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## Still no casino action in Freedom

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BY JIM HALE Gettysburg Times Staff Writer

The Freedom Township Planning Commission Wednesday delayed action on a proposed horse-racing track and casino.

Chairman Wayne Belt said the applicant asked to be removed from the agenda because the commission had not yet received comments from Adams County planning officials.

Nonetheless, some members of the commission and the audience made comments. About 40 people attended the meeting at the Greenmount Community Fire Department. No representatives of the applicant were on hand to make a presentation.

At issue is LeVan Real Estate Development LP's request that the township change ordinance language to allow the Mason Dixon Downs development at 4200 Emmitsburg Road, including restaurant and hotel facilities. The site of some 500 acres is zoned for mixed-use development in the style of a residential village.

It is not the commission's duty to consider the "merits" of a proposal, such as potential job development, member John Rica said, citing lessons he said he and Belt learned at a recent workshop hosted by county planners. Instead, Rica said, the commission's job is to advise the township supervisors as to whether a proposal meets requirements of the ordinance and comprehensive plan. Other issues are "political" matters more properly addressed by the elected supervisors than the appointed commission members, Rica said.

Belt made similar comments.

Member Paul Kellett was not present, but Belt read written comments submitted by him.

**Kellett urged the commission "to recommend that the supervisors not adopt this or any similar text amendment" because it would be "incompatible" with the site's current zoning and the comprehensive plan.**

"It is unfair and I think illegal to allow for such a large commercial use of one property within a zone while prohibiting the adjacent properties from engaging in commercial

enterprises," Kellett wrote. "The whole concept of zoning is that we are to treat equally all property within a zoning classification," he wrote.

**Kellett also wrote he understands state law to limit the township's potential "local share" of gaming revenues to a half-percent of the township's 2004 budget, or just less than \$119,000, which "would not fund a Freedom Township police force."**

**"I urge the applicant to be more forthcoming,** and caution the township not to rely on the advice and counsel given by the applicant," Kellett wrote.

From the audience, Rebecca Kurnat read a letter to the commission from attorney Susan Smith, who Kurnat said is representing some township residents and the township No Casino group. The township is legally required to provide zoning for all "reasonable" land uses, not all "lawful" ones, Smith wrote.

**"A use may be omitted from a municipality where such exclusion bears a substantial relationship to the public health, safety, morality or welfare," Smith wrote.**

"Pennsylvania law does not require a municipality to provide through zoning for every business model nor a 'use' particularized, as here, by the self-interested developer seeking heightened financial gain," Smith wrote.

**The proposed text amendment "conflicts with the township's adopted land use policies and zoning," "provides incomplete and/or conflicting standards and requirements" and "does not warrant further consideration by the township," Smith wrote.**

From the audience, township resident Randy Oliver said he visited another casino in the state and spoke with employees there. He said they did not describe high wages or a strong state police presence at the facility.

Resident Charles McElhose rose with questions for the commission, including whether approving the Mason Dixon proposal would require finding space elsewhere in the township to permit a large residential development of the type previously approved for the site. He also asked whether project sizes of less than 500 acres could be considered.

The Mason Dixon effort is led by local business owner David LeVan, who has spearheaded two previous, unsuccessful attempts to develop a casino in Adams County.