

**PLANNING COMMISSION  
REGULAR MEETING**

August 6, 2019  
7:00 PM  
Council Chambers

**CALL TO ORDER**

**ROLL CALL**

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

Commissioners Absent: Commissioners Davis and Nichols

Staff Present:

Joel Hornickel	Director of Planning & Development
Amy Jackson	Planner
Chris Lebeck	City Attorney
Kendall Powell	Utilities Operations and Development Manager
Randy Fogle	Division Chief of Technical Services
Matt Filice	Assistant Engineer
Cindy Shook	Director of Parks

**PUBLIC COMMENTS**

None.

**REGULAR AGENDA ITEMS**

**1. Approve Minutes**

- a) July 2, 2019 Study Session
- b) July 2, 2019 Regular Meeting

MOTION:

Motion by Commissioner Romine and seconded by Commissioner O’Day to approve the July 2, 2019 minutes as presented by staff. Motion unanimously carried.

**OLD BUSINESS**

- 2. Request for an Amendment to Planned Development PD-2005-007, known as Branson Hills, Pertaining to Lot Sizes for Lot 1-10, 24-29, 31-34, 39-49, 56 and 64-66 Located within the Siena Subdivision, Branson, Missouri.  
Project No. 19-5.3 (19-00500003)  
Owner/Applicant: ARC Resources, LLC/Lifestyle Contractors, LLC**

Commissioner Richards recused himself from this item.

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 for staff.

Commissioner Loyd asked what the purpose for reducing the lot sizes was.

Mr. Hornickel stated the developer felt they could sell more homes, more quickly, if allowed to construct a smaller home or patio home design.

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

Mr. Gregg Richards approached and stated he was representing the applicant.

Commissioner Romine asked if the developer had any plans to come back in the future and request any additional lots to be reduced.

Mr. Richards stated they did not.

Chairperson Harris asked if any of the Commissioners had any 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.

Ms. Ronni Haston approached and thanked staff and the owner for reducing the number of lots included within the request.

Chairperson Harris 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 for staff.

Commissioner Loyd asked how they could assure the homeowners that the number of reduced lots would not change in the future.

Mr. Hornickel stated the minutes would memorialize the conversation and the applicant's intent. He stated the Planned Development's regulations would be updated as well to reflect the change.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Skains to approve Resolution 19-5.3 as presented.

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

NOES: None

ABSTAIN: Commissioner Richards

ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-5.3 carried with a 7-0 vote and an abstention by Commission Richards.

**3. Request for Municipal Code Amendments to Chapter 62 - Parks, Recreation and Other City Facilities, and Chapter 94 - Zoning, Pertaining to the Tree Board.**

**Project No. 19-12.5 (19-01200005)**

**Owner/Applicant: City of Branson**

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 for staff.

Commissioner Howden asked what the purpose of moving the existing Tree Board under the Park Board supervision was.

Mr. Hornickel stated the purpose was to increase efficiency of the City’s resources and for a more effective implementation of projects and improvements.

Chairperson Harris stated he felt comfortable with the proposed change and looked forward to working with the Advisory Park Board members and the new staff position.

Commissioner Howden asked if the Planning and Development Department was still giving up a position for tree care.

Mr. Hornickel stated the position in the Planning and Development Department had been given up and the new position in the Parks and Recreation Department would begin no later than October 1, 2019.

Ms. Shook approached and stated she and her staff were very excited about the new Tree Advisory Committee and enhancing the city’s landscaping through the new position.

Chairperson Harris asked if any of the Commissioners had any other questions for staff; 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.

Mr. Greg Haston approached and stated he was very pleased with the new subcommittee being proposed, the Tree Advisory Committee.

Chairperson Harris 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 for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Romine to approve Resolution 19-12.5 as presented.

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

NOES: Commissioner Howden

ABSTAIN: None

ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-12.5 carried with a 7-1 vote.

#### PUBLIC HEARING AGENDA ITEMS

**4. Request for High Density Residential (HDR) Zoning for the Property Located at 121 Chateau Cove Drive, Branson, Missouri.**

**Project No. 19-2.8 (19-00200008)**

**Owner/Applicant: JLA Investments, LLC/City of Branson**

Commissioner Richards recused himself from this item.

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 if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Loyd to approve Resolution 19-2.8 as presented.

AYES: Commissioners Howden, Loyd, O’Day, Romine, Skains Vice-Chairperson Pinkley and Chairperson Harris  
NOES: None  
ABSTAIN: Commissioner Richards  
ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-2.8 carried with a 7-0 vote and an abstention by Commission Richards.

**5. Request for a High Density Residential (HDR) Zoning for the Property Located at 270 Chateau Cove Drive, Branson, Missouri.  
Project No. 19-2.5 (19-00200005)  
Owner/Applicant: KJF Enterprises, LLC**

Commissioner Richards recused himself from this item.

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 if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner Skains and seconded by Commissioner Loyd to approve Resolution 19-2.5 as presented.

AYES: Commissioners Howden, Loyd, O’Day, Romine, Skains Vice-Chairperson Pinkley and Chairperson Harris  
NOES: None  
ABSTAIN: Commissioner Richards  
ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-2.5 carried with a 7-0 vote and an abstention by Commission Richards.

**6. Request for High Density Residential (HDR) Zoning for the Property Located at 280 Chateau Cove Drive, Branson, Missouri.  
Project No. 19-2.6 (19-00200006)  
Owner/Applicant: Wholesale Advantage Homebuyers, LLC**

Commissioner Richards recused himself from this item.

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 if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Nichols and seconded by Commissioner Romine to approve Resolution 19-2.6 as presented.

- AYES: Commissioners Howden, Loyd, O’Day, Romine, Skains Vice-Chairperson Pinkley and Chairperson Harris
- NOES: None
- ABSTAIN: Commissioner Richards
- ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-2.6 carried with a 7-0 vote and an abstention by Commission Richards.

**7. Request for High Density Residential (HDR) Zoning for the Property Located at 290 Chateau Cove Drive, Branson, Missouri.  
Project No. 19-2.7 (19-00200007)  
Owner/Applicant: Schmitz Property Management, LLC**

Commissioner Richards recused himself from this item.

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 if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Romine and seconded by Commissioner Howden to approve Resolution 19-2.7 as presented.

- AYES: Commissioners Howden, Loyd, O’Day, Romine, Skains Vice-Chairperson Pinkley and Chairperson Harris
- NOES: None

ABSTAIN: Commissioner Richards  
ABSENT: Commissioners Davis and Nichols

Motion to postpone Resolution 19-2.7 carried with a 7-0 vote and an abstention by Commission Richards.

**8. Request for High Density Residential (HDR) Zoning for the Property Located at 300 Chateau Cove Drive, Branson, Missouri.  
Project No. 19-2.9 (19-00200009)  
Owner/Applicant: Fox Hollow Lodges, LLC/City of Branson**

Commissioner Richards recused himself from this item.

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 if any of the Commissioners had any other questions for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Loyd to approve Resolution 19-2.9 as presented.

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

Motion to approve Resolution 19-2.9 carried with a 7-0 vote and an abstention by Commission Richards.

**9. Request for High Density Residential (HDR) Zoning for the Property Located at 135 Lawson Drive, Branson, Missouri.  
Project No. 19-2.10 (19-00200010)  
Owner/Applicant: Combs Hospitality, Inc. & Lucchi Enterprises, 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; there was no response. He then asked if the applicant was present.

Mr. Chris Lucchi approached and stated he was one of the property owners. He stated he was happy to answer any questions.

Chairperson Harris asked if any of the Commissioners had any 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 for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner O’Day to approve Resolution 19-2.10 as presented.

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

Motion to approve Resolution 19-2.10 carried with an 8-0 vote.

**10. Request for High Density Residential (HDR) Zoning for the Property Located along Van Buren Road, Branson, Missouri.**

**Project No. 19-2.3 (19-00200003)**

**Owner/Applicant: Vacation World, Inc. & Lifestyle Contractors, LLC**

Mr. Hornickel stated this item has been request to be withdrawn from the agenda due to a pending sale of the property to the Heatherbrooke Homeowners Association.

Chairperson Harris asked if any of the Commissioners had any questions for the applicant; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Skains to withdraw Agenda Item 10 as requested by the applicant.

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

Motion to withdraw Agenda Item 10 carried with an 8-0 vote.



**11. Request for Special Use Permit to Construct an Accessory Structure within the Property Located at 105 Shinnecock Hills Drive, Branson, Missouri.  
Project No. 19-1.4 (19-00100004)  
Owner/Applicant: Michael and Claudia Bonfante**

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 for staff; there was no response. He then asked if the applicant was present.

Mr. Michael Bonfante approached and stated he was the owner and applicant.

Chairperson Harris asked what the use of the new building would be.

Mr. Bonfante stated he would be using the structure as a hobby shop, primarily for wood-working.

Chairperson Harris asked if any of the Commissioners had any 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.

Mr. Robert Davis approached and stated he lived at 110 Shinnecock Hills Drive, which was directly across the street from Mr. Bonfante. He stated he did not support the construction of the structure due to the expected use, and because it will lower the property values of the neighborhood. He stated the Architecture Committee for the Home Owners Association did approve the structure, but he still felt it was too large.

Mr. Bonfante stated the building will be fully insulated and the doors will be as well as to prevent as much noise leaving the building as possible.

Chairperson Harris asked if there was anyone else present who wished to make a comment or ask a question in regards to the request.

Ms. Kristine Heffron approached and asked where the vintage cars would be stored if the building will be primarily used for wood-working.

Mr. Hornickel stated any vehicles parked in the front yard would be required to be parked on a paved surface.

Mr. Bonfante stated the cars would be able to fit inside the building along with his wood-working area.

Chairperson Harris 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 for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner O'Day to approve Resolution 19-1.4 as presented.

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

Motion to approve Resolution 19-1.4 carried with a 7-1 vote.

**12. Request for Municipal Code Amendments to Chapter 94 – Zoning, Pertaining to Medical Marijuana Facilities.**

**Project No. 19-12.6 (19-01200006)**

**Owner/Applicant: City of Branson**

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

Chairperson Harris asked if armed guards would be required at all facilities.

Mr. Lebeck stated armed guards would be required and would need to be approved through the Police Department.

Commissioner O'Day asked if guards would be required to remain on-site at all times.

Mr. Lebeck stated they would and the regulations were best practice from his research. He stated it would be a code violation if guards are not on-site as required.

Commissioner Skains asked what zoning districts the facilities will be allowed to be located within.

Mr. Lebeck stated the current proposal will not allow any facilities within the Downtown or Entertainment zoning districts.

Commissioner Howden asked how many facilities will be allowed to operate in Branson.

Mr. Lebeck stated twenty-eight dispensaries will be allowed within the state's 7<sup>th</sup> Congressional District, which Branson is within. He stated the City was aware of two applications for medical marijuana dispensaries to be located within Branson.

Chairperson Harris asked if there was anyone present who wished to make a comment or ask a question in regards to the request.

Ms. Haston approached and asked if a medical marijuana facility would be allowed on a property zoned commercial inside a Planned Development.

Mr. Lebeck stated the land uses within a Planned Development are regulated by that Planned Development. He stated if the planned development allowed commercial businesses, then one could be located within the Planned Development.

Chairperson Harris 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 for staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Howden to approve Resolution 19-12.6 as presented.

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

NOES: None

ABSTAIN: None

ABSENT: Commissioners Davis and Nichols

Motion to approve Resolution 19-12.6 carried with an 8-0 vote.

**COMMISSIONER & STAFF REPORTS**

None.

**ADJOURN**

Motion by Vice-Chairperson Pinkley, seconded by Commissioner Skains, and unanimously carried to adjourn the meeting at 8:55 PM.



Clark Harris, Chairperson

9-3-19

Date



Joel Hornickel, Director of Planning & Development

9/3/2019

Date