

Development Review Committee

Staff Report

January 19, 2022



Case No:	21-WAIVER-0171/21-WAIVER-0172
Project Name:	Derby City Gaming Downtown
Location:	140 S 4 th St
Owner(s):	Greater Louisville First Federal Savings and Loan
Applicant:	Churchill Downs, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Waivers**

1. **Waiver** (21-WAIVER-0171) of Land Development Code section 5.2.1.C.2 to not provide a 3-story street wall for the entire length of the facades along S 4th St and W Market St.
2. **Waiver** (21-WAIVER-0172) of Land Development Code sections 5.2.1.C, 5.5.1.B.1.b.iii and 5.6.2.G.3 to not have a first-floor office or retail use along at least 50% of the first floor of a parking structure.

CASE SUMMARY/BACKGROUND

The applicant is proposing to renovate an existing bank and office building with associated parking structure for use as a gaming facility. The applicant is proposing to add some additional street wall and other first floor changes along the frontage that is less than the requirements of the Land Development Code.

STAFF FINDING

The waivers are adequately justified and meet the standards of review. The existing structure is nonconforming, and the waivers will allow for redevelopment of a major vacant site in Downtown into an activity and entertainment center.

TECHNICAL REVIEW

The Downtown Development Review Overlay committee has approved the development proposal under docket 21-OVERLAY-0035.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as the existing non-conforming site will be improved.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will violate the comprehensive plan, as the redevelopment of this existing site is compatible with the variety of uses and intensities in the Downtown form district. The Downtown Development Review Overlay has approved the design of the site.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as the site is existing and it would be cost prohibitive and difficult from an engineering standpoint to construct a 3-story streetwall where none exists today.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as the existing non-conforming site will be improved.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will violate the comprehensive plan, as the redevelopment of this existing site is compatible with the variety of uses and intensities in the Downtown form district. The project will provide street-level visual interest in compliance with the goals of the Comprehensive Plan. The Downtown Development Review Overlay has approved the design of the site.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as the garage is existing, and will be improved with this development.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**

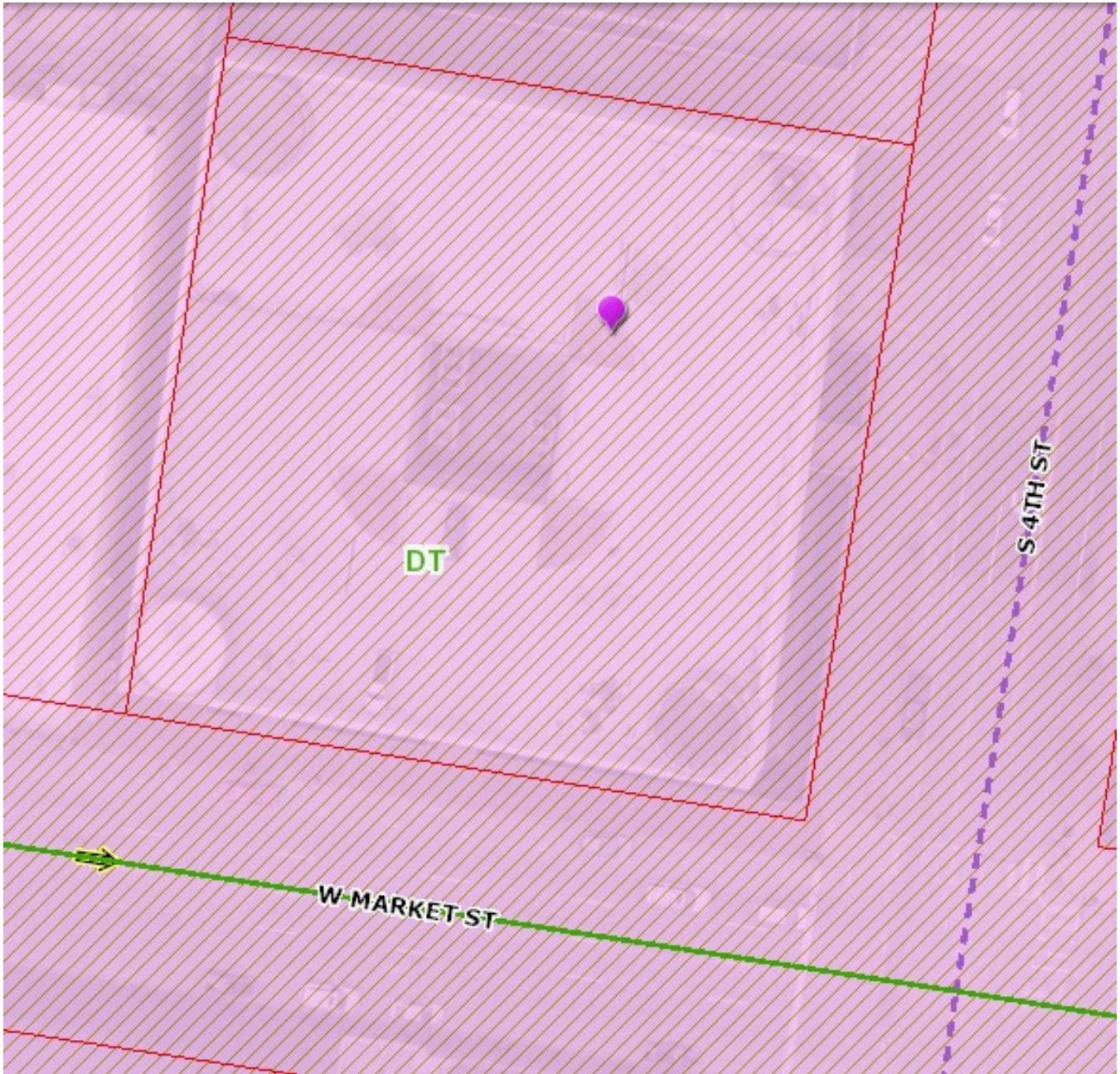
NOTIFICATION

Date	Purpose of Notice	Recipients
01-05-22	Hearing before DRC	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

