

**PLANNING COMMISSION MINUTES**  
**August 6, 2013**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 6, 2013, in the fellowship hall of The Village Presbyterian Church at 6641 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

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

**APPROVAL OF MINUTES**

Nancy Vennard moved approval of the Minutes of July 2nd as written. The motion was seconded by Randy Kronblad and passed unanimously.

**AGENDA**

Chairman Ken Vaughn noted that Commissioner Dirk Schafer was not present due to his resignation from the Commission after moving to Kansas City, Missouri. Prior to this meeting the Board of Zoning Appeals heard an application that also needs Planning Commission action and requested the Commission's approval to move PC2013-117 to the beginning of the agenda

**PC2013-117      Site Plan Approval - Building Elevation Change from 105.1 to 106.1  
4319 West 69<sup>th</sup> Street**

Brad and Katie Trenkle, 6748 El Monte, addressed the Commission requesting approval of a building elevation for their property at 4319 West 69<sup>th</sup> Street from 105.1 to 106.1. Mr. Trenkle stated this property is very vulnerable to basement flooding at the intersection of 69<sup>th</sup> Street and Oxford Road. The previous owners of the house have had water problems. They would like to raise the finished floor level so that they can grade properly and run water away from the house. They would maintain a 9 foot setback from the property line on the east side which is 5 feet greater than what is required. They will also maintain a 25 foot setback from the property line on the west side. They can by code raise the finished floor level by six inches by providing the greater setbacks making the requested increase only six additional inches. Mr. Trenkle noted the adjacent property owner is present and supports the requested elevation increase.

Dennis Enslinger stated in 2001, the Commission revised its ordinances to address the concerns with significant first floor elevation on rebuilds that could change the character of development in the neighborhood.

The applicant is requesting a first floor elevation change of 1 foot and has submitted a site plan that shows how the change would be accommodated. The existing house was built in 1951 and has the typical low basement ceilings that were built at that time. The applicant would like to increase the ceiling height in the basement and provide a greater slope away from the house. The applicant would be allowed a 6 inch elevation change without Planning Commission approval under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

The existing house (105.1) is slightly higher than W. 69<sup>th</sup> Street and El Monte. The proposed first floor elevation is 4 feet higher than the house to the east (102.1) and slightly over 4 feet higher than the house to the southeast (102.0). The ground slopes to the southwest corner of the lot.

Chairman Ken Vaughn led the Commission in the following review of the criteria for consideration of an elevation change:

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

The land in this area has only moderate elevation changes. The neighborhood is predominately Cape Cod or ranch style residences. The existing residence and the residence to the immediate east and southeast are similar in nature and are one story ranch structures. The applicant is proposing to construct a one-and-a-half story cape cod structure which will be approximately 27 feet in height which is taller than the adjacent residential structures which are approximately 22 feet.

A 1-foot elevation change will be noticeable based on the existing conditions surround the property without adequate landscaping. The property owner would be allowed a 6 inch elevation change under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

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

In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands, provided that it is compatible with the neighborhood. Current zoning code provisions would allow the applicant to raise the finished floor elevation 6 inches based upon the proposed side-yard setbacks.

Increasing the finish floor elevation by only 6 inches allows the applicant to achieve positive water flow to the street along El Monte. However, the 6 inch elevation change will still pose some challenge to provide adequate slope away from the house along W. 69<sup>th</sup> Street.

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

The proposed house will maintain the existing platted side yard setback along El Monte and along W. 69<sup>th</sup> Street. The proposed house will reduce the east side yard from 24.4 feet to just over 10 feet at its greatest point. The front yard, side yard, and rear yard setbacks exceed the requirements of the zoning ordinance.

Dennis Enslinger noted that staff has some concerns of increasing the building elevation with regard to proper grading along the east property line if a total of 1 foot in elevation change would be granted. It may be difficult to provide for proper drainage along east side of the structure which does not impact the adjacent property owner. Staff recommends that the applicant be granted a maximum of 1 foot in elevation change with the condition that the applicants work with staff to provide for proper drainage along the east property line. If a proper drainage plan cannot be achieved the applicant should reduce the overall elevation change of the garage/dwelling structure.

Gregory Wolf moved the Planning Commission approve PC2013-117 granting a maximum increase of one foot to the first floor elevation at 4319 West 69<sup>th</sup> Street subject to the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. The applicant work with staff to ensure a proper drainage plan with particular attention devoted to the east property line. If a proper drainage plan cannot be achieved the applicant shall reduce the overall all elevation change to provide proper drainage along the east property line.
3. Approval of a Drainage Permit from the Public Works Department;
4. The applicant provide a letter from the Prairie Village Homes Association indicating that it has approved the proposed project; and
5. The applicant provide a survey document showing the height of the finished floor at (TBD) as part of the building inspection process.

The motion was seconded by Bob Lindeblad and passed unanimously.

## **PUBLIC HEARINGS**

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

Chairman Ken Vaughn noted this is a continuation of a public hearing begun at the May 7<sup>th</sup> meeting of the Planning Commission. He stated the Commission has received all the correspondence that has been sent regarding this application and ask that any comments be brief and contain new information to allow the Commission time for its deliberations. He asked that the formal presentations by the applicant and opposition be limited to 30 minutes with a 45 minute maximum. He reconvened the public hearing and called upon the applicant for their presentation.

John Petersen, with Polsinelli Shughart, 6201 College Blvd., attorney for the applicant, introduced the Mission Chateau development team in attendance. He noted the format of their presentation begins with Joe Tutera walking through the plan

with the revisions made and then he would address the application within the context of the process and the standards. He noted the opponents question “Why is it so Big?” Their response is “It is not” and noted the more relative questions is “Why is it the size that is proposed?”.

Joe Tutera, reviewed the following checklist of Mission Chateau Enhancements:

#### **Enhanced Transition Zones**

- Created 300’ transition zone to the South
- Moved the parking and ALF entrance from the Transition Zone
- Created a 4<sup>th</sup> micro Park with connection to Mission Road

#### **Reduce the Scale from Mission Road**

- Reduced the size of the ILF/ALF by 30 units, 42,800 square feet (16%)
- Reduced the width from 520’ to 348’ (33%)
- Lowered the ILF entrance façade to 1-story

#### **Make the Architecture More Compatible to Neighborhood**

- Reduced roof heights and integrated dormers into the 3<sup>rd</sup> level
- Introduced brick veneer and incorporated more traditional elements
- Improved the Southern façade of the Memory Care residences

#### **Improve the Villas’ Relationships to the Residences to the South**

- Created a “Villa Village” in the Expanded 300’ Transition
- Increased Rear Yard Setbacks to 50’ and Front Yard to 15’
- Improved Drive Configuration and Side Yard Green Space

#### **Address Heights in Relationship to Adjacent Properties**

- Lowered Roof Heights 4’ on Exterior Elevations
- Lowered the Memory Care from 16’ to 16’ and 22’

#### **Preserve the Quality of the Property, Services and Lifestyle**

- Preserved the Continuum of Care Lifestyle Choice
- Preserved Unit Sizes and Amenities
- Maintained the Same Ratio of 1- and 2-Bedroom Units
- Preserved All Private Occupancy

Mr. Tutera noted the biggest change in the site plan is the creation of the “Villa Village” on the southeast corner preserving greenspace on the perimeter of the site plan. The transition buffer zone on the site is approximately six acres that is entirely one story or open space. The second most important change in the villas is making them more a traditional residence size and style. Both from the front and back they have the appearance of a traditional neighborhood. The driveways enter from the front and there is greater distance between the units.

Mr. Tutera reviewed the site plan showing the setbacks surrounding the site. The closest major building to the properties on the south is 255.3 feet; the southwest corner is 163.4 feet; the northwest corner is 150.4 feet; the north is 174.7 feet and the

setbacks off Mission Road are 119.5 feet at the ends and 286 feet to the center entrance. The revised building heights which generally are in the 970 elevation range

are roughly equivalent to the heights of the surrounding single family residential properties and lower than the adjacent multi-family structures. The closest structure to the north has been reduced to two stories. Mr. Tutera reviewed a slide showing both a comparison of the elevations of the villas and the adjacent single family residences and the setback between structures for each.

Mr. Tutera presented architectural renderings of the Villas, Memory Care Neighborhood, Skilled Care Neighborhood, Assisted and Independent Living Communities. The following is the breakdown of the number in each community:

Floor Plans of the proposed units were distributed to

Independent Living Apartments (ILA)	136 units
Assisted Living Apartments (ALA)	54 units
Skilled Care Units (SNF)	84 units
Memory Care Units	36 units
Independent Living Villas	<u>17 units</u>
Total	327 units

Joe Tutera noted the average number of ILA in communities is 180 in order to provide a choice of unit types and have sufficient numbers to be able to offer related lifestyle activities. There 54 ALA units is less than average. All units are private occupancy, one- or two-bedrooms following a residential model. The Memory Care Community is a standalone building with private occupancy units with 36 being the minimum number required. The proposed 84 units for skilled nursing care is based on being able to provide services for 26% of the total community based on industry averages. In Johnson County the average facility provides for 44% of their Assisted Living population.

John Petersen addressed the Commission on the process and criteria. He noted the process by law a quasi-judicial based on confirmed and documented facts. They have had significant neighborhood comment and input as demonstrated by the initial review of enhancements presented by Mr. Tutera. Mr. Petersen noted there is still opposition from some of the neighboring residents, which is common. However, Kansas law requires that land use decisions be considered within a broader context and be based on the benefit or harm to the community at large. The Kansas Supreme Court has stated: "Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The framework for the review will follow the eight Golden Factors; City's own criteria as set out in Section 19 of the Prairie Village Municipal Code and the specific site plan criteria as established by code. Mr. Petersen commented on two foundational considerations.

- 1) Conformance of the requested change to the adopted or recognized mast plan be utilized by the City.

The Comprehensive Plan amendment adopted May 21, 2012 relative to this site specified that use of the property be restricted to R-1a, which specifically includes senior living development with a Special Use Permit. In addition Village Vision points out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living. Mr. Petersen stated to limit redevelopment to single-family development would be contrary to Village Vision and the Plan Amendment.

2) The recommendation of permanent or professional staff.

In regard to this application for a Special Use Permit and related Site Plan, the Prairie Village Professional Staff has concluded: "The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with the Amended Village Vision and is in the opinion of Staff it is a workable plan . . ."

In addressing the findings as established by code, Mr. Petersen noted the project meets or exceeds all of the design standards established by code. There is no negative impact on traffic or storm water flow. A substantial transition buffer zone has been created between the project and the neighboring properties. There is no discernible hardship to the community at large or adjacent property owners.

Mr. Petersen stated that the applicant has reviewed the staff report and accepts the conditions of approval recommended by staff. He noted these conditions address many of the concerns raised by the neighboring residents.

Condition #4 addresses the concerns with the phasing of the project. It states "prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.

In addition, the City Attorney in a letter to the Commission dated May 6, 2013, stated "A reasonable interpretation of the Zoning Regulations is that a Special Use Permit may be issued under Section 19.28.070(I) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility, and if the SUP is conditional upon the completion of the primary dwelling facility."

Mr. Petersen reviewed the parking requirements for Mission Chateau passed on the city's code. The code requires 268 parking spaces. The site plan provides for 350 parking spaces. One of the concerns of the neighborhood was parking for special events and holidays. Conditions of approval #10 & #11 state "10 - That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas." "11 - That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the

applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area.”

As they are so closely related, Mr. Petersen also responded to the staff report for PC2013-114 Site Plan Approval noting that the applicant has reviewed the report and accepts the conditions of approval recommended by staff. In closing Mr. Petersen directed the Commission to consider the presentation of facts and confirmation of facts as proposed and documented by professional staff and requested a recommendation for approval.

Chairman Ken Vaughn asked for questions from the Commission members.

Nancy Vennard asked Mr. Tutera the reasoning on the number of skilled nursing units. Mr. Tutera responded the industry has found an average of 25% of the residents in a continuing care community will at some point in time need the services of a skilled nursing facility. Most Johnson County facility build to accommodate 44%. He noted Claridge Court has 45 units to accommodate its 180 residents (26%) and Brighton Gardens has 45 units to accommodate its 164 residents (26-27%).

Randy Kronblad clarified that the 310 foot buffer on the southwest corner of the site plan reflected the green space to the two story structure and that the 300' buffer zone is measured from the property line.

Nancy Wallerstein asked if the height of the building could be brought down to 1 story. Mr. Tutera responded the overall roof height was lowered by four feet and 27 feet in the middle of the project. The units in the pod were designed so that all are able to look out on greenspace and have the opportunity for natural light. This cannot be accomplished with all the units on one floor. John Petersen added the two story building is adjacent to structures that are very high elevations (988 to 994 feet).

Nancy Wallerstein stated one of the comments received questioned why this building is not attached to the main building. Mr. Tutera responded this building is separate to meet the needs of the residents who need a calm and secure environment. Mr. Petersen stated they understand the concerns expressed that as a separate building it can operate on its own. The project was designed to ensure the entire community with walkability, mass and scale necessary to provide for their needs. He stressed again that condition #4 of approval requires that the entire project be constructed.

Joe Tutera added that construction cannot begin without available financing for the entire project. He anticipates the completion of the entire project to take two and a half years. Six months after the start of the skilled nursing facility, the rest of the site infrastructure and storm drainage will be put into place and then vertical construction will begin with the perimeter details constructed last. Mr. Tutera explained the licensing requirements for the skilled nursing and memory care community. The first step in that process is the issuance of a certificate of occupancy by the City. The opening of a community is roughly a three month process for licensing, hiring and training. The villas will be constructed immediately after the Independent and

Assisted Living Communities open. Mrs. Wallerstein asked how long the villa construction would take. Mr. Tutera responded 6 months. Mrs. Wallerstein confirmed the estimated completion of the entire project is three years.

Nancy Wallerstein asked if there was public access to the greenspace and if there would be rooms in the building available for community use. She noted Village Vision's call for more greenspace. Mr. Tutera responded the project includes 5.5 acres of public park and 1.2 miles of walking trails with connections to city trails and sidewalks. Mr. Petersen added that condition #12 requires that the trail and park areas be open to the public.

Nancy Wallerstein noted that residents were requesting underground retention on the site rather than open retention as proposed and noted this might allow for additional greenspace. She noted the planned large scale storm drainage project from Delmar/Fontana low water crossing. Mr. Tutera responded the greenspace calculations do not include the creek or the retention area. The proposed storm drainage plan is intended to reduce the volume of water throughout the project area. The design follows established best practices and is identical in design to several systems in place throughout Prairie Village.

Nancy Wallerstein asked why not an underground installation. John Petersen responded it does not improve the quality of the water and would cost more than a million dollars to construct. The proposed system addresses a 100 year storm in 24 to 40 hours. The area will be heavily landscaped and fenced. An underground installation would not have any aesthetic benefit, safety benefit, water quality improvement and no further benefit in terms of flood control.

Nancy Wallerstein asked what the status was on the storm drainage project at Delmar. Keith Bredehoeft responded that a study is being done this year for possible inclusion in future CIP programs. The reduction of water from this site based on the proposed retention will benefit that project as well as reduce water flow from this site. There are situations where it is necessary to use open detention and it is very effective.

Nancy Wallerstein stated there has been much concern with on-site parking and overflow parking into the neighborhoods. She noted there are times when school is not in session and suggested that perhaps an agreement could be worked out with the school district for the use of the Corinth Elementary School parking lot and/or the neighboring office buildings to the north.

Joe Tutera responded they have talked with the owners of the neighboring office buildings. He stressed they have 82 more parking spaces than required by code with only 30 of those used during shift changes. They have more than 40 communities and have been able to handle parking for special events internally with staff scheduling, adjusting shifts and having employees park in designated off-site areas.

Nancy Wallerstein questioned the 13 ADA parking spaces shown on the site plan. Mr. Tutera responded they have twice what is required by code, but would look at their other facilities to reevaluate need. Mrs. Wallerstein asked how many buses they

would have. Mr. Tutera responded at least one large bus and a smaller bus. These would park in the employee parking area.

Mrs. Wallerstein asked what their maximum population would be. Mr. Tutera replied with every bed filled - 100% occupancy would be 412 residents. They expect to operate around 90%.

Nancy Wallerstein asked what the parameters were for a "senior living facility". Joe Tutera replied generally there is a minimum age of 55 with no children being standard. These are addressed in residency agreements. 78 years of age is the average age for those in the Independent Living Communities.

Chairman Ken Vaughn open the hearing for comments in support of the application.

David Feingold, 8004 Juniper, a 25-year resident of the City, felt this was a quality development for Prairie Village that would provide a safe facility close to home for aging Prairie Village residents. He noted that when the school was open and there were special events cars were parked for blocks and blocks throughout the adjacent residential neighborhoods and no one complained. The demographics of the area are changing, resulting in the closure of the school. Every day over 10,000 people turn 65 and life expectancy is increasing creating a huge demand for alternative lifestyles and needs which this proposal provides. The developer have been in the community for many years with quality developments and an excellent track record. We would be very fortunate to have one of his facilities in Prairie Village.

Barbara Dooley, 5301 West 69<sup>th</sup> Street, stated she would not have returned to Prairie Village except that her parents wanted to stay in their community and that required that they remain in their home. They did not want to change everything about their life by moving to another area, so she came back to care for them. She works with several seniors as a hospice volunteer and she would be happy to have family in a Tutera facility. This project is needed and meets City code.

Chairman Ken Vaughn called a five minute break stating the Commission would recess until 8:35 p.m.

Chairman Ken Vaughn reconvened the meeting at 8:35 p.m. and called upon John Duggan, attorney for the Mission Valley Homes Association, for comments.

John Duggan, of Duggan Shadwick Doerr & Kurlbaum, LLC., representing the Mission Valley Neighbors Association, began his presentation stating that this project is still too big. He feels the proposed project needs to be on 30 to 40 acres of land, not 18. He stress that the applicant carries the burden of proof and encouraged the Commission to look at similar communities, particularly the direction given by this Commission in the review and approval of the Benton House Community on what was once the Somerset Elementary School site. Mr. Duggan reviewed comments and directions given by the Planning Commission to the applicant at their July 2<sup>nd</sup> work session.

However, the re-design submitted to the City on July 19<sup>th</sup> is actually 6,789 square feet bigger than what was presented at the July work session. The total square footage is now 358,029 - only a 7.5% reduction. They do not feel the applicant made a good effort to address the concerns expressed by the Commission and residents. This plan would be in a tie for the third largest residential building in Johnson County behind Santa Marta and Claridge Court giving Prairie Village two of the four largest residential buildings in Johnson County each serving seniors within one mile of each other. Mr. Duggan stated the comparison to Claridge Court is not applicable as that site is zoned for commercial development. He believes the Santa Marta facility is an accurate visual comparison for this project. He likened it to putting Shawnee Mission High School on an 18 acre site.

Mr. Duggan presented a comparison of the density of the proposed project with the density of the Corinth Area Office and Retail Shops. He also presented a comparison of density with Benton House and average densities for CCRC's in Johnson County. The square foot of Mission Chateau is three times the density of Benton House and more than twice the average size of the other CCRC's in Johnson County. He feels the City is losing a valuable irreplaceable asset - green space from this former school site.

In regards to the proposed Skilled Nursing Facility, they contend it should be connected to the "primary" building and should be much smaller. If connected to the primary building the building timeframe would also be reduced. He noted the SNF is twice the size of the entire Benton House project and 91% the size of the existing Mission Valley School. They do not believe the SNF is subordinate and accessory and that its services will be limited to the residents of Mission Chateau. His research has shown that on the average only 20% of SNF patients come from the CCRC residents. Clearly the size of the SNF is not dictated by "lifestyle" of the community. John Duggan stated he stands on his earlier interpretation that the proposed Skilled Nursing Facility cannot be a subordinate accessory if it is the first phase of the project and reviewed court rulings supporting his interpretation.

Mr. Duggan also noted the recommendation given in the staff report begins "If the Planning Commission recommends approval to the Governing Body, it is recommended the following conditions be required . . ." All of the objections of the Mission Valley Neighborhood Association are related to the proposed size of the project. The size impacts the lack of transition, lack of green space, parking, safety issues, storm water detention, construction time period, property values and traffic.

They feel that Parking is a significant problem and presented an analysis of four other similar CCRC's in the area. If you apply the minimum requirements of the Prairie Village code to Mission Chateau, you come up significantly short on daily parking. Their conservative projections were for a shortage of 89 parking spaces. They do not agree with the calculations formula used by City staff for parking requirements. If daily parking needs are not met, clearly special event parking will not be adequate.

The two and half year construction period is not reasonable for an R-1 zoned development. They still feel the transition area of 300 feet is too small with a three story building out of character in an R-1 zone. It was also noted the buffer

calculations include 75 feet of neighboring property and thus is exaggerated. It was noted that 63% of the perimeter of this site is single family residential, which is higher than every nearby senior housing development in Johnson County except Benton House.

The applicant has not given an explicit explanation on why it has to be so big. With the proposed development Prairie Village will have more senior facilities per capita than any city in Johnson County.

The MVNA feels that for safety reasons an underground detention facility should be required. They also feel you cannot only compare peak times of a school which has only two real traffic periods (on 190 days per year) with peak times of a facility that has varied peak times and operates 24 hours per day 7 days per week. The staff report does not state staff recommends approval.

Mr. Duggan briefly review comments made by speakers at the initial public hearing in June which are reflected in the minutes of that meeting.

Mission Valley Neighborhood Association presented the following conceptual framework for the Development of the Principles in Village Vision:

Principle #1: Integrating Development: Development should help “repair” or enhance existing neighborhood or create new ones and **should not take the form of an isolated project.**

Principle #2: Incorporating open space: **Development should incorporate open space** in the form of plazas, squares, and **parks that may include civic uses.**

Principle #3: Creating safe and stable neighborhoods: The physical design of a neighborhood should **create a sense of identity.** Buildings should be oriented to face the street in order to keep more “eyes on the street” and **enhance public safety.**

Principle #4: Promoting high quality design in the built environment: the image and character of development should respond to the **best traditions of residential architecture in the area.** Building height and bulk should be consistent even though buildings may be of various shapes and sizes.

Principle #5: Create a range of housing choices: **create a range of housing types** and price levels should be provided to **bring people of diverse ages, races and incomes into daily interaction.**

Principle #6: Leveraging investment: areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to **leverage current investment and strength social fabric.**

John Duggan referenced comments from developer J. C. Nichols. He also compared the staff comments on the Commission’s earlier approval of a Special Use Permit for Benton House to the staff comments on Mission Chateau. They strongly believe the

proposed project will have some adverse effects on the welfare and convenience of the public. They do not feel parking has been adequately addressed.

Mr. Duggan presented his analysis of this project relative to the criteria for a Special Use Permit and Golden Factors as summarized below:

- A. Proposed special use complies with all applicable provisions of these regulations.** Staff failed to address the requirement that the SNF and Villas be a subordinate and accessory use. This site was platted as one lot to avoid a number of requirements. Although the lot coverage falls within the 30% ratio, the floor area ratio does not take into account the height of the structures.
- B. Proposed special use will not adversely affect welfare & convenience of public.** For reasons of density, lack of transition, traffic and parking the welfare and convenience of the public will be adversely affected.
- C. Proposed special use will not cause substantial injury to value of other property in neighborhood.** They believe the size of the project will negatively impact property values on the east side of Mission Road. The use of "units per acre" is misleading in addressing the impact on the value of other properties. Proposed grading will negatively impact vegetation on south property line. The project is an overbuild of the available land.
- D. The location and size, nature and height of buildings, structures, walls on site will dominate the immediate area.** 365 day use of property will create more intensive traffic. Comparisons to Claridge Court not appropriate as it is zoned C-2. This project will be one of the largest, if not the largest development in Prairie Village. The mass of the project will dominate the area.
- E. Off-street parking and loading areas in accordance with standards and screened.** Although minimum parking requirements have been met, they appear inadequate based on comparisons with similar facilities. Concern expressed with parking during the afternoon shift change and parking during holidays and special events may be a problem.
- F. Adequate utility, drainage and other facilities are provided.** For safety reasons, they believe an underground drainage facility should be required.
- G. Adequate access roads or entrance and exit drives provided.** They feel the proposed single private road that is approximately 26 feet wide creates potential hazards.
- H. Adjoining property protected from hazardous or toxic materials, obnoxious odors or unnecessary intrusive noised.** No analysis of this has been done regarding the shift changes during the late evening hours.
- I. Architectural style and exterior materials compatible.** The villas should not all be designed the same and they should be owner occupied.

#### **Golden Factors**

- 1. The character of the neighborhood.** The density of this project is unprecedented. The average floor area of the five commercial centers in Prairie Village is 15% while the average floor area for this project is 23%.
- 2. The zoning and uses of property nearby.** 63% of the perimeter of this project is single family residences. This percentage is the second highest of any senior dwelling facility in Johnson County.

3. **The suitability of the property for the uses to which it has been restricted under its existing zoning.** The size of this project is a distinct and drastic change in use.
4. **The extent that a change will detrimentally affect the neighboring property.** A primary loss will be that of open green space. There is concern with the height and the mass of the buildings proposed. They feel the proposed Skilled Nursing Facility is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility. The Landscaping and setbacks are not enough to protect the neighboring property due to the size of the proposed project.
5. **The length of time of any vacancy of the property.** Although the site has been vacant for two years, there is a great demand for other residential uses of this property. The fact the school is not operating does not mean the athletic fields have gone unused by the public.
6. **The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on the property owner.** The MVNA believes the adjoining property values will decrease if this project is approved and that there are projects or uses that will enhance the property values of the adjoining property. All Prairie Village residents will be negatively impacted by the loss of the open space and use of the area for recreational purposes.
7. **City Staff Recommendations.** Mr. Duggan noted several areas of disagreement with the staff analysis, findings and recommendation.
8. **Conformance with the Comprehensive Plan.** Although there have been several meetings to gather community input, the primary point of contention - the size of the project - has not been addressed. The MVNA believes the goals of the Comprehensive Plan can be satisfied with a development comparable to Benton House. The proposed massive size is not necessary.

John Duggan noted the number of conditions that have been recommended by staff for the approval of this project. This project is still too big. The developer has not met the burden of addressing the "elephant in the room".

Chairman Ken Vaughn opened the public hearing to comments in opposition to the proposed application.

Charles Schollenberger, 3718 West 79<sup>th</sup> Terrace, stated these hearings have gone on too long. The question is whether big dollars with a bad idea will prevail tonight. This vote will be the Planning Commission's legacy and he urged commissioners to vote for controlled growth, for Village Vision and the preservation of the character of Prairie Village.

Harold Marien, 8935 \_\_\_\_\_, an 85 year old resident stated he was happy with how things are and does not want to see any changes to the property.

Mary English, 4402 West 77<sup>th</sup> Terrace, stated the proposed project will have a giant impact on Mission Road and likened it to the placement of a hospital next to single family homes. The project would destroy access to open space. She believes the property values of surrounding residential properties would be negatively impacted.

She doesn't understand how this project got this far in the process. The proposed project should be no greater than the footprint of the existing school retaining all of the current open greenspace. Buildings of this size belong in a city, not a village. Tutera is a bad/negligent operator,

Bob Schubert, 3700 West 83<sup>rd</sup> Terrace,, stated he was president of the Corinth Meadows Homes Association located across Mission Road from the proposed development. The neighborhood meetings with the developer were a constant sales pitch. The revised proposals ignores the primary concerns expressed by the neighborhood from the first meeting. This project is too big for this site. Mr. Schubert stated the minutes from the neighborhood meeting held on July 11<sup>th</sup> do not do justice to the vehement opposition expressed by those in attendance. MVNA and Corinth Meadows are still waiting for serious negotiation and compromise to take place with the developer.

Edward Harper, 7869 Howe, noted that the Lakeview Senior Facility has 8 residents per acre compared to the proposed Mission Chateau with 23 residents per acre. There is nothing like this in Prairie Village and it is not needed in Prairie Village. He feels it should be moved to the suburbs or country. He is also concerned about the noise from the construction.

Steve Carman, 8521 Delmar, presented an appraisal update based on the revised plan proposal. The new proposal does not change the fact that this is an extremely high density project. The appraisal found the potential for negative impact on the value of his property remains at tens of thousands of dollars. This along with the three year construction period for the largest construction project in the city taking place in his backyard will prevent him from being able to sell his home

Cameron Jones, 3605 West 85<sup>th</sup> Street, the proposed Skilled Nursing Facility is a step down from a hospital and is not appropriate for a residential community. The proposed villas are 12 feet from Mission Road with back yards that are significantly smaller than the neighboring properties. Mr. Jones stated he would not have any objection to a project the size of Benton House to be constructed on this site.

Tom Brill, 68 LeMans Court, stated this would be a fine project for another city. It is too big for this site. He has strong concerns with the proposed parking noting their calculations show an 89 spaces shortfall for daily parking, parking for special events and holidays has not been adequately addressed. Mr. Brill referenced the parking problems experienced at the Claridge Court facility with employees parking at the library or office building across the street.

Whitney Kerr, 4020 West 86<sup>th</sup> Street, pointed out that in the last 60 days the size of this building has actually gotten larger. He expressed concern that if approved, this project could increase in size with staff approval and no input from the Commission or City Council. He noted the meeting on July 11<sup>th</sup> was very contentious. The neighboring community is far from on board with the revised plan. Mr. Kerr discussed other types of development for this site. He does not feel the proposal is the best that can be done on this property. He feels the villas should not be rental property, but owner occupied. He is not anti-development and feels that owner occupied single-

family homes like Corinth Downs would be appropriate. He believes a project similar to the Benton House project is a better option for this site as it is size appropriate and in character with the neighborhood.

Nancy Wallerstein asked if the Benton House Project was built out. Ron Williamson responded the site plan approved by the Commission was for 71 units. Only 59 units have been construction. The future villas proposed for the site were discussed but not presented for approval and may or may not be built.

Chairman Ken Vaughn called for a five minute break.

Chairman Vaughn reconvened the meeting at 10:10 p.m. and closed the public hearing.

Bob Lindeblad asked for clarification on the staff comments. Ron Williamson stated the staff is recommending approval.

Nancy Wallerstein asked what the project costs were be for a typical unit. Mr. Tutera responded in the Independent Living community a 1 bedroom would be \$2350/monthly and a two bedroom \$3300/monthly. The villas would be in the high \$3000.

Gregory Wolf asked if there was sufficient on-site parking. Ron Williamson responded they have more than is required by code and added more than required by code for Leawood and Lenexa, slightly less than required in Overland Park. Nancy Wallerstein asked what the requirement was for ADA parking. Mr. Williamson stated that would be reviewed on the final plan.

Nancy Wallerstein asked Mr. Petersen for an explanation of the appraisal reports. Mr. Petersen responded that both were completed by licensed appraisers. Their report focused on case studies of area surround similar developments. Mr. Carmen's study focused on the proposed impact for his property.

Ron Williamson reviewed with the Commission the changes made from the original submittal in April to the revised submittal reflecting both comments from the Planning Commission at the July 2, 2013 workshop and at the July 11, 2013 neighborhood meeting.

UNITS	Plans Dated: April 15, 2013	July 30, 2013
Independent Living Apartments	160	136
Assisted Living Apartments	60	54
Skilled Nursing Units	84	84
Memory Care Units	36	36
<u>Independent Living Villas</u>	<u>11</u>	<u>17</u>
Total Units	351	327

The number of units has been decreased by 24 or 6.8%.

GROSS BUILDING SQ. FT.                      Sq. Ft.                      Sq. Ft.

Skilled Nursing/Memory Care	91,189	91,200	+11
Assisted Living/Independent Living	271,140	228,340	(42,800) 15.8%
<u>Independent Living Villas</u>	<u>24,915</u>	<u>38,500</u>	+13,585 54.5%
Total Gross Building Sq. Ft.	387,244	358,040	(29,204) 7.5%

The total square feet of the complex has been reduced by 29,204 sq. ft. or 7.5%, but the significance is that the Assisted Living/Independent Living building, which is the largest building, has been reduced in size by 42,800 sq. ft. or about 15.8%.

The Skilled Nursing/Memory Care building has remained unchanged. The footprint is 58,268 sq. ft.; total sq. ft. is 91,200 and it has 120 units. The one story section, which is the Memory Care part of the building, is 22'0" in height, reduced from 26'3". The second story height is 29'6" compared to 34'6" on the earlier plan.

The greatest reduction occurred in the Assisted Living/Independent Living building. The gross building was reduced from 271,140 sq. ft. to 228,340 sq. ft. The footprint was reduced from 100,824 sq. ft. to 81,365 sq. ft.; a reduction of 19,459 sq. ft. or about 19.3%. The two-story has been reduced in height from 32'4" to 26'0". The three-story has been reduced from 40'10" to a range of 36'0" - 40'0".

The number of Villas has increased from 11 to 17 and since they are all ground level, the footprint has increased from 24,915 sq. ft. to 38,500 sq. ft. These are one-story buildings and the height of 21'4" has not changed.

The total footprint of the revised plan is 184,133 sq. ft. compared to the original plan of 184,007 sq. ft. The total increase was not much but was a result of the increase in the number of Villas.

Sidewalks increased from 43,665 sq. ft. or 1.23 miles to 45,527 sq. ft. or 1.28 miles. The number of parking spaces remained the same at 350, but the paved area for streets and parking was increased from 129,373 sq. ft. to 151,670 sq. ft.

The area covered by buildings, sidewalks, streets and parking increased from 357,045 sq. ft. to 375,330 sq. ft. or 18,285 sq. ft. Total lot coverage is 46.8% compared to 44.4% on the original plan. Therefore, the stormwater runoff will be increased slightly. It should be noted that the Preliminary Stormwater Management Plan was based on 8.6 acres or 374,616 sq. ft. of impervious area which is nearly the same as the revised site plan.

The Site Plan has changed significantly, in addition to the reduction in the building footprint. The Independent Living/Assisted Living building has been reoriented and moved further north. The north-south façade facing Mission Road was approximately 520 feet long and it is 348 feet long on the revised plan. The building sets back 119 feet from Mission Road compared to 111 feet on the original plan. More significant is the west wing of the south elevation is 255 feet at its closest point compared to 167 feet on the original plan. The east wing is 283 feet compared to 147 feet on the original plan.

Villas have been added to the north side of the south drive, increasing the number from 11 to 17 units. The front yards have been increased so that most units have a 15-foot setback. The rear yards have also been increased from 35 feet on the original plan to a minimum of 50 feet from the buildings. Patios will extend into this area. Another change is that the garage access is from the drive rather than the side as proposed on the original plan. This has several benefits: access to garages will be easier for the tenants; lights will not shine into the properties to the south; and guest parking will be available in the driveways. The Villas on the north side of the drive have been located to provide a visual buffer between the Independent Living/Assisted Living building and the single-family properties to the south.

The floor plan of the Skilled Nursing/Memory Care building is essentially the same as the original plan. It sets back farther from the southwest property line; 163' to 178' versus 131 feet. The building has also been moved away from the northwest property line by about three feet, 91.5' to 94.6'.

The applicant has submitted a phasing plan sheet AS2, but did not include a time schedule. Phase 1 will be the Skilled Nursing/Memory Care building, Phase 2 will be the Assisted Living/Independent Living building, and Phase 3 will be the Villas. As previously discussed, Phase 2 will need to be built concurrently with Phase 1 or follow very closely. It is recommended that Phase 2 construction begin prior to Phase 1 being complete and that the occupancy permit for Phase 1 not be granted until significant construction has been completed for Phase 2. The scheduling of Phase 3 construction should commence within two years of the completion of Phase 2.

The total number of residents for all three phases is 412 compared to 450 on the original submission.

The revised Mission Chateau plan will provide 327 units on 18.4 acres for a density of 17.8 units per acre. In comparison, Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units per acre; Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre and Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

There have been discussions regarding a comparison of building square feet to land area rather than using density as the guideline. Historically; density, number of units per acre, has been the criteria used to evaluate residential projects. Square feet to land area is Floor Area Ratio (FAR) and is a criterion that is used to evaluate office, commercial and mixed use developments. Mission Chateau is offering larger units and larger common areas while still staying within a reasonable density. Also, the building coverage is 23% which is well below the 30% maximum for the R-1A zoning district.

The applicant held a neighborhood meeting for the revised plan on July 11, 2013 and approximately 80 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, flooding, screen space, compatibility with the neighborhood, density, public safety and crime.

Mr. Williamson noted a court decision has ruled that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the “Golden Factors.” The Special Use Permit ordinance has factors for consideration similar but not identical to the “Golden Factors” and therefore, both sets of factors were presented. He added no one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors it considered in making its recommendation. In making its decision, consideration should be given to any of the following factors that are relevant to the request and Mr. Williamson reviewed the factors with the Commission in detail:

**FACTORS AS SET OUT IN THE ORDINANCE FOR CONSIDERATION SPECIFIC TO SPECIAL USE PERMITS:**

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.**

For senior adult housing the ordinance requires 700 sq. ft. of land area per occupant for apartments or congregate quarters and 500 sq. ft. per bed for nursing or continuous care. The Skilled Nursing/Memory Care building has 136 beds which would require 68,000 square feet of land area. The Independent Living/Assisted Living building has 190 units with the potential occupancy of 242 people and at 700 sq. ft. per occupant the land area required is 169,400 sq. ft. The Villas have a potential of 34 occupants and at 700 sq. ft. per occupant the land area required is 23,800 sq. ft. The total land area required for the proposed use is 68,000 sq. ft. + 169,400 sq. ft. + 23,800 sq. ft. for a total of 261,200 sq. ft. The site is 801,504 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Listing/Assisted Living building sets back 119'5" at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5' or 14' between buildings. The north and south property lines are side yards and the Villas set back 50' from the south property line and the Skilled Nursing/Memory Care building sets back approximately 150 feet from the north property line. The rear yard setback requirement is 25 feet and the northwest and southwest property lines are the rear yards. The Villas set back a minimum of 50' and the Skilled Nursing/Memory Care building sets back 163' to 178' from the southwest property line. The Skilled Nursing/Memory Care building sets back 94.6' at its closest point to the northwest property line. The proposed project exceeds all the setback requirements of the zoning ordinance.

The maximum permitted height is 35 feet, however, in the R-1A district an additional 10 feet of height is permitted if the proposed buildings set back from the side property line a minimum of 35 feet. The project does meet the 35 foot setback requirement and therefore is permitted to build to a 45 foot height. The maximum height of the buildings is 40' to the roof peak which is well within the height maximum. By ordinance, building height is measured at the midpoint between the eave and the highest ridge and therefore, the maximum building height by ordinance is

approximately 35 feet. The maximum building height proposed for this project, as defined by ordinance, is 32 feet.

The lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 178,133 sq. ft., but it does not appear that the carports were included. The 35 carports add 5,670 sq. ft. for a total of 183,803 sq. ft. or 22.9%. Therefore, the proposed project is within the maximum requirement of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and eight feet from all other property lines. Parking sets back a minimum of 35 feet from all property lines and meets the requirements of the ordinance.

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

The Traffic Impact Study indicates that the AM peak traffic will generate 169 less trips than the middle school, but the PM trips would increase by 22 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The Traffic Impact Study has not been revised based on the new plan, but it found that the traffic operations were acceptable on the original plan. Since the revised plan has 24 (351 - 327) less units, the operations load should not increase. The two access drives have been designed to align with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street. The convenience to the public should be minimally impacted and the impact should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has not been revised based upon the new plan, but the impervious area will only increase from 8.6 acres to 8.616 acres which is negligible.

The applicant has proposed a 35-foot wide landscape buffer along Mission Road and along the south and southwest property lines. The Villas have been moved north so that the landscape buffer is now 50 feet in width. The applicant also intends to retain the existing landscaping along the adjacent property lines.

The Mission Valley Middle School was originally built in 1958. For over 50 years this site was a public use and residents of the area were able to use it for recreational purposes. This opportunity will be diminished when it redevelops.

The neighbors have raised several issues that may have a negative impact. First, this operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise are a concern. Lighting will be at a greater level than the school because the proposed facility is larger and is spread over more of the site. The project will be required to meet the outdoor lighting code which is restrictive. Glare will be eliminated but glow from the lights will still occur. Since this operation is staffed 24 hours a day, vehicles coming on site and leaving during shift changes

which will create some noise. Parking during holidays could be a problem and the applicant will need to make sure traffic can be accommodated without parking on adjacent streets. All these concerns will still be present regardless for what use the property is redeveloped perhaps other than another school.

The proposed project will have some adverse effects on the welfare and convenience of the public. It will, however, provide a senior housing community for area residents that are not currently being provided for in Prairie Village. The population is aging in northeast Johnson County and developments such as this provide accommodations for senior citizens to allow them to live near their former neighborhoods or relatives. It is anticipated that by providing senior housing, some single family dwellings will become available for occupancy by young families. This will help rebuild the community and make a more sustainable area.

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

The property to the north and northwest is high density development. Corinth Garden Apartments are adjacent to the north and there are 52 units on 3.27 acres for a density of 15.9 units per acre. To the northwest is Somerset Inn Apartments and there are 31 units on 1.29 acres for a density of 24.0 units per acres. Also to the northwest is the Chateau Condominium and there are 39 units on 1.7 acres for a density of 22.9 units per acre. The proposed project has 327 units on 18.4 acres for a density of 17.8 units per acre. The density of the proposed project reasonably compares to the developed projects to the north and northwest.

While there is high density to the north and northwest, the development to the south and southwest is low density single-family development. Only eight single family residences abut the south and southwest property lines. The lots range in size from 28,248 sq. ft. to 52,272 sq. ft. in size and the density is one unit per .86 acres. The 17 Villas along the south and southwest property line are approximately one unit per 8,900 sq. ft. or 0.20 acres.

Because the project sets back over 100 feet from Mission Road with a 35-foot wide landscape buffer and Mission Road is a five lane wide major street, the project will have little effect on the property value of the residences on the east side of Mission Road. The higher density apartments and condominiums to the north and northwest were built in the early to mid-1960s and are nearly 50 years old. This new project built with quality design and materials should enhance the value of these properties.

The residences adjacent to the south and southwest property lines would be the most impacted. The duplex unit Villas that back into their properties are on what would be 17,800 sq. ft. lots. The minimum lot area for conventional single-family dwellings in the R-1A district is 10,000 sq. ft. per dwelling unit.

Two appraisal reports, both prepared by licensed appraisers, have been submitted to address the impact on the value of adjacent property. The report prepared by Dillon & Witt, Inc. for Steve Carman, an adjacent property owner, provided an opinion that the owner could expect a 10% diminution in value if the Mission Chateau Senior Community was constructed. The primary concern of the appraiser is that the three-

story wing would be within 200 feet of the rear property line and would be visible. In the revised plan, the Assisted Living/Independent Living building would be setback approximately 265 feet from the Carman rear property line. The house sets back approximately 75 feet from the property line so the distance is approximately 340 feet between the buildings. The appraiser did consider the Villas as a buffer, but did not give consideration for landscaping.

The second appraisal was prepared for the applicant by Todd Appraisal. This appraisal looked at other properties, schools and senior housing centers in residential neighborhoods. The appraiser prepared a case study on Brighton Gardens and concluded that adjacent residential values had a premium of 2.9% to 7.9%. This was potentially attributed to the exterior landscaping at the development. Village Shalom was another case study and adjacent residents had a premium of 3.7% to 5.8% in value. A case study was also prepared for Santa Marta, but it has a very limited number of adjacent residential properties and probably is not a good comparison. The appraiser further stated that, "There appears to be a correlation between properties with extensive landscaping and the finishing treatments for the exterior of the improvement immediately facing single family developments." Landscaping and 360° architecture are critical to protect adjacent property values.

Both appraisal reports were prepared by licensed Kansas residential appraisers. Both made valid points. The primary difference is that one just looked at one property and did not attempt to find similar developments. The other appraiser looked at other senior developments, but none of them are an exact match for Mission Chateau.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the values of property in the neighborhood is to insure that the quality of design and construction is compatible with the neighborhood and that the completed project is visually attractive. Landscaping is also a major factor and it is important that the project be landscaped to the same level as adjacent residential properties.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**

- a) **the location, size and nature of the height of the building, structures, walls and fences on the site; and**

The proposed Mission Chateau has access from Mission Road which is a major street. According to the Traffic Study the traffic impact will be less for this project than it was for the school.

The size of the revised project is 358,040 sq. ft. which will make it one of the largest, if not the largest, development in Prairie Village. The height and mass of the buildings are an issue with the neighbors. It also will be similar to Claridge Court and Brighton

Gardens in height. According to the Johnson County appraisers office Claridge Court has 241,073 sq. ft. This is also a large building, but it most likely includes the parking garage in the total area. Shawnee Mission East High School has 374,175 sq. ft. on 36.93 acres.

The taller buildings will be on the northern portion of the property, closer to the two- and three-story apartment buildings and condominiums. The Villas adjacent to the south and southwest property lines will be of a similar size, design and height of conventional single-family construction.

The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium; however, the building is much larger and is closer to the residents on the south and southwest property lines.

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

The applicant submitted a detailed landscape plan with the original submission that provides screening for the low density properties to the south. The landscape plan will need to be revised to conform to the revised site plan. The applicant proposes to retain the existing plant materials along the south, southwest and northwest property lines in order to retain as many mature trees as possible. Staff will provide a detailed review of the revised landscape plan. The Tree Board will also need to review and approve it. The applicant will need to work with the residents adjacent to the south and southwest property lines to develop a fence and/or landscape treatment to provide screening.

In summary, property around the proposed project is already developed. The mass of this project will dominate the area but through greater setbacks and landscaping, the use will not dominate the immediate neighborhood so as to hinder development or use of property.

- 5. Off-street parking and loading areas will be provided in accordance with standards set forth in these regulations and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The parking requirements for this use are three spaces for four apartments; one space for every five beds in a nursing home and one space per employee during the maximum shift. The Independent Living/Assisted Living facility has 190 units which require 143 spaces. The Skilled Nursing/Memory Care facility has 136 beds which require 27 spaces. The 17 Villas would require 13 spaces. The applicant projects the maximum shift would have 85 employees. The total parking requirement would be 268 spaces. Staff is concerned that parking may be a problem at the afternoon shift change. This occurs at 3:00 pm when the first shift leaves and the new shift arrives for work about 2:45. The first shift has 85 staff of which 60 will be leaving at that time and 50 new employees will come in for the second shift. The total need for employee parking at that time will be 135 spaces. The applicant is providing 350 spaces on the site which is 82 spaces more than the ordinance requires and based on experience at other projects the applicant feels the number of spaces will be adequate. It should be

noted, however, that 35 spaces will be in carports and will not be available for staff or visitor parking. This is a reduction from 51 carports as shown on the original plan.

The applicant will also need to make provisions for overflow parking on holidays and other special days that will generate a large number of visitors so that parking does not occur on adjacent residential streets.

The parking along Mission Road will be screened from view with a combination of a wall, a berm, and landscaping. Parking along the south and southwest property lines will be screened with the Villas and landscaping. Parking along the northwest property line is screened by the existing vegetation along the property line and additional plant materials will be provided to supplement the existing vegetation.

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

The applicant has prepared a Preliminary Stormwater Management Plan in accordance with the City's Stormwater Management Code. The amount of impervious area will increase from what currently exists on the site but peak flows will not increase. The stormwater will be managed by a variety of improvements. A storm drainage line currently exists along the south property line. The drainage area will be reduced from 5.4 acres to 0.80 acres and the line will be replaced. This area will drain to Mission Road and connect to an existing storm sewer line. Two rain gardens will be built on the south side of the Independent Living/Assisted Living building. Inlets will be installed and excess runoff will be piped to a detention pond on the northeast corner of the site.

The Preliminary Stormwater Management Study and Plan has been reviewed by Public Works and its consultant and it is consistent with the APWA and City of Prairie Village requirements. This document may need to be updated depending upon the amount of impervious area that occurs in the final site plan. The final design of the stormwater system will include appropriate best management practices.

The site has access to other utilities which are adequate to accommodate the proposed use. The water line and location of fire hydrants will need to be coordinated with the Fire Department to be certain that adequate fire protection is in place.

**7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Currently there are three access points to the site from Mission Road. The three will be reduced to two access points and they will be relocated to be in alignment with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street on the east side of Mission Road. Both access points will have an entrance and two exit lanes. The 84<sup>th</sup> Terrace access will be the main entrance to the project.

The applicant has prepared a Traffic Impact Study and it indicates that after development an acceptable level of service will be available during the AM and PM peak hours. The number of trips will actually decrease by 169 trips during the AM peak and the PM peak will increase 22 trips compared to what existed with the

school. With the reduction in the number of units on the revised plan, the peak hour traffic will also decrease about five (5) vehicles in the AM and seven (7) vehicles in the PM.

There is an existing pedestrian crossing signal on Mission Road just south of 84<sup>th</sup> Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

Public Works and the City's Traffic Engineer have reviewed the Traffic Impact Study and resolved any issues they discovered.

8. **Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes or odors. There will be some additional noise from vehicles arriving and departing at night, which will be different from what occurred when the site was used as a middle school. Also there will be additional emergency vehicle calls, however, they do not always respond with sirens.

9. **Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed structure is to be built or located.**

The materials used on the project are compatible with those used in the neighborhood, which are wood, stone, brick and stucco. There will be a substantial amount of stone and traditional stucco used on the building facades. The roof will primarily be asphalt shingles with standing seam metal roof accents.

In general the overall design is compatible with the area; however, the details of the design will be addressed on the Site Plan Approval.

Nancy Wallerstein asked how many employees were on site. Mr. Williamson responded 85. Mrs. Wallerstein asked about shift change. Mr. Tutera responded 50 at 3 o'clock and 20 employees at the 11 o'clock shift.

Ken Vaughn expressed concern with the density of the project. Mr. Williamson noted it is higher than Benton House but less than both Claridge Court and Brighton Gardens. Staff feels it is in a reasonable range. There will be about 23% for building coverage with 9+ acres of green space.

Nancy Wallerstein asked about the alignment with Mission Road and about turning traffic. Keith Bredehoeft responded he does not anticipate the need for traffic signals. The turning lanes will be in alignment. Mrs. Wallerstein asked about delivery trucks. Mr. Bredehoeft responded he does not anticipate any problems. Mrs. Wallerstein asked approximately how many truck deliveries are made per day. Mr. Tutera responded - food is delivered twice a week, medicine is delivered once a week and there will be miscellaneous deliveries in small trucks of daily prescriptions, etc.

Nancy Wallerstein questioned Mr. Petersen regarding the differing opinions on the appraisals. Mr. Petersen responded that both were done by licensed appraisals. Mr. Carmen's study was done for a particular property. The Todd Appraisal was presented case studies of similar neighborhoods and the impact both on adjacent properties and those one block away from similar types and sizes of developments. That study reflected a positive impact on property values.

## **GOLDEN FACTORS FOR CONSIDERATION:**

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

The neighborhood is a mixture of uses. Immediately to the north are apartments with a density of 15.9 units per acre. North of that is the south portion of Corinth Square Center that includes offices, restaurants and other retail uses. To the northwest are condominiums at 22.9 units per acre; apartments at 24.0 units per acre and a duplex. To the south and southwest are high end single-family dwellings. On 84<sup>th</sup> Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 sq. ft. On 85<sup>th</sup> Street, east of Mission Road and to the south the lots are 30,000 sq. ft. lots.

In summary the properties adjacent to the proposed project range from high density apartments to high-end large lot single-family dwellings. The Mission Valley School site has served as a buffer between the high density and low density residential uses.

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

North: R-3 Garden Apartment District - Apartments

West: R-3 Garden Apartment District - Apartments

South: R-1A Single-Family Residential District - Single Family Dwellings

East: R-1A Single-Family Residential District - Single Family Dwellings

(Leawood) R-1 Single-Family Residential - Single Family Dwellings

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

The property is zoned R-1A which permits single-family dwellings, public parks, churches, public buildings, schools and conditional and special use permits. Most of the uses listed in the Conditional Use Chapter are uses that are accessory or supplemental to a primary use. The Special Use Permit list contains principal uses such as: country clubs, hospitals, nursing homes, assembly halls, senior housing, private schools, etc. Between the list of specific uses, the Conditional Use Permits, and the Special Use Permits, there are an adequate number of uses that could be economically viable for this property. Both Brighton Gardens and Benton House were approved as Special Use Permits in R-1A Residential Districts in Prairie Village.

The Special Use Permit for a private school is an obvious good use of an abandoned school building; however, that is a very limited market and the property owner has stated that their business is developing senior living projects and that is their goal for this site.

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

Traffic and storm drainage are issues with which neighbors have expressed concerns, however, the impact of those has been addressed by the technical reports that were prepared by the applicant and reviewed by the City. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors.

The primary detriment will be to the single-family dwellings on the south and southwest and the multi-family on the northwest. The existing school is approximately 365 feet from the south property, 370 feet from the southwest property line and 340 feet from the northwest property line. They will lose the open green space they have enjoyed for many years. Also, the height and mass of the building are concerns. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 91,000 sq. ft. and the Independent Living/Assisted Living building is 228,340 sq. ft.; a little more than two times the size of the existing school. The height of the proposed Independent Living/Assisted Living building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The applicant reduced the size and mass of the buildings by reducing the number of units in the Independent/Assisted Living building and reducing the height of the building. The maximum height to the roof peak of most of the building is 36 feet even on the three-story portion. There are a few areas where the roof peak is 40 feet but they are very limited. The roof peak of the Skilled Nursing/Memory Care building is 22 feet for the single-story portion and 29 ft. 6 inches for the two-story portion. This height is less than many single-family homes in Prairie Village.

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

The Mission Valley Middle School closed in the spring of 2011 so the property has been vacant for approximately two years. The property will start to deteriorate and become a negative factor in the neighborhood if it is not reused in a reasonable time.

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

This is one of the largest tracts of land in Prairie Village available for redevelopment. There is no gain to the public health, safety and welfare by not allowing the property to be redeveloped. It is located in the middle of a mixed density residentially developed area and its depreciation in value would have a depreciating effect on surrounding property. The hardship created for other individual landowners is the loss of open space and use of the area for recreational purposes. This was a benefit as a result of public ownership which changed when the property was sold for private development.

**7. City staff recommendations;**

The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with Amended Village Vision and in the opinion of Staff it is a workable plan. Some specific comments are as follows:

- a) A Traffic Impact Study was prepared by the applicant for the original submission, reviewed by Public Works and the City's Traffic Engineer and the issues have been resolved. The number of units in the revised plan is less, so the traffic impact will be somewhat less.
- b) A Stormwater Management Plan was prepared by the applicant for the original submission, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the revised plan is slightly greater than the original plan but not enough to create a significant increase in runoff.
- c) The density of development is 17.8 units per acre which is on the lower end of other senior housing projects in the area that range in density from 10.5 units per acre to 37.1 units per acre. Two multi-family projects adjacent to this project have a density of 22.9 and 24 units per acre.
- d) The proposed plan has a double row of low density duplex Villas on the south and southwest property lines adjacent to the low density single-family residences and has higher density development further north on the site. This provides a transition from low density in the south to higher density in the north.
- e) The major buildings set back a minimum of 163 feet from the southwest property line, 255 feet from the south property line and 119 feet from Mission Road.
- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detail design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, 9.78 acres of the 18.4 acres will be green space when the project is completed, though only a portion will be useable open space.
- h) The bulk of the buildings will be less than three times the bulk of the existing school, but the floor area ratio (FAR) will be 0.45, which is low for urban development.
- i) The maximum peak height of the buildings will be 40' which is approximately the same height as the gymnasium, but this is only in a few locations. The roof peak for most of the three-story building will be 36'. Only the Independent Living/Assisted Living building will be of this height, but it has been moved further north on the site and will be less dominant for the residents on the south and southwest. The density of the project is reasonable for the size of the land area. The mass and scale of the buildings have been reduced and even though they are still very large, the reduction in height and the buildings' articulation will reduce the appearance of mass.

- j) The applicant needs to submit a time schedule indicating when each phase of the development will be constructed and this schedule will be a condition attached to the Special Use Permit if it is approved.
- k) The proposed senior housing community provides a good transition between the low density residential development to the south and southwest and the higher density residential area to the north and northwest. The site is located within walking distance of Corinth Square Center which provides most of the merchandise and services required by the residents and guests of the facility.
- l) The applicant has proposed an extensive landscape treatment for the site including a buffer along Mission Road. The final landscape plan will be approved as a part of the site plan. The landscape plan will be a major component of the compatibility of the project with the surround neighborhood.

#### **8. Conformance with the Comprehensive Plan.**

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

##### **1. Encourage developers to obtain community input.**

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions; reducing the number of units, reducing the height of the buildings, and moving the buildings further north on the site, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

##### **2. Limit the uses to those allowed in the R-1A Single-Family District.**

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed if approved as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest, but much greater than the single-

family dwellings on the south and southwest property lines. The applicant has proposed low density villas on the south and increased the density on the north. Major buildings have been set back 163 to 178 feet from the southwest property line and 255 to 283 feet from the south property line to provide a distance buffer for the adjacent single-family residences. Also, a double row of Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

David Waters representing the city attorney advised the Commission that it does not have to find specifically on each factor.

Gregory Wolf asked Mr. Waters to review the city's interpretation on the accessory use question.

David Waters stated Mr. Duggan contends that an accessory use (Skilled Nursing Facility) may only be provided the same building as the primary use (Assisted/Independent Living Community). He feels it is a reasonable interpretation of the code that the subordinate accessory use of a nursing or health care facility may be provided in a separate building. The second legal issued raised is can the accessory use be constructed prior to the primary dwelling.

Legal counsel feel it is a reasonable interpretation of the zoning regulations that a SUP may be issued under Section 19.28.070(I) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility and if the SUP is conditioned upon the completion of the primary dwelling facility.

Bob Lindeblad asked if a special use permit for the memory care and skilled nursing facility would be helpful. Dennis Enslinger responded that the skilled nursing facility is also listed as a special use permit, but this is a combined project and the uses cannot be separated out. Mr. Lindeblad stated since they are all listed as special use permits, he doesn't see a problem.

Ron Williamson noted there is no delineation in the ordinance as to what is considered "senior facility" but stated such clarification could be added to condition #1. Nancy Vennard stated she does not see this as a problem. John Petersen stated the applicant would be acceptable to the addition of clarifying language.

Bob Lindeblad stated there was concern expressed with once the preliminary plan was approved the building size could grow and asked if there should be an additional condition stating a maximum built out number of square feet for the project. Mr. Enslinger noted the square footages are reflected on the plans. Mr. Lindeblad feels in this circumstance the written maximum would be good.

Gregory Wolf asked fellow commission members if they felt the project was too big.

Ken Vaughn stated he was concerned with the loss of greenspace, but the proposed project is reasonable.

Bob Lindeblad stated this site will be redeveloped at some point and the Commission has to deal with the plan that has been submitted under the established criteria for evaluation.

Randy Kronblad noted if the site was developed entirely into single family homes there would be less greenspace and none of it would be available for use by the public.

Bob Lindeblad stated the city has limited opportunities for development and redevelopment. As the master plan states, more urban type, higher density development is needed. More housing options are needed to keep the city vibrant. We cannot continue to lose families. With the building of senior housing, existing residents will be able to stay in the area while moving out of their single family homes freeing up homes for families. The commission needs to look at the facts. He believes one of the most important criteria is the value of property. He is not convinced from reading the two studies there will be a significant negative impact on existing properties. There will be significant increase in street traffic. With the revision of the plan and addition of the villas, he is satisfied the revised plan is consistent with the master plan.

Ken Vaughn noted that whatever the Commission decides will be a recommendation to the Governing Body which will make the final decision.

Ron Williamson suggested the addition of the following condition #14 to address Mr. Lindeblad's concern with changes to the square footage: #14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

Nancy Wallerstein stated she has a problem with the two to three year build-out and feels it could be done more quickly. Dennis Enslinger replied the Code Enforcement Department will be responsible to enforce timely construction.

Nancy Vennard noted if single family homes were constructed on the site, construction could take years to complete. Mrs. Wallerstein stated she wanted to

make sure the project doesn't stop before it is completed. Ron Williamson noted the applicant does not receive any revenue until it opens. Mrs. Wallerstein stated she want to see a solid plan to keep this moving forward if approved. Dennis Enslinger responded typically this is a Council issue if a project stops. Building permits are valid for six months without activity. It would be very difficult for staff to come up with a condition to address this.

Nancy Vennard stated her concerns with the size of the buildings were addressed in the changes made on the revised plans both to size and to elevations and layout re-proportioning the buildings.

Randy Kronblad stated he concurs with Mr. Lindeblad and Mrs. Vennard. The neighborhood is asking for a major reduction in size. He feels the developer made considerable changes including reduction in size and square footage, redesign of exterior, buffering and transition. The revised plan is a significant improved over the first plan presented and a step in the right direction. As he reviewed the case law from Golden vs. the city of Overland Park, he is comfortable approving the project.

Gregory Wolf complemented the applicant on the design of the project. However, he is not comfortable with the size of the project for this site. He does not feel the project meets the criteria for approval for many of the reasons presented by the opposition.

Nancy Vennard moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-05 to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the senior dwelling project be approved for a maximum of 84 Skilled Nursing Units; 36 Memory Care Units; 136 Independent Living Units; 54 Assisted Living Units; and 17 Villa Units. The maximum number of residents shall not exceed 412. Senior is defined as persons at least 55 years of age.
2. That the project not exceed the building height or area and the buildings shall not be setback closer to the property lines than shown on the plans dated July 30, 2013.
3. That the Special Use Permit not have a termination or expiration time established for it; however, if construction has not begun within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
4. That prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.

5. The applicant shall prepare a final landscape plan for the entire project and will work with the residential neighbors to the south and southwest to develop a fence and/or landscape treatment which shall be reviewed and approved by the Planning Commission and the Tree Board.
6. That the applicant relocate the pedestrian crosswalk and signal if required by the City.
7. That the applicant plat the property in accordance with the subdivision regulations prior to obtaining a building permit.
8. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
9. That the applicant submit the outdoor lighting for review and approval by Staff prior to obtaining a building permit.
10. That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas.
11. That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area.
12. That the trail and park areas will be open to the public, but the owner may establish reasonable rules for its use and hours of operation.
13. If the applicant violates any of the conditions of approval or the zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the Governing Body.
14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

The motion was seconded by Randy Kronblad and passed by a vote of 5 to 1 with Gregory Wolf voting in opposition.

Dennis Enslinger announced that this application will go before the Governing Body on Tuesday, September 3<sup>rd</sup>.

**PC2013-114 - Site Plan Approval - Mission Chateau  
8500 Mission Road**

John Petersen noted the site plan relates so closely to the special use permit application that they have no further presentation. They have reviewed the staff report and accept the 17 conditions recommended by staff.

Nancy Vennard stated she would like to see the trash bins and dumpsters not only screened, but also moved away from the property line. She stressed following LEED Principles particularly in the materials used and landscaping. Mr. Petersen responded they would work with staff to use more environmentally friendly irrigation, but does not want to be prohibited from using sprinklers. He noted the design team is very familiar with LEED principles and will be seeking to implement them wherever possible.

Joe Tuteria stated they planned to demolish the existing facility in environmentally friendly ways allowing for the reuse of materials

The applicant has met with neighbors on numerous occasions and has attempted to revise the plans so that the project is more compatible with the concerns of the neighbors.

Ron Williamson reviewed the following criteria for approval of a site plan:

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

The site is 18.4 acres with a total footprint of 184,133 sq. ft. for all the buildings, including the carpools, which is 23% of lot coverage. Approximately 9.4 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for rain gardens and a detention basin, but it still will be undeveloped area. The site is more than adequate in size to accommodate the proposed development.

The applicant will need to work with the residents adjacent to the south and southwest property line to develop a fence and/or landscape plan to provide adequate screening.

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

Since the site was developed as a middle school utilities are available at the site. The applicant has worked with the various utilities and adequate capacity is available to serve the development. The applicant will need to work with the Fire Department to ensure that fire hydrants are properly located.

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

The applicant has prepared a Preliminary Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the requirements of the City's Stormwater Management code. The Preliminary Stormwater Management Plan was prepared based on the earlier plan and used a number of 8.6 acres of impervious area. The impervious area on the revised plan increased to 8.16 acres. This is an insignificant increase in runoff. The applicant will need to work with Public Works in the final design of the system.

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

The proposed development will reduce the number of drives on Mission Road from three to two. The new drives will be in alignment with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The applicant will need to work with Public Works on the final design of the driveways on Mission Road. The driveways will be 26 ft. wide back of curb to back of curb which will easily allow for two cars to pass and speed limits will be low.

There is an existing pedestrian crossing signal on Mission Road just south of 84<sup>th</sup> Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

The Site Vehicle Mobility Plan, Sheet C-5, shows how the buildings will be served with emergency and delivery vehicles. The emergency vehicles and delivery trucks appear to be adequately accommodated.

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

The applicant has located a double row of the lower density housing, the Villas, along the south and southwest property lines and they back up to existing single family dwellings. The size of the Villas is significantly less than the existing residences but they do serve as a transition between the single-family dwellings and the larger buildings. The design has also located the two large buildings away from Mission Road and away from the south and southwest property lines. The Skilled Nursing/Memory Care facility was located 131.5 ft. from the southwest property line and this has been increased to 163 - 178 ft. The distance from the northwest property line was increased from 91.5 ft. to 94.6 ft. A parking lot is proposed along the northwest property line and there are some steep slopes that will be created in that area. Additional landscaping is proposed in that area to supplement existing vegetation. This will need to be looked at in more detail as final landscape plans are prepared. There needs to be adequate screening between this project and the apartments and condominiums to the northwest.

There are some retaining walls proposed along the north drive and the detailed design will need to be submitted for review and approval by Public Works.

The first floor elevation of all the proposed buildings has been set at 951.50 feet. The floor elevation of the existing gymnasium is 954.50 feet so these buildings are three feet lower. The buildings will set below the grade of Mission Road for the most part.

The applicant has proposed a 35 foot wide buffer along Mission Road which will have a berm, screening wall and landscaping. This should screen the parking along Mission Road and provide screening for the buildings as well.

The applicant has reduced the height of the buildings from the previous submittal which will bring those more in line in terms of mass and scale. The single-story portion of the Memory Care facility is now 22'0" and the two-story Skilled Nursing facility is 29'6". The majority of the three-story portion of the Assisted

Living/Independent Living facility has been reduced to 36 ft. in height. A few areas will reach 40 ft. in height.

The two large buildings have been moved further north on the site to provide a greater buffer for the adjacent single-family dwellings.

Mr. Williamson stated in general the Site Plan works; however, there will be a number of details that will need to be worked out with Staff as final plans are prepared.

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

The applicant has presented elevations of all facades of the buildings to indicate the general concept of the appearance of the buildings. The proposed materials are traditional stucco, hardie board, cultured stone veneer, brick veneer and wood trim on the building facades. The roofs will be asphalt shingles with standing seam metal roof at certain locations. The combination of materials and quality is good, and the ratio of stone and brick to stucco seems appropriate. Staff had requested that the applicant provide more masonry on the building facades, which has been done. These are large buildings and at the scale presented are difficult to show detail. There are many design details that will need to be worked out and Staff will do that with the architect and owner. The carport design needs additional thought and Staff will work with the applicant to prepare a more compatible design.

The drawings are at a scale that can only show the concept of the design. It will be necessary for Staff to work with the developer on the details as final plans are prepared.

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

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

**The recommendations of the Plan Amendment included two sections as follows:**

**3. Encourage developers to obtain community input.**

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions, but still has not received endorsement from the

neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

**4. Limit the uses to those allowed in the R-1A Single-Family District.**

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed is approval as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density on the south and increased the density on the north. Major buildings have been set back 131 feet from the southwest property line and 147 feet from the south property line to provide a distance buffer for the adjacent single family residences. Also, Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

Bob Lindeblad moved the Planning Commission find favorably on the criteria and approve PC2013-114 Site Plan for Mission Chateau at 8500 Mission Road subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will review the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.

4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
5. That all HVAC units except wall units be screened from adjacent streets and properties.
6. That all trash bins and dumpsters be screened and located as shown on the plans dated July 30, 2013..
7. That final plan details shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
10. That the applicant install an irrigation system for the lawn and plant materials and the plan be approved by Staff.
11. That the applicant fence the detention pond and the final fencing plan be approved by Staff.
12. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
13. That pedestrian access remain open to Somerset Drive.
14. That the applicant will install fire hydrants at locations designated by the fire department.
15. That the applicant will be responsible for plan review and inspection costs associated with the construction of the facility.
16. That the applicant will work with Staff to redesign the carports so they are more compatible with the buildings.
17. That the applicant shall submit final plans for the retaining walls to Public Works for review and approval.

The motion was seconded by Nancy Vennard and passed by a 5 to 1 vote with Gregory Wolf voting in opposition stating he does not feel the site can accommodate development of this size, although it is a very good project.

Chairman Ken Vaughn asked the public to leave the room quietly as the Commission has remaining applications on its agenda to consider.

**PC2013-07 Renewal of Special Use Permit for installation of wireless communication antenna at 1900 West 75<sup>th</sup> Street**

Tommy Beeler, 9900 West 109<sup>th</sup> Street, Suite 300, Overland Park, with Selective Site Consultants representing T-Mobile, addressed the Commission for renewal of a Special Use Permit for the installation of antennas and equipment on the Capitol Federal Savings building on the northwest corner of 75<sup>th</sup> Street and State Line for T-Mobile USA Inc. There have been no changes to their installation.

Ron Williamson noted Nextel also had an installation on the building and the Planning Commission approved the renewal of the Nextel Antennas on August 1, 2006; however, that installation has been removed.

At its regular meeting on December 4, 2007, the Planning Commission found the findings of fact to be favorable and recommended approval of the special use permit renewal to the Governing Body subject to eight conditions and the Governing Body approved the Planning Commission recommendation.

The five-year renewal period has expired and T-Mobile is requesting another renewal for five years. The Wireless Communications Ordinance was approved in 2009 and it permits ten-year renewals. The antennas and equipment were installed in accordance with the plans submitted and the applicant has complied with the eight conditions. The applicant has submitted a statement that this location is necessary to provide coverage for its current and future users, and no changes are proposed to the equipment or antennas.

When the original application was filed in 2002, the applicant held a neighborhood meeting and four persons attended but none were opposed. They were concerned about the visibility of the equipment. A neighborhood meeting was held on November 20, 2007 and no one attended. Since no one attended at the last renewal and no changes are proposed, a neighborhood meeting was not required.

Both the antennas and equipment cabinets were placed on the roof of the building. The equipment cabinets were mounted on a structural platform, which is 12' x 20' and was enclosed with a screen. There are three sets of antenna panels mounted on frames and placed on the roof and each panel has three antennas mounted on it. They are located on the east, west and north sides of the roof. The antennas are about 12 feet in height from the roof to the top of the antenna. The individual antenna panels are approximately 56 inches long by 8 inches in width and are mounted on prefabricated steel support frames that are held on the roof with concrete ballast blocks. This type of installation is much less obtrusive than towers with the large antennas placed on them and perhaps is a more compatible way of providing the necessary coverage to serve the residents of Prairie Village.

The City has not received any complaints on the installation since it was originally installed in 2002.

This application for renewal of the Special Use Permit is under the new Wireless Communications Facilities ordinance. Ron Williamson reviewed the following application information:

- A. A study comparing potential sites within an approximate one mile radius of the proposed application area. The study shall include the location and capacity of existing towers, alternative tower sites, a discussion of the ability or inability of each site to host the proposed communications facility and reasons why certain of these sites were excluded from consideration. The study must show what other sites are available and why the proposed location was selected over the others. It must also establish the need for the proposed facility and include a map showing the service area of the proposed facility as well as other alternative tower site and antennas.

If the use of exiting towers, alternative tower structures, and sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites.

The applicant shall submit an overall plan that shows the coverage gaps in service or lack of network capacity throughout the entire City and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.

The applicant shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall demonstrate how the proposed communication facility, will impact its overall network within the City of Prairie Village and adjacent cities on both sides of the state line.

The study shall also provide documentation establishing the minimum height necessary to provide the applicant's services and the height required to provide for co-location. The study shall include coverage maps for the proposed monopole at the requested height and at ten feet descending intervals to 50 feet.

The Planning Commission or Governing Body at its discretion may require a third party analysis, at the applicant's expense, to confirm the need for the facility.

The applicant shall be responsible to provide timely updates of the above described study and information during the Special Use Permit process.

Since this is the second renewal of an existing installation, the City has not required a study of alternative locations within a one-mile radius. The City has encouraged the

use of existing buildings in order to minimize the impact on the surrounding neighborhood. The applicant has indicated that this installation is an important location in servicing their customers and has modified it to provide better services.

- B. Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way as directed by City Staff.**

Since the antennas are installed, Staff has submitted photos of the actual installation.

- C. When possible, all wireless communication towers and alternative tower structures must be designed to accommodate multiple providers (co-location), unless after consideration of the recommendation of the Planning Commission, the City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to negotiate in good faith to provide fairly priced co-location opportunities, based on industry standards may be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.**

The agreement between T-Mobile and the building owner will not prohibit other providers from placing antennas on the building.

- D. Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, including the proposed facility, the fall radius of any proposed monopole, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.**

Not applicable.

- E. Description of the transmission medium that will be used by the applicant to offer or to provide services and a statement that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.**

The applicant shall provide an engineer's statement that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennas and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.

Not applicable.

**F. Preliminary construction schedule including completion dates.**  
Not applicable.

**G. The applicant shall provide a copy of its FCC license**  
Submitted with previous renewal.

**H. Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.**  
Not applicable since it is a building and not a tower.

**I. Any other relevant information requested by City Staff.**  
None requested.

Chairman Ken Vaughn led the Commission in the following review of factors for consideration:

**A. The character of the neighborhood.**

The building is located on the northwest corner of 75<sup>th</sup> Street and State Line Road. There is an office building to the north and commercial businesses on the other three corners of the intersection. There are some residences in the area northeast and northwest of the site, but the property is in the center of a business area.

**B. The zoning and uses of property nearby.**

North: CP-O Planned Office Building District - Office Building  
East: KCMO Commercial - Service Station  
KCMO Residential - Single-Family Dwellings  
South: C-1 Restricted Business - Offices  
R-1B Single-Family Residential - Single-Family Dwellings  
West: C-O Office Building District - Retail  
R-1B Single-Family Residential - Single-Family Dwellings

**C. The extent that a change will detrimentally affect neighboring property**

This is the renewal of an existing Special Use Permit that will not have a detrimental effect on neighboring property. The installation has been in place since 2002, and the City has not received any complaints.

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

This is a renewal of an existing installation with no changes proposed, and therefore it will not create any hardship on adjacent landowners.

**E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.**

The proposed antenna installation meets all the setback, height and area regulations contained in the Zoning Ordinance.

- F. The Proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

This application will have no adverse effect on the welfare or convenience of the public. The applicant held a public meeting for the renewal in 2007 and no one appeared. The City has not received any complaints regarding this installation.

- G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:**

- 1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and**
- 2. The nature and extent of landscaping and screening on the site.**

The installation of the antennas on this building has had relatively little impact and has not dominated the immediate neighborhood as to hinder development. It also should be pointed out that the neighborhood is totally developed and the only equipment that will be visible from the exterior are the mounting frames and panel antennas. No landscaping or screening on the site is necessary.

- H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

Off street parking will not be necessary for this particular use other than a parking space currently available for service people entering the building to maintain equipment. The parking that is provided on the site will be adequate for this need.

- I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Since there are not external improvements on the site, existing utility, drainage, and other facilities should be adequate.

- J. Adequate access roads or entrance and exist drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

The site and the equipment should require only service vehicles for periodic maintenance. The traffic generated by the use is so minimal that it will not create any additional congestion on the streets.

- K. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.**

The antennas and equipment do not have any hazardous or toxic materials, obnoxious odors, or intrusive noises that would affect the general public.

**L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.**

The equipment platform has been screened with architectural steel sheeting. The antennas are exposed on the roof and are not compatible in design with the building but they, as well as the architectural sheeting, are painted to match the color of the building.

**M. City Staff recommendations.**

It is the opinion of Staff that the proposed renewal of the Special Use Permit favorably meets the Factors for Consideration and recommends that it be approved subject to the conditions of the renewal in 2007 and the new conditions contained in the ordinance. Under the new ordinance, the Special Use Permit Renewal may be extended for ten years rather than five and it is recommended that this be done.

Gregory Wolf moved the Planning Commission find favorably on the Special Use Permit factors and the wireless communications criteria and recommend the Governing Body approve renewal of the Special Use Permit for wireless communication antenna at 1900 West 75<sup>th</sup> Street subject to the following conditions:

- 1) The approval of the Special Use Permit Renewal shall be for a maximum of ten years. At the end of the ten-year period, and any subsequent ten-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the Governing Body that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional ten years and new conditions may be required.
- 2) The installation includes only the existing equipment and panel antennas.
- 3) All equipment cabinets and wiring shall be screened from view of adjacent streets and properties, and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with this application.
- 4) The antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized and shall be maintained appropriately.
- 5) The applicant shall not prevent other users from locating on the building.
- 6) If the antenna and equipment installation is not operated for a continuous period of twelve (12) months, it shall be considered abandoned and the owner of the installation shall remove the same within 90 days after receiving notice from the City. If the installation is not removed within that 90 days period, the Governing Body may order the installation removed and may authorize the removal of the same at the permittee's expense.
- 7) The installation shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the conditions of approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless the noncompliance is

- corrected. If the Special Use Permit becomes null and void, the applicant will remove the installation and all appurtenances and restore the site to its original condition.
- 8) In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication installation shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
  - 9) In order to ensure structural integrity, the antennas shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such antennas that are published by the Electronic Industries Alliance.
  - 10) The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the installation shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
  - 11) The permit holder shall promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
  - 12) A copy of the lease between the applicant and the landowner containing the following provisions:
    1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
    2. The landowner shall be responsible for the removal of the communications facility in the event that the leaseholder fails to remove it upon abandonment.
  - 13) The applicant shall obtain all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.
  - 14) Additional carriers may locate on the building subject to the approval of a site plan by the Planning Commission and an amended Special Use Permit will not be required.
  - 15) Alterations or improvements to the installation are subject to Section 19.33.055 Existing Site Improvements.

The motion was seconded by Randy Kronblad and passed unanimously.

Ron Williamson noted Section 19.33.045 of the Wireless Communications Ordinance requires site plan approval. Since this is the renewal of an existing installation with no proposed changes, it is the recommendation of Staff that the as-built drawings submitted with the application be approved as the Site Plan.

Nancy Wallerstein moved the Planning Commission approve the as-built drawings submitted with application PC2013-07 as the Site Plan. The motion was seconded by Gregory Wolf and passed unanimously.

## **OTHER BUSINESS**

The September meeting of the Planning Commission will include a site plan application for Homestead Country Club, a rezoning of 3101 West 75<sup>th</sup> Street, site plan approval for outdoor seating at two Prairie Village Shopping Center locations, possible renewals of expired Special Use Permit for the Before & After School Daycare Program at Belinder Elementary School and the Texaco stations at the Village and 8120 Mission Road. Mr. Enslinger noted that the Hen House at Corinth Square will be back before the Commission.

Mr. Enslinger stated that he will be sending out a memo to the Commission on the legal interpretation of the city's parking requirements for the Corinth Square and the Prairie Village Shops. It is a change from the traditional interpretation that has been used and will require the recalculation of parking with each new tenant going into the shopping centers.

Nancy Vennard thanked Mr. Enslinger for his leadership and direction to the Planning Commission during the past six years and wished him well in his new position. Her sentiments were echoed by the other Commission members adding that he will be missed.

#### **ADJOURNMENT**

Chairman Ken Vaughn adjourned the meeting at 11:40 p.m.

Ken Vaughn  
Chairman