



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: October 14, 2019

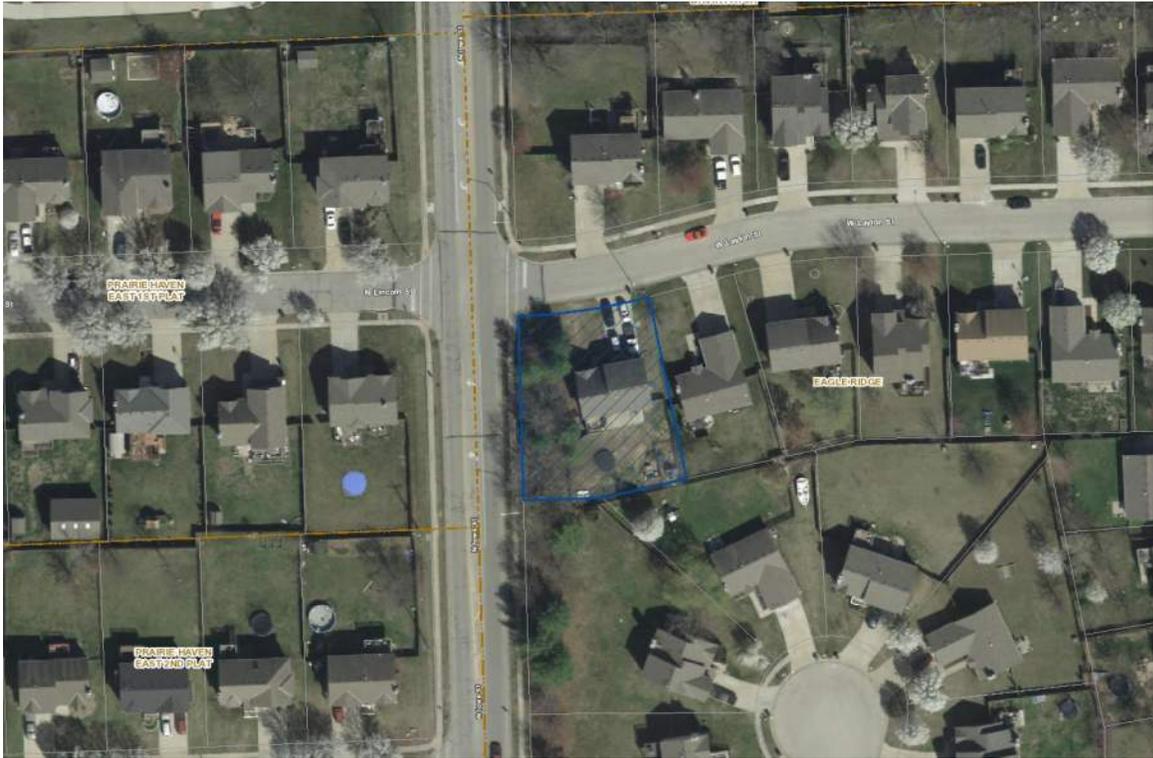
Application:	<u>SU19-0004</u>: Renewal of a special use permit for keeping chickens on a lot less than three (3) acres
Location:	589 W Layton St.
Owner/Applicant:	Jennifer & John Sanjeen
Staff Contact:	Brenna Kiu, Planning Intern

Site Area:	<u>0.27± acres</u>	Proposed Use:	<u>Keeping chickens on a residential lot less than three (3) acres</u>
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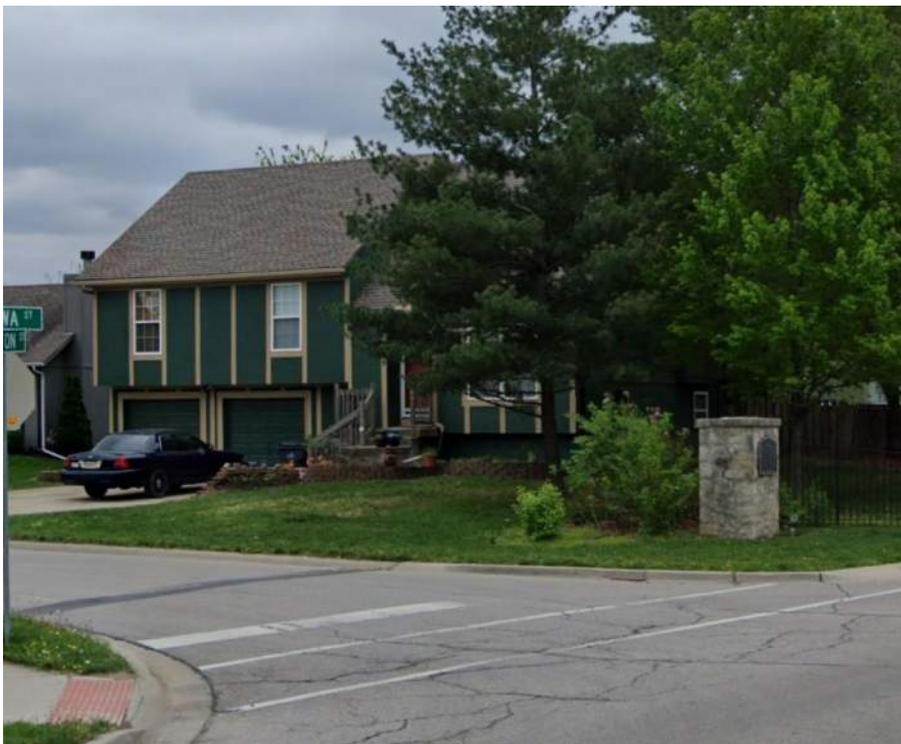
	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
North	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
East	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
South	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
West	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>

1. Comments:

This is a request for a Special Use Permit renewal to allow the property at 589 W Layton Street to keep 6 laying chickens on a lot less than 3 acres. The applicant received approval for a Special Use Permit with a five-year time limit in 2014 (SU14-0006) for 6 chickens. This application is the first renewal of this special use request. A Special Use Permit is required to keep chickens on a residential lot less than 3 acres.



Site Aerial



Street View

2. Details of Proposal:

The applicant is requesting to keep 6 laying hens at any one time. Chickens are kept as a fresh source of food, for environmental sustainability practices, for hobby, and as an educational tool for applicant's children. Only hens are kept on the property.

The property contains a single-family home with the chicken coop placed in the southwest corner of 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 coop is made out of a converted garden shed measuring approximately four feet by six feet. The chickens have access to an outdoor enclosure. The enclosure measures twenty feet by twenty feet, and is made out of two large dog kennels topped with bird netting. The chickens are tended to at least three times per day. The coop is cleaned, and waste composted for the applicants' own garden.

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.

No neighborhood meeting was required as there is no development associated with this request. Additionally, staff has not received any complaints concerning the chickens and there have been no code violations.

4. Staff Analysis:

Staff supports the applicant's request for 6 chickens since there have been no violations from animal control, Planning staff has not received any complaints and the chickens are kept in a large, well maintained coop. Also, any special use permit can be remanded back to Planning Commission and City Council for review if any issues arise.

5. 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.

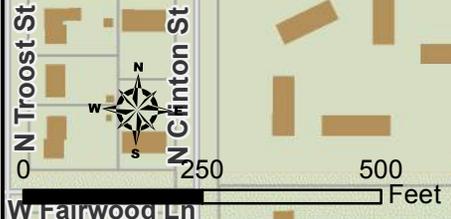
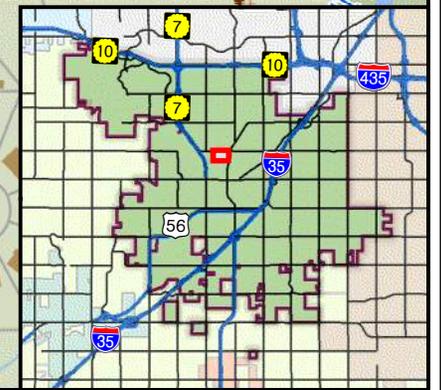
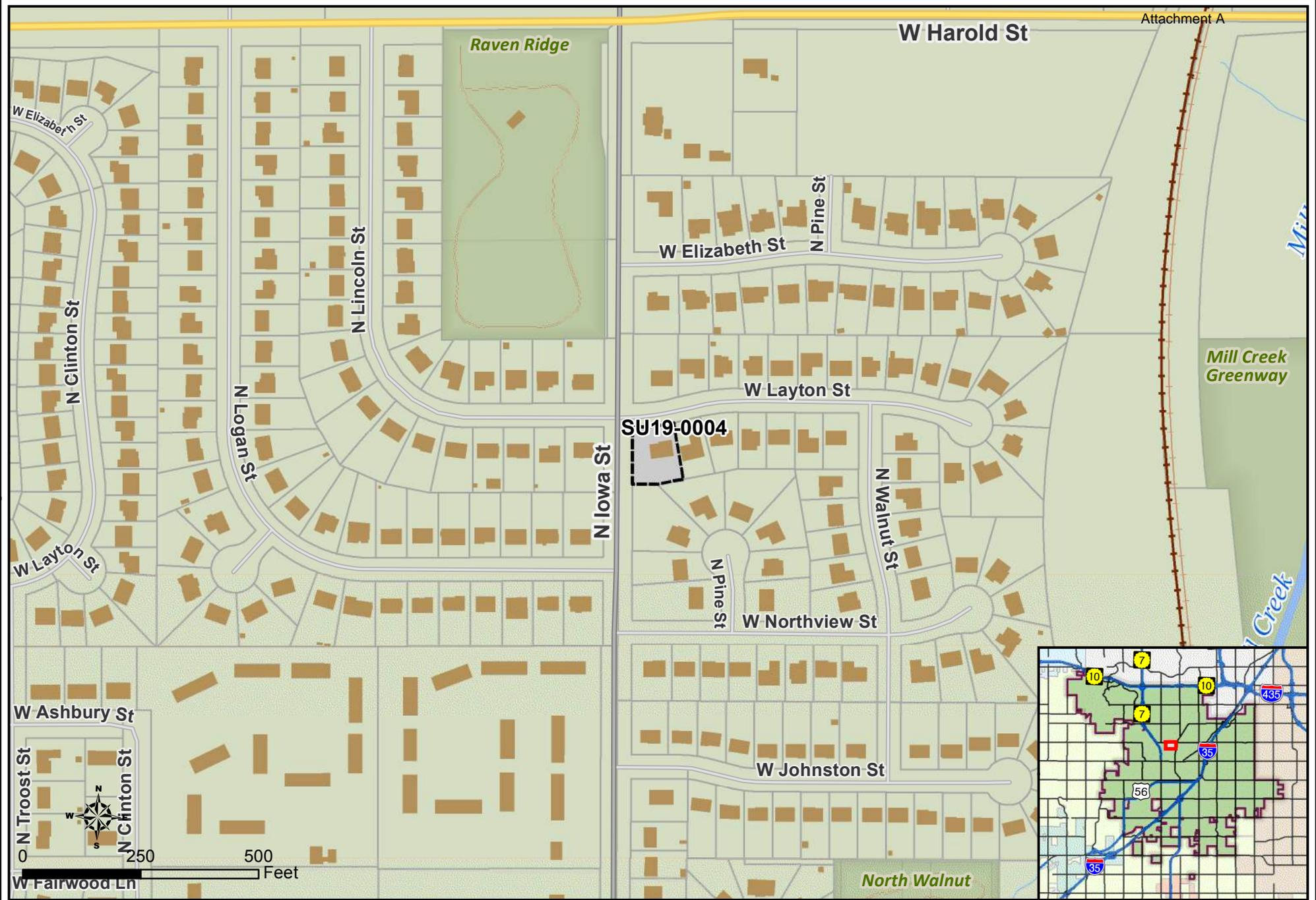
The applicant is requesting a 10-year time limit. Staff is supportive for reasons listed under staff analysis.

6. Staff Recommendation:

a. Staff recommends approval of SU19-0004, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- (2) The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.

- (3) The applicant has not received any complaints since the approval of the first Special Use Permit, SU14-0006.
- b. Staff recommends approval of SU19-0004 subject to the following stipulations:
- (1) The Special Use Permit is valid for a period of 10 years following Governing Body approval, with an expiration date of November 5, 2029.
 - (2) The property will be limited to a maximum of 6 chickens at any one time.
 - (3) The raising of the chickens shall be limited to personal (hobby) purposes only. Chickens may not be bred, boarded or sold for commercial purposes.
 - (4) No roosters will be kept on the property at any time.



SUP RENEWAL - CHICKENS
SU19-0004

Statement of Purpose

I am re-applying for a special use permit to keep my six laying hens in my backyard. I've had the permit since 2013 and have had no violations in this time. My chickens are viewed as pets and as an educational tool for my children to experience the cycle of life as well as looking at greener living through control of landfill waste. This goes well beyond what they can learn in a classroom setting.

I currently am approved to have 6 hens, kept in a fully fenced enclosure that is within my fenced backyard. The enclosure has changed slightly since the 2014 approval. The enclosure is approximately 20 ft by 20 ft (the previous enclosure was 12x30). It consists of two standard metal dog kennels, put together to form a square-ish enclosure. Inside the enclosure is a 4x6 plastic garden shed converted to be a coop for the chickens to roost in at night and lay their eggs. The top of the enclosure has been secured with bird netting to keep flying predators out as well as contain the chickens so they do not become a nuisance to our neighbors, their yards or traffic ways. The coop itself is at least 15 feet from the property line and about 75 feet from the closest neighboring house. We've moved the coop to the other side of the yard, using existing mulberry trees for some shade for the hens and to keep an appearance of a garden which is less visible to the neighboring properties. I would like the opportunity to renew the permit to allow us to have up to 6 laying chickens at any time. Hens only lay eggs regularly for a few years, so it would be important to have a revolving flock of about 6 layers at a time, keeping others either as young chickens that do not yet lay, or older chickens suitable only as a pet. I do not plan to ever have any roosters.

Our most important aspect is our children's education and down to earth teachings which help produce future responsible adults in our society. We strongly believe in teaching our kids about the importance of being "green" and raising a small flock supports this endeavor from just one point of life. The chickens eat a variety of scrap foods from everyday meal preparation that would normally be thrown out in the trash and take up space in a landfill. The numbers are quite staggering and have personally helped our family to stop about 700lbs of insect attracting refuse from going to the landfill yearly. They also eat a variety of garden insects including flies, ants, spiders, grubs and mosquitos. This cuts back on the amount of chemical pesticides needed to be applied to our lawn. They even love dandelions and other undesirable broadleaf grasses, cutting back on the amount of weed killer used. We all benefit from fewer chemicals in the water tables from insecticides and herbicides. After eating all of these undesirable things, they provide wholesome eggs for us to eat, much safer and without steroids and harmful agents used in commercial production. This too cuts back on the amount of egg cartons purchased at the grocery store only to be thrown into the trash and ultimately end up in the landfill. Since my husband's diabetes diagnosis and disability, having a fresh, quality, organic protein source has become imperative to his health.

Chicken waste is not a problem with a small flock as it has less smell than the common household dog waste. Their manure is very nitrogen rich and can be quickly raked up and into the compost pile. It quickly breaks down and becomes usable natural fertilizer for the garden.

Noise from the hens is not a bother either. Laying hens, at their loudest, have about the same decibel level as human conversation (65 decibels). The noise level of the average barking dog is 90 decibels.

The chickens are tended to at least three times a day. At about sunrise, they are let out of their coop and into their yard enclosure. They are fed at this time of day. Later in the afternoon, their eggs are collected and the pen checked for safety and cleanliness. At sunset they usually go into their coop on their own to "roost" for the night. I go out to lock the door and make sure it is secure.

As you can see this provides a rich learning tool as well as helping Olathe continue to promote green and healthy living.

I would like to re-apply for a permit good for ten years as we are making hen keeping a way of life for my family.

