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**CONDITIONAL USE PERMIT – JUSTIFICATION STATEMENT**  
**SPALDING UNIVERSITY – ATHLETIC FIELDS**  
 APPLICANT: SPALDING UNIVERSITY, Inc.

March 13, 2017  
 Case # 16CUP1081

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**CONTEXT STATEMENT / INTRODUCTION.**

The intent of this project is to construct two multi-purpose soccer fields, one women’s softball field and a fieldhouse (containing a locker room facility, concession area, bathrooms, and storage) at the property located at 916 S. 8<sup>th</sup> 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 9<sup>th</sup> Street. The property is located in the Traditional Workplace Form District and is split by two different zoning districts, EZ-1 and M3. The applicant owns both properties and the athletic facility is an allowable use in the EZ-1 zoning district on the west side of the site but requires a conditional use permit for the M-3 portion of the site. (See Exhibits ‘A’ & ‘B’ below).



Exhibit 'A' - Aerial Photograph Existing Condition



Exhibit 'B' - Proposed Site Plan

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 am & 2:30 pm during the week. Games are always played back to back with weekend games typically starting at 1:00 pm and weekday games are typically played around 5:00 pm and could last until 9:00 pm. The women's softball season is a spring sport with practices being at 8:00 am & 2:30 pm during the week. All softball

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games are a doubleheader with weekend games starting at 1:00 pm and weekday games typically played around 5:00 pm and could last until 9:00 pm.

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

This proposal complies with the following guidelines of the Comprehensive Plan:

Guideline 1.B.9: The proposed use supports reinvestment, rehabilitation and redevelopment through the use of creative site design respectful of the traditional pattern of development in the Traditional Workplace Form District in close proximity to Spalding University.

High frequency TARC routes 4 and 23 operate on 4<sup>th</sup> and Broadway streets with nearest transit stop available at 7<sup>th</sup> and Kentucky – one block east of the subject property.

The site does not meet the threshold for compliance with Chapters 10.1 and 10.2 of the Land Development Code, however lawn areas are proposed around the perimeter of the site. Adequate setbacks are provided and the off-street parking observes the 30' setback.

Per NCAA rules and regulations, a public address system is required for game day management. This will be directed away from the adjacent College Court residential area. The fields will be lighted with 70 ft. high sports lighting. A lighting plan has been submitted as part of the CUP and indicates light trespass at the property line meets the requirements of the LDC.

A 5,000 square foot, single story, masonry fieldhouse facility will include changing rooms, interior storage area, a concession area, and bathrooms and will support the athletic fields. The anticipated hours of operation for practice and games, as stated above, do not represent a nuisance and should be completed by 9:00 pm at night during the season.

Guideline 3.21: 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. Lawn areas are proposed along the site's perimeter due to the non-intrusive, recreational nature of the proposed use. This is a less intense use than its abutting neighbors, provides for 56 off-street parking spaces which meets the minimum parking requirement, shares an existing curb cut with an adjacent business to the north, will not generate peak hour traffic volumes.

Guideline 3.28: A single 6-ft high x 10-ft wide sign (shown on the plan) will identify the facility and meets the form district requirements.

Guideline 4.1 and 4.7: The proposed use provides for the outdoor recreational needs of Spalding University intercollegiate soccer and softball programs and is compatible with adjacent land uses, in that it provides a transitional use within the Traditional Workplace Form District between residential uses to the East and more intensive business/industrial uses to the West. The facility

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is also in close proximity to Spalding University. The facility will be owned and maintained by Spalding University, requiring no support from Metro Government.

Guideline 6.1, 6.3 and 6.11: The proposed use represents an appropriate re-use of older industrial land that required environmental cleanup consistent with the Traditional Workplace Form District. Spalding University is an urban campus situated 4 blocks east of this site. The language of this guideline relates to meeting the needs of “industrial subdivisions or workplace district and their employees”. The subject property is within walking distance of the campus and will meet the needs of the University, so the applicant is seeking relief from this requirement.

Guideline 7.10, 7.13, 7.15, and 7.16: The proposal’s access consolidates entrances on S. 8<sup>th</sup> Street, shares a curb cut with the adjoining business, provides adequate off-street parking, and supports temporary parking of bus parking for intercollegiate athletic teams. The peak hours of operation will not place a burden on the existing street network. Sidewalks are located along the property perimeter and a secure entrance provided by the fieldhouse facility.

Guideline 9.2 and 9.4: This proposal supports on-site bicycle parking and is located within close proximity to TARC stops.

Guideline 10.3 and 10.11: The proposal incorporates MSD Best Management Practices to reduce the volume of runoff, reduce impervious surfaces, and infiltrate stormwater to reduce combined sewer overflows.

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

As outlined above, the site represents a lower intensity use in a traditional workplace setting and provides a transitional use between the College Court rental complex east of 8<sup>th</sup> Street and more intensive business/industrial uses west of 9<sup>th</sup> Street. 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?***

The site is adequately served by the existing network, is in close proximity to existing TARC service and transit stops. New sidewalks will be constructed on 8<sup>th</sup> and Kentucky Streets. There is adequate sanitary and water service to support the proposed use. The site will also reduce runoff volumes into the combined sewer, thereby helping to reduce urban flooding and combined sewer overflows. No utility or service main extensions are required to accommodate the proposed use.

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**4. Does the proposal comply with the following specific standards required to obtain the Conditional Use Permit?**

Per the Land Development Code – Chapter 4.2.8 An outdoor athletic facility that acts as the primary use is permitted within the M-3 zoning district if it is determined to be compliant with the following requirements.

- A. The athletic facilities are located in a suburban form district. Typically, athletic facilities of this type would be located in a suburban setting due to greater land availability and more favorable zoning and form district designations. Spalding University is an urban campus located between 2<sup>nd</sup> & 4<sup>th</sup> Streets and York & Kentucky Streets in downtown Louisville. The University's sports teams currently use the Louisville Collegiate Sports Facility at Champions Trace, which is 8.3 miles from campus at the corner of Bashford Manor Lane and Newburg Road. The University has acquired this property due to: a) it's close proximity to campus and b) it's ability to support its intercollegiate softball and soccer programs. Of note, Spalding University is located 4-5 blocks east of this site and is located in the Downtown and Traditional Neighborhood form districts – neither of which is a suburban form district. The applicant is therefore requesting relief from this requirement to allow the athletic fields to be located in the Traditional Workplace Form District.
- 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. All pedestrian and vehicular traffic will access the site from 8<sup>th</sup> Street. The proposal will utilize an existing curb cut located on 8<sup>th</sup> Street. The athletic facility will share this entrance with the adjoining property to the north by way of an existing ingress, egress & utility easement DB 7559, PG 404. There will be no pedestrian or vehicular access along Kentucky Street or 9<sup>th</sup> Street into the site and the existing curb cuts along Kentucky Street and 9<sup>th</sup> Street will be removed and replaced with a sidewalk & verge strip. A bus drop zone will be stripped out within the parallel parking lane along 8<sup>th</sup> Street near the future Fieldhouse building. Sidewalks are proposed to connect the public sidewalk to the main entrance gate.
- C. The applicant shall submit a lighting plan documenting compliance with Section 4.1.3 Lighting ordinance. The proposal includes sports lighting mounted on mast-type poles and a lighting plan with photometric measurements will be submitted with this proposal. The proposed sports lighting will be LED fixtures that meet the fully shielded/ full-cutoff light and will be mounted 70 feet above the fields. The lighting plan illustrates that the proposal is compliant with the lighting regulations regarding light trespass at the property lines and adjacent residential property lines across the street.

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- D. *No structure, parking area or outdoor recreation facility shall be within 30 feet of a property line.* The fieldhouse and parking lot comply the 30-foot setback requirement.
- E. *Signs - Shall be in accordance with the on-premises sign standards of Chapter 8 of the LDC non-residential uses.* The proposal includes on premises signs that will meet the Chapter 8 regulations.
- F. *Athletic fields 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 standards:...* This requirement is not applicable.
- G. *Athletic facilities in the M-1, M-2 & M-3 districts subject to a conditional use permit may serve three purposes:*
2. *To allow use of parcels for permanent open space or recreational purposes serving employees of an industrial development.* The applicant proposes a permanent open space condition for an athletic facility to be used by the student-athletes of Spalding University. The facility will create a much needed green open space transition between the R-7 residential community to the east and the EZ-1 industrial uses to the west. The project site is 7.4 acres, with the majority of the site being impervious surfacing. The proposal creates nearly 6 acres of pervious surfacing and will provide an underground infiltration system to capture the stormwater runoff of the site. This will have a positive impact to an area impacted by from combined sewer overflows.
- 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:*
2. *If Permanent Open Space / Recreational 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.* The athletic facility will be an integral part to Spalding University's campus and their current growth in the downtown area. The facility will be used by Spalding University students for practice and games. The facility will be a vast improvement to the University's sports program and reduces the need for students to travel far distances to attend practice and home games. The facility will not be open to the public for recreational use.