



Planning Division

## STAFF REPORT

Planning Commission Meeting: June 29, 2020

<b>Application:</b>	<b><u>SU20-0002:</u> Special use permit for keeping chickens on a lot less than three (3) acres</b>
<b>Location:</b>	14548 W. 141 <sup>st</sup> Drive
<b>Owner/Applicant:</b>	David Schaffer
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner

<b>Site Area:</b>	<u>0.23± 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:

The following is a request for a Special Use Permit to allow the property at 14548 W. 141<sup>st</sup> Drive to keep four (4) laying hens on a lot less than three (3) acres and is the first special use permit request for this property. Per the Unified Development Ordinance (UDO) Section 18.50.030 a Special Use Permit is required to keep chickens on a residential lot less than 3 acres. The subject site is approximately 0.23 acres in size and located in the Wheatland Estates Subdivision.

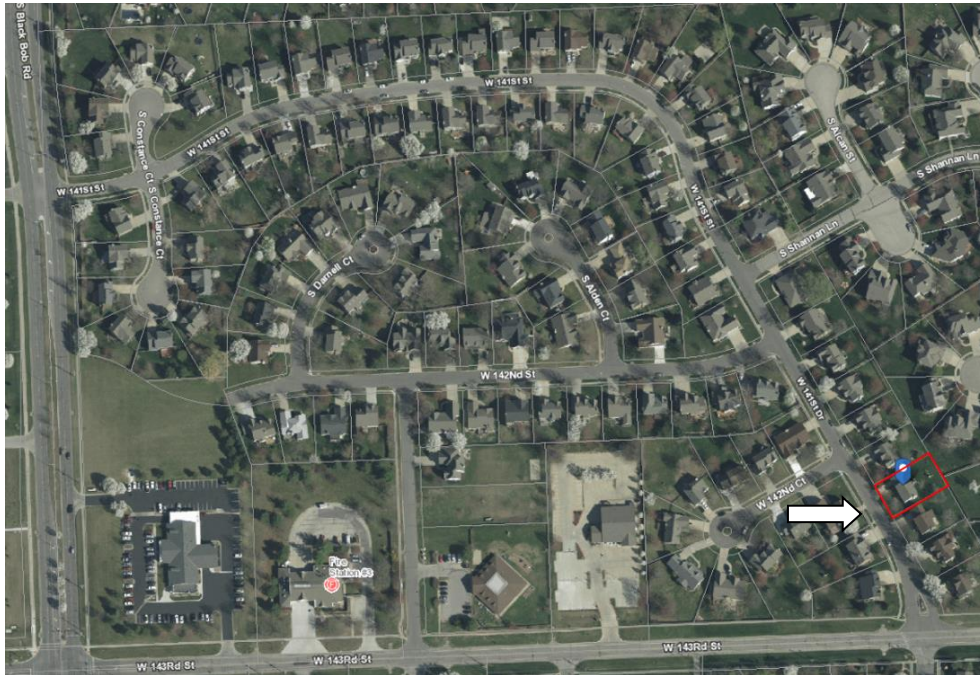
### 2. Details of Proposal:

The applicant is requesting to keep four laying hens at any one time. The chickens will be kept for egg collection and as a learning experience for the family and their children. Only hens will be kept on the property.

The property contains a single-family home and the chicken coop is proposed to be centrally located in 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 proposed 6' x 4' coop is proposed to be constructed of plywood and will include a 10' x 12' attached animal run, creating a fully enclosed space for the hens.

The backyard is enclosed with a 4' picket-style fence. Additional mature trees provide screening from the adjacent neighbors.



*Site Aerial*



*Street View*

### 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.

In addition, the applicant sent a neighborhood notice to all properties within 500 feet of the subject property in accordance with UDO requirements. The meeting was held on June 1, 2020, and five neighbors attended the meeting and asked questions pertaining to number of chickens and the location of the coop and chicken run. The neighbors who attended were supportive of the application and staff has not received any comments or concerns regarding the proposed special use.

### 4. Time Limit:

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the Governing Body may grant or extend a permit for any period as is warranted under the circumstances.

For this permit request, the applicant is requesting a 5-year time limit. Staff is supportive of the request and associated time period for reasons listed under the comprehensive plan analysis.

### 5. Comprehensive Plan Analysis

The following are criteria for considering special use applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090.G* and staff findings for each item:

#### **A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.**

The Comprehensive Plan promotes sustainable and environmentally conscious practices to encourage the responsible use of land in Olathe.

#### **B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).**

The proposed use is located within a single-family neighborhood and is surrounded by single-family homes within lots of a similar size. A significant number of lots within the neighborhood contain accessory structures commonly associated with single-family residential uses.

#### **C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.**

The surrounding properties are zoned R-1 (Residential Single-Family). The proposed use for the keeping of animals is not uncommon on single family properties.

#### **D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.**

The property is suitable for the permitted uses which it has been restricted within the R-1 District; however, a special use permit is required to further evaluate the compatibility of

the nature of this particular use to ensure consistency and compliance with the City Code given the existing conditions in the surrounding area.

***E. The length of time the property has been vacant as zoned.***

The subject property is not currently vacant and was zoned R-1 Residential Single-Family in 1988 (RZ-17-88). The existing home was built in 1991.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed special use permit should have no detrimental effect on nearby residential properties. The R-1 District promotes uses and activities that commonly occur on residential properties.

***G. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The proposed use will have no impact on the road network or parking available on the property.

***H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The rezoning of the subject property for the proposed use is not anticipated to generate any environmental harm or pollution concerns. The keeping of animals is also subject to the provisions of Title 8 of the Olathe Municipal Code which outlines of proper treatment of animals, encourages responsible ownership and the responsibility of the property owner to eliminate possible health hazards that could be created by animals that have not received adequate care.

***I. The economic impact of the proposed use on the community.***

There is no anticipated economic impact on the community.

***J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposed use does not negatively impact public health, safety, or welfare as presented. If the use were denied, the applicant would not be able to keep chickens on the property.

**6. Staff Recommendation:**

Staff recommends approval of SU20-0002 subject to the following stipulations:

- (1) The Special Use Permit is valid for a period of 5 years, effective from 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 purposes.