



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 3/19/2019

DEPARTMENT: Public Works, Planning Division

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

SUBJECT: UDO18-0002(A) Amendments to Chapters 18.40

ITEM DESCRIPTION:

Discussion regarding Proposed Amendments to Chapter 18.40 of the *Unified Development Ordinance* (UDO18-0002 (A)).

SUMMARY:

On December 4, 2018, staff presented updates to the *Unified Development Ordinance* (UDO) pertaining to Chapters 18.30, 18.40, and 18.50 for consideration. During the meeting, several speakers addressed the Council with concerns involving updates for development plans, plats, and vibration standards. The Council requested that this item return to a future Council agenda for further collaboration with community stakeholders.

This evening, staff will present all updates except for the vibration standards (18.30) and blasting (18.50) updates. Staff is completing additional research and collaboration with stakeholders for these two items and will return later for that discussion.

The draft language for the updates involving plans, plats and procedures is included in tonight's meeting packet and this language has not changed since the December meeting. Staff has used this time to have further discussions with interested parties, performed additional research, and prepared a new presentation to help clarify and explain the draft proposal.

This UDO review and update process began in June 2018 and staff had numerous meetings, correspondence, and collaboration with a variety of stakeholders. We have achieved consensus and received draft language from stakeholders which has been incorporated into several updates. These include:

1. Public Hearing Procedures
2. Phasing Plans
3. Time period for Preliminary Plats resets with every phased final plat approval.

Despite several months of conversations, rewrites, and revisions to address concerns we heard, full consensus from our stakeholder group was not achieved for the remaining updates. Staff is presenting these draft updates to you as well as they will assist with ensuring compliance with UDO

standards and the City's vision for growth and development. To assist in explaining the history and evolution of time expirations for plans and plats in the UDO, a timeline is also attached (Attachment A). Amendments made throughout the years are indicated in red font for you.

In addition, staff has prepared a table which displays the current requirements for time expirations for plans and plats along with a brief summary of the proposed updates. Existing language is in black font with proposed changes shown highlighted.

Document Type	Time Period	Action Needed Before Expiration	Extension Method
Preliminary Development Plans	5 years	Submit and obtain approval of final development plan.	Renewal administratively reviewed for up to twelve (12) months. Or, renewal for any length of time by the Governing Body.
Final Development Plans	2 years	Commence construction with building permit.	Renewal administratively reviewed for up to twelve (12) (not 6) months. Or, renewal for any length of time by the Governing Body.
Preliminary Plats	2 years	Submit final plat for approval.	Renewal for 1 year only if over 40 acres. Clock resets 2 years for every final plat approval in a phased development. Or, renewal administratively reviewed for 1 year.
Final Plats	2 years	Record after approval.	Administratively reviewed/renewed for 1 year. Adhere to the Municipal Code which includes title 18 for the UDO. Direct reader to UDO specifically. (no difference in requirements)

Staff will provide detailed information during the meeting on how these proposed updates were generated, why they are necessary, requests from our stakeholder group, and impacts if they are not approved.

Updates for your consideration involve the following sections of the UDO:

1. Chapter 18.40 Procedures

a. Section 18.40.110 Site Development Plans.

- i. Subsection (D.1.a) remove inconsistent language pertaining to notice requirements.
- ii. Subsection (D.1.b) add language clarifying notice requirements for preliminary site plans.
- iii. Subsection (G.1) add language expiring preliminary site development plans if a final development plan is not approved within five (5) years.

- iv. Subsection (G.2) add language requiring a phasing pattern for site development plans over forty (40) acres.
- v. Subsection (G.3) 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.
- vi. Subsection (G.4) add the word “construction” to clarify construction must commence following approval and issuance of building permit.
- vii. Subsection (G.5) clarify the review authority for site development plan time period extensions.
- viii. Subsection (G.5) clarify how a preliminary or final development plans expiration time period may be extended.
- ix. Subsection (G.5) remove inconsistent language pertaining to RP-1 plats and plans.

b. Section 18.40.150 Preliminary Plat.

- i. Subsection (F.2) add language allowing the applicant to request a one (1) year extension on for preliminary plats, approved administratively.
- ii. Subsection (F.2) add language stating that time period for a preliminary plat resets with submittal and approval of each final plat for any phase on the preliminary plat.
- iii. Subsection (F.3) strengthen and clarify phasing plan requirements for preliminary plats over forty (40) acres.
- iv. Subsection (F.4) remove inconsistent language pertaining to RP-1 plats and plans.

c. Section 18.40.160 Final Plat.

- i. Subsection (E.1.b) clarify that final plats must conform to all requirements of the UDO.

Attachment B is the red-line version of all updates as part of UDO18-0002(A) for consideration. Attachment C is a copy of the previous CAI prepared for the December 4, 2018 meeting. The Planning Commission recommended approval of all proposed UDO updates associated with UDO18-0002(A) on November 26, 2018 by a vote of 7-0.

FINANCIAL IMPACT:

MEETING DATE: 3/19/2019

None

ACTION NEEDED:

1. Discuss the proposed amendments. Unless otherwise directed, staff will place Ordinance No. 19-XX (UDO-0002 (A)), on the April 2, 2019 City Council agenda for formal consideration."

ATTACHMENT(S):

- A. UDO History for Plans and Plats
- B. UDO Chapters with redline draft
- C. December 4, 2018 City Council Packet