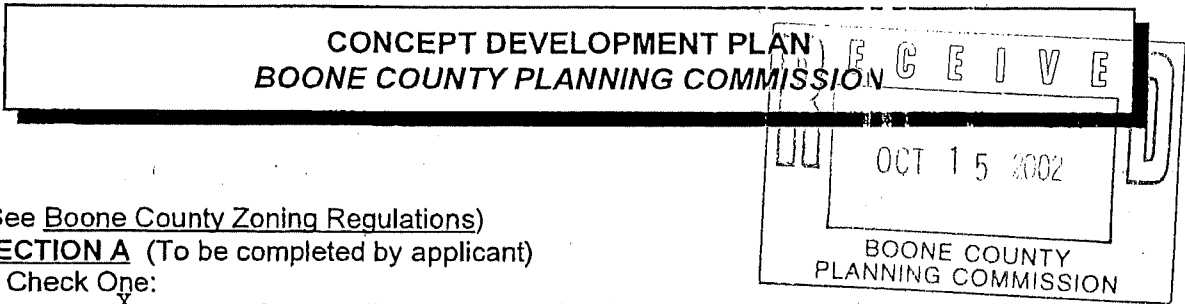


02 - CDP - 027 - A

APPLICATION FORM



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

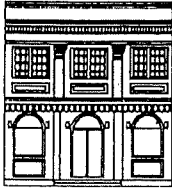
- 2. Name of Project Turfway Park
- 3. Location of Project 7500 Turfway Road, Florence, KY
- 4. Total Acreage of Site 197 acres
- 5. Current Zoning Recreation/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Not Applicable
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) See Attached
- 9. Proposed Building Intensities (please specify) See Attached
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Turfway Park, LLC
 Phone Number 859-371-0200 Fax No. 859-647-4730
- 13. Address of Applicant(s) 7500 Turfway Road, Post Office Box 8
Florence KY 41022
 City State Zip
- 14. Name of Property Owner(s) Turfway Park, LLC
 Phone Number 859-371-0200 Fax No. 859-647-4730
- 15. Address of Property Owner(s) 7500 Turfway Road, Post Office Box 8
Florence KY 41022
 City State Zip
- 16. Are there any existing buildings on the site? Yes
 How many? 1 - Grounds/office Building
- 17. Deed Book 733 Page No. 5 Group No. 2027
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

14.91 acres under review

(over)

19. Please check the following organizations/agencies which you have discussed the proposed

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 15, 2003

The Honorable Diane E. Whalen
Mayor, City of Florence
8100 Ewing Boulevard
Florence, KY 41042-7588

Dear Mayor Whalen:

This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of **Turfway Park LLC (owner)** for a Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site located at 7500 Turfway Road, Florence, Kentucky. The property is currently zoned Recreation/Planned Development R/PD), and the request would allow temporary outdoor community events and displays.

At their meeting of December 18, 2002, the Boone County Planning Commission voted unanimously to recommend approval by **Resolution R-02-027-A**. This action was taken upon hearing the recommendation of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Florence is **Tuesday, March 18, 2003**.

The approved minutes of the November 20, 2002 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,

Mark Hicks
Chairman

MH/vlm

Enclosures

EXHIBIT

“A”

STAFF REPORT

Request of Turfway Park, LLC (owner) for a Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.

November 20, 2002

REQUEST

This application is for a Concept Development Plan to allow temporary outdoor events as an Accessory Use on the paved and unpaved areas, above and beyond the limits set forth in Article 35, Temporary Commercial Displays (see copy attached), of the 1996 Boone County Zoning Regulations. The City of Florence has not yet adopted the text of the 2001-02 Boone County Zoning Regulations at the time of this public hearing. However, there were no changes proposed to Article 35 through the update.

The entire site consists of approximately 200 acres with 14 acres under review for this request. The areas consist of the majority of the paved parking in front of the grandstands as well as the undeveloped area along Houston Road. Article 35 only allows for Temporary Commercial Displays on pavement.

As part of the request, the applicant states "signage for such events shall be permitted at the entrances to Turfway Park provided that such signage is not placed in the right-of-way, does not obstruct drivers' line of sight at the intersection, each sign is no larger than 32 square feet, is no installed more than 7 days prior to an event and removed within 2 days of completion of the particular event." No mention as to the type of "signage" or the possibility of multiple events at any one time.

SITE HISTORY

The Houston Donaldson Study, which includes the subject site, was adopted in 1986. The adoption of the Planned Development overlay zone for the area resulted from the Study.

In 1995 a Special Sign District was recommended for approval by the Boone County Planning Commission (August 16, 1995) and approved by the Boone County Fiscal Court (September 26, 1995) and City of Florence (October 23, 1995). Approved as part of this request was one (1) freestanding sign per entrance. Of those, the signs permitted for gates 2 & 3 (Turfway across from Thoroughbred and Houston across from Biggs) could be 18 feet in height and 150 square feet with electronically changeable copy. Neither of these signs have been constructed. Specifics to the Special Sign District approval are attached.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include:

- North: Property zoned Suburban Residential One/Planned Development (SR-1/PD), Rural Suburban Estate/Planned Development (RSE/PD), Rural Suburban /Planned Development (RS/PD) and Industrial One/Planned Development (I-1/PD).
- East: Property zoned Industrial One/Planned Development (I-1/PD) Office Two/Planned Development (O-2/PD).
- West: Airport property zoned Airport (A), Turfway Business Park zoned Industrial One/Planned Development (I-1/PD/CD).
- South: Turfway Square, Saratoga Square and the Target Development zoned Commercial Two/Planned Development (C-2/PD/CD).

RELATIONSHIP TO THE HOUSTON DONALDSON STUDY

As stated above, the site is within the Study area. This area is known as Site 28, Turfway Park and states:

"The existing horse race facility has been upgraded during the 1980's and currently new horse barns are being constructed on the northwest portion of the site. This Study recommends that the race track continue on this approximately 212 acre site. The recommended zoning for the Turfway Park site is to remain Recreation/Planned Development. New recreation uses or alternative uses not related to the track operation should be reviewed through the public hearing process. Recreation uses directly related to the track operation, however, may undergo the short review process."

STAFF COMMENTS

1. The Boone County Zoning Regulations currently permit three (3) Temporary Commercial Displays (TCD) and one (1) Seasonal Temporary Commercial Displays per calendar year. Each TCD permit is valid for seven (7) consecutive days and the Seasonal TCD permit is valid for thirty (30) consecutive days. These displays are only permitted within the Commercial Two (C-2), Commercial Services (C-3) and Recreation (R) zoning districts.

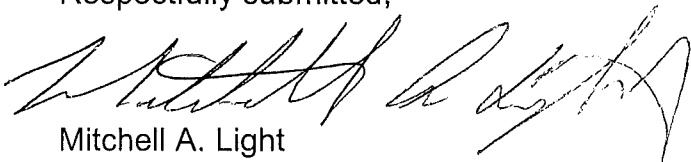
The Planning Commission and Florence City Council must determine if the request is acceptable as proposed by the applicant or what could be an acceptable number of temporary outdoor displays. Should two (2) or more events be held simultaneously on the property? What size "temporary signage" should be permitted, if any, to advertise these events, and what mechanism used to regulate.

2. Staff has attached to this report, a copy of the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

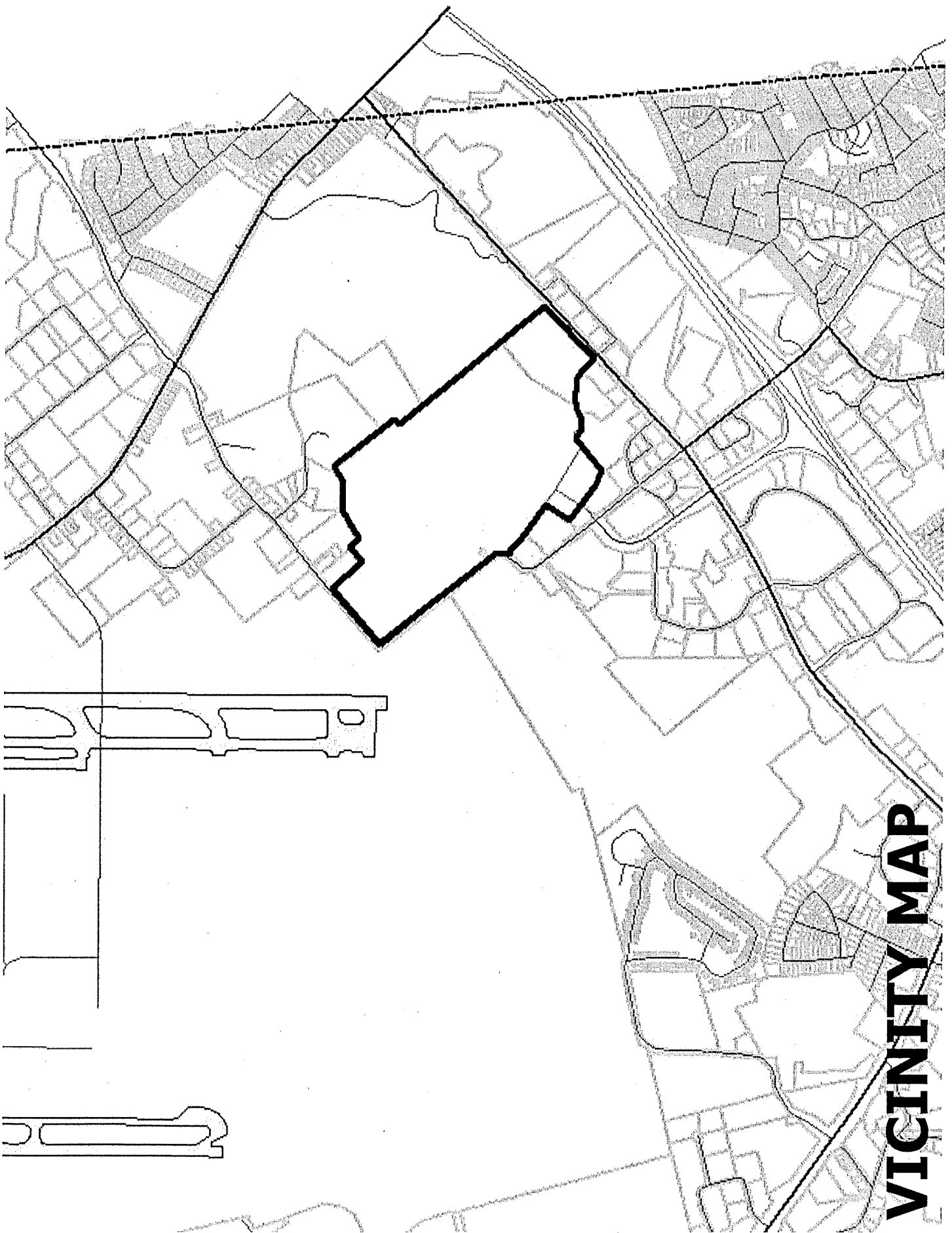


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

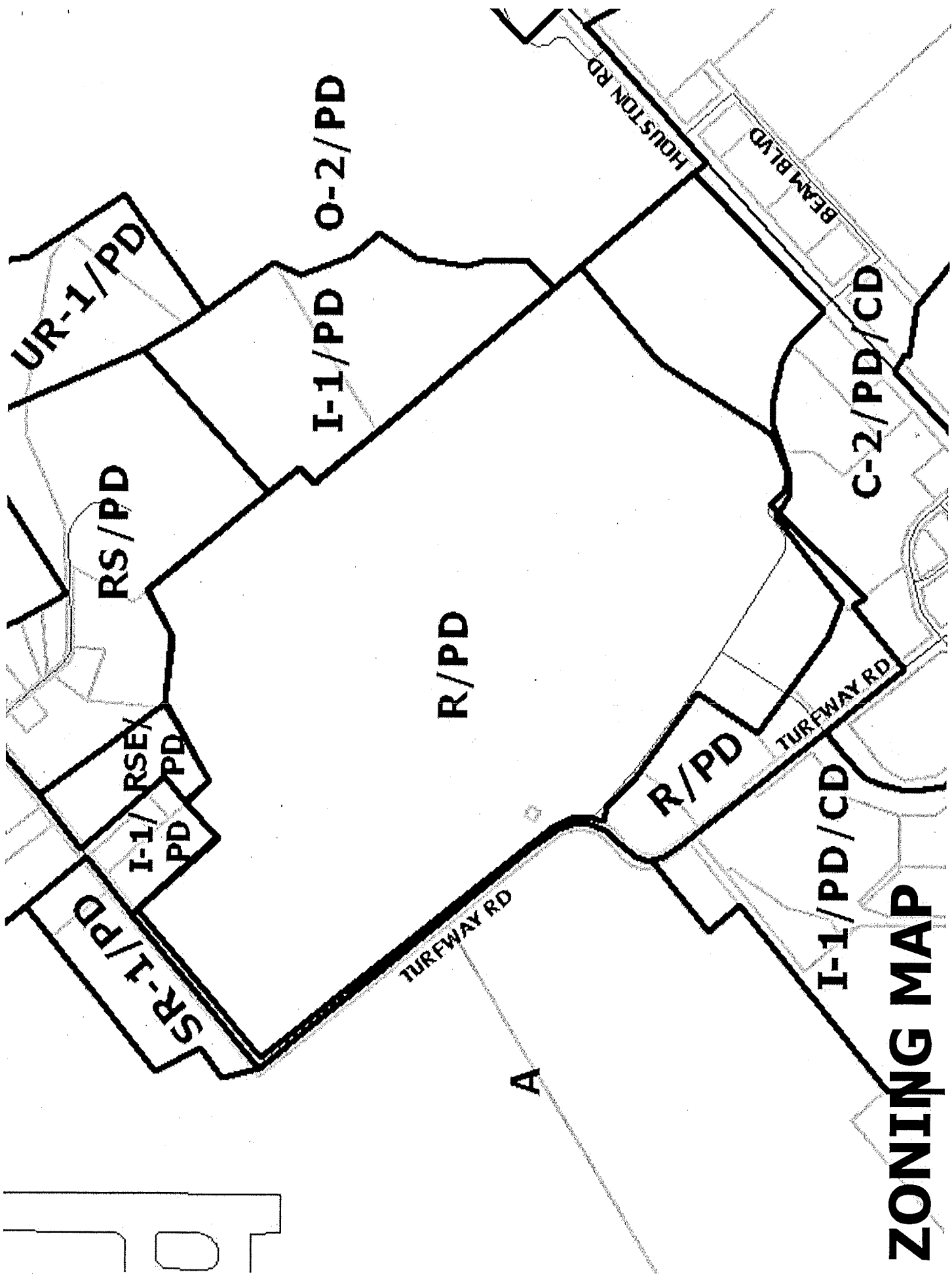
MAL\pr

Attachments:

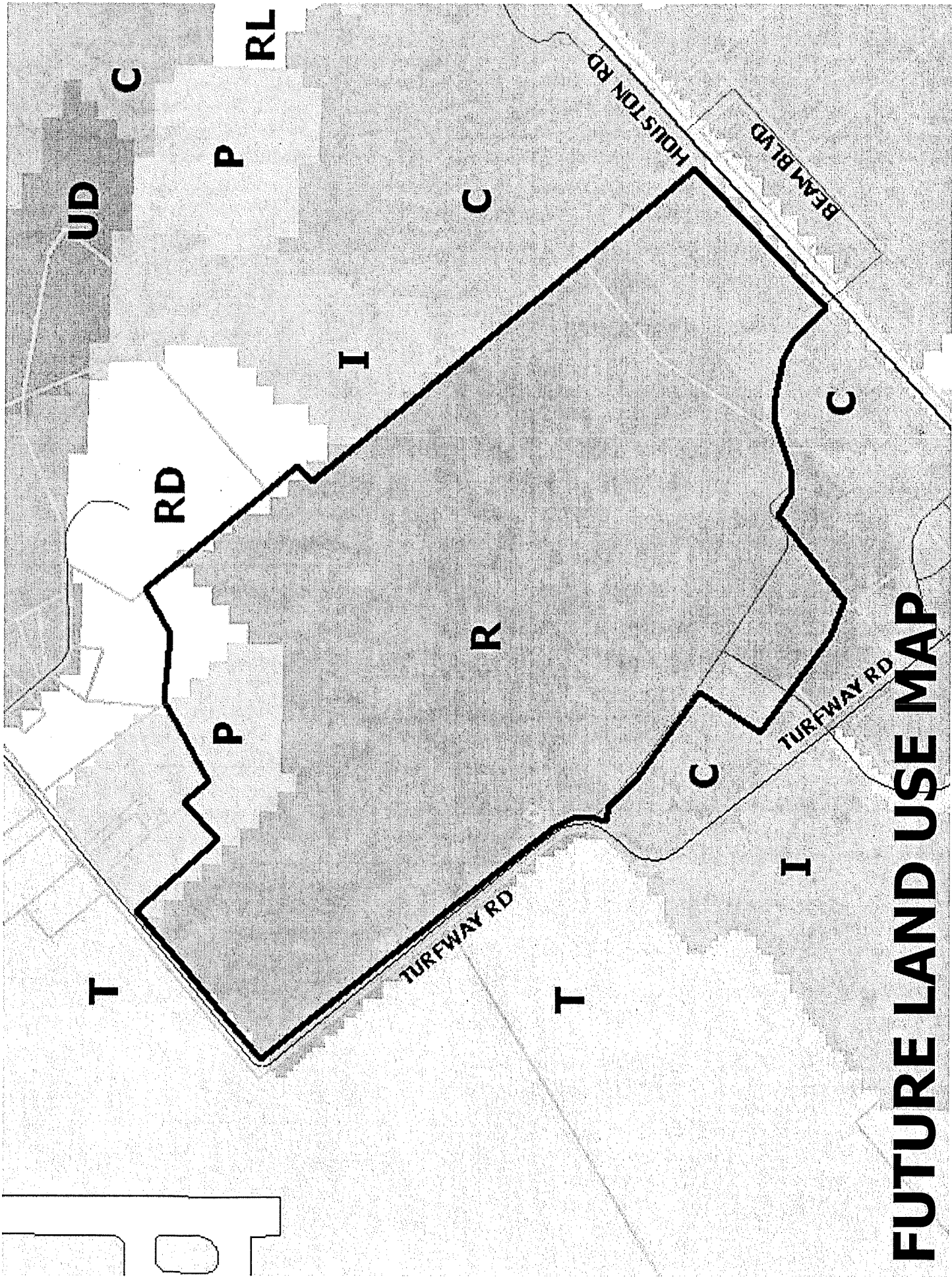
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Development Plan
- Request
- Article 35 Temporary Commercial Displays
- 1995 Special Sign District Approval Material
- Planned Development Standards
- Application



VICINITY MAP



ZONING MAP

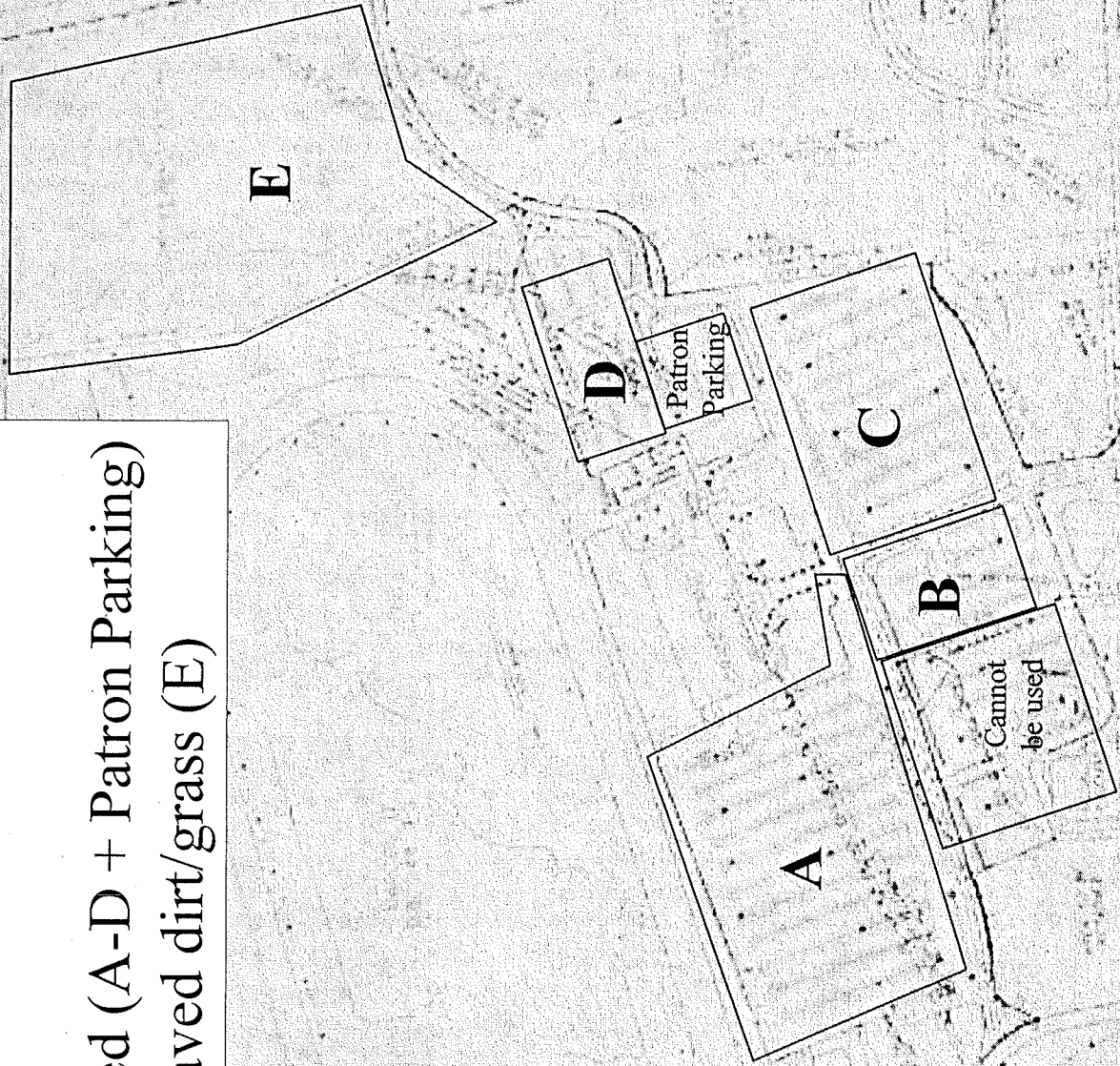


FUTURE LAND USE MAP

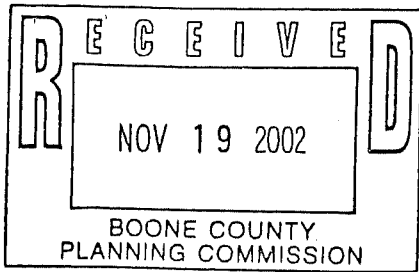
Turfway Park, Florence, KY

Approx. 650,000 paved (A-D + Patron Parking)

Approx. 500,000 unpaved dirt/grass (E)



CONCEPT DEVELOPMENT PLAN

ATTACHMENT**PROPOSED CONCEPT DEVELOPMENT PLAN
TURFWAY PARK, LLC**

Turfway Park has submitted an application for a Concept Development Plan to allow certain limited temporary outdoor activities on the property. The property is zoned Recreation/Planned Development District and contains nearly 200 acres. The property has several large parking and paved surface areas totaling over 650,000 square feet. There are many times throughout the year when these areas are not needed for racing and accessory activities at Turfway Park. It is therefore an ideal location for outdoor community events such as the "Taste of Boone County", as well as outdoor commercial events that, because of the nature and/or scope of their product or service, require large outdoor areas. The purpose of this Concept Development Plan application is to define the types of outdoor activities that will be held on the property, designate the areas of the property within which they will occur, and set forth other parameters of these activities. We submit that the proposed activities are compatible with the property and the surrounding uses. Furthermore, the proposed uses, given the limitations and conditions, will have no adverse effect on the surrounding area or negatively affect the public health, safety, and welfare.

The type of temporary activities proposed for the site fall into two categories. Turfway Park in the past has made its property available for community functions such as the "Taste of Boone County". We propose to be allowed to have similar functions for community organizations, churches, schools, and other non-profit organizations that require a large outside area for community events, fundraisers, and other similar activities that are of a noncommercial nature. Insofar as it is difficult to predict in any given year how many organizations may wish to utilize our property, we propose that such activities be allowed without any limit on the number of events throughout a year.

The second activity that would be permitted pursuant to this application would be commercial functions. These would include commercial sales and/or service enterprises that, because of the nature of their product and/or service, require an outdoor setting. Examples of such events include car shows, automobile manufacturer "drive and ride" events for private testing and demonstration of new products. The outdoor sale, display, and/or testing of other general merchandise, products, and/or services shall also be permitted provided that they comply with the limitations set forth herein. Such activities shall be limited to no more than 12 events in a single calendar year. The 12 events shall be separate and distinct from one another. These events shall be permitted on the property for no more than ten consecutive days, including the time necessary for set-up and takedown. Signage for such events shall be permitted at the entrances to Turfway Park provided that such signage is not placed in the right-of-way, does not obstruct drivers' line of sight at the intersection, each sign is no larger than 32 square feet, is installed no more than 7 days prior to an event, and removed within 2 days of completion of the particular event. These activities may only take place

in the areas labeled A, B, C, D, and E on the Conceptual Development Plan and shall be roped off or designated in such a way as to not interfere with internal traffic flow or the regular activity at the racetrack. Three entrances shall be utilized including the entrance adjacent to Houston Road, the Turfway Road entrance opposite the airport property, and the Turfway Road signalized entrance. All of these conditions, with the exception of the limit on the number of events, apply to community functions as well.

ARTICLE

35

TEMPORARY COMMERCIAL DISPLAYS AND SEASONAL TEMPORARY COMMERCIAL DISPLAYS

SECTION 3500

Intent

The intent of this article is to permit the sale of seasonal goods under particular circumstances and to benefit the general public by providing access to general commercial goods and services by allowing temporary commercial displays, sales, and contract sales of goods and services on hard surfaced areas with adequate parking for both the principle use as well as the temporary commercial display. Such displays are subject to certain requirements and, if these requirements cannot be satisfied, the display is prohibited.

SECTION 3510

Temporary Commercial Displays

Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this Article 35 and other provisions of the zoning regulations as applicable. Temporary Commercial Displays are exhibits or showings of products, goods, equipment, or services listed as a principally permitted use in Commercial One (C-1), Commercial Two (C-2), and Commercial Services (C-3) zoning districts.

Seasonal Temporary Commercial Displays

Seasonal Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this Article 35 and other provisions of the zoning regulations as applicable. Seasonal Temporary Commercial Displays are pedestrian-oriented in nature and include the exhibit and sale of seasonal items not sold on the premise during the remainder of the year. The retail sale of the particular seasonal good must be listed as a Principally Permitted Use in the Commercial Two (C-2) zoning district and may include such items as Christmas trees, fireworks, pumpkins, seasonal plants and seasonal food products.

The construction of Temporary Commercial Displays and Seasonal Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Both types of displays must be positioned so that the

existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3515

Time Limits for Displays

Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than seven (7) consecutive days. Seasonal Temporary Commercial Displays may not exist or be present on a site in any form, whether open for viewing or not, more than thirty (30) consecutive days.

SECTION 3520

Permit Required

Prior to placing any Temporary Commercial Display or Seasonal Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3521

Application Contents

The application must contain the following information and be submitted with three copies of the appropriate drawings or plans:

1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located.
2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.
3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.
4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be "borrowed" from the site's principle commercial establishment
5. Accurately state and describe the amount and type of goods or services to be on display.
6. State the dates the display is to be located on the site.
7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.
8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.
9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.

The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this Article 35 and all other applicable provisions of these zoning regulations.

SECTION 3525

Review of Zoning Administrator

The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display upon receiving a completed application containing all the information required in this Article 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:

1. The Temporary Commercial Display or Seasonal Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site;
2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
3. Minimum parking requirements are met on site for both the existing use(s) and Display and the maximum estimated parking spaces necessary for the Display is not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.
4. No structure shown will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed structures and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.
5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD and C-2 for a Seasonal TCD.
6. The construction of the Display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.
7. All other applicable requirements of this order have been fulfilled.
8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.

SECTION 3526

Refusal to Issue Permit

If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display or Seasonal Temporary Commercial Display, he shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3530

Appeal to Board of Adjustment and Zoning Appeals

An applicant refused a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment and Zoning Appeals which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of Article 2.

SECTION 3535

Fee

At the time of application for a Temporary Commercial Display or Seasonal Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3540

Sales and Contracts Allowed

At any Temporary Commercial Display or Seasonal Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display or Seasonal Temporary Commercial Display shall be allowed.

SECTION 3545

Limit of Permits on each Site

The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had three (3) prior Temporary Commercial Display permits issued during the same calendar year for the same site. Only one (1) Seasonal Temporary Commercial Display is permitted for a site during each calendar year.

SECTION 3550

Non-Applicability to Yard Sales or Sidewalk Sales

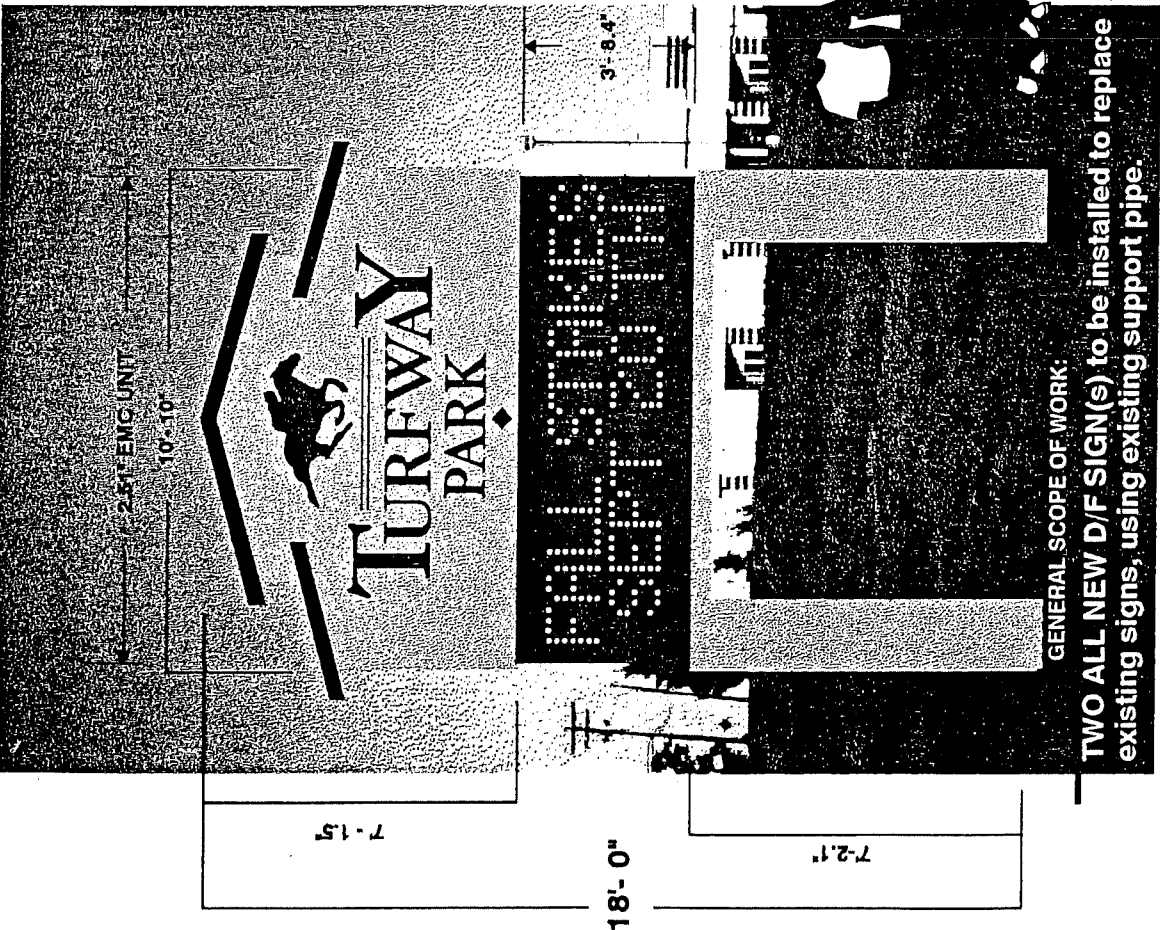
This Article 35 shall not apply to regulate or prohibit yard sales where articles or goods are displayed for sales at a person's dwelling and where articles so displayed are personal belongings of such person.

Nor shall this Article 35 apply to sidewalk sales by a commercial establishment which regularly does business on the same premises, where the articles or goods on outdoor display are the same as are usually displayed for sale at its establishment.

SECTION 3551

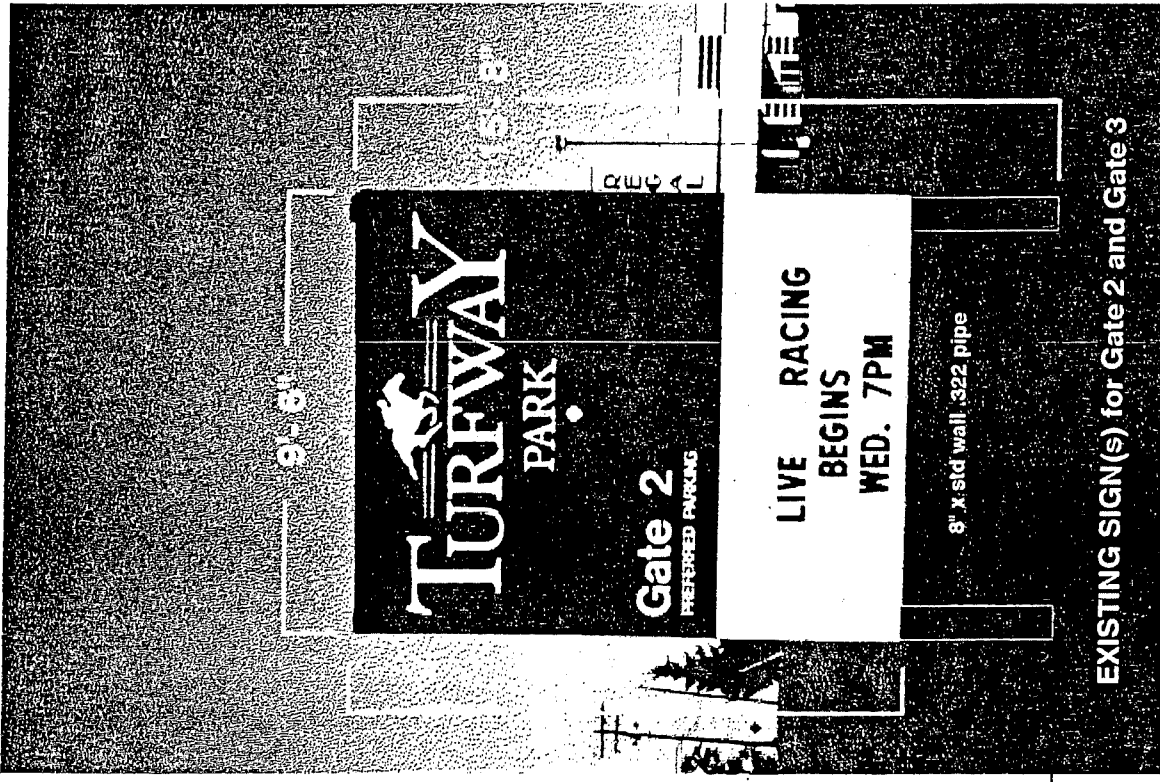
Non-Applicability to Indoor Displays

This Article 35 shall not apply to indoor Temporary Commercial Displays.



GENERAL SCOPE OF WORK:

TWO ALL NEW D/F SIGN(S) to be installed to replace existing signs, using existing support pipe.



EXISTING SIGN(S) for Gate 2 and Gate 3

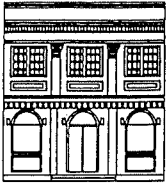
Internally Illuminated w/800ma fl. lamping Featuring Daktronics electronic message center unit 2464-10SOC

TURFWAY PARK Design #41498 R-2 (sheet 2 of 2) Filename: a:gateclr2.cdr File Loc: Tape#2, Vol.33
 Revision 2 by J.F. 2/9/95 Acct.Rep. Ron Charlton (713)799-1666



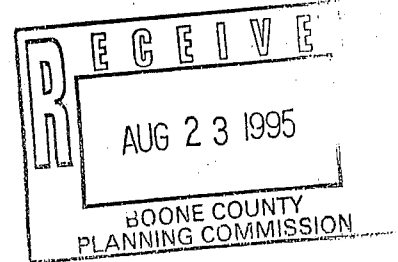
8315 KNIGHT ROAD * P.O. BOX 300565 * HOUSTON, TEXAS 77054 * PHONE (713) 799-1666 * FAX (713)799-1189

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

August 17, 1995



Mr. Mark Simendinger
President
Turfway Park Racing Association, Inc.
7500 Turfway Road
Florence, KY 41042

FAX: 647-4725

RE: Zone Change Request for Special Sign District, Turfway Park,
7500 Turfway Road, Boone County and Florence, Kentucky -
Recommended Conditions of Approval

Dear Mr. Simendinger:

The following represents the conditions of approval as agreed by you and the Boone County Planning Commission at the Commission's Business Meeting held last night. The conditions listed under #1 are the same ones that you agreed to previously. Condition #2 is the additional condition that you agreed to verbally last night. Please return the signed letter as soon as possible so that your application may be forwarded to the Boone County Fiscal Court and Florence City Council.

Conditions of Approval

1. The text of the Special Sign District shall be submitted to the Planning Commission for final review and approval, prior to the issuance of any sign permits, with the following revisions and additional provisions.
 - A. The statement provided in Section 1 that reads "all relevant sections of Article 34" shall be reworded to state "all sections of Article 34 except as noted herein."
 - B. The following definitions shall be added:

Building mounted signage: Any sign mounted on a building in any manner, including roofs, that consists exclusively of sign copy and/or any phonetic message.

Mr. Mark Simendinger

August 17, 1995

Page 2

Decorative signage: Any sign mounted on a building in any manner, including roofs, that does not consist of sign copy and/or any phonetic message, but consists of graphic imagery and/or symbols.

- C. Section 4 shall be amended to state that no sign shall extend above the highest roofline of the existing grandstand. In addition, the text shall explicitly state that no signage shall be permitted on the north or west facades of the grandstand structure.
- D. Section 5 shall be amended to state that banners must have a minimum 10 foot vertical clearance from finished grade or the pavement, that individual banners shall be temporary in nature and duration, and that the number of banners mounted on each lightpost shall be limited to two.
- E. The proposed freestanding sign for Gate 1 (west side of site in the airport vicinity) shall be a monument style sign that does not exceed 100 square feet or 8 feet in height, as measured from the centerline of the adjoining street.
- F. The text shall explicitly state that the Special Sign District applies only to the race track and its support facilities and shall not apply to any other development or use that is not integral to the race track use.
- G. The following section shall be added to the text of the Special Sign District:

Administration of the Turfway Park Special Sign District:

All signs proposed for installation within the Turfway Park Special Sign District shall be reviewed first by the Zoning Administrator or designee upon application for a Sign Permit. Should the Zoning Administrator (or designee) determine that the proposed sign is in conformance with the requirements of the sign district, he/she shall issue a Sign Permit. Should the Zoning Administrator (or designee) find that the proposed sign does not conform with the requirements of the sign district, appeal may be brought to an *ad hoc* Sign Review Board consisting of the following: one representative of Turfway Park Racing Association; one member of the Boone County Planning Commission; and, one neutral party selected and agreed upon by the first two members. An adverse decision of the *ad hoc* Sign Review Board may be appealed, pursuant to KRS Chapter 100, to the appropriate Board of Adjustment and Zoning Appeals as if it were an adverse decision of the Zoning Administrator.

Mr. Mark Simendinger
August 17, 1995
Page 3

2. All electronically changeable sign copy shall be turned off by 12:00 AM (midnight) every night.

Sincerely,

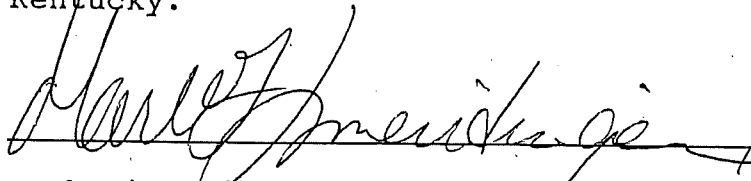


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment for a Special Sign District at Turfway Park, 7500 Turfway Road, Boone County and Florence, Kentucky.

 President 8/21/95

Mark Simendinger, President, for
Turfway Park Racing Association, Inc., Applicant

Date

ARTICLE

15

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 1500

Intent

This article is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.

Since Planned Development is an overlay zone, there is always an underlying zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying zone, whether they are permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article.

The intensity of use in a Planned Development zone may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zoning district. It may also have overall intensity that is less than the maximum intensity of the underlying zone. Density, open space, infrastructure and other land use factors and impacts are significant in reviewing any Planned Development. Where building intensity is increased on a particular portion of a Planned Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Development.

A Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. In the case that a specific land use or corridor study has been adopted for an area within a Planned Development district, intensity and open space recommendations of that study shall apply to specific development sites within the study area.

The Planned Development zone promotes, provides, and creates:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;
2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure;
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern in harmony with the adopted Comprehensive Plan and any other appropriate land use studies;
6. A signage package that emphasizes consistency and the minimal use of signs.

SECTION 1510

Provisions Governing Planned Developments

Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order.

SECTION 1511

Permitted Uses

Uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Mixed Use Development and Pedestrian Orientation:** Planned developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.

7. Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

SECTION 1517

Concept Development Plan and Utilization of an Underlying Zone in a Planned Development

The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

SECTION 1518

Public Hearing by Planning Commission

Upon receipt of an application for approval of a concept development plan or a Zoning Map Amendment involving the Planned Development Overlay District, the Planning Commission shall hold at least one public hearing, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in Section 305 of this order.

SECTION 1520

Approval in Principle by Planning Commission

Within ninety (90) days of receipt of an application for a Concept Development Plan and after the public hearing required by Section 1505 has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements, and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design,

neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. If approved by the legislative body or Fiscal Court, this approval in principle shall constitute a commitment to the general layout of the project, planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the Boone County Subdivision Regulations unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source. Final action on the Commission's recommendation of either approval or denial of the Concept Development Plan is taken by the legislative body or Fiscal Court having jurisdiction.

SECTION 1521

Action by Legislative Body or Fiscal Court

Final action for approval or denial of a Planned Development designation or a Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission's recommendation the legislative body or Fiscal Court may take final action to approve or deny the Planned Development zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When a Planned Development zoning designation is approved, the subject property so zoned shall be designated "PD" on the Official Zoning Map with the underlying zone as part of its zoning classification. Upon approval of a Concept Development Plan to utilize this zoning classification, the notation "CD" shall be placed on the Official Zoning Map. A Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or Planned Development zoning as part of a map amendment shall be filed within 30 days of final action as explained in Section 280. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

SECTION 1522

Amendments to an Approved Concept Development Plan

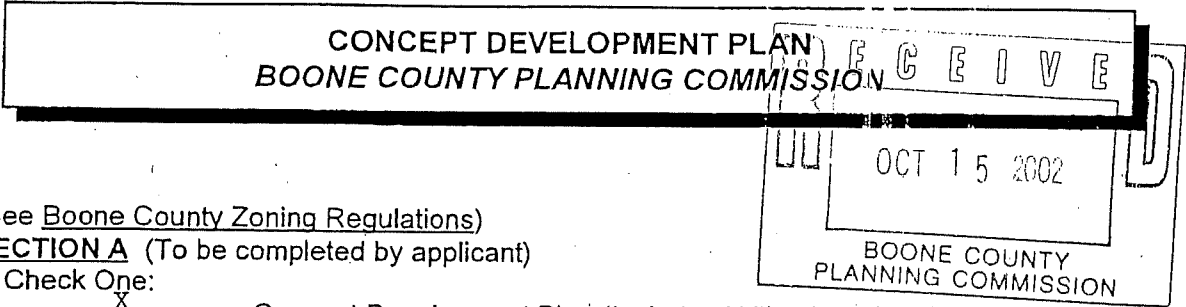
Major amendments to an approved Concept Development Plan that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure described in Sections 1500-1521. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.

SECTION 1525

Subdivision and Site Plan Approvals

After approval of the Concept Development Plan by the Legislative Body or Fiscal Court, or determination by the Planning Commission that the developer's plans are consistent with a specific study that impacts the development site, the developer shall proceed to Subdivision Review and/or Site Plan Review. Provisions for subdivision review are stated in the Boone County Subdivision Regulations and for Site Plan Review are outlined in this Zoning Order.

APPLICATION FORM



(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Turfway Park
- 3. Location of Project 7500 Turfway Road, Florence, KY
- 4. Total Acreage of Site 197 acres
- 5. Current Zoning Recreation/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) Not Applicable
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
- 8. Proposed Uses (please specify each use) See Attached
- 9. Proposed Building Intensities (please specify) See Attached
- 10. Have you submitted a Concept Development Plan? Yes
- 11. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 12. Name of Applicant(s) Turfway Park, LLC
Phone Number 859-371-0200 Fax No. 859-647-4730
- 13. Address of Applicant(s) 7500 Turfway Road, Post Office Box 8
Florence KY 41022
City State Zip
- 14. Name of Property Owner(s) Turfway Park, LLC
Phone Number 859-371-0200 Fax No. 859-647-4730
- 15. Address of Property Owner(s) 7500 Turfway Road, Post Office Box 8
Florence KY 41022
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? 1 - Groundstand/office Building
- 17. Deed Book 733 Page No. 5 Group No. 2027
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

14.91 ac under review

(over)

19. Please check the following organizations/agencies which you have discussed the proposed

development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

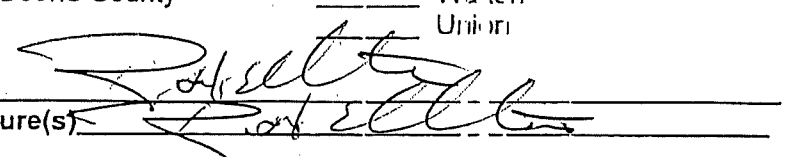
20. Concept Development Plan Jurisdiction/Location

- _____ Unincorporated Boone County
- Florence

Water
Utility

21. Applicant's Signature(s)

22. Property Owner's Signature(s)



SECTION B (To be completed by BCPC Staff)

1. Date Received 10-15-02 Fee Received \$1598.00 R# 33201
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer ~~_____~~ MICHA LIGHT
5. Committee Chairperson _____
6. Scheduled Public Hearing Date _____
7. Boone County Planning Commission Action:
 - _____ Approved
 - _____ Approved With Conditions
 - _____ Denied
 - 8. Other: _____

** Five (5) Copies Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-Mail
 www.boonecountyky.org - Web Page

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

BCPC:8/2002

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
November 20, 2002
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:32 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** **Turfway Park, LLC (owner)**
 Request: **Concept Development Plan**

The request of Turfway Park, LLC (owner) for a Concept Development Plan for approximately 15 acres of the 197-acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Rena Wiseman with the law firm Stoll, Keenon & Park LLP, 300 West Vine Street, Lexington, Kentucky, was present representing the applicant. Also present were Bob Elliston, President of Turfway Park, and Brian Gardner, Director of Sales & Marketing for Turfway Park. Ms. Wiseman stated that Staff did a good job of outlining their request. She stated that Turfway Park is first and foremost a racetrack facility. They have a unique site of about two hundred acres, and about fifteen acres of paved ground that can be utilized when they do not

have live race meets. Their main business is operating a racetrack and, in some ways, this request helps them to continue to have the racetrack. She stated that traditionally over the years they have had some events and may be running afoul of the temporary commercial display regulations. Before Keeneland purchased the property, the car show in the summer and the "Taste of Boone County" event were taking place annually. The VIP tent is set up for the Spiral Stakes in the spring, and the Bean Bash takes place in October. Those four events take them to the allowable limit and they cannot utilize the property for other events, such as a "Ride & Drive" – an event where a manufacturer (such as BMW) wants to show new products to dealers or customers. It would be an invitation-only event and an area of the parking lot would be roped off for them to demonstrate their products. It is a very low impact event. She stated that the property is unique because of the large parking lot areas that are vacant many days of the year and well-suited to this type of activity. In their proposal (attached to the Staff Report) they have outlined two types of functions. The first thing they will do when anyone comes to them, is to determine if the event will conflict with the racing activity. They want to continue to have **community functions**, such as the "Taste of Boone County". They want to be available if a school wants to have a festival. They do not want a numeric limit on the number of events – some years there may be two or three events and some years there may be more. The second category would be **commercial functions**, such as the car show (which is an annual event). They have had the most interest in the Ride & Drive event. She stated that Area E is not paved and is an uneven surface and there has been interest in using off-road vehicles there. They have not had any activity on that parcel, but there has been interest in demonstrating the off-road vehicle product. They suggest a limit of twelve commercial events a year – which does not mean there would be one per month – there might be two in one month and none the next month. In the last year, there have been five or six of these events – but they request twelve so that they do not have to come back if they have had five or six events and another is requested. Ms. Wiseman stated that the additional revenue will help the racetrack stay a racetrack. She stated that the events would be limited to a ten-day block of time – they would have ten days to come in and set up, have the event, and be gone. They do not want to have one long event for 120 days. She stated that they have not had two events occur at the same time – and it would not be possible to do that with the car show – and some of the others are competitive and they would not want to be there with a competitor. They do not see it as a problem that they would have to address. In regard to signage, they propose a 4' x 8' sign, probably vinyl or canvas, at each entrance to identify the event. The signs could be up for seven days before the event and would come down two days after the event is over. The signs are to advertise the event – not to advertise other products or Turfway Park. She stated that the areas where the activities take place are roped off or have sawhorses so as not to interfere with the normal traffic on the property. They are aware of the signs Staff talked about that were approved before the ownership changed and they are not up due to economics – they are very expensive. Mr. Elliston stated that, depending on the type of lighting, it could be as much as \$400,000 for all of them. Ms. Wiseman stated that if there is

no event going on, they will not have the signage at the entrances. She stated that it is a Goal of the Houston-Donaldson Study that this property remain a racetrack and they feel that the kinds of uses they are proposing are consistent with the area and will allow them to remain a racetrack. They would have the kind of events that need a large outdoor area and cannot be accommodated anywhere else. She stated that shopping centers are open to the public 365 days a year – but Turfway Park is more regulated and large areas of their parking lots are open throughout the year. Turfway is unique – it is an asset to the community and important component of the community. It is important that the racetrack continue. They feel that what they are asking for is reasonable. Ms. Wiseman offered to answer any questions. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. William Rice, 1123 O'Hara Lane, stated that based on what he heard this evening, he would not be opposed to the request, but he would be concerned if there were to be additional noise.

The Chairman asked if there were any comments from the Commissioners.

Mr. Ries stated that the signs they would set up are expensive and questioned if they could be made portable and moved from place to place. Mr. Bob Elliston, President of Turfway Park, responded that they are envisioning temporary signage that would not be affixed to anything. The signs would go up no more than seven days prior to an event and come down two days after. The signs would be very portable -- not structures that would stay up and require a lot of maintenance. Mr. Ries asked if the poles would still be there. Mr. Elliston responded that once the event is over, they would be gone. He stated that the partnership that has owned Turfway Park for three years is mindful of aesthetics and wants to be sure that anything there is aesthetically complimentary.

Mr. Ries asked if the signs would have to be reviewed by the Technical Design Review Committee. Mr. Light responded that temporary signs are allowed with temporary commercial displays and they are asking for temporary signage through this process. Mr. Ries stated that the Technical Design Review Committee would not have access to review the signs. Mr. Light agreed and explained that the signs are tied to stakes and the stakes are removed after the event is over.

Mr. Ries stated that he would be concerned about an event that would be outside of what is allowed in the Recreation zone – such as a rock concert or car sales.

Mrs. Wilson asked Staff to go through a sample scenario. Mr. Light responded that if they are renting the parking lot for a festival, they would have to come in

and apply for a Temporary Commercial Display and pay the fee. The Display is good for seven days, and most displays include the weekend. Mrs. Wilson asked if there is also a fee that has to be paid for the structure that is put up. Mr. Light responded that the Building Inspector would inspect tents and he believes there is a fee for that. He stated that Staff would have to be aware that an event is happening and look for a Building Permit to sign off on saying that a tent of a particular size will be in the parking lot. He stated that the Building Department does not limit the number of permits, but the Planning Commission limits the number of displays, and it is a complex issue.

Mrs. Wilson stated that on Page 2 of the Staff Report it shows the site as 212 acres and on the first page it is shown as 200 acres. Mr. Elliston stated that the site is 197 acres.

Mr. Caddell stated that he is supportive of temporary outdoor events, but he views this as a great deal more than the existing temporary displays. He asked that his four concerns be reviewed before a final decision is made – 1) The number of outdoor displays at any given time. 2) The number of signs that could be 32 square feet in size - he does not want to see four, five, or six 32 square foot signs at the entrance -- the number of signs is important. 3) How many events will be permitted per year – the applicant stated that they will not exceed twelve commercial events per year, but there would be no limit on the number of community or non-profit events. If each of the twelve commercial events went on for ten consecutive days, that would be 120 days (a third of the year) that commercial events could be going on there – which, coupled with no limit on the community events, the majority of the year could be taken up by temporary events – and that could be a concern to the businesses and the residents in the community. There needs to be agreement on the number of events that could occur. 4) In regard to Area E, which is unpaved and grassy and fronts on Houston Road, there should be agreement as to the setback from the road of the temporary displays so that the temporary displays do not impair traffic visually or by being a major distraction.

Mr. Zimmer stated that he concerned about the types of events that could occur and believes the businesses and community would be concerned about a rock concert. He is concerned that the temporary community displays could be without number and there could be a church yard sale every weekend. He is concerned about events in Area E in the rainy season and that it could be an unrestorable landscaped area. He asked if there are plans to do anything in the Carroll properties area, or if only areas A, B, C, D, and E are being considered. Mr. Light responded that only the properties the applicant controls are being considered – not the Carroll properties or the Regal Cinema. Mr. Zimmer asked if the Cinema patrons park in Area B. Mr. Light responded that he believes Area B is overflow parking for the Cinema and the Cinema parking lot is overflow parking for the racetrack. He stated that Staff needs to know how many rows of parking are there that are supposed to be there. Mr. Zimmer asked if that poses a

conflict when events are going on. Mr. Light responded that it did last year – Regal Cinema had to get their own temporary commercial displays, but people not included in the event went around them and on someone else's property. Mr. Zimmer stated that this will be discussed further in Committee.

Mr. Elliston indicated Lot B and stated that it is a single lot, but the ownership interest is split. They own "B", which is part of the lot, but the people who lease property to Regal Cinemas own the rest. They have an agreement to share the lot. He stated that Turfway rarely uses the lot and they are just speaking to the portion of the lot that they own.

Mr. Zimmer referred to Article 35 and questioned there being no mechanism in place if an applicant wanted to have a fourth temporary commercial display permit – could they go to the Board of Adjustment? Mr. Costello responded "no". He stated that their other option was a text amendment but the issue was that this is a specific piece of property – it is a large scale parcel zoned Recreation, but changing the text would have implications for other properties zoned Recreation.

Mr. Barlow questioned if approving the request would turn a Recreation area into a commercial sales area. He stated that there could be a tent with a trailer backed up to it selling computer equipment, televisions, plants, furniture, etc. He does not want to see this turn into a commercial sales area that competes with the local business people. Mr. Elliston responded that they do not anticipate that and have not had requests from people for a computer equipment sale. The only sales event that has been requested at their facility was car sales and that was very limited. They have had the one car sales event for a number of years and have had one additional request. They have not had any requests for any other type of equipment and would not view it as something they would necessarily want there because it would not be aesthetically consistent. The majority of the requests have been more of a display rather than sales function. He stated that they are not interested in having sales events in their parking lots 120 days a year. They are not looking for that opportunity.

Mrs. Poston asked Mr. Rice if the noise has been an issue for him. Mr. Rice responded that it has not been a problem for several years.

Mr. Ries stated that the Planning Commission needs to consider the precedence that would be set – there could be a large baseball field by I-75 that will not be used a lot and those people can come in and say that they have a large parking lot and their field is not used everyday and they will see what is happening at Turfway Park. He stated that there need to be restrictions to make sure it is within the constraints of what is appropriate in the area. Mr. Costello stated that the parking lot for the new baseball field will be owned by the city.

Mr. Caddell noted the applicant's comments about display events not sales events and asked if cars are sold at the existing annual car dealers event. Mr. Elliston

responded that that event is the exception – it has been occurring and they have had one additional sales event requested. Mr. Caddell stated that the Planning Commission needs to anticipate what could be a possibility there and what is not wanted there – and that needs to be discussed by the Committee.

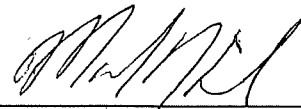
Mr. Zimmer asked the applicant to come to the Committee Meeting prepared to discuss specifically what they would like to do, otherwise it will be a process of going through what the Committee does and does not want. He stated that what Turfway is permitted to do stays with the property – it is not just for Turfway.

Mr. Elliston stated that there has been mention of unlimited use of the facility for community events, but their interest is not to use it more than 120 days. He cannot envision a combination of two events occurring that way. He stated that they race about half of the calendar year. They are making their facility available for community events to be a good neighbor – but if it is a concern to the Planning Commission they have no problem with setting a limit. He stated that Taste of Boone County and the VIP tent require display permits. If they had those events and another 7 or 8, for a total of 12 or 13 events, that would be fine. They feel an obligation to the community to make the unique facility available to them. He stated that they had a rock concert in the infield of the racetrack, which was not subject to a temporary permit because it is on their property and not in the parking lot. They do not anticipate having a rock concert, or it would be in the infield. The rock concert was part of the Kentucky Cup event a couple of years ago and they asked if they needed a permit and were told no because it was part of the entertainment of the facility.

Mr. Caddell asked if the applicant charges for community events to use the facility. Mr. Elliston responded “no” and added that they typically incur significant expense when they have community events there.

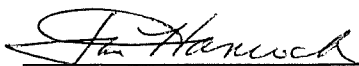
There being no further comments, the Chairman stated that the Committee Meeting for this item will be chaired by Mrs. Wilson and held on December 4, 2002 at 5:30 PM in the Fiscal Courtroom on the second floor of the Administration Building. This item will be on the Agenda for the Business Meeting on December 18, 2002 at 6:30 PM. The Chairman closed this Public Hearing at 8:40 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
December 18, 2002
6:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 6:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Robert Ries
Mr. Bob Schwenke
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

Approval of the Minutes:

Chairman Hicks stated that the Commissioners received copies of the Minutes of the December 4, 2002 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Reynolds seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291-acre area at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Chairman Hicks stated that Agenda Item #1 is recommended for deferral to the January 15, 2003 Business Meeting at 7:00 PM. The Committee Meeting will be on January 8, 2003 at 5:00 PM. Mr. McMillian so moved. Mrs. Poston seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. Mr. Poe did not vote. The motion carried.

Mr. Costello stated that at the Committee Meeting, a vote was taken in favor of the request subject to conditions. The applicant does not agree to one of the conditions and the deferral will allow the request to go back to the Committee to review the language of the condition. Upon request by Mr. Newman, he will send out the amended language for the Zone Change Committee Members to review.

2. Concept Development Plan

The request of Turfway Park, LLC (owner) for a Concept Development Plan for approximately fifteen acres of the 197-acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) Zone.

Mr. Reynolds stated that he would not participate in regard to Agenda Item #2 due to his wife's employment with Ziegler & Schneider. He left the room at this time.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion.

Mr. Caddell complimented Staff, the Committee, and the applicant for a good Committee Report and good conditions that address all the items discussed at the Public Hearing.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. White which found all voting members in favor. Mr. Reynolds did not vote. Mr. Knock was not yet present. The motion carried.

Mr. Reynolds returned to the meeting at this time.

NEW BUSINESS:

Agenda Item

No.

3

Change in Concept Development Plan and Zoning Map Amendment

The request of The Drees Company (owner) for a Change in an approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 52-acre tract along the east side of Williams Road, between the western terminus of Thornwilde Drive and Williams Road, and immediately north and east of the tracts at 1722 and 1824 Williams Road, Boone County, Kentucky; and the request of The Drees Company (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Residential Planned Development (RPD) for an approximate 180-acre tract at 2036 Williams Road, Boone County, Kentucky. The requests are for a Change in an Approved Concept Development Plan to allow detached single-family residences and for a zone change to allow attached single-family residences (condominiums) and detached single-family residences.

Mr. White moved to schedule a Public Hearing for the above item on January 22, 2003 at 7:00 PM. Mrs. Kegley seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

3

Zoning Map Amendment and Variance

The request of Florence Executive Centre, LLC (applicant) for Nola Frances Dorsey (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Office One (O-1) and a Variance for an approximate 0.25 acre portion of the 0.72 acre tract at 7426 U.S. 42, Florence, Kentucky. The request is for a Zone Change to allow parking in conjunction with a proposed office building and a dimensional Variance to allow reduction in the required landscape buffer yard widths.

Turfway Park, Florence, KY

Approx. 650,000 paved (A-D + Patron Parking)

~~Approx. 500,000 unpaved dirt/grass (E)~~

Concept Development Plan

APPROVED

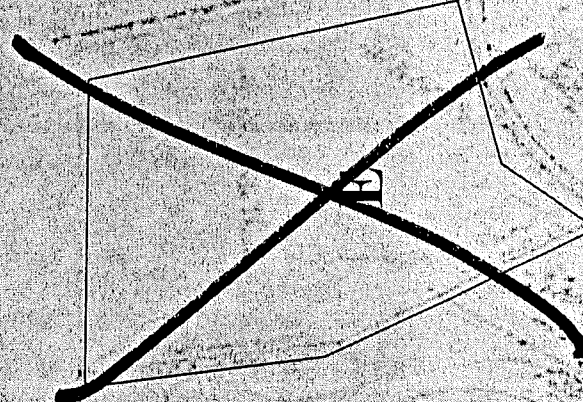
By Staff

[Signature]

Date

12/18/02

Boone County
Planning Commission



D

Patron
Parking

C

B

Cannot
be used

A

MODE = MEMORY TRANSMISSION

START=JUL-11 14:16

END=JUL-11 14:20

FILE NO.=578

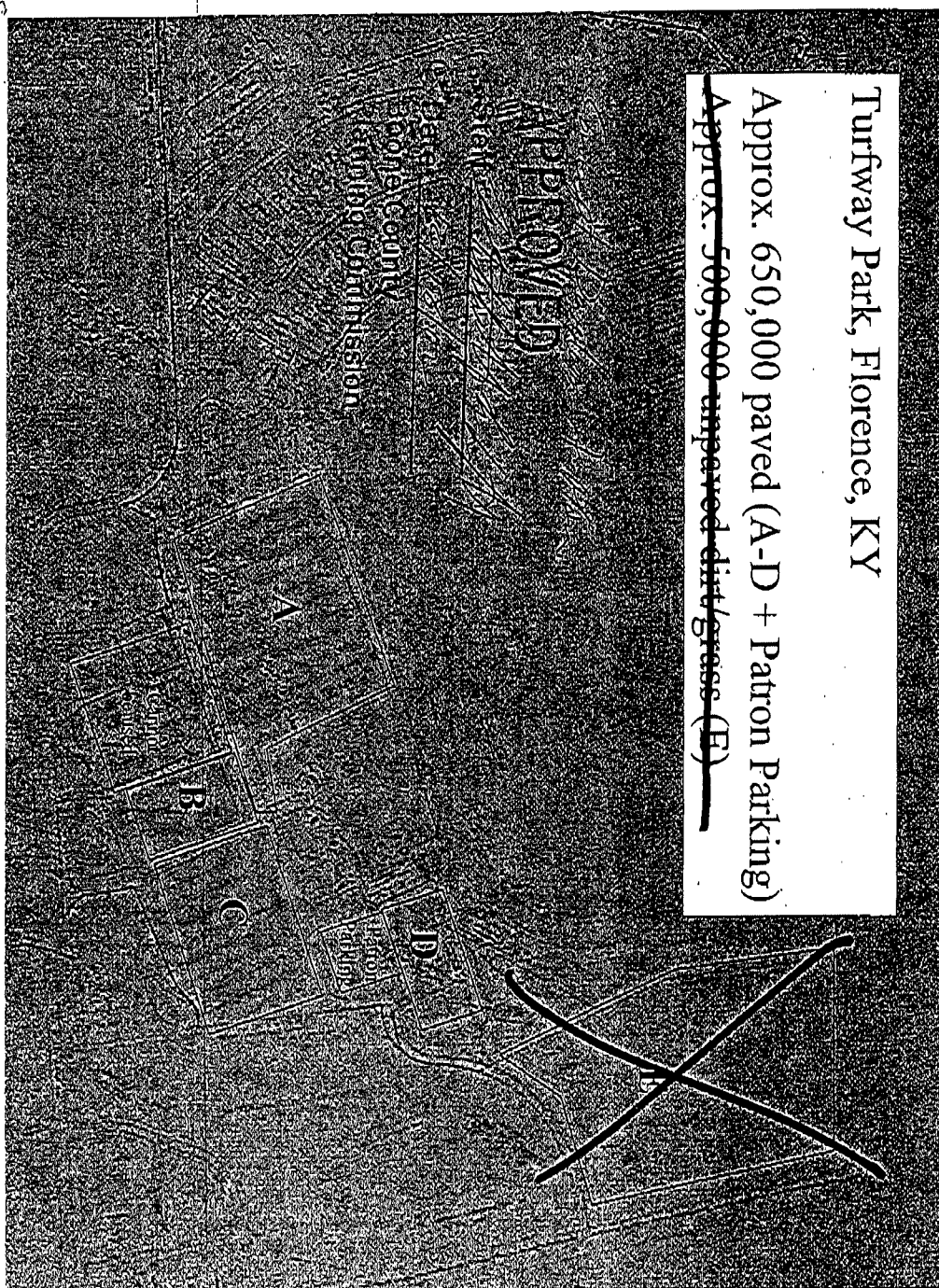
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-BOONE COUNTY PLANNING -

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EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Lisa Wilson, Chairwoman

DATE: December 18, 2002

RE: Request of **Turfway Park, LLC (owner)** for a Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.

REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the Houston Donaldson Study, specifically the following passage:

"The existing horse race facility has been upgraded during the 1980's and currently new horse barns are being constructed on the northwest portion of the site. This Study recommends that the race track continue on this approximately 212 acre site. The recommended zoning for the Turfway Park site is to remain Recreation/Planned Development. New recreation uses or alternative uses not related to the track operation should be reviewed through the public hearing process. Recreation uses directly related to the track operation, however, may undergo the short review process."
2. The Committee has concluded that the request will be in general conformance with Planned Development Standards, from Article 15 of the Boone County Zoning Regulations, when considering the Conditions of Approval listed below.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and the requirements of Article 15 of the Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The total number of events shall be limited to no more than twelve (12) per calendar year at a maximum of seven (7) days per event, with no more than three (3) events consecutively.
2. Only one event shall be held on the property at a time.
3. Area E (the undeveloped area along Houston Road) has been eliminated from the request and shall not be used for any of the events.
4. These events shall not include the sale of clothing, shoes, fabrics, yard goods, furniture, rugs, books, cameras, computers, luggage, plants, flowers, paintings, fireworks, nor shall any flea market events be allowed nor shall items commonly sold at flea markets be sold at these events.
5. Temporary signage for commercial and community events shall be limited to no more than one sign per entrance, for a total of three signs, each sign not to exceed eight (8) feet in height and thirty-two (32) square feet in area. The temporary signs shall be installed no more than one (1) day prior to an event and removed completely within one (1) day of completion of the event. These temporary signs will not be constructed of bright neon/phosphorescent lettering or backing.
6. Temporary signs will no longer be permitted at gates 2 & 3 when the permanent signs are installed. Condition #5 (above) will still apply to gate 1.
7. Public address systems, search lights and helium/hot air balloons of any type will not be permitted as part of any of the twelve (12) events.
8. Parking for any event will be limited to the paved areas only. Nothing will be parked or stored on an unpaved surface.
9. Application will be made to the Zoning Administrator at least seven (7) days prior to any event. The application fee for each event will be the same as the Temporary Commercial Display (TCD) permit. Such a fee would cover administrative costs for review of each application and for inspection/enforcement.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
November 20, 2002
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:32 PM. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** Turfway Park, LLC (owner)
Request: Concept Development Plan

The request of Turfway Park, LLC (owner) for a Concept Development Plan for approximately 15 acres of the 197-acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Rena Wiseman with the law firm Stoll, Keenon & Park LLP, 300 West Vine Street, Lexington, Kentucky, was present representing the applicant. Also present were Bob Elliston, President of Turfway Park, and Brian Gardner, Director of Sales & Marketing for Turfway Park. Ms. Wiseman stated that Staff did a good job of outlining their request. She stated that Turfway Park is first and foremost a racetrack facility. They have a unique site of about two hundred acres, and about fifteen acres of paved ground that can be utilized when they do not

have live race meets. Their main business is operating a racetrack and, in some ways, this request helps them to continue to have the racetrack. She stated that traditionally over the years they have had some events and may be running afoul of the temporary commercial display regulations. Before Keeneland purchased the property, the car show in the summer and the "Taste of Boone County" event were taking place annually. The VIP tent is set up for the Spiral Stakes in the spring, and the Bean Bash takes place in October. Those four events take them to the allowable limit and they cannot utilize the property for other events, such as a "Ride & Drive" – an event where a manufacturer (such as BMW) wants to show new products to dealers or customers. It would be an invitation-only event and an area of the parking lot would be roped off for them to demonstrate their products. It is a very low impact event. She stated that the property is unique because of the large parking lot areas that are vacant many days of the year and well-suited to this type of activity. In their proposal (attached to the Staff Report) they have outlined two types of functions. The first thing they will do when anyone comes to them, is to determine if the event will conflict with the racing activity. They want to continue to have **community functions**, such as the "Taste of Boone County". They want to be available if a school wants to have a festival. They do not want a numeric limit on the number of events – some years there may be two or three events and some years there may be more. The second category would be **commercial functions**, such as the car show (which is an annual event). They have had the most interest in the Ride & Drive event. She stated that Area E is not paved and is an uneven surface and there has been interest in using off-road vehicles there. They have not had any activity on that parcel, but there has been interest in demonstrating the off-road vehicle product. They suggest a limit of twelve commercial events a year – which does not mean there would be one per month – there might be two in one month and none the next month. In the last year, there have been five or six of these events – but they request twelve so that they do not have to come back if they have had five or six events and another is requested. Ms. Wiseman stated that the additional revenue will help the racetrack stay a racetrack. She stated that the events would be limited to a ten-day block of time – they would have ten days to come in and set up, have the event, and be gone. They do not want to have one long event for 120 days. She stated that they have not had two events occur at the same time – and it would not be possible to do that with the car show – and some of the others are competitive and they would not want to be there with a competitor. They do not see it as a problem that they would have to address. In regard to signage, they propose a 4' x 8' sign, probably vinyl or canvas, at each entrance to identify the event. The signs could be up for seven days before the event and would come down two days after the event is over. The signs are to advertise the event – not to advertise other products or Turfway Park. She stated that the areas where the activities take place are roped off or have sawhorses so as not to interfere with the normal traffic on the property. They are aware of the signs Staff talked about that were approved before the ownership changed and they are not up due to economics – they are very expensive. Mr. Elliston stated that, depending on the type of lighting, it could be as much as \$400,000 for all of them. Ms. Wiseman stated that if there is

no event going on, they will not have the signage at the entrances. She stated that it is a Goal of the Houston-Donaldson Study that this property remain a racetrack and they feel that the kinds of uses they are proposing are consistent with the area and will allow them to remain a racetrack. They would have the kind of events that need a large outdoor area and cannot be accommodated anywhere else. She stated that shopping centers are open to the public 365 days a year – but Turfway Park is more regulated and large areas of their parking lots are open throughout the year. Turfway is unique – it is an asset to the community and important component of the community. It is important that the racetrack continue. They feel that what they are asking for is reasonable. Ms. Wiseman offered to answer any questions. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. William Rice, 1123 O'Hara Lane, stated that based on what he heard this evening, he would not be opposed to the request, but he would be concerned if there were to be additional noise.

The Chairman asked if there were any comments from the Commissioners.

Mr. Ries stated that the signs they would set up are expensive and questioned if they could be made portable and moved from place to place. Mr. Bob Elliston, President of Turfway Park, responded that they are envisioning temporary signage that would not be affixed to anything. The signs would go up no more than seven days prior to an event and come down two days after. The signs would be very portable -- not structures that would stay up and require a lot of maintenance. Mr. Ries asked if the poles would still be there. Mr. Elliston responded that once the event is over, they would be gone. He stated that the partnership that has owned Turfway Park for three years is mindful of aesthetics and wants to be sure that anything there is aesthetically complimentary.

Mr. Ries asked if the signs would have to be reviewed by the Technical Design Review Committee. Mr. Light responded that temporary signs are allowed with temporary commercial displays and they are asking for temporary signage through this process. Mr. Ries stated that the Technical Design Review Committee would not have access to review the signs. Mr. Light agreed and explained that the signs are tied to stakes and the stakes are removed after the event is over.

Mr. Ries stated that he would be concerned about an event that would be outside of what is allowed in the Recreation zone – such as a rock concert or car sales.

Mrs. Wilson asked Staff to go through a sample scenario. Mr. Light responded that if they are renting the parking lot for a festival, they would have to come in

and apply for a Temporary Commercial Display and pay the fee. The Display is good for seven days, and most displays include the weekend. Mrs. Wilson asked if there is also a fee that has to be paid for the structure that is put up. Mr. Light responded that the Building Inspector would inspect tents and he believes there is a fee for that. He stated that Staff would have to be aware that an event is happening and look for a Building Permit to sign off on saying that a tent of a particular size will be in the parking lot. He stated that the Building Department does not limit the number of permits, but the Planning Commission limits the number of displays, and it is a complex issue.

Mrs. Wilson stated that on Page 2 of the Staff Report it shows the site as 212 acres and on the first page it is shown as 200 acres. Mr. Elliston stated that the site is 197 acres.

Mr. Caddell stated that he is supportive of temporary outdoor events, but he views this as a great deal more than the existing temporary displays. He asked that his four concerns be reviewed before a final decision is made – 1) The number of outdoor displays at any given time. 2) The number of signs that could be 32 square feet in size - he does not want to see four, five, or six 32 square foot signs at the entrance -- the number of signs is important. 3) How many events will be permitted per year – the applicant stated that they will not exceed twelve commercial events per year, but there would be no limit on the number of community or non-profit events. If each of the twelve commercial events went on for ten consecutive days, that would be 120 days (a third of the year) that commercial events could be going on there – which, coupled with no limit on the community events, the majority of the year could be taken up by temporary events – and that could be a concern to the businesses and the residents in the community. There needs to be agreement on the number of events that could occur. 4) In regard to Area E, which is unpaved and grassy and fronts on Houston Road, there should be agreement as to the setback from the road of the temporary displays so that the temporary displays do not impair traffic visually or by being a major distraction.

Mr. Zimmer stated that he is concerned about the types of events that could occur and believes the businesses and community would be concerned about a rock concert. He is concerned that the temporary community displays could be without number and there could be a church yard sale every weekend. He is concerned about events in Area E in the rainy season and that it could be an unrestorable landscaped area. He asked if there are plans to do anything in the Carroll properties area, or if only areas A, B, C, D, and E are being considered. Mr. Light responded that only the properties the applicant controls are being considered – not the Carroll properties or the Regal Cinema. Mr. Zimmer asked if the Cinema patrons park in Area B. Mr. Light responded that he believes Area B is overflow parking for the Cinema and the Cinema parking lot is overflow parking for the racetrack. He stated that Staff needs to know how many rows of parking are there that are supposed to be there. Mr. Zimmer asked if that poses a

conflict when events are going on. Mr. Light responded that it did last year – Regal Cinema had to get their own temporary commercial displays, but people not included in the event went around them and on someone else's property. Mr. Zimmer stated that this will be discussed further in Committee.

Mr. Elliston indicated Lot B and stated that it is a single lot, but the ownership interest is split. They own "B", which is part of the lot, but the people who lease property to Regal Cinemas own the rest. They have an agreement to share the lot. He stated that Turfway rarely uses the lot and they are just speaking to the portion of the lot that they own.

Mr. Zimmer referred to Article 35 and questioned there being no mechanism in place if an applicant wanted to have a fourth temporary commercial display permit – could they go to the Board of Adjustment? Mr. Costello responded "no". He stated that their other option was a text amendment but the issue was that this is a specific piece of property – it is a large scale parcel zoned Recreation, but changing the text would have implications for other properties zoned Recreation.

Mr. Barlow questioned if approving the request would turn a Recreation area into a commercial sales area. He stated that there could be a tent with a trailer backed up to it selling computer equipment, televisions, plants, furniture, etc. He does not want to see this turn into a commercial sales area that competes with the local business people. Mr. Elliston responded that they do not anticipate that and have not had requests from people for a computer equipment sale. The only sales event that has been requested at their facility was car sales and that was very limited. They have had the one car sales event for a number of years and have had one additional request. They have not had any requests for any other type of equipment and would not view it as something they would necessarily want there because it would not be aesthetically consistent. The majority of the requests have been more of a display rather than sales function. He stated that they are not interested in having sales events in their parking lots 120 days a year. They are not looking for that opportunity.

Mrs. Poston asked Mr. Rice if the noise has been an issue for him. Mr. Rice responded that it has not been a problem for several years.

Mr. Ries stated that the Planning Commission needs to consider the precedence that would be set – there could be a large baseball field by I-75 that will not be used a lot and those people can come in and say that they have a large parking lot and their field is not used everyday and they will see what is happening at Turfway Park. He stated that there need to be restrictions to make sure it is within the constraints of what is appropriate in the area. Mr. Costello stated that the parking lot for the new baseball field will be owned by the city.

Mr. Caddell noted the applicant's comments about display events not sales events and asked if cars are sold at the existing annual car dealers event. Mr. Elliston

responded that that event is the exception – it has been occurring and they have had one additional sales event requested. Mr. Caddell stated that the Planning Commission needs to anticipate what could be a possibility there and what is not wanted there – and that needs to be discussed by the Committee.

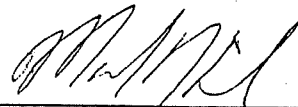
Mr. Zimmer asked the applicant to come to the Committee Meeting prepared to discuss specifically what they would like to do, otherwise it will be a process of going through what the Committee does and does not want. He stated that what Turfway is permitted to do stays with the property – it is not just for Turfway.

Mr. Elliston stated that there has been mention of unlimited use of the facility for community events, but their interest is not to use it more than 120 days. He cannot envision a combination of two events occurring that way. He stated that they race about half of the calendar year. They are making their facility available for community events to be a good neighbor – but if it is a concern to the Planning Commission they have no problem with setting a limit. He stated that Taste of Boone County and the VIP tent require display permits. If they had those events and another 7 or 8, for a total of 12 or 13 events, that would be fine. They feel an obligation to the community to make the unique facility available to them. He stated that they had a rock concert in the infield of the racetrack, which was not subject to a temporary permit because it is on their property and not in the parking lot. They do not anticipate having a rock concert, or it would be in the infield. The rock concert was part of the Kentucky Cup event a couple of years ago and they asked if they needed a permit and were told no because it was part of the entertainment of the facility.

Mr. Caddell asked if the applicant charges for community events to use the facility. Mr. Elliston responded “no” and added that they typically incur significant expense when they have community events there.

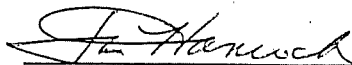
There being no further comments, the Chairman stated that the Committee Meeting for this item will be chaired by Mrs. Wilson and held on December 4, 2002 at 5:30 PM in the Fiscal Courtroom on the second floor of the Administration Building. This item will be on the Agenda for the Business Meeting on December 18, 2002 at 6:30 PM. The Chairman closed this Public Hearing at 8:40 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Lisa Wilson, Committee Chairwoman

DATE: December 4, 2002

RE Request of **Turfway Park, LLC (owner)** for a Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

December 4, 2002

Turfway Park, LLC

Lisa Wilson

Lisa Wilson, Chairwoman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Newman

Bob Newman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Earl White

Earl White

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

David Zimmer

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Randy Barlow (Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley (Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT 2 ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

December 13, 2002

Mr. Bob Elliston
President, Turfway Park
7500 Turfway Road
Florence, KY 41042

RE: Recommended Conditions of Approval for the Request of **Turfway Park, LLC** (**owner**) for a Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky. The request is for a Concept Development Plan to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone

Dear Mr. Elliston:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their December 4, 2002 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Tuesday, December 17, 2002.


CONDITIONS

1. The total number of events shall be limited to no more than twelve (12) per calendar year at a maximum of seven (7) days per event, with no more than three (3) events consecutively.
2. Only one event shall be held on the property at a time.
3. Area E (the undeveloped area along Houston Road) has been eliminated from the request and shall not be used for any of the events.
4. These events shall not include the sale of clothing, shoes, fabrics, yard goods, furniture, rugs, books, cameras, computers, luggage, plants, flowers, paintings, fireworks, nor shall any flea market events be allowed nor shall items commonly sold at flea markets be sold at these events.

Mr. Bob Elliston
President, Turfway Park
December 13, 2002
Page 2

5. Temporary signage for commercial and community events shall be limited to no more than one sign per entrance, for a total of three signs, each sign not to exceed eight (8) feet in height and thirty-two (32) square feet in area. The temporary signs shall be installed no more than one (1) day prior to an event and removed completely within one (1) day of completion of the event. These temporary signs will not be constructed of bright neon/phosphorescent lettering or backing.
6. Temporary signs will no longer be permitted at gates 2 & 3 when the permanent signs are installed. Condition #5 (above) will still apply to gate 1.
7. Public address systems, search lights and helium/hot air balloons of any type will not be permitted as part of any of the twelve (12) events.
8. Parking for any event will be limited to the paved areas only. Nothing will be parked or stored on an unpaved surface.
9. Application will be made to the Zoning Administrator at least seven (7) days prior to any event. The application fee for each event will be the same as the Temporary Commercial Display (TCD) permit. Such a fee would cover administrative costs for review of each application and for inspection/enforcement.

Sincerely,

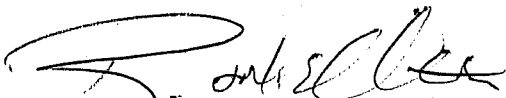


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, Bob Elliston, do hereby agree to the recommended conditions of approval stated above for the Concept Development Plan for approximately 15 acres of the 197 acre Turfway Park site at 7500 Turfway Road, Florence, Kentucky, to allow temporary outdoor community events and displays in a Recreation/Planned Development (R/PD) zone.



Bob Elliston
President, Turfway Park

12/16/02
Date

Turfway Park, Florence, KY

Approx. 650,000 paved (A-D + Patron Parking)

~~Approx. 500,000 unpaved dirt/grass (E)~~

Concept Development Plan

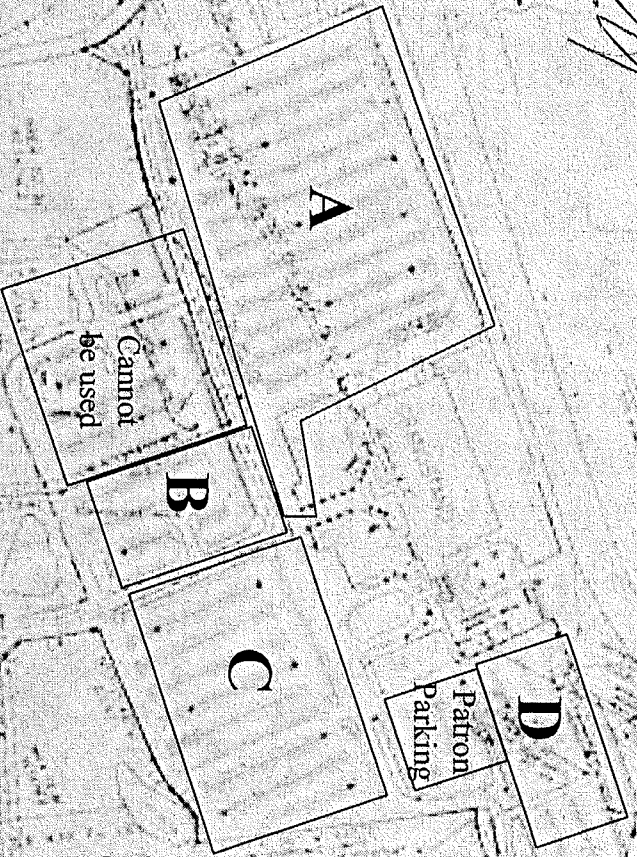
APPROVED

Staff

Date

[Signature]
2/18/02

Boone County
Planning Commission



ORDINANCE NO. 0-6-03

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR APPROXIMATELY 15 ACRES OF THE 197 ACRE TURFWAY PARK SITE LOCATED AT 7500 TURFWAY ROAD, FLORENCE, KENTUCKY, TO ALLOW TEMPORARY OUTDOOR COMMUNITY EVENTS AND DISPLAYS. (TURFWAY PARK, LLC)

WHEREAS, the City of Florence, Kentucky is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a concept development plan for approximately 15 acres of the 197 acre Turfway Park site located at 7500 Turfway Road, Florence, Kentucky, to allow temporary outdoor community events and displays, and

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings and conditions attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the concept development plan for the 15 acres of the 197 acre Turfway Park site located at 7500 Turfway Road in the City of Florence, Kentucky shall be and is hereby approved to allow temporary outdoor community events and displays, subject to the concept development plan and other agreed conditions for this site currently zoned Recreation/Planned Development (R/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect the approval of this concept development plan for this subject property.

SECTION II

The approval of this concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-02-027-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-02-027-A, marked Exhibit "B" hereto.

SECTION IV

If this approval for this concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

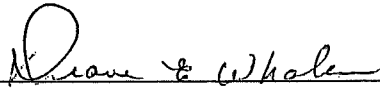
SECTION V

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 25 DAY OF Feb., 2003.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11 DAY OF March, 2003.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF TURFWAY PARK LLC (OWNER) FOR A CONCEPT DEVELOPMENT PLAN FOR APPROXIMATELY 15 ACRES OF THE 197 ACRE TURFWAY PARK SITE LOCATED AT 7500 TURFWAY ROAD, FLORENCE, KENTUCKY, TO ALLOW TEMPORARY OUTDOOR COMMUNITY EVENTS AND DISPLAYS.

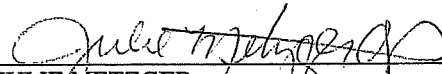
The Committee met in a regular meeting on February 4, 2003, at the Florence Government Center Building to consider Resolution No. R-02-027-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

Further, the Committee determined that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission.

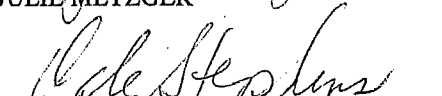
NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed.

MEMBERS OF THE COMMITTEE:



JULIE METZGER



DALE STEPHENS

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-6-03

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-6-03 on March 11, 2003. The title of this Ordinance is as follows:

ORDINANCE NO. 0-6-03

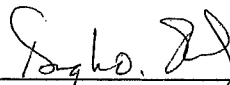
AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN FOR APPROXIMATELY 15 ACRES OF THE 197 ACRE TURFWAY PARK SITE LOCATED AT 7500 TURFWAY ROAD, FLORENCE, KENTUCKY, TO ALLOW TEMPORARY OUTDOOR COMMUNITY EVENTS AND DISPLAYS. (TURFWAY PARK, LLC)

The effect of this Ordinance is to allow as part of the existing zoning classification, Recreation/Planned Development (R/PD), temporary outdoor community events and displays on a 15 acre portion of the Turfway Park property. This Ordinance does not change the zoning of the site, but approves a concept development plan to utilize this site based on current zoning.

The full text of Ordinance No. 0-6-03, including its Exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-6-03 and that it has been prepared by me on the 5 day of February, 2003, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
ROUSE, SKEES, WILSON & DILLON
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41042-0756
Phone: (859) 371-7407

