



## 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 BOARD OF ADJUSTMENT WEDNESDAY, APRIL 17, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

##### Call to Order:

*Establishment of Quorum  
Explanation of Public Hearing Procedures  
Presentation of Exhibits  
Governing Statutes*

##### Public Hearings:

*Richard Jackson, Appeal  
Tri-Sons Properties, Appeal*

##### Review and Action:

*Minutes, March 2013*

##### Old and New Business:

*Hollister Recycling Center*

##### Adjournment.



# TANEY COUNTY BOARD OF ADJUSTMENT APPEAL STAFF REPORT

**HEARING DATE:** April 17, 2013

**CASE NUMBER:** 2013-0001A

**PROJECT:** Crawford's Towing - Expansion

**APPLICANT:** Richard Jackson

**LOCATION:** The subject property is in the 100 Block of Calvin Drive, Branson, MO (off of Bee Creek Road); Branson Township; Section 16, Township 23, Range 21.

**REQUEST:** The applicant, Richard Jackson is seeking to appeal the Planning Commission approval of Division III Permit # 2012-0022, allowing for the expansion of the existing Crawford's Towing business onto the adjoining property located in the 100 Block of Calvin Drive, Branson, MO.

## **BACKGROUND and SITE HISTORY:**

The subject property is an approximately 16,000 square foot vacant parcel of property described as a portion of Plot 6 and 7 of the Arthur Hall Subdivision. The property had previously been occupied by a single-family residence, address at 168 Calvin Drive. The home burnt in July of 2008 according to the Assessor's information.

On December 17, 2012 the Taney County Planning Commission approved Division III Permit # 2012-0022, allowing for the expansion of the existing Crawford's Towing business onto the adjoining property located in the 100 Block of Calvin Drive, Branson, MO.

## **GENERAL DESCRIPTION:**

Upon the approval of Division III Permit # 2012-0022 the representatives (John and Katherine Anderson), the owners of Crawford's Towing, purchased the approximately 16,000 square foot parcel of land, which they plan to utilize as parking for the existing business located at 1919 Bee Creek Road (immediately to the east). As state above, the Division III Permit allows for the expansion of the towing business onto the parcel in question. Mr. & Mrs. Anderson have indicated that parcel of property will be utilized as a parking area for both employees and customers.

The adjoining property immediately to the north, south and west is residential. The adjoining property immediately to the east is commercial.

## REVIEW:

The applicant (Richard Jackson) is seeking to appeal the decision of the Planning Commission to approve Division III Permit # 2012-0022 allowing for the expansion of the existing Crawford's Towing business onto the adjoining property located within the 100 Block of Calvin Drive, Branson, MO.

The applicant believes that the expansion of Crawford's Towing will have a deteriorating economic impact on the adjoining properties within the Author Hall Subdivision. Mr. Jackson has further indicated that this change of use will negatively impact both the three adjoining properties, as well as lowering the overall assessed property values for all nine single-family homes within the subdivision.

As a part of the Division III approval process, the project received a score of -22 on the Policy Checklist, out of a maximum possible score of 11. The relative policies receiving a negative score consist of off-site nuisances, emergency water supply, use compatibility and outdoor equipment storage.

The Planning Commission approved Division III Permit # 2012-0022 (by a vote of five (5) in favor and one (1) against) with a total of six (6) conditions, based upon the belief that this proposed development would comply with the Absolute and Relative Policies of the Taney County Development Guidance Code. The conditions were placed upon this permit in order to mitigate the concerns of the neighboring property owners and also to ensure compliance with the Absolute and Relative Policies of the Development Guidance Code.

## **STATUTORY REQUIREMENTS OF APPROVAL:**

Per the requirements of the Missouri Revised Statutes the Board of Adjustment shall have the following powers and it shall be its duty:

To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the board of adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases.

## **SUMMARY:**

If the Taney County Board of Adjustment approves this appeal request, the Planning Commission approval of the Decision of Record for Division III Permit # 2011-0016 shall be reversed and shall be considered null and void. The following requirements shall apply, unless revised by the Board:

1. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).



# TANEY COUNTY PLANNING COMMISSION

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## TANEY COUNTY BOARD OF ADJUSTMENT

### APPLICATION and AFFIDAVIT

### FOR VARIANCE OR APPEAL

(Circle one)

Variance (\$125.00) Appeal (\$125.00)

PLEASE PRINT

DATE 3-20-13

Applicant Richard Jackson Phone 417-334-8168

Address, City, State, Zip 240 CALVIN DR

Representative NA Phone NA

Owner of Record Paul Simon Signature: Richard Jackson

Name of Project: Crawford Young

Section of Code Protested: (office entry) Appeal PC decision

Address and Location of site: CALVIN DR

Subdivision (if applicable) Arthur Hall

Section 16 Township 23 Range 21 Number of Acres or Sq. Ft. 107.5 x 190.81

Parcel Number 08-5.0-16-000-000-017.000

Does the property lie in the 100-year floodplain? (Circle one) Yes ☐ No ☒

Required Submittals:

- ☒ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☒ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.

**Describe in detail the reason for your request:**

This appeal is regarding the Planning Commission decision to allow Crawford's Towing to use the lot at the corner of Calvin DR and Miami for an auto storage lot.

The basis of this appeal is because of the future deteriorating economical effect that the expansion of Crawford's Towing will have on the residential property owners in that small close community.

The subject property is at the entrance of the residential neighborhood and touching three properties. A "USE CHANGE" will greatly financially affect those three properties as well as the rest of the properties in the sub-division.

If my family had been larger than we had expected, a move to a larger home would have been required. When Crawford's Towing increased to five tow trucks he increases his business into our residential neighborhood.

This Change will negatively affect the property values of nine family homes today, lowering assessed property values, and later when the families decide to sell.





BOOK PAGE  
2013L00855  
01/07/2013 03:25:05PM  
REC FEE:30.00  
NON-STD FEE:  
PAGES: 3  
REAL ESTATE DOCUMENT  
TANEY COUNTY, MISSOURI  
RECORDERS CERTIFICATION  
*Robert A. Dixon*  
ROBERT A. DIXON

✓  
**TANEY COUNTY PLANNING COMMISSION**  
**DIVISION III - DECISION OF RECORD**  
**PAUL SIMON – GOLDEN YEARS RETIREMENT PLAN**  
**CRAWFORD'S TOWING - EXPANSION**  
**DECEMBER 17, 2012**  
**PERMIT# 2012-0022**

On December 17, 2012 the Taney County Planning Commission (grantor) approved a Division III request by Paul Simon – Golden Years Retirement Plan (grantees) (represented by John Anderson) allowing for the expansion of the existing Crawford's Towing business onto the adjoining property located in the 100 Block of Calvin Drive, Branson, MO. In accordance with the approval, Division III Permit #2012-0022 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

John Anderson is authorized to utilize the property in question located in the 100 Block of Calvin Drive, Branson, MO as parking for the existing towing business (Crawford's Towing) located at 1919 Bee Creek Road (immediately to the east). With six out of nine Planning Commissioners present, the vote to approve was 5 to 1. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. A six (6) foot tall opaque (privacy) fence shall be provided around the north, south and west property lines between the parcel in question and the adjoining single-family residences. The applicant shall allow for the inspection of the fence construction at the intersection of Calvin Drive and Miami Drive via the Taney County Road and Bridge Department, ensuring adequate site distance.
3. The parking area shall have security fencing and lighting in place.
4. All light sources within the facility shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.
5. This decision is subject to all existing easements.

6. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

Legal description attached below:

A tract of land situated in Plot 6 and Plot 7 of Arthur Hall Subdivision, being more particularly described as follows: Beginning at the intersection of the South line of Plot 7 and the Westerly right-of-way line of Bee Creek Road; thence N89°11'10" W, 385.47 feet; thence N0°26' W, 312.51 feet for a new point of beginning; thence continue N 0°26' W, 160.70 feet; thence S89°11'10" E, 77.50 feet; thence N45°11'25" E, 41.96 feet; thence S0°26' E, 190.70 feet; thence N89°09'06" W, 107.50 feet to the new point of beginning, EXCEPT Tract C as described and contained in the Plat filed for record in Plat Book C at Page 486. Sec. 16 Twp. 23 Rng. 21  
08-5.0-16-000-000-017.000





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

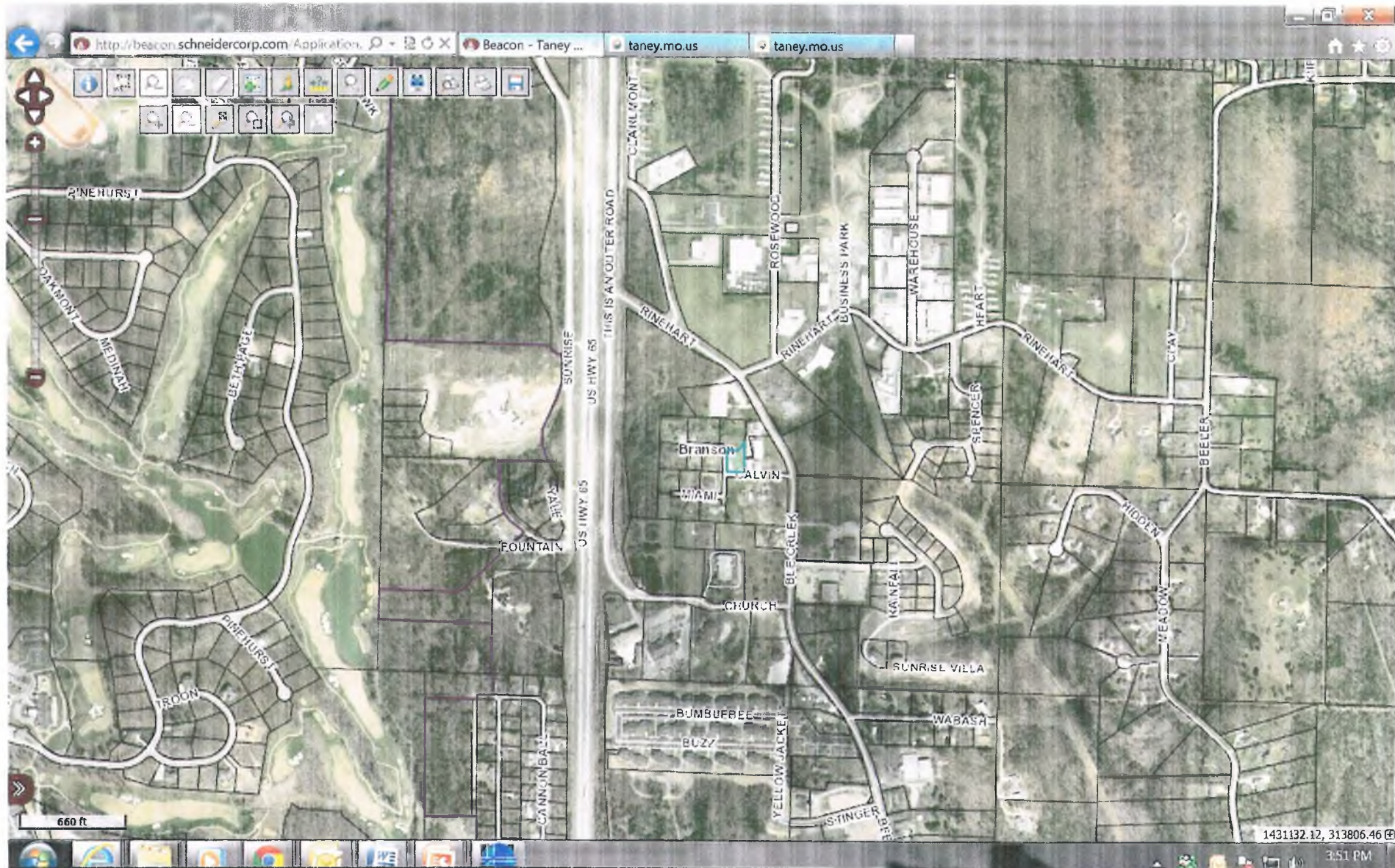
**HEARING DATE:** December 10, 2012

**CASE NUMBER:** 2012-0022

**PROJECT:** Crawford's Towing - Expansion

**APPLICANT:** Paul Simon – Golden Years Retirement Plan

**REPRESENTATIVE:** John Anderson – Crawford's Towing, LLC



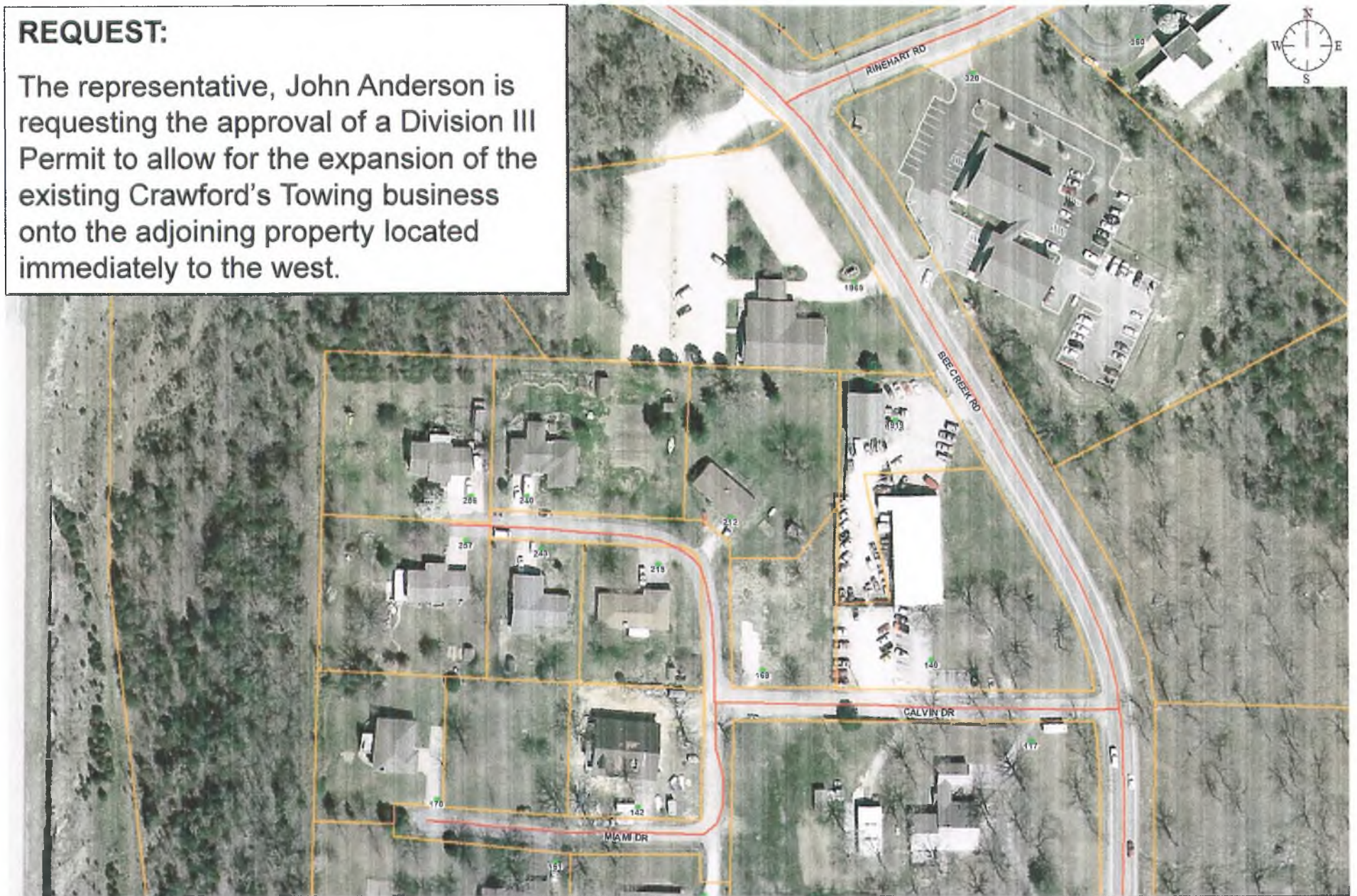
## LOCATION:

- 100 Block of Calvin Drive, Branson, MO
- Branson Township
- Section 16, Township 23, Range 21



## REQUEST:

The representative, John Anderson is requesting the approval of a Division III Permit to allow for the expansion of the existing Crawford's Towing business onto the adjoining property located immediately to the west.



**Crawford's Towing - Expansion  
Division III Permit 2012-0022  
Pictometry – Ortho View**





**BACKGROUND and SITE HISTORY:**

The subject property is an approximately 16,000 square feet parcel of property described as a portion of Plot 6 and 7 of the Arthur Hall Subdivision.

The current application was approved for Concept on November 19, 2012.





### GENERAL DESCRIPTION:

Crawford's Towing is proposing to purchase the approximately 16,000 square foot parcel of land, to be utilized as parking for the existing business located at 1919 Bee Creek Road (immediately to the east). The representative is seeking the approval of a Division III Permit allowing for the expansion of the towing business onto the parcel in question. The representative has indicated that parcel of property will allow for a parking area for both employees and customers.

The adjoining property immediately to the north, south and west is residential. The adjoining property immediately to the east is commercial.





**Crawford's Towing - Expansion  
Division III Permit 2012-0022  
Pictometry – North View**





**Crawford's Towing - Expansion  
Division III Permit 2012-0022  
Pictometry – South View**





**Crawford's Towing - Expansion  
Division III Permit 2012-0022  
Pictometry – East View**





**Crawford's Towing - Expansion  
Division III Permit 2012-0022  
Pictometry – West View**

**REVIEW:**

The representative has indicated that a privacy fence will be installed around the perimeter of the property, in order to screen the proposed parking area from the adjoining residences. An opening will be provided in the fence allowing for a drive through from the existing business.

Per the provisions of Appendix K of the Taney County Development Guidance Code recreational vehicle or outdoor storage parking areas should have security fencing and lighting. The staff recommends that the parking area be lit but that all light sources within the facility are arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.

The representative has indicated that the property in question will be utilized strictly for parking. No structures are proposed as a part of this current application.

The primary access to the parking area will be via a drive through from the existing Crawford's Towing business on Bee Creek Road. However, the representative is requesting to utilize the existing drive off of Calvin Drive as a gated secondary access to the property.

The project received a score of -22 on the Policy Checklist, out of a maximum possible score of 11. The relative policies receiving a negative score consist of off-site nuisances, emergency water supply, use compatibility, outdoor equipment storage.



**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. A six (6) foot tall opaque (privacy) fence shall be provided around the north, south and west property lines between the parcel in question and the adjoining single-family residences.
3. The parking area shall have security fencing and lighting in place.
4. All light sources within the facility shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.
5. This decision is subject to all existing easements.
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).

Crawford's Towing - Expansion		Permit#:	12-22		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
<b>Water Quality</b>					
SEWAGE DISPOSAL	n/a=	x			
centralized system		2	5		
on-site treatment system(s) with adequate safeguards to mitigate pollution		1			
septic system of adequate design and capacity		0			
proposed system may not provide adequate capacity		-1			
proposed solution may cause surface and/or ground water pollution		-2			
<b>Environmental Policies</b>					
SOIL LIMITATIONS	n/a=	x			
no known limitations		0	3		
potential limitations but mitigation acceptable		-1			
mitigation inadequate		-2			
SLOPES	n/a=				
<b>NOTE:</b> if residential, mark "x" in box.....					
development on slope under 30%		0	4	0	0
slope exceeds 30% but is engineered and certified		-1			
slope exceeds 30% and not engineered		-2			
WILDLIFE HABITAT AND FISHERIES	n/a=	x			
no impact on critical wildlife habitat or fisheries issues		0	2		
critical wildlife present but not threatened		-1			
potential impact on critical wildlife habitat or fisheries		-2			
AIR QUALITY	n/a=				
cannot cause impact		0	2	0	0
could impact but appropriate abatement installed		-1			
could impact, no abatement or unknown impact		-2			
<b>Land Use Compatibility</b>					
OFF-SITE NUISANCES	n/a=				
no issues or nuisance(s) can be fully mitigated		0	5	-1	-5
buffered and minimally mitigated		-1			
cannot be mitigated		-2			
<b>Compatibility Factors</b>					
USE COMPATIBILITY	n/a=				
no conflicts / isolated property		0	4	-1	-4
transparent change / change not readily noticeable		-1			
impact readily apparent / out of place		-2			

Crawford's Towing - Expansion		Permit#:	12-22		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LOT COVERAGE		n/a=			
lot coverage compatible with surrounding areas		0	1	0	0
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE		n/a=	x		
bulk / scale less than or equivalent to surrounding areas		0	3		
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS		n/a=	x		
proposed materials equivalent to existing surrounding structures		0	2		
proposed materials similar and should blend with existing structures		-1			
materials differ from surrounding structures and would be noticeable		-2			
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS		n/a=	x		
no rooftop equipment or vents		2	1		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS		n/a=	x		
no on-site waste containers		2	3		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.		n/a=			
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3	-1	-3
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
LANDSCAPED BUFFERS -- RESIDENTIAL		n/a=	x		
approved landscaped buffer between homes and all streets / roads / highways		2	2		
approved landscaped buffer from major roads / highways only		1			
minimal landscaped buffer, but compensates with expanse of land		0			
no landscaped buffer between residences and local streets		-1			
no landscaped buffer from any road		-2			

Crawford's Towing - Expansion		Permit#:	12-22		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LANDSCAPED BUFFERS - INDUSTRIAL		n/a=	x		
approved landscaped buffer from public roads		0	3		
minimal landscaped buffer, but compensates with expanse of land		-1			
no landscaped buffer from public roads		-2			
<b>Local Economic Development</b>					
RIGHT TO FARM		n/a=	x		
does not limit existing agricultural uses / does not cause nuisance, predation		0	3		
does not limit existing agricultural uses, but may result in minor nuisance		-1			
potential impact(s) on existing agricultural land		-2			
RIGHT TO OPERATE		n/a=	x		
no viable impact on existing industrial uses by residential development		0	3		
potential impact but can be mitigated		-1			
potential impact on existing industrial uses with no mitigation		-2			
DIVERSIFICATION		n/a=	x		
creates >=5 full-time, year-round jobs outside of recreation / resort sector		2	5		
creates full-time, year-round and seasonal jobs		1			
creates seasonal jobs only		0			
<b>Site Planning, Design, Occupancy</b>					
RESIDENTIAL PRIVACY		n/a=	x		
privacy provided by structural design, or not applicable		2	2		
privacy provided by structural screening		1			
privacy provided by landscaped buffers		0			
privacy provided by open space		-1			
no acceptable or effective privacy buffering		-2			
MIXED-USE DEVELOPMENTS		n/a=	x		
uses / functions are compatible or not applicable		2	3		
uses / functions are integrated and separated based on compatibility		1			
uses / functions differ minimally and are not readily apparent		0			
uses / functions poorly integrated or separated		-1			
uses / functions mixed without regard to compatibility factors		-2			
<b>Commercial Development</b>					
DEVELOPMENT PATTERNS		n/a=	x		
clustered development / sharing of parking, signs, ingress, egress, or not applicable		2	3		
some clustering and sharing patterns with good separation of facilities		1			
some clustering and sharing patterns with minimal separation of facilities		0			
clustered development with no appreciable sharing of facilities		-1			
unclustered development with no sharing or ability to share facilities		-2			



Crawford's Towing - Expansion		Permit#:	12-22		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
DEVELOPMENT BUFFERING		n/a=	x		
approved and effectively designed landscaped buffers between structures and all roads	2	3			
minimal landscaped buffering, but compensates with expanse of land	1				
minimal landscaped buffering	0				
no landscaped buffering, but utilizes expanse of land	-1				
no or inadequate buffering or separation by land	-2				
<b>Services - Capacity and Access</b>					
TRAFFIC		n/a=			
no impact or insignificant impact on current traffic flows	0	2	0	0	
traffic flow increases expected but manageable using existing roads and road accesses	-1				
traffic flow increases exceed current road capacities	-2				
EMERGENCY SERVICES		n/a=			
structure size and/or access can be serviced by emergency equipment	0	5	0	0	
structure size and/or access may impede but not hinder serviceability	-1				
structure size and/or access could be problematic or non-serviceable	-2				
RIGHT-OF-WAY OF EXISTING ROADS		n/a=			
greater than 50 ft. right-of-way	1	5	0	0	
50 ft. right-of-way	0				
40 ft. right-of-way	-1				
less than 40 ft. right-of-way	-2				
<b>Internal Improvements</b>					
WATER SYSTEM SERVICE		n/a=	x		
central water system meeting DNR requirements for capacity, storage, design, etc.	2	3			
community well / water system meeting DNR requirements	1				
private wells meeting DNR requirements	0				
private wells not meeting any established standards	-1				
individual / private wells	-2				
EMERGENCY WATER SUPPLY		n/a=			
fire hydrant system throughout development with adequate pressure and flow	0	5	-2	-10	
fire hydrant system with limited coverage	-1				
no fire hydrant system	-2				
PEDESTRIAN CIRCULATION INFRASTRUCTURE		n/a=	x		
paved and dedicated walkways (no bicycles) provided throughout development	2	4			
paved walkways provided throughout development / maybe shared with bicycles	1				
designated walkways provided but unpaved	0				
no pedestrian walkways, but green space provided for pedestrian use	-1				
no designated pedestrian walkway areas	-2				



Crawford's Towing - Expansion		Permit#:	12-22		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
PEDESTRIAN SAFETY		n/a=	x		
separation of pedestrian walkways from roadways by landscape or structural buffer	2	2			
separation of pedestrian walkways from roadways by open land buffer	1				
pedestrian walkways abut roadways with no buffering / protection	0				
BICYCLE CIRCULATION		n/a=	x		
dedicated / separate bike-ways with signage, bike racks, trails	2	1			
bicycle lanes shared with pedestrian walkways but separated by markings / signs	1				
no designated bike-ways	0				
UNDERGROUND UTILITIES		n/a=	x		
all utilities are provided underground up to each building / structure	2	4			
all utilities traverse development underground but may be above ground from easement	1				
utilities above ground but / over designated easements	0				
utilities above ground and not within specific easements	-1				
no specific management of utilities	-2				
<b>Open-Space Density</b>					
USABLE OPEN SPACE		n/a=	x		
residential developments (>25 units) include more than 25% open recreational space	2	2			
residential developments (>25 units) offer >10% but <25% open recreational space	1				
recreational area provided, but highly limited and not provided as open space	0				
no designated recreational space provided, but open space available	-1				
no open recreational space provided	-2				
<b>Solid Waste Disposal</b>					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY		n/a=	x		
weekly service is available and documentation of availability provided	0	5			
weekly service reportedly available but not documented	-1				
centralized, on-site trash collection receptacles available	-2				
SOLID WASTE DISPOSAL SERVICE COMMITMENT		n/a=	x		
restrictive covenants provide for weekly disposal for each occupied structure	0	5			
services available but not a requirement documented in covenants	-1				
not applicable / no pick-up service provided	-2				

Total Weighted Score= -22

Maximum Possible Score= 11

Actual Score as Percent of Maximum= -200.0%

Number of Negative Scores= 4

Negative Scores as % of All Applicable Scores= 40.0%

Scoring Performed by:

Bob Atchley / Bonita Kissee

Date:

November 29, 2012

**Project:** Crawford's Towing - Expansion

**Permit#:** 12-22

Policies Receiving a Negative Score	
Importance Factor 5:	off-site nuisances emergency water supply
Importance Factor 4:	use compatibility
Importance Factor 3:	outdoor equip storage
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: Bob Atchley / Bonita Kisse

Date: November 29, 2012

**Project:** Crawford's Towing - Expansion

**Permit:** 12-22

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	11	-22	-200.0%	4	40.0%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
<b>Importance Factor 5</b>	<b>5</b>	<b>-15</b>	<b>2</b>	<b>50.0%</b>
sewage disposal				
off-site nuisances	0	-5		
diversification				
emergency services	0	0		
right-of-way/roads	5	0		
emergency water supply	0	-10		
waste disposal service				
waste disposal commitment				
<b>Importance Factor 4</b>	<b>0</b>	<b>-4</b>	<b>1</b>	<b>50.0%</b>
slopes	0	0		
use compatibility	0	-4		
pedestrian circulation				
underground utilities				
<b>Importance Factor 3</b>	<b>6</b>	<b>-3</b>	<b>1</b>	<b>100.0%</b>
soil limitations				
building bulk/scale				
waste containers screening				
outdoor equip storage	6	-3		
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service				
<b>Importance Factor 2</b>				
wildlife habitat and fisheries				
air quality	0	0		
building materials				
residential buffer / screening				
residential privacy				
traffic	0	0		
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:** November 29, 2012







Date Created: 12/4/2012



<b>Parcel ID</b>	08-5.0-16-000-000-017.000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	GOLDEN YEARS RETIREMENT
<b>Sec/Twp/Rng</b>	16-23-21	<b>Class</b>	n/a		8877 HWY 160
<b>Property Address</b>	168 CALVIN DR BRANSON	<b>Acreage</b>	n/a		WALNUT SHADE MO 65771
<b>District</b>	4CWX				
<b>Brief Tax Description</b>	ARTHUR HALL PT PL 6 & 7 (Note: Not to be used on legal documents)				

Last Data Upload: 12/4/2012 3:07:41 AM

The floodplain data represented has been imported via the FEMA digital Flood Insurance Rate Map (FIRM) which became effective on March 15, 2012. However, FEMA does not recognize this floodplain layer as the official FIRM.



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## TANEY COUNTY BOARD OF ADJUSTMENT

### APPEAL STAFF REPORT

**HEARING DATE:** April 17, 2013

**CASE NUMBER:** 2013-0002A

**APPLICANT:** Tri-Sons Properties LLC (Steven Creedon)

**LOCATION:** The subject property is the Oakbrook Estates, Phase 3 Subdivision, served by Oak Brook Estates Road, Walnut Shade, MO, off of State Highway 176, in the Jasper Township; Section 21, Township 24, Range 21.

**REQUEST:** The applicant, Tri-Sons Properties LLC (Steven Creedon) is seeking to appeal the Planning Administrator's decision regarding the requirement that the segment of Oak Brook Estates Lane as indicated on the Oakbrook Estates, Phase 3 Plat be constructed in accordance with the Taney County Road Standards, as required via Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations.

#### **BACKGROUND and SITE HISTORY:**

On December 19, 2005 the Taney County Planning Commission approved Division III (Land-Use) Permit # 2005-0054 allowing for the development of +/- forty (40) acres into a thirty-seven (37) lot residential subdivision, later to be referenced as Oakbrook Estates. The original developer of the property was Jeff Pascoe. A copy of the Decision of Record for Division III Permit # 2005-0054 has been attached.

On June 15, 2007 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 1, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating a six lot, residential subdivision, to be served by a community well (with a platted well lot) and a Missouri Department of Natural Resources (MoDNR) permitted wastewater treatment plant. At the time of this plat approval, the Taney County Road Standards were cited as Appendix H of the Taney County Development Guidance Code. Per the provisions of the Road Standards in effect in 2007 (Appendix H), the minimum requirements for residential streets was a gravel surface, as denoted in Table 9 (Minimum Design Standards for Highways, Roads and Streets). A copy of the Final Plat of Oakbrook Estates and Appendix H, Table 9 of the Taney County Development Guidance Code have both been attached.

On July 6, 2009, the Taney County Commission adopted the Taney County, Missouri Road Standards. This “stand alone” set of standards was developed to provide the minimum criteria for the construction of roads within Taney County. Per the provisions of Table 2.3 (Road Surfacing) roads with a lot size of “less than 2-Acres” are to be constructed with either an asphalt or concrete surface. Please note that a copy of Table 2.3 of the Road Standards has been attached.

In November 2010 Tri-Sons Properties, LLC (Steven Creedon) purchased the unplatted portion of property that had originally received land-use approval via Division III Permit # 2005-0054, for the remainder of the +/- forty (40) acre tract of land, including the wastewater treatment plant and well lot. On November 19, 2012, this Special Warranty Deed in question was filed with the Recorder of Deeds office.

On October 28, 2011 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 2, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating an additional four (4) lots within the residential subdivision. At the time of this plat approval, the Taney County Road Standards were found both within Appendix H of the Taney County Development Guidance Code and also as the stand alone Taney County, Missouri Road Standards. Per the provisions of Appendix H, the minimum requirements for residential streets was a gravel surface, as denoted in Table 9 (Minimum Design Standards for Highways, Roads and Streets). This Final Plat was therefore approved with a gravel street serving the four (4) lots in question.

On July 19, 2012 the Taney County Commission amended Appendix L (formerly Appendix H – Road Standards), by County Commission Order, via an advertised, public hearing process, upon a recommendation of the Planning Commission. This amendment removed the road and access standards from the Development Guidance Code and referenced the current published standards set forth in the adopted Taney County, Missouri Road Standards.

On July 19, 2012 the Taney County Commission also adopted the Subdivision Regulations of Taney County, Missouri via order, resulting in the separation and removal of the subdivision regulations from the Development Guidance Code. From July 19, 2012 forward, this stand alone set of regulations governs subdivision of land, including the specific requirements for plats, within the unincorporated portion of Taney County.

On March 28, 2013 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 3, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating an additional six (6) lots within the Oakbrook Estates residential subdivision. The applicant provided the Planning Department office with an Irrevocable Standby Letter of Credit for the costs associated with required improvements to that segment of Oak Brook Estates Lane as required per both the provisions of the Taney County Subdivision Regulation and the Taney County Road Standards. The applicant is now appealing the Decision of the Planning Administrator requiring that this segment of roadway (approximately 325') be built per the adopted Road Standards.



## **GENERAL DESCRIPTION:**

The subject property is the property platted as Oakbrook Estates, Phase 3. However in the description included with the application the applicant also appears to indicate that he is seeking a variance from the Subdivision Regulations and the Road Standards for the entire meets and bounds described remainder that has yet to be platted as additional phases of the Oakbrook Estates Subdivision.

## **REVIEW:**

The applicant has indicated that he is appealing the decision of the Planning Administrator, requiring the applicant to construct that portion of Oak Brook Estates Lane as shown within Oakbrook Estates, Phase 3 in compliance with the provisions of the Taney County Road Standards. However, in the application, the applicant further describes his request as one in which he is seeking for the Board of Adjustment to allow all of the remaining phases of the Oakbrook Estates Subdivision to be served by gravel roads. The staff would therefore view the applicant's request allowing for gravel surfaced roads within all of Oakbrook Estates as a variance request.

The approval of the Final Plats of Oakbrook Estates, Phases 1 & 2 each fell under the provisions of Table 9, Appendix H (Road Standards) of the Taney County Development Guidance Code, which at that time required residential streets to be built to a minimum standard of having a gravel surface. Therefore, Oak Brook Estates Lane met the minimum requirements at the time of the platting of the first two phases.

However, as of July 19, 2012 upon the adoption of the Taney County Subdivision Regulations, the approval of any Final Plat, including Oakbrook Estates, Phase 3, is governed by the provisions of the Subdivision Regulations. Article 8, Section 2 of the Subdivision regulations states first, "unless otherwise approved by the Planning Commission, all streets shall be public streets." These provisions state secondly that, "Public streets shall be designed and constructed in accordance with the Taney County Road Standards." Therefore deviations from this requirement would be looked upon as a variance from the provisions of both the Subdivision Regulations and the Road Standards. Section 2, Table 2.3 of the Road Standards requires all new roads serving lots "Less than 2 Acres" to be constructed with either an asphalt or concrete surface." Per these same provisions, gravel surfaced roads are only allowed in instances in which the lots being served are "Greater than 5 acres".

The applicant has indicated the following as the reasoning for his request, "In this economy, there is no way to continue with improvements on this subdivision if I pave with 5" of asphalt, I therefore request all of Oakbrook Estates be granted gravel road."

## **STATUTORY REQUIREMENTS OF APPROVAL OF AN APPEAL:**

Per the requirements of the Missouri Revised Statutes the Board of Adjustment shall have the following powers and it shall be its duty:

To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the board of adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases.

## **STATUTORY REQUIREMENTS OF APPROVAL OF A VARIANCE:**

Per the requirements of Missouri Revised Statutes the Board of Adjustment shall have the have the following powers and it shall be its duty:

“Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”



**SUMMARY:**

If the Taney County Board of Adjustment approves this appeal of the Planning Administrator's decision to require Oak Brook Estates Lane to be constructed with either an asphalt on concrete surface, in compliance with the Taney County Subdivision Regulations and the Taney County Road Standards, the following requirements shall apply, unless revised by the Board:

1. That portion of Oak Brook Estates Lane as shown within Oakbrook Estates, Phase 3 shall be allowed to be constructed with a gravel surface.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).

DESCRIPTION OAKBROOK ESTATES PHASE 3:

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 615.12 FEET, TO THE NORTHEAST CORNER OF LOT 35, OAKBROOK ESTATES PHASE 2, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES PHASE 2 AS FOLLOWS: THENCE N 88°51'02" W, A DISTANCE OF 225.34 FEET; THENCE S 01°08'58" W, A DISTANCE OF 17.54 FEET; THENCE N 88°51'02" W, A DISTANCE OF 174.60 FEET, TO THE NORTHWEST CORNER OF LOT 4 OF SAID OAKBROOK ESTATES PHASE 2; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 342.91 FEET; THENCE S 88°45'17" E, A DISTANCE OF 399.74 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 324.71 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3.05 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.





2005 DEC 19 12:26 PM  
 REC. FEE: 30.00  
 NON-STD FEE:  
 PAGES: 3  
 ROBERT A. DIXON, RECORDER  
 OF TANEY COUNTY, MO, DO HEREBY  
 CERTIFY THAT THE WITHIN  
 INSTRUMENT OF WRITING, WAS  
 ON 12/15/2005 AT 12:26:03PM  
 DULY FILED FOR RECORD AND IS  
 RECORDED IN THE RECORDS OF  
 THIS OFFICE BOOK: 486  
 PAGE: 3721-3723  
 WHEREOF, I HAVE HEREUNTO  
 SET MY HAND AND AFFIXED MY  
 OFFICIAL SEAL AT FORSYTH, MO,  
 Nina Spatewood, DEPUTY

**TANEY COUNTY PLANNING COMMISSION** ✓  
**DIVISION III DECISION OF RECORD**  
**DECEMBER 19, 2005**  
**OAK BROOK ESTATES**  
**PERMIT #05-54**

On December 19, 2005 the Taney County Planning Commission (grantor) approved a request by Jeff Pascoe to develop 40-acres into a 37 lot residential subdivision. In accordance with this approval a Division III Permit #05-54 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

Jeff Pascoe is authorized to subdivide 40.68 acres for a 37 lot residential subdivision located off St. Hwy. 176. With seven out of nine Planning Commissioners present the vote to approve was six in favor and one abstension. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
  - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
  - b. Stormwater management (Appendix B Item 3)
  - c. Land grading permit (Appendix B)
  - d. Delineation of the 100 year floodplain
  - e. Utility easements and building line setbacks (Table 12)
  - f. Improvements with scale of streets, onsite parking and utilities (Table 6)
2. Compliance letters from the Fire, Sewer, and Water Districts (Chapter VI-VII)
3. Division I Permits will be required for all applicable structures in the development (Chapter 3 Sec. 1 Item 1)
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter III Item 6)

Legal description attached

TRACT 1: All of the Southeast Quarter of the Northeast Quarter of Section 21, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri

TRACT 2: A portion of the Southwest quarter of the Northwest quarter of Section 22, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri, that portion being more particularly described as follows:

Beginning at an aluminum monument marking the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 22; thence  $N0^{\circ}04'05''W$  along the West line thereof a distance of 50.00 feet; thence  $S89^{\circ}25'10''E$  a distance of 795.88 feet; thence  $N53^{\circ}17'00''E$  a distance of 49.69 feet; thence  $S89^{\circ}25'10''E$  a distance of 100.58 feet to the West right-of-way line of Missouri State Highway 176; thence  $S15^{\circ}33'00''E$  along said right-of-way line a distance of 52.05 feet; thence  $N89^{\circ}25'10''W$  a distance of 98.17 feet; thence  $S53^{\circ}17'00''W$  a distance of 49.69 feet to the South line of the Southwest quarter of the Northwest quarter of said Section 22; thence  $N89^{\circ}25'10''W$  along said South line a distance of 812.19 feet to the Point of Beginning.

Also a parcel of land situated in the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 22, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri, being more particularly described as follows:

Commencing at an existing aluminum monument marking the Southwest corner of the  $SW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 22; thence North  $01^{\circ}11'48''$  East, along the West line of the  $SW\frac{1}{4}$  of the  $NW\frac{1}{4}$ , a distance of 50.17 feet to an existing  $\frac{1}{2}$ " iron pin set by LS 1890; thence South  $88^{\circ}07'59''$  East, a distance of 730.92 feet to the Point of Beginning; thence North  $75^{\circ}42'52''$  East a distance of 205.40 feet to a point on the westerly right-of-way line of M.S.H.D. Route 176; thence South  $14^{\circ}17'08''$  East, along the westerly right-of-way line of M.S.H.D. Route 176, a distance of 27.94 feet to an existing  $\frac{1}{2}$ " iron pin set by LS 1890; thence North  $88^{\circ}10'56''$  West a distance of 100.58 feet to existing  $\frac{1}{2}$ " iron pin set by LS 1890; thence South  $54^{\circ}27'02''$  West a distance of 49.71 feet to an existing  $\frac{1}{2}$ " iron pin set by 1890; thence North  $88^{\circ}07'59''$  West a distance of 65.01 feet to the said Point of Beginning.

END OF DOCUMENT

BK0486PG3723



# CERTIFICATE OF OWNERSHIP

STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, HEREBY CERTIFY THAT I AM THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE COUNTY OF TANEY, AND THAT I FREELY ADAPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAN HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN 24 MONTHS AFTER THE DATE BELOW) HAS BEEN ASSURED BY POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

RESTRICTIONS AND COVENANTS RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ IN THE TANEY COUNTY RECORDER'S OFFICE.

TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: STEVEN J. CREEDON, MANAGER

ACKNOWLEDGMENT  
STATE OF MISSOURI  
COUNTY OF TANEY

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGER STEVEN J. CREEDON, ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID TRI-SONS PROPERTIES LLC, AS THE MANAGER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYOR'S DECLARATION

KNOWN ALL MEN BY THESE PRESENTS, THAT I, EDDIE D. WOLFE, DO HEREBY DECLARE THAT THIS PLAT WAS PREPARED UNDER MY PERSONAL SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY WOLFE SURVEYING, INC., DATED 02-25-2013 AND SIGNED BY EDDIE D. WOLFE, P.L.S. NO. 2190, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF EDDIE D. WOLFE, P.L.S. NO. 2190, IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND THE SUBDIVISION REGULATIONS OF TANEY COUNTY, MISSOURI.

EDDIE D. WOLFE, MO P.L.S. NO. 2190

DATE

## CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE TANEY COUNTY PLANNING COMMISSION. THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT GUIDANCE CODE OR THE TANEY COUNTY SUBDIVISION REGULATIONS.

PLANNING COMMISSION CHAIRMAN

DATE

PLANNING ADMINISTRATOR

DATE

## CERTIFICATE OF TANEY COUNTY 911 ADMINISTRATOR

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE TANEY COUNTY 911 ADMINISTRATOR.

911 ADMINISTRATOR

DATE



## GRAPHIC SCALE



( IN FEET )  
1 inch = 70 ft.

## Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: STEVEN J. CREEDON, 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 MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

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

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

# OAKBROOK ESTATES PHASE 3

## "THE FINAL PLAT"

A SUBDIVISION LOCATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST TANEY COUNTY, MISSOURI  
OWNED AND DEVELOPED BY  
TRI-SONS PROPERTIES LLC

NORTHEAST CORNER  
SOUTHEAST CORNER  
SE1/4 NE1/4  
SEC. 21, T24N, R21W

## DESCRIPTION OAKBROOK ESTATES PHASE 3:

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 615.12 FEET, TO THE NORTHEAST CORNER OF LOT 35, OAKBROOK ESTATES PHASE 2, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES PHASE 2 AS FOLLOWS: THENCE N 88°51'02" W, A DISTANCE OF 226.34 FEET; THENCE S 01°08'58" W, A DISTANCE OF 17.54 FEET; THENCE N 88°51'02" W, A DISTANCE OF 174.60 FEET, TO THE NORTHWEST CORNER OF LOT 4 OF SAID OAKBROOK ESTATES PHASE 2; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 342.81 FEET; THENCE S 88°46'17" E, A DISTANCE OF 398.74 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 324.71 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3.08 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

## PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

## 2. EASEMENTS:

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT AND BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.

## 3. SETBACKS:

25 FEET OFF OF ALL SUBDIVISION ROADS 1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS  
7 FEET OFF ALL SIDE LOTS  
10 FEET OFF ALL BACK LOTS

4. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARS WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

5. ALL ROADS SHOWN ON PLAT HAVE A 50 RIGHT-OF-WAY.

## 7. AREAS

THE TOTAL AREA OF THE PROPERTY IS ±3.05 ACRES.  
THE TOTAL LOT AREA IS ±2.66 ACRES.  
THE TOTAL ROAD R/W AREA ±0.37 ACRE.

## TITLE SOURCE:

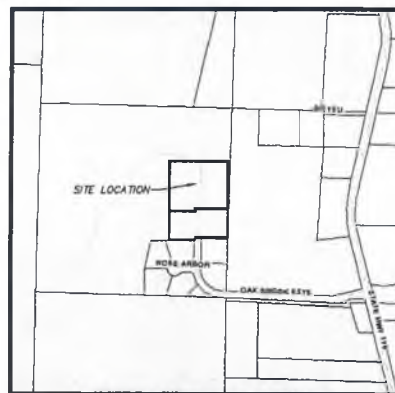
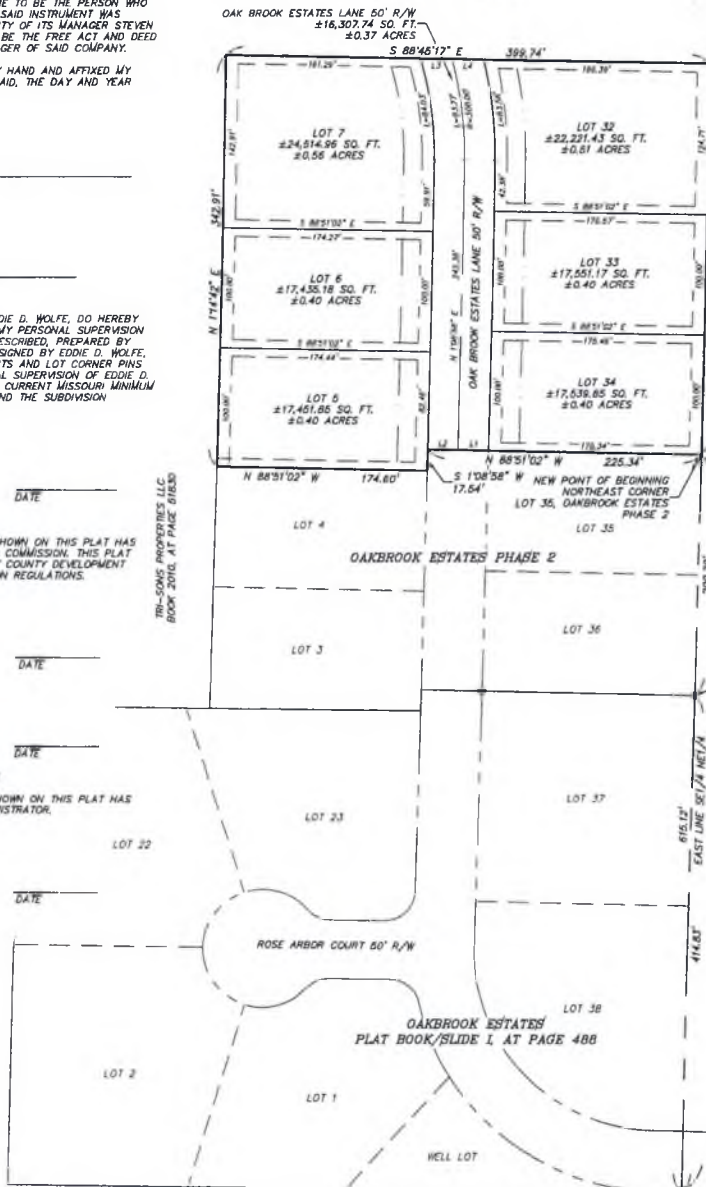
DEED RECORDED IN 2010, AT PAGE 51830

## CLASSIFICATION OF SURVEY:

"SUBURBAN SURVEY"

## FLOOD CERTIFICATION:

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 28013C00050, PANEL 50 OF 500 TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 28, 2006.



VICINITY MAP NOT TO SCALE

POINT OF BEGINNING  
EX. ALUM. MONUMENT  
SOUTHEAST CORNER  
SE1/4 NE1/4  
SEC. 21, T24N, R21W

Surveyed for:

TRI-SONS PROPERTIES LLC

## SECTIONAL MAP

R 21 W

T 24 N

R 21 W

T 24 N

R 21 W

T 24 N

R 21 W

T 24 N

R 21 W

T 24 N

## LEGEND

○ SET IRON PIN

● EX. 1/2" IRON PIN

□ EXISTING STONE

△ CORPS MONUMENT

▲ RIGHT-OF-WAY MARKER

TANEY COUNTY, MO

BASIS OF BEARINGS: EAST LINE SE1/4 NE1/4

SCALE: 1" = 70'

BRNG. = N 1°12'51" E

## 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: 417-334-5161

SHEET: 1 OF 1 WOLFE SURVEYING, INC. COA #2009006805

DATE: W.O. #2420 DWG #2420 PHASE 3

02-25-13 DRAWN BY: *[Signature]* REV

# DESCRIPTION AND EXECUTION OF PLAT

THE UNDERSIGNED TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND.

## DESCRIPTION

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 414.83 FEET, TO AN EXISTING CONCRETE NAIL MARKING THE NORTHEAST CORNER OF LOT 37, OAKBROOK ESTATES, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK SLIDE 1, AT PAGE 488, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES AS FOLLOWS: THENCE N 88°45'17" W, A DISTANCE OF 225.12 FEET; THENCE S 01°08'58" W, A DISTANCE OF 17.62 FEET; THENCE N 89°25'43" W, A DISTANCE OF 174.95 FEET; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 201.77 FEET; THENCE S 88°51'02" E, A DISTANCE OF 174.60 FEET; THENCE N 01°08'58" E, A DISTANCE OF 17.54 FEET; THENCE S 88°51'02" E, A DISTANCE OF 225.34 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 200.29 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 1.83 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREAFTER BE KNOWN AS OAKBROOK ESTATES PHASE 2. ALL STREETS, RIGHT-OF-WAYS AND ROADS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC AND ALL UTILITY EASEMENTS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE APPROPRIATE UTILITY COMPANY.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS 20th DAY OF October, 2011.

TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY

# OAKBROOK ESTATES PHASE 2

## "THE FINAL PLAT"

A SUBDIVISION LOCATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, OWNED AND DEVELOPED BY TRI-SONS PROPERTIES LLC

FILED

TIME 10:12 AM

OCT 28 2011

ROBERT A. DIXON  
RECORDER OF DEEDS  
TANEY COUNTY

RECORDING FEE \$40.00  
STATE USER FEE \$4.00  
TOTAL \$44.00

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	25.00'	N 88°45'17" W
L2	25.00'	N 88°45'17" W
L3	25.00'	S 88°51'02" E
L4	25.00'	S 88°51'02" E

SLIDE 35 PAGE 711

NORTHEAST CORNER  
SOUTHEAST CORNER  
SE1/4 NE1/4  
SEC. 21, T24N, R21W

DOCUMENT 2011 P000675 SL

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR

APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATOR THIS DAY OF October 2011.

TANEY COUNTY PLANNING COMMISSION CERTIFICATION

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS DAY OF October 2011.

CHAIRMAN

THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

ADMINISTRATOR

PLAT NOTES

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. EASEMENTS

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT AND BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.

3. SETBACKS

25 FEET OFF OF ALL SUBDIVISION ROADS 1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS  
7 FEET OFF ALL SIDE LOTS  
10 FEET OFF ALL BACK LOTS

4. ALL LOT CORNERS WERE STAKED WITH 1/2" REBAR'S WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

5. RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 2011, AT PAGE 48773, DATED October 28, 2011.

6. ALL ROADS SHOWN ON PLAT HAVE A 50 RIGHT-OF-WAY.

7. AREAS

THE TOTAL AREA OF THE PROPERTY IS ±1.83 ACRES.  
THE TOTAL LOT AREA IS ±1.80 ACRES.  
THE TOTAL ROAD R/W AREA ±0.23 ACRES.

BY: Steven J. Creedon, Manager

TRI-SONS PROPERTIES LLC  
BOOK 2010, AT PAGE 51830

ACKNOWLEDGMENT  
STATE OF MISSOURI  
COUNTY OF TANEY

ON THIS 20th DAY OF October, 2011, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGER STEVEN J. CREEDON, ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID TRI-SONS PROPERTIES LLC, AS THE MANAGER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC

REBECCA HOSKINS  
Notary Public, Notary Seal  
State of Missouri  
TANEY COUNTY  
My Commission Expires: 03-27-15  
Commission #11390006

MY COMMISSION EXPIRES: 3-27-15

TITLE SOURCE

DEED RECORDED IN 2010, AT PAGE 51830

CLASSIFICATION OF SURVEY

"SUBURBAN SURVEY"

FLOOD CERTIFICATION

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 28213C0050D, PANEL 50 OF 500 TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 29, 2008.



GRAPHIC SCALE

( IN FEET )  
1 inch = 70 ft

## Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF STEVEN J. CREEDON, 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 MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

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

Surveyed for

TRI-SONS PROPERTIES LLC

SECTIONAL MAP

R 21 W

TANEY COUNTY, MO

LEGEND

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

BASE OF BEARINGS: EAST LINE SE1/4 NE1/4  
ORIGINAL 1" = 70' BRNG. = N 1°12'51" E

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, Bronson, MO 65616  
Phone: 417-334-8820 Fax: 417-334-5151

POINT OF BEGINNING  
EX. ALUM. MONUMENT  
SOUTHEAST CORNER  
SE1/4 NE1/4  
SEC. 21, T24N, R21W

NEW POINT OF BEGINNING  
EX. CONG. NAIL



VICINITY MAP NOT TO SCALE

BRUEY FLORENCE MARINE & TIMMONS RONALD L  
BOOK 2001, AT PAGE 1409

604.27



# FINAL PLAT OAKBROOK ESTATES

SECTION 22, T24N, R21 WEST  
OF THE FIFTH PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI

OWNED AND DEVELOPED BY  
JEFFREY D. AND TAMMY PASCOE  
P.O. BOX 730  
BRANSON, MISSOURI 65615

SHEET 1 PAGE 188

FILED

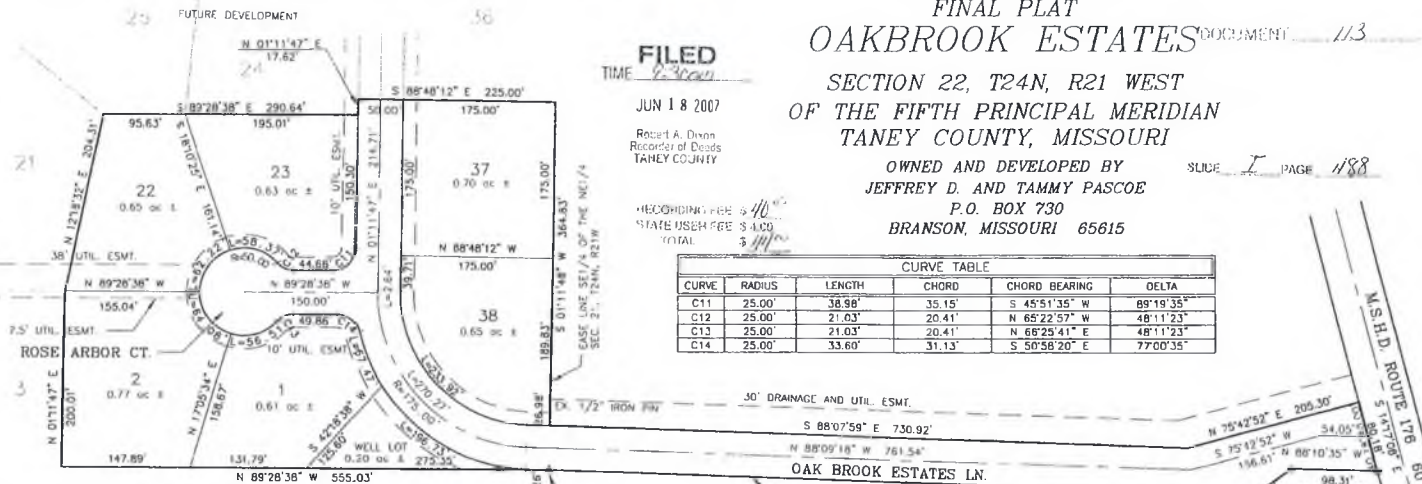
TIME 2:30 PM

JUN 18 2007

Robert A. Dixon  
Recorder of Deeds  
TANEY COUNTY

RECORDING FEE \$40.00  
STATE USER FEE \$4.00  
TOTAL \$44.00

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C11	25.00'	38.98'	35.15'	S 45°51'35" W	88°19'35"
C12	25.00'	21.03'	20.41'	N 65°22'57" W	48°11'23"
C13	25.00'	21.03'	20.41'	N 65°25'41" E	48°11'23"
C14	25.00'	33.60'	31.13'	S 50°58'20" E	77°00'35"



## DESCRIPTION AND EXECUTION OF PLAT

We, JEFFREY D. PASCOE AND TAMMY PASCOE, his wife, do hereby certify that they are the owners in fee simple of the property described below:

### Description:

A Tract of land being a part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 21 and a part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 22, Township 24 North, Range 21 West of the fifth principal meridian, Being more particularly described as follows:

Beginning at an existing aluminum monument marking the Southeast corner of the SE1/4 of said Section 21; Thence North 89°28'38" West, along the South line of the SE1/4 of the NE1/4, a distance of 555.03 feet; Thence North 01°11'47" East a distance of 200.01 feet; Thence North 12°18'32" East a distance of 204.31 feet; Thence South 89°28'38" East a distance of 290.64 feet; Thence North 01°11'47" East a distance of 17.62 feet; Thence South 88°48'12" East a distance of 225.00 feet to a point on the East line of the SE1/4 of the NE1/4 of Section 21; Thence South 01°11'48" West, along the East line of the SE1/4 of the NE1/4, a distance of 364.83 feet; Thence South 88°07'59" East a distance of 730.92 feet; Thence North 75°42'52" East a distance of 205.30 feet to a point on the West line of the right-of-way line of M.S.H.D. Route 176; Thence South 14°31'51" East, along the West line of right-of-way line of M.S.H.D. Route 176, a distance of 80.18 feet to an existing 1/2" iron pin; Thence North 88°10'35" West a distance of 98.31 feet to an existing 1/2" iron pin; Thence South 54°44'03" West a distance of 49.65 feet to an existing axle on the South line of the SW1/4 of the NW1/4 of Section 22; Thence North 88°09'18" West, along the South line of the SW1/4 of the NW1/4 of Section 22, a distance of 812.27 feet to said Point of Beginning, Containing 6.24 acres of land, more or less. Subject to all easements and restrictions of record.

Said land has been surveyed and subdivided in the manner shown hereon and shall hereafter be known as OAKBROOK ESTATES. All roads and easements shown hereon are hereby dedicated to the public.

IN TESTIMONY WHEREOF, the undersigned has hereunto set their hands this 18th day of June, 2007.

JEFFREY D. PASCOE AND TAMMY PASCOE, HUSBAND AND WIFE

STATE OF MISSOURI  
COUNTY OF TANEY

On this 18th day of June, 2007, before me, a Notary Public in and for said state, personally appeared: JEFFREY D. PASCOE and TAMMY PASCOE, his wife, to me known to be the persons described in and who executed the foregoing document, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in Branson, Missouri, the day and year last above written.

*Elizabeth D. Wagner*  
Notary Public

Printed Name: Elizabeth D. Wagner My Commission Expires: Jan 23, 2010

CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION:

Approved by the Taney County Planning and Zoning Commission this 19th day of June, 2007

This survey does not violate the rules and regulations of the Taney County Development Guidance Code.

Gilmore and Young Property Ex. Axle  
Bk 316, Pg 5470

### LEGEND

- EXISTING IRON PIN
- SET IRON PIN
- ⊞ EXISTING STONE
- ▲ EXISTING MONUMENT

### NOTES:

All Lots Subject to:  
25' Set back along all road Right-of-Way lines

7' Side yard set back

10' Rear yard set back

### DEED RECORD SOURCE:

General Warranty Deed:  
Book 479, at Page 3263-3264

General Warranty Deed:  
Book 484, at Page 4089-4090

### CLASSIFICATION OF SURVEY:

"Suburban Survey"

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF: JEFFREY D. PASCOE, 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 MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

DIANE KAY DIEBOLD L.S. 2424  
KENNETH J. BUCHANAN L.S. 2340, P.L.S. 1307 AND 2007

SURVEYED JEFFREY D. AND TAMMY PASCOE

FOR:

SECTIONAL MAP

R 21 W

T 24 N

SEC. 22

DATE: 04-20-2007

DRAWN BY: WJB

CHECKED BY: KJB

REVISED:

SCALE: 1" = 100'

SHEET: 1 OF 1

W.O.# 14523 PHL

DATE: 04-20-2007

DRAWN BY: WJB

CHECKED BY: KJB

REVISED:

SCALE: 1" = 100'

SHEET: 1 OF 1

**RSE**  
ROZELL SURVEY CO.  
2404 STATE HWY. 248 STE 4  
BRANSON, MISSOURI 65616  
PHONE: (417) 334-4141  
FAX: (417) 334-4181

## ACKNOWLEDGMENT:

Known all men by these presents that LIBERTY BANK, is the holder of a Deed of Trust dated 04-05-2006 and recorded in Book 487, Pages 8178-8188 of the recorder of Deeds of Taney County, Missouri, which land or a portion thereof included herein and Platted as OAKBROOK ESTATES consent and join in the execution of this Plat.

LIBERTY BANK

MARK KYLE, VICE PRESIDENT

STATE OF MISSOURI  
COUNTY OF TANEY

On this 25th day of April, 2007, before me personally appeared MARK KYLE, to me personally known, who being duly sworn, did say that he is the Vice President of LIBERTY BANK; that the seal affixed to this instrument is the corporate seal of said corporation; and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said MARK KYLE acknowledge said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in Branson, Missouri, the day and year last above written.

Notary Public

Printed Name: Caris A King

My Commission Expires: 11/16/09

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR

Approved by the Office of Taney County 911

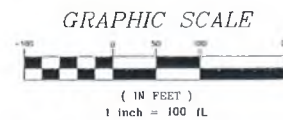
Administrator this 18th day of June, 2007.

911 Representative.

CARIS A. KING  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Taney County - Commission #05192740  
My Commission Expires Nov. 3, 2008



ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN RED INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS ON THIS DOCUMENT.



*Jeffrey D. Pascoe*  
JEFFREY D. PASCOE  
*Tammy Pascoe*  
TAMMY PASCOE

*Elizabeth D. Wagner*  
Elizabeth D. Wagner  
Notary Public  
*Kurt Larsen*  
Kurt Larsen, Administrator

FP07-31

# Previous Road Standards

TABLE 9  
MINIMUM DESIGN STANDARDS  
FOR HIGHWAYS, ROADS AND STREETS

## MINOR STREETS

DESIGN ELEMENT	URBAN				RURAL
	Industrial/Commercial		Residential		All County Roads
	Design ADT 6000	Design ADT 6000	Low Density	Medium Density	
Right of Way	90'	60'	50'	50'	50'
Number of Lanes	4	2	2	2	2
Lane Width	12'	12'	10'	10'	10'
Parking Lanes *	10' Both sides		10' Both sides		0
Surface Type	B	B	G	G	G
Cross Section	7-C&G	8-C&G	9-S	10-C&G	11-S
Maximum Gradient	8%	8%	15%	15%	15%
Shoulder Width	0	0	0	0	0
Cartway Width	48	24	20	20	20
Roadway Width	48	24	36	20	28
Set Back	50'	50'	25'	25'	V
Design Speed (MPH)	35	35	30	30	V
Median Width	6'	0	0	0	0

### KEY

ADT	Average Daily Traffic
SS	Surfaced Shoulder
S	Stabilized Shoulder
C&G	Curb and Gutter
G	Gravel
V	Variable

- \* In commercial and industrial subdivisions where the developer has proposed off-street parking, the on-street parking standard of an additional 20 feet of hard surfaced cartway width shall be eliminated



# Current Subdivision Regulations

Taney County Subdivision Regulations  
Article 8 – Required Improvements

## ARTICLE 8. REQUIRED IMPROVEMENTS

### Section 1. Monuments and Markers for Major Subdivisions (More than six (6) lots)

- A. Monuments shall be placed in accordance with State of Missouri minimum standards for property boundary surveys.

### Section 2. Streets

- A. Unless otherwise approved by the Planning Commission, all streets shall be public streets.
- B. Public streets shall be designed and constructed in accordance with the Taney County Road Standards.
- C. The street layout shall conform to the Taney County Master Plan and the Taney County Road Standards.
- D. Where the proposed subdivision adjoins an existing County road, additional right-of-way shall be dedicated on the final plat. The width of the additional right-of-way shall be determined per the requirements of the Taney County Road Standards.

#### E. Street Names

- 1. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets, unless otherwise approved by the Taney County 911 Office.
- 2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.
- 3. All names of streets proposed by the developer shall be approved or disapproved by the Taney County 911 Office in accordance with this Resolution.

#### F. Private Streets

- 1. Private streets shall be permitted only with the approval of the Planning Commission.
- 2. Where private streets are permitted, the restrictive covenants must contain provisions to assure maintenance of the streets, sidewalks, and other common improvements. Restrictive covenants must be approved by the Planning Administrator and must be recorded with the final plat.

# Current Subdivision Regulations

## Taney County Subdivision Regulations Article 9 – Subdivision Design Criteria

### C. Alignment

1. Horizontal and vertical alignment of streets shall be designed in accordance with the Taney County Road Standards.
  - a. Minimum right-of-way widths and width of paving shall be as specified in the Taney County Road Standards.
  - b. Additional street right-of-way widths may be required by the Planning Commission or by the Planning Administrator on Subdivisions.
    1. The subdivision fronts on a street which is presently below the minimum street width standards established either in the Taney County Road Standards or herein.

### D. Street Paving

1. Street pavement thickness, design, criteria, and material specifications shall be as set forth in the Taney County Road Standards.

### E. Street Intersections

1. Street intersections shall be designed in accordance with the Taney County Road Standards.
2. Intersections involving the junction of more than two (2) streets shall be reviewed on a case-by-case basis.
3. Additional right-of-way shall be provided at street intersections as specified in the Taney County Road Standards.



# Current Road Standards

## STREET REQUIREMENTS SECTION

Street plans and specifications shall be approved by Taney County prior to starting any construction.

### **Section 1. Submission of Engineering Plans:**

1. All plans and reports submitted shall be prepared by, or under the direction of a professional engineer, licensed in the State of Missouri, and shall be reviewed for compliance with the minimum design requirements.
2. The original submission of engineering construction plans for streets and storm sewer shall be submitted the first time in one (1) set of prints to the Taney County Road and Bridge Department.
3. After the first submission of engineering construction plans, all future submissions for review shall consist of one (1) set of prints to the Taney County Road and Bridge Department. Projects involving State highways will require the approval of the Missouri Department of Transportation. It is the developer's responsibility to obtain such approvals from MoDOT and provided copies of the comments and approvals to Taney County Road and Bridge.
4. After approval of the engineering drawings, one (1) set of signed plans shall be retained by the contractor on the job site and one (1) set shall be provided to Taney County.

### **Section 2. Streets:**

1. New streets shall be considered in their relation to existing, platted or planned streets, to topographical conditions, public convenience and

safety, and to the proposed land uses served by them.

2. Provision must be made for the extension and continuation of streets into and from adjoining areas.
3. Subdivisions abutting or containing an existing or proposed arterial street, marginal access streets or reverse frontage lots, shall provide access to abutting properties as required.

### **Section 3. Road Surfacing:**

Allowable Road Type				
Lot Size	Gravel	Chip Seal	Asphalt	Concrete
Less than 2 Acres	no	no	yes	yes
2-5 Acres	no	yes	yes	yes
Greater than 5 Acres	yes	yes	yes	Yes

**TABLE 2.3  
ROAD SURFACING**

1. Concrete: Roads constructed of Portland Cement Concrete – All concrete shall meet the Missouri Standard Specifications for Highway Construction, Division 500, Rigid Pavements – Sub-base shall meet 95% and over compaction. Standard mix designs for machine placed (PCC-MF) and hand finished (PCC-HF) concrete pavements shall be adhered to. Concrete shall be 6-inches thick on 5-inches of compacted subgrade.
2. Hot Mix Asphalt: Local Roads constructed of Hot Mix Asphalt shall be a two-inch (2") asphalt wearing surface on 3-inches (3") of

# Current Road Standards

4. Air tests may be required during concrete pours.
5. Concrete that fails to meet design specifications for slump and/or entrained air shall be rejected at time of test.

## Section 10. Driveways:

1. Asphalt drives shall be constructed within the right-of-way of 4 inches (4") of compacted base rock, 3 inches (3") of bituminous mix. Concrete driveways shall be constructed of 4 inches (4") of compacted base rock, Class B "AE" (air entrained) concrete six inches (6") thick.

Gravel drives shall be constructed with a 6" minimum thickness of compacted crushed rock within the right-of-way. There shall be a minimum of one foot (1') of cover over pipe culverts. The depth of the ditch must be deep enough to maintain positive flow for drainage. No sags in the ditch will be allowed for culvert installations.

2. Commercial/Industrial driveways shall be constructed within the right-of-way of (8") of wet compacted base rock, 5 inches (5") of bituminous base mix, and two inches (2") of hot mix surface course; or plain class B "AE" (air entrained) concrete (6") thick over five inches (5") of wet compacted base rock.

When curbs are present they shall extend to the drainage pipe within the right-of-way. Commercial / Industrial entrances with corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), shall have a minimum 2' shoulder, and 3:1 slope to ditchline. Taney County may

require reinforced concrete pipe (RCP) if dictated by depth of fill or structural considerations.

Flared End Sections will be required on all pipe with a thirty inch (30") diameter or larger.

## Section 11. Acceptance of Roadway Improvements:

1. All roads in subdivision approved by the Taney County Planning Commission after the adoption of the Design Standards shall be constructed in accordance with these standards.
2. Developers shall complete all public improvements within their proposed development before acceptance of their Final Plat. Developers may submit a bond to the county covering any improvements that are not complete at the time their Final Plat is submitted. The amount covering any road improvements shall be approved by the Taney County Road and Bridge Administrator. If the work is not completed within two years of accepting the Final Plat, or any extended deadline allowed by the county, Taney County may complete or have said work completed as called for by the approved plans, or modified plans and cover any cost incurred by the County with said Bond provided by the Developer.
3. No streets or other public improvements will be accepted or approved by either the Taney County Engineer or County Commission, unless the improvements were constructed in accordance with the Plans and County specifications.



# 13-2

**TANEY COUNTY BOARD OF ADJUSTMENT**  
**APPLICATION and AFFIDAVIT**  
**FOR VARIANCE OR APPEAL**  
**(Circle one)**

**Variance (\$125.00)    Appeal (\$125.00)**

**PLEASE PRINT**

**DATE** 3/25/13

Applicant Tri-Sons Properties LLC Phone 417-294-4549

Address, City, State, Zip P.O. Box 1700 Hollister MO 65673

Representative Steven J. Creedon Phone 417-294-4549

Owner of Record Tri-Sons Properties LLC Signature: [Signature]

Name of Project: Oakbrook Estates Phase 3

Section of Code Protested: (office entry) Road Standards

Address and Location of site: Phase 3 Oakbrook Estates Road

Subdivision (if applicable) Oakbrook Estates

Section 21 Township 24 Range 21 Number of Acres or Sq. Ft. \_\_\_\_\_

Parcel Number 05-5.0-21-000-000-003.000

Does the property lie in the 100-year floodplain? (Circle one) \_\_\_\_\_ Yes 8 No.

Required Submittals:

- ☒ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☒ Proof of ownership or approval to proceed with request by the owner
- ☒ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.

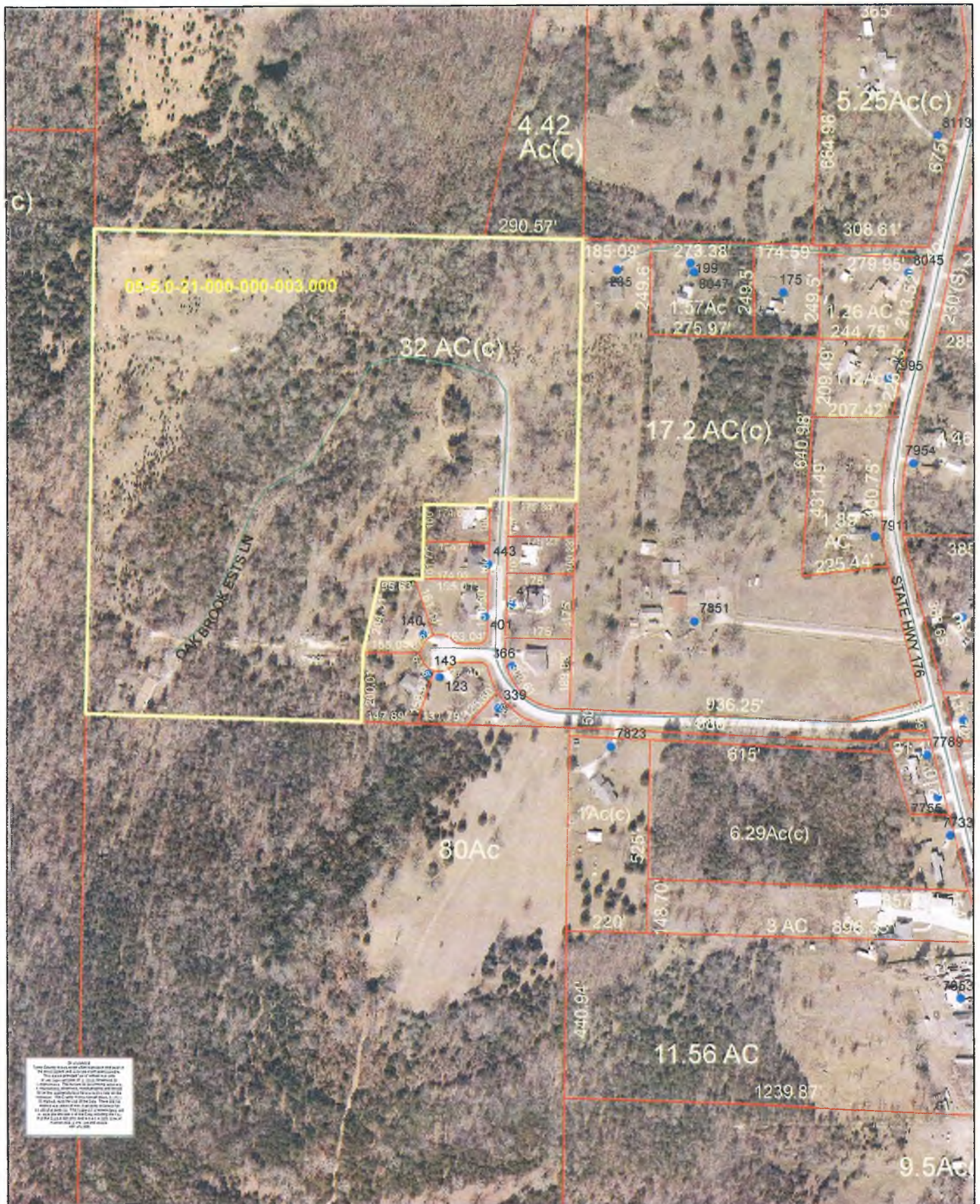
**Describe in detail the reason for your request:**

on 2/25 I submitted a plat for oakbrook estates phase 3 for review. received comments back on 3/6 since I have been told I need to pave Phase 3 etc the new county standards including paving a temp turn around. My Request is to eliminate the new county road standards from this subdivision, back to Gravel. When I purchased this property eddie coore assured me I would only have to gravel these Roads. Bob Atchley since has approved phase 2 as gravel. I recently did pave Phase 1, 2, 3 with 2" of asphalt as an improvement. I am willing to remove all asphalt from subdivision. In this economy there is no way to continue with improvement on this subdivision if I pave with 5" of asphalt, I therefore request all of Oakbrook Estates be granted gravel Roads





























## TANEY COUNTY PLANNING COMMISSION

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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MARCH 20, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman David Clemenson called the meeting to order. A quorum was established with five members present. They were; David Clemenson, Tony Mullen, Dave Nelson, Tom Gideon, and Mark Weisz. Staff present, Bob Atchley and Bonita Kisse.

Mr. Atchley read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code into evidence as Exhibit A, the staff report as Exhibit B, and the staff files including all pertinent information as Exhibit C, and the Board of Adjustment Bylaws as Exhibit D. The state statutes that empower and govern the Board of Adjustment were read by Dave Nelson.

Chairman Clemenson swore in the speakers before the hearing.

#### Public Hearing:

Rick Schmidt: a request for a variance from the provisions of Appendix B, Step 2, which states that, "No more than one dwelling shall be allowed per two acre lot when using an on-site septic system". The property is located at 287 Green Acres Road. This variance would be to allow for the construction of a second dwelling in the rear of the property. Mr. Atchley read the staff report and presented pictures and a video of the site. He reported that the DNR told him that the community well does not have capacity for another structure to be hooked to it. Mrs. Rochelle Croteau who is the Mother of the applicant explained that the reason for the request is because in the near future she will need his help in taking care of her. She reported that the existing house on the property will be removed after the new house is built. There are four lots with houses are owned by Mrs. Croteau. Mr. Clemenson asked if she owns the existing house already, why she would need to build another. She stated that it is because the house is old and in bad shape. Mr. Gideon stated that if the existing house will be removed wouldn't it be a moot point. Mr. Atchley stated that plans are for Mr. Schmidt to build the house himself and it will take him two or three years.

Dwayne Atchley who lives in the neighborhood, presented a map showing an existing waterway and reported that if the property is cleared would cause runoff onto his and another property. He is not in favor of the request because he doesn't trust the applicant to abide by the rules, and he is concerned about adequate wastewater disposal, and adequate water.

Rick Tedder who is the President of the Homeowners Assoc. voiced his concern regarding the community well. He stated that back in the summer water pressure was lost and they were told they were over capacity. According to Mr. Tedder a new well needs to be drilled, and doesn't feel that it could handle another house.

Charles Goldberg lives next door to the site, stated that the septic runoff goes into his yard. He is concerned that if another house is built there will not be adequate wastewater disposal.

Jim Robertson, is trustee for the Brush Ridge Trust, he owns the property at the end of the private road behind the property. He reported that there is a wet area in the back and wondered if the property owner planned to access the property from his private road.

After discussion, Dave Nelson made a motion to deny based on a hardship not being proved. The vote to deny was unanimous.

#### Review and Action:

With no additions or corrections to the January and February Minutes, a motion was made by Dave Nelson to approve the minutes as written. Seconded by Tony Mullen. The vote to approve the minutes was unanimous.

#### Old and New Business:

Mr. Atchley reported on the nightly rental amendment before the County Commission. Discussion followed.

#### Adjournment:

With no other business on the agenda for March 20, 2013 the meeting adjourned at 7:40 p.m.