

== NOTICE OF MEETING ==

PLANNING COMMISSION

Regular Meeting – June 2, 2020 – 7:00 p.m.
Council Chambers – Branson City Hall – 110 W. Maddux Street

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

REGULAR AGENDA ITEMS

- 1) Approve Minutes
 - a) May 5, 2019 Regular Meeting

OLD BUSINESS

PUBLIC HEARING AGENDA ITEMS

- 2) Request for High Density Residential (HDR) Zoning for the Property Located at 135 Lake Front Drive, Branson, Missouri.
- 3) Request for a Special Use Permit to Allow a Telecommunications Tower within the Property Located at 1972 State Highway 165, Branson, Missouri.
- 4) Request for a Municipal Code Amendment to Chapter 94 - Zoning.

[Powerpoint]

COMMISSIONER AND STAFF REPORTS

ADJOURN

Where Values are the Difference

JUNE: SAFETY

Maintaining an environment free from harm.

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

Lisa Westfall, City Clerk, 417-337-8522

Posted: May 26, 2020

At: _____ By: _____

Page 1 of 1

**PLANNING COMMISSION
REGULAR MEETING**

May 5, 2020
7:00 PM
Council Chambers

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

CALL TO ORDER

ROLL CALL

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

Commissioners Absent: Commissioners Davis, Howden and Richards

Staff Present: Joel Hornickel Planning & Development Director
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) March 3, 2020 Study Session
- b) March 3, 2020 Regular Meeting

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Romine to approve the March 3, 2020 minutes as presented by staff. Motion unanimously carried.

2. Election for Chairperson and Vice-Chairperson.

- a) Chairperson.
- b) Vice-chairperson.

MOTION:

Motion by Vice-Chairperson Pinkley and seconded by Commissioner Skains to postpone the election until the July 7, 2020 meeting. Motion unanimously carried.

OLD BUSINESS

None.

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.

Project No. 20-8.1 (20-00800001)

Owner/Applicant: Rojana Enterprises, Inc./Booker Cox

Speakers: Mr. Todd Chandler

MOTION:

Motion by Commissioner Skains and seconded by Commissioner O’Day to approve Resolution 20-8.1 as presented.

AYES: Commissioners Loyd, Nichols, O’Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Davis, Howden and Richards.

Motion to approve Resolution 20-8.1 carried with a 7-0 vote.

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.

Project No. 20-1.1 (20-00100001)

Owner/Applicant: Morris Hospitality, LLC/Kurtis McMurray

Speakers: Mr. Ronnie Hart

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Nichols to approve Resolution 20-1.1 as presented.

AYES: Commissioners Loyd, Nichols, O’Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Davis, Howden and Richards.

Motion to approve Resolution 20-1.1 carried with a 7-0 vote.

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.

Project No. 20-1.2 (20-00100002)

Owner/Applicant: US Flanson Cultural Entertainment, LLC/Michael Mairot

Speakers: Mr. Mike Mairot

MOTION:

Motion by Commissioner Skains and seconded by Vice-Chairperson Pinkley to amend Resolution 20-1.2 as follows:

- 4. A maximum of [~~four~~] **two** spaces for recreational vehicles, or campsites, shall be allowed within the existing parking area located to the south of the existing building; and,
- 8. [~~All conditions of it~~] This resolution authorizing the issuance of this Special Use Permit shall [~~be met or actively pursued before May 5, 2021~~] **expire December 31, 2020.**

AYES: Commissioners Loyd, Nichols, O’Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Davis, Howden and Richards.

Motion to amend Resolution 20-1.2 carried with a 7-0 vote.

Motion by Vice-Chairperson Pinkley and seconded by Commissioner Skains to approve Resolution 20-1.2 as amended.

AYES: None.

NOES: Commissioners Loyd, Nichols, O’Day, Romine, Skains, Vice-Chairperson Pinkley and Chairperson Harris.

ABSTAIN: None.
ABSENT: Commissioners Davis, Howden and Richards.

Motion to approve Resolution 20-1.2 failed with a 0-7 vote.

**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.
Project No. 20-3 (SU20-000003)
Owner/Applicant: The Track, LLC/Branson Helicopters, LLC**

Speakers: Mr. Camron McAhren

MOTION:

Motion by Commissioner Skains and seconded by Commissioner Romine to approve Resolution 20-3 as presented.

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

Motion to approve Resolution 20-3 carried with a 7-0 vote.

COMMISSIONER & STAFF REPORTS

None.

ADJOURN

Motion by Commissioner Skains, seconded by Vice-Chairperson Pinkley, and unanimously carried to adjourn the meeting at 8:52 PM.

Clark Harris, Chairperson

Date

Joel Hornickel, Planning & Development Director

Date

**Branson Planning Commission
Staff Report and Recommendation
Project No. ZO20-3 (20-000003)**

LOCATON: 135 LAKE FRONT DRIVE

OWNER/APPLICANT: CABANA HOME, LLC/DARRELL HANSON

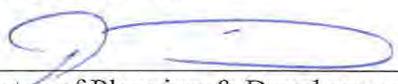
ITEM/SUBJECT: REQUEST FOR HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 135 LAKE FRONT DRIVE, BRANSON, MISSOURI.

DATE: JUNE 2, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

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

APPROVED BY:



Director of Planning & Development

MAY 22, 2020

Date

STAFF REPORT:

A Zoning Application has been received from Darrell Hanson on behalf of Cabana Homes, LLC, requesting High Density Residential (HDR) zoning for property located at 135 Lake Front Drive. The property is located within the Lodges at Chateau Cove development, which is located on the west side of State Highway 265, approximately 1,850 feet north of the entrance to Chateau on the Lake Resort, Spa and Convention Center. The surrounding properties are zoned HDR. This parcel, like the surrounding properties, contains a residential structure which is being used for nightly rentals.

The applicant requested annexation into the City on May 11, 2020, and the petition for annexation was formally presented to the Board of Alderman on May 24, 2020. The Board of Aldermen's first reading for the request is scheduled for June 9, 2020, with the final reading scheduled for June 23, 2020. This request is to establish zoning for the property which is reflective of the existing use of the property and complimentary to the adjacent properties. Because this property was not within the city limits at the time, it was not included in the Community Plan 2030's Preferred Land Use Plan (Figure 10).

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-3.

COMMENTS:

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

ATTACHED INFORMATION:

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



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

| Office Use Only | |
|-----------------|---------|
| REZO ZONING | 2013 |
| Date Applied | 5/14/20 |

Property Information

911 Property Address 135 Lake Front Drive (Building 10A)
 Property Owner Cabana Homes LLC Owner is applicant
 Contact Name Darrell Hanson Email CabanaHomesBranson@gmail.com
 Mailing Address 6005 Garden Spring CT, Crestwood, KY 40014 Phone 502.741.9649

Agent Information (if different from property owner)

Name _____ Email _____
 Mailing Address _____ Phone _____

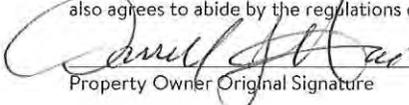
Additional Required Information

- Check box below that corresponds with your request.
 - Zoning Change (\$760): Current zoning district _____ requested change _____
 - Zoning Request (\$631): Requested zoning district HDR
- Current use of property: Nightly rental
- Proposed use of property or reason for zoning request:

Per previous development agreement with City
- 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

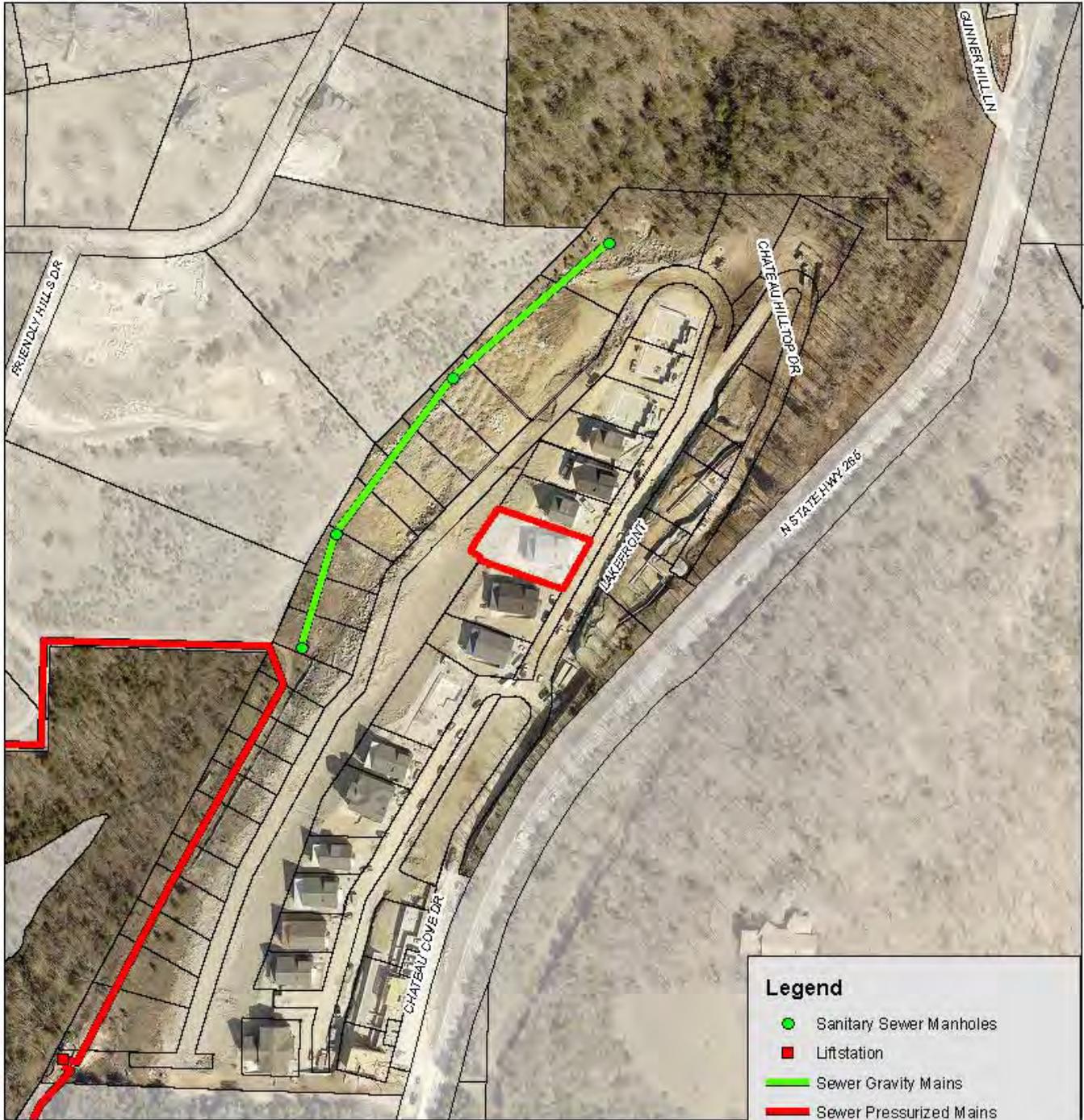
In signing this application, the applicant acknowledges all information provided is complete and accurate. The applicant also agrees to abide by the regulations of the Branson Municipal Code.

 Darrell J Hanson 8 May 2020
 Property Owner Original Signature Print Name Date

Agent Original Signature _____ Print Name _____ Date _____

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

VICINITY MAPS - AERIAL



1 inch = 200 feet

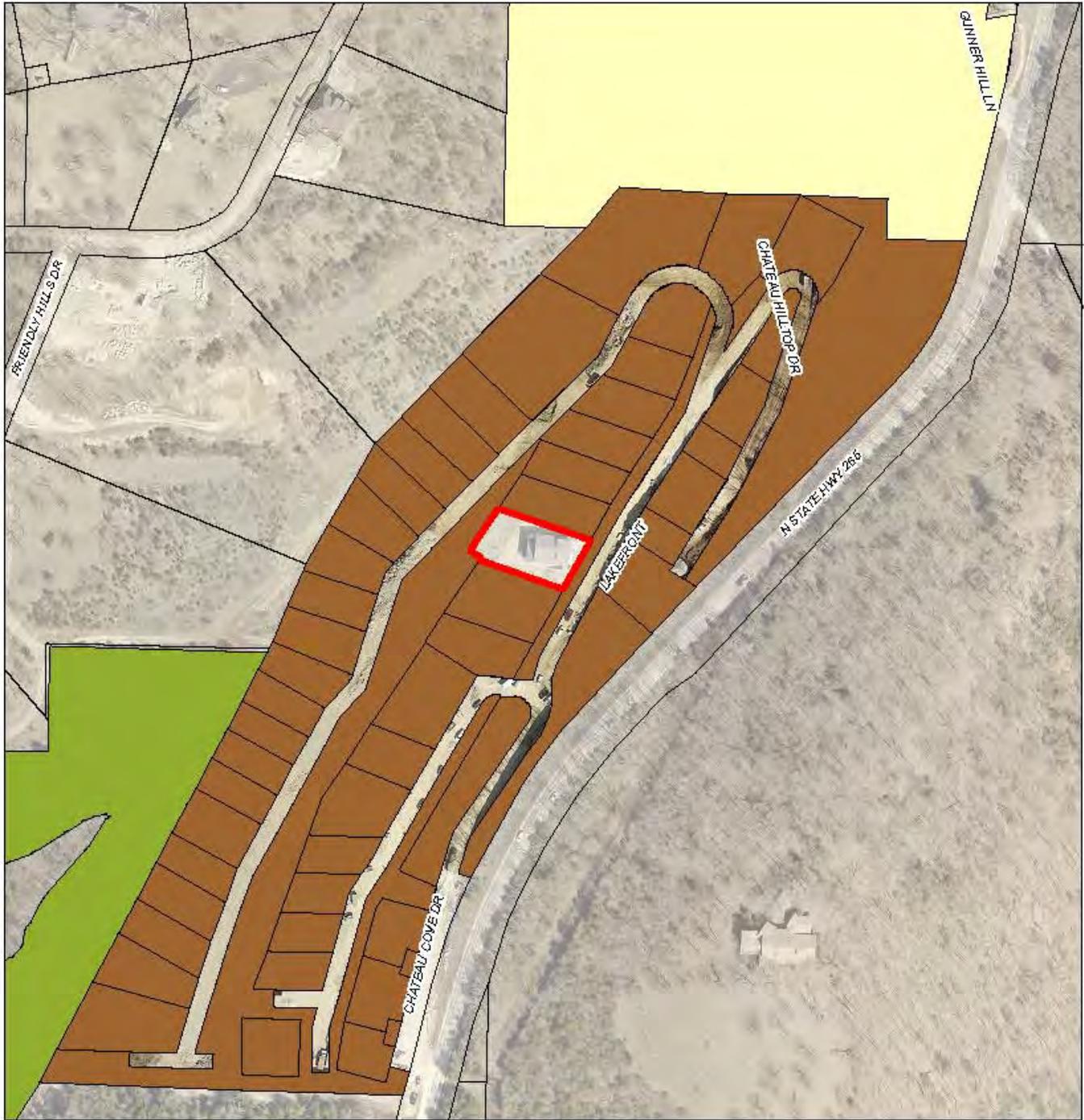
City of Branson
 Planning & Development
 Date: 5/12/2020

135 Lakefront Dr

Legend

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

VICINITY MAPS - CURRENT ZONING



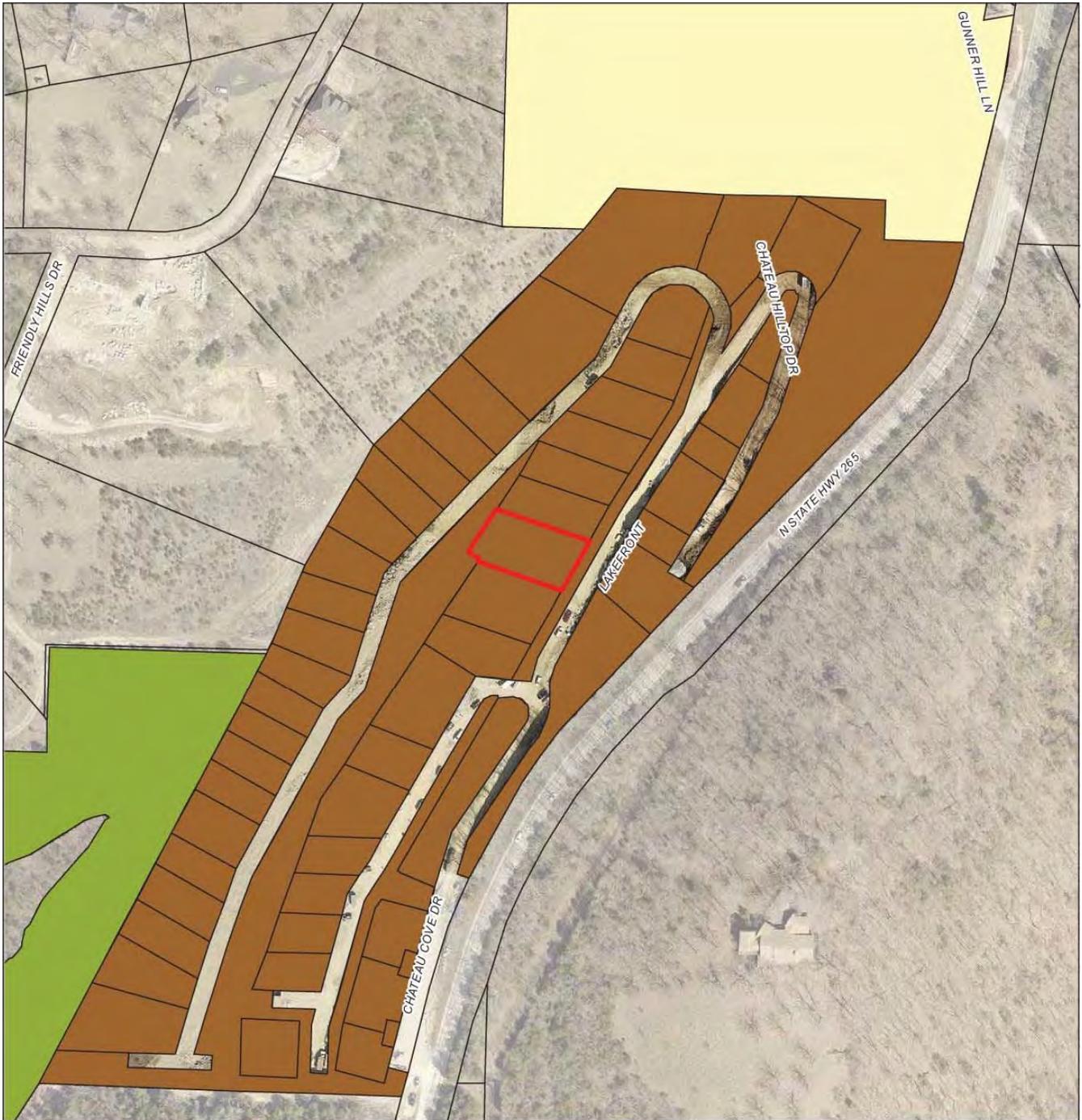
1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 5/12/2020

135 Lakefront Dr

| | | |
|--|---|---|
|  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 - PROPOSED ZONING



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 5/12/2020

135 Lakefront Dr

| | | |
|--|---|---|
|  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 - ORTHOMETRIC VIEWS



VIEW FROM THE NORTH



VIEW FROM THE EAST

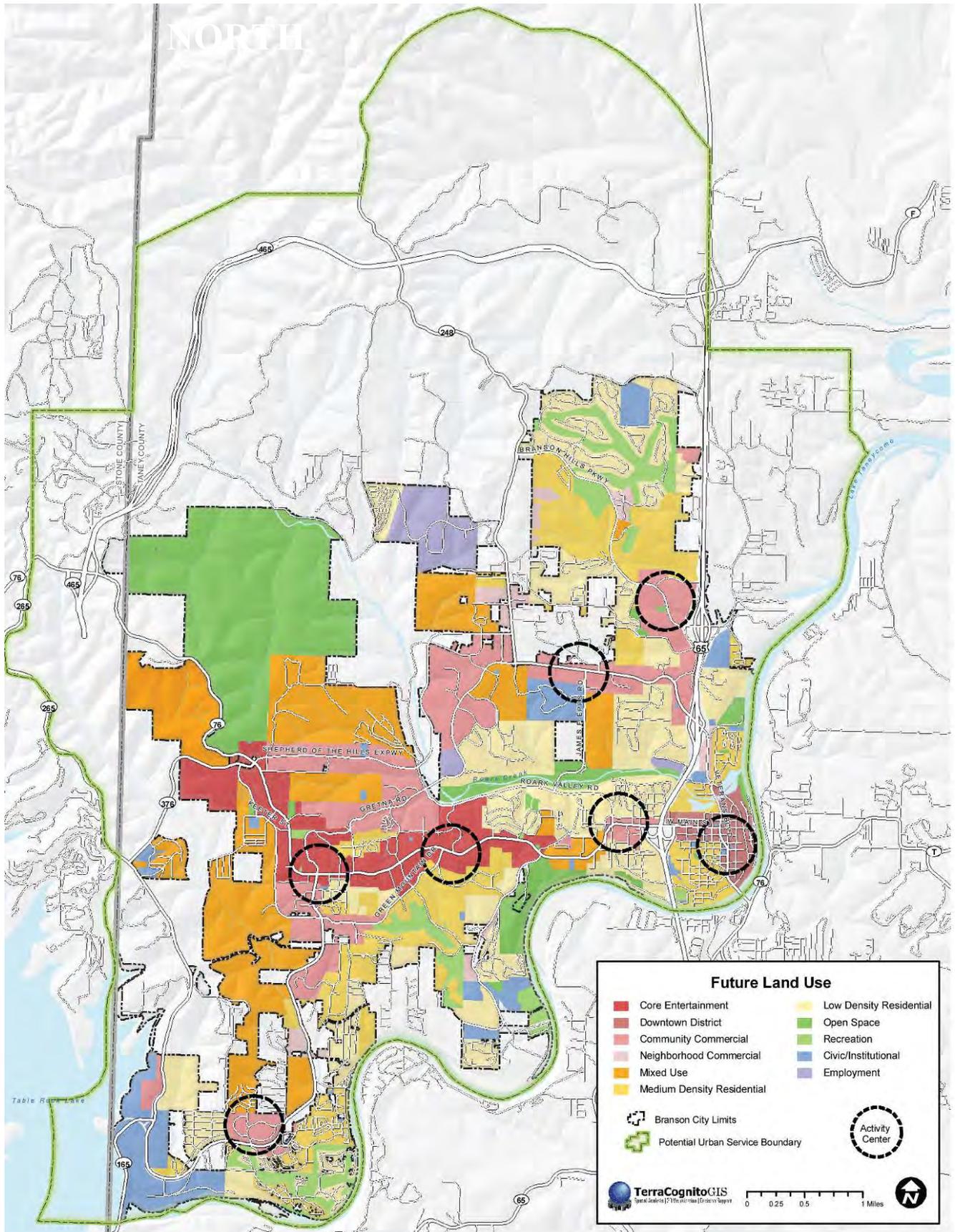


VIEW FROM THE SOUTH



VIEW FROM THE WEST

PREFERRED FUTURE LAND USE PLAN



PLANNING COMMISSION

RESOLUTION NO. ZO20-3 (20-000003)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF HIGH DENSITY RESIDENTIAL (HDR) ZONING FOR THE PROPERTY LOCATED AT 135 LAKE FRONT DRIVE, BRANSON, MISSOURI.

WHEREAS, a Zoning Application has been initiated by Darrell Hanson on behalf of Cabana Homes, LLC, for approval of High Density Residential (HDR) zoning for the property located at 135 Lake Front Drive, legally described as follows:

BUILDING 10A, LODGES AT CHATEAU COVE, PHASE 4, A CONDOMINIUM AS PER THE RECORDED AMENDED PLAT THEREOF, PLAT BOOK/SLIDE L, PAGES 311, TANEY COUNTY, MISSOURI, AND ACCORDING TO THE DECLARATION OF CONDOMINIUM AND BY-LAWS THEREOF, AS RECORDED IN BOOK 2018, PAGE(S) 23220, AS AMENDED.

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

WHEREAS, a Public Hearing was held before the Planning Commission on June 2, 2020, at 7:00 PM in the Council Chambers located at 110 W. Maddux Street, Branson, Missouri; and,

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

BE IT THEREFORE RESOLVED, that the Planning Commission for the City of Branson hereby recommends approval of High Density Residential (HDR) zoning for the property located at 135 Lake Front Drive, Branson, Missouri.

DONE THIS 2ND DAY OF JUNE 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel – Planning and Development Director

**Branson Planning Commission
Staff Report and Recommendation
Project No. SU20-4 (20-000004)**

LOCATION: 1972 STATE HIGHWAY 165

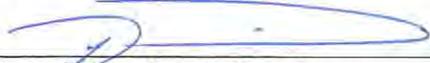
OWNER/APPLICANT: CHAMPAGNE 165 PROPERTIES, LLC / TELECOM REALTY CONSULTANTS, LLC

ITEM/SUBJECT: REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A TELECOMMUNICATIONS TOWER WITHIN THE PROPERTY LOCATED AT 1972 STATE HIGHWAY 165, BRANSON MISSOURI.

DATE: JUNE 2, 2020

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT DEPARTMENT

APPROVED BY:



Director of Planning & Development

May 22, 2020

Date

STAFF REPORT:

A Special Use Application has been received from Paul Wrablica on behalf of Telecom Realty Consultants, LLC, to allow a telecommunications tower within the property located at 1972 State Highway 165. The property, which is approximately four acres more or less, is located between Champagne Boulevard and Terrace Road, approximately 250 feet north of State Highway 165. It is currently zoned Community Commercial (CC) and contains an existing self-storage business within an approximately 37,000 square foot structure. The adjacent properties are also currently zoned Community Commercial.

The applicant's request is to construct a 100-foot tall monopole communications tower and a walk-up cabinet/generator within a 900 square foot area of leased land within the property for AT&T and potential future carriers. The area is proposed to be located on the east side, or rear, of the existing building and protected by a six-foot tall chain-link fence. It is proposed to be accessible from Champagne Boulevard through a 20 foot wide access easement.

Due to the tower's proposed height, the applicant will be required to complete the Federal Aviation Administration's (FAA) Form 7460-1 – Notice of Proposed Construction or Alteration. This form assists the FAA with identifying significant structures on future maps when they are within 20,000 feet of the runway at M. Graham Clark Downtown Airport. Lighting will not be required for the tower as the proposed height is below the 200-foot threshold as required by the FAA regulations.

The ground position of the proposed tower has been determined to be in a moderately visible area based on Figure 4 of the Community Plan 2030. This determination was made based on the location being visible from approximately three to nine observer points of the 299 total observer points (1% - 3%) located along major corridors within the Branson area. In relation to the other reference points in the same vicinity, the base elevation of the proposed site is approximately 941 feet, which is lower than Table Rock Dam (946 feet) and the intersection of West 76 Country Boulevard and State Highway 165 (1,042 feet), but higher than the intersection of State Highway 265 and State Highway 165 (918 feet) and the intersection of State Highway 165 and Fall Creek Road (748 feet).

STAFF RECOMMENDATIONS:

Staff recommends approval of Resolution SU20-000004 based on the following conditions:

1. The design, installation, and operation of the telecommunications tower and facilities shall be in accordance with all applicable city, state, and federal requirements; and,
2. The telecommunications tower and facilities shall generally conform with the submitted site plan, Exhibit A, and shall conform to all Codes and Ordinance of the City; and,
3. The facilities shall be appropriately screened with landscaping as required in Branson Municipal Code Chapter 94; and,
4. Documentation of the Federal Aviation Administration's response to Form FAA 7460-1 shall be provide to the Planning and Development Department prior to the issuance of a Building Permit; and,
5. If conditions 1 through 4 of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before June 2, 2021, this Special Use Permit shall be null and void; and,
6. If use of the telecommunications tower ceases, the applicant shall remove the tower within 180 days. Failure to remove the abandoned tower shall be grounds for the City to cause removal at the expense of the property owner.

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 |
| | 3) Figure 4: Highly Visible Hillside |

PLANNING & DEVELOPMENT DEPARTMENT

PLANNING & ZONING | BUILDING PERMITS | SIGN PERMITS



Special Use - New Special Use Permit
Address: 1972 STATE HWY 165
Description: AT&T Monopole @ Champagne 165 Properties, LLC

SU20-000004
Application Date: 04/28/2020

Application Information*:

| | |
|--|--|
| Applicant Name | Paul Wrablica |
| Applicant Email | pwrablica@me.com |
| Applicant Address | |
| Applicant Company Name | Telecom Realty Consultants, LLC |
| Applicant Company Address | 3864 West 75th Street Prairie Village KS 66208 |
| Applicant Home Phone | |
| Applicant Cell Phone | (913) 449-4774 |
| Applicant Work Phone | |
| Are you the property owner? | No |
| Would you like to add additional team members? | Yes |
| Additional Team Member 1 Name | CHAMPAGNE 165 PROPERTIES LLC |
| Additional Team Member 1 Email | |
| Additional Team Member 1 Address | 414 BAUXHILL COURT KATY TX 77450 |
| Additional Team Member 1 Company Name | |
| Additional Team Member 1 Company Address | |
| Additional Team Member 1 Home Phone | |
| Additional Team Member 1 Cell Phone | |
| Additional Team Member 1 Work Phone | |
| Requested use | Special Use for a telecommunications facility |
| Are there deed restrictions? | No |

* Only fields that were populated are shown.

Documents:

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

[14341459.AE101.200417.KS4468.NSB.ZDs.REV.C.1.pdf](#)

Attach a recent copy of the Warranty Deed/Deed of Trust: [KS4468 Branson Wyndam - Warranty Deed.pdf](#)

Attach property owner acknowledgement and notarization: [Owner Authorization AT&T Special Use Application.pdf](#)

Applicant Signature: [signature.png](#)

Document: [TerraceParkwayTBTZ.jpg](#)

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

Document: [NN List.xlsx](#)

Document: [Legal Proof.pdf](#)

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



Property Owner Acknowledgement

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

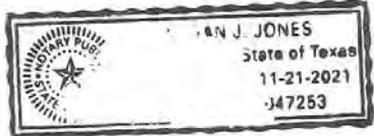
Property address: 1972 State Hwy 165, Branson, MO 65616

Wanda J. Braswell Wanda J. Braswell 4/27/2020
Property Owner Signature Print Name Date

STATE OF Texas)
COUNTY OF Harris) SS.

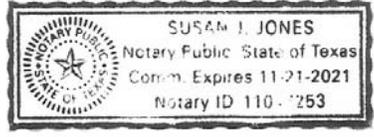
On this 27th day of April, 2020, before me personally appeared Wanda J. Braswell to me known to be the property owner described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Katy, TX the day and year first above written.



Susan J. Jones
Notary Public

My term expires: 11-21-2021



PARENT PARCEL DESCRIPTION:

Tract B, of the Replat of Tract 7, Terrace Parkway, as per the recorded replat thereof, in Plat Book/Slide H, page 119, of Taney County Recorder's Office, Taney County, Missouri.

LEASE AREA DESCRIPTION:

That part of Tract B, of the Replat of Tract 7, Terrace Parkway, located in the Southwest Quarter of Section 14, Township 22 North, Range 22 West of the 5th P.M., Taney County, Missouri, and being more particularly described as follows:

Referring to the Northwest corner of said Tract 7B, a #4 Rebar with cap found for corner, also being a point on a curve, on the southerly right-of-way line of Champagne Boulevard; thence following the southerly right-of-way line of said Champagne Boulevard, on the following bearings and distances: northeasterly, on a curve to the right, having a radius of 320.00 feet, a central angle of 10°37'41", with a Grid Chord bearing of North 61°33'19" East, a chord distance of 59.27 feet; thence northeasterly, North 69°44'2" East, 148.49 feet; thence departing the southerly right-of-way line of said Champagne Boulevard, on the following: South 15°32'24" West, 15.00 feet; thence northeasterly, North 74°27'35" West, 20.00 feet; thence northeasterly, North 15°32'24" East, 60.00 feet; thence southeasterly, South 74°27'35" West, 15.00 feet; thence northeasterly, North 15°32'24" West, 60.00 feet; to the Point of Beginning.

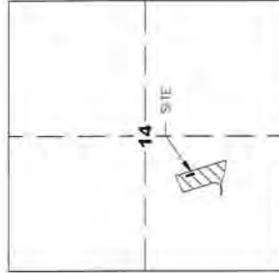
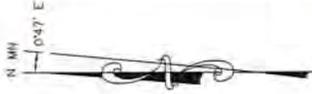
Containing a total calculated Area of 900 square feet or 0.021 acres, more or less.

ACCESS EASEMENT DESCRIPTION:

An Access Easement, 20 feet in width, located in that part of Tract B, of the Replat of Tract 7, Terrace Parkway, located in the Southwest Quarter of Section 14, Township 22 North, Range 22 West of the 5th P.M., Taney County, Missouri, and being more particularly described as follows:

Referring to the Northwest corner of said Tract 7B, a #4 Rebar with cap found for corner, also being a point on a curve, on the southerly right-of-way line of Champagne Boulevard; thence following the southerly right-of-way line of said Champagne Boulevard, on the following bearings and distances: northeasterly, on a curve to the right, having a radius of 320.00 feet, a central angle of 10°37'41", with a Grid Chord bearing of North 61°33'19" East, a chord distance of 59.27 feet; thence northeasterly, North 69°44'2" East, 148.49 feet; to the Point of Beginning for the described Access Easement; thence following the perimeter of the easement on the following bearings and distances: northeasterly, North 66°58'42" East, on the southerly right-of-way line of Champagne Boulevard, 20.00 feet; thence departing said right-of-way, southeasterly, South 20°53'05" East, 162.87 feet; thence southeasterly, South 15°32'24" East, 60.78 feet; thence southeasterly, South 74°27'35" West, 20.00 feet; to the Southeast corner of the described Lease Area; thence northeasterly, on the East line of the Lease Area, North 15°32'24" West, 60.00 feet; thence departing the described Lease Area, northwesterly, North 20°53'05" West, 161.04 feet, to the Point of Beginning.

Containing a total calculated area of 4,445 square feet, or 0.102 acres, more or less.



T. 22 N. R. 22 W

PARENT PARCEL DETAIL



FULLERTON
1100 E. WASHINGTON ROAD, SUITE 100
SEWAMON, MO, 65058-4073
TEL: 816-698-8400
www.fullertonengineering.com

| NO. | DATE | DESCRIPTION | BY |
|-----|----------|-------------------------------|----|
| 1 | 02/24/10 | PRELIMINARY | MM |
| 2 | 03/15/10 | ISSUE FOR PERMIT | MM |
| 3 | 07/15/10 | COMPLETED | MM |
| 4 | 07/29/10 | FINAL | MM |
| 5 | 08/26/10 | ISSUE LEASE AREA | MM |
| 6 | 03/02/10 | ISSUE UTILITY EASEMENTS 1 & 3 | MM |
| 7 | 03/12/10 | COMPLETED FINAL | MM |



SITE NAME
BRANSON WYNDAM

SITE NUMBER
KS4468

SITE ADDRESS
1972 State Hwy. 185,
Branson, MO

SHEET NAME
SITE PLAN

SHEET NUMBER
SS-1

Surveyor's Certificate

I, **Joyme M. Malone**, a Professional Registered Land Surveyor under the laws of the State of Kansas, certify the above survey was executed by me, on the date shown. Distances shown are measured in feet and decimals of a foot.

Signed this 13th day of March, 2020.
Joyme M. Malone
Joyme M. Malone



SURVEYORS NOTES

- 1) Generally located in Missouri State Plane Coordinate System, Central Zone (NAD-83).
- 2) Not a survey of the parent parcel shown, but to be used only for the purposes shown herein.
- 3) The Utility locations shown herein were determined by observed above ground evidence only. The surveyor was provided with above ground markings to determine any subsurface locations, and makes no guarantee that the underground utilities in the area, either in service or abandoned. The responsibility for the location of any underground utilities shown here is the exact location indicated. This surveyor has not physically located the underground utilities.

Zoning: CC - Community/Commercial
Flood Information: This parcel is in a Zone "X" and is subject to a 100 Year Flood plain area as determined by FEMA Flood Rate Map No. 29213C0265E, effective date 03/15/2012.

VICINITY MAP





1851 MANCHESTER ROAD
ST. LOUIS, MO 63113



2005 Hwy M, Suite 200
St. Charles, MO 63041

FULLERTON

116 S. WASHINGTON ROAD, SUITE 100
ST. CHARLES, MO 63043
TEL: 817-268-8900
www.fullertonengineering.com

| NO. | DATE | DESCRIPTION |
|-----|----------|-------------|
| 1 | 02/23/18 | PRELIMINARY |
| 2 | 07/23/18 | AS-BUILT |
| 3 | 07/23/18 | REVISED |
| 4 | 07/23/18 | REVISED |
| 5 | 07/23/18 | REVISED |
| 6 | 07/23/18 | REVISED |
| 7 | 07/23/18 | REVISED |
| 8 | 07/23/18 | REVISED |
| 9 | 07/23/18 | REVISED |
| 10 | 07/23/18 | REVISED |
| 11 | 07/23/18 | REVISED |
| 12 | 07/23/18 | REVISED |
| 13 | 07/23/18 | REVISED |
| 14 | 07/23/18 | REVISED |
| 15 | 07/23/18 | REVISED |
| 16 | 07/23/18 | REVISED |
| 17 | 07/23/18 | REVISED |
| 18 | 07/23/18 | REVISED |
| 19 | 07/23/18 | REVISED |
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| 96 | 07/23/18 | REVISED |
| 97 | 07/23/18 | REVISED |
| 98 | 07/23/18 | REVISED |
| 99 | 07/23/18 | REVISED |
| 100 | 07/23/18 | REVISED |



HUSKER SURVEYING

4525 N. Lincoln Hwy., Ste. #101
Lincoln, NE 68506
TEL: 402/433-2522
www.huskersurveying.com

SITE NAME

BRANSON WYNDAM

SITE NUMBER

KS4468

SITE ADDRESS

1972 State Hwy. 165,
Branson, MO.

SHEET NAME

SITE PLAN

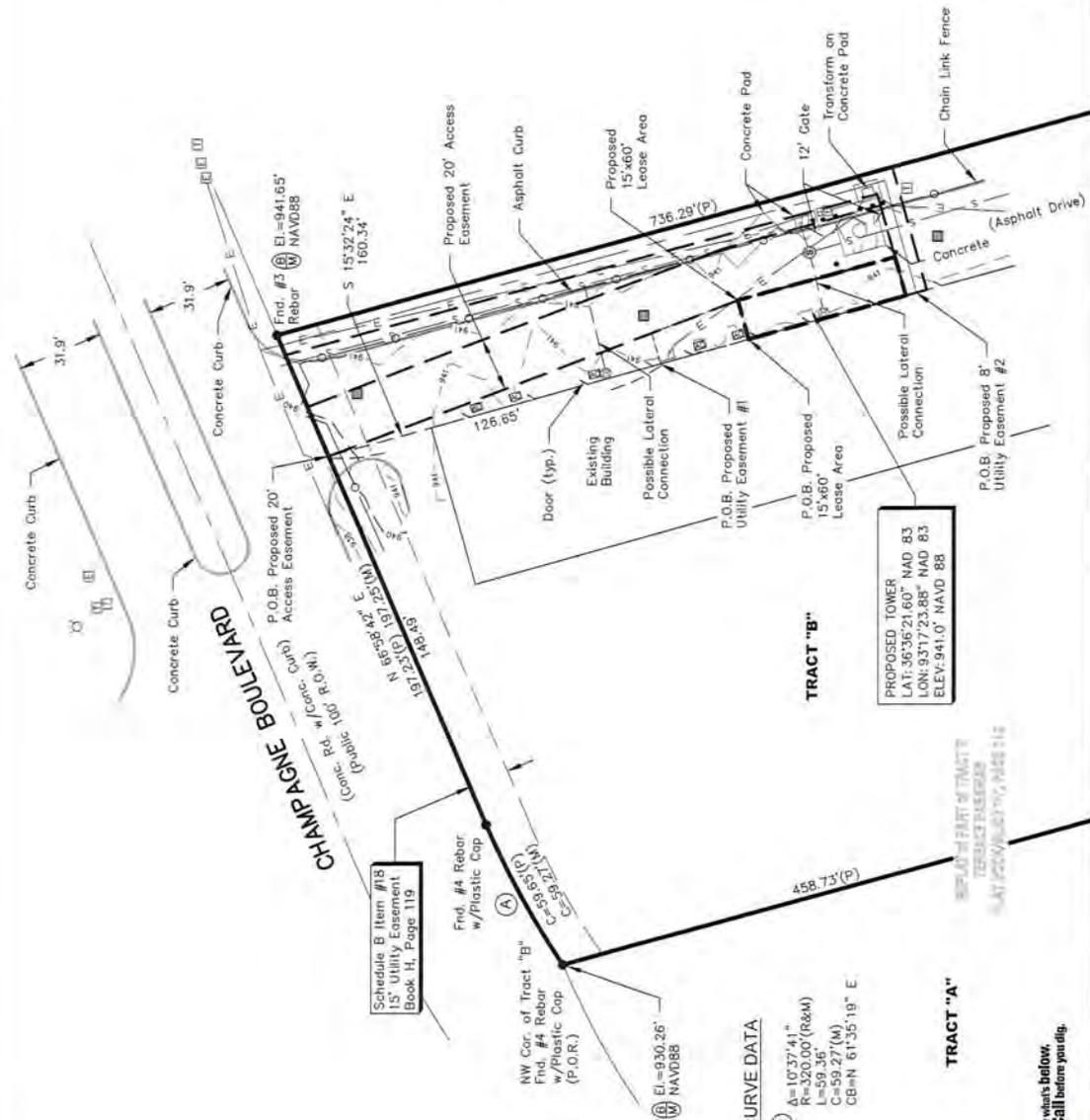
SHEET NUMBER

SS-2



LEGEND

- = Cor. Fnd
- = Cor. 3c
- with dot = Cor. w/ Cop
- ⬇ = Section Corner
- ⊕ = Benchmark
- (M) = Meas. Dist.
- (P) = Plot Dist.
- (O) = Dead Dist.
- (R) = Record Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference
- E- = Undergrnd Electric Line
- S- = Sanitary Sewer Line
- ⊕ = Clean Out
- ⊕ with dot = Air Conditioning Unit
- ⊕ with square = Concrete Ballard
- ⊕ with circle = Electrical Pedestal
- ⊕ with triangle = Well
- ⊕ with square = Mailbox
- ⊕ with circle = Sanitary Sewer Manhole
- ⊕ with square = Telephone Pedestal
- ⊕ with circle = Fire Hydrant





FULLERTON
 1100 S. WOODFIELD ROAD, SUITE 500
 SCHEIDT & BUCKLEY, LLP, SUITE 40173
 TEL: 817-366-8400
 www.fulton-engineering.com

| REV | DATE | DESCRIPTION |
|-----|----------|----------------------------|
| 1 | 08/24/18 | ISSUED |
| 2 | 07/11/19 | DATE PLOTTED |
| 3 | 07/11/19 | CONTRACT |
| 4 | 07/23/19 | FINAL |
| 5 | 07/23/19 | DATE LEASE AREA |
| 6 | 08/12/19 | JOB STATUS: EXAMINER 1 & 2 |
| 7 | 03/11/20 | CONTRACT # 11111 |



4525 Branson Blvd., Ste. #01
 Lincoln, NE 68506
 (402) 433-5522
 www.huskersurveying.com

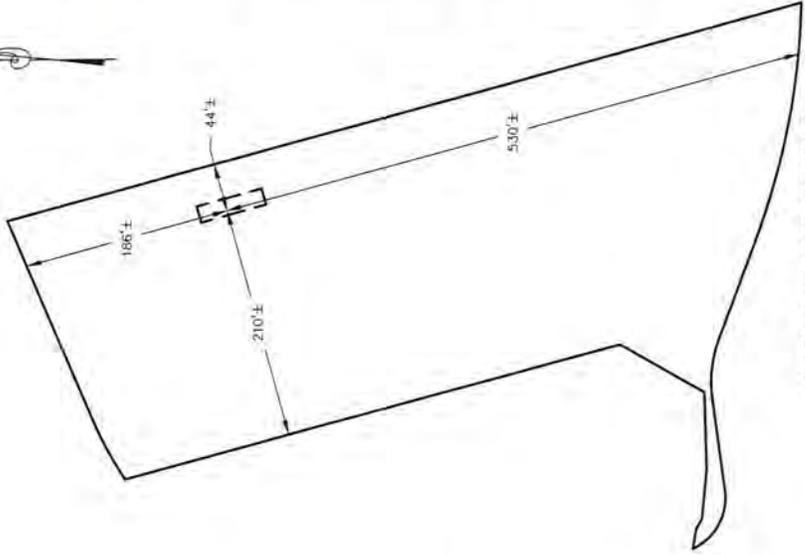
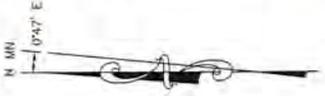
SITE NAME
BRANSON WYNDAM

SITE NUMBER
KS44468

SITE ADDRESS
 1972 State Hwy. 165,
 Branson, MO

SHEET NAME
SITE PLAN

SHEET NUMBER
SS-4



TOWER DISTANCE DIAGRAM
(N.T.S.)

UTILITY EASEMENT #1 DESCRIPTION:
 A Utility Easement located in that part of Tract B, of the Replat of Tract 7, Terrace Parkway, located in the Southwest Quarter of Section 14, Township 22 North, Range 22 West of the 5th P.M., Taney County, Missouri, and being more particularly described as follows:

Referring to the Northwest corner of said Tract "B", a #4 Rebar with cap found for corner, also being a point on a curve, on the southerly right-of-way line of Champagne Boulevard, thence following the southerly right-of-way line of said Champagne Boulevard, on the following bearings and distances: northwesterly, on a curve to the right, having a radius of 320.00 feet, a central angle of 10°37'41", with a Grid Chord bearing of North 61°35'19" East, a chord distance of 59.27 feet, thence northwesterly, North 66°58'42" East, 148.49 feet, thence departing the southerly right-of-way line of said Champagne Boulevard, southeasterly, South 15°32'24" East, 126.65 feet, to the Point of Beginning for the described Utility Easement #1; thence following the perimeter of the easement on the following bearings and distances: northwesterly, North 74°27'36" East, 11.85 feet, thence southeasterly, South 20°53'05" East, 33.34 feet, to the Northeast corner of the described Lease Area; thence southwesterly, South 74°27'36" West, 11.85 feet, on the North line of the Lease Area, 15.00 feet, thence departing said North line, northwesterly, North 15°32'24" West, 33.69 feet, to the Point of Beginning.

Containing a total calculated area of 452 square feet, or 0.010 acres, more or less.

UTILITY EASEMENT #2 DESCRIPTION:
 A Utility Easement located in that part of Tract B, of the Replat of Tract 7, Terrace Parkway, located in the Southwest Quarter of Section 14, Township 22 North, Range 22 West of the 5th P.M., Taney County, Missouri, and being more particularly described as follows:

Referring to the Northwest corner of said Tract "B", a #4 Rebar with cap found for corner, also being a point on a curve, on the southerly right-of-way line of Champagne Boulevard, thence following the southerly right-of-way line of said Champagne Boulevard, on the following bearings and distances: northwesterly, on a curve to the right, having a radius of 350.00 feet, a central angle of 10°37'41", with a Grid Chord bearing of North 61°35'19" East, a chord distance of 64.99 feet, thence northwesterly, North 66°58'42" East, 148.49 feet, thence departing the southerly right-of-way line of said Champagne Boulevard, southeasterly, South 15°32'24" East, 160.34 feet, to the Northeast corner of the described Lease Area; thence following the perimeter of the Lease Area, southwesterly, on an extended bearing of South 15°32'24" East, 64.00 feet, to the Point of Beginning for the described Utility Easement #2; thence following the centerline of the easement on the following bearings and distances: northwesterly, North 74°27'36" East, 43.52 feet, thence northwesterly, North 15°19'35" West, 230.17 feet, to a point of intersection on the southerly right-of-way line of Champagne Boulevard, also being the Point of Termination for the centerline of the described Utility Easement #2.

Containing a total calculated Area of 2,181 square feet or 0.050 acres, more or less.

Parallel lines described from the centerline of the easement, are intended to lengthen or shorten to intersect the lines described.

TITLE REPORT:

Based on Report of Title provided by U.S. Title Solutions, File No. 63485-MO1906-5030, with an effective date of June 19, 2019, the following are of survey matters:

- Road Deed by Walter C. McCaense to State of Missouri, dated 3/11/1930 recorded 3/15/1930 in book 82 page 149. Notes: Supplemental road. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Road Deed by Walter C. McCaense to State of Missouri, dated 3/11/1930 recorded 3/15/1930 in book 82 page 148. Notes: Road. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Road Deed by Walter C. McCaense to State of Missouri, dated 3/11/1930 recorded 3/25/1930 in book 82 page 150. Notes: Supplemental road. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Road Deed by Walter C. McCaense to County of Taney, State of Missouri, dated 6/6/1930 recorded 5/12/1930 in book 82 page 176. Notes: State highway. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Road Deed by Walter C. McCaense to County of Taney in the state of Missouri, dated 11/10/1952 recorded 11/20/1952 in book 127 page 75. Notes: Access road, Affects Parent Parcel as current road right-of-way, Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Terrace Parkway dated 4/21/1960 recorded 4/28/1960 in book 28 page 82. Affects Parent Parcel but cannot be plotted, because it is blanket in nature. Notes: Road. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Easement by Table Rock Terrace, Inc. to The Empire District Electric Company, dated 10/10/1964 recorded 11/17/1965 in book 271 page 740. Notes: Electric and communication facilities, Affects Parent Parcel but cannot be plotted, because it is blanket in nature.
- Easement by Table Rock Terrace, Inc. to Tri-State Utility Co., Inc. dated 8/1/1965 recorded 8/6/1965 in book 274 page 1088. Notes: Water system. Affects Parent Parcel but cannot be plotted, because it is blanket in nature.
- Easement by Table Rock Terrace, Inc. to City of Branson, State of Missouri, dated 11/20/1983 recorded 01/14/1984 in book 326 page 9983. Notes: Utility lines. Does not affect proposed Lease Area, Access Easement or Utility Easements and is not shown hereon.
- Terrace Parkway dated 4/28/1992 recorded 4/28/1992 in book 28 page 82. Affects Parent Parcel but cannot be plotted, because it is blanket in nature.
- Memorandum of Partnership Agreement between Table Rock Terrace, Inc., a Missouri corporation and The Weik Group Missouri, Inc., a Missouri corporation and Terrace Parkway Associates dated 9/7/1993 recorded 10/4/1993 in book 322 page 172. Affects Parent Parcel but cannot be plotted, because it is blanket in nature.
- A Replat of Part of Tract 7, Terrace Parkway dated 7/27/2004 recorded 8/25/2004 in book H page 119. Affects proposed Access Easement and Utility Easement #2 and is shown hereon. Does not affect proposed Lease Area or Utility Easement #2.

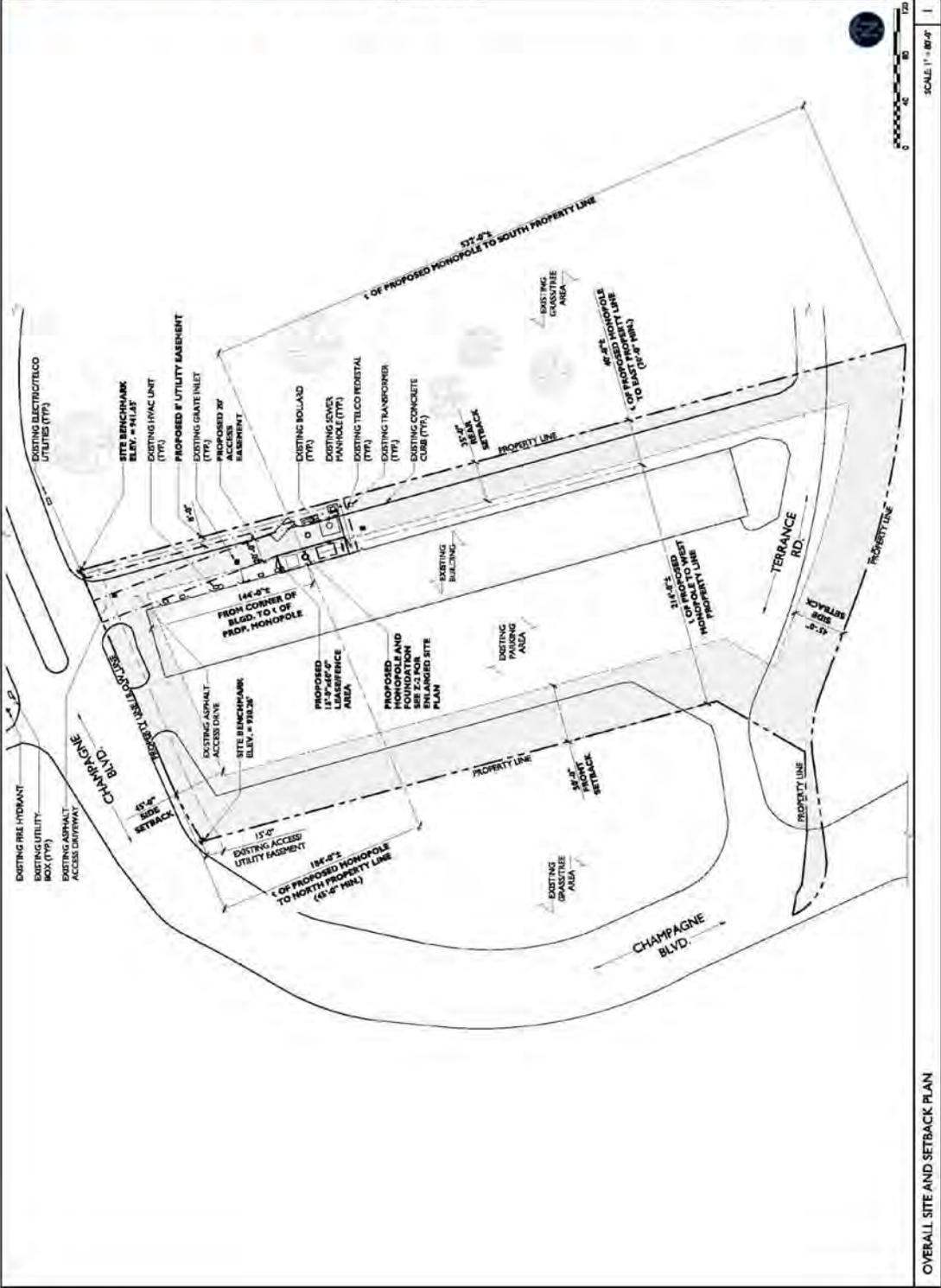


FULLERTON
 CONSULTING ENGINEERS
 1101 E. WOODFIELD ROAD, SUITE 300
 SCARLETT, MD 21150
 (410) 271-1100
 www.fullertonengineering.com

| # | DATE | DESCRIPTION |
|---|--------|------------------|
| A | 1/1/20 | PRELIM ZONING EC |
| B | 1/1/20 | PRELIM ZONING EC |
| C | 4/1/20 | PRELIM ZONING EC |

| |
|---|
| SITE NAME BRANSON WYNDAM |
| SITE NO. KS-4468 |
| SITE ADDRESS 1175 STATE HIGHWAY 105 BRANSON, MO 65616 |
| SHEET NAME OVERALL SITE AND SETBACK PLAN |
| SHEET NUMBER Z-1 |

PROJECT# 2019.0103.0025



SCALE 1" = 30'-0"

OVERALL SITE AND SETBACK PLAN



1705 CLAW RD
CHRY COBLA, MD 21114



5055 Hwy N, Suite 200
St. Charles, MD 21304

FULLERTON
CONSULTING ENGINEERS
1106 E. WOODFIELD ROAD, SUITE 200
SCHEMATA, MD 21151
TEL: 410-326-6175
COMM: 410-326-6174
www.fullertonengineering.com

| # | DATE | DESCRIPTION | BY |
|---|---------|---------------|----|
| A | 1/15/20 | PRELIM ZONING | EC |
| B | 3/1/20 | PRELIM ZONING | EC |
| C | 4/17/20 | PUBLIC ZONING | EC |

SITE NAME
**BRANSON
WYNDAM**

SITE NO.
K34468

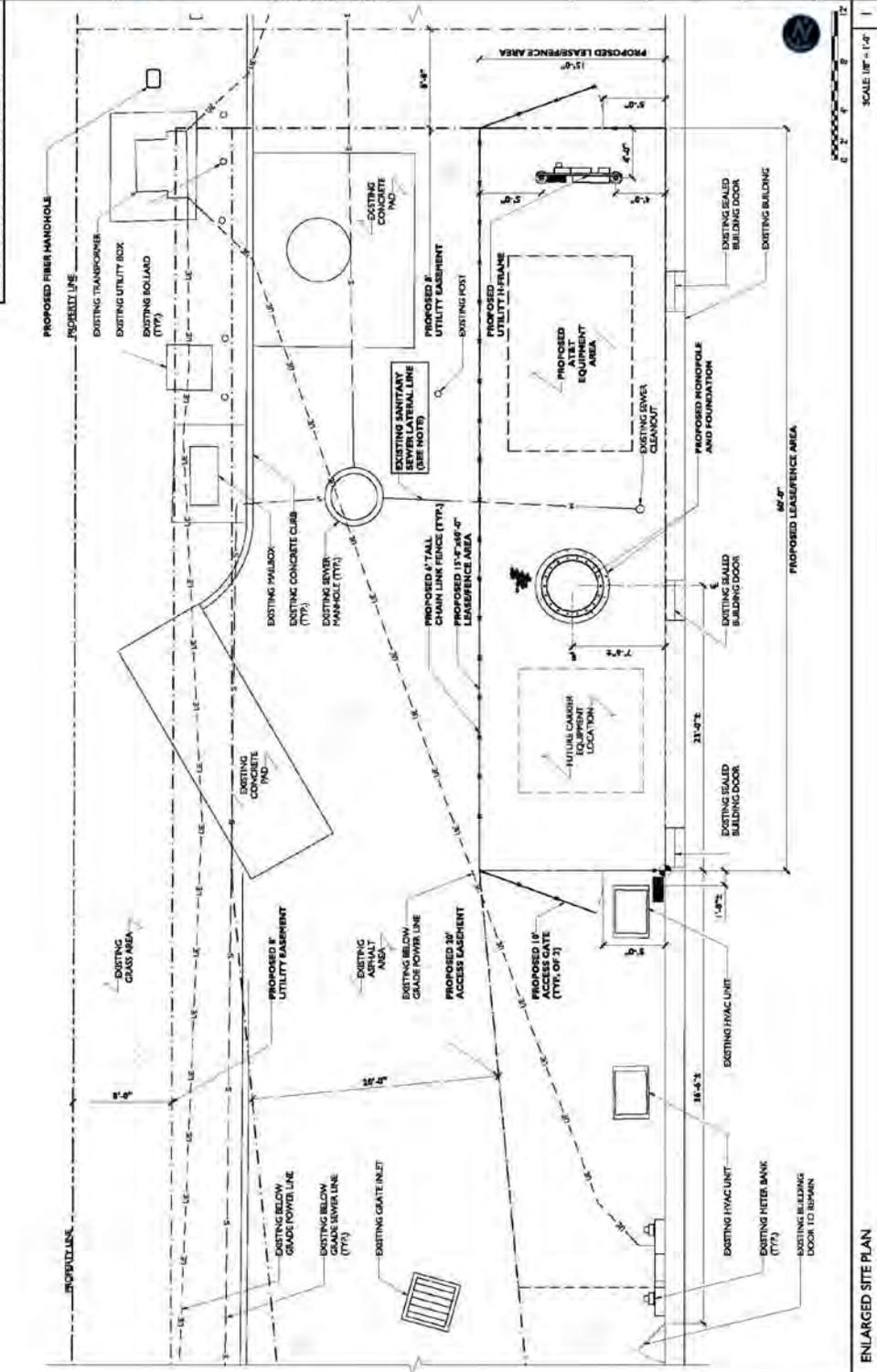
SITE ADDRESS
1772 STATE HIGHWAY 165
BRANSON, MO 65616

SHEET NAME
**ENLARGED SITE
PLAN**

SHEET NUMBER
Z-2

PROJECT: 2019.01.03.0035

NOTE:
EXACT LOCATION OF EXISTING SANITARY SEWER LATERAL
AND SEWER MAINS SHALL BE DETERMINED BY THE
CONTRACTOR WITH CONSTRUCTION. THE CONTRACTOR
SHALL CUT AND CAP LINE AS CLOSE AS POSSIBLE TO
EXISTING CLEANOUT AND OUTSIDE OF LEASE AREA. REMOVE
INTERMEDIATE PIPE SECTION, BACKFILL WITH SAND, AND
INSTALL STANDARD PROCTOR GRAVITY, OTHERWISE SANITARY
SEWER LATERAL LINE SHALL REPAIR IN PLACE.



ENLARGED SITE PLAN



1200 LENOX BLVD
CHESAPEAKE, VA 23041



2025 NEWK, 2025 200
24, CHESAPEAKE, VA 23041

FULLERTON

ENGINEERING DIVISION
1100 E. WOODFIELD ROAD, SUITE 500
FARMERSVILLE, VA 22434
TEL: 817-798-2900
WWW.FULLERTONENGINEERING.COM

| # | DATE | DESCRIPTION | BY |
|---|----------|----------------|----|
| A | 12/15/20 | PRELIM. ZONING | MM |
| B | 4/17/21 | PRELIM. ZONING | MM |
| C | | | |
| D | | | |
| E | | | |
| F | | | |
| G | | | |
| H | | | |
| I | | | |
| J | | | |
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| X | | | |
| Y | | | |
| Z | | | |

SITE NAME
**BRANSON
WYNDAM**

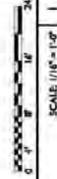
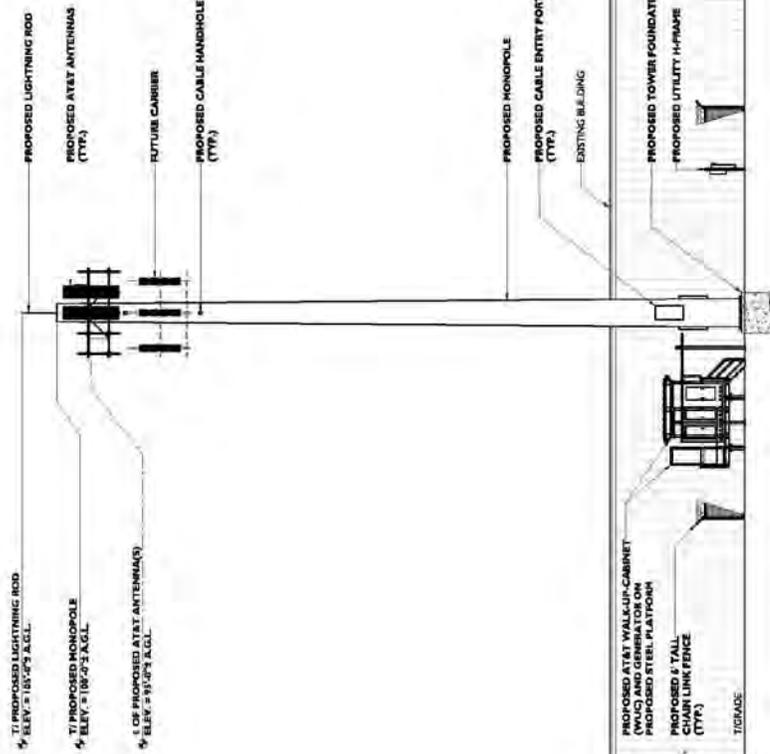
SITE NO.
KS4468

SITE ADDRESS
**1872 STATE HIGHWAY 166
BRANSON, MO 64416**

SHEET NAME
**TOWER
ELEVATION**

SHEET NUMBER
Z-3

PROJECT # 2019-0161.0025



TOWER ELEVATION

ATTACHMENT 2: VICINITY MAPS - AERIAL



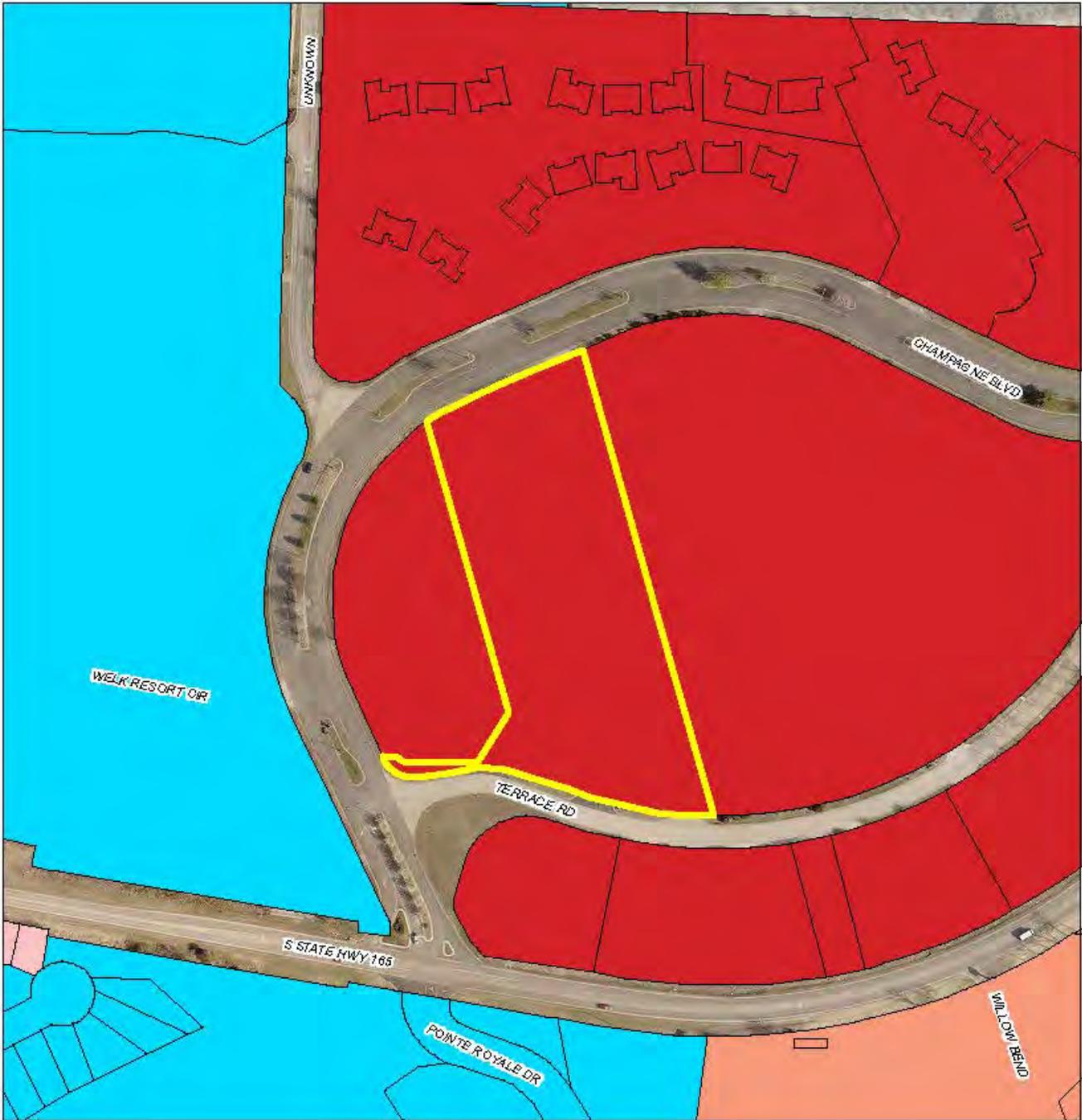
N

1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 5/1/2020

1972 State Hwy 165

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

VICINITY MAPS - CURRENT ZONING

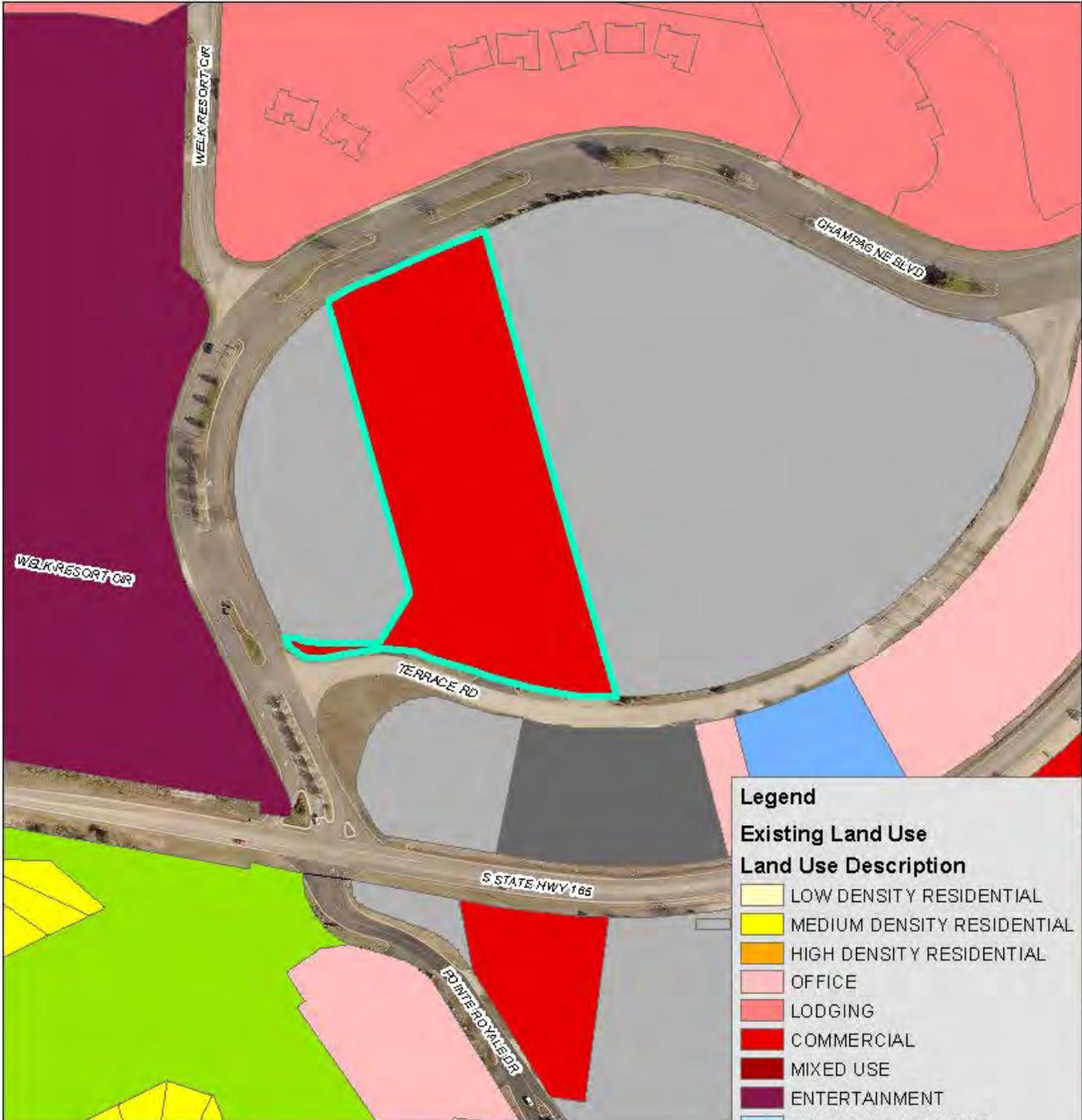


1972 State Hwy 165


1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 5/1/2020

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


1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 5/1/2020

1972 State Hwy 165

VICINITY MAPS - ORTHOMETRIC IMAGES



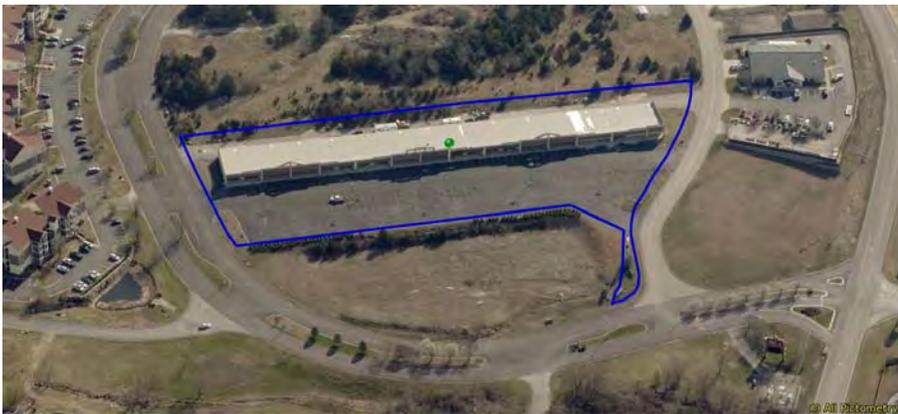
VIEW FROM THE NORTH



VIEW FROM THE EAST

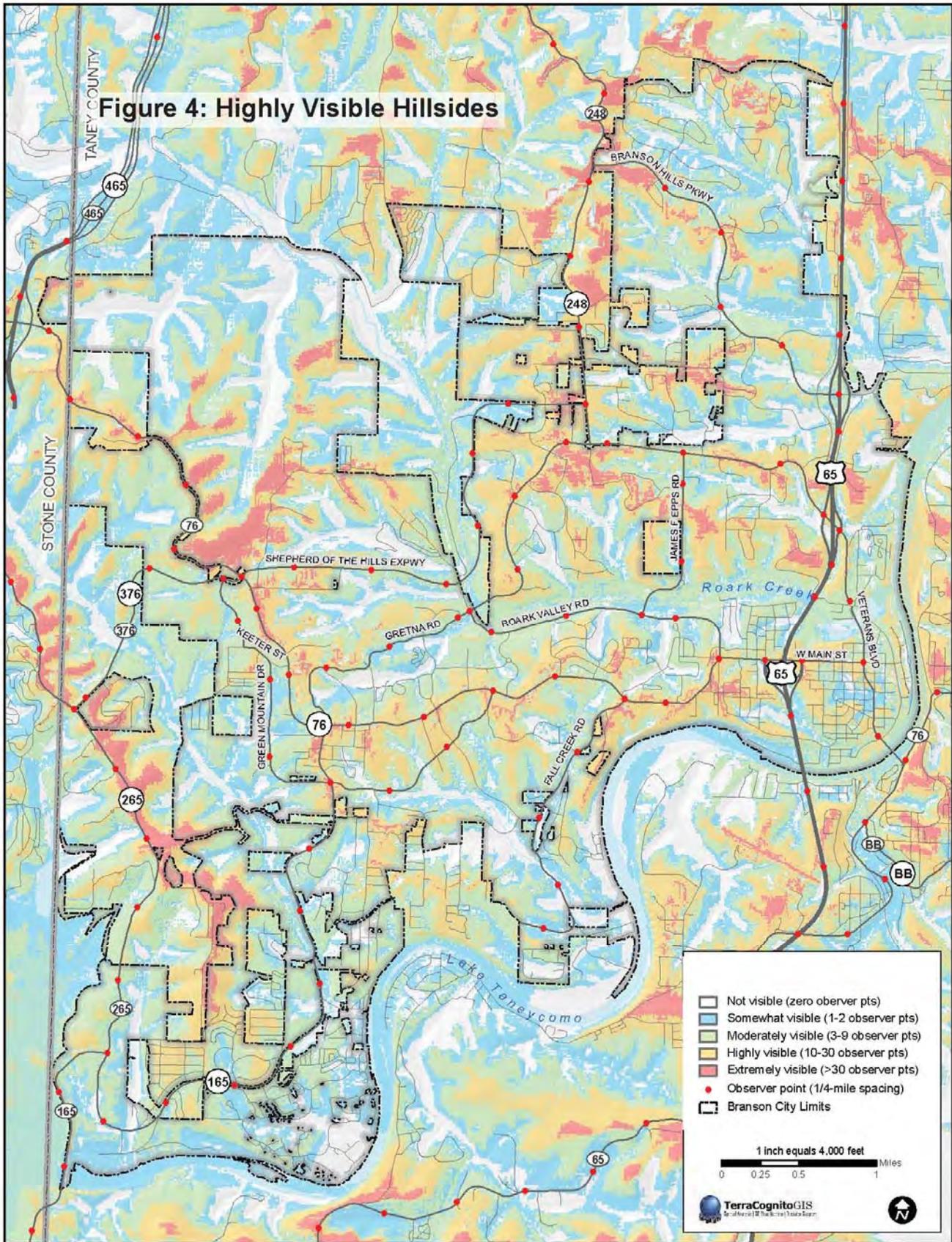


VIEW FROM THE SOUTH



VIEW FROM THE WEST

Figure 4: Highly Visible Hillside



PLANNING COMMISSION

RESOLUTION NO. SU20-4 (20-000004)

A PLANNING COMMISSION RESOLUTION AUTHORIZING THE PLANNING AND DEVELOPMENT DIRECTOR TO ISSUE A SPECIAL USE PERMIT TO ALLOW A TELECOMMUNICATIONS TOWER WITHIN THE PROPERTY LOCATED AT 1972 STATE HIGHWAY 165, BRANSON, MISSOURI.

WHEREAS, a Special Use Application has been submitted to the City of Branson by Paul Wrablica on behalf of Telecom Realty Consultants, LLC, to allow a telecommunications tower within the property legally described as follows:

TRACT B, OF THE REPLAT OF TRACT 7, OF TERRACE PARKWAY, AS PER THE RECORDED REPLAT THEREOF, IN PLAT BOOK/SLIDE H, PAGE 119, OF TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI.

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

WHEREAS, a Public Hearing was held before the Planning Commission on June 2, 2020, at 7:00 PM in the Council Chambers located at 110 W. Maddux Street, Branson, Missouri; and,

WHEREAS, all required documentation and payment of the required fees 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 allow a telecommunications tower within the property located at 1972 State Highway 165, Branson, Missouri, based on the following conditions:

1. The design, installation, and operation of the telecommunications tower and facilities shall be in accordance with all applicable city, state, and federal requirements; and,
2. The telecommunications tower and facilities shall generally conform with the submitted site plan, Exhibit A, and shall conform to all Codes and Ordinance of the City; and,
3. The facilities shall be appropriately screened with landscaping as required in Branson Municipal Code Chapter 94; and,
4. Documentation of the Federal Aviation Administration's response to Form FAA 7460-1 shall be provide to the Planning and Development Department prior to the issuance of a Building Permit; and,
5. If conditions 1 through 4 of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before June 2, 2021, this Special Use Permit shall be null and void; and,
6. If use of the telecommunications tower ceases, the applicant shall remove the tower within 180 days. Failure to remove the abandoned tower shall be grounds for the City to cause removal at the expense of the property owner.

DONE THIS 2nd DAY OF JUNE, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

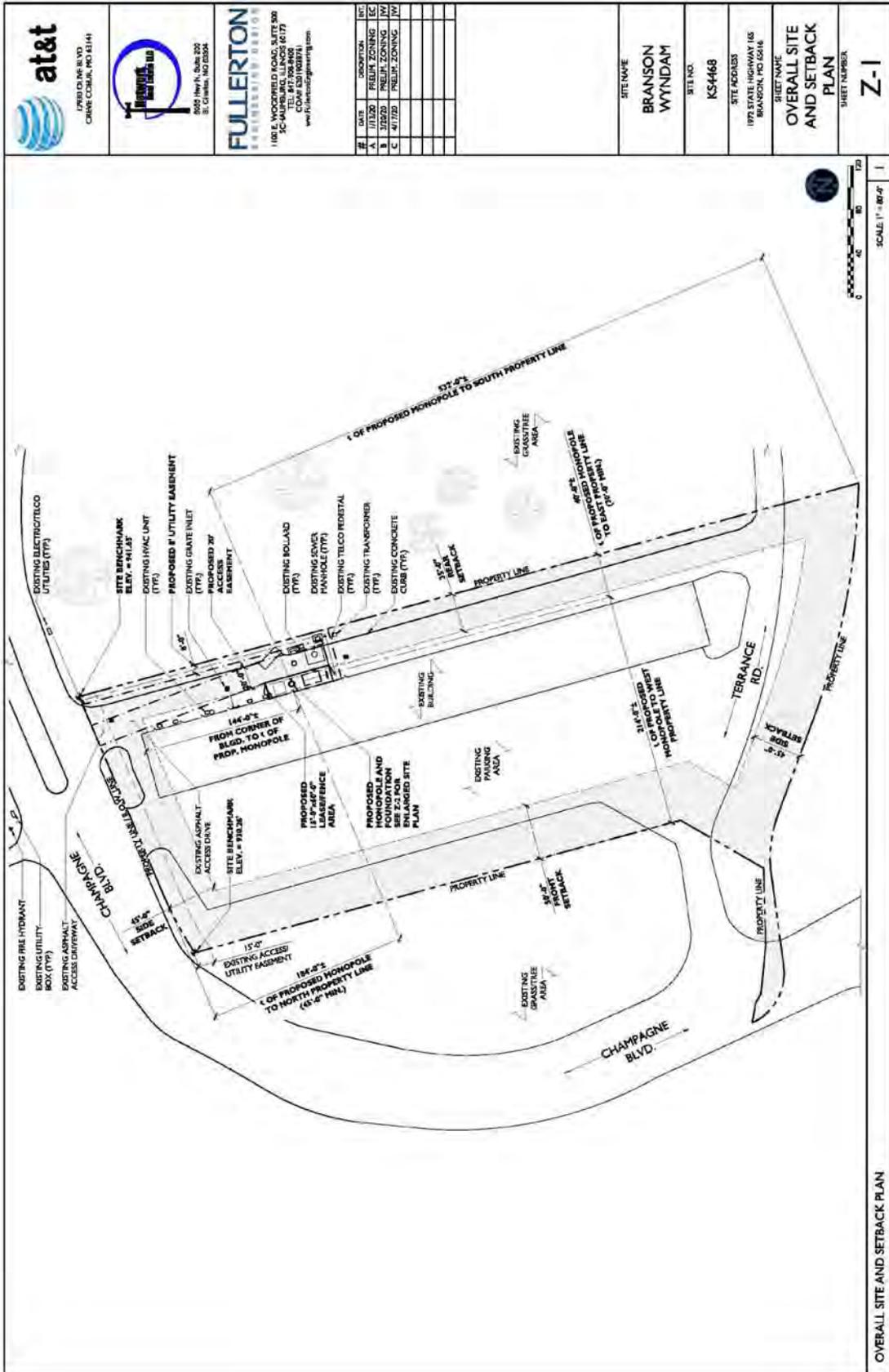
Clark Harris - Chairperson

ATTEST:

Joel Hornickel – Planning and Development Director

\

EXHIBIT A



**Branson Planning and Zoning Commission
Staff Report and Recommendation
Project No. 20-12.1 (20-2000001)**

OWNER/APPLICANT: CITY OF BRANSON
ITEM/SUBJECT: REQUEST FOR MUNICIPAL CODE AMENDMENTS TO CHAPTER 94 - ZONING.
DATE: JUNE 2, 2020
INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:



Director of Planning & Development

Date MAY 22, 2020

STAFF REPORT:

A Municipal Code Amendment has been initiated by the Planning and Development Department for modifications to Chapter 94 - Zoning, Articles I, II, III, IV, VI, and VII. Specifically, the proposed amendments are mostly inconsistencies and issues which have been identified by staff after working with the Code over the past few years.

In response to the Community Plan 2030 adopted in March 2012 (Res. No. 2012-R007), the first significant update to Chapter 94 was approved in December 2016 (Ord. No. 2016-0193). It was then followed up with the incorporation of the subdivision and landscaping regulations in April 2018 (Ord. No. 2018-0030) and the sign regulations in September 2019 (Ord. No. 2019-0131). Additional modifications have been approved during the same time frame in response to various reasons.

This request includes the following amendments:

- Article I – remove a duplicate term, *local street*
- Article II – update of application requirements for *subdivision plats* due to the City's use of an online Portal, Citizenserve
- Article III – reduce *minimum lot size* for detached residential structures within the MDR district so as to be in better alignment with LDR and HDR
- Article IV – update *outdoor sale/promotional event* standards to be more clear and match intent
- Article VI – remove *exceptions and adjustments* section as not needed with a maximum parking approach
- Article VI – remove a *staking lane* requirement to be more consistent
- Article VII – remove *Tree Board* reference
- Article VII – add regulations for *fences* within residential lots

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 20-12.1.

MUNICIPAL CODE REGULATIONS:

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

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

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

COMMENTS:

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

| |
|---------------------------------|
| ATTACHED INFORMATION: NA |
|---------------------------------|

PLANNING COMMISSION

RESOLUTION NO. 20-12.1 (20-1200001)

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

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

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

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

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

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

WHEREAS, a Public Hearing was held before the Branson Planning Commission on June 2, 2020, at 7:00 PM, in the City Council Chambers located at 110 W. Maddux Street, Branson, Missouri.

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

DONE THIS 2ND DAY OF JUNE, 2020, BY THE PLANNING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Joel Hornickel – Planning and Development Director

51 EXHIBIT 'A'

52 CHAPTER 94 – ZONING

53 ARTICLE I. - IN GENERAL

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56 Sec. 94-5. - Definitions.

57 [~~Street, local means a street designed to provide access to abutting properties from collector and~~
58 ~~arterial streets.~~]

59
60 *Street, local* means a street designed to provide access to abutting properties from collector and
61 arterial streets.

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63 ARTICLE II. - RULES AND REGULATIONS

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65 Sec. 94-8. - Subdivisions.

66 (a) *Generally applicable requirements.*

67 (b) *Classification of subdivision processes.*

68 (c) *Minor subdivision review.*

69 (1) *Application submission.*

70 a. The applicant shall be required to submit an application for a minor subdivision on forms
71 available from the planning and development department along with the applicable fee as
72 provided in the city fee schedule.

73 b. The application shall include [~~three~~] a certified plat[s] for review.

74 (d) *Major subdivision review.*

75 (1) *Generally.*

76 (2) *Preliminary plat application process.*

77 a. Prior to filing a preliminary plat for review, an applicant may submit the preliminary plat for
78 pre-application review. As far as may be practical on the basis of the preliminary plat, the
79 planning and development director will, in writing, advise the applicant as promptly as
80 possible of the extent to which the proposed subdivision conforms to the design standards in
81 this section, and will discuss possible modifications that may be necessary to secure
82 conformance.

83 b. An applicant shall be required to submit an application for a preliminary plat on forms
84 available from the planning and development department along with the applicable fee as
85 provided in the city fee schedule. The application shall include a certified [~~six paper copies~~
86 ~~of a~~] preliminary plat and shall be submitted at least 30 days prior to a regular meeting of the
87 planning commission at which consideration is requested.

88 (3) *Preliminary plat application content.*

89 (4) *Preliminary plat review and approval.*

90 (5) *Construction plans.*

91 (6) *Final plat application process.*

92 a. After approval of the preliminary plat and public works elements, the applicant shall prepare
93 and submit a final plat for review and approval together with other supplementary
94 information and certificates.

ARTICLE IV. - USES

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Sec. 94-64. - Temporary use standards.

- (a) *Purpose.*
- (b) *Use table for temporary uses and special events.*
- (c) *General standards for all temporary uses and structures.*
- (d) *Supplemental temporary use standards.*
 - (1) *Charitable drop box.*
 - (2) *Construction field office, construction storage yard.*
 - (3) *Farmer's market.*
 - (4) *Food truck.*
 - (5) *Garage, yard or estate sale.*
 - (6) *Outdoor sale/promotional event.* The temporary outdoor displaying of wares, including for temporary parking lot sales, shall only be permitted in the MU, CC, ENT, and D Districts within the front or side parking area by temporary use permit provided the following conditions are met:
 - a. Shall be located within the confines of the retailer's owned or leased property;
 - b. A sub-lessee may not occupy a parking lot for the purpose of conducting independent sales activity;
 - c. Shall be located at least 25 feet from all property lines;
 - d. Shall not block any sight triangle or the view of on-coming traffic;
 - e. ~~[No merchandise shall block any public pedestrian way, and a]~~ A minimum clearance width of three feet ~~[from any public]~~ within any pedestrian way or sidewalk shall be provided;
 - f. No merchandise may be placed on landscaping, or within three feet of either side of a working doorway, or within ten feet directly in front of a working doorway;
 - ~~[g. Minimum off-street parking requirements shall be maintained if applicable;]~~
 - [h]g. Merchandise shall not be hung resulting in a clearance less than eight feet above a pedestrian way. Additionally, any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means;
 - [i]h. This section shall not apply to the sale of motor vehicles, trailers or boats;
 - [j]i. Hours of operation shall coincide with the hours of operation for the principal use; and
 - [k]i. All merchandise shall be secured during nonoperational hours.

ARTICLE VI. - OFF-STREET PARKING

Sec. 94-87. - Off-street parking standards.

- (a) *Computation of required off-street parking spaces.*
- (b) *Determination by planning and development director.*
- (c) *Off-street parking spaces required.*
- (d) *Off-street parking standards for selected service and industrial uses.*

165 (e) *Uses with variable parking demand.*

166 (f) *Maximum parking spaces allowed.*

167 [~~(g)~~] ~~*Exceptions and adjustments.*~~

168 (1) ~~*Change in permitted uses.*~~ A permitted use that does not meet the parking requirements of this
169 section may be converted to another permitted use without full compliance with the required
170 number of parking spaces provided:

171 a. ~~The applicant provides the maximum amount of parking spaces possible without being~~
172 ~~required to remove, or partially remove a structure.~~

173 b. ~~If a structure or a portion of a structure is voluntarily removed, the resulting area shall be~~
174 ~~used to provide the additional parking spaces necessary towards fulfilling the requirements~~
175 ~~of Table 94-87.1.~~

176 (2) ~~*Small use exception.*~~ Any individual use in a space that is 2,000 square feet or smaller shall be
177 exempt from the parking requirement of Table 94-87.1 except for uses in the eating and drinking
178 use category.

179 (3) ~~*Shared parking.*~~

180 a. ~~Shared parking spaces shall be located within 500 linear feet of the primary entrance of all~~
181 ~~uses served as measured along the shortest legal, practical walking route. This route may~~
182 ~~include crossing a right-of-way provided it uses a legal crosswalk. Such distance shall not~~
183 ~~apply if a remote parking shuttle bus service is provided. Shared parking spaces shall not be~~
184 ~~separated from the use they serve by an arterial or collector street. In addition, adequate and~~
185 ~~safe pedestrian access must be provided from, and to the shared parking areas.~~

186 (4) ~~*Bus transportation.*~~ When a commercial establishment can document, to the satisfaction of the
187 planning and development director, that a notable percentage of their customers will be
188 transported to and from their premises in buses, the planning and development director may
189 approve the substitution of bus spaces for required parking spaces. Bus spaces must be a
190 minimum of ten feet in width and 36 feet in length, shall be unobstructed from the surface up to a
191 height of at least 15 feet, shall be so located to ensure the furthest possible distance from any
192 adjacent residential area, and shall be clearly marked. When approved by the planning and
193 development director, one bus parking space may be substituted for 11 required parking spaces
194 to a maximum of ten total bus spaces in lieu of a maximum of 110 total required parking spaces.
195 No substitution of required parking spaces shall be approved for any bus spaces in excess of ten.

196 (5) ~~*Tandem parking with valet.*~~ An off-street parking program utilizing limited tandem parking for
197 commercial uses shall comply with the following standards:

198 a. ~~The development served shall provide 75 or more parking spaces;~~

199 b. ~~No more than 30 percent of the total number of spaces shall be designated as tandem; and~~

200 c. ~~A valet parking attendant must be on duty during hours of operation.]~~

201 ([~~h~~]~~g~~) *Bicycle parking.*

202 ([~~i~~]~~h~~) *Loading areas.*

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

206 (1) *General standards.*

- 207 (2) *Stacking space and lane requirements.* Stacking lanes shall comply with the following design
 208 standards:
- 209 a. Drive-through stacking lanes shall have a minimum width of eight feet, and length of 20
 210 feet.
- 211 b. The first position in a drive-through station, located at the window, is counted as a stacking
 212 space. No stacking spaces may be counted as parking spaces unless specified in Table 94-
 213 87.1.
- 214 [~~e. When stacking lanes are separated from other stacking lanes, bypass lanes or from other
 215 site areas, the separation shall be by means of a raised concrete median, concrete curb, or
 216 landscaping.~~]
- 217 [~~d~~] c. Stacking lanes shall be set back 25 feet from rights-of-way.
- 218 [~~e~~] **d.** All stacking lanes must be clearly identified, through the use of means such as striping,
 219 **concrete curbing,** landscaping and signs.
- 220 [~~f~~] e. The number of required stacking spaces shall be as provided for in Table 94-87.5,
 221 Stacking Space Requirements. See Figure 94-87.A for an illustration of stacking lanes:
- 222 ([~~k~~]i) *Access.*

223
 224 ARTICLE VII. - LANDSCAPING AND SCREENING

225 Sec. 94-102. - General standards for landscaping materials and installation.

- 226 (a) *Plant materials list.* The [~~tree board~~] **City** shall maintain a suggested and prohibited plant list as
 227 necessary to identify plant material requirements or prohibitions within the city. Where a species is
 228 chosen for a landscape plan that is not identified on a city plant list, the applicant shall provide
 229 information about growth and spacing characteristics on the landscape plan. Plant information shall
 230 be taken from objective sources, including professional landscape organization websites or nursery
 231 cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.
- 232 (b) *Quality.*
- 233 (c) *Coverage.*
- 234 (d) *Trees.*
- 235 (e) *Shrubs, hedges, and ornamental grasses.*
- 236 (f) *Ground cover, perennials, and annual planting areas.*
- 237 (g) *Lawn grass.*
- 238 (h) *Irrigation.*
- 239 **(i) Fences.**
- 240 **(1) Fences or walls within the front yard of any residential lot shall not exceed three feet in**
 241 **height and shall be at least 50 percent open.**
- 242 **(2) Fences or walls within the side or rear yard of any residential lot shall not exceed seven**
 243 **feet in height.**
- 244 **(3) The use of barbed wire, scrap metal, tarps, pallets, or other non-fencing materials are not**
 245 **permitted within any residential lot.**

PLANNING COMMISSION

June 2, 2020

ROLL CALL

PUBLIC COMMENTS

REGULAR AGENDA ITEMS

1) Approve Minutes

(a) Planning Commission Regular Meeting

(May 5, 2020)

OLD BUSINESS

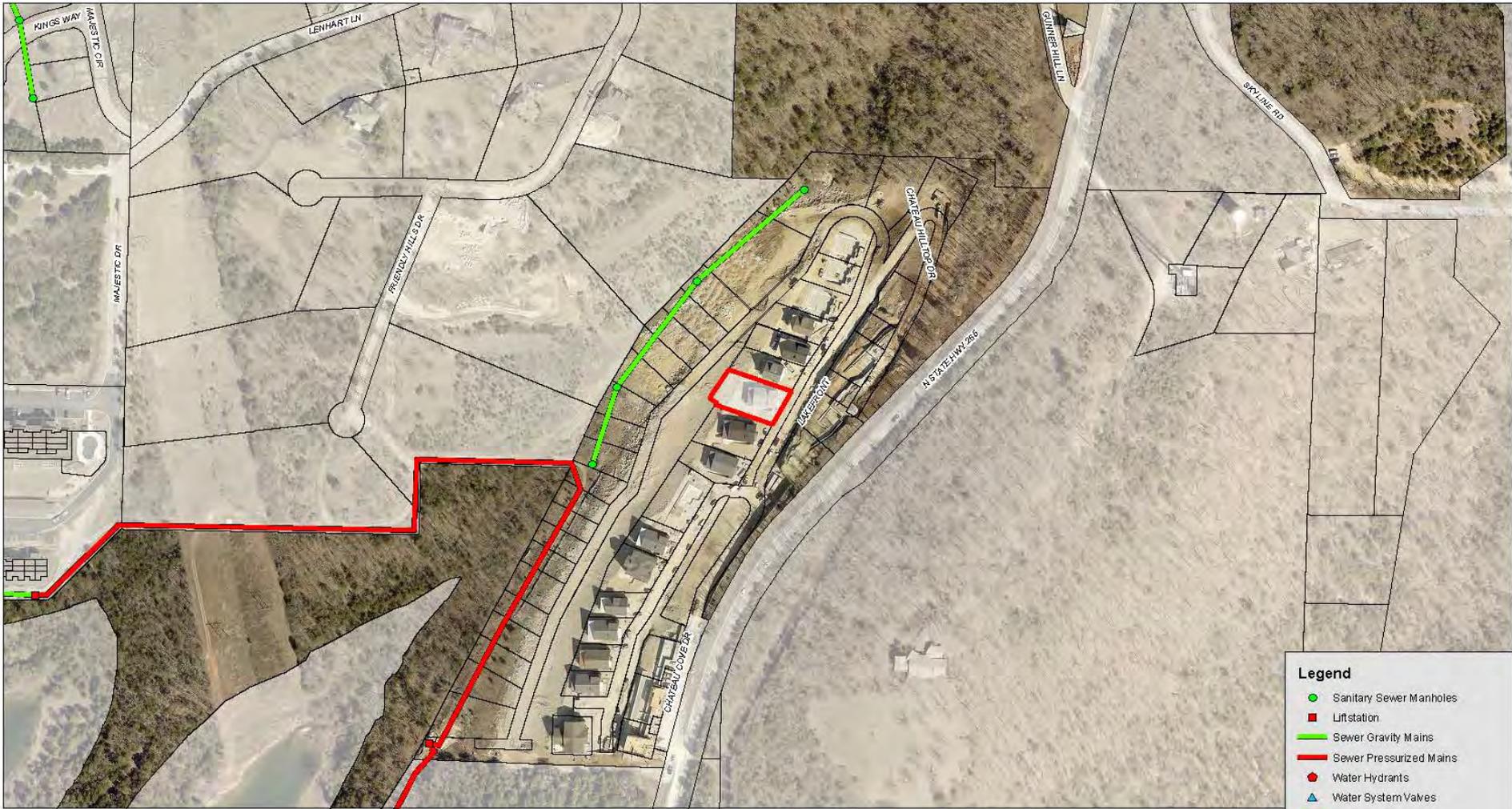
PUBLIC HEARING AGENDA ITEMS

2) ZONING

135 LAKE FRONT DRIVE (LODGES AT CHATEAU COVE)

- Owner (Applicant): Cabana Homes, LLC (Darrell Hanson)
- Current Zoning: Unzoned
- Applicant's Request: To establish zoning (HDR) for the property

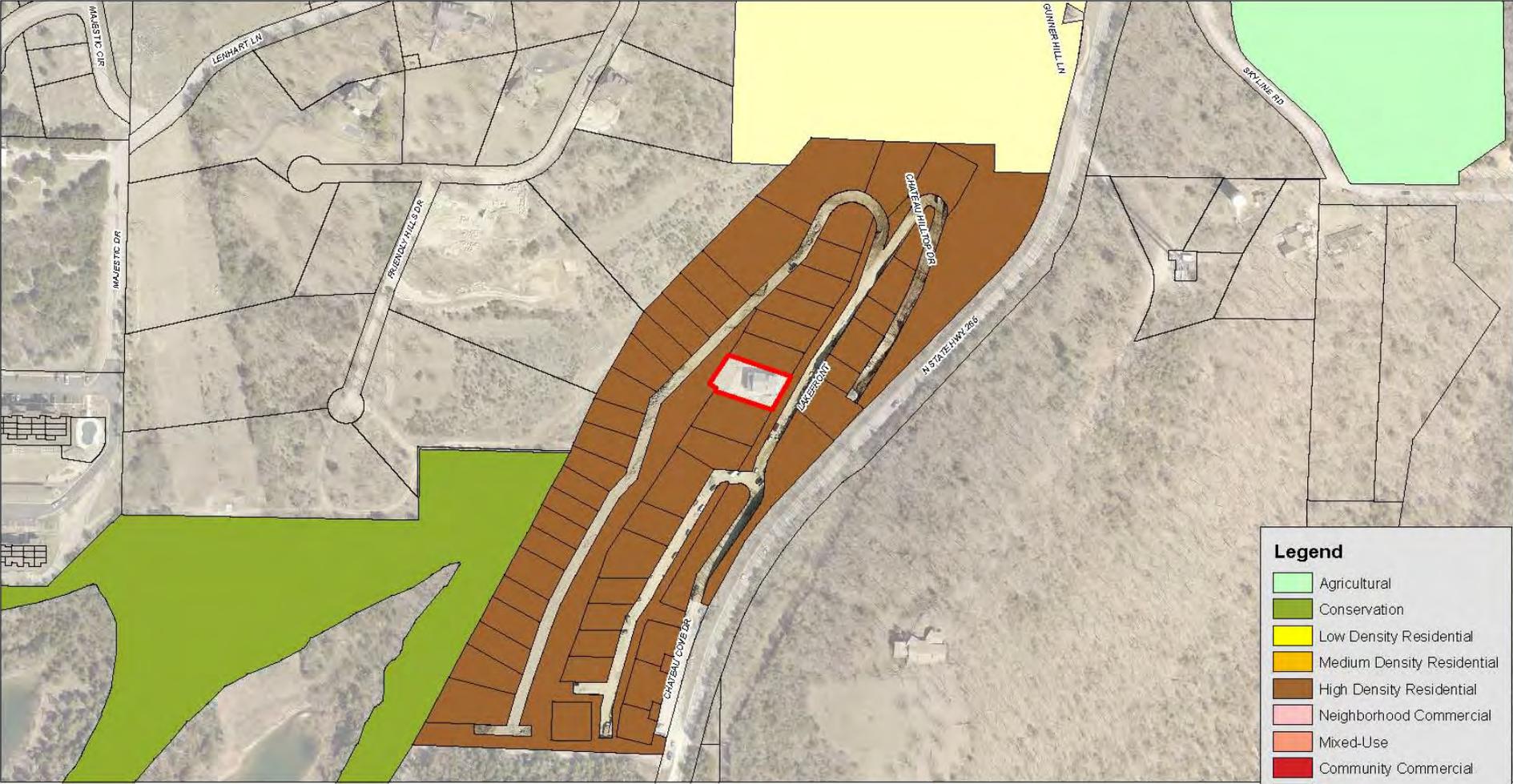




135 Lakefront Dr

| 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 = 200 feet
 City of Branson
 Planning & Development
 Date: 5/12/2020



135 Lakefront Dr

Legend

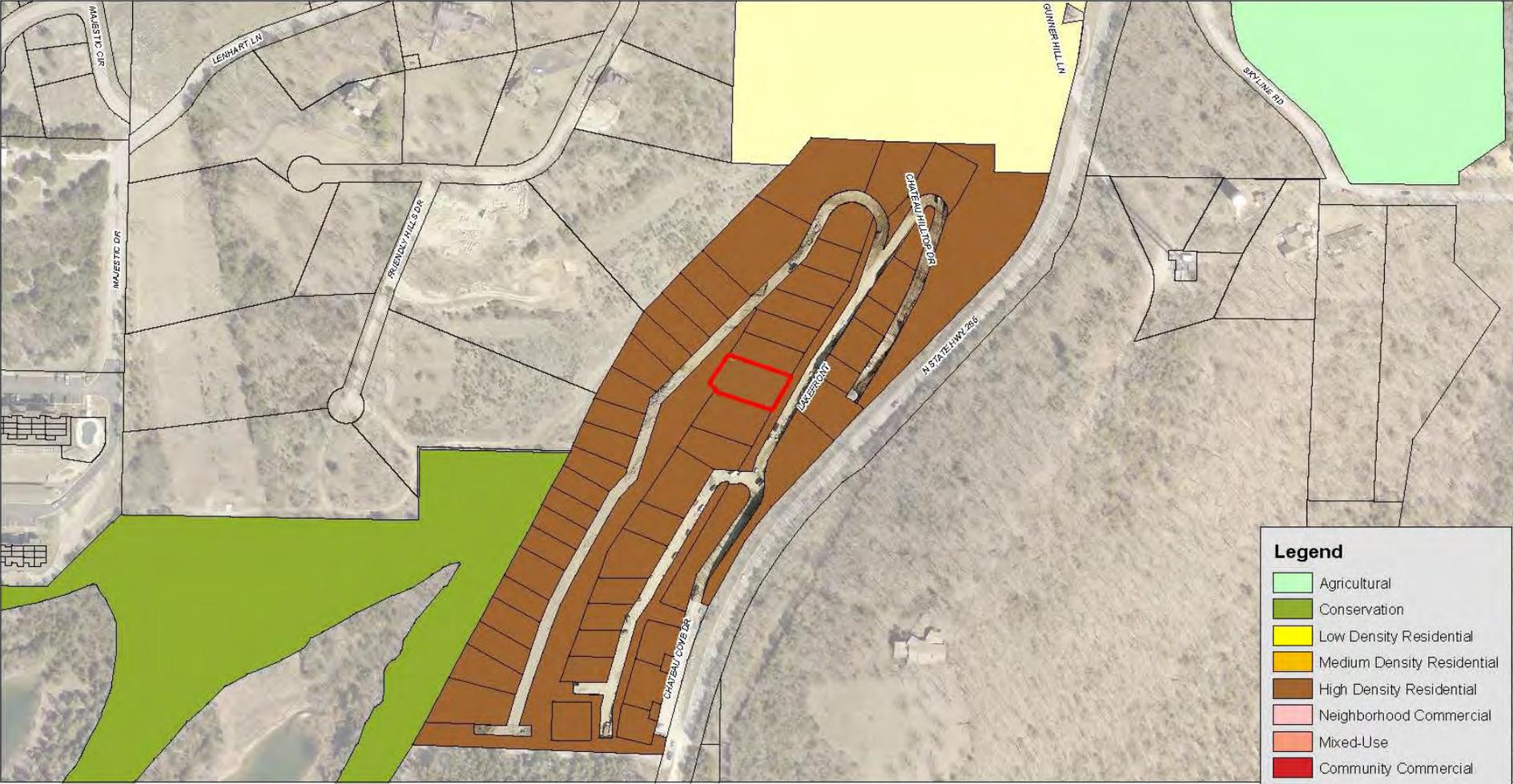
| | |
|---|----------------------------|
|  | Agricultural |
|  | Conservation |
|  | Low Density Residential |
|  | Medium Density Residential |
|  | High Density Residential |
|  | Neighborhood Commercial |
|  | Mixed-Use |
|  | Community Commercial |
|  | Downtown |
|  | Entertainment |
|  | Business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

N



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 5/12/2020



135 Lakefront Dr

N



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 5/12/2020

Legend

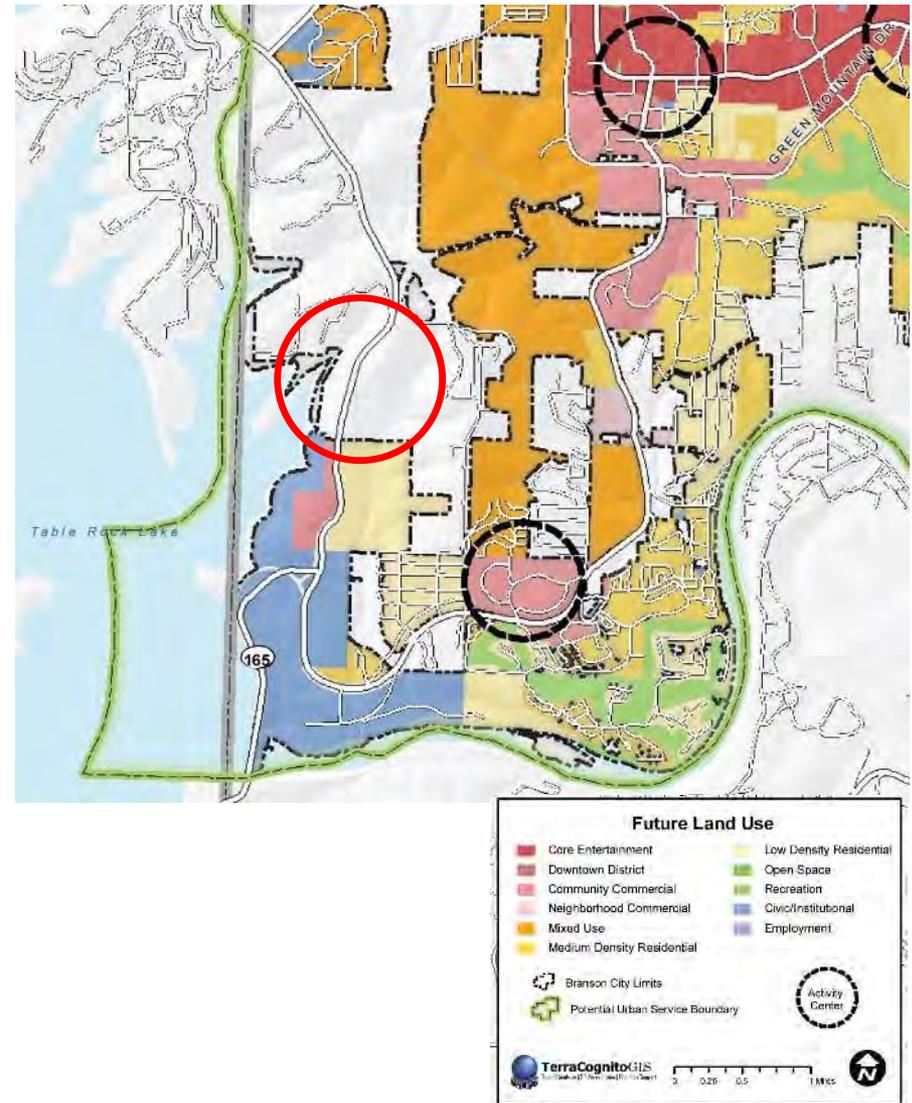
- Agricultural
- Conservation
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Mixed-Use
- Community Commercial
- Downtown
- Entertainment
- Business
- Industrial
- Planned Development
- Unzoned

2) ZONING



2) ZONING

- 135 Lake Front Drive
 - Annexation
 - Requested: 5/11/2020
 - Petition: 5/26/2020
 - First Reading: 6/9/2020
 - Final Reading: 6/23/2020
 - Establish zoning which is reflective and complimentary of proposed use and adjacent uses
 - Not included in the Community Plan 2030's Preferred Land Use Plan (Fig. 10) but matches surrounding properties
 - Existing residential structure built for nightly rentals



2) ZONING

STAFF RECOMMENDS APPROVAL.

3) SPECIAL USE PERMIT

1972 STATE HIGHWAY 165 (TERRACE PARKWAY)

- Owner (Applicant): Champagne 165 Properties, LLC
(Paul Wrablica - Telecom Realty Consultants, LLC)
- Current Zoning: Community Commercial (CC)
- Applicant's Request: To construct telecommunications tower





Legend

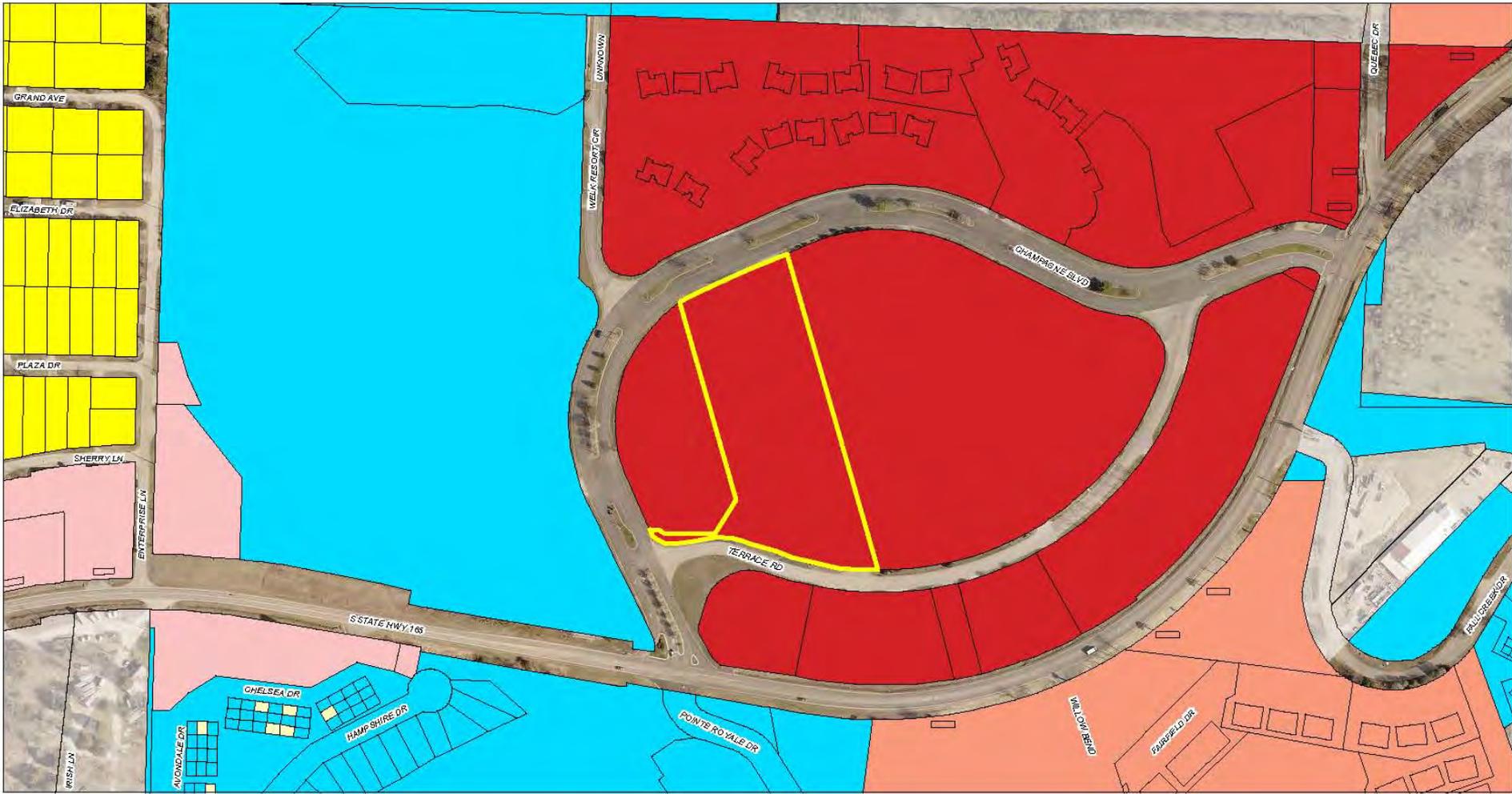
- Sanitary Sewer Manholes
- Liftstation
- Sewer Gravity Mains
- Sewer Pressurized Mains
- Water Hydrants
- ▲ Water System Valves
- Water Mains
- STORM INLET STRUCTURES
- ▼ STORM INTAKE STRUCTURES
- ▲ STORM OUTFALL STRUCTURES
- STORM_SEWER_PIPE
- DISTRIBUTION
- TRANSMISSION



1 inch = 200 feet

City of Branson
 Planning & Development
 Date: 5/1/2020

1972 State Hwy 165



1972 State Hwy 165

N
 1 inch = 200 feet
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- | | | | |
|----------------------------|--------------------------|---------------|---------------------|
| 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 |
| Dark Red | LODGING |
| Red | COMMERCIAL |
| Dark Red | MIXED USE |
| Dark Red | ENTERTAINMENT |
| Light Pink | RELIGIOUS ASSEMBLY |
| Light Blue | HEALTH CARE |
| Blue | INSTITUTIONAL |
| Dark Purple | INDUSTRIAL |
| Green | RECREATION |
| Light Green | OPEN SPACE |
| Light Green | AGRICULTURAL |
| Grey | UTILITIES |
| Grey | VACANT |
| Grey | TANEY COUNTY |

1972 State Hwy 165



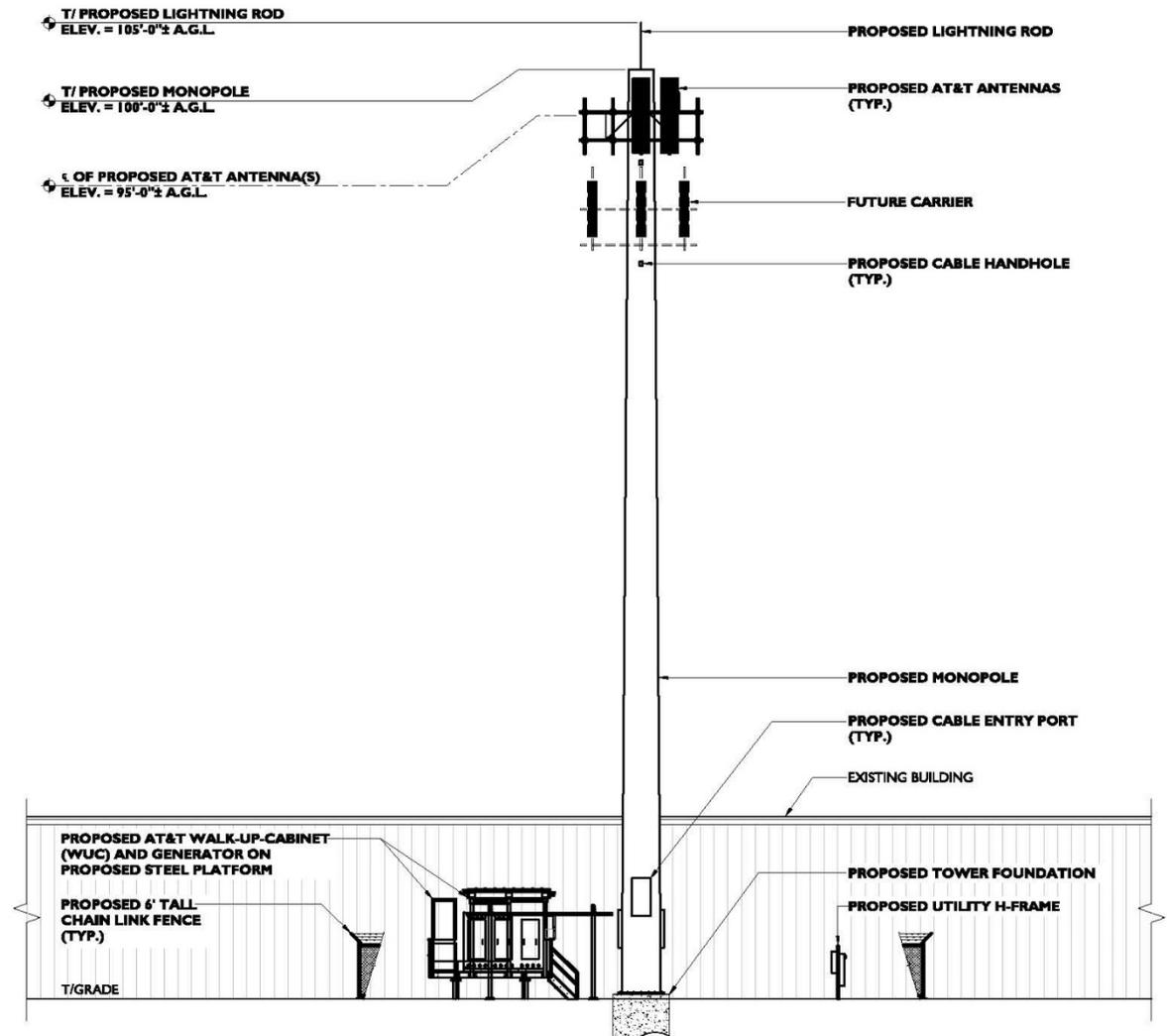
1 inch = 200 feet
 City of Branson
 Planning & Development
 Date: 5/1/2020

3) SPECIAL USE PERMIT

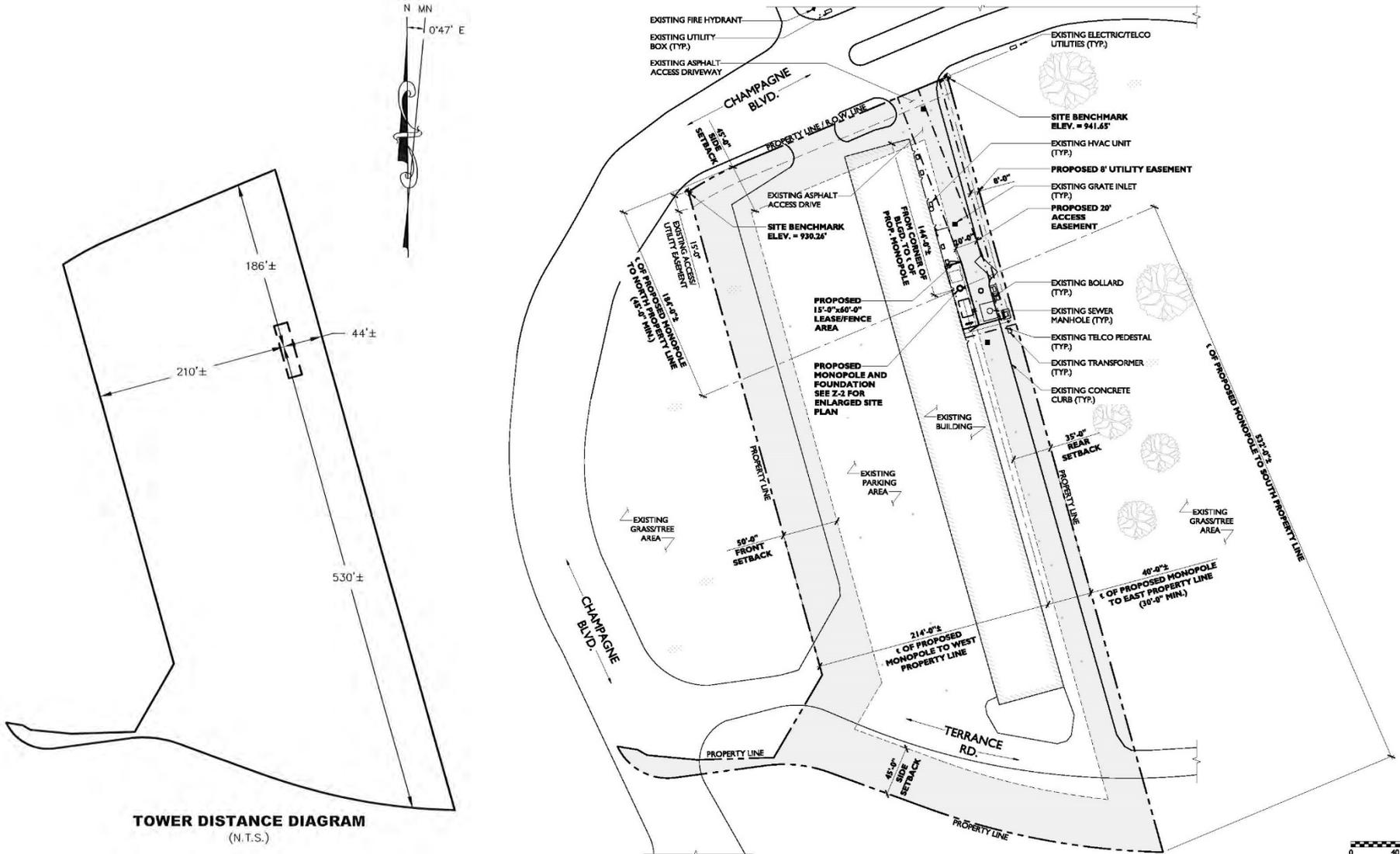


3) SPECIAL USE PERMIT

- 15' x 60' (900 SF) leased site
 - Located to east/rear of existing building
 - 100' tall monopole
 - AT&T equipment area
 - Equipment area for future carrier
 - Protected by 6' chain-link fence
 - Accessible from Champagne Blvd via 20' access easement

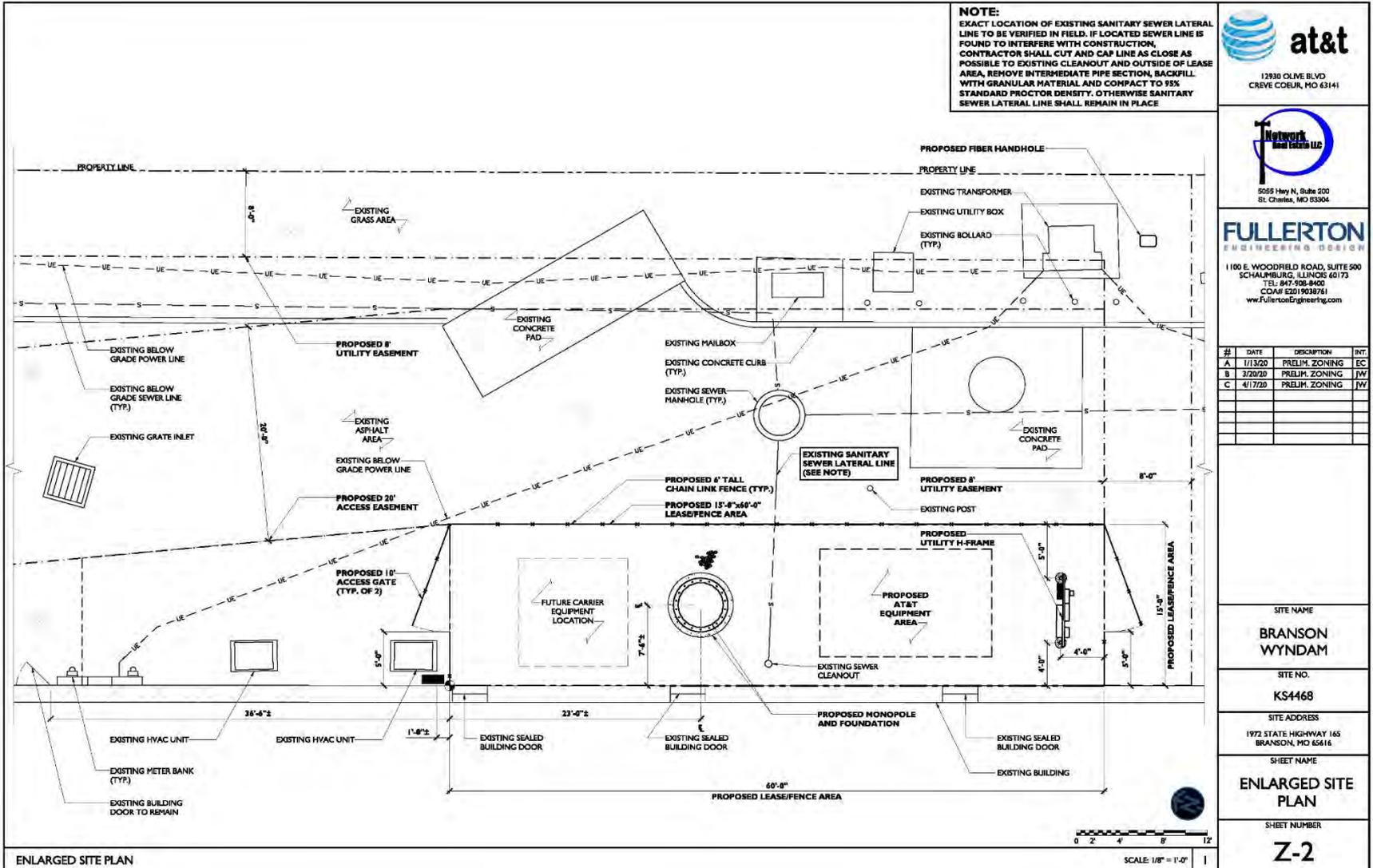


3) SPECIAL USE PERMIT



TOWER DISTANCE DIAGRAM
(N.T.S.)

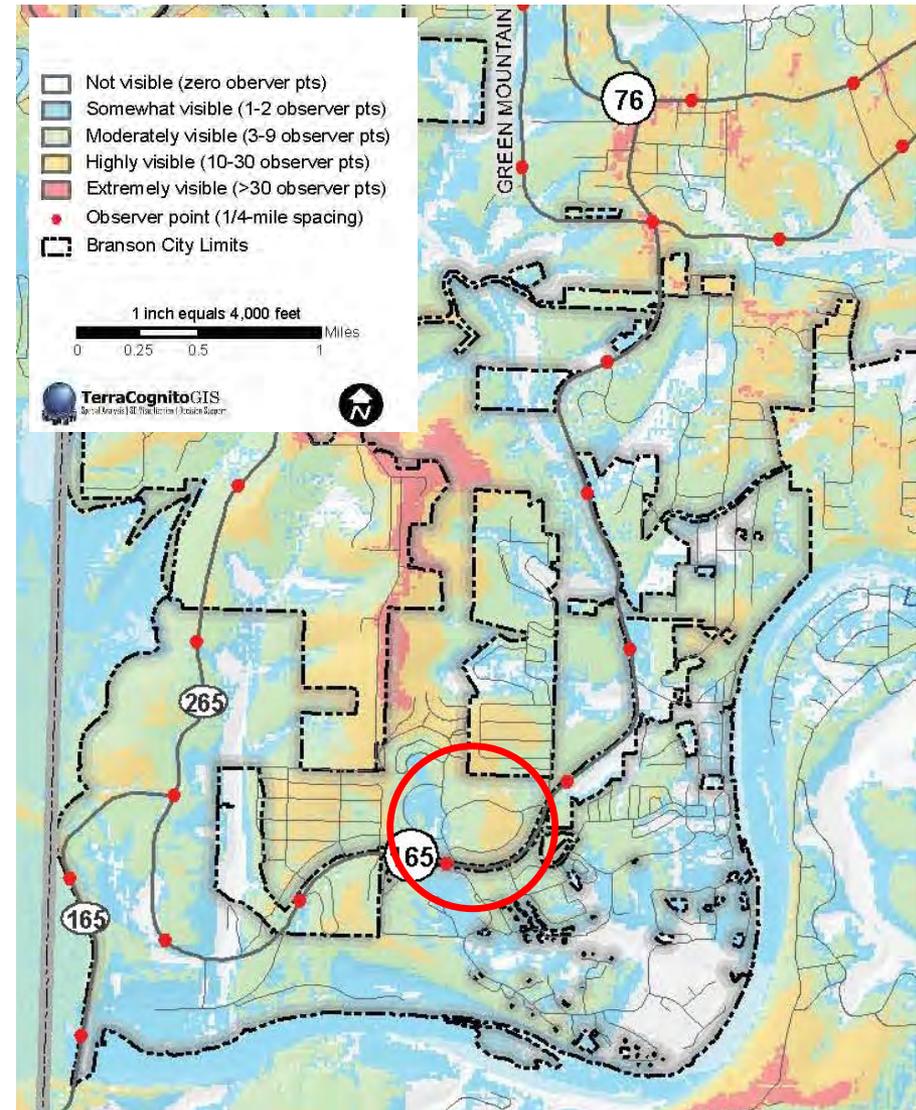
3) SPECIAL USE PERMIT



ENLARGED SITE PLAN

3) SPECIAL USE PERMIT

- FAA Form 7460-1 due to height of structure within 20,000' of airport (no light)
- Location moderately visible per Community Plan 2030 (Fig. 4)
 - 3-9 observation points (1-3%)
 - Proposed site: 941'
 - Table Rock Dam: 946'
 - W 76 Country Blvd/
State Hwy 165: 1,042'
 - State Hwy 265/
State Hwy 165: 918'
 - State Hwy 165/
Fall Creek Rd: 748'



3) SPECIAL USE PERMIT

STAFF RECOMMENDS APPROVAL BASED ON THE FOLLOWING CONDITIONS:

- 1) The design, installation, and operation of the telecommunications tower and facilities shall be in accordance with all applicable city, state, and federal requirements; and,
- 2) The telecommunications tower and facilities shall generally conform with the submitted site plan, Exhibit A, and shall conform with all Codes and Ordinances of the City; and,
- 3) The facilities shall be appropriately screened with landscaping as required in Branson Municipal Code Chapter 94; and,

3) SPECIAL USE PERMIT

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

- 4) Documentation of the Federal Aviation Administration's response to Form FAA 7460-1 shall be provided to the Planning and Development Department prior to the issuance of a Building Permit; and,
- 5) If conditions 1 through 4 of this Resolution authorizing the issuance of this Special Use Permit are not acted upon on or before June 2, 2021, this Special Use Permit shall be null and void; and,

3) SPECIAL USE PERMIT

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

- 6) If use of the telecommunications tower ceases, the applicant shall remove the tower within 180 days. Failure to remove the abandoned tower shall be grounds for the City to cause removal at the expense of the property owner.

4) CODE AMENDMENT

CHAPTER 94 - ZONING

- Articles I, II, III, IV, VI and VII
- Identified by staff as inconsistencies and issues after working with the Code over the past few years
- Community Plan 2030
 - Adopted 3/2012 – Res No. 2012-R007
- Zoning Code updated
 - Adopted 12/2016 – Ord No. 2016-0193
- Subdivision and landscaping codes added
 - Adopted 4/2018 – Ord No. 2018-0030
- Sign code added
 - Adopted 9/2019 – Ord No. 2019-0131

4) CODE AMENDMENT

ARTICLE I. - In General

- Remove duplicate term (local street)

ARTICLE II. - Rules and Regulations

- Update application requirements for subdivision plats due to City's use of an online portal (Citizenserve)

ARTICLE III. - Zone Districts

- Within the dimensional standards for Medium Density Residential (MDR) zoning district, reduce minimum lot size for detached residential building types (5,000 SF to 4,000 SF) to be in better alignment with LDR and HDR standards (5,000 SF and 3,000 SF)

4) CODE AMENDMENT

ARTICLE IV. - Uses

- Updated outdoor sale/promotional event standards to be more clear and match intent
- Remove reference to minimum parking requirement

ARTICLE VI. - Off-Street Parking

- Remove exceptions and adjustments section as not needed with a maximum parking approach
- Remove one of the staking lane requirements to be more consistent with approach

4) CODE AMENDMENT

ARTICLE VII. - Landscaping and Screening

- Remove reference to Tree Board
- Add regulations for fences within residential lots
 - Shall not exceed 3' in height within the front yard and shall be at least 50 percent open
 - Shall not exceed 7' in height within the side or rear yard
 - Use of barbed wire, scrap metal, tarps, pallets, or other non-fencing materials are not permitted

4) CODE AMENDMENT

STAFF RECOMMENDS APPROVAL.

COMMISSIONER & STAFF REPORTS

ADJOURNMENT

