

== NOTICE OF MEETING ==

PLANNING COMMISSION

VIRTUAL MEETING NOTICE 610.020(1) RSMo

Regular Meeting – October 6, 2020 – 7:00 p.m.

Council Chambers – Branson City Hall – 110 W. Maddux Street

This meeting is being held virtually due to the COVID-19 virus and the recommendations of the Centers for Disease Control along with the State and City Emergency Proclamations that are in effect. The Planning Commission and City Staff will be joining the meeting on an online platform. The public may view and listen to the meeting, and submit comments through links on the City of Branson's website.

City of Branson website: www.bransonmo.gov

View & listen to meeting link: <http://bransonmo.gov/livestream>

Submit Public Comments & discussion link: <http://bransonmo.gov/PublicComment>

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

REGULAR AGENDA ITEMS

- 1) Approve Minutes
 - a) August 4, 2020 Regular Meeting

OLD BUSINESS

PUBLIC HEARING AGENDA ITEMS

- 2) Request to Amend Resolution 12-1.10 to Allow Outdoor Animal Exhibits within the Property Located at 2020 W. 76 Country Boulevard, Branson, Missouri.
- 3) Request for High Density Residential (HDR) Zoning for the Properties Located at 121 Lenhart Lane, Branson, Missouri.

- 4) Request for a Municipal Code Amendment to Chapter 94 Pertaining to Special Events.
- 5) Request for a Municipal Code Amendment to Chapter 94 Pertaining to Microbreweries.

[Powerpoint]

COMMISSIONER AND STAFF REPORTS

ADJOURN

****Due to City Hall being closed because of COVID-19, this agenda has been posted on the front door of City Hall, on the City's website and disbursed electronically to the media.**

Where Values are the Difference

OCTOBER: Open Communication/Transparency:

Open sharing of information between employees, citizens and visitors

For more information please visit www.bransonmo.gov or contact:

Lisa Westfall, City Clerk, 417-337-8522

Posted: September 29, 2020

At: _____ By: _____

**PLANNING COMMISSION
REGULAR MEETING**

August 4, 2020
7:00 PM
Council Chambers

This meeting was held virtually due to the COVID-19 virus and the recommendations of the Centers for Disease Control along with the State and City Emergency Proclamations that were in effect. The Planning Commission and City staff joined the meeting on an online platform.

CALL TO ORDER

ROLL CALL

Commissioners Present: Commissioners Howden, Loyd, Nichols, Pinkley, Richards, Romine, Seay, Vice-Chairperson Davis and Chairperson Harris

Commissioners Absent: Commissioners O’Day

Staff Present: Joel Hornickel Planning & Development Director
Chris Lebeck City Attorney
Keith Francis Public Works Director
Randy Fogle Division Fire Chief of Technical Services
Tara Norback Utilities Plan Reviewer

PUBLIC COMMENTS

None.

REGULAR AGENDA ITEMS

1. Approve Minutes

a) July 7, 2020 Regular Meeting

MOTION:

Motion by Commissioner Loyd and seconded by Commissioner Davis to approve the July 7, 2020 as presented by staff. Motion unanimously carried.

OLD BUSINESS

None.

PUBLIC HEARING AGENDA ITEMS

- 2. Request for a Zoning Change from Community Commercial (CC) to High Density Residential (HDR) Zoning for the Property Located at 340 Gretna Road, Branson, Missouri.
Project No. ZO20-4 (ZO20-000004)
Owner/Applicant: Elevate Branson/Bryan Stallings**

Speakers: Mr. Bryan Stallings

MOTION:

Motion by Vice-Chairperson Davis and seconded by Commissioner Loyd to approve Resolution ZO20-4 as presented.

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

Motion to approve Resolution ZO20-4 carried with a 6-3 vote.

COMMISSIONER & STAFF REPORTS

Commissioner Nichols asked staff for an update on the requested code amendments pertaining to allow theaters to have recreational vehicles and other similar temporary lodging within their property overnight.

Mr. Hornickel stated due to limited staffing at the time, and other code amendments requested by the Board of Aldermen, staff has been unable to make much progress.

Commissioner Nichols stated he had driven by the theater at 2527 State Highway 248 and trailers were still present.

Mr. Hornickel stated the applicant for the property had contacted staff to notify them that they would be returning to China in the coming weeks and the trailers would be removed as well.

Commissioner Nichols asked staff how public comments needed to be handled by the Commission.

Mr. Lebeck stated it was up to the Commission to determine how much weight should be given to those making public comments or statements about a topic just as the Board of Aldermen do.

Mr. Hornickel stated the City has hired a new planner, Jacob Phillips, and he will be starting on August 10. He stated he was finishing up his degree at Missouri State University and he had grown up in Forsyth, Missouri.

ADJOURN

Motion by Commissioner Pinkley, seconded by Commissioner Nichols, and unanimously carried to adjourn the meeting at 8:10 PM.

Clark Harris, Chairperson

Date

Joel Hornickel, Planning & Development Director

Date

DRAFT

**Branson Planning Commission
Staff Report and Recommendation
Project No. SU20-7 (20-000007)**

LOCATION:	2020 WEST 76 COUNTRY BOULEVARD
OWNER/APPLICANT:	BRANSON'S WILD WORLD INC / JAMES KELLY
ITEM/SUBJECT:	<u>REQUEST TO AMEND RESOLUTION 12-1.10 TO ALLOW OUTDOOR ANIMAL EXHIBITS WITHIN THE PROPERTY LOCATED AT 2020 WEST 76 BOULEVARD, BRANSON MISSOURI.</u>
DATE:	OCTOBER 6, 2020
INITIATING DEPARTMENT:	PLANNING & DEVELOPMENT DEPARTMENT

APPROVED BY:



Director of Planning & Development

SEPT. 23, 2020

Date

STAFF REPORT:

A Special Use Application has been received from James Kelly on behalf of Branson's Wild World Inc. to amend Resolution 12-1.10 to allow outdoor animal exhibits within the property located at 2020 West 76 Country Boulevard. The property, which is approximately 4.75 acres more or less, is located approximately 350 feet east of the intersection of West 76 Country Boulevard and Forsythe Street. It is currently zoned Planned Development (PD) and contains an existing indoor aquarium and live animal exhibits displaying over 180 different animal species within an approximately 25,000 square foot structure built in 2000. The adjacent properties are currently zoned Entertainment (ENT) and Mixed-Use (MU).

The planned development for this property, Office Max (PD99-006), was approved in July 1999 (Ord. No. 99-867). While it had been created for the property owner at that time, several additional uses were included to allow for flexibility of future owners, including Branson's Wild World, which has been operating as a museum at this location for approximately nine years.

In November 2012, Branson's Wild World requested a Special Use Permit to operate a petting zoo allowing patrons to feed or interact with sharks, starfish, non-dangerous reptiles, parrots, tortoises, rabbits and other animals as this use was not approved as a use by right within the Office Max Planned Development. The request was approved by the Planning Commission in December 2012 (Res. No. 12-1.10) as it was deemed to be in character with the property's location.

In February 2016, the applicant submitted a request for a building permit to construct fencing for outdoor areas (16-0081). While this request was approved and a permit issued by the City in June 2016, it was never pursued and was subsequently closed for no activity in May 2017. Due to the use being expanded to include outdoor areas, an amendment to their Special Use Permit should have been necessary at that time as there was no mention of outdoor activities in the approved Planned Development, the meeting minutes of the December 4, 2012 Planning Commission meeting, or the staff report for Resolution 12-1.10.

In April 2020, the applicant submitted a similar request for a building permit for outdoor animal exhibits along with several improvements to their interior spaces (BD20-000311). This request is a result of that review.

For the future outdoor exhibits as shown in Attachment 1, the applicant is requesting spaces for tigers, lions, ligers, wolves, kangaroos, servals, foxes, porcupines, jackals, birds and sting rays. While the majority of these proposed animals will present little to no risk, or no significant effects to surrounding properties, there is concern with the tigers and lions which will be approximately less than 100 feet from the Branson Park Apartments and approximately 350 feet from the Holiday Inn Express. However, animal control has reviewed the request and is comfortable with it so long as the enclosures comply with applicable standards, and the noise does not become an issue for either property.

STAFF RECOMMENDATIONS:

Staff recommends approval of Resolution SU20-000007 based on the following conditions:

1. This Special Use Permit is not transferrable in any manner and therefore shall not be transferred from owner to owner. If Branson's Wild World Inc. ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. The installation and activities covered by this Special Use Permit as shown in Exhibit A shall be in accordance with all applicable city, state, and federal requirements, including but not limited to the height, overhang, strength and containment of fencing; and,
3. All regulations and standards concerning the treatment and handling of animals shall be met; and,
4. Lions, tigers and ligers must be shut indoors between the hours of 10:00 p.m. and 7:00 a.m.
5. Any person under the age of five shall not be allowed to handle any of the animals. Signs shall be posted stating this in every area where contact with an animal is possible; and,
6. The applicant shall apply for and receive a business license from the City of Branson prior to any business operations, and that license shall remain in good standing; and,
7. If all conditions of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before January 1, 2022, this Special Use Permit shall be null and void.

MUNICIPAL CODE REGULATIONS:

The following regulations should be considered by the Commission in formulating a decision:

Branson Municipal Code Section 94-16. Special uses.

(a) Permit Required

A special use permit shall be required from the Planning Commission for any use listed as a special use in any zoning district, and for any use not listed in any zoning district. A special use permit in review is intended to allow the establishment of uses that have a special impact, uniqueness, or effect on the neighborhood surrounding the subject site.

(b) Review and Approval Criteria

In considering a special use, the Planning Commission shall consider the location and design of the proposed use, configuration of improvements, potential impacts on the surrounding neighborhood, and that development in each zoning district protects the integrity of that district, and following a hearing, the commission shall record the decision in writing and shall recite the findings upon which the decision is based.

The commission may approve or modify a special use permit application in whole, or in part with conditions, only if all the following findings are made:

- (1) *The proposed use is conditionally permitted within, and would not impair the integrity and character of the intended purpose of the subject zoning district, and complies with all of the applicable provisions of this chapter;*
- (2) *The proposed use is consistent with the Community Plan 2030;*
- (3) *There will be no significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored;*
- (4) *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located, and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity, or adverse to the public interest, health, safety, convenience or welfare of the city;*
- (5) *The subject site is physically suitable for the type and density/intensity of use being proposed; and*
- (6) *There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.*

COMMENTS:

Animal control:

- All animal cages and/or enclosures need to be built to standards prescribed by USDA, Fish and Wildlife, and Missouri Department of Conservation as applicable.
- Since additional animals are being moved onto the property and some are being moved to outside enclosures, animal noise needs to be considered due to their close proximity of an existing apartment complex and hotel.

ATTACHED INFORMATION:	1) Special Use Permit Application
	2) Vicinity Maps
	3) Office Max Planned Development (PD-99-006)

ATTACHMENT 1: SPECIAL USE PERMIT APPLICATION

PLANNING & DEVELOPMENT DEPARTMENT

PLANNING & ZONING | BUILDING PERMITS | SIGN PERMITS



Special Use - Amend Existing Special Use Permit

Address: 2020 W 76 COUNTRY BLVD

Description: Branson's Wild World INC

SU20-000007

Application Date: 08/21/2020

Application Information*:

Applicant Name	JAMES KELLY
Applicant Email	bransonswildworld@yahoo.com
Applicant Address	2020 West Hwy 76 Country Blvd Branson MO 65616
Applicant Company Name	Bransons Wild World
Applicant Company Address	107 Hideaway St Branson MO 65616
Applicant Home Phone	(314) 504-3849
Applicant Cell Phone	(314) 504-3849
Applicant Work Phone	(314) 504-3849
Are you the property owner?	Yes
Would you like to add additional team members?	No
Resolution number of special use	12-1.10
Requested use	Amend to include outside exhibits for better health of animals
Are there deed restrictions?	No

* Only fields that were populated are shown

Documents:

Attach any relevant information such as a written description, site plans, graphics, photos and other documentation:

[Bransons Wild World Revised Site Plans 7-29-2020.pdf](#)

Attach a recent copy of the Warranty Deed/Deed of Trust: [Warranty Deed Wild World 2020 W 76.pdf](#)

Applicant Signature: [signature.png](#)

Attach any relevant information such as a written description, site plans, graphics, photos and other documentation: [Plans for Back WW.pdf](#)

Attach any relevant information such as a written description, site plans, graphics, photos and other documentation: [Letter to Alderman Wild World Back lot 2020.pdf](#)

Attach any relevant information such as a written description, site plans, graphics, photos and other documentation: [Letter Branson Wild World Expansion - Google Docs-signed.pdf](#)

PROPERTY OWNER ACKNOWLEDGEMENT



Property Owner Acknowledgement

In signing this acknowledgement, the property owner supports the request and agrees that all information provided is complete and accurate. The property owner also agrees to abide by the regulations of the Branson Municipal Code and understands they may be held responsible for any violation.

Property address: 2020 WEST 76 COUNTRY BLD, BRANSON, MO

[Handwritten Signature]

Property Owner Signature

JAMES KELLY

Print Name

8-17-2020

Date

STATE OF Missouri)
COUNTY OF Taney) ss.

On this 17th day of August, 2020, before me personally appeared James Kelly, to me known to be the property owner 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 hereunto set my hand and affixed my official seal at my office in Branson, Missouri, the day and year first above written.



[Handwritten Signature: Gertrude Lenice Ontiveros]
Notary Public

My term expires: 4/24/21

DESCRIPTION OF REQUEST

Branson's Wild World

2020 West Hwy 76, Branson, MO. 65616



To: Branson Board of Alderman

From: James Kelly / President / Branson's Wild World Inc.

RE: Back Lot Renovation Branson's Wild World , 2020 West 76, Branson, MO.

Dear Alderman,

Here is a description of the work proposed for Branson's Wild World and the reasons behind the request. In the back of our property we have about 1.5 acres of undeveloped property. We would like your help to permit us to construct new exhibit areas for our mammals here at Wild World. Please see attached plans and engineering for specifics. The new improvements will greatly improve this blighted area, making this part of Branson more attractive for visitors. All exhibits will be completely safe, with hot wire, a perimeter fence, and will be inspected by the USDA and the Missouri Dept of Conservation before use. Currently we have an approved outdoor pen for our wolves, but it is not nearly big enough.

It is very important to the health of our animals to give them more space, sunshine, and fresh air. We can provide this with the proposed improvements. Space outside has also been our number one complaint by visitors for years. I have talked with our veterinarian and our USDA inspector about the benefits to the animals. Everyone agrees this is what needs to happen. Please see the enclosed letter from Dr. Allphin, our veterinarian. Our USDA inspector has also offered to answer any questions you may have. You can call her (Konnies Plumlee) at 417-848-9292.

Branson's Wild World also views this renovation as essential to our continued success. Covid-19 decreased our income by 40% this summer. We lost all income in Spring Break, and the new mask mandate even worsened the blow. We have had no opportunity to save for another bad year. With the opening of the new Branson aquarium, we can no longer use our aquarium exhibits to define us in our advertising. We need to rebrand some of what we do just to survive. We don't want Wild World to become another victim of 2020. However, we are always looking forward. The new exhibits will allow us to advertise new petting zoo experiences for next year, including a kangaroo experience, an outdoor petting zoo area, and swimming with stingrays. These are the kinds of experiences that will have visitors talking about Branson when they go home.

We have now been waiting 4 months for the approval for our permit. We have resolved all concerns but this issue. In 2016 we were approved for a renovation similar to this, however we couldn't raise the funds at the time to build it. Now we were told that approval was a mistake.

Please help us to amend our special use permit and build new homes for our mammals.

Thanks

James Kelly / President / Branson's Wild World Inc.

LETTER OF SUPPORT



Allphin Veterinary Clinic LLC

*10669 State Highway 76
Branson West, MO 65737*

Owen L. Allphin DVM

417-272-8000

21 August 2020

Re: Branson's Wild World Proposed New Outdoor Exhibits

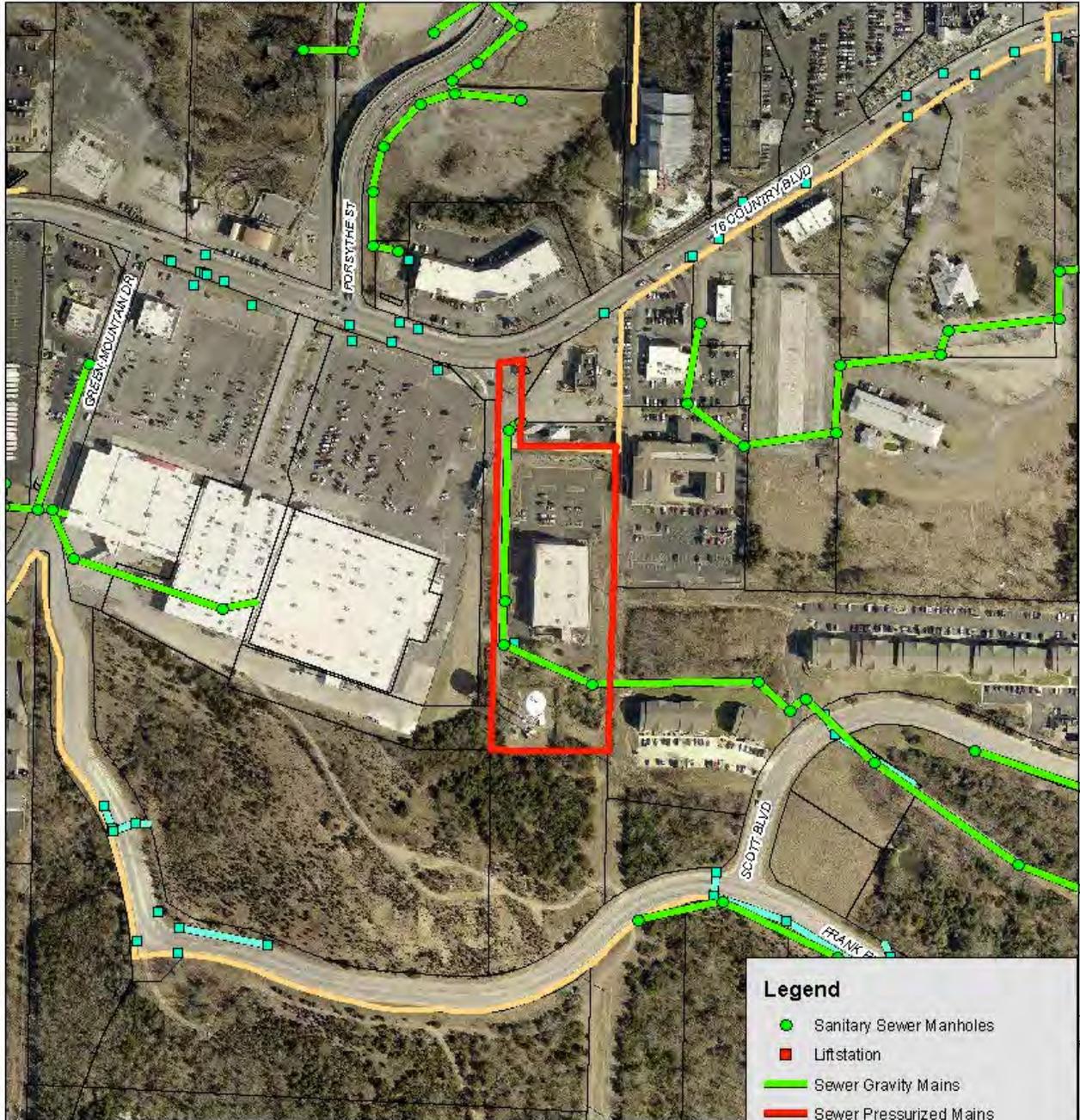
To Whom It May Concern,

As the United States Department of Agriculture (USDA) accredited veterinarian for Branson's Wild World Animal Exhibit, I have reviewed the plans for their proposed new outdoor exhibits. It is my opinion that the new exhibits and housing areas would be a good addition to the facility and would help improve the quality of life of the animals involved. If you have any questions regarding the health and wellbeing of the animals, please feel free to contact me.

Sincerely,

Owen L. Allphin DVM

ATTACHMENT 2: VICINITY MAPS - AERIAL



Legend

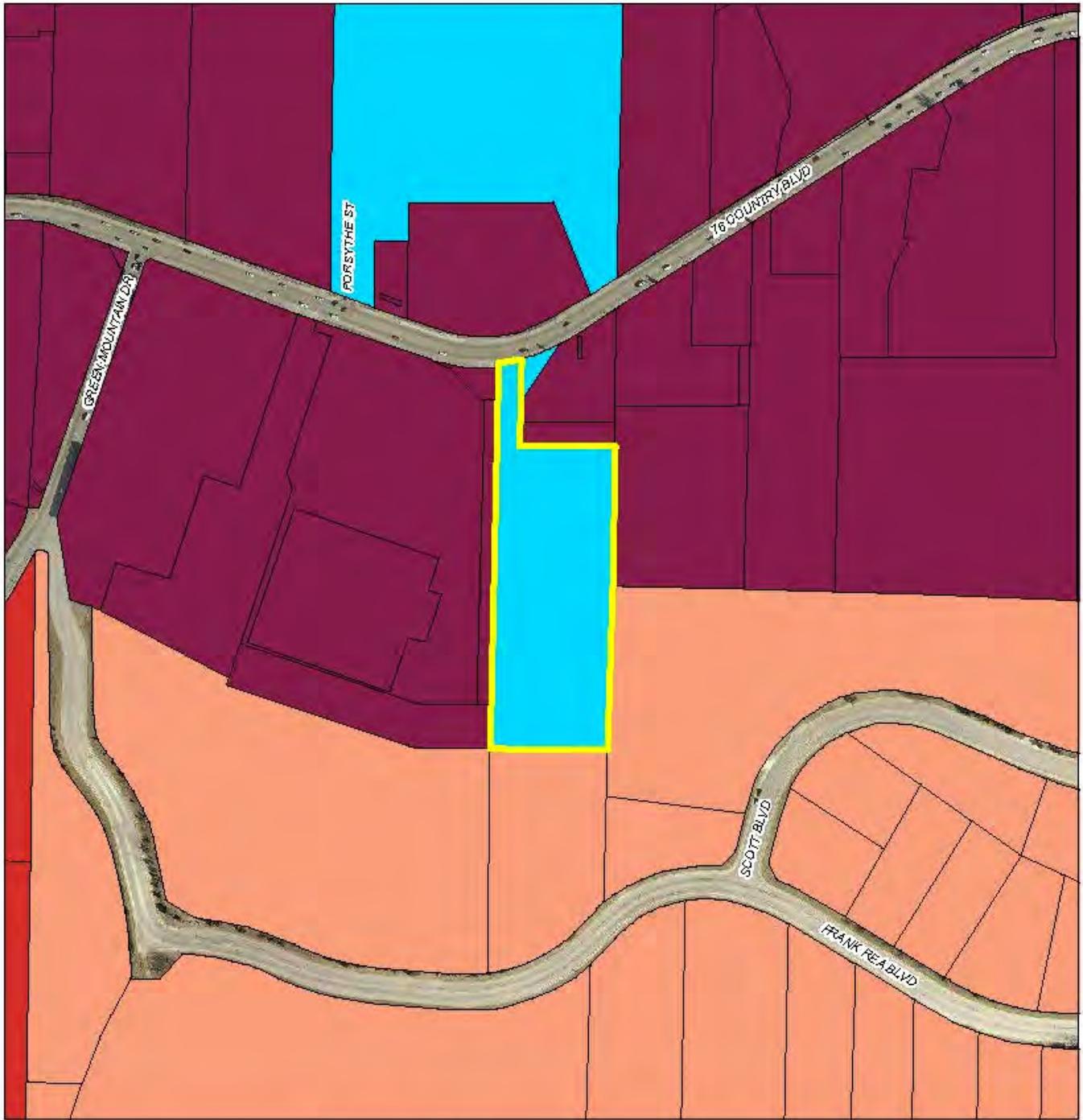
- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- STORM OUTFALL STRUCTURES
- STORM_SEWER_PIPE
- DISTRIBUTION
- TRANSMISSION

N

 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 9/2/2020

2020 W 76 Country Blvd

VICINITY MAPS - CURRENT ZONING



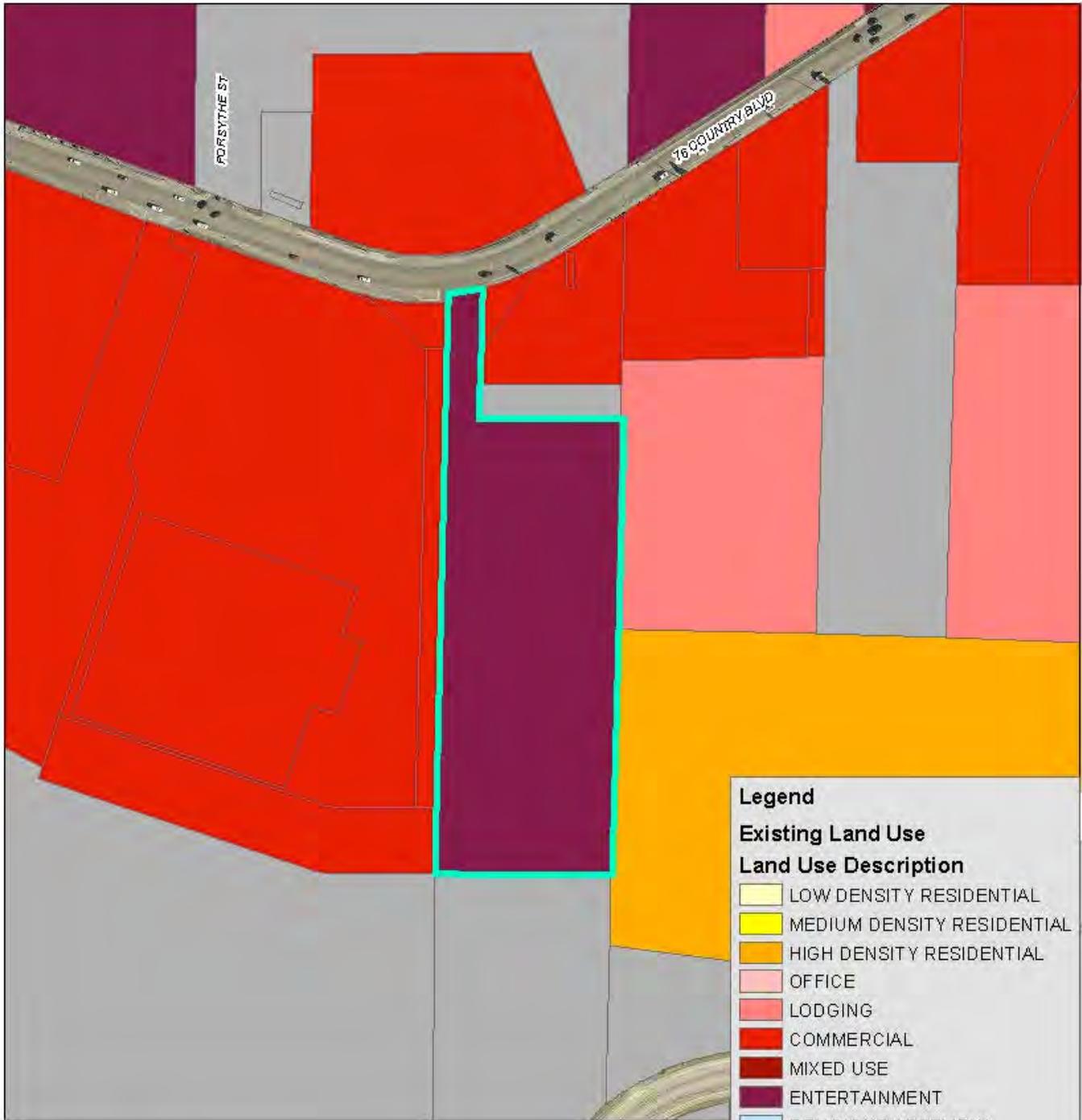
1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 9/2/2020

2020 W 76 Country Blvd

Agricultural	Neighborhood Commercial	Business
Conservation	Mixed-Use	Industrial
Low Density Residential	Community Commercial	Planned Development
Medium Density Residential	Downtown	Unzoned
High Density Residential	Entertainment	

VICINITY MAPS - CURRENT LAND USE



Legend	
Existing Land Use	
Land Use Description	
	LOW DENSITY RESIDENTIAL
	MEDIUM DENSITY RESIDENTIAL
	HIGH DENSITY RESIDENTIAL
	OFFICE
	LODGING
	COMMERCIAL
	MIXED USE
	ENTERTAINMENT
	RELIGIOUS ASSEMBLY
	HEALTH CARE
	INSTITUTIONAL
	INDUSTRIAL
	RECREATION
	OPEN SPACE
	AGRICULTURAL
	UTILITIES
	VACANT
	TANEY COUNTY



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 9/2/2020

2020 W 76 Country Blvd

VICINITY MAPS - ORTHOMETRIC IMAGES



VIEW FROM THE NORTH



VIEW FROM THE EAST



VIEW FROM THE SOUTH



VIEW FROM THE WEST

ATTACHMENT 3: OFFICE MAX PLANNED DEVELOPMENT (PD-99-006)

BILL NO. 1835

ORDINANCE NO. 99-867

AN ORDINANCE APPROVING LAND USE REGULATIONS FOR PLANNED DEVELOPMENT PD-99-006

WHEREAS, the City of Branson by Ordinance No. 682 adopted and established certain zoning districts and classifications for the City of Branson; and

WHEREAS, Section 89.010 to 89.060 inclusive, RSMo. 1978 as amended, provides that a city of the fourth class may amend and change from time to time the boundaries of zoning districts; and

WHEREAS, notice of the proposed change in zoning was published in the Branson Daily News no less than fifteen days prior to public hearing before the Planning and Zoning Commission of the City of Branson; and

WHEREAS, the Branson Planning and Zoning Commission held a public hearing on July 6, 1999 and recommends approval of these Land Use Regulations for Planned Development PD-99-006.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1. The tract of land situated in Branson, Missouri, and as described on Exhibit 'A', is hereby rezoned as Planned Development Number PD-99-006, subject to the Land Use Regulations, which are attached hereto and incorporated herein by reference and are made a part hereof as if set forth herein.

Section 2. That the Official Zoning Map of the City of Branson is hereby amended in respect to the changes in the zoning district of the area described above, and that Title IV of the Branson Municipal Code is hereby amended to add the Land Use Regulations, attached hereto and incorporated herein by reference, as the land use regulations for the area described above.

Section 3. Nonseverability. The Board of Aldermen affirmatively state that it would not have rezoned the property without the assurances contained herein, that the necessary infrastructure would be completed and dedicated to the public, and further that such rezoning would be inappropriate unless and until such public infrastructure is functionally in place to serve the land for its new uses in accordance with the Land Use Regulations for PD-99-006. In the event that any one or more of the phrases, sentences, clauses, paragraphs or sections contained in the Land Use Regulations for PD-99-006, shall be declared invalid by the final and unappealed order, decree or judgment of any court, this entire Ordinance shall be invalidated, it being expressly stipulated by the Board of Aldermen that it would not have rezoned this property unless each and every clause in the Land Use Regulations for PD-99-006 are in fact valid and enforceable.

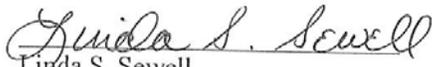
Section 4. This Ordinance shall be in full force and effect immediately after passage by the Board and endorsement by the Mayor, and upon certification to the City Clerk by the City Engineer that a completed easement vacation, meeting all the requirements of the Land Use Regulations for Planned Development PD-99-006 and in a form acceptable to the City Engineer, has been approved by the Board of Aldermen for the City of Branson and properly recorded. Should the easement vacation not be submitted to the City Engineer within ninety (60) days of the date of the final reading of this ordinance, or should the easement vacation not be approved by the Board of Aldermen, this zoning ordinance shall be considered null and void ab initio.

Read this first time on this 26th day of July, 1999.

Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this 26th day of July, 1999.



ATTEST


Linda S. Sewell
Asst. City Clerk



Ron Huff
Mayor Pro Tem

APPROVED AS TO FORM:

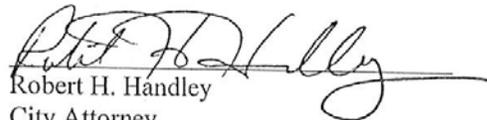

Robert H. Handley
City Attorney

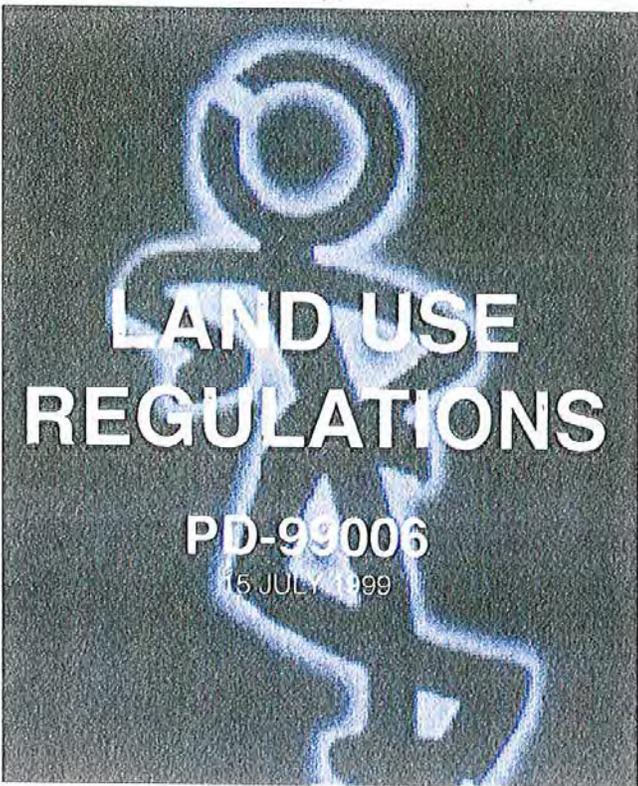
EXHIBIT "A"

A PART OF THE NORTHEAST FRACTIONAL QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 22N, RANGE 22W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

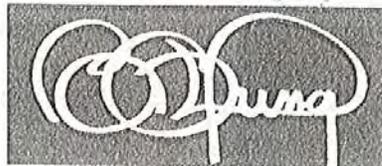
COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF LOT 1, OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 22N, RANGE 22W; THENCE S86°24'41"E, 12.50 FEET; THENCE S90°18'24"W, 57.51 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10°44'57", A RADIUS OF 386.36 FEET FOR AN ARC LENGTH OF 72.48 FEET; THENCE S01°28'33"W, 45.07 FEET TO AN EXISTING IRON PIN FOR A POINT OF BEGINNING; THENCE S70°41'56"E, 133.87 FEET TO AN EXISTING IRON PIN; THENCE S60°22'01"E, 332.03 FEET TO AN EXISTING IRON PIN; THENCE S19°15'34"W, 17.92 FEET TO AN EXISTING IRON PIN; THENCE S70°41'14"E, 440.69 FEET TO AN EXISTING IRON PIN; THENCE N89°42'44"E, 180.60 FEET TO AN EXISTING IRON PIN; THENCE N01°15'18"E, 888.84 FEET TO AN EXISTING IRON PIN ON THE RIGHT-OF-WAY HIGHWAY 76 AND A NON-TANGENT CURVE, THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY THROUGH SAID CURVE HAVING A RADIUS OF 388.10 FEET, A DELTA OF 20°24'37" WITH AN ARC LENGTH OF 138.25 FEET ON A CHORD BEARING OF N74°52'37"E AND A CHORD DISTANCE OF 137.52 FEET; THENCE S33°58'07"W, 158.23 FEET; THENCE S01°23'02"W, 94.00 FEET TO AN EXISTING IRON PIN; THENCE S88°47'10"E, 228.01 FEET TO AN EXISTING IRON PIN ON THE EAST LINE OF SAID SECTION 1; THENCE S01°15'18"W, 320.53 FEET TO AN EXISTING IRON PIN; THENCE S01°08'14"W, ALONG THE EAST LINE OF SAID SECTION 1, 1315.98 FEET TO AN EXISTING IRON PIN; THENCE S01°12'39"W, 315.84 FEET TO AN EXISTING IRON PIN; THENCE N88°33'48"W, 284.39 FEET; THENCE N01°25'40"E, 196.90 FEET TO AN EXISTING IRON PIN; THENCE N88°30'33"W, 794.72 FEET TO AN EXISTING IRON PIN AT THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 107°49'19" AND AN ARC LENGTH OF 282.28 FEET TO AN EXISTING IRON PIN; THENCE N19°18'46"E, 324.02 FEET TO AN EXISTING IRON PIN AT THE BEGINNING OF A CURVE TO LEFT HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 33°37'22" AND AN ARC LENGTH OF 161.38 FEET TO AN EXISTING IRON PIN; THENCE N14°18'36"W, 164.81 FEET TO AN EXISTING IRON PIN AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 23°32'27" AND AN ARC LENGTH OF 110.93 FEET TO AN EXISTING IRON PIN; THENCE N37°51'03"W, 52.67 FEET TO AN EXISTING IRON PIN AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 210.68 FEET, A CENTRAL ANGLE OF 39°11'23" AND AN ARC LENGTH OF 144.10 FEET TO AN EXISTING IRON PIN; THENCE N01°20'19"E, 304.60 FEET TO THE POINT OF BEGINNING, CONTAINING 37.41 ACRES, ALL IN BRANSON TANEY COUNTY, MISSOURI AND SUBJECT TO ANY EASEMENTS OF RECORDS.

ALSO: A PART OF LOT 10 OF THE WEST HALF OF SECTION 6, TOWNSHIP 22N, RANGE 21W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 22N, RANGE 21W; THENCE S01°16'37"W, ALONG THE WEST LINE OF SAID SECTION 6, 1453.54 FEET TO AN EXISTING IRON PIN FOR A NEW POINT OF BEGINNING; THENCE N87°49'53"W, ALONG THE NORTH LINE OF SAID LOT 10, 1740.21 FEET TO AN EXISTING IRON PIN; THENCE S00°29'13"E, 308.66 FEET TO AN EXISTING IRON PIN; THENCE S18°09'00"W, 227.32 FEET TO AN EXISTING IRON PIN; THENCE S88°12'29"W, 193.83 FEET TO AN EXISTING IRON PIN; THENCE S25°36'56"W, 275.25 FEET TO AN EXISTING IRON PIN; THENCE S51°41'15"E, 212.29 FEET TO AN EXISTING IRON PIN; THENCE S47°12'26"E, 457.13 FEET TO AN EXISTING IRON PIN ON THE SOUTH LINE OF SAID LOT 10; THENCE N87°43'53"W, 365.56 FEET TO AN EXISTING IRON PIN; THENCE N88°19'26"W, AND CONTINUING ALONG THE SOUTH LINE OF SAID LOT 10, 1524.20 FEET TO AN EXISTING IRON PIN ON THE WEST LINE OF SAID SECTION 6, THENCE N01°08'14"E, ALONG THE WEST LINE OF SAID SECTION 6, 1315.98 FEET TO THE POINT OF BEGINNING, CONTAINING 49.35 ACRES EXCEPT THAT PART TAKEN OR USED FOR ROAD PURPOSES AND SUBJECT TO ANY EASEMENTS OF RECORD; ALL IN BRANSON, TANEY COUNTY, MISSOURI.



PREPARED BY
YUNG DESIGN GROUP



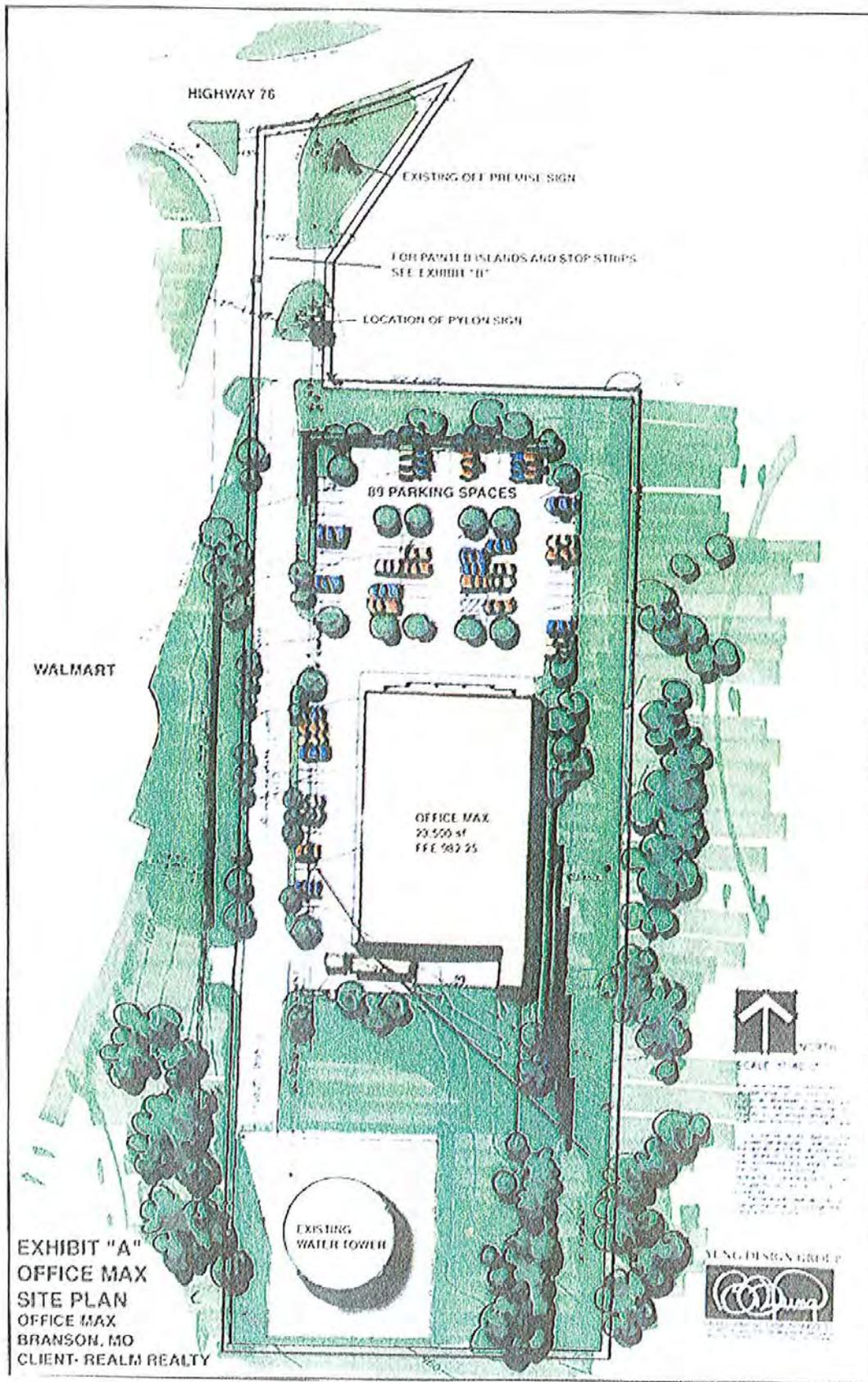


EXHIBIT "A"
OFFICE MAX
SITE PLAN
 OFFICE MAX
 BRANSON, MO
 CLIENT- REALM REALTY





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Publication date 15 JULY 1999



1.00 REGULATIONS GENERALLY APPLICABLE TO ALL TRACTS OF LAND

1.01 PD Plan (Exhibit A) • The PD Plan, attached hereto as Exhibit "A", shall be considered a permanent part of these Land Use Regulations. Exhibit "A" reflects the PD plan view for the entire property illustrating the proposed Office Max facility including parking and vehicular access. Whereas the PD is titled Office Max and reference to the Office Max use is used throughout this document, the use of this property is not limited to that particular company or trademark. The proposed development contains approximately 4.7 acres and is described by the current plat as Lot 14 of the Branson Place Subdivision. The property is located on Highway 76 east of the existing Walmart. In addition to the usable land area for development, the site also contains a City of Branson water tower and an access easement to that tract. Any future change to this PD Plan, once approved, involving a change in identified land uses or to the intensity of use affecting square footage, parking or access easements, shall require approval of the Branson Planning and Zoning Commission and the Board of Aldermen for the City of Branson.

1.02 Tract Development Submittals • All development plans shall require Planning and Development Department approval prior to construction. The project shall be developed under a single phase and shall be developed within the minimum and maximum limits established in these Land Use Regulations. Prior to the development, a development site plan, along with proposed building elevations, shall be presented to

the Planning and Zoning Commission for review and approval. The development site plan and attached submittals shall require approval from the Branson Planning and Zoning Commission and the Branson Board of Aldermen on a case by case basis.

1.03 Zoning • The zoning for the development shall be "PD" Planned Development under the guidelines included in these Land Use Regulations. For specific items not covered in these Land Use Regulations, the zoning regulations of the Branson Municipal Code, consistent with the approved use of the tract, shall apply. The general listing of land use categories referred to in this PD are as follows:

"C " Commercial

Specific uses permitted within this category will be defined under Section 2.0 of this document.

1.04 Number of Development Tracts • The proposed development shall consist of four (4) tracts with the proposed use to be commercial (C) on all four tracts as defined herein. The PD plan represents the proposed uses and their relationship, however the final site plan has not been prepared as of this date and slight variations of placement of the design elements may occur. These variations of placement will not alter the use nor the intensity of use approved within this PD. The final plans submitted for building permits will reflect those changes.

1.05 Private Drive Widths • All drives within the PD shall be private within the commercial development providing access to project related parking and existing water tower.

Private Drive Standards • The private drive within this development shall be constructed with a minimum width of twenty four (24') feet. The parking will be provided in the parking lots as shown on the PD plan. The drives and parking will remain private and the City will not be responsible for any maintenance, cleaning, upkeep or other improvements.

Improvements to Public Streets • As stated, the property abuts Highway 76 on the north. There will not be any modifications to the Highway 76 improvements. The existing shared drive way cut which currently serves Walmart and several other commercial uses, including access to the existing water tower, will be modified to the extent necessary as approved, by the City Engineer, that it will serve as the access to the Office Max development as well. This will involve minor curb improvements and the painting of directional islands and stop bars on the existing pavement. (See Exhibit "B") This work will all be accomplished on private property and read-dressing the existing access easement to the water tower will also be addressed if required. All existing access easements serving the adjacent and interior uses shall remain in effect.

1.06 Setbacks • The setbacks for the four tracts are as follows:

Tract One - Since tract one is a small triangular tract of land with its current use being the location for an approved billboard, the existing setbacks used as the time of the bill board construction shall remain. The setback for the proposed 30' pylon sign for Office Max within the expanded island area shall be five (5) feet from the proposed curb lines.

Tract Two - Tract two use is limited to project signs for the Office Max development and the two access drives, one to TCBY and the other to Taco Bell. The setbacks defined herein reflect those for sign usage only. The front setback which is adjacent to the new curb line of the island in Tract Two, shall be four (4) feet. All other setbacks pertaining to the proposed sign construction are defined under Section Four of these land use regulations.

Tract Three - The front setback for Tract Three shall be twenty five (25) feet measured from the north line of Tract Three. All other setbacks shall be five (5) feet unless superceded by existing utility easements.

Tract Four - Tract four does not abut any public street and the original setbacks used when the water tower was constructed shall remain in force. No additional construction is planned on this tract.

1.07 Tract Sizes • All four tracts shall remain platted as Lot 14, Branson Place Subdivision. Tract One is 0.19 acres, more or less, Tract Two is 0.11 acres, more or less, Tract Three is 3.99 acres, more or less and Tract Four is 0.43 acres, more or less. The previous lot split has been reversed as per the requirements of the P & Z board, a copy of which is attached hereto.

1.08 Height • The maximum height permitted within this development will be measured in accordance with the current adopted version of the BOCA Building Code and/or the current City of Branson Sign Ordinance. The height restriction on Tract One shall be limited to the existing height for the existing off premise sign and shall be limited to thirty (30') feet for the proposed Office Max pylon sign to be located within the expanded island area established by the new curb construction. Tract Two signage shall be limited to a height of thirty (30) feet. Structures within Tract Three shall not be taller than adjacent buildings nor under any circumstance be taller than fifty seven (57) feet. Tract Four shall be limited to

the existing height of the water tower.

1.09 Vegetation Buffers / Screening • Since the development is of a commercial nature and since all abutting properties are also commercial, vegetative buffers will not be required. This provision does not intend to minimize the normal required landscaping minimums for a project of this type.

1.10 Sidewalks • No additional sidewalks are required within the public ROW.

1.11 Landscaping • All approved tracts within this PD shall be subject to the current adopted City of Branson Landscaping Ordinance. This shall include the revegetation of any fill slope created by the construction of this project. This shall include the placement of sufficient topsoil over the rock fill to insure an adequate base to establish turf grasses and tree seedlings or native tree seeds mixed within the topsoil. The developer shall provide complete landscaping for Tract One. The landscape plan for Tract One shall also be required prior to the issuance of the building permit.

1.12 Local Codes and Ordinances • In addition to any of the items listed in these Land Use Regulations, all construction within this PD is subject to all local codes and Ordinances as adopted by the City unless amended as part of this document.

Any proposed retaining walls shall follow the new retaining wall standard as adopted by the City of Branson. The access drive to the existing water tower shall not exceed an average of fifteen (15) percent grade from Highway 76 to the water tower property.

1.13 Fire Safety Requirements

• A fully automatic fire sprinkler system shall be provided in all commercial structures and for all rental units providing accommodations for less

than thirty (30) days, in all structures more than 12,000 square feet in area or exceeding two (2) stories in height.

• On site fire hydrant spacing shall not exceed three hundred feet (300').

• All construction shall be in accordance with the 1996 BOCA Code Series.

1.14 Interior Green • The interior green on all parking areas in this PD shall include the 15% interior green for the development, as per the Landscape Ordinance or amended herein. The area north of the parking lot to the north property line can be counted as interior green since the adjacent neighbors parking lot falls directly north of the proposed parking for this project. Perimeter green shall not count as part of the required 15% area.

1.15 Tree Saving Plan • Trees designated by the developer to remain on site shall be shown on the development plans and labeled as a "Tree Saving Plan", subject to the review and approval of the City Landscape Administrator.

1.16 Storm Water Detention • The owner shall insure that the entire PD will comply with City of Branson storm water detention requirements. Storm water detention will be accommodated on site and any off site drainage will be addressed in the final storm water management plan.

1.17 Off-Street Parking • The off-street parking requirements for this development shall generally follow the intent of the off-street parking requirements as written within the Branson Municipal Code. However the parking requirements for Tract Three shall be limited to 89 spaces. Tracts One, Two and Four will not be required to provide any off-street parking.

Each parking space shall be nine feet (9') wide by nineteen feet (19') long with a minimum twenty two foot (22') drive permitted between two rows of 90 degree parking. The overall dimension for this cross section being a 60 foot module.

1.18 Special Site Constraints • The existing site slopes away from Highway 76 requiring a controlled fill to be installed and the construction of a number of retaining walls. These retaining walls will be designed and constructed in conformance with the City Branson codes and ordinances. The site also contains existing sewer and water lines that will require modification. Due to the amount of fill required, existing sewer manholes will need to be raised to the proposed final grades and the existing water line will need to be raised to conform to City of Branson standards as well. There is limited off site storm drainage that will also need to be addressed.

1.19 Platting • The proposed development involves two existing uses in addition to the proposed Office Max building and its related signage. The water tower is currently located on an easement and is being defined as Tract Four. The other existing use is a bill board defined in this PD as Tract One. The various tracts are separated by several driveways serving other land uses off site however all the above tracts and driveways are encompassed in Lot 14 Branson Place Subdivision. The proposed development and the existing uses shall be allowed to continue without re-platting.

End of Section



2.00 REGULATIONS SPECIFIC TO EACH TRACT OF LAND

2.01 Zoning Uses • Normal uses allowed in a commercial district are outlined within this text under "Uses by Right". Any additional land use option requested by the developer are listed under the "Special Uses" and must be submitted to the Planning and Zoning Commission for approval under the review and approval procedures set forth in the current adopted Zoning Ordinance. Uses allowed in this PD are as follows:

2.02 Specific uses per Tract

TRACT 1

USE BY RIGHT

C - General Commercial uses

1. The existing off premise (bill board) sign as constructed.
2. Proposed 30' tall pylon sign for Office Max in the expanded island area and as permitted in the current adopted sign ordinance and as approved per section 4.0 of these regulations.

TRACT 2

USE BY RIGHT

C- General Commercial uses

1. Signs as permitted in the current adopted sign ordinance and as approved per section 4.0 of these regulations.

TRACT 3

USE BY RIGHT

C - General Commercial uses

1. Any use permitted in the R-3 Multiple Family Residential District of the Branson Municipal Code
2. Signs as permitted in the current adopted sign ordinance and as approved per section 4.0 of these regulations.
3. Accessory structures to serve project
4. Office Supply sales facility
5. Maintenance Facility
6. Parking
7. Museum
8. Car wash and/or Bus wash
9. Visitor Center / Information Center incl. OPC Timeshare center and Kiosk(s).
10. Amusement Parlors, arcades, Go Carts, or any other Tourist Intensive Recreation Use or ride
11. Antique shop
12. Appliance store
13. Arts and Crafts
14. Bank and Financial institution
15. Clothing and shoe store
16. Daycare facilities
17. Drugstore
18. Florist
19. Furniture Store
20. General merchandise, department and variety store
21. Gifts and souvenirs
22. Hardware Store
23. Hotel / Motel
24. Grocery store

25. Music store and studio
26. Newsstand
27. Professional and general offices
28. Public utility offices
29. Restaurant
30. Sporting Goods store
31. Self service laundry
32. Barber and beauty shop
33. Service station and auto repair
34. Laundry and dry cleaners
35. Wholesale house, Sales office and Storage operation
36. Church
37. Convenience Store w/ fuel dispensing.

SPECIAL USES

Tract 1

C- General Commercial uses

1. Theater
2. Hospitals, sanitariums, rest and nursing homes
3. Public buildings, assembly halls and auditoriums
4. Other retail establishments deemed by the planning and Zoning Commission to be in character with the Zoning District and the Special Use Permit.

TRACT- 4

USES BY RIGHT

C- General Commercial uses

1. Existing Water Tower and related facilities

2.03 Prohibited Uses

1. Manufactured Construction Housing.
2. Agricultural Livestock
3. New Off-Premise signs

End of Section



3.00 REGULATIONS SPECIFIC TO INFRASTRUCTURE CONSTRUCTION

3.01 Platting requirements • The property is currently platted and the proposed improvements will not require that the property be replatted. The existing easements shall remain in their general location however minor modifications in easement alignment will be allowed. If these modifications require a different legal description, the newly defined easements shall be recorded to replace those easements being changed. Any modifications that are allowed however will in no way limit the access to the current off-site and on-site uses currently being served. The truck turn around shown on the east property line, shall be accommodated with a separate easement allowing that use by obtaining it from the adjacent property owner. The Developer shall record, at the Taney County Courthouse, this off site easement and any other adjustments to the existing easements.

As this PD provides for an on-premise pylon sign in the existing road access easement, a newly prepared legal description shall be provided allowing for the vacating of that portion of said road access easement upon which the pylon sign shall occupy. This vacation of road access easement area shall be accomplished prior to the issuance of a building permit for the primary structure.

3.02 Infrastructure Requirements • All infrastructure shown on the PD Plan, including but not limited to private drives, curb and gutters, sidewalks, sewer, water, storm drainage, etc., shall be inspected and approved by the City En-

gineering Department prior to approval of an occupancy permit. The construction of these improvements shall be done by the developer and coincide with construction of the primary improvements.

3.03 PD Phasing • This project shall be constructed in one phase.

3.04 Parks and Open Space Dedication - No dedication of land for public parks or open space shall be required for this development.

3.05 Infrastructure Construction - The only public facilities which will be affected relate to sanitary sewer and public water line relocations. These relocations shall be designed, approved and constructed using the current City of Branson codes and ordinances and are subject to inspection by the City of Branson public works department. These include raising the existing sanitary sewer manholes to match the proposed grades and raising the existing water line to maintain a 42" cover. Existing storm water drains will be extended and or modified to conform to the final grading plan elevations

Regarding other improvements, the developer shall be responsible for making the necessary curb and paving improvements and the painting of directional islands and stop bars shown on Exhibit "B" or as designed and submitted to the City of Branson for final approval during the building permitting process.

End of Section



4.00 SIGN REGULATIONS

4.01 Reserved

4.02 Reserved

4.03 Allowable Total Sign Area The maximum allowable total sign area for this development shall not exceed that presented and approved as part of this Planned Development. Future amendments to this Planned Development shall not exceed the maximum allowable total signage area for each tract as follows:

Tract One - Signage permitted in Tract one is limited to the current off-premise sign and one additional pylon sign for the Office Max development. The total sign area for the Office Max sign is included as part of the maximum sign area allowed in Tract Three.

Tract Two - The signage area allowed for any future signage in this tract is included in the Tract Three calculations.

Tract Three -eighteen hundred and sixty (1860) square feet for the illustrated product. However should the product be changed to allow a building with a wider frontage, the allowable signage would be modified by using the formula, width of building facing Highway 76 x 15 = allowable sign square footage.

Tract Four - No signage allowed.

4.04 Landscaping There shall be a minimum of one hundred fifty (150) square feet of vegeta-

tive landscaping around any free standing or monument sign on the premise with the exception of any directional / informational sign less than 12 sf. The entire island where the existing off premise sign in Tract One, including the expanded area created by the installation of the new curb lines (as required by this PD) where the new 30' Office Max pylon sign is to be constructed shall be completely landscaped. The landscape plan for Tract One shall be prepared by the developer and submitted to the City of Branson for approval as part of the building permitting process.

4.05 Deadline for submittal of final Sign Plan (Attachment #1) Since the final lease agreements are not in place at this time it is impossible to finalize the Sign Plan (Attachment #1) showing each sign, its design and content. Therefore the developer shall be granted a thirty (30) day period to finalize this Sign Plan before it must be submitted to the Planning and Development Department for approval. Upon approval, that plan (Attachment #1) then becomes a part of these Land Use Regulations.

THE SIGN PLAN, ATTACHMENT #1, IS TO BE
COMPLETED AND SUBMITTED

BY DAVID ROTH

End of Section

SIGN PLAN
FOR



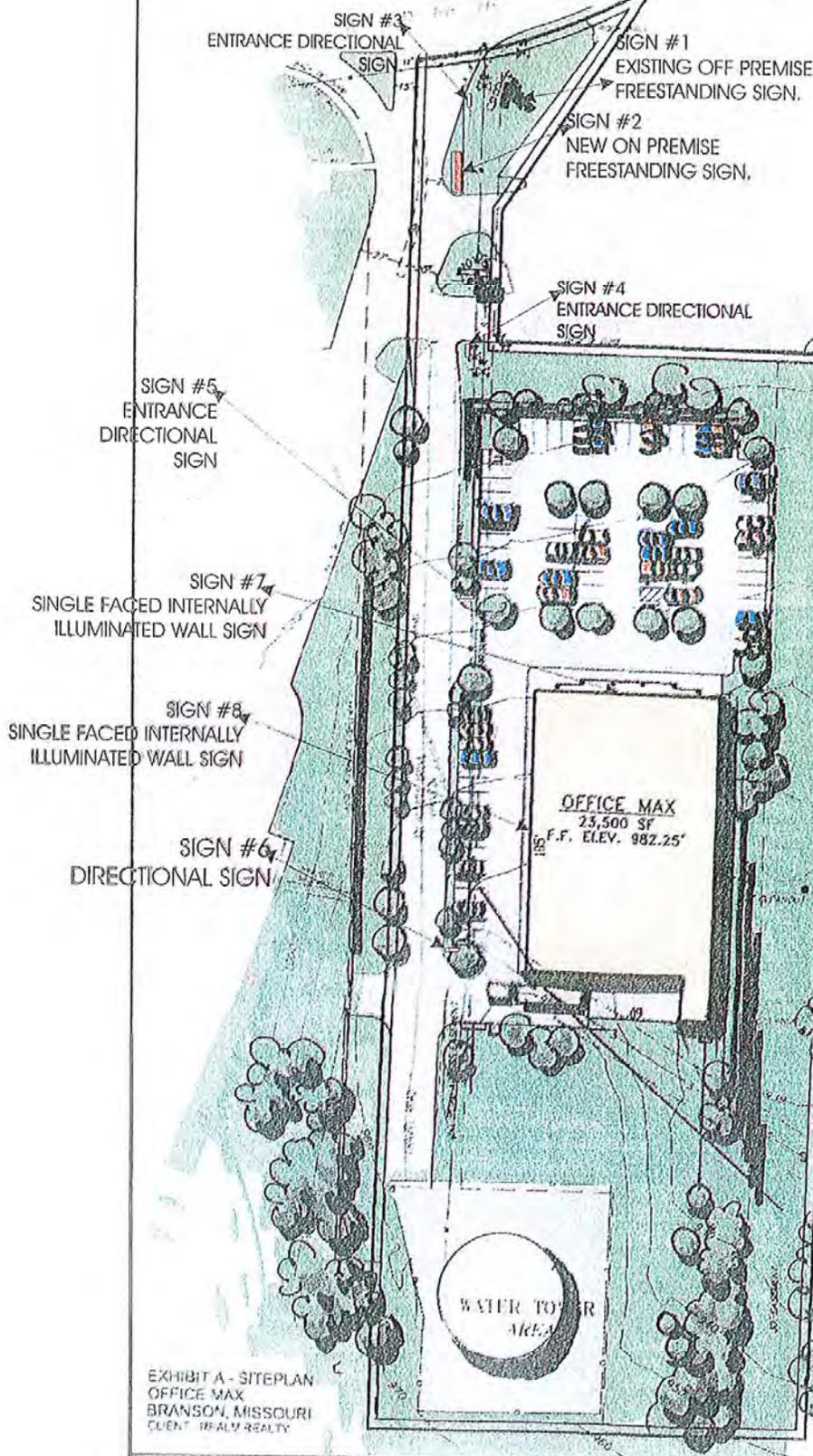
PLANNED
DEVELOPMENT

PRESENTED
BY



DAVID T. ROTH

SITE PLAN FOR OFFICE MAX
SIGN PLAN



SCALE: 1" = 40'-0"

FOR ALL INFORMATION CONCERNING THIS PROJECT, CONTACT THE ARCHITECT AT THE ADDRESS LISTED BELOW. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES.

YONG DESIGN GROUP



EXHIBIT A - SITEPLAN
OFFICE MAX
BRANSON, MISSOURI
CLIENT: REALTY REALTY

PLAN DEVELOPMENT #PD99-00

SIGN PLAN SECTION:

OFFICEMAX RETAIL STORE

WEST HIGHWAY 76, BRANSON, MO

OWNER: REALM REATLY

SIGN PLAN REPRESENTATIVE: DAVID T. ROTH

PURPOSE:

The primary purpose of this property becoming a planned development and having a sign plan implemented is primarily to provide proper identification of the retail property due to the irregular shape of the tract of land and small amount of frontage on highway 76.

The secondary purpose is to provide better direction for the traveling public as they enter the property and begin to navigate between the various businesses adjacent to and in front of the main OfficeMax building located at the back of the property. The primary goal is to direct the traffic coming east and west on highway 76 to let them know that the main entrance to the store is there.

Sign #1 - Existing Permitted Off Premise Free Standing Sign-

Landscape entire .19 acre island below this sign.

Sign #2 - New On-Premise Freestanding Sign.

10' 0" high by 25' 0" wide double faced internally illuminated sign. Sign height is being requested at 30 feet high due to it's location off of highway 76. This sign will also have 150 square feet of landscaping directly below it. The placement of the sign shall not interfere with the existing tcpy freestanding sign.

Sign #3, 4, 5 & 6. -Directional signage. Each sign will be 1'6" high by 4' 0" wide or now larger than 6 square as the sign code allows. These signs will be used to direct traffic into the entrances to the store.

Sign #7 - Wall Sign North Elevation. Aluminum lighted individualchannel letters reading: OfficeMax. 6' 0" high by 46' 6" wide.

Sign #8 - Wall Sign West Elevation. Aluminum lighted individualchannel letters reading: OfficeMax. 6' 0" high by 46' 6" wide.

TOTAL ALLOWABLE SIGN AREA SQUARE FOOTAGE CALCULATIONS:

**STORE BUILDING LENGTH FRONTING HWY 76 IS 103 LINEAR FEET.
103 X 15 SQAURE FEET EQUALS 1545 TOTAL ALLOWABLE SIGNAGE
SQUARE FOOTAGE ON PROPERTY.**

NEW SIGN PLAN SQUARE FOOTAGE CALCULATIONS:

SIGN AREA BREAK DOWN.

**SIGN#1.....182.00 SQUARE FEET
SIGN#2.....250.00 SQUARE FEET
SIGN#3.....6.00 SQUARE FEET
SIGN#4.....6.00 SQUARE FEET**

SIGN#5.....6.00 SQUARE FEET
SIGN#6.....6.00 SQUARE FEET
SIGN#7.....279.00 SQUARE FEET
SIGN#8.....279.00 SQUARE FEET

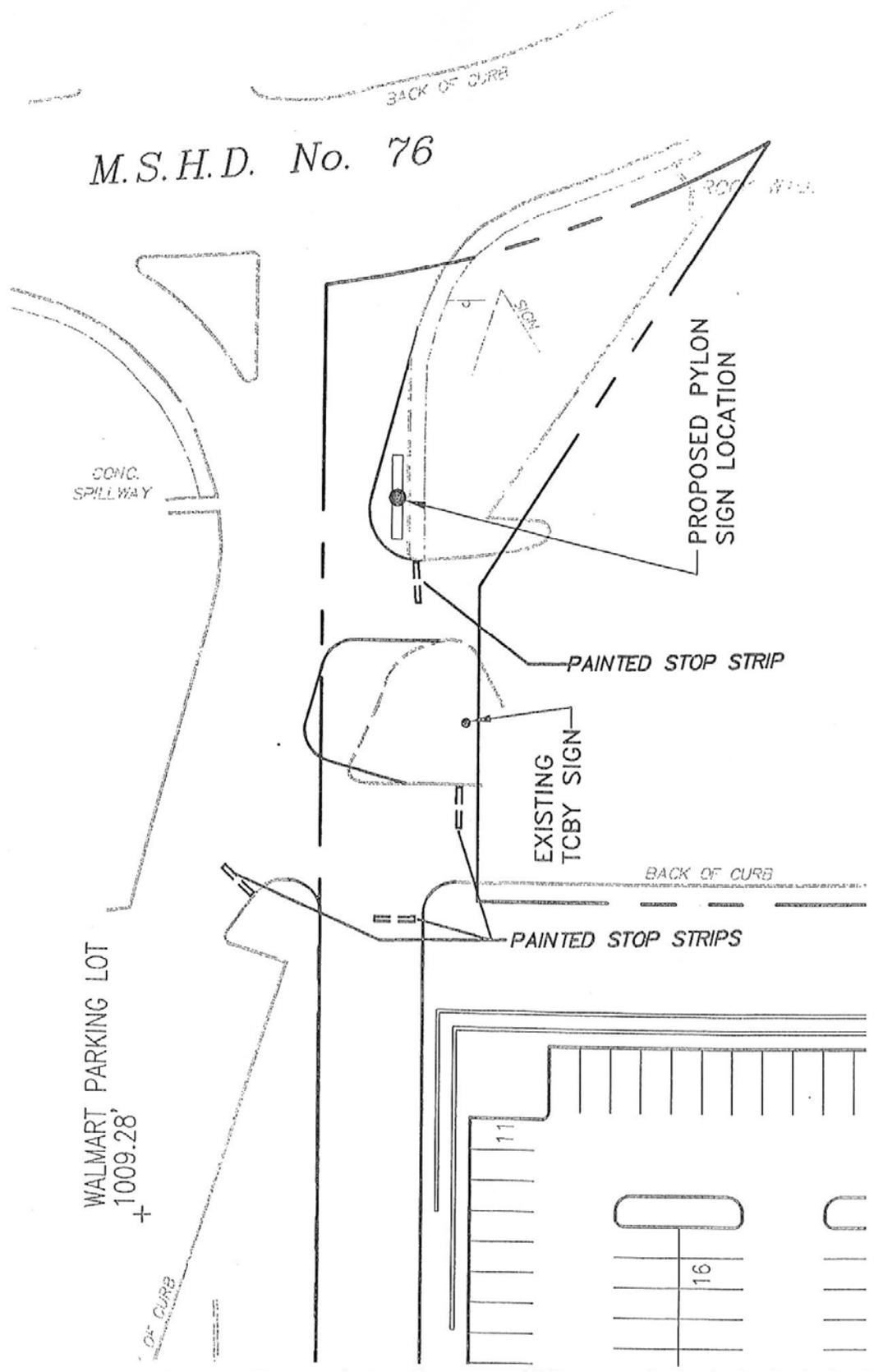
1,545 TOTAL SQUARE FEET OF SIGNAGE ALLOWED.

1,014.00 TOTAL SQUARE FEET USED UNDER NEW SIGN PLAN.

VERTICAL LIGHT POLE BANNERS:

A maximum of two (2) vertical light pole banners shall be allowed on each operational light pole located in each of the parking areas of the different facilities. The banners shall not extend more than two feet from the light pole, contain only the name and /or logo of the main business for the parking lot in which it stands or be decorative in nature and maintain a minimum vertical distance of ten feet from the bottom of the banner from the existing finish grade.

M.S.H.D. No. 76



OFFICEMAX SIGN PLAN SIGN #1
 EXISTING PERMITTED OFF PREMISE FREESTANDING SIGN
 TOTAL SIGN AREA 182 SQ. FT.

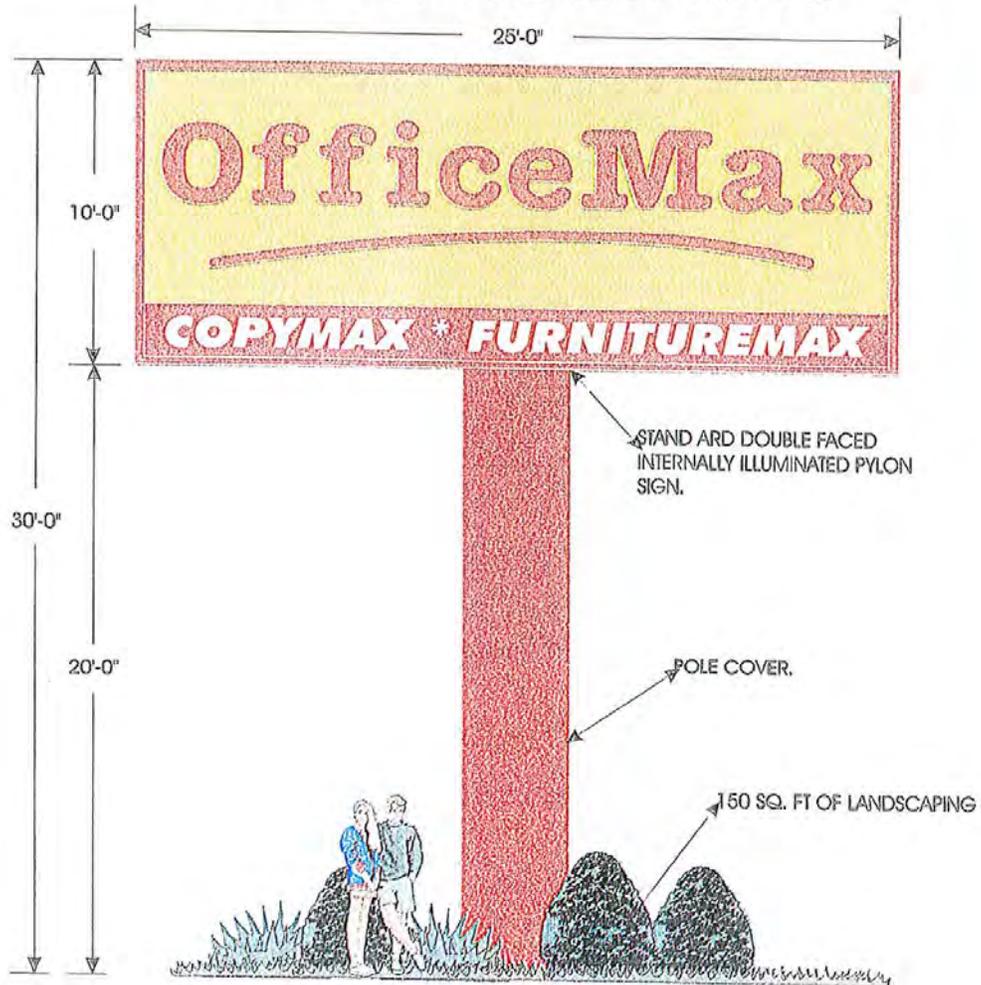


© Date 6/3/99



ACCEPTED BY: _____
 TITLE/DATE: _____

OFFICEMAX SIGN PLAN SIGN #2
 NEW ON PREMISE FREESTANDING SIGN
 TOTAL SIGN AREA 250 SQ. FT.



© Date 6/3/99

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CONTACT: Dave Roth

PHONE: 334-7125 FAX: 335-8288

SCALE: 3/16" = 1'
 FILE: OFFICEMAX2A.CDR



OFFICEMAX SIGN PLAN SIGNS #3, #4, #5 & #6
 NEW DIRECTIONAL ON PREMISE
 TOTAL SIGN AREA 6.0 SQ. FT.



© Date: 6/3/99

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CONTACT: Dave Rolh

PHONE: 334-7125 FAX: 335-8288

SCALE: 1"=10"
 FILE: OFFICEMAX.CDR



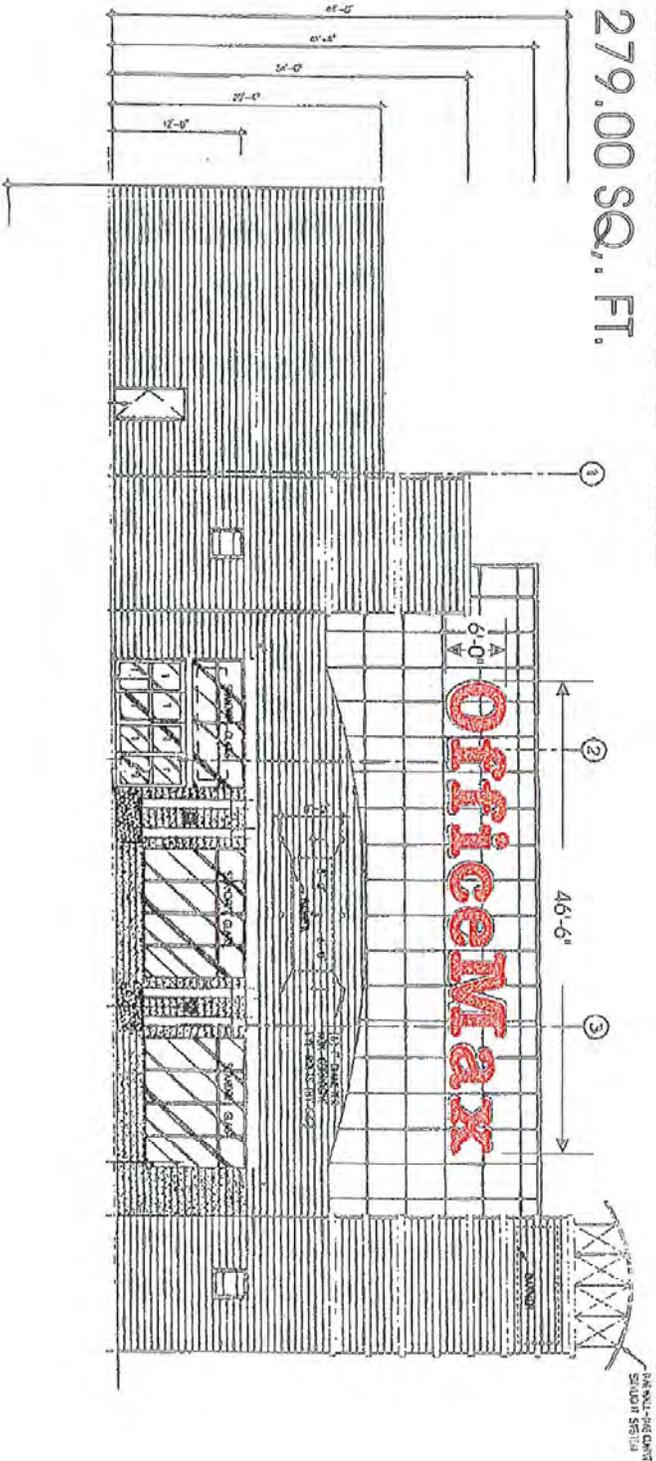
OFFICE MAX SIGN PLAN SIGN #7

NORTH ELEVATION

TOTAL SIGNAGE AREA:

6' 0" HIGH BY 46' 6" WIDE

279.00 SQ. FT.



© Date 6/23/99
 HAS DRAWING BEEN REVISION? IF YES, IN SET. IF YES, PLEASE REVISIONS MADE WITH REVISIONS AND/OR COMMENTS.
 CONTACT: Dave Roth

PHONE: 334-7125 FAX: 334-8288

SCALE: 1/16" = 1'0"
 SHEET NUMBER: 001



ACCEPTED BY: _____
 TITLE: DATE: _____
 LANDLORD APPROVAL: _____
 DATE: _____

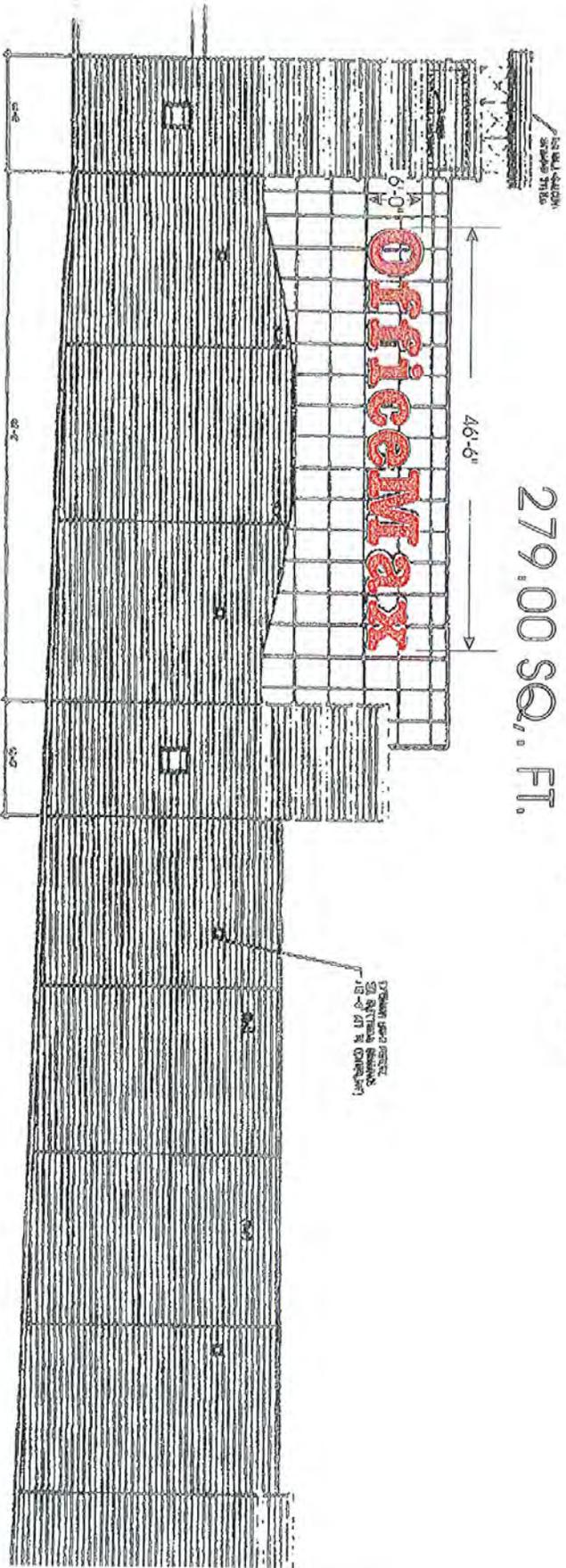
OFFICE MAX SIGN PLAN SIGN #8

WEST ELEVATION

TOTAL SIGNAGE AREA:

6' 0" HIGH BY 46' 6" WIDE

279.00 SQ. FT.



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CONTACT: Dave Roth

PHONE: 334-7125 FAX: 335-9288

SCALE: 1/16" = 1'-0"
FILE: BANNER1.GBR



ACCEPTED BY: _____
 TITLE: _____
 LANDLORD APPROVAL: _____
 DATE: _____

PLANNING AND ZONING COMMISSION

RESOLUTION NO. SU20-7 (20-000007)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND DEVELOPMENT TO AMEND RESOLUTION 12-1.10 TO ALLOW OUTDOOR ANIMAL EXHIBITS WITHIN THE PROPERTY LOCATED AT 2020 WEST 76 COUNTRY BOULEVARD, BRANSON, MISSOURI.

WHEREAS, a Special Use Application has been submitted to the City of Branson by James Kelly on behalf of Branson's Wild World, Inc. for approval of an amendment to Resolution 12-1.10 to allow outdoor animal exhibits within the property legally described as follows:

Lot 14, BRANSON PLACE, a subdivision per the recorded plat thereof, Plat Book/Slide C, pages 641-643 of the Taney County Recorder's Office.

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission to amend a Special Use Permit; and,

WHEREAS, a Public Hearing was held before the Branson Planning Commission on October 6, 2020, at 7:00 pm in the City Council Chambers located at 110 W. Maddux St., Branson, Missouri; and,

WHEREAS, all required documentation and payment of the required filing fee have been received by the City of Branson.

BE IT THEREFORE RESOLVED, that the Planning Commission for the City of Branson hereby authorizes the Director of Planning and Development to amend Resolution 12-1.10, as described by Exhibit B, attached hereto and incorporated by reference herein, to allow outdoor animal exhibits within the property located at 2020 West 76 Country Boulevard, Branson, Missouri, upon certification by the appropriate departments of the City that the following conditions have been satisfactorily completed:

1. This Special Use Permit is not transferrable in any manner and therefore shall not be transferred from owner to owner. If Branson's Wild World Inc. ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. The installation and activities covered by this Special Use Permit as shown in Exhibit A shall be in accordance with all applicable city, state, and federal requirements, including but not limited to the height, overhang, strength and containment of fencing; and,
3. All regulations and standards concerning the treatment and handling of animals shall be met; and,
4. Lions, tigers and ligers must be shut indoors between the hours of 10:00 p.m. and 7:00 a.m.
5. Any person under the age of five shall not be allowed to handle any of the animals. Signs shall be posted stating this in every area where contact with an animal is possible; and,
6. The applicant shall apply for and receive a business license from the City of Branson prior to any business operations, and that license shall remain in good standing; and,

7. If all conditions of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before January 1, 2022, this Special Use Permit shall be null and void.

DONE THIS 6TH DAY OF OCTOBER, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel - Director of Planning and Development

EXHIBIT B

PLANNING AND ZONING COMMISSION

RESOLUTION NO. 12-1.10 (12-00100010)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND DEVELOPMENT TO ISSUE A SPECIAL USE PERMIT TO OPERATE A PETTING ZOO FOR THE PROPERTY LOCATED AT 2020 W. STATE HWY 76, BRANSON, MISSOURI.

WHEREAS, an application has been submitted to the City of Branson by Branson's Wild World, Inc. for approval of a Special Use Permit to operate a petting zoo for the property legally described as follows:

Lot 14, BRANSON PLACE, a subdivision per the recorded plat thereof, Plat Book/Slide C, pages 641-643 of the Taney County Recorder's Office.

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning and Zoning Commission for the approval of a Special Use Permit; and,

WHEREAS, a Public Hearing was held before the Branson Planning and Zoning Commission on December 4, 2012, at 7:30 pm in the City Council Chambers located at 110 W. Maddux St., Branson, Missouri; and,

WHEREAS, all required documentation and payment of the required filing fee have been received by the City of Branson.

BE IT THEREFORE RESOLVED, that the Planning and Zoning Commission for the City of Branson hereby authorizes the Director of Planning and Development to issue a Special Use Permit for Petting Zoo for property located at 2020 W State Hwy 76 Branson, Missouri upon certification by the appropriate departments of the City that the following conditions have been satisfactorily completed:

1. New structures shall require submittal of individual construction plans and specifications to the City of Branson for review and approval prior to any actual construction; and,
2. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
3. All regulations and standards concerning the treatment and handling of animals shall be met; and,
4. Any person under the age of five shall not be allowed to handle any of the animals. Signs shall be posted stating this in every area where contact with an animal is possible; and,
5. The applicant shall apply for and receive a business license from the City of Branson prior to any business operations, and that license shall remain in good standing; and,
6. All conditions of this resolution authorizing the issuance of this special use permit shall be met on or before June 4, 2013.

12-00100010

SU20-000007

DONE THIS 4TH DAY OF DECEMBER, 2012, BY THE PLANNING AND ZONING COMMISSION
FOR THE CITY OF BRANSON, MISSOURI.



Clark Harris - Chairman

ATTEST:



Jim Lawson Jr. - Director of Planning and Development

12-00100010

SU20-000007

**Branson Planning Commission
Staff Report and Recommendation
Project No. ZO20-6 (20-000006)**

LOCATON: 121 LENHART LANE
OWNER/APPLICANT: LIFESTYLE CONTRACTORS LLC
ITEM/SUBJECT: REQUEST FOR HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTIES LOCATED AT 121 LENHART LANE, BRANSON, MISSOURI.
DATE: OCTOBER 6, 2020
INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

COMMUNITY PLAN 2030: LU 5.3. *Zone all un-zoned properties within city limits.*

APPROVED BY:


Director of Planning & Development
Date SEPT. 25, 2020

STAFF REPORT:

A Zoning Application has been received from Lisa Allen on behalf of Lifestyle Contractors LLC, requesting High Density Residential (HDR) zoning for properties located at 121 Lenhart Lane. The properties are located southeast of the intersection of Lenhart Lane and Friendly Hills Drive, which is approximately 1,500 west of State Highway 265. The adjacent properties which are within the city limits of Branson are currently zoned High Density Residential (HDR). The subject parcels are proposed to be combined with the property to the east and improved as part of the Chateau Mountain development.

The applicant requested annexation into the City on August 31, 2020, and the petition for annexation was formally presented to the Board of Alderman on September 22, 2020. The public hearing and first reading is scheduled for the October 13, 2020 Board of Aldermen meeting, and then the final reading is tentatively scheduled for the October 27, 2020 meeting. This request is to establish zoning for the properties which is reflective of the proposed use of the property and complimentary to the adjacent properties as opposed to Agriculture (A) zoning per Branson Municipal Code Section 94-34. Because this property was not within the city limits at the time, it was not included in the Community Plan 2030's Preferred Land Use Plan (Figure 10).

STAFF RECOMMENDATION:

Staff recommends approval of Resolution ZO20-6.

COMMENTS:

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

ATTACHED INFORMATION: 1) Zoning Application
2) Vicinity Maps
3) Preferred Future Land Use Plan (Figure 10)

ZONING APPLICATION



PLANNING & DEVELOPMENT DEPARTMENT

PLANNING & ZONING | BUILDING PERMITS | SIGN PERMITS

Zoning - Zoning Request

Address: 121 LENHART LN

Description: To establish zoning for the property.

ZO20-000006

Application Date: 09/09/2020

Application Information*:

Applicant Name	Lisa Allen
Applicant Email	lisa.lifestylecontractors@gmail.com
Applicant Address	4675 N Gretna Rd, Ste 201 Branson MO 65616
Applicant Company Name	Lifestyle Contractors LLC
Applicant Company Address	4675 N Gretna Rd, Ste 201 Branson MO 65616
Applicant Home Phone	
Applicant Cell Phone	
Applicant Work Phone	(417) 320-6014
Are you the property owner?	Yes
zoning district	HDR
Current use of property	Single Family Home
Proposed use of property	Nightly Rental
Are there deed restrictions?	Yes

* Only fields that were populated are shown

Documents:

Attach a recent copy of the Warranty Deed/Deed of Trust: [Warranty Deed.pdf](#)

Attach a list of Deed Restrictions: [Deed Restrictions.pdf](#)

Attach property owner acknowledgement and notarization: [Property Owner Acknowledgement.pdf](#)

Applicant Signature: [signature.png](#)

Email: [Notice of Public Hearing - Planning Commission.htm](#)

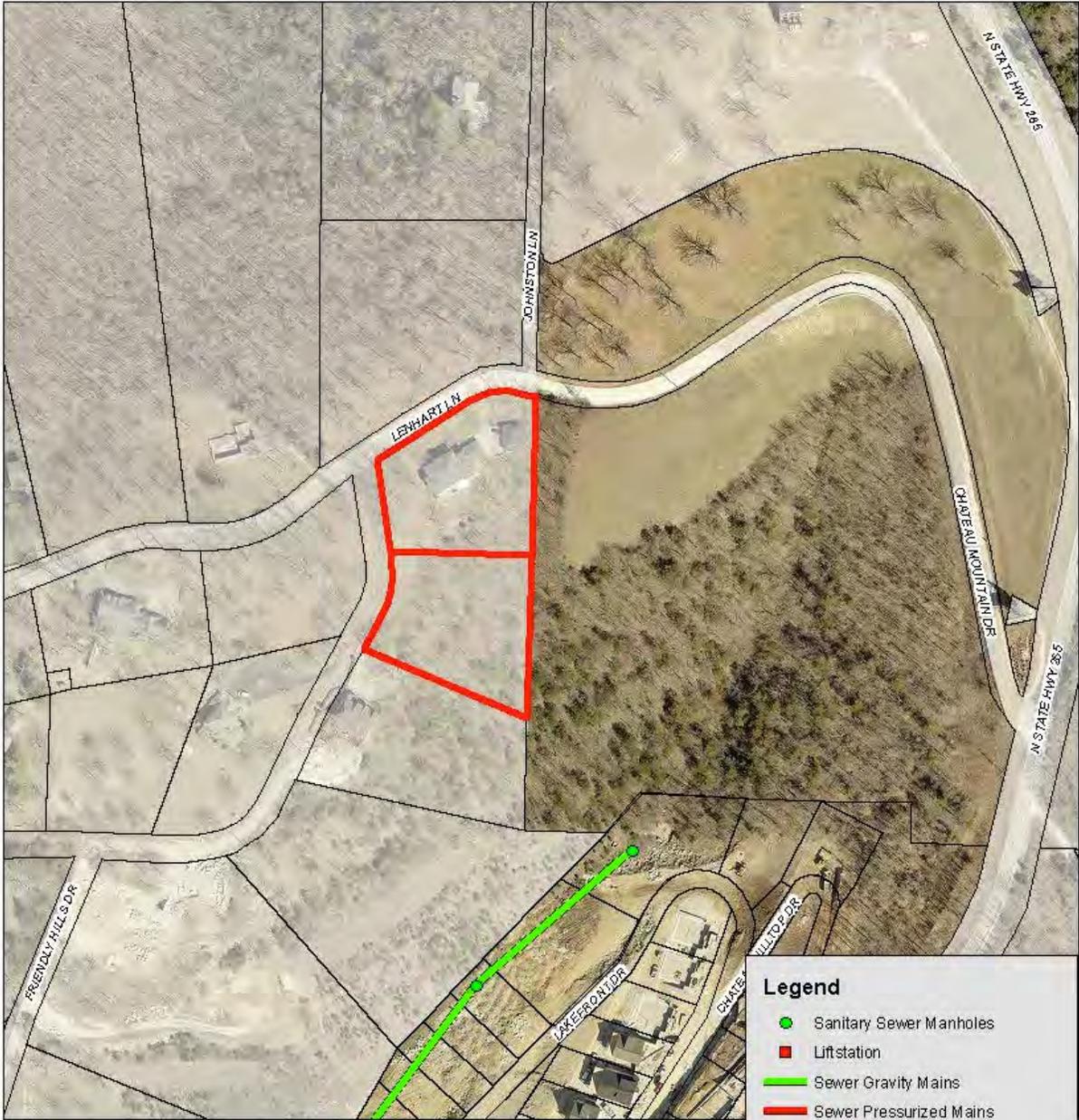
Document: [Neighbor Notice.pdf](#)

Document: [NN List for 121 Lenhart Ln.xlsx](#)

Document: [Legal Proof.pdf](#)

Email: [Planning Application Payment Required.htm](#)

VICINITY MAPS – AERIAL



1 inch = 200 feet

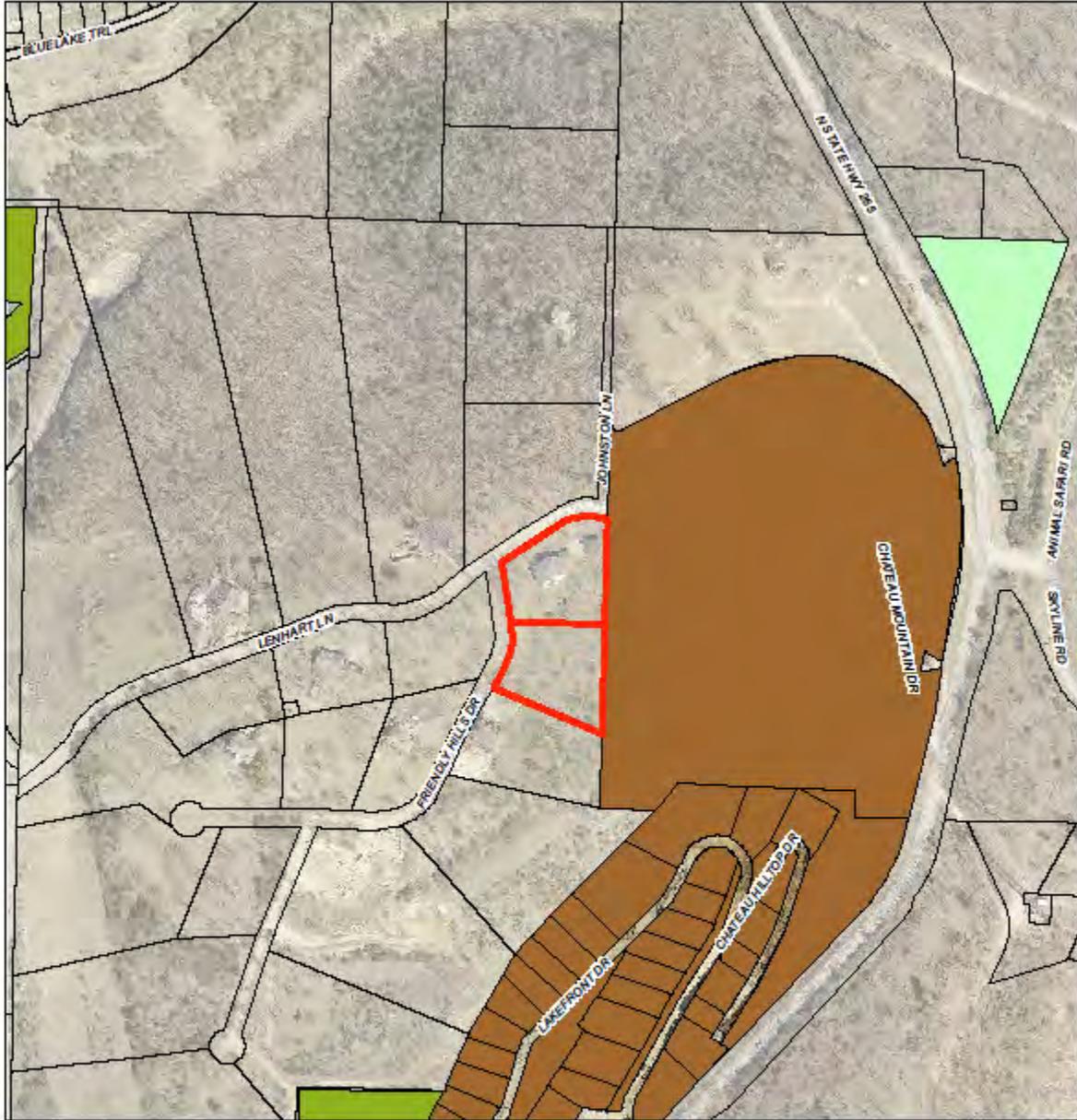
City of Branson
 Planning & Development
 Date: 9/1/2020

121 Lenhart Ln

Legend

- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- STORM OUTFALL STRUCTURES
- STORM_SEWER_PIPE
- DISTRIBUTION
- TRANSMISSION

VICINITY MAPS - CURRENT ZONING



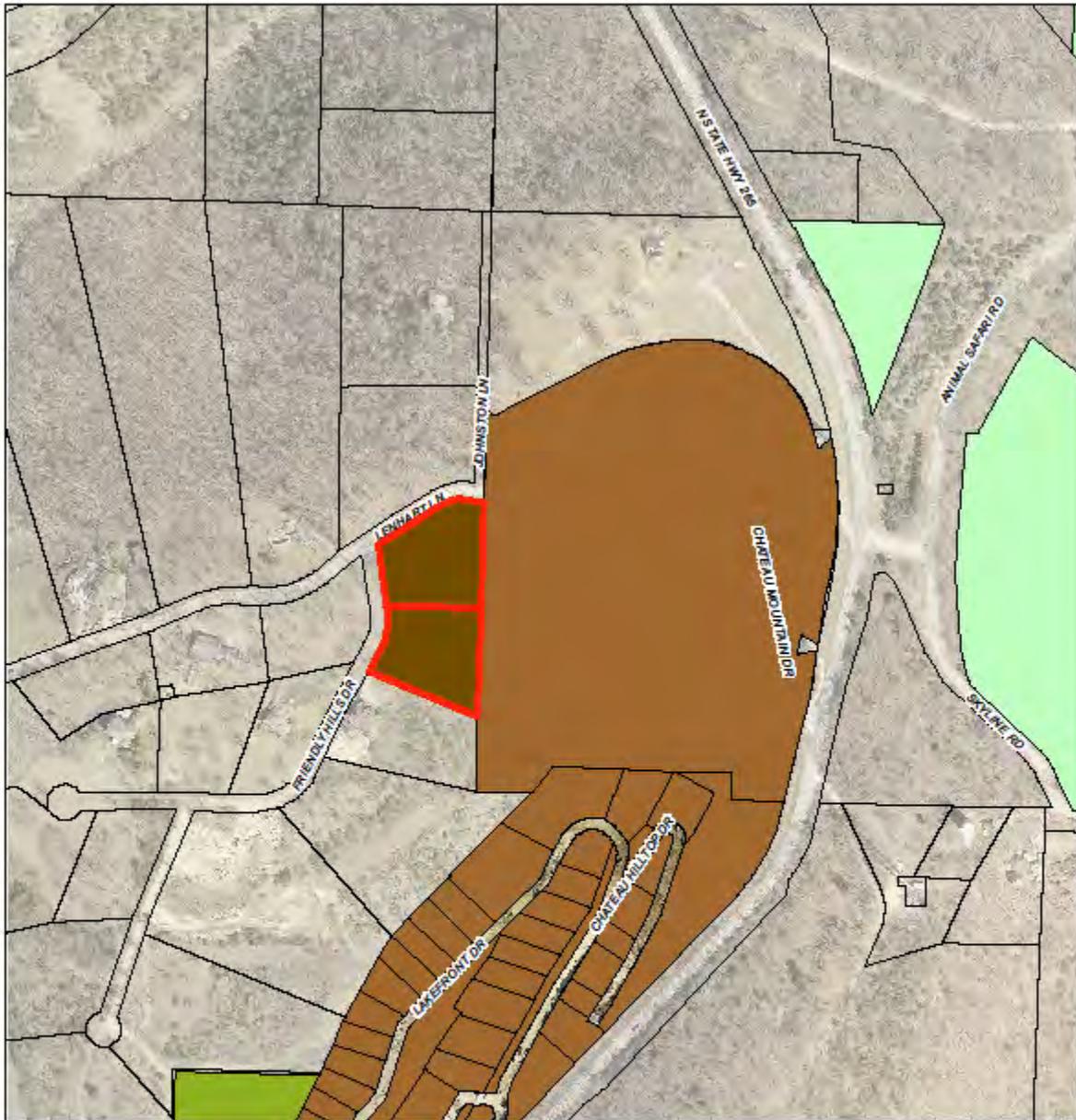
1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 9/17/2020

121 Lenhart Ln



VICINITY MAPS - PROPOSED ZONING



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 9/9/2020

121 Lenhart Ln



VICINITY MAPS - ORTHOMETRIC VIEWS



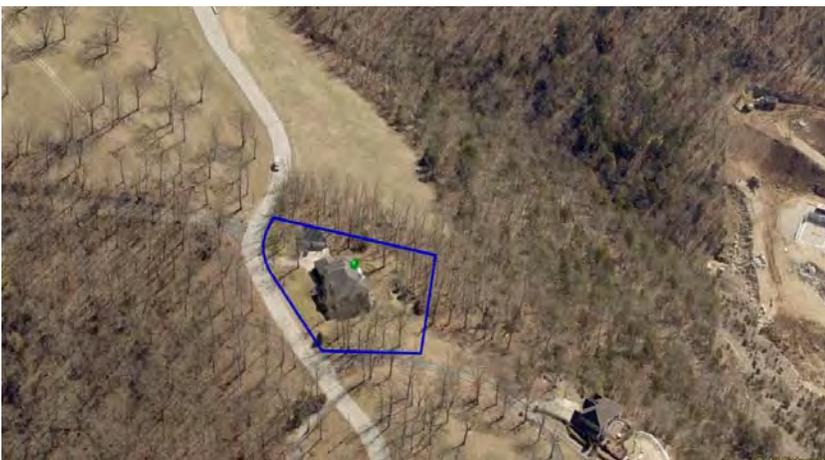
VIEW FROM THE NORTH



VIEW FROM THE EAST

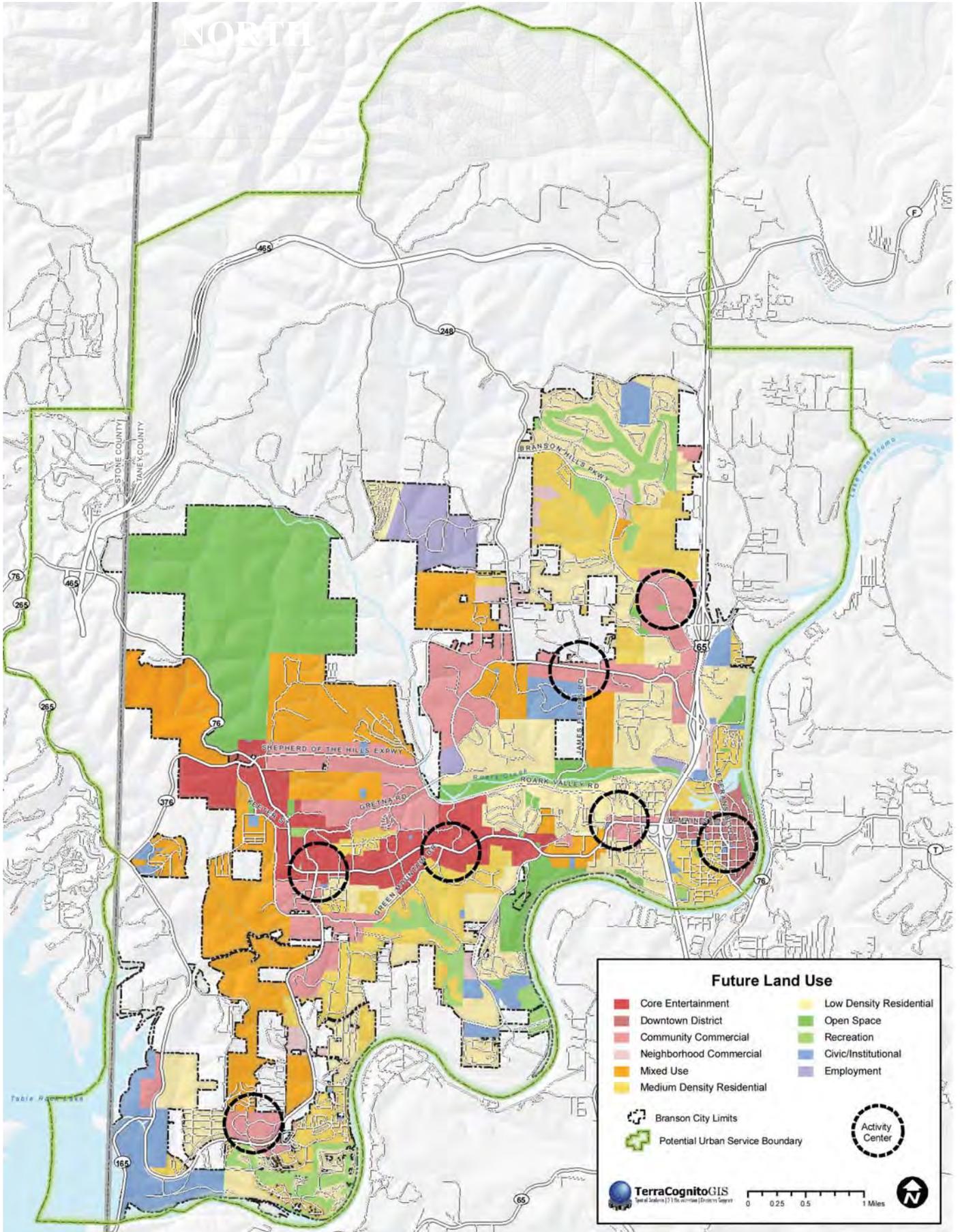


VIEW FROM THE SOUTH



VIEW FROM THE WEST

PREFERRED FUTURE LAND USE PLAN



PLANNING COMMISSION

RESOLUTION NO. ZO20-6 (20-000006)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTIES LOCATED AT 121 LENHART LANE, BRANSON, MISSOURI.

WHEREAS, a Zoning Application has been initiated by Lisa Allen on behalf of Lifestyle Contractors LLC, for approval of High Density Residential (HDR) zoning for the properties located at 121 Lenhart Lane, legally described as follows:

All of Lots 1 and 2, FRIENDLY HILLS SUBDIVISION, a subdivision according to the recorded plat thereof, Plat Book 19, page 54, Taney County, Missouri.

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for the approval of High Density Residential (HDR) zoning; and,

WHEREAS, a Public Hearing was held before the Planning Commission on October 6, 2020, at 7:00 PM in the Council Chambers located at 110 W. Maddux Street, Branson, Missouri; and,

WHEREAS, all required documentation and payment of the required filing fee have been received by the City of Branson.

BE IT THEREFORE RESOLVED, that the Planning Commission for the City of Branson hereby recommends approval of High Density Residential (HDR) zoning for the properties located at 121 Lenhart Lane, Branson, Missouri.

DONE THIS 6TH DAY OF OCTOBER 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris – Chairperson

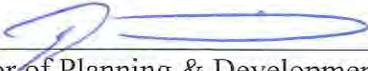
ATTEST:

Joel Hornickel - Planning & Development Director

**Branson Planning and Zoning Commission
Staff Report and Recommendation
Project No. 20-12.2 (20-12000002)**

OWNER/APPLICANT: CITY OF BRANSON
ITEM/SUBJECT: REQUEST FOR MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 – ZONING, PERTAINING TO SPECIAL EVENTS.
DATE: OCTOBER 6, 2020
INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:



Director of Planning & Development

SEP 25, 2020

Date

STAFF REPORT:

A Municipal Code Amendment has been initiated by the Planning and Development Department for modifications to Chapter 94 - Zoning, Articles I and IV, pertaining to special events. Specifically, the proposed amendments are a result of the Special Event Team's efforts.

The Special Event Team was formed in September 2019 by the Assistant City Administrator to improve overall situational awareness of potential special events and other activities within the region. The team consisted of 15 representatives from various City departments, organizations and interests, and they met on nine separate occasions to discuss successes and to identify opportunities for improvement within the special event process. They additionally reviewed the City's role in the management, leadership and oversight of unique events which may have an impact on the community. Based on the opportunities identified, the Team has proposed the following three areas of the Code to update:

- Article I
 - Modification of the special event definition to include all locations within the City
- Article IV
 - Implementation of three special event levels to better address application submission requirements, the review and approval process, and permit fees
 - Consideration of the City's ability to recoup costs associated with assisting special events

Special events have been an active topic of interest and revision over the City's recent history (Ord. No. 1995-0120, Ord. No. 1998-0038, Ord. No. 2000-0159, Ord. No. 2001-0012, Ord. No. 2002-0053, Ord. No. 2010-0033, Ord. No. 2014-0045, Ord. No. 2015-0008 and Ord. No. 2016-0193). However, the concept of special events and their effect on the community has been considered for even longer (Ord. No. 1952-0236).

While the definition of a special event has not changed significantly over the past two decades, staff's interpretation of it definitely has. In Oct. 2000, the City adopted the approach that any extraordinary use of public property would be considered a special event. However, over the next decade, events considered extraordinary by staff greatly expanded to include the simplest of actions such as placing a sign on public property. This slight change resulted in the amount of requests for special event rising to 142 in 2011. However, with a renewed interpretation of the definition in 2014, the number of requests for

special events dropped to 29, and then further to the lowest amount of 12 in 2017 due to an even further limiting definition approved by the City in December 2016. The unfortunate downside of the more concentrated approach was the City's loss in awareness of many smaller events, and those occurring on private property. As a result, the current recommendation is to remove the limitation that only an event held on public property could be defined as a special event.

Knowing the broadening of the special event definition would not only increase the volume of requests, but also their complexity, a recommendation is also being made to create three special event levels. The different levels will allow the City to establish a different set of application and event requirements along with specific review processes so staff can better evaluate the requests based on their proposed attendance, length, impacts on surrounding areas, transportation needs, and public safety staffing needs. Additionally, because each level will require a different amount of time for staff's review, the level approach will provide an opportunity to establish different application fees for each level.

The final recommendation is for the City to return to its initial approach for reimbursement from special events. Prior to March 2010, the Code required special event sponsors to reimburse the City for any expenses incurred. However, expenses were limited to those incurred by the City as a result of stolen or damaged property, the cost of materials and utilities, and for city employee overtime wages. At that time, the simple change in the Code was to replace the word "shall" with the word "may". As the City had not been considering whether or not to request reimbursement of the expenses listed above, in conjunction with special event requests to the Board of Aldermen over the past year, staff has provided a reminder that they do have the option and opportunity to request reimbursement. Since the code change, the City has never requested any reimbursement for their assistance with special events, which has equated to approximately \$25,000.00 per year for the past five years.

All of the proposed amendments described above were presented to the Board of Aldermen during their August 20, 2020 Study Session. While supportive of the definition change and the introduction of levels, some concern was shared with requiring special events to reimburse the City due to the expected economic impact they have on the City.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-12.2.

MUNICIPAL CODE REGULATIONS:

The following regulations should be considered by the Planning Commission in formulating a decision:

Branson Municipal Code Section 94-150. - City planning commission.

- (d) *Planning commission, powers and duties. The planning commission shall be guided by, and set under the applicable laws of the state. The commission shall report on any and all proposed changes in the zoning code when adopted; shall review all proposed subdivisions of land; and may recommend plans and physical improvement programs for the city to the board.*

COMMENTS:

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

ATTACHED INFORMATION: NA

PLANNING COMMISSION

RESOLUTION NO. 20-12.2 (20-1200002)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 - ZONING, PERTAINING TO SPECIAL EVENTS.

WHEREAS, certain areas of the Branson Municipal Code are in need of amendment; and,

WHEREAS, it is the desire of the Planning Commission for the City of Branson to have zoning regulations in the Branson Municipal Code that are clear and concise for understanding and interpretation; and,

WHEREAS, it is the desire of the Planning Commission for the City of Branson to insure that the Unified Development Code is current and user friendly; and,

WHEREAS, the Planning Commission for the City of Branson has determined that amendments to the Branson Municipal Code are reasonable and necessary; and,

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for amendments to the Unified Development Code; and,

WHEREAS, a Public Hearing was held before the Branson Planning Commission on October 6, 2020, at 7:00 PM, in the City Council Chambers located at 110 W. Maddux Street, Branson, Missouri.

BE IT THEREFORE RESOLVED, that the Planning Commission for the City of Branson hereby recommends approval of Municipal Code Amendments to Chapter 94 - Zoning, Pertaining to special events as described on Exhibit 'A', attached hereto and incorporated by reference herein.

DONE THIS 6TH DAY OF OCTOBER, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel – Planning and Development Director

51 EXHIBIT 'A'

52 CHAPTER 94 - ZONING

53 ARTICLE I. - IN GENERAL

54 Sec. 94-5. - Definitions.

55
56 *Special event* means a preplanned, single gathering event or series of related consecutive daily gatherings
57 or events, of an entertainment, cultural, recreational, educational, political, religious, sporting, or of any other
58 nature, sponsored by an individual or entity, and [~~proposed to be held at a public facility, and~~] which could result in
59 activity impeding or impairing the normal flow of vehicles and pedestrians on streets, sidewalks or other public
60 facilities used primarily for travel; require the partial closing or obstruction of such; or requires the necessity of
61 public safety or traffic control measures not already provided at the proposed site of the event.
62
63

64 ARTICLE IV. - USES

65 Sec. 94-65. - Special events.

66 (a) *Permit required.*

67 (b) **Event levels.** Staff shall determine special event levels based on the degree of impacts to the city
68 **including, but not limited to, anticipated attendance as related to the venue being used, transportation,**
69 **and public safety.** A special event may be determined to be either a level one, level two, or level three
70 event based on meeting at least one of the following criteria for each category:
71
72
73

74 **(1) Level one event.**

- 75 a. **Attendance at any one time is estimated to be between one and 1,000 people, and will occur on**
76 **a single day; or**
- 77 b. **Will create minor impacts to the surrounding areas and can be held within an existing venue**
78 **or use area; or**
- 79 c. **Will require minor transportation needs including minimal removal of parking spaces or**
80 **rolling street closures; or**
- 81 d. **Will not require public safety staffing beyond their normal operations.**

82 **(2) Level two event.**

- 83 a. **Attendance at any one time is estimated to be between 1,001 and 5,000 people, and will occur**
84 **over multiple days; or**
- 85 b. **Will create moderate impacts to the surrounding areas and can be held within an existing**
86 **venue or use area; or**
- 87 c. **Will require moderate transportation needs including removal of parking spaces or short term**
88 **street closures; or**
- 89 d. **May require public safety staffing beyond their normal operations.**

90 **(3) Level three event.**

- 91 a. **Attendance throughout the event is estimated to be above 5,000 people, and will occur over**
92 **multiple and consecutive days; or**
- 93 b. **Will create significant impacts to the surrounding areas and cannot be held within an existing**
94 **venue or use area; or**
- 95 c. **Will require significant transportation needs including removal of parking spaces, a**
96 **transportation mitigation plan, an offsite parking plan, or long term street closures; or**
- 97 d. **Will require public safety staffing beyond their normal operations.**

- 98 (~~(b)~~**(c)**) *Application for permit.*
- 99 (1) The application for a special event permit shall be available in the planning and development department.
- 100 (2) The application for a special event permit shall be submitted to the planning and development director **not**
101 **more than 365 days, and not less than the following**~~[a minimum of 15 days prior to the event for~~
102 ~~review by staff. Exceptions to the 15-day requirement may be granted at the discretion of the planning~~
103 ~~and development director];~~
- 104 **a. Level one events shall be submitted not less than 15 days prior to the event. Exceptions may**
105 **be granted at the discretion of the planning and development director.**
- 106 **b. Level two events shall be submitted not less than 30 days prior to the event. Exceptions may**
107 **be granted at the discretion of the planning and development director.**
- 108 **c. Level three events shall be submitted not less than 90 days prior to the event. Exceptions may**
109 **be granted at the discretion of the city administrator. Once staff has completed the review of**
110 **the application, it shall be submitted to the board. Approval given by the board shall be in the**
111 **form of a resolution, stating any specific requirements or restrictions to be followed.**
- 112 (~~(e) Application for permit involving closure of streets. In addition to other provisions of this chapter:~~
- 113 ~~(1) Any special event requiring the closure of streets or roadways within the city shall require approval given~~
114 ~~by the board. Application for such an event must be submitted to the planning and development director a~~
115 ~~minimum of 90 days prior to the event for review by staff. Exceptions to the 90-day requirement may be~~
116 ~~granted at the discretion of the city administrator.~~
- 117 ~~(2) Once staff has completed the review of the application, it shall be submitted to the board. Approval given~~
118 ~~by the board shall be in the form of a resolution, stating any specific requirements or restrictions to be~~
119 ~~followed.]~~
- 120 (d) *Issuance of permit; conditions; transfer; expiration.*
- 121 (e) *Notice of denial of permit; appeal procedure.*
- 122 (f) *Alternative permit.*
- 123 (g) *Modification or rescission of permit.*
- 124 (h) *Responsibility for expenses incurred by city.* The special event sponsors, and any other individuals or
125 organizations named in the permit, **shall** ~~[may]~~ be responsible for any expenses incurred by the city as a result
126 of their event. The city may require a deposit or bond prior to the issuance of a special event permit.
- 127 (i) *Period of operation; duration.*
- 128 (j) *Duty to restore event location.*
- 129 (k) *Exempt events.*
- 130 (l) *Temporary events.*
- 131 (m) *Event advertising.*
- 132 (1) Event signage shall comply with this chapter.
- 133 (2) ~~[Generally-~~
- 134 ~~a. Temporary signage shall not be installed without an approved temporary sign sticker from the~~
135 ~~planning and development department.~~
- 136 ~~b. Weathered or torn temporary signs shall not be permitted, and the planning and development director~~
137 ~~may remove any temporary sign in violation of this subsection.~~
- 138 ~~e. Temporary signage shall not block any line of sight, and shall not be located within a right-of-way.~~
- 139 ~~d. Depending on the location of the temporary signage, special restrictions may apply, including, but~~
140 ~~not limited to, restricted distance from the right-of-way or pavement, and restricted angle of the~~
141 ~~temporary signage facing the road.~~

142 e.] Temporary signage shall be installed for a maximum of seven days **prior to the special event**, in
143 addition to the days of the special event, and a maximum of two days after the special event. Each
144 special event may have a maximum of 20 off-premises yard signs and ten off-premises banner signs.

145
146
147

APPENDIX A - FEE SCHEDULE

Code Section	Description	Fee
<i>Chapter 94—Zoning</i>		
94-6	Special event application	[111.00] <u>50.00</u>
	<u>Level one event</u>	<u>90.00</u>
	<u>Level two event</u>	<u>230.00</u>
	<u>Level three event</u>	<u>510.00</u>

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149
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151

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

**Branson Planning and Zoning Commission
Staff Report and Recommendation
Project No. 20-12.3 (20-12000003)**

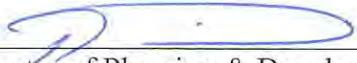
OWNER/APPLICANT: CITY OF BRANSON

ITEM/SUBJECT: REQUEST FOR MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 – ZONING, PERTAINING TO MICROBREWERIES.

DATE: OCTOBER 6, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:



Director of Planning & Development

SEP. 25, 2020

Date

STAFF REPORT:

A Municipal Code Amendment has been initiated by the Planning and Development Department for modifications to Chapter 94 - Zoning, Articles I and IV, pertaining to microbreweries.

In November 2019, the Board of Aldermen approved amendments to Chapter 6 - Alcoholic Beverages, (Ord. No. 2019-0204) after it was determined the City's regulations had fallen out of line with Missouri law which had been recently relaxed for microbreweries. One of the amendments addressed the definition of a microbrewery which limits the number of barrels (approximately 31 gallons) these types of establishments are allowed to produce within a year. While Missouri Statutes and Branson Municipal Code Chapter 6 now both limit microbreweries to 10,000 barrels a year, Branson Municipal Code Chapter 94 allows 15,000 barrels a year. As a result, this conflict within the definition in Chapter 94 needs to be updated.

As staff was preparing this change, they reviewed the other regulations for microbreweries in Chapter 94 for any other potential opportunities or conflicts. Around the same time, Aldermen Whiteis submitted a request for staff to consider allowing microbreweries as an allowed use in the Neighborhood Commercial (NC) district. Given the City has brewery defined as a separate use, which is allowed in the Community Commercial (CC) district, and microbreweries are less intense versions which are typically complimentary to the other types of uses permitted in the Neighborhood Commercial district, staff is supportive of this change.

The City utilizes supplementary use and structure standards to address potential concerns of what effects a use may have on adjacent properties (BMC Sec. 94-61). As a result, staff researched potential standards as part of their review and recommend the following if microbreweries become a permitted use in the Neighborhood Commercial district:

- Microbreweries shall only be open to the public between 2:00 pm and 10:00 pm
- Any outside seating area shall not exceed 50 percent of the setback standards for the zoning district which it is located
- All production, processing, and distribution activities shall be conducted within an enclosed building

Additionally, the City has existing codes to address noise, buffering and signage concerns which may be necessary when a microbrewery is established adjacent to residential areas.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-12.3.

MUNICIPAL CODE REGULATIONS:

The following regulations should be considered by the Planning Commission in formulating a decision:

Branson Municipal Code Section 94-150. - City planning commission.

- (d) *Planning commission, powers and duties. The planning commission shall be guided by, and set under the applicable laws of the state. The commission shall report on any and all proposed changes in the zoning code when adopted; shall review all proposed subdivisions of land; and may recommend plans and physical improvement programs for the city to the board.*

COMMENTS:

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

ATTACHED INFORMATION: NA

PLANNING COMMISSION

RESOLUTION NO. 20-12.3 (20-12000003)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 - ZONING, PERTAINING TO MICROBREWERIES.

WHEREAS, certain areas of the Branson Municipal Code are in need of amendment; and,

WHEREAS, it is the desire of the Planning Commission for the City of Branson to have zoning regulations in the Branson Municipal Code that are clear and concise for understanding and interpretation; and,

WHEREAS, it is the desire of the Planning Commission for the City of Branson to insure that the Unified Development Code is current and user friendly; and,

WHEREAS, the Planning Commission for the City of Branson has determined that amendments to the Branson Municipal Code are reasonable and necessary; and,

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for amendments to the Unified Development Code; and,

WHEREAS, a Public Hearing was held before the Branson Planning Commission on October 6, 2020, at 7:00 PM, in the City Council Chambers located at 110 W. Maddux Street, Branson, Missouri.

BE IT THEREFORE RESOLVED, that the Planning Commission for the City of Branson hereby recommends approval of Municipal Code amendments to Chapter 94 - Zoning, pertaining to microbreweries as described on Exhibit 'A', attached hereto and incorporated by reference herein.

DONE THIS 6TH DAY OF OCTOBER, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel – Planning and Development Director

EXHIBIT 'A'

CHAPTER 94 - ZONING

ARTICLE I. - IN GENERAL

Sec. 94-5. - Definitions.

Microbrewery means an establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces **10,000 or** less [~~than 15,000~~] barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

ARTICLE IV. - USES

Sec. 94-60. - Table of permitted uses.

Table 94-60.1 Permitted Uses

Use Category	Ag/Residential					Mixed-Use/Nonresidential					Supplemental Use Standards		
Subcategory											<i>Note: This reference is to use-specific standards only, other code requirements may apply</i>		
Specific Use Type	CON	A	LDR	MDR	HDR	NC	CC	MU	D	ENT		BUS	I
Commercial Services													
Eating and Drinking													
Microbrewery						<u>P</u>	P	P	P	P	P	P	<u>94-61(e)(4)</u> , 94-63(e)(3)

Sec. 94-61. - Use and structure standards.

- (a) *Generally applicable standards.*
- (b) *Residential uses.*
- (c) *Civic and institutional uses.*
- (d) *Utility uses.*
- (e) *Commercial uses.*
 - (1) *Animal sales and services with outdoor facilities.*
 - (2) *Amusement parlor/arcade.*
 - (3) *Theater.*
 - (4) **Microbrewery.**
 - a. Within a neighborhood commercial district, operating hours are restricted to between 2:00 p.m. and 10:00 p.m. daily.**
 - b. Any outside seating area shall not exceed 50 percent of the setback standards for the zoning district which it is located.**
 - c. All production, processing, and distribution activities shall be conducted within an enclosed building.**

- 87 ([4]5) *Alternative financial establishment.*
- 88 ([5]6) *Automated teller machines (ATMs).*
- 89 ([6]7) *Financial institution.*
- 90 ([7]8) *Off-premises contacts (OPC).*
- 91 ([8]9) *Retail sales establishment.*
- 92 ([9]10) *Thrift store.*
- 93 ([10]11) *Medical marijuana facility.*
- 94 ([11]12) *Lodging.*
- 95 ([12]13) *Car wash, full- or self-service.*
- 96 ([13]14) *Vehicle rental/sales/leasing.*
- 97 ([14]15) *Vehicle repair.*
- 98 ([15]16) *Service stations.*
- 99 ([16]17) *Accessory automatic car wash.* An automatic car wash shall be subject to the following:
- 100 ([17]18) *Electric vehicle charging stations.*
- 101 ([18]19) *Truck stop/travel plaza.*

102
103

104 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE
105 WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

PLANNING COMMISSION

October 6, 2020

ROLL CALL

PUBLIC COMMENTS

REGULAR AGENDA ITEMS

1) Approve Minutes

(a) Planning Commission Regular Meeting

(August 4, 2020)

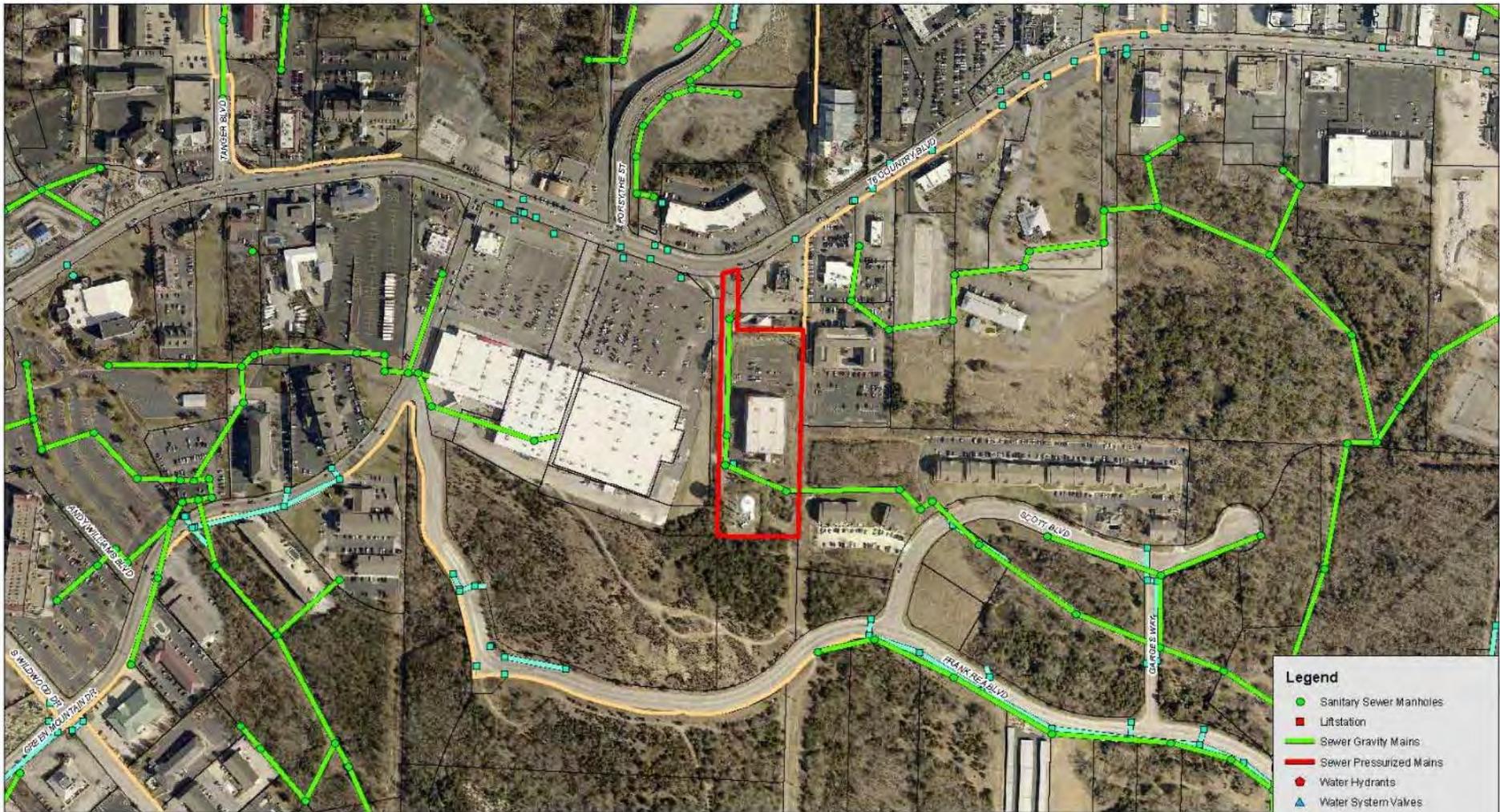
OLD BUSINESS

2) AMEND SPECIAL USE PERMIT

2020 WEST 76 COUNTRY BOULEVARD

- Owner (Applicant): Branson's Wild World Inc. (James Kelly)
- Current Zoning: Planned Development (Office Max - PD-99-006)
- Applicant's Request: Outdoor animal exhibits





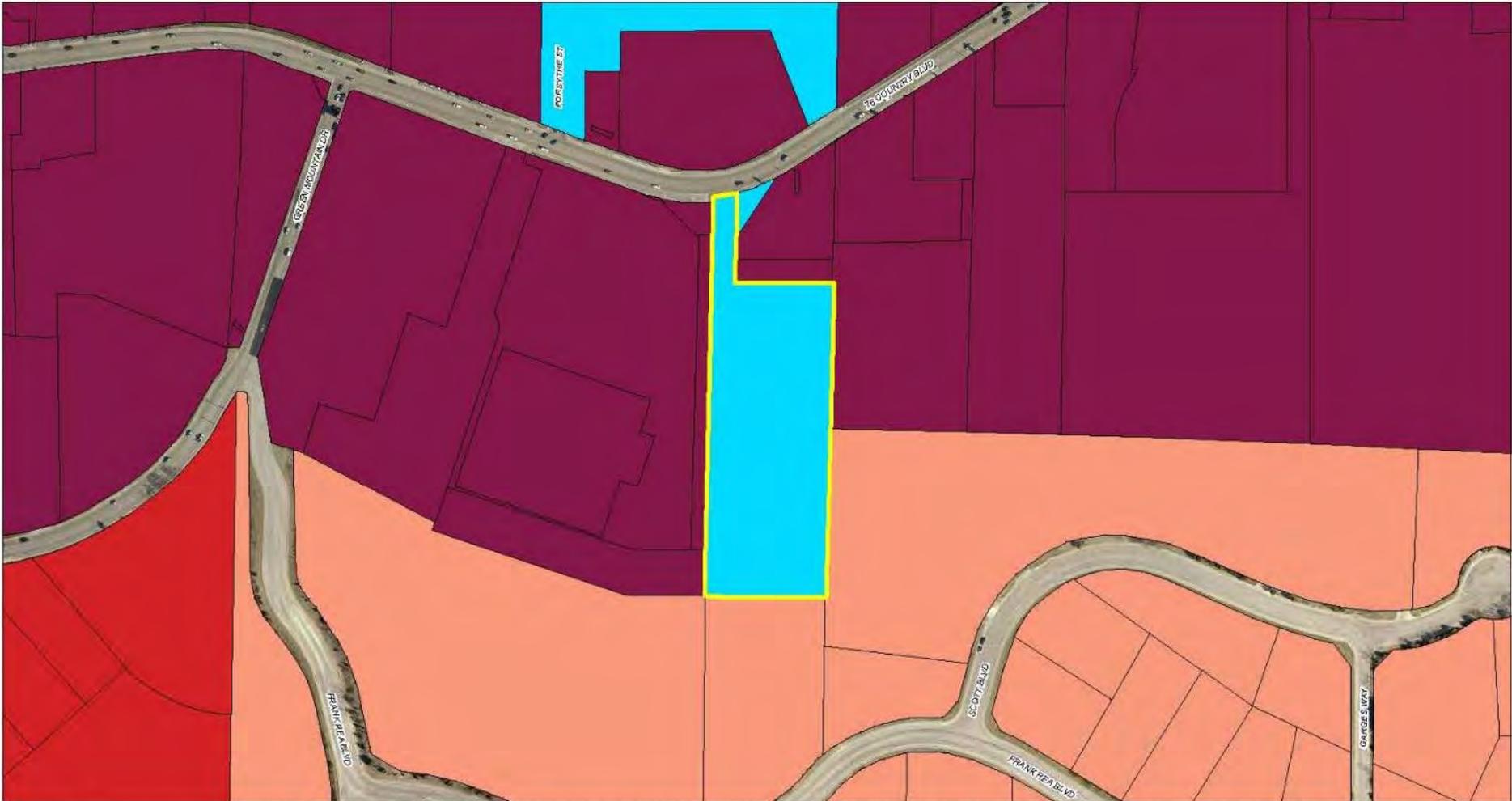
2020 W 76 Country Blvd

- Legend**
- Sanitary Sewer Manholes
 - Lift station
 - Sewer Gravity Mains
 - Sewer Pressurized Mains
 - Water Hydrants
 - ▲ Water System Valves
 - Water Mains
 - STORM INLET STRUCTURES
 - ▼ STORM INTAKE STRUCTURES
 - STORM OUTFALL STRUCTURES
 - STORM_SEWER_PIPE
 - DISTRIBUTION
 - TRANSMISSION



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 9/2/2020



2020 W 76 Country Blvd

N
 1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 9/2/2020

Agricultural	High Density Residential	Downtown	Planned Development
Conservation	Neighborhood Commercial	Entertainment	Unzoned
Low Density Residential	Mixed-Use	Business	
Medium Density Residential	Community Commercial	Industrial	



Legend

Existing Land Use

Land Use Description

[Light Yellow]	LOW DENSITY RESIDENTIAL
[Yellow]	MEDIUM DENSITY RESIDENTIAL
[Orange]	HIGH DENSITY RESIDENTIAL
[Light Pink]	OFFICE
[Pink]	LODGING
[Red]	COMMERCIAL
[Dark Red]	MIXED USE
[Purple]	ENTERTAINMENT
[Light Blue]	RELIGIOUS ASSEMBLY
[Blue]	HEALTH CARE
[Dark Blue]	INSTITUTIONAL
[Dark Purple]	INDUSTRIAL
[Green]	RECREATION
[Dark Green]	OPEN SPACE
[Light Green]	AGRICULTURAL
[Grey]	UTILITIES
[Dark Grey]	VACANT
[White]	TANEY COUNTY

N



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 9/2/2020

2020 W 76 Country Blvd

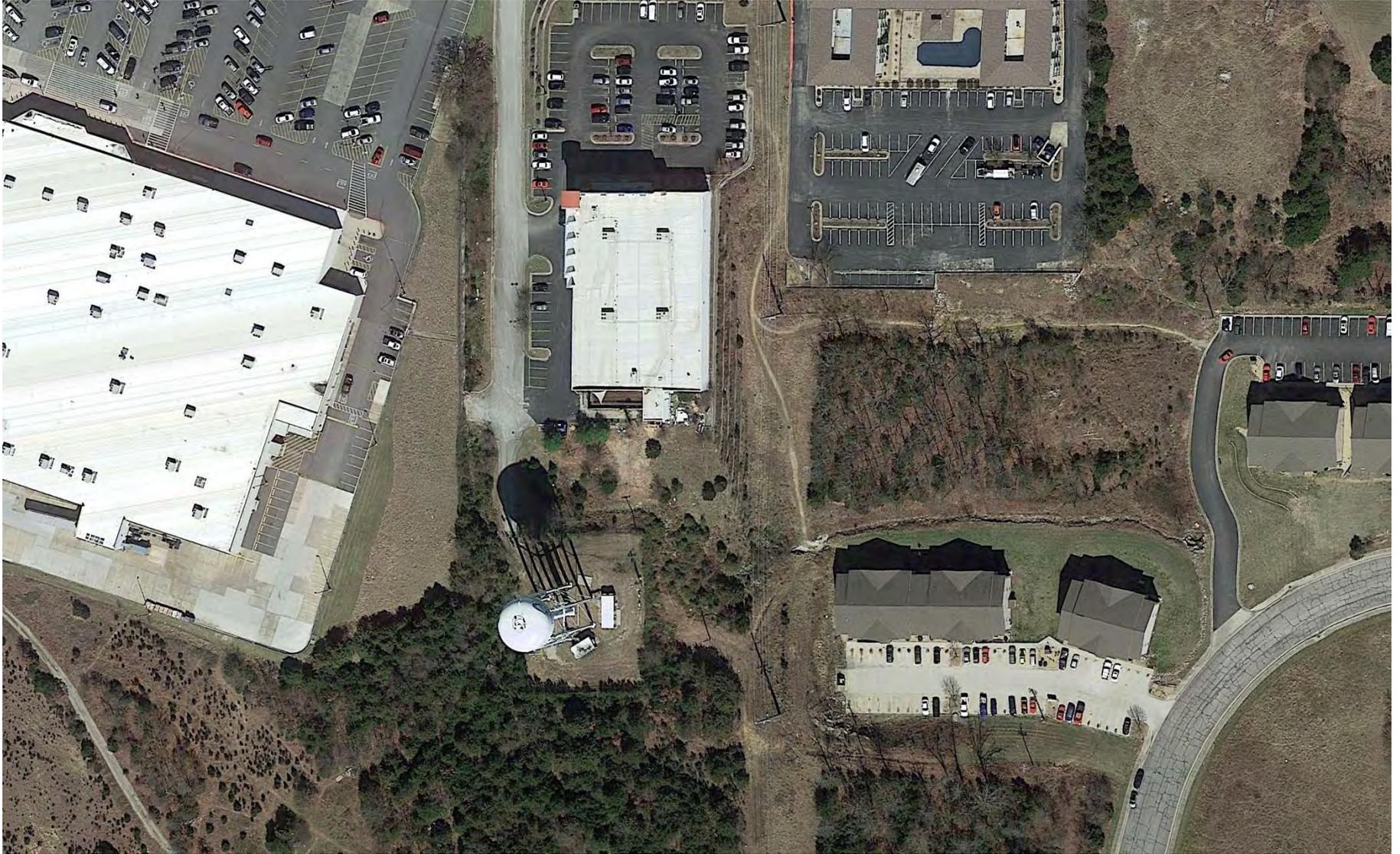
2) AMEND SPECIAL USE PERMIT



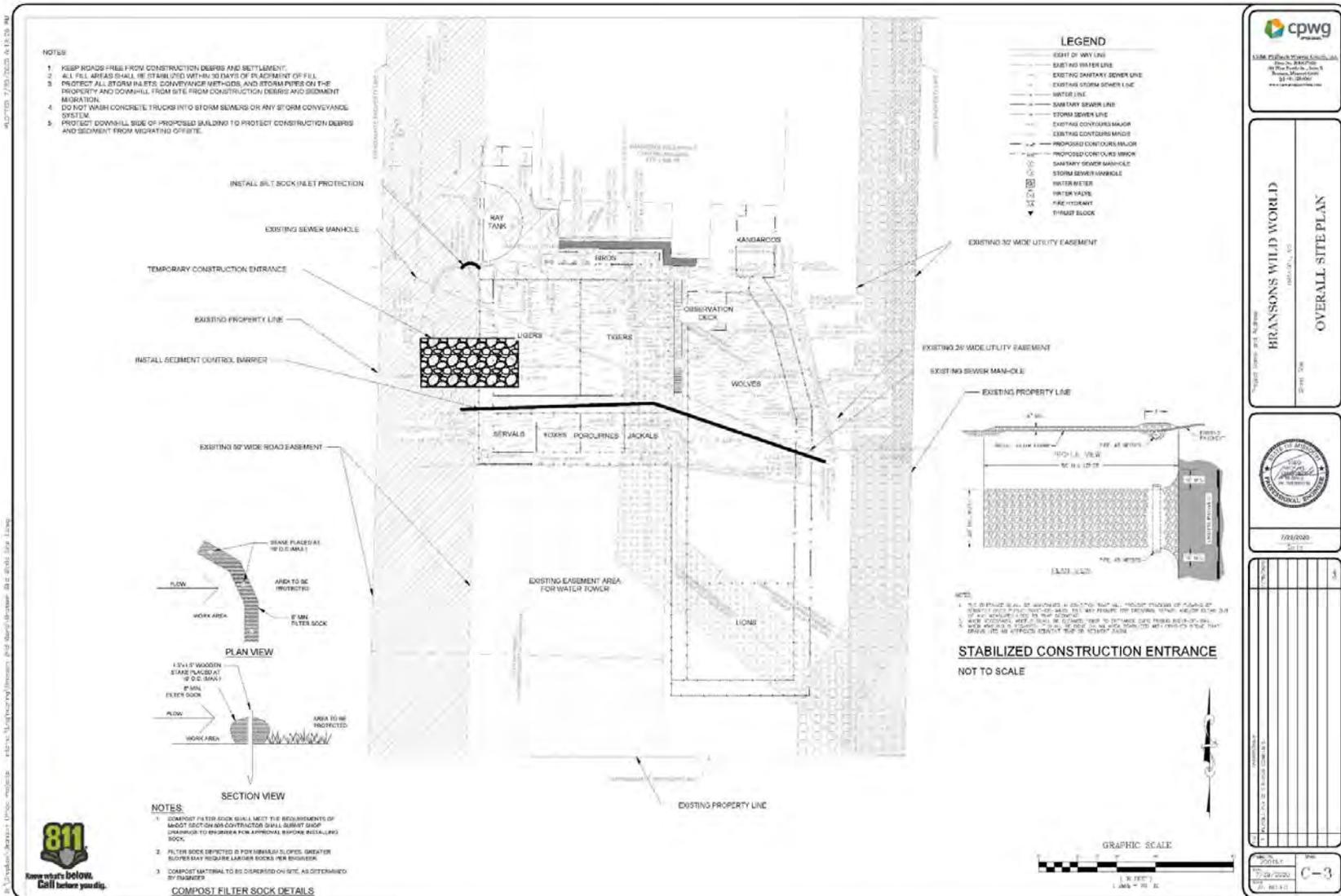
2) AMEND SPECIAL USE PERMIT

- July 1999: Office Max Planned Development (PD-99-006) approved with several uses other than initial intent to allow greatest flexibility for the property
- Dec. 2012: Special Use Permit approved for Branson's Wild World to operate a petting zoo attraction
- June 2016: Building permit issued by City to construct fencing for outdoor areas
- May 2017: Building permit closed for inactivity
- April 2020: Building permit requested to construct fencing for outdoor animal exhibits
 - No mention of outdoor activities in the Planned Development, Planning Commission Meeting minutes, or the staff report for Special Use Permit

2) AMEND SPECIAL USE PERMIT



2) AMEND SPECIAL USE PERMIT



2) AMEND SPECIAL USE PERMIT

- Spaces requested for tigers, lions, ligers, wolves, kangaroos, servals, foxes, porcupines, jackals, birds and sting rays
- Concern with proximity of some of the animals to adjacent properties
 - Less than 100 feet to Branson Park Apartments
 - 350 feet to Holiday Inn Express
- Animal control has reviewed the request and is comfortable with it so long as enclosures comply with applicable standards and noise does not become an issue

2) AMEND SPECIAL USE PERMIT

STAFF RECOMMENDS APPROVAL BASED ON THE FOLLOWING CONDITIONS:

- 1) This Special Use Permit is not transferrable in any manner and therefore shall not be transferred from owner to owner. If Branson's Wild World Inc. ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
- 2) The installation and activities covered by this Special Use Permit as shown in Exhibit A shall be in accordance with all applicable city, state, and federal requirements, including but not limited to the height, overhang, strength and containment of fencing; and,
- 3) All regulations and standards concerning the treatment and handling of animals shall be met; and,

2) AMEND SPECIAL USE PERMIT

STAFF RECOMMENDS APPROVAL BASED ON THE FOLLOWING CONDITIONS (cont.):

- 4) Lions, tigers and ligers must be shut indoors between the hours of 10:00 pm and 7:00 am; and,
- 5) Any person under the age of five (5) shall not be allowed to handle any of the animals. Signs shall be posted stating this in every area where contact with an animal is possible; and,
- 6) The applicant shall apply for and receive a business license from the City of Branson prior to any business operations, and that license shall remain in good standing; and,

2) AMEND SPECIAL USE PERMIT

STAFF RECOMMENDS APPROVAL BASED ON THE FOLLOWING CONDITIONS (cont.):

- 7) If all conditions of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before January 1, 2022, this Special Use Permit shall be null and void.

3) ZONING REQUEST

121 LENHART LANE

- Owner (Applicant): Lifestyle Contractors LLC (Lisa Allen)
- Applicant's Request: High Density Residential Zoning (HDR)

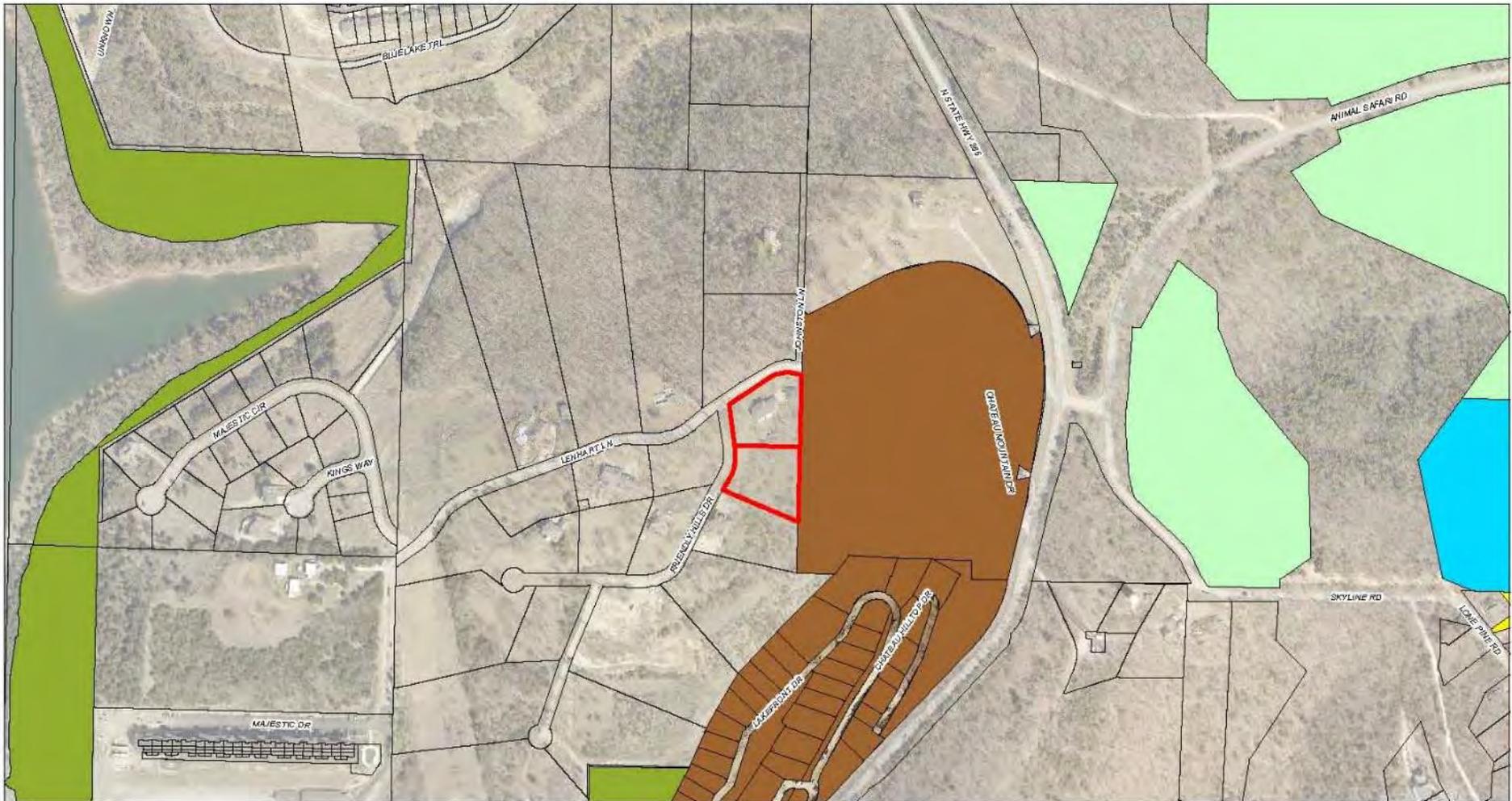




121 Lenhart Ln

- Legend**
- Sanitary Sewer Manholes
 - Liftstation
 - Sewer Gravity Mains
 - Sewer Pressurized Mains
 - Water Hydrants
 - ▲ Water System Valves
 - Water Mains
 - STORM INLET STRUCTURES
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 - STORM OUTFALL STRUCTURES
 - STORM_SEWER_PIPE
 - DISTRIBUTION
 - TRANSMISSION

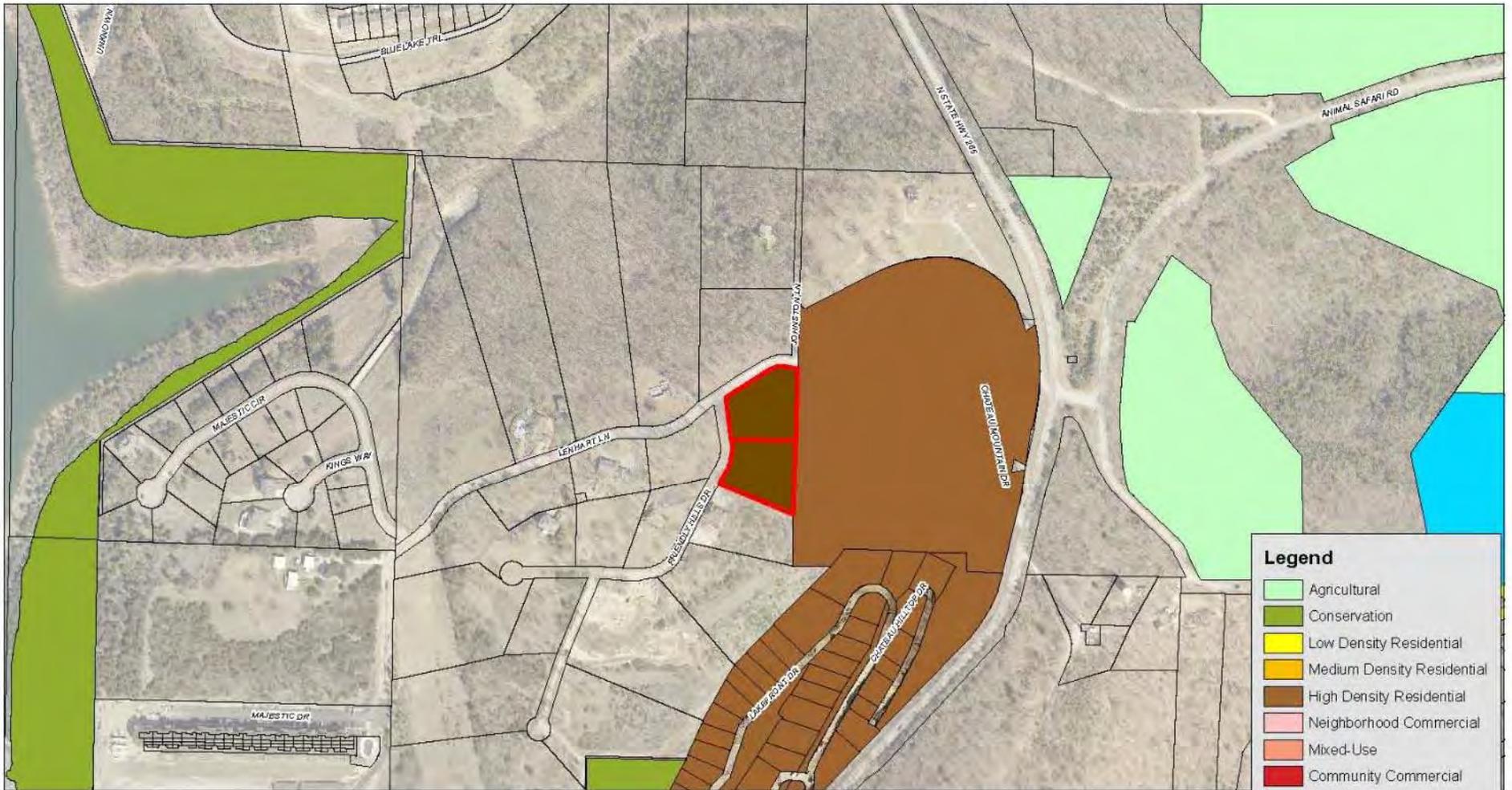
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 1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 9/1/2020



121 Lenhart Ln

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 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 9/17/2020

- | | | | |
|----------------------------|--------------------------|---------------|---------------------|
| Agricultural | High Density Residential | Downtown | Planned Development |
| Conservation | Neighborhood Commercial | Entertainment | Unzoned |
| Low Density Residential | Mixed-Use | Business | |
| Medium Density Residential | Community Commercial | Industrial | |



Legend

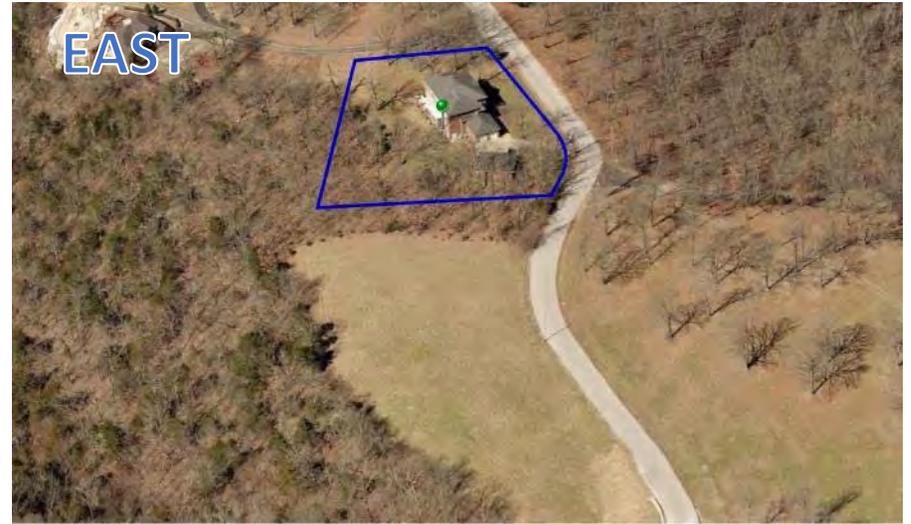
	Agricultural
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	Low Density Residential
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	Neighborhood Commercial
	Mixed-Use
	Community Commercial
	Downtown
	Entertainment
	Business
	Industrial
	Planned Development
	Unzoned

121 Lenhart Ln

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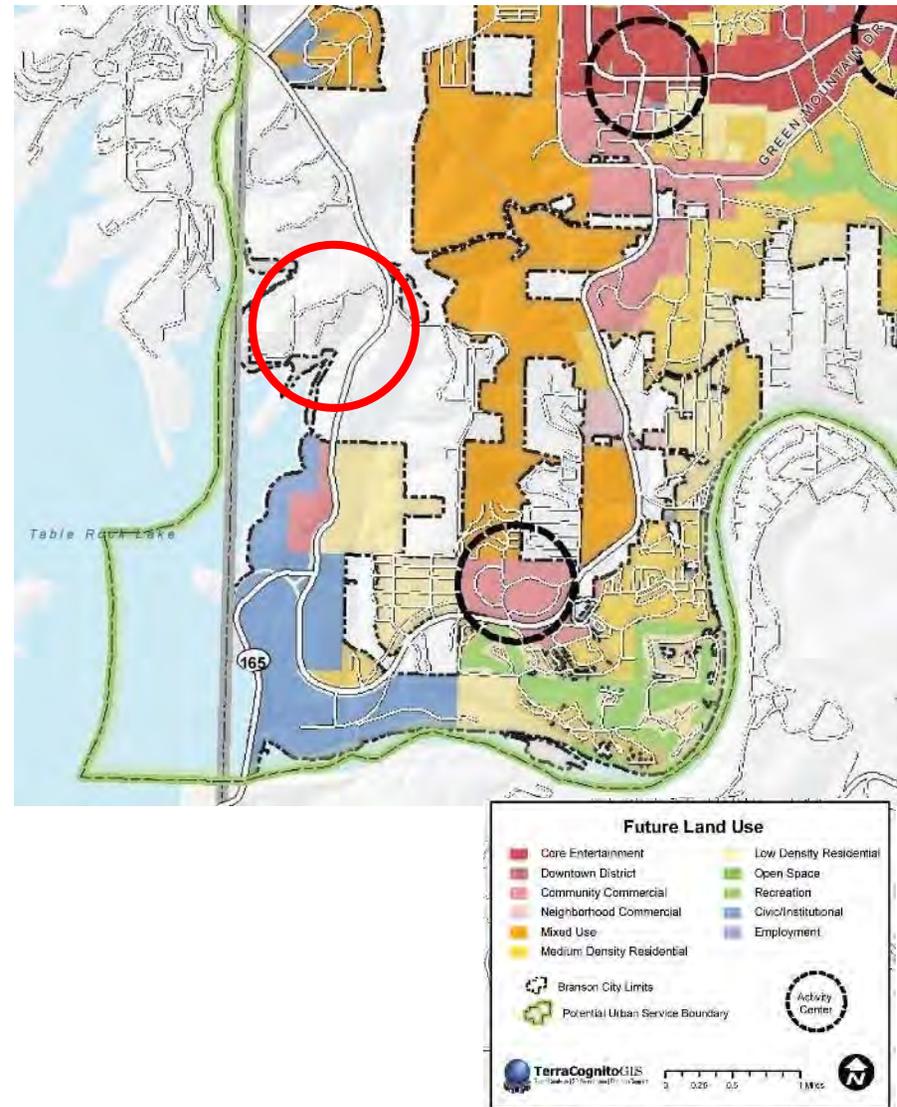
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 9/9/2020

3) ZONING REQUEST



3) ZONING REQUEST

- Annexation
 - Requested: 8/31/2020
 - Petition: 9/22/2020
 - First Reading: 10/13/2020
 - Final Reading: 10/27/2020
- Establish zoning which is reflective and complimentary of proposed use and adjacent uses
- Not included in Community Plan 2030's Preferred Land Use Plan (Fig. 10), but matches surrounding properties
- Existing residential structure (1999) to be used for nightly rentals; remainder of property to be developed as part of Chateau Mountain



3) ZONING REQUEST

STAFF RECOMMENDS APPROVAL.

4) CODE AMENDMENT

CHAPTER 94 - ZONING

- Articles I and IV, pertaining to special events
- Amendments identified by the Special Event Team
 - Formed in September 2019 by Assistant City Administrator (9 meetings)
 - Consisted of 15 representatives
 - City departments (Admin, Fire, HR, IT, Legal, Parks, Planning, Police, Public Works and Utilities)
 - Chamber of Commerce
 - Taney County Health Department
 - Branson Convention Center
 - Goal to improve situational awareness of special events within the region
 - Discussed successes, identified opportunities for process improvements, and reviewed City's role in the management, leadership and oversight of unique events which may have an impact on the community

4) CODE AMENDMENT

ARTICLE I. - In General (*Definitions*)

- Modify special event definition to include all locations within the City
 - Definition has not changed significantly in 20 years...only staff's interpretation has
 - 2000: City adopted approach that a Special Event was any extraordinary use on public property
 - 2000-2013: Events considered by staff as extraordinary greatly expanded (2011: 142 Special Events)
 - 2014: Renewed interpretation (29 Special Events)
 - 2016: Definition updated for further specificity (2017: 12 Special Events)
 - Today: City's loss in awareness of smaller events and those occurring on private property

4) CODE AMENDMENT

ARTICLE I. - In General (*Definitions*)

Special event means a preplanned, single gathering event or series of related consecutive daily gatherings or events, of an entertainment, cultural, recreational, educational, political, religious, sporting, or of any other nature, sponsored by an individual or entity, and proposed to be held at a public facility, and which could result in activity impeding or impairing the normal flow of vehicles and pedestrians on streets, sidewalks or other public facilities used primarily for travel; require the partial closing or obstruction of such; or requires the necessity of public safety or traffic control measures not already provided at the proposed site of the event.

4) CODE AMENDMENT

ARTICLE I. - In General (*Definitions*)

Special event means a preplanned, single gathering event or series of related consecutive daily gatherings or events, of an entertainment, cultural, recreational, educational, political, religious, sporting, or of any other nature, sponsored by an individual or entity, and ~~[proposed to be held at a public facility, and]~~ which could result in activity impeding or impairing the normal flow of vehicles and pedestrians on streets, sidewalks or other public facilities used primarily for travel; require the partial closing or obstruction of such; or requires the necessity of public safety or traffic control measures not already provided at the proposed site of the event.

4) CODE AMENDMENT

ARTICLE IV. - Uses (*Special Events*)

- Event levels: will allow the City to establish different application requirements, specific review processes, and accurate fees
 - Level one event (~~\$(111.00)~~ 140.00 (8 staff * (0.5 hour * \$35/hour avg))
 - Estimated attendance **1-1,000** and occurs on a single day
 - **Minor impacts** to surrounding areas and held within existing venue/area
 - **Minor transportation needs** (minimal removal of parking or rolling closures)
 - Public safety staffing **not required** beyond normal operations
 - Application submitted not less than **15 days** prior to event
 - Exceptions granted by Planning & Development Director

4) CODE AMENDMENT

ARTICLE IV. - Uses (*Special Events*)

- Level two event (~~[\$111.00]~~ 280.00 (8 staff * (1.0 hour * \$35/hour avg))
 - Estimated attendance **1,001-5,000** and occurs over multiple days
 - **Moderate impacts** to surrounding areas and held within existing venue/area
 - **Moderate transportation needs** (removal of parking or short term closures)
 - **May require** public safety staffing beyond normal operations
 - Application submitted not less than **30 days** prior to event
 - Exceptions granted by Planning & Development Director

4) CODE AMENDMENT

ARTICLE IV. - Uses (*Special Events*)

- Level three event (~~[\$111.00]~~ 560.00 (8 staff * (2.0 hour * \$35/hour avg))
 - Estimated attendance **>5,000** and occurs over multiple and consecutive days
 - **Significant impacts** to surrounding areas and cannot be held within existing venue/area
 - **Significant transportation needs** (removal of parking, transportation mitigation plan, offsite parking plan or long term closures)
 - **Will require** public safety staffing beyond normal operations
 - Application submitted not less than **90 days** prior to event
 - Exceptions granted by City Administrator
 - Approval given by Board of Aldermen (Resolution)

4) CODE AMENDMENT

ARTICLE IV. - Uses *(Responsibility for expenses incurred by city)*

- Prior to 2010, City required special events to reimburse the City for expenses incurred (stolen or lost property, cost of materials or utilities, and overtime wages)
- Approximately \$25,000 has been spent by the City to assist with Special Events over the past five years

The special event sponsors, and any other individuals or organizations named in the permit, ~~may~~ **shall** be responsible for any expenses incurred by the city as a result of their event. The city may require a deposit or bond prior to the issuance of a special event permit.

4) CODE AMENDMENT

STAFF RECOMMENDS APPROVAL.

5) CODE AMENDMENT

CHAPTER 94 - ZONING

- Articles I and IV, pertaining to microbreweries

Article I. - In General:

- Nov 2019 – Board of Aldermen approved amendments to BMC Ch. 6 (alcoholic beverages) in response to state’s relaxation of regulations to more strongly support microbreweries
- Included amending definition of microbrewery to limit their production to 10,000 barrels per year (1 barrel = approx. 31 gallons)
- As BMC Ch. 94 definition currently sets limit at 15,000 barrels, it needs to be updated

5) CODE AMENDMENT

ARTICLE IV. - Uses

- Aldermen Whiteis requested the consideration for microbreweries to become a permitted use in the Neighborhood Commercial (NC) district
- Microbrewery is a less intense use than a brewery (permitted use in the Community Commercial (CC) district)
- Many communities have embraced microbreweries as being complimentary to neighborhoods and to similar uses currently permitted in the Neighborhood Commercial (NC) district
- Use of supplementary use and structure standards to address potential concerns a use may have on adjacent properties in addition to current codes addressing noise, buffering and signage

5) CODE AMENDMENT

ARTICLE IV. – Uses (cont.)

- Potential standards:
 - Microbreweries shall only be open to the public between 2:00 pm and 10:00 pm
 - Any outside seating area shall not exceed 50 percent of the setback standards for the zoning district which it is located
 - All production, processing, and distribution activities shall be conducted within an enclosed building

5) CODE AMENDMENT

STAFF RECOMMENDS APPROVAL.

COMMISSIONER & STAFF REPORTS

ADJOURNMENT

