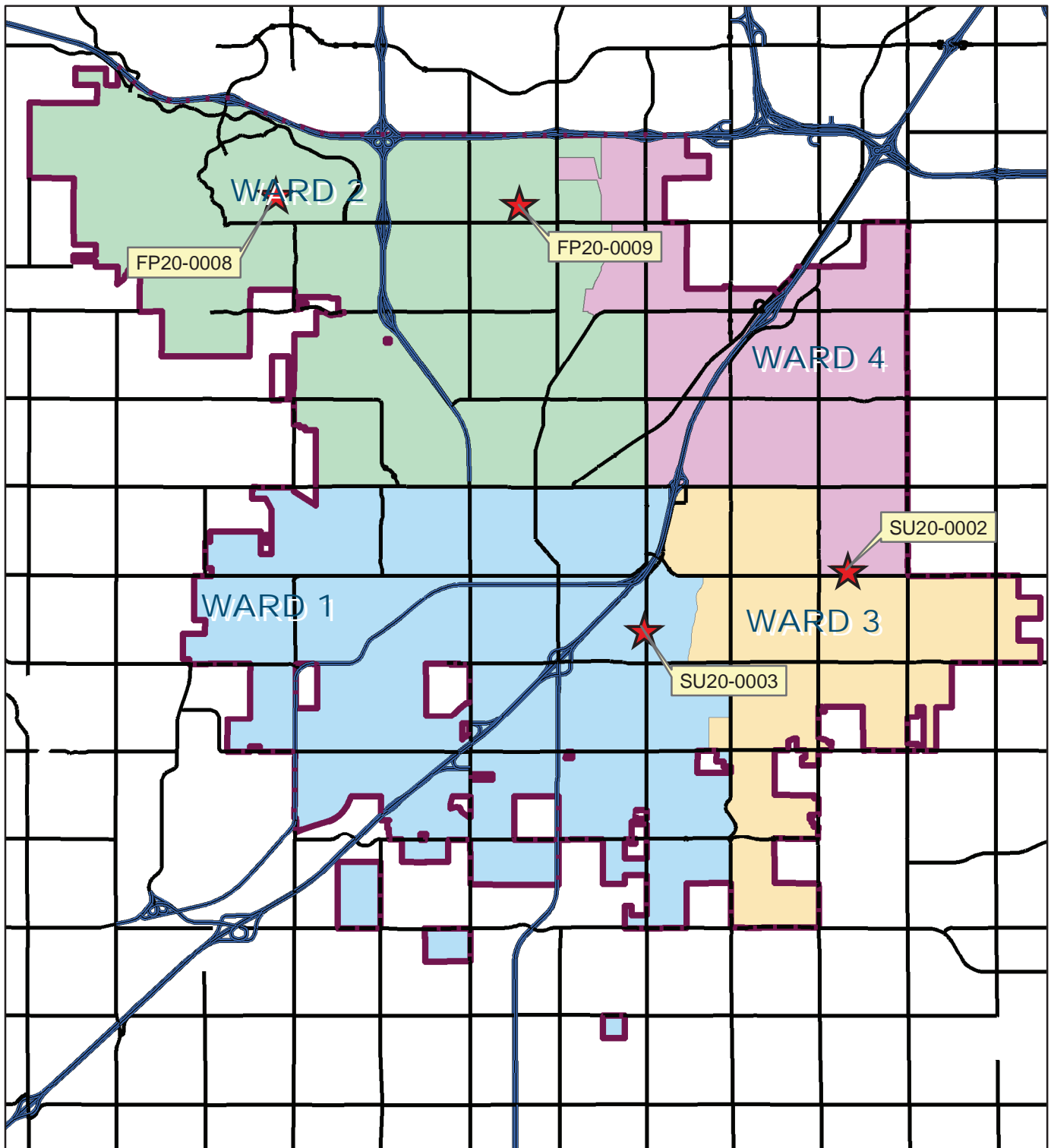


**JUNE 29, 2020**  
**OLATHE PLANNING COMMISSION**  
**CASE LOCATIONS**



User: JaredMD  
Date: 6/24/2020





In an effort to follow social distancing guidelines during the COVID-19 pandemic, the City of Olathe Planning Commission will be conducting the 7:00 pm June 29, 2020 public meeting remotely as well as in person.

### **CONTACT INFORMATION**

Aimee Nassif, Chief Planning & Development Officer  
Tricia Ramdass, Administrative Assistant III  
City of Olathe Planning Division  
100 E. Santa Fe Street  
Olathe, KS 66061  
913-971-8750  
[PlanningContact@Olatheks.org](mailto:PlanningContact@Olatheks.org)

### **LIVE ONLINE BROADCAST**

Visit [OlatheKS.org/PlanningCommission](https://OlatheKS.org/PlanningCommission)

### **TESTIMONY**

- Written comments may be submitted to the Planning Division using email to [PlanningContact@Olatheks.org](mailto:PlanningContact@Olatheks.org). All comments will be made part of the record and shared with the Planning Commission and City Council.
- To participate via Zoom, email the Planning Division at [PlanningContact@Olatheks.org](mailto:PlanningContact@Olatheks.org) with your name, address, and the public hearing case you wish to speak on no later than 4 p.m. June 8, 2020. If you are unable to notify the Planning Division prior to 4 p.m., then during the meeting prior to the start of the public hearing case that you want to speak on you will need to use the "raise your hand" function in the Zoom app to notify the Planning Division.
- Following the applicant's presentation, the Moderator will call on individuals who have requested to speak in the order the request was received.

### **ZOOM MEETING PARTICIPATION**

Join from a PC, Mac, iPad, iPhone or Android device:

Topic: City of Olathe - Planning Commission Meeting - 06/29/2020 (7:00 pm)

Please click this URL to join. <https://zoom.us/j/97080921106>

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 646 876 9923  
or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 970 8092 1106

International numbers available: <https://zoom.us/u/abKgsfRKRV>



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## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

## QUORUM ACKNOWLEDGEMENT

## CONSENT AGENDA

- A. **MN20-0608:** Standing approval of the minutes as written from the June 8, 2020 Planning Commission meeting.
- B. **FP20-0008:** Request approval for a final plat of the **Villas at Hidden Lake, First Plat** containing forty-seven (47) lots and two (2) common tracts on 19.78± acres; located southeast of S. Bluestem Parkway and 107th Street.  
Owner/ Applicant: John Duggan, 30th Plat of Cedar Creek, LLC  
Engineer: David Rinne P.S., Schlagel & Associates, P.A.
- C. **FP20-0009:** Request approval for a final plat of **Cedar Ridge Reserve, Third Plat** containing fourteen (14) lots and one (1) common tract on 6.14± acres; located northwest of College Boulevard and Woodland Road.  
Owner/ Applicant: Tom Bickimer, Bickimer Construction, Inc.  
Engineer: Tim Tucker, Phelps Engineering, Inc.

## REGULAR AGENDA-NEW BUSINESS

- A. **PUBLIC HEARING**  
**SU20-0002:** Request approval for a special use permit for keeping chickens on a residential lot less than three (3) acres, 0.23± acres; located at 14548 W. 141st Drive.  
Owner/Applicant: David Schaffer
- B. **PUBLIC HEARING**  
**SU20-0003:** Request approval for a special use permit for keeping chickens on a residential lot less than three (3) acres, 0.26± acres; located at 1282 E. Sheridan Bridge Lane.  
Owner/Applicant: Eyasu Lemma

## ANNOUNCEMENTS

## ADJOURNMENT

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices as well as iPads with closed captioning are available at each meeting. To request an ASL interpreter, or other accommodations, please contact the City Clerk's office at 913-971-8521. Two (2) business days notice is required to ensure availability.



Planning Division

## **MINUTES – Opening Remarks**

### **Planning Commission Meeting: June 8, 2020**

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The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Ryan Nelson, Barry Sutherland, Shirley Allenbrand, Marcia Youker and Taylor Breen were present in the chamber. Commissioners Ryan Freeman, Chip Corcoran and Jeremy Fry participated remotely via Zoom.

*Recited Pledge of Allegiance.*

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 MN20-0511, the meeting minutes from May 11, 2020, was made by Comm. Nelson and seconded by Comm. Sutherland and passed with a vote of 9-0.



Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |  |
|---------------------|--|
| <b>Application:</b> | <b><u>PR20-0010:</u></b> Request approval for a revised preliminary site development plan for <b>Tommy's Car Wash</b> on 1.04± acres; located at 225 S. Parker Street. |
|---------------------|--|

A motion to approve PR20-0010 was made by Comm. Nelson and seconded by Comm. Sutherland, and passed with a vote of 9 to 0 with the following stipulations:

1. A final site development plan must be approved prior to issuance of a building permit.
2. The design and screening of the vacuum bays will be reviewed and approved with the final site development plan.
3. Parking lot and building lighting will be reviewed and approved with the final site development plan.
4. Sign standards for the car wash will be determined with the final site development plan with submittal of a comprehensive sign plan for review and approval.
5. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with landscaping or an architectural treatment compatible with the building architecture.



Planning Division

## MINUTES

Planning Commission Meeting: June 8, 2020

|                     |  |
|---------------------|--|
| <b>Application:</b> | <b><u>PR20-0014:</u></b> Request approval for a preliminary site development plan for <b>Tract D, Willow Crossing, Second Plat Amenities</b> on 1.98± acres; located at the northwest corner of 147 <sup>th</sup> Street and Haskins Street. |
|---------------------|--|

A motion to approve PR20-0014 was made by Comm. Nelson and seconded by Comm. Sutherland and passed as presented with a vote of 9 to 0.



Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |  |
|---------------------|--|
| <b>Application:</b> | <b><u>FP20-0005:</u></b> Request approval for a final plat for <b>Hidden Lake Estates, Fourth Plat</b> containing 30 lots and one (1) common tract on 28.45± acres; located northwest of W. 113 <sup>th</sup> Terrace and S. Clare Road. |
|---------------------|--|

A motion to approve FP20-0005 was made by Comm. Nelson and seconded by Comm. Sutherland, and passed with a vote of 9 to 0 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. The final plat will conform to Title 17 Requirements. A final Stormwater Management Report will be required prior to recording of the final plat. Any regional detention will be constructed and accepted by the City prior to issuance of building permits.
3. All new on-site wiring and cables must be placed underground.
4. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.





Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |   |
|---------------------|---|
| <b>Application:</b> | <b><u>FP20-0006:</u></b> Request approval for a final plat for <b>Courts at Stonebridge, First Plat</b> containing one (1) common tract on 6.03± acres; located at the northeast corner of W. 168 <sup>th</sup> Terrace and W. 169 <sup>th</sup> Place. |
|---------------------|---|

A motion to approve FP20-0006 was made by Comm. Nelson and seconded by Comm. Sutherland, and passed with a vote of 9 to 0 with the following stipulations:

1. Prior to recording the plat, a digital file of the final plat (.pdf format) must be submitted to the Planning Division.
2. Prior to recording, the plat must reflect any applicable stormwater treatment facilities and a Stream Corridor Maintenance Agreement must be submitted to the Public Works Department.
3. Prior to the issuance of building permits, this development must meet Title 17 Stormwater quality treatment requirements, along with approval of a final stormwater management plan.
4. Prior to recording the plat, the street labeled as W. 169th Terrace must be renamed W. 168th Terrace.
5. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.
6. All new on-site wiring and cables must be placed underground.
7. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view, either with three-sided landscaping or with an architectural treatment compatible with the buildings.



Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |  |
|---------------------|--|
| <b>Application:</b> | <b><u>FP20-0007</u>:</b> Request approval for a final plat for <b>Valley Ridge, Fifth Plat</b> containing 25 lots and one (1) common tract on 15.45± acres; located southeast of S. Cedar Creek Parkway and W. 115 <sup>th</sup> Street. |
|---------------------|--|

A motion to approve FP20-0007 was made by Comm. Nelson and seconded by Comm. Sutherland, and passed with a vote of 9 to 0 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. A Homeowners Association agreement that describes maintenance of all detention and stormwater quality BMP's must be received prior to recording of the final plat.
3. All new on-site wiring and cables must be placed underground.
4. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |  |
|---------------------|--|
| <b>Application:</b> | <b><u>MP20-0006:</u></b> Request approval for a minor plat for <b>Village of Forest Hills, Building 3 and 4</b> , containing eight (8) lots and one (1) common tract on 1.00± acres; located at the northwest corner of 174 <sup>th</sup> Terrace and S. Raintree Drive. |
|---------------------|--|

A motion to approve MP20-0006 was made by Comm. Nelson and seconded by Comm. Sutherland, and passed with a vote of 9 to 0 with the following stipulations:

1. Prior to recording the plat, a digital file of the final plat must be submitted to the Planning Division.
2. All above ground electrical and/or telephone cabinets must be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
3. All exterior ground mounted or building mounted electrical, mechanical, or utility equipment must be screened by landscaping or with an architectural treatment compatible to the main building.



Planning Division

## MINUTES

### Planning Commission Meeting: June 8, 2020

|                     |   |
|---------------------|---|
| <b>Application:</b> | <b><u>RZ20-0004:</u></b> Preliminary Development Plan and Rezoning for 16129 S. Lone Elm Road |
|---------------------|---|

**Jessica Schuller, Senior Planner**, presented an application for approval of a rezoning and preliminary site development plan for property located at 16129 Lone Elm Road, south of 159<sup>th</sup> and east of Lone Elm Road. Mission Life Church is to the north; Frito Lay warehouse is to the south; Olathe District Activity Center is to the east. The property is currently zoned County Rural. The applicant is requesting a rezoning to M-2 General Industrial District, which is the zoning on the property south of the site.

**Ms. Schuller** noted that there is an existing church building on the site that will remain in place and the interior renovated by the applicant. The applicant plans to construct another 14,000 square foot building on the site, east of the parking lot. Parking lot improvements include new islands, trees, a trash enclosure, and a new sidewalk will be constructed to Lone Elm Road.

**Ms. Schuller** stated that additional plantings will be added to the site to meet requirements of the UDO. The future land use map designates this area as an employment center, which aligns with the M-2 zoning designation and is a continuation of the zoning established on the lot directly to the south. Additionally, the zoning meets the standards of the Golden Criteria. These are large lots that exceed setback requirements and are buffered from adjacent properties. Also, rezoning the property follows the goals of the PlanOlathe Comprehensive Plan.

**Ms. Schuller** stated that staff finds the requested zoning to be compatible with the surrounding land uses and finds the preliminary site development plan to be consistent with the standards outlined in the ordinance. Staff recommends approval of the rezoning and preliminary site development plan as stipulated.

**Ms. Schuller** noted that there is also a special use permit application on tonight's agenda, which cannot be considered until after consideration of the zoning.

**Comm. Nelson** questioned the wording in stipulations b and c. **Ms. Schuller** explained that zoning stipulations are always separated from development plan stipulations in case future changes to a development plan are necessary.

**Chair Vakas** opened the public hearing and asked if there was anyone who wished to speak. **Judd Claussen**, appeared via Zoom on behalf of the applicant, Brandon Sutherland. They agree with all stipulations presented by staff. There being no questions, Chair Vakas called for a motion to close the public hearing.

*Motion by Comm. Allenbrand, seconded by Comm. Breen, to close the public hearing.*

*Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)*

*No: (0)*

*Motion was approved 9-0.*

There being no further discussion, **Chair Vakas** called for a motion to recommend approval of this rezoning.

*Motion by Comm. Sutherland, seconded by Comm. Allenbrand, that RZ20-0004 be recommended for approval, for the following reasons:*

1. The proposed development complies with the policies and goals of the *Comprehensive Plan*.

**Principle LUCC-6: Discourage Sprawl.** “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

**ES-4: Employment Areas as Districts.** “Develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

*Comm. Sutherland’s motion included recommending approval of RZ20-0004 with no stipulations.*

*Comm. Sutherland’s motion included recommending approval of the associated preliminary site development plan, subject to the following stipulations:*

1. A final site development plan must be approved prior to building permit submittal.
2. Building standards for new structures on site must comply with the Industrial Building requirements of UDO Section 18.15.020.
3. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
4. All new on-site wiring and cables shall be placed underground.
5. At the time of Final Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

*Aye: Allenbrand, Sutherland, Nelson, Freeman, Fry, Corcoran, Youker, Breen, Vakas (9)*

No: (0)

*Motion was approved 9-0.*

## MINUTES

### Planning Commission Meeting: June 8, 2020

|              |  |
|--------------|--|
| Application: | <b><u>SU20-0001</u>: Preliminary Development Plan and Special Use Permit for Animal Care – Indoor or Outdoor Kennel, K-9 Acres</b> |
|--------------|--|

**Jessica Schuller, Senior Planner**, presented this special use permit and preliminary site development plan for K-9 Acres. This is the same site with additional details specific to the user of the site. It is within the employment center district established by the Future Land Use Map. The property proposes a rezoning to M-2 from existing County Rural designation, which is in conjunction with Case RZ20-0004 previously recommended for approval.

**Ms. Schuller** explained that the applicant is seeking a special use permit to allow a dog kennel and training facility with an associated veterinary clinic to be located on this site. The request complies with the UDO. The business would be open daily and include about 25 employees. Emergency vet hours will also be offered.

**Ms. Schuller** noted that the existing building was the location of a former church and is now vacant. The applicant plans first to renovate the building as a veterinary clinic before building a new 14,000 square foot kennel building. There is existing access to the site from Lone Elm Road, and landscaping is being added to meet current requirements of the UDO. There are existing landscape buffers along the property lines, and trees have been added throughout the site. Staff will continue to work with the applicant to finalize a plan for fencing and additional landscaping on site.

**Ms. Schuller** added that the proposed building is a single story constructed with tilt-up concrete panels in shades of light and dark gray. The primary façade is accented with stone veneer and canopies. She stated that the proposed building exceeds ordinance requirements for building materials, although staff will continue working with the applicant on the north elevation, adding additional articulation and detail to that façade. Also, staff supports applicant's request for a ten-year term for the special use permit. Staff recommends approval of this special use permit as stipulated.

**Chair Vakas** opened the public hearing and ask applicants represented if they wished to speak. **Judd Claussen, Phelps Engineering, 1270 North Winchester, Olathe**, appeared via Zoom on behalf of the applicant, Brandon Sutherland. He explained that there will be two phases because the applicant wants to open for business in the existing building as soon as possible. They are requesting a 10-year term.

There were no questions for Mr. Claussen, and no one else wished to speak. **Chair Vakas** called for a motion to close the public hearing.

*Motion by Comm. Allenbrand, seconded by Comm. Sutherland, to close the public hearing.*

*Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)*

*No: (0)*

*Motion was approved 9-0.*

**Chair Vakas** also appreciates the investment the applicant is making in Olathe.

*Motion by Comm. Nelson, seconded by Comm. Youker, that SU20-0001 be recommended for approval, subject to the following stipulations:*

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.
- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

*Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)*

*No: (0)*

*Motion was approved 9-0.*





City of Olathe  
City Planning Division

## **MINUTES – Closing Remarks**

**Planning Commission Meeting: June 8, 2020**

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**Aimee Nassif, Chief Planning and Development Officer**, noted that the next Planning Commission will be held on Monday, June 29, 2020, at 7:00 p.m.

There were no other announcements.

*Meeting adjourned.*

## STAFF REPORT

**Planning Commission Meeting: June 29, 2020**

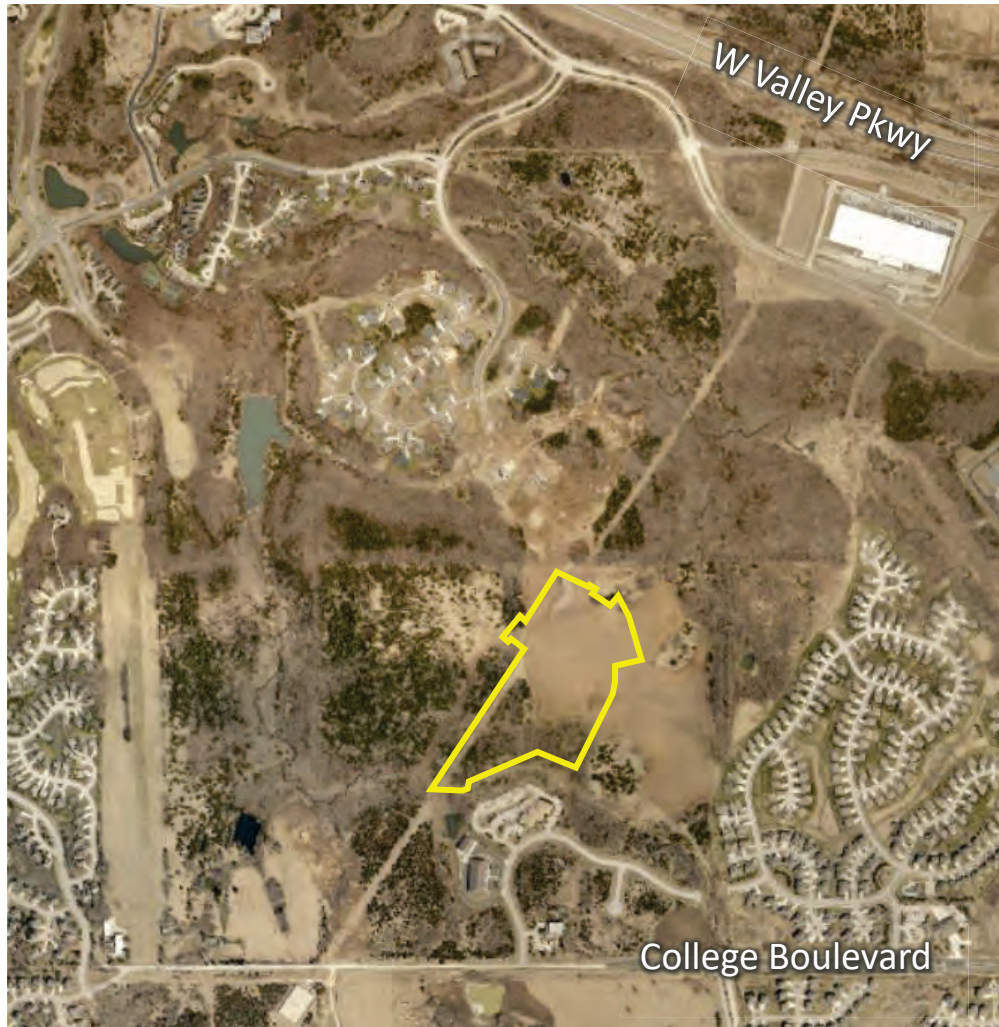
|                         |   |                        |  |
|-------------------------|---|------------------------|--|
| <b>Application:</b>     | <b>FP20-0008, Final Plat, Villas at Hidden Lake, First Plat</b> |                        |  |
| <b>Location:</b>        | Southeast of S Bluestem Parkway and 107 <sup>th</sup> Street    |                        |  |
| <b>Applicant/Owner:</b> | John Duggan, 30 <sup>th</sup> Plat of Cedar Creek, LLC          |                        |  |
| <b>Engineer:</b>        | David Rinne, Schlagel & Associates, P.A.                        |                        |  |
| <b>Staff Contact:</b>   | Kim Hollingsworth, AICP, Senior Planner                         |                        |  |
| <b>Site Area:</b>       | <u>19.78± acres</u>   | <b>Proposed Use:</b>   | <u>Residential, Single-Family</u>                        |
| <b>Lots:</b>            | <u>47</u>   | <b>Current Zoning:</b> | <u>RP-1 (Planned Single-Family Residential) District</u> |
| <b>Tracts:</b>          | <u>2</u>  |                        |  |

### 1. Introduction:

The following item is a request for a final plat for the Villas at Hidden Lake, First Plat. This plat will establish lot lines, dedicate public easements, right-of-way and common tracts within the subdivision. The approximately 19.8-acre property was rezoned to the RP-1 (Planned Single-Family Residential) District in October 2008 (Ordinance No. 08-101). The proposed final plat is consistent with the revised preliminary plat (PP20-0001) that was recently approved April 27, 2020.

### 2. Plat Review:

- a. **Lots/Tracts** – The plat includes 47 lots and two common tracts. The single-family lots range in size from 8,400 to 15,296 square feet and all lots exceed minimum UDO requirements for lot sizes. The common tracts are intended to contain landscaping, drainage areas, and open space that will be owned and maintained by the Homes Association.
- b. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas. Several easements including Utility Easements (U/E), Drainage Easements (D/E), and a Landscape Easement (L/E) will be dedicated with this final plat. An 85-foot utility easement for the gas pipeline is located just west of the platted area. Water and sewer main extensions will be required to serve the development.



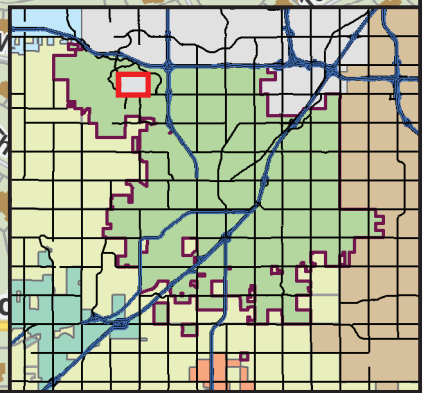
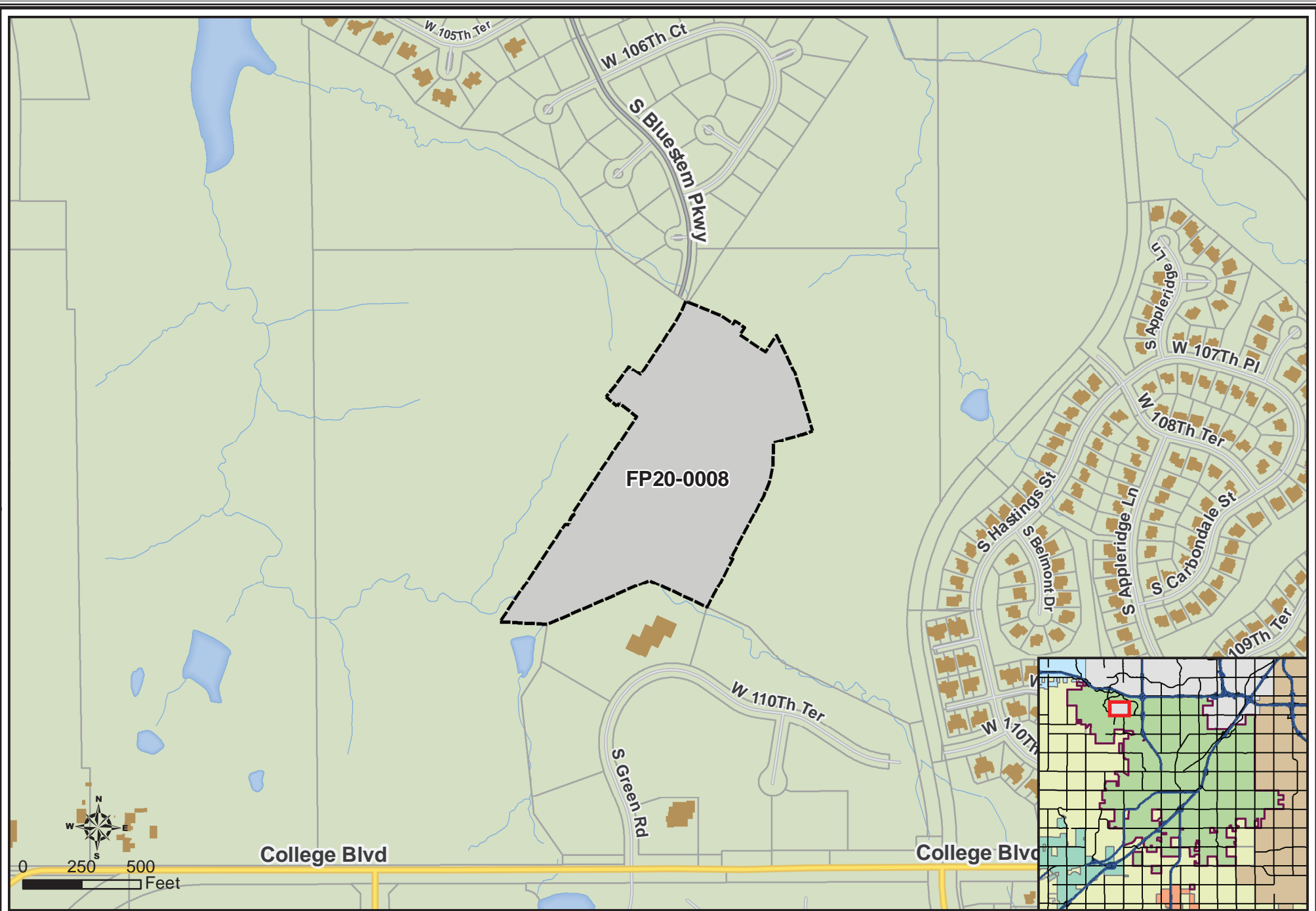
*Aerial View of the Subject Property*

- c. **Streets/Right-of-Way** – Access to the Villas at Hidden Lake, First Plat will be provided primarily from S. Bluestem Parkway which will extend south of the fourth plat. Sidewalks will be provided on one side of all local streets and on both sides of collector or arterial roadways within the platted area.
- d. **Stormwater/Detention** – The final plat will be required to meet Title 17 requirements and a final stormwater management report must be reviewed and approved by staff prior to recording of the plat. The platted area is located outside of the 100-year floodplain.
- e. **Landscaping** – The landscaping will comply with Section 18.51.120 D of the Cedar Creek Overlay District including the on-lot landscaping requirements for each single-family lot. Master landscape screening through a mixture of evergreen and deciduous trees will be provided along Bluestem Parkway and will meet the requirements of UDO 18.30.130.H. Significant areas are devoted to tree preservation including the entirety of Tracts A and B within the southern and western portions of the platted area. A conservation easement was recorded in December 2016 to protect the natural areas, streamway and dense vegetation within Tract B. The protected area also provides buffering between the single-family homes and Cedar Creek Corporate Park to the south.

**3. Staff Recommendation:**

Staff recommends approval of FP20-0008 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. A final stormwater management report meeting the requirements of Title 17 is required prior to recording of the final plat.
3. All new on-site wiring and cables must be placed underground.
4. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



# VILLAS AT HIDDEN LAKE, 1ST PLAT

FP20-0008



User: JaredMD  
Date: 6/24/2020





# VILLAS AT HIDDEN LAKE

## FIRST PLAT

PART OF THE SE 1/4, SEC. 8-13-23 IN THE, IN CITY OF OLATHE, JOHNSON COUNTY, KANSAS

### DESCRIPTION:

Part of the Southeast One-Quarter of Section 8, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the said Southeast One-Quarter; thence South 87 degrees 47 minutes 46 seconds West, along the North line of the said Northwest One-Quarter a distance of 907.17 feet to the Northeast corner of Tract "N", HIDDEN LAKE ESTATES, THIRD PLAT, a subdivision in the said City of Olathe; thence South 32 degrees 05 minutes 32 seconds West, along the East line of said Tract "N" for a distance of 275.72 feet to the POINT OF BEGINNING, said point being the Southeast corner of said Tract "N"; thence South 73 degrees 20 minutes 34 seconds East, a distance of 123.13 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 225.00 feet, a central angle of 12 degrees 13 minutes 06 seconds and an arc length of 47.88 feet; thence South 16 degrees 13 minutes 24 seconds East, a distance of 39.59 feet; thence North 16 degrees 13 minutes 24 seconds East, a distance of 14.00 feet; thence South 58 degrees 13 minutes 24 seconds East, a distance of 50.00 feet; thence South 31 degrees 43 minutes 32 seconds West, a distance of 36.68 feet; thence South 58 degrees 13 minutes 24 seconds East, a distance of 130.00 feet; thence North 31 degrees 43 minutes 32 seconds East, a distance of 65.16 feet; thence South 27 degrees 05 minutes 32 seconds West, a distance of 119.83 feet; thence South 19 degrees 01 minutes 53 seconds East, a distance of 254.79 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 66 degrees 04 minutes 10 seconds West, a radius of 530.00 feet, a central angle of 06 degrees 05 minutes 24 seconds and an arc length of 56.03 feet; thence South 72 degrees 07 minutes 34 seconds West, a distance of 116.02 feet; thence South 05 degrees 07 minutes 30 seconds West, a distance of 103.02 feet; thence South 09 degrees 58 minutes 54 seconds West, a distance of 66.88 feet; thence South 26 degrees 36 minutes 04 seconds West, a distance of 64.37 feet; thence South 26 degrees 05 minutes 22 seconds West, a distance of 293.00 feet; thence South 63 degrees 54 minutes 38 seconds East, a distance of 9.56 feet; thence South 26 degrees 05 minutes 22 seconds West, a distance of 190.42 feet; thence South 24 degrees 42 minutes 37 seconds West, a distance of 42.40 feet to the Northeast corner of Lot 2, CEDAR CREEK CORPORATE PARK, SECOND PLAT, a subdivision in the said City of Olathe; thence along the North line of the following two courses, North 06 degrees 56 minutes 39 seconds West, a distance of 269.29 feet; thence South 64 degrees 44 minutes 31 seconds West, a distance of 493.71 feet; thence North 09 degrees 58 minutes 54 seconds West, a distance of 20.35 feet; thence North 31 degrees 41 minutes 42 seconds East, a distance of 498.32 feet; thence North 05 degrees 33 minutes 20 seconds East, a distance of 20.00 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 04 degrees 22 minutes 31 seconds West, a radius of 50.00 feet, a central angle of 55 degrees 30 minutes 25 seconds and an arc length of 48.44 feet; thence North 38 degrees 52 minutes 06 seconds West, a distance of 10.00 feet; thence North 31 degrees 41 minutes 42 seconds East, a distance of 486.85 feet; thence North 53 degrees 34 minutes 44 seconds West, a distance of 52.85 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 38 degrees 05 minutes 25 seconds West, a radius of 1030.00 feet, a central angle of 00 degrees 22 minutes 22 seconds and an arc length of 17.19 feet; thence North 05 degrees 07 minutes 30 seconds East, a distance of 60.00 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 39 degrees 02 minutes 47 seconds East, a radius of 970.00 feet, a central angle of 07 degrees 16 minutes 15 seconds and an arc length of 123.09 feet; thence North 31 degrees 41 minutes 32 seconds East, a distance of 37.62 feet to the Southeast corner of Lot 116, HIDDEN LAKE ESTATES, FOURTH PLAT, a subdivision in the said City of Olathe; thence along the Southern and Eastern lines of said HIDDEN LAKE ESTATES, FOURTH PLAT for the following three courses, South 58 degrees 13 minutes 24 seconds East, a distance of 60.00 feet; thence North 31 degrees 28 minutes 32 seconds East, a distance of 239.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 530.00 feet, a central angle of 11 degrees 30 minutes 05 seconds and an arc length of 126.00 feet to the Southwest corner of said Tract "N", HIDDEN LAKE ESTATES, FIRST PLAT; thence South 56 degrees 27 minutes 40 seconds East, along the Southern line of said Tract "N" a distance of 11.23 feet to the Point of Beginning, and containing 19.7849 acres, more or less.

### DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereinafter be known as VILLAS AT HIDDEN LAKE, FIRST PLAT.

The undersigned proprietor of said plat property shown on this plat does hereby dedicate those portions of the streets and roadways shown as 106th Terrace 107th Terrace, 107th Street, 108th Terrace, Shady Bend Road, Shady Bend Road, Castletown Street and BLUESTEM PARKWAY, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, roads, drives, lanes, avenues, courts, paths, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts and cables, sidewalks, etc., upon, over and under the areas outlined and designated on this plat as "Utility Easement" or "UE".

An easement or license to enter upon, located, construct and maintain or authorize the location, construction of maintenance and use of conduits, water lines, storm sewer pipes, sanitary sewer pipes and related facilities, upon, over and under these areas outlined and designated on this plat as "Public" or "Public Utility Easement", is hereby granted to the City of Olathe, Johnson County, Kansas. Public utility easements shall be provided when necessary and be adjacent to the proposed right-of-way. The minimum width shall be at least ten (10) feet and dedicated to the City of Olathe for the purpose of placing water and sanitary lines.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of sanitary sewer pipes and structures upon, over and under the areas outlined and designated on this plat as "Sanitary Easement" or "SE".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "DE".

A perpetual easement over, under, across and upon those portions of the property herein delineated and designated as "Landscape and Access Easement" or "LAE" and "Utility Easement" or "UE", is hereby reserved in favor of the "Declarant" (as that term is defined in the "Declarations" herein described, Cedar Creek Community Services Corporation, and Cedar Creek Village I Association, Inc. (the "Association"), their respective successors and assigns, pursuant to that certain Declaration of Covenants for the Cedar Creek Community and that certain Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I, as they or either of them may be supplemented or amended from time to time by Supplemental Declarations (the "Declarations"), which instruments are or will be recorded in the Office of Registrar of Deeds of Johnson County, Kansas for those purposes set forth in the Declarations, and not limited to, ingress, egress, installation, replacing, repairing and maintaining cable television systems, master television antenna systems, security and similar systems, roads, walkways, bicycle pathways, lakes, ponds, wetlands, drainage systems, street lights, sign- and all utilities, including, but not limited to, water, sewers, meter boxes, mail boxes, telephones, gas and electricity and such other purposes as the Declarant, Cedar Creek Community Services Corporation, or the Association, their successors and assigns, may deem appropriate and consistent with the provisions of said Declarations as they now exist, or as they may from time to time be amended.

Tracts "A" and "B" shall be designated in their entirety as tree preservation areas and the tree preservations shall conform to the Cedar Creek Design Standards. Generally, the entire tract will be a tree preservation easement except in areas where selective clearing may occur for the construction of utilities or as allowed by the Cedar Creek Review Committee. Tracts "A" and "B" shall be owned and maintained by the Homes Association or their authorized representatives thereof and used for landscaping purposes.

The undersigned proprietor of said plat property shown on this plat hereby certifies that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility or corporation have been absolved except that same person, utility or corporation shall retain whatever easement rights they would have as if located in a public street.

The undersigned proprietor of the above described tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

### RESTRICTIONS:

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Registrar of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

All on-site wiring and cables must be placed underground.  
Sidewalks in cut-de-sacs will terminate at a driveway.

### UTILITY NOTE:

All underground equipment shall be screened in accordance with the UDO.

### FLOOD NOTE:

Property lies within ZONE X (Areas determined to be outside the 02% annual chance floodplain) as shown on FIRM MAP # 2009IC0061G, revised August 3, 2009.

### AIRPORT NOTE:

The Hidden Lake Estates subdivision is located in close proximity to the Cedar Air Park Airport and aircraft, including business jets, operating from the airport should be expected to overfly, be visible from and be heard from the property on a regular basis.

### EXECUTION:

IN TESTIMONY WHEREOF, 30TH PLAT OF CEDAR CREEK, L.L.C., a Kansas limited liability company, by the authority of its Managing Member, has caused this instrument to be executed, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

30TH PLAT OF CEDAR CREEK, L.L.C.

By: JOHN DUGGAN, Member

### ACKNOWLEDGMENT:

STATE OF KANSAS )  
COUNTY OF JOHNSON )

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County of Kansas, came JOHN DUGGAN, Member of 30TH PLAT OF CEDAR CREEK, L.L.C., a Kansas Limited Liability Company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and said duly acknowledged the execution of the same to be the act and deed of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Print Name \_\_\_\_\_

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED UPON A FIELD SURVEY PERFORMED ON 1-2-2020. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



### APPROVALS:

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman, C.S. VAKAS

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, MICHAEL COPELAND

City Clerk, BRENDA D. LONG



DATE 4-30-2020

DRAWN BY ATX

CHECKED BY JMT

PROJ. NO. 20-034

FINAL PLAT OF

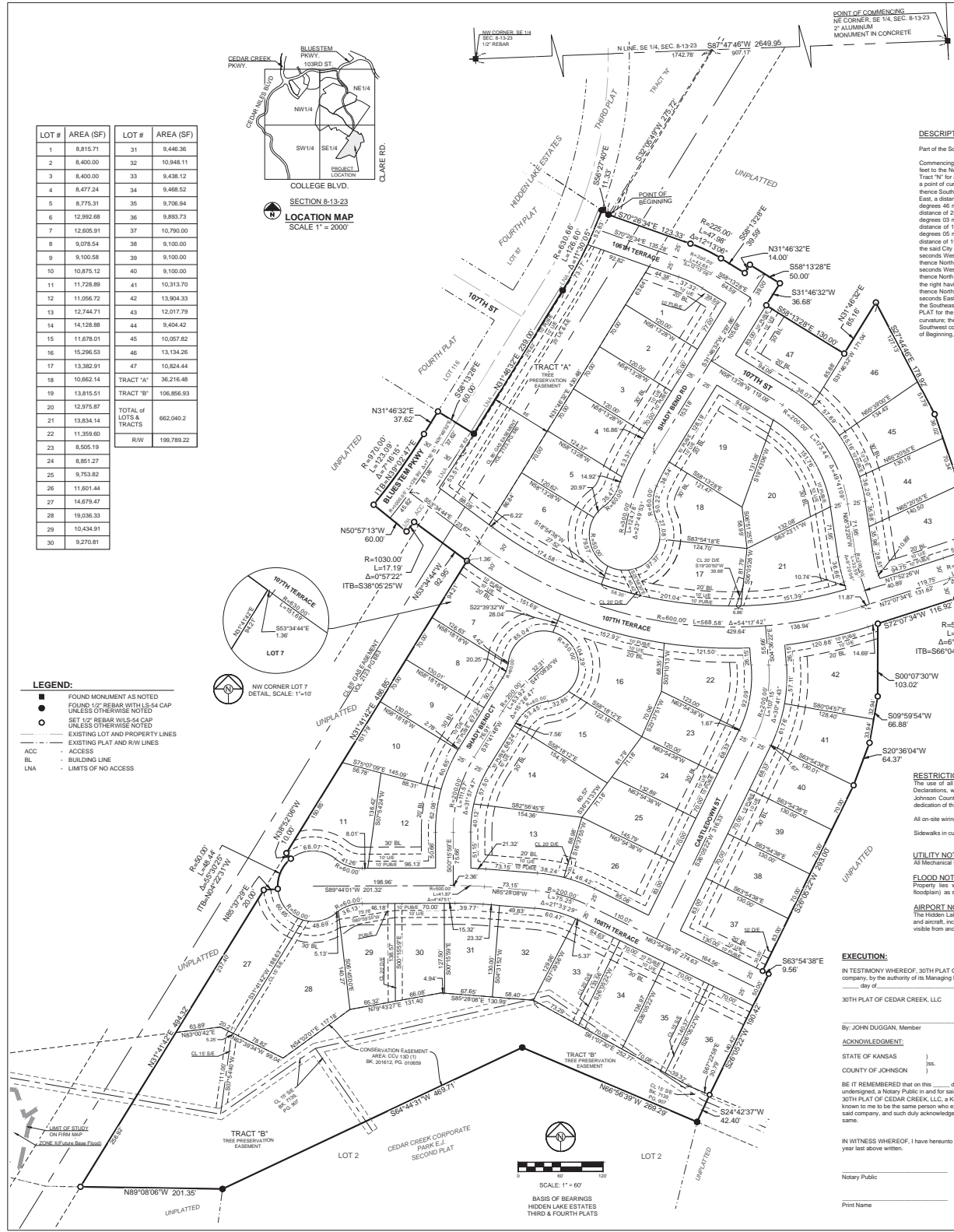
VILLAS AT HIDDEN LAKE

FIRST PLAT

SHEET NO. 1

| LOT # | AREA (SF) | LOT #     | AREA (SF)  |
|-------|-----------|-----------|------------|
| 1     | 8,815.71  | 31        | 9,446.36   |
| 2     | 8,400.00  | 32        | 10,948.11  |
| 3     | 8,400.00  | 33        | 9,438.12   |
| 4     | 8,477.24  | 34        | 9,468.52   |
| 5     | 8,775.31  | 35        | 9,708.94   |
| 6     | 12,992.68 | 36        | 9,893.73   |
| 7     | 12,605.91 | 37        | 10,790.00  |
| 8     | 9,078.54  | 38        | 9,100.00   |
| 9     | 9,100.58  | 39        | 9,100.00   |
| 10    | 10,875.12 | 40        | 9,100.00   |
| 11    | 11,728.89 | 41        | 10,313.70  |
| 12    | 11,056.72 | 42        | 13,904.33  |
| 13    | 12,744.71 | 43        | 12,017.79  |
| 14    | 14,128.88 | 44        | 9,404.42   |
| 15    | 11,678.01 | 45        | 10,057.82  |
| 16    | 16,296.53 | 46        | 13,134.26  |
| 17    | 13,892.91 | 47        | 10,824.44  |
| 18    | 10,662.14 | TRACT "A" | 36,216.48  |
| 19    | 13,815.51 | TRACT "B" | 108,896.93 |
| 20    | 12,975.87 | TOTAL OF  |            |
| 21    | 13,834.14 | LOTS &    | 662,040.2  |
| 22    | 11,359.60 | TRACTS    |            |
| 23    | 8,505.19  | R/W       | 199,789.22 |
| 24    | 8,851.27  |           |            |
| 25    | 9,753.82  |           |            |
| 26    | 11,601.44 |           |            |
| 27    | 14,879.47 |           |            |
| 28    | 10,036.33 |           |            |
| 29    | 10,434.91 |           |            |
| 30    | 9,270.81  |           |            |

- LEGEND:**
- FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR WITH L5-S4 CAP UNLESS OTHERWISE NOTED
  - SET 1/2" REBAR WITH S4 CAP UNLESS OTHERWISE NOTED
  - EXISTING LOT AND PROPERTY LINES
  - ACCESS
  - ACC
  - BL
  - LNA
  - LIMITS OF NO ACCESS



## STAFF REPORT

**Planning Commission Meeting: June 29, 2020**

|                         |   |  |  |
|-------------------------|---|--|--|
| <b>Application:</b>     | <b>FP20-0009, Final Plat, Cedar Ridge Reserve, Third Plat</b> |  |  |
| <b>Location:</b>        | Northwest of College Boulevard and Woodland Road              |  |  |
| <b>Applicant/Owner:</b> | Tom Bickimer, Bickimer Construction, Inc.                     |  |  |
| <b>Engineer:</b>        | Tim Tucker, Phelps Engineering, Inc.                          |  |  |
| <b>Staff Contact:</b>   | Kim Hollingsworth, AICP, Senior Planner                       |  |  |

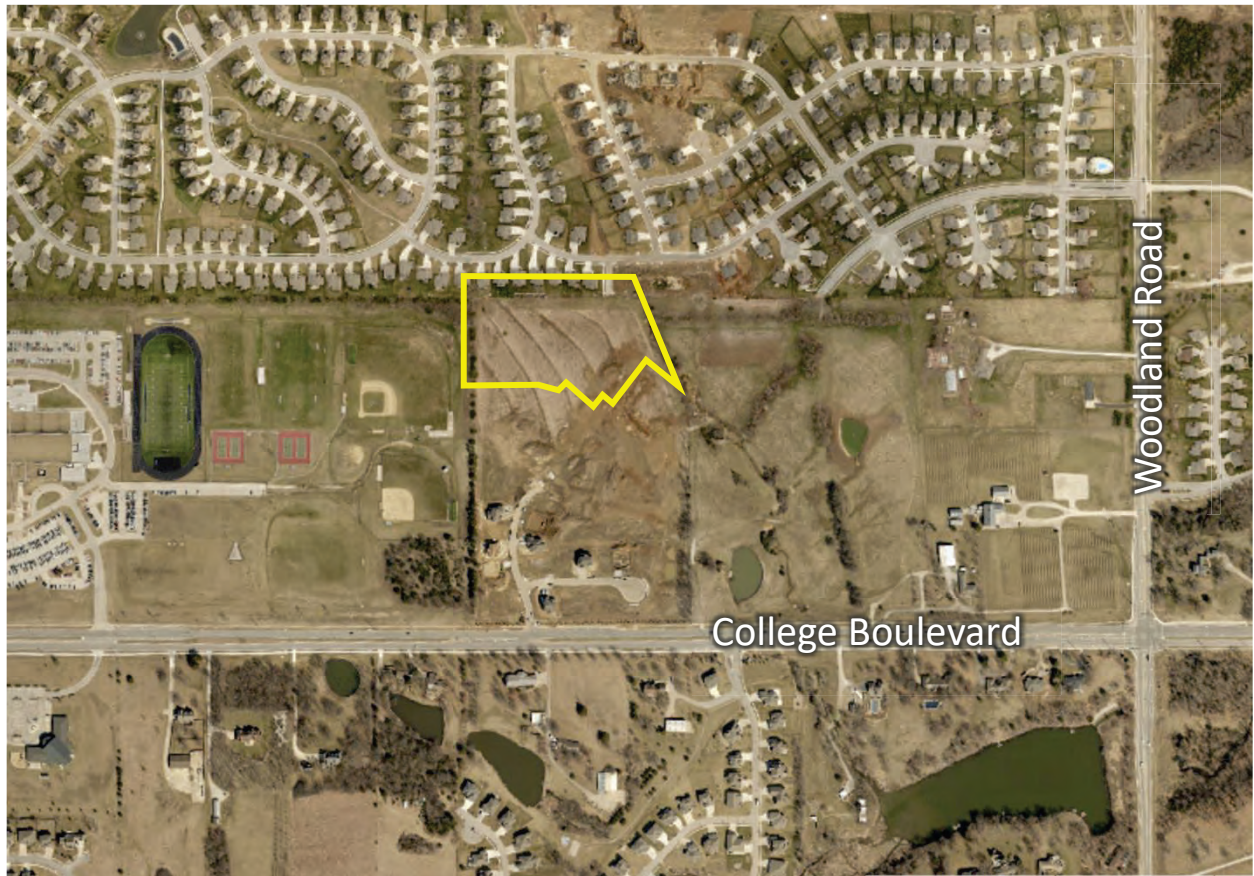
|                   |                    |                        |   |
|-------------------|--------------------|------------------------|---|
| <b>Site Area:</b> | <u>6.14± acres</u> | <b>Proposed Use:</b>   | <u>Residential, Single-Family</u>               |
| <b>Lots:</b>      | <u>14</u>          | <b>Current Zoning:</b> | <u>R-1 (Residential Single-Family) District</u> |
| <b>Tracts:</b>    | <u>1</u>           |                        |   |

### 1. Introduction:

The following item is a request for a final plat for the Cedar Ridge Reserve, Third Plat. This plat will establish lot lines, dedicate public easements, right-of-way and common tracts within the subdivision. The approximately 6.1-acre property was rezoned to the R-1 (Residential Single-Family) District and a preliminary plat was approved in August 2017 (RZ-17-008).

### 2. Plat Review:

- a. **Lots/Tracts** – The plat includes 14 lots and one common tract and is consistent with the layout of the preliminary plat. The single-family lots range in size from 10,080 to 18,708 square feet with an average lot size of 13,500 square feet and all lots exceed minimum UDO requirements for lot sizes. The common tract is intended to contain drainage areas, and open space that will be owned and maintained by the Homes Association.
- b. **Public Utilities** – The subject property is located within the WaterOne water and Johnson County Wastewater sewer service area. Several easements including Utility Easements (U/E), Sanitary Sewer Easements (S/E), and a Tree Preservation Easement (TP/E) will be dedicated with this final plat. A 100-foot wide powerline easement for Every extends along the eastern plat boundary.



*Aerial View of the Subject Property*

- c. **Streets/Right-of-Way** – Access to the third phase of Cedar Ridge Reserve will be provided primarily from Palisade Street. Additional right-of-way will be dedicated for Race Street which provides a connection to the Prairie Point and Woodland Manor subdivisions to the north. Sidewalks will be provided on one side of all local streets and on both sides of collector roadways within the platted area.
- d. **Stormwater/Detention** – The final plat will be required to meet Title 17 requirements and the HOA agreement regarding the maintenance of the stormwater quality BMP's must be provided to staff prior to recording of the plat.
- e. **Landscaping** – Street trees will be provided along all local and collector streets within the platted area. A tree preservation easement is dedicated along the west boundary of the plat to preserve a line of mature trees that separates the subdivision from the school district property to the west.

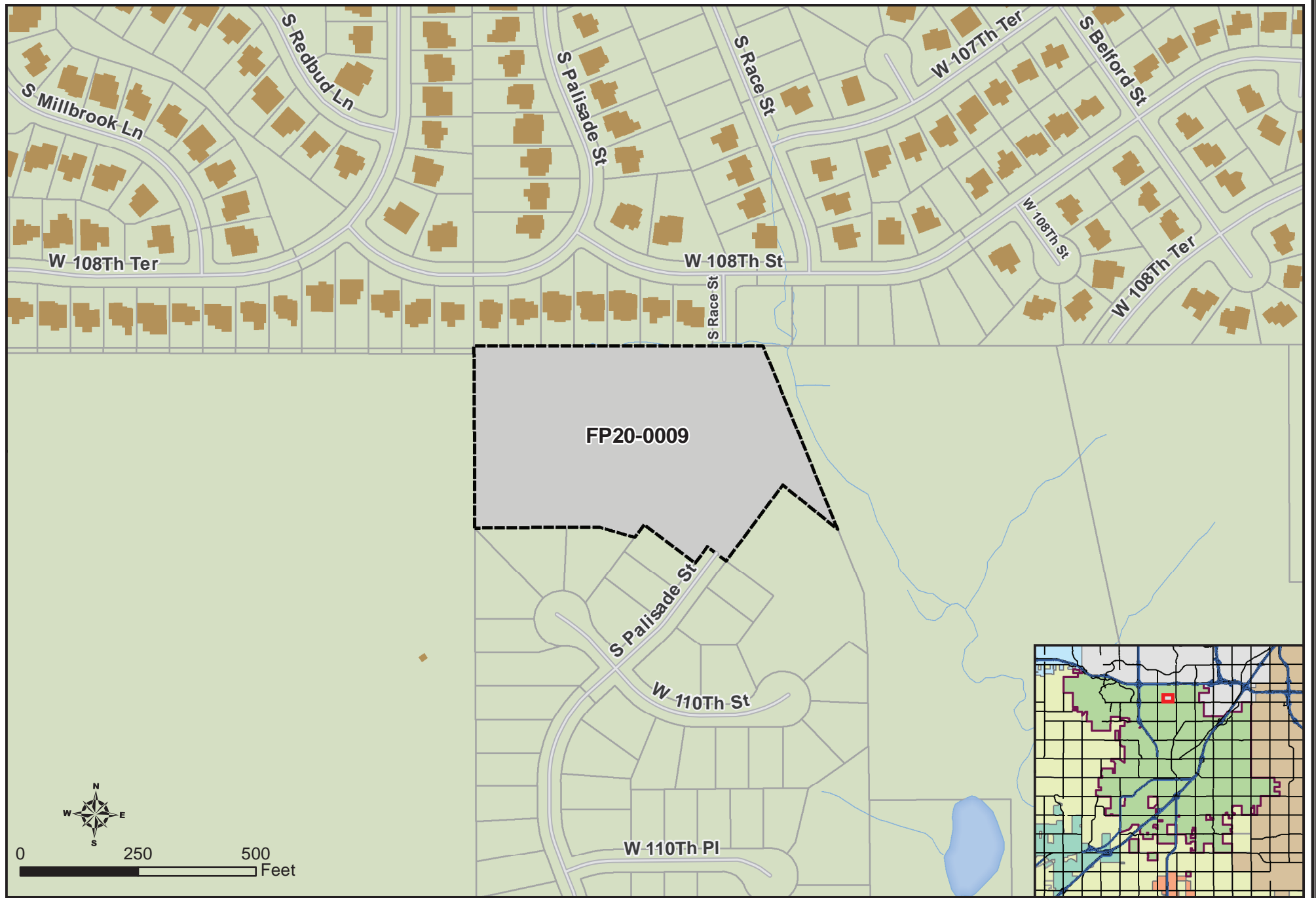
### **3. Staff Recommendation:**

Staff recommends approval of FP20-0009 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.



2. A copy of the HOA agreement that describes maintenance obligations of the post construction stormwater quality BMP's must be provided prior to recording of the final plat.
3. A street tree plan must be approved prior to recording the of the final plat in accordance with the requirements of UDO 18.30.130.
4. Tree preservation fencing must be installed around all Tree Preservation Easements in accordance with UDO 18.30.240.E.
5. All new on-site wiring and cables must be placed underground.
6. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



**CEDAR RIDGE RESERVE, 3RD PLAT**  
**FP20-0009**



User: JaredMD  
Date: 6/24/2020



A SUBDIVISION OF LAND IN THE SOUTHEAST QUARTER  
SECTION 11, TOWNSHIP 13 SOUTH, RANGE 23 EAST,  
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

Commencing at the Southwest corner of the Southwest Quarter of said Section 11, thence N 21°17'47" W, along the West line of the Southwest Quarter of said Section 11, a distance of 358.82 feet; thence S 88°00'00" W, along the South line of the Southwest Quarter of said Section 11 and the East split line of PLG AT OWNERS, all being platted subdivisions of land in the City of Ojibbe, Johnson County, Kansas, a distance of 358.82 feet to the point of beginning; thence continuing N 21°17'47" W, along the West line of the Southwest Quarter of said Section 11, a distance of 135.00 feet; thence S 88°00'00" W, along the South line of the Southwest Quarter of said Section 11 and the East split line of PLG AT OWNERS, all being platted subdivisions of land in the City of Ojibbe, Johnson County, Kansas, a distance of 358.90 feet to the Southwest split corner of PRAIRIE PLATT, FIFTH PLAT, and the Southwest split corner of PRAIRIE PLATT, FIFTH PLAT, and the Southwest split corner of PRAIRIE PLATT, FIFTH PLAT, and the South split line of WOODLAND MANOR THIRD PLAT, a platted subdivision of land in the City of Ojibbe, Johnson County, Kansas, a distance of 135.00 feet; thence S 88°00'00" W, along the South line of the Southwest Quarter of said Section 11 and the East split line of PLG AT OWNERS, all being platted subdivisions of land in the City of Ojibbe, Johnson County, Kansas, a distance of 358.90 feet to the Southwest split corner of CEDAR RIDGE RESERVE, SECOND PLAT; thence along the Northerly split line of said CEDAR RIDGE RESERVE, SECOND PLAT, for the following eight (8) courses: thence N 52°02'50" W, a distance of 148.08 feet; thence S 34°50'52" W, a distance of 200.00 feet; thence S 88°00'00" W, a distance of 135.00 feet; thence S 54°50'52" W, a distance of 135.00 feet; thence N 76°34'17" W, a distance of 75.23 feet; thence S 87°42'13" W, a distance of 266.12 feet; thence S 88°00'00" W, a distance of 135.00 feet; thence S 54°50'52" W, a distance of 135.00 feet.

The undersigned proprietors of the above described tract of land have caused this map to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "CEDAR RIDGE RESERVE, SECOND PLAT".

An easement or license is hereby dedicated to the City of Olathe to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "T/P-E". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The developer and/or the homes association shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead or diseased trees or trees posing a threat to the public or adjacent property.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas. Alteration of land contours will be permitted only with the express written approval of JCSM. Any planting of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of surface drainage facilities, including manholes, inlets, pipes, drains, etc., upon, over, and under those areas outlined hereon and designated on this plat as "D/E" or "Drainage Easement".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, pipes, poles, wires, surface drainage facilities, ducts cables, etc., upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement".

Tract "E" shall be owned and maintained by the CEDAR RIDGE RESERVE Homes Association. Said tract is intended to be used for storm water detention and storm water quality BMP's.

The undersigned proprietors of the above described land hereby agree and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

**EXECUTION**

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: Tom Bickimer, President

STATE OF KANSAS                    )  
                                      ) ss

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public

in and for said County and State, came Tom Bickner of Bickner Construction, Inc., a Kansas Corporation, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

**APPROVALS**

Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ , 20\_\_\_\_ .

Chairman: C.S. Vakas

Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor: Michael E. Copeland  
Attest: \_\_\_\_\_  
City Clerk: Brenda D. Long

I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN JANUARY 2019, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE

ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY  
ARE CORRECTLY REPRESENTED ON THIS PLAT.



THOMAS C. PHELPS  
LICENSED  
10452  
STATE OF NEW YORK  
MECHANICAL ENGINEERING

CERTIFICATE OF AUTHORIZATION

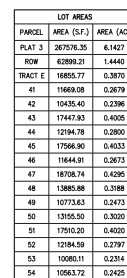
PLANNING

PHILIPS ENGINEERING, INC.  
120 N. Winthrop

87-1-LS-1075  
 THOMAS D. PHELPS, JR. LS-1075  
 LAND SURVEYING - LS-82  
 ENGINEERING - E-391


 OFFICE OF AUTHORIZATION  
 MISSOURI  
 LAND SURVEYING-2007001128  
 ENGINEERING-2007000068

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POINT OF COMMENCING  
SW COR. SE 1/4, SEC 11-13-23  
SE PLAT COR. PLAT AT OWNERS  
3/4" ALUM. CAP. STAMPS 5 1/4 SEC 11  
N 1/4 SEC 14 1-13-23 RENE W/INCH MARK IN MON. BOX

50°29'57"N, 295.17'

FLOOD ZONE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD RISK MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF DALLAS, COMMUNITY NO. 20073, JOHNSON COUNTY, KANSAS, MAP NO. 2200100036, AND DATED AUGUST 3, 2008.

PER WHILE 17 SECTION 17.0-60.002, THE FINAL PLAT AND HILL SLOPE RESTRICTIONS SHALL PROVIDE NOTICE OF STORMWATER QUALITY SMITS, OTHER FACILITY PRESENCE AND MAINTENANCE REQUIREMENTS, THE FLOOD RESTRICTION SHALL BE RECORDED WITHIN THE JOHNSON COUNTY CONCORDANCE OR PORTAL TO RECORDING OF THE FINAL PLAT.

4. ALL ON-SITE WIRING AND CABLES MUST BE PLACED UNDERGROUND.

4. ALL ABOVE GROUND ELECTRICAL EQUIPMENT AND/OR TELEPHONE CABINETS MUST BE PLACED IN THE REAR YARD.

4. SIDEWALKS IN CURB-DE-SACS WILL TERMINATE AT A DRIVEWAY.

PK# 011808 - 6/20/20

From: Closure: 0.000000' North: 0.000000' East: 0.000000' Distance: 2333.50' Direction: 3.746555'



Planning Division

## STAFF REPORT

Planning Commission Meeting: June 29, 2020

|                         |   |
|-------------------------|---|
| <b>Application:</b>     | <b><u>SU20-0002:</u> Special use permit for keeping chickens on a lot less than three (3) acres</b> |
| <b>Location:</b>        | 14548 W. 141 <sup>st</sup> Drive  |
| <b>Owner/Applicant:</b> | David Schaffer  |
| <b>Staff Contact:</b>   | Jessica Schuller, AICP, Senior Planner  |

|                   |                    |                      |  |
|-------------------|--------------------|----------------------|--|
| <b>Site Area:</b> | <u>0.23± acres</u> | <b>Proposed Use:</b> | <u>Keeping chickens on a residential lot less than three (3) acres</u> |
|-------------------|--------------------|----------------------|--|

|              | <b>Land Use</b>           | <b>Zoning</b> | <b>Comprehensive Plan Designation</b> |
|--------------|---------------------------|---------------|---------------------------------------|
| <b>Site</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>North</b> | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>East</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>South</b> | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>West</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |

### 1. Comments:

The following is a request for a Special Use Permit to allow the property at 14548 W. 141<sup>st</sup> Drive to keep four (4) laying hens on a lot less than three (3) acres and is the first special use permit request for this property. Per the Unified Development Ordinance (UDO) Section 18.50.030 a Special Use Permit is required to keep chickens on a residential lot less than 3 acres. The subject site is approximately 0.23 acres in size and located in the Wheatland Estates Subdivision.

### 2. Details of Proposal:

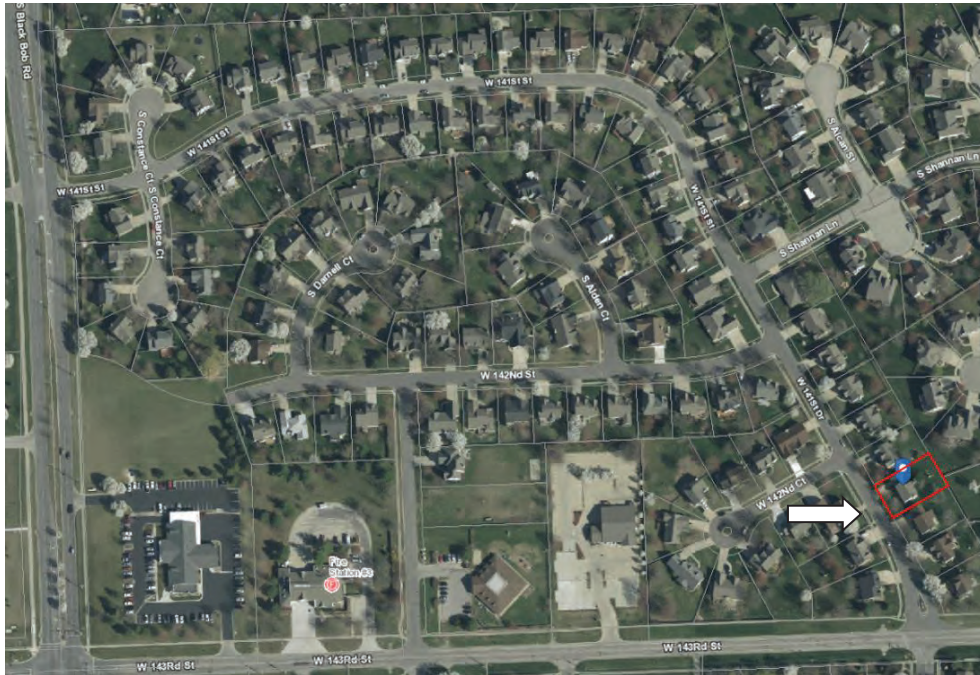
The applicant is requesting to keep four laying hens at any one time. The chickens will be kept for egg collection and as a learning experience for the family and their children. Only hens will be kept on the property.

The property contains a single-family home and the chicken coop is proposed to be centrally located in the rear yard. The coop is more than 6 feet from the rear and side



property lines and more than 40 feet from the nearest neighboring dwelling unit which is compliant with setback requirements per UDO Section 18.30.270.D. The proposed 6' x 4' coop is proposed to be constructed of plywood and will include a 10' x 12' attached animal run, creating a fully enclosed space for the hens.

The backyard is enclosed with a 4' picket-style fence. Additional mature trees provide screening from the adjacent neighbors.



*Site Aerial*



*Street View*

### 3. Public Notification

Per the requirements of the Unified Development Ordinance (UDO), the applicant notified all property owners within two hundred (200) feet of this property via certified mail.

In addition, the applicant sent a neighborhood notice to all properties within 500 feet of the subject property in accordance with UDO requirements. The meeting was held on June 1, 2020, and five neighbors attended the meeting and asked questions pertaining to number of chickens and the location of the coop and chicken run. The neighbors who attended were supportive of the application and staff has not received any comments or concerns regarding the proposed special use.

### 4. Time Limit:

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the Governing Body may grant or extend a permit for any period as is warranted under the circumstances.

For this permit request, the applicant is requesting a 5-year time limit. Staff is supportive of the request and associated time period for reasons listed under the comprehensive plan analysis.

### 5. Comprehensive Plan Analysis

The following are criteria for considering special use applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090.G* and staff findings for each item:

#### A. ***The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The Comprehensive Plan promotes sustainable and environmentally conscious practices to encourage the responsible use of land in Olathe.

#### B. ***The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The proposed use is located within a single-family neighborhood and is surrounded by single-family homes within lots of a similar size. A significant number of lots within the neighborhood contain accessory structures commonly associated with single-family residential uses.

#### C. ***The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.***

The surrounding properties are zoned R-1 (Residential Single-Family). The proposed use for the keeping of animals is not uncommon on single family properties.

#### D. ***The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The property is suitable for the permitted uses which it has been restricted within the R-1 District; however, a special use permit is required to further evaluate the compatibility of

the nature of this particular use to ensure consistency and compliance with the City Code given the existing conditions in the surrounding area.

***E. The length of time the property has been vacant as zoned.***

The subject property is not currently vacant and was zoned R-1 Residential Single-Family in 1988 (RZ-17-88). The existing home was built in 1991.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed special use permit should have no detrimental effect on nearby residential properties. The R-1 District promotes uses and activities that commonly occur on residential properties.

***G. 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.***

The proposed use will have no impact on the road network or parking available on the property.

***H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The rezoning of the subject property for the proposed use is not anticipated to generate any environmental harm or pollution concerns. The keeping of animals is also subject to the provisions of Title 8 of the Olathe Municipal Code which outlines of proper treatment of animals, encourages responsible ownership and the responsibility of the property owner to eliminate possible health hazards that could be created by animals that have not received adequate care.

***I. The economic impact of the proposed use on the community.***

There is no anticipated economic impact on the community.

***J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposed use does not negatively impact public health, safety, or welfare as presented. If the use were denied, the applicant would not be able to keep chickens on the property.

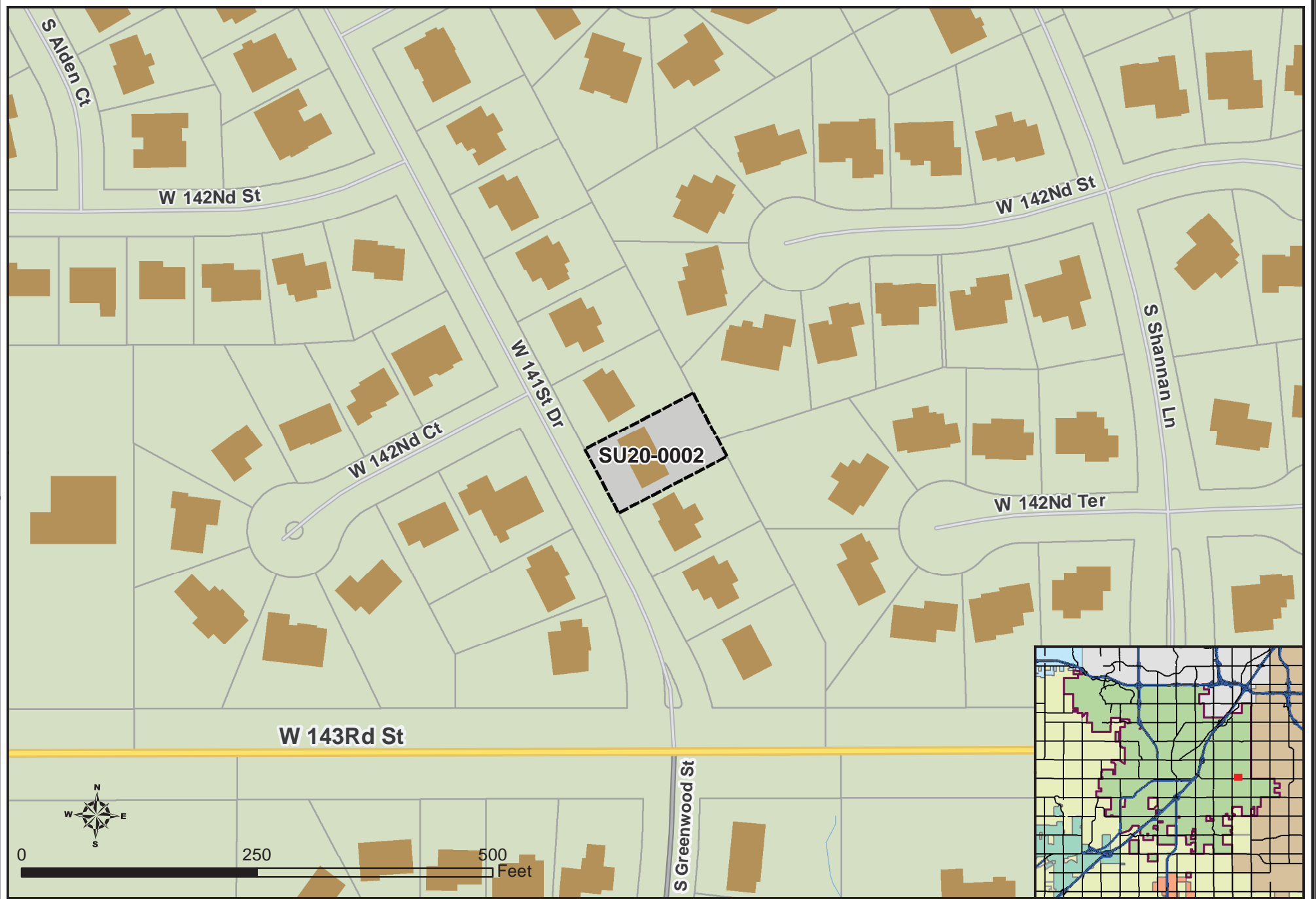
**6. Staff Recommendation:**

Staff recommends approval of SU20-0002 subject to the following stipulations:

- (1) The Special Use Permit is valid for a period of 5 years, effective from the date of adoption of the Resolution.
- (2) The property will be limited to a maximum of four (4) hens only at any one time.

- (3) Chickens may not be bred, boarded or sold for commercial purposes.





**SPECIAL USE PERMIT - CHICKENS**  
**SU20-0002**



User: JaredMD  
Date: 6/24/2020





## Location of Chicken Coop

Coop will be 45 feet from the neighbor to the north and over 50 feet from the neighbor to the south as well as 7 feet from our home.

### LEGEND

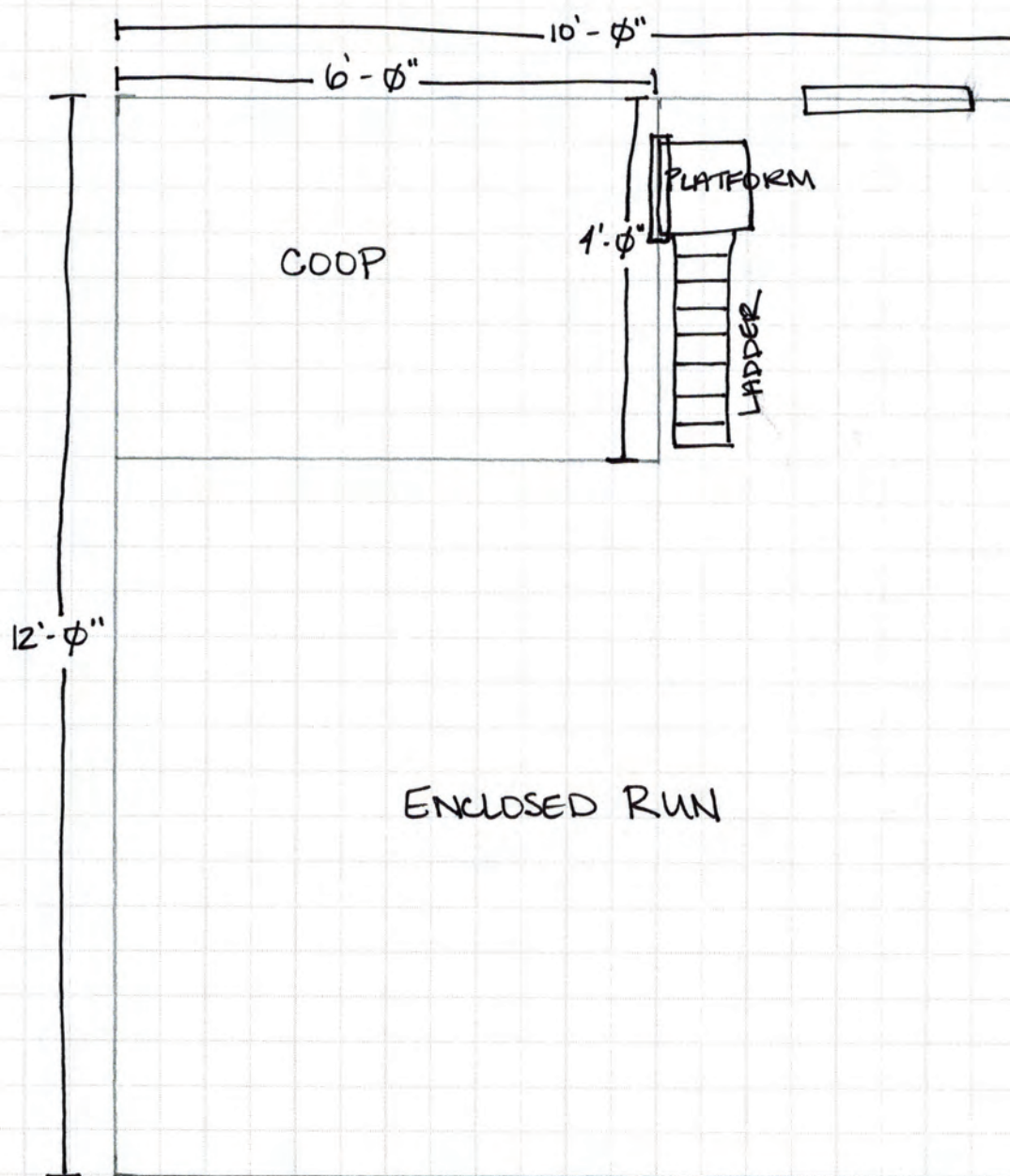
- Address Point
- Building/Structure
- Property**
  - Untaxed
  - Common Interest
  - Vertical
  - Platted
  - Unplatted
  - Right-of-way
  - Mineral Rights
  - Leased Land

Coop: 6ft x 4ft.  
enclosed run  
Photos attached.



Disclaimer: No person shall sell, give, reproduce, or receive for the purpose of selling or offering for sale, any portion of the data provided herein. Johnson County makes every effort to produce and publish the most current and accurate information possible. Johnson County assumes no liability whatsoever associated with the use or misuse of such data, and disclaims any representation or warranty as to the accuracy and currency of the data.

**JOHNSON COUNTY**  
KANSAS  
AIMS GIS & Mapping

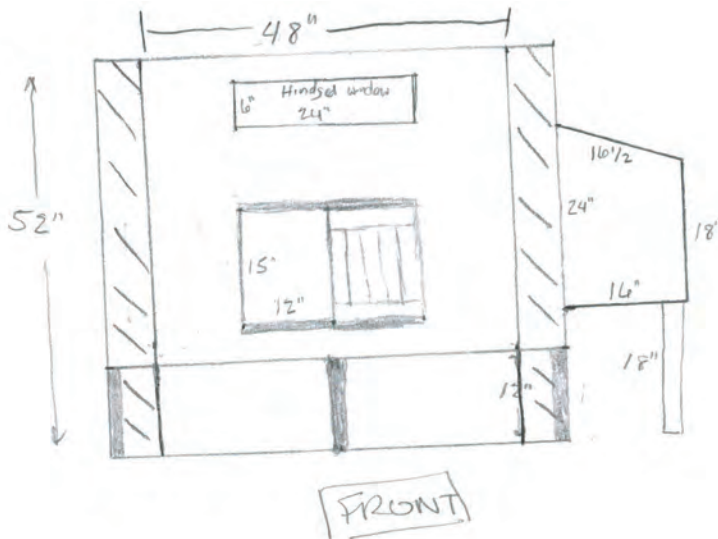


\* THE CLARK COOP \*

# Playset

Stair side  $56\frac{3}{4}$  /  $49\frac{3}{4}$  width  
 $54"$  /  $51"$  (inside) height

Tree side  $64\frac{3}{4}"$



Front -  $4' \times 4'$   
 Back -  $4' \times 4'$  > 1  $4 \times 8 \times 8$  plywood

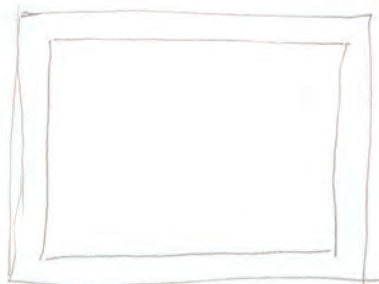
Sides -  $4' \times 6'$  - 2  $4 \times 8 \times 8$  plywood

Floor -  $4' \times 6'$  - 1 "

Roof -



side-south





# CITY OF OLATHE

## Property Owner Notification Letter

Case No. SU20-0002

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting room at 100 E. Santa Fe, Olathe, Kansas, to consider a **SPECIAL USE PERMIT** for Backyard Chickens on the following described tract of land:

**Legal Description:**

Wheatland Estates 1<sup>st</sup> Plat, Lot 40

**General Location:** 4<sup>th</sup> house on the right (See general location map attached)

A public hearing will be held to consider a request for a special use permit for the above-described tract at 7:00 PM on June 29, 2020. Any interested persons or property owners are invited to attend. Due to the COVID-19 pandemic, the City of Olathe continues to follow social distancing and recommendations from the State and Johnson County, therefore additional means of meeting participation may be provided through interactive communication methods, such as Zoom. Please refer to the City of Olathe Planning Division website (<https://www.olatheks.org/government/planning>) for updates and latest news on the meeting format. You may also call the Planning Division at 913-971-8750.

Information regarding this special use permit application is available in the Planning Division located at City Hall, at 913-917-8750, through email at [PlanningContact@Olatheks.org](mailto:PlanningContact@Olatheks.org), or you may contact [insert contact name] at [insert phone number] or [insert email address] for additional information regarding this request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three-quarters ( $\frac{3}{4}$ ) vote of the City Council is required to approve this request.

Copies of the protest petitions are available from the Planning Division or City Clerk office at 913-971 8521 or [CCO@Olatheks.org](mailto:CCO@Olatheks.org).

Respectfully,

Kristin A. Clark

Applicant (or Owner or Agent)

PHONE: 913-645-0191

ADDRESS: 14548 W. 141<sup>st</sup> Drive

CITY: Olathe

STATE: KS

ZIP: 66062

The Clark Coop Meeting via Zoom  
June 1, 2020 @ 7pm

Attendees:

Chris & Kristin Clark + the kids  
Jeffrey & Renee Dallas (14699 W. 142nd Ct)  
Rodney Miller (14375 W. 142nd St)  
Roger & Rita Crawford (14363 W. 142nd Terr)

Introduction - Chris and Kristin introduce themselves and their kids.

Intent - Kristin explains the intention behind having hens - and the kids excitedly explained the type of hens (golden comets) we will be getting, that they produce on average 1 egg per day, and then showed off the contract they made with mom and dad to maintain the hens and their coop.

Maps - Chris explained where on our property the coop + run will be located, maintenance, etc.

Questions -

Rita: "Not so much a question so much as we are excited for chickens in our area!"

Jeffrey: "All sounds good, only question we had was if you'd have a rooster" - our oldest (Emerson) quickly pipe'd up and explained that we cannot have a rooster and if any of our chicks turn out to be roosters we will move them to a friend's farm in Ottawa.

Final - Chris & I explained there'd be a city meeting on June 20th if they'd like to attend. Confirmed they would be receiving certified letters but that in the letter they already got it had the date, time, and location for the city hall meeting. No further questions, everyone is excited and zero complaints.

Meeting ended @ 7:20p



Kristin Clark

---

chicken coop

---

Tom Coatney  
Wed, Apr 29, 2020 at 08:23 AM  
To: Kristin Clark

Hi Kristin - Just a confirmation that the chicken coop is fine with us.

Tom & Julie Coatney  
14564 W. 141st Drive  
Olathe, KS 66062



Kristin Clark

---

## Chicken Coop

---

Douglas Cox  
Sat, Apr 11, 2020 at 12:04 PM  
To: Kristin Clark

To Whom it may concern (City of Olathe)

I have been informed of the plans and placement for a chicken structure on the lot beside my property. My family is aware, ok with, and supportive of the efforts of the Clark family in this matter.

Douglas R. Cox  
04/11/2020

Sent from my iPad





Kristin Clark

---

## Backyard Chickens

---

Georgann Kohnle

Tue, Apr 21, 2020 at 10:04 AM

To: Kristin Clark

How exciting you're looking into building a chicken coop. Our kids will LOVE coming over to play with yours even more than they already do. Now I know where to go when I need an egg! We can't wait. Fresh eggs are the best.

City Of Olathe

Our family is in full approval of the Schaffer/Clark family having hens. We live two houses down from them and are excited. We are in full support and looking forward to it.

Georgann Kohnle

14516 W. 141st Drive

Olathe, KS 66062



Planning Division

## STAFF REPORT

Planning Commission Meeting: June 29, 2020

|                         |   |
|-------------------------|---|
| <b>Application:</b>     | <b><u>SU20-0003:</u> Special use permit for keeping chickens on a lot less than three (3) acres</b> |
| <b>Location:</b>        | 1282 E. Sheridan Bridge Lane  |
| <b>Owner/Applicant:</b> | Eyasu and Emnet Lemma   |
| <b>Staff Contact:</b>   | Jessica Schuller, AICP, Senior Planner  |

|                   |                    |                      |  |
|-------------------|--------------------|----------------------|--|
| <b>Site Area:</b> | <u>0.26± acres</u> | <b>Proposed Use:</b> | <u>Keeping chickens on a residential lot less than three (3) acres</u> |
|-------------------|--------------------|----------------------|--|

|              | <b>Land Use</b>           | <b>Zoning</b> | <b>Comprehensive Plan Designation</b> |
|--------------|---------------------------|---------------|---------------------------------------|
| <b>Site</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>North</b> | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>East</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>South</b> | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |
| <b>West</b>  | <u>Single-family home</u> | <u>R-1</u>    | <u>Conventional Neighborhood</u>      |

### 1. Comments:

The following is a request for a special use permit to allow the property at 1282 E. Sheridan Bridge Lane to keep four (4) laying chickens on a lot less than 3 acres and is the first special use permit request on this property. A special use permit is required to keep chickens on a residential lot less than 3 acres and this lot is approximately 0.26 acres in size.

### 2. Details of Proposal:

The applicant is requesting to initially keep two laying hens and anticipates the number of hens to increase to four or six. The chickens will be kept for egg collection and as a learning experience for their children. No roosters will be kept on the property.

The property contains a single-family home and the chicken coop and outdoor run is proposed to be centrally located in the rear of the yard. The coop is more than 6 feet from the rear and side property lines and more than 40 feet from the nearest neighboring

dwelling unit which is compliant with setback requirements per UDO Section 18.30.270.D. The proposed coop is 24 sq.ft. and will also have an attached 48 sq.ft. outdoor wire fenced chicken run.

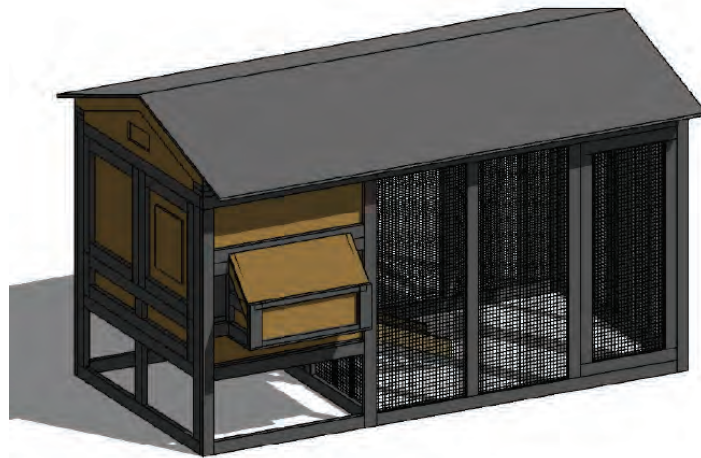
The backyard is enclosed with a 4' picket-style fence. A landscaped berm is located in the rear of the yard, screening the property from S. Ridgeview Road. The coop will be located north of an existing garden shed in the rear yard, serving to partially screen the coop from the adjacent property to the south.



*Site Aerial*



*Street View*



*Drawing of proposed coop*

### **3. Public Notification**

Per the requirements of the Unified Development Ordinance (UDO), the applicant notified all property owners within two hundred (200) feet of this property via certified mail. The applicant has provided staff with certified mail receipts and staff has verified all property owners have been properly notified.

Per the requirements of the Unified Development Ordinance (UDO), the applicant also notified all property owners within five hundred (500) feet of this property via regular mail to invite them to a neighborhood meeting regarding the project. The meeting was held on May 29<sup>th</sup> and three neighbors attended. Discussion included neighbors' concerns regarding noise pollution, odors, rodents, property values, predators, and disease. The applicant informed the neighbors of the continued upkeep they intend to perform with the coop and chicken run and the measures they will take to ensure there are no odors or other nuisances created. The applicants stated that the chickens will only be allowed out of the animal run when they are home from work and able to watch the chickens. The applicants also stated that chicken feed will be kept in rodent-proof bins and that absorbent bedding materials will be used and changed frequently to keep odors low. Regarding concerns of disease, the chickens will be monitored daily and if there are signs of illness, they will contact a veterinarian or research the problem.

Staff has received phone calls and written correspondence, attached to this staff report, regarding the application. Resident concerns include, but are not limited to:

1. Current health concerns that may be exacerbated by the living in close proximity to the chickens,
2. Diseases that the chickens may carry,
3. Nuisance concerns such as noise and smell,
4. Ability to attract predators to the neighborhood.

Staff has had numerous discussions with residents in response to their concerns with this application, and have informed the applicant. To help mitigate concerns and collaborate with all parties, staff discussed a shorter special use permit duration and reducing the number of chickens. Staff also advised both the residents and applicant that if the special use permit is approved there is a process in place to review and consider rescinding if necessary due to any code violations. In addition to the terms of the special use permit,

residents are also protected by Municipal Code Title 6.18 pertaining the Noise Control and Title 8 pertaining to Animals. We have also provided the contact information to Olathe Animal Control and Community Enhancement departments.

#### **4. Time Limit:**

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the Governing Body shall grant or extend a permit for any period as is warranted under the circumstances.

The applicant is requesting a 5-year time limit. Due to the concerns of neighboring property owners, staff recommends the special use permit be granted for a period of two (2) years to allow the permit to be revisited by staff to ensure no code issues arise and concerns of nearby residents are addressed. After this time period, as with all special use permits, the applicant may submit for a renewal.

#### **5. Comprehensive Plan Analysis**

The following are criteria for considering special use applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090.G* and staff findings for each item:

##### ***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The Comprehensive Plan promotes sustainable and environmentally conscious practices to encourage the responsible use of land in Olathe.

##### ***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The proposed use is located within a single-family neighborhood and is surrounded by single-family homes within lots of a similar size. A significant number of lots within the neighborhood contain accessory structures commonly associated with single-family residential uses.

##### ***C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.***

The surrounding properties are zoned R-1 (Residential Single-Family). The proposed use for the keeping of animals is not uncommon on single family properties.

##### ***D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The property is suitable for the permitted uses which it has been restricted within the R-1 District; however, a special use permit is required to further evaluate the compatibility of the nature of this particular use to ensure consistency and compliance with the City Code given the existing conditions in the surrounding area.



***E. The length of time the property has been vacant as zoned.***

The subject property is not currently vacant and was zoned R-1 Residential Single-Family in 1987 (RZ-20-87). The existing home was building in 1992.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed special use permit should have no detrimental effect on nearby residential properties. The R-1 District promotes uses and activities that commonly occur on residential properties.

***G. 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.***

The proposed use will have no impact on the road network or parking available on the property.

***H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The proposed use of the subject property for the keeping of animals is not anticipated to generate any environmental harm or pollution concerns as proposed by the applicant. The keeping on animals is also subject to the provisions of Title 8 of the Olathe Municipal Code which outlines of proper treatment of animals, encourages responsible ownership and the responsibility of the property owner to eliminate possible health hazards that could be created by animals that have not received adequate care.

***I. The economic impact of the proposed use on the community.***

There is no anticipated economic impact on the community.

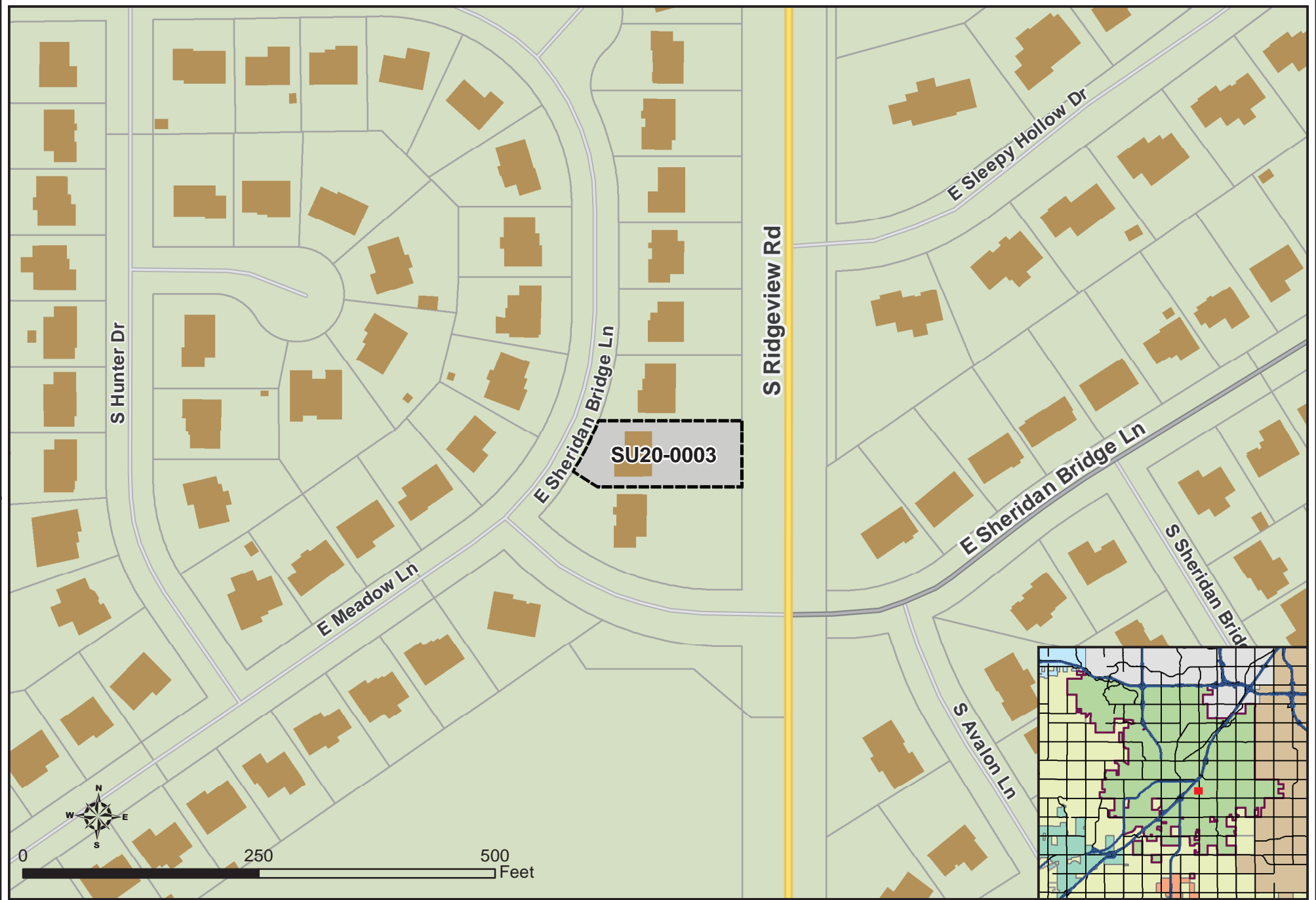
***J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposed use does not negatively impact public health, safety, or welfare as presented. If the use were denied, the applicant would not be able to keep chickens on the property.

**6. Staff Recommendation:**

Staff recommends approval of SU20-0003 subject to the following stipulations:

- (1) The special use permit is valid for a period of two (2) years following Governing Body approval, effective the date of adoption of the Resolution.
- (2) The property will be limited to a maximum of four (4) hens only at any one time.
- (3) Chickens may not be bred, boarded or sold for commercial purposes.

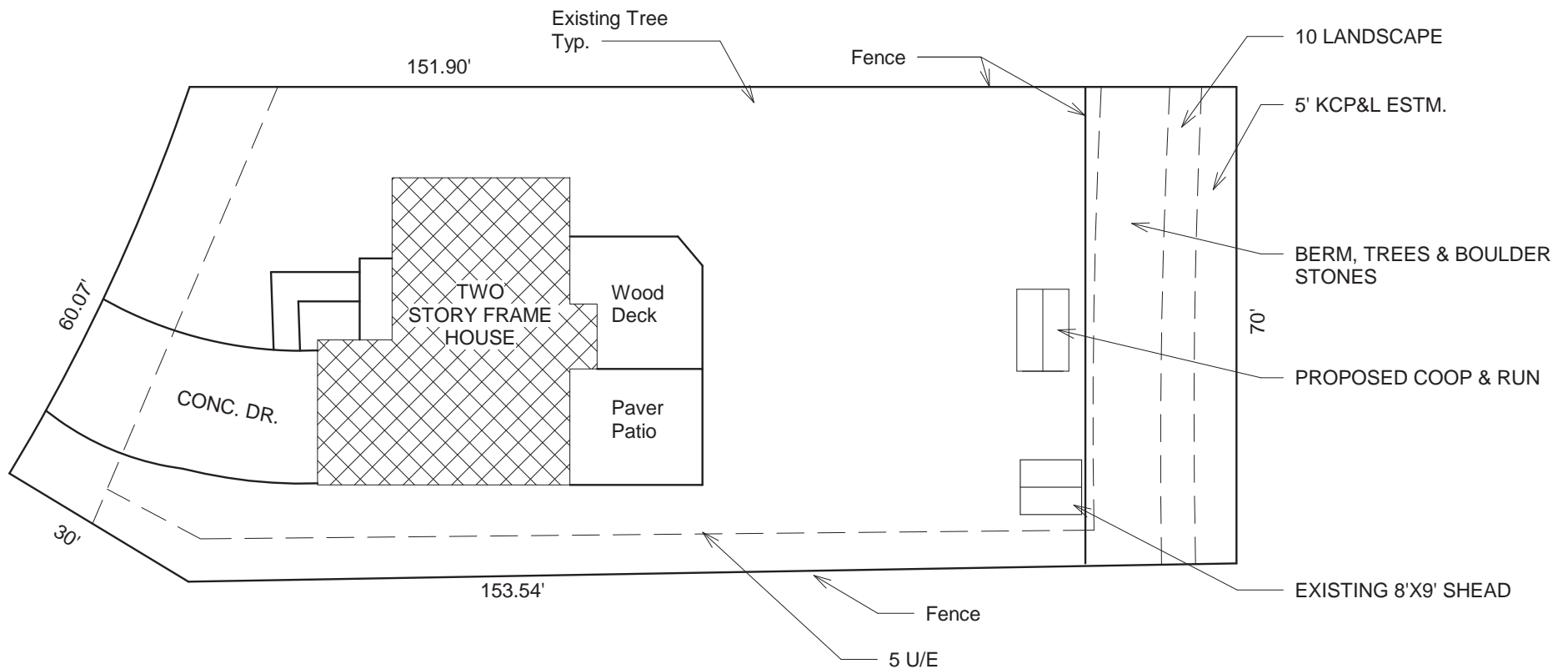


User: JaredMD  
Date: 6/24/2020

## SPECIAL USE PERMIT - CHICKENS

SU20-0003





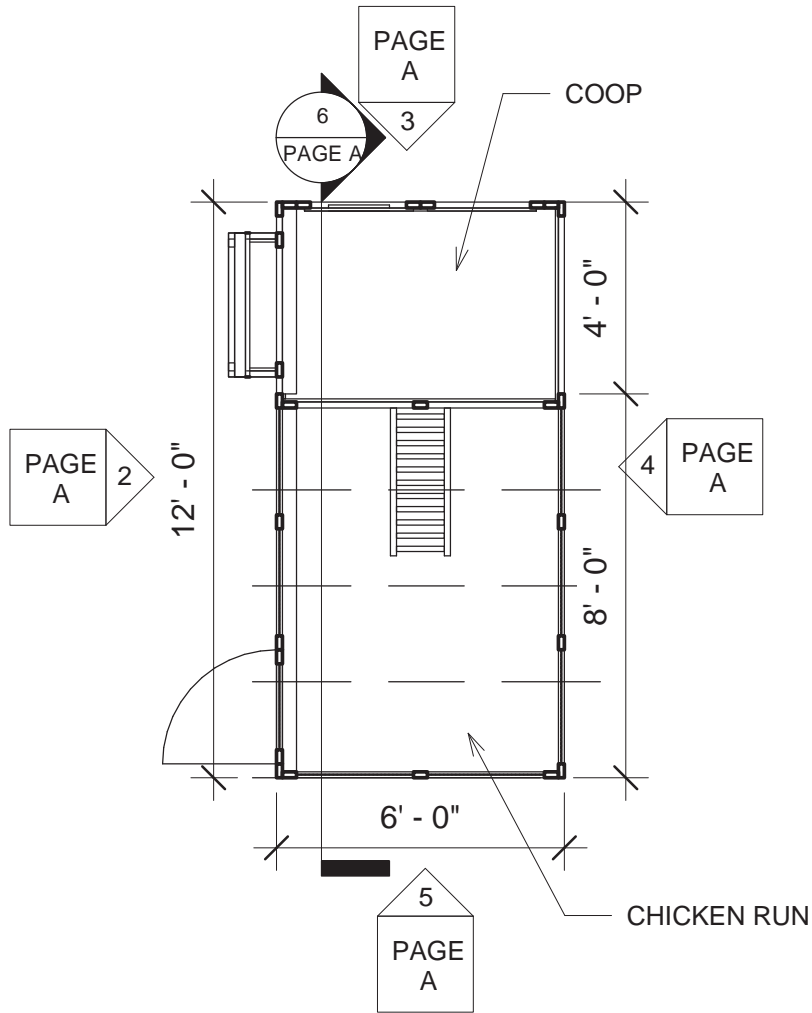
1

# Site Plan

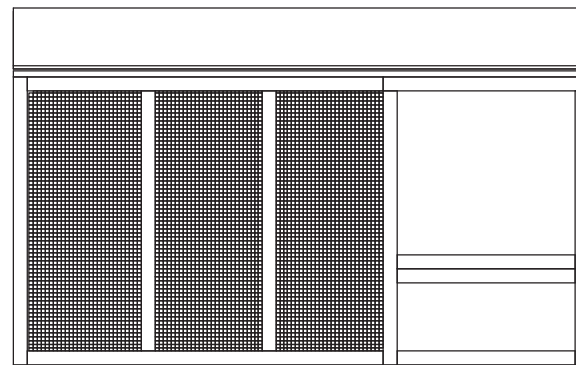
3/64" = 1'-0"

EYASU LEMMA  
1282 E. SHERIDAN BRIDGE LN OLATHE KS 66062

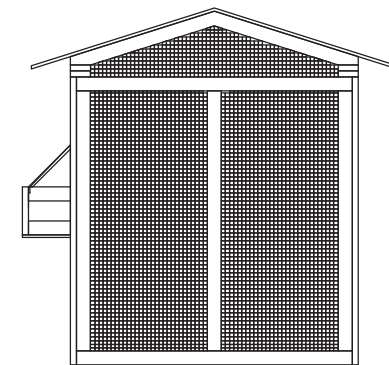




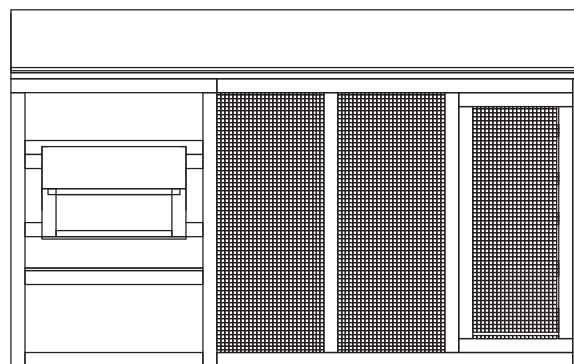
1 - FLOOR PLAN



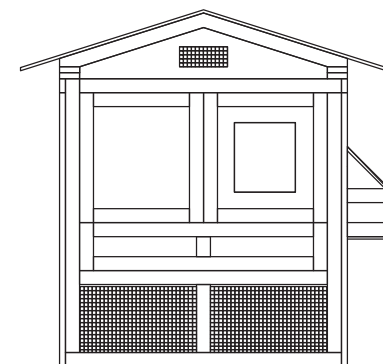
4 - EAST ELEVATION



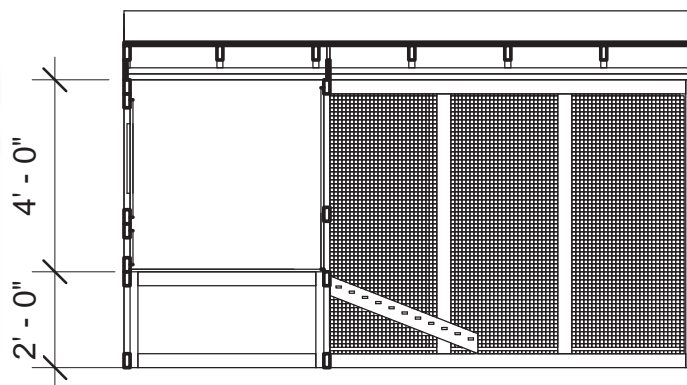
5 - SOUTH ELEVATION



2 - WEST ELEVATION



3 - NORTH ELEVATION



6 - LONGITUDINAL SECTION

COOP SIZE 24 SF  
CHICKEN RUN 48 SF  
4-6 HENS

TYPICAL CONSTRUCTION  
MATERIALS - DIMENSIONAL  
LUMBER, SIDING, WIRE MESH,  
ASPHALT ROOFING.

1/4" = 1'-0"

# CITY OF OLATHE

## Property Owner Notification Letter

Case No. SU20-0003

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting room at 100 E. Santa Fe, Olathe, Kansas, to consider a **SPECIAL USE PERMIT** for Backyard Hens on the following described tract of land:

### Legal Description:

BRITTANY PLACE LT 2 BLK 1 OLC 375 1A 1 2

**General Location:** 1282 E. Sheridan Bridge Ln. Olathe KS 66062 (See general location map attached)

A public hearing will be held to consider a request for a special use permit for the above-described tract at 7:00 PM on June 29, 2020. Any interested persons or property owners are invited to attend. Due to the COVID-19 pandemic, the City of Olathe continues to follow social distancing and recommendations from the State and Johnson County, therefore additional means of meeting participation may be provided through interactive communication methods, such as Zoom. Please refer to the City of Olathe Planning Division website (<https://www.olatheks.org/government/planning>) for updates and latest news on the meeting format. You may also call the Planning Division at 913-971-8750.

Information regarding this special use permit application is available in the Planning Division located at City Hall, at 913-917-8750, through email at [PlanningContact@Olatheks.org](mailto:PlanningContact@Olatheks.org), or you may contact **Jessica Schuller** at **913-971-8662** or [jmschuller@olatheks.org](mailto:jmschuller@olatheks.org) for additional information regarding this request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three- quarters ( $\frac{3}{4}$ ) vote of the City Council is required to approve this request.

Copies of the protest petitions are available from the Planning Division or City Clerk office at 913-971 8521 or [CCO@Olatheks.org](mailto:CCO@Olatheks.org).

Respectfully,

Eyasu Lemma

Applicant (or Owner or Agent)

PHONE: 913.526.7231

ADDRESS: 1282 E. Sheridan Bridge Ln

CITY: Olathe

STATE: Kansas

ZIP: 66062

## Neighborhood meeting updates

May 29, 2020

06:00 – 06:49 PM Central Time (US and Canada)

Join Zoom Meeting

<https://kansas.zoom.us/j/95393688628>

Meeting ID: 953 9368 8628

Password: 494900

### Attendee List:

Two attend from 1274 E Sheridan Bridge Ln Olathe KS 66060 and one additional silent attendee on the phone.

### Summary:

- Opened with small talk and casual conversation.
- Presented the attached PowerPoint.
- Explained meeting orders.
- We apologize about for people who have received duplicated mails.
- We have two return mails from address 1259 and 1299 Sheridan Bridge Ln.
- Otherwise we assumed that everyone should have received the regular mail by now.
- One of our close neighbors from address 1285 will not be attending this meeting. They support our idea to move forward with backyard hens. They drive 30 miles every week to get fresh eggs.
- We don't assume that everyone will be supportive of this application, but we are open to discuss and attempt to answer any question you may have.
- If we can't answer your question today. We can do some research and get back to you in the follow-up meeting or you can call us or come and talk to use.
- We informed them that the meeting notes and attendee list will be forwarded to the City Planning Commission.
- We talked about two backyard chicken owners in our area.

Lists of questions/concerns from **1274** and our attempt to answer their questions/concerns:

#### **1- Noise pollution**

Question/concern – Chickens are too loud.

Response - Roosters are noisy and are not allowed in Olathe. Hens sleep once it is dark, and the Santa Fe Freight Train and vehicles have much more noise at night than hens.

#### **2 - Smell**

Question/concern – Chickens Smell.

Response - We have been composting our kitchen wastes in our compost tumbler for the last two and half years, and we have been very successful using - Dirt, Glass clippings, and Dry leaves to damp the moisture and reduce unwanted smell. We've been using the compost in our garden and we don't have any bad smell. For the coop, We can apply Sweet PDZ or some other type of absorbent material to keep the ammonia levels low and change the bedding frequently. Sweet PDZ naturally occurring minerals created from the earth's volcanic activity. This product captures, neutralizes, and eliminates harmful levels of ammonia and odors.

## Neighborhood meeting updates

May 29, 2020

06:00 – 06:49 PM Central Time (US and Canada)

### **3 - Rodents**

Question/concern - Are you going to have free range chickens? Seeds on your backyard can attract animals.

Response – We don't intend to leave them out of the chicken run all day long. We work full time and we only let them out when we are home. (Weekends and evenings). Where there is free meal, rodents will come. Chipmunks, Squirrels, mice and rats. We will keep our feed stored in rodent proof bins. Plastic or metal. If it is necessary, we have live animal trap we can use. Capture and release per city requirements.

### **4 - Property value**

Question/concern – Is it going to lower our property value?

Question/concern - We live in a suburb b/n rural area and urban areas. Having backyard chicken is becoming a trend. Many people see added value to the property. Just like any prosperity owner, maintenance and up keeping is very import. I spend most of my time outdoors and this is my hobby. I had chickens in the past. I enjoy work around my house and maintaining my prosperity.

### **5 - Predators**

Question/concern - We have small dogs and we are afraid that some wild animal might take our dogs.

Response - Some people fear that having chickens will attract predators. They are already in our backyard! We have videos clip of a fox in our backyard, and I have seen raccoons, possums, a stray cats. Since you have double fence including a privacy fence. You are much more protected.

### **6 - Disease**

Question/concern – What if they get sick like chicken flu.

Response - You have to be engaged to your chicken. If we see a change in behavior just like any animal we will contract animal vets or do our own research online. CDC or USCA recommendations.

Chickens can be carriers of salmonella, listeria, and campylobacter, but you could get those diseases from improperly stored/cooked food. So, the simple act of keeping chickens is not going to cause an epidemic.

One of my child's daycare here in Olathe had chickens in their classroom for educational purposes this last fall. They started with egg in an incubation, chicks to fully grown chicken. The chickens had names, runaround in the backyard with the kids. It was a delightful experience for everyone. Well cared for chickens will be fine.

When I was a young boy, I grow up around family pets and farm animals. I had my own chickens and built different chicken coops. I enjoyed – collect fresh eggs, watching hens take care their baby chicks, sad moments when a falcon snitches younger chickens. Having chickens in a backyard was full of adventures and fun. I intend to share similar experience with my kids. My grandfather was a farmer. The idea of having fresh, healthy eggs from your backyard along with fresh vegetables is very rewarding experience. I believe it adds value and supports the overall ecosystem and improve health and overall wellbeing.

Ended with you are more important to us than chickens and we will do our best to accommodate your concerns. Since you are with in the 200 FT from our property, you will receive a certified mail sometimes next week with return receipts request for the Public hearing with City Planning Commission.

June 5, 2020

Ms. Jessica Schuller, Planner [jmschuller@olatheks.org](mailto:jmschuller@olatheks.org)  
Olathe City Hall  
100 East Santa Fe Street  
Olathe, KS 66061

RE: Backyard Chicken Coop – (Brittany Place Subdivision)

Requestor: Mr. Eyasu Lemma  
1282 East Sheridan Bridge Lane  
Olathe, KS 66062  
913.526.7231

Dear Ms. Schuller,

Thank you for taking the time to visit with me last week regarding my concerns regarding the above noted proposed Backyard Chicken Coop. After our discussion, I did as you suggested. I attended the neighborhood Zoom Meeting, which was held on Friday, May 29, 2020. I did voice my many objections.

I strongly **OBJECT** to the proposed Backyard Chicken Coop which Mr. Lemma is proposing in my neighborhood (Brittany Place). Please see below my key concerns:

**My Health Issues** - I have a compromised respiratory condition, and I am highly concerned for my safety. I have had severe asthma since I was a child. My sister suffers with COPD, I will not be allowed to have her visit me if there are chickens in the area.

The dander and dust created by the birds is an allergen and can cause reactions in people. The amount of dust created by one chicken let alone several is HUGE, and I fear that since my sister and I both suffer from these ailments, these animals should not be allowed in my neighborhood. With the recent COVID19 issues, my concern with my health is even more heightened and should not be compromised.

**Diseases from Chickens** – “Zoonotic **diseases** that backyard **poultry** may spread to **humans** include salmonellosis, campylobacteriosis, and avian influenza viruses. Since the 1990s, numerous widespread outbreaks of **human Salmonella** spp **infections** linked to contact with backyard **chickens** have been documented in the United States. (from [cliniciansbrief.com](http://cliniciansbrief.com)) Mar 2, 2018

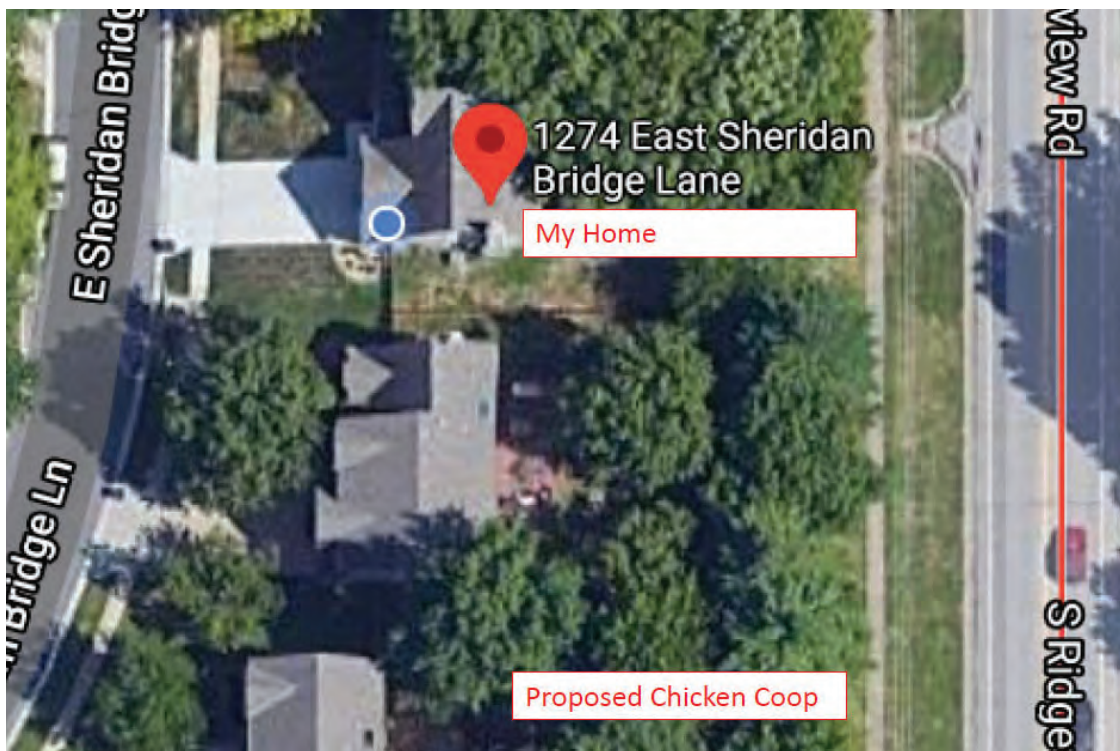
**Noise** – I am concerned with the noise that will be created by the chickens/hens. At the Zoom Meeting, we were told that the enclosure that is proposed can house up to 12 hens. I do not want to spend my time listening to the sounds of hens in my yard. The noise, in my opinion, is not acceptable within the City limits. Country/Farm, yes, the noise is acceptable...but, not within the City.

**Smell** – Chickens are dirty animals. The ammonia smell from the chicken's urine will be a constant in the air. If they do as they propose to keep the coop clean, then I'll be smelling the cleaning supplies.



**Location of Coop to my Home** – Please find below a picture taken outside on my back porch showing how close the homes are in my neighborhood. Also below is an aerial view of our homes.

There will only be one (1) yard between my home and the chicken coop. I will hear the noises and smells daily. In my opinion, this is far too close for farm animals to be living next to me.



**Property Value** – I have spoken with my realtor, and she has advised that having a chicken coop in my neighborhood, especially so close, would lower the value of my home. In 1994, with the help of my Dad and family, I had this home custom built where I have lived for the past twenty-six (26) years. If I thought that my neighborhood would be home to chickens, I would have not purchased my home in the city limits.

**Residential Taxes** - I pay taxes for a residential property not a farm property

**Farm Animals** - There is a place for farm animals (i.e. chickens), and it is not within the city limits of Olathe or in a residential area. While I respect my neighbor's intent/desire to have farm animals, I strongly oppose the idea. Farm animals should be kept on a farm, if I wanted to be on a farm, I would live on a farm.

**Attracts Wildlife** – chicken coops will be a magnet for rodents, predatory animals and pests, such as, but not limited to, insects, roaches, lice, mice, rats, snakes, foxes and coyotes. While these chickens are 'free ranging,' the rodents/wildlife will want to prey on the chickens and/or the grain which definitely be in the yard.

I believe that adding a chicken coop to a neighborhood is changing the eco-system from residential to farm. We are in a residential neighborhood, not a farm; we were zoned residential, not as farm property, for a reason.

**My Companion Dogs/Predators** - I have two (2) small Toy Manchester Terriers. They both weigh under 9 lbs. I am absolutely concerned with the predators that will be invading our area with the chickens practically next door.

In the evenings when the chickens are locked up, I let my dogs out. They can be prey for the wildlife. While I understand that we may already have wildlife in the neighborhood, the chicken coop and its many scents it will attract many more predators.

**Cruelty** - After researching chickens, I noted that there is a belief, which I agree, that chickens are in pain while they are laying their eggs, especially small chickens laying extra large eggs. That is why they make loud noises while they are laying their eggs. I love animals and when I will hear their noises I will feel that they are in pain.

**"Free Range" / Chicken(s) can fly / Disease** – At the Zoom Meeting, I learned that the chickens will be allowed to 'free range' while the Father is in the backyard with them. Chickens can fly...can I be assured that they will not fly into my yard and perch on my tall trees? That they will not attack my dogs or me?

Histoplasmosis is a disease caused from the droppings of chicken. They populate the air as spores and enter the human body through the respiratory system. This fungus usually affects the lungs, but symptoms can also occur in other parts of the body. Vulnerable parts include the eyes, skin, adrenal glands, nervous system, and liver. It is likely to be present in environments where poultry animals are kept, particularly their coops. At first, the symptoms it causes are not severe but, histoplasmosis is acute. To give you an idea of how bad it is, histoplasmosis is very similar to tuberculosis. I have a friend who, has this disease. She did not raise chickens.

While these chickens are free ranging, can I be assured that they will not leave waste in my yard? Or be transmitted from the keepers' shoes as they retrieve their mail from the mailbox, which is located in my front yard?

**Dangerous to Drivers** - Our homes back up to Ridgeview. Ridgeview can be a very busy street at rush hour, or when the schools let out. What happens when one of the chickens gets on Ridgeview, or if they fly into a car?

**Miscellaneous** – I have so many more concerns, such as what happens when they go on vacation? What about the winter or hot summer? What about the chickens' waste? However, I do not wish to take up more of your time.

I attended and graduated Kindergarten through MidAmerica Nazarene University in Olathe. In 1994, with the help of my Dad and family, I had my home custom-built in Brittany Place where I lived for the past twenty-six (26) years. I currently work at Garmin International for the past twenty-two (22) years. I plan on retiring in Olathe. Olathe is my home.

Thank you for this opportunity to send you my objections to Mr. Lemma's request for a Backyard Chicken Coop.

I will be at the Public Planning Meeting on Monday, June 29, 2020 at 6:00p at the Olathe City Hall to voice my objections. I will be grateful to address the Council and ask them to hear my pleas to **NOT** approve this request.

If you have any questions/comments for me, please be kind enough to reach out to me. I would be happy to visit with you or anyone on your team.

All the best,



Clara E. Dutoit  
1274 East Sheridan Bridge Lane  
Olathe, KS 66062

Property ID: DP05400001 0004  
Home Built: 1994 (26 Years)

913.687.7440 (Cell #)  
913.397.8200 (Work #)

/cd



From: [Mansfield, Maureen \(ES\)](#)  
To: [Jessica Schuller](#)  
Cc:  
Subject: Backyard Chickens - Brittany Place Sub  
Date: Thursday, May 28, 2020 11:32:46 AM

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Attention: Jessica Schuller  
Olathe Planning Commission  
Regarding: Brittany Place Subdivision – Request for Backyard Chicken Coop

My husband and I decided to purchase our home in the upscale residential subdivision, Brittany Place. Olathe has a reputation for good schools, amenities and holding property values. Olathe has rules on what is allowed in residential subdivision pertaining to pets as well as farm animals, this ensures the overall look and feel of the area is maintained.

We are strongly opposed to the request for Backyard Chickens. We ask that the Planning Commission do the right thing and enforce the current rules and do not grant any exceptions for chickens. This is not zoned farmland and the owner of this home that has asked for an exception knew that when they purchased. We should not all be penalized, they should find an alternative space, if they want farm animals. Chickens are loud, smell and the coop is unsightly. This could damage and will lower our property values. Please deny this special request.

Regards,  
Walter and Maureen Mansfield  
1257 E Sheridan Bridge Ln, Olathe

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