

**PLANNING COMMISSION MINUTES
MAY 7, 2013**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 2, 2013, in the fellowship hall of The Village Presbyterian Church at 6641 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, Building Official, Keith Bredehoeft, Interim Public Works Director, Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard noted on pages 2 & 5 the reference to review of **site** plan criteria was incorrectly typed as "sign". Gregory Wolf moved the minutes of the April 2, 2013 be approved as corrected. The motion was seconded by Randy Kronblad and passed unanimously.

NON-PUBLIC HEARINGS

**PC2013-112 Site Plan Approval - Building Height Elevation
9109 Fontana**

Dan Quigley, 11106 West 146th Terrace, stated he originally requested a three foot building elevation increase but has made modifications to his plans and is currently requesting a 2-foot increase in elevation. He acknowledged the concerns expressed by neighbors to this change noting there has only been one new home constructed in the neighborhood in the past 20 years. He showed pictures of the homes in the neighborhood, noting the varied heights and styles of the homes. Mr. Quigley grew up in this area and would now like to move his family to the neighborhood. He is an experienced home builder the other homes he has constructed.

The City code allows new residential structures or additions to raise the first floor elevations six inches for every additional five feet over the minimum side yard setback that the building sets back from both side property lines. This allows him an increase of 6".

Mr. Quigley showed pictures indicating the foundation issues of the existing home relative to the curb. The current home has a 7 foot deep basement; whereas the common basement depth today is 9 feet. Mr. Quigley reviewed the side yard setbacks and elevations of the adjacent properties. He will be building at a higher elevation to get drainage away from the house. He wants to maintain a walkout and

to do so will be constructing a small retaining wall and keep the existing side entrance orientation for the garage.

Nancy Vennard noted the roofline of the existing house appears to be considerably lower than the others and how the new roofline would compare. Mr. Quigley responded it would be 7 to 10 feet above the adjacent property.

Gregory Wolf asked if the applicant accepts the staff recommendation. Mr. Quigley responded he desires a net increase of two feet.

Dennis Enslinger reviewed the following staff report:

The applicant is requesting a first floor elevation change of 2 feet and has submitted a site plan that shows how the change would be accommodated. The existing house was built in 1963 and has the typical low basement ceilings that were built at that time. The applicant would like to increase the ceiling height in the basement, provide a walk-out basement and provide a more positive slope to the street.

The existing house (965.0) is slightly lower than the street (965.7) and the first floor elevation is 5 feet lower than the house to the north (970.3) and 4 feet higher than the house to the south (961.1). The ground slopes from north to the south and west to east.

The applicant held a neighborhood meeting with ten area residents in attendance. A number of concerns were discussed including the height of the new first floor. The property owner to the immediate south is still concerned with the requested elevation change. The property owner to the south has provided written comment of his concerns. The applicant has secured approval from the Kenilworth Homes Association to construct the dwelling as proposed. However, Mr. Enslinger noted the deed restrictions address the width and lot coverage of the structure, not the building elevation.

In evaluating an application for an elevation change, the Planning Commission reviews the following criterion:

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

The land in this area is hilly with significant elevation changes. There are a number of types of housing the neighborhood including ranch, split levels, walk-outs and two story structures. The existing residence and the residence to the immediate north are similar in nature and are reverse 1.5 stories with a walk-out in the rear. The house to the immediate south is a ranch. The applicant is proposing to construct a reverse ranch on the site.

A 2-foot elevation change will be noticeable based on the existing conditions. The houses on this side of the block conform to the topography of the street by progressively cascading down with each house. The proposed construction would interrupt this pattern. The new residence would be approximately 1-2 feet higher than the house to the north.

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

In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands, provided that it is compatible with the neighborhood. Current zoning code provisions would allow the applicant to raise the finished floor elevation 6 inches based upon the proposed side-yard setbacks. The applicant could also gain additional ceiling height in the basement by either modifying the design to provide additional setback or provide a retaining wall in the rear of the property allow for the walk-out.

Increasing the finish floor elevation by only 6 inches does not allow the applicant to achieve positive water flow to the street. Street grade is at 965.7 and a 6 inches elevation change would only place the finished floor elevation at 965.5. Additional height would be required to address this issue.

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

The proposed house will maintain the same front yard setback as the existing house. However, the side yard setbacks and rear yard setback will be reduced from the existing conditions. The front yard, side yard, and rear yard setbacks exceed the requirements of the zoning ordinance.

Staff does not recommend granting an increase of 3 feet based on its impacts on the adjacent property and in relationship to the existing streetscape. The terrain is hilly in this area and a more reasonable elevation change with proper foundation landscaping, would not adversely affect the public welfare or be injurious to property in the immediate area.

While staff does not have a specific recommendation on an acceptable waiver, staff believes that a 1-1.5 feet waiver is more acceptable. If the Planning Commission considers approval of the applicants request staff recommends the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. Approval of a Drainage Permit from the Public Works Department;
3. The applicant provide a letter from the Kenilworth Homes Association indicating that it has approved the proposed project; and
4. The applicant provides a survey document showing the height of the finished floor at (TBD) as part of the building inspection process.

Nancy Vennard noted residents are generally concerned the elevation height relative to the neighboring properties and is concerned with the proposed pitch of the roof. Mr. Quigley responded that he could reduce the pitch of the roof and gain two to three feet from the maximum height

Bob Lindeblad disagreed with Mrs. Vennard regarding the height and stated he views the entry and door height as the driving concern and feels the proposed building will have an adverse affect on the property to the south. The street front is a big picture concern even with the reduced 2 foot increase. Ken Vaughn and Randy Kronblad share Mr. Lindeblad concerns particularly with the grade difference to the south.

Dennis Enslinger noted that if the house was moved to the north, Mr. Quigley could meet the code provisions. Another option for him would be to change the walkout.

Dirk Schafer asked the applicant if he was willing to move the house to the north. Mr. Quigley responded he would be willing to give up the turnaround if he could raise the elevation 2 feet or an elevation increase of 1.5' in the location shown on the second plan submitted.

Mr. Vaughn asked if it creates issues for staff at the 1.5' elevation. Mr. Enslinger stated he would be more comfortable with a one foot elevation, but noted lowering the roofline will help for the properties to the north and south and landscaping can mitigate the foundation.

Gregory Wolf asked how much the roof could be lowered. Mr. Quigley responded two to three feet.

Dirk Schafer moved the Planning Commission approve PC2013-112 granting a building height elevation increase of 1.5' with the house to be located in location shown in the revised plan and subject to the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. Approval of a drainage Permit from the Public Works Department
3. The applicant provide a letter from Kenilworth Homes Association indicating that it has approved the proposed project;
4. The applicant provide a survey document showing the height of the finished floor at 1.5' as part of the building inspection process and
5. That the pitch of the roof be reduced to achieve a three to four foot decrease in total roof height.

The motion was seconded by Nancy Wallerstein and approved by a vote of 6 to 1 with Bob Lindeblad voting in opposition.

Chairman Ken Vaughn asked the public to be respectful of the applicants appearing before the Planning Commission and of the Commission. The Commission has a large agenda to complete this evening and it would be helpful if the public would remain quiet during presentations, not applaud speakers or hold up signs during presentations.

**PC2013-113 Approval of Sign Standards for Prairie Village Shopping Center
NW Corner 71st & Mission Road**

Kylie Stock, with LegaC Properties, LLC at 3955 West 83rd Street, stated she has been working with City Planning Staff in the development of the Tenant Sign Criteria for the Prairie Village Shopping Center. She has reviewed the staff comments on the

proposed standards and accepts the staff recommendation and related conditions of approval.

Ron Williamson stated it was anticipated that the sign standards would be more similar in format to what was approved for Corinth Square. Prairie Village Shopping Center is designed differently than Corinth Square and the building facades are not being changed so the standards are an update of the existing standards. There are several anchor tenants. Most of the signage will be within sign bands, however, there are several towers throughout the Center that have signage. Staff has reviewed several situations of the proposed sign standards with the applicant and has resolved most of the items. There are a few items that were not readily available and will be supplied at a later date.

The words "Drive Thru" are shown on the wall sign for Starbucks. That is not a part of their legal name and will need to be removed.

Dirk Schafer asked if the event sign at 71st & Mission Road would be permanently removed. Ms Stock responded the tenants want to have the ability to use that for promotion of center events and it will be incorporated into the sign standards.

Gregory Wolf moved the Planning Commission approved PC2013-113 approving the Sign Standards for Prairie Village Shopping Center subject to the following conditions:

- 1) That applicant provides the details for the U.S. Bank signs.
- 2) That the applicant provides the square footage for the proposed Hen House sign.
- 3) Remove the words "Drive Thru" from the wall sign for Starbucks.
- 4) Revise the sign standards (text and graphics) with conditions approved by the Planning Commission and submit to Staff for review and approval.
- 5) Remove the event sign at 71st and Mission Road or incorporate it into the Sign Standards.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2013-115 Approval of Final Plat
5250 West 94th Terrace**

John Petersen with Polsinelli Shughart at 6201 College Blvd, representing GDG, LLC stated the applicant will own the entire building and manage it as a single unit. The condominium association will be dissolved. The proposed final plat will eliminate the 28 condominium lots and be platted as one lot. The staff comments have been reviewed and are accepted by the applicant.

Ron Williamson noted the office building is currently platted as an office condominium with 28 individual units and 12 owners. The property is zoned CP-1 Planned Restricted Business District, but the plan designates all the parcels on the north side of 94th Terrace as offices. This lot is part of Meadowbrook Center which is a large development on the northeast corner of 95th Street and Nall Avenue. The building was built in 1982.

The applicant will own the entire building and manage it as a single unit. The condominium association will be dissolved. The proposed final plat will eliminate the 28 condominium lots and be platted as one lot. Since the area is developed and a preliminary plat was submitted when the area was originally platted, a preliminary plat was not required.

A survey and title opinion showing the easements and other encumbrances on the property has been submitted. All parties having a final interest in the development need to sign the plat which includes mortgagors.

All taxes due and payable must be paid and a copy of the tax receipt submitted to the City. The signatures section for the Governing Body needs to delete the word "Approved" and be replaced with "Easements and Rights-of-Way Accepted."

Gregory Wolf moved the Planning Commission approve the final plat of Meadowbrook Executive Building Replat and forward it on to the Governing Body for its acceptance of rights-of-way and easements subject to the following conditions:

1. That the applicant submits proof of ownership.
2. That the applicant submits the final plat to the Johnson County Surveyor for a review.
3. That the applicant submits a certificate showing that all taxes and special assessments due and payable have been paid.
4. That the signature section for the Governing Body be changed by deleting the word "Approved" and replacing it with the words "Easements and Rights-of-Way Accepted."
5. That the applicant revises the final plat and submit three copies to the City for final review and approval.
6. That the applicant dissolves the condominium association prior to filing the final plat with the Register of Deeds.

The motion was seconded by Bob Lindeblad and passed unanimously.

PUBLIC HEARINGS

PC2013-04 Special Use Permit Renewal & Expansion for Monarch Montessori School at 7501 Belinder Avenue

Lindsay McAnany, Administrator for the Monarch Montessori Preschool stated the school is seeking approval to expand their preschool within its existing REACH Church's building facility at 7501 Belinder Avenue. They plan to increase from two classrooms to four classrooms accommodating approximately 100 students. There is a minor change to hours of operation and the only change to the exterior structure will be the removal of the shed located on the east side of the south wing. It will be replaced with a 12' x 24' deck that opens onto the Monarch playground. Parking will be in the Church's west parking lot off the corner of 75th Street & Belinder. A five-year permit is being requested.

Chairman Ken Vaughn opened the public hearing to comments:

Joel Mellgren, 2611 West 75th Terrace, expressed concern with the traffic from the dropping off of children. He also noted traffic often backs up Belinder creating difficulties for residents to get out of their driveways now and additional students will bring additional traffic.

Ron Williamson replied that one of the conditions of approval is that the drop off and pickup of students occurs in the west parking lot and not on 75th Terrace. Access to the new classrooms, which are on the main floor, is from the west so this should not further aggravate the problem.

With no one else wanting to address the Commission on this application, Chairman Vaughn closed the public hearing at 8:05 p.m.

Ron Williamson noted that Monarch Montessori Preschool received its initial Special Use Permit in December, 2009 subject to seven conditions for a period of three years.

The three year approved period has lapsed and renewal is being requested along with expansion of the use. The number of students has increased and the 24 student maximum is no longer adequate. The applicant is requesting to increase from two rooms to four rooms and the enrollment would increase from 24 to 102 students. Also the age is changed from 3 years to 2.5 to school aged and the hours of operation are to 5:30 instead of 5:00.

The existing Preschool is located on the garden level of the building and has access from the south and west. One of the concerns was ADA access and the applicant has resolved that concern with the City and the State Fire Marshall who must approval all plans for schools. The applicant will continue to use this space and will expand the Preschool to a portion of the main floor immediately above the existing space. The plans for the space will require approval of the Building Official and the State Fire Marshall.

The only outside physical change will be the removal of a shed on the east side of the building and the construction of a 12' x 24' deck. The deck will have a stairway to the playground.

A child care center was approved in 2012 for a maximum of 45 children. This is located in a different part of the building, is accessed from the north and uses the east parking lot.

The applicant held a meeting on April 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

Mr. Williamson noted a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors." The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors will need to be considered.

The Planning Commission made the following review of the factors for consideration for 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.**

The proposed special use for the Montessori Preschool will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The site and building are adequate in area to accommodate the proposed use without affecting other uses in the church. By requiring drop off and pickup in the west parking lot, there should be no inconvenience for the residents on the south side of 75th Terrace.

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 proposed Montessori Preschool will be within the existing building and the modifications will be on the interior, except for the construction of a deck. The proposed use is not of a size or type that would cause substantial injury to the value of property in the neighborhood.

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

The proposed Montessori Preschool will accommodate approximately 102 children in a maximum of four classrooms and will use the classroom facility during normal working hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the existing building is proposed.

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 proposed Montessori Preschool will use the existing 43 space off-street parking lot on the west side that is provided by the church. The operation of the Montessori preschool will not be at the same time as other events at the church. The drop off period in the morning lasts from 8:00 am to 9:15 am. The pickup times also vary from 11:30 a.m. to 5:30 p.m. Therefore, the west parking lot should be adequate to accommodate the traffic.

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

Since this use will be occupying an existing facility, utility services are already provided.

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.**

Adequate entrance and exit drives currently exist at the facility on Belinder Avenue and this proposed special use will utilize the existing infrastructure that is already in place. The parking lot should be adequate to accommodate the staggered dropping off and picking up of children.

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, odors or intrusive noises that accompany it.

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 proposed special use will not require any changes in the exterior architecture or style of the existing building. A deteriorating outbuilding will be removed and a 12' x 24' deck will be constructed which are minor changes.

The Planning Commission made the following review of the Golden Factors relative to this application:

1. **The character of the neighborhood;**

The neighborhood is predominantly single-family dwellings to the north, south, east and west. The existing property is a church and another church is located on the northwest corner of Belinder Avenue and 75th Street. Northeast of the site is a large office building along with other office buildings on the north side of 75th Street to State Line Road. The character of the immediate neighborhood is primarily residential with single-family dwellings and churches.

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

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

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

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

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

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

The property is zoned R-1B Single-Family Residential District which permits single-family dwellings, churches, schools, public building, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property

has a variety of uses available and it can accommodate uses that complement the primary use as a church. A day care center occupies another portion of the building.

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

The use has been existence for three years and has not created any detrimental neighborhood issues. The renewal request, however, will increase the school from two to four classrooms and 24 to 102 students which is a significant increase. Traffic is the main concern. The west lot which has 43 parking spaces will be the main drop off and pickup area and should be adequate to accommodate the traffic. Traffic needs to be minimized on 75th Terrace so that the houses on the south side of the street are not adversely impacted. The Preschool has monitored this by working with the parents.

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

The church was built in 1955 and has changed occupants and ownership several times, but to our knowledge has never been vacant.

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 proposed project is within an existing building that will not have any exterior modifications except for a 12' x 24' deck. The applicant will be able to better utilize the property and no hardship will be created for adjacent property owners.

7. City staff recommendations;

The use has been in operation for three years with no complaints; the use will be within an existing building with minimal exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for preschool children that is in demand in Prairie Village. Since this is an increase of more than four times the size of the existing school, it is recommended that it be approved for five years to be sure that it does not adversely affect the neighborhood.

8. Conformance with the Comprehensive Plan.

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The proposed Montessori Preschool is an amenity that sets Prairie Village apart from other competing communities in the metropolitan area. This application for approval of the Montessori Preschool is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Randy Kronblad moved the Planning Commission concur with the staff finding for both the Special Use Permit factors and the Golden Factors and recommend the approval of the Montessori Preschool Special Use Permit to the Governing Body subject to the following conditions:

1. That the Montessori Preschool be approved for a maximum of four rooms and 102 children between the ages of 2.5 and school-age.
2. That the Montessori Preschool be permitted to operate year round from 8:00 a.m. to 6:00 p.m. subject to the requirements of the State of Kansas

3. That drop off and pickup of students occur in the west parking lot and not on 75th Terrace.
4. That the Preschool meet all requirements of the building and fire codes, and the State Fire Marshall.
5. That the site comply with ADA requirements.
6. If this use is found not to be in compliance with the terms of the approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.
7. That the Special Use Permit be issued for the Montessori Preschool for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and Governing Body.

The motion was seconded by Nancy Wallerstein and passed unanimously.

Chairman Ken Vaughn led the Commission in the following review of the site plan criteria:

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

The proposed Montessori Preschool will be within an existing structure and parking and access will be accommodated within the existing west parking lot.

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

This site is currently served by utilities and they should be adequate to serve the proposed use.

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

No changes in the existing site are proposed and therefore stormwater runoff will not be affected.

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

The existing parking area on the west side will provide adequate ingress/egress for the proposed use.

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

The site is consistent with good land planning and design. An unattractive shed will be removed and a deck will be constructed which are the only changes that will occur to the site.

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

It is not proposed to change the external appearance of the building with the exception of removing a shed and adding an 12' x 24' deck.

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

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The proposed Montessori

Preschool is an amenity that sets Prairie Village apart from other competing communities in the metropolitan area. This application for approval of the Montessori Preschool is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Randy Kronblad moved the Planning Commission approve the proposed site plan include the 12' x 24' deck on the east side of the building, subject to the following conditions:

1. That the applicant work with Staff to address ADA requirements regarding access to the Preschool.
2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
3. That the applicant meet all requirements of the building and fire codes.

The motion was seconded by Bob Lindeblad and passed unanimously.

Chairman Ken Vaughn stated the Commission would take a ten minute recess to allow for the presentations on the next application to be downloaded on the computer for projection. The meeting was recessed at 8:15 p.m.

Chairman Ken Vaughn reconvened the Planning Commission meeting at 8:25 p.m.

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

David Waters, representing the City Attorney, presented the City's response to two legal issues raised regarding the interpretation of the provision of the Prairie Village Zoning Regulations governing the Mission Valley SUP, Section 19.28.070(I).

Mr. Waters stated that based on court findings and interpretations of similar situations that a reasonable interpretation of the Zoning Regulations is that a SUP may be issued under Section 19.28.070(I) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility, and if the SUP is conditioned upon the completion of the primary dwelling facility.

Chairman Vaughn called upon the applicant for their presentation.

John Petersen, attorney for the applicant with Polsinelli Shughart 6201 College Blvd, noted that also in attendance for the applicant was Joe Tutera and Dan Bloom with the Tutera Group, representatives of Olson & Associates and Hoefler Wysocki Architecture with the development team for Mission Chateau.

Mr. Petersen noted that a court reporter was present as he believes it is in everyone's best interest to have a solid record of these proceedings which will continue over multiple meetings. Copies of the transcript will be made available to City and will become public record.

Mr. Petersen reviewed the outline for their presentation and noted that all of the presentation will be part of the public record for this application. The presentation will begin with a factual analysis based on the questions raised at the earlier worksession, from neighborhood meetings and the design criteria for the City of Prairie Village. The architect will then review the design of the project followed by comments addressing the Golden Factors and concluded with comments from Joe Tutera on their view and plans for this site.

John Petersen stated this is an 18 acre site with over ten acres of green space. The current finished grade elevations at the property line are from 954' to 951'. The elevation at the school site is 954.5'. The proposed development will hold the elevations from east to west. They will level the site with the elevations of the primary buildings being 951.5'. The finished floor elevations on the villas adjacent to neighboring properties vary between 951' and 952'.

Mr. Petersen noted the varying heights of the buildings in the development, but noted lower heights on those buildings adjacent to neighboring properties. The following chart reflects height to peak:

1 Story Villas	21'-4"
1 Story Memory Care	26'-3"
2 Story Skilled Nursing	33'-6"
2 Story Independent Living	32'-4"
3 Story Independent Living	40'-0"
# Story Assisted Living	40'-0"

The setbacks on Mission Road are 115' with 233' to the main building. A site plan was shown depicting the setbacks between the property line buildings on site and those of the adjacent properties. Mr. Petersen stated the stormwater flow that exists today will be reduced by more than half.

Existing Storm Water Runoff

- 114 cfs to the North
- 37 cfs to the South
- 151 cfs total

Proposed Storm Water Runoff

- 114 cfs to the North
- 7 cfs to the South
- 73 cfs total

Mr. Petersen noted the traffic study presents a comparison of past traffic flow to projected traffic flow to determine if the traffic is over tasking the roadways. The AM peak hour comparison projects a decrease of 169 vehicles to and from the site and the PM peak comparison projects an increase of 22 vehicles to and from the site. There are currently 395 vehicles travelling on Mission Road during the afternoon peak of 2:30 to 3:30 p.m. Shift change for Mission Chateau staff will increase that number by 102 trips for a total traffic count of 495 trips.

A site plan reflecting color coded on-site parking was reviewed. Staff parking is primarily located as far from the buildings as possible. There are 51 carports available as part of the resident parking for the Independent Living residents and the Villas have 22 enclosed garage spaces. The required parking for the project is 285

spaces with the project providing for 350 on-site parking spaces. These include 135 employee spaces, 13 ADA spaces and 2 van spaces for community transportation.

Mr. Petersen noted the lot coverage requirement for the single family zoning district is no more than 30% of the lot. The Mission Chateau development will have lot coverage of 22.9%. The maximum height for the R1-A zoning district is 35 feet. The height of buildings within the development range from 16 feet to 35 feet. The setbacks required for R1-A are 25 feet. The setbacks for the development range from 35 feet to 240 feet. Concentrated active open space amenities are not required in R1-A; however, this development will provide 5.34 acres of park area including 1.23 miles of walking paths.

John Petersen reviewed the existing character of the Mission Road Corridor reviewing heights and setbacks of major buildings along Mission Road including Macy's, Brighton Gardens, the Colonial Church (71st & Mission area); Normandy Court Condominiums, PV Office Center and SME (7221 to 7500 Mission Road); Coleridge Court and Mission Bank Bldg (8101 & 8201 Mission Road); Corinth Place & Corinth Gardens Apartments & the Office Complex (8340 Mission); The Chateau Condominiums, Somerset Apartments (8361 & 8401 Somerset) and Mission Valley Middle School (8500 Mission Road). These sites reflect the vast differences found along the Mission Road corridor. Mr. Petersen presented the landscaping proposed on this project along Mission Road.

Photos of the existing landscaped boundaries of the site were shown both with summer and winter foliage. Also shown were photos of views onto the site from adjacent properties. Photo simulations were presented of the proposed development without landscaping and with superimposed landscaping from multiple levels. Mr. Petersen stated the applicant is willing to work with the adjacent property owners to provide their desired landscaping to buffer their view of the proposed project.

Mitch Hoeft, architect for the project reviewed the architectural features of the development. He noted the design elements are driven by the desire to create a state of the art senior center neighborhood with a hospitality environment based an English country feel that includes many of the design features found in Prairie Village homes.

The Skilled and Memory Care Facility was designed with interior courtyards and a park area that allows for activities for its residents. The gross building area is 91,189 square feet with a building footprint of 58,268 square feet providing for 120 units. The make-up of these include 36 memory care private units, 68 skilled nursing private units and 16 skilled nursing semi-private units (32 beds). Mr. Hoeft reviewed the architectural features of the proposed building including the stone veneer, decorative shutters, stucco finish and asphalt shingles.

The proposed 11 Villas are 2,265 square feet and accommodate two residents per Villa. These are located along the south, southwest residential property lines. Photo simulations and drawings of the proposed villas were presented showing front and backyard views.

The Independent and Assisted Living Facility will have a gross building area of 271,140 square feet with a building footprint of 100,824 square feet providing for 220 units. The make-up of these buildings include 48 one bedroom assisted living units, 12 two bedroom assisted living units, 100 one bedroom independent living units and 60 two bedroom independent living units. Mr. Hoeffter reviewed the architectural features of these buildings. He noted the closest single family resident is 223 feet from the proposed two story building and 260 feet from the proposed three story building.

Mitch Hoeffter presented a video tour of the proposed development. He noted it has been an evolving project with this being the fourth version with changes made as recently as the past month.

John Petersen stated there is a growing need for this type of facility and now is the time to address that need. He entered into exhibit an independent study done by Jeff Green Partners entitled "The Feasibility of Retail, Residential and Office Uses at the former Mission Valley Middle School site in Prairie Village, Kansas" dated October 7, 2011. The conclusion of that report recommended 84,700 square feet of retail along with a residential (senior living) component made up of 210 Independent and Assisted Living units along with a 45 bed Skilled Nursing facility and up to 55,000 square feet of Class A Office space. Since that study was completed the site has been identified in the Comprehensive Plan for entirely R1-A zoning uses. The report noted that the two mature senior living facilities in Prairie Village are 100% occupied and the newest facility is reported to be at 50% occupancy.

Mr. Petersen quoted the findings of the 2009 Parks Master Plan which made the following finding: "To conclude, unless there is a shift in the market to attract new families with children to Prairie Village, along with a growth in new housing options for elderly citizens to remain in Prairie Village or attract new households, the population of Prairie Village is not expected to see an increase in total population." This is a win/win proposition for the City.

To address concerns with the potential impact of the proposed development on existing property values of neighboring properties, Mr. Petersen presented for exhibit a Real Estate Consulting Report done by Todd Appraisal. This study looked at the property values of homes located in this area near both school facilities (Brookwood Elementary, Indian Woods Middle School and Pioneer Middle School) and near adult senior living facilities (Brighton Gardens, Village Shalom and Santa Marta).

The study found that properties in the Brighton Gardens area sold at a premium. The report states that this is potentially attributable to the efforts at landscaping and the tree line as well as the preference for greenery rather than yards or yards adjacent only to another single family use. Mr. Petersen noted if there is a well designed project people will actually pay more for adjacent properties.

Mr. Petersen stated they are in agreement with the city's attorney's response to the questions raised by John Duggan on behalf of the Mission Valley Neighbors Association, Inc. and will be submitting a 20 to 30 page response to the comments.

John Petersen stated the City has adopted the legal criteria as established by the 1984 Supreme Court ruling on Golden vs. City of Overland Park. He briefly reviewed the criteria and how the proposed development meets these criteria.

1. Conformance of the requested change to the adopted or recognized master plan utilized by the City. Mr. Petersen referenced the City Planner's Staff report which stated "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."
2. Recommendations of permanent or professional staff.
3. Character of the neighborhood
4. Zoning and uses of property nearby
5. Suitability of the property for the uses to which it has been restricted
6. Length of time the subject property has remained vacant as zoned
7. Extent to which removal of the restrictions will detrimentally affect nearby property. The taller buildings will be on the northern portion of the property, closer to the two and three story apartment buildings on Somerset Drive. The buildings adjacent to the south and southwest property lines will be a size, design and height of conventional single-family construction. Mr. Petersen noted the city planner's staff report stated "In summary, property around the proposed project is already developed. The mass of this project will dominate the area but through greater setbacks and landscaping, the use will not dominate the immediate neighborhood so as to hinder development of use of property."
8. Relative gain to public health, safety and welfare by the destruction of value of the plaintiff's property as compared to the hardship imposed upon the individual landowner.

The Supreme Court ruling noted it is a comparison of what is gained as compared to the hardship of the property owners. Mr. Petersen referenced Taco Bell vs. City of Mission and stated zoning is not to be based upon a plebiscite of the neighbors, *892 and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The Special Use Permit Staff report prepared by the City Planner states "It does not appear that the proposed project will adversely affect the welfare 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. It is anticipated that by providing senior housing, single family dwellings will become available for occupancy by young families. This will help rebuild the community to make a more sustainable area."

Joe Tutera, with the Tutera Group, stated the development of this has been their vision for more than twenty years - to creating a continuing care community where residents can move from one level of care to another without having to leave their home/community. They feel this is the perfect site. Mr. Tutera reviewed their over thirty years of experience in this industry and other facilities that they have

developed. The objective of this project is to provide a home where residents can live through all levels of care required.

Chairman Ken Vaughn opened to the public hearing to comments asking that those individuals wishing to speak in support of this project speak first. He asked all speakers to provide their names and addresses for the record and to limit their comments to allow time for all to be able to speak.

Jim Chaar, 9101 Delmar, noted his experience with the development of the Village Church community building at 98th & Mission Road. This project was initially strongly opposed by the neighborhood, but through cooperation between the Church and the neighborhood a better project was developed to serve the needs of the community. Mr. Shaw also noted that, unlike many proposed projects, no tax dollars or special funding is being requested from the City. Also no retail is proposed and new jobs will be created.

Frank Adler, residing in room #725 at the Atriums, 7300 West 107th Street, stated he was a resident of Prairie Village for 36 years, but circumstances required him to move from Prairie Village to the Atriums eight years ago. He noted had this facility been available at that time, he would have chosen to remain in Prairie Village. He added The Atriums is well staffed with trained staff that provide residents with every advantage in terms of their care.

Pete Beyer, 7315 Rosewood, stated that seniors are looking to transition from their homes into facilities such as that being proposed. He has looked at several senior facilities and would like to remain in Prairie Village. He stated the current vacant school is an eyesore and the proposed project would be a tremendous improvement for the City.

Myron Wang, 70 LeMans Court, stated he has served on the Board of Directors for Village Shalom. During that time they built two continuing care facilities and faced strong opposition for both. He stated there are a lot of myths about senior care that are not true. There is no excessive traffic created by these facilities. In fact, at Village Shalom it is ghostly quiet unlike the noise created from a school environment with children playing boom boxes. This project is good for the City of Prairie Village any way you look at it - a major development serving the needs of residents and not costing the City or its residents anything.

M Hobbs, 5467 West 85th Terrace, stated she was thrilled to learn about the proposed project. She stated there is a three-year wait to get into Claridge Court and noted she has already signed up for a Villa if the project is approved.

Lucille Jewett, 4206 West 73rd Street, has lived in Prairie Village for 48 years. In the early 1980's she was looking for a community, but the current communities in Prairie Village only provide assisted living. She is seeking independent living and noted that many of her friends have had to move to neighboring cities for independent living facilities. She wants to stay in Prairie Village and hopes this project will be approved.

Barbara McGrath, 7509 Nall Avenue, stated she has a relative living in a Tutera Senior Living facility. They provide excellent care and she strongly supports the important services they provide. She would like to see this project approved.

Courtney Kounkel, 8424 Fontana, stated she was saddened to learn of the school closing, but respects the school district's difficult decision to consolidate to two middle schools. The school district will not be reopening this school. It is time to move on. One-fifth of the residents in Prairie Village are over 65 years of age. She grew up in this area and was able to spend time with her grandparents who resided in Prairie Village. She wants that for her children also to be able to benefit from experiences with her grandparents. She strongly supports this project as it will provide the opportunity for Prairie Village families to remain close to one another, for children and grandchildren to easily visit and spend time with their older family members.

Olga Kurg, 7300 West 107th Street #424, stated she has been living in the Atrium for four years, she still drives and enjoys an independent lifestyle provided by the Atriums. Olga noted when her husband's health failed, he had to be moved to a different facility making it very difficult for them to spend time together. She hopes this facility which will provide multiple levels of care will be approved. It is needed.

Susan Sadler, 4301 West 87th Terrace, spoke in support of the Tutera Group as a family business and in support of the proposed project for the City of Prairie Village.

Christopher Smart, 8024 Juniper Drive, as a realtor in Johnson County has listed homes of elderly Prairie Village residents who would prefer to stay in Prairie Village but have had to move out of the city to receive assisted living services provided by facilities in other cities. He currently knows three women between the ages of 55 and 66 that want to remain in Prairie Village, but have to move out of the City for senior care services which are not available locally. Mission Chateau is an excellent opportunity to both provide a place for Prairie Village senior citizen residents and free up existing housing inventory for new young buyers with children rebuilding Prairie Village communities.

Rick Jones, 6517 Granada, stated he has known three generations of the Tutera family both personally and professionally and strongly supports their proposed development for Prairie Village. Based on his experience and knowledge, the staff and services provided will be first class and the site plan and proposed architecture presented for this application is excellent in his professional opinion.

Marcia Jacobs, 4500 West 72nd Terrace, spoke in support of this project. She noted that she served on the City Council when Claridge Court was first presented with great opposition. Just as Claridge Court has had a positive impact on the City, she believes the proposed Mission Chateau project will also be a great addition to the City of Prairie Village. She thanked the development team for their many meetings with the neighboring residents and staff in order to address their concerns and present the best plan possible.

John Duggan, of Duggan Shadwick Doer & Kurlbaum, LLC., representing the Mission Valley Neighbors Association, addressed the Commission. He does not feel

Mr. Petersen is being totally transparent. The staff report prepared by the City's Planning Consultant has been referenced as being in support of the proposed project. The only staff recommendation is that the application be continued to give the applicant the opportunity to prepare and submit perspective drawings that adequately depict the size and mass of the proposed development compared to the existing adjacent developments. The staff report states that staff needs additional information. Statements that the staff recommends approval of this application are not true.

The focus for this project should be on the mass and density of this project which brings an unprecedented massive development to Prairie Village. Some of these buildings have a greater length than two football fields. The Santa Marta project, which Mr. Petersen stated is the most similar to the proposed project is 293,000 square feet. The main building for this project is 271,000 square feet and would be constructed in stage 2.

Mr. Duggan noted that the Santa Marta development is surrounded by collector streets. The street width indicated on the proposed development site plan appear to be much narrower than standard public streets. He expressed concern with them being able to accommodate emergency vehicles. He also noted the Santa Marta project is buffered from the neighboring residential properties by parks on three sides. An overhead photograph of the Santa Marta site plan was shown depicting the massive size of this development.

Mr. Duggan stated the Mission Chateau east elevation scales out to be 530 feet in length. The south elevation scales out at 480 feet. This is a massive structure. The skilled nursing component is 400 feet on the west elevation. The total square footage of all the buildings is 387,244 square feet. This is a massive development. Looking at square feet per acre, Mr. Duggan stated this would be the most dense development in Prairie Village. He stated the Santa Marta development is 100,000 square feet smaller than the proposed Mission Chateau development.

Mr. Duggan stated the criteria for Special Use Permit require that the proposed use be compatible with the surrounding property. The proposed project is three times as big as anything in the area.

Mr. Duggan stated he does not agree with the interpretation of the City's attorney and contends that there is no logic in stating something could be an accessory use to something that does not exist. He does not believe it can be approved based on the stipulation that the primary use will be built in the near future. There cannot be an accessory use unless there is an actual use.

Regarding the need for the use. Currently there are 68 individuals in Johnson County for every senior house unit a ratio of 68 to 1. In Prairie Village there is a ratio of 30 to 1. The Village will become the center for senior living, although only 33% of the residents of the city's current facilities are Prairie Village residents. What is currently available is adequate.

John Duggan stated that this project in terms of massive scale and density is unprecedented in Prairie Village. It dominates the neighboring properties. Mr. Duggan also noted the only two accessory buildings allowed in R1-A zoning are a 10' x 10' shed or a carport. He questioned that the Commission would approve permitting a shed or carport to be built on a property that did not already have a house constructed on it. Use your common sense. Saturating the city with more retirement facilities is not in the best interest of Prairie Village.

Commissioner Wolf asked what MVHA, Inc. was. Mr. Duggan responded it is a group of neighboring property owners who have formed the association to protect their legal rights as property owners.

Todd Bleakley, 8621 Delmar, presented a comparative analysis of the proposed project to medium density apartments. The RP3 zoning classification allows 12.5 apartment units per acre, which would be the equivalent of 225 apartments. When added to the base apartments attached garages, a clubhouse and maintenance facilities the approximate total square footage would be 220,600 square feet. The proposed Mission Chateau square footage of 384,000 square feet is 42% greater. Increasing that to 14 units per acre with the above state amenities would have an approximate total square footage of 246,296 square feet. The proposed Mission Chateau square footage of 384,000 square feet is 35% greater.

If single family homes were constructed with 2.5 lots per acre, 47 single family homes would be constructed. Complying to the maximum lot coverage requirements these homes would cover 164,000 square feet compared to the proposed 384,000 square feet of Mission Chateau. This is not compatible with the neighboring properties and would dominate the adjacent neighborhoods.

Mr. Bleakley stated that if the proposed project was approved, Prairie Village would have two of the three largest senior living facilities in Johnson County with Santa Marta being the largest, Claridge Court second and Mission Chateau third. He does not believe the city wants or needs that concentration of high density building.

Mr. Bleakley noted the city of Olathe has a transition policy, which you can see in the Santa Marta development which is separated from the neighboring residential properties by three adjacent public parks. Mr. Bleakley stated he would like to see the actual dimensions of the villas and main buildings. Based on the site plan, the villas have minimal front yards and there is no transition between the large lots adjacent to this property and the villas. He noted the Claridge Court facility is located on C-2 zoned property and is not surrounded by single family homes. This is a massive density that dominates the surrounding area. The 35' back yard is not adequate.

Mr. Bleakley noted the media presentation by the applicant depicting a drive-thru their development appeared to him as being shown with blinders on. He does not feel it is an accurate depiction and expressed concern with the proposed width of the streets running through the proposed development. He feels this presents a safety issue.

Public residential streets are 28 feet in width and collector streets, as found in Santa Marta are 36 feet wide.

Dr. Craig Satterlee, an orthopedic surgeon residing at 8600 Mission Road, presented information on skilled nursing facilities, noting their difference from nursing homes. A skilled nursing facility (SNF) provides hospital acute care - recovery time after surgery or treatment of severe illness or injury. A nursing home provides a permanent residence for people who are too frail or sick to live at home due to physical, emotional or mental problems who usually require daily assistance.

To be certified by Medicare and Medicaid SNF's must meet the following criteria:

- Transfer agreement with hospitals in case a patient requires emergency, restorative or rehab
- Physician on staff who rounds regularly and is available 24hrs/7days on emergency basis
- 24hr/7day a week nursing care (RN) supervised by a physician/medical director
- Staff and equipment to give skilled care
- Cannot violate anti-discrimination laws.

Dr. Satterlee stated the proposed Mission Chateau Skilled Nursing facility to be constructed in Phase 1 would accommodate 100 patients. Dr. Satterlee contends this is too many beds to serve just Mission Chateau or just Prairie Village and is not subordinate to the complex.

Patients referred to Skilled Nursing Facilities are typically patients whose condition is too severe to be treated at home after hospital discharge, without family support, requiring bed rest, requiring extensive rehabilitation - physical, emotional or psychosocial or receiving treatment not covered by their insurance at home or Medicaid department.

Dr. Satterlee reviewed the process for individuals outside a retirement center selecting a skilled nursing facility and what types of conditions generally require skilled nursing services. A skilled nursing facility is a standalone entity. Mission Chateau is a skilled nursing facility - it is not a subordinate accessory use.

Bob Higney, 3303 West 127th Street, stated he has worked in senior housing for more than 30 years. He stated Mission Chateau would be the second largest elder care facility in Johnson County. If built, Mission Road would have three major senior developments within a twelve block stretch: Claridge Court at Somerset & Mission, Mission Chateau at 8500 Mission and The Forum at 95th & Mission. This would more than double the number of independent living units from 149 to 320; nearly double the number of assisted living units from 77 to 136 and increase the number of skilled nursing/memory care units 2.5 times from 85 to 222.

Mr. Higney stated the average age of residents moving into senior living facilities is 78 years of age. The 75+ population for Prairie Village is projected to gain only 24 individuals from 2013 to 2018 with the projected percentage of seniors in Prairie Village to remain stagnant at 10% for the next five years. The 65+ population of

Prairie Village is projected to grow less than 2% over the next five years. Nationally less than five percent of individuals ever move into a continuing care facility. Mr. Higney asked where is the need.

Steve Carman, 8521 Delmar, addressed three topics: Traffic, Height and Financial Impact. Mr. Carman stated the traffic study focuses on the impact on the roadway. He presented data focused on the impact of traffic brought into the residential neighborhood. This traffic spikes between 6:45 and 7:15 a.m. and 10:45 and 11:15 p.m. and is inconsistent with traffic in a residential community.

Mr. Carman entered into the record and presented data and photograph depicting the change in elevation as well as the corresponding additional distance comparison for the eight adjacent properties as well as the overall elevation change.

Mr. Carman also entered into the record a real estate appraisal done by Dillion & Witt, Inc. on the potential impact of the Mission Chateau Senior Living Community on his property. The report stated their will be a negative impact on both Mr. Carmen's ability to sell his home and its appraised value. The appraiser stated "that a diminution in property value of at least 10% is a conservative baseline given the information presented". Mr. Carmen noted using that information the City of Prairie Village can anticipate a loss of value of \$175,000,000 and more than \$1.5 million in property taxes from decreased property values of adjacent properties with additional losses from other properties in the neighborhood. The adverse financial impact on his home would be \$50,000 to \$75,000.

This proposed development is too big, too tall and too intense for the neighborhood. It is wrong to expose significant financial harm to neighboring residents by the approval of this project.

Chairman Ken Vaughn noted the hour is late and it obvious that the public hearing cannot be completed this evening.

Randy Kronblad moved the adjourn the meeting of the Planning Commission with the public hearing on PC2013-05 remaining open and continued at the next meeting of the Planning Commission on June 4th. The motion was seconded by Gregory Wolf and passed unanimously.

Dennis Enslinger stated that all items presented at this meeting will be available on the city's website on the city's project page for this application by the end of the week.

ADJOURNMENT

Chairman Ken Vaughn adjourned the meeting at 11:15 p.m.

Ken Vaughn
Chairman