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May 3, 2013

Prairie Village Planning Commission  
Mr. Kenneth J. Vaughn  
Ms. Nancy Wallerstein  
Mr. Gregory Wolf  
Mr. Randy Kronblad  
Mr. Dirk Schafer  
Mr. Bob Lindeblad  
Ms. Nancy Vennard  
Mr. Ted Odell

Dear Commissioners:

We represent the Mission Valley Neighbors Association, Inc. ("Mission Valley Neighbors") who respectfully oppose the special use permit application submitted by MVS, LLC ("MVS"). We have attached to this letter our *Memorandum* outlining the Mission Valley Neighbors' objections to the special use application now before the Commission. In addition, we will be providing a *Proposed Resolution* denying MVS' application at a later date.

The size and scope of MVS' proposed development is truly astonishing. MVS seeks a "special use" permit to construct the Mission Chateau Development in the middle of a residential neighborhood zoned as an R-1A, single-family residential district. In all, MVS seeks to construct eight (8) buildings on the lot that now contains the Mission Valley Middle School building, surrounding green space, and nature trail. The development calls for the construction of a 92,565 square foot non-acute hospital or "skilled nursing and memory care facility," a 271,140 square foot "assisted living and independent living facility," and six (6) "villa"-style residence buildings constituting an additional 24,195 in square feet. The 271,140 square foot building in the MVS development would constitute the single largest residential building in the City. The development's two main buildings would dominate the Prairie Village "skyline" with rooftops stretching over forty (40) feet above ground. Under nearly every measure, MVS' proposed Mission Chateau Development would truly be unprecedented in Prairie Village.

Whether you consider this special use application under the specified criteria set out in the City's Zoning Ordinance or under the *Golden* factors, any review of MVS' proposal demonstrates that its application should be denied. While explained more fully in the Mission Valley Neighbors' Position Paper, the Planning Commission should disapprove MVS' proposed special use on the following grounds:

- MVS' special use permit application does not meet the minimum standards of the Zoning Ordinance.
  - MVS seeks special use approval under Section 19.28.070(I) of the Zoning Ordinance. That section, however, prohibits MVS' proposed 92,565 square foot skilled nursing facility as it is clearly not a mere "subordinate accessory use" for the following reasons:
    - The Zoning Ordinance's strict definition of "subordinate accessory use" does not include in its scope a major, 92,565 square foot non-acute hospital facility.
    - The Zoning Ordinance itself does not allow an "accessory use" to impose any additional burden (noise, traffic, etc.) than what would be caused by the "primary" building. The 92,565 square foot skilled nursing facility, however, would itself generate an estimated 390 "trips" per day.
    - MVS cannot claim the 92,565 square foot skilled nursing facility is a "subordinate accessory use" because it will be the only building constructed in "phase 1," and the other buildings will only be constructed later if "phase 1" proves profitable.
  - MVS has thus failed to show that its proposed special use is one "*specifically listed*" in the Zoning Ordinance.
- The Mission Chateau Development will adversely affect the welfare of the surrounding community.
  - The unprecedented size, density, and height of the development are incompatible with the surrounding neighborhood.
    - The square footage covered by the independent living facility would constitute the largest residential building in Prairie Village.
    - The Mission Chateau Development is larger, in terms of square feet, than all of the following Corinth-area buildings combined: (a) Corinth South (Panera, First Watch, and the Mission Antique Buildings); (b) all of the Corinth Square Buildings; (c) the Corinth Office Building; and (d) the Corinth Executive Building.
    - At 271,140 square feet, the proposed "assisted living and independent living facility" would alone be the second-largest residential building in the City.
    - The development is *two times more intense* than the Corinth area office and retail mixed-use development. Unlike the Corinth development, the Mission Chateau Development would be constructed in the middle of a residential block surrounded on three sides by single-family homes.

- The 92,565 SF Skilled Nursing Facility and the 271,140 square foot “assisted living” facility would extend 40’ and 40’ 10” above ground, respectively.
  - MVS has not provided any sort of transition or buffer between its high-density development and the surrounding single-family residential lots. Under substantially similar circumstances, many cities (including the City of Olathe) would require a 100 to 250 foot “transition area.”
  - The proposal is replete with violations the Zoning Ordinance applicable to R-1A districts intended to prevent such a high-density development (i.e. 30% lot coverage requirement, 30-foot front yard requirement). MVS attempts to make an end-run around such requirements by presenting its “campus” of 8 separate buildings as a single building for purposes of the Zoning Ordinance.
  - Prairie Village’s market for senior living facilities is saturated. Thus, any additional construction will adversely affect the “welfare or convenience” of the City’s residents in a number of ways.
- The Mission Chateau Development will cause substantial injury to the values of surrounding single-family homes.
  - The size, square footage, height, and lack of setback of the proposed development, in light of its construction in the middle of a single-family residential neighborhood, will have an undeniable negative impact on surrounding home values.
  - One area neighbor has commissioned an opinion of a licensed Kansas real estate appraiser which estimates that the development would cause the value of his home to drop by at least 10%.
- While proponents of the development will likely point to the apartment buildings to the north and northwest of the Mission Valley lot, such developments pale in comparison to the size, square footage, height, and scope of the Mission Chateau Development. Any statistical comparisons based on “living units per acre” are misleading. The proposed development, unlike the apartments, will not merely just be “living units,” but will instead require considerable additional institutional support services and facilities.

For all the foregoing reasons summarized above, and also those set forth in the attached Memorandum, the Mission Valley Neighbors Association strongly urge this Commission to deny MVS’ proposed massive development. MVS’ proposed development threatens the very character of the surrounding neighborhoods and negatively impacts the feel of the entire City. Only a disapproval of the application now before this Commission would adequately safeguard the exceptional nature of this Prairie Village neighborhood.

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Thank you for your consideration of this matter.

Respectfully,

DUGGAN SHADWICK DOERR & KURLBAUM LLC

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

John M. Duggan

MEMORANDUM

**TO: Prairie Village Planning Commission  
Mr. Kenneth J. Vaughn  
Ms. Nancy Wallerstein  
Mr. Gregory Wolf  
Mr. Randy Kronblad  
Mr. Dirk Schafer  
Mr. Bob Lindeblad  
Ms. Nancy Vennard  
Mr. Ted Odell**

**FROM: John M. Duggan, counsel for Mission Valley Neighbors Association, Inc.**

**DATE: May 3, 2013**

**RE: MVS, LLC's proposed Mission Chateau Development Special Use Permit Application**

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The following memorandum sets forth the relevant factors for consideration under: (1) Section 19.28.035 of the Prairie Village, Kansas, Zoning Ordinance (“Zoning Ordinance”); and (2) the Kansas Supreme Court’s decision in *Golden v. City of Overland Park*, and codified by Zoning Ordinance § 19.52.030. Under either review, MVS’ requested special use permit application should be denied by this Planning Commission.

**I. The Relevant “Factors For Consideration” Demonstrate That MVS’ Special Use Permit Should be Disapproved.**

As set forth below, each of the factors set forth in Section 19.28.035 of the Zoning Ordinance weigh heavily against the Planning Commission granting MVS’ requested special use permit. Moreover, a consideration of the following factors demonstrates that the proposed development is incompatible and “dissimilar to the normal uses” permitted in the district. See *Zoning Ordinance* §19.28.005. Thus, this Planning Commission should deny MVS’ special use application.

**A. MVS' Proposed Special Use Violates the City's Zoning Ordinance Because the 92,565 SF Nursing Facility is Not Merely a "Subordinate Accessory Use."**

The Mission Valley Middle School property is zoned as a "single-family residential district," or District R-1A. While primarily designed to accommodate single-family homes, the Prairie Village, Kansas, Zoning Ordinance applicable to District R-1a allows for a number of other accepted uses. As such uses are generally in keeping with the intended residential nature of the district, they are allowed as a matter of right. *See Zoning Ordinance* § 19.06.010. For example, the Zoning Ordinance allows R-1A properties to be used as a public school. *Zoning Ordinance* § 19.06.010(G). Indeed, the City of Prairie Village has for many years permitted the operation of Mission Valley Middle School under the Zoning Ordinance's express carve-out for public schools.

The Mission Chateau Development, on the other hand, is not a "single family dwelling," "public school," or any other structure otherwise sufficiently in keeping with the residential nature of the community so as to be permitted as a matter of right under the R1-A Zoning Ordinance. To the contrary, the extraordinary nature of the proposed development requires MVS, LLC to seek a "special use permit." *Zoning Ordinance* § 19.06.010(L); *see also Zoning Ordinance* § 19.28.005 ("Special uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where . . . [the] business or activity may be detrimental to the health safety, welfare or property values of the immediate neighborhood . . . ."). As such, MVS, LLC must strictly follow the detailed procedures and regulations applicable to such "special use permits" and enacted in recognition of the inherent risks associated with approving developments incompatible with the nature of the surrounding community.

To that end, the Zoning Ordinance mandates that special use permits will not be granted unless the use is specifically allowed by statute, providing that: “[i]n no event shall a Special Use Permit be granted where the Special Use contemplated is not specifically listed as a Special Use in the Zoning Regulations.” *Zoning Ordinance* § 19.28.005. As such, MVS must demonstrate that the Mission Chateau Development falls within the scope of one of the limited special uses “specifically listed” by the Zoning Ordinance.

In this case, MVS seeks to construct a separate and stand-alone 92,565 square foot “skilled nursing and memory care facility” (“92,565 SF Nursing Facility”) under the guise of a special use permit application under Section 19.28.070(I). Section 19.28.070(I), however, only allows such a nursing facility to the extent that it is a “subordinate accessory use” and “on the premises” of the dwelling. In particular, the statute allows for the following “specifically listed” use:

- I. Dwellings for senior adults, as defined herein, and including handicapped adults. Dwellings may be in the form of townhomes, apartments or congregate type living quarters. Nursing care or continuous health care services *may be provided on the premises as a subordinate accessory use. . . .*

*Zoning Ordinance* § 19.28.070(I) (emphasis added).

Simply put, MVS cannot demonstrate that its 92,565 SF Nursing Facility constitutes a mere “subordinate and accessory use.” As an initial matter, the Zoning Ordinance demonstrates an intent to only permit nursing care as a “subordinate accessory use” “on the premises” of the principal building and not as the primary use in a wholly separate building. *Zoning Ordinance* § 19.28.070(I). Stated another way, the Zoning Ordinance does not “specifically” grant the right to operate a separate and distinct skilled nursing facility on a “campus” which includes several buildings, one of which facilitates a “use” not specifically listed. Section 19.28.070(I) does not provide MVS any authority to construct a separate building or “premises” independent of the

principal senior adult “dwelling” building. To the contrary, Section 19.28.070 demonstrates that the Zoning Ordinance was never intended to be used as a statutory authority to construct a separate building under the guise of a mere “subordinate and accessory use.” Indeed, the Zoning Ordinance itself only contemplates an “accessory use” to be a secondary use in the primary building. “Accessory uses” to motels include, for example:

restaurants, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barbershops, flower and gift shops; provided all are within the main building and designed to serve primarily the occupants and patrons of the motel or hotel; . . . .

*Zoning Ordinance* § 19.28.070(P). Further, “accessory uses to hospitals” are similarly limited in definition to uses contained in the primary building or clearly secondary thereto:

Accessory uses to hospitals including, but not limited to, residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients; . . . .

*Zoning Ordinance* § 19.28.070(Q).

The proposed special use permit seeks to construct a major, 92,565 square foot non-acute hospital that, as discussed more fully below, would alone constitute one of the largest buildings in the area. Under any statutory construction and any cursory review of the proposed 92,565 SF Nursing Facility, such a structure cannot be considered a mere “subordinate accessory use” within the meaning of the Zoning Ordinance. As such, MVS has failed to apply for an allowable special use “specifically listed” by statute and, thus, the application now before the Planning Commission fails to meet the minimum standards of the Zoning Ordinance.

Moreover, MVS’ contention that the 92,565 SF Nursing Facility is somehow a “subordinate accessory use” attempts to distort the plain meaning of those terms. In using the plain and unambiguous words “subordinate” and “accessory,” any fair reading of Section



19.28.070 should also give such terms their plain and unambiguous meaning. *See, e.g., Weeks v. City of Bonner Springs*, 518 P.2d 427, 433 (Kan. 1974) (“This court has many times stated the primary rule for the construction of a [municipal ordinance] is to determine the legislative intent from the language used therein. If the language used is plain and unambiguous the court should follow the intent expressed by the words within the statute . . .”) (quoting *Phillips v. Vieux*, 504 P.2d 196, 201 (Kan. 1972)). Indeed, and in accordance with the generally accepted definition of such terms<sup>1</sup> as connoting a secondary or inferior position, the Zoning Ordinance specifically proscribes the construction of a building as an “accessory use” if it imposes any sort of burden in excess of that associated with the primary building or use. Specifically, Section 19.34.005 states that:

accessory buildings and uses shall be so constructed, *maintained and conducted as to not produce* noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof *or generate vehicular traffic which exceeds the normal traffic in the neighborhood and shall be on the premises of the principal building or use.*

*Zoning Ordinance* § 19.34.005 (emphasis added). MVS’ proposed “subordinate accessory” 92,565 SF Nursing Facility, however, would produce a significant traffic burden on the surrounding area. As set forth in a recent Traffic Impact Study dated April 5, 2013, the 92,565 SF Nursing Facility would alone generate an estimated 390 “trips” per day. *See Traffic Impact Study* dated April 5, 2013, prepared by Olsson Associates (“Traffic Impact Study”) at 10. To the extent that Section 19.34.005 expressly prohibits a purported “accessory use” from producing *any* additional vehicular traffic burden, the significant traffic burden produced by the 92,565 SF

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<sup>1</sup> The Merriam-Webster Dictionary defines “subordinate,” in relevant part, as: “(1) placed in or occupying a lower class, rank, or position : inferior . . . .” “Accessory” is similarly defined as: “(1) assisting as a subordinate . . . ;” (2) “aiding or contributing in a secondary way;” or (3) “present in a minor amount and not essential as a constituent.”

Nursing Facility demonstrates that MVS' proposed special use is not merely a "subordinate accessory" use. For such additional reason, MVS' special use application should be denied.

Moreover, MVS' claim that its 92,565 SF Nursing Facility constitutes a "subordinate accessory" use contradicts the very site plans it submitted to the Planning Commission. MVS invites the City to approve its massive 92,565 SF Nursing Facility based on a finding that the nursing facility is merely a "subordinate accessory use" to the Mission Chateau Development's other planned structures set forth in its proposed site plan. Notably, however, MVS's submitted site plan indicates that it will construct *only* the 92,565 SF Nursing Facility in "phase 1" of its project, and has further represented that it will only construct the remaining planned buildings in "phase 2" if the 92,565 SF Nursing Facility proves financially profitable. Stated another way, while attempting to argue that the 92,565 SF Nursing Facility is merely "subordinate" and "accessory" to the other planned buildings for purposes of obtaining a special use permit, MVS actually does not even plan to construct the purportedly primary building until phase 2, and only in the event that the success of its bellwether nursing facility motivates it to do so. It defies reason to suggest that the 92,565 SF Nursing Facility is just a "subordinate accessory use" to a building(s) that may never be constructed.

In addition, MVS' contention that its proposed 92,565 SF Nursing Facility would somehow constitute a "subordinate accessory use," under the plain meanings of those terms, clearly misses the mark when one assesses the sheer size of the nursing facility in relative terms. Under the proposal presented by MVS, the 92,565 SF Nursing Facility would be a separate, stand-alone structure and, of the three planned building categories,<sup>2</sup> would constitute the second-largest in terms of square feet. In comparison to other notable nearby structures, the 92,565 SF

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<sup>2</sup> In addition to the 92,565 SF Nursing Facility, the proposed Mission Chateau Development would also include a 271,140 square foot "Assisted Living and Independent Living Facility" and multiple "villa"-style residences constituting 24,915 square feet.

Nursing Facility would be larger<sup>3</sup> than any of the following: (a) the Corinth South property (i.e. Panera, First Watch, and Mission Antique Mall buildings); (b) the Corinth Office Building; and (c) the Corinth Executive Building. *See Corinth Area Office and Retail* data, attached hereto as **Exhibit A**. In addition, the 92,565 SF Nursing Facility would constitute over half of the square-foot area of *all* the buildings in the Corinth Square retail center. In light of such numbers, any argument by MVS that the nursing facility should be considered anything other than one of the largest buildings in Prairie Village should not be countenanced by the City.

In sum, MVS' reliance on the Zoning Ordinance's allowance for skilled nursing care as a "subordinate accessory use" in order to seek approval of a separate and free-standing 92,565 square foot facility is entirely unsupported and should not be accepted by the City. Further, MVS' suggestion that its 92,565 SF Nursing Facility is only "subordinate" to its other planned structures entirely disregards the fact that it only intends to construct the remaining buildings in the event that the nursing facility proves successful.

As such, the first factor under Section 19.28.035 weighs heavily against MVS' proposed special use permit.

**B. The proposed Mission Chateau Development will adversely affect the welfare of the surrounding community.**

The Planning Commission should deny MVS' proposed special use to the extent that it will negatively impact the welfare of the surrounding Prairie Village community in a variety of ways, including but not limited to the following: (1) the size and intensity of the proposed development is truly unprecedented in Prairie Village; (2) MVS' proposal fails to provide any buffer between its high-density development and adjoining single-family homes; (3) MVS' "campus" proposal attempts to make an end-run around the Zoning Ordinance's minimum

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<sup>3</sup> Comparisons are made in terms of square feet.

standards that are designed to apply to *every* individual building; and (4) as Prairie Village's market for retirement facilities has long been saturated, additional construction will negatively impact the City's diversity of development and its ability to attract future businesses and residents.

1. ***The size and density of the proposed development would adversely affect the welfare of the surrounding single-family residential home owners.***

If approved by the Planning Commission, the square footage covered by the Mission Chateau Development would constitute the largest residential building in Prairie Village. At 271,140 square feet, the "assisted living and independent living facility" proposed for construction in "phase 2" of the development would itself be the largest residential building in the City. *See Top 10 Residential Building Data*, attached hereto as **Exhibit B**.

The development's sheer size is only made more pronounced by its intensity. Based on information provided by the Johnson County, Kansas, Appraiser's Office and confirmed through a review of certain registration statements filed by the JC Nichols Company with the Securities Exchange Commission in 2003, the proposed Mission Chateau Development would be almost *two times more intense*, in terms of square foot development per acre, than the Corinth area office and retail mixed use development. *See Corinth Area Office and Retail* data, attached hereto as **Exhibit A**. Indeed, the Corinth area office and retail development averages 11,902 square feet per acre. *Id.* The proposed Mission Chateau Development, on the other hand, would average an amazing 21,122 square feet per acre. *Id.*

Unlike the Corinth area office and retail development, which is for the most part bordered by streets, the Mission Chateau Development would be constructed in the middle of a residential block and would be surrounded on three sides by single-family residential homes. Such homeowners, who have for many years enjoyed significant setbacks and an abutting school

perfectly in harmony with the residential nature of the community, would suddenly be adjoining a massive, high-density development. Construction of such a special use so clearly incompatible with the surrounding community would adversely affect its residents and their residential properties.

2. ***The adverse effects of the high-density proposed development are only exacerbated by the lack of transition or setback with surrounding single-family residential homes.***

MVS' proposed site plan indicates that several buildings on the perimeter of the Mission Chateau Development will be set back a thirty-five (35) feet from the property lines of the abutting single-family residential homes. Such a setback, or lack thereof, is entirely unacceptable—especially given the high-density nature of the proposed development. While Prairie Village has not enacted specific ordinances requiring transition areas, several municipalities have recognized the obvious need to require a sufficient setback or transition between areas of varying densities.

For example, the City of Olathe has enacted ordinances mandating a “neighborhood transition area,” between one hundred (100) and two-hundred (200) fifty feet in width, between areas zoned as a “traditional neighborhood”<sup>4</sup> and areas zoned as either: “(a) R-2<sup>5</sup> or more restrictive; (b) Land zoned R-3 and developed with or platted for single-family or two-family residential purposes; and (c) Land in unincorporated areas developed with or platted for single-family residential purposes.” See City of Olathe Unified Development Ordinance § 18.29.070. As stated by the City of Olathe Unified Development Ordinance, a neighborhood transition area “is appropriate along the perimeter . . . abutting . . . low-density housing or other sensitive areas

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<sup>4</sup> “Traditional Neighborhoods” contain a variety of residential land uses including single-family, two-family, townhouse, condominium, multifamily dwellings, and a “neighborhood center.” See City of Olathe Unified Development Ordinance § 18.29.020.

<sup>5</sup> Property zoned “R-2” consists of a “two-family residential district.”

that may be impacted by the higher densities often found in a [traditional neighborhood].” See City of Olathe Unified Development Ordinance § 18.29.020(D).

While certainly not binding on the Planning Commission, the above ordinances nonetheless underscore a central deficiency of the Mission Chateau Development; namely, MVS has failed to propose a sufficient perimeter with the abutting single-family lots. To the extent that the City of Olathe would require a neighborhood transition area of one hundred (100) to two hundred fifty (250) feet under substantially identical circumstances, the Planning Commission should not permit MVS’ attempts to stretch its construction up to a point thirty-five (35) feet from adjoining single-family homes. Instead, the Planning Commission should reject MVS’ special use permit to the extent that it has failed to propose a plan with any identifiable transition area.

MVS’ refusal to provide any buffer between its high-density development and the surrounding residential neighborhood demonstrates more than just a failure to propose a development not “dissimilar to the normal uses permitted” and “in harmony with the neighborhood;” such proposals shows that MVS’ requested special use would “adversely affect” the welfare of the surrounding community. See *Zoning Ordinance* §§ 19.06.005 & 19.28.005.

**3. *MVS attempts to make an end-run around certain statutory violations by presenting its proposed “campus” development of 8 separate buildings as a single building for purposes of the Zoning Ordinance.***

Notably, the Staff Report submitted to the Planning Commission recognizes that “[t]he property is zoned R-1A which requires a 30’ front yard setback.” See Staff Report at 4. MVS’ proposal, however, provides that its “villa”-style residences will be constructed a mere ten (10) to twenty (20) feet (approximately) from the proposed road. Moreover, the proposed 92,565 SF Nursing Facility does not provide for a thirty (30) foot front yard, but instead calls for

construction almost directly abutting the adjoining road. This proposal is in direct violation of Section 19.06.025 applicable to properties zoned as R-1A. *See Zoning Ordinance* §§ 19.06.025 & 19.02.520.

Further, as a property zoned R-1A, MVS' proposal must show that its proposed development will "not cover more than 30% of the net lot area." *See Zoning Ordinance* § 19.06.040. Again in contravention of such requirement, MVS' proposed Mission Chateau Development would cover far more than 30% of the net lot area.

Such additional violations of the Zoning Ordinance demonstrate MVS' attempts to sidestep the above statutory requirements by framing its proposed "campus" of eight separate buildings as a single building for purposes of obtaining approval of its special use. Indeed, while MVS has purportedly complied with the Zoning Ordinance's front-yard requirement for its 271,140 square foot assisted living facility, its plans all but overlook such statutory requirements as to the seven other buildings in its proposed development. By seeking this Planning Commission's approval of its "campus" development as a single property, MVS also hopes to bypass the 30% lot coverage requirement in order to construct one of the most intense developments in Prairie Village.

MVS' oversight of the Zoning Ordinance underscores a central flaw of its proposed special use. Namely, the high-density nature of the Mission Chateau Development would adversely affect the welfare of the surrounding single-family residential community in ways that the Zoning Ordinance was specifically enacted to prevent, but which MVS now seeks to avoid.

4. ***The market for retirement homes in Prairie Village is saturated; as such, any additional retirement facility development will not only not serve, but will also adversely affect, the "welfare or convenience" of the City's residents.***

The City of Prairie Village is saturated with retirement facilities. As the Planning Commission is well aware, the City has seen the construction of a number of retirement facilities in recent years. At present, Prairie Village is home to four retirement homes: Claridge Court, Brighton Gardens, The Forum, and most recently, the Benton House. Based on independent research conducted by members of the Mission Valley Neighbors Association, Inc. (“Mission Valley Neighbors”), it is clear that Prairie Village is home to an unusually disproportionate number of retirement homes. Indeed, for every one Prairie Village resident, there are 22 retirement living units<sup>6</sup> in the City’s various facilities. *See Retirement Facility Research Data* (compiled by the Mission Valley Neighbors) attached hereto as **Exhibit B**. In contrast, however, the average in Johnson County as a whole is approximately 67 retirement living units per resident. *See id.*

The explosion of retirement home development in Prairie Village has unfortunately not produced benefits to the City’s residents. Based on informal polls taken of the management staff of the Benton House, Claridge Court, and The Forum, it is estimated that only one-third (33%) of those facility’s patrons are residents of Prairie Village<sup>7</sup>. Given such figures, it is clear that any additional retirement facility construction in the City would not only fail to improve the “welfare or convenience” of the residents of Prairie Village but would actually cause adverse effects to such considerations. Firstly, as the market for retirement homes is clearly saturated, one must strain to conjure any “welfare or convenience” interest served by the construction of even more such homes. Moreover, it is a tenet of any zoning ordinance, and is indeed expressed in this

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<sup>6</sup> This figure includes the number of living units that would be added to the City in the event that the Planning Commission approves the Mission Chateau Development.

<sup>7</sup> The management staff of Claridge Court reported that the ratio of Prairie Village residents living in its facility was some percentage less than 50%.



City's comprehensive plan, that a wide array of housing options<sup>8</sup> and diversified businesses should always be available to its residents. Concentration in retirement home development may have the unintended effect of impeding the City's future development and attractiveness to home-buyers. While no one will dispute that retirement homes play an essential role in the City's overall "welfare or convenience," it is undeniable that Prairie Village's demand for such businesses has long been satisfied.

In that vein, the Mission Valley Neighbors must respectfully disagree with the Staff Report's assessment that the proposed project will not adversely affect the welfare of the public because "[i]t will . . . provide a senior housing community for area residents that are not currently being provided for in Prairie Village." See Staff Report at 5–6. Such an opinion reflects an unfortunate oversight of the recent proliferation of senior housing construction and the clear saturation of the market for such housing in Prairie Village, as set forth above. Indeed, the ratio of senior housing living units in Prairie Village is nearly *three times* the average in Johnson County.

For such reasons, the proposed special use before the Planning Commission will not advance, and will indeed adversely affect, the "welfare or convenience" of Prairie Village residents.

C. **The proposed special use would cause substantial injury to the values of the surrounding single-family homes.**

The next factor for the Planning Commission's consideration is whether MVS' proposed special use would "cause substantial injury to the value of other property in the neighborhood in which [the development] is to be located." See *Zoning Ordinance* § 19.28.035(C). The Mission

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<sup>8</sup> The City's Village Vision Strategic Plan ("Village Vision") states, for example, as a "development principle" that "[o]pportunities to create a range of housing types and price levels should be provided to bring people of diverse ages . . . ." See Village Vision at 3.19.

Chateau Development proposes the construction of a two to three-story 271,140 square foot “assisted living and independent living facility” which would constitute the largest residential building in Prairie Village and would extend forty feet ten inches (40’ 10’’) in height at its highest point. *See Top 10 Residential Building Data*, attached hereto as **Exhibit B**. Such a massive three-story development would be visible from nearly every nearby single-family residential lot. Moreover, the proposed two to three-story 92,565 SF Nursing Facility constructed in “phase 1” of the project is proposed to similarly extend approximately forty (40) feet above grade at its highest point. Like the assisted living facility, this construction would similarly be visible from nearly every nearby lot. MVS also seeks to construct numerous single-story “villa”-style residences extremely close to the southern boundary of the development site, proposing setbacks appearing to range between a thirty-five (35) feet to approximately thirty-five (35) feet.

Even under a cursory review of the size, square footage, height, and lack of setback of the proposed development in light of the nature of the surrounding ranch-style single-family residential homes, the fact that the Mission Chateau Development will have a negative impact on surrounding home values is undeniable. While MVS asks the City’s residents to “[k]eep in mind that the school gym is 38 feet tall” in a “FAQ Supplement” dated March 15, 2013, it fails to note that the school gym is set back on the middle portion of the lot and is not a housing and/or hospital unit operating around the clock. As proposed, the Mission Chateau Development would dominate the area neighborhood. The Planning Commission should deny such a proposed special use that is so clearly injurious to the value of neighborhood properties.

To demonstrate to the Commission the negative financial impact that would be caused by MVS’ proposal, a neighbor has obtained, at a significant personal cost, the written opinion of a

Kansas licensed real estate appraiser. That opinion will be presented to the Planning Commission by the homeowner that obtained the report. The homeowner has nonetheless authorized the Mission Valley Neighbors to report that construction of the Mission Chateau Development would result in a significant “external obsolescence,” or property depreciation caused by negative external influences, of the surrounding neighborhood. Specifically as to that homeowner, the real estate appraiser expects that the special use proposed by MVS would result in a diminution of at least 10% of the current market value of his home.

The Mission Valley Neighbors are in possession of the Staff Report issued to the City in this matter, in which it reports, in support of its conclusion that the proposed development will not adversely affect surrounding property, that “[t]he property to the north and northwest is high density development.” *See* Staff Report at 6. In support of that conclusion, it should be highlighted that the Staff Report relies solely on a “living units per acre” comparison. *See id.* The Mission Valley Neighbors respectfully submit, however, that such a statistical comparison is merely a red-herring that only belies the clearly disparate densities of the proposed development and such apartment buildings. The more appropriate comparison the Planning Commission should consider is in square feet of development per acre. Indeed, the Staff Report’s “living units per acre” figure entirely overlooks that the Mission Chateau Development does not merely consist of “living units.” To the contrary, as an assisted living center and non-acute hospital, the proposed development would necessarily contain considerable support services and facilities (i.e. hospital facilities, banquet rooms, kitchens, convenience shops, security facilities, meeting rooms, etc.) that are simply not in the apartment buildings to the north and north-west. As such, a “living units per acre” statistical comparison is a misnomer. Given the unique nature of MVS’ proposed special uses, the Planning Commission should instead consider the “square foot per

acre” comparison in assessing the density of MVS’ proposal. As set forth above, such a comparison demonstrates that the Mission Chateau Development would be almost *two times more intense* than the Corinth area office and retail development. The construction of such a high-density development amongst a single-family residential community would surely negatively impact property values.

Given the heavy financial damage to the surrounding properties that would be caused by MVS’ proposal, the Planning Commission should deny the proposed special use application.

**D. The proposed special use would “dominate” the neighborhood.**

Factor “D” weighs heavily in favor of the Planning Commission disapproving MVS’ requested special use permit. MVS seeks to construct a 388,620 square foot non-acute hospital and assisted living facility in the middle of a single-family residential neighborhood. The scale of the Mission Chateau Development is unprecedented in Prairie Village. To find a larger development in the City, one must look even further than the entire Corinth area office and retail development. Indeed, the Mission Chateau Development is larger, in terms of square feet, than all of the following Corinth-area buildings combined: (a) Corinth South (Panera, First Watch, and the Mission Antique Buildings); (b) *all* of the Corinth Square Buildings; (c) the Corinth Office Building; and (d) the Corinth Executive Building. *See Corinth Area Office and Retail data, attached hereto as Exhibit A.* Moreover, the individual buildings would be some of the largest in the City; the proposed 271,140 square foot assisted living and independent living facility, for example, would rank as the largest residential building in Prairie Village. Both the assisted living facility and the non-acute hospital facility would tower above the neighboring ranch-style homes; the proposed drawings indicate that both structures would stretch at least forty (40) feet above grade.

The astonishing size of the development is only matched by its intensity. At 21,122 square feet per acre, the proposed Mission Chateau Development is almost two times more intense than the Corinth area office and retail development. *See Corinth Area Office and Retail* data, attached hereto as **Exhibit A**. Aside from the sheer size and intensity of the assisted living facility and the non-acute hospital facility, MVS seeks to construct certain “villa”-style residential buildings thirty-five (35) feet from the property lines of the adjoining single-family homeowners.

MVS’ special use permit seeks to place its massive development in a lot surrounded on three sides by single-family residential, and largely ranch-style, homes. Unlike other comparable Prairie Village buildings, such as the Corinth area office and retail buildings or the City’s other retirement facilities, the Mission Chateau Development would be constructed in the middle of a residential lot and would not be buffered by any noteworthy green space or city streets.

Finally, MVS’ proposed landscaping plans fail to provide an adequate screen or buffer between adjoining property lines. While it may be impossible to block off such large structures from area single-family lots, the Mission Valley Neighbors respectfully submit that MVS’ current landscaping proposal is entirely inadequate.

In sum, and in the words of the Zoning Ordinance, the Mission Chateau Development would “dominate the immediate neighborhood.” *See Zoning Ordinance* § 19.28.035(D). Based on such considerations alone, the Planning Commission should deny MVS’ proposed special use permit.

**E. MVS’ proposed off-street parking and loading areas should be carefully scrutinized by the Commission and additional screening should be required.**

Under Section 19.28.035(E), MVS is required to demonstrate that its proposed special use accounts for adequate off-street parking and loading areas and that such areas are “screened

from adjoining residential uses and located so as to protect such residential uses from any injurious effect.” The Mission Valley Neighbors request that the Planning Commission carefully scrutinize the adequacy of the proposed parking and loading areas. Inadequate parking accommodations have become an issue for certain other Prairie Village developments, such as the Claridge Court retirement facility, where employees are required to park at off-site locations, including but not limited to at the Corinth Library parking lot.

Moreover, it should be highlighted that MVS’ landscape plans fail to provide for the planting of any vegetation on the north-west property line that abuts a proposed parking lot of the 92,565 SF Nursing Facility. Notably, MVS seeks to rely on the “existing trees at property line” to fulfill its duty to screen the parking lot. The Planning Commission should not accept such attempts to sidestep the Zoning Ordinance’s requirement that any parking or loading areas be sufficiently screened. Indeed, those residents on the north-west property line currently abut an open grass recreation field. If constructed, the parking lot to the 92,565 SF Nursing Facility would be active literally twenty-four hours a day, given its nature as a non-acute hospital and around-the-clock shifts of employees. MVS’ failure to screen should not be permitted and its special use application should be denied.

**F. The proposed drainage pond should be buried for health and safety purposes.**

Section 19.28.035(F) states that MVS’ proposed special use must provide “[a]dequate utility, drainage, and other necessary facilities . . . .” *Zoning Ordinance* § 19.28.035(F). At present, the Mission Chateau Development drawings call for the construction of an exposed ditch on the south-west property line that would serve as a rain retention pond.

MVS’ proposed ditch, however, would constitute an attractive nuisance, especially given the large number of young children residing in the neighborhood. Area children have long

grown accustomed to the recreational benefits of the Mission Valley lot. If allowed to construct the Mission Chateau Development in the middle of a residential neighborhood, MVS should be required to protect against such apparent injury risks. As such, the Planning Commission should deny the proposed special use or, in the alternative, and without waiving its strenuous objections outlined herein, should require MVS to bury its retention pond based on such health and safety issues.

**G. The proposed cul-de-sac entrance presents an unreasonable risk of traffic congestion.**

At present, MVS' proposed site plans indicate that the facility will be served by two points of entrance. Both entrances funnel into a central cul-de-sac which apparently will constitute the main entrance of the 271,140 square foot "assisted living" facility. This design presents a real danger of traffic congestion and, thus, a potential for inaccessibility in the case of emergency.

**H. Adjoining properties and the general public would not be adequately protected from intrusive noises.**

MVS' proposed special use seeks to construct a residential and hospital complex unprecedented in size in a lot that is currently home to a school with sprawling green spaces, a nature trail, and recreation fields. Area home-owners have made substantial investments in reliance on their reasonable assumption that the Mission Valley lot would maintain its character as a compatible element of the surrounding single-family home district. Indeed, Mission Valley Middle School operated largely only during school months and hours. In its place, MVS seeks to construct a major assisted living and non-acute hospital facility of unprecedented proportions which would operate at all hours, 365 days a year.

If accepted, the proposed special use would introduce a total of 356 living units into the Mission Valley lot. Given the nature of the proposed “assisted” living and hospital services offered by the development, MVS would be required to employ a large substantial support staff, in addition to necessarily requiring a large number of trips by delivery vehicles, emergency vehicles, and other support services. In all, the Mission Chateau Development would bring approximately 1,153 daily vehicular “trips.” Unlike the Mission Valley Middle School, however, the traffic, noise, and lights would be virtually incessant, with daily spikes in traffic activity at 6:45 – 7:15 a.m. and 10:45 – 11:15 p.m.

Given the extensive nature of the proposed special use, the noises, lights, and other nuisances will be unavoidable and will surely negatively impact both the quality of life of area homeowners and home values. As such, the Planning Commission should deny MVS’ proposed special use.

**I. The architectural style is not compatible with the surrounding neighborhood.**

No amount of architectural finesse can sufficiently mask the proposed Mission Chateau Development which is so clearly disproportionate in size and use to the surrounding neighborhood. The Mission Valley neighborhood, and indeed Prairie Village as a whole, is known for its attractive ranch-style or two-story single-family residential homes. It should not be known, however, for its two to three-story assisted living and non-acute hospital facilities.

In sum, the Mission Valley Neighbors respectfully submit that MVS’ proposed special use fails under each of the factors for consideration under Section 19.28.035. At its core, the uses proposed by the Mission Chateau Development would represent an alarmingly dissimilar and incompatible departure from the surrounding single-family residential neighborhood. Based on all the foregoing reasons, MVS’ special use application should be disapproved.



## II. **Consideration of the *Golden* Factors Similarly Demand a Denial of MVS' Proposed Special Use.**

The Kansas Supreme Court has long held that special use permits essentially seeks a rezoning and thus may only be issued in conformity with the statute and rules which authorizes the zoning. *See Crumbaker v. Hunt Midwest Mining, Inc.*, 69 P.3d 601, 611 (Kan. 2003). As such, the factors announced in *Golden v. City of Overland Park*, and codified by Zoning Ordinance § 19.52.030, have become required considerations for planning commissions charged with considering special use permit applications. *See McPherson Landfill, Inc. v. Bd. of Cty. Com'rs of Shawnee Cty.*, 49 P.3d 522, 525 (Kan. 2002). As set forth below, MVS cannot justify approval of its proposed special use under the following *Golden* factors.

### A. **The Residential Character of the Mission Valley Neighborhood.**

MVS' reliance on the apartment buildings on the north property line only belies the true impact the proposed special use would have on the single-family residential homes on the east, south, and south-west property lines. Since the construction of each one of these homes, its owners have enjoyed the relaxed, residential character of the neighborhood and the significant buffer provided by the green space of the Mission Valley lot. The unimposing, suburban environment of the Mission Valley neighborhood has made the area an ideal place to raise a family. The charm and character of the neighborhood has attracted exceptional residents and the construction of many quality and extraordinary homes over the years. If constructed, area homeowners would face an impossible choice: sell their homes and relocate to a more residential neighborhood or simply accept that their once quaint neighborhood will be yielding to a high-density institutional development. Indeed, the Mission Valley Middle School's open spaces and unimposing structure adequately compliments the residential nature of the neighborhood. The

institutional nature of the Mission Chateau Development proposal, on the other hand, pays short-shrift to the residential character of the neighborhood.

The Planning Commission should act to preserve the residential character of the Mission Valley neighborhood and disapprove MVS' requested special use.

**B. The Mission Valley Area is Predominantly Zoned as Single-Family Residential Homes and The Few Small-Scale Apartment Homes Nearby are Buffered by the Significant Green Space of the Mission Valley Lot.**

Simply put, the Mission Valley neighborhood consists of single-family residential homes. While MVS will certainly attempt to emphasize the apartments on the north and northwest property lines of the Mission Valley lot, not a single Mission Valley area single-family property currently abuts anything other than a city street or the open grass fields of the Mission Valley lot. MVS' proposal would not only effectively destroy the natural buffer created by the Mission Valley lot, it would bring a high-density development unprecedented in scope up to the property lines of the area single-family residential lots. Moreover, there is no comparison between the proposed density of the Mission Chateau Development as compared to the apartments, which consist merely of living units and do not contain the substantial support buildings, services, and square footage required by the proposed senior living facilities.

**C. The Mission Valley lot is Suitably Zoned as a R1-A Single-Family Residential District.**

The uses allowed by the Zoning Ordinance applicable to single-family residential districts are properly suited to the character of the community. Single-family dwellings, parks and recreation areas, churches, certain governmental buildings, libraries, museums, art galleries, educational facilities would all provide a much closer match to the residential and family character of the neighborhood as compared to a large-scale retirement and non-acute hospital facility.

**D. The Astonishing Size, Square Footage, Height, And Neighborhood Footprint of the Proposed Mission Chateau Development Will Detrimentially Affect Neighboring Home-Owners.**

As discussed at length herein, MVS' proposed special use would be unprecedented in size and scope in Prairie Village, especially in light of its placement in the middle of a residential neighborhood. To review:

- The square footage covered by the entire Mission Chateau Development would constitute the largest residential building in Prairie Village.
- The Mission Chateau Development is larger, in terms of square feet, than all of the following Corinth-area buildings combined: (a) Corinth South (Panera, First Watch, and the Mission Antique Buildings); (b) *all* of the Corinth Square Buildings; (c) the Corinth Office Building; and (d) the Corinth Executive Building. *See Corinth Area Office and Retail* data, attached hereto as **Exhibit A**.
- At 271,140 square feet, the “assisted living and independent living facility” proposed for construction in “phase 2” of the development would itself be the largest residential building in the City. *See Top 10 Residential Building Data*, attached hereto as **Exhibit B**
- The proposed Mission Chateau Development would be almost *two times more intense*, in terms of square foot development per acre, than the Corinth area office and retail mixed use development. *See Corinth Area Office and Retail* data, attached hereto as **Exhibit A**.
- The 92,565 SF Nursing Facility alone would be larger<sup>9</sup> than any of the following: (a) the Corinth South property (i.e. Panera, First Watch, and Mission Antique Mall

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<sup>9</sup> Comparisons are made in terms of square feet.

buildings); (b) the Corinth Office Building; and (c) the Corinth Executive Building. See *Corinth Area Office and Retail* data, attached hereto as **Exhibit A**.

- The 92,565 SF Nursing Facility would constitute over half of the square-foot area of *all* the buildings in the Corinth Square retail center.
- MVS' proposed site plan indicates that several buildings on the south perimeter of the Mission Chateau Development will only be set back thirty-five (35) feet from the property lines of the abutting single-family residential homes.
- The proposed 271,140 square foot "assisted living and independent living facility" would be two to three stories and forty feet and ten inches (40' 10") in height at its highest point. See *Top 10 Residential Building Data*, attached hereto as **Exhibit B**.
- The proposed two to three-story 92,565 SF Nursing Facility constructed in "phase 1" of the project is proposed to similarly extend approximately forty (40) feet above grade at its highest point.
- A real estate appraisal commissioned by an area homeowner indicates that the special use proposed by MVS would result in a 10% diminution in the market value of his home.

Taken together, such facts clearly demonstrate that MVS' special use would detrimentally impact the neighboring property owners.

**E. The Mission Valley property has only been vacant due to various delays in development.**

The Mission Valley property is a highly valuable piece of real estate that may be profitably developed for a variety of uses. The "vacancy" of the building since the spring of 2011 is attributable to a variety of delays in development and is not due to some inherent flaw in the property's marketability.

**F. The hardship threatened to area property owners by virtue of the proposed special use far outweighs any purported “destruction of value” that might be caused by the denial of MVS’ special use permit.**

The balancing analysis presented under the sixth *Golden* factor should offer the Planning Commission a crystal-clear view into one of the central issues presented by MVS’ special use permit. On one hand, it is uncontroverted that the Mission Valley property is one of the most valuable tracts of real estate available for development in Prairie Village. Given its unique size and location in a high-demand residential area, MVS is positioned to make a substantial profit no matter which sort of development it seeks (and is permitted) to pursue. As such, the Planning Commission’s denial of the instant special use permit application would have little, if any, effect on the “value of the [MVS’] property.”

On the other hand, approval of the proposed special use would immediately and permanently cause a significant diminution in the values of area homes. Unlike MVS, who has many economically viable options at its disposal, area homeowners do not enjoy any such freedom of choice. Indeed, the monetary (i.e. home values) and intangible (i.e. quality of life, welfare, etc.) damages caused by the proposed special use would be unavoidable. As between MVS and area homeowners, the financial consequences at stake are clearly unequal. As such, the “health, safety, and welfare” would be surely served by the Planning Commission’s denial of MVS’ application.

**G. The City staff’s recommendations.**

The Mission Valley Neighbors respectfully submit that the City staff recommendations unfortunately overlook a number of negative impacts threatened by MVS’ proposal, some of which are set forth herein. Merely by way of example, however, the analysis of the above sixth *Golden* factor entirely overlooks the fact that area home values will be negatively affected by the

proposed special use. Instead, it appears to fixate on only “the loss of open space and use of the area for recreational purposes.” Nonetheless, such recommendations should not otherwise prevent this Planning Commission’s due consideration of the arguments presented by the Mission Valley Neighbors.

The Mission Valley Neighbors further state that it joins in the City staff recommendation that the Planning Commission continue the Public Hearing until June 4, 2013, in order to require MVS to submit drawings that adequately depict the size and mass of the proposed development.

**H. The Proposed Special Use is Incompatible with Village Vision.**

While the discrepancies between the proposed special use and the stated goals of the City’s comprehensive Village Vision Strategic Plan (“Village Vision”) are numerous, the Planning Commission should especially consider two themes left unaddressed by MVS: (1) the Mission Chateau Development does not incorporate “open space” or adequately transition between the high-density proposed special use and neighboring single-family homes; and (2) the proposed development constitutes an “isolated project” incompatible with the existing neighborhood.

First, Village Vision states that developments “should incorporate open space in the form of plazas, squares, and parks that may include civic uses.” *See* Village Vision at 3.19. MVS’ proposal makes no identifiable effort in this regard. Indeed, while proposing the construction of two of the largest residential buildings in Prairie Village, it has not provided any sort of buffer or transition between those buildings and the surrounding single-family homes. Amazingly, it has instead proposed the construction of additional “villa”-style residences to line such borders to the south and south-west. As set forth above, several cities, including the City of Olathe, have codified Village Vision’s goal of providing “open spaces” so as to adequately transition between

areas of varying densities. The Mission Valley Middle School design, for example, did just that. Indeed, the existing lot provides significant open green space between the middle school and the adjoining single-family lots. MVS' proposal both expands the density of the buildings while seeking to altogether eliminate the lot's transition space.

Second, as stated by the Village Vision's "development principles," Prairie Village developments should be sufficiently "integrated" by ensuring that they "enhance existing neighborhoods" and do "not take the form of an isolated project." *See* Village Vision at 3.19. MVS' proposal seeks to construct a 92,565 square foot non-acute hospital, a 271,140,140 square foot assisted living facility, and 24,915 square feet of "villas" in what is now open green space and recreation fields. With peaks of approximately forty feet ten inches (40' 10") in height, the proposed development does not even attempt to "integrate" itself in the existing, residential neighborhood. While the lot is bordered to the north and northwest by small apartment homes, such buildings pale in comparison to the scope of the Mission Chateau Development. To the extent that the proposed special use would be unprecedented in Prairie Village, and given the single-family homes surrounding it on three sides, MVS' development is truly an "isolated project."

Such apparent failures to consider the stated goals of Village Vision should further support the Planning Commission's denial of MVS' special use permit application.

CORINTH AREA OFFICE AND RETAIL

<u>Property</u>	<u>Acres</u>	<u>Square Footage<sup>1</sup></u>
1. Corinth South (Panera, First Watch, and Mission Antique Mall buildings)	6.92	89,076
2. Corinth Square (All buildings)	17.76	167,351
3. Corinth Office Building	2.01	51,818
4. Corinth Executive Building	3.64	52,752
<b>TOTAL</b>	<b>30.33</b>	<b>360,997</b>

Square footage/acre of existing mixed use (properties 1-4 above) =  $360,997/30.33 = 11,902$

	<u>Acres</u>	<u>Square Footage</u>
Development Proposal <sup>2</sup>	18.4	388,640

Square footage/acre proposed = 21,122

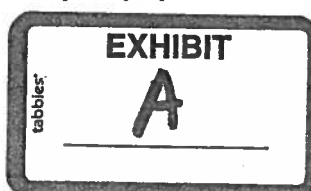
The proposed development is almost two times more intense a development than the mixed use development to its north.

Square footage/acre proposed	21,122
Square footage/acre existing mixed use	11,902

$21,122/11,902 = 1.78$

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

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



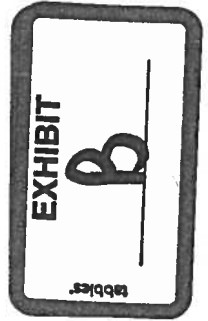


## Top 10 Residential Building Data

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

These are the LBCS codes I searched for:

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



- 1190 Temporary residential use
- 1199 Accessory residential support use (garage/shed)
- 1210 Retirement housing
- 1220 Congregate living facility
- 1230 Assisted-living facility
- 1240 Life care or continuing care services
- 1250 Skilled-nursing services

Retirement facility	Independent units	Assisted Liv units	skilled nursing beds	total
Benton house		47	12	59
Claridge Court	132		45	177
Brighton Gardens		84	70	154
The Forum	117	30	60	207
Mission Chateau	160	60	136	356
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Total Prairie Village Proposed Retirement	409	221	323	953
Prairie Village population				21447
number of units in pv per population				22 units per every one citizen
Johnson County retirement	3260	1542	3338	8140
johnson county population				545,741
number of units in joco per population				67 units per every on citizen

