



## 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, FEBRUARY 15, 2012, 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 Hearing:

*The Legends of Branson Creek Property Owners Association*

#### Review and Action:

*Minutes, January 2012*

#### Old and New Business:

*Possible revisions to the Bylaws*

#### Adjournment.



**TANEY COUNTY BOARD OF ADJUSTMENT  
VARIANCE STAFF REPORT  
P.O. Box 383, Forsyth, MO 65653 (417) 546-7226**

**HEARING DATE:** February 15, 2012

**CASE NUMBER:** 2012-0001V

**APPLICANT:** Legends at Branson Creek Condominium Association

**LOCATION:** The subject property is located on Legends Lane and Legends Circle off of Branson Creek Boulevard; Scott Township; Section 27, Township 22, Range 21.

**REQUEST:** The applicant, the Legends at Branson Creek Condominium Association is requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) and Section 5.3.1 (Lot Size and Frontage Requirements) of the Taney County Development Guidance Code.

**BACKGROUND and SITE HISTORY:**

The subject property consists of ten (10) units held in condominium style ownership within the Legends at Branson Creek Development. The Legends at Branson Creek Development (Permit # 2004-0020) was approved by the Taney County Planning Commission on May 17, 2004, authorizing the development of 59 dwelling units for medium density residential use, to be held in condominium style ownership. The ten (10) units in question have been constructed and are being held in condominium style ownership, with the lot area being maintained by the Condominium Association as common space.

In September 2011 Branson Development, LLC sought to replat the Legends at Branson Creek as a 43 lot residential subdivision to be held in individual lot ownership, with the submission of a Replat of the Legends at Branson Creek, renamed The Pinnacle at Branson Creek. On September 20, 2011 the Planning Administrator sent a letter to the applicant indicating that upon review of the Final Plat of The Pinnacle at Branson Creek (a Replat of the Legends at Branson Creek) that it was found that the plat did **not** comply with the provisions of the Taney County Development Guidance Code because the required road right-of-way width for residential subdivision roads shall be 50 feet and the required cul-de-sac width shall be 100 feet. The Final Plat was amended including only those areas of the subdivision that had not already been plated as a part of the condominium style development, as indicated on the attached copy of the Final Plat of The Pinnacle at Branson Creek. The Pinnacle at Branson Creek (39 Residential Lots) was signed by the Planning Department and filed with the Taney County Recorder of Deeds office.

On December 31, 2011 the Board of Adjustment heard a variance request from Branson Development, LLC seeking a variance from Section 5, Section 11.1.7, Section 11.2.8 and Appendix L of the Taney County Development Guidance Code regarding the 50 foot road right-of-way and the 100 foot cul-de-sac right-of-way requirements, for a portion of Legends Lane and Legends Circle. With all five Board members present, the Board of Adjustment voted unanimously to approve the



variance request. The Board was unanimous in the belief that the application of Section 5, Section 11.1.7, Section 11.2.8 and Appendix L of the Taney County Development Guidance Code regarding the 50 foot road right-of-way and the 100 foot cul-de-sac right-of-way requirements of the Taney County Development Guidance Code would result in peculiar and exceptional difficulties upon the owner of the property, because of the previous platting of the property in question. Approval of the variance allowed for the remaining portion of the Legends at Branson Creek to be replatted with a portion of the access being provided by the existing 22 foot wide right-of-way and/or substandard cul-de-sac right-of-way width. The variance also allowed a portion of the right-of-way to be 36 feet in width.

The Legends at Branson Creek Condominium Association is now requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) and Section 5.3.1 (Lot Size and Frontage Requirements) of the Taney County Development Guidance Code in order to allow for the replating of the 10 existing condominium units as Pinnacle II at Branson Creek. Please refer to the attached variance summary spreadsheet for all of the specific setback, road frontage and minimum lot size variances being requested. The owners are wishing to dissolve the condominium association and become a part of the subdivision.

### **GENERAL DESCRIPTION:**

The applicant, the Legends at Branson Creek Condominium Association is requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) and Section 5.3.1 (Lot Size and Frontage Requirements) of the Taney County Development Guidance Code on the ten lots that have already been built upon.

### **REVIEW:**

In Taney County it has been generally accepted practice to allow for the plating of a condominium style ownership development with lots that do not necessarily meet the setback, road frontage and / or minimum lot size requirements because each of the lots is held by the condominium association as common property. Therefore, as the condominium units were completed within the Legends at Branson Creek, upon the issuance of Certificates of Compliance, each of the condominium units and the common areas maintained by the Condominium Owners Association were platted. The applicant is requesting a variance in order to allow the remaining ten units (which have been constructed) within the Legends at Branson Creek to be replatted as lots within the replat of the Legends at Branson Creek to be known as The Pinnacle II at Branson Creek.

### **STATUTORY REQUIREMENTS OF APPROVAL:**

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 variance request, the following requirements shall apply, unless revised by the Board:

1. Approval of a series of variances from Section 9, Table 1 (Property Line Setbacks) and Section 5.3.1 (Lot Size and Frontage Requirements) of the Taney County Development Guidance Code for Lots 1, 2, 3, 4, 5, 6, 8, 9, 13 and 14 of the Legends at Branson Creek. The approved variances for each lot have been enumerated below:

Existing Condominium Lots Legends at Branson Creek	Front Setback Variance	Side Setback Variance	Road Frontage Variance	Lot Size Variance Sq. Ft.
Lot 2	5.8'	4.2'	21.36'	
Lot 3	2.6'	4.1'	19.72'	
Lot 4		1.0'	14.25'	
Lot 5	0.9'	1.7' & 1.2'	42.53'	
Lot 6	14.9'		8.90'	
Lot 8			8.83'	
Lot 9	0.1'			
Lot 13	9.5'	0.4'	7.90'	675
Lot 14	19.6'	2.7'	9.02'	1,892

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 of the Taney County Development Guidance Code).

# Legends at Branson Creek Condominium Owners Variance Summary

Existing Condominium Lots Legends at Branson Creek	Existing Front Setback	Front Setback Variance Requested	Existing Side Setback	Side Setback Variance Requested	Existing Road Frontage	Road Frontage Variance Requested	Existing Lot Size Sq. Ft.	Lot Size Variance Requested
Lot 1	31.4'		30.6' & 8.2'		79.5'		15,458	
Lot 2	19.2'	5.8'	8.3' & 2.8'	4.2'	48.64'	21.36'	8,802	
Lot 3	22.4'	2.6'	9.0' & 2.9'	4.1'	50.28'	19.72'	8,089	
Lot 4	26.4'		8.9' & 6.0'	1.0'	55.75'	14.25'	13,372	
Lot 5	24.1'	0.9'	5.3' & 5.8'	1.7' & 1.2'	27.47'	42.53'	10,141	
Lot 6	10.1'	14.9'	7.3' & 7.5'		61.10'	8.90'	9,878	
Lot 8	27.1'		9.7' & 11.0'		61.17'	8.83'	8,891	
Lot 9	24.9'	0.1'	11.0' & 15.6'		75.20'		9,901	
Lot 13	15.5'	9.5'	6.6' & 11.2'	0.4'	62.10'	7.90'	7,325	675
Lot 14	5.4'	19.6'	4.3' & 10.7'	2.7'	60.98'	9.02'	6,108	1,892

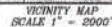




THE N1/2 OF THE SE1/4 OF  
SECTION 27, TOWNSHIP 22 NORTH, RANGE 21 WEST  
OF THE 5th PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI  
OWNED AND DEVELOPED BY  
BRANSON CREEK DEVELOPMENT, LLC

CURVE #	LENGTH	RADIUS	DELTA	ONE MI MU.	ONE DIST.
C1	47.35'	40.00'	67°49'05"	X 5.32°52'2" E	44.65'
C2	76.28'	40.00'	23°19'21"	S 29°35'08" W	10.12'

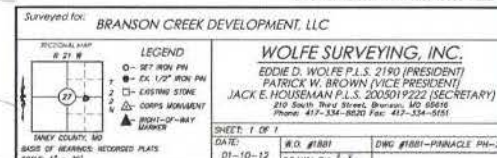
= EXTRA R/W DEDICATED FOR ROAD PURPOSES



LEGEND	WOLFE SURVEY
--------	--------------

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.

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











TANEY COUNTY BOARD OF ADJUSTMENT  
APPLICATION and AFFIDAVIT  
FOR VARIANCE OR APPEAL

12-1

(Circle one)

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

PLEASE PRINT

DATE 01-09-12

Applicant Legends At Branson Creek Condominium Assoc Phone 417-294-3908

Address, City, State, Zip 140 Legends Circle Hollister, Mo. 65672

Representative Eddie Wolfe Phone 417-334-88-20

Owner of Record Legends At Branson Creek Association Signature: Paul Katz

Name of Project: Pinnacle

Section of Code Protested: (office entry) \_\_\_\_\_

Address and Location of site: Legends LN

Subdivision (if applicable) Legends

Section 27 Township 22 Range 21 Number of Acres or Sq. Ft. 1.80 acres

Parcel Number 17-8.0-27-000-000-011.100

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

Required Submittals:

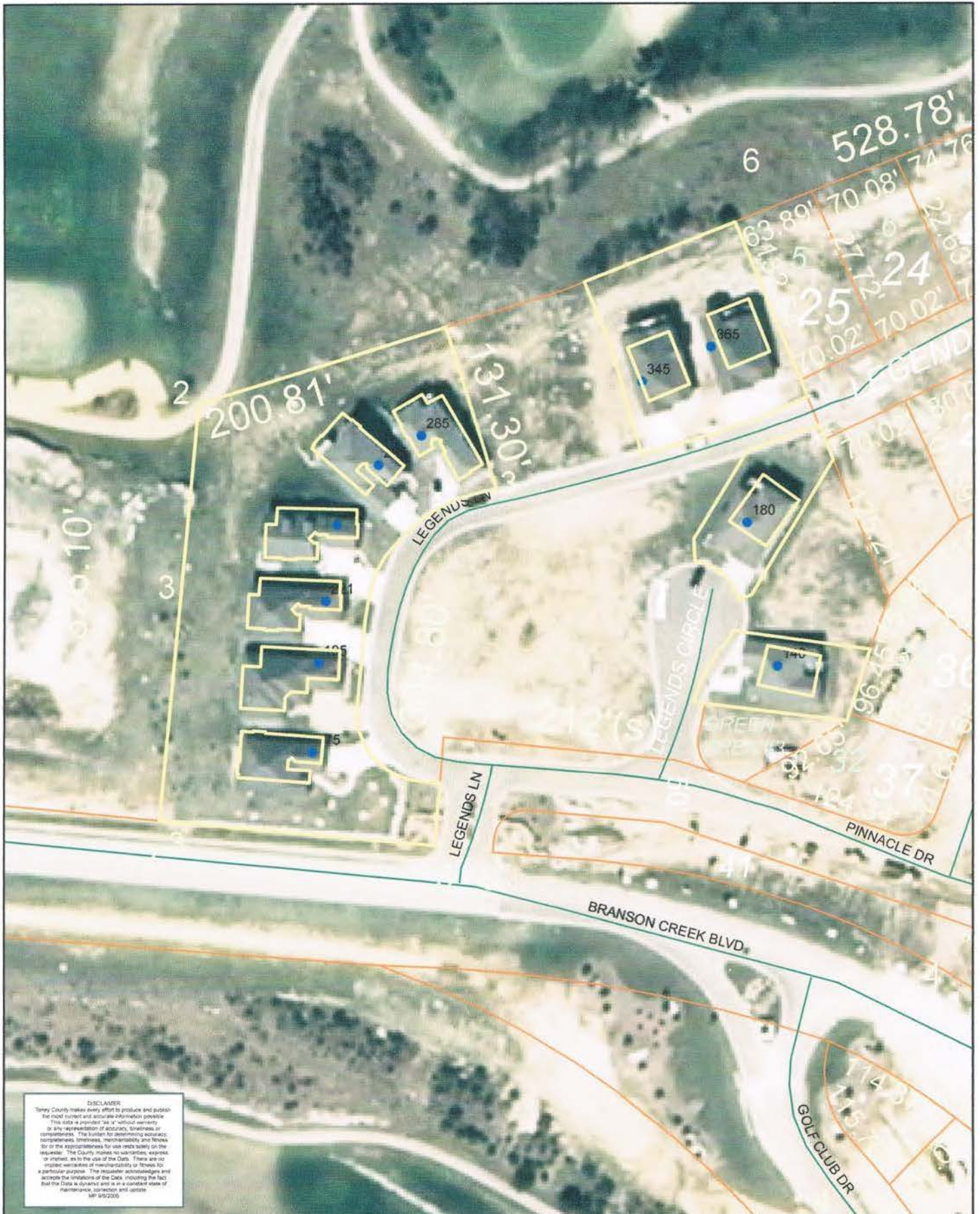
- ☐ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch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

Property is platted into 10 condominium units and developer lost project to bank. Branson creek bought remaining property and platted it as the Pinnacle. The owners are wanting to become part of the subdivision and do away with condo Association. They need variance for setbacks road frontage and street width. All of the owners want this to happen. They can't keep up the grounds with such a small group of owners. Also Lots 13 & 14 can't meet the 5,000 sq ft size.









## 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)

### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JANUARY 18, 2012, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Establishment of Quorum:

A quorum was established with four members present. They were, Dave Clemenson, Bob Hanzelon, Dave Nelson, and Tom Gideon. Staff present, Bob Atchley, Scott Starrett and Bonita Kisse.

#### Election of 2012 Officers:

Chairman; Mr. Clemenson entertained nominations. Mr. Hanzelon nominated Dave Clemenson. Tom Gideon seconded. The vote to elect Mr. Clemenson Chairman was unanimous.

Vice-Chairman, Mr. Clemenson entertained nominations for Vice-Chairman. Tom Gideon nominated Bob Hanzelon. Dave Nelson seconded. The vote to elect Mr. Hanzelon Vice-Chairman was unanimous.

#### Call to Order:

Mr. Atchley read a statement explain the meeting procedures and placed the Taney County Development Guidance Code 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.

The Chairman swore in the speakers before each hearing.

#### Public Hearings:

Jeffery Bourk; a request for a variance from Section 9, Table 1 (property line setbacks) of the Taney County Development Guidance Code. The applicant is planning to subdivide Lot 6 into two separate lots containing two single-family residences, requiring a variance from the side setback areas. Mr. Atchley read the staff report, and presented pictures and a video of the site. Mrs. Bourk explained the reason for the request was that they wanted to put the smaller house in their daughter's name. Mr. Gideon asked how the space between the houses was arrived at. Mr. Jack Houseman representing the applicant explained that there is a deck on the other house on that



side. After discussion Dave Nelson made a motion to approve based upon the decision of record. Tom Gideon seconded. The vote to approve was unanimous.

Judith Haun; a request for an appeal of the Planning Commission denial of a special use permit requesting to utilize an existing, grandfathered, single-family residence for nightly rental located at 798 Parkview Dr. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Hanzelon pointed out the discrepancy in the case number. On the video it does not match the case number on the staff report. Tammy Taylor, daughter of Mrs. Haun addressed questions from the Board. She stated that the denial was based on the property being residential, and that the area is not totally residential. Mr. Hanzelon asked if the property in question was classified as residential. Mr. Atchley stated that it is. Ms. Taylor pointed out Vickery Resort, Rock View Resort, and various other nightly rentals in the neighborhood. Mr. Hanzelon asked Ms. Taylor in her opinion if the Planning Commission made an error in law. Ms. Taylor stated that she didn't think so, but that the area is not totally residential. Mr. Clemenson pointed out that on page 21 of the Code book describes nightly rental. Carolyn Maxwell who lives in the neighborhood, was concerned that because the owners don't live there the property would not be taken care of. She also voiced concerns with, property values, private restrictions, and noise. Tom Rankin who also lives in the neighborhood is not in favor of the request because of incompatibility to the surrounding area. Mr. Gideon asked about special use permits and if they require the same compliance letters as any other approvals. Mr. Atchley stated that they do. Mr. Clemenson pointed out another denial on Parkview Dr. After discussion a motion was made to deny the appeal by Mr. Hanzelon. Tom Gideon seconded. The vote to deny was unanimous, with the Chairman voting in favor of denial as well.

Branson Sports Entertainment Complex; a rehearing of Condition #4 Decision of Record Division III Permit #11-16 in order to modify this specific condition placed by the Planning Commission regarding the issuance of Certificates of Conformance. The applicant would like to be able to install the infrastructure on each phase and be issued a C of C at that time. Tom Gammon speaking on behalf of BSEC addressed the request and stated that this would place a hardship on the developer. The developer would like to place their offices and storage facilities first, to be able to begin construction. He pointed out that for each building a Division II Permit is required. A timeline for each phase of construction was presented by Mr. Gammon. In Mr. Gammon's opinion, issuance of a C of C for each building would be better documented. Mr. Clemenson asked if this information had been presented to the Planning Commission. Mr. Gammon stated that it had not.

Eddie Coxie who lives on Fruit Farm Road pointed out some sections of the Code which addressed, property values, public improvements, density, and compatibility. He also pointed out off site nuisances on the policy checklist. He explained that the Planning Commission voted to approve the project and gave certain items to comply with, and in his opinion should be left in place. Mr. Hanzelon discussed with Mr. Coxie additional



infrastructure, and how issuing a c of c for each one would be detrimental. Mr. Coxie stated that the decision of record is all inclusive, not individual.

Robert Stockdale, representing BSEC spoke in favor of the request and explained all the BSEC was asking for is just to make the sequence of the infrastructure and permitting occur at the same time. Discussion followed regarding phasing. Mr. Clemenson asked Mr. Stockdale in his opinion for his interpretation of the original decision of record. He stated simply one infrastructure at a time. Mr. Hanzelon pointed out the road and when it would be constructed.

Tony Espey, another property owner asked if #4 was granted how or if it would affect #3, and if upon the first race would everything would have to be done. Mr. Nelson stated that it would. Mr. Espey asked if all the sewer, water, etc. would have to be in for each structure. Mr. Atchley stated that it would. Mr. Espey discussed the requested interchanges with MoDot and if Hwy. 65 would be safe if the interchange was constructed. He asked if the appeal is granted, where was the Planning and Zoning error in law? Mr. Nelson stated that a certain volume of traffic must be present before a new interchange will be constructed.

Stacy Whitfield read from the Master Plan regarding objective 1, compatibility with residential neighborhoods, buffering, and traffic control. She stated that the traffic has increased with people just looking for the project. Ms. Whitfield presented a copy of a judgement.

Brian Wade representing Big Cedar stated that he is not in favor of the reconsideration of the decision of record. He doesn't feel phasing is necessary, because the buildings requested aren't necessary if there is no racetrack. He pointed out that a timeline had already been presented for each building. He informed the Board that their job is to determine error of law. Mr. Wade referred to the letter the office received from Bill Morrow, and asked that the Board deny the appeal.

Paul Vozar addressed the Board. Mr. Clemenson asked Mr. Vozar if he spoke at the first Board of Adjustment meeting. Mr. Vozar stated that he did. He pointed out in his opinion how this project should be developed, and various other concerns.

Topper Glass attorney for BSEC stated that phasing is appropriate and should continue. Mr. Gammon addressed the questions brought forth by the public. He stated that they would not open without the proper infrastructure, and once they know how the Board votes they can proceed with various items of the decision of record including MoDot approval. He stated that in his opinion there is no better place in Taney County for this project. Mr. Gammon discussed Chapter 7 of the Code. He stated that they are not asking not to complete the infrastructure, they are asking to open the buildings as needed. Mr. Clemenson asked if they will build a 65,000 seat stadium at first. Mr.



Gammon stated that no, they would begin with a smaller stadium, 25,000 to 40,000 seats.

Public input was closed at this time. Mr. Hanzelon commented on phasing of infrastructure, and that in his opinion all the infrastructure should be in at first. Mr. Nelson stated that isn't the only way to do it, and by the time the track would open everything will be in. Discussion followed regarding the interchange, financing, and phasing infrastructure. Mr. Atchley reported that at the time the staff proposed the item, that each Division II Permit required the appropriate infrastructure and before the C of C is issued. Mr. Gideon pointed out that before the track would open all the infrastructure would be in. Mr. Hanzelon posed the question what if the developer at one point could not comply and wanted to make sure each phase could stand on it's own. Mr. Nelson made a motion to amend the decision of record to build the project in phases and obtain permits as needed for each phase, and infrastructure shall be in place for each phase. Motion seconded by Tom Gideon. The vote to approve the motion was three in favor and the Chairman voting against.

Branson Sports Entertainment Complex; a rehearing of Condition #9 of the Decision of Record Division III Permit #11-16 in order to modify this specific condition placed by the Planning Commission regarding decibel readings. Mr. Clemenson asked Mr. Atchley how the current decibel readings were arrived at. Mr. Atchley explained the test was conducted at another race track with different topography. Mr. Gammon explained the reason for the request. In order for decibels to be measured a scale must be defined and in his opinion this test was not defined. He stated that in his opinion the Planning Commission erred in going by the sound study completed for Emory Creek. Emory Creek was approved at 83 decibels on 6 cars on a track with residences further away. Mr. Gammon continued to give examples of number of cars, decibels, topography, how often peak noise would occur, and how far away each was to each other. Mr. Gammon stated that the reason the track was placed where it is was to mitigate noise and be a good neighbor. He stated that this item would place a hardship on them in that they do not know what 68 decibels means because it cannot be measured as it is. Mr. Clemenson stated that the Planning Commission has no legal right to impose a fine per legal counsel. The BSEC can volunteer to impose the fine. Mr. Clemenson pointed out a sound study presented to the Planning Commission the day of the hearing. Mr. Atchley reported that the two studies were taken into consideration by the Planning Commission.

Tony Espey asked how the PC made an error in law. Mr. Clemenson stated that the scale of decibels. Mr. Espey reported on a discussion with Mr. Gillum and A and C scales. He also stated that in his opinion the A scale should be used and what it should be. Mr. Clemenson reported that there were no ordinances governing fines imposed, therefore making enforcement of fines unlawful to impose by the Boards. Mr. Hanzelon stated that most municipalities use the A scale to measure sound.



Ms. Whitfield commented on the location of the motorcross track, and how close it is to her home. She took a measurement from her home, and reported that 80 decibels was damaging to hearing, and referred to the master plan. In her opinion, her home will be ruined because of the noise.

Brian Wade gave a rebuttal regarding Mr. Gammon's statement. He suggested adding an A after the db on the 68. He pointed out that Mr. Gammon stated that they have evidence that their sound levels would exceed 68 dba, this being the reason for the request to change it. He stated that there was no error of law committed in this case, in his opinion. Discussion followed regarding the reports being valid. Mr. Wade suggested the developer request a variance on that issue if the sound levels exceed the original decision of record.

Tammy Pascoe, questioned that if there are four sound stations why get rid of one, and is the sound level measured per event. Mr. Hanzelon answered it was hours of operation. She asked if a closing time could be added.

Paul Vozar addressed the sound study by stating the cars would be louder than reported. Mr. Jaekel who did the sound study for BSEC explained how their data was arrived at. He reported the reason they wanted to use three out of four monitoring stations was due to meteorologic conditions. Mr. Nelson asked how close their data would be to this site. Mr. Jaekel answered basically as close as it could be considering atmospheric conditions. Mr. Hanzelon clarified what Mr. Jaekel said. Discussion followed. Mr. Nelson asked at what level hearing damage would occur. Mr. Jaekel stated that according to OSHA standards, more than 90 dba would require ear protection ear protection. He also discussed perception of sound, and day night noise level. Mr. Hanzelon asked if raising the ambient sound level would be a way to handle it. Discussion followed. Mr. Nelson asked what the noise level was of the airport. Mr. Jaekel did not know. Mr. Hanzelon asked if crowd noise was included in the study. Mr. Jaekel stated that it wasn't, but in taking the sound levels of the cars the crowd was mixed in. Mr. Gammon referred to the last paragraph sound study provided to the Planning Commission in the beginning, and that 68 dba was not mentioned. He also referred to the Emory Creek Project and it was given 83 decibels. In his opinion, you don't get the benefit of racing with out the sound. Mr. Gammon pointed out again the horsepower range. Mr. Clemenson discussed the study presented previously, and the range with Mr. Gammon, who pointed out that Emory Creek was granted a higher dba rate with smaller track and smaller cars than this facility. Discussion followed.

Public input was closed. Mr. Nelson discussed why 83 dba was good for one but not good for the other. Mr. Clemenson stated that one case doesn't constitute a precedence. Mr. Hanzelon didn't want to increase the 68 dba. Mr. Nelson couldn't imagine how the 68 dba would sound. Mr. Clemenson asked for a motion. Mr. Hanzelon gave an example of a case in Lincoln, NB on a drag racing track. Mr. Clemenson made a motion to deny the request for reconsideration. No second. Motion died. Mr. Nelson



stated that the measurement should be addressed. Mr. Gideon discussed how the dba is set up now, and if they leave it as is, the fine is voluntary. Mr. Hanzelon read the condition. Mr. Nelson made a motion to use dba as a scale to measure, and raise dba from 68 LEQ to 73, L max peak reading added to original decision of record #9. Seconded by Bob Hanzelon. The vote to approve the change was three in favor and the Chairman voted no.

Review and Action:

Minutes; With no changes or additions, Dave Nelson made motion to approve the minutes as written. Tom Gideon seconded. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported that there is one item on the agenda for next month. Staff will notify the Board of the Planning Commission meetings in February.

Adjournment:

With no other business on the agenda for Wednesday, January 18, 2012 the meeting adjourned at 10:54 p.m.