



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>SU19-0003</u>: Renewal of a special use permit for keeping chickens on a lot less than three (3) acres
Location:	509 S. Willow Drive
Owner/Applicant:	Roy Wesley McCoy
Staff Contact:	Andrea Fair, Planning Intern

Site Area:	<u>0.54± acres</u>	Proposed Use:	<u>Keeping chickens on a lot less than three (3) acres</u>
-------------------	--------------------	----------------------	--

	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>Mid-America Nazarene University</u>	<u>R-3</u>	<u>Primary Greenway</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 509 S Willow Drive to keep 8 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 (SU14-0004) 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 increase the number of chickens kept from 6 to 8. The applicant is requesting 2 more chickens since the current chickens are over 2 years in age and their egg production has slowed down.

Chickens are kept as a fresh food source for health and humanitarian reasons, for hobby, and as an educational tool for applicant's grandchildren. Only hens are kept on the property.

The property contains a single-family home with the chicken coop placed in the rear yard, directly behind the house. 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 enclosed with a roof, a 6-foot privacy fence and is insulated during the winter months. Flaky pine mulch is used to reduce odor and provide bedding for an elevated nesting area. The coop is cleaned, and waste composted for trees on the property and a community garden located at 151st St. and Pflumm Rd.

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 additional 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. Per the applicant, the chickens have 3 different areas within the coop: an area to roam, an area to roost, and one to nest.

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 5-year time limit. Staff is supportive for reasons listed under staff analysis.

6. Staff Recommendation:

a. Staff recommends approval of SU19-0003, for the following reasons:

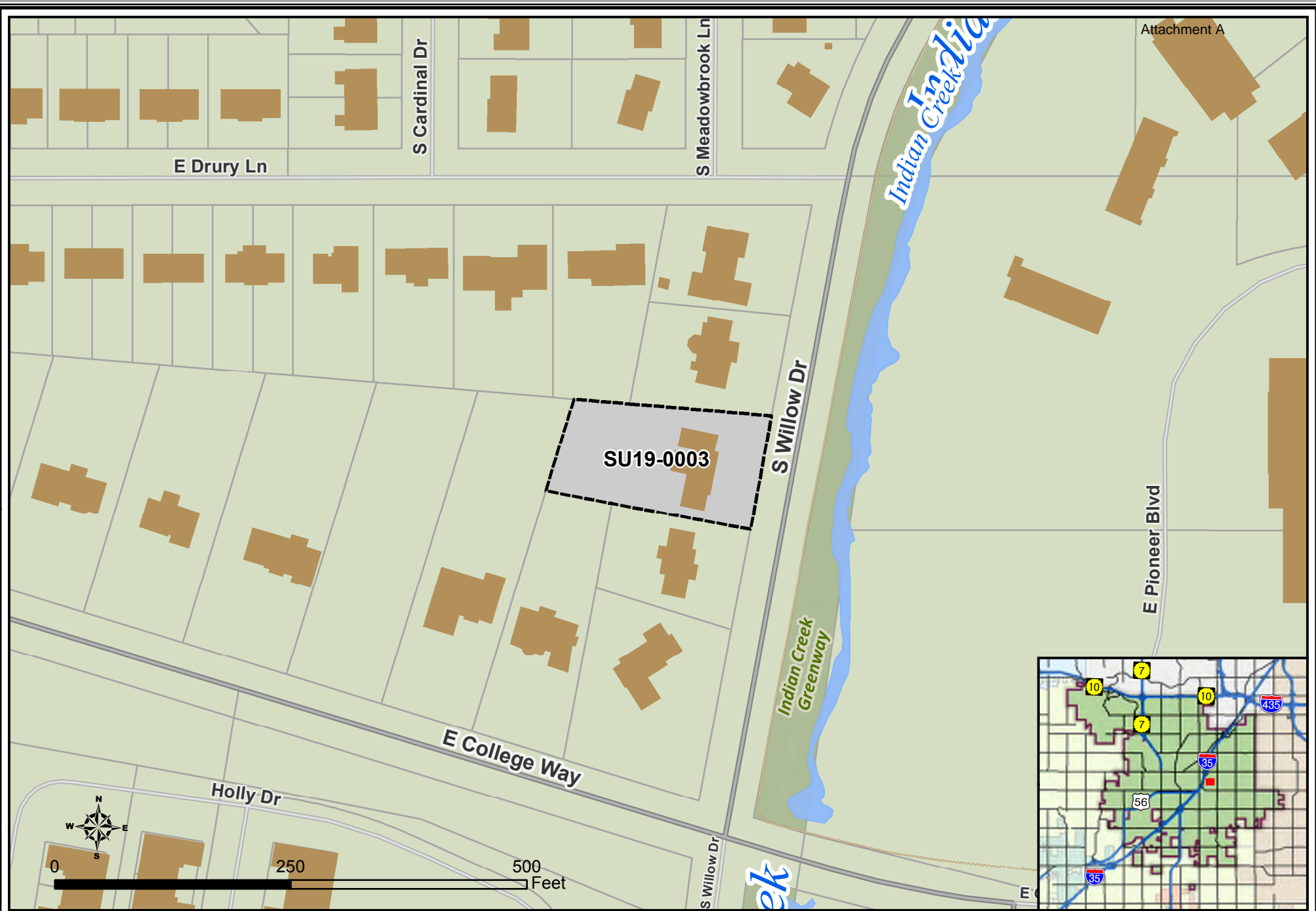
- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.

SU19-0003 (Staff Report)

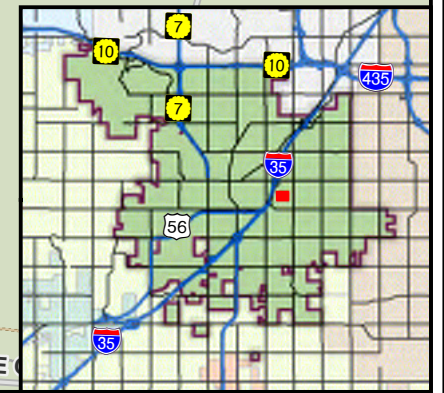
August 12, 2019

Page 4

- (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, SU14-0004.
- b. Staff recommends approval of SU19-0003 subject to the following stipulations:
 - (1) The Special Use Permit is valid for a period of 5 years following Governing Body approval, with an expiration date of September 3, 2024.
 - (2) The property shall be limited to a maximum of 8 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.



Attachment A



SPECIAL USE PERMIT RENEWAL

SU19-0003

May 31, 2019 Special Use Permit Renewal

From: Wes McCoy (rwesmccoy@sbcglobal.net)
To: DJFernandez@OLATHEKS.ORG
Cc: nmccoy1952@sbcglobal.net
Bcc: rwesmccoy@sbcglobal.net
Date: Monday, June 3, 2019, 10:22 AM CDT

May 31, 2019

Dan Fernandez, Olathe City Planner
Patti Kangethe,
[Development Service Coordinator]

Re: Renewal:
Special Use Permit # SU-14-004
Resolution 14-1067 for special Use
for chickens on less than 3 acres
Located at: 509 South Willow Drive
Olathe, Kansas 66062

Dear Mr Dan Fernandez &
Ms Patti Kangethe:

The intent of this information is to provide you the information regarding the chickens (hens) that we maintain at the above location under Special Use Permit # SU-14-004; that was issued in 2014 for five years.

We began having chickens (hens) for three primary reasons primarily: (1) helping our Grand Children know how to raise hens that provide food and show them where eggs came from; teach our Grand Children how to care for these animals in an Environmentally safe manner; (2) Hobby ; (3) Humanitarian purpose of giving free organic eggs to those in need (health reasons & economically low income Senior Widows & Grand Children of East Asian Immigrant/US citizen).

I built a safe chicken coop that allows the hens enough room to move around in a 60 sq. Ft. Coop. The coop is covered under a shed so no weather will affect them. Plastic insulation is installed in Winter and is removed in the Spring.

Flaky pine mulch is used inside for reducing any smells and it provides bedding for the elevated nesting area. The coop is cleaned and composted around trees for fertilizer on a regular basis and in a Community Garden @ 151st & Pflumn in Olathe. [Also, caring for animals teaches responsibility].

We have lived at current address for over (15) years. We have had the chickens for the past five years under this Special Use Permit. Our neighbors have never complained. In fact, most do not know we have chickens. We have a six foot tall privacy fence that totally encloses the fenced chicken coop.

We currently have six hens by Permit. The egg production is about 1-2 eggs per day. Production is down since hens are over two years old. We would ask if we can increase our number to "eight" hens to increase production. Due to health reasons, I need to have as much organic food as possible Also, I donate our extra organic eggs to a friend who has a heart condition.

Thank you for your consideration. Let me know if you need any additional information.

Respectfully submitted,



Roy Wesley "Wes" McCoy
Nancy L. McCoy, Wife
509 South Willow Drive
Olathe, KS 66062
(913) 269-1035 (c)
(913) 764-3268 (h)
email: rwesmccoy@sbcglobal.net

PS: We have three Grand Children ages 11, 10 & 6. The eleven year Old Grand Son has stayed with us most of his life.

Sent from my iPhone

