



# City of Olathe

## Legislation Details (With Text)

**File #:** G19-581

**Type:** Council Consent **Status:** Passed

**File created:** 2/7/2019 **In control:** City Council

**On agenda:** 2/19/2019 **Final action:** 2/19/2019

**Title:** Consideration of Resolution No. 19-1019, SU18-0008, request approval for a special use permit to allow for more than four (4) animals on a residential lot less than three (3) acres; located at 813 E. Wabash Street. Planning Commission recommends approval 5-1.

**Sponsors:** Aimee Nassif, Daniel Fernandez

**Indexes:**

**Code sections:**

**Attachments:** 1. A Planning Commission Packet, 2. B Planning Commission Minutes, 3. C Resolution No. 19-1019

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council	approved	

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Dan Fernandez, Planner II

**SUBJECT:** SU18-0008: Permit for more than 4 animals in a R-1 zoning district Applicant: David and Cynthia Czernik

### ITEM DESCRIPTION:

Consideration of Resolution No. 19-1019, SU18-0008, request approval for a special use permit to allow for more than four (4) animals on a residential lot less than three (3) acres; located at 813 E. Wabash Street. Planning Commission recommends approval 5-1

### SUMMARY:

This is a request for a renewal of a Special Use Permit to allow the property at 813 E. Wabash Street to have more than 4 animals on the property. Per *Section 18.50.030* of the *Unified Development Ordinance (UDO)*, up to 4 domestic pets may be kept on properties less than 3 acres subject to *Title 8 (Animals)* of the *Municipal Code*. A Special Use Permit is required to have more than 4 domestic animals per property.

The applicants initially requested to keep 10 dogs, however, due to some of the foster dogs having health issues, the request was changed to 9 which staff supported.

The applicants have volunteered over 1000 hours each at local and national animal rescue agencies per the submitted statement of purpose and have completed training programs through agencies such as the American Society for the Prevention of Cruelty to Animals. The property currently has a 4-foot high chain-link fence around the rear yard, but the applicants have agreed to build a 6-foot high privacy fence by April 1, 2019 as part of this permit request. This requirement has been stipulated in the resolution for the special use permit.

The Planning Commission conducted a public hearing on January 28, 2019. No residents spoke for or against the proposal. Officer James Brackett with Animal Control did address the Commission and stated that on 2 unannounced visits to the property, that both the dogs and the property were well maintained. During the discussion, the applicants stated that the goal is to reduce the number of

dogs to 6 or fewer and not keep all 9. Because of this, the applicants were agreeable to a 2-year time limit to update the Commission and City Council on the number of dogs and if there were any violations with the special use permit or Municipal Code. The Planning Commission recommended approval, with a 5-1 vote, of SU18-0008 for a 2-year time limit with stipulations for 9 dogs as stated in the Planning Commission minutes. A Commission member voted against recommending approval over concerns about the number of dogs being requested.

Other Commission members stated that the goal of reducing the number of dogs, the applicants' volunteer hours and the testimony of Officer Brackett were factors in recommending approval of the request.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Adopt Resolution No. 19-1019 to approve a Special Use Permit to permit more than 4 animals in a R-1 zoning district as stipulated by the Planning Commission.
2. Deny Resolution No. 19-1019 (5 positive votes required) for a Special Use Permit to permit more than 4 animals in a R-1 zoning district 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. 19-1019