

**MINUTES OF THE MEETING OF THE
LOUISVILLE METRO PLANNING COMMISSION
October 5, 2017**

**PUBLIC HEARING
CASE NO. 17STREETS1012**

Request:	Street/alley closure
Project Name:	Churchill Downs
Location:	South of Central Ave., East of Taylor Blvd., & North of Longfield Ave.
Owner:	City of Louisville; Churchill Downs, Inc.; & AQ Properties LLC
Applicant:	Churchill Downs, Inc.
Representative:	Wyatt, Tarrant, & Combs, LLP – Jon Baker; QK4 – Ashley Bartley
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel Dock, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:00:00 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, KY 40202

Ryan Jordan, 700 Central Avenue, Louisville, Ky. 40208

Ashley Bartley, Qk4, 1046 East Chestnut, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:00:00 Mr. Baker gave a power point presentation. This project has been in the works for a long time with well needed improvements. "We have addressed a majority of the concerns." Finding of facts have been submitted for the record.

Mr. Jordan gave a power point presentation and stated they are not just a 2 day event but operate year-round.

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Mr. Jordan gave an Economic Impact study report. Churchill Downs has been renovating for years to improve and make the customer experience a great one.

00:00:00 Ms. Bartley gave a power point presentation explaining the road closures. There will be a fence and gates. "We have a permit for temporary closures." Churchill Downs will require all bus drivers to turn off engines. No landscaping is required but Churchill Downs will be providing landscape buffer areas and partnering with MSD for 2 detention basins.

The following spoke in opposition to this request:

Joseph Lanham, 3135 Taylor Boulevard, Louisville, Ky. 40215

Kevin D. Newton, 1008 Thornberry Avenue, Louisville, Ky. 40215

00:00:00 Mr. Lanham has letter from someone who can't attend these meetings. This case represents greed, power and control. "How can the city give Churchill Downs our streets and alleys?" This proposal decreases my property value as they beautify Churchill Downs.

00:00:00 Mr. Newton gave a power point presentation. Churchill Downs has already dug up an alley and hasn't been approved yet. It's only accessible to their workers (very dishonest). There are also no parking and road closed to thru traffic signs up already. Churchill Downs should have to pay for the streets and alleys and create a neighborhood fund. Mr. Newton opposes exhaust, closing of my street,

The following spoke neither for nor against the request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky.

00:00:00 Mr. Porter represents property owners on Bohannon and Taylor Blvd. New Racine will still have access and private easement – want it to always be open to public (want Condition of Approval). Another concern is drainage, but it sounds like the proposed 2 detention basins will suffice.

Rebuttal:

00:00:00 Mr. Baker said he believes the proposal will benefit everyone and all agencies tend to agree.

Mr. Baker read a proposed condition of approval as follows: Except during times of necessary construction, maintenance or repair to the area within the private easement connecting Racine Avenue to Bohannon Avenue or during times when Louisville Metro Police have required its temporary closure; said private easement for vehicles and pedestrians shall remain open.

Deliberation:

00:00:00 Commissioners' deliberation.

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Carlson – condition of approval has helped solve issue.

Howard – appears all owners are city of Louisville, Churchill Downs, but not people who spoke today. I understand your frustrations but it shouldn't affect citizens from providing parking on their property.

Smith – The residents have access in and out of neighborhood. Plan conforms to Cornerstone 2020 and review process.

Lewis – The applicant has made case and it's in compliance.

Brown- supports road closure and they will maintain connectivity.

Peterson – Agrees with others. Will enhance overall development and will reflect well on the city. Access is not being blocked.

Ferguson - Exhaust is out of jurisdiction of street closure.

Tomes – In favor.

Jarboe – Glad for Condition of Approval. "We're not an enforcement agency."

00:00:00 On a motion by Commissioner Brown seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, the Commission further finds that utilities within the rights-of-way proposed for closure will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community; and

WHEREAS, the Commission further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Commission further finds that the request to close multiple rights-of-way is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to

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dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure, and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's Proposed Findings of Fact, that the applicant's, Churchill Downs, Incorporated's ("CDI"), request to permanently close Racine, Bohannon, Warren & Oleanda Avenues, S. 9th Street, Homeview Drive and seven unnamed alleyways, and portions thereof, located on the western side of the Churchill Downs Racetrack Facility ("Racetrack") complies with the Cornerstone 2020 Comprehensive Plan and the Land Development Code because the subject property lies within the Campus and Traditional Neighborhood Form Districts and, according to Guidelines 1, 7, 8, and 9 of the Comprehensive Plan, the subject property should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles, and transit; CDI's proposed development improvements provide vehicular connections to: Longfield Ave., Queen Ave., Thornberry Ave., Taylor Boulevard, as well as various access points on Bohannon Ave. and Central Ave; In addition, CDI's proposed development improvements provide multiple pedestrian connections to the public sidewalk network as well as to numerous TARC stops along Taylor Boulevard and Central Avenue; numerous pedestrian connections from the adjacent neighborhoods to the racetrack will also be available via: Central, Racine, Bohannon, Thornberry, Queen and Longfield Avenues; furthermore, CDI will dedicate new rights-of-way to the public in two areas: 1. Between Bohannon and Taylor Boulevard in a location near where Racine is proposed for closure, and 2. Between Queen and Thornberry adjacent to where Warren Ave. is proposed for closure; said dedications will provide and maintain connectivity to the residential street network in place of existing Racine Avenue and Warren Avenue, once they are closed; accordingly, CDI's proposed

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closures of the aforementioned public rights-of-way have minimal to no impact on accessibility and connectivity with adjacent properties;

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's Proposed Findings of Fact, that the application to close Racine, Bohannon, Warren and Oleanda Avenues, S. 9th Street, Homeview Drive and seven unnamed alleyways, and portions thereof, located on the western side of the Racetrack complies with the Cornerstone 2020 Comprehensive Plan and the Land Development Code because, per Cornerstone 2020, Campus form districts typically contain a mixture of uses that are clustered for a single or predominant function, often of regional importance, and contain internal shared parking, private walkways and roadways; the applicant's proposed improvements include a holistic plan for this area that include shared parking, private walkways and roadways, along with substantial buffering to soften the appearance of the Racetrack's parking and vehicular use areas for nearby residences; CDI must close these aforementioned rights-of-way located internally to its Racetrack campus so that CDI can renovate and greatly enhance the overall appearance of the Racetrack's western area and improve its functionality, particularly as it relates to safer ingress/egress access and increased efficiency for automobile and pedestrian maneuverability, especially during the peak demands of Derby Week; an essential priority of CDI's continual effort to upgrade its Racetrack operations is to lessen any negative impacts the Racetrack might cause on its nearby residential neighbors; to further that priority, CDI's proposed improvement plan for this area includes a new design for vehicular access whereby clearly defined access points will be aligned with the public roads directly leading into the Racetrack campus, allowing for safer and more efficient traffic flows to and from the Racetrack; in addition, CDI will establish a more definitive boundary between the Racetrack and the neighborhood thereby eliminating confusion surrounding where the Racetrack property begins and ends; moreover, CDI's tree canopy and landscaping plantings proposed for this area, where little to no greenery currently exists, will lessen impacts the Racetrack has on its residential neighbors and, ultimately, establish a more compatible relationship between the Racetrack and the immediate area;

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WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's Proposed Findings of Fact, that the application to close Racine, Bohannon, Warren & Oleanda Avenues, S. 9th Street, Homeview Drive and seven unnamed alleyways, and portions thereof, located on the western side of the Racetrack complies with the Cornerstone 2020 Comprehensive Plan and the Land Development Code because the requested closures will not result in a demand on public facilities and services that exceed the capacity of such facilities because they are public rights-of-way internal to CDI's Racetrack campus, serve no public or private purpose, nor is there an anticipated future need for their use; and, as mentioned, sufficient vehicular and pedestrian access between the Racetrack and the surrounding street network and nearby neighborhoods will be maintained via numerous connections; therefore, the proposed closures of the public rights-of-way specified herein will not interfere with or exceed the capacity of the existing roadway infrastructure;

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's Proposed Findings of Fact, that the application to close Racine, Bohannon, Warren & Oleanda Avenues, S. 9th Street, Homeview Drive and seven unnamed alleyways, and portions thereof, located on the western side of the Racetrack complies with the Cornerstone 2020 Comprehensive Plan and the Land Development Code because, once these public rights-of-way are permanently closed, and to the extent determined necessary by affected utilities, CDI will reserve easements for those affected utilities to access their respective infrastructure; hence, the proposed street closures request complies with the Land Development Code and Guidelines 7.6, 7.13, 7.16, and 8.11 of the Comprehensive Plan.

WHEREAS, for all the foregoing reasons, the Louisville Metro Planning Commission finds that the public rights-of-way CDI requests to permanently close will violate neither the Land Development Code nor Cornerstone 2020; the improvements CDI proposes to undertake once these rights-of-way are closed represent a significant economic investment to an area that has been in need of attention for years- which proposed improvements will include expanded parking areas located on the Racetrack's western and northwestern sides to increase parking capacity for cars, vans, buses, trucks and media vehicles; a new promenade for race fans to safely enter and exit the Racetrack from and to the parking and loading/drop-off areas; robust installation of much-needed tree canopy and landscaping; an ornamental perimeter fence; and the construction of considerable drainage infrastructure underneath

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and atop these expanded parking areas to substantially reduce runoff water, including CDI's use of green technologies to filter out greases and oils from the runoff water before it enters the detention basins and, eventually, the public system-and that these proposed improvements will only improve the relationship between CDI's Racetrack facility and its residential neighbors to the west.

WHEREAS, the Commission further finds that there are no other relevant matters to be considered by the Planning Commission; and

WHEREAS, the Commission further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that 17STREETS1012, the street/alley closures and the following Condition of Approval; Except during times of necessary construction, maintenance or repair to the area within the private easement connecting Racine Avenue to Bohannon Avenue or during times when Louisville Metro Police have required its temporary closure; said private easement for vehicles and pedestrians shall remain open, be **APPROVED**.

Condition of Approval

Except during times of necessary construction, maintenance or repair to the area within the private easement connecting Racine Avenue to Bohannon Avenue or during times when Louisville Metro Police have required its temporary closure; said private easement for vehicles and pedestrians shall remain open.

The vote was as follows:

Yes: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith, Tomes and Jarboe

Absent: Commissioner Lindsey

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

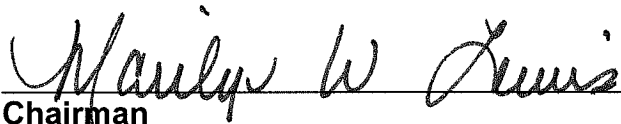
Policy and Procedures Committee

No report given


Site Inspection Committee

No report given.

ADJOURNMENT



Chairman



Division Director