



**AGENDA
CITY OF BELTON
PLANNING COMMISSION
MEETING & PUBLIC HEARINGS
MONDAY, NOVEMBER 17, 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 OCTOBER 20, 2014 AND NOVEMBER 3, 2014 PLANNING COMMISSION MEETINGS**

- IV. PUBLIC HEARING**
 - A. Consideration of amendments to the Unified Development Code regarding Chapter 1, General Provisions, Section 1-5(1) General Definitions - Manufactured Home Residential Design.

 - B. Consideration of amendments to the Unified Development Code regarding Solar Energy Installation.

 - C. Consideration of amendments to the Unified Development Code regarding alternative nicotine products (e-cigarettes).

- V. CONSIDERATION**
 - A. Consideration of a re-plat for Transwest/Summit Trucking located at 17327 S. Outer Road.

- VI. DIRECTOR'S REPORT**

Mayor's Tree Lighting - December 1, 2014

- VII. NEXT MEETING DATE:** December 15, 2014

- VIII. ADJOURNMENT**

MEETING MINUTES

OCTOBER 20, 2014

Minutes of Meeting
Belton Planning Commission
City Hall Annex, 520 Main Street
October 20, 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, Community and Economic Development Director; Jeff Fisher, Public Works Director; Robert Cooper, City Planner; and Ann Keeton, Community Development Secretary.

Absent: Commissioner Chris Christensen

MINUTES

Commissioner Davila moved to approve the minutes of the September 22, 2014 special meeting and the October 6, 2014 meeting. The motion was seconded by Commissioner Thompson. All members present voted in favor and the motion carried.

PUBLIC HEARING - Amend the UDC re: Manufactured Homes

Mr. Leipzig reported the planning commission reviewed proposed changes to the Unified Development Code (UDC) concerning manufactured home provisions at previous meetings. It was pointed out that the ordinance in the agenda packet has not been revised. He went on to say staff met with Belton manufactured home park owners/managers on October 9, 2014. Mr. Cooper gave a summary of topics discussed at that meeting which included: 1) the non-conforming aspects of the Ordinance and which items or uses can be grandfathered; 2) the proposed language regarding pitched roof and exterior horizontal lap siding; 3) and issues relating to recreational vehicles (RVs). He stated the City attorney is working on language changes to the UDC amendments. During the meeting there was a general agreement that it would be beneficial for the park management and the City to work together to enforce the property maintenance code violations. It was mentioned that currently the owners deal with code violations within their own communities. Mr. Cooper explained that staff is asking for clarification from the City attorney about UDC Section 40-4, Sub-Section (2)F which deals with the expansion of existing manufactured home communities. Mr. Leipzig explained there would be another meeting scheduled with the owner/manager group when the revised amendments are received from the City attorney. Mayor Davis reported that a letter was received from Missouri Manufactured Housing Association which includes recommended guidelines for manufactured homes.

Councilman Savage asked for clarification about the owners meeting discussion concerning RVs, and whether the City can provide code enforcement in the communities. Mr. Cooper went into detail about how the City and the owners can work together for code enforcement notification. Councilman Savage suggested the community owners/managers be supplied with the tools to identify property maintenance code violations. He went on to mention there are some bad properties within and outside of the communities which need improved code enforcement with the support of the Council.

Chairman Girgin opened the public hearing at 7:15 p.m. The hearing was being held to receive input on proposed amendments to the UDC regarding manufactured homes.

Bill Noll, 18000 S. Mullen, part owner of Crown Mobile Home Park, spoke on several subjects regarding the proposed manufactured home amendments. He reported the park has a section of RVs where road construction workers live temporarily. He stated they live in the community for several months of the year before returning to their homes. During the time the RVs are unused, they are on a winter rate program, not being stored in the park according to Mr. Noll.

Mr. Noll brought up the storage sheds that are required in the manufactured homes provisions. He questioned why sheds on concrete slabs are being required. He pointed out there are homes in the City that do not have sheds and many people in the Crown Park community that don't own, or want a shed. He suggested some of the park residents are low income and do not want sheds because of the cost and indicated the City would be forcing them to get one. It was brought out that the Manufactured Homes Association and HUD do not regulate the use/ownership of sheds. Mr. Noll reiterated that he would like to know the reasoning for the shed requirement.

Mr. Leipzig gave an explanation of why the UDC includes a storage shed requirement. He mentioned that it was to provide additional storage for items such as lawn and play equipment. He went on to say that information regarding manufactured homes has been gathered from other cities ordinances and from the American Planning Association. Mr. Noll asked the Commission to reconsider the storage shed requirement for the manufactured home park lots. There was conversation about the proposed language "requiring" a shed rather than "allowing" a shed. Mr. Cooper elaborated on the reasons why the Code requires storage sheds. He indicated that during discussion, sheds were believed to provide additional storage and be a possible solution in preventing items being left outside to become property maintenance issues. He suggested the language could be changed from "shall" to "may" be required. Mr. Noll stated opinion was that the minimum size for a shed is too large and it was reported the code requires the minimum size to be 64-sq. ft. with a height of 5-ft.

Greg McIntyre, with Peaceful Homes on North Scott, stated the community is being redeveloped. He attended the owners meeting on October 9, 2014. He spoke of grandfather issues and mentioned that he is looking forward to see the revised language and hoped to get advanced copies of those changes. Chairman Girgin announced the public hearing will be continued to November 3, 2014. Mr. Leipzig stated that another meeting will be scheduled with the owners/managers when staff receives the revised draft ordinance.

Jim Huffman, with Plaza Acres Mobile Home, suggested the next meeting be in the form of a workshop so that everyone, owners and City staff can work together to share information and come up with solutions to problems.

FINAL PLAT - Cherry Hill Commercial 4th Plat

Mr. Cooper introduced information about the Cherry Hill Commercial 4th Final Plat which he said is a 6.95-acre tract of land. A representative from the Watershed Institute and Land Trust spoke with City staff about acquiring part of the land that is currently a storm water detention area according to Mr. Cooper. He said the corporate office for Land Trust is at 140 Cherry Hill Drive and the land in question is directly behind that location. The land will be used for a wetlands wildlife habitat and water quality improvement area. He gave a history of the platted area and explained the proposed plat will separate the site into two lots. Lot 1 will be 5-acre commercially zoned property and Lot 2 will be a 1.95-acre stormwater detention basin according to Mr. Cooper. It was reported the City Council will consider a request to waive the \$300 plat application fee for the Watershed Institute.

During discussion, it was stated the 1.95-acre area is being donated to the Institute by the property owners, Maier Development. Mr. Frank Austinfeld, Executive Director of The Watershed Institute and Land Trust was present to answer questions about the proposed wetlands. He reported the stormwater detention area backs up to their property at 140 Cherry Hill Drive. Mr. Austinfeld gave an explanation of the proposed conversion of the concrete stormwater channel to a wetland type detention, which will be used as an outdoor education center. He gave an overview of the Institute organization and of their community outreach projects. He provided details about how the detention will be converted into a wetland space. It was pointed out that the area will function by detaining the stormwater runoff for a short amount of time, and the plants will filter the water. Commissioner McDonough moved to recommend approval of the final plat for Cherry Hill Commercial 4th Plat. The motion was seconded by Commissioner Davila. 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.

CAPITAL IMPROVEMENT PROGRAM

Mr. Fisher gave a report on a presentation that was included in the agenda packet. The presentation was a summary of the street preservation program and the stormwater projects shown in the Capital improvement program (CIP) in the uncertain funding section. Mr. Fisher gave an explanation of the method used to determine the condition of City streets and he mentioned that residential streets are in the worst condition. Commissioner Crate moved to recommend approval of the CIP. Commissioner McDonough 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.

ANNEXATION STRATEGY

Mr. Leipzig reported the Commission has reviewed the proposed annexation strategy at previous meetings. He gave an explanation of the objective of the strategy and emphasized it will be used as a

guide and will not replace any legal notification or declaration of intent. Councilman Savage asked questions about the required vote for annexation approval by the property owners within the proposed annexation areas. He voiced concern about fair representation for those in the annex areas. Mr. Leipzig reported it takes two-thirds majority of parcel owners in the annexation area agreeing with the annexation petition for approval. Mr. Leipzig gave a summary of the areas included in the five-year strategy including the back nine of the golf course and some western areas that have been surrounded by the City. He stressed the City would like to look at voluntary annexation initially in all cases. Councilman Savage gave a brief explanation of the City's last experience with involuntary annexation. He went on to ask questions about whether the City will have the ability to provide services to annexed areas. Mr. Leipzig stated the City has 10 years to provide services to annexed areas and he gave a timeline for the process once the notice to annex has been given. Mayor Davis moved to recommend approval of the Annexation Strategy. The motion was seconded by Commissioner Crate. 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

The e-cigarette amendments will be discussed at a hearing during the November 17, 2014 Commission meeting. The City has existing regulations for e-cigarette sales but not the use of e-cigarettes according to Mr. Leipzig. The proposed ordinance would regulate e-cigarettes usage the same as cigarettes.

There will be a public hearing for an ordinance to adopt solar energy regulations at the November 17, 2014 meeting.

Councilman Savage reported that Ed Robinson with SEMCO at 58 Highway and Prospect is inviting City staff, elected and appointed City officials, to an event at SEMCO on October 29, 2014 starting at noon. The event is being held to reintroduce their business and take an active part in the community.

There was discussion about the loud music and noise coming from the racetrack located north of 58 Highway and west of Prospect. It was reported the sound was loud in the Cherry Hill Subdivision. Mr. Leipzig stated they will follow up with the police department.

ADJOURNMENT

Commissioner McDonough moved to adjourn. The motion was seconded. All members present voted in favor and the meeting adjourned at 8:05 p.m.

Ann Keeton
Community Development Secretary

MEETING MINUTES

NOVEMBER 3, 2014

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

CALL TO ORDER

Jay Leipzig, Community and Economic Development Director, called the meeting to order at 7:02 p.m.

ATTENDANCE

Jay Leipzig

PUBLIC HEARING

Mr. Leipzig continued the public hearing for amendments to the Unified Development Code (UDC) regarding manufactured home regulations until the November 17, 2014 Planning Commission meeting.

ADJOURNMENT

Mr. Leipzig adjourned the meeting at 7:02 p.m.

MANUFACTURED HOMES



PLANNING COMMISSION REGULAR MEETING

**CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, NOVEMBER 17, 2014 – 7:00 P.M.**

Robert G. Cooper, City Planner

CASE #TA14-1

AN ORDINANCE AMENDING SECTION 1-5, ENTITLED "GENERAL DEFINITIONS" AND SECTION 40-41), ENTITLED "RESIDENTIAL-MANUFACTURED HOME COMMUNITIES" OF THE BELTON UNIFIED DEVELOPMENT CODE.

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BACKGROUND

The Unified Development Code (UDC) was formally adopted by the City of Belton on January 1, 2011. Since its adoption, the UDC has undergone several text amendments, including Section 40-4(1), Residential Manufactured Home Communities, which deals with site placement, bulk requirements and construction.

The Planning Commission in conjunction with staff review including a joint meeting with owners and managers of existing manufactured home communities have had a chance to review current and proposed ordinance language. During the second, managers/owners meeting with city staff, the group was able to reevaluate and fine-tune the language and reach a general consensus.

DRAFT / PROPOSED LANGUAGE:

Section 2. That Section 40-4 (1) entitled "Residential- Manufactured home communities", subsection (e) and subsection (f), of the Belton Unified Development Code is hereby amended with the addition of the blue language, and the red deletion of the stricken language and green as the new section of the ordinance:

BILL NO. 2014-___

ORDINANCE NO. 2014-_____

AN ORDINANCE AMENDING SECTION 1-5, ENTITLED "GENERAL DEFINITIONS" AND SECTION 40-4, ENTITLED "RESIDENTIAL-MANUFACTURED HOME COMMUNITIES" OF THE BELTON UNIFIED DEVELOPMENT CODE.

WHEREAS, the City of Belton adopted the Unified Development Code ("UDC") December 13, 2011; and

WHEREAS, the Belton Planning Commission held a public hearing to solicit comment on proposed amendments to the UDC at a regular meeting on August 18, 2014; and

WHEREAS, the Belton Planning Commission voted by a majority of those present to recommend approval of the proposed amendments to the UDC

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That Section 1-5, entitled "General definitions", of the Belton Unified Development Code is hereby amended with the deletion of the stricken language:

Section 2. That Section 40-4 (1) entitled "Residential- Manufactured home communities", subsection (e), of the Belton Unified Development Code is hereby amended with the addition of the underlined language, and the deletion of the stricken language:

- e. New installations of manufactured homes in existing and redeveloped communities must meet the following requirements:
 1. ~~Individual manufactured home spaces within a park shall have a minimum area of 5,000 square feet each.~~
 2. ~~Every manufactured home space shall have at least 40 feet of frontage on a paved curbed and guttered street constructed to city street standards. Turnaround streets (cul-de-sacs) shall have a minimum diameter of 80 feet.~~
 3. ~~No manufactured home shall be located closer than 20 feet from any property line bounding the manufactured home park community.~~
 4. ~~Minimum building setbacks shall be provided on each manufactured home space measured from the space boundaries as shown on the manufactured home park community site plan, as follows:
 - i. *Minimum front yard: 22 feet.*
 - ii. *Minimum rear yard: 10 feet.*
 - iii. *Minimum side yard: 10 feet for any one and 17 feet for the other.*~~
 5. All manufactured homes shall front facing a street within the manufactured home park community. (The front of a manufactured

home shall contain its narrowest width). Where topography or the configuration of the entire manufactured home community makes it appropriate, manufactured home spaces may be arranged with the long side fronting the street. In addition, manufactured homes shall not be positioned vertically, stacked with one over the other, in whole or in part in the manufactured home community.

6. Every **new** manufactured home shall be placed in accordance with the recommended installation procedures of the manufacturer, **the Missouri Public Service Commission and the Housing and Urban Development (HUD) codes, and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A 225.1)** on a solid concrete slab or on two four-foot-wide concrete runners with a design strength adequate to support the structure as certified by a state-licensed engineer or be consistent with the rules of the Department of Economic Development — Chapter 124 — Manufactured Home Tie-Down Systems. Each transportable section of a manufactured home shall be placed on such slab or runner.
7. Each manufactured home **may** have a separate enclosed accessory structure of at least 64 square feet with a height of at least five feet for storage located on a concrete slab where an on-space enclosed garage is not provided. The accessory structure may not exceed eight feet tall, eight feet wide, by 12 feet long. Accessory structures in the manufactured home park community shall be architecturally compatible in design and shall be maintained in good repair at all times.
8. Each manufactured home space shall be provided with an electrical source supplying at least 200 amps and natural gas, in accordance with city standards and construction codes.
9. Each manufactured home shall be entirely skirted to a solid surface within 30 days after placement in a park community by enclosing the open area under the unit with a metal or synthetic material that is compatible with the exterior finish of the manufactured home. In addition, all hitches must be removed from the home within 30 days of installation.
10. All manufactured homes shall be blocked in accordance with manufacturer specifications or, if specifications are not available, a sealed report from a structural engineer licensed for such installations in the State of Missouri.

11. Tie-downs and ground anchors shall secure all manufactured homes to the ground in accordance with state and laws federal laws and manufacturers specifications.
12. No manufactured home may be located in the 100-year floodplain.
13. All manufactured homes shall have minimum dimensions of 16 feet in width and 40 feet in length. Any manufactured home lawfully and properly permitted prior to the adoption of these regulations shall be considered a legal nonconforming structure.
14. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the homes shall be installed or constructed in accordance with the standards set by the building code and anchored securely to the ground.
15. Each manufactured home shall have the general appearance of an on-site, single-family dwelling.
16. All roof structures must provide an eave projection, exclusive of any guttering, and are finished with a type of shingle that is commonly used in standard residential construction in the city. The pitch of the roof of the manufactured home must have a minimum vertical rise of three feet for each 12 feet of horizontal run.
17. The exterior siding consists of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hard board, comparable in composition, appearance and durability to the exterior siding commonly used in construction in the city.

f. Expansion of existing manufactured home communities.

1. When an existing manufactured home community approved prior to the date of this ordinance expands to an area not previously approved for manufactured home community use, the new area must be appropriately zoned and a detailed site plan shall be submitted in accordance with this section.
2. All new areas shall be designed, approved and improved in accordance with Section 40-4(1)c, d, and e
3. Individual manufactured home spaces within a park shall have a minimum area of 5,000-sq. ft. each.
4. Every manufactured home space shall have at least 40-feet of frontage on a paved curbed and guttered street constructed to city

standards. Turnaround streets (cul-de-sacs) shall have a minimum diameter of 80-feet.

5. No manufactured home shall be located closer than 20-feet from any property line bounding the manufactured home park community.
6. Minimum building setbacks shall be provided on each manufactured home space measured from the space boundaries as shown on the manufactured home park community site plan, as follows:
 - i. Minimum front yard: 22-feet
 - ii. Minimum rear yard: 10-feet
 - iii. Minimum side yard: 10-feet for any one and 17-feet for the other.
7. Each manufactured home space shall be provided with two paved off-street parking spaces designed in accordance with the off-street parking requirements of these regulations.
8. Each manufactured home shall be provided with landscaping to at least include two shade trees with a planted caliper of at least 1½ inches.
9. Each manufactured home space **may** be provided with a paved patio area other than a parking space. Each manufactured home space shall be provided with a minimum six feet by eight feet front deck, **and/or a** three foot by five foot rear deck.
10. As a condition of approval of any such addition, the following requirements of these sections must be complied with in the existing areas of the manufactured home park:

Requirement

Code Section

Comm. Uses	40-4(1)c.7
Paved streets, spaces	40-4(1)e.2
Off-street parking	40-4(1)e.7
Landscaping	40-4(1)e.9
Garbage containers	40-4(1)e.7

Electrical service	40-4(1)e.10
Skirting	40-4(1)e.11
Tie-downs	40-4(1)e.14
Street lighting	40-4(1)e.13
Storm shelter	40-4(1)d.2
Unexposed surface areas	40-4(1)c.3(v)
Sanitary codes	40-4(1)c.10
Comm. Landscaping	40-4(1)c.12

g. Nonconformities. Manufactured homes, regardless of age, which were located in a manufactured home community prior to _____, 2014, which do not meet the requirements of the revisions to Section 40-4, adopted on _____, 2014, shall be considered lawful, nonconforming structures. As such, they may continue to exist so long as they remain otherwise lawful, provided that no increase in their nonconformity shall occur. If the nonconforming structure is damaged or destroyed by any means not within the control of the property owner or tenant to an extent of 60% or less of the development value, it may be repaired, reconstructed or restored provided that no new nonconformities are created and that the existing degree of nonconformity is not increased.

Section 3. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Duly read two (2) times and passed this ___ day of _____, 2014.

Mayor Jeff Davis

Approved this ___ day of _____, 2014.

Mayor Jeff Davis

SOLAR ENERGY



PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, NOVEMBER 17, 2014 – 7:00 P.M.

Robert G. Cooper, City Planner

CASE #TA14-20

Consideration of a Text Amendment to Section 4-1, / Accessory Uses and Structures of the Unified Development Code, regarding Solar Energy Installation.

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BACKGROUND

On October 6, 2014, Laura Machala, Solar Energy Coordinator from the Mid-America Regional Council (MARC), spoke to the Planning Commission about the 'Rooftop Solar Challenge', part of the U.S. Dept. of Energy's 'Sunshot Initiative', a national effort to make clean solar electricity cost-effective. The goal of the 'Sunshot Initiative' is to allow communities develop Best Management Practices (BMP's) for reducing the 'soft costs' of solar photovoltaic systems. MARC is currently working with fifteen (15) metro jurisdictions and established a 'Solar Ready KC' initiative, of which Belton has joined and became a partner.

In an effort to address the growing trend and also in keeping in alignment with MARC and our other partners, staff has a draft version of this ordinance for review by the Planning Commission.

DRAFT – SUGGESTED ORDINANCE LANGUAGE / Section 4-1 – Accessory Uses and Structures

Section 1. *Purpose: this section implements Belton's policy to encourage the use of alternative energy in new development and redevelopment, and permits solar collectors in all zoning districts, subject to performance standards that protect neighborhood characteristics and avoid unreasonable impacts to neighboring properties:*

A. Applicability

This Section applies to solar collectors, defined as:

Photovoltaic Cells: Extremely thin solar energy collection cells usually made of silicon, that collects solar energy and convert it to direct current (DC) electricity.

Solar Collector: A device used to collect direct sunlight to heat or cool a structure, heat domestic hot water or swimming pools, or to generate electricity.

Solar Energy Conversion System: Equipment and wiring needed to collect, store and convert solar energy into a usable form. Active solar systems rely upon mechanical means to collect light and/or heat from the sun and convert it into usable energy.

Passive systems use natural, non-mechanical techniques to obtain energy from the sun including daylighting; south-facing windows, natural shading and ventilation, and building materials that absorb heat from the sun and slowly release it.

Solar Greenhouse: A solar collector that is a structure or part of a structure using glass or similar glazing material to collect direct sunlight for space heating purposes.

B. Generally

1. All solar collectors comply with the adopted building code.
2. Applications for subdivision plat or site plan approval shall address solar energy conversion systems, and shall incorporate passive systems to the extent practical.

C. Installation on a pitched roof

1. Roof-mounted solar collectors located on front or side of pitched roofs shall not extend above the peak of the roof plane on which they are mounted. No portion of the solar collector shall extend more than 24-inches perpendicular to the point on the roof where it is mounted.
2. Roof-mounted solar collectors located on the rear side of building roofs shall not extend above the peak of the roof plane on which they are mounted. No portion of any of the solar collector shall extend more than four feet (4') perpendicular to the point on the roof where it is mounted.

D. Installation on a flat roof

1. Roof-mounted solar collectors may be mounted on a flat roof at an optimum angle to the sun for maximum energy production when the building parapet or roof design provides full screening of the solar panels from public streets.
2. For installation of roof-mounted solar collectors on flat roof buildings without parapets, panels shall be placed in the most obscure location without reducing the operating efficiency of the collectors, such as the center of the roof. The panels shall be installed at the same angle or as close as possible to the pitch of the roof. Associated equipment is permitted on the roof, if it is screened from view of the public street.
3. Solar collector panels are exempt from the roof-top screening provision.

E. Installation on the side of a building

1. In any planned zoning district or in any district requiring site plan approval, the construction or installation of any solar collection system on the side of a building shall be subject to either Final Development Plan approval or Site Plan approval by the City.
2. Wall-mounted solar collector panels shall not extend more than five feet (5') to the furthest extension of the solar collection panels from the wall plane on which they are installed.

3. Wall-mounted solar collector panels shall not extend more than 25% into any required side setback or 50% into any required rear setback. No part of the system shall extend into any required front setback.
4. Wall-mounted solar collectors shall not extend above the top of the wall on which they are mounted.

F. Ground-mounted installation

1. Ground-mounted solar collectors shall not exceed eight feet (8) in total height and shall be located within the rear yard at least 12-feet inside the property line.
2. All lines serving a ground-mounted solar collector shall be located underground.

G. Parking lot light pole installation

1. Twenty percent (20%) of the height of a light pole may be added above the light fixture to install a solar collector panel.
2. The overall height of the parking lot pole and solar collector shall not exceed 40-feet. Any necessary solar collector appurtenances shall be painted to match the light pole and fixture.

H. Nonconformities

1. The Governing Body may permit the installation of solar collectors that cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special use.
2. The installation may be permitted even if it exceeds the height limit established in the zoning district, if the following conditions are met:
 - a. There is no feasible alternative to placing the collector(s) on the roof;
 - b. The collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors;
 - c. The collector(s) add no more than seven feet (7') of height to the existing structure. To minimize view blockage or shadow impacts, the Governing Body may limit a nonconforming solar collector to less than seven (7) additional feet in height.

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** pending additional information.

An application for installation of a solar energy system shall contain the following:

	<p>Building Permit. All solar installations must be in compliance with Building Codes and Electric Codes. All systems require a building permit. Contact the Building Inspections department at _____ for a building permit application.</p>
	<p>A plot plan showing:</p> <ol style="list-style-type: none"> 1. Property lines and physical dimensions of the property 2. Location, dimensions, and types of existing major structures on the property 3. Location of the proposed solar collector 4. The right-of-way of any public road that is contiguous to the property 5. Dimensions of the distance between the solar collector and any property line if the system will be installed on the ground.
	<p>Solar collector specifications, including:</p> <ol style="list-style-type: none"> 1. The model and manufacturer 2. Dimensions of the collector 3. Number of collectors to be installed 4. Rated power output 5. Required roof loads (if system is roof-mounted)
	<p>Details showing the proposed method of mounting the collector and the type of mounting hardware to be used. Applications for roof-mounted panels on pitched roofs must specify how far the collector will project away from the roof as measured from the point on the roof where it is mounted. Applications for roof-mounted panels on flat roofs must show how far above the deck or parapet of the roof the collector will project and how the mounting hardware will be screened.</p>
	<p>An engineering analysis showing compliance with the International Building Code and the International Residential Code, certified by a licensed professional engineer. (This information is frequently supplied by the manufacturer. Original seal and signature are not required.)</p>
	<p>A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. (This information is frequently supplied by the manufacturer.)</p>

ELECTRONIC CIGARETTES



PLANNING COMMISSION REGULAR MEETING
CITY HALL ANNEX, CITY COUNCIL ROOM
520 MAIN STREET
MONDAY, NOVEMBER 17, 2014 – 7:00 P.M.

Robert G. Cooper, City Planner

CASE #TA14-22

Consideration of a Text Amendment to Section 40-4 of the Unified Development Code, regarding '*Alternative Nicotine Products and/or Vapor Products*'.

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BACKGROUND

Recently, the City of Belton adopted an ordinance regulating retail tobacco stores. Since its adoption, there has been an increased trend metro-wide, in the use of e-cigarettes (electronic-cigarettes) and vapor products.

In an effort to address this growing trend and also in keeping in alignment with our neighboring cities efforts to regulate this use, staff has a draft version of this ordinance for review by the Planning Commission.

DRAFT – COPY ATTACHED

STAFF RECOMMENDATION

Community Planning & Economic Development supports the recommendation to approve Section 40-4, to include Alternative Nicotine Products and/or Vapor Products.

PLANNING COMMISSION ACTION

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

DRAFT
COPY
11/17/14

- **ARTICLE III. - SMOKING**

- **Sec. 11-60. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Nicotine Product means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

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Bar means any licensed establishment which serves liquor on the premises for which not more than ten percent of the gross sales receipts of the business are supplied by food purchases, whether for consumption on the premises or elsewhere.

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

Employee means any person who performs services for an employer, with or without compensation.

Employer means a person, partnership, association, corporation, trust, or other organized group of individuals, including the city or any agency thereof, which utilizes the services of one or more employees.

Enclosed area means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways).

Health care facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of physicians, chiropractors, physical therapists, dentists, and all specialists within these professions. The term "health care facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

Place of employment means an area under the control of a public or private employer that employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and

vehicles. A private residence is not a place of employment unless it is used as a licensed child care, licensed adult day care, or licensed health care facility.

Private club shall mean an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 USC 501. A private club is a public place when being used for a function to which the general public is invited.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, educational facilities, health care facilities, Laundromats, public transportation facilities, reception areas, restaurants, casinos, food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a public place unless it is used as a licensed child care, licensed adult day care, or licensed health care facility.

Restaurant means an eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" includes a bar area within the restaurant.

Retail tobacco store.

(1)The term "retail tobacco store" means a retail store used primarily for the sale of smoking materials and smoking accessories, [including alternative tobacco products and/or vapor products](#), -in which the sale of other products is incidental and where smoking is permitted within the public place.

(2)The term "retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a department store, discount store, or bar or retail stores used primarily for the sale of smoking materials [and smoking accessories, including alternative tobacco products and/or vapor products](#), where no provisions for smoking within the public place are provided or permitted.

Service line means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Shopping mall means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, [alternative tobacco product, vapor product](#), or other tobacco product.

Sports arena means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Vapor product means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

(Code 1976, § 11-43; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-61. - Violations and penalties.**

(a) A person who violates this article by smoking in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine not exceeding \$50.00 for each infraction.

(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by:

(1) A fine not exceeding \$100.00 for a first violation.

(2) A fine not exceeding \$200.00 for a second violation within one year.

(3) A fine not exceeding \$500.00 for each additional violation within one year.

(c) In addition to the fines established by this section, violation of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of the business license issued to conduct business at the premises pursuant to [chapter 6](#)

(d) Each day on which a violation of this article occurs shall be considered a separate and distinct violation.

(Code 1976, § 11-52; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-62. - Application of this article to city-owned facilities.**

All enclosed facilities, including buildings owned, or operated by the city shall be subject to the provisions of this article.

(Code 1976, § 11-44; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-63. - Prohibition of smoking in public places.**

Smoking shall be prohibited in all enclosed public places within the city, including, but not limited to, the following places:

(1) Aquariums, galleries, libraries, and museums.

(2) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including, but not limited to, professional offices, banks, laundromats, hotels, and motels.

(3) Bars.

(4) Bingo facilities.

(5) Convention facilities.

(6) Elevators.

(7) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.

(8) Health care facilities.

(9) Licensed child care and adult day care facilities.

(10) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(11) Polling places.

(12) Public transportation facilities, including buses and taxicabs under the authority of the city, and ticketing, boarding, and waiting areas of public transit depots.

(13) Restaurants.

(14) Restrooms, lobbies, reception areas, hallways, and other common-use areas.

(15) Retail stores.

(16) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the city or a political subdivision of the state when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the city.

(17) Service lines.

(18) Shopping malls.

(19) Sports arenas, including enclosed places in outdoor arenas.

(20) Pool halls and billiard parlors.

(21) Subdivision homeowners' association facilities, manufactured home park or subdivision common area accessible to the public.

(22) Bowling alleys.

(Code 1976, § 11-45; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-64. - Prohibition of smoking in places of employment.**

Smoking shall be prohibited in all enclosed facilities within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. Smoking is not prohibited in vehicles if occupied exclusively by the driver, or if all passengers are smokers who consent. Smoking is not prohibited in the place of employment of a sole proprietor with no other employees or in a place of employment of any individual who is the sole employee at a facility to which the public is not invited nor in which the public is permitted, provided such place of employment is located in a freestanding structure occupied solely by the business or:

(1) Is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above;

(2) Complies with all applicable fire and building code requirements; and

(3) Has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of secondhand smoke into adjoining areas located in a freestanding structure.

(Code 1976, § 11-46; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-65. - Where smoking not regulated.**

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections [11-63](#) and [11-64](#):

(1) Private residences, except when used as a licensed child care, licensed adult day care, or licensed health care facility.

(2) Private vehicles.

(3) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be so designated.

(4) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested to the management thereof in writing to be placed in a room where smoking is permitted.

(5) Outdoor areas of places of employment.

(6) Retail tobacco stores as defined in [section 11-60](#) in operation prior to the effective date of the ordinance from which this article is derived. Any new retail tobacco store or any existing retail tobacco store that relocates to another site may only qualify for this exemption if either:

a. It is located in a freestanding structure occupied solely by the business; or

b. It conforms to the following provisions:

1. Is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above;

2. Complies with all applicable fire and building code requirements; and

3. Has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of secondhand smoke into adjoining areas located in a freestanding structure; and

c. It has posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating:

"WARNING! Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

Retail tobacco stores as defined in [section 11-60](#) in operation prior to the effective date of the ordinance from which this article is derived shall, however, also be required to post the signage described in subsection (6)c of this section at every entrance at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height in order to remain exempt under this section.

(7) Private clubs as defined in [section 11-60](#). A private club may only qualify for this exemption if either:

a. It is located in a freestanding structure occupied solely by the private club and throughout which entire premises smoking is permitted; or

b. It conforms to the following provisions:

1. Is completely enclosed on all sides by solid walls extending from the floor to the underside of the floor or roof deck above;

2. Complies with all applicable fire and building code requirements; and

3. Has a separate ventilation system whereby the air from such space is immediately exhausted to an outdoor area rather than being recirculated inside, and is negatively pressurized to prevent back streaming of secondhand smoke into adjoining areas located in a freestanding structure; and

c. It has posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating:

WARNING! Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States.

(8) Restaurants as defined in [section 11-60](#) which designate smoking areas with physical barriers and functioning ventilation systems to minimize the irritating and toxic effects of smoke in adjacent nonsmoking areas, prior to the effective date of the ordinance from which this article is derived. This exemption shall sunset on the seventh anniversary of the effective date of the ordinance from which this article is derived. A restaurant may only qualify for this exemption if it has posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating:

"THIS IS A SMOKE-RESTRICTED ESTABLISHMENT. Smoking is permitted only in certain separately ventilated and designated areas. Secondhand tobacco smoke is not circulated to nonsmoking areas";

And only if it has posted at every entrance to the area where smoking is permitted signage at a height and location conspicuous to persons entering the area, with primary lettering of not less than one inch in height clearly stating:

"WARNING! Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

(9) A business, public place or place of employment as defined in [section 11-60](#) and existing as of the passage of this article. This exemption shall sunset on the third anniversary of the effective date of this article. A business, public place or place of employment may only qualify for this exemption if they have posted at every entrance signage at a height and location conspicuous to persons entering the establishment, with primary lettering of not less than one inch in height clearly stating:

"WARNING! Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States."

(Code 1976, § 11-47; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-66. - Declaration of establishment as nonsmoking.**

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of [section 11-67](#) is posted.

(Code 1976, § 11-48; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-67. - Posting of signs.**

(a)"No smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

(b)Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c)All ashtrays and other smoking receptacles shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

(Code 1976, § 11-49; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-68. - Nonretaliation.**

No person or employer shall discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article, files a complaint or reports a violation of this article.

(Code 1976, § 11-50; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-69. - Enforcement.**

(a)Any person who desires to register a complaint under this article may do so with the city manager or an authorized designee.

(b)In addition to the remedies provided by the laws of the state, and the provisions of this section, the city manager or an authorized designee or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce the provisions of this article in any court of competent jurisdiction.

(Code 1976, § 11-51; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-70. - Public education.**

The city manager or an authorized designee may engage in a continuing program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this article.

(Code 1976, § 11-53; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-71. - Governmental agency cooperation.**

The city manager or an authorized designee may request other governmental and educational agencies having facilities within the city to establish local operating procedures in cooperation and compliance with this article. This includes urging all federal, state, city, county and school district agencies to update their existing smoking control regulations to be consistent with this article.

(Code 1976, § 11-54; Ord. No. 2009-3516, § 1, 1-20-2009)

- **Sec. 11-72. - Other applicable laws.**

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Code 1976, § 11-55; Ord. No. 2009-3516, § 1, 1-20-2009)

TRANSWEST REPLAT

17327 S. OUTER ROAD



**BELTON CITY PLANNING COMMISSION
MONDAY, NOVEMBER 17, 2014 – 7:00 P.M.
CITY HALL ANNEX, 520 MAIN STREET**

Final Plat, Re-Plat of Lot 1, GEP INVESTMENTS

Staff Report: Robert G. Cooper, City Planner

CASE #RP14-18

Consideration of Final Plat approval, a re-plat of Lot 1, GEP Investments, (Transwest, Inc.), a 3.67-acre addition, located at 17327 S. Outer Road, directly south & east of the 58-Hwy. and I-49 interchange.

BACKGROUND

The re-platting of the Final Plat, Re-Plat of Lot 1, GEP Investments is needed to accommodate the expansion of the Transwest, Inc., facility. The re-plat consist of Lot 1, being expanded to the south to accommodate a new, 122-space parking area for the Transwest facility to park/store their Recreational Vehicles.

Transwest, Inc., which is headquartered in Commerce City, CO, a manufacturer of high-end trucks, trailers, SUV's and RV's has ten full service sales, parts, service and finance locations throughout Colorado with a facility in Kansas City. Transwest, Inc. also sells several heavy commercial trailer product lines at locations in Colorado and Missouri, and sells RV's and horse trailers at a facility in northern Colorado. The company has manufacturing facilities in Kansas City and Colorado that produce a number of specialized truck bodies under its own Summit brand.

Recently, Transwest, Inc. has been seeking ways to accommodate their recent growth needs. They have decided to expand their current facility by purchasing and utilizing the undeveloped 3.67-acre tract of land to the south of their existing building for additional parking.

The main building site contains 11.98-acres, plus an additional 3.67-acre, with a total of 15.65-acres for the Belton Transwest facility site.

Transwest, Inc., is now prepared to move forward in the development process and has submitted a re-plat and site plan for review and final consideration.

REVIEW

This will be a phased project. Phase I will consist of thirty-eight (38) parking spaces, dimensioned at 45-feet by 12-feet on an asphalt driving surface on 1.08-acres. There will be no additional curb-cut or access onto the South Outer Road. The existing ingress/egress will be utilized with a separate interior ingress/egress for the parking area.

Phase II will begin during 2015 and will consist of eighty-four (84) parking spaces at 45-feet by 12-feet on an asphalt driving surface on 2.59-acres. Phase II will also include a 60-foot by 130-

foot / 7,800-sq. ft. maintenance building located near the east property line. The increased impervious surface area will require additional storm-water mitigation BMP's in the form of rain-gardens and a storm-water detention basin located at the southeast corner which will be reviewed by the city engineer at the time of construction.

Additional landscaping will also be provided. Along the Outer Road frontage, five (5) October Glory Maple trees will be spaced at 40-foot intervals. Along the eastern property line, abutting a multi-family housing development, located in the City of Raymore, there will be thirteen (13) Eastern Red Cedar trees at 6-feet high will be planted to serve as a buffer and screening.



Aerial view of surrounding area

Planning Comments:

- Plat and site plan accepted as submitted.

Engineering comments:

- All storm-water management areas as part of Phase II will be reviewed by the city engineer at the time of construction.

STAFF RECOMMENDATION

Staff finds the Final Plat, Re-Plat of Lot 1, GEP Investments, to be in accordance with Section 35-36 of the Belton Unified Development Code, therefore, supports a recommendation to approve.

PLANNING COMMISSION ACTION

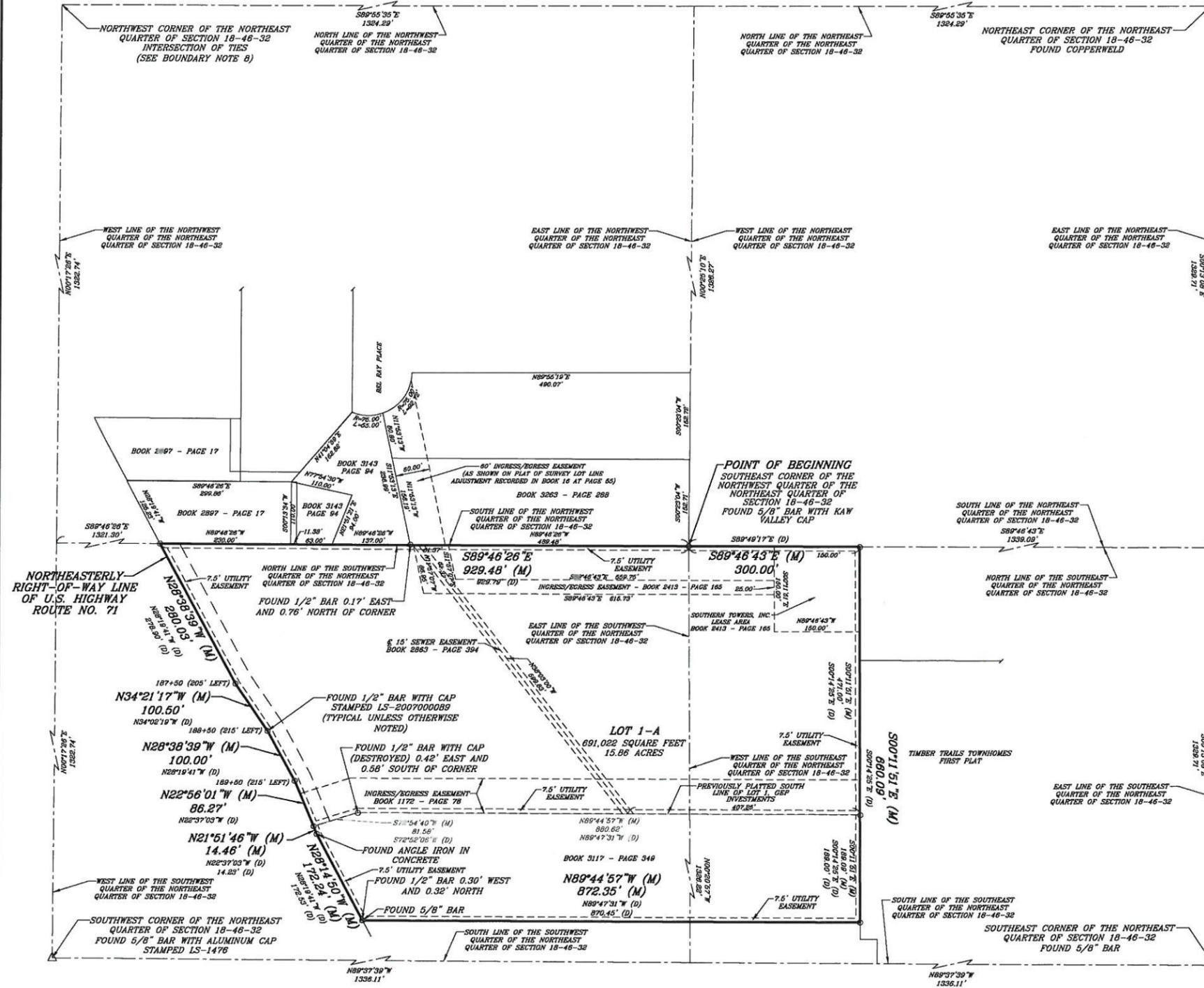
1. Motion to recommend approval of the Final Plat, Re-plat of Lot 1, GEP Investments.
2. Motion to recommend denial of the Final Plat, Re-plat of Lot 1, GEP Investments.
3. Motion to continue the case pending additional information.

ATTACHMENTS

1. Final Plat, Re-plat of Lot 1
2. Concept Plan
3. Dimension Plan

FINAL PLAT, REPLAT OF LOT 1 GEP INVESTMENTS

AND PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 46, RANGE 32, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI



PROPERTY DESCRIPTION

CONTAINING 691,022 SQUARE FEET OR 15.86 ACRES ALL THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 46, RANGE 32, IN THE CITY OF BELTON, CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 89°49'43" EAST, A DISTANCE OF 300.00 FEET; THENCE SOUTH 00°11'51" EAST, A DISTANCE OF 680.09 FEET; THENCE NORTH 89°44'57" WEST, A DISTANCE OF 872.35 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY ROUTE NO. 71, AS NOW ESTABLISHED; THENCE NORTH 28°14'50" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 172.24 FEET; THENCE NORTH 21°51'46" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 14.46 FEET; THENCE NORTH 22°56'01" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 86.27 FEET TO A POINT 215.00 FEET NORTHEASTERLY OF AND AT RIGHT ANGLES TO CENTERLINE STATION 189+50 OF SAID HIGHWAY; THENCE NORTH 28°38'39" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET, TO A POINT 215.00 FEET NORTHEASTERLY OF AND AT RIGHT ANGLES TO CENTERLINE STATION 189+50 OF SAID HIGHWAY; THENCE NORTH 34°21'17" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.50 FEET, TO A POINT 205.00 FEET NORTHEASTERLY OF AND AT RIGHT ANGLES TO CENTERLINE STATION 187+50 OF SAID HIGHWAY; THENCE NORTH 28°38'39" WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 280.03 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF THE AFORESAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 89°46'26" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 829.48 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY NOTES:

- THE FOLLOWING STANDARD MONUMENTATION HAS BEEN SET AT THE NOTED LOCATION UNLESS INDICATED OTHERWISE ON THIS DRAWING:
SEMI-PERMANENT MONUMENTATION:
CHISELED CROSS AT ALL CORNERS MARKED " * * *"
1/2" IRON BAR WITH PLASTIC CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED " * * *"
PERMANENT MONUMENTATION:
5/8" IRON BAR WITH ALUMINUM CAP STAMPED "LS-2007000089" SET AT ALL CORNERS MARKED " * * *"
- THE POSITION OF EXISTING MONUMENTATION AS INDICATED BY AN " * * *", " O " OR " Δ "; IF NOT THE TRUE CORNER, IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
- THE SOURCE OF THE DESCRIPTION USED FOR THIS SURVEY WAS DERIVED FROM THE PLAT OF GEP INVESTMENTS (PLATTED FROM A PROPERTY DESCRIBED IN WARRANTY DEED DOCUMENT NO. 603715 IN BOOK 3585 AT PAGE 60 AT THE CASS COUNTY RECORDER'S OFFICE) AND FROM A TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, NATIONAL COMMERCIAL SERVICES, COMMITMENT NO.: NCS-663306-KCTY, EFFECTIVE DATE OF APRIL 6, 2014, AT 8:00 AM.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF GEP INVESTMENTS.
- THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.
- THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN PROPERTY SURVEY AS DEFINED BY THE "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS".
- ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PANEL NUMBER 36 OF 480, COMMUNITY-PANEL NUMBER 2903700396, EFFECTIVE DATE: MARCH 16, 2006, THE SUBJECT PROPERTY IS IN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THE MONUMENT AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER WAS NOT LOCATED DUE TO THE DANGEROUS NATURE OF ITS POSITION (BURIED, WITHOUT MONUMENT BOX IN THE TRAVELING LANES OF HIGHWAY 58 AND HIGHWAY 71). FOUR SECTION TIES WHERE FOUND AND LOCATED. THE TIES INTERSECTED TO CREATE 0.03' POSITIONAL VARIATION. THE MEAN OF THESE LOCATIONS WAS USED FOR THE SECTION CORNER LOCATION.

DEDICATIONS

THE UNDERSIGNED PROPRIETORS OF THE REAL ESTATE DESCRIBED HEREIN HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "REPLAT OF LOT 1, GEP INVESTMENTS".
AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF BELTON, MISSOURI TO LOCATE, CONSTRUCT AND MAINTAIN OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, WATER, GAS AND SEWER PIPES, POLES, WIRES AND ANCHORS AND ALL OR ANY OF THEM UPON THOSE AREAS IN THIS SUBDIVISION OUTLINED ON THIS PLAT AND DEDICATED BY THE WORDS "UTILITY EASEMENT".
THE STREETS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

ALL STORMWATER MANAGEMENT AREAS SHALL REMAIN IN PERPETUITY AS DEPICTED ON THE FINAL SITE PLAN. ALL STORMWATER MANAGEMENT AREAS SHALL BE MAINTAINED IN PERPETUITY BY THE PROPERTY OWNER. MAINTENANCE OF STORMWATER MANAGEMENT AREAS SHALL NOT BE THE RESPONSIBILITY OF THE CITY.

IN TESTIMONY WHEREOF:

THE UNDERSIGNED PROPRIETORS OF THE DESCRIBED TRACT OF LAND ON THIS SURVEY HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____ 2014.

FRANK S. PERRY _____ CHERYL J. PERRY _____

STATE OF MISSOURI }
COUNTY OF } SS

BE IT REMEMBERED ON THIS ____ DAY OF _____, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, I HAVE PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF: I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

THIS PLAT OF "REPLAT OF LOT 1, GEP INVESTMENTS" HAS BEEN SUBMITTED TO AND APPROVED BY THE BELTON PLANNING COMMISSION THIS ____ DAY OF _____ 2014.

CHAIRMAN _____ SECRETARY _____

THESE EASEMENTS AND RIGHTS-OF-WAY ACCEPTED BY THE CITY COUNCIL OF BELTON, MISSOURI, THIS ____ DAY OF _____ 2014

MAYOR _____
ATTEST: _____
CITY CLERK _____
ENTERED ON TRANSFER RECORD THIS ____ DAY OF _____ 2014.

COUNTY RECORDER _____

SURVEYOR'S CERTIFICATION

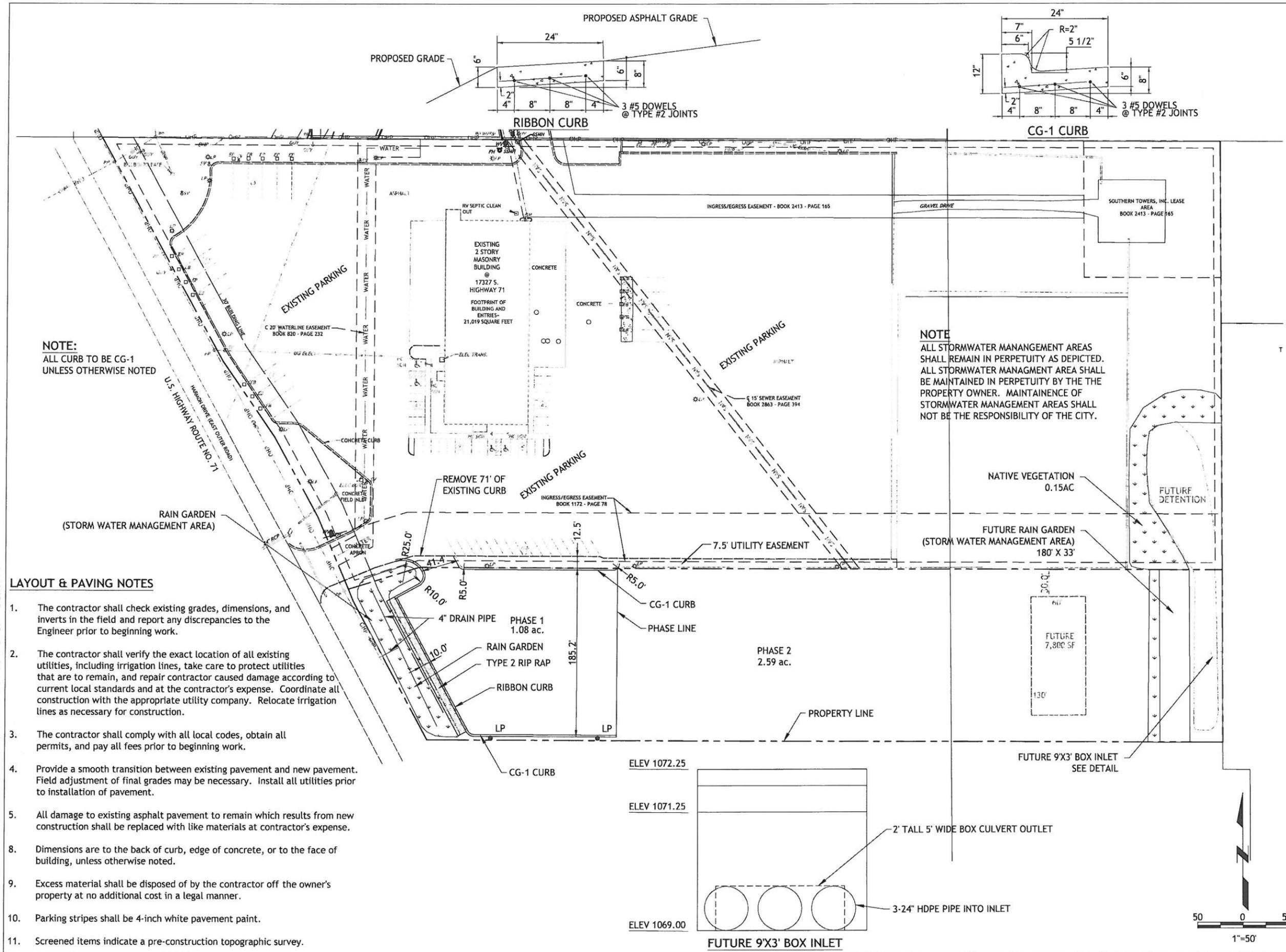
I HEREBY CERTIFY THAT THE WITHIN PLAT OF "GEP INVESTMENTS" SUBDIVISION IS BASED ON AN ACTUAL SURVEY AND MEETS OR EXCEEDS THE CURRENT "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" AS JOINTLY ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTURE, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS. AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ROBERT G. YOUNG
PROFESSIONAL LAND SURVEYOR
PLS-3667000089
10/31/2014
DATE

REVISED - 10/31/2014 - ADD STORMWATER NOTE - R.G.Y.
© COPYRIGHT 2014 R.L. BUFORD & ASSOCIATES, LLC
D:\A-CASS COUNTY\CA-14080\dwg\CA-14080.dwg 8/25/2014 10:19:48 AM CDT

R.L. Buford & Associates, LLC
LAND SURVEYING - DEVELOPMENT CONSULTANTS
R.L. BUFORD & ASSOCIATES, LLC - MO. CERT. OF AUTHORITY LICENSE NO. LS-2010031977

P.O. BOX 14069, PARKVILLE, MO. 64152 (816) 741-6152
SEC.-TWP.-RGE. COUNTY JOB NO. DATE FIELD BOOK PAGE DRAWN BY
18-46-32 CASS CA-14080 08/25/2014 LOOSE LEAF LOOSE LEAF R.G.Y.



NOTE:
ALL CURB TO BE CG-1
UNLESS OTHERWISE NOTED

NOTE
ALL STORMWATER MANAGEMENT AREAS SHALL REMAIN IN PERPETUITY AS DEPICTED. ALL STORMWATER MANAGEMENT AREA SHALL BE MAINTAINED IN PERPETUITY BY THE THE PROPERTY OWNER. MAINTAINENCE OF STORMWATER MANAGEMENT AREAS SHALL NOT BE THE RESPONSIBILITY OF THE CITY.

LAYOUT & PAVING NOTES

1. The contractor shall check existing grades, dimensions, and inverts in the field and report any discrepancies to the Engineer prior to beginning work.
2. The contractor shall verify the exact location of all existing utilities, including irrigation lines, take care to protect utilities that are to remain, and repair contractor caused damage according to current local standards and at the contractor's expense. Coordinate all construction with the appropriate utility company. Relocate irrigation lines as necessary for construction.
3. The contractor shall comply with all local codes, obtain all permits, and pay all fees prior to beginning work.
4. Provide a smooth transition between existing pavement and new pavement. Field adjustment of final grades may be necessary. Install all utilities prior to installation of pavement.
5. All damage to existing asphalt pavement to remain which results from new construction shall be replaced with like materials at contractor's expense.
6. Dimensions are to the back of curb, edge of concrete, or to the face of building, unless otherwise noted.
7. Excess material shall be disposed of by the contractor off the owner's property at no additional cost in a legal manner.
8. Parking stripes shall be 4-inch white pavement paint.
9. Screened items indicate a pre-construction topographic survey.

STEVEN M. WARGER MO. LICENSE NO. E-20997	
DATE PREPARED: 8-28-14	
ROUTE	STATE MO
DISTRICT	SHEET NO.
COUNTY	
JOB NO.	
CONTRACT ID.	
PROJECT NO.	
BRIDGE NO.	
REVISIONS	
DATE	
 WARGER ASSOCIATES Consulting Engineers 1617 Swift North Kansas City Missouri, 64116 816-769-6132 Steve@wargerassociates.com	
SUMMIT TRUCKING	
DIMENSION PLAN	
SHEET 2 OF 9	

