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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, OBJECTIVES AND POLICIES OF THE “PLAN 2040” COMPREHENSIVE PLAN

Applicant & Owner: Churchill Downs, Inc.

Location: 4520 Poplar Level Road

Proposed Use:

Request: Zone change from R-1 to C-2 with a CUP

Engineers, Land Planners, Landscape
Architects: Vision Engineering

INTRODUCTION

This is a proposed rezoning from R-1 to C-2 to allow Churchill Downs to be able to expand its existing Derby City Gaming facility and add a hotel on Poplar Level Road, with modified conditional use permit (CUP) for a longstanding racetrack, which years ago was down-zoned and granted a CUP for horse racing, training and stabling.

According to the applicant's and PDS research, the site was downzoned from M-2 to R-1, as said, in two cases — the first being in 1965 under Docket #9-69-65 when a portion of the site was rezoned and (what was formerly termed) a Special Use Permit was granted to permit an animal racetrack, and the remainder being in 1973 under Docket #9-153-72 to permit a horse barn to be constructed near the track. A related CUP was issued in 1974, under docket B-31-74, to permit the horse barn to be located on the site, with an associated dimensional variance approved under Docket #B-32-74 to allow the barn to be located closer than 100 feet to the property line. In 1988, under Docket #B-197-88, the site received a dimensional variance to allow a freestanding sign to encroach into the required front yard. Finally, in 2017 under Docket #17CUP1055, the aforementioned Special Use Permit was modified to permit construction of a new/replacement gaming facility as an accessory to the existing animal racetrack and training facility.

Churchill Downs' plan today does not call for an expansion of the site, although the proposed expanded gaming facility and new hotel appears to expand the building square footage beyond what was originally approved in terms of buildings and other structures to serve the track facility. That, and the fact the hotel is not considered a race track use, are the reasons for this rezoning. Thus proposed is a 135,000 square foot, 5-story addition, containing approximately 45,000 square feet on the ground floor (consisting of additional gaming space, a sports bar and restaurant) and 90,000 square feet on the 4 floors above that (containing 123 hotel rooms).

Poplar Level Road, which fronts this facility, is a major arterial highway. Along it are found a wide variety of intense commercial and industrial uses, abutting this site to the east, north and south along Poplar Level Road. Single-family residential uses are generally located deeper off

Poplar Level Road to the west, north and south, with Evergreen Cemetery sharing a significant length of common property line with the site to the west. I-264 is also located a very short distance north of this site.

PLAN ELEMENT 4.1: COMMUNITY FORM

This “Application Package” complies with Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 2.1, 3.1.10, 4, 6, 7, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below:

The site is located in the Suburban Workplace Form District, which is a form characterized by predominately industrial and office uses where the buildings are supposedly set back from the street in a landscaped setting. This form district is supposed to contain a single large-scale use or a cluster of uses within a master planned development. The Derby City Gaming facility, both as it exists and as planned, surely fits within this characterization of this area, although not very many of the existing uses around it do, those being mostly older and constructed under the very different standards of the time in which they were built. Thus, Derby City Gaming plainly raises the bar in terms of site development and construction in the area.

In order to provide adequate transportation access in Suburban Workplaces, connected roads, public transportation and pedestrian facilities are encouraged, and significant screening and buffering are often necessary to protect potentially negatively impacted abutting uses. All of that already exists at the Derby City Gaming site, and the facility addition will assure that that continues under the new plan.

Given that the Derby City Gaming facility and racetrack already exist and operate at this site and that even more intense uses and zoning than this one also exist in the area as above-described, the proposed C-2 zoning will not constitute a non-residential expansion into a residential area. After all, the site is located along Poplar Level Road, a major arterial at this location, and is near existing industrial and commercial uses. Furthermore, the Derby City Gaming building expansion with hotel is not an industrial zoning use. Moreover from the list of permitted C-2 uses, the most intense ones can even be restricted by binding element, as need be. And air, noise and light emissions must comply with LMCO and LDC requirements.

Also, located as the Derby City Gaming facility expansion and unexpanded racetrack are just a short drive in all directions from sizable and ever-growing population centers, travel distances for workers are reduced. Derby City Gaming and the racetrack are also easily accessible off I-264 (the Watterson Expressway) and a major north-south arterial roadway (Poplar Level Road), and as such is readily accessible to its customer base. All of this helps contribute to improved air quality.

Quality building components and a design compatible with the existing Derby City Gaming building, plus quality landscaping together with the already existing, highly effective fence screening and buffering also help assure context-appropriateness and design-compatibility for the larger area and proximate residential neighborhoods.

Partly as a consequence of what surrounds this proposal and partly as a consequence of the facts that the racetrack is not expanding and that the Derby City Gaming facility is and will remain fully contained, except for its ample and highly organized parking, and will continue to have decent main access (with a valuable secondary and emergency access) and excellent internal circulation, impacts such as traffic, odors, noise and aesthetic factors will not prove to be nuisance factors.

Land Development Code required size and height restrictions, interior and perimeter landscaping, minimum parking, maximum lighting and signage, and required setbacks will be met.

As to Goal 2, Policies 1, 2, 5, 6, 7, 15, 16 and 17, it complies as follows, in addition to the other ways set forth above and below:

As said, the proposed Derby City Gaming building addition will be located in a Suburban Workplace Form District and will adjoin already built workplace and commercial facilities of an even more intensive kind as this one. As such and with decent vehicular access along Poplar Level Road and to and from the nearby Watterson Expressway, there already exist convenient vehicular connections to other commercial establishments as well as residential areas from which Derby City's workforce and customers arrive. Indeed the proposed Derby City Gaming facility expansion is part of a large mixed use activity center. And it will also have easy access to Louisville's interstate highway system beyond that of just the Watterson Expressway leading to and from downtown, the airport and other population centers in Kentucky and Southern Indiana.

As to Goal 3, Policies 8, 9 and 10, it complies as follows, in addition to the other ways set forth above and below:

The proposed Derby City Gaming facility expansion and unexpanded racetrack do not impact natural features, wetlands, slopes or waterways.

As to Goal 4, the applicant/developer submits that no historic structures exist on this site.

As to Goal 5, the Derby City Gaming facility, both as it currently exists and as proposed for expansion, are highly designed to be unusually aesthetically attractive in its own right.

PLAN ELEMENT 4.2: MOBILITY

This Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 1, 4 and 6; Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 12, 14, 15, 18, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

This proposed Derby City Gaming facility expansion and existing unexpanded racetrack (located as they are within an existing and growing mixed use Suburban Workplace area proximate to other large commercial and industrial facilities, with good access off an arterial roadway and to and from the Watterson Expressway) is plainly part and parcel of a good road network. Churchill Downs will prepare construction plans that will continue to assure convenient and safe access with good site distances and turning radii.

Also, bike racks and handicapped parking spots will be installed as and where required near buildings. And all drive lanes and parking spaces will continue to be designed in accordance with Metro Public Works and Transportation Planning (MPW&TP) requirements. These are preliminarily depicted on the DDDP filed with this application.

Also an updated Traffic Impact Study (TIS) is being prepared and will be submitted to MPW&TP as part of this application, which hopefully might lead to a traffic signal at the Poplar Level Road access to this site and which will also assess other intersections that MPW&TP might deem potentially problematic.

TARC service is available along Poplar Level Road.

All necessary utilities are located proximate to this site and accessible by it via public right of way or easements.

PLAN ELEMENT 4.3: COMMUNITY FACILITIES

This Application Package complies with Plan Element 4.3, applicable Goal 2, Policies 1, 2 and 3 as follows, in addition to the other ways set forth above and below:

Fire-fighting, EMS and police services are provided by the City of Louisville. Sanitary sewer service via existing MSD facilities is also available.

PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT

This Application Package complies with Plan Element 4.4, its two applicable Goals and their Objectives, plus the following Policies.

As to Goal 1, Policies 1 and 3 and as to Goal 2, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above and below:

As Louisville Metro's population continues to grow, so does demand for employment opportunities of all types. This proposed Derby City Gaming facility expansion is part of Churchill Downs' response to that demand and as such promises increased opportunities for employment initially in the building trades and ultimately in the gaming and horse training, care and racing business.

It also increases the Metro Louisville tax base essential to the provision of government services, especially important after the worst economic setback since the Great Depression which has resulted from the current COVID crisis. If Louisville and Kentucky are to fully economically

rebound from this devastating occurrence, it will be because new employment growth opportunities are afforded like this one. That is why this Plan Element of the Comp Plan takes on such overriding significance at this point in Louisville's history.

PLAN ELEMENT 4.5: LIVABILITY

This Application Package complies with Plan Element 4.5, its applicable Goals and their Objectives plus the following Policies.

As to Goal 1, Policies 5, 7, 10, 11, 12, 13, 15, 16, 23, 26, 27, 28, 30, 31, 32, 33 and 35; and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below:

Planned improvements to the storm water management plan will capture existing storm water that flows from a large watershed moving off-site to on-site, and that will be piped to the retention basin inside the oval track before it is released at a controlled rate of flow. These planned improvements will involve a significant increase in the size of the existing retention basin inside the track. Because the Derby City Gaming facility expansion and hotel addition will be constructed where parking lot pavement exists today and because the slightly more than 300 additional parking spaces will be constructed where compacted gravel already exists, there will be no increase in site-located impervious surface. As a consequence, the storm water improvements being planned are not required, yet they will be made anyway, thus to certain extents improving neighboring property owners' drainage situations. Furthermore, MSD regulations mandate that post-development peak rates of storm water run-off cannot exceed pre-development rates.

PLAN ELEMENT 4.6: HOUSING

This Application Package complies with Plan Element 4.6, its 3 Goals and their Objectives

As to these Goals, Objectives and Policies generally, while they don't specifically address developments of this kind, the proposed Derby City Gaming facility expansion and existing unexpanded racetrack nevertheless comply in that they will bring additional high-quality employment opportunities to Greater Louisville and this area so as to assure more good jobs proximate to where people live.

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For all of the above-stated reasons, those shown on the detailed district development plan (DDDP) and those explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

Respectfully submitted,

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