

Board of Zoning Adjustment

Staff Report

October 31, 2022



Case No:	22-CUP-0175
Project Name:	Glenmary Club
Location:	10200 Glenmary Farm Drive
Owner(s):	AL CAT LLC/Valley Station Towne Center LLC
Applicant:	Chris Thieneman
Representative:	Dentons Bingham Greenebaum LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Chris French, Planning & Design Supervisor

REQUEST(S)

A conditional use permit for a private proprietary club in residential zoning districts.

CASE SUMMARY/BACKGROUND

The property is located within the Glenmary Subdivision and on property that included a major portion of the Glenmary Country Club (which closed in 2015). The property is located within the R-4 and R-6 residential zoning districts and Neighborhood form district. The applicant proposes to convert the previous country club and a portion of its golf course into a private proprietary club. The club will require a membership and will include the following: restaurant, practice putting and chipping greens, swimming pool, sand volleyball court, pickleball courts, driving range, and a golf cart parking area. In addition, the applicant has stated that an outdoor mini-amphitheater and the reuse of an existing barn for weddings is also proposed.

STAFF FINDING / RECOMMENDATION

Restaurants are not permitted in residential zoning districts. If an accessory restaurant is established as part of the club, it must be limited exclusively to members of the club and remain incidental to the principal private proprietary club use. Signage advertising or implying the restaurant is open to the general public is prohibited.

A golf driving range is not permitted in residential zoning districts. If an accessory driving range is established as part of the club, it must be limited exclusively to members of the club and remain incidental to the principal private proprietary club use. Signage advertising or implying the driving range is open to the general public is prohibited.

The maximum number of members was not noted in the application and the applicant should be prepared to discuss this issue at the public hearing as it is pertinent to the impact of the club on adjacent properties. In addition, the applicant should discuss the proposed membership requirements for the private proprietary club use.

Hours of operation were not noted in the application and the applicant should be prepared to discuss this issue at the public hearing.

The applicant has stated that there will not be lights associated with the driving range. Nets for the driving range will not be provided since the driving range is using an existing area that was part of the former golf course designed for driving golf balls. The applicant should provide information on the maximum number of people allowed to use the driving range at one time.

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

RELATED CASES

9-67-88 – rezone to R-6 for a portion of the subdivision including a portion of the clubhouse property – A detailed development plan 22-DDP-0048 is proposed and is scheduled to go to the Development Review Committee on November 2, 2022.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on June 13, 2022. 50 members of the community attended the meeting. A summary of the neighborhood meeting is attached to this agenda item.

Staff received comments from the public during the pre-application stage of the CUP process. Those comments are attached to this agenda item. As of the publishing of this report, staff has not received additional public comment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

Staff Analysis: The proposal is the redevelopment of a previous country club and golf course into a private proprietary club with accessory recreation areas; both uses are similar in nature and if managed appropriately would be compatible to surrounding residential development and would be in conformance with the comprehensive plan. Specifically, community form policy 1.3.1.3 related to the neighborhood form district.

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

Staff Analysis: The proposal is for the redevelopment of a previous country club and golf course. Proposed changes do not include major construction and primarily incorporate the use of existing buildings and amenities. Therefore, the proposed club is compatible to surrounding 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 Analysis: The property is currently served by adequate public facilities.

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

4.2.44 Private Proprietary Clubs

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.

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

Staff Analysis: Most of the buildings, structures and facilities are existing. However, the few facilities that are being added to the property will be at least 30 feet from a property line.

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

Staff Analysis: The applicant proposes a swimming pool on the property and the pool will be surrounded by a fence of at least 6 feet in height.

- 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 Analysis: The applicant proposes a 25-foot landscape buffer area along the perimeter of the property. A landscape plan is required for the property; a note on the plan requires the landscape plan to be filed to show compliance with chapter 10 of the LDC.

- 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 Analysis: The site plan does not show a sign on the property. However, the applicant has provided a note on the plan that signage shall be in conformance with this provision, 4.2.44.D. As noted in this report previously and in a proposed condition of approval, signage shall not be provided to advertise the restaurant or driving range as separate uses. These uses must remain incidental to the private club use.

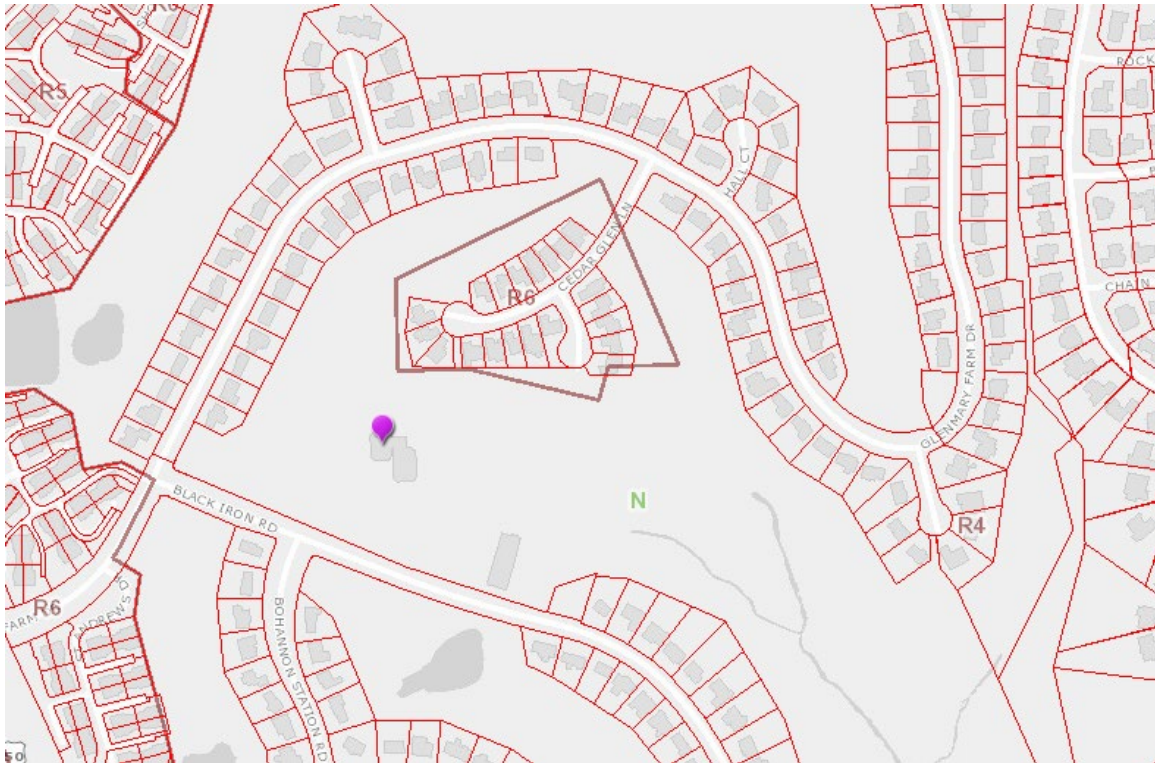
NOTIFICATION

Date	Purpose of Notice	Recipients
10/14/2022	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 15
10/17/2022	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos
4. Site Plan
5. Condition of Approval

1. **Zoning Map**



2. Aerial Photograph



3. **Site Photos**

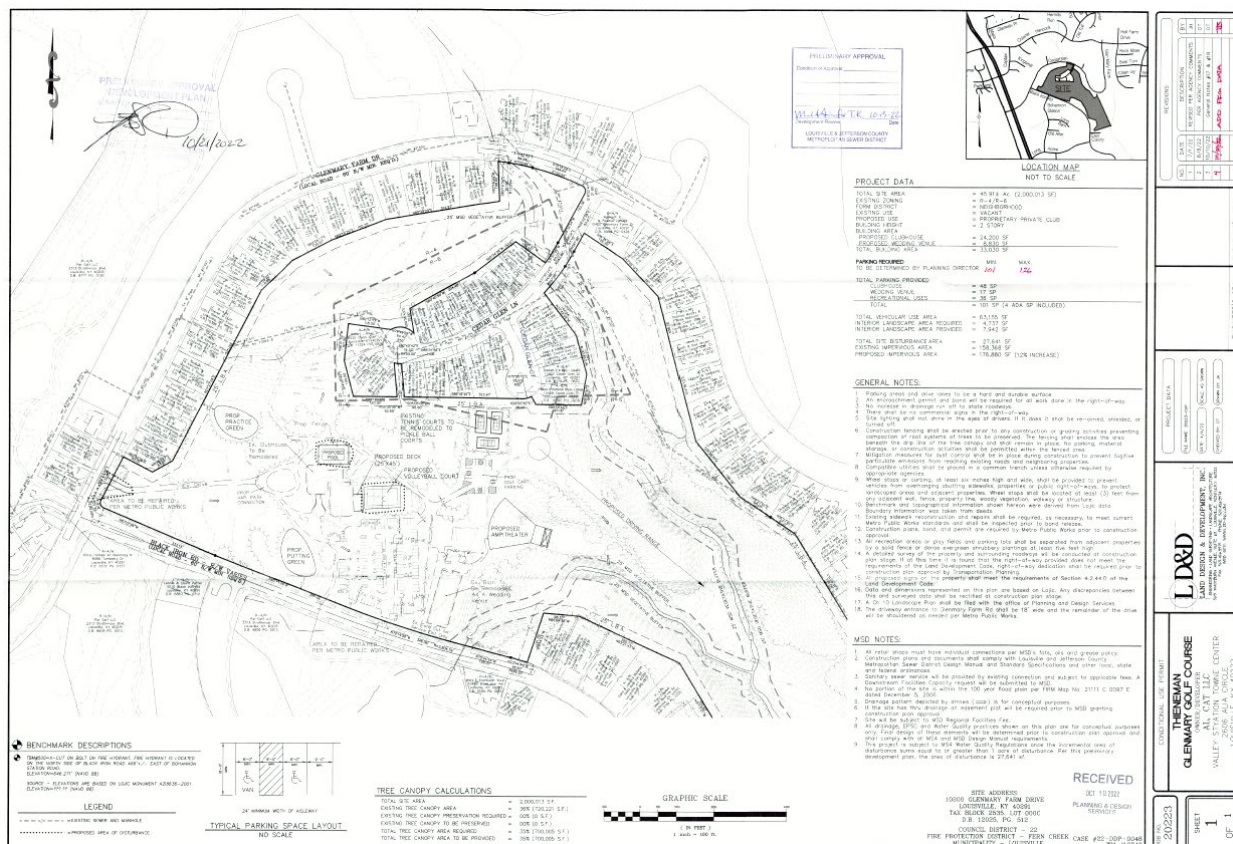


Existing club house



Existing parking lot

4. Site Plan



5. Condition 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 for a private institutional use until further review and approval by the Board.
3. The restaurant and golf driving range shall be incidental and accessory to the private propriety club.
4. Signage advertising the restaurant and driving range to the general public shall not be permitted. Interior signage for members may be permitted if not directed toward a public street.