

PLANNING AND ZONING COMMISSION

Work Study Session Minutes

January 15, 2008

6:30 P.M.

Council Chambers

CONSENT

1. Roll Call.

Commissioners Present: Boyce, Butler, Hartley, Jordan, M^cDowell, Weisz, Vice-Chairperson Harris, and Chairperson Davis.

Commissioners Absent: Cohn and Romine.

Staff Present: Don Stephens Director of Planning and Development
William Duston Asst. City Attorney
Sonja Paden Office Assistant II

2. Approve Agenda.

Recommended Action: Approve the format of the January 15, 2008 Study Session agenda.

PRESENTATION

Chairperson Davis welcomed all in attendance, then invited Don Stephens, Director of Planning and Development, to make his presentation on Smart Growth.

3. Staff Educational PowerPoint Presentation on Smart Growth

Mr. Stephens began by thanking the commission for this opportunity to talk with them. He had been anxious to talk about 'smart growth' for several years because they have done a lot of implementation of it here in Branson already. Tonight's presentation should take about half an hour unless the commissioners have questions during the course of the presentation, which would then add to the time accordingly.

Below are the headings of each "Smart Growth Presentation Solo" slide:

- Branson, Missouri Smart Growth (slide 1)
- About Smart Growth (slide 2)
- Smart Growth Principles (slide 3)
- One: Create a Range of Housing Opportunities and Choices (slide 4)
- Two: Provide Walkable Neighborhoods (slide 5)
- Three: Encourage Community and Stakeholder Collaboration (slide 6)
- Four: Foster Distinctive, Attractive Communities with a Strong Sense of Place (slide 7)
- Five: Make Development Decisions Predictable, Fair and Cost Effective (slide 8)
- Six: Mix Land Uses (slide 9)
- Seven: Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas (slide 10)
- Eight: Provide a Variety of Transportation Choices (slide 11)
- Nine: Strengthen and Direct Development Toward Existing Neighborhoods (slide 12)
- Ten: Take Advantage of Compact Building Design (slide 13)
- Eleven: Smart Growth Issues (slide 14)

- One: Community Quality of Life (slide 15)
- Two: Design (slide 16)
- Three: Economics (slide 17)
- Four: Environment (slide 18)
- Five: Health (slide 19)
- Six: Housing (slide 20)
- Seven: Transportation (slide 21)
- Branson, Missouri - A Plan For Tomorrow (slide 22)
- A Plan For Tomorrow 1_population (slide 23)
- A Plan For Tomorrow 2_growth, choices and opportunity (slide 24)
- A Plan For Tomorrow 3_build a new model (slide 25)
- A Plan For Tomorrow 4_the common ingredient is higher-density development (slide 26)
- A Plan For Tomorrow 5_density done well (slide 27)
- Five Principles of Successful Communities (slide 28)
- 1. Make Room for Tomorrow (slide 29)
- Make Room for Tomorrow 1_strong population growth necessitates new housing (slide 30)
- Make Room for Tomorrow 2_mixed-use, higher-density development (slide 31)
- 2. Build for New Choices (slide 32)
- Build for New Choices 1_family dynamics drive housing industry (slide 33)
- Build for New Choices 2_fastest growing households (slide 34)
- Build for New Choices 3_national survey (slide 35)
- Build for New Choices 4_apartment residents choose that lifestyle (slide 36)
- Build for New Choices 5_demand for higher-density homes will hit new highs (slide 37)
- 3. Make the Most of What We Have (slide 38)
- Make the Most of What We Have 1_sprawl is expensive (slide 39)
- Make the Most of What We Have 2_compact development comparisons (slide 40)
- Photo of high-rise buildings (slide 41)
- 4. Attract the Best (slide 42)
- Attract the Best 1_new residents transform areas (slide 43)
- 5. Jumpstart Our Economy (slide 44)
- Jumpstart Our Economy 1_attract new employers (slide 45)
- Jumpstart Our Economy 2_Minneapolis-St. Paul/New Hampshire comparisons (slide 46)
- Jumpstart Our Economy 3_attract new retail development (slide 47)
- Imagine the Possibilities (slide 48)
- Neighborhood Commercial Center (slide 49)
- Transit-Oriented Areas (slide 50)
- Industrial Sites (slide 51)

- Next Step: Take Action (slide 52)
- Take Action 1_it won't just happen (slide 53)
- Take Action 2_the role of elected officials (slide 54)
- Take Action 3_the role of business leaders (slide 55)
- Take Action 4_the role of citizens (slide 56)
- Take Action 5_the future is our choice (slide 57)
- Myth vs. Fact (slide 58)
- ONE_higher-density developments overburden public schools, public services (slide 59)
- Number of School Age Children per 100 Units of New Housing (slide 60)
- Projected Household Growth 2000-2010 (slide 61)
- TWO_higher-density developments lowers property values (slide 62)
- Average Annual Appreciation for Single-Family Detached Homes by Nearness to Multifamily Buildings (slide 63)
- THREE_higher-density developments create more traffic, parking problems (slide 64)
- Average Daily Car Trips (slide 65)
- FOUR_higher-density developments lead to higher crime rates (slides 66)
- FIVE_higher-density developments are environmentally more destructive (slide 67)
- SIX_higher-density developments are unattractive (slide 68)
- SEVEN_no one in suburban areas wants higher-density developments (slide 69)
- Household by Type: 2003 (Percentage of Total) (slide 70)
- EIGHT_higher-density developments are for lower-income households (slide 71)
- Take Action – For more information, contact: (slide 72)
- Form-Based Codes (slide 73)
- Form-Based Codes_components include (slide 74)
- Form-Based Codes_optional components can include (slide 75)
- Photo 1 (slide 76)
- Photo 2 (slide 77)
- Steps for preparing form-based code (slide 78)
- Any questions? (slide 79)

Chairperson Davis thanked Mr. Stephens for his presentation. He asked Mr. Stephens if it is only through form-based codes or changing our approach to how we try to direct the design or growth that smart growth can occur. Mr. Stephens said no. He said form-based codes can be useful. They attempted this several years ago in a certain neighborhood around city hall near the old school buildings. This neighborhood is slowly going through a deterioration process. One of the things they had discussed was that they were not a city that could qualify and become an entitlement community for block grant or any kind of funding that way. They have to deal with it on a discretionary base and he thinks they may be able to do some lobbying and argue that case. He said you have to be a community of fifty thousand (50,000) to get entitlement. Entitlement means you get it directly from the federal government; you do not have to go through the state. Discretionary funds are available to the state. The state gets an allocation every year for specific projects and they can apply to the state for those particular allocations.

In order to do that, they have to show they meet one of the three national objectives: (1) benefit to low and moderate income; (2) elimination of slum and blight, or; (3) job creation. In doing that, you have to do an analysis of the neighborhood and get the information in. If the commissioners recalled, they had about 6-8 public hearings. They researched who the owners were and sent them letters, as well as sending letters to the tenants. They even put flyers on every door in the neighborhood. During that entire time, they had one contact from a tenant who really had more of a complaint than anything else, so there was no interest in doing that. The question is how could form-based codes help them there. They would start by taking a neighborhood like that and establishing a form-based code by inviting the property owners to public hearings. If they come, they do; if they do not come, you gather the information from the people who are interested in it. You design a form-based code that would provide some mechanism by which you would say this is the style and the look you want in the neighborhood. It may include professional office buildings or small business enterprises that may have their home on top so they could buy their home and their business at the same time. They could lay out some form-based code concepts like those, but it would take a while to do that. If you were to lay that out in a neighborhood like that, it might create some interest in reinvestment into that neighborhood, but they would have to talk to some of the entrepreneurs around here to get their opinion. It would be for the purpose of trying to create some of those things that Mr. Stephens does not think they have enough of in our community, which is the small Mom-and-Pop business where you live upstairs and you work downstairs. A lot of communities have done that in their downtown district and he said it would not be a bad idea. At some point in time, they should look at their downtown district in terms of moving up on some of those buildings to create the same kind of thing. You could do that to create that reinvestment. He said one thing they did in Greeley that worked extremely well was they established a loan base. They were an entitlement city and got quite a bit of money from the federal government every year to do this, but there used to be a program called old 312 loan program and it was 3% interest rate loans. They actually ponied on to that and used local monies and established a pool of funds to where they could do some rehab to existing homes to help people create those into the kind of market that would work for them. At the city, they actually loaned those fund out, serviced those loans and brought the money back in. Over a period of about 5 years, they created a pool where the monies coming back in on those particular loans was adequate to continue the program in those particular neighborhoods. While that was mainly for housing rehab and that kind of thing, it could be looked at and maybe there are some local banks and lenders that would be interested in trying to help do some things to reinvest in a neighborhood. There might be some developers who would be interested in doing something along those lines, if they could do something other than just fix those little houses that are there. There are a lot of small lots and a lot of issues over there. Those are the kinds of things you would do during the public hearing process. He said he believed form-based codes would work in a neighborhood like that; however, if you look at it citywide, it would be a nightmare to try and do it that way. In his mind, form-based codes might be an answer to some of the issues in the downtown area. They would be able to create that so there would be a certain character put into it, a particular look they would want to have, both maximum and minimum heights, and information about façades. They may look into doing some things on cloverleaves on the corners to provide directional signage for the downtown and look into expanding sidewalk areas to make some things work. It would be somewhere where form-based codes might be beneficial to look at, but you do not know that until you actually get the meetings together, invite the people in and see what their interests are and see what ideas are out there.

Chairperson Davis recognized Vice-Chairperson Harris.

Vice-Chairperson Harris asked Mr. Stephens how much money we could get from the discretionary funds that the state has. He asked if there were towns that do this and whether or not they get close to what the federal government would provide or if it was just small seed money to get you thinking and processing. Mr. Stephens said most generally the first programs they do start with seed money. You have to have a viable program to present to the state. You have to show them you have done 'the look' that you have gotten together with the people and found that it does meet the lower-to-moderate income criteria in this neighborhood. If not that, you need to show them everything that is going to be developed over there is going to be marketable at least at that moderate income level. You have to show that you have done all that, you have the citizen input, and you have the interest from the community. They do not want to tie

their money up in a community if it is not going to be used. We made a massive effort several years ago to try to get this particular neighborhood involved. He did not know whether it was just a matter of not understanding the concept, but he thought it might help if they were to go through the planning and zoning commission and post public hearings and invite them in with the idea in mind that we are moving towards doing something, they need to come in and tell the commission what they would consider.

Vice-Chairperson Harris asked Mr. Stephens if that is what the city of Ozark has been trying to do with that area there. Mr. Stephens said he knew they were talking about some discretionary CDBG (Community Development Block Grant) money. He was not sure what kind of financing mechanism they were looking at, but they were looking at trying to put some money together to do some development in some particular neighborhoods up in there. He does not know whether they are doing it with their own local money or not. From a community standpoint, we need to look at what kind of financing mechanism might be out there. Vice-Chairperson Harris asked Mr. Stephens if the form-based codes are actually considered a type of zoning then; is it zone form-based. Mr. Stephens said yes. Basically, it looks less into the uses involved in a particular area and more into the look. You can also leave some of your existing codes if place, if you want to. In towns in Colorado where they had small colleges that moved into the giant campuses, they left these neighborhoods open where frat houses and things like that were at that time. They put form-based codes in there to maintain the existing architectural look of that, but they allowed them to do whatever mixed use they felt would work by maintaining the existing buildings. Whereas before it might have been an R-1 single family or an R-3 multi-family zoning, now it is under form-based codes so, as long as the look is there, the mix of what you want to do in it would be up to you. There can be exceptions that you would write into that form-based code stating you do not want any kind of industrial or manufacturing or certain things along those lines, but the concept is to try to make it as simple and easy as possible. The biggest problem he sees with form-based codes, especially on a citywide basis, is that it lends a lot to staff to make decisions, which can be a dangerous thing sometimes. You have the best staff in the world here, but it does sometimes lend itself to that because you would have to write into it any kind of special use permits you want in that particular area. You could leave the number of uses in it wide open or you could restrict it; however, if you get back to restriction, you are technically no longer in form-based.

Chairperson Davis recognized Commissioner Hartley.

Commissioner Hartley asked if they could actually hone in on the area behind city hall. She goes through that area every day, and it grieves her every time she does. Recently, she passed by a lot and it said this is commercial zoned. She asked what the zoning is between Business Highway 65 and the old grade school. Mr. Stephens said there is a small area of it just off of Business Highway 65 that is commercial. He would have to pull the zoning map up to look, but there are some R-3 multi-family areas in there and a lot of R-1 areas. Both of the schools are in R-1 zoning. Commissioner Hartley said, if we offer them help, would we be offering it in R-1 or R-3 or commercial. Mr. Stephens said, if you went to form-based codes, you would be recreating that. It would no longer be R-1, R-2 or R-3. It would be form-based code A-1, or whatever you wanted to call it, and then you would establish what the criteria would be for that neighborhood. You would need to encourage investors and developers to come into the area and find out what it would take to get them to invest in this neighborhood. What kind of form-based code would entice them to look into buying, fixing up and refurbishing the entire neighborhood. Commissioner Hartley asked if there was actually "spot zoning" in that area. Mr. Stephens said technically it is not because it is one big code for the whole area, but it lays it out lot by lot. In other words, the first block away from Highway 76 could have one type of use and he gave a hypothetical look that it could have. The next block away could be professional office space and mixed uses in there, and you could say this area has to have a different look. You could work your way into the form-based code neighborhood this way, and you would lay out those particular criteria block by block or even by the lot. The actual zoning for that particular area now becomes form code number A-1, or whatever that is. It is like our planned development that becomes PD No. 2008-01.

4. Report by Chairman Davis on Seminar Regarding Legislation and Form-Based Zoning

Chairperson Davis said, before the rest of the commissioners give their input, he wanted to share what he learned in St. Louis at the APA (American Planning Association) meeting he attended last November. The talk he went to was titled “Downtown Planning Form-Based Codes: Design Matters.” Blue Springs, Missouri has recently gone through this process. They hired a design architect firm to help them. This firm, acting as a facilitator, along with the city’s planning staff, counsel and mayor, went through a fairly long process to apply this approach to Blue Springs. He has not been in Blue Springs, but he understands it is a somewhat suburban town and had the feel of a pedestrian-friendly environment many years ago with a trolley system that came from downtown Kansas City all the way out to Blue Springs. They felt they still had a piece of the downtown that had retained some character, and they wanted to build upon that. They identified an area, including the downtown and a few blocks around the downtown area, where they are applying these form-based codes.

Briefly, what Chairperson Davis learned is form-based codes divide the community into geographical areas each with individual regulations, neighborhoods, commercial districts, and corridors, such as the entertainment corridor. This approach decreases the emphasis on land use. We are all about what use the land will have – residential, commercial, et cetera, which goes away, as Mr. Stephens said. It increases the emphasis on building form to the point where we have to know what each of those areas is going to look like before we can build the code, and that is where the difficulty arises. There are models we can use. There is one called the ‘transect model’, which is used to describe the degrees of mixed use in the various areas, as Mr. Stephens had said. Along a commercial or downtown area, the degrees of mixed use and density would be quite high. As you move back into more of a residential setting, the mixed use declines. In each specific zone, there are very detailed descriptors and guides as to what that mixed use can be and what it can look like. If applied well, it can make cities better so people live near the city center, not in suburbs. He learned ‘smart growth’ was a form-based code approach and that it could work only block by block in the downtown. In a neighborhood, it can be an effective tool to retool or identify infill in well-established, good neighborhoods. Chairperson Davis said he is rather excited about it and can see maybe reopening the case for form-based codes in the downtown area. As Mr. Stephens said, maybe the realization has come that we do need an opportunity to retool the downtown. One of the aspects he would personally be excited talking about when it comes to finding public money would be how could we use public money to retool our infrastructure to make those areas better. He is talking about what Commissioner Jordan brought to them at the last meeting, which is how do we retool a neighborhood street with sidewalks, lighting, and the tree lawns. It would be a part the city could play in a residential or mixed use setting to provide a greater impetus to a developer. If a developer sees this type of investment going in, he thinks it would make them more likely to want to invest as well. When applying for discretionary funds through the state, Mr. Stephens said one of the things you can apply for is infrastructure in a neighborhood that you are working on revitalizing. You would have to use those ugly words ‘slum and blight’ in order to qualify for it, but you could utilize that and apply for a grant in that particular area to help with those kinds of things. You would have to have it designed, know where you are headed with it and how it is going to work in a plan before you actually apply for it.

Chairperson Davis thanked them for allowing him to make his presentation and recognized Commissioner Jordan.

5. Q&A and Open Roundtable Discussion

Commissioner Jordan said, wherever his travels take him (St. Louis; Las Vegas; Hilton Head), he always wonders how those cities that have a well-organized look to them got to that point.

At 7:17 p.m., Commissioner McDowell left the panel table and exited the council chambers.

He does not know if they use form-based codes and it is very strict, but yet compliant because the finished product is worth it and it is enticing. He thinks the downtown area and the area around city hall are definitely areas that could use something like this. He said the strip in general could definitely use some uniformity in its building. If you talk about wanting to build around the city center, he asked where our city center is – is it downtown? is it the strip in general? is it what he calls the new developing local strip of 248 and Gretna Road? We are talking about urban sprawl in a really small community. In the wintertime on a clear night, he likes to come driving in and hitting some of those tops coming from Springfield and seeing the sprawl of the lights of this little town in which we live. He said he did not get into the air much, especially at night, so the helicopter attraction has its appeal because you could see how widespread we have become and see the different sects of our city and how it is growing. As we look at this over the next 20 years, he thinks it would be great to see that the strip has been transformed. He can imagine the businesses being on a walkway and residences for tourists, like urban resorts. We have to look at what our product is, though. He said Mr. Stephens said in his presentation ‘the people go and the jobs will follow the people’. He thinks they all recognize their situation here in Branson is unique. Commissioner Jordan said he is dealing with a software issue at his pizza place, and the technician told him no one had ever asked them to do what he was asking them to do, and this software company services pizza places all over the world. When we look at our whole model here, you have to ask what is the incentive. What can the city offer to a developer, without using that bad word ‘TIF’.

At 7:20 p.m., Commissioner McDowell returned to the panel table.

He said there is a place in St. Louis directly across from The Galleria called The Boulevard that looks exactly like Branson Landing. They have essentially built a city block in the middle of suburbia with 4- or 5-story buildings with apartments on top that you can lease or buy and shops on the bottom. He has not looked into how successful it is, but that is basically what they are talking about. Because it is an entrepreneurial venture, he asked what the incentives are for someone to come in and invest in it. He has laughed in this town for a long time because people ask ‘why don’t they do something about there’s not enough visitors here’. Who are ‘they’? are we ‘they’? is it the chamber? is it the business owners? is it the theater owners? When someone asks ‘why don’t they build more things like this in Branson’, again, who are ‘they’? is it the developers? What can we do as a city? This gets into a political issue because, if the city now offers developers the benefit of an infrastructure arrangement similar to a TIF, what about the developers like Doug Gerard who came in and built their centers with their own money, without any help from the city. This topic will surface at some point in time, so they need to make sure there are incentives even for the people who might have developed something 5 years ago. He loves the ideas, but, as a city, what can they offer. We do not collect property taxes in the city.

Mr. Stephens said there are a few things he can mention quickly based on ‘smart growth’. The first thing is density. You allow that density factor to increase enough to where they can get enough units in there to make it affordable for them to do it. The second thing you look at is parking and maybe establishing some separate parking areas. The third thing is setbacks. Allow them to build closer to the property line, keep it out towards the front and leave the open space in the middle. In looking at that, then look at corridors in there. It is evident in Branson that a topic for future discussion is the little parks we have all over town that do not get used, while the larger community parks are used. We have to figure out some mechanism by which to deal with that issue. Those are certain types of incentives. As Chairperson Davis mentioned earlier, we could look at some kind of an infrastructure grant we could get. We could pull some matching funds in and get some grant funds from the state to provide some incentive to eliminate ‘slum and blight’ and develop a neighborhood that provides those kinds of things. We might help with the sidewalks to help persuade the developers to invest money in the property, but density is a big issue. Chairperson Davis said, along that same concept, it would be a great improvement in the neighborhood if you could get an overhead line utility company to cooperate and condense their utility, and reduce the overall utility impact in our community. They installed underground utilities for Branson Landing Boulevard and he thinks everybody would say that is an improvement. He would like to say they could work their way through the city, as with the old curb-and-gutter program, and look at areas where this would be appropriate to do, while at the same time try to do a utility redesign. Chairperson Davis asked

Mr. Stephens if he thought utility companies would be willing to partner with a city to do a project like this. Mr. Stephens said you would probably have to get them involved in the planning process to see what that can do and what they are willing to do. Part of the concept of 'smart growth' is walkability. It used to be set up so you could get from your home to anywhere you need to go within 5 minutes, but now it is within 10 minutes. The idea of building green is trying to cut down those types of costs that are involved and that kind of thing, so he does not know whether the utility companies would cooperate or not. It has been his experience in the past that they are not real cooperative.

Chairperson Davis recognized Commissioner Weisz.

Commissioner Weisz said to go visit Bill Skains. Mr. Skains has shared a similar vision with him that he would like to see and wondered what we could do to get the city involved. It might take some state and federal money, as well as the cooperation of the utility companies, to bring down the overhead lines on Highway 76 and other areas. Commissioner Jordan said, when you put the utilities underground, you could put them under the trees that run along Highway 76.

Chairperson Davis recognized Commissioner Weisz.

Commissioner Weisz asked Mr. Stephens if he was aware if there were any incentives in Missouri's Dream Cities program. Mr. Stephens said he was not familiar with anything new. He said there are some small things out there, but if you are talking about ten or fifteen thousand dollars, that is really nothing. We need to be shooting for the big stuff. If we can shoot for a \$300,000 discretionary fund grant from the state to help with some infrastructure in a particular neighborhood, that would be a nice thing to do. Commissioner Weisz said he would be at a luncheon on Thursday that the commercial group of the Missouri Association of Realtors is sponsoring with Sally Hemingway from the department of economical development. The topic is Dream Cities. There will be representatives from Hermann, Sedalia and Washington there to share their success stories, and Commissioner Weisz said he would take notes and see if there is anything they could benefit from them. Mr. Stephens said they have gone to some of the hotel and motel owners and people that have theater workers and other workers in the area to try to keep them locally to avoid them having to drive back and forth from Ozark. They want to find out if there is some way these business owners could see their way fit to do some investing in some neighborhoods, if they were to get a guarantee of so many units, as an example. He said they have done this in some of the tourist-type communities in Colorado. There are some ways to do it that would have to be done by the developer. There are some concepts that would work there, if you could get that part of the community to buy into the same idea. He thinks it would be beneficial to them to try and ensure there are some affordable areas here where people can live and work without having to drive lengthy distances. He added it would be interesting to find out how many people are late to work regularly because of the driving issue.

Chairperson Davis said the form-based code has been around since Roman times, so it is nothing new, and it is utilized extensively in our country. He asked Mr. Stephens if he foresaw the development of a higher density project on a parcel of land would end up being significantly more expensive because of the form-based code requirements. Mr. Stephens said it was a tough question. Chairperson Davis said he knows it depends on what you end up saying it looks like. Mr. Stephens said it depends on what you are requiring. Commissioner Butler said the more you write into the form-based code, generally, the more restrictive and expensive it is, but you cannot make that blanket statement. Given that they are going to go to a form-based code in this area, they will not necessarily get a more expensive product. He said they have to be careful because, once they start, it is easy to go on and on.

Chairperson Davis recognized Commissioner McDowell.

Commissioner McDowell said it was a really good discussion, but asked if it would be prudent to pinpoint an area and try to develop it as an exercise to see where we end up. If we were empowered to say this was our area and we were going to invest in it, what kind of model would we set up as a first step

towards doing these things. In the cities where he has worked, a lot of this was generated out of real blight, not what we call blight around here. They had areas that needed to have significant revitalization where they were burdened with a lot of crime and that kind of thing. It was traditional to work really hard to get the residential mix in the commercial district. It kind of confused him at first because out in San Diego, for instance, they are building this huge addition to the convention center and they need convention center hotels. They dedicated a full block to this condominium development just to get residential population down there because they are the ones who would be down there at city hall saying 'keep this place clean, keep it safe', so they activate and animate all those areas first thing in the morning. He kind of thinks about this differently and that is what he was talking about with Ron Huff before he was on city council. He had talked with Mr. Huff about some of the things they could do to really help the general feel in the downtown area. Having retail on ground level and having a mix of residential would be a change. Some people can live in common law areas; others cannot. It is a little bit different for them traditionally around here, but they seem to have done it quite effectively down on the Landing. Commissioner McDowell said another thing they do not think about is, after they revitalize those cities, there are a lot of people living there that simply give up their car because they have transportation systems. In our particular situation, he does not think that is an option. Because of that, they have to think a little deeper and ask where these people will keep their cars because that is a pretty big encumbrance. Adding another floor on the parking garage or working out some kind of deal are options. If we were able to take an area and think, if we were to live there, what kind of products and services and accessibilities and costs associated with it would there be, he thinks it would be a good learning exercise. He is excited about it, but he is not sure what it means and how to move forward or what kind of funds are available for a smaller community like ours, which can be a huge encumbrance.

Chairperson Davis said he thought it was an excellent idea and asked Mr. Stephens if we could pick a geographic area and do a mock form-based code approach on it. His thinking is how many blocks or how big an area to use, keeping in mind it is just an exercise for them to understand where they would end up with it before they launch into a discussion about applying it in an area to which they are serious about changing the zoning. Mr. Stephens said maybe staff could create a simple form-based code with just some basic things in it for a particular area and bring it back in to see what they would do with it, or how deep do they want to go with it. Commissioner Butler said it was not to get the staff to do it, but to get the commission in the middle of it. Referring to the area Commissioner Hartley had brought up earlier, since he also thinks it is appropriate, if they got the right incentives, Commissioner Butler said, although they could take the all the blocks in the area, if they took only 2 or 4 blocks and did what Commissioner Jordan said they did with The Boulevard, they would learn the basics. It would then be a lot easier for someone coming in from the outside to grasp the concept of doing that kind of thing in an area that size rather than an entire 26-block area, especially if they got some help from the city. He said again it would teach them the basics, and he thinks they ought to walk before they run. Chairperson Davis said he thought that was his point, but getting the commission involved in it and going through and understanding the thought processes to achieve the goal makes good sense to him. Commissioner Butler agreed saying they could do some role-playing to really understand how it works. Commissioner McDowell said, ultimately, you would have to ask yourself if you would live there or know someone who would live there. He asked if it would be a financial advantage to live there because of the quality of life or cost of living or one of the key attributes people look for when calling a place home. Commissioner Butler said that is one side of the equation. The other side is would you invest there to make it an opportunity for someone else to live there. Commissioner Jordan said there are places in Florida where they make entire golf cart communities. You build a community that you cannot bring a car into after a certain point. You would park your car in a covered spot and, from that point forward, everything is encapsulated. Whether it is a grocery store, pharmacy or movie theater, et cetera, all businesses would be accessed by means other than a car. The Boulevard in St. Louis is trying to become a destination area, much like the Branson Landing. There are enough good restaurants and unique shops and, while someone might say they want to live at The Boulevard, realistically there is not enough there for someone to say they do not need a car anymore because there is not a grocery store or other stores that would be community staples. Commissioner Butler said there is more public transportation in St. Louis than there is here, too. Commissioner McDowell said he did not know if we would ever get to be a destination where you did not

need your car because we do not have that network of transportation or cultural amenities where you can just go up the street and take in a show. He said that is something they need to agree on recognizing as part of the downside. Commissioner Jordan said, when he first got into the restaurant business, they had just introduced the MetroLink to St. Louis. At the time, he said there is no way they could dig tunnels and drive a subway from downtown St. Louis out to the suburbs. Last weekend, he was driving through Forest Park and saw a MetroLink station in Clayton, which is a 20-minute drive to downtown. He never thought he would see the day when that would be a reality. It is above ground in some places, too. He said they just shut down Highway 40, which is a major artery in St. Louis, for 2 years while they retool it. Commissioner Jordan asked his cousin how debilitating it is and he said no one has noticed a thing. People go to work earlier; they stay later; they travel alternate routes.

Commissioner McDowell said, recognizing those difficulties, they have to feel comfortable starting with a model that would have good odds of being successful. Once you get it started and it takes off, it will feed itself, but we have to nurture this baby for a while until it can be on its own. He respects Mr. Stephens' staff, but this is why he likes getting involved beyond a staff level, so they can understand it and be good motivators to the staff to help get this thing to a critical mass point and ready to go. Mr. Stephens said he was hoping to hear Commissioner McDowell say that. Commissioner McDowell said he was excited because, now that the downtown economy is stable and we have the Landing, he sees there is a lot of opportunity with a lot of the buildings down here, given what they did with the residential mix above the retail down at the Landing. Commissioner Jordan asked what is the demand right now. If money is put behind a project like this right now, they do not want it to be a speculative project. If the target group is employees, they need to create places where these people can rent and could literally walk to work. Commissioner McDowell said, realistically, he did not look at this as being employee housing. He said, if this takes off, the property values would jump up. Chairperson Davis said, going back to 'smart growth', although we are not there now, the demographic is, if they choose to go this route, they have a much greater chance of having a blend of different housing costs within the same area. They can see some obvious areas where that would be an opportunity to see that applied. He agreed that form-based codes could help areas on the strip. He recalled years ago when people who lived in the area would walk up to the Branson Heights Center. He thought it would be appealing to see some increased interest in walkability through a pedestrian-way system by increasing density with appropriately designed, controlled, form-based units going in the neighborhood. There would be enough impetus then in population demographic to encourage the owners of Branson Heights Center to go back and add a form-based-designed second story on to the shopping center. People could then ride their bikes or walk up to a market or pharmacy there. Commissioner Weisz said there is a group looking at these same questions right now for the downtown in basically the same area they are talking about here. He believed there is a downtown Main Street association unofficial ad hoc group that has been looking at what we can do to be more competitive; what can we do to be ready for the future; what can we do to stop every little building around city hall from becoming an opportunity for the next tattoo parlor, which is what is going on now. David Cook, Chris Fenton, Steve Critchfield, and half a dozen downtown merchants are all on this committee, and Bill Yung has talked with them about it. If we want to get a civic group to interact in that area, they would be a group we should ask to hear from at some point. Chairperson Davis said we certainly need that type of interaction and communication to build support. He thinks our first task, though, is to get ourselves educated about it and be able to "speak the language."

Commissioner Boyce said no one has addressed whether or not the city of Branson wants this. He said they had this very option run through our planning and zoning commission a while back with the big building out north of town. Granted, it was a bigger project than what they are talking about now, but they talked about a high-density, 25-story structure with mixed retail on the lower levels, condos, lofts and a hotel. Branson did not want it. Chairperson Davis said he thought it was more of a scale issue than a mixed-use issue. Commissioner Boyce said he understood that, but asked if Branson would be in favor of what they are talking about now. Commissioner McDowell said, anytime you do something different, people have a hesitancy to jump on board. Anytime you put a vision out there and you have not been involved in the development of that vision, it is hard to generate support for it. This is why he is trying to get this board to say this makes sense and the community should take a look at it, as opposed to a

developer saying it because he comes from an almost self-serving standpoint by the very nature of his business. He commented they take a field trip and see what Commissioner Jordan is talking about to be able to then come back and create an advocacy within our community to say this is worth looking at. Chairperson Davis said the efforts Mr. Stephens and staff put forth to try and give that neighborhood, which is largely leased homes with absentee owners, an opportunity was met with essentially zero interest, so he does not have lot of optimism that the folks in that neighborhood will come on board. The city, though, should provide them with opportunity and, if the property owners did nothing to change their property and the city accidentally increased their property value because it was successful with finding money and enhanced what it could affect, meaning the streetscape and utilities in the neighborhood, then he is okay with that. If they do sell their land and the next owner wants to rebuild, the new owner would have to comply with form-based construction requirements in that zone.

Commissioner McDowell said the other thing about going down these paths is sometimes we assume we all support the same development direction, but he can guarantee all of them sitting at the panel table do not. They each have unique ideas and dispositions about it. Hopefully through debate they can come together and form a general consensus position to move forward with and present to the public. Without a united front, they cannot expect the community to support them. There is a lot of learning to be done, but he thinks it is a neat opportunity in the right location and the right application. If they did their due diligence and it made sense, he would assumed there may be some incentives from the city's standpoint to give incentives to developers. Chairperson Davis said 30 years from now he would like to see that the old neighborhoods have gotten some attention from the city. Commissioner Boyce asked if Springfield had form-based codes, referring to the downtown rehabilitation; Mr. Stephens said no. He said they may have a form of it, but it is not true form-based codes. Chairperson Davis asked how Springfield achieved what they have done from a zoning standpoint. Mr. Stephens said he thinks it is probably just a form of a planned development that they have implemented. The difference between the planned development zoning and form-based codes is that normally with a planned development a developer comes to you to say he would like to do something and create it, then we ask what will work. With form-based codes, you are basically writing rules for an area that state you will allow a higher density in this neighborhood provided they will conform to certain heights and laying it out there. In most cases, there will be properties already there. You would lay the codes out and state anything developed in this area will have these requirements. It would then be up to the developer to come in, look at those new rules and regulations and decide whether or not it would be worthwhile for him to invest in that area and purchase some of those properties. This is when you would look into finding grants, when they are willing to put the money up and do some other things to make it work. Commissioner McDowell said, in Philadelphia, they looked at a whole redevelopment area. They had different grids for different programs. They had certain amounts of money available for the developers. If you did not go in there and get it, it got used up. The idea was, once that money was used up, you had established enough critical mass for those other property values to increase, and it was no longer a financial risk for someone to go in there and invest. You are really trying to incentivize the effort to create enough critical mass so it starts taking care of itself.

Chairperson Davis recognized Commissioner Hartley.

Commissioner Hartley said this afternoon she drove with a friend through the area they are talking about 3 times, trying to describe what is going on here and that it is spreading out to the rest of the area, such as trash cans being left out. She paraphrased what Commissioner McDowell had said about creating more pride in our community. This is what she sees happening. You say people do not accept change until they see the need for it. She said there are a lot of things influencing people moving to the city, one being fuel costs. Going back to the area she was talking about, she said it has been virtually abandoned and the property values are very low. This is why she asked how it was zoned because, if there are 3 different zones up there, why would someone want to put money into their R-1 if they thought there was going to be an R-3 or commercial development right by it. She thought maybe there was not understanding up there because right now she does not understand how all that is zoned. It could be why people did not react to being offered some financial help. If the city got behind this, she said it would be a good example

of finding out if the people would like it and if their response would be the same, once they understood it better.

Vice-Chairperson Harris asked Mr. Stephens if there was some way they could get an aerial map of the area so they could see how it is laid out. Mr. Stephens said he would be glad to put something together for them along those lines. Vice-Chairperson Harris said that way they could talk specifics and maybe come up with some viable suggestions for certain blocks. They could do a mock design on a small section that included streetscapes, underground utilities, decorative sidewalks, and parking availability.

Chairperson Davis said Mr. Stephens also had Leeds training. ‘Smart growth’ in itself does not address energy efficiency and asked Mr. Stephens to comment about that.

Mr. Stephens said to a certain extent, ‘smart growth’ does concern energy efficiency. He said he was planning on going ‘green build’ at the next session and talking about Leeds then. He has looked at all the different levels of Leeds certification and the incentives are not there. If we are going to go in that direction, it is his opinion we should probably write our own program. Depending on what level you build, there is a standard Leeds certification, bronze certification, gold certification, and platinum certification. He planned on showing the board some of the new things that are out there. Chairperson Davis said to keep that for a later date.

Chairperson Davis said he would very briefly go through the other courses he took while at the APA in St. Louis. One course was “Planning For Green Infrastructure” and this goes along with the Leeds topic. He said many cities, including Kansas City, Missouri, have green infrastructure systems that provide value and services to the community by increasing urban forests, increasing flood plain zoning, stream buffering zones, storm water runoff setbacks where there is natural vegetation and trees, so they can reduce storm water runoff by 12%. They can cool the air environment in the city 1%, which is a 3% reduction in energy use. They can reduce erosion and hold water onto the land. Trying to recharge your subterranean water is becoming a bigger issue. He thinks the way we do storm water runoff empirically with a lot-by-lot approach is the water is generally imperviously held on the lot and then it moves really quickly on down, and it reduces the ability of our soils to capture and ultimately do some recharging of the ground water. These are things that are environmentally sound. They have been done in the past and are being done now. He aimed this comment about what he took from this planning session specifically to Commissioner McDowell, which is the quality of a built space in a community relies on a mayor and a council demanding better quality, which was the theme throughout this particular course.

Chairperson Davis said another course he took was “Daylight Planning Decisions.” It was not a very interesting course, but it was meant to encourage. Concerning the big leap they are considering with possibly implementing form-based codes in the community, he said we must accommodate the new media because the way people get their information has changed. People want information and public engagement, but they want it real-time on the website. Putting an announcement in the paper for a public meeting is not going to work anymore. We should develop a public engagement plan on each topic and make that plan work for each topic. If we do get to the point where we think form-based codes are good for a particular area, such as the downtown, then we would start to engage the downtown group and owners in the downtown area. We would put information out on our website, and have a plan to go through that process.

Another topic that was rather boring was “Legislative Leadership For Planners.” He said there are two bills that, as commissioners, he would like them all to be aware of. He said, if Commissioner Weisz goes up to Jefferson City and talks with legislators, house bill 487 and senate bill 193 are the two bills that the Missouri division of the APA is supporting and is asking for local support to try to get them passed. Commissioner Weisz said he is going up there tomorrow. Chairperson Davis said there are basically six ways using the state law to interpret how you should organize planning and zoning within a county. It is confusing and fraught with conflict, and they want to solve that issue before trying to further encourage so many counties. He said there are a large number of counties in this state that have nothing to do with

planning and zoning. As Mr. Stephens frequently tells them, we are ahead of the curve in that regard, although there are ways for us to improve ourselves.

Lastly, Chairperson Davis said another opportunity for a planned development is a conservation subdivision. Eventually, we want to have a good in-depth discussion about planned development and how we are applying them in this town. He said do form-based codes have a role in certain types of planned developments. He provided each commissioner with a copy of a brochure containing information about a certain conservation subdivision. It described an actual project that the developer and his brother came and talked with them about. They did this 'green field' development in Illinois, and Illinois came up with this brochure. They may find it too simplistic, but he asked staff to make copies of all of it for them to read through. Reading from the brochure, he gave them a brief description:

If you imagine a golf course development without a golf course, but a permanently preserved conservation area, natural area, that is what a conservation subdivision is. People are willing more and more to pay a premium price for their small, highly densely developed lot, and they pay property owner's dues. They pay everything like a golf course ownership would be to maintain and preserve their view.

Chairperson Davis asked how many times have they sat there and heard the neighbors complain about someone on the parcel next door is getting ready to put that into multi-family and what they really want is no development. They want us to keep those property owners from developing their land so they can continue to enjoy their view. He thinks these projects may have their place in our community in the right location for the right developer. He understands the project cited in the brochure is very successful and they are going into their second phase of it and are selling lots for a very high price, ensuring those residents their view and their experience of living in nature, instead of on the golf course, is permanent. If everyone is amenable, he thinks this may be one of the other offerings we ought to ask developers to consider building. It calls for some things the city engineer may not like, so we would have to have that discussion. Commissioner Hartley how this type of thing would be enforced. Chairperson Davis said they did this one through a planned development in Illinois. Commissioner Weisz said it is voluntary, it is free market, and it becomes an amenity. Chairperson Davis said conservation easement is a very important aspect. Commissioner Weisz said it is part of the deed that is filed as a matter of record where it will stay and remain that way, and it will show up on the title insurance policy so, when they sell it, it still must be that.

Chairperson Davis said he attended a couple other sessions on the downtown, which were interesting to listen to. He said Commissioner Jordan would have enjoyed that meeting because there was several old-timers from St. Louis who recalled some of the ways development occurred. It was a very historical opportunity that went over his head somewhat, but since Commissioner Jordan had been a resident up there, he would have enjoyed it. There were some folks who had been passionate about St. Louis development for years and it is a complex issue with so many governmental entities up there. Commissioner Jordan expounded briefly on the issues involved with the tree lawns in St. Louis. He said he had driven through some of the old neighborhoods in the Clayton, Missouri area specifically to see how the tree lawns impacted the area. Some of the sidewalks were 6 feet wide, the tree lawns were 8 feet wide and the tree trunks were 2-3 feet in diameter. He said it looked majestic and the way they maintained some of those 70-year-old homes made them look better than some of the new homes being built in Branson. Commissioner McDowell asked if Commissioner Jordan noticed how some of the older subdivisions are closed-gate communities now because they are trying to get control over them and police their own streets for security. He said there are some beautifully mature neighborhoods up there. Chairperson Davis said it would be neat if folks driving around Branson in 70 or 80 years would say that was a well-planned neighborhood. Commissioner Jordan said it could take 20-30 years to build up some of the more rundown areas, but it has to start somewhere.

Chairperson Davis thanked Commissioner Jordan for giving everyone the technical sheet from St. Louis forestry about tree lawns. He said they should be sure and look it over so, when the time comes, they have some good back-up data on it.

Chairperson Davis asked if there were any other questions or comments tonight and recognized Commissioner Weisz.

Commissioner Weisz asked about the affordable housing bill in their packets. Mr. Stephens said Ruth Denham brought that over to him, and it is just informational.

Vice-Chairperson Harris asked if they would be using the date normally reserved for the regularly scheduled meeting as their work study session date instead; Chairperson Davis said yes.

Commissioner Boyce said Jason Preston contacted his company about demolishing the amphitheater after the city had mailed them a letter, so they gave him a number on it today. Mr. Stephens said he had a quick update on this. He said they got a letter from their attorney requesting an extension to February 6th so they can get it done. Chairperson Davis said he followed up on a couple things regarding the special use permit. Mr. Stephens, Ms. Denham and Mr. Duston were going to look at the actual language of the planned development.

Commissioner Boyce said, when the Stone Valley project went through city council last night, they did have all the sewer easements the commission had requested on the plat.

Mr. Stephens said he planned on going through ‘green build’ at the next work study session. He will talk about a development in St. Louis he has been keeping an eye on that is part of a green built project, too. He said he thought they would be interested in it.

Ms. Paden reminded the four commissioners who voted against the helicopter request at the January planning and zoning meeting to fill out their Finding of Fact forms for the record and return them as soon as they could.

ADJOURNMENT

Chairperson Davis adjourned this work study session at 8:12 p.m.

Clark Harris
Clark Harris, Chairperson

6-3-08
Date

Sonja S. Paden
Sonja Paden, Office Assistant II

6-03-08
Date