

CITY OF BRANSON PLANNING & ZONING COMMISSION
REGULAR MEETING – MINUTES
April 1, 2008

SPECIAL ANNOUNCEMENTS

PUBLIC COMMENTS

CONSENT

1. Roll Call.

Commissioners Present: Cohn, Hartley, Jordan, McDowell, Romine, Weisz,
Vice-Chairperson Harris, and Chairperson Davis.

Commissioners Absent: Boyce and Butler.

Staff Present: Don Stephens Director of Planning and Development
Ruth Denham Asst. Director of Planning and Development
Matt Filice Asst. City Engineer
Sonja Paden Office Assistant II

2. Approve Agenda.

Recommended Action: Approval of the agenda for the April 1, 2008 Planning and Zoning meeting.

MOTION:

Motion by Vice-Chairperson Harris and seconded by Commissioner Romine, and unanimously carried to approve the format of April 1, 2008 agenda.

3. Approve Minutes.

A. March 4, 2008.

Recommended Action: Approve the minutes of the March 4, 2008 Planning and Zoning Commission meeting.

MOTION:

Motion by Vice-Chairperson Harris and seconded by Commissioner Cohn, and unanimously carried to approve the minutes of the March 4, 2008 meeting.

OLD BUSINESS

None.

PUBLIC HEARINGS

4. Request For Approval Of A Special Use Permit For A Miniature Golf Course For Properties Located At 2925 Shepherd Of The Hills Expy. Branson, Missouri. Project No. 08-1.2 (08-00100002).

Applicant: James Lynn Robinson

Ruth Denham, Assistant Director of Planning and Development, presented the staff report as filed with the Planning Division. With an aerial photo displayed on the overhead screen, Ms. Denham indicated

where the proposed location is. Ms. Denham showed a short video of the location and the area around it. Commissioner Jordan commented on the tree lawn as it came into view. Chairperson Davis said that was a good perspective and thanked Ms. Denham for the sharing video clip. Ms. Denham said the property is surrounded by commercially zoned property.

Chairperson Davis asked if there were any questions on the part of the commission for Ms. Denham or other staff; there was no response. Chairperson Davis invited the applicant to come forward and talk about his project. He said the commission is used to seeing the lots bare when it reviews special use permits, so it is catching Mr. Robinson at the tail end of the project. He asked the applicant to tell the board about that.

James Robinson stepped to the podium. Mr. Robinson said they had been in Branson for over thirty (30) years. They built La Nina Inn fifteen (15) years ago and sold it last September. They built Robin Square three (3) years ago and still own it. They thought this was already taken care of because Ms. Denham had sent them an application, so they dropped the ball on getting the special use permit. Being inexperienced, he just did not follow through on it. Harris Miniature Golf, the world's largest miniature golf builder out of New Jersey, built their course. They went online and looked at numerous contractors, and Harris Miniature Golf stood out above them all. They have waterfalls, babbling brooks, fountains, misters throughout the park, which will significantly lower the temperature in hot weather. He and his wife did the landscaping themselves, which saved them around \$42,500. There are two 18-hole miniature golf courses and the clubhouse. There will be no food except for water fountains and vending machines for soda pop. They were hoping to open by spring break this year, but their new goal is to open by the latter part of October.

Chairperson Davis recognized Commissioner Jordan.

Commissioner Jordan asked if the course will be open and lit at night. Mr. Robinson said absolutely. They will be open until midnight. He said they would be running a half-price special through the month of April for the residents of Stone and Taney counties.

Commissioner Hartley asked how many parking spaces they would be providing. Mr. Robinson said thirty-six (36).

Vice-Chairperson Harris asked how close they are to opening, what day do they want to open for business. Mr. Robinson said what is holding them up right now is the parking lot because of the rainy weather, so he does not know right now, but probably two weeks, again depending on the weather.

Vice-Chairperson Harris told Mr. Robinson there had been some discussion regarding the lateness of the request for a special use permit. He said the commission usually gets the request then the applicant goes through the building permit process. He asked if there was anything the commission or staff could have done that would have been more helpful in order to have prevented this or was it just simply an oversight on the applicant's part. Mr. Robinson said, to be honest, he would blame themselves. Janet Robinson, co-applicant and wife of Mr. Robinson, came to the podium. Mrs. Robinson said, when they got the permit, it stated in the special comments that an application would be mailed to them. As the information had not been changed yet from the old owners to the new owners, she called down to the city to find out if they were on file with the planning department and was told yes. To be truthful, she just did not think about it after that. Mr. Robinson said, in other words, they never received a copy. Mrs. Robinson said they did not receive anything and just went on with the project. Mr. Robinson said what they think could have happened is it got mailed to the old owners. He said Ed (Cahoj), the owner listed on the permit, was a long-time customer of theirs and he thought he would have forwarded it to them. Mrs. Robinson said not if he was not there because he had gone away for the winter; Mr. Robinson said that was true. Mrs. Robinson said it was just a mess-up on their part. Vice-Chairperson Harris asked if it would have been a problem for them if they had been given the form to complete and had to pay the hundred dollar

fee on the very first day they came in to start the process. The Robinsons said no; it would have been fine. Mrs. Robinson said they actually split it up. They got an excavating permit first and then a building permit. Vice-Chairperson Harris reiterated it would not have been a problem for them when they first came in to have filled out the application, signed it, and paid the hundred dollars, to get the process started. The Robinsons said it would have been no problem. Mr. Robinson said it was just a matter of doing business.

Chairperson Davis asked what type of restroom facilities they have on the property. Mr. Robinson said they have one for the ladies and one for the men. Mrs. Robinson said they are handicap-accessible. Mr. Robinson said to come down and see them; they are state-of-the-art. Mrs. Robinson said they are as good as a bathroom can be. Mr. Robinson said he seriously did invite them all out. He is very proud of the clubhouse and the whole project.

Chairperson Davis asked if the commission had any other questions for the Robinsons or for staff; there was no response. He asked if anyone in the audience had any questions; there was no response.

Chairperson Davis entertained a motion regarding this request for a special use permit.

MOTION:

Motion by Commissioner Cohn and seconded by Commissioner Jordan to approve Resolution 08-00100002 (Project No. 08-1.2).

Chairperson Davis asked if there was any further discussion regarding this request; there was no response.

AYES: Commissioners Cohn, Hartley, Jordan, McDowell, Romine, Weisz, Vice-Chairperson Harris and Chairperson Davis.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Boyce and Butler.

Motion to approve Resolution 08-00100002 (Project No. 08-1.2) carried with an 8-0 vote.

OTHER BUSINESS

Chairperson Davis asked Ms. Denham if she had a special presentation for them.

Ms. Denham said she had no special presentation for them, but said they need to schedule the ethics training whenever the commission determines is a good time to make that presentation. They will add it to the agenda or have a special meeting. Chairperson Davis asked the commission for input on when to schedule the ethics training. Commissioner Jordan asked how long it would take to go through the entire program. Ms. Denham said about an hour. Commissioner Jordan asked how the agenda looked for the next meeting. Chairperson Davis asked what sort of applications she had so far. Ms. Denham said to date they had not received any applications. The deadline for the May meeting is this Friday, April 4th. She said there are a few ordinance changes that staff is going to put on the agenda. Chairperson Davis suggested they do the ethics training at the next meeting and add it on as other business. The commission agreed and Ms. Denham said they will put in on May's agenda.

Ms. Denham said the term expiration date for the chairperson is April 2008, so appointing a chairperson and vice-chairperson will be put on the agenda for the May meeting. Chairperson Davis said they would have to have an election then at the next meeting. Chairperson Davis said to put that item before the ethics seminar.

Ms. Denham said they put together a “cheat sheet” for zoning and the uses and buffering that would be required for each zone. It includes some information about each one that might make it easier instead of having to go through the ordinances. Commissioner McDowell asked if that was something they could keep in their binder; Ms. Denham said yes. This way, when they are doing a review, the commissioners will have everything right there. Chairperson Davis asked if staff would make sure to get a copy of these to the absent commissioners.

Ms. Denham had an update on the amphitheater. The demolition has started to take place. What has been holding them up a little bit is the wet ground and getting rid of some of the debris, but they should be finished in a couple of days.

Ms. Denham said she had been asked to follow up on the final plat that had been approved for Country Ridge Estates. She said it did make reference in the minutes to what was approved through the county before the property was annexed. They had the detention area, but they were not required to have the sidewalks. She had a copy of the minutes if any of the commissioners would like a copy of them. Vice-Chairperson Harris asked if that was the one about which they had asked about the trail access. Chairperson Davis said it was on the front of the property, if he remembered correctly. He said they were in the county when they began their development, and they were expecting Branson city waste water treatment services. He asked if there was a sewer agreement on it because it was right there next to their property, so they would have been expecting that. Ms. Denham said she did not know whether or not they had an agreement with public works if they annexed into the city. She said she would follow up on it. Chairperson Davis said at some point they need to have a trigger point on some of these issues because, if they are not going to be able to work with the county, then they will have to get their own system to work better for them. He said they do not need to be left in situations where one developer has gotten around what is standard practice for the other developers in the city. Ms. Denham said there had been a time when the city had been providing the services and had the sewer service agreement. Now we will just request that they annex immediately. If there is an exception to that, the applicant goes through public works for approval. This is how it is stated right now in the ordinance. If there is a property that is contiguous to the city limits and there are other properties that will not be developed yet, but are under the same ownership, the city has them bring in all their property because that is how the ordinance reads. As far as the sewer is concerned, that is an agreement if it is approved by public works. Chairperson Davis said it is more important for him to have these sorts of elements included in the residential developments than even on the commercial side of it. He said when they get to that situation, they ought to do what they can do to even the playing field. Ms. Denham said that has been a discussion lately among Don Stephens and the other directors. Chairperson Davis asked if the commission had approved both the preliminary and final plats for this property. Ms. Denham said the final plat was approved March 7, 2006. He asked if it had gone before council; Ms. Denham said yes, in 2006. She said the property was just zoned. Chairperson Davis said they have built only two or three houses; Ms. Denham said right. Chairperson Davis said it has not been built out at all; Ms. Denham said no.

Chairperson Davis said in their efforts to inform people about zoning issues, as he had been out in the neighborhoods, the group in Rainbow Shoals had quite a few people who said they would have liked to have been made more aware of zoning issues. He got encouragement about the idea they had about erecting a sign alerting people to a zoning change to a piece of property. They would have been very appreciative to have had that sort of notice up so their neighborhood would have known about it.

Chairperson Davis recognized Commissioner McDowell.

Commissioner McDowell said that was brought up as a suggestion in the council meeting. When he was in Springfield last week, one of the concerns was that you could not read the sign as you were driving by it, but you do not really need to be able to read it. You just need to know that something is getting ready to take place and you have resources to do your due diligence to find out whether or not you have any concerns. He was on Campbell where they are getting ready to rezone some property, and he almost took

some pictures of them. Ms. Denham said, while she was out of the office, the signs were ordered. They will be large orange Zs to draw people's attention to them, and they should have them for the next meeting. Commissioner McDowell said we should put some notification in the local papers about some of the changes and what we are doing, and he will make a comment about it at the aldermen meeting. Ms. Denham said they will do that. They already planned on letting the public know so they do not see these big Zs around town. They will put a contact number and a web address on them. Commissioner McDowell said there could be a "Z" link on our website to allow people to see what is currently under review. Chairperson Davis said those are good efforts and they want staff to go forward.

Chairperson Davis said he had an issue he needed to direct to engineering because, with all the rain they have had, he had received a good number of complaints on the city's improvement project at Fall Creek Road and West Highway 76. With all of the earth moving and earth work that has been done there and, in most uneducated observers' minds, the inadequate storm water detention efforts on that side, there is a lot of dirt running down into Fall Creek, a lot of dirt washing onto the streets, and there is minimal storm water control that he can see there. The people were mainly upset that the road would not be done and straightened out because they were tired of driving around that 15-mile-an-hour curve, but second to that was the storm water issue. He thought that was pertinent and asked staff to pass this along to engineering and say that, at least from his perspective, either a contractor or the city needed to get out there and correct it, if it is going to sit there for months and months, as is apparently going to happen. Ms. Denham said she would pass that on tomorrow and have an email update sent out to the commission. Chairperson Davis asked what the completion date is on that road. Ms. Denham said she did not know. Chairperson Davis said he thought it would not be for a good while.

Chairperson Davis recognized Commissioner Hartley.

Commissioner Hartley said they talked about certified letters being too expensive. She is still in favor of them. It denotes something important is taking place. Recently, she received a certified letter from the state in regard to a piece of property she owns that is near something they are going to do. It was something that made her take note. She thinks it is a very good idea that the more communication they have, the better. As they heard tonight what happened with the Robinsons, she does not know who dropped the ball, but it reinforced the importance of good communication. Commissioner Hartley commented on the Nativity Museum that is opening at Pacific Street and Business Highway 65. She said it seemed a long time ago they approved a special permit for it and asked if it was within its timeframe. Ms. Denham said she would follow-up on it and let her know. Commissioner Hartley stated it appeared Mr. Duston looked pensive. Mr. Duston said he was trying to remember when they heard that item, whether it was the spring or summer. Chairperson Davis said they would have had a date of completion on the special use permit. He thanked Commissioner Hartley for bringing it to their attention. They should stick to their guidelines and, if they have not, the commission should find out about it.

Chairperson Davis recognized Commissioner Jordan.

Commissioner Jordan said at the last meeting, they talked about the issue of security at public meetings and asked Commissioner McDowell if he had brought it up for discussion among the aldermen. Commissioner McDowell said no, he had not done that. He talked a little bit about it with the chief, but did not carry it forward. They had gotten hung up on the Fall Creek issue, so he lost track of it and apologized. He will bring it to everybody's attention at the next meeting.

Chairperson Davis said he had one more thing he meant to pass out, or at least ask staff or Ms. Paden to insert a copy in the notebook of anyone who wants it. It is a low-impact development training seminar in Springfield, Missouri on May 7th-8th called The Ripple Effect. It is being put on by the Upper White River Basin Foundation. It basically talks about growth and sustainability. Conference topics are pervious surfaces, subdivision rain gardens, rethinking detention basins, smart growth techniques, and rainwater harvesting. They have charrettes, field trips and easy registration. He would like to think our

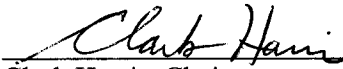
aldermen's representative would support us to pay for some of the commissioners who may want to attend this seminar. Chairperson Davis said the card from which he was reading was printed with soy ink on a hundred percent recycled paper, so it would make any of them feel good about going. If anyone is interested in going, let Ms. Denham or Ms. Paden know and one of them will fax or email this information to them. Commissioner McDowell said he was certainly in favor of continuing education, so he felt, as a group that had merit, he was sure they could do it. Chairperson Davis said, if someone goes to one of these things and finds they are really beneficial, he would think they would want to try to bring the effort locally to train the whole group of them. Commissioner Weisz said they should have extra copies of that for any developer who might be interested in going and learning, as well. Chairperson Davis said maybe they could put it on our website. Commissioner Weisz said it is good public information. Chairperson Davis said these types of things are around us, if we keep a look out for them and make the time to go.

ADVISORY RECOMMENDATIONS

None.

ADJOURNMENT

Motion by Chairperson Davis and unanimously carried to adjourn the meeting at 8:02 p.m.



Clark Harris, Chairperson

6-3-08
Date



Sonja Paden, Office Assistant II

6-03-08
Date