

# NOTICE OF MEETING

*CITY OF BRANSON*



## BOARD OF ADJUSTMENT

*Regular Meeting – Thursday, May 26, 2016 – 7:00 p.m.*  
Council Chambers – Branson City Hall – 110 W. Maddux St.

*Where Values are the Difference*  
**MAY: EXCELLENCE**  
Being the best by doing your best

**CITY OF BRANSON  
BOARD OF ADJUSTMENT AGENDA**

May 26, 2016  
7:00 P.M.  
Council Chambers

**BOARD BUSINESS**

1. **Roll Call**
2. **Approve Agenda**
  - A. **May 26, 2016**
3. **Approve Minutes**
  - B. **February 25, 2016**

**OLD BUSINESS**

**PUBLIC HEARINGS**

4. **Request for a Variance from Section 94-68(e) Height restrictions for the Property Located at 820 State Highway 248, Branson, Missouri.  
Project No. 16-19.1 (16-01900001)**  
**Applicant: Fortune Wireless, Inc and Gary R. Chaffin**

**ADJOURNMENT**

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*Where Values are the Difference*  
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Being the best by doing your best

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**CITY OF BRANSON  
BOARD OF ADJUSTMENT  
MINUTES**

February 25, 2016

**CALL TO ORDER:** Chairperson Keller called the City of Branson’s Board of Adjustment meeting to order at 7:00 pm in the City Hall Council Chambers, 110 W. Maddux Street, Branson, Missouri.

**BOARD BUSINESS**

**1. Roll Call.**

Board Members Present: Babcock, Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller  
Board Members Absent: None  
Staff Present: Joel Hornickel Director of Planning and Development  
Kim Varner Planning Assistant  
William Duston City Attorney

**2. Approve Agenda.**

**A. February 25, 2016**

**MOTION:**

Motion by Board Member Miles and seconded by Board Member Babcock to approve the February 25, 2016 agenda.

AYES: Babcock, Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to approve the February 25, 2016 agenda carried with a 5-0 vote.

**3. Approve Minutes.**

**A. January 28, 2016**

**MOTION:**

Motion by Vice-Chairperson Edie and seconded by Board Member Miles to approve the minutes of the January 28, 2016 meeting.

AYES: Babcock, Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to approve the minutes of the January 28, 2016 meeting carried with a 5-0 vote.

**OLD BUSINESS**

**PUBLIC HEARING**

**B. Request for a Special Permit to Allow the Establishment of a Parking Area for the Properties Located at 200, 204, 208, 212, 216, 220 and 224 Roark Creek Road, Branson, Missouri. Project No. 16-24.1 (16-02400001)**

**Applicant:** Cox Medical Center Branson

Speakers: Mr. Terry Green and Mr. Hornickel.

**MOTION:**

Motion by Board Member Huddleston and seconded by Boar Member Babcock to grant a special permit to allow the establishment of a parking area for the properties located at 200, 204, 208, 212, 216, 220 and 224 Roark Creek Road, Branson, Missouri.

AYES: Babcock, Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to grant the request for a special permit for the properties located at 200, 204, 208, 212, 216, 220 and 224 Roark Creek Road, Branson, Missouri, passed with a 5-0 vote.

**ADJOURNMENT**

**MOTION:**

Motion by Board Member Miles and seconded by Vice-Chairperson Edie to adjourn the meeting at 7:24 pm.

AYES: Babcock, Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller  
NOES: None  
ABSTAIN: None  
ABSENT: None

Motion to adjourn the February 25, 2016, Board of Adjustment meeting carried with a 5-0 vote.

\_\_\_\_\_  
Bob Keller, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kim Varner, Planning Assistant

\_\_\_\_\_  
Date



The applicant received approval for a Special Use Permit to construct the proposed telecommunication tower at 820 State Highway 248 during the May 3, 2016, Planning Commission meeting. Public comments were received prior to the May 3, 2016 meeting from a property owner to the south of the proposed tower location regarding setbacks and a concern for damages related to the failure of the structure. A response was provided by the applicant that the tower is designed to collapse upon itself in the event of catastrophic failure. Additionally, per the Planning Commission's request, the applicant has initiated the process with the Federal Aviation Administration (FAA) to complete Form FAA 7460-1 – Notice of Proposed Construction or Alteration, as the proposed telecommunication tower is within the 20,000 foot buffer of the M. Graham Clark Downtown Airport. Regardless, lighting will not be required for the tower as the proposed height is below the two hundred foot (200') threshold as required by FAA regulations.

Branson Municipal Code Section 94-68(e) regulates the height of all structures within C Commercial Zoning Districts. As the applicant has proposed to construct a one hundred ninety foot (190') tall self-supporting tower, they are requesting a variance from the following section of the Branson Municipal Code:

*Branson Municipal Code Section 94-68. – C Commercial District regulations.*

*(e) Height restrictions. No structure shall exceed 100 feet in height. Every building in excess of 50 feet high shall provide an additional one foot of side, rear and front setback for each additional two feet in height above 50 feet.*

As the lighting rod is not considered part of the structure, a variance of ninety additional feet (90') is being requested by the applicant to achieve the proposed height above the allowed height of one hundred feet (100')(Exhibit C.3). Based on the pertinent section of code above, and if the proposed variance is approved, the applicant would be required to provide seventy feet (70') of additional front, side and rear setback resulting in a front yard setback of ninety-five feet (95'), a rear yard setback of eighty feet (80'), and side setbacks of seventy-five feet (75'). Based on the submitted plans within the request (Exhibit C.1), these setback requirements would be met.

The ground position of the tower has been determined as not visible to somewhat visible as measured from approximately zero to two (0-2) observer points of the two hundred ninety-nine (299) total observer points (or 0.0 – 0.6%) located along major corridors within the Branson area as illustrated in Figure 4 within the Community Plan 2030 (Exhibit E.1). As a fact of importance, the illustration is based on what is visible at ground level within the site, or at an approximate elevation of eight hundred eighty-five feet (885'), from other points in the area. In relation to the other reference points within the same vicinity, the base elevation of the proposed site is somewhat lower than that of the Branson Hills commercial shopping area (913 feet), the Branson North subdivision entrance (958 feet), and the intersection of State Highway 248 and James F. Epps Road (960 feet). Additionally, the tower's proposed location is approximately two hundred seventy-five feet (275') from the nearest commercial building, and three hundred eighty feet (380') from the nearest residential structure.

Overall, the site was selected by the applicant for its variation in elevation in combination with the abundance of screening provided by the existing natural vegetation. The lower segment of the tower will be effectively screened with minimal land disturbance while providing the functionality necessary for the tower to perform at an optimal level. Further, the applicant desires to construct one tower at one hundred ninety feet (190') tall rather than the approximately two (2) to four (4) one hundred foot (100') tall towers that would be necessary in this geographic vicinity to provide the same level of coverage of a singular tower at the proposed height.

## COMMENTS:

No additional comments were provided by any other departments relating to the applicant's request.

## JURISDICTION OF THE BOARD OF ADJUSTMENT:

In hearing this case, the Board of Adjustment has the powers and duties as follows:

### *Branson Municipal Code Section 94-166: Powers and duties.*

2. *Variations – conditions governing applications, procedures. To authorize upon appeal in specific cases such variance from the bulk or area regulations of this chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the board unless and until:*

*a. A written application for a variance is submitted demonstrating:*

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district;*
- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;*
- (3) That the special conditions and circumstances do not result from the actions of the applicant;*
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.*

*No nonconforming use of neighboring lands or structures in the same district, and no permitted or nonconforming use of land or structures in other districts shall be considered grounds for the issuance of a variance.*

*b. Notice of public hearing shall be given as is outlined in the proceedings of the board of adjustment.*

*c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.*

*d. The board of adjustment shall make findings that the requirements of subsection (2)(a) above have been met by the applicant for the variance period.*

*e. The board of adjustment shall further make a finding that the granting of the variance is the minimum variance that will make possible the reasonable use of the land or structure.*

*In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this Code.*

## RECOMMENDED ACTION:

Grant a variance from Section 94-68(e) Height restrictions, to allow a one hundred ninety foot (190') tall telecommunication tower, or an increase of ninety feet (90') above the restricted height amount within the property located at 820 State Highway 248. This recommendation is based on the applicant's efforts to explore alternative sites for providing cellular coverage within this area. The applicant is also anticipating the opportunity for two (2) additional providers to collocate on the tower to potentially reduce the need for additional towers within the same vicinity. Granting the variance should be based on the applicant's agreement to provide documentation of the Federal Aviation Administration's response to Form FAA 7460-1 prior to receiving a building permit through the City of Branson.

**ATTACHED INFORMATION:**

- Exhibit A: Board of Adjustment Application
- Exhibit B: Vicinity Maps
- Exhibit C: Site Plans & Elevations
- Exhibit D: Radio Frequency Propagation Maps
- Exhibit E: Community Plan 2030: Highly Visible Hillsides (Figure 4)
- Exhibit F: Planning & Zoning Commission Draft Minutes  
(Item 6 – May 3, 2016)
- Exhibit G: Public Legal Notice as Required per Sec. 94-165(b)
- Exhibit H: Public Notice as Required per Sec. 94-165(b)



CITY OF BRANSON
PLANNING & DEVELOPMENT
110 W MADDUX ST, SUITE 215
PHONE: (417) 337-8535
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. 16-19.1
DATE & INITIALS: 4/25
PAYMENT TYPE: [ ] CASH Receipt #
[X] CHECK # 026072
[ ] CREDIT CARD REF #
PUBLIC NOTICE DATE: 5/14
TOTAL DUE PRIOR TO HEARING DATE
PUBLIC HEARING DATE: 5/26 @ 7:00 PM

Application to Board of Adjustment

1. Request

- [X] Variance (VARI) (§94-166) \$696
[ ] Administrative Review (ADMI) (§94-165) \$696
[ ] Special Permit (SPPR) (§94-97) \$557

2. Applicant/Owner/Agent Contact Information

Applicant Name (Please Print): Verizon Wireless

Applicant Address: 10740 Nall Avenue, Suite 400, Overland Park, KS 66211

Phone Number: 913-344-2800 Fax Number: Email:

Owner's Name (Please Print): Gary R. Chaffin

Owner's Address: PO Box 520, Dodge City, KS 67801

Phone Number: 620-227-8121 Fax Number: N/A Email: grchaffin@dodgecity.net

Agent's Name (Please Print): Jason Riggs Representing agent on behalf of Verizon Wireless

Agent's Address: 6402 Corporate Dr., Indianapolis, IN 46278

Phone Number: 317-281-9451 Fax Number: 317-471-1234 Email: jriggs@ffi.net

All correspondence should be sent to (check at least ONE): [ ] Applicant [ ] Property Owner [X] Agent

3. Property Description

a. Property Address Vacant Land 0.51mi East of James F. Epps Rd, N of Hwy 248, Branson, MO 65616, PT 5WN54 S of CR65-90 & PT NW5E4, City of Branson (SEC 29/ TWP 23/ RNG 21) with a Parcel Number of 08-0-0-29-000-000-011.001.

b. Land Area (in square feet or acres) 36.26 acres (per Assessor Parcel card)

c. Current use of property Vacant

4. Reason for the Request/Why the Application is being filed (attach additional sheet(s) if needed)

Variance of Height - see attached letter of intent

5. If this is a variance request, also state:

a. Type of area variance (setback, height, parking, etc.) height

b. Amount of variance 99'

c. Section of the Branson City Code requesting variance from C Commercial District regulations in Section 94-68 (e)

Exhibit A.2

6. Below are the four parts of the codified requirements for being given a variance from the Board of Adjustment as found in section 425.040 of the Branson Municipal Code. The Board of Adjustment must rule that your request meets these criteria before they approve such a request. In the space provided below please explain in the application how your project meets the listed four part test. Also, be aware at that Board of Adjustment hearing in this matter, you will have the opportunity to orally explain these answers and elaborate on them:

1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district.

See attached Letter of Intent - Section 5(1)

2. The literal interpretation of the provisions of this title [appendix] would deprive the applicant of rights commonly enjoyed by other properties in the same district under the term of this title [appendix].

See attached Letter of Intent - Section 5(2)

3. That the special conditions and circumstances do not result from the actions of the applicant.

See attached Letter of Intent - Section 5(3)

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title [appendix] to other lands or structures in the same district.

See attached Letter of Intent - Section 5(4)

7. The Applicant Shall Submit the following:

All applications to the Board of Adjustment **must** include the following on the date of submission. The case will not be placed on an agenda until all information is received and complete.

- Completed **application** form with property owner/agent signature.
- Appropriate fee payable to **City of Branson**.
- Recent copy of the **WARRANTY DEED/DEED OF TRUST** as well as any Codes, Covenants and/or Restrictions for the subdivision in which the subject property is located.

Restrictions: (Note: zoning **WILL NOT** supersede deed restriction(s), if any.)

- No deed restrictions
- A list of restrictions have been attached.

The information presented with this application is true and correct to the best of the undersigned's knowledge.

8. With the signing and submittal of this application, the property owner authorizes the City of Branson to enter onto the subject property, at a reasonable time, to collect data and other information in order to accurately prepare reports or other documentation for review by the Board of Adjustment and City departments. Cost associated with legal advertisement, neighbor notices, and court reporter fee shall be reimbursed to the City of Branson before an item can be considered at the Board of Adjustment meeting. Payment is due no later than one week prior to the scheduled meeting. If payment has not been received, the item may be withdrawn.

Applicant's Signature: [Signature] Representing Agent on Behalf of Verizon Wireless  
Printed Name: Jason Riggs Date: 4-20-16

Owner's Signature: [Signature]  
Printed Name: Gary R. Chaffin Date: 4/5/16

Agent's Signature: [Signature]  
Printed Name: Jason Riggs Date: 4-20-16

Exhibit A.3

ACKNOWLEDGMENT OF PROPERTY OWNER

STATE OF KS )  
 ) SS.  
COUNTY OF FORD )

On this 5<sup>th</sup> day of APRIL, 2016, before me personally appeared GARY CHAFFIN, to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have herunto set my hand and affixed my official seal at my office in DODGE CITY KS, \_\_\_\_\_ the day and year first above written.



My term expires

/s/ [Signature]  
Notary Public

## Exhibit A.4



Fortune Wireless, Inc.

April 19, 2016

City of Branson  
Board of Adjustments  
110 West Maddux St  
Branson, MO 65616

**RE: Letter of Intent for a Height Variance Approval to locate a Wireless Communications Facility (WCF) at Property Address: Vacant Land located 0.51mi East of James F. Epps Rd, N of Hwy 248, Branson, MO 65616. More particularly described as PT SWNE4 S of CR65-90 & PT NWSE4; City of Branson (SEC 29/ TWP 23/ RNG 21) with a Property/Parcel Number of 08-9.0-29-000-000-011.001.**

### LETTER OF INTENT

Dear Members of the Board,

This letter, along with the enclosed applications and documents, is a formal request from Verizon Wireless to place a 190' galvanized Self Supporting (Lattice) Tower, within a 50' x 50' lease area located at a Vacant tract of land located 0.51mi East of James F. Epps Rd, N of Hwy 248, Branson, MO 65616.

Verizon Wireless is seeking a Height Variance for the unmanned WCF as required per the Ordinance (Section 94-68 (e) & per Variance procedures outlined in Section 94-166 (2)). The property of the proposed WCF is currently zoned C (Commercial District), and towers are a permitted special use in this district. Verizon is hopeful that this WCF will assist the City with their future plans of development; in which we feel are to (1) Encourage technology access throughout the City and (2) to ensure that adequate infrastructure including emergency services are available for the healthy economic growth of the City. Verizon is looking to enhance its network to bring more reliable data & voice services to the community; while also enhancing its E-911 services with this proposed WCF. In an effort to meet Verizon's goals in enhancing its network, we are requesting that the Board approve this Height Variance to allow for the installation of a 190' Self Supporting Tower (199' with appurtenance). This will not only enhance the coverage currently lacking in this part of the City, but will also eliminate the need for additional towers within close proximity to this area. The 190' tower will allow Verizon to meet their objectives, and will prevent the installation of a number of 50'-100' (Permitted Height) towers scattered throughout this area of the City to get the same results a 190' tower would afford. Verizon will be installed at the 190' height; leaving space for at least two additional carriers to collocate their equipment on, also preventing the need for additional towers.

To limit the visual impact, the tower will be constructed out of galvanized steel and will be designed for at least (2) additional collocators. In addition, the tower will conform and be designed under the Federal guidelines and ANSI standards/specifications of wind & ice loadings. The facilities will not affect current traffic as this is an unmanned, unstaffed facility, and may only be visited once a month or as needed for servicing. The access will come off of Highway 248.

In conclusion the WCF will operate in a clean and quiet manner. The facility is unstaffed, completely automated and does not create air, water or noise pollution, unsanitary conditions, surface drainage problems, environmental nuisances, traffic congestion, threats to morality or public safety, or other objectionable characteristics offensive to the community. To the contrary, the facility will contribute to the improved safety, convenience, comfort and general welfare of the community by providing enhanced communications capabilities and an emergency communications infrastructure. Please review the complete application along with all documentation necessary for a thorough project review and approval.

## Exhibit A.5

### **LETTER OF INTENT (continued)**

#### **1. Who is seeking the Variance?**

- Verizon Wireless

#### **2. A narrative statement evaluating the facility and benefits to the surrounding area.**

- The property at 0.51mi East of James F. Epps Rd, N of Hwy 248, Branson, MO 65616; currently this is a large vacant commercial zoned property consisting of over 36 acres. The proposed use is to locate a Wireless Communications Facility for Verizon Wireless (and all other future collocators) to provide a more reliable network to the community while eliminating the need for additional towers within the nearby vicinity.
  - a. This proposed project is in fact a permitted Special use as listed in Section 94-68. (c)(14) of the Zoning Code.
  - b. The tower meets all setback requirements as outlined in Section 94-68. (e), (f - 1a., 2b. and 3b.) of the Zoning Code.
  - c. The proposed project will be harmonious with and in accordance with the general objectives and with specific objectives of the city's future plans of development and the Zoning Ordinance, which we feel are to 1) Encourage technology access throughout the city and 2) Ensure that adequate infrastructure including emergency services is available for healthy economic development & safety.
  - d. Per the site plans submitted of the proposed design of a galvanized tower and facilities, this proposed project will be designed, constructed, operated, and maintained so as to be harmonious and aesthetically appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. The facility will permit reliable wireless telecommunication service, which can be used in emergencies, including the use of E-911.
  - e. The proposed project will be served adequately by essential public facilities and services as required such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
  - f. The proposed project will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.
  - g. The proposed project will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - h. The proposed project will have an access road constructed off of Hwy 248 at an existing access point. The project will not have a negative impact on local traffic on Hwy 248 or surrounding thoroughfares as it is an unmanned automated facility and is only visited once a month and for any services outages.
  - i. The proposed project will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance as this is located within a wooded area and the tower is made out of galvanized steel to blend in.
  - j. The proposed project is located outside a flood plain.

#### **3. Nature of the Variance?**

- Seeking a Variance in Height to better enhance Verizon's service to the community
- Bridge the gap in coverage existing in the community
- Eliminating the need for additional WCFs within the municipal jurisdiction

#### **4. Why the Height Variance needed?**

- The proposed WCF is located on a Commercially Zoned Property (C), and is considered a permitted special use in Section 94-68. (c)(14) of the Zoning Code. However in accordance with Section 94-68 (e) "Height restrictions. No structure shall exceed 100 feet in height". Verizon is requesting that the

## Exhibit A.6

board approve a variance from this requirement enabling them to construct a 190' Self-Supporting Tower, with a 9' lightning rod resulting in an overall height of 199'.

### 5. Variance Requirements (per Sec. 94-166. - Powers and duties. (2) a. (1-4))

**1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district;** Due to the ground elevation at the proposed location and the topography of the surrounding area, where the elevation can change over 100', "shadowing" can occur and would limit reliable service to the area.

**2. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;** There is another tower located in a (C) District of the city that exceeds the minimum height of 100'. A WCF is a permitted use in the (C) District of the City. In order to optimally function as a WCF, the antennas located on the structure must be at a height that enables the wireless signal to propagate and provide coverage for the intended geographical area, as well as connecting to the existing network. By limiting the total height to 100', Verizon will not be able to provide adequate coverage for the surrounding area, due to the ground elevation at the proposed site and the topography surrounding the proposed location. Other properties in the same district under the terms of this chapter are able to function as intended within the height restrictions in the ordinance, i.e. buildings, Lumberyard, Museum, Theater, etc. By nature, a WCF requires additional height to achieve reliable coverage in most situations comparable to the proposal. Additionally, due to the design of a WCF, a height variance will have far less visual impact than a comparable height variance for other permitted uses in this district, such as a building or a hotel.

**3. That the special conditions and circumstances do not result from the actions of the applicant;** Verizon did not create the special circumstances requiring a variance for this proposal. Verizon is a wireless communications service provider licensed by the federal government, who strives to provide the most reliable coverage to its customers in accordance with its licensing requirements. As previously stated in our Letter of Intent and as we will demonstrate through the Radio Frequency (RF) coverage maps provided to the City Planning Department, Verizon has a significant gap in coverage at the proposed location. We attempted to find suitable existing structures onto which Verizon could collocate to eliminate the need for a new structure, but as demonstrated on the aerial map showing Verizon's existing network, no structures exist that would be suitable for collocation. Verizon has determined that due to the ground elevation at the proposed location, and the varying topography of the surrounding area, an antenna height of 190' will not only close the existing gap in coverage surrounding the proposed location, but will also provide collocation opportunities for additional wireless service providers, furthering the City's goal of collocation onto existing facilities and reducing the overall number of structures in the area. If Verizon were to be limited to a 100' antenna height, we would need to find at least 2-4 proposed locations that would meet the setback requirements within the approved districts with landlords willing to lease property, resulting in more total structures to achieve the same coverage that would be provided by the proposed location and height.

Exhibit A.7

**4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.** In order to perform as designed we need greater than 100'. Towers are permitted as a special use, and we are attempting to comply with the City of Branson Zoning Ordinance, but preserve functionality. A benefit of allowing for future collocation and limiting the amount of towers needed in the area. We are not asking for more than what is needed to properly link up to the existing network; and there are no other towers or structures in the vicinity of considerable height; and again there is already another tower in the city that is greater than the 100'.

If you have any questions, please do not hesitate to contact me via email: [jriggs@ffi.net](mailto:jriggs@ffi.net) or my cell number (317) 281-9451.

Respectfully,



**Jason Riggs**

Vice President

Site Development Services

**Fortune Wireless, Inc.** 

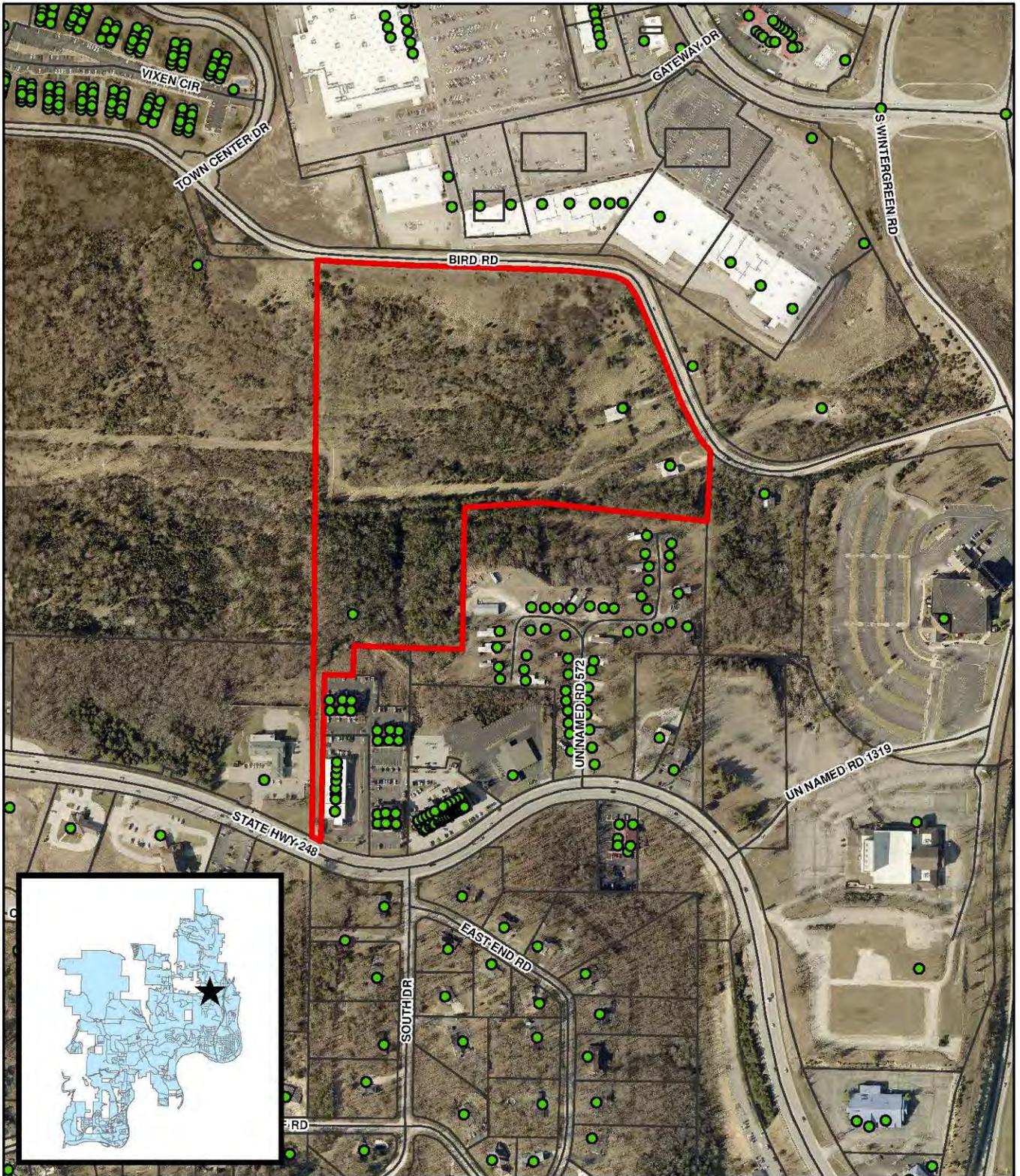
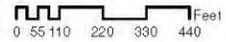
6402 Corporate Drive

Indianapolis, IN 46278

Representing Agent for **verizon**<sup>✓</sup>

# 820 State Highway 248

City of Branson  
Planning & Development  
April 2016



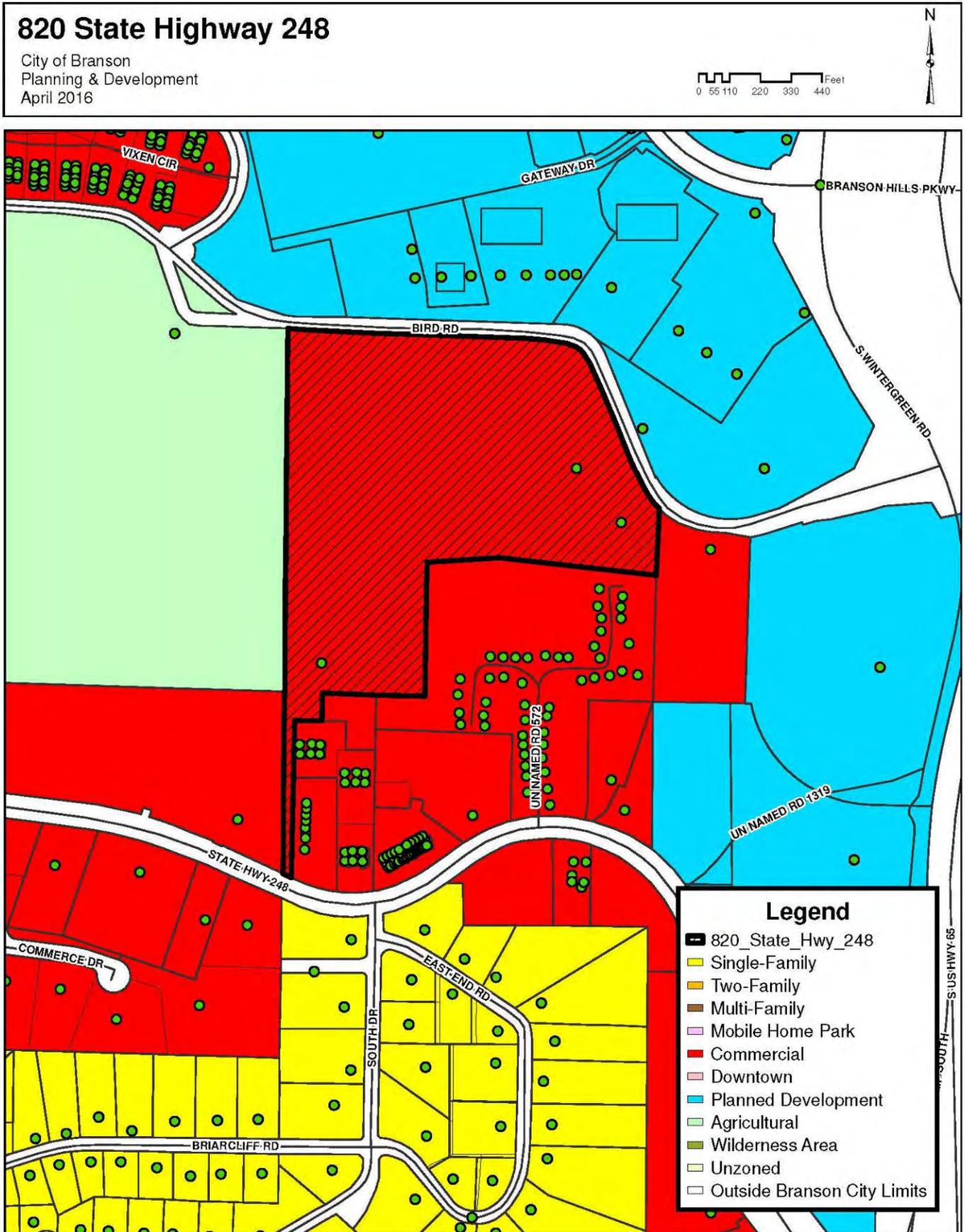
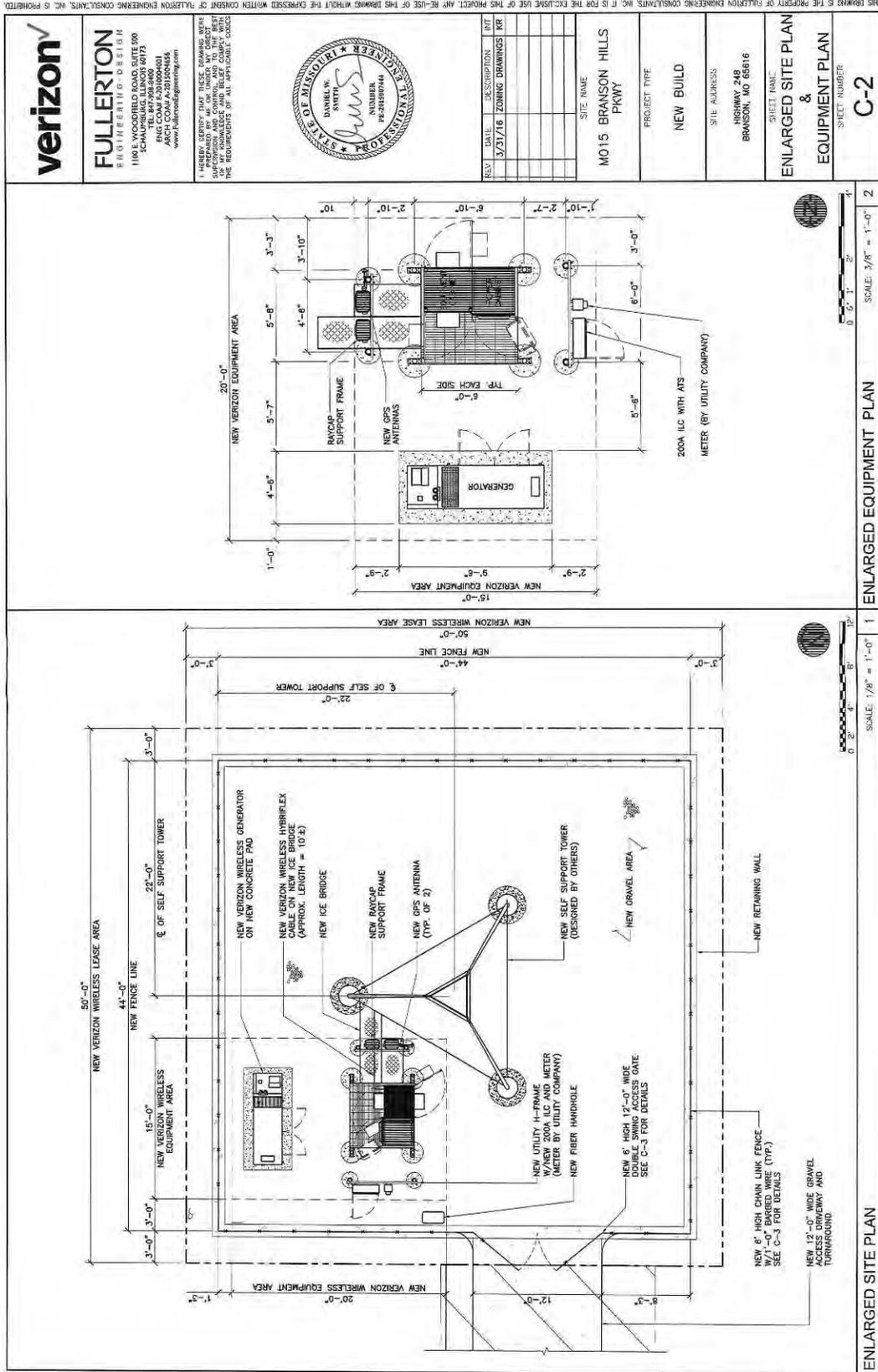
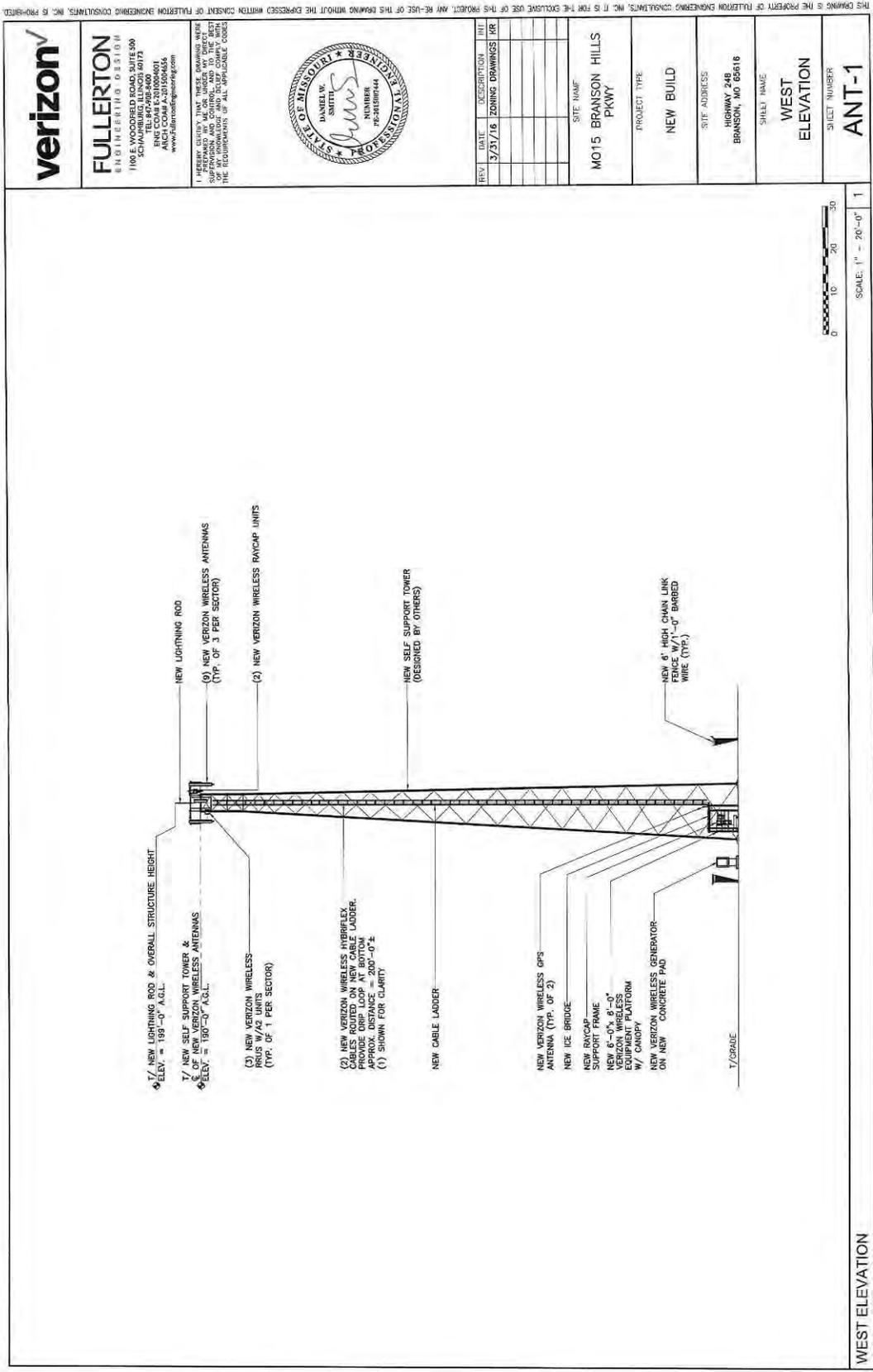




Exhibit C.2





**FULLERTON**  
 ENGINEERING DESIGN  
 1100 E. WOODBIRD ROAD, SUITE 500  
 SCHUBERT, ILLINOIS 60173  
 ENG. CO. # 020-0000001  
 ARCH. CO. # A-2015000466  
 www.fullertoneng.com

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 WITH THE REQUIREMENTS OF ALL APPLICABLE CODES



REV.	DATE	DESCRIPTION	INT.
	3/31/16	ZONING DRAWINGS	TR

SITE NAME  
**MO15 BRANSON HILLS  
 PKWY**

PROJECT TYPE  
**NEW BUILD**

SITE ADDRESS  
**HIGHWAY 248  
 BRANSON, MO 65616**

SHEET NAME  
**WEST  
 ELEVATION**

SHEET NUMBER  
**ANT-1**



WEST ELEVATION

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Exhibit D.1



From: Craig Queen – RF Engineer, Verizon Wireless

March 24<sup>th</sup> 2016

To: City of Branson Planning and Zoning

RE: Branson Hills Pkwy

Dear City Representatives,

Verizon Wireless is proud to serve the Branson, Missouri area and we are always diligent to maintain excellent service and improvements. At this time, we are trying to enhance the area between our existing sites where coverage, service, reliability and capacity must be improved. The area that needs improvement at this time in both capacity and performance is the western portion of Taney County. The fast growing 4G (LTE) data usage has required us to plan for a new cell site in this area to improve coverage, performance and offload capacity from our existing sites namely: Buccaneer, Grand Mansion, Branson Walmart, Branson East, and Hollister as shown below, Map 1.

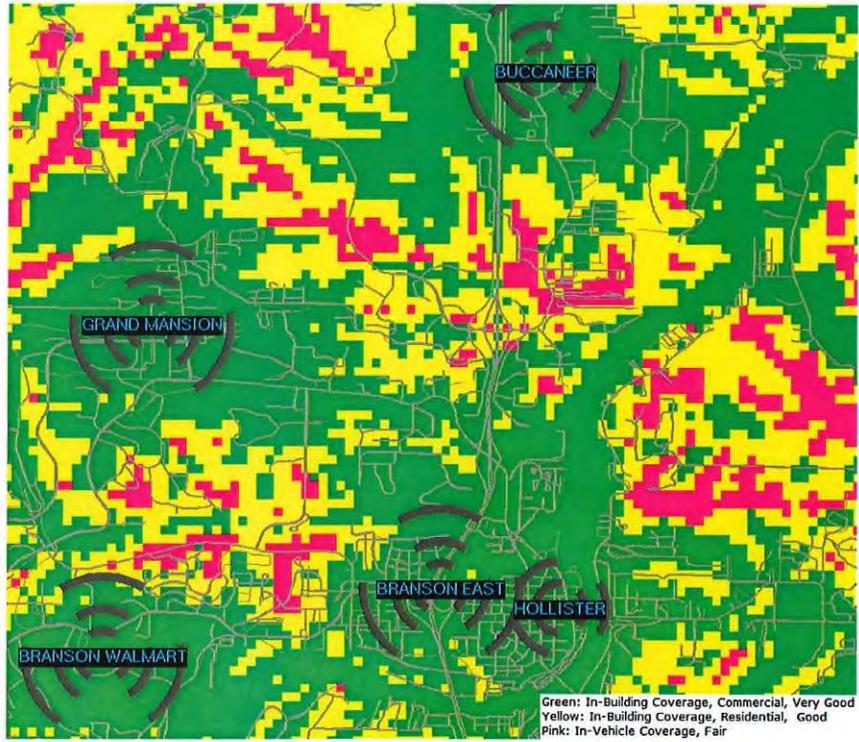
Map 1 – Terrain Limitations

A 190' centerline is required to allow the Branson Hills Pkwy to be near the average serving height in the area to better offload traffic from surrounding sites and maintain a balance in coverage between sites.



# Exhibit D.2

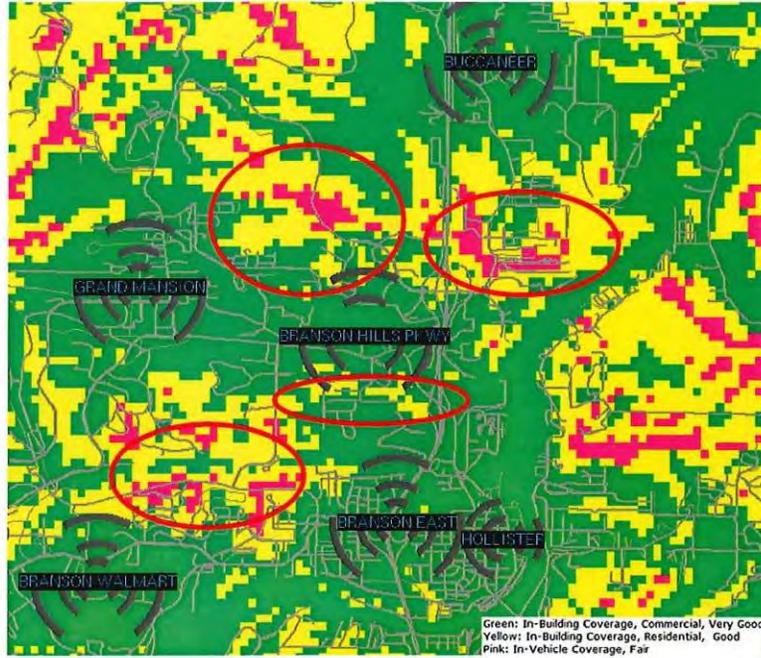
Map 2 – Existing Coverage



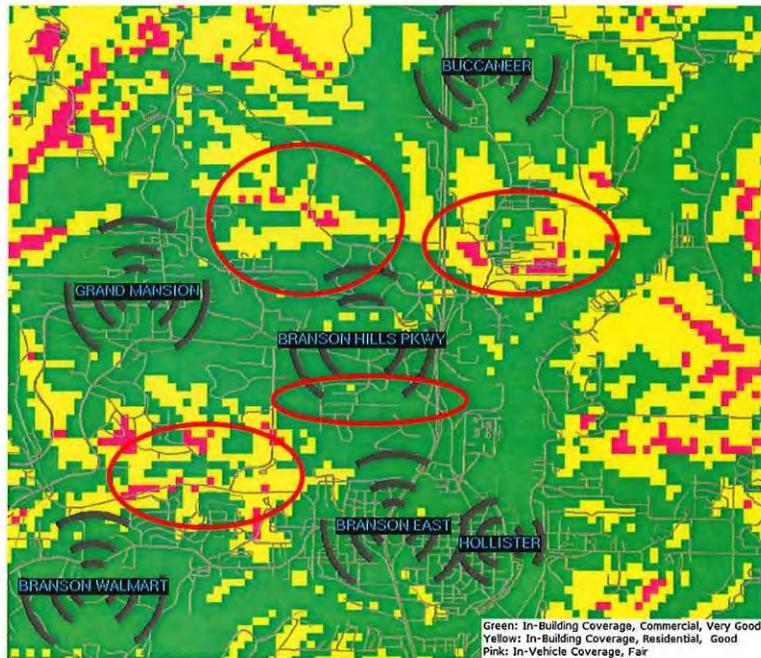
### Exhibit D.3

Map 3 and Map 4 show coverage improvement between a 100' and 190' tower: Notice improvement in red highlighted areas. Capacity and balance of traffic between sites is also improved.

Map 3 – Coverage with the new cell site at 100'



Map 4 – Coverage with the new cell site at 190'

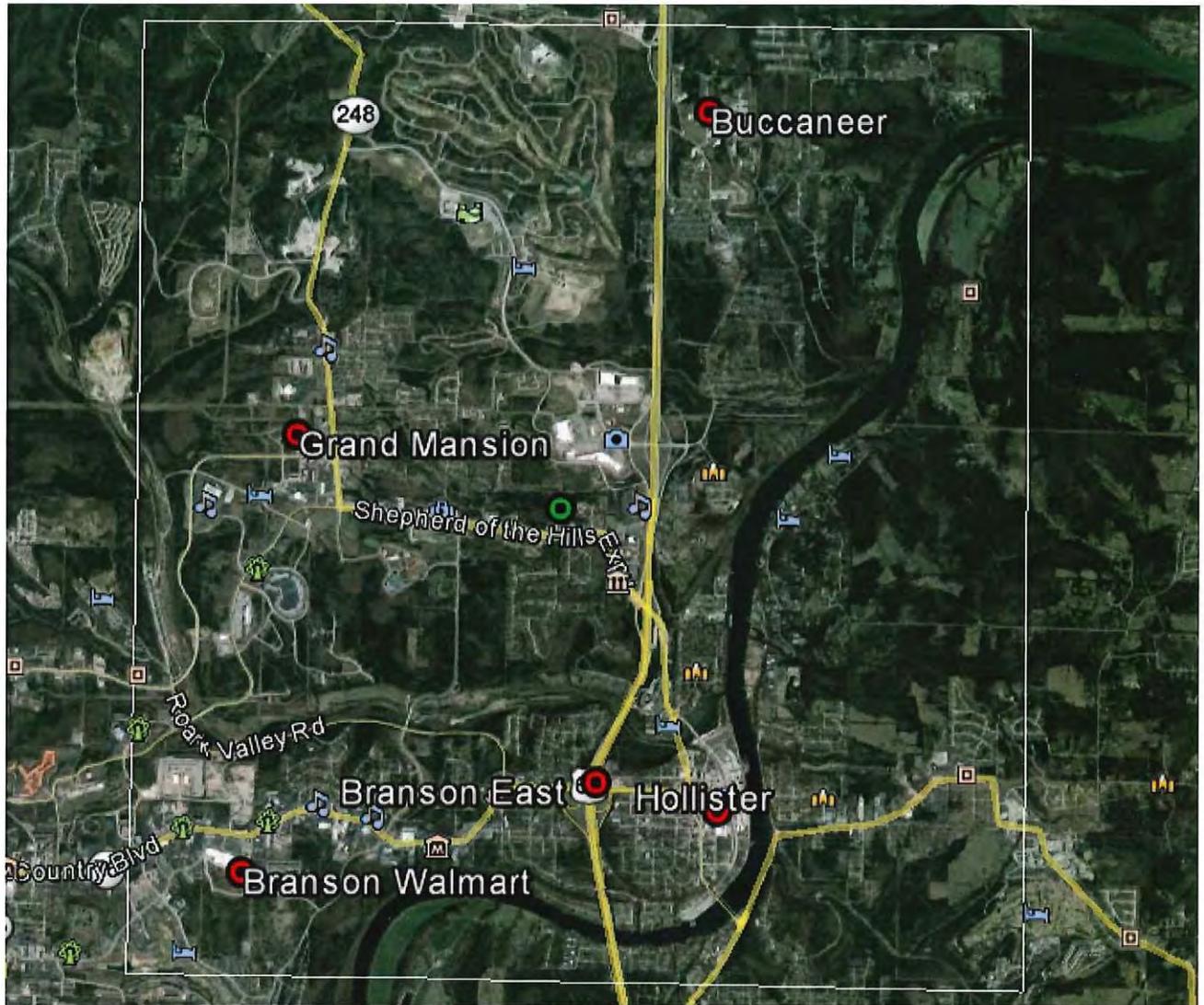


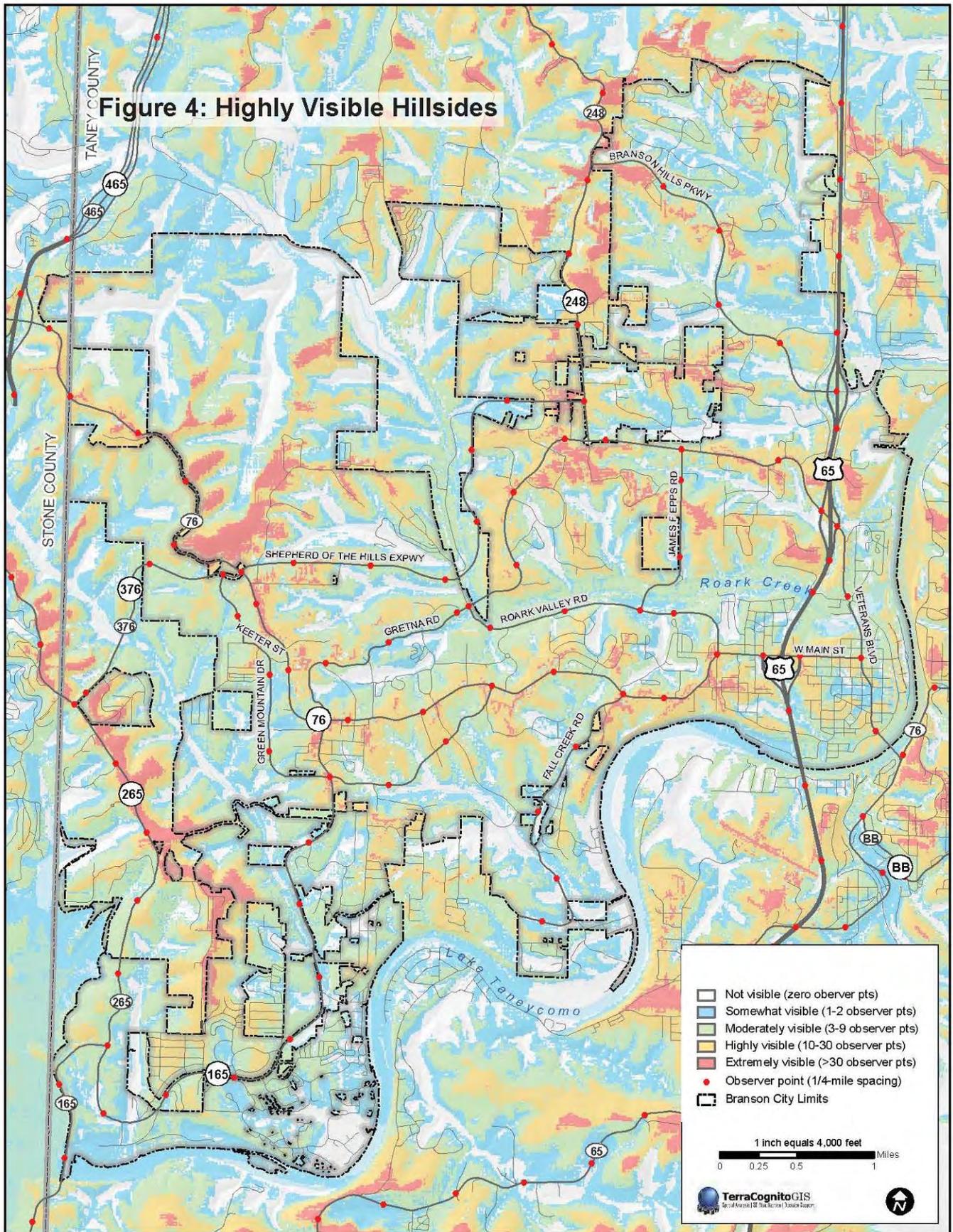
## Exhibit D.4

As 4G (LTE) data usage continues to increase dramatically as wireless customers utilize their phones for more day to day task and recreation, the demand also increases to meet these needs by creating new opportunities to develop methods of improving coverage, capacity, and data throughput. The most challenging is capacity and data throughput. Verizon Wireless is meeting the expectations of our customers by designing this proposed cell site in the western Taney County area.

This coverage improvement combined with the capacity offload will afford our customers the best possible data performance at the location identified. Verizon Wireless continues to strive to provide the best possible wireless experience for its customers while still recognizing the needs and desires of the surrounding community and being a good neighbor.

Exhibit D.5





## Exhibit F.1

*City of Branson Planning and Zoning Commission  
DRAFT Minutes – May 3, 2016*

### **PLANNING AND ZONING COMMISSION REGULAR MEETING – DRAFT MINUTES**

**May 3, 2016**

#### **PUBLIC HEARINGS**

**6. Request for a Special Use Permit to Allow a Telecommunication Tower Within the Property Located at 820 State Highway 248, Missouri.**

**Project No. 16-1.5 (16-00100005)**

**Applicant:** Gary R. Chaffin/Fortune Wireless, Inc.

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 of staff; there was no response. He asked if the applicant or their representative was present.

Mr. Jason Riggs approached and stated he worked for Fortune Wireless, Inc. and represented Verizon Wireless. He provided an overview of how Fortune Wireless, Inc. arrived at its decision to locate the proposed tower at the proposed site.

Chairperson Harris asked if any of the Commissioners had any questions.

Commissioner Loyd asked what would happen to the tower if it became inactive.

Mr. Riggs stated their lease agreement with the owner required them to remove the tower and facilities in that situation.

Chairperson Harris asked how the towers were designed to handle high wind speeds.

Mr. Riggs stated the proposed tower was designed to be a self-support tower, and all towers were designed to collapse on themselves. He stated the tower would be lower than the surrounding properties due to the terrain.

Chairperson Harris stated the neighbor's concern was whether the tower would fall on anything else, but the engineering for the tower designed it to collapse upon itself as he just stated.

Mr. Riggs stated he was correct.

Chairperson Harris asked if they had found any other locations to collocate on.

Mr. Riggs stated they had not as such a search is conducted first to see if collocation is possible before building a new tower.

Chairperson Harris asked if other carriers would be seeking them out to collocate once the tower was constructed since he understood that to be common practice and save those providers money and time.

Mr. Riggs stated he was correct and then showed on the screen the towers where Verizon had already collocated within the area.

## Exhibit F.2

*City of Branson Planning and Zoning Commission  
DRAFT Minutes – May 3, 2016*

Chairperson Harris asked if the new tower would assist emergency services to more accurately triangulate a location of a specific cell phone.

Mr. Riggs stated he was correct.

Chairperson Harris asked if any of the Commissioners had any questions; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item; there was no response. He entertained a motion.

**MOTION:**

Motion by Commissioner McDowell and seconded by Commissioner Seay to approve Resolution 16-1.5.

AYES: Commissioners Burney, Huddleston, Loyd, McDowell, Seay, Woolery, Vice-Chairperson Romine, and Chairperson Harris  
NOES: Commissioner Davis  
ABSTAIN: None  
ABSENT: None

Motion to approve Resolution 16-1.5 carried with an 8-1 vote.

DRAFT

Exhibit G.1

**NOTICE OF PUBLIC HEARING**  
Variance

Gary Chaffin/Verizon Wireless

NOTICE is given that a public hearing will be held by the Board of Adjustment of the City of Branson at 7:00 p.m. on Thursday, May 26, 2016, at City Hall in Branson, Missouri, concerning a request for a Variance from Section 94-68 (e) Height Restrictions for the property located at 820 State Highway 248, Branson, Missouri and legally described as follows:

All that part of the SW1/4 of the NE1/4 of Section 29, Township 23, Range 21, more particularly described as follows: Beginning at the SW corner thereof, thence S 88°55'29" E, 500.00 feet; thence N 0°05'11" E, 400.00 feet; thence N 89°55'31" W, 498.26 feet; thence S 0°20'06" W, along the West line of said SW1/4 NE1/4, 400.00 feet to the point of beginning.

Public comments on this request will be heard at the scheduled meeting. Petitions may be filed with the Planning Division prior to the Board of Adjustment meeting.

B39/11

**BRANSON TRI-LAKES NEWS**

**6B** Saturday, May 14, 2016 • bransontrilakesnews.com

**NOTICE OF PUBLIC HEARING**

Variance

Gary Chaffin/Verizon Wireless

NOTICE is given that a public hearing will be held by the Board of Adjustment of the City of Branson at 7:00 p.m. on Thursday, May 26, 2016, at City Hall in Branson, Missouri, concerning a request for a Variance from Section 94-68 (e) Height Restrictions for the property located at 820 State Highway 248, Branson, Missouri and legally described as follows:

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Public comments on this request will be heard at the scheduled meeting. Petitions may be filed with the Planning Division prior to the Board of Adjustment meeting.

B39/11

**THIS IS YOUR PROOF**

**CHECK A BOX & SIGN ON THE X THEN FAX BACK**

TO: Chris AT

**(417) 334-4299**

- Legal OK as is
- Legal needs corrections
- Send new proof

**SIGNATURE**

**X** Tara Norback

Run Dates 5/14

Dollar Investment \$38

**Your Proof is Due Back As Soon As Possible**

**BRANSON**  
Tri-Lakes News

**If You Have Any Questions Please Call 334-3161 Ext. 119**



# PUBLIC MEETING NOTICE & INVITATION

## Board of Adjustment

### PUBLIC HEARING

Thursday, May 26, 2016  
7:00 p.m.

Branson City Hall  
110 W. Maddux St.  
Second Floor  
Council Chambers

For more information,  
please call:

417-337-8568

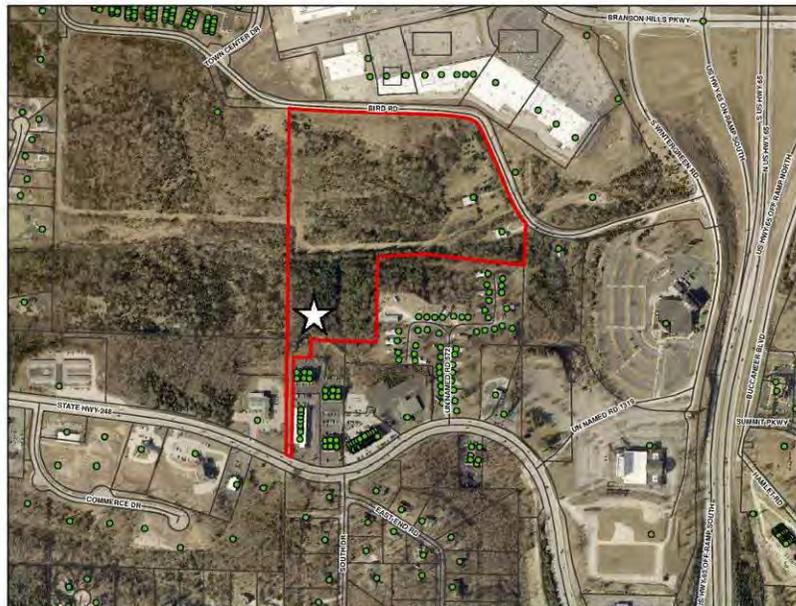
Or for the Staff Report for  
this item go to:

[http://www.bransonmo.gov/  
AgendaCenter](http://www.bransonmo.gov/AgendaCenter)

City of Branson  
Planning & Development  
Department

110 W. Maddux St.  
STE 215  
Branson, MO 65616

Main Phone: 417-337-8549  
Fax: 417-334-2391  
[www.bransonmo.gov](http://www.bransonmo.gov)



### We invite and welcome your participation!

You are cordially invited to attend a public hearing to discuss a request for a Variance from Section 94-68(e) Height Restrictions for the property located at 820 State Highway 248, Branson, Missouri.

This invitation is being sent to property owners within 185 feet of the subject property (identified in red outlined area in the above illustration). This is a public hearing and action will be taken. Please be a part of the decision process and provide your comments at the scheduled meeting. If you are unable to attend, please provide your comments in writing or by calling us at 417-337-8568.

**We look forward to hearing from you!**

Exhibit H.2

	OwnerName	Address	City	State	Zip5
1	BABBIT PROPERTIES LLC	800 ST HWY 248	BRANSON	MO	65616
2	BRANSON 248 COMMERCIAL PARK INC BRANSON HILLS COMMUNITY	1630-H E BRADFORD PKWY	SPRINGFIELD	MO	65804
3	IMPROVEMENT DISTRICT	153 S PAYNE STEWART DR	BRANSON	MO	65616
4	BRANSON SHOPPES KOHLS LLC	ATTN: PROPERTY TAX DEPT	OAK BROOK	IL	60522
5	CHAFFIN GARY R	PO BOX 520	DODGE CITY	KS	67801
6	CHAFFIN GARY R & CHARLOTTE D TRUST	PO BOX 520 3800 S NATIONAL AVE STE	DODGE CITY	KS	67801
7	COX MEDICAL CENTERS LESTER E	540	SPRINGFIELD	MO	65807
8	CSD & ASSOCIATES, INC	PO BOX 6292	BRANSON	MO	65615
9	GREENLAWN FUNERAL HOMES INC	3506 N NATIONAL AVE	SPRINGFIELD	MO	65803
10	HILL JEROD M & CAROLYN A INLAND DIVERSIFIED BRANSON HILLS IV	161 ROYAL DORNOCH DR	BRANSON	MO	65616
11	LLC	2901 BUTTERFIELD ROAD	OAK BROOK	IL	60523
12	IREIT BRANSON HILLS LLC	2901 BUTTERFIELD ROAD	OAK BROOK	IL	60523
13	KKG INVESTMENTS LLC	1903 E BATTLEFIELD ST	SPRINGFIELD	MO	65804
14	KRG BRANSON HILLS LLC	30 S MERIDIAN ST STE 1100	INDIANAPOLIS	IN	46204
15	MANCHESTER BRANSON LLC	245 S WILDWOOD DR	BRANSON	MO	65616
16	MANCHESTER VILLAGE ASSOCIATION INC MANCHESTER VILLAGE OFFICE PROPERTY	PO BOX 1699	BRANSON	MO	65615
17	OWNERS ASSOC	800 STATE HWY 248	BRANSON	MO	65616
18	MCLELLAN LYLE L & CATHERINE	PO BOX 7467	BRANSON	MO	65615
19	RUPRECHT DEVELOPMENT	1440 ST HWY 248 STE Q421	BRANSON POPLAR	MO	65616
20	SHULTZ & SUMMERS PROPERTIES LLC	1980 STATE ST	BLUFF	MO	63901
21	WOLVERTON BROTHERS PROPERTIES	36311 E BORGMAN RD	BUCKNER	MO	64016
22	YOUNGBLOOD PROPERTIES LLC	PO BOX 993	BRANSON	MO	65615