



PLANNING COMMISSION REPORT

SPECIAL USE PERMIT CASE NO.: SU-13-001

REPORT DATE: April 29, 2013

CASE NAME: Carman Chicken Special Use Permit

PLANNING COMM. DATE: May 15, 2013

ADDRESS OF SPECIAL USE PERMIT REQUEST: 11945 W. 13th Ave. Lakewood, CO 80401

APPLICANT: Scott Carman, 11945 W. 13th Ave, Lakewood, CO 80401

REQUEST:

The applicant is requesting a Special Use Permit (SUP) to allow the keeping of up to four hens as an accessory use for a single family residence within the R-2 – Two-Family and Small Lot Residential zone district.

CITY STAFF:

Evelyn Baker, Planning – Development Assistance

STAFF RECOMMENDATION:

That the Planning Commission approve Special Use Permit Case No. SU-13-001 to allow the keeping of up to four hens as an accessory use for the single family residence located at 11945 W. 13th Ave, Lakewood CO 80401

Evelyn Baker, Manager
Planning - Development Assistance

ATTACHMENT TO THE REPORT:

Attachment A –Application Material

I. SUMMARY OF REQUEST

The applicant is requesting approval of a Special Use Permit to allow the keeping of up to four female chickens as an accessory use for the single family residence located at 11945 W. 13th Ave, Lakewood CO 80401.

II. PROCESS – REQUIRED CITY APPROVALS

In December 2012, the Lakewood City Council adopted a new Zoning Ordinance that included new provisions for limited urban agriculture uses in single- and two-family residential neighborhoods. While the keeping of up to four female chickens is permitted as a limited accessory use in all Single-Family Residential zone districts, a Special Use Permit is required for this accessory use in the Two-Family and Small Lot Residential zone district.

The purpose of the Special Use Permit is to allow for neighborhood involvement in the review of proposals to introduce limited urban agricultural uses into residential neighborhoods that typically have a pattern of smaller lot sizes than other single-family residentially zoned neighborhoods. At least one neighborhood meeting is required prior to the submittal of a formal Special Use Permit application.

If the Planning Commission approves this Special Use Permit, the applicant may submit an application for a Small Animal Permit, which is an over the counter permit.

III. ZONING AND LAND USE

The subject property located within the Daniels Garden single-family neighborhood in the north-west area of Lakewood (see Figure 1). It is zoned R-2 - Two-Family and Small Lot Residential (see Figure 2, next page.) All adjacent properties are also zoned R-2.

Within the R-2 zone district, the minimum lot size for new single family lots is 5,000 square feet. The size of the subject property is 9,686 square feet, well above the minimum lot size for not only the R-2 zone district, but also above that required for the R-1-6 and R-1-9 zone districts, where the keeping of small animals including up to four hens is permitted without a Special Use Permit.



Figure 1 - 11495 W. 13th Ave.

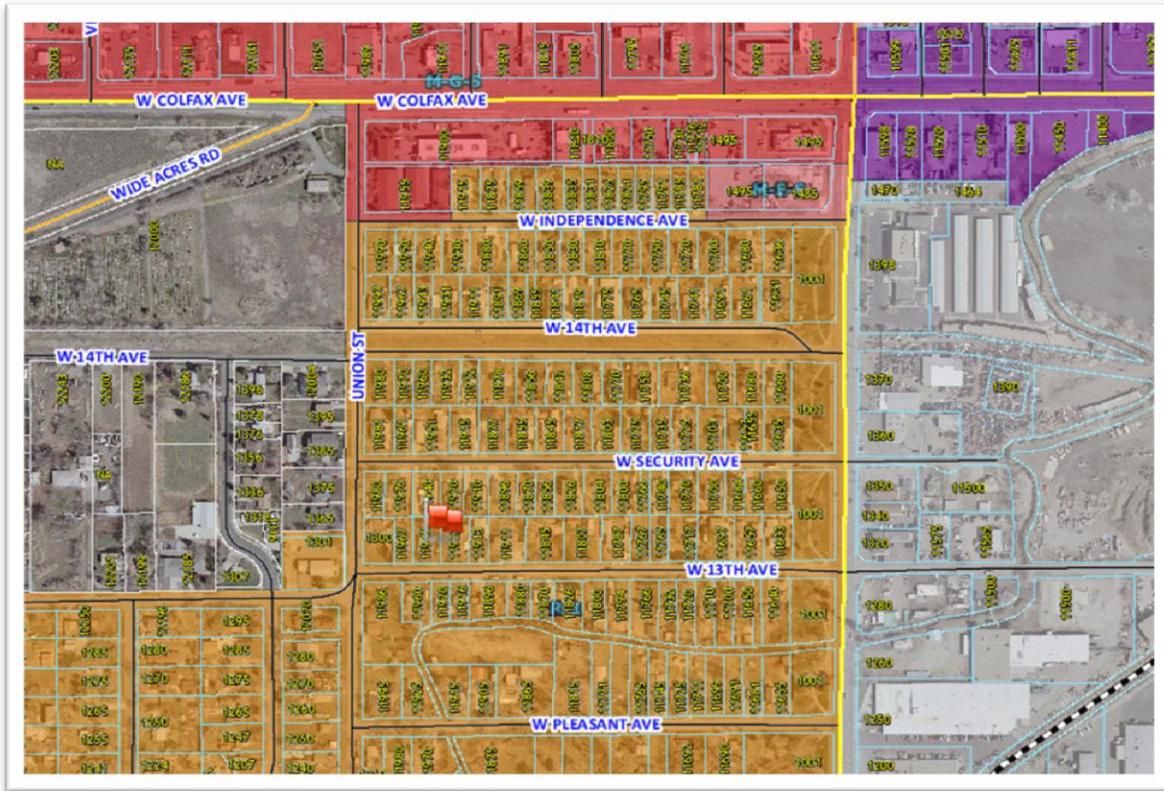


Figure 2 - Location/Zoning Map

IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

The required neighborhood meeting for this request was held on April 22, 2013. Notices for both the neighborhood meeting and the Planning Commission public hearing were mailed to 53 tenants and owners of property within 300 feet and to one registered neighborhood organization within 1,000 feet of the subject property. All other noticing requirements were met. No additional referrals were sent to any outside agencies for this request, based on the limited scope of the project.

In response to these notices staff received telephone inquiries/comments from seven neighborhood stakeholders. Four neighborhood stakeholders called to express their support for the proposal. During a site visit, staff spoke with a neighbor who expressed strong support for the proposal as well. Two neighborhood stakeholders called to get additional information about the location of the property and about the City's nuisance regulations related to the upkeep of animals. After all questions were answered, these two callers indicated that they had no concerns.

At the April 22nd neighborhood meeting, four members of the public were in attendance, including two neighbors in the immediate area, and two residents from outside the neighborhood. All meeting attendees expressed support for the proposal.

V. PROJECT ANALYSIS

Section 17.2.3.2 of the Lakewood Zoning Ordinance outlines the criteria required to be met in order to approve a Special Use Permit. These requirements are described below.

A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance

Section 17.4.3.E.2.a of the Lakewood Zoning Ordinance outlines the supplemental use standards for hens, where permitted as a Special Use. Following is a summary of the proposal’s conformance with these standards.

Supplemental Standard	Comments
1. A permit for the keeping of hens and ducks must be obtained from the City.	The applicant will obtain a permit if SUP is approved.
2. A maximum of four females shall be allowed on a single property. Males shall be prohibited.	No male chickens are proposed.
3. A predator-resistant enclosure must be provided. The enclosure shall have a minimum of 6 square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 32 square feet and shall not exceed 10 feet in height.	The applicant has constructed a predator-resistant enclosure that meets all requirements. yard.
4. Hens and ducks shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.	See above.
5. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1.	The enclosed area is located in the rear.
6. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.	Noted.

B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance.

There are no dimensional or development standards set forth in Article 5 that apply to this proposed special use.

C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance;

There are no design standards set forth in Article 6 that apply to this proposed special use.

D. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

The proposed special use is not expected to impair the appropriate use or development of adjacent property, as all supplemental standards intended to protect public health, safety and welfare have been or will be met.

VI. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood and the staff report, staff supports the Special Use Permit request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

- a. Scott Carman is the applicant requesting a Special Use Permit to allow the keeping of up to four chickens within the R-2 – Small Lot and Two Family Residential zone district; and
- b. The property located at 11945 W. 13th Ave. is within the R-2 zone district; and
- c. Per Article 4 of the City of Lakewood Zoning Ordinance, the proposed keeping of up to four chickens is permitted with a Special Use Permit in the R-2 zone district; and
- d. Notice of the Neighborhood Meeting was sent to residents and owners of properties within 300 feet of the project site and to registered homeowner associations within 1,000 feet as required by the Lakewood Zoning Ordinance; and
- e. Notice of the Public Hearing was sent to the fee owners of the property and residents within 300 feet and registered neighborhood associations within 1,000 feet as required by the Lakewood Zoning Ordinance; and
- f. Notice of the public hearing was posted on the property as required by the Lakewood Zoning Ordinance; and
- g. No outside referral agency review was required; and
- h. The proposal, as evidenced by application material submitted, meets all criteria required to approve a Special Use Permit, as outlined in Section 17.2.3.2 of the Lakewood Zoning Ordinance.
- i. The proposal, as evidenced by application material submitted, meets all supplemental use standards required for the keeping of small animals as outlined in Section 17.4.3.E.2.a of the Lakewood Zoning Ordinance

THEREFORE

The Planning Commission adopts the findings of fact and order as presented in the staff report and **APPROVES** Special Use Permit, Case No. SU-13-001.

Cc: Case File: SU-13-001
Scott Carman