



City of Olathe  
Planning Division

## STAFF REPORT

Planning Commission Meeting: October 14, 2019

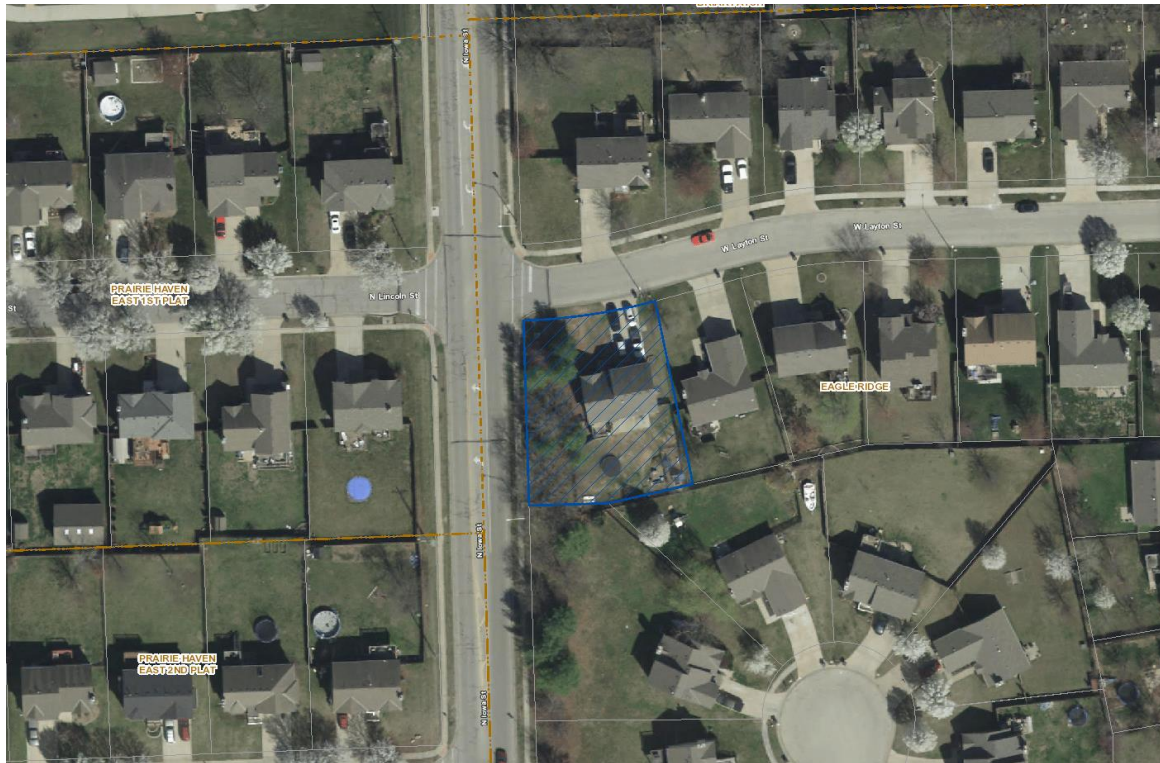
<b>Application:</b>	<b><u>SU19-0004</u>: Renewal of a special use permit for keeping chickens on a lot less than three (3) acres</b>
<b>Location:</b>	589 W Layton St.
<b>Owner/Applicant:</b>	Jennifer & John Sanjeen
<b>Staff Contact:</b>	Brenna Kiu, Planning Intern

<b>Site Area:</b>	<u>0.27± acres</u>	<b>Proposed Use:</b>	<u>Keeping chickens on a residential lot less than three (3) acres</u>
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	<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:

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.