

Board of Zoning Adjustment

Staff Report

August 17, 2020



Case No:	20-MCUP-0011
Project Name:	Derby City Gaming expansion
Location:	4520 Poplar Level Road
Owner(s):	Churchill Downs, Inc.
Applicant:	Churchill Downs, Inc.
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

- Modification of an approved Conditional Use Permit to allow an expansion of a pari-mutuel wagering building

CASE SUMMARY/BACKGROUND

Prior to 1963, there were two zoning ordinances, one for the City of Louisville and one for Unincorporated Jefferson County. The first “unified” ordinance in our records is from January 1963. In this ordinance “race tracks” for animals appears as a use permitted with a special use permit. These permits were the predecessor of Conditional Use Permits. Special Use Permits were reviewed and issued by the Planning Commission. After 1966, Special Use Permits were eliminated in state law, and Conditional Use Permits became the responsibility of the Board of Zoning Adjustment.

The applicant has long owned this property, once used as a harness racing track and related pari-mutuel wagering facility, presently used as a thoroughbred training track. The proposed expansion will be located at the eastern side of the existing building and will be 8,150 square feet.

STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan and there were no previous conditions of approval for the special use permit granted. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for a modified conditional use permit.

Related Cases

9-69-65

Change in zoning from M-2 to R-1 and Special Use request to establish a harness race track on property located on the northeast side of Breitenstein Avenue, if extended, 17'- 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 Louisville and Jefferson County Planning and Zoning Commission recommended denial on May 6, 1965. Fiscal Court overturned the decision.

- 9-153-72** Change in zoning from M-2 to R-1, on condition the necessary Conditional Use permit and Variance allowing race track building to be less than 100 feet from all property lines are granted by the Louisville and Jefferson county Board of Zoning Adjustment, and if it is suggested that the Board require in their action that the proposed development be separated from adjoining residential property by suitable screening. This request was approved by Fiscal Court on May 11, 1973.
- B-31-74** An application for modification of a Conditional Use Permit for a race track to allow the construction of new barns and other facilities. This proposal was approved by the Board of Zoning Adjustment on April 10, 1974.
- B-31-74** An application for variance from the requirements of the Zoning Regulations to permit a horse barn to be less than 100 feet from property lines as required by Section 30C of the Zoning District Regulations. This proposal was approved by the Board of Zoning Adjustment on April 10, 1974.
- B-197-88** A modification of the Conditional Use Permit for the proposed extension of the existing racetrack, the proposed addition of a small restroom facility to the existing grandstand which is undergoing renovations for an Intertrack Wagering facility and to replace the existing sign. This proposal was approved by the Board of Zoning Adjustment on September 21, 1992.
- 17CUP1055** Modification of an approved Conditional Use Permit to allow an expansion of a pari-mutuel wagering building and related improvements. This proposal was approved by the Board of Zoning Adjustment on October 16, 2017.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was not required for this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by MSD and Transportation Planning and both have approved the plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

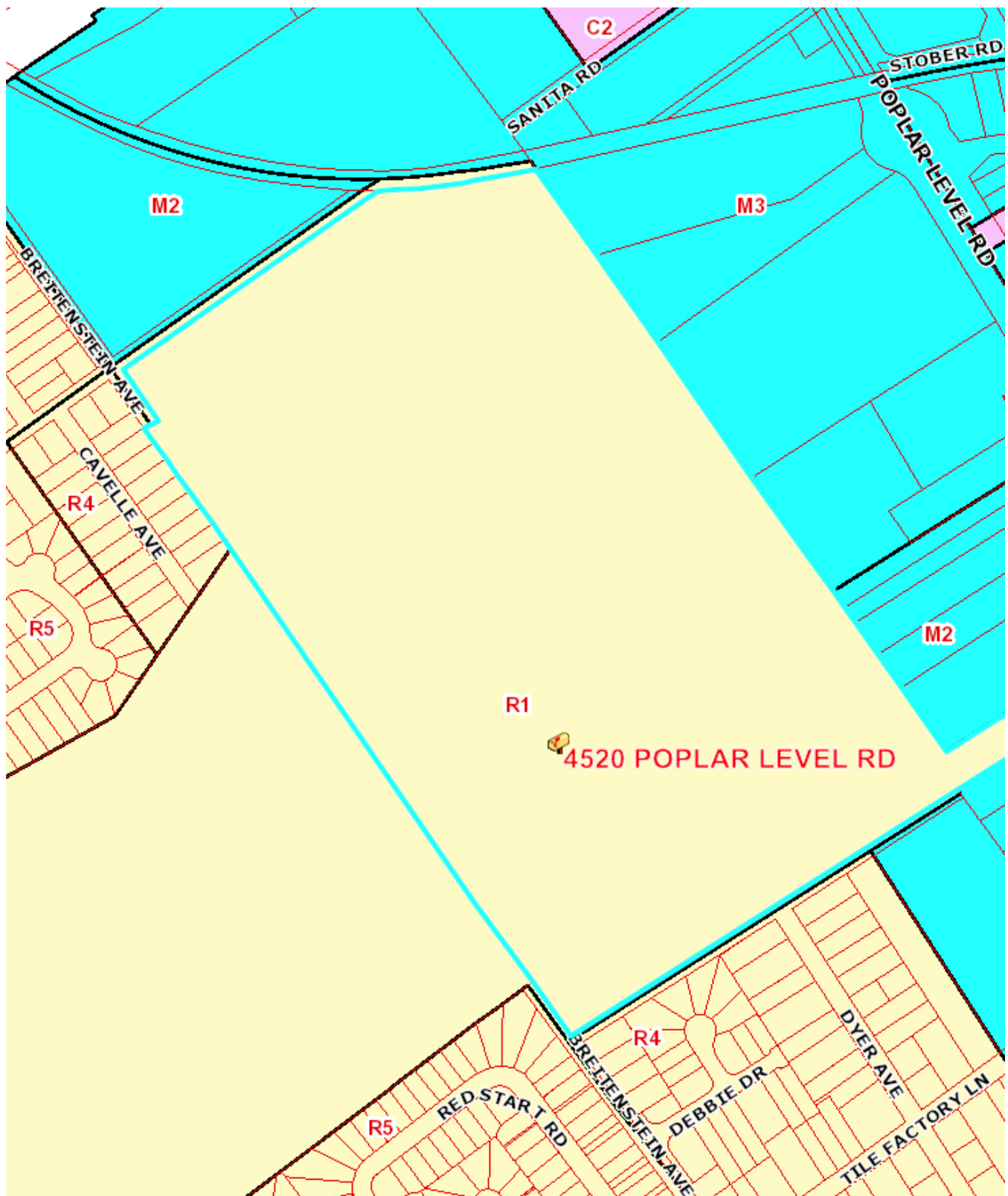
Special Use Permit standards from the 1963 regulations:

1. All buildings and structures shall be at least 100 feet from all property lines. **The proposed building is approximately 120 feet from the rear property line.**
2. A minimum of 1 off-street parking space shall be provided for each 5 seats in the grandstand.
3. Parking areas and drive shall be surfaced with a hard and durable material and properly drained.
4. Except in districts where signs are allowed, one sign, not to exceed 100 square feet in area, may be located at each of the major entrances. Sign facing a residential district shall be a non-flashing type.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. Existing Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
 2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for pari-mutuel wagering facility without further review and approval by the Board.
-
4. **Proposed Conditions of Approval**
 1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
 2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for pari-mutuel wagering facility without further review and approval by the Board.