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2

PLANNING COMMISSION AGENDA

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City of Prairie Village

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TRANSCRIPT

12

OF

13

PROCEEDINGS

14

Taken on May 7, 2013, beginning at 7:00 p.m., at

15

the Village Presbyterian Church, 6641 Mission

16

Road, in the City of Prairie Village, County of

17

Johnson, and State Kansas.

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1 APPEARANCES

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3 .

4 ON BEHALF OF THE APPLICANT:

5 .

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14 ON BEHALF OF THE CITY OF PRAIRIE VILLAGE:

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1 PLANNING COMMISSION:

2 .

3 Keith Bredehoeft

4 Ron Williamson

5 Dennis Enslinger

6 Gregory Wolf

7 Nancy Vennard

8 Randy Kronblad

9 Ken Vaughn, Chairman

10 Nancy Wallerstein

11 Bob Lindeblad

12 Dirk Schafer

13 Andrew Wang

14 Joyce Hagen Mundy - Secretary

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1 CHAIRMAN VAUGHN: Thank you very much.
2 When people are ready to talk, there will be a
3 sign-up sheet also in addition to announcing your
4 name and address when you come up to speak.
5 Starting off, Dennis, do you have something that
6 you'd like to lead with?

7 MR. ENSLINGER: Yes. I just wanted to
8 note that the Mission Valley Neighborhood
9 Association has raised some legal issues with
10 regard to the application process for the special
11 use permit. And David Waters is going to start
12 off with that and address the memo that was
13 drafted by legal counsel.

14 MR. WATERS: Good evening, everyone.
15 Yes, we know that a concern was raised by
16 opponents of this project and there's some
17 concerns been raised by the planning commission
18 members as to whether there is a -- a concern as
19 to whether this body had the actual authority to
20 hold this hearing because of an objection that
21 either the wrong SUP had been applied for or
22 perhaps that special use permit, as a matter of
23 law, is not permitted because of -- and I'm
24 shorthanding some of the comments here -- but that
25 the nursing care, which is an accessory use, must

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1 be in the same building as the -- as the dwelling
2 facilities, or that the nursing care accessory use
3 could not be constructed prior to the -- the --
4 the primary use. And I believe you've received
5 some legal memoranda from -- from people
6 interested in this project on the -- and as a
7 threshold matter, not -- certainly not reaching
8 the merits one way or the other of the decision,
9 but I wanted to -- to address those threshold
10 legal issues for you before we began tonight.

11 We -- we take the position, and Kansas courts
12 do as well, that -- that the zoning ordinance is
13 the city's ordinance, and that great deference is
14 given to the interpretation of that ordinance by
15 staff, by the planning commission, and the city
16 council here. It is our opinion that a reasonable
17 interpretation of the zoning code is that
18 subordinate accessory use of a nursing or health
19 care facility may be provided in a separate
20 building. But as Katie Logan has that advised you
21 in that regard and given you examples of other
22 areas in the code where the premises is used
23 whereas the building is not, to show that, for
24 example, that -- that the parking is on premises
25 and the premises does not necessarily mean same

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1 building.

2 We also believe it is reasonable for -- for
3 this city to interpret its zoning code to allow
4 construction of an accessory use prior to the
5 completion of a primary senior use if the use --
6 the special use permit is conditioned upon
7 completion within a reasonable time of the primary
8 dwelling facility. We did some research on this,
9 and again, you have that information that there is
10 legal authority that it's reasonable to consider
11 the anticipated primary use when approving an
12 accessory use. Again, but the city would likely
13 need to have reasonable expectation that the
14 primary use will be constructed within a
15 reasonable time and that any special use permits
16 should be so conditioned on that requirement.

17 So their memoranda, the comments, those are
18 part of the record, those will be part of the
19 record moving forward. Of course, if -- if either
20 party at the end of the day is not satisfied
21 either way with how the planning commission or the
22 city council ends up deciding on this matter,
23 state statutes do grant -- do grant rights to
24 appeal both the reasonableness of the decision and
25 the lawfulness of -- of your consideration to the

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1 district courts. So this, you know, could be a
2 matter that -- that could be appealed; but at this
3 time, it is our opinion that it is appropriate for
4 this body to -- to take the public comments and to
5 continue with the public hearing tonight.

6 And I'm happy to answer any questions any of
7 you may have on that regard.

8 CHAIRMAN VAUGHN: Are there any
9 questions? There appear to be none. Thank you
10 very much.

11 MR. WATERS: Sure.

12 CHAIRMAN VAUGHN: The planning commission
13 meeting is back in -- in order and in session.
14 And the item on the agenda at this point is a
15 public hearing PC 2013-05, a -- a request for a
16 special use permit for adult senior dwellings
17 at 8500 Mission Road. Would the applicant like to
18 come forward, please?

19 MR. PETERSON: Thank you, Mr. Chairman
20 and members of the commission. John Peterson,
21 with the Polsinelli law firm, appearing this
22 evening on behalf MVS, LLC, who is the proposed --
23 is the owner and the proposed developer of the
24 property which is the subject of tonight's
25 consideration. Also present is part of the

1 development team: We have Mr. Joe Tutera,
2 principal of MVS; Randy Bloom, director of the
3 operation for Tutera Investments, operation in
4 terms of the types of facilities we're going to be
5 discussing this evening; Sterling Kramer and Brent
6 Westein with Olsson & Associates, who served as
7 our civil engineering, traffic engineering
8 consultants as we've moved this matter through the
9 process; and Mitch Hoefer of Hoefer Wysocki
10 Associates, that is the one that came up with the
11 architectural building design that took the
12 concept that Mr. Tutera has created in terms of
13 serving the community and turning it into brick
14 and mortar and doing it in a way that we hope,
15 members of the commission, you'll find serves the
16 need which has been identified, but does it in an
17 appropriate matter from a land use standpoint.

18 At the outset, two things I'd like to talk
19 about. First, you'll note there is a -- what we
20 refer to as a court reporter here this evening.
21 We have hired this court reporter to create a
22 verbatim transcript, to the extent I talk slow
23 enough and always talk into the mic, for the
24 purpose of making sure that we have a good solid
25 record. I wanted to explain why we did that.

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1 This is an application that has a lot of parts to
2 it, there is a lot of information that will be
3 presented by the developer, as well as those
4 interested from the community. We're doing a
5 public hearing process really in two parts, as you
6 know. Tonight, it will be continued to a June
7 meeting to continue the public hearing. And we
8 thought it was in everyone's best interest, given
9 the fact that the City of Prairie Village does not
10 electronically transcribe its meetings, that it
11 would be a benefit to do the best we could to have
12 a good solid record, obviously, what's put in the
13 record this evening in terms of written testimony,
14 but also what is put into the record either by
15 myself, by other members of the development team
16 or those that may be in opposition to the project,
17 and that we have a good solid record for us, for
18 you, and, yes, even the public to refer back to as
19 we move this on toward a final decision by the
20 governing body. Once it's transcribed, we will
21 present it to the city for your use, and we
22 understand at that point it becomes a public
23 document. I wanted to explain that.

24 Secondly, I'm going to give you a quick
25 outline of what our presentation will entail this

1 evening. And I promise, to the best of my ability
2 -- and I know some will say that when I say we're
3 going to be as brief as we can, it's an oxymoron
4 for me -- but we are going to attempt to move
5 through a lot of information relatively quickly.
6 That does not mean if you see something as we move
7 through our case in chief, so to speak, and you
8 want us to go back and drill down on it, spend a
9 little more time, we will do so. If a question
10 arises during any part of the process, we can
11 refer back to it. But again, we don't want to
12 take up a bunch of time and then not give others
13 in the room the time to speak within a reasonable
14 time frame or hour of the night. And we know that
15 we're going to present all this information into
16 the public record, both oral and written.
17 Everybody will have a chance for 30 days to look
18 at it, and there'll be an opportunity maybe to
19 drill down in more detail from any perspective at
20 the June continuation of the public hearing.

21 So here's the quick outline, just so you can
22 sort of keep a running tab of where we are. We
23 started out during our work session, starting from
24 the premise in terms of the theme of our
25 presentation, to set the factual base. We're

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1 going to run back through that factual base, many
2 of the items that we presented during the work
3 session. Because as you know, this is the public
4 record that we will now build upon as we move
5 toward a final decision by the governing body. We
6 will use that factual base to supplement the facts
7 we have developed, both facts that were requested
8 for additional information from commissioners
9 themselves, also facts that we felt would be
10 relevant, and quite honestly, facts that were
11 generated through, yet again, another public
12 meeting, neighborhood meeting we had even after
13 the planning commission work session.

14 Many of these facts, some are new to them,
15 because in the staff report, they asked for a bit
16 of additional information. And we're going to be
17 prepared to present that tonight, as well. But
18 the facts that are in the record today -- and this
19 is why we think the facts are so important -- is
20 regardless of what the opinion might be about the
21 ultimate outcome of putting those facts into the
22 process in terms of creating a design and a
23 project, the facts are the basis upon which then
24 we take design criteria. Design criteria that
25 have been developed by the City of Prairie

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1 Village, and we start applying those facts to that
2 design criteria.

3 And why is that important? Because it's both
4 sides of the equation, it's our development team,
5 it's our supporters from the community, it's our
6 folks that do not support us from the community.
7 What the air has been filled with -- and I think
8 if there is anything we may not or we can't agree
9 on this evening, the air is field -- filled with
10 many, many subjective adjectives from both sides
11 of the equation, massive. Right size, atrocious,
12 first class, too intense, appropriate density --
13 density, compatibility. Both sides.

14 What do those words mean? Those words start
15 taking on meaning when you take facts, you filter
16 those facts through design criteria, because
17 that's what the design criteria of a city does.
18 They take situations, setbacks, heights, mass,
19 open space, and they start taking facts and they
20 start bringing subjective conclusions into a
21 objective standard. Doesn't mean everybody's
22 going to agree with the conclusion, but it starts
23 providing a planning commission and a governing
24 body to start bringing -- regardless of whose
25 opinion it is, and regardless of whether that

1 person thinks the opinion of his or the other one
2 is right or wrong, it starts bringing it into a
3 objective set of criteria. And that's what staff
4 has done today. And part of that filter has been
5 a staff report that has been submitted today.
6 It's not complete, I acknowledge that, but we
7 stand proud that we have gotten a staff that has
8 acknowledged the appropriateness of this project
9 to this state of the -- state of the process, and
10 we're going to continue to work to finish off the
11 questions they have and to earn not only their
12 preliminary support, but their final support.

13 I will then finish with some presentations
14 that will take these facts and our project that
15 has been laid into the design criteria and attempt
16 to give you some perspectives. And these
17 perspectives are to scale. They're based on fact
18 and they're based on design, and they're going to
19 start giving the planning commission an idea, when
20 we start moving past the words and the drawings on
21 paper, what will this project feel like. And we
22 have some great technology in this day and age
23 that enables us to paint that picture. I'm going
24 to focus on the Mission corridor and I'm going to
25 focus on some outside visual impact.

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1 Then we get to a really, really important
2 part, and that's Mitch Hoefer. He's the one that
3 designed the buildings, that knew what he was
4 dealing with in terms of the surrounding
5 properties, the one that will address one of the
6 open issues, the staff has said they want more
7 information about the bulk, the form, the
8 interrelation between buildings on our site and in
9 relation to buildings that are in existence at our
10 perimeter.

11 I will then return to cover a couple of
12 ancillary issues. I really can take one off the
13 list, so that'll save some time with the legal
14 opinion that has been referenced by your city
15 attorney. I agree with it wholeheartedly. And
16 that will really take it off because I think
17 you're going to listen to your attorney much more
18 than you're going to listen to this one. But I
19 will close with, at least in terms of my part,
20 with a brief overview of the so-called Gordon --
21 Golden criteria, which as we know, is the standard
22 set forth by the Kansas Supreme Court about the
23 legal framework in which matters like this are
24 reviewed. Mr. Tutera will then close with a brief
25 overview of his perception of the project. So

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1 let's get to a couple of -- reviewing some facts
2 and I will do -- try to do it very quickly. Slow
3 me down in the middle or ask me to go back a
4 little.

5 THE SPEAKER: Excuse me. Mr. Peterson,
6 could you speak up, please?

7 MR. PETERSON: I'd be happy to. And I've
8 never been accused of needing to speak up. Is
9 that better?

10 THE SPEAKER: Speak into the mic.

11 MR. PETERSON: Okay. Is that better?

12 THE SPEAKER: Yes, it is.

13 MR. PETERSON: Thank you for pointing
14 that out. And commissioners, I apologize given
15 that I'm turning my back, but I want to make
16 sure --

17 MS. VENNARD: You need to hold the --
18 use it as a hand mic.

19 MR. PETERSON: How's that?

20 MS. VENNARD: Much better.

21 MR. PETERSON: The -- what we're going to
22 do here is just very quickly walk through -- this
23 is the site plan I think everybody by this time
24 has a pretty good feel. Independent living with
25 our assisted living is part of this structure here

1 that interfaces with Mission Road. We move around
2 to our memory care unit, our skilled nursing and
3 our villa concepts as part of the independent
4 living. 18 -- just a hair over 18 acres. Over
5 ten acres, we're pleased to have come up with a
6 project that leaves it as open space. Go to the
7 next one.

8 One of the questions that we wanted to get
9 out on the table is what the finished grades were
10 going to look like for the site. And the
11 commissioners during our work session said, that's
12 good, but let's keep drilling down on that. So
13 let's real quickly go through this, just for the
14 record. This is the current site today and that's
15 the existing school site. And, obviously, we've
16 got vacant ground surrounding it in its present
17 utilization. What this shows you is, at the
18 property line today, these are the elevations, 900
19 feet above sea level. As you can see as we move
20 from the east along the property line, 950, 951,
21 952, 952, we start trailing off currently today as
22 we move just a little farther to the north and
23 northwest where we start getting -- that starts
24 sloping towards that creek. And actually, it
25 created some storm situations moving through.

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1 This building as it sits here today sits at -- at
2 954, just a little bit over 954.

3 Let's go to where we were before. What we're
4 going to do, as you can see, in essence, we're
5 holding the elevation where the ground is as --
6 with the finished product as we move again from
7 east to west. And you can see we're holding that
8 very comparable to here. The difference is, we
9 start leveling the site out. So where it started
10 at 952, 951 and a half here and starts sloping
11 down in its current configuration, we basically
12 flatten this site out.

13 And another good feature, both in terms of
14 stormwater and, I think, in terms of the
15 orientation and the resulting heights of buildings
16 is, we bring -- where the school presently sits,
17 as I indicated, at about 954, we actually drop
18 that finished floor down to 951. You can see we
19 start getting a relatively flat site here.

20 The other thing we did -- let's go back real
21 quick. Commissioners, you asked us to lay in what
22 are the finished floor elevations of all of our
23 surrounding buildings. Our neighbors to the south
24 and southwest are multi-family projects, to the
25 northwest and the north, where they sit grade

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1 wise. And again, I won't walk through all those
2 comparisons, but you can see that we match up
3 pretty good along the south and southwest, in the
4 finished area, we start getting close. And we
5 pretty much -- other than the dropoff to the
6 apartments to the north, we start having a pretty
7 good interrelation between finish grades between
8 us and our surrounding properties.

9 Let's go to the next step. Let's lay those
10 buildings -- you've seen this before. Our
11 buildings on that finished grade, and as you know
12 -- and Mitch is going to get into this in a lot of
13 detail -- we have varying heights, depending on
14 the use of the building and depending on where the
15 building sits on the site. It's a utilitarian
16 purpose for the senior living community, but at
17 the same time, we're using height as a transition
18 element as we move from our higher building
19 neighbors to the north and northwest and we
20 transition to the south towards our neighbors that
21 are in structures that do not have as much height.

22 And you can see that picked up in this color
23 code here, yellow being the end of our memory care
24 here on the southwest corner, our villas that wrap
25 completely around the south moving to the

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1 southwest here. You can see they sit right in the
2 same height as a typical single-family house. You
3 can see that as we interface with the apartment
4 living folks in the northwest and to the north, we
5 go to two stories, but we're matching up very
6 closely, in fact, really lower heights -- lower
7 heights than some of our neighbors to the
8 northwest and north. And then we put our three-
9 story components 40 feet to the peak, by the way.
10 And I want to emphasize that because there's some
11 confusion about code requirements. We're giving
12 you the most -- the most excessive impact. If we
13 measured this pursuant to code, we'd be at about
14 35 feet on our highest building. But to the top
15 of the peak, it's 40 feet. And you can see we've
16 centered those to the north and centered those so
17 it's not all the same height along Mission Road.
18 Those go -- yeah, that's it.

19 Now, one of the other things the
20 commissioners wanted to know, which I thought was
21 a great idea and very relevant is, now let's get
22 the finished product and how this relationship
23 starts feeling. Let's put finished floor area of
24 your project when it's done, our neighbors on all
25 the perimeters, and then lay the heights of our

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1 building and the heights of the existing building
2 as neighbors are on top. And what this shows you
3 here is where we are in terms of finished grade,
4 what the height of the building is at that
5 location.

6 MR. WOLF: Counsel, do we have a copy of
7 that?

8 MR. PETERSON: Again, you will. This
9 will all be part of the record. But --

10 MR. WOLF: Okay. You give us a lot of
11 stuff. I just wanted to see if you had --

12 MS. VENNARD: This is new.

13 MR. PETERSON: Everything we talk about
14 tonight will be submitted as part of the record.
15 And so you can see, it's really finished grade,
16 the height of the building, we move that around.
17 We do the same thing -- we know what the finished
18 grade and width, not just a guess, but there are
19 devices where you can stand off property and do
20 not have to get on people's property, and you can
21 measure heights of existing buildings. And that's
22 what we've done. And you can start to see -- I
23 will just make a conclusionary comment and we can
24 drill down on it and analyze it further. We start
25 matching up very nicely building to building in

1 terms of heights. But even when we start getting
2 to our neighbors that are actually a little bit
3 higher than us as we interface with multi-family
4 in the northwest corner, obviously, a -- a little
5 bit of differential the other way when we drop the
6 apartments that drop down the hill.

7 Setbacks, again, a factual basis. What we've
8 attempted to do here and put in the record, we've
9 shown you before. The setback of our buildings
10 from our property line, 115 for our closest wings
11 along Mission. A -- a whopping 233 -- there's one
12 of those words again -- 233 feet back to the
13 middle of the building from the north. What we
14 then did -- because it was a point of inquiry from
15 the commission so that you can get a full analysis
16 -- show me where we are from the property line to
17 existing structures off site, which is, in
18 essence, what we've done here. So 31 feet to the
19 apartments, 24 feet -- they're very tight over
20 there, by the way. 35 feet, and you can see it's
21 kind of a varying rear yard for our neighbors to
22 the south as we go through this. Okay.

23 Stormwater, real quick on this one just to
24 make the point it's in the record. Currently, we
25 have 151 cubic feet per second running off the

1 site in two different directions. It is a problem
2 today pursuant to the standards we must meet for
3 the City of Prairie Village. We will reduce the
4 runoff by over half. We will direct it and
5 discipline that water where we will eliminate any
6 off stream problems downstream to the south for
7 sure and greatly diminish any concerns there are
8 downstream to the north and northeast.

9 Next. Traffic. Now, we went through this
10 one before, and we've got a little bit of
11 different information to this tonight. This is
12 what we showed you before. This is -- reflects
13 the conclusions of the study that we were required
14 to do by the City of Prairie Village. And that
15 is, we come in, our traffic consultant sits down
16 with your public works folks, the ITE manual, so
17 to speak, or the ITE standards are what both work
18 towards to say, let's evaluate traffic. What was
19 the traffic like before as it operated as a
20 school? What's the traffic going to be? What's
21 the manual -- because they studied this. What's
22 the traffic going to be for the facility of the
23 type you're proposing? Let's compare those two,
24 and then let's -- as part of that study, make sure
25 that we're not overtaxing the public road system

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1 with your traffic.

2 Well, we know exactly the -- we experienced
3 what we knew would happen when the middle school
4 was operational, and we have good data. This is
5 good data that the industry of traffic engineers
6 rely upon, as does the city experts in this
7 regard. And the conclusion was that in the a.m.
8 peak, which is the commute peak under the manual -
9 - and this is going to be a point of the
10 difference. Under the commute peak of 7:30 to
11 8:30 in the morning, our facility will actually
12 produce 169 less trips. In the p.m. peak, which
13 under the manual is 5:30 to 6:30, it's commute
14 time, it's the background traffic plus that going
15 home traffic, that's what they tell you to study.
16 So we laid our trips in to the -- it's 5:30 to
17 6:30, 5 -- well, 5 to 6, and we show that we
18 produced about 22 more trips, which statistically
19 in the world of engineers, is a wash.

20 But we're a neighborhood meeting and they
21 said, that's misleading. Well, the city -- that's
22 the way we're supposed to do it. It's misleading.
23 Your peak based on what you told us about your
24 shift changes and your employees is really 2:30
25 to 3:30. Yeah, it is, actually, that's when we've

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1 got our largest shift is coming off and the next
2 shift is coming on, good point. And what about
3 Corinth? Good point, let's look at it. We sent
4 our engineers back to the field.

5 Go to the next slide. When we did what the
6 city asked us to do, here's what it showed. 102
7 trips being generated by our site for a total
8 against the background of 460 trips. Okay. That
9 means based on studies, based on counts during the
10 commute -- that peak commute period along Mission
11 Road, you've got 460 trips, and we're going to add
12 102 for 562, 5 to 6, and the conclusion was, it's
13 okay. Conclusion by the city based on the report
14 that you've seen from staff today, it will not
15 overtax, it will not create unsafe conditions on
16 the public street. But let's go to 2:30. We went
17 out and counted on Mission Road, 2:30 to 3:30,
18 right in the area where you would also be
19 producing -- you wouldn't have commute traffic
20 then, but you would have schools in session, you
21 would have the -- the parents picking up and take
22 -- going home with their kids at Corinth, and we
23 found there were 395 trips in the system. Adding
24 our 102, I think the conclusion is itself, the
25 system -- the street system at its current

1 capacity will operate well and safely with our
2 additional trips, either in a traditional p.m.
3 peak or the -- we'll call it the local p.m. peak,
4 which factors in Corinth School.

5 Go to the next one. This is, again, just
6 very quickly, parking, as you recall, staff
7 parking, red, we're going to designate and control
8 where the parking is. Blue is for our residents.
9 The -- the greenish color is for our visitors. We
10 lay those out so they make sense in terms of
11 convenience for the residents of our community,
12 whether they be residents or visitors. Staff,
13 because we heard as part of our public dialogue,
14 let's make sure staff is really as far away from -
15 - we were focusing on this area in here
16 (indicating), which that's exactly what we've done
17 designating, and we'll control those as staff
18 parking in this area.

19 One question that the staff raised was, part
20 of your count -- because you're showing in your
21 count that you're per -- that's you're going to
22 have 200 -- 285 spaces are required and you have
23 350, but 51 of those are carports. And what if
24 all your residents don't rent carports? You've
25 got those spaces, but they can't be used, do we

1 still make code? Yes, we do. 350, 285 required,
2 we take the 51 out and we'll gauge -- maybe we
3 won't do all 51 carports, but we still meet code
4 with some to -- to spare.

5 All right. Let's go to the next one. This
6 really just is that kind of summary sheet, Mr.
7 Chairman and members of the commission. Remember,
8 we gave ourselves a -- a goal to not just say,
9 well, this is a special use permit, maybe we can
10 argue we don't have to meet the underlying zoning
11 design criteria and development goals. Well --
12 well, let's see what we can do. Lot coverage per
13 building R-1a design standard is no more than 30
14 percent, we're at 22.9. Height in mid pitch of
15 roof, 35 feet. That's the height you can go to in
16 an R-1a district or a R-1a single-family home. We
17 range from 16 to 35. Remember, I showed you
18 Building 40, I was showing you that's the top of
19 the peak. This is measured mid peak, this is
20 measured mid -- mid peak. That's how you measure
21 under the Prairie Village code.

22 Concentrated active open space, not required
23 in an R-1a. One of the areas we are the most
24 proud about, 18 acres, over ten acres of that
25 won't have buildings, parking, drives, anything on

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1 it, it'll have open space, it'll have grass, 55
2 percent of the entire project. Some of it's
3 floodplain, some of it's going down the hill. So
4 of that ten, what did we actually turn in going to
5 the next step towards an amenity for our residents
6 and a positive for the community if they choose to
7 visit our neighborhood or pass by? How much
8 active open space can we develop? And what we --
9 the result of that is, as you can see, and we had
10 some questions at the last hearing to quantify
11 those, the north green space, which is this here
12 and we've extracted out the retention area and
13 areas that will be inaccessible to, both very,
14 very steep grades, we have about 2.5 acres.
15 That's the portion of our walking trail we'll talk
16 about in a minute, which is over one mile of -- of
17 parking -- of walking trail.

18 South green space, another one we think is a
19 great asset in trying to drive off what we heard,
20 I looked out my window, I came through that back
21 fence, I went and walked my dog back there, I saw
22 some wildlife back there. So we used it as a
23 transitional element, backing our buildings off,
24 but at the same time, a active space where our
25 residents can use it. And we say this, and it's

1 not meant to be obligatory, we invite our
2 neighbors to come in and use it, as well. Because
3 that is 1.63 acres of active space, also will be a
4 -- a part of the 1.1 miles Of trail system that
5 will be through here open to anybody that would
6 like to use it.

7 And then we have 1.1 acres -- and this is
8 going to get to a point we're going to emphasize
9 in just a minute -- 1.1 acres of green landscaped
10 space along our Mission Road frontage. It's our
11 front door, we want it to be spectacular. And we
12 think by dedicating this type of area -- I'm going
13 to show you what we're doing with that in just a
14 minute -- will really change what the perception
15 is as you come down Mission Road today.

16 Next. Now, let's talk about Mission Road.
17 And I'm going to go through these very, very
18 quickly because, again, you can study them further
19 as you get this information and we can look at it.
20 But we've heard -- and I'm talking about Mission
21 Road. This structure as it's on Mission Road,
22 because it's a building of some size, this
23 building is so out of character with Prairie
24 Village in terms of where it is with the street
25 and the height, that it's a nonstarter. And I

1 just -- I want to address that for just a minute.
2 I'm starting here at 71st and Mission Road with
3 the Macy's. And if we walk through this, it's 48
4 feet tall, so it's actually taller than the
5 buildings we're proposing and it sits at a 21-foot
6 setback off the street.

7 Moving to the church across the street, 41
8 feet in height, with a 34-foot setback. Moving
9 down to one of our competitors, Brighton, 42 feet
10 height with 108-foot setback. Next. As we're
11 moving south, we're moving down 72nd to 75th
12 Street and Mission. 72nd and Mission, 38 feet in
13 height with a 30-foot setback. Shawnee Mission
14 East, 36 feet in height with a -- I wanted to make
15 sure I've got this right -- with a 88-foot
16 setback. And then we move to the office building
17 on the east side of the street and we have 30 feet
18 in height with a 31-foot setback.

19 Moving farther south as we get to the 81st
20 and 82nd Street area, we are not the tallest
21 building in the City of Prairie Village, 52 feet
22 here. Let's move over to the office building on
23 the southeast corner, a 30-foot high building
24 sitting at a 25-foot setback. And then moving
25 farther down -- just a little bit farther to the

1 north is a 38-foot building at a 21-foot setback.

2 Now, as we start moving closer to our
3 property, you can see the office building on the
4 west side closer to us, 8340 Mission, 33 feet in
5 height, 105-foot setback. Start picking up some
6 more of our immediate neighbors along Somerset, 29
7 feet in height with a 52-foot setback, the 24 feet
8 height here with a 41-foot setback. And as we
9 approach our site, again, kind of the Somerset
10 neighborhood, here's our immediate neighbors, 42
11 feet in height, 32-foot setback. We have a 42-
12 foot-high building here with a 32-foot setback.
13 And today, the building sits at 115 feet, matter
14 of fact, it's probably 137 feet.

15 Now, am I saying, well, all those buildings
16 are there, so we ought to be able to do just
17 anything that we want to do? Of course not. But
18 the idea of structure and mass in close proximity
19 -- I'm speaking only now about the Mission Street
20 corridor -- is not out of character. It's a
21 design style, it's a feel and it's a flavor of
22 Mission Road that we are incorporating, but we do
23 recognize we have a bit of a bigger building than
24 some of these, we're moving down towards a more
25 predominantly residential, and thus -- we go to

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1 the next slide -- we start doing what I'd
2 referenced before -- and Mitch will pick up a
3 little bit more of this -- we start picking up a
4 one-acre green space, moving the sidewalk off of
5 Mission Road where it's currently back of curb
6 five feet, so it's inviting and safe for
7 pedestrian and bicyclists, and putting green
8 space, a combination of a wall system and berming
9 and landscaping so we start creating a spectacular
10 roadway, which is a spectacular front door to our
11 neighborhood that can be enjoyed by all, and as
12 Mitch has designed this project, he's met
13 excessive setbacks, holding only the small --
14 smallest part of the buildings and almost exactly
15 where the school sits today and pushing the taller
16 part of the buildings almost double that over 200
17 feet.

18 Next slide. Now, we're going to walk through
19 these very, very quickly, I promise. Here's what
20 we've done. I'm going to try to give you an idea,
21 again, I want you to go back and if you could for
22 just a minute, remember: We know what the
23 finished floor elevations are of our finished
24 buildings and our neighbor. We know the heights
25 of our building to scale. We know the heights of

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1 our neighbors' building. We know and we've
2 committed in terms of our perimeter landscaping --
3 right here, I'm showing you the north hedge -- I'm
4 -- I know what's on our perimeter.

5 We have committed to date and we stand on
6 that commitment that we will not impact any
7 vegetation along our property line. We can grade
8 it, we could hold it on the south, southwest, the
9 west and the north. We want to embellish it. We
10 want to expand upon that, and we have an offer out
11 and we continue to have an offer -- thank you --
12 that we will work with the neighbors as we move to
13 the landscaping portion, our final planned
14 portion, to do that.

15 But here's what I want to do. This is the
16 next fact. Because a picture is a fact. This is
17 looking north to northwest. And I want to be
18 totally accurate and transparent, so we're giving
19 you the best in terms of buffer and the worst,
20 summer and winter, and this is what we've got.
21 This is your summer view, this is your winter
22 view.

23 Next. When you look at the south -- and
24 we're now looking to the southwest and moving to
25 the south back to Mission Road, that's what it is

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1 in the summer. And, obviously, a bit less of --
2 more sparse in the winter when some of the
3 deciduous trees leave -- lose their leaves, but
4 still fairly significant.

5 Next. Now, let's take those facts with our
6 elevations and our perspectives, and let's start
7 looking at our perimeter impact. Now, in terms of
8 what they look like from ground level looking
9 through, we couldn't get on our neighbors'
10 property, wouldn't ask, obviously, would not
11 trespass. So these views are from our site, I
12 think close enough that in terms of the
13 transparency of looking through, whether it's a
14 winter or a summer foliage, it's going to be the
15 same one side or the other. So here's what we
16 get. We're looking at this point here
17 (indicating), this is the villa along Mission
18 Road, a separate part of our property, and we're
19 evaluating the impact of this area here as they
20 look back. We're looking towards that house,
21 that's why the arrow is pointing south. This is
22 what it looks like in the summer. I'm sorry for
23 the shading. Here's what it looks like in the
24 dead of winter.

25 Next. Now, when you're standing in that

1 first neighbor's home, that house that sits right
2 there on Mission Road to the south of our
3 property, I want to show -- I don't want to play
4 games with landscaping. This is eye level based
5 on what we know their grade is, what our grade is
6 and distance, because we know what the distance
7 is. This is standing right outside your house in
8 your back yard. This is the structure if there
9 was nothing there, existing vegetation or ours.

10 Next. This is laying in pictorial, by
11 computer, the existing landscaping with our
12 additional landscaping with the offer that -- what
13 a tool this could be. And one other point I want
14 to make. We didn't take winter, we didn't take
15 summer, this is a picture, I think, of just a few
16 weeks ago, right about the time that the foliage
17 starting coming up. So it's kind of the middle
18 position. And we can give a date for the record
19 of when the pictures were taken. This is what our
20 neighbor will see when they look at our one-story
21 villas. And again, if -- if we have the
22 opportunity, you can see some of our trees in
23 there. We can put more, we can really use this as
24 a tool to sit down and talk about visual barrier.
25 Now, that's eye level. What about if you're

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1 looking for a neighbor's second story? See the
2 upper level? Interesting. Go back to the other
3 one just a minute. I want to point one other
4 thing out real quick. Nick, the one without the
5 foliage. See, this is here, this is here, there's
6 our two-story. See how that roof line -- this is
7 all to scale -- see how that roof line matches up.

8 Go ahead. Spin it back through. Now we're
9 at the upper level. This is what it looks like.
10 See, you pick up a little bit more when you're up
11 in the second story window, it comes over that
12 villa a little bit. Now put the landscaping in.
13 And you can start seeing again a spring with some
14 additional landscaping. And we will be more than
15 willing to work more -- you start missing any kind
16 of structure behind that.

17 All right. Let's keep going, let's move
18 through these quick. We're moving to the west.
19 You can see, again, I'm giving you the winter shot
20 looking back towards our neighbors. The summer
21 shot. Next. I'm showing you what -- from that
22 vantage point, your villa. Notice how you pick up
23 right here a three-story part of the project. I
24 know people were so concerned from the south about
25 those three-story buildings. But distance without

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1 any screening at all, distance starts reducing
2 size, which has been the point, and you start
3 picking up the same roof line.

4 Next. Here's laying in that existing spring
5 landscaping from that viewpoint. These are villas
6 here is what you're seeing. Let's go to the upper
7 level. You pick up a little bit more of that roof
8 line from the second story. Put the landscaping
9 in. That (indicating) and additional landscaping,
10 and clearly, the summer it starts disappearing in
11 terms of the impact.

12 Let's keep it going quickly now. We just
13 moved down. Here's our two shots again. Let's go
14 to the -- that's the view. You're going to start
15 picking up the -- the end of the villa here. Keep
16 going. That's what it looks like in the spring
17 with the landscaping. Let's keep going. I want
18 to pick this one up. This is the villa looking --
19 let -- let's go -- oh, this is the upper level
20 with the landscaping in. See how we start drawing
21 down.

22 Let's go to the next perspective. And see
23 now we're over here. Those are our views. Keep
24 going. This starts picking up our single story
25 memory care unit. Go ahead. You can start seeing

1 really with the existing vegetation in there
2 today, it really starts -- Mitch's artistry here
3 starts taking shape, because it has the scale of a
4 single-family home.

5 Go ahead. This is from an upper level of the
6 memory care, again, putting in the vegetation. Go
7 ahead. This is View 5 looking back to our multi-
8 family apartment neighbors. You can see that in
9 the summer -- and there's the winter. Go ahead.
10 That's what they're going to be seeing. Here's
11 their building here in terms of our skilled
12 nursing and starting to pick up some of our two-
13 story. Go ahead. That's the vegetation in the
14 spring; and that's pretty thick, guys, it's not
15 going anywhere. This is directly from the north,
16 the apartments that are down the hill, and that's
17 what it looks like there even when there aren't
18 any leaves, that's their perspective.

19 So again, we'd be happy to keep -- keep going
20 with those, we can run through real quick and
21 we'll come back to this point. I went through it
22 quick. I mean, I think the point is another body
23 of work to scale, not speculative, using the
24 design criteria and the facts we have developed
25 for you to do some further review and maybe some

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1 suggestions. And the offer remains open. And we
2 want to work with our neighbors, whether they be
3 on the south, the west, the northwest to work on
4 that final landscaping plan.

5 So let's go to the next area. So now what
6 we're going to do is I've tried to quickly kind of
7 set the factual, I've tried to take the corridor,
8 I've tried to take the outward appearances; and
9 now we're going to take a ride, so to speak, into
10 the interior of the project and further evaluate
11 how it will feel inside and what the impacts will
12 be outside. Excuse me. And for that, I turn it
13 over to Mitch Hoefer.

14 MR. HOEFER: Bear with me a moment while
15 I move a few things around.

16 Well, I don't want to belabor all the points
17 that John made, but many of those points really,
18 really drove the forming of the building, the
19 siting of our buildings and our uses. The -- the
20 context drove the planning of this campus as much
21 as any healthcare need, any resident need, any
22 outdoor need as anything did. So when you look at
23 our plan -- when you look at our plan and you
24 think about, why am I seeing appendages, why am I
25 seeing these undulations, that's lots of reasons,

1 that's the scale of the neighborhood.

2 For example, John talked a lot about Mission.
3 Well, we have these two wings that come out to
4 Mission. The width that you see on Mission Road
5 is narrower than some of those houses to our
6 south. Architecturally, it's receding, it's open-
7 armed, it's inviting, it's pulling way, way back.
8 So those wings just really are what -- what come
9 out to the street, the middle of the building that
10 John spoke about is set back 715 feet, a pretty
11 good distance.

12 Can you guys put up -- can I borrow your
13 pointer?

14 MR. PETERSON: Yeah. I put it up there
15 for you, Mitch.

16 MR. HOEFER: Oh, okay. Hold on.

17 So when you look at the -- the mass of
18 this and you look at the shape of it, that's
19 really part of the scale, part of marrying this
20 thing into the -- the overall area, as well as
21 elements like for -- really, driven by
22 neighborhoods. I mean, this is a state of the
23 art, hospitality-driven senior center. That means
24 it's not an institutional facility. It's a very
25 hospitality-oriented environment. It's a --

1 really a country club for seniors. And all the
2 buildings are designed with living rooms and open
3 spaces and a dining room areas. And we have an
4 indoor swimming pool. And it's -- it's right --
5 really quite a great environment.

6 So when you look at elements like this, you
7 say, well, that's -- what's that doing? Well,
8 that's decreasing the scale, it's also eight
9 residents around the living room and around the
10 grand fireplaces and those kinds of elements. It
11 also breaks down the scale. Because we want our
12 residents to feel very much in a hospitality,
13 home-like environment. That is the goal, that
14 they're -- they're transitioning from other places
15 in Prairie Village and have a great place to go.
16 So that's just a little bit about why the building
17 mass and some of the things that it does, it
18 doesn't drive where things are located yet. And
19 then we'll talk a little bit more about that.

20 The overall character, the inspiration for
21 the building is very much driven by the feeling
22 and the language of many of the houses in Prairie
23 Village. We've kinds of coined it a combination
24 of French and English country, for lack of a
25 better terminology. But we really have taken from

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1 some of the best feelings and the best languages.

2 When you look at our renderings and you see
3 the shutters and the dormers and you see a
4 combination of shingles and standing seam and roof
5 elements and finials and turrets and porte
6 cocheres and cupolas, all those things are taking
7 the scale and breaking it down to a very
8 residential home-like environment. Many of these
9 elements sometimes we can't even afford to put on
10 a lot of houses, and we're putting them in all
11 over the place in all -- the whole facility. So
12 it really helps in the scale and character of the
13 building, as well as do the materials, which I'll
14 elaborate on a little bit more.

15 Go ahead. So with that, I'm going to start
16 specifically in one area and just work my way
17 around. We'll also show some perspectives and a
18 little movie that takes you through the facility
19 so you can kind of see how the buildings all fit
20 in context, as well. But the first building is
21 the memory care and skilled facility. So we've
22 got neighbors that are here that are a couple
23 stories and neighbors here that are one-story. So
24 that's what our building does is one-story and
25 two-story. And John talked a lot about that.

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1 We have interior courtyards. This is our
2 common areas, which have the dining rooms and
3 activity areas and social areas and all kinds of
4 wonderful things, as well as this 130-foot park
5 area that we've created and pulled back our
6 buildings from to really create a great open space
7 for those residents to use, as well. This whole
8 thing steps in very nicely and undulates and
9 pretty much does what the neighbors do, too, in
10 terms of the shapes and profiles.

11 But from a continuum of care, these residents
12 are active. They may have some healthcare needs,
13 but they're very active. And so this is a -- this
14 facility allows for ambulatory movement throughout
15 the entire facility. The stats here speak for
16 themselves, I'm not going to belabor that. You --
17 you have been published the numbers and we've seen
18 those several times.

19 Go ahead to the next one. So here's the
20 detail and character of those facilities. We've
21 blown up a few pieces of it so you can really see
22 the exact character, all those elements I'm
23 talking about. And -- and straight on to the
24 elevation, all the features that are there, the
25 kind of watercolors you can see in the photos

1 really give you that those are actual renderings
2 of the exact same scale, you get that feel and
3 character. And I know you -- all of you can't see
4 in great deal from all over the room to see this,
5 but these are the real materials, the quality of
6 materials that we're doing, the standing seam, the
7 shingles, the stone, great elements. I mean, this
8 is going to be a dry stacked stone feel. It's
9 really making that English country feel come to
10 life, to a very high quality set of materials, the
11 insulated glazing, beautiful reflective colors,
12 all kinds of great materials. And then you've got
13 all the elements, as I mentioned, the turrets and
14 the hips and the gables and all those things going
15 on and taking it into the same scale as the
16 neighborhoods.

17 Go ahead. This is actually a -- a rendering
18 that you would see from our one-story memory care
19 if you're in the neighborhood. So I'm going to
20 use this board over here to kind of point. If
21 you're in the neighborhood, it's kind of in this
22 area looking back towards the facility there.
23 That's the view (indicating). We had some
24 comments early on about what was the scale of
25 that. Even though it was one-story, it was still

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1 felt to be a little bit large. And so we've
2 broken that facade up a whole lot with all those
3 gabled elements, dormered elements and really
4 taken that scale down as a one-story building.

5 Go ahead. This is the other side of the
6 campus. This is the skilled piece, which is --
7 again, I'm going to use this board to kind of
8 point where it is. It's on that northwest corner
9 of the site as we transition from -- sorry, I've
10 got this also -- one-story to the two-story, but
11 this is really where we're kind of stepping down
12 the hill a little bit, as John talked about the
13 grade. So you see the foundation dropping a
14 little bit here, but it's still all two-story.
15 And again, our neighbors in these areas are -- are
16 two-story, as well. But again, all the same
17 character, all the buildings have same materials,
18 just used in different ways and different feels to
19 create a variety of housing types and feelings for
20 our residents.

21 So this is a really true rendered image of
22 the porte cochere drop-off right at the entry that
23 -- where folks would arrive and visit the -- the
24 first building that I've talked about. So you
25 really get a sense of that character and the green

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1 space, the -- the feeling of the building, all the
2 elements in detail and -- and materials.

3 All right. So the next set of buildings I'm
4 going to talk about is the villas. And we've
5 spent a lot of time designing the villas. The
6 villas were a huge part of our transition and
7 buffering concept. So they're, obviously, all
8 one-story, they're very similar in scale to the
9 houses to the south of us. Very similar in
10 character to some of the homes. Heights, all the
11 things that we heard about earlier in terms of
12 roofs and foundations, we're doing those exact
13 same things. And John walked through all those
14 and how we're marrying up to the -- to the
15 neighborhood with that. And he walked you through
16 all the setbacks, et cetera, that we had. But
17 there's quite a lot of yard and distance across
18 the whole facility.

19 Go ahead. So these are some views, again,
20 from the model John kind of talked about, you
21 know, the non-treed versions. These are just
22 straight from the model. Then you see some of the
23 watercolored views and some of the real character
24 you can start to feel. And this is actually
25 looking from inside our facility to the entries of

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1 the -- the villas.

2 Go to the next one. This is from the -- the
3 neighbors' side, the back yard. And you can see a
4 lot of the elements that we've done, a -- a patio
5 and a little trellis screened porch and fireplaces
6 and dormers and large glass window elements and
7 shutters. And so the character in the steel hips
8 and gables and roof lines, you know, this is --
9 without that garage, you know, 3,500 square feet,
10 that's the total building. That's what all the
11 villas are. So scale wise, square footage wise,
12 it's very compatible to the -- to the neighbors.

13 This is a rendering, really, of our drive as
14 we enter the series of villas. And you see
15 roughly a little bit different character, each one
16 is a little bit different, but all similar
17 materials and some lines -- some roof lines go up
18 a little bit and some drop down a little bit to
19 create a lot of interest for the residents to have
20 an identity in terms of which homes they will live
21 in.

22 All right. Now I'm going to describe for you
23 the assisted living and the independent living.
24 Now, there's some really critical things about
25 this building as we -- as we looked at where it

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1 would go and where the massing would go and where
2 the heights would go. I talked about the wings
3 and how we just let narrow portions of 40 feet
4 kind of stretch out and kept most the mass very
5 centered in the build -- in the site and really
6 pulled back.

7 You know, honestly, I think these elements, I
8 -- as I mentioned, are 40 feet or something and
9 this is way back, you know. I don't think that
10 the homes that are down the street that are
11 probably 180 foot of frontage and, you know, maybe
12 50 or 60 feet back, I don't think they're massive,
13 I really don't. And the character of these are
14 even smaller dimensions and pulled way farther
15 back.

16 So I think it's sympathetic -- it's very
17 sympathetic to the whole Mission street that John
18 presented and walked you through the character of
19 that. But we worked very hard to decide where
20 we'd put what heights. The closest two-story
21 building that we have from any of these is 220
22 feet away from any house. That's that spot right
23 there. The closest three-story portion is 260
24 feet away. And all we have between that is our
25 one-story villas that are very compatible. So we

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1 pulled that scale way back and really put most of
2 our height on the north side of the campus. We
3 even stepped down two-story here to Mission here
4 and here both, just scaling down, again, to the
5 street. And the -- the whole center portion is
6 the two-story height.

7 So this building, without even talking about
8 the language or the French country feel is very
9 sculptured into the whole project, very sculptured
10 into the site, driven by as much outside factors
11 as it is, the design of hospitality, the state of
12 the art continuum here for our residents.

13 At -- this is the detailed character of those
14 pieces of the -- of the independent living and
15 assisted living. Again, you see all the same
16 elements. Stone comes up a little bit higher, a
17 few more standing seam elements, a little bit more
18 turret and porte cochere elements are a little
19 larger scale. But it -- all of that is very much
20 in keeping in, again, bringing down the scale of
21 what is our one three-story building in the whole
22 complex.

23 Go ahead. This is our two-story portion that
24 we're really highlighting, which are the wings of
25 the building as I mentioned, that come out to

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1 Mission. This is the portion that you see coming
2 up to Mission. And we'll show you some
3 perspectives that I think will help you a lot.
4 But this is falling away at 45 degrees and then
5 gets to your entry element. And that's what you
6 see in terms of the character, the skyscape kind
7 of windows, very much that country club feel
8 you'll see all the way through to our outdoor back
9 areas, through the grand areas and social areas
10 and -- and card room areas, et cetera.
11 Now, this is really internal, but I wanted to show
12 you the sense of scale before we actually kind of
13 show you the movement. Here is our one-story
14 villas, here is our two-story components, and
15 here's our three-story that steps to the middle.
16 So we -- we really worked hard -- you can see how
17 these roof lines are climbing that three-story
18 building. Again, another idea of layering this
19 thing and detailing it, building and really
20 marrying to the character of the neighborhood.

21 So this is a -- a early rendition just down
22 Mission. We're really going to show you a model
23 view that shows a lot more green space and berming
24 and height for this. But this is really just
25 minimal. A few trees we're adding in, you can see

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1 the screen effect that has and the inviting
2 feeling that has, as well as the -- some more of
3 the detailed entry elements. And this is the
4 arrival courtyard that you would see from one side
5 coming, say, from the -- from the south driving
6 north into the entry of the facility.

7 So back up one, actually. Sorry. So before
8 I go into some more very specifics of the -- why
9 this building was so sculptured into the site, I
10 just want to use this image to talk a little bit
11 about some of the details and some of the
12 materials. You've heard me talk about porte
13 cochere elements and turret elements and dormers
14 and cupolas. And really the -- we've heavy woods
15 -- wood elements that are tied in as beams and on
16 the stucco and ornamental iron railing that we've
17 got photographs here on our board. Just a
18 wonderful character. And I mentioned all the
19 stone that we've got. The -- the heavy shadowed
20 shingle lines, those are not typical just
21 residential shingles, those are heavy shadowed
22 shingles that really give you a -- a very thick
23 profile, a very elegant profile. And that's on
24 all the buildings, not just on the Mission street
25 frontage.

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1 Okay. So we can't look at every single
2 vantage point of how this project looks from every
3 single corner, but we're going to take through you
4 quite a few areas and we're going to show you some
5 of the things that we tried to do, we -- we think,
6 some very masterful things we tried to do to blend
7 the building in and fit it into the context and
8 scale it in, as John said, to scale, to really
9 give you a good feel for that.

10 All right. So we're coming south on Mission.
11 These are our neighbors in the apartments and you
12 can see scale wise, they're really just about the
13 same, they are set lower, as John talked about.
14 This is where our green space and park element
15 happens that we have our attention area. You
16 really can see across the whole area how far that
17 is.

18 Can you slow it down just a little bit? Back
19 up just a tiny bit. Yeah.

20 Look at that separation. I mean, that's
21 hundreds of feet across that area. So now you're
22 coming up on the sidewalk and walking down
23 Mission. And again, this is a -- a model so
24 you're not getting all the exact berms and height,
25 but we've emulated and simulated some of that as

1 you come through, you really can see how the
2 grades in this area and the sidewalk is dropped
3 down in that. This is that 40 foot of green space
4 that we're creating all the way down here.

5 There's some walls that you can notice. See, you
6 can see the building off to your right as it comes
7 in and out of focus as you walk by. And the
8 elements move in and back and forth on the street.

9 Now you're starting to see some of the houses
10 in the background and if you look at the scale and
11 character of that in the distance and the tree
12 line and how that transition works so beautifully
13 up the street in terms of the sight lines we were
14 talking about, the same thing John was showing
15 you, all of those elements, you really see in
16 reality and perspective how real all that is.

17 Now we're going to drive into the facility a
18 little bit and come around the entry and we're
19 going to take you around not just this perimeter,
20 but a few other areas, so we look under every rock
21 and see what else we can see. So we've just
22 passed the independent living and we're going to
23 turn and look again towards the neighbors to the
24 north. You can see the Corinth apartment elements
25 sticking out and the numbers of those and kind of

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1 really a -- a wall of elements that is. And then
2 we turn and come really to the -- to the west of
3 our facility and you begin to see our two-story,
4 as we talked about, the -- the condo elements
5 there in the back, the buildings in the back, the
6 same thing. And that character, again, that is on
7 that corner, again, very much marrying into the
8 scale of those elements, scale of those buildings.
9 And then this is the finished view of that area.

10 Now we're coming around the inside of the
11 courtyard and looking at our villas. You see a
12 house there off to the right. Can you slow it
13 down again? Back it up a little bit. And when we
14 approach that villa, what I want you to see as you
15 look into the neighbor's house there to the right,
16 that's one of those grades that was a little
17 higher. And so it -- it's up a little bit above
18 us to the scale of our villas. And as we get down
19 to the end, you'll have a quick view to, again,
20 outward to those houses, how far they are away,
21 and the scale and characters as they relate to our
22 villas as we come down our drive heading back up
23 to Mission.

24 We're now getting a portion of the two-story
25 wing of the independent and assisted building on

1 the left and the last villas here on our right.
2 You're seeing a house across the street on Mission
3 there. And here, you kind of get a peak in
4 between the buildings of the scale of the houses
5 behind. Those are ten-foot eave lines or nine-
6 foot eave lines, something like that, with a roof
7 that's a very shallow roof. And we've, you know,
8 done the accurate modeling and massing without a
9 lot of detail.

10 Now, we're -- we're leaving the facility and
11 I want to take us down Mission again, because I
12 really think everybody feels like, you know, the
13 south approach is a lot more important than the
14 north approach. Although we dealt on that pretty
15 good, I want to back up and I want you to be able
16 to see the south approach. You see some of the
17 wall elements we're talking about, the ornamental
18 iron work, the -- the features that we're
19 building, this is really giving you a sense of the
20 distance that you're -- you're coming up the
21 street. There's the first house just to the south
22 of our facility on the left.

23 Okay. These views -- yeah, back up one
24 second. These are just a few still frames that we
25 pulled out of the model just to show you briefly a

1 little clearer -- holding still for long enough to
2 look at, the scale of buildings around. Some were
3 an aerial view, some were a pedestrian view, we
4 just tried to pick a few views. So go back just
5 to the still frames at the end.

6 All right. So here -- kind of component by
7 component, if you will, house to villa, et cetera.
8 So here's our house, our villa, our two-story
9 stepping to three-story. You can see the
10 distances and the scale. This is our neighbors to
11 the north, same thing, you can see the vast
12 distance that we talked about and the total scale
13 compatibility and the condos a little bit in the
14 back. Here, you're coming all the way around the
15 west side, and you really can see our one-story to
16 our two-story next to the condos.

17 Finally, the overall image. You know, I'm
18 going to turn it back to John, but, you know, this
19 was really reiteration Number 4. And many of you
20 that came to the neighborhood meetings know that
21 we moved a lot of stuff around. We moved roads to
22 the interior, we created buffers we didn't have,
23 130-foot park areas, we added villas and moved
24 more villas up the whole south side of the
25 property line. We scaled down square footage, we

1 added green space, we added character, we broke up
2 massing of buildings. All that happened over the
3 last few months in -- in working with your teams
4 and your folks in neighborhood meetings and
5 hearing comments.

6 MR. PETERSON: Thanks, Mitch.

7 Okay. I know we have been on awhile, so
8 we're going to finish this up in very quick order.

9 A couple of ancillary issues that I will
10 respectfully submit I'm not exactly sure are
11 within the purview of the planning commission in
12 terms of land use and site plan approvals, but
13 they definitely are within the purview of the city
14 moving from master plan to planning commission and
15 governing body as a whole. And we've heard about
16 them. And I anticipate we may hear some
17 commentary during the public hearing, so I want to
18 briefly touch on really two of them.

19 And one is the need of the facility. Why do
20 we need this? We have -- we have Brighton and we
21 have several others and -- and they are not --
22 they're -- you know, we hear reports, anecdotal
23 reports of their low vacancies. And -- and so, it
24 -- you know, we thought that's an important issue.
25 I will tell you that we rely in a -- in large part

1 in determining that in the basis of this
2 application, that there is not only a need, there
3 is a distinct need, there is a growing need, and
4 today is the time to start addressing that need.
5 And that's -- Mr. Tuteria is going to speak briefly
6 at the end about why he formulated his vision for
7 this area and what his industry looks like,
8 because he's one of the leaders in it.

9 But we also thought what we better do is go
10 outside. And we hired a third-party consultant
11 that is an expert, Jeff Green of Jeff Green
12 Partners, of doing just this kind of planning,
13 anticipating needs, looking at demographics and
14 seeing how projects can fill immediate needs and
15 be in a position to serve future needs. And
16 basically, I'll summarize it, and we have already
17 taken the step of submitting this as part of the
18 public record so it will be available to the
19 commissioners to review in detail, staff as well
20 as members of the community.

21 But the conclusion, although it's very well
22 documented and researched with demographic
23 statistics, it really, when it comes down to it,
24 it -- it's premised and it confirms the exact same
25 conclusion the City of Prairie Village came to in

1 2009, which when it commissioned its parks and
2 recreation commission to study this issue as part
3 of, how do we plan for the future of Prairie
4 Village? And in 2009, they said, we need a place
5 for our seniors when they transition from our
6 single-family traditional homes. And we need it
7 for two reasons, and there'll be others in the
8 area, because there's a need to have senior living
9 and senior living, hopefully, with some services
10 that go along with it.

11 But if you want young people to come to
12 Prairie Village, move the seniors out of the
13 traditional homes with the swingsets in the back
14 yard and the chain link fences and you open up
15 housing stock. Because Prairie Village, as
16 wonderful as a community as you are, you don't
17 have much more vacant land to build single-family
18 homes. You need to regenerate your traditional
19 two parents, two-and-a-half kids homes. And the
20 conclusions of Jeff, again, the conclusion of the
21 City of Prairie Village itself is that you get a
22 two-fer here. You provide a place for your
23 seniors so they don't have to leave your city and
24 northeast Johnson County can experience the
25 wonderful amenities of Prairie Village, and you

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1 provide that opportunity to start the young
2 families. And it's a phrase and it's well-worn,
3 but it's the cycle of life, and you're planning
4 for it. So we've submitted that.

5 The second one we're going to hear about, and
6 I'm sure we are, property values. If you build
7 this project, our property values will go down.
8 And I anticipate we will have a real estate person
9 in the real estate industry that will opine to
10 that as part of a presentation. And -- and I --
11 with all due respect, I understand that and it --
12 this probably comes down to a difference of
13 opinion. And this is probably one -- it's very
14 difficult to come to that objective standard that
15 we would love to be at. Because, obviously, if
16 somebody thinks it's going to reduce their
17 property values, they wouldn't buy the house. It
18 becomes very, very subjective.

19 We did the best we could. And we didn't want
20 just an opinion based on, well, I tried to sell a
21 house over here -- and I'm not suggesting --
22 whatever's going to be said, will be, but I've
23 heard it before in other -- I tried to sell a
24 couple of houses next to a senior living facility
25 and, boy, it just -- it was the dickens trying to

1 get it sold. We tried to go -- let's drill down,
2 we hired Todd Appraisal, we want a substantiated
3 factual-based appraisal. So what he did is he
4 went out and he looked at really two different
5 situ -- potential situations.

6 He looked at school sites. What's the impact
7 if homes are near a school, good, bad or
8 indifferent? Operating the schools. And he went
9 to -- and the report's in there -- he went to Nall
10 Hills -- I call it Nall Hills -- Indian Woods. I
11 went to Nall Wood, but it's Indian Woods. And he
12 went to some middle schools. And the statistic
13 is, it's about a wash. And again, you have to
14 really drill down, because it could be a poorly
15 kept house next door. So we factored those out
16 and he came down to what he thought was a
17 reasonable statistical analysis. You can be the
18 judge whether you thought it was a good body of
19 work we do. It'll be submitted as part of the
20 record. Around the school is about a wash.

21 He looked at three similar facilities similar
22 to what we're proposing here. Brighton Gardens,
23 right in the general area; Village Shalom, which
24 is in Overland Park at about 123rd Street; and
25 probably the one that is as close to a comparison

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1 of apples to apples, a project called Santa Marta
2 in Olathe, that is a multi-building, multi-
3 utilization, has some very nice homes like we do
4 next to it at about the same setback. And I'll
5 just close on this point because it's a matter of
6 the record. We told him to really drill down at
7 Brighton, because it's Prairie Village, and look
8 at the homes next to it and look at the homes a
9 couple of streets away.

10 And here was his conclusion. For perimeter
11 property compared to sales -- and this is how much
12 it broke down -- in north Prairie Village -- so
13 there's north and south divided by the street --
14 7.9 percent perimeter premium in terms of home
15 sale values for those that were directly adjacent
16 to Brighton. South of Prairie Hills, on the other
17 side of the street, it was only a 2.9 percent
18 perimeter premium. I've observed this myself, if
19 it's a well designed project with good landscaping
20 transition, there are people that will pay more
21 other than looking at a neighbor directly across
22 the fence in their back yard. Again, it's in the
23 report. I don't expect everybody in the room to
24 agree with it, but we think it's a good body of
25 evidence, at least from a contact -- contextual

1 standpoint, for the commission to consider.

2 So we -- phasing was going to be the last
3 one, but I -- really, I've adopted and I agree
4 with the -- the issue of phasing and accessory
5 uses that was brought up in the legal analysis
6 prepared by Mr. Dugan and on behalf of some of the
7 neighbors. We will -- I will tell you when we get
8 into that issue and we get into the so-called
9 Golden criteria analysis, that Mr. Dugan did a
10 fine job of going through and attempting to carve
11 his position into that, which I understand totally
12 and respect the effort that was done. We will be
13 submitting our 25 to 30-page analysis, not only
14 stating our legal opinion in terms of the legal
15 context within this application should be
16 analyzed, but also responding to -- to some of the
17 items that were brought up in that report and that
18 memorandum. Staff has already started doing that,
19 correcting some of the inaccuracies, factually,
20 that were in there. So we will be submitting
21 that, you -- you can have further review.

22 But I want to close on the Golden criteria
23 very briefly on just a couple of points. I'm not
24 going to do it tit for tat. Gold -- Golden
25 criteria, Golden versus the City of Overland Park,

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1 Supreme Court in 1984, if I'm not mistaken. John
2 will correct me if I miss the year. A big case.
3 91st and Metcalf, own -- owner wanted to zone it
4 commercial, the neighbors didn't want him to. The
5 City of Overland Park zoned it commercial and the
6 neighbors sued, it went to the Kansas Supreme
7 Court. And it's the seminal case today of where
8 the Supreme Court said, what are the legal
9 parameters that the city should consider rezoning
10 applications? And as we know, SUPs are being
11 treated as a rezoning application. And they set
12 forth what we've in the legal industry call the
13 Golden criteria. The city's adopted and Prairie
14 Village in a form, but the substance is the same,
15 has adopted that as their legal parameters that
16 their attorneys tell them, you and the governing
17 body must evaluate an application. There's eight
18 of them. I'm going to go through them very
19 quickly.

20 I want to start with two that I think are
21 very, very important. Conformance of the --
22 Number 1, conformance of the requested change to
23 the adopted or recognized master plan utilized by
24 the city. And 2, the recommendations of the
25 permanent or professional staff. Two important

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1 issues according to the Supreme Court. I won't
2 argue everything we put forth today, I will merely
3 cite from page 11 of the special use permit staff
4 report prepared by Prairie Village's professional
5 staff. And it quotes, the plan has evolved over
6 several months that included community meetings,
7 meetings with the city and many modifications to
8 the original plan. The plan proposed is
9 consistent with the amended village vision --
10 that's the master plan -- and in the opinion of
11 staff, is a workable plan. Today conformance with
12 the master plan, opinion of the professional
13 staff. I acknowledge staff, there will be some
14 more information for you to complete your position
15 and your opinion and your recommendations for it.

16 I want to go to the next 3, 4, 5, 6, the next
17 four very, very quickly because I think they're
18 important, but they don't get necessarily -- the
19 character of the neighborhood, we talked about it.
20 The interfacing with the thoroughfare, transition
21 from commercial to high-density residential from
22 low and how we have attempted to fit within that
23 character. I think the record speaks for itself.

24 Zoning and uses of nearby property, that's a
25 factual issue. You know what they are.

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1 Suitability of the property for the uses to which
2 it has been restricted, not quite here because in
3 most cases, they're trying to change the zoning.
4 Here, we have a zoning category that allows this
5 use pursuant to a special use permit. So we're
6 not trying to say it's -- it's -- it's
7 residential, we want to completely change the use
8 to office or retail. So this one is not quite as
9 relevant, but it's -- it really is a suitability
10 issue, again, I don't think is relevant. And the
11 last one, length of time the subject property has
12 remained vacant, we know what that is.

13 Here's the last two and I think the most
14 important. The Supreme Court said, the extent to
15 which removal of the restrictions will
16 detrimentally affect nearby property. I don't
17 think it will. Many of you think it will. Facts,
18 staff's putting facts within the filter of the
19 city's design criteria to try to come to a
20 conclusion, will this detrimentally affect nearby
21 property? I cite staff in support of our position
22 it will not -- at page 7 -- in their special use
23 permit -- afford --

24 THE REPORTER: I'm sorry. Please speak
25 up.

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1 MR. PETERSON: The taller buildings will
2 be on the northern portion of the property closer
3 to the two and three-story apartment buildings on
4 Somerset Drive. The buildings adjacent to the
5 south and southwest property lines will be a size,
6 design, and height of conventional single-family
7 construction. And again, page 7, I quote, in
8 summary, property around the proposed project is
9 already developed. The mass of this project will
10 dominate the area, but through greater setbacks
11 and landscaping, the use will not dominate the
12 immediate neighborhood so as to hinder development
13 or use of the property, the extent to which the
14 removal of restrictions would detrimentally affect
15 the nearby property. Their opinion in regard to
16 same.

17 And finally, what I think's the most
18 important one. And I think many in the legal
19 community would agree, it's the balance. After
20 you've gone through several subjective and
21 objective criteria, it's the balance. The Supreme
22 Court says you should ask, what is the gain to the
23 public health, safety and welfare by the
24 destruction of the value of the plaintiff property
25 -- what he wants to do with it -- as compared to

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1 the hardship imposed upon the individual
2 landowner? All of these factors we looked at,
3 it's the balance.

4 What's that hardship on the scale of impact?
5 The court felt this was important because they
6 went back to it again in a later case, Taco Bell
7 versus the City of Mission. And they said, I --
8 we want to drive down on that issue. What do we
9 mean by that? And in the Taco Bell case they say
10 -- I won't read the whole thing -- but they
11 restate what it is, the relative gain to the
12 public health, safety and welfare by the
13 destruction of the value of the plaintiff's
14 property as compared to the hardship imposed to
15 the individual landowner, when analyzing the gains
16 of the public, it must be remembered who
17 constitute -- constitutes the public. This court
18 has previously held zoning is not to be based on
19 the plebiscite of the neighbors. And although
20 their wishes are to be considered -- which we have
21 attempted to do as well -- this final ruling is to
22 be governed by the consideration of the benefit or
23 harm involved to the community at large.

24 And again, to support that I feel and
25 contend, it will plan it out that we have met that

1 burden, I quote staff as part of their
2 professional report at page 5, it does not appear
3 that the proposed project will adversely affect
4 the welfare of the public. It will, however,
5 provide a senior housing community for area
6 residents that are not currently being provided
7 for in Prairie Village. The population is aging
8 in northeast Johnson County, and developments such
9 as this provide accommodations for senior citizens
10 to allow them to live near their former
11 neighborhoods. It is anticipated that by
12 providing senior housing, single-family dwellings
13 will become available for occupancy by young
14 families. This will help rebuild the community to
15 make it a more sustainable area. We have met that
16 burden and I cite and support that professional
17 staff at Prairie Village.

18 With that, and as part of our close, I turn
19 to Mr. Joe Tintera.

20 MR. TUTERA: Thank you, planning
21 commission members. I'm going to be very be --
22 brief. We spoke here to the commission at the
23 beginning of April, April 2nd, and I described the
24 property and the vision that we had for the
25 development and our desire to bring the senior

1 living to Prairie Village. So I don't want to go
2 back through that, you've seen them on a number of
3 the factual records. A few of the things that I
4 did want to say, however, is that this is our
5 passion. We've been a -- a family business, we're
6 a local company. This is a vision that we've had
7 for 20-plus years, to bring a senior living
8 facility to this community. We've been looking
9 for years and years for the site, and we think
10 we've found the perfect location.

11 But over the years we've been in -- involved
12 in senior living for 30-plus years, we've always
13 been in the forefront of providing the next level
14 and the next generation of senior living to the --
15 senior living services to the community. We've
16 done that at each of the different levels of care.
17 We've done that with respect to skilled nursing at
18 some of our earlier facilities. We've done with
19 that with respect to assisted living, with
20 independent living and with memory care.

21 But what we haven't done and what the
22 industry is moving towards is to create one large
23 continuum of care so that the residents, when they
24 move into their new home, their community, this is
25 their home. And although it's been referred to in

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1 some of the public, that these are patients, these
2 are residents. These are the seniors that built
3 the fabric of Prairie Village, residents that have
4 lived here for 50-plus years.

5 These residents desire to stay in their
6 community. They want to be next to their social
7 services, their community, their friends, their
8 neighbors, their faith community. These are
9 residents that desire to stay in their community
10 and continue to be part of the community. And
11 when they move to their new home, they want to be
12 able to stay there permanently, they want to be
13 able to live in that community irrespective of
14 their needs, their changes in their physical
15 condition or that of their spouse.

16 And although we can provide an excellent
17 opportunity and excellent lifestyle for the
18 seniors in our existing facilities, we don't have
19 the opportunity to provide that continuum of care
20 such that the resident doesn't have to leave. The
21 happiest day for those seniors is the day they
22 move in. The saddest day is the day they have to
23 leave. The day that they have to separate from
24 their spouse, their friends that they've become
25 accustomed to. Some of these residents will live

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1 in our facilities ten, 15, 20 years. That's their
2 home.

3 The object is for the resident to move into
4 their home and stay in their home, progression
5 through the levels of care. Have the option, have
6 the lifestyle choices. That's our passion, that's
7 our vision. That is what we would like to bring
8 to Prairie Village.

9 Thank you for your support. And I'll turn it
10 back over to John.

11 MR. PETERSON: Do you want to take --
12 would you like to entertain questions now, Mr.
13 Chairman, or wait until after the public hearing?
14 We'll -- obviously, we'll do whatever your desire
15 is.

16 Do you have any questions at this --

17 CHAIRMAN VAUGHN: Not at this time. I
18 think we'll go to the public.

19 MR. PETERSON: Great. Thank you and we
20 would appreciate your recommendation and support.
21 Thank you for your time.

22 CHAIRMAN VAUGHN: Audience, we really
23 appreciate your attention and decorum, if you
24 will, during this process; and I hope that will
25 continue during the rest of the evening here while

1 we hear from the -- the public involved. Remember
2 that when you wish to make a statement, please
3 come up to the microphone, introduce yourself,
4 give us your address and sign in. There's a
5 notepad to sign in at each one of microphones, I
6 believe.

7 First of all, I'd like to find out if there's
8 people in the audience that would like to speak in
9 favor of the proposed development. Would you, as
10 you can, find your way to the microphone. I'd
11 like for you to limit your time at the microphone
12 as much as you can because there's lots of people
13 that would like to speak.

14 THE SPEAKER: Good evening. My name is
15 Jim Chaar, I live at 9101 Delmar in Kenilworth.
16 My wife and I moved here in Prairie Village five
17 years ago from Overland Park. In Overland Park,
18 we lived on a two-story house that was across from
19 Bethany Lutheran Church. During our 19 years
20 there, that church doubled in its footprint, and
21 we were the most affected. But the wonderful
22 thing about it, in working with the architects, is
23 that when the projects were done over those years,
24 the neighborhood was a better place. The only
25 difference, in my opinion, from what I can see

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1 here is that in Overland Park, when the project
2 was finished, there was no additional tax revenue
3 given to the city, to the county or to the school
4 districts or the libraries.

5 This new project here being proposed is going
6 to provide a number of new jobs, it's going to not
7 use any new retail space, but people will be able
8 to use the current retail space that is nearby.
9 It will provide property tax immediately. And the
10 company that is doing it is not asking for any tax
11 dollars to be given to them for this. Thank you.

12 THE SPEAKER: My name is Frank Adler. My
13 wife and I lived in Prairie Village, 75th Terrace
14 and High Drive for 36 years. We -- our children
15 and grandchildren all went to elementary school,
16 junior high, senior high in Prairie Village. We
17 lived there happily. Circumstances changed for
18 us. We needed a senior living facility. We moved
19 to The Atriums, which is owned and managed by the
20 Tutera Company. I've been there for eight years,
21 my wife passed away after the first. And I
22 continued, because it's a wonderful place for me
23 to be and I hope to be there the rest of my life.
24 Now, had I still been -- had this facility that's
25 being proposed to you here been available to us,

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1 there is absolutely no question that is what we
2 have chosen -- that we would have chosen for
3 ourselves.

4 Let me tell you about The Atriums. I don't
5 know how many of you are familiar with it. It's
6 100 -- it's 7300 West 107th Street. It is run
7 with as -- as perfect -- as perfectly as can be
8 imagined. The staff is superb -- superbly
9 capable, well trained. The place is spotless
10 inside and out at all times. The residents have
11 every advantage in terms of entertainment, has
12 wonderful food provided, three meals a day if they
13 want it, and activities are planned day after day.
14 It is a marvelous place. And I know that if this
15 new facility is going -- is going to be run in the
16 same fashion as The Atriums, it is going to be a
17 place of pride for everyone in Prairie Village.
18 Thank you.

19 THE SPEAKER: My name is Pete Beyer. I'm
20 at 7315 Rosewood, Prairie Village. We've been
21 there for 36 years. We are like so many that were
22 described in that we are seniors who will be
23 looking to transition to senior living. We've
24 looked at several facilities in the neighborhood,
25 including Overland Park, Lenexa and other

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1 facilities, but we'd like to be home. So that if
2 there is a facility that meets the criteria that
3 objectively meets all of the codes, the
4 stipulations, the regulations and looks as nice as
5 this property is, we'd like to be there.
6 Certainly, this is a lot better than the existing
7 facility that's there now. The school's an
8 eyesore, that school. We've been here for
9 decades, it was never that nice. So that we think
10 this is a tremendous improvement for our
11 community.

12 THE SPEAKER: I'm Myron Wang and I lived
13 in Prairie Village for the last 25 years in
14 Corinth Downs. Now, they don't call Corinth Downs
15 Wrinkle City because there's a bunch of youngsters
16 there, we're all pretty -- getting up in age. And
17 that is the last stop for a continuum of care. So
18 when -- what I want to say to you tonight is, as I
19 walk my dog around Prairie Village and talk to the
20 neighbors, and why did this person move out and go
21 to Olathe, why did this person move out and go to
22 Mission, why did this person go to Lee's Summit,
23 why don't they stay here in our community in
24 Prairie Village?

25 Well, the answer was simple. The only

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1 facility in Prairie Village, in my mind, and --
2 and let me tell you a little bit about my
3 credentials because I spent 50 years on the board
4 of directors of Village Shalom. I was the
5 president, chairman of the board and went through
6 two building fund phases. The last one was 124th
7 and Nall, which is a facility very much like this
8 with continuum of care of all phases. And let me
9 tell you something, we sweat bullets, just like
10 we're sweating tonight for this project.

11 And this is a wonderful evening to get an
12 education, because there's a lot of myths about
13 nursing homes -- and I shouldn't use that term --
14 continuum of care, elderly facilities, that are
15 just not true. And the good lawyer here brought
16 most of them out tonight, so I'm not going to
17 reiterate them. But Mr. Adler said about The
18 Atriums, that is a fabulous facility. The Tuteras
19 are major league people when it comes to elder
20 care facilities. I've never heard a complaint. I
21 know people that have had their parents there,
22 their sisters there, their mothers, it's always
23 prime, prime, prime.

24 I can tell you a lot of stories about
25 traffic, because there isn't any traffic in

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1 nursing homes, there just isn't. My daughter,
2 Missy over there (indicating), she had to go visit
3 her aunt who had open heart surgery and was
4 convalescing at Village Shalom. And I took her --
5 her car was in the garage and she said, Dad, would
6 you take me? And I said, sure. So we got there
7 about 5:00 and I said, I have to make some calls,
8 I'm going to be right here in the driveway. Well,
9 I was there for 30 minutes till she came out. And
10 there wasn't one car that came around the entrance
11 of Village Shalom.

12 And I thought it was an aberration, so I went
13 there last night knowing that I was going to say a
14 few words tonight. And sure enough, again -- I
15 went a half hour later because I thought maybe at
16 6:00, there'd be some traffic. Well, there
17 wasn't. So I called one of the staff today and I
18 said, where is everybody? He said, well, we dine
19 at that hour. And I said, well, what time does
20 the staff change? 10:30. So there's no traffic,
21 those people don't have cars. There's no blasting
22 from juke boxes or whatever you call those things
23 in the cars. There's no screeching of tires.
24 It's ghostly quiet.

25 THE SPEAKER: This is a boring town.

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1 THE SPEAKER: Yeah.

2 And Corinth Downs -- they should be able to
3 go from Corinth Downs or any place in Prairie
4 Village to a superb care facility like this. This
5 is major league. Believe me, when we built
6 Village Shalom, we went all over the country
7 looking at places in Texas and Georgia and Florida
8 to build the most palacious place we could within
9 our budget. It cost us \$55 million to build that
10 facility. This is costing the people of Prairie
11 Village zip, nothing. You've got a major league
12 project here, free. And there's a line -- I'm
13 going to end this real quick. There's a line in
14 our Bible that says, do not forsake me in my old
15 age. Let's keep the people in Prairie Village.

16 THE SPEAKER: My name is Milburn Hobson,
17 I'm a retired physician. I've had a home at 5467
18 West 85th Terrace here in Prairie Village for 46
19 years. I have three children, they all went to
20 Mission Valley School, or Meadowbrook, it was
21 then. I have no ax to grind at all. I hadn't
22 even thought of senior living. We were happy in
23 our home, we've remodeled it quite a few times and
24 it's very -- it's great living there. But I read
25 about the Mission Chateau about a month ago in the

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1 paper and my wife and I started talking about it.
2 We met with some of the people from Tutera, heard
3 more about it; and we signed up, if this becomes a
4 reality, for a villa.

5 I -- there wasn't any other place in Prairie
6 Village that we would have wanted to move. If
7 you're interested in -- in Claridge Court, which
8 we were not, we had some good friends just move in
9 and they waited three years. So I think what's
10 been said about the need for senior living, I
11 think that there is. I look around here and see
12 all these silver heads. But I think many of them
13 are in the opposition and I can't understand why.
14 Thank you.

15 THE SPEAKER: My name is Mary -- Mary
16 Lucile Jewett. I have lived in Prairie Village
17 for 48 years. We raised our family here on 73rd
18 Street near Mission Road. I am in my early 80s
19 and am seeking to look and find a suitable
20 community. Brighton Gardens and also the -- the
21 new one that's over on Somerset start with
22 assisted living, and I want independent living.
23 Many of my friends who live in Prairie Village
24 have moved to Leawood, Overland Park, Lenexa or
25 Olathe to find a community that suited them where

1 they could get a vibrant taste of independent
2 living and, if possible, have a community that had
3 the continuum of care where you could stay within
4 that community as you aged. I -- I love Prairie
5 Village, I want to stay here; and this is the type
6 of community that would help people like me.
7 Thank you.

8 THE SPEAKER: My name is Barbara McGrath,
9 I'm a plastic surgeon and wound care specialist at
10 Shawnee Mission Medical Center, and I have an
11 office on 75th and Nall and I live in Prairie
12 Village. I've worked here for over 25 years and
13 I've lived in Prairie Village for almost that same
14 amount of time. And I'm starting to have to color
15 my hair, so I'm entering near the golden years, I
16 guess.

17 And I have a relative living in a Tutera
18 facility. And when I go to visit, I really
19 inspect very closely because of my medical career
20 and my wound care knowledge. And I really think
21 that it's a terrific place. I think the care
22 given is good. I think it's a safe place. And it
23 would be nice to have more of those facilities
24 locally, not only for relatives, but for when I
25 get old. And as Dr. Hobson said, there are other

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1 people here with silver hair that don't color it
2 and will need a -- a safe facility and a pleasant
3 place to live.

4 So I'm supporting it. I think it's a good
5 idea, and old age used to be very far away and
6 it's getting closer now; and I think that the
7 facilities needed to take care of people in their
8 senior years is important, and it'd be nice to
9 have something nearby so that my daughter will
10 have ease knowing that her mother is being well
11 taken care of, too. Thank you.

12 THE SPEAKER: My name is Courtney Kounkel
13 and I live at 8424 Fontana. I'm here tonight to
14 express support for the project. First, like many
15 others, I was saddened by the school closing where
16 my friends attended and where my children would
17 have gone. However, I have and -- or had and
18 continue to have great respect for our school
19 board for making very tough decisions that are
20 required to keep our district financially strong
21 to ensure that our kids have the best public
22 education possible.

23 That being said, the property's no longer a
24 school. And I can't think of a better use for the
25 property than a senior living community. From the

1 Prairie Village website, I got a statistic tonight
2 that I actually thought was very interesting.
3 One-fifth of our residents are 65 or older. And
4 the one thing I can guarantee is we're getting
5 older. I actually have gray hair too and I'm
6 already highlighting it.

7 I -- I was fortunate, I grew up -- I grew up
8 in this area and -- and actually was confirmed and
9 got married in this very church and went to
10 elementary school across the street. I had the
11 benefit of having my grandparents live in a -- in
12 a senior community at Mission Road and 95th. And
13 so my children and myself were able to spend a lot
14 more time with my grandparents because of that
15 they were in the vicinity. Life's busy. With
16 little kids, it's even busier. I have a seven-
17 year-old, a six-year-old and a four-year-old. And
18 my mom lives in Prairie Village and I hope she
19 stays in Prairie Village until the day she is no
20 longer with us.

21 And I hope my kids and their kids have the
22 benefit of spending time with her as she gets
23 older. And again, life's busy. And if she has to
24 move even ten miles away, they won't go have lunch
25 with her in the middle of day, they won't take her

1 out to dinner or shopping, which is what I had the
2 benefit to do with my grandmother until she
3 passed. So a little emotional just because I
4 think it's so important to keep family close. I'm
5 one of nine children. And so I hope everybody in
6 our family stays close and stays in the Prairie
7 Village area. Thank you.

8 THE SPEAKER: My name is Olga Kurg and I
9 live at The Atriums. And I want to say something.
10 That gentleman who talked about how quiet it is
11 and no driving, I still drive and I still have a
12 wonderful life and enjoy all the benefits of
13 independent living. And I did have -- I've lived
14 there four years and I can't tell you how I'm
15 privileged to live in such a wonderful, beautiful
16 place. The staff, the residents, they're all
17 wonderful, wonderful people.

18 And my husband -- I had to put my husband in
19 a nursing home when I moved into The Atriums four
20 years ago. And had I lived in this facility, I
21 could have been in an apartment and he maybe could
22 have been down the hall. And instead of me going
23 every day to see him and worrying about the
24 weather, I could have walked to the other building
25 and been close to him at all times. But the

1 people at The Atriums, they're my family and I
2 would never want to live anywhere else and I just
3 thank them all for this past four years and I hope
4 the rest of my life at The Atriums.

5 THE SPEAKER: My name is Susan Sadler
6 Lerman and I live at 4301 West 87th Terrace for
7 the past 18 years. I support senior living in
8 Prairie Village. I support the Tutera group and
9 family as a family-owned business based here in
10 Kansas City that will only provide the benefits of
11 employment, tax revenue and a senior -- senior
12 campus here in Prairie Village.

13 THE SPEAKER: Hi, my name is Chris Smart.
14 I live at 8024 Juniper Drive in Prairie Village.
15 I'm also a realtor in northeast Johnson County.
16 And I just wanted to share one -- one quick story
17 with the planning commission. About five weeks
18 ago, I was contacted by an old friend of mine who
19 I attended Belinder School with many years ago.
20 And she was -- her mother was ready to sell her
21 home in the 3000 block of West 71st Terrace.
22 She'd lived in the home since 1963, and prior to
23 that, she'd lived in another nearby home also in
24 Prairie Village.

25 When I asked mom where she was going to, she

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1 said to the new Mission Square complex next to --
2 to the Sylvester Powell Center in Mission, Kansas.
3 She then went on to let me know that her neighbor
4 directly to the east and her other neighbor
5 directly across the street were also selling their
6 homes and moving to the same facility. They felt
7 safe as a micro community to leave Prairie Village
8 because there was no option for them within the
9 city.

10 These three women each lived in Prairie
11 Village for between 51 and 56 years. None wished
12 to leave the city or their churches or drug stores
13 or grocery stores or their neighborhood. These
14 women live comfortable -- comfortably, but don't
15 necessarily have the means to put a huge down
16 payment on a lifestyle require -- required by
17 other options in our city, nor do they want to
18 live in a small cube. The Mission Chateau
19 would've been an excellent option for all three of
20 these ladies, allowing them to live within their
21 own community and move to into the higher care
22 available at the same facility, if and when
23 needed.

24 There's always been an abundance of first-
25 time buyer homes and a shortage of move-up stock

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1 of homes in Prairie Village. The Mission Chateau
2 would free up home inventory by allowing older
3 residents to stay in the city that they love and
4 in the state of the art facility and allow new
5 younger buyers to move in and update the existing
6 properties. This helps beautify our city and
7 increases our tax base. And once again, it allows
8 our residents to stay in the city that they love.

9 THE SPEAKER: My name is Rick Jones, 6517
10 Granada. I went to Shawnee Mission East and
11 graduated in 1966. For those of you that are good
12 at math, you'll -- you'll know -- know about what
13 age I am. I'm speaking here -- this is a unique
14 opportunity, I'm speaking on behalf of my wife and
15 I. I'd like to start out by saying when I -- when
16 I went to East, I didn't live in Prairie Village,
17 I lived down south in Leawood. At that time,
18 people moved around. My parents only lived in
19 Kansas City for six years, but considered it their
20 home. During high school, my dream was to someday
21 live in Prairie Village and raise a family there.
22 It took me a couple tries, but I was able to do
23 that. My two youngest are now in college.

24 Another thing I'd like to point out is the
25 Tutera family, I've had the opportunity to become

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1 -- know three generations of that family, both
2 personally and professionally. And they are some
3 of the finest people I know. Again, my wife Joan
4 and I would -- will definitely, I -- I -- I think
5 it's going to be a little while, but -- but you
6 never know, we -- we will definitely consider this
7 -- this community. We know that if they're part
8 of it and being a family-owned business, it'll be
9 very nice. One thing I've learned about them,
10 they're -- they're a very private family, very
11 close family, a very modest family. They're very
12 active community leaders, they support many, many
13 civic organizations. And -- and I'm proud to know
14 them and I know that whatever they do will be
15 first class.

16 And I think I had a final remark, but I'm not
17 sure what it was. Oh, yeah. The -- the site plan
18 and the architecture, I think is excellent. I've
19 -- I've had the opportunity as an architect to
20 appear before this planning commission on numerous
21 occasions. This is one of the finest
22 presentations, and both the plan and the
23 architecture are excellent, in my opinion. Thank
24 you very much.

25 THE SPEAKER: My name is Marcia Jacobs

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1 and I'm here to speak in favor of the project. I
2 know how hard decisions like this are for the
3 planning commission and the council. I sat on the
4 council two terms in the '80s during the time that
5 Claridge Court was in front of us. And there was
6 great opposition to that. And I can remember
7 standing on the corner, and unlike Mr. Jones, I'm
8 not an architect, it's very hard to stand and look
9 at vacant ground and imagine what's going to be
10 there. But I really think that with this
11 beautiful presentation, the positive it will --
12 effect it will have on the taxpayers of the entire
13 city and for those who want to retire here. I'm
14 not ready for that yet, but some time. I -- I
15 think it's a good thing for the city. Thank you
16 for serving and spending many hours of your time
17 doing this.

18 CHAIRMAN VAUGHN: Is there anyone else
19 waiting to speak in favor of the project? We
20 anticipate that the public hearing is going to
21 continue on to the next meeting in the planning
22 commission. I'm sure there's lots more people
23 that want to speak tonight, and we want to give
24 everybody a chance to do that and to make sure
25 that their comments are noted. I expect that we

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1 will be recessing, if you will, this meeting at
2 least by 11:00. I don't know how late you want to
3 stay, but the public will have a -- everyone will
4 have a chance to speak to the record, either at
5 this meeting or at the next meeting. So with
6 that, we'll open the hearing for anyone else that
7 would like to speak tonight.

8 MR. DUGGAN: Thank you, ladies and
9 gentlemen of the planning commission. I'm John
10 Duggan and I am the attorney that wrote the
11 memorandum that was delivered to you over the
12 weekend, and I represent the Mission Valley
13 neighbors.

14 I think first and foremost before we start
15 our presentation, we want to take Mr. Peterson up
16 on his statements that we want to be totally
17 transparent. I think something needs to be
18 corrected at the outset. Mr. Peterson suggested
19 in his opening comments or his closing comments
20 that he was thankful and appreciated the staff's
21 recommendation for approval, which I don't think
22 is, in fact, true. The -- page 13 of the staff's
23 report doesn't make any recommendation in favor of
24 the proposal. In fact, if you read it clearly,
25 the staff's suggestion under the cap -- caption

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1 recommendation says they need more information
2 before they can reach any conclusion on this,
3 including mass, density and the overall impact and
4 dominance of the project on the adjoining property
5 owners. So in an effort to be totally
6 transparent, the statements that were made that,
7 in fact, the staff somehow recommended approval of
8 this are just not true.

9 With regard to our presentation tonight, we
10 really want to focus in on, initially, a
11 discussion of that issue. Mass, density, how big
12 is this project? We've saw a lot of very gracious
13 pictures and renderings of what was recommended as
14 being a representation of the mass and density of
15 the project. We disagree.

16 My clients believe that this is an
17 unprecedented imposition of mass and density in
18 one area that Prairie Village has never seen
19 before. It's over 380,000 square feet. We're
20 going to show you some exemplars of other projects
21 that will give you some idea of the mass and the
22 density of this project, the very things that the
23 professional staff wants clarification on. They
24 want to know what the dimensions of the buildings
25 are. You would think with all of the numbers that

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1 were thrown at us tonight, with all of renderings
2 that we've seen, that we might see some dimensions
3 on the buildings that the staff has requested. We
4 had to scale them out. We're going to talk to you
5 about that.

6 A couple of these buildings, if you look at
7 them from one end to the other based upon the site
8 plan provided by the developer, are almost two
9 football fields long. We want to show you, we
10 want to invite you to go look at the project that
11 Mr. Peterson suggested was the most comparable
12 project to the one being proposed by the
13 applicant, the Santa Marta project. Do you have
14 the -- can you dim the lights, please, for us?

15 Ladies and gentleman, take a look at that
16 project. That is Santa Marta. That's the project
17 that Mr. Peterson said was the most comparable
18 project to the one being proposed by the
19 applicant. It's 293,000 square feet. That is
20 just about 20,000 square feet bigger than the main
21 building being proposed by the applicant tonight.
22 The main building proposed by the applicant
23 tonight is around 271,000 square feet, which
24 initially, is anticipated to be in Phase III.

25 Go to the next slide, please. Santa Marta is

1 three stories tall. That project right there
2 gives you some indication of the mass and the
3 density that we would like you to understand. In
4 fact, we would like the planning commission to go
5 drive around that project, which is what I have
6 done. Get a feel for what you're going to be
7 inviting to be built. That is 100,000 square
8 feet, roughly, smaller than the total project
9 being proposed by the applicant tonight.

10 Go to the next slide, please. If you see the
11 Santa Marta project, we have the good fortune in
12 this day and age to have technology at our
13 fingertips, Santa Marta has a collector road that
14 runs out in front of it. It's 36 feet back-to-
15 back. It also has a publically dedicated street
16 that rings that project, unlike the one proposed
17 by the applicant tonight, which is a private road.
18 And it's not even really considered a road by the
19 basis of their application. We scaled it out,
20 once again, not having very accurate dimensions on
21 the site plan that was submitted to the city.
22 This road is 28 feet curved back-to-back on the
23 curb. This feet -- road is 36 feet. The little
24 ring road that goes around this site is only 22
25 feet wide. It's narrower than most people's

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1 driveways. I wouldn't expect that would be
2 something that would meet the safety and health
3 requirements that you'd want for fire and police
4 protection.

5 But notwithstanding that, Santa Marta, also,
6 we heard a discussion about some property values.
7 This area here, which we can't show you very
8 clearly, is actually green space for the Santa
9 Marta project. It's got a big water feature out
10 in front of it. We haven't measured the
11 dimensions, but it's at least 150 feet. That's a
12 significant buffer between these homeowners and
13 that project. You can see a substantial green
14 area here and here. And there's actually about a
15 75 to 100 foot wide green belt on the other side
16 of the public street that buffers these homeowners
17 from this massive project.

18 Go to the next slide, please. This is one
19 view of this massive project. And I am using the
20 word massive because I actually think it's
21 factual. We heard a lot of rhetoric tonight
22 about, let's be factual, let's stick to the facts.
23 And yet, right out of the same almost sentence, we
24 heard words like spectacular, we heard things that
25 were so off the charts artistic in the

1 phraseology, I'm not even going to try to repeat
2 them. I'm telling you, this seems factual to us,
3 my clients, that is massive. That is a high
4 density project. That is only 20,000 square feet
5 bigger than their main building and it's roughly
6 100,000 square feet smaller than the entire
7 project being proposed by the applicant. I think
8 that's pretty good evidence of a fact this is a
9 massive, high density project.

10 Go to the next slide, please. Here is a
11 slide we didn't see tonight. We saw this thing
12 cut off in pieces to show us these renderings.
13 This is actually part of the Mission Chateau
14 proposal. This is actually the east elevation.
15 This is the elevation that faces Mission Road. We
16 did some calculations based upon the site plan
17 submitted by the developer. The site plan by the
18 developer shows that this is actually, if we
19 scaled it out using their plans, about 530 feet
20 long, almost two full football fields.

21 This is the south elevation. This is the one
22 that will be facing a number of the neighbors
23 along this area over here. That elevation is 480
24 feet long. That's a big building, that's a
25 massive structure. Mr. Peterson said, well, I

1 guess we do, in all candor, have a building of
2 some size. I would agree with that. This is a
3 building of some size. It's 480 feet long, it's
4 three stories in the -- in a vast majority of it.
5 The one that faces Mission Road is 530 feet long.

6 The skilled nursing center, which is the one
7 that sits in the back that we see on their site
8 plan, is roughly 400 feet long on the west
9 elevation that backs up to the property owners on
10 the back side. This is 380,000-plus square feet
11 of high density development. We did some
12 comparisons very clearly and I -- I hate to keep
13 turning my back to you, but I can't see. We did
14 some comparisons and we looked at all the various
15 and sundry developments nearby, commercial in
16 particular. And we thought it might be an
17 appropriate analysis for the planning commission
18 to look at the number of square feet per acre.

19 We did that analysis, we've supplied that
20 information to the planning commission. This is
21 the most dense project, unprecedented in Prairie
22 Village history. It's almost 22,000 square feet
23 per acre. The other commercial high density
24 portions of your city that are nearby are only
25 11,000 square feet per acre. Let's not talk about

1 setbacks and these rosy pictures, let's talk about
2 facts. That's a fact. We can prove that, we can
3 go get the plans, your city staff knows that.
4 22,000 square feet per acre, as opposed to 11,000
5 square feet per acre; that is a lot of mass and
6 density. It's no wonder the staff wanted more
7 information about mass and density so we could
8 properly evaluate this project. That's why the
9 staff did not make a recommendation to approve
10 this project; and that's why the staff actually
11 said, we need more information to properly
12 evaluate what we're dealing with.

13 Next slide, please. This is back to the
14 Santa Marta project. You can drive this thing
15 four sides. We would encourage the planning
16 commission to do that. You can see this is an
17 incredibly high dense project. Yet again, it's
18 100,000 square feet, roughly, smaller than what's
19 being proposed by the applicant.

20 Go to the next slide, please. You can
21 actually go through the next three. I want to go
22 all the way to Slide 12, please. Keep going, if
23 you don't mind.

24 What we've done is we tried to highlight for
25 the planning commission and -- and I think this is

1 important -- special use permits, I have some
2 experience with them, as does, I'm sure, the --
3 the counsel for the applicant. I was involved in
4 the case that was probably the seminal case in
5 Kansas where they said, you know, you get a
6 special use permit, you actually have to consider
7 the rezoning and go through an application of what
8 a change in use is, it was the Chromebacker v Hunt
9 -- Hunt Midwest case --

10 THE REPORTER: Hold on. The Chrome?

11 MR. DUGGAN: Chrome -- Chromebacker
12 (spelled phonetically) -- I'm sorry, I'm stating
13 it quickly -- Chromebacker V Hunt Midwest. And
14 your statute has made an effort to try to comply
15 with what the Kansas Supreme Court considers to be
16 those mandates.

17 We looked at your statute and I think it's
18 very clear that you're not going to, and you
19 should not, approve a special use permit unless
20 it's designed in a manner that is compatible with
21 the surrounding properties. I can't imagine that
22 somebody would look at the project that's being
23 proposed that is twice as dense as some of the
24 most dense commercial projects you've got in your
25 city, nestled on three sides by R-1 and suggest

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1 that that is somehow compatible with the
2 surrounding properties.

3 More importantly, we think -- and we disagree
4 with the legal opinion, to a certain extent,
5 provided by the city's legal counsel. I didn't
6 have a chance to review that until I showed up
7 here tonight. I thought it was telling, however,
8 the interpretation that we put on the statute was
9 never opined by your legal counsel to be an
10 unreasonable interpretation. He said an
11 alternative reasonable interpretation is perhaps
12 you can actually reach the conclusion that you
13 could approve a special use permit for a
14 subsidiary accessory use before the actual use
15 itself was put in place.

16 Our contention is -- go to the next slide,
17 please. Our -- yeah, the next one. Our
18 contention is there's no logic in suggesting that
19 something could be a subsidiary accessory use
20 until the use itself is in place. How are you
21 subsidiary to something or accessory to something
22 if it doesn't exist? The statute in your
23 ordinance doesn't make any provision for the
24 planning commission to do that. There's nothing
25 in the zoning ordinance that -- that's been ever

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1 presented to us, that we're aware of, that would
2 suggest that you could, in fact, approve something
3 based upon a stipulation that they might actually
4 build a use at some point in the future.

5 If that was the case, I would expect there
6 would be some provisions in the zoning ordinance
7 that would lay out precisely what would have to be
8 required by the planning commission or the city
9 council. Do we want them to escrow \$50 million so
10 we know they're going to build the building? Are
11 they going to say, if we don't build the building,
12 we get to shut down the old building, the one that
13 was the accessory use? It makes no sense. You
14 can't have an accessory use unless you have the
15 actual use itself.

16 Go to the next slide, please. Go to the next
17 one, please. I think that the zoning ordinance
18 itself gives you some guidance about what these
19 accessory uses are. It talks about what an
20 accessory use is for a motel. It would be a
21 barber shop, it would be a bar, it would be a
22 lounge. It doesn't say and doesn't even suggest a
23 91,000 square foot building would be an accessory
24 use.

25 Go to the next slide, please. Keep

1 continuing to go. Stop right there, if you don't
2 mind, and black it out.

3 What I want to talk about briefly is just
4 this notion that we need this facility in Prairie
5 Village. You're going to hear some statistics
6 from an expert in this field tonight. Johnson
7 County has 68 residents per senior living unit in
8 existence today. If you approve this project,
9 Prairie Village will be 30 to 1. Prairie Village
10 has become an epicenter for retirement living. We
11 did informal surveys, we're going to provide that
12 evidence to you in the record and as part of our
13 presentation tonight.

14 Prairie Village, obviously, has ample
15 facilities; because our informal surveys show that
16 only 30 percent or 33 percent of the people that
17 occupy the existing senior living facilities in
18 this city are Prairie Village residents. The rest
19 of them are coming from outside of Prairie
20 Village. We're going to articulate for you, we
21 feel, in a very compelling fashion why you don't
22 need more senior living. Why what you have is
23 adequate, why you have already served your
24 purposes in supplying that to your residents in
25 this city.

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1 We're also going to discuss with you tonight
2 and want to lay out -- we have a list of speakers
3 that are going to touch on a number of issues.
4 And we really want you to understand. This
5 project, in terms of its mass, its scale, its
6 density, is unprecedented in the history of your
7 city. We believe that when you look at this
8 project, you're going to come to the obvious
9 conclusion it dominates the -- the surrounding
10 properties. It dominates the single-family
11 residences on three sides.

12 We also believe when we get done presenting
13 our analysis to you, that you can reach the
14 reasonable conclusion. Their counsel has said you
15 have the ability to interpret your ordinances. It
16 doesn't make any sense to approve an accessory use
17 before the use itself is approved. You can make
18 that interpretation. Your counsel has suggested
19 that some Michigan case says, well, present tense
20 means future tense. In that case, the city in
21 that particular instance said storing a boat on
22 the back of your property was an accessory use,
23 but the house hadn't been built yet. So
24 therefore, present tense -- tense means future
25 tense, the boat can be stored before the house

1 gets built. You actually have provisions in your
2 ordinance that deal with accessory uses.

3 There's only two buildings that your code
4 actually permits to be built on an R-1A site, a 10
5 by 12 tool shed or a maintenance shed and a
6 carport. And I ask you the question, don't
7 divorce yourself from common sense; we ask you to
8 use your God-given common sense. Would you really
9 -- after all the debate I heard tonight about the
10 gentleman that wanted to get his house approved,
11 would you really approve somebody putting the shed
12 on their property before the house was built? And
13 in your common sense, would you permit them to
14 build the carport before the house was there and
15 start parking their car in a vacant lot? It
16 doesn't make any sense. We want you to use your
17 common sense. We want you to come to the
18 conclusion that -- that saturating your city with
19 even more retirement facilities is not in your
20 best interest, it is not consistent with your
21 plan.

22 We're going to -- now, I'd like to have Todd
23 Bleakley come up and explain, in his expert view
24 as a multi-family developer, why this project, if
25 he were simply trying to get an apartment complex

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1 approved, would be extremely and -- and massively
2 more dense than any apartment complex that could
3 reasonably fit on the 18 acres. Todd, would you
4 please come up?

5 MR. WOLF: Counsel, may I ask you a
6 question?

7 MR. DUGGAN: Yes.

8 MR. WOLF: Just -- full disclosure --
9 what is Mission Valley Neighbors Association,
10 Inc., and I'm just curious who you represent.

11 MR. DUGGAN: I'm representing a group of
12 neighbors that have formed a nonprofit
13 organization for the purpose of protecting their
14 property interests and rights. In the
15 presentation tonight, they are here to oppose
16 emphatically the request by the applicant, because
17 they are a number of interested citizens who live
18 in Prairie Village, also live in Leawood and live
19 in the surrounding areas that are going to be
20 directly impacted by this proposal. Does that
21 answer your question?

22 MR. WOLF: Yes. So you're -- you're --

23 MR. DUGGAN: I'm their legal counsel.

24 MR. WOLF: You're legal counsel.

25 MR. DUGGAN: They hired me to represent

1 that organization of people in this area tonight.

2 MR. WOLF: And that's made up of Prairie
3 Village residents?

4 MR. DUGGAN: Some -- mostly Prairie
5 Village residents, some Leawood residents, I
6 believe, that are in the general vicinity of this
7 project.

8 MR. WOLF: Thank you.

9 THE SPEAKER: Thank you so much.

10 MR. BLEAKLEY: Good evening, Mr. Chairman
11 and members of the planning commission. My name
12 is Todd Bleakley. My wife and I live at 8621
13 Delmar in Prairie Village.

14 384,000 square feet is a tough thing to get
15 your head wrapped around. And I've been in the
16 development business for almost 35 years and I
17 still have a hard time fathoming what this would
18 be located on 18 acres. In my experience,
19 especially with multi-family, I was asked to do a
20 comparative analysis of what a median density
21 multi-family project would put on this site as far
22 as square footage goes.

23 We had to make some assumptions, the first
24 being that this would -- or could be zoned RP-3.
25 Now, most cities in Johnson County consider RP-3

1 to be a zoning classification that would allow
2 about 12 and a half apartment units per acre. We
3 went with the same theme right there. Some
4 developers ask for more and get a little more
5 density if they have to make certain concessions
6 in their plans. Other developers voluntarily come
7 in with less density. We wanted to go in the
8 middle and be at 12 and a half units.

9 At 18 acres, 12 and a half units to the acre,
10 you can put 225 apartment units on that site. The
11 next assumption we had to make was based on a
12 survey we did of 16 apartment communities in
13 Olathe, Overland Park and Prairie Village. We
14 took the data from those communities and we -- we
15 determined that a -- an even split, a 50/50 split
16 of one and two-bedroom apartments would average
17 848 square feet per unit. You multiply that
18 number times the number of units and you have
19 about 191,000 square feet. Now, we also made the
20 assumption that each of the two-bedroom apartments
21 would have an attached garage, a 10 by 20 garage
22 or 200 square feet. And you can see the square
23 footage that adds. We also put in 5,000 square
24 foot clubhouse and we assumed a 2,400 square feet
25 maintenance building for a total square footage of

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1 just under 221,000 feet.

2 Now, if you compare that to the Mission
3 Chateau proposal, the Mission Chateau proposal of
4 384,000 feet is 42 percent larger than an
5 apartment community of 225 units. We wanted to be
6 real conservative. So we said, well, let's ramp
7 this up to 14 units to the acre, which is doable
8 in most RP-3s, again, with certain concessions. I
9 doubt it would ever be approved in a location like
10 this because of transitional law policy.

11 But we went ahead and put 14 units to the
12 acre in the same comparison. The unit count now
13 jumps to 252 units on 18 acres, which changes the
14 total square footage, we increase the number of
15 attached garages. And you can work your way on
16 down the list, just as we did before, for the
17 total amount of square footage reduced by 252
18 apartment units and ancillary uses on 18 acres is
19 247,000 square feet or 246-plus. Again, when you
20 compare this to the 384,000 feet that's being
21 proposed with Mission Chateau, Mission Chateau is
22 35 percent larger.

23 Now, I think it would be important to imagine
24 you're standing at 84th Terrace and Mission Road,
25 you're looking west into the Mission Valley School

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1 building. Take the building out, and in its place
2 put in the 225 or 252 apartment units. That's a
3 massive project. Whether you're subjective or
4 objective, that's a massive project. Yet, it's
5 either 35 to 42 percent smaller than what's being
6 the proposed here with the Mission Chateau. I
7 think that's a definition that we need to explore.
8 Any questions? Thank you.

9 MR. DUGGAN: On behalf of my clients,
10 we'd like to touch on a couple more of what we
11 consider to be the profound density issues. And
12 we laid out some of those in -- in our position
13 paper and memorandum that we supplied to the
14 planning commission.

15 You know, when you start thinking about this
16 project and you start thinking about what we
17 consider to be some of the significant issues, we
18 looked at single-family residential as an option.
19 And given the R-1A zoning district, we thought it
20 would be appropriate that -- and most developers
21 concur with this, that you get about two-and-a-
22 half lots per acre if you actually did a R-1A
23 single-family residential subdivision, which would
24 be about 47 single-family residential homes. If
25 you assumed that, on average, they would build

1 about a 3,500 square feet home on that site, you'd
2 end up with about 164,500 square feet if you
3 developed this in a typical single-family
4 residential square footage parameters. What we're
5 talking about here is the comparison between
6 164,000 square feet of living space and buildings
7 to over 380,000 square feet. If you were then to
8 go to apartments, like Todd Bleakley just
9 described for you, you see that we jump up in
10 those.

11 We feel like you should be looking at this
12 project and saying, what in the world is even
13 comparable in Prairie Village? Could you go to
14 slide 20, please? We've identified for you some
15 statistics on some commercial and retail
16 developments. We've taken photographs, you're all
17 familiar with them. The Corinth's office -- off -
18 - office area. We have looked at the other
19 commercial developments nearby. And in our view,
20 when you start looking at this 380,000 square foot
21 project and you start comparing it to the obvious
22 differences, we feel like it would impede and
23 dominate the surrounding projects.

24 We cited to you the transition lot policy
25 that the city of Olathe had. Santa Marta, the big

1 project, the massive project, which is even
2 smaller than the one being proposed, is in Olathe.
3 There's, obviously, green space and transitions
4 between lots of that single-family nature and the
5 large massive project of Santa Marta. In our
6 view, when you start looking at the site plan that
7 was proposed by the developer in this case,
8 there's literally, virtually no transition policy.

9 And, in fact, our view is is when you start
10 putting the duplexes that they have on the small
11 lots that they're developing, they couldn't even
12 meet your minimum setback requirements. They're
13 suggesting, which we think is an -- a -- a
14 distortion of the zoning ordinance, that we can
15 build a campus with eight buildings on it, but we
16 don't have to plat any interior streets, we can
17 call it one project, one site, and the only
18 setback requirement we have is literally off of
19 Mission Road. In our view, that's a distortion of
20 reality.

21 We would like to see the dimensions of the
22 villas, we'd like to see the dimensions of the
23 buildings, which the staff would also like to see.
24 Because we believe once provided with the actual
25 dimensions of those buildings, we can show you

1 demonstratively that those villas that are on
2 their site plan, which they've got right here,
3 have no front yard. I looked at the site plan and
4 it shows five feet from the front of the building
5 to the back of the curb of this little narrow
6 street that rings the project. That's
7 unacceptable. Even in Santa Marta, when they abut
8 those projects, their villas, up to the street,
9 they have a 25 foot setback.

10 They are having absolutely their cake and
11 eating it, too. They're coming to you and saying,
12 we have one project, one campus, eight buildings,
13 no internally platted streets, no separate
14 parcels, no separate lot descriptions, we don't
15 have to have a front yard for our duplexes, we can
16 put them right on this ring road. It's
17 unacceptable. There's no transition between these
18 large lots and the villas. 35 foot backyards
19 would be unacceptable in any other city. I can't
20 imagine that you would want to accept that.

21 Could you go to Slide 22, please? We did
22 some calculations and we looked at Corinth South
23 and we looked at Corinth Square, we looked at the
24 Corinth Office Building, we looked at the Corinth
25 Executive Building. And it appears to us, and the

1 calculations were provided to you, that
2 essentially, if you do a weighted average of all
3 of those projects, it ends up being about 11,900
4 square feet per acre per project. And this
5 project, at over 380,000 square feet, is 21,122
6 square feet per acre. Unacceptable. Massive
7 density dominates the surrounding properties.
8 There is not one single-family residential area
9 adjacent to this that you could even come close to
10 with that density. It makes no sense.

11 Go to the next slide, please. In the past,
12 you have approved Claridge Court. It's a high-
13 density project. The difference between Claridge
14 Court, the underlying zoning when that was
15 approved was C-2, it wasn't R-1A. It was a C-2
16 zoning that you passed a special use permit to
17 allow Claridge Court to go in.

18 Go to the next slide, please. You can see
19 that Claridge Court, when we compare it to Santa
20 Marta, doesn't have the same garish, imposing
21 appearance that this project -- we're taking
22 pictures much closer to the project and it still
23 doesn't have the appearance that Santa Marta does.

24 Go to the next slide, please. If you go to
25 Slide 27. What we want you to consider is, do you

1 want to be the city in Johnson County that has two
2 of the three largest residential buildings? We
3 polled the top ten residential buildings in
4 Johnson County. Santa Marta is the largest at
5 284,000 square feet. Claridge Court is second at
6 241,000 square feet. If you approve this project,
7 the main building at 271,000 square feet will be
8 number two. You will have the second and third
9 largest residential buildings in Johnson County
10 located in your city, not that far apart from one
11 another. I don't believe that your city wants
12 that concentration of these high density
13 residential units in your city.

14 Go to the next slide, please. One of the
15 projects that's on that top ten list is the Santa
16 Fe Towers. Not a very attractive building.
17 Nevertheless, it's only 181,000 square feet. It's
18 about 200,000 square feet smaller than the entire
19 project that the applicant is asking you to
20 approve tonight.

21 Go to the next slide, please. Our concern
22 and what I expressed earlier was the de minimis
23 front yards that are depicted on the site plan,
24 the very insignificant backyards of 35 feet, no
25 transition lot policy, you're going from large lot

1 community over here, one-acre lots approximately,
2 into this extraordinarily high dense project with
3 no transition lot policy, no greenway, a 35 foot
4 back yard.

5 And we saw some very, very gracious
6 characterizations of what this project would look
7 like if you drove through it. I don't know about
8 anybody else in this room, I felt like I was
9 driving in a car and somebody put my visor down
10 over on the side. I couldn't see out the side of
11 my car to see how big the building was. I only
12 got to see out that side where they wanted me to
13 see. If we would've had the full view of what we
14 were looking at, we would've seen the elevations
15 that we showed you being three stories tall, two
16 football fields long. I didn't see that anywhere
17 in that drive around. It was completely missing.
18 Full and complete transparency is what we want.
19 They came to you and they're saying to you, we are
20 being transparent with you. We don't -- my
21 clients don't feel like that transparency exists.
22 We want to lift the veil and actually see what
23 we're dealing with.

24 The site plan, in our view, also, in this
25 ring road appearance, if you go all the way around

1 this, this is one of earlier versions, all -- this
2 street is not the street that we're dealing with.
3 If you now look at their proposal, this front
4 portion of the street are all carports now. When
5 you measure the actual distance between that curb
6 and the next curb over for the medians where they
7 jut out, it looks to us like it's about 22 feet.
8 It's incredibly narrow.

9 What's going to happen if one of these cars
10 stalls on that -- in -- in their car out in that
11 22-foot wide driveway and there's a fire? There's
12 obvious safety issues involved here. A public
13 street wouldn't permit that to happen. A public
14 street would typically be, as a residential
15 street, 28 feet wide. A typical collector road
16 would be 36 feet wide. We're looking at this and
17 thinking, most people in this room's driveways are
18 wider than 22 feet. Why would you want to have
19 this incredibly dense project, life safety issues
20 being dealt with for fire protection based on a 22
21 foot wide driveway with villas sitting right on
22 top of the curb? It doesn't make any sense.

23 Go to the next slide, please. At this point
24 in time, we'd like to have you gain a fuller
25 understanding from our perspective as to what a

1 skilled nursing facility is. We're going to ask
2 Doctor Satterlee to come up and see if he can shed
3 some light in our effort to be fully transparent
4 about what we're really dealing with.

5 MR. SATTERLEE: Hello. I'm Craig
6 Satterlee, Doctor Satterlee. I am a board
7 certified orthopedic surgeon, and I live at 8600
8 Mission Road. And I'd like to talk with you a
9 little bit about what a skilled nursing facility
10 is and what it isn't.

11 First slide, please. A skilled nursing
12 facility is not a nursing home. Next slide,
13 please. A hospital, as we all know it, is an
14 acute care facility where there's recovery after
15 surgery or an acute illness. A nursing home is a
16 permanent residence for people who are too frail
17 or sick to live at home due to physical, emotional
18 or mental problems. And they usually require
19 daily assistance.

20 Next slide, please. A skilled nursing
21 facility -- and that's the correct word, that's
22 what Medicare uses, skilled nursing facility, we
23 call it a -- a SNF. In the old days, when we'd
24 have them in the hospital, we called it a stepdown
25 unit. They're really not in the hospital any more

1 due to market reason and financial reasons,
2 they're more out in the community. The insurance
3 companies will call it a non-acute care hospital
4 unit or a skilled nursing unit. Some of the
5 facilities are also called an adult care unit.
6 But the correct term is skilled nursing facility
7 or a SNF.

8 Next slide. Well, what is a skilled nursing
9 facility? To be certified by Medicare or
10 Medicaid, it must have a transfer agreement with
11 hospitals in case a person -- person requires an
12 emergency for restorative or rehabilitative care.
13 They must have a physician on staff who rounds
14 regularly and is available 24 hours a day for
15 emergency calls. They must have a 24 hour a day,
16 seven day a week nursing staff present. That's an
17 RN. This person must be supervised by a physician
18 or a medical director. They have to have staff
19 and equipment to give skilled care, like
20 audiologists, physical therapists, nurses, things
21 of that nature. And they cannot violate anti-
22 discrimination laws.

23 Next slide, please. Well, here we are at the
24 Mission Chateau. The skilled nursing facility is
25 this portion right here in the upper left. Sorry,

1 I can't point over there. But it's the pink
2 facility right there.

3 Next slide, please. Well, the proposed
4 Mission Chateau skilled nursing facility is in
5 Phase I of their project. There's 68 single unit
6 beds and there's 16 semi private beds for a total
7 of at least 100 skilled nursing facility beds,
8 which will be filled by 100 patients. Doctors
9 call them patients. There's too many beds to
10 serve just the Mission Chateau or Prairie Village.
11 This is not subordinate to the complex.

12 Next slide, please. What types of patients
13 are referred to a skilled nursing facility? Who
14 do we send from the hospital to a skilled nursing
15 facility? Well, patients whose condition is too
16 severe to be treated at home after discharge.
17 They're so severe they can't be treated in their
18 own home. They're not walking down to Nellie's to
19 get a ice cream cone. There's no family support.
20 They require bedrest, they need extensive
21 rehabilitative, as well as physical, emotional or
22 psychosocial problems. They have what we call
23 comorbidities. The treatment is not covered by
24 their insurance at home. Some people, especially
25 Medicare folks, if you have an infection and need

1 IV antibiotics, Medicare will not pay for it to be
2 done at home; and it has to often be done in a
3 skilled nursing facility.

4 Next slide. Well, what about insurance
5 coverage? Well, a lot of people are on Medicare
6 and they're over 65. And that's consistent with
7 the -- what we've been shown. But there's also
8 people who are under 65 that are sent to a skilled
9 nursing unit, they're on private insurance and
10 they might be on Medicaid if they match the low
11 income eligibility requirements. A term you
12 probably don't know is the term "Medicaid
13 Dependency Application for Kansas." And what that
14 is is there are folks who are low income, they're
15 in the hospital, they don't have insurance. And
16 so the ins -- the hospital facility will sign them
17 up for Medicare -- med -- I'm sorry -- Medicaid.
18 And so they'll have an application in process and
19 they can also be eligible for a skilled nursing
20 facility.

21 Next slide. Well, how do patients that are
22 outside of the retirement center and have to go to
23 a skilled nursing facility select one? First
24 thing they're advised to do is go to
25 www.medicare.gov and look at the quality rating,

1 not the overall rating, not the color of the
2 drapes, but the quality rating. The next thing is
3 availability. The bigger the skilled nursing
4 facility, the more open beds there are. And so
5 bigger facilities have more beds and we can refer
6 patients to those.

7 What about care-specific needs? Certain
8 patients need things that are only covered in
9 certain skilled nursing facilities. Like if
10 you're on dialysis, most of them don't do
11 dialysis, but they will take you out daily to have
12 your dialysis. Other patients need special things
13 like what's called a wound vacuum. That's -- I'll
14 show you an example of that in a minute. There's
15 no HIPAA violations in this talk.

16 Next slide. Okay. What kind of conditions
17 are taken in? Well, if you're over 55 or 65, a
18 lot of the folks who've had the joint replacements
19 or they've had like a hip fracture and they need
20 more rehabilitative care than they needed at home.
21 In a skilled nursing facility, they can also get
22 blood transfusions, they can get IV antibiotics
23 and they can have their Foley catheter care. They
24 also can have infections. Like I said, they're
25 not often covered for IV antibiotics in the home.

1 They need wound care and dressing changes. Other
2 folks that go there have severe lung or heart
3 problems. I think someone earlier mentioned a
4 friend who was rehabilitating from heart surgery.

5 Next slide. What about patients that are
6 under 55 to 65, who -- who are those kind of
7 patients that we refer to a skilled nursing
8 facility? Well, they're usually a little
9 different. Often, they can be in trauma,
10 accidents, whether it's motor vehicle accidents or
11 motorcycle accidents, and they need care that they
12 can't get at home. They can have gunshot wounds,
13 especially if they have a bowel perforation and
14 they need to learn colostomy care, those folks
15 often will go to a skilled nursing facility.

16 Next slide. Amputations for folks that have
17 had severe diabetes or infections or trauma. And
18 then this is the wound vac. If you have wound
19 problems, like this is a fissure on a fracture, we
20 clean the fracture out and then we put this device
21 on it, it suctions away what we call
22 serosanguinous fluid and purulence, or you might
23 call it blood and pus.

24 Next slide. So the Mission Chateau's skilled
25 nursing facility is not a subordinate act --

1 accessory of use, it's massive, it's big, and I
2 think you need to take that into consideration in
3 your deliberations. Thank you.

4 MR. HIGNEY: My name is Bob Higney, I
5 live at 3303 West 127th Street in Leawood. My
6 background is president of Prime Marketing
7 Concepts. It's a strategic marketing and research
8 firm. I've been working in the senior housing
9 industry for over 30 years doing marketing plans,
10 marketing studies, feasibility studies. I've done
11 this for some of the largest developers across the
12 country. And isn't it just great, 11:00 at night,
13 the guy who wants to talk numbers while everybody
14 is tired, everybody wants to go to sleep. But I'm
15 not -- I'm not going to be up here too long.

16 Clearly, with all the information that was
17 presented tonight, I can appreciate the emotions
18 of -- of both sides. I haven't had a chance to
19 review Jeff Green's report, which I guess, I would
20 get to when this information is -- is available.
21 But I do want to provide some facts, you know, as
22 -- as Mr. Peterson pointed out. Here's some of
23 the things we do know.

24 First of all, Mission Chateau would be the
25 second largest elder care facility behind Lakewood

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1 in Johnson County. Lakewood's got about 625
2 units. Another thing we know is if you look down
3 Mission Road from Somerset to 95th street and a
4 little bit to the east, we've got Mission Chateau,
5 The Forum and Claridge. This concentration of
6 senior housing would be unprecedented in Johnson
7 County. So keep that in mind when you're talking
8 about density.

9 Next. Within that 12-block proposal, we are
10 looking at doubling virtually every type of senior
11 living facility, independent living, assisted
12 living units, and the combination of SNFs and --
13 and memory care.

14 Next. This massive development literally
15 will create the perception that Prairie Village is
16 the new home for senior citizens, especially for
17 those needing skilled nursing care. And one of
18 the questions I have is, is there really a need to
19 support that? We all know that our population is
20 aging. We all know that the senior population is
21 growing. And let's make sure we have the right
22 definition of senior. Some people start it at 55,
23 some people start it at 65. Quite frankly, many
24 in the senior housing markets look at 75 as the --
25 the true population because the average age -- the

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1 average age of a move-in is 78 years old.

2 Next slide. Look at the growth here, or lack
3 thereof. The fact of the matter is, according to
4 Nielsen's Senior Life Reports and -- and Nielsen
5 provides information for many of the national
6 developers -- we're looking at only gaining in the
7 75-plus population 24 individuals from 2013 to
8 2018. So that's a projection based off the 2013
9 estimates. As a percentage of the total
10 population in Prairie Village, 75-plus, we're
11 talking about a stagnant 10 percent. Again, is
12 there really the need? One other thing you have
13 to consider -- and I heard a lot of people talk
14 about how nice it would be to move into a local
15 facility, one close by, one in the neighborhood --
16 nationally, less than 5 percent of the senior
17 population will ever move into a CCRC. That's
18 been documented over the last 25 years. So even
19 though we all feel like, oh, man -- and my wife
20 included, that -- that would be a great place for
21 us, the reality is, when push comes to shove, the
22 vast majority do not move into a continuing care
23 retirement community.

24 Next slide. If you want to take the -- the
25 bigger picture and look at the 65-plus, you're

1 talking about less than one half of 1 percent
2 growth over the next five years. Less than two
3 percent projected from 2013 to 2018. So again,
4 the question remains, where is the need? It's not
5 for me to say how Mr. Tutera spends his money, but
6 what you've got to take into consideration, if
7 there is stagnant growth and the population of
8 seniors, even though it seems like we have this
9 massive movement, isn't growing in the local area
10 here, in the Prairie Village area, will those
11 other phases actually get finished? And then what
12 are you left with? The SNF.

13 Next slide. John mentioned this earlier that
14 the ratio, the population ratio, 68 individuals in
15 Johnson County for every senior housing unit.
16 It's 30 to 1 at Prairie Village. Does Prairie
17 Village need to support the senior population at
18 more than twice the rate of Johnson County?
19 That's the question for you to answer. Thank you.

20 MR. CARMAN: Good evening, Mr.
21 Commissioner and members of the commission. My
22 name is Steve Carman. I live at 8521 Delmar. So
23 for those of you keeping track, I back up to this
24 project. I want to talk about three topics this
25 evening. The first is traffic, second is height,

1 and the third is financial impact.

2 As to traffic, we've all seen the traffic
3 study and it does a good job of focusing on the
4 vehicle capacity of Mission Road and the ability
5 to get on and off Mission Road. That's what the
6 study is supposed to do. It also focuses on the
7 traffic peak during the morning rush and the
8 afternoon rush. Well, let's not focus on the
9 impact that the traffic from this project is going
10 to have on the road at morning and afternoon rush
11 hours, let's focus on the impact the traffic for
12 this business park is going to have on the
13 neighborhood, in particular, the impact before and
14 after weekday rush hours.

15 And I asked to have distributed earlier, and
16 you all should have a packet of information that
17 I've provided. And on the first page, you'll see
18 a chart that shows, first of all, we know from the
19 -- from the proponents' own traffic study, that
20 this business is going to channel in excess of
21 1,100 vehicles per day into this site surrounded
22 by existing residential community. That's going
23 to happen seven days a week, 365 days a year.

24 The three shopping centers in Prairie
25 Village, the principal stop -- shopping centers

1 were built at the same time as the houses near
2 them and they generate that kind of traffic every
3 day. But there's no other location in Prairie
4 Village that brings that huge volume of traffic
5 every day into a residential neighborhood. And
6 there's a spike in that traffic, as this chart
7 shows, between 6:45 and 7:15 a.m. every morning
8 and then again between 10:45 and 11:15 p.m. every
9 night. Spreading the parking throughout the
10 business park only ensures that all the neighbors
11 have to deal with this intrusion. It's an
12 intrusion that is entirely inconsistent with the
13 traffic patterns in the residential neighborhoods
14 that surround this business.

15 One final point as to traffic, the
16 developers' traffic study shows that the -- that
17 the SNF -- I learned a new term tonight -- would
18 generate 391 trips per day into the -- into the
19 business, a full 34 percent of the traffic flow,
20 which is further confirmation of the obvious,
21 which is that the SNF cannot possibly be
22 considered a subordinate accessory use.

23 Let's talk about height for a couple of
24 minutes. Commissioner Vennard, I apologize for
25 forcing you to again visit the topic of height,

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1 but here we go. At your meeting in April, counsel
2 for the developer talked at some length about the
3 height of the proposed project in one particular
4 spot. And Commissioner Schafer, you exhibited the
5 mental agility at that time to confirm that the
6 proposed project at that particular point will, in
7 fact, be three feet higher than the highest
8 elevation of the school. Well, that's a helpful
9 point.

10 I want to focus your attention on several
11 other significant heights. And I've provided to
12 you a copy of the survey that's in the packet that
13 I've provided. It's a survey. And on page 2 --
14 also, there are two charts. Let's start with the
15 survey, because this warrants a little
16 explanation. What I'm trying to show is that
17 highest point on the school right now, which is
18 Point A, and then on each of the surrounding
19 residential home sites, I've numbered the closest
20 to the -- the point on the property line that is a
21 direct line from that Point A to the residence's
22 kitchen window. Okay? So that's 1 through 8.

23 Points B through I are points on the proposed
24 project that get as close to each of those
25 residences as a -- a multi-story point in each of

1 the -- each of those points -- I'm sorry, I'll get
2 this right. Each of those points reflects the
3 multi-story point of the project that is closest
4 to Points 1 through 8. So what does this show if
5 you look at the chart? If you look at Chart 1, it
6 shows the current elevation at Points A through I.
7 Then it shows the regraded elevation at each of
8 those points. It shows the proposed building
9 height at each of those points, the proposed total
10 elevation and then the change in elevation at each
11 of those points.

12 Chart 2 shows you a comparison of distance,
13 which is distance from Point A to Point 1 in the
14 first row, first column. And then Point A all the
15 way out to Point 8 in the furthest column in the
16 first row. And you look down to the bottom and
17 you see the change in distance from the closest
18 proposed multi-story structure point. The purpose
19 of this little exercise is to emphasize the fact
20 that this project is taller, and that height is
21 being projected toward the residences. So it's
22 not just a question of being three feet higher at
23 one point in the project, it is higher and it is
24 significantly closer to all of those residences.

25 If you look at the photos that I've attached,

1 you can see in the first page -- you see a picture
2 taken from 84th Terrace on the far side of Mission
3 Road and you get a good view of that highest point
4 on the project, which is Jim -- well, actually you
5 can't see it very well, it's covered by trees.
6 You also see points -- you also see the current
7 view from Points 2, 4 and 6 to that Point A. Then
8 on the last page, you see two pictures. One is a
9 35 foot tall building taken from 175 feet away,
10 and the other is a 45 foot tall structure taken
11 from 175 feet away. Why 175 feet? If you look
12 back in Chart 2 in the second row, you'll see that
13 the distance now from property line to multi-
14 storied structure varies from as close as 131 feet
15 to 194 feet. All right. Enough on height.

16 Let's talk about the financial impact. Now,
17 I've come to accept the fact that some people view
18 the neighbors who live around this project as
19 anti-development crazies. And I've -- I've had
20 people ask me why I'm so concerned about this
21 project, and that it won't have an impact on me.
22 And to those people and to all of you, I say, that
23 is just not true. The adverse financial impact
24 this will have on our -- on our neighborhood is
25 clear. And I've been told by two different

1 experienced real estate agents that this project
2 will reduce the value of my house by 50 to
3 \$75,000.

4 Fearing you might be unimpressed by the
5 opinion of experienced real estate agents, I spent
6 my own money to have a written opinion from a
7 Kansas licensed real estate appraiser who lives
8 and works right here in Johnson County. And I've
9 provided to each of you a copy of his opinion.
10 And this is admittedly different than the
11 assessments done by the proponent. I will admit I
12 did something radical. I didn't look at other
13 projects or other properties, I asked, what is
14 going to be the impact of this project on my
15 property?

16 A few snippets from that opinion. My primary
17 concern in reviewing the plan for the project is
18 that a three-story wing of the assisted
19 living/independent living complex will be
20 positioned within approximately 200 feet of your
21 rear property line. It will be visible to you and
22 to any potential purchaser of your property should
23 you ever decide to sell your home.

24 Further on, page 2, near the bottom of the
25 second paragraph -- or the first full paragraph,

1 second paragraph. It's rare to find a multi-story
2 facility such as that proposed by Mission Chateau
3 with such proximity to well-established upper-
4 bracket single-family homes.

5 Further down, page 2, I would expect a
6 diminution of at least 10 percent of your current
7 market value should the Mission Chateau senior
8 living community be constructed as currently
9 proposed.

10 Near the end on page 3, a diminution in
11 property value of at least 10 percent is a
12 conservative baseline, given the facts as
13 presented to me concerning the proposed
14 development.

15 What's really irritating about this is I made
16 the decision to make my largest investment in
17 Prairie Village real estate, and 50 to \$75,000 is
18 going to be taken out of my pocket because someone
19 else's dream requires an oversized development on
20 property where it doesn't belong. And that's not
21 right.

22 Your planning consultant has guesstimated
23 this business park is going to generate more than
24 \$100,000 of tax revenue. What he doesn't tell you
25 is that if the licensed and certified appraiser

1 that I hired is correct, that revenue will be
2 offset by a reduction in tax revenue by its
3 surrounding neighborhood. And it's not just eight
4 houses. It's very common for tax appraisers,
5 detecting a decrease in property value directly
6 abutting a new project, to reduce the appraised
7 value of houses within a five-block ring around
8 that project. In Prairie Village alone, the
9 combined appraised value of the residences in that
10 five-block ring is in excess of \$175 million.
11 Stop and think about that. You have a licensed
12 appraiser telling you this project confiscates --
13 and I don't use that word lightly -- confiscates
14 over a half a million dollars from me and each one
15 of my neighbors.

16 And a secondary consequence could well be the
17 loss of meaning -- meaningful tax revenue from a
18 number of other residences around the project.
19 For those of you considering approving this
20 project because the end of the anticipated
21 increase in tax revenue, you may want to adjust
22 your math downward. And that is before you even
23 think about the incremental expenses the city will
24 incur as a result of this project.

25 I'm opposed to this project. And I'm opposed

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1 to this project because this business park is too
2 big. I'm opposed to this project because it's too
3 tall. I am opposed to this project because the
4 intensity of the activity is incompatible with the
5 residential neighborhood into which it is proposed
6 to be stuffed. And I'm opposed to this plan
7 because it is wrong -- it is wrong to impose
8 significant financial harm on the neighbors who
9 live around this project. And I strongly
10 encourage each and every one of you to do the
11 right thing, which is to vote against this
12 project. Thank you.

13 CHAIRMAN VAUGHN: One moment. One
14 moment. We've passed 11:00 by a significant
15 amount already. Did you have a short statement
16 you wanted to make?

17 MR. DUGGAN: We have a number of other
18 persons that want to speak.

19 CHAIRMAN VAUGHN: I think we better stop
20 the meeting at this point.

21 THE SPEAKER: We were positioned last,
22 not our fault.

23 CHAIRMAN VAUGHN: We're not going to vote
24 tonight.

25 MS. VENNARD: You can be first next time.

1 MR. DUGGAN: Would it be fair to say,
2 then, if we're going to adjourn tonight, that we'd
3 be able to start the public hearing with our --
4 the rest of our presentation?

5 CHAIRMAN VAUGHN: Right at this spot,
6 same spot. Do we need to have a motion?

7 MR. ENSLINGER: The next meeting, as
8 we've outlined in terms of the overall schedule,
9 would be June 4th in this same facility at 7 p.m.
10 That's been the target for the planning
11 commission. We've announced that all along, that
12 it would be unlikely, given the agenda we had
13 tonight previous to this item that this item would
14 be finished. So therefore, it's the planning
15 commission's prerogative of when they end the
16 meeting. They would need a motion to do that. I
17 think you do have commitment from them that the
18 opposition group that's speaking currently would
19 be able to start at that time. I will note
20 there's actually one application on next month's
21 agenda that the planning commission will all --
22 also have to deal with based upon that, so we'll
23 have to look at the scheduling of that and the
24 time when that -- when that application is for.

25 THE SPEAKER: And the public will remain

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1 open until --

2 MR. ENSLINGER: Yes, the public hearing
3 will remain open.

4 MR. PETERSON: I --

5 MR. WATERS: I would encourage you in a
6 motion to adjourn to make that clear in the
7 record.

8 CHAIRMAN VAUGHN: I will.

9 MR. KRONBLAD: I would make a motion to
10 adjourn the meeting, but leave it open until June
11 4th for the public hearing.

12 CHAIRMAN VAUGHN: Is there a second?

13 MR. WOLF: Second.

14 CHAIRMAN VAUGHN: Any discussion? Those
15 in favor of the motion, raise your hand
16 (indicating).

17 MR. ENSLINGER: I will note all the items
18 that were presented tonight, we will put on the
19 project page that the city has developed for this
20 project, so they will be available. It probably
21 will take us a few days to do that, and so I would
22 anticipate them being available some time
23 Wednesday afternoon or Thursday morning.

24 (THEREUPON, the hearing concluded at
25 11:20 p.m.)

1 CERTIFICATE

2 STATE OF KANSAS

3 SS:

4 COUNTY OF SHAWNEE

5 I, Cameron L. Gooden, a Certified
6 Shorthand Reporter, Commissioned as such by
7 the Supreme Court of the State of Kansas,
8 and authorized to take depositions and
9 administer oaths within said State pursuant
10 to K.S.A. 60-228, certify that the foregoing
11 was reported by stenographic means, which
12 matter was held on the date, and the time
13 and place set out on the title page hereof
14 and that the foregoing constitutes a true
15 and accurate transcript of the same.

16 I further certify that I am not related
17 to any of the parties, nor am I an employee
18 of or related to any of the attorneys
19 representing the parties, and I have no
20 financial interest in the outcome of this
21 matter.

22 Given under my hand and seal this
23 _____ day of _____, 2013.

24 _____

25 Cameron L. Gooden, C.C.R. No. 1335

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