

Staff Report

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0003A</u>: Unified Development Ordinance Amendments
Applicant:	City of Olathe, Public Works – Planning Services
Staff Contact:	Aimee Nassif, Chief Planning and Development Officer Shelby Ferguson, Planning Consultant

Over the past several months staff has been working on a host of UDO updates which involve several existing and proposed land uses, clarification of existing standards, and new development requirements to name a few. These areas for updating originated from items discovered during plan reviews, requests from members of our Development Review Committee, and when researching land uses for customers. As is the case here, staff presented identified areas for updating to the City Council earlier this year, who in turn authorized staff to work on preparing draft language. While preparing the draft for the identified chapters and sections, additional opportunities emerge which is not uncommon. The updates for UDO19-0003A help to improve customer experience and process efficiency through increased transparency and clarity to existing standards, upgraded graphics to illustrate requirements, and improved readability for the public user for the Use Matrix.

Below is a detailed summary of each updated UDO section prepared by staff. These updates were first presented to the Planning Commission during a workshop held on July 8, 2019. From that collaboration and discussion, staff performed further review and additional updates were made. The resulting language and recommendation are below for consideration before proceeding to City Council. A redline version of each update is also attached to this report.

UDO AMENDMENTS – SECTION ONE: UDO UPDATES PERTAINING TO USES AND DEVELOPMENT CRITERIA

The following updates are those addressing land uses and development standards. As mentioned previously, these updates will help to provide clear and transparent expectations for applicants and property owners. It will also aid staff in our reviews so that information is more readily accessible and improve the readability for the public. Multiple updates are also proposed specifically to chapter 18.50 Supplemental Use Regulations.

1. Section 18.20.200 Zoning Districts – Industrial

Recommendation: Update and clarify the purpose statement for industrial districts to more accurately reflect the land use and vision of the City.

Reason: Recent review of Section 18.20 staff identified the purpose statement for industrial zoning did not accurately reflect the vision and goals of the Comprehensive Plan *Plan Olathe*. Staff is recommending separating out the



purpose statement into two distinct statements for M-2 (General Industrial) and M-3 (Heavy Industrial) zoning districts. This update will clarify the expectations for each zoning district and assist staff in attaining the goals of *Plan Olathe*.

2. Section 18.20.500 Zoning Districts – Use Matrix (Restaurants, Religious Institutions, and Group Boarding Homes)

Recommendation: Update definitions and land use categories for restaurants, religious institutions, and group boarding homes.

Restaurant: Currently the land use matrix has multiple use categories pertaining to the sale of food and its services, yet the terminology does not reflect what is commonly used in practice and leads to difficulty in discerning between the categories. Staff is recommending updating the use classification for “Restaurant, Limited Service



or Carry Out” to “Restaurant, Carry Out or Fast Food” to more easily navigate the use matrix for both the public and staff. Development standards, criteria nor requirements are changing.

Religious Institutions: Currently churches are included in the land use category Civic Assemblies. However, the definition and terminology does not clearly define what constitutes as a church or place of worship. It also does not provide a clear category for religious institutions such as mosques or synagogues. Common practice and best planning practice is to have clearly defined and clearly recognizable terms and use categories in a land use matrix. This is reflective also in practice of the overwhelming majority of other cities both locally and nationally. Staff is recommending adding the use Religious Institution and definition to the Use Matrix to clearly define this use and where it is permitted. There is no change being proposed or made to the development standards, criteria nor to location of where these are permitted. Providing a recognizable and easy to locate land use category benefits the public, property owners, and applicants.

Group Boarding Homes: Lastly, the category names for Group Boarding Homes for Adults and Minors and Group Daycare Homes are being updated to reflect their definitions correctly. For instance, we discovered the existing category for group boarding home is not consistent with the associated definition for it. Staff is also recommending correcting this, and Group Boarding Daycare Homes (Group Boarding Homes for Minors) would be consistent with Group Boarding Homes for Adults. As with the other land use categories in this section of code, no changes to location, development standards, nor criteria are proposed. This simply clarifies the use category it falls under and corrects existing errors.

3. Section 18.30.160 Development Standards – Parking and Loading

Recommendation: Add a requirement for gated facilities to provide on-site parking areas for delivery vehicles and truck trailers.

Reason: The City has been experiencing higher volumes of truck trailers parking on public streets and highway ramps because distribution warehouses are commonly gated and provide limited access for deliveries. With drivers unable to park on-site and the hours of drive time restricted by the federal Department of Transportation (DOT), congestion and sight distance issues are rising in these areas because of where they are parking. The recommendation to add on-site parking areas for delivery vehicles and truck trailers is intended to park vehicles until loading and unloading can take place, to reduce or eliminate congestion on public streets and highway ramps.



4. Section 18.50.033 Supplemental Use Regulations – Crisis Care Network, Religious or Faith-Based

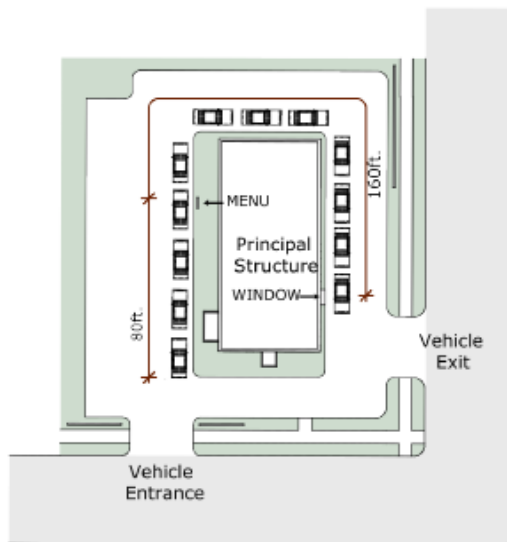
Recommendation: Create a land use category to identify religious networks who operate as an accessory use to religious institutions who focus on providing emergency services to families in crisis by a holistic approach to comprehensive care and support to families.

Reason: Johnson County Interfaith Hospitality Network is a network of host and support congregations who help families obtain stable jobs, find permanent housing, and provide a holistic, faith-based support services. As with other code updates, during research and review of the code it was discovered that an opportunity exists to provide a clear category and definition for this operation. This is an accessory use, located within religious institutions so it is found under chapter 18.50 Supplemental Use Regulations.

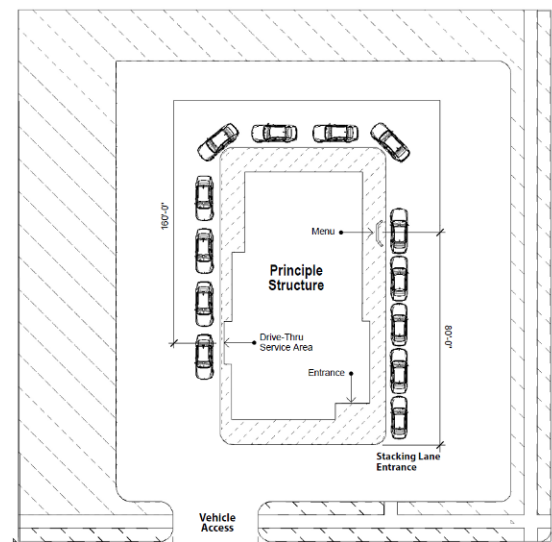
5. Section 18.50.040 Supplemental Use Regulations – Drive-Through

Recommendation: Clarify intent for stacking lane length requirements for drive-throughs and update current graphic.

Reason: The current language and illustration for drive-through lane length minimums is hard to understand. Staff is recommending updating the current drive through graphic and also defining both what is meant by a stacking lane and where the point of measurement begins for drive-throughs. Updates to this section are intended to improve internal site circulation and provide the reader a clear understanding of expectations. Below are illustrations showing the existing and proposed new graphic.



EXISTING



PROPOSED

6. Section 18.50.180 Supplemental Use Regulations – Satellite Dish Antennas

Recommendation: Increase the maximum height for non-residential ground mounted satellite dish antennas from fifteen (15) to thirty (30) feet.

Reason: In 2018, staff received an application for the Board of Zoning (BZA) appeals requesting an increase in satellite dish antenna height. This request was approved by the BZA which led staff to research and review current satellite dish antenna height requirements for non-residential districts throughout the region. We discovered that our existing standards did not accurately reflect best practices nor was it consistent with other municipalities. Updating this requirement will align code requirements with surrounding communities Overland Park, and Lenexa. Other communities such as Leawood, Shawnee and Kansas City, KS do not specify a height requirement. It should be noted Shawnee previously permitted non-residential satellite dish antennas to a maximum height of thirty (30) feet before removing the height requirement all together.

UDO AMENDMENTS – SECTION TWO: HOUSEKEEPING UPDATES

The following updates are considered housekeeping items as they correct verbiage or inconsistencies to reflect existing practice. The items below do not create new standards, nor do they add new sections to the UDO.

1. Section 18.20 Zoning Districts

Recommendation: Update verbiage regarding building height and composite standards to improve readability and ensure consistency with current practice.

Reason: Through recent reviews staff identified the following areas of Chapter 18.20 Zoning Districts to be updated:

- a. Remove the word “composite” from the zoning districts table for conventional districts as this term is inconsistent with current practice.
- b. Update the word “minimum” to “maximum” when interpreting the building height requirement for structures in agricultural districts.

2. Section 18.20.500 Zoning Districts – Use Matrix (Miscellaneous)

Recommendation: Format the Use Matrix and update inconsistent headings and use types.

Reason: Currently the Use Matrix includes areas where inconsistent zoning district headings and land use category titles are not accurately reflecting uses and their definitions (e.g. elderly housing to senior housing, and beer, wine and liquor store to liquor store). In addition, staff is recommending removing unnecessary land use category headings and definitions such as Multi-family and Restaurant (not all land use types have headings). This will all help the reader to more easily navigate and use the City's Use Matrix.

[illegible]

3. Section 18.40.190 Procedures – Vacating Plats, Streets or Reservations

Recommendation: Update language to reference correct city title.

Reason: Currently Section 18.40.190.D.2.B references the County Clerk rather than the City Clerk. This update corrects the formal title and clarifies the responsible party for approved city ordinances.

4. Section 18.40.220 Procedures – Appeals

Recommendation: Remove code reference to Development Service's Director

Reason: Section 18.40.220.D.1 references the Development Service's Director and the Planning Official. Previous updates to the UDO removed the title Development Service's Director and replaced it with Planning Official. This section of code was updated except both titles remained.

5. Section 18.50.050 Supplemental Use Regulations – Fences, Walls or Hedges

Recommendation: Update code reference to reflect the accurate section of code.

Reason: Section 18.50.050.D.2 references Section 18.68.220 for master fence/screening requirements. This is the incorrect section reference and staff is simply updating the section number to point the reader to the appropriate section of code.

6. Section 18.50.225 Supplemental Use Regulations – Temporary Uses (Temporary Sales and Events)

Recommendation: Updates to this section to accurately list all zoning districts which do allow temporary sales and clarify which section of code applicants are to adhere to.

Reason: Temporary Sales and Events (TSE) standards for where events are permitted are outlined in Section 18.50.225. Updates to this section include adding the C-4 district and the commercial portion of Planned Development (PD) districts as areas for TSE's to take place. In addition, staff is recommending clarifying that all Downtown districts (D) allow events. Currently TSE's are permitted in "downtown", which can be confusing to the reader because after the 2014 UDO update, the UDO now separates downtown into three (3) potential districts when zoning.



This section also currently directs the reader to Chapter 5.05 of the Municipal Code for Special Event Permit requirements. However, this section pertains to activities on city owned property, so is not applicable.

Lastly, staff is adding language to clarify that if there is a temporary use desired by the property owner which is not listed in subsection B.1 the Planning Official can review and determine allowance.

7. Section 18.90.020 Definitions

Recommendation: Add industry terms to the Definitions chapter to reflect UDO section updates.

Reason: Removal of unnecessary land use category titles and definitions from Section 18.20.500 (Use Matrix) require terms such as multi-family and restaurant to be located here.

8. Section 18.94.040 Submittal – Submittal Requirements

Recommendation: Clarify to the reader when Technical Studies may be required based upon the application type.

Reason: Currently the submittal requirements table only identifies rezonings and special use permits as applications which may require technical studies to be submitted. However, Section 18.94.020 of the UDO preliminary plans and preliminary plat applicants may be requested by the City to submit technical studies. Staff is simply correcting this inconsistency and adding the requirement to the table to improve readability and consistency between code sections.

Recommendation: Reduce the required number of paper submittal copies.

Reason: In line with the City's efforts to do more digitally and reduce paper copies, more work in the Planning Division is being performed electronically. As such, staff no longer needs nine (9) full sets of paper plan drawings. The submittal requirement can be reduced to two (2) within section 18.94.040.

Staff Recommendation:

These updates consist of amendments which will help to increase readability, provide transparency in requirements and assist in development reviews and research. Staff recommends approval of the proposed annual amendments to the Unified Development Ordinance (UDO), as detailed in the attached UDO Amendments Exhibit for the following Chapters and associated subsections herein: 18.20., 18.30., 18.40., 18.50., 18.90., and 18.94 as presented