



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

AGENDA TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, JUNE 15, 2015, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

Review and Action:

Minutes, June 2015

Final Votes:

*Rosewood
410 Nightly Rental*

Concepts:

No concepts this month

Old and New Business:

Tentative

Adjournment.



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MINUTES
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
MONDAY, MAY 11, 2015, 6:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Steve Adams called the meeting to order with seven members present. They were: Steve Adams, Dave Stewart, Randy Fogel, Doug Faubion, George Cramer, Randy Haes, and Brad Lawrence. Staff present: Bob Atchley and Bonita Kisse-Souttee.

Mr. Atchley read the public hearing procedures and presented the exhibits.

Public Hearings:

Music City Motors; a request by the Highway 248 Group, LLC to add a number of specific uses to the permitted pre-owned auto sales facility. Steve Redford was present to represent the request. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Faubion asked where the 25' buffer was located and Mr. Atchley stated it was on the back side of the property where the only residential was located. Mr. Fogel addressed #4 of the decision of record; Mr. Redford stated that he would not agree to that because it would require hooking to City sewer. He also stated that on the property was already a well when he purchased it. In Mr. Redford's opinion, a holding tank is better than a port a potty. He also stated that he has issues with how the Code is interpreted, and pointed out that in the staff report, the staff had strongly recommended he hook to central sewer which he does not feel is being fair to him. In his opinion he is not asking for anything out of the ordinary and that in his opinion the Code doesn't address hours of operation. Discussion followed regarding the first application which permitted a mobile office. Mr. Adams asked if any of the cars are worked on at this property. Mr. Redford reported that no there was no work done other than changing a battery etc., he has someone come in and detail the cars. Mr. Adams addressed the junk behind the building, and asked if plans are to continually have things onsite that have been taken off the cars, and suggested putting the junk in a building out of site. Mr. Cramer asked how long Mr. Redford planned to test the market. Mr. Redford stated that at least a year but feels the business will continue. Mr. Cramer asked that if it would be that long that he would need a permanent restroom. Mr. Redford stated that it would take a long time to go through the City and that a port a pottys would be sufficient in his opinion. The Planning Commission discussed density,

compliance, number of customers, and water and wastewater. Mr. Redford discussed the Code, zoning, and map. Mr. Atchley clarified the points of the Code for the Planning Commission. Mr. Redford continued the discussion regarding wastewater, customers, number of employees, and water. Mr. Fogel pointed out that on the original decision of record it stated that if water was used on the property the restroom should be connected to the City. Mr. Atchley clarified the record stating that at this time everything has been disconnected and the tank that was used for wastewater is not to be used for that. Mr. Faubion asked if the correct tank was used would it be allowed. Mr. Atchley stated that not if sewer is available the state department of health and senior services would not allow a holding tank to be utilized. Mr. Redford stated that the current owner of the property refused to annex. Mr. Stewart stated that if the buildings were removed the property would be in compliance, and currently needs a permit to add the other uses. No one signed up to speak. This project will proceed to final vote next week.

Shepherd Nightly Rental; a request by Profund Capital, LLC to utilize an existing four bedroom single family residence for nightly rental. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Shepherd addressed questions from the Planning Commission and the public. Mr. Shepherd stated that he will not allow boats to be parked onsite, and also stated that he had discussed wastewater with the sewer department and that with the current plans it does not need to be upgraded. He also stated that if required he will make any necessary upgrades. If approval is not given, he will go ahead and rent longer than 30 days, which would prevent him from utilizing it with his family. He only wants to rent it to fill in the time that he isn't using it. Mr. Cramer discussed number of people and wastewater. Bernard Harris who is a neighbor presented aerial views of the property. He wanted to point out how close his property is to this property. In his opinion there isn't room to upgrade the wastewater system. The road is narrow, and would not accommodate normal sized cars to pass. In his opinion there isn't enough parking and that the driveway is too steep and he fears the renters will want to park on his property because of this. Mr. Faubion pointed out that they can park on the right of way. Mr. Haes stated that the road is county maintained and is a 40' right of way. Mr. Harris stated that if cars do park there would deny him access to his property in his opinion. He also pointed out that this is a residential subdivision, single family not business. He feels that nightly rental is not compatible with this neighborhood. He presented the subdivision covenants which stated that it is for single family residential only. Mr. Shepherd addressed the questions presented by Mr. Harris. He stated that there will be cars parked in the garages as well as outside. He stated he would address boat parking in the rental agreement. If he wanted to rent the home for a year by law he can and that the term nightly rental doesn't correctly address the use in his opinion. He stated that he can rent it for 30 days whether the renters stay that long or not. Mr. Haes stated that the neighbors keep their properties maintained much better than the County Road Department can. Mr. Adams asked Mr. Haes to visit the site and report back by the next meeting. Mr. Harris stated that there are other nightly rentals in the neighborhood that have not been

permitted as well as all over the area. Mr. Stewart confirmed that access to the property is in the back in case any sewer work would need to be done. There being no other discussion this project will precede to final vote next week.

Old and New Business:

Mr. Adams discussed staff recommendations for the nightly rental. He informed the Commission that they can amend any recommendations the staff makes.

Mr. Atchley reported that the County Commission's Attorney had indicated that since the request to reopen the restaurant in Kissee Mills was never issued a Division III permit and that because of this a Division II permits cannot be required. Discussion followed.

Adjournment:

With no other business on the agenda for Monday, May 11, 2015 the meeting adjourned at 7:56 p.m.



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MINUTES

TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, MAY 18, 2015, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Steve Adams called the meeting to order at 6:00 p.m. A quorum was established with six members present. They were: Steve Adams, Randy Haes, Dave Stewart, Rick Caudill, Brad Lawrence, and Doug Faubion. Staff present; Bob Atchley, and Bonita Kisse-Souttee.

Mr. Atchley read a statement outlining the procedures for the meeting and presented the exhibits.

Review and Action:

Minutes; April 2015; with no additions or corrections, a motion was made by Rick Caudill to approve the minutes as written. Seconded by Brad Lawrence. The vote to approve the minutes was unanimous.

Final Votes:

Music City Motors; request by Highway 248 Group, LLC for additional uses on property located at 1818 State Highway 248. Mr. Atchley clarified the proposed decision of record and gave the Commission an update of holding tanks in Missouri Law. Missouri looks at holding tanks as a temporary solution only. Mr. Caudill asked if approval is given and a restroom facility is constructed if they would have to annex into the City. Mr. Atchley stated that the project would need to annex if the property is contiguous but that it would be at the City of Branson's discretion. Mr. Redford stated that the current property owner would not agree to annexation, and also stated in his opinion this request should not have been brought before them because it is not a change of use. Discussion followed with Mr. Redford stating that in his opinion the Planning Commission was not interpreting their Code correctly. Mr. Atchley clarified why Mr. Redford was required to obtain an additional Division III Permit. After discussion, Rick Caudill made a motion to approve based upon the proposed decision of record. There was no second, therefore the motion died. Mr. Faubion then made a motion to allow the applicant to continue operating the business as is without the proposed decision of record. Discussion followed regarding the restroom facility. The Planning Commission reviewed the previous decision of record. Mr. Stewart pointed out that the previous approval was just the sale of cars. Mr. Faubion restated his motion and pointed out that if Mr. Redford was out of compliance with the wastewater it was out of

the Planning Commission's hands anyway and that issue would go before the health department. Mr. Haes seconded for discussion and asked whether the proposed decision of record would be in place. The Planning Commission stated that it would not apply. Mr. Redford asked if approval was not given and he would go through the process of appeal with the Board of Adjustment, where would it go from there. Mr. Atchley clarified the process. Mr. Stewart made a motion to deny based upon the property not conforming with state statutes. Mr. Lawrence seconded. The motion carried with four in favor of denial and three against. Mr. Atchley explained the appeal process to Mr. Redford.

Shepherd Nightly Rental; request by Profund Capital, LLC for a nightly rental use on existing property located at 290 Lone Pine Road. Mr. Atchley read the proposed decision of record. Mr. Stewart discussed #5 of the decision of record. Mr. Atchley clarified #5. There were no other questions. Mr. Stewart made a motion to approve based upon the decision of record. The motion was seconded by Doug Faubion. Mr. Caudill voted nay. The vote carried with four in favor and one against with the Chairman not voting.

Concepts:

Rosewood; a request by Sarah Rein to utilize an existing building for special use events such as weddings, showers, retreats, classes, parties, reunions, etc. located at 673 Rosewood Drive. Mr. Atchley presented an aerial view of the property and clarified the request. Ms. Rein explained that she wants to use the property for multi-use. Discussion followed. Mr. Atchley explained special use. Mr. Haes stated that Rosewood Drive is not currently maintained by the County. With no other discussion this project will proceed to public hearing next month.

Lakestyle Boat Dock Parking; a request by Clint Kasten to allow parking on an adjacent lot to an already approved parking lot located at Lot 21 Happy Hollow Road. Eddie Wolfe representing the applicant clarified the request. Mr. Atchley stated that the applicant had received previous approval for the same use on the property next to this one. There might be from seven to ten parking places according to the representative. Mr. Wolfe discussed state regulations, and how Stone County does this type of permit. Mr. Adams asked why this request was coming before them. Mr. Atchley clarified the reason being that this property is on a different parcel. Mr. Wolfe told the Planning Commission how they could approve this request without hearing it in open session. The Planning Commission decided not to hear this request. Mr. Atchley will take care of the request in house.

410 Nightly Rental; a request by Dennis Beanland to operate a nightly rental business from an existing structure located at 410 Newton Road. Mr. Atchley clarified this request. Mr. Beanland explained his proposal. Discussion followed regarding fire district rules, and previously using the site as nightly rental without a permit. With no other discussion this request will proceed to public hearing next month.

Old and New Business:

Mr. Adams discussed Roberts Rules. Further discussion ensued regarding state statutes.

Adjournment:

With no other business on the agenda for Monday, May 18, 2015 the meeting adjourned at 7:07 p.m.