



TANEY COUNTY PLANNING COMMISSION

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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

HOLLY PERRYMAN

SEPTEMBER 17, 2008

#08-7

Public Hearing for Appeal of the Highway 65 Multi-Use Project located at Adair Road in the Branson Township, Sec. 5 Twp. 23 Rng. 21.

The applicant Holly Perryman representing her father Donald Mitchell (owner) requests an appeal of the Highway 65 Multi-Use Project at Emory Creek approval by the Taney County Planning Commission August 18, 2008. The appeal is based upon the applicant's opinion, project would emit too much noise and there isn't a noise requirement in the development code, the commission not taking enough time to consider water quality, air quality, storm drainage, traffic and the endangered species found in Emory Creek. The applicant also feels that the entire Planning Commission should have been present for the vote, and that the representative of the township this project is in was also not present.

History: The project was denied by the Planning Commission June 16, 2008 based upon incompatibility to the surrounding area. Application was made to the Planning Commission in July with a change to the project of moving the race track over 1000'. The Planning Commission approved this request August 18, 2008.

General Description: The subject property contains approximately 430 acres and is located at the end of Adair Road north of Pinegar Auto Plaza. The adjoining properties to the development consist of commercial, residential, and agricultural.

Review: If this appeal is granted permit number #08-5 shall be revoked and development on the property will cease.

Summary: If the Taney County Board of Adjustment approves this appeal, the following requirements shall apply, unless revised by the Board:

1. The developer must comply with the Taney County Development Guidance Code that includes the appeal process.
2. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

Highway 65 Multi-Use Project		Permit#:			
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
Water Quality					
SEWAGE DISPOSAL					
centralized system	2	5	1	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				
Environmental Policies					
SOIL LIMITATIONS					
no known limitations	0	3	0	0	
potential limitations but mitigation acceptable	-1				
mitigation inadequate	-2				
SLOPES					
NOTE: 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					
no impact on critical wildlife habitat or fisheries issues	0	2	-1	-2	
critical wildlife present but not threatened	-1				
potential impact on critical wildlife habitat or fisheries	-2				
AIR QUALITY					
cannot cause impact	0	2	-2	-4	
could impact but appropriate abatement installed	-1				
could impact, no abatement or unknown impact	-2				
Land Use Compatibility					
OFF-SITE NUISANCES					
no issues or nuisance(s) can be fully mitigated	0	5	-1	-5	
buffered and minimally mitigated	-1				
cannot be mitigated	-2				
Compatibility Factors					
USE COMPATIBILITY					
no conflicts / isolated property	0	4	-2	-8	
transparent change / change not readily noticeable	-1				
impact readily apparent / out of place	-2				

Highway 65 Multi-Use Project		Permit#:			
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LOT COVERAGE					
lot coverage compatible with surrounding areas		0	1	-1	-1
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE					
bulk / scale less than or equivalent to surrounding areas		0	3	-2	-6
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS					
proposed materials equivalent to existing surrounding structures		0	2	-2	-4
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					
no rooftop equipment or vents		2	1	-2	-2
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					
no on-site waste containers		2	3	0	0
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.					
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					
approved landscaped buffer between homes and all streets / roads / highways		2	2	0	0
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			

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LANDSCAPED BUFFERS - INDUSTRIAL					
approved landscaped buffer from public roads	0	3	-1	-3	
minimal landscaped buffer, but compensates with expanse of land	-1				
no landscaped buffer from public roads	-2				
Local Economic Development					
RIGHT TO FARM					
does not limit existing agricultural uses / does not cause nuisance, predation	0	3	-1	-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					
no viable impact on existing industrial uses by residential development	0	3	0	0	
potential impact but can be mitigated	-1				
potential impact on existing industrial uses with no mitigation	-2				
DIVERSIFICATION					
creates >=5 full-time, year-round jobs outside of recreation / resort sector	2	5	1	5	
creates full-time, year-round and seasonal jobs	1				
creates seasonal jobs only	0				
Site Planning, Design, Occupancy					
RESIDENTIAL PRIVACY					
privacy provided by structural design, or not applicable	2	2	-1	-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					
uses / functions are compatible or not applicable	2	3	1	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				
Commercial Development					
DEVELOPMENT PATTERNS					
clustered development / sharing of parking, signs, ingress, egress, or not applicable	2	3	0	0	
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				

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DEVELOPMENT BUFFERING					
approved and effectively designed landscaped buffers between structures and all roads	2	3	-1	-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				
Services - Capacity and Access					
TRAFFIC					
no impact or insignificant impact on current traffic flows	0	2	-1	-2	
traffic flow increases expected but manageable using existing roads and road accesses	-1				
traffic flow increases exceed current road capacities	-2				
EMERGENCY SERVICES					
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					
greater than 50 ft. right-of-way	1	5	-1	-5	
50 ft. right-of-way	0				
40 ft. right-of-way	-1				
less than 40 ft. right-of-way	-2				
Internal Improvements					
WATER SYSTEM SERVICE					
central water system meeting DNR requirements for capacity, storage, design, etc.	2	3	1	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					
fire hydrant system throughout development with adequate pressure and flow	0	5	0	0	
fire hydrant system with limited coverage	-1				
no fire hydrant system	-2				
PEDESTRIAN CIRCULATION INFRASTRUCTURE					
paved and dedicated walkways (no bicycles) provided throughout development	2	4	-1	-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				

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PEDESTRIAN SAFETY					
separation of pedestrian walkways from roadways by landscape or structural buffer	2	2	0	0	
separation of pedestrian walkways from roadways by open land buffer	1				
pedestrian walkways abut roadways with no buffering / protection	0				
BICYCLE CIRCULATION					
dedicated / separate bike-ways with signage, bike racks, trails	2	1	0	0	
bicycle lanes shared with pedestrian walkways but separated by markings / signs	1				
no designated bike-ways	0				
UNDERGROUND UTILITIES					
all utilities are provided underground up to each building / structure	2	4	1	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				
Open-Space Density					
USABLE OPEN SPACE					
residential developments (>25 units) include more than 25% open recreational space	2	2	-1	-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				
Solid Waste Disposal					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY					
weekly service is available and documentation of availability provided	0	5	-1	-5	
weekly service reportedly available but not documented	-1				
centralized, on-site trash collection receptacles available	-2				
SOLID WASTE DISPOSAL SERVICE COMMITMENT					
restrictive covenants provide for weekly disposal for each occupied structure	0	5	-1	-5	
services available but not a requirement documented in covenants	-1				
not applicable / no pick-up service provided	-2				

Total Weighted Score= -49

Maximum Possible Score= 93

Actual Score as Percent of Maximum= -52.7%

Number of Negative Scores= 19

Negative Scores as % of Total Score= 54.3%

Scoring Performed by:

Jonathan Coxie

Date:

September 10, 2008

Western District Relative Policies: Division III Permit

Project: Highway 65 Multi-Use Project

Permit:

	Max. Possible	As Scored			
Scoring	93	-49	Total Negative Scores	19	20.4%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	21	-10	4	50.0%
sewage disposal	10	5		
off-site nuisances	0	-5		
diversification	10	5		
emergency services	0	0		
right-of-way / roads	1	-5		
emergency water supply	0	0		
waste disposal service	0	-5		
waste disposal commitment	0	-5		
Importance Factor 4	16	-8	2	50.0%
slopes	0	0		
use compatibility	0	-8		
pedestrian circulation	8	-4		
underground utilities	8	4		
Importance Factor 3	36	-12	5	45.5%
soil limitations	0	0		
building bulk / scale	0	-6		
waste containers screening	6	0		
outdoor equip storage	6	-3		
industrial buffer / screening	0	-3		
right to farm	0	-3		
right to operate	0	0		
mixed-use developments	6	3		
development patterns	6	0		
development buffering	6	-3		
water system service	6	3		
Importance Factor 2	16	-16	6	75.0%
wildlife habitat and fisheries	0	-2		
air quality	0	-4		
building materials	0	-4		
residential buffer / screening	4	0		
residential privacy	4	-2		
traffic	0	-2		
pedestrian safety	4	0		
usable open space	4	-2		
Importance Factor 1	4	-3	2	66.7%
lot coverage	0	-1		
rooftop vents / equipment	2	-2		
bicycle circulation	2	0		

Scoring by: Jonathan Coxie
Date: September 10, 2008

BEFORE THE BOARD OF ADJUSTMENT
TANEY COUNTY, MISSOURI

IN RE THE APPEAL OF:)
)
HOLLY PERRYMAN,)
)
Appellant,)
)
VS.)
)
TANEY COUNTY ZONING AND)
PLANNING COMMISSION,)
)
Appellee.)

APPELLANT'S LIST OF WITNESSES AND EXHIBITS

The Appellant, Holly Perryman, submits her list of witnesses and exhibits as follows:

Witnesses

1. Sarah Klinefelter - Appellant requests that this witness be summoned and required to attend the hearing.
2. Holly Perryman

Exhibits

The Appellant requests that the entire file kept by the Planning and Zoning Commission be available to these Commissioners at the hearing. This file should include, but not be limited to, the Applications f or Concept submitted by Missouri Partners, Inc., starting with the application dated 2-25-08, the minutes of the hearings and meeting beginning 3-17-08 through the

meeting on 8-18-8, the Commission's reasons for re-hearing the Application, the Commission's Final Decision regarding the 2nd Application for Concept, the Commission's Development Code and By-Laws and Missouri Partners, Inc.'s initial appeal to this Board.

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405-684-8509
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CERTIFICATE OF SERVICE

This is to certify that on the 8th day of October, 2008, a true and correct copy of the above and foregoing Appellant's List of Witnesses and Exhibits was delivered by fax to the Appellee at the County Commissioner's Office.

Deborah M. Doyle



BOA Holly Perryman

