

**Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
February 3, 2014**

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 Sally Davila, Tim McDonough, Steve Finn, Chuck Crate and Larry Thompson.

Staff: Jay Leipzig, Planning and Economic Development Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Chris Christensen

MINUTES

Commissioner Crate moved to approve the minutes of the December 16, 2013 and January 6, 2014 Commission meetings. Commissioner Thompson seconded the motion. All members present voted in favor and the motion carried.

SPECIAL USE PERMIT - Horse Racetrack on Prospect north of 58 Highway

Mr. Cooper announced that consideration of the Special Use Permit (SUP) application for a public horse racetrack is a continuation of the discussion that took place at the December 16, 2013 Commission meeting. He identified the location of the proposed track on a site map and told the zoning designation of the property and surrounding properties. Features on the site plan were pointed out by Mr. Cooper including the gravel drive and parking areas, the track, public seating, horse staging area, and food vendor area. He reported the applicant selected the site for its close access to 58 Highway and secluded nature. The property has not previously been developed due to gas and oil wells in the area according to Mr. Cooper. He reported on the status of engineering items including BMP's, the land disturbance permit from MDNR, a City land disturbance permit, and erosion control plans, for the proposed project.

It was noted by Mr. Cooper that an adjacent property owner met with staff to discuss some concerns they had about the proposed racetrack. He went on to report that some of the concerns are addressed in a letter written by the applicant (letter was included in the agenda packet). It was also noted by Mr. Cooper, that he recently spoke to the owner of American Topsoil, which is located in the area of the proposed racetrack. He explained the topsoil business operates on weekdays and is mainly a delivery business for their product, with few, if any, customers coming onsite. The racetrack will operate primarily on the weekends according to Mr. Cooper which should prevent scheduling conflicts.

Mr. Cooper went into detail about staff's concerns pertaining to the gravel driveway with access off of Prospect Avenue. He stated the applicant has agreed to widen the drive to 24-ft. and to

modify the slope of the access road to accommodate the apparatus load requirement of the City fire department. Other staff report items mentioned included: banner signs will be allowed; requirements for electrical on site; and fencing will be installed in phases. Mr. Cooper reported that staff recommends approval and he read the 10 recommended conditions of approval. He announced the applicant's engineer agreed to all of the proposed conditions. Items clarified during subsequent discussion included the location of the entrance to the site, and all events are to be held during the daylight hours only.

The location of neighboring property owned by Pat Misemer was identified on the site map. Mr. Misemer had met with staff to discuss concerns regarding the proposed SUP application. Mayor Davis expressed concern about the unidentified issues that may occur or negatively affect neighboring properties as the result of the SUP. It was stated by Mr. Cooper that the owner of American Topsoil is aware of the proposed track and is "okay" with the project. Councilman Savage pointed out that Condition #10 addresses the unforeseen issues that may arise from the track operation, and it also gives the City the ability to correct those issues.

Pat Misemer, owner of 55 acres east of the Benjamin property, spoke to the Commissioners about his property and a 110-acre property south of Mr. Misemer's, which he said is zoned BP-R (Business Park-Restricted). His stated opinion was that the current BP-R zoning is not the best use in the area and indicated that he is in favor of the area becoming a low density residential use. Mr. Misemer announced that he is related to Mr. Benjamin, the applicant. He gave an account about the purchase of the property from Rosehill Farms. He asked questions about when the SUP would expire and commented on the SUP language referring to project as a "racetrack" not a practice track. He suggested that a racetrack should be sanctioned, and he contended that a horse racetrack is not the best use of the property.

Mr. Cooper clarified the renewal / expiration of the SUP and referred to Condition #8 which calls for a yearly staff inspection to verify the site plan remains unchanged . . . He went on to explain, this inspection would leave it to City staff's discretion to determine whether to bring it back to the Commission for further consideration based on an increase of activity or nonconformance with City codes. Councilman Savage talked about upgrades/paving on the racetrack property being a condition of approval in order to stay consistent with future improvements to surrounding areas. Mr. Cooper stated he believes the proposed conditions will allow the area to grow and also allow Mr. Benjamin to utilize his property, while protecting the adjoining property owners. Commissioner McDonough moved to recommend approval of the SUP application to allow a public horse racetrack on property zoned A (Agricultural) located in the 16000 block of S. Prospect Avenue with the following conditions:

- 1) No issuance of a City business license until the site has had a final life-safety inspection by the fire marshal and building official.
- 2) All shows and events must end at dusk.
- 3) No gambling shall be allowed.
- 4) A food and liquor license shall be obtained prior to opening.
- 5) Any area which will be used for public seating / eating purposes shall be clearly marked; roped off; and protected from vehicles.
- 6) Gravel roads and driveways shall be treated to reduce dust.

- 7) Roadway maintenance on site including entry point from Prospect shall be the responsibility of the developer.
- 8) City staff shall perform a yearly inspection to verify site plan remains unchanged and in conformance with other City of Belton codes.
- 9) Any expansion of the land area or an increase in activity without prior City approval shall be construed as a violation of the SUP.
- 10) The City shall impose any additional condition(s) as deemed necessary with cause.

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

PUBLIC HEARING - Markey Regional Detention Development Fee Program

Mr. Leipzig announced this hearing will be continued to March 3, 2014 due to continued meetings with staff and legal council to finalize the calculations for the Markey Regional Detention Program.

PUBLIC HEARING- Planning Commission & Board of Zoning Adjustment membership/meeting guidelines

Mr. Leipzig reported it was discovered that changes need to be made to the Unified Development Code (UDC) and he categorized the amendments as housekeeping items to make the Board of Zoning Adjustment and Planning Commission provisions consistent with the bylaws and City Charter. Chairman Girgin opened the public hearing at 7:33 p.m. As there was no public input, Chairman Girgin closed the public hearing at 7:33 p.m. Mayor Davis moved to recommend approval of text amendments to Section 2, Articles(s) V-VI of the UDC regarding Board of Zoning Adjustment and Planning Commission membership and meeting guidelines. The motion was seconded by Commissioner McDonough. When a vote was taken, the following was recorded, Ayes: 8 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioners Davila, McDonough, Finn, Crate, and Thompson. Noes: none. Absent: 1 - Commissioner Christensen. The motion carried.

DIRECTOR'S REPORT

Mr. Leipzig presented the annual end of the year report along with proposed issues and key projects for 2014. Some projects and discussion items mentioned by Mr. Leipzig included:

- 1) Separation requirements for tobacco shops
- 2) Regional Detention Development Fee Program
- 3) Annexation plan and strategy for proposed development areas
- 4) Markey Business Park Plan
- 5) Develop TDDs for undeveloped portions of Markey Parkway
- 6) North Scott Corridor Plan
- 7) Establish a rehabilitation/renovation program for Old Town Belton in association with Downtown Belton Main Street, Inc.
- 8) Begin preparatory work for a Comprehensive Plan update

The Commission discussed several scheduled improvements in conjunction with the North Scott Corridor Plan which included improvements to the 155th Street overpass and road improvements on the east and west sides of I-49.

Mayor Davis suggested creating an orientation program for new Planning Commission members. It was pointed out that Mid-America Regional Council (MARC) has a training program for new Commission members. Mayor Davis gave an account of several of the current and upcoming City projects.

Chairman Girgin announced that Missouri Department of Transportation is discontinuing community partnership programs.

ADJOURNMENT

Commissioner Crate moved to adjourn the meeting. Commissioner Thompson seconded the motion. All members present voted in favor and the meeting adjourned at 7:48 p.m.

Ann Keeton
Community Development Secretary