

Outdoor Sports Field/ Recreation Lighting Community Meeting Report

August 26, 2015

This report is compiled by staff and the appointed workgroup to reflect questions, comments, and discussion held during the community meeting on August 26, 2015 at City Hall.

1. General Community Comments on the ordinance:
 - a. Lacks technical specificity; lacks meaningful ordinance enforcement and the associated penalties are inadequate and fails to address many of the key issues that cannot be disassociated from the sports and entertainment venue style lights (e.g. noise, impact on wild life, impact on residential property values, traffic etc.)
 - b. Installation and use of 25ft lights in this ordinance in outdoor sports/ recreation/ entertainment lighting and noise regulations is incompatible within 1320 feet of property lines of single-family residential dwellings. Set back might need to be further if “venue” is located upwind. This would eliminate so much discussion regarding the number of times the events are held, how late the lights are on, etc. However, a grandfather clause could be specifically and ONLY applied to facilities in existence July 1, 2015 (i.e. lights already installed and in use.)
2. How is the line to the property measured?
 - a. It would be measured from the light poles to the nearest residential property line.
3. What if the property line is not straight?
 - a. Measure from the base of the closest pole location to the closest point of the residential property line. The measurements would be taken on the ground, not from GIS or digital maps.
4. What is a violation and how are they verified?
 - a. An example of a violation would be having the lights on past the required shut off time or exceeding the number of nights allowed. Violations would be verified by the Public Safety Department or the city zoning inspector.
 - b. Dialogue ensued about the viability of expecting Kalamazoo Public Safety and/or zoning inspectors to prioritize and respond to requests to verify ordinance violations in a timely fashion.
5. How is the “latest technology” determined/ defined/ designed?
 - a. Refine this definition to exclude the type of technology. Instead, address the design, intent, and results of the design which can be proven through site plan documents and testing.
 - b. Consider a SUP renewal period at which time a new technology review would transpire and updated technologies might possibly be required? Should a 5-year or 10-year “renewal” for purposes of technology review be considered?

- c. Should the city develop a reference standards procedure for determining and updating lists of latest technologies?
 - d. Should applicant be required to post a bond or other form of financial instrument(s) to underwrite new expenses to the city affiliated with these types of uses (such as staying current with technologies, purchasing instruments for enforcement, etc.)?
 - e. What does most up to date technology mean? Who determines this and insures project is built to specs;
 - f. Who pays to train the city staff to do this; what happens when technology changes?
6. What considerations are being taken for types of rentals? Will they be addressed in the table?
- a. The current noise provisions in 8.3D (i) would sufficiently bar any event that cannot meet the standards set forth.
 - b. 3rd party use should be prohibited for facilities in residential areas
 - c. Either prohibit rental totally or prohibit when rented, the use of sound amplification, electronic or manual is prohibited.
7. Will there be a periodic review of property values? If it is shown that there is a negative influence, what would be done? Will applicants be required to provide evidence that proposed uses do not impact property values?
- a. Facility owner should have to demonstrate to city that operation does not negatively affect area property values. If not demonstrated, at perhaps 3, 7, and 10 year increments; operation prohibited. (Fear: soccer experience base data does not predict impact of lighted football field.)
 - b. Two studies (First in 2012 and second in 2015) have been completed. Neither study was able to isolate stadium lights to be any determinant to property value change.
 - c. Why was SEV used? – The State Equalized Value response from WE Upjohn Institute – As to the criticism of using SEV, we agree, but SEV is the only valuation measure available when the city asked us to do this analysis. And SEV remains the only valuation until there are enough transactions for a representative sample. To reiterate, there is not enough data to identify an effect one way or the other.
8. Where did the foot candle increase come from? If it has been shown that .05 foot candles is adequate, why would we raise it?
- a. The measurement presented in the draft was a common number in the 35 lighting ordinances that were reviewed by staff. It is agreed to reduce the level to 0.05 foot candles.
9. Would the public address system be able to be used during day practices? Or does this only address practices under the lights?
- a. The PA system would not be allowed to be used during daytime practices.
 - b. Sports and entertainment events should not be exempt from the Noise Ordinance
 - c. Noise also directed away from hospitals, daycare and nursing homes and offices.
 - d.
10. How does the ordinance impact Stowe stadium?
- a. Stowe stadium was not included in the 2012 agreement. It is an existing use, and use of the outdoor lights is grandfathered.

11. Distances in the table should be reconsidered.
 - a. Restrictions on noise and types of events that could meet the special use permit requirements will be reviewed to provide sufficient evidence that the impact would not require further distances from residential.
 - b. Possibly consider no less than 300' as a measurement?
 - c. Possibly revise table to assure no sports lighting within 1200' of any residential property?
 - d. Possibly ban sports lighting near any residential property.
12. Provide language that would give flexibility to the schedule presented each season that would give residents predictability on events and practices taking place on all fields.
 - a. Refine the language so that inclement weather and/or minor changes of dates on the schedule would not be a violation of the ordinance. The owner/operator would need to provide an updated schedule to the city to reflect changes from weather conditions or other circumstances.
 - b. Provide the schedule by sports season.
13. Refine the language in the enforcement and violation sections of the ordinance to provide a clear and understood process.
 - a. Potentially provide a table?
 - b. Who will verify; who will pay for this; violation structure is very poor and has no obvious enforcement with meaning (e.g. shutdown light and sound system for 12 months after 2nd violation) if there is ever a 3rd violation then lights should be removed.
 - c. Owner/ operator should post bond.
14. Provide the community with the special use permit requirements and Table 4.1 to show how the SUP would only be allowed in certain zoning districts.
15. How are the current uses of Kalamazoo College's soccer and football fields affected by the ordinance?
 - a. Discussion took place about possibly grandfathering the soccer field uses from the 2012 city commission action, and modifying the uses of the football field. Specific discussion ensued about the possibility of treating the Kalamazoo College soccer field differently than the Kalamazoo College football field and any other new lighting venue. Options might exist along a continuum from (i) wholly grandfathering the usage conditions described in 2012 by the city commission to (ii) fully applying any/all conditions described in any new, approved city ordinance.
 - b. Athletic Director at K-College added that the restrictive time schedule would be difficult for the student athletes. 25% of the students at K are athletes and the evening practices allow for students to attend all of their classes. The schedule proposed in the ordinance would mean practice needs to start earlier and cut into student class time for practices.
 - c. K-College will be adding Men's Lacrosse to their athletic schedule. They need the additional practice times and football field to be available at night with lights.
16. Staff posed the question of adding uses of the lights in Table 8.3.2. for sports practices. No discussion took place on this topic.

17. Representatives from K-College expressed reservations about the draft ordinance with comments offered within three areas:
- a. the numbers of uses permitted in Table 8.3.2 is insufficient to meet the group's needs;
 - b. the proposed 9:00 PM shutoff time is too early to meet the group's usage needs; and
 - c. the proposed annual schedule of uses would be a difficult if not impossible to project a year in advance.