

**PLANNING COMMISSION**

March 5, 2019  
7:00 PM  
Council Chambers

**CALL TO ORDER**

**ROLL CALL**

Commissioners Present: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris

Commissioners Absent: Commissioners Burney, Nichols and Richards

Staff Present:	Joel Hornickel	Director of Planning & Development
	Perry Eckhardt	Senior Planner
	Amy Jackson	Planner
	Chris Lebeck	City Attorney
	Kendall Powell	Utilities Operations & Development Manager
	Randy Fogle	Division Chief of Technical Services

**PUBLIC COMMENTS**

None.

**REGULAR AGENDA ITEMS**

**1. Approve Minutes**

- a) February 5, 2019 Study Session
- b) February 5, 2019 Regular Meeting

**MOTION:**

Motion by Commissioner Howden and seconded by Commissioner Romine to approve the February 5, 2019 minutes as presented by staff. Motion unanimously carried.

**OLD BUSINESS**

Mr. Hornickel stated items #2 and #3 were postponed from the February meeting due to a loss of quorum. He stated the applicant would not be present as a result.

**2. Request for Low Density Residential (LDR) Zoning for the Property Located at 192 Barkley Lane, Branson, Missouri.  
Project No. 18-2.4 (18-00200004)  
Owner/Applicant: Douglas A. and Rebecca A. Stearns/Jon Hulsizer**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked again if any of the Commissioners had any questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Howden to approve Resolution 18-2.4 as presented.

- AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.
- NOES: None.
- ABSTAIN: None
- ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 18-2.4 carried with a 7-0 vote.

**3. Request for Low Density Residential (LDR) Zoning for the Property Located at 200 Barkley Lane, Branson, Missouri.  
Project No. 18-2.5 (18-00200005)  
Owner/Applicant: The Building Group LLC/Jon Hulsizer**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked again if any of the Commissioners had any questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Howden to approve Resolution 18-2.5 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None

ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 18-2.5 carried with a 7-0 vote.

<b>PUBLIC HEARING AGENDA ITEMS</b>
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- 4. Request for High Density Residential (HDR) Zoning for the Property Located at 135 Lawson Drive, Branson, Missouri.  
Project No. 19-2.1 (19-00200001)  
Owner/Applicant: Mary A. Lawson Trust/Chris Lucchi**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked there were adequate utilities available to serve the proposed development.

Mr. Powell stated there was. He stated the sewer service was located in southeast corner of the property and would need to be extended.

Chairperson Harris asked how the development would be accessed.

Mr. Hornickel stated staff had not seen any development plan yet so they could not provide a response.

Chairperson Harris asked if any of the Commissioners had any other questions or comments for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Chris Lucchi approached and stated he was the applicant.

Commissioner Skains asked how many units would be in the proposed development.

Mr. Lucchi stated the plan was to develop between thirty and thirty-five condominium units. He stated access would be provided through Thousand Hills and not from Fall Creek.

Chairperson Harris asked if the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone else present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Howden to approve Resolution 19-2.1 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None

ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-2.1 carried with a 7-0 vote.

**5. Request for a Special Use Permit to Construct an Accessory Structure within the Property Located at 225 Grand Summit Point, Branson, Missouri.  
Project No. 19-1.2 (19-0100002)  
Applicant: Tommy Tran/Gregg Richards**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff.

Commissioner Romine asked if the home must be built before the accessory structure.

Mr. Hornickel stated the code required the primary residence to be established prior to an accessory structure.

Commissioner Skains asked what established meant.

Mr. Hornickel stated the primary residence must be issued a certificate of occupancy before the accessory structure.

Commissioner Loyd asked if any comments had been received from the neighbors and whether there were any private covenants or restrictions for the property.

Mr. Hornickel stated the city was unsure of any covenants or restrictions as it was not the responsibility of the city to enforce. He then read a submitted comment from Mr. David Battle requesting access to his properties. He stated since access could not be provided to Mr. Battle's properties through the subject property, staff recommended no action on the request.

Commissioner Howden asked if the code standards pertaining to accessory structures applied to Planned Developments or all zoning districts.

Mr. Hornickel stated the code standards applied all zoning districts within the City of Branson unless otherwise stated.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Gregg Richards approached and stated he would be representing the property owner. He stated the accessory structure and the home would be built at the same time even though the home had already been started.

Chairperson Harris asked if the home owner was aware they could not occupy the accessory structure until the home was complete.

Mr. Richards stated he was.

Commissioner Skains asked if construction items could be stored within the accessory structure during the project.

Mr. Hornickel stated storing construction items within an active job site was completely acceptable.

Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner O'Day to approve Resolution 19-1.2 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.  
NOES: None.  
ABSTAIN: None  
ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-1.2 carried with a 7-0 vote.

**6. Request for a Preliminary Subdivision Plat for 248 Parkway, Phase II, for the Properties Located at 1819 State Highway 248, Branson, Missouri.  
Project No. 19-6.1 (19-00600001)  
Applicant: Rojana Enterprises, Inc. and Myli-Bug Properties, LLC/Booker Cox**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff.

Commissioner Howden asked if the project would be located directly next to the existing driving range.

Mr. Hornickel stated the proposed subdivision would be located to the east of the driving range.

Commissioner Skains asked what the plan for the subdivision was and whether any retail would be built.

Mr. Hornickel stated the subdivision would most likely include commercial development, but staff was unaware of the specific development plans.

Commissioner Romine asked if there would be any pertinent regulations the development would need to address due to their proximity to a school.

Mr. Hornickel stated buffer requirements would need to be addressed as the proposed subdivision is currently zoned Community Commercial and the school is zoned Low Density Residential. He stated the buffer requirements would be reviewed during any subsequent plan review process which would also include the necessary utilities, street requirements and overall compliance with the code. He stated the codes were in place to prevent a development from having a negative effect on adjacent lots.

Commissioner Howden stated he appreciated how the Community Plan 2030 called out the importance of maintaining beautification within the City by not disturbing the highly visible hillsides.

Chairperson Harris stated the proposed road would provide safer access to the proposed lots. He asked if any of the Commissioners had any other questions for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Todd Chandler approached and stated he represented the applicant. He stated the current plans were for one of the new parcels to be developed by Nature's Wonder, a healthier alternative grocery store, and an adjacent 2,500 square foot retail space. He stated the two buildings would be located on the same parcel.

Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Loyd to approve Resolution 19-6.1 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None

ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-6.1 carried with a 7-0 vote.

**7. Request for to Amend Planned Development PD 2005-007, known as Branson Hills, Pertaining to Setback, Lot Sizes and Sidewalks for the Properties Located within the Summit Ridge Residences Subdivision, Branson, Missouri.  
Project No. 19-5.1 (19-00500001)  
Applicant: BH Land, LLC**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff.

Commissioner Loyd asked if the proposed project would be similar to The Greens.

Mr. Hornickel stated the development pattern for both was similar, but the units within The Greens are rented and the units within the new project would be sold as whole ownership.

Commissioner Howden asked if staff's recommendation for approval was based on the applicant's project falling within the requirements of the Medium Density Residential District.

Mr. Hornickel stated a significant portion of staff's review and recommendation was due to the proposed amendments being in line with current code requirements.

Chairperson Harris asked if there was an open space requirement for the proposed subdivision.

Mr. Hornickel stated there was and it would be presented and discussed as part of the next item.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Gary Fultz approached and stated the proposed project was very similar to The Greens except the new buildings would be sold as whole ownership. He stated the existing land had served as a borrow pit so they only had a small area of useable land to work with. He stated the proposed development would be a fifty-five and older, gated community that would also include a clubhouse and pool for the residents to enjoy.

Chairperson Harris asked if no sidewalks had been proposed because the new street would be private and walkable.

Mr. Fultz stated they could not build sidewalks because they did not have enough room for them, but the street would be private and flat so people could walk on them.

Commissioner Skains asked if the proposed development would be similar to Lakewood Estates.

Mr. Fultz stated it would.

Commissioner Howden asked if all of the units would be duplexes.

Mr. Fultz stated they would.

Vice-Chairperson Pinkley asked how many fewer units there would be if sidewalks were required.

Mr. Fultz stated there would be no project.



Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Loyd to approve Resolution 19-5.1 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None

ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-5.1 carried with a 7-0 vote.

**8. Request for a Preliminary Subdivision Plat for Summit Ridge Residences, for the Properties Located at 101 Vista View Drive, Branson, Missouri.  
Project No. 19-6.2 (19-00600002)  
Applicant: BH Land, LLC**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff. Commissioner Howden asked what the landscaping requirements would be for the development.

Mr. Hornickel stated the applicable landscape regulations were based on the proposed residential use which require two trees per unit. He stated the applicant was also willing to also work with the city to add vegetation within the proposed open space.

Commissioner Howden asked for the definition of a detention facility.

Mr. Hornickel stated detention facilities are built to slow stormwater down to the same or slower runoff speed as compared to what existed on the property before development.

Commissioner Howden asked if the proposed residential development would have any effect on the City's utility capacity.

Mr. Powell stated the city had sewer capacity for the proposed development.

Commissioner Skains stated trees planted in a rocky, hot environment are destined to die. He asked if the city was placing impossible requirements on the applicant.

Mr. Hornickel stated certain tree species thrive in rocky, hot environments. He stated the applicant was agreeable to working with staff to plant the appropriate and native trees.

Commissioner Skains asked where the proposed detention facility would release.

Mr. Hornickel stated the stormwater would be directed into the existing drainage area behind the RecPlex, and then The Greens, Target and Home Depot, to eventually continue under Highway 65.

Commissioner Skains asked if the amount of runoff would be less than a commercial area.

Mr. Hornickel stated it would be.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Gary Fultz approached.

Commissioner Skains asked if they planned to bring in dirt for grass and landscaping.

Mr. Fultz stated they would be bringing in some topsoil for the grass areas and to cover the sloped areas so future vegetation could be established.

Commissioner Skains asked if they would be installing any street lights.

Mr. Fultz stated they would be installing five or so.

Chairperson Harris stated the project would be a good transition for folks. He stated having the development within walking distance of the RecPlex would also be asset.

Commissioner Howden asked if the RecPlex had any plans on expanding.

Mr. Hornickel stated the city would like to expand the RecPlex, but they would need to purchase the surrounding land to do so.

Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Loyd to approve Resolution 19-6.2 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None

ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-6.2 carried with a 7-0 vote.

- 9. Request for an Amendment to Planned Development PD 2003-003, known as Branson Landing, Pertaining to Uses and Signage for the Properties Located at 482, 486 and 490 Branson Landing Boulevard, Branson, Missouri.  
Project No. 19-5.2 (19-00500002)  
Applicant: CenterCore Lakeside, LLC**

Mr. Hornickel presented the staff report as filed with the Planning and Development Department.

Chairperson Harris asked if any of the Commissioners had any questions or comments for staff.

Commissioner Howden asked if the amendment would only apply to new tenants.

Mr. Hornickel stated the proposed change would apply to future tenants, but would also bring existing tenants into compliance.

Commissioner Loyd asked if the designated green space within the planned development would remain undisturbed.

Mr. Hornickel stated the parcel shown as open space is required to remain undeveloped.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; there was no response. He then asked if the applicant or their representative was present.

Mr. Fultz approached. He stated the green area shown in the planned development is land leased from Empire Electric and it cannot be developed except as a park per the agreement.

Commissioner Howden asked if Macadoodles and the hot tub business were also part of the planned development.

Mr. Hornickel stated they were.

Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone present who wished to make a comment or ask a question in regards to the request; there was no response. He then asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Loyd to approve Resolution 19-5.2 as presented.

AYES: Commissioners Howden, Loyd, O'Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.  
NOES: None.  
ABSTAIN: None  
ABSENT: Commissioners Burney, Nichols and Richards.

Motion to approve Resolution 19-5.2 carried with a 7-0 vote.

**COMMISSIONER & STAFF REPORTS**

None.

**ADJOURN**

Motion by Commissioner Skains, seconded by Commissioner Howden, and unanimously carried to adjourn the meeting at 8:28PM.

  
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Clark Harris, Chairperson

5-7-19  
\_\_\_\_\_  
Date

  
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Joel Hornickel, Director of Planning & Development

5/7/19  
\_\_\_\_\_  
Date