

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 3, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 3, 2013, at 6:30 p.m. in the Fellowship Hall at The Village Presbyterian Church, 6641 Mission Road in Prairie Village.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang (arrived late), Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Captain Tim Schwartzkopf; Keith Bredehoeft, Interim Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; Jeanne Koontz, Deputy City Clerk/Public Information Officer and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Mayor Shaffer opened public participation on any item not related to the Special Use Permit for 8500 Mission Road as those comments will be taken later in the meeting.

Chuck Dehner, 4201 West 68th Terrace, spoke again in protest to the giveaway of taxpayer dollars under the CID. He noted the Waid's building has been demolished and construction of a multiple use retail building is underway at the cost of \$4 million from

CID funds. The Cosentino brothers do not need the City to pay for their new buildings. This is “corporate welfare” taking money away from middle-class residents and giving it to the wealthy. He noted a reimbursement of over \$100,000 to Lane4 including \$75,000 in fees for which there is no documentation.

Mr. Dehner noted during the discussion of the CID agreement no mention was made of bonds. He believes the CID agreement commits the City to a bond liability of \$80 million. He questioned what the Council was doing in approving the CID and stated the agreement needs to be investigated. The Council should be ashamed of the way it is giving away its residents’ taxpayer dollars.

Mayor Shaffer acknowledged the presence of three Boy Scouts from Troop 007 in attendance for their “Citizenship in Community Badge” requirement.

With no one else to address the Council, Public Participation was closed at 6:40 p.m.

CONSENT AGENDA

Dale Warman moved the approval of the Consent Agenda for Tuesday, September 3, 2013:

1. Approve Regular Council Meeting Minutes - August 19, 2013
2. Authorize the Mayor to execute a proclamation recognizing September 8 - 14, 2013 as “Suicide Prevention Week.”
3. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2014 Minor Home Rehabilitation Program in the amount of \$6,000.
4. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2014 HOME Rehabilitation Program in the amount of \$20,000.
5. Approve the design agreement with Larkin Lamp Rynearson & Associates for the alternatives review study of the 83rd Street and Delmar Drainage Project at a cost not to exceed \$41,278.80.

6. Adopt Ordinance 2292 granting to Kansas City Power & Light Company, its successors and assigns, an Electric Power Franchise, prescribing the terms of the franchise and repealing Ordinance No. 1802.
7. Adopt Ordinance 2278 adopting the 2012 International Building Code.
8. Adopt Ordinance 2279 adopting the International Residential Code.
9. Adopt Ordinance 2280 adopting the 2012 International Plumbing Code.
10. Adopt Ordinance 2281 adopting the 2012 International Mechanical Code.
11. Adopt Ordinance 2282 adopting the 2012 International Fuel Gas Code.
12. Adopt Ordinance 2283 adopting the 2012 International Energy Conservation Code.
13. Adopt Ordinance 2284 adopting the 2011 National Electric Code.
14. Adopt Ordinance 2285 amending Chapter IV Article 9 of the Prairie Village Municipal Code entitled "Association Notification of Construction Activity".
15. Adopt Ordinance 2286 amending Chapter VII, Article 1 of the Prairie Village Municipal Code entitled "Fire Department".
16. Adopt Ordinance 2287 adopting the 2012 International Fire Code.
17. Adopt Ordinance 2288 amending Chapter VII, Article 3 of the Prairie Village Municipal Code entitled "Fireworks", Article 4 entitled "Explosive Blasting", Article 5 entitled "Flammable Liquids" and Article 6 entitled "Hazardous Materials Response; Recovery of Costs".
18. Adopt Ordinance 2289 adopting the 2012 International Property Maintenance Code.

A roll call vote was taken with the following members voting "aye": Weaver, Warman, Hopkins, Noll, Kelly, Wassmer, Morehead, Clark, Morrison, Odell and Belz.

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at several events during the past weeks including a reception for Assistant City Administrator Dennis Enslinger who is leaving to take another position on the east coast, a Memorial Service for former Prairie Village Municipal Foundation President Doris Wieggers, the 2nd Annual Relay for Life at Franklin Park, Ukraine Independence Day event with the Sister City Committee, Employee Appreciation Event, Kansas City Chamber Board of Directors and MARC Board of Directors meetings.

STAFF REPORTS

Public Safety

- Captain Tim Schwartzkopf reported that the Department is looking at entering into an agreement with an outside firm to make police reports available on line for a fee.
- As part of the “Defense of Schools Initiative” the Department is assisting local schools with Lock-Down Drills. Drills are planned for all PV schools and have already been held at Shawnee Mission East, Belinder and Corinth Elementary Schools.

Public Works

- Keith Bredehoeft reported there are approximately two and a half months left for the street construction season and provided an update on ongoing and upcoming projects at Somerset & Belinder; 71st & Tomahawk Channel Replacement and near Fonticello between 67th & 71st. WaterOne is replacing mains on several streets and the City is doing rehabilitation on four streets in this area.

Administration

- Dennis Enslinger expressed his appreciation for the opportunity to work for the City of Prairie Village the past five years and provided an update on how his staff assignments have been delegated until a new Assistant City Administrator is hired.
- Ron Williamson will be handling planning issues and will have office hours at City Hall to meet with individuals.
- Quinn Bennion provided an update on the Public Works Director search. Six candidates will be interviewed the end of the month.
- The City will be receiving applications for the Assistant City Administrator position though the end of this week.
- Mr. Bennion noted that over the past several weeks comments have been made during public participation regarding the city’s CID agreements that have been inaccurate and provided the following corrections:
 - The City may be paying for half of Standees. - No CID reimbursements have been paid for Standees nor are any anticipated.
 - No limit to the amount of sales tax that can be demanded of the developer. - The sales tax is limited to the amount collected with the 1% tax within the identified districts for the term of the CID.
 - The CID is an \$80 Million commitment for the City. - The only funds obligated are those collected by the 1% sales tax, which is estimated to be \$10 million for each center over a period of 22 years.
 - The enhancement of Johnny’s is not eligible for CID reimbursement. - An amendment to the CID was approved by the City Council and certain elements of the enhancements are eligible.
 - The City must issue bonds if requested by the developer. - This is not true. The agreement states “Under no circumstances shall the City be obligated to extend credit support to any issuance of obligations.”

- o Double reimbursement is occurring. - There was not a double payment of the first invoices. The first two reimbursements were split between the two districts.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

There was no New Business to come before the City Council.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Tree Board	09/04/2013	6:00 p.m.
Jazz Fest Committee	09/04/2013	7:00 p.m.
Sister City Committee	09/09/2013	7:00 p.m.
Planning Commission	09/10/2013	7:00 p.m.
Parks & Recreation Committee	09/11/2013	7:00 p.m.
Council Committee of the Whole	09/16/2013	6:00 p.m.
City Council	09/16/2013	7:30 p.m.

=====

The Prairie Village Jazz Festival is Saturday, September 7th from 3 p.m. to 11 p.m. in Harmon Park. Brooke Morehead encouraged all to attend the event featuring an outstanding line-up of jazz musicians with excellent food vendors and merchandise for sale with the proceeds benefiting Heartland Habitat for Humanity’s work in Prairie Village.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Jan Fellers in the R. G. Endres Gallery for the month of September. A reception will be held on Friday, September 13, from 6:30 to 8:30 p.m.

The Shawnee Mission Education Foundation’s Fall Breakfast is Wednesday, September 25, at 7 a.m. at the Overland Park Convention Center (6000 College Blvd.) Please RSVP to Jeanne at 913-385-4662 by Wednesday, September 11, if you plan to attend.

Flu shots will be offered for Council Members on September 25 from 7:30 a.m. to 9 a.m. at Public Works “B” Building or from 3:00 to 4:30 p.m. in the Multi-Purpose Room. The fee for the shot is \$27. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot.

Save the Date for the Northeast Johnson County Chamber of Commerce 2013 Annual Gala on Saturday, November 23, at the Overland Park Marriott.

COMMITTEE REPORTS

Planning Commission

PC2013-07 Request for Renewal of a Special Use Permit for the installation of wireless communication antenna at 1900 West 75th Street by T-Mobile

Dennis Enslinger stated this is a request to renew the Special Use Permit for the installation of antennas and equipment on the Capitol Federal Savings building on the northwest corner of 75th Street and State Line for T-Mobile USA. The original application was approved in 2002. Both the antennas and equipment cabinets are placed on the roof of the building. The equipment cabinets are mounted on a 12' x 20' structural platform and enclosed with a screen. There are three sets of antenna panels mounted on the frames and placed on the roof with each panel having 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 block. This type of installation is much less obtrusive than towers and a more compatible way of providing the necessary coverage to serve the residents of Prairie Village. The original applications were approved for five years.

The Planning Commission held a public hearing on this application at its August 6th meeting. No one was present to speak on this application. The Commission recommends approval of the request for renewal subject to 15 conditions stated in their minutes of August 6, 2013. Mr. Enslinger noted the city's wireless communication regulations allow for a ten year permit rather than the previous five year permits.

Dale Warman moved the Governing Body approve Ordinance 2293 approving a Special Use Permit for the installation, operation and maintenance of communication antenna and equipment by T-Mobile on top of the building located at 1900 West 75th Street, Prairie Village, Kansas. The motion was seconded by Steve Noll.

A roll call vote was taken with the following members voting “aye”: Weaver, Warman, Hopkins, Noll, Kelly, Wassmer, Morehead, Clark, Morrison, Odell, Belz and Shaffer.

Mayor Shaffer noted the Council would consider the application for an adult senior dwelling community at 8500 Mission Road at 7:30 p.m. as published. He reviewed the procedures and timeline to be followed.

Laura Wassmer moved the City Council meeting be recessed until 7:30 p.m. The motion was seconded by Brooke Morehead and passed unanimously. The meeting was recessed at 7:05 p.m.

Mayor Shaffer reconvened the City Council meeting at 7:30 p.m.

Mayor Shaffer asked those wishing to address the Governing Body during public comments on the Mission Chateau application to sign in at the back of the room with City staff and receive a number. He thanked Village Presbyterian for their cooperation in allowing the City to use their facilities for this and past Planning Commission meetings in order to accommodate the number of individuals wishing to attend and participate in these meetings. Mayor Shaffer outlined the process and timetable to be followed in consideration of this application.

PC2013-05 Request for Special Use Permit for the operation of an Adult Senior Dwelling Community including an independent assisted living facility, a skilled nursing/memory care facility and villas at 8500 Mission Road

City Attorney Katie Logan stated that communications, including communications to the Planning Commission until its August 6th meeting, have been periodically posted on the Mission Valley Project page on the City's website as "public comments" with the date span indicated. The final posting occurred on August 30th at approximately 3 p.m. as the agenda packet for the September 3 City Council Meeting.

In order to insure that ex parte information has been publically shared in a timely fashion so that the applicant and the opponents have an opportunity to respond, Council members were advised not to accept any communications, oral or written, from any persons regarding this application after 3 p.m. on August 3, 2013. Information received by the City after that time will not be distributed or considered for this application.

Mrs. Logan asked each Council member the following questions:

- "Have you accepted any communications oral or written, from any persons regarding the above application after 3:00 p.m. on Friday, August 30?"
- If yes, "Did any of those communications included information which was not merely repetitive of information posted on the Mission Valley Project page of the City's website?"
- If yes, "Please share that information with the Governing Body at this time."
- If you have had ex parte communications, have they affected your ability to fairly and impartially consider this matter?"

Councilman Charles Clark responded that he had not accepted any communications. All other Council members responded that they had accepted communications after 3 p.m. on Friday, August 30; however, those communications included information which was merely repetitive of information posted on the Mission Valley Project page of the City's website and that the ex parte communications received have not affected their ability to fairly and impartially consider this matter.

City Attorney Katie Logan noted that during the past weeks two substantive issues have been raised in materials distributed to the public that were not addressed at the public hearing on this application. The first stating a quantified amount of sales tax revenue to be received from the proposed project and secondly, a statement reflects an increase in cost to the taxpayers by the increased need for city services. These are not to be considered as part of the official record. However, the City will grant the attorney for the applicant and for the Mission Valley Neighborhood Association the opportunity to respond to this information if desired.

Staff Presentation

Mayor Shaffer called upon Assistant City Administrator Dennis Enslinger and the City's Planning Consultant Ron Williamson for the Planning Commission Staff Report.

Dennis Enslinger stated that staff has been made aware that several numbers have been presented in the public realm through a direct mailing to residents. During the Planning Commission process the underlying concepts of tax benefits to the City and potential burden on city services were presented in a general nature and included an estimated portion of the city property tax and the associated stormwater utility fee. Staff has not calculated or verified any additional numbers.

The City has not conducted a cost benefit analysis on Planning and Zoning cases unless there is an associated request for city incentives. No request for city incentives has been made regarding this project. Staff did look at potential impacts on City Services of the proposed project as part of the staff review based on call loads of similar facilities in the community and did not see any adverse impacts on existing city services.

The numbers associated with the overall property tax revenue, the construction period sales tax or the tax burden have not been calculated or verified by City Staff. Any additional information presented regarding these numbers would be new information and should not be considered by the Governing Body. Mr. Enslinger noted that if the Governing Body would like to have that information, staff recommends it direct staff to work with the appropriate parties to have an estimate prepared and table this item until such information can be prepared.

The nature of the Special Use Permit process gathers information through a public hearing before the Planning Commission relative to identified factors and criteria. Three public hearings have been held on the application. The Governing Body shall consider the findings of the Planning Commission along with the information presented during the Planning Commission public hearings and other relevant information in making their decision. The Governing Body has received with their Council Packet and ten addendums of information relative to this application.

The decision of the Governing Body may differ from the recommendation of the Planning Commission and/or City Staff; however, it must be based on the “Golden Factors” and the factors set forth in Chapter 19.28.035 of the City’s zoning regulations.

MVS, LLC acquired Mission Valley Middle School site and is proposing to construct Mission Chateau which will be a senior residential community. Mission Chateau will be owned, managed and operated by the Tutera Group who owns and operates 40 senior living communities in eleven states.

The application includes the construction of 136 Independent Living Apartments and 54 Assisted Living Apartments in one building; 84 Skilled Nursing Units (100 beds) and 36 Memory Care Units in a second building; and 17 Villas in nine buildings. The

Independent Living/Assisted Living facility is proposed to be 228,340 square feet and will be two and three stories in height. It will set back 119 feet from Mission Road and 255 feet from the south property line.

The current middle school will be demolished. Currently there are three driveways that access the site from Mission Road. The proposed plan reduces the number of access points to two which will align with 84th Terrace and 85th Street. There will be no vehicular access to Somerset Drive, but access will be available for pedestrians. The interior of the project will be served with private drives.

The Skilled Nursing/Memory Care facility contains 91,200 square feet and is a one and two story building. It will set back 163 feet to 178 feet from the southwest property line and 91 to 94 feet from the northwest property line. A double row of Villas will be constructed along the south property line that will serve as a buffer or transition to the larger buildings that will be built on the north portion of the site. The total complex will include 327 units with a maximum of 412 residents at full occupancy.

Under the golden factors, City staff noted that the plan has evolved over several months and is consistent with the Amended Village Vision. Staff also noted that the project is a workable plan listing a number of specific comments related to the project which will require the applicant to provide additional information. The Planning Commission recommendation to the Governing Body for approval is contingent upon a number of conditions.

Since valid protest petitions were filed in excess of 20% of the property within 200 feet, the Governing Body shall make its findings of fact based on the criteria and either:

- A. Adopt the recommendation of the Planning Commission and adopt an ordinance approving the Special Use Permit including the conditions or revised conditions by a three-fourths majority or 10 affirmative votes, or

- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 affirmative votes) and deny the Special Use Permit, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the Governing Body's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

Applicant Presentation

John Petersen, with Polsinelli Shughart and attorney for the applicant, appeared before the Governing Body. Mr. Petersen noted that also present were Joe Tutera, and Dr. Randy Bloom with Tutera, along with representatives of Olson & Associates and Hoefer Wysocki Architecture, the architects and engineers for this project which began in November of 2012 and has evolved through hundreds of hours of meetings, two Planning Commission Work sessions, three public hearings before the Planning Commission and extensive meetings with City Staff and six meetings with area residents. This has been one of the most extensive development processes he has been involved with. These meetings led to the proposed project which has been endorsed by the city's professional staff and recommended by a majority of the Planning Commission.

Mr. Petersen briefly reviewed a slide that reflected 27 changes/enhancements that have been made since the initial presentation. Fundamental to this application is the recognition of transition - where does this best fit - in the confines of both the property itself and the neighboring properties in this dramatic and eclectic area. This is the largest piece of ground available for development in the City and located on one of the City's major traffic ways.

Mr. Petersen quoted comments from Planning Commissioner Bob Lindeblad during the August 6th Planning Commission meeting as follows: “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. . . . 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 young families. . . . With the revision of the plan and addition of the village, he is satisfied the revised plan is consistent with the master plan.”

The current Mission Road streetscape of sidewalk and pavement will be enhanced with landscape. The Independent/Assisted Living Complex covers only 32% of the frontage and has the exact setback of the existing school. The original three story structure has been reduced in size and scale. The plan includes a public 1.2 mile trail that connects with City sidewalks/trails. The villas match the design of the area, have full 50' backyards and 15' front yards. They are staggered to eliminate direct view of the Independent Living complex from the adjacent properties. There is also a 1.5 acre pocket park near the Memory Care Facility.

Mr. Petersen enumerated on several transition elements included in the plan including single-story structures between the neighboring properties and the three-story portions of their complexes, setbacks that are four times the minimum setback surrounding the property. Setbacks on the south side are 1.5 times what are required. The setbacks on the southwest are over 200 feet, the size of a football field. A site plan was presented with the measured setbacks along the south property line both from the transitional villas and from the main Independent/Assisted Living Facility.

Joe Tutera addressed his vision for this site. He noted that Prairie Village is not static and change is on its way. Standing still is not an option. Prairie Village's population peaked in the 1970's and now contains many empty nesters. The plan presented is the culmination of more than two years of planning, 30 years of industry experience selecting the best features of the best based on the needs and desires of today's seniors. A vision, plan and bricks will turn into a community if it is done right. Sizing is the most important factor in creating a community and sizing includes the ratio of one population to another along with the services and amenities provided. Those elements important to seniors are privacy, choice, community, companionship, dining, etc. Senior housing is not merely an alternate housing population, but a high quality of housing with choices.

The Independent Living Complex sets the character of the community. The proposed 136 unit facility is 20 units less than the average Johnson County facility size of 156. This complex is connected to the Assisted Living facility with many of the activities shared by both. The priority is the ability for socialization.

The Memory Care complex houses 36 units, which is in the middle of the range for Johnson County facilities. Currently, there is only 1 facility in Prairie Village providing memory care and they only have 12 units. These residents need to have space to bring things from their homes and have windows to the outside. The need for memory care facilities is great and continues to grow.

The Skilled Nursing Facility is located on one floor with 42 units. 45% of the community residents will need these services at some point. Their facility accounts for 26% of their population; Brighton Gardens is at 26% and Claridge Court is at 28%

Mr. Tuteru stated the Prairie Village Parks Master Plan and Village Vision both support the need. The market for continuing care facilities reflect a strong and growing need. Since the approval by the Planning Commission, they have received requests from 60 Prairie Village residents to be placed on the waiting list for Mission Chateau.

City Attorney Katie Logan ruled the last comment out of order as it represented information not available to the Planning Commission.

John Petersen noted the following actions taken by the City of Prairie Village, prior to the filing of this application to establish process and criteria:

1. Adopted design standards that are uniformly applied
2. Adopted a Comprehensive Plan identifying the goals, views and needs of the community at large.
3. Adopted an Amendment to the Comprehensive Plan specifically addressing this site.
4. Included reference to the Golden Factors in its Code.
5. Included additional findings
6. Delegated 100% of the approval of site plans to the City's Planning Commission.

The process is designed to be fair and impartial. The City has collectively set these items in place for the benefit of the City and those wanting to be part of the City. Mr. Petersen briefly referenced the City Attorney's response to two legal questions raised by the attorney for the opponents to this application regarding the interpretation of the provision of the Prairie Village Zoning Regulations - Section 19.28.070(I) governing the request for this special use permit. He also briefly reviewed the Golden Factors and the City's criteria for approval noting the findings of the City's professional staff and Planning Commission

Mr. Petersen presented site plans showing the building heights of structures within the project and on the adjacent properties. The variances were minimal with some instances where adjacent building heights were higher than those proposed.

John Petersen stated the ongoing comment “it’s too big” is very subjective. The Council has to focus on the facts. The City has adopted design criteria and to make a decision on public sentiment instead of the established design criteria would be arbitrary. The City has delegated the approval of the site plan to the Planning Commission and they have agreed there will not be parking or traffic problems. The established standards have been met or exceeded. The substantive objective evidence is overwhelming in support of this application. The City’s professional staff and the professionals sitting on the Planning Commission have studied the application and public comment in detail and have found favorably on the required findings of fact on which they based their recommendation.

The cases and studies referenced by the opponent in regard to negative impact on property values were based on installations of communication towers, not well designed senior communities. Todd Appraisal studied the impact of similar senior living communities in similar residential communities. The green space on the proposed plan is 70% greater than the earlier plan.

Charles Clark stated the central issue for the surrounding property owners is the density of the project, noting two-thirds of the site is surrounded by single family residences. Mr. Petersen reviewed the transitioning elements between the adjacent properties and the three story portion of the complex. He noted that due to the grade change the three-story structure is no higher than the adjacent two-story residential structures. Between these structures have been placed single family villas of comparable sign and design with the adjacent properties with 50’ rear yards and front setbacks comparable to most Prairie Village homes. Further, the line of sight once you take into consideration setback from Independent/Assisted Living Facility to the homes

on the south with the additional landscaping and villas and the movement of the main building to the north. For there to be a perception of density, it must be visual, with noise, stormwater and traffic. The differential density traffic will have less impact than the school.

Laura Wassmer asked about the three-year construction timeline. Mr. Petersen reviewed the proposed timeline including the following:

- 5 months of site work
- 8 months for the Skilled Nursing facility
- 14 months for the Independent and Assisted Living facility

Joe Tutera noted that most of the heavy construction putting the main structures in place will be completed in 15 months. The remaining time all the construction activity will take place within the site. The three year projection includes contingencies for the multi-phased project.

Brooke Morehead asked what would prevent Tutera from turning the project into a skilled nursing 120 bed hospital. Joe Tutera responded the licensing for each component of the community is separate. Each of the components is designed to meet a specific and unique population lifestyle. Their business is to construct and operate senior living communities.

Mrs. Morehead asked how many part-time and full-time employees are anticipated. Mr. Tutera responded they would have 85 employees on site; 25 employees for the shift beginning at 7 o'clock, 50 employees for the shift beginning at 3 o'clock and 20 employees for the shift beginning at 11 o'clock. Mrs. Morehead asked if they had any other skilled nursing facilities in the Kansas City area. Mr. Tutera responded they have one in Wichita.

Mrs. Morehead asked about staffing of the facility and what are they doing to prevent off-site parking.

John Petersen stated the number of parking spaces required by code for this project is 268. The plan that they have submitted and is being recommended has 350 parking spaces. However, to address the ongoing comments of residents, the Planning Commission has added conditions #10 & #11 for approval requiring them to provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas. #11 - 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.

Mr. Petersen noted that traffic counts taken while the school was operating reflected AM traffic volumes of 270 vehicles and PM traffic volumes of 80. The PM vehicles. There is no intersection overload.

Mayor Shaffer called for a five-minute recess. The meeting was reconvened at 9:05 p.m.

Mission Valley Neighborhood Association Presentation

John Duggan, with Duggan Shadwick Doerr & Kurlbaum, LLC, representing the Mission Valley Neighbors Association with the question of why this project on this site. The primary issue the neighbors have with the proposed project is it is not an appropriate size for an eighteen acre site. It is approximately the same size as Shawnee Mission East High School which is located on 40 acres. Mr. Duggan

reviewed comments made by Planning Commission members at the June 4th public hearing on the initial plan regarding the size and their concerns with the density of the project.

Mr. Duggan noted the revised plan has a total square footage of 358,029 square feet for a reduction in size of only seven percent. If constructed, this would be the third largest care building in Johnson County behind Santa Marta and Claridge Court. Prairie Village would have two of the four largest residential senior communities within one mile of each other. Mr. Duggan went on to compare the density of the proposed project with that of the neighboring Corinth Square Retail Center with Mission Chateau having a density of 19,459 square foot per acre compared to 11,902 square foot per acre for Corinth Square.

Mr. Duggan presented a slide comparing area Senior Living Communities located in R-1 zoning in Johnson County and also comparing other Johnson County Continuing Care Residential Communities. Based on residents per acre, the proposed Mission Chateau project is well in excess of relevant comparisons.

Mr. Duggan shared comments from the Planning Commission minutes of August 6th including those of Ron Williamson noting this will be one of the largest buildings in the area and thus it will have some sort of impact. Ken Vaughn stated that he was concerned with the loss of green space and although he doesn't like it, the plan is reasonable. Gregory Wolf stated he still had concerns with the size based on the comments from the neighbors. He later stated "I don't believe the site's capable of a building this - this development. I think it's a very good development, I just think it should be on a bigger plot of land. And I just want to make that clear for the record."

Nancy Vennard stated the project was still big, but she thought it could work for the neighborhood as found in the review of the Golden Factors.

John Duggan referenced *R.H. Gump Revocable Trust v. City of Wichita* where the district court ruled the City's determination was based solely upon the visual impact and aesthetics of the proposed stealth tower. The court found the City was entitled under the law to make this interpretation in their denial of a conditional use permit. Also in *Rural Water District #2, Miami County v Miami County Board of County Commissioners* the court ruled that a proposed water tower would have a definite negative aesthetic impact on neighboring properties. Mr. Duggan stated ". . . Kansas appellate courts have long allowed aesthetics to be considered in zoning matters...The current trend of the decisions is to permit regulation for aesthetic reasons." From *Zimmerman v. Board of County Commissioners of Wabaunsee County* Mr. Duggan quoted ". . . we further observe that K.S.A. 12-755(a) expressly provides that 'The governing body may adopt zoning regulations which may include, but not be limited to provisions which. . . . (4) control the aesthetics of redevelopment or new development.'" As the Court of Appeals has observed when citing this statute, "regulation of redevelopment or new development is permitted for aesthetic reasons."

Mr. Duggan asked the Council to consider what is an appropriate use of these 18 acres. The neighborhood is not against development and feels that the density of the Benton House complex would be appropriate for this site. They have told that to the applicant several times, but their comments have been rebuffed.

Mr. Duggan stated in *Rodrock v. City of Olathe* the City determined a proposed project was not an appropriate use for a promising piece of land and was upheld by the

Kansas Appeals Court. He told the Council they have the capacity to turn down this application because there is a potential better use for this specific piece of land.

John Duggan stated that with 63% of the perimeter of this site are single family residences, which is higher than every nearby senior housing development in Johnson County except Benton House. These homes have an average density of 5,559 square feet per acre based on county records of lot size and home size for the 27 properties. The commercial area to the north is 11,902 square feet per acre. The proposed Mission Chateau is 19,459 square feet per acre. This is not transitional use. Mr. Duggan presented aerial views of Santa Marta, Aberdeen Village and Tall Grass Senior Living Communities, all of which are located on sites at least twice that of the Mission Valley site. Based on Benton House and other CCRCs in Johnson County, they feel this project should be 135,154 to 150,150 square feet.

The neighbors have concerns with the noise of traffic at shift changes, particularly vehicles leaving at 11 p.m. from this residential area. They are also concerned with parking and presented their own analysis of parking needs, which reflect a shortage of parking. They feel the determination should use square feet per acre and not units per acre. The fact that minimum parking standards have been met is not sufficient. You cannot only compare peak times of a school which has only two real traffic periods on 190 days a year with peak times of a facility that has varied peak times and operates 24 hours per day 7 days per week.

John Duggan again questioned the proposed skilled nursing facility as a subordinate accessory use noting its services will not be limited to residents of Mission Chateau. He noted the proposed skilled nursing facility which is twice the size of

Benton House and 91% the size of the existing school was not reduced in size from the initial proposal.

At the August 6th Planning Commission meeting, David Waters representing the City Attorney stated the City has the ability to interpret its own code. Planning Commissioner Bob Lindeblad noted both senior housing and skilled nursing facilities are allowed Special Use Permitted uses and he does not see a problem with the construction of either.

John Duggan presented his analysis of the Golden Factors relative to this application and how the proposed project addresses the goals of Village Vision and the Amendment to the City's Comprehensive Plan on this parcel of land.

The neighborhood association would support a community similar in size and density to that approved by the City for Benton House. The applicant was told this on multiple occasions and has failed to address the primary concerns of the neighborhood. This is not the right project for this site. Minimum standards are not the standard at which the Council should evaluate this - the bar should be set higher for this prime site. This is a unique and prominent parcel of land in Prairie Village and the Council is urged to do as the City of Olathe did and set the bar higher. The City can do better. The applicant can do better. He does not feel the Planning Commission sufficiently analyzed the findings of fact. This is not the right project for this part of town. Prairie Village is not an urban community, it is a suburban community.

David Morrison stated he has an issue with the density and the measurement by units per acre. John Duggan responded this project has substantial square feet in open shared community amenities and additional bulk. Therefore, to look at it by units per acre

is not an accurate reflection. Generally in the industry the measurement used is Floor Area Ratio (FAR).

Ted Odell asked for clarification on the Special Use Permit issue raised. Mr. Duggan responded the applicant wants to construct the Skilled Nursing Facility first and he does not see how an accessory use to a primary use can be constructed prior to the construction of the primary use. Unless the Independent/Assisted Living Facility, which is the primary use, is constructed prior to the Skilled Nursing Facility, he feels the City is violating its own ordinances.

Michael Kelly stated he did not feel the applicant made a good faith effort to address the concerns of the neighborhood. Mr. Duggan responded that a precedent was set with the approval of Benton House which is surrounded by single family residences and they would accept a community following that precedent.

Mayor Shaffer declared a five minute recess. The meeting was reconvened at 10 p.m.

Public Comment

Mayor Shaffer reconvened the meeting at 10:00 p.m. and opened the floor for public comment reminding the public to keep their comments limited to five minutes and that any new information not made available to the Planning Commission cannot be presented. Speakers will be accepted in order of the numbers given out when they signed in to speak. Speakers need to provide their name and address and speak clearly for the court reporter.

Wayne Vennard, 7921 Bristol Court, noted he previously served on the Kansas State Board of Tax Appeals and has not heard anything regarding this project that would lead him to conclude that this project would decrease the property values of neighboring

properties. He urged the Council to stick to the facts related to this application, noting the distribution of inaccurate information particularly on the cost to the city for services to this project. The project is self contained with private trash services, privately maintained private streets that will have an incremental impact of services from the City.

Christina Hoffman, 5304 West 72nd Street, noted the need for more housing options and senior options in Prairie Village. None of the current options offer services for all stages of aging. From her experience, Med Act and ambulance services to these facilities seldom enter with sirens. The current senior housing opportunities do not meet the future needs of Prairie Village residents wanting to remain in the City.

Olga Krug, 7300 West 107th Street, an Atriums resident for the past four and a half years, spoke of the excellent care provided by the Atriums, a Tutera Facility. She noted that with the absence of a continuing care facility, such as being proposed, she was separated from her husband for several years as he needed a higher level of care.

Debbie Kerr, 4020 West 86th Street, noted she lives directly behind the proposed project and objects to the proposed transition/buffer zone. She feels the City should have conducted a cost/benefit analysis on the proposed project. She noted some of the individuals that will be addressing the Council are from outside the Prairie Village community.

Frank Adler, 7300 West 107th Street, stated he was a former Prairie Village resident who had to move to the Atriums as there wasn't a facility with available space in Prairie Village. He would have preferred to remain in Prairie Village in the facility proposed and urged the City Council to look beyond the present to how are they going to address the needs of their aging population in the future.

Jim Chaar, 9101 Delmar, spoke in favor of the proposed project representing the silent majority who have no objection and are not attending this meeting. He asked the Council to look beyond the immediate neighborhood to what is best for the entire city of Prairie Village now and into the next decade. He commended the Council for the difficult decisions it has made over the last ten years looking toward the future with the investment in the Corinth and Prairie Village Shopping Centers.

Jori Nelson, 4802 West 69th Terrace, spoke in opposition to the application, stating this project would destroy the character of the neighborhood. She asked why the project was even being considered when it goes against Village Vision. There are 34 senior living facilities within a five mile radius of this site with 4,348 units that could accommodate 5,292 residents. The average age for residents to move into these facilities is 78 years old and above. There are only 1,569 seniors between the ages of 75-84 living in Prairie Village including those already living in senior facilities. There is not a need for another facility.

Mrs. Nelson feels the mere 7.5% reduction in size for the project reflects a disrespect and lack of concern by the developer for the neighborhood residents. The City Council has a responsibility and legacy to represent the citizens of Prairie Village. It is not too late.

Mrs. Nelson began presenting reasons why the traffic study conducted for this project was invalid. City Attorney Katie Logan ruled that was new information and not presented to the Planning Commission in their deliberations and therefore is not admissible.

Arlene Hart, 10150 El Monte, compared the proposed project to the upscale Town Villas of Leawood. She noted her friend who resides next to the Villas has had her property values increase. She spoke in favor of the project noting the reputation of the Tutera family for maintaining excellent affordable senior living communities. She feels the project would

be an improvement from looking out of your backyard into large ugly apartment building that is across from this property.

Mary Michael Sterchi, 8401 Linden Lane, stated she does not like the division this project has caused in the community. She does not support the project and feels that the developer can do better in responding to the concerns of the residents. A senior living center is acceptable to the neighborhood, just not one of this density. She urged the Council to send it back to the Planning Commission. The percentage of reduction in the size is minimal. She does not want to see this project set a precedent for future projects. She asked for reasonableness and would like to see more transition.

Barbara Dooley, 5301 West 69th Street, spoke in support of the proposed project. She stated the residents of Prairie Village who want to remain in Prairie Village do not have that option if they need continuing levels of care. Benton House offers only assisted care and memory care services. This is a project that will become more valuable to the City over time as it meets a growing and unique need of aging residents.

Bob Schubert, 3700 West 83rd Terrace, President of the Corinth Meadows Homes Association located across Mission Road from the project. He noted he was aware of only one homeowner Corinth Meadows that supports this project. Mr. Schubert stated a recent study revealed that 50 percent of aging adults are choosing to remain in their own homes with agencies coming to their residences to provide needed services. He feels that the proposed community is a dying lifestyle as more seniors choose not to live in massive senior communities.

Diane Sabenow, 8202 Maple Lane, spoke of a recent experience with a real estate client of hers who responded when asked about moving to Prairie Village responded that Prairie Village is an old community with declining schools. They wanted to be in the Blue

Valley School District with growing student populations for their children. She feels the property would be better developed with patio homes and disagrees with the results of the appraisal submitted by the applicant. She feels the proposed development will have a negative impact on property values in the adjacent area.

Russell Jones, 22 Coventry Court, stated there are a large number of senior citizens in Prairie Village, like himself, that want to remain in Prairie Village and strongly support this project. He views this as a valuable amenity for the community. A continuing care community is highly sought after commodity. He noted he was in real estate for 26 years and the proposed transition of villas is excellent and urged the City Council to approve the requested Special Use Permit.

Greg Zarubsky, 5869 Fontana, works for American Medical Response that provides non-emergency transportation to similar facilities and noted they seldom enter a facility with sirens. He is supportive of the project. City Attorney Katie Logan ruled Mr. Zarubsky's comments regarding transportation as outside the scope and not relevant.

Biagio Mazza, 6718 Granada Lane, noted he can see both sides of the issue and as a Physical Therapist working with several older clients stated there are several retirement facility options, but very few options with the level of care being proposed. He strongly supports this application.

Linda Cox, 6719 Granada Lane, spoke in support of the application and expressed her anger with the MVNA tactics and the distribution of false information. She encouraged the Council to look at the true facts related to this application. It meets or exceeds every criteria of the City. The fact is the demographics of the community have changed.

Betty Keim, 3608 West 71st Terrace, former Mayor of Mission Hills and current Prairie Village resident spoke in support of the application. She stated she had lived in a

similar continuing care community in Lawrence while recovering from surgery and it was wonderful and highly successful. This concept fills a very real need. Based on her experience, the residents of the community and their families often ate and shopped outside the community at area establishments. She believes Mission Chateau meets a need that is very important in this community allowing family members with different care needs to stay together. The demand for this concept is reflected in the proposed expansion going on at both the Santa Marta and Tall Grass Senior Communities mentioned.

Cameron Jones, 3605 West 85th Street, spoke in opposition to the project, particularly to the proposed skilled nursing care component. He views skilled nursing facilities as a commercial venture, not a residential venture noting that individuals receiving those services remain for relatively short periods of time.

Michael Grossman, 3731 West 87th Street, stated this property has been a source of frustration since the school district closed the school. He is angry that the school district did not sell the property to another school. He is not against seniors, but opposes the scale of the project. He is concerned with adequate parking and traffic and would be in support of a scaled down version of the proposed project. As it is currently proposed, he opposes the application.

Jim Blackwell, 4200 Homestead, has been a resident for 55 years; however, he is reaching the point where he cannot keep up with the demands of maintaining a large home and is looking for alternative housing options in Prairie Village. He noted his current property overlooks the Homestead Country Club and the paddle ball courts which look like coal cars, and they are adding two more. He is ready to move and strongly supports this application.

Margie Ronning, 4324 West 87th Street, stated she opposes the project. She noted she was a real estate agent and made comments regarding property values next to commercial properties which the City Attorney ruled out of order as that information was not made available to the Planning Commission. Ms Ronning noted bad experiences she has had with senior living facilities and noted clients that have had bad experiences with 5-Star rated senior care facilities.

David Feingold, 8004 Juniper, expressed support for the project noting he would love to have the opportunity to remain in Prairie Village as he ages. He noted the demographics of the entire nation are aging - every day over 10,000 in the country turn 65 years of age. The number of aging people being cared for by family and friends has decreased from 7.2% to 2.9%. Mr. Feingold stated that Prairie Village has been successful because it has anticipated the needs of the future in time to provide for them. The school did not close because of anything the city did, but because the school district could no longer support it. He believes older citizens are a source of vitality for communities. He urged the Council to consider the entire community and its needs. Most of the population will directly or indirectly avail themselves of senior living facilities at some point in their lifetime.

Marilyn Lucido, 7223 Mission Road, stated she loves Prairie Village and is a current resident of Normandie Court where she can stay as long as she is healthy, but where can she go next. Her children have lives and children of their own. It is very difficult to get 24-hour-a-day in-home care. She does not want to have to move multiple times and is seeking a long-term solution. She feels the proposed Mission Chateau project would be a wonderful solution for her. She thanked the Council for their consideration and reminded them this is not about statistics and bricks, it is about meeting the needs of people.

Kathleen Hepker, 4401 West 82nd Street, a 50 year resident spoke in opposition to the application stating that it does not meet Village Vision and does not fit the neighborhood. The Council needs to focus on getting young families with children into the City.

David Lilliard, 3607 West 84th Terrace, has lived in Prairie Village since the 1960's serving the city on several committee's throughout the years. The applicant is proposing a massive structure that, in his opinion, is not needed and will eliminate significant existing green space. Prairie Village is a neighborhood community. This site is surrounded on three sides by single family residents that would be overwhelmed by the massive project proposed. He doesn't believe there is a need for the project and that it is important for the City to retain the existing green space.

Jim Starcev, 3507 West 87th Street, stated it was feasible and quoted statistics from a Ziegler study. City Attorney Katie Logan stopped Mr. Starcev, questioning if this information had been shared with the Planning Commission. He responded he had sent the information in an e-mail. Mrs. Logan stated the issue is not whether the information had been submitted as part of the record, but whether it had been received prior to the Planning Commission action and made available to them for consideration in making their recommendation.

John Petersen stated the established record means something and it is inappropriate to keep adding new comments and information.

Dennis Enslinger stated the information considered by the Planning Commission contains 10 addendums and covers over four months of time. Staff cannot recall instantly every piece of information presented. It will take time to verify when the information was

submitted. Mayor Shaffer asked Mr. Starcev to step down while staff reviewed the record and called upon the next speaker.

Mary English, 4402 West 77th Terrace, stated the elephant in the room is the size of this development. The elephant in the room is the poor process for this project and the Planning Commission's disrespect for the residents in the process. There is a giant disconnect between the people that live in Prairie Village and the city government. There are plenty of senior housing beds available. If approved, her biggest investment is going to be devalued, her quiet community is going to be destroyed. This is not the community J.C. Nichols developed for Prairie Village. She is not against redevelopment, but against the massive size of the proposed redevelopment.

Courtney Kounkel, 8424 Fontana, which is three blocks west of the proposed development. Mrs. Kounkel commended the school district and the Planning Commission for having the strength to make the difficult decisions for what is best for an entire community. She noted her mother and many other older people in Prairie Village are staying in their homes longer than they want to in order to remain in Prairie Village because there is nowhere to go. The city needs to plan for its future. As facilities such as proposed are created within Prairie Village, older residents will move out of their homes opening housing stock for young families. The change will happen if you provide the opportunity for it. She wants her children to have that option. She supports the Planning Commission recommendation and urged the Council to do the same.

Edward Lapin, 13121 Reeds, stated he lived in Prairie Village for 40 years until 4 years ago, when in order to downsize, he had to move to Overland Park. He strongly supports the proposed project which will allow him the opportunity to move back to Prairie

Village. He noted the proposed development of this site could take several less desirable forms and urged the Council's approval of the application.

City Attorney confirmed Mr. Starcev's information had been presented to the Planning Commission and was in order.

Jim Starcev, 3507 West 87th Street, returned to the podium and stated he felt the project could be smaller. He quoted information from a Ziggler study that revealed a typical CCRC has less than 300 units. This facility can operate with fewer units and less square footage.

Dave Lantern, 15150 Glenwood stated he is a member of the society of senior advisors. He offered two observations regarding the proposed project. The continuing care residential community (CCRC) model and specifically as proposed by Mr. Tutera using rental option vs. purchase is not only needed but the need will continue to grow. The rental option will be very attractive and will continue to be sought after. Mr. Lantern stated he has worked with several senior facilities, many of those mentioned, and has found the Tutera communities have among the most caring and diligent staff. He feels Mission Chateau offers Prairie Village a very unique and desirable concept in senior living communities and he strongly supports its approval by the City Council.

Teri Powell, 7460 Cherokee Drive, has cared for a senior. Most facilities only provide for assisted living and when residents care needs get greater or run out of money, they have to find another place to live. There is a need, but there are good places available. In her experiences, these facilities never have sufficient parking spaces. The proposed project is too large and needs to be reduced. She stated the attorney has been condescending all night and she has not heard any reference to the cost to reside in the proposed facility.

Marc Baratta, 8335 Mission Road, lives across Mission Road from the proposed project. He is the next generation and opposes the project as he feels it will discourage young families from moving into Prairie Village. His home is his biggest investment. He expressed concern with the implied 10% decrease in his property value if this project is constructed.

Stacey Frisch, 8511 Delmar, stated that two years ago she purchased the property that abuts the west side. She reminded the Council that if construction of this project does result in devaluation of her and her neighbors' properties, the city will lose revenue.

Mayor Shaffer closed public comment at 12:00 p.m.

Rebuttal and final statements from Mission Valley Neighborhood Association

John Duggan stated their primary objection to the proposed project is the density levels and stated if a project following the Benton House scenario with 135,000 to 150,150 square feet were proposed, they would support it. The proposed duplexes are not beneficial to the adjacent property owners or the applicant and they should not be rental units. They don't make sense; the City can do better. All the individuals speaking in support of the application want it as a residence - no one spoke in favor of the skilled nursing facility. There is no evidence to justify the skilled nursing facility. It is the profit center that drives this project. There is no evidence that other facilities are not available. No one other than Mr. Tutera presented any good reason for the proposed density. A feasibility study should have been conducted to justify a 350,000 square foot development. This site is too valuable to the City to rely only on the applicant's word. There is no justification for placing a Santa Marta on 18 acres.

Rebuttal and final statements from Applicant

John Petersen stated that Mr. Duggan did not speak to the design criteria and standards for approval. He makes comparisons to Santa Marta which is still being developed. Commercial properties are not evaluated by the same criteria as residential. He compares apples to oranges. The legal references given on rulings based on aesthetics were from cases dealing with a stealth communication tower, a water tower and a wind turbine farm. The City Attorney has provided her professional legal opinion. The Planning Commission comments regarding the size of the project quoted were from the plan presented on June 6th and is not relevant to this submittal. Staff responded that a feasibility study is not conducted unless public financing is requested. No public funds will be used for this project. Staff have pointed out that both Brighton Gardens and Claridge Court Senior Living Centers in Prairie Village are more dense than the proposed plan. Benton House is a different senior housing concept. Mr. Tutera does not want to construct a template facility of a different senior living provider. Mr. Petersen presented a site plan for Benton House showing setbacks and proposed villas.

City Attorney ruled the slide out of order as it was new information not presented to the Planning Commission. Mr. Petersen stated it had been given to the Commission. Dennis Enslinger stated that the second phase villas for Benton House have not yet been approved by the Planning Commission. They were presented in a conceptual stage for future expansion. When asked to confirm whether the information presented had been presented to the Commission, Mr. Enslinger responded that the presentations to the Planning Commission covered five months and include 11 addendums of information. It will take staff time to verify the information.

Mr. Petersen stated the slide came from the Benton House file. He noted the Benton House template is not appropriate for this project.

City Attorney Katie Logan admonished the public for their rudeness and disrespect during these proceedings.

Dennis Enslinger reported that the slide had not been presented to the Planning Commission during its deliberations. Katie Logan ruled the slide out of order.

Mr. Petersen stated the percentage of skilled nursing units and beds is the same ratio as currently exists at Brighton Gardens and Claridge Court.

The proposed project is in compliance with the master plan, adheres to the Golden Factors and the city's code requirements. It is consistent with the site plan review criteria.

Joe Tutera noted that 75% of the comments made refer to the June 6th Planning Commission which addressed a totally different plan. A plan that the Planning Commission had specific problems with and that were satisfactorily addressed in the new plan presented to the Commission in August. Mr. Tutera reviewed the following 27 changes that have been made to their project:

Enhanced Transition Zones

- Created 300' transition zone to the South
- Moved the parking and ALF entrance from the Transition Zone
- Created a 4th 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 sq ft. (16%)
- Reduced the width from 520' to 348' (33%)
- Lowered the ILF entrance façade 1 story.

Make the Architecture More Compatible to Neighborhood

- Reduced roof heights and integrated dormers into the 3rd 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 setbacks 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.

Mayor Shaffer confirmed that hospitals are an allowable special use in a residentially zoned property. Mr. Enslinger responded there are several specifically identified special uses, including the skilled nursing facility and adult senior living facilities. The applicant applied for a three phase project that includes multiple uses allowed with a special use permit. The City accepted the application as a single Special Use Permit under Section 19.28.070(I) of the zoning regulations with the interpretation that the skilled nursing facility (an allowed SUP use) is considered to be an accessory use to the adult senior dwelling project. Legal counsel reviewed that interpretation and made the following ruling:

“Section 19.28.070(I) does not require an adult senior dwelling project Which includes nursing care or continuous health care services as a Subordinate accessory use to provide those services in the same Building as the senior adult dwelling facilities. A separate care Facility may be approved for completion prior to the completion of the Primary dwelling facility, as long as the SUP is conditioned upon the Completion of the primary dwelling facility.”

Katie Logan noted the City has the ability to interpret its code and based on the regulations and zoning case law, she does not feel the subordinate accessory use has to be built after the primary use but can commence prior to the other facilities as long as conditions are in place to guarantee consideration thereafter.

City Attorney - Procedural Directions

City Attorney Katie Logan asked both attorneys if they felt that have had adequate time to review the record and respond and if either of them wished to have additional time. Mr. Petersen responded they have had adequate time to review and respond to the items in

the record. Mr. Duggan responded they are good with the record and do not seek a continuance.

Mrs. Logan outlined directions for the Governing Body as they consider this item. Stating that after their vote, Council members shall state the reason for their vote. If the motion fails, this information will be used to prepare a resolution summarizing the vote which will be brought before the City Council at the September 16th meeting.

Dennis Enslinger reported the Planning Commission found the findings of fact as set out in the zoning ordinance for Special Use Permits and the Golden Factors to be favorable for the reasons set forth in the Planning Commission Staff report and draft minutes of their August 6, 2013 meeting and recommends that the Governing Body approve the Special Use Permit for an adult senior dwelling community called Mission Chateau at 8500 Mission Road subject to 14 conditions. The first condition sets the maximum number of units for each component of the community and defines "senior" as persons at least 55 years of age as defined by the zoning regulations. Condition number two prevents the building setbacks from becoming any closer to adjacent properties than shown on the plans dated July 30, 2013. Condition #4 provides the guarantee that the primary use facility will begin construction prior to the issuance of an occupancy permit for the skilled nursing facility. Conditions #10 & #11 address the issue of parking. Condition #14 caps the maximum square footage of the project for each type of facility as shown on the plans dated July 30, 2013.

Mayor Shaffer closed the public comment on the application at 12:35 a.m. and opened the floor for questions and comments from the Council.

Laura Wassmer stated this is a transition property and in her mind for this project to work it needs to feel residential.

Charles Clark asked if Village Vision addressed this site. Mr. Enslinger responded an amendment to Village Vision was done specifically addressing this site and calls for R-1a zoning and uses, including allowable special use permit uses. Laura Wassmer stated Village Vision discusses providing alternate housing types. The concept of a continuing care residential community is not addressed.

Ted Odell noted the purpose and intent of the R-1a District states “. . . to protect and sustain the property values, prevent the decline of physical conditions of private property, prevent conversions of dwellings to uses that are not in harmony with the neighborhood . . .”

Mr. Enslinger stated the amendment to Village Vision specific to this site limits the uses to those allowed in the R-1A Single-Family District which also may include conditional use permits, special use permits and planned residential. The uses generally are residential, including senior housing and possibly a mixture of housing types. It does not address specific senior housing concepts such as Assisted Living Communities or Continuing Care Communities; however, senior residential facilities are an allowed use by special use permit.

Michael Kelly stated he does not have any issue with the use; however, he does with the scale and size.

Dale Warman moved the Governing Body adopt an Ordinance granting a Special Use Permit to allow the operation of an Adult Senior Dwelling Community for an Independent Living Facility, an Assisted Living Facility, a Skilled Nursing/Memory Care Facility and Villas at 8500 Mission Road subject to the conditions recommended by the Planning Commission. The motion was seconded by Ruth Hopkins.

Andrew Wang asked staff for clarification on how staff determined density. Dennis Enslinger responded staff used units per acre. There are other measurements that could

be used but they are not commonly used in the planning industry. Mr. Wang asked for a comparison of Brighton Gardens and Claridge Court to the proposed project.

Ron Williamson responded Brighton Gardens is 35 units per acre, Claridge Court is 37 units per acre and Benton House is just over 10 units per acre. The proposed Mission Chateau project is 17.8 units per acre.

David Morrison stated as a council representative for this district he is not in favor of this project. It is out of character with the neighborhood and its size will overwhelm the neighborhood. He does not believe it meets the Golden Factors. Prairie Village is a special unique place and made the analogy of placing the proposed structure in this neighborhood to placing LeBron James or Larry Bird in munchkin land of the Wizard of Oz. It is out of proportion and does not work. It will have a substantial negative impact on the surrounding neighborhoods. The school is a community asset and is a benefit to the neighborhood and should be retained.

Mayor Shaffer called for a vote on the motion. A roll call vote was taken with the following votes cast:

- Ashley Weaver - No - The project is too dense and not compatible with the surrounding neighborhood
- Dale Warman - Yes - The Planning Commission has done its due diligence and he supports their recommendation and accepts their findings. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Ruth Hopkins - Yes - The Planning Commission has spent months working with the applicant in redesigning the project. She supports its findings and believes the project to fit Village Vision. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Steve Noll - Yes - He agrees with the findings of the Planning Commission. The loss of the school is regrettable, but it is time to move forward. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Michael Kelly - No - Factor #1 out of character with surrounding neighborhood.
- Andrew Wang - Yes - He agrees substantially with the findings of the Planning Commission and views this project in keeping with the intent of the comprehensive plan. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).

- Laura Wassmer - No - Factor #1 the proposed density is not in character with the surrounding neighborhood and she feels it will adversely affect the neighboring property owners, noting the two and half to three year construction timetable.
- Brooke Morehead - No - Factors #1 - she is opposed to the density and does not feel there is sufficient space for the project as proposed. She also referenced factors #4, #6 & #8
- Charles Clark - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- David Morrison - No - Factors #1 - disagreed with the size, magnitude, density - thought it would overwhelm the neighborhood; #2 - not in accord with zoning and use of property nearby; #3 - did not feel it was a suitable use as 63% of the adjacent properties are single family homes; #6 - he does not feel the relative gain outweighs the hardship & #8 - he does not feel it complies with the City's comprehensive plan.
- Ted Odell - No - Factor #1 Density and the proposed material/design. He did not think the plan matched the existing neighborhood.
- David Belz - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A). He added this would be a great asset to this community. He noted the value of a Continuing Care Residential Community from his own recent experiences with his parents.
- Mayor Ron Shaffer - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).

The motion received 7 votes in favor and 6 votes in opposition. The motion carried a majority vote, but does not meet the requirements of the protest petition failing to receive a super-majority and fails.

Mayor Shaffer thanked the public for their input on this important issue.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 1:00 a.m.

Joyce Hagen Mundy
City Clerk

EXHIBIT A
Excerpt from the Planning Commission
Minutes of August 6, 2013
On PC2013-08
Requested Special Use Permit for 8500 Mission Road

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' 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 84th Terrace and 85th 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 84th Terrace and 85th Street on the east side of Mission Road. Both access points will have an entrance and two exit lanes. The 84th 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 84th 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 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 sq. ft. On 85th 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 detailed 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.