



# City of Olathe

## Legislation Details (With Text)

**File #:** G19-875  
**Type:** New Business-Public Works **Status:** Agenda Ready  
**File created:** 3/22/2019 **In control:** City Council  
**On agenda:** 7/16/2019 **Final action:** 7/16/2019  
**Title:** Consideration of Ordinance No. 19-40, UDO18-0002A: Requesting approval regarding proposed amendments to Chapter 18.40 of the Unified Development Ordinance. Planning Commission recommends approval 7-0.  
**Sponsors:** Aimee Nassif  
**Indexes:**  
**Code sections:**

**Attachments:** 1. A. Ordinance No. 19-40 (UDO18-0002A), 2. B. March 19, 2019 City Council Packet

Date	Ver.	Action By	Action	Result
7/16/2019	1	City Council	approved	Pass

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Aimee Nassif, Chief Planning and Development Officer; Shelby Ferguson, Planning Consultant

**SUBJECT:** Consideration of Ordinance No. 19-40 regarding amendments to Chapter 18.40 of the Unified Development Ordinance (UDO18-0002A)

### ITEM DESCRIPTION:

Consideration of Ordinance No. 19-40, UDO18-0002A: Requesting approval regarding proposed amendments to Chapter 18.40 of the Unified Development Ordinance. Planning Commission recommends approval 7-0

### SUMMARY:

Last summer staff was tasked with completing a series of Unified Development Ordinance (UDO) updates that would encourage and facilitate quality development and growth throughout the community. Since that time, several UDO updates have been successfully completed and staff continued working on provisions related to plans, plats, and public hearings procedures.

Our first stakeholder meetings occurred on June 27, 2018 and a public hearing was ultimately held before the Planning Commission on these draft updates on November 26, 2018. Throughout this process staff has drafted numerous code updates attempting to address concerns expressed and requests made by the stakeholder group. This has resulted in a reduction of existing standards, and yet communication has still broken down with the group.

Therefore, in order to stay on course with the original task from City Council to improve development standards, staff is recommending approval of the updates to preliminary plans only. This recommendation still contains language that was a result of conversations with stakeholders. For example, the recommendation includes increasing the time period for expiration from staff's original

proposal of two (2) years to a proposal from several stakeholders of five (5) years, and also allowing an applicant or property owner to have their choice of process for extensions (administratively approved 1 year extensions or a different time period request to the Governing Body).

In addition, Preliminary Plans are not required for R-1 single family developments. Therefore, this UDO update does not impact any single family developments such as Cedar Creek, Forest View, or Prairie Highlands.

There are approximately **17 preliminary plans** that would expire with adoption of this UDO update, which includes plans as old as 2004. As stated above, if approved, these applicants can request extension by the City for administrative approval (1 year) or request any time period desired of the Governing Body. These plans are for commercial and industrial developments, and one (1) senior living proposal.

The reason for expiration of a plan or plat is to ensure a development is in compliance with the community's current development standards, as embodied in the UDO. The UDO is updated regularly which is standard practice for municipalities. Below are the specific UDO sections staff is recommending approval of.

**1. Chapter 18.40 Procedures**

**a. Section 18.40.110 Site Development Plans.**

- i. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.
- ii. Subsection (G.2) add language clarifying the applicant must submit and obtain approval for a final site development plan within the designated time period for the plan to remain valid.
- iii. Subsection (G.3) include language explaining how a preliminary development plan expiration time period may be extended.

On the other items which have been discussed with stakeholders, we are recommending that the City not proceed with any other code updates in order to ensure that current requirements remain intact and the vision for quality development remains undiminished. In the future, once all code updates in progress and identified have been considered by the City Council, we will look at what action, if any, should be taken regarding the remaining specific requests of the development community to loosen standards.

Attachment A is the updated red-line version of all proposed updates as part of UDO18-0002A for consideration.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Adopt Ordinance No. 19-40 regarding the 2018 Update to the City of Olathe Unified Development Ordinance (UDO18-0002A).

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**ATTACHMENT(S):**

- A. Ordinance No. 19-40 (UDO18-0002A)
- B. March 19, 2019 City Council Packet