



Urban Planning and Land Use

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To: City Planning Commission
From: City Staff
Date: December 11, 2017
Re: **Petition #SP-2017-58**

GENERAL INFORMATION

Applicant:
Eric Bishop

Status of Applicant:
3552 North 47th Street
Kansas City, Kansas

Requested Action:
Special Use Permit for a maximum of
12 goats

Date of Application:
September 11, 2017

Purpose:
To have a maximum of 12 goats on
The property

Property Location:
3552 North 47th Street

Existing Zoning:
R-1 (B) Single-Family District



Existing Surrounding Zoning: **North:** R-1 (B) Single Family District
South: R-1 (B) Single Family District
East: R-1 (B) Single Family District
West: R-1 (B) Single Family District

Existing Uses: **North:** Residential homes
South: Residential homes
East: Residential homes
West: Residential homes

Total Tract Size: 1.924293 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Rural-Density Residential.

Advertisement: The Wyandotte Echo – October 19, 2017
Letters to Property Owner - October 17, 2017, November 21, 2017
and December 4, 2017

Public Hearings: November 13, 2017, November 30, 2017 and December 11, 2017

Public Opposition: No one appeared in opposition at the November 13, 2017 City Planning Commission or November 30, 2017 Board of Commissioners meetings. However, staff has received two (2) complaints from property owners within 200 feet because of the Shetland pony, Llama, donkey, roosters, 20 goats, dogs, cats, etc.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the neighborhood is residential in nature.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning of the area is completely residential (R-1 Single Family District). Staff does not consider these farm animals (goats) to be compatible with this type of neighborhood.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Staff believes the keeping of twelve goats would detrimentally affect nearby property. These effects include bleating (vocalization of goats), possibly climbing and butting their way through a neighbor's fence, and odor of goats.

4. *The length of time the property has remained vacant as zoned.*

The property is currently the home of the applicant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This application is not foreseen to create any issue with these points.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The addition of goats to this property would only be a convenience to the applicant. The marketability of adjoining property once the animals are added is debatable, but you could make a strong argument that the bleating and possible smell may not help.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise, vibration, dust, or illumination will not create problems for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will likely not pollute the air. A foreseen issue is surface water runoff polluted with animal waste due to overgrazed and trampled land, which can cause public health issues downstream. Additionally, if the goat waste is not disposed of in a timely manner, neighbors will be negatively affected by the odor.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

Staff does not believe that this will be an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

Per the Conversation District comments, this project may negatively impact public health due to the soil and waste running into the drainageway, which can contaminate the drainageway, if animal waste is not properly disposed of. There are parts of the land that are overgrazed, which creates excessive surface water runoff polluted with animal waste. If this application is denied, the applicant will not be able to have livestock on their property.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use of 12 goats is likely too much for this tract.

PREVIOUS ACTIONS

The Board of Commissioners referred this application back to the City Planning Commission for rehearing due to the additional information that was discovered by staff after the November meeting.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required but is highly recommended.

KEY ISSUES

Increased surface water runoff
Animal waste
Acreage of grazing land

PREVIOUS PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2017-58, subject to:

Urban Planning and Land Use Comments:

1. How often will goat waste be disposed of and in what way?

Applicant Response: Goats waste will be used to fertilize other areas of the yard and the garden. It will be taken care of at very least bi weekly.

2. What is the goats' diet?

Applicant Response: They will eat a mixture of show goat pellets, cracked corn and hay.

3. Do you plan to have a fence for the twelve (12) goats that meets the R-1 Family District regulations?

Applicant Response: Yes

4. Do you plan to put in a rotational grazing plan to keep a sustainable pasture, per the Conservation District comments?

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

5. What is the square footage of the fenced area where the goats will graze?

Applicant Response: The pen is 78 ft. by 84 ft. for a total of 6552 SF. We plan to expand the existing fence to make the pen even bigger.

6. How often will you clean up the goats' waste?

Applicant Response: No more than bi-weekly and weekly if weather permits.

7. Where on the property will the twelve goats be held?

Applicant Response: The property is almost 2 acres and is in a long narrow rectangular shape. The goats will be kept entirely in the back two-thirds where there is significant stands of trees/brush on three sides to serve as a buffer between the neighbors and the goats.

8. How many structures are on your property? What are the dimensions of each structure?

Applicant Response: 1 House, 1 storage shed, 1 grain shed, 2 animal sheds. Each animal shed is approximately 10x12.

9. How will you ensure pastures are rotated so that there can be regrowth of grass, per Conservation District comments.

Applicant Response: The animals will be kept in a large pen, grain fed and not allowed to graze.

Public Works:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

- B) Items that are conditions of approval (stipulations):

1) None

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Conservation District Comments:

There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover. There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.

There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees. A waste management plan still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.

There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Staff Conclusion:

Staff recommends approval subject to:

1. Approval would be for two (2) years
2. Property owners maintain daily disposal of goats' waste
3. The goats' diet remain as stated in applicant's response— pellets, cracked corn and hay—to ensure that the grass is not overgrazed
4. Animal Control Permit issued for twelve (12) goats

STAFF COMMENTS AND SUGGESTIONS

The staff has changed its recommendation since the Planning Commission meeting. At the meeting the applicant (owner of the property and landlord) was questioned about the complaints received by the staff:

“Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding cats even if they are wild technically they belong to him. Mr. Bishop stated that **there has been**; they are transient – keeping for friends.”

An inspection by the Zoning Enforcement Officers and Animal Control Officer was conducted on Friday, November 17, 2017 and this is the report:

“The site inspection for this SUP application revealed: 20 Goats, 5 Ducks, 3 Chickens, 3 Roosters, 1 Dog, and 1 Llama. And 5 Accessory Structures related to the animals. Historical Aerial Photographs show 2 Accessory structures as of 1985, the westernmost structure collapsed within this year, the middle structure is dilapidated and missing half of the roof.

The detached carport was added sometime prior to 1995 and is being used to store hay. The main animal pen includes three buildings for sheltering animals and storing feed and supplies.

They are constructed of mismatched and non-conforming materials for a residential district, e.g. galvanized metal roof panels.

The tenant, a Mrs. Deborah Elder, stated that the Roosters, 3 of the goats, and the dog all belong to the neighbor to the north and frequently run loose onto her property. She stated that the Donkey and Miniature Horse had been rehomed after they had been told at the Planning Commission Meeting that they could not be kept on the property. She stated that the Llama has been listed on Craigslist in an attempt to rehome him. **A search of Craigslist for “Llama” on 11-17-17 showed NO listing for a Llama in Kansas City.**

Animal Services issued 4 Citations with a court appearance date of January 4, 2018. Planning and Zoning will issue Notice of Violation Letters for the Structures and the non-conforming use.”

Animal Control Report: A citation was issued for the llama by Officer Edwards. She was advised to get documentation when she rehomes the illegal animals, she was also advised that she should take that information to court with her so the judge can review the rehoming information.

Staff recommends denial of this application.

STAFF RECOMMENDATION

Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **#SP-2017-58** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

November 13, 2017 City Planning Commission Minutes
Zoning Map
Aerial Map
Site Pictures
Conservation District Comments
Neighborhood meeting information

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Commission</u>
Public Hearing	November 13, 2017	November 30, 2017
Special Use	Approval December 11, 2017	Referred Back

STAFF CONTACT: **Joshua Robinson**
 jrobinson@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Planning Commission recommend **DENIAL** of Petition **#SP-2017-58** to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Kansas City, Kansas City Planning Commission recommend **APPROVAL** of Petition **#SP-2017-58** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

NOVEMBER 13, 2017 CITY PLANNING COMMISSION MINUTES:

Hearing Starts 4:52:55:

SPECIAL USE PERMIT APPLICATION #SP-2017-58 – ERIC BISHOP – SYNOPSIS:
Special Use Permit for a maximum of 12 goats at 3552 North 47th Street. Detailed Outline of Requested Action: The applicant, Eric Bishop, wants to obtain a special use permit to have a maximum of 12 goats on his property

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 2017;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated October 19, 2017; and
7. The Notices to property owners dated October 17, 2017.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Mr. Eric Bishop, applicant, 1437 South 79th Street, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts at 4:57:50: Director Richardson stated that the staff received two phone calls from neighbors that there was a Shetland pony, donkey, llama, etc. on the site. If the applicant is feeding cats even if they are wild technically they belong to him. Mr. Bishop stated that there has been; they are transient – keeping for friends. Director Richardson stated that is not allowed under this special use permit. He stated that the applicant will need to reduce the number of cats on the site and the transient animals and livestock are not allowed on the property. The staff recommends approval subject to the stipulations.

Motion and Vote Starts at 4:59:40:

On motion by Dr. Serda seconded by Ms. Rank, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit #SP-2017-58:**

Carson	Not Present
Childress	Aye
Connelly	Aye
Ernst	Aye
Gonzalez	Aye
Huey	Chairman
Jones	Not Present
Mose	Not Present
Pauley	Not Present
Rank	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

Urban Planning and Land Use Comments:

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A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Conservation District Comments:

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There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees. A waste management plan still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

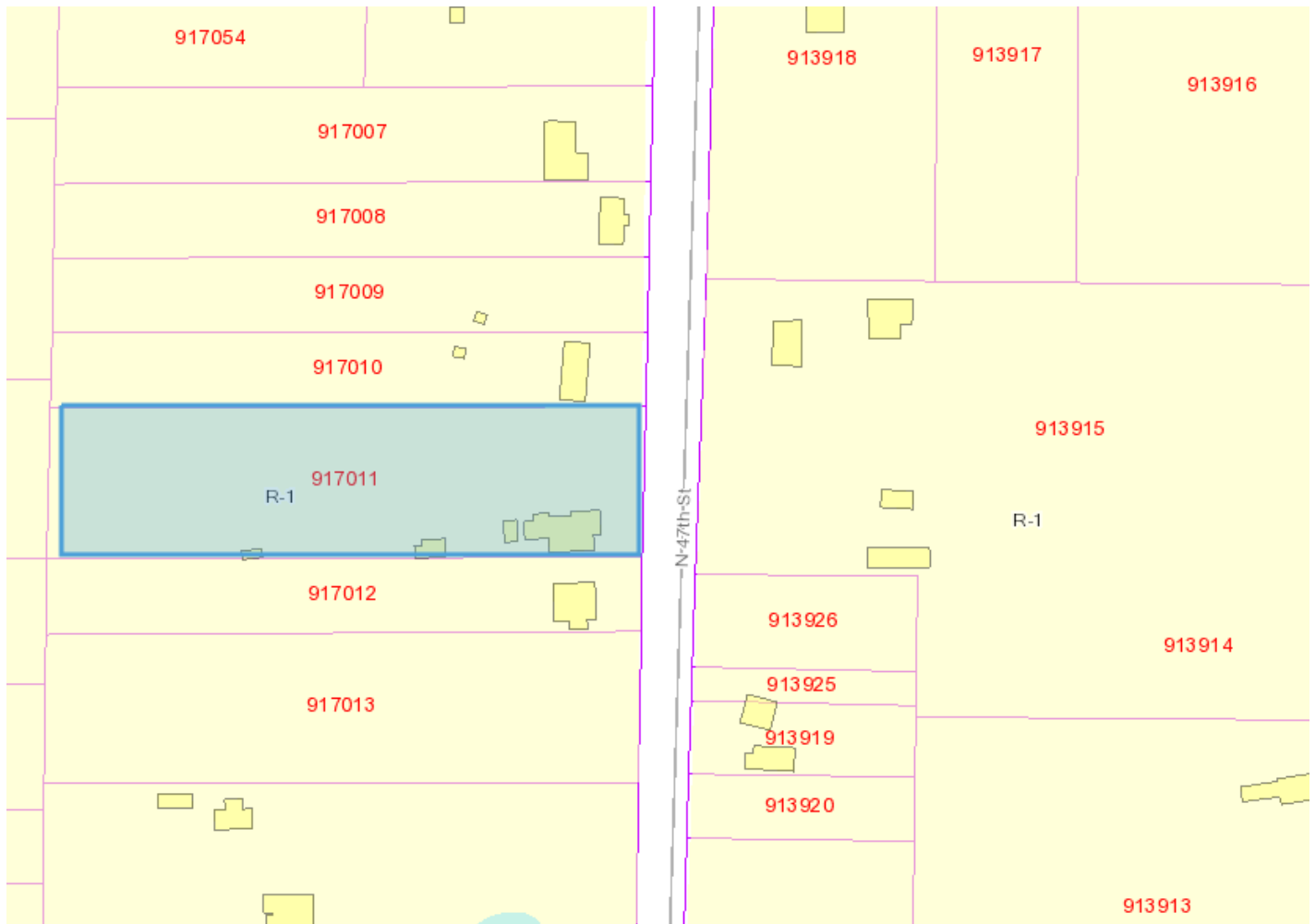
A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.

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4. Animal Control Permit issued for twelve (12) goats







Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

October 17, 2017

RE: SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2017-58 Eric Bishop 12 goats 3552 North 47th Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil type identified: Ladoga silt loam 3 to 8 percent slopes and Knox silt loam 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There are parts of the area that are overgrazed. This creates an erosion problem that can cause problems downstream. Pastures need to be rotated so that there can be regrowth of grass.
- There is a filter strip between the goat pasture and the drainage way downstream. The grassed and vegetated area will help trap some of the soil and waste from getting into the drainage way. The filter strip will need to be maintained in order to function properly i.e. removal of any trees.
- A waste management plan, still needs to be put in place. This will assist in preventing contamination into the drainage way due to the slope of the

pasture. Kids playing in the drainage way could be potentially exposed to animal waste and other contamination.

- A rotational grazing plan is needed to keep a sustainable pasture. This would include: Winter and sacrifice lots which will likely be damaged due to heavy goat traffic. In the spring these areas need to be reseeded and left to regrow before animals are put back on the reseeded areas.
- There are too many trees for the best pasture. Removal of trees would assist in increasing good grass established for feed. At least .15 acres of good grass is needed per goat.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

Enclosures











Application Number SP-2017-58 - 3552 North 47th Street
Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

Meeting called to order at: 6:30 p.m.

Names of people in attendance: See attached sign-in sheet

Introductions:

- Eric Bishop, Permit Petitioner, Property owner
- Russell Vaca, current property resident

Presentation:

- Current site layout
- Future site layout of pens
- Numbers and types of livestock to be kept
- Animal care plan (feed, water, shelter, fencing)

Questions and answers (include the following):

- No questions or concerns were voiced.

Meeting adjourned at: 7:00 p.m.

Minutes taken by: Eric Bishop

Sign In Sheet

Application Number SP-2017-58 - 3552 North 47th Street

Date and Location: October 27, 2017 at 6:30 p.m. at 3552 N 47th St,
Kansas City, KS 66104

1. Bob Stroud
2. Howell D. Voss
3. Robert D. Ellis
4. ERIC BISHOP
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35. _____

Date: October 16, 2017

Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP-2017-58 - 3552 North 47th Street. The purpose of this special use permit is for the right to keep and raise livestock at the following address: 3552 N 47th St, Kansas City, KS 66104.

I/We am having a neighborhood meeting on October 27, 2017 at 6:30 p.m. at the following address 3552 N 47th St, Kansas City, KS 66104.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,



Eric Bishop
1437 S. 79th St.
Kansas City, KS 66111
913-890-3616
bishopprop@gmail.com