



Planning Division

STAFF REPORT

Planning Commission Meeting: June 29, 2020

Application:	<u>SU20-0003:</u> Special use permit for keeping chickens on a lot less than three (3) acres
Location:	1282 E. Sheridan Bridge Lane
Owner/Applicant:	Eyasu and Emnet Lemma
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Site Area:	<u>0.26± 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:

The following is a request for a special use permit to allow the property at 1282 E. Sheridan Bridge Lane to keep four (4) laying chickens on a lot less than 3 acres and is the first special use permit request on this property. A special use permit is required to keep chickens on a residential lot less than 3 acres and this lot is approximately 0.26 acres in size.

2. Details of Proposal:

The applicant is requesting to initially keep two laying hens and anticipates the number of hens to increase to four or six. The chickens will be kept for egg collection and as a learning experience for their children. No roosters will be kept on the property.

The property contains a single-family home and the chicken coop and outdoor run is proposed to be centrally located in the rear of the 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 coop is 24 sq.ft. and will also have an attached 48 sq.ft. outdoor wire fenced chicken run.

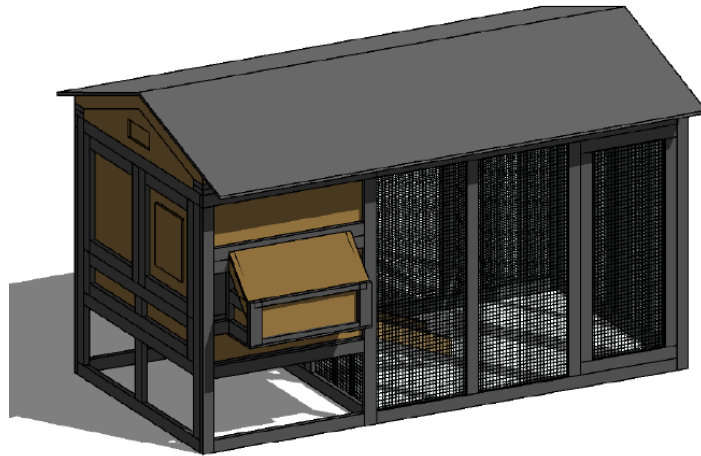
The backyard is enclosed with a 4' picket-style fence. A landscaped berm is located in the rear of the yard, screening the property from S. Ridgeview Road. The coop will be located north of an existing garden shed in the rear yard, serving to partially screen the coop from the adjacent property to the south.



Site Aerial



Street View



Drawing of proposed coop

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.

Per the requirements of the Unified Development Ordinance (UDO), the applicant also notified all property owners within five hundred (500) feet of this property via regular mail to invite them to a neighborhood meeting regarding the project. The meeting was held on May 29th and three neighbors attended. Discussion included neighbors' concerns regarding noise pollution, odors, rodents, property values, predators, and disease. The applicant informed the neighbors of the continued upkeep they intend to perform with the coop and chicken run and the measures they will take to ensure there are no odors or other nuisances created. The applicants stated that the chickens will only be allowed out of the animal run when they are home from work and able to watch the chickens. The applicants also stated that chicken feed will be kept in rodent-proof bins and that absorbent bedding materials will be used and changed frequently to keep odors low. Regarding concerns of disease, the chickens will be monitored daily and if there are signs of illness, they will contact a veterinarian or research the problem.

Staff has received phone calls and written correspondence, attached to this staff report, regarding the application. Resident concerns include, but are not limited to:

1. Current health concerns that may be exacerbated by the living in close proximity to the chickens,
2. Diseases that the chickens may carry,
3. Nuisance concerns such as noise and smell,
4. Ability to attract predators to the neighborhood.

Staff has had numerous discussions with residents in response to their concerns with this application, and have informed the applicant. To help mitigate concerns and collaborate with all parties, staff discussed a shorter special use permit duration and reducing the number of chickens. Staff also advised both the residents and applicant that if the special use permit is approved there is a process in place to review and consider rescinding if necessary due to any code violations. In addition to the terms of the special use permit,

residents are also protected by Municipal Code Title 6.18 pertaining the Noise Control and Title 8 pertaining to Animals. We have also provided the contact information to Olathe Animal Control and Community Enhancement departments.

4. 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. Due to the concerns of neighboring property owners, staff recommends the special use permit be granted for a period of two (2) years to allow the permit to be revisited by staff to ensure no code issues arise and concerns of nearby residents are addressed. After this time period, as with all special use permits, the applicant may submit for a renewal.

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 1987 (RZ-20-87). The existing home was building in 1992.

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 proposed use of the subject property for the keeping of animals is not anticipated to generate any environmental harm or pollution concerns as proposed by the applicant. The keeping on 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 SU20-0003 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 purposes.