



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0003A</u>: Unified Development Ordinance Amendments
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Aimee Nassif, Chief Planning and Development Officer, presented Application UDO19-0003A. Sections recommended for updates include a purpose statement for the M-2 District, correcting categories and definitions in the Use Matrix, establishing a new use, address drive thru requirements, increase height allowance for satellite dishes, and temporary sales and events permits. Other items are clean-up items, removing inconsistent verbiage and fixing typographical errors.

18.20.200: This section was updated by adding a purpose statement to the M-2 District, as well as cleaning up language.

18.20.500: Corrections were made to the Use Matrix to make it easier to navigate. No changes to how the uses operate..

18.50.033 and 18.50.020: This provides for a new use identified as Crisis Care Network, Religious or Faith Based. This is a new land use designed to accommodate groups who would like to fall under this category, giving them an opportunity to do so without needing to rezone or go through any other approval process. This is a voluntary land use category and does not remove or reduce any other use or activity in the Code. We are also recommending striking one area of this from the update as it can be confusing for the reader.

18.50.040: Supplemental uses for drive-throughs, both restaurants and financial institutions. The definition of stacking lane length was clarified. The existing graphic was also improved and updated.

18.50.180: Satellite Dish Antennas height was increased from 15 feet to 30 feet in commercial and industrial districts.

18.50.225: Temporary sales and events. This section was updated to list zoning districts that allow temporary sales, as well as clarified which section of codes applicants are to adhere to, and how to address activities not listed.

18.20, 18.20.500, 18.40.190, 18.40.220, 18.50.050, 18.90.020, 18.94 – Corrections, clean-up and updates to existing language.

In summary, staff recommends approval with the removal of Section 18.30.160 to continue reaching stakeholders and Section of 18.50.020, subsection G in response to stakeholders confusion to what services are allowed as accessory uses to religious institutions.

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Chair Vakas opened the public hearing. **Curt Petersen, 6201 College Boulevard, Overland Park**, approached the podium and requested a 60-day continuance of this item to allow time for City staff engagement with churches and other stakeholders. Mr. Petersen said churches and other stakeholder organizations were not engaged on this topic, nor were they advised of the Planning Commission workshop that was held earlier. He said City staff told him that they reached out to one volunteer at Interfaith Hospital Network, but did not contact anyone else. The group of people he represents are concerned and believes they deserve thoughtful discussion with staff. He does not understand why there is a rush to get this done.

Mr. Petersen concluded by saying his clients do care about this code revision and again requested continuance of this particular matter to allow further discussion. However, if this matter is moved on to City Council tonight, he asked that it be set out at least 60 days. **Chair Vakas** asked Mr. Petersen to specify which churches have retained him to represent them. Mr. Petersen declined to do so.

Aimee Nassif, Chief Planning and Development Officer responded that the addition of the new use is for anyone who may voluntarily like to use it. She said tonight's meeting does not preclude any other meetings with staff, and staff encourages feedback and engagement with the public. Ms. Nassif stated she has offered to meet with interested parties and there is not a date set for this item to move forward to City Council.

Radji Prakash, 15711 Cedar Street, Overland Park, approached the podium. She is a high school teacher, employed by the Blue Valley School District, and represents a Hindu religious organization. Many families in that congregation live in Olathe, and in order for it to expand, they need a permanent location, rather than the school they are operating from now. In July 2018, vacant land in Olathe was found to meet their needs. However, current zoning on the property does not allow for religious institutions. They were told by the City that they were looking at an amendment to the UDO and Use Matrix that would allow religious uses to be built on areas zoned Business Park. Based on such understanding, her organization signed a contract with the seller of the property in November 2018. Her organization is asking the Planning Commission to include business parks district in the Use Matrix for religious institutions, either permitted by right or through a special use permit.

Tim Suttle, 11434 South Northwood Circle, Olathe, approached the podium. He is a pastor at Redemption church, located at 515 South Ridgeview. He believes there may be unintended harmful consequences if the proposed changes are implemented to allow the new use. He also believes this would limit their ability to shelter and otherwise care for people in their congregation and community. He is concerned that clergy has not been consulted on this matter.

Aimee Nassif, Chief Planning and Development Officer, clarified that this is not a "worship" regulation, nor a prohibition against men in need, or a regulation on individual churches. Individual churches worshiping or providing community services are not uses that are being changed nor are they now being regulated. Ms. Nassif again offered to meet with individuals to assist with this clarification. **Mr. Suttle** asked if they would be put under these new regulations; Ms. Nassif said they would not because it's a voluntary use option that people can choose to fall under; it does not apply to individual churches. **Lee Josa, 14704 South Navaho, Olathe**, approached the podium, directing his comments to 18.50.033, Crisis Network, Religious or Faith-based. He believes the proposed changes read in such a way that the City could restrict congregations in the way it serves women and families, and specifically adult males. He said he comes to this meeting with misunderstanding, as do others, which is an indicator that further dialog is needed. He requests further discussion on this category so that everyone can have better understanding.

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Derek Varney, 2024 E. 151st Street, Olathe, approached the podium. He is Senior Pastor at First Baptist Church, wishing to comment on 18.50.033. He agrees that there has been a misunderstanding in verbiage. He read a statement and requested postponing a vote on this ordinance. **Comm. Fry** asked how the conclusion that they were being restricted came about. Mr. Varney said it came from the restriction of serving homeless males. **Ms. Nassif** again said this is adding a use to the code, not taking any away. It is not restricting any current use such as homeless shelter or group homes which do allow all clients. Mr. Varney would like to have continued dialog about this matter.

Marc McEver, 15617 Shannan Lane, Olathe, approached the podium. His wife started Project 1020 five years ago, which is the only low-barrier homeless shelter that allows everyone, including men. He is also opposed to any regulation that would bar men in shelters. **Chair Vakas** said comments tonight are to be specific to the UDO not on other uses or regulations that are not on the agenda.

Ameet Kapadia, 16679 West 155th Terrace, Olathe, approached the podium. He is opposed to the UDO because they would like to see the special use permit allow Business Park zoning for religious institutions.

Julie Brewer, 14552 Dearborn Street, Overland Park, approached the podium, speaking as the Executive Director of United Community Services. She notes that there is a fair amount of confusion around the language proposed in 18.50.033. She also requests that this matter be continued, and conversations continue around this topic. She recommends and supports the opportunity to bring the faith-based community and emergency services together with the City, to allow for clear understanding in creating language in the UDO moving forward.

Kathy Riggs, 12990 South Lakeshore Drive, Olathe, approached the podium. She is concerned about homelessness and requested the City have a plan.

Melissa Winn (sp?), 16211 West 141st Terrace, Olathe, approached the podium. As she reads the code, she feels it will restrict services to the homeless. **Chair Vakas** said again that homeless shelters are not a use being changed. **Ms. Nassif** agreed, and said the definition of homeless shelters are not being changed and are allowed through a special use permit. **Chair Vakas** believes individual churches could make decisions on housing an individual person on a case-by-case basis and this code does not hinder them from taking such action.

John Sweeney, Reece Commercial Real Estate, 8005 West 110th Street, Overland Park, approached the podium. He said they were hired by Chinmaya Mission to find a location south of 151st and Pflumm. They were informed by the City that ordinances were being updated regarding religious facilities. They believe their use is appropriate for this piece of property. If religious facilities are not approved in business park districts, they would have to decide whether to rezone, which would add delays and costs to the process.

There were no further comments; **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Fry, seconded by Vice Chair Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Fry is concerned because there seems to be inaccurate information circulated through social media. He notes that this UDO is actually granting uses that are currently not in place for religious groups, giving them an option that is not currently available.. He supports the UDO amendments.

Comm. Nelson believes these changes supports collaboration and opportunity for organizations to come together and work toward a common goal, allowing permissions and protections for those interests. He believes these changes will help such groups move forward.

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Chair Vakas asked Ms. Nassif about next steps. **Ms. Nassif** said no specific date has been set for this to be heard by City Council. She encourages additional communication with anyone interested on the topic. .

Comm. Nelson said there are challenges with allowing religious organizations in business parks and is not recommending any amendments. **Comm. Freeman** agreed and looks forward to this matter moving forward. He is supportive of staff's recommendations. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Freeman, to recommend approval of UDO19-003A as recommended by staff outlined in the staff report, with amendments to the following sections stricken: 18.30.160 and 18.50.020.G.

Aye: *Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)*

No: *(0)*

Motion was approved 7-0.