

CITY OF BRANSON PLANNING & ZONING COMMISSION
REGULAR MEETING – MINUTES
May 04, 2004

CALL TO ORDER: Chairperson Davis called the regular meeting of the City of Branson Planning and Zoning Commission meeting to order at 7:30 P.M. in the Council Chambers, 110 West Maddux, Branson, Missouri.

SPECIAL ANNOUNCEMENTS

PUBLIC COMMENTS

CONSENT

1. Roll Call.

Commissioners Present: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.

Commissioners Absent: Commissioners Boyce and Hartley.

Staff Present: Don Stephens-Director of Planning and Development, Dan Wichmer-City Attorney and Ruth Denham-Administrative Assistant.

2. Approve Agenda.

Recommended Action: Approve the format of May 04, 2004 agenda.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Roeger and unanimously carried to approve the format of the May 04, 2004 agenda.

3. Approve Minutes.

A. April 06, 2004.

Recommended Action: None.

MOTION:

Motion by Commissioner Weisz, seconded by Vice-Chairperson Harris and unanimously carried to approve the minutes of the April 06, 2004 meeting.

OLD BUSINESS

None.

PUBLIC HEARINGS

4. Request For Approval Of A Final Subdivision Plat For Summerwood Estates Subdivision, Second Edition, Ivy Lane, Branson, Missouri. Resolution No. P-2004-007.

Applicant: Rock Solid Development, LLC.

Staff Recommendation: Staff recommends approval.

Commissioner Weisz excused himself from the table at 7:38 p.m. due to a conflict of interest.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division.

A representative was not available to answer questions.

Vice-Chairperson Harris asked Mr. Stephens to discuss the possibility of commercial development next to residential construction, as the entire subdivision is currently zoned "C" Commercial.

Mr. Stephens stated that because the subdivision is zoned "C" Commercial, any use allowed in "C" Commercial zoning would be allowed in the subject subdivision. Mr. Stephens added that although the lots in the subject subdivision are laid out for the purpose of developing housing, commercial development could be built.

Vice-Chairperson Harris asked how difficult it would be for the owners to rezone this property to "R-1" Single Family residential. Mr. Stephens stated that application to appear before the Planning and Zoning Commission is necessary. After approval, the request would be presented to the Board of Aldermen for a first and final reading. Mr. Stephens added that the deadline for the June 01, 2004 Planning and Zoning Commission meeting is May 7, 2004, therefore, the applicant is able to request a rezoning if desired.

Vice-Chairperson Harris stated that he feels the Planning Commissioners have some responsibility of protecting future buyers in the subject subdivision by sending a letter to the owners requesting they apply for a rezoning of the subject property from "C" Commercial to "R-1" Single Family Residential, which is the current use on the property.

Commissioner Davis voiced his concern of the importance of protecting the consumer, and asked Mr. Stephens if he could suggest some type of policy that would provide for this protection. Mr. Stephens stated that in this specific subdivision, the owner is planning to develop only one lot for commercial use.

Commissioner Butler suggested that Lot 9 be left "C" Commercial and Lots 1-8 and 10-24 of the subject property be rezoned "R-1" Single Family Residential. Lots 25 and 26 are open-space. Commissioner Butler felt this rezoning would protect future buyers.

Mr. Stephens stated that staff would contact the owners to discuss rezoning the subject property as suggested by the Commission and provide an update at the Board of Aldermen meeting as well as at the next Planning and Zoning Commission meeting.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Commissioner Butler, seconded by Commissioner Roeger to approve Resolution No. P-2004-007.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Williams and Chairperson Davis.

NOES: Vice-Chairperson Harris.

ABSTAIN: Commissioner Weisz.

ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-007 carried with a 6-1 vote.

Commissioner Weisz returned to the table at 7:55 p.m.

**5. Request For Approval Of An Amendment To Planned Development PD# 96-003.
Resolution No. P-2004-008.**

Applicant: Skaggs Community Health Center – Mike Pierce.

Staff Comments: Staff recommends approval.

Commissioners Butler and Edie excused themselves from the table at 7:56 p.m. due to a conflict of interest.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division. Mr. Stephens added that the following changes, which are typographical only requiring no motion to change, would be changed prior to presentation at the Board of Aldermen meeting:

1. Section 4: That Section 1.6 of Planned Development PD-96-003 be stricken and replaced so the Section ~~1-4~~ 1.6...
2. Resolution, page 2. BE IT THEREFORE...approval of the ~~Final Subdivision Plat~~ amendment to PD-96-003 as herein described.

Mike Pierce, Chief Operating Officer/Skaggs Community Health Center, gave a brief presentation of the request before the Commission.

Commissioner Weisz asked about the lot that is not shown where the easement will be vacated between Lots 33 and 34 and on the other side of the soon to be vacated easement. Mr. Pierce stated that the property Mr. Weisz referred to belongs to another owner. Mr. Pierce answered that although the property in question is not owned by Skaggs, the planned development includes access for the above named property, which was included in the purchase document.

Mr. Stephens stated that the above property is Lot 35 and when the vacation takes place, the issues related to the above will be addressed.

SPEAKING IN FAVOR:

Beth Huddleston, property owner, asked what the required buffering is between "R-1" Single Family Residential and "C" Commercial. Mr. Stephens responded that the subject property is not zoned "C" Commercial, but rather "PD" Planned Development. As each Planned Development is unique, Mr. Stephens stated that he would pull and provide the information to Ms. Huddleston. Height requirements were also discussed. Ms. Huddleston asked what the orange painted lines on the road are, to which Mr. Butler responded that they are the centerline of the right-of-way for Cahill Drive. Chairperson Davis added that the developer would be required to improve Cahill Drive as the development progresses to include curb and gutter. Beth Huddleston inquired about Lot 34, to which Mr. Stephens responded that it is open space and that Lot 32 is where parking is being constructed. Mr. Stephens stated that the basic change is to allow for height allowances for three story buildings on Lots 32 and 33.

Vice-Chairperson asked Mr. Stephens if there are code specifics for the height of elevation for fill, to which Mr. Stephens answered no. Mr. Stephens stated that the ordinances allow for thirty-five feet maximum height, which has not changed. However the stories have been changed from two to three to ensure that the second level is not counted as a story.

Charles Ashcraft, Floodplain Administrator, explained that buildings can be constructed without fill as long as the lowest floor of the structure is above the base flood elevation, which is the elevation of the hundred year flood.

Mike Pierce stated that the parking area is in a floodplain location and will therefore be raised so the majority of that particular area will be out of the one hundred year flood area. A six to eight foot rise will exist and will only be able to be viewed from Roark Creek. The view from Cahill Road will be that of a landscaped parking area.

MOTION:

Motion by Commissioner Williams, seconded by Commissioner VanderNaald to approve Resolution No. P-2004-008.

AYES: Commissioners Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.
NOES: None.
ABSTAIN: Commissioners Butler and Edie.
ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-008 carried 6-0.

6. Request To Zone Newly Annexed Property Owned By Glenn and Jacqueline Pyle, Located At 432 Dalton Drive, Taneycomo Heights, Branson, Missouri As "R-1" Single-Family Residential. Resolution No. P-2004-009.

Applicant: City of Branson.

Staff Comments: Staff recommends approval.

Don Stephens, Director of Planning and Development, presented the staff report as filed in the Planning Division.

SPEAKING IN FAVOR:
None.

SPEAKING IN OPPOSITION:
None.

MOTION:

Motion by Commissioner Weisz, seconded by Commissioner Butler to approve Resolution No. P-2004-009.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-009 carried 8-0.

7. Request To Zone Newly Annexed Property Owned By Robert And Sharon Lepper, Located At 430 Caudill Way, Branson, Missouri. Resolution No. P-2004-010.

Applicant: City of Branson.

Staff Comments: Staff recommends approval.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division.

SPEAKING IN FAVOR:
None.

SPEAKING IN OPPOSITION:
None.

MOTION:

Motion by Commissioner Roeger, seconded by Vice-Chairperson Harris to approve Resolution No. P-2004-010.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-010 carried 8-0.

8. Request To Zone Newly Annexed Property Owned By Linda White, Located At 227 Hunter Avenue, Branson, Missouri. Resolution No. P-2004-011.

Applicant: City of Branson.

Staff Comments: Staff recommends approval.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division.

SPEAKING IN FAVOR:

Joe Keiper, 246 Hunter Avenue, spoke regarding health and safety code enforcement in the subject area.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Commissioner Weisz, seconded by Commissioner Butler to approve Resolution No. P-2004-011.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-011 carried 8-0.

9. Request To Zone Newly Annexed Property Owned By Cooper Creek Resort And Campground, Inc. Located At 471 Cooper Creek Road And Robert H. & Fritz B. Fletcher, Located At 252 Cooper Creek Road, Branson, Missouri. Resolution No. P-2004-012.

Applicant: City of Branson.

Staff Comments: Staff recommends approval.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Williams to approve Resolution No. P-2004-012.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-012 carried 8-0.

10. Request For Approval Of A Bill Amending The Landscaping, Buffering And Clearing Regulations For Single Family Residential Construction Projects And Adding A Definition For Retaining Wall. Resolution No. P-2004-013.

Applicant: City of Branson.

Staff Comments: Staff recommends approval.

Don Stephens, Director of Planning and Development, presented the staff report as filed with the Planning Division.

Commissioner Butler commented on them amendment and suggested that the existing eight feet remain and change the existing offset from four feet to three feet. Commissioner Butler stated that he feels this would still allow room for landscaping and keep the basic module at eight feet.

Commissioner Weisz spoke positively of the amendment and spoke in support of the newly formed development committee.

Chairperson Davis asked Mr. Stephens if the intent of the amendment is to give the applicant the opportunity to vary the heights of retaining walls. Mr. Stephens responded that the intent is to allow the opportunity to vary the heights as well providing the opportunity for developers to present their creative concepts to staff. Chairperson Davis stated that he feels larger retaining walls are not visually in the best interest of the community and agrees this amendment may allow for more aesthetically pleasing retaining wall designs.

Vice-Chairperson Harris asked Mr. Stephens if the city currently has locations with walls meeting the requirements of the amendment. Mr. Stephens answered that this alternative is not available, and the subject amendment would allow for allow for alternative methods.

SPEAKING IN OPPOSITION:

None.

SPEAKING IN FAVOR:

None.

MOTION:

Motion by Commissioner Weisz, seconded by Commissioner VanderNaald to approve Resolution No. P-2004-013.

MOTION:

Motion by Commissioner Butler, seconded by Commissioner Edie to amend Resolution No. P-2004-013 as follows:

RETAINING WALLS: A structure constructed or erected between lands of different evaluations. A retaining wall shall not have an exposed wall face greater than [~~eight (8)~~] ~~twelve (12)~~ *eight* feet in height. In the event that more than one retaining wall is needed, there shall be at least a ~~four (4)~~ *three (3)* foot offset between wall faces to allow for landscaping. When special property conditions exist, which make it unfeasible to meet this requirement, applicants may present alternative recommendations to the Administrative Review Team (ART) of the Planning and Development Department for consideration. The recommendation of ART shall be presented to the Director of Planning and Development for consideration. No permit for any alternative method shall be issued without final approval from the Director of Planning and Development.

Chairperson Davis clarified that there is a motion to amend the retaining wall language and it's going to remain on line three 8 and the word *eight* and the motion then in line four changes where it reads shall be at least a *four (4)* change that to word *three* and a number 3, and asked Commissioner Butler if that was the amendment, to which Commissioner Butler answered yes.

Commissioner Weisz spoke in opposition of the amendment as he feels this will send a wrong message to a group that is working hard towards making suggestions to make the codes and city more user-friendly. Mr. Weisz urged the Commission to vote the amendment down.

Commissioner Butler urged the Commissioners to carefully consider the amendment as he feels it will accomplish approximately the same thing, which will have a negligible impact on land. Commissioner Butler stated that the key to this ordinance is alternative methods, so whether it is three and eight or four and twelve, it's virtually the same in terms of land acquisition and cost of building walls and he encouraged the Commissioners to keep the eight feet at a reasonable scale.

Commissioner Weisz stated that there is a cost associated with the amendment and voiced his concerns regarding the tremendous negative economic effect he feels it will have on Branson.

Commissioner Butler stated that he feels the alternative methods will ensure that there is not a negative impact on the city.

Commissioner Edie stated that the engineering for a twelve-foot retaining wall over an eight-foot retaining wall is considerably more, and, if this is used on residential, there are no architectural requirements, and Commissioner Edie feels there may be wall problems due to under design of twelve-foot walls.

AYES: Commissioners Butler, Edie, Roeger, Williams, Vice-Chairperson Harris and Chairperson Davis.

NOES: Commissioners VanderNaald and Weisz.

ABSTAIN: None.

ABSENT: Commissioners Boyce and Hartley.

Motion to amend Resolution No. P-2004-013 carried with a 6-2 vote.

AYES: Commissioners Butler, Edie, Roeger, VanderNaald, Weisz, Williams, Vice-Chairperson Harris and Chairperson Davis.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Boyce and Hartley.

Motion to approve Resolution No. P-2004-013, as amended, carried 8-0.

OTHER BUSINESS

Planning and Development Director Report.


Don Stephens stated that the Building group formed consists of approximately fifteen people including staff, developers, engineers and contractors, involved in both residential and commercial development. Mr. Stephens added that the reason the group formed was to identify areas that needed change. Of the areas, eight specific were identified. Of the eight areas, six have been addressed. Two of those addressed have had action taken. Mr. Stephens explained the specifics of the concerns and the important role that consumer protection plays in the changes being made.

ADVISORY RECOMMENDATIONS

ADJOURNMENT

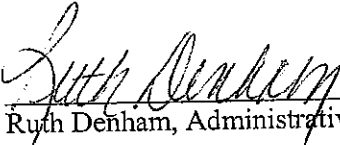
MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Edie and unanimously carried to adjourn the meeting at 9:10 p.m.



Rick Davis, Chairperson

6-1-04
Date



Ruth Denham, Administrative Assistant

6-1-04
Date

MINUTES
CAPITAL IMPROVEMENTS COMMITTEE
April 12, 2004

Present were Mayor Lou Schaefer, Alderman Dave Edie, Alderman Jack Purvis, City Administrator, Terry Dody, City Engineer David Miller, GIS Coordinator, Curtis Copeland and Support Services Captain, Kevin Powell.

Item No. 1 – Architect Selection for Fire Station #4 tabled.

Item No. 2 – Consultant Selection for Site Address Data Management System – Curtis Copeland explained that the Engineering Department, Police Department, Finance Department and Health Department have identified the need to establish a new address system that will eliminate overlapping tasks between the departments and also increase efficiencies. He explained that several departments within the City are entering the same information but in different ways which creates more error. The new system will create a centralized location for address files and all departments will have the capability of pulling information from this location. Proposals were received from two firms, Celeritas and Shafer, Kline & Warren (SKW). SKW has the software in place and Celeritas has no application built.

Mr. Purvis questioned whether this information will be available to other agencies. Powell and Copeland answered, yes different layers can be utilized by other agencies. Mr. Dody asked how likely it would be for the ambulance district to use this information. Copeland answered that an actual interface will need to be purchased to be able to use software. Mr. Dody asked what departments will benefit from this software and Mr. Copeland that Police, Fire and Finance will benefit and the software is applicable to HTE. Mr. Purvis asked what information will be in address file. Mr. Copeland stated the information will include location and data links and can be exported to different file types. Staff recommends Shafer, Kline and Warren. Mayor Lou Schaefer made the motion to accept SKW's proposal, seconded by Mr. Purvis. Yes – Mayor Schaefer, Purvis, Edie, and Dody. No – none. Motion passed.

There being no further business, the meeting was adjourned at 9:00 a.m.