

PLANNING COMMISSION

July 2, 2019
7:00 PM
Council Chambers

CALL TO ORDER

ROLL CALL

Commissioners Present: Commissioners Davis, Howden, Nichols, O'Day, Richards, Romine, Vice-Chairperson Pinkley and Chairperson Harris

Commissioners Absent: Commissioners Loyd and Skains

Staff Present:

Joel Hornickel	Director of Planning & Development
Perry Eckhardt	Senior Planner
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

PUBLIC COMMENTS

None.

REGULAR AGENDA ITEMS

1. Approve Minutes

- a) May 7, 2019 Study Session
- b) May 7, 2019 Regular Meeting
- c) June 4, 2019 Study Session

MOTION:

Motion by Vice-Chairperson Pinkley and seconded by Commissioner Romine to approve the May 7, 2019 and June 4, 2019 minutes as presented by staff. Motion unanimously carried.

OLD BUSINESS

None.

PUBLIC HEARING AGENDA ITEMS

2. Request for Low Density Residential (LDR) Zoning for the Property Located at 371 Loganberry Road, Branson, Missouri.

Project No. 19-2.2 (19-00200002)

Owner/Applicant: Ian Jennings

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 O'Day to approve Resolution 19-2.2 as presented.

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

NOES: None

ABSTAIN: None

ABSENT: Commissioners Loyd and Skains

Motion to approve Resolution 19-2.2 carried with an 8-0 vote.

3. Request for an Amendment to Planned Development PD-2005-007, known as Branson Hills, Pertaining to Lot Sizes for Lots 1-10, 24-29, 31-34, 39-49, 56 and 64-66 Located within the Siena Estates Subdivision.

Project No. 19-5.3 (19-00500003)

Owner/Applicant: ARC Resources, LLC/Steve Redford

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

Commissioner Richards recused himself from this item.

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

Commissioner Davis asked staff if the proposed housing was necessary.

Mr. Hornickel stated there was an increased need for affordable housing and the proposed change would somewhat assist as it would allow a similar product to be constructed at a lesser price point.

Commissioner Nichols asked if the developer would need a Special Use Permit if they decided to build condominiums.

Mr. Hornickel stated condominiums were an allowed use in this area of Branson Hills.

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 was present.

Commissioner Richards approached and stated he would be representing the applicant. He stated Siena Estates was not a fifty-five and over community, but it was gated. He stated building plans had been submitted for several of the lots within the request, and permits have even been issued for them. He stated they were in fact currently building and selling some of the lots.

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 present who wished to make a comment or ask a question in regards to the request.

Ms. Ronnie Haston approached and stated she was not in favor of the proposed request for all of the remaining lots in Siena since she had been told by the original developer that only single family residences would be built.

Commissioner Nichols asked how many lots would be acceptable for the proposed request.

Ms. Haston stated fifteen or sixteen lots as that was what the developer had told them during a recent meeting.

Chairperson Harris asked if the developer would be willing to wait until August so a modification could be made to the number of lots included in the request.

Commissioner Richards stated they could wait.

Mr. Jim Greer approached and stated there had been numerous changes to the development and he would like to have a better understanding of the current plans.

Ms. Janet Hellrung approached and stated she was not in favor of the Community Improvement District tax and she wanted to keep the community the way it was.

Ms. Marsha Carlock approached and stated she has had issues with this developer in the past and thought there had even been legal action taken against the applicant regarding a Home Owners Association issue.

Mr. Hornickel stated the City was not involved in that matter.

Mr. Lebeck stated there was a case currently over in Forsyth. He stated municipalities could not intervene in regards to enforcing Home Owners Association regulations, but they could make an applicant aware of a Home Owners Association existence through the building permit process.

Commissioner Davis asked if the subdivision could be rezoned.

Mr. Hornickel stated the request was not a zoning issue but instead a land use designation one as the subdivision was designated as commercial within the Planned Development. He stated the property owners could initiate a Planned Development Amendment, but only for the property they owned. He stated a duplex was defined as a detached structure which is used for residential purposes and is occupied by two families living independently of each other within the zoning code.

Mr. Kyle Smith approached and stated his relative had a contract on lot ten and asked if the current plans could be retracted and reduced.

Mr. Hornickel stated the current developer could develop condominiums from the foundations currently being built per the planned development.

Chairperson Harris asked if any of the Commissioners had any additional questions or comments 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 to postpone the item so the number of lots within the request could be reduced.

MOTION:

Motion by Commissioner Howden and seconded by Commissioner Nichols to postpone Resolution 19-5.3 as presented until August 6, 2019 meeting.

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

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

- 4. 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.

Commissioner Howden asked why the Tree Board was being proposed to be dissolved into the Park Board.

Mr. Hornickel stated the request was an effort by the city to be more efficient and to simplify the process by combining the responsibilities of the Tree Board with the Park Board for a more unified group and approach.

Chairperson Harris stated he had been a member of the Tree Board for fifteen years and they were involved in the Tree Memorial Program, Beautification Award, Arbor Day events and Arborfest events.

Mr. Greg Haston approached and stated he was the Chairperson for the Tree Board. He stated it did not make sense to move the Tree Board's responsibilities to the Park Board.

Commissioner Davis stated whoseever half-baked idea this was should be tied up to a tree. He stated his recommendation was for the Tree Board to be retained separate from the Park Board.

Commissioner Nichols asked how tree removal fees were spent.

Mr. Hornickel stated the tree removal fee was a deposit of fifty dollars per tree, and if the deposit was forfeited, or trees were not planted back, then the deposit goes into a fund for future tree planting on public property.

Commissioner Nichols asked if the fund could fund an arborist position for the city.

Mr. Hornickel stated it could, but the fund was not sustainable, so it would not be wise to hire a full-time position with it. He stated the Planning and Development Department recently gave up a position so a new position could be developed within the Parks Department.

Chairperson Harris stated he was supportive of the new position.

Commissioner Nichols asked if the Planning Commission had ever expressed support for a similar position.

Mr. Hornickel stated they had not, but the Tree Board had in the past. He stated the desired position had never been funded.

Mr. Haston thanked staff for working towards the new position, but he stated it was a separate issue from the one being presented.

Commissioner Davis asked if the Tree Board could function under the Park Board.

Mr. Hornickel stated he could not answer that question without the Parks Director present or her confirmation.

Commissioner Nichols stated he wanted to make a recommendation for the Tree Board to continue as-is, for the new position to be supported, for the tree removal deposits to be dedicated to the needs of the Tree Board, and for a portion of Tourism tax to be used for a new position.

Vice-Chairperson Pinkley stated he would be in full support of a new position during the next Capital Improvements meeting, and he would make sure the new position was on the agenda as it currently was not.

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 to postpone the item so staff could provide additional information.

MOTION:

Motion by Commissioner Nichols and seconded by Commissioner Romine to postpone Resolution 19-12.5 as presented until the August 6, 2019 meeting.

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

Motion to postpone Resolution 19-12.5 carried with an 8-0 vote.

Mr. Lebeck provided a presentation regarding municipal code amendments to chapter ninety-four, zoning, pertaining to medical marijuana facilities. He stated the proposed amendments would be coming back for their consideration during the August meeting.

Mr. Hornickel provided a presentation regarding the latest sign code amendment changes based on the Commission's feedback during the June Study Session. He stated there was a little more work to do and staff would continue to provide updates.

At 9:04 PM, Chairperson Harris asked for a short break in the meeting.

Commissioner Howden left the meeting at 9:05 PM.

COMMISSIONER & STAFF REPORTS

None.

ADJOURN

Motion by Commissioner Davis, seconded by Commissioner O'Day, and unanimously carried to adjourn the meeting at 10:18 PM.



Clark Harris, Chairperson

8-6-19
Date



Joel Hornickel, Director of Planning & Development

8/6/2019
Date