

Planning Commission

Staff Report

October 29, 2015



Case No:	15AMEND1004
Project Name:	LDC Text Amendment – Athletic Facilities
Case Manager:	Brian Mabry, AICP, Planning Coordinator

REQUEST

Hold a public hearing and recommend action on amendments to the text of the Land Development Code (LDC) regarding athletic facilities.

SUMMARY

- April 2011 – Metro Council passed a resolution, sponsored by CM Robin Engel, requesting Staff to work on an amendment to allow athletic fields in residential zoning districts that are in suburban form districts.
- June 2011 – Planning Commission held a public hearing and recommended approval to Metro Council to allow athletic fields that are 20-acres or more on residentially zoned property in suburban form districts.
- July 2011 – Metro Council approved Ord. 148-2011 (Attachment A), adopting the Planning Commission recommendation. In addition, the text amendment added increased setback requirements for structures within an athletic facility.
- May 2015 – Mr. Mark Madison of Milestone Design Group began informally speaking with Planning and Design Services Staff about amending the Land Development Code regarding the 20-acre minimum parcel size requirement for athletic facilities. The standard applies to athletic facilities in residential zoning districts in order to receive a Conditional Use Permit (CUP) and is not eligible for a Waiver.
- Mr. Madison is working with Valley View Church, 8911 3rd Street Rd, to develop an athletic facility at 1700 Regency Park Drive. The proposed facility is not adjacent to or near the church and so it is not considered an accessory use. The site under consideration is 11 acres.
- The LDC text amendment request is not the subject of a formal resolution sponsored from a Metro Councilmember; however, CM Vicki Aubrey Welch, in whose district the proposed athletic facility would be located, has informally advocated for the change in the LDC. See the attached email (Attachment B) for the request and Ms. Welch's informal approval of the concept.
- September 10, 2015 – The request went before a meeting of the Planning Committee. Their minutes are attached as Attachment C.

PLANNING COMMITTEE MEETING

At its meeting on September 10, 2015, Staff provided the Planning Committee with two options in regard to this text amendment:

1. Remove the 20-acre requirement all together; or
2. Reorganize the standards so that the 20-acre rule is eligible for a Waiver from the Planning Commission, its designee, or the Board of Zoning Adjustment, as appropriate.

The Planning Committee unanimously voted on a third option which reorganized the 20-acre standard so that it would be eligible for a Waiver and reduced the minimum parcel size from 20 acres to 10. In addition, the Planning Committee requested that Staff investigate the following supplements to the proposed amendment in advance of the Planning Commission hearing: (1) definition of athletic facility and (2) review of CUP application by the Air Pollution Control District (APCD).

Definition of Athletic Facility

The Planning Committee requested that the text amendment contain a definition of “Athletic Facility.” Staff surveyed comparable cities and found the following.

Community	Definition
Dayton, OH	Sports facility. A place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.
Raleigh, NC	Outdoor Sports or Entertainment Facility. A predominantly outdoor facility, including any associated structures, for playing sports and conducting entertainment, including but not limited to, sports fields with or without seating, stadiums, track and field facilities and amphitheaters.
Charlotte, NC	Stadium. A structure or facility designed, intended, or used primarily for outside and/or inside athletic events or other performances and containing seating for spectators of those events, but not including a raceway or dragstrip.

Note: Other surveyed communities that yielded no results include, but are not limited to, Nashville, Lexington, Indianapolis and Memphis.

Louisville Metro’s LDC already has a definition for the term Sports Fields, which reads:

An open space area specifically designed and equipped for large-scale structured recreation including but not limited to baseball, football and soccer.

Further, in Chapter 4, Part 2, Conditional Uses, Athletic Facilities are partially defined in the preamble to the standards for such facilities. This provision reads, “Indoor and outdoor athletic facilities, including sports fields, basketball and tennis courts, and related facilities such as equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking except for paint ball ranges...”

Staff proposes using the existing language in Chapter 4, Part 2, as the basis for the new definition of Athletic Facility, to be included in the Definitions Section of the LDC, and shown in Attachment D.

Review of CUP by the APCD

The Planning Committee requested that this LDC text amendment include a requirement that the APCD review all CUP requests for athletic facilities. However, as a full member of the Technical Review Committee, the LDC already requires the APCD to review all CUP applications in Sec. 11.1.2. Therefore, Staff believes that incorporating a requirement that the APCD must specifically review all athletic facility CUP applications would be unnecessarily redundant.

APPLICABLE PLANS AND POLICIES

This amendment to Chapters 1 and 4 of the LDC addresses the following policies of the comprehensive plan.

Policy	Commentary
Guideline 1: Community Form	The proposed amendment provides for greater usage of larger residentially zoned tracts for neighborhood-serving recreational uses that can be designed to be compatible with surrounding form districts.
Guideline 3: Compatibility	The proposed revision would apply to larger residentially zoned tracts of land that have the ability to provide the needed setbacks and screening to ensure compatibility to adjacent properties. The Conditional Use Permit process also provides for greater input by adjacent property owners in the review and approval of specific land uses without the need to permanently change the zoning of property.
Guideline 4: Open Space	The proposed amendment would allow for more outdoor recreation areas. The guideline encourages open space that is created by new development to help meet the recreational needs of the community.
Guideline 6: Economic Growth and Sustainability	The proposed revision would allow for greater use of larger residentially zoned tracts of land that can provide a service and facility to the community, while ensuring compatibility to surrounding uses.
Guideline 16: Community Facilities	The proposed amendment would allow for more community facilities, in terms of recreational areas, and meets the intent of this guideline which is to encourage community facilities with compatibility to nearby existing development, to mitigate potential adverse impacts on surrounding land uses, or to buffer community facilities from conflicting nearby uses.

NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

STAFF CONCLUSIONS

Staff recommends approval of this amendment as the proposal would allow for enhanced economic development opportunities, additional areas for recreational uses and would continue to protect residential areas from potentially incompatible athletic facilities, while allowing for Waiver requests on lot size when necessary.

ATTACHMENTS

- A. Ordinance 148-2011
- B. Email from Councilmember Welch
- C. Planning Committee Minutes for September 10, 2015, Meeting
- D. Draft LDC Text Amendment

Attachment A

ORDINANCE No. 148, SERIES 2011

AN ORDINANCE AMENDING CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE PERTAINING TO ATHLETIC FIELDS AS CONDITIONAL USES (CASE NO. 15907).

Sponsored by: Councilman Robin Engel

WHEREAS, the Planning Commission held a public hearing on June 2, 2011, to consider amendments to Chapter 4, Part 2 of the Land Development Code, pertaining to athletic fields as conditional uses; and,

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 15907 as reflected in the Planning Commission's minutes and records,

NOW THEREFORE BE IT RESOLVED BY THE LOUISVILLE METRO COUNCIL

Section I: The Metro Council hereby adopts the amendments to Chapter 2 of the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 15907.

Attachment A

Section II: This ordinance shall take effect upon its passage and approval.

Kathleen J. Herron

Kathleen J. Herron
Metro Council Clerk

Jim King

Jim King
President of the Council

Greg Fischer

Greg Fischer
Mayor

7/29/11

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

LOUISVILLE METRO COUNCIL
READ AND PASSED
July 28, 2011

BY:

Michael J. O'Connell

- C. Animal race tracks located within one-half mile of residentially used or zoned property shall provide information on sound levels resulting from loudspeakers and hours of operation. The Board may establish conditions necessary to protect nearby residents.

4.2.8 Athletic Facilities

Indoor and outdoor athletic facilities, including sports fields, basketball and tennis courts, and related facilities such as equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking except for paint ball ranges are permitted in the M-1, M-2, and M-3 districts, and in the R-R, R-E, R-1, R-2, R-3 R-4, R-5, R-5A, R-6, R-7 and R-8A districts on tracts of 20 acres or more, and in compliance with the following requirements provided that the following standards are met:

- A. The athletic facilities are located in a suburban form district; and
- B. Pedestrian and vehicular circulation patterns, including location of parking lots and driveways, must be designed to safely accommodate recreational users and avoid conflict with truck traffic, as determined by the Director of Works ; and
- C. If recreational uses are located within 500 feet of residential use or zone, the applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); and
- D. No structure, parking area or outdoor recreation facility shall be located within 30 feet of a property line, unless further restricted in accordance with paragraph F below.
- E. Signs – Shall be in accordance with the on-premises sign standards of chapter 8 of the LDC for non-residential uses.
- F. Athletic facilities in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8A districts shall meet the following compatibility requirements:
1. No outdoor athletic facility or parking area may be located closer than 100 feet to an adjacent property zoned for residential use.
 2. No indoor athletic facility may be located closer than 50 feet to an adjacent property zoned for residential use.
- D-F. Athletic facilities in the M-1, M-2 and M-3 districts subject to special standards a conditional use permit may serve three purposes:
1. To allow a transitional use of industrially zoned land, while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs; or
 2. To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development; or
 3. To accommodate greenways or similar open space use of environmentally constrained land, with or without trail systems or other recreational facilities.

4. Thus, athletic facilities are permitted only when the applicant indicates which of the three purposes the proposed use will meet, and can demonstrate the following to the satisfaction of the Board of Zoning Adjustment or the Board's designee:
- a. If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site.
 - b. If Permanent Open Space/Recreation Use: The site is an integral component of a multi-lot business or industrial park, and the recreation facilities primarily benefit persons working at the industrial park.
 - c. If Greenway or Environmentally Constrained: The site is subject to environmental constraints regulated in Chapter 4 Parts 6, 7, or 8, and is precluded from development by conservation easement or restriction on the development plan.

4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. No more than nine (9) guest rooms shall be permitted, and a maximum of two adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.
- B. Guests are limited to a length of stay no more than 14 consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.
- C. Bed and Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest bedroom.
- D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board.
- E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

Attachment B

From: [Welch, Vicki A](#)
To: [Mabry, Brian K.](#)
Cc: [Triplett, Kevin D](#); gailordvm@aol.com; [Yates, David](#); davecarty@vvchurch.org; debbierodgers@insightbb.com
Subject: FW: Athletic Field Land Development Code Text Amendment
Date: Thursday, July 23, 2015 3:22:31 PM
Attachments: [LDC scan.pdf](#)
[ATT00001.htm](#)
[image001.gif](#)

Brian,

I am in support of this change in the Land Development Code for this athletic field project in my district which is being developed by Valley View Church that is in CM David Yates' district.

Can you assist or find who could assist us in preparing a Resolution as indicated in the email message below.

Thank you,

Vicki Aubrey Welch

Councilwoman District 13

Louisville Metro Council

502-574-1113

Vicki.welch@louisvilleky.gov

www.louisvilleky.gov/district13



From: Rusty Gailor [mailto:gailordvm@aol.com]
Sent: Thursday, July 23, 2015 2:33 PM
To: Welch, Vicki A
Cc: DeWayne Drake; <davecarty@vvchurch.org>; Yates, David; debbierodgers@insightbb.com
Subject: Fwd: Athletic Field Land Development Code Text Amendment

Dear Councilwoman Welch,

Thank you so much for your continued support for the Horizon sports field project. Below is a request outlined by Mark Madison, our engineer, to have you move to alter the 20acre requirement for the project. It appears that the staff from planning and design have endorsed this change. Please read the communication below and do not hesitate to contact me with any questions or issues.

Sincerely,

Rusty

Sent from my iPhone

Begin forwarded message:

From: "Mark Madison" <markmadison@milestonedesign.org>

Date: July 23, 2015 at 11:24:26 AM EDT

Attachment C

Case No. 15AMEND1004

Text Amendment to LDC Section 4.2.8 Athletic Facilities

Brian Mabry, Planning Coordinator, presented an overview of the request to amend LDC Section 4.2.8 regarding standards for Athletic Facilities in residentially zoned districts. The language was last amended in July 2011. Recently there have been some concerns raised about the 20-acre minimum size requirement. As written, applicants cannot request a waiver or variance from this minimum size. Mr. Mabry presented two alternatives: 1.) completely strike the 20-acre minimum size requirement or 2.) place the 20-acre minimum size requirement under Section 4.2.8, F that will make it eligible to be waived or varied.

Committee Member Howard suggested clarifying that these standards are for freestanding athletic facilities and not for athletic facilities that are accessory uses to churches, schools, etc.

Committee Member Tomes suggested creating a formal definition for athletic facilities since one does not exist in the Land Development Code.

On a motion by Committee Member Blake and seconded by Committee Member Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that Case No. 15AMEND1004, Text Amendments to LDC Section 4.2.8, to proceed to the Louisville Metro Planning Commission after staff amends the request to change the minimum size from 20 acres to 10 acres and proceeds with option 2 to move the size requirement under 4.2.8, F.

The vote was as follows:

YES: Committee Members Blake, Brown, Carlson, Howard, Kirchdorfer and Tomes.

NO: No one.

NOT PRESENT: Committee Members Kavanaugh and Kelly.

ABSTAINING: No one.

On a motion by Committee Member Blake and seconded by Committee Member Howard, the following resolution was adopted:

Attachment C

RESOLVED, the Louisville Metro Planning Committee does hereby **RECOMMEND** that Case No. 15AMEND1004, Text Amendments to LDC Section 4.2.8, to proceed to the Louisville Metro Planning Commission after staff has also incorporated a requirement that athletic facilities be reviewed by Air Pollution Control District, particularly when they involve dirt playing fields.

The vote was as follows:

YES: Committee Members Blake, Brown, Carlson, Howard, Kirchdorfer and Tomes.

NO: No one.

NOT PRESENT: Committee Members Kavanaugh and Kelly.

ABSTAINING: No one.

Attachment D

ORDINANCE NO. _____, SERIES 2015

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTERS 1 AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO ATHLETIC FIELDS—APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 15AMEND1004).

SPONSORED BY: Councilmembers Vicki Aubrey Welch & David Yates

WHEREAS, the Planning Commission held a public hearing on October 29, 2015 to consider an amendment to the Land Development Code ("LDC"); and

WHEREAS, the Planning Commission recommended approval of the amendments provided in the staff report as stated in the Planning Commission's minutes of October 29, 2015; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 15AMEND1004 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: The Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 15AMEND1004, dated October 29, 2015, and as more specifically set forth in Exhibit A attached hereto.

Section II: This Ordinance shall take effect upon its passage and approval.

Attachment D

H. Stephen Ott
Metro Council Clerk

David Tandy
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By:

Draft

Attachment D

[Plain text = currently existing language in the LDC. Red stricken text = language proposed to be deleted. Underlined text = language proposed to be added.
“Notes to Reviewers” will be removed prior to adoption of the Ordinance]

Exhibit A

1.2.2 Definitions

Athletic Facility, Indoor and Outdoor - A place designed and equipped primarily for observation of sports, including but not limited to a sports field, basketball or tennis court, stadium, or arena. Accessory facilities include, but are not limited to, equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking. The term does not include paint ball ranges or animal race tracks.

Note to Reviewers: Some of this definition comes from the existing standard for Athletic Facility. In addition, the LDC defines “Sports Field” as an open space area specifically designed and equipped for large-scale structured recreation including but not limited to baseball, football and soccer.

4.2.8 Athletic Facilities

Indoor and outdoor athletic facilities ~~as a principal use, including sports fields, basketball and tennis courts, and related facilities such as equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking except for paint ball ranges~~ are permitted in the ~~M-1, M-2, and M-3 districts, and in the~~ R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, and R-8A, M-1, M-2, and M-3 districts ~~on tracts of 20 acres or more, and~~ in compliance with the following requirements:

Note to Reviewers: (1) The Planning Commission suggested making it clearer that these rules apply to stand-alone athletic facilities, so “as a principal use” is included above.
(2) The minimum tract size is shown stricken above so that it can be placed in the standards below, and thus be eligible for a Waiver.
(3) These standards only apply to Athletic Facilities that require a CUP in the listed districts. Athletic Facilities are permitted by right in C-1, C-2, C-3, CM, EZ-1, and PEC.

- A. The athletic facilities are located in a suburban form district; and
- B. Pedestrian and vehicular circulation patterns, including location of parking lots and driveways, must be designed to safely accommodate recreational

Attachment D

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users and avoid conflict with truck traffic, as determined by the Director of Works; and

- C. If recreational uses are located in or within 500 feet of residential use or ~~zone~~ zoning district, the applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); and

Note to Reviewers: This amendment clarifies that the lighting plan is also required if the facility is in a residential district. It also uses the more commonly used “zoning district” rather than “zone”.

- D. No structure, parking area or outdoor recreation facility shall be located within 30 feet of a property line, unless further restricted in accordance with paragraph F below.

- E. Signs – Shall be in accordance with the on-premises sign standards of Chapter 8 of the LDC for non-residential uses.

- F. Athletic facilities in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7 and R-8A districts shall meet the following compatibility requirements:

1. No outdoor athletic facility or parking area may be located closer than 100 feet to an adjacent property zoned for residential use.
2. No indoor athletic facility may be located closer than 50 feet to an adjacent property zoned for residential use.

3. The minimum tract size for an athletic facility shall be 10 contiguous acres.

Note to Reviewers: The Planning Committee recommended lowering the minimum tract size to 10 acres.

- G. Athletic facilities in the M-1, M-2 and M-3 districts subject to a Conditional Use Permit may serve three purposes:

1. To allow a transitional use of industrially zoned land, while preserving the community’s supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community’s economic development needs; or
2. To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development; or
3. To accommodate greenways or similar open space use of environmentally constrained land, with or without trail systems or other recreational facilities.

- H. 4. Thus, athletic facilities are permitted only when the applicant indicates which of the three purposes the proposed use will meet, and can

Attachment D

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“Notes to Reviewers” will be removed prior to adoption of the Ordinance]

demonstrate the following to the satisfaction of the Board of Zoning Adjustment or the Board’s designee:

Note to Reviewers: 4. above was changed to H to help avoid confusion because the preceding paragraph mentioned “three purposes”.

1. ~~a.~~ If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site.
2. ~~b.~~ If Permanent Open Space/Recreation Use: The site is an integral component of a multi-lot business or industrial park, and the recreation facilities primarily benefit persons working at the industrial park.
3. ~~c.~~ If Greenway or Environmentally Constrained: The site is subject to environmental constraints regulated in Chapter 4 Parts 6, 7, or 8, and is precluded from development by conservation easement or restriction on the development plan.