

PLANNING COMMISSION

June 5, 2018
7:00 PM
Council Chambers

CALL TO ORDER

ROLL CALL

Commissioners Present: Commissioners Howden, Nichols, Pinkley, Skains, Vice-Chairperson Romine and Chairperson Harris

Commissioners Absent: Commissioners Burney, Loyd and O'Day

Staff Present:

Joel Hornickel	Director of Planning & Development
Perry Eckhardt	Senior Planner
Amy Jackson	Planner
Kendall Powell	Utilities Operations & Development Manager
Randy Fogle	Fire Division Chief of Technical Services
William Duston	City Attorney

PUBLIC COMMENTS

None.

REGULAR AGENDA ITEMS

1. Approve Minutes

- a) May 1, 2018 Study Session
- b) May 1, 2018 Regular Meeting

MOTION:

Motion by Vice-Chairperson Romine and seconded by Commissioner Nichols to approve the May 1, 2018 minutes as presented by staff. Motion unanimously carried.

2. Election for Chairperson and Vice-Chairperson.

- a) Chairperson. Vice-Chairperson Romine nominated Chairperson Harris and Commissioner Howden nominated Commissioner Skains. Chairperson Harris was elected to remain Chairperson with four votes while Commissioner Skains received two votes.

- b) Vice-chairperson. Vice-chairperson Romine nominated Commissioner Pinkley for Vice-chairperson. Commissioner Pinkley was elected as Vice-Chairperson with six votes.

OLD BUSINESS

None.

PUBLIC HEARING AGENDA ITEMS

3. Request to Amend Resolution 16-13.1 to Decrease the Required Landscape Buffer within the Property Located at 311 Roark Valley Road, Branson, Missouri.

Project No. 18-13.1 (18-01300001)

Applicant: General Design and Restoration Inc. on behalf of Bill & Paula Medley

Mr. Hornickel presented the staff report as filed with the Planning and Development Department including three emails which had been sent to staff and stated concerns with the request to decrease the landscape buffer.

Chairperson Harris asked if the commissioners had any questions for staff.

Commissioner Howden asked for confirmation that the only entrance to the development would be from Roark Valley Road.

Mr. Hornickel stated he was correct.

Commissioner Romine asked for confirmation that the 100-foot buffer had been a requirement for the development when approved in 2016.

Mr. Hornickel stated she was correct.

Commissioner Nichols asked if the public was notified of the item in 2016 when it was first brought to the commission as well as of the current request being discussed.

Mr. Hornickel stated staff's required procedure is to notify neighbors within 185 feet of the subject property by mail notices, and to notify the entire community by the request being published in the local newspaper and on the City's website.

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

Mr. Alan Johnson approached and stated he would be speaking on behalf of applicant. He explained the overall plan for developing the land into an area for nice cabins that would be accessible by golf carts, not automobiles, and to preserve the trees and large ravine running through the middle of property. He also described the size, exterior and layout of each proposed cabin.

Commissioner Nichols asked if there were any zoning restrictions to prohibit the developer from adding access through the residential area and off of Hero Drive.

Mr. Hornickel stated Resolution 16-13.1 required that the developer not create any access from Hero Drive.

Commissioner Howden asked Mr. Johnson if the applicant's request to decrease the required buffer resulted from the recent Municipal Code change or from the property's topography.

Mr. Johnson stated the site's topography was the factor so more space could be provided between cabins.

Chairperson Harris asked if the commissioners had any other questions; there was no response. He then asked if there was anyone else present who wished to make a comment or ask a question.

Mr. Greg Armstrong approached and stated he was the owner of 108 Hero Drive. He spoke against the applicant's request for a reduced buffer.

Ms. Jeannie Wilcox approached and stated she was the owner of 120 Hero Drive. She spoke against the applicant's request for a reduced buffer.

Ms. Kristin Armstrong approached and stated she was the owner of 108 Hero Drive. She spoke against the applicant's request for reduced buffer.

Chairperson Harris asked if the commissioners had any other questions.

Vice-Chairperson Pinkley stated he was not in support of the applicant's request.

Commissioner Nichols asked for staff's reasons for recommending approval.

Mr. Hornickel stated the recent landscape code update would now only require the proposed development to provide a 50-foot buffer, but with more vegetation which would provide a more positive result as opposed to solely a 100-foot distance separation.

Chairperson Harris asked if the commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Vice-Chairperson Pinkley and seconded by Commissioner Romine to Amend Resolution 16-13.1 to decrease the required landscape buffer.

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

Motion to approve Resolution 18-13.1 was denied with a 0-6 vote.

4. Request to Amend Planned Development PD 2000-002, known as Pointe Royale, and Approve a Zoning Change to Mixed Use for the Property Located at 158 Pointe Royale Drive, Branson, Missouri.

Project No. 18-3.4 (18-00300004)

Applicant: Al & Ruth Waldner

Mr. Hornickel presented the staff report as filed with the Planning and Development Department. He then read a letter received by staff from Misty Brinell, General Manager, Joe Gildehaus, Property Owner's Association President and Mickey Scullaul, Condominium Owner's Association President of Pointe Royale all objecting to the request.

Commissioner Howden asked if applicant would need to come back to revise their request if denied.

Mr. Hornickel stated the current request provided a unique opportunity for the Pointe Royale planned development to be amended to both support the applicant's request of allowing a massage establishment at their property, and support the desire of the rest of the development to not rezone the property.

Commissioner Nichols asked if the existing business was out of compliance.

Mr. Hornickel stated it was currently operating as a non-conforming business, and it could continue so long as it did not cease for more than six months.

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

Ms. Ruth Waldner approached and stated she was the property owner. She stated their request would provide them additional business opportunities if rezoned to Mixed Use.

Commissioner Skains asked how long they had owned the property and if they were made aware of its zoning when they purchased it.

Ms. Waldner stated they could not remember if they were told the property's zoning at time of purchase. She stated they had no plans to expand the building, but they were looking to sell it in the near future.

Chairperson Harris asked if the current business had an active business license.

Mr. Hornickel stated it did. He stated the current request being considered had been generated by an additional business license request within the property.

Chairperson Harris asked if the commissioners had any other questions; 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 entertained a motion.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Romine to approve Resolution 18-3.4 as amended.

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

Motion to approve Resolution 18-3.4 as amended carried with a 5-1 vote.

MOTION:

Motion by Vice-Chairperson Pinkley and seconded by Commissioner Skains to approve an amendment to amend PD 2000-002 to allow personal services within commercial areas, and not rezone the property located at 158 Pointe Royale Drive.

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

Motion to approve the amendment carried with a 6-0 vote.

5. Request for a Municipal Code Amendment to Chapter 94-Zoning, Pertaining to Food Truck Regulations.

Project No. 18-12.2 (18-01200002)

Applicant: City of Branson

Mr. Hornickel presented the staff report as filed with the Planning and Development Department including survey results gathered from stakeholders regarding food trucks.

Chairperson Harris asked if the commissioners had any questions for staff.

Commissioner Romine asked if food truck operators were requesting to remove the minimum distance requirement from schools.

Mr. Hornickel stated the request had come from the Board of Aldermen.

Commissioner Romine stated she was concerned with schools losing federal money if food trucks were allowed on school property.

Commissioner Howden asked why drive-thru food trucks were prohibited.

Mr. Hornickel stated it was due to safety concerns for potential pedestrian and vehicle conflicts near a walk-up type business.

Vice-Chairperson Pinkley asked for clarification on the minimum distance requirement from schools.

Mr. Hornickel stated other cities had adopted the same distance requirement as a deterrent for kids to be drawn off school campuses for meals.

Commissioner Romine stated local schools do not allow children to leave their school's campus for lunch.

Commissioner Nichols asked about alcohol sales from food trucks.

Mr. Hornickel stated the current code already prohibits the sale of alcohol from food trucks. He stated it was another best practice which had been implemented by other communities. He stated the proposed change would allow the sale of alcohol within any food truck court, just not from a food truck.

Chairperson Harris asked if the commissioners had any other question 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; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Nichols and seconded by Commissioner Romine to approve Resolution 18-12.2 as amended.

AYES: Commissioners Howden, Nichols, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris

NOES: None

ABSTAIN: None

ABSENT: Commissioners Burney, Loyd and O'Day

Motion to approve Resolution 18-12.2 as amended carried with a 6-0 vote.

MOTION:

Motion by Commissioner Romine and seconded by Commissioner Howden to amend Resolution 18-12.2 to retain the minimum distance requirement of 500 feet from a primary or secondary school.

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

Motion to approve the amendment carried with a 6-0 vote.

6. Request for a Municipal Code Amendment to Chapter 94-Zoning, Pertaining to the Maximum Number of Unrelated Persons Allowed per Dwelling.

Project No. 18-12.3 (18-01200003)

Applicant: City of Branson

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

Commissioner Skains asked if the proposed amendment would affect anyone's ability to take in people as a result of a catastrophic event.

Mr. Hornickel stated the intent of the code amendment was for it to only apply to those living together on a permanent, or extended basis, and for those that share living expenses.

Commissioner Howden asked if the code would cover step-brothers, fourth-cousins and a wife's uncle.

Mr. Hornickel stated all of the given examples were why staff proposed to also update the definition of a family as part of the request.

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; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Nichols to approve Resolution 18-12.3.

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

Motion to approve Resolution 18-12.3 as amended carried with a 5-1 vote.

COMMISSIONER & STAFF REPORTS

None.

ADJOURN

Motion by Commissioner Skains and seconded by Commissioner Nichols, and unanimously carried to adjourn the meeting at 9:09 PM.



Michael Pinkley, Vice-Chairperson

8-7-18

Date



Joel Hornickel, Director of Planning & Development

8/7/18

Date