

**Minute of Meeting  
Belton Planning Commission  
City Hall Annex, 520 Main Street  
December 16, 2013**

**CALL TO ORDER**

Chairman Holly Girgin called the meeting to order at 7:00 p.m.

**ATTENDANCE**

Commission: Chairman Girgin, Mayor Jeff Davis, Councilman Tim Savage, Commissioners Tim McDonough, Chris Christensen, Steve Finn, Chuck Crate and Larry Thompson.

Staff: Robert Cooper, City Planner; Zach Matteo, City Engineer; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Sally Davila

**MINUTES**

Mayor Davis moved to approve the minutes of the December 2, 2013 Planning Commission meeting. The motion was seconded by Commissioner Thompson. All members present voted in favor and the motion carried.

**PUBLIC HEARING** - Special Use Permit for Benjamin Enterprises horse racetrack

Mr. Cooper presented the staff report providing details about the Special Use Permit (SUP) application from Benjamin Enterprises to allow a public horse racetrack on property locate in the 16000 block of S. Prospect. He noted the Google Map aerial view attached in the agenda packet is incorrect and pointed out the correct map in the staff report. The location of the proposed horse racetrack was shown on an aerial photo of the site. He stated the property, and surrounding properties are zoned Agricultural.

It was reported that Benjamin Ranch, located in south Kansas City, is closing after 125 years in the area and the business would like to continue to provide equestrian events by relocating to the Belton property. The proposed site was categorized as secluded and Mr. Cooper described features of the proposed site plan which included the racetrack, event seating, food and parking. It was estimated that approximately 400 people could attend the weekend events with the proposed track opening in the spring of 2014. According to Mr. Cooper, the site is approximately 20 acres. It was mentioned during the staff report that the size of the existing gravel driveway approach from Prospect will need to be increased to no less than 24-feet, plus graded to accommodate emergency and other large vehicles.

Mr. Cooper distributed photos of the existing property access road. He noted that any external wiring must be approved by a City building inspector; stormwater will be routed to existing creek; water will be brought to the site by truck; a six-foot chain-link perimeter fence will be installed; and a vendor parking area and horse corral will be designated on the site.

Chairman Girgin opened the public hearing at 7:13 p.m. The hearing was being held to receive public input regarding the SUP application submitted by Benjamin Enterprises for a horse racetrack.

Matt Schlicht with Engineering Solutions, 500 SE 30<sup>th</sup> Street, Lee's Summit, Missouri, spoke in favor of the SUP. Mr. Schlicht gave an explanation of the intention of the Benjamin proposal. He categorized the proposed use of the site as a continuation of the existing Benjamin Ranch business and reported the operations will be separated into two locations. The indoor uses will be moved to the Faulkner Ranch on Raytown Road in Kansas City, and the equestrian portion would move to the Belton property if approved. He stated the racetrack will be used primarily for match races with two/three horses running at a time and he classified the races as training for horses. Other equestrian activities that will be held on the site are barrel racing, buck-offs, and horse shows according to Mr. Schlicht. He stated the events are limited, weather permitting, daylight events which will be held primarily on the weekend. In addition, mobile vendors/ food trucks are brought into the site during the equestrian events. He went on to report the proposed equestrian area is approximately 20 acres within a 120 acre property and Mr. Schlicht told of the surrounding land uses. He reported the applicant will continue to work with staff and he described future improvements that will be made to widen and upgrade the entrance. He related information about a perimeter gated chain-link fence, and the separation of vehicles / animals on the property. Mr. Schlicht added the SUP one-year review proposed by staff is acceptable to Benjamin Enterprises. He stated the SUP application's intent is to provide a small controlled venue for equestrian events.

Bob Faulkner, President of Ranch Entertainment Inc., 10600 Raytown Road, Kansas City, Missouri, was present to speak in favor of the SUP application. Mr. Faulkner introduced his adult children who work in the family business. He gave a history of the development and administration of match horse races held at Benjamin Ranch for the last 12 years. According to Mr. Faulkner the events have been held in the middle of the City with little or no problems and he indicated the results have been very successful.

Mr. Faulkner answered questions about the average event attendance, which he estimated to be 300, plus the horse owners, but the attendance numbers fluctuate and are weather-driven. He went on to say it is against the law to have pari-mutuel betting and signs are posted. They work with the City to provide a police presence with at least four uniforms and three non-uniform personnel present for security.

It was stated that in the past, Benjamin Enterprises had discussed a different location for the event which was west of Lawn-Corp. Mayor Davis asked about the gravel drive which Mr. Cooper indicated is allowed in an agricultural zoning district. Mr. Faulkner told the Commission about the business's insurance coverage and the location of the Kansas City operation. He stated there is no residential in the area of the proposed track and he explained how they monitor noise levels / decibel readings to meet City codes.

Questions were asked about the minimum City requirements for insurance coverage. Mr. Cooper indicated that proof of insurance would have to be provided to the City Clerk. The food

vendors/caterers that come on site are subcontractors of the business and will be required to provide a certificate of insurance.

Mr. Danny Haus, attorney, 7926 E. 171<sup>st</sup> Street, Belton, Missouri, was present representing a neighbor of the property. He asked for clarification on the location of the proposed track. He asked Mr. Faulkner about the access plans and it was stated that no additional access is planned to the site, and the existing tree buffer will remain in place.

There was no further input and Chairman Girgin closed the public hearing at 7:33 p.m.

During discussion it was brought out that any vendors doing business on the site would be required to have a City business license, and Mr. Cooper will get further information from the City Clerk about any additional taxes/fees that will go to the City. Councilman Savage was generally in support of the application but he voiced concerns about the gravel spectator parking. He suggested the City may want to consider including as a condition of approval, a means to require future paving of the gravel parking if there is a build out and dust becomes a problem on the property. Mr. Cooper recommended adding the suggestion as #4 to the staff's recommendations for conditions of approval shown in the staff report.

Mr. Matteo recommended "stormwater management requirements will be reviewed and approved by the City Engineer" be added as #5 to the staff's recommendations for conditions of approval.

There were questions and discussion about whether staff has had sufficient time to review the project application. Mr. Cooper indicated that staff has reviewed a large part of the project but it has not been one-hundred percent reviewed. Mr. Matteo added that the project has not been completely engineered but the applicant is requesting the SUP now, with the expectation of submitting construction plans to staff for review later. Chairman Girgin went on to clarify by asking if the Commission is generally in favor of the project with the understanding that there are details to be worked out by staff. It was noted that if the applicant receives a general understanding the Commission is in favor of the project, then staff and the applicant will continue to work out the details and return to the Commission February 3, 2014 for final consideration of the SUP.

Commissioner Crate moved to provide the applicant with preliminary/conditional approval of the SUP application with a minimum of five conditions (three in the staff report and two additional proposed tonight). The SUP plans/details are to be reviewed further by staff with the understanding that additional conditions may be recommended, and on February 3, 2014 the application will come before the Commission to be considered for final approval. In discussion, Councilman Savage pointed out that he would prefer the conditions of approval not be limited to five, as staff and the applicant work out the details during the review process. Chairman Girgin clarified the motion by stating, "conditional approval of the application subject to specified conditions." Commissioner Crate's stated intent was to allow staff time to work out all the details before final approval. Questions were asked about required permits if in the future the applicant begins to make significant improvements on the site. Mr. Cooper stated the SUP would be

brought back to the Commission and additional requirements would be imposed. There was discussion about actions that could be taken by the City if complaints are received about the events. Potential future expansions such as paving and the required stormwater management were discussed, along with estimates for a reasonable amount of time that could be given to the applicant to resolve any issues. In discussion of staff's recommended conditions of approval, Mr. Cooper suggested modifying condition #3 to read - the special use permit ~~may~~ will be reviewed ~~by staff in one year pending any code or nuisance violations~~. There was further discussion about whether to review the SUP annually.

Mayor Davis seconded the motion. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners McDonough, Christensen, Finn, Crate, and Thompson. Noes: none. Absent: 1 - Commissioner Davila. The motion carried.

#### **DISCUSSION** - Markey Regional Detention Fee Program

Mr. Matteo reported the City consulted with Olsson Associates to design a portion of Markey Parkway which included alternatives for a regional detention facility. He described the recommended detention facility and stated the proposed fee for developers choosing to participate in the program would be \$3,560 per acre to fund construction and long-term maintenance. He referred to a watershed map and provided details about the drainage area. The fee program will require changes to Chapter 32 of the Unified Development Code (UDC) and a public hearing to amend the Code is scheduled for January 6, 2014 according to Mr. Matteo. He went on to note that the program would eliminate on-site stormwater detention requirements for those that choose to participate, but other City stormwater management requirements would still apply. Mr. Matteo gave an example of the stormwater management analyses and BMP features submitted to the City for the Academy Sports project. Mayor Davis pointed out that a large amount of developable land will be recaptured with the creation of the regional detention program.

#### **DIRECTOR'S REPORT**

Mr. Cooper reported the next Commission meeting is Monday, January 6, 2014 and the proposed amendments to Chapter 32 - Stormwater Management and Flood Protection of the UDC is the only item on that agenda.

Commissioner McDonough asked for clarification about the City requirements for permits, insurance, and vendor business licenses for the proposed equestrian events SUP discussed earlier in the evening. Mr. Cooper gave a brief explanation of the City processes and there was further conversation about the enforcement of violations at the site. It was recommended that additional conditions could be added to the SUP approval regarding site security.

#### **ADJOURNMENT**

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Crate. All voted in favor and the meeting adjourned at 8:15 p.m.

Ann Keeton

Community Development Secretary