

- C. Lots/Units:** This plat creates three new lots for the townhome units, surrounding green space and private driveways.
- D. Common Areas:** A declaration of covenants and restrictions has been filed for The Courts at Fairfield Village, which describes ownership and maintenance responsibilities for the common areas.

III. STAFF RECOMMENDATION

Staff recommends approval of P-11-028 subject to the following stipulation:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

**MINUTES
STAFF REPORT
CITY OF OLATHE
PLANNING SERVICES**

CASE # PR-11-017

SUMMARY INFORMATION

Planner: Dave Clements

Meeting Date: August 8, 2011

Request: Request for approval of a final site development plan for KidsTLC.

Location: 480 S. Rogers Road

Applicant/ Owner: Mark Huggins, Payne and Brockway/KidsTLC and Olathe School District 233.

Acres:	<u>6.25</u>	Existing Use:	<u>Residential Center/Youth Campus</u>
Number of Lots:	<u>4</u>	Current Zoning:	<u>RP-3/CP-O</u>
Building Area:	<u>4 existing buildings</u> <u>2 proposed</u>		
Required Parking	<u>192 spaces</u>	Proposed Parking	<u>236 spaces</u>

	Land Use	Zoning	Comp. Plan/Area Plan Designation
Site	<u>Residential Center</u>	<u>RP-3/CP-O</u>	<u>Mixed Use Residential</u>
North	<u>Retirement Center</u>	<u>M-1</u>	<u>Mixed Use Residential</u>
East	<u>Office/multi-family</u>	<u>C-O/R-5</u>	<u>Mixed Use Residential</u>
South	<u>Industrial</u>	<u>M-1</u>	<u>Mixed Use Residential</u>
West	<u>I-35</u>		

I. COMMENTS

This application is a request for approval of a final site development plan for the KidsTLC at 480 S. Rogers Road. This request was filed to implement the preliminary development plan approved with RZ-11-004 and RZ-11-005, which rezoned the campus to allow the new development plan.

The final plan includes the construction of a two story clinic and wellness center. This wellness center will include a first floor mental health clinic and an autism clinic on the second floor. This wellness center will allow KidsTLC to provide additional youth services to the city and the region. The wellness center also includes a gymnasium for use by campus residents.

The plan also includes a new parking lot proposed on the northeast part of the campus, and a maintenance building for use by the applicant.

II. Final Development Plan

A. Public Utilities: This site is served by City of Olathe water and sewer facilities. A related water main extension will be required on the existing campus site to the north.

B. Access/Streets: Access to the site will be from an existing driveway on Rogers Road, and a new drive to the Wellness Center on College Way. The new parking area will have access from a private access road west from Clairborne Street.

C. Parking: The site plan includes 236 on-site parking spaces. The parking requirement for all uses on the campus is 192 spaces.

One of the goals of the final development plan is to provide additional parking on the campus to help address parking demand. The new parking area will serve staff and employees. This will allow the existing parking near the dormitories to be used for visitors, family members, counselors and other short term parking users.

D. Landscaping: The plan provides perimeter landscaping around the proposed parking lot, and foundation plantings at the maintenance building. The landscape plan also provides bio-retention areas for stormwater management designed to enhance water quality through the use of native plants and grasses.

E. Architecture/Design: The proposed Wellness Center will be a prominent building on the TLC campus, highly visible from public streets and I-35. The building is designed to continue the contemporary colonial style as the other buildings on the campus, using traditional clapboard siding and brick with an architectural shingled roof. Building details include entry columns, cornices, soffits and other features to match existing buildings on the campus. The applicant has prepared a detailed colored rendering to help demonstrate the design of the building.

The maintenance building is at the south end of the new parking area, and is not readily visible from public streets. The maintenance building has details of red and brown brick, white stucco, and grey asphalt shingles to match other buildings on the campus.

As a result of Planning Commission discussion of the preliminary plan at the rezoning hearing, the applicant has increased the amount of brick on the front elevation of the Wellness Center. The brick will be extended up to the bottom of the dormer windows. Staff believes this will provide a more attractive front elevation along Rogers Rd. and I-35.

IV. STAFF RECOMMENDATION

- A. Staff recommends approval of the final site development plan PR-11-017 with the following stipulations:
- (1) A final stormwater plan and drainage calculations shall be approved prior to building permit approval in accordance with *Title 17* of the *Municipal Code*.
 - (2) Revise landscape plan dated 5/13/2011 to state "final landscape plan".
 - (3) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
 - (4) All on-site wiring and cables shall be placed underground.
 - (5) A parking lot lighting plan shall be submitted at the time of building permit application to comply with *UDO* minimum requirements for illumination of parking lots.

This item was pulled from the consent agenda at the request of Commissioner Ling.

Chairman Campbell: We'll hear from Mr. Clements regarding item #3.

David Clements, Planning Manager, appeared before the Planning Commission and made the following comments:

Mr. Clements: To respond to Mr. Ling's question, the rezoning public hearings for KidsTLC, there was discussion about the proposed wellness center and the architectural treatment and materials of that building, particularly as it faces Rogers Road and I-35. In some discussions with the applicant, the design team came back and has increased the height of the brick from the top of the windows here to just the very bottom of the dormers. They added about three feet of brick up the side of the building, and I think that provides more of a uniform appearance of the dormers on down to the grade level. Staff felt like that enhancement reduced some of the impact of the lap board siding and was acceptable to us as an alternative.

Comm. Ling: Is that all the way around this building? Or is it different on the other sides?

Mr. Clements: It is part way up on the north side and the south side.

Comm. Ling: What about the east side? It looks like that line runs consistently all the way around.

Mr. Clements: Yes, it does. Here is the east elevation.

Comm. Ling: Thank you. Since the last meeting, having noticed this project when driving by on I-35, it looks like a lot of the other buildings on the campus are all brick or much more substantially brick. So, staff's feeling is that this is a step in the right direction, by adding more brick to this to make them somewhat consistent with the rest of the campus?

Mr. Clements: Yes, sir. In our staff review of this final plan, we did ask that the elevation be made 100 percent brick. The design team thought about that, but they felt like the mix of materials met their needs, but there was also a financial consideration with all the brick. So we felt like the compromise of bringing the coarser brick up to the point where they did was reasonable.

Chairman Campbell: Any other questions? If not, is there a motion?

Motion by Commissioner Ling, seconded by Commissioner Locke, to approve PR-11-017, subject to the following stipulations:

- (1) A final stormwater plan and drainage calculations shall be approved prior to building permit approval in accordance with *Title 17* of the *Municipal Code*.
- (2) Revise landscape plan dated 5/13/2011 to state "final landscape plan".
- (3) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- (4) All on-site wiring and cables shall be placed underground.
- (5) A parking lot lighting plan shall be submitted at the time of building permit application to comply with *UDO* minimum requirements for illumination of parking lots.

Motion passes 7-0.

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT**

CASE # PR-11-018

Dave Clements, Planning Manager, made the following staff presentation:

Planner:	Dave Clements	Planning Commission Meeting Date:	August 8, 2011
Request:	Request for approval of a revised final site development plan for Church of the Resurrection West, Phase I		
Location:	24000 W. Valley Parkway		
Owner:	Church of the Resurrection-United Methodist/Richard Cooper		
Applicant:	Michael J. Heule, Helix Architecture & Design		

Acres:	<u>12.39±</u>	Proposed Use:	<u>Modular Office</u>
Current Zoning:	<u>BP (Business Park)</u>		
Floor Area:	Parking:		
Revised Phase I	<u>20,661 square feet</u>	Required	<u>225 spaces</u>
		Proposed	<u>225 spaces</u>
Streets and Right of way:	<u>Valley Parkway</u>		
Existing	<u>60' (½ street)</u>		

I. COMMENTS

Proposed Development:

This is a request for a revised final development plan for Church of the Resurrection West (RezWest), Phase I. The Planning Commission reviewed and approved the Phase I development plan for RezWest on August 9, 2010 (PR-10-011). The rezoning of the site and overall preliminary plan for the church was approved by the Planning Commission on July 12, 2010 (RZ-10-009).

Phase I was proposed as a 24,661 square foot multi/use sanctuary seating 600, with office space and children's education center. Prior to start of construction of the church, the Phase I area was reduced to approximately 20,000 square feet by **eliminating the office area**. The church size had to be reduced as the capital campaign for construction did not generate funding to build the Phase I as approved.

At this time, RezWest would like to add a modular building to the approved plan to provide temporary office space. The Planning Commission may recall that RezWest currently is conducting services at Prairie Trails Junior High School, and the church rents office space at another location on College Boulevard. RezWest would like to eliminate the rented office space and include key staff on site at the location of the new church. The proposed modular building is the only way to accomplish this inasmuch as the office space was eliminated from Phase I construction.

This modular building is proposed to be located west of the church, and is noted on the site plan. Please see the applicants July 19, 2011 letter providing additional details about the request.

The letter also states that office space would be included in the next phase of church construction with fundraising to start in 3 or 4 years. There is no estimated timeline for use of the modular building.

II. FINAL DEVELOPMENT PLAN

With this request for a revision to the final site development plan, utilities, streets/access, drainage and stormwater, parking, landscaping and other elements of the approved plan are unchanged. The staff report will focus on the proposed modular building, its location, design and impact on the site.

- A. Location:** The modular building is proposed to be located west of the church, with sidewalk access to the parking lot and to a side door in the church. The modular unit is to be constructed several feet below existing grade for better access to the entry door of the unit, and to reduce the height and profile of the building from Valley Parkway and the church.

The applicant prepared a line of sight drawing of the modular building from Valley Road. Approximately half of the modular unit can be seen from Valley Road. The applicant has proposed vertical landscaping in front of the building to provide screening of the unit.

- B. Design:** The applicant is proposing to paint the wood siding and trim on the modular to match the colors of the church. A colored rendering has been prepared that shows the compatibility of colors.
- C. Site Impact:** The modular building does not adversely impact the site design as to floor area, impervious surface/stormwater run-off

or parking considerations. Staff would suggest the main impact of the modular building on the site is one of compatibility and appearance, and the precedence for the use of temporary structures in the College West Business Park. There is also uncertainty about a definite timeline for the removal of the unit.

D. Planning Considerations/Precedence: There are no provisions in the Unified Development Ordinance (UDO) that provide regulations for the use of modular buildings. Such structures have been considered on a case-by-case basis. In the last year, the Planning Commission approved extensions for the use of modular buildings for Olathe Bible Church on 151st Street and Johnson County at the location of the juvenile detention center on Spruce Street.

In both of these instances, the use of the modular units exceeded the anticipated original time frame, and there were questions about the desirability and long term use of modular units and their appearance.

E. Locational Alternatives: In order to minimize the impact of the proposed modular building, staff suggested that RezWest locate the unit on the north side of the church. This would eliminate visibility from Valley Parkway and would help reduce concerns about the appearance of the modular building in College West Business Park. A location north of the church would not be readily visible from K-10 or 103rd Street due to a tree preservation area on the church property.

For operational reasons mentioned in the applicant's letter, RezWest indicates a need to keep the modular unit on the west side of the church as proposed.

III. STAFF RECOMMENDATIONS

The staff notes that it is unfortunate that the office space for the church was eliminated due to the need scale back the scope of Phase I construction. It is important that the church have key staff at the church for business efficiencies. However, staff would point out a concern for the modular unit and the potential for its extended use as has been seen in other circumstances.

Staff recommends approval of PR-11-018 with the following stipulations:

- (1) The modular building be located on the north side of the church in order to eliminate visibility from Valley Road. This location will help reduce any negative impact on the business park, and will not be readily visible from K-10 Highway due to the existing tree preservation easement.

- (2) The modular building be painted to match the material colors of the church as shown on sheet Phase One Plan 06.
- (3) All electrical and/or telephone lines necessary to serve the modular building be placed underground.
- (4) All future phases of church construction shall require a final plan approval by the Planning Commission.
- (4) The modular building be removed by August, 2016. No future extension shall be granted for use of the modular unit.

Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Any questions for Mr. Clements? Mr. Harrelson.

Comm. Harrelson: First question. Were there notification requirements for this adjustment, public notification requirements?

Mr. Clements: No, sir. This is not a public hearing so there is no notice to adjoining property owners.

Comm. Harrelson: So the adjoining property owners don't know of the potential for this change. You mentioned the over-the-counter change. The City-approved plans that the current plan is using for construction already has this reduction accounted for, so it's already been decided that they're not going to build the additional space.

Mr. Clements: Right. They got a building permit for 20,000 square feet and that does not include interior office space.

Comm. Harrelson: Thank you.

Comm. Fry: One of the concerns that you mentioned was the potential for this being used for a longer period of time. I'm trying to look back and see if there is an intended amount of time that the applicant has stipulated. Was there any indication if this was just a temporary modular unit, or was this going to be there for a certain period of time and that was it, or - ?

Mr. Clements: The applicant has indicated they would provide office space in the next phase, Phase II. In their letter they state that they will start their next capital fundraising campaign in three and a half to four years.

Comm. Fry: Has there ever been a situation like this where some sort of a special use permit has been used to grant the permission to use this building for a certain amount of time that would end at a certain date, so that it has to be gone at a certain time?

Mr. Clements: I think that's one of the problems. We've tried that. There have been dates specified and individuals come back and they requested the special uses be approved and plan approvals be amended to allow additional time length.

Comm. Fry: And how have those worked out?

Mr. Clements: Well, I think the Planning Commission has been concerned with those extensions that have been granted in years past and those units are still in place. Olathe Bible Church, you know, is going to undertake some fundraising to build new classroom space to eliminate their modular, and I think the Planning Commission gave them a six year approval. That was last summer, so we started the clock all over on that one.

Comm. Rinke: Mr. Clements, do you know how much classroom space is in the 20,000 square foot facility they are building.

Mr. Clements: I couldn't speak to the exact area. Perhaps the architect could answer that.

Comm. Ling: Just one question. At the other sites that you indicated we've discussed previously under different applications, maintenance has been an issue. I know we normally leave that to enforcement and we don't normally write stipulations into that, except to the conditions granting approval. I think in one of the past ones, we required them to fix some conditions on there.

Mr. Clements: We did.

Comm. Ling: However, the Commission may go a different direction, but would it be appropriate to put some stipulations in here regarding maintenance since that's one of the more important things if we were to approve this, to address those concerns? Or do you think enforcement is adequate to cover those issues?

Mr. Clements: Good point, Mr. Ling, and I think perhaps both those things would be important – a stipulation requiring ongoing maintenance in terms of painting and landscaping, and then we still have our property maintenance code that we could use also. I thought I would just mention, in terms of painting, the applicant team is proposing to repaint a modular building they are purchasing from another location. They will paint it to match the exterior colors of the church. So, that's a good point in terms of compatibility, but we want to make sure that that's maintained over time.

Chairman Campbell: Any other questions? Can we hear from the applicant?

Rev. Molly Simpson, 33810 West 83rd Street, De Soto, Kansas, appeared before the Planning Commission and made the following comments:

Rev. Simpson: I am the campus pastor at Resurrection West. We are a multi-site church and I am responsible for the day-to-day leadership, vision, etc., at that campus. I am thrilled that we are even at the place that we are, a year from when we were before you. The building is going up, it has roof and walls, and windows

and floors, and we signed drywall with notes and prayers and those pieces of drywall will go up this week. We are really thrilled about the growth that is happening in the facility, on the property, but then also in the life of our congregation as we looked at what it means for people to come to that property during the week.

Our office is currently located at 25000 College Boulevard, and as we've processed through what it's like for people to come visit a church, as soon as the building goes up, we know that there will be people that drive to the building to ask questions, drop things off, seek pastoral care, and all of those kinds of things. So, hospitality on site is extremely important. Presence on our staff, and certainly the functionality of our staff being located even a short distance away we think has a potential to have significant ramifications for the effectiveness of ministry, for the hospitality that people receive when they come to the site. So, for us, asking to have the modular offices there on site in a temporary capacity is really important as an opportunity for us to continue to grow and thrive and do great things.

I know there has to be a concern. We grant this, it's five years, and then somebody comes back and asks us again for more years in addition to that. While I don't know what the future holds, I know what's going on in the life of our church now, and week over week we're seeing 22 percent growth over the same time last year. The news of the building has increased that even yet this summer. There are eight to ten new visitor families that show up at church every Sunday, and we're on a growth trajectory that is fairly steep and significant. So, we really do talk about this next capital campaign, the next phase of growth. We have at least reason to believe that that is really within our grasp, that as hard as it's going to be for all of us, we're going to have to turn around and do another capital campaign immediately on the heels of the conclusion of this one. That means that we're doing exactly what we seek to be doing. We're making a difference in the community. We're inviting people in.

So, for me, this is really a temporary situation, and it's a place in which we're able to do business more effectively. It's going to help us get to the next hurdle of growth to be able to build that next phase by things just running smoothly. One of the things that I think is helpful to think about is that our offices are much like city offices. It's not where staff shows up at eight o'clock in the morning and everybody goes into their offices and does their daily work and then leaves, and the location is important primarily for the staff members. But the location is important for our community. The place that people come in, drop by, ask questions, the location of that office really is important as a part of the functionality and the growth of the church. That's part of the reason we're requesting. Part of the reason that even the location of that modular building is significant to us. We proposed and would prefer that to be on the west side of the building as it's accessible to the parking lot. We're able to put some signage up and people can see where to go directionally when they arrive on site. And tucked back away around the corner of the building reduces its functionality, as a church office, at least, for people coming to the site, looking for directions.

So, I just wanted to share with you that I think this is an effective and important part of our ministry plan. It really and truly is a temporary situation, and I won't come back and crawl on my knees before you in five years, saying please, please. I would just ask you to seriously consider granting this. It will enable us to continue to do great things in this community.

Rob Heize, 10561 South Glenview Lane, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Heize: I am a resident of Olathe. I'm in the commercial real estate business. I own commercial real estate within a mile, mile and a half of this building. I think that's important as it relates to some of my comments.

To talk a little more about what Molly was getting at. We're in the business of ministry. In order to do that, we have to be effective. To have the building on the west side versus the north side allows us to effectively and efficiently do that ministry. Our mission statement is to reach the non and nominally religious people in our community, and to do that, you have to be available. You have to be able to greet them. If they have to walk in the front door and walk through a big long building to get to the north side of the building, it may be uncomfortable. They may turn around and walk away. Those are the kinds of things we're trying to avoid. The massing that we would have, the building on the west side is going to have a better presence for us. So, those are some reasons why we think that the west side is really critical to the success of what we are endeavoring to do.

From my real estate experience and background, I've made 80 to 90 percent of my living in commercial real estate in Johnson County, primarily west of I-35, doing land and office and industrial real estate. When you look at land absorption, look at where we're at in the economy, if you look at where we were at in the go-go-times, we were only absorbing 50 acres of land per year on an average annual basis, some years ten, some years 90. Right now, we're going to be at a zero land absorption basis for the foreseeable future. I make that comment statistically, only from the perspective of what that might do to other values. Owning real estate near there, I don't think it is going to affect the value of the commercial real estate we own. It's not going to affect my residential property. In my opinion, it will increase our property values. I don't think it's going to inhibit commercial development nor decrease values of any of the properties nearby. There are really only two properties that you can really see, three with Olathe Medical Center. So, from a professional standpoint, I don't see how the building being on the west side, having some visibility from Valley Parkway and 103rd Street, would negatively impact the area.

So, I would ask the Commission to strongly consider our request to be on the west side of the building. Again, I am available for questions. Thank you.

Michael Heule, Helix Architecture & Design, 1629 Walnut, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Heule: There are a couple things I wanted to point out about the modular office building. I think you guys are all familiar with these structures. Usually they are rolled onto a site and you have to build a ramp, stairs, etc. It immediately has the appearance of being something that's temporary. Church of the Resurrection did not want to do that. They wanted to make sure that it looks as good as it can adjacent to this new structure. So, part of what we did was recessed or set that building back about 15 to 20 feet from the major façade so that the major façade is still the primary building. But then we also worked with the grade so that we lowered the building. You're going to walk out of one building into the next. There are no ramps or stairs. There will be a painted skirt around the building. It's about as much as we can do to make that a permanent-looking structure versus something that is going to look temporary for the next few years. And also

landscaping. We've added landscaping to try and screen that and make it look more like it's part of the site, and if we need to come back with additional landscaping, some berming, or something of that nature, we're willing to work with staff to try to make that as pleasing as we can from Valley View.

I think those are all the comments I wanted to add. We are certainly open to any questions.

Chairman Campbell: Any questions from the Commission at this time?

Comm. Rinke: How much square footage do you currently have for classroom space?

Mr. Heule: The lower level is all dedicated to classrooms, so approximately 10,000 square feet.

Comm. Rinke: And then, there was a diagram that showed the building in comparison to the church, and it looked like there were five enclosed offices and restroom, and then a large open area. Is that what the open area is used for? If you look at the diagram, probably less than half the space would be for enclosed offices.

Mr. Heule: Some of what the diagram represents is really the existing conditions of that modular office as it is being occupied, so how it gets used on the inside is really pretty wide open.

Rev. Simpson: There are 11 staff members, so part of that will be cubing and working in common spaces as well. Plus, we do a ton of teamwork, so we will probably want to retain some sort of conference table configuration, because a lot of our work happens collectively and with volunteer teams.

I also want to mention, if this question comes up, I just wanted to share that we already, because of the growth in recent months, have planned daytime events, classes, bible studies, etc., that happen four of the five business days during the week, during the day. Also, eliminating kind of a backup plan, like, could we work from a corner in one of those classrooms. There will be programming in those spaces throughout the week as well.

Comm. Rinke: We had a copy of an email from Mr. Heule to Mr. Clements that said that if the modular building was used for classroom space, that that would have been okay. You would have been okay having it on the north side. So, was there any consideration of using the modular unit for classroom space and putting the offices in the lower level of the church building?

Mr. Heule: I don't think there was serious consideration. We did weigh the choice of putting it up on the upper level or lower level, and the comment was made, if it's on the lower level, it really would be classroom. But that wasn't really what the need is. The need is office space. So that location on the upper level was ideal. In fact, in the master plan itself, that location is where the future offices will be, adjacent to the parking lot to have accessibility. But there was no discussion about the need for modular offices for classrooms. That lower level is going to serve their needs.

Comm. Rinke: My suggestion was, you could use what would currently be used for classroom space for offices, and then have overflow classroom space in a modular unit.

Mr. Heule: I think the challenge would be that it would still place the offices on the lower level, and the accessibility and the ability to be hospitable to people that are coming and visiting becomes more of a challenge.

Mr. Heize: To add to that, the modular office buildings are modular office buildings. They are not conducive or functional for classrooms. They are designed to have offices in them, rather than classrooms where kids can move around and function.

Comm. Rinke: But is that specific to this unit you're buying? I believe the Olathe Bible Church actually uses their building for classrooms.

Rev. Simpson: Just one other concern. Right now, the way the building is planned, we have wonderful plans of being able to keep that lower level entirely secure for children. There are emergency exits, but people who are checking kids in, there is one way in and one way out, and we're able to carefully monitor that. We don't have adults that shouldn't be in the children's area walking into that space, and we also don't have kids darting off in other directions. So, one of the nice things about keeping all the children in that area is that it provides for their safety and protection, as well as the optimum security we can offer in that building as it is planned.

Comm. Ling: Staff, as you know, is recommending putting the modular building on the north side of the church. I've heard your request to have it more towards the west side of the church and the need for that being a visibility issue for guests who arrive, to be able to see your office building. You said you were going to do some of that through signage already. Do you think it's possible to direct that signage down and to the north location that staff is recommending?

Rev. Simpson: Absolutely. I also know that because of the way that the site slopes downward, it's a downward grade for anyone who has any mobility or accessibility concerns. It's a much greater distance from a parking spot, so it presents some concerns for the actual accessibility of somebody trying to walk to the office location.

Comm. Ling: From the exterior. And the reasons why you don't want to do it from the interior is because they would have to walk through the lower level of the interior, which walks through your kids' children area.

Rev. Simpson: On Sundays, or when there is other programming. But actually, the door that is on that part of the building is in the back of a storage closet. So, while it provides sort of load-in/load-out access, there's not an ease of walking down and out the door on the lower level in the northeast corner to even access that portion of the property.

Comm. Ling: There isn't an emergency egress on the north side?

Rev. Simpson: There's one on kind of the northwest edge of the building, but where this is being proposed, if it's being situated where the grove of trees is, it's really towards the northeastern edge of the property. If it's really directly to the north and slightly towards the west, it is visible from K-10. I drove that two or three times a day and I look at the windows that are on the building right there, so it would have to be fully cleared towards the northeast for it not to be visible from K-10.

Comm. Ling: I will ask my question of staff, exactly where they propose the building. I do have another question for the applicant first. The applicant's architect mentioned berming. Have you seriously looked at berming this structure so that it blocks it entirely from the view shed?

Mr. Heule: Yes. When we look at that, we can begin to hide it, but we can't totally hide it. With the walk that comes up to the building, there's a gap in there. That berm would be ten feet tall, and trying to get it to align with all of the possible site lines along Valley View as you pass by it, it's just going to be impossible to totally hide it. But it certainly could be improved.

One other comment about the north side. I don't think Molly mentioned security. The north side of the building is on the lower level at the north. Basically, if you are not walking around the perimeter, you'd have to leave the building unlocked, and there's concern about security, someone walking into the building, not knowing who is in there. So, the challenge does become, if the building is going to get locked up and someone is coming to the office, how do you really do that, particularly in the winter months when you've got snow and ice to deal with, and stairs and ramps, etc. It's a real challenge from the exterior.

Comm. Ling: Staff has a stipulation, as written right now, that the modular building will be removed by August 2016. Do you dispute that, or do you accept that stipulation?

Mr. Heule: We would like to consider that. It will not be open by August. More than likely it will be the end of the year when the building opens in December, and could that timeframe be from the date of occupancy or the end of 2016.

Chairman Campbell: You mentioned a master plan, and you're saying the current master plan show the next phase of expansion to the west where this temporary office is proposed?

Mr. Heule: It will actually be to the east. My point is that when the master plan is complete, the future offices will be on the west side of the building. The next phase is likely to be additional classrooms and that would go to the east, and at that time, they would also incorporate enough room for the offices that the modular building could go away. But I think we had identified four different phases. We are completing the first phase now and the next phase would likely be to the east. The subsequent phase would either be to the west or the permanent sanctuary to the north.

Chairman Campbell: So Phase II is directly to the east, expanding - ?

Mr. Heule: That's the intent, yes.

Chairman Campbell: I also had a question for Rev. Simpson. How many drop-in guests do you have now that stop by the office?

Rev. Simpson: Probably 15 to 20 a day. I think that will significantly increase. We currently function in two temporary locations, so there's a lot of traffic actually at the other location that has activities and studies and things like that. That will all be located on site then. There are 50 a day at the other site.

Chairman Campbell: Your main offices are down the road on College Boulevard.

Rev. Simpson: Yes.

Chairman Campbell: And where are you meeting on Sundays?

Rev. Simpson: Prairie Trail Middle School.

Comm. Almeida: A question for Mr. Heule. Looking at one of the sketches that's calling out the vegetation around the proposed modular building, it seems a lot of the concern is just around the appearance. Berm is one tactic to try and make that go away. Would the church be open to possibly some additional vegetation to the west and north if they feel that the appearance is the main issue?

Mr. Heule: Yes, we are certainly willing to work with staff to come up with something that works for both parties.

Chairman Campbell: Any other questions for the applicant at this point? Mr. Ling, I think you had a question for staff.

Comm. Ling: Mr. Clements, I am looking at where the applicant has suggested they put the modular building. Where would staff like us to put the modular building?

Mr. Clements: First of all, we've not had a detailed design drawing done of the location north of the building because when we made the suggestion to the applicant, they felt like they wanted to go ahead and pursue the original location. My thought was to place the building similar to where I think Molly is discussing, kind of in this location, length-wise. I certainly felt it was important to keep it away from this bank of windows. There is a double door at this location.

Comm. Ling: That's emergency access, right? That doesn't go to a closet.

Mr. Clements: No, I think this is a man door. I simply was hopeful that you could construct a walk from this door to the modular. I never really thought about outside sidewalks going around the building. It was my hope that perhaps they could just use that door and all traffic to and from the office could be through the interior of the building and not going around it. There is a slope there. You can see the grade change here, and it is a two-story church height here. So, at this point, I think it kind of hides it from the interior of the church and it kind of nests it a little further east, closer to the tree preservation easement. You might be able

to see the modular building from 103rd Street or K-10, but you'd have to be trying really hard from that location.

Chairman Campbell: So since we do not have any plans, if we considered adopting this and moving it forward per staff's stipulation, it would require a continuance so that we could have actual drawings to submit for the record.

Mr. Clements: I think that would be up to the Commission's discretion, sure.

Chairman Campbell: Any other questions or comments for staff? Comments or discussion?

Comm. Ling: One more question. The stipulation as to the August 2016, is that number just five years from today? Okay.

Comm. Almeida: Say the expansion doesn't happen and the modular building is still there, what happens September 1 of 2016?

Mr. Clements: Well, that's the eventuality that I think we all want to avoid, and that's the experience that we have all had with modular buildings – They do tend to come back. I know the Planning Commission has been pretty direct with other applicants about these, and I would hope that we don't get confronted with that situation. But there is a likelihood that we would, and then you would be in the difficult position of having to grant an extension.

Chairman Campbell: Mr. Kohler was not able to be here. He did send an email and ask that his thoughts be placed in the record. He has stated that he does not favor temporary buildings of this type anywhere in Olathe, and certainly not in Cedar Creek. That is the gist of what he is saying. I told him I would pass that along to the group. Is there further discussion? Mr. Rinke?

Comm. Rinke: Actually, I would echo Mr. Kohler's comments. I would prefer that we not have these in Olathe, and I think there are fewer and fewer of them than we had probably ten years ago. I think it should be a goal not to allow these. But I guess if we were to approve it, or if I was to vote for it, I would have to go with the staff's recommendations, and I wouldn't be willing to waver on that.

Comm. Almeida: I'll echo the comments that we prefer not to have these, but sometimes for the development of our citizens and our community, we get placed in these situations. As far as placing the building on the north side, I would have some concerns regarding safety and security with it being tucked back out of sight. What about lighting? The sidewalks down the side, during the summertime it's nice and easy to walk down, but in the winter much harder. I can understand the applicant's desire of, you know, if you have to walk all the way through the church, does someone actually make it that way? You have all generations that attend church, and it would be tough.

Comm. Harrelson: First of all, I very much support the mission of this church. I am a little disappointed in the way it is developed. Going back to when we looked at, number one, a rezoning, and we started with a property that we had to consider very carefully for rezoning to begin with. And I remember at that time,

there were a lot of questions about the architecture of the building. That was a concern, not relative to the rezoning so much, but the site development plan. It was a concern because of the area that it is in and because of the neighbors nearby, and the way that that property in the area might develop. So I know it was a concern, and I feel fairly confident that had we had a temporary building on the final development plan, there's no way in the world we would have voted to support it.

I'm also disappointed that the decision has been made to truncate the offices with no option except to come to us with a temporary building. So now, the building is being built without it, and we're given the unfortunate task of appearing to be the bad guy that's not helping the church. And we don't want to do that. We want the church to succeed. We want it to be successful. We want the mission to be a success in our community and for people to become a part of that effort. But I can't support a temporary building on the west, north, east or south side of this project. I just cannot, based on the rezoning that was considered very carefully, I thought. I thought we gave it good, fair consideration, and I think at that point, it was a legitimate project. I also think it's important for us to separate that this is a church. As planning commissioners, we have to consider that there are other people who look to us and say, "What about my building? What about my project? How are you going to look at that project?" So, for us, it's unfortunate that we're here, I guess, and I feel bad that I'm having to take this position, but I'm inclined to not support any temporary building, unfortunately.

Chairman Campbell: Any other comments?

Comm. Ling: Much of my angst, and I think some of the other planning commissioners, not to speak for them, is the other modular buildings that have been out there for a long time at some of our other sites. We definitely want to support development in the city and I know timing of development is a challenge, especially in these times. But there are a number of modular buildings out there, and I alluded to some of them having not been maintained as good as they potentially could have been. It exacerbates the situation.

I am supportive of staff's recommendations for the location of it. I would hope that the access on the north side can be achieved for those times when it is a challenge to walk the steps to the north, access through the building would be available. I understand it's not your preferred option, but for the limited times during the winter when that would occur, I think you would have access through your building to the north side. You've indicated you will have signage to provide direction for those visitors. You can do that through the building, and also around the building, to provide your guests direction to where your office is. I think those are reasonable accommodations to granting the modular building on this site. I would ask that a stipulation be added regarding the maintenance and landscaping associated with it. I also see no problem extending to the end of 2016, as requested, for the removal of the building. Those would be my thoughts and comments.

Chairman Campbell: I have had some considerable angst over this as well. Not only are we looking at a modular building, but we're looking at a modular building in Cedar Creek, which has some real concern. We're also looking at a modular building that, while temporary, plans for removal won't even begin to be thought

about for three and a half to four years, which is, if you're just starting that campaign in three and a half to four years, then to actually fulfill and pull this off within five, it's tough. I also share some of the concern, too, because as Mr. Harrelson stated, I believe in the mission of the church, and as a church man myself, am very torn as to what I think should happen here. At a very minimum, I think it does need to be located on the north side. But, without having a plan in hand to address that, I do not want to approve anything tonight without – I mean, we're acting on a final site development plan. If we're going to move it to the north side, if that's the Commission's request, we don't have a plan for that. Moving it to the north side also does allow for some access that could be granted, some handicapped stalls back there; I don't know. There is a construction drive around that site now, so there is potential there.

I would also concur that we would have to have an additional stipulation 6 to talk about repairing conditions and landscaping during the duration, as well as the teeth in stipulation 5, which has been mislabeled as 4, saying that it will be removed at a date specified.

All that said, I still have a real concern about having modular buildings, especially in Cedar Creek. We have not done that in the past and I have a real concern about that.

With that, we are back to either a motion or a continuance.

Comm. Ling: Did you want to ask the applicant on the continuance, how that impacts his/her schedule? Does the applicant want to address that?

Rev. Simpson: If the option is no, or we'll talk again, I obviously would like to talk again. We're at the mercy of your decision, your leading, your wisdom, your direction. We certainly would love to be able to make plans for whether or not we stay in our lease and whether we're starting to mobilize our staff teams. The first worship service is the first weekend in the December, pending all the schedules continue to play out, occupancy, and those things all happen.

Comm. Ling: I bring it up, Mr. Chairman, is I know you are actively constructing out there, and there could be some things that you may want to adjust while you're actively constructing it. A two week to 30 day delay impacts that.

Rev. Simpson: We will work with what was presented to us. We've told you everything that we would prefer and what we long for, and we've come to ask for everything we feel compelled to ask for. If you would like to continue discussing this, we would be amenable to that.

Chairman Campbell: Mr. Harrelson did bring up a valid point, saying that if we had seen this from the beginning, we probably would have said, "What?" But moving it to the north side, I mean, I really would like to see some of the elevations. I think a driveway extension with some potential parking there for temporary guests, that's probably very feasible, but I don't know that without looking at all the elevations. But it bears some investigation in my mind. Now, that said, I also have to put the caveat out there that I'm not entirely sure that I am completely in favor of having the modular building at all, so I don't want you to jump through a bunch of hoops; that's not fair to you either. So, we've heard from three people – one that's not here tonight – saying that they really don't want this at all.

Before I forget – and I’m going to be a little bit petty, but I’m going to say it anyway – you really need to slap your contractor because they put a sign in the right-of-way that’s not allowed. They should have known better. I know Mr. Clements was addressing that and it’s coming down, but it needs brought out. It violated many, many, many ordinances, not just one or two. It was a big no-no. It should be coming down. But it needed to be brought up.

Mr. Heize: Could we ask for Commission approval tonight, subject to staff approval on location on the north side? Would that be appropriate?

Comm. Ling: I was opening that door for you, but I did not hear the impacts on your construction schedule. Mr. Chairman, I think I would have to agree with them – If we have the time, the appropriate means is to go through and work with staff and get that on a drawing so we can see it. I know that was the Chairman’s desire, and I would concur with that, unless there was an impact on your construction schedule. And then I would say we could design it on the fly, but that isn’t the preferred method.

Chairman Campbell: Any other comments or questions regarding what we’ve been discussing?

Comm. Ling: Mr. Clements, when would you like to continue this to?

Mr. Clements: I’m pretty sure that the church team could react pretty quickly, and if we’re going to bring it back, I would prefer to do it sooner rather than later, so August 22nd. That just means that the church team would have to have us some revised plans by the middle of next week so we could spend some time on them. The good thing is there are not a lot of other departments that need to review this. I don’t have to rely on Traffic or Public Works, etc. It’s not that much for us to do, once we do get our hands on it.

Motion by Commissioner Ling, seconded by Commissioner Almeida, to continue PR-11-018, to the August 22, 2011, planning commission meeting.

Motion passes 6-1, with Commissioner Harrelson voting in opposition to the motion to continue.

Chairman Campbell: We will see you in two weeks. Thank you.

MINUTES:

Other comments from August 8, 2011:

Chairman Campbell: Is there anything else, Mr. Clements?

Mr. Clements: No, sir, but thank you for following up. It was a good workshop today.

Chairman Campbell: Yes, it was. See you in two weeks. Thank you.