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June 14, 2013

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Via United States Mail  
Via Email

Mr. Dennis Enslinger  
Mr. Ron Williamson  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

**Re: Mission Chateau - Application Numbers PC2013-05 and PC2013-114  
(the "Project")**

Gentlemen,

In my capacity as Applicant for the above-referenced Project I am writing in the wake of the Public Hearing, Session II, held on June 4, 2013. My purpose is to address several fundamental concepts of the Project and clarify, for the record, our position in regard to issues they present. I am compelled to utilize this form of communication as we move towards the July Work Session and August continuation of the Public Hearing given the disproportionate time allocated to date to the Mission Valley Neighborhood Association ("MVNA") and its surrogates.

As you know, at the completion of those comments, representing well over 3 hours of total testimony, the Applicant deferred much of its time so that we could finally receive input from members of the Planning Commission and answer questions they had at this stage of the process. Our goal in doing so was, and remains, to fully explore all options to address legitimate concerns while at the same time maintaining the integrity of our Plan. I am concerned that this decision has unintentionally diluted our steadfast position in regard to fundamental components of the Application. To clarify same, I respectfully submit the following:

First, we reject any assertion that the size, scope and design of the Project is a "loss leader" presented as a strategy to ask for more but all the while being most willing to accept less. **You will receive under separate cover the testimony Mr. Tutera planned to present on June**

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**6 which outlines in detail the research that went into designing a state-of-the-art senior neighborhood based on community needs identified by the City itself in 2011.** For MVNA to suggest our willingness over a 12 month period to make fifteen modifications to address their concerns and to explore further changes reflects gamesmanship is, at its best, disingenuous. To be clear, we are working on modifications that in our opinion are significant but they will be designed to maintain our vision of a home for seniors with options at hand for the continuum of care they need.

Secondly, we reject any suggestion that the size and density of our project should be regulated by the design metrics presented by the Benton House development. Despite the incessant assertions by Mr. Duggan that “common sense” is the only planning tool to be utilized and, based on cherry-picking a few lines from case law, suggesting the review process is some sort of spiritual crusade—compatibility is to be determined within the context of objective design criteria set forth in City Ordinances. It is understandable that he falls back on such whimsical standards in an effort to make his case given that our project meets and/or exceeds every single criteria against which the Code requires it to be evaluated.

At the least, it appears Mr. Duggan has abandoned his diversionary and irrelevant efforts to compare our projects to retail and other commercial developments. I welcome a focus on projects with similar uses. That said, it is interesting that he chooses Benton House and ignores more comparable facilities such as Brighton Gardens and Claridge Court. Benton House is distinguishable from Mission Chateau based on a number of factors, including but not limited to, its singular focus, adjacent uses on three of four sides and the type of Public Street upon which it fronts. Brighton Gardens and Claridge Court provide more relevant opportunities for comparison and reasonable benchmarks to judge the existence of any actual negative impacts. Of particular relevance is Claridge Court in that it comports with the most salient comments made at the June 6<sup>th</sup> Hearing – that the subject property is a transitional piece that should be designed to transition from higher density uses on the north to less density on the south. The exact focus of our proposed plan. In regard to the City’s historic approach to similar circumstances, I would suggest the comparative chart set forth below speaks for itself.

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DENSITY/BULK

	PROPERTY NAME	PROJECT COMPONENTS	STREET FRONTAGE	LOT SIZE (ACRES)	BUILDING S.F	# OF UNITS	UNITS/ACRE	S.F. PER ACRE
1	Claridge Court	Skilled Nursing	Arterial & Collector Streets	4.78	253,818	180	37.66	53,100
2	Mission Chateau	Independent Living Apartments, Independent Living Villas, Assisted Living, and Skilled Nursing	Arterial Street	18.43	387,244	351	19.05	21,012
3	Brighton Gardens	Assisted Living, Memory Care, and Skilled Nursing	Arterial & Collector Streets	4.42	80,382	152	34.39	18,816
4	Benton House	Assist Living and Memory Care	Collector Streets	6.8	49,000	87	12.79	7,206

BUILDING/LOT FRONTAGE

Claridge Court	-	along Somerset	Lot = 520 feet and Building = 460 feet (88% frontage)
	-	along Mission Rd.	Lot = 435 feet and Building = 340 feet (78% frontage)
Mission Chateau	-	along Mission Rd.	Lot = 1100 feet and Building = 530 feet (48% frontage)
Benton House	-	along Belinder	Lot = 590 feet and Building = 251 feet (43% frontage)
	-	along Somerset	Lot = 501 feet' and building = 255' (51%)
Brighton Gardens	-	along Mission Rd.	Lot = 271 feet and building = 217' (80%)

To be clear, I am not suggesting that meeting or exceeding design metrics in and of itself mandates approval-but-it shifts the burden to those in opposition. Too big, too massive, too dense, must have some discernible, provable ramification to have weight. An "opinion", based on admittedly no data, that a three story building, set back approximately 200 feet, will reduce property values rings hollow when compared to the actual sales-based analysis submitted by the Applicant's expert. And clearly, stated personal preferences for a school, public park and/or single family homes do not carry the day.

Third, the lengthy commentary presented on behalf of MVNA regarding issues of phasing and when and in what sequence the Project's components will be built is once again a diversionary tactic to avoid substantive discussions about planning issues. Although lengthy lectures about chicken coops and outhouses are entertaining to a point, the bottom line is this—Mission Chateau will be constructed in accordance with the requirements of the City of Prairie Village Ordinances as interpreted by the City Attorney. End of Story.

Fourth, I want to briefly address a new theme presented by MVNA during their June 6th presentation. One that I would suggest may well cut to the philosophical heart of this debate.

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Citing the infamous J. C. Nichols, it was suggested in essence that what was designed in the late 1940's is cast in stone in all aspects and any change in community vision as to redevelopment should be dismissed out of hand. In response I would suggest the City has already rejected such a notion.

In regard to the need for more senior housing to meet demographic trends the City Master Plan calls for additional development of this nature and in fact, referenced the subject property as being appropriate for same (**Prairie Village Parks and Recreation Master Plan, Demographics-Page 1-5**). But more striking in this regard is the City's stated vision for Corinth Shopping Center as set forth in **Village Visions-Strategic Investment Plan**. Therein, in a Vision recommended by the Planning Commission and adopted by the Governing Body in 2007, the City advocates redeveloping and increasing Corinth Square from its existing 200,682 square feet of retail and offices to a mixed-use development of over 500,000 square feet - a 45% increase. The City's rationale set forth below is enlightening;

“Fiscally, the City has very few opportunities to increase population, property valuation, sales, and ultimately revenue through new development. This is because Prairie Village is basically landlocked, leaving the alteration or intensification of existing land use as the most viable option to bolster the City's fiscal health.” (Village Vision Strategic Investment Plan, Center Redevelopment – Corinth Square, Page 7.2)

Finally, a few comments to issues that have continually been brought up as reasons to deny our Project ;

1. Detention – Our detention facility as designed has been reviewed and approved by City Public Works Staff. Assertions that this design will create an attractive nuisance and/or become a generator of pestilence and plague is ridiculous. Requests that our storm water facility should be built under ground is yet another diversionary tactic designed to increase costs in the hopes the Project is not economically viable. – Real life example that our design is safe and efficient – please see detention facility approved, built and operational for Benton House.
2. Skilled Nursing Facility – Great dramatic effort has been made in an effort to raise concerns regarding the types of treatment and procedures that would take place in our skilled nursing facility. There are currently 90 skilled nursing beds in the City of Prairie Village. Forty-five beds as part of Brighton Gardens and 45



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beds at Claridge Court. Unless Dr. Saderlee can point to one, issue, or circumstance that has presented a problem for nearby residents or the community at large – may we move on to relevant factors for consideration?

Gentlemen, I would request that a copy of this letter be provided individually to each member of the Planning Commission. I understand and acknowledge this correspondence will be posted on the website and made available to the public. Also, could we be sure that each member of the Commission has a copy of both our Traffic Study and Storm Water Study?

I will thank you in advance for your cooperation. If you have any questions in regard to my comments herein, please feel free to contact me.

Sincerely

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

John D. Petersen

JDP:jlh  
Attachments  
072868 / 449966