



City of Olathe Planning Commission
Meeting Minutes
100 E. Santa Fe
Planning Division Conference Room
Monday | July 22, 2019 | 5:45 P.M.

CALL TO ORDER

Present: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry, and Allenbrand

Absent: Sutherland

Others in attendance were Aimee Nassif, Chief Planning and Development Officer, and Rachelle Breckenridge, Assistant City Attorney.

EXECUTIVE SESSION – 6:00 P.M.

- A.** Consideration of a motion to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to Unified Development Ordinance amendments (UDO 19-0001, 19-0002 and 19-0003A).

Motion by Chair Vakas, seconded by Freeman, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to Unified Development Ordinance amendments (UDO 19-0001, 19-0002 and 19-0003A). The motion carried by the following vote:

Yes: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry, and Allenbrand

Absent: Sutherland

- B.** Consideration of a motion to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a rezoning request (RZ19-0006).

Motion by Chair Vakas, seconded by Fry, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a rezoning request (RZ19-0006). The motion carried by the following vote:

Yes: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry,
and Allenbrand

Absent: Sutherland

RECONVENE FROM EXECUTIVE SESSION

The Planning Commission meeting reconvened at 7:00 p.m. in the Council Chambers.

There were no motions coming out of executive session and Chair Vakas noted that the Planning Commission had met in executive session.



City of Olathe
Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: July 22, 2019

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Jose Munoz, Ryan Freeman, Mike Rinke, Jeremy Fry, Chip Corcoran and Ryan Nelson were present. Commissioner Barry Sutherland.

Recited Pledge of Allegiance.

The Chair introduced Shirley Allenbrand, a newly appointed member to the Planning Commission. He noted that she is not voting this evening and will only be observing.

The Chair made introductory comments. Regarding *ex parte* communication, the Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

A motion to approve MN19-0708, the meeting minutes from July 8, 2019, was made by Comm. Fry and seconded by Comm. Freeman and passed with a vote of 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>SU19-0001:</u> Request approval for a special use permit renewal for Motor Vehicle Sales in CP-3 District on 0.39± acres; located at 904 E. Santa Fe Street.
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Motion by Comm. Rinke, seconded by Comm. Nelson, to continue SU19-0001 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19 0009:</u> Request approval for a rezoning from R 1 District to Downtown (Mixed Use) District and preliminary site development plan for Olathe Glass Expansion on 1.48± acres; located at the northeast corner of the intersection of Santa Fe Street and East Kansas City Road.
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Motion by Comm. Rinke, seconded by Comm. Fry, to continue RZ19-0009 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19 0010:</u> Request approval for a rezoning from CTY RUR District and C 2 District to Cedar Creek (CC) District and preliminary site development plan for Cedar Creek Twin Villas on 17.78± acres; located in the vicinity of Cedar Creek Parkway and College Boulevard.
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Motion by Comm. Nelson, seconded by Comm. Freeman, to continue RZ19-0010 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>VAC19-0002</u>	Request for vacation of public utility easements for Garmin Properties
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Sean Pendley, Senior Planner, presented a request for vacation of four existing public utility easements for Garmin Properties located at 1200 East 151st Street. The easements are no longer needed because utilities have been relocated for the recently completed warehouse project. All easements are located at least 200 feet from all property lines, so no other properties need to be notified of this request.

Mr. Pendley noted that the applicant has submitted exhibits for each easement, which include a drainage easement, two sanitary sewer easements, and a water line easement. Public Works has reviewed the request and supports the vacation as proposed. Staff recommends approval of this application as presented.

There were no questions of staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Doug Ubben, Phelps Engineering**, approached the podium. He confirmed what Mr. Pendley reported and was available for questions. There being no one else wishing to speak on this matter, Chair Vakas called for a motion to close the public hearing.

Motion by Comm. Freeman, seconded by Comm. Nelson, to close the public hearing.

Motion passed 7-0.

Motion by Comm. Nelson, seconded by Comm. Munoz, to recommend approval of VAC19-0002 per staff recommendation, as follows:

Staff recommends approval of vacation for the waterline, sanitary sewer and drainage easements (VAC19-0002) as described in the attached exhibits.

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

No: (0)

Motion was approved 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19-0006:</u> Request for rezoning from CTY PEC-3 and M-2 to C-3 (Regional Commercial) and M-2 (Heavy Industrial) districts, and preliminary development plan for Builders Stone.
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Prior to staff presentation, **Chair Vakas** reported an ex parte communication regarding this application, which was with the owner of the tract of land associated with the application. The meeting occurred about a month ago and involved a range of other topics, including this application. Chair Vakas said he heard nothing during that conversation that would influence his judgment and has no need to recuse himself. He stated he is able to make a decision based on the staff report and any other information that may be presented.

Sean Pendley, Senior Planner, presented the application, which is a request for rezoning from County PEC-3 and M-2 district to C-3 Regional Commercial and M-2 Heavy Industrial district. The subject property is located on the west side of Kansas City Road, north of the 119th Street ramp, which is an area considered a gateway into Olathe, with visibility from I-35. The surrounding area consists of existing industrial, undeveloped properties, commercial properties, and business park developments. Mr. Pendley said that in 2009, the subject property was annexed into Olathe, although PEC-3 zoning is still in place for the north half of the property. He noted that the far south corner is existing M-2 industrial zoning. There is Business Park zoning to the north, and the City of Lenexa recently approved a logistics park in that area, which is under construction. There is also Business Park zoning to the east of the property.

Mr. Pendley said the proposal is for two zoning districts. First, on the east half of the property there is 8.7 acres that is proposed for C-3 Regional Commercial and is planned for three commercial lots. The second part is to M-2 Industrial District on the west half consisting of 8.6 acres. The proposed zoning is industrial because one of the uses requested is not permitted in commercial districts. Staff does not support the proposed rezoning for this project due to conflicts with the goals and recommendations of the City's Comprehensive Plan, PlanOlathe and failure to meet zoning criteria analysis.

Mr. Pendley stated that the subject property is located in a highly visible area considered to be the Gateway District in PlanOlathe. The intended use would consist of high-quality retail, services, offices, and multifamily residential development. The intent is for a superior design per the Comprehensive Plan. . Mr. Pendley presented a map of the Gateway District, noting that the recommended land use is for urban mixed use, intending to support a mixture of employment uses, shopping center, and multifamily residential. The focus of the Gateway is mixed-use development, regional commercial and employment uses. The proposed M-2 zoning is not consistent with the Plan and will negatively impact the ability for the area to develop in this manner. Mr. Pendley noted that the property is undeveloped except for a telecommunications tower on the north half of the property, which was permitted under a CUP issued by the County.

Mr. Pendley provided an overview of the submitted preliminary development plan and stated that the intended use would be for the relocation of the existing Builders Stone development, but the use and zoning requested for M-2 is not supported by PlanOlathe.

Mr. Pendley presented a map of the subject property and surrounding area. He said that although there are existing industrial uses, the Gateway District is a larger area with existing development, including the 119th Street Tech Park. Olathe Gateway is a planned district for high-quality retail, services and restaurants. In addition, a planned mixed-use center for Olathe Gateway II was approved earlier this year which includes commercial uses, multifamily residential, high density multifamily residential, and mixed-use development. Mr. Pendley stated that these types of uses fit the recommended uses for the Urban Mixed-Use Center and is the intent of the area. Uses and amenities include street connections and amenities throughout the development.

Mr. Pendley presented a map of the area and explained the goals for connectivity through a well-connected street network in the area.

Mr. Pendley reported that the applicant held a neighborhood meeting on May 14th with one property owner attending. Staff also received a call from a representative of the adjacent property who indicated that he supported the proposed development. A letter from this representative was also received and forwarded to Commissioners, and it will be made part of the public record.

Mr. Pendley stated that staff met with the applicant on two occasions to discuss the application process and to review staff's reasons for why they did not support the rezoning. However, the applicant wished to continue moving forward and prepared a preliminary development plan. The preliminary development plan was not reviewed by staff because the zoning recommendation is for denial and reviews are dictated by development standards in the zoning district. Staff provided a summary of the process when a recommendation is for denial.

In summary, staff recommends denial of this application as described in the report because: The M-2 zoning is inconsistent with the goals and policies of PlanOlathe; warehouse and outdoor storage would have a negative impact on existing and proposed development in this area; it will detract from future development and use of the area as Olathe Gateway; the proposed zoning will have a detrimental impact on future development in this area; and, as proposed, the application fails to meet several aspects of the Golden criteria. The proposed zoning does not meet the following Golden criteria: Conformance with the Comprehensive Plan; the character of the neighborhood, including but not limited to land use and zoning; the suitability of the property for uses that are restricted; and, the extent to which the proposed use would adversely affect the capacity or safety of the road network.

There were no questions for staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Brandon Becker**, owner/applicant, approached the podium and introduced members of his team. He acknowledged that this is a complicated matter and prepared a presentation, which was previously shown to City Council. He said initially staff was in favor of the zoning, but a consultant was hired who came to a different conclusion.

Mr. Becker provided a history and background of Builders Stone stating they have been in Olathe since 2008 and employs approximately 450 people. They plan to use the proposed building as their company headquarters, including a showroom and office space for their corporate staff. Mr. Becker noted that another builder is building approximately 1.2 million square feet of heavy industrial flex use, which he does not consider to be a business park. He

believes redeveloping or master planning the entire area will be difficult, if not impossible. He said they will be an anchor tenant to spur activity in the front parcels, where he is asking for C-3 zoning. He said this project will maximize value to ground that is very difficult to develop in the rear of the parcel. He noted that there is a 60-70-foot elevation drop from 119th Street down to their site. He has engaged Schlagle Engineers to draw up a line of sight study and elevations. The line of sight study concluded that none of the loading area will be visible from -public streets in Olathe. Mr. Becker also noted about 300 feet of trees and drainage that will obscure the area to the east. He provided pictures of their current facilities, noting that all their products are neatly stacked on pallets and stored behind an eight-foot fence. He noted outdoor storage at other area home improvement stores that have no screening.

Mr. Becker noted again that their property is surrounded by industrial zoning, and he believes they will provide a nice transition from 1.2 million square feet of large industrial to a Class-A office/showroom environment with very little outdoor storage. He presented several proposed elevations of their building. He finds it interesting that Fry Wagner supports the plan when an urban mixed use would probably add more value than what Mr. Becker is proposing.

There were no questions of the applicant. **Clay Blair, 26795 West 103rd, Olathe**, approached the podium. He has owned this property since 1987. He said if you examine the pictures of the buildings that Mr. Becker put forth, they certainly meet and exceed the buildings on the south side of the street. He believes the proposed building is equal or superior to other buildings in the area, and notes that because Mr. Becker owns a stone company, the building will be finished very nicely. Mr. Blair notes a railroad track across the street that is active more than 25 times a day. He is also confronted with a four-story building that Block is building the length of the property on the border of the city of Olathe. Mr. Blair said they do not oppose the idea of a Gateway district and appreciate the quality that is being presented, but it will take engineering and financing, none of which have been submitted to the Planning Commission or City Council. Mr. Blair said the consultant's report does not mention how they're going to pay for it, how they will deal with the water tower, how they're going to deal with 17 diverse owners, and have no financing package. He believes what they have offered is a transitional zoning plan, and it is ideal for this location. Mr. Blair stated that Mr. Becker's company has had a very positive impact on Olathe, but Olathe risks Mr. Becker going somewhere else with his project.

There being no one else to be heard, **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 7-0.

Comm. Fry's concern is not with the renderings, but rather the zoning. He believes staff has done a good job of outlining how the Planning Commission needs to make their decision, which is the Golden criteria as it relates to what the City has decided is the plan for the gateway into Olathe. He does not believe the zoning requested works with the Comprehensive Plan.

Chair Vakas noted that the Comprehensive Plan has been well vetted over a number of years. While there are appealing aspects to this application, he agrees that it does not align to the Comprehensive Plan. He agrees with Comm. Fry's comments. **Comm. Nelson** agrees as well. ,

Chair Vakas added that the suggestion is that this is a transition from what is in Lenexa to what is anticipated for the Olathe Gateway project. However, the intent of Olathe Gateway is that it will be the entry into Olathe and adding something industrial on the north end will compromise

that. He congratulated Mr. Becker on a wonderful business and appreciates all that he has done in Olathe over the years. He called for a motion.

Motion by Comm. Fry, seconded by Comm. Nelson, to recommend denial of RZ19-0006, for the following reasons:

- A. As detailed in this report, the proposed rezoning to M-2 zoning district is not consistent with the policies and goals of the Comprehensive Plan for the Gateway District as identified in PlanOlathe which is intended to support a mixture of commercial, office, and residential uses.
- B. The proposed use for a warehouse building and outdoor storage will have a negative impact to the existing and planned office and retail development in the surrounding area and detract from 119th Street as a community gateway.
- C. The proposed zoning will have a detrimental impact to the future redevelopment of this area in accordance with PlanOlathe
- D. As proposed, this application fails several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.
 - 1) *"The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies".*
 - 2) *"The character of the neighborhood including but not limited to: land use, zoning, density (residential), floor area (nonresidential and mixed use), architectural style, building materials, height, siting, and open space".*
 - 3) *"The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations".*
 - 4) *"The extent to which approval of the application would detrimentally affect nearby properties".*
 - 5) *"The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property".*

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

No: (0)

Motion was approved 7-0.

Before casting his vote, **Chair Vakas** added that the City hopes they find another site in the city that will work.



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0001</u> : Unified Development Ordinance Amendments
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Zachary Moore, Planner II, presented a brief introduction, explanation, and overview stating that community engagement has occurred since February 2019. Mr. Moore then introduced our consultant.

Christopher Shires with **Confluence**, the City's consultant for this project, approached the podium to address the existing and proposed building design standards in the UDO.

Proposed updates to the code include the purpose and intent and addressing four-sided architecture. . This would apply to all buildings within the city. He notes that building additions need to meet the new standard, although there are exceptions.

Mr. Shires addressed Section D, Terms and General Provisions, and updating definitions for primary façade, street-facing, major façade material and façade area, and how these apply to accessory buildings on a commercial site. Section E addresses general requirements, including franchise architecture, use of trim, shutters in scale, soffits, overhangs and cornices, screening for equipment and trash enclosures, and building lighting, etc.

Section F addresses the materials table, discussing the various classes and added that this code is somewhat fluid and may be changed over time.

Section G lists the many different types of buildings, including agricultural, single-family homes, two-family residential, commercial/retail buildings, office/civic buildings, industrial, etc.

Mr. Moore added that there has been a lot of discussion about using EIFS as a building material. He has been meeting with industry representatives to discuss the pros and cons of using EIFS material. Changes to the code regarding EIFS include listing it as a Building Material Class 3 which increases the allowance from today's code to be consistent with our research and with past requests that have been approved.

Mr. Moore concluded by saying staff is continuing to reach out to stakeholders for feedback as we continue through this process.

Chair Vakas asked if a procedure exists for an applicant to propose an increase use of EIFS on a project and Mr. Moore confirmed there is

Mr. Moore briefly outlined some minor updates to the Site Design Standards section of 18.15, including streamlining language and clarifying the standards and how they are administered. The standards themselves are not changing, just making them simpler to read and interpret. He concluded his presentation and was available for questions.

Chair Vakas opened the public hearing. He noted that the Planning Commission has received letters from eight architects in the Kansas City area, who all spoke favorably about EIFS. **Travis Schram, 11282 South Belmont, Olathe**, approached the podium as president of Grata Development. He is requesting continuance of this hearing because he has not had ample time to review the documents as he did not receive them until Friday. He outlined his multiple interactions with staff, expressing concerns... He believes that building permits have decreased significantly year over year and the price of new construction continue to outpace the growth of wages. He believes the decision needs to be made with caution and with the property time for consideration, which has not been given.

Aimee Nassif, Chief Planning and Development Officer, stated that documents did not get distributed until late because packets did not go out until later than typical as well. , Staff is sending out another stakeholder update after this evening's meeting and opportunities to engage staff has not stopped.

Tracy Tanking, 15301 Cordell Road, Kearny, MO, approached the podium. He is the general manager for Architectural Building Systems, which is the local Dryvit distributor. He appreciates staff's efforts to educate everyone about EIFS and the communication staff has had with them. During the 18 months they have been working with the City, they have received variances to allow EIFS over what is currently allowed in the City. He believes he has addressed multiple concerns with staff, including concerns about EIFS, including appearance, flammability, and availability, which staff has assured them is no longer an issue. **Mr. Tanking** said his company believes EIFS meets the criteria to be a Category 1 Material.

Richard Nickloy, 10403 South Highland Circle, Olathe, approached the podium. He is also concerned with the classification of EIFS and believes that categorizing it as a Category 3 material limits their opportunities in the city of Olathe. He requests that EIFS be considered as a Category 1 material.

Kevin Nickloy, 17411 West 163rd Street, Olathe, approached the podium. He works for Architectural Building Systems. He works extensively with the Catholic community to help get St. Paul's church built. He helped redesign the building with EIFS. ,A second Catholic church is being built near his home and he hopes to save the church money by using EIFS. He believes using EIFS will make the building much more efficient.

Don Crabtree, 10340 South Highland Lane, Olathe, approached the podium. He is an Olathe general contractor; his projects include the I-35 Logistics Business Park. He has built numerous projects using EIFS and supports classifying it as a Class 1 material.

Bob Nickloy, 27590 West Highland Circle, Olathe, approached the podium. He said his company has been marketing EIFS since 1981, and it has become very popular over time. Today, EIFS represents an approximate 20 percent of the market share in the commercial exterior wall market. In summary, he also supports classifying EIFS as a Class 1 material.

Jeff Sykes, 1608 SW Smith, Blue Springs, MO, approached the podium. He has also been in this industry a long time in many capacities. He has a lot of experience with EIFS and many other products and pointed out that the product has changed for the better over the past 50 years. He also supports classifying EIFS as a Class 1 material.

There being no one else to be heard, **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 7-0.

Comm. Fry said he is comfortable with the UDO being a living document that is meant to be adjusted and changed on a continual basis. He believes this update improves the use of EIFS in

Olathe. ,. **Comm. Freeman** appreciates the input from staff and the public and encourages everyone to continue to provide feedback. **Chair Vakas** echoed comments about the UDO being a living document and believes the right steps are being taken regarding EIFS. He called for a motion.

Motion by Comm. Rinke, seconded by Comm. Fry, to recommend approval of UDO19-0001, for the following reasons:

Staff recommends approval of the proposed amendments to the Unified Development Ordinance (UDO), as detailed in the attached UDO Amendments Exhibit for Chapter 18.15.

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

No: *(0)*

Motion was approved 7-0.



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0002: Unified Development Ordinance Amendments</u>
Applicant:	City of Olathe, Public Works – Planning Division
Staff Contact:	Zachary Moore, Planner II

Zachary Moore, Planner II, outlined the possible adoption of new Building Design Standards to include Chapters 18.20, 18.30, 18.40, 18.50, and 18.60. All amendments are minor in nature and correlate with amendments to the Building Design Standards. Staff recommends that references to Building Materials “Categories” be amended to Building Materials “Classes,” making it consistent with the amendments addressed in UDO19-0001. **Mr. Moore** provided a table for 18.20, which removes reference to building design categories and revises UDO citation for permitted encroachments to the accurate citation. Additionally, the word “composite” has been removed from sections of the UDO referring to Building and Site Design standards, and Chapter 18.30.070, Building Design Standards, has been removed. The definition of “Hotel Boutique” in the Use Matrix has been updated to remove language identifying Building Design Category C.

Chair Vakas opened the public hearing. There being no one wishing to speak, **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 7-0.

Motion by Vice Chair Rinke, seconded by Comm. Nelson, to recommend approval of UDO19-0002, per the following staff recommendation:

Staff recommends approval of the proposed amendments as detailed in the attached UDO19-0002 Amendments Exhibit, for the following Chapters and associated subsections herein: 18.20, 18.30, 18.40, 18.50, and 18.60. These updates correlate directly to the new Composite Standards Chapter (UDO19-0001) and are necessary to ensure that processes, verbiage, and terminology is all consistent. This project will proceed to City Council in association with UDO

19-0001 and any changes to UDO 19-0001 which may impact these supporting chapters will be updated accordingly.

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

No: (0)

Motion was approved 7-0.

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.

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 worshipping 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.

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.

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.



City of Olathe
Planning Division

MINUTES – Other Matters

Planning Commission Meeting: July 22, 2019

Chair Vakas noted that the next Planning Commission is scheduled for Monday, August 12, 2019, at 7:00 p.m.

There were no other announcements.

Meeting adjourned.