

BILL NO. 2935

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LAND USE REGULATIONS FOR PLANNED DEVELOPMENT PD-2001-01, KNOWN AS THE WOODS, BRANSON, MISSOURI

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: That the Land Use Regulations for PD-2001-01, are hereby amended, so that Section 1.08 shall hereafter read as follows:

1.08 Height – The maximum height permitted within this development will be measured from the finish floor elevation of the floor that exits directly upon the uphill side of the lot. That height restriction shall be limited to one hundred feet (100') [~~for parcel thirteen and fifty five feet (55')~~] for all [~~remaining~~] parcels.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETS, STRICKEN~~] HAS BEEN DELETED.

Section 2: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this _____ day of _____, 2004.


Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this _____ day of _____, 2004.

Louis E. Schaefer
Mayor

ATTEST:

APPROVED AS TO FORM:

Sandra L. Williams, C. M. C.
City Clerk



Daniel R. Wichmer
City Attorney

Vicinity Map

Parcel 9

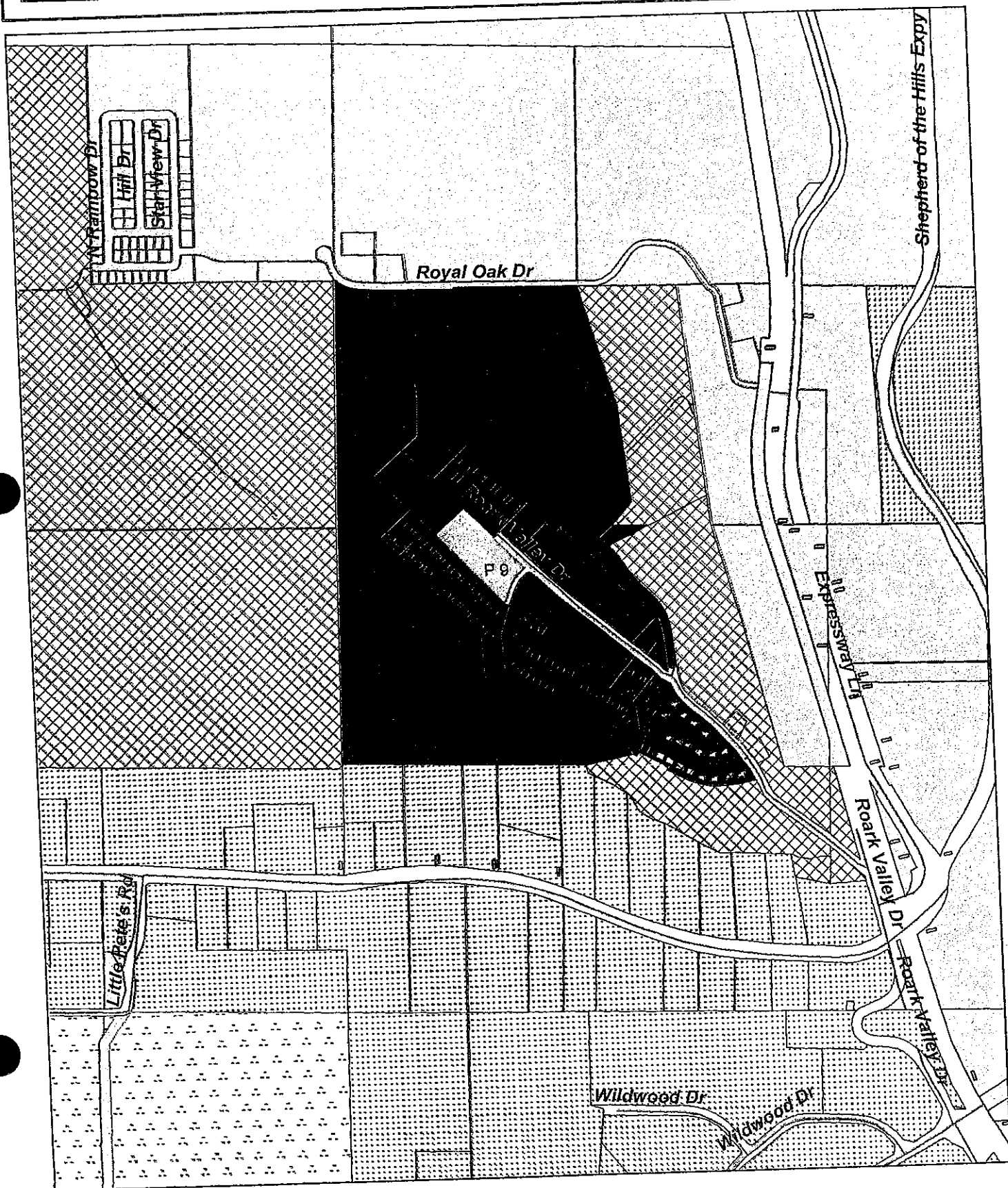
The Woods Planned Development



Commercial



Planned Developments



PLANNING AND ZONING COMMISSION

RESOLUTION NO. P-2004-033

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF AN APPLICATION FROM WESGATE RESORTS LTD. R.E.D. REQUESTING AN AMENDMENT TO #PD-2000-01 FOR PROPERTY LOCATED AT 2201 ROARK VALLEY ROAD, BRANSON, MISSOURI.

WHEREAS, an application has been submitted to the City of Branson by Westgate Resorts Ltd. R.E.D. requesting approval of an amendment to #PD-2000-01 of property legally described as follows:

TRACT 1:

A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) AND THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-THREE (23) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH PRINCIPAL MERIDIAN, TANEY COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT A STONE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION THIRTY-SIX (36); THENCE SOUTH 17°35'48" EAST A DISTANCE OF 509.16 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF ROARK VALLEY ROAD; SAID POINT BEING ON A NON-TANGENT CURVE FROM WHICH THE RADIUS POINT BEARS SOUTH 41°22'23" WEST A RADIAL DISTANCE OF 2498.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND RIGHT-OF-WAY LINE A DISTANCE OF 248.32 FEET (THROUGH AN ANGLE OF 5°38'59"); THENCE NORTH 53°25'25" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 107.33 FEET; THENCE NORTH 36°34'35" EAST A DISTANCE OF 75.59 FEET; THENCE NORTH 53°31'04" WEST A DISTANCE OF 82.34 FEET TO THE SOUTHEAST CORNER OF TRACT 1 OF PHASE 1 OF TRACTS 1, 2 AND 3 OF THE WOODS; THENCE CONTINUING NORTH 53°31'04" WEST ALONG THE EAST LINE OF SAID TRACT 1 A DISTANCE OF 141.72 FEET; THENCE NORTH 28°40'16" WEST ALONG SAID EAST LINE A DISTANCE OF 175.98 FEET; THENCE NORTH 39°03'30" WEST A DISTANCE OF 189.77 FEET; THENCE NORTH 41°21'07" WEST A DISTANCE OF 171.13 FEET ALONG THE EAST LINE OF TRACT 2 OF PHASE 1 OF TRACTS 1, 2 AND 3 OF THE WOODS; THENCE NORTH 50°05'20" WEST ALONG SAID EAST LINE A DISTANCE OF 103.52 FEET; THENCE NORTH 44°08'00" WEST ALONG SAID EAST LINE A DISTANCE OF 98.12 FEET; THENCE NORTH 19°45'02" WEST ALONG SAID EAST LINE A DISTANCE OF 115.35 FEET; THENCE NORTH 3°32'07" WEST ALONG SAID EAST LINE A DISTANCE OF 118.80 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2; THENCE NORTH 11°25'00" WEST A DISTANCE OF 75.83 FEET; THENCE NORTH 71°44'30" WEST A DISTANCE OF 40.27 FEET; THENCE SOUTH 77°29'30" WEST A DISTANCE OF 30.45 FEET TO A POINT ON A NON-TANGENT CURVE FROM WHICH THE RADIUS POINT BEARS SOUTH 77°28'30" WEST A RADIAL DISTANCE OF 235.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 68.35 FEET (THROUGH AN ANGLE OF 18°39'52"); THENCE NORTH 29°10'20" WEST A DISTANCE OF 58.72 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 285.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 100.84 FEET (THROUGH AN ANGLE OF 20°18'22"); THENCE NORTH 49°26'41" WEST A DISTANCE OF 87.41 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 215.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 44.82 FEET (THROUGH AN ANGLE OF 11°53'27"); THENCE NORTH 37°33'14" WEST A DISTANCE OF 169.42 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 285.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 58.22 FEET (THROUGH AN ANGLE OF 11°18'06"); THENCE NORTH 83°00'49" EAST A DISTANCE OF 582.08 FEET; THENCE SOUTH 6°33'57" EAST A DISTANCE OF 182.89 FEET; THENCE SOUTH 18°36'02" EAST A DISTANCE OF 1380.85 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION THIRTY-SIX (36); THENCE SOUTH 89°40'43" EAST ALONG SAID NORTH LINE A DISTANCE OF 251.90 FEET TO THE POINT OF BEGINNING, ALL IN TANEY COUNTY, MISSOURI.

TRACT 2:

A TRACT OF LAND SITUATED IN A PART OF THE EAST HALF (E1/2) OF THE NORTHWEST QUARTER (NW1/4) AND A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-THREE (23) NORTH, RANGE TWENTY-TWO (22) WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION THIRTY-SIX (36); THENCE NORTH 88°48'43" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4), 880.97 FEET; THENCE SOUTH 25°23'22" WEST 0.79 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF CEDAR RIDGE AT THE WOODS, PHASE I AND II, AS RECORDED IN PLAT BOOK/SLIDE D AT PAGE 686, TO THE POINT OF BEGINNING; THENCE SOUTH 25°23'22" WEST ALONG BOUNDARY 9.98 FEET; THENCE SOUTH 63°38'48" EAST ALONG BOUNDARY 106.91 FEET;

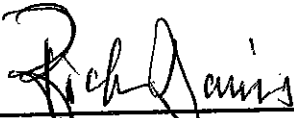
THENCE EASTERLY ALONG BOUNDARY ON A 14.3150° CURVE TO THE LEFT 263.70 FEET (SAID CURVE HAVING A RADIUS OF 400.25 FEET); THENCE NORTH 78°36'17" EAST ALONG BOUNDARY 127.28 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF ROARK VALLEY ROAD; THENCE SOUTH 25°29'13" EAST ALONG RIGHT-OF-WAY 63.76 FEET; THENCE SOUTHEASTERLY ALONG RIGHT-OF-WAY ON A 25.7609° CURVE TO THE LEFT 105.71 FEET (SAID CURVE HAVING A RADIUS OF 222.60 FEET); THENCE SOUTH 52°42'30" EAST ALONG RIGHT-OF-WAY 303.96 FEET; THENCE SOUTHEASTERLY ALONG RIGHT-OF-WAY ON A 2.3405° CURVE TO THE RIGHT 248.73 FEET (SAID CURVE HAVING A RADIUS OF 2448.00 FEET); THENCE SOUTH 46°53'12" EAST ALONG RIGHT-OF-WAY 85.01 FEET; THENCE SOUTH 08°20'43" EAST ALONG RIGHT-OF-WAY 45.02 FEET TO THE NORTHEAST CORNER OF LOT THIRTY-TWO (32), COMMERCE PARK SOUTH, AS RECORDED IN PLAT BOOK 25 AT PAGE 76; THENCE SOUTH 85°13'26" WEST ALONG THE NORTHERLY BOUNDARY OF SAID COMMERCE PARK SOUTH 195.62 FEET TO THE NORTHEAST CORNER OF LOT THIRTY-THREE (33) THEREOF; THENCE NORTH 78°18'58" WEST ALONG BOUNDARY 198.89 FEET TO THE NORTHWEST CORNER OF SAID LOT THIRTY-THREE (33); THENCE NORTH 09°48'36" WEST ALONG BOUNDARY 130.09 FEET TO THE NORTHEAST CORNER OF LOT THIRTY-FOUR (34) THEREOF, SAID BOUNDARY POINT BEING ON THE CENTERLINE OF A HOLLOW; THENCE NORTH 83°15'32" WEST ALONG HOLLOW BOUNDARY CENTERLINE 158.81 FEET; THENCE SOUTH 89°58'57" WEST ALONG BOUNDARY CENTERLINE 222.61 FEET; THENCE NORTH 67°12'04" WEST ALONG BOUNDARY CENTERLINE 112.02 FEET; THENCE NORTH 68°34'23" WEST ALONG BOUNDARY CENTERLINE 234.06 FEET TO THE NORTHEAST CORNER OF LOT THIRTY-EIGHT (38) THEREOF; THENCE NORTH 70°53'36" WEST ALONG BOUNDARY CENTERLINE 75.69 FEET; THENCE NORTH 55°13'08" WEST, ALONG BOUNDARY CENTERLINE 74.75 FEET; THENCE NORTH 32°09'35" WEST ALONG BOUNDARY CENTERLINE 102.04 FEET; THENCE NORTH 64°52'30" WEST, ALONG BOUNDARY CENTERLINE 107.97 FEET; THENCE NORTH 62°46'56" WEST ALONG BOUNDARY CENTERLINE 145.17 FEET; THENCE NORTH 16°41'31" WEST ALONG BOUNDARY 44.68 FEET, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION THIRTY-SIX (36); THENCE NORTH 16°32'04" EAST 191.38 FEET, TO A POINT ON THE SOUTH LINE OF CEDAR RIDGE AT THE WOODS, PHASE III, AS RECORDED IN PLAT BOOK/SLIDE D, PAGE 685; THENCE SOUTH 63°38'47" EAST ALONG SOUTH LINE 439.70 FEET, TO THE POINT OF BEGINNING, ALL IN TANEY COUNTY, MISSOURI.

WHEREAS, a Public Hearing was held before the Branson Planning and Zoning Commission on October 05, 2004, at 7:30 p.m. in the City Council Chambers located at 110 West Maddux Street, Branson, Missouri; and,

WHEREAS, the review of the application, conducted by the Planning and Zoning Commission for the City of Branson, Missouri, has resulted in the determination that approval of the application, as amended at the October 5, 2004 Planning and Zoning Commission Meeting, is reasonable and will cause no adverse effect on the City's Comprehensive Plan.

BE IT THEREFORE RESOLVED, that the Planning and Zoning Commission for the City of Branson hereby recommends approval of the Planned Development Amendment as herein described.

DONE THIS 5th DAY OF OCTOBER, 2004, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.



Rick Davis - Chairman

ATTEST:



Don D. Stephens - Director of Planning and Development