**STAFF REPORT**
Planning Commission Meeting: July 13, 2020

<table>
<thead>
<tr>
<th>Application:</th>
<th>SU20-0004: Special use permit for keeping chickens on a lot less than three (3) acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>1010 S. Lennox Drive</td>
</tr>
<tr>
<td>Owner/Applicant:</td>
<td>Randy &amp; Tammy Leckliter</td>
</tr>
<tr>
<td>Staff Contact:</td>
<td>Brenna Kiu, Planning Assistant</td>
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</tbody>
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<thead>
<tr>
<th>Site Area:</th>
<th>0.56+ acres</th>
<th>Proposed Use:</th>
<th>Keeping chickens on a residential lot less than three (3) acres</th>
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<tr>
<th>Land Use</th>
<th>Zoning</th>
<th>Comprehensive Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Single-family home</td>
<td>R-1</td>
</tr>
<tr>
<td>North</td>
<td>Single-family home</td>
<td>R-1</td>
</tr>
<tr>
<td>East</td>
<td>Single-family home</td>
<td>R-1</td>
</tr>
<tr>
<td>South</td>
<td>Single-family home</td>
<td>R-1</td>
</tr>
<tr>
<td>West</td>
<td>Single-family home</td>
<td>R-1</td>
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1. **Comments:**

The following is a request for a special use permit to allow the property at 1010 S. Lennox Drive 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 0.56 acres in size.

2. **Details of Proposal:**

The applicant is requesting to keep four laying hens. The chickens will be kept for egg collection and as a learning experience for their grandchildren. No roosters will be kept on the property.

The property contains a single-family home on a large lot, 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 16 sq.ft. and will also have an attached 24 sq.ft.
outdoor chicken run. The backyard is enclosed with a six foot privacy fence where the chickens will occasionally be allowed to roam under supervision from the applicant.

3. Public Notification

Per the requirements of the Unified Development Ordinance (UDO), the applicant notified all property owners of the public hearing date within two hundred (200) feet of this property.

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 mail to invite them to a neighborhood meeting regarding the project. A neighborhood meeting was held and seventeen neighbors attended. Discussion included if a rooster would be present and
noise. All questions were addressed by the applicant and several neighbors expressed interest in having chickens of their own. Staff has not received any phone calls or written correspondence from the neighbors.

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. Staff is supportive of this request as there are no current code violations at this property and there has not been any concern from neighbors.

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.

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 1970 (Ord. No 70-346C). The existing home was building in 1971.

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:

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.

b. Staff recommends approval of SU20-0004 subject to the following stipulations:

   1) The special use permit is valid for a period of five (5) 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.