



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: [www.taneycounty.org](http://www.taneycounty.org)

**AGENDA**  
**TANEY COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**MONDAY, JULY 11, 2011, 6:00 P.M.**  
**FORSYTH HIGH SCHOOL**  
**MULTI-PURPOSE ROOM**

Call to Order:

*Establishment of Quorum*  
*Explanation of Meeting Procedures*  
*Presentation of Exhibits*

Public Hearings:

*Hickory Ridge*  
*Hickory II*  
*Branson Sports Entertainment Complex*

Old and New Business:

*Tentative*

Adjournment.



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**TANEY COUNTY PLANNING COMMISSION**  
**DIVISION III STAFF REPORT**  
**JULY 11, 2011**  
**HICKORY RIDGE**  
**#11-16**

**Public Hearing** for Hickory Ridge Subdivision in the Branson Township, Sec. 26 Twp. 24 Rng. 22.

**Request:** The applicant Homestead Branson Properties is requesting approval to create large residential lots to become Phase 2 and 3.

**Public Hearing Date:** July 11, 2011, concept hearing June 20, 2011.

**History:** Hickory Ridge Subdivision was replatted in 2007 with no record of an original decision by the Planning Commission.

**General Description:** The subject property contains approximately 162.80 acres and is located off St. Hwy. 160 and Chapel Hill Road. The property is currently vacant. The adjoining properties to the request are residential and agricultural.

**Review:** The proposed subdivision would consist of ten, 5 acre lots. The project will be served by individual wastewater system and private well.

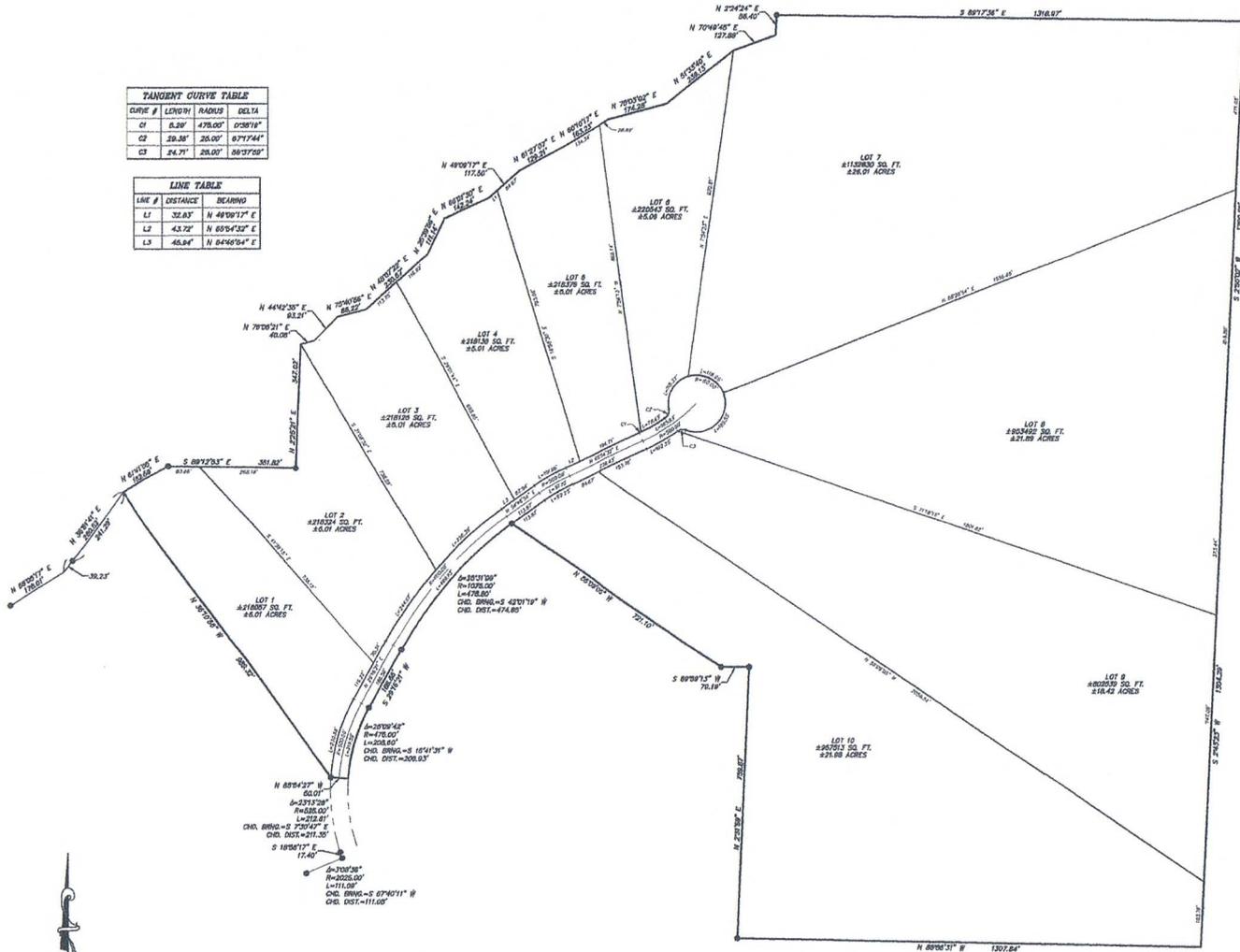
The project received a score of -5 on the Policy Checklist, out of a maximum possible score of 43. The policies receiving a negative score were; right-of-way/roads, emergency water supply, waste disposal service, use compatibility, wildlife habitat and fisheries, traffic.

**Summary:** If the Taney County Planning Commission approves this request, the following requirements shall apply, unless revised by the Planning Commission:

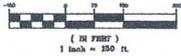
1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Fire, Sewer, and Water Districts, if applicable.
3. No outside storage of equipment or solid waste materials.
4. This decision is subject to all existing easements.
5. Division I Permits will be required for all applicable structures in the development (Chapter 3 Sec. 1 Item B).
6. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

TANGENT CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	8.20'	476.00'	0°58'10"
C2	20.38'	26.00'	0°17'44"
C3	24.71'	26.00'	0°13'50"

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	32.83'	N 48°09'17" E
L2	43.72'	N 65°43'32" E
L3	46.94'	N 84°46'04" E



GRAPHIC SCALE



Surveyor's Certification

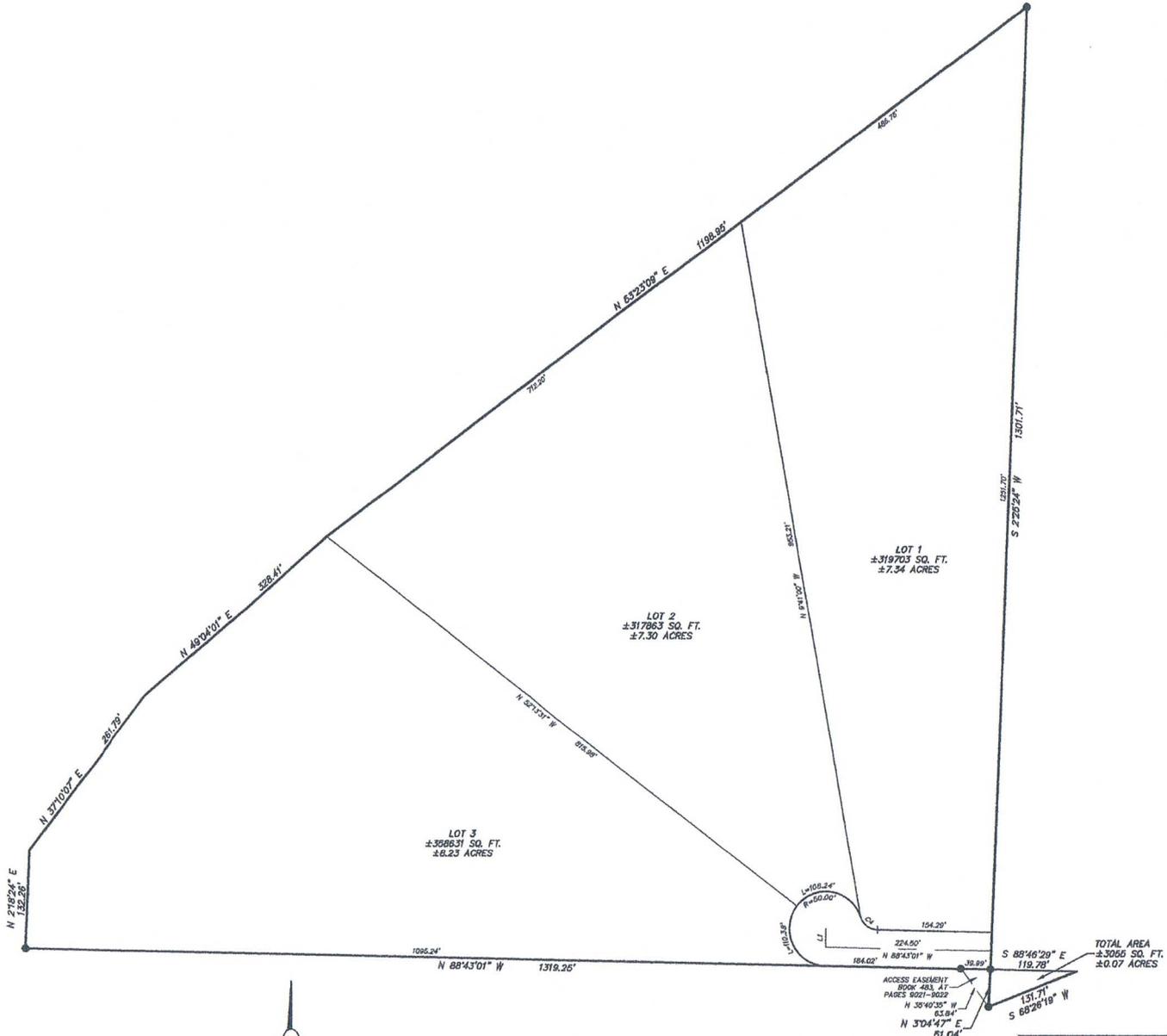
I HEREBY CERTIFY THAT AT THE REQUEST OF X, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED IN MY OPINION. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MICHIGAN MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN TRANSMITTED BY E-MAIL. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

EDDIE D. WOLFE P.L.S. 2190  
 JACK E. HOUSEMAN P.L.S. 2005019222

Surveyed for: X		LEGEND	
SECTIONAL MAP R 16 W	<ul style="list-style-type: none"> <li>○ SET IRON PIN</li> <li>● EX. 1/2" IRON PIN</li> <li>□ EXISTING STONE</li> <li>△ CORNER MONUMENT</li> <li>▲ RIGHT-OF-WAY MARKED</li> </ul>	<b>WOLFE SURVEYING, INC.</b> EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT) PATRICK W. BROWN (VICE PRESIDENT) JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY) 210 South Third Street, Ironsides, MI 49816 Phone: 417-534-8800 Fax: 417-534-8161	
X COUNTY, MI BASED ON BEARINGS & SCALE: 1" = 1"	SHEET: 1 OF 1 DATE: X W.O.# DRAWN BY: J.W.L.	D.W.O.# REV	

Phase -2



TOTAL AREA  
±3066 SQ. FT.  
±0.07 ACRES

ACCESS EASEMENT  
BOOK 483, AT  
PAGES 9021-9023  
N 39°40'35\" W  
63.84'  
N 37°04'47\" E  
81.04'

Surveyor's Certification

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EDDIE D. WOLFE P.L.S. 2190  
JACK E. HOUSEMAN P.L.S. 2005019222

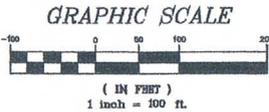
Surveyed for: X

SECTIONAL MAP  
R XX W

LEGEND  
 ○ SET IRON PIN  
 ● EX. 1/2" IRON PIN  
 □ EXISTING STONE  
 △ CORPS MONUMENT  
 ▲ RIGHT-OF-WAY MARKER

**WOLFE SURVEYING, INC.**  
 EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)  
 PATRICK W. BROWN (VICE PRESIDENT)  
 JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)  
 210 South Third Street, Branson, MO 65616  
 Phone: 417-334-8820 Fax: 417-334-6161

SHEET: 1 OF 1		
DATE: X	W.O. #	DWG #
	DRAWN BY: <i>Ed Wolfe</i>	REV



Phase - 3

**Project: Hickory Ridge, Phase 2 & 3**

**Permit: 11-16**

	Max. Possible	As Scored	%	Total Negative Scores	
<b>Scoring</b>	43	-5	-11.6%	6	33.3%

	Max. Possible	As Scored	Negative Scores			
			Number of	Percent		
<b>Importance Factor 5</b>	<b>15</b>	<b>-15</b>	<b>3</b>	<b>50.0%</b>		
sewage disposal	10	5				
off-site nuisances	0	0				
diversification						
emergency services	0	0				
<b>right-of-way/roads</b>	5	-5				
<b>emergency water supply</b>	0	-10				
<b>waste disposal service</b>	0	-5				
waste disposal commitment						
<b>Importance Factor 4</b>	<b>8</b>	<b>4</b>			<b>1</b>	<b>50.0%</b>
slopes						
<b>use compatibility</b>	0	-4				
pedestrian circulation						
underground utilities	8	8				
<b>Importance Factor 3</b>	<b>12</b>	<b>6</b>				
soil limitations	0	0				
building bulk/scale						
waste containers screening						
outdoor equip storage						
industrial buffer / screening						
right to farm	0	0				
right to operate						
mixed-use developments						
development patterns						
development buffering	6	3				
water system service	6	3				
<b>Importance Factor 2</b>					<b>2</b>	<b>40.0%</b>
<b>wildlife habitat and fisheries</b>	0	-2				
air quality	0	0				
building materials						
residential buffer / screening	4	4				
residential privacy	4	0				
<b>traffic</b>	0	-2				
pedestrian safety						
usable open space						
<b>Importance Factor 1</b>						
lot coverage	0	0				
rooftop vents / equipment						
bicycle circulation						

**Scoring by:** Bob Atchley / Bonita Kissee  
**Date:** June 20, 2011

**Project: Hickory Ridge, Phase 2 & 3**

**Permit#: 11-16**

<b>Policies Receiving a Negative Score</b>	
<b>Importance Factor 5:</b>	right-of-way/roads   emergency water supply   waste disposal service
<b>Importance Factor 4:</b>	use compatibility
<b>Importance Factor 3:</b>	none
<b>Importance Factor 2:</b>	wildlife habitat and fisheries   traffic
<b>Importance Factor 1:</b>	none

Scoring by: *Bob Atchley / Bonita Kisse*

Date: *June 20, 2011*

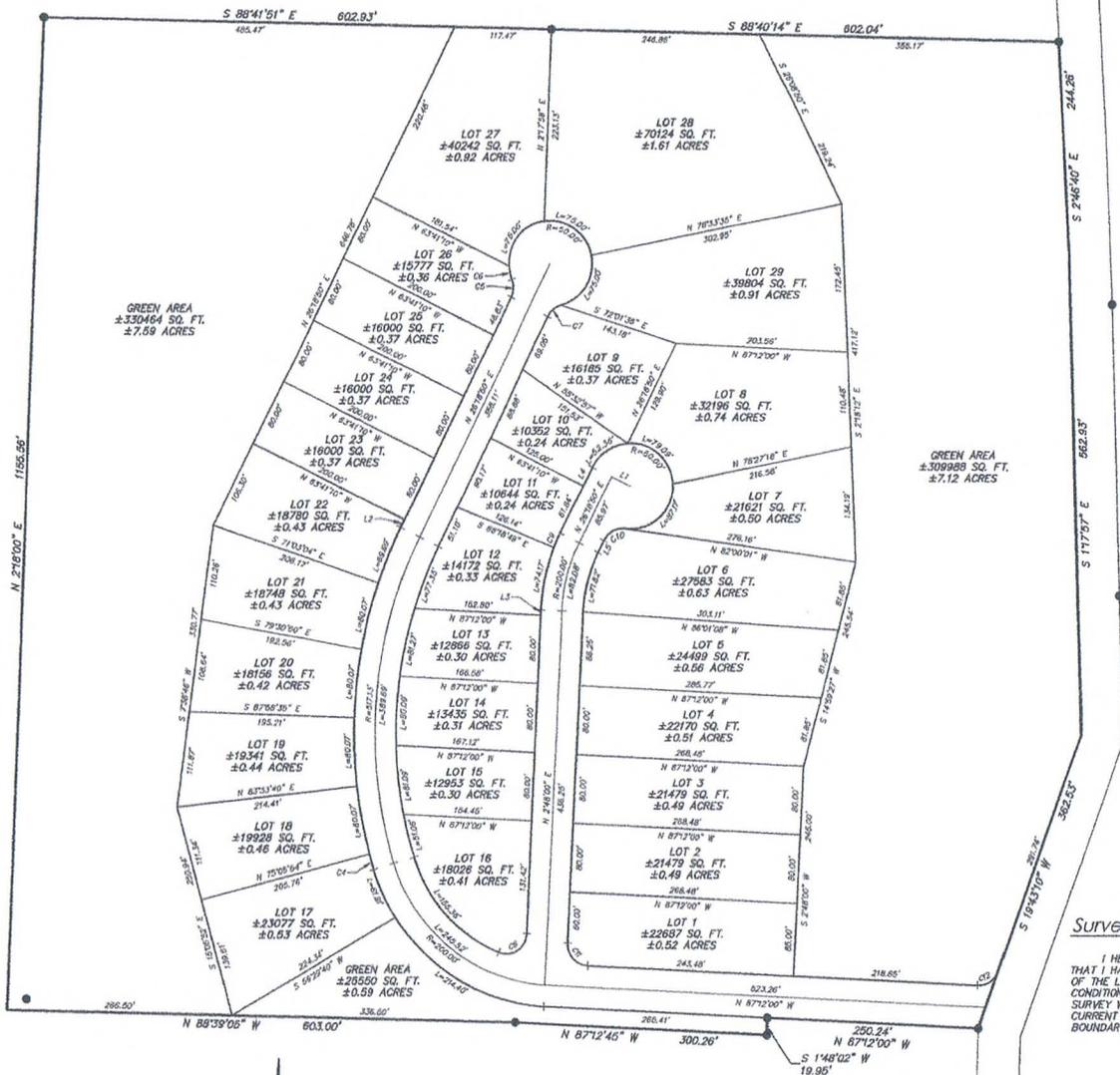
**Project: Hickory II**

**Permit#: 11-17**

<b>Policies Receiving a Negative Score</b>	
<b>Importance Factor 5:</b>	<b>right-of-way/roads   emergency water supply   waste disposal service</b>
<b>Importance Factor 4:</b>	<b>use compatibility</b>
<b>Importance Factor 3:</b>	none
<b>Importance Factor 2:</b>	<b>wildlife habitat and fisheries   traffic</b>
<b>Importance Factor 1:</b>	none

**Scoring by:** *Bob Atchley / Bonita Kisse*

**Date:** *June 20, 2011*



TANGENT CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C4	18.55'	542.15'	137°39"
C5	21.03'	25.00'	48°11'23"
C6	16.19'	60.00'	18°33'54"
C7	21.03'	25.00'	48°11'23"
C8	47.77'	25.00'	109°28'16"
C9	18.17'	226.00'	43°7'39"
C10	30.77'	25.00'	70°31'44"
C11	39.27'	25.00'	90°00'00"
C12	31.89'	25.00'	73°04'30"

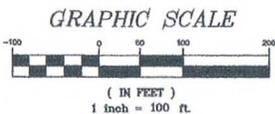
LINE TABLE		
LINE #	DISTANCE	BEARING
L1	25.00'	N 63°41'10" W
L2	10.38'	S 26°18'50" W
L3	6.25'	N 2°48'00" E
L4	24.13'	N 26°18'50" E
L5	15.26'	N 26°18'50" E

**Surveyor's Certification**

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EDDIE D. WOLFE P.L.S. 2190  
 JACK E. HOUSEMAN P.L.S. 2005019222



Surveyed for: X

SECTIONAL MAP  
 R XX W

LEGEND  
 ○ SET IRON PIN  
 ● EX. 1/2" IRON PIN  
 □ EXISTING STONE  
 △ CORPS MONUMENT  
 ▲ RIGHT-OF-WAY MARKER

X COUNTY, MO  
 BASIS OF BEARINGS: X  
 SCALE: 1" = X'

**WOLFE SURVEYING, INC.**  
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 PATRICK W. BROWN (VICE PRESIDENT)  
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 210 South Third Street, Branson, MO 65616  
 Phone: 417-334-8820 Fax: 417-334-8151

SHEET: 1 OF 1  
 DATE: X  
 W.O. #: X  
 DWG #: X  
 DRAWN BY: X  
 REV: X



**TANEY COUNTY  
PLANNING COMMISSION  
DIVISION III STAFF REPORT**

**HEARING DATE:** July 11, 2011

**CASE NUMBER:** 2011-0016

**APPLICANT:** Russell Cook – Branson Sports Entertainment Complex

**LOCATION:** 689 High Mountain Drive, Ridgedale, MO. East of the intersection of Thunderbird Road and U.S. Highway 65; Oliver Township, Sections 8,9 &17, Township 21, Range 21.

**REQUEST:** The applicant is requesting to operate a motorsports facility for automobile, motorcycle and BMX bike racing, concerts, car or other trade shows, food, retail, commercial, public events and faith based and community gatherings.

**BACKGROUND AND SITE HISTORY:**

This site consists of approximately 809 acres currently containing a single-family residence and has served as fully guided deer and elk hunting facility. On February 22, 2011 a Notice of Violation was sent to Russell Cook from the Missouri Department of Natural Resources (MoDNR) concerning land disturbance activities of over one acre without a Missouri State Operating Permit. On February 22, 2011 Taney County Land Disturbance Permit # 11-01 was obtained for the 75 acres of disturbance, with a security of \$750.00 per acre being submitted to the Planning Department. The applicant has also received a Missouri State Operating Permit from the MoDNR for the 75 acre land disturbance. The Planning Staff has requested that the applicant amend the Land Disturbance Permit and required security for the amount of land that has been disturbed.

## **PROJECT DESCRIPTION:**

The proposed Branson Motorplex development will be located on a total of approximately 809 acres. The proposed complex will showcase a three-quarter-mile asphalt racetrack with seating for 65,000 spectators with provisions for future expansion.

The applicant has stated that this proposed project will include:

- ¾ mile asphalt track suitable for all standards of racing
- Stadium seating for 65,000 fans
- A road course suitable for a variety of types of racing
- Luxury Suites
- Hospitality Village
- Media Center
- Concessions Concourse with food, beverage, gifts and other amenities
- Welcome plaza with areas for souvenir trailers, corporate displays and entertainment
- Fan accessible infield which will contain garages for the race teams and technical inspection facilities for the sanctioning bodies.
- RV and camping facilities for participants and fans
- Concerts, car shows, trade shows, food, retail, commercial development, public events and faith based and community gatherings

## **ABSOLUTE & RELATIVE POLICY ANALYSIS:**

### **1. Water Quality**

#### *Stormwater and Sediment & Erosion Control*

The site does not fall within the FEMA Floodplain. The site drains generally to an unnamed branch of Turkey Creek. The applicant's engineer has indicated that there is no significant concentrated flow from upstream of this property. The applicant's engineer has also stated that Best Management Practices will be utilized so that the development will not accelerate off-site stormwater runoff. The applicant has indicated that he will provide a 200 foot wide riparian corridor along the unnamed branch of Turkey Creek. This wooded corridor will be left undisturbed to help protect the creek from erosion and sedimentation. On February 22, 2011 a Land Disturbance Permit was issued by the Taney County Planning Department and the Missouri Department of Natural Resources (MoDNR) allowing for the disturbance of 75 acres. The Planning Staff has requested that the applicant amend the Land Disturbance Permit and required security for the amount of land that has been disturbed. The applicant's engineer has indicated that his staff is conducting a survey of both the graded and cleared area of the site. The engineer has further indicated that the survey, an amended application for Land Disturbance and an appropriate security shall be submitted to the Planning Department office. The applicant's engineer has further stated that the project will incorporate water quality measures into the design for both the

construction phase and also permanent measures including: bioswales, rain gardens, bioretention basins, detention basins and grass buffer strips.

*Sewage Disposal:*

A sanitary sewage collection facility will be provided on the site which will be connected to the Taney County Regional Sewer District via a proposed trunk line to be constructed parallel with Turkey Creek. The trunk line will connect to the City of Hollister Wastewater Treatment Plant. The sanitary sewer main line will be dedicated to the public, with the collection lines and laterals remaining private. On July 5, 2011 the Taney County Regional Sewer District Board voted unanimously to enter into contract negotiations with the BSEC to extend a trunk sewer within the Turkey Creek Watershed.

## **2. Environmental Policies**

*Soil Limitations:*

There are no known limitations based on the soils in the area.

*Slopes:*

The applicant's engineer has stated that the developed area is designed well below a 30% slope but has indicated that any area which exceeds a 30% slope will be designed by a licensed professional engineer with demonstrated experience in the field of slope stabilization and will be certified as creating no hazard of slope failure or excessive erosion. The applicant has also indicated that all earthwork for the construction will be monitored by a geotechnical engineering company. The areas which exceed the 30% slope are generally scenic vistas, such as within the 200 foot wide riparian corridor which is being left undisturbed and protected.

*Wildlife Habitat and Fisheries:*

The developer has indicated that a 200 foot wide wildlife and riparian corridor will be provided through the property along the unnamed branch of Turkey Creek. There is no documentation of any protected wildlife species located on the property.

*Air Quality:*

The applicant's engineer has stated that the proposed development will not have an effect on the overall air quality in the area. Taney County does not fall within an air quality attainment area as defined by the EPA.

### **3. Off-Site Nuisances**

#### *Noise:*

The construction of the Motorplex will take advantage of the topography to place the racetrack in a sixty-foot deep bowl-like configuration with the surrounding terrain being at a higher elevation. This may help mitigate the sound waves from the Motorplex complex. The existing, undisturbed trees and vegetation in the area will tend to soften, mute and disrupt the sound waves and help control noise levels. The staff is proposing that the sound levels be both monitored and controlled off-site.

A sound analysis is currently underway. The applicant's engineer has indicated that this information will be presented at the public hearing.

#### *Lighting:*

The applicant's engineer has stated that exterior lighting within the Motorplex will be arranged to minimize light spillover onto any adjacent property and so that lighting sources will be shaded, shielded or directed so that the light intensity or brightness will not adversely affect adjoining property.

### **4. Compatibility Factors**

#### *Use Compatibility:*

The proposed Motorplex is located in a rural area south of Hollister between U.S. Highway 65 and the Branson Airport. Adjoining residential areas to the north and east will be separated from the development by distance and by maintaining the existing natural vegetation buffer which will be left undisturbed. The primary area of concern is noise mitigation.

#### *Lot Coverage, Building Bulk and Scale & Building Materials:*

There is a considerable amount of open space within this development. Conversely, the amount of building coverage is relatively small compared to the overall size of the site.

The applicant's engineer has indicated that the stadium seating will exceed the 70 foot height limitation. However per the provisions of 4.12.3 of the Development Guidance Code structures may be erected exceeding 70 feet, subject to the structure not lying within 300 feet of an existing single family residence or within 200 feet of a multi-family residence and when the maximum portion of the structure that may be built below Base Plane shall not exceed 40% of the height of the structure.

*Structural Screening of Rooftop Equipment and Vents:*

The rooftops of the Motorplex buildings will be approximately 1,600 feet from any public street or highway and approximately 1,700 feet from any existing residential structure. It is doubtful that any rooftop equipment will be noticeable from those locations. The applicant's engineer has indicated that all rooftop equipment or vents will be screened from sight with parapet walls and other architectural screening.

*Structural Screening of Solid Waste Containers:*

The applicant's engineer has indicated that the development will screen all solid waste containers (i.e., dumpsters) from view by the public. Individual trash cans within the racetrack area will be aesthetically appropriate and will be located in plain sight of the participants to encourage use. The applicant has further indicated that the development will utilize and encourage a recycling program for the separation and responsible reuse of waste materials.

*Structural Screening of Outdoor Equipment, Storage, Etc.:*

Outdoor storage of equipment or materials will be screened from street level or placed inside buildings.

*Landscaped Buffers - Nonresidential:*

The applicant has indicated that bufferyards will be provided in accordance with the standards found in Appendix J of the Taney County Development Guidance Code both adjacent to public streets and residential properties. Existing, natural vegetation in bufferyard areas will be left whenever practicable, with additional vegetation being added where natural vegetation is non-existent or insufficient to meet the county's bufferyard requirements. BSEC will be responsible for maintaining and replanting the bufferyards in accordance with the original design. The 200 foot wildlife and riparian corridor along the branch of Turkey Creek will be left natural.

## **5. Local Economic Development**

*Right to Farm:*

The proposed development will not limit the viability of any existing agricultural uses.

*Right to Operate:*

The proposed development will not limit the viability of any existing industrial operations.

*Diversification and Economic Development:*

The applicant has indicated that the Motorplex will create hundreds of year-round jobs. The jobs created by the planning, design and construction of the project include: architects, engineers, surveyors, skilled construction workers, laborers, heavy equipment operators, material suppliers, associated delivery and shipping personnel of the construction materials. Secondary jobs related to supporting these workers include: restaurants for meals, goods and services offered by local businesses and other accommodations. The other component of job creation and economic stimulus is the potential for growth in the surrounding area. The expanded opportunities for business growth and development will result in new jobs and a larger employment base.

**6. Site Planning, Design, Occupancy**

Provision will be made for common driveways, circulation and parking. The applicant's engineer has indicated that the off-street parking, including handicapped access, will be provided to meet or exceed Taney County standards. A portion of the parking area will be paved and striped while the larger portion will be maintained as grass which will help reduce storm water runoff and reduce the heat island effect of paved parking areas during summer months. Treed walkways for pedestrians will provide shade as well as communicate the divided circulation system. The recreational vehicle parking area and camping areas will be designed in accordance with Taney County standards.

This applicant has stated that he also plans to self-impose building codes (current edition of International Building Codes) for all structures constructed with this project and hire an independent third party for code compliance review.

**7. Commercial Development**

*Development Patterns:*

The uses within the proposed development are clustered into one area, rather than being located along a long strip of highway. All the uses will share common access points to the highway and will share parking. The development will function as a coherent unit rather than separate units functioning at random.

*Development Buffering:*

The applicant has indicated that landscaped bufferyards will be provided both by preserving existing vegetation and by adding vegetation adjacent to public roads which will meet or exceed Taney County standards.

## 8. Services – Capacity and Access

### *Traffic:*

The applicant's engineer has indicated that a traffic impact study is being prepared and coordinated with MoDOT for the development. The applicant has requested financial participation on a state and local level in upgrading the existing transportation system and expanding it to provide the necessary capacity. These transportation improvements include:

- Construction of a new access road to the Branson Airport.
- Constructing the three new interchanges previously called out in the MoDOT Long Range Transportation Plan which will remove the signalized intersections on U.S. Highway 65 at Highways 265 and 86 to allow the north and south bound traffic to continue without interruption.
- Construction of the remaining portions of the U.S. Highway 65 east outer road called out in the MoDOT Long Range Transportation Plan.

MoDOT has previously identified the aforementioned improvements within their long range plans for the area. The applicant has stated that BSEC will work in conjunction with MoDOT on a cost-share basis to advance the construction of these projects. MoDOT has requested the submittal of traffic impact study and employment projections. The applicant has been in discussion concerning the proposed project with both the Missouri Department of Economic Development and MoDOT.

### *Emergency Services:*

The applicant has indicated that will a public safety building will be constructed on site that will house fire, ambulance, sheriff and highway patrol sub-stations. This facility will also house a traffic management center (TMC). This TMC will serve to manage traffic during periods of high traffic volumes to safely and efficiently manage traffic flow.

### *Right-of-way of Existing Roads:*

The development has access to existing roads which have been identified to need more substantial improvements the right-of-way will have to be provided in accordance with MoDOT and Taney County standards.

## 9. Internal Improvements

### *Water System Service:*

The development will be served by a central water system permit by the Missouri Department of Natural Resources (MODNR). Water for drinking and fire protection will be provided by drilling multiple small wells, an elevated storage tank and adequately sized distribution lines. The applicant's engineer has indicated that these facilities will be designed to meet fire fighting requirements for storage and flow.

### *Emergency Water Supply:*

The development will include fire hydrants capable of delivering adequate firefighting pressures and flows throughout the development. Individual buildings may be equipped with sprinkler systems as required. Fire protection will be coordinated with the Western Taney County Fire District.

### *Pedestrian Circulation Infrastructure:*

The applicant has indicated that the development will include adequate internal sidewalks and pedestrian access to all facilities from the parking lots and between facilities within the development to encourage pedestrian access so that fans and visitors will not have to return to their vehicles to move between venues and activities on the site.

### *Pedestrian Safety:*

The applicant's engineer has indicated that all sidewalks will be separated from vehicular traffic to provide safe means of pedestrian access to all facilities.

### *Parking and Loading Areas:*

All parking spaces and loading areas will be provided in accordance with the provisions of the Taney County Development Guidance Code. The development will provide parking spaces based on the seating capacity of the 65,000 seat stadium (one parking space for each 2.5 seats provided) which would be the largest seating capacity within the development.

### *Bicycle Circulation:*

Provision will be made for bicycle access and parking within the development to allow the bicycling public to access the development in safety and convenience.

*Underground Utilities:*

All utilities will be located underground. Electric service can be provided by one of two providers. Letters indicating their ability and capacity to provide service to this development have been provided to the Planning Department.

**10. Solid Waste Disposal**

Solid waste will be collected on site in appropriate receptacles. The developer will investigate the feasibility of providing for recycling within the development. The developer will contract with a licensed waste removal company for regular (weekly) disposal of all solid waste. A letter of intent to provide solid waste disposal services has been provided to the Planning Department.

## RECOMMENDATIONS:

If the Taney County Planning Commission approves this request, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code and the Taney County Road Standards that include plans for the following:
  - a. Stormwater management (Appendix B Item 3)
  - b. Utility easements and building line setbacks (Table 12)
  - c. Improvements with scale of buildings, streets, onsite parking and utilities.(Table 6)
  - d. A complete landscape and buffering plan showing the location, size and planting materials for all buffer yards, both adjacent to public rights-of-way and residential properties.
  - e. A lighting plan showing the location, height and other specifications on the lighting to be provided for the development.
  - f. A traffic impact study shall be submitted to the Taney County Road and Bridge Department.
  - g. An engineering public improvement plan shall be submitted to the Taney County Road and Bridge Department prior to the construction of a new access road to the Branson Airport.
2. Compliance letters from the Fire, Sewer and Water Districts, Missouri Department of Transportation (MoDOT), Missouri Department of Natural Resources (MoDNR), including all other entities which have requirements governing a development of this nature.(Chapter VI-VII)
3. Prior to the issuance of Certificates of Conformance (C of Cs), the developer shall upgrade the existing transportation system and provide the necessary capacity to serve this development, as required by both Taney County and the Missouri Department of Transportation (MoDOT). These transportation improvements may include:
  - Construction of a new access road to the Branson Airport.
  - Constructing the three new interchanges previously called out in the MoDOT Long Range Transportation Plan which will remove the signalized intersections on U.S. Highway 65 at Highways 265 and 86 to allow the north and south bound traffic to continue without interruption.
  - Construction of the remaining portions of the U.S. Highway 65 east outer road called out in the MoDOT Long Range Transportation Plan.
4. A 200 foot wildlife and riparian corridor shall remain along the branch of Turkey Creek and shall be left in its natural state. Areas at the perimeter of the riparian corridor shall require additional vegetative plantings where natural vegetation is non-existent or insufficient to meet the county's bufferyard requirements, as found within the provisions of Appendix J of the Development Guidance Code.

5. A minimum of a 40 foot natural vegetative buffer, meeting all of the requirements of Appendix J of the Taney County Development Guidance Code, shall be established between the road course (including any accessory structures) and the adjoining property to the west. The plantings shall be established per the provisions of Table J-1 for commercial facilities.
6. Four (4) sound pressure (decibel levels) measuring stations shall be established, located ½ mile from the center of the track. The location of these stations is to be determined by Taney County based upon need.
7. Decibel readings shall be taken by an independent contractor and submitted to Taney County. The independent contractor shall be specified by Taney County, with the contractor's fees being paid by the owner / operator of the Motorplex.
8. Decibel readings at any of the four (4) measuring stations shall not exceed a sound pressure level of 60 decibels. A \$5000.00 fine will be imposed upon the owner / operator for any reading exceeding 60 decibels.
9. All light sources within the development shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.
10. Due to the height and size of the stadium seating (in excess of the 70 foot height limitation) the structure will be constructed in compliance with current edition of International Building Codes, with an independent third party completing a code compliance review.
11. No outside storage of equipment or solid waste materials.
12. This decision is subject to all existing easements.
13. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
14. Prior to issuing Certificates of Compliance (C of Cs) a copy of the MoDNR operating permit for the water supply shall be presented to the Taney County Planning Department.
15. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

## Bonita Kissee

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**From:** rylottcdj@gmail.com  
**Sent:** Thursday, June 23, 2011 3:32 PM  
**To:** P&Z  
**Subject:** race track

Sirs

I live on Fruit Farm Rd in the country farm estates sub division, and wanted to drop a line because I will not be able to make the July 11 herring on the race track. To your surprise I am NOT apposed to the idea of a race track being put in my front yard. I would ask that if it is possible to require them to do some of the things that they are prepossessing, like the interchanges on Hwy 65, the outer road to 265, the things that they say will help with the sound, and county sewer. I would hate to see them say well we are short on money we cut the 265 interchange or something else. These things will help our area on a day to day bases and make it so the race track is not such a big deal. I understand that I will know that a race is going on as I am sure that I will hear it even with the steps being taken. How ever I can hear the bull dozes know and that is not that bad. Any way if they are going to do this please make them DO IT RIGHT. Thanks for your time.

Danny Rylott

583 Fruit Farm Rd.



LAW OFFICE OF GRANT D. JOHNSON, L.L.C.  
ATTORNEY AND COUNSELOR AT LAW  
Licensed by the Supreme Court of Missouri  
Licensed by the Supreme Court of Texas

3645 S. Culpepper Circle  
Springfield, MO 65804

atty.johnson@gmail.com

P. (417) 841-2779  
F. (417) 823-3995

June 17, 2011

Branson Sports Entertainment Complex, LLC  
c/o Incomp. Services, Inc.  
2847 S. Ingram Mill Road  
Suite A-100  
Springfield, MO 65804

(Via U.S. Certified Mail/Return Receipt Requested)  
# 7010 2780 0001 4748 0924

Russell L. and Wanda Cook  
689 High Mountain Drive  
Ridgedale MO 65739

(Via U.S. Certified Mail/Return Receipt Requested)  
# 7010 2780 0001 4748 0931

RE: Demand to Cease and Desist

**IMMEDIATELY CEASE AND DESIST THE USE AND DISSEMINATION OF  
CONFIDENTIAL TRADE SECRETS AND OTHER INTELLECTUAL PROPERTY OF  
OZARKS EXTREME SPORTS COMPLEX, INC. AND MiiDIRECT, LLC**

Mr. Russell Cook,

On January 25, 2010, you entered into a Confidentiality Agreement with Ozarks Extreme Sports Complex, Inc. ("OESC"), formerly known as, Paul Volzar, doing business as, Ozarks Extreme Sports Park Complex. In said Agreement you promised to maintain the confidentiality of any business records or plans, financial statements, trade secrets, technical information, copyrights and other intellectual property or proprietary information belonging to either OESC or MiiDirect, LLC, doing business as, Marketing Ideas and Investments ("Mii").

In consideration for entering into the Confidentiality Agreement, the trade secrets of OESC and Mii were disclosed to you. These disclosures were in the form of Business Plans dated January 24, 2010 and June 3, 2010. They were prepared by Mii for OESC and set forth a detailed analysis of the proposed development of a family oriented sports complex in the Branson, Missouri area. Within the detailed analysis were proposed plans for developing race car tracks, skate boarding parks, BMX bicycle tracks, and motor cross tracks, including detailed financial records regarding capitalization and project development expenditures. You were also indirectly given information regarding OESC's and Mii's potential investor pool.

Page 2 of 3

RE: Demand to Cease and Desist

06/17/11

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Since receiving the confidential trade secrets from OESC and Mii, you have engaged in repeated, systematic and continuing breach of the Confidentiality Agreement and have directly violated the Missouri Trade Secrets Act, by recklessly disclosing and misappropriating the trade secrets of OESC and Mii for your own benefit. It has come to OESC's and Mii's attention that you are directly engaging in the development of a family oriented sports complex located in the Branson, Missouri area, which is substantially the same as the complex described in the Business Plans of January 24, 2010 and June 3, 2010; and utilizing the confidential trade secrets and intellectual property set forth therein. Additionally, it has come to the attention of OESC and Mii that you have directly engaged members of their confidential investor pool for the purpose of seeking capital to further your project.

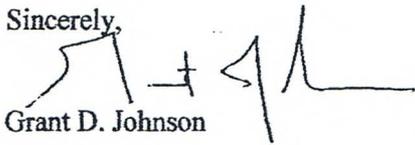
Your conduct has been well documented on the internet, in local newspapers and by the Taney County Planning Commission. OESC and Mii view your conduct as outrageous and recklessly indifferent to their contractual and statutory rights.

OESC and Mii are entitled to have your actions immediately enjoined by the Taney County Circuit Court pursuant to the Missouri Trade Secrets Act. Additionally, per the Act, due to your reckless disclosure and misappropriation of OESC's and Mii's trade secrets, you will be liable for punitive damages. OESC and Mii may also seek damages for your egregious breach of the Confidentiality Agreement.

Should you refuse to cease and desist your development of the sports complex using OESC and Mii trade secrets, a lawsuit will be filed against you in the Taney County Circuit Court seeking an immediate order enjoining your activities. OESC and Mii will also seek actual and punitive damages against you in the greatest amounts provided by law. You are also hereby notified that any confidential information of OESC or Mii, as defined in the Confidentiality Agreement, still in your possession or subject to your control, shall be immediately returned to OESC and Mii, through this office, via the address listed on the letterhead above.

Your prompt attention to this matter is expected.

Sincerely,

  
Grant D. Johnson

Page 3 of 3

RE: Demand to Cease and Desist

06/17/11

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Cc: Ozarks Extreme Sports Complex, Inc.  
MiiDirect, LLC  
Branson Capital & Management  
ISOMO Group  
Gammon Construction Management and Consulting, Inc.  
Great River Associates  
DRL Group  
Buxton Kubik Dodd Creative

**Project: Branson Sports Entertainment Complex**

**Permit: 11-16**

	Max. Possible	As Scored	%	Total Negative Scores	
<b>Scoring</b>	87	24	27.6%	7	25.0%

	Max. Possible	As Scored	Negative Scores			
			Number of	Percent		
<b>Importance Factor 5</b>	<b>25</b>	<b>5</b>	<b>2</b>	<b>33.3%</b>		
sewage disposal	10	10				
off-site nuisances	0	-5				
diversification	10	10				
emergency services						
right-of-way/roads	5	-10				
emergency water supply	0	0				
waste disposal service	0	0				
waste disposal commitment						
<b>Importance Factor 4</b>					<b>2</b>	<b>50.0%</b>
slopes	0	-4				
use compatibility	0	-8				
pedestrian circulation	8	4				
underground utilities	8	8				
<b>Importance Factor 3</b>	<b>36</b>	<b>24</b>				
soil limitations	0	0				
building bulk/scale	0	0				
waste containers screening	6	3				
outdoor equip storage	6	0				
industrial buffer / screening	0	0				
right to farm	0	0				
right to operate						
mixed-use developments	6	6				
development patterns	6	6				
development buffering	6	6				
water system service	6	3				
<b>Importance Factor 2</b>	<b>8</b>	<b>-6</b>			<b>3</b>	<b>50.0%</b>
wildlife habitat and fisheries	0	-2				
air quality	0	0				
building materials	0	-2				
residential buffer / screening						
residential privacy	4	0				
traffic	0	-4				
pedestrian safety	4	2				
usable open space						
<b>Importance Factor 1</b>	<b>2</b>	<b>1</b>				
lot coverage	0	0				
rooftop vents / equipment	2	1				
bicycle circulation						

Scoring by: *Bob Atchley / Bonita Kissee*  
 Date: *June 20, 2011*

**Project: Branson Sports Entertainment Complex**

**Permit#: 11-16**

<b>Policies Receiving a Negative Score</b>	
<b>Importance Factor 5:</b>	off-site nuisances right-of-way/roads
<b>Importance Factor 4:</b>	slopes use compatibility
<b>Importance Factor 3:</b>	none
<b>Importance Factor 2:</b>	wildlife habitat and fisheries building materials traffic
<b>Importance Factor 1:</b>	none

**Scoring by:** *Bob Atchley / Bonita Kisse*

**Date:** *June 20, 2011*

