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May 8, 2017

**VIA EMAIL [FREEDOMTOWNSHIP@COMCAST.NET]**

Freedom Township Board of Supervisors  
c/o Joyce Shindeldecker, Township Secretary  
2184 Pumping Station Road  
Fairfield, PA 17320

**RE: Freedom Township Zoning Ordinance Text Amendment  
for Licensed Racetrack/Gaming Facility  
Our Reference: 14471-01**

Dear Board of Supervisors:

As you know, I am co-counsel for LeVan Real Estate Development, LP in connection with the proposed Freedom Township Zoning Ordinance text amendment to provide zoning regulations for a licensed category 1 horse racing and gaming facility. Since the last submission, we have received comments from the Township Engineer and the Adams County Planning Commission. In accordance with those comments, we are providing you with a revised proposed text amendment. We are also sending a copy to the Adams County Planning Commission.

In accordance with the procedures in the PA Municipalities Planning Code, we plan to return to the Freedom Township Planning Commission at its June meeting. In the meantime, please authorize your Solicitor to advertise a public hearing on the text amendment request for your June 2017 Supervisor meeting.

Thank you for your attention to this matter.

Sincerely,

  
George W. Broseman

cc: Bernard Yannetti, Esquire  
LeVan Real Estate Development, LP  
Robert Sharrah  
Linus Fenicle, Esquire

FREEDOM TOWNSHIP

ADAMS COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF FREEDOM TOWNSHIP BY, AMONG OTHER THINGS: (i) AMENDING §202 BY PROVIDING A DEFINITION FOR A LICENSED CATEGORY 1 HORSE RACING AND GAMING FACILITY; (ii) AMENDING SECTION 1001 BY ADDING A NEW SUBSECTION F TO SUPPLEMENT THE STATED INTENDED PURPOSES OF THE MIXED USE DISTRICT (MU); (iii) AMENDING §1004 BY PROVIDING THAT A LICENSED CATEGORY 1 HORSE RACING AND GAMING FACILITY IS PERMITTED BY CONDITIONAL USE IN THE MIXED USE DISTRICT (MU); (iv) AMENDING §1005.D BY ADDING A NEW SUBSECTION 4 PROVIDING FOR HEIGHT REGULATIONS FOR A LICENSED CATEGORY 1 HORSE RACING AND GAMING FACILITY AND ASSOCIATED USES; (v) AMENDING ARTICLE 10 BY ADDING A NEW §1008 CONTAINING REGULATIONS FOR A LICENSED CATEGORY 1 HORSE RACING AND GAMING FACILITY; AND (vi) AMENDING §1504 BY ADDING A NEW SUBSECTION K PROVIDING SIGN REGULATIONS FOR A LICENSED CATEGORY 1 HORSE RACING AND GAMING FACILITY.

WHEREAS, the Pennsylvania legislature has enacted the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S.A. §1101, et seq., to, inter alia, (a) provide a significant source of new revenue to the Commonwealth to support property tax relief, wage tax reduction, economic development opportunities and other similar initiatives; and (b) enhance the further development of the tourism market through year-round recreational and tourism locations in this Commonwealth; and

WHEREAS, the potential exists for the establishment of a licensed horse racing and gaming facility within the Township under the Pennsylvania Race Horse Development and Gaming Act, the Board of Supervisors of Freedom Township has determined that it is in the best interests of the Township to amend the Zoning Ordinance of Freedom Township to create zoning standards and performance criteria for such use.

THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Freedom Township, Adams County, Pennsylvania that the Zoning Ordinance of Freedom Township is amended as follows:

**Section 1.** Article 2-Definitions, §202 is amended to add the following:

Licensed Category 1 Horse Racing and Gaming Facility. The physical facility and grounds where a person has obtained a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct live thoroughbred or harness race meetings respectively with pari-mutuel wagering, at which a licensed gaming entity is authorized to place and operate slot machines and table games, if authorized by the Pennsylvania Gaming Control Board.

**Section 2.** Article 10 §1001 – Intended Purpose is amended to add the following:

F. Further the goals and objectives of the Freedom Township Comprehensive Plan by promoting development patterns which will enhance the physical and environmental characteristics that make Freedom Township a distinctive and identifiable place, and which will direct development to areas most suitable for growth and development.

**Section 3.** Article 10 §1004 – Conditional Use is amended to add the following:

C. Licensed Category 1 Horse Racing and Gaming Facility and associated uses in accordance with the provisions of §1008.

**Section 4.** Article 10 §1005.D – Height Requirements, is amended to add the following:

4. Height requirements applicable to Licensed Category 1 Horse Racing and Gaming Facility and associated uses shall be as follows:
  - a. Maximum permitted building height shall not exceed sixty-five (65) feet with the exception of:
    1. Water storage tank(s) may extend to a height of one hundred twenty (120) feet.
    2. Spires, elevator penthouses, MEP (Mechanical, electrical & plumbing) penthouses, parapets, rooftop mechanical equipment and architectural features may extend to a height of eighty (80) feet.

**Section 5.** A new Article 10 §1008 – Licensed Category 1 Horse Racing and Gaming Facility Standards shall be added as follows:

A. General Requirements.

1. The applicant shall have at least 500 acres under his control.
2. Publicly or privately developed centralized water and wastewater systems as approved by the Pennsylvania Department of Environmental Protection shall be provided in accordance with the Subdivision and Land Development Ordinance of Freedom Township.
3. Maximum impervious coverage shall not exceed twenty (20) percent of the tract area.
4. Access to the development for employees and visitors shall be limited to an arterial roadway (as classified by the township Comprehensive Plan) and shall be located within five thousand (5,000) feet of the US Route 15 interchange (measured along the centerline of the arterial road from the centerline of the intersection of the arterial road and the nearest on or off ramp). Notwithstanding the foregoing, one additional vehicular access point shall be permitted on a Township Road, provided that such access is limited to vehicles associated with the paddock area only. Said access on a Township Road may also serve as an emergency access for emergency vehicles but measures shall be taken to limit its use only in the case of an emergency event. Other access points limited strictly to emergency access areas only shall also be permitted.
5. A viewshed analysis shall be submitted at the time of conditional use application which shall demonstrate the degree to which the proposed buildings are visible from adjacent public roadways or other properties. A landscaping plan shall be submitted with the land development plan depicting the proposed landscaping. The Board of Supervisors may impose additional landscaping requirements in order to soften views of the buildings from adjacent public roadways and properties.
6. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties.
7. At the time of conditional use application, the applicant shall submit a report detailing emergency service needs, including police, fire and ambulance, for the

proposed Licensed Category 1 Horse Racing and Gaming Facility. Said report shall be based on direct communication with potential responders to understand project needs and potential existing limitations regarding emergency response.

B. Setbacks.

1. All proposed principal buildings, the proposed racetrack, and proposed parking spaces shall be set back at least five hundred (500) feet from the existing right of way line of all adjoining public roads. All proposed principal buildings, and the proposed racetrack shall be setback at least 500 feet from any property line of a residential parcel not part of the tract. All parking spaces shall be setback at least 150 feet from any property line of a parcel not part of the tract.

C. Open Space Requirements.

1. An applicant shall maintain at least sixty percent (60%) of a tract proposed for a Licensed Category 1 Horse Racing and Gaming Facility as a permanently preserved open space system. For all open space areas which meet the criteria for open space and which are deemed appropriate by the Board of Supervisors, the applicant shall submit with the Adams County Recorder of Deeds a deed restriction prohibiting the subdivision and non-recreational development of the required open space.
2. Environmentally sensitive areas shall be incorporated into an open space system designed to be integrated with and supportive of the Licensed Category 1 Horse Racing and Gaming Facility. In addition, lands not considered environmentally sensitive, but which are necessary to provide visual buffers between surrounding roadway corridors and properties and the developed portion of the property shall be included, provided that such inclusion does not prohibit essential elements of the facility. An Environmental Assessment study addressing the applicable requirements of Section 409 of the Subdivision and Land Development Ordinance shall be submitted at the time of conditional use application. Provided that at least sixty percent (60%) of a the tract is provided as open space as required by this provision and such open space includes Environmentally Sensitive areas, other Environmentally Sensitive Areas may be disturbed in accordance with permits received from the governmental agency with jurisdiction over such areas.
3. A trail network may be included within the open space to provide passive recreation opportunities for visitors to the facility, and to provide pedestrian connections to other development that could occur within the MU District and US Route 15 Emmitsburg Road interchange setting.

D. Additional Uses.

1. Additional uses shall be permitted provided that they are integrated into the site design and are an integral part of the developed area. Such uses may include, but are not necessarily limited to the following:
  - a. Hotels
  - b. Restaurants/Bars/Lounges
  - c. Recreation/Entertainment Venues

- d. Retail space
- e. Fitness Centers

2. If the Licensed Category 1 Horse Racing and Gaming Facility ceases operation, any of the additional uses, when located in a free-standing building may be continued.

**Section 5.** Article 15 §1504, Sign Standards Classified By Use, shall be amended to add a new subsection K, regulating signs for a Licensed Category 1 Horse Racing and Gaming Facility performance criteria, as follows:

- K. Licensed Category 1 Horse Racing and Gaming Facility. At the time of final land development plan submission, an applicant shall submit a comprehensive signage package for a proposed Licensed Category 1 Horse Racing and Gaming Facility which will identify the number, size and type of all proposed signage, which comprehensive signage plan shall be subject to approval by the Board of Supervisors.

ENACTED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Arrest: \_\_\_\_\_

Freedom Township Supervisors

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