



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING AND PUBLIC HEARING
MONDAY, JULY 21, 2014 - 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

- I. **CALL MEETING TO ORDER**

- II. **ROLL CALL**

- III. **APPROVAL OF THE MINUTES OF THE JULY 7, 2014 PLANNING COMMISSION MEETING**

- IV. **PUBLIC HEARING**
 - A. Consideration of text amendments to the Unified Development Code regarding Retail Tobacco Stores.

- V. **DIRECTOR'S REPORT**

- VI. **NEXT MEETING DATE: August 4, 2014**

- VII. **ADJOURNMENT**

MEETING MINUTES

JULY 7, 2014

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
July 7, 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, Chris Christensen, Steve Finn, Chuck Crate and Larry Thompson.

Staff: Jay Leipzig, Director of Community and Economic Development; Jeff Fisher, Public Works Director; Robert Cooper, City Planner; Brandon Keller, Planning Intern; and Ann Keeton, Community Development Secretary.

INTRODUCTION

Mr. Leipzig introduced Brandon Keller, the Community and Economic Development Planning Intern.

MINUTES

Commissioner Thompson moved to approve the minutes of the June 16, 2014 Planning Commission meeting. Commissioner Davila seconded the motion. All members present voted in favor and the motion carried.

FINAL DEVELOPMENT PLAN - Carriage Works, 401 N. Scott

Mr. Leipzig introduced Curt Cunningham, owner of Carriage Works; and Jeff Schroeder, architect, who were both present at the meeting. Mr. Cooper presented information about the Carriage Works project which included the property zoning, and the zoning of surrounding properties. He described the proposed building façade and pointed out various features on the development plan. Regarding staff comments shown in the agenda packet, Mr. Cooper pointed out that the Planning Department Comment #3 regarding exterior trash enclosures and compactor screening, will be removed from the comment list. He went on to explain that the owner and architect reported there will be no exterior trash compactor or enclosure. Mr. Cooper went over the parking and landscape plans, along with a review of the staff comments included in the agenda staff report. A fire lane which will be used to access the east and back side of the building was pointed out by Mr. Cooper. He also reviewed the property grading plan and rain garden. It was stated that all items mentioned in the staff report will be addressed before the final development plan goes to the City Council for approval, which Mr. Leipzig expects will be on July 22, 2014.

Councilman Savage asked questions and initiated a discussion about the existing manufactured home community which is adjacent to the south side (back) of the new building, and what methods can be

employed for building relief or for a buffer/screen between the two uses. Mr. Cooper explained the Code requirements for the appearance of building facades visible from the roadway, and buffer/screen requirements between two opposing zoning districts. Mr. Cunningham stated there have been talks about erecting a fence between the properties but there are no specifics at this time.

Mayor Davis remarked that the Carriage Works project is eligible to participate in the recently approved Markey Regional Detention Program. He went on explain the benefits of participation in the detention program for those eligible businesses/developments. The building façade was another subject mentioned by Mayor Davis and he stressed the importance of the exterior appearance for new buildings and complimented the proposed design for the front of the Carriage Works building. Mr. Leipzig elaborated on the project's attractive design and explained the cost of participation in the regional detention program. Mr. Schroeder stated that participation in the regional detention option increased the usability of the site. Commissioner Christensen moved to recommend approval of the final development plan #FDP14-10 for Carriage Works, a light manufacturing development, on a 10.47-acre tract of land, located at 401 N. Scott with the following conditions:

Planning

- All exterior ground-mounted and/or building mounted equipment including but not limited to mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.
- All roof-top equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture.
- A uniform and detailed sign plan is required and shall be submitted with construction plans, prior to final occupancy.
- The parking ratio for this project is 1:300-sq. ft. (gfl), plus 1 for 1,000-SF of manufacturing area, which equates to no less than 45-parking stalls. The site will provide for 52 parking spaces which include two (2) handicap spaces.
- All proposed landscaping shall be installed prior to the issuance of the final certificate of occupancy.
- The landscape plan provides for multiple plantings of shade, and ornamental trees with deciduous shrubs and native grasses.
- A landscape maintenance escrow equivalent to twenty-five percent (25%) of total estimated cost shall be submitted to the city.
- All proposed landscaping shall be installed prior to the issuance of the final certificate of occupancy.

Engineering –

The City of Belton Engineering Division has reviewed the final development plan. These comments are based upon the current APWA (American Public Works Association), standards, city ordinances and subdivision regulations.

- This project is eligible to apply for participation in the Markey Regional Detention Program. Participation is contingent on approval of the final stormwater management report. Review of the preliminary stormwater management report is ongoing. A signed agreement between the developer and the City for participation in the regional detention program will also be required.
- Display stream centerline and stream setback line on grading plan and Sheets C1 and C2. Per Section 32-8 of the unified development code, the stream setback extends to 40 feet on either side of the stream centerline.
- Comments on erosion control plans will be provided in a separate letter as part of the review of the complete Grading & Erosion Control plan set.
- Incorporate ribbon curb detail into the plans and specify north side of parking lot will use ribbon curb.
- Provide backflow preventer pit for domestic service line per City standard detail WAT-021.
- Remove RPZ note on fire line backflow preventer and specify "double check backflow preventer" to be consistent with detail.
- For 4" connection to 8" fire line, specify a tee rather than a wet tap. Provide valve on 4" line after tee.
- Traffic control plans may be required to be submitted before operations begin based on impacts to traffic on North Scott.
- All improvements to public infrastructure shall be designed and constructed in accordance with the City of Belton Design and Construction Manual and the City's Unified Development Code.

Fees

- The following public infrastructure fees will be required before construction of the public improvements. The cost of public improvements will be based on a cost estimate provided by the developer's engineer and approved by the City Engineer.
 - Performance and 2 year Maintenance Bond at 100% of construction cost for public improvements. (Includes public waterline only.)

Building Inspections –

- Pursuant to Section 28-1(b)(2)b, 15% of each façade shall be recessed, projected or alternately staggered from the primary plane of the wall. The requirement for each façade can be modified to those walls visible from the most adjacent streets; which in this case are the west and north walls. As shown, the north wall has an articulated area equal to 60% of the required minimum.

An additional 510-SF articulation must be included. This can come in the form of a variation in the building plane, parapet height, materials, colors, entrance canopies or landscaping.

- Pursuant to Section 28-1(b)(2)f, long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.
- In addition, Section 28 requires the front and side facades consist of materials described herein the code section. Because this building is in a manufacturing zoning district, metal siding is allowed on the rear and side walls as long as it has a depth of ¾-inch or greater and is a minimum of 26-gage. Metal panels may not be unpainted

Fire Department -

- All construction must comply with the provisions of the 2012 International Fire Code (IFC) (or code adopted at time of construction) and City of Belton local amendments and standards.

Commissioner Thompson seconded the motion. When a vote was taken, the following was recorded, Ayes: 9 - Chairman Girgin, Mayor Davis, Councilman Savage, Commissioner Davila, McDonough, Christensen, Finn, Crate and Thompson. Noes: none. Absent: none. The motion carried.

FINAL DEVELOPMENT PLAN - Briar Creek Villas, 205 Cunningham Industrial Parkway

Mr. Leipzig introduced Jim Moore, principal owner of the Briar Creek Villa project. He explained the comments included in the staff report are standard detail notes. Mr. Cooper reported the multi-family project will have 48 units. Referring to a site plan of the property, he provided information about access, parking, the trash enclosure, fire access lane, stormwater detention and landscape features. He reported that staff comments will be addressed before going to the City Council for approval. Mr. Leipzig announced that a comment regarding improvements to Cunningham Parkway was removed from the preliminary plat. He recommended the Commission give thought to the benefits of changing the zoning designation to a PUD or light office in the area of Cunningham Parkway. There was a discussion about pedestrian access to the retail business area next to Briar Creek Villas. Mayor Davis moved to recommend approval of the final development plan #FDP14-08 for Briar Creek Villas, a senior housing facility, located at 205 Cunningham Parkway; with the following conditions: (the developer acknowledged all of staff's comments):

Planning –

Reference: - Site Plan

- The following violation wording shall be added to the ADA signage: 'Fines: \$50 - \$300'
 - **This note will be added to the sign detail shown on sheet C190 and a revised sheet will be issued with Addendum #1.**
- Provide a detailed exterior lighting plan, e.g.: parking lot and buildings
 - **A photometric lighting plan will be added to the set of plans with**

addendum #1.

- Provide details on all proposed signage.
 - **A sign detail package is provided with this document for review.**

Reference: -Landscape Plan

- Provide details on landscaping irrigation system, including a back-flow preventer.
 - **Irrigation details will be added to sheet L2 with Addendum #1 and will be submitted to the city for review.**
- Provide a landscape escrow in the form of cash or irrevocable letter of credit in the amount of 25 percent of estimated cost.
 - **The owner and general contractor are aware of this and will comply with the city requirements.**
- Change zoning to R-3A (Apartment Community Residential) District.
 - **The note on sheet L-1 has been revised and will be reissued with Addendum #1.**
- Under the plant material schedule; all plant quantities are minus one. Pls. recalc. / design.

The note on sheet L-1 has been revised and will be reissued with Addendum #1.

Reference: -Parking Plan

- Accepted as submitted.
- All proposed landscaping shall be installed prior to the issuance of the final certificate of occupancy.
 - **Owner and contractor are aware of this requirement.**

The note on sheet L-1 has been revised and will be reissued with Addendum #1.

Reference: -Parking Plan

- Accepted as submitted.
- All proposed landscaping shall be installed prior to the issuance of the final certificate of occupancy.
- **Owner and contractor are aware of this requirement**

Engineering –

General

- Waterline and sewer extensions will be private infrastructure. Revise water and sewer plans to show these as private and delineate public from private water. Provide backflow preventer vaults at R/W line for waterline. Review of revised waterline plans will be required before final acceptance.
 - **Revised plans will be issued with Addendum #1 addressing this requirement.**
- Improvements to Cunningham Parkway between 58 Highway and the proposed

development are recommended per Section 36-109 of the Unified Development Code. Per this section of code, final determination is to be made by City Council.

- o **The owner is aware this issue.**
- Comments and clarifications on the preliminary stormwater management report have been provided to the developer's engineer. Final acceptance of the stormwater management report is required before building permit issuance.
 - o **The Civil Engineer is aware of this requirement.**
- All improvements to public infrastructure shall be designed and constructed in accordance with the City of Belton's Design and Construction Manual and the City's Unified Development Code.
 - o **The Civil Engineer and Contractor are aware of this requirement.**

Site Plan (C100)

- Add to Note 3 under Construction Notes: All improvements to public infrastructure shall be designed and constructed in accordance with the City of Belton's Design and Construction Manual and the City's Unified Development Code.
 - o **Revised plans will be issued with Addendum #1 addressing this issue** Site Plan Details (C190)
- Traffic control plans are required to be submitted to the Public Works Department before any work impacting traffic on public streets begins, including modifications to Y Hwy.
 - o **Revised plans will be issued with Addendum #1 addressing this issue.**
- Proposed driveway approaches shall comply with the City's standard detail (*Commercial Concrete Approach -STR-016*) for commercial approaches. Add note or callout on site plan for these two approaches.
 - o **Revised plans will be issued with Addendum #1 addressing this issue.**
- Public sidewalk shall be constructed in accordance with City standard detail (*Typical Sidewalk STR-012*). Replace "Public Sidewalk Ramps" detail with City standard detail.
 - o **Revised plans will be issued with Addendum #1 addressing this issue.**

Grading Plan (C300)

- Change Note 11 in *Grading Notes* to read: "Contractor shall comply with Erosion Control plans per Sheet C400, C490 and C491."
 - o **Revised plans will be issued with Addendum #1 addressing this issue.**

Erosion Control Plan (C400)

- Note 8 under *Erosion and Sediment Control Inspection Procedures*: Erosion control inspection form will be provided by the City. Please add at the end of Note 8: "and submitted to the City weekly and after each rainfall event producing runoff." to match Note 1.
- Permanent seeding note: Provide detail in plan set on permanent vegetation species.
- Note 8 under *General Notes*: Straw bales shall not be used. Use City of Belton standard detail ERO-008 and incorporate into note. Replace last sentence with "Inlet barriers shall comply

with City of Belton standard detail ERO-008."

- Note 13: Straw bales shall not be used.
- Note 24: "...as required by the City of Belton Design and Construction Manual."
- Note 25: Phases must be provided on an erosion control plan sheet if phasing is to be allowed.
- Label construction entrance.
- Remove silt fence in front of proposed outlet structure at detention basin and provide rock check dam in front of outlet as well as on both inlets draining to detention basin.
- A State of Missouri Land Disturbance Permit (LOP) and City of Belton LOP are required to be submitted to the City Engineer before construction activities begin. Belton LDP will be provided to developer's engineer.
 - **Revised plans will be issued with Addendum #1 addressing all erosion control plan issues above.**

Utility Plan (CSOO)

- Waterline and sewer extensions will be private infrastructure. Revise water and sewer plans to show these as private and delineate public from private water. Provide backflow preventer vaults at R/W line for waterline.
 - **Revised plans will be issued with Addendum #1 addressing this issue.**
- Revise Note 4 to replace "Water Department" with "Water Services Division".
 - **Revised plans will be issued with Addendum #1 addressing this issue.**

Drainage Map (C600)

- Are velocities and HGLs provided in table for the 10 year or 100 year?
- Provide profile of sewer from detention outlet structure to existing ditch in the storm sewer plans (Sheets 610-613)
 - **Revised plans will be issued with Addendum #1 addressing the Drainage Map Issues above.**

BMP Plan (C620)

- See note in landscape plans on coordination between BMP plan and landscape plans.
 - See note below.
- Please provide notes regarding landscaping schedule (i.e., recommended months of the year) for specific BMPs and plant species.
 - **Revised plans will be issued with Addendum #1 addressing this issue.**

Landscape Plans (L1 & L2)

- Change/update Landscape Plans (L-1 and L-2) to correspond with stormwater BMP plan

(sheet C620). Trees, lawn and other landscaping appear in L-1 but conflict with the BMP plan.

Landscaping provided in C620 should be used.

- o **Revised plans will be issued with Addendum #1 addressing this issue.**

Fees

- The following public infrastructure fees will be required before construction of the public improvements. The cost of public improvements will be based on a cost estimate provided by the developer's engineer and approved by the City Engineer.
 - o Performance and 2 year Maintenance Bond at 100% of construction cost for public improvements.
 - o Engineering review and inspection fee of 5% of public improvement construction cost. The current fee is 5% but City Council will be reviewing changes to the development fee schedule soon and this includes a reduction of this fee from 5% to 3%.
- The following additional fees related to public infrastructure will be due at building permit issuance:
 - o Arterial street impact
 - o Sanitary connection/water impact
 - o Water tap

The owner and contractor are aware of the required fees noted above

Building Inspections – Site Plan

The Building department has no comments related to the Briar Creek Site Plans.

Construction Plans

- The City of Belton requires water hammer arresters as per the 2012 IPC and sized for the distance from fixtures. Stand pipe are not acceptable for use as water hammer devices.
 - o **Revised plans will be issued with Addendum #1 addressing this requirement.**
- The plans show the Backflow to be inside the building. The City of Belton requires the back flow device to be at the meter.
 - o **Revised plans will be issued with Addendum #1 addressing this requirement.**

The plans are accepted for construction as submitted pending resolution of the backflow location.

Fire Department -

- All portions of every building are required to be within 600 feet of a fire hydrant.
 - o **This requirement will be verified.**
- There are no calculations for fire flow requirements.
 - o **The calculations will be provided with the fire suppression shop drawings, which will be submitted for full review. Fire suppression work will not start until all documents are approved**
- The fire department connection for the fire suppression system is required to be a 5" Storz connection with a 30-degree elbow.

- **A note will be added to sheet CSOO addressing this requirement.**
- The clearance for the covered drop off portico is required to be a minimum height of 13'6" in height.
 - **Revised plans will be issued with Addendum #1 addressing this issue.**
- Submit fire suppression plans to the Belton Fire Marshal's office for review and permitting, including plans for the NFPA 13 system and NFPA 13R system.
 - **The contractor will submit full fire suppression design documents as shop drawings prepared by the installer. Fire suppression installation work will not start until all plans have been reviewed and approved.**
- Submit fire alarm plans to the Belton Fire Marshal's office for review and permitting.
 - **The contractor will submit full fire alarm design documents as shop drawings prepared by the installer. Fire alarm installation work will not start until all plans have been reviewed and approved.**
- A Knox brand fire department key box will be required for this development. Specific products, ordering information and exact placement can be coordinated with my office at a later date by the contractor.
 - **The contractor is aware of this requirement.**
- Confirm location and type of exterior electrical disconnect. (Contact Fire Prevention Div. for information on KNOX products if interested.)
 - **Revised plans will be issued with Addendum #1 addressing this issue.**
- All fire alarm notification appliances, emergency lighting, exit signs, etc., will be field tested for adequate coverage. Any deficiencies must be satisfactorily addressed prior to final acceptance and occupancy.
 - **The owner and contractor are aware of this requirement.**
- Fire protection and utility equipment shall be readily identified.
 - **The owner and contractor are aware of this requirement and will install signage as instructed by the local authorities.**
- Individual electrical meters need to be addressed per the apartment they coincide with.
 - **Revised plans will be issued with Addendum #1 addressing this issue.**
- Provide details on what type of appliances will be installed in the clubhouse kitchenette.
 - **The kitchenette area at the top floor will have residential quality refrigerator, dishwasher, microwave and garbage disposal similar to the cut sheets provided with Addendum#1**
- Portable fire extinguishers are to be installed per code.
 - **The plans require extinguishers to be installed in each unit (sheets AI-A4). The contractor is aware additional common area extinguishers may be required as dictated by local authorities.**
- Please cloud any revisions to the plans that you choose to re-submit.
 - **All revisions will be clouded that relate to Addendum #1 and to address the comments above.**
- The plans will be accepted for construction once each item listed is satisfactorily addressed. Feel free to contact my office with any questions.
 - **All parties are aware of this requirement.**
- Any correspondence or revisions related to the comments from the Fire Department should be submitted directly to my office to speed review.
 - **All parties are aware of this requirement.**

The motion was seconded by Commissioner Christensen. When a vote was taken, the following was

recorded, Ayes: 8 -Chairman Girgin, Mayor Davis, Commissioners Davila, McDonough, Christensen, Finn, Crate and Thompson. Noes: 1 - Councilman Savage. Absent: none. The motion carried.

ANNEXATION PLAN

Mr. Leipzig reported the annexation plan being considered is not a notice of intent to annex but a general strategy. He gave an explanation of the limits of the new Missouri law regarding an annexation notice of intent. An overview of the contents of the draft plan and an account of past annexation efforts was given by Mr. Leipzig. He categorized the proposed 5 year plan as a critical part of the strategy because it looks at noncontiguous parcels and the golf course property. He explained the front nine holes at the golf course are within the City's corporate limits, but the back nine are not. Some parcels of land along 58 Highway and west of Holmes are also included in the 5 year plan according to Mr. Leipzig. He suggested scheduling a work session with the City Council to discuss the Annexation Plan. There was discussion about the approach that would be used when pursuing annexation while following the proposed timetable.

An area in the former Richard Gebaur Air Base which is shown in the 5 year plan was discussed. It was brought out that in addition to the golf course; there may be only a couple of property owners in that area. An account of past negotiations with Kansas City regarding the de-annexation of the golf course property was given by Mr. Leipzig. There was discussion about the number of residents needed to vote to approve annexation in the area to be annexed, and in the City, during an involuntary annexation. Councilman Savage expressed concern about the limited number of residents / representation in some of the 5 year annexation areas as opposed to the larger City representation, and he recommended the City try voluntary annexation first.

There was conversation about the improvements to Holmes Road and Mr. Leipzig stated the road improvements are one of the elements that would be looked at in review of an annexation proposal. Councilman Savage cautioned that the City should take into consideration the financial aspect of providing City services/amenities to newly annexed areas. Mr. Leipzig reiterated the benefit of scheduling a work session with the city council and suggested inviting the City Attorney to provide additional insight about the annexation process. There was additional discussion about an earlier attempt to annex land in the 5 year plan and the end result. Questions were asked about changes to utilities in annexed areas and Mr. Fisher explained that water districts in Missouri are protected with set service areas. He went on to say any changes would have to be negotiated. Mayor Davis told Commission members about future plans for a fire and police station in the Holmes Road area and he stressed the importance of fire/police protection to this area. He mentioned some area projects that will create future development opportunities for the City. It was suggested the road improvements could be an incentive for annexation but funding for road improvements should be identified and discussed further.

It was announced the groundbreaking for the Markey Parkway road extension project will be held on July 11, 2014. The anticipated substantial completion for the four-lane road is November 4, 2014. Mr. Leipzig described future plans for improvements to Mullen Road extending south to the North Cass

Parkway. There was discussion about the ways to obtain funding for transportation projects and the length of time road improvements take from conception to completion.

BELTON BEAUTIFICATION PLAN

Mr. Leipzig provided a brief history of the creation of the Belton Beautification Plan included in the agenda packet. He gave an overview of the subjects included in the plan and identified high traffic corridors designated as priority areas. He said the document suggests partnering with community groups to get volunteers to work with the City on the implementation of the beautification plan. The plan should be reviewed every five years according to Mr. Leipzig. In addition, there should be a funding commitment to go with the motion that approves the plan. Councilman Savage brought up other points to consider as discussion continues on the plan including costs for water, maintenance, replacement and plant life.

DIRECTOR'S REPORT

Mr. Leipzig reported that during the Commission meeting on July 21, 2014 there will be a public hearing for proposed amendments to the UDC regarding retail tobacco shops and electronic cigarettes.

On July 22, 2014 the City Council will consider the final plats and development plans for both Carriage Works and Briar Creek Villas.

There was an update to the City Council about Menard's on June 23, 2014. They expect to submit plans at the end of 2014 with a groundbreaking for the new business in the spring of 2015.

Mr. Leipzig gave a report about an area business that will be receiving tickets for sign code violations and violating the conditions of their Special Use Permit. It was mentioned that the business is also violating codes by parking a van on the grass.

ADJOURNMENT

Commissioner McDonough moved to adjourn the meeting. The motion was seconded by Commissioner Christensen. All members present voted in favor and the meeting adjourned at 8:30 p.m.

Ann Keeton
Community Development Secretary

RETAIL TOBACCO STORES



**PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, JULY 21, 2014 – 7:00 P.M.**

Robert G. Cooper, City Planner

CASE #TA14-04 / Continued

Consideration of a Text Amendment to Section 40-4(12) of the Unified Development Code, regarding Retail Tobacco Stores.

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BACKGROUND

Currently, the City of Belton does not have an ordinance of which to regulate retail tobacco stores. Recently, the City Clerk's office has seen an uptick in the number of business license request for retail tobacco stores. In an effort to address this growing trend and also in keeping in alignment with our neighboring cities efforts to regulate this retail use, staff has a draft version of this ordinance for review by the Planning Commission.

HISTORY

A public hearing was held by the Planning Commission on March 17, 2014. No public comment was received. However, the Commission sent the item back for staff to clarify the definition section. On April 7, 2014, the Planning Commission revisited this item with staff making the suggested changes to the definition section. During the discussion and presentation aspect, a motion was made to place an administrative delay (moratorium) for 90-days on any future retail tobacco store, to allow more public input. Resolution #2014-13 was approved by the City Council on April 22nd to activate a ninety-day moratorium. During the interim, no additional public comment was received; however, staff and the city attorney provided further amendments for review. A new public hearing was arranged for Monday, July 21, 2014.

DRAFT – SUGGESTED ORDINANCE LANGUAGE / Section 40-4(12)

Section 1. That Section 40-4, entitled “Uses Subject to Conditions”, of the Belton Unified Development Code is hereby amended with addition of the following subsection 40-4(12):

(12) Retail Tobacco Stores.

- a. The term “Retail Tobacco Store” means a retail store used primarily for the sale of smoking materials and smoking accessories in which the sale of other products is incidental.
- b. The term “Retail Tobacco Store” does not include a tobacco department of a larger commercial establishment such as a department store, or bar.

- c. The term "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, hookah or other tobacco product, including flavored tobacco, weeds, herbs or vapor or electronic cigarettes.
- d. Retail Tobacco Store may be established only in the C-2 and C-3 zoning districts.
- e. No Retail Tobacco Store shall be located within one-thousand feet (1,000') of a school, measured by the shortest straight line from the Retail Tobacco Store building to the school building.
- f. No Retail Tobacco Store shall be located within one-thousand feet (1000') of a playground, youth center, city owned and operated recreational facility, park or library, measured by the shortest straight line from the Retail Tobacco Store building to the building containing the playground, youth center, city owned and operated recreational facilities, park or library, or property line if there are no buildings for the use.
- g. No Retail Tobacco Store shall locate within one-thousand feet (1,000') of another Retail Tobacco Store, measured by the shortest straight line from the Retail Tobacco Store building to the building of the neighboring Retail Tobacco Store.
- h. Each application for an occupancy permit shall include, in addition to such other information as is reasonably required by the Community Development Director, a map demonstrating that the proposed location of the Retail Tobacco Store is consistent with the minimum distance standards established in subsection(s) d, e, and f of this section.
- i. Subsection(s) d, e, and f of this section shall not apply to any situation in which a Retail Tobacco Store legally is in existence as of the original effective date of this ordinance.

STAFF COMMENT

These proposed regulations as outlined are designed to protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of all parts of the city and to protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

STAFF RECOMMENDATION

Community Planning & Economic Development supports the recommendation to approve Section 40-4, amended with the addition of the following subsection 40-4(12), of the Unified Development Code.

PLANNING COMMISSION ACTION

1. Motion to recommend **Approval:**
2. Motion to recommend **Denial;**
3. Motion to **Continue** the case pending additional information.