

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: July 7, 2015, Planning Commission Meeting

Project # 000009686

Application: PC 2015-08

Request: Special Use Permit for Adult Senior Dwellings

Property Address: 8500 Mission Road

Applicant: The Tutera Group

Current Zoning and Land Use: R-1A Single-Family District – Vacant Middle School

Surrounding Zoning and Land Use: North: R-3 Garden Apartment District - Apartments
West: R-3 Garden Apartment District – Apartments
South: R-1A Single-Family Residential – Single-Family Dwellings and vacant
East: R-1A Single-Family Residential – Single-Family Dwellings (Leawood) R-1 Single-Family Residential – Single-Family Dwellings

Legal Description: Meadowbrook Junior High School BLK 1 plus tract – Metes and Bounds

Property Area: 18.4 Acres or 803,218 sq. ft.

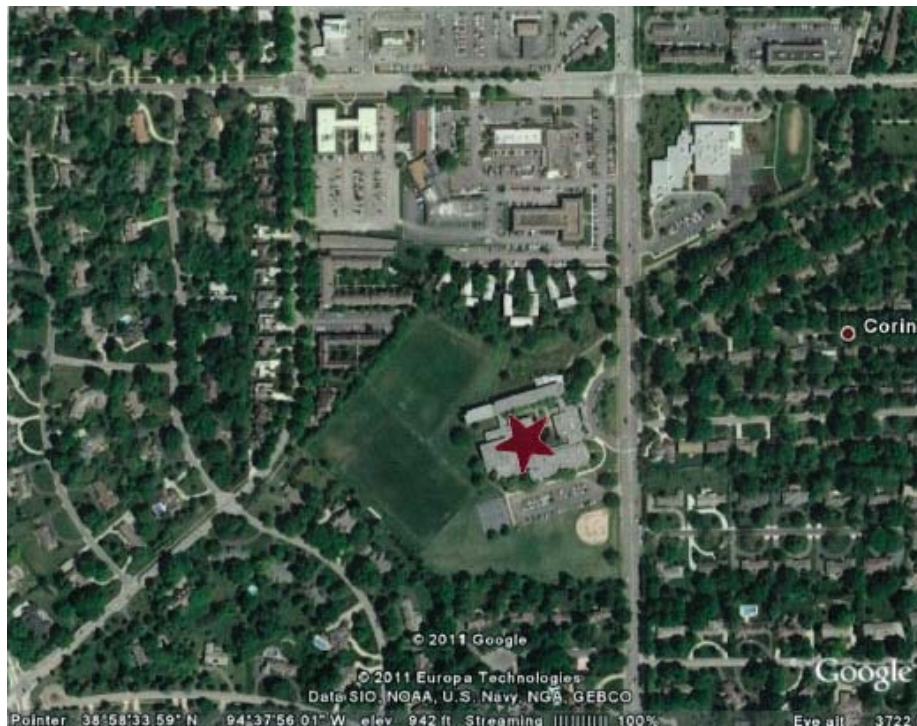
Related Case Files: PC 2015-110 Preliminary Plat Mission Chateau
PC 2013-11 Special Use Permit for Adult Senior Dwellings
PC 2013-126 Site Plan Approval for Adult Senior Dwellings
PC 2013-127 Preliminary Plat Mission Chateau
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2013-114 Site Plan Approval for Adult Senior Dwellings
PC 2004 Monument Sign
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

Attachments: Application, Plans

General Location Map



Aerial Map



COMMENTS:

This is a new application for an Adult Senior Dwelling complex on the former Mission Valley Middle School site. This plan is based on months of negotiations with the Neighbors that protested the previous approved project and sued the City on several counts. The area of the proposed project now includes the full 18.4 acre site, while the approved project included only 12.8 acres. The proposed plan includes 160 Independent Living Facility (ILF), 88 Assisted Living Facility (ALF) and 22 single-family attached units (Villas) in 11 buildings for a total of 270 dwelling units or a density of 14.7 units per acre. The 22 single-family dwellings are planned to be sold off independently to individuals. The proposed plan eliminated the 84-bed Skilled Nursing and 36-bed Memory Care Facility. The approved plan has 310 total units including the Skilled Nursing Facility plus nine single-family lots.

The following is a comparison of the proposed plan with the previous plan:

UNITS	Plans Dated: July 30, 2013	Approved Plan: January 6, 2014	Proposed Plan
Independent Living Apartments	136	136	160
Assisted Living Apartments	54	54	88
Skilled Nursing Units	84	84	0
Memory Care Units	36	36	0
<u>Independent Living Villas</u>	<u>17</u>	<u>0</u>	<u>22</u>
Total Units	327	310	270

GROSS BUILDING (SQ. FT.)

Skilled Nursing/Memory Care	91,200	97,550	0
Independent Living/Assisted Living	228,340	228,340	214,800
<u>Independent Living Villas</u>	<u>38,500</u>	<u>0</u>	<u>71,148</u>
Total Gross Building Sq. Ft.	358,040	325,890	285,948

The total square feet of the complex has been reduced by 39,942 square feet or 12.3% because of the deletion of the Skilled Nursing/Memory Care Facility.

The ILF/ALF building contains a maximum of 248 units, a footprint of 71,100 square feet, a maximum of 214,800 square feet and a maximum building height of 29 feet for a majority of the building, but a height of 33 feet at the main entrance, as measured by the zoning ordinance. The actual total building height to the rooftop is approximately 39 feet.

The 11 Twin Villas have two footprint designs; Unit 1 if 3,295 square feet and Unit 2 if 2,823 square feet. According to the elevations the building height is approximately 32 feet to the top of the roof. The total footprint of the 11 Twin Villas is 67,298 square feet.

The combined footprint of all the structures is: ILF/ALF, 71,100 square feet; Twin Villas, 67,298 square feet; carports, 13,260 square feet; for a total of 151,258 square feet. This is lot coverage of 18.9%, well below the maximum permitted of 30%.

Sidewalks on the proposed plan are on the inside of the private loop drive. Staff has favored pedestrian access to Somerset Drive and this is shown on the plan. The number of parking spaces provided is 214 reduced from 316 and the paved area for streets and parking is reduced. The 102 parking space reduction is primarily due to the deletion of the employee parking for the Skilled Nursing/Memory Care Facility.

The area covered by buildings, sidewalks, streets and parking is 6.95 acres or 37.8% of the lot. It should be noted that the Preliminary Stormwater Management Plan for the previous application was based on 8.6 acres of impervious area which is significantly more than this plan.

The proposed Mission Chateau plan will provide 270 units on 18.4 acres for a density of 14.7 units per acre. In comparison:

- Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units per acre
- Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre
- Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre

The proposed density on the previous plan was 24.2 units per acre which is a decrease of 9.5 units per acre.

There have been discussions regarding a comparison of building square feet to land area rather than using density as the guideline. Historically; density, number of units per acre, has been the criteria used to evaluate residential projects. Square feet to land area is Floor Area Ratio (FAR) and is a criterion that is used to evaluate office, commercial and mixed use developments. Mission Chateau is offering larger units and larger common areas while still staying within a reasonable density. Also, the building coverage is 18.9% which is well below the 30% maximum for the R-1A zoning district.

The Applicant and Neighbors have reached a Settlement Agreement on the Site Plan for the proposed project, which is shown graphically as *ATTACHMENT "A"* in this report. The Settlement Agreement contains a number of provisions that are not pertinent to the approval by the City and the following is a list of the conditions they have agreed to that affect the proposed Special Use Permit and are conditions the City would typically attach to the approval:

3. **ILF/ALF Building.** The independent living facility and assisted living facility building shall not exceed the total square footage, nor exceed the height restrictions, nor exceed the first floor elevations as each are set forth in the Schematic Plan. MVS may modify, move or reconfigure the design and/or location of the independent living facility and/or assisted living facility building shown in the Schematic Plan so long as the independent living facility and/or assisted living facility building is located no closer than two hundred eighteen (218) feet to the southwest boundary of the MVS Property, no closer than one hundred twelve (112) feet to the west boundary of the MVS Property. Notwithstanding the forgoing, the location, layout, design and entrance locations of the independent living facility and/or assisted living facility building shall be generally as depicted on the Schematic Plan.
4. **Building Materials.** Attached as **Exhibit "B"** (*ATTACHMENT "B" in this report*) hereto is the Proposed Architectural Character and Construction Materials which sets forth the minimum criteria for the design and materials to be utilized in the construction of the assisted living facility, the independent living facility and the villas, which shall be submitted as a part of the Third SUP Application.
5. **Landscape Design Criteria.** Attached as **Exhibit "C"** (*ATTACHMENT "C" in this report*) hereto is the Proposed Landscape Character which describes the minimum criteria for the landscaping which shall be installed on the MVS Property and which shall be submitted as a part of the Third SUP Application.
6. **Parking.** The number of parking spaces shown in the Schematic Plan may be increased by up to fifteen (15) parking spaces so long as any additional parking spaces are located within the boundaries of the Senior Living Building Area depicted on the Schematic Plan. The MVS Property will not be used for parking for any other purpose other than supporting the independent living facility, the assisted living facility and the villas depicted in the Schematic Plan and cross-parking with adjoining tracts shall not be allowed. The carport structures within the Senior Living Building Area shall contain walls opposite to the applicable parking space entrance to reduce automobile headlight exposure to adjacent property owners.
7. **Villas.** Each of the twenty-two (22) units to be contained within the eleven (11) villas described on the Schematic Plan (two (2) units per villa) shall be constructed to meet or exceed the minimum unit footprint size, not exceed the maximum unit footprint size, and not exceed the height restriction set forth in the Schematic Plan. Furthermore, each unit in each of the eleven (11) villas may not contain more than a two (2) car garage. As depicted on the Schematic Plan, none of the eleven (11) villas shall be located closer than fifty (50) feet from the boundary lines of the MVS Property and none of the six (6) villas located on the south and southwest boundary of the MVS Property may be closer than a minimum of fifty (50) feet to one another and shall have a minimum backyard setback of not less than fifty (50) feet; provided, however, the actual location of any of the eleven (11) villas shown in the Schematic Plan may be moved or reconfigured so long as the villas otherwise comply with the provisions of this Section 7. The eleven (11) villas may vary in design from one another as determined by the builder and/or owner of such villa; provided, however, that each villa shall be constructed using the building materials set forth on **Exhibit "B"** attached hereto. Each villa may have a basement; provided, however, that any basement shall not be included by the Parties in any square footage

- calculations for purposes of this Settlement Agreement. The owners of the eleven (11) villas will be subject to the Mission Chateau Homes Association Declaration which will contain normal and customary rules and restrictions similar to other maintenance free villa communities, including provisions dealing with the topics set forth on **Exhibit “D”** attached hereto. The final version of the Mission Chateau Homes Association Declaration shall be prepared and submitted with the Third SUP Application.
8. **Access Points.** The only two (2) access points to the MVS Property will be to and from Mission Road as depicted on the Schematic Plan.
 9. **Detention Pond.** The detention pond will be constructed by MVS in accordance with all applicable rules and regulations and will be screened as described in the Proposed Landscape Character.
 10. **Existing Fencing and Vegetation.** Before, during and after construction of the independent living facility, the assisted living facility and the villas, the existing fence and applicable screening (i.e. trees and other mature vegetation) located along the south, southwest and west perimeter of the MVS Property will remain in place. If any portion of the existing fence or applicable screening is damaged or removed during the construction process, such damaged or removed portion shall be repaired or replaced by MVS. Notwithstanding the foregoing, the parties acknowledge that MVS has agreed to provide certain upgrades to the water runoff and storm water system to the south of the MVS Property and to the extent those improvements result in work that disturbs the existing fence and applicable screening, those areas will also be repaired or replaced consistent with the existing vegetation. Once a villa lot is sold to a third party, any subsequent changes which are desired to be made to such lot by such owner shall be governed by any applicable City ordinances and the Mission Chateau Homes Association Declaration and MVS shall not be responsible for a third party's performance once such lot has been sold (unless such lot is reacquired by MVS pursuant to Section 14 of this Settlement Agreement).
 11. **Neighbors' Affidavit; Letter of Support.** Attached to this Settlement Agreement is a "Neighbors' Affidavit" (**Exhibit 'E-1'**) and a "Letter of Support" (**Exhibit 'E-2'**). The Board of Directors of Mission Valley Neighbors Association, Inc., a Kansas not for profit corporation ("MVNA"), shall authorize an officer of MVNA to sign the Neighbors' Affidavit. Both the signed Neighbors' Affidavit and the Letter of Support, signed by those persons identified in the Letter of Support, shall be delivered to MVS within three (3) days following the Execution Date. MVS shall be authorized to submit the Neighbors' Affidavit and the Letter of Support to the Planning Commission and the City Council in connection with MVS's efforts to obtain approval of the New Special Use Permit.
 12. **Covenant Not to Oppose.** Each Neighbor hereby covenants and agrees that such Neighbor shall not:
 - (a) Publically speak in opposition of the Third SUP Application at the "Public Hearing" before the City's Planning Commission or before the City Council;
 - (b) Execute any Protest Petition (as described in the City's Ordinances) relating to the Third SUP Application;
 - (c) File any lawsuit challenging the approval of the Third SUP Application or the issuance of the New Special Use Permit; or
 - (d) Oppose the approval of a new plat for the MVS Property as long as the new plat is consistent with the Schematic Design and the terms of this Settlement Agreement.
 13. **Conditions to New Special Use Permit.** In addition to conditions required by the City, MVS agrees that the following conditions shall be set forth in the New Special Use Permit:
 - (a) No skilled nursing facility may be constructed on the MVS Property nor may skilled nursing services be offered on the MVS Property; (**This is not applicable to this Special Use Permit application, but is a private agreement between the applicant and the neighbors.**)
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- (b) The MVS Property will not be used for parking for any other purpose other than supporting the independent living facility, the assisted living facility and the villas depicted in the Schematic Plan and cross-parking with adjoining tracts shall not be allowed;
 - (c) The only two (2) access points to the MVS Property will be to and from Mission Road as depicted on the Schematic Plan;
 - (d) The Building Materials will meet the minimum criteria as set forth on **Exhibit “B”** to this Agreement and the landscape character will meet the minimum criteria as set forth on **Exhibit “C”** to this Agreement;
 - (e) The total overall square footage, first floor elevations, and height for the independent living and assisted living facility building shall not exceed the maximum total square footage, first floor elevations, or height restrictions set forth in the Schematic Plan;
 - (f) Each of the twenty-two (22) units to be contained within the eleven (11) villas described on the Schematic Plan (two (2) units per villa) shall be constructed to meet or exceed the minimum unit footprint size, not exceed the maximum unit footprint size, and not exceed the height restriction set forth in the Schematic Plan. As depicted on the Schematic Plan, none of the eleven (11) villas shall be located closer than fifty (50) feet from the boundary lines of the MVS Property and none of the six (6) villas located on the south and southwest boundary of the MVS Property may be closer than a minimum of fifty (50) feet to one another and shall have a minimum backyard setback of not less than fifty (50) feet. Furthermore, each unit in each of the eleven (11) villas may not contain more than a two (2) car garage;
 - (g) The carport structures within the Senior Living Building Area shall contain walls opposite to the applicable parking space entrance to reduce automobile headlight exposure to adjacent property owners;
 - (h) Each villa shall be subject to the Mission Chateau Homes Association Declaration;
 - (i) Prior to the issuance of a building permit for the assisted living facility and independent living facility building MVS shall provide evidence of financing for the entire project; **(This condition is not pertinent to City approval. The City has not required financial information from other developers.)**
 - (j) Prior to the issuance of a building permit for the assisted living facility, independent living facility building or the villas, MVS shall record the Building Declaration (as hereinafter defined);
 - (k) That MVS provide adequate guest parking on holidays and special events so that the parking does not occur on public streets in residential areas outside of the MVS Property;
 - (l) Parking for the assisted living facility and the independent living facility building shall be contained within the Senior Living Building Area;
 - (m) The number of parking spaces within the Senior Living Building Area as shown on the Schematic Plan may not be increased beyond fifteen (15) parking spaces;
 - (n) The New Special Use Permit may not have a termination or expiration time established for it, however, if construction has not begun (as defined by the City Council) within twenty-four (24) months from the later of: (i) the approval of the New Special Use Permit; or (ii) if a lawsuit is filed challenging the issuance or legality of the New Special Use Permit, the date on the first business day after any judgment, journal entry, order or memorandum decision upholding the issuance and legality of the New Special Use Permit becomes a final and non-appealable judgment, journal entry, order or memorandum decision under applicable Kansas law, then the New Special Use Permit shall expire unless MVS shall reappear before the Planning Commission and City Council and receive an extension of time prior to the expiration of the New Special Use Permit; and
 - (o) If MVS violates any of the conditions of approval or the zoning regulations and requirements as a part of the New Special Use Permit, the New Special Use Permit may be revoked by the City Council.
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14. **Sale of Villa Lots; Construction of Villas.** MVS shall market the lots for sale upon which each of the eleven (11) villas are to be constructed to one or more builders and/or persons interested in purchasing a villa lot for the purpose of constructing their own villa upon such lot. The lots upon which each of the eleven (11) villas are to be constructed shall be subject to the Mission Chateau Homes Association Declaration. If MVS fails to sell any of the six (6) lots on the south and southwest boundary of the MVS Property, MVS shall commence construction of any applicable villas on such lots that were not sold no later than twelve (12) months following the issuance of such certificate of occupancy and complete such villas within a reasonable time thereafter, subject to force majeure. If MVS sells such lots, MVS shall contractually require each purchaser of the six (6) lots located on the south and southwest boundary of the MVS Property to commence construction on such villa no later than twelve (12) months following the issuance of the certificate of occupancy for the assisted living and independent facility building and to complete such villa within a reasonable time thereafter, subject to force majeure. In the event a purchaser of a villa lot breaches the obligation to timely commence and complete construction of a villa upon such lot, MVS shall have the obligation to repurchase such lot from such purchaser and thereafter commence construction of a villa upon such lot. Because it is unknown if builders or other interested parties will purchase the villa lots subject to the requirements set forth herein, MVS shall be expressly permitted to construct, own and rent any of the eleven (11) villas to ensure compliance with the provisions of this Section 14.

The applicant held a neighborhood meeting for the revised plan on June 22, 2015 and approximately 20 people were in attendance. Questions were asked about the detention pond, the number of units, traffic, parking, Villas and sidewalks. A summary provided by the applicant is attached.

The Planning Commission shall make findings of fact on both the Golden Factors and factors set out in the Special Use Permit Chapter to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. No one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors it considered in making its recommendation. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

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, section 19.28.070.1 of the zoning ordinance requires 700 square feet of land area per occupant for apartments or congregate quarters. The Independent Living/Assisted Living building has 248 units with the potential occupancy of 316 people and the Twin Villas have a potential of 44 people for a total of 360 people; at 700 square feet per occupant the land area required is 252,000 square feet. The site is 803,218 square feet and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance. At 700 square feet per person, the site could potentially accommodate 1,147 residents.

The property is zoned R-1A which requires a 30-foot front yard setback. The front yard is adjacent to Mission Road and the Twin Villas set back 50 feet which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5 feet. The north and south property lines are side yards and the setback requirements for both property lines is 5 feet. The rear yard setback requirement is 25 feet and the northwest property line is the rear yard. The ILF/ALF building sets back 112 feet 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 side yard setback requirement and therefore is permitted to build to a 45-foot height. The maximum calculated height of the buildings is approximately 29 feet, which is well within the height maximum.

The maximum lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 151,658 square feet, including the carports, which is 18.9% lot coverage. Therefore, the proposed project is within the maximum requirements of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and 8 feet from all other property lines. Parking setbacks meet the minimum 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 88 less trips than the middle school and the PM trips would decrease by 5 trips. The traffic impact would be significantly better in the AM peak and slightly better in the PM peak. The Traffic Impact Study found that the traffic operations were acceptable. The 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 at peak times 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's Stormwater Consultant and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has been revised based upon the new plan. The applicant will need to work with Public Works on the design details.

The applicant has proposed a 50-foot wide setback/landscape buffer along Mission Road. The landscape buffer will include a sidewalk and plant materials.

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 eliminated when it redevelops.

This operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise may increase. 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 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 of what use the property is redeveloped for, except perhaps, another school. Since the project proposes the Villas to be along the south property line, some of the negative impact should be mitigated for the neighbors to the south and southwest.

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 a maximum of 270 units on 18.4 acres for a density of 14.7 units per acre. The density of the proposed project is lower than the developed projects to the north and northwest. There is significantly more green space on the site than other multi-family projects in the area.

While there is high density to the north and northwest, the proposed development immediately to the south and southwest is low density single-family lots. Six Twin Villas are proposed along the south and southwest property lines of the project which will provide a buffer between the ILF/ALF building and the properties to the south and southwest.

Because the ILF/ALF building sets back approximately 286 feet from Mission Road with Villas in between as a 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.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the value 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 on the morning and evening peak hours will be less for this project than it was for the school.

The size of the revised project is 285,948 square feet which will make it one of the largest developments in Prairie Village. The height and mass of the buildings are similar to Claridge Court and Brighton Gardens. According to the Johnson County appraisers office Claridge Court has 241,073 square feet. This is also a large building, but it most likely includes the parking garage in the total area.

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

The applicant submitted a landscape plan with the submission that provides screening for the proposed low density residential lots to the south and southwest. The applicant proposes to retain the existing plant materials along the northwest property line 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.

In summary, property around the proposed project for the most part 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 applicant has proposed parking based on the requirements for Benton House as shown on Sheet C1.0:

Independent Living - 3 spaces/4 units	120 spaces
Assisted Living - 1 space/4 units	22 spaces
Employees Largest Shift	40 spaces
Employees Shift Overlap	<u>23 spaces</u>
Total	205 Spaces
Provided	214 Spaces

It should be noted that two garage spaces will be provided for each of the 22 Villas.

The Zoning Ordinance does not have a listed parking requirement for Assisted Living Facilities. In the Special Use Permit section congregate living is mentioned but it is more like independent living. Assisted living residents require some services in order to maintain an independent life, but do not

require the services needed in a nursing home. There is a lack of information available on parking for Assisted Living Facilities. Tutura has polled other facilities they own and reported that 5 - 10% of the assisted living residents have vehicles and 30 - 57% of the independent living residents have vehicles. It should be pointed out that the ALF units at Mission Chateau are designed for single-bed occupancy per unit, whereas Benton House has many two-bed units.

Assuming 60% of the ILF residents have vehicles, that would require 96 spaces; and for the ALF, 10% x 88 units would be 9 spaces; for a total of 105 spaces for the residents. Adding 63 spaces for employees brings the total to 168 spaces which leaving 46 spaces available for guests. The 214 spaces being provided appears to be adequate.

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.

Parking along the northwest property line is screened by the existing vegetation along the property line; however, 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. Also there will be less impervious area than on the previously approved plan. The stormwater will be managed by a variety of improvements. A storm drainage line currently exists along the south property line of the proposed single-family lots. This area will drain to Mission Road and connect to an existing storm sewer line.

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 slopes of the detention basin have been designed to 3:1 and 4:1 slopes and fencing will not be required. 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 driveways, one will be in alignment with 84th Terrace and the other will be in alignment with 85th Street on the east side of Mission Road.

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 88 trips during the AM peak and the PM peak will decrease by 5 trips compared to what existed with the school. It should be pointed out that the average daily traffic will decrease from an estimated 810 trips per day for the Middle School to 783 trips per day for the proposed development.

The applicant has proposed to gate the two entrances and exits to Mission Road which is a new element. Apparently, senior adults feel safer when the community is gated. Staff is concerned that stacking may occur on Mission Road as residents and visitors are waiting to get into the development. The applicant will need to stripe a center lane on Mission Road to allow a stacking area for both entrances. The gates will be equipped with a key punch or card for frequent users. For others, they will need to be let in by an operator.

There is an existing pedestrian crossing signal on Mission Road just south of 84th Street. This signal was installed to serve school traffic and is no longer needed. The applicant will need to remove the signal and restripe Mission Road.

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 Settlement Agreement sets out specific requirements for construction materials. (*See Attachment "B" of this report.*)

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

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. Further 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 square feet. On 85th Street, east of Mission Road and to the south the lots are 30,000 square feet lots.

In summary the properties in the neighborhood around the proposed project range from high density apartments and condominiums to high-end large lot single-family dwellings plus the office and business uses in Corinth South Center. 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 – Single-Family Dwellings and vacant
East:	R-1A Single-Family Residential – 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 upon approval certain 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 proposed application is for senior housing dwellings including Assisted Living, Independent Living and Villas.

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 and its consultants. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors on previous applications. The Villas have been reintroduced in the new plan and the proposal shows six Twin Villas abutting the south and southwest property lines. This provides a buffer of more than 200 feet between the existing single-family homes and the proposed senior housing project.

The proposed ILF/ALF building is 218 feet from the southwest property line; 349 feet from the south property line; 112 feet from the northwest property line; and 187 feet from the north property line. These are minimum setbacks that were agreed to by the Applicant and the Neighbors. The setbacks appear to be adequate to allow the project to be built compatibly with the neighborhood, particularly when landscaping is included in the development.

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. The neighborhood will lose the open green space it has enjoyed for many years. The height and mass of the building has been a concern; however, that concern is mitigated to a degree by the row of Twin Villas adjacent to the south boundary of Mission Chateau and the limitations set out in the Settlement Agreement. The existing school building is approximately 100,000 square feet. The Independent Living/Assisted Living building is 214,800 square feet; a little more than two times the size of the existing school. The height of the proposed 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 maximum height to the ridgeline of most of the Independent Living/Assisted Living building is 39 feet. It should be pointed out that the building is a garden apartment design and the building is actually about 10 feet lower than the grade and is surrounded by a garden wall that is detailed on Sheet C2.0. This permits the building to have three floors of units, but limits the height for the surrounding neighbors. The Settlement Agreement limits the height of the majority of the building to elevation 984.5 feet. The main entrance is permitted an elevation of 988.5 feet. The elevation top of the ridgeline of the Twin Villas ranges from 979.5 feet to 982.5 feet which keeps the height of the entire project in balance with other existing buildings in the area.

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 four years. The property will start to deteriorate and become a negative factor in the neighborhood if it is not reused or redeveloped within a reasonable time. A Special Use Permit for an Adult Senior Housing and Skilling Nursing Facility was approved in 2013, but the project has not been started because of lingering lawsuits and appeals.

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 proposed 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, 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 than the previous plan, so the traffic impact is somewhat less.

- b) A Stormwater Management Plan was prepared by the applicant, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the proposed plan is less than the previous plan and should not increase stormwater runoff.
- c) The density of development is 14.7 units per acre which is in the low-range 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 so it is significantly lower.
- d) The applicant has proposed a row of Twin Villas along the south and southwest property lines adjacent to the low density single-family residences. This provides a transition from low density in the south to higher density in the north. The Twin Villas are part of the Special Use Permit application but they may be sold off to individuals.
- e) The ILF/ALF building is set back from the property lines as shown on Sheet A0.01, dated June 5, 2015.
- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detail design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, 11.45 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 maximum peak height of the buildings will be 39 feet which is approximately the same height as the existing gymnasium, but this is only on the Independent Living/Assisted Living building. The Twin Villas will not exceed 32 feet in height to the top of the ridge.
- i) The density of the project is reasonable for the size of the land area and the surrounding uses. The mass and scale of the building is still very large, but the building design will reduce the appearance of mass.
- j) 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, office and retail 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.
- k) The applicant has proposed an extensive landscape treatment for the site. 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 prepared 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 held a number of meetings with area neighbors on the proposed plan and has reached consensus on most issues. The applicant has obtained input from the neighbors, made plan revisions; reducing the number of units, reducing the height of the building, moving the building further north on the site, eliminating the Skilled Nursing/Memory Care facility, and has reached a formal written Settlement Agreement with 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 270 units on 18.4 acres of land for a density of 14.7 units per acre which is less than the apartments and condominiums on the northwest, but much greater than the single-family dwellings to the east, south and southwest. The applicant has proposed a row of Twin Villas along the south and southwest property lines to provide a distance buffer for the adjacent single-family residences.

The proposed developer has met with the surrounding neighbors and has discussed density, access, traffic, and stormwater runoff. An agreement has been reached between the parties, and 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 multi-million dollar development. Some residents have suggested that the development will significantly increase municipal service demands to the site. City Staff has examined other similar facilities and their service demands and has determined that the project will not significantly increase City service demands nor require the hiring of additional staff and the purchase of additional equipment.

RECOMMENDATION:

After a review of the proposed application, consideration of testimony and making its findings in relation to the Factors for Consideration previously outlined, the Planning Commission may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit; however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by approval of the Special Use Permit as may be necessary to reduce and minimize any potentially injurious effect on other property in the neighborhood. If the Planning Commission recommends approval to the Governing Body, it is recommended that the following conditions be included:

1. That the project be approved for a maximum of 160 Independent Living Units, and 88 Assisted Living Units, and 22 Villas.
2. That the project not exceed the building height or area and the buildings shall not be setback closer to the property lines than shown on the plans dated June 5, 2015.
3. That the Special Use Permit not have a termination or expiration time established for it; however, if a building permit has not been applied for within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the Special Use Permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
4. Upon approval of the Special Use Permit, the applicant shall prepare a final landscape plan for the entire project which shall be reviewed and approved by the Planning Commission and the Tree Board.
5. That the applicant remove the pedestrian crosswalk and signal, pay all associated costs, and restripe Mission Road for a left-turn lane into the project.
6. That the applicant plat the property in accordance with the subdivision regulations and record the final plat prior to obtaining a building permit.
7. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
8. That the applicant submit a final outdoor lighting plan after building plans have been finalized for review and approval by Staff prior to obtaining a building permit.

9. That the applicant provide adequate guest parking on holidays and special events so that parking does not occur on public streets in residential areas.
10. That the maximum parking shall be 229 spaces as shown on the drawing dated June 5, 2015. 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 employee parking at an off-site location or sharing parking with other uses in the area.
11. That the sidewalks will be open to the public, but the owner may establish reasonable rules for its use and hours of operation. A sidewalk will be constructed to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.
12. That if the six Twin Villas along the south and southwest property lines are not sold to individuals within one-year after occupancy of the ILF/ALF building is issued an occupancy permit, the applicant shall begin construction on the six Villas.
13. That the applicant submit plans for the pool area and trellis/seating area along Mission Road to the Planning Commission for Site Plan approval prior to obtaining a building permit for those items.
14. That the applicant protect the existing fence and landscape along the south and southwest property lines during construction and repair or replace any fence or plants that are damaged.
15. If the applicant violates any of the conditions of approval or the zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the Governing Body.

SITE PLAN

The proposed Mission Chateau proposal was described in the Comments section of the Special Use Permit. As a part of the Special Use Permit application, the applicant is required to submit a Site Plan in accordance with Chapter 19.32 Site Plan Approval.

The Planning Commission shall give consideration to the following criteria in approving or disapproving a Site Plan:

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

The site is 803,218 square feet with a total building footprint of 151,658 square feet for the ILF/ALF building, the Twin Villas, and the carports; which is 18.9% lot coverage. Approximately 11.45 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for a detention basin, but it still will be undeveloped area. The site is more than adequate in size per City requirements to accommodate the proposed development.

The applicant proposes to build six Twin Villas immediately adjacent to the south and southwest boundary of the property to provide a buffer for the large lot single-family dwellings to the south and southwest.

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

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

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

The applicant has prepared a Preliminary Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the requirements of the City's Stormwater Management Code. The original Stormwater Management Plan was prepared based on the previous plan and used 8.6 acres of impervious area. The impervious area on the proposed plan is approximately 6.95 acres including the Villas. The applicant will need to work with Public Works in the final design of the system.

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

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

There is an existing pedestrian crossing signal on Mission Road just south of 84th Street. This signal was installed to serve school traffic. The applicant has agreed remove the signal since it is no longer needed. The applicant will also need to restripe the middle lane of Mission Road to allow stacking for left turns into the site.

The Vehicle Access Plan, Sheet C4.0, shows how the buildings will be served with emergency and delivery vehicles. The turning radius for emergency vehicles and delivery trucks appears to be adequate. Deliveries are proposed to enter and exit the north driveway since the delivery dock is on the north side of the building.

The applicant has proposed gating the entrances for the proposed development. This is a new element from previously considered plans. The difference is that the Skilled Nursing/Memory Care building has been removed and the development now is totally housing. Apparently seniors feel safer with a gated community than open entrances. The applicant will need to work with Police, Fire, deliveries and other services to prepare an operating plan that is acceptable to all parties. If the gates result in congestion on Mission Road, it may be necessary to relocate the gates further west on the driveways.

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

The applicant has proposed a single row of Twin Villas adjacent to the south and southwest property lines and they back up to existing single-family dwellings. They will serve as a transition between the existing single-family dwellings further south and the larger ILF/ALF building. The design has also located the ILF/ALF building away from Mission Road and away from the south and southwest property lines. The minimum distance from the northwest property line to the ILF/ALF building at its closest point is 112 feet. A parking lot with carports is proposed along the northwest property line which will provide a buffer for the residential uses to the west. Additional landscaping may be needed in that area to supplement existing vegetation. This will need to be looked at in more detail as final plans are prepared. There needs to be adequate screening between this project and the apartments and condominiums to the northwest.

The finished first floor elevation of the garden level and the proposed ILF/ALF building has been set at 946.0 feet. The floor elevation of the existing gymnasium is 954.50 feet so this building is 8.5 feet lower. Lowering the building on the site reduces the overall height and bulk of the building, however, retaining walls will need to be built and drainage resolved. The buildings will set below the grade of Mission Road. The finished floor level of the main entrance is 956.5 feet.

The applicant has proposed a 50-foot wide buffer along Mission Road which will have a sidewalk and landscaping.

If the swimming pool is built it will need to be submitted to the Planning Commission for Site Plan approval. Signs and the proposed arbor adjacent to Mission Road will also need to be submitted to the Planning Commission for approval.

The applicant needs to build a sidewalk to the southwest corner of the site. So that residents will be able to walk from Mission Chateau to the Trail on Somerset Drive.

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

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

The applicant has presented elevations of all facades of the buildings to indicate the general concept of the appearance of the buildings. The proposed materials are cementitious stucco, brick, stone, cast stone, and wood trim on the building facades. The roof will be laminated shingles with a

slate or shingle appearance and standing seam metal roof at certain locations. The combination of materials and quality is good, and the ratio of stone and brick to stucco seems appropriate. This is a large building and at the scale presented is difficult to show detail. There are many design details that will need to be worked out and Staff will do that with the architect and owner. The building materials are covered extensively in the Settlement Agreement and they are compatible with the materials used in the neighborhood.

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

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

It was not anticipated when Village Vision was prepared 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:

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RECOMMENDATION:

It is the recommendation of Staff that if the Planning Commission recommends approval of the Special Use Permit, that it approve the Site Plan subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
 2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
 3. That the applicant will implement the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.
 4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
 5. That all HVAC units except wall units be screened from adjacent streets and properties.
 6. That all trash bins and dumpsters be screened.
 7. That final plan details, including both the Site Plan and the building elevations, shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
 8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
 9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
 10. That the applicant install a sprinkler system for the lawn and plant materials and the plan be approved by Staff.
 11. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
 12. That the applicant install fire hydrants at locations designated by the Fire Department.
 13. That the applicant be responsible for plan review and inspection costs associated with the construction of the facility.
 14. That the applicant submit final plans for the retaining walls to Public Works for review and approval.
 15. That the applicant submit plans for the proposed pool, bathhouse and shelter adjacent to Mission Road for Site Plan approval by the Planning Commission prior to obtaining a building permit.
 16. That the applicant construct a sidewalk to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.
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