

5-6-65

Docket No. 9-69-65  
 Subject: Change in zoning from M-2 Industrial to R-1 Residential and Special Use request to establish a harness race track on property located on the northeast side of Breitenstein Avenue, if extended, 170' southeast of Howard Street, fronting on Breitenstein Avenue, if extended, 1830' more or less and extending northeast to a depth of 1450' more or less before narrowing to 122' at the south end and extending an additional 892' to Poplar Level Road, with a frontage thereon of 122', and containing 79.4 acres.

Notice of this public hearing appeared in the Louisville Times on April 27, 1965, and a notice was posted on the property.

MR. WILLIAM H. KING, PRESIDENT, LOUISVILLE HARNESS RACEWAY, INC., SHERATON HOTEL, CITY 2, IS THE APPLICANT. The reasons given in the application for this proposal are stated in the following staff report, which was read by the Director at the public hearing:

"This is a request for a change of zoning from M-2 Industrial to R-1 Residential and a Special Use Permit to establish a harness race track on property located on the northeast side of Breitenstein Avenue, if extended, 170' southeast of Howard Street, fronting on Breitenstein Avenue if extended, 1830' more or less and extending northeast to a depth of 1450' more or less before narrowing to 122' at the south end and extending an additional 892' to Poplar Level Road with a frontage thereon of 122' and containing 79.4 acres.

The owner, Terminal Leasing Company, option holder and applicant, Louisville Harness Raceway, Inc., Wm. H. King, President, by Lawrence and Duvall, attorneys, state in the application, quote,

'The Louisville community has a big market for harness racing. This property is ideally situated for this special use. This special use will bring much added business to Louisville and Jefferson County. The proposed use is the highest and best use of the property,' unquote.

The following statement was also submitted on April 19, 1965, quote,

'Louisville Harness Raceway, Inc. employed Mainstream Corporation of Bridgeville, Pennsylvania to make a survey and recommendations in regards to location and establishment of a harness race course in the Louisville area. Mainstream,

5-6-65

## Docket No. 9-69-65 (Continued)

after investigation 15 different tracts, recommended the tract proposed to be granted the special use for a harness raceway.

The subject property is well located so that the entrance is only approximately 2750 feet out Poplar Level Road from its interchange with the Watterson Expressway. Watterson Expressway is the main perimeter road around Louisville, Kentucky, and has connections with all Interstate and main highways. The entrance off of Poplar Level Road is 122.6 feet wide, sufficient for seven lanes of traffic, and extends back a distance of 884 feet West of Poplar Level Road, where the entrance gates would be, so there would be available 884 feet for cars to line up off of the public highways before entering the large rectangular 76 acre plot itself. With this large entranceway, there should be no undue delay on public highways.

Breitenstein Avenue, which borders the property on the Northwest corner is at present an unpaved single-lane city street. After it is improved, it could serve as a rear exit from the parking lot and for the barn area and traffic could move freely to the Durrett Lane interchange on the Henry Watterson Expressway.

Kentucky is historically a horse country. Racetracks are successful businesses here. It is proposed to have approximately 60 days of racing per year during the evening hours. There are approximately 995,000 people within a radius of 50 miles of this site and an additional 1,200,000 within another 100 mile radius, which would give a population to be drawn from of 2,200,000.

In addition to ready access for passenger cars, there is at present bus service going past the site which could be increased easily from downtown via express buses. The site lies mid-way between Standiford Field and Bowman Field.

The 2 1/2 - acre access tract from Poplar Level Road and 76.90 acres of the race course grounds itself is sufficient to take care of all the needs of this project. The property is 15 feet above the highest high water mark in the history of Louisville, and the soil content is suitable for this raceway.

The property presently is being used as a farm and will not require any substantial demolition. There is no harness raceway within well over 50 miles of the site and there are 995,000 people within this 50 mile radius. The Kentucky State Fair has a championship saddle horse

5-6-65

## Docket No. 9-69-65 (Continued)

exhibition. Churchill Downs in Louisville houses America's greatest sporting event, the Kentucky Derby. Many harness horses are located within close proximity of the proposed raceway. The benefits of this project would enure to Louisville and Jefferson County instead of foreign communities. This raceway should attract people for a distance of a couple of hundred miles and they would need housing accommodations, food, auto and airplane services and transportation, together with many other benefits derived from people visiting our fair city.

There would probably be about eight or ten races per day, and there would be pari-mutuel betting.

There would be Security Police stationed at each gate, as well as on the grounds, to see that no undesirable characters were admitted, and to make sure all laws, public health, safety, morals and general welfare were properly respected. This raceway would increase the value of surrounding property in that it is bringing industry to what is now a farm. The tenure of this operation is expected to be permanent, unquote.

The subject property is presently used agriculturally. There are two single family residences on the subject property, one at the north end of the property and another facing Poplar Level Road in the 2.5 acre strip of land where the major entrance to this property is indicated.

The main tract of land, approximately 77 acres, is proposed to be occupied by a track for harness racing on the northeastern portion of the site, barns located at the northern end and parking facilities on the southwest reached by a main entrance from Poplar Level Road. A change of zoning from M-2 Industrial to R-1 Residential is necessary to permit the proposed activity.

The frontage on Poplar Level Road is a mixture of industrial, commercial and residential uses; industrial development rears onto the subject property. The Southern Railroad, industrial activities and vacant land are north of the site. The area north of the railroad is zoned M-3 Industrial and has been extended 1200' south of the railroad between the subject property and Poplar Level Road by a recent rezoning (Docket No. 9-192-64). The rest of the industrial area south of the railroad and extending west to Breitenstein Avenue and east and south along Poplar Level Road is zoned M-2 Industrial.

5-6-65

## Docket No. 9-69-65 (Continued)

Single family residences zoned R-4 Residential face Cavelle Street and rear onto the subject property from the west. Evergreen Cemetery and residences in the City of Lynnview are further south. Single family residences and vacant land zoned R-4 Residential are southeast of the subject property.

Plans submitted with the request indicate that the major entrance and exit would be from Poplar Level Road and that seven lanes would be provided (four for entrance, three for exit). A fence along the southeast side of the property would prevent any traffic to and from the racetrack by way of residential streets to the south. Breitenstein Avenue at the west corner of the property is presently an unimproved road.

The following report is made by the Traffic Planning Engineer, quote,

'The present traffic volume on Poplar Level Road in front of the entrance to the proposed Louisville Harness Raceway is approximately 16,500 automobiles and trucks every 24 hour weekday. The hourly traffic volume is approximately 800 vehicles between 2:00 P. M. and 3:00 P. M. and 1,500 vehicles between 5:00 P. M. and 6:00 P.M. Provision is being made to park 3,000 cars on the raceway property. These 3,000 vehicles would be in addition to the heavy traffic volume already on Poplar Level Road and further would arrive within the 30 to 45 minutes preceding the start of the races. As a result, it is my opinion that heavy congestion would develop on Poplar Level Road at the entrance to the Raceway unless the road is widened to permit a left turn lane and accelerating and decelerating lanes to serve the entrance. Also, if patrons in automobiles must stop and pay before entering the parking lot as indicated on the plan, traffic will back into Poplar Level Road. Cars should be permitted to park without stopping, then pay after parking,' unquote.

It is stated on submitted plans that existing sewers are "more than adequate for proposed additional load." However, the following letter of April 28, 1965 has been received from Mr. J. J. Wilburn, Chief Engineer, Metropolitan Sewer District, quote,

'Mr. Ephraim K. Lawrence, Jr., attorney representing Louisville Harness Raceway, Inc., has submitted a preliminary plan of the proposed harness racing track which is to be located on Breitenstein Avenue south of Howard Street, and has requested our comments regarding

5-6-65

## Docket No. 9-69-65 (Continued)

the adequacy of our existing sanitary and drainage facilities for providing service to this property. It is our understanding from Mr. Lawrence that the Planning and Zoning Commission has requested this information relative to the proposed zoning change of this property.

Please be advised that the District cannot at this time furnish this information based on a preliminary plan. In fact, it appears that such a request is premature since detailed plans would be required to enable the District to intelligently review and comment on the adequacy; whereas it appears that such detailed plans should logically follow and not precede the change in zoning.

Of course, if the change in zoning is approved then detailed plans for the drainage and sanitary sewer would have to be submitted to the District for its review and approval,' unquote.

The subject property is centrally located, served by all utilities and is easily accessible to the Watterson Expressway, Southern Railroad and Standiford Field, making this an advantageous site for industry as well as for the proposed use. Although the proposed use could be established on the subject property with minimal harm to adjacent development, there may be other sites equally accessible, but less congested than the subject property, on which the proposed track could be located. Since the subject property is now zoned M-2 Industrial, the granting of a Special Use Permit and rezoning for a harness race track would allow a seasonal commercial use to replace potential year-round industrial development of this 80 acre tract.

For the above reasons, the staff wishes to reserve its final recommendation until after the public hearing on this request.

Mr. Ephraim K. Lawrence, Attorney, Center Building, City 2, spoke representing the applicant.

Others present in favor of this change were:

Mr. William King, President, Harness Raceway, Sheraton Hotel, City 2  
Mr. Chris Duvall, Attorney, Center Building, City 2

Mr. J. D. Haddaway, 4815 Red Start Drive, City 13, spoke in opposition. He read a statement from the City of Lynnview opposing this change.

Mr. Bill Jones, 4516 Poplar Level Road, City 13, was present and interested.

On a motion made and seconded, the following resolution was unanimously adopted:

5-6-65

Docket No. 9-69-65 (continued)

WHEREAS, due consideration has been given this proposal as to the best probable present and future use of the subject property; and

WHEREAS, this property is zoned M-2 Industrial and is ideally located for industrial development; and

WHEREAS, it is contiguous to the main line of a railroad which enhances this tract even more for industrial development; and

WHEREAS, it is the consensus of the Commission that it is not opposed to the harness race track, but feel that this choice industrial land should not be taken for this purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Louisville and Jefferson County Planning and Zoning Commission does hereby recommend to the Fiscal Court of Jefferson County that the proposed adjustment of the Zoning District Map of the City of Louisville and the unincorporated area of Jefferson County from M-2 Industrial to R-1 Residential and the request to establish a harness race track on the following described property be denied:

Beginning at a corner to Standiford heirs and being the original southeast corner of the Jacob Breitenstein 78 acre tract; thence with a line of the Standiford heirs tract and being the original northeast line of Breitenstein's 78 acre tract, north  $37^{\circ}$   $37'$  west 143.78 poles to the northeasterly corner of said 78 acre tract; thence with the northwest line of the aforesaid 78 acre tract, south  $52^{\circ}$  west, 87.07 poles to Beckman's line; thence with Beckman's line, south  $38^{\circ}$  east, 27.75 poles; thence with a line of the Hartwell and Norton tracts, south  $36^{\circ}$   $54'$  east, 110.90 poles to a corner common to Breitenstein's 78 acre tract and the Standiford heirs tract; thence with the line common to said tracts, north  $55^{\circ}$   $24'$  east, 87.84 poles to the beginning; together with all of the first parties' right, title, interest and claim in and to the 50 foot roadway known as Breitenstein Avenue extending from the northwest corner of Tract 1 in a northwesterly direction to Durrett Lane; and Lot 22, as shown on plat of the Atlas Land Company's tract, recorded in Plat and Subdivision Book 5, Page 90, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.