



DRAFT MINUTES

Planning Commission Meeting: July 27, 2026

Application:	<u>SU26-0006:</u> A special use permit for Community Food and Personal Support Services, Nonresidential for Starfish Project Foundation, located southwest of W. 135th Street and S. Brougham Drive.
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Chair Janner provided introductory information about the public hearing item and the process.

Ms. Kim Hollingsworth, Planning and Development Manager, presented SU26-0006, a request for a special use permit for the Starfish Project Foundation on approximately three acres southwest of 135th Street and Brougham Drive.

Ms. Hollingsworth stated that the property was zoned CP-1 and designated Community Commercial in the Comprehensive Plan. Surrounding zoning included CP-2 to the west, C-2 to the north, and nearby R-1 single-family zoning. The site contains an existing 15,000-square-foot building constructed in 1995 as part of the former ALDI development and most recently used as a quilting retail store.

She explained that the proposed Community Food and Personal Support Services land use would collect and distribute food, clothing, and personal care items. The building would be open Monday through Friday from 9:00 a.m. to 5:00 p.m. and the second Saturday of each month from 10:00 a.m. to 5:00 p.m., with donations accepted during those hours. The site has 114 parking spaces, exceeding the 19 required, and donations could be accepted at the main entrance or drive-up door. Additional landscaping, including enhanced evergreen screening near residential property, would exceed typical UDO requirements. She then introduced Chief Development Engineer Charlie Love to discuss traffic.

Chief Development Engineer Charlie Love stated that peak traffic periods were approximately 7:30 a.m. to 8:30 a.m. and 5:00 p.m. to 6:00 p.m. The proposed 9:00 a.m. to 5:00 p.m. weekday hours would begin after the morning peak. The applicant estimated approximately 40 trips per hour. He clarified that serving up to 1,000 people per day referred to off-site distribution, not property visitors.

Mr. Love stated that staff compared the proposed use with other allowed uses on the site and found that the former ALDI and other uses, including restaurants and fast food, could generate more traffic. He concluded that the proposed traffic demand was within or below

the range allowed by existing zoning. He also noted that the City CIP project on 135th Street would replace aging signal infrastructure and add right-turn lanes from westbound 135th Street to northbound Brougham Drive and from northbound Brougham Drive to eastbound 135th Street, improving intersection capacity.

Planning and Development Manager Kim Hollingsworth continued the presentation and reviewed the applicant's waiver request. She stated that CP-1 has a performance standard limiting passenger delivery vehicles associated with the property. The applicant requested a waiver to allow one small box truck to pick up donated items from other locations and bring them to the site. The truck would be used approximately two to three times per week, stored on-site, and use the existing loading dock on the south side of the building. Staff supported the waiver because it involved the smallest feasible truck, used the existing loading dock, and included enhanced landscaping.

Ms. Hollingsworth reviewed public correspondence and stated that approximately 80 people attended a July 6 neighborhood meeting. The applicant later met with nearby residents and worked with the Olathe Police Department on a preemptive safety analysis. Public notice requirements were met through certified letters to property owners within 200 feet and a posted notice. Staff received 105 letters, which were provided to the Planning Commission and would be forwarded to the City Council. She summarized correspondence topics, including access and traffic, safety and crime concerns, property maintenance, support for the organization, community benefit, and personal experiences.

Ms. Hollingsworth reviewed the special use permit process and stated that the application met the UDO golden criteria (UDO 18.40.090.G) and she noted that the City Council could establish a permit duration.

Ms. Hollingsworth stated that staff recommended approval of SU26-0006 with stipulations, including a two-year permit, operation consistent with the applicant's statement of purpose, no outdoor display or storage of donations, merchandise, or equipment, approval of the box truck waiver, and completion of final site development requirements for landscaping, screening, and parking lot striping.

Ms. Hollingsworth noted that the applicant was present to answer questions.

Chair Janner thanked Ms. Hollingsworth and opened Commissioner questions for staff.

Commissioner Chapman referenced UDO 18.40.100 and asked how compatibility with the adjacent R-1 district should be evaluated under the special use permit criteria.

Ms. Hollingsworth stated in addition to the special use permit purpose statement in the UDO, staff also evaluates the thirteen Golden Criteria which considers surrounding zoning, building placement, distance, buffering, landscaping, and operational conditions. She noted that the two-year permit would allow monitoring and require a full renewal process if the applicant continued the use.

Commissioner Chapman asked whether staff believed the stipulations made the use compatible with nearby residential zoning.

Ms. Hollingsworth stated that staff considered the 135th Street location, surrounding uses, and mitigation measures.

Commissioner Chapman asked whether the applicant's for-profit print shop affected staff's determination that the proposed use was not retail.

Ms. Hollingsworth stated that Community Food and Personal Support Services was the primary use and the print shop was considered an accessory use and is permitted by right.

Commissioner Chapman asked whether the box truck would be used for daily school trips.

Ms. Hollingsworth stated that her understanding was that it would be used two to three times per week for larger donations and that the applicant could clarify.

Commissioner Seeling asked whether the Police Department's analysis was available.

Ms. Hollingsworth stated the Crime Prevention Through Environmental Design report was not included in the packet and might contain security-related information, but staff would look into what could be shared ahead of the City Council meeting.

Commissioner Seeling asked whether Ms. Hollingsworth had reviewed the analysis.

Ms. Hollingsworth stated that she had not.

Commissioner Corcoran asked whether a final site development plan was required.

Ms. Hollingsworth confirmed that staff was requiring one.

Commissioner Corcoran asked whether the plan would address landscaping, perimeter treatment, and buffering, and **Ms. Hollingsworth** confirmed that it would.

Commissioner Corcoran asked about renewal after the two-year permit term.

Ms. Hollingsworth stated that renewal would require the same process, including an application, neighborhood meeting, public hearing, and City Council action.

Commissioner Brown asked whether the estimated 40 trips per hour referred to vehicles.

Mr. Love confirmed that it referred to approximately 40 vehicles per hour.

Commissioner Brown asked about the planned right-turn improvements at 135th Street and Brougham Drive.

Mr. Love stated that the CIP improvements were already planned and under construction, were not required by this application, and were expected to improve intersection operations.

Commissioner Brown confirmed that the northbound right-turn lane was not directly tied to the application, and **Mr. Love** confirmed that it was not.

Commissioner Terrones asked if he could direct questions to the applicant, and the Chair confirmed the applicant was available.

Joni Moreland, Applicant, Starfish Project Foundation, introduced herself for the record.

Commissioner Terrones asked whether the organization had an emergency action plan.

Ms. Moreland stated that emergency plans were updated for each building and made available to volunteers.

Commissioner Terrones asked about measures to prevent trash and site issues.

Ms. Moreland stated that staff would inspect the property, check for trash, and monitor for unauthorized activity.

Commissioner Terrones asked about illegal dumping signage.

Ms. Moreland stated that signs would be posted on the door and other locations determined with planning staff.

Commissioner Brown asked whether the traffic comparison chart reflected trips per hour or per day, and **Mr. Love** confirmed that it reflected trips per hour.

Commissioner Seeling asked about existing and planned right-turn lanes at 135th Street and Brougham Drive.

Mr. Love stated that some right-turn lanes already existed and the City project would add two more, which would improve movement separation, stacking, and signal operations.

Commissioner Lynn asked about ownership of the open area southwest of the property.

Ms. Hollingsworth stated that portions were owned by the City and portions were associated with AutoZone.

Commissioner Lynn asked whether the area could function as an informal path toward the creek or trail and whether additional landscaping could help prevent that.

Ms. Hollingsworth stated that the designated trail was west of the creek, there was no designated connection through the area, and landscaping review was limited to the applicant's property.

Commissioner Bergida thanked staff for recommending a two-year term and asked whether staff had received concerns about the box truck's appearance.

Ms. Hollingsworth stated that no concerns had been received.

Commissioner Bergida asked what would be reviewed at the end of the two-year term.

Ms. Hollingsworth stated that staff would evaluate compliance with the stipulations, UDO, and Municipal Code.

Commissioner Bergida asked whether the permit could be revoked for a verifiable increase in loitering, trash, panhandling, or crime and whether a stipulation could be added regarding those concerns.

Ms. Hollingsworth stated that she was not aware of a prior City example. Such issues were generally addressed through municipal code or State law, and the Commission could recommend additional language for City Council consideration.

Commissioner Bergida asked for clarification on people served versus site visitors and clarification on the number of cars.

Chet Belcher, Chief Community Development Officer, stated that 700 to 1,000 referred to people served, not individual visitors, because one visitor could pick up items for multiple people. He stated that 40 vehicles per hour was the anticipated peak, or approximately 320 vehicles per day at the high end of an eight-hour day.

Commissioner Bergida asked whether there was evidence connecting a prior Starfish location near Highway 7 to increased homeless encampments.

Mr. Belcher stated that he had not received information from Police Chief Butaud showing a direct correlation.

Commissioner Bergida asked whether staff and Chief Butaud had discussed police intervention regarding homeless individuals walking through residential areas.

Mr. Belcher stated that they had not discussed that specific issue.

Commissioner Seeling asked the applicant about the action plan.

Ms. Moreland stated that it covered emergency procedures and would be reviewed with volunteers at least quarterly.

Commissioner Seeling asked about volunteer levels.

Ms. Moreland stated that approximately 60 volunteers could rotate through in a day.

Commissioner Seeling asked about trash procedures.

Ms. Moreland stated that the property would be checked multiple times daily, with outdoor trash cans and volunteer assistance.

Commissioner Seeling asked what lessons were learned from the prior location.

Ms. Moreland stated that parking was the largest issue and procedures were adjusted when concerns arose.

Commissioner Seeling noted other concerns regarding vagrancy, loitering, and panhandling.

Ms. Moreland stated that homelessness existed in the area before the organization arrived and that the organization addressed issues such as people waiting in the parking lot.

Commissioner Seeling asked why the building owner was not initially identified as a sponsor at the neighborhood meeting.

Ms. Moreland stated that she was trying to recall the LLC name and later clarified who was associated with it.

Commissioner Seeling asked about transparency given the property owner's sponsorship role.

Ms. Moreland stated that sponsors help organizations, and the owner could require issues to be addressed or terminate the organization's occupancy if it was problematic.

Commissioner Brown asked about application materials stating that the box truck represented 90% of truck traffic and what accounted for the remaining 10%.

Ms. Hollingsworth stated that she was not familiar with that reference but would review it before the City Council meeting. She stated that staff understood the box truck would be used two to three times per week and that other pickups could occur by passenger vehicle.

Commissioner Brown stated that the materials appeared to imply another truck or bus.

Ms. Hollingsworth stated that staff would review and clarify as needed.

Commissioner Brown asked how staff determined the print shop was an accessory use.

Ms. Hollingsworth stated that staff considered whether it was ancillary and subservient to the primary Community Food and Personal Support Services use.

Commissioner Brown stated that the determination appeared subjective.

Ms. Hollingsworth stated that staff applied the UDO definitions for primary and accessory uses.

Commissioner Chapman asked the applicant about the print shop's operations and revenue.

Ms. Moreland stated that the print shop represented approximately 5% of building activity, operated in one room with separate books, and was intended to generate income for the nonprofit, but had been losing money due to prior moves.

Commissioner Chapman asked whether the print shop served library referrals.

Ms. Moreland confirmed that it had served several people referred by the library.

Commissioner Chapman asked whether the print shop operated Monday through Friday from 9:00 a.m. to 5:00 p.m., and **Ms. Moreland** confirmed that it did.

Commissioner Chapman asked whether the box truck traveled to schools.

Ms. Moreland stated that it did not. Passenger vehicles handled school and grocery pickups, while the box truck was used for warehouses and palletized items.

Commissioner Chapman asked whether pickups and deliveries could be completed by 5:00 p.m.

Ms. Moreland stated that they could, with some weekend volunteer grocery pickups occurring when the organization was closed to the public.

Commissioner Chapman asked whether operations were occurring at the proposed location.

Ms. Moreland stated that the organization was setting up, doing office and print shop work, and moving items into place.

Commissioner Chapman asked about current operations at 119th Street.

Ms. Moreland stated that all donation intake and distribution were occurring at 119th Street location and that the location did not require a special use permit.

Commissioner Chapman asked about prior loitering concerns.

Ms. Moreland stated that most concerns involved parking. She did not believe the organization had called police for homelessness or loitering, although one police-related incident involved individuals entering the space from a nearby liquor store.

Commissioner Chapman asked how after-hours donations would be prevented.

Ms. Moreland stated that cameras would be installed at doors and parking areas and that after-hours dumping could be reported as illegal dumping.

Commissioner Chapman asked whether cameras would be actively monitored overnight.

Ms. Moreland stated that footage would generally be reviewed the following morning.

Commissioner Chapman asked where clients came from geographically in the City.

Ms. Moreland stated that clients came from throughout Olathe, including nearby seniors, Briarwood families, and Tomahawk Elementary students.

Commissioner Lynn asked about expected foot traffic.

Ms. Moreland stated that she expected minimal walk-up traffic, similar to the temporary location.

Commissioner Lynn asked for an estimate of pedestrian visitors.

Ms. Moreland stated that at the prior Santa Fe location, 5% or fewer visitors walked to the site, or approximately six to eight people per day.

Commissioner Brown asked whether the prior Goodwill proposal had been denied due to proximity to Savers as an income-generating business.

Ms. Hollingsworth stated the City has a small list of business types that are considered "distance-restricted", and Goodwill fell into that category. The proposed "Community Food and Support Services" land use is not a distance-restricted land use.

Commissioner Brown argued the print shop makes Starfish a retail business like Goodwill and is income-generating.

Ms. Hollingsworth stated the print shop is unrelated because it fits into a different land use category that is permitted by right in this zoning district.

Commissioner Seeling asked for clarification on how Starfish is different from Goodwill.

Ms. Hollingsworth answered that Goodwill is classified by the City as a different land use category. The UDO includes only a short list of land use categories that are distance-restricted, and Goodwill fit that category.

Commissioner Seeling restated Goodwill and Savers are the same land use category, which are restricted from being within close to each other. Starfish is not in that category. **Ms. Hollingsworth** confirmed that was correct.

Commissioner Seeling asked if Goodwill's application was denied by Planning Commission, staff, or City Council.

Ms. Hollingsworth answered the City Council makes the policy of distance restricted businesses, and distance-restricted businesses are reviewed administratively.

Chair Janner asked whether there were any additional questions for staff. There were none.

Chair Janner reviewed the public hearing procedures.

Commissioner Corcoran stated that 33 individuals had signed up to speak.

Chair Janner formally opened the public hearing.

Speaker #1, David Miller, Olathe resident, supported Starfish's mission but opposed the location due to concerns about homelessness, safety, traffic, school congestion, trash, panhandling, and impacts on nearby businesses and the neighborhood.

Speaker #2, Kevin Sellers, Olathe resident, opposed the location, citing its proximity to his residence, intensity of use, traffic, food-distribution activity, potential growth, and residential compatibility. He argued it's incompatible with the comprehensive plan. He suggested a larger, better-separated site and asked how the two-year permit would address inspections, complaints, reporting, and accountability.

Speaker #3, Jennifer Steele, Olathe resident, supported Starfish's mission but opposed the location, citing the site's unsuitability, high-traffic use, neighborhood stability, property values, and land-use compatibility. She suggested a commercial corridor closer to identified service needs.

Speaker #4, Erin Bolton, Olathe resident, opposed the location due to traffic, pedestrian and child safety, limited access, neighborhood impacts, and potential future

growth. She questioned current traffic patterns near the elementary school, operating and delivery limits, and how Briarwood residents would handle people experiencing mental health crises when they are not trained to do so. She provided a personal story of someone in crisis in her yard, and the amount of City resources expended to address that. She supported Starfish but suggested other commercial locations.

Speaker #5, Richard Cahill, Olathe resident, said that, through several years volunteering with Catholic Charities' Bread Runners, he had not observed loitering or homeless congregations at Starfish. He believed some concerns were unfounded and encouraged officials to volunteer there.

Speaker #6, Caleb Bauer, Olathe resident, supported the permit and described Starfish as an essential resource for working families including his own. He works multiple jobs to support his family but still needs assistance due to rising costs outside his control. He said Starfish provides food, clothing, meals, and other assistance and that concerns about traffic, parking, and homelessness were overstated and hypocritical. He noted the proposed site has more parking than the current location.

Speaker #7, Christy Bomberger, Olathe resident, supported Starfish's mission but opposed the location due to its intensity, traffic, and proximity to residences. She questioned whether the zoning was appropriate regarding C-1 and Community Commercial designations and disputed comparisons with the former ALDI's traffic levels.

Speaker #8, Chuck Stout, Olathe resident, supported Starfish's mission but opposed the location in Briarwood due to already existing police calls, homeless activity, safety concerns, traffic, and limited site access.

Speaker #9, Delia Maggio, Overland Park resident, supported the permit based on her volunteer experience with Starfish. She highlighted its assistance to families, children, and residents facing food insecurity, as well as food recovery and distribution of clothing. She provided a personal story of being in need and wanting to now help others.

Speaker #10, Valerie Duncan, Olathe resident, supported the permit and said traffic would occur with any use at the site. She noted the bus route could reduce vehicle trips and encouraged residents to support neighbors experiencing hardship. She noted that Starfish supports foster families.

Speaker #11, Taylor Gilliland, Olathe resident, supported approval, stating that Starfish advances overall City goals and values involving inclusivity, community connection, responsible development, and access to resources. He cited its longstanding food, clothing, hygiene, health, family, and community services and its alignment with Olathe 2040 and Elevate Olathe. He asked the Commission to make their decision based on values.

Speaker #12, Lisa Reboulet, Olathe resident, supported the permit and described her family's longstanding involvement with Starfish. She highlighted its service to hundreds of families, food and clothing assistance, school support programs, food diversion from the landfill, recycling, composting, and community programs.

Speaker #13, Jayme Bilyeu, Olathe resident, supported the permit and described how Starfish helped her family after a serious car accident. She highlighted its assistance with food, clothing, school needs, and resources provided through City police officers to residents in need.

Speaker #14, DJ Riehm, Olathe resident, supported Starfish's mission but opposed the location due to its scale, traffic, potential growth, and proximity to Briarwood residences. He cited prior concerns at their prior locations involving parking, litter, loitering, neighboring properties, and accountability. He requested denial of the permit.

Speaker #15, Keri Johnson, Olathe resident, supported the permit based on nearly a decade of volunteering with Starfish. She said her experience did not support concerns about homelessness, loitering, safety, or neighborhood disruption and described Starfish as a family-oriented resource serving community residents facing temporary hardship. She encouraged opponents to experience the organization firsthand.

Speaker #16, Kate Gray, Olathe resident, opposed the location due to concerns about neighborhood compatibility, nearby wooded areas with homeless sheltering there, loitering, enforcement, and children's safety. She questioned whether the trail and nearby elementary school could be affected and where people would go if asked to leave the Starfish property.

Speaker #17, Kathy McCoy, Olathe resident, supported the permit and described Starfish's importance to seniors and residents at Creekside Gardens. She highlighted its food, clothing, volunteer, and social-support services and said the proposed location would improve access for nearby seniors.

Speaker #18, Kelly Patterson, Olathe resident, supported the permit and described Starfish's assistance to foster families, schools, seniors, and residents facing hardship. She provided her personal story of family income cuts due to unexpected medical circumstances. She highlighted its support for schools and community organizations and said many clients are working neighbors living paycheck to paycheck.

Speaker #19, Deborah Thorne, Olathe resident, supported the permit and said the Commission should weigh broader community needs alongside neighborhood concerns. She referenced a personal example of the City allowing an apartment complex, despite her neighborhood's objections, and noted she believed the City made the right decision. She described Starfish as serving residents facing temporary hardship, noted the site is already commercial, emphasized that Starfish is not a homeless shelter, and cited its environmental benefits.

Speaker #20, Michael Oliver, Olathe resident, opposed the permit while acknowledging Starfish's value. He noted his experience working as an executive director and counsel for a national non-profit. He asked the Commission to focus on land-use standards and questioned the property owner-applicant relationship and competing interests, alternative sites, missing traffic and police information, application materials, and the proposed two-year term. He asked that the permit be evaluated based on the required rules and known facts.

Speaker #21, Christine Brewood, Olathe resident, opposed the permit and, citing her architectural and project experience, stated that Starfish was incompatible with the surrounding neighborhood. She said landscaping and truck conditions would not resolve the concerns and requested denial.

Speaker #22, Nicholas Barnette, Olathe resident, opposed the permit due to concerns about neighborhood compatibility, prior operational impacts, loitering, trash, traffic, safety, enforcement, and where people would go if asked to leave. He also raised concerns about traffic through Briarwood and children using nearby amenities and requested stronger evidence and enforceable conditions.

Speaker #23, Andrew Kemp, Olathe resident, supported the permit and noted he is a Briarwood resident. He expressed that his neighbors' opposition concerns reflected fear of poverty, homelessness, property impacts, and people in need. He emphasized dignity and compassion instead and encouraged approval.

Speaker #24, Doug Tunnell, Olathe resident, supported the permit and highlighted Starfish's value to students through charitable and volunteer opportunities. He said opposition largely reflected concerns about having the organization nearby and noted that nonprofits face financial constraints. He also reported no significant negative impacts from Starfish's prior location based on his observations and conversations with a nearby business owner.

Speaker #25, Lori Habernan-Wilson, Olathe resident, stated she was a 27-year resident of the area and supported the proposed facility. She said she had visited the facility and observed families using its services, encouraging others to do the same before raising concerns. She argued traffic would be manageable and that concerns about vagrancy were not unique to the area, noting that she had encountered homelessness throughout Olathe. She said the facility appeared well-run, served families in need, and had adequate parking. She believed the organization would be an asset to the community if appropriate conditions were implemented.

With no additional speakers, **Chair Janner** entertained a motion to close the public hearing.

Commissioner Terrones moved to close the public hearing, and **Commissioner Bergida** seconded the motion. The motion passed with a vote of 8 to 0.

Following the close of the public hearing, **Chair Janner** invited the Commissioners to begin their discussion.

Commissioner Brown said he had reviewed more than 100 letters, including submissions from people outside Olathe and numerous form letters. He emphasized that the Planning Commission's role was to evaluate land use under the Comprehensive Plan and Unified Development Ordinance, rather than determine whether an organization was worthy or noble. He noted that requiring a special use permit indicated the proposal fell outside the existing parameters. He said the applicant's mission, need for a loading dock, and environmental benefits were not sufficient reasons to approve the permit. He also stated that the proposal did not preserve the character of the existing neighborhood and concluded that he could not support the application.

Commissioner Seeling thanked the public for participating and said he had reviewed all of the speakers' comments, more than 100 pages of emails, the presentation, and the agenda materials. While acknowledging the need for services to underserved populations, he said he could not support the application. He expressed concerns about the character and compatibility of the neighborhood, noting that the area consisted primarily of established commercial and residential uses rather than a high-volume social-service destination. He cited the reported volume of more than 1,000 visitors per day and expressed concerns about loitering, trespassing, transient activity, increased emergency calls, and interactions with users of the nearby walking trail. He concluded that these factors could negatively affect public safety and said he would vote no.

Commissioner Bergida asked Ms. Hollingsworth to clarify the distinction between Starfish Project and businesses such as Goodwill and Savers. He asked whether Starfish Project's nonprofit status, lack of sales transactions, and different services meant that the applicable distance restriction did not apply.

Ms. Hollingsworth confirmed that the fundamental distinction was that Starfish Project did not provide items in exchange for money, unlike Goodwill, which more closely fit the distance-restricted definition.

Commissioner Bergida then asked applicant Ms. Moreland how long the proposed location could accommodate the organization's growth.

Ms. Moreland said the organization hoped to remain there for about 10 years but would need to relocate if it became too large. When asked whether the location could support the organization for that period based on its current growth, she estimated that it could accommodate at least five years.

Commissioner Bergida stated that, from his perspective, the special use permit ultimately centered on the truck. He said he respected the concerns raised by other commissioners and intended to propose a friendly amendment or motion addressing some of those concerns. He nevertheless indicated that he planned to vote to support the application.

Commissioner Corcoran said he would support the special use permit because he did not believe the proposal was incompatible with the neighborhood or would have a significant adverse impact and noted his previous personal residence in that area for 15 years. He believed the proposal would generate less traffic than the property's former uses. He also considered trash concerns manageable, the proposed hours reasonable, and the operation during non-peak hours beneficial. He concluded that the project was important to the community and appropriate for the location.

Chair Janner asked staff about the relationship between the property's current C-1 zoning and references to future "community commercial" land use.

Ms. Hollingsworth clarified that the property had been designated for commercial use on the City's future land-use maps since at least 1997. She explained that the designation evolved from general commercial to commercial corridor and remained generally consistent under the 2026 future land-use plan adopted in April. She also noted that the property had carried C-1 zoning for 47 years and that, despite some changes over time, the general range of permitted uses had remained consistent.

Chair Janner then asked whether staff was aware of any recurring pattern of police involvement related to homelessness along the nearby walkway or creek area.

Ms. Hollingsworth stated that she was not aware of any such pattern or information.

Chair Janner asked the applicant whether, in addition to the van making a couple of trips per month, the organization expected other large trucks or deliveries.

Ms. Moreland, stated that there were no scheduled deliveries involving large trucks.

Chair Janner invited additional commissioner comments.

Commissioner Lynn said she could go either way on the application but identified overnight camping and enforcement as her primary concerns. She stated that she no longer felt comfortable walking in the area alone, even during the day, and was concerned that the situation could worsen. She said she would like the City or Police Department to provide stronger enforcement or update its ordinances if necessary. She indicated that assurance regarding enforcement would make her more supportive and said she wanted to hear Commissioner Bergida's proposed amendment.

Commissioner Terrones thanked City staff for providing thorough documentation and acknowledged the public for participating respectfully. He said he had concerns about the proposal's fit with the area and noted his familiarity with local traffic from previously living in the area and regularly traveling through the area. Although he believed the planned turn lanes on Santa Fe and Ridgeview would help, he remained concerned about traffic and safety, particularly for children. He said he appreciated the proposed two-year approval period instead of the typical five years because it would provide an opportunity for another public hearing and evaluation of the project's impacts and preventive measures.

Commissioner Chapman said he was struggling with the decision because several relevant issues had not been satisfactorily addressed. He believed the commission needed additional facts and data, particularly regarding police involvement and other concerns that had been discussed without confirmation. He said that because a special use permit represented an exception to what would otherwise be allowed, commissioners should have sufficient factual information to make an informed decision. He encouraged those supporting the project to continue advocating for it at the City Council meeting. Absent a proposal from Commissioner Bergida that addressed his concerns, he said he was inclined to vote no.

Commissioner Bergida stated that he wanted to propose an amendment to reduce the approval period from two years to one year and add conditions requiring 100% compliance with city requirements concerning loitering, soliciting, panhandling, and littering.

Deputy Attorney Amanda Stanley explained that requiring 100% compliance with conditions such as loitering would be difficult to enforce because the applicant could not control the actions of members of the public. She said conditions involving matters within the applicant's control, such as litter, property maintenance, or overnight camping on its property, would be easier to incorporate into the permit.

Commissioner Bergida asked how the condition could be worded.

Ms. Stanley clarified that the agency could be required to make all best and good-faith efforts to enforce panhandling, littering, and other property maintenance requirements on its property.

Commissioner Bergida then proposed that the agency be required to make good-faith efforts to comply with code concerning littering, panhandling, and property maintenance according to the UDO or City code.

Chair Janner asked whether such a condition was contrary to existing requirements.

Ms. Stanley explained that the applicant was already required to comply with those provisions, making the condition difficult to enforce as an additional special-use-permit requirement.

Commissioner Bergida answered his purpose was to draw attention to the conditions under which a permit may be approved which would make future review of the permit easier.

Commissioner Seeling said he appreciated Commissioner Bergida's effort but believed the primary concern involved impacts occurring outside the applicant's property. He noted that once activity moved onto surrounding residential or business properties, it became the responsibility of those property owners, which was the central concern he had raised throughout the discussion.

Chair Janner agreed that the distinction was important. He also stated that the two-year approval period was significant because five years was more typical and the shorter period provided additional oversight. Chair Janner then asked about the approval process if the Planning Commission passed or denied the special use permit. He asked how a four-to-four tie would be treated.

Ms. Hollingsworth confirmed that a four-to-four vote would constitute a recommendation of denial, meaning five City Council members would subsequently need to vote in favor for the special use permit to be approved.

Commissioner Corcoran asked whether a special use permit could be revisited before end of the permit timeframe if the applicant failed to comply with its conditions.

Ms. Hollingsworth explained that complaints or violations could be investigated and that the UDO provided a formal revocation process involving the Planning Commission or City Council, a public hearing, and specific approval criteria for revocation.

Commissioner Corcoran noted that requiring a one-year permit could also place a burden on the applicant because preparing a special use permit application involved significant time, effort, and expense.

Ms. Hollingsworth explained that the special use permit process typically took approximately three months, so one-year approvals were uncommon because the applicant could be entering the renewal process very soon. She said a two-year period provided more time to evaluate the operation.

Commissioner Bergida acknowledged those concerns and said he believed the commission appeared likely to vote against the application. He explained that his proposed one-year period was intended to address concerns by allowing the commission to obtain actual operating data before a longer-term renewal. He acknowledged that the amendment would not completely resolve concerns raised by Commissioner Seeling and

others but believed it could provide a practical way to evaluate the project. He reiterated that the central issue, in his view, was the truck and that many of the other concerns were peripheral to the special use permit itself.

Chair Janner asked whether there were any additional questions or comments. There were none. He then entertained a motion for SU26-0006.

Commissioner Seeling moved and **Commissioner Brown** seconded the motion to deny the application that was presented by staff with staff's recommendation outlined below:

Staff recommended approval of the special use permit, SU26-0006, with the following stipulations:

1. The special use permit for the proposed Community Food and Personal Support Services use is valid for a period of two (2) years following the date of the approved resolution.
2. The Community Food and Personal Support Services on the subject property will occur as described in the statement of purpose attached as Exhibit A.
3. No donations, merchandise, or equipment will be stored or displayed outside the building.
4. A waiver is granted from UDO 18.32.060.F permitting the use of one (1) truck measuring twenty (20) feet or less in length for use by the organization.
5. The following site improvements must be completed through a final site development plan:
 - a. Landscaping must be reviewed and planted in accordance with the approved landscape plan for the property.
 - b. The trash container must meet all screening requirements of UDO 18.30.130.
 - c. The parking lot must be restriped, delineating parking spaces and any no-parking areas.
 - d. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.

Commissioner Brown confirmed that a “yes” vote would represent a vote to deny the application. A roll call vote was called.

Prior to casting his vote, **Chair Janner** noted that the motion had received the required majority and explained that his own vote therefore would not affect the outcome. He stated that he had been divided on the issue throughout the previous weeks, noting that he had lived in Briarwood for 30 years and had close friends who regularly volunteered with Starfish. He said he was not particularly concerned about neighborhood traffic overall, although he did have concerns about vehicles exiting south toward the school because speeding was already an issue in that area. He supported the two-year special use permit period and said his greater concern involved loitering, homelessness, and people in the area whom residents did not want there. However, he noted that those issues were already occurring in the community and were not necessarily caused by Starfish. He concluded that the motion would pass and stated that he would vote no.

The motion to recommend denial of SU26-0006 passed by a vote of 5 to 3 as follows:

Yes: Commissioner Brown, Commissioner Chapman, Commissioner Lynn, Commissioner Seeling, Commissioner Terrones,

No: Chair Janner, Commissioner Corcoran, and Commissioner Bergida

Absent: Commissioner Breen