

Board of Zoning Adjustment Staff Report

April 17, 2017



Case No:	16CUP1081
Project Name:	Spalding University – Athletic Fields
Location:	916 South 8 th Street
Owners:	Spalding University, Inc.
Applicant:	Spalding University, Inc.
Representative(s):	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 Crumby, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow athletic fields in a M-3 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
Subject Property			
Existing	Vacant	EZ-1, M-3	TW
Proposed	Athletic Fields	EZ-1, M-3	TW
Surrounding Properties			
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

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. 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 CONDITIONAL USE PERMIT**

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

STAFF: The proposed use supports reinvestment, rehabilitation and redevelopment through the use of creative site design work respectful of the traditional pattern of development in the area. The proposed use serves as a transitional use between abutting multifamily residential and industrial, non-residential uses by providing green space with appropriate buffers, setbacks, heights, and building materials.

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, appearance, etc?

STAFF: The site represents a lower intensity use in a Traditional Workplace setting and provides transitional use between the multifamily housing and more intensive business/industrial uses in the area. The facility will be owned, operated and maintained by Spalding University and the proposed scale, intensity, and hours of operation will not adversely impact the surrounding neighborhood nor represent a nuisance.

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

STAFF: The site is adequately served by the existing network, is in close proximity to existing TARC service. New sidewalks will be constructed on 8th and Kentucky Streets. There is adequate sanitary and water service to support the use. No new utility or service main extensions are required to accommodate the proposed use.

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

Indoor and outdoor athletic facilities as a principal use are permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, R-8A, M-1, M-2, and M-3 districts in compliance with the following requirements. The applicant will be asking to modify item A. and item F. does not apply.

A. The athletic facilities are located in a suburban form district; **the applicant is asking for relief because the site is located in the Traditional Workplace 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. 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 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.

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;

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. 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:

1. If Transitional Use: The proposed athletic facilities do not entail construction of permanent facilities that are inconsistent with industrial use of the site.

2. 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. 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.

TECHNICAL REVIEW

A Revised Detailed District Development Plan will need to be approved by the Development Review Committee.

STAFF CONCLUSIONS

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

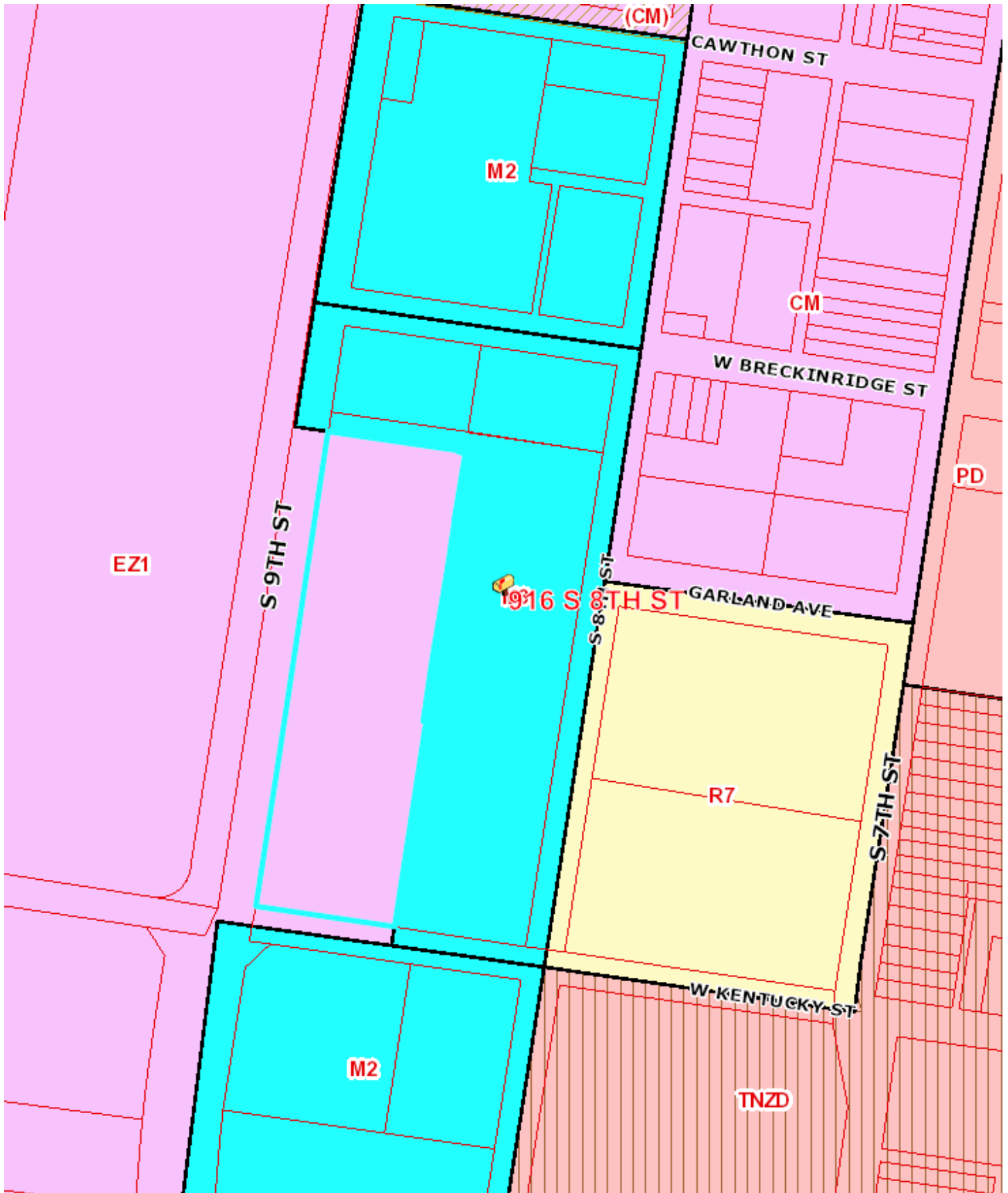
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/17	APO Notice	First and second tier property owners
3/30/17	Sign Posting	Subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Conditions 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 athletic fields without further review and approval by the Board.