesn't do
8 anybody any good. I -- we will bring back a
9 project that complies strictly with no reservation
10 from your counsel, I think you'll be able to
11 render that judgment when you see it, that this
12 will not be using your term a cart before the
13 horse situation and that we will be in full
14 compliance with the accessory use principals and
15 requirements under your city ordinances.

16 MR. SCHAFFER: And maybe part of it is
17 just quite simply from Mr. Tutera, you know, if
18 this is about assisted living -- or, I mean, about
19 independent living, that's the biggest component
20 of the job, why can't you start there?

21 MR. TUTERA: There's nothing we do.

22 MR. PETERSON: Go ahead. Well, you've
23 got -- you have to come up. If you're going to
24 speak, you've got to come to the mic and identify
25 yourself.

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1 MR. TUTERA: Mr. Commissioner, there's
2 nothing that prevents the construction of the
3 independent or the assisted living first. The
4 normal process and what's desired is to put the
5 service component in place. And a lot of the
6 seniors when you're building a continuum of care
7 campus, there's a lot of reliance upon that,
8 memory care and the skilled nursing. There's a
9 lot of hesitancy in the marketplace for the
10 resident to take occupancy and not know that the
11 continuum of care is being provided. So where a
12 lot of facilities have failed in the past -- for
13 example, the Ericson facility, which is actually
14 about 1,000-unit facility that only has about 300
15 units built -- is that the residents take
16 occupancy in their independent living or their
17 villas on the premise that the skilled nursing and
18 the other healthcare and wellness center is going
19 to be developed. They take occupancy, years pass
20 and it never happens. So we actually -- on this
21 phase, and you should know, it isn't that we can't
22 do it. We, as -- as John indicated, were more
23 than willing to work with the staff and develop a
24 plan that gets everybody comfortable. It's
25 absolutely our intention that the entire campus

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1 will be -- will be built.

2 MS. WALLERSTEIN: Still on that subject
3 -- Nancy Wallerstein. Still on that subject, what
4 is the length of time that you expect for build
5 out as proposed right now?

6 MR. PETERSON: 24 months -- from its --
7 from commencement, about 24 to -- 24 months from
8 commencement.

9 MR. TUTERA: Yes.

10 MS. WALLERSTEIN: How much?

11 MR. PETERSON: 24 months.

12 MS. WALLERSTEIN: And that's full -- full
13 build out in 24 months is what I'm hearing.

14 MR. TUTERA: Yes.

15 MS. VENNARD: I appreciate the fact that
16 you have had the input from the neighbors and you
17 have followed all of this. You know, so I will go
18 ahead and start throwing in some of the things
19 that we have questioned. I know on the drawing,
20 it does say 24-foot wide roads and that the fire
21 department has reviewed this plan, but a lot of
22 the area behind the skilled nursing holds very
23 tight for deliveries, plus it's very close. And
24 so I think I saw in the plan and it's about --
25 it's only 20 feet from the property line to the

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1 parking spaces. Which there wasn't any added
2 landscaping there besides the existing
3 landscaping.

4 And I think that perhaps there needs to be a
5 little bit more of a buffering in that utilitarian
6 area back there, because as the neighbors had
7 mentioned, most of that parking back there is
8 going to be for employees. The skilled nursing or
9 all -- skilled nursing and memory care are not
10 going to be use -- be using parking of those
11 residents. So I think that that needs to be dealt
12 with a little bit more.

13 And then there's a few other areas where
14 there seems to be -- needs to be a little bit more
15 landscaping for the -- along the property lines to
16 prevent lights and things like that going into
17 places. One of the areas is -- that's -- I think
18 it's like the first duplex, there's a single villa
19 and then a duplex, and that one is just really
20 jammed in. It's only five feet from the street
21 and the patios are only 17, 18 feet from the
22 property line. And that's -- I mean, five feet is
23 from here to, you know -- the less than that to
24 the table there, to the street. I can't imagine
25 that could be very enticing for anybody to even

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1 want to have their front window that close. So a
2 lot of that, I think (inaudible).

3 And the main building probably needs to get
4 smaller to -- to provide all of this, but that is
5 a -- the length of that building is quite long and
6 quite massive. It's the description -- I think
7 the whole idea of having five things in one place
8 -- I've had a -- a relative in one of these
9 facilities on the East Coast and it was a
10 wonderful thing for her to be able to know she did
11 have the other areas to go to when she needed it
12 and knew all of the staff comfortably when she did
13 move from one area to the other. So I appreciate
14 that. And I look forward to the changes I'm sure
15 you'll be making with all of the input that you're
16 getting.

17 MR. PETERSON: Commissioner, real quick
18 comment. And I -- I'm not going because really,
19 we'll take it, we'll study it. But one, the
20 dimensions on the setbacks, that doesn't register
21 with what I thought the plan says. We're going to
22 go back and check that.

23 MS. VENNARD: Okay.

24 MR. PETERSON: The turning radiuses and
25 the geometrics for our drive, we really worked

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1 through with staff, knowing what kind of trucks
2 make deliveries to the site, but we'll go back and
3 double-check.

4 MS. VENNARD: Your drawings show the
5 trucks going actually -- their turning radius is
6 over parking places, which is --

7 MR. PETERSON: Yeah, we'll look at that.
8 And -- and, of course, you know, in one way, that
9 -- when you utilize that and you actually do curbs
10 that allow roll-up and that kind of thing, it
11 preserves green space on the perimeters, but we'll
12 look at that and make sure that it's a good
13 balance.

14 In terms of the landscaping, I -- I would
15 suggest to you that we have kind of been holding
16 back our final landscaping plan. And I'm not --
17 I'm not looking to get guffaws from the crowd, I'm
18 really not. But we offer -- we offer to sit down
19 and go through a landscape plan with people
20 depending on where they are. We're just get --
21 we're just going to get to our landscape plan.
22 We'll bring it in the way we think the full extent
23 of it, how we'd like to plan it, really bring that
24 detail in for you to look at. And again, we're
25 always open to talking about details as it

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1 interfaces with particular pieces of property.

2 May I ask you a question?

3 MS. VENNARD: Uh-huh.

4 MR. PETERSON: In terms of the length of
5 the building. We hear about the length of the
6 building. And I -- I -- and this is a serious
7 question and I'd love to hear input from other
8 commissioners on this. But we have a length of a
9 building and then you have a length of the
10 building in relation to the size of the lot it's
11 on. And, you know, it's -- you pop a proposed
12 building sort of in theory and in a vacuum and you
13 say that building's three football fields long.
14 That's a little over exaggeration. But we have a
15 building that is 530 feet and -- as it's currently
16 designed. And I -- Mitch, I'm not going -- I'm
17 going to -- I -- I'm trusting they've heard it and
18 will go back about how we've used architecture to
19 make it appear from an architectural standpoint
20 that it's not a linear flat-faced 530 feet. But
21 we sit on a lot that's 1,100 square feet -- 1,100
22 feet long. And so our relation to building the
23 lot is right at about 48 percent.

24 Now, when we look around the character of the
25 neighborhood, I could pick out somebody in the

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1 audience's home very close that way exceeds that.
2 If I look down towards like type facility of ours
3 like Claridge Court, which has a building of 460
4 feet, but it's only on a lot on Somerset of 520.
5 88 percent of the building interfaces and much
6 closer to the street. And actually, it's at about
7 78 percent along Mission.

8 So I'm not trying to do tit for tat and say,
9 oh, Claridge house got to do it, how come we --
10 but I'm asking, is it -- is that a relevant
11 factor? Because we think we've got a lot of green
12 space to deal with. We've got room to deal with
13 going back so we can take our architecture and
14 bring it down. And I -- I guess I would not ask
15 -- put you on the spot to answer, but I hope
16 that's taken into consideration as we talk about
17 the size of the building, but I will promise you
18 we are looking at the building, as well.

19 MS. VENNARD: Well, I understand that.
20 And in comparison to Benton House -- or is it to
21 the Somerset school lot, I don't think it's quite
22 as fair because Mission Valley had a whole lot
23 more open space to begin with because it had
24 fields and a tennis court and a primary school, or
25 elementary school as they term it now, did not

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1 have those. So to talk about the percentage of a
2 -- of the building towards the lot, it -- it's not
3 a fair comparison.

4 I did a Google Earth thing and with a 520
5 foot length from the edge of the library. Your
6 building would hit it just into the diamond -- the
7 baseball diamond there. So -- and I can see that.
8 And I appreciate the different heights and the
9 coming in and out and stuff. It's still -- it's
10 longer than what we're used to seeing in this city
11 is basically what we are saying. I know that the
12 -- the 700 and some odd feet going perpendicular
13 is going to the length of the lot, so -- and it's
14 a combination of a lot of buildings and things, so
15 I'm not quite sure that that's a fair complaint to
16 people.

17 I like the way that it's set back. It's
18 actually set back further than a lot of the houses
19 on Mission Road. And, you know, I think that
20 that's that's giving you a good appearance
21 making the horseshoe in the front. So I know that
22 you've done a lot of good things -- or the
23 architect has, it just needs a little tweaking
24 here and there.

25 MR. PETERSON: Very helpful comment.

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1 Thank you.

2 MR. TUTERA: Thank you.

3 CHAIRMAN VAUGHN: Randy.

4 MR. KRONBLAD: Mr. Peterson, could you
5 address the issue of the parking on special
6 occasions. I -- my wife and I both have relatives
7 in similar facilities and when we're there on
8 Mother's Day, Father's Day and et cetera, et
9 cetera, we're parking across the street, we're
10 parking in office buildings and walking a good
11 distance. None us here like the parking lots, but
12 I think it's a reality. I think it's a serious
13 reality that on a day-to-day basis, I'm sure you
14 meet the -- actually, you exceed -- from the
15 numbers, I see you exceed the parking
16 requirements. But I think the special occasions
17 -- and in addition to the special occasions, just
18 plain weekends, I -- we've been at our -- these
19 facilities that we're involved with even some
20 plain weekend and not a special day, and there's
21 no parking. It's -- it's all gone.

22 MR. PETERSON: We will -- actually, I
23 made a note to myself that the -- the -- we've --
24 we've worked with staff, we've heard from the
25 neighbors who was part of our checklist where the

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1 parking is, how the -- done, where the residents
2 enter the site and where they park. We worked on
3 those issues. One of the key ones, which is a
4 partial answer, but we -- we need to analyze it
5 again and come back with a full report. Part of
6 our safety valve is that we parked it for that
7 shift change. So you -- you've got cars that are
8 momentarily there while a shift change is coming
9 in, on that large shift change. Well, special
10 events usually aren't designed around shift change
11 you've got in place. So you've got a safety
12 factor there. Generally, that's why I think Mr.
13 Tutera and the designers were comfortable, but
14 when we come back, we will drill down on that and
15 provide more information.

16 MR. KRONBLAD: Thank you.

17 MR. PETERSON: And we've got experience
18 in other properties that we could actually maybe
19 pick up real numbers and bring them in for your
20 evaluation.

21 CHAIRMAN VAUGHN: Nancy.

22 MS. WALLERSTEIN: Okay. My question is
23 for staff. Way back, there was a major storm
24 drainage project that was supposed to start on, I
25 think, Fontana to Delmar to the low water

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1 crossings going underneath the houses on Somerset
2 into that drainage ditch and taking it through --
3 under Mission Road through to Corinth School and
4 all the way to the Leawood city line. And where
5 are we on that storm drainage project, how would
6 it affect this potential development and their
7 projection to create a detention pond or a
8 detention area.

9 MR. BREDEHOEFT: Keith Bredehoeft, public
10 works. That project was looked at back -- it's
11 been looked at several times between Somerset and
12 Roe. Back in 2007, 2008, that project was
13 cancelled at that time. We have in the last year,
14 year-and-a-half been looking at that again. We're
15 having some discussions with counsel to look at
16 the low water crossing area and see if we can
17 bring that project back to life and -- and try to
18 make some improvements in that area. We -- the
19 project that was designed in the past, the one
20 we're looking at now, doesn't continue on through
21 this -- this site, it stopped by Somerset. The
22 water that would come from there drains into this
23 channel and would run into that area, but I don't
24 see that it -- the work that's going on on this
25 site wouldn't have any direct impact on -- on that

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1 project and vice versa. You'll see that it's --
2 we're trying to prevent some floodings on --
3 mainly on Delmar and that area with that project.

4 MS. WALLERSTEIN: I think my concern is,
5 is if you do that project and you bring the water
6 under Somerset, I mean, is it -- is this still --
7 looking at replacing those twin tubes and putting
8 them under Somerset, that it will impact this
9 property, the flow will impact this property. And
10 so how will what they're proposing as a detention
11 area -- what will that look like with the flow?
12 And has that been examined, has -- have you
13 thought about that and --

14 MR. BREDEHOEFT: That whole issue is part
15 of what we're -- we're wanting to look at this
16 fall potentially with -- with some revised
17 analysis for our engineering that's working on
18 that project to see what -- to re-evaluate the
19 design that was done back almost ten years ago to
20 now and to evaluate it. And we haven't gone
21 through all of those efforts now. The water --
22 the detention facility that they have that's
23 adjacent to this channel and the water from their
24 site drains into the detention basin and then
25 drains into the drainage channel exists now. The

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1 water that comes from the west would still travel
2 through that same channel the way it does today
3 into the future and the detention facility or
4 anything to directly affect that.

5 MS. WALLERSTEIN: Well, I think I recall
6 that the whole channel was going to be -- or the
7 proposal at the time that I looked at, the channel
8 was supposed to be covered and covered all the way
9 past Corinth School going west, is that still --

10 MR. BREDEHOEFT: No.

11 MS. WALLERSTEIN: No?

12 MR. BREDEHOEFT: It's not. What I have
13 been -- and I've looked back and reviewed from the
14 project in the past, it stopped basically at the
15 western end of their property, the improvements
16 did.

17 MS. WALLERSTEIN: And then the Corinth
18 School would still stay an open channel?

19 MR. BREDEHOEFT: Right.

20 MS. WALLERSTEIN: Okay. I think, you
21 know, I'd love to bring this up so that they know
22 that there is a potential of some construction or
23 impact to what their proposing and maybe take that
24 into consideration in their green space allotment.

25 MR. PETERSON: Definitely something we'll

1 follow up with the city engineer on.

2 CHAIRMAN VAUGHN: Dirk.

3 MR. SCHAFER: I -- I appreciate you
4 allowing us to respond to the applicant to give
5 them feedback so that the next time we get
6 together, we can have a meaningful discussion and
7 I think all of us would be - I think if we go
8 through tonight without commenting on the size of
9 the project and the commissioners giving them some
10 feedback, that we missed a great opportunity. And
11 I think there's a lot of issues that people are
12 talking about, a lot that people are passionate
13 about. But I think the elephant in the room,
14 maybe more so than property value, and maybe it's
15 tied to property values, is the size of the
16 project.

17 And, Mr. Tutera, I -- I know -- I understand
18 a little bit about development, my livelihood
19 depends upon it. So I get it, but my gut and I
20 think people weigh in on the size, it just feels
21 too big. And -- and I know there's special use
22 factors and I know there's Golden Factors. And we
23 as a commission need to look at those as we make
24 our final decisions. So I don't know where it
25 fits into those factors, but my gut, just like my

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1 gut on the accessory use, that the project's too
2 big. And I might be the only commissioner that
3 feels that way, but I think if the next meeting is
4 going to be beneficial, all of us, to the extent
5 that we have an opinion, should share it tonight.

6 CHAIRMAN VAUGHN: Randy.

7 MR. KRONBLAD: Mr. Schafer took my next
8 question. And I was going to -- he -- he said it
9 more eloquently than I would have. But I was
10 basically going to say, why so big? And I was
11 going to preface it by saying, you don't have to
12 answer that tonight. We'll just give you our
13 feelings because I think the answer to that is
14 more than just a yes or a no. But I really think
15 that needs -- we need to understand that much more
16 than just it's a beautiful facility and it looks
17 great and it'll be wonderful for the community and
18 et cetera, I appreciate all of that. You've done
19 a marvelous job in that, but it comes down to, why
20 so big?

21 MR. PETERSON: And -- and as I indicated,
22 we -- we'll address that. And we have what we
23 think are good rationale, both in terms of being a
24 business person, somebody that operates facilities
25 like this and somebody who knows some -- a little

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1 bit about development as well. And -- but I'm not
2 going to look you in the eye and say, it's common
3 sense, man, you just ought to know that what we
4 are proposing is good. Of course not. I mean,
5 there are different ways people look at different
6 things.

7 Development standards and criteria are
8 important because it starts giving a framework,
9 but that's what we want to hear tonight. I mean,
10 we're here to find an equilibrium that makes sense
11 and incorporate some of the concerns other than we
12 just want it to be a city park. Because it's not
13 going to be a city park. The city has already
14 told us they don't want another park, it's not
15 going to be another park. But, Commissioner, may
16 I ask you a question, if it's okay with the
17 chairman, so that we can --

18 CHAIRMAN VAUGHN: Sure.

19 MR. PETERSON: -- try to get to this
20 element. Commissioner Schafer, I hear you, it's
21 too big. But big and dense and intense, it -- it
22 must become quantifiable in some form for it to be
23 reacted to. And so the -- the question I would
24 ask -- and I ask it generically, I'm not -- it's
25 not appropriate for me to cross-examine a

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1 commissioner. I ask it generically --

2 MR. SCHAFER: It's happened before.

3 MR. PETERSON: It's -- well, probably by
4 a lot better than me. The question I'd ask
5 collectively is: Too big because too much
6 traffic? Too big because too much square footage?
7 Too big because not enough setback? Too big
8 because not enough green space? Too big because
9 too tall and it can be seen?

10 MR. SCHAFER: Well, if you're asking me,
11 you know, I think that the too big resonated with
12 me is, it's just as tall as the gymnasium, but the
13 mass of the gymnasium that was three stories tall
14 had a footprint of 20,000 feet. And you've got
15 three stories that the main building, independent
16 living is over 270,00 feet. So that's where,
17 okay, there's a component of it that's no bigger
18 than in Mission Valley, but that three-story
19 component is 12 times that size.

20 MR. PETERSON: So the height. Okay.

21 MR. SCHAFER: Well, it's in both height
22 and mass. And, you know, I understand the other
23 side's story about Benton and how 100,000 feet
24 makes sense. And here's the -- kind of the other
25 benchmark for me is, if they've got 50,000 feet on

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1 six acres and, you know, that scale seemed
2 appropriate to the commission and to the neighbors
3 and this is 150,000 feet on 18 acres make sense.
4 So, John, when I say it just feels too big, those
5 are the two things that feel too big to me
6 personally.

7 MR. PETERSON: Okay. Thank you. That's
8 helpful.

9 CHAIRMAN VAUGHN: My comments would be
10 the same, in particular with concern for the
11 intensity of use. And my question was going to
12 be, can a project that's smaller be feasible? And
13 I -- and I suspect that it can. I know that
14 you've looked at everything possible already and
15 will look at them again, I'm sure. But the
16 intensity of the development, the intensity of the
17 structures, the narrow streets, those all concern
18 me.

19 MS. VENNARD: The -- when this whole
20 thing began, it was sold from the school district,
21 a lot of people's first reactions were, you know,
22 what -- what do we need, what do we need, what
23 kind of residential areas do we need? And what I
24 heard a lot from people were things like Corinth
25 Downs. And then when you go to Village Shalom and

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1 you go to villa -- Villa Marta, they are -- their
2 villas are the most attractive part of these
3 areas. And you have so few of them. But in their
4 -- and -- but it's -- would be the only senior
5 area in Prairie Village that had any villas. So
6 it seems to me -- maybe you -- of course, it's a
7 -- it's a marketing thing, you -- you have your
8 accounts that tell you what's a positive thing.
9 But to me, what the city would be more interested
10 in, however, the residents would be more
11 interested in having is the villas. The density
12 might be -- but you'd have a buffer zone of more
13 villas around it and I think it would be much
14 nicer and -- and reduce the independent living
15 areas.

16 MR. PETERSON: The -- very legitimate
17 area of -- of inquiry and something that I know
18 Mr. Tutera and his group are looking at. Of
19 course, the balance on the other side is we want
20 that balance because just to do a villa product
21 and nothing else, we want the continuum of care.

22 MS. VENNARD: Right. I understand.

23 MR. PETERSON: So -- so that -- that's a
24 large part right there, I -- I would suggest to
25 you, if I may, respond, Mr. Chairman, is why we

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1 would like really 60 days to come up with a
2 concept that fits and make work before we go to
3 that full design. Because it's very expensive to
4 take it to the level of design to know you've got
5 the -- you know, you've got your geometric for the
6 truck turning and you've got all that. And if
7 either a continuation of the public hearing, but
8 we -- we have work sessions seems to make the most
9 sense. We show it to you, get a reaction, not
10 advocate, that we make our decision and we bring
11 it back for a vote in August. Because it's
12 marketing analysis how that -- you know, you pull
13 that piece of the straw out of the straw pile and
14 it moves a few others. It's not as easy as it --
15 we're not looking to elongate this.

16 MS. VENNARD: Well, I'm -- I'm not
17 pretending to know what the marketing research
18 would show you or what the bottom line would be.
19 It's just --

20 MR. PETERSON: That's a primary area that
21 we're looking at.

22 MS. VENNARD: -- it's just an -- an issue
23 of everyone says we have so many senior things,
24 well, what don't we have of the senior elements?

25 MR. PETERSON: Right.

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1 MS. VENNARD: And villas seem to be the
2 -- the one thing.

3 MR. PETERSON: Okay. I gotcha.

4 MR. TUTERA: Correct.

5 CHAIRMAN VAUGHN: All righty. I'm
6 concerned that this amount of time is going to
7 give you enough time to do -- make your studies
8 and modifications, if any, and still communicate
9 with the Mission Valley neighbors.

10 MR. PETERSON: I think we can do it. I
11 think if we had a work session scheduled in July,
12 we will commit to call a public meeting once we
13 get sort of a concept, if there is -- I -- I don't
14 have -- we don't have this in our back pocket
15 we're ready to pop out. I think we could get that
16 done and then, you know, we're probably in all
17 likelihood not going to have unanimity whatever we
18 come up with. Maybe some, I hope we can earn some
19 support. We may not have unanimity here, but
20 probably after that exercise, moving to the
21 August, we pretty much got to -- this is what we
22 want to do and -- and put it before the commission
23 for their consideration and vote, if you're ready
24 to vote. So I think we could do it, Mr. Chairman,
25 in that period of time.

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1 CHAIRMAN VAUGHN: I would hope that you
2 would be able to get a large number, not
3 necessarily a majority, but a large number of the
4 neighbors --

5 MR. PETERSON: We'll try.

6 CHAIRMAN VAUGHN: -- in agreement with
7 what you propose.

8 MR. PETERSON: We'll try.

9 CHAIRMAN VAUGHN: We can't -- we don't
10 take a vote of the neighbors to determine whether
11 this does or does not happen. But we're really
12 concerned about the neighborhood and they need to
13 -- they need to be enthused about the project,
14 also.

15 MR. PETERSON: Well, we're going to do
16 the best we can. And all I can say is that that
17 checklist was not made up. We have worked through
18 very, very many meetings to do it and we're open
19 to dialogue and suggestions and we'll -- good
20 faith, but I -- I can commit a lot of things to
21 you, we're going to try to look at size, we're
22 going try to look at a few other things, but I
23 can't commit that -- but we'll try.

24 CHAIRMAN VAUGHN: Steve.

25 THE SPEAKER: Thank you, Mr. Chairman. I

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1 want to take just two minutes and call a great big
2 steaming pile of hooey exactly what it is. Okay?
3 This developer has had multiple meetings with the
4 neighbors. And you can put the checklist back up,
5 but the one thing that's not on the list is this
6 project is too big and it's too tall. They've
7 been hearing that from the neighbors for a long,
8 long time. And the response has been to reduce
9 the size of the project by 4 percent. I'm happy
10 to continue to waste my time listening to nips and
11 tucks, but this is really frustrating and you have
12 to appreciate that. Thank you.

13 MR. PETERSON: Mr. Chairman, may I
14 respond? Because unfortunately, in part, we've
15 had some opportunity to have some good dialogue,
16 but that is the part that gets a little
17 frustrating. We have reduced the height of the
18 building, we have reduced the square footage of
19 the building. I will commit to you I will do my
20 -- we will do -- I say I -- we will do our very
21 best in that 60-day process to do the best we can
22 and bring it back. And if Mr. Carman continues to
23 be dissatisfied, it won't be because we haven't
24 offered to work with him in good faith. And I'm
25 sure he will dialogue with us in good faith.

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1 MS. WALLERSTEIN: Mr. Chairman.

2 CHAIRMAN VAUGHN: Nancy.

3 MS. WALLERSTEIN: I need to go back over
4 what has transpired. The neighbors have met with
5 the developer numerous times. We have had -- the
6 planning commission has had one presentation where
7 we were just trying to clarify a few questions in
8 the original presentation. We have done nothing
9 but listen to pros and cons. And this is -- right
10 now is the first opportunity we have had to
11 actually have dialogue about this project. So I
12 need for the neighbors to be patient while we go
13 through our deliberations and our considerations.
14 While we completely have read every one of your
15 letters and listened to every one of your
16 comments, we have got to have the time to give our
17 comments to these people so that we can tell them
18 what we would like to see. What I would like
19 to see and what I would like to ask staff is, what
20 is our policy for the height of the building?
21 There is no slope to this ground as in Brighton
22 Gardens or Claridge Court. It is a flat piece of
23 ground. What is the height that we normally
24 accept as they discussed?

25 MR. WILLIAMSON: In terms of the height

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1 of the building, it's -- they can do it at 45 feet
2 actually because of the setback. They've gone 40
3 feet.

4 MR. TUTERA: 35.

5 MR. PETERSON: 35.

6 MR. WILLIAMSON: 35, yeah.

7 MR. PETERSON: We -- we cut -- we reduced
8 it. We were at four -- over 40 and we went to
9 40, we're now at 35.

10 MS. WALLERSTEIN: So am I -- so I'm --
11 what I'm hearing is that according to our policies
12 and our ordinances, this height is within our
13 ordinance.

14 MR. WILLIAMSON: It's very similar to
15 what was done at Brighton Gardens. Brighton
16 Gardens is taller, so is -- and -- and Claridge
17 Court, as well.

18 MS. WALLERSTEIN: I -- I think what I
19 would like to see is it broken up a little bit
20 more, possibly some space. Space -- what I'm
21 seeing is just this massive flat -- and I know
22 it's not flat, it's going to have some -- some
23 depth to it, but it just seems so high. And even
24 maybe considering reducing it a story and creating
25 a little bit of space in-between. I think it is

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1 that -- the look of Prairie Village is the -- a
2 lot of it is the low flat ranch type houses. And
3 it -- the three stories just seems to be
4 completely out of place when you have all these
5 low ranches around you. So I'd love to see the re
6 -- reduction of the height a little bit.

7 MR. WILLIAMSON: Nancy, because the
8 ordinance says that they can do that --

9 MS. WALLERSTEIN: I know.

10 MR. WILLIAMSON: -- doesn't mean that you
11 have to approve it, you can approve what you feel
12 is proper.

13 MS. WALLERSTEIN: Well, that's what I'd
14 like and I'm telling you what I'm liking.

15 MR. WILLIAMSON: Yeah, right.

16 MS. WALLERSTEIN: So take it for what
17 it's worth.

18 MR. LINDEBLAD: I think the land use is
19 -- the use proposed is a good one. I consider
20 this a transitional site. You've got Mission
21 Road, a thoroughfare abutting the east side and
22 you've got apartments on the north and northwest.
23 So I see this as a transitional site, not strictly
24 a low-density residential site. So I think the
25 mix of the -- mix of the retirement housing is

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1 good. I agree with Nancy that where the villas
2 are, the 35-foot setback is tight. Larger -- in
3 most single-family houses while there's a 25,
4 35-foot setback, the houses are further back. And
5 I think that needs to be loosened up. I like the
6 villa concept, the transition. The three -- the
7 partial three-story doesn't bother me. However,
8 maybe in a couple other places, the transition
9 from the two to three stories on the ends like
10 that are done on the front on Mission Road could
11 be done on at least the southwest side so you see
12 more of a transition from one story to two-story
13 to three. But I think it just needs a little
14 loosening up adjacent to the single-family, but I
15 think the villas as a transition is a good
16 concept.

17 MR. PETERSON: Thank you.

18 CHAIRMAN VAUGHN: Other questions? We've
19 talked about the possibility of adjourning this --
20 the hearing tonight, but continuing August 2nd.
21 Is there a motion that we --

22 MR. ENSLINGER: The question is -- the
23 question is, do you want a work session on July
24 2nd, which would be the next meeting that would
25 present design concepts, which is what the

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1 applicant is asking for, and then those design
2 concepts or design concept would be further
3 refined for the August 6th meeting? So that's the
4 direction staff needs because --

5 CHAIRMAN VAUGHN: July 2nd is our next
6 regular meeting, right?

7 MR. ENSLINGER: Yeah. We need to know
8 whether to make sure we have reservations for the
9 room. I can tell you that the rooms are available
10 on those two dates, this room is available on
11 those two dates.

12 CHAIRMAN VAUGHN: As a work session,
13 you're talking about?

14 MR. ENSLINGER: Yeah. July 2nd, the room
15 is available. I would assume we would need to
16 hold it here because the capacity of city hall is
17 roughly 98 people. And then the August 6th date
18 is also available for this location. So the
19 question is, do you want a work session or do you
20 want to directly go to the August 6th meeting
21 where they come back with a revised design?

22 CHAIRMAN VAUGHN: What's your pleasure,
23 Nancy?

24 MS. WALLERSTEIN: I think we need a work
25 session.

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1 MR. PETERSON: Thank you.

2 MR. KRONBLAD: I -- I don't think -- I
3 don't think it's -- I think to go 60 days and then
4 see something that we're still not comfortable
5 with or vice versa.

6 CHAIRMAN VAUGHN: So that would be
7 following our regular meeting?

8 MR. ENSLINGER: Yes.

9 MR. WOLF: Mr. Chairman, if I ask a
10 question. So they give us a revised plan, do we
11 start this process all over again?

12 CHAIRMAN VAUGHN: No. We continue with
13 the same process.

14 MR. WOLF: But, I mean, are we going to
15 have everyone stand up and give us their comments
16 again?

17 CHAIRMAN VAUGHN: Probably.

18 MR. WOLF: So logistically, are we going
19 to finish in August, the August meeting?

20 CHAIRMAN VAUGHN: Let's hope one way or
21 another, we'll be finished.

22 MR. WOLF: Okay.

23 MS. WALLERSTEIN: So let me make sure I
24 get this clear. We are going to have a work
25 session in July and we're continuing the public

1 hearing.

2 CHAIRMAN VAUGHN: Right.

3 MS. WALLERSTEIN: And that will go into
4 the August meeting, the public hearing?

5 CHAIRMAN VAUGHN: Right.

6 MS. WALLERSTEIN: But the work session
7 will be for the commissioners to just discuss with
8 the developer that their -- their plans or any
9 amendments to their plans that they want to
10 present.

11 CHAIRMAN VAUGHN: Right.

12 MS. WALLERSTEIN: Okay. And there's no
13 public comment during the work session?

14 CHAIRMAN VAUGHN: During the work
15 session, no, there will not be.

16 MS. WALLERSTEIN: But in the public
17 hearing? Is that -- we're still continuing --

18 CHAIRMAN VAUGHN: Public hearing goes
19 beyond that point.

20 MS. VENNARD: Till August.

21 MS. WALLERSTEIN: Yeah, okay. I just
22 want to make sure so that everybody gets a chance,
23 that if they come in July --

24 MR. KRONBLAD: Mr. Chairman.

25 MS. WALLERSTEIN: -- they're not going to

1 able to speak during the work session, right?

2 CHAIRMAN VAUGHN: Right.

3 MS. WALLERSTEIN: Okay.

4 MR. KRONBLAD: Mr. Chairman, I would ask
5 that with that schedule, how will -- will there --
6 how will the applicant interface with the homes
7 association -- Mission Valley association?

8 MR. PETERSON: We'll -- when we -- we'll
9 get this into the sketch form, the concept form,
10 what we're thinking about and we'll keep the
11 neighbors advised, we'll try to call the meeting
12 before the July meeting the best we can. They'll
13 hear it the same time you will in July, we'll
14 commit to meet with them before we -- if we can't
15 get it done then, maybe the best thing is we're
16 going to throw in -- I will tell you that we will
17 keep -- the only people talking to you at the work
18 session will be our design people, not me. Okay?
19 So it will be our design people explaining the
20 design. Hear some further input. I think more
21 logically, because we need a little time to put
22 that part together, we will then between that and
23 the public hearing meet with the neighbors, fully
24 bring them up to what we're going to present to
25 you for a vote in August, take additional input

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1 and then we'll bring back the plan view. I think
2 that's -- I think if we tried to rush meeting with
3 the neighbors before July, it'd be more form over
4 substance.

5 CHAIRMAN VAUGHN: Thank you. Nancy.

6 MS. WALLERSTEIN: What I heard tonight
7 was the first opening with the neighborhood
8 association that they had some vision in mind.
9 And I would suggest that you speak with either
10 their representatives or their attorneys and see
11 if there is additional input that they can provide
12 that you could consider when you do any
13 modifications.

14 MR. PETERSON: I will -- I will
15 definitely reach out to John and we'll try to
16 start a -- an avenue for dialogue. I -- I want to
17 close with this and I want to do it on behalf of
18 Mr. Tutera because I know we are not angry. We
19 welcome the input. I tried to make the record
20 before. Some changes have been made, I know not
21 enough, but we have listened and that checklist is
22 not made up. You can go back and see the
23 iterations as we went through that. And we commit
24 to you that we will continue to do so. I know
25 it's emotional, but we will keep a business-like

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1 approach and do the best we can to find common
2 ground. We understand it's our burden to earn
3 your support. And part of it is to do the best we
4 can to make it compatible in reality and in
5 perception. Thank you. I guess we need a motion.
6 But thank you very much.

7 CHAIRMAN VAUGHN: We'll recess the public
8 hearing. Do I have a motion?

9 MR. LINDEBLAD: So move to August 2nd.

10 MR. WOLF: What was the motion?

11 CHAIRMAN VAUGHN: It was moved and
12 seconded.

13 MS. WALLERSTEIN: Second.

14 THE REPORTER: Who seconded?

15 CHAIRMAN VAUGHN: Those in favor of the
16 motion.

17 THE COMMISSIONER: (Indicating).

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1 CERTIFICATE

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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PLANNING COMMISSION MINUTES

June 4, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 4, 2013, in the fellowship hall of The Village Presbyterian Church at 6641 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

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

APPROVAL OF MINUTES

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

AGENDA

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

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

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

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

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

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

The child care center will accommodate a group of up to 69 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the building is proposed.

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

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

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

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

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access drive to 75th Terrace, however, has potholes and needs to be repaired.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. City staff recommendations;

The use has been in operation for one year with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for preschool children that is in demand in Prairie Village. It is recommended that it be approved for five years so that it can be evaluated to be sure that it does not adversely affect the neighborhood.

8. Conformance with the Comprehensive Plan.

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

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

1. **That the child care center be approved for a maximum of 69 children**
2. **That the child care center be permitted to operate year round from 7:30 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.**
3. **That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.**
4. **That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75th Terrace.**
5. **That the property owner shall meet with the City Staff to resolve the signing issues.**
6. **If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.**

The motion was seconded by Nancy Vennard and passed unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.

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

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

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

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

The drainage detention should be handled underground.

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

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

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

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

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

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

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

1. The character of the neighborhood;

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

2. The zoning and uses of property nearby:

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

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

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

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

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

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

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

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

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

7. City staff recommendations.

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

8. Conformance with the Comprehensive Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NON-PUBLIC HEARINGS

OTHER BUSINESS

PC2012-108 Hen House Site Plan, Corinth Square

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

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

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

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

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

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

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

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

ADJOURNMENT

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

Ken Vaughn
Chairman