

EXHIBIT "C"

4

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Turfway Park Race Course
2. Location of Project Turfway Road
3. Total Acreage of Site 180+ acres
4. Current Zoning of Site R/PD
5. Proposed Zoning (Classification being requested) Special Sign District
6. Proposed Uses (please specify each use) Racetrack and Entertainment Facility
7. Names of Applicant(s) Turfway Park Racing Association, Inc.
Phone Number (606) 371-0200 Fax No. (606) 647-4725
8. Address of Applicant(s) 7500 Turfway Road
Florence KY 41042
City State Zip
9. Name of Property Owner(s) Same
Phone Number Same Fax No. Same
10. Address of Property Owner(s) Same
City State Zip
11. Proposed Building Intensities (please specify) N/A
12. Are there any existing buildings on the site? Yes
How many? 26
13. Deed Book _____ Page No. _____ Group No. _____
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. 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
(over)

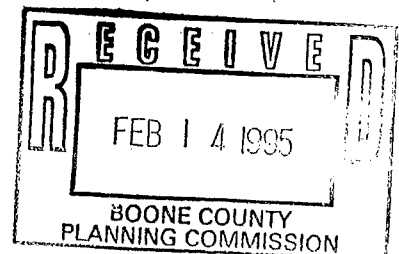


EXHIBIT "A"

STAFF REPORT

Request of Turfway Racing Association (owner) for a Zoning Map Amendment to establish a Special Sign District for the approximately 210 acre Turfway Park Race Course site located at 7500 Turfway Road, Florence and Unincorporated Boone County, Kentucky. The site is located within a Recreation/Planned Development (R/PD) zone.

June 28, 1995

PROPOSAL

This application is for a Zoning Map Amendment for a Special Sign District for the Turfway Park Race Course site. The applicant has proposed that the allowable area for building mounted signs, for buildings that are setback at least 750 feet from the road, be based upon an allowance of three square feet of signage for every one linear foot of building frontage (see attachments for illustrative examples). This would be exclusive of "decorative signage" (also building mounted) that would also be permitted in a ratio of three square feet of signage per one linear foot of building frontage as well. The proposal would allow the decorative signage to flash intermittently and would also allow roof mounted signs that are no more than 6 feet above the roofline. Both the flashing decorative signage and the roof mounted signage would be permitted only on buildings that are setback at least 750 feet from the road. The intermittent flashing is intended to give the appearance that the neon horse silhouettes illustrated in the proposal are running across the facade.

Three freestanding signs, one for each "public" entrance gate, are proposed in lieu of one freestanding sign for the entire site. The sign for gate 1, which is on Turfway Road along the western portion of the site, would not exceed 120 square feet in area and 15 feet in height, and would not be permitted to display electronically changeable copy. The other two freestanding signs (for gate 2 on Turfway Road along the southern portion of the site and gate 3 on Houston Road along the eastern portion of the site) would not exceed 150 square feet in area or 18 feet in height and would be permitted to use electronically changeable copy. All three freestanding signs are "double pole" style. Refer to the attached plan for more specific information regarding the proposal.

PERTINENT SITE HISTORY

- 1992** The current version of the Houston-Donaldson Study, which contains signage guidelines for the site, was adopted.
- 1994/95** On 7 December 1994, the building mounted signage illustrated in this proposal was approved by the Planning Commission upon the recommendation of the Technical/Design Review Committee through the Design Review procedure. Through this approval, the building mounted, neon horse silhouettes shown in the proposal were not allowed to flash because the Houston-Donaldson Study does not permit this type of exception from Article 34 of the Zoning Regulations. After the signage was installed (without a permit) the owner was notified by the Planning Commission's Staff that the sign on the

south facade of the facility was in violation of the Zoning Regulations because it was a roof mounted sign (mounted on the roof of the glassed area on the south facade), and not a building mounted sign as had been approved by the Commission. Thus, the submittal of this application is partly an attempt to rectify a current violation of the Zoning Regulations.

ADJACENT LAND USES

The land uses adjacent to the subject site include the following:

- A. Several restaurants (Tumbleweed, Wendy's, Cookers, O'Charley's) to the east/southeast of the site on the north side of Turfway Road and the west side of Houston Road (C-2/PD; the vacant area between the race course and Houston Road is also zoned C-2/PD). A large retail operation (Bigg's) which includes a few commercial outlots (Burger King and The Bank) (C-2/PD) are located to the east along the east side of Houston Road and a medical complex (St. Luke's) is located to the south of this retail operation (PF/PD).
- B. A large hardware-type store (HQ) and several restaurants (Fuddrucker's and Chili's) are located to the south along the south side of Turfway Road between Thoroughbred Boulevard and Houston Road (C-2/PD). An industrial facility (Bruening Bearings) and a truck service and accessories facility are located on the south side of Turfway Road west of Thoroughbred Boulevard (I-1/PD). A movie theater (Regal Cinemas) is located on the north side of Turfway Road, just north of the above mentioned industrial facility, and functions as an outlet for the race track (R/PD).
- C. The Cincinnati/Northern Kentucky International Airport is located to the southwest and west around the 90 degree bend in Turfway Road (A). A number of single family residences, a church, and a candy factory are located to the north/northwest along the north/south section of Turfway Road and in the O'Hara Lane vicinity (RSE/PD, RS/PD, SR-1/PD and I-1/PD).
- D. The Marydale facility is located to the north and northeast (O-2/PD and I-1/PD).

SITE CHARACTERISTICS

The site contains approximately 210 acres. The race track itself is located in the approximate midpoint between Houston Road and the north/south section of Turfway Road. The grandstand structure is located on the south side of the race track. A large parking field is located on the south and southeast portions of the site and an outlot containing a movie theater (shares parking with the race track) is located on the south side of the lot along Turfway Road near the intersection with Thoroughbred Boulevard. Stables and other support facilities are located on the western portion of the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map designates the site as "Recreational." The document describes this designation as "public, semi-public, and private outdoor recreational facilities, including parks, marinas, camps, racing facilities, lakes being used in a recreational capacity, and golf courses." The text of the Land Use Element (Area D-3) states "this section of the County should experience a wide variety of substantial growth" and "the Turfway Park Racetrack should remain; property to the east, along I-75, should develop in a mixed office and commercial manner compatible with the racetrack." The Land Use Element also states the following in a section entitled "Design, Signs, and Historic Preservation" (pg. 202):

The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor.

The 1995 Boone County Comprehensive Plan Goals and Objectives states the following:

- * Proper design principles shall be applied in development ("Overall" Objective 3).
- * Extra-regional or interstate tourist oriented-commercial facilities shall be allowed in appropriate areas when the final mitigated impact is minimal on other land uses ("Recreation and Open Space" Objective 3).

RELATIONSHIP TO HOUSTON-DONALDSON STUDY

The type and amount of signage permitted by the Houston-Donaldson Study is relative to the land use in question. For recreation uses, the Study permits the following (pg. 66):

Commercial Recreation and Recreation Complexes are permitted a monument sign (Staff note - 8 feet maximum height above the grade of the street centerline by definition in the study) of 100 square feet for the major entrance to the facility. Within the facility, a monument sign of 60 square feet shall be permitted at each distinct recreation facility within a complex. One building mounted sign of a maximum of 100 square feet is permitted for each distinct recreation use. A recreation complex of several uses may be permitted a directory sign at one major intersection within a recreational complex when it is apparent by the development design that a distinct recreational facility may be difficult to locate as a result of vegetation, topography, or large open spaces.

STAFF CONCERNS

Overall, Staff finds the proposal to be well packaged and well construed given the large-scale, destination-oriented/ entertainment nature of the existing facility, although the following issues have been identified.

1. Section 1 of the proposal's text states that "all relevant sections of Article 34" shall apply. This should be reworded to state "all sections of Article 34 except as noted herein."
2. The proposal uses the terms "building mounted signage" and "decorative signage" without providing a clear distinction between the two. The assumption made by Staff is that building mounted signage refers to sign copy, and decorative signage refers to the neon horses and any other signage that may be proposed in the future which does not include a copy message. As such, Staff recommends that definitions along the following lines be considered:

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.

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.

It appears that the building mounted signage is intended exclusively for the grandstand structure. This should be clarified and the Commission should consider whether signage of this magnitude should be permitted on the north facade of the grandstand (facing Marydale) and the west facade of the grandstand (facing the airport and residences along Turfway Road).

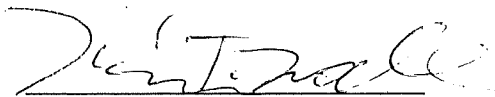
3. As stated in the proposal, the section dealing with roof mounted signs would allow a sign to be placed above the highest point of the grandstand structure while the only roof mounted sign illustrated is on a lower roof plane that would not cause the sign to extend above the highest point of the grandstand. As such, Staff suggests that Section 4 of the text be amended to state that no sign shall extend above the highest roofline of the grandstand. (Also refer to the attached letter from William Martin, Director of Planning and Development for the Cincinnati/Northern Kentucky International Airport regarding this issue).
4. Section 5 of the proposal's text outlines provisions for 30 square foot banners to be affixed to light posts in the parking lots. Staff suggests that the proposal should explicitly state that these banners shall have a minimum 10 foot vertical clearance from finished grade or the pavement (this provision is outlined in Article 34 "Signs" of the Zoning Regulations) and that the individual banners should be temporary in nature and duration. Further, the number of banners mounted on each lightpost should be limited to one or two.
5. Because the character of the area around gate 1 (west side of site in the airport vicinity) is substantially less "commercial" than the areas around gates 2 or 3, a freestanding sign that more readily coincides with the Houston-Donaldson Study's recommendations should be considered for this gate (i.e., monument style sign with 8 foot maximum height and 100 square foot maximum area). As a whole, the Commission will need to consider the Houston-Donaldson Study's recommendations for the entire site and whether or not they adequately serve the facility when taking into account the nature of the use and the size of the facility and site.

6. The proposal is apparently designed to serve the race track and its support facilities. Due to the magnitude of the signage proposed, and to make sure that the intent of the proposal is clear for future reference, Staff suggests that the Special Sign District should apply only to the race track and its support facilities, and shall not apply to any future development (such as any commercial outlot development) that are not integral to the race track use.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission, the Florence City Council, and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations, Section 3440 "Special Sign Districts" of the Boone County Zoning Regulations, the Houston-Donaldson Study, and the potential impacts on the existing and planned uses in the area. Due to the nature of the request, the Future Land Use Map would not need to be amended if the request is approved.

Respectfully submitted,

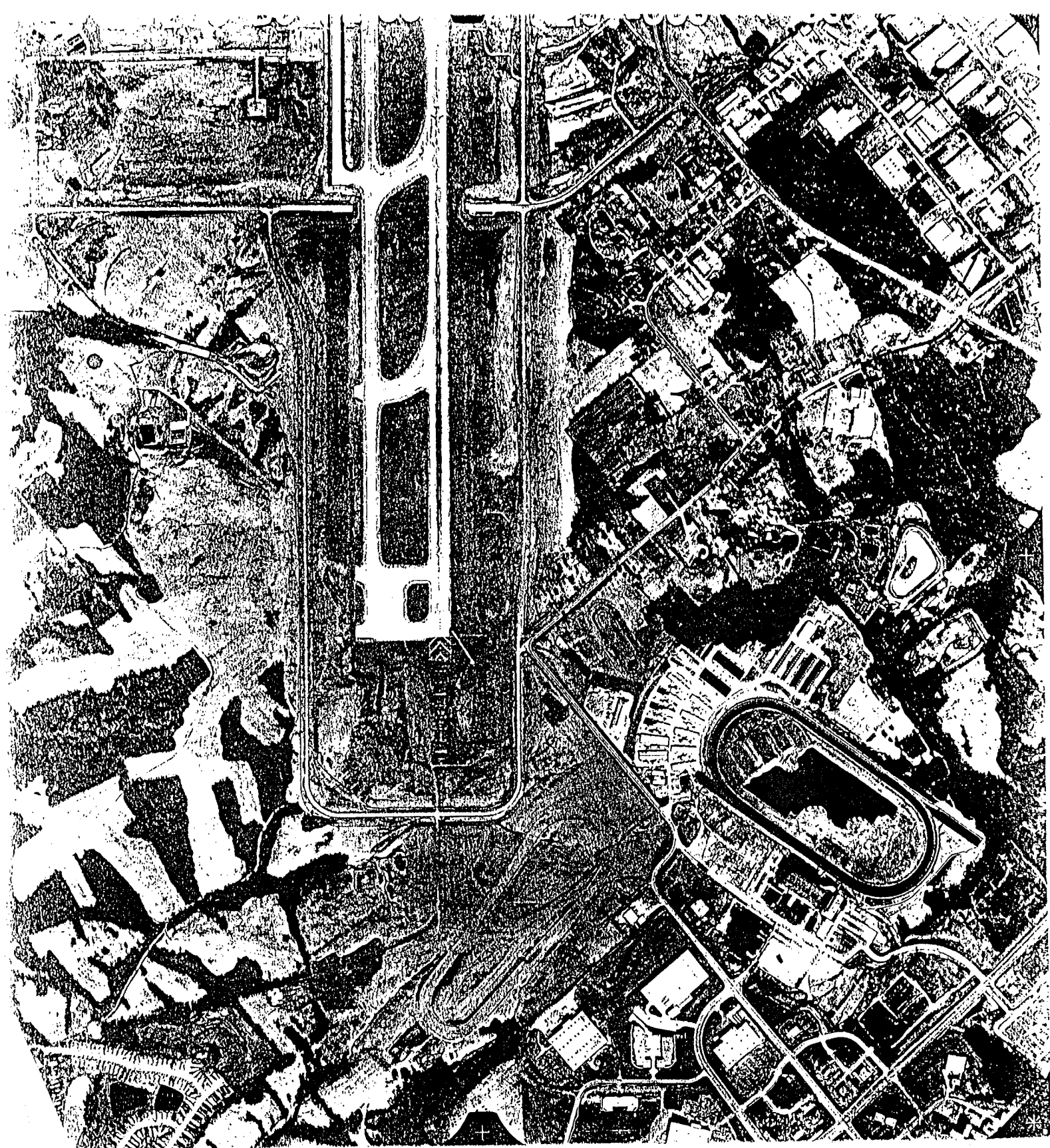


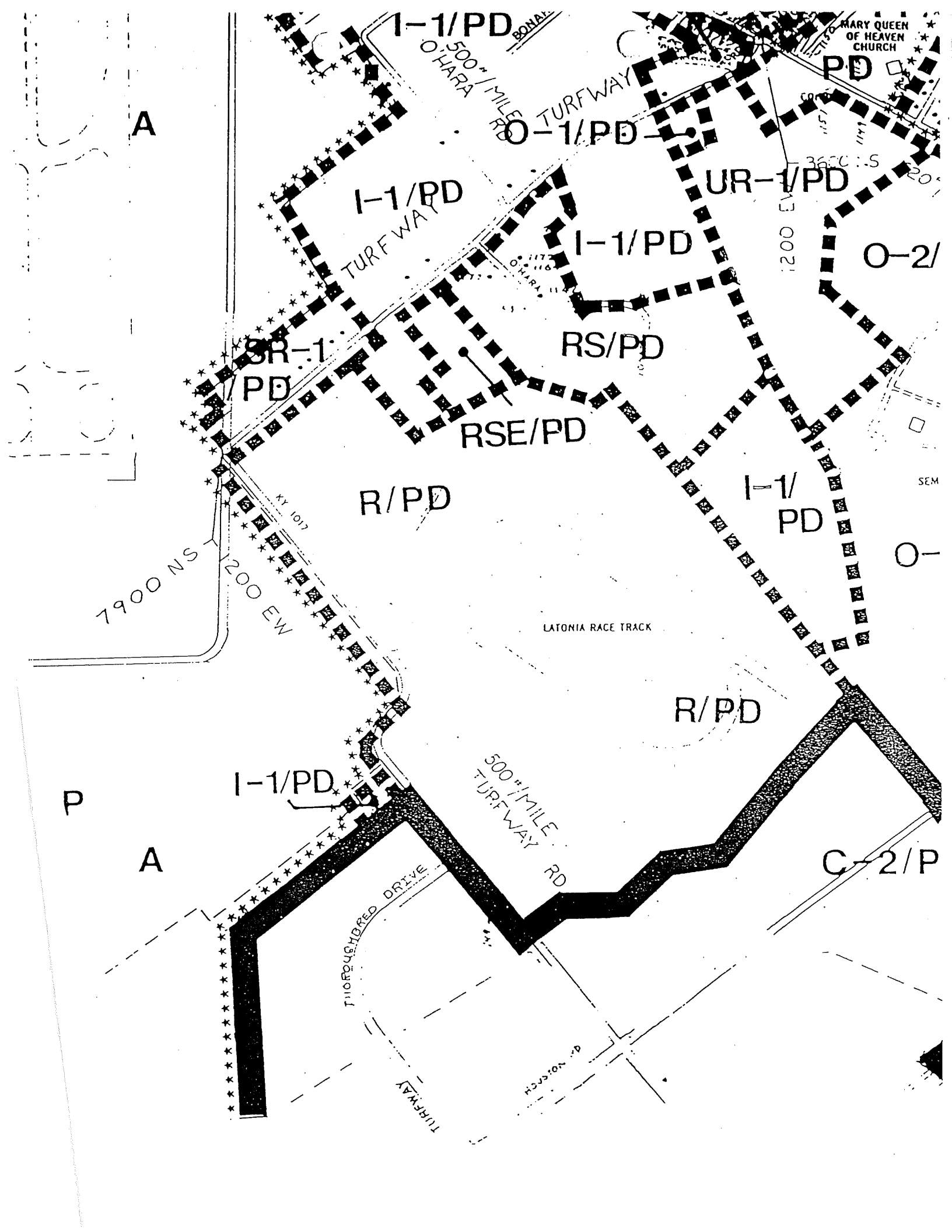
Kevin T. Wall, AICP, CDT
Director, Zoning Services

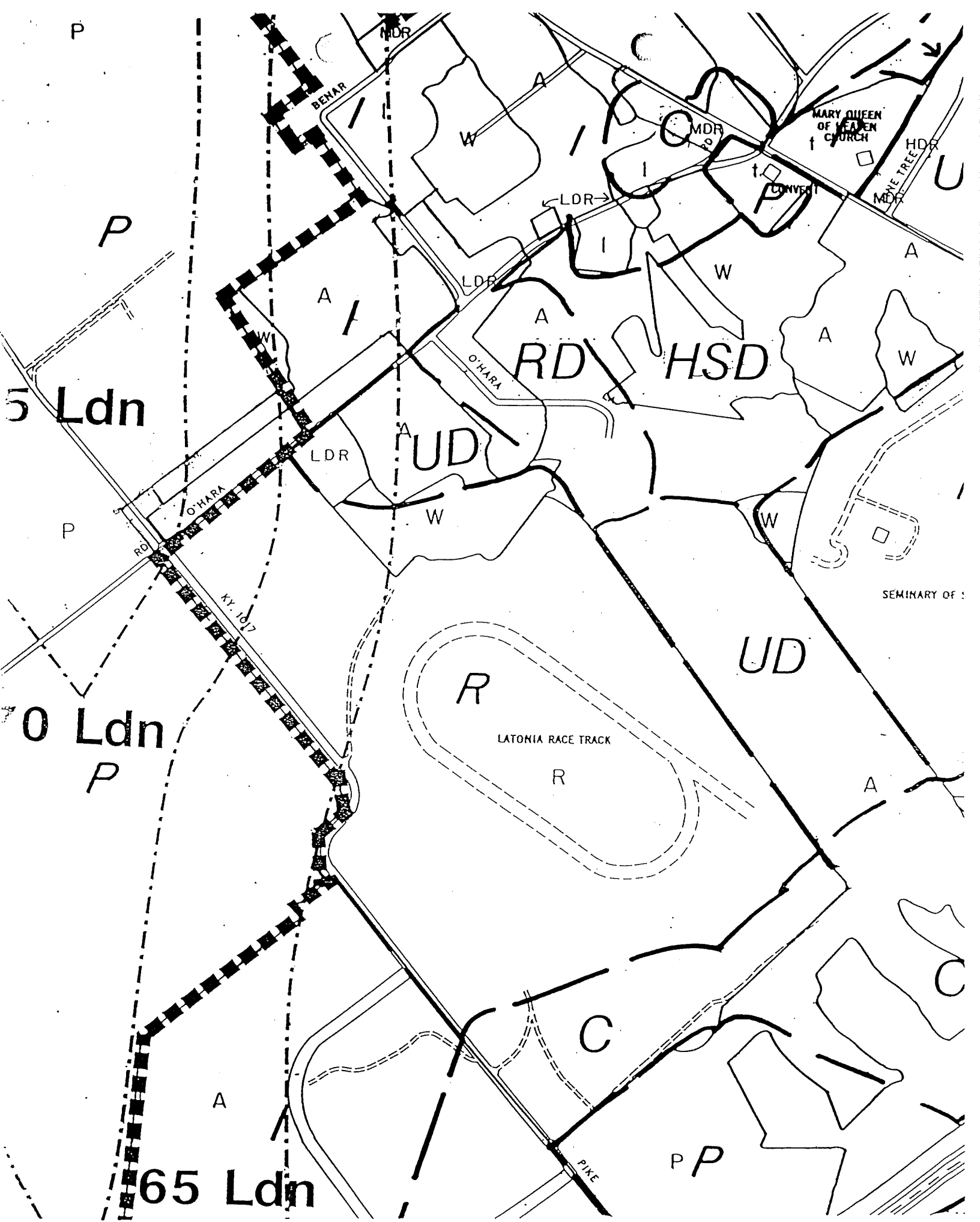
KTW\par

attachments:

- air photo of area
- Comprehensive Plan Future Land Use Map excerpt
- Zoning Map excerpt
- application materials
- letter from William D. Martin, Director of Planning and Development, Cincinnati/Northern Kentucky International Airport







APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Turfway Park Race Course
2. Location of Project Turfway Road
3. Total Acreage of Site 180+ acres
4. Current Zoning of Site R/PD
5. Proposed Zoning (Classification being requested) Special
Sign District
6. Proposed Uses (please specify each use) Racetrack and Entertainment
Facility

7. Names of Applicant(s) Turfway Park Racing Association, Inc.
Phone Number (606) 371-0200 Fax No. (606) 647-4725
8. Address of Applicant(s) 7500 Turfway Road
Florence KY 41042
City State Zip
9. Name of Property Owner(s) Same
Phone Number Same Fax No. Same
10. Address of Property Owner(s) Same
City State Zip
11. Proposed Building Intensities (please specify) N/A

12. Are there any existing buildings on the site? Yes
How many? 26
13. Deed Book _____ Page No. _____ Group No. _____
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. 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

(over)

_____ 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: _____

18. Project Jurisdiction/Location
- | | | | |
|-------------------------------------|-----------------------------|-------|--------|
| <input checked="" type="checkbox"/> | Unincorporated Boone County | _____ | Walton |
| <input checked="" type="checkbox"/> | Florence | _____ | Union |

19. Applicant's Signature Marv J. Meindinger, President
 Property Owner's Signature Marv J. Meindinger, President

SECTION B (To be completed by BCPC Staff)

1. Date Received _____
2. Fee Received _____
3. Check what has been submitted:

_____	Application	_____	Fee
_____	Legal Discription		
_____	Concept Development Plan		
_____	Address of Adjoining Property Owners		
_____	Number of copies of plan received**		
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:

_____	Approval
_____	Approval with Conditions
_____	Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.

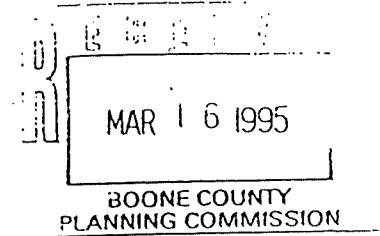
An application consists of all fees paid in full, submitted drawings and a completed application form.



CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT

P.O. Box 752000 CINCINNATI, OH 45275-2000 (606) 767-3151 Fax (606) 767-3080

Key
VJMT



March 14, 1995

Mr. Kevin Costello
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

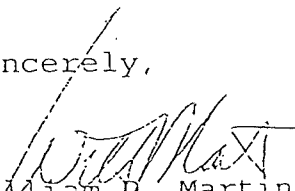
Re: Turfway Park
Special Signage District

Dear Mr. Costello:

The Airport has reviewed Turfway's plans for special electronic signs. As long as these signs are no higher than the existing buildings and do not impose flight restrictions to our runway approaches, we are not opposed. FAA Form #7460 may have to be filed for tall signage.

If you have any questions, please feel free to contact me.

Sincerely,


William D. Martin, Director
Planning and Development

WDM:kr

Enclosure

cc: Robert F. Holscher
Dale Huber

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, and Mr. Ries.

Mr. Barry Neltner, Temporary Presiding Officer, introduced the last item on the Agenda:

4. Applicant: Turfway Racing Association (owner)
Request: Zoning Map Amendment - Special Sign District

The request of Turfway Racing Association (owner) for a Zoning Map Amendment to establish a Special Sign District for the approximate 180-acre Turfway Park Race Course site at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky. The site is located within a Recreation/Planned Development (R/PD) Zone.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Neltner asked for the applicant's presentation.

Mr. Marc Simeindinger stated that since Jerry Carroll bought the race tract in 1987, they have invested about \$23 million in capital improvements. They want a first class facility with first class racing. They want to become nationally recognized and nationally significant. As part of that effort, they felt that the signage needed to be upgraded. They have gotten into year-round wagering and it is hard for them to communicate what is going on with just the minor letterboards. They want to use moving message boards.

Mr. Damstrom stated that "Fall Stakes Sept 20th" is changeable copy and asked if the intent is to change where it is on the board or if it will be that message until they change it the next time.

Mr. Simeindinger stated that that message will be on the board for about 15 seconds and then there would be the next message. It will flash every so often.

Mr. Damstrom questioned where it leaves the Commission with changeable copy signs if this is approved. Mr. Costello advised that they are creating a Special Sign District and everything is up for Commission approval. They can come up with any type of sign they want and if the Commission feels it is appropriate, it can be approved. Mr. Damstrom stated that he is not as concerned about it here, but is concerned about it in the county. Mr. Costello advised that an ad hoc sign committee is being put together to work with the Staff. He stated that there are some aspects of the sign code that are out of date. It could be that electronic changeable copy will change in the update of the sign code. He noted that more interest in electronic changeable copy is being seen.

Mr. Damstrom questioned the regulations as far as the Houston-Donaldson Study. Mr. Costello stated that this individual request would supercede the Houston-Donaldson Study. The only sign within the Florence city limits would be the one on Houston Road.

Mr. McKinney stated that he was party to some meetings when monument signs were considered 13 feet or less and he is surprised that has not come up as an issue this evening. He stated that all of the things that have been taboo on signs are being thrown out the window -- including moveable copy. Even though the Houston-Donaldson Study calls for monument signs of 8 feet, this is a proposal of 15 feet. He stated that he was concerned by the lack of comment. Mr. Costello stated that the Houston-Donaldson Study recognizes electronic changeable copy as a possibility, but requires the developer to come in as a Special Sign District. He stated that this is a 200-acre site and a monument sign probably would not do much. He commented that the largest recreational facility in the county is a little bit different. Mr. McKinney noted that the Staff was recommending that it be limited to the track only and not the entire site.

Mr. Simeindinger stated that they have no problem adhering to all the suggestions made by the Staff. Mr. Neltner asked if this would include no provision on outparcels that they may sell off in the future. Mr. Simeindinger replied "yes".

Mr. Neltner asked if they still own the ground the Regal sits on. Mr. Simeindinger advised that they do. Mr. Neltner asked if they will make any attempt to put a sign there for the Regal. Mr. Simeindinger replied "no" and stated that the request only applies to the track. He stated that he has no plans to do anything with Regal.

Mr. Ries stated that Thurman Owens was very concerned about the sign district and was somewhat against any kind of changes. He stated that the Commission fought with Bigg's because they wanted to put signs in twice as big as they had and so did Walmart -- and he can see them coming back saying "how come you didn't let us do it?". He questioned what will be done with the people who originally came in and asked for this and the Commission said "no". Can they come back now for a change? Counselor Wilson stated that if a legislative change is made that makes them eligible, the answer is "yes".

Mr. Costello stated that all of the Special Sign Districts have worked very well and there is a proven track record. There is a Special Sign District Committee which should be considered with this sign district in case there is ever a dispute. The Special Sign Committee includes a representative from the legislative unit and from the Planning Commission, the developer, and an independent party.

Mr. Ries stated that there is some residential use along I-75 and Wallace and other streets there. He questioned what the hours would be for a flashing sign. Mr. Simeindinger stated that when they are running live, the sign would go off about 11 o'clock.

Mr. Bailey stated that the pattern established so far of really controlling the signs should be followed.

Mr. McMillian asked if the Regal is included in the 210 acres. Mr. Simeindinger replied "probably", but noted that it is not included in the Special Sign District request. He specifically excluded it on the map he sent in. He emphasized that this signage is only pertinent to the race track. He stated that the parking lot surrounding Regal is used for racing and for Regal and that parking lot would be allowed to do the banners requested as part of this application.

Mr. Simeindinger stated that he has run Turfway for several years. He stated that they are the largest tourist attraction in Northern Kentucky and over 50% of the people come from out of state. It is important for them to have proper signage when those people come to their facilities. He stated that they have lived with the temporary wooden signs out front for a long time and they do not cut it with the amount of money they have spent on the facility.

Mr. McMillian stated that the signs do need to be changed, but he is not sure about the neon horse racing across the sign, which was okay in the 1940's.


Mr. Kirby asked if just the racing facility is 210 acres. Mr. Simeindinger advised that that is correct within 2 acres.

Mr. Damstrom stated that they would be willing to limit the use of the signs for the purpose of the race track, but down the road they may put up a convention center within the race track property. Mr. Simeindinger stated that if something else comes along, he is willing to come in and tell the Commission what they are doing. Mr. McMillian asked if this would apply to the auto sales also. Mr. Simeindinger stated that that would be on the changeable copy board.

There being no further comments, Mr. Neltner stated that the Committee Meeting for this item will be on July 10, 1995 at 4 P.M. and this item will be on the Agenda for the Business Meeting on July 19, 1995 at 8 P.M..

Mr. Neltner closed this Public Hearing.

APPROVED:


Barry Neltner,
Temporary Presiding Officer

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
BOONE COUNTY ADMINISTRATION BUILDING
August 16, 1995
8 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox, Chairman (arrived at Item #4)

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith, Secretary/Treasurer
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Ms. Susan Cabot, Historic Preservation
Mr. Jeff Hayes, AICP
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

1. Zoning Map Amendment

The request of Turfway Racing Association (owner) for a Zoning Map Amendment to establish a Special Sign District for the approximate 180-acre Turfway Park Race Course site at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky. The site is located within a Recreation/Planned Development (R/PD) Zone.

Staff Member Kevin Wall advised that the Committee Report, which recommended approval of the request, was presented at the meeting approximately a month ago (see Committee Report). There was a vote at that time to table the request pending the presence of the applicant (1) to discuss the lighting of the electronic copy signs and turning them off at a time in the evening, and (2) the procedure for appeals if the applicant differs in opinion from the Zoning Administrator. He advised that the language in the condition is language that has been adopted previously by the Commission and is operational in special sign districts now.

Mr. Burch advised that the Committee recommended approval of the request based on the conditions they had at that time.

Mr. Millay moved that the request be approved based on the Committee Report. Mr. Damstrom seconded the motion.

Mr. McKinney stated that there was not opportunity at the last meeting for discussion as the applicant was not present.

Mr. Kirby arrived at this time.

In response to a request from Mr. Burch, Mr. Wall read the recommended conditions in the Committee Report.

Mr. Ries stated that he had a concern about the lights at the last meeting and how long they would be on. He noted that the Minutes indicate that there was a question about what the hours would be for a flashing sign and that Mr. Simeindinger said that they would be running live and the sign would go off about 11 o'clock -- but that is not in the conditions. Mr. Ries stated that there was concern that the sign not be on until 1 A.M. because there are people on Wallace Avenue who were concerned about the lights flashing in their windows. He stated that he knows the track runs beyond 11 o'clock and questioned how late they need to have the sign flashing.

Mr. Burch stated that he was the Chairman of the Committee and the Committee did not share that concern because of the unique use (a race track) and its location in the midst of a commercial area.

Mr. Ries stated that a commitment was made at the Public Hearing, but it is not in the conditions.

Mr. Marc Simeindinger, representing Turfway Racing Association, advised that he does not recall the commitments made at the Public Hearing. He stated that on a typical racing night, they end about 11 o'clock with

their last live race and the people filter out. In the fall, there will be live racing and simulcasts, with the last race being about 11:30 P.M., and they will be finished by midnight. He stated that he does not know of any residences within eyeshot but, if it is a big deal, they can turn the signs off at midnight if everyone has left by then.

Mr. Burch advised that there were concerns about the ad hoc committee. There was no discussion in this regard.

Mrs. Schaffer stated that under conditions it says that the text shall be submitted prior to the issuance of any sign permits, but in July 19 Minutes it says that the sizes of the building mounted signs have been approved and they are up. Mr. Wall advised that some of the signs are existing. Some of the signs were approved by the Design Review Committee in December. He advised that they are looking to change two of them -- including the horses so that they look like they are going up and down the building. Mrs. Schaffer stated that Mr. Wall is talking about old signs that have been approved and there are no new ones. She stated that the discussion now is about monument style, flashing, and electronically changing signs. Mr. Wall agreed.

Mrs. Schaffer stated that this is part of the Houston-Donaldson Study, which was done in 1992, which is after this was done in 1987. The Houston-Donaldson Study has a sign section to allow sufficient signage and to avoid clutter. It says in "Recreational Areas" they can have one monument sign of 100 square feet for a major entrance, and a building mounted sign of 100 square feet. She stated that this request is to allow not more than five building mounted signs and one for each entrance not to exceed 150 square feet -- and the condition is only on Gate 1 they should receive 100 square feet. She asked if Gates 2 and 3 are allowed to be 150 square feet. Mr. Wall advised that the Committee's recommendation is that the signs be allowed as proposed.

Mrs. Schaffer stated the Houston-Donaldson Study says "a building-mounted sign not to exceed 100 square feet", but the flashing horses is 10' x 98', which would be 980 square feet, which is more than what is allowed. She stated that the Zoning Regulations do not allow apparent motion of signs and say specifically in Item E, Section 3430, "The message displayed on the board must be displayed a minimum of five second intervals. In no instance can a message flash . . .". She stated that the report say "Section 34.321 shall be administered to allow flashing". She stated that Section 3430 specifically disallows that. Mr. Wall advised that that is part of the rationale for allowing the special sign district.

Mrs. Schaffer stated that it could be disallowed on the basis of the public safety and welfare. She stated that apparent motion and flashing are specifically prohibited. She noted that the signs are now neon, but could be changed to incandescent. She stated that the neon lights are not as obtrusive. She questioned if they can change to different types of lights. Mr. Wall replied "no" and advised that they were proposed as neon tube. Mrs. Schaffer stated that she would like a commitment in this regard. She does not agree with "flashing or intermittent", but would not have a problem with "electronic changing".

Mr. Burch advised that there is a commitment from Mr. Simeindinger that the lights would not be on past midnight and the Committee Report can be amended. He asked if Mr. Simeindinger would be agreeable to signing off on this change. Mr. Simeindinger replied "yes".

At this time, Mr. Burch asked for a vote on the motion made by Mr. Millay to approve the request based on the Committee Report. The vote found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. McMillian, Mr. Millay, Mr. Ries, and Mr. Rush in favor. Mr. McKinney and Mrs. Schaffer were opposed. Chairman Viox was not yet present. The motion carried by a vote of 9 to 2.

2. Zoning Map Amendment

The request of Wm. Urban and Connie Hillenbrand and Lewis D. Whittenburg (owners) for a Zoning Map Amendment for three parcels totalling approximately 5 acres at 5880 and 5884 Jefferson Street and 5825 Bullittsville Road, Boone County, Kentucky. The request is to change from Suburban Residential Two/Small Community (SR-2/SC) to Industrial One (I-1).

Mr. Millay advised that there was a request at the Committee Meeting to table this item to the next Business Meeting. Mr. Millay so moved. Mr. McKinney seconded the motion.

Mr. McKinney advised that the applicant was going to get in touch with the Staff. Staff Member Jeff Hayes advised that he has not been contacted by the applicant.

Mr. Burch asked for a vote on the motion made by Mr. Millay and it carried unanimously.

Chairman Viox arrived at this time. Mr. Burch continued to chair the meeting.

4. Change in Concept Development Plan

The request of Smith, Stevens & Young, Inc (applicant) for Industrial Developments International (owner) for a Change in Concept Development Plan for an approximate 11-acre site known as Lots 2 and 3, Airport Exchange Business Park, Boone County, Kentucky. The request is to modify the currently approved Concept Development Plan to allow an office building, a motel, and an office/warehouse flex building in an Industrial One/Office Two/Commercial Services/Planned Development (I-1/O-2/C-3/PD) Zone.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

EXHIBIT "B"

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, and Mr. Ries.

Mr. Barry Neltner, Temporary Presiding Officer, introduced the last item on the Agenda:

4. Applicant: Turfway Racing Association (owner)
Request: Zoning Map Amendment - Special Sign District

The request of Turfway Racing Association (owner) for a Zoning Map Amendment to establish a Special Sign District for the approximate 180-acre Turfway Park Race Course site at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky. The site is located within a Recreation/Planned Development (R/PD) Zone.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Neltner asked for the applicant's presentation.

Mr. Marc Simeindinger stated that since Jerry Carroll bought the race tract in 1987, they have invested about \$23 million in capital improvements. They want a first class facility with first class racing. They want to become nationally recognized and nationally significant. As part of that effort, they felt that the signage needed to be upgraded. They have gotten into year-round wagering and it is hard for them to communicate what is going on with just the minor letterboards. They want to use moving message boards.

Mr. Damstrom stated that "Fall Stakes Sept 20th" is changeable copy and asked if the intent is to change where it is on the board or if it will be that message until they change it the next time.

Mr. Simeindinger stated that that message will be on the board for about 15 seconds and then there would be the next message. It will flash every so often.

Mr. Damstrom questioned where it leaves the Commission with changeable copy signs if this is approved. Mr. Costello advised that they are creating a Special Sign District and everything is up for Commission approval. They can come up with any type of sign they want and if the Commission feels it is appropriate, it can be approved. Mr. Damstrom stated that he is not as concerned about it here, but is concerned about it in the county. Mr. Costello advised that an ad hoc sign committee is being put together to work with the Staff. He stated that there are some aspects of the sign code that are out of date. It could be that electronic changeable copy will change in the update of the sign code. He noted that more interest in electronic changeable copy is being seen.

Mr. Damstrom questioned the regulations as far as the Houston-Donaldson Study. Mr. Costello stated that this individual request would supercede the Houston-Donaldson Study. The only sign within the Florence city limits would be the one on Houston Road.

Mr. McKinney stated that he was party to some meetings when monument signs were considered 13 feet or less and he is surprised that has not come up as an issue this evening. He stated that all of the things that have been taboo on signs are being thrown out the window -- including moveable copy. Even though the Houston-Donaldson Study calls for monument signs of 8 feet, this is a proposal of 15 feet. He stated that he was concerned by the lack of comment. Mr. Costello stated that the Houston-Donaldson Study recognizes electronic changeable copy as a possibility, but requires the developer to come in as a Special Sign District. He stated that this is a 200-acre site and a monument sign probably would not do much. He commented that the largest recreational facility in the county is a little bit different. Mr. McKinney noted that the Staff was recommending that it be limited to the track only and not the entire site.

Mr. Simeindinger stated that they have no problem adhering to all the suggestions made by the Staff. Mr. Neltner asked if this would include no provision on outparcels that they may sell off in the future. Mr. Simeindinger replied "yes".

Mr. Neltner asked if they still own the ground the Regal sits on. Mr. Simeindinger advised that they do. Mr. Neltner asked if they will make any attempt to put a sign there for the Regal. Mr. Simeindinger replied "no" and stated that the request only applies to the track. He stated that he has no plans to do anything with Regal.

Mr. Ries stated that Thurman Owens was very concerned about the sign district and was somewhat against any kind of changes. He stated that the Commission fought with Bigg's because they wanted to put signs in twice as big as they had and so did Walmart -- and he can see them coming back saying "how come you didn't let us do it?". He questioned what will be done with the people who originally came in and asked for this and the Commission said "no". Can they come back now for a change? Counselor Wilson stated that if a legislative change is made that makes them eligible, the answer is "yes".

Mr. Costello stated that all of the Special Sign Districts have worked very well and there is a proven track record. There is a Special Sign District Committee which should be considered with this sign district in case there is ever a dispute. The Special Sign Committee includes a representative from the legislative unit and from the Planning Commission, the developer, and an independent party.

Mr. Ries stated that there is some residential use along I-75 and Wallace and other streets there. He questioned what the hours would be for a flashing sign. Mr. Simeindinger stated that when they are running live, the sign would go off about 11 o'clock.

Mr. Bailey stated that the pattern established so far of really controlling the signs should be followed.

Mr. McMillian asked if the Regal is included in the 210 acres. Mr. Simeindinger replied "probably", but noted that it is not included in the Special Sign District request. He specifically excluded it on the map he sent in. He emphasized that this signage is only pertinent to the race track. He stated that the parking lot surrounding Regal is used for racing and for Regal and that parking lot would be allowed to do the banners requested as part of this application.

Mr. Simeindinger stated that he has run Turfway for several years. He stated that they are the largest tourist attraction in Northern Kentucky and over 50% of the people come from out of state. It is important for them to have proper signage when those people come to their facilities. He stated that they have lived with the temporary wooden signs out front for a long time and they do not cut it with the amount of money they have spent on the facility.

Mr. McMillian stated that the signs do need to be changed, but he is not sure about the neon horse racing across the sign, which was okay in the 1940's.


Mr. Kirby asked if just the racing facility is 210 acres. Mr. Simeindinger advised that that is correct within 2 acres.

Mr. Damstrom stated that they would be willing to limit the use of the signs for the purpose of the race track, but down the road they may put up a convention center within the race track property. Mr. Simeindinger stated that if something else comes along, he is willing to come in and tell the Commission what they are doing. Mr. McMillian asked if this would apply to the auto sales also. Mr. Simeindinger stated that that would be on the changeable copy board.

There being no further comments, Mr. Neltner stated that the Committee Meeting for this item will be on July 10, 1995 at 4 P.M. and this item will be on the Agenda for the Business Meeting on July 19, 1995 at 8 P.M..

Mr. Neltner closed this Public Hearing.

APPROVED:



Barry Neltner,
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: August 16, 1995

RE: Request of Turfway Racing Association (owner) for a Zoning Map Amendment to establish a Special Sign District for the approximately 210 acre Turfway Park Race Course site located at 7500 Turfway Road, Florence and Unincorporated Boone County, Kentucky. The site is located within 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 proposed Special Sign District is in agreement with the 1995 Boone County Comprehensive Plan which places an emphasis on the aesthetic impact of the proposed use. In addition, the Comprehensive Plan states that signage should be adequate to identify a specific development. The Committee has concluded that this sign package is designed to properly identify the overall race track property when considering its large scale nature and entertainment oriented use.
2. The Committee has concluded that the proposed sign package creates an overall design theme that helps to distinguish and identify the unique race track use. In particular, the proposal fulfills the intent of the Houston-Donaldson Study by providing electronically changeable signage copy as part of a comprehensive signage scheme that is appropriate and compatible with the subject site and the adjoining sites.
3. The attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan and the Houston-Donaldson Study, and to mitigate foreseeable community impacts that might be created by the proposal that would affect the uses on the project site and the varying uses adjacent to the project site. The applicant has signed a letter agreeing to these conditions.

CONDITIONS

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.

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.

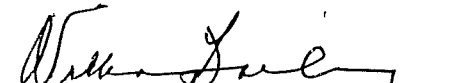
2. All electronically changeable sign copy shall be turned off by 12:00 AM (midnight) every night.

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.

Fred Burch, Chairman



Phil Damstrom

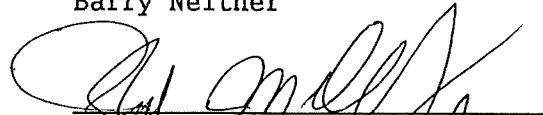


William Bailey

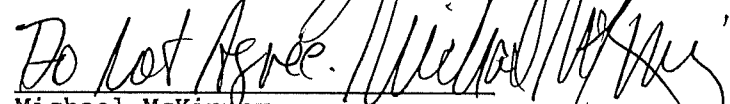


Donald McMillian

Barry Neltner



Robert Millay

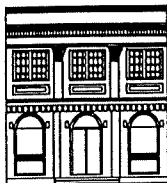


Michael McKinney

Do not agree. When was this meeting?

KTW/par

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

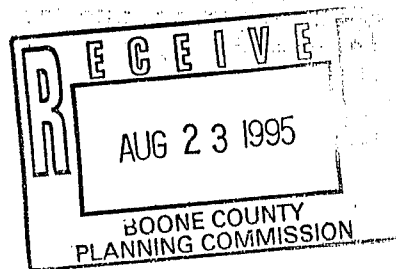
Dear Mr. Simendinger:

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,

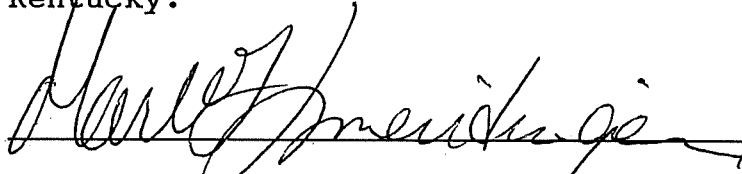


Kevin T. Wall, AICP CDT
Director, Zoning Services

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.



Mark Simendinger, President 8/21/95

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

Date



TURFWAY PARK
SPECIAL SIGNAGE DISTRICT

BACKGROUND

Turfway Park is a 210+ acre thoroughbred racetrack. Improvements include a 255,000 s.f. grandstand building plus numerous office, barn and support buildings. The track has undergone a \$25 million renovation since being purchased by Jerry Carroll in 1986. Average daily purses paid have increased from \$45,000 to \$180,000, making Turfway one of America's leading racetracks.

Turfway has also expanded its hours of operation as it operates live racing plus simulcast wagering. Turfway now offers wagering from all the major tracks in the U.S. Additionally, Turfway is the home of Regal Cinemas (10-screen movie theatre), numerous horse shows, charity events, and the Florence Auto Dealers annual tent sale. The dramatic change in quality plus method of operation make Turfway a year-round entertainment facility.

Because of Turfway's unique purpose and sheer size, it has signage needs different from the average commercial user. Special Signage District designation will allow Turfway to provide signage appropriate for its' use.

For the purpose of the Turfway Park Special Sign District, the following standards shall apply:

1. All relevant sections of Article 34;
2. Section 3402(1) shall be amended such that free standing signs which identify Turfway's major entrances at Houston Road (Gate 3) and Turfway Road (Gate 2) may be permitted to also include a message board with electronically changeable copy.
3. Section 3402(1) shall be amended to allow flashing or intermittent lighting on decorative signage that is building mounted on buildings with a setback of at least 750 feet.

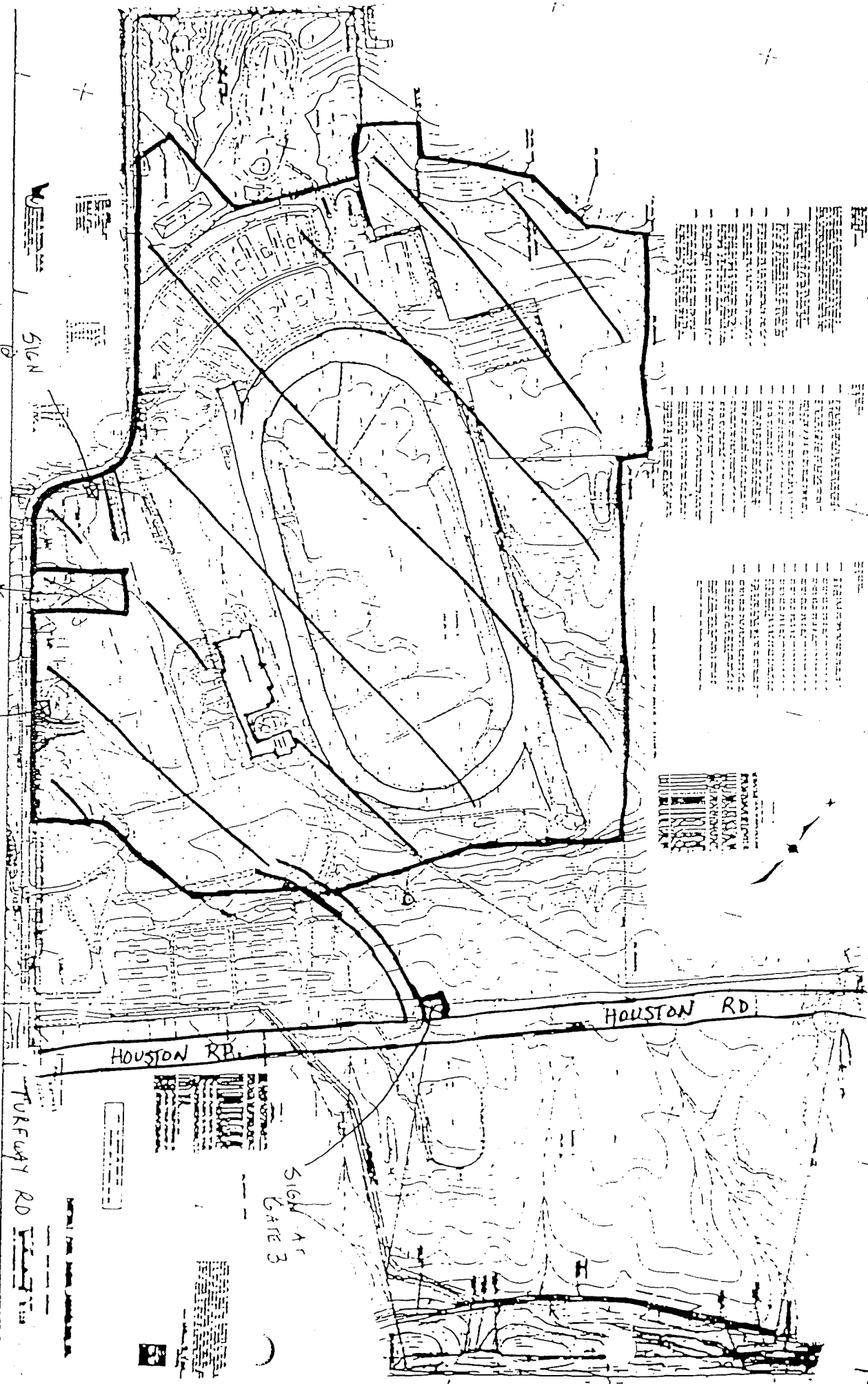
Turfway Park Racing
Association, Inc.
7500 Turfway Road
Post Office Box 8
Florence, Kentucky 41022
(606) 371-0200
1-800-733-0200
Fax: (606) 371-4554
Member: TRA

MFS 2/14/95

4. Section 3402(4) shall be amended to allow signs to be placed on the roof of buildings with a setback of at least 750 feet. The bottom of the sign faces of said signs shall be not more than six (6) feet above the roof line.
5. Banners, affixed at both the top and bottom and having a sign area no greater than 30 square feet may be displayed on parking lot light poles.
6. Section 3413(A) shall be amended for buildings with a setback of at least 750 feet to allow for the square footage of building mounted signs to not exceed (3) square feet per lineal foot of building width for the wall upon which the sign is mounted. This allowance is exclusive of decorative signage. Decorative signage may also be approved for buildings that meet the setback requirement with a total area of decorative signage to not exceed (3) square feet per lineal foot. Additionally, buildings with a setback of at least 750 feet shall be allowed no more than five (5) building mounted signs, including canopies and decorative signage.
7. Section 3413(B)(2)(c) shall be amended to allow one (1) entrance sign for each entrance to Turfway Park from a major thoroughfare for a total of three (3) signs. Two such signs shall be permitted electronically changeable copy and shall not exceed 150 square feet in area and 18 feet in height. One sign shall be permitted no changeable copy and shall not exceed 120 square feet in area and 15 feet in height.

MFS 2/14/95

SPECIAL SIGN DISTRICT
 DIAGONAL LINES, PLUS SIGN AT GATE 3,
 LESS ③ REGAL CINEMAS SITE, REGAL CINEMAS
 COMMON PARKING WITH TURFWAY IS IN SPECIAL
 SIGN DISTRICT

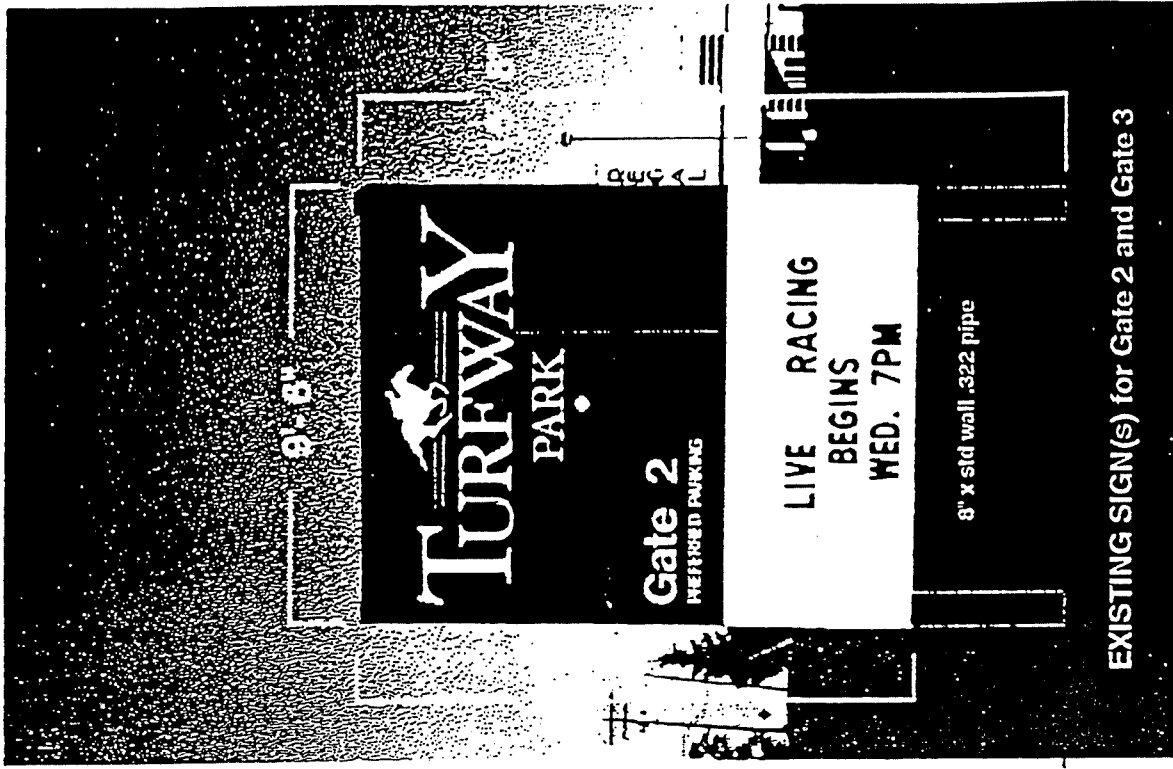
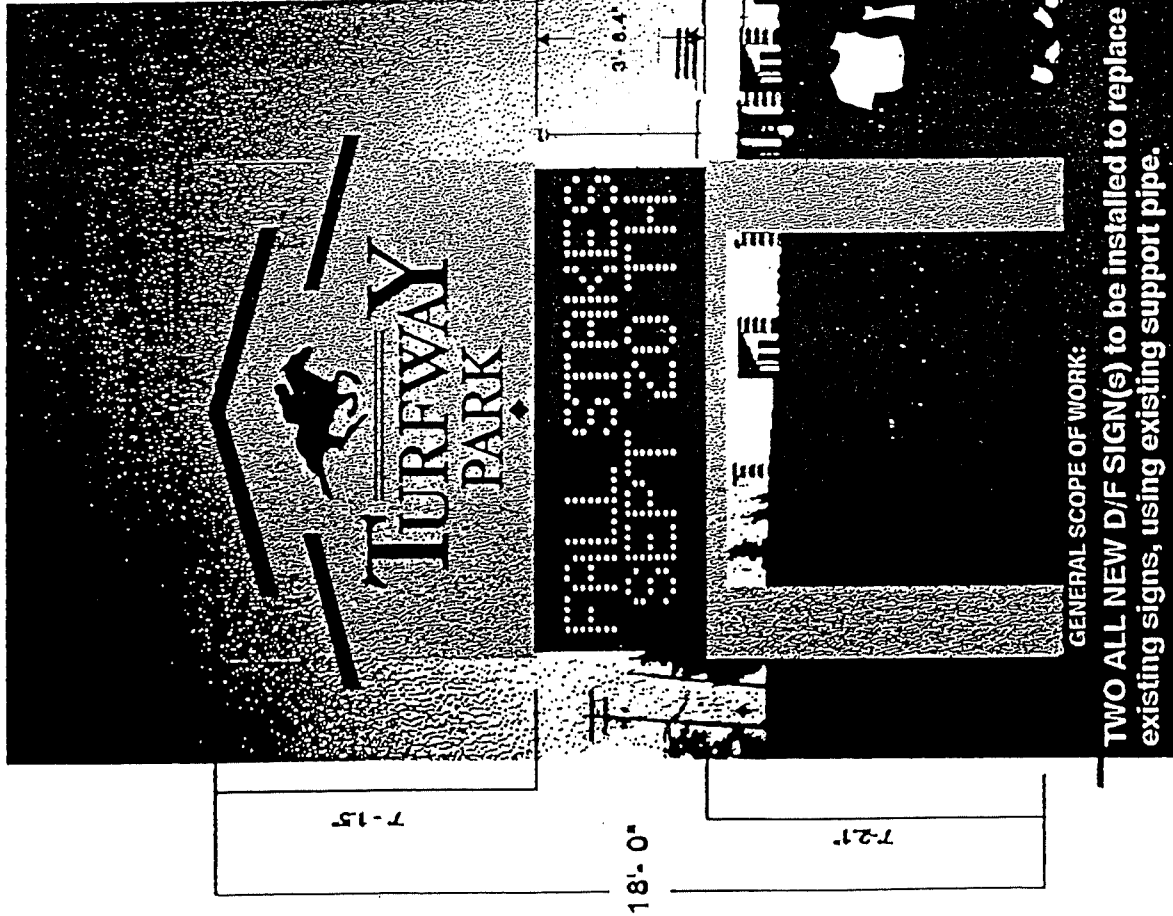


2/11/51
 HRS

SIGN
 Gate 1
 REGAL
 CINEMAS
 EXCEPTED
 SIGN
 Gate 2

HOUSTON RD.
 HOUSTON RD.
 TURFWAY RD.
 SIGN AT
 GATE 3

REGAL CINEMAS
 CORPORATION
 1000 PINE AVE.
 HOUSTON, TEXAS



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

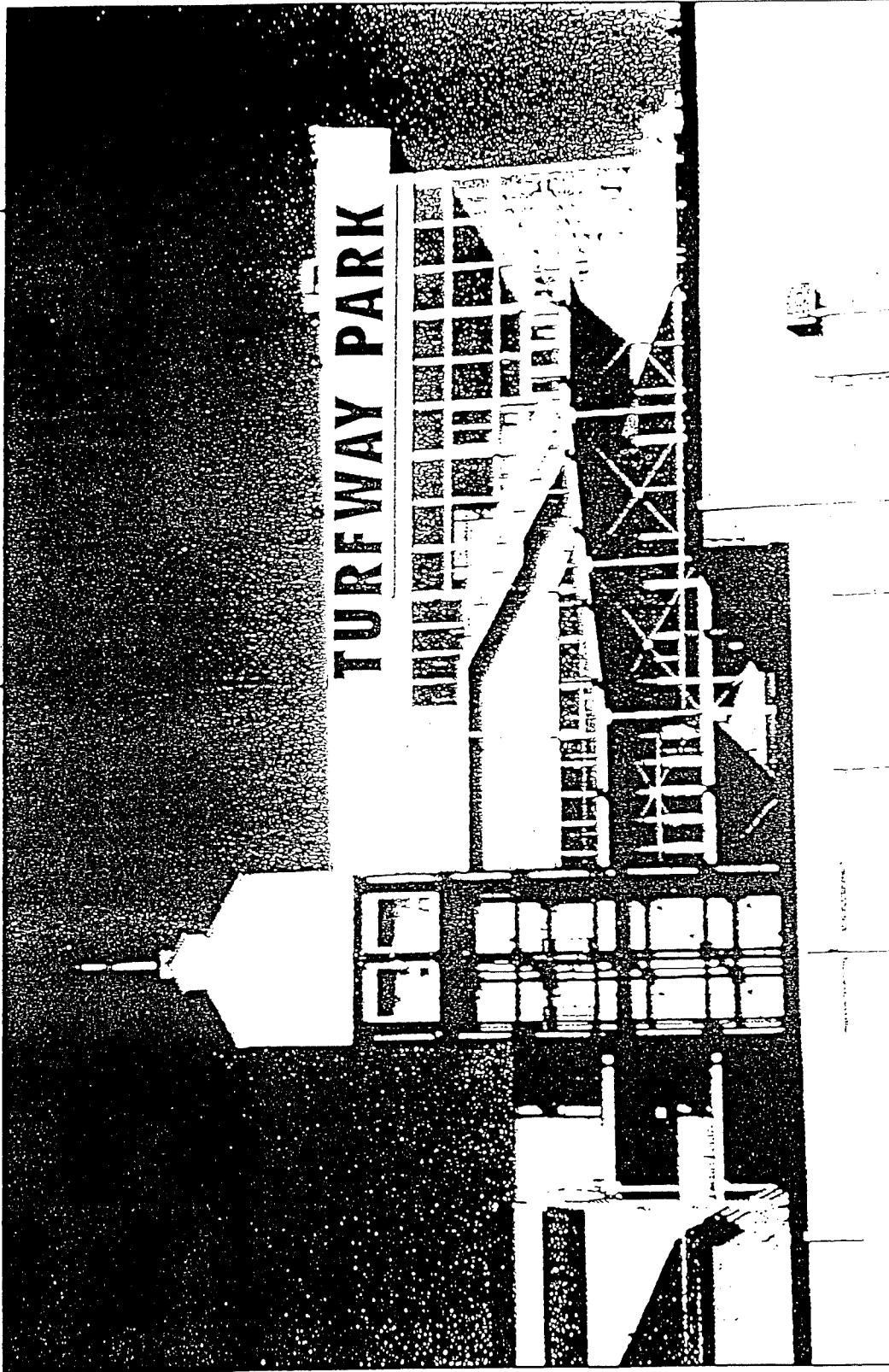
TURFWAY PARK Design #41498 R-2 (sheet 2 of 2) Filename: a:\gateclr2.cdr file Loc: Tape#2, Vol.33
 Revision: 2 by J.F. 2/9/95 Acct.Rep. Ron Charlton (713)799-1666



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

59'-6" 1 -

6 Ltrs



TURFWAY PARK

6 ft. Open Chan. Ltrs., Individually mounted w/remote transformers
 Ltrs. Ptd. Green 144-C-6 w 2 rows of exposed, outline VEEP GREEN neon

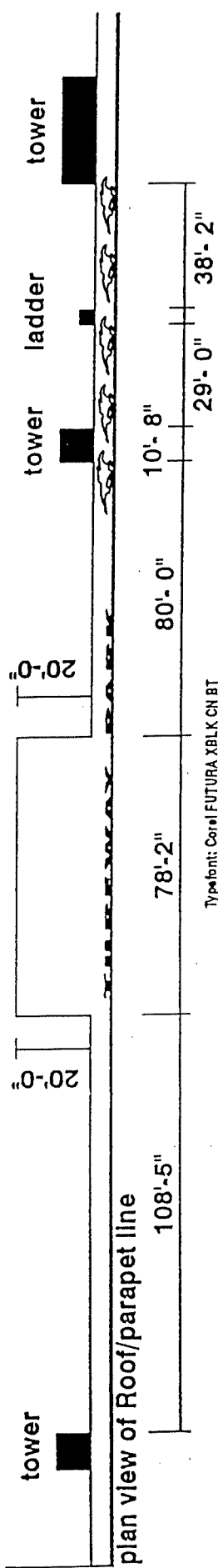
TURFWAY PARK
 Design # 41204 Rev. 1
 Filename: a:\sideltrs.cdr
 Rev. By J.F. 9/28/94
 Acct.Rep. Ron Charlton
 (713)799-1666

TOWER SIDE Elevation View



FEDERAL SIGNAL CORPORATION

10000 W. 10th Street, Denver, CO 80202, (303) 733-1000



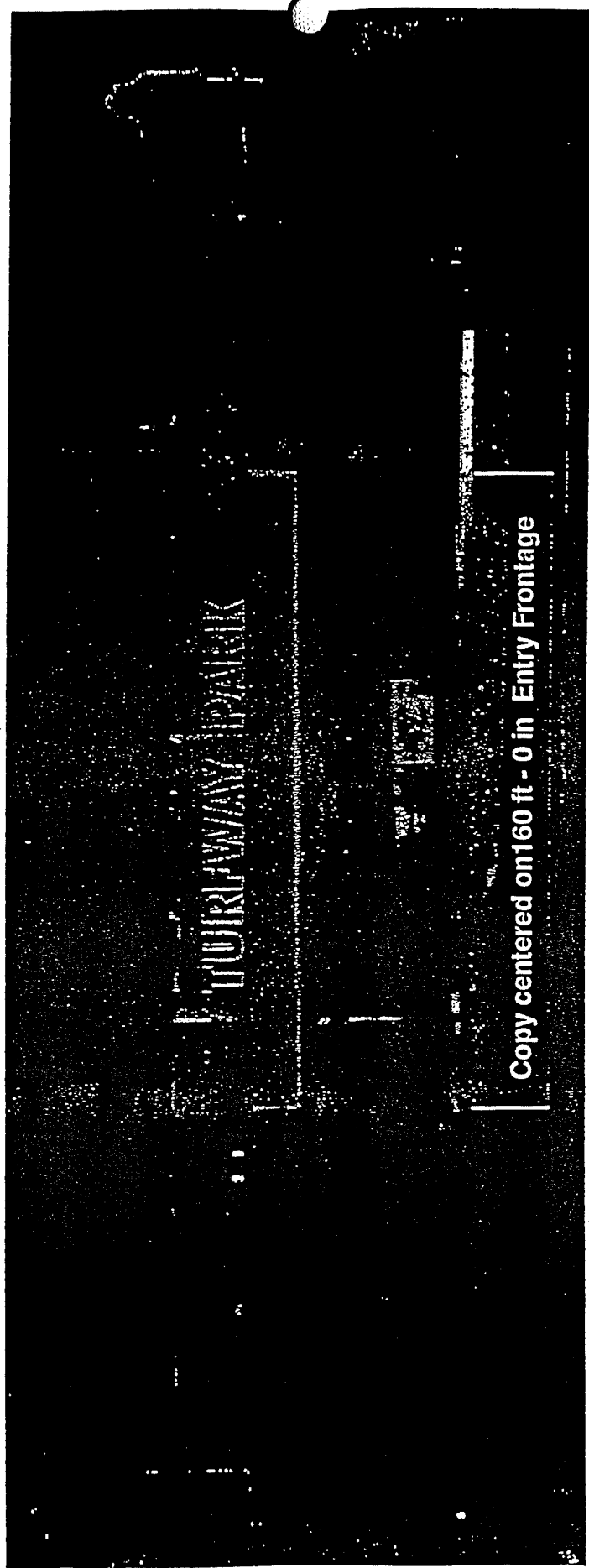
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 Design # 41204
 Filename: a:\bidnite2.cdr
 Rev. By J.F. 9/28/94
 Acct.Rep. Ron Charlton
 (713)799-1666

TURFWAY PARK

10 ft. Open/Chan. Ltrs. on Expanded Mtl. Bkgd. and A-frames painted White. Ltrs. Ptd. Green 144-C-6 w/2 rows of exposed. outline VEEP GREEN neon. Transformers mount behind mtl. screen.

10 ft. tall veep green neon graphic attached to clear lexan cut to shape. Animation - Single horse to travel left to right (1 on/ 4 off) rapid motion Remote transformers.



Copy centered on 160 ft - 0 in Entry Frontage

FEDERAL SIGN
 DIVISION FEDERAL SIGNAL CORPORATION

scale: ea. increment = 5 feet

OPTION shown w/ ltrs. and chasing horses units only. NO PARAPET DECOR OF NEON LINE

8315 KNIGHT ROAD * P.O. BOX 300565 * HOUSTON, TEXAS 77054 * PHONE (713) 799-1666 * FAX (713)799-1169



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

468 ERLANGER ROAD
ERLANGER, KENTUCKY 41018
PHONE: (606) 727 - 3293

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

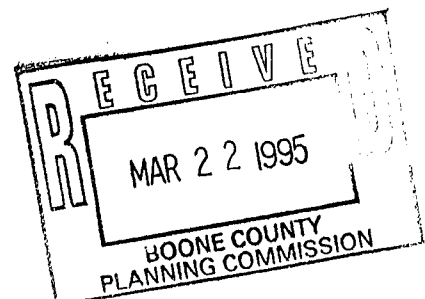
MEMO

3\20\95

Kevin Wall:

Enclosed is the legal description you requested for the
Turfway Park Special Sign District.

Bill Viox



SUPPORTING INFORMATION



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

486 ERLANGER ROAD
ERLANGER, KENTUCKY 41018
PHONE: (606) 727 - 3293

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

DESCRIPTION

Turfway Park Special Sign District

A parcel of land lying on the easterly side of Turfway Road and the northerly side of Houston Road in Boone County, Kentucky and being more particularly described as follows:

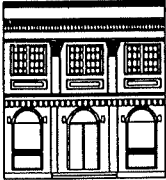
BEGINNING at a point in the easterly right-of-way line of Turfway Road, said point also being the most northwesterly corner of Lot 6 of Saratoga Square Subdivision, Section 2, and running thence:

N 38-46-47 W, along the easterly right-of-way line of Turfway Road, a distance of 1035 feet, to a point, thence
S 51-13-13 W, a distance of 30.40 feet, to a point, thence
N 38-46-47 W, along the easterly right-of-way line of Turfway Road, a distance of 100 feet, to a point, thence
N 51-13-13 E, leaving Turfway Road, a distance of 300 feet, to a point, thence
N 38-46-47 W, a distance of 230 feet, to a point, thence
S 33-41-19 W, a distance of 70 feet, to a point, thence
S 51-12-14 W, a distance of 241.94 feet, to a point, thence
N 38-46-47 W, along the easterly right-of-way line of Turfway Road, a distance of 213.94 feet, to a point, thence
Northeastwardly, continuing along the easterly right-of-way line of Turfway Road as it curves toward the east, a chord bearing of N 5-09-13 E, a chord distance of 237.27 feet, an arc distance of 262.22 feet, to a point, thence
N 49-05-13 E, a distance of 80.81 feet, to a point, thence
Northeastwardly, along a curve toward the north, a chord bearing of N 5-13-44 E, a chord distance of 350.78 feet, an arc distance of 387.53, to a point, thence
N 38-37-46 W, along the easterly right-of-way line of Turfway Road, a distance of 653.94 feet, to a point, thence
N 11-56-21 E, leaving Turfway Road, a distance of 543.04 feet, to a point, thence
N 35-44-42 E, a distance of 650 feet, to a point, thence
S 54-15-18 E, a distance of 310 feet, to a point, thence
N 35-44-42 E, a distance of 210 feet, to a point, thence
S 54-15-18 E, a distance of 478.44 feet, to a point, thence
N 35-44-42 E, a distance of 400 feet, to a point, thence
S 54-15-18 E, a distance of 285.32 feet, to a point, thence
S 35-44-42 W, a distance of 400 feet, to a point, thence

S 54-15-18 E, a distance of 400 feet, to a point, thence
N 50-25-31 E, a distance of 598.86 feet, to a point, thence
S 39-48-14 E, a distance of 1836.08 feet, to a point, thence
S 51-19-58 E, a distance of 660 feet, to a point, thence
S 31-48-03 E, a distance of 724 feet, to a point, thence
Southeastwardly, along the easterly side of the Access Road
from Houston Road to Turfway Park, a distance of 660 feet
more or less, to a point, thence
N 47-26-38 E, a distance of 100 feet, to a point, thence
S 42-33-22 E, a distance of 100 feet, to a point, thence
S 47-26-38 W, along the northerly right-of-way line of
Houston Road, a distance of 150 feet, to a point, said point
being the most southeasterly corner of St. Luke Hospital West
21 acre parcel, thence
Northwestwardly, along the easterly side of St. Luke Hospital
West 21 acre parcel (D.B. 452, pg. 177), a distance of 1228
feet more or less, to a point, thence
S 51-13-13 W, along the northerly side of St. Luke Hospital
West 21 acre parcel, a distance of 650.01 feet, to a point,
thence
S 38-46-47 E, a distance of 30.1 feet, to a point, said point
being the most northeasterly corner of Lot 6 of Saratoga
Square Subdivision, Section 2, thence
S 51-13-13 W, along the northerly side of the aforementioned
Lot 6, a distance of 385.13 feet, to the place of beginning.

3/20/95

BOONE COUNTY PLANNING COMMISSION



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

September 6, 1995

The Honorable Kenneth R. Lucas
Boone County Judge-Executive
P. O. Box 900
Burlington, KY 41005

Dear Judge Lucas:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **Turfway Racing Association (owner)** for a Zoning Map Amendment for a Special Sign District for **Turfway Race Course**. The approximate 180 acre site is located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky and is zoned Recreation/Planned Development (R/PD) and Commercial Two/Planned Development (C-2/PD).

At their meeting of August 16, 1995, the Boone County Planning Commission, by a vote of 9-2, recommended approval by **Resolution R-95-031-A**. This action was taken upon hearing the recommendations 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 Boone County Fiscal Court is **Tuesday, November 14, 1995**.

The approved minutes of the June 28, 1995 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,

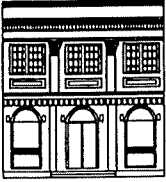


Fred Burch
Vice-Chairman

FB/vlm

Enclosures

BOONE COUNTY PLANNING COMMISSION



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

September 6, 1995

The Honorable Evelyn Kalb
Mayor, City of Florence
7431 U.S. 42
Florence, KY 41042

Dear Mayor Kalb:

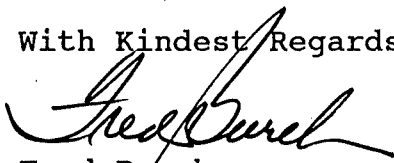
This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of Turfway Racing Association (owner) for a Zoning Map Amendment for a Special Sign District for Turfway Race Course. The approximate 180 acre site is located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky and is zoned Recreation/Planned Development (R/PD) and Commercial Two/Planned Development (C-2/PD).

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The approved minutes of the June 28, 1995 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,

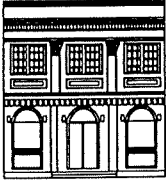


Fred Burch
Vice-Chairman

FB/vlm

Enclosures

BOONE COUNTY PLANNING COMMISSION



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

August 18, 1995

The Honorable Kenneth R. Lucas
Boone County Judge-Executive
P. O. Box 900
Burlington, KY 41005

Dear Judge Lucas:

At the August 16, 1995, Boone County Planning Commission Business Meeting, the Commission, by a vote of 9-2, recommended approval, with conditions, the request of Turfway Racing Association (owner) for a Zoning Map Amendment for a Special Sign District for Turfway Race Course. The approximate 180 acre site is located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky and is zoned Recreation/Planned Development (R/PD).

For your information, the Public Hearing for this request was held on June 28, 1995 and the Boone County Fiscal Court should carefully review the enclosed minutes of that Public Hearing. The signed Resolution (R-95-031-A), cover letter, and full packet will be forwarded to you immediately after our next Business Meeting to be held on September 6, 1995. This project is subject to the K.R.S. 100.211(7) 90 day time limitation. According to our attorney, this time limit for final action cannot be waived, as it is statutory law. The deadline for action to be taken by Boone County Fiscal Court is November 14, 1995.

Sincerely,

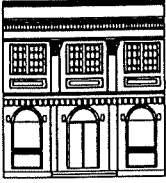


Kevin P. Costello, AICP
Executive Director

KPC/vlm

Enclosure

BOONE COUNTY PLANNING COMMISSION



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

August 18, 1995

The Honorable Evelyn Kalb
Mayor, City of Florence
7431 U.S. 42
Florence, KY 41042

Dear Mayor Kalb:

At the August 16, 1995, Boone County Planning Commission Business Meeting, the Commission, by a vote of 9-2, recommended approval, with conditions, the request of Turfway Racing Association (owner) for a Zoning Map Amendment for a Special Sign District for Turfway Race Course. The approximate 180 acre site is located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky and is zoned Recreation/Planned Development (R/PD).

For your information, the Public Hearing for this request was held on June 28, 1995 and the City of Florence should carefully review the enclosed minutes of that Public Hearing. The signed Resolution (R-95-031-A), cover letter, and full packet will be forwarded to you immediately after our next Business Meeting to be held on September 6, 1995. This project is subject to the K.R.S. 100.211(7) 90 day time limitation. According to our attorney, this time limit for final action cannot be waived, as it is statutory law. The deadline for action to be taken by the City of Florence is November 14, 1995.

Sincerely,

A handwritten signature in cursive script that reads "Kevin P. Costello/vlm".

Kevin P. Costello, AICP
Executive Director

KPC/vlm

Enclosure

MINUTES
BOONE COUNTY FISCAL COURT
September 26, 1995
5:30 P.M.

beyond this franchise, awarding a franchise to take effect at the time the board is formed, and to make public the determination to allow the board to continue to negotiate a franchise presentation to the Fiscal Court that the court would then regulate beyond the term of the current franchise.

Judge Lucas requested that Mr. Kimmich make a presentation to all three of the cities and Boone County Fiscal Court so that a closure can be reached relative to the cable board.

Commissioner Meihaus said that she personally was in favor of allowing the proposed new board to continue to give them another chance at reorganization, but due to the strong sentiment of the three cities, she is willing to bend and work with them in an joint effort. Commissioner Meihaus said she felt the new board should have been given a chance and she is only making the concession for the sake of unity within Boone County at this juncture. Ms. Meihaus said she does think it is a good idea to allow the board to negotiate for a franchise.

Judge Lucas said he agreed with Commissioner Meihaus.

ITEM VII. **ORDINANCES & RESOLUTIONS**

ORDINANCE NO. 920.319 - TURFWAY RACING ASSOCIATION

Judge Lucas read a summary of Ordinance No. 920.319 and declared a Public Hearing open at 6:00 p.m. Hearing no discussion, Judge Lucas closed the Public Hearing at 6:02 p. m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.319, an ordinance of the Boone County Fiscal Court approving the request of Turfway Racing Association (Owner) for a Zoning Map Amendment to the Boone County, Kentucky Zoning Map to establish a Special Sign District for Turfway Park Race Court and zoned Recreation/Planned Development (R/PD) and Commercial Two/Planned Development (C-2/PD) on an approximate 180 acre site located at 7500 Turfway Road, Florence and Unincorporated Boone County, Kentucky, as recommended by the Boone County Planning Commission by a vote of 9-2 via Resolution No. R-95-031-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

ORDINANCE NO. 920.320 - SMITH, STEVENS, & YOUNG, INC/IDI

Judge Lucas read a summary of Ordinance No. 920.320 and declared a Public Hearing open at 6:03 p.m.

Mr. Tim Theissen, attorney representing owners of Holiday Inn, asked that the Court not pass the proposed amendment as he believes the proposal represents poor planning. Attorney Theissen said that Holiday Inn would not have built at this location had this proposal been in existence at the time Holiday Inn was constructed. He said the proposed plan completely disrupts what was intended for this site, and creates unacceptable

MINUTES
BOONE COUNTY FISCAL COURT
September 12, 1995
10:00 A.M.

authorizing the execution and delivery of a Memorandum Of Agreement by and between the County and Western States Envelope Company, a Wisconsin Corporation, relating to the acquisition, construction, equipping and installation of certain "Industrial Building" facilities in the County; agreeing to undertake the issuance of Industrial Building Revenue Bonds at the appropriate time to pay the costs of acquiring, constructing, equipping and installing said facilities, and taking other preliminary actions. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ORDINANCE NO. 920.319 - TURFWAY RACING ASSOCIATION

Judge Lucas present for first reading Ordinance No. 920.319, an ordinance of the Boone County Fiscal Court to consider the request of Turfway Racing Association (Owner) for a Zoning Map Amendment to the Boone County, Kentucky Zoning Map to establish a Special Sign District for Turfway Park Race Court and zoned Recreation/Planned Development (R/PD) and Commercial Two/Planned Development (C-2/PD) on an approximate 180 acre site located at 7500 Turfway Road, Florence and Unincorporated Boone County, Kentucky, as recommended by the Boone County Planning Commission by a vote of 9-2 via Resolution No. R-95-031-A. Judge Lucas advised a Public Hearing and second reading of this ordinance will be advertised for the meeting of September 26th, which begins at 5:30 p.m.

ORDINANCE NO. 920.320, - SMITH, STEVENS, & YOUNG, INC.
INDUSTRIAL DEVELOPMENTS INTERNATIONAL

Judge Lucas presented for first reading Ordinance No. 920.320, an ordinance of the Boone County Fiscal Court to consider the request of Smith, Stevens, & Young, Inc. (Applicant) for Industrial Developments International (Owner) for a change in an approved Concept Development Plan, with conditions, in an Industrial One/Office Two/Commercial Services/Planned Development (I-1/O-2/C-3/PD) zone for an approximate 11 acre site known as Lots 2 and 3, Airport Exchange Business Park, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-032-A. Judge Lucas advised a Public Hearing and second reading of this ordinance will be advertised for the meeting of September 26th, which begins at 5:30 p.m.

ORDINANCE NO. 920.321 - JACOBS/CONRAD BROTHERS INVESTORS

Judge Lucas presented for first reading Ordinance No. 920.321, an ordinance of the Boone County Fiscal Court to consider the request of Jerry Jacobs (Applicant) for Conrad Brothers Investors (Owner) for a change in an approved Concept Development Plan, with conditions, in an Agricultural Estate/Suburban Residential One/Recreation/Planned development (A-2/SR-1/R/PD) zone for an approximate 118 acre site, Rivershore Recreation Facility, located on the north side of KY 8 near KY 237, Boone County, Kentucky, as recommended by the Boone County Planning Commission (10-2) via Resolution No. R-95-033-A. Judge Lucas advised a Public Hearing and second reading of this ordinance will be advertised for the meeting of September 26th, which begins at 5:30 p.m.

ORDINANCE NO. 920.283A/ARLINGHAUS

Judge Lucas presented for first reading Ordinance No. 920.283A, an ordinance of the Boone County Fiscal Court amending ORDINANCE 920.283, to consider the request to remove Condition #4 previously required by the Fiscal Court when adopting Ordinance 920.283 (Boone County Planning Commission Resolution No. R-94-022-A) on September 7, 1994. Judge Lucas advised a Public Hearing and second reading of this ordinance will be advertised for the meeting of September 26th, which begins at 5:30 p.m.