

Land Development & Transportation Staff Report

April 26, 2018



Case No:	18DEVPLAN1035
Project Name:	Derby Museum
Location:	704 Central Avenue
Owner(s):	Kentucky Derby Museum Corporation
Applicant:	Kentucky Derby Museum Corporation
Representative(s):	Evans Griffin, Inc
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Waiver** of Land Development Code (LDC), section 10.2.4 to eliminate the required 35' LBA adjacent to R-6 (Churchill Downs) and related planting material
- **Revised Detailed District Development Plan**

CASE SUMMARY

A three-story expansion to the Kentucky Derby Museum is proposed. The museum will be expanded from 62,050 square feet of interior exhibit space to 77,822 square feet. The first level of the space will be open-air and a small stable is also proposed. A landscape waiver is being requested as the site is zoned commercial and the adjacent site is zoned residential, although the adjacent site is Churchill Downs and the two developments are intertwined.

Associated Cases

- 9-42-83: R-6/C-1 to C-2 (approved 9/16/83)
- 9-6-00: R-6/C-1 to C-2 (approved 4/20/00)

STAFF FINDING

The revised detailed district development plan and waiver appear to be adequately justified based upon staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners as adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The use along

the property on which the buffer and planting material is required is non-residential and substantially the same in intensity to the development site.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the waiver does not violate the comprehensive plan or cause any adverse impact upon adjacent property owners.

- (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 as the Derby Museum and Churchill Downs are for all intents and purposes a single use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The proposed development does not appear to impact natural resources as the existing conditions of the subject site consist primarily of impervious surfaces.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have been provided as these facilities exist.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required for this proposal. The first level and portion of the top level will be open-air, however.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of Churchill Downs.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development does not conflict with the guidelines and objectives of the comprehensive plan cultural and entertainment facilities of a regional nature, such as museums and civic centers, should be located in the vicinity of downtown or located in convenient locations throughout the county as long as impacts to the surrounding neighborhoods are mitigated. No adverse impacts to the neighborhood result from this proposed development contained within the confines of Churchill Downs.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC), section 10.2.4 to eliminate the required 35' LBA adjacent to R-6 (Churchill Downs) and related planting material
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

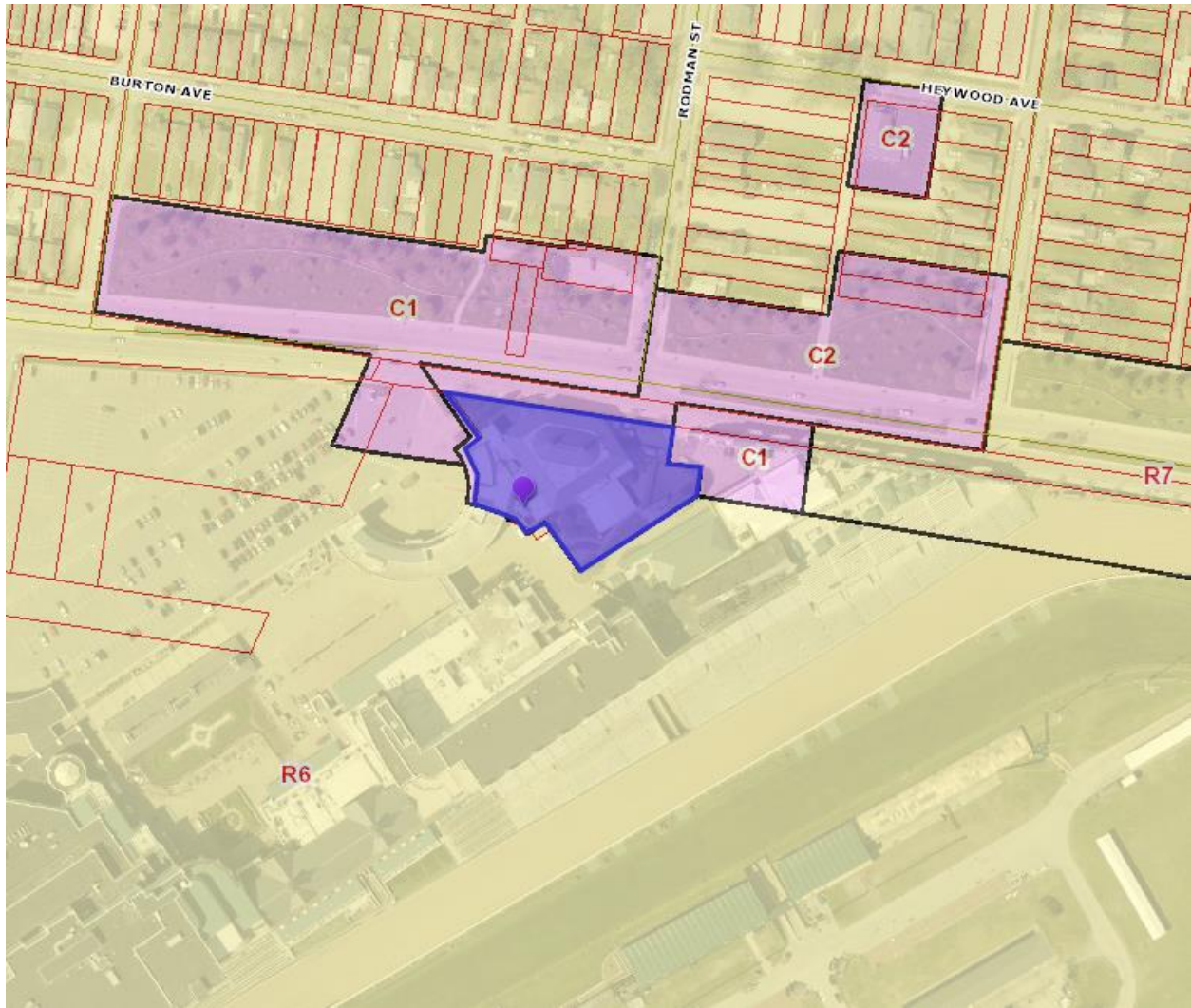
NOTIFICATION

Date	Purpose of Notice	Recipients
04/13/18	Hearing before DRC	1 st tier adjoining property owners. Registered Neighborhood Groups in Council District 15

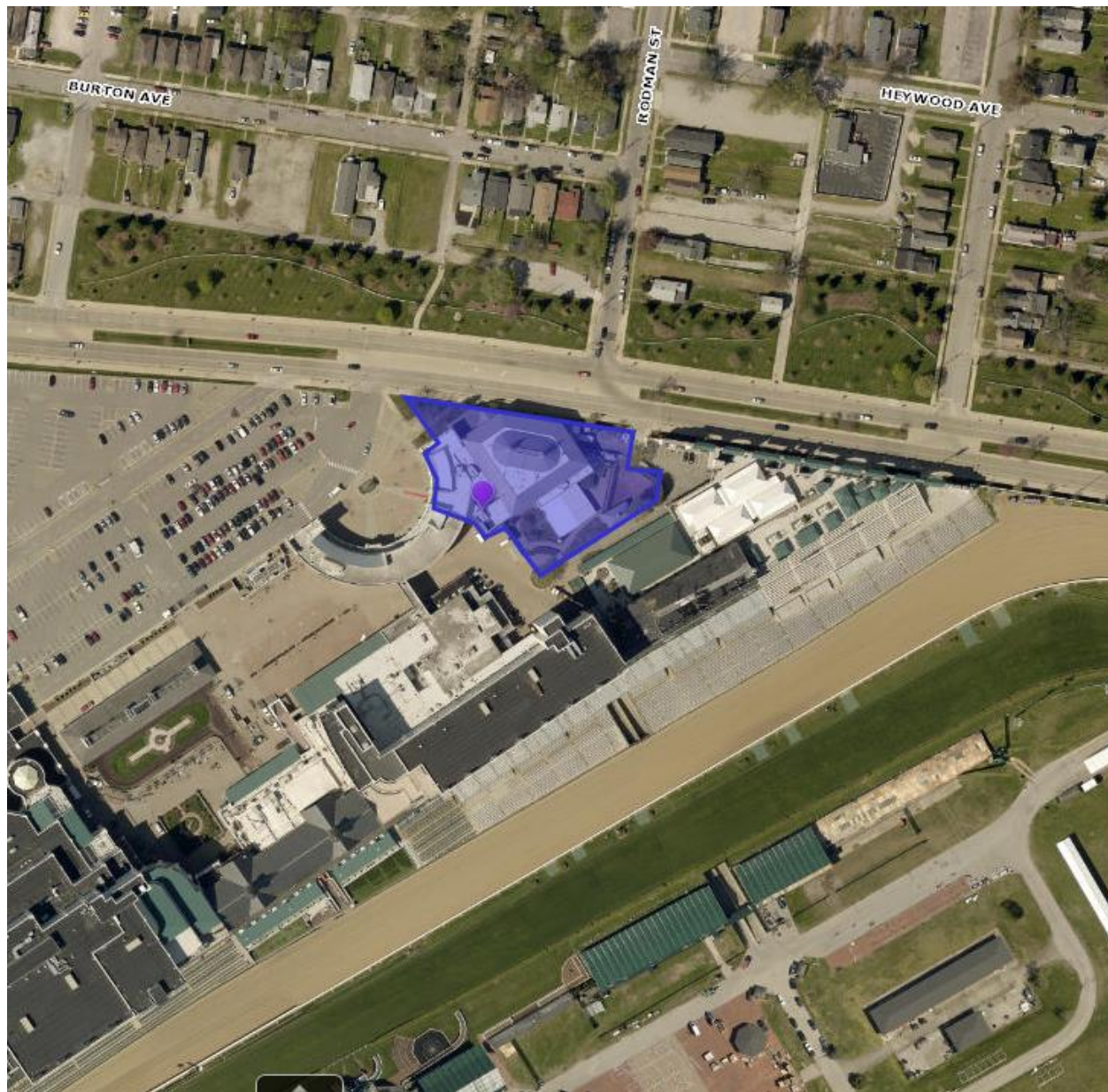
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 11,600 square feet of gross floor area.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
4. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of the existing building and new bank drive lanes shall be as depicted in the rendering as presented at the April 20, 2000 Planning Commission meeting.
8. The access from Central Avenue southeast of Rodman Street shall not be open to the general public.
9. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The development shall not exceed 11,600 square feet of gross floor area.~~
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. ~~The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).~~ **The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review, and the Metropolitan Sewer District.**
 - b. **The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.**
 - c. **A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.**
- ~~4. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of structures shall be as depicted in the rendering as presented at the April 20, 2000 Planning Commission meeting **and April 26, 2018 Development Review Committee meeting.**
8. The access from Central Avenue southeast of Rodman Street shall not be open to the general public.

9. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

10. **The existing lease agreement between Churchill Downs (or successor) and the Kentucky Derby Museum shall be modified from 228 parking spaces to the minimum necessary to accommodate for the museum expansion or 260 parking spaces. This modification shall occur prior to occupancy of the expanded area of the museum. A copy of the agreement shall be provided to Planning and Design Services staff for incorporation into the record and recorded in the Jefferson County Clerk's Office.**