

CITY OF BRANSON PLANNING & ZONING COMMISSION
REGULAR MEETING – MINUTES
November 4, 2008

SPECIAL ANNOUNCEMENTS

PUBLIC COMMENTS

CONSENT

1. Roll Call.

Commissioners Present: Boyce, Hartley, Jordan, Loyd, McDowell, Weisz, Westcott, Vice-Chairperson Romine and Chairperson Harris.
Commissioners Absent: Butler.
Staff Present: Ruth Denham Asst. Director of Planning and Development
William Duston Asst. City Attorney
Sonja Paden Office Assistant II

2. Approve Agenda.

Recommended Action: Approval of the agenda for the November 4, 2008 Planning and Zoning Commission meeting.

MOTION:

Motion by Vice-Chairperson Romine and seconded by Commissioner Hartley, and unanimously carried to approve the format of the November 4, 2008 agenda.

3. Approve Minutes.

A. October 7, 2008.

Recommended Action: Approve the minutes of the October 7, 2008 Planning and Zoning Commission meeting.

MOTION:

Motion by Commissioner Weisz and seconded by Commissioner Jordan, and unanimously carried to approve the minutes of the October 7, 2008 meeting.

OLD BUSINESS

4. Request For Recommendation Of Approval Of A Zoning Change For Properties Currently Zoned R-1 One-family Dwelling District To Be Rezoned R-3 Multiple-family Dwelling District Located At 1299, 1311, 1321, 1327, 1337, 1347, 1353, 1359 And 1377 Berry Dr. Branson, Missouri. Project No. 08-3.3 (08-00300003).
Applicant: RHW Development, LLC

Ruth Denham, Assistant Director of Planning and Development, stated this item had been postponed from the October meeting. At that time, there were four (4) property owners who had not provided signed documentation approving the rezoning request. Since then, two (2) of the owners had been contacted, one (1) owner was deceased, and one (1) owner they had not been able to reach. She said staff believed there had been due diligence in trying to contact the property owners. She presented the staff report as filed with the Planning Division for the previous meeting. She showed the zoning vicinity map on the overhead screen. Ms. Denham showed a short video of the area, pointing out the location of the “Z” sign. An aerial map displayed on the overhead screen indicated where the proposed location is. She used the aid of a PowerPoint presentation to help with the description of this request and showed the proximity of the subject property to the James F. Epps Road extension.

Chairperson Harris invited the applicant to come forward and update them on the latest efforts in obtaining the property owners’ signatures.

Ross Williams came to the podium and introduced himself. He said he could not do much more updating than what Ms. Denham had already done. He said they had turned over their information to Ms. Denham and had exhausted their resources trying to reach the other two (2) property owners. Chairperson Harris asked Mr. Williams how long they had attempted to obtain all the signatures. Mr. Williams replied since late June, which included internet searches, but it all led to a brick wall.

Chairperson Harris asked if any of the commissioners had any questions for Mr. Williams; there was no response. He asked if anyone there wished to speak in regard to this particular item.

Cobie Gregory stepped to the podium and introduced himself. He asked what type of dwellings would be going in there. Mr. Williams said they did not know yet. The reason they requested the rezoning was because the present lot size was too small to meet current city requirements for single family residences and the surrounding area had a variety of zoning from R-1 to R-3, so they requested R-3 zoning there, but they anticipate there will be duplexes.

Chairperson Harris asked if anyone there wished to ask a question or make a comment about this particular item. He said this was a recommendation the planning and zoning commission sent on to council for final approval. He asked if there were any other questions or comments by the commissioners; there was no response. He entertained a motion on this project.

MOTION:

Motion by Commissioner Boyce and seconded by Commissioner Weisz to approve Resolution 08-00300003 (Project No. 08-3.3).

Chairperson Harris asked if there was any further discussion; there was no response.

AYES: Commissioners Boyce, Hartley, Jordan, Loyd, McDowell, Weisz, Wescott, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Butler.

Motion to approve Resolution 08-00300003 (Project No. 08-3.3) as amended carried with a 9-0 vote.

PUBLIC HEARINGS

5. Request For Approval Of A Special Use Permit For Automotive Sales For Properties Located At 1033 W. Main St. Branson, Missouri. Project No. 08-1.14 (08-00100014).

Applicant: H. Shawn Bousherhri

Ruth Denham, Assistant Director of Planning and Development, prefaced her presentation by explaining to all in attendance what A.R.T. (Administrative Review Team) meant and described the purpose of these meetings. She presented the staff report as filed with the Planning Division and showed the zoning vicinity map on the overhead screen. An aerial map displayed on the overhead screen indicated where the proposed location is. She stated the applicant went through the A.R.T. process and he is aware that, if approved, a minor subdivision replat would be required for the property. She used the aid of a PowerPoint presentation to help with the description of this request.

Chairperson Harris invited the applicant to come forward.

H. Shawn Bousherhri walked up to the podium. He said they were trying to see if they could have automobile sales on the property and that was basically it. Chairperson Harris asked if they would be used cars; Mr. Bousherhri said yes. Chairperson Harris asked if going through the A.R.T. process was helpful to them. Mr. Bousherhri said it definitely was very helpful.

Chairperson Harris recognized Vice-Chairperson Romine.

Vice-Chairperson Romine asked Mr. Bousherhri if the location of his entrance/exit was off of Highland Street; Mr. Bousherhri said yes. She asked how he currently entered and exited his business. Mr. Bousherhri said they use the main street for the front, which is a real estate office. Vice-Chairperson Romine asked if the car lot could be accessed from the real estate entrance/exit. Mr. Bousherhri said no because it was a separate property and that entrance/exit would be on Highland Street, which was on the other side. He said it was safer that way.

Ms. Denham showed a short video of the area. Mr. Bousherhri indicated on the video where the automobile sales would be located, where the office was, where the entrance/exit was, and where there was extra parking. It was a small lot, though, and they would not have that many cars. He stated they would be paving the grassy area that is on the property right now. Commissioner Loyd asked Ms. Denham what the setbacks were. Ms. Denham said the applicant could start the parking lot five feet (5') in from the property line.

Ms. Denham showed a second short video of the area. She said the parking plan showed eighteen (18) existing spaces, one (1) handicap stall, twenty (20) proposed spaces for the sale of vehicles, and office space for the proposed business, indicated in yellow on the overhead screen.

Lisa Bousherhri stepped to the podium and introduced herself. She clarified the locations of the various areas in question. She said the .62 acre of grass was what they wanted to develop. This was why they would have to do a replat after getting approval from the commissioners. They would get a subdivision replat to make it all one property, so there would not just have a small piece paved. Vice-

Chairperson Romine confirmed there would not be an entrance or exit onto Roark Valley Road and that they wanted to use only Highland Street for that. Mrs. Bousherhri said MoDOT would probably not approve it on Roark Valley Road because it was too busy.

Chairperson Harris recognized Commissioner Loyd.

Commissioner Loyd had questions for staff about traffic flow. He asked how they kept people from driving through the neighborhood when they used Highland Street as an entrance/exit. He asked how they could get the drivers to go towards Roark Valley Road instead. He said there were other businesses to the east that created the same problem and Highland Street was in a neighborhood that unfortunately had a lot of traffic on it. Ms. Denham said she would prefer Matt Filice, Assistant City Engineer, responded to this question. Chairperson Harris asked Mr. Filice what might be done with signage or realignment. Mr. Filice said there was an existing driveway there now with an established use of that type of traffic. He said they could possibly restrict commercial traffic from going through the residential part, but he was not sure if they could actually close it off. Roark Valley Road was too busy to use as an access and it would also be difficult to access it off of W. Highway 76. He said it was a difficult site.

Chairperson Harris recognized Commissioner Weisz.

Commissioner Weisz said he had visited Mr. Bousherhri in his real estate office in the past and had noticed there was no left turn exiting back from W. Highway 76. It seemed to him the plan they had to exit on Highland Street was the safest. Realizing there was no left turn to go east down Main Street or W. Highway 76 off the front of the property, if they restricted the back exit of the property from going east as well, people would end up going west all the way to Forsythe Road and that did not seem possible.

Chairperson Harris recognized Commissioner Wescott.

Commissioner Wescott referred to the map on the overhead screen and asked if a certain area to the left of the building closest to W. Highway 76 would also be used as an entrance/exit. Mrs. Bousherhri said they had a gate there that closed the front lot from the back lot, so people do not think it is another turn instead of going to the signal light. She said the gate was open during hours of operation, so people could go through and exit onto Highland Street. She concurred with Commissioner Weisz, when going to the real estate office, the best way to do it was to go in the front and exit out the back. Commissioner Wescott asked if signage for the car lot would be on W. Highway 76. Mr. Bousherhri said signage would be off of Roark Valley Road.

Chairperson Harris asked if they anticipated keeping the gate across there during hours of non-operation. Mr. Bousherhri said they had a gate and would be adding another gate to close it off after hours. Chairperson Harris asked if there would be a gate at the exit off of Highland Street; Mr. and Mrs. Bousherhri said yes. Chairperson Harris asked if they anticipated having fencing around the property; Mr. Bousherhri indicated no. Mrs. Bousherhri said the gate would be to eliminate people driving through when there was traffic.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley confirmed with Mrs. Bousherhri the size of the location was .62 acre. Commissioner Hartley said she saw a lot of green space being dissolved there and there was a very attractive corner across the street. If that property did not remain as a used car lot, she asked what they were thinking about for the future use of it. Mrs. Bousherhri said it would be replatted and become part of the existing property, so it would be sold together as one piece of property. The two (2) properties were purchased separately, with the small piece of land being bought at a later date. Any subsequent owner of the property would be able to develop it as he or she saw fit. Ms. Denham showed the vicinity map with the two (2) parcels on it. She said one property line would be removed creating one (1) single parcel.

Chairperson Harris recognized Commissioner McDowell.

Commissioner McDowell asked staff if the replatting would make it so it still met the ordinance requirement for green space. Ms. Denham said, when the parking was constructed, the applicant would be required to meet the ten percent (10%) interior green or whatever requirements are adopted at the time for our landscaping ordinance. Commissioner McDowell asked the applicants if they were aware of this; they indicated they were. Commissioner McDowell asked Mr. Filice if there was a dedicated curb cut on the existing easement. Mr. Filice said he would have to do some research on it before he could answer. He added that, if they remove green space, they would be increasing storm water runoff and they would have to do storm water detention to offset that additional runoff. Mr. Bousherhri said he was already aware of this. Commissioner McDowell asked if the city had improved the easement and curbed it. Mr. Filice said it looked like there was a curb cut there, but he would have to look at the construction drawings.

Referring to the overlay map, Commissioner Loyd said there would be green space north of where the cars would be. He said there was a small section that still belonged to the city. Mr. Bousherhri said they did not have to have that many spots for the cars. Chairperson Harris said the area north of there might be a good place for the city to do some extra landscaping. He asked the applicants how far south they would be taking the pavement. Mrs. Bousherhri said they would have to go by the prescribed setbacks, which would be five feet (5') in and five feet (5') from the top. Ms. Denham said the parking would need to be set back forty-five feet (45') from the front property line. Commissioner Loyd asked what they were going to do with the rest of the motel. Mr. Bousherhri said it was no longer a motel. They had it rezoned and it was now all office space. He had not done anything with them yet and they were just sitting there empty. It was a storage building for his family right now. Mrs. Bousherhri said they would like to get them leased as individual offices, but they had not gone any further than that with them.

Chairperson Harris recognized Commissioner Weisz.

Commissioner Weisz addressed the issue Commissioner McDowell had brought up concerning the easement. He said the existing lot with access on it was owned by the motel, so it may not be an easement, but it was their entry that they own. Since the applicants owned both properties, they really did not need an easement to go from one property they own to connecting property they own. Commissioner McDowell said easement was probably not the right terminology to use. He said an existing right-of-way or access point that was not generated as a result of this new use, so there was already a history of use. He said it looked like an apron had been poured there and had been used as a commercial access.

Chairperson Harris asked if anyone there wished to speak in regard to this particular item or had a question or comment about it; there was no response. He asked if there were any other questions or comments by the commissioners or questions of staff; there was no response. He entertained a motion on this project.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley asked for clarification about what would be considered as the use of this land. Ms. Denham stated the generalized land use plan suggested general commercial uses. Commissioner Hartley asked her to define general commercial. Ms. Denham said it was any uses allowed in commercial zoning and uses approved by a special use permit in commercial zoning. She said automobile sales is listed as an approved use, but it requires a special use permit. Commissioner Hartley asked if it was listed under general commercial uses; Ms. Denham said yes.

MOTION:

Motion by Commissioner Weisz and seconded by Commissioner Wescott to approve Resolution 08-00100014 (Project No. 08-1.14).

Chairperson Harris asked if there was any further discussion before voting on this special use permit; there was no response.

AYES: Commissioners Boyce, Hartley, Jordan, Loyd, McDowell, Weisz, Wescott, Vice-Chairperson Romine and Chairperson Harris.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Butler.

Motion to approve Resolution 08-00100014 (Project No. 08-1.14) carried with a 9-0 vote.

**6. Request For Approval Of A Special Use Permit For An Art Museum & School For Properties Located At 111 E. Main St. Branson, Missouri. Project No. 08-1.15 (08-00100015).
Applicant: Missouri Citizens for Higher Education**

Ruth Denham, Assistant Director of Planning and Development, presented the staff report as filed with the Planning Division and showed the zoning vicinity map on the overhead screen. An aerial map displayed on the overhead screen indicated the location of the subject property. Ms. Denham showed a short video of the area, which included the location of the “Z” sign. She used the aid of a PowerPoint presentation to help with the description of this request.

Chairperson Harris invited the applicant to come forward.

Peter Tsahiridis stepped to the podium and introduced himself. He stated they had already made some improvements, mainly with the fire department. The basic issue was safety, so they made sure it was more handicap accessible, the fire exits were clearly marked, and the lights had been updated. Although there were about seven (7) classrooms upstairs, they would probably use only three (3) at any given time. The artists would be given 3-hour blocks, which would be nine (9) hours a week or

thirty-six (36) hours a month, so it would be evenly spaced for everybody and there would not be too many people upstairs. The art museum would feature hopefully about four hundred (400) pieces of fine art from local artists. They do not anticipate having more than twenty-five (25) people during the busiest time. Local area people would be issued an “art card,” something like a library card, which would allow them to go in any time to look at the artwork. The art would change from month to month. There was an issue about tempered glass and they put up a barrier for that as well. He said they had been working closely with the fire department. He said they would be offering belly dancing classes. Chairperson Harris asked Mr. Tsahiridis when he planned on opening for business. Mr. Tsahiridis said they have almost a hundred artists lined up willing to teach classes and there will be age-appropriate art, as well. It would be more of an art history, so middle school students and high school students could learn about the different types of art. They would like to open up by the end of the month.

Chairperson Harris recognized Commissioner Weisz.

Commissioner Weisz asked if Premier Gallery would be one of the tenants. Mr. Tsahiridis said Premier Gallery liquidated their business and joined his business, which is Missouri Citizens for Higher Education. A lot of the proceeds from their profits will go straight to scholarships for young art students in our area. Commissioner Weisz said he thought it was a great program and that it was an appropriate use in downtown. With the way the first Saturday art walk was going, he thought this would add something to that and hopefully be a part of what revitalizes the downtown and maybe they could keep it open a little bit later.

Chairperson Harris recognized Commissioner Loyd.

Commissioner Loyd asked if there was any parking in the back of the building. Mr. Tsahiridis said yes; there were seventeen (17) spaces allocated mostly to teachers, but they were going to zone some as handicap accessible as well. He said there were two (2) back entrances they could come through and the downstairs would be accessible for handicap and elderly people, so they could take classes in one of the four (4) big rooms down there.

Chairperson Harris asked if anyone else there wished to comment or ask a question in regard to this special use permit; there was no response. He asked if there were any other questions by the commissioners or staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Jordan and seconded by Vice-Chairperson Romine to approve Resolution 08-00100015 (Project No. 08-1.15).

Chairperson Harris asked if there was any further discussion before voting on this special use permit; there was no response.

AYES: Commissioners Boyce, Hartley, Jordan, Loyd, McDowell, Weisz, Wescott, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Butler.

Motion to approve Resolution 08-00100015 (Project No. 08-1.15) carried with a 9-0 vote.

7. **Request For Recommendation Of Approval Of A Planned Development Amendment To The Branson Pointe Land Use Regulations PD-92-82 For Properties Located At 311 Roark Valley Rd. Branson, Missouri. Project No. 08-5.4 (08-00500004).**
Applicant: Bill Medley

Ruth Denham, Assistant Director of Planning and Development, presented the staff report as filed with the Planning Division and showed the zoning vicinity map on the overhead screen.

At 7:35 p.m., Commissioner Weisz abstained from this item due to his involvement in the sale of the property to one of its current owner, and Commissioner Loyd abstained from this item due to a conflict of interest as a neighboring property owner.

With an aerial map displayed on the overhead screen, Ms. Denham indicated the location of the subject property. She stated they had three (3) video clips because the property was so large. She showed the first short video of the area, pointing out the curb cut for the entrance of the proposed dinner theater. It also included the location of the "Z" sign. The second video showed the south end of the project and the third video showed the north end of the project. She said the applicant was asked to provide a step-by-step view to clarify each requested amendment. At her suggestion, Brad Hoffman stepped to the podium to be available to answer any questions as she went through the amendment. With the aid of a PowerPoint presentation, she proceeded to go through the specific changes requested.

Chairperson Harris asked if there was a close-up of the land use intensity chart for everyone to see. Ms. Denham stated there was not an overhead of this chart. Chairperson Harris explained the information on the chart included what each of the parcels was to be used for, the units allowed by city code, the acreage and the current status of the units.

Ms. Denham said parcel 3 was slated to be a dinner theater. The height limit was proposed to be one hundred feet (100'), which is the limit permitted in the city code.

After a discussion about the difference between what Ms. Denham had displayed on the screen and the wording in the documents the commissioners had in their notebooks, Ms. Denham continued with her presentation. Amendments to sidewalks, off-street parking, parcel numbering, and buffering were included in the applicant's request. She said the new map exhibits could be found on pages 24-36. Chairperson Harris asked that exhibit D, the parcel map on page 29, be displayed on the screen for the audience. He asked Mr. Hoffman to give a brief history of the lot, which was the first planned development (PD) in Branson in 1992.

Mr. Hoffman with Yung Design Group introduced himself as the representative for Kirk Strohm and Bill Medley. He said the original PD was Ordinance 92-82, Bill No. 084, and was later amended by Ordinance 2005-055. He identified how the parcels were zoned in the original PD and then in the amended version. He said Mr. Medley's home would include a lake with a water feature.

Chairperson Harris recognized Commissioner Jordan.

Commissioner Jordan asked whether the cabins on parcel 2 would be rentals or whole ownership. Mr. Hoffman referred to the submitted amendment and said the maximum use would be R-2.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce asked Mr. Hoffman if there had been apartments, townhomes and condominiums considered before this current proposal. Mr. Hoffman said yes.

Chairperson Harris asked Ms. Denham if the uses shown were binding. Ms. Denham said yes. She said only the uses listed under that section would apply to parcel 2. Commissioner Jordan confirmed with Mr. Hoffman that R-2 would be attached duplexes that were whole ownership, no timeshare or nightly rentals.

Chairperson Harris asked if there were any other questions by the commissioners; there was no response. He asked if anyone else there wished to speak in regard to this item.

Jim Babcock came forward and introduced himself. Mr. Babcock asked what the capacity of the theater would be. Chairperson Harris said it would be a 500-seat theater. Mr. Babcock asked if the curb cut opposite Tyler Street would be the entrance/exit to the theater. Mr. Hoffman said they showed the entrance to be across from the entry into Hideaway Hills on Tyler Street. Mr. Babcock asked if this would be exclusive or if there would be another entrance/exit. Mr. Hoffman pointed out another entry on the overhead screen. Mr. Babcock said the increased traffic on Roark Valley Road now sometimes made it awkward to get in and out of Tyler Street and he would urge them to consider this. Chairperson Harris agreed it was a difficult spot. Ms. Denham clarified that the submitted plans showed it to be a 600-seat the theater.

Lowell Miller stepped to the podium and introduced himself as a neighbor of Jim Babcock on Tyler Street. Mr. Miller was also concerned about the dinner theater. He stated there was a lot of traffic on Roark Valley Road now and he believed the additional traffic that would be generated from having a theater would create a public safety problem. As a homeowner, he strongly objected to the placement of a dinner theater and asked that it not be a part of the approved plan. As you leave Hideaway Hills now, you had better be careful because overflow traffic from West Highway 76 also comes down Roark Valley Road. Chairperson Harris said Roark Valley Road was originally a traffic relief route. Mr. Miller said absolutely, but now, when the dinner theater show ended, they were talking about putting five hundred (500) cars at a time directly across from the Hideaway Hills development, which would come right down the hill from West Highway 76. It is already a dangerous area and, if there was more traffic feeding into it, that would be a bad development.

For clarification, Ms. Denham said a 600-seat theater would require two hundred (200) parking spaces plus employee parking at the busiest shift. Chairperson Harris asked Mr. Hoffman if they had adequate parking spaces allocated for six hundred (600) seats. Mr. Hoffman said he did not know if the exact number of seats was specified in the PD, but they would provide one (1) car parking space for every three (3) seats plus the employee parking and it would meet the city code. As far as increased traffic on Roark Valley Road was concerned, he said it was an arterial road engineered to handle a high volume of traffic, so he did not see any issue with it since it was designed for that type of use. Chairperson Harris said he thought the difficulty came from its proximity to Tyler Street, which leads to a residential area. Since the applicant had two (2) proposed entrances/exits, perhaps it

would be safer to use the one further west around the curve. He did not know whether or not they could require that exits after shows go through one particular egress. Mr. Filice said they could make that an internal circulation requirement and address it during that part of the process. He also said Roark Valley Road was rated at a capacity of eighty-eight hundred (8,800) average vehicle trips per day and they were up to about forty-two seventy-five (4,275), so they have more capacity. He talked with David Miller, City Engineer, about the issue of Tyler Street and he said part of the problem seemed to be the traffic going down Roark Valley Road was going at a high rate of speed and that more police surveillance of the area might help residents get out onto the street. He said they would talk to the police department about it. Chairperson Harris said the speed limit there was forty-five (45 mph) and they may need to look at an overall change in the speed limit. If they continue to have development along a road that was basically allocated as a traffic relief route for West Highway 76, the route itself may become a potential problem and they may need to lower the speed limit to slow people down, especially since it is going downhill on a curve.

Chairperson Harris recognized Commissioner Wescott.

Commissioner Wescott asked if any of the uses under parcel 3 where the dinner theater was proposed were included prior to the amendment before them tonight. Mr. Hoffman said under the existing zoning of the PD, it was multi-family use. He confirmed with Ms. Denham it was sixteen (16) dwelling units per acre. Commissioner Wescott said, after he looked through the uses that were not included in tonight's amendment and saw a supper club was among them, it sounded as though a dinner theater was already a permitted use under this PD. Commissioner Boyce said he thought that would be under a commercial use. Ms. Denham said it was previously for parcel 4. Commissioner Boyce said the parcels had also been renumbered. Mr. Hoffman showed where the commercial parcels were located. At Commissioner McDowell's request, Mr. Hoffman passed out the transparencies to the commissioner and designated the original PD from the amended original PD and from what they were proposing this evening, so they could keep them in sequential order. Commissioner Boyce said, if he understood it correctly, what had been parcel 4 was now parcels 5, 6, and 8, and what were parcels 5, 6, and 8 were now parcel 3.

Chairperson Harris recognized Commissioner Jordan.

Commissioner Jordan said there had been discussions about stoplights being installed in the Branson Hills development area and when he drove on Roark Valley Road that was a tough curve to navigate, and commented on how the applicant stated they would be adding only two hundred (200) cars to the existing traffic. Commissioner Jordan said, if anyone was out on the strip when Dixie Stampede or another dinner theater let out, there were probably six hundred (600) cars and it was just a log jam for thirty (30) minutes simply because everybody was ready to go. Since Roark Valley Road was a curved street that made it harder to see traffic and without a signal light, his advice would be to rearrange the entrance/exit to where it was on the flatter straightaway rather than up there by Tyler Street where they would be working with a curve. As people get impatient waiting in line, they tend to dart out. He said they could either put a signal up there or, if they put the entrance/exit on a straighter area down where parcels 2 and 3 go in, it might be more easily exited. Mr. Hoffman said, looking on the topographical map, there was a big ravine and some caves, and they decided to stay out of that area. He said there was also a 15-foot cut cliff. He said the concept was to have the parking up on the flat area and the theater would be down into the cliff. It fit right into the slope and, pointing to an area on the overhead, it left the entry somewhere along a certain area because of

the ravine, which dissected right through the property. Commissioner Jordan said it was tough to building the Ozarks. Referring to the screen, Mr. Hoffman said the entry should be in a certain area. Commissioner Jordan asked if the developer would be okay with putting in a stoplight. Mr. Hoffman said yes. Commissioner Boyce asked if the stoplights would be lined up with each other and not offset, where they would be split up. Commissioner Jordan did not know about that, but said it was a curved road and traffic relief for the strip. It was worked very effectively. They market it as one of the colored routes to get people off of the strip. If there were two (2) shows a day and they start adding traffic to the road, they should take some concern so they do not need traffic relief for Roark Valley Road ten (10) years from now. Mr. Hoffman said, if there was a stoplight there, it would provide a nice break in the traffic to allow people to get in and out of there. He was not a traffic light engineer either, but thought it could be programmed to be different during certain times of the day to allow the traffic to move smoothly. Chairperson Harris said these were all good suggestions and asked Mr. Filice to stay on top of that particular idea. Commissioner Jordan cited the information from the Branson Hills PD where it stated on the record at the planning and zoning meeting that the developer would put in the stoplight at his expense. This was in case this issue came up again a year from now when they were dealing with final platting. Chairperson Harris said, when there were several suggestions for changes that might require staff to work more closely with the developer, there was nothing wrong with postponing a month until the PD could be written as well as possible before being passed on to city council.

Chairperson Harris recognized Vice-Chairperson Romine.

Vice-Chairperson Romine asked when Roark Valley Road was established and go into effect. She asked if it came through in 1992 when the PD came about the first time. She said, if it was a PD in 1992, but the road was not there, she would agree with what Commissioner Jordan said about planning for the future to see where they would find themselves with traffic in three to five (3-5) years or more. Mr. Filice said David Miller had been working on getting a comprehensive traffic plan update for the city. He said he would have to do some research to find out when Roark Valley Road was put in. Vice-Chairperson Romine said she did not think it was in existence in 1992. Commissioner Jordan said he knew for certain it was not in existence in 1992.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce said the easement they had dedicated was shown on the original PD from 1992, although the road had not yet been built. He said it was all zoned commercial and multi-family in 1992 prior to the PD. When they came back around 2005, they still had the same commercial zoning, but they relabeled it by different parcels, which was what they had done again there with shifting it by parcel numbers. Chairperson Harris said the original owner donated that property to make sure the city could have access to it. Commissioner Boyce said, unless they asked the developer, it would be confusing to the residents of Hideaway Hills because how would they know it was always commercial property by looking at just the woods or a field out there.

Chairperson Harris asked Mr. Hoffman if he had any other comments to make about the changes.

Mr. Hoffman said the main reason for rezoning was because it was zoned for condos, but that market had died, and the market dictated at lot what they could do in an area. He said, if it was eight (8) acres and they could have sixteen (16) units per acre, that would mean they could have one hundred

twenty-eight (128) multi-family units, which was comparable to the dinner theater. He did understand, though, that the traffic it created would be all at one time and that would make a difference. Chairperson Harris said it would be the massive exiting.

Kendall Powell, Public Works Plans Examiner, walked up to the podium and introduced himself. He said he talked with the agent about this and they wanted to make it known that there was a concern with adequate infrastructure for fire protection. The water tower that fed this property was up at the corner of Roark Valley Road and West Highway 76 and was a 300,000-gallon water tank. The only feed that feeds that tank was a 6-inch line. He said there was an 8-inch line that ran down Roark Valley Road from that tank that would serve this property, but after speaking with the fire department, there was a concern. According to the building permit process, there had to be a certain number of fire hydrants per square footage and the amount of volume for a certain time period to feed that protect that building against fire. He said, if the adequate flow was not there, they might have to extend some water mains off site to serve that water tank with a bigger main. The two (2) options they came up with would be along West Highway 76 from the water tower going towards Bar Harbor, which was their high tower. There was a 16-inch feed there they could connect onto on the north side of West Highway 76, which would be about seven hundred feet (700') of water line off site and would take quite a few easements to obtain. The only other option they would have to feed this would be to run down the Roark Valley Road right-of-way, which was over six thousand feet (6,000'), to the Forsythe project to get an adequate main to feed this fire protection. Mr. Powell said this was a concern they wanted to stress at this time. Chairperson Harris asked if this issue had been addressed at any of the A.R.T. meetings. Mr. Powell said they did makes notes in the A.R.T. meeting that they may need water extensions and sewer extensions to serve this project. He said he spoke with the agent early last week about the additional water mains that might need to be installed, but they would not know until they knew the building size, and the fire department was not really sure either.

Chairperson Harris recognized Commissioner McDowell.

Commissioner McDowell asked Mr. Powell if the main that came down through Roark Valley Road was not back fed from the west. Mr. Powell said no. Pointing to the location on the screen, he said the water main that ran down through Roark Valley Road ended right after the corner of a certain property; there was a hydrant on the end and it dead-ended right there. From that point, the closest main would be at the new Forsythe Road project, which he thought was about seven thousand feet (7,000') of water main. He said they would get their water main down through there on the city right-of-way. The closest option would be seven hundred feet (700') and that would require easements from several different property owners. Chairperson Harris asked Mr. Hoffman if he was aware of this and if he had had some recent discussions about it. Mr. Hoffman said they were aware of it and, to develop this property under any use, they would have to meet those requirements and were always a contingency on zoning.

Chairperson Harris asked if there were any other questions for Mr. Powell; there was no response. He asked if anyone else there wished to speak on this item.

Janice Gregory stepped forward and introduced herself. Ms. Gregory asked about parcel 4 and what would be happening with it. Mr. Hoffman said it was a commercial parcel with a 35-foot building height restriction. He said it would be considered under a general commercial use. Ms. Gregory

asked if it was part of the dinner theater; Mr. Hoffman said no. Ms. Gregory asked if the caves in the area would all stay then or would there be a lot of blasting with it. Mr. Hoffman said down in the lower area and through another area there would not be a lot of blasting. Ms. Gregory said she lived right across the street from that part and was just wondering what to expect. Mr. Hoffman said that was a single family type use, which did not require a lot of excavation and blasting. Commissioner Jordan asked if there would be blasting in parcels 3 and 4. Mr. Hoffman said there could be blasting in parcels 3 and 4. He said this property went up to a high point there and they might have to knock it down to get access and a four or five percent (4 or 5%) slope across the parking lot. Ms. Gregory said she thought she would rather have that than apartments, but she was concerned about the traffic because they were on the other side of Roark Valley Road and sometimes they could not get out during the season. She said a lot of people cut through there and took the back road down Hero Drive, so she was concerned that that would make it even worse.

Chairperson Harris asked if anyone else there who wished to comments or had questions.

Kirk Strohm stepped to the podium and introduced himself as the owner of the property across the street, parcels 5, 6, 7, and 8. He said Mr. Medley bought it from him and it was where he was planning his dinner theater. While they could change, he said Mr. Medley's current plans were for a night show only, so the traffic would be letting out at around ten or thirty at night. He had no plans for an afternoon show.

Chairperson Harris recognized Vice-Chairperson Romine.

Vice-Chairperson Romine said she had a question about the construction. She asked if the height limit on parcel 3 was one hundred feet (100'), which would be ten (10) stories. Mr. Hoffman said that was correct. He said parcel 3 would be general commercial zoning and that was the height restriction in the city code, which they would honor. Chairperson Harris asked if Mr. Hoffman anticipated that height to be constructed there. Mr. Hoffman said he did not anticipate that kind of height being there. Chairperson Harris said Mr. Hoffman had talked about the theater blending in with the topography. Mr. Hoffman said Mr. Medley's theater would look like a one-story building from the parking area and then it would go down the slope towards the lower area.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley asked Mr. Hoffman if this project would be built in phases. Mr. Hoffman said yes. He said there was a phasing map in the PD on page 37. He said the single family homes were being constructed right now, which would be phase 1, then there would be phase 2 and phase 3. Commissioner Jordan asked currently on the single family cabins in phase 1 if their ingress/egress access would be restricted to being off of Roark Valley Road; Mr. Hoffman said yes. Commissioner Jordan said there would not be any traffic going up to Berry Drive or Hero Drive; Mr. Hoffman said no.

Chairperson Harris asked if there were any other questions of Mr. Hoffman by the commission; there was no response. He asked if anyone else there wished to ask a question or make a comment in regard to this amendment to a planned development.

Bill Jordan came to the podium and introduced himself. He said was Bill Medley's next-door neighbor. He said he had big concerns about a dinner theater on the residential side of the street and he understood it was zoned commercial. He said the only way for him to get out of his neighborhood was to go down Berry Road to the strip or to go up Main Street to Crosby Street to Roark Valley Road. Right now, Roark Valley Road and Crosby Street was jammed up. If they proposed to put a traffic light in there or do something about the traffic that would go into a dinner theater, it would jam up that corner immensely. He said our visitors know the easiest way to get around Branson and the strip is by using Roark Valley Road and going down to Gretna Road or farther. He has a big objection to having a dinner theater in his backyard, although he thought that was a moot point since they were already clearing ground and moving rock and doing what it took to prepare the site, but he was concerned about the traffic.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley asked if having a dinner there was a moot point. Vice-Chairperson Romine said the theater could go there because it was zoned commercial. Chairperson Harris said that was correct provided they got a special use permit for it. Commissioner Hartley asked if they had obtained a special use permit for it yet. Chairperson Harris did not think they had, but he invited Mr. Strohm to come forward to respond.

Mr. Strohm said the rock that was being removed right now was used to build the dam wall at Bill Medley's residence. He said they were not doing anything with the theater and they did not have any plans. He said actually Mr. Medley would be taking over the Andy Williams' theater next year and the dinner theater may not even happen now. Since the process started, Mr. Medley signed a contract at Moon River. Chairperson Harris said there could be all sorts of changes then.

Commissioner Hartley said she did not feel comfortable with what she was hearing. She was reading what was on the paper and something else from the audience and the developer. She asked what they were considering. Chairperson Harris said they were considering what the applicant applied for, which was an amended PD, so they had to go with it at face value. Commissioner Hartley said that it included a dinner theater, which they did not have a special permit for yet. Chairperson Harris said by having it within the PD, a special use permit was not required for a theater that was designated within a planned development. Ms. Denham said, if it was to be approved for a dinner theater, no special use permit would be required because it was an approved use in the parcel.

Stephan Moore stepped to the podium and introduced himself. Mr. Moore said his home would probably be the closest one to the dinner theater and he asked where the locations of the cabins would be and if they would go over the top of that hill where Bill Medley's original house was situated. Mr. Hoffman clarified where Mr. Moore's house was located, which was next to Bill Medley's house before he built his new one. Indicating the areas on the screen, Mr. Hoffman stated this area would be all single family, there was Mr. Medley's current home, and the entry to the cabins would be in a certain location, then it swings around to where the cabins would be located. He said the dinner theater would be located where the existing rock cut was in the side of the hill. The yellow parcel would be commercial zoning in the future under this PD. He said the lake, the single family residence, Bill Medley's house, and that area being single family would be a buffer between Mr. Moore and the commercial uses. Mr. Moore asked if the access for the single family homes would be on Roark Valley Road; Mr. Hoffman said yes. Mr. Moore wanted to express his concern

about the traffic flow because he had seven (7) children in his home. He thought a traffic light might be helpful, but he also said, if he got stuck in traffic there, he would cut through Hero Drive and go on through to Berry Drive, and he could see the traffic slowly increasing on Hero Drive because of that. He said there was probably not an easy answer to it, but he wanted to voice his concern. Chairperson Harris said it was much more complex than one might think.

Chairperson Harris asked if anyone else wished to comment in regard to this item.

Lowell Miller returned to the podium. He said, if they develop plans to control the traffic problem, he would like to be informed what those plans were so he would have the opportunity to speak to them. He understood the area was zoned commercial. He had some background in this type of situation from another state, so he understood their dilemma, but he also thought they had a moral obligation to protect the public safety there. Traffic was a problem on Roark Valley Road. There was a blind spot, if you were exiting Hideaway Hills. He was not opposed to the dinner theater, but there had to be another way to handle traffic besides directly across the street from a new residential area.

Chairperson Harris recognized Commissioner McDowell.

Commissioner McDowell said to Mr. Filice that every time they discuss one of these development projects, they always get into the topic of traffic safety access. He said it would be very helpful for him to have an updated traffic count on the city roads that are primary system feeders. He said it was hard for him to get a relative feel of the traffic count and the impact it would have on this particular area versus other areas in the city, so it would help him get a sense of what additional burden they would be putting on the area. This gentleman has paid a lot for this piece of property and he has a right to develop it; however, we have a responsibility to help put it together in a way that it does not create additional exposure or risk that was not prudent. It would help him to have additional tools to help him evaluate this. Mr. Filice said they take traffic counts every year and they have spreadsheets on it that go back several years. He said he would be happy to go through them with Commissioner McDowell or anyone else who would like to see them back at the office. Commissioner McDowell said, since they have that data, it would be appropriate to add that to the information when they were making the decisions as a way to compare against other examples in the city. This way they could get a better sense of the appropriateness of a particular access relative to other projects going on in the city. Mr. Filice said they could have that data available. Commissioner McDowell asked if this was something the rest of the commission would support. Chairperson Harris said it was something Ms. Denham could keep it and, whenever it came up, they could put the chart up to do some comparisons. He said it would be a nice visual for them to have and be educated about.

Commissioner McDowell said, in addition to that, he would like staff to give them a summary relative to what they believe the impact would be. He knew it was not an easy thing to do, but he said David Miller and Ms. Denham have enough experience to give them a better sense of whether or not this would be a feasible thing for them to consider. Mr. Filice said they could maybe have a traffic impact study done, project by project, to evaluate the impact to the community.

Commissioner McDowell said he wanted to be cautious not to overburden the development property because those things can be very expensive, but he was trying to take advantage and utilize the existing assets they have within this house. He went on to give examples of Sight & Sound, which was a big project, and across from where he lived in Branson North were several theaters that created a tremendous amount of traffic when they let out. Commissioner Wescott said that Highway 248 was a good comparison. Unlike West Highway 76 where most of the theaters were and the speed

limit was 35 mph except during show times when it is not, you usually saw speeds of 35 mph and higher on Highway 248. Although traffic had probably increased on Highway 248 because of Branson Landing, he said he thought it was a good comparison because Roark Valley Road was not accustomed to slow traffic with people allowing you to come into traffic because people were traveling at a quick rate of speed. Commissioner McDowell said it was the same way down at the old Mel Tillis theater out on Highway 248 where it was a 2-lane road versus the 5-lane road in front of his subdivision and the magic theater out there. He said those would definitely help them what was working and what was allowable in comparison to those other areas. Mr. Filice said he would look at their data and resources and come up with a plan.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley asked who would be responsible for the cost of extending the water lines either to Bar Harbor or to Forsythe Road. Chairperson Harris asked Mr. Filice if that would be at the developer's expense. Mr. Filice said he believed there were reimbursement mechanisms available, but he was not sure about the specifics. Commissioner Jordan asked if it was the city's responsibility if they develop it. Mr. Filice said yes; they did on a sewer line for Branson Hills, but Mr. Powell might be able to better answer this question. Mr. Powell said it would be the developer's responsibility. He knew there were some options and what Mr. Filice was referring to were "buy back" agreements. In this particular case, though, Mr. Powell did not think it would work because this would only serve to feed that water tower with more water, so, as far as getting reimbursed, he did not think it would benefit the developer.

Chairperson Harris recognized Commissioner Jordan.

Commissioner Jordan asked Mr. Strohm if he could develop phase 1 of the PD the way he wanted it as it currently was. Mr. Strohm said yes. Commissioner Jordan asked, if the dinner theater was on hold because of Bill Medley's new contract, would it be unreasonable to postpone these changes indefinitely until they decided whether or not they needed to build the dinner theater. They could move forward with their single family developments, though. He said if Mr. Medley currently had no thought to build the dinner theater now, people were getting upset about something that might not ever happen. He said those contracts were rather long-term; they were season by season. If they were not going to renew for ten (10) and then decided they wanted to build his dinner theater, they could start the process at that time and the city could get them going on it. As it sat right now, Commissioner Jordan said the only commercial parcels available were parcels 4, 5, 6, and 8. They could open up a number of businesses from a drug store to a florist shop to a nursing home to name a few; he said there were forty-one (41) options of what they could open on parcels 4, 5, 6, and 8. He said if they were currently not anticipating building the dinner theater, he did not see why they were exercising this approval process right now and causing concern amongst the community and the people who live around there, if it was not in the foreseeable plans due to new circumstances. Mr. Hoffman said Mr. Medley wanted the option to build his own dinner theater in the future, which was why it was important to him. Mr. Medley was not doing that right now because he had a contract for something different, but he would like that option in the future and that was why he wanted them to go through with this. Mr. Hoffman said the condominium market was flat also and if Mr. Medley wanted to sell this property, it would be better as a commercial use rather than as a multi-family condo project with sixteen (16) units per acre. Chairperson Harris asked Commissioner

Jordan if was talking about x-ing out item number 37, which had been inserted as a dinner theater and related facilities, and delete that particular use, but leave the other commercial uses in it.

After some discussion about the current zoning on the property, Commissioner Jordan said rezoning parcel 3 to commercial would be a point of contention for the people who live on that side of Roark Valley Road in what they perceive to be a residential neighborhood. Mr. Hoffman said the one area would be changed from 16-unit per acre multi-family to commercial. He said Mr. Medley was concerned about a future sale of the property and it might not be a dinner theater.

Chairperson Harris asked if there was anyone else there who wished to speak to this particular item; there was no response. He asked if the commissioners had any other comments or questions; there was no response. He said oftentimes they spend a lot of time on planned developments and on amendments to them trying to come up with some reasonable solutions.

Commissioner McDowell wanted to make sure Mr. Hoffman understood that the water situation was on the developers to resolve. He asked if they had agreed upon a strategy to resolve it if it was passed and accepted the financial commitment to do so. Mr. Hoffman said under the existing zoning, they would have to meet that requirement and they were already under that obligation. Commissioner McDowell asked if phase 1 could be done with it. He was not sure at what point the sizing of that pipe would be required. Mr. Powell said as he saw it, on page 37, the current infrastructure should be able to handle the single family residential in phase 1. The commercial building in phase 2, however, posed a concern with the fire department, especially with a dinner theater of that size. Chairperson Harris asked if there could be commercial development that would not require that extra water flow. Mr. Powell said it all depended on the building square footage, what the use of the building would be, all the building codes, whether or not it was sprinkled and those types of factors. Chairperson Harris said the theater was the key there. If they put it in, they would most likely have to take care of the water issue. Mr. Hoffman was aware of all the requirements.

Chairperson Harris recognized Commissioner Wescott.

Commissioner Wescott asked if this amendment could be passed with regard to the first phase. Chairperson Harris asked if he meant amending it to limit the items that relate to phase 1 only, adding, when you do a planned development, you could put in anything you want. Ms. Denham said they could make the amendment however they would like, but they would need to make sure other requests that affect it that were not included in it were taken care of as well. Commissioner Jordan said this was why he initially asked if they needed all of this to do what they wanted to do in phase 1. If they did not, the simplest thing could be a motion to postpone until they decided on their dinner theater. It might not be what they wanted to do, but if there was some concern across the board regarding water mains to traffic counts, maybe they could come back to the commission with more data. Commissioner McDowell said he supported that line of thinking. He thought there was more due diligence they needed to do on the traffic issue. Not that he had a significant concern, but he thought they had to quantify some criteria that would help the commission, as well as the public, understand what was reasonable. He said they would have some time to do, if they looked at it in terms of phases, and they did have the water issue to resolve. Hopefully, it would give them some time to discuss it and challenge the staff to come up with some solutions. He said they had gotten into this in the flooding area down below and that clearly was a space with very little traffic, yet it was a contentious issue, as is this one, and justifiably so. It showed the range of what they were

challenged with as they evaluated the traffic issues and the impact they had on citizens, as well as on the guests, the visitors and the property owners. He said it would be very beneficial to have a fundamental understanding of what reasonable criteria are for all of them. He knew it was a difficult thing to do, but he still thought it would be time well spent for them.

Chairperson Harris recognized Commissioner Jordan.

Commissioner Jordan said it would be helpful if the applicant came back with comparison information on the cost estimates to put the water mains in to Bar Harbor versus to the Forsythe project, as well as looking at the traffic studies that Mr. Filice mentioned would be very easy to access. Since there were no time constraints on phase 3, he made a motion to postponement this item until they had further information on the important topics that had been discussed.

MOTION:

Motion by Commissioner Jordan and seconded by Commissioner Hartley to postpone Resolution 08-00500004 (Project No. 08-5.4).

Commissioner Jordan asked if they needed a date for the postponement. Chairperson Harris said it would be for thirty (30) days. Commissioner Jordan asked Mr. Filice if that would be enough time for him to get his traffic counts available for comparison by the commission.

AYES: Commissioners Hartley, Jordan, McDowell, Wescott, Vice-Chairperson Romine and Chairperson Harris.
NOES: Commissioner Boyce.
ABSTAIN: Commissioners Loyd and Weisz.
ABSENT: Commissioner Butler.

Motion to postpone Resolution 08-00500004 (Project No. 08-5.4) carried with a 6-1 vote.

Commissioner McDowell told Mr. Filice he was not asking for a full study. He was just asking for some general guidelines to start with for general decision-making because they did not have anything to look at right now.

At 8:55 p.m., Commissioner Weisz returned to the panel table.
Commissioner Loyd did not return to the panel table and was absent for the remainder of the meeting.

8. Request For Recommendation Of Approval Of A Municipal Code Amendment To Section 415.010 Of The Branson Municipal Code Pertaining To Parking Surfaces. Project No. 08-12.5 (08-01200005).

Applicant: The City of Branson Engineering Department

Ruth Denham, Assistant Director of Planning and Development, introduced the final item on the agenda and stated Matt Filice, Assistant City Engineer, was prepared to make the presentation.

As Mr. Filice stepped to the podium, several commissioners commented on Commissioner Loyd's absence. Mr. Filice presented the staff report as filed with the Planning Division. He said request would allow thickness of concrete parking surfaces to be reduced from six inches (6") to five inches (5") and provide for an alternative surfacing material of concrete paver stones of equal strength to five inches (5") of concrete.

Chairperson Harris asked how this affected curbing. He asked if this applied to streets only or to private parking areas only. Mr. Filice said it applied to private parking only. It would not affect curbs. It would be just for the paving itself. Chairperson Harris asked him to tell them about the pavers and if they were structurally equal to five inches (5") of concrete. Mr. Filice said they were structurally superior by about five or six times. He said the strength of the concrete for pavers is typically five to six thousand (5,000 -6,000) PSI versus three (3,000) PSI for poured concrete. They were poured under factory conditions, so they were tested, whereas with poured concrete, you were at the mercy of the contractor. He said it was a better product. Chairperson Harris asked if they currently had any parking lots in town that were utilizing these pavers. Mr. Filice said no; they do not allow them at this point, which was why they were proposing this amendment. He said it was a lot more expensive material than concrete or asphalt. It would be to give people an option to have something more upscale for their parking lot. Chairperson Harris said currently, if they were to go somewhere that had a concrete area, such as the fire station, they would have all been poured with six inches (6") of concrete. Mr. Filice said that would be the minimum. For the city, they probably went beyond that to ensure longevity. Chairperson Harris asked if they had investigated the use of water permeable concrete. He said water would flow right through it and would allow businesses to not have to go through the water retention processes. Mr. Filice said they were looking into that and were trying to evaluate the long-term performance. He said it worked great in the short-term, but they were not sure fifteen, twenty (15,20) years down the road if it would still have that permeability. Chairperson Harris said it had probably been on the market for only a couple of years, but Mr. Filice said it had been quite a few years. Chairperson Harris said he thought it would be a great thing to put in as an option. He knew costs had been an issue with it before, but he had seen it work in a parking lot in Springfield. He said you could pour a five (5) gallon container of water and pour it straight down in it and it was just amazing. Mr. Filice said they were watching that particular parking lot and evaluating it to get a good idea of how it performed there.

Chairperson Harris recognized Commissioner Weisz.

Commissioner Weisz said he agreed and he would love to see that as a use they could use as pervious parking materials. He was glad the engineering department was watching it and asked that they report back to them on it. Mr. Filice said he would do that. He said the paver stones were also part of the LEEDS certification for green construction and they were trying to get more into it out there.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce asked Mr. Filice if this would be only for off-street parking. Mr. Filice said yes. It would be for private parking lots. Commissioner Boyce said no streets. Mr. Filice said not at this point, but they would consider doing that, as long as it had the proper engineering. Commissioner Boyce said he was just wondering about it because Mr. Filice had talked about price. When the price of asphalt went up this summer, a company approached him about using paver stones at Commerce Park on the main arterial street. He said this company could do the entire street at the same price as

he could asphalt. This was why he asked if it was just for off-street parking. Mr. Filice said for this ordinance, it would be for off-street parking only.

Commissioner McDowell said he like what he saw there, but he still felt compelled to request an amendment to follow the manufacturer's specifications for the installation of the pavers because so many people had had a lot of problems with the installation because they did not get the sub-grade right. Mr. Filice said one thing they do with any paving is check the sub-grade and they would do that with the pavers, too, to make sure the sub-grade was firm and unyielding. Chairperson Harris asked if they would inspect that prior to the laying of the pavers; Mr. Filice said that was correct. Commissioner McDowell asked if he would follow the manufacturer's specifications on that. Mr. Filice said that was correct and added it was his opinion that anybody who would put the pavers in would do that anyway. Since they would be spending the extra money, there would be an incentive there to do it correctly.

Chairperson Harris asked if anyone there wished to speak in regard to this proposed ordinance change relating to pavers and concrete thickness and recognized William Duston, Assistant City Attorney.

Mr. Duston asked if what he was reading meant "1 or 2 or 3" or did it mean "1 or 2 and 3" on the ordinance. He suggested someone amend it to read "five inches of concrete; or." A brief discussion took place among the commissioners and Mr. Duston.

Chairperson Harris asked if there were any other questions or comments; there was no response.

MOTION:

Motion by Commissioner Boyce and seconded by Vice-Chairperson Romine to approve Resolution 08-12.5 (08-01200005).

Chairperson Harris recognized Commissioner Jordan.

Commissioner Jordan offered the following amendment per the recommendation of the legal counsel for the city:

1. At the end of line number 2, section F, after the word *concrete*, add "; and/or."

MOTION:

Motion by Commissioner Jordan and seconded by Commissioner Weisz to amend Resolution 08-01200005 (Project No. 08-12.5).

Chairperson Harris asked if there was any further discussion; there was no response.

AYES: Commissioners Boyce, Hartley, Jordan, McDowell, Weisz, Wescott, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Butler and Loyd.

Motion to amend Municipal Code Amendment 08-01200005 (Project No. 08-12.5) carried with an 8-0 vote.

Chairperson Harris asked if there was any further discussion on the amended motion; there was no response.

AYES: Commissioners Boyce, Hartley, Jordan, McDowell, Weisz, Wescott, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Butler and Loyd.

Motion to approve Municipal Code Amendment 08-01200005 (Project No. 08-12.5) as amended carried with an 8-0 vote.

OTHER BUSINESS

Chairperson Harris asked Ms. Denham if there were any items to discuss.

Ms. Denham asked Commissioner McDowell if he had a report on moving billboards to share with them this evening.

Commissioner McDowell stated he thought he had raised the concern Alderwoman Cris Bohinc had about moving billboards at the aldermen meeting. He said they needed to discuss how they wanted to deal with them as a community. He said there were different situations and circumstances that seemed to place an undue burden on some businesses that warranted further evaluation. Chairperson Harris said Commissioner McDowell had brought it up then and at some point in time council will go into it in a more detailed manner. Commissioner McDowell said yes. He would remind them said he had requested it be included in a work session. Commissioner Jordan said, for the record, his truck had remained behind his building out of respect for the process.

Chairperson Harris asked Ms. Denham if she had anything else for them to discuss.

Ms. Denham said she had copies of the 2008 fall publication of *The Commissioner* and distributed them to the commissioners. As an update, she attended the Missouri-Kansas Bi-state Planning Conference October 22-24. She said a lot of interesting ideas were shared there, but the most interesting one to her was updating code for the 21st century. It covered the new urbanism, the traditional neighborhood development, the transient-oriented, and form-based codes. There was a lot of great information it provided good strategies for implementing them.

Ms. Denham talked with Chairperson Harris about information concerning community engagement that was presented by a gentleman who represented MoDOT. MoDOT usually put out easels, had cookies and invited people to an open house to show them what they were going to do. The MoDOT representative said they worked on great community involvement with representatives from various areas, they had an agenda and the process was extremely organized. Everyone felt they had played a major part in the decision and many thanked MoDOT afterwards. Ms. Denham said she thought it would be a great way to focus on future code and comprehensive plan changes. Chairperson Harris

said it was a good model and thanked her, saying it was excellent that she was able to do those in-services.

Chairperson Harris let the commissioners know that he and Vice-Chairperson Romine got a “best wishes” card and a Red Lobster gift card for Don Stephens, who has moved on from his position as Director of Planning and Development at the city.

ADVISORY RECOMMENDATIONS

None.

ADJOURNMENT

Motion by Chairperson Harris and unanimously carried to adjourn the meeting at 9:08 p.m.



Clark Harris, Chairperson

1-6-09
Date



Sonja Paden, Office Assistant II

01-06-09
Date