

Development Review Committee
Staff Report
December 5, 2018



Case No:	18DEVPLAN1164
Project Name:	Churchill Downs Entry Gate
Location:	3100 South 4 th Street
Owner(s):	AQ Properties, LLC
Applicant:	Churchill Downs, Inc.
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Lacey Gabbard, Planner I

REQUESTS:

1. Waiver of Section 10.2.4 to not provide property perimeter Landscape Buffer Areas on the property line bordering an R-7 zone
2. Waiver of Section 10.2.10 to reduce the Vehicular Use Area Landscape Buffer Area along Central Ave
3. Waiver of Section 10.2.12 to waive all Vehicular Use Area Interior Landscape Areas

CASE SUMMARY/BACKGROUND

The applicant is proposing to build an entry gate / ticket booth on this C-2 zoned site. There was recently a PNC Bank located on this site which has been demolished. The Category 2B plan that accompanies this request is staff-approvable.

STAFF FINDING

Waivers #1 and #2 are adequately justified and meet the standards of review. Waiver #3 is not adequately justified because the applicant can provide trees.

TECHNICAL REVIEW

Public Works has provided preliminary approval. MSD has unresolved review comments regarding items not shown on the plan including the conceptual drainage, adjacent sewers and record numbers, total site disturbance, existing impervious, proposed impervious and the net increase/decrease of impervious area on the plan.

INTERESTED PARTY COMMENTS

Staff has received no comment from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 10.2.4 TO NOT PROVIDE PROPERTY PERIMETER LANDSCAPE BUFFER AREAS ON THE PROPERTY LINE BORDERING AN R-7 ZONE:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the R-7 zoned property is owned by Louisville Metro and the use is affiliated with Churchill Downs operations. There are no residential structures located on this property.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Though zoned residential, the neighboring site is not used residentially. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The subject site and the neighboring site are not substantially different in scale, intensity or density. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The parking area on the subject site is contiguous with the neighboring residentially zoned site. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The use of the subject site and the adjacent residential site are not incompatible because they are both part of the Churchill Downs campus.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the adjacent residential site is already used as part of Churchill Downs.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the adjacent residentially zoned site is already used as part of Churchill Downs, therefore landscape buffer areas are not necessary to provide screening for the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 10.2.10 TO REDUCE THE VEHICULAR USE AREA LANDSCAPE BUFFER AREA ALONG CENTRAL AVENUE:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the parking lot will be screened from view along Central Avenue by a 10'-12' masonry wall.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. Central Avenue is not a parkway or a scenic roadway. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The masonry wall will serve this function by providing a screen and also connecting to the masonry wall which already exists along Central Avenue to the west.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the interior of the site will be minimally visible to the public.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by proposing the masonry wall along Central Ave, which provides a cohesive street frontage and compensates for a lack of landscape buffering.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 10.2.12 TO WAIVE ALL VEHICULAR USE AREA INTERIOR LANDSCAPE AREAS:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the interior of the site will be screened from view by the masonry wall along Central Ave and the ticket booth along S. 4th Street.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage.

The new parking lot creates additional impervious surface which will not be broken up by additional tree canopy.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the subject site provides adequate space in which to provide ILAs.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has not incorporated other design measures nor would the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**

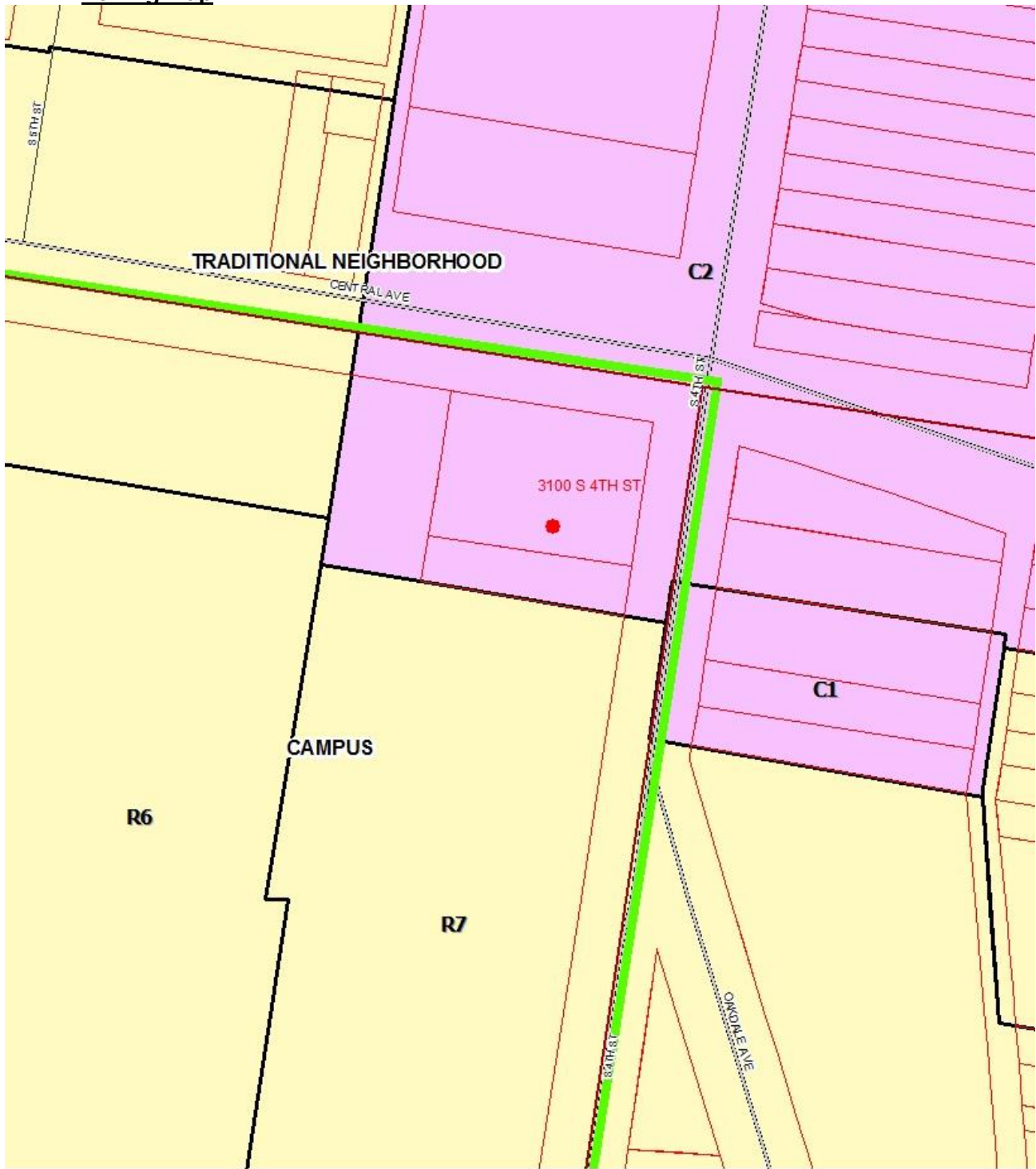
NOTIFICATION

Date	Purpose of Notice	Recipients
12-5-18	Hearing before BOZA	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15

ATTACHMENTS

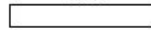
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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feet

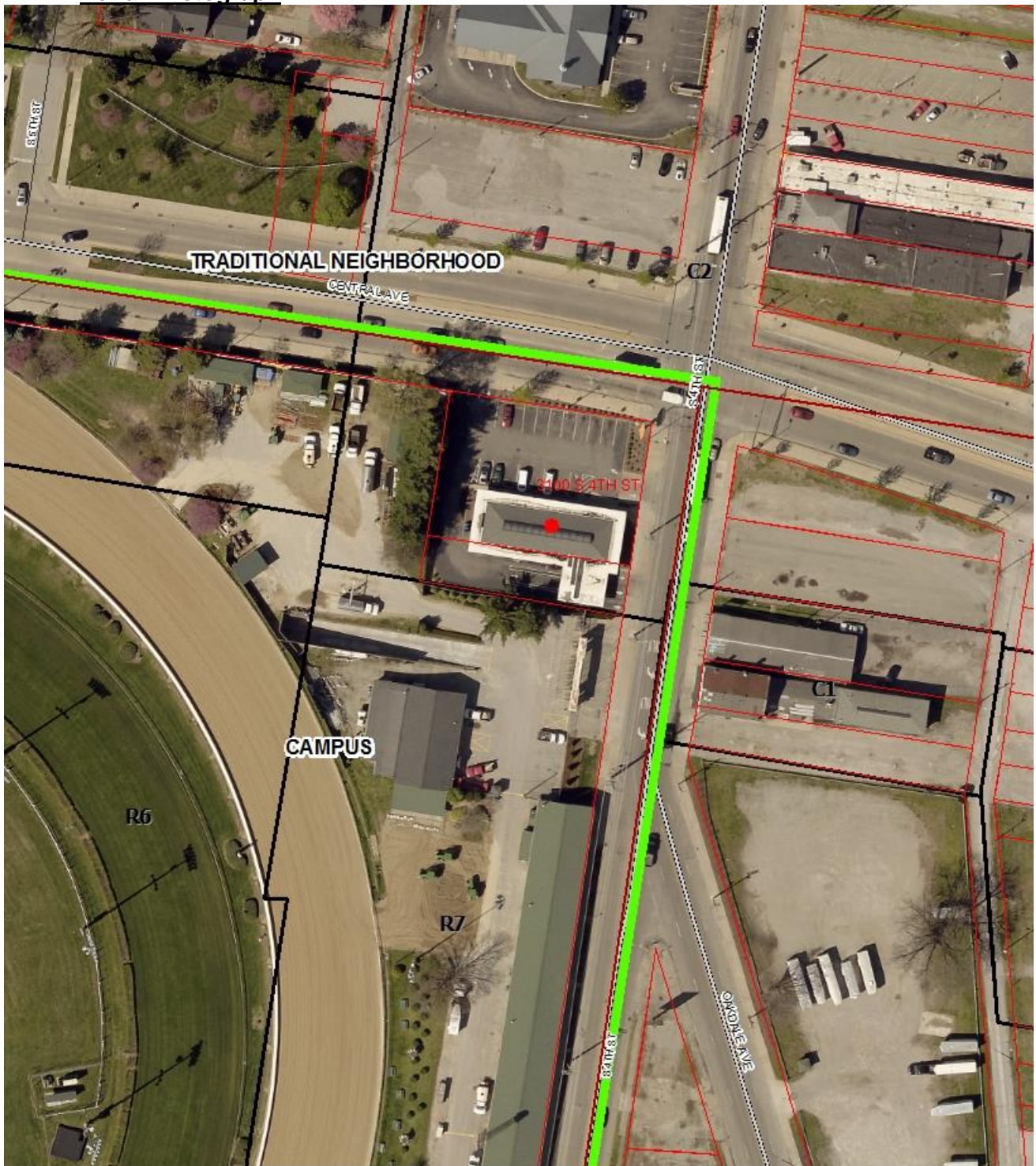


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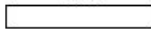
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2. Aerial Photograph



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