

**STAFF REPORT FOR CONDITIONAL USE REQUESTED FROM PLANNING COMMISSION**

**MARC 2015-7: PALUMBO PROPERTIES (AMD.)**

**REQUESTED CONDITIONAL USE**

1. A private club with outdoor recreational facilities, and accessory off-street parking.

**ZONING ORDINANCE**

Article 1-11 defines a private club as: “buildings and facilities, the purpose of which is to render a social, educational or recreational service to members and their guests; and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.”

Article 6-4(c) states: “The Planning Commission may hear and act upon requested conditional uses and variances **associated with** a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Articles 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days of the application, unless postponed further by the applicant.” **(Emphasis added)**

Article 8-8(d)1, by reference to Article 8-5(d)6, states that outdoor recreational facilities such as swimming pools and private clubs are permitted as a conditional use in the R-1D zone.

Article 8-8(n), by reference to Article 8-5(n), requires one off-street parking space for every four members of a private club.

**CASE REVIEW**

The applicant has recently amended their long-postponed zone change request in order to add a request for a conditional use permit for a private club and swimming pool facility. A small parking lot is also proposed for the subject site.

This 1.57 net acre property is located south of Citation Boulevard and south and east of Dawson Springs Way in the Newtown Springs Subdivision. The applicant has postponed their associated zone change on property immediately to the east of this location, for over a year. They were waiting for the Winburn & Russell Cave Neighborhoods Small Area Plan to be completed. The Planning Commission voted to approve this SAP at their public hearing on June 30<sup>th</sup> of this year.

The applicant has revamped their corollary development plan since the adoption of that Plan 60 days ago, and revived their original zone change request (from an R-1D zone to an R-3) zone. As part of that revision, they have decided to forego development of about seven single family residential lots, and request approval of a private outdoor recreational facility on the west side of a planned extension of Silver Spring Drive.

The subject site backs to homes on Dawson Springs Way, and would be across the street from more homes on a portion of that street, and from the larger 14.53 net acre site that is subject to the current rezoning request. A clubhouse building of 3,712 square feet is proposed near the intersection of Dawson Springs and Silver Spring, and a 930 square-foot pool house, and an outdoor swimming pool is proposed by this application just to the south of it. An off-street parking

lot, accessed from a planned extension of Silver Spring Drive, is to serve this facility with 30 parking spaces.

The facility will not only serve the new residential development proposed across Silver Spring Drive, but club memberships will also be available to residents of the neighboring areas of Newtown Springs, Hollow Creek and Green Acres Subdivisions. Residents of the adjacent apartments and townhomes will also be able to utilize the facility, but unlike many complexes, those residents will need to cross a public street to access it. Sidewalks are proposed along all public streets, and throughout the apartment/townhome development that is now proposed.

The applicant opines that this conditional use will create a land use transition from the R-3 zoning to the east to the R-1D zone to the west, and will create a true neighborhood amenity. It should be an inviting facility to existing area residents, as well as for future ones. Work-out facilities, indoor and outdoor event spaces and social gatherings are expected at this facility, in addition to the pool.

Construction of a private club with recreational facilities will not harm the health, safety or welfare of the existing neighborhood. It will provide social and recreational amenities to new and existing residents of the general area. This is ensured by the fact that the area's public and private pedestrian facilities will allow members to walk to this new facility once Silver Spring Drive is extended. Fire, police protection and solid waste service are available and adequate for the proposed use.

The Staff Recommends: **Approval** of the requested conditional use, for the following reasons:

- a. Granting the requested conditional use will not harm the public health, safety or welfare, and should not adversely affect the character of the subject or surrounding properties. The proposed use will augment the residential neighborhood, because the use will provide social and recreational amenities to people who currently reside, or will reside in this area.
- b. All necessary public services and facilities are available and adequate to the subject site, provided Silver Spring Drive is completed as planned within the development. Sidewalks exist to the site, and will be augmented as development continues in Newtown Springs, and membership in this facility will not be limited to those residents. Sanitary sewer, storm water basins, fire & police protecting and all public utilities are provided in this portion of the Urban Services Area.

This recommendation of approval is made subject to the following conditions:

1. The subject property shall be developed according to the submitted Zoning Development Plan, or as further amended by the Planning Commission.
2. The proposed use shall be operated in accordance with the submitted justification by the applicant.
3. All necessary permits, including a Zoning Compliance Permit and Certificate of Occupancy, shall be obtained from the Divisions of Planning and Building Inspection prior to occupancy of this private club.
4. The Fayette County Health Department shall inspect and approve the pool and facility (kitchen, etc.) prior to the initial operation of the facility.
5. Off-street parking shall be provided on the approved development plan at a ratio at or exceeding one (1) space per four (4) members of this private club.