



Planning Division

## **MINUTES – Opening Remarks**

### **Planning Commission Meeting: June 29, 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 and Shirley Allenbrand were present in the chamber. Commissioners Ryan Freeman and Jeremy Fry participated remotely via the 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 the item is reached in the agenda.

A motion to approve MN20-0608, the meeting minutes from June 8, 2020, was made by Comm. Nelson and seconded by Comm. Allenbrand and passed with a vote of 5-0.



Planning Division

## MINUTES

### Planning Commission Meeting: June 29, 2020

<b>Application:</b>	<b><u>FP20-0008</u>:</b> Request approval for a final plat for <b>Villas at Hidden Lake, First Plat</b> containing forty-seven (47) lots and two (2) common tracts on 19.78± acres; located southeast of S. Bluestem Parkway and 107th Street.
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A motion to approve FP20-0008 was made by Comm. Nelson and seconded by Comm. Allenbrand. The motion passed with a vote of 5 to 0 subject to 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.



Planning Division

## MINUTES

### Planning Commission Meeting: June 29, 2020

<b>Application:</b>	<b><u>FP20-0009</u></b> : Request approval for a final plat for <b>Cedar Ridge Reserve, Third Plat</b> containing fourteen (14) lots and one (1) common tract on 6.14± acres; located in the vicinity of College Boulevard and Woodland Road.
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A motion to approve FP20-0009 was made by Comm. Nelson and seconded by Comm. Allenbrand. The motion passed with a vote of 5 to 0 subject to 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 final plat according to 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.



Planning Division

## MINUTES

### Planning Commission Meeting: June 29, 2020

Application:	<b><u>SU20-0003:</u> Special Use Permit for <i>Keeping Chickens on a lot less than 3 acres</i></b>
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**Jessica Schuller, Senior Planner**, presented the request for special use permit to allow the keeping of chickens on a lot less than 3 acres, currently zoned R-1, located at 1282 E. Sheridan Bridge Lane, Olathe, Kansas.

**Ms. Schuller** explained that the applicant is seeking a special use permit to allow four (4) to six (6) hens to be kept on the property. She noted this was the first request for the keeping on chickens on the subject property. She informed the Commission that the request complies with the Unified Development Ordinance (UDO) and meets the goals of the Comprehensive Plan.

**Ms. Schuller** said staff received correspondence from two residents within the 500-foot radius notification area, expressing concerns with noise, smell, attraction of predators, and disease and fear of declining property values. The applicant addressed the concerns at the neighborhood meeting and provided staff with the narrative response to neighbors which was included in the agenda packet.

**Ms. Schuller** further explained if any code violations were received in the future, the City retained the ability to reevaluate the special use permit and the permit could be rescinded. Staff provided concerned residents with contact information to Community Enhancement and Animal Control.

**Ms. Schuller** stated the applicant requested a term of five (5) years, however, staff recommended a term of two (2) years due to concerns expressed by neighbors. Staff also recommended allowance of only four (4) hens instead of the six (6) requested. The applicant would have the opportunity to renew the permit at the end of the two-year term. Staff recommended approval of this request.

**Commissioner Nelson** received clarification regarding the number of hens requested by the applicant and the number of hens that staff recommended for approval.

**Commissioner Fry** expressed concern with limiting the term of the permit if there were no current code violations for the subject property.

**Ms. Schuller** explained staff has historically recommended limiting the term of permits in cases with neighborhood opposition, however, she was not opposed to allowing a term of five (5) years since there were currently no code violations on the property.

**Chair Vakas** inquired about the number of past SUP applications for keeping of chickens that have been submitted, any related code violations and the number of chickens allowed.

**Ms. Schuller** provided the Commission with a brief history of the applications, noting that only one permit had code violations during time of renewal. She further explained that the UDO did not limit the number of chickens in total but the number of chickens per square foot in a coop.

**Commissioner Allenbrand** asked about the material used for odor control.

**Ms. Schuller** deferred to the applicant to provide the information on materials used for odor control.

**Chair Vakas** opened the public hearing and ask applicants represented if they wished to speak.

**Eyasu Lemma, 1282 E. Sheridan Bridge Lane, Olathe**, applicant, stated he would like to keep chickens as a family educational activity and to provide fresh eggs for the family. He said he knew of at least three (3) chicken coops that were within walking distance from his home. He added he had experience raising chickens and explained there were many products on the market to reduce the odor.

**Commissioner Fry** asked if the applicant discussed the concerns with the neighbors.

**Mr. Lemma** explained that he appreciated the feedback from his neighbors, is aware of their concerns, and addressed concerns during the neighborhood meeting. Mr. Lemma also stated that if there are questions in the future, he would address them immediately.

**Clara Dutoit, 1274 E. Sheridan Bridge Lane, Olathe**, stated she was concerned that free range chickens could end up in her yard and her health could be affected by the chickens. She was also concerned with property value due the coop being visible from her yard and chickens being allowed. She disagreed with staff analysis and recommendation for approval.

**Jim Williams, 1278 E. Sheridan Bridge Lane, Olathe**, owner of the adjacent property to the north of the subject property, said he was neither for nor against the request but wanted to speak on the applicant's behalf to inform the Commission that any past issues were always addressed immediately.

**Bill Stutz, 1286 E. Sheridan Bridge Lane, Olathe**, owner of the adjacent property on the south of subject property, stated he was concerned about property values but was comfortable with the recommendation of two years. He added that the applicant had always answered issues quickly.

**Vakas** asked the applicant provide information regarding yard fencing.

**Mr. Lemma** confirmed the height and type of fencing and informed the Commission he planned to build a privacy fence. He added that he could use various ways to limit the range of the hens, as well as how often they are allowed out. He said the fence would be in place prior to hens being placed outdoors.

There were no further questions for the applicant and no other speakers. **Chair Vakas** called for a motion to close the public hearing.

**Commissioner Nelson** asked the applicant to ensure that he was proactive in addressing the concerns of neighbors.

**Mr. Lemma** said the concerns that were brought up during the neighborhood meeting allowed him to mitigate the concerns ahead of time. He would continue to engage with his neighbors and address any issues that might arise.

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

*Aye: Allenbrand, Freeman, Nelson, Fry, Vakas (5)*

*No: (0)*

*Motion was approved 5-0.*

**Chair Vakas** acknowledged the concerns of the residents.

**Commissioner Nelson** made note of a trend toward sustainable lifestyles and was in favor of this type of use provided there were standards in place and any code issues were addressed.

**Chair Vakas** also noted the trend toward self-sufficiency through sustainable lifestyles, environmental conservation, gardening, and other means such as the keeping of chickens.

*Motion by Comm. Nelson, seconded by Comm. Allenbrand, to recommend 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 purpose.

*Aye: Allenbrand, Freeman, Nelson, Fry, Vakas (5)*

*No: (0)*

*Motion was approved 5-0.*

## MINUTES

### Planning Commission Meeting: June 29, 2020

Application:	<b><u>SU20-0002:</u> Special Use Permit for <i>Keeping Chickens on a lot less than 3 acres</i></b>
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**Jessica Schuller, Senior Planner**, presented the request for special use permit to allow the keeping of chickens on a lot less than 3 acres, currently zoned R-1, located at 14548 W. 141<sup>st</sup> Drive, Olathe, Kansas.

**Ms. Schuller** explained that the applicant is seeking a special use permit to allow four (4) hens to be kept on the property. She noted this was the first request for the keeping on chickens on the subject property. She informed the Commission that the request complies with the Unified Development Ordinance (UDO) and meets the goals of the Comprehensive Plan.

**Ms. Schuller** said staff received three (3) letters in support of the request. No concerns from neighboring properties were submitted. She further explained the applicant was aware of Municipal Code regulations for the keeping of animals, adding that the City retained the ability to reevaluate the special use permit if any code violations were received in the future. The applicant requested a 5-year term. Staff recommended approval of this request.

**Chair Vakas** opened the public hearing and ask applicants represented if they wished to speak.

**Chief Planning & Development Officer Aimee Nassif, AICP** informed the Commission that there were no requests to speak on this case.

There were no questions for the applicant. **Chair Vakas** called for a motion to close the public hearing.

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

*Aye: Allenbrand, Freeman, Nelson, Fry, Vakas (5)*

*No: (0)*

*Motion was approved 5-0.*

*Motion by Comm. Nelson, seconded by Comm. Allenbrand, to recommend approval of SU20-0002, subject to the following stipulations:*

1. The special use permit is valid for a period of five (5) years, effective from the 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 purpose.

*Aye: Allenbrand, Freeman, Nelson, Fry, Vakas (5)*

*No: (0)*

*Motion was approved 5-0.*



City of Olathe

City Planning Division

## **MINUTES – Closing Remarks**

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

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**Aimee Nassif, AICP, Chief Planning and Development Officer**, noted a CIP Workshop was scheduled to take place on July 13, 2020, at 5:30 p.m. and a Board of Zoning Appeals is tentatively scheduled for July 27, 2020.

**Chair Vakas** noted the next Planning Commission meeting will be held on Monday, July 13, 2020, at 7:00 p.m.

There were no other announcements.

*Meeting adjourned.*