



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 9/17/2019

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**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Andrea Fair, Planning Intern

**SUBJECT:** SU19-0003: Renewal for a permit for keeping chickens on a residential lot less than 3 acres. Applicant: Roy 'Wes' McCoy and Nancy McCoy

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**ITEM DESCRIPTION:**

Consideration of Resolution 19-1059, SU19-0003, for approval of special use permit renewal (SU19-0003) for keeping chickens on a residential lot less than three (3) acres, 0.54± acres; located at 509 S. Willow Drive. Planning Commission recommends approval 6 to 0.

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**SUMMARY:**

This is a request for renewal of an existing Special Use Permit to allow the property at 509 S. Willow Drive to keep 8 chickens on a lot less than 3 acres in size. Per the Unified Development Ordinance (UDO) Section 18.50.030.B, a Special Use Permit is required to keep chickens on a residential lot less than 3 acres. The existing Special Use Permit was approved in 2014 (SU14-0004) for 6 chickens and this is the first renewal of this special use request.

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 in the rear yard. The coop is more than 6 feet from all property boundaries and 40 feet from the nearest neighboring dwelling unit, in compliance with requirements under (UDO) Section 18.30.270.D. The chickens have a 60 sq. ft. coop that 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. The City has not received any complaints regarding the keeping of these animals on the property during the duration of the initial permit.

The applicant sent certified letters to neighbors within 200 feet of the property and posted a sign per UDO requirements. No correspondence for or against the special use permit renewal was received.

The Planning Commission conducted a public hearing on August 12, 2019. No one spoke for or against the proposal. The Planning Commission recommended approval, with a 6-0 vote, of SU19-0003 for a 10-year time limit with stipulations as stated in the Planning Commission minutes.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Adopt Resolution No. 19-1059 to approve a Special Use Permit for keeping chickens on a

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residential lot less than 3 acres as stipulated by the Planning Commission.

2. Deny Resolution No. 19-1059 (5 positive votes required) for a Special Use Permit for keeping chickens on a residential lot less than 3 acres as stipulated by the Planning Commission.
3. Return the Special Use Permit application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or deny.

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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Resolution No. 19-1059