

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No, the vehicular use area will be screened beyond Land Development Code requirements by masonry walls and buildings. Interior setbacks need not be met since Churchill Downs subsidiaries owns both parcels.
The LBA between the main Churchill Downs property to the south (R7) is utilized continuously with the C2 zoning that will now become employee parking and ticketing.

2. Will the waiver violate the Comprehensive Plan?

No, walls will screen the vehicular use area from public right-of-way and a plaza with landscaping is proposed on the corner of 4th Street and Central Avenue. Further, this use is consistent and serves as support to the lesser intensity zoning of the Churchill Doens racetrack.
The new ticketing and employee parking will become part of the track facility and therefor does not need a separation/screening.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Limited parking would need to be reduced on the Central Avenue frontage.
If screening is required, circulation would not be as efficient and properties would not be able to function contiguously.

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4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Masonry walls will screen parking. This is beyond the requirement of a 3' shrub row with trees for screening.
Use of existing track facility is no less intense than the proposed parking and ticketing.

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