

Board of Zoning Adjustment

Staff Report

August 21, 2017



Case No:	17CUP1020
Project Name:	Indoor Athletic Club
Location:	13501 & 13613 Factory Lane
Owner:	James Klemen
Applicant:	STC Management
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit for a Private Proprietary Club in an R-4 zoning district (LDC 4.2.44)

CASE SUMMARY/BACKGROUND

The applicant proposes to develop a Private Proprietary Club for use as an indoor athletic facility, which requires a CUP when located within an R-4 zoning district (LDC 4.2.44). LDC 4.2.44 further requires review of the development plan by the Planning Commission or a subcommittee prior to consideration of the CUP request by BOZA. The development plan was approved by LD&T at its meeting on August 10, 2017.

The 7.9 acre site is currently developed with one single-family residence and several outbuildings, which are proposed to be razed. It is adjoined by vacant R-4 property to the north and east, single-family homes zoned R-4 to the south and apartments on R-5 property to the west. No change to the site's current R-4 zoning or Neighborhood form district is proposed.

The development plan shows two structures to be constructed in two phases: Phase 1, a 67,643 sq ft building and Phase 2, a 35,889 sq ft building, for a total of 103,532 sq ft. The proposal meets parking requirements, including seven ADA spaces and 6 bike spaces. A traffic study was completed which identifies the need for an auxiliary left turn lane at the entrance to the site.

The proposal will preserve 70% of the existing tree canopy and will plant an additional 20,880 sq ft of canopy to meet LDC requirements.

STAFF FINDING

The proposed use of the property is beneficial to the surrounding community and to existing and proposed residential development on adjoining properties. Due to the proximity of these residential uses, special attention will be given to landscaping/buffering, signage, lighting and building design requirements.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

All technical review items have been addressed and the plan has received preliminary approval.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on April 11, 2017. Staff has received no additional comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: While not a residential use, the proposal provides a recreational opportunity to significant single and multi-family residential development in the immediate vicinity.

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 and appearance?

STAFF: The proposal meets all requirements for site and building design to enhance its compatibility with adjoining residential development.

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

STAFF: The site is located on a Secondary Collector and meets all transportation related requirements. The developer will be responsible for improvements to the public roadway as recommended by the traffic study. While there is no existing sewer connection to the property, MSD has issued preliminary approval of the plan.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

Private Proprietary Clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, OR-1, OR-2, OR-3, OTF, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses and where the lot contains at least 2 acres upon the granting of a Conditional Use Permit.

Tennis centers, racquetball clubs or similar operations requiring large structures to house the facilities shall have a development plan approved by the Planning Commission prior to filing an application for a Conditional Use Permit.

STAFF: The site is located within an R-4 zone and exceeds the minimum requirement for lot size. LD&T approved the site plan as a committee of the Metro Planning Commission on August 10, 2017.

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

STAFF: The proposal exceeds this requirement with a minimum 50 ft setback from all property lines.

B. Outdoor swimming pools shall be enclosed with a fence at least six feet high.

STAFF: No outdoor swimming pools are included in the proposal.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

STAFF: No recreation areas or play fields are included in the proposal. The parking area along the western property line will meet all buffering requirements.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

STAFF: Signage is not shown on the submitted plan. The applicant has been informed of this requirement and has indicated intent to comply through General Note 10.

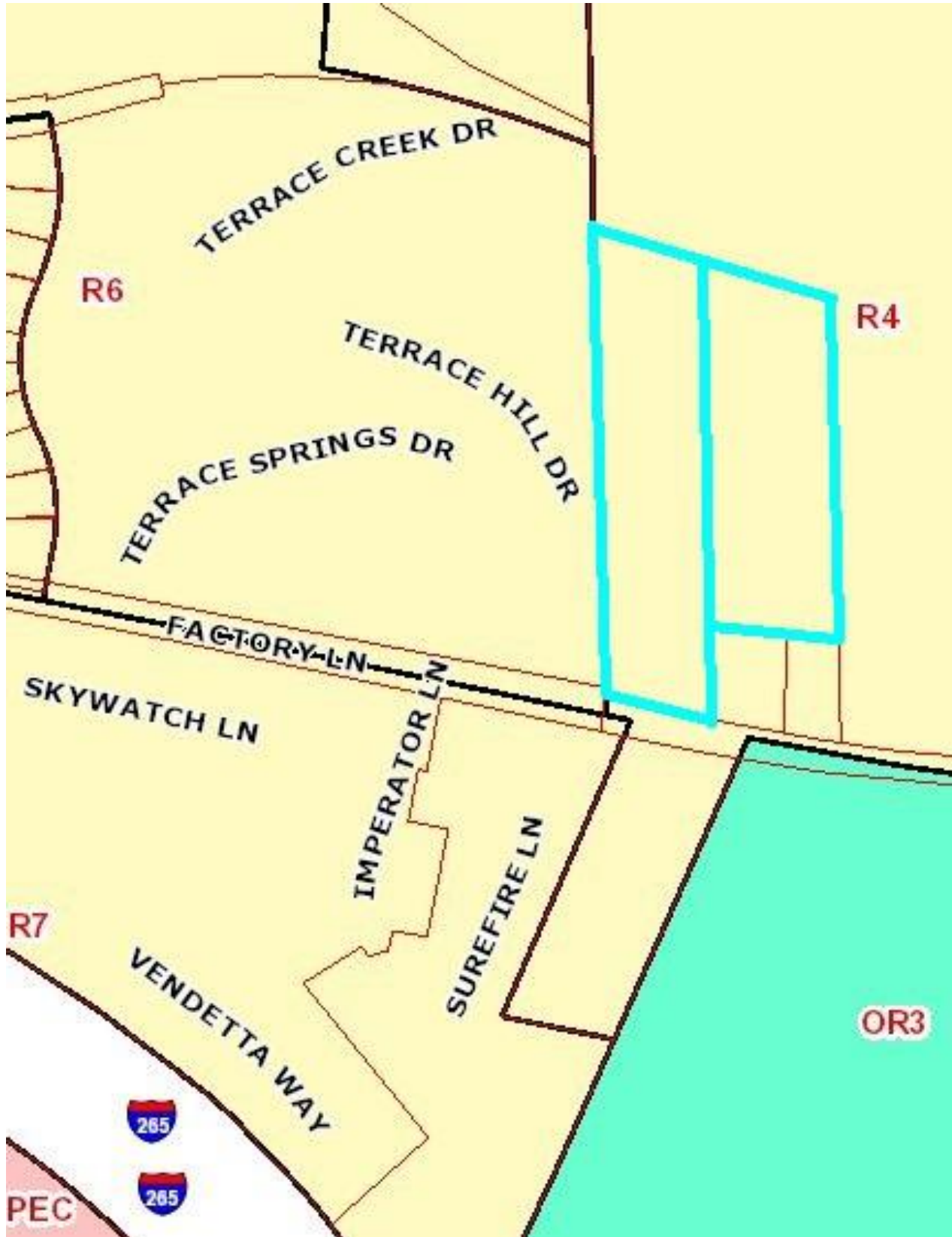
NOTIFICATION

Date	Purpose of Notice	Recipients
3/21/2017	Notice of Application	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
3/21/2017	Neighborhood Meeting	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
7/31/2017	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
8/7/2017	Notice of BOZA Hearing	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17
8/4/2017	Notice of BOZA Hearing	Sign Posting

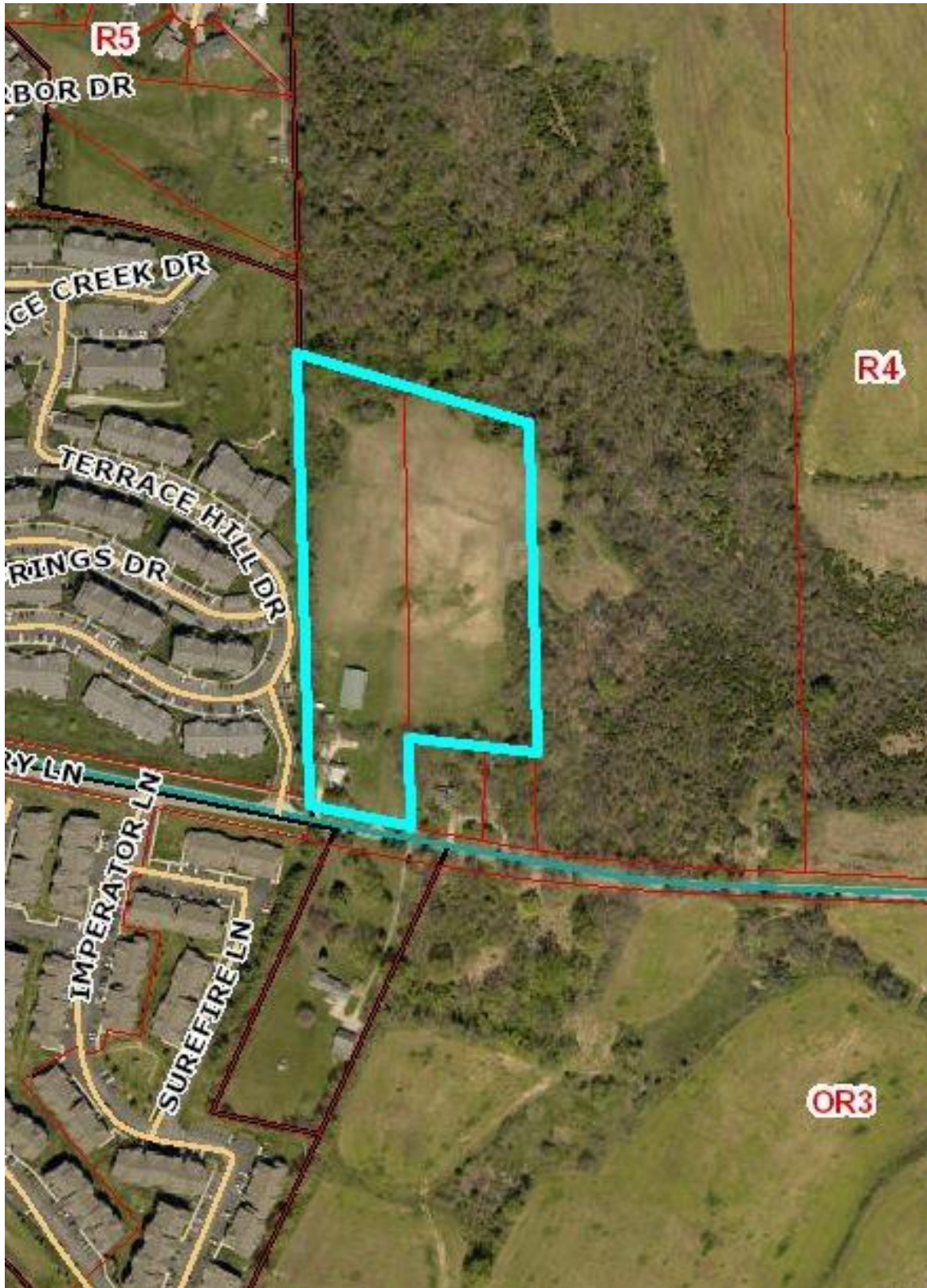
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Checklist

- ✓ Meets Guideline
- Does Not Meet Guideline

+/- More Information Needed
 NA Not Applicable

NEIGHBORHOOD: NON-RESIDENTIAL

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	NA	The proposal is not a neighborhood center.
2	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	NA	The proposal is not high-intensity.
Community Form/Land Use Guideline 2: Centers			
3	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal is not a neighborhood center.
4	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a neighborhood center.
5	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	The proposal is not a neighborhood center.
6	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	The proposal is not a neighborhood center.
7	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The proposal is not a neighborhood center.
8	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a neighborhood center.
9	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA	The proposal is not a neighborhood center.
10	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	NA	The proposal is not a neighborhood center.
11	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	The proposal is not a neighborhood center.
Community Form/Land Use Guideline 3: Compatibility			
12	A.2: The proposed building materials increase the new development's compatibility.	✓	Building style and materials will be largely consistent with elevations submitted at LCD review on August 10, 2017.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is a non-residential use but meets LDC and CUP standards for lighting, signage, LBAs and building facades.
14	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	No exceptional odor or emissions are expected.
15	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Proposal includes construction of a left turn lane on Factory Lane as recommended in the traffic study.
16	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Proposal meets requirements for construction and permanent site lighting.
17	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	Proposal is not a higher intensity use than existing multi-family uses on adjoining properties.
18	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Proposal meets or exceeds all zone, form district and CUP requirements.
19	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	Proposal meets or exceeds all zone, form district and CUP requirements.
20	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal meets or exceeds all form district and CUP requirements.
21	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Proposal meets LDC and CUP requirements and provides sufficient buffering from residential uses.
22	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Proposal meets LDC and CUP requirements and provides sufficient buffering from residential uses.
23	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Proposal does not include parking garage.
24	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	General Note 10 indicates intent to comply with special requirements associated with CUP.

Community Form/Land Use Guideline 4: Open Space			
25	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	There are no open space requirements associated with the proposal.
26	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	There are no open space requirements associated with the proposal.
27	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural feature requirements associated with the proposal.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
28	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	There are no natural features of significance on the site. Site disturbance requirements of proposal are minor.
29	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no existing historic or architectural features associated with the proposal.
30	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	There are no natural features of this type on the site. Site disturbance requirements are minor.
Marketplace Guideline 6: Economic Growth and Sustainability			
31	A.3: Encourage redevelopment, reinvestment and rehabilitation in downtown, older and declining areas that is consistent with the form district pattern.	NA	Proposal is not located within one of these areas.
32	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	Proposal is not industrial use.
33	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	Proposal is not commercial development.
34	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	Proposal is not industrial use.
Mobility/Transportation Guideline 7: Circulation			
35	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Proposed Binding Element requires applicant to provide a left turn lane on Factory Lane.
36	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	Proposal provides adequate parking for vehicles and bikes.

37	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	Not appropriate to proposal.
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal provides adequate parking for vehicles and bikes.
39	A.10: The proposal includes adequate parking spaces to support the use.	✓	Proposal provides adequate parking for vehicles and bikes.
40	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	Not appropriate to proposal.
Mobility/Transportation Guideline 8: Transportation Facility Design			
41	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Not appropriate to proposal.
42	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Proposed Binding Element requires applicant to provide a left turn lane on Factory Lane.
43	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	Not appropriate to proposal.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
44	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Proposal provides adequate parking for vehicles and bikes.
Livability/Environment Guideline 10: Flooding and Stormwater			
45	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	Proposal has received preliminary approval from MSD.
Livability/Environment Guideline 12: Air Quality			
46	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	Proposal is not expected to create significant air quality impacts.
Livability/Environment Guideline 13: Landscape Character			
47	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	Such conditions do not currently exist on site.
Community Facilities Guideline 14: Infrastructure			
48	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	-	Site is not served by MSD. The proposal has received preliminary approval from MSD.
49	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Site is adequately served.

50	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Site is not served by MSD. The proposal has received preliminary approval from MSD.
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4. Conditions of Approval

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Private Proprietary Club without further review and approval by BOZA.