

ORDINANCE 2336

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF AN ADULT SENIOR DWELLING COMMUNITY CALLED MISSION CHATEAU AT 8500 MISSION ROAD, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

Section I. Planning Commission Recommendation. At their meeting of July 29, 2015, the Prairie Village Planning Commission held a public hearing. Based on the information presented at the public hearings and the official record, the Planning Commission found the findings of fact to be favorable and recommended that the Governing Body approve a Special Use Permit for the operation of an Adult Senior Dwelling Community known as Mission Chateau at 8500 Mission Road. The findings of fact are contained in the July 7th and July 29th Planning Commission Staff reports. The Planning Commission recommended approved of the SUP subject to the following conditions:

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 Villas and ILF/ALF Building not exceed the building height (as established by the finished first floor and roof elevations), the square footage and the building setbacks as shown on Sheet A0.01 of the applicant's plans dated June 5, 2015.
3. That the Special Use Permit not have a termination or expiration time established for it; provided, however, that if a full and complete application for a building permit has not been submitted by applicant to the City within twenty-four (24) months from the later of:
 - (i) The date upon which the Governing Body approves the Special Use Permit; or
 - (ii) if a lawsuit is filed challenging the issuance or legality of the Special Use Permit within the 30 day period as provided by Kansas statute, the first business day after the date upon which any judgment, journal entry order or memorandum decision upholding the issuance and legality of the ordinance becomes a final and non-appealable judgment, journal entry, order or memorandum decision under applicable Kansas law,

The Special Use Permit shall expire unless the applicant shall reappear before the Planning Commission and the Governing Body and receive an extension of time prior to the applicable date that such Special Use permit is set to expire.

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 a full and complete application for a building permit for the six twin villas along the south and southwest property lines shall be submitted to the City within one-year after the occupancy permit is issued for the ILF/ALF building and construction of the villas shall be completed within a reasonable time.
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 of the Special Use Permit, the permit may be revoked by the Governing Body.

Section II. Findings of the Governing Body. At its meeting on August 17, 2015, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of July 29, 2015, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2015-08 with the following **six** additional conditions:

16. The Property will not be used for parking for any other purpose than supporting the independent living facility, the assisted living facility and the villas depicted in the approved site plan dated June 5, 2015 and cross-parking with adjoining tracts shall not be allowed.

17. The only two (2) vehicular access points to the Property will be to and from Mission Road as depicted on the approved site plan dated June 5, 2015.
18. Each of the twenty-two (22) units to be contained within the eleven (11) villas described on the approved site plan dated June 5, 2015 (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 approved site plan dated June 5, 2015. As depicted on the approved site 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.
19. The carport structures within the Senior Living Building Area as depicted on the approved site plan dated June 5, 2015 shall contain walls opposite to the applicable parking space entrance to reduce automobile headlight exposure to adjacent property owners.
20. Parking for the assisted living facility and the independent living facility building shall be contained within the Senior Living Building Area as depicted on the approved site plan dated June 5, 2015.
21. No skilled nursing services will be offered on the Property.

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant a Special Use Permit for an Adult Senior Dwelling Community at 8500 Mission Road, Prairie Village, Kansas subject to the 21 specific conditions listed in Sections I and II.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 17th DAY OF AUGUST, 2015.

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 17th day of Aug 20 15; that the record of the final vote on its passage is found on page 138-145 of journal 52; that it was published in the Legal Record on the 18th day of August 20 15.

ATTEST: Joyce Hagen Mundy City Clerk

Joyce Hagen Mundy
Joyce Hagen Mundy, City Clerk

CITY OF PRAIRIE VILLAGE, KANSAS

By:

Laura Wassmer
Laura Wassmer, Mayor

APPROVED AS TO FORM:

Catherine P. Logan
Catherine P. Logan, City Attorney