OHIO
HUDSON
COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE:	February 3, 2016
TO:	City of Hudson Planning Commission for February 8, 2016 Meeting
FROM:	Greg Hannan, City Planner Mark Richardson, Community Development Director
SUBJECT:	Conditional Use: Accessory Agricultural Use 1621 West Prospect Street District 3 – Outer Village Residential Neighborhood
PC Case No:	2016-01

Project Introduction

Application has been received for an accessory agriculture use at 1621 West Prospect Street. The applicant has stated the scale of the proposed use includes keeping of up to 20 chickens (1-2 roosters), several goats, and five peafowl. The applicant has indicated limited sales of eggs and peafowl feathers would be considered with a sign at the street directing customers to the existing driveway and large turn around area. General agricultural uses involving animals are permitted as a conditional use within District 3 – Outer Village Residential Neighborhood.

Adjacent Development:

The subject property is a 14.88 acre lot located on the east side of Prospect Street. The site is adjacent to the Ohio Turnpike to the north, vacant land and the Norfolk Southern rail line to the west, large lot residential to the south, and the single family residential development along Ambrose Drive to the east.

The following information is attached to this report.

1. Emails dated December 29, 2015 and January 27, 201 and site plan dated December 29, 2015 submitted by property owner Carol LaSpina
2. Preliminary comment letter, prepared by City Planner Greg Hannan, dated August 31, 2015.
3. Aerial photograph from the City of Hudson GIS, depicting the subject property and surrounding development.

Applicable Zoning District Standards, Section 1205.05

Staff compared the proposal to the zoning district standards and found the proposal conforms to the applicable standards.

Applicable Conditional Use Standards, Section 1206

General agricultural operations are permitted as a conditional use within District 3. The use is subject to compliance with the general criteria and standards applicable to conditional uses per Section 1206.02(b) which are summarized below:

(1) The use is consistent with the policies and intent of the corresponding plan district in which it is located, as set forth in the City of Hudson Comprehensive Plan

(2) The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible

(3) The use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district, and in conformance with all other standards for the district in which it will be located.

(4) To the maximum extent feasible, access points to the property are located as far as possible from road intersections and adequate sight distances are maintained

(5) On-site and off-site traffic circulation patterns shall not adversely impact adjacent uses or result in hazardous conditions

(6) The use will be adequately served by public facilities and services.

(7) The use provides adequate off-street parking, in compliance with Section 1207.12.

(8) The use will be screened with fencing and/or landscaping in excess of what is required in Section 1207.04 of this Code if the use may otherwise result in an adverse impact.

(9) The residential use is proposed at a density consistent with that of the existing neighborhood density.

Comment: Staff notes the proposed hens and goats are not anticipated to be impactful to surrounding development and will be contained within the proposed paddock fence enclosures. The incorporation of a rooster may create additional noise impacts to surrounding development.

The peafowl proposed initially include one peacock and four peahens with breeding possible for additional animals. Staff research suggests that the peafowl can be loud during mating season which occurs for several months during the year. The peafowl are also not contained on the property, roost in surrounding trees, and would not be restricted from roaming off property. The applicant has stated the peafowl will not have a desire to roam if raised on the property as chicks and that the noise is limited to mating season.

Without additional documentation from an accredited association or similar documented resource confirming that the impacts will be minimalized, the incorporation of roosters and peafowl would not be appropriate.

Applicable Zoning Development and Site Plan Standards, Section 1207

Staff compared the proposal to zoning development and site plan standards. We comment on the following:

Fencing and Accessory Building Setbacks: The LDC requires a 100 foot setback from agricultural uses to adjacent buildings suitable for occupancy and a 50 foot setback from agricultural uses to the property line of residentially zoned land. The applicant has proposed a

moveable coop and the installation of a paddock system of several fenced enclosures allowing the animals to rotate pastures. The proposed installation is in compliance with the applicable standards.

Bufferyards: Bufferyard D (Substantial, 25 ft. depth) is applicable between agricultural uses and single family residential uses. The submitted site plan and existing condition aerial photographs depict an approximately 160 foot depth wooded buffer between the open pasture area and the adjacent residential property to the south.

Applicable Codified Ordinances

Section 618.13 *Peace Disturbances* restricts persons from maintaining animals or fowl which continuously or for unreasonable long periods emit loud or disconcerting sounds. Section 618.01 *Animals running at large* states no keeper of any animal shall permit any animal to go beyond the premises or unenclosed land of such owner unless such animal is properly in leash. These codified ordinances would be applicable to prohibit the proposed peafowl and roosters from the property due to the proximity of adjacent residences.

Findings:

The applicant has proposed an agricultural use within District Three Outer Village Residential Neighborhood which permits such as a Conditional Use. Staff finds the application conforms to all applicable Land Development Code standards provided the conditions listed below are implemented.

Required PC Action, Chapter 1203

The PC shall consider the development application and the staff report and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards.

All decisions of the Commission shall be based on written findings of fact related to the relevant standards of the Code.

Recommendation

Approve the application for an accessory agricultural use at 1621 West Prospect Street per Case No. 2016-01 according to plans and a letter and site plan dated December 28, 2015 provided the following conditions are met:

1. The approved agricultural use is limited to 20 chickens and five goats.
2. Prohibit the keeping of peafowl and roosters on the subject property.
3. A zoning certificate may not be issued for the agricultural use and associated coop/enclosure until the Planning Commission has approved the project and any conditions of the board have been addressed.

Hannan, Greg

From: Carol LaSpina <redpoodlesrus@gmail.com>
Sent: Tuesday, December 29, 2015 12:37 PM
To: Hannan, Greg
Subject: Re: 1621 Prospect Rd., Hudson, OH 44236-2244 15 acres

Hello,

This is Carol LaSpina at 1621 Prospect Rd., Hudson OH 44236-2244
I would like to get an agricultural status for my land.
I would like to acquire approximately 10-20 chickens, 10-15 peacocks, and possibly a few goats.
The chickens will have a portable chicken coop on wheels that will stay relatively close to the house.
the peacocks will roost in the trees and will not require any type of formal shelter, but will have access to the detached garage is desired.
The goats will be lodged in the detached garage unit already on the property.
If we get enough eggs and peacock feathers to sell we would like to erect a small portable sign at the end of the driveway similar to Mr. Feldman's garlic business on Middleton rd. in Hudson.

Thank you for your consideration,

Carol LaSpina

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This email transmission may contain confidential and/or privileged information which is intended solely for the use of the intended recipient(s). If you are not an intended recipient, or a person responsible for delivering this transmission to an intended recipient, please do not disseminate this transmission or take any action in reliance on its contents. If you have received this transmission in error, please delete this transmission and immediately notify the sender of the error.

Hannan, Greg

From: Carol LaSpina <redpoodlesrus@gmail.com>
Sent: Wednesday, January 27, 2016 12:41 AM
To: Hannan, Greg
Cc: Richardson, Mark
Subject: Re: PC 2016-01

Hello all,

I plan on raising chickens in Paddocks. Please see explanation on raising chickens in paddocks here:

http://www.richsoil.com/raising-chickens.jsp

I plan on the same for the peacocks in the beginning when they are peachicks (babies). This will acclimate them to our home and they will not have the desire to leave the area same as the chickens. These birds like to stay where they grew up and the surroundings are familiar and the food is near. Peacocks can fly to much higher heights than the chickens and like to roost in trees at night away from predators but if they start out young at our place they should have little to no desire to go very far.
I have not given a lot of thought to roosters as I do not need one for egg production but they do help to keep the hens safe from predators so I may get 1-2.
As for the peacocks I stated in my proposal that I was thinking about 10-15 but I am actually thinking more like 5, at least to start. What is recommended is 4 peahens to 1 peacock. This ratio keeps down the noise and aggression during mating season.

As for the nesting box see below:

http://www.richsoil.com/raising-chickens.jsp

This red & white shell and black roof will match the outside of our house perfectly.

- Dimensions: 48L x 72W inches 4w ft x 6L ft
- Capacity: 10-20 Chickens
- 4 nesting bins with easy access egg collection
- 14 x 21-inch working tempered glass window and screen

Barn Chicken Coop with Wheels-4L x 6W ft. provide durable shelter for chickens without being an eyesore on your property.

Any and all animal fence enclosures will be directly home in the already grassy area and to the North side of home between highway and home and detached garage area. We are in the process of applying for all the other wooded land we own to be designated as National Forest and it will not have any domestic animals grazing on it.

Peacocks are mostly quiet except during the matting season which is spring to early summer when they can be very noisy usually at dusk. This apply's mostly to the peacock not the peahen. The peafowl do not mature till age 2 and that is when they start to make music for breeding. We already have many hawks, coyotes and even a great horned owl making all kinds of noise, not to mention the constant route 80 highway and the train passing by about every 15-20 min. No where within a 1 mile radius of our home is "quiet".

http://www.arboretum.org/explore/wildlife/peacocks/

http://www.backyardchickens.com/a/breeding-hatching-and-raising-peafowl

http://peacockgirl.tripod.com/Peafowl_Info/General_Infox.html

Some actual peacock music:

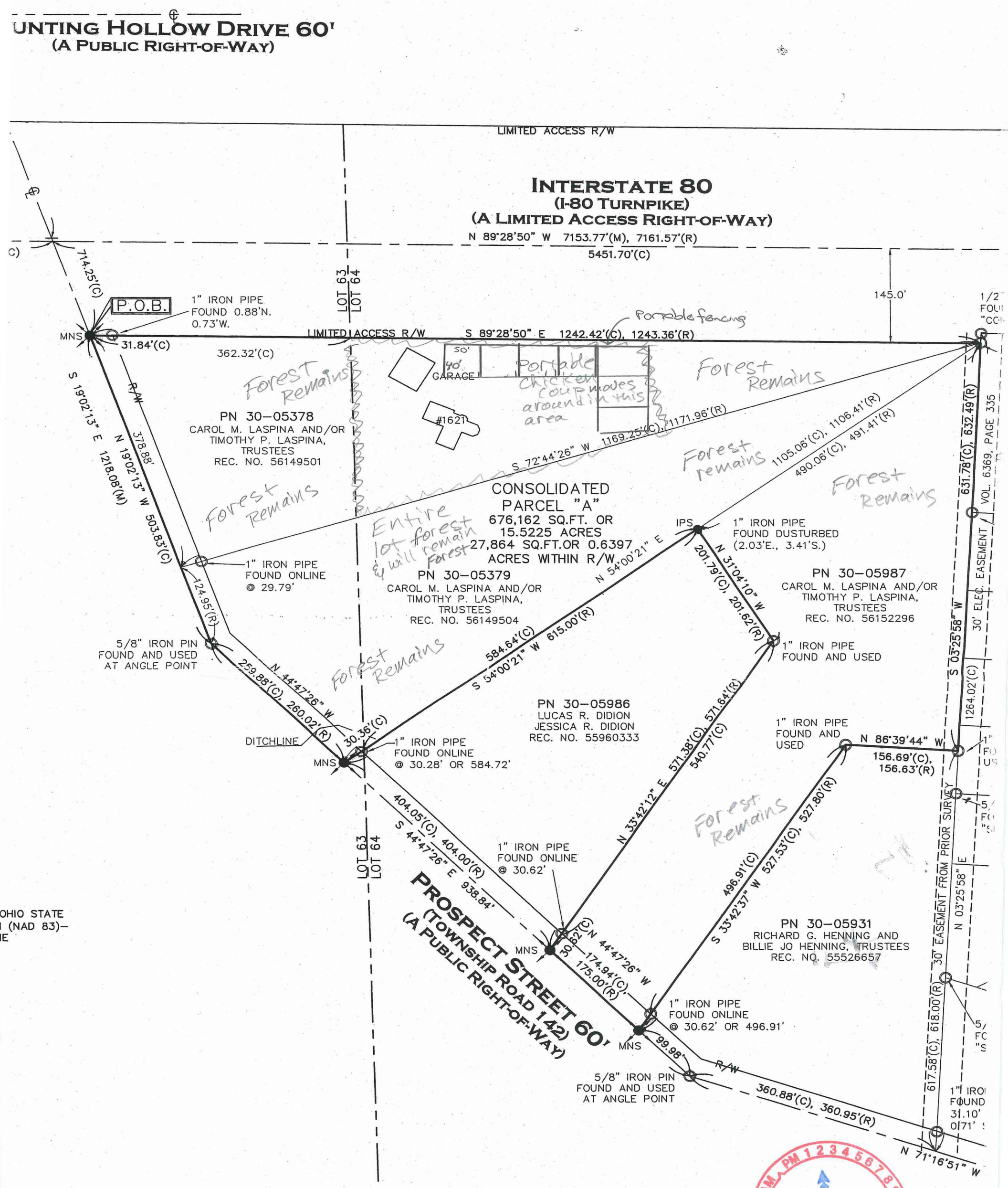
https://www.youtube.com/watch?v=DzEIhxtQ7qE

As far as a sign and store hours It would just be a small wooden sign that would say open or closed, no set hours. Similar to Mr. Feldman's on Middleton road (he sells garlic).

I hope this answers most of your questions.

Thank you,
Carol LaSpina
330-607-4973

Carol LaSpina 1621 Prospect Rd. Hudson 44236-2244



RECEIVED
DEC 28 2015
CITY OF HUDSON
COMM.DEV.DEPT.

CONSOLIDATED PARCEL AREA BREAKDOWN:

PARCEL NUMBER 30-05378 = 221,398 SQ.FT. OR 5.0826 ACRES, OF WHICH 11,221 SQ.FT. OR 0.2576 ACRES LIE WITHIN RIGHT OF W
PARCEL NUMBER 30-05379 = 215,234 SQ.FT. OR 4.9411 ACRES, OF WHICH 11,395 SQ.FT. OR 0.2616 ACRES LIE WITHIN RIGHT OF WA
PARCEL NUMBER 30-05987 = 239,530 SQ.FT. OR 5.4988 ACRES, OF WHICH 5,248 SQ.FT. OR 0.1205 ACRES LIE WITHIN RIGHT OF WA

PORTION WITHIN LOT 63 = 156,555 SQ.FT. OR 3.5940 ACRES
PORTION WITHIN LOT 64 = 519,607 SQ.FT. OR 11.9285 ACRES
OVERALL AREA = 676,162 SQ.FT. OR 15.5225 ACRES, OF WHICH 27,864 SQ.FT. OR 0.6397 ACRES LIE WITHIN RIGHT OF WAY

.	ACRES	DIST.	DISTURBED	O.R.	OFFICIAL RECORDS	S.F.	SQUARE FEET
.C.R.	SUMMIT COUNTY RECORDS	E	EAST	PN	PARCEL NUMBER	REC. NO.	RECEPTION NUMBER
		ENCRS.	ENCROACHES	P.C.	POOR CONDITION	VOL.	VOLUME
CL	CENTERLINE	INST.	INSTRUMENT	R/W	RIGHT-OF-WAY	W.	WEST
CLRS	CLEARS	N	NORTH	S	SOUTH	G.C.	GOOD CONDITION
T.H	COUNTY HIGHWAY	P.O.C.	POINT OF CURVATURE	T.R.	TRANSCRIBED RECORDS	F.C.	FAIR CONDITION

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January 26, 2016

Carol LaSpina
1621 West Prospect Road
Hudson, Ohio 44236

RE: PC 2016-01- Conditional Use for 1621 West Prospect Road

Ms. LaSpina -

Thank you for your submission of the conditional use application for the agricultural use at 1621 Prospect Road. The application has been scheduled for the Planning Commission (PC) agenda for the February 8, 2016 meeting. In preparation for such, I am forwarding preliminary comments related to compliance with the Land Development Code (LDC). Our goal is to provide you an opportunity to respond to the below comments by January 29, 2016. We will revise the comments accordingly for the staff report scheduled to be issued on February 3, 2016. Additionally I am available to meet and review the comments at your convenience.

Chapter 1205 – District Regulations 1205.06 District 3: Outer Village Residential Neighborhood
Use: The proposed agricultural use is permitted as a conditional use. Staff understands the scale of the use includes the keeping of 10-20 chickens within a portable coop, 10-15 peacocks that will not be enclosed but have access to attached structure, and 3-5 goats. Additionally you have noted a desire to have a sign and sale eggs and peacock feathers.

Section 1206 Use Regulations
The application is subject to compliance with the general conditional use standards of Section 1206.02. Staff notes the proposed limited scale agricultural use is in compliance with the applicable standards.

Section 1207 Zoning Development and Site Plan Standards
Landscaping/Buffering: The property is adjacent to single family residential uses to the south and east with the Northfolk southern rail lines to the west, and the Ohio turnpike to the north. Bufferyard D (25 ft. depth) is applicable between agricultural uses and single family residential uses. The submitted site plan and existing condition aerial photographs depict a substantial wooded area which will remain and stratify the applicable bufferyard requirements.

Fencing and accessory building setbacks: The LDC requires a 100 foot setback from agricultural uses to adjacent buildings suitable for occupancy and a 50 foot setback from agricultural uses to

the property line of residentially zoned land. The submitted site plan is in compliance with the applicable requirements.

Staff Comments:

1. Revise the submitted use letter to indicate the scale of the proposed sale of agricultural products. Please indicate if regular hours are proposed or if any farm stand or other structure is proposed at the street.
2. Please submit additional documentation regarding the proposed keeping of peacocks:
    a. Indicate how they will be contained to prevent them from wondering off property or causing a potential nuisance.
    b. Submit documentation regarding potential noise impacts
    c. Applicable documentation for industry journals/magazines would be helpful (if available)
3. Label on the site plan the location of any proposed fence enclosures for the animals and the location and size of the proposed chicken coop.
4. Confirm if any roosters are proposed for the site.

Please contact me for any assistance I can provide.
Sincerely,

Gregory P. Hannan, AICP
City Planner

CC: Mark Richardson, Community Development Director

City of Hudson, OH

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
2/1/2016