

Board of Zoning Adjustment

Staff Report

July 16, 2018



Case No:	18CUP1049
Project Name:	Golf Entertainment Center
Location:	3050 Terra Crossing Blvd
Owner:	JDG 1849, LLC
Applicant:	JDG 1849, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Conditional Use Permit** to allow a driving range in the C-2 zoning district with relief from the following:
 - 4.2.58.A to allow a driving range structure to be closer than 30 feet to a property line.
 - 4.2.58.D to allow golf ball driving direction to be towards residential development.
- **Variance** of Land Development Code sections 5.3.4.D.4 and 5.7 to allow netting and poles to exceed the 50 foot maximum height by 120 feet.

CASE SUMMARY/BACKGROUND

The applicant is proposing a driving range and entertainment center on a currently vacant parcel in eastern Jefferson County. The proposal includes a 3-story 85,728 SF golf center and 437 parking spaces. The site was rezoned to C-2 under docket 16ZONE1019, as part of the much larger development known as the St. Joseph's property.

STAFF FINDING

The applicant is requesting relief from conditions A and D of the conditional use permit requirements per Land Development Code section 4.2.58.

The requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

A Detailed District Development Plan with associated waivers was approved for the proposal by the Land Development and Transportation Committee on June 28, 2018 under docket 18DEVPLAN1071.

INTERESTED PARTY COMMENTS

Staff has received a letter from an area resident expressing concerns about traffic associated with development in the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the existing and proposed land uses in the surrounding areas.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

- Fill in appropriate conditions here

STAFF: Golf Driving Ranges and Miniature Golf Courses may be allowed in the C-2, C-M, M-1, M-2, M-3, and EZ-1 Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings and structures shall be at least 30 feet from any property line.

STAFF: The applicant is requesting relief from this requirement. While most of the proposed facility respects this requirement, there are two separate points where the facility is proposed within this 30 foot setback due to the geometry of the site..

B. Protection of Adjacent Properties - Fences, plantings, or sufficient area shall be provided to insure the safety and protection of persons on all adjacent land. Any netting used for the protection of adjacent properties shall observe yard and height requirements of the district in which it is located.

STAFF: The applicant is proposing netting to protect surrounding properties and roadways. A variance has been requested to allow the netting height to exceed the maximum height requirements of the zoning district.

C. Signs - Except in districts where signs are allowed, one non-flashing sign, not to exceed 60 square feet in area and not to exceed 10 feet in height, may be provided at the major entrance.

STAFF: All signs will be in compliance with the Land Development Code.

D. Driving Directions - All golf ball driving directions shall be away from any street, highway or residential area.

STAFF: The applicant is requesting relief from this requirement, as the driving direction is proposed to be in the direction of existing multifamily developments. The site is surrounded on all sides by either a highway, multifamily residential, or a roadway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the netting is necessary to protect surrounding properties from the proposed driving range.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity, as the area has a mix of high intensity residential, office and commercial uses and the general development plan for the area calls for a mix of medium to high intensity commercial and office uses.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public, as it will help mitigate potential risks associated with the proposed driving range.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations, as the main building and structure will be under the height maximums for the zone. The variance is only for protective netting and associated poles.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as netting that meets the height maximum of the zone would not be sufficient to protect adjacent properties.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulations from which the relief is sought.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** with requested relief.
- **APPROVE** or **DENY** the **Variance**

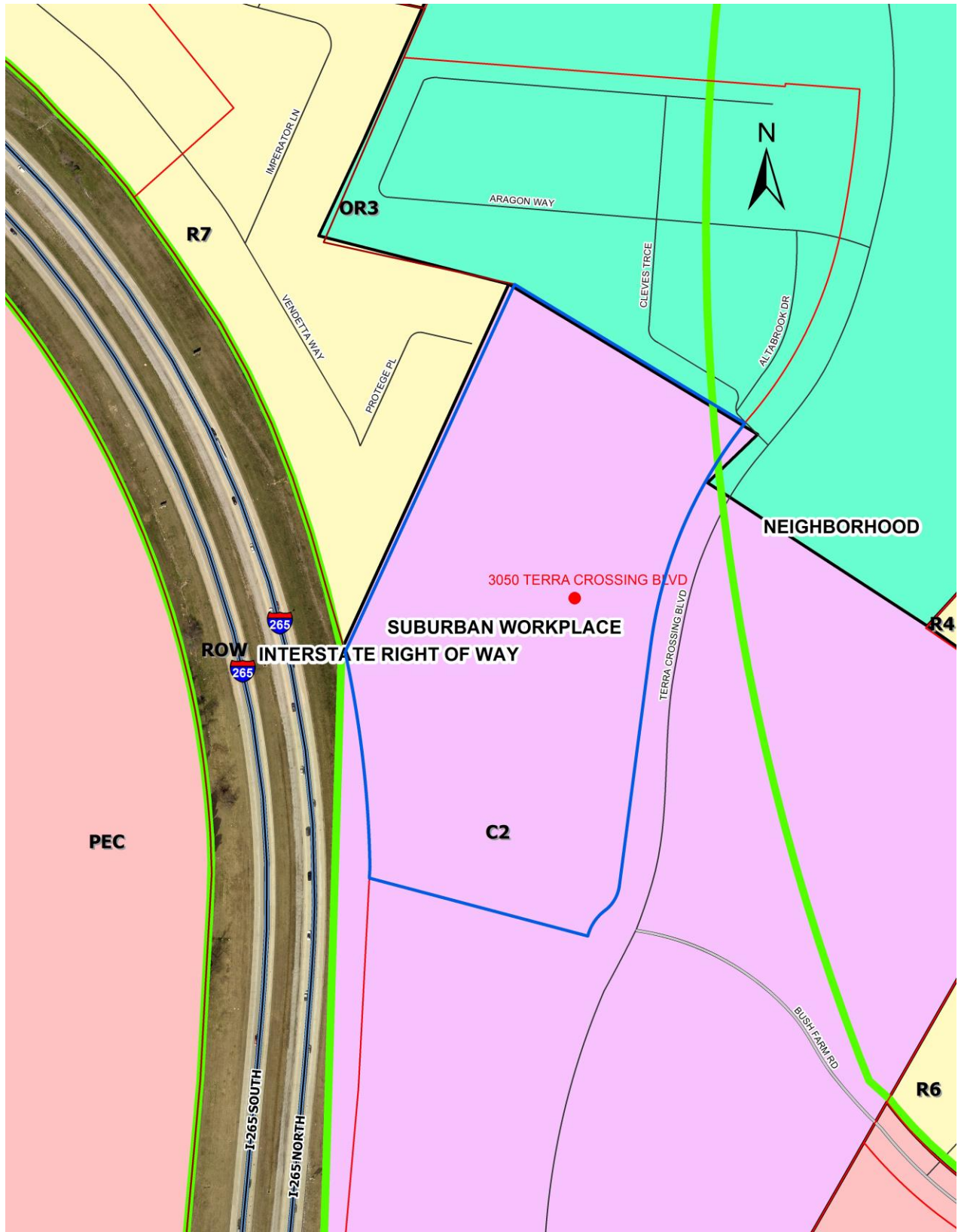
NOTIFICATION

Date	Purpose of Notice	Recipients
6-27-18	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19
6-29-18	Hearing before BOZA	Sign posted on subject site

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Proposed Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used as a driving range without further review and approval by the Board.