

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, SEPTEMBER 10, 2013
COUNCIL CHAMBERS
7700 MISSION ROAD
7:00 P. M.**

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - AUGUST 6, 2013
- III. PUBLIC HEARINGS
 - PC2013-08 Request for Rezoning of Property at 3101 West 75th Street from R-1a to RP-1b
3101 West 75th Street
Current Zoning: R-1a
Proposed Zoning: R-1b
Applicant: Robert Royer
- IV. NON-PUBLIC HEARINGS
 - PC2013-116 Site Plan Approval - Live Blue
15 on the Mall
Zoning: C-2
Applicant: Jacob Palan, HelixKC for Blue Cross/Blue Shield
 - PC2013-118 Site Plan Approval - Homestead Country Club
6510 Mission Road
Zoning: R-1A
Applicant: Bryce Johnson
 - PC2013-119 Site Plan Approval - Dolce Bakery
3930 West 69th Terrace
Zoning: C-2
Applicant: Erin Brown
 - PC2013-120 Preliminary Plat Approval
3101 West 75th Street
Zoning: R-1b
Applicant: Robert Royer
 - PC2013-121 Monument Sign Approval
Corinth Paddock
Applicant: Skip Kendall with Paddock Court Homes Assn.
- V. OTHER BUSINESS
 - PC2012-108 Site Plan Request from Hen House Corinth Square
- VI. ADJOURNMENT

Plans available at City Hall if applicable
If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

Memo

To: Planning Commission
From: Joyce Hagen Mundy
Date: 9/5/2013
Re: Letter requesting change to minutes

I have attached a letter received in regards to the draft Planning Commission minutes of your August 6, 2013 meeting. If you agree with the request, you can direct the changes be made prior to your approval.

Attachments



1000 American Boulevard, Suite 500, Overland Park, KS 66211-3435 • 913.451.6788

August 27, 2013

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

Catherine P. Logan, Esq.
Lathrop & Gage LLP
10851 Mastin Boulevard
Building 82, Suite 1000
Overland Park, KS 66210-1669

Re: PC 2013-05 MVS Special Use Permit

Dear Ms. Logan:

As part of the process leading up to the September 3, 2013 hearing before the Governing Body on the MVS Application, we have been provided with a copy of the "draft" Planning Commission Meetings for the Planning Commission meeting of August 6, 2013.

As you are aware, we had a certified court reporter create a Transcript of that proceeding, a copy of which is attached. We ask that that Transcript be made a part of the record in this proceeding.

A review of that Transcript shows that there are two significant typographical errors in the "draft" Planning Commission Minutes:

1. At page 14 of the draft minutes, there is a reference to the statements of Cameron Jones as stating that "the proposed Villas are 12 feet from Mission Road with backyards that are significantly smaller that the neighboring property." A comparison against the Court Reporter transcript at page 12 shows that this was not a reference to Mission Road but, instead was a reference to the internal road.

2. At page 30 of the draft minutes, Commissioner Lindeblad is referenced as stating "there will be significant increase in street traffic." A comparison to page 174 of the Transcript shows that Commissioner Lindeblad stated, "there's going to be . . . in the residential neighborhoods, there's not going to be no additional traffic, the street. . . the traffic from this project is all going to go out on Mission Road. Now this is probably your lowest traffic generator development that you can have of any development. This is substantially lower than almost any other kind of development."



Catherine P. Logan, Esq.
August 27, 2013
Page 2

Because the Planning Commission will not take up approval of minutes prior to the September 3, 2013 Governing Body meeting, we would ask that the draft minutes to be contained in the packet for the Governing Body either be corrected to reflect this testimony or that this letter be provided in the packet to the Governing Body members.

We appreciate your attention to this matter.

Sincerely

A handwritten signature in black ink, appearing to read "John D. Petersen", written over a horizontal line.

John D. Petersen

JDP:mgs
Enclosure

cc: Joyce Hagen Mundy, City Clerk/Planning Commission Secretary
Dennis Enslinger, Assistant City Administrator

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<p style="text-align: right;">Page 9</p> <p>1 One other point that Mr. Tutera will address 2 in his comments -- during his comments are, one -- 3 and I'm, of course, disappointed that we don't 4 have the expertise of Commissioner Schafer here to 5 complete this process. But I recall a comment he 6 made after our presentation, the neighbors' 7 presentation; and he asked the question about the 8 elephant in the room. I wish he would've used 9 another analogy, I would think more a beautiful 10 swan. 11 But I think the point he was making is, let's 12 drill down and get to the issue and state it in 13 its most negative context; and we can work back 14 from there. Why so big? We will get to the end 15 of presentation and answer that question very 16 succinctly, honestly. And we think based on fact 17 and analysis, not just by us, but by your staff, 18 the answer is: It is not. I think the more 19 relevant question is: Why is it the size that is 20 being proposed? And that's what Mr. Tutera will 21 speak to. And it's not just because bigger is 22 better or because he wants to. It is part of a 23 thoughtful development of a concept that he thinks 24 would bring a quality project to the City of 25 Prairie Village.</p>	<p style="text-align: right;">Page 11</p> <p>1 neighborhood meeting on -- on November -- on July 2 11th. We were able to do that simply by reducing 3 the size of the assisted and independent living 4 facility. We reduced the size of that facility by 5 30 units, 42,800 square feet, 16 percent. 6 Within the reduction of that, we were also 7 able to reduce the width of the building across 8 Mission Road by 33 percent. We reduced it from 9 520 feet down to 100 and -- 348 feet, 172 foot 10 reduction. I'll talk about -- further about what 11 we did with that reduction in -- in -- in distance 12 across Mission Road. And then we looked towards 13 the element of how to reduce the scale of the 14 building by separating the building into two 15 separate components. We did that by virtue of 16 lowering the facade at the main entrance to one 17 story. 18 Third element, we were requested and it was - 19 - we concurred, to make architectural more 20 consistent with the neighborhood. And -- and we 21 did that through two or three different things. 22 We did it, one, through the elimination of the 23 dormers that were effectively creating a fourth 24 element and integrated those into the third floor. 25 By changing that entry -- that architecture, we</p>
<p style="text-align: right;">Page 10</p> <p>1 So with that as background, I turn it over to 2 Joe Tutera. 3 MR. TUTERA: Thank you, Chairman and 4 commissioners. As promised, we'll try to make 5 this as brief as possible. I'll try to present 6 about maybe five to ten minutes. The -- the 7 premise of -- first slide, please. As we 8 discussed on July 2nd, we -- through this process, 9 we went through an iteration of another -- of 10 various plans; and we came up with a number of 11 concepts that we wanted to address in this revised 12 plan which is now on file that we're seeking your 13 approval. And there was six primary elements that 14 came up and that we addressed. The first was a 15 creation of the -- of enhanced transition zones. 16 We've done that through creating a 300-foot 17 transition zone to the south. We moved the 18 parking of the ALF -- from the -- the ALF entrance 19 from the south out of that transition zone. We 20 moved the parking. We've created a fourth micro 21 park within that space. 22 Second, I think the elephant in the room, 23 reduce the scale from Mission Road. We had 24 extensive discussion on this -- about this on July 25 2nd, and we had follow-up discussion at our</p>	<p style="text-align: right;">Page 12</p> <p>1 created a three-story appearance that really 2 effectively looks like two-and-a-half. And we 3 were able to lower the roof heights by four feet 4 throughout the entire facade. 5 We introduced a third material, brick, into 6 the -- into the facade. That was able to create 7 some horizontal appearances and increased a -- a 8 darker material into the materials. We think it - 9 - it very much improved the -- the appearance and 10 was more compatible with the neighborhood. 11 Next, as we -- as I noted, we lowered -- we 12 improved the facade of the memory care building. 13 This, again, is through a reduction of height. 14 The memory care facility is in the southwest of 15 the property. We'll look at that in a minute. 16 But the -- there was a -- a discussion there about 17 reducing the appearance of that facade. 18 Next was to improve the villas' relationship 19 to the residents to the south. We took our -- we 20 -- and I'll go through that just in detail. But 21 we effectively created a village -- a villa 22 village. And that village is effectively a 23 neighborhood to the south of the property with a 24 traditional street, villas on the left, villas on 25 the right, traditional setbacks, a regular</p>



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<p style="text-align: right;">Page 169</p> <p>1 MR. WOLF: Okay.</p> <p>2 MR. WILLIAMSON: Uh-huh. Well, that --</p> <p>3 that's what -- I'm offering that as to -- if you,</p> <p>4 you know -- if you decide you want to do that or</p> <p>5 not.</p> <p>6 MR. WOLF: Right.</p> <p>7 MS. VENNARD: I -- I mean, I -- I see</p> <p>8 that that would restrict the skilled nursing units</p> <p>9 too sometimes, but I think that there are plenty</p> <p>10 other ones in the area that probably don't have</p> <p>11 that restriction because they're not part of a</p> <p>12 campus situation, so that this might not be a</p> <p>13 problem. Mr. Tuter, do you see that that would</p> <p>14 be a problem with your clientele or your residents</p> <p>15 as you call them?</p> <p>16 MR. PETERSON: If I could speak, Mr.</p> <p>17 Chairman, may I respond?</p> <p>18 CHAIRMAN VAUGHN: Go ahead.</p> <p>19 MR. PETERSON: On behalf of the</p> <p>20 applicant, we -- we would accept that additional</p> <p>21 restriction.</p> <p>22 MR. WILLIAMSON: And the other 12 -- the</p> <p>23 other 12 stipulations are as we have outlined</p> <p>24 them.</p> <p>25 MR. LINDEBLAD: One comment and maybe a</p>	<p style="text-align: right;">Page 171</p> <p>1 built.</p> <p>2 MR. WOLF: I have a -- Mr. Chair, I've</p> <p>3 got a question for my fellow commissioners.</p> <p>4 CHAIRMAN VAUGHN: Go ahead</p> <p>5 MR. WOLF: I'm curious, does anybody else</p> <p>6 still think this project is still too big? I need</p> <p>7 some input here from what you all are thinking,</p> <p>8 because I still have some concerns based upon</p> <p>9 everything that the neighbors have said, what</p> <p>10 their counsel has presented. And I'm -- you know,</p> <p>11 I'm not a -- I don't live in the real estate</p> <p>12 development world, I litigate for a living, and</p> <p>13 some of you do. And I'm curious what your</p> <p>14 opinions are.</p> <p>15 CHAIRMAN VAUGHN: Well, I'm concerned</p> <p>16 just because it does use up some more green space,</p> <p>17 yes, there's no doubt about it. But I think that</p> <p>18 staff has indicated that there's a logical</p> <p>19 argument to be made for this being reasonable. I</p> <p>20 don't like it, but I think you can say it's</p> <p>21 reasonable.</p> <p>22 MR. WOLF: And this is my novice</p> <p>23 question. Is that what we're -- is that what</p> <p>24 we're supposed to approve, reasonable?</p> <p>25 MR. LINDEBLAD: If I may, we're supposed</p>
<p style="text-align: right;">Page 170</p> <p>1 suggestion. There has been some concern that once</p> <p>2 a -- this preliminary plan is approved, that there</p> <p>3 will be square footage creep in the buildings, get</p> <p>4 a little bigger and bigger as they come in with</p> <p>5 their plans. Could there be consideration that we</p> <p>6 have a limit on maximum square footage build-out</p> <p>7 on either -- whether it's each portion of -- of</p> <p>8 the facilities, so we don't get that extra 5,000</p> <p>9 or 4,000?</p> <p>10 MR. WILLIAMSON: Yeah. We -- we -- you</p> <p>11 could add that stipulation, that's not a problem.</p> <p>12 MR. LINDEBLAD: Are we at the point where</p> <p>13 we know what those --</p> <p>14 MR. WILLIAMSON: Yeah, they've got them</p> <p>15 on the plans.</p> <p>16 MR. LINDEBLAD: On the --</p> <p>17 MR. WILLIAMSON: Yeah.</p> <p>18 MR. LINDEBLAD: -- latest plans with</p> <p>19 those square footages on --</p> <p>20 MR. ENSLINGER: Staff would suggest that</p> <p>21 you go with what's on the plan. We have not</p> <p>22 particularly done that.</p> <p>23 MR. LINDEBLAD: I think in this case, it</p> <p>24 would be good to put it in the -- in a condition,</p> <p>25 that those are the maximum square footages to be</p>	<p style="text-align: right;">Page 172</p> <p>1 to review a proposal that is submitted to us under</p> <p>2 the conditions, the nine conditions and the eight</p> <p>3 conditions, to see if it meets those criteria.</p> <p>4 And as for the -- the green space, we all love</p> <p>5 green space and we love the soccer fields and</p> <p>6 lacrosse fields, but this site is going to be re-</p> <p>7 - redeveloped at some point. And I don't know</p> <p>8 that we can't -- unless we buy the property, we're</p> <p>9 going to be able to keep soccer fields there</p> <p>10 unless somebody buys it and turns them into</p> <p>11 private soccer fields or public. And so we have</p> <p>12 to deal with a plan that has been submitted to us</p> <p>13 and review it under the rules that we have to</p> <p>14 review for rezoning. So that's what we're doing.</p> <p>15 MR. KRONBLAD: As staff pointed out a</p> <p>16 moment ago, I believe if it went to all single-</p> <p>17 family, we would have less green space than we --</p> <p>18 then is currently proposed. Because I don't think</p> <p>19 they would put in a park or any -- anywhere near</p> <p>20 the amount of green space that's there now. You -</p> <p>21 - you couldn't financially, it would have to be</p> <p>22 all --</p> <p>23 MR. LINDEBLAD: Mr. Chairman.</p> <p>24 CHAIRMAN VAUGHN: Bob.</p> <p>25 MR. LINDEBLAD: Yes. Another comment to</p>

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PLANNING COMMISSION MINUTES

August 6, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 6, 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, 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; Danielle Dulin, Assistant to the City Administrator; Quinn Bennion, City Administrator; Keith Bredehoeft, Interim Public Works Director, Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved approval of the Minutes of July 2nd as written. The motion was seconded by Randy Kronblad and passed unanimously.

AGENDA

Chairman Ken Vaughn noted that Commissioner Dirk Schafer was not present due to his resignation from the Commission after moving to Kansas City, Missouri. Prior to this meeting the Board of Zoning Appeals heard an application that also needs Planning Commission action and requested the Commission's approval to move PC2013-117 to the beginning of the agenda

PC2013-117 Site Plan Approval - Building Elevation Change from 105.1 to 106.1 4319 West 69th Street

Brad and Katie Trenkle, 6748 El Monte, addressed the Commission requesting approval of a building elevation for their property at 4319 West 69th Street from 105.1 to 106.1. Mr. Trenkle stated this property is very vulnerable to basement flooding at the intersection of 69th Street and Oxford Road. The previous owners of the house have had water problems. They would like to raise the finished floor level so that they can grade properly and run water away from the house. They would maintain a 9 foot setback from the property line on the east side which is 5 feet greater than what is required. They will also maintain a 25 foot setback from the property line on the west side. They can by code raise the finished floor level by six inches by providing the greater setbacks making the requested increase only six additional inches. Mr. Trenkle noted the adjacent property owner is present and supports the requested elevation increase.

Dennis Enslinger stated in 2001, the Commission revised its ordinances to address the concerns with significant first floor elevation on rebuilds that could change the character of development in the neighborhood.

The applicant is requesting a first floor elevation change of 1 foot and has submitted a site plan that shows how the change would be accommodated. The existing house was built in 1951 and has the typical low basement ceilings that were built at that time. The applicant would like to increase the ceiling height in the basement and provide a greater slope away from the house. The applicant would be allowed a 6 inch elevation change without Planning Commission approval under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

The existing house (105.1) is slightly higher than W. 69th Street and El Monte. The proposed first floor elevation is 4 feet higher than the house to the east (102.1) and slightly over 4 feet higher than the house to the southeast (102.0). The ground slopes to the southwest corner of the lot.

Chairman Ken Vaughn led the Commission in the following review of the criteria for consideration of an elevation change:

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

The land in this area has only moderate elevation changes. The neighborhood is predominately Cape Cod or ranch style residences. The existing residence and the residence to the immediate east and southeast are similar in nature and are one story ranch structures. The applicant is proposing to construct a one-and-a-half story cape cod structure which will be approximately 27 feet in height which is taller than the adjacent residential structures which are approximately 22 feet.

A 1-foot elevation change will be noticeable based on the existing conditions surround the property without adequate landscaping. The property owner would be allowed a 6 inch elevation change under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

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

In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands, provided that it is compatible with the neighborhood. Current zoning code provisions would allow the applicant to raise the finished floor elevation 6 inches based upon the proposed side-yard setbacks.

Increasing the finish floor elevation by only 6 inches allows the applicant to achieve positive water flow to the street along El Monte. However, the 6 inch elevation change will still pose some challenge to provide adequate slope away from the house along W. 69th Street.

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

The proposed house will maintain the existing platted side yard setback along El Monte and along W. 69th Street. The proposed house will reduce the east side yard from 24.4 feet to just over 10 feet at its greatest point. The front yard, side yard, and rear yard setbacks exceed the requirements of the zoning ordinance.

Dennis Enslinger noted that staff has some concerns of increasing the building elevation with regard to proper grading along the east property line if a total of 1 foot in elevation change would be granted. It may be difficult to provide for proper drainage along east side of the structure which does not impact the adjacent property owner. Staff recommends that the applicant be granted a maximum of 1 foot in elevation change with the condition that the applicants work with staff to provide for proper drainage along the east property line. If a proper drainage plan cannot be achieved the applicant should reduce the overall elevation change of the garage/dwelling structure.

Gregory Wolf moved the Planning Commission approve PC2013-117 granting a maximum increase of one foot to the first floor elevation at 4319 West 69th Street subject to the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. The applicant work with staff to ensure a proper drainage plan with particular attention devoted to the east property line. If a proper drainage plan cannot be achieved the applicant shall reduce the overall all elevation change to provide proper drainage along the east property line.
3. Approval of a Drainage Permit from the Public Works Department;
4. The applicant provide a letter from the Prairie Village Homes Association indicating that it has approved the proposed project; and
5. The applicant provide a survey document showing the height of the finished floor at (TBD) as part of the building inspection process.

The motion was seconded by Bob Lindeblad and passed unanimously.

PUBLIC HEARINGS

PC2013-05 Request for Special Use Permit for Adult Senior Dwellings 8500 Mission Road

Chairman Ken Vaughn noted this is a continuation of a public hearing begun at the May 7th meeting of the Planning Commission. He stated the Commission has received all the correspondence that has been sent regarding this application and ask that any comments be brief and contain new information to allow the Commission time for its deliberations. He asked that the formal presentations by the applicant and opposition be limited to 30 minutes with a 45 minute maximum. He reconvened the public hearing and called upon the applicant for their presentation.

John Petersen, with Polsinelli Shughart, 6201 College Blvd., attorney for the applicant, introduced the Mission Chateau development team in attendance. He noted the format of their presentation begins with Joe Tutera walking through the plan with the revisions made and then he would address the application within the context

of the process and the standards. He noted the opponents question “Why is it so Big?” Their response is “It is not” and noted the more relative questions is “Why is it the size that is proposed?”.

Joe Tutera, reviewed the following checklist of Mission Chateau Enhancements:

Enhanced Transition Zones

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

Reduce the Scale from Mission Road

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

Make the Architecture More Compatible to Neighborhood

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

Improve the Villas' Relationships to the Residences to the South

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

Address Heights in Relationship to Adjacent Properties

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

Preserve the Quality of the Property, Services and Lifestyle

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

Mr. Tutera noted the biggest change in the site plan is the creation of the “Villa Village” on the southeast corner preserving greenspace on the perimeter of the site plan. The transition buffer zone on the site is approximately six acres that is entirely one story or open space. The second most important change in the villas is making them more a traditional residence size and style. Both from the front and back they have the appearance of a traditional neighborhood. The driveways enter from the front and there is greater distance between the units.

Mr. Tutera reviewed the site plan showing the setbacks surrounding the site. The closest major building to the properties on the south is 255.3 feet; the southwest corner is 163.4 feet; the northwest corner is 150.4 feet; the north is 174.7 feet and the setbacks off Mission Road are 119.5 feet at the ends and 286 feet to the center entrance. The revised building heights which generally are in the 970 elevation range

are roughly equivalent to the heights of the surrounding single family residential properties and lower than the adjacent multi-family structures. The closest structure to the north has been reduced to two stories. Mr. Tutera reviewed a slide showing both a comparison of the elevations of the villas and the adjacent single family residences and the setback between structures for each.

Mr. Tutera presented architectural renderings of the Villas, Memory Care Neighborhood, Skilled Care Neighborhood, Assisted and Independent Living Communities. The following is the breakdown of the number in each community:

Floor Plans of the proposed units were distributed to

Independent Living Apartments (ILA)	136 units
Assisted Living Apartments (ALA)	54 units
Skilled Care Units (SNF)	84 units
Memory Care Units	36 units
Independent Living Villas	<u>17 units</u>
Total	327 units

Joe Tutera noted the average number of ILA in communities is 180 in order to provide a choice of unit types and have sufficient numbers to be able to offer related lifestyle activities. There 54 ALA units is less than average. All units are private occupancy, one- or two-bedrooms following a residential model. The Memory Care Community is a standalone building with private occupancy units with 36 being the minimum number required. The proposed 84 units for skilled nursing care is based on being able to provide services for 26% of the total community based on industry averages. In Johnson County the average facility provides for 44% of their Assisted Living population.

John Petersen addressed the Commission on the process and criteria. He noted the process by law a quasi-judicial based on confirmed and documented facts. They have had significant neighborhood comment and input as demonstrated by the initial review of enhancements presented by Mr. Tutera. Mr. Petersen noted there is still opposition from some of the neighboring residents, which is common. However, Kansas law requires that land use decisions be considered within a broader context and be based on the benefit or harm to the community at large. The Kansas Supreme Court has stated: "Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The framework for the review will follow the eight Golden Factors; City's own criteria as set out in Section 19 of the Prairie Village Municipal Code and the specific site plan criteria as established by code. Mr. Petersen commented on two foundational considerations.

- 1) Conformance of the requested change to the adopted or recognized mast plan be utilized by the City.

The Comprehensive Plan amendment adopted May 21, 2012 relative to this site specified that use of the property be restricted to R-1a, which specifically includes senior living development with a Special Use Permit. In addition Village Vision points out in several areas of the plan that more housing choices should be available to the

residents, particularly in the area of senior living. Mr. Petersen stated to limit redevelopment to single-family development would be contrary to Village Vision and the Plan Amendment.

2) The recommendation of permanent or professional staff.

In regard to this application for a Special Use Permit and related Site Plan, the Prairie Village Professional Staff has concluded: "The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with the Amended Village Vision and is in the opinion of Staff it is a workable plan . . ."

In addressing the findings as established by code, Mr. Petersen noted the project meets or exceeds all of the design standards established by code. There is no negative impact on traffic or storm water flow. A substantial transition buffer zone has been created between the project and the neighboring properties. There is no discernible hardship to the community at large or adjacent property owners.

Mr. Petersen stated that the applicant has reviewed the staff report and accepts the conditions of approval recommended by staff. He noted these conditions address many of the concerns raised by the neighboring residents.

Condition #4 addresses the concerns with the phasing of the project. It states "prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.

In addition, the City Attorney in a letter to the Commission dated May 6, 2013, stated "A reasonable interpretation of the Zoning Regulations is that a Special Use Permit may be issued under Section 19.28.070(l) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility, and if the SUP is conditional upon the completion of the primary dwelling facility."

Mr. Petersen reviewed the parking requirements for Mission Chateau passed on the city's code. The code requires 268 parking spaces. The site plan provides for 350 parking spaces. One of the concerns of the neighborhood was parking for special events and holidays. Conditions of approval #10 & #11 state "10 - That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas." "11 - That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area."

As they are so closely related, Mr. Petersen also responded to the staff report for PC2013-114 Site Plan Approval noting that the applicant has reviewed the report and accepts the conditions of approval recommended by staff. In closing Mr. Petersen directed the Commission to consider the presentation of facts and confirmation of facts as proposed and documented by professional staff and requested a recommendation for approval.

Chairman Ken Vaughn asked for questions from the Commission members.

Nancy Vennard asked Mr. Tutera the reasoning on the number of skilled nursing units. Mr. Tutera responded the industry has found an average of 25% of the residents in a continuing care community will at some point in time need the services of a skilled nursing facility. Most Johnson County facility build to accommodate 44%. He noted Claridge Court has 45 units to accommodate its 180 residents (26%) and Brighton Gardens has 45 units to accommodate its 164 residents (26-27%).

Randy Kronblad clarified that the 310 foot buffer on the southwest corner of the site plan reflected the green space to the two story structure and that the 300' buffer zone is measured from the property line.

Nancy Wallerstein asked if the height of the building could be brought down to 1 story. Mr. Tutera responded the overall roof height was lowered by four feet and 27 feet in the middle of the project. The units in the pod were designed so that all are able to look out on greenspace and have the opportunity for natural light. This cannot be accomplished with all the units on one floor. John Petersen added the two story building is adjacent to structures that are very high elevations (988 to 994 feet).

Nancy Wallerstein stated one of the comments received questioned why this building is not attached to the main building. Mr. Tutera responded this building is separate to meet the needs of the residents who need a calm and secure environment. Mr. Petersen stated they understand the concerns expressed that as a separate building it can operate on its own. The project was designed to ensure the entire community with walk ability, mass and scale necessary to provide for their needs. He stressed again that condition #4 of approval requires that the entire project be constructed.

Joe Tutera added that construction cannot begin without available financing for the entire project. He anticipates the completion of the entire project to take two and a half years. Six months after the start of the skilled nursing facility, the rest of the site infrastructure and storm drainage will be put into place and then vertical construction will begin with the perimeter details constructed last. Mr. Tutera explained the licensing requirements for the skilled nursing and memory care community. The first step in that process is the issuance of a certificate of occupancy by the City. The opening of a community is roughly a three month process for licensing, hiring and training. The villas will be constructed immediately after the Independent and Assisted Living Communities open. Mrs. Wallerstein asked how long the villa construction would take. Mr. Tutera responded 6 months. Mrs. Wallerstein confirmed the estimated completion of the entire project is three years.

Nancy Wallerstein asked if there was public access to the greenspace and if there would be rooms in the building available for community use. She noted Village

Vision's call for more greenspace. Mr. Tutera responded the project includes 5.5 acres of public park and 1.2 miles of walking trails with connections to city trails and sidewalks. Mr. Petersen added that condition #12 requires that the trail and park areas be open to the public.

Nancy Wallerstein noted that residents were requesting underground retention on the site rather than open retention as proposed and noted this might allow for additional greenspace. She noted the planned large scale storm drainage project from Delmar/Fontana low water crossing. Mr. Tutera responded the greenspace calculations do not include the creek or the retention area. The proposed storm drainage plan is intended to reduce the volume of water throughout the project area. The design follows established best practices and is identical in design to several systems in place throughout Prairie Village.

Nancy Wallerstein asked why not an underground installation. John Petersen responded it does not improve the quality of the water and would cost more than a million dollars to construct. The proposed system addresses a 100 year storm in 24 to 40 hours. The area will be heavily landscaped and fenced. An underground installation would not have any aesthetic benefit, safety benefit, water quality improvement and no further benefit in terms of flood control.

Nancy Wallerstein asked what the status was on the storm drainage project at Delmar. Keith Bredehoeft responded that a study is being done this year for possible inclusion in future CIP programs. The reduction of water from this site based on the proposed retention will benefit that project as well as reduce water flow from this site. There are situations where it is necessary to use open detention and it is very effective.

Nancy Wallerstein stated there has been much concern with on-site parking and overflow parking into the neighborhoods. She noted there are times when school is not in session and suggested that perhaps an agreement could be worked out with the school district for the use of the Corinth Elementary School parking lot and/or the neighboring office buildings to the north.

Joe Tutera responded they have talked with the owners of the neighboring office buildings. He stressed they have 82 more parking spaces than required by code with only 30 of those used during shift changes. They have more than 40 communities and have been able to handle parking for special events internally with staff scheduling, adjusting shifts and having employees park in designated off-site areas.

Nancy Wallerstein questioned the 13 ADA parking spaces shown on the site plan. Mr. Tutera responded they have twice what is required by code, but would look at their other facilities to reevaluate need. Mrs. Wallerstein asked how many buses they would have. Mr. Tutera responded at least one large bus and a smaller bus. These would park in the employee parking area.

Mrs. Wallerstein asked what their maximum population would be. Mr. Tutera replied with every bed filled - 100% occupancy would be 412 residents. They expect to operate around 90%.

Nancy Wallerstein asked what the parameters were for a "senior living facility". Joe Tutera replied generally there is a minimum age of 55 with no children being standard. These are addressed in residency agreements. 78 years of age is the average age for those in the Independent Living Communities.

Chairman Ken Vaughn open the hearing for comments in support of the application.

David Feingold, 8004 Juniper, a 25-year resident of the City, felt this was a quality development for Prairie Village that would provide a safe facility close to home for aging Prairie Village residents. He noted that when the school was open and there were special events cars were parked for blocks and blocks throughout the adjacent residential neighborhoods and no one complained. The demographics of the area are changing, resulting in the closure of the school. Every day over 10,000 people turn 65 and life expectancy is increasing creating a huge demand for alternative lifestyles and needs which this proposal provides. The developer have been in the community for many years with quality developments and an excellent track record. We would be very fortunate to have one of his facilities in Prairie Village.

Barbara Dooley, 5301 West 69th Street, stated she would not have returned to Prairie Village except that her parents wanted to stay in their community and that required that they remain in their home . They did not want to change everything about their life by moving to another area, so she came back to care for them. She works with several seniors as a hospice volunteer and she would be happy to have family in a Tutera facility. This project is needed and meets City code.

Chairman Ken Vaughn called a five minute break stating the Commission would recess until 8:35 p.m.

Chairman Ken Vaughn reconvened the meeting at 8:35 p.m. and called upon John Duggan, attorney for the Mission Valley Homes Association, for comments.

John Duggan, of Duggan Shadwick Doerr & Kurlbaum, LLC., representing the Mission Valley Neighbors Association, began his presentation stating that this project is still too big. He feels the proposed project needs to be on 30 to 40 acres of land, not 18. He stress that the applicant carries the burden of proof and encouraged the Commission to look at similar communities, particularly the direction given by this Commission in the review and approval of the Benton House Community on what was once the Somerset Elementary School site. Mr. Duggan reviewed comments and directions given by the Planning Commission to the applicant at their July 2nd work session.

However, the re-design submitted to the City on July 19th is actually 6,789 square feet bigger than what was presented at the July work session. The total square footage is now 358,029 - only a 7.5% reduction. They do not feel the applicant made a good effort to address the concerns expressed by the Commission and residents. This plan would be in a tie for the third largest residential building in Johnson County behind Santa Marta and Claridge Court giving Prairie Village two of the four largest residential buildings in Johnson County each serving seniors within one mile of each other. Mr. Duggan stated the comparison to Claridge Court is not applicable as that site is zoned for commercial development. He believes the Santa Marta facility is an

accurate visual comparison for this project. He likened it to putting Shawnee Mission High School on an 18 acre site.

Mr. Duggan presented a comparison of the density of the proposed project with the density of the Corinth Area Office and Retail Shops. He also presented a comparison of density with Benton House and average densities for CCRC's in Johnson County. The square foot of Mission Chateau is three times the density of Benton House and more than twice the average size of the other CCRC's in Johnson County. He feels the City is losing a valuable irreplaceable asset - green space from this former school site.

In regards to the proposed Skilled Nursing Facility, they contend it should be connected to the "primary" building and should be much smaller. If connected to the primary building the building timeframe would also be reduced. He noted the SNF is twice the size of the entire Benton House project and 91% the size of the existing Mission Valley School. They do not believe the SNF is subordinate and accessory and that its services will be limited to the residents of Mission Chateau. His research has shown that on the average only 20% of SNF patients come from the CCRC residents. Clearly the size of the SNF is not dictated by "lifestyle" of the community. John Duggan stated he stands on his earlier interpretation that the proposed Skilled Nursing Facility cannot be a subordinate accessory if it is the first phase of the project and reviewed court rulings supporting his interpretation.

Mr. Duggan also noted the recommendation given in the staff report begins "If the Planning Commission recommends approval to the Governing Body, it is recommended the following conditions be required . . ." All of the objections of the Mission Valley Neighborhood Association are related to the proposed size of the project. The size impacts the lack of transition, lack of green space, parking, safety issues, storm water detention, construction time period, property values and traffic.

They feel that Parking is a significant problem and presented an analysis of four other similar CCRC's in the area. If you apply the minimum requirements of the Prairie Village code to Mission Chateau, you come up significantly short on daily parking. Their conservative projections were for a shortage of 89 parking spaces. They do not agree with the calculations formula used by City staff for parking requirements. If daily parking needs are not met, clearly special event parking will not be adequate.

The two and half year construction period is not reasonable for an R-1 zoned development. They still feel the transition area of 300 feet is too small with a three story building out of character in an R-1 zone. It was also noted the buffer calculations include 75 feet of neighboring property and thus is exaggerated. It was noted that 63% of the perimeter of this site is single family residential, which is higher than every nearby senior housing development in Johnson County except Benton House.

The applicant has not given an explicit explanation on why it has to be so big. With the proposed development Prairie Village will have more senior facilities per capita than any city in Johnson County.

The MVNA feels that for safety reasons an underground detention facility should be required. They also feel you cannot only compare peak times of a school which has only two real traffic periods (on 190 days per year) with peak times of a facility that has varied peak times and operates 24 hours per day 7 days per week. The staff report does not state staff recommends approval.

Mr. Duggan briefly review comments made by speakers at the initial public hearing in June which are reflected in the minutes of that meeting.

Mission Valley Neighborhood Association presented the following conceptual framework for the Development of the Principles in Village Vision:

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

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

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

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

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

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

John Duggan referenced comments from developer J. C. Nichols. He also compared the staff comments on the Commission’s earlier approval of a Special Use Permit for Benton House to the staff comments on Mission Chateau. They strongly believe the proposed project will have some adverse effects on the welfare and convenience of the public. They do not feel parking has been adequately addressed.

Mr. Duggan presented his analysis of this project relative to the criteria for a Special Use Permit and Golden Factors as summarized below:

- A. **Proposed special use complies with all applicable provisions of these regulations.** Staff failed to address the requirement that the SNF and Villas be a subordinate and accessory use. This site was platted as one lot to avoid a number of requirements. Although the lot coverage falls within the 30% ratio, the floor area ratio does not take into account the height of the structures.

- B. **Proposed special use will not adversely affect welfare & convenience of public.** For reasons of density, lack of transition, traffic and parking the welfare and convenience of the public will be adversely affected.
- C. **Proposed special use will not cause substantial injury to value of other property in neighborhood.** They believe the size of the project will negatively impact property values on the east side of Mission Road. The use of “units per acre” is misleading in addressing the impact on the value of other properties. Proposed grading will negatively impact vegetation on south property line. The project is an overbuild of the available land.
- D. **The location and size, nature and height of buildings, structures, walls on site will dominate the immediate area.** 365 day use of property will create more intensive traffic. Comparisons to Claridge Court not appropriate as it is zoned C-2. This project will be one of the largest, if not the largest development in Prairie Village. The mass of the project will dominate the area.
- E. **Off-street parking and loading areas in accordance with standards and screened.** Although minimum parking requirements have been met, they appear inadequate based on comparisons with similar facilities. Concern expressed with parking during the afternoon shift change and parking during holidays and special events may be a problem.
- F. **Adequate utility, drainage and other facilities are provided.** For safety reasons, they believe an underground drainage facility should be required.
- G. **Adequate access roads or entrance and exit drives provided.** They feel the proposed single private road that is approximately 26 feet wide creates potential hazards.
- H. **Adjoining property protected from hazardous or toxic materials, obnoxious odors or unnecessary intrusive noised.** No analysis of this has been done regarding the shift changes during the late evening hours.
- I. **Architectural style and exterior materials compatible.** The villas should not all be designed the same and they should be owner occupied.

Golden Factors

1. **The character of the neighborhood.** The density of this project is unprecedented. The average floor area of the five commercial centers in Prairie Village is 15% while the average floor area for this project is 23%.
2. **The zoning and uses of property nearby.** 63% of the perimeter of this project is single family residences. This percentage is the second highest of any senior dwelling facility in Johnson County.
3. **The suitability of the property for the uses to which it has been restricted under its existing zoning.** The size of this project is a distinct and drastic change in use.
4. **The extent that a change will detrimentally affect the neighboring property.** A primary loss will be that of open green space. There is concern with the height and the mass of the buildings proposed. They feel the proposed Skilled Nursing Facility is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility. The Landscaping and setbacks are not enough to protect the neighboring property due to the size of the proposed project.
5. **The length of time of any vacancy of the property.** Although the site has been vacant for two years, there is a great demand for other residential uses of this

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

6. **The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on the property owner.** The MVNA believes the adjoining property values will decrease if this project is approved and that there are projects or uses that will enhance the property values of the adjoining property. All Prairie Village residents will be negatively impacted by the loss of the open space and use of the area for recreational purposes.
7. **City Staff Recommendations.** Mr. Duggan noted several areas of disagreement with the staff analysis, findings and recommendation.
8. **Conformance with the Comprehensive Plan.** Although there have been several meetings to gather community input, the primary point of contention - the size of the project - has not been addressed. The MVNA believes the goals of the Comprehensive Plan can be satisfied with a development comparable to Benton House. The proposed massive size is not necessary.

John Duggan noted the number of conditions that have been recommended by staff for the approval of this project. This project is still too big. The developer has not met the burden of addressing the "elephant in the room".

Chairman Ken Vaughn opened the public hearing to comments in opposition to the proposed application.

Charles Schollenberger, 3718 West 79th Terrace, stated these hearings have gone on too long. The question is whether big dollars with a bad idea will prevail tonight. This vote will be the Planning Commission's legacy and he urged commissioners to vote for controlled growth, for Village Vision and the preservation of the character of Prairie Village.

Harold Marien, an 85 year old resident stated he was happy with how things are and does not want to see any changes to the property.

Mary English, 4402 West 77th Terrace, stated the proposed project will have a giant impact on Mission Road and likened it to the placement of a hospital next to single family homes. The project would destroy access to open space. She believes the property values of surrounding residential properties would be negatively impacted. She doesn't understand how this project got this far in the process. The proposed project should be no greater than the footprint of the existing school retaining all of the current open greenspace. Buildings of this size belong in a city, not a village. Tutera is a bad/negligent operator,

Bob Schubert, 3700 West 83rd Terrace,, stated he was president of the Corinth Meadows Homes Association located across Mission Road from the proposed development. The neighborhood meetings with the developer were a constant sales pitch. The revised proposal ignores the primary concerns expressed by the neighborhood from the first meeting. This project is too big for this site. Mr. Schubert stated the minutes from the neighborhood meeting held on July 11th do not do justice to the vehement opposition expressed by those in attendance. MVNA and Corinth

Meadows are still waiting for serious negotiation and compromise to take place with the developer.

Edward Harper, 7869 Howe, noted that the Lakeview Senior Facility has 8 residents per acre compared to the proposed Mission Chateau with 23 residents per acre. There is nothing like this in Prairie Village and it is not needed in Prairie Village. He feels it should be moved to the suburbs or country. He is also concerned about the noise from the construction.

Steve Carman, 8521 Delmar, presented an appraisal update based on the revised plan proposal. The new proposal does not change the fact that this is an extremely high density project. The appraisal found the potential for negative impact on the value of his property remains at tens of thousands of dollars. This along with the three year construction period for the largest construction project in the city taking place in his backyard will prevent him from being able to sell his home

Cameron Jones, 3605 West 85th Street, the proposed Skilled Nursing Facility is a step down from a hospital and is not appropriate for a residential community. The proposed villas are 12 feet from Mission Road with back yards that are significantly smaller than the neighboring properties. Mr. Jones stated he would not have any objection to a project the size of Benton House to be constructed on this site.

Tom Brill, 68 LeMans Court, stated this would be a fine project for another city. It is too big for this site. He has strong concerns with the proposed parking noting their calculations show an 89 spaces shortfall for daily parking, parking for special events and holidays has not been adequately addressed. Mr. Brill referenced the parking problems experienced at the Claridge Court facility with employees parking at the library or office building across the street.

Whitney Kerr, 4020 West 86th Street, pointed out that in the last 60 days the size of this building has actually gotten larger. He expressed concern that if approved, this project could increase in size with staff approval and no input from the Commission or City Council. He noted the meeting on July 11th was very contentious. The neighboring community is far from on board with the revised plan. Mr. Kerr discussed other types of development for this site. He does not feel the proposal is the best that can be done on this property. He feels the villas should not be rental property, but owner occupied. He is not anti-development and feels that owner occupied single-family homes like Corinth Downs would be appropriate. He believes a project similar to the Benton House project is a better option for this site as it is size appropriate and in character with the neighborhood.

Nancy Wallerstein asked if the Benton House Project was built out. Ron Williamson responded the site plan approved by the Commission was for 71 units. Only 59 units have been construction. The future villas proposed for the site were discussed but not presented for approval and may or may not be built.

Chairman Ken Vaughn called for a five minute break.

Chairman Vaughn reconvened the meeting at 10:10 p.m. and closed the public hearing.

Bob Lindeblad asked for clarification on the staff comments. Ron Williamson stated the staff is recommending approval.

Nancy Wallerstein asked what the project costs would be for a typical unit. Mr. Tutera responded in the Independent Living community a 1 bedroom would be \$2350/monthly and a two bedroom \$3300/monthly. The villas would be in the high \$3000.

Gregory Wolf asked if there was sufficient on-site parking. Ron Williamson responded they have more than is required by code and added more than required by code for Leawood and Lenexa, slightly less than required in Overland Park. Nancy Wallerstein asked what the requirement was for ADA parking. Mr. Williamson stated that would be reviewed on the final plan.

Nancy Wallerstein asked Mr. Petersen for an explanation of the appraisal reports. Mr. Petersen responded that both were completed by licensed appraisers. Their report focused on case studies of area surround similar developments. Mr. Carmen's study focused on the proposed impact for his property.

Ron Williamson reviewed with the Commission the changes made from the original submittal in April to the revised submittal reflecting both comments from the Planning Commission at the July 2, 2013 workshop and at the July 11, 2013 neighborhood meeting.

UNITS	Plans Dated: April 15, 2013	July 30, 2013
Independent Living Apartments	160	136
Assisted Living Apartments	60	54
Skilled Nursing Units	84	84
Memory Care Units	36	36
<u>Independent Living Villas</u>	<u>11</u>	<u>17</u>
Total Units	351	327

The number of units has been decreased by 24 or 6.8%.

GROSS BUILDING SQ. FT.	Sq. Ft.	Sq. Ft.	
Skilled Nursing/Memory Care	91,189	91,200	+11
Assisted Living/Independent Living	271,140	228,340	(42,800) 15.8%
<u>Independent Living Villas</u>	<u>24,915</u>	<u>38,500</u>	+13,585 54.5%
Total Gross Building Sq. Ft.	387,244	358,040	(29,204) 7.5%

The total square feet of the complex has been reduced by 29,204 sq. ft. or 7.5%, but the significance is that the Assisted Living/Independent Living building, which is the largest building, has been reduced in size by 42,800 sq. ft. or about 15.8%.

The Skilled Nursing/Memory Care building has remained unchanged. The footprint is 58,268 sq. ft.; total sq. ft. is 91,200 and it has 120 units. The one story section, which is the Memory Care part of the building, is 22'0" in height, reduced from 26'3". The second story height is 29'6" compared to 34'6" on the earlier plan.

The greatest reduction occurred in the Assisted Living/Independent Living building. The gross building was reduced from 271,140 sq. ft. to 228,340 sq. ft. The footprint was reduced from 100,824 sq. ft. to 81,365 sq. ft.; a reduction of 19,459 sq. ft. or about 19.3%. The two-story has been reduced in height from 32'4" to 26'0". The three-story has been reduced from 40'10" to a range of 36'0" - 40'0".

The number of Villas has increased from 11 to 17 and since they are all ground level, the footprint has increased from 24,915 sq. ft. to 38,500 sq. ft. These are one-story buildings and the height of 21'4" has not changed.

The total footprint of the revised plan is 184,133 sq. ft. compared to the original plan of 184,007 sq. ft. The total increase was not much but was a result of the increase in the number of Villas.

Sidewalks increased from 43,665 sq. ft. or 1.23 miles to 45,527 sq. ft. or 1.28 miles. The number of parking spaces remained the same at 350, but the paved area for streets and parking was increased from 129,373 sq. ft. to 151,670 sq. ft.

The area covered by buildings, sidewalks, streets and parking increased from 357,045 sq. ft. to 375,330 sq. ft. or 18,285 sq. ft. Total lot coverage is 46.8% compared to 44.4% on the original plan. Therefore, the stormwater runoff will be increased slightly. It should be noted that the Preliminary Stormwater Management Plan was based on 8.6 acres or 374,616 sq. ft. of impervious area which is nearly the same as the revised site plan.

The Site Plan has changed significantly, in addition to the reduction in the building footprint. The Independent Living/Assisted Living building has been reoriented and moved further north. The north-south façade facing Mission Road was approximately 520 feet long and it is 348 feet long on the revised plan. The building sets back 119 feet from Mission Road compared to 111 feet on the original plan. More significant is the west wing of the south elevation is 255 feet at its closest point compared to 167 feet on the original plan. The east wing is 283 feet compared to 147 feet on the original plan.

Villas have been added to the north side of the south drive, increasing the number from 11 to 17 units. The front yards have been increased so that most units have a 15-foot setback. The rear yards have also been increased from 35 feet on the original plan to a minimum of 50 feet from the buildings. Patios will extend into this area. Another change is that the garage access is from the drive rather than the side as proposed on the original plan. This has several benefits: access to garages will be easier for the tenants; lights will not shine into the properties to the south; and guest parking will be available in the driveways. The Villas on the north side of the drive have been located to provide a visual buffer between the Independent Living/Assisted Living building and the single-family properties to the south.

The floor plan of the Skilled Nursing/Memory Care building is essentially the same as the original plan. It sets back farther from the southwest property line; 163' to 178' versus 131 feet. The building has also been moved away from the northwest property line by about three feet, 91.5' to 94.6'.

The applicant has submitted a phasing plan sheet AS2, but did not include a time schedule. Phase 1 will be the Skilled Nursing/Memory Care building, Phase 2 will be the Assisted Living/Independent Living building, and Phase 3 will be the Villas. As previously discussed, Phase 2 will need to be built concurrently with Phase 1 or follow very closely. It is recommended that Phase 2 construction begin prior to Phase 1 being complete and that the occupancy permit for Phase 1 not be granted until significant construction has been completed for Phase 2. The scheduling of Phase 3 construction should commence within two years of the completion of Phase 2.

The total number of residents for all three phases is 412 compared to 450 on the original submission.

The revised Mission Chateau plan will provide 327 units on 18.4 acres for a density of 17.8 units per acre. In comparison, Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units per acre; Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre and Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

There have been discussions regarding a comparison of building square feet to land area rather than using density as the guideline. Historically; density, number of units per acre, has been the criteria used to evaluate residential projects. Square feet to land area is Floor Area Ratio (FAR) and is a criterion that is used to evaluate office, commercial and mixed use developments. Mission Chateau is offering larger units and larger common areas while still staying within a reasonable density. Also, the building coverage is 23% which is well below the 30% maximum for the R-1A zoning district.

The applicant held a neighborhood meeting for the revised plan on July 11, 2013 and approximately 80 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, flooding, green space, compatibility with the neighborhood, density, public safety and crime.

Mr. Williamson noted a court decision has ruled that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors." The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors were presented. He added no one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors it considered in making its recommendation. In making its decision, consideration should be given to any of the following factors that are relevant to the request and Mr. Williamson reviewed the factors with the Commission in detail:

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

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

For senior adult housing the ordinance requires 700 sq. ft. of land area per occupant for apartments or congregate quarters and 500 sq. ft. per bed for nursing or continuous care. The Skilled Nursing/Memory Care building has 136 beds which would require 68,000 square feet of land area. The Independent Living/Assisted Living building has 190 units with the potential occupancy of 242 people and at 700 sq. ft. per occupant the land area required is 169,400 sq. ft. The Villas have a potential of 34 occupants and at 700 sq. ft. per occupant the land area required is 23,800 sq. ft. The total land area required for the proposed use is 68,000 sq. ft. + 169,400 sq. ft. + 23,800 sq. ft. for a total of 261,200 sq. ft. The site is 801,504 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Listing/Assisted Living building sets back 119'5" at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5' or 14' between buildings. The north and south property lines are side yards and the Villas set back 50' from the south property line and the Skilled Nursing/Memory Care building sets back approximately 150 feet from the north property line. The rear yard setback requirement is 25 feet and the northwest and southwest property lines are the rear yards. The Villas set back a minimum of 50' and the Skilled Nursing/Memory Care building sets back 163' to 178' from the southwest property line. The Skilled Nursing/Memory Care building sets back 94.6' at its closest point to the northwest property line. The proposed project exceeds all the setback requirements of the zoning ordinance.

The maximum permitted height is 35 feet, however, in the R-1A district an additional 10 feet of height is permitted if the proposed buildings set back from the side property line a minimum of 35 feet. The project does meet the 35 foot setback requirement and therefore is permitted to build to a 45 foot height. The maximum height of the buildings is 40' to the roof peak which is well within the height maximum. By ordinance, building height is measured at the midpoint between the eave and the highest ridge and therefore, the maximum building height by ordinance is approximately 35 feet. The maximum building height proposed for this project, as defined by ordinance, is 32 feet.

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

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

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

The Traffic Impact Study indicates that the AM peak traffic will generate 169 less trips than the middle school, but the PM trips would increase by 22 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The Traffic Impact Study has not been revised based on the new plan, but it found that the

traffic operations were acceptable on the original plan. Since the revised plan has 24 (351 - 327) less units, the operations load should not increase. The two access drives have been designed to align with 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has not been revised based upon the new plan, but the impervious area will only increase from 8.6 acres to 8.616 acres which is negligible.

The applicant has proposed a 35-foot wide landscape buffer along Mission Road and along the south and southwest property lines. The Villas have been moved north so that the landscape buffer is now 50 feet in width. The applicant also intends to retain the existing landscaping along the adjacent property lines.

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

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

The proposed project will have some adverse effects on the welfare and convenience of the public. It will, however, provide a senior housing community for area residents that are not currently being provided for in Prairie Village. The population is aging in northeast Johnson County and developments such as this provide accommodations for senior citizens to allow them to live near their former neighborhoods or relatives. It is anticipated that by providing senior housing, some single family dwellings will become available for occupancy by young families. This will help rebuild the community and make a more sustainable area.

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

The property to the north and northwest is high density development. Corinth Garden Apartments are adjacent to the north and there are 52 units on 3.27 acres for a density of 15.9 units per acre. To the northwest is Somerset Inn Apartments and

there are 31 units on 1.29 acres for a density of 24.0 units per acres. Also to the northwest is the Chateau Condominium and there are 39 units on 1.7 acres for a density of 22.9 units per acre. The proposed project has 327 units on 18.4 acres for a density of 17.8 units per acre. The density of the proposed project reasonably compares to the developed projects to the north and northwest.

While there is high density to the north and northwest, the development to the south and southwest is low density single-family development. Only eight single family residences abut the south and southwest property lines. The lots range in size from 28,248 sq. ft. to 52,272 sq. ft. in size and the density is one unit per .86 acres. The 17 Villas along the south and southwest property line are approximately one unit per 8,900 sq. ft. or 0.20 acres.

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

The residences adjacent to the south and southwest property lines would be the most impacted. The duplex unit Villas that back into their properties are on what would be 17,800 sq. ft. lots. The minimum lot area for conventional single-family dwellings in the R-1A district is 10,000 sq. ft. per dwelling unit.

Two appraisal reports, both prepared by licensed appraisers, have been submitted to address the impact on the value of adjacent property. The report prepared by Dillon & Witt, Inc. for Steve Carman, an adjacent property owner, provided an opinion that the owner could expect a 10% diminution in value if the Mission Chateau Senior Community was constructed. The primary concern of the appraiser is that the three-story wing would be within 200 feet of the rear property line and would be visible. In the revised plan, the Assisted Living/Independent Living building would be setback approximately 265 feet from the Carman rear property line. The house sets back approximately 75 feet from the property line so the distance is approximately 340 feet between the buildings. The appraiser did consider the Villas as a buffer, but did not give consideration for landscaping.

The second appraisal was prepared for the applicant by Todd Appraisal. This appraisal looked at other properties, schools and senior housing centers in residential neighborhoods. The appraiser prepared a case study on Brighton Gardens and concluded that adjacent residential values had a premium of 2.9% to 7.9%. This was potentially attributed to the exterior landscaping at the development. Village Shalom was another case study and adjacent residents had a premium of 3.7% to 5.8% in value. A case study was also prepared for Santa Marta, but it has a very limited number of adjacent residential properties and probably is not a good comparison. The appraiser further stated that, "There appears to be a correlation between properties with extensive landscaping and the finishing treatments for the exterior of the improvement immediately facing single family developments." Landscaping and 360° architecture are critical to protect adjacent property values.

Both appraisal reports were prepared by licensed Kansas residential appraisers. Both made valid points. The primary difference is that one just looked at one property and did not attempt to find similar developments. The other appraiser looked at other senior developments, but none of them are an exact match for Mission Chateau.

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

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

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

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

The size of the revised project is 358,040 sq. ft. which will make it one of the largest, if not the largest, development in Prairie Village. The height and mass of the buildings are an issue with the neighbors. It also will be similar to Claridge Court and Brighton Gardens in height. According to the Johnson County appraisers office Claridge Court has 241,073 sq. ft. This is also a large building, but it most likely includes the parking garage in the total area. Shawnee Mission East High School has 374,175 sq. ft. on 36.93 acres.

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

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

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

The applicant submitted a detailed landscape plan with the original submission that provides screening for the low density properties to the south. The landscape plan will need to be revised to conform to the revised site plan. The applicant proposes to retain the existing plant materials along the south, southwest and northwest property lines in order to retain as many mature trees as possible. Staff will provide a detailed review of the revised landscape plan. The Tree Board will also need to review and

approve it. The applicant will need to work with the residents adjacent to the south and southwest property lines to develop a fence and/or landscape treatment to provide screening.

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

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

The parking requirements for this use are three spaces for four apartments; one space for every five beds in a nursing home and one space per employee during the maximum shift. The Independent Living/Assisted Living facility has 190 units which require 143 spaces. The Skilled Nursing/Memory Care facility has 136 beds which require 27 spaces. The 17 Villas would require 13 spaces. The applicant projects the maximum shift would have 85 employees. The total parking requirement would be 268 spaces. Staff is concerned that parking may be a problem at the afternoon shift change. This occurs at 3:00 pm when the first shift leaves and the new shift arrives for work about 2:45. The first shift has 85 staff of which 60 will be leaving at that time and 50 new employees will come in for the second shift. The total need for employee parking at that time will be 135 spaces. The applicant is providing 350 spaces on the site which is 82 spaces more than the ordinance requires and based on experience at other projects the applicant feels the number of spaces will be adequate. It should be noted, however, that 35 spaces will be in carports and will not be available for staff or visitor parking. This is a reduction from 51 carports as shown on the original plan.

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

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

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

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

will be installed and excess runoff will be piped to a detention pond on the northeast corner of the site.

The Preliminary Stormwater Management Study and Plan has been reviewed by Public Works and its consultant and it is consistent with the APWA and City of Prairie Village requirements. This document may need to be updated depending upon the amount of impervious area that occurs in the final site plan. The final design of the stormwater system will include appropriate best management practices.

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

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

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

The applicant has prepared a Traffic Impact Study and it indicates that after development an acceptable level of service will be available during the AM and PM peak hours. The number of trips will actually decrease by 169 trips during the AM peak and the PM peak will increase 22 trips compared to what existed with the school. With the reduction in the number of units on the revised plan, the peak hour traffic will also decrease about five (5) vehicles in the AM and seven (7) vehicles in the PM.

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

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

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

This particular use does not have any hazardous materials, processes or odors. There will be some additional noise from vehicles arriving and departing at night, which will be different from what occurred when the site was used as a middle school. Also there will be additional emergency vehicle calls, however, they do not always respond with sirens.

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

The materials used on the project are compatible with those used in the neighborhood, which are wood, stone, brick and stucco. There will be a substantial amount of stone and traditional stucco used on the building facades. The roof will primarily be asphalt shingles with standing seam metal roof accents.

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

Nancy Wallerstein asked how many employees were on site. Mr. Williamson responded 85. Mrs. Wallerstein asked about shift change. Mr. Tutera responded 50 at 3 o'clock and 20 employees at the 11 o'clock shift.

Ken Vaughn expressed concern with the density of the project. Mr. Williamson noted it is higher than Benton House but less than both Claridge Court and Brighton Gardens. Staff feels it is in a reasonable range. There will be about 23% for building coverage with 9+ acres of green space.

Nancy Wallerstein asked about the alignment with Mission Road and about turning traffic. Keith Bredehoeft responded he does not anticipate the need for traffic signals. The turning lanes will be in alignment. Mrs. Wallerstein asked about delivery trucks. Mr. Bredehoeft responded he does not anticipate any problems. Mrs. Wallerstein asked approximately how many truck deliveries are made per day. Mr. Tutera responded - food is delivered twice a week, medicine is delivered once a week and there will be miscellaneous deliveries in small trucks of daily prescriptions, etc.

Nancy Wallerstein questioned Mr. Petersen regarding the differing opinions on the appraisals. Mr. Petersen responded that both were done by licensed appraisals. Mr. Carmen's study was done for a particular property. The Todd Appraisal was presented case studies of similar neighborhoods and the impact both on adjacent properties and those one block away from similar types and sizes of developments. That study reflected a positive impact on property values.

GOLDEN FACTORS FOR CONSIDERATION:

1. The character of the neighborhood;

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

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

2. **The zoning and uses of property nearby;**
North: R-3 Garden Apartment District - Apartments
West: R-3 Garden Apartment District - Apartments
South: R-1A Single-Family Residential District - Single Family Dwellings
East: R-1A Single-Family Residential District - Single Family Dwellings
(Leawood) R-1 Single-Family Residential - Single Family Dwellings

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

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

The Special Use Permit for a private school is an obvious good use of an abandoned school building; however, that is a very limited market and the property owner has stated that their business is developing senior living projects and that is their goal for this site.

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

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

The primary detriment will be to the single-family dwellings on the south and southwest and the multi-family on the northwest. The existing school is approximately 365 feet from the south property, 370 feet from the southwest property line and 340 feet from the northwest property line. They will lose the open green space they have enjoyed for many years. Also, the height and mass of the building are concerns. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 91,000 sq. ft. and the Independent Living/Assisted Living building is 228,340 sq. ft.; a little more than two times the size of the existing school. The height of the proposed Independent Living/Assisted Living building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The applicant reduced the size and mass of the buildings by reducing the number of units in the Independent/Assisted Living building and reducing the height of the building. The maximum height to the roof peak of most of the building is 36 feet even on the three-story portion. There are a few areas where the roof peak is 40 feet but they are very limited. The roof peak of the Skilled Nursing/Memory Care building is 22 feet for the single-story portion and 29 ft. 6 inches for the two-story portion. This height is less than many single-family homes in Prairie Village.

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

The Mission Valley Middle School closed in the spring of 2011 so the property has been vacant for approximately two years. The property will start to deteriorate and become a negative factor in the neighborhood if it is not reused in a reasonable time.

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

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

7. City staff recommendations;

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

- a) A Traffic Impact Study was prepared by the applicant for the original submission, reviewed by Public Works and the City's Traffic Engineer and the issues have been resolved. The number of units in the revised plan is less, so the traffic impact will be somewhat less.
- b) A Stormwater Management Plan was prepared by the applicant for the original submission, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the revised plan is slightly greater than the original plan but not enough to create a significant increase in runoff.
- c) The density of development is 17.8 units per acre which is on the lower end of other senior housing projects in the area that range in density from 10.5 units per acre to 37.1 units per acre. Two multi-family projects adjacent to this project have a density of 22.9 and 24 units per acre.
- d) The proposed plan has a double row of low density duplex Villas on the south and southwest property lines adjacent to the low density single-family residences and has higher density development further north on the site. This provides a transition from low density in the south to higher density in the north.
- e) The major buildings set back a minimum of 163 feet from the southwest property line, 255 feet from the south property line and 119 feet from Mission Road.

- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detail design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, 9.78 acres of the 18.4 acres will be green space when the project is completed, though only a portion will be useable open space.
- h) The bulk of the buildings will be less than three times the bulk of the existing school, but the floor area ratio (FAR) will be 0.45, which is low for urban development.
- i) The maximum peak height of the buildings will be 40' which is approximately the same height as the gymnasium, but this is only in a few locations. The roof peak for most of the three-story building will be 36'. Only the Independent Living/Assisted Living building will be of this height, but it has been moved further north on the site and will be less dominant for the residents on the south and southwest. The density of the project is reasonable for the size of the land area. The mass and scale of the buildings have been reduced and even though they are still very large, the reduction in height and the buildings' articulation will reduce the appearance of mass.
- j) The applicant needs to submit a time schedule indicating when each phase of the development will be constructed and this schedule will be a condition attached to the Special Use Permit if it is approved.
- k) The proposed senior housing community provides a good transition between the low density residential development to the south and southwest and the higher density residential area to the north and northwest. The site is located within walking distance of Corinth Square Center which provides most of the merchandise and services required by the residents and guests of the facility.
- l) The applicant has proposed an extensive landscape treatment for the site including a buffer along Mission Road. The final landscape plan will be approved as a part of the site plan. The landscape plan will be a major component of the compatibility of the project with the surround neighborhood.

8. Conformance with the Comprehensive Plan.

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

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

1. Encourage developers to obtain community input.

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

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

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

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest, but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density villas on the south and increased the density on the north. Major buildings have been set back 163 to 178 feet from the southwest property line and 255 to 283 feet from the south property line to provide a distance buffer for the adjacent single-family residences. Also, a double row of Villas are proposed along the south and southwest property lines and will act as a buffer.

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

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

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

David Waters representing the city attorney advised the Commission that it does not have to find specifically on each factor.

Gregory Wolf asked Mr. Waters to review the city's interpretation on the accessory use question.

David Waters stated Mr. Duggan contends that an accessory use (Skilled Nursing Facility) may only be provided the same building as the primary use (Assisted/Independent Living Community). He feels it is a reasonable interpretation of the code that the subordinate accessory use of a nursing or health care facility may be provided in a separate building. The second legal issued raised is can the accessory use be constructed prior to the primary dwelling.

Legal counsel feel it is a reasonable interpretation of the zoning regulations that a SUP may be issued under Section 19.28.070(I) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility and if the SUP is conditioned upon the completion of the primary dwelling facility.

Bob Lindeblad asked if a special use permit for the memory care and skilled nursing facility would be helpful. Dennis Enslinger responded that the skilled nursing facility is also listed as a special use permit, but this is a combined project and the uses cannot be separated out. Mr. Lindeblad stated since they are all listed as special use permits, he doesn't see a problem.

Ron Williamson noted there is no delineation in the ordinance as to what is considered "senior facility" but stated such clarification could be added to condition #1. Nancy Vennard stated she does not see this as a problem. John Petersen stated the applicant would be acceptable to the addition of clarifying language.

Bob Lindeblad stated there was concern expressed with once the preliminary plan was approved the building size could grow and asked if there should be an additional condition stating a maximum built out number of square feet for the project. Mr. Enslinger noted the square footages are reflected on the plans. Mr. Lindeblad feels in this circumstance the written maximum would be good.

Gregory Wolf asked fellow commission members if they felt the project was too big.

Ken Vaughn stated he was concerned with the loss of greenspace, but the proposed project is reasonable.

Bob Lindeblad stated this site will be redeveloped at some point and the Commission has to deal with the plan that has been submitted under the established criteria for evaluation.

Randy Kronblad noted if the site was developed entirely into single family homes there would be less greenspace and none of it would be available for use by the public.

Bob Lindeblad stated the city has limited opportunities for development and redevelopment. As the master plan states, more urban type, higher density development is needed. More housing options are needed to keep the city vibrant. We cannot continue to lose families. With the building of senior housing, existing residents will be able to stay in the area while moving out of their single family homes

freeing up homes for families. The commission needs to look at the facts. He believes one of the most important criteria is the value of property. He is not convinced from reading the two studies there will be a significant negative impact on existing properties. There will be significant increase in street traffic. With the revision of the plan and addition of the villas, he is satisfied the revised plan is consistent with the master plan.

Ken Vaughn noted that whatever the Commission decides will be a recommendation to the Governing Body which will make the final decision.

Ron Williamson suggested the addition of the following condition #14 to address Mr. Lindeblad's concern with changes to the square footage: #14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

Nancy Wallerstein stated she has a problem with the two to three year build-out and feels it could be done more quickly. Dennis Enslinger replied the Code Enforcement Department will be responsible to enforce timely construction.

Nancy Vennard noted if single family homes were constructed on the site, construction could take years to complete. Mrs. Wallerstein stated she wanted to make sure the project doesn't stop before it is completed. Ron Williamson noted the applicant does not receive any revenue until it opens. Mrs. Wallerstein stated she want to see a solid plan to keep this moving forward if approved. Dennis Enslinger responded typically this is a Council issue if a project stops. Building permits are valid for six months without activity. It would be very difficult for staff to come up with a condition to address this.

Nancy Vennard stated her concerns with the size of the buildings were addressed in the changes made on the revised plans both to size and to elevations and layout re-proportioning the buildings.

Randy Kronblad stated he concurs with Mr. Lindeblad and Mrs. Vennard. The neighborhood is asking for a major reduction in size. He feels the developer made considerable changes including reduction in size and square footage, redesign of exterior, buffering and transition. The revised plan is a significant improved over the first plan presented and a step in the right direction. As he reviewed the case law from Golden vs. the city of Overland Park, he is comfortable approving the project.

Gregory Wolf complemented the applicant on the design of the project. However, he is not comfortable with the size of the project for this site. He does not feel the project meets the criteria for approval for many of the reasons presented by the opposition.

Nancy Vennard moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-05 to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the senior dwelling project be approved for a maximum of 84 Skilled Nursing Units; 36 Memory Care Units; 136 Independent Living Units; 54 Assisted Living Units; and 17 Villa Units. The maximum number of residents shall not exceed 412. Senior is defined as persons at least 55 years of age.

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

13. If the applicant violates any of the conditions of approval or the zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the Governing Body.

14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

The motion was seconded by Randy Kronblad and passed by a vote of 5 to 1 with Gregory Wolf voting in opposition.

Dennis Enslinger announced that this application will go before the Governing Body on Tuesday, September 3rd.

PC2013-114 - Site Plan Approval - Mission Chateau 8500 Mission Road

John Petersen noted the site plan relates so closely to the special use permit application that they have no further presentation. They have reviewed the staff report and accept the 17 conditions recommended by staff.

Nancy Vennard stated she would like to see the trash bins and dumpsters not only screened, but also moved away from the property line. She stressed following LEED Principles particularly in the materials used and landscaping. Mr. Petersen responded they would work with staff to use more environmentally friendly irrigation, but does not want to be prohibited from using sprinklers. He noted the design team is very familiar with LEED principles and will be seeking to implement them wherever possible.

Joe Tutera stated they planned to demolish the existing facility in environmentally friendly ways allowing for the reuse of materials

The applicant has met with neighbors on numerous occasions and has attempted to revise the plans so that the project is more compatible with the concerns of the neighbors.

Ron Williamson reviewed the following criteria for approval of a site plan:

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

The site is 18.4 acres with a total footprint of 184,133 sq. ft. for all the buildings, including the carports, which is 23% of lot coverage. Approximately 9.4 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for rain gardens and a detention basin, but it still will be undeveloped area. The site is more than adequate in size to accommodate the proposed development.

The applicant will need to work with the residents adjacent to the south and southwest property line to develop a fence and/or landscape plan to provide adequate screening.

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

Since the site was developed as a middle school utilities are available at the site. The applicant has worked with the various utilities and adequate capacity is available to serve the development. The applicant will need to work with the Fire Department to ensure that fire hydrants are properly located.

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

The applicant has prepared a Preliminary Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the requirements of the City's Stormwater Management code. The Preliminary Stormwater Management Plan was prepared based on the earlier plan and used a number of 8.6 acres of impervious area. The impervious area on the revised plan increased to 8.16 acres. This is an insignificant increase in runoff. The applicant will need to work with Public Works in the final design of the system.

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

The proposed development will reduce the number of drives on Mission Road from three to two. The new drives will be in alignment with 84th Terrace and 85th Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The applicant will need to work with Public Works on the final design of the driveways on Mission Road. The driveways will be 26 ft. wide back of curb to back of curb which will easily allow for two cars to pass and speed limits will be low.

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

The Site Vehicle Mobility Plan, Sheet C-5, shows how the buildings will be served with emergency and delivery vehicles. The emergency vehicles and delivery trucks appear to be adequately accommodated.

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

The applicant has located a double row of the lower density housing, the Villas, along the south and southwest property lines and they back up to existing single family dwellings. The size of the Villas is significantly less than the existing residences but they do serve as a transition between the single-family dwellings and the larger buildings. The design has also located the two large buildings away from Mission Road and away from the south and southwest property lines. The Skilled Nursing/Memory Care facility was located 131.5 ft. from the southwest property line and this has been increased to 163 - 178 ft. The distance from the northwest property line was increased from 91.5 ft. to 94.6 ft. A parking lot is proposed along the northwest property line and there are some steep slopes that will be created in that area. Additional landscaping is proposed in that area to supplement existing vegetation. This will need to be looked at in more detail as final landscape plans are

prepared. There needs to be adequate screening between this project and the apartments and condominiums to the northwest.

There are some retaining walls proposed along the north drive and the detailed design will need to be submitted for review and approval by Public Works.

The first floor elevation of all the proposed buildings has been set at 951.50 feet. The floor elevation of the existing gymnasium is 954.50 feet so these buildings are three feet lower. The buildings will set below the grade of Mission Road for the most part.

The applicant has proposed a 35 foot wide buffer along Mission Road which will have a berm, screening wall and landscaping. This should screen the parking along Mission Road and provide screening for the buildings as well.

The applicant has reduced the height of the buildings from the previous submittal which will bring those more in line in terms of mass and scale. The single-story portion of the Memory Care facility is now 22'0" and the two-story Skilled Nursing facility is 29'6". The majority of the three-story portion of the Assisted Living/Independent Living facility has been reduced to 36 ft. in height. A few areas will reach 40 ft. in height.

The two large buildings have been moved further north on the site to provide a greater buffer for the adjacent single-family dwellings.

Mr. Williamson stated in general the Site Plan works; however, there will be a number of details that will need to be worked out with Staff as final plans are prepared.

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

The applicant has presented elevations of all facades of the buildings to indicate the general concept of the appearance of the buildings. The proposed materials are traditional stucco, hardie board, cultured stone veneer, brick veneer and wood trim on the building facades. The roofs will be asphalt shingles with standing seam metal roof at certain locations. The combination of materials and quality is good, and the ratio of stone and brick to stucco seems appropriate. Staff had requested that the applicant provide more masonry on the building facades, which has been done. These are large buildings and at the scale presented are difficult to show detail. There are many design details that will need to be worked out and Staff will do that with the architect and owner. The carport design needs additional thought and Staff will work with the applicant to prepare a more compatible design.

The drawings are at a scale that can only show the concept of the design. It will be necessary for Staff to work with the developer on the details as final plans are prepared.

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

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community

at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

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

3. Encourage developers to obtain community input.

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

4. Limit the uses to those allowed in the R-1A Single-Family District.

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

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density on the south and increased the density on the north. Major buildings have been set back 131 feet from the southwest property line and 147 feet from the south property line to provide a distance buffer for the adjacent single family residences. Also, Villas are proposed along the south and southwest property lines and will act as a buffer.

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

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

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

Bob Lindeblad moved the Planning Commission find favorably on the criteria and approve PC2013-114 Site Plan for Mission Chateau at 8500 Mission Road subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will review the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.
4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
5. That all HVAC units except wall units be screened from adjacent streets and properties.
6. That all trash bins and dumpsters be screened and located as shown on the plans dated July 30, 2013.
7. That final plan details shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
10. That the applicant install an irrigation system for the lawn and plant materials and the plan be approved by Staff.
11. That the applicant fence the detention pond and the final fencing plan be approved by Staff.
12. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
13. That pedestrian access remain open to Somerset Drive.
14. That the applicant will install fire hydrants at locations designated by the fire department.
15. That the applicant will be responsible for plan review and inspection costs associated with the construction of the facility.

16. That the applicant will work with Staff to redesign the carports so they are more compatible with the buildings.

17. That the applicant shall submit final plans for the retaining walls to Public Works for review and approval.

The motion was seconded by Nancy Vennard and passed by a 5 to 1 vote with Gregory Wolf voting in opposition stating he does not feel the site can accommodate development of this size, although it is a very good project.

Chairman Ken Vaughn asked the public to leave the room quietly as the Commission has remaining applications on its agenda to consider.

PC2013-07 Renewal of Special Use Permit for installation of wireless communication antenna at 1900 West 75th Street

Tommy Beeler, 9900 West 109th Street, Suite 300, Overland Park, with Selective Site Consultants representing T-Mobile, addressed the Commission for renewal of a Special Use Permit for the installation of antennas and equipment on the Capitol Federal Savings building on the northwest corner of 75th Street and State Line for T-Mobile USA Inc. There have been no changes to their installation.

Ron Williamson noted Nextel also had an installation on the building and the Planning Commission approved the renewal of the Nextel Antennas on August 1, 2006; however, that installation has been removed.

At its regular meeting on December 4, 2007, the Planning Commission found the findings of fact to be favorable and recommended approval of the special use permit renewal to the Governing Body subject to eight conditions and the Governing Body approved the Planning Commission recommendation.

The five-year renewal period has expired and T-Mobile is requesting another renewal for five years. The Wireless Communications Ordinance was approved in 2009 and it permits ten-year renewals. The antennas and equipment were installed in accordance with the plans submitted and the applicant has complied with the eight conditions. The applicant has submitted a statement that this location is necessary to provide coverage for its current and future users, and no changes are proposed to the equipment or antennas.

When the original application was filed in 2002, the applicant held a neighborhood meeting and four persons attended but none were opposed. They were concerned about the visibility of the equipment. A neighborhood meeting was held on November 20, 2007 and no one attended. Since no one attended at the last renewal and no changes are proposed, a neighborhood meeting was not required.

Both the antennas and equipment cabinets were placed on the roof of the building. The equipment cabinets were mounted on a structural platform, which is 12' x 20' and was enclosed with a screen. There are three sets of antenna panels mounted on frames and placed on the roof and each panel has three antennas mounted on it. They are located on the east, west and north sides of the roof. The antennas are

about 12 feet in height from the roof to the top of the antenna. The individual antenna panels are approximately 56 inches long by 8 inches in width and are mounted on prefabricated steel support frames that are held on the roof with concrete ballast blocks. This type of installation is much less obtrusive than towers with the large antennas placed on them and perhaps is a more compatible way of providing the necessary coverage to serve the residents of Prairie Village.

The City has not received any complaints on the installation since it was originally installed in 2002.

This application for renewal of the Special Use Permit is under the new Wireless Communications Facilities ordinance. Ron Williamson reviewed the following application information:

- A. A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility and include a map showing the service area of the proposed facility as well as other alternative tower site and antennas.

If the use of exiting towers, alternative tower structures, and sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.

The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.

The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall also provide documentation establishing the minimum height necessary to provide the applicant's services and the height required to

provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.

The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant's expense, to confirm the need for the facility.

The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.

Since this is the second renewal of an existing installation, the City has not required a study of alternative locations within a one-mile radius. The City has encouraged the use of existing buildings in order to minimize the impact on the surrounding neighborhood. The applicant has indicated that this installation is an important location in servicing their customers and has modified it to provide better services.

B. Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.

Since the antennas are installed, Staff has submitted photos of the actual installation.

C. When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.

The agreement between T-Mobile and the building owner will not prohibit other providers from placing antennas on the building.

D. Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, including the proposed facility, the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.

Not applicable.

- E. **Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.**

The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennas and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.

Not applicable.

- F. **Preliminary construction schedule including completion dates.**

Not applicable.

- G. **The applicant shall provide a copy of its FCC license**

Submitted with previous renewal.

- H. **Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.**

Not applicable since it is a building and not a tower.

- I. **Any other relevant information requested by City Staff.**

None requested.

Chairman Ken Vaughn led the Commission in the following review of factors for consideration:

- A. **The character of the neighborhood.**

The building is located on the northwest corner of 75th Street and State Line Road. There is an office building to the north and commercial businesses on the other three corners of the intersection. There are some residences in the area northeast and northwest of the site, but the property is in the center of a business area.

- B. **The zoning and uses of property nearby.**

North: CP-O Planned Office Building District - Office Building
East: KCMO Commercial - Service Station
KCMO Residential - Single-Family Dwellings
South: C-1 Restricted Business - Offices
R-1B Single-Family Residential - Single-Family Dwellings
West: C-O Office Building District - Retail
R-1B Single-Family Residential - Single-Family Dwellings

- C. **The extent that a change will detrimentally affect neighboring property**

This is the renewal of an existing Special Use Permit that will not have a detrimental effect on neighboring property. The installation has been in place since 2002, and the City has not received any complaints.

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

This is a renewal of an existing installation with no changes proposed, and therefore it will not create any hardship on adjacent landowners.

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

The proposed antenna installation meets all the setback, height and area regulations contained in the Zoning Ordinance.

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

This application will have no adverse effect on the welfare or convenience of the public. The applicant held a public meeting for the renewal in 2007 and no one appeared. The City has not received any complaints regarding this installation.

- G. 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 as the special use will not cause substantial injury to the value of the property in 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 cause substantial injury to the value of property in 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.**

The installation of the antennas on this building has had relatively little impact and has not dominated the immediate neighborhood as to hinder development. It also should be pointed out that the neighborhood is totally developed and the only equipment that will be visible from the exterior are the mounting frames and panel antennas. No landscaping or screening on the site is necessary.

- H. 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.**

Off street parking will not be necessary for this particular use other than a parking space currently available for service people entering the building to maintain equipment. The parking that is provided on the site will be adequate for this need.

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

Since there are not external improvements on the site, existing utility, drainage, and other facilities should be adequate.

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

The site and the equipment should require only service vehicles for periodic maintenance. The traffic generated by the use is so minimal that it will not create any additional congestion on the streets.

- K. 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 antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

- L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.**

The equipment platform has been screened with architectural steel sheeting. The antennas are exposed on the roof and are not compatible in design with the building but they, as well as the architectural sheeting, are painted to match the color of the building.

- M. City Staff recommendations.**

It is the opinion of Staff that the proposed renewal of the Special Use Permit favorably meets the Factors for Consideration and recommends that it be approved subject to the conditions of the renewal in 2007 and the new conditions contained in the ordinance. Under the new ordinance, the Special Use Permit Renewal may be extended for ten years rather than five and it is recommended that this be done.

Gregory Wolf moved the Planning Commission find favorably on the Special Use Permit factors and the wireless communications criteria and recommend the Governing Body approve renewal of the Special Use Permit for wireless communication antenna at 1900 West 75th Street subject to the following conditions:

- 1) The approval of the Special Use Permit Renewal shall be for a maximum of ten years. At the end of the ten-year period, and any subsequent ten-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the Governing Body that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional ten years and new conditions may be required.
- 2) The installation includes only the existing equipment and panel antennas.
- 3) All equipment cabinets and wiring shall be screened from view of adjacent streets and properties, and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with this application.
- 4) The antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized and shall be maintained appropriately.
- 5) The applicant shall not prevent other users from locating on the building.
- 6) If the antenna and equipment installation is not operated for a continuous period of twelve (12) months, it shall be considered abandoned and the owner of the

installation shall remove the same within 90 days after receiving notice from the City. If the installation is not removed within that 90 days period, the Governing Body may order the installation removed and may authorize the removal of the same at the permittee's expense.

- 7) The installation shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the conditions of approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the installation and all appurtenances and restore the site to its original condition.
- 8) In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication installation shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- 9) In order to ensure structural integrity, the antennas shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such antennas that are published by the Electronic Industries Alliance.
- 10) The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the installation shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- 11) The permit holder shall promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
- 12) A copy of the lease between the applicant and the landowner containing the following provisions:
 1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
 2. The landowner shall be responsible for the removal of the communications facility in the event that the leaseholder fails to remove it upon abandonment.
- 13) The applicant shall obtain all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.
- 14) Additional carriers may locate on the building subject to the approval of a site plan by the Planning Commission and an amended Special Use Permit will not be required.
- 15) Alterations or improvements to the installation are subject to Section 19.33.055 Existing Site Improvements.

The motion was seconded by Randy Kronblad and passed unanimously.

Ron Williamson noted Section 19.33.045 of the Wireless Communications Ordinance requires site plan approval. Since this is the renewal of an existing installation with

no proposed changes, it is the recommendation of Staff that the as-built drawings submitted with the application be approved as the Site Plan.

Nancy Wallerstein moved the Planning Commission approve the as-built drawings submitted with application PC2013-07 as the Site Plan. The motion was seconded by Gregory Wolf and passed unanimously.

OTHER BUSINESS

The September meeting of the Planning Commission will include a site plan application for Homestead Country Club, a rezoning of 3101 West 75th Street, site plan approval for outdoor seating at two Prairie Village Shopping Center locations, possible renewals of expired Special Use Permit for the Before & After School Daycare Program at Belinder Elementary School and the Texaco stations at the Village and 8120 Mission Road. Mr. Enslinger noted that the Hen House at Corinth Square will be back before the Commission.

Mr. Enslinger stated that he will be sending out a memo to the Commission on the legal interpretation of the city's parking requirements for the Corinth Square and the Prairie Village Shops. It is a change from the traditional interpretation that has been used and will require the recalculation of parking with each new tenant going into the shopping centers.

Nancy Vennard thanked Mr. Enslinger for his leadership and direction to the Planning Commission during the past six years and wished him well in his new position. Her sentiments were echoed by the other Commission members adding that he will be missed.

ADJOURNMENT

Chairman Ken Vaughn adjourned the meeting at 11:40 p.m.

Ken Vaughn
Chairman

LOCHNER

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: September 10, 2013, Planning Commission Meeting Project # 000005977

Application: PC 2013-08

Request: Rezoning from R-1A to RP-1B

Property Address: Chadwick Court, 3101 West 75th Street

Applicant: Robert Royer on Behalf of Robert Mogren

Current Zoning and Land Use: R-1A Single-family District – Single Family Dwellings

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

Legal Description: Unplatted – Metes & Bounds

Property Area: 117,519 sq. ft. or 2.7 acres

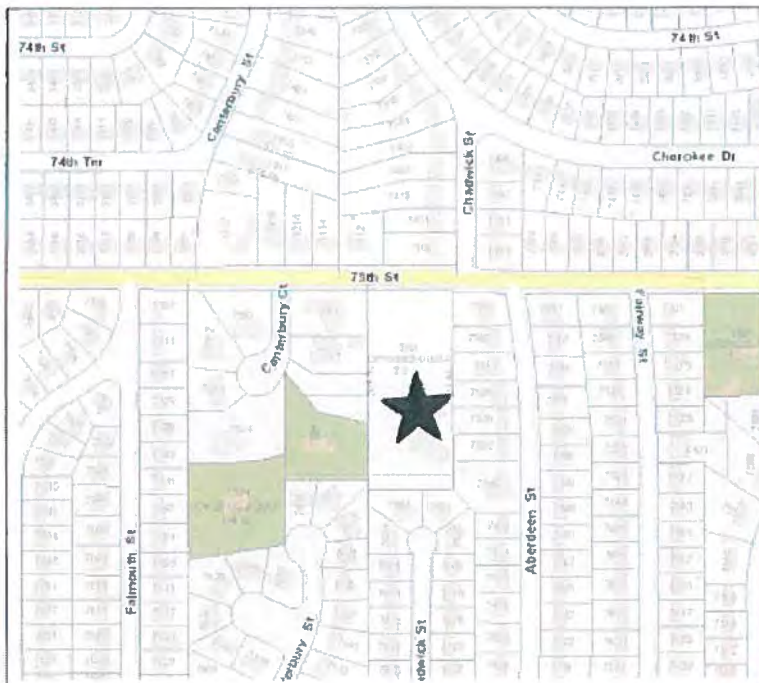
Related Case Files: PC 2007-114 Preliminary Plat of Mogren's Subdivision
PC 2013-120 Preliminary Plat of Chadwick Court

Attachments: Plans and Photos

LOCHNER

903 East 104th Street | Suite 800 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027
engineering | planning | architecture

General Location Map



Aerial Map



COMMENTS:

The applicant has requested a zoning change from R-1A to RP-1B for a proposed development named Chadwick Court. The RP stands for Residential Planned District. This is the first planned zoning district that has come before the Planning Commission in many years; therefore, a brief explanation of some of the significant points of the planned district should be pointed out. It will be necessary to consider the change in zoning classification by evaluating the factors commonly referred to as the "golden" factors. In addition to this evaluation, the applicant has also submitted a preliminary plan which will need to be reviewed, considered and approved. This is a two-step process: the zoning change request and the preliminary plan are reviewed and recommended for approval, conditional approval or denial by the Planning Commission, and that recommendation is sent forward to the Governing Body for its action. Upon approval of the Governing Body, the applicant is then authorized to prepare a final plan which is then submitted to the Planning Commission for final approval. The planned zoning district allows deviations in yard requirements, setbacks, lot coverage, etc. provided that it is deemed by the Planning Commission and Governing Body that other amenities or conditions will be gained to the extent that an equal or higher quality development will be produced.

The objective of the planned district is to permit the applicant to deviate from established and customary development techniques. It is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources, and a minimum waste of land. In return for approving a plan that is unique, the applicant is required to submit more detailed information on his proposal and the plan becomes an approved part of the rezoning.

The proposed application area consists of approximately 117,519 sq. ft. or 2.70 acres. The applicant has requested the RP-1B district because it allows one dwelling unit per 6,000 sq. ft. rather one unit per 10,000 sq. ft. as permitted in the R-1A district. The applicant has proposed six new dwelling units for the site in addition to the existing single-family dwelling for a total of seven lots. It should be pointed out that this is the same district (RP-1B) that Mission Pines is zoned; which is located on the northeast corner of 79th and Mission Road. Mission Pines was originally approved for more units than have actually been built and the current plan is for 25 units on 4.3 acres of land, which is a density of 7,549 sq. ft. per unit. This compares with a density of 16,788 sq. ft. per unit for the proposed plan. The existing dwelling is large and is located on the south portion of the tract. It will have a lot area of 50,555 sq. ft. The water detention area adjacent to 75th Street is 7,308 sq. ft. so the net area left for the six dwellings is 49,605 sq. ft. or 8,268 sq. ft. per dwelling unit. If the detention area is included in the calculation the area would be 9,489 sq. ft. per dwelling unit for the six units.

The applicant has submitted a plan generally showing how the proposed dwellings will be located on each lot. The proposed development will be served with a private street 26 feet in width back of curb to back of curb. The building setbacks will be 15 feet from the front, 20 feet from the rear and 6 feet on each side. Lots 1, 2, 4 and 5 are 80 feet wide by 99 feet deep. Lots 3 and 6 are 92 feet wide by 99 feet deep.

The building setbacks in the R-1B district are 30 feet for the front yard; 4 feet on the side yard with 12 feet between dwellings; and 25 feet for the rear yard. The minimum lot width is 60 feet and the minimum lot area is 6,000 sq. ft. The proposed development meets the minimum side yard, lot width and lot area requirements of the traditional district. Modifications will need to be approved for the front yard and rear yard setbacks.

Under the Planned District, modifications may be made to the setbacks, lot area coverage and other requirements provided the proposed development produces a better development than under the standard zoning regulations.

The applicant has submitted a preliminary Storm Water Concept Plan. It has been reviewed by Public Works and the City's Stormwater Consultant and there are unresolved issues because of the existing drainage of 75th Street and the drainage pipe that runs under the road. An additional 10 feet of right-of-way is requested by the City. This was also requested when the plat was filed in 2007. The current plan does not show the 10 foot right-of-way so the lots will need to be moved further south. Village Vision recommends street trees on 75th Street and the additional right-of-way will help provide area for tree planting.

The applicant held a neighborhood meeting on August 26th and three neighbors attended. Concerns expressed were verification of the east property line and maintaining the trees along the east property line.

In considering a change in zoning classification, the Planning Commission must consider a number of factors commonly referred to as the “golden” factors in approving or disapproving the request, and they are as follows:

1. The character of the neighborhood;

This is a single-family residential neighborhood that is quite diverse in the size and age of the housing. The existing dwelling sets on 2.7 acres and was built in 1928 well before the City of Prairie Village was incorporated. The lots on the west are large (approximately one-half acre) and the dwellings are large. The lots and dwellings north, south and east are more modest at one-quarter to one-third acres in size. The houses to the north, south and east were built in the fifties. The houses to the west were an infill development and built in the seventies. Although there is a great variety in the homes in this area, they are all single-family dwellings.

2. The zoning and uses of property nearby;

North: R-1B Single-family District – Single Family Dwellings

East: R-1A Single-family District – Single Family Dwellings

South: R-1A Single-family District – Single Family Dwellings

West: R-1A Single-family District – Single Family Dwellings

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

The property is zoned R-1A which requires a minimum lot width of 80 feet and a minimum area lot of 10,000 sq. ft. The lot is 524 feet deep by 224 feet in width. Because of its size and the fact that there is an existing dwelling on the south end some form of redevelopment is desirable. The tract is not wide enough to provide a double loaded public street and a planned residential district would allow the developer to make adjustments in standard requirements in order to provide a development that better fits the site.

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

Although the development is going to be single-family detached units, it is going to be a higher density than other developments in the area. There will be an increase in stormwater runoff because of an increase in the amount of hard surface on the site, but that will be handled by the construction of an underground detention facility adjacent to 75th Street. There will be only one entrance and exit to Mission Road for the seven units which will limit the number of potential traffic conflict points on Mission Road. Most of the large trees located in the interior of the site will be lost because of the development.

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

The existing residence was built in 1928 so the property has not been vacant but the tract is 2.7 acres which is very large for one dwelling unit.

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 approval of this project will permit redevelopment for a use that will be of higher value and will be more of an asset to the neighborhood. The site is undeveloped at this time except for the one dwelling at the south end and is under-utilized. The redevelopment of this site should increase the values of the adjacent properties because it is new development rather than create a hardship.

7. City staff recommendations;

It is the opinion of the staff that this is a logical request for the RP-1B single-family dwelling district because the area is residential and the area on the north side of 75th Street is zoned R-1B. The development will provide another housing choice for the area for those who do not wish to maintain large lots. 75th Street is a heavily traveled arterial street and the RP-1B allows a design solution that is more compatible. The proposed development is single-family detached and through proper design can be compatible with the other adjacent single-family dwellings. The density of the development, six new units, seems reasonable but the new units might be a little large for the size of the lots.

8. Conformance with the Comprehensive Plan;

This proposal is in conformance with the two primary principles of the future land use plan which are:

- Existing residential and commercial areas must be stabilized which will occur through reinvestment from both public and private sources.
- Redevelopment of higher density or intensity residential retail commercial and office uses will be encouraged and supported provided that the proposed redevelopment project is designed in a manner that is compatible with adjacent areas.

Also Chapter 6 of Village Vision addresses the 75th Street Corridor. The plan is very general but recommends higher intensity of development and sidewalks and street trees.

9. Consideration of preliminary development plan;

The purpose of the development plan is to encourage and require the orderly development and redevelopment at a higher quality level while permitting deviations from established and customary development techniques. The submittal by the developer and the approval by the City of a preliminary development plan represents a firm commitment by the developers that the development will, indeed, follow the approved plans in such areas as concept, intensity of use, aesthetic levels, and quantities of open space. Deviations in yard requirements, setbacks, and relationships between buildings may be approved by the Planning Commission and Governing Body if it deems that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced. Residential areas are to be planned and developed in a manner that will produce more usable open space, better recreation opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques. The planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open space, or other established development criteria. The applicant has submitted a typical floor plan and building elevation that depicts the concept of the development.

The zoning ordinance sets out standards for development in the planned zoning district which are as follows:

A. The maximum height of buildings and structures shall be as set out in the standard requirements of the equivalent district.

The zoning ordinance permits a 35 foot maximum height in the R-1B district and the proposed buildings will not exceed that height.

- B. The intensity of land use, bulk of buildings, the concentration of populations, the amount of open space, light and air shall be generally equal to that required in the equivalent district.**

The dwellings that have been proposed are larger than typical dwellings in this district and therefore the lot coverage for lots 1, 2, 4 and 5 is approximately 35% and the lot coverage for lot 3 and 6 is also 35% where the ordinance allows only 30%. Part of the reason that the lot coverage is higher than the standards in the ordinance is the applicant has divided the three-car garages into one single-car garage and one double-car garage for each dwelling. This breaks up the large garage door and driveway areas, but two garages require more square footage than one three-car garage. A second point is that the dwelling units have a larger floor area than typical homes in the R-1B district. The dwellings on lots 1, 2, 4 and 5 have a footprint of 2,772 sq. ft. and the dwellings on lots 3 and 6 have a footprint of 3,188 sq. ft. Lots 3 and 6 could be increased by 1,040 sq. ft. each by adding the land on the east and west ends of the hammerhead cul-de-sac. This would reduce the lot coverage to 31.4%. The area along 75th Street that is designated as underground stormwater detention will be open space as well. The area on both sides of the private drive is approximately 7,308 sq. ft. which is 14.7% of the area of the six lots. The Planning Commission will need to make a determination on the lot coverage before it sends its recommendation to the Governing Body.

It may also be possible to move the hammerhead cul-de-sac further south to increase the size of the lots and thereby reduce the lot coverage by the dwellings.

- C. The density of residential dwelling units, the parking requirements, and performance standards shall be the same as in the equivalent district.**

The existing R-1B district permits one dwelling unit per 6,000 sq. ft. and this project has one dwelling unit per 8,268 sq. ft. for the six new lots so it does meet the requirements of density. The project is providing three garaged parking spaces for four of the dwelling units and four garaged parking spaces for lots 3 and 6. Each lot should be able to provide three to four visitor parking spaces on the driveways. The proposed project does adequately meet the requirements of the zoning ordinance. The R-1B district requires a lot depth of 100 ft. and the proposed lots will be 99 feet.

- D. The permitted uses shall be the same as those permitted in the equivalent district provided that limitations may be placed on the occupancy of certain premises if such limitation is deemed essential to the health, safety or general welfare of the community.**

The R-1B zoning district permits single-family detached dwelling units and the applicant has proposed single-family detached dwelling units.

- E. The Planning Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of non-public nature.**

There will be common open space (the detention facility area) and the private drive with this project which will have to be maintained by a homes association and the developer will need to prepare a document creating the homes association. The final document will need to be reviewed and approved by the Planning Commission with the submittal of the final development plan and final plat.

F. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

- 1. Setbacks of buildings and paved areas from a public street may be reduced to 50% of the standard requirement.**

The dwellings side to 75th Street and maintain a 15 foot front setback adjacent to the private drive. Since the dwellings will face onto a private drive a deviation is not necessary.

- 2. The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.**

The rear yard requirement in the R-1B zoning district is 25 feet and the applicant is proposing to reduce the rear yard to 20 feet. 60% of the standard requirement would be 15 feet.

- 3. Side yards between buildings may be reduced to zero.**

The applicant has not proposed any zero lot line buildings and is maintaining the 12 foot setback between buildings which is the requirement of the R-1B district.

- 4. The above deviations may be granted by the Planning Commission and Governing Body only when compensating open space is provided elsewhere in the project, whether there is ample evidence that said deviation will not adversely affect the neighboring property nor will it constitute a mere granting of a privilege.**

It should be pointed out that there will be no public streets in this project and that the access will be limited to one point on 75th Street. The narrow width of the property causes a need to move the buildings closer to the property lines and thus results in a need to reduce the required front and rear setback lines. This housing complex is designed with a face to face internal orientation as in a conventional type of development rather than a single loaded street.

The concept of this development is to provide dwellings that are well designed on smaller lots to minimize lot maintenance and upkeep. This proposed development will appeal to empty-nesters and families with older children. The concept provides a single-family dwelling on a lot as compared to a patio home or townhouse development. This proposal provides a concept that is similar to Mission Pines which has been very successful; however, the uniqueness of this proposal is that it is only six dwellings. Small enclaves like this mixed with other types of single-family development will provide a variety of housing choices which should strengthen the value of surrounding properties.

The deviation of the setbacks will not adversely affect the neighboring property nor will they constitute a mere granting of a privilege. It is based on a design concept which provides housing options for residents of the City.

- G. The design of all planned projects, whether residential, commercial or other, shall be such that access and circulation by firefighting equipment is assured to not be hindered by steep grades, heavy landscaping or building space.**

The internal circulation for this project will be a private drive and the applicant has met with the Fire Department who has approved the hammerhead cul-de-sac design.

RECOMMENDATION:

In preparing its recommendation, the Planning Commission needs to make findings on the "Golden Factors" and take action on the following items individually:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 20 feet.
3. Approve the lot coverage increase from 30% to 35%.
4. Approve the lot depth of 99 feet.

In addition to the above, the following conditions need to be included in a favorable recommendation to approve the Preliminary Development Plan for Chadwick Court:

1. That a revised storm drainage plan be submitted to Public Works for their review and approval prior to the submission of the final plan. This will determine the size of the detention facility and how it will connect to the existing storm sewer system.
 2. That the internal streets be private, and be built to City standards in terms of pavement depth and materials. The plans and specifications shall be reviewed and approved by Public Works.
 3. That the applicant dedicate 10 feet of right-of-way for 75th Street and move the lots further south 10 feet.
 4. That the plan as submitted be revised based on the requirements of the Planning Commission, be approved as the preliminary plan and be the basis for the preparation of the final plan.
 5. That the property be platted prior to obtaining any building permits.
 6. That the Homes Association agreement be submitted with the final plan guaranteeing the maintenance of the private street and stormwater detention area designated as Tract A.
 7. That the existing trees and vegetation along the east and west property lines be preserved and protected during construction.
 8. That the applicant give consideration to moving the hammerhead cul-de-sac further south to increase the area of the six lots.
 9. That a landscape plan be submitted with the Final Plan.
 10. That any subdivision identification sign be submitted to the Planning Commission for approval.
 11. That the applicant add the area on the east and west ends of the hammerhead cul-de-sac to Lots 3 and 6 to increase their area.
 12. That the Preliminary Development Plan be revised based upon the action of the Planning Commission prior to it being submitted to the Governing Body for its consideration.
 13. The building elevation and floor plan be approved as the concept plan for the development.
-





CITY OF PRAIRIE VILLAGE, KANSAS
REZONING APPLICATION FORM

For Office Use Only

Case No.: PC2013-08
Filing Fees: \$20
Deposit: \$500



Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: 9/16/13

APPLICANT: ROBERT ROYER PHONE: 913-231-8900
ADDRESS: 7805 MISSION ROAD ZIP: 66209
OWNER: ROBERT MOGREN PHONE: 913-
ADDRESS: 3101 W. 75th STREET ZIP: 66208
LOCATION OF PROPERTY: 3101 W. 75th ST.
LEGAL DESCRIPTION: SEE ATTACHED

Present Zoning RP-1a Requested Zoning: RP-1b
Present Use of Property: RESIDENTIAL

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	<u>RESIDENTIAL</u>	<u>RP-1a</u>
South	_____	_____
East	_____	_____
West	_____	_____

CHARACTER OF THE NEIGHBORHOOD: RESIDENTIAL - MIXED CHARACTER DESIGN

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
If yes, explain: TOO SMALL

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

DEVELOPMENT PLAN SUBMITTAL:

Development Plan

Preliminary Sketches of Exterior Construction

LIST OF NEIGHBORING PROPERTIES:

Certified list of property owners within 200 feet

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 715th St.
2. Classification of Street(s):
 Arterial _____ Collector _____ Local (PRIVATE)
3. Right-of-Way Width: N/A
4. Will turning movements caused by the proposed use create an undue traffic hazard?
NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? YES
2. Properly Size Street Right-of-Way? NO
3. Drainage Easements? YES
4. Utility Easements:
 Electricity? YES
 Gas? _____
 Sewers? _____
 Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTICS OF PRPOERTY AND ADDITIONAL COMMENTS:

SIGNATURE: [Signature]

DATE: 8.9.13

BY: ROBERT ROYER

TITLE: DEVELOPER



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.:
Filing Fee:
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

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

Applicant: ROBERT ROYER Phone Number: 913-231-8900
 Address: 7805 MISSION RD, P.V., KS E-Mail royerrwegmai.com
 Owner: ROBERT MOGREN Phone Number: 913-649-2824
 Address: 3101 W. 75th ST., P.V., KS Zip: 66208
 Location of Property: 3101 W. 75th ST., P.V., KS
 Legal Description: _____

Applicant requests consideration of the following: (Describe proposal/request in detail) PRELIMINARY PLAN APPROVAL, REZONING (RP-1a to RP-1b) AND PRELIMINARY PLAT APPROVAL

AGREEMENT TO PAY EXPENSES

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

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

[Signature] 8-8-13
Applicant's Signature/Date

Owner's Signature/Date

Chadwick Court

7/12/2013

Single-Family Lots Located Within 300' of 3101 West 75th Street Property

<u>Street</u>	<u>Address</u>	<u>Square Footage</u>
---------------	----------------	-----------------------

Canterbury Court

7501	24,701
7506	22,016
7509	19,458
7512	20,294
7518	13,750
7524	39,862
7529	38,665

Canterbury Street

7601	9,250
7607	11,265
7610	13,250
7613	10,466
7621	8,922
7626	13,489
7629	10,092

Chadwick Street

7406	20,563
7407	9,372
7408	13,665
7410	21,579
7411	8,021
7414	12,342
7418	16,476
7515	11,069
7600	12,218
7601	9,908
7604	9,830
7605	9,793
7608	8,204
7609	8,168
7614	8,015
7615	8,222

Cherokee Drive

7412	10,915
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Aberdeen Street

7500	12,522
7501	11,438

7507	10,467
7508	11,088
7514	12,502
7515	10,433
7520	12,802
7521	10,605
7526	12,385
7527	9,561
7532	12,526
7533	9,583
7539	9,569
7540	22,600
7545	9,568
7600	8,398
7601	9,570
7607	9,569
7610	8,399

West 75th Street

3004	9,071
3008	9,334
3112	16,313
3114	12,712
3214	14,321
3218	15,922
3222	28,222

Total Properties 57 773,320 total square footage

57 total number of single family lots within 300'

13,567 average lot size

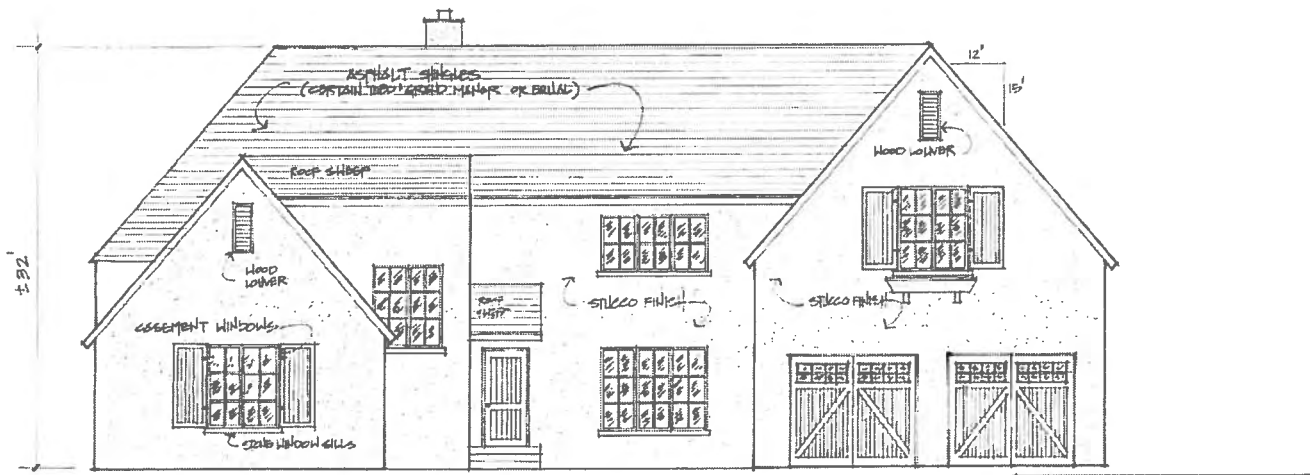
Proposed 6 lot single-family lot development breakdown:

lot #1	7,920
lot #2	7,920
lot #3	9,108
lot #4	7,920
lot #5	7,920
lot #6	9,108

49,896

8,316 average lot size

61% of average surrounding lot sizes

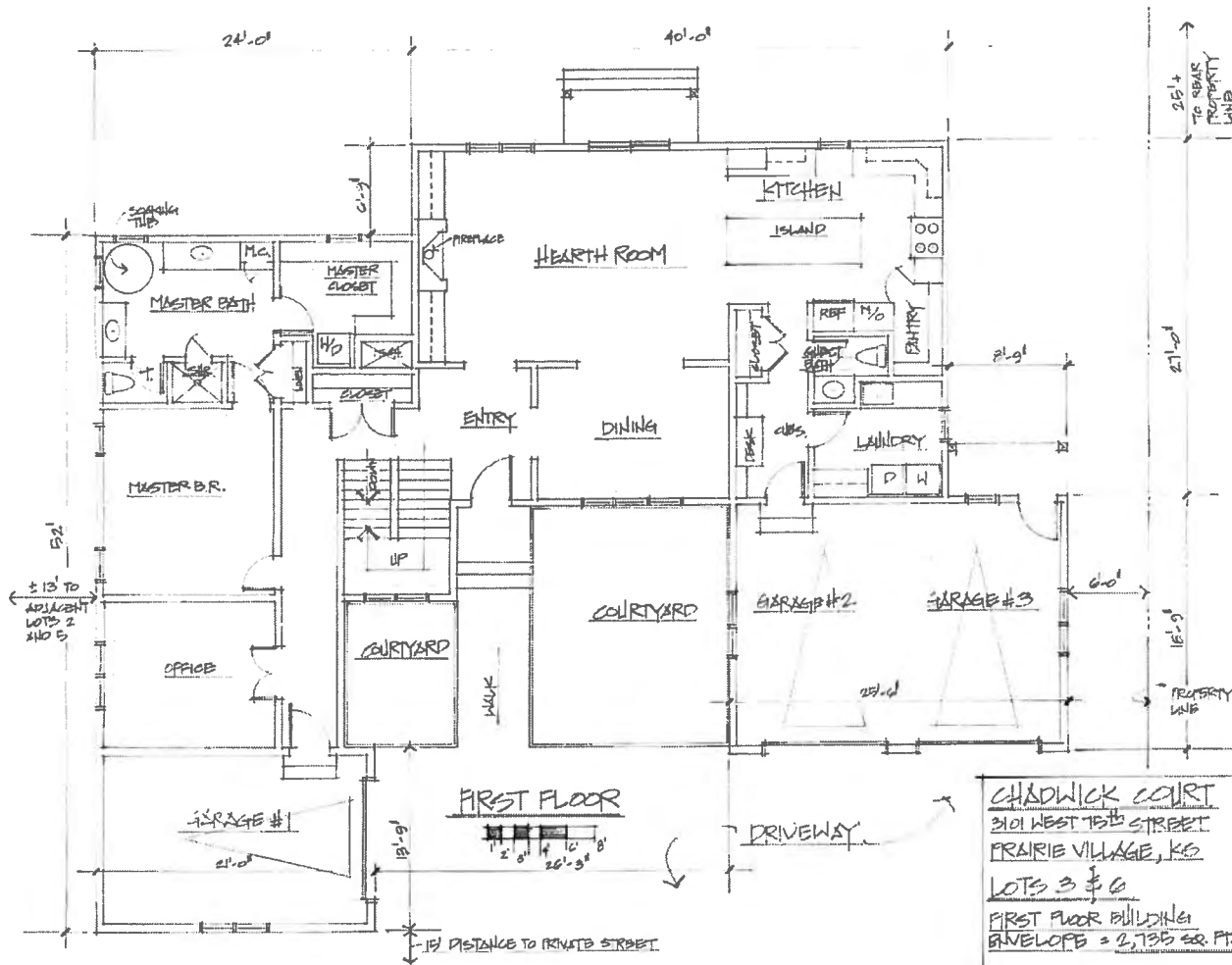


FRONT ELEVATION - HOUSES ON LOTS B & C



CHADWICK COURT
 3101 WEST 75TH STREET
 PRAIRIE VILLAGE, KS

9-2-13



CHADWICK COURT
 2101 WEST 15TH STREET
 PRAIRIE VILLAGE, KS
LOTS 3 & 6
 FIRST FLOOR BUILDING
 ENVELOPE = 2,735 SQ. FT.

MEMORANDUM

TO: Ron Williamson and Joyce Mundy

FROM: Robert Royer and Robert Mogren

SUBJECT: Chadwick Court
3101 West 75th Street

DATE: September 2, 2013

In accordance with the Planning Commission's Citizen Participation Policy, the official neighborhood meeting was conducted on August 26, 2013 at the Prairie Village Community Center between 6:00 and 7:30 PM. Notification of the meeting was sent to all residents within 200' of the subject property.

In addition to Robert Royer and Robert Mogren, three individuals attended the meeting:

Bob Graham – 7613 Canterbury Street

John OToole – 7514 Aberdeen Street

Ron Ott – 7520 Aberdeen Street

Mr. OToole and Mr. Ott expressed concern with the location of the east property boundary of Chadwick Court in relationship to the existing power poles that are several feet east of the fence and row of existing hedge trees. Mr. OToole and Mr. Ott are of the belief that the power poles represent the actual property boundary, rather than the existing tree line. If correct, this would result in Chadwick Court houses located on lots 1, 2 and 3 being built several feet closer to the existing houses on Aberdeen, and require that the existing row of trees on the east boundary be removed.

We responded that we are confident that the existing row of trees represents the east property boundary, and that Chadwick Court can be developed exactly as represented with the row of trees to remain. Subsequent to the meeting, we directed our surveyor to reaffirm the east boundary property line location – which has now been completed by a field survey team.

Other than concern with the property boundary and the expressed desire by Mr. OToole and Mr. Ott that the existing row of trees be preserved (to whatever extent possible), there were no objections to Chadwick Court from the attendees.

END

MEMORANDUM

TO: Ron Williamson

FROM: Robert Royer

SUBJECT: Chadwick Court

DATE: September 3, 2013

Ron,

Following-up on our telephone conversation last Friday, below is supplementary information regarding open space and the relative lot coverage for the homes we intend to have built at Chadwick Court. The square footages of building envelopes shown below represent the maximum footprint that would be permissible for the builders.

Lot	Lot Sizes	Potential House Footprint*	Open Space per Lot**	% of Open Space per Lot
1	7,920 sq. ft.	2,772 sq. ft.	5,148 sq. ft.	65%
2	7,920 sq. ft.	2,772 sq. ft.	5,148 sq. ft.	65%
3	9,108 sq. ft.	3,188 sq. ft.	5,920 sq. ft.	65%
4	7,920 sq. ft.	2,772 sq. ft.	5,148 sq. ft.	65%
5	7,920 sq. ft.	2,772 sq. ft.	5,148 sq. ft.	65%
6	9,108 sq. ft.	3,188 sq. ft.	5,920 sq. ft.	65%

**Footprint square footage reflects the first floor building envelope with two car garages on Lots 1, 2, 4, & 5, and three car garages on lots 3 & 6.*

***Open space includes driveways, front/back courtyards and side yards.*

As discussed, the development plan that we submitted for Planning Commission review and approval shows the building envelope square footages based simply on the overall lot sizes less the front, back and side setback dimensions. The envelope square footages did not deduct driveway and courtyard areas – and represented a condition wherein a home would be build to exactly the setback dimensions; which was only for illustrative purposes.

Separately, we will provide a representative floorplan and front exterior elevation showing the architectural character of the homes we anticipate being built at Chadwick Court.

Please let me know if I can provide any additional clarification.

Cc Joyce Mundy
Robert Mogren

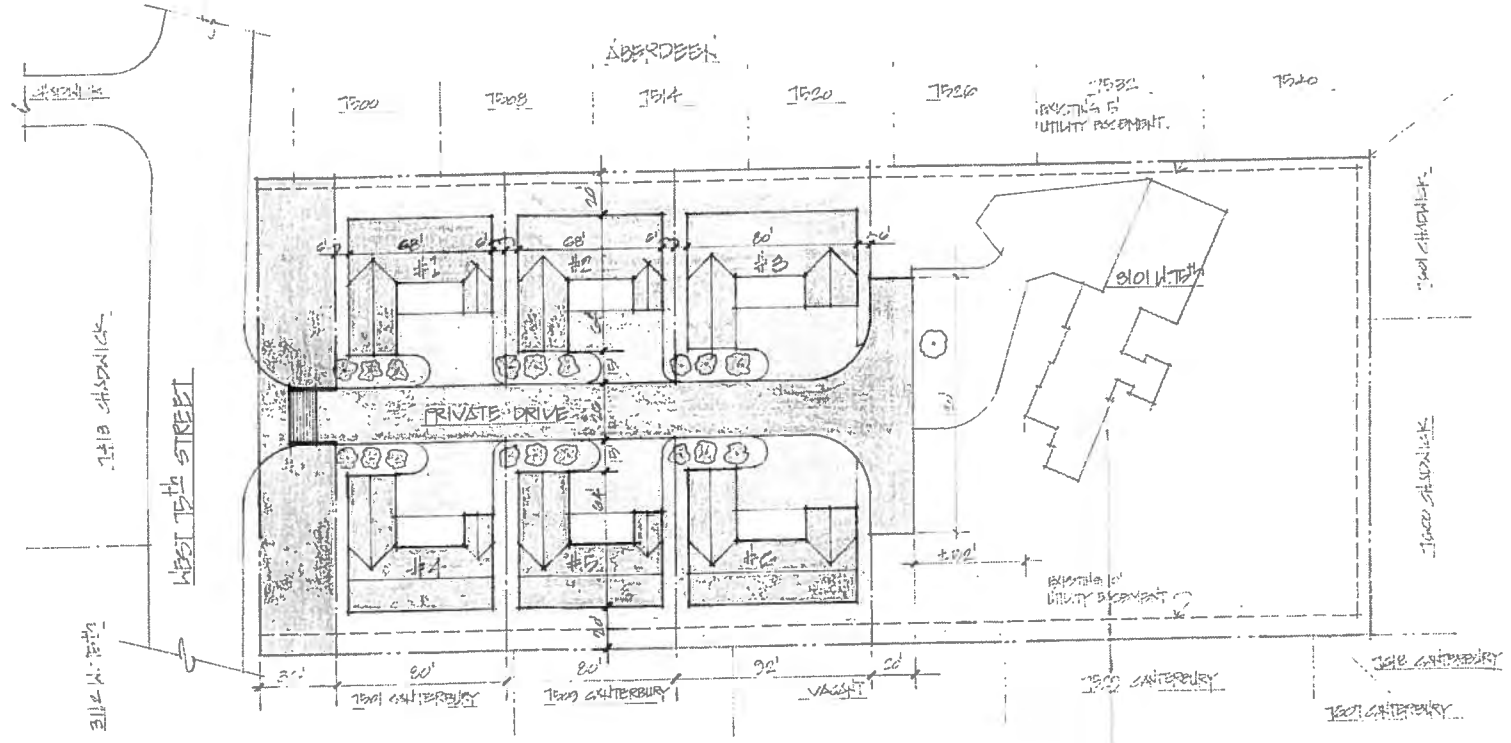
SUMMARY:

- AREA TO BE DEVELOPED = 300' L. X 224' W. = 68,992 S.F. (1.58 ACRES)

- LOT BREAKDOWN:

LOT #	LOT SIZE	BUILDING ENVELOPE
1	80' x 99' = 7,920 S.F.	68' x 64' = 4,352 S.F.
2	80' x 99' = 7,920 S.F.	68' x 64' = 4,352 S.F.
3	92' x 99' = 9,108 S.F.	80' x 64' = 5,120 S.F.
4	80' x 99' = 7,920 S.F.	68' x 64' = 4,352 S.F.
5	80' x 99' = 7,920 S.F.	68' x 64' = 4,352 S.F.
6	92' x 99' = 9,108 S.F.	80' x 64' = 5,120 S.F.
TOTALS	- 49,896 S.F.	27,648 S.F.

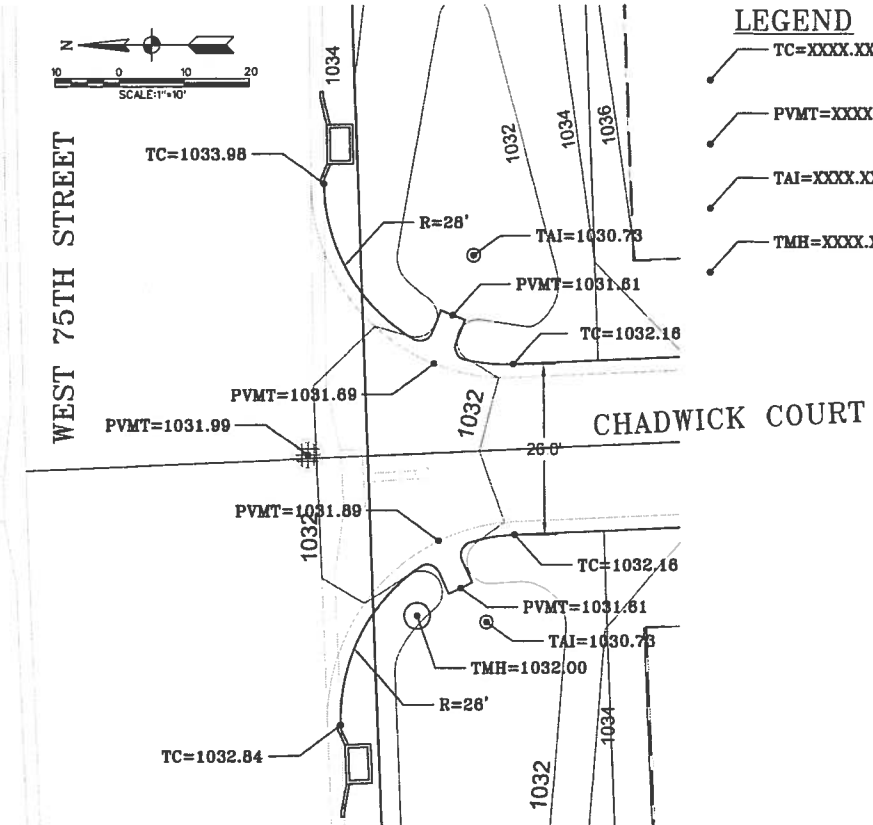
- OPEN SPACE = 19,096 S.F. = 27.6% OF AREA TO BE DEVELOPED



CHADWICK COURT
 " = 3/32" = 1/8"
 SITE DEVELOPMENT PLAN

CHADWICK COURT, LLC
 3101 W. 15th STREET
 PRAIRIE VILLAGE, KANSAS
 913-231-8900

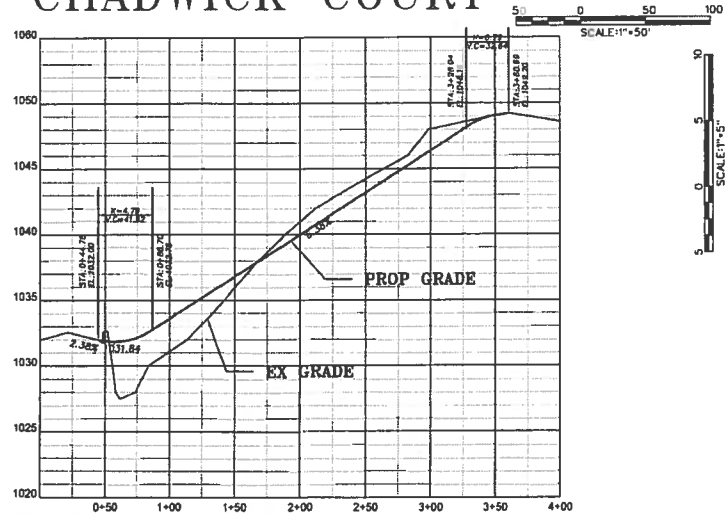
INTERSECTION DETAIL



LEGEND

- TC=XXXX.XX TOP OF CURB ELEVATION
- PVMT=XXXX.XX PAVEMENT/CONCRETE ELEVATION
- TAI=XXXX.XX TOP OF AREA INLET ELEVATION
- TMH=XXXX.XX TOP OF MANHOLE ELEVATION

CHADWICK COURT



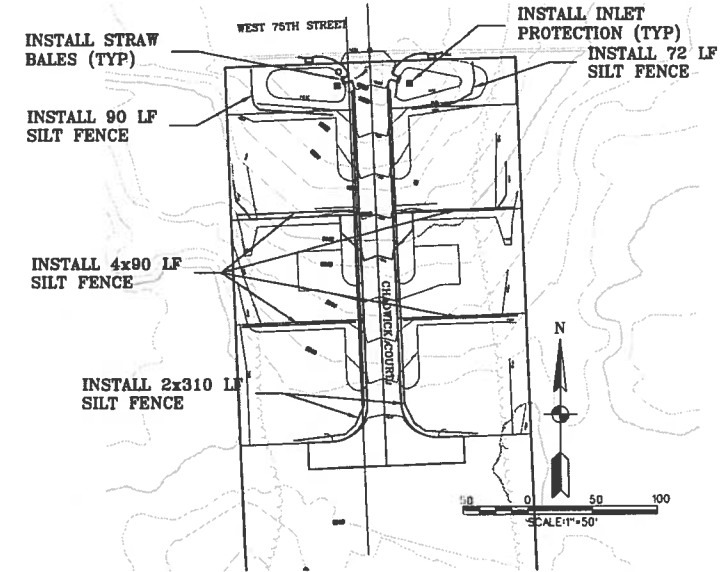
GENERAL NOTES:

1. THE CONSTRUCTION COVERED BY THESE PLANS SHALL CONFORM TO ALL APPLICABLE STANDARDS AND SPECIFICATIONS OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF PRAIRIE VILLAGE, KANSAS, IN CURRENT USAGE, UNLESS NOTED OTHERWISE ON THE PLANS.
2. LINEAL FOOT MEASUREMENTS SHOWN ON THE PLANS ARE HORIZONTAL MEASUREMENTS, NOT SLOPE MEASUREMENTS.
3. ALL AREAS AROUND INLETS AND CURB GAPS SHALL BE GRADED TO DRAIN.
4. CONTRACTOR SHALL ENSURE THAT NO SILT FROM CONSTRUCTION LEAVES THE SITE.
5. SUBGRADE SOIL FOR ALL ASPHALT AND CONCRETE CONSTRUCTION, REGARDLESS OF THE TYPE OR LOCATION, SHALL BE FIRM, DENSE AND THOROUGHLY COMPACTED AND CONSOLIDATED; SHALL BE FREE FROM MUCK AND MUD; AND SHALL BE SUFFICIENTLY STABLE TO REMAIN FIRM AND INTACT UNDER THE FEET OF THE WORKMEN OR MACHINERY ENGAGED IN SUBGRADE SURFACING, LAYING REINFORCING STEEL, AND DEPOSITING CONCRETE THEREON. IN ALL CASES WHERE SUBSOIL IS MUCKY OR WORKS INTO MUD OR MUCK DURING SUCH OPERATION, A SEAL COURSE OF EITHER CONCRETE OR ROCK SHALL BE PLACED BELOW SUBGRADE TO PROVIDE A FIRM BASE FOR WORKING AND FOR PLACING THE CONCRETE SLAB.
6. EXISTING ELEVATIONS AND FLOW LINES SHOWN ON THIS PLAN ARE TAKEN FROM THE SURVEYOR'S NOTATIONS
7. CONTRACTOR SHALL OBTAIN PERMIT FOR ANY EXCAVATION OR CONSTRUCTION WITHIN PUBLIC RIGHTS OF WAY FROM THE CITY OF PRAIRIE VILLAGE PUBLIC WORKS DEPARTMENT.
8. PROPOSED DETENTION SYSTEM AS SHOWN ON THIS PLAN SHALL BE CONSTRUCTED PER ADVANCED DRAINAGE SYSTEMS (ADS) SPECIFICATIONS OR APPROVED ALTERNATE.
9. SANITARY IMPROVEMENTS ARE DEPICTED IN SEPARATE PLANS TO JOHNSON COUNTY WASTEWATER.
10. WATERLINE IMPROVEMENTS ARE DEPICTED IN SEPARATE PLANS TO WATERONE
11. CONTRACTOR SHALL REMOVE EXISTING CURB INLET LID. CONTRACTOR SHALL CONVERT THE EXISTING CURB INLET TO A JUNCTION BOX WITH A NEW LID ELEVATION OF 1030.5 WITH RISER RINGS TO PAVEMENT SURFACE.

SURVEY NOTES:

1. BACKGROUND INFORMATION PROVIDED BY LOVELACE & ASSOCIATES AT (816) 947-9997 AND JOHNSON COUNTY AIMS DATA. CONTRACTOR SHALL FIELD VERIFY PRIOR TO CONSTRUCTION ACTIVITIES.
2. ALL BEARINGS SHOWN ARE GRID BEARINGS NAD1983.
3. THE UTILITY LOCATIONS SHOWN ON THESE PLANS ARE TAKEN FROM UTILITY COMPANY RECORDS AND ARE APPROXIMATE ONLY. THEY DO NOT CONSTITUTE ACTUAL FIELD LOCATIONS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

EROSION CONTROL PLAN



201 W. 135th St.
KANSAS CITY
MISSOURI 64145
(816) 941 6100



CHADWICK COURT
ROBERT MCGREN
 PRAIRIE VILLAGE, KANSAS
 3101 W 75TH ST

ISSUED MONTH DAY YEAR		
NO.	DESCRIPTION	DATE

SHEET TITLE:
SITE DEVELOPMENT PLAN

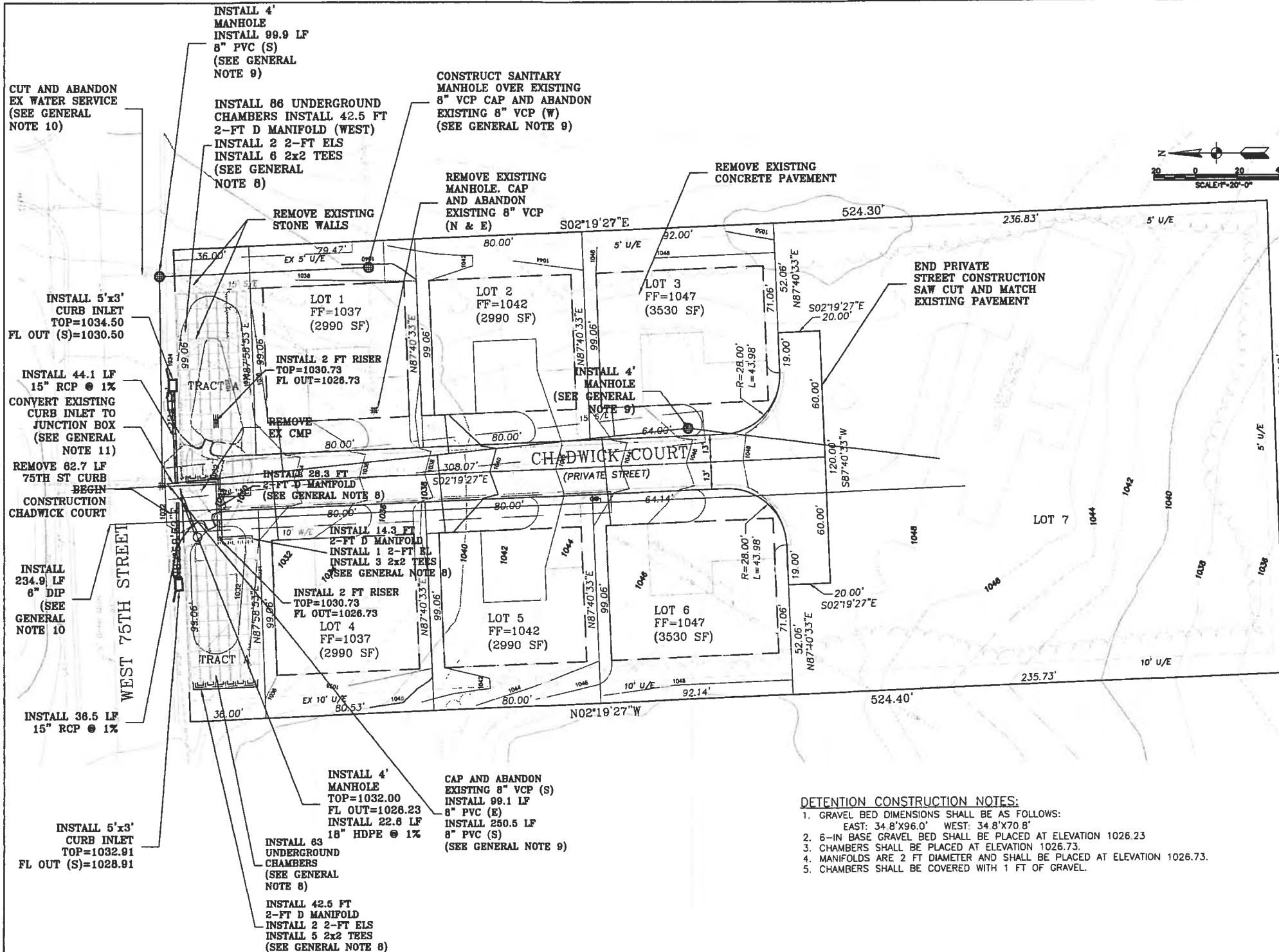
PROJECT NO. **727100**
 DESIGNED BY: JMC
 DRAWN BY: JMC
 CHECKED BY: WNK

SHEET NO.
SD-2



TapanAm
Associates, Inc.
Consulting Engineers

201 W. 135th ST.
MISSOURI 64145
(816) 941-6100



CHADWICK COURT

ROBERT MOGREN
PRAIIE VILLAGE, KANSAS
3101 W 75TH ST

ISSUED MONTH DAY, YEAR		
NO.	DESCRIPTION	DATE

SHEET TITLE:
SITE DEVELOPMENT PLAN

PROJECT NO. **727100**
DESIGNED BY: JMC
DRAWN BY: JMC
CHECKED BY: WNK

SHEET NO.
SD-1

- DETENTION CONSTRUCTION NOTES:**
- GRAVEL BED DIMENSIONS SHALL BE AS FOLLOWS:
EAST: 34.8'x96.0' WEST: 34.8'x70.8'
 - 6-IN BASE GRAVEL BED SHALL BE PLACED AT ELEVATION 1026.23
 - CHAMBERS SHALL BE PLACED AT ELEVATION 1026.73.
 - MANIFOLDS ARE 2 FT DIAMETER AND SHALL BE PLACED AT ELEVATION 1026.73.
 - CHAMBERS SHALL BE COVERED WITH 1 FT OF GRAVEL.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: September 10, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-116

Request: Approval of Site Plan for Live Blue

Property Address: NW Corner 71st & Mission Road

Applicant: Lega C Properties

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

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

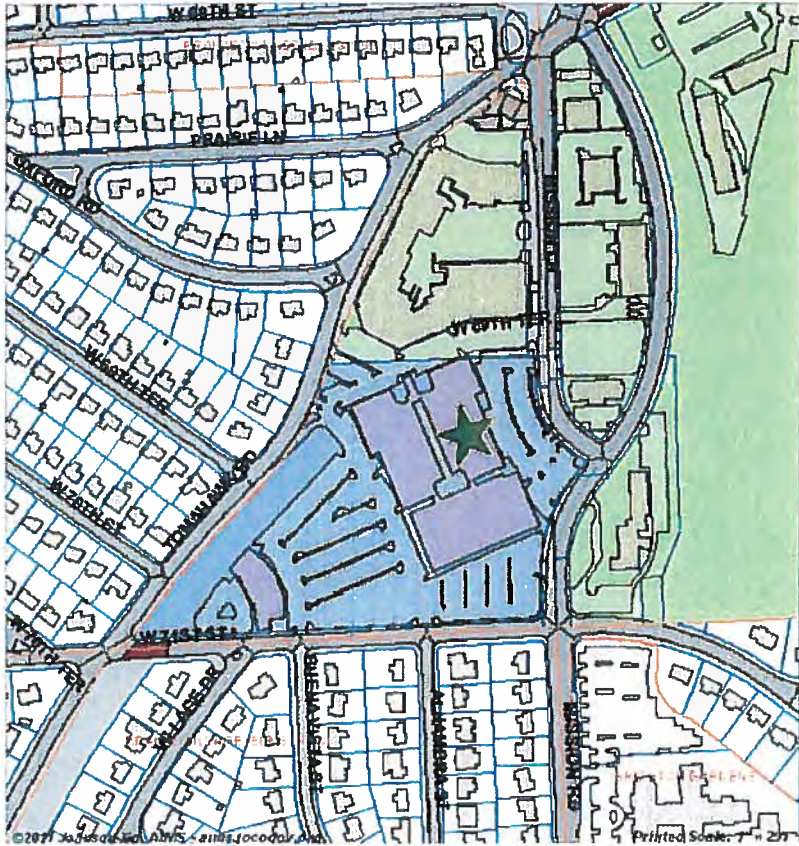
Legal Description: Metes and Bounds

Property Area: 17.4 Acres

Related Case Files: PC 2013-113 Approval of Sign Standards
PC 2012-119 Site Plan Approval for Standees
PC 2012-08 CUP for Drive-Thru
PC 2012-114 Preliminary and Final Plat
PC 2012-113 Site Plan Approval Mission Lane
PC 2011-115 Site Plan Approval Story Restaurant
PC 2007-112 Site Plan Approval Cactus Grill
PC 2006-108 Amendment to Sign Standards for Macy's
PC 2000-107 Approval of Revised Sign Standards
PC 1999-105 Site Plan Approval for Bank and Restaurant

Attachments: Application, Site Plan Drawings, Photos

General Location Map



Aerial Map



COMMENTS:

The applicant is requesting site plan approval for an outdoor seating area, planter boxes and bike racks on the east side of the tenant space and clarification of signage on both the east and west facades.

The tenant is Blue Cross Blue Shield who has created a new venture called Live Blue. The purpose of Live Blue is to prepare for the implementation of the Affordable Act.

The outdoor seating area is to accommodate three tables, six chairs and a bench along the face of the building and is approximately 7' x 18' or 126 sq. ft. This will serve as a conversation area where people can relax and have a soft drink. No food will be served. The bike racks will be located in the corner west of the store. The distance between the columns and the curb is 54". In order to meet ADA accessibility through this area an unobstructed walkway of 48 inches must be maintained. Vehicle overhang could be 24 inches which reduces the accessible walkway to 30 inches. The curb will need to be moved out at least two feet to widen the sidewalk and allow an ADA accessible walkway. This would increase the outdoor seating space in the Center from 5,319 sq. ft. to 5,445 sq. ft. and would increase the Center sq. ft. from 311,743 to 311,869.

The square footage of Village Center has been agreed upon between the City and the owners. The off-street parking requirement for mixed office/commercial centers over 300,000 square feet is 3.5 spaces per 1,000 square feet. The addition of 126 square feet for the outdoor seating area will increase the required parking from 1,091 spaces to 1,092 spaces. The Center provides 1,133 spaces and has an excess of 41 spaces. Based on the agreed upon parking calculation method, the applicant will need to submit a floor plan indicating the amount of area designated as storage and the Center will need to update the square footage chart, indicating the change in storage area and patio area.

The applicant has proposed to use a wall sign rather than a band sign that is used by other tenants. This is allowed by the sign standards when the tenant space has a flat or brick wall. The applicant also has incorporated wood into the building façade. Wood has not been used extensively in the Center, but the Tavern and UMB building have used wood.

The Planning Commission shall give consideration to the following criteria, in approving or disapproving a site plan:

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

The site is capable of accommodating the seating area, bike racks and bench provided an ADA accessible walkway is available. The walkway between the curb and the building columns is only 54 inches and with vehicle overhang it would be reduced to 30 inches. The walkway will need to be widened so that there is an unobstructed walkway of 48 inches. The 48-inch width allows for a wheelchair and a pedestrian to pass.

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

Utilities are currently in place serving the Prairie Village Center and are adequate to serve this minor expansion for outdoor seating.

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

There will be no increase in impervious surface so stormwater is not an issue.

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

The proposed site will utilize existing driveways and the general circulation of the Center will not be changed. Adequate pedestrian accessibility will need to be maintained between the columns and the parking lot on the east side.

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

The addition of outdoor seating will help create a more vibrant atmosphere for the center and is consistent with good land planning practices. The primary site design issue is the need to maintain a minimum 48-inch walkway for ADA accessibility between the canopy columns and the parking lot curb.

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

The façade of this tenant will be significantly different than other tenants in the building. The existing masonry bases at the bottom of the windows will be removed and replaced with glass panels that run to the floor. This will not be as noticeable on the east side because of the bands along the wall, but it will be clearly seen from the mall side. Also, the introduction of wood will be a change from the masonry walls.

Most of the tenants in the center have maintained some type of masonry base under the windows, however, Joseph A. Banks which is nearby has window frames that run to the floor.

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

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance and intensify the use of the building that will generate additional revenues for the City.

RECOMMENDATION:

It is the recommendation of the Staff that the Planning Commission approve this site plan for Live Blue's outdoor seating area subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
 - 2) That a minimum 48-inch wide accessible walkway be maintained on the east side which is not obstructed by vehicle overhangs into the walkway.
 - 3) That the applicant submit a landscape plan for the planters to Staff for review and approval.
 - 4) That the wall sign be approved in lieu of the band sign.
 - 5) That the square footage chart and drawings be updated and submitted to the City in order to determine the appropriate square footage for the parking requirement.
-



East
Side





M
all
Sid
e



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC 2013-116</u>
Filing Fee: <u>\$100</u>
Deposit: <u>\$500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>8/6/13</u>

Please complete this form and return with Information requested to:

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

Applicant: Jacob Palan Phone Number: 816.300.0300

Address: 1629 Walnut St, Kansas City, MO 64108 E-Mail jpalan@helixkc.com

Owner: Blue Cross Blue Shield Kansas City Phone Number: Blue Cross Blue Shield Kansas City

Address: 2301 Main St, Kansas City, MO Zip: 64108

Location of Property: 15 On The Mall, Prairie Village, Kansas 66208

Legal Description: See attachment.

Applicant requests consideration of the following: (Describe proposal/request in detail) Approval for proposed benches with tables and chairs for exterior seating, planter boxes, bike racks and exterior signage, per attached documents.

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Exterior Package Approval for Tenant Finish Project.

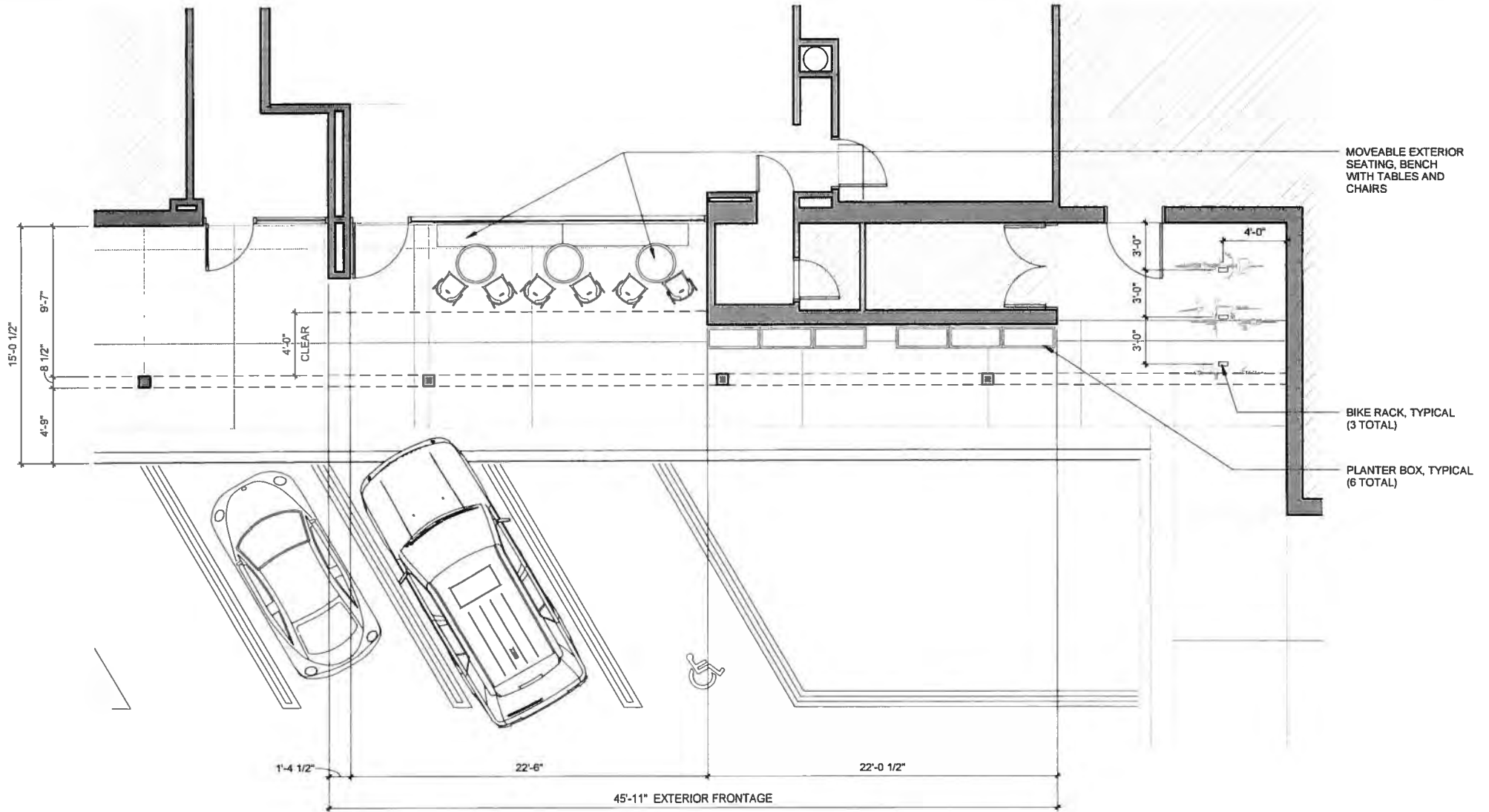
As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

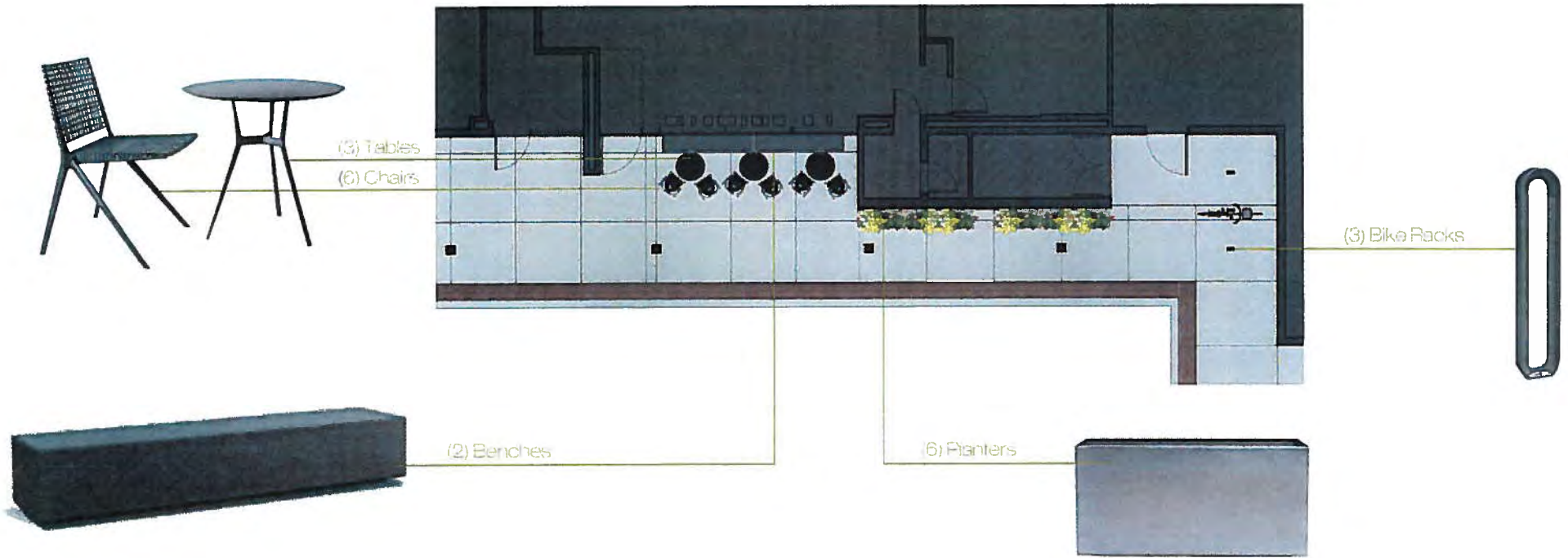
APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will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

[Signature]
Applicant's Signature/Date

[Signature] 7.3.13
Owner's Signature/Date









LOCHNER

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: September 10, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-118

Request: Site Plan Approval for the Installation of Two Platform Tennis Courts

Property Address: 6510 Mission Road

Applicant: Homestead Country Club

Current Zoning and Land Use: R-1A Single-Family Residential District-Country Club

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

Legal Description: Lot 1 and Lot A Block II Indian Fields

Property Area: 14.48 Acres

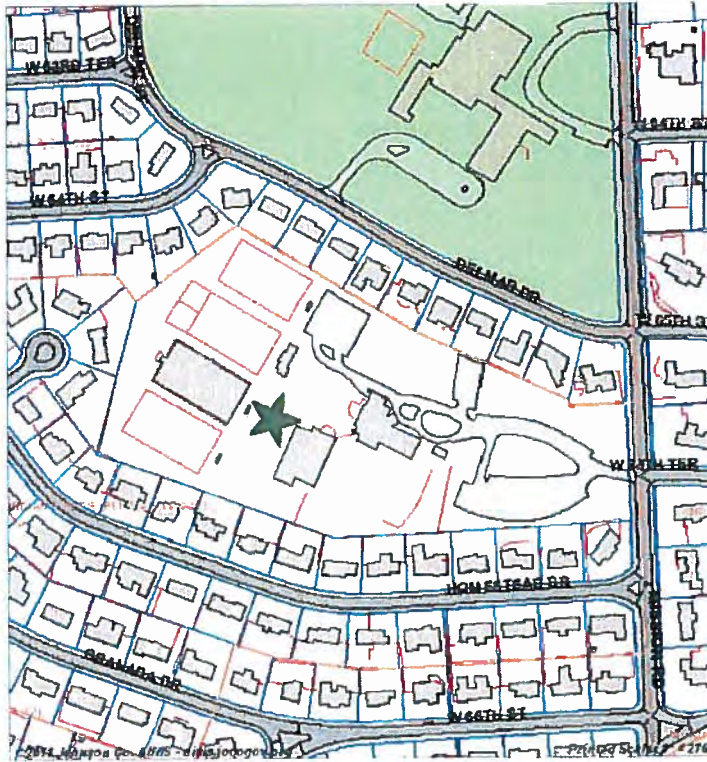
Related Case Files: PC 1988-109 Site Plan Approval for Addition to Tennis Pro Shop
PC 1992-102 Addition to Four Seasons Building
PC 1996-107 Site Plan Approval for Air Supported Structure
PC 2001-107 Site Plan Approval for New Swim and Tennis Facilities
PC 2002-10 Special Use Permit for Wireless Communication Towers
PC 2011-107 Site Plan Approval for Two Platform Tennis Courts

Attachments: Application, Site Plan, Project Photos

LOCHNER

903 East 104th Street | Suite 800 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027
engineering | planning | architecture

General Location Map



Aerial Map



COMMENTS:

Homestead Country Club is requesting Site Plan Approval to install two additional platform tennis courts. The courts are proposed to be located in the area south of the existing two platform tennis courts. The two existing platform tennis courts were approved by the Planning Commission on June 7, 2011. They were installed with lighting and skirting; and apparently have been very successful.

Platform tennis is primarily a doubles sport that is played year around. The game is played on an elevated aluminum deck ¼ the size of tennis court and is surrounded by a 12' high superstructure with taut, 16-gauge "chicken wire" fencing which allows play off the walls, as in racquetball and squash. The court is 44' long and 20' wide on a deck with a playing area 60' by 30'.

The base of a platform tennis court is usually enclosed, allowing for a heating system beneath the deck (propane, natural gas or kerosene.) The heating system melts ice off the aggregate deck surface, allowing athletes to play outdoors in all weather conditions. Most courts have lighting systems for winter so the game can be enjoyed year-round. The proposed courts for Homestead will be lighted and skirted just like the existing courts.

Platform tennis paddles are made of a composite material with aerodynamic holes drilled in the head. Paddles are approximately 18" long. The spongy, rubber ball measures 2.5" in diameter. A flocking material on its exterior keeps the ball from skidding.

The American Platform Tennis Association (APTA) was founded in 1934 and has created the Official Rules of Platform Tennis. APTA also promotes the sport and oversees national tournaments.

In the Kansas City area, platform tennis courts are located at The Carriage Club and the Kansas City Country Club. Each has two courts.

When the two initial platform tennis courts were approved for Homestead, hours of operation were a condition of approval. The hours were 6:00 am to 10:30 pm, Monday-Friday, and 8:00 am to 10:30 pm, Saturday and Sunday. This condition should also apply to the new platform tennis courts.

The applicant held a neighborhood meeting on August 20, 2013 and five property owners were in attendance. The questions were mainly about noise and landscape screening. The neighbors would like additional evergreen planting along the south side of the courts to screen them and soften the noise.

In accordance with section 19.32.030, the Planning Commission shall give consideration to the following criteria in approving or disapproving the site plan:

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

The site is approximately 14.5 acres in area and is adequate in size to accommodate the proposed structure. No additional parking areas and drives have been proposed. The proposed structure will be approximately 91' from the south property line, 420' from the west property line and 340' from the north property line. The platform tennis courts will not be visible from Mission Road which is to the east. A row of evergreens were planted along the south property line when the two original courts were constructed, however, the neighbors would like this to be enhanced with additional plantings.

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

The property is currently served with all utilities and the only change will be the addition of some electrical line in order to light the courts. No additional needs are contemplated for water and sewer services.

3. The plan provides for adequate management of storm water runoff.

The platform is set on 21 twelve inch piers and the platform is designed so that water drains through it to the ground. Therefore very little impervious surface will be created and the site should adequately handle the storm water.

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

No change is being proposed in the current egress to the property or in the traffic circulation. No new parking is proposed or anticipated as part of this project.

5. The plan is consistent with good planning and site engineering design principles.

The proposed platform tennis courts have been located between two existing facilities on the site – the tennis courts on the west and the fitness center on the east. To the north are the two original platform tennis courts and south is open lawn area. The proposed location should have a minimum negative impact on neighboring properties. The addition of some evergreen landscaping on the south side of the courts should mitigate the concerns of the property owners along Homestead Drive. The light poles are approximately 20' tall and the light fixture is a shoebox design that diverts light down. The applicant will need to submit a photo metric lighting plan that meets the outdoor lighting ordinance, which is 0.0 foot candles at the property line.

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

The proposed platform tennis courts are not of the same design as facilities in the surrounding neighborhood but they are the same as the existing platform tennis courts at Homestead Country Club. As stated earlier, platform tennis courts are currently in existence at The Carriage Club and the Kansas City Country Club where they are close to residences.

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

One of the primary objectives of the comprehensive plan is to encourage the reinvestment in the community to maintain the quality of life in Prairie Village. The Homestead Country Club is one of the unique amenities that sets Prairie Village apart from competing areas south of I-435 and the City should support the Club in order to maintain its competitive position. This application is consistent with the comprehensive plan in encouraging reinvestment in the community.

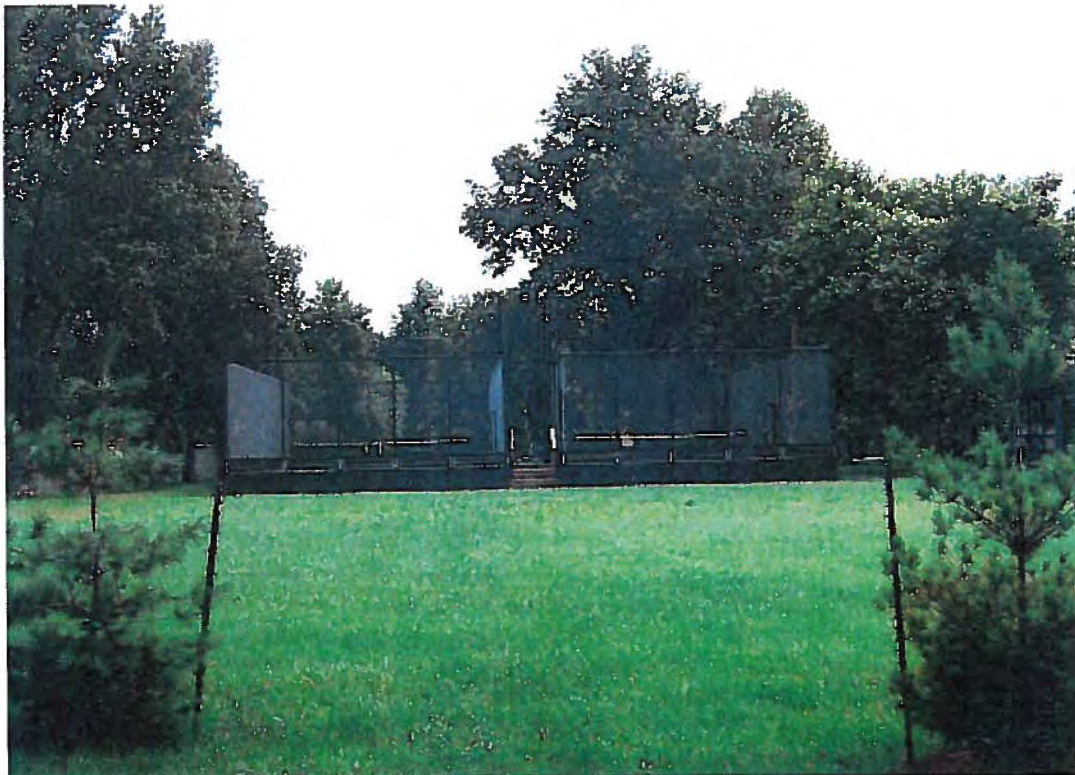
RECOMMENDATION:

It is the recommendation of the Staff that the Planning Commission approve the site plan for the installation of two additional platform tennis courts at Homestead Country Club subject to the following conditions:

1. That the platform tennis courts will be located as shown on the site plan submitted and not be closer than 91 ft. from the south property line.
2. That the outdoor lighting be in compliance with the outdoor lighting ordinance and the applicant submit an outdoor lighting plan to the City for Staff review and approval.
3. That the base of the courts be skirted with the same material that was used on the two existing courts.
4. That the hours of operation shall be 6:00 am to 10:30 pm, Monday-Friday, and 8:00 am to 10:30 pm, Saturday and Sunday.
5. That the applicant submit an evergreen landscape plan to screen the courts on the south side for review and approval by Staff.



Looking South



Looking North From South Property Line



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

Case No.:	<u>PC2013-118</u>
Filing Fee:	<u>900</u>
Deposit:	<u>2500</u>
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	<u>9/10/13</u>

Please complete this form and return with information requested to:

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

Applicant: Ryce Johnson

Phone Number: 913-208-1737

Address: 26256 W 67th St

E-Mail bjohnson@blue-ridge-towers.net

Owner: Homestead Country Club

Phone Number: 913-262-4100

Address: 6510 Mission rd. Prairie Village KS ~~66208~~ Zip: 66208

Location of Property: West side of Mission rd. between Delmar St. and S. Homestead Dr.

Legal Description: Indian Fields Lot 1 & Lot A BLK # PVC-0407A0036

Applicant requests consideration of the following: (Describe proposal/request in detail) Approval to build two platform tennis courts directly adjacent to two existing courts.

AGREEMENT TO PAY EXPENSES

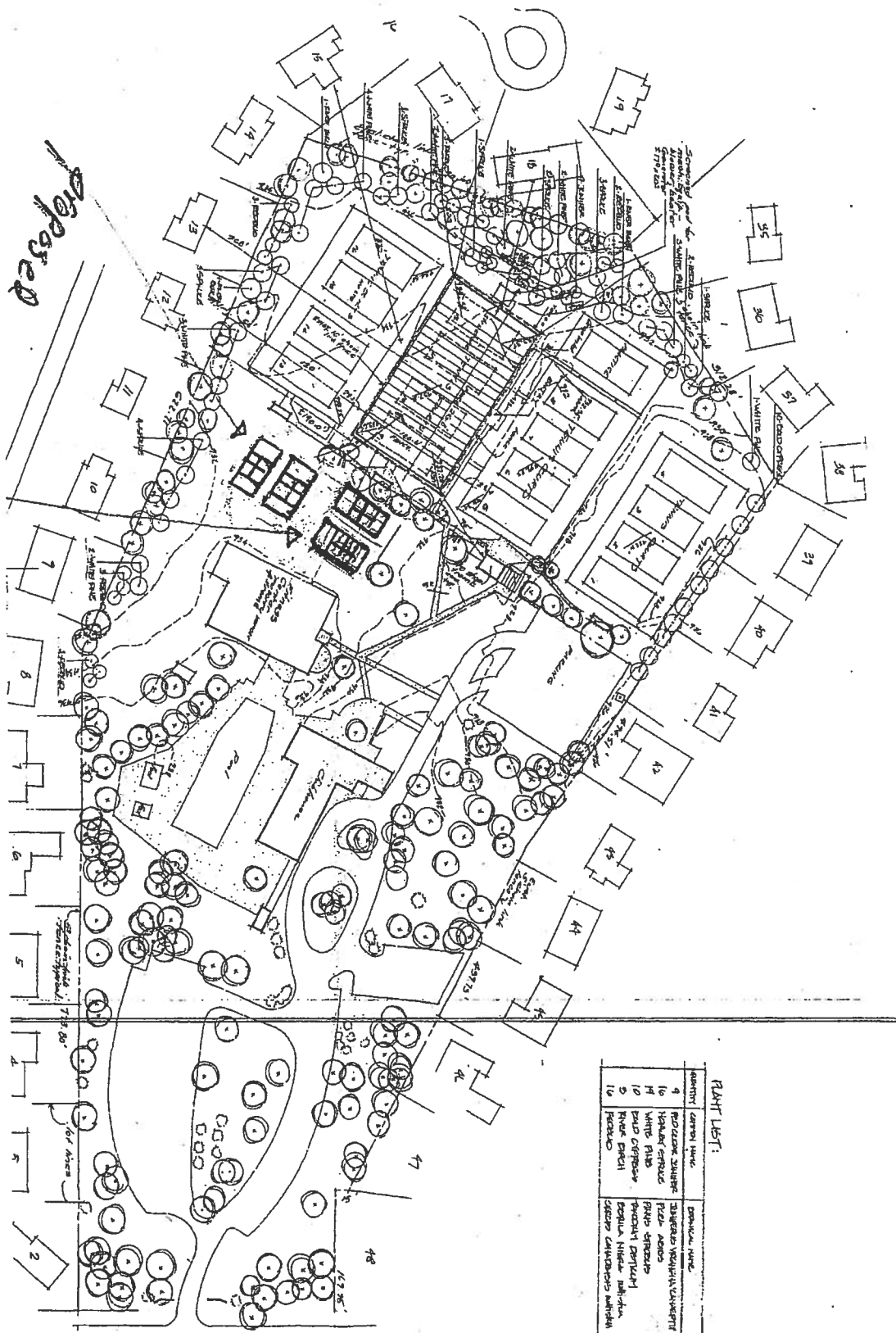
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for approval to build 2 platform tennis courts. As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

[Signature]
Applicant's Signature/Date 8/6/13

[Signature] Aug. 6, 2013
Owner's Signature/Date

Proposed
Current



Mission Road

PLANT LIST:

Quantity	Common Name	Botanical Name	Plant Code	Height	Notes
9	Common Laurel	Laurus nobilis	LAU-10	12-15'	
10	Boxwood	Buxus sempervirens	BOX-10	8-12'	
10	White Pine	Pinus strobus	PI-10	12-15'	
10	Blue Spruce	Pinus sibirica	PI-10	12-15'	
5	Live Oak	Quercus virginiana	QU-05	12-15'	
10	Redwood	Sequoia sempervirens	SE-10	12-15'	

Proposed Paddle
Tennis Court Structure
for Homestead Country Club

nearing
completion
a.l.a. architects
chartered
1400W 6th Place
Shawnee Mission, Kansas



CITY OF PRAIRIE VILLAGE

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Danielle Dulin, Assistant to the City Administrator
DATE: September 10, 2013 Planning Commission Meeting

Application: PC 2013-119

Request: Approval of Site Plan for Dolce Bakery

Property Address: North side of 69th Terrace between Mission Lane and Tomahawk Road

Applicant: Lega C Properties

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

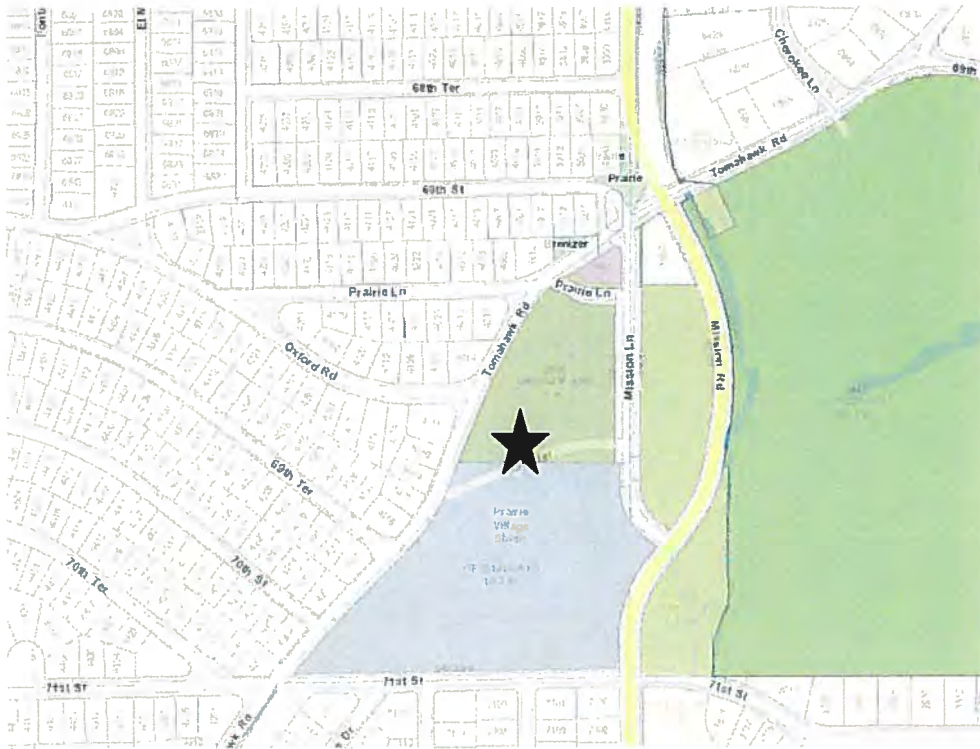
Surrounding Zoning and Land Use: **North:** R-1B – Single-family Dwelling District – Single family Dwellings
East: D-1—Country Club
South: R-1B – Single-family Dwelling District – Single family Dwellings
West: R-1B – Single-family Dwelling District – Single family Dwellings

Legal Description: Metes and Bounds

Property Area: 17.4 Acres

Related Case Files: PC 2013-116 Site Plan for Live Blue
PC 2013-113 Approval of Sign Standards
PC 2012-119 Site Plan Approval for Standees
PC 2012-08 CUP for Drive-Thru
PC 2012-114 Preliminary and Final Plat
PC 2012-113 Site Plan Approval Mission Lane
PC 2011-115 Site Plan Approval Story Restaurant
PC 2007-112 Site Plan Approval Cactus Grill
PC 2006-108 Amendment to Sign Standards for Macy's
PC 2000-107 Approval of Revised Sign Standards
PC 1999-105 Site Plan Approval for Bank and Restaurant

Attachments: Application, Site Plan Drawings, Photos



General Location Map



Aerial Map

STAFF COMMENTS:

The applicant is requesting approval for an outdoor seating area for the tenant Dolce Bakery. Dolce Bakery is moving from their current location to a vacant space in the Prairie Village Shopping Center that does not have approval for an outdoor seating area.

The outdoor seating area is approximately 7' x 26' or 182 square feet. There will be four café tables and 8 chairs. There is no usable walkway between the columns and the curb, and in order to meet ADA accessibility through this area, an unobstructed walkway of 48" must be maintained between the outdoor furniture and the columns. Pending the approval of PC2013-116, this would increase the outdoor seating in the Center from 5,445 square feet to 5,627 square feet and would increase the Center square footage from 311,869 to 312,051.

The square footage of the Prairie Village Shopping Center has been agreed upon between the City and the owner. The off-street parking requirement for the mixed office/commercial centers over 300,000 square feet is 3.5 spaces per 1,000 square feet. Pending the approval of PC2013-116, the addition of 182 square feet for the outdoor seating area will increase the required parking from 1,092 to 1,093 spaces. There are currently 1,133 spaces, an excess of 40 spaces. Based on the agreed upon parking calculation method, the applicant will need to submit a floor plan indicating the amount of area designated as storage and update the square footage chart indicating the change in storage area and patio area.

The Planning Commission shall give consideration to the following criteria, in approving or disapproving a site plan:

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

The site is capable of accommodating the seating area provided an ADA accessible walkway is maintained between the furniture and the columns at all times. An ADA accessible walkway is 48" wide and unobstructed. This allows for a wheelchair and a pedestrian to pass.

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

Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this minor expansion for outdoor seating.

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

There will be no increase in impervious surface so stormwater is not an issue.

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

The proposed site will utilize existing driveways, and the general circulation of the Center will not be changed.

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

The addition of outdoor seating will help create a more vibrant atmosphere for the Center and is consistent with good land planning practices. The primary site design

issue is the need to maintain a minimum 48-inch walkway for ADA accessibility between the canopy columns and outdoor furniture.

RECOMMENDATION:

It is the recommendation of the Staff that the Planning Commission approve this site plan for Dolce Bakery's outdoor seating area subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
- 2) That an unobstructed, 48" wide accessible walkway be maintained between the outdoor furniture and the canopy columns at all times.
- 3) That the square footage chart and drawings be updated and submitted to the City in order to determine the appropriate square footage for the parking requirement.

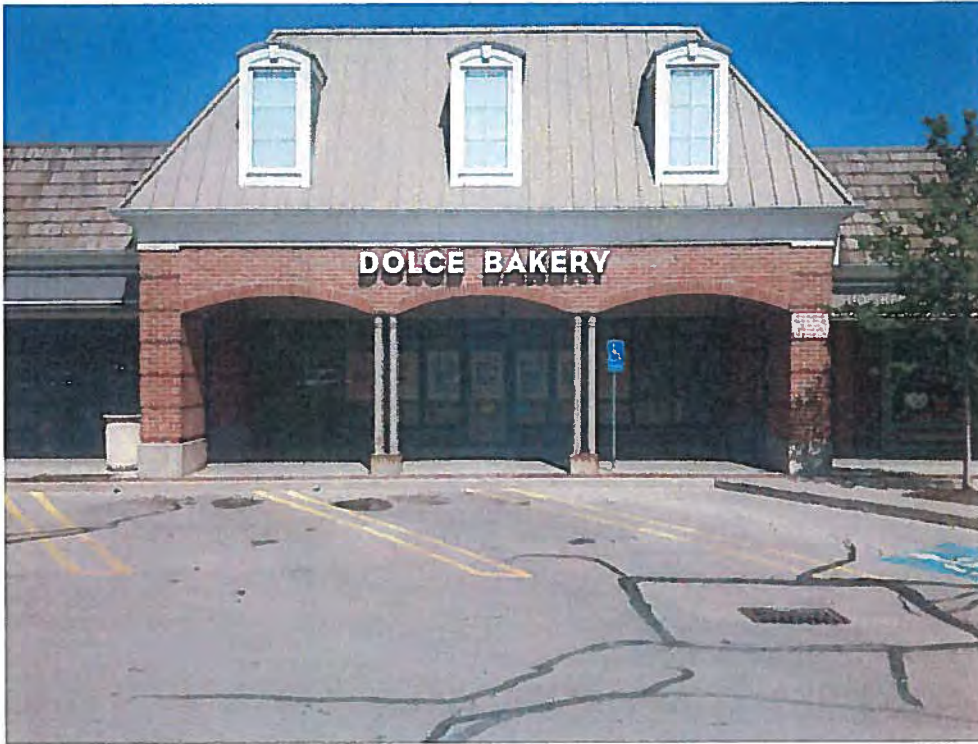


Photo 1



Photo 2



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC 2013-119</u>
Filing Fee: <u>\$100</u>
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>9/10/13</u>

Please complete this form and return with Information requested to:

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

Applicant: Erin Brown - Dolce Bakery Phone Number: 913-980-9866
 Address: 3930 W. 69th Terr. PV, KS E-Mail erin@dolcebakeryco.com
 Owner: Erin Brown Phone Number: 913-980-9866
 Address: 9815 Mission Rd OP, KS 66206 Zip: _____
 Location of Property: 3930 W. 69th Terr. PV, KS 66208
 Legal Description: retail bakery
 Applicant requests consideration of the following: (Describe proposal/request in detail) outdoor patio seating.

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

Erin Brown
Applicant's Signature/Date

Erin Brown
Owner's Signature/Date

DOLCE BAKERY

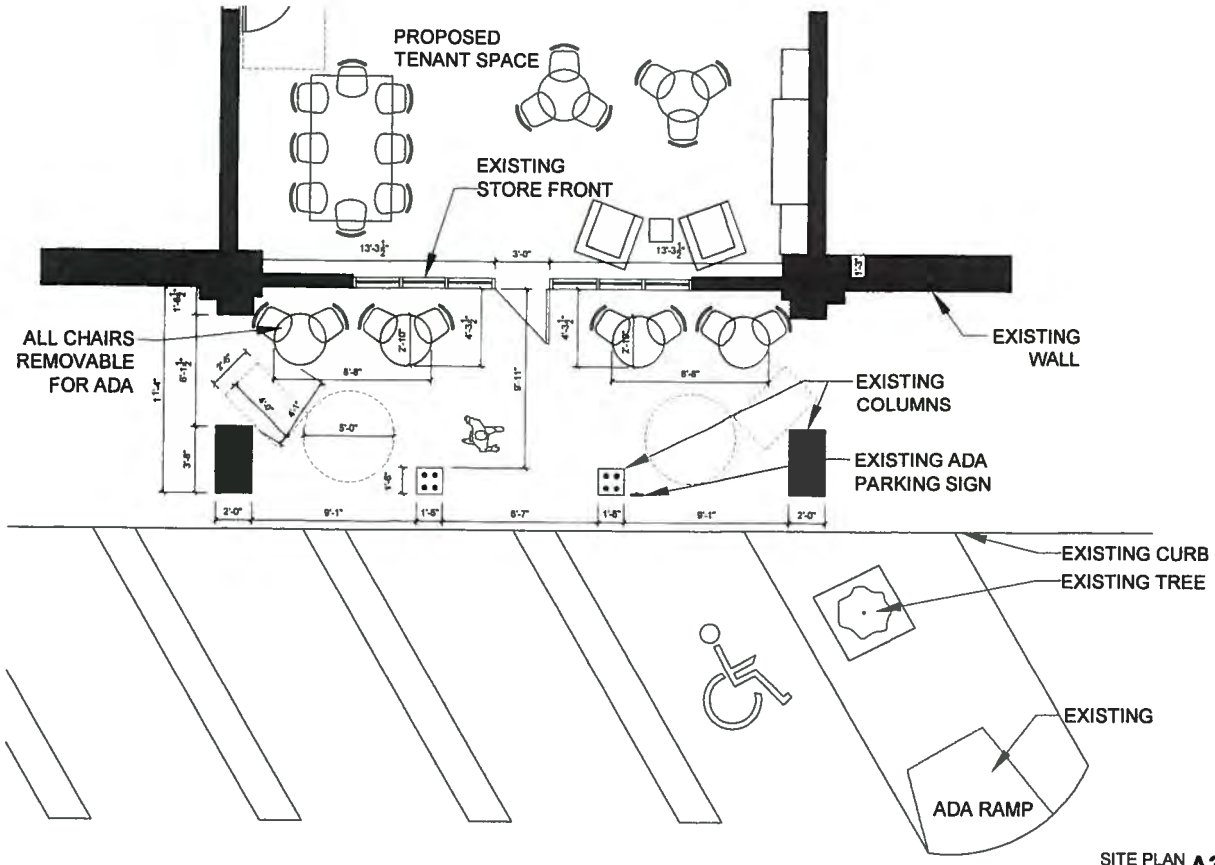
3930 W. 69TH TERRACE

PRAIRIE VILLAGE, KANSAS 66208

PLANNING APPLICATION
08.09.13
PROPOSED OUTDOOR SEATING



EXISTING EXTERIOR IMAGE E8



SITE PLAN A3

CODE ANALYSIS

PROJECT DESCRIPTION:
TRUANT EXTERIOR RENOVATION TO EXISTING BUILDING
DOLCE BAKERY COMPANY
BROOK FRENZ BAKERY

LOCATION:
3930 W. 69TH TERRACE
PRAIRIE VILLAGE, KANSAS 66208
(PRAIRIE VILLAGE SHOPPING CENTER)

OWNER:
DOLCE BAKERY COMPANY
DOLCE BAKERY COMPANY
WWW.DOLCEBAKERY.COM
PHONE: 816.294.4111
FAX: 816.294.4242

DESIGN:
H3B ARCHITECTS, INC.
1800 BALTIMORE AVE
KANSAS CITY, MO 64106
PHONE: 816.294.4111
FAX: 816.294.4242

ARCHITECT OF RECORD:
H3B ARCHITECTS, INC.
1800 BALTIMORE AVE
KANSAS CITY, MO 64106
PHONE: 816.294.4111

ALL WORK SHALL COMPLY WITH STATE AND LOCAL CODE REQUIREMENTS AS APPROVED AND AMENDED BY THE GOVERNING CITY.



LOCATION PLAN B1

VICINITY MAP A1



H3B architects, inc.
1800 Baltimore Ave
#1 South
Kansas City, MO
64106
816.294.1990
www.h3barchitects.com
ARCHITECTURAL CORPORATION
KANSAS LIC#0081298



ALL WORK SHALL COMPLY WITH STATE AND LOCAL CODE REQUIREMENTS AS APPROVED AND AMENDED BY THE GOVERNING CITY.

DATE: 08.21.13
JOB NO: 0529
SHEET: A1

DOLCE BAKERY
3930 W. 69TH TERRACE
PRAIRIE VILLAGE, KS. 66208

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	08/21/13
2	ISSUED FOR CONSTRUCTION	08/29/13
3	ISSUED FOR PLANNING	08/29/13
4	ISSUED FOR RECORD	08/29/13

DATE: 08.21.13
JOB NO: 0529
SHEET: A1



CITY OF PRAIRIE VILLAGE
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For Office Use Only	
Case No.:	<u>PC 2013-119</u>
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Erin Brown
 Applicant's Signature/Date

Erin Brown
 Owner's Signature/Date

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: September 10, 2013, Planning Commission Meeting Project # 000005977

Application: PC 2013-120

Request: Preliminary Plat Approval for Chadwick Court

Property Address: 3101 West 75th Street

Applicant: Robert Royer on Behalf of Robert Mogren

Current Zoning and Land Use: R-1A Single-family District – Single Family Dwellings

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

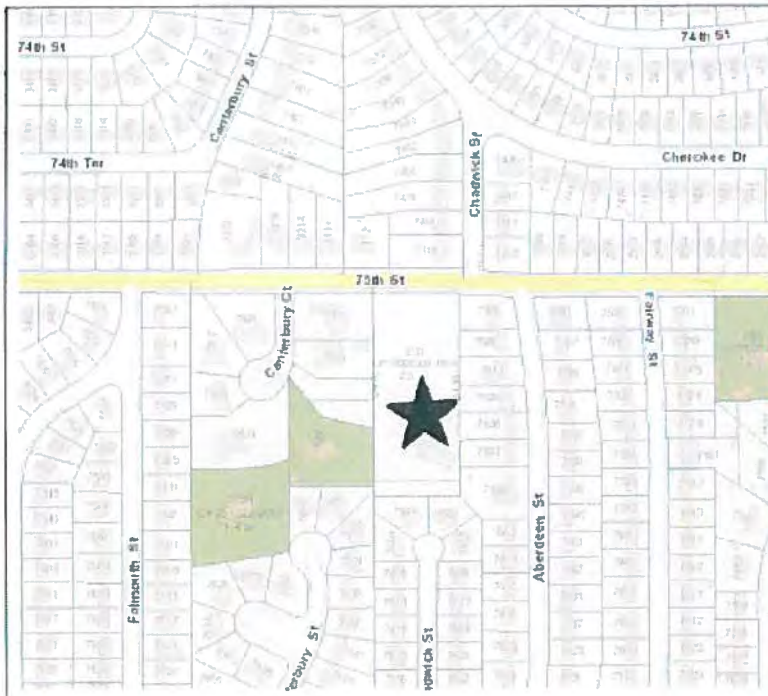
Legal Description: Unplatted – Metes & Bounds

Property Area: 117,519 sq. ft. or 2.7 acres

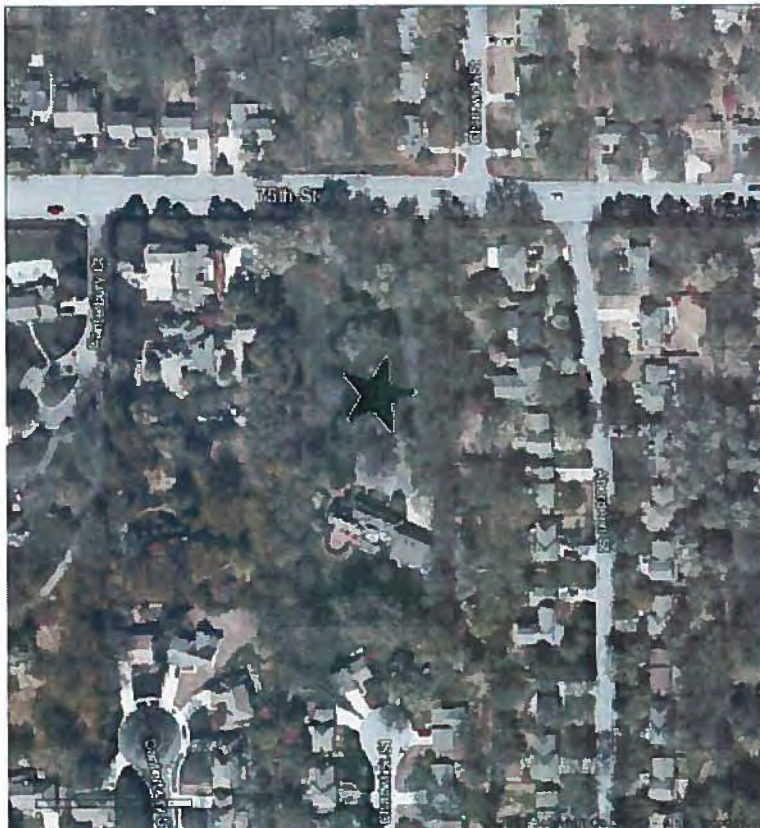
Related Case Files: PC 2007-114 Preliminary Plat of Mogren's Subdivision
PC 2013-08 Rezoning from R-1A to RP-1B

Attachments: Plans and Photos

General Location Map



Aerial Map



COMMENTS:

The proposed preliminary plat is a seven lot plat of an unplatted parcel of land that is occupied by one large dwelling at the south end of the tract. The property is proposed to be zoned RP-1B Single-Family Dwelling District and the minimum lot size is 6,000 square feet with a minimum lot width of 60 feet. The area of the parcel is approximately 2.7 acres and the smallest lot, #1, is 7,898.9 sq. ft. which is larger than the minimum lot size.

The plat is dependent upon the approval of the Preliminary Development Plan that is a part of the Zoning Change Request from R-1A to RP-1B. Therefore, it is recommended that the action on the Preliminary Plat be deferred until such time as the Governing Body approves the RP-1B zoning change. If changes occur to the Preliminary Development Plan then the plat will need to change also and be resubmitted.

STREETS

The applicant is proposing to serve the seven lots with a 26' wide curb and guttered private street. The street will be located within Tract A as shown in the plat. The private drive will need to be constructed to City standards.

The existing half street right-of-way for 75th Street is 30' at this location. Immediately to the east, the half street right-of-way is 40', while to the west it is 30'. Based on the Village Vision Concept plan for 75th Street, it is recommended that an additional 10' of half street right-of-way be dedicated to the City.

SIDEWALKS

The City is in the process of rebuilding sidewalks on all of 75th Street and filling in where sidewalks do not exist. So the sidewalk on 75th Street will be provided as part of the City project.

It is the opinion of Staff, however, that sidewalks should be on both sides of all streets and recommend that sidewalks be installed on both sides of the private street.

UTILITIES

There is an existing sewer line and easement in proposed Lot 1. The line will need to be relocated and the easement vacated. A 15 foot wide sewer easement is proposed on the east side of the private drive, but it does not reach Lot 7. A letter will need to be obtained from Johnson County Wastewater approving the proposed easement.

An existing 4" private water main crosses the property diagonally; however, the applicant indicates it has been relocated and abandoned. The proposed plat shows an easement running along the west side of the private drive. A letter will need to be obtained from Water One approving the easement. The proposed easement does not reach Lot 7.

STORM DRAINAGE

A stormwater management plan has been prepared and submitted to Public Works for review and approval. Obviously, this will be a significant increase in stormwater run-off from what exists now. The applicant has proposed an underground stormwater detention facility adjacent to 75th Street. This will be a series of underground chambers that will hold water and release it at a calculated rate. The chambers will be covered with soil and planted over with grass so the area will appear as a grass swale. There are some technical issues with the design which need to be resolved with Public Works.

GAS LINE

The plan shows a gas line in the private drive that dead ends on the property but no easement is indicated.

TREES

Preserving the vegetation is extremely important environmentally and particularly since many of the trees on this site are mature. The applicant has identified major trees on the site. Every effort needs to be made to preserve the trees on the east and west property lines.

SITE DISTANCE

The visibility exiting from the site appears to be adequate. The drive is being relocated to the west and the visibility will be improved.

The applicant held a public information meeting on August 26, 2013 for the neighbors and three households attended. Questions were asked, but none of them pertained to issues of platting.

The Planning Commission shall give due consideration to the following factors and conditions in reviewing a subdivision plat for approval:

1. The size of the lots which currently abut the proposed subdivision:

The lots on the west side average 0.59 acres; however, there is one lot that is 0.89 acres which raises the average. The lots to the south average 0.26 acres. The lots north of 75th Street average 0.37 acres. The lots to the east average 0.32 acres. The average area of the proposed six lots is 0.19 acres. If Lot 7, which is large, is added in, the average is 0.33 acres. The lot sizes shall be as approved on the Preliminary Development Plan.

2. The average size of lots which are within 300 feet of the proposed subdivision:

The average size of the lots within 300' of the boundaries of the proposed subdivision is 0.32 acres.

3. The fact that the width of the lot is more perceptible and impacts privacy more than the depth or the area of the lot:

The lot widths and depths shall be as approved on the Preliminary Development Plan for the RP-1B zoning. The proposed lot widths of 80 ft. and 92 ft. exceed the requirements of the R-1B district which is 60 ft.

4. The likelihood that the style and cost of homes to be built today may be quite different from those which prevailed when nearby development took place:

The trend in Prairie Village is to build larger homes on infill lots. It therefore can be assumed that their new homes will be larger and higher priced than other existing homes in the area.

5. The general character of the neighborhood relative to house sizes, aging condition of structures, street and traffic conditions, terrain, and quality of necessary utilities:

This neighborhood is quite diverse in the size and age of its housing. The houses on the east and south are moderate in size and were built in the late 1950s. The houses to the west are larger and built on larger lots. They were, for the most part, built in the early 1970s. The existing house on this lot was built in 1928. There are only seven lots proposed so the volume of traffic will be insignificant. The terrain is reasonably flat and easily developed. Utilities are either on the site or readily available although there are several questions pending.

6. The zoning and uses of nearby property:

The property to the east, west and south is zoned R-1A and to the north is zoned R-1B. All the surrounding land use is single-family dwellings.

7. The extent to which the proposed subdivision will, when fully developed, adversely or favorably affect nearby property:

The development of this subdivision should favorably impact the neighborhood because the homes will be newer and therefore more expensive. The higher priced homes will have a positive effect on the values of the other homes in the neighborhood. A detention facility will be constructed adjacent to 75th Street which should help control stormwater runoff for the homes to the north.

8. The relative gain to the public health, safety, and general welfare if the subdivision is denied as compared to the hardship imposed on the applicant:

If the subdivision is not approved, the land will remain idle and undeveloped which will not benefit the public. This is a large tract of land that can support a more intense or higher density development with homes that provide the types of amenities that are desired by today's home buyers.

9. Recommendations of the City's professional staff:

After performing a detailed review of the proposed plat, it is the opinion of Staff that this is a good proposed use of this land and that the subdivision fits well and will be compatible with the existing neighborhood. It is the opinion of Staff that it should be approved subject to the resolution of several technical issues.

10. The conformance of the proposed subdivision to the policies and other findings and recommendation of the City's Comprehensive Plan:

One of the primary goals of the Village Vision is to increase the density and intensity of development and to develop infill areas with housing products that meet the needs and desires of today's market.

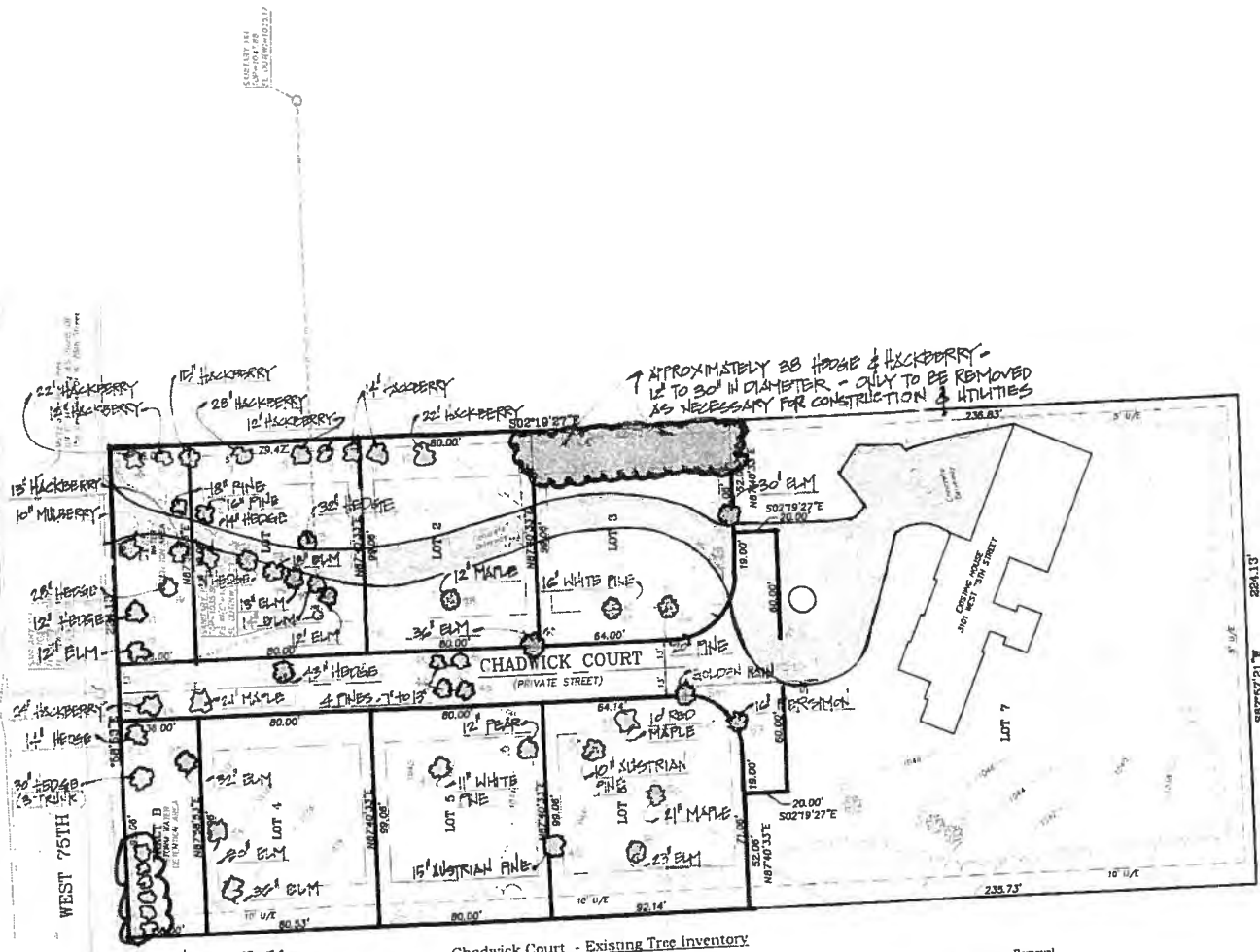
RECOMMENDATION

The Planning Commission may deny the preliminary plat as submitted, approve the preliminary plat as submitted, or approve the preliminary plat as submitted subject to conditions. Approval of the preliminary plat, either as submitted or conditionally, merely authorizes the preparation of the final plat. The final plat would then be submitted to the Planning Commission and, upon its approval, it would be forwarded to the Governing Body for its acceptance of rights-of-way and easements.

As previously pointed out in the comments section, there are a number of unanswered questions on the preliminary plat that need to be addressed and the RP-1B zoning and Preliminary Development Plan need to be approved by the Governing Body. It is the recommendation of staff that the applicant revise the preliminary plat and resubmit it to the Planning Commission for approval after the Governing Body approves the zoning change, subject to the following conditions:

1. Indicate an additional 10' of right-of-way for the south side of 75th Street.
2. Identify the size of all utility lines on the plat and indicate where they will be relocated. Also indicate who will maintain the water line and fire hydrant located on the east side of the private road.
3. Identify those trees that will be removed and protect the trees on the east and west property lines.
4. Submit any covenants that will be filed to guarantee the maintenance of the private roadway, the stormwater detention area and any other private improvements on the property.
5. Provide gas, water and sewer easements to Lot 7.
6. Add the area to Lots 3 and 6 as pointed out in the zoning change request.
7. Resolve all issues with Public Works regarding stormwater management.
8. Design the private drive to City standards and submit the plans and specifications to Public Works for review and approval.

MOGREN ESTATES
A REPLAT OF LOT A, SOMERSET HILLS
A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS
SITUATED IN SECTION 22-T12S-R25E



Chadwick Court - Existing Tree Inventory

No.	Species	Diameter	Removal
1	White Pine	18	Yes
2	White Pine	16	Yes
3	Osage Orange (Hedge)	22	No
4	Hackberry	12	No
5	Hackberry	15	No
6	Hackberry	26	No
7	Hackberry	12	No
8	Hackberry	12	No
9	Hackberry	14	No
10	Hackberry	14	No
11	Hackberry	22	No
12	Hackberry	10	Yes
13	Mulberry	10	Yes
14	Hackberry	14	Yes
15	Osage Orange (Hedge)	14	Yes
16	Osage Orange (Hedge)	28	Yes
17	Osage Orange (Hedge)	12	Yes
18	American Elm	24	Yes
19	Hackberry	14	Yes
20	Osage Orange (Hedge)	30	Yes
21	Osage Orange (Hedge)	18	Yes
22	Osage Orange (Hedge)	20	Yes
23	Osage Orange (Hedge)	14	Yes
24	Osage Orange (Hedge)	14	Yes
25	Osage Orange (Hedge)	18	Yes
26	Osage Orange (Hedge)	20	Yes

No.	Species	Diameter	Removal
28	Elm	36	Yes
29	Elm	30	Yes
30	Elm	32	Yes
31	Silver Maple	21	Yes
32	Osage Orange (Hedge)	18	Yes
33	Elm	43	Yes
34	Osage Orange (Hedge)	13	Yes
35	Elm	14	Yes
36	Elm	12	Yes
37	Elm	12	Yes
38	Maple	16	Yes
39	White Pine	20	Yes
40	White Pine	13	Yes
41	White Pine	7	Yes
42	White Pine	12	Yes
43	White Pine	10	Yes
44	White Pine	11	Yes
45	White Pine	15	Yes
46	Austrian Pine	12	Yes
47	Pear	36	Yes
48	Elm	10	Yes
49	Red Maple	10	Yes
50	Austrian Pine	23	Yes
51	Elm	21	Yes
52	Canadian Maple	16	Yes
53	Peralmon	18	Yes
54	Golden Rain		Yes

3-4' HEDGE TREES - 12" TO 20" IN DIAMETER

LOVELACE & ASSOCIATES
 Land Surveying - Land Planning
 939 S.E. 3rd Street, Lawton, Oklahoma 74803
 Phone: (816) 347-9997 Fax: (816) 347-9979

Project No: 13146
 Drawn By: JWS, JHL
 Checked By: JHL
 Date: 07-16-2011
 Scale: 1" = 40'
 File Name: 13146
 Certificate of Accuracy:
 Attained - 2002/10/18
 Kansas - 15-154

Preliminary Plat
MOGREN ESTATES
 PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

PREPARED FOR: X X

DATE	NUMBER	REVISION	BY	APPROVED

CHADWICK COURT
A REPLAT OF LOT A, SOMERSET HILLS
A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS
A PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 22-T12S-R25E

PROPERTY DESCRIPTION: Overall Plat Boundary Containing 117,519.1 Square Feet or 2.7 Acres More or Less
 As of Lot A, SOMERSET HILLS, a subdivision in the City of Prairie Village, Johnson County, Kansas, recorded in Public Records for Johnson County, Kansas, Book 8436, Page 917, the Northwest Quarter of the Southwest Quarter of Section 22, Township 12 South, Range 25 East, all being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot A, thence South 87°57'21" West along the South line of said Lot A, a distance of 224.13 feet (224'20" Plat, 225" Deed) to the Southwest corner thereof, thence North 02°19'27" West along the West line of said Lot A, a distance of 524.36 feet (524'36" Plat, 525" Deed) to the North line of said Lot A, a distance of 224.13 feet (224'20" Plat, 225" Deed) to the Northeast corner of said Lot A, said North line of Lot A being 30 feet South of and parallel with the North line of the Southwest Quarter of said Section 22, thence South 87°57'21" West along the East line of said Southwest Quarter of said Section 22, a distance of 524.30 to the **POINT OF BEGINNING**

GENERAL NOTES:

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereinafter be known as: "CHADWICK COURT"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land shown on this plat, which are shown as being dedicated for public use and thoroughfares, utility or corporation on said parts of land so dedicated, and any poles, lines, wires and conduits thereon, to the City of Prairie Village, Kansas, and agrees to execute all necessary papers and to be bound to be executed, in accordance with proposed improvements as now set forth. The undersigned proprietor hereby agrees and agrees to indemnify the City of Prairie Village, Johnson County, Kansas, in any and all claims and suits for the relocation of any such existing utility installations within said proposed improvements.

The undersigned proprietor of the above described lot hereby covenants and warrants that the same shall be used for the purposes intended by the City of Prairie Village, Johnson County, Kansas, and that the same shall be dedicated for public use and thoroughfares, or part thereof, for public use and thoroughfares on such land dedicated, shall become and remain a lien on the remainder of this land forming or abutting on such dedicated public way or thoroughfare.

Tract "x" will be owned and maintained by the Chadwick Court Association, Inc. This tract is intended to be used for private/public open space, which for such amenities and private street which serve this plat shall be the responsibility of the Chadwick Court Association, Inc.

The Chadwick Court Association, Inc. shall be responsible for maintaining and repairing the storm drainage improvements and the storm water detention facilities (located at the north and east end of the plat) and shall be bound to obtain all necessary permits and assessments. The association shall fund the storm water system inspected annually and shall furnish a certification on or before May 1st of each year. (By a professional engineer who shall certify that the storm water system is in compliance with the requirements of the detention facilities and all storm water lines and related improvements are fully functional as approved by the City as part of the Storm Water Management Plan and the Permit.

Building Lines (B/L) or Setback Lines are hereby established as shown on the accompanying plat. No building or portion thereof shall be constructed between the line and the established lot line.

WITNESSEY WHEREOF: The M. Suzanne Mogren Trust, Originally Dated November 27, 1989 has caused these presents to be signed this _____ day of _____, 2013.

M. Suzanne Mogren
 Trustee of the M. Suzanne Mogren Trust, Originally Dated November 27, 1989
 ACKNOWLEDGMENT
 STATE OF KANSAS) SS
 COUNTY OF JOHNSON)

On this _____ day of _____, 2013, before me, the undersigned, a Notary Public, in and for said State personally appeared M. Suzanne Mogren, Trustee of the M. Suzanne Mogren Trust, who acknowledged that they executed the same as their free act and deed.

MY WITNESS THEREOF: I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission Expires _____
 Notary Public _____

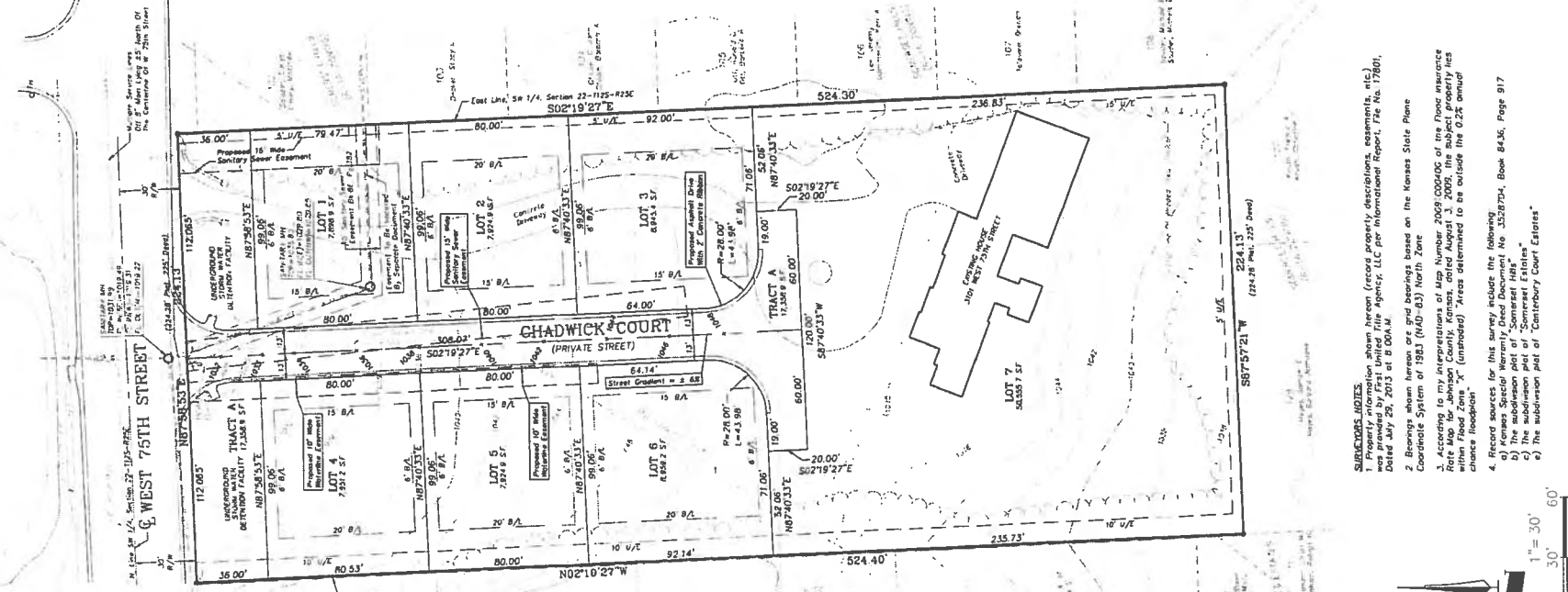
APPROVALS:
 Approved by the Planning Commission of the City of Prairie Village, Johnson County, Kansas, this _____ day of _____, 2013.

Mark Muller, Vice Chairman
 Joyce Hagen Mandt, Secretary

Ronald L. Shaffer, Mayor
 Joyce Hagen Mandt, City Clerk

CERTIFICATION:

I hereby certify that a subdivision plat of "CHADWICK COURT" was made by me, or under my direct supervision, on the ground of the premises herein described, and the results of said survey are represented herein and all permanent markers are set, I affirm the correctness of the measurements and calculations thereon, and that I conform to the practice of surveying and platting of subdivisions to the best of my professional knowledge and belief.



- SURVEYOR'S NOTES:**
- Property information shown herein (except property descriptions, easements, etc.) is based on the original title plat, as per Informational Report, File No. 17801, Dated July 29, 2013 at 8:00A.M.
 - Bearings shown herein are and bearings based on the Kansas State Plane Coordinate System of 1983 (NAD-83) North Zone.
 - According to my interpretation of Map Number 2009-00040G of the Flood Insurance Rate Map for Johnson County, Kansas, dated August 3, 2009, the subject property lies within Flood Zone "X" (unshaded). Areas determined to be outside the 0.2% annual chance floodplain.
 - Record sources for this survey include the following:
 - Kansas State Survey Warranty Deed Document No. 3528794, Book 8436, Page 917
 - Record of Title for Chadwick Court, Johnson County, Kansas, Book 8436, Page 917
 - The subdivision plat of "Somerset Estates"
 - The subdivision plat of "Cantebury Court Estates"

ZONING NOTE:

The current zoning classification for the subject property is R-1A with a proposed zoning classification of RP-1B.
 The current zoning classification for all adjacent property is R-1A.



DOCUMENTATION:
 # = Set No. 5 X 24" rebar with aluminum cap numbered 1326 in concrete at plot corners unless noted otherwise herein.
 No. 4 X 24" rebar with plastic caps numbered 1326 will be set at all lot corners upon completion of improvements.

LOVELACE & ASSOCIATES
 Land Surveyors & Planners
 19882 24th Street, Leawood, Missouri 64040
 Phone: (816) 947-9977 Fax: (816) 947-9979

Preliminary Plat
CHADWICK COURT
PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

PREPARED FOR:
 CHADWICK COURT, LLC
 3101 WEST 75TH STREET
 PRAIRIE VILLAGE, KANSAS 66206

Project No: 13256
 Drawn By: JWS/JRL
 Checked By: JRL
 Date: 08-07-2013
 Scale: 1" = 30'
 File Name: 13256
 Drawing Number: 20130805318
 Revision: LS-134

DATE	NUMBER	REVISION	BY:	APPROVED

CITY OF PRAIRIE VILLAGE

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Danielle Dulin, Assistant to the City Administrator
APPLICATION: **PC 2013-121: Request for Approval of Subdivision**
N: **Identification Signs at Paddock Court—79th Terrace and Mission Road**
DATE: September 10, 2013 Planning Commission Meeting

Application: PC 2013-121

Request: Approval of subdivision identification signs

Property Address: 79th Terrace and Mission Road

Applicant: Skip Kendall
Paddock Court Homes Association

Current Zoning and Land Use: RP-4—Planned Townhouse

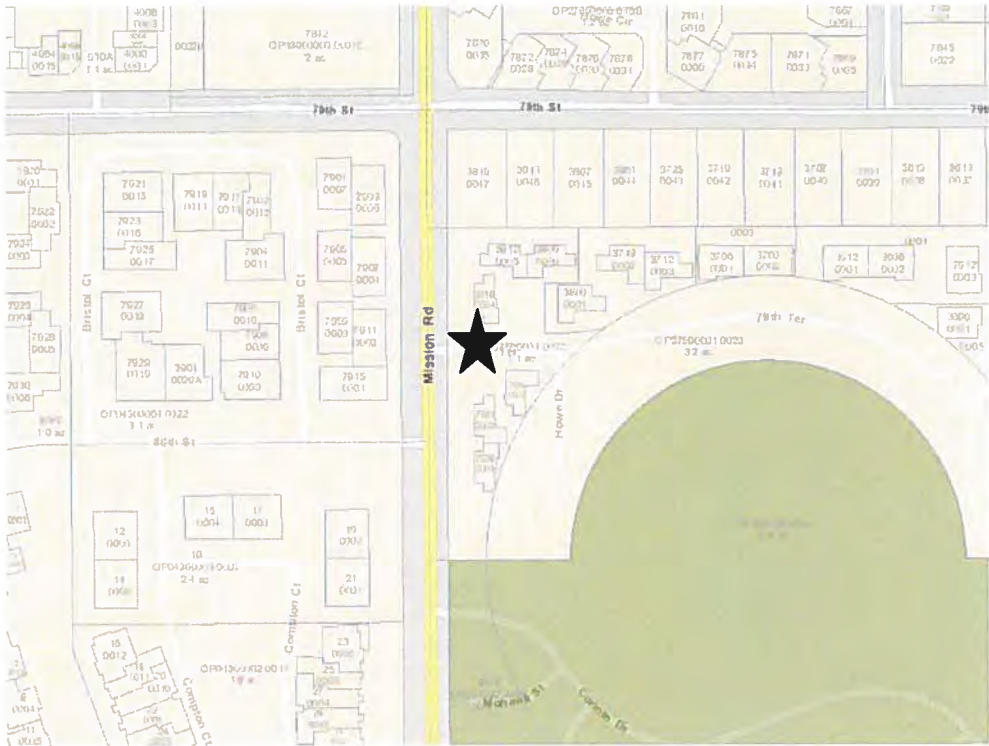
Surrounding Zoning and Land Use: **North:** R-1A Single family residential
East: R-1A Single family residential
South: R-3 Garden apartment district
West: R-4 Condominium or common-wall dwelling

Legal Description: N/A

Property Area: N/A

Related Case Files:

Attachments: Previous sign photo, proposed sign photo, landscape plan



General Location Map



Aerial Map

STAFF COMMENTS:

The Paddock Court Homes Association is requesting approval to replace their existing subdivision identification signs with two new signs at 79th Terrace and Mission Road.

The Planning Commission is authorized to approve subdivision identification signs under Section 19.48.020.B of the Sign Regulations prior to the issuance of a building permit. The requirements for approval are as follows:

1. The applicant shall submit detailed plans of the sign and any supporting or supplemental structure;
2. Only the proper name of the subdivision shall be on the sign; however, the Planning Commission may approve further language or information it deems appropriate;
3. The sign and any supporting structure may be on either private property or public right-of-way provided that it will not create a traffic hazard, maintenance problem, nuisance or other condition that is adverse to the public interest;
4. Walls, fences, and other architectural features may be used to supplement said signs provided that traffic hazards, maintenance problems or other conditions, which may be adverse to public interest, are not present;
5. Said signs and supporting structure shall be maintained in good condition;
6. The signs may be illuminated provided the source of illumination shall not be visible from a public street or from any dwelling within the subdivision;
7. The design, shape, size, and location of the signs shall be in harmony with the neighborhood.

The applicant has already started constructing this project.

Orientation

The proposed signs will replace the existing signs and are located on the north and south sides of 79th Terrace, angled and facing west towards Mission Road.

Setback

The signs will be located approximately 10 feet from the back of curb.

Construction Materials

The sign panels will be constructed out of high density urethane with a medium brown, stucco finish background and raised, enamel lettering in white. The sign panels will be supported by stone columns on either side. The stone columns have already been constructed.

Illumination

Previously, the sign were illuminated from a source that was visible from the street. The proposed signs will be illuminated by the same source, but the applicant has indicated to Staff that landscaping will be used to obscure it from view.

Height

The proposed signs will be 45" tall, which is within the 5' maximum height permitted by Section 19.48.015.M.

Area

The proposed sign panels are 6'-3" in length and 2'-1" in height, approximately 13 square feet, which is within the 20 square feet maximum permitted by Section 19.48.015.M.

Landscaping

The applicant has submitted a landscape plan, and the plant selection is appropriate. The source of illumination is not identified on the landscape plan, but as mentioned above, the applicant has indicated that plant material will be used to screen it from view.

RECOMMENDATION:

After a review of the plans for the proposed signs, it is the recommendation of Staff that the Planning Commission approve the proposed subdivision identification signs for Paddock Court with the following conditions:

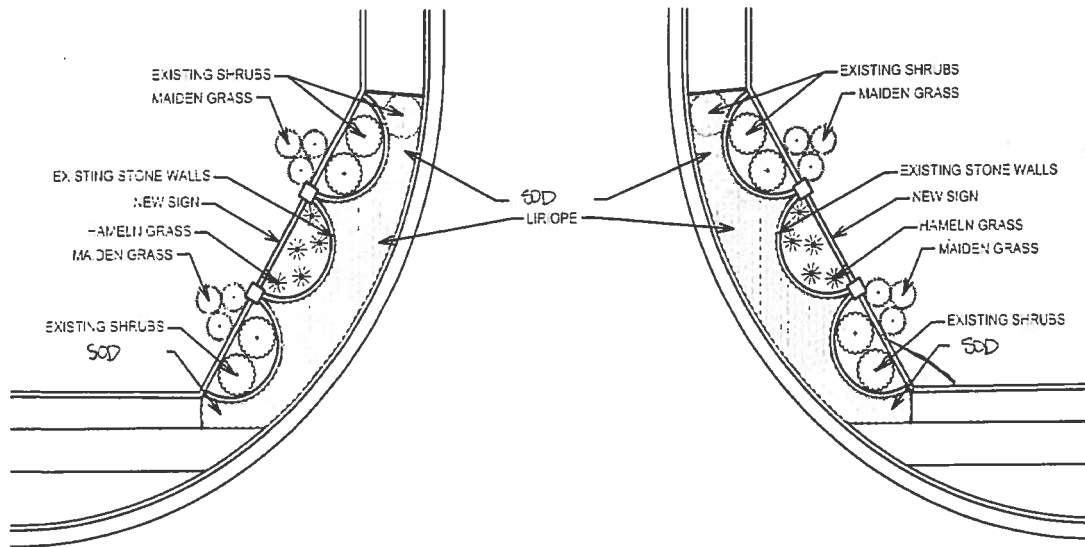
- 1) That the source of illumination will not be visible from the street or from any dwelling within the subdivision.
-



Previous Sign



Proposed Sign



Landscape Plan



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

Please complete this form and return with Information requested to:

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

For Office Use Only
Case No.: <u>PC 2013-121</u>
Filing Fee: <u>9/00</u>
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>9/10/13</u>

Applicant: "PADDOCK COURT SKIP KENDALL" Phone Number: 913-481-8493
 Address: 3712 W 79 Terr. E-Mail: SKENDALL@CS.COM

Owner: Paddock Court HOA Phone Number: 913-481-8493

Address: 79 Terr & Mission Rd Zip: 66208

Location of Property: 79 Terr & Mission Rd

Legal Description: 2 Signs for front entrance (North & South Side)

Applicant requests consideration of the following: (Describe proposal/request in detail) Sign "PADDOCK COURT" placed between already completed stone pillars

AGREEMENT TO PAY EXPENSES

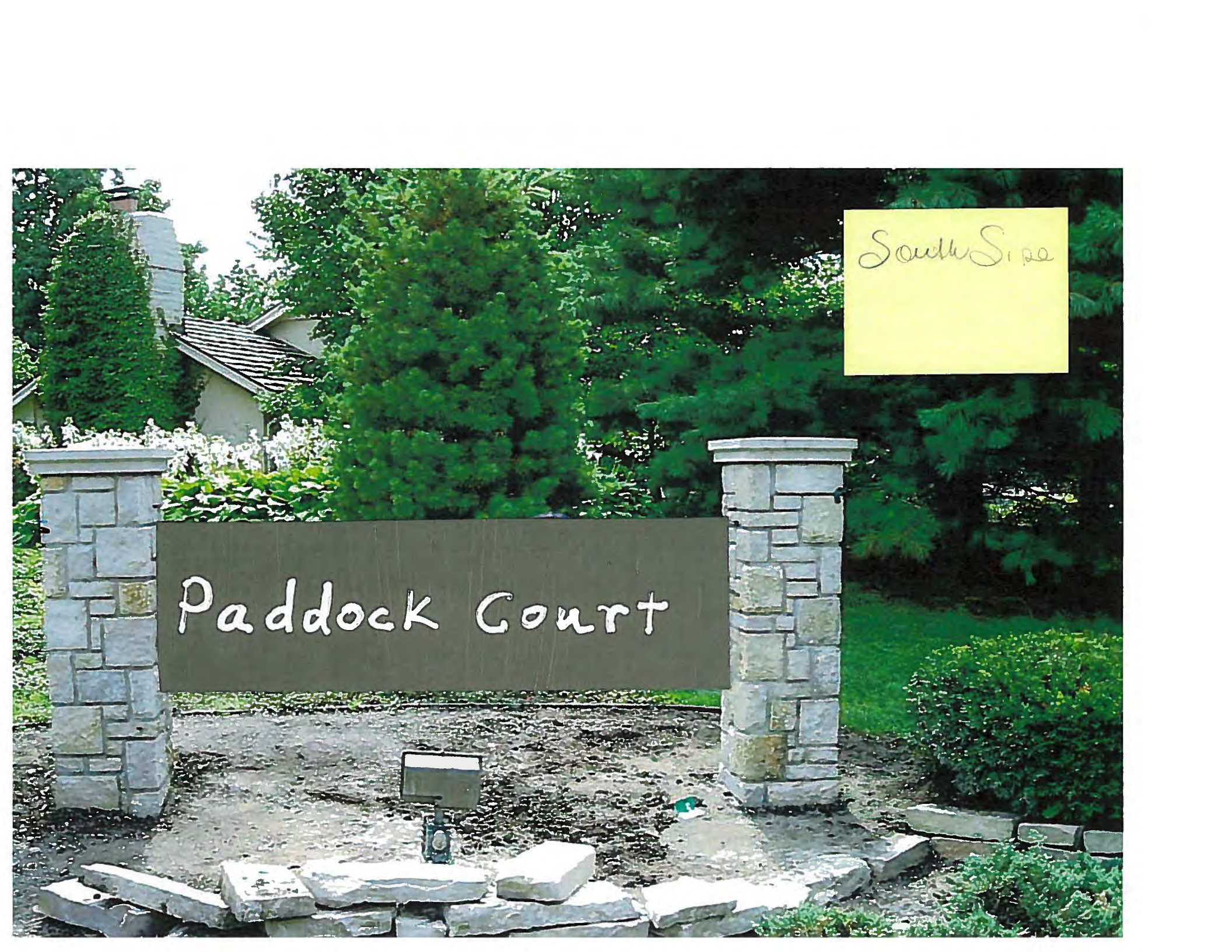
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Approval of sign.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

[Signature]
Applicant's Signature/Date

[Signature]
Owner's Signature/Date



Paddock Court

South Side

MEMORANDUM

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
SUBJECT: PC 2012-108 Hen House Site Plan, Corinth Square
DATE: September 10, 2013

At its regular meeting on June 4, 2013, the Planning Commission clarified the screening of RTUs on Hen House and required screening be installed on the west side of the building and that RTUs that extend above the screening be painted.

The Developer is requesting the Planning Commission to reconsider that requirement. They feel that the landscaping along Somerset Drive and the painting of the units they have already done provides more than sufficient screening.

Unfortunately, several of the pine trees appear to be dying and, therefore, the screening is light and may only be temporary. The metal screening on the north, south and east elevations of the building provides more permanent screening and even though it is not tall enough to screen all the RTUs it does help significantly.

The following is the information that was included in the June 4, 2013 Memorandum:

On June 5, 2012, the Planning Commission approved the Hen House Site Plan in Corinth Square subject to several conditions. Condition 6 was as follows:

6. 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.

It was discussed, but 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. 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.

RECOMMENDATION:

Staff has viewed the west elevation on site and is still of the opinion that providing screening on the west elevation the same as on the north, south and east elevations should still be required. The west elevation is the only side of the building that is across the street from residences.

Handouts: Photos









