

Development Review Committee

Staff Report

May 17, 2017



Case No:	17DEVPLAN1037
Project Name:	Spalding University – Athletic Fields
Location:	916 South 8 th Street
Owners:	Spalding University, Inc.
Applicant:	Spalding University, Inc.
Representative(s):	Pat Dominick, Matt Wolff
Project Area/Size:	7.4 acres
Existing Zoning District:	M-3, EZ-1, Industrial, Enterprise Zone
Existing Form District:	TW, Traditional Workplace
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST

- Revised Detailed District Development Plan to allow athletic fields in a EZ-1 zoning district

CASE SUMMARY

Spalding University proposes to construct two multi-purpose soccer fields, one women's softball field and a fieldhouse. The property currently lies vacant with an abundant amount of exposed foundations from the previous buildings partial demolition, a few remaining parking lots and a vacant building located along 9th Street.

The facility will be used by Spalding University for practice and games. The men's and women's soccer season is a fall sport with practices being at 8:00 a.m. and 2:30 p.m. during the week. Games are always played back to back with weekend games typically starting at 1:00 p.m. and weekday games are typically played around 5:00 p.m. and could last until 9:00 p.m. The women's softball season is a spring sport with practices being at 8:00 a.m. and 2:30 p.m. during the week. All softball games are a doubleheader with weekend games starting at 1:00 p.m. and weekday games typically played around 5:00 p.m. and could last until 9:00 p.m.

The proposal includes sports lighting mounted on mast-type poles that will be 70 feet above the fields. Also a public address system will be in use for game day management.

SITE CONTEXT

The overall site is rectangular in shape and has frontage on West Breckinridge Street, West Kentucky Street, South 8th Street, and south 9th Street. The property currently lies vacant with an abundant amount of exposed foundations from the previous buildings partial demolition, a few remaining parking lots and a vacant building located along 9th Street

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1, M-3	TW
Proposed	Athletic Fields	EZ-1, M-3	TW
<i>Surrounding Properties</i>			
North	Light Industrial	M-2	TW
South	Light Industrial	M-2	TW
East	Light Industrial, Multi-Family	R-7, CM	TN
West	Light Industrial	EZ-1	TW

PREVIOUS AND ASSOCIATED CASES ON SITE

- 16CUP1081** A Conditional Use Permit to allow athletic fields in an M-3 zoning district on property know as 916 South 8th Street. This proposal was approved by the Board of Zoning Adjustment on April 17, 2017.
- 9-96-02** A change in zoning from M-3 Industrial to EZ-1 Enterprise Zone on property located at 939 and 941 South Ninth Street, containing 3.60 acres and being in Jefferson County. This proposal was approved by Metro Council on February 27, 2003.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on February 8th, 2017 for the Conditional Use Permit. Four people attended the meeting and their comments are provided in your packet.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;
- STAFF: The proposal is located on a vacant industrial site with numerous concrete foundations and asphalt parking lots. There are no natural resources on site.
- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The proposal will utilize an existing curb cut that will be shared with the adjacent property to the north. New sidewalks will be constructed along 8th and Kentucky Streets and several curb cuts along 9th Street will be removed and replaced with sidewalk and a verge strip. Sidewalks will connect the public walks in the right-of-way to the main pedestrian gate leading into the facility.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal is reducing the impervious area of the site nearly 80% and replacing it with two multi-purpose soccer fields and a women's softball field. These fields will facilitate the university's need for sports fields within close proximity to campus. The university currently uses Louisville collegiate fields which are 8 miles away.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land use is compatible with the existing and future development of the area. The proposed design is a good transition between the more residential community to the east and more industrial to the west.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

The lighting plan and signage were approved by the Board of Zoning Adjustment under section 4.2.8 (Athletic Fields) items:

C. The applicant shall submit a lighting plan documenting compliance with Section 4.1.3 (Lighting ordinance); and

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

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for a revised plan

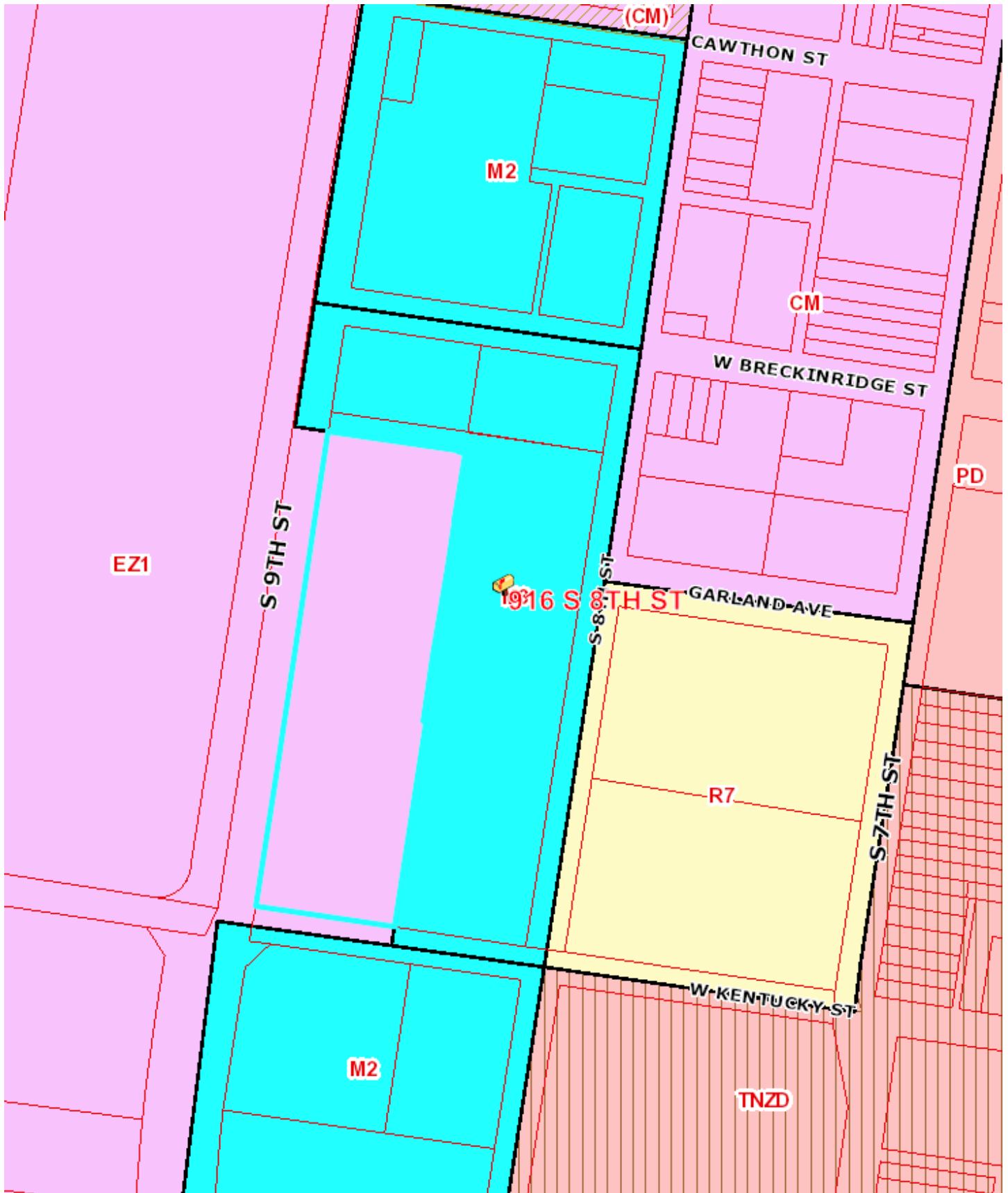
NOTIFICATION

Date	Purpose of Notice	Recipients
4/21/2017	Public Hearing - DRC	Neighborhood notification recipients
4/21/2017	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to automobile dealership preparation services and used car sales and other uses permitted in the M-3 District. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of the request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 15,440 square feet of gross floor area.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage, display or sales except as permitted under Section 9.7 of the Jefferson County Development Code and within designated areas of the approved development plan.
7. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty), or their successors.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be submitted within 60 days of Metro Council Development Plan approval. The plan shall be implemented within 90 days of Landscape plan approval and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
9. The owner, or occupant of the property, shall not allow loading or unloading of vehicles in the right-of-way by carriers making pick-ups or deliveries at the site. The applicant shall notify carriers and provide a copy of notification to the staff within 30 days of the Planning Commission recommendation.
10. All binding elements requiring action and approval, must be implemented within one (1) year of the date of Plan approval by the Metro Council, except for binding elements that list specifically time frame.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchases, contractors, subcontractors and other parties engaged in development of this site and shall

advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. New sidewalk shall be constructed by the property owner, or occupant, along West Kentucky Street.
15. The owner or occupant of the property shall paint the fence black, replace those sections along Kentucky Street affected by the entrance relocation and repair where necessary. Repair and painting the fence black shall be completed with Landscape Plan implementation (within 90 days of Landscape Plan approval) and shall be maintained thereafter.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the ~~Zoning District Regulations~~ Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to ~~automobile dealership preparation services and used car sales~~ athletic fields and other uses permitted in the M-3 District. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of the request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 15,440 square feet of gross floor area.
4. ~~The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height. No sign shall have more than two sides.~~ Signs shall be in accordance with Chapter 8.
5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage, display or sales except as permitted under ~~Section 9.7 of the Jefferson County Development Code~~ Chapter 4.4.8 of the Land Development Code. ~~and within designated areas of the approved development plan.~~
7. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting certificate of occupancy. Such certification shall be maintained on site at all times thereafter.

8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. ~~The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty), or their successors. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.~~
 - b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be submitted within 60 days of Metro Council Development Plan approval. The plan shall be implemented within 90 days of Landscape plan approval and shall be maintained thereafter.~~ The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. ~~A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
9. The owner, or occupant of the property, shall not allow loading or unloading of vehicles in the right-of-way by carriers making pick-ups or deliveries at the site. The applicant shall notify carriers and provide a copy of notification to the staff within 30 days of the Planning Commission recommendation.
- ~~10. All binding elements requiring action and approval, must be implemented within one (1) year of the date of Plan approval by the Metro Council, except for binding elements that list specifically time frame.~~
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line. ~~or permitted on the site.~~
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchases, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. New sidewalk shall be constructed by the property owner, or occupant, along West Kentucky Street.
15. ~~The owner or occupant of the property shall paint the fence black, replace those sections along Kentucky Street affecting by the entrance relocation and repair where necessary. Repair and painting the fence black shall be completed with Landscape Plan implementation (within 90 days of Landscape Plan approval) and shall be maintained thereafter.~~ The applicant will be providing an 8 feet tall aluminum picket security fence around the project site.