

**SPECIAL MEETING  
PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
WEDNESDAY, JULY 29, 2015  
7700 MISSION ROAD  
7:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC HEARINGS

PC2015-08      Request for Special Use Permit for Adult Senior Dwelling &  
Site Plan Approval  
8500 Mission Road  
Current Zoning: R-1a  
Applicant: MVS, LLC

- IV. NON-PUBLIC HEARINGS

PC2015-110      Request for Preliminary Plat Approval - Mission Chateau  
8500 Mission Road  
Current Zoning: R-1a  
Applicant: MVS, LLC

- V. ADJOURNMENT

Plans available at City Hall if applicable  
If you cannot be present, comments can be made by e-mail to  
[Cityclerk@Pvkansas.com](mailto: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**

## Supplement to the Original Staff Report

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**SUBJECT:** PC2015-08 Mission Chateau SUP  
**DATE:** July 29, 2015

Project # 000009686

### COMMENTS:

There are three conditions that need to be clarified based on responses from the Neighbors and the Applicant. The Settlement Agreement between the Neighbors and MVS LLC which is a private agreement, complicates the normal review process and in some instances covers areas or goes beyond the level where the City should be involved.

**First**, the applicant has set finished first floor and roof elevations for building heights which is different than the typical set of plans. Typically, the plans dimension the building heights. The finished first floor and roof elevations were agreed to in the Settlement Agreement and were set in that manner to establish a relationship between the height of the adjacent single-family residences to the south and southwest and the proposed Villas and ILF/ALF building. The proposed building heights do not exceed the maximum height requirements of the zoning ordinance, but are graphically depicted in a different way. Apparently, there are some discrepancies in the building heights in the Staff Report because of the way they are stated.

**To clarify, Section 7.h.) on page 13 of the Staff Report should be revised as follows:**

7.h.) The finished first floor and roof elevations as shown on Sheet A0.01 of the applicant's plans do not exceed the maximum height allowed in the Zoning Ordinance.

**Also, condition #2 on page 14 should be clarified as follows:**

2. That the Villas and ILF/ALF Building not exceed the building height (as established by the finished first floor and roof elevations), the square footage and the building setbacks as shown on Sheet A0.01 of the applicant's plans dated June 5, 2015.

**Second**, Condition #3 recommends that the "commencement of construction" be defined as the application for building permit. A City Council Work Group discussed the definition of "begin construction" in relation to the approved SUP and it was not discussed or approved by the full City Council. The complete and full application for a building permit was one of the criteria discussed and Staff feels that it is one criteria that can be easily determined. The Settlement Agreement leaves that determination to the City Council in Section 13 (n) which reads as follows:

(n) The New Special Use Permit may not have a termination or expiration time established for it, however, if construction has not begun (as defined by the City Council) within twenty-four (24) months from the later of: (i) the approval of the New Special Use Permit; or (ii) if a lawsuit is filed challenging the issuance or legality of the New Special Use Permit, the date on the first business day after any judgment, journal entry, order or memorandum decision upholding the issuance and legality of the New Special Use Permit becomes a final and non-appealable judgement, journal entry, order or memorandum decision under applicable Kansas law, then the New Special Use Permit shall expire unless MVS shall reappear before the Planning Commission and City Council and receive an extension of time prior to the expiration of the New Special Use Permit.

The Planning Commission needs to make a recommendation to the City Council on what defines the commencement of construction. The recommended Condition #3 in the first Staff Report read as follows:

3. That the Special Use Permit not have a termination or expiration time established for it; however, if a building permit has not been applied for within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the Special Use 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.

**It is recommended that Condition #3 be revised as follows:**

3. That the Special Use Permit not have a termination or expiration time established for it; provided, however, that if a full and complete application for a building permit has not been submitted by applicant to the City within twenty-four (24) months from the later of:

(i) The date upon which the Governing Body approves the Special Use Permit; or

(ii) if a lawsuit is filed challenging the issuance or legality of the Special Use Permit, the first business day after the date upon which any judgement, journal entry, order or memorandum decision upholding the issuance and legality of decision under applicable Kansas law,

the Special Use Permit shall expire unless the applicant shall reappear before the Planning Commission and the Governing Body and receive an extension of time prior to the applicable date that such Special Use permit is set to expire.

**Third**, Condition #12 sets out a requirement that construction of the Villas along the south and southwest property lines start within 12 months of the issuance of the occupancy permit for the ILF/ALF building. This is not a condition that normally would be included as a condition of approval by the City, but in this case, the Villas are a part of the land use transition between the single-family dwellings along the south and southwest property lines and are, in effect, a part of the screening between the single-family dwellings and the ILF/ALF Building.

The previously recommended Condition #12 in the first Staff Report reads as follows:

12. That if the six Twin Villas along the south and southwest property lines are not sold to individuals within one-year after occupancy of the ILF/ALF building is issued an occupancy permit, the applicant shall begin construction on the six Villas.

The applicant suggested to be rewarded as follows:

12. That if applicant fails to sell any of the six (6) lots on the south and southwest boundary of the property, applicant shall commence construction of the villas to be located on any of those six (6) lots that were not sold no later than twelve (12) months following the issuance of such certificated of occupancy for the assisted living and independent living facility building and thereafter complete such villas within a reasonable time thereafter, subject to force majeure. If applicant sells any of those six (6) lots, applicant shall contractually require each such purchaser of any of those six (6) lots to covenant to commence construction on such villa no later than twelve (12) months following the issuance of the certificated of occupancy for the assisted living and independent facility building and to complete such villa within a reasonable time thereafter, subject to force majeure. In the event that a purchaser of any of those six (6) lots breaches the obligation to timely commence and complete construction of such villa upon such lot, applicant shall have the obligation to repurchase such lot from such defaulting purchaser and, following such acquisition, thereafter commence construction of such villa upon such lot and complete such villa within a reasonable time thereafter, subject to force majeure.

**Section 14 of the Settlement Agreement more than adequately covers this issue and goes way beyond the degree in which the City should be involved. Therefore it is recommended that Condition #12 be rewritten as follows:**

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12. That a full and complete application for a building permit for the six twin villas along the south and southwest property lines shall be submitted to the City within one-year after the occupancy permit is issued for the ILF/ALF building and construction of the villas shall be completed within a reasonable time.

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission recommend approval of the Special Use Permit, PC 2015-O8 known as Mission Chateau to the Governing Body subject to the following conditions, which includes revised Conditions #2, #3 and #12 along with the conditions from the original staff report which are as follows:

1. That the project be approved for a maximum of 160 Independent Living Units, and 88 Assisted Living Units, and 22 Villas.
2. That the Villas and ILF/ALF Building not exceed the building height (as established by the finished first floor and roof elevations), the square footage and the building setbacks as shown on Sheet A0.01 of the applicant's plans dated June 5, 2015.
3. That the Special Use Permit not have a termination or expiration time established for it; provided, however, that if a full and complete application for a building permit has not been submitted by applicant to the City within twenty-four (24) months from the later of:
  - (i) The date upon which the Governing Body approves the Special Use Permit; or
  - (ii) if a lawsuit is filed challenging the issuance or legality of the Special Use Permit, the first business day after the date upon which any judgement, journal entry, order or memorandum decision upholding the issuance and legality of decision under applicable Kansas law,the Special Use Permit shall expire unless the applicant shall reappear before the Planning Commission and the Governing Body and receive an extension of time prior to the applicable date that such Special Use permit is set to expire.
4. 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.
5. That the applicant remove the pedestrian crosswalk and signal, pay all associated costs, and restripe Mission Road for a left-turn lane into the project.
6. That the applicant plat the property in accordance with the subdivision regulations and record the final plat prior to obtaining a building permit.
7. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
8. 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.
9. That the applicant provide adequate guest parking on holidays and special events so that parking does not occur on public streets in residential areas.
10. That the maximum parking shall be 229 spaces as shown on the drawing dated June 5, 2015. 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 employee parking at an off-site location or sharing parking with other uses in the area.
11. That the sidewalks will be open to the public, but the owner may establish reasonable rules for its use and hours of operation. A sidewalk will be constructed to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.

12. That a full and complete application for a building permit for the six twin villas along the south and southwest property lines shall be submitted to the City within one-year after the occupancy permit is issued for the ILF/ALF building and construction of the villas shall be completed within a reasonable time.
  13. That the applicant submit plans for the pool area and trellis/seating area along Mission Road to the Planning Commission for Site Plan approval prior to obtaining a building permit for those items.
  14. That the applicant protect the existing fence and landscape along the south and southwest property lines during construction and repair or replace any fence or plants that are damaged.
  15. If the applicant violates any of the conditions of approval of the Special Use Permit, the permit may be revoked by the Governing Body.
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## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** July 7, 2015, Planning Commission Meeting

Project # 000009686

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**Application:** PC 2015-08

**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 – Single-Family Dwellings and vacant  
**East:** R-1A Single-Family Residential – 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:** 18.4 Acres or 803,218 sq. ft.

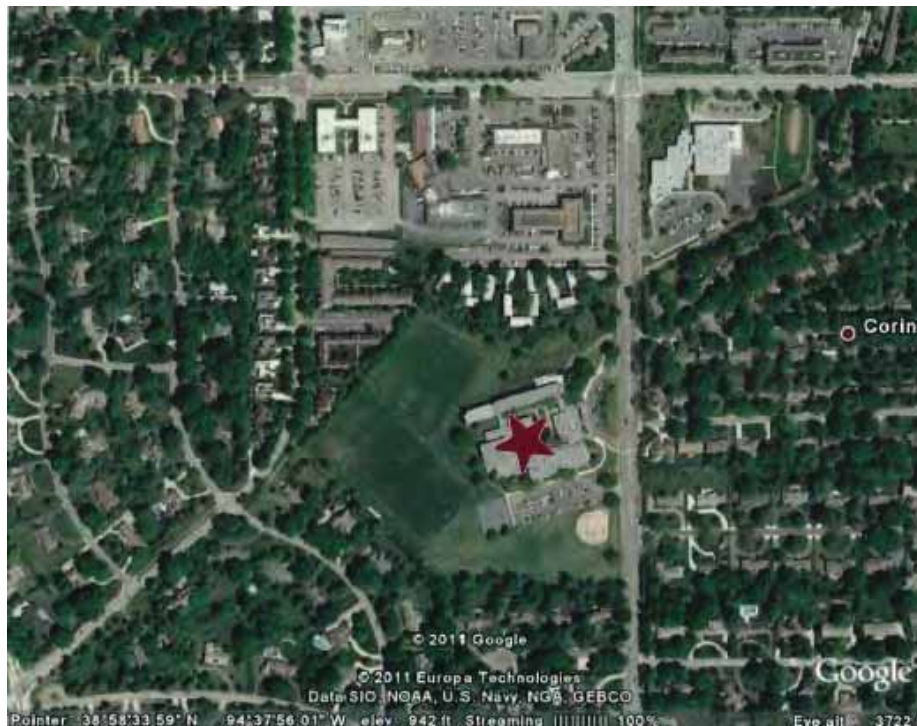
**Related Case Files:** PC 2015-110 Preliminary Plat Mission Chateau  
PC 2013-11 Special Use Permit for Adult Senior Dwellings  
PC 2013-126 Site Plan Approval for Adult Senior Dwellings  
PC 2013-127 Preliminary Plat Mission Chateau  
PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2013-114 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, Plans

**General Location Map**



**Aerial Map**



**COMMENTS:**

This is a new application for an Adult Senior Dwelling complex on the former Mission Valley Middle School site. This plan is based on months of negotiations with the Neighbors that protested the previous approved project and sued the City on several counts. The area of the proposed project now includes the full 18.4 acre site, while the approved project included only 12.8 acres. The proposed plan includes 160 Independent Living Facility (ILF), 88 Assisted Living Facility (ALF) and 22 single-family attached units (Villas) in 11 buildings for a total of 270 dwelling units or a density of 14.7 units per acre. The 22 single-family dwellings are planned to be sold off independently to individuals. The proposed plan eliminated the 84-bed Skilled Nursing and 36-bed Memory Care Facility. The approved plan has 310 total units including the Skilled Nursing Facility plus nine single-family lots.

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

<b>UNITS</b>	<b>Plans Dated: July 30, 2013</b>	<b>Approved Plan: January 6, 2014</b>	<b>Proposed Plan</b>
Independent Living Apartments	136	136	160
Assisted Living Apartments	54	54	88
Skilled Nursing Units	84	84	0
Memory Care Units	36	36	0
<u>Independent Living Villas</u>	<u>17</u>	<u>0</u>	<u>22</u>
Total Units	327	310	270

**GROSS BUILDING (SQ. FT.)**

Skilled Nursing/Memory Care	91,200	97,550	0
Independent Living/Assisted Living	228,340	228,340	214,800
<u>Independent Living Villas</u>	<u>38,500</u>	<u>0</u>	<u>71,148</u>
Total Gross Building Sq. Ft.	358,040	325,890	285,948

The total square feet of the complex has been reduced by 39,942 square feet or 12.3% because of the deletion of the Skilled Nursing/Memory Care Facility.

The ILF/ALF building contains a maximum of 248 units, a footprint of 71,100 square feet, a maximum of 214,800 square feet and a maximum building height of 29 feet for a majority of the building, but a height of 33 feet at the main entrance, as measured by the zoning ordinance. The actual total building height to the rooftop is approximately 39 feet.

The 11 Twin Villas have two footprint designs; Unit 1 if 3,295 square feet and Unit 2 if 2,823 square feet. According to the elevations the building height is approximately 32 feet to the top of the roof. The total footprint of the 11 Twin Villas is 67,298 square feet.

The combined footprint of all the structures is: ILF/ALF, 71,100 square feet; Twin Villas, 67,298 square feet; carports, 13,260 square feet; for a total of 151,258 square feet. This is lot coverage of 18.9%, well below the maximum permitted of 30%.

Sidewalks on the proposed plan are on the inside of the private loop drive. Staff has favored pedestrian access to Somerset Drive and this is shown on the plan. The number of parking spaces provided is 214 reduced from 316 and the paved area for streets and parking is reduced. The 102 parking space reduction is primarily due to the deletion of the employee parking for the Skilled Nursing/Memory Care Facility.

The area covered by buildings, sidewalks, streets and parking is 6.95 acres or 37.8% of the lot. It should be noted that the Preliminary Stormwater Management Plan for the previous application was based on 8.6 acres of impervious area which is significantly more than this plan.

The proposed Mission Chateau plan will provide 270 units on 18.4 acres for a density of 14.7 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



The proposed density on the previous plan was 24.2 units per acre which is a decrease of 9.5 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 18.9% which is well below the 30% maximum for the R-1A zoning district.

The Applicant and Neighbors have reached a Settlement Agreement on the Site Plan for the proposed project, which is shown graphically as *ATTACHMENT "A"* in this report. The Settlement Agreement contains a number of provisions that are not pertinent to the approval by the City and the following is a list of the conditions they have agreed to that affect the proposed Special Use Permit and are conditions the City would typically attach to the approval:

3. **ILF/ALF Building.** The independent living facility and assisted living facility building shall not exceed the total square footage, nor exceed the height restrictions, nor exceed the first floor elevations as each are set forth in the Schematic Plan. MVS may modify, move or reconfigure the design and/or location of the independent living facility and/or assisted living facility building shown in the Schematic Plan so long as the independent living facility and/or assisted living facility building is located no closer than two hundred eighteen (218) feet to the southwest boundary of the MVS Property, no closer than one hundred twelve (112) feet to the west boundary of the MVS Property. Notwithstanding the forgoing, the location, layout, design and entrance locations of the independent living facility and/or assisted living facility building shall be generally as depicted on the Schematic Plan.
4. **Building Materials.** Attached as **Exhibit "B"** (*ATTACHMENT "B" in this report*) hereto is the Proposed Architectural Character and Construction Materials which sets forth the minimum criteria for the design and materials to be utilized in the construction of the assisted living facility, the independent living facility and the villas, which shall be submitted as a part of the Third SUP Application.
5. **Landscape Design Criteria.** Attached as **Exhibit "C"** (*ATTACHMENT "C" in this report*) hereto is the Proposed Landscape Character which describes the minimum criteria for the landscaping which shall be installed on the MVS Property and which shall be submitted as a part of the Third SUP Application.
6. **Parking.** The number of parking spaces shown in the Schematic Plan may be increased by up to fifteen (15) parking spaces so long as any additional parking spaces are located within the boundaries of the Senior Living Building Area depicted on the Schematic Plan. The MVS Property will not be used for parking for any other purpose other than supporting the independent living facility, the assisted living facility and the villas depicted in the Schematic Plan and cross-parking with adjoining tracts shall not be allowed. The carport structures within the Senior Living Building Area shall contain walls opposite to the applicable parking space entrance to reduce automobile headlight exposure to adjacent property owners.
7. **Villas.** Each of the twenty-two (22) units to be contained within the eleven (11) villas described on the Schematic Plan (two (2) units per villa) shall be constructed to meet or exceed the minimum unit footprint size, not exceed the maximum unit footprint size, and not exceed the height restriction set forth in the Schematic Plan. Furthermore, each unit in each of the eleven (11) villas may not contain more than a two (2) car garage. As depicted on the Schematic Plan, none of the eleven (11) villas shall be located closer than fifty (50) feet from the boundary lines of the MVS Property and none of the six (6) villas located on the south and southwest boundary of the MVS Property may be closer than a minimum of fifty (50) feet to one another and shall have a minimum backyard setback of not less than fifty (50) feet; provided, however, the actual location of any of the eleven (11) villas shown in the Schematic Plan may be moved or reconfigured so long as the villas otherwise comply with the provisions of this Section 7. The eleven (11) villas may vary in design from one another as determined by the builder and/or owner of such villa; provided, however, that each villa shall be constructed using the building materials set forth on **Exhibit "B"** attached hereto. Each villa may have a basement; provided, however, that any basement shall not be included by the Parties in any square footage

- calculations for purposes of this Settlement Agreement. The owners of the eleven (11) villas will be subject to the Mission Chateau Homes Association Declaration which will contain normal and customary rules and restrictions similar to other maintenance free villa communities, including provisions dealing with the topics set forth on **Exhibit “D”** attached hereto. The final version of the Mission Chateau Homes Association Declaration shall be prepared and submitted with the Third SUP Application.
8. **Access Points.** The only two (2) access points to the MVS Property will be to and from Mission Road as depicted on the Schematic Plan.
  9. **Detention Pond.** The detention pond will be constructed by MVS in accordance with all applicable rules and regulations and will be screened as described in the Proposed Landscape Character.
  10. **Existing Fencing and Vegetation.** Before, during and after construction of the independent living facility, the assisted living facility and the villas, the existing fence and applicable screening (i.e. trees and other mature vegetation) located along the south, southwest and west perimeter of the MVS Property will remain in place. If any portion of the existing fence or applicable screening is damaged or removed during the construction process, such damaged or removed portion shall be repaired or replaced by MVS. Notwithstanding the foregoing, the parties acknowledge that MVS has agreed to provide certain upgrades to the water runoff and storm water system to the south of the MVS Property and to the extent those improvements result in work that disturbs the existing fence and applicable screening, those areas will also be repaired or replaced consistent with the existing vegetation. Once a villa lot is sold to a third party, any subsequent changes which are desired to be made to such lot by such owner shall be governed by any applicable City ordinances and the Mission Chateau Homes Association Declaration and MVS shall not be responsible for a third party's performance once such lot has been sold (unless such lot is reacquired by MVS pursuant to Section 14 of this Settlement Agreement).
  11. **Neighbors' Affidavit; Letter of Support.** Attached to this Settlement Agreement is a "Neighbors' Affidavit" (**Exhibit 'E-1'**) and a "Letter of Support" (**Exhibit 'E-2'**). The Board of Directors of Mission Valley Neighbors Association, Inc., a Kansas not for profit corporation ("MVNA"), shall authorize an officer of MVNA to sign the Neighbors' Affidavit. Both the signed Neighbors' Affidavit and the Letter of Support, signed by those persons identified in the Letter of Support, shall be delivered to MVS within three (3) days following the Execution Date. MVS shall be authorized to submit the Neighbors' Affidavit and the Letter of Support to the Planning Commission and the City Council in connection with MVS's efforts to obtain approval of the New Special Use Permit.
  12. **Covenant Not to Oppose.** Each Neighbor hereby covenants and agrees that such Neighbor shall not:
    - (a) Publically speak in opposition of the Third SUP Application at the "Public Hearing" before the City's Planning Commission or before the City Council;
    - (b) Execute any Protest Petition (as described in the City's Ordinances) relating to the Third SUP Application;
    - (c) File any lawsuit challenging the approval of the Third SUP Application or the issuance of the New Special Use Permit; or
    - (d) Oppose the approval of a new plat for the MVS Property as long as the new plat is consistent with the Schematic Design and the terms of this Settlement Agreement.
  13. **Conditions to New Special Use Permit.** In addition to conditions required by the City, MVS agrees that the following conditions shall be set forth in the New Special Use Permit:
    - (a) No skilled nursing facility may be constructed on the MVS Property nor may skilled nursing services be offered on the MVS Property; (**This is not applicable to this Special Use Permit application, but is a private agreement between the applicant and the neighbors.**)
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- (b) The MVS Property will not be used for parking for any other purpose other than supporting the independent living facility, the assisted living facility and the villas depicted in the Schematic Plan and cross-parking with adjoining tracts shall not be allowed;
  - (c) The only two (2) access points to the MVS Property will be to and from Mission Road as depicted on the Schematic Plan;
  - (d) The Building Materials will meet the minimum criteria as set forth on **Exhibit “B”** to this Agreement and the landscape character will meet the minimum criteria as set forth on **Exhibit “C”** to this Agreement;
  - (e) The total overall square footage, first floor elevations, and height for the independent living and assisted living facility building shall not exceed the maximum total square footage, first floor elevations, or height restrictions set forth in the Schematic Plan;
  - (f) Each of the twenty-two (22) units to be contained within the eleven (11) villas described on the Schematic Plan (two (2) units per villa) shall be constructed to meet or exceed the minimum unit footprint size, not exceed the maximum unit footprint size, and not exceed the height restriction set forth in the Schematic Plan. As depicted on the Schematic Plan, none of the eleven (11) villas shall be located closer than fifty (50) feet from the boundary lines of the MVS Property and none of the six (6) villas located on the south and southwest boundary of the MVS Property may be closer than a minimum of fifty (50) feet to one another and shall have a minimum backyard setback of not less than fifty (50) feet. Furthermore, each unit in each of the eleven (11) villas may not contain more than a two (2) car garage;
  - (g) The carport structures within the Senior Living Building Area shall contain walls opposite to the applicable parking space entrance to reduce automobile headlight exposure to adjacent property owners;
  - (h) Each villa shall be subject to the Mission Chateau Homes Association Declaration;
  - (i) Prior to the issuance of a building permit for the assisted living facility and independent living facility building MVS shall provide evidence of financing for the entire project; **(This condition is not pertinent to City approval. The City has not required financial information from other developers.)**
  - (j) Prior to the issuance of a building permit for the assisted living facility, independent living facility building or the villas, MVS shall record the Building Declaration (as hereinafter defined);
  - (k) That MVS provide adequate guest parking on holidays and special events so that the parking does not occur on public streets in residential areas outside of the MVS Property;
  - (l) Parking for the assisted living facility and the independent living facility building shall be contained within the Senior Living Building Area;
  - (m) The number of parking spaces within the Senior Living Building Area as shown on the Schematic Plan may not be increased beyond fifteen (15) parking spaces;
  - (n) The New Special Use Permit may not have a termination or expiration time established for it, however, if construction has not begun (as defined by the City Council) within twenty-four (24) months from the later of: (i) the approval of the New Special Use Permit; or (ii) if a lawsuit is filed challenging the issuance or legality of the New Special Use Permit, the date on the first business day after any judgment, journal entry, order or memorandum decision upholding the issuance and legality of the New Special Use Permit becomes a final and non-appealable judgment, journal entry, order or memorandum decision under applicable Kansas law, then the New Special Use Permit shall expire unless MVS shall reappear before the Planning Commission and City Council and receive an extension of time prior to the expiration of the New Special Use Permit; and
  - (o) If MVS violates any of the conditions of approval or the zoning regulations and requirements as a part of the New Special Use Permit, the New Special Use Permit may be revoked by the City Council.
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14. **Sale of Villa Lots; Construction of Villas.** MVS shall market the lots for sale upon which each of the eleven (11) villas are to be constructed to one or more builders and/or persons interested in purchasing a villa lot for the purpose of constructing their own villa upon such lot. The lots upon which each of the eleven (11) villas are to be constructed shall be subject to the Mission Chateau Homes Association Declaration. If MVS fails to sell any of the six (6) lots on the south and southwest boundary of the MVS Property, MVS shall commence construction of any applicable villas on such lots that were not sold no later than twelve (12) months following the issuance of such certificate of occupancy and complete such villas within a reasonable time thereafter, subject to force majeure. If MVS sells such lots, MVS shall contractually require each purchaser of the six (6) lots located on the south and southwest boundary of the MVS Property to commence construction on such villa no later than twelve (12) months following the issuance of the certificate of occupancy for the assisted living and independent facility building and to complete such villa within a reasonable time thereafter, subject to force majeure. In the event a purchaser of a villa lot breaches the obligation to timely commence and complete construction of a villa upon such lot, MVS shall have the obligation to repurchase such lot from such purchaser and thereafter commence construction of a villa upon such lot. Because it is unknown if builders or other interested parties will purchase the villa lots subject to the requirements set forth herein, MVS shall be expressly permitted to construct, own and rent any of the eleven (11) villas to ensure compliance with the provisions of this Section 14.

The applicant held a neighborhood meeting for the revised plan on June 22, 2015 and approximately 20 people were in attendance. Questions were asked about the detention pond, the number of units, traffic, parking, Villas and sidewalks. 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 square feet of land area per occupant for apartments or congregate quarters. The Independent Living/Assisted Living building has 248 units with the potential occupancy of 316 people and the Twin Villas have a potential of 44 people for a total of 360 people; at 700 square feet per occupant the land area required is 252,000 square feet. The site is 803,218 square feet and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance. At 700 square feet per person, the site could potentially accommodate 1,147 residents.

The property is zoned R-1A which requires a 30-foot front yard setback. The front yard is adjacent to Mission Road and the Twin Villas set back 50 feet which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5 feet. The north and south property lines are side yards and the setback requirements for both property lines is 5 feet. The rear yard setback requirement is 25 feet and the northwest property line is the rear yard. The ILF/ALF building sets back 112 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 approximately 29 feet, 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 151,658 square feet, including the carports, which is 18.9% 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 88 less trips than the middle school and the PM trips would decrease by 5 trips. The traffic impact would be significantly better in the AM peak and slightly better in the PM peak. The Traffic Impact Study found that the traffic operations were acceptable. The access drives have been designed to align with 84<sup>th</sup> Terrace and 85<sup>th</sup> 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 will need to work with Public Works on the design details.

The applicant has proposed a 50-foot wide setback/landscape buffer along Mission Road. The landscape buffer will include a sidewalk and plant materials.

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.

This operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise may increase. 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 project proposes the Villas to be along the south property line, 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 a maximum of 270 units on 18.4 acres for a density of 14.7 units per acre. The density of the proposed project is lower than the developed projects to the north and northwest. There is significantly more green space on the site than other multi-family projects in the area.

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. Six Twin Villas are proposed along the south and southwest property lines of the project which will provide a buffer between the ILF/ALF building and the properties to the south and southwest.

Because the ILF/ALF building sets back approximately 286 feet from Mission Road with Villas in between as a 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.

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 and evening peak hours will be less for this project than it was for the school.

The size of the revised project is 285,948 square feet which will make it one of the largest developments in Prairie Village. The height and mass of the buildings are similar to Claridge Court and Brighton Gardens. According to the Johnson County appraisers office Claridge Court has 241,073 square feet. This is also a large building, but it most likely includes the parking garage in the total area.

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

The applicant submitted a landscape plan with the submission that provides screening for the proposed low density residential lots to the south and southwest. 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 applicant has proposed parking based on the requirements for Benton House as shown on Sheet C1.0:

Independent Living - 3 spaces/4 units	120 spaces
Assisted Living - 1 space/4 units	22 spaces
Employees Largest Shift	40 spaces
Employees Shift Overlap	<u>23 spaces</u>
Total	205 Spaces
Provided	214 Spaces

It should be noted that two garage spaces will be provided for each of the 22 Villas.

The Zoning Ordinance does not have a listed parking requirement for Assisted Living Facilities. In the Special Use Permit section congregate living is mentioned but it is more like independent living. Assisted living residents require some services in order to maintain an independent life, but do not

require the services needed in a nursing home. There is a lack of information available on parking for Assisted Living Facilities. Tutura has polled other facilities they own and reported that 5 - 10% of the assisted living residents have vehicles and 30 - 57% of the independent living residents have vehicles. It should be pointed out that the ALF units at Mission Chateau are designed for single-bed occupancy per unit, whereas Benton House has many two-bed units.

Assuming 60% of the ILF residents have vehicles, that would require 96 spaces; and for the ALF, 10% x 88 units would be 9 spaces; for a total of 105 spaces for the residents. Adding 63 spaces for employees brings the total to 168 spaces which leaving 46 spaces available for guests. The 214 spaces being provided appears to be adequate.

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.

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. Also there will be less impervious area than on the previously approved plan. 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. This area will drain to Mission Road and connect to an existing storm sewer line.

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 slopes of the detention basin have been designed to 3:1 and 4:1 slopes and fencing will not be required. The final design of the stormwater system will include appropriate best management practices.

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

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

Currently there are three access points to the site from Mission Road. The three will be reduced to two access driveways, one will be in alignment with 84<sup>th</sup> Terrace and the other will be in alignment with 85<sup>th</sup> Street on the east side of Mission Road.

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 88 trips during the AM peak and the PM peak will decrease by 5 trips compared to what existed with the school. It should be pointed out that the average daily traffic will decrease from an estimated 810 trips per day for the Middle School to 783 trips per day for the proposed development.

The applicant has proposed to gate the two entrances and exits to Mission Road which is a new element. Apparently, senior adults feel safer when the community is gated. Staff is concerned that stacking may occur on Mission Road as residents and visitors are waiting to get into the development. The applicant will need to stripe a center lane on Mission Road to allow a stacking area for both entrances. The gates will be equipped with a key punch or card for frequent users. For others, they will need to be let in by an operator.

There is an existing pedestrian crossing signal on Mission Road just south of 84<sup>th</sup> Street. This signal was installed to serve school traffic and is no longer needed. The applicant will need to remove the signal and restripe Mission Road.

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 Settlement Agreement sets out specific requirements for construction materials. (See Attachment "B" of this report.)

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. Further south and southwest are high end single-family dwellings. On 84<sup>th</sup> Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 square feet. On 85<sup>th</sup> Street, east of Mission Road and to the south the lots are 30,000 square feet lots.

In summary the properties in the neighborhood around the proposed project range from high density apartments and condominiums 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.

**2. The zoning and uses of property nearby;**

<b>North:</b>	R-3 Garden Apartment District - Apartments
<b>West:</b>	R-3 Garden Apartment District – Apartments
<b>South:</b>	R-1A Single-Family Residential – Single-Family Dwellings and vacant
<b>East:</b>	R-1A Single-Family Residential – Single-Family Dwellings
<b>(Leawood)</b>	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 certain 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 including Assisted Living, Independent Living and Villas.

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 on previous applications. The Villas have been reintroduced in the new plan and the proposal shows six Twin Villas abutting the south and southwest property lines. This provides a buffer of more than 200 feet between the existing single-family homes and the proposed senior housing project.

The proposed ILF/ALF building is 218 feet from the southwest property line; 349 feet from the south property line; 112 feet from the northwest property line; and 187 feet from the north property line. These are minimum setbacks that were agreed to by the Applicant and the Neighbors. The setbacks appear to be adequate to allow the project to be built compatibly with the neighborhood, particularly when landscaping is included in the development.

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 it has enjoyed for many years. The height and mass of the building has been a concern; however, that concern is mitigated to a degree by the row of Twin Villas adjacent to the south boundary of Mission Chateau and the limitations set out in the Settlement Agreement. The existing school building is approximately 100,000 square feet. The Independent Living/Assisted Living building is 214,800 square feet; a little more than two times the size of the existing school. The height of the proposed building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The maximum height to the ridgeline of most of the Independent Living/Assisted Living building is 39 feet. It should be pointed out that the building is a garden apartment design and the building is actually about 10 feet lower than the grade and is surrounded by a garden wall that is detailed on Sheet C2.0. This permits the building to have three floors of units, but limits the height for the surrounding neighbors. The Settlement Agreement limits the height of the majority of the building to elevation 984.5 feet. The main entrance is permitted an elevation of 988.5 feet. The elevation top of the ridgeline of the Twin Villas ranges from 979.5 feet to 982.5 feet which keeps the height of the entire project in balance with other existing buildings in the area.

**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 four 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. A Special Use Permit for an Adult Senior Housing and Skilling Nursing Facility was approved in 2013, but the project has not been started because of lingering lawsuits and appeals.

**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 is 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 14.7 units per acre which is in the low-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 significantly lower.
- d) The applicant has proposed a row of Twin Villas 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 Twin Villas are part of the Special Use Permit application but they may be sold off to individuals.
- e) The ILF/ALF building is set back from the property lines as shown on Sheet A0.01, dated June 5, 2015.
- 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, 11.45 acres of the 18.4 acres will be green space when the project is completed, though only a portion will be useable open space.
- h) The maximum peak height of the buildings will be 39 feet which is approximately the same height as the existing gymnasium, but this is only on the Independent Living/Assisted Living building. The Twin Villas will not exceed 32 feet in height to the top of the ridge.
- i) The density of the project is reasonable for the size of the land area and the surrounding uses. The mass and scale of the building is still very large, but the building design will reduce the appearance of mass.
- j) 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.
- k) The applicant has proposed an extensive landscape treatment for the site. 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 proposed plan and has reached consensus on most issues. The applicant has obtained input from the neighbors, made plan revisions; reducing the number of units, reducing the height of the building, moving the building further north on the site, eliminating the Skilled Nursing/Memory Care facility, and has reached a formal written Settlement Agreement with 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 270 units on 18.4 acres of land for a density of 14.7 units per acre which is less than 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 row of Twin Villas along the south and southwest property lines 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. An agreement has been reached between the parties, and 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 multi-million dollar development. 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 project be approved for a maximum of 160 Independent Living Units, and 88 Assisted Living Units, and 22 Villas.
2. That the project not exceed the building height or area and the buildings shall not be setback closer to the property lines than shown on the plans dated June 5, 2015.
3. That the Special Use Permit not have a termination or expiration time established for it; however, if a building permit has not been applied for within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the Special Use Permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
4. 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.
5. That the applicant remove the pedestrian crosswalk and signal, pay all associated costs, and restripe Mission Road for a left-turn lane into the project.
6. That the applicant plat the property in accordance with the subdivision regulations and record the final plat prior to obtaining a building permit.
7. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
8. 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.

9. That the applicant provide adequate guest parking on holidays and special events so that parking does not occur on public streets in residential areas.
10. That the maximum parking shall be 229 spaces as shown on the drawing dated June 5, 2015. 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 employee parking at an off-site location or sharing parking with other uses in the area.
11. That the sidewalks will be open to the public, but the owner may establish reasonable rules for its use and hours of operation. A sidewalk will be constructed to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.
12. That if the six Twin Villas along the south and southwest property lines are not sold to individuals within one-year after occupancy of the ILF/ALF building is issued an occupancy permit, the applicant shall begin construction on the six Villas.
13. That the applicant submit plans for the pool area and trellis/seating area along Mission Road to the Planning Commission for Site Plan approval prior to obtaining a building permit for those items.
14. That the applicant protect the existing fence and landscape along the south and southwest property lines during construction and repair or replace any fence or plants that are damaged.
15. 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.

## **SITE PLAN**

The proposed Mission Chateau proposal was described in the Comments section of the Special Use Permit. As a part of the Special Use Permit application, the applicant is required to submit a Site Plan in accordance with Chapter 19.32 Site Plan Approval.

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 803,218 square feet with a total building footprint of 151,658 square feet for the ILF/ALF building, the Twin Villas, and the carports; which is 18.9% lot coverage. Approximately 11.45 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for 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 build six Twin Villas immediately adjacent to the south and southwest boundary of the property to provide a buffer for the large lot single-family dwellings to the south and southwest.

**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 approximately 6.95 acres including the Villas. The applicant will need to work with Public Works in the final design of the system.

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

The proposed development will reduce the number of drives on Mission Road from three to two. New drives will be in alignment with 84<sup>th</sup> Terrace and 85<sup>th</sup> 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 internal driveways will be 26 feet 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 84<sup>th</sup> Street. This signal was installed to serve school traffic. The applicant has agreed remove the signal since it is no longer needed. The applicant will also need to restripe the middle lane of Mission Road to allow stacking for left turns into the site.

The Vehicle Access Plan, Sheet C4.0, shows how the buildings will be served with emergency and delivery vehicles. The turning radius for emergency vehicles and delivery trucks appears to be adequate. Deliveries are proposed to enter and exit the north driveway since the delivery dock is on the north side of the building.

The applicant has proposed gating the entrances for the proposed development. This is a new element from previously considered plans. The difference is that the Skilled Nursing/Memory Care building has been removed and the development now is totally housing. Apparently seniors feel safer with a gated community than open entrances. The applicant will need to work with Police, Fire, deliveries and other services to prepare an operating plan that is acceptable to all parties. If the gates result in congestion on Mission Road, it may be necessary to relocate the gates further west on the driveways.

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

The applicant has proposed a single row of Twin Villas adjacent to the south and southwest property lines 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 ILF/ALF building. The design has also located the ILF/ALF building away from Mission Road and away from the south and southwest property lines. The minimum distance from the northwest property line to the ILF/ALF building at its closest point is 112 feet. A parking lot with carports is proposed along the northwest property line which will provide a buffer for the residential uses to the west. Additional landscaping may be needed 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.

The finished first floor elevation of the garden level and the proposed ILF/ALF building has been set at 946.0 feet. The floor elevation of the existing gymnasium is 954.50 feet so this building is 8.5 feet lower. Lowering the building on the site reduces the overall height and bulk of the building, however, retaining walls will need to be built and drainage resolved. The buildings will set below the grade of Mission Road. The finished floor level of the main entrance is 956.5 feet.

The applicant has proposed a 50-foot wide buffer along Mission Road which will have a sidewalk and landscaping.

If the swimming pool is built it will need to be submitted to the Planning Commission for Site Plan approval. Signs and the proposed arbor adjacent to Mission Road will also need to be submitted to the Planning Commission for approval.

The applicant needs to build a sidewalk to the southwest corner of the site. So that residents will be able to walk from Mission Chateau to the Trail on Somerset Drive.

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 cementitious stucco, brick, stone, cast stone, and wood trim on the building facades. The roof will be laminated shingles with a

slate or shingle appearance and 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. This is a large building and at the scale presented is 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 building materials are covered extensively in the Settlement Agreement and they are compatible with the materials used in the neighborhood.

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 proposed plan and has reached consensus on most issues. The applicant has obtained input from the neighbors, made plan revisions; reducing the number of units, reducing the height of the building, and moving the building further north on the site. Eliminating the Skilled Nursing/Memory Care facility and has reached a formal Settlement Agreement with 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 270 units on 18.4 acres of land for a density of 14.7 units per acre which is less than 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 row of Twin Villas along the south and southwest property lines 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. An agreement has been reached between the parties, and 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.

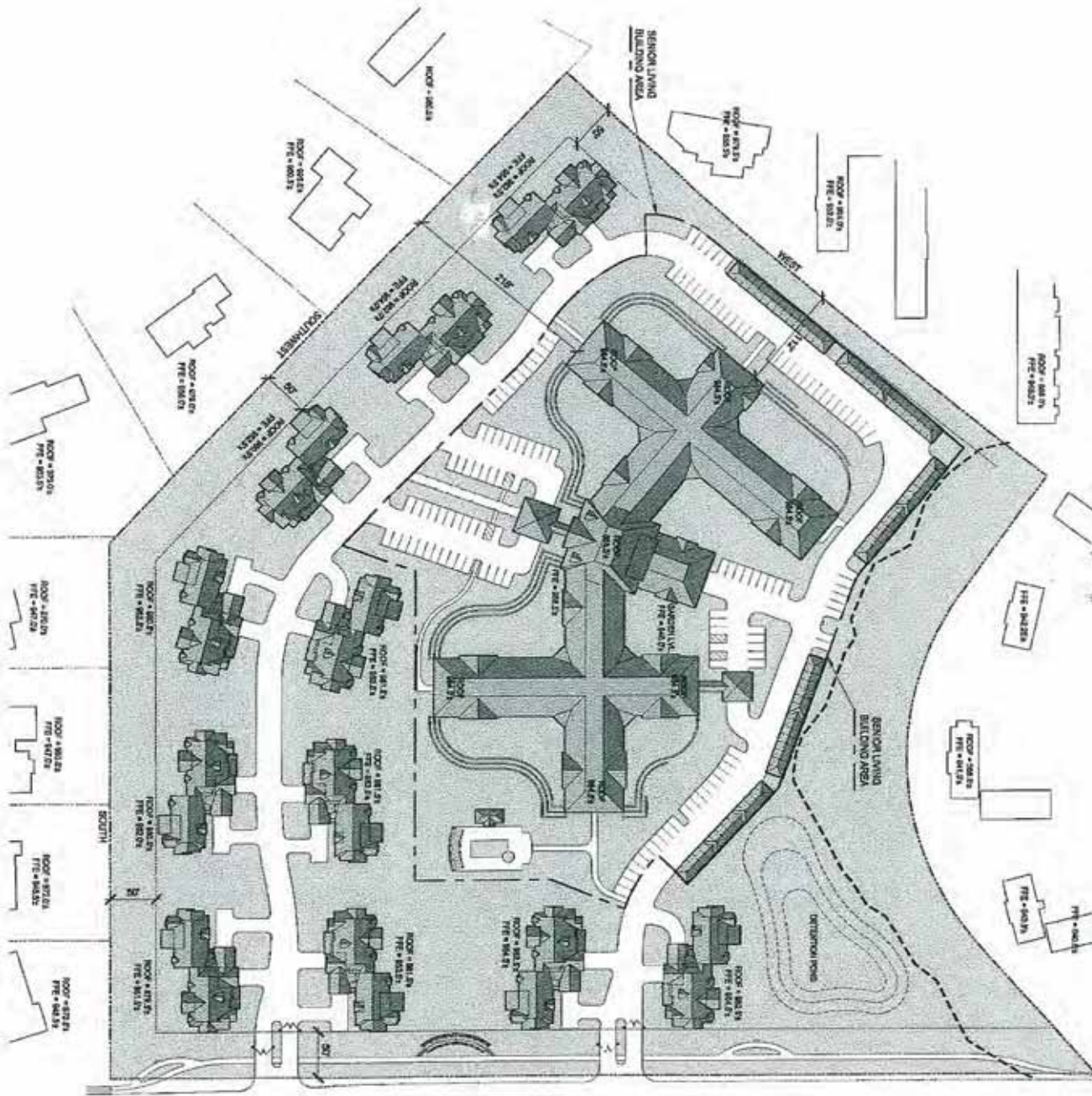
Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

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 multi-million dollar development. 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, that it approve the Site Plan 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 internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
  12. That the applicant install fire hydrants at locations designated by the Fire Department.
  13. That the applicant be responsible for plan review and inspection costs associated with the construction of the facility.
  14. That the applicant submit final plans for the retaining walls to Public Works for review and approval.
  15. That the applicant submit plans for the proposed pool, bathhouse and shelter adjacent to Mission Road for Site Plan approval by the Planning Commission prior to obtaining a building permit.
  16. That the applicant construct a sidewalk to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.
-



MAY 22, 2015 EXHIBIT A  
 PROPOSED SCHEMATIC SITE PLAN FOR:  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

**NSPJ**  
 NEARING STAATS PRELOGAR & JONES AIA CHARTERED  
 ARCHITECTS  
2020 E. 17th St., Suite 200 Prairie Village, Kansas 66202 www.nspjarch.com Phone: 785.242.1402 Fax: 785.242.1403



Mission Chateau Proposed Plan 5-22-2015

Senior Living Development	A/F/ILF
Total Square Footage	214,800
Building Area Above First Floor	149,700
Stories Above First Floor	2 Stories
Building Footprint	71,100
Parking including Carports	214
Building Height Above First Floor	28'
Dist. from West Property Line	112'
Dist. from Southwest Property Line	218'

Residential Development	Residential
Total Square Footage (All Above First Floor)	71,148
Total Units	22
Stories above Grade	1 to 1 1/2 Stories
Building Footprint	67,848
Minimum Unit Footprint Size	2,484
Maximum Unit Footprint Size	3,684
Maximum Height	28'
Parking	44
Dist. between 5th Villas along South Property Line	50' Minimum
Dist. from Mission Rd Property Line	50'
Dist. from South Property Line	50' Minimum

Total Community	Total
Total Square Footage	285,948
Building Area Above First Floor	214,848

MAY 22, 2015

LAND USE SUMMARY FOR:

# MISSION CHATEAU

SENIOR LIVING COMMUNITY

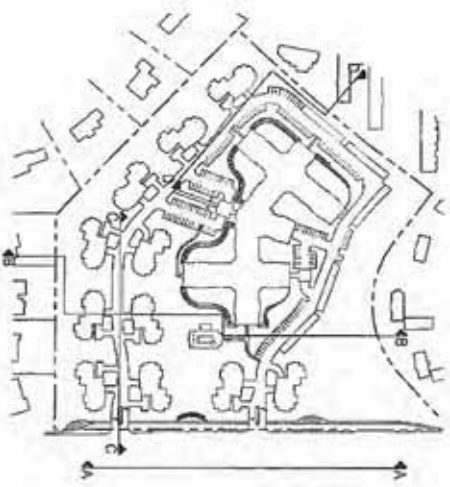
THE TUTERA GROUP

## NSPJ

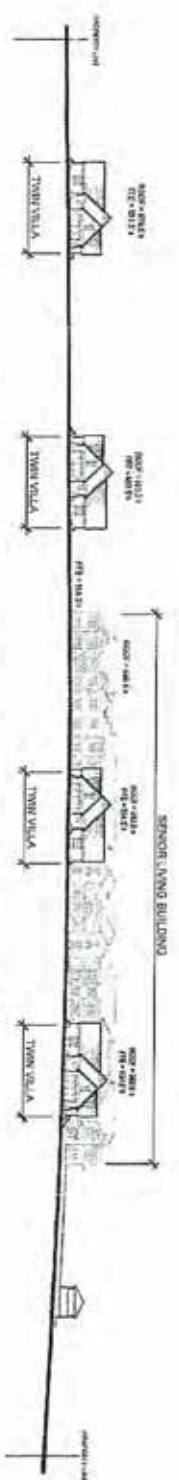
NEARING STAATS PRELOGAR & JONES AIA CHARTERED ARCHITECTS

305 N. 10<sup>th</sup> St., Ste. 200 www.nspjarch.com  
 PRAIRIE VILLAGE, KANSAS 66208 PHONE 784.0140 FAX 784.0140

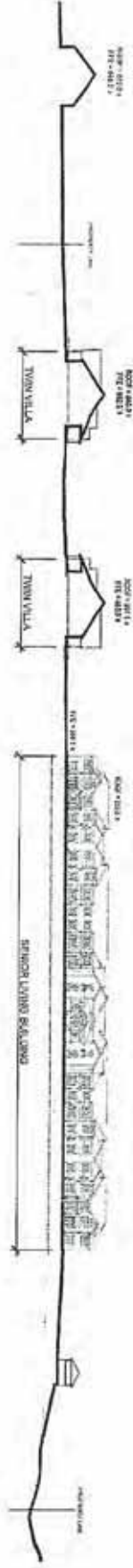
SECTION KEY PLAN



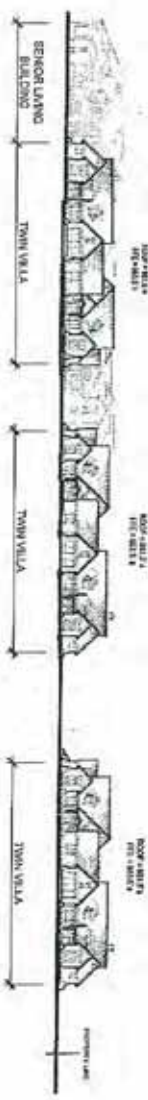
SECTION A-A - VIEW FROM MISSION ROAD



SECTION B-B - LOOKING WEST



SECTION C-C - LOOKING NORTH

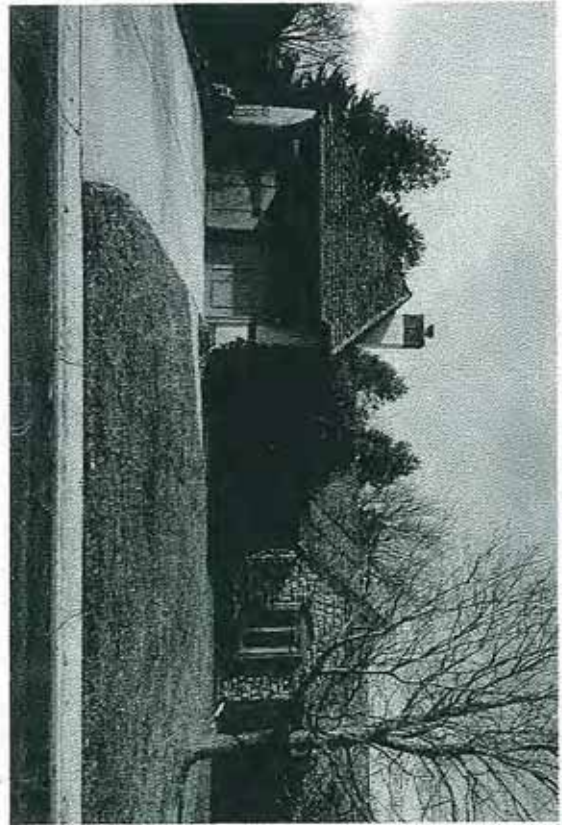


SECTION D-D - LOOKING NORTHEAST



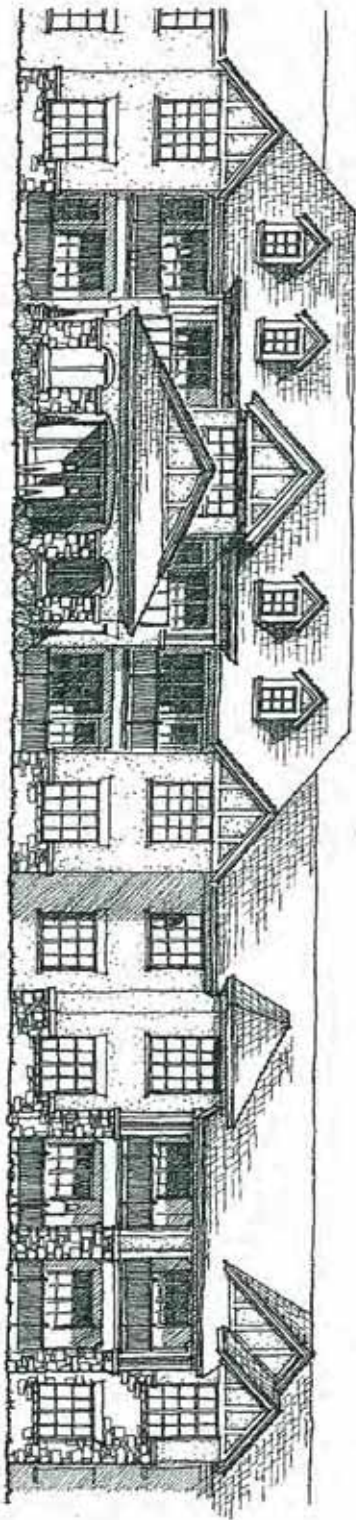
MAY 18, 2015  
 PROPOSED SCHEMATIC SITE SECTIONS FOR:  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

**NSPJ**  
 NEARING STAATS PRELOGAR & JONES AJA CHARTERED  
 ARCHITECTS  
 201 W. 15<sup>TH</sup> ST., SUITE 200  
 PRAIRIE VILLAGE, ILLINOIS 60143  
 www.nspjarch.com  
 PHONE 708.633.0100 THE TUTORING



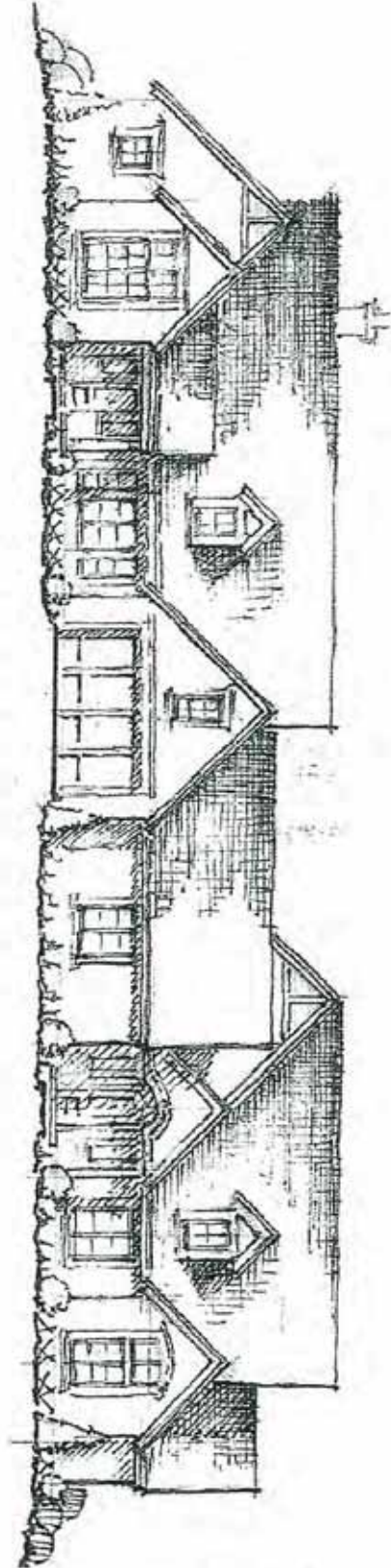
TWIN VILLA CONTEXTUAL PHOTOS  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

**NSPJ**  
 NEARING STAATS PRELOGAR & JONES AIA CHARTERED  
 ARCHITECTS  
 2125 N. 10<sup>TH</sup> ST. SUITE 200 ■ WWW.NSPJ.COM  
 PRAIRIE VILLAGE, KANSAS 66204 ■ PHONE 913.511.1401 FAX 913.511.1402



SENIOR LIVING BUILDING - CONCEPTUAL ELEVATION

3/32" = 1'-0"



TYPICAL VILLA - CONCEPTUAL ELEVATION

3/32" = 1'-0"

MAY 18, 2015  
 CONCEPTUAL ELEVATIONS FOR:  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

**NSPJ**  
 NEARING STAATS PRELOGAR & JONES AIA CHARTERED  
 ARCHITECTS  
2014 NSPJ, INC. www.nspjarch.com  
 FRANK VILLAGE, KANSAS CITY MISSOURI 64111-2415 FOR MIAMI

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NEARING STAATS PRELOGAR & JONES AIA CHARTERED  
ARCHITECTS

MISSION CHATEAU  
Senior Living Community

**EXHIBIT B: Proposed Architectural Character and Construction Materials**

**SENIOR-LIVING-BUILDING-ARCHITECTURAL-CHARACTER**

- 1) Architecture will have a traditional residential feel with a minimum of 6/12 pitch residential roofs. Roofs will be varied in height and broken up with architecturally correct gable roofs. The center roof will be raised approximately 4 feet above the primary roof plane to provide a central massing. Wall planes will be offset horizontally and vertically to create a residential scale.
- 2) Architectural details will consist of wrought iron style balconies, louver vents, half timbers, etc. Heavier materials (Stone and Brick) will ground the building and vary in height. Mechanical equipment will be hidden behind roof parapets.

**SENIOR LIVING BUILDING CONSTRUCTION MATERIALS**

- 1) Materials will be primarily natural materials consistent with high quality residential design. They will be consistently used throughout the Mission Chateau project. Materials will consistently return to inside corners of wall offsets, i.e. no material changes on outside corners.
- 2) The senior living building roof will be a 40 year minimum laminated shingle roof that will be slate or shingle appearance. Color will be in a range of natural slate or weathered wood. Standing seam accent roofs will be included in entry areas.
- 3) The building will consist of cementitious stucco in a light to medium neutral color with a relatively smooth troweled finish. Brick and or stone will be used on wainscot areas and lower level wall offsets to enhance architectural character.
- 4) Accent materials will include cast stone combined with the brick and or stone areas, smooth cedar timbers, and synthetic trim where required for low maintenance areas such as roof overhangs and soffits.
- 5) Primary exterior construction materials will be a minimum of 20% brick, stone, and cast stone and a maximum of 80% cementitious stucco.
- 6) Exterior colors will be in the range of natural earth tones with accent colors provide at exterior entries.
- 7) Retaining walls will be modular concrete, natural stone in color and appearance.

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ARCHITECTS

## MAINTENANCE PROVIDED TWIN VILLAS ARCHITECTURAL CHARACTER

1. Architecture will have a traditional residential feel similar to Coventry Court in Corinth Downs (79<sup>th</sup> and Mission Road). Units will be one to one and one half story configurations. Initial construction will consist of one or two model buildings. Individual buyers will be able to have individual units designed within the community design standards of style, footprint, setbacks, etc. Garages will have a minimum of 2 spaces and will not face in the same direction.
2. Twin Villa roofs will have a minimum pitch of 8/12. Roofs will be varied in height and broken up with architecturally correct gable roofs. Walls will be offset horizontally with no long straight planes. Dormers will be used to break up roof areas.
3. Architectural details will consist of wrought iron, louver vents, half timbers, masonry courtyard walls, etc. Mechanical equipment will be screened with fences, landscaping, or both.

## MAINTENANCE PROVIDED TWIN VILLAS CONSTRUCTION MATERIALS

1. All building materials will be consistent with the materials outlined for the senior living building. Brick or stone will be used on wainscot areas, courtyard walls, and full height walls.
2. Primary exterior construction materials will be a minimum of 25% brick, stone, and cast stone and a maximum of 75% cementitious stucco.

Richard E. Jones, AIA | Principal Architect  
NSPJ Architects, P.A.



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ARCHITECTS

MISSION CHATEAU  
Senior Living Community

## EXHIBIT B ADDENDUM

### GENERAL BUILDING MATERIALS

*Villas only*

- 1) Use of concrete, bomanite concrete, bricks, or pavers for driveways for the villas. The use of crushed gravel, asphalt or natural driveways is prohibited.

*Entire Project<sup>2)</sup>*

The following materials are prohibited:

- a. "Board and Batt" siding
- b. Masonite "Woodsman" panels
- c. Exterior concrete blocks as a finished surface

*Entire Project<sup>3)</sup>*

The following materials are allowed:

- a. Wood - boards, timbers, roughsawn lumber, lapsiding, shingles, shakes
- b. Masonry - stone, brick, stucco and specified manufactured stone products in certain neighborhoods. All columns or other architectural features that can be viewed by all sides and built with manufactured stone must be wrapped 360 degrees around the column or architectural feature.
- c. Metals - aluminum (anodized or baked-on enamel), copper, bronze, brass, and wrought iron or galvanized iron (painted). Brightly finished aluminum is prohibited. All exterior surfaces, with the exception of hardware items, shall have non-reflective finishes.
- d. Synthetic materials. "Azek" or equal cellular pvc trim and "James Hardie" or equal fiber cement boards for: corner boards, soffits, fascias, battens, door pilasters, frieze boards, rake boards, architectural millwork and door/window trim. Cement fiber lap siding and shingle siding.
- e. All hand painted or stained surfaces shall be well maintained.
- f. All air conditioning units shall be shielded and hidden as much as possible to limit the visibility from any street or adjacent property.

*Entire Project<sup>4)</sup>*

Window and/or wall air conditioning units shall not be permitted.

*Villas only*

- 5) All garbage, trash, recycling and yard waste containers shall be kept inside the garage. Containers can only placed outside the evening prior to the appropriate trash collection day and must put away on same day after collection.



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ARCHITECTS

MISSION CHATEAU  
Senior Living Community

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## EXHIBIT C: Proposed Landscape Character

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### MISSION ROAD STREETSCAPE

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- 1) Street Trees will be provided at 50' on center along the length of Mission Road.
- 2) A 4' wide sidewalk will be provided along the entire Mission Road frontage.
- 3) Frontage adjacent to the Twin Villas will have a traditional residential feel and have a similar character to the other residential properties within the immediate neighborhood. All exterior landscape areas will be maintained by the Mission Chateau Home Owners Association (HOA).
- 4) Additional open space frontage is provided in the form of a clean water BMP detention pond. This pond will be designed & landscaped per the MARC BMP manual.
- 5) All exterior areas will be maintained by the HOA.
- 6) All plant material shall be healthy, vigorous, and free of disease and insects as per American Association of Nurserymen Standards.

### SENIOR LIVING AREA LANDSCAPE CHARACTER

- 1) The Landscape of the Senior Living Area will have a traditional residential feel and be a similar character and level of maintenance level to the other residential properties within the immediate neighborhood.
- 2) Per the City of Prairie Village code, all parking setback and other open areas will be planted with grass, shrubs, and trees consistent with a high quality residential development. Screening will be provided for parking areas on any side in the form of a wall, screen planting or an adequate height fence.
- 3) Senior Living Building Area will have 8 ornamentals & 12 shade trees along the interior drive and parking areas.
- 4) Existing landscaping in the flood plain to the north will remain.
- 5) All plant material shall be healthy, vigorous, and free of disease and insects as per American Association of Nurserymen Standards.



# NSPJ

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## ARCHITECTS

NEARING STAATS PRELOGAR & JONES AIA CHARTERED

- 6) All exterior areas will be maintained by the HOA.

### MAINTENANCE PROVIDED TWIN VILLAS LANDSCAPE CHARACTER

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- 1) The Landscape of the Twin Villas will have a traditional residential feel and be a similar character to the other residential properties within the immediate neighborhood.
- 2) Each villa will have 2 ornamental trees, 1 shade tree, and 1 street tree.
- 3) Existing landscape in the south & southwest buffer areas will remain to the greatest extent possible.
- 4) All exterior areas will be maintained by the HOA.
- 5) All plant material shall be healthy, vigorous, and free of disease and insects as per American Association of Nurserymen Standards.

Katie Martinović, Registered Landscape Architect  
NSPJ Architects, P.A.



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ARCHITECTS

MISSION CHATEAU  
Senior Living Community

## EXHIBIT <sup>C</sup> ADDENDUM

### PROPOSED LANDSCAPING

- 1) Mission Road Streetscape will have large street trees 40 feet on center along the entire frontage with the exception of landscape features which will have appropriately spaced ornamental trees.
- 2) The views to the AL/IL building from Mission Road will have additional staggered deciduous and evergreen trees to break up the vistas between landscape features, villas, and the north side of the development.
- 3) Properties to the south and southwest will have limited berms to blend with the natural grading and year round varied species of trees and plantings. Properties the northwest will have year round varied species of trees and plantings.
- 4) Landscaping will be strategically placed to limit vistas while allowing a spacious feel for the community; plant materials will not be placed to create artificial walls.

**SPECIAL USE PERMIT APPLICATION**

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2015-08  
Filing Fees: \$100  
Deposit: \$500



Date Advertised: 6/16/15  
Date Notices Sent: 6/16/15  
Public Hearing Date: 7/7/15

APPLICANT: MVS, LLC PHONE: 816-444-0900

ADDRESS: 7611 State Line Rd. Ste. 301, Kansas City, MO 64114 E-MAIL: RandyB@Tutera.com; rjones@nspjarch.com

OWNER: MVS, LLC PHONE: 816-444-0900

ADDRESS: 7611 State Line Rd. Ste. 301, Kansas City, MO ZIP: 64114

LOCATION OF PROPERTY: 8500 Mission Road

LEGAL DESCRIPTION: Block 1, Meadowbrook Junior High School

**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 and R-3</u>

Present Use of Property: Vacant Middle School Building

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: 

DATE: 6/5/15

BY: Joseph 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

**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 22<sup>nd</sup> day of June, 2015 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 16<sup>th</sup> day of June, 2015, 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 23<sup>rd</sup> day of June, 2015.

*Judith L. Hunt*  
 Notary Public

My Commission Expires:



**MVS, L.L.C.**  
**7611 STATE LINE ROAD, SUITE 301**  
**KANSAS CITY, MO 64114**  
**(816) 444-0900**

**NOTICE TO PROPERTY OWNERS**  
**PLANNING COMMISSION**  
**PRAIRIE VILLAGE, KANSAS**  
**June 16, 2015**

**Application No. PC 2015-08**

An application for a Special Use Permit, as applied to the property located at 8500 Mission Road, has been filed by MVS, LLC and would authorize the operation of an Adult Senior Dwelling project including independent living and assisted living uses on 18.43 acres of property legally described as follows:

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 SE¼ 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 SE¼ 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 NE¼ OF THE SE¼ 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 ½ OF THE EAST ½ 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 ½ OF THE EAST ½ 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 ¼ 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 ¼ 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 ¼ OF SAID SOUTHEAST ¼ 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° 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° 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.

Page 3  
June 16, 2015

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

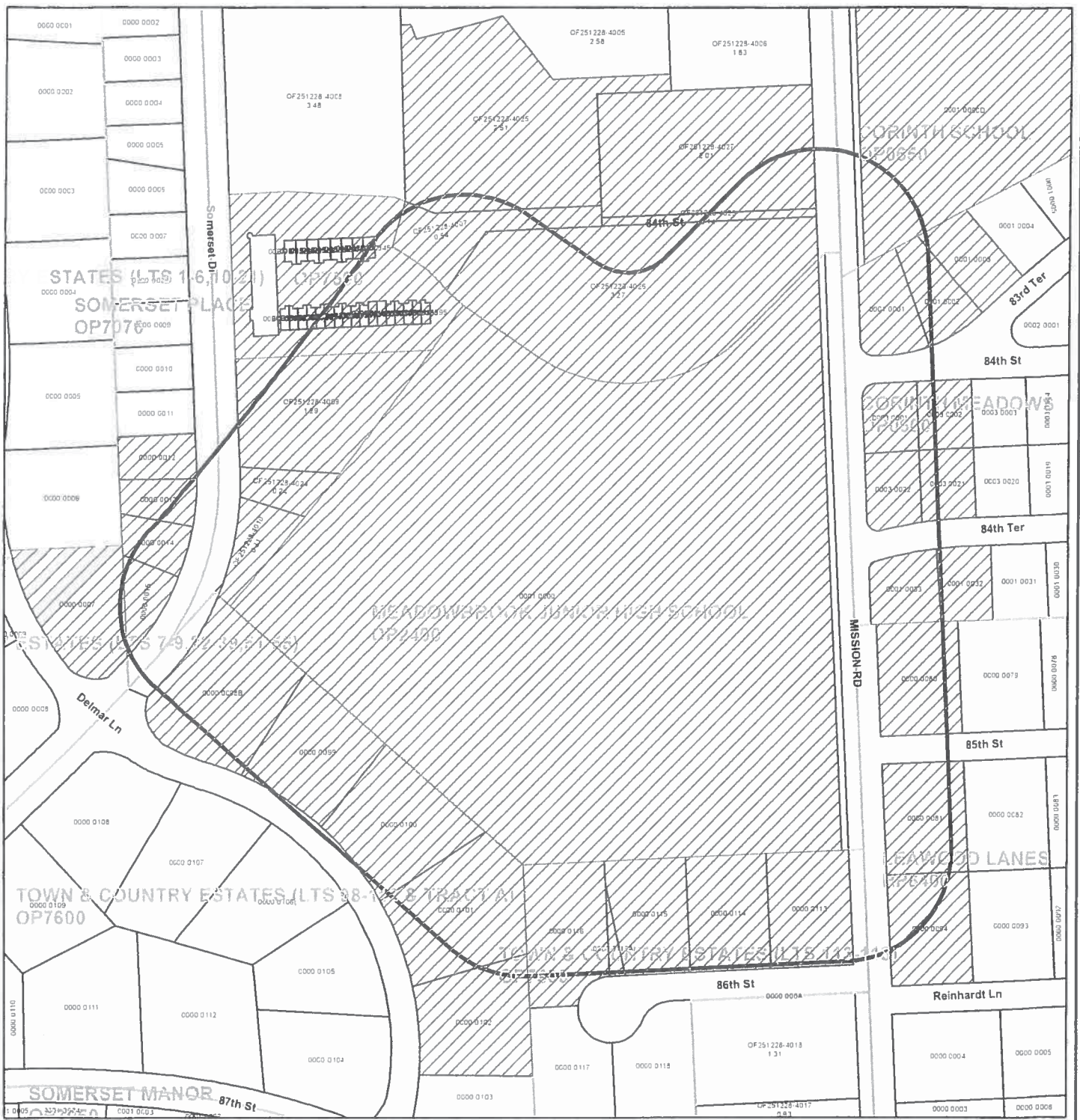
A public hearing will be held by the Planning Commission on Tuesday, July 7, 2015 at 7:00 p.m. in the City Council Chambers of City Hall, 7700 Mission Road, Prairie Village, Kansas, at which time you may appear, if you so desire, either in person and/or by attorney.

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: Randall Bloom  
Randall Bloom, MVS, LLC



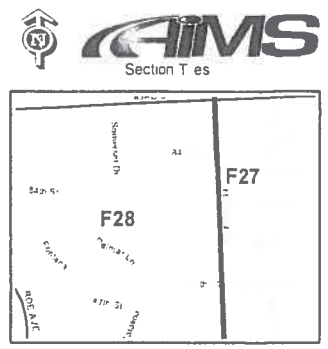
A product of Johnson County AIMS, 111 S Cherry St Suite 2000 Olathe KS 66061 Phone 913-715-1600 http://aims.jocogov.org



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6/9/2015

Requester #maprequest



June 22, 2015  
Mission Chateau  
Neighborhood meeting

Begin at 6:00 p.m.

Attendance:  
Randy Bloom, Tutera  
Amy Grant, Polsinelli PC  
Rick Jones, NSPJ  
Ryan Elam, BHC  
Approximately 19 residents

Mr. RandyBloom began by introducing himself and explained that the site plan being presented this evening is the product of a series of meetings with Prairie Village neighbors and residents.

Mr. Rick Jones then walked through the new site plan explaining the various components and different types of living opportunities within the project. Mr. Jones also provided several facts including setbacks, heights, building footprints, total project square feet, number of units per building, open space calculations, etc.

**Q & A began at 6:20 p.m.**

Question: How deep is the proposed detention pond?

**Response: It will hold approximately 6 feet of water in the case of a 100-year storm.**

Question: Will you be keeping any large trees on the property?

**Response: We will be keeping the trees along the property line.**

Questions: How many Independent Living vs. Assisted Living units are being provided?

**Response: We continue to study the market regarding units. The proposed site plan will limit us to a total number of 248 units but we have not yet determined the exact number of AL vs. IL units.**

Question: What is the setback from the Creek on the north side to the carports?

**Response: Approximately 110 feet. The setback varies as you go east and west along the site.**

Questions: Will all vehicle access be off of Mission Road?

**Response: Yes.**

Question: Has the vehicle access and circulation been approved by the Fire Department yet?

**Response: No, but we will acquire that approval prior to obtaining any building permits.**

Question: Will sidewalks be provided on both sides of the internal drives?

**Response: No, a sidewalk is provided on one side.**

Questions: Will you be changing the grade of the site?

**Response: No, the main change in grade will occur with the detention ponds.**

Question: Is the final neighborhood site plan incorporated into the final settlement agreement and negotiation regarding the lawsuit?

**Response: I am not sure I fully understand your question but yes this plan is a result of a settlement agreement we have reached with the neighbors.**

Question: How many employees will be at the facility?

**Response: Our day shift will have 40 employees and our night shift will have 23 employees.**

Question: Where will employees park?

**Response: Along the northern drive – indicated location on site plan.**

Question: Will there be an access point at the corner of Del Mar and Somerset?

**Response: The City has asked up to provide a sidewalk connection for pedestrians in that area. There will not be a vehicular access.**

Question: Where is the loading dock located?

**Response: Location was indicated on site plan.**

Question: Will the Villa lots be sold?

**Response: Yes, these will be sold individually. Tutera has a few designs that developer will be able to choose from.**

Question: What is the maximum height of the Villas.

**Response: Per our Settlement Agreement they will be 22 feet in height.**

Question: So these are Villas and not single-family homes? Will they be built immediately?

**Response: Yes, they are Villas. We are not proposing any single-family homes on this site. We will sell the lots and the builders will construct them.**

Question: What if the Villas do not sell? Can you come back and change your plan to expand the larger building?

**Response: No. Pursuant to our settlement agreement these lots will either be sold or remain green space until they are developed.**

The meeting was concluded at 7:00 p.m.

NEIGHBORHOOD MEETING

MISSION CHATEAU

June 22, 2015

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Wes Jordan			City of PV
Ron Williams			City of PV
TEB OBELL			City of Denver
TON, Rhetta Johnson	842 Somerset PR	913-581-2582	
Mary Rusb	8348 Somerset	917 383-1168	mrusso3@kc.rr.com
Jacqueline Cono	4120 W 94 <sup>th</sup> Ter PV	913-644-6636	JCono@goldkollen.com
Carolyn Larson	8628 Reinhardt Ln	816 805 0060	carrieklarson@gmail.com
Bob Schubert	3700 W 83 Ter	816-456-7644	bob@re-schubert.com
Brenda Sattede	8600 Mission Rd	913-908-6949	
Amanda Hubbard	4304 Somerset Dr	913-341-8488	
Stephanie Beeder	8478 Delmar Ln	913-406-9221	
DANIE TRUSS	3605 W 85 <sup>th</sup> St.	913 648-0806	
Cindi & Brian Doerr			



June 1, 2015

Prairie Village Mayor and City Council Members

Re: Mission Chateau

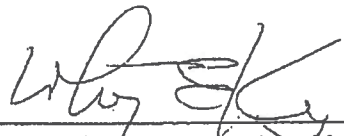
Dear Honorable Mayor and City Council Members:

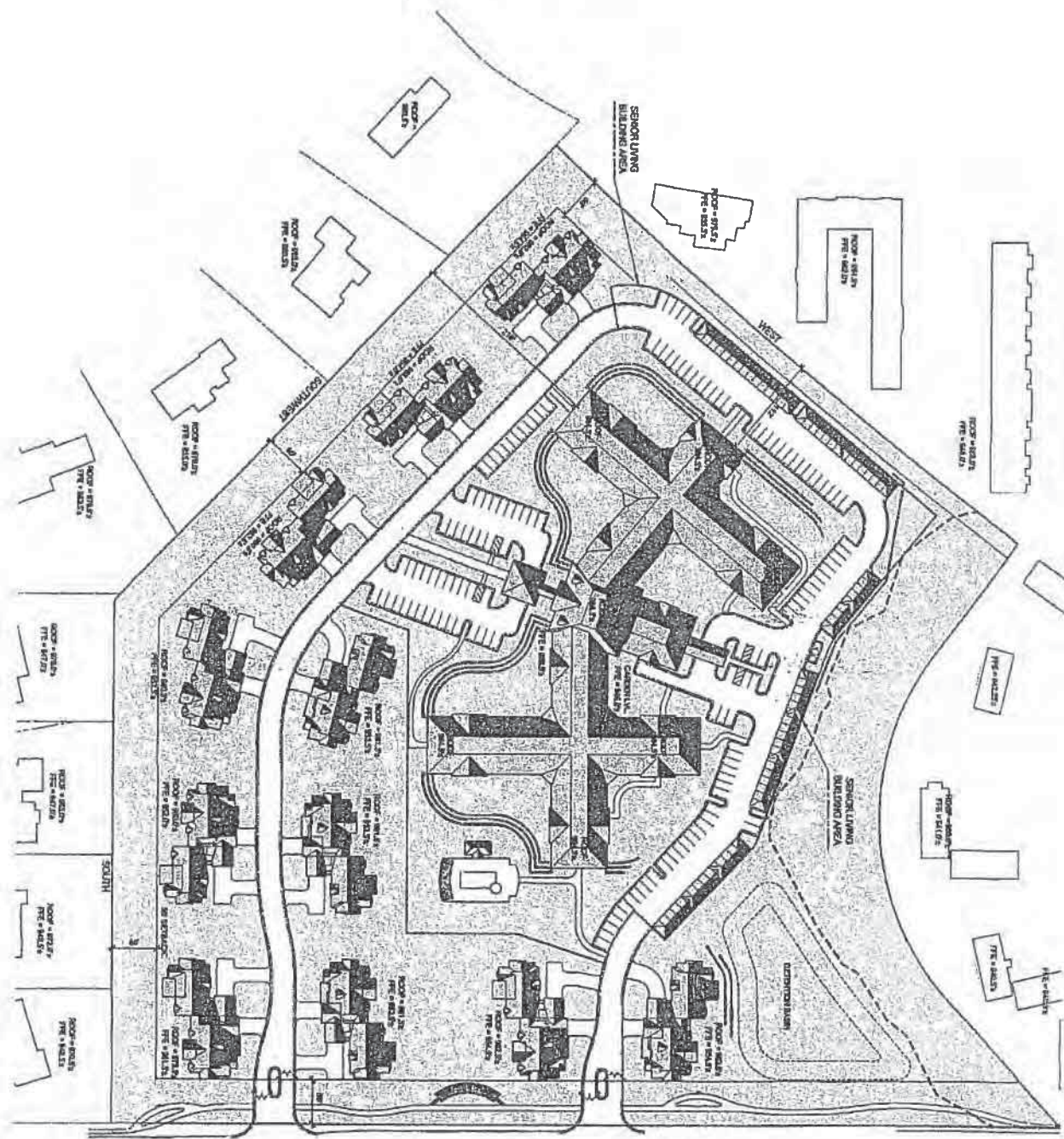
On behalf of Mission Valley Neighbors' Association, Inc., as duly authorized by the Board of Directors of Mission Valley Neighbors' Association, in my capacity as President, I am writing this letter to confirm our agreement with the proposed Schematic Plan attached to this letter (and related conditions set forth in the Settlement Agreement) as it relates to the issuance of a special use permit to construct a senior retirement community consisting of an assisted living facility, an independent living facility, and villas upon the MVS Property.

Over the past several months, representatives of Mission Valley Neighbors' Association, Inc. have met with representatives of MVS, LLC ("MVS") to discuss alternative development concepts with respect to the MVS Property. An agreement has been reached which will potentially settle and resolve all pending litigation with respect to Special Use Permit No. 2301 and the proposed future development of the MVS Property consistent with the Schematic Plan, subject to the City Council issuing the new special use permit as soon as possible, but absolutely by no later than December 31, 2015 (or January 31, 2016, if applicable as provided in that certain Settlement Agreement between the Plaintiffs and MVS arising from that certain action styled: Gary W. Marsh, et al., Plaintiffs, vs. City of Prairie Village, Kansas Defendant, Appeal No. 14-112706-A).

Sincerely,

Mission Valley Neighbors' Association, Inc.

By:   
Whitney Kerr, Jr., President



JUNE 15, 2015 EXHIBIT A  
 PROPOSED SCHEMATIC SITE PLAN FOR:  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

**NSPJ**  
 NBARING STAATS PRBLOGAR & JONES AIA CHARTERED  
 ARCHITECTS  
 3811 W. 33<sup>RD</sup> ST., SUITE 1000 www.nspjarch.com  
 PRALISE WALLACE, KANSAS 66108 PHONE 316.841.1110 FAX 316.841.1111

June 1, 2015



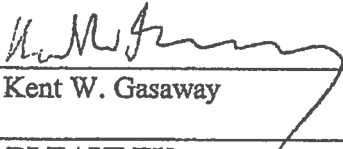
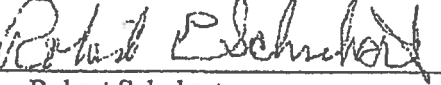
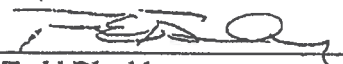
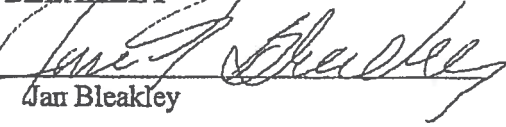
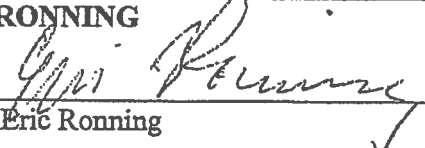
Prairie Village Mayor and City Council Members

Re: Mission Chateau

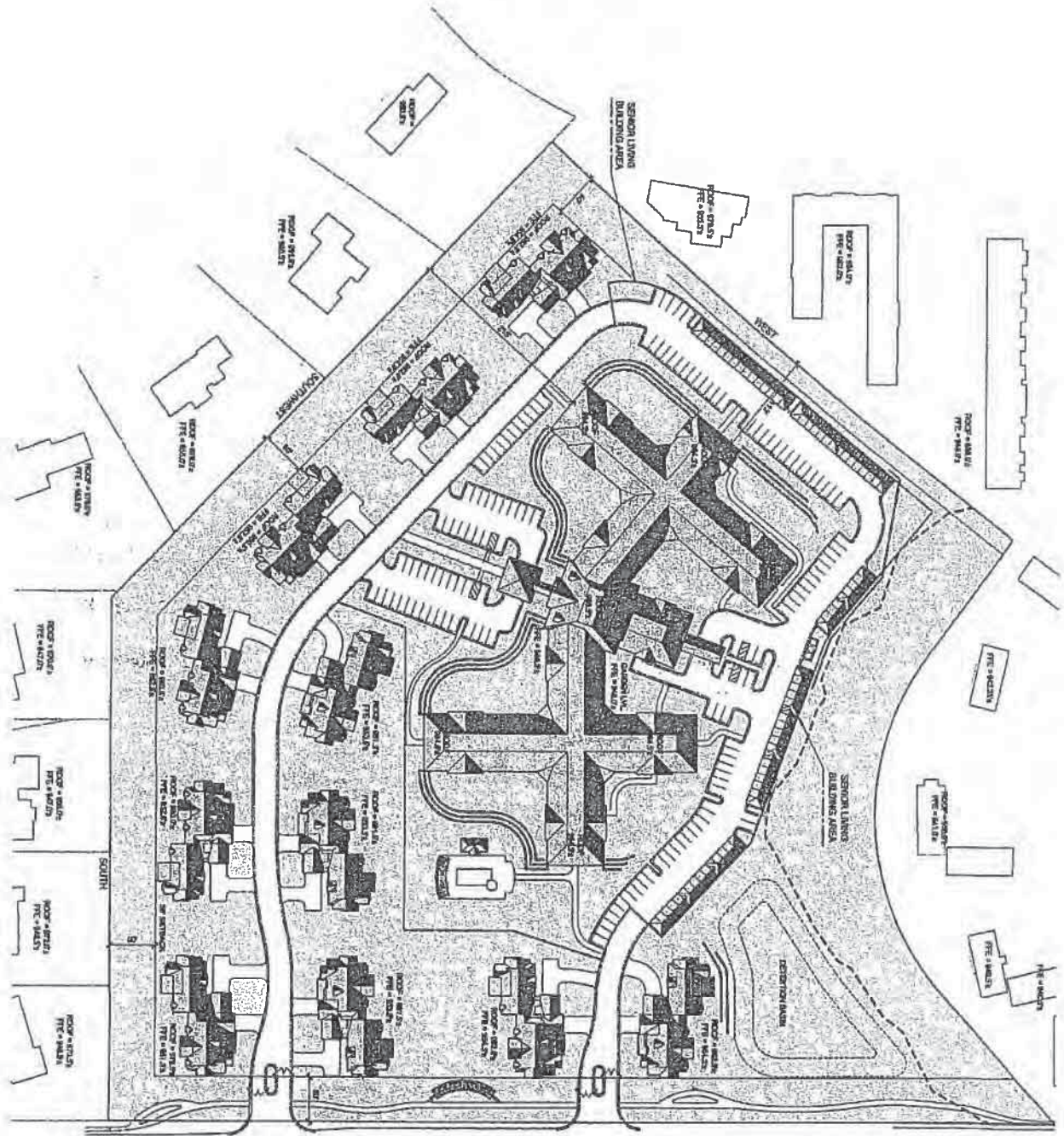
Dear Honorable Mayor and City Council Members:

While each of the undersigned are not parties to that certain Settlement Agreement which has been entered into by and between MVS LLC, a Missouri limited liability company ("MVS") and the plaintiffs (collectively, the "Plaintiffs") in that certain action styled: Gary W. Marsh, et al., Plaintiffs, vs. City of Prairie Village, Kansas, Defendant., Appeal No. 14-112706-A, currently pending before the Kansas Supreme Court, we are writing this letter to confirm that we were involved in negotiating an agreed upon plan for the MVS property. We encourage you to vote for the new SUP as long as it is in accordance with the attached Schematic Plan and conditions. We believe that it is a compromise to terminate the previous SUP.

Sincerely,

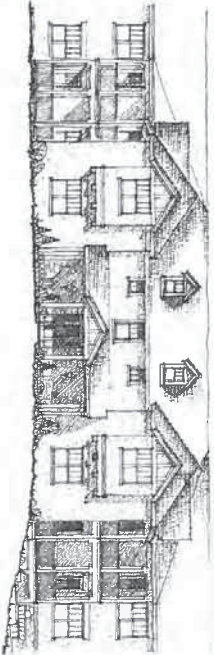
<b>CRAIG SATTERLEE</b> By: <u></u> Craig Satterlee	<b>BRENDA SATTERLEE</b> By: <u></u> Brenda Satterlee
<b>KENT W. GASAWAY</b> By: <u></u> Kent W. Gasaway	<b>ROBERT SCHUBERT</b> By: <u></u> Robert Schubert
<b>TODD BLEAKLEY</b> By: <u></u> Todd Bleakley	<b>JAN BLEAKLEY</b> By: <u></u> Jan Bleakley
<b>ERIC RONNING</b> By: <u></u> Eric Ronning	



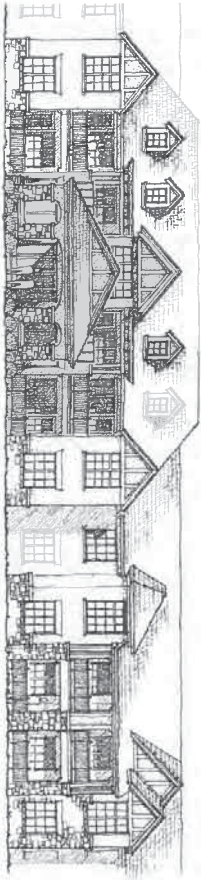


JUNE 15, 2015 EXHIBIT A  
 PROPOSED SCHEMATIC SITE PLAN FOR:  
**MISSION CHATEAU**  
 SENIOR LIVING COMMUNITY  
 THE TUTERA GROUP

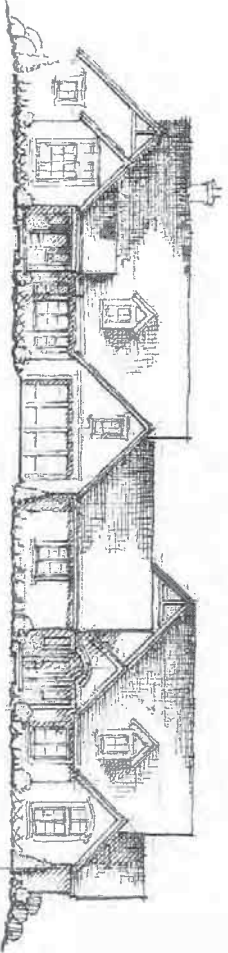
**NSPJ**  
 NBARING STAATS PRELOGAR & JONES AIA CHARTERED  
 ARCHITECTS  
 3113 W. 97<sup>th</sup> St., Ste. 201  
 PLAZA VILLAGE, KENNESAW, GA 30144 Phone 913.131.1313 Fax 913.131.1310



SENIOR LIVING BUILDING - MISSION ROAD ENTRY PRELIMINARY ELEVATION  
3/32" = 1'-0"



SENIOR LIVING BUILDING - MAIN ENTRY CONCEPTUAL ELEVATION  
3/32" = 1'-0"



TYPICAL VILLA - CONCEPTUAL ELEVATION  
3/32" = 1'-0"

**INDEX OF DRAWINGS**

A0 00      COVERSHEET  
A0 01      ARCHITECTURAL SITE PLAN  
A1 00      SENIOR LIVING UNIT PLANS  
A1 10      SENIOR LIVING ELEVATIONS  
A2 00      TOWN VILLA PLANS  
A3 00      AUXILIARY STRUCTURES  
L1 00      PRELIMINARY LANDSCAPE PLAN  
C1 0      SITE PLAN  
C2 0      GRADING PLAN  
C3 0      UTILITY PLAN  
C4 0      VEHICLE ACCESS PLAN

**PROJECT TEAM**

**OWNER:**

THE TUTERA GROUP  
7611 STATE LINE ROAD, SUITE 301  
KANSAS CITY, MO 64111  
TEL: (816) 444-0900  
FAX: (816) 822-0081

**Architect:**

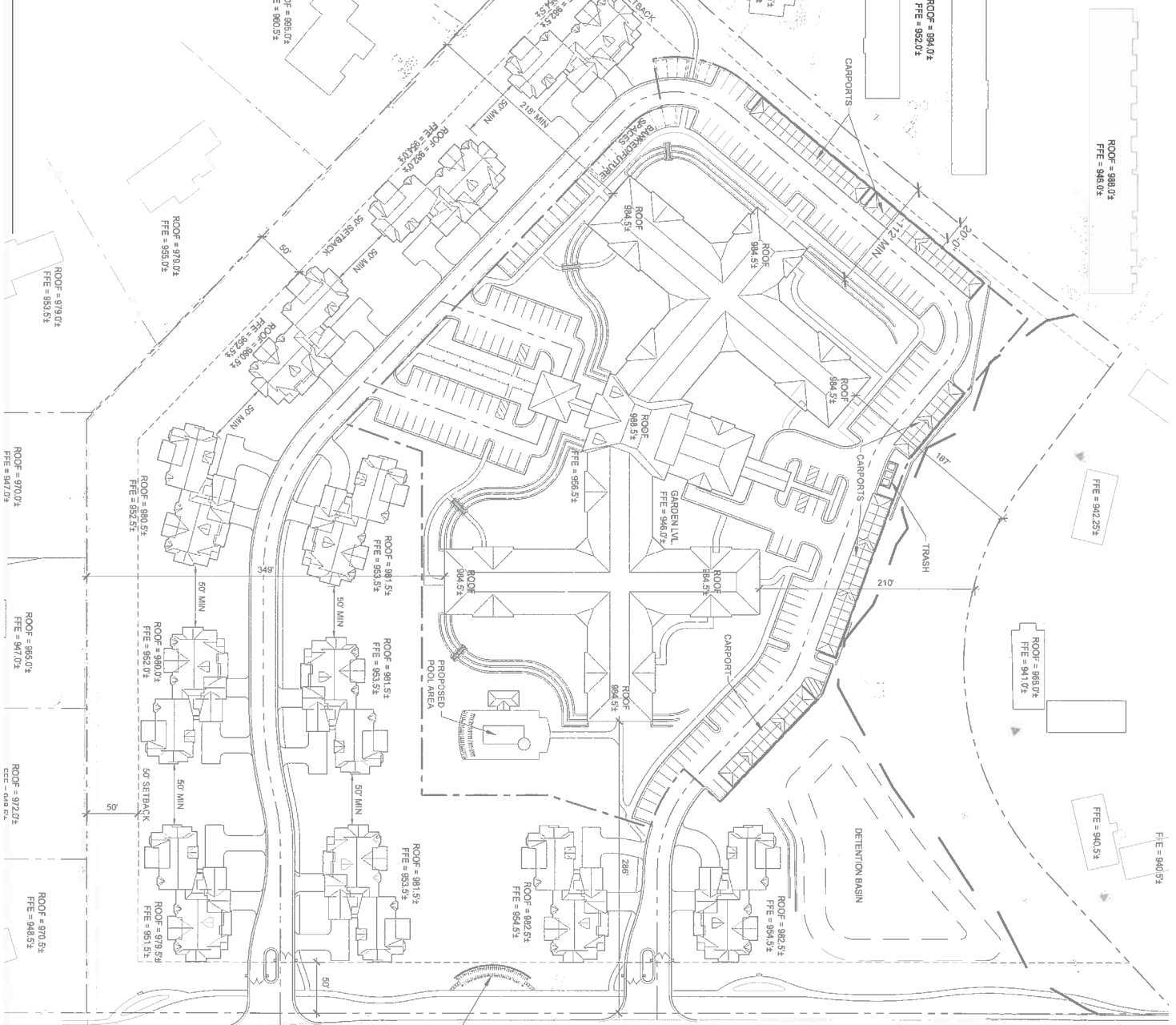
NEARING, STAATS, PREIDOGAR & JONES  
AIA CHARTERED ARCHITECTS  
3519 W 75TH ST, SUITE 201  
PRAIRIE VILLAGE, KS 66208  
TEL: (913) 831-1415  
FAX: (913) 831-1583

**Civil:**

BHC RHODES  
7101 COLLEGE BLVD, SUITE 400  
OVERLAND PARK, KS 66210  
TEL: (913) 663-1900

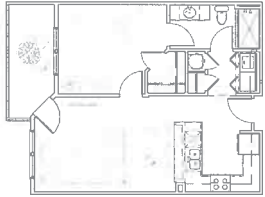
**Landscape:**

NEARING, STAATS, PREIDOGAR & JONES  
AIA CHARTERED ARCHITECTS  
3519 W 75TH ST, SUITE 201  
PRAIRIE VILLAGE, KS 66208  
TEL: (913) 831-1415  
FAX: (913) 831-1583

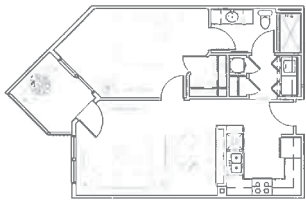


MISSION ROAD  
 44TH TERRACE  
 46TH STREET  
 TRENCHES WITH SEATING BELOW

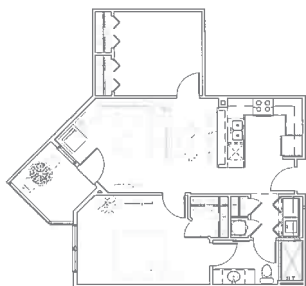
Mission Chateau Proposed Plan 6-05-2015	
<b>Senior Living Development</b>	
Final Square Footage	1,111,483 S.F.
Building Area Above First Floor	1,111,483 S.F.
Stories Above First Floor	2.5000
Building Footprint	71,000 S.F.
Parking including Carports	214 Spaces
Building Height (Total) (Feet)	132
Building Height (Roof) (Feet)	132
Dist. from Southwest Property Line	218'
<b>Senior Living Parking</b>	
Independent Living - Minimum 180 Units	126 Spaces
Assisted Living - Minimum 180 Units	214 Spaces
Largest Shift Employees	40 Spaces
Shift Change	23 Spaces
Minimum Total Parking Required	209 Spaces
Parking Provided	214 Spaces
Carports	12 Spaces
<b>Senior Living Residential Development</b>	
Total Square Footage (Not Above First Floor)	211,483 S.F.
Stories Above Grade	1.501127 Spaces
Building Footprint	57,484 S.F.
Minimum Unit Footprint Size (Includes 484 S.F. Garage)	2,484 S.F.
Maximum Unit Footprint Size (Includes 484 S.F. Garage)	3,484 S.F.
Garage Parking	44 Spaces
Dist. between SW Walls Along South Property Line	36' Minimum
Dist. from Mission Rd Property Line	50' Minimum
Dist. from South Property Line	50' Minimum
<b>Total Community</b>	
Total	285,948 S.F.
Building Area Above First Floor	1,111,483 S.F.
Stories Above Grade	1.501127 Spaces
Building Footprint	57,484 S.F.
Minimum Unit Footprint Size (Includes 484 S.F. Garage)	2,484 S.F.
Maximum Unit Footprint Size (Includes 484 S.F. Garage)	3,484 S.F.
Garage Parking	44 Spaces
Dist. between SW Walls Along South Property Line	36' Minimum
Dist. from Mission Rd Property Line	50' Minimum
Dist. from South Property Line	50' Minimum



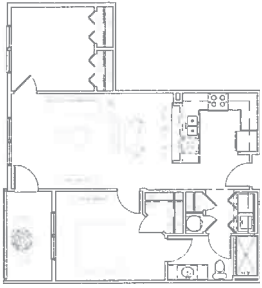
SENIOR LIVING  
I/L ONE BEDROOM FLOOR PLAN  
1/8" = 1'-0"



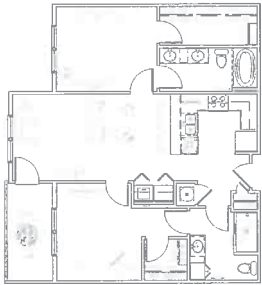
SENIOR LIVING  
I/L ONE BEDROOM FLOOR PLAN  
1/8" = 1'-0"



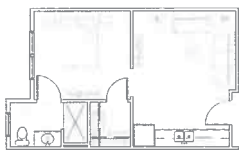
SENIOR LIVING  
I/L ONE BEDROOM + DEN FLOOR PLAN  
1/8" = 1'-0"



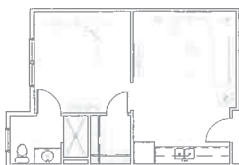
SENIOR LIVING  
I/L ONE BEDROOM + DEN FLOOR PLAN  
1/8" = 1'-0"



SENIOR LIVING  
I/L TWO BEDROOM FLOOR PLAN  
1/8" = 1'-0"



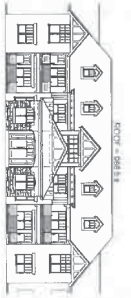
SENIOR LIVING  
A/L ONE BEDROOM FLOOR PLAN  
1/8" = 1'-0"



SENIOR LIVING  
A/L ONE BEDROOM FLOOR PLAN  
1/8" = 1'-0"



**ELEVATION A**  
SOUTHWEST



**ELEVATION B**  
MAIN ENTRY - SOUTH SIDE



**ELEVATION C**  
SOUTH



**SECTION J**  
SOUTH



**ELEVATION E**  
NORTH



**ELEVATION F**  
ALL ENTRY - NORTH SIDE



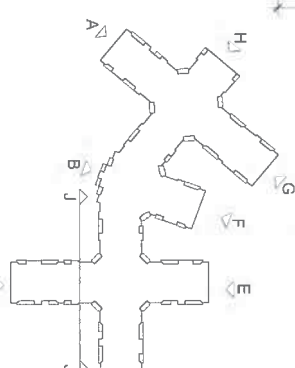
**ELEVATION G**  
NORTHEAST



**ELEVATION D**  
MISSION ROAD



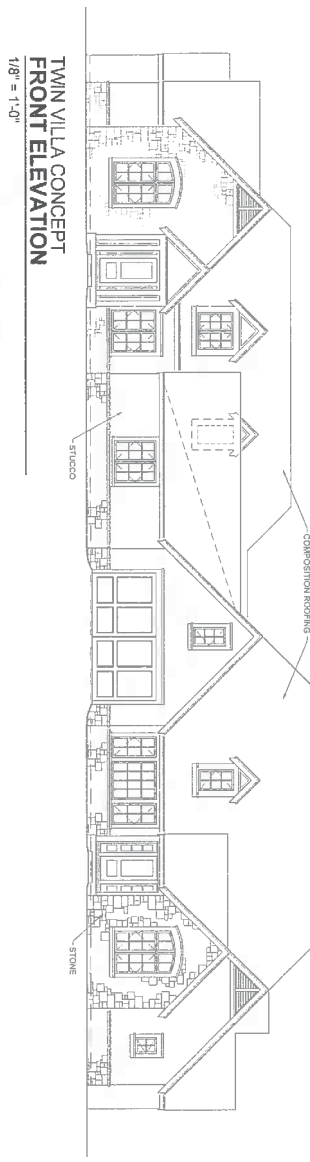
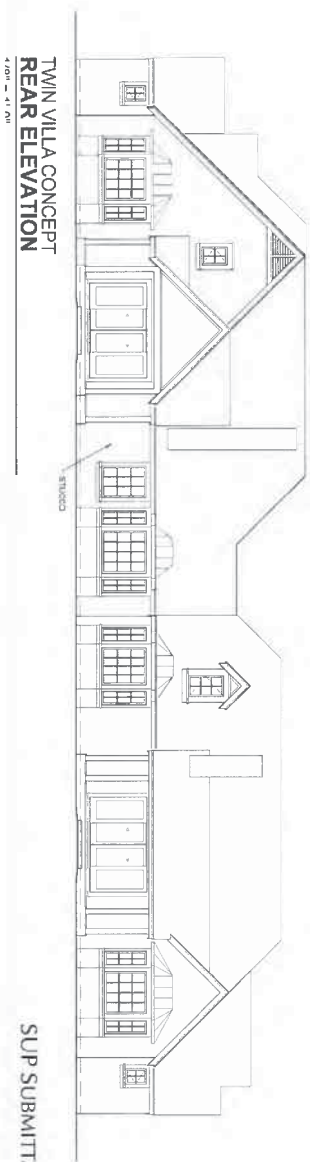
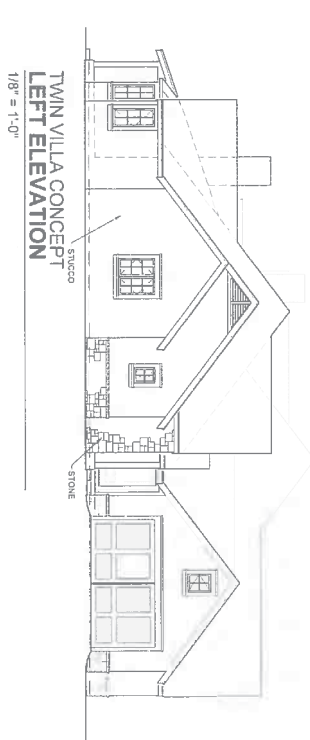
**ELEVATION H**  
NORTHWEST



**ELEVATION KEY**

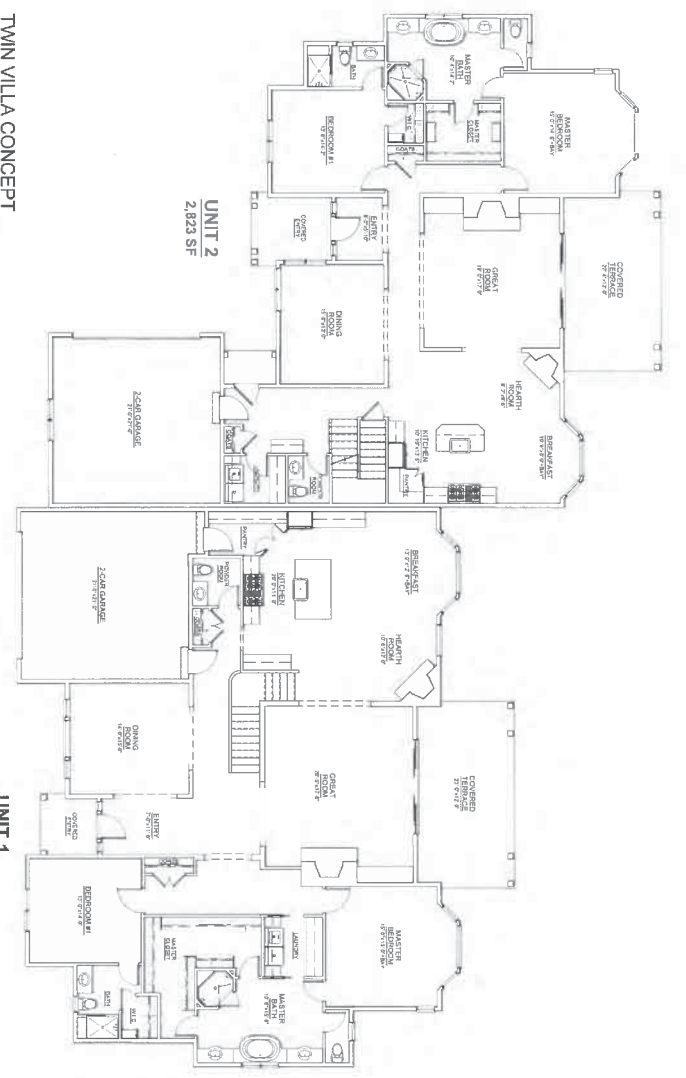
**SENIOR LIVING ELEVATIONS**  
1" = 20'-0"

SUP SUBMITT/



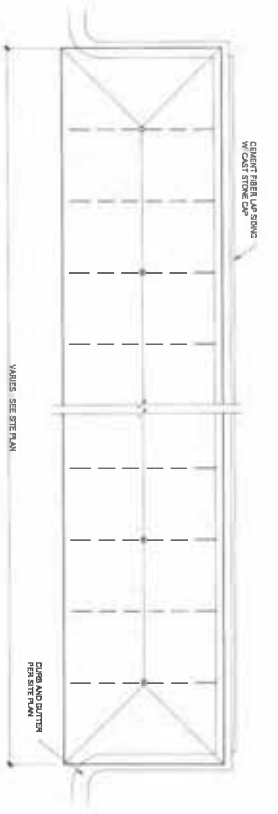
**TWIN VILLA CONCEPT  
FIRST FLOOR PLAN**

1/8" = 1'-0"

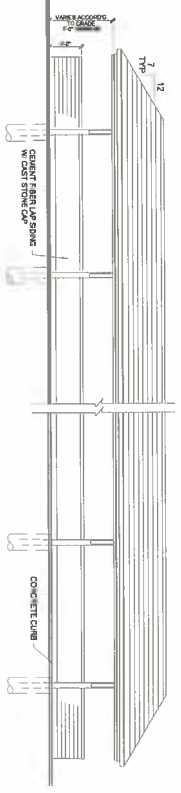




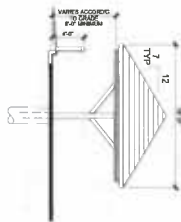
**CARPORT  
CONTEXTUAL PHOTO**  
N.T.S.



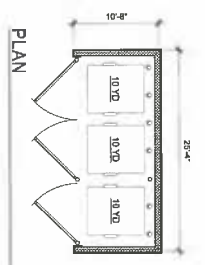
**CARPORT  
FLOOR PLAN**  
1/8" = 1'-0"



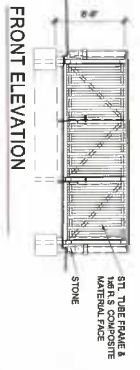
**CARPORT  
FRONT ELEVATION**  
1/8" = 1'-0"



**CARPORT  
SIDE ELEVATION**  
1/8" = 1'-0"



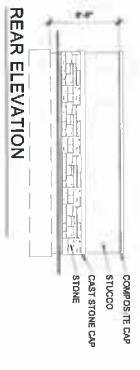
**PLAN**



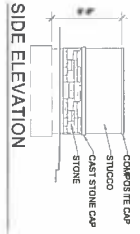
**FRONT ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**

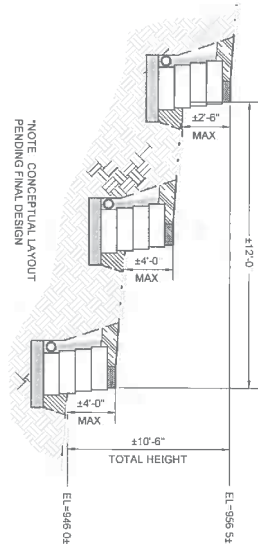
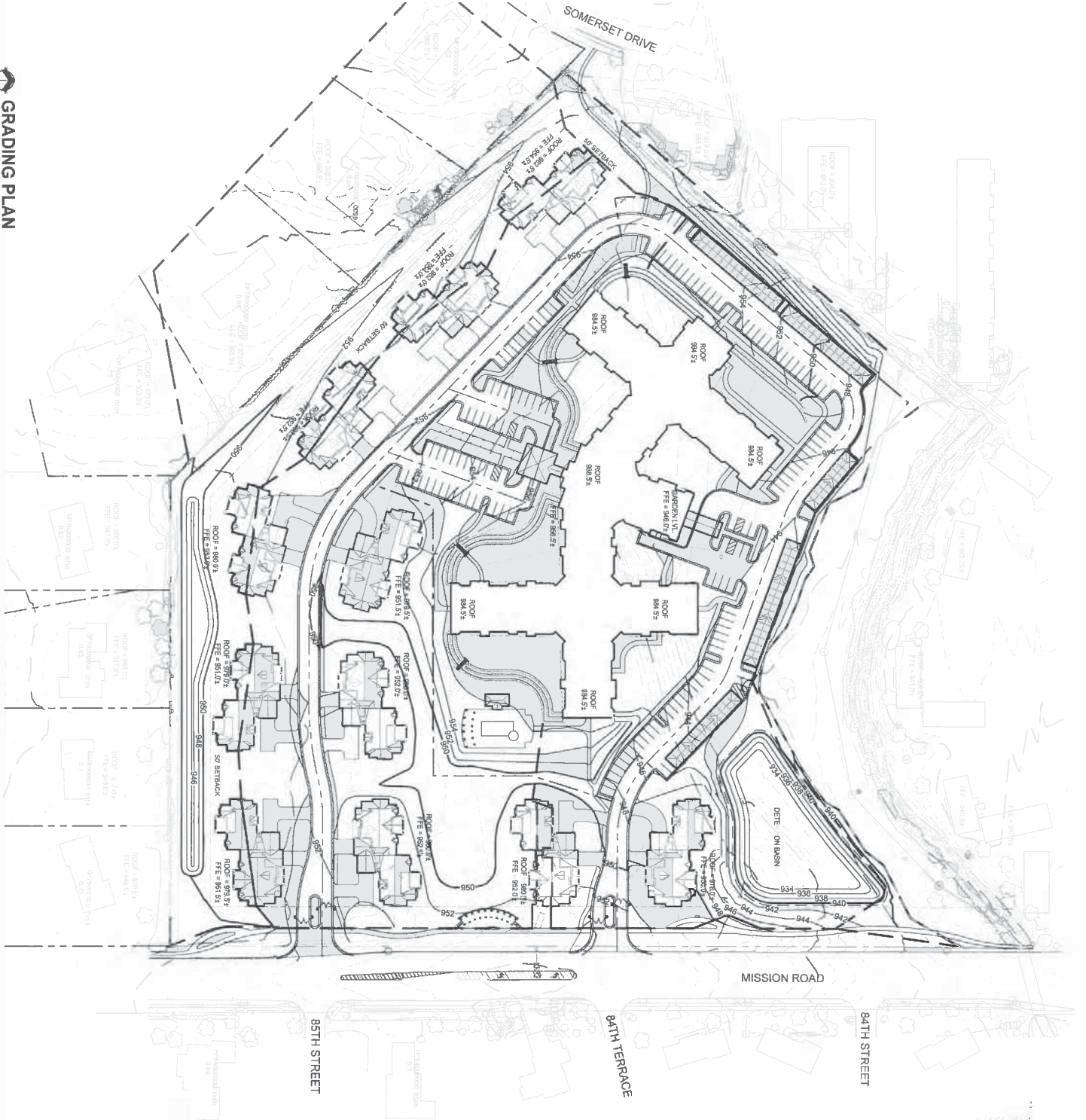
**TRASH ENCLOSURE**  
1/8" = 1'-0"



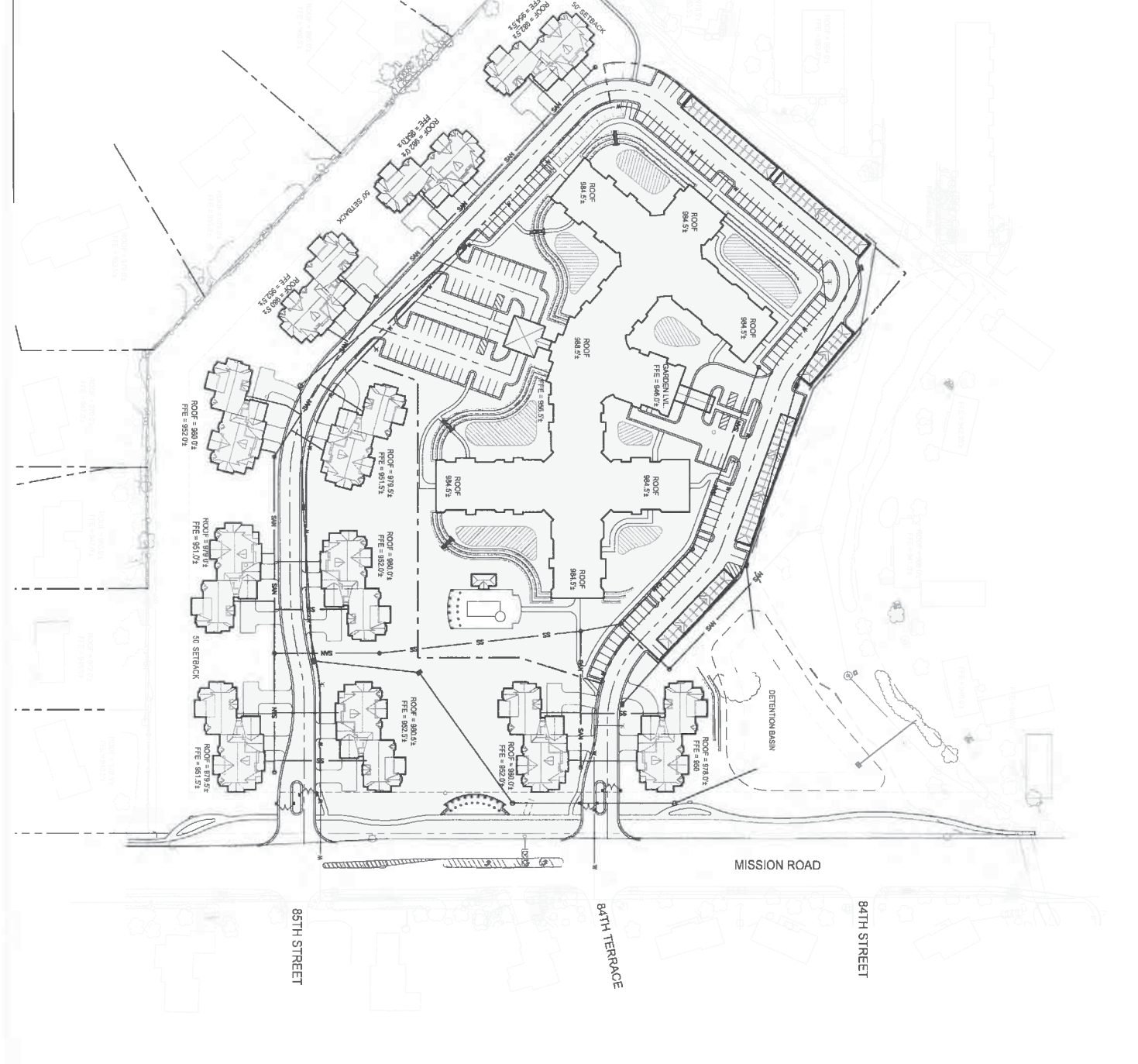




PARKING CODE ANALYSIS	
PRIME VILLAGE SPECIAL USE	19,280/01
INDEPENDENT LIVING SUBTOTAL	3 SPACES / 4 UNITS = 126 SPACES
ASSISTED LIVING SUBTOTAL	1 SPACES / 4 UNITS = 42 SPACES
ELDER CARES SUBTOTAL	42 SPACES
TOTAL REQUIRED	206 SPACES
PROVIDED PARKING	214 SPACES
NOTE: ALL VILLAS CONTAIN A 2-CAR GARAGE SERVING THE PRIME VILLAGE PARKING REQUIREMENTS	



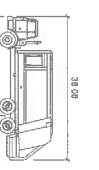
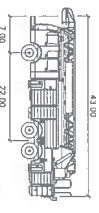
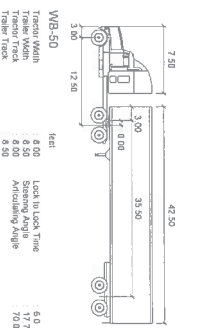
TYPICAL GARDEN WALL SECTION  
N.T.S.



**LEGEND**

	PROPOSED WATER MAIN
	PROPOSED SANITARY MAIN
	PROPOSED STORM SEWER
	PROPOSED RAW WATER CONDUIT

**VEHICLE ACCESS PLAN**  
1" = 80' / 1"



**BHC RHODES**  
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 Inc. Equal Opportunity Employer M/F/V/DF/AAE  
**SUP SUBMITT/**

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** July 7, 2015, Planning Commission Meeting

Project # 000009686

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**Application:** PC 2015-110

**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 – Single-Family Dwellings and vacant  
**East:** R-1A Single-Family Residential – 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 2015-08 Special Use Permit for Adult Senior Dwellings  
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, Plans

**General Location Map**



**Aerial Map**



**COMMENTS:**

The Planning Commission approved a Preliminary and Final Plat for Mission Chateau in 2014; however, it was based on the previously approved Special Use Permit and not recorded. The proposed Preliminary Plat for Mission Chateau which has been presented in this application is based on the current Special Use Permit application. The plat proposes two lots. Lot 1 would be for the Assisted Living/Independent Living Facility and Lot 2 would be for the 11 Twin Villas. Initially the Twin Villas will be offered for sale to individuals who may buy one or both of the Twin Villas. These have not been placed on individual lots. The proposal is an individual would own only the land under the building and perhaps a patio or courtyard area and the remaining land would be common areas owned and maintained by the Homes Association. Each of the Twin Villas will need to be platted if they are sold off and that could be accomplished by a series of Final Plats after the foundations are poured so that the location of the structure can be accurately located. The applicant will need to submit a copy of the covenants for review by Staff.

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**

Lot 1 does not have access to Mission Road. A portion of the lot is adjacent to Mission Road but access could not be provided. Easements of access will need to be granted from Lot 2 to Lot 1 which can be done by making the two drives access easements from Mission Road. Both drives will also need to provide access to the Twin Villas which may be platted individually in the future.

**SIDEWALKS**

A sidewalk, five feet wide, will be required along Mission Road according to City Policy.

When the previous application was submitted for the Senior Housing Community, pedestrian access was provided to Somerset Drive. The proposed Preliminary Plat does not show that connection. The applicant shall provide a 10-foot wide pedestrian easement along the west side of Lot 2 to provide pedestrian access to Somerset Drive Trail which leads to Franklin Park and the applicant shall construct the sidewalk.

**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. If water and sewer are public lines, easements will need to be defined. Also, drainage and the detention pond will need to be maintained through the Homes Association.

**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 approximately 6.95 acres. The applicant will need to work with Public Works in the final design of the system. The City does not want to maintain the storm drainage of the site and a note needs to be added to the Plat stating that the Stormwater drainage will be maintained by the Home's Association.

**BUILDING SETBACK LINES**

Building setback lines are shown on the plat for all boundaries except the north property line. The setbacks are 50 feet along Mission Road, the south and southwest property lines and a portion of the northwest property line. A dimension needs to be added to the building setback line on the northwest property line for Lot 1.

**TREES**

Preserving existing trees and vegetation is important, particularly along the south and southwest property lines and is addressed as part of the Site Plan.

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

### **EXISTING IMPROVEMENTS**

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 about 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 square feet. There are also four single-family residential lots abutting the southwest property line and the average size of those four lots is 44,512 square feet which is a little larger than an acre. The average size of the combined eight single-family residential lots is 37,995 square feet. 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 square feet and the lots to the south average 37,703 square feet. The lots on the east side of Mission Road in Leawood Lanes average 30,100 square feet. The lots on the east side of Mission Road in Corinth Meadows average 13,445 square feet. The lots on the west side of Somerset Drive in Somerset Place average 10,321 square feet. The lots that back up to those on Delmar Lane average 37,348 square feet.

All the single-family lots within 300 feet in Prairie Village are zoned R-1A which requires a minimum lot area of 10,000 square feet. The lots in Leawood are zoned R-1 Single-Family and the minimum lot area is 15,000 square feet. There are a variety of lot sizes in the immediate neighborhood ranging from 10,000 square feet 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:**

This factor is not applicable for the plat that is proposed.

The proposed development is controlled by the Special Use Permit and is not a traditional development.

Lot 2 is approximately 8.6 acres with 22 Villas which is 17,028 square feet per Villa and is consistent in the lot area with R-1A zoning.

**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 Villas 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 square feet to 6,000 square feet. 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 – Single-Family Dwellings and vacant  
**East:** R-1A Single-Family Residential – 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 six Twin Villas 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. It should also be noted that the residents adjacent to the south and southwest have formally endorsed the development of the Villas.

**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. The Special Use Permit was approved by the Governing Body for Lots and 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 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 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 proposed plan and has reached consensus on most issues. The applicant has obtained input from the neighbors, made plan revisions; reducing the number of units, reducing the height of the building, and moving the ILF/ALF building further north on the site, eliminating the Skilled Nursing/Memory Care facility and reached a formal Settlement Agreement with 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 270 units on 18.4 acres of land for a density of 14.7 units per acre which is less than 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 row of Twin Villas along the south and southwest property lines 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. A Settlement Agreement has been reached between the parties, and 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 multi-million dollar development. 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:**

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 accordingly and be resubmitted subject to the following conditions:

1. That the applicant provide a 5-foot sidewalk on the west side of Mission Road.
2. That the applicant work with Public Works on the final design of the storm drainage system.
3. That the 25-foot platted rear setback line be dimensional on the northwest property line of Lot 1.
4. That the applicant prepare covenants to guarantee the maintenance of the common areas and utilities and submit it with the Final Plat.
5. That the applicant dedicate a pedestrian easement on the west side of Lot 2 to provide access to Somerset Drive and construct the sidewalk.
6. That the applicant protect and preserve as much existing vegetation as possible along the property lines.
7. That access control to two locations on Mission Road be indicated on the plat.
8. That the driveways be constructed to City standards.

CITY OF PRAIRIE VILLAGE, KANSAS

PRELIMINARY PLAT CHECKLIST

Subdivision No.: \_\_\_\_\_  
Date Filed: 6/2/15  
Date of Meeting: 7/7/15  
Filing Fee: ALSO  
Deposit: \_\_\_\_\_

- I. Name of Subdivision: MISSION CHATEAU
- II. Name of Owner: MVS LLC
- III. Name of Subdivider: NSPJ Architects
- IV. Name of Person who prepared the Plat: BHC RHODES (WIL ANDERSON)
- 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. By Location Only
- 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. See Site Plan C1
- P. General plan of sewage disposal, water supply and utilities, if public. See Utility Plan C3
- 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. N/A —
- R. Relationship to adjacent un-subdivided land. As Shown
- S. Approximate gradient of streets. See Grading Plan C2
- 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? NSPJ.	<u>✓</u>	<u>   </u>
VIII.	Will the proposed subdivision make the development of adjacent property more difficult?	<u>   </u>	<u>✓</u>
IX.	Are lots sized appropriately for zoning district? Senior Living → Special Use Permit	<u>   </u>	<u>   </u>
X.	Are all lots free from floodplain encroachment? Common Tract includes Floodplain	<u>   </u>	<u>   </u>
XI.	Are drainageways and other drainage facilities sufficient to Prevent flooding both on-site and off-site?	<u>✓</u>	<u>   </u>
XII.	Are all lots buildable with respect to topography, drainageways, bedrock, and soil conditions:	<u>✓</u>	<u>   </u>
XIII.	Do proposed street grades and alignment meet all requirements?	<u>✓</u>	<u>   </u>
XIV.	Is the proposed subdivision inside the City limits?	<u>✓</u>	<u>   </u>
XV.	Were sixteen (16) copies of the preliminary plat submitted?	<u>✓</u>	<u>   </u>
XVI.	Is the plat formatted in conformance with County requirements for electronic files?	<u>✓</u>	<u>   </u>
XVII.	Have preliminary engineering drawings been prepared and submitted for all required improvements; i.e., streets, sidewalks, storm drainage, etc.?	<u>✓</u>	<u>   </u>
XVIII.	Was the preliminary plat fee of \$_____ paid?	<u>✓</u>	<u>   </u>