

VARIANCE JUSTIFICATION STATEMENT

LDC SECTION 4.4.3.A.1.A.I

700 CENTRAL AVENUE

CASE No. _____

JUNE 26, 2017

In its continual effort to better the Churchill Downs experience for race fans and visitors while also working to upgrade operations to lessen impacts on its residential neighbors, especially during the peak demands of Kentucky Derby Week, Churchill Down, Incorporated ("CDI" or the "applicant"), is seeking to make substantial improvements to its parking and vehicular maneuvering areas on the western side of its racetrack facility located at 700 Central Avenue. Part of CDI's proposed enhancements for this parking area include the implementation of considerable landscaping and tree canopy where virtually none exists today, as well as the installation of an ornamental, 8-foot-perimeter fence made of aluminum. In order to achieve these much-needed enhancements to this area, CDI is requesting a variance of Section 4.4.3.A.1.a.i of the Land Development Code to permit the perimeter fence to exceed the maximum height requirement of 48 inches in the Campus Form and 42 inches in the Traditional Neighborhood Form. For the reasons stated herein, the requested fence-height variance complies with the criteria set forth in KRS 100.243 and, therefore, should be approved.

The fence-height variance will not adversely affect the public health, safety or welfare. Rather, CDI is requesting this variance partly so it can erect an aesthetically-pleasing barrier that will fit nicely within and along the proposed landscaping in its attempt to prevent unwanted destruction of property, trespassing, littering, drug-related and other general criminal activity from occurring on its property. During the hours of the night and times of the year when racing isn't occurring on its grounds, the western area of Churchill Downs is wide open, vacant and unsecured, which can often attract activity potentially disruptive to Churchill Downs and its residential neighbors. CDI looks to address these security concerns with an 8-foot perimeter fence that not only will positively affect the public health, safety or welfare but, with its added height, will also help prevent the establishment of any activity that might create hazards or nuisances to the neighbors and general public.

The western side of the racetrack facility where the applicant proposes these improvements is an area with mixed zoning—R-5 Single-Family Residential, R-6 Multi-Family Residential and C-1 Commercial—and mixed Form—Campus and Traditional Neighborhood. The variance to permit a decorative, 8-foot fence around Churchill Downs' perimeter will not alter the essential character of the general vicinity or allow an unreasonable circumvention of the zoning regulations, yet, instead, it will only improve the area's appearance and security. CDI's racetrack facility is a long-established legal nonconforming use that has existed at its current location for well over a century, pre-dating local zoning laws. In addition to improving safety, the proposed improvements to the parking and vehicular use areas will assist the efficiency of automobile and pedestrian traffic access to and from Churchill Downs, especially during times of peak demand when

Derby Week is in full swing and the area experiences heavy auto and pedestrian congestion. Moreover, CDI's proposed improvements, including the erection of a perimeter fence and installation of over 900 trees and accompanying landscaping in an area devoid of greenery, will only benefit the overall aesthetic appearance of the general vicinity. Accordingly, granting the variance will not cause a hazard or nuisance to the public or allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance does arise from special circumstances which do not generally apply to land in the general vicinity because Churchill Downs' racetrack facility is a unique, world renowned sports venue that annually holds on one of the most well-known traditions in all of sports: the Kentucky Derby. Thus, the variance arises to address security concerns in the area and CDI looks to address these concerns with a barrier that also has aesthetic appeal, especially in conjunction with the proposed landscaping. Without the added height provided to the perimeter fence, CDI would have a fence that would be much more easily scalable, depriving CDI of a reasonable and effective measure of security. Accordingly, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship. And while the applicant is responsible for the proposed site design, the above-referenced circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is granted.

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