

**CITY OF BRANSON PLANNING & ZONING COMMISSION
REGULAR MEETING – MINUTES
APRIL 5, 2005**

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 Boyce, Cohn, Edie, Hartley, Jordan, Vice-Chairperson Harris and Chairperson Davis.
Commissioners Absent: Commissioners Butler, VanderNaald and Weisz.
Staff Present: Don Stephens – Director of Planning and Development, Ruth Denham – Acting Assistant Director and Lesley Davis – Acting Administrative Assistant.

2. Approve Agenda.

Recommended Action: Approve the format of April 5, 2005 agenda.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Edie to amend the April 5, 2005 agenda by removing item 4, as requested by the applicant, carried unanimously.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Edie and unanimously carried to approve the amended format of the April 5, 2005 agenda.

3. Approve Minutes.

A. March 1, 2005.

Recommended Action: None.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Cohen and unanimously carried to approve the minutes of the March 1, 2005 meeting.

OLD BUSINESS

PUBLIC HEARINGS

ITEM #4 HAS BEEN PULLED FROM THE AGENDA

4. Request For A Special Use Permit To Construct A Modular Home On Property Located At Lt 1, Block 17 Table Rock Townsite, Branson, Missouri. Resolution No. P-2005-015.

Applicant: Sandra K. Edwards

5. Request For A Zoning Change From "R-1" Single Family Residential to "R-3" Multi-family Residential, For Property Located At 1290 Hillcrest Place, Branson, Missouri. Resolution No. P-2005-016.

Applicant: Roderick W. Orr

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as filed with the Planning Division.

Roderick Orr, potential developer of the property in question and a partner with Columbia Construction Services, presented his plans for townhouses to be constructed on the lot. The zoning change proposal is to facilitate the construction of two buildings with three units each. The Rentors for these units would be able to purchase them after renting for forty-four (44) months, at which time their rent would have effectively added up to be a down payment. He said the property was surrounded by "R-3" Multi-Family zoning with the exception of the property to the east, which is currently zoned "R-1" Single-Family. He explained that the construction of the James F. Epps Road extension would eliminate the other row of single-family homes to the west of the lot and they were prepared to meet the setback requirement.

Vice-Chairperson Harris asked what the square footage of the townhouses would be. Mr. Orr responded that each unit would be approximately 1200 square feet with a single car garage. The size of the lot would prohibit any larger units from being built. Mr. Orr pointed out a conceptual drawing of the front elevations to all of the Commissioners at this time.

Vice-Chairperson Harris then asked Planning Staff to explain what the regulations were on setbacks between "R-3" and "R-1". Don Stephens, Director of Planning and Development, stated that there would be a twenty-five (25) foot setback requirement between "R-3" and "R-1". Mr. Orr said they had anticipated that there would be a setback involved. He said they would be able to allow for the setback requirement.

Commissioner Jordan asked how the purchase would work, if the Rentor would be buying the entire building or just the individual unit. Mr. Orr stated it would be handled in the same manner as a condominium split and they would purchase each unit separately.

Vice-Chairperson Harris asked David Miller about the "R-1" zoning on Berry Road and if it indeed would be used in the construction of the road. David Miller, City Engineer, stated that a portion of the single - family residences would be impacted by the James F. Epps Road extension.

Commissioner Edie asked Mr. Orr what was currently built on the adjoining lots to the east and if he owned them. Mr. Orr responded that he did not own them and that currently single-family homes were on both of the lots.

Chairperson Davis stated that one of the comments from city staff was it would be preferred if the entire block was rezoned "R-3" rather than just the one lot. He explained that the Commission would not want it to be perceived that this was a "spot" zoning. Chairperson Davis pointed out the lots across Hillcrest Street that were currently zoned "R-3" and asked what was on the properties at this time. Mr. Orr stated he believed two lots had duplexes constructed on them and the other had a single-family residence. Mr. Orr said one of the adjacent lots to the east had an apartment building on it at this time. Chairperson Davis asked which direction the townhouses would be facing and Mr. Orr responded the buildings would face to the north according to the current plan. Mr. Orr said he would like to propose that the other two property owner's, on the same block, be contacted after the approval of the zoning change and ask them if they would like to rezone to "R-3" also.

Commissioner Hartley asked Don Stephens what the advantage would be in zoning the entire block "R-3" Multi-Family. Mr. Stephens replied the advantage would be to avoid creating an 'island' of zoning in the

midst of property already zoned "R-1" Single-Family. He stated it would be much better from a planning perspective for the property uses to all be compatible.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

Pam and Pete Gresham, the neighboring property owners of the other two lots on the block, came forward to present their opinion. Pam stated she did not know how they felt about this rezoning. She stated they did not know anything about this until the notification letter came to them. She said they did not want to be an island of two single-family lots in the midst of multi-family. Mr. Gresham stated concerns regarding parking of personal vehicles on the street and traffic increase. He said that very few families had only one car and the situation would escalate the already narrow street problem. After the Greshams made these statements, they went on to say that they were not against the rezoning.

Chairperson Davis asked the applicant to address these parking concerns. Mr. Orr stated it was their intent to have all parking on the property, however, there could be a Rentor with more than one car and they would not be able to regulate the parking on the street.

Duane Laramore, another neighboring property owner, stated that his concern was the narrowness of the existing road. He said it is almost a one-lane road at this time and it was his feeling that something must be done to widen the road before this type of development was attempted.

Vice-Chairperson Harris stated that he had driven the road and two cars could barely pass, particularly on Hillcrest Terrace.

Commissioner Jordan asked Don Stephens if there was a building code that stated how many parking spaces must be provided per unit. Mr. Stephens said the code stated 1 1/2 or 2 parking spaces per unit. Commissioner Jordan asked if the parking issue would be addressed during the building permit process and Mr. Stephens replied that was correct.

Commissioner Hartley asked who would be required to widen the street. Don Stephens explained the widening of the street would be included in the overall master plan for city streets and placed on a priority list.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Cohn, to approve Resolution #P-2005-016.

AYES: Commissioners Boyce, Edie, Hartley, Jordan and Vice-Chairperson Harris.
NOES: Commissioner Cohn.
ABSTAIN: Chairperson Davis.
ABSENT: Commissioners Butler, VanderNaald and Weisz.

Motion to approve Resolution No. #P-2005-016 carried with a 6-1 vote.

6. Request For Approval Of Preliminary Subdivision Plat Located At 2570 West State Highway 248, Branson, Missouri. Resolution No. P-2005-017.

Applicant: Richard E. Huffman

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as presented to the Planning Division.

Chairperson Davis recognized Commissioner Boyce, who recused himself from Items #6, #8 and #11, due to a conflict of interest. He removed himself from the proceedings at 7:55 p.m.

Rick Huffman, the applicant representative, stated that the subdivision plat was dividing the property into seven (7) different lots. The property currently has the Masonic Lodge and a large seven-stall warehouse located on it. Another lot is under contract with a heating and air-conditioning company to build a showroom there. Yet another lot is being contracted with a floral company that wants to move from Hollister. The largest lot would be for retail sales buildings and storage units to be constructed possibly in the future. The corner lot currently is being designed for mini-warehouses. The remaining parcel has been master-planned for 102 apartment dwelling units that will go into application with the State of Missouri for State Housing Tax Credits for a moderate-income housing program. This will not be subsidized housing but rather affordable housing.

Chairperson Davis asked if the affordable housing would be constructed on Lot 1, which is 7.5 acres and Mr. Huffman said that it would. Chairperson Davis pointed out that there were only five (5) lots on the plat that was being submitted for approval at this time. Chairperson Davis asked if the Masonic Lodge was included on any of the five lots shown and Mr. Huffman said that it was not. Mr. Huffman explained that was the confusion regarding the number of parcels. Mr. Huffman stated the property had an existing road that was constructed in the county. He said the property had only recently been annexed and some previous construction had been done. Chairperson Davis expounded on the uses for each of the individual lots.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Hartley to approve Resolution No. P-2005-017.

AYES: Commissioners Cohn, Edie, Hartley, Jordan, Vice-Chairperson Harris and Chairperson Davis.

NOES: None.

ABSTAIN: Commissioners Boyce.

ABSENT: Commissioners Butler, VanderNaald and Weisz.

Motion to approve Resolution No. P-2005-017 carried with a 6-0 vote.

Commissioner Boyce rejoined the proceedings at 8:05 p.m.

7. Request For Approval Of Preliminary Subdivision Plat, For Property Located On Neihardt Ave, Branson, Missouri. Resolution No. P-2005-018.

Applicant: Paul Womack

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as filed with the Planning Division.

Paul Womack, the applicant, explained the request was for a subdivision plat to be divided from six (6) lots into twelve (12) lots. Lots #7 through #14 will have individual units constructed on them, despite the fact it is an "R-3" Multi-Family zoning.

Vice-Chairperson Davis asked if any construction had been done on these lots. Mr. Womack said it had not.

Commissioner Edie asked if any arrangements had been made for sidewalks in this development. Mr. Womack said they had submitted a preliminary plan with the city previously and no sidewalks had been included.

Chairperson Davis asked if this had been platted previously and Mr. Womack stated it had but, the demand was greater for single-family residential than the originally planned duplexes.

Commissioner Edie asked if there were any requirements for sidewalks. Mr. Stephens stated the sidewalks were required when constructing new roads and this road is existing.

Chairperson Davis said another element the Commission looked for in new development, was the inclusion of green space or open space. He asked Mr. Womack if he were planning on allowing for native vegetation. Mr. Womack said they had met the requirements for open space towards the north end of the development. He said it was 2.8 acres at the time of submittal.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Commissioner Boyce, seconded by Vice-Chairperson Harris to approve Resolution No. P-2005-018.

AYES: Commissioners Boyce, Cohn, Edie, Hartley, Jordan and Vice-Chairperson Harris.

NOES: None.

ABSTAIN: Chairperson Davis.

ABSENT: Commissioners Butler, VanderNaald and Weisz.

Motion to approve to Resolution No. P-2005-018 carried with a 7-0 vote.

Commissioners Boyce recused himself from the proceedings at 8:15 p.m.

8. Request For Approval Of Final Subdivision Plat, For Property Located At 2570 West State Highway 248, Branson, Missouri. Resolution No. P-2005-019

Applicant: Richard E. Huffman

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as filed with the Planning Division.

Commissioner Edie asked David Miller, City Engineer, if the issues with storm-water runoff had been addressed and provided. Mr. Miller said the issues had been taken care of to the city's satisfaction at this time.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

None.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Hartley to approve Resolution No. P-2005-019.

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

Motion to approve Resolution No. P-2005-019 carried with a 6-0 vote.

Commissioner Boyce rejoined the proceedings at 8:16 p.m.

Chairperson Davis said there was always some discussion and concern on why the Commission would receive a Preliminary Subdivision Plat and a Final Subdivision Plat on the same night. He stated there were differing opinions on why this was allowed.

**9. Request For Approval Of Final Subdivision Plat, For Property Located On Neihardt Ave, Branson, Missouri. Resolution No. P-2005-020.
Applicant: Neihardt Properties, LLC**

Ruth Denham, Acting Assistant 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 Cohn, seconded by Vice-Chairperson Harris, to approve Resolution No. P-2005-020.

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

Motion to approve Resolution No. P-2005-020 carried with a 7-0 vote.

**10. Request For Approval To Amend Existing Planned Development Under The Name Of Branson Pointe, Previously Approved As Ordinance #92-82 For Property Lying North And South Of Roark Valley Road, Branson, Missouri. Resolution No. P-2005-021.
Applicant: Kirk Strohm**

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as filed with the Planning Division.

Bill Yung from Yung Design, came forward to present the request to the Commission. He explained that some restrictions that seemed inappropriate had been rewritten and other items had become more restrictive than previously approved. The project has 32.16 acres. The original Mixed-Use Planned

Development was approved almost thirteen (13) years ago. It combines commercial, multi-family and single-family uses and this will remain the same. One of the changes will be the addition of a possible future public street. This street would be built to city standards and it would be located along the single-family portion of the development. Single-family lot setbacks will be a variable front-yard distance to avoid having the monotonous location of garages and alignment of the homes. The height restrictions included in the changes would be thirty-five (35) feet for commercial and residential structures; fifty-five (55) feet for multi-family structures. One important factor that is included in this amendment to the Planned Development, is that once a parcel has been "committed" to a certain use as defined, then the entire parcel must be developed for that use. It maintains continuity of design by parcel even though the individual parcels on the property may allow for more than one use to occur. The vegetative buffers will contain a twenty (20) foot allotment for earth burms, trees, shrubs, grass and utilities along Roark Valley Road. It will make allowance for twenty-five (25) foot buffer between any multi-family and single-family uses. A sidewalk will be constructed along both sides of Roark Valley Road. Another factor included will be trees, fence or walls as required to screen neighboring property owners' line of sight. Storm-water runoff will be provided as required. Mr. Yung went on to described parking being proposed and stated that the sign portion of the Planned Development would be a later addition. Infrastructure will meet city code standards. The project will be built in several phases and he went on to explain the current plan for construction.

Chairperson Davis asked if there were any access across the railroad track to the Stockstill Park. Mr. Yung said there was not, due to the steep slope of the property. Chairperson Davis asked how many units were allowed in the single-family area. Mr. Yung said the applicant was asking for the Branson Municipal Code allotment of sixteen (16) units per acre.

Vice-Chairperson Harris asked if the adjacent property to the right on the overhead was "R-1". Mr. Yung said that it was. Vice-Chairperson Harris asked what the requirements were for buffering between the Planned Development and this existing subdivision. Mr. Yung stated that there would be a twenty-five (25) foot buffer as required by city ordinance. Vice-Chairperson Harris asked if there was a provision for a play area for the multi-family housing parcels or if there was a plan to provide access to Stockstill Park for the children living there. Mr. Yung stated he had not made provision for the access to Stockstill Park, but he could see that it would be a good idea. He explained there would be playgrounds designated for the families in these multi-family buildings.

Commissioner Boyce asked Mr. Yung if the thirty-five (35) to forty (40) foot setback would follow the entire abutment of Roark Valley Road, and if it would include the green-belt area. Mr. Yung said he was asking for a thirty (30) foot setback.

Chairperson Davis asked if street trees and sidewalks were being provided in the single-family residential Parcel 1 portion. Mr. Yung stated that would be provided according to this Planned Development.

SPEAKING IN FAVOR:

None.

SPEAKING IN OPPOSITION:

David Mann, a neighboring property owner, asked about the accessory structures to service the project that were mentioned in the Planned Development. He asked if those would be temporary or permanent. He also asked for a further explanation of the maintenance facility and marketing center. He stated there was a huge sink-hole on the Parcel 1 and he would be interested in how that would be dealt with in the project. Mr. Mann stated he was not against the project, but he wanted his questions answered regarding these issues.

Mr. Yung stated the accessory structures would be gazebos, garden sheds and small buildings as would be normally constructed in single-family neighborhoods. The maintenance facility would be constructed for the multi-family structures. Mr. Yung stated the sewer was supplied by the City of Branson. The

marketing structure would be used for that purpose only until all of the dwelling units were sold and then it would revert to a condominium-housing unit. Mr. Yung said the sink-hole would be dealt with in the process of engineering for storm-water runoff.

Gene Mulvaney, a neighboring property owner, stated he had concerns that the Parcel 1, single-family residential portion, would be changed into multi-family units. Chairperson Davis explained that in order for the use to be changed on any parcel in the Planned Development; it would have to go through the same process that was taking place tonight. Mr. Yung stated there was already a builder that was interested in the single-family lots and there were no plans to change that use. Mr. Mulvaney expressed his concern on low-income families moving into the multi-family structures. Kirk Strohm, the developer, came forward and said it would be medium-income housing with playgrounds.

Kirk Strohm explained further that two strip malls would be constructed on the commercial in the very near future.

Chairperson Davis asked Mr. Strohm if the entrance to the commercial and multi-family parcels would be off of the residential street. Mr. Strohm replied it would not.

David Mann asked what type of buffer was going to be provided between the neighboring properties and the apartments. Mr. Yung said the plan was to provide screening, possibly even a solid masonry wall.

Jeannie Wilcox, a neighboring property owner, asked if in developing this area there would be blasting. Due to the new road extension they have received property damage and she was concerned about further damage. She asked if the new buildings being proposed would block the view from her home. Mr. Yung stated that due to the slope, she would not be looking directly on to the structural walls of the buildings. The buildings would be visible but not block the view. David Miller explained the blasting done for the road extension was carefully monitored and the limitations on the shockwaves were in legal limits. He stated the developers would be required to obtain a permit for any blasting and adhere to all regulations on the size of the blasts.

Stephan Moore, a neighboring property owner, stated he was concerned about the size of the road and traffic increase. Michael Pellham, another neighboring property owner, stated he had the same concern. David Miller explained that the traffic load on Roark Valley Road was well below the level that the road was designed to accommodate. He stated during the course of his review, he had thought that in the future it might be necessary to install a traffic light at the new intersection created by this development.

MOTION:

Motion by Commissioner Edie, seconded by Commissioner Jordan to approve Resolution No. P-2005-021.

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

Motion to approve Resolution No. P-2005-021 carried with a 7-0 vote.

Commissioner Boyce recused himself from Item #11 at 9:13 p.m.

11. Request For Approval Of A Planned Development For The Branson Landing Convention Center, Branson, Missouri. Resolution No. P-2005-022.

Applicant: HCW

Ruth Denham, Acting Assistant Director of the Planning and Development Department, presented the staff report as filed with the Planning Division. Mrs. Denham stated the maps being I, J and K, are incorrect in that they depict off-street sidewalks, trees and parking, which are not a part of the Planned Development.

Bill Yung of Yung Design, came forward to present the applicant's request. Mr. Yung explained the Planned Development included 14.8 acres of land that is currently owned by the City of Branson. It is planned to build a convention center, hotel and parking facilities on the property. The distinction between the parcels is pertinent only in that when the convention center becomes successful, the plans are to expand on the building. The Planned Development also allows for the surface area parking to be used for exhibits on a temporary basis only. Mr. Yung said there would be 'zero' setback requirements on the property and he pointed out that it was the same on all of the "Downtown" zoned property. The four parcels will have varying height limitations. There is provision for a six (6) foot screening wall to be placed between the development and the railway tracks. Mr. Yung stated there would be two (2) overhead walkways. These walkways will connect the parking garage and the hotel; and another will be constructed across the railway. He said, due to the limitation on space, there would be zero green space included in the surface parking areas. He stated the sign portion of the Planned Development would be written at a later date and would be in conjunction with the "Downtown" zoned area.

Commissioner Jordan asked what the proposed width of the overhead walkways would be. Rick Huffman of HCW stated that it was unknown at this time and an engineer would design these. Commissioner Jordan stated his concern was the foot traffic would be so intense that people would have to stand in line to cross the footbridge. Chairperson Davis explained the question would also address the visibility of the Landing from the Downtown area. Mr. Huffman said the screening wall would be eight (8) feet rather than six (6) and provision would be made for street level access across the railroad tracks.

Vice-Chairperson Harris asked what the height of the tallest structure would be in the Landing area. Mr. Huffman said the hotel was currently planned at twelve (12) stories tall. Vice-Chairperson asked what floor would be at eye-level to Commercial Street. Mr. Huffman said the hotel would be above the elevation of Commercial Street.

Vice-Chairperson Harris asked about the storm-water runoff and what was being done in that regard. Mr. Huffman said this project had been extremely complicated in that area. He explained that currently the water ran through two (2) 48-inch pipes that are box culverts that were built in 1913. The city standards required twenty-five year storm retention before it flows into Lake Taneycomo. The new plans for storm-water runoff will be three (3) 72-inch box culverts, as well as others through the development. The new plan includes charcoal filter systems to filter the water.

Chairperson Davis asked why a five (5) acre surface parking area was being proposed with no green space included. Mr. Huffman stated the green space would be provided on the perimeter of the parking area, which in definition, is not allowed to be claimed as green space.

Commissioner Jordan asked if the fire department would be able to reach the top floors of the hotel in case of a fire. Mr. Huffman responded that the fire department would only be able to access the seventh floor or below. Mr. Huffman went on to say that the building was being constructed to make allowance for this situation. The hotel would be 100% sprinkled and there would be UL fire-rated fabrics for all upholstery, curtains, bed linens etc.

David Miller stated the vicinity map presented for this item was incorrect. The map included Chuck Pennel's property in the Southeast corner of the project and this was not accurate. Mr. Pennel's property is not included in the Planned Development.

Don Stephens asked if the Commissioners had read the comments from the Health Department. Chairperson Davis stated this referred to the five (5) points the Health Department had included in the staff report. Mr. Huffman said he had read them but he thought it would be handled in staff rather than addressed at this meeting. Mr. Stephens said these issues must be addressed before the Board of Aldermen meeting. Chairperson Davis said these comments did not address any issues in the Planned Development and would be discussed at a later time.

MOTION:

Motion by Commissioner Cohn, seconded by Vice-Chairperson Harris, to approve Resolution No. P-2005-022.

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

Motion to amend Resolution No. P-2005-022 carried with a 6-0 vote.

Commissioner Boyce rejoined the meeting at 9:35 p.m.

12. Request To Amend The Branson Municipal Code, Title IV, Land Use, Chapter 445, Sign Regulations, Chapter 445 Sign Code. Resolution No. P-2005-023.

Applicant: City of Branson

Ruth Denham, Acting Assistant Director of Planning and Development, presented the staff report as filed with the Planning Division.

Don Stephens, Director of Planning and Development, commented that Mark Weisz, a Commissioner and a Member of the Board of Realtors, had contacted him to let him know that the illegal real estate sign had been removed from the premise where it was located. Mr. Stephens stated that the sign, to which Mr. Weisz referred had started the city staff to consider revising the ordinance. The wording in the sign ordinance was not specific enough at this time. Mr. Weisz had stated he would prefer for the ordinance change not to be passed, due to the fact the problem had been alleviated. Mr. Stephens said he had gone forward with presenting it so that in the future, if this would happen again, the ordinance would be there to enforce.

Dan Wichmer, City Attorney, stated he would ask that the language go forward. He stated it was very difficult to prosecute the illegal signage at this time and the language was necessary to prevent this from happening in the future.

Chairperson Davis asked if Don or Dan perceived this language to be too restrictive on the real estate agents who were trying to sell properties. Mr. Wichmer said that he did not. He said the city would always be willing to listen to reasonable requests to amend the language but right now there is a clear violator and it must be dealt with to prevent future occurrences.

SPEAKING IN FAVOR:
None.

SPEAKING IN OPPOSITION:

Rick Huffman came forward to say he would prefer to see this regulated by the Taney County Board of Realtors

Commissioner Cohn stated that for seventeen years he represented a low-end real estate yard sign company and this is the least restrictive rules of this nature that he had ever seen in all his years of experience. Chairperson Davis asked if Commissioner Cohn thought it was too restrictive on the realtors. Commissioner Cohn said absolutely not. Chairperson Davis said he concurred. He stated it would help regulate violators that were trying to use real estate signs for off-premise advertisement.

MOTION:

Motion by Vice-Chairperson Harris, seconded by Commissioner Cohn to approve Resolution No. P-2005-023.

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

Motion to approve Resolution No. P-2005-023 carried with a 7-0 vote.

OTHER BUSINESS

6. Planning and Development Director Report.

Recommended Action: None.

Don Stephens explained that he did not have a Director's Report, but he would like to say how much he had enjoyed working with Dan Wichmer. Mr. Wichmer has accepted another position and will no longer be with the City of Branson. Mr. Wichmer stated that he had enjoyed working with the Commission and he would miss it. Chairperson Davis said the Commission would miss him also and the Commissioners had come to respect his ability.

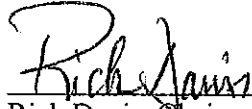
Chairperson Davis asked David Miller if he would take a moment to speak on the furtherance of the Trail Plan in the city. Mr. Miller said in 2004 the funds allotted had been \$100,000. He explained there would be at least that funding this year. He said the highest priority would be to start near the new Skagg's parking lot on Cahill Drive and extend the trail up along the Roark Creek Valley, from there it would connect to the Branson Landing Development. Mr. Stephens added that one of the things they wanted to achieve was to connect the trail in Branson Landing to Stockstill Park. A complication in this plan was the rougher terrain around the hospital. This year the city would like to extend, at least the bike trail, from Stockstill Park through to the Roark Creek area.

Chairperson Davis brought up the attendance of the Commissioners and how important it was for them to be present. He asked for Mr. Wichmer to remind him of exactly how many unexcused absences in a row was considered grounds for dismissal. Mr. Wichmer responded three (3) unexcused absences had been decided upon. Chairperson Davis went over the attendance record for 2004.

ADVISORY RECOMMENDATIONS

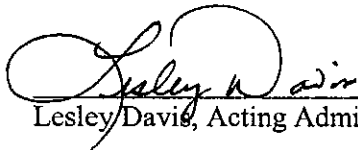
ADJOURNMENT

Motion by Chairperson Davis was unanimously carried to adjourn the meeting at 9:50 p.m.



Rick Davis, Chairperson

5-3-05
Date



Lesley Davis, Acting Administrative Assistant

5-4-05
Date