

STAFF REPORT

Planning Commission Meeting: January 14, 2019

Application: SU18-0005 Request for a Special Use Permit to allow more than 4

animals (dogs) at one household

Location: 1508 & 1512 E. Frontier Lane

Owner/Applicant: Tracie Alexander/Roy Ingelse

Staff Contact: Zachary Moore, Planner II

Site Area: 1.3± acres Proposed Use: More than 4 animals at one

<u>household</u>

Plat: <u>Stagecoach Meadows Third Plat</u>

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

1. Details of Proposal

This is a request for a special use permit to allow the keeping of up to ten (10) dogs on the property at 1512 E. Frontier Lane at one time. This is the first special use permit request that has been filed to allow the keeping of more than 4 dogs at this site.

A Special Use Permit is required to keep more than four (4) animals per household. The subject property contains one household, and two residential lots, 1508 and 1512 E. Frontier Lane, and totals 17,653 square feet in size. The eastern of the two lots has a single-family home located on it, which was constructed in 1977. Staff recommends denial of this special use permit application based on the analysis on the following pages.



(Aerial view of subject property, property outlined in blue)



(Site view – looking north from Frontier Lane)

2. Public Notification/Neighborhood Meeting:

The applicant notified neighbors within 200 feet of the subject property by certified letter, return receipt as required by the *Unified Development Ordinance*. The property owner notification affidavit and receipts have been submitted to staff showing that this requirement has been fulfilled. The applicant also posted a sign on the property and a notice was published in the paper.

This application was originally scheduled to be considered by the Planning Commission on the July 23, 2018 agenda, but was continued to a date uncertain because the required Neighborhood Meeting Notice letters were not mailed out by the applicant by the mailing deadline for that meeting.

A neighborhood meeting was held on July 23, 2018, and there were 13 people in attendance. Some of the main topics of concern discussed at the meeting included waste from the dogs, if any new buildings were proposed on site, the relationship between the owners and the dogs, if the dogs have bitten anyone, recent repairs of the fence, the ongoing court case, and dogs barking in the neighborhood. (Please see attached minutes.)

3. Staff Analysis:

Special Use Permits are required for particular land uses that may be appropriate in certain areas under that zoning district with additional stipulation and review. Based on staff's review of this Special Use Permit request and information that has been provided to the City's Planning Division from the City's Animal Control Department, staff finds that this Special Use Permit request is not appropriate for this location.

While the permit request is for the keeping of 10 dogs only; staff discovered that the breeding and selling of dogs is currently occurring on site in violation of the Unified Development Ordinance. The intent of the special use permit is to allow the keeping of more than four dogs, not the retail sales of animals. The activity of breeding animals for sale would be classified as an Animal Care Facility, per the *Unified Development Ordinance*, and is not allowed in any residential zoning district.

Animal Control:

Since 2007, the City of Olathe Animal Control Division has seven (7) different reports regarding the dogs that are being kept at 1512 E. Frontier Lane, including four (4) "Over the Limit" (keeping more than 4 animals) and "No City Licenses" citations. A list of all 7 reports can be found in this packet. The first "Over the Limit" citation was written by Animal Control in 2014, and the property owner was made aware of the Special Use Permit at that time.

In August 2017, the property owner was found guilty on five (5) charges, including; "Running at Large," "Disturbs Persons by Chasing," "Injury to Property," "Over the Limit," and "No City Licenses." Per Animal Control, the City judge is waiting on decision of the special use permit before assessing fines for these charges.

Staff received an email from the City of Olathe Animal Control Division on July 17, 2018, which listed the court cases and reports that the Olathe Animal Control Division had on file. This email included that the Olathe Animal Control recommendation is that the Special Use Permit for more than 4 dogs to be kept at 1512 E. Frontier Lane be denied. That email is included within this packet for your consideration.

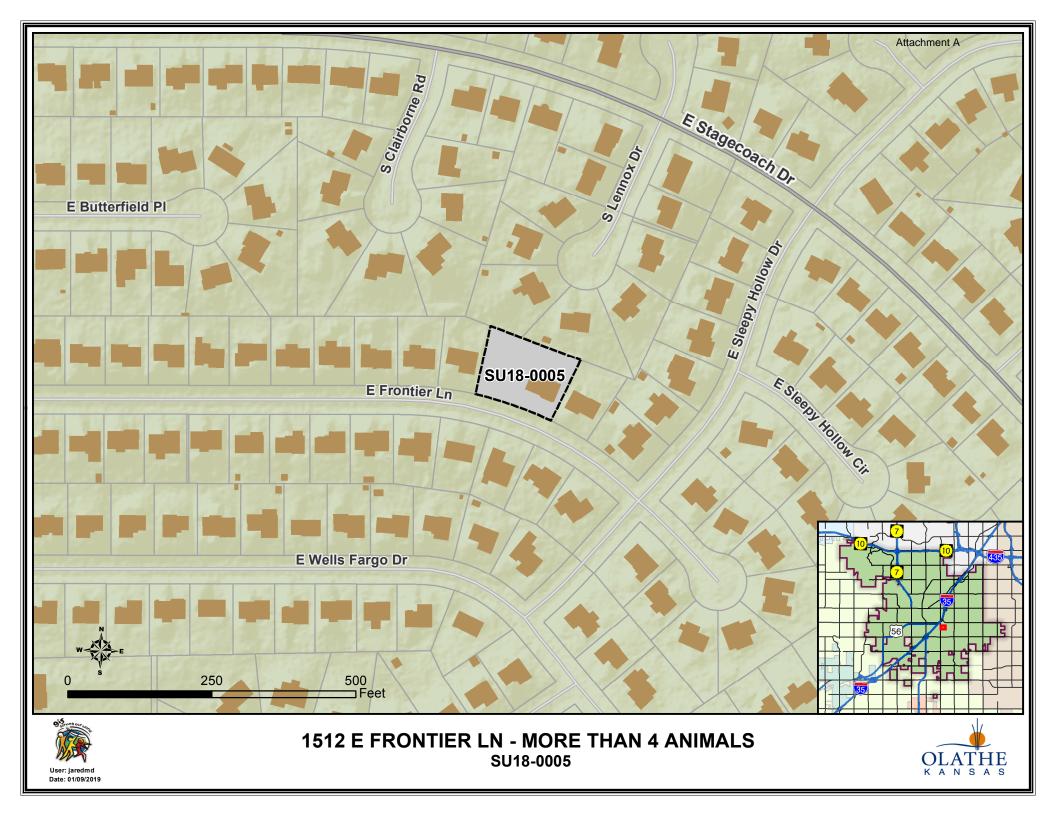
Based on reports received from the City's Animal Control Department and correspondence from neighbors, staff finds that issues of public health and safety related to this application exist and therefore this permit request is not appropriate for this location.

Staff has met with the applicant multiple times over the past year regarding this request and in those meetings, staff has shared our concern with the proposal with them.

4. Staff Recommendation:

As stated previously, staff recommends denial of this special use permit request for the reasons within this report. However, should the Planning Commission recommend approval, Staff is prepared to discuss necessary stipulations to be attached to the recommendation. Whether the Planning Commission recommends approval or denial, this application request is forwarded to the City Council for final review and decision. If the Planning Commission recommends denial, a super majority vote of City Council would be required for approval. In addition, when a time period for the permit is not specified, the time period per the UDO is for five years.

- a. Staff recommends denial of SU18-0005 for the following reasons:
 - i. The activity occurring on site is a commercial use, not permitted in this residential district.
 - ii. The amount of and nature of the outstanding public health and safety violations on the site and citations issued by the City of Olathe.
 - iii. The recommendation of Olathe Animal Control.



To Foster dogs and behome them with the right fit between the dogs and perspective owner.

No new structures will be erected on the Properties

Do A Do A Do We plan to Still be able to have He same dags (over 4) that we're had for the past Tewylors. Our Oliverstains 15 Converted into an grea for puppies and our Brang is always opened to the bolkyard-So that dugs com come back inside du luise et their own weel We do what we refer to a "the doggie" Shuffe" Where we switch the dogs around every - 4-6horrs. This way all The day aren't outside at the same time and also get to have equal quality Jame maide the house enjoying bling in The wise and being part of the Family. The State of Konsans Comes and

does their own willness cheds 1-3 times a year to make Sure we are in total Compliance with them and their rules. - So we do have guidelines that we are forced to follow and abouter We own the vacant lot next due So the doop get plenty of running line (and area) as regulad by the State of Kanso. and all deprise is kept away from the alle that the dogs are being Kept of able to run and play in-De have I vets that we was and an dog are Very Vell taken love of and Dur mair Vet in Spry Let Veit 592-2770

Us also have a Secondary Vet in Louisburg Wild cart Vet (913) 837-4444. The doop sleep in the house at right and during their turn (way 4-6 Hrs) in the house - Sleeping on the Couches and dog beds provided. A Jew aven Sleep at the just of our black. The dog and bother and growned regularly and hum get to enjoy a 17,000 gallor inpoved Pool dury the Summer and also go on Car rides. Our dogs are all part of our family and treated Very Well. None of then are EVER Rept in Kinnels on dog runs and get the freedon Us pay wherever they shoot while wiside our home. They are all

PROPERTY OWNER NOTIFICATION LETTER

Case No. SU- IR-000 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 KEBPING MORE THAN 4 DOGS on the following described tract of land: Legal Description: LOT 40 9 41 BLOCKZ, SHAGECOACH MEADOWS THIRD PLAT, A SUBDIVISION IN CITY OF CLATHE, JOHNSON CO. KS. General Location: (See general location map attached) A public hearing will be held to consider the special use permit request on the above-described tract at 7:00 PM on January 14 2019. Any interested persons or property owners are invited to attend. Information regarding this special use permit application is available at the Planning Office at City Hall (phone 913-971-8750, City Planning, TTY 913-971-8600), or you may contact the undersigned for additional information regarding this special use permit. 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 threequarters (%) vote of the City Council is required to approve this rezoning request. Copies of the protest petitions are available from the City Planning or from the City Clerk. Respectfully, Pol TAGELSE
Applicant (or Owner or Agent) PHONE: 913 424 257

In compliance with the Americans with Disabilities Act, the City of Olathe will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 913-971-8521 a minimum of 48 hours prior to the meeting.

IF you would like to contact City Staff, you may contact Zach Moore (913)971-8646 E.MAL-ZSMOOFE CHATHERS, ORG

Hello Neighbors,

If you hear our dogs barking, feel free to give us a call and we will take care of the problem.

Thank you, Roy

Roy-913 424-2571

Tracie-913 530-6721

SIGN POSTING

AFFIDAVIT

STATE OF KANSAS	Case No. SUP-18-0005
COUNTY OF JOHNSON	
1. Pay Hagelse	of lawful age, being first duly sworn upon oath, state:
application was filed and did, not later than	(agent, owner, attorney) of the property for which the twenty (20) days prior to the date of the public hearing place a sign upon the property in compliance with the oter 18.12, Section 18.12.090, and that said sign or signs ing.
Further affiant saith naught.	
S	ignature of Agent, Owner or Attorney
Subscribed and sworn to before me this $\underline{\mathcal{A}}$	day of <u>JMNVMM</u> , 20 <u>19</u> .
Notary Public	
PAIGE SHEEHAN Notary Public - State of Kansas My Appointment Expires 1 2 1 22	

500' buffer from property latters were mailed out on 12/14/18. the list of reighbors and notorized affidavit are enclosed 200' buffer from property letters were mailed out on 12/12/18. the list of neighborg hotorized cultidavit, recieipts and returned cards are enclosed Sign posting was set in the Yard 12/22/18 affidavt is en closed.

A SIX foot wooden privacy fence encampasses the whale perimeter of the house and the lot next door that we own.

The dogs have access to heat in the winter and our conditioning in the Summer time.

We have vehomed dogs in the post but not done any dog fostering. We will be keeping opproximately 8-10 dogs on the property.

	ROY INGELSE TRACIE ALEXANDER Attache	nent 🍋
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Marian Arabana	NETGHBOR HOOD meeting attendance 7/23	/18
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	Steve & Sandy Plummer	
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Attachment A The meeting was held at the Olatho Community Center on Monday July 23 & 6 pm -8pm There approximatelly 13-10# 06 People in attendance. Megadad Macie Alexander took questions from the audience Ofter Ray Ingels introduced and about. June 36 the main Concers whre that there wouldn't be any other Outside buildings added- (which there want be) 2) That there wouldn't be my do g feed waste bly

Attachment A Washed down the sheet into the neighbord yard at the Corner. 3) What we would do if we could not ongs care good our pets- Cashid Obviously Isgit a problem) 4) Where we put the waste from their 5) How well we know the dogs am our home 6) If they've bur bitter anyone. - NO T) I we have a number in mind as if 8) How old our Current dogs vero a how long were had show a) The peoples next Door (Rich) Showed Up to make Sure EVERYONE KNEW the We had an ongvirg court case be So our dog Ballz Last of Shoved everyone photos of our

Attachment A 3 dogs and the Jance Where the Boald had follow of BEFORE I WAS FIXED. I hours. later! everyone that we had find the Fince board Willia I hours of it Falling off.) Hel told everyone that wid be hoppy p provide then with our pusonal phone rumbers Justin Case they were to hear a dog back and thought it was OUT dogs. because we get blamed Ad for other dop in the peighbur houd balling. After almost Thours of Ountrows and answers we closed the recting with havrig everyone Sigha an attadance

Zach Moore

From:

James Brackett

Sent:

Tuesday, July 17, 2018 3:23 PM

To:

Zach Moore

Subject:

1512 E Frontier Ln, Tracie Alexander

Zach,

I will start with all the court cases and reports that I have on file.

2007-0012605, Tracie's dog running loose, picked up Animal Control.

2011-0013647, One of Tracie's dogs bit a juvenile on the face causing multiple stitches in the home. The dog had a litter of puppies.

2014-0009833, Tracie was cited for Over the Limit, and No City Licenses. She was advised on the Special Use Permit at this time.

2015-0000239, Police Officers went to Tracie's residence to follow up on a possible dog bite, unable to make contact.

- · 2015-0017058, I cited Tracie for Over the Limit and No City License. Interior of home was very messy, smelled like urine. Backyard was muddy and full of dog feces. This was my first interaction with Tracie and I gave warnings about picking up and cleaning up after the dogs. She was again advised of the Special Use Permit.
- 2017-0011667. Tracie was cited for Over the Limit and No City Licenses for her adult dogs
- 2017-0012301, Several of Tracie's dogs broke through the fence of a neighbor and were in his yard. One of the dogs was acting aggressive. Tracie was cited for the dogs Running at Large, Disturbs Persons by Chasing, Injury to property, Over the limit, and No City Licenses.

Tracie was found guilty on all of these charges from August of 2017. The judge was waiting to assess the fines to see if Tracie would get the permit. Tracie appeared in court once, but asked for more time and then failed to appear in court on 4/19/18 and 5/17/19.

Today, according to our records, she only has 2 dogs with current city licenses. At the court hearings, she was advised to get licenses for any dogs that will be at the residence longer than a month.

Besides the documented reports from above, I know there have been some barking complaints that have not been issued NTAs. Typically we will send letters and give a warning visit before issuing an NTA for barking. I have had complaints and so has ACO Trager.

Thank you for your time and consideration. The position of Animal Control is to not allow a special use permit for the residents of 1512 E Frontier Ln. to have over 4 dogs at their residence.

James Brackett, *Animal Control Officer* (913) 208-1845 | OlatheKS.org Police | City of Olathe, Kansas

Zach Moore

From:

Tom Loyd <tdloyd@yahoo.com>

Sent:

Wednesday, July 18, 2018 4:56 PM

To:

Zach Moore

Subject:

Special Use Permit Request for 1512 E. Frontier Lane

Mr. Moore,

My name is Thomas Loyd and I reside at 1513 E. Frontier Lane.

This e-mail is in response to Roy Ingelse's request for a permit to allow "Dog Fostering" in the residence across the street from my home.

I believe that he is in violation of city ordinances now and I do not believe that he should be allowed to increase the number of dogs legally residing in the property. This is a

residential neighborhood and breeding dogs for business reasons should not permitted.

Thank You for your time,

Tom Loyd

1513 E. Frontier Lane

Olathe, Kansas 66062-2244

Phone: 1(913)782-3612

Zach Moore

From:

Betty Burch <burch2ride@yahoo.com>

Sent:

Wednesday, July 18, 2018 9:13 PM

To:

Zach Moore

Subject:

RE: Certified Letter: Property Owner Notification 1512 E Frontier Lane, Olathe, KS

Dear Mr. Moore:

We are responding to a the certified letter we received regarding the Property Owner Notification Letter from Mr. Roy Ingelse, residence 1512 E Frontier Lane, Olathe KS for a neighborhood meeting being held on Monday, July 23. We will be unable to attend this meeting, therefore we're sending you our deepest concerns in this email regarding this "Dog Fostering" request.

There are some interesting points about this letter and have concerns we'd like to point out:

- 1) The handwriting on the envelope appears to have been prepared by a child (personal observation).
- 2) The letter was not signed with Mr. Ingelse's signature.
- 3) This is his wife's breeding business as it shows on their website with pictures of Mrs. Ingelse and their two young daughters (KCDOODLESANDPOODLES.COM). We wonder why this request isn't being made by her.
- 4) Mr. Ingelse is requesting a Special Use Permit application for "Dog Fostering". They are breeding these dogs in a residential area just as their website clearly states. Word has it they were supposed
 - to be building a place somewhere in Lawrence, KS. This activity has been going on for quite some time now and yet, they are still here and continue to breed.
- 5) The dogs are let out in the front yard to go to the bathroom. We've seen this several times, all the way from as many as nine (9) very large dogs to puppies.
- 6) We have observed the police and Animal Control at this residence several times in the past and have great concern for this continuing activity and the welfare of these dogs and also the young children living at this residence.

We greatly request your utmost consideration to put a stop to this activity once and for all in our neighborhood. "Dog Fostering" is short term care; not years of breeding.

Thank you for your assistance on this matter. Would you please advise us the outcome of this meeting.

Sincerely, Ron & Betty Burch 1612 E Sleepy Hollow Drive Olathe, KS 66062 913-424-2739







PROPERTY OWNER NOTIFICATION

AFFIDAVII	
STATE OF KANSAS	Case No. SUP- <u>18-0065</u>
COUNTY OF JOHNSON	
state: 1, 1<01 logelse.	of lawful age being first duly sworn upon oath,
That I am the(the application was filed and did, not later than twer scheduled before the Planning Commission, mail ce the notification area (two hundred [200] feet in the unincorporated area) of the subject property, in con Chapter 18.12, Section 18.12.080. These notices we 20 18.	ertified notice to all persons owning property within a city of Olathe; one thousand [1,000] feet in the appliance with the <i>Unified Development Ordinance</i> ,
Further affiant saith naught. Signatur	re of Agent, Owner or Attorney
Subscribed and sworn to before me thisda	y of <u>January</u> , 2019.
Notary Public	
My Commission Expires: 9 21 22	
PAIGE SHEEHAN Notary Public - State of Kansas My Appointment Expires 2 21 22	

ARCELS WITHIN 200 FEET OF PARCEL DP71800002 0040 roduced February 21, 2018 at 11:01:20 AM arcel X of 27: P71800002 0025 (1213 S LENNOX DR) (OWNER[S] NAME/ADDRESS) ROOS, FREDRICK L. ROOS, VIRGINIA A. ALS S LENNOX DR LATHE, KS 66062 arcel 2 of 27: P71700002 0017 (1204 S CLAIRBORNE RD) (OWNER [S] NAME/ADDRESS) OWELL, MARSHA V. CLAIRBORNE RD LATHE, KS 66062 arcel 3 of 27: P71800002 0038 (1612 E SLEEPY HOLLOW DR) (OWNER[S] NAME/ADDRESS) URCH, RON AND URCH, BETTY REV LIVING TRUST SLEEPY HOLLOW DR LATHE, KS 66062 arcel A of 27: P71800002 0026 (1217 S LENNOX DR) (OWNER[S] NAME/ADDRESS) ROWN, SUSAN ANN LIVING TRUST 03 E ASH ST REA, CA 92821 arcel 8 of 27: P71800002 0043 (1500 E FRONTIER LN) (OWNER[S] NAME/ADDRESS) ALLACE, JOHN ALLACE, RAMONA FOO E FRONTIER LN ATHE, KS 66062 arcel % of 27: P71800007 0014 (1509 E PRONTIER LM) (OWNER[S] NAME/ADDRESS) EDLOCK, STEPHEN EDLOCK, KRISTEN 9 FRONTIER LN ATHE, KS 66062 arcel / of 27: 271800007 0016 (1517 E FRONTIER LN) (OWNER[S] NAME/ADDRESS) INTRELL, RONALD F. MIN HE ERONTIER LN ATHE, KS 66062 arcel & of 27:

?71800007 0012 (1501 E FRONTIER LN) (UWNER(S] NAME/ADDRESS)

NBORN, PAUL A.

SANBORN, KAREN A.
FRONTIER LN
OLATHE, KS 66062

Parcel of 27: DP71800007 0019 (1504 E WELLS FARGO DR) (OWNER[S] NAME/ADDRESS)

JONES, EDWARD P JONES, JODI L

504 E WELLS FARGO DR

DLATHE, KS 66062

Parcel 10 of 27: 1971800002 0027 (1216 S LENNOX DR) (OWNER [S] NAME/ADDRESS)

MOORE, GLEN D 1216 S LENNOX DR MATHEM KS 66062

Parcel 11 of 27: DP71800002 0041 (1508 E FRONTIER LN) (OWNER[S] NAME/ADDRESS)

ALEXANDER, TRACIE M. 1512 E FRONTIER LN DLATHE, KS 66062

Parcel 12 of 27:)P71700002 0016 (1208 S CLAIRBORNE RD) (OWNER[S] NAME/ADDRESS)

HERNANDEZ, FRED J.
HERNANDEZ, CHRISTA R.
LAIRBORNE RD
LATHE, KS 66062

Parcel 15 of 27:

P71800002 0039 (1516 E FRONTIER LN)

(OWNER[S] NAME/ADDRESS)

CHABON, JOSHUA D
CHABON, STEPHANIE S
FRONTIER LN
CLATHE, KS 66062

arcel 14 of 27:)P71800002 0028 (1212 S LENNOX DR) (OWNER[S] NAME/ADDRESS)

HEATHAM, GREGORY L.
HEATHAM, NANCY L.

LATHE, KS 66062

arcel 18 of 27: P71800002 0029 (1208 S LENNOX DR) (OWNER[S] NAME/ADDRESS)

ARR, STEVE D. TRUSTEE ARR, NANCY E. TRUSTEE 208 & TENNOX DR

LATHE KS 66062

arcel 16 of 27. P71800007 0017 (1512 E WELLS FARGO DR)

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(OWNER[S] NAME/ADDRESS)
GREDELL, STEVEN
GREDELL, LESLIE
MIN E WELLS FARGO DR
DLATHE, KS 66062
Parcel M of 27:
)P71800002 0042 (1504 E FRONTIER LN)
      (OWNER[S] NAME/ADDRESS)
LASKOWSKI, MATTHEW W
JASKOWSKI, KASEY D
1504 E.FRONTIER LN
)LATHE, KS 66062
arcel 16 of 27:
1P71800007 0013 (1505 E FRONTIER LN)
       (OWNER[S] NAME/ADDRESS)
MEAVER, KEVIN
IEAVER, ELIZABETH
BUS E PRONTIER LN
LATHE, KS 66062
arcel 18 of 27:
1P71800007 0018 (1508 E WELLS FARGO DR)
       (OWNER[S] NAME/ADDRESS)
INKLEY, GREGORY W
INKLEY, DE-ANNA J REV TRUST
WELLS FARGO DR
LATHE, KS 66062
arcel 20 of 27:
P71700002 0015 (1212 S CLAIRBORNE RD)
     (OWNER [S] NAME, ADDRESS)
MDBERG, TRENT E
12 S CLAIRBORNE RD
LATHE, KS 66062
arcel 21 of 27:
P71800002 0040 (1512 E FRONTIER LN)
       (OWNER[S] NAME/ADDRESS)
LEXANDER, TRACIE
512 E FRONTIER LN
LATHE, KS 66062
arcel 2/2 of 27:
071800002 0037 (1616 E SLEEPY HOLLOW DR)
   (OWNER[S] NAME/ADDRESS)
ANIER, WALLACE M. III
ANIER, DEBRA E.
SIE ENSLEEPY HOLLOW DR
ATHE, KS 66062
ircel 28 of 27:
271806002 0036 (1620 E SLEEPY HOLLOW DR)
      (OWNER[S] NAME/ADDRESS)
IPARI, ROSS
20 E SLEEPY HOLLOW DR
ATHE, KS 66062
rcel 24 of 27:
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DP71800002 0024 (1209 S LENNOX DR) (OWNER[S] NAME/ADDRESS)

BRUBAKER, HAROLD S. TRUSTEE

BRUBAKER, HAROLD S. TRUST

08902 W 98TH TER LENEXA, KS 66220

Parcel 25 of 27:

DP71800002 0035 (1624 E SLEEPY HOLLOW DR)

(OWNER[S] NAME/ADDRESS)

MAY, JOHN PAUL

MAY, JACQUELINE D.

E SLEEPY HOLLOW DR

OLATHE, KS 66062

Parcel 26 of 27:

DP71800002 0034 (1628 E SLEEPY HOLLOW DR)

(OWNER [S] NAME/ADDRESS)

WISNER, MICHELLE

P028 E SLEEPY HOLLOW DR

DLATHE, KS 66062

Parcel 27 of 27:

DP71800007 0014A (1513 E FRONTIER LN)

(OWNER[S] NAME/ADDRESS)

LOYD, THOMAS D.

LOYD, KATHLENE M.

BES E FRONTIER LN

DLATHE, KS 66062