

PLANNING AND ZONING COMMISSION

May 5, 2009
7:30 p.m.
Council Chambers

STUDY SESSION

7:00 p.m.
Planning and Development Conference Room

For its agenda, the Study Session will provide an overview of all matters to be taken up in today's 7:30 p.m. meeting of the Planning and Zoning Commission.

SPECIAL ANNOUNCEMENTS

Chairperson Harris welcomed the three (3) new commissioners to the Planning and Zoning Commission board: Alderman Rick Davis, Karen Best and Dave Woolery. He went on to thank the previous commissioners for their service. They were Alderman Bob McDowell, Mark Weisz and Chris Jordan.

Chairperson Harris asked Matt Filice, Assistant City Engineer, to tell everyone about the award David Miller, City Engineer, had received. Mr. Filice said Mr. Miller won the Top Ten Engineering Leaders for the American Public Works Association. A reception will be held for him and invitations will be forthcoming in the next couple of weeks. Chairperson Harris said they were proud of their engineering department of which Mr. Miller is the lead engineer and Mr. Filice is the assistant. Commissioner Butler said behind every good leader is a strong organization.

PUBLIC COMMENTS

CONSENT

1. **Roll Call.**

Commissioners Present:	Best, Boyce, Butler, Davis, Hartley, Loyd, Westcott, Woolery, Vice-Chairperson Romine and Chairperson Harris.
Commissioners Absent:	None.
Staff Present:	Jim Lawson Director of Planning and Development Timothy Davis City Attorney Tara Norback City Forester Matt Filice Asst. City Engineer Kendall Powell Public Works Plans Examiner Sonja Paden Office Assistant II

2. **Approve Agenda.**

Recommended Action: Approval of the agenda for the May 5, 2009 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 May 5, 2009 agenda.

3. Approve Minutes.

A. April 7, 2009.

Recommended Action: Approve the minutes of the April 7, 2009 Planning and Zoning Commission meeting.

MOTION:

Motion by Commissioner Wescott and seconded by Commissioner Loyd, and unanimously carried to approve the minutes of the April 7, 2009 meeting.

OLD BUSINESS

None.

PUBLIC HEARINGS

4. Request For Recommendation Of Approval Of A Street Vacation for Music Country Blvd., Equity Ave., Priority Blvd., Citation Ave., Confirmation Ave., and Security Ave., Branson, Missouri. Project No. 09-11.1 (09-01100001).
Applicant: Faith Life Church, Inc.

Tara Norback, City Forester, presented the staff report as filed with the Planning Division and showed the zoning vicinity map on the overhead screen, stating the subject property was in purple. An aerial map displayed on the overhead screen indicated the location of the subject property. A PowerPoint presentation was used to aid in the description of this request. She said it was the recommendation of staff to vacate only Security Avenue and Equity Avenue within the property to eliminate any potential issues with landlocking utility and public access.

Chairperson Harris invited the applicant to come forward.

Phyllis Moore stepped to the podium and introduced herself. Ms. Moore said their current problem was when drivers came off of West Highway 76 and down Music Country Boulevard in order to avoid red light up there at Shepherd of the Hills Expressway. They cut through at Music Country Boulevard and go straight through Equity Avenue, which was where their parking lot was and where all their kids were. They cut through to Little Pete Road to avoid the red light. When they cannot get in the first one, they cut in right at Priority Boulevard to

avoid the red light there. The problem was that their parking was across the street from Equity Avenue and that was where their kids were. She said Citation Avenue was not even a road and that it was grass and gravel right now, but it would be a parking lot for them at some point. Kids would continue going through that area, as well. Directly behind the church building was Confirmation Avenue. It was a little bit of a road that stopped and did not go all the way down to Little Pete Road. She said the church had purchased all the land behind its property, so there was no reason for anyone to go through either Music Country Boulevard or Priority Boulevard to get into that property anymore because they had purchased everything from West Highway 76 all the way back fifty-one (51) acres. Chairperson Harris said the church owned the property directly east of its building and further back. Ms. Moore said that was correct. She said they actually owned the smaller pieces up at the front on both sides off of West Highway 76. They own all of the property surrounding the various streets. If they had ever attended a church, she said you would know that kids run around in every direction and, if you are a parent, you would not want your child to dart out in front of someone driving who may not be paying attention. As a church, they are responsible for anything that happened there with the kids and they do not want them or anyone else getting hurt. Chairperson Harris said the basic underlying issue then was safety for the people moving in and out of the church. Ms. Moore said yes, safety.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce asked if Music Country Boulevard and Priority Boulevard would still be their two (2) entrances. Ms. Moore said yes. She said they would like to put up cones or something so people could not just dart through there at all times, but especially during church service times, because it was an issue and they had had some major close calls in the past. Commissioner Boyce asked if the churchgoers exited on to Little Pete Road. Ms. Moore said yes. Commissioner Wescott asked if that would remain open. Ms. Moore said all of them would remain open. She said they were not planning on closing any of them, but they wanted to be able to block them off when they knew kids were going to be there or that type of situation so they could be protected. Commissioner Hartley asked how people entered the church property now. Ms. Moore said they entered it from Music Country Boulevard, Little Pete Road or Priority Boulevard and they would stay open. Chairperson Harris said this was an issue that had occurred many times in this town through the years. He said safety had always been a problem with venues that had large numbers of people, particularly with youth going back and forth, and there were several methods to maintain safety. Ms. Moore said there were major speed bumps in there already.

Chairperson Harris recognized Commissioner Butler.

Commissioner Butler said the board had been given a report from different city departments and asked Ms. Moore if they had received that report; Ms. Moore said yes. He said, as far as public works and engineering were concerned, there was no problem with closing streets and there might be access problems that could be handled by a utility easement, but they did have easement problems and those generally went hand-in-hand. Tonight the commission was recommending the vacation of two (2) streets and the applicant had asked for more, but

Commissioner Butler said he did not think the city was ready to do that because of the easement issue. Ms. Moore said they did not have a problem with the utility companies going in and out of there at any point in time. Commissioner Butler said he understood this, but said the city still had to make sure this issue had been dealt with properly, so that was what the hold up was.

Chairperson Harris recognized Jim Lawson, Director of Planning and Development.

Mr. Lawson said he understood their concern, but also said to keep in mind that their transportation network was a network. There were a lot of ways people got around and they did have problems on West Highway 76, so they had to have a network of streets. He lived off of Green Mountain Drive and people used a lot of the streets all the time, so that was their main concern. He said they would be glad to work with the police and do whatever they could to help them from a safety standpoint. From a policy standpoint, though, they had a problem with closing some of their streets. He said they did not encourage cut-through in any way, but they had to have a complete circulation system and when they started closing sections of it then they would lose that ability.

Chairperson Harris asked Mr. Filice to comment on what the engineering department had done in the past to help with this type of difficulty.

Mr. Filice said at the A.R.T. meeting they had discussed that the two (2) interior streets would be no problem to close, but they wanted to look at the circulation of the other streets. He said they served other parcels and they might serve parcels beyond that, so they wanted to study more on it. West Highway 76 was a busy street and they needed to look at the overall picture. Chairperson Harris asked if there were some things that could be done on those other streets to help slow down or reduce traffic. He mentioned extra signage and crosswalks, but said he was not sure if a speed bump could be placed on a city street. He asked if there were some ways to perhaps slow traffic down to help with the safety concern. Mr. Filice said they could look at that, plus closing off the two (2) interior streets would help a lot because it seemed like they were the main cut-through roads. When the applicant comes up with a development plan for the overall property, they could look at the streets to see which ones might be closed. Chairperson Harris said it sounded like more information would be coming up with what was going on with that property.

Chairperson Harris recognized Commissioner Butler.

Commissioner Butler said to Mr. Filice that the applicant's immediate concern beyond the two (2) streets tonight happened within a short span of time. Ms. Moore came back to the podium and said they had four or five (4 or 5) services a week, so it was more than just on Sunday mornings. At Commissioner Butler's request, Ms. Moore went through the schedule for a typical week at the church.

Chairperson Harris asked Kendall Powell, Public Works Plans Examiner, to tell them about what his department would require.

Mr. Powell stepped to the podium and introduced himself. He said he had a bit of a concern about putting speed bumps on city streets, but he wanted to make sure the commissioners know these were not city streets. The city did not maintain those streets or right-of-ways. They were platted as public right-of-ways, but they had never been dedicated to the city to take care of them. The other issue he had was with the easements of the utilities. He said vacating those roadways and easements as proposed would eliminate their ability to access the public water and sewer mains, as well as the public lift station. He would request that new city utility easements and lift station access be drawn up and recorded so the city could maintain the public systems. He said this would be if all of the right-of-ways were vacated. If only the two (2) center streets were vacated, they would still have an access issue with the lift station. Currently, they accessed it by going from Little Pete Road on to Priority Boulevard in through the parking lot and down Security Avenue, which runs east and west and goes straight into their lift station road off of Confirmation Avenue. If the two (2) interior right-of-ways were closed, he said they would request on Confirmation Avenue that a lift station road be built in that right-of-way at the back of the parking lot behind the church, which was to the east. The other way to do it would be for the applicant to grant an easement through those vacated right-of-ways. Chairperson Harris said they needed definite access to the lift station that was located east of Confirmation Avenue. Mr. Powell said either an easement or a new road, which could be gravel. Chairperson Harris said to help save them money, just having access to the vacated road would be the easier way to do it; Mr. Powell agreed. Commissioner Butler asked Mr. Powell if they were vacating the right-of-ways or easements or both at tonight's meeting. Mr. Powell said their public utilities ran in those right-of-ways. Commissioner Butler said including those two (2) streets. Mr. Powell said their lift station access easement was through those two (2) interior streets; their public utilities were on Confirmation Avenue and Citation Avenue and on Priority Boulevard over to Little Pete Road. Commissioner Butler said, if they vacated the street right-of-ways but not utility easements, it would clear it up for Mr. Powell. Mr. Powell said, if they vacated those right-of-ways, there would be no easements, so new easements would have to be drawn up for them to have access to those utilities. He said they do not usually put a utility easement within a right-of-way because it was a right-of-way and you do not have to have an easement in a right-of-way.

Indicating the area behind Confirmation Avenue on the aerial photo displayed on the overhead screen, Ms. Moore said over the course of time they were planning on making that area a parking lot. She said the Mr. Powell had said most of their utilities were back there, so everything they needed to access was behind the church. She showed where they normally came through to access the utilities, either through a particular route or off of Little Pete Road and back around through Security Avenue to get back there. At this point, Mr. Lawson requested and Chairperson Harris directed Ms. Moore to return to the podium to speak into the microphone so all in attendance could hear what she had to say; Ms. Moore complied. She said what Mr. Powell was talking about was giving him access off of Little Pete Road directly in through Confirmation Avenue or through a right-of-way or a street in that area. She said if they took responsibility of their streets so the city would not have to pay to take care of them then they would give the city an easement to be able to come in to the back part of their property. She said it would also be quicker for the city to go directly in off of Little Pete Road,

so they would just have to build an access road there for them. Chairperson Harris said they would prefer that methodology as opposed to the city driving down through Security Avenue. Ms. Moore said if it would give them the right to close off the right-of-ways to all those streets to people going through there then yes.

Chairperson Harris recognized Commissioner Loyd.

Commissioner Loyd asked Mr. Powell to show him on the overhead screen how they accessed the lift station and where it was located; Mr. Powell complied. He said through right-of-way they go through Music Country Boulevard down Equity Avenue and Security Avenue through the parking lot to access the road for their lift station. Pointing out the areas on the overhead screen, he said if the two (2) inner right-of-ways were vacated then they would have to either build a road through one area and over, which could be gravel, or build it from another location and over so the city could have access. They would otherwise have to grant an easement from one location down through another and back through this way. He said they would be getting rid of an easement but then granting an access easement for the lift station only. Ms. Moore asked why they could not put an easement, which appeared to be a shorter distance, from Little Pete Road to the lift station. Mr. Powell said it depended on the grade issues out there, what it would take to build the road and sloping. He said it might get more expensive with paving because, when a slope reached a certain percentage, the road would have to be paved for the city to have access. It would depend on these types of factors and would have to be looked at by an engineer.

Chairperson Harris recognized Commissioner Davis.

Commissioner Davis asked if there were any utility infrastructure, such as sewer lines or water lines, in any of the Security Avenue or Citation Avenue or Confirmation Avenue right-of-ways now. Mr. Powell said they had a water line that ran down Priority Boulevard then down the Citation Avenue right-of-way and down Confirmation Avenue then went back over to city property. There was also a sewer line that ran down Confirmation Avenue then down to the lift station. Commissioner Davis asked if Mr. Powell knew of any plans for sewer infrastructure or water infrastructure or for storm water runoff areas that were proposed for utility upgrades or changes. Mr. Powell said not at this time. Commissioner Butler said there was nothing having to do specifically with Equity Avenue and Security Avenue. Mr. Powell said correct, except for the lift station.

Chairperson Harris recognized Mr. Lawson.

Mr. Lawson said a public right-of-way could be closed for public access but maintain the utility easements, in this case, an access for utility companies. He confirmed this with Tim Davis, City Attorney. Ms. Moore said they had previously had the Yellow Ribbon Theatre and the utilities companies went through there all the time. She said they had a station at the bottom of that location also and they never had any trouble with that either. Chairperson Harris said that would perhaps be a better methodology than trying to cut a new road and taking down trees that they do not need to remove.

Chairperson Harris recognized Commissioner Wescott.

Commissioner Wescott asked if the reason the right-of-ways were given names was because there were sewer or water lines underneath them and the intent was to have city maintenance on those particular roads or were they roads because there was an easement. Mr. Lawson said at the time the land was developed this was a necessary street network. Private roadways were allowed in the city. He said he thought those roadways were built and some of them were platted, but never accepted or dedicated. He did not know why that step was left out and asked Mr. Filice if he could them why they never became public streets in that area. Mr. Filice said he was not sure why it did not happen, but that it was done a lot way back when. He said they had another idea, though, that might be a good solution. Chairperson Harris said they had someone who knew the history of the property a little bit more.

Mark Weisz stepped to the podium and introduced himself. He said he thought those roads were platted by David Green, who had gone through a bankruptcy when he was planning Cash Country. Some of the roads had been built and utilized, but some were not built. He said he had had involvement in selling the property and that was his best recollection. They were platted and some were built. There had been issues and why the city never had them build the roads might have had something to do with the bankruptcy. Commissioner Wescott said he was not trying to get the roads built and said he was sure that was not what the applicant wanted either. He was asking what the trigger point would be for them to keep the right-of-way, but not the easement if there was never an intent to build the roads.

Chairperson Harris recognized Mr. Filice.

Mr. Filice said they had an idea that might work out for them. Indicating a certain location on the overhead screen, he said he thought it would be a lot less expensive for the church to gravel that whole section of the road there and not even worry about the access easements. It would be a lot cheaper than survey work and legal documents. Chairperson Harris said it appeared something could be worked out to the benefit of both sides.

Chairperson Harris asked if anyone was there who wished to speak in regard to the motion at hand; there was no response. He asked if the commission or staff had any other questions or comments about the item. Commissioner Butler said he would have an amendment. He said he would entertain a motion to accept this item and maybe have some amendments.

MOTION:

Motion by Commissioner Davis and seconded by Vice-Chairperson Romine to approve Resolution 09-11.1.

Chairperson Harris recognized Commissioner Butler.

Commissioner Butler offered the following amendment:

1. After “Security Avenue” in bullet point 2 of paragraph 5 of the Resolution, insert the words “provided that (prior to Aldermen action) acceptable easements are received from the applicant for utility placement and vehicular access.”

MOTION:

Motion by Commissioner Butler and seconded by Commissioner Best to amend Resolution 09-11.1.

Chairperson Harris asked if there was any other discussion on that item; there was no response.

AYES: Commissioners Best, Boyce, Butler, Davis, Hartley, Loyd, Westcott, Woolery, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to amend Resolution 09-11.1 carried with a 9-0 vote.

Chairperson Harris asked if there were any other comments before voting on the amended resolution; there was no response.

AYES: Commissioners Best, Boyce, Butler, Davis, Hartley, Loyd, Westcott, Woolery, Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to approve Resolution 09-11.1 as amended carried with a 10-0 vote.

David Vaughan commented from the audience that he did not understand what it said, so Chairperson Harris invited him to come forward to make one last comment. He asked Mr. Lawson to tell Mr. Vaughan what the next step would be, as he was probably unsure of what happened next.

David Vaughan came down to the podium. Mr. Lawson said the motion, the amendment that was made to it and the staff recommendation dealt only with Equity Avenue and Security Avenue. Chairperson Harris said they would vacate the two (2) internal streets and added an amendment about easements. Mr. Lawson said what they did was add an amendment to the item tonight before it went before the Board of Aldermen that stated they would work out the easement documents because the utility easements needed to be maintained. He said staff would get with him to work it out. Mr. Vaughan asked about the other roads and the commission told him those roads were not being considered yet; this applied to the two (2) internal roads only. Mr. Vaughan asked what their next step would be then beyond this. Commissioner Butler said Mr. Filice had to study it first. He would have to look at the network then give the commission a recommendation. He said they would not get a final decision tonight because it had to go before the Board of Alderman and it will decide what to do.

Between now and then, the applicant needed to provide easements for utilities and for access to the lift station. Mr. Filice would be the contact person on that and the applicant should also keep in touch with him about the other streets. Commissioner Davis said it would be important to know what the development plan was for the entire parcel. Before the commissioners or the aldermen did any more, they would need to know more and that had to do with the applicant's development plan and what they were going to do with the property. He said some of those roads might stay around in a different form. They may change location, but that would have to do with the development. He said until they were clear and firm with their development, there might not be reason to do too much more.

5. Request For Recommendation Of Approval Of A Special Use Permit For Paw Palace For Properties Located At 605 S. Highway 165 Branson, Missouri. Project No. 09-1.6 (09-00100006).

Applicant: Paw Palace.

Tara Norback, City Forester, presented the staff report as filed with the Planning Division and showed the zoning vicinity map on the overhead screen, indicating the subject property was in purple. She said there were two (2) buildings on this lot and clarified which area of which building applied to this item. She pointed out the area that would be fenced. An aerial map displayed on the overhead screen showed the location of the subject property. She used a PowerPoint presentation to aid in the description of this item.

Chairperson Harris invited the applicant to come forward; no one came forward. He said they almost always had the applicant present for special use permit requests and that was not aware of a time when they approved a request without the applicant being there to discuss it with them. Ms. Norback stated a notification letter had been sent to the applicant with the details of the meeting. Chairperson Harris asked Ms. Norback whether or not the applicant had attended an Administrative Review Team (A.R.T.) meeting; she said yes, they did. Commissioner Butler asked if the commission could discuss this request very briefly. He thought they needed a staff opinion on this special use permit, since it would be decided during one of their meetings. He said they could stipulate hours of operation and a completion date, but asked what legal authority they had to assign this special use permit, not to the property, but to this business or to these owners. If it changed or expired and the applicant had to come before the commission again and said they needed more time to study, he said that would be an acceptable response. Chairperson Harris asked Timothy Davis, City Attorney, to help them on this. Mr. Davis said they could state that the special use permit was specific to these owners. Mr. Lawson said that was correct.

Chairperson Harris recognized Commissioner Davis.

Commissioner Davis said he had several concerns about the HVAC system and whether or not it was shared by the common tenants in the building. If so, he asked what the risk would be to the neighboring tenants. He said it looked like there was a building with different bays in it and thought they would have some due diligence with the health department and/or the building department with regard to maintaining appropriate separation. Ms. Norback said it

had been commented on by the building department at the A.R.T. meeting also. She said the concern was to make sure the ventilation system was appropriate because they may be doing full grooming at a later date. Mr. Lawson recommended that they defer this for one month and, in the meantime, staff would meet with the applicant again and look at the issues, such as their sixteen (16) indoor kennel requests, which was a lot, and the use of the grassy area as a place for the dogs to relieve themselves and not as a turnout for three or four (3 or 4) hours at a time. He said there were several issues that needed to be resolved. If the applicant failed to show up at the next meeting and the commission was all right with it, Mr. Lawson said he would tell the applicant their request could be turned down. Commissioner Butler said he would make a motion to postpone, but would be ready to hear the applicant if they showed up later this evening. He reminded the board that once the motion to postpone had been made, it would no longer be debatable and all discussion would need to stop.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce wanted to know if there was anyone else there who wanted to talk about this item. Chairperson Harris asked if there was anyone else there who was going to speak in regard to this item who was not the applicant; there was no response. He asked if the commissioners had any other comments or questions about the item; there was no response.

MOTION:

Motion by Commissioner Butler and seconded by Commissioner Wescott to postpone Resolution 09-1.6.

Chairperson Harris said there was a motion and a second to postpone.

AYES: Commissioners Best, Boyce, Butler, Davis, Hartley, Loyd, Westcott, Woolery,
Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to postpone Resolution 09-1.6 carried with a 10-0 vote.

6. Request For Recommendation Of Approval Of A Planned Development Amendment For Branson Landing PD Amendment For Properties Located At 100 Branson Landing Branson, Missouri. Project No. 09-5.2 (09-00500002).

Applicant: HCW Private Development, LLC.

Tara Norback, City Forester, presented the staff report as filed with the Planning Division. She said the planning department had received additional details for the presentation subsequent to the staff report, but stated staff would prefer postponing this item to be able to obtain further specific information. A PowerPoint presentation was used to help aid in the description of this request. Mr. Lawson said they would like to have a detailed discussion with the applicant to find out what they would like to do. He said there were quite detailed agreements between the

City of Branson and Branson Landing and he had been in contact with the attorney who had written them. There may be some language in the agreements that related to what signs could or could not be put up. He said that was one of the city's issues, but he thought this would be a good time to better understand from the applicant what they had in mind. Chairperson Harris said it would be a good time to talk about concepts involved, if not specifics.

Chairperson Harris invited the applicant or representative to come forward.

Melissa Hudson stepped to the podium and introduced herself. She said they were seeking to allow tenants at Branson Landing to install lit company signage on the backs of the buildings, particularly buildings 1, 2 and 5. On those buildings were archways and they were asked to give staff specifics on the maximum number of signage that could be put there along with the size of the signs. She said aesthetically the signage would look best in the arches. They had updated the visual representation since submitting their proposal, so the package the commission got tonight showed better looking logos that did not have the white background. She said they did not want to have metal signs installed, but wanted the signs to have 3-dimensional letters like the ones on their store fronts. Building 1 had eight (8) arches; building 2 had nine (9) arches plus the dock that had enough room to build a sign on it, and; building 5 had 2 arches on which they could install a tenant sign. She said the parking garage was also an option, but she understood it was not as favorable and they were okay with that. The newer package the commissioners received tonight had those logo signs on the top level structure. She said they had spaced them out every other one to keep it less cluttered. Concerning buildings 1, 2 and 5, she said they did not necessarily want to make it look too much like a billboard, so they had thought about using every other arch. She said they had not contacted those tenants yet and it might be they were not willing to front the cost for that, but she was sure there would be a few tenants willing to do it. At the most, there would probably be three to five (3-5) signs on a building that would realistically look okay; however, the maximum number of signs that could fit there would be eight (8) on building 1, nine (9) on building 2 and two (2) on building 5. Ms. Hudson said the reason for this request was to bring awareness to those tenants at Branson Landing so the people traveling on Branson Landing Boulevard know what they have to offer. She said they had received comments from people before that they do not know where the shops are located, which over time changed. She said a great idea had been brought up about installing a Branson Landing sign in the entryway. She said they did not realize it was allowed in the original sign PD (planned development) and did not know why it had not already been installed, but it was something they would budget for and look to do in the future. Right now they were looking to create more awareness of what they had at Branson Landing.

Chairperson Harris said it was a good educational time for both Branson Landing and the commission to look over some of the possibilities. He recognized Commissioner Davis.

Commissioner Davis asked Ms. Hudson how many tenants they had. Ms. Hudson said they had one hundred (100), so they would not be able to open it up for everybody. She said the fair thing would be to offer it to the tenants directly on the other side of the back wall in those buildings first. If those tenants did not want to put the expense into installing a lit sign then

they would like to be able to open it up to other tenants in the center. Commissioner Davis confirmed with Ms. Hudson that it was a lit sign because that had been one of his questions. He asked her if it was her intention to attract the attention of folks driving along the highway or folks staying in the convention hotel; Ms. Hudson said both. Commissioner Davis said they would want size adequate to be seen from a fairly long distance then. Ms. Hudson said she hoped they could be seen from the convention center. The size of the arches is twenty-seven by five (27'x5'). For a sign to fit proportionally in it, they measured a maximum size of twelve by three (12'x3'). She said the sign for Ride the Ducks was twelve by six (12'x6') and for Arvest Bank it was six by two (6'x2'). She clarified that these pictures were in the packet they received tonight and not what was being shown on the overhead screen. She said there were signs currently on some of the back walls, but they were individually approved and not part of the package. Commissioner Davis said it seemed to him that that was a relatively low percentage of exposure for the number of tenants they had in the project. He was not sure they could convince him that it would go very far to educate the commuting public about what was at the Landing. He wanted to know what alternatives they had considered that would be able to educate a larger group. He understood they might want to educate people to park in a certain area for shorter access to those businesses, but this did not seem to be a very effective way to do it.

Michael Brooks stepped to the podium and introduced himself as the General Manager of Branson Landing. He said the overall idea was not to advertise specific stores, but that it was more of a concept that there was a retail development at Branson Landing. It was pretty easy to see there was a hotel and convention center and they wanted to emphasize the retail aspect of the Landing. It was not so much that they had certain stores advertized as it was to emphasize the retail environment. Commissioner Davis asked him if he was saying they would just as soon put one hundred (100) shops on a sign or Branson Landing on a sign as an individual store and asked him to clarify. Mr. Brooks said he would probably emphasize they had certain retailers on the property. Commissioner Davis said certain choice retailers and Mr. Brooks said yes.

Chairperson Harris recognized Commissioner Best.

Commissioner Best said there were eight (8) arches and they were planning on using every other arch, so there would be three (3) signs. Ms. Hudson said yes. They could use all eight (8), but they did not want to clutter it up, so that was why every other one would be more realistic and would look better aesthetically. Commissioner Best asked if using every other arch was how they came up with nineteen (19) signs; Ms. Hudson said yes. Commissioner Butler corrected her and said it was using every arch. Ms. Hudson that it was every arch, which was the maximum that could fit, but they realized the city probably did not want that many and they did not want it to be cluttered. She said she was asked yesterday to provide the maximum number of signs that would fit on the buildings. Commissioner Best said they were looking at eight or nine (8 or 9) signs then. Ms. Hudson said right, so it would probably be four (4) for building 1, five (5) for building 2 and one (1) for building 5.

Chairperson Harris recognized Commissioner Woolery.

Commissioner Woolery asked Mr. Brooks with the limited number of signs available, if they got swamped with interest from the hundred (100) tenants, what his plan would be to limit it to only those signs they wanted to make available. Mr. Brooks said they would first ask those tenants in the building onto which the signs would be going and that would restrict it right away. Secondly, he thought some merchants would prefer to have signage out there who would want to pay for it. Some merchants would opt out because they controlled their trademark to the nth degree and the Landing wanted to make sure everything was in order there. Thirdly, they would probably make their own choice with merchants they wanted represented and the city might want represented that would reflect the market they were targeting.

Chairperson Harris recognized Ms. Hudson.

Ms. Hudson said if it was approved each tenant would still have to go through the current sign permit process of getting management approval prior to submitting the sign application to the city. Chairperson Harris asked if each tenant would have some artistic license to design or use their own logo on a sign; Ms. Hudson said right. He said Ms. Hudson would be willing to go back and talk with staff about the size of the signs. Ms. Hudson said yes and that was process they went through now. Commissioner Butler confirmed with Chairperson Harris that the commission would not be involved in that process.

Chairperson Harris recognized Mr. Lawson.

Mr. Lawson when the Branson Landing development was designed, he was sure someone had thought about signs of this type. They could look at Tanger Outlet along with others like it and see what type of signage was used. He said Branson Landing was built with a conscious effort to have a different look from a typical shopping mall. One of the issues was that there was no Branson Landing sign you could see coming down Main Street and he thought it would be good to have a sign like that. If the city approved individual signs, they would be changing the concept of what was approved. He would like to work more with the applicants and get some answers from the attorney as to why it had been done that way it was.

Chairperson Harris recognized Commissioner Hartley.

Commissioner Hartley said she did not consider Branson Landing an outlet mall, such as the Tanger Outlet, and said it would diminish the Landing to a degree unless it was done in a sophisticated manner. Mr. Brooks said he would agree with that because they did not want to look an outlet property, but he said it was fair to note that other properties had signs. He said they wanted to do this as tastefully as possible and wanted to work with the city to make sure it happened.

Chairperson Harris recognized Commissioner Davis.

Commissioner Davis made the observation that they were dealing with a PD and there were a lot of preconceived expectations about it. While a precedent had been set, he said it did not apply here.

Chairperson Harris recognized Commissioner Boyce.

Commissioner Boyce said Ride the Ducks was in there, so they apparently had to go through the city to get "Ride the Ducks" on the back of the building. Chairperson Harris said he was not sure how that worked. Commissioner Boyce asked if anybody could go through the way Ride the Ducks had and get one individually. Mr. Lawson they would have to find out because he did not know how it got up there.

Chairperson Harris asked if there were any other questions or comments of the applicants; there was no response. He asked if there was anyone else there who wished to speak in regard to this particular item.

Mr. Weisz came back down to the podium. He said he owned a condominium in building 2. In general he thought it was probably a good idea to allow it. He would not want them to have the white backgrounds, as was shown on the overhead screen, and knew the applicant did not want it to look that way either. He thought it was good they were exploring the process to make sure they were backlit, channel letter signs. There was also something in it for the merchants. Some people make impulse purchases and they may not know a particular store was there, but were a fan of that store, so they might stop, spend money and pay city taxes.

Mr. Brooks said they had also heard comments from people standing on the corner by the convention center at the light asking where the shops were located. Chairperson Harris said it looked like there were a lot of possibilities for some good things to come out of this with more time and effort and study on some of the previous documents.

Chairperson Harris recognized Commissioner Butler.

Commissioner Butler said this was a concept hearing tonight and he had some items that needed to be addressed. He said the application listed parking garage and backs of buildings or both. Ms. Hudson had said they understood that might not be a good idea, but they were flexible, but it needed to be addressed. He said they needed to come up with a percentage of signage to allow. If the size of the letters were in scale with the building he thought they would be easily seen from the convention center and hotel. He said lighting needed to be addressed and that they did not have to be backlit. He said they needed to discuss whether or not this affected building faces fronting Branson Landing Boulevard only. They needed to talk about sign types and sign sizes along with the concept of every other arch. Finally, they needed to address the locations of the portal signage for Branson Landing. Concerning Commissioner Butler's last statement, Mr. Lawson said for clarification what staff needed to bring back to the commission was a comprehensive look at what size the signs would be at Branson Landing and if they were in fact going to install portal signs. He said they needed to talk about the whole package.

Chairperson Harris recognized Commissioner Davis.

Commissioner Davis said he hoped staff would go back and look through the documents to understand they would be approving something those documents stated they could approve. If not, he would have an issue with it. Mr. Lawson said they would look through them.

Chairperson Harris asked if there any other questions or comments by the commissioner; there was no response. He said he would entertain a motion to postpone.

MOTION:

Motion by Commissioner Butler and seconded by Vice-Chairperson Romine to postpone Resolution 09-5.2.

AYES: Commissioners Best, Boyce, Butler, Davis, Hartley, Loyd, Westcott, Woolery,
Vice-Chairperson Romine and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Motion to postpone Resolution 09-5.2 carried with a 10-0 vote.

Chairperson Harris recognized Mr. Lawson.

Mr. Lawson said in the future when they make a motion like that they might want to say it was postponed for the staff to do further work and report back to the planning commission. He said he thought everyone understood that, but it would be for the permanent record.

Commissioner Butler asked Mr. Lawson if he wanted a re-vote because he had no problem doing that; Mr. Lawson declined the offer. Commissioner Butler said he specifically did not mention anything on the other one because he did not know whether they were going to postpone it until later this evening or not, but added that they would not hear it tonight.

OTHER BUSINESS

Chairperson Harris asked if Mr. Lawson and Ms. Norback if they had anything else for them before they adjourned. Mr. Lawson said no, but reminded them again about the joint meeting between the Board of Aldermen and the Planning and Zoning Commission on Thursday.

ADVISORY RECOMMENDATIONS

None.

ADJOURNMENT

Motion by Chairperson Harris and unanimously carried to adjourn the meeting at 8:32 p.m.

Clark Harris

Clark Harris, Chairperson

6-2-09

Date

Sonja Paden

Sonja Paden, Office Assistant II

6.02.09

Date