

INTERIOR LANDSCAPE AREA WAIVER JUSTIFICATION STATEMENT

LDC SECTION 10.2.12.B

CHURCHILL DOWNS, INC.

700 CENTRAL AVENUE

CASE No. _____

JUNE 26, 2017

As set forth in its Letter of Explanation filed herewith, the applicant, Churchill Downs, Inc. ("CDI"), is seeking Louisville Metro Board of Zoning Adjustment's ("BOZA") acknowledgement pursuant to KRS 100.253(2) of CDI's proposed expansion to its parking and vehicular use areas on the western side of its racetrack facility located at 700 Central Avenue in Louisville, KY, which has operated as a long-standing legal nonconforming use ("Racetrack"). The applicant's parking and vehicular area enhancements are designed to better serve the increasing demands of its participants and patrons, especially during the peak demands of Derby Week. CDI hopes to install improvements before the 2018 Kentucky Derby, which will increase efficiency and safety for all types of automobiles and pedestrians accessing the Racetrack, as well as provide much needed onsite-storm-water detention, landscaping and tree canopy. The Subject Property has mixed zoning—R-5 Single-Family Residential, R-6 Multi-Family Residential and C-1 Commercial—and mixed Form—Campus and Traditional Neighborhood. In conjunction with the proposed enhancements to the parking and vehicular use areas, the applicant is requesting waiver relief from the Land Development Code Section 10.2.12.B, which requires no more than 20 parking spaces between interior landscaping areas ("ILAs") located within the vehicular use areas ("VUAs"). For the reasons stated herein, the requested waiver complies with the Cornerstone 2020 Comprehensive Plan and the criteria for granting waivers and, therefore, should be approved.

The waiver from LDC Section 10.2.12.B requirement to provide no more than 20 parking spaces between ILAs located in the VUA of the proposed parking lot improvements to the Racetrack will not adversely affect adjacent property owners because the affected VUAs are internal to the proposed development site, and not located along the perimeter of the development site where it is possible that a lack of landscaped areas could negatively affect abutting property owners. The applicant will be installing landscaping and trees in an area largely devoid of greenery; a much-needed improvement for the immediate vicinity. The applicant will still meet and exceed the overall ILA requirement for the area of the Racetrack slated for improvements and perimeter landscaping will be planted in compliance with applicable LDC provisions.

The applicant's requested waiver will not violate Cornerstone 2020 because the proposed enhancements to the parking and vehicular use areas will bring much-needed improvements to the western side of the Racetrack and better define a perimeter between the applicant's parking areas and the adjacent traditional neighborhood to the west. The applicant's Racetrack is a long-established, legal nonconforming use that predates the existence of Form District regulations. The applicant's planned improvements for this area will comply with the applicable Campus and Traditional Neighborhood Form Districts and increase compatibility with the existing residential community located immediately to the

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west of the Racetrack. 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. And some Campus form districts may need significant buffering from abutting uses. 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.

To strengthen compatibility of this area west of the Racetrack, especially where the Campus and Traditional Neighborhood Forms meet, the applicant proposes a complete overhaul of its appearance and functionality, whereby it intends to address numerous issues including, but not limited to: efficient access and parking for various types of automobiles, safe access for pedestrians to walk to and from the Racetrack from the parking and/or drop-off areas, storm-water detention, lack of landscaping and tree canopy, and overall general safety of the Racetrack. Today, these areas are primarily comprised of large parking lot and vehicular use areas with mixed surfacing—some loose asphalt, some gravel—and without any real landscaping or tree canopy. And though the waiver of the ILA spacing requirement is needed in the internal VUAs areas, as explained below, the applicant will be exceeding other LDC landscaping requirements. If approved, the area will be planted with extensive trees, bushes, shrubs, greenery that will greatly enhance the appearance from inside and outside Churchill Downs. The proposed improvements represent a significant economic investment to an area that has been in need of attention for years and will only help the relationship between the Racetrack facility and its residential neighbors to the west. For all the foregoing reasons, the requested waivers will not violate Cornerstone 2020.

The extent of waiver of the requirement to have no more than 20 parking spaces between ILAs is the minimum necessary to afford relief to the applicant because the overall space located on the western and northwestern sides of the Racetrack is very limited, yet very much needed to increase parking capacity for cars, vans, buses, trucks and media vehicles, establish a more efficient internal vehicular maneuvering area for all automobiles, especially during the peak demands of Derby Week, and to create a promenade for race fans to safely enter and exit the Racetrack from and to the parking and loading/drop-off areas. Without relief from this ILA-spacing requirement, its essential parking capacity would shrink and the applicant would have to reconfigure its vehicular use areas to allow for truck and bus traffic to safely access the Racetrack without causing safety concerns to smaller automobiles and pedestrians. Moreover, any loss in parking capacity could potentially increase the likelihood of additional parking demands within the surrounding neighborhood, a situation the applicant strongly wishes to avoid. The applicant is providing the required amount of interior landscape area and is planting a tree canopy that far exceeds the applicable requirement for the immediate area.

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Interior landscape areas are used within parking lot and vehicular use areas to capture storm water runoff in parking lots, thus increasing water quality: and retaining greater amounts of storm water on site through infiltration. The applicant will incorporate other design measures that exceed the minimums of the district and compensate for noncompliance with the ILA-spacing requirement because the proposed improvements to the area will include green technologies throughout its proposed improvements to the Racetrack's parking and vehicular use areas, such as: infiltration basins, bioswales and tree box-like features—that will provide water quality treatment for the first 1" of rainfall (almost double MSD's required 0.6") and reduce runoff volume to the combined sewer system by that same amount. And while an interior landscape area (ILA) waiver is being requested for distance between islands, the plan exceeds the requirement based on vehicular use area. Moreover, the applicant will also provide storm-water detention underneath particular parking and vehicular use areas to further mitigate peak runoff for the stringent requirement of post developed 100-year storm runoff rates to not exceed the pre developed 10-year rates. Pre-developed rates were determined prior to house demolition and subsequent gravel parking development.

While there are no tree canopy requirements for this project, the applicant will plant approximately 900 trees in and around the parking lot to provide screening, water absorption and much needed shade on the parking lot areas which will help lower the surface temperature of the asphalt. Currently, the area planned for improvement is mostly without any landscaping and tree canopy. Consequently, the 900 new trees planted in the parking lots located on the western side of the Racetrack will contribute to lower temperatures on parking lot surfaces. Lastly, for its promenade surface between the parking areas and the Racetrack facility, CDI intends to use concrete, a material lighter in color and which emits less heat than asphalt. In sum, the applicant will employ other design measures and green technologies that will compensate for its noncompliance with the ILA-spacing requirement and said green infrastructure will help improve water quality, and enhance the overall appearance of this area west of the Racetrack.

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