

CITY OF PRAIRIE VILLAGE

August 17, 2015

Council Committee Meeting 6:00 p.m.

City Council Meeting 7:30 p.m.



Back Row: Ashley Weaver, Eric Mikkelson, Sheila Myers, Dan Runion, Terrence Gallagher, David Morrison, Ted Odell
Front Row: Ruth Hopkins, Jori Nelson, Laura Wassmer, Brooke Morehead (Not pictured: Andrew Wang)

**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
Monday, August 17, 2015
6:00 PM**

AGENDA

BROOKE MOREHEAD, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

COU2015-31 Consider approval of a street light petition at 63rd and Roe
Keith Bredehoeft

Discussion about creation of the Meadowbrook TIF District
Gary Anderson

Executive Session

***Council Action Requested the same night**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 17, 2015

Council Meeting Date: September 8, 2015

CONSIDER APPROVAL OF REQUEST TO HAVE KCP&L INSTALL A NEW STREET LIGHT ON 63RD STREET

RECOMMENDATION

Staff recommends that City Council approve a request to have KCPL install a new street light on the south side of W. 63rd Street near 4618 W. 63rd Street.

BACKGROUND

Residents on 63rd Street east of Roe Avenue have requested a street light be added to the existing KCPL Pole #20801 on the south side of the street. Council Policy CP250 allows residents to request street lights. The policy requires 50 percent of the properties within 500 feet of the proposed street light to be in favor of adding the street light. Public Works does find the location of the new street light to be acceptable.

On 63rd Street 8 of 16 residents in Prairie Village within 500 feet of the proposed street light signed the petition in favor of the street light. It is not known if any residents are against the installation. A letter has been sent to all residents notifying them of the street light request and the opportunity to attend this meeting.

KCP&L will install the street light within two month after the request is made to them. The current cost to the city of adding this street light is approximately \$250 per year and would be paid with our lease payments for streetlights.

CP250 states that the Council Committee of the Whole will hold a public information meeting related to the addition of a new street light. If any residents want to discuss the addition of the street light they will be able to at this meeting.

FUNDING SOURCE

Funds are available in the Operating Budget for streetlights.

RELATED TO VILLAGE VISION

CC1a Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.

ATTACHMENTS

1. Location Map showing proposed street light

PREPARED BY

Keith Bredehoeft, Public Works Director

August 13, 2015

4618 W. 63rd Street – Proposed Street Light



Addresses within 500 feet of proposed light.

4446 W. 63 rd St.	4506 W. 63 rd St.	4512 W. 63 rd St.	4600 W. 63 rd St.	4608 W. 63 rd St.	4618 W. 63 rd St.	4624 W. 63 rd St.	4630 W. 63 rd St.
4700 W. 63 rd St.	4708 W. 63 rd St.	4714 W. 63 rd St.	4720 W. 63 rd St.	6306 Roe Ave.	6305 Roe Ave.	4607 W. 63 rd St.	6300 Granada
6301 Granada	4505 W. 63 rd St.	4501 W. 63 rd St.					

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, August 17, 2015
7:30 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **INTRODUCTION OF STUDENTS & SCOUTS**
- V. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

VI. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff

- 1. Consider approval of the regular City Council meeting minutes - August 3, 2015
- 2. Consider an Ordinance approving the Prairie Village Jazz Festival as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of a Barricaded Public Areas of the Event.
- 3. Consider an Ordinance approving the KU Kickoff Event at Corinth Square as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of a Barricaded Public Areas of the Event.
- 4. Consider approval of the stage contract for the Prairie Village Jazz Festival

VII. **COMMITTEE REPORTS**

Planning Commission

- PC2015-08 Consider Request for Special Use Permit for the operation of an Adult Senior Dwelling Community including an independent and assisted living facility and villas at 8500 Mission Road.

VIII. **MAYOR'S REPORT**

- IX. STAFF REPORTS
- X. OLD BUSINESS
- XI. NEW BUSINESS
- XII. EXECUTIVE SESSION

- XIII. ANNOUNCEMENTS
- XIV. ADJOURNMENT

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@pvkansas.com

CONSENT AGENDA
CITY OF PRAIRIE VILLAGE

August 17, 2015

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
August 3, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 3, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Ruth Hopkins, Steve Noll, Andrew Wang, Brooke Morehead, Sheila Myers, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff present was: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present was Chris Brewster, City Planning Consultant.

Mayor Laura Wassmer led all present in the Pledge of Allegiance.

INTRODUCTION OF STUDENTS & SCOUTS

Mayor Wassmer welcomed Boy Scouts from Troops 234 and 91 attending the meeting to earn a Citizenship badge.

PUBLIC HEARING - 2016 Budget

Adoption of the 2016 Budget for the City of Prairie Village

Finance Director Lisa Santa Maria reviewed the process followed in the preparation of the City's 2016 budget. The proposed budget of \$29,173,409 reflects the following goals: 1) maintain high quality services and programs, 2) maintain quality streets, parks and infrastructure, 3) continue strong financial condition, 4) maintain AAA bond rating, 5) increase financial transparency and 6) Increase citizen participation in budget issues.

The 2016 budget is balanced with the existing mill levy rate of 19.493 and maintains the same level of services with enhancements to 1) Capital Infrastructure Program to \$4.09 million; 2) Increased Parks & Grounds fund by \$10,000 for tree removal and maintenance and 3) Converted seasonal Codes Enforcement Officer position to full time. There is a nominal overall increase in the 2016 General Fund department budgets of 1.5%.

The stormwater utility fee rate remains at the current rate of \$0.040/square foot of impervious area and the annual household assessment for Solid Waste Management services remains the same at \$174.00. A 5.1% increase for property & casualty Insurance and a 6.7% increase for worker's compensation insurance. Fuel costs decreased from \$3.75 per gallon to \$3.25 per gallon. The employee merit pool remained at 3.5%. The anticipated ending fund balance is 25% with a general contingency fund of \$500,000.

The 2016 budget includes a transfer of \$4.09 million from the General Fund to the Capital Improvement Program (CIP). The total CIP budget for 2015 is \$7,172,521.

Ms. Santa Maria reviewed a chart reflecting the taxes paid by the average Prairie Village household in 2015 reflecting that of the taxes assessed only 16% were for the City of Prairie Village for an annual cost of \$522.

A comparison of the city's mil levy with other Johnson County cities was also presented. The 2016 budget needs to be approved and submitted to the County Clerk by August 25th.

Mayor Wassmer opened the public hearing for questions from Council members and comments from the public.

Dan Runion asked when the current bonds were expected to be paid off. Mrs. Santa Maria replied they would be paid off in 2021. A resident asked for clarification of the stormwater utility fund. The public hearing was closed at 7:40 p.m.

Steve Noll moved the City Council adopt the 2016 budget as presented in the amount of \$29,173,409. The motion was seconded by Andrew Wang and passed unanimously.

PUBLIC PARTICIPATION

David Wooldridge, 2115 Somerset, began to speak regarding the Planning Commission application before the City Council. Mayor Wassmer advised him that item would be discussed later in the meeting.

Doris Bricks, 4909 West 79th Terrace, asked if the City was providing any support to residents regarding trees with Emerald Ash Bore. Keith Bredehoeft reviewed the city program for trees on city property and right-of-way. There is no program to address trees on private property. The city does have information.

With no one else wishing to address the Council, public participation was closed at 7:45.

Mayor Wassmer welcomed Michelle DeCicco and Karen Torline, municipal judge appointees who provided a brief background of their experience to the Council.

CONSENT AGENDA

Council President Brooke Morehead moved for the approval of the Consent Agenda for August 3, 2015:

1. Approve regular City Council Minutes - July 20, 2015.
2. Approve Claims Ordinance #2931
3. Ratify the Mayor's appointment of the following City Officials:
Michelle A. DeCicco Municipal Judge
Karen L. Torline Pro Tem Municipal Judge/Prosecutor

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Hopkins, Noll, Wang, Myers, Morehead, Runion, Morrison, Odell and Gallagher.

COMMITTEE REPORTS

Council Committee of the Whole

COU2015-30 Consider approval of a resolution setting the date for a public hearing for the creation of a redevelopment district (TIF District) for the Meadowbrook Project

On behalf of the Council Committee of the Whole, Council President Brooke Morehead moved the City Council approve Resolution 2015-02 setting the date for a public hearing on the creation of a Redevelopment District (TIF District) for the Meadowbrook Project. The motion was seconded by Andrew Wang and passed unanimously.

Planning Commission

PC2015-08 Consider a request for the rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 "Planned Restricted Business District"

Chris Brewster, City Planning Consultant, stated that at its regular meeting on June 2, 2015, the Planning Commission held a public hearing on the request for rezoning of the property at 7930 State Line Road from R-1B Single-Family Residential District and C-0 Office Building District to CP-1 Planned Restricted Business District.

This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The property is currently occupied by an office building. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site plan is laid out to account for the limited size and irregular shape of the parcel. The plan has added additional landscape area and fencing over what exists, which will allow for more landscaping to provide more screening for adjacent residents as well as reduce stormwater runoff. The increase in traffic would be spread out over the day causing less congestion than the current peak office hour traffic. As a main arterial with multiple lanes, State Line Road can accommodate the traffic.

The city's lighting code requirements prohibit any overflow lighting onto adjacent properties. The car lights would be screened by the proposed fence. Odors and noise from the operation are issued addressed in the conditions to be addressed by the owner.

The general character of this area is businesses on both sides of State Line Road. Culvers, Wendy's, CVS Pharmacy and McDonald's are located on the east side of State Line Road and all four have drive-through windows. There are residential uses to the northwest of this property which have their rear yards adjacent to this site. To the south are offices. The immediate area to the north is developed with restaurants and retail uses.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces. Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

Several persons were present at the initial public hearing from the adjacent residential properties to the west expressing concerns with the existing “Panda Express” operation immediately to the north. The Planning Commission continued the application to their July 7th meeting directing the applicant to meet with the neighboring property owners to address the several concerns raised - specifically drainage, lighting, traffic, smell and noise.

At the July 7th Planning Commission meeting the applicant presented revised plans addressing the concerns stated at the June 2nd meeting. Neighboring residents were in attendance and once again spoke in opposition to the proposed rezoning.

The Planning Commission found favorably on the Golden Factors and recommends the Governing Body approve the request for rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 subject to 15 conditions required by the Planning Commission addressing the concerns expressed by the residents.

Sheila Myers asked if deliveries and or trash services would occur before 7 a.m. Wes Jordan replied that they would not be allowed to do so by the city’s code. Mitch DeCarlo stated it was his understanding that cleaning and deliveries would occur in the morning but not prior to 7 a.m. Chris Brewster stated trash services throughout the city are allowed at 7 a.m.

Mrs. Myers stated she strongly believes that drive-through services should not be allowed on property adjacent to residential property. She noted that five homes that previously backed to an office building will now have to contend with drive-through traffic until 10:30 in the evening.

Dan Runion asked if the traffic study was done by the applicant. Mr. Brewster responded that it was and the study was reviewed by the city’s traffic engineer.

Terrence Gallagher asked if additional sound filters were being required. Chris Brewster responded that would be addressed as part of the approval of the final development plan. Mr. Gallagher noted that currently there is a strong wind drift of odors from the adjacent site. Mr. Brewster noted that condition #13 requires the installation of filters to address odor concerns.

David Morrison asked if a noise decibel limit was set for the drive-through. Wes Jordan replied the city's code does not have stipulated decibel ratings required for noise. There was significant discussion of this issue by the Planning Commission. The proposed location of the drive through on the south side, farthest from residential properties was done to minimize volume as well as the addition of the fence and landscaping to buffer sound.

Jori Nelson stated she visited the "Slim Chickens" located in Independence and it did not emit an odor outside the building and appeared to be a well run operation. She did notice sounds of operation that could be muted.

Sheila Myers asked how much sound barrier a wooden fence would provide and if a sound reduction fence could be installed. Chris Brewster replied studies have found that landscaping provides a better buffer to sound than hard surfaces.

Mayor Wassmer asked if there was space available to plant large evergreens. Mr. Brewster noted that space is available and that a landscape plan would be required with the final development plan. The site plan reflects a larger buffer area that is required by code.

David Wooldridge, 2115 Somerset Drive, noted that from his property he can write the orders taken from the current drive-through at Panda Express. Previously on this site were three quiet office buildings. Mr. Wooldridge stated that on July 19th he

called the police department to report loud noise from the Panda Express location. The police appeared and advised him that they had spoken to the workers and they had finished their work. At 2 a.m. he again called the police department to report loud banging on the dumpsters. The police responded and asked him if he would like to file a complaint, which he did. Mr. Wooldridge acknowledged the revenue received by the city from commercial/retail operations; however, he feels it is the city's duty to protect its residents from the encroachment of excessive noise, late hour activity, and snow removal noise. The drive-through is intrusive and the traffic study should have been conducted by an independent party, although it was endorsed by city staff.

Mitch DeCarlo, representing Block & Company, the property owner and agent for Slim Chickens expressed appreciation to the city staff for their cooperation in addressing the issues raised at the first Planning Commission meeting. He noted that several changes were implemented by the applicant in response to those comments. The hours of operation, although generally extending to 10:30 p.m., were reduced to 10 p.m. Changes were made to the site plan adding additional landscape buffer, revising the location of the drive through to be as far from the residential properties as possible, while maintaining sufficient space to prevent vehicle stacking on State Line Road.

Jori Nelson asked why they were proposing a double drive-through and asked if it could be changed to a single lane drive-through. She added that she felt the city should adopt a decibel driven noise ordinance.

Jeff Bartz with BHC Rhodes, explained that even though there are two lanes, there is only one window operator. There would not be noise coming from both speakers at the same time. The purpose of the dual lanes is to be able to process

orders more quickly minimizing the noise caused by multiple cars idling in the drive-through lane. The dual lanes also prevent vehicle stacking on State Line Road.

Mitch DeCarlo Slim Chickens operation is more orientated to walk-in service than drive-through with approximately 60% of business done inside their facility; however, drive-through service is a fast food industry requirement of the public.

Mr. DeCarlo stated the eight foot fence would prevent any headlight shining into the adjacent residential properties. Mr. Bartz added there are evergreens proposed along the entire back property line. Mayor Wassmer asked if the proposed evergreens were "Green Giant" evergreens that are known for their rapid growth and coverage.

David Morrison asked if the applicant would agree to maintaining a maximum decibel level. Mr. Jordan noted that the city does not have decibel requirement for noise emissions nor the equipment to read decibel levels; although a decibel rating was required for the HVAC equipment at Village Church and measured with borrowed equipment. Mr. Morrison asked if the city did adopt a code with maximum noise decibels if it would apply to all properties or would existing properties be grandfathered. The City Attorney responded it would apply to all properties.

Wes Jordan advised the Council that the issues with Panda Express operations had not been brought to the attention of the city police department or codes department until the public hearing on June 2nd. The city has spoken with representatives of Panda Express and they are currently addressing the issues raised and a fence permit has been issued.

Sheila Myers asked if Slim Chickens served alcohol. Mr. DeCarlo replied that did not. Mayor Wassmer asked if they were individually owned or operated by a corporation. Mr. DiCarlo replied they are independently owned franchises.

Jori Nelson questioned if a majority of their customers used walk-in services, why is a drive-through necessary. Katie Logan reminded the Council that the issue before them is the rezoning of the property, not the approval of a drive-through. However, she noted the rezoning could be approved with the removal of condition #8 that grants the drive-through.

Ted Odell stated he felt the applicant has made a good faith effort to address the concerns of the residents and the City and moved the Governing Body adopt Ordinance 2333 approving the rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 (Planned Restricted Business District and approving the revised Preliminary Development Plan subject to the 15 conditions recommended by the Planning Commission. The motion was seconded by Ruth Hopkins.

Andrew Wang acknowledged Mr. Wooldridge's concerns and noted the importance of the city being sensitive to the letter and spirit of the law enforcing all the conditions of approval. However, he noted that this is redevelopment on State Line Road where there is a major thoroughfare surrounded by businesses on both sides that provide drive-through services. If the office buildings had been successful, they would not be vacant. He stated that he is supportive of the motion with the caveat that all of the conditions of approval be enforced.

Sheila Myers stated that she felt there were deficiencies in the city code allowing the placement of a drive-through on property adjacent to residential property. She cannot see how the Planning Commission could determine that this application is not detrimental to the adjacent property owners. She believes the city should have decibel rated noise regulations and that there should be density restrictions on properties.

Dan Runion noted that many of the businesses identified in the zoning and uses of nearby property are not within Prairie Village.

A roll call vote was taken with the following members voting “aye”: Hopkins, Noll, Wang, Morehead and Odell “nay” Weaver, Nelson, Myers, Runion, Morrison, and Gallagher. Mayor Wassmer declared the motion failed. (Mayor Wassmer’s vote was inadvertently not taken, but would not have affected the outcome of the vote.)

Jori Nelson moved the Governing Body adopt Ordinance 2333 approving the rezoning of 7930 State Line Road from R-lb and C-0 to CP-1 (Planned Restricted Business District and approving the revised Preliminary Development Plan with the removal of the condition 8 approving the drive-through and subject to the remaining 14 conditions recommended by the Planning Commission. The motion was seconded by David Morrison.

Ruth Hopkins questioned denying an application because of a condition that has been granted in other applications, noting the previous approval of a drive-through on the adjacent property. Katie Logan stated that the properties are not identical and although it may be challenged action would be based on the Council’s interpretation of the Golden Factors for this particular application.

Jori Nelson noted that make-up of the existing Council is different than that of the previous Council which took action on the adjacent property at 7920 Mission Road.

Brooke Morehead asked how Slim Chickens would respond to the removal of the drive-through. Mitch DiCarlo replied the issue has not been discussed with them and he did not know if the project would be viable without a drive-through as it seems that they are a critical component of these types of businesses.

Andrew Wang stated he cannot be supportive of dismantling the Planning

Commission's recommendation for the reasons given restating that this property is located on State Line Road and the character of the neighborhood is not limited to Prairie Village properties but includes all of the surrounding commercial properties many of which operate drive-through services. Ted Odell agreed with Mr. Wang's comments.

David Morrison asked if Mr. Wooldridge would be supportive of the application without the drive-through. Mr. Wooldridge responded that the proposed drive-through pierces so deeply into the adjacent neighborhood noting its length and stated that it would be visible from his property over the eight foot fence due to higher elevation of his property. Mr. Morrison confirmed that Mr. Wooldridge would accept the rezoning if the drive-through were not allowed.

Terrence Gallagher questioned the council's ability to tell a business to change a business model that has been very successful. He expressed concern with enforcing the conditions of approval and suggested perhaps that the evergreens be planted on the back side of the fence so the neighboring properties don't have to view an eight foot solid fence.

Katie Logan noted that nine votes are required for the City Council to override or change the recommendation of the Planning Commission.

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Runion and Morrison voting "nay" Hopkins, Noll, Wang, Myers, Morehead, Odell and Gallagher. Mayor Wassmer declared the motion failed. (Mayor Wassmer's vote was inadvertently not taken, but would not have affected the outcome of the vote.)

Jori Nelson moved the City Council return the application to the Planning Commission for reconsideration particularly addressing the location of the drive-through, number of lanes, traffic concerns and noise abatement. The motion was seconded by

Ashley Weaver.

Ms. Nelson suggested that the drive-through operations close earlier.

Ted Odell stated he did not feel it was appropriate for the Council to tell a business how to run its business. Dan Runion countered that the Council was not telling them how to run their business, but under what conditions the Council would approve the requested rezoning.

Andrew Wang stated he did not feel the hours of operation needed to be reduced the hours of operation if the conditions of approval were enforced.

Sheila Myers asked what was necessary to change the code to prohibit drive-through services next to residential districts. David Morrison suggested that only drive-through services for food operations be prohibited.

The motion was voted on and passed by a majority vote.

Mayor's Report

Mayor Wassmer reported on her recent activities attended on behalf of the City at the earlier Council Committee meeting.

STAFF REPORTS

Staff Reports were given at the earlier Council Committee of the Whole meeting.

OLD BUSINESS

Jori Nelson stated that she and Ashley Weaver would like to hold a Ward 1 meeting. Mayor Wassmer asked what funding was available and if other Wards were planning on having meetings. Quinn Bennion stated that \$2000 was included in the 2015 budget for Ward meetings. Wards 4, 5 and 6 indicated that they wanted to have

ward meetings. Mayor Wassmer stated that she and staff would look at available funding and get back to interested Council members.

NEW BUSINESS

There was no New Business to come before the City Council.

Committee meetings scheduled for the next two weeks:

Board of Zoning Appeals	08/04/2015	6:30 p.m.
Planning Commission	08/04/2015	7:00 p.m.
Sister City Committee	08/10/2015	5:30 p.m.
JazzFest Committee	08/12/2015	5:30 p.m.
Council Committee of the Whole	08/17/2015	6:00 p.m.
City Council	08/17/2015	7:30 p.m.

The Prairie Village Arts Council is pleased to present an exhibit by Wayne Wilkes in the R. G. Endres Gallery during the month of August. The artist reception will be Friday, August 14th from 6:30 - 7:30 p.m.

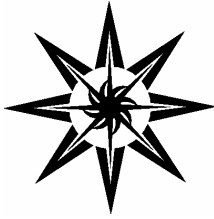
The final Moonlight Swim will be held on Friday, August 7th with the pool remaining open until 10 p.m.

Prairie Village Pool will begin reduced hours beginning August 10th. The pool will open at 4:30 p.m. on weekdays.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 8:55 p.m.

Joyce Hagen Mundy
City Clerk



ADMINISTRATION

City Council Date: August 17, 2015
CONSENT AGENDA

Consider an Ordinance approving the Prairie Village Jazz Festival as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of a Barricaded Public Areas of the Event.

RECOMMENDATION:

Staff recommends that the City Council approve Ordinance No. 2335 approving the Prairie Village Jazz Festival as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of a barricaded public areas of the event.

SUGGESTED MOTION:

I move the City Council authorize the Mayor to execute Ordinance No. 2335 approving the Prairie Village Jazz Festival as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of a barricaded public areas of the event.

DISCUSSION:

Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibition concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

The JazzFest Committee requests that the City approve an ordinance identifying the Prairie Village Jazz Festival on Saturday, September 12, 2015 as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas at the event.

ATTACHMENTS:

Draft Ordinance No. 2335
Map

PREPARED BY:

Joyce Hagen Mundy
City Clerk

Date: August 4, 2015

ORDINANCE NO. 2335

AN ORDINANCE APPROVING THE PRAIRIE VILLAGE JAZZ FEST AS A SPECIAL EVENT AND AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES WITHIN THE BOUNDARIES OF BARRICADED PUBLIC AREAS AT SUCH EVENT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, THAT:

Section 1. Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibitions concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

Section 2. In accordance with such authority, the City approves the Prairie Village Jazz Fest as a special event to be held at Harmon Park on September 12, 2015.

Section 3. Authorization is given to barricade the area outlined on the attached Exhibit A during such event. A smaller area may be selected based on the size of the event, but the event boundary may not be expanded

Section 4. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor and cereal malt beverages may, in accordance with all applicable state laws and municipal ordinances, sell alcoholic liquor and cereal malt beverages in the area designated by the Division of Alcoholic Beverage Control within the barricaded area during the event.

Section 5. Event attendees may buy, possess and consume alcoholic liquor and cereal malt beverages within barricaded area on September 12, 2015.

Section 6. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official newspaper of the City of Prairie Village, Kansas as provided by law.

PASSED AND ADOPTED BY THE GOVERNING BODY THIS 17th DAY OF AUGUST, 2015.

CITY OF PRAIRIE VILLAGE, KANSAS

Laura Wassmer, Mayor

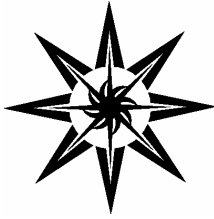
ATTEST:

APPROVED AS TO FORM:

**Joyce Hagen Mundy
City Clerk**

**Catherine P. Logan
City Attorney**





ADMINISTRATION

City Council Date: August 17, 2015
CONSENT AGENDA

Consider an Ordinance approving the KU Kickoff Event at Corinth Square as a Special Event and Authorizing the Sale, Consumption and Possession of Alcoholic Liquor and Cereal Malt Beverages within the Boundaries of a Barricaded Public Areas of the Event.

RECOMMENDATION:

Staff recommends that the City Council approve Ordinance No. 2334 approving the KU Kickoff Event at Corinth Square as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of a barricaded public areas of the event.

SUGGESTED MOTION:

I move the City Council authorize the Mayor to execute Ordinance No. 2334 approving the KU Kickoff Event at Corinth Square as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of a barricaded public areas of the event.

DISCUSSION:

Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibition concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

The Corinth Square Merchants Association has requested that the City approve an ordinance identifying the KU Kickoff Event at Corinth Square on Friday, August 21, 2015 as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas at the event.

ATTACHMENTS:

Draft Ordinance No. 2334
Map

PREPARED BY:

Joyce Hagen Mundy
City Clerk

Date: August 4, 2015

ORDINANCE NO. 2334

AN ORDINANCE APPROVING THE KU KICKOFF EVENT AT CORINTH SQUARE SHOPPING CENTER AS A SPECIAL EVENT AND AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES WITHIN THE BOUNDARIES OF A BARRICADED PUBLIC AREAS AT SUCH EVENT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, THAT:

Section 1. Pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibitions concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

Section 2. In accordance with such authority, the City approves the KU Kickoff Event as a special event to be held at the Corinth Square Shopping Center on August 21, 2015.

Section 3. Authorization is given to barricade the area outlined on the attached Exhibit A during such event. A smaller area may be selected based on the size of the event, but the event boundary may not be expanded

Section 4. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor and cereal malt beverages may, in accordance with all applicable state laws and municipal ordinances, sell alcoholic liquor and cereal malt beverages in the area designated by the Division of Alcoholic Beverage Control within the barricaded area during the event.

Section 5. Vendors must be active business occupants in the Prairie Village Shopping Center at the time of the event and have the appropriate licenses from the City of Prairie Village.

Section 6. Event attendees may buy, possess and consume alcoholic liquor and cereal malt beverages within barricaded area on August 21, 2015.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official newspaper of the City of Prairie Village, Kansas as provided by law.

PASSED AND ADOPTED BY THE GOVERNING BODY THIS 17th DAY OF AUGUST, 2015.

CITY OF PRAIRIE VILLAGE, KANSAS

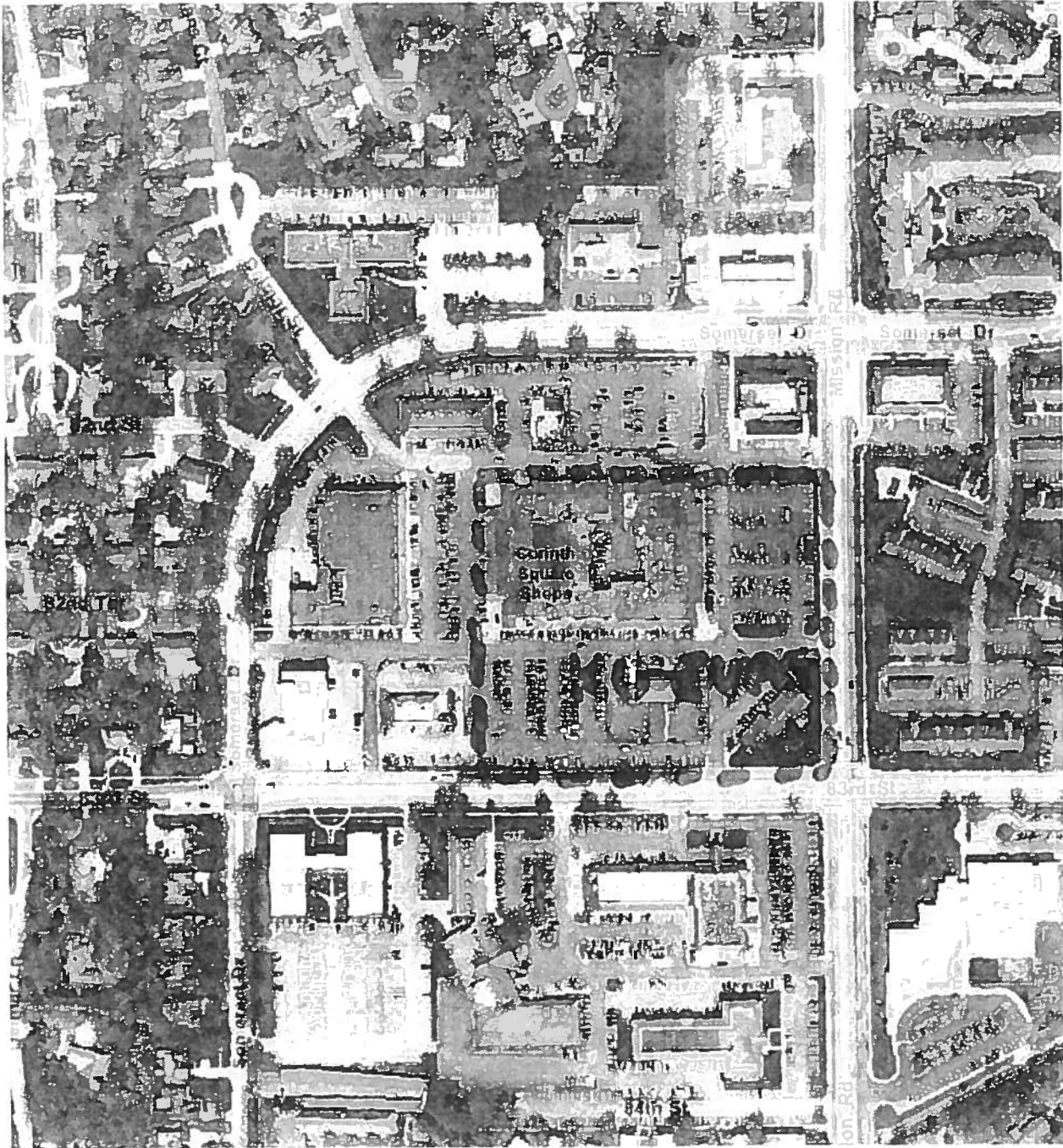
By: _____
Laura Wassmer, Mayor

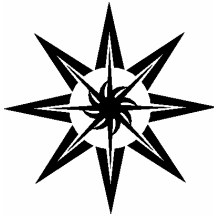
ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney





JAZZ FESTIVAL COMMITTEE

Council Meeting Date: AUGUST 17, 2015
CONSENT AGENDA

Consider Agreement with S.E.C.T. Theatre Supplies, Inc. for stage, sound, lighting and roof for Jazz Festival

RECOMMENDATION

Recommend the City Council approve a production services agreement with S.E.C.T. Theatre Supplies, Inc. to provide, set-up and take down stage, sound, lighting and roof necessary for the Prairie Village Jazz Festival.

BACKGROUND

S.E.C.T. Theatre Supplies, Inc. has provided the stage for the jazz festival for the past five years. The attached proposal provides for a 32' x 24' stage with set-up, take-down and the related lighting and sound equipment. The increased cost is due to the larger stage required to accommodate the McFadden Brothers with the Kansas City Jazz Orchestra. The committee has received the attached contract to provide those services for this year's festival. The cost of the contract is \$10,390.00 with a 50% deposit required upon the execution of the agreement with the balance due the day of the event. The contractor will provide an insurance certificate naming the city as an additional insured.

FINANCIAL IMPACT

Execution of this contract will commit an amount not to exceed \$10,390.00 with immediate payment of \$5,195.00. The JazzFest account in the Municipal Foundation has a balance of \$22,120.53

ATTACHMENTS

Contract

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: August 12, 2015

S.E.C.T. Theatre Supplies, Inc.

1214 W 8TH ST

Kansas City, Missouri 64101

(816) 471-1239 FAX (816) 471-7328

(800) 279-5726

PRODUCTION SERVICE PROPOSAL

Purchaser: DANIEL ANDERSEN

Contact: SAME

Phone: 310-994-3545 Email: daniel@danielandersen.com

Venue: HARMON PARK

Event: PRAIRIE VILLAGE JAZZ FESTIVAL

Date: SAT. SEPT. 12TH

Service: SOUND, LIGHTING, ROOF, & STAGING

Show Times: 3 P.M. TO 10 P.M. (LOAD IN STAGE AND TOP THURSDAY @ 10A.M.

SOUND AND LIGHTS ON FRIDAY. SUOND CHECK HEADLINER FRIDAY AT 5 P.M.

THEN LOAD OUT SUNDAY @ NOON)

S.E.C.T. agrees to provide

SOUND

12 EV XLC127 LINE ARRAY CABINETS (FLOWN)

2 FLY BUMPERS

8 EAW 400 SUB CABINETS

8 EV P3000 POWER AMPS

2 DBX PROCESSORS

CD PLAYER, & CLEAR COM

X32 DIGITAL CONSOLE

32 X 8X 150' SNAKE W/ SPLITTER

X32 DIGITAL MONITOR CONSOLE

2 SHURE WIRELESS MICS W/87 OR BETA 58 CAPSULES

6 MIX AMP RACK

8 MONITOR WEDGES

ALL NECESSARY MICS (AS PER ARTISTS REQUIREMENTS), STANDS, AND CABLE

FOR A COMPLETE AND RUNNING SYSTEM

POWER DISTRO W/100' FEEDER

2 SOUND ENGINEERS FOR THE RUN

2 POWERED SPEAKERS ON TREES FOR UP TOP DELAYS

WIRELESS EAR RIG FOR DELAYS

LIGHTING

16 LED IP QUADS

CONTROLLER

2 HMI FOLLOW SPOTS
2 6' SPOT TOWERS
FEEDER
1 LIGHTING OPERATOR
32' X 24' ROOF (FLOWN WITH TOWERS AND MOTORS)
14 8' DOUBLE HUNG TRUSS
2 4' DOUBLE HUNG TRUSS
4 10' 12"X12" TRUSS
4 5' 12"X12" TRUSS
4 CORNER BLOCKS
4 HEAD BLOCKS
4 1 TON MOTORS
32' PEAK
32'X24' SKIN
32'X24'X2'6" STAGE
16'x8' STAGE THRUST
2 STAIR UNITS
32' BLACK SCRIM
10 HANDS FOR SETUP AND TEARDOWN
EQUIPMENT RAMP
2 WATER BARRIERS

PURCHASER TO PROVIDE:

MUST BE ABLE TO STAKE OFF OF 3 CORNERS INTO THE GROUND W/6 STAKES
GENERATOR

TOTAL COST: \$10,390.00

TERMS: 50% deposit with balance due day of show.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.

NOTE: This proposal may be withdrawn if not accepted in 20 days.

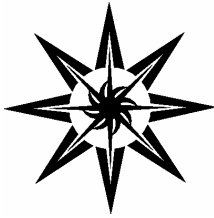
ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature

SECT Agent: Shawn Poores

Date: _____

Date: _____



PLANNING COMMISSION

Council Meeting Date: August 17, 2015

PC2015-08 Consider Request for Special Use Permit for the operation of an Adult Senior Dwelling Community including an independent and assisted living facility and villas at 8500 Mission Road.

Governing Body is considering an application for a Special Use Permit submitted by the MVS, LLC. to redevelop the site of the former Mission Valley Middle School as the Mission Chateau Senior Housing Development. The Governing Body's consideration of the permit is quasi-judicial in nature, with each side presenting a case as to why a permit should be granted or denied. Governing Body *must* base their decision on the "Golden Factors" and the factors set forth in Chapter 19.28.035 of the City's zoning regulations.

The Governing Body shall consider the findings of the Planning Commission along with the information presented during the Planning Commission Public Hearings and other relevant information in making their decision which has been included in the record.

RECOMMENDATION

Recommend the Governing Body adopt Ordinance _____ granting a Special Use Permit to allow the operation of an Adult Senior Dwelling Community with independent and assisted living facilities and villas at 8500 Mission Road subject to the conditions recommended by the Planning Commission.

BACKGROUND

MVS, LLC acquired Mission Valley Middle School and is proposing to construct Mission Chateau which will be a senior residential community. Mission Chateau will be owned, managed and operated by the Tintera Group who owns and operates 40 senior living communities in 11 states. This is a new application which removes the previously approved Skilled Nursing/Memory Care Facility and reduces the square footage of the complex by 39,942 square feet or by 12.3%.

The applicant is proposing to build 160 Independent Living Apartments and 88 Assisted Living Apartments in one building and 22 Independent Living Villas constructed as twin villas. The Independent Living/Assisted Living facility is proposed to be 214,800 square feet and will be two and three stories in height with the actual building height to the rooftop of approximately 39 feet. It will set back 33 feet from the main entrance on Mission Road.

The 11 Twin Villas have two footprint designs; Unit 1 is 3,295 square feet and Unit 2 is 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. There is pedestrian access to Somerset Drive. 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, the proposed density on the previous plan was 24.2 units per acre which is a decrease of 9.5 units per acre. :

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 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact at peak times should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan. The applicant will work with Public Works on the final 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 and will be reviewed by the City's Tree Board.

The Mission Valley Middle School will be demolished and the site will be cleared. Currently there are three driveways that access the site from Mission Road. The proposed plan reduces the number to two access points which will align with 84th Terrace and 85th Street. There will be no vehicular access to Somerset Drive, but access will be available for pedestrians. The interior of the project will be served with private drives.

The applicant has proposed to gate the two entrances and exits to Mission Road which is a new element. Some concern was expressed with the potential 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 84th 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.

The Applicant and Neighbors have reached a Settlement Agreement on the Site Plan for the proposed project. The Settlement Agreement contains a number of provisions that are not pertinent to the approval by the City. Those conditions that affect the proposed Special Use Permit are conditions that the City would typically attach to the approval and are reflected in the Planning Commission recommendation.

The Planning Commission found the Findings of Fact as set out in the Zoning Ordinance for Special Use Permits and the Golden Factors to be favorable for the reasons set forth in the Planning Commission Staff report and draft minutes of their July 29, 2015 meeting and recommends that the Governing Body approve a Special Use Permit for an adult senior dwelling community called Mission Chateau at 8500 Mission Road subject to the following conditions:

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 judgment, 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.

No protest petition has been submitted; therefore, a simple majority vote of the Governing Body (seven votes) is required for approval.

The Governing Body shall make its findings of fact based on the “Golden Factors” and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires a simple majority of the Governing Body (seven votes), or
- B. Override the recommendation of the Planning Commission, which includes changing the conditions by a two-thirds majority vote of the Governing Body (nine votes), and deny or revise the rezoning and Preliminary Development Plan, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the Governing Body’s failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

RELATED TO VILLAGE VISION

H01.a. Allow for a greater variety of housing types throughout Prairie Village.

LR3.c. Permit higher residential densities and mixed uses near existing commercial areas and along arterial roadways

ATTACHMENTS

Planning Commission minutes of July 29, 2015

Staff Report & Application for PC2015-08

Proposed Ordinance

Associated Planning Commission Documents Received by the City

PREPARED BY

Joyce Hagen Mundy

City Clerk

Date: August 6, 2015

ORDINANCE _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF AN ADULT SENIOR DWELLING COMMUNITY CALLED MISSION CHATEAU AT 8500 MISSION ROAD, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At their meeting of July 29, 2015, the Prairie Village Planning Commission held a public hearing. Based on the information presented at the public hearings and the official record, the Planning Commission found the findings of fact to be favorable and recommended that the Governing Body approve a Special Use Permit for the operation of an Adult Senior Dwelling Community known as Mission Chateau at 8500 Mission Road. The findings of fact are contained in the July 7th and July 29th Planning Commission Staff reports. The Planning Commission recommended approved of the SUP subject to the following conditions:

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 judgment, 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.

Section II. **Findings of the Governing Body.** At its meeting on August 17, 2015, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of July 29, 2015, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2015-08.

Section III. **Granting of the Special Use Permit.** Be it therefore ordained that the City of Prairie Village grant a Special Use Permit for an Adult Senior Dwelling Community at 8500 Mission Road, Prairie Village, Kansas subject to the 15 specific conditions listed in Section I.

Section IV. **Take Effect.** That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 17th DAY OF AUGUST, 2015.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

**SPECIAL MEETING
PLANNING COMMISSION MINUTES
July 29, 2015**

ROLL CALL

The Planning Commission of the City of Prairie Village met in special session on Wednesday, July 29, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 with the following members present: Gregory Wolf, James Breneman, Nancy Wallerstein, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson and Chris Brewster, City Planning Consultants; Wes Jordan, Assistant City Administrator; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director and Joyce Hagen Mundy, Commission Secretary.

Chairman Nancy Wallerstein noted that an e-mail had been received from Esther Levens, 8601 Delmar with questions regarding the application. Assistant City Administrator Wes Jordan talked with Mrs. Leven addressing all her questions.

**PC2015-08 Request for Special Use Permit for Adult Senior Dwelling &
Site Plan Approval
8500 Mission Road**

Rick Jones, with NSPJ Architects, 3515 West 75th Street, introduced the following representatives of the development team for this project that were also in attendance: Randy Bloom, President of Health Care Division, Tutera, Mike Flanagan, attorney for Tutera, Jeff Bartz and Ryan Elam with BHC Rhodes, and Jason Toye, NSPJ Architects. Mr. Jones stated that over the past several months the team has had several meetings with representatives of the Mission Valley Neighborhood Association to develop the proposed project being presented this evening. He acknowledged the leadership of Brian Doerr in those discussions and bringing about consensus on the revised project. The project has a transitional layout with it increasing in density as it goes to the north. Elevations for each of the components and roof elevations have been established through the settlement agreement with the neighborhood. Heights are measured per City code and are within both the city's requirements and the settlement agreement. He noted there are three levels throughout the project: the garden level, the first floor and second floor level. This helps them work within the topography of the site.

Mr. Jones noted there is significant green space located throughout the entire project. Along the main entry there are four 4' curved retaining walls and are heavily landscaped.

Rick Jones stated there are 214 parking spaces shown on the plan including the 72 carport spaces. They have an additional 15 banked spaces on the southwest side that could be added if necessary. He noted that along the west side of the senior living

facility is parking spaces dedicated for that building per the settlement agreement. All parking spaces shall be a standard 9' x 18'. The main drive for the project will be constructed per city standards with a width of 28' from back of curb to back of curb making parking on the street possible. The on-site detention basin is contained within a 3 to 1 gentle slope and is not wall.

Rick Jones noted the entrances will be gated to provide security for the residents. They will primarily be open during the day and closed in the evening hours. There is capacity for the stacking of two cars to prevent overflow stacking on Mission Road. He noted there is a curved sidewalk along Mission Road set further back than the existing sidewalk. Mr. Jones reviewed all the building setbacks on the site which are set by the settlement and all significantly exceed the setbacks required by City Code.

Mr. Jones went on to review the building designs and building materials for each of the components of the project, noting all will have sloping roofs, mechanical units will not be visible per the settlement agreement and a minimum of 20% of the exterior surface must be masonry. They will be using natural neutral colored stone with darker accent brick. Mr. Jones noted the twin villa design is similar to that found in Corinth Downs, which his firm also designed. None of the garages will be allowed to face the same direction.

Rick Jones noted that they had reviewed the staff report and are in agreement with the staff recommended conditions of approval.

Ron Williamson noted this new application for an Adult Senior Dwelling complex on the former Mission Valley School site includes the full 18.4 acre site, while the previously 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 for 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 previously approved plan had 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:

UNITS	Plans Dated: July 30, 2013	Approved Plan: January 6, 2014	Proposed Plan
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

Independent Living Villas	38,500	0	71,148
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% by 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, essential one story and a story and a half in character. Unit 1 is 3,295 square feet and Unit 2 is 2,823 square feet including garage area. Per the settlement agreement they cannot exceed a maximum of 3200 square feet with a 2000 square foot minimum. 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 155,508 square feet for a total lot coverage of 19.3%.

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. The building coverage of 19.3% 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. The Settlement Agreement contains a number of provisions that are not pertinent to the approval by the City. Mr. Williamson reviewed the following

agreed upon conditions that would 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.** 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.** 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". 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". 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.** 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.)**
 - (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 to this Agreement and the landscape character will meet the minimum criteria as set forth 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.
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.

Chairman Nancy Wallerstein opened the public hearing on the application. No one addressed the Commission and the Public Hearing was closed at 7:35 p.m.

James Breneman asked why the project was being gated. Mr. Jones responded the gates are for security purposes. Mr. Breneman asked how these would be operated. Mr. Jones replied that has not been finalized but he anticipated it would have an electronic connection to the main complex or individual villas. Nancy Wallerstein asked how emergency vehicles would access. Mr. Jones replied they would have transformers that would override the system.

James Breneman noted that on page C-4 there is a left turn lane for the north entrance, but none for the south entrance. Jeff Bartz with BHC Rhodes responded that the traffic study analysis determined that a left turn lane was not necessary at either location. He noted that Mission Road narrows to the south and to have a left turn lane at the south entrance would require widening Mission Road. Mr. Breneman noted the main entrance is from the south and he feels a left turn lane is needed. Rick Jones noted the main entrance would be used primarily for visitors. It would not be used by staff. The left turn lane would encourage the use of the north entry. Mr. Breneman noted that if the gates were removed he would not see a need for the turn lane.

Nancy Wallerstein asked Public Works Director Keith Bredehoeft for his response on the turn lane and gates. Mr. Bredehoeft responded the proposed plan was acceptable.

Nancy Wallerstein asked what time the gates would be closed. Mr. Jones replied they would be open during daylight hours. Mrs. Wallerstein asked if that was dawn to dusk or if there were specific hours. Mr. Jones responded that has not been determined. The gates have been requested by the potential residents as a desired feature. Nancy

Wallerstein felt that specific hours would be preferred. Jeff Bartz stated he anticipated they would be open during business and peak visiting hours when traffic was at its peak. Mrs. Wallerstein asked when staff shifts took place.

Randy Bloom responded that employee shifts were 7 to 3, 3 to 11 and 11 to 7. Mrs. Wallerstein asked how many employees would be coming and going during a shift change. Mr. Jones stated the largest shift is 40 employees. There are 40 spaces with an additional 36 spaces allowed for the overlap of employee parking during shift changes. Mr. Bloom added that they would be willing to discuss the establishment of a gate closing schedule. He stressed that a gated community is a strong desire of their residents.

Jeffrey Valentino asked about the design and lighting for the carports. Rick Jones stated they would be similar in design to those existing at their facility at 3515 West 75th Street with steel columns every two bays, a pitched roof and a five foot brick wall on the back to prevent headlights from being visible to the adjacent properties. They will be built to comply with city code.

Nancy Wallerstein asked if there was a fence around the detention basin. Mr. Jones replied that a fence is not required due to the gentle slope of the basin. Mrs. Wallerstein asked about the fence surrounding the property. Mr. Jones replied they would be leaving the existing fencing and adding a wrought iron fence around the remainder of the property.

Jonathan Birkel noted that the west two villas on the north entrance have garages facing Mission Road and suggested that they could possibly be flipped. Mr. Jones replied the proposed placement was for an architecture feature and noted that there was substantial screening along Mission Road and plants could be added to screen the garages from Mission Road. He was not certain if the villas could be flipped under the settlement agreement. He likes it the way it is configured. It may be better flipping the first one, but he is not certain on the second one. He believes it could be done.

Ron Williamson noted that this is an item that would be addressed under the site plan approval.

Jonathan Birkel questioned the VMP in the parking area and if it drains into the drainage system on site. Jeff Bartz responded that it will drain into the proposed drainage system on site.

Mr. Birkel also noted that there is a lot of stone on the buildings, however, much of it is on the lower portions of the building and unable to be seen. He asked if the stone could be placed higher where it would be more visible. Rick Jones responded that there is brick and stone higher on the building as an accent feature. Mr. Birkel stated he would like to be able to see more stone and gave suggestions on how this could be done. Mr. Jones replied that a stair stepping of brick could be added on the entrance.

James Breneman noted that a condition on the special use permit was that no skilled nursing facility be constructed or nursing services provided. He stated that he felt that was very short-sighted. Rick Jones replied that was the #1 requirement of the neighborhood in the settlement agreement.

Ron Williamson noted that three conditions from the original staff report had been changed to address concerns expressed by the neighbors. These were conditions #2, #3 and #12. # 2 clarified building heights would not exceed the maximum height in the city's code and would be as depicted on Sheet A0.01 of the applicant's plans dated June 5, 2015.

#3 is related to the definition of "commencement of construction" which is currently being considered by the 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.

#12 related to the sales and construction of the villas within one year of occupancy of the Independent and Assisted Living facilities. The new language requires that an application for a building permit shall be submitted within one year after the occupancy permit is issued for ILF/ALF building and construction of the villas shall be completed within a reasonable time.

The following review of factors for consideration of approval of Special Use Permits was set out in the Staff Report:

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 155,508 square feet, including the carports, which is 19.3% lot coverage. 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 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact at peak times should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan. The applicant 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 was 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. Tuter 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 was 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 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 84th Terrace and the other will be in alignment with 85th Street on the east side of Mission Road.

The Traffic Impact Study 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. Concern was expressed 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 84th Street. This signal was installed to serve school traffic and is no longer needed. The applicant will 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.

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 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 square feet. On 85th 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:

- 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)

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 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. 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.

Gregory Wolf moved to find favorably on the findings of fact and Golden Factors and the Planning Commission recommend the approval PC2015-08 granting a Special Use Permit for an Adult Senior Dwelling known as Mission Chateau to the Governing Body subject to the following conditions:

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 judgment, 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.

The motion was seconded by Patrick Lenahan and passed by a vote of 5 to 1 with James Breneman voting in opposition.

Chairman Nancy Wallerstein stated this item would be considered by the Governing Body at the August 17, 2015 City Council meeting.

SITE PLAN

Chairman Nancy Wallerstein led the Commission in the following review of the site plan criteria:

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 155,508 square feet for the ILF/ALF building, the Twin Villas, and the carports; which is 19.3% 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 84th Terrace and 85th Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The internal driveways will be 28 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 84th 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.

James Breneman noted a discrepancy in the plans submitted between the preliminary plat and sheet A0.1. It was confirmed that sheet A0.1 is the correct submittal.

Ron Williamson noted that staff is recommending action on the Preliminary Plat be continued until after action is taken on the Special Use Permit by the Governing Body.

Based on discussion, Chairman Nancy Wallerstein asked if there were any additional conditions of approval to be added to the staff recommendation. It was recommended that the motion reference the site plan dated June 05, 2015, due to multiple plans having been submitted.

The Commission also agreed to add the following two conditions:

16. If the gate creates traffic congestion on Mission Road, the applicant will meet with the Prairie Village Police Department to resolve the issue.
17. Flip the layout of the east villa on the north side of the south entrance.

Gregory Wolf moved that the Planning Commission having found favorably on the site plan criteria approve the Site Plan dated 06/15/2015 for Mission Chateau at 8500 Mission Road subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will 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.
 17. If the gate creates traffic congestion on Mission Road, the applicant will meet with the Prairie Village Police Department to resolve the issue.
 18. Flip the layout of the east villa on the north side of the south entrance to minimize the prominence of garage doors at the entry to the site and to coordinate driveway ingress and egress near the gate islands.
- The motion was seconded by James Breneman and passed unanimously.

**PC2015-110 Request for Preliminary Plat Approval - Mission Chateau
8500 Mission Road**

Ron Williamson advised the Commission that 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.

Gregory Wolf moved the Planning Commission continue PC2015-110 to its September 1, 2015 meeting. The motion was seconded by James Breneman and passed unanimously.

Next Meeting

The next meeting will be Tuesday, August 4, 2015. Packets for the Board of Zoning Appeals and Planning Commission meetings were available for Commission members to take.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 8:22 p.m.

Nancy Wallerstein
Chairman

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:

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

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.

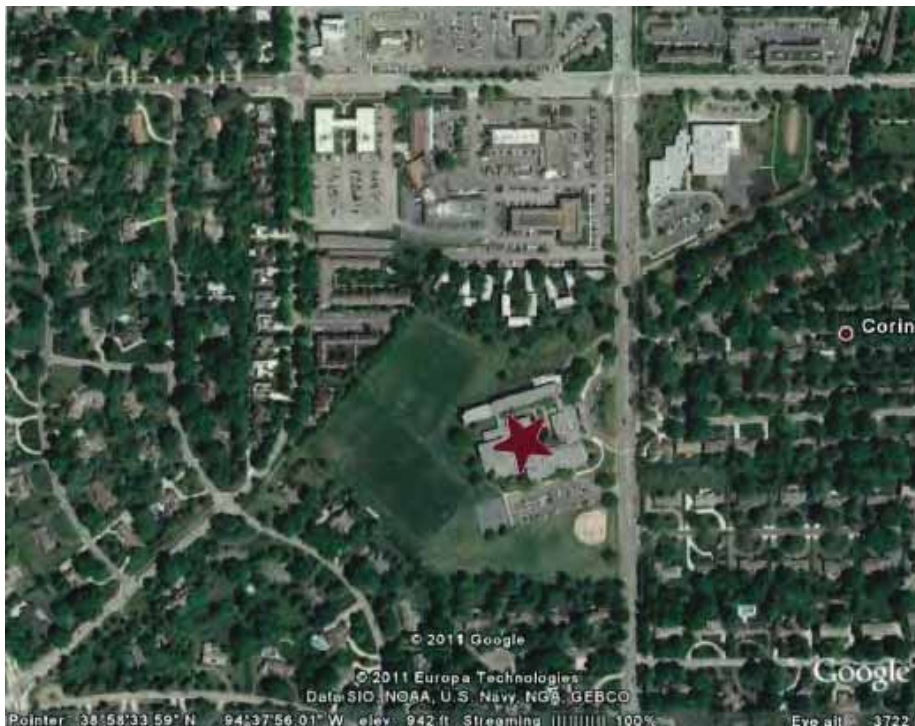
Related Case Files: PC 2015-110 Preliminary Plat Mission Chateau
PC 2013-11 Special Use Permit for Adult Senior Dwellings
PC 2013-126 Site Plan Approval for Adult Senior Dwellings
PC 2013-127 Preliminary Plat Mission Chateau
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2013-114 Site Plan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

UNITS	Plans Dated: July 30, 2013	Approved Plan: January 6, 2014	Proposed Plan
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 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact at peak times should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan. The applicant 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 84th Terrace and the other will be in alignment with 85th 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 84th 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 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 square feet. On 85th 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;

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
(Leewood)	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 84th Terrace and 85th Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The 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 84th 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:

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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.

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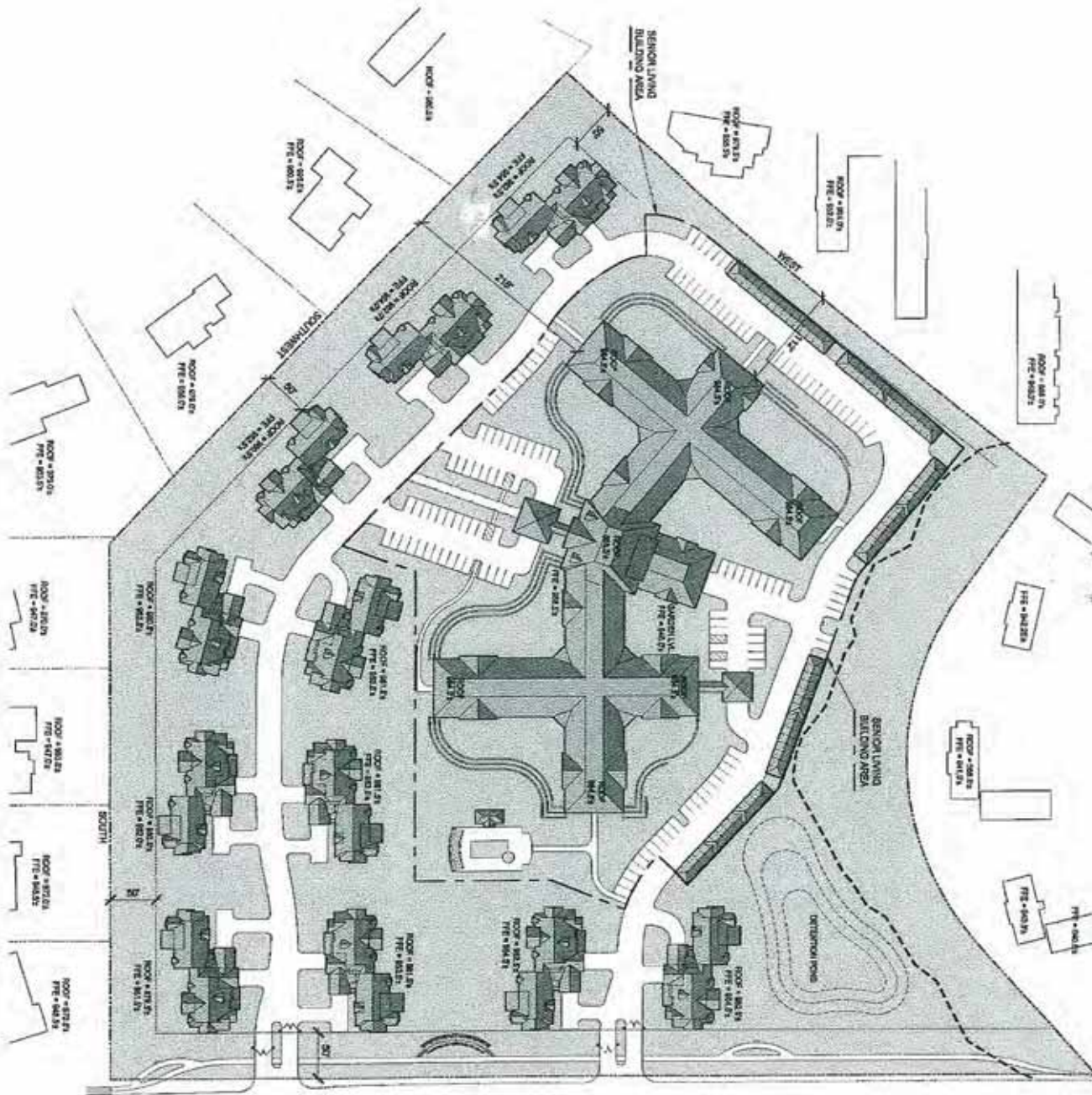
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RECOMMENDATION:

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	
Total Square Footage	A/LF/ILF 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	
Total Square Footage (All Above First Floor)	Residential 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 Square Footage	Total 285,948
Building Area Above First Floor	214,848

MAY 22, 2015

LAND USE SUMMARY FOR:

MISSION CHATEAU

SENIOR LIVING COMMUNITY

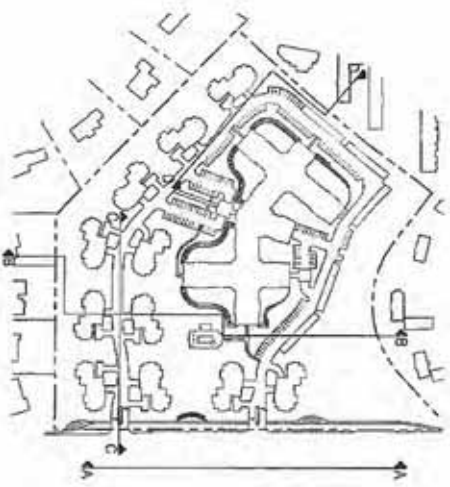
THE TUTERA GROUP

NSPJ

NEARING STAATS PRELOGAR & JONES AIA CHARTERED ARCHITECTS

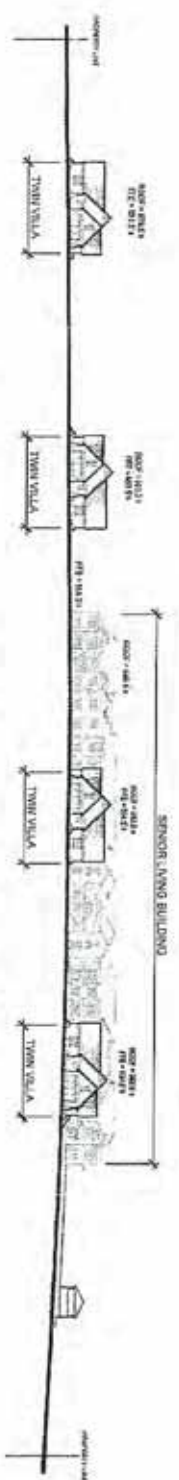
305 N. 10th St., Ste. 200 www.nspjarch.com
 PRAIRIE VILLAGE, KANSAS 66208 PHONE 784.0140 FAX 784.0140

SECTION KEY PLAN



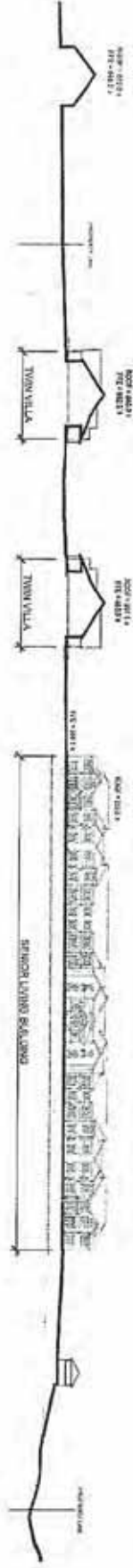
SECTION A-A - VIEW FROM MISSION ROAD

1" = 60'-0"



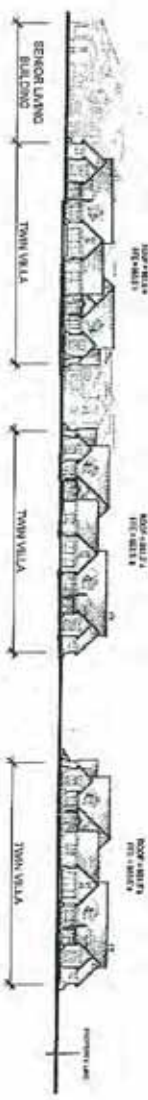
SECTION B-B - LOOKING WEST

1" = 60'-0"



SECTION C-C - LOOKING NORTH

1" = 60'-0"



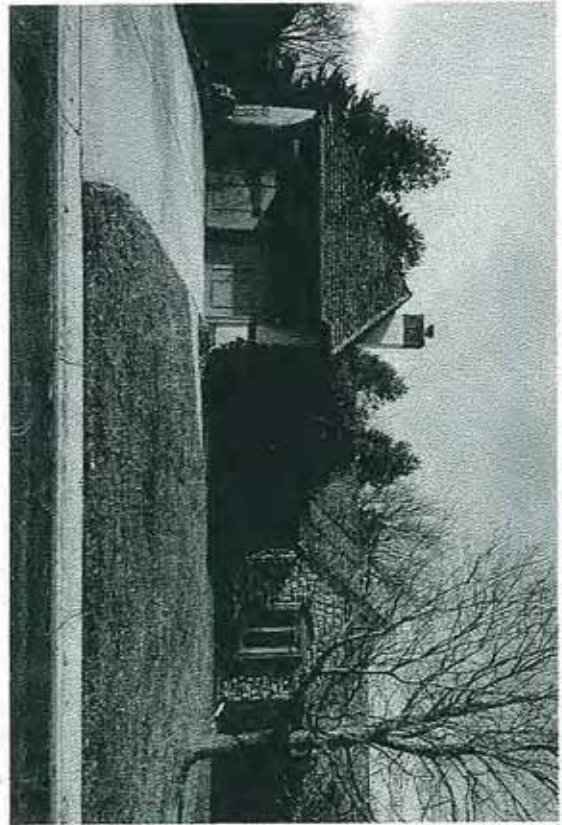
SECTION D-D - LOOKING NORTHEAST

1" = 60'-0"



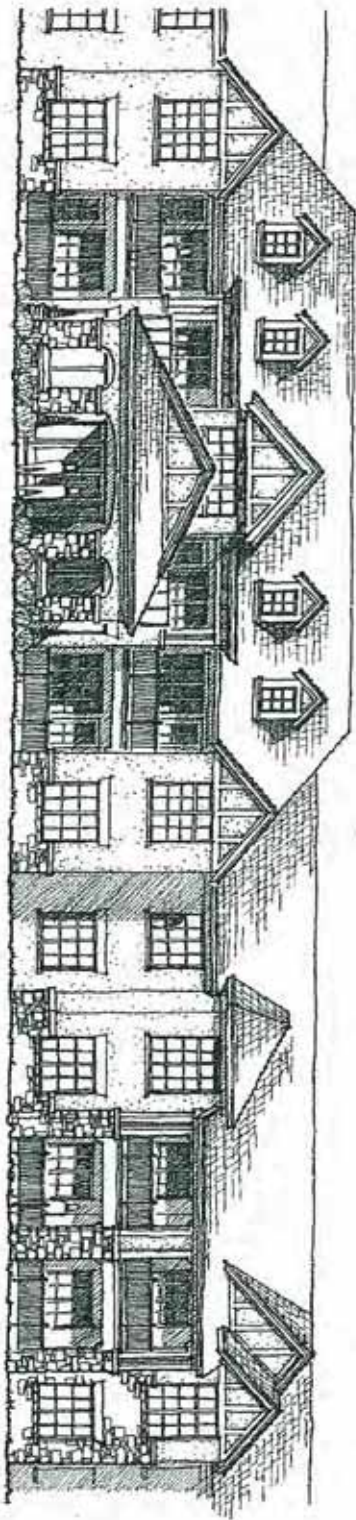
MAY 18, 2015
 PROPOSED SCHEMATIC SITE SECTIONS FOR:
MISSION CHATEAU
 SENIOR LIVING COMMUNITY
 THE TUTERA GROUP

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 PHONE 708.633.1100 THE TUTORING



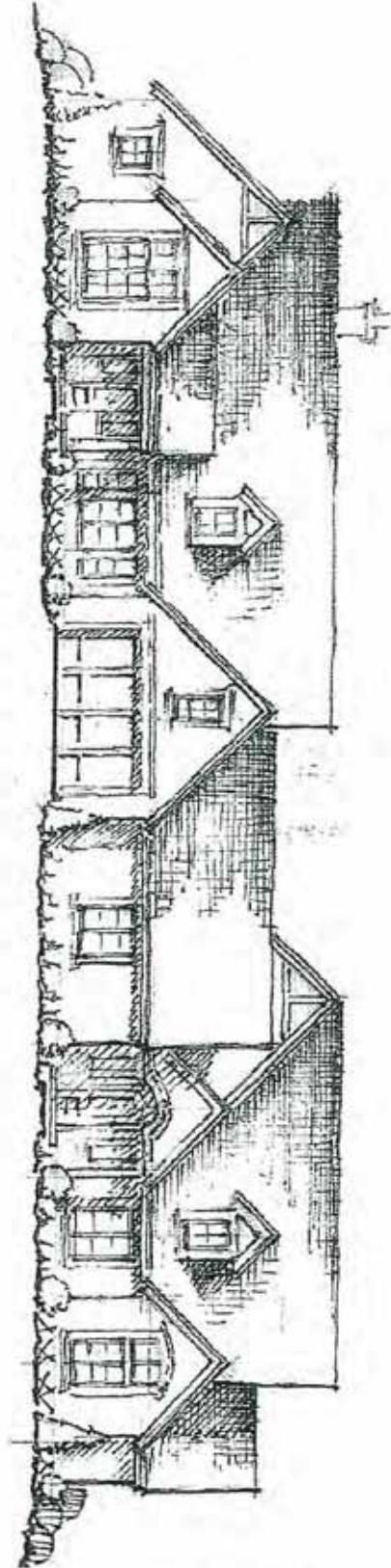
TWIN VILLA CONTEXTUAL PHOTOS
MISSION CHATEAU
 SENIOR LIVING COMMUNITY
 THE TUTERA GROUP

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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

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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.

NSPJ

NEARING STAATS PRELOGAR & JONES AIA CHARTERED
ARCHITECTS

MAINTENANCE PROVIDED TWIN VILLAS ARCHITECTURAL CHARACTER

1. Architecture will have a traditional residential feel similar to Coventry Court in Corinth Downs (79th 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.



N S P J

NEARING STAATS PRELOGAR & JONES AIA CHARTERED
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 Project²⁾

The following materials are prohibited:

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

Entire Project³⁾

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 Project⁴⁾

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.



N S P J

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ARCHITECTS

MISSION CHATEAU
Senior Living Community

EXHIBIT C: Proposed Landscape Character

MISSION ROAD STREETSCAPE

- 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

ARCHITECTS

NEARING STAATS PRELOGAR & JONES AIA CHARTERED

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

MAINTENANCE PROVIDED TWIN VILLAS LANDSCAPE CHARACTER

- 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.



N S P J

NEARING STAATS PRELOGAR & JONES AIA CHARTERED
ARCHITECTS

MISSION CHATEAU
Senior Living Community

EXHIBIT ^C 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 22nd 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 16th 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 23rd 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

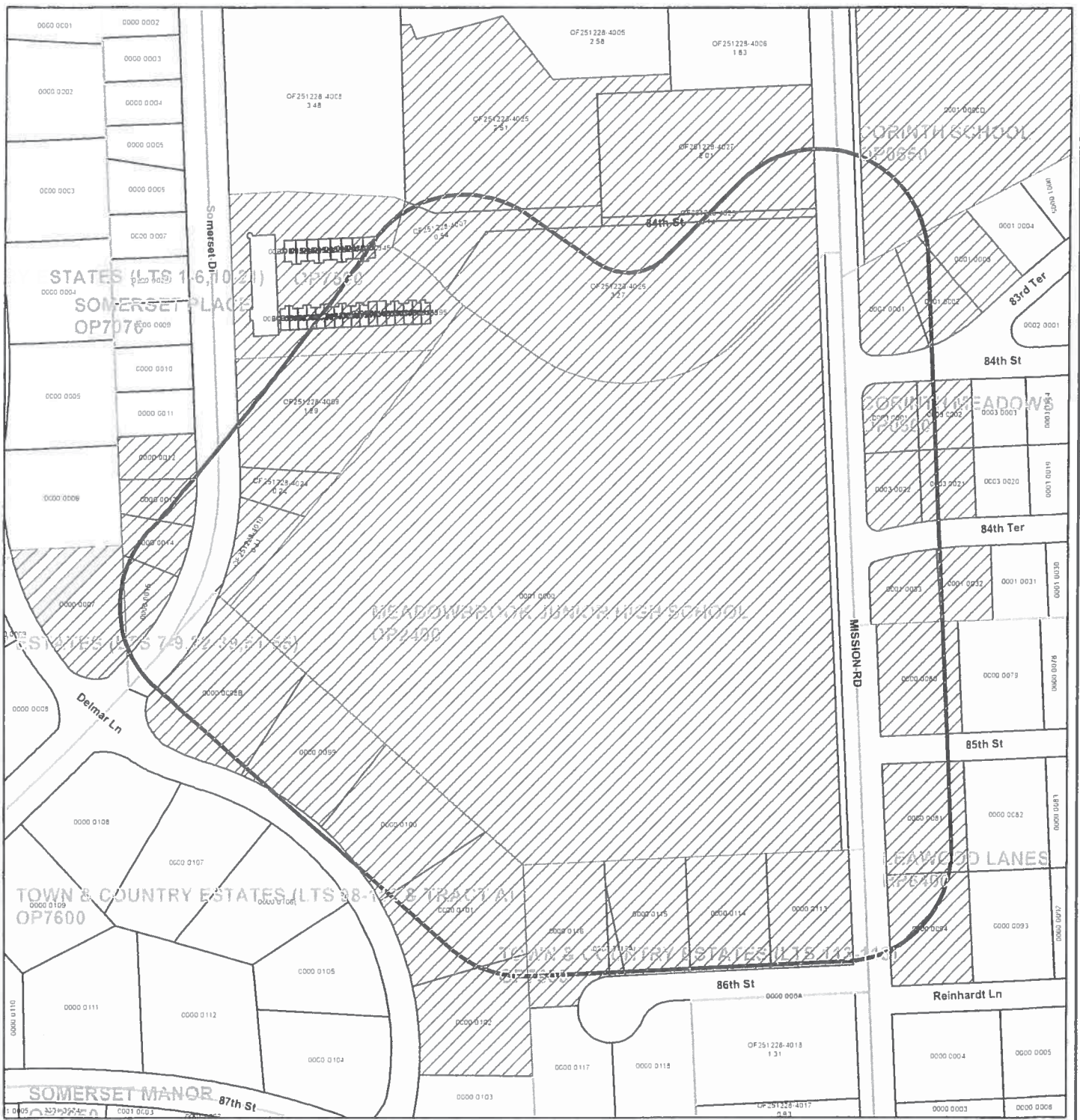
The property is located in an R-1a Zoning District.

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

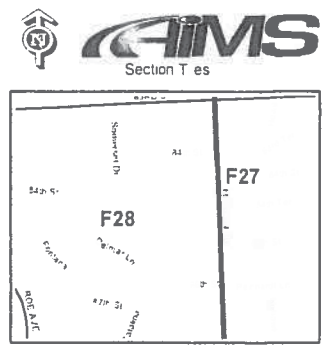
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6/9/2015

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 th 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 Armerwood Dr	913-341-8488	
Stephanie Beeder	8478 Delmar Ln	913-406-9221	
DANIE TRUSS	3605 W 85 th St.	913 648-0806	
Cindi & Brian Doerr			

NEIGHBORHOOD MEETING

MISSION CHATEAU

June 22, 2015

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
BILL BARR	8600 DELMAR	913-648-1653	bill@billbarr.com
MW UNTERSEE	3100 BROADWAY	816-531-1333	MUNTERSEE@UNTERSEEPAU.COM
Janine Smiley	3408 W. 84th Ter.	816-213-4312	

June 1, 2015

Prairie Village Mayor and City Council Members

Re: Mission Chateau

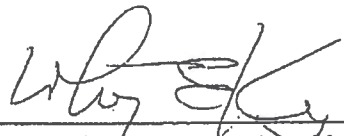
Dear Honorable Mayor and City Council Members:

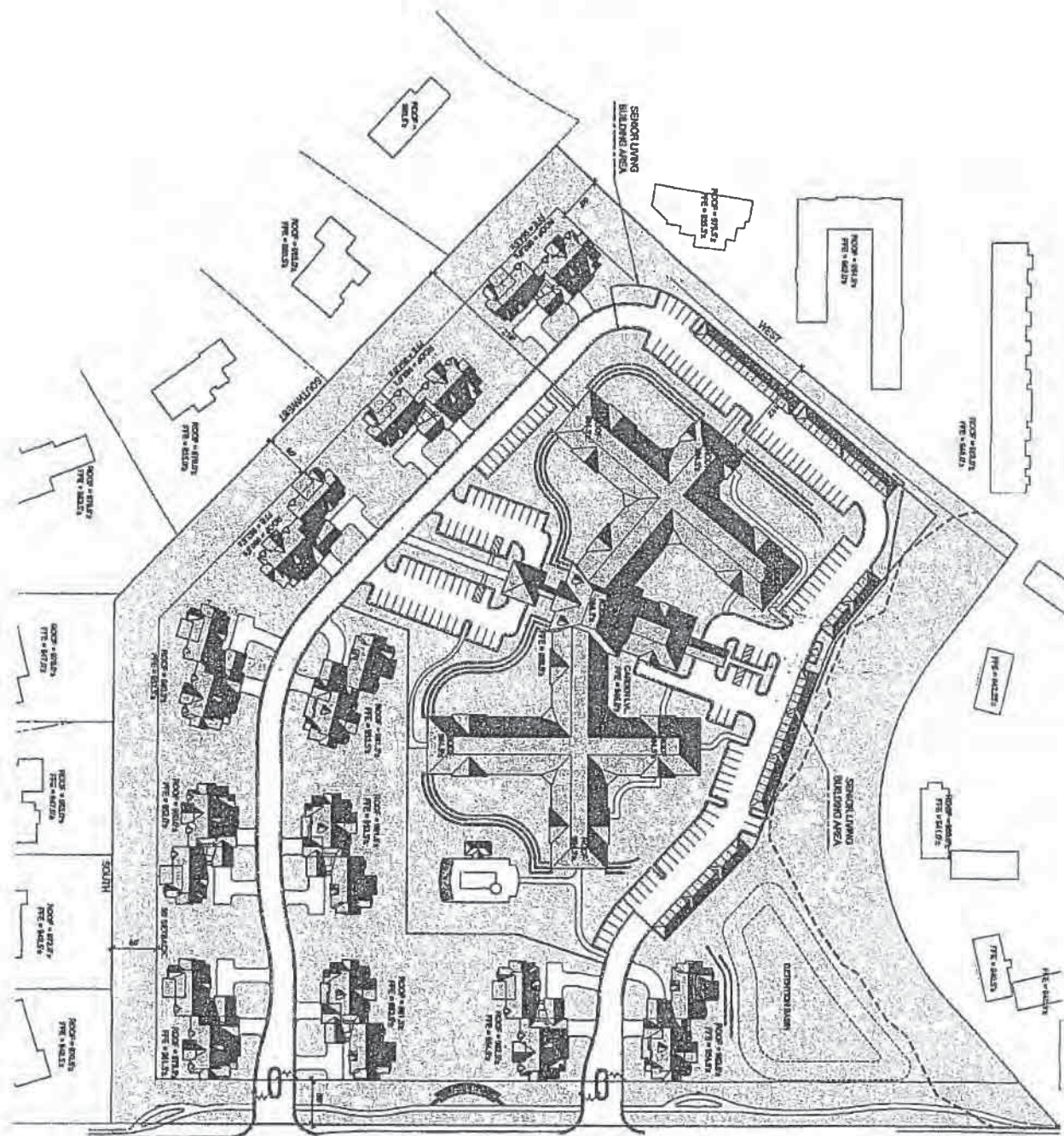
On behalf of Mission Valley Neighbors' Association, Inc., as duly authorized by the Board of Directors of Mission Valley Neighbors' Association, in my capacity as President, I am writing this letter to confirm our agreement with the proposed Schematic Plan attached to this letter (and related conditions 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 FROBLOGER & JONES AIA CHARTERED
 ARCHITECTS
 3811 W. 39th St., Suite 101 www.nspjarch.com
 Prairie Village, Kansas 66204 Phone 913.881.1110 Fax 913.881.1111

June 1, 2015



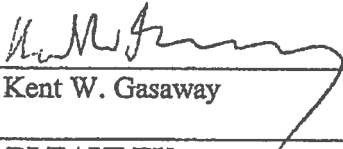
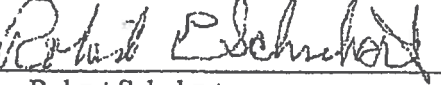
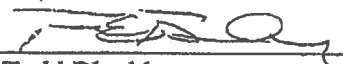
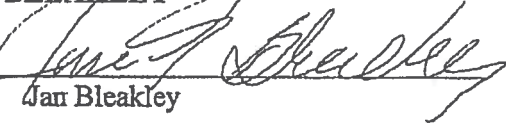
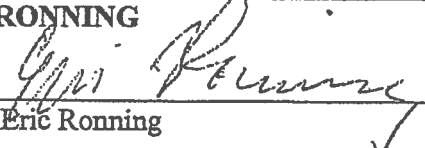
Prairie Village Mayor and City Council Members

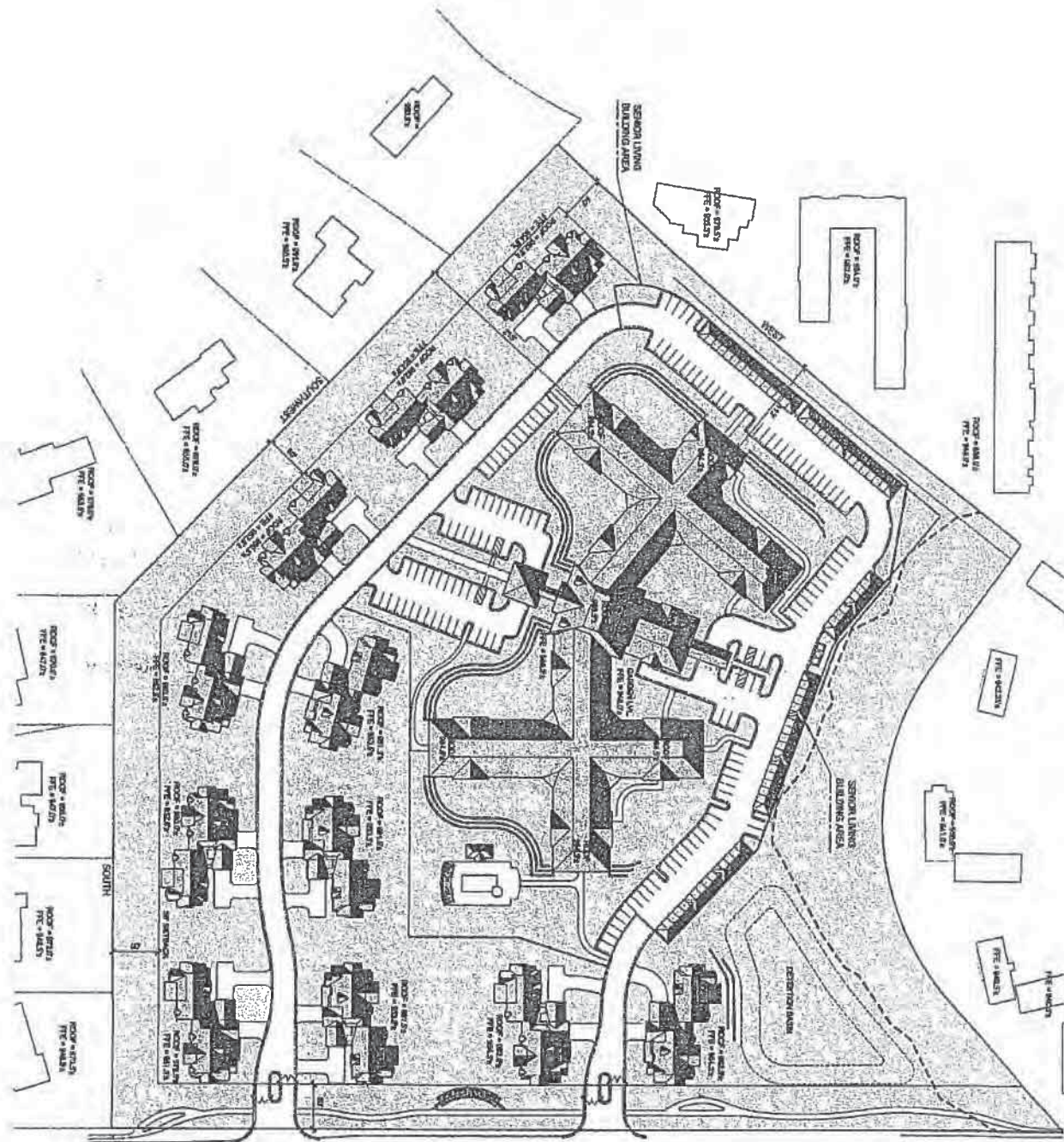
Re: Mission Chateau

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.

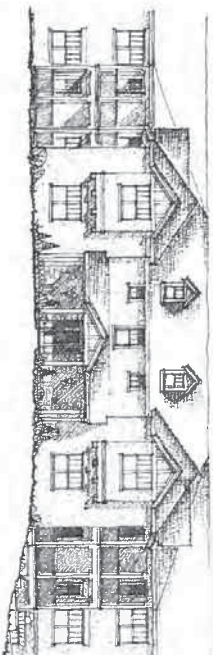
Sincerely,

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

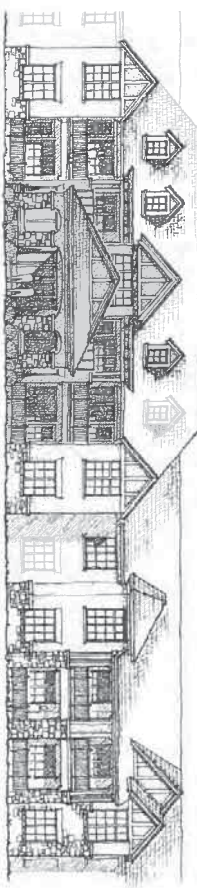


JUNE 15, 2015 EXHIBIT A
 PROPOSED SCHEMATIC SITE PLAN FOR:
MISSION CHATEAU
 SENIOR LIVING COMMUNITY
 THE TUTERA GROUP

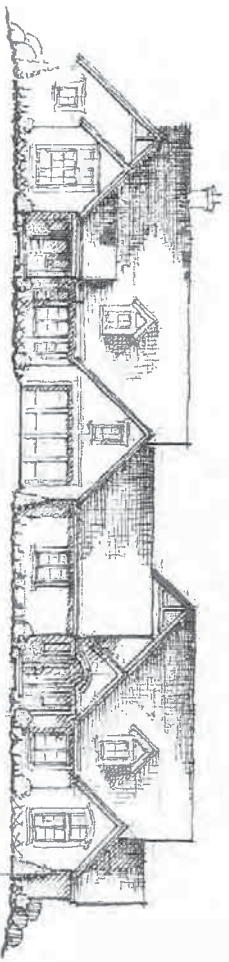
NSPJ
 NBARING STAATS PRELOGAR & JONES AIA CHARTERED
 ARCHITECTS
 3113 W. 92ND ST., SUITE 201 www.nspjarch.com
 PLAZA VILLAGE, KENOSHA 53141 PHONE 920.391.1110 FAX 920.391.1110



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:

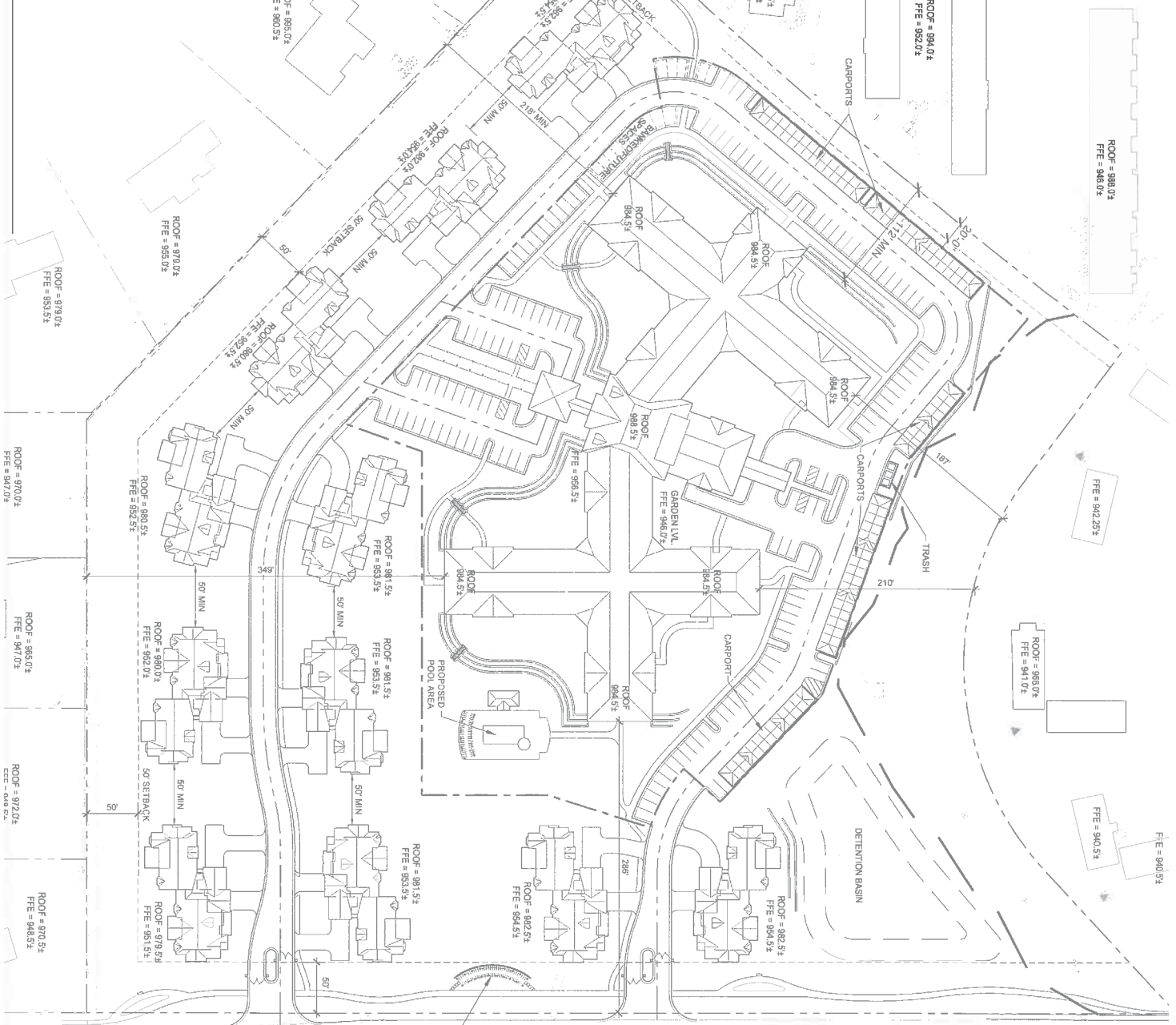
NEARING, STAATS, PREIDOGAR & JONES
AIA CHARTERED ARCHITECTS
3519 W 75TH ST, SUITE 201
PRAIRIE VILLAGE, KS 66208
TEL: (913) 831-1415
FAX: (913) 831-1583

Civil:

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

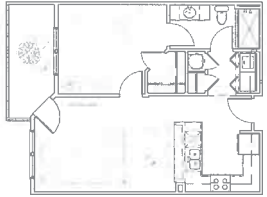
Landscape:

NEARING, STAATS, PREIDOGAR & JONES
AIA CHARTERED ARCHITECTS
3519 W 75TH ST, SUITE 201
PRAIRIE VILLAGE, KS 66208
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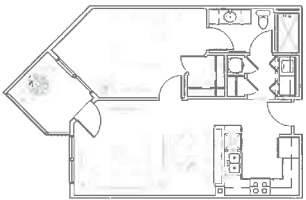


MISSION ROAD
 44TH TERRACE
 46TH STREET
 TRENCHES WITH SEATING BELOW

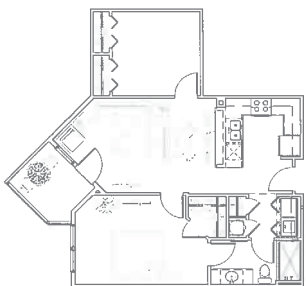
Mission Chateau Proposed Plan 6-05-2015	
Final Square Footage	1,111,483 S.F.
Building Area Above First Floor	1,111,483 S.F.
Stories Above First Floor	2.5 Stories
Building Footprint	71,000 S.F.
Parking including Carports	214 Spaces
Building Under First Floor	132
Building Above First Floor	1,111,483
Dist. from Southwest Property Line	218'
Independent Living - Minimum 180 Units	126 Spaces
Senior Living Development	214 Spaces
Largest Split Employees	40 Spaces
Space Change	23 Spaces
Minimum Total Parking Required	205 Spaces
Parking Provided	214 Spaces
Carports	12 Spaces
Senior Living Residential Development	
Total Square Footage (1st Above First Floor)	711,483 S.F.
Stories Above Grade	1.5 to 1.727 Stories
Building Footprint	57,848 S.F.
Minimum Unit Footprint Size (Includes 488 S.F. Garage)	2,484 S.F.
Maximum Unit Footprint Size (Includes 488 S.F. Garage)	3,884 S.F.
Garage Parking	44 Spaces
Dist. from Mission Rd Property Line	36' Minimum
Dist. from South Property Line	50' Minimum
Total	285,948 S.F.
Building Area Above First Floor	133,031 S.F. (64.5%)
Carports Area	833,072 S.F. (89.5%)
Dist. from South Property Line	50' Minimum



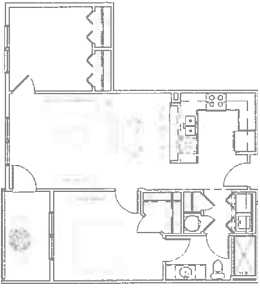
SENIOR LIVING
I/L ONE BEDROOM FLOOR PLAN
1/8" = 1'-0"



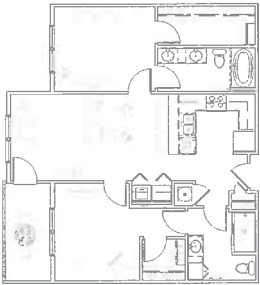
SENIOR LIVING
I/L ONE BEDROOM FLOOR PLAN
1/8" = 1'-0"



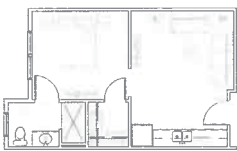
SENIOR LIVING
I/L ONE BEDROOM + DEN FLOOR PLAN
1/8" = 1'-0"



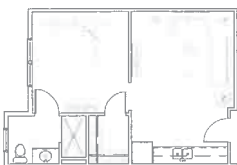
SENIOR LIVING
I/L ONE BEDROOM + DEN FLOOR PLAN
1/8" = 1'-0"



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



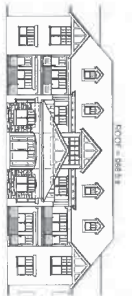
SENIOR LIVING
A/L ONE BEDROOM FLOOR PLAN
1/8" = 1'-0"



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



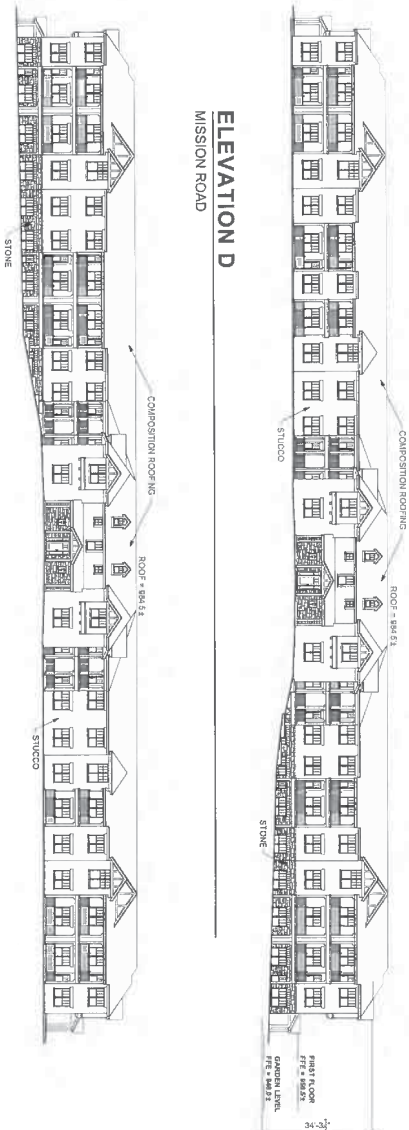
ELEVATION E
NORTH



ELEVATION F
ALL ENTRY - NORTH SIDE



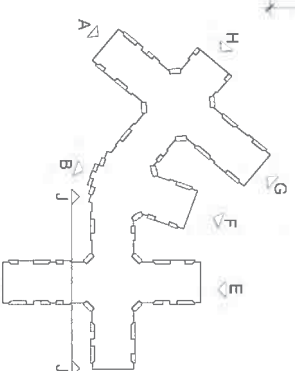
ELEVATION G
NORTHEAST



ELEVATION D
MISSION ROAD



ELEVATION H
NORTHWEST

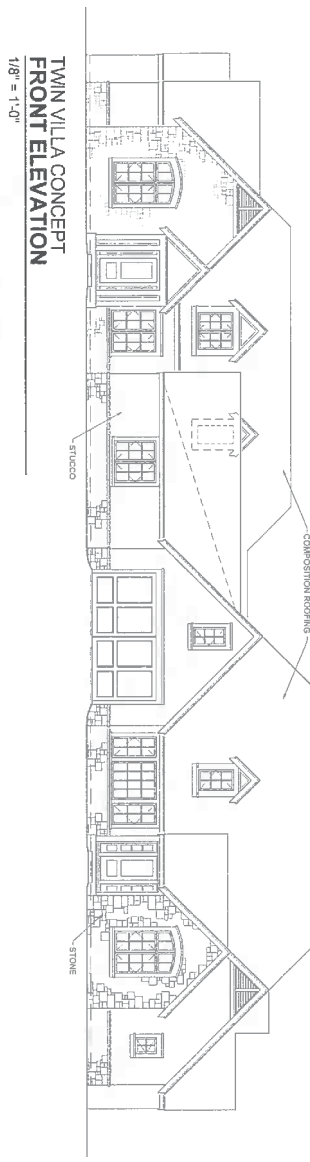
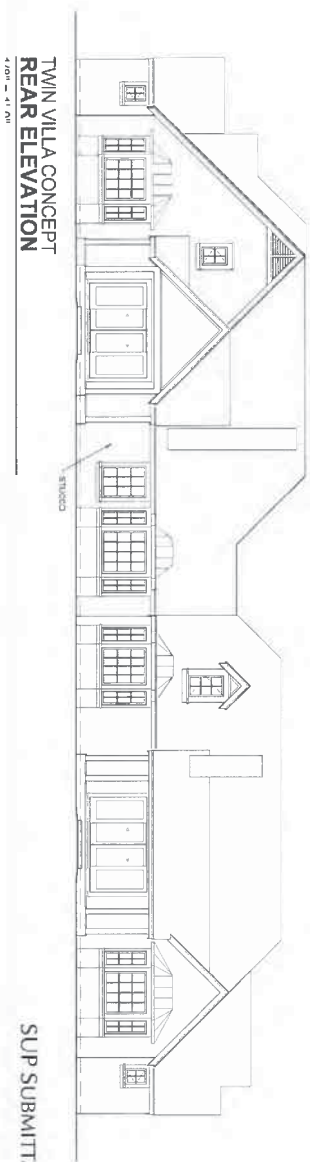
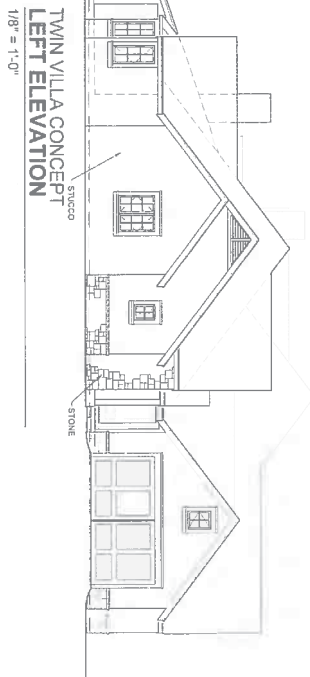


ELEVATION KEY

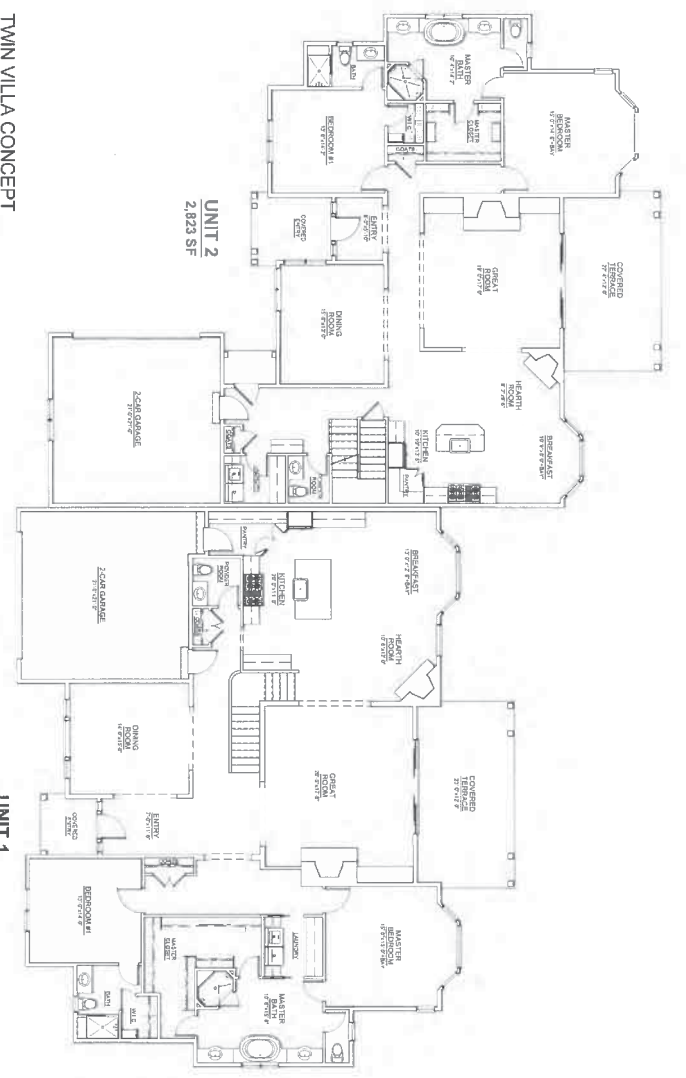
SENIOR LIVING ELEVATIONS
1" = 20'-0"

WINDMILL ARCHITECTURAL P.A.

SUP SUBMITTALS

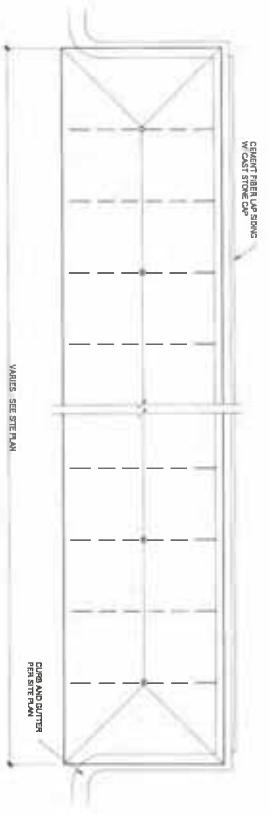


**TWIN VILLA CONCEPT
FIRST FLOOR PLAN**
1/8" = 1'-0"

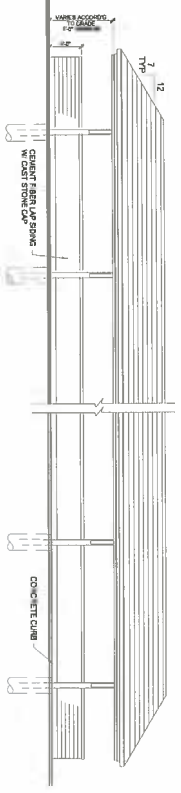




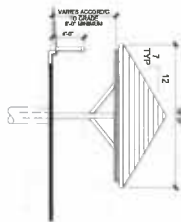
**CARPORT
CONTEXTUAL PHOTO**
N.T.S.



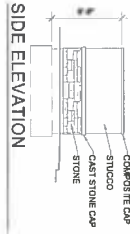
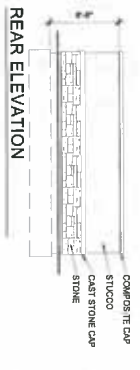
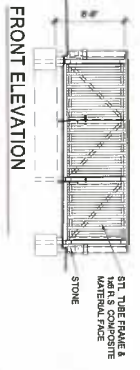
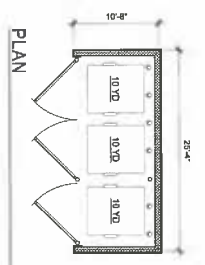
**CARPORT
FLOOR PLAN**
1/8" = 1'-0"



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



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

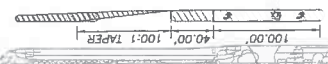


TRASH ENCLOSURE
1/8" = 1'-0"

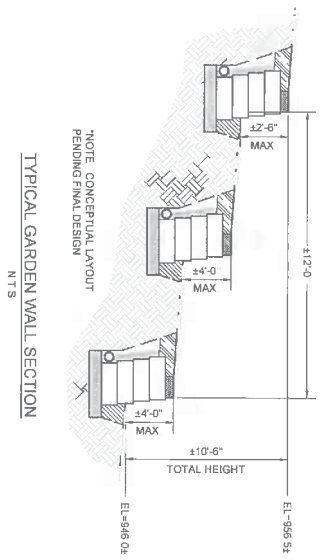
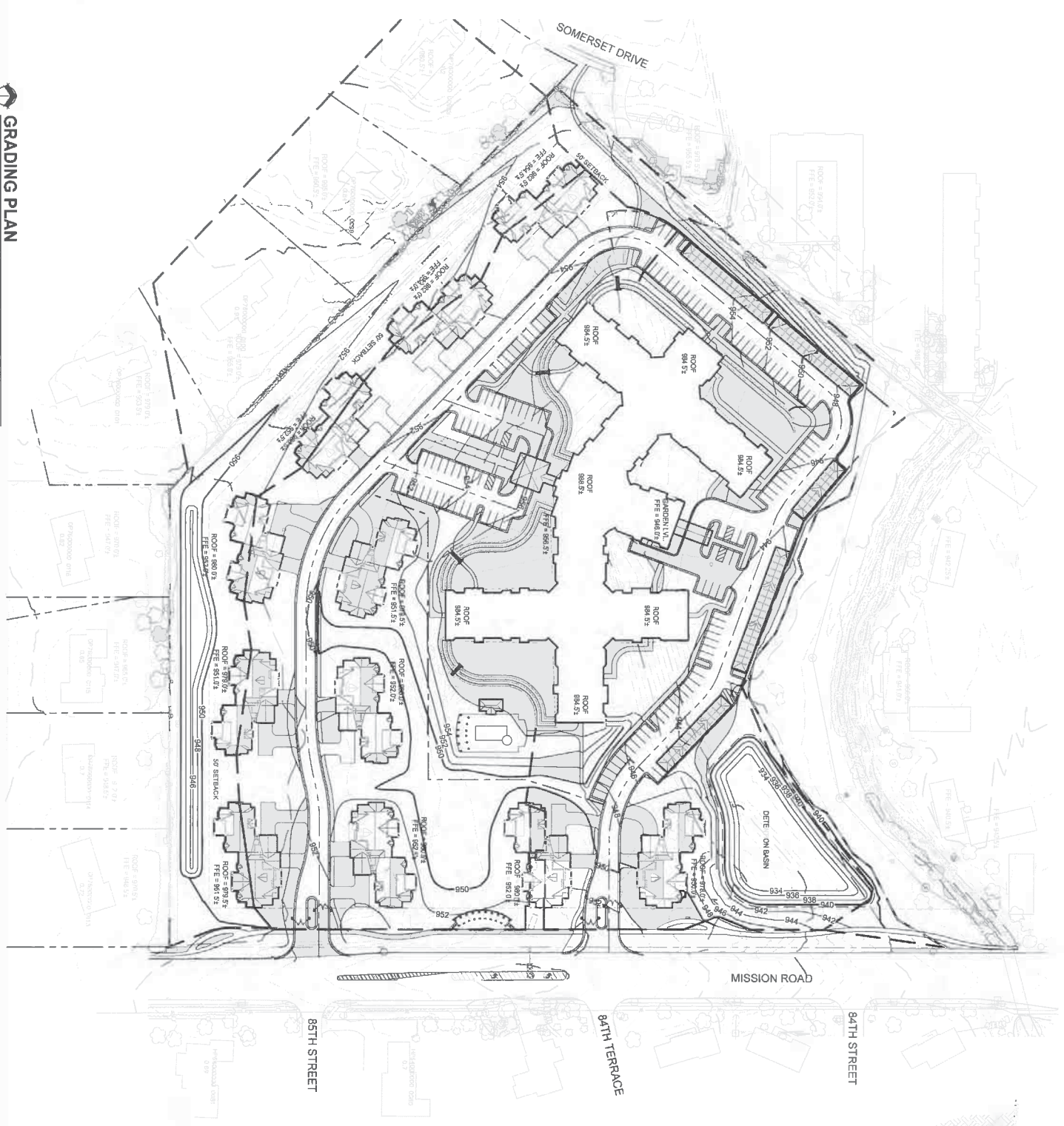


PRELIMINARY PLAN LIST:

Item No.	Item Name	Quantity	Unit
1	Shade Trees	100	EA
2	Small Trees	200	EA
3	Medium Trees	150	EA
4	Large Trees	50	EA
5	Shrubbery	500	EA
6	Planters	100	EA
7	Planting Soil	1000	CU YD
8	Planting Fertilizer	100	CU YD
9	Planting Water	1000	CU YD
10	Planting Labor	1000	HR
11	Planting Equipment	100	HR
12	Planting Materials	100	EA
13	Planting Supplies	100	EA
14	Planting Tools	100	EA
15	Planting Labor	1000	HR
16	Planting Equipment	100	HR
17	Planting Materials	100	EA
18	Planting Supplies	100	EA
19	Planting Tools	100	EA
20	Planting Labor	1000	HR
21	Planting Equipment	100	HR
22	Planting Materials	100	EA
23	Planting Supplies	100	EA
24	Planting Tools	100	EA
25	Planting Labor	1000	HR
26	Planting Equipment	100	HR
27	Planting Materials	100	EA
28	Planting Supplies	100	EA
29	Planting Tools	100	EA
30	Planting Labor	1000	HR
31	Planting Equipment	100	HR
32	Planting Materials	100	EA
33	Planting Supplies	100	EA
34	Planting Tools	100	EA
35	Planting Labor	1000	HR
36	Planting Equipment	100	HR
37	Planting Materials	100	EA
38	Planting Supplies	100	EA
39	Planting Tools	100	EA
40	Planting Labor	1000	HR
41	Planting Equipment	100	HR
42	Planting Materials	100	EA
43	Planting Supplies	100	EA
44	Planting Tools	100	EA
45	Planting Labor	1000	HR
46	Planting Equipment	100	HR
47	Planting Materials	100	EA
48	Planting Supplies	100	EA
49	Planting Tools	100	EA
50	Planting Labor	1000	HR
51	Planting Equipment	100	HR
52	Planting Materials	100	EA
53	Planting Supplies	100	EA
54	Planting Tools	100	EA
55	Planting Labor	1000	HR
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60	Planting Labor	1000	HR
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70	Planting Labor	1000	HR
71	Planting Equipment	100	HR
72	Planting Materials	100	EA
73	Planting Supplies	100	EA
74	Planting Tools	100	EA
75	Planting Labor	1000	HR
76	Planting Equipment	100	HR
77	Planting Materials	100	EA
78	Planting Supplies	100	EA
79	Planting Tools	100	EA
80	Planting Labor	1000	HR
81	Planting Equipment	100	HR
82	Planting Materials	100	EA
83	Planting Supplies	100	EA
84	Planting Tools	100	EA
85	Planting Labor	1000	HR
86	Planting Equipment	100	HR
87	Planting Materials	100	EA
88	Planting Supplies	100	EA
89	Planting Tools	100	EA
90	Planting Labor	1000	HR
91	Planting Equipment	100	HR
92	Planting Materials	100	EA
93	Planting Supplies	100	EA
94	Planting Tools	100	EA
95	Planting Labor	1000	HR
96	Planting Equipment	100	HR
97	Planting Materials	100	EA
98	Planting Supplies	100	EA
99	Planting Tools	100	EA
100	Planting Labor	1000	HR



PARKING CODE ANALYSIS	
INDEPENDENT LIVING	3 SPACES / 4 UNITS = 126 SPACES
ASSISTED LIVING	1 SPACES / 4 UNITS = 42 SPACES
ELDER CARES	42 SPACES
TOTAL REQUIRED	210 SPACES
PROVIDED PARKING	214 SPACES
NOTE: ALL VILLA UNITS CONTAIN A 2-CAR GARAGE MEETING THE FRAMING VILLAGE PARKING REQUIREMENTS	



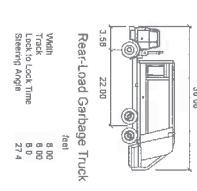
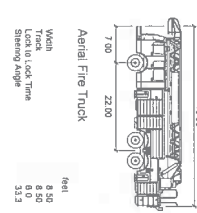
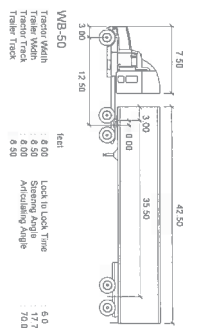
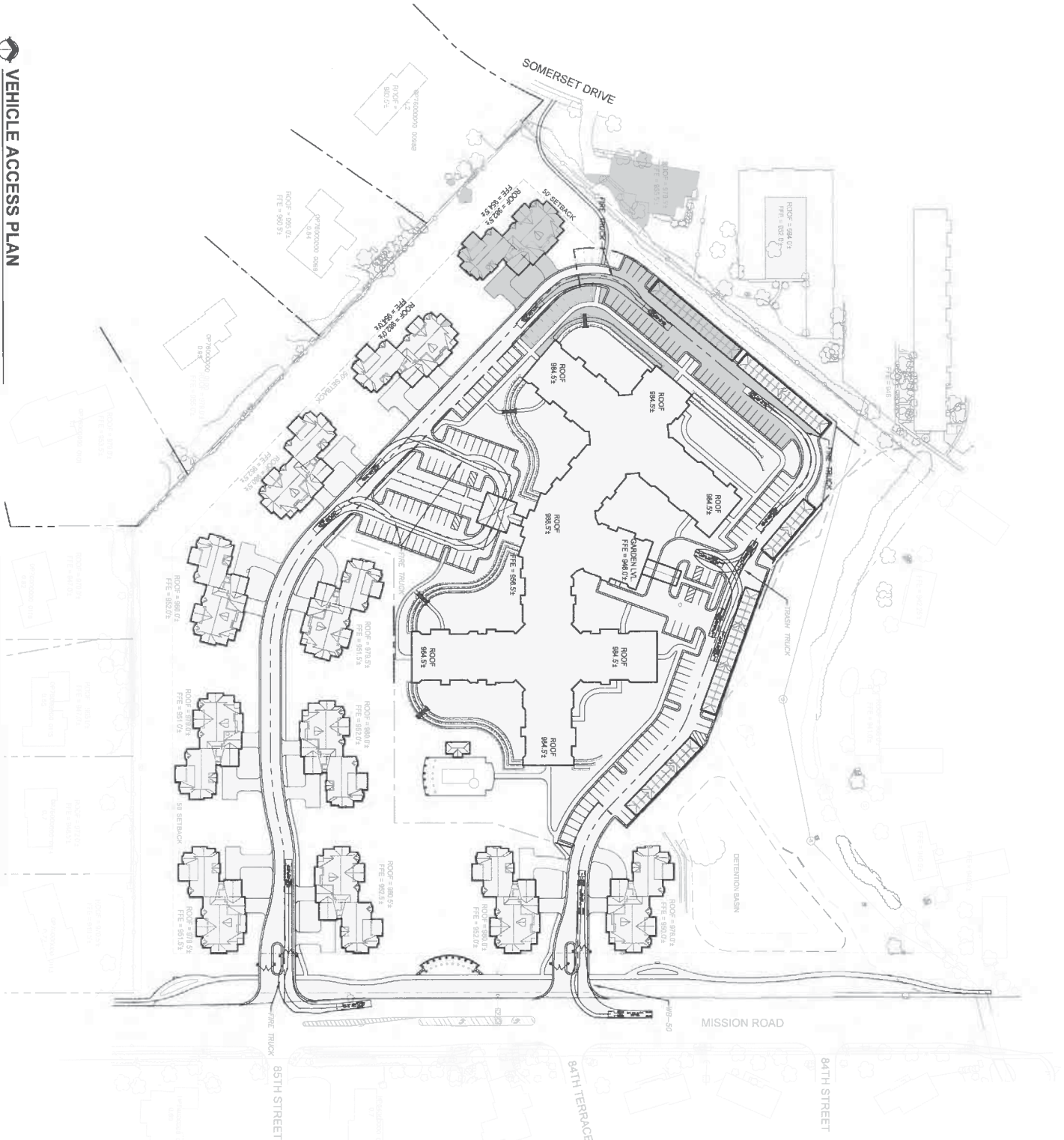


LEGEND

	PROPOSED WATER MAIN
	PROPOSED SANITARY MAIN
	PROPOSED STORM SEWER
	PROPOSED BMP RUN CURB

VEHICLE ACCESS PLAN

1" = 80' 0"



MAYOR'S ANNOUNCEMENTS

August 17, 2015

Committee meetings scheduled for the next two weeks:

Environment/Recycle Committee	07/22/2015	5:30 p.m.
JazzFest Committee	08/27/2015	5:30 p.m.
Planning Commission	09/01/2015	7:00 p.m.
Tree Board	09/02/2015	6:00 p.m.
Council Committee of the Whole	09/08/2015	6:00 p.m.
City Council	09/08/2015	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to present an exhibit by Wayne Wilkes in the R. G. Endres Gallery during the month of August.

Prairie Village Pool is on reduced weekday hours opening at 4:30 p.m. Weekend hours will remain as set. The pool will close at 6:00 p.m. on Monday, September 7th.

The NEJC Chamber Luncheon on Thursday, August 20th from 11:30 a.m. to 1:00 p.m. will feature Dr. Jim Hinson, SMSD Superintendent. The Lunch will be provided by the Broadmoor Bistro students at 6701 West 83rd Street.

City offices will be closed on Monday, September 7th in observance of the Labor Day holiday. Deffenbaugh also observes this holiday, so trash and recycling services will be delayed one day for the week.

The 6th Annual Prairie Village Jazz Festival will be held on Saturday, September 12th opening at 2:30 p.m. with the Shawnee Mission East Blue Knights and concluding at 10:30 p.m. with the McFadden Brothers with the Kansas City Jazz Orchestra.

The 2015 Citizens Police Academy will begin September 16. Classes are held on Wednesday evenings from 6:30 to 9:30 p.m. for 11 weeks. Contact Chief Schwartzkopf or Captain Roberson if interested.

AED/CPR training will take place on August 25 at 8:30 a.m. Contact Sgt. Wakefield if interested.

The City has a table at the Shawnee Mission Education Foundation breakfast on Thursday, Sept. 10 at 7:30 a.m. at the Overland Park Convention Center. Please let Meghan Buum know by Friday, September 4 if you would like to attend.

INFORMATIONAL ITEMS
August 17, 2015

1. Council Committee of the Whole Minutes - August 3, 2015
2. Planning Commission Agenda - September 1, 2015
3. Planning Commission Minutes - July 7, 2015
4. Planning Commission Minutes - July 29, 2015
5. Board of Zoning Appeals Minutes - July 7, 2015
6. Sister City Committee Minutes - May 11, 2015 and June 8, 2015
7. JazzFest Committee Minutes - July 15, 2015
8. Mark Your Calendar

COUNCIL COMMITTEE OF THE WHOLE
August 3, 2015

The Council Committee of the Whole met on Monday, August 3, 2015 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Brooke Morehead with the following members present: Mayor Laura Wassmer, Jori Nelson, Ruth Hopkins, Steve Noll, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff Members present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator, Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present were Gary Andersen with City Bond Counsel with Gilmore & Bell and Jeff White, City Financial Consultant with Columbia Capital.

COU2015-30 Consider approval of a resolution setting the date for a public hearing for the creation of a redevelopment district (TIF district) for the Meadowbrook project

Gary Anderson, City's Bond Counsel with Gilmore & Bell, noted that also in attendance was Jeff White with Columbia Capital Management.

The City of Prairie Village, Johnson County, Johnson County Park & Recreation District (JCPRD), JoCo Wastewater and VanTrust Real Estate LLC, have been working together to redevelop the former Meadowbrook Country Club. As currently proposed, the Meadowbrook redevelopment project would establish a nearly 90 acre public park and a mixed-use development to include a senior living project, luxury apartments, townhomes, single-family residential homes, and a boutique hotel.

The Meadowbrook redevelopment project anticipates the creation of a TIF district to fund the park acquisition, park improvements and other public infrastructure items. Kansas state statutes outline the authority and process of creating and administering a TIF district. A TIF district is an economic development tool for financing certain eligible redevelopment costs from future revenues as a result of increased property taxes and other local taxes (sales taxes, transient guest taxes) within a defined geographic area. A TIF establishes a base level at the current property tax assessed valuation and any increase or increment in the property tax assessed valuation within the defined geographic area is then captured over a defined period and used to pay for eligible redevelopment costs within the TIF district/development area. The process for establishing and administering a TIF is detailed in Kansas State Statutes (KSA 12-1770 et seq.). Cities have the authority to create TIF districts after their governing bodies hold a public hearing and find the area to be eligible.

A TIF district must meet at least one of the eligible area definitions outlined in the TIF Act as determined by the Governing Body. An eligible area can be a "blighted area,

conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area or bioscience development area.” The proposed TIF district will designate the Meadowbrook and adjoining commercial area on the South as a conservation area per K.S.A 12-1770a(d).

To assist the City Council in their determination, Confluence, the planning consultant retained for this project, completed a conservation district eligibility study which summarizes the age and status of the property within the proposed TIF district. The proposed TIF district area includes the former Meadowbrook Country Club and the commercial properties within the Meadowbrook Shopping Village at 95th Street and Nall Ave.

Currently, the plans for the Meadowbrook project include TIF financing for 20 years or less. All property taxes which the owner is currently required to pay will continue. Once improvements are made to the property the increment or increase in the property tax revenue is captured to pay for eligible redevelopment costs which for the proposed project include parkland acquisition, public streets, sewer, public infrastructure, street lighting, lakes, community center, trails, etc. The project elements financed by TIF funds will be detailed in the development agreement by and between the City and VanTrust and through other related agreements. The amount of TIF financing is currently estimated between \$15M to \$18M.

As part of the establishment of a TIF district, notifications are sent to other governmental entities and all property owners and tenants within the proposed district. The Johnson County Board of Commissioners and the Shawnee Mission School District Board of Education each have 30 days following the conclusion of the public hearing related to the creation of the TIF district to consider comment on and, if they desire, disapprove the redevelopment district.

Gary Anderson stressed that creating the TIF district is the first step in the TIF process. Creating the TIF district alone does not bind the City to approve the project, provide any funding, issue any bonds or approve any TIF project plans within the TIF district. He noted the proposed TIF District includes two project areas. The first area is the Park and Village Project Area which encompasses the park land and the proposed redevelopment project. The second area is the Commercial Project Area covering the retail area to the south of the Project and north of 95th Street.

The second step in the process is consideration of the proposed project plan by the Planning Commission to determine that it is consistent with the City’s Comprehensive Plan. Then the Governing Body will adopt a resolution for a public hearing to be held on the Park and Village Project Area Plans. There will be several opportunities for public input throughout the process.

Sheila Myers asked what would happen if the commercial property was not included in the TIF District. Gary Anderson responded that the commercial area could be removed from the District. He noted the downside would be that if future redevelopment was proposed and TIF funding was sought the city would lose the benefit of the assessed

value increase caused by the Meadowbrook Redevelopment. The establishment of a TIF District freezes the assessed property values of the property at the time of its approval. Both areas would qualify for TIF Funding as a conservation area independently of the other. He presented a scenario showing the value to the city including both areas in the proposed TIF District.

Sheila Myers confirmed that the inclusion of this area in the TIF would not prevent the owners of the commercial property from potential increased value for their properties or making improvements to their property.

Ted Odell made the following motion, which was seconded by Steve Noll and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE A RESOLUTION
SETTING THAT DATE FOR A PUBLIC HEARING FOR THE
CREATION OF A REDEVELOPMENT DISTRICT (TIF DISTRICT)
FOR THE MEADOWBROOK PROJECT.**

**COUNCIL ACTION TAKEN
08/03/2015**

Discussion and walk through City Hall/Police Department Entrances, Patio area and ADA infrastructure

Keith Bredehoeft noted that at the previous committee of the whole meeting there was discussion on the funding of possible improvements to the City Hall and Police Department entrances, patio area and ADA infrastructure for the municipal campus. At that meeting staff was unable because of weather to show the Council the condition of the entrances and location of the ADA access.

In 2009 a consultant selection process was started for the City Hall and PD entrance project. Interviews were conducted and Hollis and Miller Architects were selected for the project. No contract was executed and no work was completed because this project was removed from the CIP as part of the overall budget reduction strategy for 2010. This project was discussed in 2014 during the 2015 CIP budget discussions and was approved as part of the 2015 CIP. It included design funding in 2015 and construction funds in 2016. The project was proposed based on the condition of the facilities and as an opportunity to better address ADA accessibility.

Mr. Bredehoeft led the Council members on a tour of the facilities. After the tour, Mr. Bredehoeft noted that he is currently putting together a contract for Hollis & Miller to develop ideas and solutions to address the city's needs for this area. He noted the contract would come before the Council for approval.

Andrew Wang asked if the city should provide for the consultant a list of priorities for consideration in putting together possible plans/concepts. Mr. Bredehoeft replied he planned to identify such items in the scope of services.

Steve Noll recommended that a water feature not be included in the proposed plans. Ted Odell agreed with Mr. Noll. He noted the front wall definitely needs to be repaired.

Terrence Gallagher felt the city have a program before it is turned over to Hollis & Miller based on budget and needs. He noted it also keeps costs down when clear guidelines are provided.

Keith Bredehoeft replied that the city could look at both the maintenance and reconstruction levels. He wants to get a scope of what he feels is appropriate and the related costs.

Quinn Bennion suggested that perhaps the first step would be to get a preliminary concept agreement targeting conceptual ideas before getting into a full contract.

Mayor Wassmer stated her first priority based on the tour was the removal of the ADA accessibility to the Police Facility from the back of the building to the front of the building.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf noted the first half crime report was distributed in the Information Items reflecting an increase in crime over the past five year average. The largest increase is in fraud with auto thefts increasing also.
- The Department is looking at offering AED and CPR training on August 18th or August 25th to interested Council members and staff. It is a four hour training session. It can be done in the evening or afternoon; however for police staffing it would be better in the evening. The class can accommodate a maximum of 10-12.
- Chief announced the recent “Coffee with a Cop” was very successful and recognized Sgt. Kuder for his efforts in putting together the event. The event was well attended and received very positive feedback. He thanked Kaldi’s Coffee (formerly Latte Land) for their assistance and participation. The next event will be held at Starbucks in the Village.

Terrence Gallagher stated he attended briefly and noted the officers present did a very good job representing themselves and the community.

Public Works

- Keith Bredehoeft noted park improvements to Bennett Park are underway and when completed the contractor will move to Taliaferro Park.
- The whole in the police department parking lot is related to the issues with the Harmon Park bathroom problems that are being addressed.
- The contractor is continuing work on the south side of 75th Street.
- There will be another work group meeting on the Mission Road project

Terrence Gallagher asked what the status was on the fire pit. Keith reported that he has been in contact with the neighbors and landscaping work has been done. The ADA ramp will be constructed by the city contractor.

- Keith Bredehoeft provided an update on the left turn signal for 83rd and Somerset noting that the striping for the turn lanes will be scheduled soon

Administration

- Quinn Bennion noted the TIF resolution would be published and sent to neighboring property owners. An informational meeting would be held for those within the TIF District. The city is working to have more transparency on this project by involving the web project page.
- There will be a Solid Waste Management meeting at the County on Tuesday.

Mayor's Report

Mayor Wassmer reported on her recent activities attended on behalf of the City including recent meetings with the committee working on the development agreement for the Meadowbrook project. She also met recently with representatives of Ward 1, Quinn Bennion, Wes Jordan and planning staff representatives from Gould Evans and Confluence to discuss the proposed overlay district for Prairie Village Homes Association and other similar actions taken by other cities such as Fairway to address density and redevelopment. This is preliminary investigation of possible conceptual means to address these issues through our existing process based on what has been successful in other cities. Mayor Wassmer stated she hopes to have more information to share with the Council in September.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President Brooke Morehead adjourned the meeting at 6:55 p.m.

Brooke Morehead
Council President

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, SEPTEMBER 1, 2015
7700 MISSION ROAD
7:00 P.M.**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF PC MINUTES - AUGUST 4, 2015**
- IV. **PUBLIC HEARINGS**
None
- V. **NON-PUBLIC HEARINGS**
 - PC2015-114 Request for Site Plan Approval - Wireless Antenna
7700 Mission Road
Current Zoning: R-1a
Applicant: Selective Site Consultants for Verizon
 - PC2015-115 Request for Site Plan Approval
7501 Mission Road
Current Zoning: C-0
Applicant: Chris Hafner, Davidson Architecture
- VI. **OTHER BUSINESS**
 - Reconsideration of
PC2015-06 Request for Rezoning from C-O (Office Building District) & R-1b
(Single Family Residential) to CP-1 (Planned Restricted Business District) and
Development Plan
7930 State Line Road
Applicant: Mitch DiCarlo with Block & Company
 - PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window
7930 State Line Road
Current Zoning: C-0 & R-1b
Applicant: Mitch DiCarlo with Block & Company
- VII. **ADJOURNMENT**

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

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

PLANNING COMMISSION MINUTES
July 7, 2015

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 7, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:15 with the following members present: Randy Kronblad, Gregory Wolf, James Breneman, Nancy Wallerstein, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director; Sgt. James Carney and Joyce Hagen Mundy, Commission Secretary.

Chairman Nancy Wallerstein announced a change in the agenda noting that the Commission would first consider the applications related to Mission Chateau.

**PC2015-08 Request for Special Use Permit for Adult Senior Dwelling &
 Site Plan Approval
 8500 Mission Road**

**PC2015-110 Request for Preliminary Plat Approval - Mission Chateau
 8500 Mission Road**

Michael Flanagan, legal counsel for MVS, LLC., addressed the Commission requesting that these two items be continued. Mr. Flanagan explained that they learned today of a problem with the mailing that was sent out for this meeting. Due to change in the mailing rate resulting in an error in postage, several of the intended recipients did not receive the notice.

However, the applicant would like to keep progress moving on this project and to continue to application to the next regularly scheduled meeting on August 4th would result in the application not being heard by the Governing Body until September 21st. Mr. Flanagan respectfully requested the Planning Commission consider holding a special meeting for the purpose of hearing this application on Wednesday, July 29th or Thursday, July 30th. This would give sufficient time for proper notice to be resent and for the application to be considered by the Governing Body on September 8th. It was noted that Brian Doerr, representing the Mission Valley Neighborhood Association, is supportive of the requested special meeting.

Gregory Wolf moved the Planning Commission continue applications PC2015-08 requesting a Special Use Permit for an Adult Senior Dwelling & Site Plan and PC2015-110 for Preliminary Plat Approval to a special Planning Commission meeting on

Wednesday, July 29th at 7 p.m. The motion was seconded by Randy Kronblad and passed unanimously.

APPROVAL OF MINUTES

Randy Kronblad noted the omission of the word “have” in the second to the last sentence on page 3. Gregory Wolf moved for the approval of the minutes of the Planning Commission for June 6, 2015 with the correction noted. The motion was seconded by Randy Kronblad and passed by a vote of 4 to 0 with James Breneman moved the approval of the minutes of the Planning Commission for May 5, 2015 as submitted. The motion was seconded by Greg Wolf and passed by a vote of 6 to 0 with Jonathan Birkel abstaining.

PUBLIC HEARINGS

**PC2015-06 Request for Rezoning from C-0 & R-1b to CP-1 (Planned Restricted Business District and approval of Development Plan
7930 State Line Road**

**PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window
7930 State Line Road**

Chairman Wallerstein opened the public hearing and asked the applicants to present their proposal. Mitch DiCarlo, 11210 Madison Avenue, the Development Coordinator for Block and Co. introduced Danny Potts, Klover Architects; Ryan Elam, Project Manager with BHC Rhodes and Mo Yaganeh, President Operating Partner with KC Slim LLC were present to address any questions.

Danny Potts, 10955 Lowell #700, Overland Park, KS gave a PowerPoint presentation reviewing the application. The location is currently zoned R-1B Single-Family Residential and C-0 Office Building. They are seeking rezoning to CP-1 Planned Restricted Business District. This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a fast food restaurant called Slim Chickens.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces. Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

Mr. Potts noted this building is significantly smaller with a patio and additional grass to be added. The building is designed to maintain traffic flow on the site rather than State Line Road. The site has a 19% reduction in impervious surface. The dumpster has been relocated to the southwest as far to the south as possible. The proposed landscaping includes an 8 foot wood privacy fence and additional landscaped buffer to limit noise and light. Mr. Breneman noted the plans still show a six foot fence. Mr. Potts confirmed it will be an eight foot fence.

Gregory Wolf asked if there were any conditions recommended by staff that they were not in agreement with. Mr. Potts responded #13 requiring the removal of the second menu board to reduce noise from the operation. He stated the second board does not add additional noise as only one menu board is active at a time. One employee answers both boards. The second board reduces the wait time for customers and allows for orders to be processed more quickly. It also functions to get more traffic maintained on site and reduces the amount of time in line, thus reducing the noise from waiting vehicles.

Mr. Breneman confirmed that they would stipulate in their operations protocol that only one board will be operated at a time. Mr. Lenahan was skeptical of the acoustical value of the fence and asked if they would be willing to consider adding a masonry wall backing up the menu board to reduce that sound. Mr. Potts responded that the additional landscaping added will buffer the sound before it gets to the fence.

Mo Yaganeh stated the second menu board expedites the same level of traffic through the drive through and serves as a needed enhancement. Slim Chickens is not a typical fast food that can be processed very quickly and the second menu board allows for faster processing of orders.

Wes Jordan stated staff recommendation against the second menu board is that it would encourage greater use of the drive through by offering shorter lines. Mo Yaganeh stated the additional lane does not increase the traffic volume. A single lane has a longer backup of cars waiting to order and slows down the processing of orders.

Nancy Wallerstein expressed concern with the flow of traffic and cars crossing in front of one another when leaving. Mr. Elam stated the vehicles would merge going into the pickup area with only one car leaving at a time from there. There should be ample distance for the vehicles to merge going to pick up

Jeff Valentino noted the menu boards are located further back, vehicles at the pick-up window would be more of a noise issue. Mr. Valentino noted the revised landscape plan provides better screening. Nancy Wallerstein noted there was nothing indicated in a large triangular space. Mr. Elam noted that area would simply contain grass. Mr. Valentino asked what time deliveries would be made. Mr. Jordan replied city code prohibits deliveries prior to 7 a.m.

Mitch DiCarlo noted several issues have been raised by the neighbors regarding the Panda Express operations. He stated Block & Company does not own that property, but

he has reached out to them with the concerns expressed. Wes Jordan stated a fence permit for an 8 foot fence has been applied for by Panda Express. Mr. DiCarlo reviewed Block & Company's investment along State Line Road with several other properties.

Jim Breneman asked about the parking requirements. Mitch DiCarlo noted they are driven by the city's code. Mr. Breneman asked if they would have as much parking as shown if not required by the city. Mo Yaganeh replied they would probably not.

Chairman Nancy Wallerstein opened the public hearing for comment, noting that comments were heard at the June meeting and asking residents to keep their comments brief and not repeat what had been stated previously.

David Woolridge, 2115 Somerset, expressed concern with the drainage indicating the reduction in impervious surface was not sufficient. He felt there would be flooding issues. He is concerned with the hours of operation and feels that there are already too many fast food businesses in the area. He is opposed to the double drive thru, lighting pollution and having a business operating 85 feet from his property seven days a week.

Jim Lichty, 4064 West 69th Street, stated this use will generate more traffic than the existing office building. He feels the traffic study should have been conducted by an independent firm and noted the data used for the study was from 2011, not 2015. There is a concentration of too many businesses in this area. He feels Prairie Village deserves better than what is proposed.

Carly Bailey, 2021 Somerset Drive, stated the opposition to this project by the neighbors on Somerset has not diminished. Concerns remain regarding security, noise pollution, light pollution, traffic, water runoff and employees hanging out around the property. She felt the addition of yet another fast food business would further negatively impact their property values. Ms Bailey does not feel that Johnson County residents will support a "Slim Chickens" and that the building will become vacant. She requested the rezoning be denied.

Chairman Nancy Wallerstein closed public participation at 8:22 p.m.

Gregory Wolf asked how strong staff felt regarding the second menu board. Mr. Williamson stated the concern was with the noise. He noted it does keep the traffic away from the back of the property.

Keith Bredehoeft stated based on the storm drainage study the plan submitted will provide better storm drainage than currently exists. Randy Kronblad confirmed that no drainage retention is required on the property. A more detailed site drainage review will occur during the permitting process.

The Traffic Study concludes the proposed use will result in average daily traffic that is greater than the existing office use, but it will decrease during the PM peak hour when traffic on State Line Road is the highest. Also, it is estimated that approximately 50% of

the traffic generated by Slim Chickens are passerby trips, which is an intermediate stop made by a vehicle travelling to another location, not new traffic.

Sgt. James Carney stated the Police Department looked at traffic/accident records for the past three years at this location and noted there had been none on the Prairie Village side. The four lane State Line Road is sufficient to handle any increased traffic.

Nancy Wallerstein asked what the hours of operation would be. Mo Yaganeh stated that normal operating hours are 10:30 a.m. to 10:00 p.m. Wes Jordan added the city code addresses noise and encouraged the residents to call in any complaints or concerns with security to the police department. Mrs. Wallerstein asked that the hours be stipulated as a condition of approval.

Ron Williamson stated the applicant will be required to submit an outdoor lighting plan at the time of application for a building permit. At that time all exterior lighting fixtures on the building and in the parking lot will be known and an accurate photometric drawing can be prepared. The ordinance requires 0.0 foot candles at the property line when adjacent to residences.

Mr. Williamson noted the revised Site Plan shows an 8-foot fence along the north, west, and a portion of the south property lines. This should screen parked vehicles and lights from cars for the residents located on the north side of the property. The landscape plan has also been revised to provide better screening for the neighbors.

The smell of cooking food will need to be addressed by installing filters in the venting system. Mr. Valentino asked how the city could better address that this occurs. A stipulation will be added to condition #14 requiring the applicant to submit information on the filters with the Building Permit process.

The trash bins have been moved to the south side of the lot which should help reduce noise for the neighbors to the north. It would be more desirable to move the trash bins further east along the south property line, but trash trucks would have a difficult time backing into the space to pick-up and unload the trash bins.

Jonathan Birkel expressed concern with the heavy concentration of commercial establishments along State Line Road and the negative impact on the residential property owners and neighborhoods on Somerset that back up to State Line.

Jeff Valentino confirmed there would be no breakfast operation - only lunch and dinner.

Randy Kronblad stated he would like to see a use with less impact on the adjacent residential properties and shared Mr. Birkel's concerns.

Gregory Wolf stated a restaurant is consistent with the zoning and uses along State Line Road. Patrick Lenahan noted the odd size and shape of this property restricts its possible uses with a restaurant being the probable use, although it could be done without a drive-thru window.

The Planning Commission made the following review of the “Golden Factors”:

1. The character of the neighborhood;

The general character of this area is business on both sides of State Line Road. Culvers, Wendy’s, CVS Pharmacy and McDonald’s are located on the east side of State Line Road and all four have drive-thru windows. There are residential uses to the northwest of this property which have their rear yards adjacent to this site. To the south are offices. The immediate area to the north is developed with restaurants and retail uses.

2. The zoning and uses of property nearby;

North: CP-1 Planned Restricted Business - Panda Express and R-1B Single-Family Residential - Single-Family Dwellings

East: Commercial (KCMO) - CVS and Wendy’s

South: R-1 Single-Family Residential - Single-Family Dwellings and SD-0 Business Office District - Financial Institution

West: R-1B Single-Family Residential - Single-Family Dwellings

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

The existing building is currently being used for office space. The office market in Prairie Village is weak for this type of space. This building is older, having been built in 1968, and its appearance is not such that it would command the interest of a lot of potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial use has a strong potential. In order to redevelop the site, the new use needs to generate higher revenue to offset the redevelopment costs.

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

The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a fast food restaurant generates more traffic than an office, but State Line Road can accommodate it. The residential use to the northwest and southwest would be most affected by the restaurant because of noise and lights. Fencing and landscaping will be required to screen the use from the residential properties which should mitigate negative effects. The restaurant will be required to follow the outdoor lighting regulations which will minimize the impact on outside lighting.

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

The building has been continually occupied by office uses since it was built and has not been totally vacant for any length of time. As pointed out earlier the market for office space of this type is weak in the City of Prairie Village.

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

The redevelopment of this site will permit the removal of one structure that is not at the quality that is desired by the market and will allow the redevelopment for a use that will be of higher value and be a greater generator of revenue to the City. The redevelopment of the site should provide a structure that is better designed and more attractive which would be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

7. City staff recommendations;

It is the opinion of Staff that this is a logical request for CP-1 Planned Restricted Business District Zoning because this is a mixed office retail area; the property needs renovation; it is located on a very highly traveled arterial street; and it will be an extension of the commercial property to the north. There are nine residential lots that abut the property and those can be protected through landscaping and proper screening controls. There are very limited areas in Prairie Village where a fast food restaurant would be appropriate and this location works for that use.

8. Conformance with the Comprehensive Plan.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

9. Approval of the Preliminary Development Plan.

Prior to recommending approval of a planned zoning district, the Planning Commission must also recommend approval of a Preliminary Development Plan. The criteria for evaluating the Preliminary Development Plan will be the same criteria as is used in site plan approval which is as follows:

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

The site is an irregular shape which contains approximately 1.37 acres and it has been laid out to accommodate 4,235 sq. ft. of restaurant area with 49 parking spaces. The proposed plan shows 94 indoor seats and 28 outdoor seats for a total of 122 dining and patio seats which require 49 off-street parking spaces so the project is meeting the minimum requirements. Less of the site will be covered with impervious surface than it is now which will reduce stormwater runoff and create more green space. The far west corner of the site will be heavily landscaped which will improve the appearance for adjacent residents.

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

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the utilities that are available should be adequate to handle the project.

c. The plan provides for adequate management for stormwater runoff.

The area of the site is 59,663 sq. ft. and currently 50,027 sq. ft. is covered with impervious material which includes a building and pavement. The proposed project will have 36,805 sq. ft. of impervious area. This is a reduction of 13,222 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. The stormwater will be reviewed by Public Works as a part of the building permit process.

d. The plan provides for safe easy ingress/egress and internal traffic circulation.

Ingress and egress will be provided from two locations off State Line Road. The north driveway will provide for a one-lane entrance. The south drive will provide two lanes for exit only. The placement of the drive-thru window allows an ample number of stacking spaces so that it should not be a traffic problem on State Line. The volume of traffic generated by the restaurant is not significant enough to affect State Line Road.

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

The site plan appears to be well laid out considering its limited size. The plan has added additional landscape area and fencing over what exists, which will certainly be a benefit for both the residential neighbors and the environment. More open area allows for more landscaping which should provide more screening for adjacent residents as well as reduce stormwater runoff.

When the Planning Commission has considered other redevelopment projects, one of the issues that have been identified is providing pedestrian access. The applicant has provided a sidewalk adjacent to State Line Road which should connect to the property to the north. The sidewalks in this area do not really connect very well to the neighborhood but it is hoped that sidewalks will be installed as redevelopment occurs and the area will have a complete network of sidewalks that will be beneficial to the community as a whole at some time in the future.

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

The proposed use is a fast food restaurant which has the distinct architectural style of the Slim Chicken brand. The design is not compatible with typical Prairie Village architecture and probably would not fit well in other locations in the City. This location is on State Line Road where there is a McDonald's, Wendy's and Culvers Restaurant across the street and a Panda Express to the north. By those standards the architecture is compatible with the surrounding neighborhood. The proposed building is 24.5 feet in height compared to the Panda Express building adjacent to the north that is 23 feet in height. The building is within scale of others in the area.

The applicant has not submitted a monument sign or menu board design for approval by the Planning Commission. The monument sign height cannot exceed 5 feet including the base; the sign face cannot exceed 20 sq. ft. and the sign must be placed at least 12 feet back of curb on private property. A sign package will need to be submitted at a later date for Planning Commission review and approval.

g. The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

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

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

The ordinance requires 8 feet of landscape area between paved areas and the property line. The proposed plan shows approximately 6 feet of landscape area along the south property and 5 feet of landscape area along the north property line for approximately 210 feet. The setback adjacent to the residential area is much greater than the minimum 8 feet.

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

The proposed deviation is on the east portion of the site that is between a fast food restaurant and an office use. Significant green space has been provided on the western portion of the site adjacent to the residential properties. In addition to the landscaping, a eight-foot privacy fence will also be constructed adjacent to the residential properties.

It is the opinion of Staff that the deviation of the landscape area will not adversely affect the neighborhood and will be more than compensated for on the western portion of the site.

Gregory Wolf moved the Planning Commission find favorably on the Golden Factors and recommend the Governing Body approve the request for rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 subject to the conditions listed below:

1. That the Preliminary Development Plan if approved by the Planning Commission is dated 07/01/2015 and includes sheets C1, C2, D1, L1, L2, DRB1.0, DRB2.0, and DRB3.0.
2. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.

3. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
 4. That any HVAC units installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
 5. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction.
 6. That the sidewalk adjacent to State Line Road be five feet in width and aligned to connect to the existing sidewalk on the commercial property to the north.
 7. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission with the Final Development Plan.
 8. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-thru window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
 9. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
 10. That the applicant plat the property prior to obtaining a building permit.
 11. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
 12. That the applicant work with the Public Works Department for final approval of the stormwater drainage.
 13. That the applicant install filters in the venting system to control odors from cooking and provide information on the filters during the building permitting process.
 14. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
 15. That the hours of operation are 10:30 a.m. to 10:00 p.m.
- The motion was seconded by Jim Breneman and passed by a vote of 5 to 2 with Randy Kronblad and Jonathan Birkel voting in opposition.

PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window

Chairman Nancy Wallerstein led the Planning Commission made the following review of the factors for consideration of Conditional Use Permits:

1. **The proposed conditional use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations, and use limitations.**
The proposed drive-thru window meets all the yard regulations of the ordinance.

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

The properties to the north, south and east are developed for business and this proposed use will not adversely affect them. The properties that may be adversely affected are the residences on the northwest side of the site. Traffic entering the site might cause problems with headlights; however, the adjacent properties will be screened with a solid or semi-solid fence and landscaping that will help mitigate this problem. It is also possible that noise from the ordering box could affect the neighbors but it has been placed on the south side of the building, away from the residences.

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

The business properties on State Line Road will not be adversely affected. Some injury to the value of the adjacent residential properties might occur but fencing and landscaping should improve the appearance from what is there now.

- 4. The location and size of the conditional 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 conditional 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 conditional 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 b) the nature and extent of landscaping and screening on the site.**

The proposed building is small; approximately one-third of the size of the existing building so it will not dominate the area by size. The neighborhood is completely developed so it will not hinder development in the area. The building will be approximately 24.5 feet in height. Less land will be devoted to hard surface, buildings and parking, which will open more area for green space. The residential neighbors will also be screened with a solid/semi-solid fence.

- 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 is providing the required off-street parking and adequate vehicle stacking for the drive-thru window. The residential areas will be screened from the parking area.

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

Since this is a redevelopment project, utilities are already available at the site. Drainage will be addressed in the final plans, but less area will be impervious than under the current conditions so there will be less runoff.

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.**

The property will be accessed by one entrance drive on the north and a two-lane exit drive on the south. Stacking area for a minimum of 15 cars has been provided for the drive-thru window. Adequate access is being provided and internal circulation should be adequate.

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.**

There should not be any hazardous materials or obnoxious odors associated with this project. There could, however, be some noise associated with the use, primarily cars. This will be mitigated by landscaping and fencing.

Chairman Nancy Wallerstein open the public hearing on this application:

David Woolridge, 2115 Somerset, requested proof of notification of this hearing and repeated concerns expressed at the June 2nd meeting particularly regarding increased congestion.

Board Secretary Joyce Hagen Mundy presented the documentation received from the applicant on the notification of residents certifying that a notice was mailed to his wife on May 13, 2015.

Jim Breneman moved the Planning Commission find favorably on the findings of fact for the proposed Conditional Use Permit to allow a drive-thru window for Slim Chicken and approve the Conditional Use Permit subject to the following conditions:

1. That the Conditional Use Permit approval is contingent upon approval of the CP-1 Zoning and the Preliminary Development Plan. If the rezoning and Preliminary Development Plan are not approved by the Governing Body the approval of this Conditional Use Permit will be null and void.
2. That the applicant maintains the fencing and landscaping and replace any plant materials that die and fence that is damaged so that the integrity of the landscaping/screening is maintained throughout the life of the project.
3. That the Conditional Use Permit shall terminate when the site is no longer used for a fast food restaurant.

The motion was seconded by Gregory Wolf and passed by a vote of 5 to 2 with Randy Kronblad and Jonathan Birkel voting in opposition.

PC2015-111 Request for Site Plan Approval for Fence 3104 West 71st Street

James Lichty, 4064 West 79th Street, stated he is proposing to construct a series of brick columns with limestone caps that are 2-foot square, 3-foot 9-inches in height and approximately 13 feet apart. The chain-link fence will be removed and replaced with

wrought iron. The fence will be extended through the property to the west owned by Indian Hills Country Club. The west 75 feet of the original lot was sold off to the Country Club so they could have access for maintenance purposes. The entrance is used infrequently and he has obtained approval from the Country Club to relocate the gates. The new gates will be wrought iron rather than chain link. The gate to the Country Club will open towards the Club. Mr. Lichy noted that Jeff White with the Country Club was present. The proposed fence will be four feet from the property line and will be west of the new driveway.

Jim Breneman noted the gate needs to be at least 19' from the street. Mr. Williamson replied it is 17 feet to the column and 19 feet at the back of the column with the gate opening back. Mr. Lichy noted the fence follows the right-of-way until it gets to the bridge. Mr. Williamson noted another column is needed at the end of the golf course.

Randy Kronblad noted the ordinance requires 30". Mr. Williamson stated the Commission could approve a variation.

Nancy Wallerstein expressed frustration with the number of changes to what was submitted for the Commission to review.

Jeffrey Valentino asked why he was proposing the 40" fence instead of following code. Mr. Lichy replied it is necessary to coordinate with existing fencing on the Country Club property. The goal for the fence is to create a visible entrance to the golf club.

Randy Kronblad noted if using brick masonry the column would be 40" in height and two square feet with additional four or more inches for the capstone. He confirmed the wrought iron fence is 40" in height and the setback from the road is 19 feet and four feet off the property line.

The proposed brick column/boxwood fence would eliminate the chain-link fence and provide a more compatible appearance to the west end of the lot and it would in a sense reclaim the west 75 feet of the originally platted lot so that it has a more aesthetic appearance rather than a maintenance entrance. Therefore, it is the opinion of Staff that the request meets the criteria as set out in the ordinance.

Chairman Nancy Wallerstein led the Commission through the following criteria:

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

N/A

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

N/A

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

Stormwater runoff does not appear to be a problem; site grading was reviewed by Public Works during the normal permitting process.

D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.
The relocated gate will still provide approximately 19 feet from the edge of 71st Street to allow a vehicle to park there while opening the gate and the gate opens into the golf course.

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

The proposed fence will be a combination of brick columns and plants which will replace chain-link fence and certainly provide a more compatible appearance.

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

The proposed fence will be brick columns with limestone caps and wrought iron fence will be compatible with other materials used in the surrounding neighborhood. The brick will be the same brick as that used on the new residence.

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

One of the principles of the Prairie Village Comprehensive Plan is to encourage reinvestment in the community provided that it is compatible. This proposed improvement appears to be compatible in design with the neighborhood and therefore is consistent with the Comprehensive Plan.

Gregory Wolf moved the Planning Commission find the proposed fence to be compatible in design with the existing dwellings and fencing in the area, and approved the proposed fence with a maximum column height of 45", fence height of 40" with t3 feet between columns to be located four feet off the property line and 19 feet back from the street as shown on the submitted plan including property owned by the Indian Hills Country Club, provided the applicant submits written approval from the Country Club prior to obtaining a permit. The motion was seconded by Jim Breneman and passed unanimously.

**PC2015-108 Request for Site Plan Approval - Briarwood Elementary
5300 West 86th Street**

Justin Durham, with Hollis + Miller Architects, 8205 West 108th Terrace, stated the Shawnee Mission School District is proposing to tear down the existing Briarwood Elementary School and build an entirely new facility. Briarwood was originally constructed in 1966 and a gym was added at a later date. The District will be adding a Pre-Kindergarten element to the building that will consist of three classrooms of approximately 17 children. The estimated enrollment for 2016/2017 is 618 students and the full capacity of the new facility will be 669 students. The existing school is one-story and the new school will be two-stories. The site is small for an elementary school by today's standards so changing to a two-story facility will allow the site to be better used for traffic circulation.

Traffic congestion has been the biggest concern in the neighborhood in both the morning and afternoon peak periods, however, the afternoon peak period tends to be more congested because all classes let out at one time. In the morning drop-off occurs during a longer period depending upon the schedule of parents.

Mr. Durham stated a neighborhood meeting was held on June 11th, in accordance with the Planning Commission Citizen Participation Policy, and 125 people attended. The concerns expressed were drainage, traffic, site layout and building design. The current site allows for the stacking of 35 cars on site. The proposed plan with double stacked traffic accommodates 90 vehicles and two turn lanes expedite leaving to Juniper and 86th Street.

Nancy Wallerstein questioned the lack of expansion to accommodate future growth. Mr. Durham stated the design has flexible classrooms that can be restructured to accommodate growth variations in different classrooms. Their instruction from the District was to design for 550 students.

Jeffrey Valentino asked how parking for assembly type events will be handled. Mr. Durham noted the biggest concern is with the daily drop-off and pick-up. Nancy Wallerstein confirmed exiting traffic can only turn right.

Mr. Durham stated the school district has decided to initially go with single stacking.

Brian Dill, 11827 West 87th Street, representing the school district, stated that single stacking would be used on site and evaluated after school is in session. The District felt that there would be too much confusion with double stacking as well as the other changes and it would create a safety hazard.

Wes Jordan stated he thought there was agreement that double stacking would be used. He noted the significant issues that double stacking would address and reviewed past traffic problems at the school.

Nancy Wallerstein felt that parents should be instructed on Day 1 as to the new operation with double stacking as agreed upon with staff.

Ron Williamson confirmed the parking lot was being designed and built to accommodate double stacking. Mr. Dill stated the school district wants to begin with single stacking and if necessary move to double stacking in a more organized fashion later in the school year.

Sgt. Carney stated he would prefer that the plan be set and followed from the beginning. He understands the school's view; however, from the Police Department perspective it is important to train the parents from the beginning. Patrick Lenahan confirmed that there is nothing from the design standpoint that would prevent double stacking. Jim Breneman stated the city needs a commitment from the school district. Sgt. Carney stated the Police Department has no authority on a private parking lot. Mr. Lenahan asked what would happen if they were required to double stack and it didn't work. Sgt.

Carney stated the police department would approve of a period for review of the situation. Ron Williamson stated that condition 5 of the staff recommendation could be amended to require double stacking.

Wes Jordan expressed concern with the number of students being pushed into the streets and a school with an enrollment of 600 being designed for 550. He stated the city expends a lot of city resources at schools to assist with traffic concerns, he noted teachers' contracts prohibit them from being assigned to work parking lots.

Sgt. Carney stated there would be advance notice to the traffic on Nall that no left turns will be allowed by the lighted sign board.

Jonathan Birkel asked where there was a clear access provided for walking students. Sgt. Carney replied on 86th Street. The crossing guard and school crossing will be moved over to Juniper.

Sgt. Carney stated he would like to see the school district consider free busing for all in the attendance area instead of only those students residing over two miles from the school. He noted it has been done in other situations.

Jeffrey Valentino asked if the Certificate of Occupancy could have any conditions of approval. Mitch Dringman responded it is best to have the conditions or requirements upfront on the approved documents for it is the responsibility of the property owner to maintain the structure as agreed.

Nancy Wallerstein stated it appears that there is an impasse.

Ron Williamson proposed the following change to condition 5 "Once the previous recommendations are implemented, fine-tuned , and fully operational, it will be frequently monitored and a traffic study may be required to evaluate stacking and the intersection operations which allow left turn movements."

Jim Breneman noted he resides in this area and that the neighbors were generally pleased with what was presented at the neighborhood meeting. Mr. Breneman asked for clarification on the proposed grading plan. Mr. Breneman also confirmed that the retaining wall had a fence/hand rail along the top of it. Keith Bredehoeft briefly reviewed the proposed storm drainage plan and noted that revisions that have been requested by staff are being made.

Randy Kronblad noted the main entrance to the school faces 86th Street, but there is only 1 ADA parking space at the main entrance. Mr. Durham noted this is being designed primarily for drop-off. The other required ADA spaces are along the west drive near the south door.

Chairman Nancy Wallerstein led the Commission in review of the following criteria:

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

The site is 9.18 acres which is small by today's standards and the west and north sides have grade and drainage conditions that further reduce the usable portion of the site. Ideally, the site should be 10 acres plus one acre for each 100 students; and therefore, it should be about 17 acres of usable site. Unfortunately, additional land is not available so the site must be carefully designed. By designing the new facility as a two-story building the site can be better utilized for traffic and other outdoor activities. The proposed plan increases the vehicle stacking from 35 spaces to a potential 90 spaces which should help handle the traffic during peak periods. The parking requirement for elementary schools is two spaces per classroom. The proposed new school has 36 classrooms, including music, art, gym, etc., which require 72 parking spaces. The plan provides 90 parking spaces which is more than the ordinance requires. Currently there are 87 parking spaces on the site.

As a result of input from the Police Department, Public Works and a Traffic Consultant the applicant has redesigned the east parking lot/driveway to accommodate additional stacking spaces as shown on Sheet C101 dated 6/29/15. The drive will be one-way with a 25-foot wide driveway between the parking bays. This will allow a double-wide row of stacking spaces which could add as many as 30 stacking spaces. Also, the east driveway will have an entrance and two exit lanes (one each for right and left turns) and each lane shall be 11 feet in width. Although the site is small, it is capable of accommodating the building, parking area and landscape.

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

The property is currently served with all utilities and it is not anticipated the proposed new school will create the demand for additional utilities. No additional utilities are contemplated for water and sewer services.

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

The applicant has submitted a Stormwater Management Plan which is being reviewed by Public Works. Currently there are 4.11 acres of impervious area and the new plan will reduce the impervious area slightly to 3.73 acres. Any reduction in impervious area will help the overall drainage of the site. The applicant will obtain approval from Public Works for the design and implementation of the Stormwater Management Plan.

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

The plan provides potentially 90 stacking spaces compared to the current 35 stacking spaces which will improve circulation in the area. The afternoon pick-up time is the most congested time. An average of 200 vehicles is observed during afternoon pick-up. The number varies depending on the weather. Rain, snow and cold temperatures increase the traffic at pick-up time. The following is an excerpt from the Traffic Analysis prepared by the applicant's Traffic Engineer:

Key challenges with the current system

During field visits and analysis explained above the key challenges with the traffic flow around the school may be summarized as follows:

- Frequency of "car riders" is high because of the fee structure for bus usage; low number of busses needed to serve the school.

- Insufficient storage for about 165 cars. (Only about 35 cars can currently store within the school.)
- Chaotic storage on all available city streets around the school campus.
- Limited ability to travel through on 86th Street because cars stack on both sides. (This could be very challenging if emergency services need to access 86th Street.)
- Left turns from 86th Street into the school effectively block any traffic movement into and out of the school.

Suggestions for improving traffic flow

In addition to changing the number of cars that can be stored on-site, it is believed that the following changes should also be addressed to assist with a smoother traffic flow:

1. Continue providing a crossing guard for students walking home.
2. Prohibit left turns from 86th Street into the school during drop-off and pick-up. (This could ensure that at least one lane will remain open for traffic flow on 86th Street.)
3. Limit the stacking of cars to east of the school driveway and the north side of 86th Street. (This will allow traffic to flow into the school easier and quicker.)
4. Offer either a left turn or a right turn option when exiting from the school. (Combined with prohibiting left turns into the school, this could assist in quick dispersal of traffic allowing the queue to dissipate efficiently.)
5. Once the previous suggestions are implemented, fine-tuned, and fully operational for a full school year, complete a traffic study to evaluate the intersection operations which allow left turn movements. (Currently, at the Nall Avenue intersection left turns are prohibited from westbound 86th Street to southbound Nall Avenue. It is doubtful that this traffic movement will change.)
6. The police department does not enforce pick-up/drop-off procedures on school property. The school administration will need to educate parents/transporters and enforce drop-off and pick-up locations and queue/storage path. (This is essential to the success of improving traffic flow.)
7. That the Shawnee Mission School District consider offering free busing to all students within the attendance area. The entire school attendance area is within the 2.5 mile radius so this encourages parents to drive students to school. This area is already extremely congested, and while the proposed changes and traffic plan may help some; it is likely to remain the most congested school neighborhood in Prairie Village. A reduction in cost for busing or free busing would encourage parents to consider busing as opposed to driving students to school.

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

The proposed plan improves traffic congestion, increases parking, increases on-site vehicle stacking, reduces impervious area and provides a good design on a small and

difficult site. The applicant has submitted a lighting plan that meets the requirements of the outdoor lighting ordinance.

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

The proposed design of the building will be more contemporary than the existing school building, but will utilize materials similar to those used in the neighborhood. The architect has done a good job of providing relief on the elevations of the building either by color, texture or material. The building will provide a high quality appearance in the neighborhood. The location of the trash and recycling bins are shown on the plans but the detail of the enclosure is not shown.

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

One of the goals of the Village Vision is to support a high quality educational environment for the residents of Prairie Village which includes investment and upgrading of facilities. The proposed project is very consistent with the Comprehensive Plan.

Randy Kronblad moved the Planning Commission approve PC2015-108 - Site Plan for Briarwood Elementary School subject to the following amended conditions:

1. That the applicant works with Public Works for approval and implementation of the Stormwater Management Plan.
2. That the school continues providing a crossing guard for students walking home.
3. That left turns from 86th Street into the school during drop-off and pick-up be prohibited.
4. That a double row of stacking in the drive will be required on the east side of the school.
5. Once the previous recommendations are implemented, fine-tuned and fully operational, it will be frequently monitored and a traffic study may be required to evaluate stacking and the intersection operations which allow left turn movements.
6. That the school administration educates parents/transporters and enforce drop-off and pick-up locations and queue/storage path.
7. That the east entrance off 86th Street be increased in width to accommodate three lanes of traffic; one entrance lane and two exit lanes (one for right turns and one for left turns).
8. That the School District consider offering free or reduced cost busing within the attendance area to reduce car traffic and congestion in the area.
9. That the applicant submits plans for the enclosure of the trash and recycling bins to Staff for review and approval.
10. That the proposed landscape plan be submitted to the Tree Board for review and approval prior to installation.
11. That any monument sign proposal be submitted to the Planning Commission for review and approval.
12. That the revised sheet C101, dated 6/29/15, be included with the other drawings submitted and that the applicant submit three copies of the revised Final Site Plan drawings to the City.

The motion was seconded by Greg Wolf and passed unanimously.

**PC2015-109 Request for Preliminary & Final Plat - Briarwood Elementary
5300 West 86th Street**

Ron Williamson stated the Briarwood Elementary School site is unplatted and contains approximately 9.18 acres. One of the conditions of approval for the site plan for the new school is the platting of this site. There are a number of unplatted tracts in Prairie Village and as redevelopment occurs, the Planning Commission has required tracts to be platted.

Since this is the platting of an existing developed area and is relatively uncomplicated, Staff has agreed to allow the applicant to submit both the Preliminary and Final Plats at the same time.

PRELIMINARY PLAT

The Preliminary Plat contains the information normally required and is a one lot plat. The lines on the plat marked as SW are stormwater pipes, but are not identified in the Legend. They handle internal drainage on the site. All easements identified in the Title Report are shown on the Preliminary Plat.

FINAL PLAT

The Final Plat contains essentially all the information required.

The name of the Chairman of the Planning Commission will need to be changed to Nancy Wallerstein.

Gregory Wolf moved the Planning Commission approve the Preliminary and Final Plats of Briarwood Elementary School subject to the following conditions:

1. That the name of the Chairman of the Planning Commission be changed to Nancy Wallerstein.
2. That the Final Plat as approved be revised and three (3) copies submitted to the City for their records.
3. That the applicant submits the Final Plat to the Johnson County surveyor for review.

and forward the Final Plat to the Governing Body for acceptance of easements and rights-of-way. The motion was seconded by James Breneman and passed unanimously.

OTHER BUSINESS

Election of Vice Chairman

James Breneman nominated Gregory Wolf to serve as Vice Chairman of the Planning Commission. The nomination was seconded by Patrick Lenahan and passed unanimously.

Next Meeting

The next meeting will be the Special Meeting of the Planning Commission to be held on Wednesday, July 29th for consideration of PC2015-08 Request for Special Use Permit for an Adult Senior Dwelling at 8500 Mission Road and PC2015-110 Preliminary Plat approval for Mission Chateau at 8500 Mission Road.

The regularly scheduled meeting on Tuesday, August 4th will be preceded by a Board of Zoning Appeals meeting and will include a Platted Building Line Modification for 6842 Granada Lane, Site Plan Approval for wireless antenna at 5000 West 95th Street and Site Plan Approval for Building Height Elevation at 2309 West 71st Terrace.

Ron Williamson was thanked for his 22 years of service to the Planning Commission and City of Prairie Village and wished well in his retirement. Chris Brewster with Gould Evans was welcomed as the new Planning Consultant for the City of Prairie Village.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 10:25 p.m.

Nancy Wallerstein
Chairman

**SPECIAL MEETING
PLANNING COMMISSION MINUTES
July 29, 2015**

ROLL CALL

The Planning Commission of the City of Prairie Village met in special session on Wednesday, July 29, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 with the following members present: Gregory Wolf, James Breneman, Nancy Wallerstein, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson and Chris Brewster, City Planning Consultants; Wes Jordan, Assistant City Administrator; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director and Joyce Hagen Mundy, Commission Secretary.

Chairman Nancy Wallerstein noted that an e-mail had been received from Esther Levens, 8601 Delmar with questions regarding the application. Assistant City Administrator Wes Jordan talked with Mrs. Leven addressing all her questions.

**PC2015-08 Request for Special Use Permit for Adult Senior Dwelling &
Site Plan Approval
8500 Mission Road**

Rick Jones, with NSPJ Architects, 3515 West 75th Street, introduced the following representatives of the development team for this project that were also in attendance: Randy Bloom, President of Health Care Division, Tutera, Mike Flanagan, attorney for Tutera, Jeff Bartz and Ryan Elam with BHC Rhodes, and Jason Toye, NSPJ Architects.

Mr. Jones stated that over the past several months the team has had several meetings with representatives of the Mission Valley Neighborhood Association to develop the proposed project being presented this evening. He acknowledged the leadership of Brian Doerr in those discussions and bringing about consensus on the revised project. The project has a transitional layout with it increasing in density as it goes to the north. Elevations for each of the components and roof elevations have been established through the settlement agreement with the neighborhood. Heights are measured per City code and are within both the city's requirements and the settlement agreement. He noted there are three levels throughout the project: the garden level, the first floor and second floor level. This helps them work within the topography of the site.

Mr. Jones noted there is significant green space located throughout the entire project. Along the main entry there are four 4' curved retaining walls and are heavily landscaped.

Rick Jones stated there are 214 parking spaces shown on the plan including the 72 carport spaces. They have an additional 15 banked spaces on the southwest side that could be added if necessary. He noted that along the west side of the senior living facility is parking spaces dedicated for that building per the settlement agreement. All parking spaces shall be a standard 9' x 18'. The main drive for the project will be constructed per city standards with a width of 28' from back of curb to back of curb making parking on the street possible. The on-site detention basin is contained within a 3 to 1 gentle slope and is not wall.

Rick Jones noted the entrances will be gated to provide security for the residents. They will primarily be open during the day and closed in the evening hours. There is capacity for the stacking of two cars to prevent overflow stacking on Mission Road. He noted there is a curved sidewalk along Mission Road set further back than the existing sidewalk. Mr. Jones reviewed all the building setbacks on the site which are set by the settlement and all significantly exceed the setbacks required by City Code.

Mr. Jones went on to review the building designs and building materials for each of the components of the project, noting all will have sloping roofs, mechanical units will not be visible per the settlement agreement and a minimum of 20% of the exterior surface must be masonry. They will be using natural neutral colored stone with darker accent brick. Mr. Jones noted the twin villa design is similar to that found in Corinth Downs, which his firm also designed. None of the garages will be allowed to face the same direction.

Rick Jones noted that they had reviewed the staff report and are in agreement with the staff recommended conditions of approval.

Ron Williamson noted this new application for an Adult Senior Dwelling complex on the former Mission Valley School site includes the full 18.4 acre site, while the previously 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 for 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 previously approved plan had 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:

UNITS	Plans Dated: July 30, 2013	Approved Plan: January 6, 2014	Proposed Plan
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
Independent Living Villas	<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% by 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, essential one story and a story and a half in character. Unit 1 is 3,295 square feet and Unit 2 is 2,823 square feet including garage area. Per the settlement agreement they cannot exceed a maximum of 3200 square feet with a 2000 square foot minimum. 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 155,508 square feet for a total lot coverage of 19.3%.

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. The building coverage of 19.3% 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. The Settlement Agreement contains a number of provisions that are not pertinent to the approval by the City. Mr. Williamson reviewed the following agreed upon conditions that would 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.** 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.** 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". 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". 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.** 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.)**
 - (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 to this Agreement and the landscape character will meet the minimum criteria as set forth 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.
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.

Chairman Nancy Wallerstein opened the public hearing on the application. No one addressed the Commission and the Public Hearing was closed at 7:35 p.m.

James Breneman asked why the project was being gated. Mr. Jones responded the gates are for security purposes. Mr. Breneman asked how these would be operated. Mr. Jones replied that has not been finalized but he anticipated it would have an electronic connection to the main complex or individual villas. Nancy Wallerstein asked how emergency vehicles would access. Mr. Jones replied they would have transformers that would override the system.

James Breneman noted that on page C-4 there is a left turn lane for the north entrance, but none for the south entrance. Jeff Bartz with BHC Rhodes responded that the traffic study analysis determined that a left turn lane was not necessary at either location. He noted that Mission Road narrows to the south and to have a left turn lane at the south entrance would require widening Mission Road. Mr. Breneman noted the main entrance is from the south and he feels a left turn lane is needed. Rick Jones noted the main entrance would be used primarily for visitors. It would not be used by staff. The left turn lane would encourage the use of the north entry. Mr. Breneman noted that if the gates were removed he would not see a need for the turn lane.

Nancy Wallerstein asked Public Works Director Keith Bredehoeft for his response on the turn lane and gates. Mr. Bredehoeft responded the proposed plan was acceptable.

Nancy Wallerstein asked what time the gates would be closed. Mr. Jones replied they would be open during daylight hours. Mrs. Wallerstein asked if that was dawn to dusk

or if there were specific hours. Mr. Jones responded that has not been determined. The gates have been requested by the potential residents as a desired feature. Nancy Wallerstein felt that specific hours would be preferred. Jeff Bartz stated he anticipated they would be open during business and peak visiting hours when traffic was at its peak. Mrs. Wallerstein asked when staff shifts took place.

Randy Bloom responded that employee shifts were 7 to 3, 3 to 11 and 11 to 7. Mrs. Wallerstein asked how many employees would be coming and going during a shift change. Mr. Jones stated the largest shift is 40 employees. There are 40 spaces with and addition 36 spaces allowed for the overlap of employee parking during shift changes. Mr. Bloom added that they would be willing to discuss the establishment of a gate closing schedule. He stressed that a gated community is a strong desire of their residents.

Jeffrey Valentino asked about the design and lighting for the carports. Rick Jones stated they would be similar in design to those existing at their facility at 3515 West 75th Street with steel columns every two bays, a pitched roof and a five foot brick wall on the back to prevent headlights from being visible to the adjacent properties. They will be built to comply with city code.

Nancy Wallerstein asked if there was a fence around the detention basin. Mr. Jones replied that a fence is not required due to the gentle slope of the basin. Mrs. Wallerstein asked about the fence surrounding the property. Mr. Jones replied they would be leaving the existing fencing and adding a wrought iron fence around the remainder of the property.

Jonathan Birkel noted that the west two villas on the north entrance have garages facing Mission Road and suggested that they could possibly be flipped. Mr. Jones replied the proposed placement was for an architecture feature and noted that there was substantial screening along Mission Road and plants could be added to screen the garages from Mission Road. He was not certain if the villas could be flipped under the settlement agreement. He likes it the way it is configured. It may be better flipping the first one, but he is not certain on the second one. He believes it could be done.

Ron Williamson noted that this is an item that would be addressed under the site plan approval.

Jonathan Birkel questioned the VMP in the parking area and if it drains into the drainage system on site. Jeff Bartz responded that it will drain into the proposed drainage system on site.

Mr. Birkel also noted that there is a lot of stone on the buildings, however, much of it is on the lower portions of the building and unable to be seen. He asked if the stone could be place higher where it would be more visible. Rick Jones responded that there is brick and stone higher on the building as an accent feature. Mr. Birkel stated he would like to be able to see more stone and gave suggestions on how this could be done. Mr. Jones replied that a stair stepping of brick could be added on the entrance.

James Breneman noted that a condition on the special use permit was that no skilled nursing facility be constructed or nursing services provided. He stated that he felt that was very short-sighted. Rick Jones replied that was the #1 requirement of the neighborhood in the settlement agreement.

Ron Williamson noted that three conditions from the original staff report had been changed to address concerns expressed by the neighbors. These were conditions #2, #3 and #12. # 2 clarified building heights would not exceed the maximum height in the city's code and would be as depicted on Sheet A0.01 of the applicant's plans dated June 5, 2015.

#3 is related to the definition of "commencement of construction" which is currently being considered by the 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.

#12 related to the sales and construction of the villas within one year of occupancy of the Independent and Assisted Living facilities. The new language requires that an application for a building permit shall be submitted within one year after the occupancy permit is issued for ILF/ALF building and construction of the villas shall be completed within a reasonable time.

The following review of factors for consideration of approval of Special Use Permits was set out in the Staff Report:

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 155,508 square feet, including the carports, which is 19.3% lot coverage. 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 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact at peak times should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan. The applicant 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 was 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. Tuter 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 was 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 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 84th Terrace and the other will be in alignment with 85th Street on the east side of Mission Road.

The Traffic Impact Study 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. Concern was expressed 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 84th Street. This signal was installed to serve school traffic and is no longer needed. The applicant will 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.

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 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 square feet. On 85th 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:

- 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)

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 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. 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.

Gregory Wolf moved to find favorably on the findings of fact and Golden Factors and the Planning Commission recommend the approval PC2015-08 granting a Special Use Permit for an Adult Senior Dwelling known as Mission Chateau to the Governing Body subject to the following conditions:

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 judgment, 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.

The motion was seconded by Patrick Lenahan and passed by a vote of 5 to 1 with James Breneman voting in opposition.

Chairman Nancy Wallerstein stated this item would be considered by the Governing Body at the August 17, 2015 City Council meeting.

SITE PLAN

Chairman Nancy Wallerstein led the Commission in the following review of the site plan criteria:

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 155,508 square feet for the ILF/ALF building, the Twin Villas, and the carports; which is 19.3% 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 84th Terrace and 85th Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The internal driveways will be 28 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 84th 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.

James Breneman noted a discrepancy in the plans submitted between the preliminary plat and sheet A0.1. It was confirmed that sheet A0.1 is the correct submittal.

Ron Williamson noted that staff is recommending action on the Preliminary Plat be continued until after action is taken on the Special Use Permit by the Governing Body.

Based on discussion, Chairman Nancy Wallerstein asked if there were any additional conditions of approval to be added to the staff recommendation. It was recommended that the motion reference the site plan dated June 05, 2015, due to multiple plans having been submitted.

The Commission also agreed to add the following two conditions:

16. If the gate creates traffic congestion on Mission Road, the applicant will meet with the Prairie Village Police Department to resolve the issue.
17. Flip the layout of the east villa on the north side of the south entrance.

Gregory Wolf moved that the Planning Commission having found favorably on the site plan criteria approve the Site Plan dated 06/15/2015 for Mission Chateau at 8500 Mission Road subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will 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.
 17. If the gate creates traffic congestion on Mission Road, the applicant will meet with the Prairie Village Police Department to resolve the issue.
 18. Flip the layout of the east villa on the north side of the south entrance to minimize the prominence of garage doors at the entry to the site and to coordinate driveway ingress and egress near the gate islands.
- The motion was seconded by James Breneman and passed unanimously.

**PC2015-110 Request for Preliminary Plat Approval - Mission Chateau
8500 Mission Road**

Ron Williamson advised the Commission that 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.

Gregory Wolf moved the Planning Commission continue PC2015-110 to its September 1, 2015 meeting. The motion was seconded by James Breneman and passed unanimously.

Next Meeting

The next meeting will be Tuesday, August 4, 2015. Packets for the Board of Zoning Appeals and Planning Commission meetings were available for Commission members to take.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 8:22 p.m.

Nancy Wallerstein
Chairman

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, July 7, 2015**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 7, 2015 in the Council Chambers of the Municipal Building at 7700 Mission Road. Chairman Randy Kronblad called the meeting to order at 6:30 p.m. with the following members present: Jim Breneman, Gregory Wolf, Jonathan Birkel, Jeffrey Valentino, Patrick Lenahan, and Nancy Wallerstein. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, City Building Official; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director, Chris Brewster with Gould Evans and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Nancy Wallerstein moved the minutes of the May 5, 2015 meeting of the Board of Zoning Appeals be approved as written. The motion was seconded by Gregory Wolf and passed by a vote of 4 to 0 with Jonathan Birkel, Jeffrey Valentino and Patrick Lenahan abstaining as they were not in attendance at the meeting.

Due to the absence of the applicant, Chairman Randy Kronblad called for Old Business

OLD BUSINESS

Election of Officers

Jim Breneman nominated Gregory Wolf to serve as Chairman for the Board of Zoning Appeals. The nomination was seconded by Nancy Wallerstein and passed unanimously.

Gregory Wolf nominated Jim Breneman to serve as Vice Chairman for the Board of Zoning Appeals. The nomination was seconded by Nancy Wallerstein and passed unanimously.

Nancy Wallerstein nominated Joyce Hagen Mundy to serve as Secretary to the Board of Zoning Appeals. The nomination was seconded by Jim Breneman and passed unanimously.

Assistant City Administrator Wes Jordan recognized retiring City Planning Consultant Ron Williamson and thanked him for his leadership and service for the past 22 years. He introduced Chris Brewster with Gould Evans who has been selected to provide City Planning Services for Prairie Village. Mr. Jordan also recognized retiring Board

Chairman and Planning Commission member Randy Kronblad for his multiple years of volunteer service and leadership to the City of Prairie Village, not only in this capacity but also through service on the Prairie Village Arts Council and JazzFest Committee. Both individuals will be greatly missed.

Next Meeting

Board Secretary Joyce Hagen Mundy stated the Board will meet on August 4th to consider a request for a front yard setback variance at 6842 Granada Lane.

BZA2015-04 Request for a Variance from Section 19.44.020C(4) to allow for an unenclosed canopy to project 21' into the rear yard 3704 West 71st Street

James Lichty, 8010 State Line Road, Suite 150, reviewed a previous application approved by the Board of Zoning Appeals for this property in 2012 granting a variance of 12 feet to the required 25 foot setback. Because of objection expressed by neighboring residents, he is constructing his new home within the required 25 foot setback, not the granted 15 foot rear yard setback.

The original house was built in 1951 with the closest point to the rear property line being 14'2" at the northwest corner. The old house sat at an angle on the lot and the northeast corner was approximately 40 feet from the rear property line and 23.5 feet from the east property line.

Mr. Lichty stated he is proposing a variance for two louvered cedar canopies over patios on the northwest corner and the northeast corner of the new house. The canopy on the northwest corner will project 21 feet into the rear yard setback and the canopy on the northeast corner will project 18 feet into the rear yard setback.

Mr. Lichty stated he attempted to meet individually with each neighbor and also spoke with individuals walking past his property to gather their input. He presented plans of landscaping changes that have been agreed upon with a neighboring property owner.

Gregory Wolf asked Mr. Lichty if the requested variance is within the area that had previously been granted as a variance. Mr. Lichty stated that the proposed variance would fall totally within the previously granted variance area.

Patrick Lenahan stated it appeared the arbors could be moved within the required setbacks. Mr. Lichty explained the location of the arbors was set to provide shade from the west sun and added that the arbors are relatively transparent.

Jeffrey Valentino confirmed the intent is to provide shade for the semi-circle area shown on the plan.

Randy Kronblad asked if the different shape conformed to the setback. Mr. Lichty responded that previously it did, but he never sought a permit.

Mr. Williamson noted the request is only for the northwest corner, there is nothing on the northeast.

Mr. Valentino asked if there were any plans to add sidewalk or stairs that would project beyond the canopy. Mr. Lichty replied the previous plan had a retaining wall on the property line, but noted he has agreed to providing a five foot easement.

Jonathan Birkel asked if the overhang extended over the columns and how close they were to the property line. Mr. Lichty replied they are roughly seven feet from the property line.

Chairman Randy Kronblad opened the public hearing for comment.

Diane Nygaard, 3700 West 71st Street, located adjacent to this property expressed concern with the covered patio structure impeding their view of the golf course. She noted that the elevation of their property is approximately five feet lower than the adjacent property. She noted that the structure proposed for the west does not impede their view - only the one on the northwest. Mrs. Nygaard also expressed concern with possible landscaping in the corner impeding their view.

Mrs. Nygaard reviewed the "U shaped" design of their current house which is a rental property and noted that they planned to retire on this property and would rebuild and not want their view impeded. She further explained how their view would be impacted.

Terry Nygaard, 3700 West 71st Street, noted the view from their home is primarily the side of Mr. Lichty's home with the proposed gazebo taking another four to five feet off their view to the west. Mr. Nygaard also objected to the proposed bright yellow coloring stating that he did not feel it was appropriate for a residential neighborhood.

With no one else to address the Board, the public hearing was closed at 7:05 p.m.

Ron Williamson noted the existing corner of the house is 28 feet from the neighboring property line with another five feet to their house for a total of approximately 32 feet separating the structures. Mr. Kronblad noted that only 14 feet are required by code between structures.

Chairman Randy Kronblad led the Board in the following review of the conditions required for approval:

In considering a request for a variance the Board may grant such a variance on the finding that all the five following conditions have been met:

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.

In order for the property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape, or topographical condition that would result

in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.

The lot is approximately one third of an acre, but is triangular in shape. The west 75 feet of the lot apparently was sold to the Indian Hills Country Club for access to the golf course. So the lot now is 200 feet wide at the rear property line; the east lot line is 129 feet deep and the west lot line is 23 feet deep.

Gregory Wolf noted the configuration of this lot is unique in its shape and is not like other lots in the area. The triangular shape reduces the usefulness of a large part of the western portion of the lot. This condition is unique and was not created by the property owner. Mr. Wolf moved the Board find favorably on Criteria A "Uniqueness". The motion was seconded by Jim Breneman and passed unanimously.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

The residence to the east is approximately 22 feet from the side property line. The proposed residence will be approximately 5 feet from the side property line. With the extensive tear down rebuild occurring on the north side of 71st Street, it is likely that the house to the east will be expanded or torn down and replaced with a larger home at some point in the future. In order to maintain the required 14 feet between dwellings, the lot to the east will have a 9 foot side yard setback adjacent to the west property line. There is no residence to the west and the Indian Hills Country Club is to the north. The property owner adjacent to the east is concerned that the approval of the variance for the cedar canopy on the northeast corner of the new house will interfere with their view of the golf course. It should be noted that the proposed canopy will be a louvered design that is relatively open.

Jonathan Birkel noted only one of the proposed canopies interferes with the neighboring property view and asked if the Board could approve one and not the other. Mr. Williamson responded that was possible. Jim Breneman questioned the amount of shade that would be provided by the proposed canopy.

Nancy Wallerstein noted this is an open structure and not a solid wall and fits within the area previously granted a variance. Randy Kronblad also questioned the amount of shade that would be provided, but noted that the applicant could plant a row of trees that would impede the neighboring property owners' view significantly more.

Nancy Wallerstein moved the Board find favorably on Criteria B "Adjacent Property". The motion was seconded Gregory Wolf and passed unanimously.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

The old residence had a 2,121 square foot footprint while the footprint of the new residence is 2,664 square feet. The old residence was a traditional ranch while the new

residence is a contemporary design. The canopy on the northwest corner is approximately 10 feet in height and covers an area that is 15 feet by 15 feet. The canopy on the northeast corner is approximately 10 feet in height, 8 feet in width, and is in a circular pattern approximately 12 feet from the building. The sun sets in the northwest and these two canopies will provide shade for the patios so that they will be more useful in the evenings.

Gregory Wolf questioned if it was a hardship not to be able to have shaded patios. Mr. Valentino noted there are several ways to approach providing shade. Mr. Lenahan stated the hardship is coupled with the limitations set by the uniqueness of this lot.

Nancy Wallerstein moved the Board find favorably on Criteria C “Hardship”. The motion was seconded by Jim Breneman and passed by a vote of 4 to 3.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The proposed variance would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Gregory Wolf moved the Board find favorably on Criteria D “Public Interest”. The motion was seconded by Jim Breneman and passed unanimously.

E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The purpose of the rear yard setback and the projection regulation is to ensure that there is adequate distance between the rear of abutting dwellings so that adequate open space is available and the living areas of individuals would not encroach on the living areas of their neighbors. The Indian Hills golf course abuts the property to the north and therefore the proposed variance would not adversely impact that property. Both canopies will be a louvered design that is unenclosed and will have a minimal impact as a structure. The original dwelling was only 14’ 2” from the rear property line and the proposed residence will be 25 feet from the rear property line. Therefore the granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance.

Gregory Wolf moved the Board find favorably on Criteria E “Spirit and Intent of the Regulation”. The motion was seconded by Jim Breneman and passed unanimously.

Gregory Wolf moved that finding favorably on all five criteria as required by State Statutes the Board approve BZA 2015-04 granting a variance for two canopies as shown on the plans submitted with the application. The motion was seconded by Nancy Wallerstein and passed by a vote of 6 to 1.

ADJOURNMENT

Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 7:20 p.m.

Randy Kronblad
Chairman

Sister City Minutes
May 11, 2015

In attendance: Cindy Dwigans, Bob McGowan, Bob Glywa, Vera Glywa, Jim Hohensee, Jori Nelson

Also present: Nolan Sunderman

The April minutes were approved on motion by Cindy, seconded by Bob Glywa.

A discussion about the helium, balloons and flyers for VillageFest was held. Vera proposed \$250.00 be budgeted for those costs. Bob Glywa, seconded by Bob McGowan proposed \$350.00 be budgeted, because of possible costs for flyers. The motion was carried.

Bob Glywa stated that 40 or 50 pictures would be ideal for the photography exhibit. Jim is in contact with the Dolyna photo club.

A meeting was proposed for June to prepare for VillageFest. Jori stated that Mayor Wassmer wanted committees to limit meetings to every other month to save on staff time. Jim pointed out that the committee could meet in the community center so there would be no need to have City Hall open, and that the meeting could proceed without the presence of a city staff member.

Vera moved that the meeting adjourn and Bob McGowan seconded. The motion carried and the meeting adjourned.

June 8, 2015

In attendance: Cindy Dwigans, Bob McGowan, Bob Glywa, Vera Glywa, Jim Hohensee
Also present: Nolan Sunderman

Nolan provided information on the frames available for the photo exhibit. He reported 27 available, one with broken glass. There are also 4 metal and 4 wood frames.

Some discussion was held about the Ukraine Independence Day. The Ukraine flag will be flown at City Hall for the Independence Day.

For Village Fest: Bob G. will get the helium. Vera will bring the banner. Jim will bring the photo posters and pick up the monitor with the photo show. Cindy proposed that a questionnaire or poll be available to get input from the citizens on where they would like to have a sister city. Jim will prepare that.

Jim moved to adjourn and Bob McGowan seconded. The motion carried and the meeting was adjourned.

JazzFest Committee Meeting July 15, 2015

Present: J.D. Kinney, Dave Hassett, Brian Peters, Joyce Hagen Mundy, John Wilinski, Jane Andrews, and Meghan Boom. A quorum not being present – no official actions were taken.

The minutes of the June 10, 2015 meeting were distributed.

Marketing Update

JD Kinney noted a window company was expressing interest in being at the event. They would bring in a trailer instead of using tents. Since the trailer would take the space of two tents, JD was considering asking them for \$1000 instead of \$500. The committee concurred. The YMCA will be getting a tent in exchange for the use of their parking lot.

He has ordered 120 yard signs with 100 stakes. They will be available in early August. He is also ordering postcard/flyers that will have the same information on front as the “save the date” card with the line-up information on the back.

The JAM full page add will be on the back of the front cover instead of the back cover. The next issue of the Village Voice will include a four page insert that will include information on the event as well as the line up and map.

A Prairie Village resident has requested to sell his book on Kansas City Jazz from the merchandise tent.

New banners will be needed for the stage area. New generic banners were purchased for the Art Fair and Village Fest. The side banners will recognize the major sponsors. We have all the operational banners needed. The large banners for the parks and City Hall may need a date change, Joyce will check.

Operations

Joyce will contact the churches and the school district regarding parking and Deffenbaugh regarding porta potties and trash bins. She will also contact med-act. UMB will be contacted for three wireless credit card machines. It was confirmed that the \$5 fee would not apply to those under the age of 18.

Dave Hassett confirmed that all of the food vendors have been arranged. He noted that the Popcorn vendor had an earlier event and would be arriving at the event after 3 p.m. Committee members felt that was acceptable.

Budget Update

JD Kinney noted there has been very little change in budget. A pledge of \$2500 has been received from Tutera and a pledge of \$5000 from CBRE. JD noted he has added funding to the stage budget to accommodate the larger stage that will be needed.

Beer Tasting Fundraiser Update

Dave Hassett reported on the beer tasting at Johnny's July 10th. The event was fairly well attended; however, several of the attendees were sponsors who had received free tickets. Johnny's did a fantastic job on the appetizers. The event was very well organized – thanks were expressed to Dave and Amanda for their work. The event was well publicized, weather may have impacted the number attending. There is approximately \$90 of leftover beer remaining that can be used in the VIP tent or Dave indicated he would purchase it for another event he is involved with. Committee members felt it was a good event but acknowledged that it was more of an appreciation event than a fund-raiser.

Merchandise/Volunteers

JD discussed possible T-Shirt designs. John Wilinski agreed to oversee the merchandise tent.

Jane Andrews noted she received names of some additional volunteers at the beer tasting event. Many of the volunteers from last year expressed an interest in working the event again. She will begin to contact them and set a schedule. Dave will let Jane know if he needs additional volunteers for the beer tent.

Talent Update

All talent contracts have been signed. A final letter needs to be sent out with information on the sale of cd's and sound checks.

Next Meeting

Wednesday, August 12th at 5:30 p.m. in the Multi-purpose room at City Hall. Yard signs will be distributed.

Council Members
Mark Your Calendars
August 17, 2015

August 2015	Wayne Wilkes oil and acrylic exhibit in the R.G. Endres Gallery
August 17	City Council Meeting
September 2015	Sister City Art exhibit in the R.G. Endres Gallery
September 7	City Offices closed in observance of Labor Day Holiday
September 7	Pool Closes 6 p.m.
September 8	City Council Meeting
September 11	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
September 12	Prairie Village Jazz Festival
September 21	City Council Meeting
October 2015	State of the Arts exhibit in the R.G. Endres Gallery
October 5	City Council Meeting
October 9	State of the Arts Reception in the R. G. Endres Gallery 6:30-8:00 p.m.
October 19	City Council Meeting
November 2015	Chun Wang exhibit in the R.G. Endres Gallery
November 2	City Council Meeting
November 13	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
November 16	City Council Meeting
November 26/27	City Offices Closed for Thanksgiving Holiday
December 2015	Peter Smokorowski exhibit in the R.G. Endres Gallery
December 4	Volunteer Appreciation Holiday Party
December 7	City Council Meeting
December 11	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
December 21	City Council Meeting
December 25	City Offices Closed for Christmas Holiday