

# SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-22-00023: IVCP ATHENS SOUTH, LLC



## STAFF REVIEW

In the period following the December Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report and the comments made during the committee meetings. Since that time, the applicant has submitted updated information including an updated development plan, letter of justification, renderings of the proposed site, a lighting study, and an updated parking demand mitigation study. The materials submitted specifically focuses on the potential economic impact of the proposed development, as well as the impacts of the proposed development on the adjacent surrounding agriculture, Rural Settlements, and the viewshed along Athens Boonesboro Road, which is highlighted in the Rural Land Management Plan.

As part of the supplemental information, the applicant provided greater information regarding the economic and job producing impacts that would be developed. This justification is significant for indicating agreement with the Comprehensive Plan (Theme C), as well as the recommendations of the 2017 Rural Land Management Plan for the Blue Sky Rural Activity Center (RAC). The applicant indicates that the proposed stadium will provide an economic impact of 30 full-time staff positions as part of the executive team and front office with an average annual salary of \$75,000, resulting in excess of \$2.2 million annually in direct salaries. Additionally, they are seeking to hire 7-10 full-time training and medical staff as part of the training facility with an average annual salary of \$120,000. The stadium and training facility will also serve as the home of the professional men's and women's teams, each containing a roster of approximately 25 professionals and a related coaching staff for each respective team of 5-8 individuals, including operations staff. Total approximate payroll for each team will be in excess of \$1 million annually in direct labor income impact.

In addition to the proposed stadium, the applicant indicates that the proposed medical office building and commercial out-parcels would develop approximately 194 direct and indirect jobs on the site with an annual labor income projection of \$9.8 million. The jobs produced from these sites would include medical professionals, executive positions, service professionals and general retail jobs. The variety of jobs produced within the area allows for the utilization of a broader economic community and proposes jobs that range in educational attainment. The applicant also suggests that the proposed development can spur further economic growth and the redevelopment of the Blue Sky RAC.

The applicant also discusses the interconnectivity with the approved recreation fields, located to the south of the area of rezoning. The applicant indicates that the pairing of the development allows for a more robust sport-tourism within the community, which can be a local amenity and a regional attraction. The applicant indicates that tournaments at the site will generate greater than \$1.5 million annually of indirect impact on the hotel and restaurant industries.

In addition to the applicants' discussion regarding the economic impact, the applicant discusses the situation of the site and the visual impact on Athens Boonesboro Road. They state that due to its location, the proposed development will not significantly affect the viewsheds along Athens-Boonesboro Road or 1-75. They indicate that the on-ramp to 1-75 and 1-75 itself are at a lower elevation and there are significant hills, rock outcrops, berms and foliage that will block the view of the development from cars traveling on the interstate. Similarly, they state that the topography of Athens Boonesboro Road, the distance of the site from the road, and the hills and foliage between the two, will shield views of the development from the vast majority of the Athens Boonesboro Road corridor. The applicant indicates that the proposed stadium may be visible on occasional stretches; however, they are seeking to develop a facility that is attractive and will contribute to creating the impression of a vibrant and diverse community for visitors arriving to Lexington at this location.



### **PARKING DEMAND MITIGATION STUDY**

In addition to the materials supplementing their justification statement, the applicant has submitted an updated parking demand mitigation study. The study adequately reviews the potential impact of proposed uses on the site, and describes the cross utilization of parking, future potential for transit support, and pedestrian/cyclist circulation, which are necessary for the function of a commercial development that includes a stadium facility.



### **CONDITIONAL ZONING RESTRICTIONS**

While the staff agrees that these elements of the Comprehensive Plan and Rural Land Management Plan can be met with the proposed zone change and associated development plan, there are concerns that future land uses within the Highway Service Business (B-3) zone can have negative impacts on the surrounding development and could negatively impact the Blue Sky Rural Activity Center and the Athens Boonesboro Road corridor, which is an identified gateway into Lexington. In an effort to alleviate some of the potential adverse impacts, staff recommends the incorporation of conditional zoning restrictions. Specifically, staff recommends the prohibition of the following uses:

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Minor or major automobile and truck repair.
3. Pawnshops.
4. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
5. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

The staff recommends restrictions as they are necessary and appropriate in order to restrict those land uses that would , which could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).

Staff can now recommend approval of the proposed zone change from an Interchange Service Business (B-5P) zone to a restricted Highway Service Business (B-3) zone for the properties located at, as the proposal is in agreement with the 2018 Comprehensive Plan, including the applicable Goals and Objectives, and Development Criteria and the 2017 Rural Land Management Plan.

**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASON:**



1. A restricted Highway Service Business (B-3) zone is in agreement with the 2018 Comprehensive Plan's Goals, Objectives, and Policies, for the following reasons:
  - a. The proposed development supports infill opportunities (Theme A, Goal #2) by developing in an area that is meant for commercial or industrial development with a commercial development focused on economic development.
  - b. The proposed development will create jobs and prosperity by showcasing local assets, which will be specifically focused on the promotion and enhancement of sports tourism, entertainment and other quality of life opportunities that attract young, and culturally diverse professionals and a work force of all ages and talents (Theme C, Goal #1 and #2).
  - c. The proposed development will enhance Lexington's ability to host regional athletic tournaments through the inclusion of the soccer stadium and training facility (Theme C, Livability Policy #3 of the Comprehensive Plan).
2. The justification and corollary development plan are in agreement with the 2017 Rural Land Management Plan, for the following reasons.
  - a. The proposed rezoning will allow for greater utilization of property within the Blue Sky Rural Activity Center that support highway and interstate service commerce, while also allowing for greater flexibility for job production, which would target the production of employment at higher wages.
  - b. The proposed development is situated along the portion of the property that is most heavily impacted by light, air and sound impacts that are caused by Interstate 75 and is adequately buffered from the westernmost Agricultural Rural (A-R) zoning that abuts 5354 Athens Boonesboro Road.
  - c. The proposed development does not negatively impact the viewshed along Athens Boonesboro Road as the area is buffered by topographic variations and the established development along the roadway.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are recommended via conditional zoning:
  - a. The following uses shall be prohibited:
    - i. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
    - ii. Minor or major automobile and truck repair.
    - iii. Pawnshops.
    - iv. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers.
    - v. Retail sale of automotive parts with storage and distribution of inventory to other local establishments under the same ownership.

The restrictions are necessary and appropriate in order to restrict those land uses that could have a negative impact on the surrounding agricultural zones and Athens Boonesboro Road, a major gateway into the Lexington Fayette Urban County. These restrictions will protect the aesthetic character of the Athens Boonesboro Road gateway, as recommended by the 2017 Rural Land Management Plan (RLMP).
4. This recommendation is made subject to approval and certification of PLN-MJDP-22-00073: Boonesboro Manor (Interstate Park Property)(AMD), prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

## SUPPLEMENTAL STAFF REPORT ON CONDITIONAL USE PERMIT REQUEST



In association with the zone change request for the property, the applicant is seeking a Conditional Use Permit within the Highway Service Business (B-3) zone to operate a stadium on property located at 5380 Athens Boonesboro Road and associated parking which extends into 5354 Athens Boonesboro Road. With any zone change the Planning Commission shall have the power to hear and decide applications for conditional use permits. These permits are to allow the proper integration into the planning area of uses which are specifically named in the Zoning Ordinance, which may be suitable only in specific locations in the zone, only if certain conditions are met, and which would not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.

### ZONING ORDINANCE

Article 6-4(c) states that the Planning Commission may hear and act upon requested conditional uses and variances associated with a zone change. If the Planning Commission should choose to hear a conditional use or variance request, the Planning Commission shall have all of the powers and responsibilities of the Board of Adjustment, as defined in Sections 7-6(a) and 7-6(b) of the Zoning Ordinance. All conditional use and variance applications shall be acted upon by the Planning Commission within ninety (90) days from the date of the application, unless postponed further by the applicant.

Article 8-20(d) states that for any conditional use permitted within the Highway Service Business (B-3) zone they shall be as follows: located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses, any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of one thousand (1,000) feet from said structure, and entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

Article 8-20(d)(1) states that outdoor athletic facilities that would be compatible in a Highway Service Business (B-3) zone, such as a football stadium; tennis courts; a soccer or polo field, and a baseball field are conditional uses within the Highway Service Business (B-3) zone.

### CASE REVIEW

In the period following the December Subdivision and Zoning Committee meetings, the applicant met with staff to discuss the concerns described within the initial staff report relating to the proposed stadium. Since that time, the applicant has submitted updated information including an updated development plan, letter of justification, renderings of the proposed site, and a lighting study. The materials submitted specifically focused on the impacts of the proposed conditional use within a Highway Service Business (B-3) zone.

Within the initial staff report, the staff highlighted the three threshold concerns regarding the establishment of a stadium within a B-3 zone: any facility shall be located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect on the adjoining streets and the surrounding uses, any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of one thousand (1,000) feet from said structure, and entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer. In review of their application, the primary concerns were the location of any outdoor theater screen or illuminated scoreboard, and the ingress/egress into the site.

Within the updated materials, the applicant provided a map that indicates the areas within 1,000 feet of the proposed scoreboard location. Due to the proposed location, the topography of the site, and the proposed stadium construction, there is only one area along the bridge that spans I-75 that the scoreboard may be visible. The applicant has indicated that the area would be screened from view, utilizing a vegetative buffer, as to not be visible from the roadway and distract drivers.

In an effort to provide the best possible ingress and egress to the proposed site, the applicant has met with the Division of Traffic Engineering, the Division of Planning, and the Kentucky Transportation Cabinet representatives several times. The applicant has proposed various scenarios that are focused on maintaining proper circulation into and out of the proposed development as a whole, while also maintaining the health,



safety and welfare of the traveling public. In addition to the discussions previously, the Urban County's Traffic Engineer is a required sign-off for the proposed development plan and the conditional use permit, which will ensure proper ingress and egress.

The applicant has also provided information as to how they are mitigating potential adverse impacts on the surrounding area. The applicant indicates that choice of construction location for the proposed stadium, along I-75 and its on-ramp from Athens Boonesboro Road and next to the training facility and new soccer fields, is designed to minimize the impact the stadium may have on the surrounding agricultural areas, the residential land uses in the area, and the viewsheds along Athens Boonesboro Road and I-75. The applicant indicates that the nearest property utilized for an agricultural land use is located approximately 1,810 feet south of the proposed stadium and is buffered by the A-R zoned portion of the property, which includes the soccer fields approved by the Board of Adjustment. The applicant also states that the nearest residential land use to the proposed stadium is approximately 1,790 feet to the east and is buffered by existing commercially zoned property. The applicant stresses that the agricultural and residential properties are buffered with existing trees and vegetation along their property boundaries, as well as the rolling topography of the area.

The applicant has also provided information regarding the proposed lighting and sound for the development. They indicate that the proposed stadium lighting will be designed so there will be no spillover of light from the stadium to any agriculture and residential areas in the vicinity. The stadium proposes to utilize LED lighting with fixtures with internal TIR optics and an external visor to direct light toward the interior of the stadium. Additionally, the applicant indicates that the lighting in the parking areas will be subject to the requirements of the Zoning Ordinance, which limits lighting to a pedestrian scale (12 feet) and were specifically designed to reduce light pollution on adjacent properties. The applicant stresses that the area of development is already subject to existing light sources, due to the proximity of I-75 and its on-ramp, as well as the established development.

The applicant posits that the potential impact of any noise from the stadium on the agriculture and residential areas in the vicinity will be minimal. They indicate that the area is already subject to noise from the Interstate and Athens Boonesboro Road, which have a similar impact to the noise created by the stadium. The applicant is proposing a design for the stadium in a horseshoe shape with the open-end oriented toward I-75, such that sound will be projected toward the interstate and away from other areas. The applicant states that the stadium speakers will be directed to project sound into the stadium, similar to the lighting.

The applicant notes that the impact of the stadium itself will be limited to the events that are held at the location. They indicate that there are stadiums, within the urban areas of Lexington that co-exist and operate in the middle of residential neighborhoods in Lexington, including high school stadiums, the Legends' stadium, and UK's football, soccer and baseball stadiums. The applicant posits that the proximity to other uses, in and of itself, does not render the requested conditional use inappropriate, but it is the mitigation efforts that allow for integration.

The staff agrees with the applicant's justification of the proposed development, as well as the site design features that are focused on limiting the impact of the proposed conditional use on the surrounding area. The staff also recommends the inclusion of conditions to further limit the potential impact of the use. The staff recommends the prohibiting of fireworks at the proposed location. While the applicant's site design and location will limit light spillage and noise in the area, the use of fireworks, which project above the stadium's height could have a negative impact on the surrounding land uses.



**STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:**



1. Granting the requested conditional use permit should not adversely affect the subject property or surrounding properties since noise and lighting issues will be addressed to the extent possible, in order to minimize any negative effect they may have on surrounding property owners; access will be available and adequate to allow traffic to flow into and out of/away from the stadium without causing a significant negative impact on peak hour levels of service; and the location is to an accessible arterial roadway; and illuminated signage will be screened from the public right-of-way.
2. Adequate public facilities will be available in the area to support the proposed stadium.
3. Parking will be provided in accordance with the submitted Parking Demand Mitigation Study, including shared parking with the adjacent proposed uses and should be adequate to serve the stadium use.

This recommendation of Approval is made subject to the following conditions:

- a. Provided the Urban County Council approves the requested zone change to the B-3 zone, otherwise the requested conditional use shall be null and void.
- b. Any outdoor theater screen or illuminated scoreboard shall be screened from view so that it cannot be seen from Athens Boonesboro Road.
- c. There shall be no fireworks utilized on the site.
- d. The development shall be constructed in accordance with the approved Final Development Plan, or as amended by the Planning Commission.
- e. All necessary permits and approvals shall be obtained from the KY Transportation Cabinet, and Divisions of Planning, Traffic Engineering, Engineering, and Building Inspection prior to construction and occupancy.
- f. Action of the Planning Commission shall be noted on the Development Plan for the subject property.
- g. The conditional use shall be operated in accordance with the submitted justification statement.
- h. Any outdoor lighting shall be directed downward and toward the interior of the site in order to minimize any light overflow onto adjoining or nearby properties.
- i. Hours of events held at the stadium shall be limited to no earlier than 7:00 a.m. and no later than 11:00 p.m.
- j. Timing of access and roadway improvements shall be determined at the time of the Final Development Plan, prior to the establishment of the conditional use.