

# Board of Zoning Adjustment

## Staff Report

July 24, 2023



|                          |                             |
|--------------------------|-----------------------------|
| <b>Case No:</b>          | 22-CUP-0365                 |
| <b>Project Name:</b>     | Proposed Athletic Facility  |
| <b>Location:</b>         | 2800 S English Station Road |
| <b>Owner(s):</b>         | Serendipity KY, LLC.        |
| <b>Applicant:</b>        | Dinsmore & Shohl, LLP       |
| <b>Jurisdiction:</b>     | Louisville Metro            |
| <b>Council District:</b> | 20 – Stuart Benson          |
| <b>Case Manager:</b>     | Molly Clark, Planner II     |

### **REQUESTS:**

- **Conditional Use Permit from Land Development Code section 4.2.8 to allow athletic fields in RR and M2 zoning district.**

### **CASE SUMMARY/BACKGROUND**

The subject site is zoned RR and M-2 in the Neighborhood form district. The site is approximately 29 acres and is currently vacant. This site is subject to the Conditional Use Permit standards to allow an athletic facility in RR zoning district and M2 zoning district. The applicant is proposing an indoor and outdoor athletic field complex with proposed parking areas. The indoor facility will be 52,260 sf and the outdoor facility will consist of 3 outdoor fields. All proposed structures, filling and excavating and development will be outside of the flood plain.

This site is subject to the Conditional Use Permit standards to allow an athletic facility in R-R zoning district and M2 zoning district. The Floyds Fork Overlay Review was heard at Planning Commission on June 15<sup>th</sup>, 2023 and was approved under case number 22-FFO-0008

### **STAFF FINDINGS**

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

According to section 4.2.8 of the Land Development Code regarding the Conditional Use Permit for an Athletic Facility, the applicant complies with requirements A through F but will need relief from item G and H. This site is not located in an industrial park.

### **TECHNICAL REVIEW**

MSD and Transportation Planning and preliminarily approved the plan. This case has also received a Floyds Fork Development Review Review approval from the Planning Commission.

### **INTERESTED PARTY COMMENTS**

The applicant held a neighborhood meeting on October 25, 2022 and 14 people attended.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT 4.2.8 Athletic Facilities:**

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:

A. The athletic facilities are located in a suburban form district; and

Staff: Applicant is meeting this requirement.

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

Staff: The applicant is meeting this requirement. Applicant has received preliminary approval from Transportation Planning.

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

Staff: Applicant is not proposing any lights for the outdoor athletic fields at this time.

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.

Staff: Applicant is meeting this requirement.

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

Staff: Applicant is aware of this requirement.

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.

Staff: Applicant is meeting this requirement

2 No indoor athletic facility may be located closer than 50 feet to an adjacent property zoned for residential use.

Staff: Applicant is meeting this requirement.

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

Staff: Applicant is meeting this requirement

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.

Staff: Applicant is asking for relief from this section. See the attached agenda item under letter of explanation for the conditional use permit.

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.

Staff: Applicant is asking for relief from this section. See the attached agenda item under letter of explanation for the conditional use permit

**REQUIRED ACTIONS:**

- **APPROVE or DENY the CONDITIONAL USE PERMIT with CONDITIONS OF APPROVAL.**

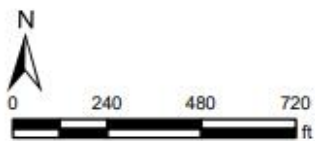
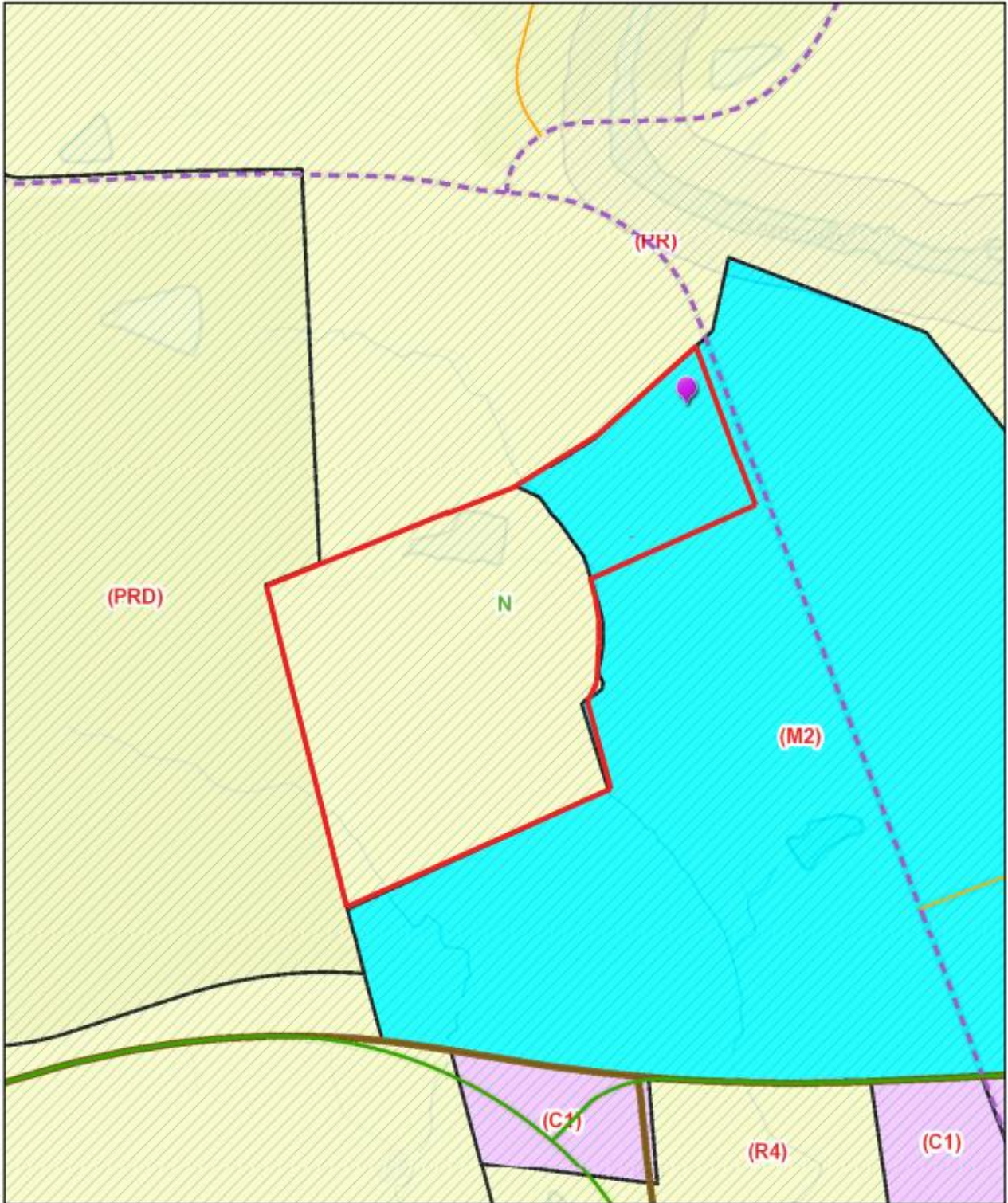
**NOTIFICATION**

| <b>Date</b>     | <b>Purpose of Notice</b> | <b>Recipients</b>   |
|-----------------|--------------------------|---|
| <b>07/10/23</b> | Hearing before BOZA      | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 20 |
| <b>10/25/23</b> | Neighborhood Meeting     | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 20 |
| <b>7/12/23</b>  | Hearing before BOZA      | Sign Posting on the Property  |

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Renderings/Elevations
5. Site Photos
6. Conditions of Approval

1. Zoning Map



Monday, July 17, 2023 | 1:44:34 PM

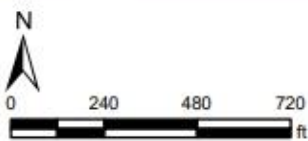


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This map is not a legal document and should only be used for general reference and identification.



2. Aerial Photograph



Monday, July 17, 2023 | 1:43:01 PM



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5. Site Photos

Subject Site (Existing home to be demolished):





Property to the right



Property to the Left





## Property Across the site



### 6. **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 a private institutional use until further review and approval by the Board.
3. Prior to constructing any lights for any of the outdoor athletic field(s), the applicant must receive approval of a lighting plan from the Planning Commission and must obtain approval of a modified Conditional Use Permit from the Board of Zoning Adjustment.