



STAFF REPORT

BOARD OF ZONING APPEALS

Zoom Webinar (VIRTUAL)

Thursday, March 18, 2021

6:30 P.M.

1. CONDITIONAL USE PERMIT (Case 2021-09CU)

Applicant: Dave Kaldy, Architectural Alliance
 Location: 4301 Home Rd
 Zoning: Liberty Township Farm Residence District
 Request: Review and approval of a Conditional Use Permit for the Horse Power Farms, Phase 2 master plan and remaining 5 buildings.

Aerial Site Image: <https://goo.gl/maps/J6uXqxfj2zuMmkx49>

Project Background

The Board of Zoning Appeals approved a Conditional Use Permit for the Horse Power Farms development on July 9, 2018, with nine conditions. The first condition stated, "That approval shall be granted for the completion of Phase 1 only and that all future Phases shall come back before the Board of Zoning Appeals prior to construction beginning."

To satisfy a number of these conditions, the applicant came back to the Board for review and approval of the architecture, signage, and condominium association bylaws on December 6, 2018. The Board of Zoning Appeals approved the request. Approval of Phase 2 will satisfy another of these outstanding conditions for the Horse Power Farms Conditional Use Permit.

Proposal Overview

This submittal shows the intent to build out the remainder of the site, which is referred to as Phase 2. The proposal includes the master plan for Phase 2 and the remaining 5 buildings (buildings #3-7).

Changes since the Last Submission

As stated in the application, the master site plan is essentially the same as what was previously approved. The buildings in Phase 2 are similar to Buildings 1 and 2 of Phase 1, however the footprint has been slightly modified. The new site plan has been altered to reflect a shifted curb cut on Home Rd, and a gated entry.

Ordinance Review

In accordance with the requirements of codified ordinance 1129.03, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use and shall approve the application for a Conditional Use Permit only when it has determined that there has been adequate evidence presented to show that such use at the proposed location:

(1) Is in fact a conditional use as listed in the Schedule of District Regulations in this Zoning Ordinance for the zoning district in which the site is located;

Applicant Statement: *The proposed conditional use is for the creation of a Sportsman's Club in accordance with the existing FR-1 zoning. 8.04.E Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsman's Clubs, Fishing Lakes or Similar Recreational Uses with all buildings and club houses incident thereto, including restaurants to serve members and/or users of the facility, provided that sufficient land area is available to accommodate the proposed use. A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential area.*

(2) Will be in accord with the general objectives, or with any specific objective, of the comprehensive plan and the Zoning Ordinance;

Applicant Statement: *The comprehensive plan calls for this property to be single family residential. As described elsewhere in this application, this property is unsuitable for residential development. The Future Land Use Plan shows the area north of this site to be a conservation development. This development is essentially a hybrid; HorsePower Farms brings the pride and responsibility of property ownership, properly managed common areas and features of the preservation development model including preserved open spaces, a developer funded public multi use path and naturalized greenspace.*

(3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;

Applicant Statement: *The condominium buildings contained in HorsePower Farms will be constructed to a high finish and standard. The Clubhouse will function initially as a sales office for the condominiums, but will transition as units are purchased into a management office and Clubhouse for member use. The existing character of the property is vacant land. The adjacent property to the South is that of a horse farm and riding stable. HorsePower Farms will enhance the essential character of the area by adding to and improving the rural, farm like setting.*

(4) Will not be hazardous or disturbing to existing or future neighboring uses;

Applicant Statement: *HorsePower Farms will not be hazardous to or disturb any future neighboring use.*

(5) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;

Applicant Statement: *Based on our traffic study, HorsePower Farms will be adequately serviced by the highways and streets. This development should create nominal demand for police and fire services. Our water retention plan should more than adequately handle generated water runoff. This development will have no impact on schools or other public service agencies. A common dumpster is contained on this development for use by property owners.*

(6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

Applicant Statement: *HorsePower Farms will not place any additional demands on public facilities or services.*

(7) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

Applicant Statement: *The HorsePower Farms development will have minimal impact on traffic. Our traffic study indicates an average of 1 vehicle per hour to access the property. HorsePower Farms will have a nominal impact of sound to the adjoining properties. The owners of the condominiums shall be prohibited from running unmuffled engines in the condominium association bylaws. HorsePower Farms will be illuminated by LED "Tulip" style security lights positioned to shine away from neighboring properties. Once construction is complete, HorsePower Farms will not generate any objectionable odor, noise, fumes or vibrations.*

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

Applicant Statement: *The developer of HorsePower farms has secured approval from the Delaware County Engineer's Office for final approval of shape and size of the access driveway for the development.*

(9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Applicant Statement: *The property where HorsePower Farms is located previously was pasture and was not scenic by most definitions. The introduction of fencing, naturalization of pasture and the pond will reintroduce natural and scenic views to the area.*

Staff Comments

This review of Phase 2 was necessary to satisfy the conditions of the approved Conditional Use Permit from July 9, 2018. The outstanding items and staff comments have already been addressed with the review of the site plan and Phase 1, which is currently under construction. Staff has determined that the above criteria are met.

Staff Recommendation

Staff recommends approval of the Horse Power Farms Conditional Use Permit for Phase 2.