

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, DECEMBER 3, 2013
**SHAWNEE MISSION EAST HIGH SCHOOL CAFETERIA*
7500 MISSION ROAD
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - NOVEMBER 5, 2013

III. PUBLIC HEARINGS

PC2013-11 Request for Special Use Permit for Adult Senior Dwellings
8500 Mission Road
Current Zoning: R-1a
Applicant: Joe Tutera with MVS, LLC

IV. NON-PUBLIC HEARINGS

PC2013-126 Site Plan Approval - Mission Chateau
8500 Mission Road
Zoning: R-1a
Applicant: Joe Tutera with MVS, LLC

PC2013-127 Preliminary Plat Approval - Mission Chateau
8500 Mission Road
Zoning: R-1a
Applicant: Joe Tutera with MVS, LLC

V. OTHER BUSINESS

Consider proposed amendment to add reapplication waiting period

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.**

PLANNING COMMISSION MINUTES
November 5, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 5, 2013, in the fellowship hall of 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; Danielle Dulin, Assistant to the City Administrator; Keith Bredehoeft, Public Works Director, Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present was Andrew Wang Council liaison.

APPROVAL OF MINUTES

The following corrections were made to the September 10, 2013 minutes:

- Page 2 - Bob Royer's address should be **7805** not 7005 Mission Road
- Page 4 - 3rd paragraph RP-1 Districts should be **"RP-1b Districts"**
- Page 20 - 2nd paragraph Paul Warbe should be **"Paul Wrablica"**

Randy Kronblad moved the approval of the Planning Commission minutes of September 10, 2013 with the corrections noted above. The motion was seconded by Nancy Vennard and passed 5 to 0 with Greg Wolf abstaining due to his absence at that meeting.

PUBLIC HEARING

Ron Williamson stated that the Governing Body has returned PC2013-08 - Request for Rezoning of the property at 3101 West 75th Street from R-1a to RP-1b for reconsideration specifically of the two requested deviations that were denied by the Planning Commission. The two deviations that were denied by the Planning Commission were a reduction in the rear yard setback from 25 feet to 20 feet and an increase in the lot coverage from 30% to 35%. Mr. Royer made a presentation to the Governing Body stating that in order to market the lots to builders they have been negotiating with, a larger footprint is needed. A motion was made by the Governing Body to approve the rezoning with all of the requested deviations; however, it failed to meet the two-thirds vote requirement to override the Planning Commission recommendation. The Governing Body then moved to return the item for reconsideration to the Planning Commission on the basis that there was no neighborhood opposition and Village Vision encourages higher density and intensity infill development.

Mr. Williamson noted the applicant has revised the preliminary development plan increasing the size of Lots 1 and 4 from 7,821 square feet to 8,811 square feet; increasing the size of Lots 2 and 5 from 7,821 square feet to 8,119 square feet; and decreasing the size of Lots 3 and 6 from 9,753 square feet to 9,405 square feet. The

primary reason for adjusting the lot sizes is to be able to provide three-car garages on Lots 1, 3, 4, and 6. The modification of the lot lines increases the area of Lots 1, 2, 4, and 5 which is positive regardless of whether the Commission approves the 35% lot coverage and the 20-foot rear yard setback.

Mr. Williamson stated after reconsidering the application, the Commission may resubmit its original application or submit a new or amended recommendation.

Robert Royer, 7805 Mission Road, stated the revised plans submitted to the Commission have incorporated the additional 10' right-of-way and show the proposed size and floor plan of houses on those lots. All six lots have the same floor plan with the four corner lots having three-car garages, instead of two-car garages. He has contacted two builders who are interested in building the homes if they are allowed to have the increased lot coverage of 35%. The builders do not feel the homes would be marketable under the required 30% maximum lot coverage.

Mr. Royer referenced Chapter 19.24 of the Prairie Village Code entitled "Planned Zoning Districts" which states the intention of planned zoning procedures is to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, and conservation of natural resources and minimum waste of land." The code (Section 19.24.010C) goes on to say "Deviations in yard requirements, setbacks and relationship between buildings . . . may be approved by the Planning Commission and City Council . . ." It further states (Section 19.24.010F), "The developer will be given latitude in using innovative techniques in the development of land not feasible under the application of standard zoning requirements. . ." Mr. Royer stated the width of the Mogren property is 224 feet making it unfeasible to incorporate the standard zoning requirements.

Chadwick Court meets the spirit and intent of the Code and of Village Vision which encourages neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes". Village Vision goes on to provide the following direction - "Improve the Development/Redevelopment Process"

- Encourage Appropriate Redevelopment
- Permit higher residential densities

Mr. Royer noted that once completed Chadwick Court would bring in approximately \$65,000 per year in tax revenue to the City with no additional cost to the city for road construction or maintenance.

Nancy Wallerstein questioned if the existing out building would be remaining and how many trees would be lost. Mr. Royer responded the plan was to remove the brush and small trees and retain, but trim back the larger trees.

Bob Mogren, owner of the property, noted he uses the shed/out building is used to store his lawn mower equipment and could be removed if that is the desire of the Commission.

Bob Lindeblad noted on the site plan lots 3 and 6 have the curb from the street clipping the corners of the garage. It doesn't work. Mr. Royer stated the intent of the site plan was to show the layout. This is a preliminary plan. They will make the necessary changes for the garages on the final plans. Mr. Lindeblad responded that he was more comfortable with the open space on the plan, but still feels the units are too big. Mr. Williamson stated it could be approved subject to having the necessary setback from the street or continue the item and require revised plans to be submitted..

Nancy Vennard stated that the previous plan only had two three-car garages. She doesn't see a need for three-car garages, especially when he has been asked to reduce the footprint. Smaller homes at a lower cost would have a much larger sales market. Mr. Royer responded their builders state that even empty nesters want three-car garages. He noted the need to have all the primary amenities on the first floor to accommodate the desires of empty nesters. He stated he would like to be able to offer homes at a lower cost; however, the cost to create the necessary infrastructure for the development alone is over \$100,000. Mrs. Vennard responded the people wanting three-car garages are moving south, they recognize for the convenience of the location and amenities Prairie Village offers, they will need to give up three-car garages. Very well designed homes with two car garages could be constructed within the guidelines of the Commission.

Nancy Wallerstein asked if they would be trimming the trees on the fence line and if the fence would be set back 20 feet as she felt this would interfere with the existing hedgerow which covers approximately 10 feet in width. She asked if the hedgerow was the property line and how far from the hedgerow would the fence be located. Mr. Royer responded - three feet.

Bob Lindeblad confirmed that the property had been surveyed and the trees are on their property. Bob Mogren responded that approximately 20% of the hedgerow will be removed as it consists of brush and dead trees.

Nancy Vennard asked if there was currently a fence on the property. Mr. Royer responded there is a four foot chain link fence on the property line that will be replaced with a six foot cedar fence.

Nancy Wallerstein asked if the trees on 75th Street would be preserved. Mr. Mogren responded those that are not dead will be preserved.

Bob Lindeblad asked if there would be any outdoor patio area that would extend into the 20 foot rear yard setback. Mr. Royer responded that it would be more of a courtyard space than a rear yard.

Bob Lindeblad asked if the neighbors were told there would be a five-foot reduction in the rear yard setback. Mr. Royer responded they were shown plans reflecting the 20 foot rear yard setback.

Chairman Ken Vaughn asked if there was anyone present to speak on this application. Being none, he closed the public hearing at 7:35 p.m.

Bob Lindeblad stated he is satisfied with the lot coverage being increased from 30% to 35%, but feels a better effort should have been made to look at plans that would accommodate the 25 foot rear yard setback. He would have liked to see more creativity and imagination in the development than the straight-line layout of six identical homes. Mr. Royer responded with the limitations of this site including a lot depth of 99 feet. The floor plans are to simply show what can be done. He, too, would like to see six unique customized homes.

Ron Williamson noted the final plans will need to be approved by the Planning Commission and more detailed drawings and facades can be addressed at that time.

Nancy Vennard stated she has a problem with the 20 foot rear yard setback especially on the east side. She does not feel 20 feet is sufficient for a rear yard. Mr. Royer stated these are not rear yards; they are courtyards of a low maintenance development. Ken Vaughn noted the development has the advantage of having the hedgerow screening the properties from the adjacent properties.

Nancy Wallerstein asked if the recommendation was changed if it would still require a two-thirds vote to override the Planning Commission recommendation. Mr. Williamson when an item is returned to the Governing Body only a simple majority is required to override the Planning Commission recommendation.

Randy Kronblad does not feel the proposed fence will be able to be located on the hedgerow and thus the 20 foot rear yard setback is not sufficient.

Randy Kronblad moved the Planning Commission return application PC2013-08 to the Governing Body recommending that the rezoning be granted subject to the revised replatting and with the following three deviations from ordinance requirements granted:

- 1) Reduce the front yard setback from 30 feet to 15 feet.
- 2) Increase the lot coverage from 30% to 35%.
- 3) Reduce the lot depth from 100 feet to 99 feet and that the required rear yard setback of 25 feet be retained.

The motion was seconded by Nancy Wallerstein and passed unanimously.

**PC2013-120 Request for Preliminary Plat Approval - Chadwick Court
3101 West 75th Street**

Ron Williamson stated 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. It was continued at the last meeting to this meeting pending approval by the Governing Body on the requested rezoning. It will need to be continued again.

Randy Kronblad moved the Planning Commission continue PC2013-120 until such time as the rezoning is resolved. The motion was seconded by Nancy Vennard and passed unanimously.

Chairman Ken Vaughn noted there was one routine non-public hearing application on the Commission's agenda and asked permission of the Commission to move that item up on the agenda for consideration prior to PC2013-11. The Commission agreed with the change in the agenda.

**PC2013-125 Request for Approval of Sign Standards
3520 West 75th Street**

Steve Chellgren, representing Big Industrial noted that a few years ago a monument sign was approved 3500 West 75th Street and would now like to place a similar sign at their building at 3520 West 75th Street. Before a monument sign can be constructed for a multi-tenant office building sign standards must be approved. They have submitted sign standards very similar to those approved for 3500 West 75th Street and after their approval will return to the Planning Commission for approval of a monument sign.

Danielle Dulin stated Windsor-Continental Investors, LLC owns both the office buildings at 3520 West 75th Street and 3500 West 75th Street and the proposed sign standards are very similar. However, Section II.G of the proposed sign standards do not allow roof mounted signs, the but building currently has a roof mounted sign on the awning above the entrance that will need to be removed to comply with the sign standards. Additionally, the proposed sign standards include standards for signs that will be included on the monument wall, but the application for this will be submitted under a separate later application that will reflect location of the sign as well as sign materials and design.

Bob Lindeblad moved the Planning Commission approve the proposed sign standards for 3520 West 75th Street (The Continental Building) subject to the following conditions:

- 1) That the roof mounted sign on the awning above the entrance be removed prior to the installation of any other signage.
- 2) That the applicant returns to the Planning Commission for approval of the design and location of the monument wall and this condition is added as item #6 to Section I of the sign standards.
- 3) That the applicant submit the revised sign standards to the City prior to obtaining any sign permit.

The motion was seconded by Nancy Wallerstein and passed unanimously.

**PC2013-11 Request for Special Use Permit for Adult Senior Dwellings
8500 Mission Road**

Chairman Ken Vaughn reviewed the procedure for the public hearing noting at each presenter will be given 30 minutes followed by public comment limited to three minutes per individual followed by a 15 minute rebuttal period for each the applicant and a representative of Mission Valley Neighborhood Association

John Petersen with Polsinelli, 6201 College Blvd., Suite 500, addressed the Commission on behalf of MVS, LLC stating that although only he and Joe Tuteru would be addressing the Commission, Randy Bloom and other members of the development team are present and available to answer any questions. Mr. Petersen stated they had a lot of supporters wanting to attend this hearing; however, he advised them their support would be presented and they didn't need to attend. To that point, Mr. Petersen stated they have 494 e-mails and 249 letters in support of the project being presented this evening.

Joe Tuteru, 7611 State Line Road, Suite 301, stated they have preserved the design elements while combining the skilled nursing facility and memory care facility into one building. The memory care facility has been relocated from a separate building to underneath the skilled nursing unit opening up more open green space. At the request of the neighbors who stated they did not want rental villas as the transitional element between their property and the main complex, they have created nine single family lots of more than 10,000 square feet each that generally line up with the property lines to the south. They will be owner occupied and will be custom built homes.

The Assisted Living and Independent Living structures have the same design elements as previously submitted, the streetscape along Mission Road was retained and they have been able to preserve the height of the structures, which for the most part are lower than the existing school on the property.

Mr. Tuteru reviewed a slide showing the location of the facilities and a comparison of heights of their facilities with the existing adjacent properties. The heights were very similar and the transition is from highest on the north end adjacent to the apartment projects to lower on the south end adjacent to the single-family dwellings.

The same level of stormwater retention and same parking ratios are reflected in this plan as in the previous plan. Mr. Tuteru presented the proposed site plan with an overlay of the existing school to provide a more clear comparison. They are proposing to use the same brick/stucco/stone design elements with a lowered roof line and the tops of the windows will be consistent with two story structures.

John Petersen noted this project is to be reviewed objectively following the criteria established by the City. He then presented a review of the project per the special use permit and code requirements. He believes the first criteria that the special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations is fundamental. He noted that standard measurement for residential development is that of units per acre. The square foot per acre measurement desired by the opponent is a commercial development measurement. The total land area required for the proposed use by ordinance is 237,400 square feet. The site area is 557,632 square feet (2.3 times greater than the proposed use). The setbacks are at least 3.5 times greater than what is required by code with the side yard setback on the north property line being 32 times greater. The maximum height allowed is 45' and the maximum height of the proposed development is

40'. Maximum net coverage allowed is 30% and the proposed lot coverage is 21.4%. Off-street Parking setbacks are more than twice that required by code.

In his presentation, Mr. Petersen referenced the staff report prepared by Ron Williamson, the City's Planning Consultant for his review of the special use permit requirements agreeing with the staff findings. In reference to the impact on neighboring properties, the Todd Appraisal which was submitted by the applicant and it was noted that in Johnson County almost all senior communities are located adjacent to single family residences and they work well together. He agrees with Mr. Williamson that through design, landscaping and setbacks the dominance of this project can be mitigated and will not hinder the development or use of adjacent properties.

The proposed plan has 316 parking spaces on site which exceeds the code requirements by 61 spaces. Mr. Petersen noted the screening elements in place to screen the view of parking from adjacent properties. There will also be a plan in place to address parking during special events. Staff and vendors will be prohibited from parking in the adjacent neighborhoods under condition #11 of the staff recommendation.

The storm drainage and traffic studies have been completed and submitted to city staff for review and approval. The city's professional staff has stated that in general the overall design is compatible with the area with the details of the design addressed during site plan review.

In addressing the Golden Factors, Mr. Petersen referenced the first factor - "The character of the neighborhood" is the defining factor. He stated neighborhood does not just include the one component of adjacent property owners. He quoted the staff report stating "the properties in the neighborhood around the proposed project range from high density apartments to high-end large lot single-family dwellings plus the office and business uses in Corinth South Center. The Mission Valley School site has served as a buffer between the high density and low density residential uses.

Chairman Vaughn advised Mr. Petersen that his time period was up.

Mr. Petersen closed stating this plan is consistent with the city's comprehensive plan "Village Vision". He noted that although the applicant is in agreement with the 14 conditions for approval recommended by staff for the special use permit and the 18 conditions for approval recommended on the site plan, they would like to have the opportunity to specifically address #2 on the special use permit and #17 on the site plan.

Gregory Wolf asked how the applicant envisioned the single family lots to be developed. Mr. Petersen responded they will be platted and open for sale to builders for development. He noted they have had builders already express interest in the lots.

Ron Williamson questioned why the size of the Memory Care/Skilled Nursing facility increased in size. Mr. Petersen responded the footprint of the Memory Care Unit will slide under the building design of the Skilled Nursing Unit and in doing so they need to add stairwells and open hallways and this change adds approximately 6,000 more

square feet that will have a minimal impact on the exterior but a significant impact on the interior. Joe Tintera added that approximately 2,500 to 3,000 of the additional square feet will be for the stairwells. They will continue to refine the actual dimensions through the final site plan approval process.

Chairman Ken Vaughn opened the public hearing for comment in support of the application. No one wished to address the Commission. Chairman Vaughn called upon John Duggan with the Mission Valley Neighborhood Association for his presentation.

John Duggan, Duggan Shadwick Doer & Kurlbaum, LLC, 11040 Oakmont, urged the Commission to protect his property owners' due process rights. He stated this application is an attempt to remove from his clients the ability to file a protest petition.

Mr. Duggan began his presentation with quotes from City Council members in their defeat of the previous application. He went on to state that the application being presented meets the requirements for a Mixed Use District and should be processed as such. However, he believes the new MVS application fails to comply with Kansas Law as the applicant has not complied with the City's zoning ordinance with respect to notice, and therefore, approval of the application would be invalid.

The City's code notice by mail to all "owners of lands located within two hundred feet, except public streets and ways." 20 days prior to the public hearing. The applicant did not exclude Mission Road when determining the property owners entitled to notice, thus a number of property owners within the 200 foot radius to the east were excluded from the calculation and not provided notice as required.

The applicant's refusal to recognize the south and southwest adjoining landowners' property rights to receive notice and in turn file a protest petition is premised on the hope that the City will find that "the area to be altered with a change in land use should include only the Assisted/Independent Living and SNK facilities and not the outer boundaries of the entire proposed Mission Chateau development. Mr. Duggan noted that under its previous application, the applicant agreed that the villa-style residences to the south were within the area proposed to be altered and thus afforded the adjoining property owners their right to file a protest petition. Mr. Duggan stated this application takes the inconsistent and disingenuous position that only the Assisted/Independent Living and SNF facility should be considered "the area proposed to be altered" under K.S.A. 12-757.

John Duggan continued noting the Kansas Supreme Court has specifically recognized the validity of a protest petition which measured the requisite distance requirement from the outer boundary of the lot, despite that only a limited portion of the lot was subject to a special use permit and provided several case references.

Mr. Duggan stated the staff report requires the platting the entire 18 acre property. The city's subdivision regulations do not contemplate the ability to subdivide property for the purpose of defeating a special use permit. He believes the proposed development cannot be approved in piecemeal fashion; at base, the entire "Mission Chateau Senior

Living Community” constitutes a planned mixed use development which must be considered as one application under zoning regulation 19.23. Any consideration by the City of this piecemeal application scheme would constitute invalid haphazard zoning enacted without any reasonable basis but for the advancement of MVS/ private interest in evading the adjoining property owners’ right to file a protest petition.

Mr. Duggan stated the applicant is seeking the City’s approval for an application to change the land use on the subject property from what was exclusively a public school to what would contain several uses: (1) single-family dwellings; and (2) a special use permit for senior adult dwellings and (3) nursing care or continuous health care services . . . on the premises that it is a subordinate accessory use. Despite assuring its potential residents a variety of uses in its senior living “campus”, the applicant is claiming - solely for purposes of avoiding he adjoining landowners’ right to file a protest petition - that the City must consider its special use permit application separate from its eventual plat approval for the single-family dwellings to the south and southwest.

The applicant proposes a variety uses on one common lot. The intent of the City zoning ordinance demands that it be reviewed as a single application for rezoning as a “MXD” Planned Mixed Use District. Mr. Duggan stated this is backhanded spot zoning to submit what is really a mixed use district project as a single family residential district project.

John Duggan also noted that this application interferes with the MVS,LLC lawsuit and that he City should abstain from action on the renewed application because MVS has removed the case from the jurisdiction of the City to the jurisdiction of the District Court through its appeal and any action from the City on the matter would interfere with the District Court proceeding. He believes by appealing the City’s decision, MVS has terminated the City’s power to reconsider MVS application for a Special Use Permit. Since the District Court now possesses jurisdiction over the matter, the City should avoid potentially-conflicting parallel litigation and abstain from acting on the MVS’ application for a special use permit.

Mr. Duggan was advised his 30 minute time limit was approaching. He stated this is not a new application and noted the earlier application that was defeated by the City Council, due to its size and density, is now bigger - 325,890 square feet. Mr. Duggan made a comparison between the proposed project and the Santa Marta project in Olathe. He advised the Commission that it may recommend denial based on only the aesthetics of the project as demonstrated by case law references provided by Mr. Duggan.

This is a very disappointing development of the most promising piece of land within the City of Prairie Village. Mr. Duggan urged the Commission to protect the City’s character and the rights of its residents and property owners. This development is not compatible with the adjacent single family residential properties that surround it and does not meet the required Golden Factors. Mr. Duggan stated common sense will tell you that this is a commercial development. He advised the Commission to take one of the following three actions:

- 1) Stay the proceedings until the lawsuit filed in the District Court is resolved
- 2) Deny the application
- 3) Make the corrections to the public notice and notification for appropriate due process.

Chairman Ken Vaughn called for a ten minute recess.

Chairman Vaughn reconvened the meeting at 9:10.

Bob Lindeblad asked that before the public hearing is continued for a response from the city's legal representative on whether the meeting was properly noticed.

David Waters, representing the City Attorney, stated the actual notice references the entire lot and the 12.8 acre site and generally complies with notice requirements with the legal description referenced. The standard practice of the City has been that the notice area is that immediately adjacent to the proposed "use change".

Bob Lindeblad asked if the legal description was on file at City Hall. Mr. Waters responded it was. Gregory Wolf confirmed it was Mr. Waters' opinion that proper notice was given. Mr. Wolf asked for a legal opinion on hearing this application while there was a pending lawsuit in District Court. Mr. Waters responded that this is a different application and the appeal of the previous application does not prohibit the applicant from pursuing other actions. He does not believe the city would be in violation to consider this application. Mr. Wolf asked what would happen if the District Court overturns the city's earlier decision. Mr. Waters responded it would be handed back to the City for action.

Nancy Vennard asked about the contention that this application should be filed as a rezoning for a mixed use district. Mr. Waters replied a mixed use district has totally different uses, i.e. residential, retail, restaurant, etc. not broader uses of a residential nature.

Randy Kronblad asked for clarification on the notification area. Ron Williamson responded that either the legal description or general application area can be used with the statement that plans are available for review. The statutes do not require publication of the legal description.

Bob Lindeblad confirmed it is the opinion of legal consul that the public hearing should be continued. Mr. Waters noted the case reference by Mr. Duggan was regarding an annexation and not applicable to this application.

Chairman Vaughn reopened the public hearing and called for public comment.

Steve Carman, 8521 Delmar, stated that he is within 200' of the 18 acre outer boundary and did not receive a notice. Mr. Carman reference the amendment to the City's comprehensive plan relative to this location and noted the numerous references in the plan to the input of the community. He noted he has attended all but one of the

community meetings and at all the meetings the common thread of the message was that this project was too large, too dense, and too tall and did not fit within the community. He noted at the end of the first meeting before the Planning Commission, Chairman Vaughn directed the applicant to work with the residents to find a plan that was acceptable to both parties. They have not.

David Waters stated he has re-examined the notice and recommends that the Commission continue this item to allow for legal staff to do further research on the issue.

Nancy Wallerstein moved the Planning Commission continue PC2013-11 to the December 3rd meeting to allow for legal staff to address the issues raised. The motion was seconded by Randy Kronblad. It was confirmed that if new notice is required, it can be done to allow for consideration by the Commission on December 3rd. It was recommended that both attorneys review the notice prior to its publication. Both attorneys agreed.

The motion to continue was voted on and passed unanimously.

NON-PUBLIC HEARINGS

**PC2013-126 Site Plan Approval - Mission Chateau
8500 Mission Road**

**PC2013-127 Preliminary Plat Approval - Mission Chateau
8500 Mission Road**

Bob Lindeblad moved the Planning Commission continue applications PC2013-126 Site Plan Approval and Preliminary Plat Approval for Mission Chateau at 8500 Mission Road to the December 3, 2013 Planning Commission meeting. The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

Consider 2014 Planning Commission Meeting/Submittal Schedule

Joyce Hagen Mundy reviewed the proposed 2014 meeting and submittal schedule following the scheduled first Tuesday of the month meeting date. She noted, in the past, the Commission has stated they were prefer not to meet on election days and the 2014 calendar has meetings on April 1st and November 4th which are both election days. Mr. Lindeblad stated he would rather not meet on election days.

Nancy Wallerstein moved to approve the schedule as proposed. The motion was seconded by Gregory Wolf and passed unanimously.

NEXT MEETING

The Secretary noted that at this time the City has received four applications for special use permits for the before/after school programs at the elementary schools and one site plan approval for a wall. Danielle Dulin announced that there may also be a site plan submittal for Westlake Hardware. The December meeting will be held at the cafeteria of Shawnee Mission East.

ADJOURNMENT

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 9:35 p.m.

Ken Vaughn
Chairman

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: December 3, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-11

Request: Special Use Permit for Adult Senior Dwellings

Property Address: 8500 Mission Road

Applicant: The Tutera Group

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

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

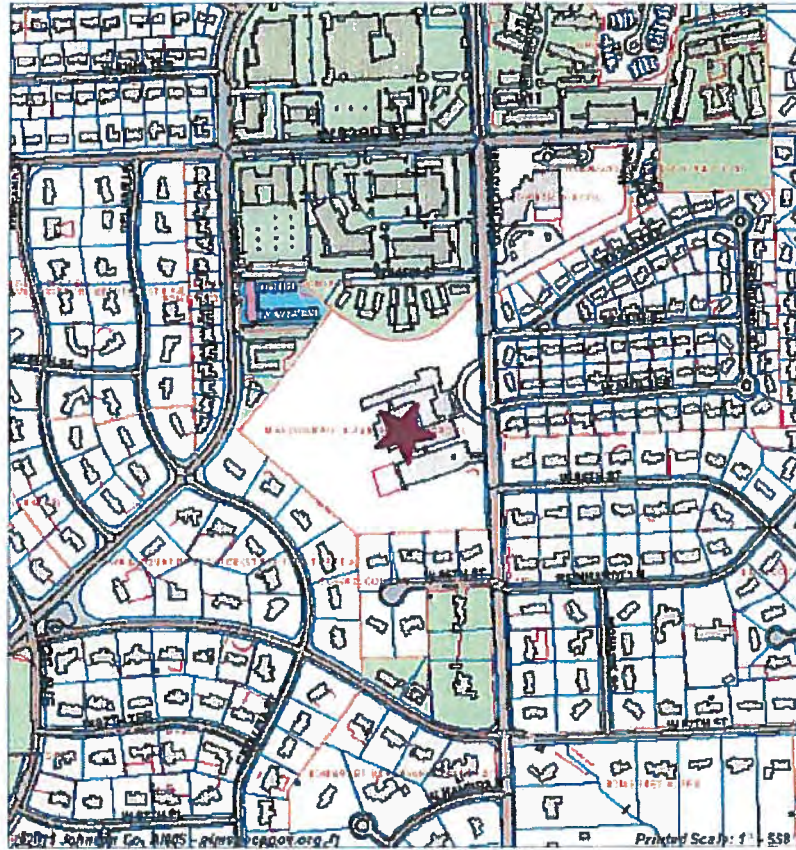
Legal Description: Meadowbrook Junior High School BLK 1 plus tract – Metes and Bounds

Property Area: 12.8 Acres or 557,632 sq. ft.

Related Case Files: PC 2013-126 Site Plan Approval for Adult Senior Dwellings
PC 2013-127 Preliminary Plat Mission Chateau
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2013-114 Site Plan Approval for Adult Senior Dwellings
PC 2004 Monument Sign
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

Attachments: Application, Photos, Plans

General Location Map



Aerial Map



COMMENTS:

This is a new submission for an Adult Senior Dwelling complex on the former Mission Valley Middle School site. The area of the Special Use Permit has been reduced from 18.4 acres to 12.8 acres from the previous submission. During the testimony on the previous application, the neighbors to the south and southwest objected to the rental Villas (duplexes) that were proposed along the south and southwest property line. The applicant has eliminated the Villas and proposed platting a single row of single-family lots facing a public street on this portion of the site. This area is proposed to be developed as traditional R-1A Single-Family lots and only requires platting. A Preliminary Plat has been submitted which proposes nine lots that range in size from 17,485 sq. ft. to 30,590 sq. ft. The minimum lot size in the R-1A District is 10,000 sq. ft. These lots are similar in width to those lots adjacent to the south.

The following is a comparison of the proposed plan with the previous plan:

UNITS	Plans Dated: July 30, 2013	Proposed Plan	
Independent Living Apartments	136	136	
Assisted Living Apartments	54	54	
Skilled Nursing Units	84	84	
Memory Care Units	36	36	
<u>Independent Living Villas</u>	<u>17</u>	<u>0</u>	
Total Units	327	310	
GROSS BUILDING SQ. FT.	Sq. Ft.		
Skilled Nursing/Memory Care	91,200	97,550	+6,350 sq. ft.
Assisted Living/Independent Living	228,340	228,340	0
<u>Independent Living Villas</u>	<u>38,500</u>	<u>0</u>	<u>-38,500 sq. ft.</u>
Total Gross Building Sq. Ft.	358,040	325,890	

The total square feet of the complex has been reduced by 32,150 sq. ft. or 8.9% because of the deletion of the Villas.

The Skilled Nursing/Memory Care building has changed. The proposed footprint is 31,800 sq. ft.; 97,550 total sq. ft. and it is three stories with 120 units. This compares to a 58,268 sq. ft. footprint, 91,200 total sq. ft., one and two stories with 120 units. The Memory Care portion of the project has been moved to the bottom floor of the Skilled Nursing facility and the two floors of the Skilled Nursing facility have been placed on top of the Memory Care facility increasing the building from two stories to three stories. By combining the Memory Care and Skilled Nursing facilities into one floor plan, the amount of open space increase, or the decrease in building footprint, is 26,468 sq. ft. Also the building sets back 317.5 feet from the original southwest property line as compared to 163 feet on the previous plan. The height of the three-story building to the ridgeline will be 38 feet, and in some locations 40 feet, as compared to 29.5 ft. on the previous two-story building. The calculated building height will not exceed the maximum height of 36 feet. The building height calculation by ordinance is the midpoint between the eave and the highest ridgeline. In those areas where the ridgeline is 40 feet the height is 36 feet and when the ridgeline is 38 feet the height is 35 feet as calculated by the ordinance. The three-story height also relates well to the taller apartments and condominium buildings to the west and north. A negative to the proposed plan compared to the previous plan is the increase of 6,350 sq. ft. of total floor area. By stacking the building into three floors, it would seem that there would be some economy of space in common use areas that would, in effect, reduce the total square footage of the building. Since the number of units is the same, the applicant needs to reanalyze the building to reduce the square footage or provide justification for the increase in size.

The Assisted Living/Independent Living facility is the same size and contains the same number of units as it did on the previous plan. It also has the same footprint of 81,365 sq. ft. and the total height is the same at a range of 36' – 40' with most being at 36 feet. The building is essentially in the same location as it was on the previous plan; however, it has moved a few feet closer to Mission Road.

The total footprint of all the structures is: SN/MCF, 31,800 sq. ft.; AL/ILF, 81,365 sq. ft. (17,000 sq. ft. + 64,365 sq. ft.); carports, 6,000 sq. ft.; for a total of 119,165 sq. ft. This is lot coverage of 21.4%, well below the maximum permitted of 30%.

Sidewalks on the proposed plan are 39,565 sq. ft. which is 4,100 sq. ft. less than the previous plan. It should be noted that the platting of single-family lots adjacent to the south and southwest property line will eliminate the pedestrian access to Somerset Drive. Staff has favored pedestrian access to Somerset Drive and this will need to be discussed on the plat for the single-family lots. The number of parking spaces provided is 316 reduced from 350 and the paved area for streets and parking is 117,745 sq. ft. reduced from 129,373 sq. ft. The 34 parking space reduction is due to the deletion of the 17 Villas that had two spaces each.

The area covered by buildings, sidewalks, streets and parking is 276,475 sq. ft. or 49.6% of the lot. It should be noted that the Preliminary Stormwater Management Plan for the previous application was based on 8.6 acres or 374,616 sq. ft. of impervious area which is significantly more than this plan.

In the previous proposal, the applicant had proposed three construction phases. Phase One being the Skilled Nursing/Memory Care facility; Phase Two the Assisted Living/Independent Living facility; and Phase Three the Villas. The Villas are no longer a part of the project and the applicant proposes to build both buildings at the same time.

The total number of residents for this proposed project is 378 compared to 412 on the previous submission.

The proposed Mission Chateau plan will provide 310 units on 12.8 acres for a density of 24.2 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
- Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

The proposed density on the previous plan was 17.8 units per acre which is an increase of 6.4 units per acre.

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 21.4% which is well below the 30% maximum for the R-1A zoning district.

The applicant held a neighborhood meeting for the revised plan on October 22, 2013 and approximately 60 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, parking, flooding, green space, compatibility with the neighborhood, density, public safety and construction disruption. A summary provided by the applicant is attached.

The Planning Commission shall make findings of fact on both the Golden Factors and factors set out in the Special Use Permit Chapter to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. No one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors 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:

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, section 19.28.070.1 of the zoning 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 total land area required for the proposed use is 68,000 sq. ft. + 169,400 sq. ft. for a total of 237,400 sq. ft. The site is 557,632 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance. At 700 sq. ft. per person, the site could potentially accommodate 796 residents.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Living/Assisted Living building sets back 107.5 ft. at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5 ft., but a corner lot is 15 ft. The north and south property lines are side yards and the setback requirements for the north property line is 5 ft. while the south property line abuts a proposed public street, 85th Circle, and that setback is 15 ft. The rear yard setback requirement is 25 feet and the northwest property line is the rear yard. The Skilled Nursing/Memory Care building sets back 91.8 feet 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 side yard setback requirement and therefore is permitted to build to a 45-foot height. The maximum calculated height of the buildings is 36' which is well within the height maximum.

The maximum lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 119,165 sq. ft. including the carports which is 21.4% lot coverage. Therefore, the proposed project is within the maximum requirements of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and 8 feet from all other property lines. Parking setbacks meet the minimum 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 191 less trips than the middle school, but the PM trips would increase by 14 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The Traffic Impact Study found that the traffic operations were acceptable. The main access drive has been designed to align with 84th Terrace and the proposed public street has been designed to align with 85th Street. The convenience to the public should be minimally impacted and the impact at peak times 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's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan.

The applicant has proposed a 35-foot wide landscape buffer along Mission Road. The landscape buffer will include a berm, plant materials and wall or fence sections to screen the parking lot from Mission Road.

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 eliminated 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 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 of what use the property is redeveloped for, except perhaps, another school. Since the applicant eliminated the Villas and is platting the south 200 feet of the site into a public street and single-family lots, some of the negative impact should be mitigated for the neighbors to the south and southwest.

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 310 units on 12.8 acres for a density of 24.2 units per acre. The density of the proposed project is higher but reasonably compares to the developed projects to the north and northwest. Even though it is higher in density there is significantly more green space on the site.

While there is high density to the north and northwest, the proposed development immediately to the south and southwest is low density single-family lots. Nine single-family lots are proposed along the south and southwest property lines of the project. The lots range in size from 17,485 sq. ft. to 30,590 sq. ft. These lots will face a public street and the proposed senior dwelling development. From a land use perspective it is preferable that similar uses face each other and different uses are back to back. An ideal design would be for 85th Circle to be double loaded with single-family lots on both sides. The lots on the north side would then back into the senior housing project. However, since the senior housing project and single-family lots are being developed at the same time, people purchasing these lots will know what type of development will occur across the street.

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.

Two appraisal reports, both prepared by licensed appraisers, have been submitted to address the impact on adjacent properties and the following is a brief summary of those reports.

An 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.

An updated appraisal report was also submitted by Dillon and Witt, Inc. for Steve Carmen, a property owner, on Delmar Lane. In his opinion the addition of the single-family lots along the south and southwest border of the site are helpful but they do not change the fact that a high density, multi-story facility will be built in close proximity to the existing single-family residences. In his opinion, the proposed project represents an external obsolescence which will result in a nominal negative impact on the market value of the homes of 3% to 5%.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the value 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 on the morning peak hours will be less for this project than it was for the school, while the afternoon peak hours will be slightly greater.

The size of the revised project is 325,890 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 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 two buildings will be on the northern portion of the property, closer to the two- and three-story apartment buildings and condominiums. The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium.

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

The applicant submitted a detailed landscape plan with the submission that provides screening for the proposed low density residential lots to the south. The applicant proposes to retain the

existing plant materials along the northwest property line 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.

In summary, property around the proposed project for the most part 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 applicant projects the maximum shift would have 85 employees. The total parking requirement would be 255 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 316 spaces on the site which is 61 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.

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 adjacent to the proposed street will be screened with landscaping. Parking along the northwest property line is screened by the existing vegetation along the property line; however, 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 of the proposed single-family lots. 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. Three BMP areas will be built on the south side of the proposed project. 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 one access driveway point which will be in alignment with 84th Terrace on the east side of Mission Road. The access point will have an entrance and two exit lanes. The 84th Terrace access will be the main entrance to the project. A public street, 85th Circle, is proposed to be dedicated in alignment with 85th Street to serve the single-family lots. It is proposed to provide two access points to Mission Chateau.

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 191 trips during the AM peak and the PM peak will increase 14 trips compared to what existed with the school. It should be pointed out, however, that the average daily traffic will increase from an estimated 810 trips per day for the Middle School to 1075 trips per day for the proposed development

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.

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. The applicant proposes to develop large lot single-family dwellings immediately adjacent the south boundary of Mission Chateau. Further 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 in the neighborhood around the proposed project range from high density apartments to high-end large lot single-family dwellings plus the office and business uses in Corinth South Center. The Mission Valley School site has served as a buffer or transitional area 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 and vacant
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 upon approval 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 proposed application is for senior housing dwellings with a Skilled Nursing/Memory Care facility as a subordinate use.

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 and its consultants. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors. The Villas have been eliminated from the plans and the proposal shows nine single-family dwellings abutting the south and southwest property lines with a public street. This provides an additional 200 ft. buffer between the existing single-family homes and the proposed senior housing project.

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. The neighborhood will lose the open green space they have enjoyed for many years. The height and mass of the building are concerns; however, that concern is mitigated to a degree by the row of single-family lots adjacent to the south boundary of Mission Chateau. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 97,550 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 two proposed buildings 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 maximum height to the ridgeline of most of the Independent Living/Assisted Living building is 36 feet even on the three-story portion. There are a few areas where the roof ridgeline is 40 feet but they are very limited. The roof ridgeline of the Skilled Nursing/Memory Care building is 38 feet for the most part, but a few areas are at 40 feet. It should be noted again that the Skilled Nursing/Memory Care facility is now proposed to be three-story compared to one- and two-story on the previous proposal. The building is taller but the footprint is reduced significantly providing

more open space. This height is similar to many single-family homes in Prairie Village; however, the mass of the building is much greater.

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 or redeveloped within 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 proposed 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, 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 than the previous plan, so the traffic impact will be somewhat less.
 - b) A Stormwater Management Plan was prepared by the applicant, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the proposed plan is less than the previous plan and should not increase stormwater runoff.
 - c) The density of development is 24.2 units per acre which is in the mid-range 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 so it is greater but not significantly.
 - d) The applicant has proposed a row of single-family lots along the south and southwest property lines adjacent to the low density single-family residences. This provides a transition from low density in the south to higher density in the north. The single-family lots are not a part of the Special Use Permit application but the land is owned by the applicant.
 - e) The major buildings set back from the property lines as shown on Sheet C1, dated October 4, 2013.
 - 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, 6.45 acres of the 12.8 acres will be green space when the project is completed, though only a portion will be useable open space.
 - h) The design of the Skilled Nursing/Memory Care facility should be reanalyzed to reduce the square footage to at least the previous proposal.
 - 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 on the Independent Living/Assisted
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Living building. Most of the three-story area will be 36' in height. The Skilled Nursing/Memory Care facility will also be three-story and the maximum height to the roof peak will be 40 feet. The density of the project is reasonable for the size of the land area. The mass and scale of the buildings are still very large, but the building design will reduce the appearance of mass.

- j) The applicant proposes to build both buildings at the same time rather than phasing as proposed in the previous submittal and this condition needs to be 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, office and retail 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 prepared 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 held a number of meetings with area neighbors on the original application 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 310 units on 12.8 acres of land for a density of 24.2 units per acre which is about the same as the apartments and condominiums on the northwest, but much greater than the single-family dwellings to the east, south and southwest. The applicant has proposed a public street and a row of single-family lots along the south to provide a distance buffer for the adjacent single-family residences.

The proposed developer has met with the surrounding neighbors and has discussed 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. Some residents have suggested that the development will significantly increase municipal service demands to the site. City Staff has examined other similar facilities and their service demands and has determined that the project will not significantly increase City service demands nor require the hiring of additional staff and the purchase of additional equipment.

RECOMMENDATION:

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

1. That the Senior Dwelling project be approved for a maximum of 84 Skilled Nursing Units; 36 Memory Care Units; 136 Independent Living Units; and 54 Assisted Living Units. The maximum number of residents shall not exceed 378.
2. That the applicant reanalyze the design of the Skilled Nursing/Memory Care facility and reduce its square feet to at least 91,200 sq. ft.
3. That the project not exceed the building height or square footage and the buildings shall not be setback closer to the property lines than shown on the plans dated October 4, 2013.
4. 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.
5. 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 Living/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.
6. Upon approval of the Special Use Permit, the applicant shall prepare a final landscape plan for the entire project which shall be reviewed and approved by the Planning Commission and the Tree Board.
7. That the applicant relocate the pedestrian crosswalk and signal if required by the City.

8. That the applicant plat the property in accordance with the subdivision regulations and record the final plat prior to obtaining a building permit including the nine single-family lots adjacent to the south boundary of the application area.
 9. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
 10. That the applicant submit a final outdoor lighting plan after building plans have been finalized for review and approval by Staff prior to obtaining a building permit.
 11. That the applicant provide adequate guest parking on holidays and special events so that parking does not occur on public streets in residential areas including 85th Circle.
 12. That the minimum parking shall be established by the drawing dated October 4, 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. If additional on-site parking is proposed, the applicant shall submit an amended Site Plan for review and approval by the Planning Commission.
 13. That the trails and sidewalks will be open to the public, but the owner may establish reasonable rules for its use and hours of operation.
 14. 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.
-

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2013-11

Filing Fees: \$100

Deposit: \$500



Date Advertised: _____

Date Notices Sent: _____

Public Hearing Date: 11/5

APPLICANT: MVS, LLC / Joe Tutera PHONE: 816.444.0900

ADDRESS: 7611 State Line Rd. Ste. 301 E-MAIL: JCT@Tutera.com
Kansas City, Mo 64114

OWNER: same PHONE: _____

ADDRESS: _____ ZIP: _____

LOCATION OF PROPERTY: 8500 Mission Rd.

LEGAL DESCRIPTION: See Attached

ADJACENT LAND USE AND ZONING:

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

Present Use of Property: Vacant Middle School

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

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

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

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

If Yes, what length of time? Indefinite

SIGNATURE: Joe Tutera

DATE: 10/4/13

BY: Joe Tutera

TITLE: Manager, MVS, LLC

Attachments Required:

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

The Legal Record

PO Box 273
Olathe, KS 66051-0273
(913) 780-5790

Publication Fees: \$49.26

CITY OF PRAIRIE VILLAGE
7700 MISSION RD
PRAIRIE VILLAGE KS 66208-4230

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Pam Rogers, of lawful age, being first duly sworn,
deposes and says that she is Legal Notices Billing Clerk
for The Legal Record which is a newspaper printed in
the State of Kansas, published in and of general paid
circulation on a weekly, monthly or yearly basis in
Johnson County, Kansas, is not a trade, religious or
fraternal publication, is published at least weekly fifty
(50) times a year, has been so published continuously
and uninterrupted in said County and State for a period
of more than one year prior to the first publication of the
notice attached, and has been entered at the post office
as Periodicals Class mail matter. That a notice was
published in all editions of the regular and entire issue
for the following subject matter (also identified by the
following case number, if any)

for 1 consecutive week(s), as follows:

HEARING - APPLICATION PC2013-11
11/12/13



Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

November 13, 2013



Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2013

L45116

NOTICE OF HEARING
First published in The Legal Record, Tuesday, November 12, 2013.
CITY OF PRAIRIE VILLAGE, KANSAS
NOTICE OF HEARING

The Planning Commission of the City of Prairie Village, Kansas will hold a Public Hearing at its regular meeting on Tuesday, December 3, 2013, at 7:00 p.m. in the Cafeteria of Shawnee Mission East High School, 7500 Mission Road, Prairie Village, Kansas. The subject of the Public Hearing is:

APPLICATION PC 2013-11 Proposed Special Use Permit as applied to a portion of the property at 8500 Mission Road for the operation of an Adult Senior Dwelling project to provide senior independent living, assisted living, skilled nursing and memory care on 12.8 acres.
Zoning: R-1a
Applicant: Joe Tintera with MVS, LLC

The Special Use Permit property is legally described as follows: All that part of Block 1, Meadowbrook Junior High School, a subdivision in the Southeast Quarter of Section 28, Township 12 South, Range 25 East, in the City of Prairie Village, Johnson County, Kansas, described as follows:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 28, Township 12 South, Range 25 East; thence North 0 degrees 00 minutes 00 seconds East along the East line of the Southeast Quarter of said Section 28 a distance of 1133.57 feet to a point; thence South 90 degrees 00 minutes 00 seconds West a distance of 42.00 feet to a point on the West right of way line of Mission Road, the POINT OF BEGINNING; thence continuing South 90 degrees 00 minutes 00 seconds West a distance of 129.04 feet to a point; thence in a Southwesterly direction along a curve to the left, having a radius of 279.00 feet, through a central angle of 15 degrees 44 minutes 34 seconds, an arc distance of 76.66 feet to a point of reverse curvature; thence along a curve to the right, having a radius of 121.00 feet, through a central angle of 15 degrees 42 minutes 19 seconds, an arc distance of 33.17 feet to a point; thence South 89 degrees 57 minutes 45 seconds West a distance of 216.17 feet to a point; thence in a Northwesterly direction along a curve to the right, having a radius of 121.00 feet, through a central angle of 43 degrees 48 minutes 33 seconds, an arc distance of 92.52 feet to a point; thence North 46 degrees 13 minutes 42 seconds West a distance of 582.54 feet to a point; thence in a Northeasterly direction along a curve to the left whose initial tangent bears North 41 degrees 47 minutes 07 seconds East, having a radius of 5770.00 feet, through a central angle of 4 degrees 49 minutes 48 seconds, an arc distance of 486.41 feet to a point; thence South 53 degrees 05 minutes 05 seconds East a distance of 158.00 feet to a point; thence in a Southeasterly, Easterly and Northeasterly direction along a curve to the left, having a radius of 300.00 feet, through a central angle of 79 degrees 33 minutes 50 seconds, an arc distance of 416.60 feet to a point; thence North 47 degrees 21 minutes 05 seconds East a distance of 190.18 feet to a point on the West right of way line of Mission Road; thence South 0 degrees 00 minutes 00 seconds West along the West right of way line of Mission Road a distance of 850.53 feet to the POINT OF BEGINNING and containing 557,638 Square Feet or 12.802 Acres, more or less.

MVS, LLC is proposing to construct an Adult Senior Dwelling project that will provide for senior independent living, assisted living, skilled nursing and memory care on 12.8 acres. The proposed total buildings square footage is 325,890 square feet with building footprints of 119,165 square feet for lot coverage of 21.4%.

The proposed project will provide 136 independent living units, 54 assisted living units, 84 skilled nursing units, 36 memory care units for a total of 310 units which will accommodate approximately 378 residents.

At the time of the scheduled public hearing, all interested persons may present their comments. Prior to the date of the scheduled hearing, plans, drawings, additional information, and a complete copy of the legal description regarding the proposed Special Use Permit are available for public inspection in the Office of the Secretary of the Planning Commission at the Municipal Building. Comments may be submitted in writing to the Planning Commission addressed to the City of Prairie Village, 7700 Mission Road, Prairie Village, Kansas 66208. If you have a disability and need assistance to participate in any city meeting or program, contact the City Clerk at 381-6464 or TDD 1-800-766-3777.

Ken Vaughn
Chairman
11/12

AFFIDAVIT

STATE OF KANSAS)
) SS:
 COUNTY OF JOHNSON)

Amy L. Grant, being duly sworn upon her oath, being of sound mind and legal age deposes and states:

1. That she is an agent for the owner of the property described in the attached notice upon which an application for Special Use Permit has been filed before the City Planning Commission of the City of Prairie Village, Kansas.
2. On the 22nd day of October, 2013 a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission.
3. That on the 12th day of November, 2013, I did comply with notification requirements to landowners as stated in K.S.A. 12-757(b) and Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail, return receipt to all owners of land located within 200 feet of the described real property. Notice was mailed to the following: See attached **Exhibit A**.
4. In addition to the required notice referenced in item 3, and though not required by applicable law, courtesy notices were also sent to those addresses listed on **Exhibit B**.

Amy Grant
 Name Amy Grant

Subscribed and sworn to before me this ^{22nd} 12th day of November, 2013.

Judith L. Hunt
 Notary Public

My Commission Expires:



913-234-7401
Phone

NOTICE TO PROPERTY OWNERS

PLANNING COMMISSION

PRAIRIE VILLAGE, KANSAS

November 12, 2013

Application No. PC 2013-11

An application for a Special Use Permit, as applied to a portion of the property at 8500 Mission Road, has been filed by MVS, LLC and would authorize the operation of an Adult Senior Dwelling project including independent living, assisted living, skilled nursing and memory care uses on 12.8 acres of property legally described as follows:

All that part of Block 1, Meadowbrook Junior High School, a subdivision in the Southeast Quarter of Section 28, Township 12 South, Range 25 East, in the City of Prairie Village, Johnson County, Kansas, described as follows:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 28, Township 12 South, Range 25 East; thence North 0 degrees 00 minutes 00 seconds East along the East line of the Southeast Quarter of said Section 28 a distance of 1133.57 feet to a point; thence South 90 degrees 00 minutes 00 seconds West a distance of 42.00 feet to a point on the West right of way line of Mission Road, the POINT OF BEGINNING; thence continuing South 90 degrees 00 minutes 00 seconds West a distance of 129.04 feet to a point; thence in a Southwesterly direction along a curve to the left, having a radius of 279.00 feet, through a central angle of 15 degrees 44 minutes 34 seconds, an arc distance of 76.66 feet to a point of reverse curvature; thence along a curve to the right, having a radius of 121.00 feet, through a central angle of 15 degrees 42 minutes 19 seconds, an arc distance of 33.17 feet to a point; thence South 89 degrees 57 minutes 45 seconds West a distance of 216.17 feet to a point; thence in a Northwesterly direction along a curve to the right, having a radius of 121.00 feet, through a central angle of 43 degrees 48 minutes 33 seconds, an arc distance of 92.52 feet to a point; thence North 46 degrees 13 minutes 42 seconds West a distance of 582.54 feet to a point; thence in a Northeasterly direction along a curve to the left whose initial tangent bears North 41 degrees 47 minutes 07 seconds East, having a radius of 5770.00 feet, through a central angle of 4 degrees 49 minutes 48 seconds, an arc distance of 486.41 feet to a point; thence South 53 degrees 05 minutes 05 seconds East a distance of 158.00 feet to a point; thence in a Southeasterly, Easterly and Northeasterly direction along a curve to the left, having a radius of 300.00 feet, through a central angle of 79 degrees 33 minutes

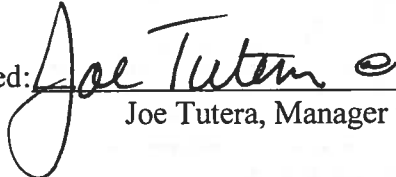
50 seconds, an arc distance of 416.60 feet to a point; thence North 47 degrees 21 minutes 05 seconds East a distance of 190.18 feet to a point on the West right of way line of Mission Road; thence South 0 degrees 00 minutes 00 seconds West along the West right of way line of Mission Road a distance of 850.53 feet to the POINT OF BEGINNING and containing 557,638 Square Feet or 12.802 Acres, more or less.

The property is located in an R-1a Zoning District.

A public hearing will be held by the Planning Commission on Tuesday, December 3, 2013 at 7:00 p.m. in the Cafeteria of Shawnee Mission East High School, 7500 Mission Road, Prairie Village, Kansas, at which time you may appear, if you so desire, either in person and/or by attorney.

The hearing of this application is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owner who, for any reason, has failed to receive a copy, it would be appreciated if you would inform them of this public hearing. Any interested property owners are invited to attend.

Copies of the proposed plan and complete legal description are available for public inspection at the Office of the Secretary of the Planning Commission at the Municipal Building located at 7700 Mission Road, Prairie Village, Kansas. At the time of the scheduled public hearing persons interested may be present, or may submit their comments in writing to the Planning Commission prior to the date of the scheduled hearing.

Signed:  _____
Joe Tutera, Manager for MVS, LLC

JOHNSON COUNTY PUBLIC NOTICES

Native Kansan among 12 on stamp

By JEFF BARNARD

Native Kansan Bob Maxwell was an infantryman in France in 1944 helping set up a command post when it was attacked by German soldiers. During the fighting, he instinctively dropped on a grenade in the dark, protecting his fellow soldiers.

The blast cost him much of his right foot, and the selfless act of bravery earned him the Medal of Honor. At 93, he is the nation's oldest living recipient of the highest military honor.

On Nov. 8 in Bend, Ore., where he now lives, Maxwell was presented a special commemorative set of postage stamps honoring the few surviving Medal of Honor recipients from World War II.

The stamp folio includes images of the Army and Navy versions of the medal, and photos of 12 of the 464 who received the honor for fighting in World War II. Maxwell is one of eight people who are still living. Maxwell says he feels his life was spared "by divine providence," for some purpose.

"I've been spending the 60 or 70 years since then trying to figure out what the purpose is," he said. "My main philosophy in life is to be a soldier. If you look in the dictionary for the definition of a soldier, the first one in the dictionary I have says it is one who serves."

After his discharge, he moved to Oregon and learned auto mechanics on the GI Bill. Before getting married, he "wore out three motorcycles," then spent much of his life teaching auto mechanics.

In recent years, he has focused on helping other veterans. He is a member of the local group Band of Brothers, which has outfitted a van to provide medical care to homeless vets, and a director of Honor Flight, which helps World War II vets visit the World War

II memorial in Washington.

"I owe the country a great debt because of the freedoms it has given us, and for the perks I received personally from receiving the medal," he said. "There is a debt I can never pay back."

Maxwell grew up on a farm in Kansas during the dustbowl and was logging in Colorado when he was drafted. Despite his grandfather's Quaker beliefs, he wanted to fight for his country. He was shipped as a replacement to the 3rd Infantry Division outside Casablanca, Morocco, where he was assigned to set up telephones for a headquarters company.

After recovering from wounds in the invasion of Italy, he was stringing telephone wire on Sept. 7, 1944, to a house in Besancon, France, when the enemy opened fire with an anti-aircraft gun and explosive rounds blasted the roof tiles at his feet. He jumped to the ground and took cover with three other men behind a wall. In the dark, he heard a grenade land nearby.

"I started to feel around for it to see if I could find it and throw it back," Maxwell said. "I didn't have enough time. I dropped where it was," using his blanket to help muffle the blast.

When he awoke, most of the others had gone, but his platoon leader was still there, and helped him hobble to safety.

The three others with him were uninjured. Besides his foot, Maxwell suffered wounds to his left arm and was grazed in the head.

"There is no way to explain it," he said of his actions. "I'm not sure what it is. It's not like charging up a hill with a flamethrower and wiping out pillboxes. A lot of thought has to go into that. This event was occurring over a period of 3 to 4 seconds."

NOTICE OF HEARING

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Zoning: R-1e
Applicant: Joe Tutera with MVS, LLC

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Ken Vaughn
Chairman
11/12

BACK ISSUES ARE AVAILABLE CALL 913-780-5790

REQUEST FOR PROPOSALS

First published in The Legal Record, Tuesday, November 12, 2013.

REQUEST FOR PROPOSALS

For PROFESSIONAL ENGINEERING SERVICES

The City of Prairie Village is requesting consultant proposals for the following:

Type of Work	Consultant Task	Project
Street and Drainage Design Services 2014 to 2016	Design	Yearly CIP Projects- Include Street, CDBG, CARS, and Drainage Projects

The City of Prairie Village is looking for an engineering firm to provide design services for the next three years. Other tasks and projects may be included as the need arises. Project will be scoped individually and fees determined for each. Interested parties may obtain a copy of the Draft Agreement (which contains a general scope of services) for the RFP including a copy of the consultant proposal scoring sheet from the Public Works Department. Please note that the scope of work could change from what is currently shown but the type of work is expected to remain the same. Proposals (5 copies) will be accepted by the City Clerk, City of Prairie Village, 7700 Mission Road, Prairie Village, Kansas, until 3:00 PM on Wednesday, December 4, 2013.

The proposal shall be no more than five total pages (front and back) and should contain statements describing your firm's understanding and abilities to perform this type of work. It should also contain your firm's experience, staff capabilities, references for the last three years for similar work, comments relative to the draft agreement, and a statement as to why your firm should be considered by the City.

After reviewing the proposals, the City will select those firms who will make oral presentation to the City. Based on the oral interviews, the City will select the firm best qualified to provide the requested services. No fees will be discussed during the selection process.

Please direct questions to Keith Bredehoeft, Public Works Director, kbredehoeft@cvkansas.com or 913-385-4842.

The City reserves the right to reject any or all proposals and to waive any informalities or irregularities therein. No proposal may be withdrawn within a period of thirty (30) days from and after the date fixed for receiving the proposals.

Joyce Hagen Mundy, City Clerk
11/12

More than 500 tarantula breeds found in Kansas

Experts say Kansans don't need to be worried about the healthy population of tarantulas found in parts of the state, particularly in the southern tier of counties.

The large, hairy spiders are often depicted as dangerous but Jim Mason, of the Great Plains Nature Center, said the spiders are generally docile. Tarantulas rear up on their back legs when they are annoyed, giving plenty of warning to humans, he said.

"They're really pretty neat critters," he said. "They're the largest spider in Kansas, and they are capable of biting, but you really have to provoke them to get that type of a reaction."

Fatal tarantula bites are extremely rare but the bites can be painful. The bites usually produce a localized reaction that goes away in a few days.

Hank Guarisco, a Lawrence-based independent arachnid researcher, said more than 500 species of spiders live in Kansas but probably only one common breed of tarantula called Texas browns. Their habitat ranges from northern Texas and Louisiana into Kansas and Missouri.

Most of the state's tarantulas live in southern counties but stretch north as far as Gove and Trego counties in the west. They're especially common in the Red

Hills near Medicine Lodge, according to Ken Brunson of the Nature Conservancy of Kansas. Other solid populations are found in southeast Kansas, especially Chautauqua and Elk counties. Guarisco said some scientists believe the tarantulas range may be moving north in Kansas.

Male tarantulas found in Kansas can grow to about 5 inches but females are smaller. Females can live 20 or more years, while males generally die after only a few years.

The best time to see tarantulas in Kansas is mating season in September.

"There are stories of mass migrations across roads, but I have not been lucky enough to see one," Guarisco said. "I have seen a dozen or more on a small stretch of road just north of Sedan."

Brunson said tarantulas in Kansas normally live in burrows they line with silk they've made. They survive by eating insects.

The spiders generally don't have trouble surviving a Kansas winter, Guarisco said, because they have a type of natural antifreeze in their blood.

"They can survive well below freezing," he said. "As long as they're under a shelter, even snow. They're pretty hardy that way. It's just amazing stuff." —AP

EXHIBIT A

Mission Chateau 072868-449966
 200 Ft list for Public Hearing Notice List
 (Created 11/12/13)

Company
HP64000000 0081
Matthew L. Kerr Catherine C. Kerr 3609 W. 85 th St Leawood, KS 66206
OF251228-4025
CSS Retail Partners, LLC 8300 Mission Rd Prairie Village, KS 66206
CSS Retail Partners, LLC 3955 W. 83 rd St Prairie Village, KS 66208
OF251228-4024
William and Vicki Wilt Living Trust William G. Wilt, Trustee Vicki L. Wilt, Trustee 8449 Somerset Dr Prairie Village, KS 66207
OF251228-4026
Prairie Property LL, LLC 3917 W. 84 th St Prairie Village, KS 66207
Prairie Property LL, LLC 1628 JFK Blvd, #1600 Philadelphia, PA 19103
OF251228-4009
Somerset Apartments, L.L.C. 8401 Somerset Dr Prairie Village, KS 66207
Somerset Apartments, L.L.C. 411 Nichols Rd #245 Kansas City, MO 64112
OF251228-4010
William and Vicki Wilt Living Trust William G. Wilt, Trustee Vicki L. Wilt, Trustee 8451 Somerset Dr Prairie Village, KS 66207
OP06000001 0003
Edson Ludwig Leonice Ludwig 3800 W. 83 rd Ter Prairie Village, KS 66208

OP0600003 0022
Deogracias D. Diego Cecilia Diego 5111 Gemsbuck Chase San Antonio, TX 78257
Deogracias D. Diego Cecilia Diego 8415 Mission Rd Prairie Village, KS 66207
OP0600003 0021
Casey Liddle Melissa Liddle 3808 W. 84 th Ter Prairie Village, KS 66206
OP06500001 0000D
Corinth School 32 Trustees 8301 Mission Rd Prairie Village, KS 66206
Corinth School 32 Trustees Corinth Elem #111 Unified School Dist #512 7235 Antioch Rd Overland Park, KS 66204
OP06000001 0032
Martha Mick 3807 W. 84 th Ter Prairie Village, KS 66206
OP06000003 0001
Helen M., Trustee Susan Laing-Nesslein, Trustee 8712 Catalina St Prairie Village, KS 66207
Helen M. Laing, Trustee Susan Laing-Nesslein, Trustee 8401 Mission Rd Prairie Village, KS 66206
OP06000001 0001
Marc L. Baratta 8335 Mission Rd Prairie Village, KS 66206
OP06000003 0002
William Carolan 3809 W. 84 th St Prairie Village, KS 66206
OP24000001 0000
MVS, LLC

8500 Mission Rd Prairie Village, KS 66206
MVS, LLC c/o Scott Birk 7611 State Line Rd #301 Kansas City, MO 64114
OP70700000 0013
Ann D. Egan 8428 Somerset Dr Prairie Village, KS 66207
OP750000BS U8389 – Condo Unit
Dimitra Rhudy 8389 Somerset Dr Prairie Village, KS 66208
OP750000B U8395 – Condo Unit
Harold C. Marine, Trustee Theresa Marine, Trustee 8395 Somerset Dr Prairie Village, KS 66207
OP70700000 0014
Bill J. Alexander Virginia H. Alexander 8436 Somerset Dr Prairie Village, KS 66207
OP750000BS U8379 – Condo Unit
Matthew R. Wohlgemuth 8379 Somerset Dr Prairie Village, KS 66207
OP750000BS U8383
Susan B. Moeller 8383 Somerset Dr Prairie Village, KS 66207
OP750000BN U8347 – Condo Unit
Joan S. Hunt, Trustee Joan S. Hunt Trust 8347 Somerset Dr. Prairie Village, KS 66207
OP750000BS U8393 – Condo Unit
Gudrun B. Dalberg 8393 Somerset Dr. Prairie Village, KS 66207
OP750000BS U8385 – Condo Unit
John D. Petrowski Janet L. Petrowski 8385 Somerset Dr. Prairie Village, KS 66207

John D. Petrowski Janet L. Petrowski 8125 Rosehill Rd Lenexa, KS 66215
OP750000BS U8391 – Condo Unit
Candice L. Vanderpool 13304 A Highway Liberty, KS 64068
Candice L. Vanderpool 8391 Somerset Dr Prairie Village, KS 66207
OP750000BS U8373 – Condo Unit
Frances L. Rainey Trust 8373 Somerset Dr Prairie Village, KS 66208
OP750000BN U8345 – Condo Unit
Catherine K. Barton, Trustee Catherine K. Barton Trust 8345 Somerset Dr Prairie Village, KS 66207
OP750000BS U8369 – Condo Unit
Christopher E. Clements 8369 Somerset Dr Prairie Village, KS 66207
OP750000BS U8371 – Condo Unit
George A. Dexter Bruce P. Dexter, Jr. 8371 Somerset Dr Prairie Village, KS 66207
OP750000BS U8375 – Condo Unit
Fred J. Valentine, Trustee Fred J. Valentine Trust 8375 Somerset Dr Prairie Village, KS 66207
OP750000BS U8387 – Condo Unit
John H. and Sharon J. Schnieders Trust 8387 Somerset Dr Prairie Village, KS 66207
John H. and Sharon J. Schnieders Trust John H. Schnieders, Co-Trustee Sharon J. Schnieders, Co-Trustee P.O. Box 428 Ottawa, KS 66067
OP750000VW U301 – Condo Unit
Marcia Hicklin Rev Trust Marcia Hicklin, Trustee

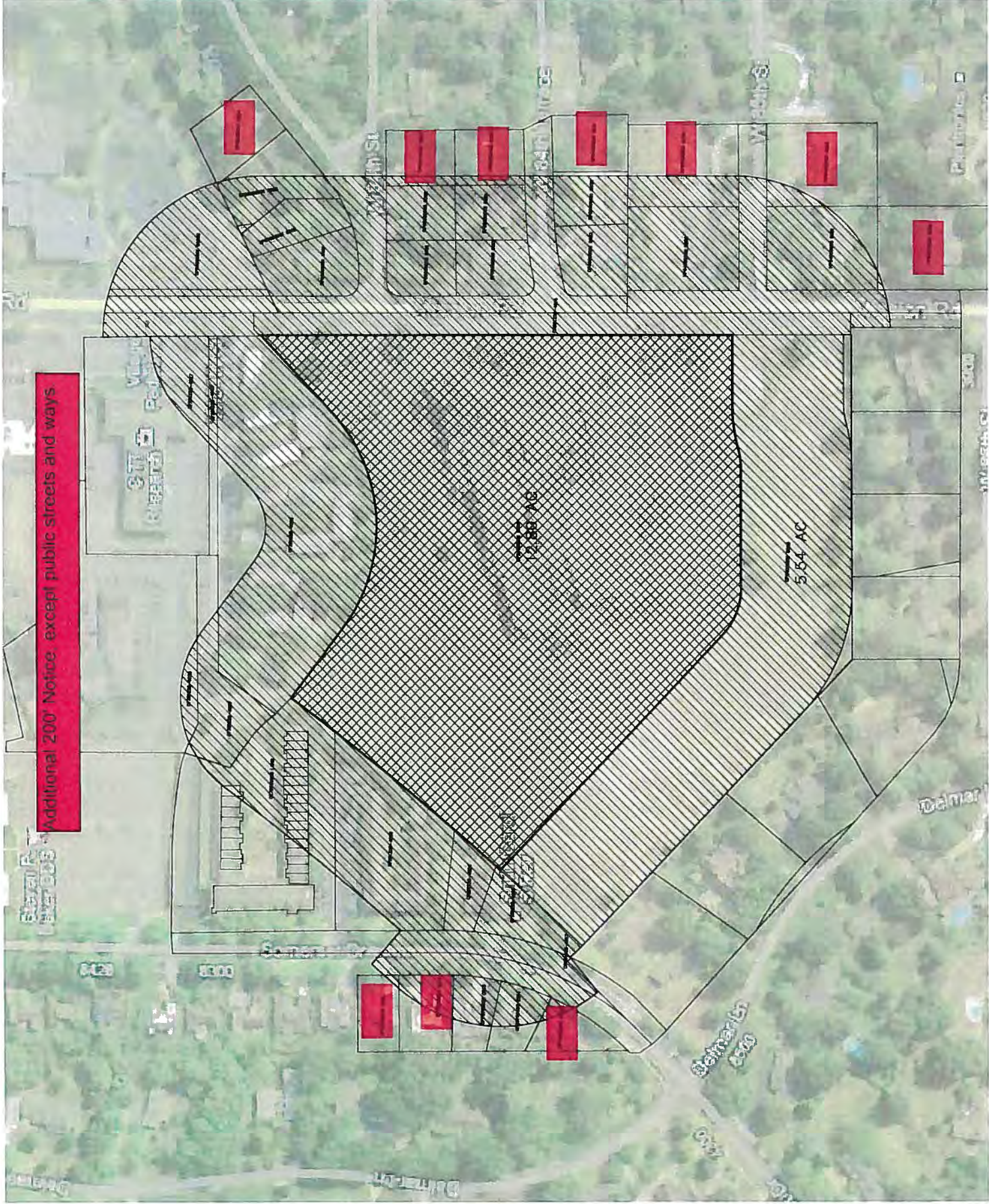
8361 Somerset Dr, Apt. 301 Prairie Village, KS 66207
OP750000BW U302 – Condo Unit
Robert Steven Richard 8361 Somerset Dr., Apt. 302 Prairie Village, KS 66207
OP750000BW U303 – Condo Unit
Norman S. Williams Joan E. Williams 8361 Somerset Dr., Apt. 303 Prairie Village, KS 66207
OP750000BW U304 – Condo Unit
Clare S. Flemington 8361 Somerset Dr., Apt. 304 Prairie Village, KS 66207
OP750000BW U305 – Condo Unit
Randolph S. Marsh 8361 Somerset Dr., Apt. 305 Prairie Village, KS 66207
OP750000BW U201 – Condo Unit
Daniel J. Coon Trust 8361 Somerset Dr., Apt. 201 Prairie Village, KS 66207
Daniel J. Coon Trust Daniel J. Coon, Co-Trustee Margaret M. Coon, Co-Trustee 8101 Fontana St. Prairie Village, KS 66208
OP750000BW U202 – Condo Unit
Suzanne Passman 8361 Somerset Dr., Apt. 202 Prairie Village, KS 66207
OP750000BW U203 – Condo Unit
Frank K. Mirikitani, Trustee Nancy E. Mirikitani, Trustee 8361 Somerset Dr., Apt. 203 Prairie Village, KS 66207
Op750000BW U204 – Condo Unit
Margaret M. Coon Rev Trust 8361 Somerset Dr., Apt. 204 Prairie Village, KS 66207
OP750000BW U205 – Condo Unit
Nancy L. Curtis, Trustee Charles L. Curtis, Trustee 2905 Cotton Wood Ln Hays, KS 67601

Nancy L. Curtis, Trustee Charles L. Curtis, Trustee 8361 Somerset Dr., Apt. 205 Prairie Village, KS 66207
OP750000BW U300 – Condo Unit
Thomas Madison 8361 Somerset Dr., Apt. 300 Prairie Village, KS 66207
OP750000BW 00U1 – Condo Unit
Chateau Home Owners Association 8361 Somerset Dr., Apt. 101 Prairie Village, KS 66207
Chateau Home Owners Association Curry Assoc Management, Inc. 2700 Kendallwood Pkwy Kansas City, MO 64119
OP750000BW U101 – Condo Unit
Barbara C. Bevan, Trustee Bevan Family Trust 8361 Somerset Dr., Apt. 101 Prairie Village, KS 66207
OP750000BW U102 – Condo Unit
Kevin W. Martin 8361 Somerset Dr., Apt. 102 Prairie Village, KS 66208
OP750000BW U103 – Condo Unit
Frances P. Deets Earl R. Pence 8361 Somerset Dr., Apt. 103 Prairie Village, KS 66208
OP750000BW U104 – Condo Unit
Stephen A. Cullen Peggy A. Cullen-Reese 8361 Somerset Dr., Apt. 104 Prairie Village, KS 66207
OP750000BW U105 – Condo Unit
T J Nidiffer 8361 Somerset Dr., Apt. 105 Prairie Village, KS 66207
OP750000BS U8377 – Condo Unit
Jaclyn Anderson 8377 Somerset Dr Prairie Village, KS 66207
OP750000BS U8381 – Condo Unit
Howard R. Woosley, Trustee Mary Gay Woosley, Trustee

8381 Somerset Dr. Prairie Village, KS 66207
Howard R. Woosley, Trustee Mary Gay Woosley, Trustee 2403 W. 69 th Ter. Mission Hills, KS 66208
OP750000BN U8359 – Condo Unit
Max Milton Barlow 8359 Somerset Dr. Prairie Village, KS 66207
OP750000BS U8363 – Condo Unit
Suzanne L. Harris 8363 Somerset Dr. Prairie Village, KS 66207
OP750000BS U8365 – Condo Unit
Matthew B. McGrath 8365 Somerset Dr. Prairie Village, KS 66207
OP750000BS U8367 – Condo Unit
Christopher Construction, LLC 5238 W. 98 th Ter. Overland Park, KS 66207
Christopher Construction, LLC 8367 Somerset Dr. Prairie Village, KS 66207
OP750000BN U8349 – Condo Unit
Patricia Ferazzi 8349 Somerset Dr. Prairie Village, KS 66207
OP750000BN U8351 – Condo Unit
C. Ann Anderson 8351 Somerset Dr. Prairie Village, KS 66207
OP750000BN U8353 – Condo Unit
Mary Waller Nesselrode, TTEE Mary Waller Nesselrode Trust 8353 Somerset Dr. Prairie Village, KS 66207
OP750000BN U8355 – Condo Unit
Stephen Foley Lorraine Lepine 8355 Somerset Dr. Prairie Village, KS 66208
OP750000BN U8357 – Condo Unit
Robert T. Weatherholt 8357 Somerset Dr.

Prairie Village, KS 66207
OP06000001 0002
Lindsay Peattie Seth Peattie 3808 W. 83 rd Ter. Prairie Village, KS 66208
OP06000001 0033
R. Lee Harris Barbara A. Harris 3815 W. 84 th Ter. Prairie Village, KS 66206
HP64000000 0080
Jan T. Grimm 3608 W. 85 th St. Leawood, KS 66206
OF251228-4023
Tower Properties Company 1000 Walnut St., #900 Kansas City, MO 64106
Tower Properties Company 8340 Mission Road Prairie Village, KS 66206
Corinth Gardens Adjacent, LLC Goldoller Real Estate Inv. LLC 8 Penn Center 1628 JFK Blvd. #1600 Philadelphia, PA 19103

EXHIBIT B



Additional 200' Notice, except public streets and ways

5.30 AC

5.64 AC

Delmar St

Delmar St

Delmar St

Delmar Ln

Delmar Ct

Mission Chateau 072868-449966
200 Foot Notice, except public streets and ways
(Created 11/12/13)

HP64000000 0094

John E. Larson
Carolyn K. Larson
8628 Reinhardt Lane
Leawood, KS 66206

OP70700000 0012

Ann Hartley Bush, Trustee
Ann Hartley Bush Rev Trust
8420 Somerset Drive
Prairie Village, KS 66207

OP70700000 0015

Frank J. Wood, Jr. Rev Trust
Frank J. Wood, Jr. Trustee
Valley View Financial Gr. TTEE
8444 Somerset Drive
Prairie Village, KS 66207

OP70700000 0011

Thomas M. Johnston
Rhetta Johnston
8412 Somerset Drive
Prairie Village, KS 66207

OP06000001 0004

Steven W. McKelvey
3716 W. 83rd Terrace
Prairie Village, KS 66206

OP06000003 0003

Diana K. Lebow
3801 W. 84th Street
Prairie Village, KS 66206

OP06000003 0020

Dale Foster
Esther Foster
3800 W. 84th Terrace
Prairie Village, KS 66206

OP06000001 0031

Mann Grantor Trust
Darren J. Mann, Trustee
3801 W. 84th Terrace
Prairie Village, KS 66206

HP64000000 0079

Brandon R. Myers

Amanda Cox Myers
3604 W. 85th Street
Prairie Village, KS 66206

HP64000000 0082

Cameron B. Jones Co-Trustee
Deborah L. Jones Co-Trustee
3605 W. 85th Street
Leawood, KS 66206

October 22, 2013
Mission Chateau
Neighborhood meeting

Begin at 7:00 p.m.

Attendance:

Joe Tutera, Owner/Developer
John Petersen, Polsinelli PC
Amy Grant, Polsinelli PC
Michael Goslinga, HWA
Approximately 60 residents

Mr. Tutera began the meeting by explaining that there was a sign-in sheet and project summary memorandum for attendees of the meeting.

Mr. Tutera then walked through the new site plan explaining the various components and different types of living opportunities within the project. Mr. Tutera also provided several facts that were also included in the project summary memorandum that included setbacks, heights, building footprints, total project square feet, number of units per building, open space calculations, etc.

Q & A began at 7:30 p.m.

Question: How is this plan different? The plan doesn't seem different other than you putting homes where the villas were and now having the rest of the project on 12.8 acres instead of 18.4 acres. Do you believe this plan is responsive to the neighbor's concerns?

Response: We heard that the for-rental villas were a concern to our adjacent neighbors so we have now provided single-family residential lots that may be owner occupied.

Question: Do you have a new sheet with all of the figures you just spoke about?

Response: Yes, the first page of the site plan packet has all of the figures and that has been posted on the City's project website. We have also prepared a more detailed project narrative that we will email to those who sign-in tonight.

Questions: You mentioned the owner occupied lots. Is there rental product here?

Response: Yes, 100% of the senior living project will be rental. This will be the only rental senior independent living facility in Prairie Village.

Questions: What did you say were the proposed lot sizes and s.f. of homes?

Response: The lots range from 18,000 to 22,000 s.f. to 30,000 s.f. in size and we would anticipate approximately 3,000 s.f. homes to be constructed on those lots.

Question: Is there a street to get to the single-family lots?

Response: Yes, we are constructing a new street, which will be a public street, which will align with the existing 85th Street to our east. This will be a 2-lane road with a median and will provide a cul-de-sac at the western edge.

Questions: Can you build duplexes on these lots?

Response: No. It is my understanding that someone would have to come back in and rezone the property in order to do that.

Question: Who has to build the sidewalks along the road?

Response: We do. We will build sidewalks on both sides of the new public street and will then dedicate the road to the City when we plat the property.

Question/Comments: Is this plan compatible with the neighborhood? The goal should be to have the neighborhood buy into the plan you are proposing. The single-family lots should be similar to the lots that are adjacent to the site, not the overall City and you made all of the buildings 3-story now. The majority of the homes surrounding this side are 1-acre lots.

Response: We provided the single-family lots to develop a transition between your homes and the proposed project. This plan generally spaces lots in line with the lots to the south, the lots to the south are about the same width. We thought it would be better to take 30,000 s.f. out of the footprint and make it 3-story so that we could provide an additional green space and setback to the southwest. The 3-story structure remains about 5' lower than the apartments to the west. We could take a poll and find that some of you want reduced height and some of you want more setback.

Question: In talking about the lot sizes, why did you measure setbacks from building to building? It should be from the property line to the building.

Response: We provided dimension from our lot line as well as from the closest neighbor's property line and the rear of their residence.

Comment: The neighbors are most concerned about density.

Response: The mass of the buildings has been directed to the Independent and Assisted living building and its building footprint is similar to the existing school. The rear of the property is consistent with the structures to the northwest. We have reduced the overall lot coverage from 23% to 18% and increased the green space.

Comments: There were several people talking at this point and offering comments about wanting answers to the questions and that this is a community meeting for feedback.

Comment: The project is basically the same except it is more dense because you have the same buildings on less square feet and you replaced the villas with single-family homes.

Response: We are here to present the current plan to you.

Comment: You are supposed to be here to get comments from the neighbors and to listen to our comments.

Questions: Are people going to buy the proposed homes?

Response: Yes, we have already received interest in these lots.

Question: You stated that one of the City Council people said they want homes instead of villas, who was that?

Response: I apologize if I misspoke. None of the City Council members said that. Mr. Kerr at the July neighborhood meeting stated that he was worried about the duplexes and the people who would rent them. He stated that he preferred owner-occupied homes.

Follow up Question: What will happen if people don't buy those lots?

Response: I guess I will have vacant lots.

Question: What do you consider 10 acres of green space? Does this include the s.f. of the homes? I don't see 10 acres of green space on the site?

Response: Yes, the total green space is 10.3 acres for both sites: this includes the homes, their driveways and patios.

Comment: You said the homes would be approximately 3,000 s.f. in size? So if you take 3,000 times the nine lots you are back to the same s.f. you has in your plan that was denied by the City Council.

Comment: We are back here again at what seems like our ninth meeting. The project is still too big and too large. We are back to square one with this plan. This is all just smoke and mirrors.

Response: This is not smoke and mirrors. It's math. The single-family lots will sit on approximately 6 acres with the remainder of the project sitting on 12 acres with almost 10 acres total of green space throughout the site.

Comment: So now we are considering a 12 acre CCRC project which would still be the second largest one in the Johnson County area. You need to consider reductions. This is ridiculous.

Response: Much of the information provided on the other senior projects in the City are not accurate. Just because you put something in a pamphlet does not make it accurate.

Comment: We keep hearing you say our information in inaccurate so why don't we get together to validate them. Otherwise, they just float around. There has to be somebody, the City or the Developer that can verify whether the numbers are correct.

Response: I am 110% willing to sit down with you and review that information. Our information is accurate because they are reviewed by the City. All of our key facts are validated through the review process. I just want us to be able to agree or disagree on the facts.

Question: If someone did buy a house and had a party where would their company park their cars and how would emergency vehicles get through?

Response: This would happen the same as it would in your neighborhood because this will be the same as any other residential street in the City.

Question: What part of your plan has community input? You haven't changed anything?

Response: This plan provides single-family lots instead of villas. We have reconfigured the Memory Care and Skilled Nursing building to have a reduced footprint and larger setback.

Question: Are you paying to construct the public street?

Response: Yes.

Comments: At this point there was quite a bit of discussion amongst the neighbors regarding what should be built on the site.

Question: How can you prove that the project will improve our property values?

Response: We have filed an appraisal report completed by Todd Appraisal.

Comments: Again, several neighbors spoke amongst themselves regarding the fact that they want KC Christian School at this site. It was difficult to hear all of the comments and to include them here based on how fast people were speaking.

Comments: The Todd Appraisal report did not have other comparative properties. There was no accurate comparison in the report? Santa Marta and Village Shalom are not similar. Nothing was supported in that report. Also, if you plan changes then that report is invalid.

****Again, more than one person was speaking at this point and it was difficult capturing all comments.**
Comments: From one of the neighbors directed to other neighbors; what do you want? Response from another neighbor we want something on the scale of Benton House, comment: so you want one story, response: no not one story but appropriate like Benton House, it fits in well.

Question: How much green space do you have on the site? The Somerset project has lots of nice green space and I just don't see if here.

Response: The Somerset project actually contemplates Villas be constructed where you see the green space right now. They could expand into that area the approval does not limit total square footage and the unused space that exist today is not for public use. The Benton House footprint, fully developed, is 80,000 sqft which is the same as the footprint as our assisted living and independent living building. Benton is on small streets next to many small homes, Benton is much taller than these houses and is closer to them. Benton sits above grade to the street and Mission Chateau site below it.

Question: Will you please have the architect put the 3,000 s.f. homes on the plan so we can see those? The plan right now is not a fair representation without the homes on there?

Response: Yes, we will do that.

Question: Why can't you just leave those single-family lots as green space? I realize that is probably a financial impact but I think it would be a nice area for the neighbors as green space.

Response: We have provided a significant amount of open space on the site. We have reduced the project and are trying to be fair to the neighbors.

Comment: Town and Country has a minimum lot size of 1.2 acres. You need to look at the actual to size. Will you just leave this as green space?

Response: Again, we are trying to provide a transition area for the neighbors. This plan provides over 10 acres of green space throughout the site.

Question: What will the construction timeline be?

Response: We expect approximately 24-30 months with the heavy construction taking approximately 15 months and then another 9 months to finish interior product.

Question: What do you consider park space vs. green space? I do not see 10 acres of park space on this plan?

Response: We hope that you will visit the site and enjoy the open space. We have 1-acre along Mission road with sidewalk and streetscape and we have almost 1.5 acres south of the IL/AL building and almost an acre south of the MC/SN building in addition to about 1.3 acres near the creek on the north side of the plan. There is a significant amount of open space that I must maintain on the site.

Comments: Again, there was discussion amongst the neighbors. Someone in the audience asked who MVNA is made up of and what do they want to see on the site.

Questions: Why is there a no trespassing sign on the property right now?

Response: Because it is a liability issue from an insurance stand point. It is no different than if someone trespassed on your property and hurt themselves.

Question: Can we set a meeting for people to walk the site?

Response: Yes, we can arrange that.

Question: How much parking do you have on the site and how many employees will you have at the maximum shift change? Also, how many people do you expect to have their own cars?

Response: There are 316 parking spaces on the site which is more than required by the City code. Our maximum number of employees is 85 employees with 50 additional at shift change we have built the parking to handle that transition time.

Question: How many cars will the resident have, we realize some will not have any.

Response: About 40 of the 136 Independent Living units will have cars but this is just a guess. The assisted and independent facility includes 143 parking spaces.

Comment: Other CCRC facilities have 95-100% cars for the Independent Living.

Response: We are providing a total of 316 spaces on-site and have planned for shift-changes so we believe our parking is adequate.

Comment: Yes, in a perfect world the parking would never be full? But, what if? Where will people park if spaces are not available?

Response: Our parking will work. We have met the City's requirement and will not have off-site parking for this project.

Question: How will the City know who the cars belong too if people do park on the street? Will there be stickers on your employees and residents cars? How will this be policed?

Response: Our employees will have stickers on their cars. We would have to ask the police department how they would regulate this.

Question: Let's assume three years from now no one has bought the single-family lots. Will you deed restrict them so that they cannot be rezoned?

Response: No. This is no different than your single-family neighborhood. You would not place a deed restriction on your property. If someone wants to do something other than single-family homes they will need to seek approval from the City.

Comment: We have HOA regulations in our neighborhood that restrict us from renting our homes.

Questions: How much parking will be dedicated to visitors and guests?

Response: I apologize that I do not have that number in front of me. We will send that out to those who signed-in tonight.

The meeting was concluded at 8:30 p.m.

MISSION CHATEAU
NEIGHBORHOOD MEETING
OCTOBER 22, 2013

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Wanda Doerr	8118 El Monte Pk 66208	913-391-4122	wdoerreka.rr.com
T & R Johnston	8412 Junat	913 381 2484	
JOHN H. SCHNIEDERS	8587 Somerset Av.	785-214 0784	JOHNSCHNIEDERS@Me.com
Harold Marine	8395 Somerset Wv.	913 209 5897	THEMTO@Kc.IT.COM
THOS O'BRIEN	4410 W 89	913 649 0404	THOS.obrien@SMZIL.com
Todd Blackley	8621 Delmar		
BRIAN DOERR	4000 W 86 th ST		
Debbie Kern	4020 W. 86 th ST		
Whitney Kern	4020 W. 86 th ST		
Gretchen Curtis	8544 Roe Ave.	913.220.9807	
Mike Levin	4927 W 88		
Linda/Jim Beatty	2409 Reinhardt St		
DEBBIE JONES	3605 W. 85 th St.	913 648-0806	dotsister@msn.com

Todd	<p data-bbox="345 159 451 191">Cannon</p> <p data-bbox="500 159 1019 226">From: todd.cannon.wharton@gmail.com [mailto:todd.cannon.wharton@gmail.com]</p> <p data-bbox="500 226 1008 258">On Behalf Of RICHARD T CANNON JR</p> <p data-bbox="500 258 1073 289">Sent: Wednesday, October 09, 2013 9:14 PM</p> <p data-bbox="500 289 634 321">To: Mayor</p> <p data-bbox="500 321 1455 485">Cc: Jamie Davidson; JOHN ANDERSON; Joyce Hagen Mundy; RANDY NEIL; Linda Newcomer; Susan Tozier; TOM JOHNSON; May, Dorothy; DON R ARMACOST; STEVE DUDLEY; DON RINGSTON; Jackie & Joel; LESLEY KENNEDY; Marilyn Murphy; Phil Needham; Judy Lyon Rehfeld; Howard Russell</p> <p data-bbox="500 485 1252 516">Subject: Re: Mission Chateau Update #21; October 8, 2013</p> <p data-bbox="500 548 857 579"><i>Just a few of my thoughts.</i></p> <p data-bbox="500 611 573 642">Todd</p> <p data-bbox="500 705 1252 772">On Wed, Oct 9, 2013 at 4:31 PM, RICHARD T CANNON JR <todd.cannon.wharton@gmail.com> wrote:</p> <p data-bbox="500 804 1455 1136">I understand Joe's concern. However wouldn't it defuse some of the "residential vitriol" since some would be using the service. I do Lead to Read at underachieving schools. What a joy. Also remember we will have some brilliant residents who could work with the gifted at SME. Also a SCORE chapter could be established...but our neighboring friends are way to smart too use a group of "old stumble bums." Also since the Council's vote, will the "6" no votes be willing to pay the City's defense cost? I'm not overly bright, but I will bet that the Supreme Court will NOT rule in favor of the neighbors. Did the "6" even read or more importantly understand the "Golden" decision?</p> <p data-bbox="500 1167 1455 1367">On Oct 9, 2013 1:47 PM, "Jamie Davidson" <JamieD@tutera.com> wrote: Hi Richard! I asked Joe Tutera your question and he let me know, we would love to include this type of intergenerational programming within Mission Chateau. We have successfully implemented this type of amenity on other senior living properties from time to time. However given the site and design restrictions we do not believe this is the well-received by the City planners.</p> <p data-bbox="500 1398 841 1430">I hope you are doing well :)</p> <p data-bbox="500 1461 630 1524">take care, Jamie</p> <hr/> <p data-bbox="500 1556 1438 1587">From: RICHARD T CANNON JR [mailto:todd.cannon.wharton@gmail.com]</p> <p data-bbox="500 1587 1073 1619">Sent: Wednesday, October 09, 2013 1:26 PM</p> <p data-bbox="500 1619 756 1650">To: Jamie Davidson</p> <p data-bbox="500 1650 1252 1682">Subject: Re: Mission Chateau Update #21; October 8, 2013</p> <p data-bbox="500 1713 1317 1745">Can a day care or after school program be an additional amenity?</p> <p data-bbox="500 1776 1422 1808">On Oct 8, 2013 6:39 PM, "Jamie Davidson" <JamieD@tutera.com> wrote:</p>
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		<p>Dear Supporters,</p> <p>Please find attached the updated narrative for the Mission Chateau's site plan.</p> <p>For questions or more information, please don't hesitate to call the office at <u>(816) 444-0900</u>, or</p> <p>Ryan Fischer, Director of Managed Care, <u>ryanf@tutera.com</u> or <u>(913) 515-4257</u></p> <p>Jamie Davidson, Regional Marketing Coordinator, <u>jamied@tutera.com</u> or <u>(913) 396-3579</u></p> <p>Like us on Facebook to stay up to date on the latest developments: <u>www.facebook.com/MissionChateauPV</u></p> <p>On behalf of the Tutera Group and the Mission Chateau Team, please accept our sincere thanks for your continued support!</p> <p>Sincerely,</p> <p><i>Ryan and Jamie</i></p>
Susan	Forrest	<p>From: susan forrest [mailto:skforrest1@hotmail.com]</p> <p>Sent: Wednesday, October 30, 2013 8:48 PM</p> <p>To: Joyce Hagen Mundy</p> <p>Subject: mission chateau - yes</p> <p>Dear Mayor, Councilmembers and Planning Commissioners,</p> <p>I ask you to approve the latest redevelopment proposal for the Mission Valley Middle School site. This plan seems like a good compromise. All parties get something but not everything that they want.</p> <p>The most common reason for voting against the previous plan was because it was "out of character with the neighborhood". I disagree with that opinion. The existing structures immediately to the north and northwest of this property would be its nearest neighbors. Those existing structures are high density, 3 stories tall and are an architectural style similar to the proposed Mission Chateau. These are the structures that the Mission Chateau would best relate to. It seems natural for this new development to grow off of these existing structures. To my knowledge, these existing high density, 3 story building haven't cause any harm to the surrounding neighbors. I would expect the Mission Chateau to be no different.</p> <p>The two nearest neighborhoods of single family homes will be separated from the Mission Chateau by either a band of new single family homes or by Mission Rd, a major city traffic way. Both neighborhoods would be separated from the Mission Chateau by distance and these physical barriers. Mission Chateau will not grow off of either of these neighborhoods. These</p>

		<p>neighborhoods would be as separate from the Mission Chateau as they are from each other. These neighborhood differ in style, square footage, lot size, and value. They have different characters but still they seem to coexist. I expect that their relationship to the Mission Chateau would be no different.</p> <p>In closing, I ask you just what harm would this redevelopment do to our City? How would it harm the any of us? Just as importantly, who would it help? How many seniors would benefit from a CCRC with everything on one campus? How many younger families would benefit from buying those senior's former homes? The Tutera spokesman made an important point at one of the planning commission meetings. He stated that the loss of the school hurts the neighborhood not what is built in its place. That is an important distinction. Loosing the school is the negative element here. What replaces it doesn't matter. Sadly, the school is gone. That damage is done. We need to stop punishing the petitioner for a decision made by the School District.</p> <p>I hope you vote to approve. Thank you, Susan Forrest 6837 El Monte</p>
John	Hall	<p>From: John Hall [mailto:spikehall@gmail.com] Sent: Monday, October 14, 2013 1:36 PM To: Joyce Hagen Mundy Subject: Chateau</p> <p>So we will see if Tutera dollars squelch resident's desires. Remember the barabacue debacle and the land of Oz failure. Mr Peterson needs a new line of work--he blew them all. John C Hall MD</p>
David Penn	Henry	<p>From: David Henry [mailto:davidpennhenry@gmail.com] Sent: Wednesday, October 30, 2013 9:40 AM To: Joyce Hagen Mundy Subject: City Planning Commission: Tutera "New Plan"</p> <p>City Planning Commission:</p> <p>The Tutera "New Plan" is not an improvement over the original plan. It is still a very massive, dense plan that will threaten the quality of this part of Prairie Village by dramatically increasing traffic.</p> <p>I was silent during consideration of the original plan, even though I did not think approving was in the best interest of Prairie Village. This so called "New Plan" is not an improvement and is not responsive to what the people of Prairie Village are saying.</p> <p>The citizens of Prairie Village are opposed to this so called "New Plan." Please consider the concerns of the vast majority of the people in Prairie Village as you evaluate this "New Plan."</p> <p>Sincerely,</p>

		<p>David Penn Henry 8329 Reinhardt Street Prairie Village, KS 66206</p>
Christine	Jennings	<p>From: Christine Jennings <cjennings8@kc.rr.com> Date: October 11, 2013 at 23:01:51 CDT To: <cityclerk@pvkansas.com></p> <p>Mayor Shaffer and City council members:</p> <p>How is this plan different from the previous one we rejected? Are they simply trying to push for the same thing again? The citizens of Prairie Village have already spoken thru the City Council telling them NO!!! What part of "NO" do they not understand? I see nothing different about this plan than was the original plan. Tell them NO!!!</p> <p>We don't need another luxury retirement community in Prairie Village. Put this one in Mission Hills where the people can afford it. I thought they were trying to revise the plan and make it more suitable for our city. I'll see you at the meeting.</p> <p>Christine R. W. Jennings 7105 Cedar Street Prairie Village, KS 66208 crwienn@gmail.com</p>
Morton	Mann	<p>From: Morton Mann [mailto:mmann@blockandco.com] Sent: Tuesday, October 15, 2013 11:42 AM To: Joyce Hagen Mundy Subject: Tutera plan for Mission Valley School building</p> <p>FOR THE CITY PLANNING COMMISSION AND CITY COUNCIL</p> <p>Gentlemen,</p> <p>My name is Morton Mann, I live at 3801 W 84th terrace, and have lived there for 46 years. Both my sons attended junior high school at Mission Valley. I believe that what Tutera is planning for the property goes against the overall planning that is currently the guide line for construction in the city.</p> <p>The building proposed is too dense for the 18 acres and Tutera should be held to conform to the city guide line as far as size and density is concerned. I have no problem with a retirement facility there just make it fit as it is supposed to.</p> <p>Please do not give their proposal any consideration until they conform to the present guide lines. If the reduced size leaves the venture financially not viable, have them take their plan somewhere else.</p> <p>Thank you,</p> <p>Morton Mann</p>

		<p>Morton Mann Property Manager Block & Company, Inc., Realtors</p>
	MVNA	<p>From: Charles Clark Sent: Tuesday, October 08, 2013 7:13 AM To: Joyce Hagen Mundy Subject: Fwd: MVNA - New developments</p> <p>From: Bob Schubert <Bob@reschubert.com> Sender: Bob Schubert <mailer_response@emailcounts.com></p> <p>Date: Wed, 02 Oct 2013 18:24:46 -0700</p> <p>MVNA members,</p> <p>Saturday night September 28, we had an amazing fundraiser. It was great to socialize with people in the community that share a common goal, "Preserving the neighborhood and community through good planning and development". If you had a conflict Saturday evening and were not able to attend, you can still send your donations to:</p> <p>MVNA 8600 Mission Road Prairie Village Kansas 66206</p> <p>Tuesday, the Tutera Group filed an appeal against the city of Prairie Village for the council's vote to deny the Special Use Permit necessary for Mission Chateau to move forward. Please stay tuned and involved in opposing the density of this development. We as citizens have the right for input into this development as stated in the Village Vision, the City's master plan. This master plan, which is the guide for the elected officials, states that "any proposed plans for new uses or the expansion of existing uses needs the input of the surrounding neighborhood". It also states that "to successfully execute a project on this site, it will require creative and unique design talent and buy-in from the neighborhood and the community at large". The details can be found at http://pvkansas.com/Modules/ShowDocument.aspx?documentid=3275 pages 97-99.</p> <p>Thanks again for all of your support!</p> <p>Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
	MVNA	<p>From: Charles Clark Sent: Wednesday, October 23, 2013 9:06 AM To: Joyce Hagen Mundy Subject: Fwd: MVNA - Important Public Meeting, Tues., 10/22/13, at 7pm, SME</p> <p>Subject: MVNA - Important Public Meeting, Tues., 10/22/13, at 7pm, SME</p>

		<p>From: Bob Schubert <Bob@reschubert.com> Sender: Bob Schubert <mailer_response@emailcounts.com> Priority: normal</p> <p style="text-align: center;">IMPORTANT PUBLIC MEETING</p> <p style="text-align: center;">Regarding MISSION VALLEY</p> <p style="text-align: center;">Tuesday, October 22nd at 7:00 pm</p> <p style="text-align: center;">Shawnee Mission East Cafeteria</p> <p>We must continue to be vigilant and active in this process!</p> <p>Tutera will present his "same new" plan. It's taller and it's denser- in defiance of the failure of their previous application.</p> <ul style="list-style-type: none"> • Same number of residents in assisted living, independent living, memory care, and skilled nursing. • Instead of rental duplexes, proposing 9-single family homes. • Single family homes not included in total square footage proposal. • Buildings now THREE stories tall. • Increased skilled nursing/memory care sq. ft over 6,000 sq. ft. • Same number of parking spaces (89 spaces short). • Higher density per acre. • STILL out of character with the neighborhood. <p style="text-align: center;">Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Charles and Brenda	Satterlee	<p>From: Charles Clark Sent: Wednesday, October 02, 2013 7:11 AM To: Brenda Satterlee; Joyce Hagen Mundy Subject: Re: Mission Valley Redevelopment</p> <p>Dear Brenda and Charles, Thank you for your email and for your kind words. Since there is an action against the City now pending in District Court, I will not discuss the Mission Chateau application at this time. Charles</p> <p>At 09:01 PM 10/1/2013, Brenda Satterlee wrote:</p> <p>Dear Mr. Clark,</p> <p>We have had a nice break from the Mission Valley Development. This letter is to inform you that while we respect your time and effort representing Ward 5, we do not believe you represented the constituents of Ward 5 regarding the recent proposed Mission Valley Redevelopment. All of the governing body could have stated a golden factor to support their vote either way. You chose the one boiler plate response that did not reflect your Ward's view on this matter.</p>

The defeated plan was obviously not compatible with the surrounding neighborhood because it was too dense. Although it is a transitional property, 2/3 of the perimeter is single family low density units and if you extend the perimeter past 200 feet it is 80% surrounded by single family residents. The proposed row of villas to the south and the 1 and ½ acre park that were included in the developers plan were not an adequate buffer. To be accurate only 20% to the north should be high density and 65% to 80 % should be low density.

On May 21 2012 you voted to approve the ordinance 2257. This was the amendment to the Village Vision regarding redevelopment on the Mission Valley Site. It can now be found on pages 97-99 of the Village Vision. The following are some of the quotes from this Village Vision amendment.

“Any reuse of the site should maintain the status as a center of the neighborhood.”

“Any redevelopment of the site needs to address how it will be compatible with or relate to residences adjacent to the site.”

“It is likely that the floor area ratio will increase in the future, but it needs to occur in a manner that is compatible with the existing single-family and multi-family residential development.”

“Any proposed plans for new uses or the expansion of existing uses-needs the input of the surrounding neighborhood. Due to the former school's prominent role in the City and surrounding neighborhood, the City and residents expect ample opportunity to provide input into future redevelopment plans for the site.”

“The developer needs to conduct an adequate public involvement process to obtain input from the neighborhood.”

“The neighborhood is very concerned about the future of this site and will need to have significant input into any future change in use. If any change in use is considered, it is important that the site and the facility be designed compatible with the surrounding neighborhood. To successfully execute a project on the site, it will require creative and unique design talent and buy-in from the neighborhood and the community at large.”

We know you are aware that we had eight community meetings where we have expressed our concern about how massive(dense) this project was. The developer did not listened to us and told us that this was his vision. We as a neighborhood honestly came to the table with a reasonable compromise. The average CCRC (Continuing Care Retirement Center) is 8,000 square feet per acre. For an 18 acre site 150,00 square feet would be reasonable- (8,000 X 18 acres = 150,000 square feet). We could have come to the table with the low end of CCRC density, which would have been 4,000 square feet per acre. We felt like the average size in a mostly single family unit low density neighborhood was an honest effort for a good development, **it was and is not a starting point.**

		<p>It has become clear the developer does not want to work with the neighborhood. You as a council member must force him to deal with the surrounding neighborhood by voting down future ridiculously large density plans. This is true even if the plan incorporates tactics such as re-platting the property. We believe that by voting for the previous plan on September 3, you in effect voted against the most recent amendment to the Village Vision pertaining to the Mission Valley property (which you voted to enact in May 2012).</p> <p>Going forward we hope that you earnestly represent Ward 5 and consider ordinance 2257. We hope you know how much we appreciate the time and effort that you put into this job.</p> <p>Respectfully,</p> <p>Charles and Brenda Satterlee 8600 Mission Road Prairie Village, Kansas</p>
Joyce	Smith	<p>From: Joyce Smith [mailto:jayhawkjoy@sbcglobal.net] Sent: Monday, October 14, 2013 9:15 AM To: Joyce Hagen Mundy Subject: Construction</p> <p>At the August planning meeting, Mr. Tutera said the construction of the MV site would take 4 years, and the audience groaned. In Sept at the City Council Mr. tutera changed his statement to 2 1/2 years (probably due to the outcry of the audience in Aug). Now that the project is even larger, how many years would it take to complete? 5 years of beep, beep, beep, construction noises, dirt!!!! Vote NO to his new plan.</p> <p>REMEMBER THE GOLDEN FACTORS!</p> <p>Joyce Smith</p>
Joyce	Smith	<p>From: Joyce Smith [mailto:jayhawkjoy@sbcglobal.net] Sent: Monday, October 14, 2013 8:27 AM To: Joyce Hagen Mundy Subject: MV Site</p> <p>I can't believe it! Mr. Tutera has submitted a plan for the MV site which is larger than his old plan, but on only 12.8 acres as opposed to 18 acres. On the remaining 6 acres he is proposing 9 single family homes!!! Unbelievable!</p> <p>If the City Council wouldn't approve his old plan, then why should they approve a larger new plan? They SHOULDNT! The new plan has added a third story to the buildings. If 2 stories were TOO MASSIVE, then 3 stories should be knocked off the table NOW before it goes any further Please don't give this new prosal any thought. Vote it down and get rid of this massive development!</p> <p>As you recall, the Golden Factors were the winning aspects of the last vote. Please remember the neighbors of the Mission Valley site and the Golden</p>

		<p>Factors as Mr. Tutera goes forth.</p> <p>Sincerely, Joyce Smith 3611 W. 84th St. PV KS</p>
Joe	Tutera	<p>From: Joe Tutera [mailto:JCT@Tutera.com] Sent: Wednesday, October 09, 2013 9:59 PM To: Mayor; Ashley Weaver; Dale Warman; Ruth Hopkins; Steve Noll; Michael Kelly; Andrew Wang; Laura Wassmer; Brooke Morehead; David Morrison; Charles Clark; David Belz; Ted Odell; Joyce Hagen Mundy Cc: Joe Tutera Subject: Mission Chateau 10-4-2013 Narrative</p> <p>Dear Mayor and City Council Members:</p> <p>Please find attached a narrative that supplements the application for a special use permit. The narrative is on record with the City Clerk and will be posted to the website soon. I felt it was appropriate to provide a copy to you in advance for your review. The narrative provides an overview of the design as well as additional information about the services, lifestyle and operation of the senior living residences.</p> <p>I welcome you to view the existing improvements and the surrounding properties from within the Mission Chateau site to assist in your review. If you would like someone to attend with you, that can be arrange with very short notice, but please feel free to visit as your time permits if you desire. I also available any time to answer question about the application in person or by phone.</p> <p>Thank you,</p> <p>Jct</p>
Wayne	Vennard	<p>-----Original Message----- From: Charles Clark Sent: Wednesday, October 23, 2013 9:33 AM To: Council Members Subject: Fwd: Re: Tutera suit</p> <p>From: "Brooke Morehead" <brooke@pbarts.com> To: "Charles E. Clark" <chasc@list-clark.com> Cc: "Quinn Bennion" <qbennion@pvkansas.com> Subject: Re: Tutera suit Date: Wed, 9 Oct 2013 12:24:53 -0500</p> <p>Hi Charles,</p> <p>Thanks for sending me the letter that only half the council received.</p>

Please go ahead and forward it to the other five, so all are on the same page. We want to remain transparent, as the city starts the next round of Planning Commission meetings.

Best,

Brooke Morehead
Owner/President

Prairiebrooke Arts
7900 Santa Fe Dr.
Overland Park, KS 66204

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

From: "Charles E. Clark"
<chasc@list-clark.com
To: <bmorehead@pvkansas.com
Sent: Tuesday, October 08, 2013 7:11 AM
Subject: Fwd: Tutera suit

Date: Thu, 3 Oct 2013 12:55:44 -0500
To: "mayor@pvkansas.com" <mayor@pvkansas.com,
"snoll@pvkansas.com"
<snoll@pvkansas.com,
"awang@pvkansas.com" <awang@pvkansas.com,
"rhopkins@pvkansas.com" <rhopkins@pvkansas.com,
"dbelz@pvkansas.com"
<dbelz@pvkansas.com,
"cclark@pvkansas.com" <cclark@pvkansas.com,
"dwarman@pvkansas.com" <dwarman@pvkansas.com,
"qbennion@pvkansas.com"
<qbennion@pvkansas.com

Dear Mayor and Council:

As we all know the City of Prairie Village is being sued by the Tutera group because a minority of council members misinterpreted the golden factors and/or engaged in outside contact with opponents of the project and did not disclose those contacts.

Why should Prairie Village citizens pay to oppose Tutera when a majority on the City Council agrees with the building of the project as proposed by Tutera?

I urge the enlightened majority of the council to vote to disapprove getting involved in the Tutera suit which would only result in the city wasting several hundred thousand dollars of tax payer's money in legal fees.

Respectfully submitted,

Wayne Vennard
7921 Bristol Court
Prairie Village, KS 66208

I support Mission Chateau as recommended by the Prairie Village Planning Commission. I believe this project would be an asset to the community now, and for many years to come. Please allow my signature below to represent my request that my City Councilman follow the recommendation of the Planning Commission and vote in favor of the Mission Chateau Special Use Permit.

Printed name - Clare Stafford
Signature - *Clare Stafford*
Address- 8215 Dearborn Drive
City-
State and ZIP Code- Prairie Village, KS 66208
Phone - 913-909-4480
e-mail - cecstafford@yahoo.com

Printed name - George Stafford II
Signature - *George Stafford II*
Address- 8215 Dearborn Dr.
City-
State and ZIP Code- P.V. KS 66208
Phone - 913-645-1535
e-mail - george_stafford@att.net

Printed name -
Signature -
Address-
City-
State and ZIP Code-
Phone -
e-mail -

Michael	Cavell	<p>Sent: Friday, November 15, 2013 10:01 AM To: Joyce Hagen Mundy Subject: mission valley</p> <p>Again I voice my opposition to this "renewed" plan and for the same reasons a prior. It is simply inconsistent with the sounding property use and excessive in size. Please note this in the records.</p> <p style="text-align: center;">Michael Cavell 9208 fontana</p> <p style="text-align: center;">PV, Ks. 66207</p>
Kent	Gasaway	<p>From: Kent Gasaway [mailto:Kent@buffalofunds.com] Sent: Tuesday, November 05, 2013 4:51 PM To: Joyce Hagen Mundy Subject: Comments on new Tutera proposal</p> <p>Dear City Clerk,</p> <p>Please forward this letter to both the PV planning commission and city council. I am writing to express my continued opposition to the Tutera Mission Valley development plan. I am frankly offended by the lack of serious change in the new proposal. Not only is the project still too large for the site , but the main change (creating private home sites to the south) is an obvious attempt by Tutera to circumvent the intent of the protest petition. By creating more private lots, it is clear he is trying to dilute the number of surrounding homeowners who would vote for a new protest petition. Does he really believe anyone will want to buy those lots given their small size and close proximity to the project? Instead of fessing up that he lost round one to the will of the people and therefore should make major changes to the size of his project, he is playing games and trying to stack the deck in his favor.</p> <p>Like many other surrounding homeowners, I would like to see the Tutera group come forward with a true compromise (at least 1/3 smaller, and significantly more green space). I am optimistic that the majority of protesters would then put their differences aside and work with him to approve an acceptable plan. Only the planning commission and city council can make him do this. Please tell him to either get serious or move on! He is not listening to the people and the "no votes" on the city council. If he comes to the table with real change I promise many of us will support it.</p> <p>Sincerely,</p> <p>Kent Gasaway 8636 Mission Rd.</p>
Michael	Grossman	<p>From: mgrossman@kc.rr.com [mailto:mgrossman@kc.rr.com] Sent: Tuesday, November 05, 2013 12:00 PM To: Joyce Hagen Mundy Cc: clerk@pvkansas.com Subject: Mission Chateau</p> <p>Dear Prairie Village Clerk,</p>

		<p>Please forward a copy of the attached letter to the Mayor and each of the Prairie Village City Council members. I would appreciate it if you would reply to confirm your receipt and that it has been forwarded to them all.</p> <p>Have a great day.</p> <p>Sincerely,</p> <p>Michael Grossman</p> <p>(Attachment: pp 4 – 5)</p>
Jill	Hardman	<p>From: Jill Hardman [mailto:hardmanjt@yahoo.com] Sent: Monday, November 18, 2013 12:52 PM To: Joyce Hagen Mundy Subject: Mission Valley School Redevelopment</p> <p>Dear Members of the Planning Commission:</p> <p>I have been following the proposals for redevelopment of the Mission Valley School site and support the concept of senior housing at that location, but agree with opponents that both proposed plans are much too dense.</p> <p>Additionally, I will appreciate it if you give detailed consideration to the provision of adequate parking for the STAFF of any facility that is built at that site because the existing Claridge Court facility at 82nd and Mission Road does not have adequate staff parking. Claridge Court staff members fill all the parking spaces north of the library, causing congestion of two-way traffic on that narrow street. They regularly cross Mission Road in front of the library, rather than at the traffic signal, which is a danger to themselves and to drivers on Mission Road. Please don't let this happen again.</p> <p>Consideration for any development at the Mission Valley School site should include parking for a REALISTIC number of 1) initial and 2) future staff. This would at least include Administrative, Resident-Care/Patient-Care, Housekeeping, Dietary, Transportation, and Grounds-Keeping staff; as well as parking for visiting professionals, service-providers, and volunteers.</p> <p>Thank you for your consideration, Jill Hardman 8856 Cedar Drive Prairie Village, KS 66207</p>
Catherine	Sterchi	<p>From: Catherine Sterchi [mailto:cathy.sterchi@gmail.com] Sent: Monday, November 04, 2013 1:24 PM To: Joyce Hagen Mundy Subject: Mission Valley Development</p> <p>Dear Members of the Planning Commission and City Council Members,</p> <p>I OPPOSE the "new plan". The Mission Chateau plan is still MASSIVE. Proposing nine single family homes instead of 8 duplexes is not working with the</p>

neighborhood. Adding a third story on 12.8 acres is UNACCEPTABLE. DID HE NOT LISTEN TO WHAT OUR CONCERNS WERE THE FIRST TIME AROUND?

To me, his response and 'new plan' is a slap in the face to our community. He is acting out his anger and revenge and only considering what HE wants and no one else. My personal preference is to NEVER permit a 'special use' permit to Mr. Tutera for a senior living complex, as he has ignored the Village Vision and is not seeking to compromise with the neighborhood. Just because he bought the property does not mean that Prairie Village has to agree to a special use permit to develop the land the way he wants.

In addition, I understand that the committee is not "required" to consider the financial impact of this massive development on our community, but I ask you to please DO THIS out of respect to the individuals that live in Prairie Village. Why the committee would NOT do this is confusing when you are considering so many other factors. I appreciate all the work that the committee has put in on this issue, but please listen to what the neighborhood is wanting. We AT LEAST need to see the numbers and not be expected to just accept the decisions of the committee when this issue has been ignored.

Please RECONSIDER and vote against any special use permit.

Catherine Sterchi
3919 West 89th Street
Prairie Village, KS 66207

**Michael Grossman
3731 West 87th Street
Leawood, KS 66206
(913) 652-9752**

Prairie Village Mayor and all City Council Members
C/O Prairie Village City Clerk
7700 Mission Road
Prairie Village, KS 66208

November 5, 2013

Dear Mayor and Council Members,

Though I am not a Prairie Village resident, I am interested in your role of approving or denying the plans for the contemplated Mission Chateau Continuing Care Retirement Community (CCRC) on the site of the former Mission Valley Middle School. You may recall my name because I spoke at the council meeting on September 3rd during which there were insufficient votes to approve the project.

Since that night the developer, MVS LLC, has filed suit challenging the council's right to vote as it did, and seemingly by extension the appropriateness of the petition-induced super majority standard for the vote. In addition, they have re-filed to build a "smaller" project. In reality, the newspaper headlines and developer's public claims notwithstanding, the project is not really smaller at all. Even by the developer's own admission when asked directly at the most recent community meeting about the project, the number of square feet for the CCRC is unchanged from the proposal you already voted on.

In fact, the original plan had 358,040 square feet, including 17 villas on the entire 18.4 acre lot, or 19,459 (rounded) per acre; this plan carves out 5.6 acres on the south side for new houses, which leaves 325,890 square feet on 12.8 acres, or 25,460 square feet per acre, a greater than 30% increase in density. The developer didn't commit a specific size for the 9 new homes to be built, but houses of 3572 square feet each would equate to the same initial 358,040 total for the entire 18.4 acre plot of land. In reality, the functional difference between facility-owned villas and privately owned houses (without even considering the likelihood of anyone actually wanting to build a new house adjacent to such a large CCRC facility) is

inconsequential.

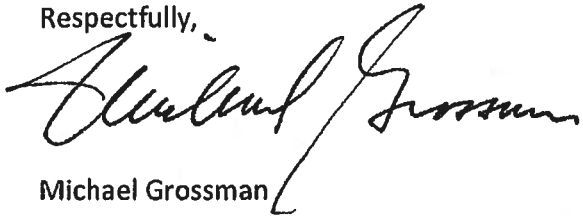
It has been suggested to me that one of the primary motives for the switch from villas to houses is to disenfranchise the surrounding home owners and potentially invalidate the super majority requirement. I certainly hope that you will not allow such a machination sway you to the point of ignoring the Village Vision's intent of having input from the surrounding neighborhood.

When the developer, at the most recent community meeting to discuss the re-filing, admitted (again, only upon direct questioning) that the CCRC's total square footage was unchanged, and explained that he was responding to the council's wishes for more private ownership, he denied that the vote result and attendant message of the council was to encourage a scaled down project. Having been in attendance, that position is clearly inconsistent with the reality of the early September proceedings. The community, and apparently enough of the council, seems to be of the mind that the problem is not building a CCRC so much as building one that is so large for the parcel of land it is to be situated on. It is unfortunate that the developer is unable or unwilling to acknowledge that fact and alter his plans accordingly.

It is my hope that the council will not reward disingenuous plan revisions that are not actually material changes, or lawsuits questioning the council's legitimate authority (which is supported by Kansas Supreme Court established precedents) through what will be time consuming and costly litigation. It will be exciting when a truly scaled down plan that is in keeping with the neighborhood is finally presented for your consideration, and many members of the community and I trust you all to ensure that outcome occurs.

Thank you for your kind attention and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Grossman". The signature is written in a cursive style with a large, sweeping flourish at the end.

Michael Grossman

MILBURN W. HOBSON, M.D.
5467 WEST 85TH TERRACE
PRAIRIE VILLAGE, KANSAS 66207

11/13/13

Dear Mr. Shaffer:

I appreciate your giving of your time to be mayor - My wife and I have lived in P.V. for 47 years and raised three children here. We hope to spend our later years at the mission charbon project if it ever becomes a reality -

My question is this, I see many yard signs saying the project will increase taxes yearly - I can't see how this could be true. I would think the project would be a great source of taxes for P.V. If signs are supporting a falsehood shouldn't they be legally removed -

Again thanks for your time as mayor and since I live in Ward 5 I hope you will find a better qualified person to represent ^{us} than the one currently dismissed from the council -

Sincerely,

Milburn W. Hobson M.D.

LOCHNER

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: December 3, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-126

Request: Site Plan Approval for Adult Senior Dwellings

Property Address: 8500 Mission Road

Applicant: The Tutera Group

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

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

Legal Description: Meadowbrook Junior High School BLK 1 plus tract – Metes and Bounds

Property Area: 12.8 Acres or 557,632 sq. ft.

Related Case Files: PC 2013-11 Special Use Permit for Adult Senior Dwellings
PC 2013-127 Preliminary Plat Mission Chateau
PC 2013-114 Site Plan Approval for Adult Senior Dwellings
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2004 Monument Sign
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

Attachments: Application, Photos, Plans

LOCHNER

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

COMMENTS:

This is a new submission for an Adult Senior Dwelling complex on the former Mission Valley Middle School site. The area of the Special Use Permit has been reduced from 18.4 acres to 12.8 acres from the previous submission. During the testimony on the previous application, the neighbors to the south and southwest objected to the rental Villas (duplexes) that were proposed along the south and southwest property line. The applicant has eliminated the Villas and proposed platting a single row of single-family lots facing a public street on this portion of the site. This area is proposed to be developed as traditional R-1A Single-Family lots and only requires platting. A Preliminary Plat has been submitted which proposes nine lots that range in size from 17,485 sq. ft. to 30,590 sq. ft. The minimum lot size in the R-1A District is 10,000 sq. ft. These lots are similar in width to those lots adjacent to the south.

The following is a comparison of the proposed plan with the previous plan:

UNITS	Plans Dated: July 30, 2013	Proposed Plan	
Independent Living Apartments	136	136	
Assisted Living Apartments	54	54	
Skilled Nursing Units	84	84	
Memory Care Units	36	36	
<u>Independent Living Villas</u>	<u>17</u>	<u>0</u>	
Total Units	327	310	
GROSS BUILDING SQ. FT.	Sq. Ft.		
Skilled Nursing/Memory Care	91,200	97,550	+6,350 sq. ft.
Assisted Living/Independent Living	228,340	228,340	0
<u>Independent Living Villas</u>	<u>38,500</u>	<u>0</u>	<u>-38,500 sq. ft.</u>
Total Gross Building Sq. Ft.	358,040	325,890	

The total square feet of the complex has been reduced by 32,150 sq. ft. or 8.9% because of the deletion of the Villas.

The Skilled Nursing/Memory Care building has changed. The proposed footprint is 31,800 sq. ft.; 97,550 total sq. ft. and it is three stories with 120 units. This compares to a 58,268 sq. ft. footprint, 91,200 total sq. ft., one and two stories with 120 units. The Memory Care portion of the project has been moved to the bottom floor of the Skilled Nursing facility and the two floors of the Skilled Nursing facility have been placed on top of the Memory Care facility increasing the building from two stories to three stories. By combining the Memory Care and Skilled Nursing facilities into one floor plan, the amount of open space increase, or the decrease in building footprint, is 26,468 sq. ft. Also the building sets back 317.5 feet from the original southwest property line as compared to 163 feet on the previous plan. The height of the three-story building to the ridgeline will be 38 feet, and in some locations 40 feet, as compared to 29.5 ft. on the previous two-story building. The calculated building height will not exceed the maximum height of 36 feet. The building height calculation by ordinance is the midpoint between the eave and the highest ridgeline. In those areas where the ridgeline is 40 feet the height is 36 feet and when the ridgeline is 38 feet the height is 35 feet as calculated by the ordinance. The three-story height also relates well to the taller apartments and condominium buildings to the west and north. A negative to the proposed plan compared to the previous plan is the increase of 6,350 sq. ft. of total floor area. By stacking the building into three floors, it would seem that there would be some economy of space in common use areas that would, in effect, reduce the total square footage of the building. Since the number of units is the same, the applicant needs to reanalyze the building to reduce the square footage or provide justification for the increase in size.

The Assisted Living/Independent Living facility is the same size and contains the same number of units as it did on the previous plan. It also has the same footprint of 81,365 sq. ft. and the total height is the same at a range of 36' – 40' with most being at 36 feet. The building is essentially in the same location as it was on the previous plan; however, it has moved a few feet closer to Mission Road.

December 3, 2013- Page 4

The total footprint of all the structures is: SN/MCF, 31,800 sq. ft.; AL/ILF, 81,365 sq. ft. (17,000 sq. ft. + 64,365 sq. ft.); carports, 6,000 sq. ft.; for a total of 119,165 sq. ft. This is lot coverage of 21.4%, well below the maximum permitted of 30%.

Sidewalks on the proposed plan are 39,565 sq. ft. which is 4,100 sq. ft. less than the previous plan. It should be noted that the platting of single-family lots adjacent to the south and southwest property line will eliminate the pedestrian access to Somerset Drive. Staff has favored pedestrian access to Somerset Drive and this will need to be discussed on the plat for the single-family lots. The number of parking spaces provided is 316 reduced from 350 and the paved area for streets and parking is 117,745 sq. ft. reduced from 129,373 sq. ft. The 34 parking space reduction is due to the deletion of the 17 Villas that had two spaces each.

The area covered by buildings, sidewalks, streets and parking is 276,475 sq. ft. or 49.6% of the lot. It should be noted that the Preliminary Stormwater Management Plan for the previous application was based on 8.6 acres or 374,616 sq. ft. of impervious area which is significantly more than this plan.

In the previous proposal, the applicant had proposed three construction phases. Phase One being the Skilled Nursing/Memory Care facility; Phase Two the Assisted Living/Independent Living facility; and Phase Three the Villas. The Villas are no longer a part of the project and the applicant proposes to build both buildings at the same time.

The total number of residents for this proposed project is 378 compared to 412 on the previous submission.

The proposed Mission Chateau plan will provide 310 units on 12.8 acres for a density of 24.2 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
- Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

The proposed density on the previous plan was 17.8 units per acre which is an increase of 6.4 units per acre.

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 21.4% which is well below the 30% maximum for the R-1A zoning district.

The applicant held a neighborhood meeting for the revised plan on October 22, 2013 and approximately 60 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, parking, flooding, green space, compatibility with the neighborhood, density, public safety and construction disruption. A summary provided by the applicant is attached.

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 557,632 sq. ft. with a total footprint of 119,165 sq. ft. for both buildings and the carports, which is 21.4% lot coverage. Approximately 6.35 acres of the 12.8 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 per city requirements to accommodate the proposed development.

The applicant proposes to plat a single row of single-family lots with a public street immediately adjacent to the south and southwest boundary of the proposed Senior Housing Community. Consideration of the lots is not a part of this development but affects it and will be addressed separately on the Preliminary Plat which has been submitted.

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 original Stormwater Management Plan was prepared based on the previous plan and used 8.6 acres of impervious area. The impervious area on the proposed plan is 6.35 acres not including the single-family lots. 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 one. A new drive will be in alignment with 84th Terrace and a new public street, 85th Circle, will be dedicated in alignment with 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 driveway on Mission Road. The internal 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 turning radius for emergency vehicles and delivery trucks appears to be tight and needs to be rechecked and revised. Deliveries are proposed to enter and exit the north driveway which is the main entrance to the development. There will be two access points to 85th Circle from the private driveways, but it is not intended to use them for delivery vehicles. The curve in the drive at the northeast corner of the site needs a larger radius to accommodate cars.

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

The applicant has proposed a single row of R-1A single-family lots facing a public street adjacent to the south property line and they back up to existing single-family dwellings. They will serve as a transition between the existing single-family dwellings further south and the larger buildings. It should be pointed out; however, that it is better for like land uses to face each other and different land uses to back up to each other. Therefore, it would be more desirable for single-family lots to also be laid out on the north side of 85th Circle and back up to the Senior Housing community. 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 317 ft. from the existing residences abutting the southwest property line. The distance from the northwest property line at its closest point is 91.5 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 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 both 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 3 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 Skilled Nursing/Memory Care facility is now three stories and the maximum height to the ridgeline is 40 feet. By combining the Memory Care with the Skilled Nursing on one floor plan, the amount of building coverage has been reduced and more open space is available. The majority of the three-story portion of the Assisted Living/Independent Living facility is 36 ft. in height. A few areas will reach 40 ft. in height. It is generally in the same location as in the previous application. A portion of the south and southwest wings will be two-story.

The Skilled Nursing/Memory Care facility has been moved further north on the site to provide a greater buffer for the existing and proposed single-family dwellings to the south.

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 prepared 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 held a number of meetings with area neighbors on the original application 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 310 units on 12.8 acres of land for a density of 24.2 units per acre which is about the same as the apartments and condominiums on the northwest, but much greater than the single-family dwellings to the east, south and southwest. The applicant has proposed a public street and a row of single-family lots along the south to provide a distance buffer for the adjacent single-family residences.

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. Some residents have suggested that the development will significantly increase municipal service demands to the site. City Staff has examined other similar facilities and their service demands and has determined that the project will not significantly increase City service demands nor require the hiring of additional staff and the purchase of additional equipment.

RECOMMENDATION:

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

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.

2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
 3. That the applicant will implement the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.
 4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
 5. That all HVAC units except wall units be screened from adjacent streets and properties.
 6. That all trash bins and dumpsters be screened.
 7. That final plan details, including both the site plan and the building elevations, shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
 8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
 9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
 10. That the applicant install a sprinkler system for the lawn and plant materials and the plan be approved by Staff.
 11. That the applicant fence the detention pond and the final fencing plan be approved by Staff.
 12. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
 13. That the applicant install fire hydrants at locations designated by the Fire Department.
 14. That the applicant be responsible for plan review and inspection costs associated with the construction of the facility.
 15. That the applicant work with Staff to redesign the carports so they are more compatible with the buildings.
 16. That the applicant submit final plans for the retaining walls to Public Works for review and approval.
 17. That the applicant reanalyze the design of the Skilled Nursing/Memory Care facility and reduce its square feet to at least 91,200 sq. ft.
 18. That the applicant review the turning radius for all vehicles on the private drives and revise them where appropriate subject to the review and approval of Public Works.
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CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC 2013-128</u>
Filing Fee: <u>0/100</u>
Deposit: <u>2500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>11/5</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: MVS, LLC / Joe Tutera Phone Number: 816-444-0900

Address: 7611 State Line Rd. Ste. 301 E-Mail: JCT@Tutera.com
Kansas City, Mo 64114

Owner: JAM Phone Number: _____

Address: _____ Zip: _____

Location of Property: 8500 Mission Rd.

Legal Description: See Attached

Applicant requests consideration of the following: (Describe proposal/request in detail) Site Plan Approval for Adult Senior Dwellings including Independent, Assisted, Memory Care and Skilled Nursing.

AGREEMENT TO PAY EXPENSES

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

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

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

Joe Tutera 10/4/13
Applicant's Signature/Date

Owner's Signature/Date

File No. 2012-2388
Mission Chateau
October 4, 2013

SUP Description

All that part of Block 1, Meadowbrook Junior High School, a subdivision in the Southeast Quarter of Section 28, Township 12 South, Range 25 East, in the City of Prairie Village, Johnson County, Kansas, described as follows:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 28, Township 12 South, Range 25 East; thence North 0 degrees 00 minutes 00 seconds East along the East line of the Southeast Quarter of said Section 28 a distance of 1133.57 feet to a point; thence South 90 degrees 00 minutes 00 seconds West a distance of 42.00 feet to a point on the West right of way line of Mission Road, the POINT OF BEGINNING; thence continuing South 90 degrees 00 minutes 00 seconds West a distance of 129.04 feet to a point; thence in a Southwesterly direction along a curve to the left, having a radius of 279.00 feet, through a central angle of 15 degrees 44 minutes 34 seconds, an arc distance of 76.66 feet to a point of reverse curvature; thence along a curve to the right, having a radius of 121.00 feet, through a central angle of 15 degrees 42 minutes 19 seconds, an arc distance of 33.17 feet to a point; thence South 89 degrees 57 minutes 45 seconds West a distance of 216.17 feet to a point; thence in a Northwesterly direction along a curve to the right, having a radius of 121.00 feet, through a central angle of 43 degrees 48 minutes 33 seconds, an arc distance of 92.52 feet to a point; thence North 46 degrees 13 minutes 42 seconds West a distance of 582.54 feet to a point; thence in a Northeasterly direction along a curve to the left whose initial tangent bears North 41 degrees 47 minutes 07 seconds East, having a radius of 5770.00 feet, through a central angle of 4 degrees 49 minutes 48 seconds, an arc distance of 486.41 feet to a point; thence South 53 degrees 05 minutes 05 seconds East a distance of 158.00 feet to a point; thence in a Southeasterly, Easterly and Northeasterly direction along a curve to the left, having a radius of 300.00 feet, through a central angle of 79 degrees 33 minutes 50 seconds, an arc distance of 416.60 feet to a point; thence North 47 degrees 21 minutes 05 seconds East a distance of 190.18 feet to a point on the West right of way line of Mission Road; thence South 0 degrees 00 minutes 00 seconds West along the West right of way line of Mission Road a distance of 850.53 feet to the POINT OF BEGINNING and containing 557,638 Square Feet or 12.802 Acres, more or less.

THE TUTERA GROUP

Mission Chateau
8500 Mission Road
Prairie Village, Kansas
SUP Permit 10-4-2013
Narrative Overview



Mission Chateau has been designed to complement the neighborhood architecture. High quality materials are used on all four sides of the project. The height, scale, and density of the project are consistent with the neighboring properties.

Site Plan of Mission Chateau with surrounding properties



The site plan has been optimized to fit appropriately within the existing transitional elements of the neighborhood. Residential lots are provided to the south in proportion to the existing residential lots farther south on 86th Street. The senior living residences are located to the north and northwest adjacent to multifamily apartments or condos. Farther north are retail and office. Mission Road to the east is Prairie Village’s main north-south thoroughfare with 18,400 vehicles per day. A Mission Road streetscape is developed along the eastern portion of the senior living. The scale of the existing improvements is greater than the proposed plan.



Summary of Key Facts

- Developed, owned, and operated by The Tutera Group, a well-respected local company.
- The project provides Prairie Village its only rental continuum of care community offering Independent Living, Assisted Living, Memory Care and Skilled Nursing in one community.
- The plan is consistent with a plan previously recommended by the Staff, the Planning Commission, and the majority of the City Council.
- Plan is submitted along with a plat that provides nine large R1-A single family lots on 5.6 acres to the south creating a highly desirable transition zone for the existing neighbors to the south and southwest.
- When combined with the R1-A 5.6 acres, the area consists of 18.4 acres in total.
 - Lot coverage is 18% to a standard of 30%;
 - Density is 17 units per acre; and,
 - Green space is approximately 10 acres.
- The City's share of real estate taxes is approximately \$110,000 per year. Total real estate taxes are approximately \$600,000 per year.
- Initial benefit from sales taxes during the construction period will be in excess of \$1 million.
- No economic incentives are being requested; and all costs associated with the SUP during the approval process, development, and ongoing operations are paid for by the developer, owner, and operator. No cost will be passed on to the City.
- Park space and trails are included and accessible to the public.
- A Mission Road streetscape is developed with a 6-foot berm and heavy landscaping.
- Building heights to surrounding properties are consistent with adjacent properties.
- Significant transitional elements exist to enhance buffer zones between residential to the south, commercial to the north, and high density residential to the west.

- Substantial need for senior living exists due to the changing demographics of the City. The City has no rental continuum of care retirement centers, no rental independent livings of any kind, very limited skilled nursing, and a shortage of modern assisted living and memory care.
- The plan is consistent with the Village Vision and among other benefits promotes revitalization, housing diversity, and is responsive to the changing demographics of the City.
- The plan will improve adjacent property values while providing a substantial community benefit through direct income many ancillary benefits with no burden to the city.

The Owner and Developer

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

Mission Chateau Residential Housing Plan

The Site

It is located on part of the former Mission Valley Middle School on an 18.4 acre site at 8500 Mission Road in Prairie Village, Kansas. The site is platted into two parcels: a 5.6 acre R1-A parcel of nine single-family residential lots to the south, and a **12.8 acre parcel that is subject to this application**. This application is requesting a Special Use Permit (SUP) for an adult senior dwelling with an accessory use of skilled nursing and the approval of the associated site plan. The plat is being filed under its own application and is a condition of this application.

A Continuum of Care Retirement Community

Mission Chateau is a rental, fee-for-service Continuum of Care Retirement Community (CCRC) comprised of four residential housing options.

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

Overview of Residential Uses, Size and Design

The SUP consists of four rental residential housing options that are further described as follows:

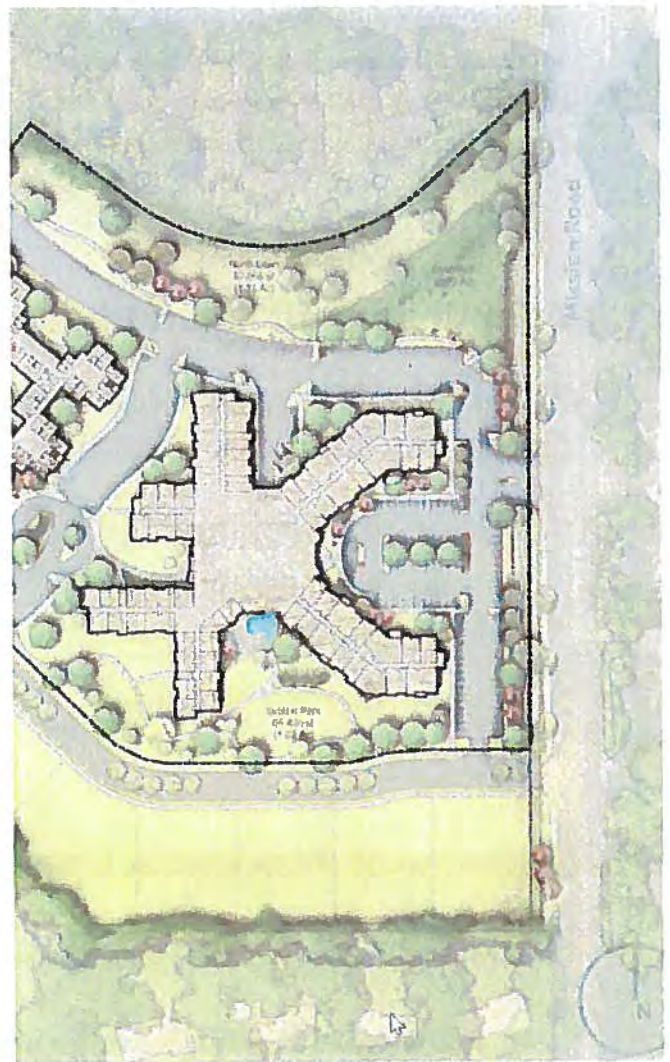
- **Independent Living Apartments Services**

The Independent Living consists of 136 one-bedroom units and two-bedroom units. The apartments are of a state-of-the-art design and include all the appointments and amenities expected in a modern apartment including: a full kitchen with granite counter tops, living rooms and/or dens, walk-in closets, spacious living space, high ceilings, and laundry facilities. Included will be a complement of units with balconies or walk-out patios. The Independent Living Apartments are for residents who don't need any assistance with

daily activities but do want access to services and the lifestyle amenities. The amenities include: a host of various dining venues and options; entertainment options and spaces that include a theater, coffee and sundry shop; a library; housekeeping and laundry services; an enclosed indoor pool and spa; a fitness and wellness center; scheduled activities; transportation, valet services, covered parking, concierge services, 24-hour security; and access to the health care services provided within the community.

Summary of Independent and Assisted Living Design and Plan

Number of Units	136-ILF 54-ALF
Total Lot coverage	81,365
Total Floor Area	228,340
From East Property Line	107' to 270'
From Closest North Property Line	196'
From South SUP Line	55'
From South Existing SFR Property Line	255'
From back of closest SFR to South	344'
Height of Façade	32' -mid 36' Peak
Height at Entry	22' Peak



- **Independent Living Apartments Design and Plan**

The Independent Living residences are the larger of the two buildings on the site. It is located to the east of the property and faces Mission Road (see Site Plan above). It is located approximately 107 feet 6 inches at its closest point, 270 feet at the entrance from

the eastern property line, 196 feet at its closest point from the northern property line, 55 feet from the southern property line of the SUP and 255 feet to the rear property line of the existing residences to the south, and 334 feet from the rear of any existing residences to the south. The tips of the facility to the east are 70 feet wide and 32 feet high to their midpoint consistent with the scale of a new single-family residence.

Sky-View Element

The facilities' central community area steps away and lowers from Mission Road. The connecting space is 22 feet tall at its front façade breaking the building into two 144-foot wide parts connected by a 60-foot wide connecting structure. This feature breaks the longest façade into two separate buildings which when combined with the offset of the front of the residential wings to the entrance (163 feet) diminishes the scale and contours the residence into the site. Residential spaces are both two and three stories tall. The Independent Living Apartments' ground elevation is approximately three (3) feet below the existing structure. At its highest elevation, the facility will be lower than the highest elevation of the existing structure. The ground elevation of the Independent Living Apartments at the center of the site will be about four (4) feet lower than the elevation of Mission Road. The entry will be six (6) feet below the top of the berm.

- **Assisted Living Apartments Services**

The Assisted Living Apartments consist of 54 one- and two-bedroom units. They are included and connected to the Independent Living facility. Assisted Living is for the resident who requires a little help with the activities of daily living; such as, full meal service or assistance with medication. The facility has a secondary entrance to the west and includes a complement of dining, wellness, and social spaces located conveniently to the resident's apartment. The Independent and Assisted Living facilities are connected so that they can also share services, amenities, and provide for convenient social interaction between family and friends throughout the community.

- **Assisted Living Apartments Design and Plan**

The assisted living wings are 26 feet tall at their peak and 22 feet to the mid-point. The apartments are of similar style and design to the Independent Living Apartments; however, they include amenities that have been designed around the needs of those residents. For example, a kitchenette versus a full kitchen is included since full meal services are provided to each resident. The units do not include balconies rather walk-out patios are available. When combined with the Independent Living, the residences contain approximately 228,340 square feet on an 81,365 sqft footprint. This is the largest of the structures on the site.

Summary of Memory Care and Skilled Nursing Design and Plan

Number of Units	36 Memory 84 Skilled Nursing
Total Lot coverage	31,800
Total Floor Area	97,550
From the West Property Line	92'
From South SUP	108' to 118'
From South SFR Property Line	208' to 318'
From Back of Closest SFR	378'
Height of Façade	35' mid 38' Peak
Ground Elevation compared to Southern SFR	5' to 10' Lower
Ground Elevation Compared to West	Even
Top of building compared to West	5' lower
Memories Park	28,850 SF



- **A Memory Care Neighborhood Services**

The Memory Care consists of 36 all private units and is for seniors who require more help and have memory issues. Special care has been taken to match the design to the needs of the residents to maximize their lifestyle and quality of life. This design is based on the residential versus medical model. Features include views of an interior protected interior courtyard and micro-parks to the south. Resident rooms are located on only one side of the hallway to provide unobstructed views to the outside and a maximum amount of natural light.

- **A Memory Care Neighborhood Design and Plan**

This neighborhood has been placed on the first floor of the skilled nursing building. In this configuration, a large 28,850 sqft southern micro-park is created. It is 108 to 118 feet from the SUP's southern property line, 308 to 318 feet from the property line of the existing residences to the south, and 378 feet from the back of the existing residences to

the south. From the western property line, it is 92 feet at its closest point. The ground elevation of the Memory Care Neighborhood is 5 feet to 10 feet below the existing residences to the south and about even with those to the west.

- **A Skilled Nursing and Rehabilitation Neighborhood Services**

The residences are like no other community in the region in terms of character, functionality, and design. It offers the residents the highest level of service, amenities, and quality of life. Each element has been designed around a residential scale and lifestyle from the exterior carrying through to the interior. The facility consists of 68 private suites and 16 deluxe suites able to be configured as small apartments with a bedroom and den or for two residents who want privacy or shared spaces. It will have a large patio, elevated dining spaces, theater, library, coffee and sundry shop, state-of-the-art wellness gym and rehabilitation center with modern equipment and amenities, and a host of other shared and private social, entertainment, and dining spaces. One of the facility's key elements, giving the facility such a unique residential feel from both its interior and exterior, is that there are eight private, self-contained neighborhoods containing seven suites each. Each suite opens to its own study and social space providing living options and privacy at each resident's choosing throughout the day.

- **A Skilled Nursing and Rehabilitation Neighborhood Design and Plan**

The facility has 84 units on two stories and is located above the memory care neighborhood, making the building three stories tall. At this elevation, it remains 35 feet at its mid-point. The top of the roof is 5 feet lower than the top of roof of the apartments immediately to the west. It is 144 feet from the condos to the northwest at its closest location and approximately the same height at the top of each property's roof.

The facility, when combined with the memory care neighborhood, will not exceed 97,550 sqft. It sits on a 31,800 sqft footprint. By including the 36 memory care units on the first floor of the building, more green space is provided to the neighbors to the west and southwest. The height is consistent with the existing multifamily units to the west and northwest.

Mission Chateau Site Plan Elements

Lot Coverage, Green Space, Concentrated Active Open Spaces

The Special Use Permit contains 12.8 acres. The lot coverage is 21% as compared to 30% permitted by code. When combined with drives, parking, patios, and walks, 50.4% of the site, or over 6.3 acres, remains green space. What is remarkable is that these green spaces are configured in a manner to provide “Concentrated Active Open Space Amenities” in the form of micro-parks to the north, south, and east fronting Mission Road.

Contained within these parks, and throughout the community, are walking paths over a mile long that are inviting to not only residents, families, and visitors but also those in adjacent neighborhoods simply out for a walk.

The site is being planned along with a 5.6 acre R1-A single-family housing development on nine large lots to the south. The combined 18.4 acres includes 18% lot coverage, 10.55 acres of green space, and 17 units per acre density.

Height

The two separate components include two and three story residential structures in height and proportion as follows:

Height to Mid-Point	
Three Story Memory and Skilled Nursing	35'-0"
Two Story Assisted Living	22'-0"
Three Story Independent Living	32'-0"

Per regulations, height is measured from the midpoint of the roof structure to the midpoint of the ground at 6 feet from the property. Regulations permit 45 feet in height to the mid-point based on the setback provided. All structures are highly comparable in height and scale of the surrounding properties.

The floor elevation is approximately 3 feet below the existing structure and about 4 feet below Mission Road at its midpoint of the property. The maximum elevation is approximately the same as the maximum elevation of the existing structure.

Mission Road Streetscape

Mission Chateau is providing better walkability and a more aesthetically pleasing streetscape along Mission Road. Fronting the entire distance of Mission Road is a 30 feet deep, extensive streetscape. Curved sidewalks, fencing, landscaping, and berms are provided within this green space. These elements, when combined with the lower ground elevation, sculpted building façade, 107-foot to 270-foot setbacks, and residential elements, greatly enhance and compliment the aesthetic experience. The existing streetscape includes a sidewalk adjacent to the curb, minimum green space and landscaping, and minimal screening. The existing improvements are located at the approximate elevation of Mission Road.

Unit Count and Resident Capacity

Mission Chateau provides services and housing options for RESIDENTS not Patients. Each of the living options is a residence. Mission Chateau has a total of 310 units located within two separate residential components. The total potential occupancy is 378 residents, assuming 100% occupancy with every semi-private, two-bedroom unit, and each unit with a den occupied by two residents. Actual occupancy is expected to be 310 residents based on 90% occupancy with half of the two-bedroom units being occupied by two residents.

Unit and Resident Count

	Total Units	1 BR	2 BR	Residents at Expected Occupancy *	Potential Occupancy
Assisted Living	54	47	7	52	61
Independent Living	136	91	45	143	181
Total ALF and ILF	190	138	52	194	242
Memory Care	36	36	0	32	36
Skilled Nursing	84	68	16	83	100
Total SNF and MC	120	104	16	115	136
Total	310	242	68	310	378

* Based on 90% occupancy and half of the 2 bedroom units being occupied by two residents.

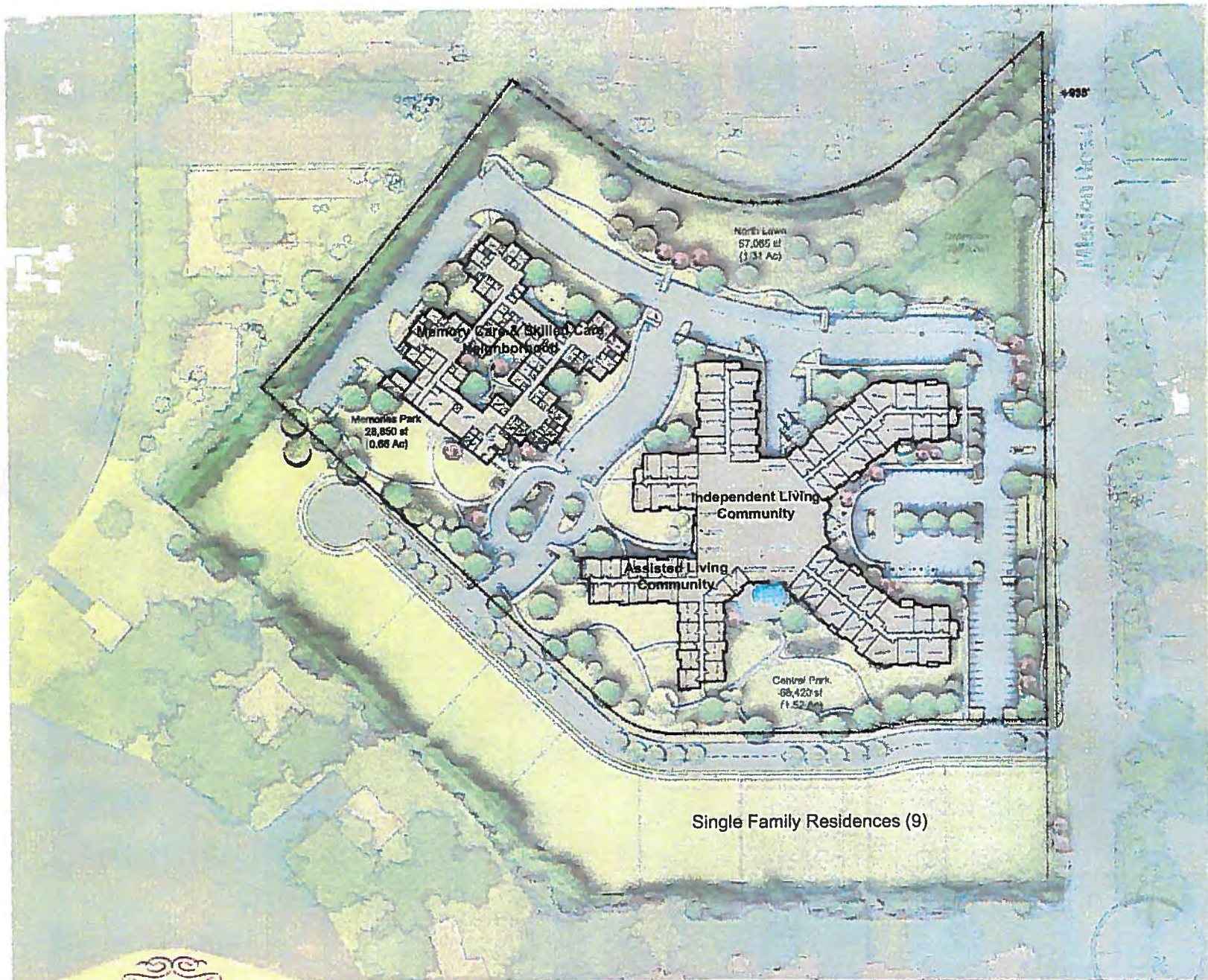
Access, Drives, and Circulation

All access for Mission Chateau will be either directly from Mission Road or through a new road that will line up with 85th Street. The entrances along Mission Road will allow for realignment to existing roads to the east. All circulation will be self-contained within the site. The delivery access and locations are located to the north and northwest of the property. The parking and drives are located away from residential neighbors to the south and southwest. The neighbors to the east will have the similar access points, more screening, further setbacks, and an improved streetscape.

Traffic Impact

Analysis was completed by Olsson Associates for ten lots proposed on a preliminary plat submitted 10-4-13, as compared to trips generated by the existing Mission Valley School. Calculations show **AM peak hour trip numbers decrease by 191 trips**, and PM peak traffic increases by 14 trips for the proposed R1-A development. Levels of service (LOS) at adjacent Mission Road intersections remain acceptable during both peak hour periods.

As a result of the development, the traffic congestion associated with the former school will be eliminated allowing traffic to flow more freely to and from adjacent residential streets to the east and the south. A study by Todd Appraisal, included in this report, quantifies the impact of “turn-around traffic” experienced during school operation for the neighborhood to the east. Todd Appraisal attributes this to “turn-around” traffic from the drop off of the school children during peak hours. Traffic, combined offsite parking associated with the operation of the school, the outdated structures and unimproved green space, is a well-documented detractor to home value.



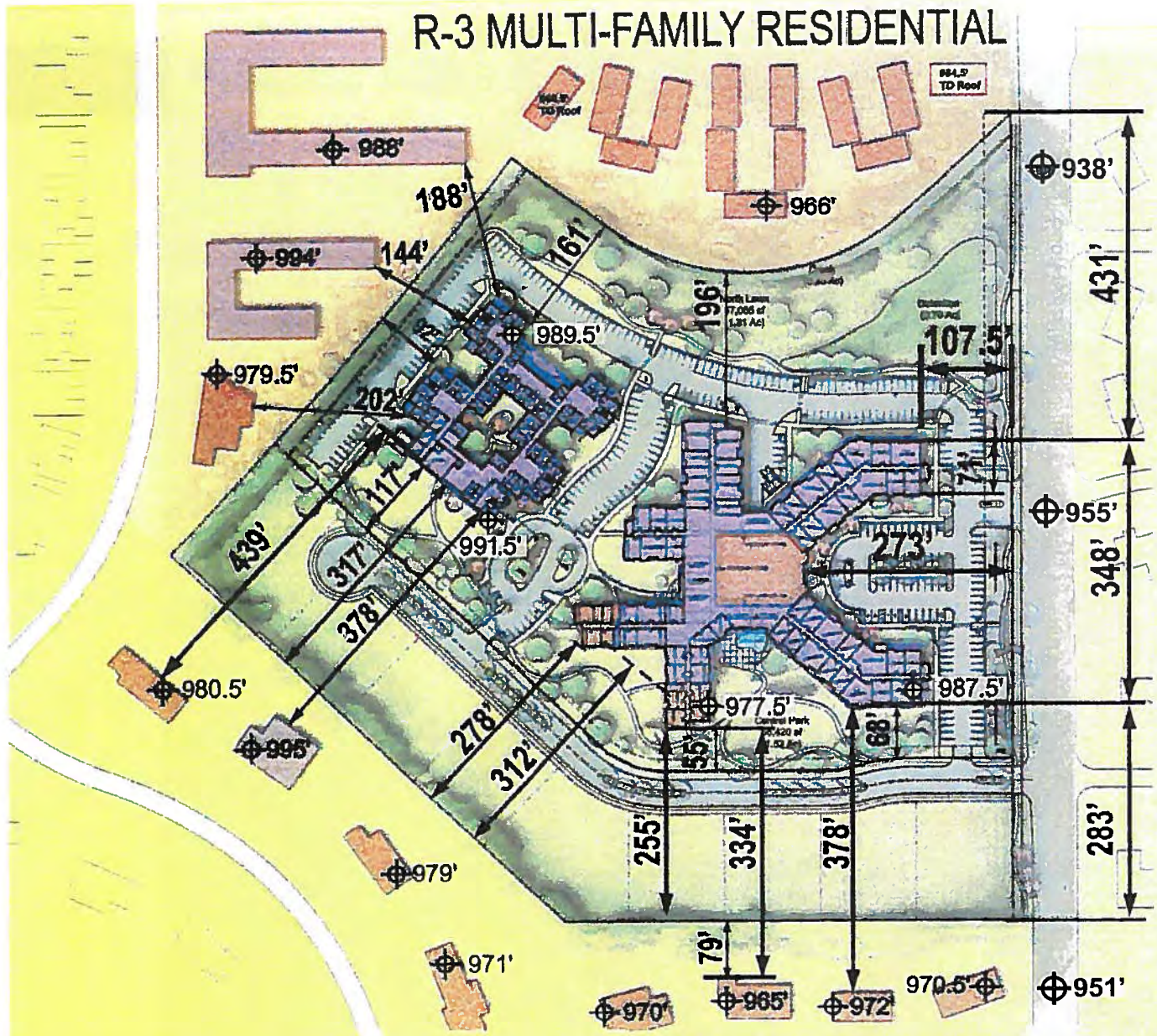
W. HOEFER WYSOCKI
Architects

THE TUTERA
GROUP

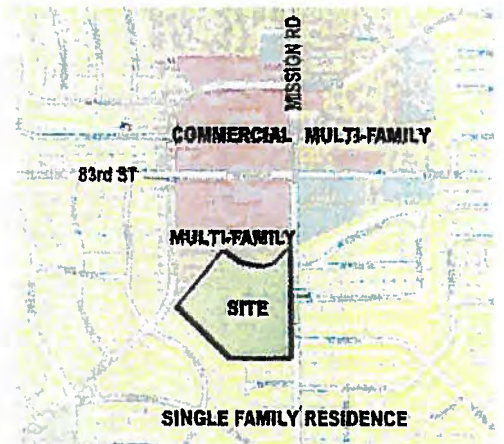
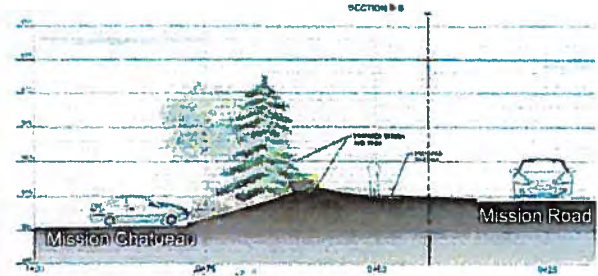
Mission Chateau Senior Living Community

Rendered Site Plan

R-3 MULTI-FAMILY RESIDENTIAL



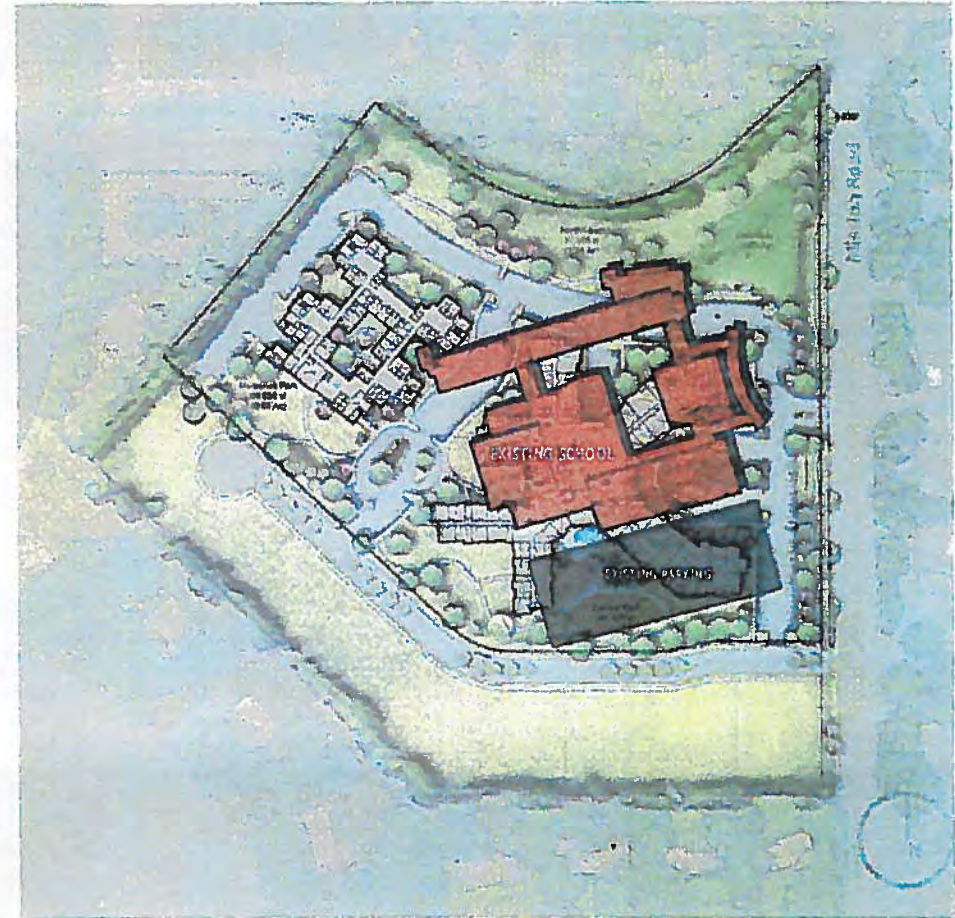
R-1 SINGLE FAMILY RESIDENTIAL



- 30'+ Tall Structures
- 20'-30' Tall Structures



Existing Site Aerial



School Overlay on Proposed Site

Storm Water

- **50% Reduction** in Water Run-off rates.
- from 151 cfs to 73 cfs at outfalls in a 100 yr storm
- Improved downstream water Quality and Quantity

Traffic Impact

- **Significant reduction in traffic congestion** associated with former school.
- AM peak reduced by 191 trips.
- PM peak increased by only 14 trips.

Mission Road Streetscape

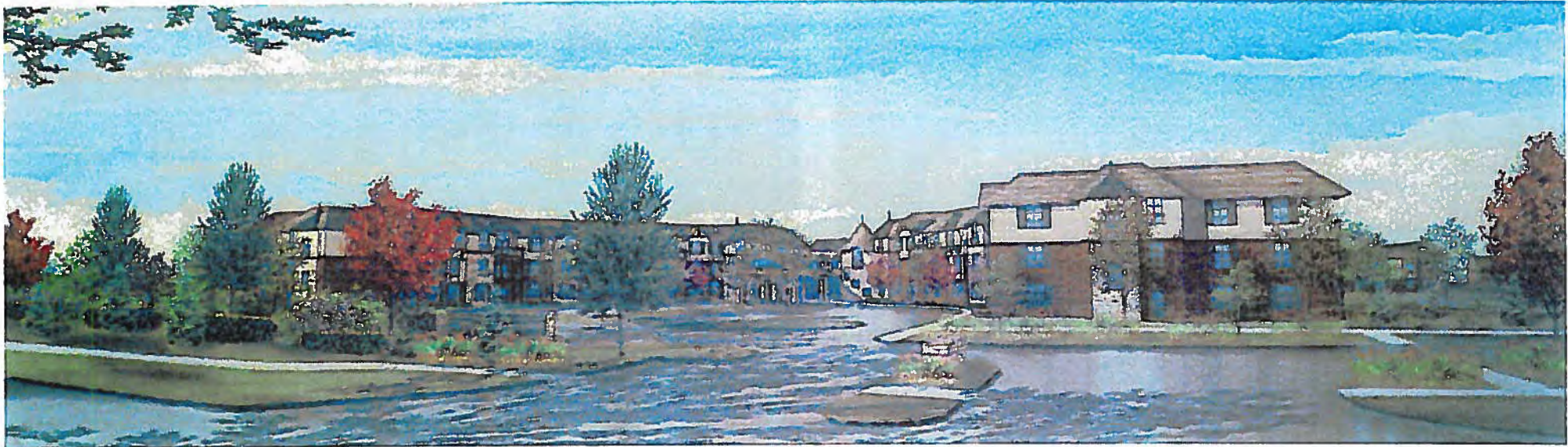
- **Improved walkability** and aesthetically pleasing streetscape
- Added sidewalks, landscaping, berms
- 30' deep public greenspace



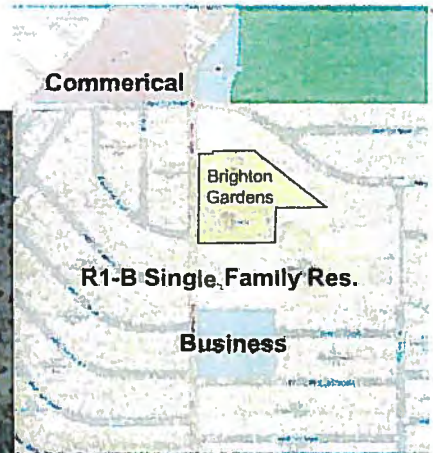
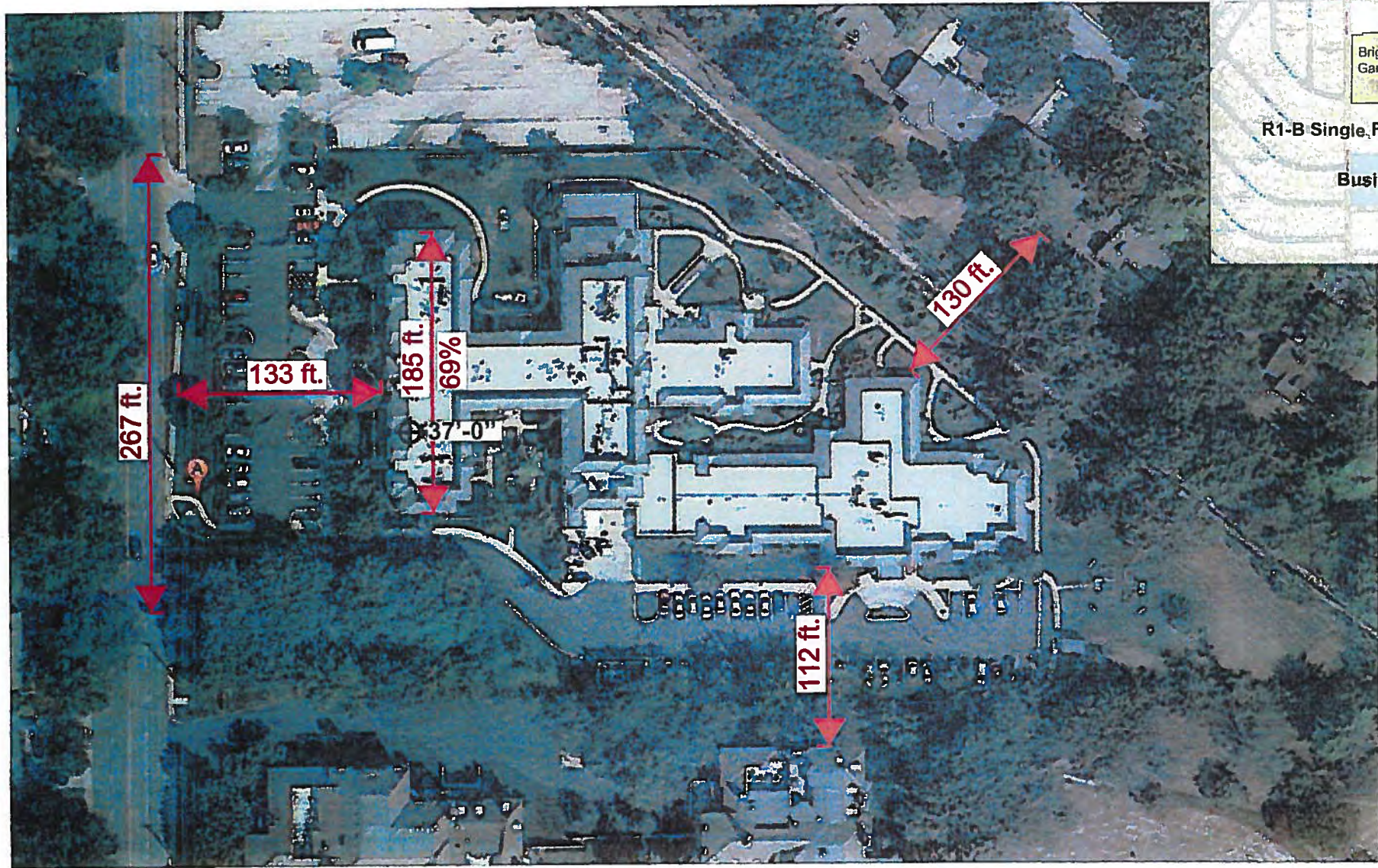
Independent Living Entry



Assisted Living Neighborhood Entry



Mission Road View - Independent Living Entry



Plans for the Mission Chateau Special Use Permit and Site Plan are located in two separate attachments.

LOCHNER

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: December 3, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-127

Request: Preliminary Plat for Mission Chateau

Property Address: 8500 Mission Road

Applicant: The Tutera Group

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

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

Legal Description: Meadowbrook Junior High School BLK 1 plus tract – Metes and Bounds

Property Area: 18.43 Acres or 803,077 sq. ft.

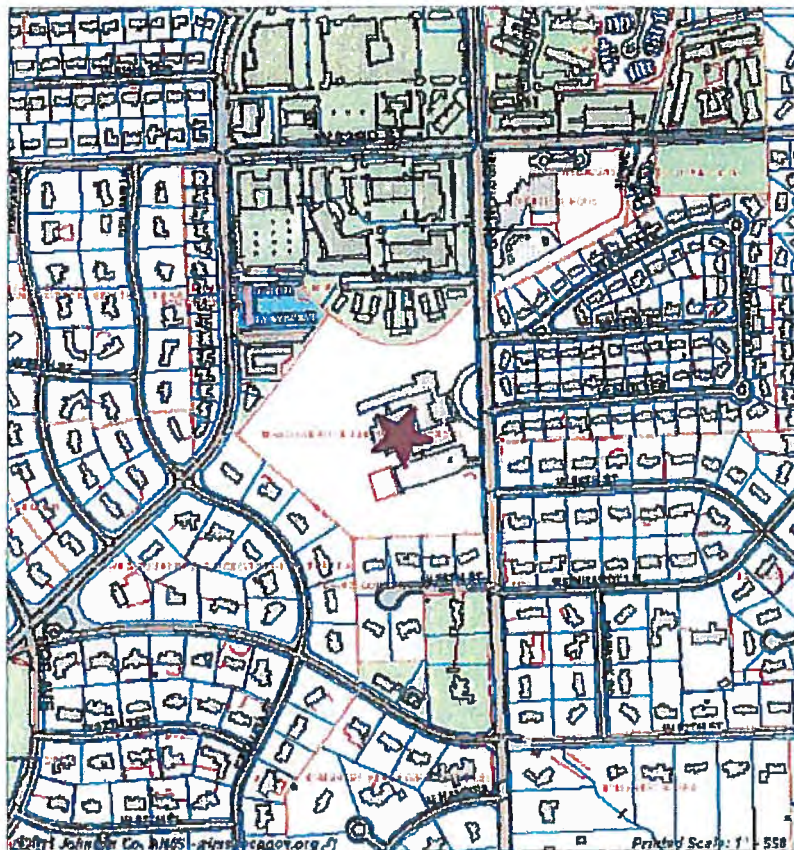
Related Case Files: PC 2013-126 Site Plan Approval for Adult Senior Dwellings
PC 2013-11 Special Use Permit for Adult Senior Dwellings
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2013-114 Site Plan Approval for Adult Senior Dwellings
PC 2004 Monument Sign
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

Attachments: Application, Photos, Plans

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 proposed Preliminary Plat of Mission Chateau is a 10 lot plat that includes nine single-family lots, a public street, and one large lot for the proposed Senior Housing Community. The nine single-family lots vary in size from 17,483 sq. ft. to 30,590 sq. ft. and the average for the nine lots is 20,292 sq. ft. In the R-1A Single-Family District, the minimum lot size is 10,000 sq. ft. and all the lots exceed that minimum by a significant amount. The proposed public street, 85th Circle, is a cul-de-sac and will serve the single-family lots, as well as provide two access points for the Senior Housing Community.

The approval of the Preliminary Plat is dependent upon the approval of the proposed Special Use Permit for the Senior Housing Community and Staff will provide comments and recommended conditions for approval. It is the recommendation of Staff, however, that Planning Commission action on the proposed Preliminary Plat be deferred until such time as the Governing Body acts on the Special Use Permit. If changes are made to the Senior Housing Community, it may cause changes to the Preliminary Plat.

STREETS

Access from Lot 10 to Mission Road will be one driveway and the plat should show access control on the rest of the Mission Road frontage. No additional right-of-way is needed for Mission Road.

The proposed cul-de-sac, 85th Circle, is approximately 1,020 feet in length. The subdivision Regulations state that cul-de-sacs shall generally not exceed 500 feet in length and loop streets are encouraged. A private loop street is provided for the Senior Housing Community approximately 240 feet from the end of the cul-de-sac. Access to this private drive needs to be a condition of approval of the plat. The cul-de-sac turnaround is required to have a minimum diameter of 80 feet to the gutter. The proposed turnaround has a right-of-way diameter of 102 feet which should be adequate to accommodate the required pavement. The proposed right-of-way width of 85th Circle is 58 feet. The applicant proposed an 8-foot wide median to be landscaped. This will also provide some screening between the single-family dwellings and the Senior Housing Community. The City does not want to maintain the median so a Home Owners Association will need to be created to provide for long term funding for maintenance.

SIDEWALKS

A sidewalk will be required on the south side of 85th Circle as well as along Mission Road. The applicant will construct the sidewalk adjacent to Lot 10 as approved on the Site Plan and will construct a sidewalk adjacent to Lot 1 on Mission Road.

When the previous application was submitted for the Senior Housing Community it included the entire site and pedestrian access was provided to Somerset Drive. The proposed Preliminary Plat eliminates that connection. Consideration should be given to providing a 10-foot wide pedestrian easement along the west side of Lot 9 to provide pedestrian access.

UTILITIES

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.

STORM DRAINAGE

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 original Stormwater Management Plan was prepared based on the previous plan and used 8.6 acres of impervious area. The impervious area on the proposed plan is 6.35 acres not including the single-family lots. The applicant will need to work with Public Works in the final design of the system.

BUILDING SETBACK LINES

Building setback lines for the Senior Housing Community buildings on Lot 10 shall be as approved on the Site Plan. Front building setback lines for Lots 1 – 9 are 30 feet and shall be shown on the plat. The side yard setback for Lot 1 adjacent to Mission Road is 15 feet and shall be shown on the plat.

TREES

Preserving existing trees and vegetation is important, particularly along the south and southwest property lines, which includes Lots 1 – 9. Landscaping on Lot 10 is addressed as part of the Site Plan.

Street trees will also be required along Mission Road, 85th Circle, and the medians. The variety, size and spacing will be subject to the approval of the Tree Board.

EXISTING IMPROVEMENTS

There are a number of existing items such as fencing, bleachers, etc. located in the single-family and 85th Circle area. All these items will need to be removed prior to recording of the Final Plat.

The applicant held a neighborhood meeting for the revised plan on October 22, 2013 and approximately 60 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, parking, flooding, green space, compatibility with the neighborhood, density, public safety and construction disruption. A summary provided by the applicant is attached.

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:

There are four single-family residential lots abutting the south property line and the average size of the four lots is 31,479 sq. ft. There are also four single-family residential lots abutting the southwest property line and the average size of those four lots is 44,512 sq. ft. which is a little larger than an acre. The average size of the combined eight single-family residential lots is 37,995 sq. ft. There are three multiple-family lots adjacent to the northwest which are 0.55 acres, 1.3 acres and 1.7 acres in area. There is one multiple-family lot of 3.3 acres adjacent to the north.

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

For the purpose of this factor, only single-family lots are reported. The lots in Town and Country Estates to the southwest average 41,800 sq. ft. and the lots to the south average 37,703 sq. ft. The lots on the east side of Mission Road in Leawood Lanes average 30,100 sq. ft. The lots on the east side of Mission Road in Corinth Meadows average 13,445 sq. ft. The lots on the west side of Somerset Drive in Somerset Place average 10,321 sq. ft. The lots that back up to those on Delmar Lane average 37,348 sq. ft.

All the single-family lots within 300 feet in Prairie Village are zoned R-1A which requires a minimum lot area of 10,000 sq. ft. The lots in Leawood are zoned R-1 Single-Family and the minimum lot area is 15,000 sq. ft. There are a variety of lot sizes in the immediate neighborhood ranging from 10,000 sq. ft. to over an acre and the quality of development has been very high regardless of the lot size.

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 R-1A Single-Family District requires a minimum lot width of 80 feet and a minimum lot depth of 125 feet. All the lots are a minimum of 125 feet in width which is well above the minimum requirement. The applicant has proposed nine single-family lots that back up to eight lots on the south and southwest property line.

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, as well as the metro area, is to build larger homes on infill lots. It therefore can be assumed that the new homes will be larger and higher priced than other existing homes in the area on similar sized lots. Many of the homes in this area were built in the 50s and 60s so the design and amenities will be significantly different. Also people are wanting larger homes and less yard maintenance.

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:

The neighborhood is quite diverse in the size of its housing. The residences to the south and southwest were for the most part built in the late 50s and early 60s, and have the larger homes. The area on the west side of Somerset Drive was built in the mid-70s and the homes are smaller. The area east of Mission Road in Leawood was built in the late 50s and early 60s. The area to the north on the east side of Mission Road was built in the mid to late 50s. Most of the dwellings in the area are over fifty years in age. The size of the dwellings varies considerably from 1,500 sq. ft. to 6,000 sq. ft. The residences have been well maintained and many have undergone renovation to update them.

The street and traffic conditions are good. The terrain is relatively flat in this area. Utility services are readily available.

6. The zoning and uses of nearby property:

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

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

The nine single-family lots adjacent to the south and southwest property lines will provide a transition from the existing single-family development to the Senior Housing Community. This should have a favorable impact on the existing adjacent residents.

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:

The approval of this Preliminary Plat is predicated on the approval of the Special Use Permit for the Senior Housing Community. This issue will have been covered in the consideration of the Special Use Permit and if the Special Use Permit is approved, this is a logical and reasonable plat for both the neighbors and the applicant.

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 approval of the Special Use Permit and a number of conditions.

10. The conformance of the proposed subdivision to the policies and other findings and recommendation of the City's 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 held a number of meetings with area neighbors on the original application 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 310 units on 12.8 acres of land for a density of 24.2 units per acre which is about the same as the apartments and condominiums on the northwest, but much greater than the single-family dwellings to the east, south and southwest. The applicant has proposed a public street and a row of single-family lots along the south to provide a distance buffer for the adjacent single-family residences.

The proposed developer has met with the surrounding neighbors and has discussed 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.

In accordance with Section 18.04.090.B., prior to approval of the Preliminary Plat, the Planning Commission shall determine that the following minimum standards shall be met if the plat is approved:

1. No single-family lot shall have less width, depth, or area than is set out in appropriate lot size regulations for District R-1A:

The proposed subdivision complies with these requirements. The minimum lot width in R-1A is 80'; lot depth is 125'; and the minimum lot area is 10,000 sq. ft. compared to the minimum lot width of 125'; lot depth of 127'; and the minimum lot area of 17,483 sq. ft. in Mission Chateau Subdivision. The proposed subdivision meets these minimum requirements.

2. **Lot width and area shall generally be equal to or greater than the average of the width or area of the existing lots within 300' of the proposed subdivision provided lots or tracts of greater than 25,000 sq. ft. may, if deemed reasonable by the Planning Commission, be excluded from such average:**

The average lot width is 125 feet and the average area is 20,292 sq. ft. for the nine single-family lots proposed for Mission Chateau. The average lot width is 160 feet and the average lot area is 40,153 sq. ft. for Town and Country Estates which is located adjacent to the south and southwest property lines. The average lot width is 150 feet and the average lot area is 30,100 sq. ft. for Leawood Lanes which is located on the east side of Mission Road. The average lot width is approximately 100 feet and the average lot area is 13,945 sq. ft. for Corinth Meadows which is also located on the east side of Mission Road. The average lot width is about 80 feet and the average lot area is 10,321 sq. ft. for Somerset Place which is located on the west side of Somerset Drive.

The proposed lots in Mission Chateau are larger than Somerset Place and Corinth Meadows but smaller than Town and Country Estates and Leawood Lanes. The last single-family subdivision that was platted in Prairie Village was Pine Creek at 83rd and Juniper. The average lot size for Pine Creek was 17,390 sq. ft. which is similar to Mission Chateau. These lots are more than ample to accommodate a new dwelling that meets today's market demands. It is the recommendation of Staff that the lots in excess of 25,000 sq. ft. be excluded from the average and the proposed lots be approved as submitted.

3. **The Planning Commission may require the submittal and subsequent recording of covenants to run with the land, such covenants to include such protective restrictions as minimum house floor area, general style and height of house, maintenance of any private streets, screening, preservation of existing vegetation, time allowed for completing construction or other reasonable requirements that will tend to blend the new construction into the existing neighborhood in the shortest possible time:**

The applicant will need to prepare covenants to guarantee the maintenance of the medians on 85th Circle.

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.

It is the recommendation of Staff that the approval of the Preliminary Plat be deferred until such time as the Governing Body acts on the Special Use Permit and the Preliminary Plat be revised and resubmitted subject to the following conditions:

1. That the applicant provide a sidewalk on the south side of 85th Circle and the west side of Mission Road.
 2. That two outbound lanes be provided for 85th Circle.
 3. That the final design of 85th Circle be subject to the approval of Public Works.
 4. That the applicant pay for the construction of 85th Circle and sidewalks.
 5. That the applicant work with Public Works on the final design of the storm drainage system.
-

6. That 30-foot platted front setback lines be shown on the plat and a 15-foot sidewalk be shown on Lot 1 adjacent to Mission Road.
 7. That the applicant prepare covenants to guarantee the maintenance of the medians on 85th Circle.
 8. That the applicant give consideration to dedicating a pedestrian easement on the west side of Lot 9 to provide access to Somerset Drive.
 9. That the applicant protect and preserve as much existing vegetation as possible along the property lines.
 10. That all existing improvements be removed from the 85th Circle right-of-way and the nine single-family lots prior to recording the Final Plat.
 11. Indicate access control on Mission Road on the plat.
 12. That the west driveway connection from the Senior Housing Community to 85th Circle be constructed at the same time as 85th Circle.
-

CITY OF PRAIRIE VILLAGE, KANSAS

PRELIMINARY PLAT CHECKLIST

Subdivision No: PC 2013-124
 Date Filed: 10/4/13
 Date of Meeting: 11/5/13
 Filing Fee: \$150
 Deposit: _____

- I. Name of Subdivision: Mission Chateau
- II. Name of Owner: MVS, LLC / Joe Tutera
- III. Name of Subdivider: MVS, LLC / Joe Tutera
- IV. Name of Person who prepared the Plat: MIKE Bogina / Olsson Associates
- V. Instructions:

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

VI. Does the Preliminary Plat show the following information?	<u>Yes</u>	<u>No</u>
A. Name of the subdivision	<u>✓</u>	—
B. Location of boundary lines and reference to section or quarter-section lines.	<u>✓</u>	—
C. Legal description, complete with Section, Township, Range, principal meridian, county.	<u>✓</u>	—
D. Name and address of owner(s).	<u>✓</u>	—
E. Name and address of subdivider(s).	<u>✓</u>	—
F. Name of planner, engineer, landscape architect, or Surveyor who prepared the Preliminary Plat.	<u>✓</u>	—
G. Scale of Plat, 1" – 100' or larger, and north arrow.	<u>✓</u>	—

- H. Date of preparation, north arrow and graphic scale. ✓
— —
- I. Current zoning classification and proposed use of the area being platted. ✓
— —
- J. Location, width and name of platted streets or other public ways, railroad rights-of-way, utility easements, parks, and other public open spaces and permanent buildings within or adjacent to the proposed subdivision. ✓
— —
- K. Location of existing sewers, water mains, gas mains, culverts or other underground installations within or adjacent to the proposed subdivision with pipe size, manholes, grades, and location. ✓
— —
- L. Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels or un-subdivided land. ✓
— —
- M. Topography at contour intervals of not more than two (2) feet referred to U.S.G.S. or city datum and location of water courses, bridges, wooded areas, lakes, ravines, and other significant physical feature. ✓
— —
- N. Arrangement of lots and their approximate sizes. ✓
— —
- O. Location and width of proposed streets, alleys, pedestrian ways and easements. ✓
— —
- P. General plan of sewage disposal, water supply and utilities, if public. ✓
— —
- Q. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use. ✓
— —
- R. Relationship to adjacent un-subdivided land. ✓
— —
- S. Approximate gradient of streets. ✓
— —
- T. Gross acreage of the subdivision: acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum, and average lot sizes. ✓
— —

	<u>Yes</u>	<u>No</u>
VII. Does the proposed subdivision design conform to the Comprehensive Plan?	✓ —	—
VIII. Will the proposed subdivision make the development of adjacent property more difficult?	—	✓ —
IX. Are lots sized appropriately for zoning district?	✓ —	—
X. Are all lots free from floodplain encroachment?	—	✓ —
XI. Are drainageways and other drainage facilities sufficient to Prevent flooding both on-site and off-site?	✓ —	—
XII. Are all lots buildable with respect to topography, drainageways, bedrock, and soil conditions:	✓ —	—
XIII. Do proposed street grades and alignment meet all requirements?	✓ —	—
XIV. Is the proposed subdivision inside the City limits?	✓ —	—
XV. Were sixteen (16) copies of the preliminary plat submitted?	✓ —	—
XVI. Is the plat formatted in conformance with County requirements for electronic files?	✓ —	—
XVII. Have preliminary engineering drawings been prepared and submitted for all required improvements; i.e., streets, sidewalks, storm drainage, etc.?	✓ —	—
XVIII. Was the preliminary plat fee of \$ <u>150⁰⁰</u> plus <u>\$500 deposit</u> paid?	✓ —	—

VI.Q. See Preliminary Plans

VI.S. See Preliminary Plans

VIII. The proposed subdivision will not make the development of adjacent property more difficult.

X. Lot 10 is encumbered along its North line by "Zone X (Future Base Flood) - Areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined," according to the FEMA Flood Insurance Rate Map Number 20091C0039G, Revised August 3, 2009.

EXHIBIT A

ALL OF BLOCK 1, EXCEPT THE EAST 12 FEET, THEREOF, MEADOWBROOK JUNIOR HIGH SCHOOL, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS AND ALL OF VACATED ORIGINAL SOMERSET DRIVE ADJACENT THERETO, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE SE $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 12, RANGE 25, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE AND 1150 FEET WEST OF THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION 28; THENCE S 0° 17' 50" E, ALONG A LINE PARALLEL TO AND 180 FEET, EAST OF THE WEST LINE OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 28, SAID LINE ALSO BEING THE CENTERLINE OF SOMERSET DRIVE, AS NOW LOCATED; A DISTANCE OF 996.83 FEET, TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 500 FEET, A DISTANCE OF 18.52 FEET; THENCE S 88° 10' 31" E, ALONG A RADIAL LINE, TO THE LAST DESCRIBED CURVE, A DISTANCE OF 40 FEET, TO A POINT ON THE EAST LINE OF SAID SOMERSET DRIVE, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE N 89° 42' 10" E, A DISTANCE OF 181.43 FEET, TO A POINT ON THE EAST LINE OF THE VACATED RIGHT-OF-WAY FOR SOMERSET DRIVE; THENCE SOUTHWESTERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF SAID VACATED SOMERSET DRIVE, SAID LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5770 FEET AND WHOSE INITIAL TANGENT BEARING IS S 40° 28' 19" W, A DISTANCE OF 310.29 FEET, TO A POINT ON THE SOUTHWESTERLY PROPERTY LINE OF THE MEADOWBROOK JUNIOR HIGH SCHOOL PROPERTY, AS NOW LOCATED, SAID LINE ALSO BEING THE NORTHEASTERLY LINE OF LOT 98, TOWN AND COUNTRY ESTATES, A SUBDIVISION OF LAND NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS; THENCE N 46° 25' 57" W, ALONG SAID PROPERTY LINES, A DISTANCE OF 31.31 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOMERSET DRIVE AS NOW LOCATED; THENCE NORTHEASTERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOMERSET DRIVE, SAID RIGHT-OF-WAY LINE BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 540 FEET AND WHOSE INITIAL TANGENT BEARING IS N 24° 38' 48" E, A DISTANCE OF 215.09 FEET, TO THE POINT OF BEGINNING.

AND EXCEPT

ALL THAT PART OF THE EAST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF SECTION 28, TOWNSHIP 12, RANGE 25, IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON A LINE RADIAL TO THE CURVE OF SOMERSET DRIVE AS NOW ESTABLISHED, SAID RADIAL LINE PASSING THRU A POINT ON THE CENTERLINE OF SAID SOMERSET DRIVE, SAID POINT BEING 39.39 FEET NORTHEASTERLY OF THE WEST LINE OF THE EAST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF SAID SECTION 28, MEASURED ALONG SAID CENTERLINE OF SOMERSET DRIVE; THENCE SOUTHEASTERLY ALONG SAID RADIAL LINE, A DISTANCE OF 40 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, TANGENT TO SAID CURVE BEING AT RIGHT ANGLES TO SAID RADIAL LINE, AND HAVING A RADIUS OF 540 FEET, A DISTANCE OF 192 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF THE PLAT OF MEADOWBROOK JUNIOR HIGH SCHOOL, A SUBDIVISION OF LAND IN SAID COUNTY AS NOW ESTABLISHED; AND THE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTHEASTERLY ALONG THE LAST DESCRIBED CURVE A DISTANCE OF 22 FEET, MORE OR LESS, TO A POINT ON THE NORTHWESTERLY LINE OF SAID PLAT; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 21 FEET, MORE OR LESS, TO THE MOST WESTERLY CORNER OF SAID PLAT; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PLAT A DISTANCE OF 9 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND ALSO EXCEPT:

ALL THAT PART OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 12, RANGE 25, NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST-WEST CENTERLINE OF SAID SECTION 28, WHICH POINT IS 1150.00 FEET WEST OF THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 28, SAID POINT BEING THE INTERSECTION OF THE CENTERLINES OF 83RD STREET AND SOMERSET DRIVE AS NOW ESTABLISHED; THENCE SOUTH ALONG A LINE WHICH IS 180.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID SOUTHEAST $\frac{1}{4}$ SECTION (SAID LINE BEING THE CENTERLINE OF SAID SOMERSET DRIVE), A DISTANCE OF 996.83 FEET; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 40.00 FEET TO A POINT IN THE EASTERLY LINE OF SAID SOMERSET DRIVE; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT, TANGENT TO SAID CURVE BEING AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 540.00 FEET, A DISTANCE OF 20.00 FEET; THENCE EASTERLY ALONG A LINE WHICH DEFLECTS TO THE LEFT $92^{\circ} 07' 19''$ FROM THE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 128.47 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING EASTERLY ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 52.96 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, TANGENT TO SAID CURVE DEFLECTING TO THE LEFT $49^{\circ} 13' 50''$ FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 376.72 FEET; THENCE NORTHWESTERLY ALONG A LINE AT RIGHT ANGLES TO THE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 40.00 FEET TO A POINT ON THE CENTERLINE OF VACATED SOMERSET DRIVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, TANGENT TO SAID CURVE BEING AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 5730.00 FEET, A DISTANCE OF 408.69 FEET TO THE POINT OF BEGINNING.

LOCHNER

MEMORANDUM

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
SUBJECT: Proposed Amendment to include a Reapplication Waiting Period for Special Use Permits and Rezoning
DATE: December 3, 2013 Project # 000005977

COMMENTS:

At its regular meeting on October 21, 2013, the City Council discussed amending the zoning regulations to include a reapplication waiting period for Special Use Permits and Rezoning. The discussion ranged from leaving the ordinance as it currently is to having a one-year reapplication waiting period. On a 6 to 5 vote, the Council requested the Planning Commission evaluate the issue and consider authorizing a public hearing.

Staff has researched the other communities in Johnson County and the following is a summary of their requirements:

<u>City</u>	<u>Zoning Reapplication Waiting Period</u>	<u>Special Use Permit Reapplication Waiting Period</u>
Leawood	6 months	6 months
Olathe	1 year	1 year
Shawnee	none	none
Overland Park	6 months	none
Lenexa	1 year	none
Mission	6 months	none

The concern with having no waiting period is that controversial applications require significant Staff, Planning Commission, and City Council time, as well as, numerous meetings for interested or affected citizens. Prairie Village has a small staff and repetitive applications take staff away from other responsibilities. It appears that the most common waiting period is six (6) months and that might be a good starting point. Another question is whether the reapplication waiting period applies to the same Special Use Permit or Rezoning, or if a different request is made should the waiting period not apply.

REZONING APPLICATIONS

For rezonings, a new Section 19.52.055 Reapplication Waiting Period would be added to Chapter 19.52 PROCEDURAL PROVISIONS. Suggested wording is as follows:

19.52.055 Reapplication Waiting Period

In the case of denial of an application by the Governing Body, the applicant must wait a period of 6 months before reapplying for approval of a new development plan or zoning change on the same property, unless the application is for a more restrictive use than the original or that reapplication is approved by the Governing Body upon a showing of changed circumstances.

SPECIAL USE PERMITS

Fewer cities have a reapplication waiting period for Special Use Permits. Since case law has determined that Special Use Permits are a change in land use and are subject to the "Golden Criteria" it would appear logical to treat them the same as rezonings.

A new Section 19.28.075 Reapplication Waiting Period would be added to Chapter 19.28 SPECIAL USE PERMITS. Suggested wording is as follows:

19.28.075 Reapplication Waiting Period

In the case of denial of an application by the Governing Body, the applicant must wait a period of 6 months before reapplying for approval of a Special Use Permit on the same property, unless the new application is for a Special Use Permit that is a different use than the original or that reapplication is approved by the Governing Body upon a showing of changed circumstances.

RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission decides on an appropriate reapplication waiting period and authorize a public hearing to consider the matter for both Rezonings and Special Use Permits.

It should be pointed out that the waiting period selected for the Public Hearing Notice can be changed to a longer or shorter period when the Planning Commission makes its recommendation to change the ordinance.