



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 1/8/2019

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Aimee Nassif, Chief Planning and Development Officer

SUBJECT: Amendments to Chapters 18.20, 18.30, 18.40, 18.50, 18.90 and 18.94 of Title 18 *Unified Development Ordinance* (UDO18-0003).

ITEM DESCRIPTION:

Discussion regarding proposed amendments to Chapters 18.20, 18.30, 18.40, 18.50, 18.90 and 18.94 of Title 18 *Unified Development Ordinance* (UDO18-0003).

SUMMARY:

As previously discussed, the Planning Division is taking an in-depth look at the *Unified Development Ordinance (UDO)* related to a variety of land use items and development requirements. The goal of this comprehensive endeavor is to explore with City Council additional opportunities for improvement within the UDO regarding the following: 1) promoting high quality development, 2) ensuring that expectations and requirements are clear, and 3) assisting staff in providing the best possible services to the community. For this round of potential updates, the Planning Division has identified several areas of the UDO for discussion. Staff is seeking direction from City Council to determine if further work, review, and updates to these areas would be desirable. If so, staff will continue to review and research based on that feedback, and also begin scheduling community meetings with external stakeholders for input and collaboration.

Staff’s list of items for this initial discussion includes two categories of updates. The first category is updating provisions governing uses and development criteria, and the second category is “housekeeping” changes to improve readability and to accurately reflect current practice. This round of discussion includes the following Chapters/Sections of the UDO:

Section Number	Section Name	Discussion Type
18.20	Zoning Districts	Housekeeping
18.20.500	Use Matrix	Both
18.30.070	Building Design Standards	Housekeeping
18.30.130	Landscaping, Buffers and Screening	Both
18.30.160	Parking and Loading	Update
18.30.240	Tree Preservation	Update
18.40.190	Vacating Plats, Streets or Reservations	Housekeeping
18.40.220	Appeals	Housekeeping
18.50.040	Drive-Through	Update
18.50.180	Satellite Dish Antennas	Update
18.50.225	Temporary Uses (Temp. Sales & Events)	Housekeeping

18.90.020	Definitions	Housekeeping
18.94	Submittal	Housekeeping

Below is a summary of the areas which staff has identified as opportunities for updates. The summary is divided into two sections. Section One lists potential updates to provisions governing uses and development criteria. Section Two lists potential housekeeping changes, with a few sections affected by both. The summary below lists staff's recommendations and reasons for consideration of the changes. In some cases, staff is seeking additional feedback before proposing new language. Where noted, staff's initial proposed language has resulted from feedback received from other city staff and from questions raised while processing development applications. Draft redlines of UDO section updates are attached. In addition, staff has highlighted some existing language to note areas which staff will raise in the discussion to determine whether staff should draft new language for consideration.

Based on feedback from City Council, staff will complete draft language while collaborating with internal and external stakeholders before finalizing proposed recommendations and language for formal consideration at the Planning Commission.

SECTION ONE: UDO UPDATES FOR DISCUSSION PERTAINING TO USES AND DEVELOPMENT CRITERIA

- 1. 18.20.500 Use Matrix** (Group Boarding Homes, Bed and Breakfast, Churches/Religious Assemblies, Restaurants)

Recommendation: For staff to continue drafting updates to ensure the uses listed above are provided for in appropriate zoning districts.

Reason: Recent UDO updates led staff to review the Use Matrix for homeless shelters and group boarding homes. On October 16, 2018 City Council approved the addition of the land use category homeless shelters to the UDO.

As a result of recent development inquires, staff continued to review and research the Use Matrix regarding group boarding homes, bed and breakfast, churches and restaurants. Currently the Bed and Breakfast use is permitted in Agriculture, R-1, and R-4 with a special use permit, but not in the R-2 and R-3 districts. This type of use is typically found in all residential districts. Therefore, to provide flexibility for applicants and consistency within code, staff recommends Bed and Breakfast be added to the R-2 and R-3 districts with a special use permit. Staff is recommending the process of a special use permit to provide the ability to regulate hours of operation, intensity of traffic and access, and other factors impacting the residential character of the surrounding area.

Similarly, Churches and Civic Assemblies are permitted by right or with a special use permit in all districts except for in Business Parks (BP) and Downtown (D). The nature of this use is compatible with all district types. Therefore, staff recommends adding Churches and Civic Assemblies to be permitted by right in BP, and with a special use permit in all Downtown (D).

The Use Matrix has various land use categories pertaining to the sale of food and its services. Staff has highlighted these areas in yellow within the Use Matrix for feedback on continuing to review and research these uses for possible consolidation. In addition, it may be appropriate to consider renaming categories solely for purposes of re-alphabetizing them to organize this industry type together.

Lastly, the use category names for Group Boarding Homes For Adults and Minors and Group Daycare Homes are being updated to reflect their definitions more accurately. Staff is also recommending changing Group Boarding Homes to be permitted through the special use permit to be consistent with Group Daycare Homes (Group Boarding Homes For Minors). This would provide the ability to review this type of use in terms of traffic, hours of operations, intensity, and any other factors which may impact the surrounding properties.

2. 18.30.130 Landscaping, Buffers and Screening (Landscape Buffers)

Recommendation: Staff would like to continue to review and research updating landscape buffers to require additional plantings and to reformat the tables.

Reason: Currently Section 18.30.130.J. outlines nine (9) buffer types and when a buffer is required between adjoining zoning districts. Of these buffers, two (2) are open green space requirements with no plantings. From development applications in 2018, staff has seen instances where these open green space buffers between districts impact the quality of development and site layout. Staff would like to discuss and continue to vet updating these buffer types to include additional planting requirements to improve site layout and quality developments.

In addition, staff is seeking direction on potentially increasing vegetation requirements within the remaining buffer types.

3. 18.30.130 Landscaping, Buffers and Screening (Landscape Islands)

Recommendation: Update landscape island requirements to clarify islands may not have nonliving materials (rock, mulch, pebble, etc.) as the only landscape material.

Reason: Staff has heard from developers that there is some confusion on what is permitted within landscape islands. Through review, staff has identified Section 18.30.130.M which specifically outlines planting materials such as ornamental trees, evergreens, shrubbery and other planting materials are allowed as means of landscaping as long as they are not the sole material.

Within the UDO, the definition for “landscape material” includes living and nonliving materials, and the listed examples of nonliving materials include items such as rocks, mulch, pebbles, and sand. The intent and goal of the City is to ensure landscape islands

have a variety of planting materials and that nonliving materials are used as a means for health and maintenance for the vegetation. Updating this language will clarify landscape islands are not to have full rock or mulch as the only means of landscaping.

4. 18.30.160 Parking and Loading

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

Reason: Recently the City has been experiencing higher volumes of truck trailers parking on public streets and highway ramps because distribution warehouses are 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 help address this problem. This requirement would provide drivers a location to park until loading and unloading is able to take place to reduce or eliminate congestion and sight concerns on public streets and highway ramps.

5. 18.30.240 Tree Preservation

Recommendation: Include a process for reviewing when trees are removed that are not associated with a plat, rezoning or plan.

Reason: Currently the UDO does not require review of tree removal unless it is associated with an application for a plat, rezoning or final site development plan. This practice has resulted in some losses of large groves of trees. To ensure the City would be aware of when certain sizes of trees, specimen trees and large groupings are being considered for removal, staff is recommending updating the tree preservation plan requirements and requiring tree removal requests when development activity meets certain criteria.

6. 18.50.040 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 clearly 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.

7. 18.50.180 Satellite Dish Antennas

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

Reason: Earlier this year, staff received an application for the Board of Zoning appeals requesting an increase in satellite dish antenna height. This case led staff to research and review current satellite dish antenna height requirements for non-residential districts. Updating this requirement will align code requirements with our surrounding neighbors and provide flexibility to applicants when determining where to locate their business and operations.

THE SECOND SECTION ARE HOUSEKEEPING ITEMS AND WILL CORRECT EXISTING LANGUAGE AND ACCURATELY REFLECT CURRENT PRACTICE.

1. Recommendation: 18.20 Zoning Districts

Recommendation: Clarify and update various sections of Chapter 18.20 for consistency with current practice and to eliminate inconsistent verbiage regarding building height, and correct internal section references.

Reason: Through development reviews staff has 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. The maximum building height is currently unclear when interpreting if structure heights are meant to not exceed the measurement provided or the number of stories listed.
- c. Dimensional standards for multiple zoning districts reference Section 18.15.025 for permitted encroachments. This section reference is incorrect because permitted encroachments are located in Section 18.30.270.

These updates will improve the readability for the reader and update inconsistency within various sections of 18.20.

2. 18.20.500 Use Matrix (Miscellaneous)

Recommendation: Format the use matrix and update

Reason: Staff’s review of the use matrix identified the following areas for updates:

- a. District headings are inconsistent with zoning districts established in Section 18.20.
- b. Land use category titles need to be updated to more accurately reflect uses and their definitions (e.g. elderly housing to senior housing, and beer, wine and liquor stores to liquor store).
- c. Remove unnecessary land use category headings and definitions (e.g. Multi-family) as not every land use type has a heading.

These updates to the use matrix will improve readability and organization of this section for the reader and staff during review periods.

3. 18.30.070 Building Design Standards

Recommendation: Remove section 18.30.070 from the UDO.

Reason: This section is an empty chapter and does not include design requirements within it. The verbiage within Section 18.30.070 simply points the reader to Section 18.15 for building design requirements.

4. 18.40.190 Vacating Plats, Streets or Reservations

Recommendation: Update verbiage 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.

5. 18.40.220 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.

6. 18.50.225 Temporary Uses (Temporary Sales and Events)

Recommendation: Update Section 18.50.225 to accurately list the zoning districts that 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 potential districts when zoning.

This section also points the reader to Chapter 5.05 of the Municipal Code for Special Event Permit requirements. This section reference does not pertain TSE's taking place on privately owned land. Staff is updating this to ensure expectation and requirements are clear for the reader.

7. 18.90.020 Definitions

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

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Reason: With updates to sections 18.30.240 (Tree Preservation) and 18.20.500 (Use Matrix), additional technical language was added to the UDO. Industry terms in each of these sections include definitions that then need to be included here such as multi-family, understory, and woodlands.

8. 18.94 Submittal

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.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Discuss the proposed recommendations for UDO update and provide feedback and direction to staff for creating and completing draft language for future workshops and meetings prior to returning with amendments for formal consideration at the Planning Commission.
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ATTACHMENT(S):

- A. UDO18-0003 Chapters with redline draft updates