

== NOTICE OF MEETING ==

PLANNING COMMISSION

VIRTUAL MEETING NOTICE 610.020(1) RSMo

Regular Meeting – May 5, 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) March 3, 2020 Study Session
 - b) March 3, 2020 Regular Meeting
- 2) Election of Chairperson and Vice-Chairperson

OLD BUSINESS

Where Values are the Difference

MAY: Excellence

Being the best by doing your best.

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

Lisa Westfall, City Clerk, 417-337-8522

Posted: April 28, 2020

At: _____ By: _____

Page 1 of 2

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

Submit Public Comments & discussion link: <http://bransonmo.gov/public-comment>

PUBLIC HEARING AGENDA ITEMS

- 3) Request for a Final Subdivision Plat for 248 Parkway, Phase II, for the Properties Located at 1601, 1649, and 1819 State Highway 248, Branson, Missouri.
- 4) Request for a Special Use Permit to Operate a Restaurant with a Drive-Thru within the Property Located at 1700 West 76 Country Boulevard, Branson, Missouri.
- 5) Request for a Special Use Permit to Operate a Campground and Vehicle Park within the Property Located at 2527 State Highway 248, Branson, Missouri.
- 6) Request to Amend the Special Use Permit to Operate a Helicopter Tour Business within the Property Located at 3309 West 76 Country Boulevard, Branson, Missouri.

[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.**

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Posted: April 28, 2020

At: _____ By: _____

Page 1 of 2

**PLANNING COMMISSION
STUDY SESSION**

March 3, 2020

6:30 PM

Planning and Development Conference Room

ROLL CALL

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

Commissioners Absent: Commissioners Davis, Richards and Romine

Staff Present:	Joel Hornickel	Director of Planning & Development
	Perry Eckhardt	Senior Planner
	Chris Lebeck	City Attorney
	Matt Filice	Assistant City Engineer
	Tara Norback	Utilities Plan Reviewer

AGENDA

DIRECTOR’S REPORT

DISCUSSION OF PREVIOUS AGENDA ITEMS

Mr. Hornickel stated staff was continuing to work with Oscar’s BBQ restaurant on their drive-thru window. He stated they had recently discussed the striping requirements for identifying the staking lane. He stated the Lodges at Chateau Cove zonings and the code amendment pertaining to live/work units had all been approved by the Board of Aldermen without issue or concern. He stated staff had identified one remaining property within the Lodges at Chateau Cove needing to be annexed and zoned. He stated staff had made contact with the property owner and looked forward to wrapping up the process in the coming months.

UPDATE OF ONGOING PROJECTS

Mr. Hornickel stated Citizenserve continued to be the staff’s most significant ongoing project. He stated the building permit module had been live for about two months and aside from a few minor adjustments that were needed, everything was going well. He stated the staff had been working on the planning module the past couple of months and hoped for it to go live by April 1, 2020. He stated

staff was working specifically to make the Temporary Use request and approval process as efficient and streamlined as possible. He stated code enforcement would be the final module for this phase.

Mr. Hornickel stated the City had finally received back the executed contract from Southwest Missouri Council of Governments (SMCOG) for updating the Community Plan 2030. He stated staff had made the determination to have SMCOG assist with the update effort because their fee was half the amount budgeted and they have assisted other cities in the region recently with strong results. He stated the Board of Aldermen would be reviewing the contract during their March 24, 2020 meeting and the full effort was expected to begin in October. He stated staff and department heads would be doing some preliminary work in the coming months to prepare for the update and to help get everyone in the right mindset.

Mr. Hornickel stated staff had recently closed out several projects which had included significant landscaping or tree deposits associated with them. He stated the City’s landscaping fund would be increasing by approximately \$200,000.00 as a result.

REVIEW OF MARCH 3, 2020 PLANNING COMMISSION AGENDA

Mr. Hornickel stated the one item on the agenda was fairly straightforward. He stated the applicant had been composting within the subject property for several years without any complaints brought forward. He stated while composting and the current request for pasture areas could both be considered agricultural uses, the current request was more intensive than composting.

REQUEST FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

None.

ADJOURNMENT

Motion by Commissioner Skains and seconded by Commissioner Howden, and unanimously carried to adjourn the meeting at 6:55 PM.

Clark Harris, Chairperson

Date

Joel Hornickel, Planning & Development Director

Date

**PLANNING COMMISSION
REGULAR MEETING**

March 3, 2020
7:00 PM
Council Chambers

CALL TO ORDER

ROLL CALL

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

Commissioners Absent: Commissioners Davis, Richards and Romine

Staff Present: Joel Hornickel Planning & Development Director
Perry Eckhardt Senior Planner
Chris Lebeck City Attorney
Randy Fogle Division Fire Chief of Technical Services
Matt Filice Assistant City Engineer
Tara Norback Utilities Plan Reviewer

PUBLIC COMMENTS

None.

REGULAR AGENDA ITEMS

1. Approve Minutes

- a) November 5, 2019 Study Session
- b) November 5, 2019 Regular Meeting

MOTION:

Motion by Commissioner Loyd and seconded by Commissioner Skains to approve the November 5, 2019 minutes as presented by staff. Motion unanimously carried.

OLD BUSINESS

None.

PUBLIC HEARING AGENDA ITEMS

2. Request for a Planned Development Amendment to PD-2006-003, Known as Sight and Sound Theaters, Pertaining to Uses for the Properties Located at 1001 Shepherd of the Hills Expressway, Branson, Missouri.

Project No. 20-5.1 (20-00500001)

Owner/Applicant: Good Shepherd Meadows, L.P. and Expressway Inn, LLC/Joe Compton

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

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

Commissioner Howden asked for the status of the existing trail system in the area of the applicant's property.

Mr. Hornickel stated staff was unaware of any trail system in that area.

Commissioner Skains asked why the pasture area was proposed to be located away from their building on the property.

Mr. Hornickel stated the applicant had shared they would be using the existing parking lots to help move the animals between the building and the pasture areas.

Commissioner Skains asked if there were any plans to have a pasture area near their entrance on Shepherd of the Hills Expressway.

Mr. Hornickel stated there were not, but if their request was approved, they would have the ability to as that area was within Tract A.

Commissioner Nichols asked why the entire Tract A needed to be rezoned.

Mr. Hornickel stated the applicant's request was not to rezone Tract A, but instead to add other uses to the list of allowable uses within Tracts A and C.

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

Mr. Joe Compton and Mr. Aaron Lippe approached and stated they were the applicant.

Commissioner Skains asked if the proposed agricultural accessory structures would have HVAC systems installed.

Mr. Compton stated they would not.

Commissioner Skains asked if the animals would be held in the accessory structures or brought back inside the existing building.

Mr. Compton stated the animals would be brought back inside during inclement or harsh weather.

Commissioner Skains asked how they planned to control the odor from the animals being outside.

Mr. Compton stated they had composted in the same area of the property for several years and had yet to receive any complaints. He stated they would be discontinuing the composting operation and they had a full animal department to take care of those needs.

Commissioner Skains asked what the noise level from the animals would be.

Mr. Compton stated his office was located near the current indoor area for the animals and he never hears an animal.

Commissioner Howden asked if their Pennsylvania location had any pasture areas.

Mr. Compton stated they have for a long time.

Commissioner Howden asked if their desire was for patrons to see and interact with the animals.

Mr. Compton stated their primary purpose was to improve the health of their animals, but because the proposed location would be visible, they would make sure it looked clean and professional.

Commissioner Howden asked if the animals would be kept indoors overnight.

Mr. Compton stated they wanted the option to keep the animals outside overnight, weather permitting.

Commissioner Howden asked if people at the neighboring properties would disturb the animals at night.

Mr. Compton stated he did not see it as an issue because they really did not have any neighbors and security cameras and lighting would be installed to prevent issues.

Commissioner Howden asked if they would be increasing the number of animals on the property.

Mr. Compton stated there was no need to increase the number of animals. He stated their goal was to have the pastures open for the 2021 season.

Mr. Nichols asked what the purpose was for requesting pasture areas to be allowed within the entire Tract A.

Mr. Compton stated their architect had made the recommendation. He stated he did not think the cedar glade areas of the property would lend themselves well as pastures, but they wanted to make sure they still had some flexibility.

Mr. Nichols asked staff for their perspective on the applicant's request to include the entire Tract A.

Mr. Hornickel stated the request had been based on the development's layout as established in the approved Planned Development. He stated the Commission could consider requesting another tract be added as a way to minimize the potential for pasture areas if they felt Tract A was too large.

Mr. Nichols asked if there were any future plans to add an animal experience.

Mr. Compton stated there had not been any such discussions.

Mr. Howden asked if they had an animal experience at their Pennsylvania location.

Mr. Compton stated they did not.

Mr. Nichols asked if they used an animal wrangler by contract to handle their animals.

Mr. Compton stated they did not as they have an in-house animal team.

Mr. Nichols asked if there would be any animals on the property in the future not involved with the production.

Mr. Compton stated there would not.

Mr. Nichols asked how many animals they typically kept on the property.

Mr. Compton stated they typically house twenty-five to thirty animals.

Chairperson Harris asked if they would be providing any open food for the animals while outside.

Mr. Compton stated they would probably be providing hay.

Chairperson Harris stated the food will become an attractor to wild animals. He stated he was concerned with the potential interaction between the wild animals and the show animals.

Mr. Compton stated there should not be any issue since they would not be putting out any corn or grain. He stated the fencing would also be installed twenty-four to thirty inches into the ground to make it impossible for animals to get in or out of the pasture area.

Chairperson Harris asked for additional details regarding the buffer area between the fence and adjacent properties.

Mr. Compton stated the buffer would simply be a space between them, but it would certainly include trees and shrubs to also make it more aesthetically pleasing. He stated they wanted to be able to utilize Tract C as another pasture area.

Mr. Hornickel stated the proposed amendment affirmed that. He stated staff was happy to assist.

Vice-Chairperson Pinkley asked if they would be installing any retaining walls.

Mr. Compton stated they would not.

Chairperson Harris asked if any of the Commissioners had any other questions for the applicant; there was no response. He then asked if there was anyone else present who wished to make a comment or ask a question in regards to the request; there was no response. He asked if any of the Commissioners had any other questions; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Nichols to approve Resolution 20-5.1 as presented.

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

Motion to approve Resolution 20-5.1 carried with a 7-0 vote.

COMMISSIONER & STAFF REPORTS

None.

ADJOURN

Motion by Commissioner Skains, seconded by Commissioner Howden, and unanimously carried to adjourn the meeting at 7:37 PM.

Clark Harris, Chairperson

Date

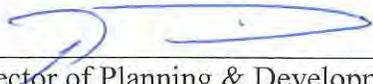
Joel Hornickel, Planning & Development Director

Date

**Branson Planning Commission
Staff Report and Recommendation
Project No. 20-8.1 (20-00800001)**

LOCATION:	1601, 1649, & 1819 STATE HIGHWAY 248
OWNER/APPLICANT:	ROJANA ENTERPRISES, INC/BOOKER COX
ITEM/SUBJECT:	<u>REQUEST FOR A FINAL SUBDIVISION PLAT FOR 248 PARKWAY, PHASE II, FOR THE PROPERTIES LOCATED AT 1601, 1649, & 1819 STATE HIGHWAY 248, BRANSON, MISSOURI.</u>
DATE:	MAY 5, 2020
INITIATING DEPARTMENT:	PLANNING & DEVELOPMENT

COMMUNITY PLAN 2030:	LU 3.1. Infill & Redevelopment.
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APPROVED BY:	
 _____ Director of Planning & Development	<u>Apr. 28, 2020</u> _____ Date

STAFF REPORT:

A Subdivision Application has been received from Booker Cox on behalf of Rojana Enterprises, Inc, for a final subdivision plat for the properties located at 1601, 1649, and, 1819 State Highway 248. The three properties included in this request are located on the south side of State Highway 248, approximately 500 feet east of Ledbetter (see attachment 2). Combined, they total approximately 13.0 acres more or less, and are currently zoned Community Commercial (CC). They are adjacent to properties zoned Community Commercial (CC) to the north, east, and west while the property to the south is zoned Low Density Residential (LDR) and contains Branson’s Cedar Ridge Elementary School. As of March 16, 2020, Nature’s Wonders Grocery Store opened within the property located at 1601 State Highway 248 in addition to the City receiving a building permit request for an AutoZone Auto Parts store to be constructed within the property located at 1819 State Highway 248.

The applicant’s request is to finalize this new, commercial subdivision, 248 Parkway, Phase II. No changes are proposed from the Preliminary Plat for this request which was adopted by the Board of Aldermen on March 26, 2019 (Res. No. 2019-R012). The final plat includes five parcels with four being similar size and with frontage on State Highway 248. The fifth parcel is much larger in size and provided access to State Highway 248 via a new, private cul-de-sac named Rojana Way, approximately 410 feet in length. The additional size of Lot 5 should provide the space and flexibility for the developer to meet the buffering requirements depending on the parcel’s final use.

The Community Plan 2030’s future land use plan supports this area for commercial development. However, while the proposed subdivision is located on a “mostly” to “extremely visible hillside” as described by Figure 4 of the Community Plan 2030, it is also described as developable lands by Figure 8. As a result, the development of these parcels is supported, but the application of the landscaping regulations will be an important part of the plan review process.

This request has been reviewed by the City’s Fire, Public Works, Utilities and other relevant departments to ensure compliance with the applicable regulations and to insure the public and private improvements have been satisfactorily installed, inspected and accepted. As a result, all have found the proposed Final Plat to be in compliance with the adopted Preliminary Plat.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-8.1.

MUNICIPAL CODE REGULATIONS:

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

Branson Municipal Code Section 94-8. - Subdivisions.

(d) Major subdivision review.

(8) Final plat review and approval.

- a. The planning and development director, public works director, and utilities director shall review and submit the final plats to the planning commission for its review and report. In recommending approval or disapproval of the final plat, the planning commission shall consider the following review criteria:
 - (i) The proposed final plat complies with the conditions of approval of the preliminary plat;*
 - (ii) The layout and design of the proposed final plat is in substantial compliance with the approved preliminary plat, including but not limited to number of lots or parcels, street and block layout, and access;*
 - (iii) The improvement plans for any required on-site or off-site public or private improvements have been reviewed and approved by the city for construction; and*
 - (iv) The applicant has constructed all required public or private improvements, and they have been inspected and accepted by the city, or that the applicant has filed with the city sufficient financial security for those improvements.**
- b. The applicant shall also submit the final plat to those utility companies or agencies involved for their review of the pattern and dimensions of the proposed easements. Utility companies or agencies shall include the local electric company, the local telephone company, the local cable television company, and the local water provider.*
- c. After receiving the recommendation of the planning commission, the final plat shall be submitted to the board for its action.
 - (i) The board may specify changes or modifications therein which it deems necessary, and may make its approval subject to such alterations.*
 - (ii) In case of planning commission disapproval, the applicant may appeal, present the final plat to the board, and seek approval.*
 - (iii) The action of the board shall be by ordinance, which ordinance shall include approval of the final plat for recording.*
 - (iv) Upon approval by the board by ordinances duly passed, such approval shall be endorsed on five copies on paper, under the hand of the city clerk and the seal of the city.**
- d. The planning and development department shall record the approved plat within 30 days, provided all permits for public works improvements have been issued and the improvements either completed or the security received. The applicant shall pay all fees associated with the recording of the final plat.*

COMMENTS:

The following is a list of departments and their comments relating to the applicant’s request:

ATTACHED INFORMATION:	1) Subdivision Application
	2) Vicinity Maps
	3) Community Plan 2030 Figures 4, 8 and 10
	4) Resolution 2019-R012

ATTACHMENT 1



SUBDIVISION APPLICATION

110 W. Maddux St., Ste. 215, Branson, MO 65616
417-337-8549/Fax 417-334-2391

Office Use Only
20-08.01
Date Applied
2/28/2020

Property Information

911 Property Address _____

Property Owner Rojana Enterprises, Inc Owner is applicant

Contact Name Douglas C Palzer Email dpalzer@moreoflife.com

Mailing Address 26400 W. 151st Street, Olathe, Kansas 66061 Phone 913-725-0670

Agent Information (if different from property owner)

Name Travis Garrison or Booker Cox Email tgarrison@rojana.us
booker@foggyriver.com

Mailing Address 26400 W. 151st Street, Olathe, Kansas 66061 Phone 913-486-2600
417-334-5433

Additional Required Information

- Check box below that corresponds with your request.

<input type="checkbox"/> Preliminary Subdivision PPLT (\$605)	<input type="checkbox"/> Preliminary Subdivision Replat PRPL (\$836)	<input type="checkbox"/> Minor Subdivision MIRE (\$170)
<input checked="" type="checkbox"/> Final Subdivision FPLT (\$836)	<input type="checkbox"/> Final Subdivision Replat FRPL (\$836)	<input type="checkbox"/> Condominium Split COND (\$170)
<input type="checkbox"/> Conservation Subdivision CONS (\$0)	<input type="checkbox"/> Minor Modification MMOD (\$0)	
- Subdivision/Condominium name: _____
- Attach **SUBDIVISION PLAT**:
 - Three (3) copies for a Condominium Split or Minor Subdivision
 - Six (6) copies for all other subdivision requests
- Attach a recent copy of the **WARRANTY DEED/DEED OF TRUST** and check the appropriate box below:
 - No deed restrictions
 - A list of **DEED RESTRICTIONS** have been attached to application

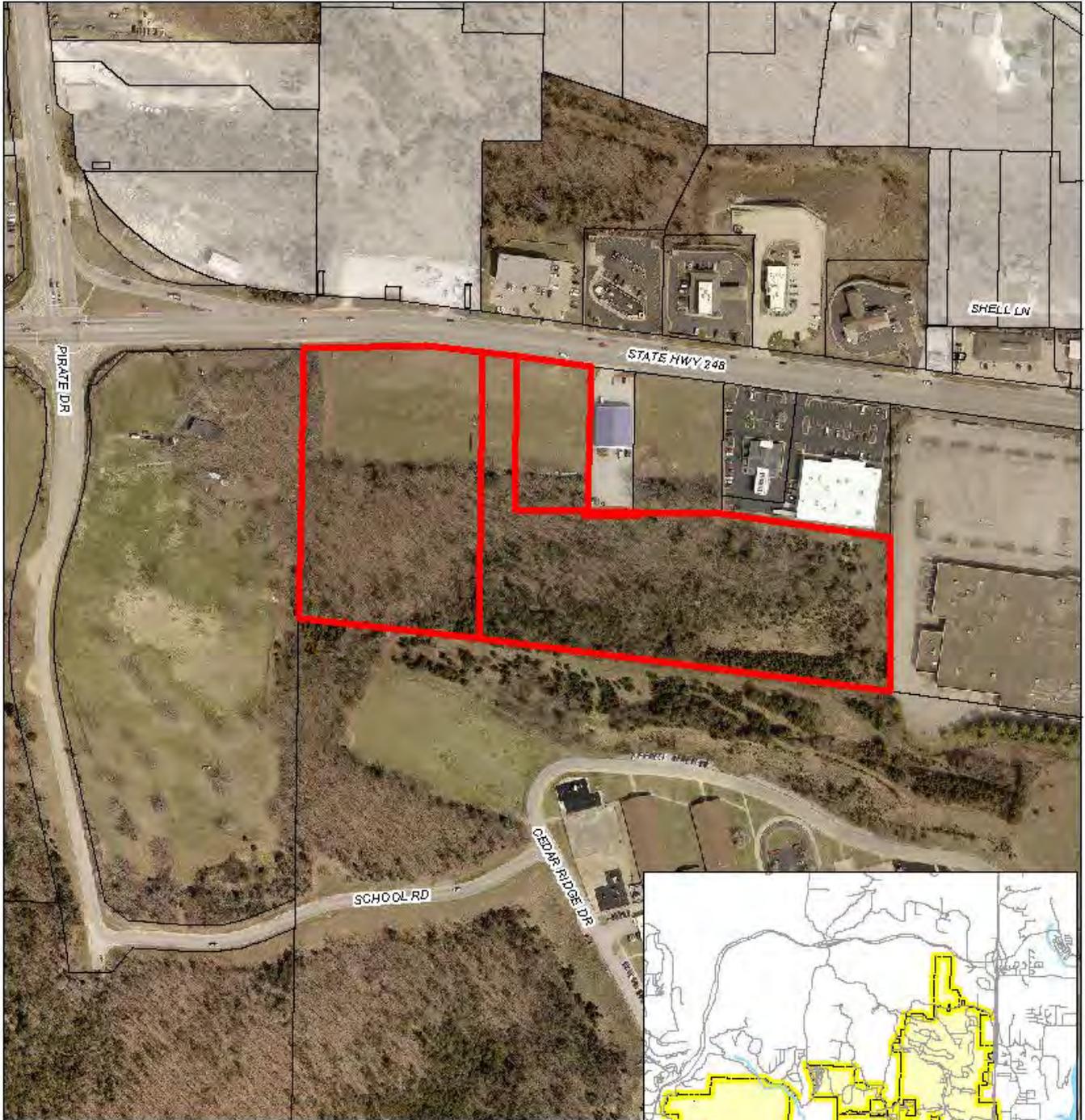
Property Owner / Agent Acknowledgement

In signing this application, the applicant acknowledges all information provided is complete and accurate. The applicant also agrees to abide by the regulations of the Branson Municipal Code.

 Property Owner Original Signature	<u>DOUGLAS PALZER</u> Print Name	<u>11/13/18</u> Date
 Agent Original Signature	<u>TRAVIS G. GARRISON</u> Print Name	<u>11/16/2018</u> Date

OFFICE USE ONLY					
✓	Description	Comments	✓	Description	Comments
	Warranty Deed/Deed of Trust			Public notice date	
	Deed Restrictions			Public hearing date	
	Copies of subdivision plat			Additional fees paid	
				Staff Initials	

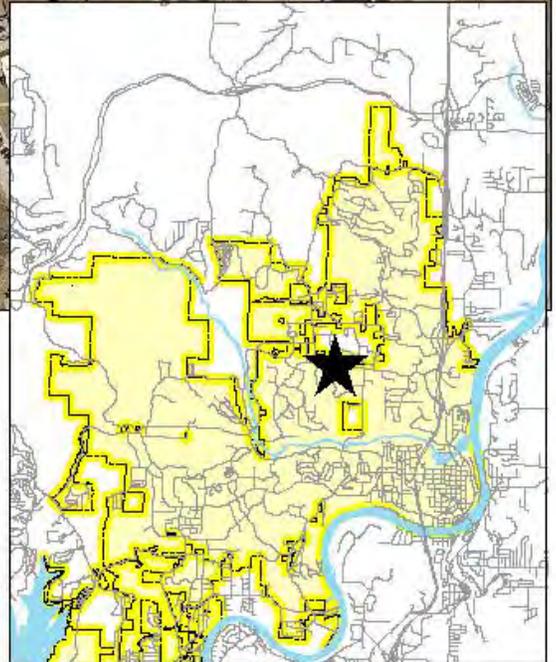
ATTACHMENT 2: VICINITY MAPS - AERIAL



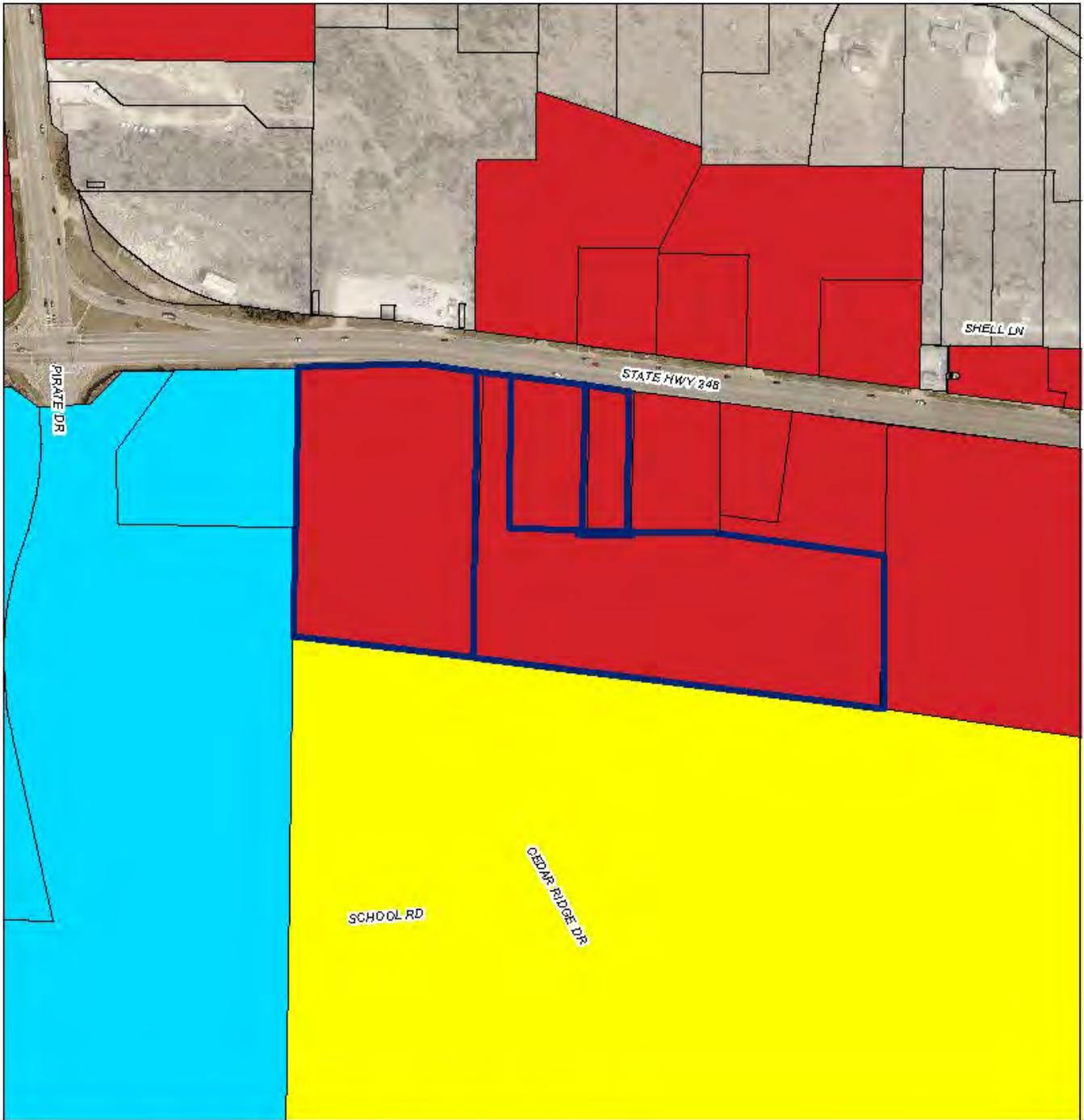
1 inch = 300 feet

City of Branson
Planning & Development
Date: 3/10/2020

1601 State Hwy 248



VICINITY MAPS - CURRENT ZONING



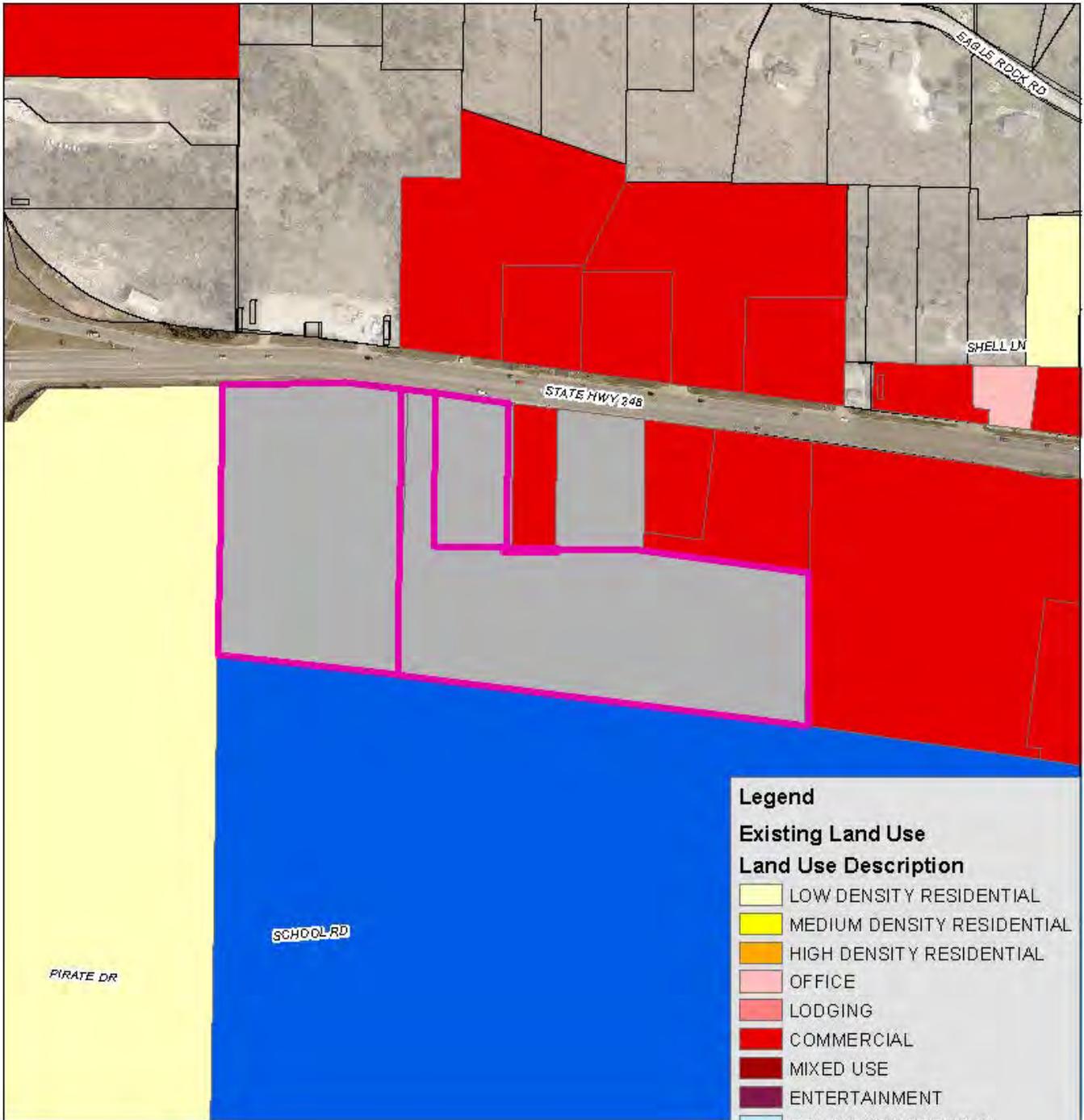
1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 3/10/2020

1601 State Hwy 248

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

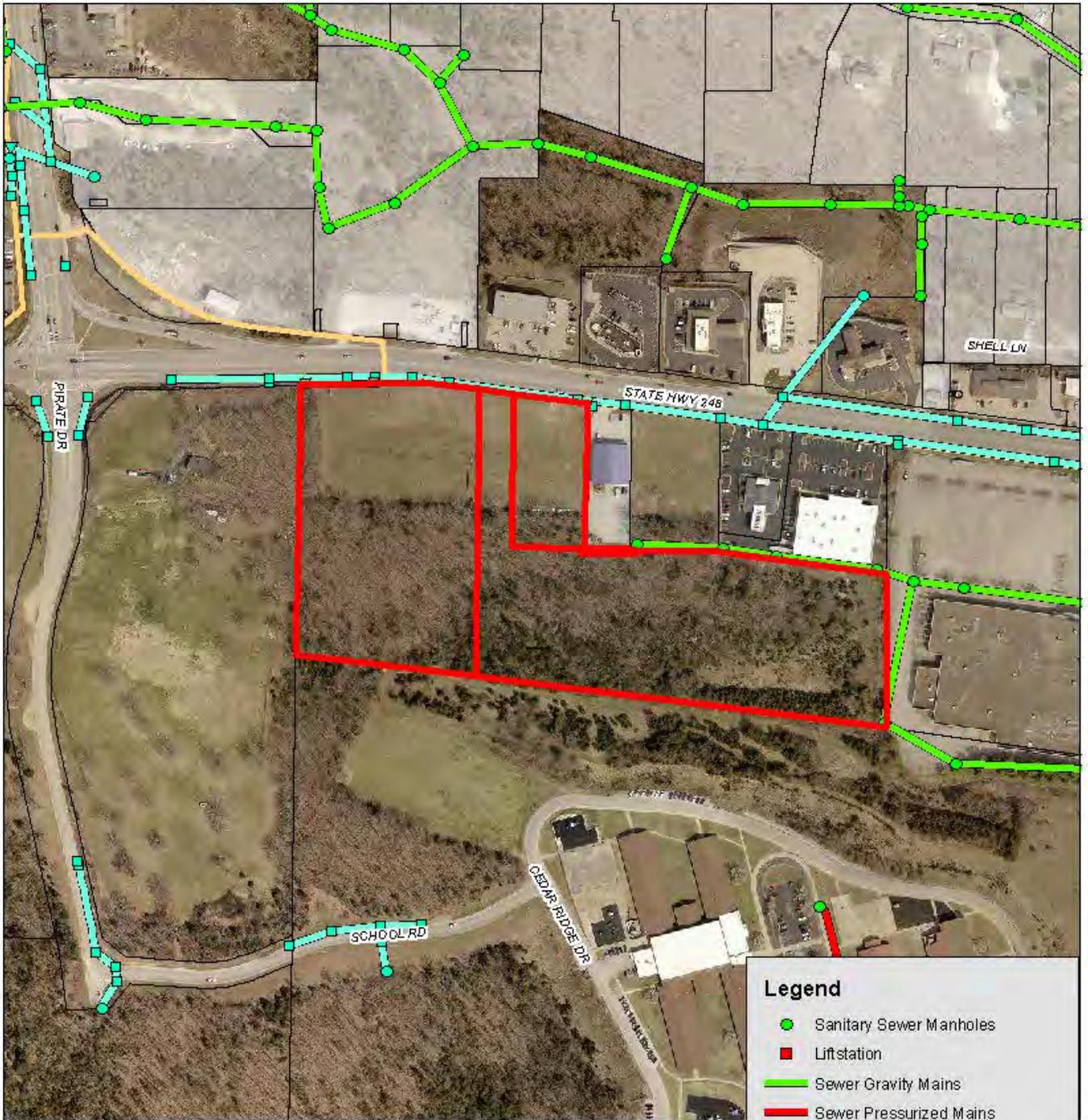
	LOW DENSITY RESIDENTIAL
	MEDIUM DENSITY RESIDENTIAL
	HIGH DENSITY RESIDENTIAL
	OFFICE
	LODGING
	COMMERCIAL
	MIXED USE
	ENTERTAINMENT
	RELIGIOUS ASSEMBLY
	HEALTH CARE
	INSTITUTIONAL
	INDUSTRIAL
	RECREATION
	OPEN SPACE
	AGRICULTURAL
	UTILITIES
	VACANT
	TANEY COUNTY

N

 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/10/2020

1601 State Hwy 248

VICINITY MAPS – UTILITIES



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: 3/10/2020

1601 State Hwy 248

VICINITY MAPS - ORTHOMETRIC VIEWS



VIEW FROM THE NORTH



VIEW FROM THE EAST



VIEW FROM THE SOUTH



VIEW FROM THE WEST

ATTACHMENT 3:

Figure 4: Highly Visible Hillside

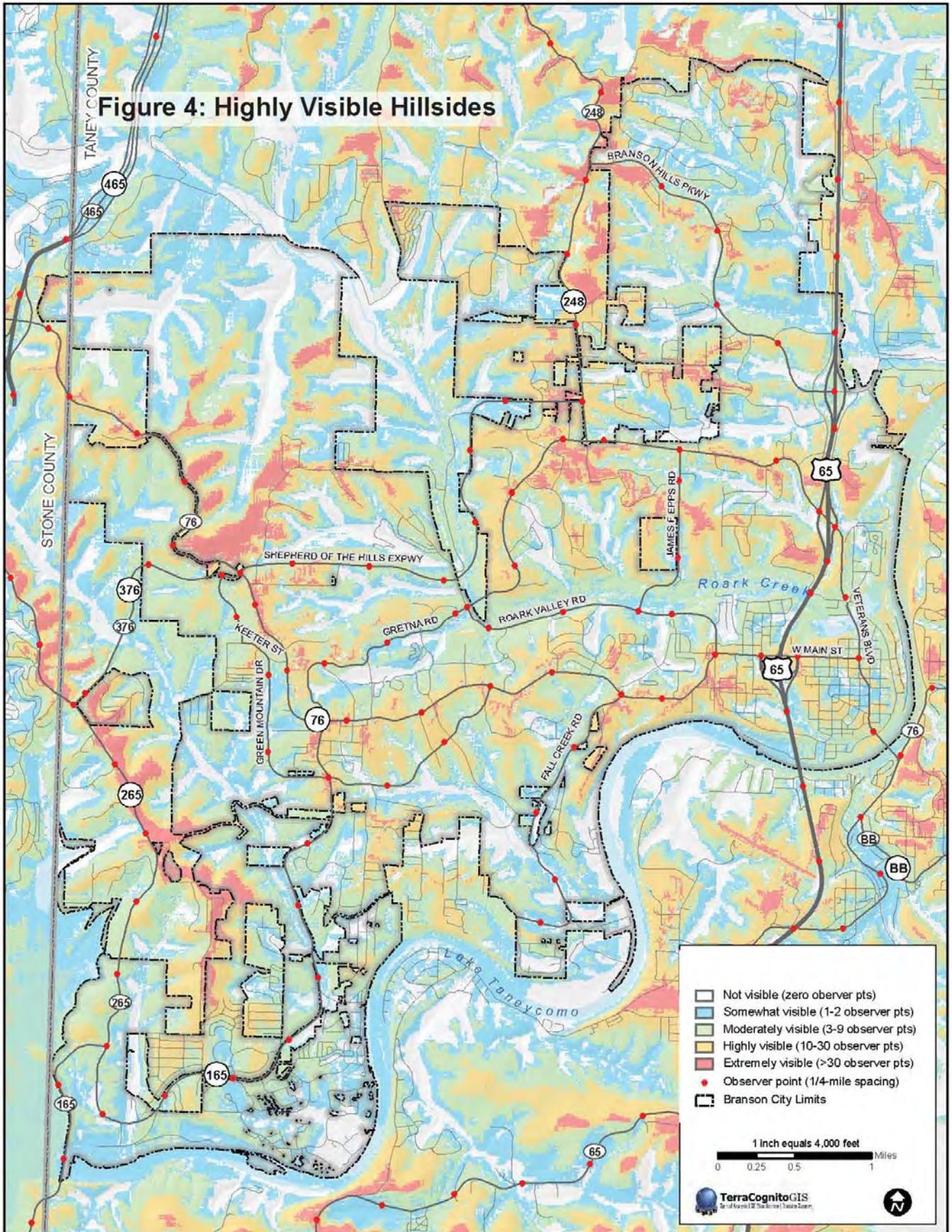
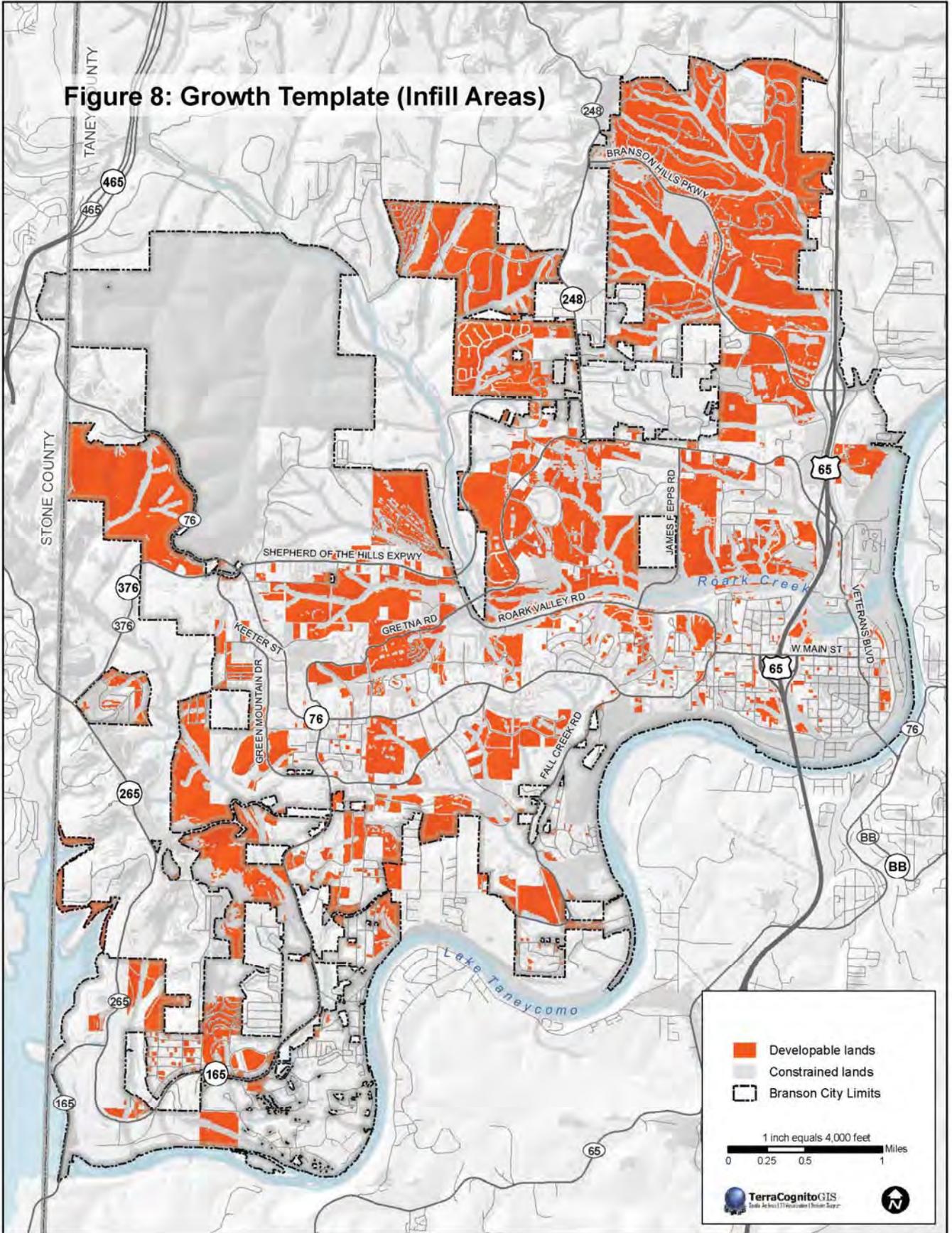
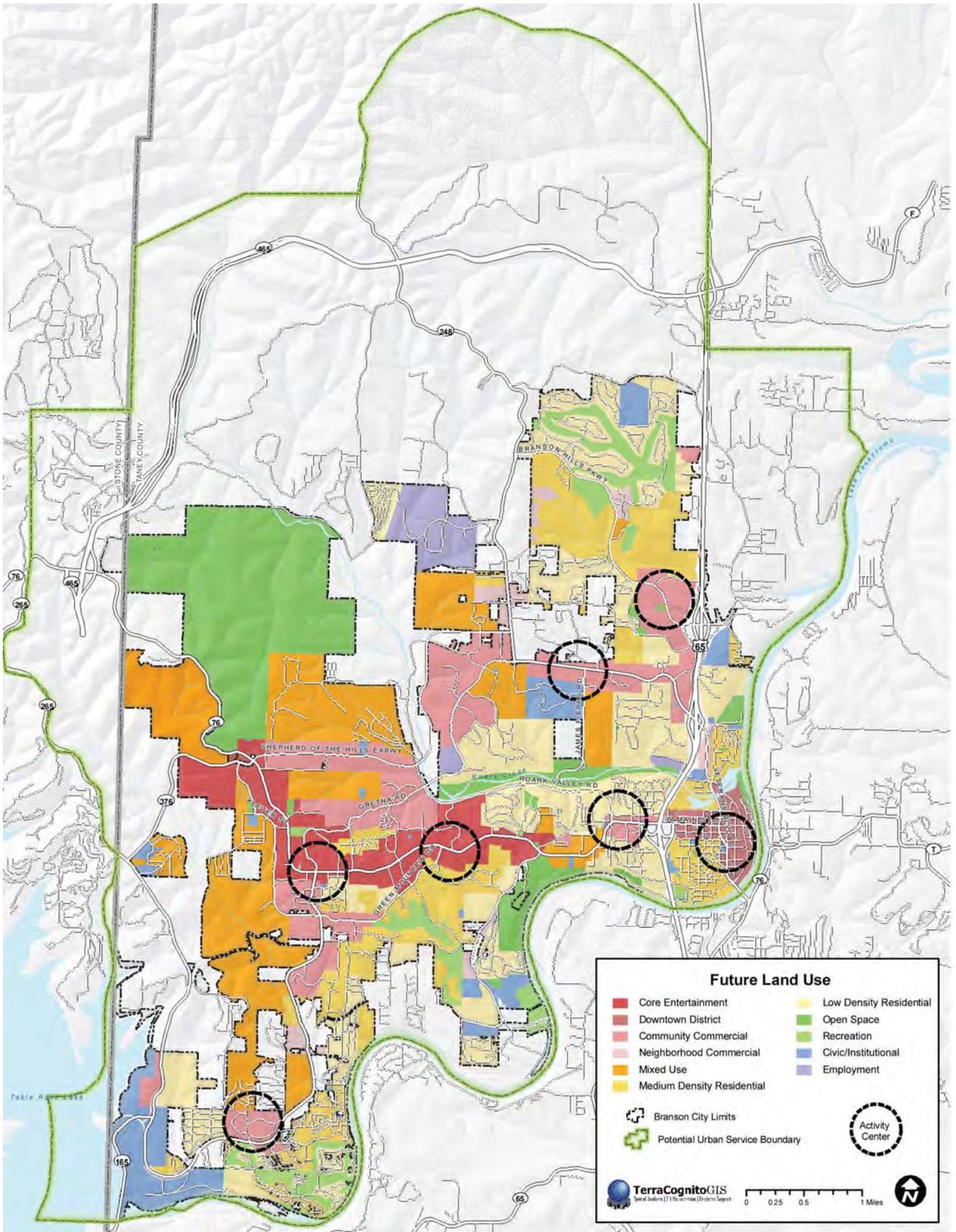


Figure 8: Growth Template (Infill Areas)





Future Land Use

■ Core Entertainment	■ Low Density Residential
■ Downtown District	■ Open Space
■ Community Commercial	■ Recreation
■ Neighborhood Commercial	■ Civic/Institutional
■ Mixed Use	■ Employment
■ Medium Density Residential	

Branson City Limits	Activity Center
Potential Urban Service Boundary	

TerraCognito GIS
Specialty Solutions | 311 The Colonnade | Branson, Missouri

0 0.25 0.5 1 Miles

ATTACHMENT 4:

RESOLUTION NO. 2019-R012

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT FOR 248 PARKWAY, PHASE II.

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

- Section 1: The Board of Aldermen for the City of Branson hereby approves the Preliminary Subdivision Plat for 248 Parkway, Phase II, legally described by Exhibit 'A' and attached hereto as Exhibit 'B'.
- Section 2: Severability Clause. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or major sections, sentences, clauses or phrases be declared invalid.
- Section 3: This resolution shall be in full force and effect for a period not to exceed two (2) years from and after its passage by the Board of Aldermen and approval by the Mayor.

ADOPTED by the Board of Aldermen of the City of Branson, Missouri, on this 26th day of March, 2019.





Karen Best
Mayor

ATTEST:

APPROVED AS TO FORM:



Lisa K. Westfall
City Clerk



Chris Lebeck #51831
City Attorney

EXHIBIT 'A'

A TRACT OF LAND SITUATED IN PART OF THE S1/2 OF SECTION 30, TOWNSHIP 23 NORTH, RANGE 21 WEST, CITY OF BRANSON, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN MARKING THE SOUTHEAST CORNER OF LOT 1, 248 PARKWAY, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "L", AT PAGES 385-386, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, ALSO BEING THE SOUTHWEST CORNER OF MKBM, LLC AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "J", AT PAGE 615, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; THENCE S 88°32'10" E, ALONG THE SOUTHERLY BOUNDARY LINES OF SAID MKBM, LLC AND BRANSON BANK 248, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "J", AT PAGE 603, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, A DISTANCE OF 298.13 FEET, TO AN EXISTING IRON PIN, MARKING THE SOUTHEAST CORNER OF LOT 1 OF BRANSON BANK 248, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "J", AT PAGE 603, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, ALSO BEING THE SOUTHWEST CORNER OF LOT 1, STAPLES SUBDIVISION, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "F", AT PAGES 747-748, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; THENCE S 82°48'10" E, A DISTANCE OF 383.26 FEET, TO AN EXISTING IRON PIN MARKING THE SOUTHEAST CORNER OF LOT 1 OF SAID STAPLES SUBDIVISION, ALSO BEING A POINT ON THE WEST LINE OF LOT 1, CEDAR RIDGE PLAZA, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SLIDE "D", AT PAGES 12-13, TANEY COUNTY RECORDERS' OFFICE, TANEY COUNTY, MISSOURI; THENCE S 1°17'18" W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 356.89 FEET, TO AN EXISTING 5/8" IRON PIN; THENCE N 82°19'33" W, LEAVING SAID WEST LINE, A DISTANCE OF 1333.63 FEET, TO AN EXISTING 5/8" IRON PIN; THENCE N 1°28'13" E, A DISTANCE OF 609.86 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF M.S.H. #248; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF M.S.H. #248 AS FOLLOWS: THENCE N 89°12'17" E, A DISTANCE OF 260.36 FEET, TO AN EXISTING R/W MARKER; THENCE S 82°21'22" E, A DISTANCE OF 386.65 FEET, TO THE NORTHEAST CORNER OF LOT 1 OF SAID 248 PARKWAY; THENCE S 1°21'33" W, LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 327.59 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 14.91 ACRES OF LAND, MORE OR LESS.

ALL OF THE ABOVE BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.

PLANNING COMMISSION

RESOLUTION NO. 20-8.1 (20-00800001)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF A FINAL SUBDIVISION PLAT FOR 248 PARKWAY, PHASE II, FOR THE PROPERTIES LOCATED AT 1601, 1649, AND 1819 STATE HIGHWAY 248, BRANSON, MISSOURI.

WHEREAS, a Subdivision Application has been submitted to the City of Branson by Booker Cook on behalf of Rojana Enterprises, Inc for approval of a Final Subdivision Plat for 248 Parkway, Phase II for the properties legally described as follows:

See Exhibit A

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning Commission for the approval of a Final Subdivision Plat; and,

WHEREAS, a Public Hearing was held before the Planning Commission on May 5, 2020, at 7:00 PM in the City 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 a Final Subdivision Plat for 248 Parkway, Phase II, for the properties located at 1601, 1649, and 1819 State Highway 248, Branson, Missouri, as described in ‘Exhibit B’, attached hereto and incorporated by reference herein upon certification by the appropriate departments of the City.

DONE THIS 5th OF MAY, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel – Planning and Development Director

EXHIBIT A

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ALL OF THE ABOVE BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.

**Branson Planning Commission
Staff Report and Recommendation
Project No. 20-1.1 (20-00100001)**

LOCATION: 1700 WEST 76 COUNTRY BOULEVARD

OWNER/APPLICANT: MORRIS HOSPITALITY, LLC/KURTIS MCMURRAY

ITEM/SUBJECT: REQUEST FOR A SPECIAL USE PERMIT TO OPERATE A RESTAURANT WITH A DRIVE-THRU WITHIN THE PROPERTY LOCATED AT 1700 WEST 76 COUNTRY BOULEVARD, BRANSON, MISSOURI.

DATE: MAY 5, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT DEPARTMENT

APPROVED BY:



Director of Planning & Development

APRIL 27, 2020

Date

STAFF REPORT:

A Special Use Application has been received from Kurtis McMurray on behalf of Morris Hospitality, LLC, for Panera Bread Bakery Café #2842 to operate a restaurant with a drive-thru within the property located at 1700 West 76 County Boulevard. The property is located on the south side of West 76 Country Boulevard approximately 730 feet west of Fall Creek Road (see attachment 2). This former Ramada property is currently vacant after having been recently demolished for redevelopment. The property, as well as the adjacent properties, are zoned Entertainment District (ENT).

Aside from minor updates, the Unified Development Code (Branson Municipal Code Chapter 94) was approved in December 2016 (Ord. No. 2016-0193) and became effective February 1, 2017. In addition to establishing the new zoning districts within the City, the Code reestablished the dimensional standards and what uses would be permitted within each district. Specifically for the Entertainment District, different standards were established to maintain and enhance this corridor as a thriving activity center, while recognizing the challenges presented by the amount of automobile usage within this particular area. Consequently, while drive-thrus are a permitted use in the Community Commercial, Mixed-Use and Business Districts, they require a Special Use Permit in the Entertainment, Downtown and Neighborhood Commercial Districts.

The applicant's specific request is to provide a drive-thru window on the east side of a new Panera Bread Bakery Café restaurant proposed for this location (see attachment 1), with the stacking lanes located on the east and south side of the building. The menu board and audible ordering device are also proposed to be located on the south side, or back, of the building. As a result, all proposed drive-thru components comply with all applicable requirements of Branson Municipal Code Section 94-87. Given the applicant has provided ten staking locations and proposed the drive-thru entrance to be located approximately 225 feet from West 76 Country Boulevard, there is no concern for any negative affect or conflict with street access or on traffic patterns within the area.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-1.1 based on the following conditions:

1. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
2. All conditions of this Resolution authorizing the issuance of this Special Use Permit shall be met on or before May 5, 2021.

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.*

Branson Municipal Code Section 94-87. Off-street parking standards.

(j) Vehicle stacking areas. The following standards shall apply to businesses that contain a drive-through establishment (e.g., restaurant or financial institution), and are a stand-alone use (e.g., automatic teller machine):

(1) General standards.

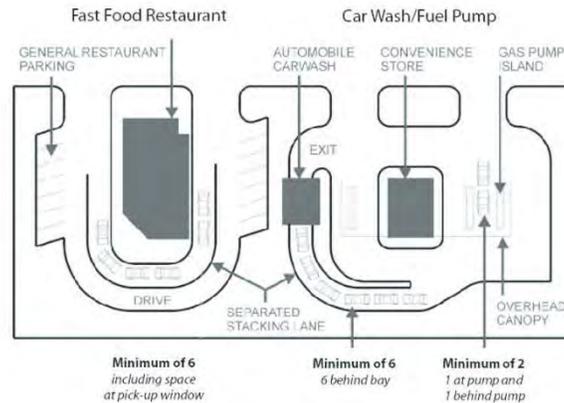
- a. Audible electronic devices such as loudspeakers, automobile service order devices and similar instruments shall not be located within 250 feet of any residential dwelling unit.*
- b. No service shall be rendered, deliveries made or sales conducted within the required front yard or abutting street side yard; customers served in vehicles shall be parked to the sides or rear of the principal building.*

- c. All drive-through areas, including but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive-up windows and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with or impede any public right-of-way.
- (2) Stacking space and lane requirements. Stacking lanes shall comply with the following design standards:
- a. Drive-through stacking lanes shall have a minimum width of eight feet, and length of 20 feet.
 - b. The first position in a drive-through station, located at the window, is counted as a stacking space. No stacking spaces may be counted as parking spaces unless specified in Table 94-87.1.
 - c. When stacking lanes are separated from other stacking lanes, bypass lanes or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
 - d. Stacking lanes shall be set back 25 feet from rights-of-way.
 - e. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping and signs.
 - f. The number of required stacking spaces shall be as provided for in Table 94-87.5, Stacking Space Requirements. See Figure 94-87.A for an illustration of stacking lanes:

Table 94-87.5: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Restaurant	6	Pick-Up Window

Fig. 94-54.A: Stacking Lanes



(k) Access.

- (1) All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance. The public works director may determine that a right in, right out entrance is permitted closer than 50 feet from an intersection.
- (2) The entrance to a stacking lane shall be located so as to avoid conflicting with the street access.
- (3) Access driveways on a corner site shall be located as far as possible from the abutting street intersection.
- (4) Pedestrian/barrier-free access to building entrances shall provide direct pedestrian links to main parking areas and public sidewalks that do not pass through a stacking lane.

COMMENTS:

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

ATTACHED INFORMATION:	1) Special Use Application
	2) Vicinity Maps

ATTACHMENT 1



SPECIAL USE APPLICATION

110 W. Maddux St., Ste. 215, Branson, MO 65616
417-337-8549/Fax 417-334-2391

Office Use Only	
SUPA	20-10.01
Date Applied	3/2/2020

Property Information

911 Property Address 76 Country Blvd & Fall Creek Road

Property Owner Morris Hospitality, LLC Owner is applicant

Contact Name Brad Thessing Email bthessing@tcpllc.org

Mailing Address 8410 Interlochen Drive Phone 573-673-1479

Agent Information (if different from property owner)

Name Kurtis McMurray Email kmcmurray@lk-architecture.com

Mailing Address 345 Riverview Suite 200, Wichita, KS 67203 Phone 316-268-0230

Additional Required Information

- Check box below that corresponds with your request.
 - New Special Use Permit (\$1,019)
 - Amend existing Special Use Permit (\$1,019)
- Project name: Panera Bread Bakery Cafe #2842
- Requested use: Restaurant & Drive-thru
- Attach any relevant information such as a written description, site plans, graphics, photos and other documentation.
- Attach a recent copy of the **WARRANTY DEED/DEED OF TRUST** and check the appropriate box below:
 - No deed restrictions
 - A list of **DEED RESTRICTIONS** have been attached to application.

In signing this application, the applicant acknowledges all information provided is complete and accurate. The applicant

Property Owner / Agent Acknowledgement

also agrees to abide by the regulations of the Branson Municipal Code.

<u></u> Property Owner Original Signature	<u>Brandon Jenkins, Manager</u> Print Name	<u>2-26-20</u> Date
<u></u> Agent Original Signature	<u>Kurtis McMurray</u> Print Name	<u>2-26-20</u> Date

OFFICE USE ONLY					
✓	Description	Comments	✓	Description	Comments
	Warranty Deed/Deed of Trust			Public notice date	
				Public hearing date	
				Additional fees paid	
				Staff Initials	

Bakery Cafe

#2842

SYSTEM: CIVIL (A) (A)

DATE: 01/15/2018

Bakery Cafe #2842
1610 W 76 COUNTRY BLVD
BRANSON, MO



95% REVIEW SET 1/14/2018
LK ARCHITECTURE, INC.
1610 W 76 COUNTRY BLVD
BRANSON, MO 64604

No.	Description	Date

ARCHITECTURAL
SITE PLAN

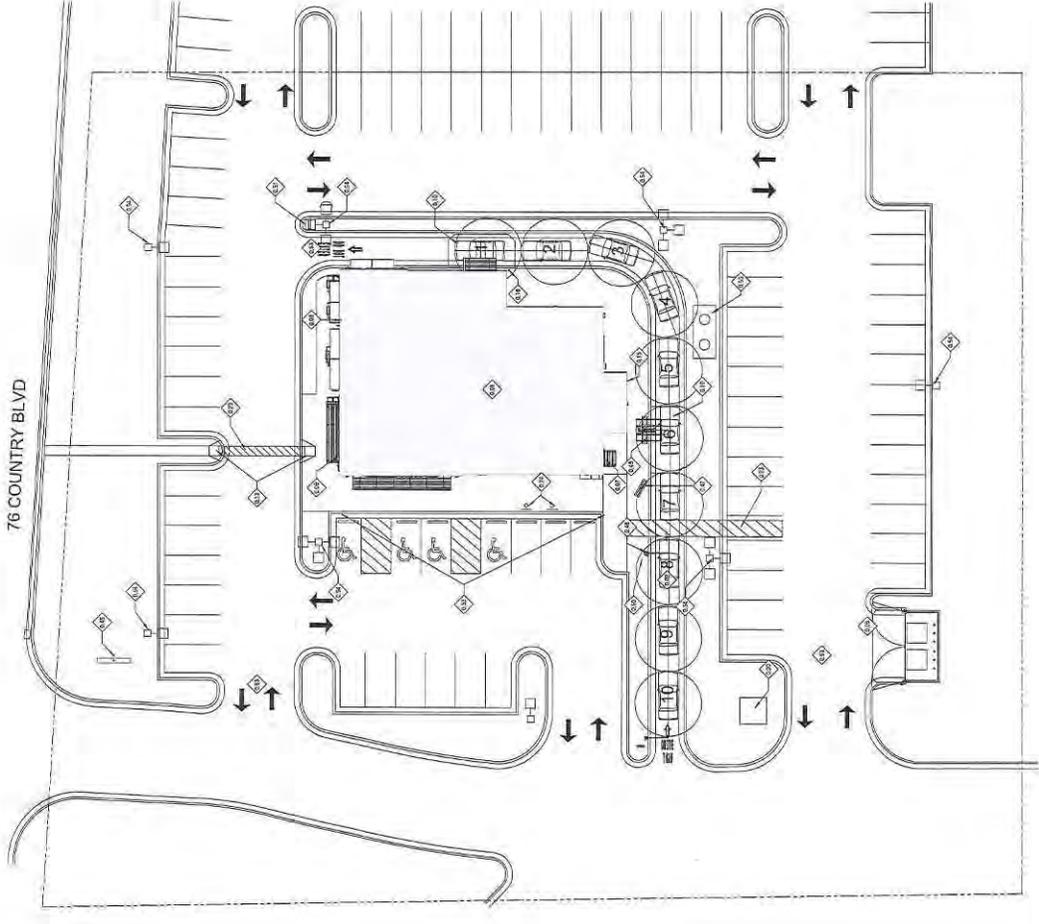
PROJECT NO: A001
DATE: 01/15/2018
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CHECKED BY: [Name]

GENERAL NOTES:

- A. SITE PLAN PROVIDED FOR REFERENCE. REFER TO CIVIL DOCUMENTS FOR ADDITIONAL INFORMATION.
- B. ALL WORK SHALL COMPLY WITH THE REGULATIONS AND ORDINANCES OF THE CITY OF BRANSON, MISSOURI.
- C. ALL WORK SHALL COMPLY WITH THE REGULATIONS AND ORDINANCES OF THE MISSOURI DEPARTMENT OF REVENUE.
- D. ALL UTILITIES SHALL BE LOCATED AT LEAST 10 FEET FROM ALL STRUCTURES, UNLESS OTHERWISE SPECIFIED.
- E. ANY UTILITIES, UNLESS OTHERWISE SPECIFIED, SHALL BE LOCATED AT LEAST 10 FEET FROM ALL STRUCTURES, UNLESS OTHERWISE SPECIFIED.
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KEYED NOTES

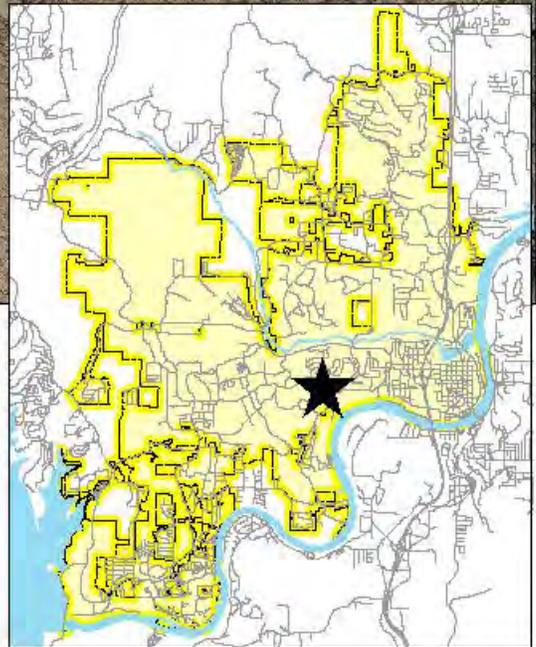
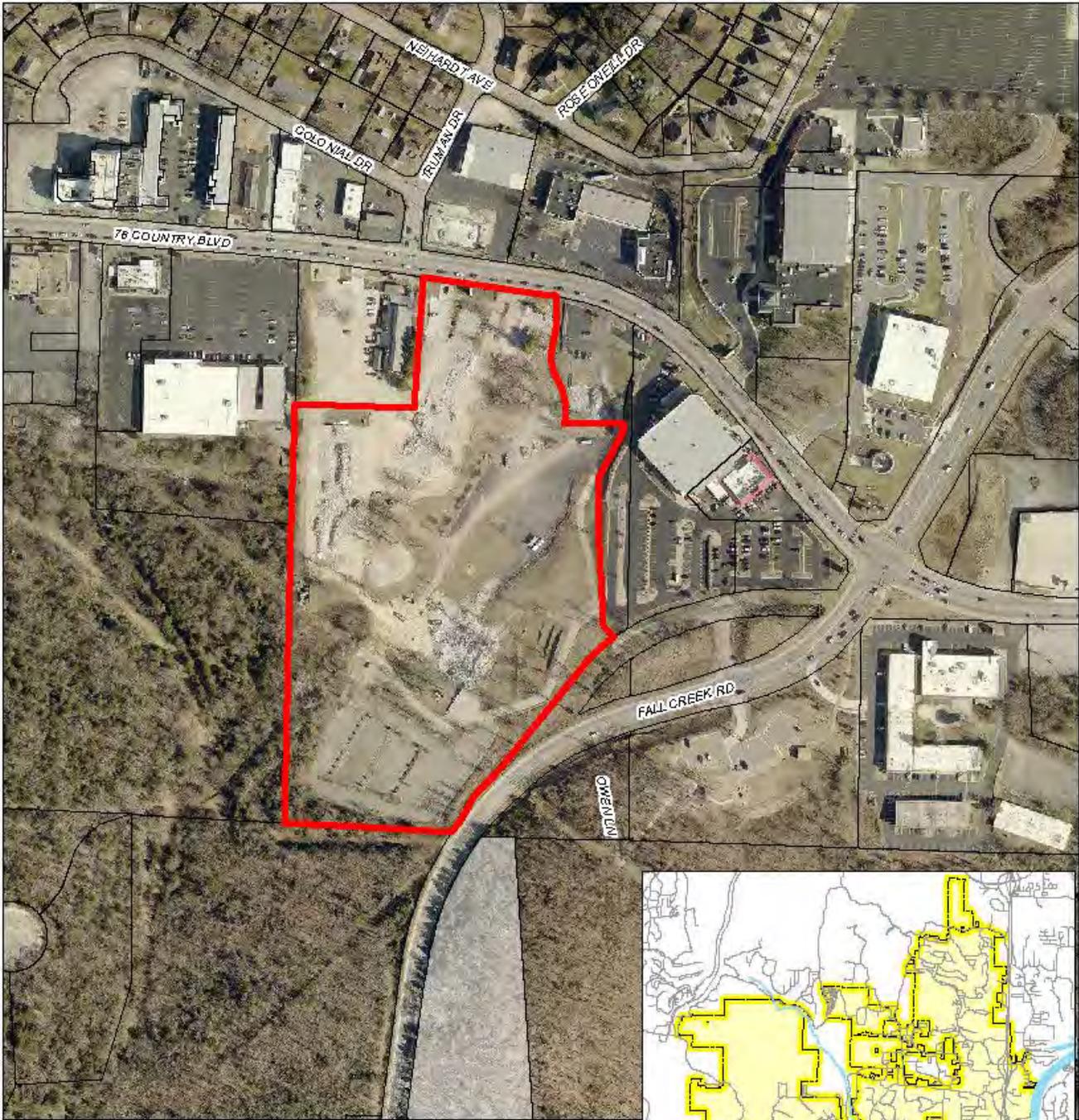
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24 SITE PLAN
1/15 - 1/18

01/15/2018

ATTACHMENT 2: VICINITY MAPS - AERIAL

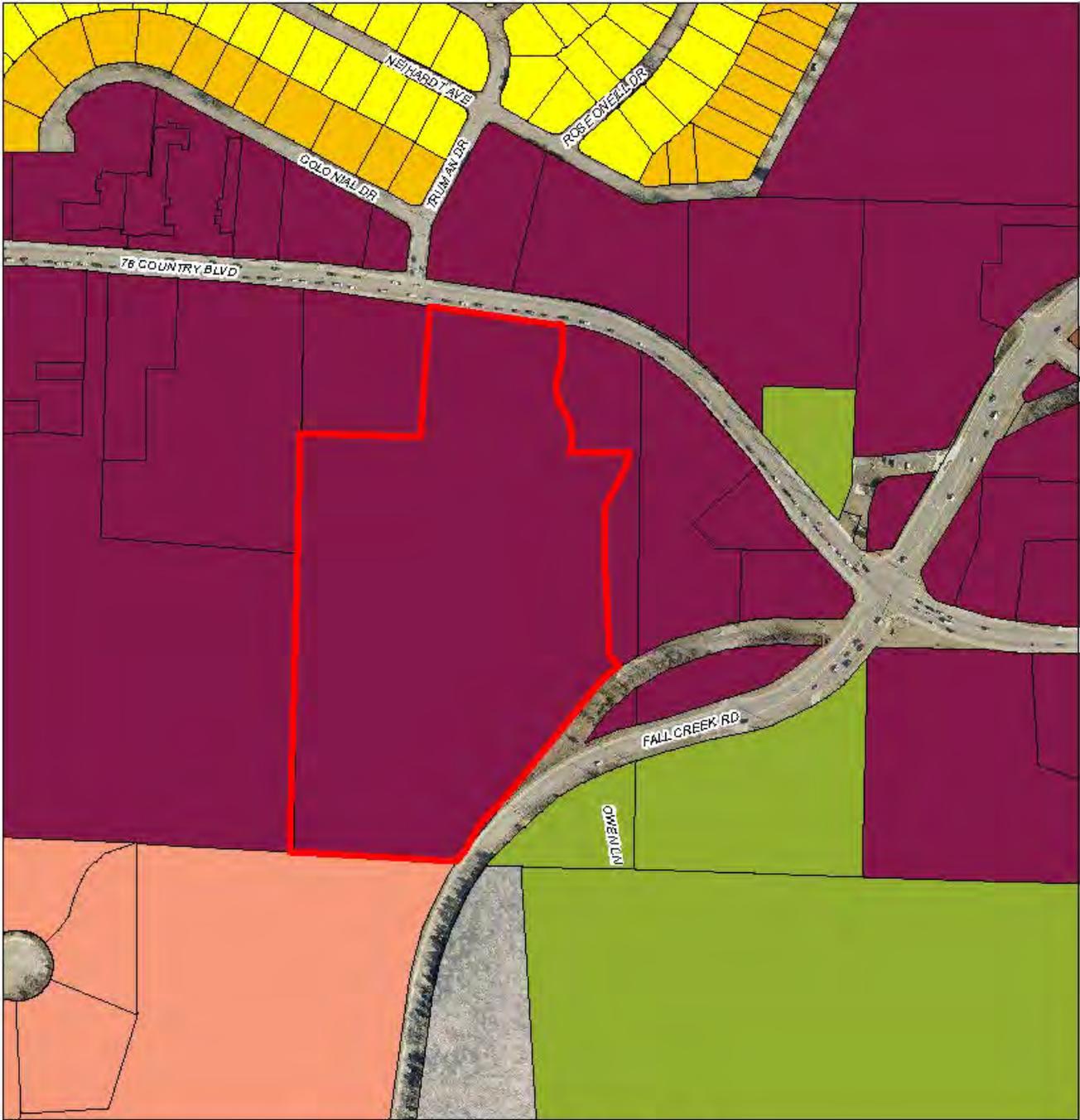


1 inch = 300 feet

City of Branson
Planning & Development
Date: 3/9/2020

**1700 W 76
Country Blvd**

VICINITY MAPS - CURRENT ZONING

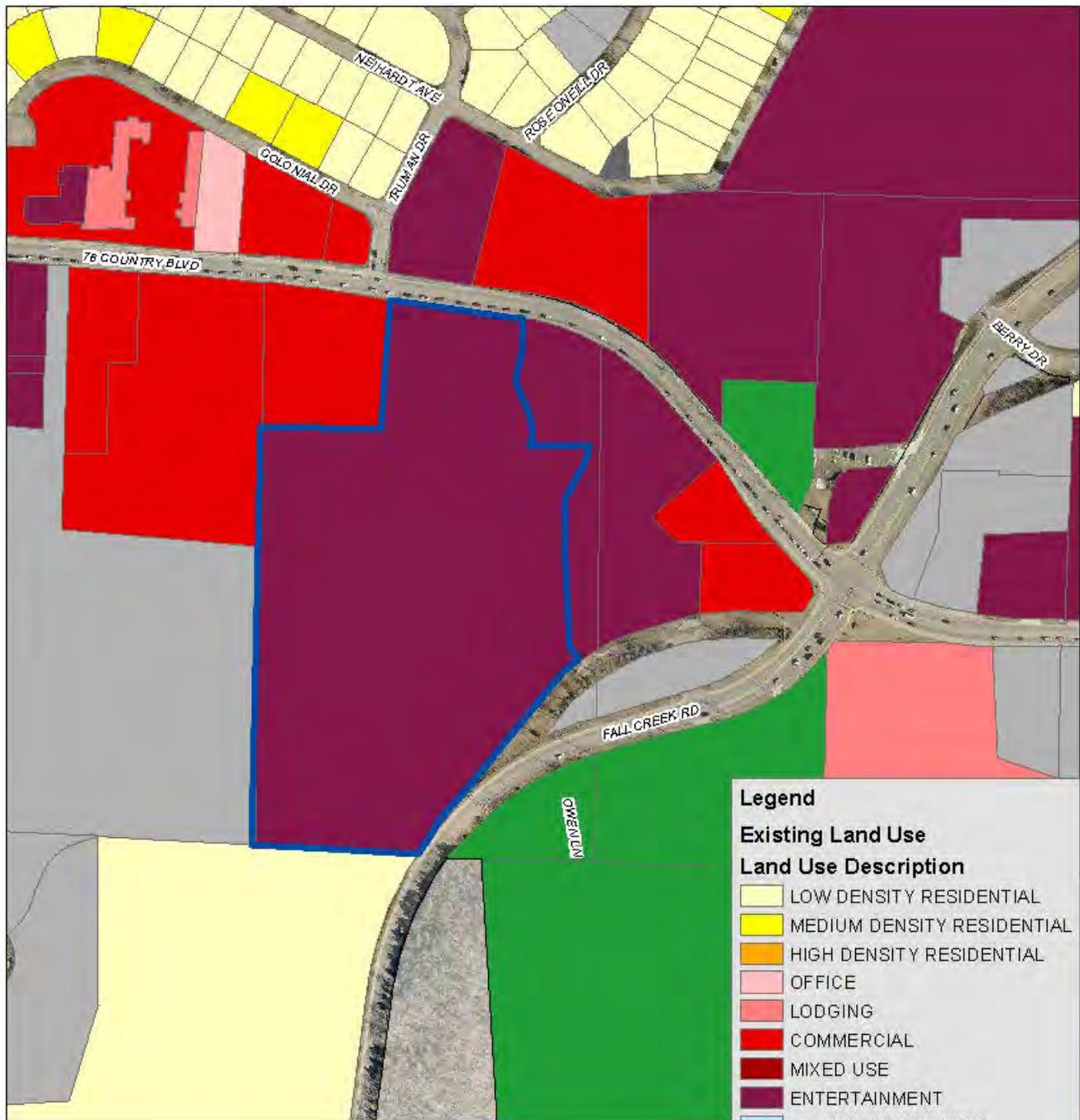


1700 W 76 Country Blvd


1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/9/2020

 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 = 300 feet

City of Branson
 Planning & Development
 Date: 3/9/2020

1700 W 76 Country Blvd

VICINITY MAPS - ORTHOMETRIC IMAGES



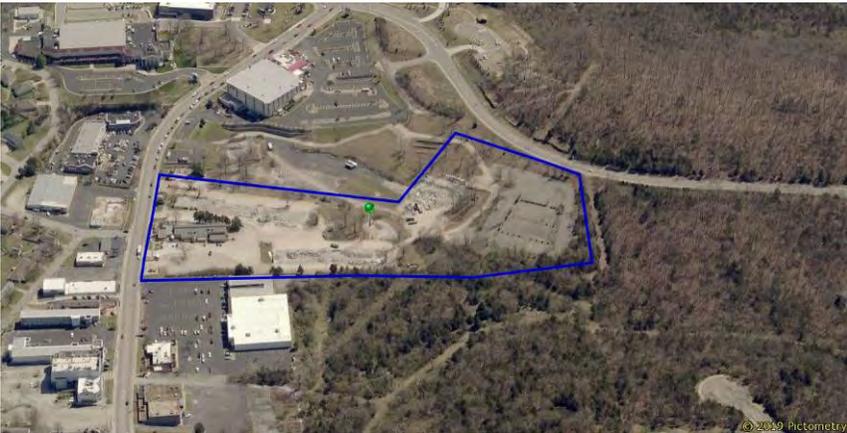
VIEW FROM THE NORTH



VIEW FROM THE EAST



VIEW FROM THE SOUTH



VIEW FROM THE WEST

PLANNING COMMISSION

RESOLUTION NO. 20-1.1 (20-00100001)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE PLANNING AND DEVELOPMENT DIRECTOR TO ISSUE A SPECIAL USE PERMIT TO OPERATE A RESTAURANT WITH A DRIVE-THRU WITHIN THE PROPERTY LOCATED AT 1700 WEST 76 COUNTRY BOULEVARD, BRANSON, MISSOURI.

WHEREAS, a Special Use Application has been submitted to the City of Branson by Kurtis McMurray on behalf of Morris Hospitality, LLC to operate a restaurant with a drive-thru within the property located at 1700 West 76 Country Boulevard, legally described as follows:

See Exhibit A

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

WHEREAS, a Public Hearing was held before the Planning Commission on May 5, 2020, at 7:00 PM in the City 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 authorizes the Planning and Development Director to issue a Special Use Permit to operate a restaurant with a drive-thru within the property located at 1700 West 76 Country Boulevard, Branson, Missouri, as described within Exhibit 'B', attached hereto and incorporated by reference herein, upon certification by the appropriate departments of the City that the following conditions have been satisfactorily completed:

1. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
2. All conditions of this Resolution authorizing the issuance of this Special Use Permit shall be met on or before May 5, 2021.

DONE THIS 5TH DAY OF MAY, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris – Chairperson

ATTEST:

Joel Hornickel – Planning and Development Director

20-00100001

EXHIBIT A

ALL OF LOT THREE (3), MORRIS HOSPITALITY PHASE 2, A MINOR SUBDIVISION BEING A REPLAT OF LOT 2 OF MORRIS HOSPITALITY, ACCORDING TO THE RECORDED PLAT THEREOF, IN PLAT BOOK/SLIDE L, AT PAGE 303, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI.

Bakery Cafe: **#2842**
 BRANSON, MO (03/24)

GENERAL NOTES:

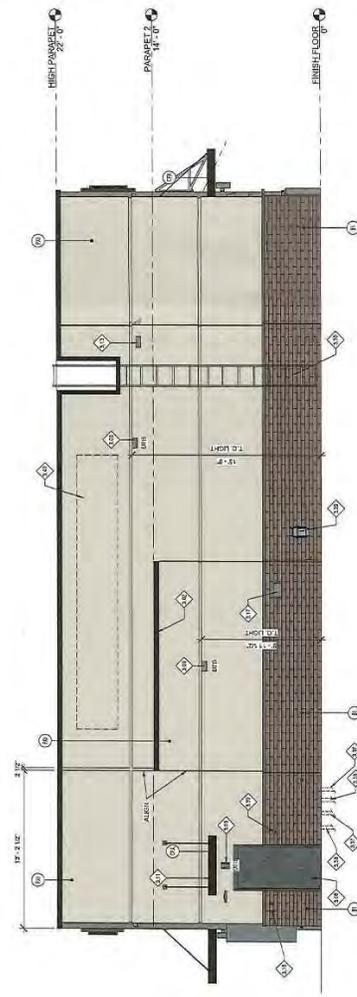
- A. ALL WORK IS UNDER PERMIT JURISDICTION AND SHALL BE PERMITTED BY THE CITY OF BRANSON.
- B. ALL EXTERIOR WALLS SHALL BE FINISHED TO THE EXTERIOR FACE WITH A FINISH AS NOTED.
- C. ALL EXTERIOR WALLS SHALL BE FINISHED TO THE EXTERIOR FACE WITH A FINISH AS NOTED.
- D. ALL EXTERIOR WALLS SHALL BE FINISHED TO THE EXTERIOR FACE WITH A FINISH AS NOTED.
- E. REFER TO ARCHITECTURAL DRAWINGS FOR ALL DETAILS.

KEYED NOTES

- 3.01 INTERIOR WALLS SHALL BE FINISHED TO THE INTERIOR FACE WITH A FINISH AS NOTED.
- 3.02 INTERIOR WALLS SHALL BE FINISHED TO THE INTERIOR FACE WITH A FINISH AS NOTED.
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1 WEST ELEVATION
 1/4" = 1'-0"



2 SOUTH ELEVATION
 1/4" = 1'-0"

Bakery Cafe #2842
 1610 W 76 COUNTRY BLVD
 FALL CREEK ROAD
 BRANSON, MO



Contract Copyright Reserved
 LK ARCHITECTURAL, INC.
 1000 N. BRANSON BLVD
 BRANSON, MO 64401
 PHONE: 417-538-8228
 FAX: 417-538-8229

NO.	DESCRIPTION	DATE

EXTERIOR ELEVATIONS
 PROJECT NO: **A201**
 SHEET NO: **01**

EXTERIOR FINISHES
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**Branson Planning Commission
Staff Report and Recommendation
Project No. 20-1.2 (20-00100002)**

LOCATION: 2527 STATE HIGHWAY 248

OWNER/APPLICANT: US FLANSON CULTURAL ENTERTAINMENT, LLC/MICHAEL MAIROT

ITEM/SUBJECT: REQUEST FOR A SPECIAL USE PERMIT TO OPERATE A CAMPGROUND AND VEHICLE PARK WITHIN THE PROPERTY LOCATED AT 2527 STATE HIGHWAY, BRANSON, MISSOURI.

DATE: MAY 5, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT DEPARTMENT

APPROVED BY:



Director of Planning & Development

April 27, 2020

Date

STAFF REPORT:

A Special Use Application has been received from Michael Mairot on behalf of US Flanson Cultural Entertainment, LLC to operate a campground and vehicle park within the property located at 2527 State Highway 248. The property is located on the west side of State Highway 248 approximately 1,475 feet north of Shepherd of the Hills Expressway (see attachment 2). It contains a 170,000 plus square-foot theater and almost nine acres of parking which are accessible only from State Highway 248. The property is currently zoned Community Commercial District (CC).

The applicant is specifically requesting the ability to park two, 46 ½ foot long by eight foot wide recreational vehicles, or trailers, within their property to provide temporary sleeping areas for staff. As the trailers will primarily be used for sleeping, staff will utilize the bathrooms and showers backstage within the theater as necessary. The theater will also provide shelter for the staff during any significant weather events. The applicant is additionally requesting the opportunity to have up to four trailers in the future within the property for the same purpose. While the property is approximately 24 acres more or less, the request is for the proposed use to be contained within an area approximately 0.3 acres more or less, and located within the south side yard.

The Unified Development Code (Chapter 94) defines a campground and vehicle park as any parcel or tract of land upon which two or more campsites (a portion of the rentable space of a campground having an area 580 square feet or more) are occupied, or intended to be occupied, for overnight camping.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-1.2 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 US Flanson Cultural Entertainment, LLC ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. 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,
3. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
4. A maximum of four spaces for recreational vehicles, or campsites, shall be allowed within the existing parking area located to the south of the existing building; and,
5. Necessary utilities shall be permanently installed for each campsite; and,
6. Any recreational vehicle shall not occupy any campsite longer than nine months within a twelve month period, and the number of occupants within each recreational vehicle shall not exceed the limits established by the manufacturer or the building codes as adopted by the City; and,
7. 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,
8. All conditions of this resolution authorizing the issuance of this Special Use Permit shall be met on or actively pursued before May 5, 2021.

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:

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

ATTACHED INFORMATION:	1) Special Use Application
	2) Vicinity Maps

ATTACHMENT 1



SPECIAL USE APPLICATION

110 W. Maddux St., Ste. 215, Branson, MO 65616
417-337-8549/Fax 417-334-2391

SUPA	20-10.03
Date Applied	3/4/2020

Property Information

911 Property Address 2527 State Hwy 248, Branson MO 65616

Property Owner Jien Fu Owner is applicant

Contact Name Michael Mairot (GM) Email henanglobalentertainment@gmail.com

Mailing Address 2527 State Hwy 248, Branson MO 65616 Phone 4076259766

Agent Information (if different from property owner)

Name same as above Email _____

Mailing Address same as above Phone _____

Additional Required Information

- Check box below that corresponds with your request.
 - New Special Use Permit (\$1,019)
 - Amend existing Special Use Permit (\$1,019)
- Project name: Encore Theater Branson (US Flanson Cultural Entertainment LLC) -DBA Henan Global Entertainment corp
DBA ENCORE THEATER BRANSON
- Requested use: _____
- Attach any relevant information such as a written description, site plans, graphics, photos and other documentation.
- Attach a recent copy of the **WARRANTY DEED/DEED OF TRUST** and check the appropriate box below:
 - No deed restrictions
 - A list of **DEED RESTRICTIONS** have been attached to application.

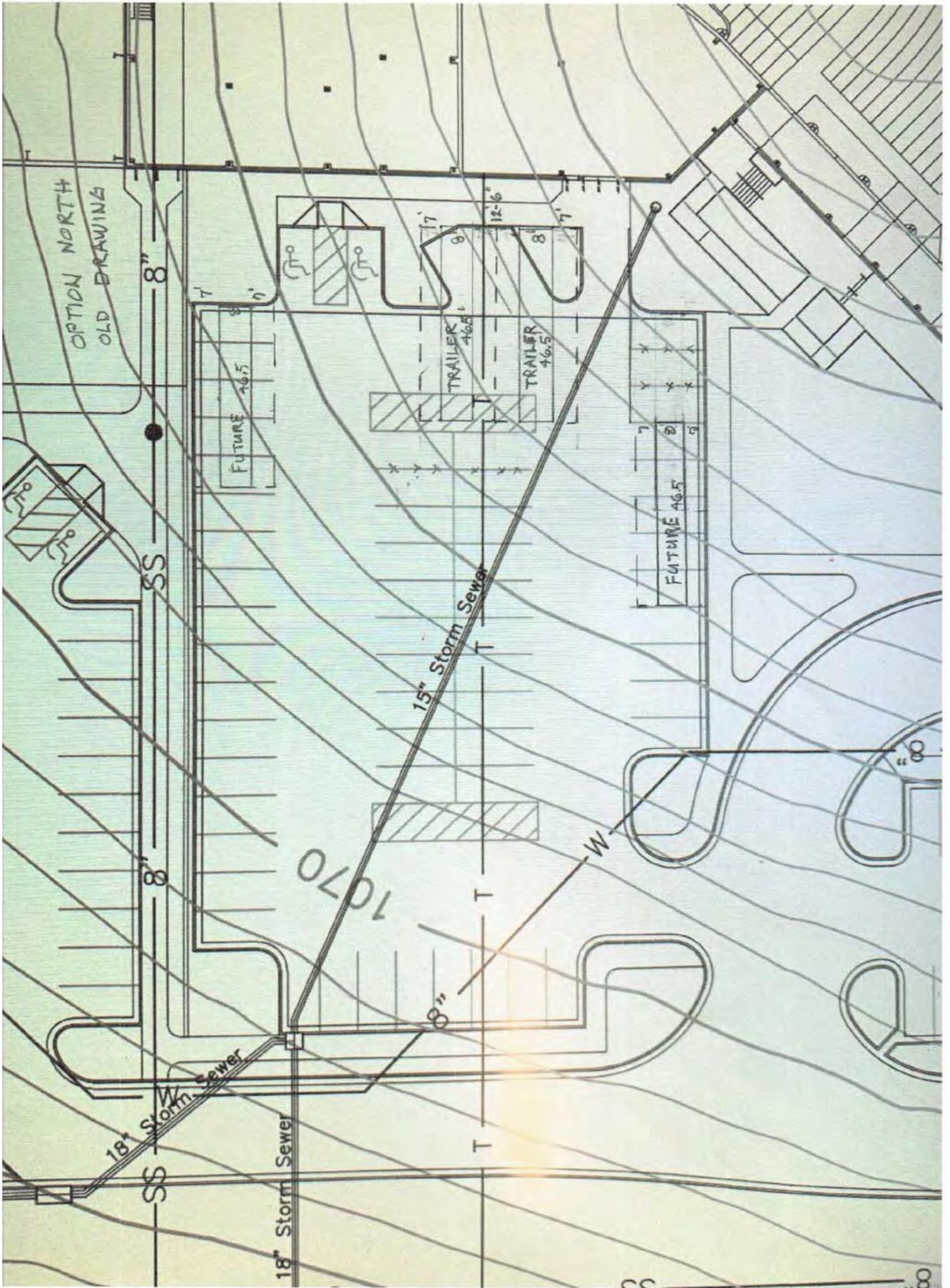
In signing this application, the applicant acknowledges all information provided is complete and accurate. The applicant

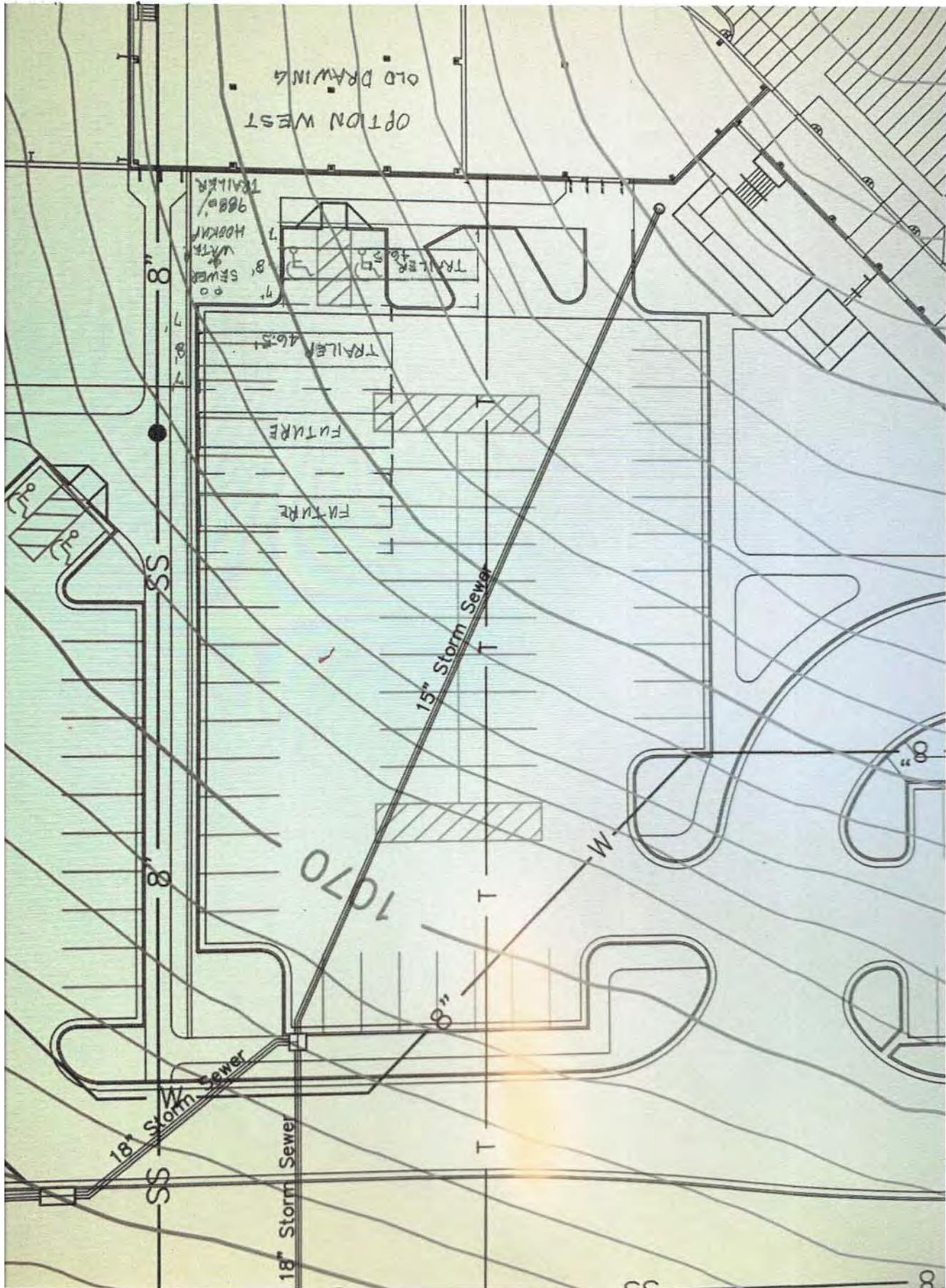
Property Owner / Agent Acknowledgement

also agrees to abide by the regulations of the Branson Municipal Code.

	<u>Jien Fu</u>	<u>2/15/2020</u>
Property Owner Original Signature	Print Name	Date
	<u>Michael Mairot</u>	<u>3-4-20</u>
Agent Original Signature	Print Name	Date

OFFICE USE ONLY					
✓	Description	Comments	✓	Description	Comments
	Warranty Deed/Deed of Trust			Public notice date	
				Public hearing date	
				Additional fees paid	
				Staff Initials	







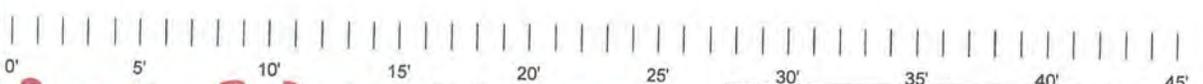
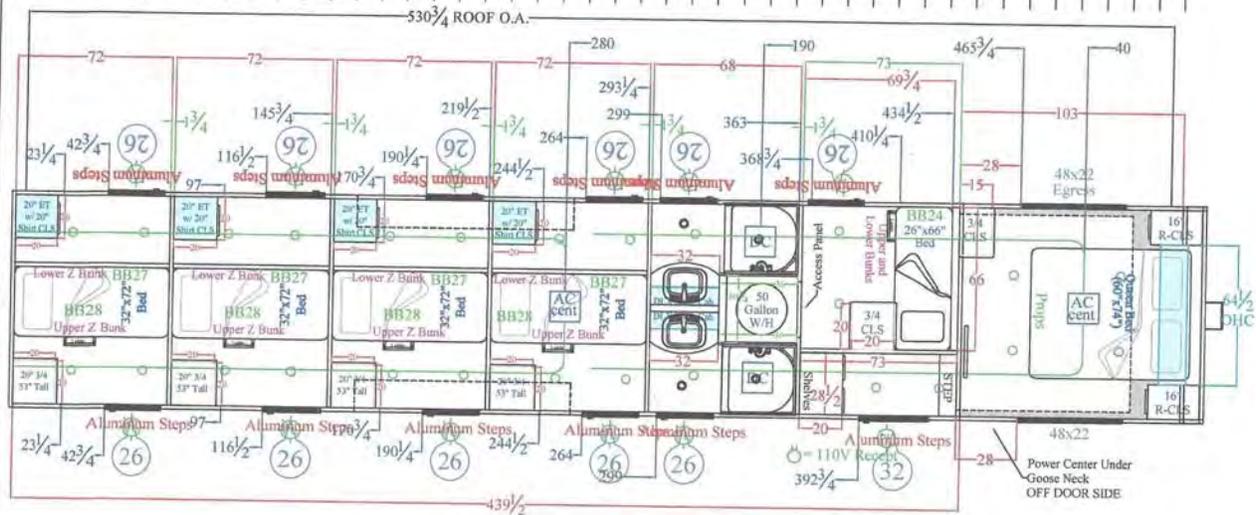
27221-45FWBH-(OPEN)

8/21/2019 4:13:02 PM

Frame	Axle ϕ	Total Length		Rear Rails		Rear Front Of Wheel Wells		Front Rails	
5th Wheel		Floor	Sidewall	Floor	Sidewall	Floor	Sidewall	Floor	Sidewall
45' Triple	231"	441"	439 1/4"	159 1/2"	159"	259 1/2"	257"	181 1/2"	182 1/4"

Gel-Coat 96" Ceiling

Front/Rear Caps



Recreation By Design

Deposits are required on all orders
Deposits are NOT refundable after production starts on your order.

Recreation By Design, LLC claims exclusive rights to the information documented herein. Manufacture of material shown, in part or in full, is prohibited by law without the express written consent of Recreation By Design, LLC

Signature:	8-21-2019
Customer: OPEN	Serial #: 27221
Model: 45FWBH	

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

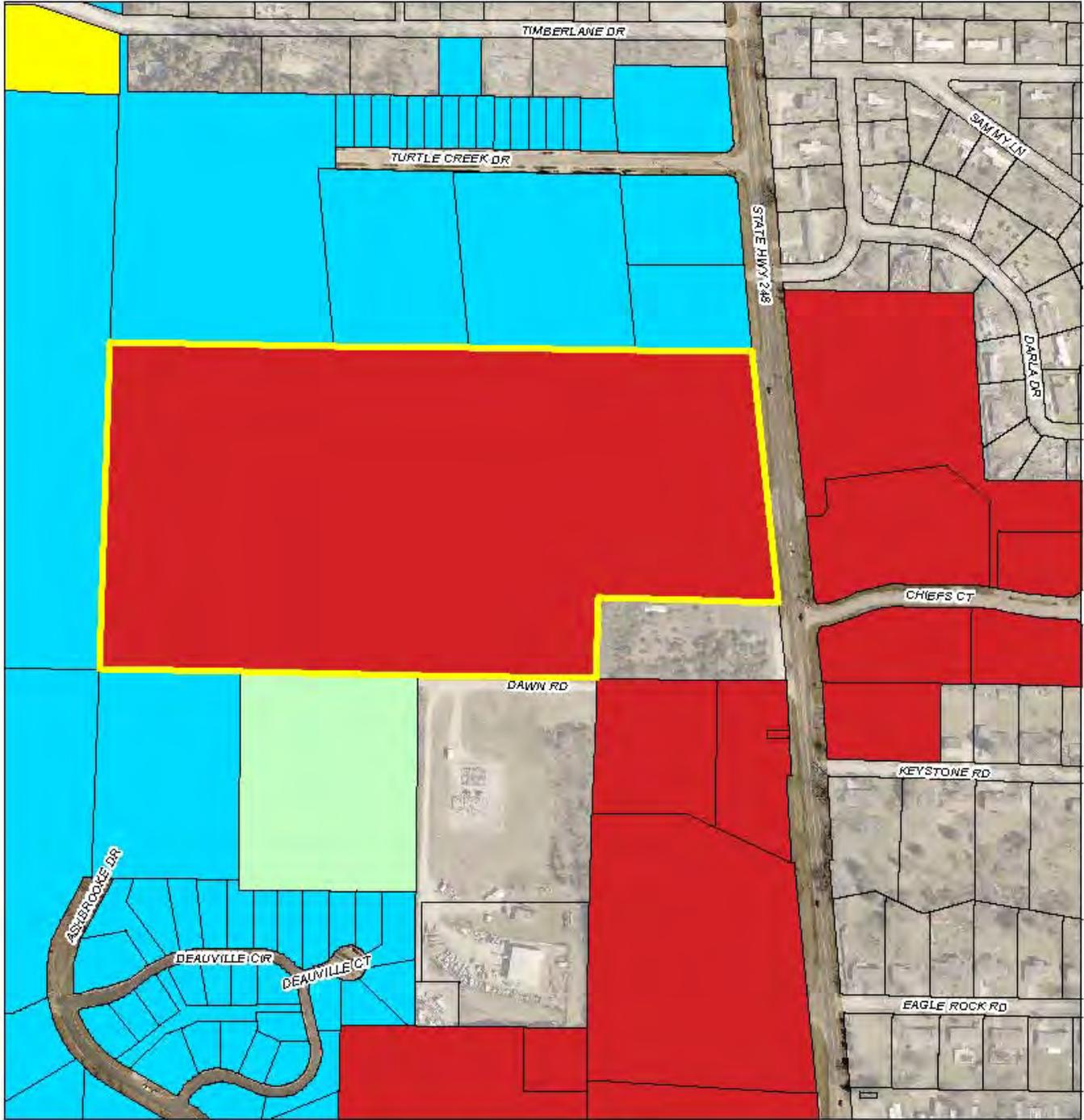


1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 3/10/2020

2527 State Hwy 248

VICINITY MAPS - CURRENT ZONING



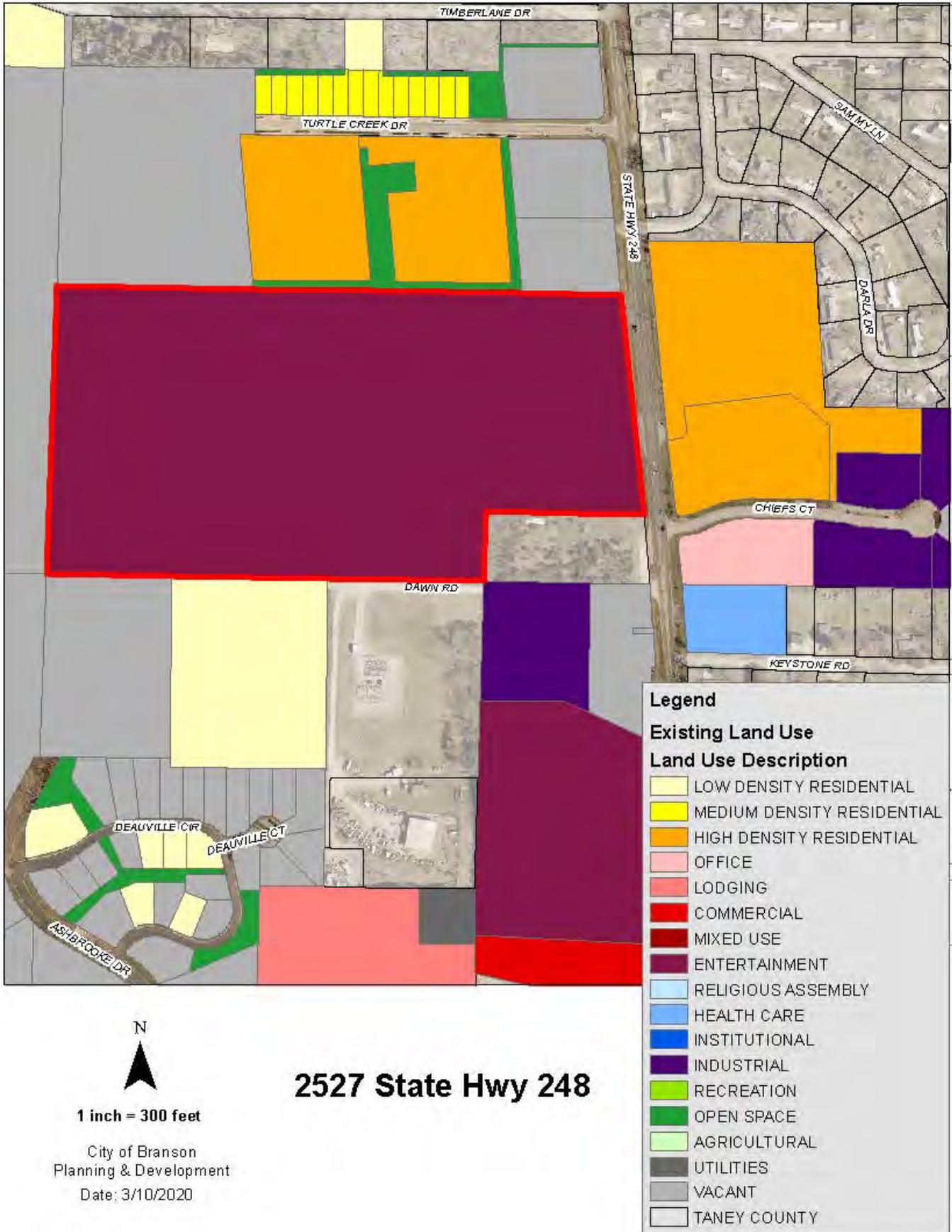
1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 3/10/2020

2527 State Hwy 248

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



VICINITY MAPS - ORTHOMETRIC IMAGES



VIEW FROM THE NORTH



VIEW FROM THE EAST



VIEW FROM THE SOUTH



VIEW FROM THE WEST

PLANNING COMMISSION

RESOLUTION NO. 20-1.2 (20-00100002)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE PLANNING AND DEVELOPMENT DIRECTOR TO ISSUE A SPECIAL USE PERMIT TO OPERATE A CAMPGROUND AND VEHICLE PARK WITHIN THE PROPERTY LOCATED AT 2527 STATE HIGHWAY 248, BRANSON, MISSOURI.

WHEREAS, a Special Use Application has been submitted to the City of Branson by Michael Mairot on behalf of US Flanson Cultural Entertainment, LLC to operate a campground and vehicle park within the property legally described as follows:

See Exhibit “A”

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

WHEREAS, a Public Hearing was held before the Branson Planning Commission on May 5, 2020, at 7:00 PM in the City 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 authorizes the Planning and Development Director to issue a Special Use Permit to operate a campground and vehicle park within the property located at 2527 State Highway 248, 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 US Flanson Cultural Entertainment, LLC ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. 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,
3. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
4. A maximum of four spaces for recreational vehicles, or campsites, shall be allowed within the existing parking area located to the south of the existing building as shown in Exhibit B; and,
5. Necessary utilities shall be permanently installed for each campsite; and,
6. Any recreational vehicle shall not occupy any campsite longer than nine months within a twelve month period, and the number of occupants within each recreational vehicle shall not exceed the limits established by the manufacturer or the building codes as adopted by the City; and,

7. 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,
8. All conditions of this resolution authorizing the issuance of this Special Use Permit shall be met on or actively pursued before May 5, 2021.

DONE THIS 5TH DAY OF MAY, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairperson

ATTEST:

Joel Hornickel – Planning and Development Director

EXHIBIT "A"

A PART OF THE S $\frac{1}{2}$ OF LOTS L AND 2 OF THE SW $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 23 NORTH, RANGE 21 WEST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19, SAID POINT BEING AN EXISTING 5/8" IRON PIN; THENCE N 00°19'33" W ALONG THE WEST LINE THEREOF, 744.08 FEET; THENCE N 87°41'50" E 1459.76 FEET TO A POINT ON THE WESTERLY R/W OF MISSOURI STATE HIGHWAY NO. 248 (FORMERLY U.S. 65); THENCE S 08°03'35" E ALONG R/W 582.14 FEET TO AN EXISTING 5/8" IRON PIN; THENCE S 88°05'18" W, 398.96 FEET, TO A POINT ON THE WEST LINE OF THE S $\frac{1}{2}$ OF LOT 1 OF SAID SW $\frac{1}{4}$; THENCE S 01°10'51" E ALONG WEST LINE, 175.00 FEET, TO THE SOUTHWEST CORNER OF SAID S $\frac{1}{2}$ OF LOT L OF THE SW $\frac{1}{4}$. (SAID POINT BEING MARKED BY AN EXISTING 1/2" IRON PIN); THENCE S 88°05'47" W ALONG THE SOUTH LINE OF SAID LOT2 OF THE SW $\frac{1}{4}$. 1141.47 FEET TO THE POINT OF BEGINNING; CONTAINING 23.86 ACRES, MORE OR LESS.

**Branson Planning and Zoning Commission
Staff Report and Recommendation
Project No. SU20-3 (SU20-000003)**

LOCATION: 3309 WEST 76 COUNTRY BOULEVARD

OWNER/APPLICANT: THE TRACK, LLC/BRANSON HELICOPTERS, LLC

ITEM/SUBJECT: REQUEST TO AMEND THE SPECIAL USE PERMIT TO OPERATE A HELICOPTER TOUR BUSINESS WITHIN THE PROPERTY LOCATED AT 3309 WEST 76 COUNTRY BOULEVARD, BRANSON, MISSOURI.

DATE: MAY 5, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:



Director of Planning & Development

APRIL 27, 2020

Date

STAFF REPORT:

A Special Use Permit Application has been received from Branson Helicopters, LLC on behalf of The Track, LLC to amend Resolution 12-1.1 for the property located at 3309 West 76 County Boulevard. The property is located on the north side of West 76 Country Boulevard approximately 315 feet west of Gretna Road (see attachment 2). It contains an 850 square foot helicopter pad, supporting structures, and two parking areas located in the southern and northern portions of the property. The property, as well as the adjacent properties, are currently zoned Entertainment District (ENT).

Specifically, the applicant is requesting to amend several of the approved conditions included with the current Special Use Permit to operate a helicopter tour business within this property. Their primary amendment is to update the operator from the past company, Gateway Helicopter Tours, Inc., DBA Branson Helicopter Tours, to the new one, Branson Helicopters, LLC. However, they are additionally requesting the following:

- Remove the five (5) minute minimum duration requirement within condition number six (6) to allow for a lower price point option
- Remove the specific type of helicopter listed within condition number seven (7)
- Remove the parking restrictions specified within condition number 11 as additional parking has been added to the site since the old permit was issued.
- Modify previous “sneek peek” route which flew passengers west from the subject property to Lake Taneycomo and back to a new route north from the subject property to Shepherd of the Hills Expressway and back

This Special Use Permit will continue to cover the entire three (3) acre, subject property. Additionally, the applicant is not requesting any modification of the previously approved hours of operation, and their operation will continue to provide a safety briefing to each passenger prior to them being escorted from the ticket building to the helicopter where they will be eventually buckled in. Upon return, all passengers will also continue to be escorted back to the ticket building.

STAFF RECOMMENDATION:

Staff recommends approval based on the following conditions:

1. This Special Use Permit is not transferrable in any manner and therefore may not be transferred from owner to owner. If Branson Helicopters, LLC, ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. 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,
3. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
4. 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,
5. Hours of operation shall be from 10:00 am until dusk, seven (7) days a week from March through December, and 10:00 am until dusk, Saturday through Sunday from January through February; and,
6. All departure and arrival paths shall be flown within the limits of the subject property; and,
7. The applicant shall provide approved FAA documentation for this location to the Planning and Development Department; and,
8. Branson Helicopters, LLC shall agree to and sign the “Standard Operating Procedures for Helicopter Operators in the Branson Missouri Area” prior to any helicopter tour operations; and,
9. All conditions of this resolution authorizing the issuance of this special use permit shall be met on or before November 5, 2020.

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:

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

ATTACHED INFORMATION:	1) Special Use Permit Application
	2) Vicinity Maps
	3) Res. 12-1.1 (approved March 6, 2012)



SPECIAL USE APPLICATION

110 W. Maddux St., Ste. 215, Branson, MO 65616
417-337-8549/Fax 417-334-2391

Office Use Only
SUPA
Date Applied

Property Information

911 Property Address 3309 W. Highway 76

Property Owner The Track LLC Owner is applicant

Contact Name Craig Wescott Email craig@bransontracks.com

Mailing Address 3388 Green Mountain Drive, Branson MO 65616 Phone 1-417-~~676-2064~~ 334-1612

Agent Information (if different from property owner)

Name Branson Helicopters LLC Email camron@arhaviation.com

Mailing Address 802 Airport Ave, Springdale AR 72764 Phone 1-479-236-1109

Additional Required Information

- Check box below that corresponds with your request.
 - New Special Use Permit (\$1,019)
 - Amend existing Special Use Permit (\$1,019)
- Project name: Branson Helicopters LLC
- Requested use: Helicopter Tours
- Attach any relevant information such as a written description, site plans, graphics, photos and other documentation.
- Attach a recent copy of the WARRANTY DEED/DEED OF TRUST and check the appropriate box below:
 - No deed restrictions
 - A list of DEED RESTRICTIONS have been attached to application.

In signing this application, the applicant acknowledges all information provided is complete and accurate. The applicant

Property Owner / Agent Acknowledgement

also agrees to abide by the regulations of the Branson Municipal Code.

	CRAIG WESCOTT	3/17/20
Property Owner Original Signature	Print Name	Date
	Camron McAhren	3/17/2020
Agent Original Signature	Print Name	Date

OFFICE USE ONLY				
✓	Description	Comments	✓	Description
	Warranty Deed/Deed of Trust			Public notice date
				Public hearing date
				Additional fees paid
				Staff Initials



March 13, 2020

Branson Planning and Development
Special Use Permit Amendment
Resolution # 12-1.1 (12-0010000001)

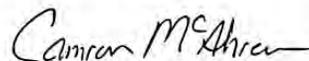
To Whom It May Concern:

Branson Helicopters is requesting the following changes to our previous issued Special Use Permit:

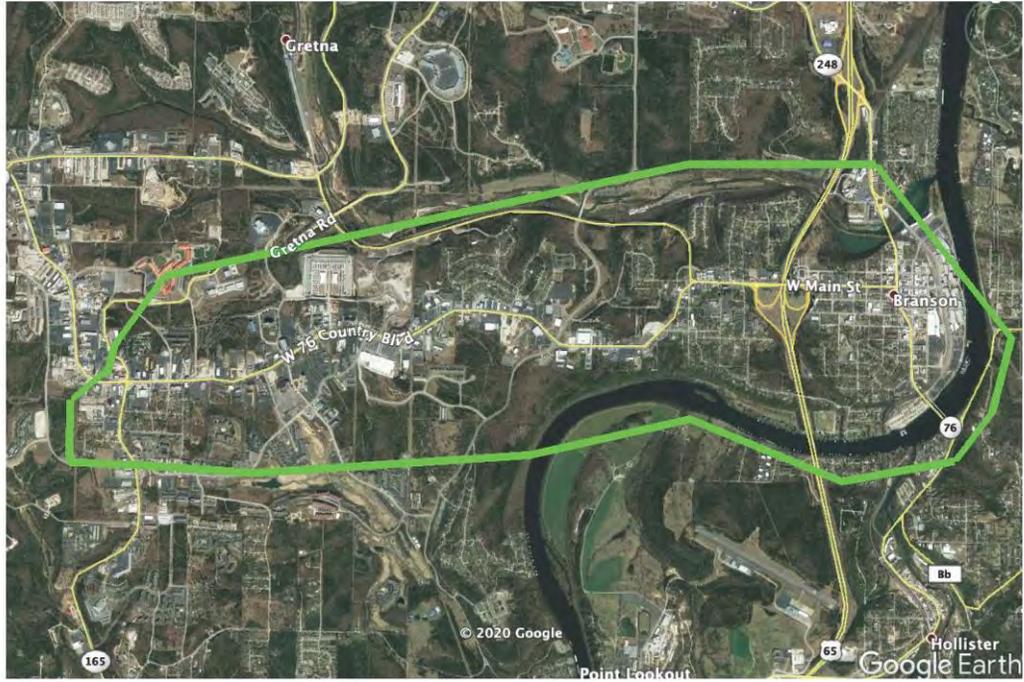
Section:

- 1) Remove Gateway Helicopter Tours, Inc DBA Branson Helicopter Tours and replace with
 - a. Branson Helicopters, LLC
- 6) Remove the 5-minute duration – This would allow for a lower price point option
- 7) Remove the type of helicopter.
- 10) Remove Gateway Helicopter Tours, Inc DBA Branson Helicopter Tours and replace with
 - a. Branson Helicopters, LLC
- 11) Remove parking restriction as there is additional parking at the location now.
- 12) Remove – no longer needed
- 13) Remove - Our operation has been in Branson since 2012

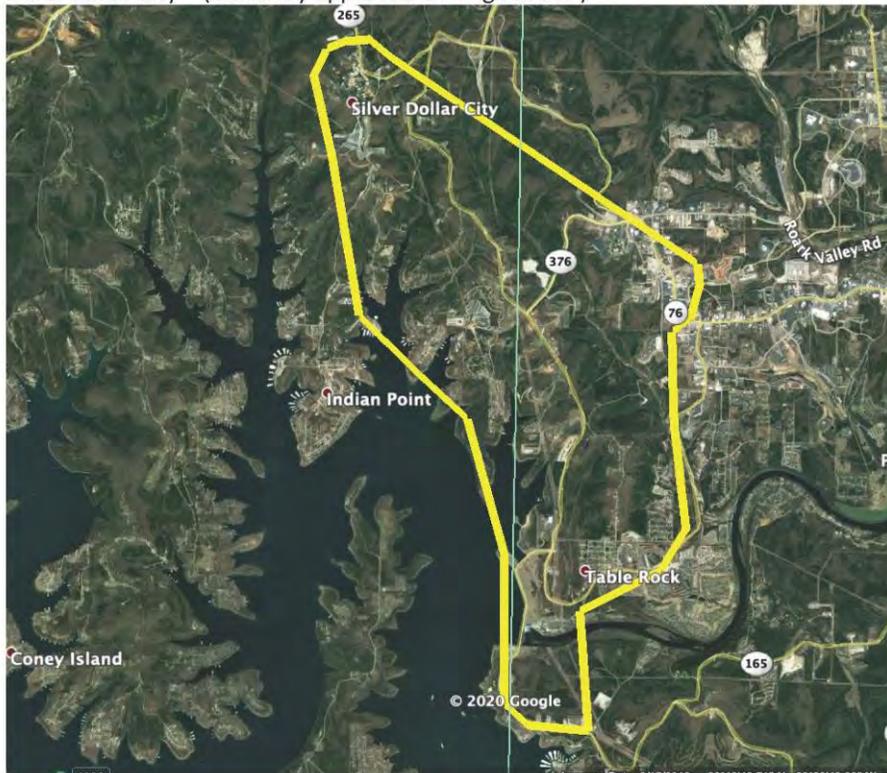
Dominique Youakim
Camron McAhren

 3/17/2020

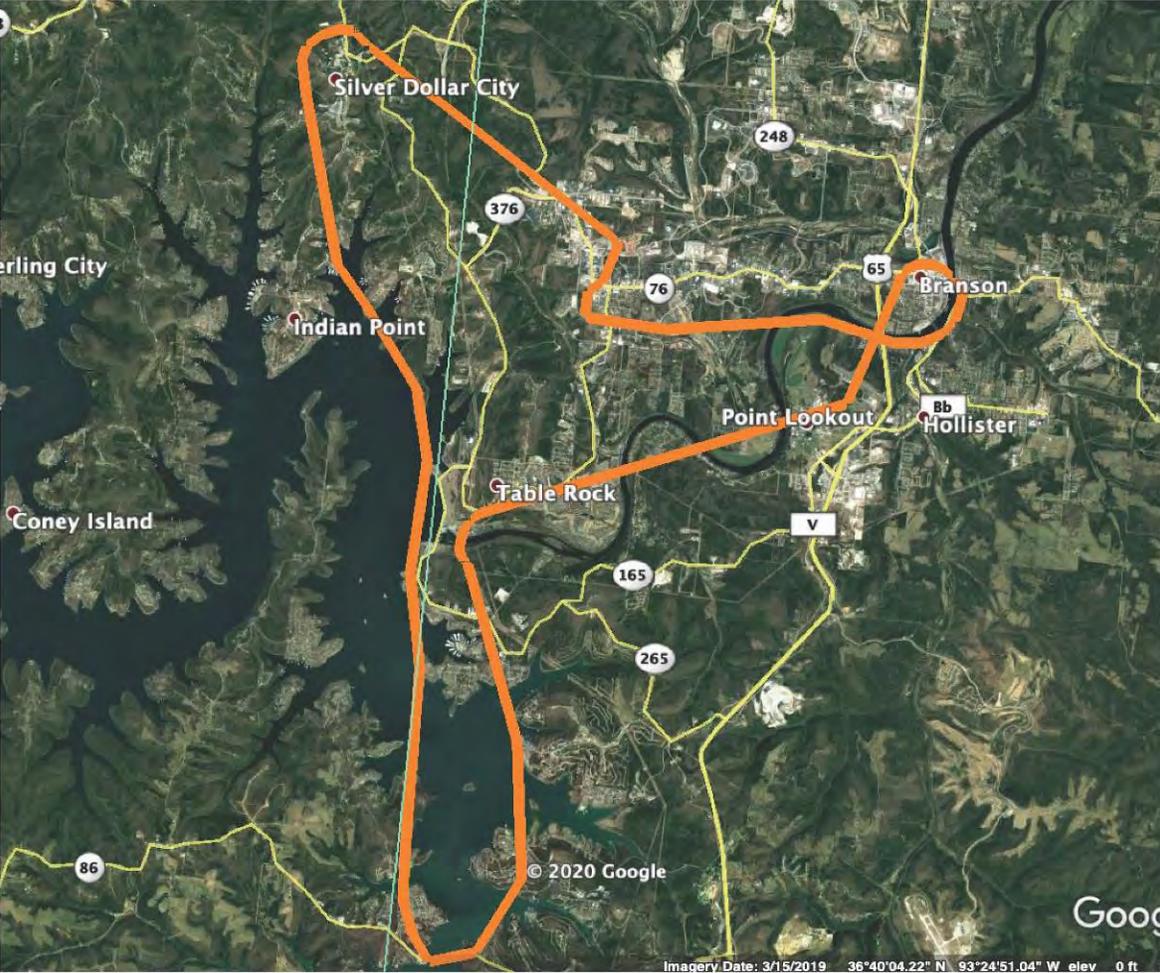
Branson Landing – (Currently approved on original SUP)



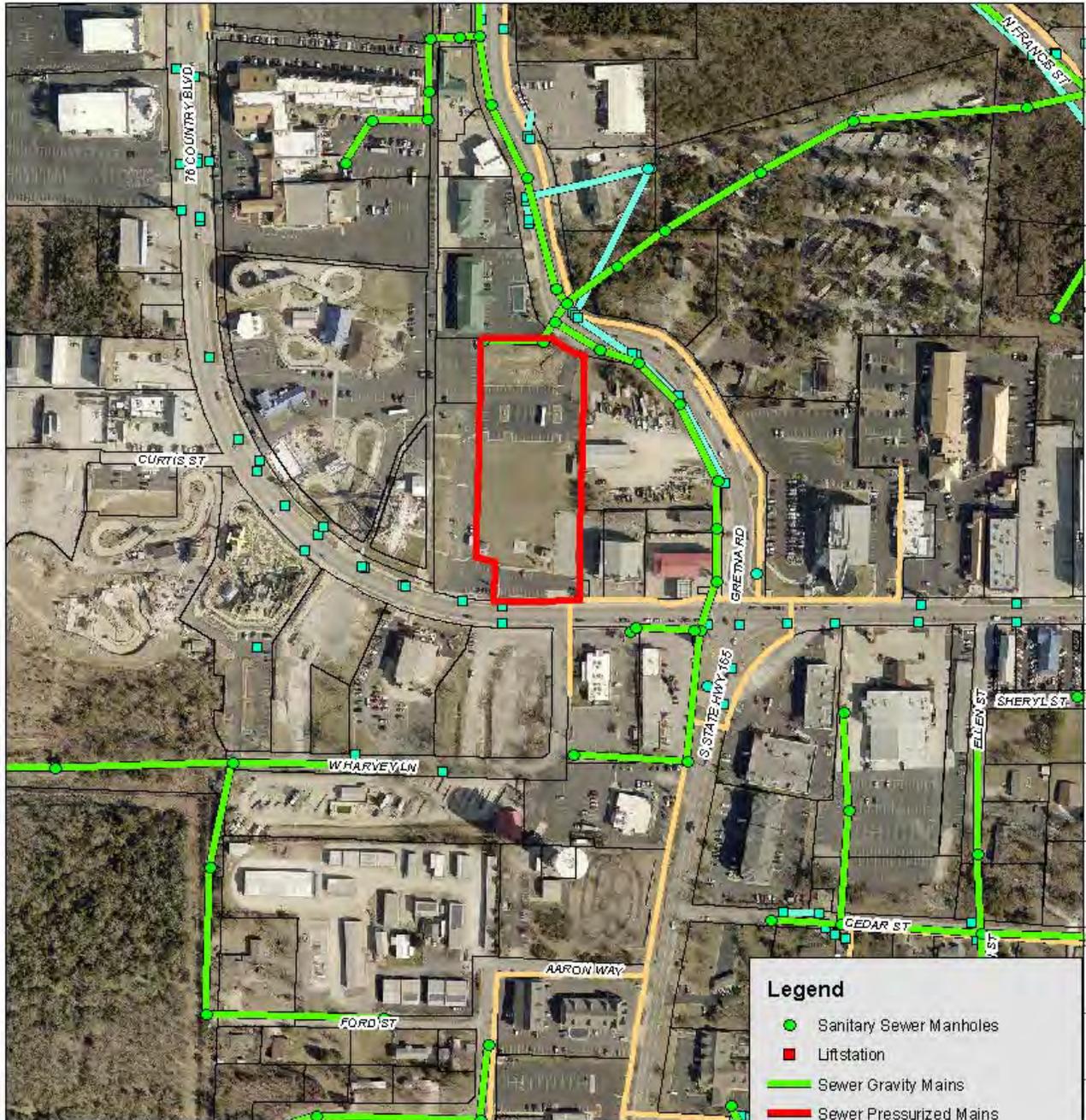
Silver Dollar City – (Currently approved on original SUP)



Deluxe – (Currently approved on original SUP)



ATTACHMENT 2: VICINITY MAPS - AERIAL



Legend

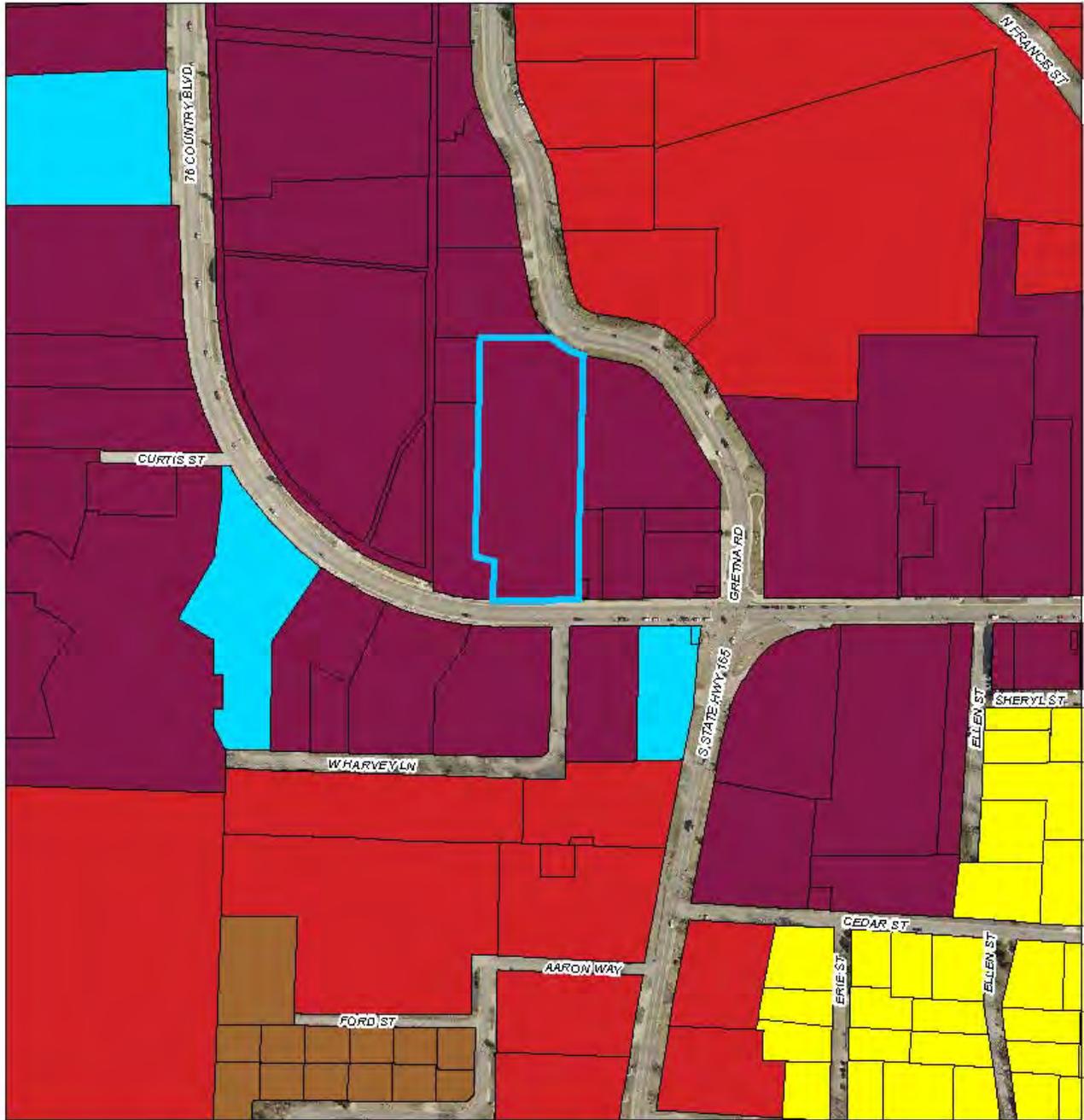
- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- ◆ Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- STORM OUTFALL STRUCTURES
- STORM_SEWER_PIPE
- DISTRIBUTION
- TRANSMISSION

N

1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 4/10/2020

**3309 W 76
 Country Blvd**

VICINITY MAPS - CURRENT ZONING



3309 W 76 Country Blvd

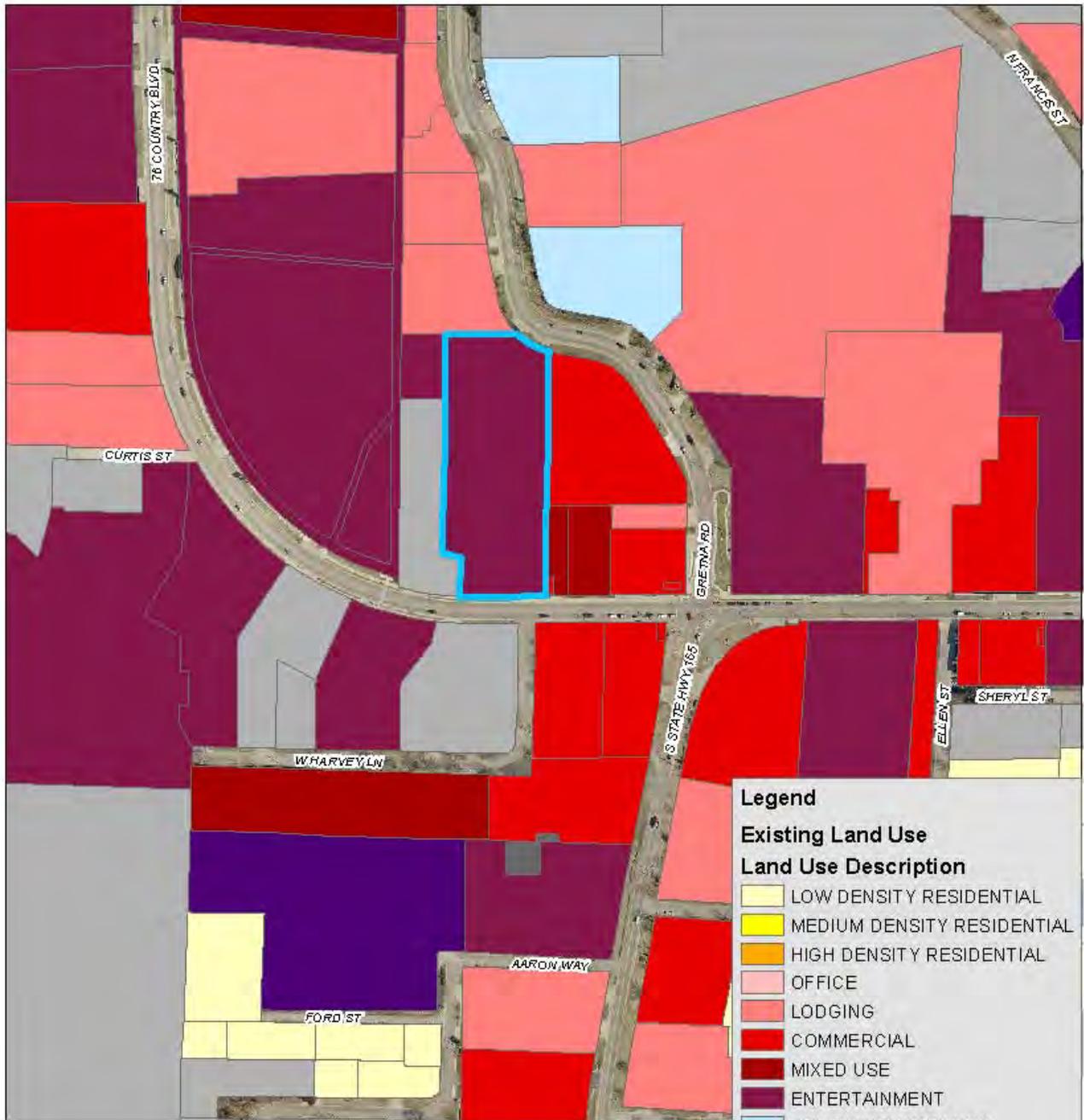


1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 4/10/2020

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

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



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 4/10/2020

**3309 W 76
 Country Blvd**

VICINITY MAPS - ORTHOMETRIC IMAGES



VIEW FROM THE NORTH



VIEW FROM THE EAST



VIEW FROM THE SOUTH



VIEW FROM THE WEST

PLANNING AND ZONING COMMISSION

RESOLUTION NO. 12-1.1 (12-00100001)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND DEVELOPMENT TO ISSUE A SPECIAL USE PERMIT FOR GATEWAY HELICOPTER TOURS, INC. DBA BRANSON HELICOPTER TOURS TO OPERATE A HELICOPTER TOUR BUSINESS AT 3309 W. HIGHWAY 76, BRANSON, MISSOURI.

WHEREAS, an application has been submitted to the City of Branson by Gateway Helicopter Tours Inc. DBA Branson Helicopter Tours for approval of a Special Use Permit to operate a helicopter tour business for property legally described as follows:

See Exhibit 'A'

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 March 6, 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.

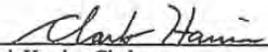
BE IT THEREFORE RESOLVED, that the Planning and Zoning Commission for the City of Branson hereby authorizes the Director of Planning and Development to issue a Special Use Permit for Gateway Helicopter Tours, Inc. DBA Branson Helicopter Tours to operate a helicopter tour business for property located at 3309 W. Highway 76, 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 may not be transferred from owner to owner. If Gateway Helicopter Tours, Inc. DBA Branson Helicopter Tours ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. 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,
3. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
4. 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,
5. Hours of operation shall be from 10:00 am until dusk, seven (7) days a week from March through December, and 10:00 am until dusk, Saturday through Sunday from January through February; and,
6. No flights of less than five (5) minutes in duration shall be permitted; and,
7. Only Robinson R-44 type helicopters shall be permitted to provide tours from this property; and,

12-00100001

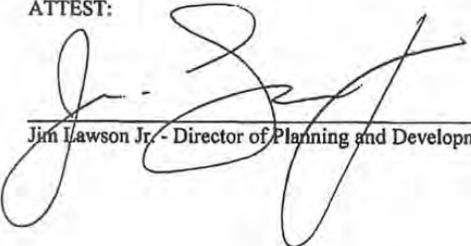
8. All departure and arrival paths shall be flown within the limits of the subject property; and,
9. The applicant shall provide approved FAA documentation for this location to the Planning and Development Department; and,
10. Gateway Helicopter Tours, Inc. DBA Branson Helicopter Tours shall agree to and sign the "Standard Operating Procedures for Helicopter Operators in the Branson Missouri Area" prior to any helicopter tour operations; and,
11. All employees of Gateway Helicopter Tours, Inc. DBA Branson Helicopter Tours shall park within the north parking area; and,
12. All conditions of this resolution authorizing the issuance of this special use permit shall be met on or before September 6, 2012;and,
13. This Special Use Permit shall be reviewed after a period of six (6) months in order to monitor the impacts of the business. The applicant shall only return to the Commission if a negative impact is deemed by the Director of Planning and Development.

DONE THIS 6TH DAY OF MARCH, 2012, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.



Clark Harris - Chairman

ATTEST:



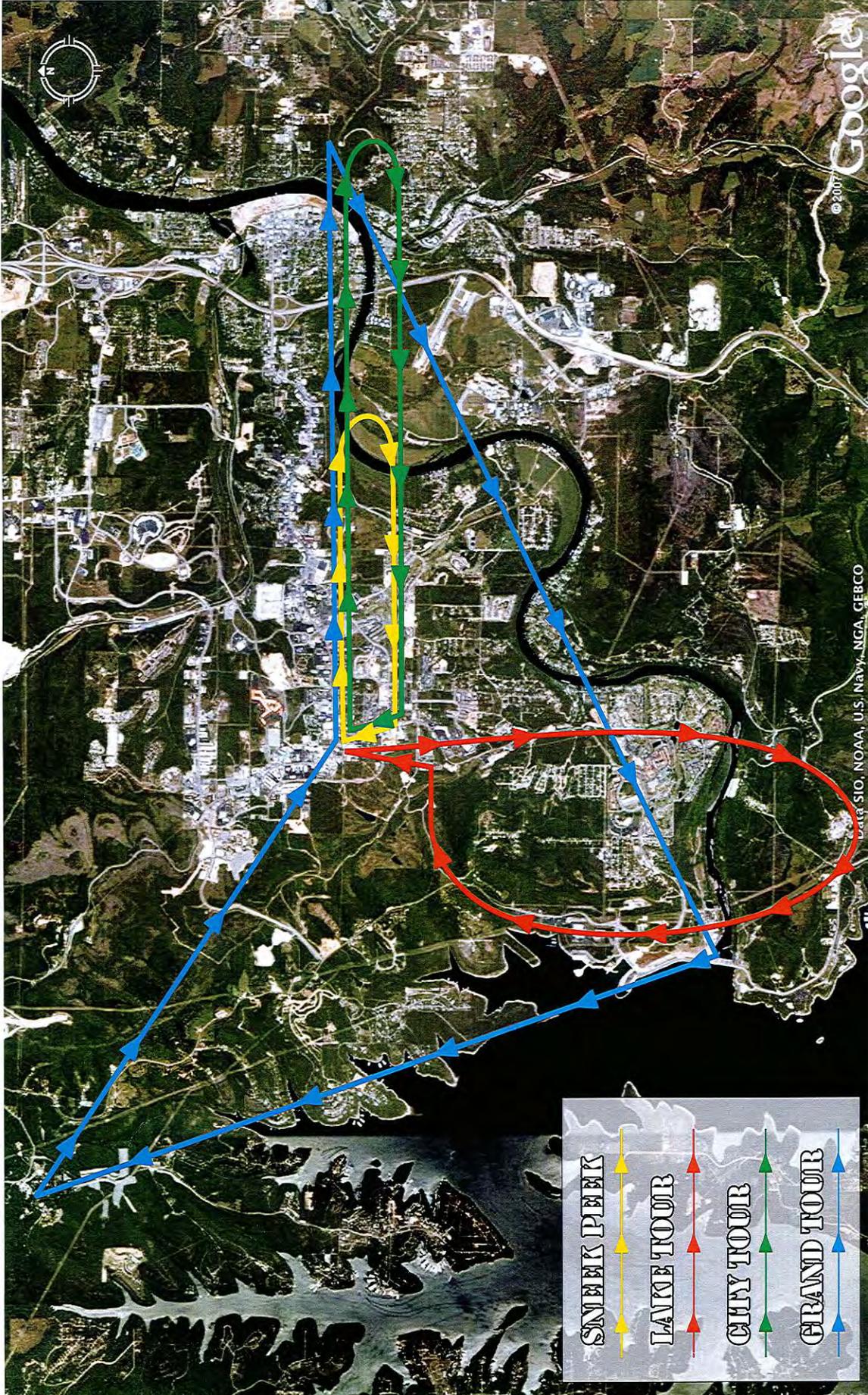
Jim Lawson Jr. - Director of Planning and Development

12-00100001

Exhibit 'A'

A tract of land situated in the SW1/4 of the NE1/4 of Section 2, Township 22, Range 22, Taney County, Missouri, being more particularly described as follows: Beginning at the Southwest corner of Plot 5 of Plot 2 of the survey of the said SW1/4 of the NE1/4, in Plat Book 12, at page 9, of the Taney County Recorder's Office, Taney County, Missouri; thence North 0° 33' West along the West line of said Plot 2, 570 feet; thence South 88° 53' East, 104.53 feet for a New Point of Beginning; thence continuing South 88° 53' East, 151.87 feet to the Westerly R/W of Gretna Road; thence Southeasterly along said R/W to a point being 332 feet East of the West line of said Plot 2; thence South 0° 33' East to the Northerly R/W of Hwy No. 76; thence South 86° 45' West, along said R/W 144.75 feet; thence Westerly along said R/W, along a 7.7602° curve to the right 45.27 feet; thence North 0° 33' West, 83.38 feet; thence North 80° 49' 56" West 45.96; thence North 0° 15' East 496.95 feet to the New Point of Beginning.

12-00100001



Google
© 2007

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

- SNEEK PEEK** (Yellow arrow)
- LAKE TOUR** (Red arrow)
- CITY TOUR** (Green arrow)
- GRAND TOUR** (Blue arrow)

PLANNING AND ZONING COMMISSION

RESOLUTION NO. 20-3 (SU20-000003)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING AND DEVELOPMENT TO AMEND THE SPECIAL USE PERMIT, RESOLUTION 12-1.1, TO OPERATE A HELICOPTER TOUR BUSINESS WITHIN THE PROPERTY LOCATED AT 3309 WEST 76 COUNTRY BOULEVARD, BRANSON, MISSOURI.

WHEREAS, a Special Use Application has been submitted to the City of Branson by Branson Helicopters, LLC on behalf of The Track, LLC to amend the Special Use Permit, Resolution 12-1.1, to operate a helicopter tour business within the property legally described as follows:

See Exhibit 'A'

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

WHEREAS, a Public Hearing was held before the Planning Commission on May 5, 2020, at 7:00 PM in the City 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 authorizes the Director of Planning and Development to amend the Special Use Permit, Resolution 12-1.1, to operate a helicopter tour business within the property located at 3309 West 76 County 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 may not be transferred from owner to owner. If Branson Helicopters, LLC, ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
2. 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,
3. All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City of Branson; and,
4. 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,

5. Hours of operation shall be from 10:00 am until dusk, seven (7) days a week from March through December, and 10:00 am until dusk, Saturday through Sunday from January through February; and,
6. All departure and arrival paths shall be flown within the limits of the subject property; and,
7. The applicant shall provide approved FAA documentation for this location to the Planning and Development Department; and,
8. Branson Helicopters, LLC shall agree to and sign the “Standard Operating Procedures for Helicopter Operators in the Branson Missouri Area” prior to any helicopter tour operations; and,
9. All conditions of this resolution authorizing the issuance of this special use permit shall be met on or before November 5, 2020.

DONE THIS 5TH DAY OF MAY, 2020, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairperson

ATTEST:

Joel Hornickel - Director of Planning and Development

EXHIBIT 'A'

A TRACT OF LAND SITUATED IN THE SW1/4 OF THE NE1/4 OF SECTION 2, TOWNSHIP 22, RANGE 22, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF PLOT 5 OF PLOT 2 OF THE SURVEY OF THE SAID SW1/4 OF THE NE1/4, IN PLAT BOOK 12, AT PAGE 9, OF THE TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; THENCE NORTH 0° 33' WEST ALONG THE WEST LINE OF SAID PLOT 2, 570 FEET; THENCE SOUTH 88° 53' EAST, 104.53 FEET FOR A NEW POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 53' EAST, 151.87 FEET TO THE WESTERLY R/W OF GRETNA ROAD; THENCE SOUTHEASTERLY ALONG SAID R/W TO A POINT BEING 332 FEET EAST OF THE WEST LINE OF SAID PLOT 2; THENCE SOUTH 0° 33' EAST TO THE NORTHERLY R/W OF HWY NO. 76; THENCE SOUTH 86° 45' WEST, ALONG SAID R/W 144.75 FEET; THENCE WESTERLY ALONG SAID R/W, ALONG A 7.7602° CURVE TO THE RIGHT 45.27 FEET; THENCE NORTH 0° 33' WEST, 83.38 FEET; THENCE NORTH 80° 49' 56" WEST 45.96; THENCE NORTH 0° 15' EAST 496.95 FEET TO THE NEW POINT OF BEGINNING.

PLANNING COMMISSION

MAY 5, 2020

ROLL CALL

PUBLIC COMMENTS

REGULAR AGENDA ITEMS

1) Approve Minutes

(a) Planning Commission Study Session

(March 3, 2020)

(b) Planning Commission Regular Meeting

(March 3, 2020)

2) Elections

(a) Chairperson

(b) Vice-Chairperson

OLD BUSINESS

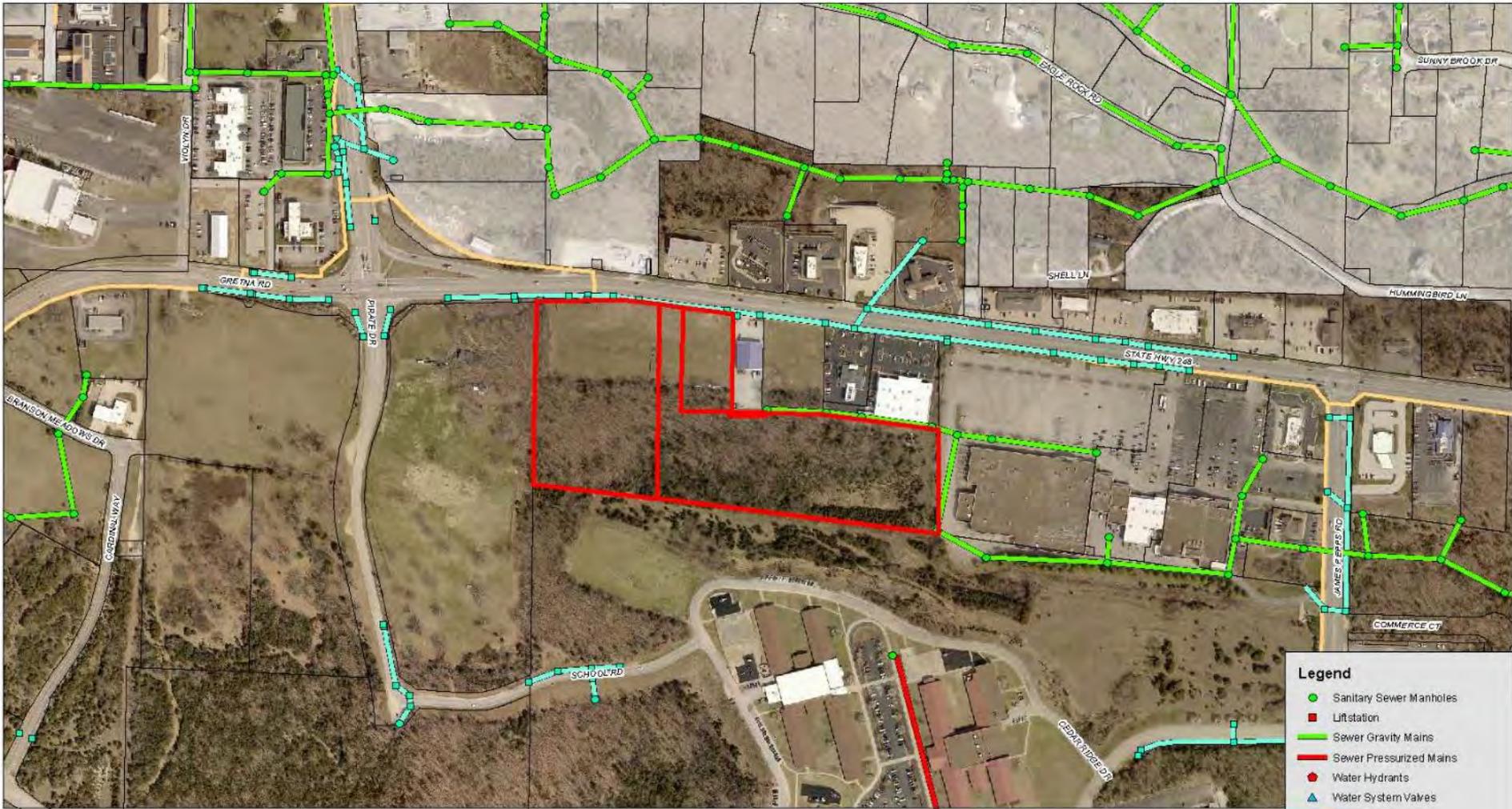
PUBLIC HEARING AGENDA ITEMS

3) FINAL PLAT

248 PARKWAY, PHASE II (1601, 1649, and 1819 STATE HWY 248)

- Applicant: Booker Cox (Rojana Enterprises, Inc)
- Current Zoning: Community Commercial (CC)
- Applicant's Request: Final Plat



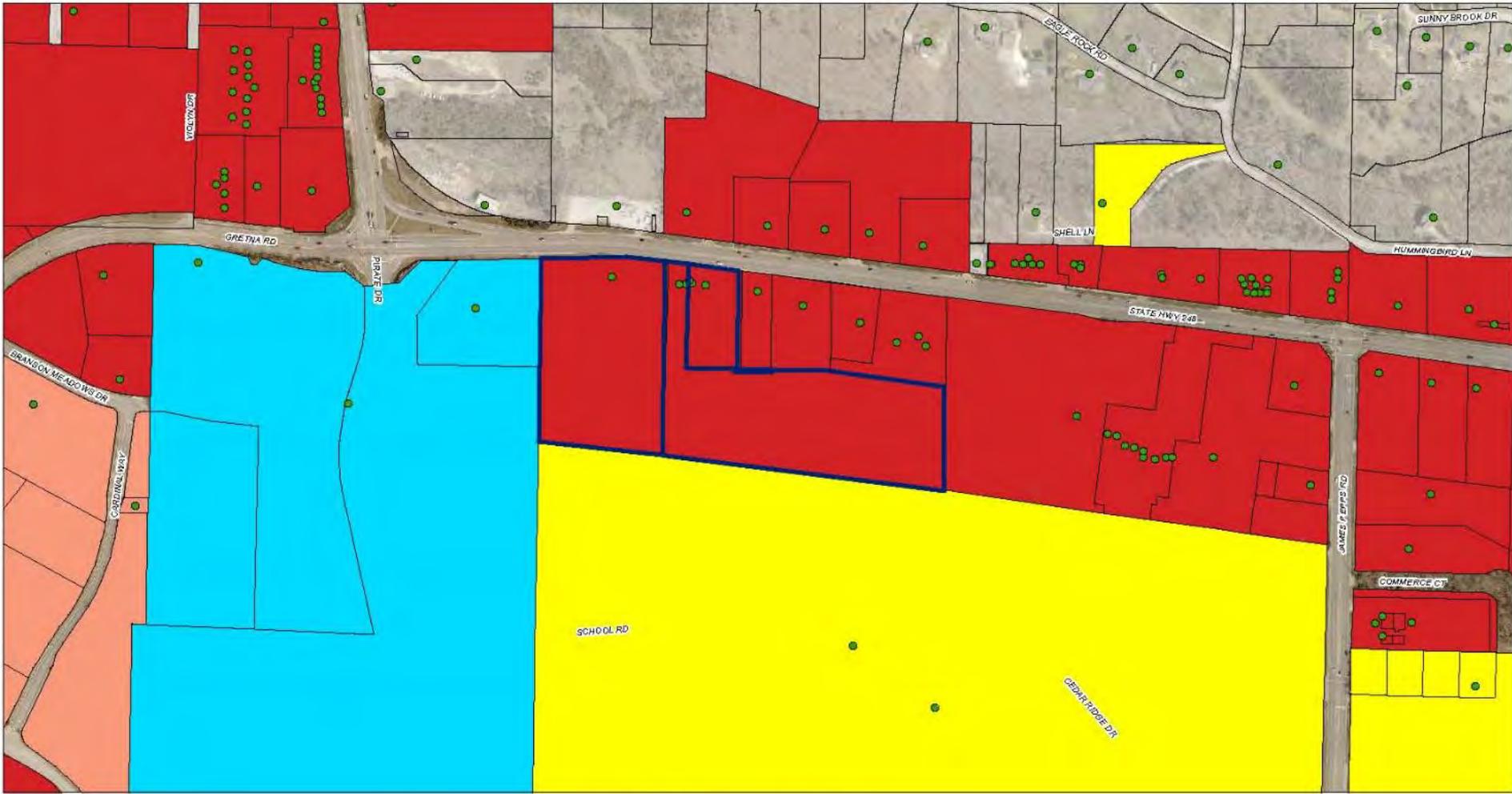


1601 State Hwy 248

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

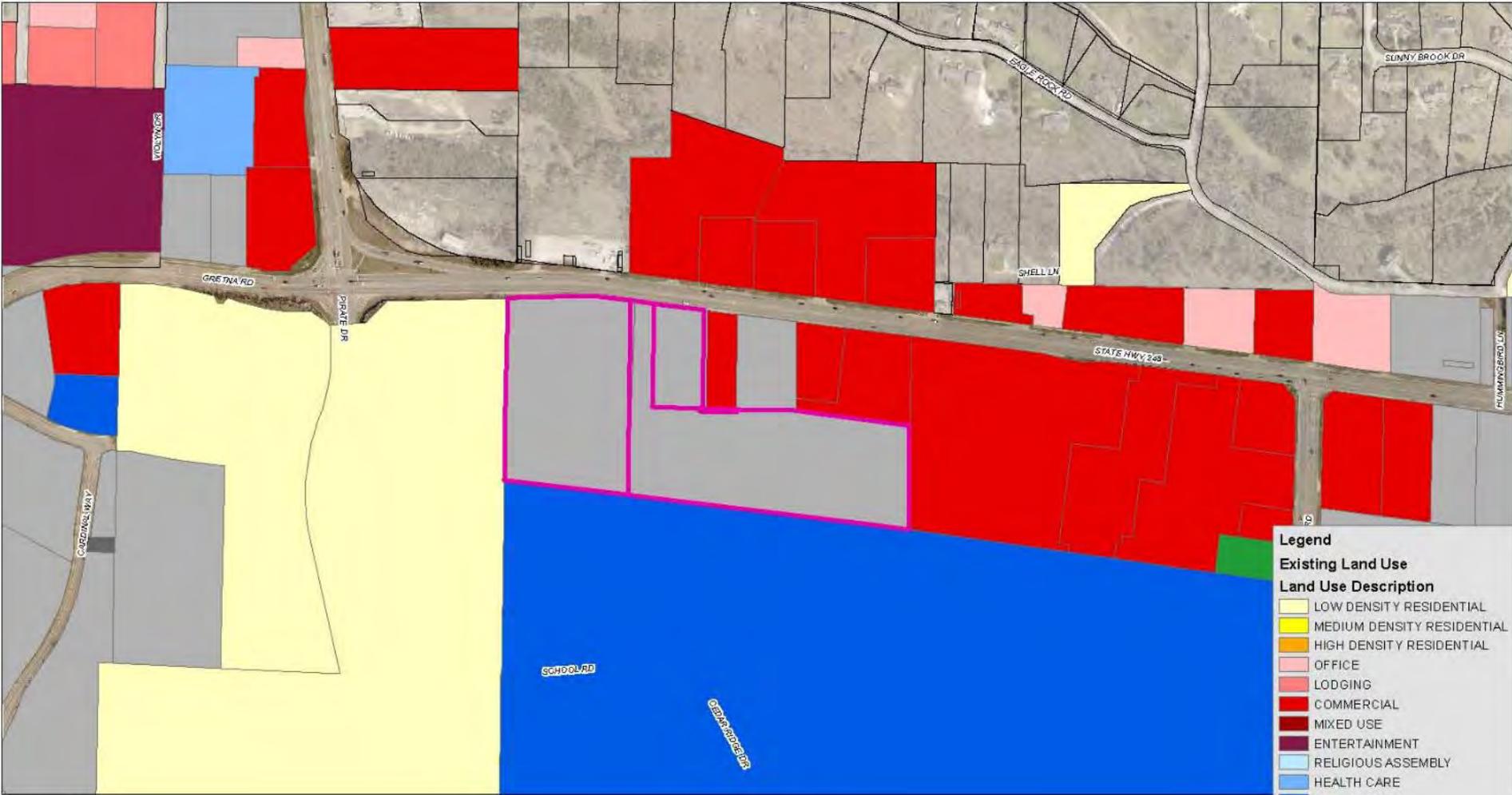
N
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/10/2020



1601 State Hwy 248

N
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/10/2020

- | | | | |
|----------------------------|--------------------------|---------------|---------------------|
| 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
	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

1601 State Hwy 248



1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/10/2020

3) FINAL PLAT

NORTH



EAST



SOUTH

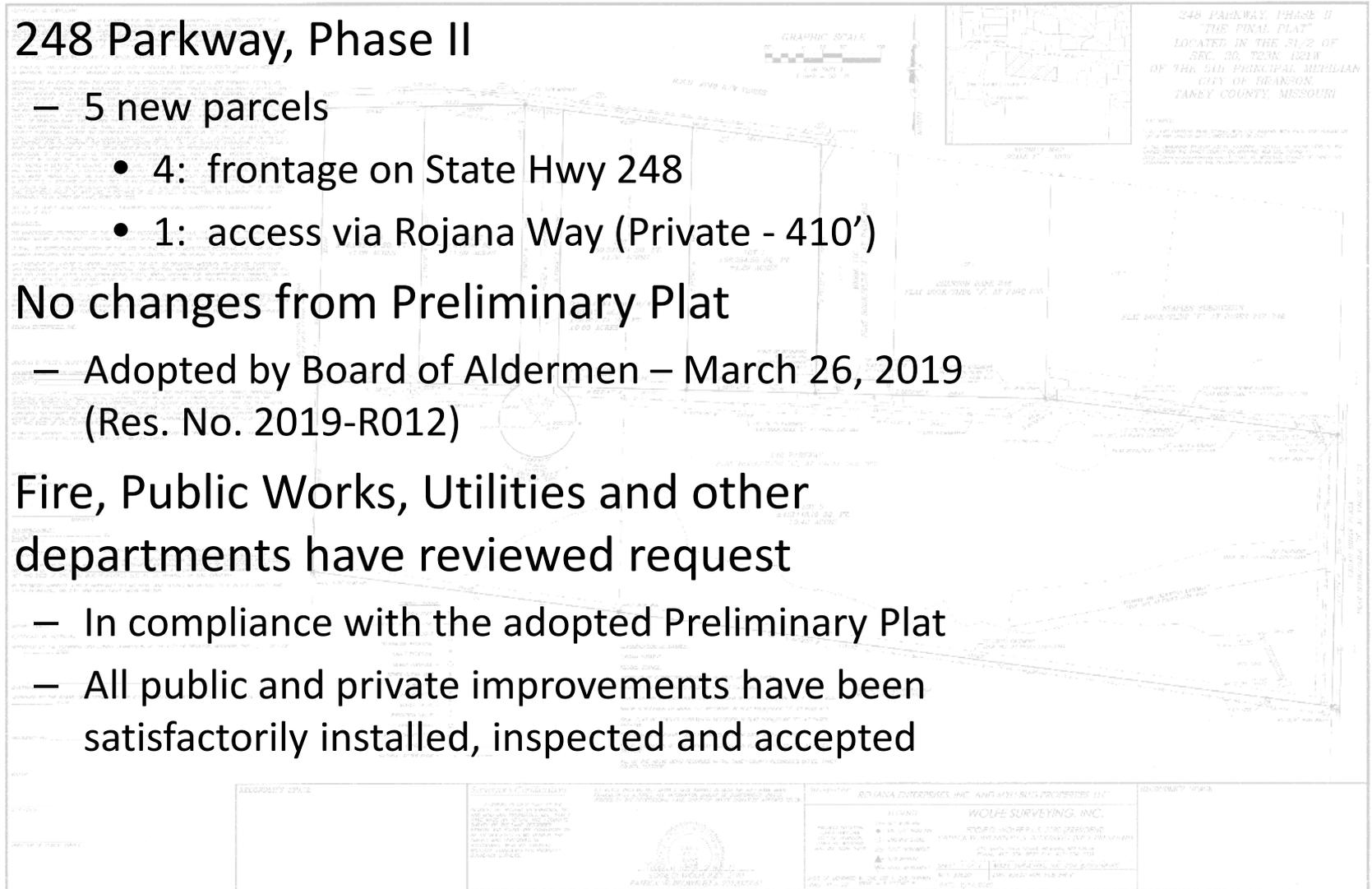


WEST



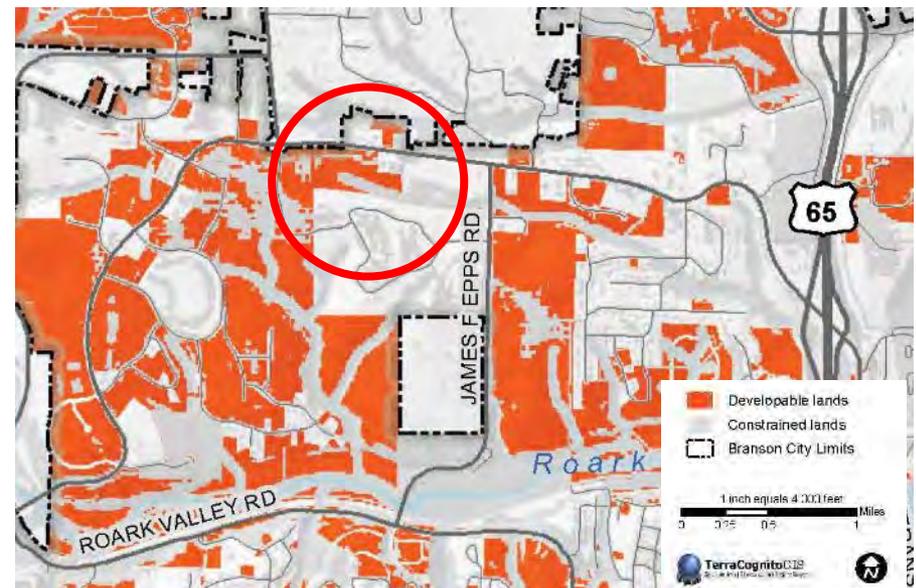
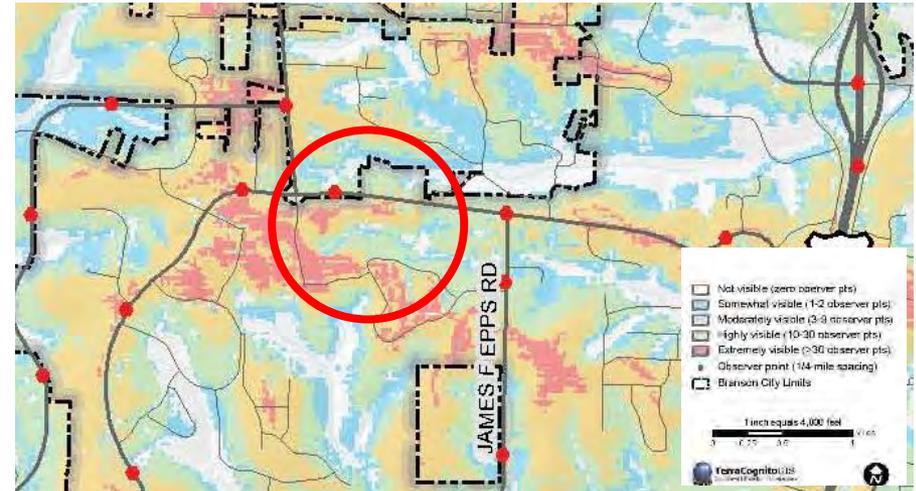
3) FINAL PLAT

- 248 Parkway, Phase II
 - 5 new parcels
 - 4: frontage on State Hwy 248
 - 1: access via Rojana Way (Private - 410')
- No changes from Preliminary Plat
 - Adopted by Board of Aldermen – March 26, 2019 (Res. No. 2019-R012)
- Fire, Public Works, Utilities and other departments have reviewed request
 - In compliance with the adopted Preliminary Plat
 - All public and private improvements have been satisfactorily installed, inspected and accepted



3) FINAL PLAT

- Community Plan 2030
 - Future Land Use (Fig 10):
 - Community Commercial
 - Highly Visible (Fig 4):
 - Highly to extremely
 - Growth Template (Fig 8):
 - Developable and constrained lands
- Development supported, but application of landscaping regulations will be important part of plan review and construction process



3) FINAL PLAT

STAFF RECOMMENDS APPROVAL.

4) SPECIAL USE PERMIT

1700 WEST 76 COUNTRY BOULEVARD

- Applicant: Kurtis McMurray (Morris Hospitality, LLC)
- Current Zoning: Entertainment (ENT)
- Applicant's Request: To operate a restaurant with a drive-thru



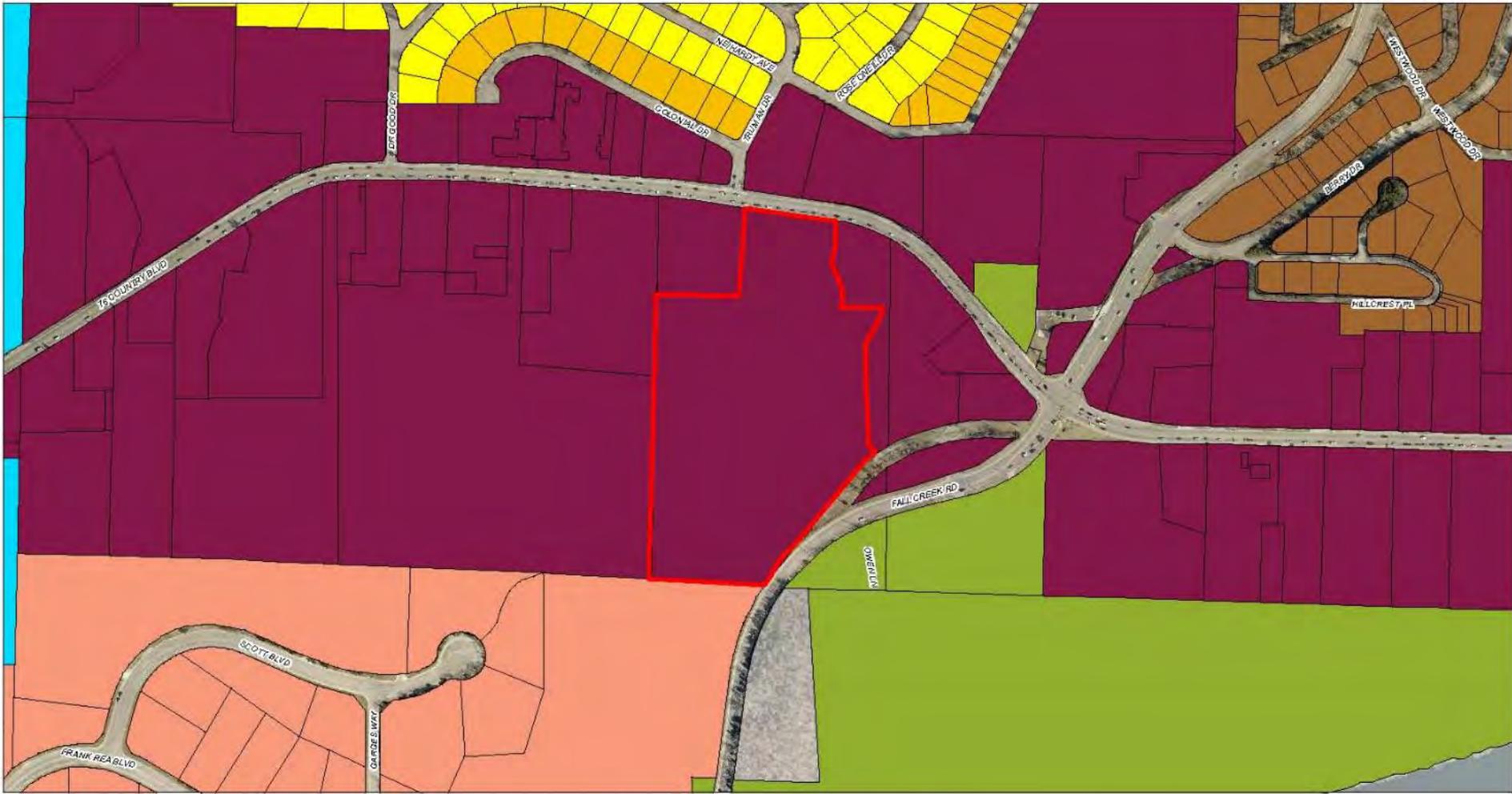


1700 W 76 Country Blvd

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

N
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/9/2020



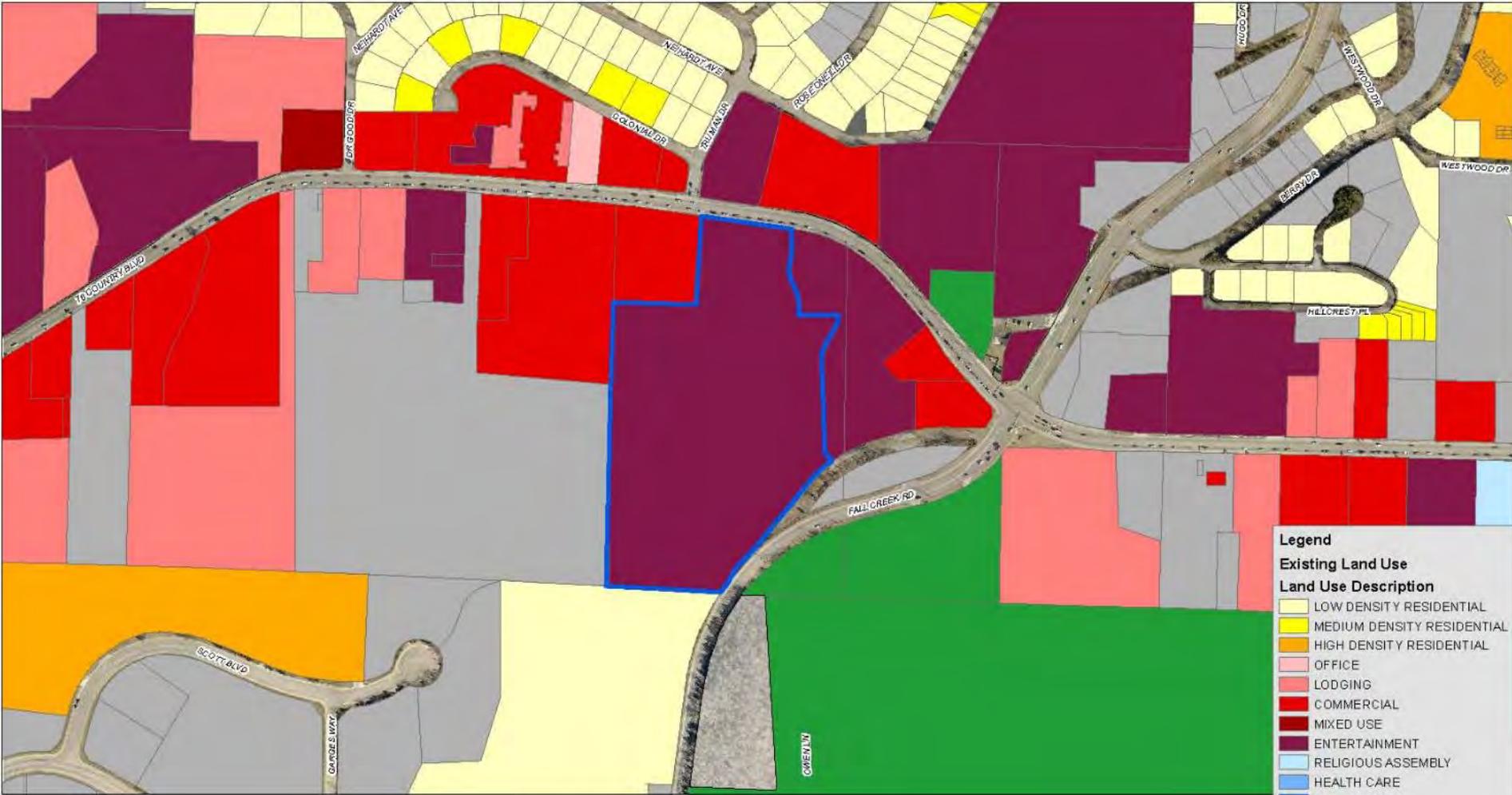
1700 W 76 Country Blvd



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 3/9/2020

- | | | | |
|----------------------------|--------------------------|---------------|---------------------|
| 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
[Green]	INDUSTRIAL
[Light Green]	RECREATION
[Dark Green]	OPEN SPACE
[Light Green]	AGRICULTURAL
[Grey]	UTILITIES
[Dark Grey]	VACANT
[White]	TANEY COUNTY

1700 W 76 Country Blvd

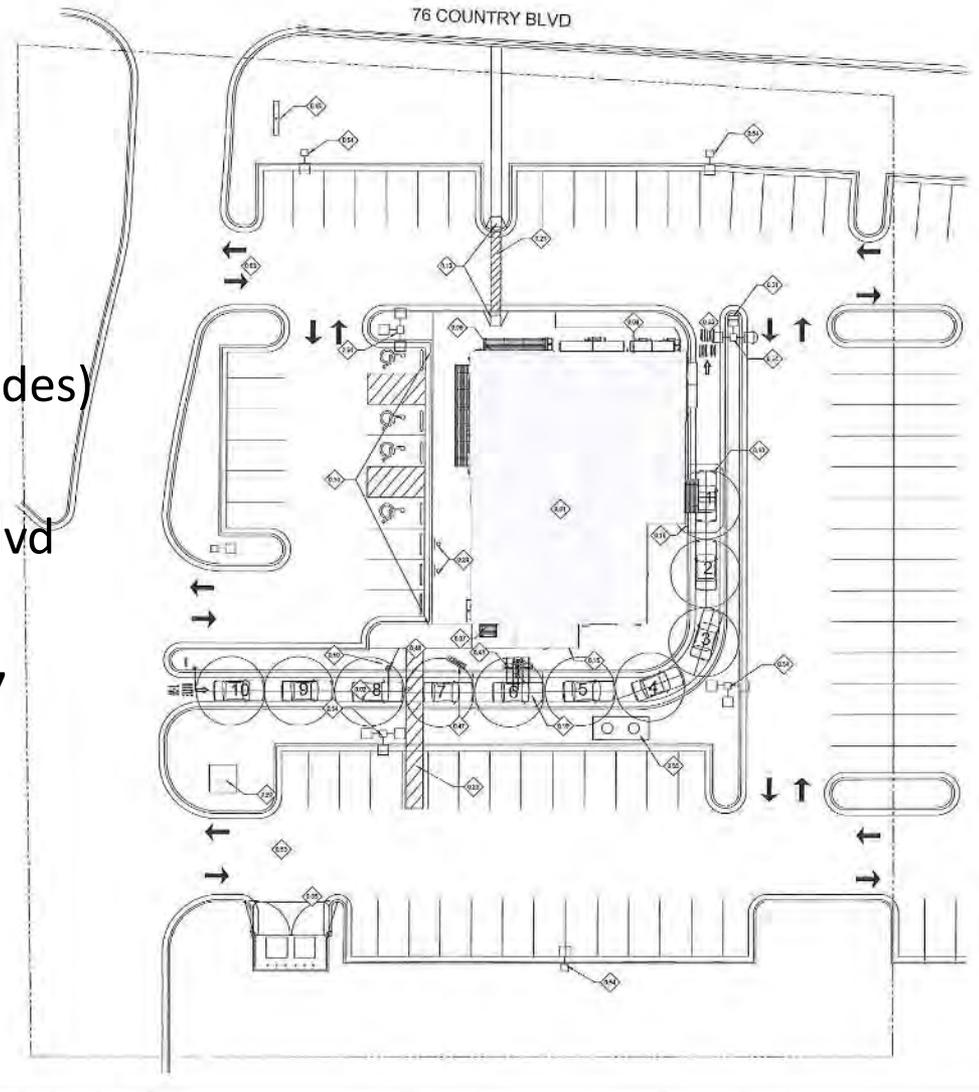
N
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/9/2020

4) SPECIAL USE PERMIT

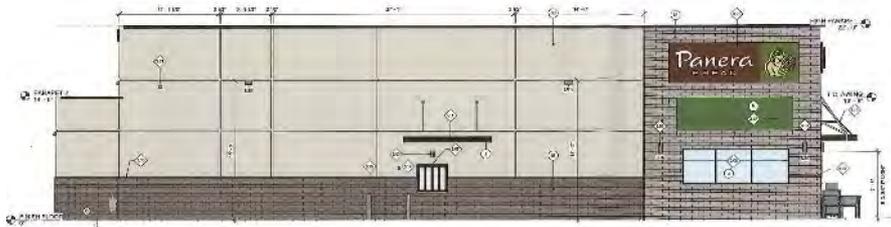


4) SPECIAL USE PERMIT

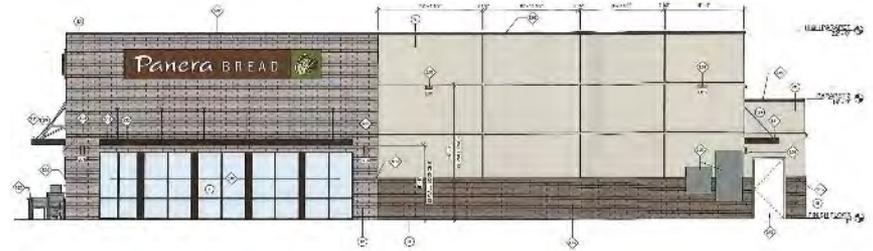
- Panera Bread Bakery Café
- Unified Development Code
 - Effective Feb. 2017
- Drive-thru
 - Staking lanes (east and south sides)
 - 10 vehicles
 - 225' from W. 76 Country Blvd
 - Menu board (south side)
 - Compliant with BMC Sec. 94-87



4) SPECIAL USE PERMIT



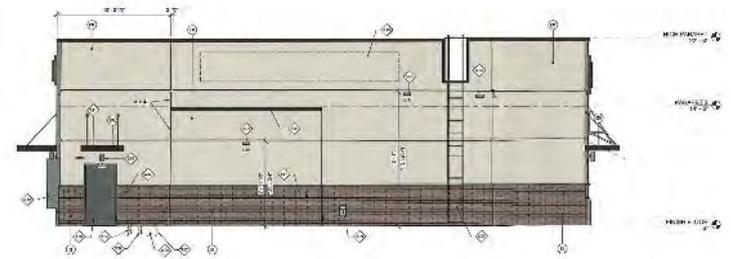
1 EAST ELEVATION
100' x 110'



1 WEST ELEVATION
100' x 110'



2 NORTH ELEVATION
100' x 110'



2 SOUTH ELEVATION
100' x 110'

4) SPECIAL USE PERMIT

STAFF RECOMMENDS APPROVAL BASED ON THE FOLLOWING CONDITIONS:

- 1) All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City; and,
- 2) All conditions of this Resolution authorizing the issuance of this Special Use Permit shall be met on or before May 5, 2021.

5) SPECIAL USE PERMIT

2527 STATE HIGHWAY 248

- Applicant: Michael Mairot (US Flanson Cultural Entertainment, LLC)
- Current Zoning: Community Commercial (CC)
- Applicant's Request: To operate a campground and vehicle park

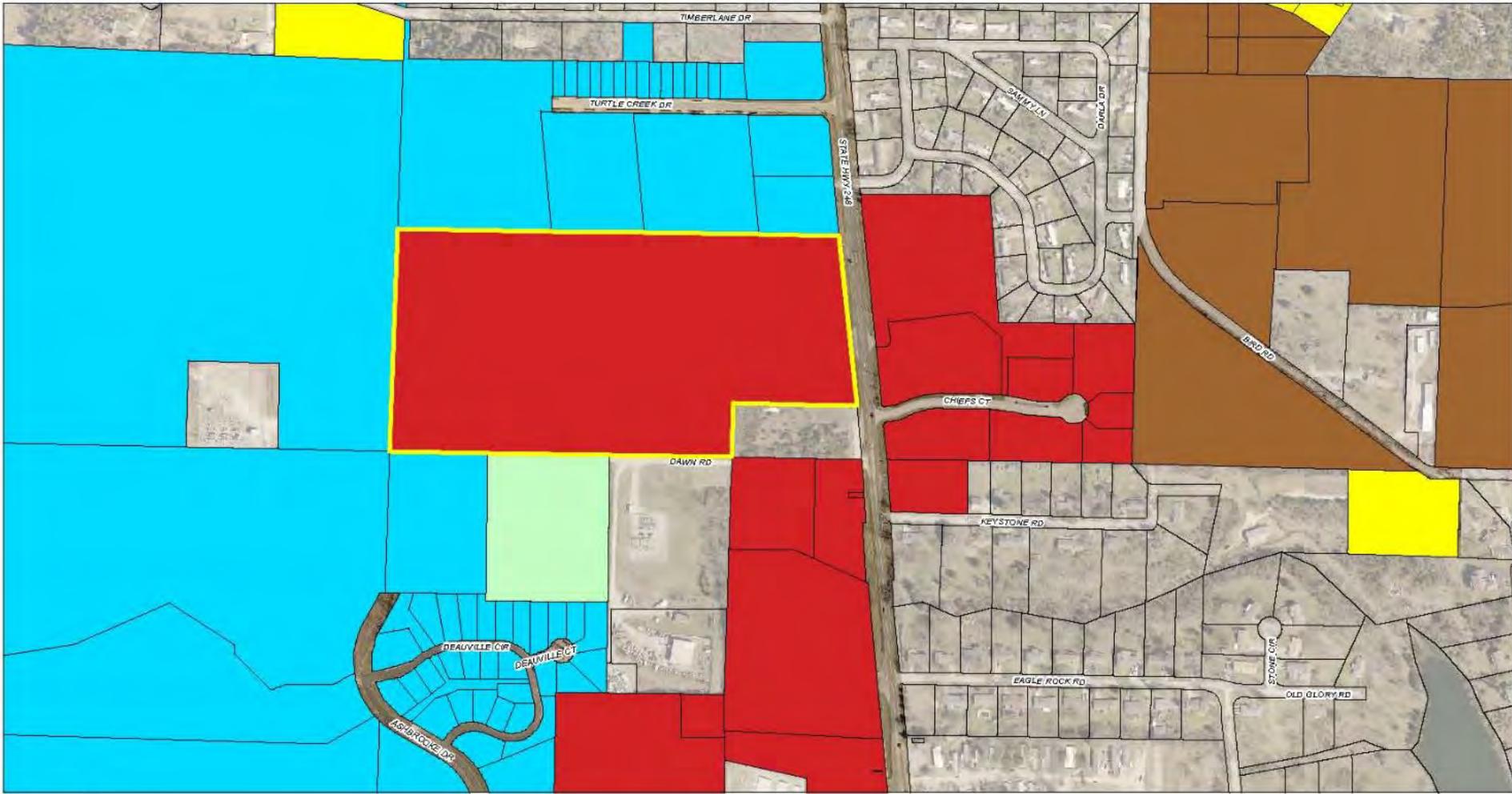




2527 State Hwy 248

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

N
 1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 3/10/2020

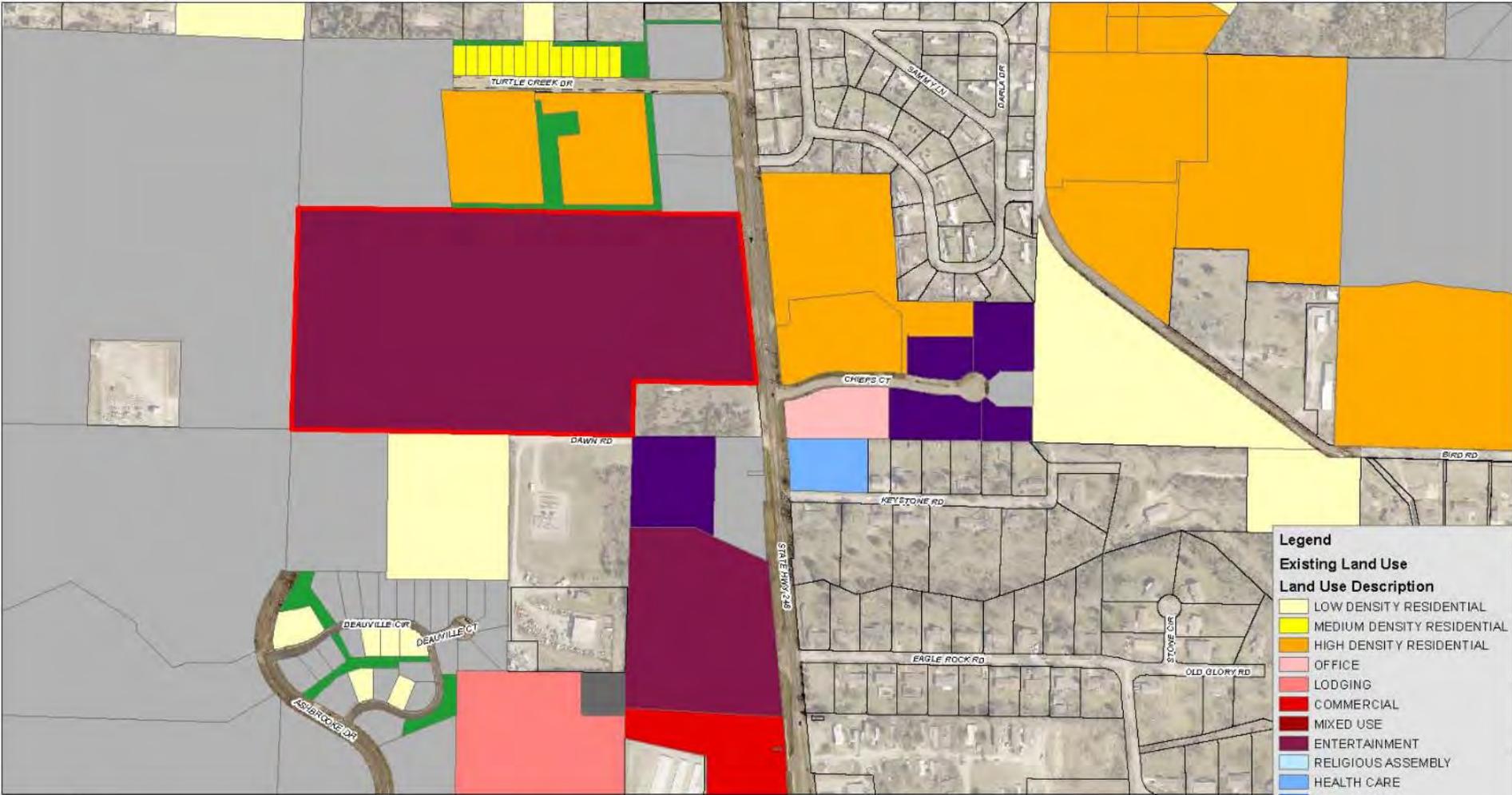


2527 State Hwy 248

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

1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 3/10/2020



Legend

Existing Land Use

Land Use Description

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

2527 State Hwy 248

N



1 inch = 300 feet

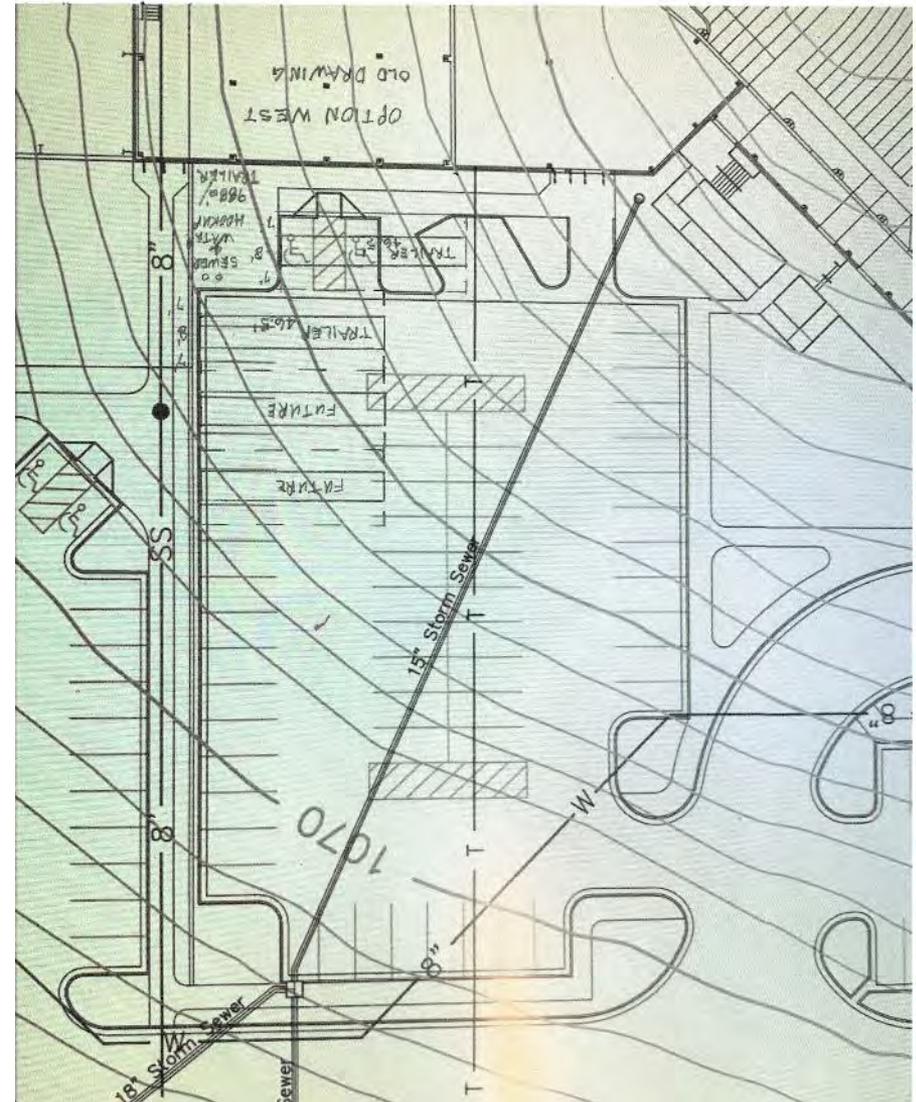
City of Branson
 Planning & Development
 Date: 3/10/2020

5) SPECIAL USE PERMIT



5) SPECIAL USE PERMIT

- Request to park 4 recreational vehicles (trailers) - temporary sleeping areas for staff
 - 46.5' x 8' (372 SF)
 - 2 now, 2 later
 - Campground area: 0.3 acres located in south east portion of property (24 acres)
- Bathrooms and showers provided within the existing theater (backstage)
- Theater to provide shelter during significant weather events



5) 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 US Flanson Cultural Entertainment, LLC ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
- 2) New structures shall require submittal of individual construction plans and specifications to the City for review and approval prior to any actual construction; and,
- 3) All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City; and,

5) SPECIAL USE PERMIT

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

- 4) A maximum of four spaces for recreational vehicles, or campsites, shall be allowed within the existing parking area located to the south of the existing building; and,
- 5) Necessary utilities shall be permanently installed for each campsite; and,
- 6) Any recreational vehicle shall not occupy any campsite longer than nine months within a twelve month period, and the number of occupants within each recreational vehicle shall not exceed the limits established by the manufacturer or the building codes as adopted by the City; and,

5) SPECIAL USE PERMIT

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

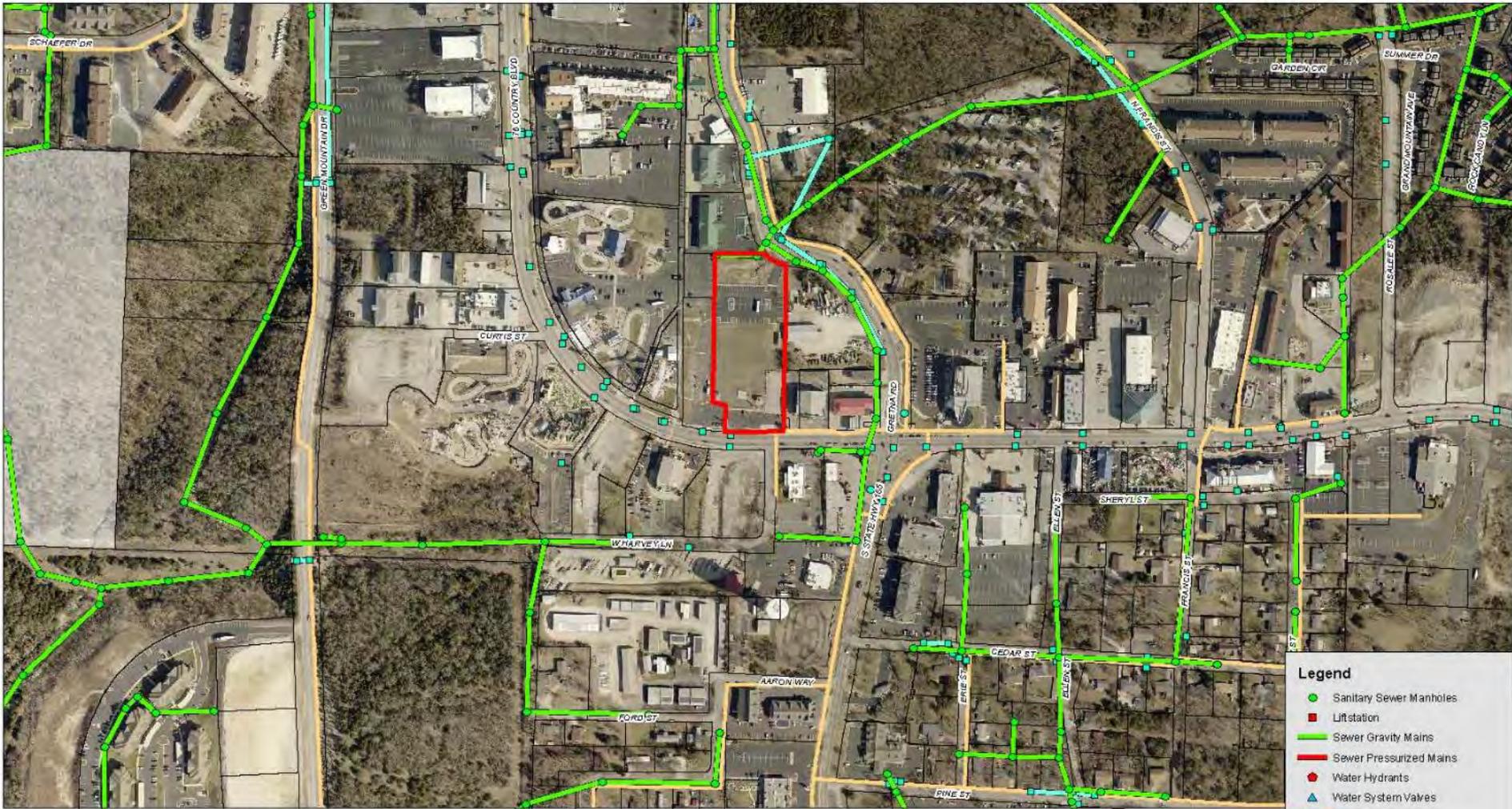
- 7) The applicant shall apply for and receive a business license from the City of Branson prior to any business operations and that license shall remain in good standing; and,
- 8) All conditions of this Resolution authorizing the issuance of this Special Use Permit shall be met on or actively pursued before May 5, 2021.

6) SPECIAL USE PERMIT

3309 WEST 76 COUNTRY BOULEVARD

- Applicant: Branson Helicopters, LLC (The Track, LLC)
- Current Zoning: Entertainment (ENT)
- Applicant's Request: To amend the Special Use Permit to operate a helicopter tour business



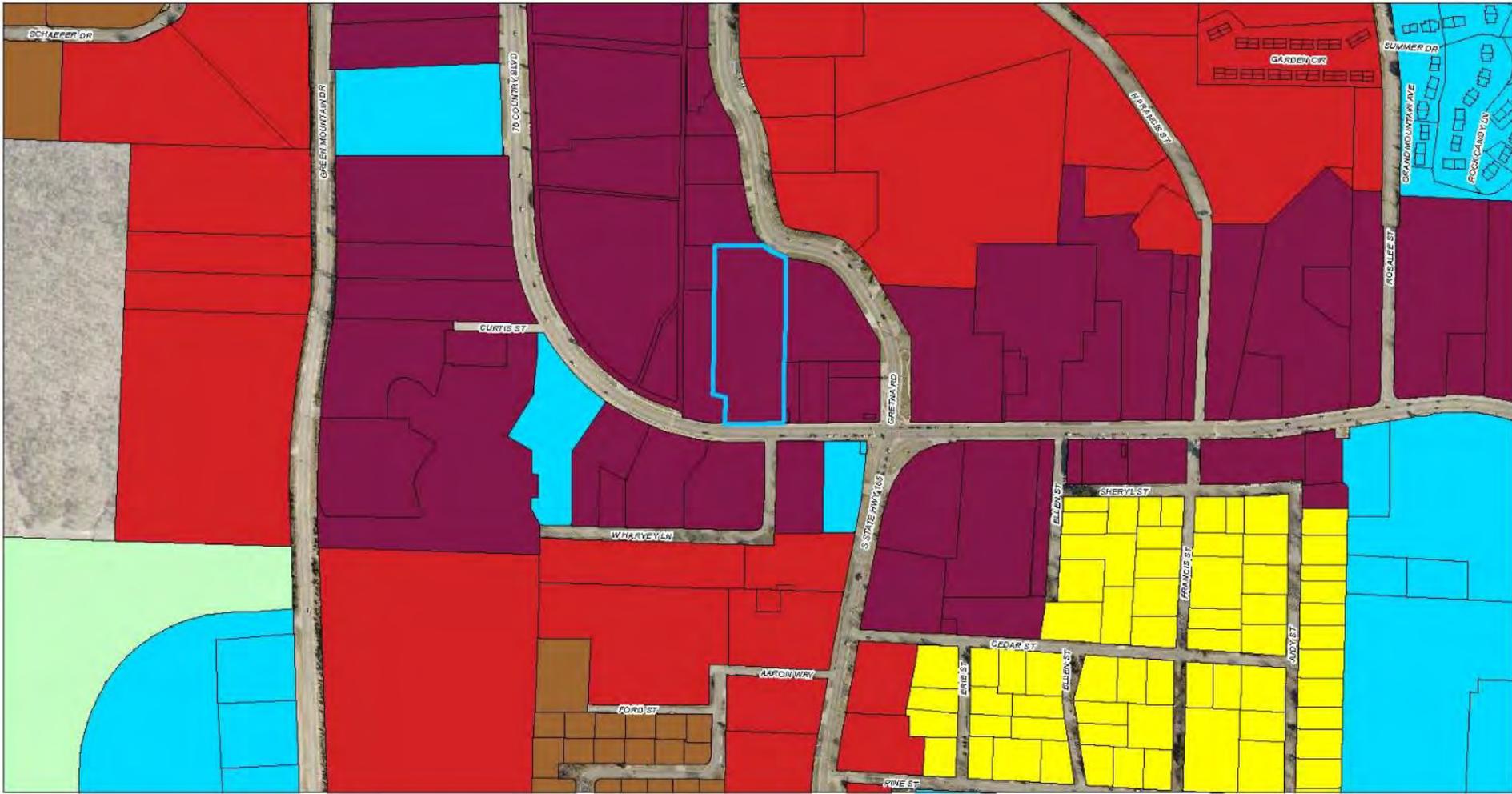


3309 W 76 Country Blvd



1 inch = 300 feet
 City of Branson
 Planning & Development
 Date: 4/10/2020

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



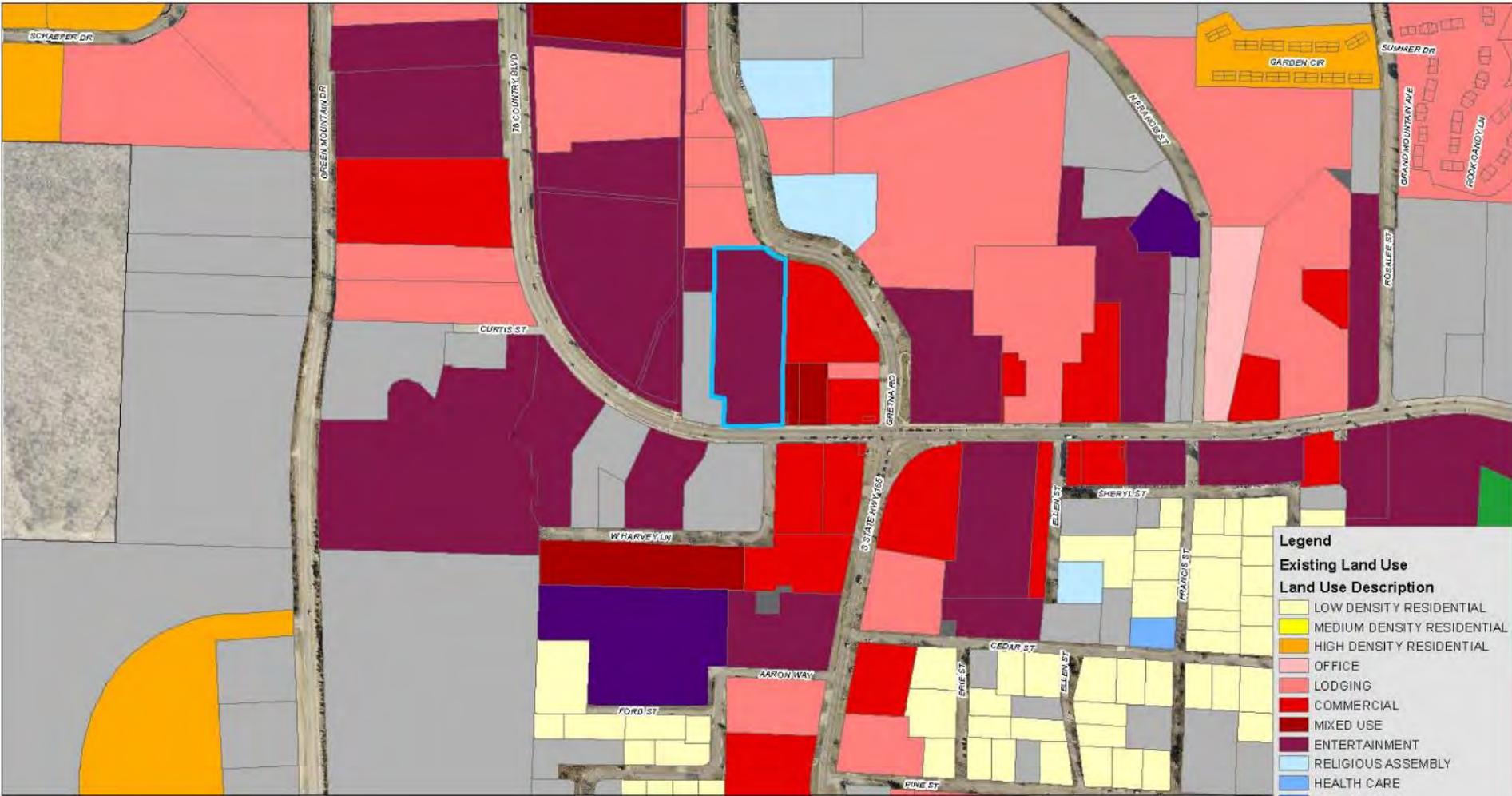
3309 W 76 Country Blvd



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 4/10/2020

- | | | | |
|----------------------------|--------------------------|---------------|---------------------|
| 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
Pink	OFFICE
Light Red	LODGING
Red	COMMERCIAL
Dark Red	MIXED USE
Dark Purple	ENTERTAINMENT
Light Blue	RELIGIOUS ASSEMBLY
Blue	HEALTH CARE
Dark Blue	INSTITUTIONAL
Green	INDUSTRIAL
Light Green	RECREATION
Dark Green	OPEN SPACE
Light Green	AGRICULTURAL
Grey	UTILITIES
White	VACANT
White	TANEY COUNTY

3309 W 76 Country Blvd

N



1 inch = 300 feet

City of Branson
 Planning & Development
 Date: 4/10/2020

6) SPECIAL USE PERMIT

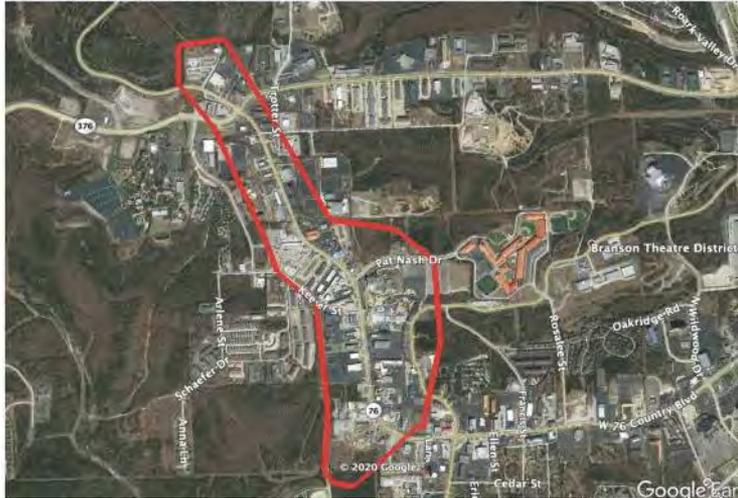


6) SPECIAL USE PERMIT

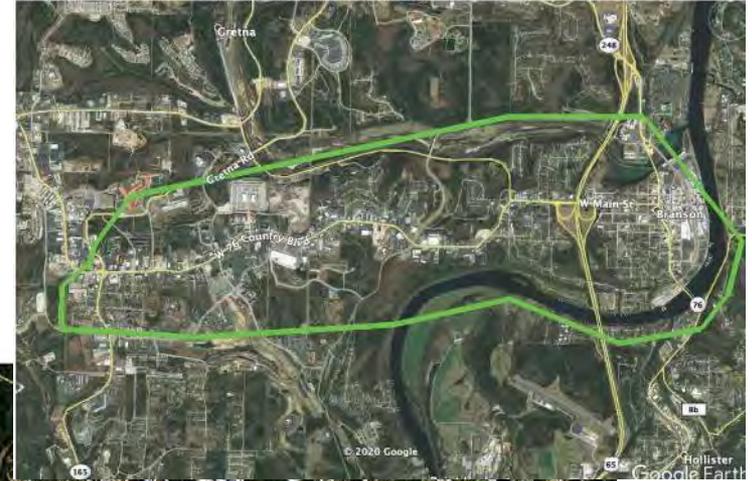
- Request to amend existing Special Use Permit to operate a helicopter tour business (March 2012 – Res. 12-1.1):
 - Update operator to Branson Helicopters, LLC
 - Remove 5 minute minimum duration requirement to allow for a lower price point option
 - Remove specific type of helicopter
 - Remove parking restrictions as additional parking options that did not exist previously
 - Modify “sneek peak” route
 - No change to hours of operation or safety procedures

6) SPECIAL USE PERMIT

The Intro Tour – (New Route)



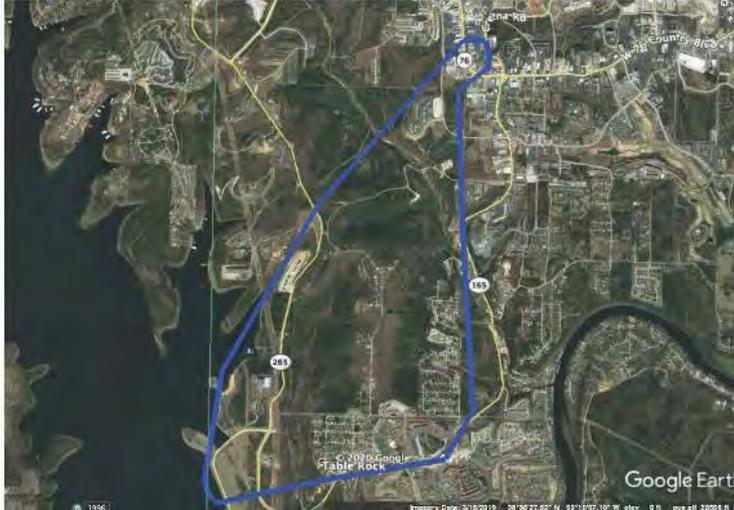
Branson Landing – (Currently approved on original SUP)



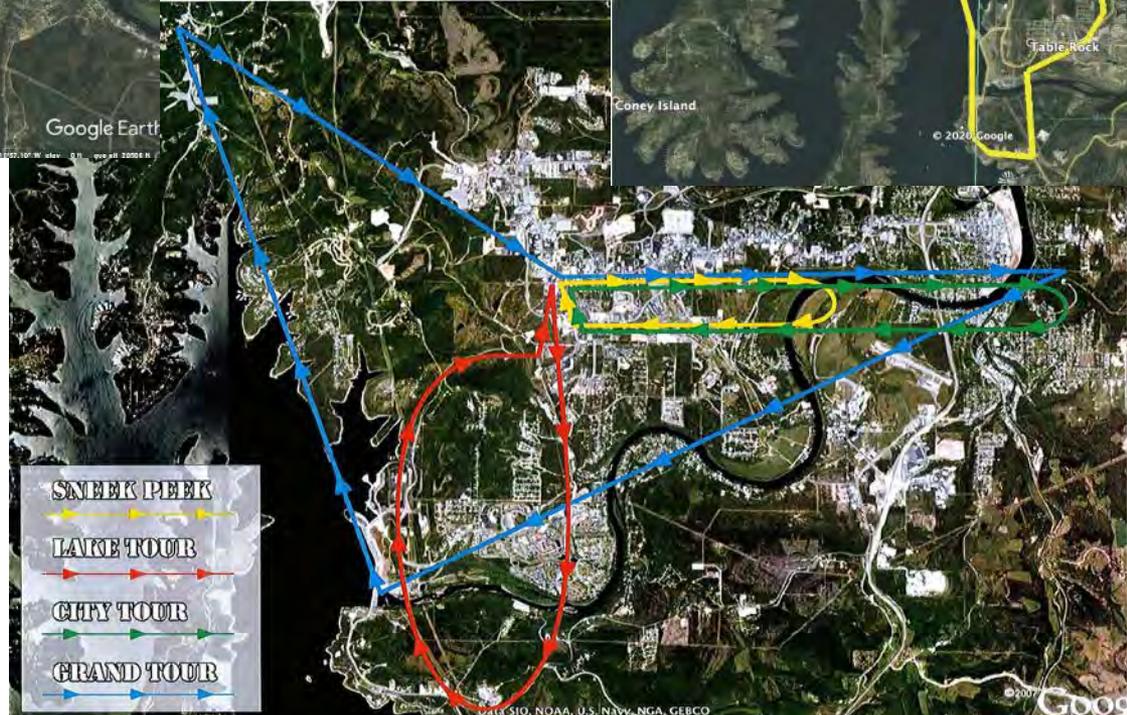
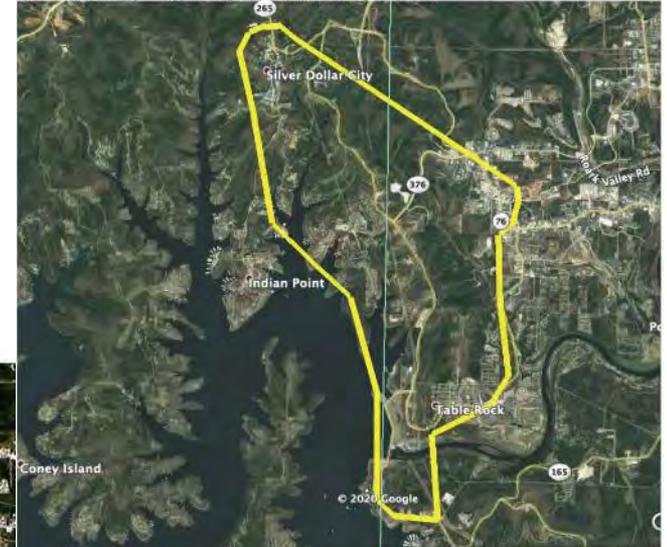
- SNEEK PEEK
- LAKE TOUR
- CITY TOUR
- GRAND TOUR

6) SPECIAL USE PERMIT

The Lake and Dam Tour – (Currently approved on original SUP)



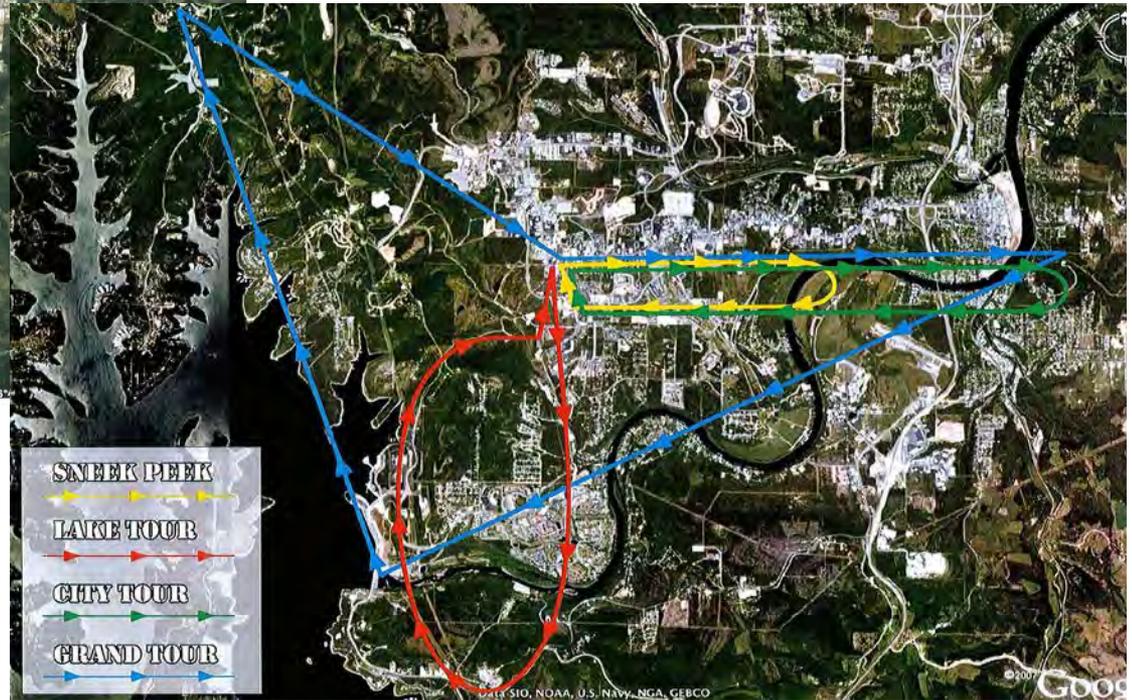
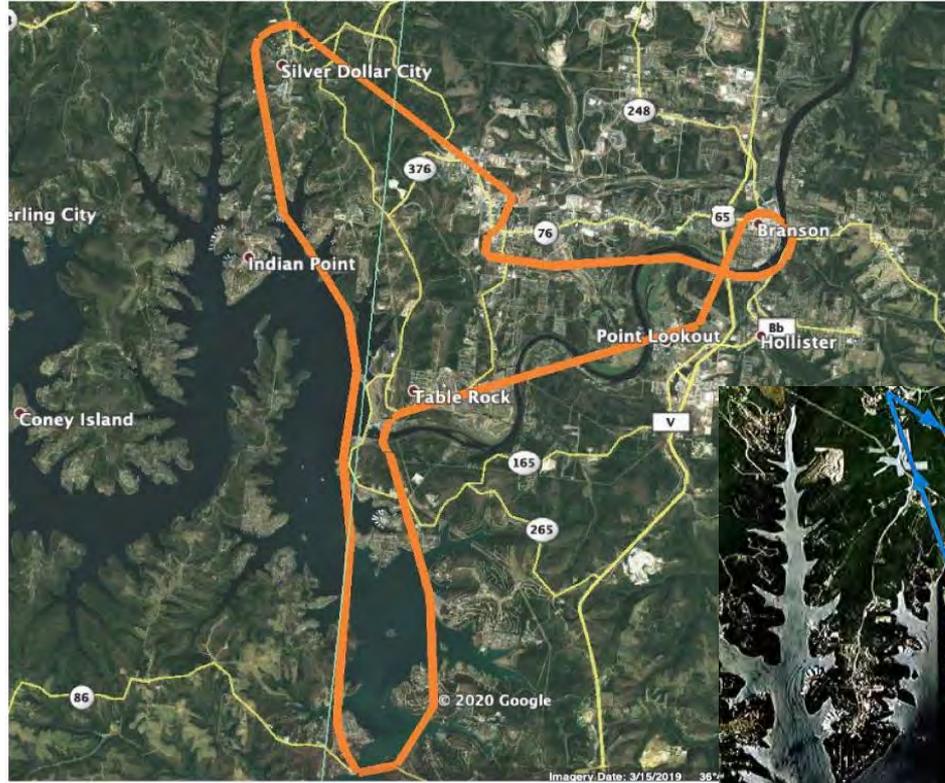
Silver Dollar City – (Currently approved on original SUP)



- SNEEK PEEK
- LAKE TOUR
- CITY TOUR
- GRAND TOUR

6) SPECIAL USE PERMIT

Deluxe – (Currently approved on original SUP)



- SNEEK PEEK
- LAKE TOUR
- CITY TOUR
- GRAND TOUR

6) 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 Helicopters, LLC ceases operation for six (6) months or more, this Special Use Permit shall be null and void; and,
- 2) New structures shall require submittal of individual construction plans and specifications to the City for review and approval prior to any actual construction; and,
- 3) All construction and activities covered by the Special Use Permit shall conform to all Codes and Ordinances of the City; and,

6) SPECIAL USE PERMIT

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

- 4) 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,
- 5) Hours of operation shall be from 10:00 am until dusk, seven (7) days a week from March through December, and 10:00 am until dusk, Saturday through Sunday from January through February; and,
- 6) All departure and arrival paths shall be flown within the limits of the subject property; and,

6) SPECIAL USE PERMIT

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

- 7) The applicant shall provide approved FAA documentation for this location to the Planning and Development Department; and,
- 8) Branson Helicopters, LLC shall agree to and sign the “Standard Operating Procedures for Helicopter Operators in the Branson Missouri Area” prior to any helicopter tour operations; and,
- 9) All conditions of this Resolution authorizing the issuance of this Special Use Permit shall be met on or November 5, 2020.

COMMISSIONER & STAFF REPORTS

ADJOURNMENT

