



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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

### AGENDA TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, APRIL 17, 2017, 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, March 2017*

#### Final Votes:

*133 N. Tuscany Dr. Vacation Rental  
360 Lone Pine Nightly Rental  
Western Taney County Fire Protection District  
Reese Nightly Rental  
Essential Therapeutic Massage  
Deer Crossing Nightly Rental*

#### Concepts:

*180 Legends Circle Nightly Rental  
Shabby Chic & Junktique  
The M Nightly Rental  
136 Monte Cristo Nightly Rental  
110 N. Tuscany Nightly Rental  
Bristol Road Vacation Rental  
226 Stoney Pointe Dr. Nightly Rental  
Lee's Secret Garden Nightly Rental*

#### Old and New Business:

*Tentative*

#### Adjournment.



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**MINUTES  
TANEY COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
MONDAY, MARCH 13, 2017, 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 eight members present. They were: Steve Adams, Dave Stewart, Doug Faubion, Rick Caudill, Brad Lawrence, Randy Haes, Howard Kitchen, and Randy Fogle. Staff present: Scott Starrett and Bonita Kisse-Souttee.

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

### Final Vote:

A vote was taken on a project previously tabled at the last meeting because no representative was present. 177 N. Tuscany Nightly Rental was discussed with Luanne Danner representing Nancy Klein. Mr. Starrett clarified the request. With no discussion a motion was made by Mr. Lawrence to approve based upon the decision of record. Seconded by Mr. Haes. The vote was three in favor of the motion and four opposing, with the Chairman not voting. The project was not approved. Mrs. Danner questioned the vote and pointed out that at the last meeting the Planning Commission voted to approve the other requests which were exactly the same as this one. Mr. Faubion stated that he was not at the last meeting and explained his reason for voting against the approval. Discussion followed.

### Public Hearings:

167 N. Tuscany Nightly Rental; a request to operate a nightly rental from a single family residence located at the Villas of Fieldstone at Branson Creek Development. No one was present to represent the request. Mr. Stewart made a motion table until the end of the meeting. Seconded by Mr. Lawrence. The vote to table until the end of the meeting was unanimous. The applicant did not appear before the end of the meeting. Mr. Stewart made a motion to postpone until next month. Mr. Lawrence seconded. The vote to postpone was unanimous.

National Enzyme; a request for the expansion of the National Enzyme Co. manufacturing facilities located on the adjacent property to the east off Austin Street. Mr. Starrett read the staff report and presented maps and pictures of the site. The project was represented by Charles Amidon and Kim Crouse. Discussion followed

regarding parking and other uses of the property. Mr. Starrett stated that there is an open permit for a large structure on the property. Mr. Haes discussed number of parking spaces which will be approximately 100, and how big the delivery trucks will be. Mr. Stewart discussed the cul-de-sac. Mr. Fogle discussed stormwater runoff which will be in the form of a retention pond. With no other discussion this project will proceed to final vote next week. No one from the public signed up to speak.

764 Jones Road Nightly Rental; a request for the construction of a single family dwelling with attached guest house to be operated as a nightly rental. Mr. Starrett read the staff report and presented maps and pictures of the site. Gary McSpadden representing the project addressed questions from the board. Mr. Faubion asked if this property was in a subdivision; Mr. McSpadden stated that it was not and that he talked to the closest neighbor who did not have a problem with this use. With no other questions or discussion this project will proceed to final vote next week.

127 N. Tuscany Nightly Rental; a request to operate a nightly rental from an existing single family residence located at the Villas of Fieldstone at Branson Creek Development. Mr. Glazer was present to address questions from the Commission. Mr. Faubion asked if the other part of the structure was nightly rental or a permanent structure. Mr. Glazer stated that it was permanent. He and his wife purchased the structure as a nightly rental and he and his wife stay there about 15% of the time. They are very careful about who they rent to according to Mr. Glazer. Karen Murphy signed up to speak against the request. She stated that in her opinion plans for parking were not turned in to the office. She continued to state various errors in her opinion by the staff and Commission regarding procedure and interpretation of the Code. Mr. Murphy who lives in the neighborhood opposing the request asked if any of the Planning Commission had driven through their neighborhood. They answered that they have. He pointed out the other nightly rentals in the neighborhood. He asked how many complaints needed to be filed before a permit can be revoked. Mr. Stewart answered the question that the request must proceed through the process until it goes to the prosecutor's office. Mr. Starrett explained how the enforcement process works. Mr. Faubion asked Mr. Murphy in his opinion who he thinks is responsible for the "mess out there". Mr. Murphy stated the developer and the organization he operates. Mr. Faubion stated that this puts the Planning Commission in a real quandary and that in his opinion it is not their problem to fix. Discussion followed between the applicant and the room. Lisa Aguirre discussed the Tim Mahoney letter and stated that in her opinion what happened in the past doesn't matter. She stated that the property owners were not told there would be nightly rentals in that subdivision. She criticized the way the Planning Commission does their business and how the projects have been approved or denied. Ms. Aguirre reported on the fire district meeting regarding the nightly rentals. Mrs. Murphy was allowed to speak again. She also criticized the staff and Planning Commission, and reported on when the nightly rentals started happening in her neighborhood. Mr. Starrett clarified what the 120 days meant, and what a certificate of conformance is. Mr. Glazer explained that he has a maintenance person locally. Mr.

Kitchen asked if he has a sales tax receipt, Mr. Glazer stated that he does. He has been operating this nightly rental for 10 years. Another property owner stated that in his opinion one property owner started renting and the others followed. In his opinion the occupancy rule should be followed. With no other discussion this project will proceed to final vote next week.

Old and New Business:

Mr. Caudill discussed National Enzyme, the Division II Permit and Landgrading permit.

Adjournment:

With no other business on the agenda for March 13, 2017 the meeting adjourned at 7:18 p.m.



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**MINUTES  
TANEY COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, MARCH 20, 2017, 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE**

**Call to Order:**

Vice-Chairman Dave Stewart called the meeting to order at 6:00 p.m. A quorum was established with five members present. They were; Dave Stewart, Rick Caudill, George Cramer, Randy Fogle, Doug Faubion. Staff present; Scott Starrett and Bonita Kisse-Souttee.

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

**Review and Action:**

Minutes, February 2017; with one correction to page three paragraph 1 a motion was made by Mr. Caudill to approve the minutes as written. Seconded by Mr. Fogle. The vote to approve the minutes was unanimous.

**Final Votes:**

167 N. Tuscanly Nightly Rental; a request to operate a nightly rental business at Branson Villas. This request was withdrawn.

National Enzyme Co.; a request to extend the existing business to adjoining property after purchase, accessed from Austin Street. Mr. Starrett clarified the request and presented the proposed decision of record. The representative was present. A motion was made by Mr. Cramer to approve based upon the decision of record. Mr. Caudill seconded. Mr. Faubion stated that he thought this business was a plus to this side of the county. The vote to approve was unanimous.

764 Jones Road Nightly Rental; a request by GCS Properties LLC to operate a nightly rental business. Mr. Starrett clarified this request and presented the proposed decision of record. Mr. McSpadden was present. With no questions a motion was made by Mr. Faubion to approve based upon the decision of record. Seconded by Mr. Cramer. The vote to approve was unanimous.

127 N. Tuscany Drive Nightly Rental; a request by Roy and Jane Glazer to operate a nightly rental business from an existing structure. Mr. Starrett clarified the request and presented the proposed decision of record. Mr. Glazer was present. Mr. Caudill discussed the driveway with Mr. Glazer who stated that there is a flat spot up above for two additional cars and the garage is available for parking as well and they would not normally have more than two cars. Discussion also included the amount of time this property has been used as nightly rental. Mr. Faubion asked if there was something in writing legally stating this owner could use this property as a nightly rental. Mr. Glazer stated that yes he does. Further discussion ensued regarding management and amount of time the property is rented during the year. With no other discussion Mr. Caudill made a motion to approve based upon the decision of record. Mr. Cramer seconded. Mr. Fogle asked how many nightly rentals were on this street. Mr. Faubion asked if the property next door was a nightly rental. Mr. Glazer stated that she was in favor of his using this property as a nightly rental. There was further discussion. The vote was three in favor and one opposed for approval.

Concepts:

133 N. Tuscany Nightly Rental; a request by Jonathan S. George to operate a nightly rental from an existing single family dwelling located at Fieldstone Villas. The representative Jonathan George was present to explain his request. Mr. Starrett presented a map of the property. After discussion the hearing on this request was closed and will proceed to public hearing next month.

360 Lone Pine Road Nightly Rental; a request by Jackie C. Hughes to operate a nightly rental business from an existing single family dwelling located at Lot 20 Block 1 of Skyline Subdivision. Mr. Starrett presented a map of the property. The listing agent Leta Young was present to discuss the request. The Commission discussed making sure the new owner fills out a new application when it is purchased. Discussion followed regarding fire suppression, wastewater, number of bedrooms, and location of other nightly rentals in the area. After discussion the hearing was closed and this project will proceed to public hearing next month.

Western Taney County Fire Protection District Station 12; a request by the District to construct a fire station with living quarters for two families and three individuals with the station centered between the two living quarters with a duplex for the two families and a training room. The property is located off Windmill Road. Mr. Single and Mr. White were present to explain their plans. Mr. Starrett presented a map of the area. The Commission discussed location, the families living there will be firefighters, and proximity of the fire station to the neighborhood. After discussion the hearing was closed and this request will proceed to public hearing next month.

Reece Nightly Rental; a request by Robert Woolston to construct a single family dwelling for a vacation home with the option of using it as a nightly rental when not in use. The property is located at the corner of Majestic and Lenhart Roads. Mr. Starrett

presented a map of the property. Mr. Fogle discussed wastewater availability. After discussion this hearing was closed and the project will proceed to public hearing next month.

180 Legends Circle; a request by Adam Donyes to operate a nightly rental business at Lot 52 of the Pinnacles Subdivision. Mr. Starrett presented a map of the area. There was no one present to represent the project. A motion was made to table until the next concept hearing by Mr. Cramer. Seconded by Mr. Caudill. The vote to table was unanimous.

Essential Therapeutic Massage; a request by Steven Judd to operate a therapeutic massage business from a detached building located at 830 Beeler Road. This business has been in operation for 17 years inside the City limits of Hollister. Mr. and Mrs. Judd were present. Mr. Starrett presented a map of the area. Discussion included, signage, number of appointments in a day, and parking. With no other discussion this project will proceed to public hearing next month.

Deer Crossing Nightly Rental; a request by Branson Turkey Crossing to construct 6 log cabins to be used as a nightly rental business located off Jones Road. The representative explained the request. Mr. Starrett presented a map of the area. Discussion included permitted nightly rentals in the neighborhood, the property owner is the applicant, the driveway will be shared, and wastewater disposal. With no other discussion this project will proceed to public hearing next month.

Shabby Chic & Junktique; a request by Donna Tanka to construct a 24 x 36 building located at 22068 US Hwy. 160 for a flea market business. No representative was present. A motion was made by Mr. Cramer to table until the concept hearing next month. Seconded by Mr. Caudill. The vote to table was unanimous.

Old and New Business:

Discussion regarded permitting special use to the buyer of the property.

Adjournment:

With no other business on the agenda for March 20, 2017 the meeting adjourned at 7:18 p.m.

April 17, 2017



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#17-9

**APPLICATION FOR CONCEPT  
DIVISION III  
TANEY COUNTY PLANNING COMMISSION**

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

**NAME OF PROJECT:** 180 LEGENDS CIRCLE.

**NAME OF APPLICANT:** ADAM DONYES  
(Must be owner of record)

**SIGNATURE:** [Signature] **DATE:** 2/13/2017  
(Must be owner of record)

**MAILING ADDRESS:** 1393 LAKE SHORE DR. BRANSON, MO. 65616

**TELEPHONE:** 417.294.7444 **EMAIL:** adonyes@gmail.com

**Representative Information**

**NAME OF REPRESENTATIVE:** ADAM DONYES

**MAILING ADDRESS (rep.):** 1393 LAKE SHORE DR. BRANSON, MO. 65616

**TELEPHONE NUMBER (rep.):** 417.294.7444

CH- 4-17  
PH- 5-9  
FV- 5-15

## Property Information

ACCESS TO PROPERTY (street # and name): 180 LEGENDS CIR,  
HOLLISTER, MO. 65672

Number of Acres (or sq. ft. of lot size): 3,920 SQ. FT

PARCEL #: 17-80-27-000-000-011.017  
(This number is on the top left hand corner of your property tax statement)

SECTION: 27 TOWNSHIP: 22 NORTH RANGE: 21 W. OF THE 5TH  
PRINCIPAL MERIDIAN  
TANEY CO.

NAME OF SUBDIVISION (if applicable): PINNACLES

Lot # (if applicable) 52 BLOCK # \_\_\_\_\_

### WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other – Explain: \_\_\_\_\_

↳ NIGHTLY  
RENTALS





|   |                             |  |               |
|---|-----------------------------|--|---------------|
| <b>60052285</b>   | <b>Residential For Sale</b> | <b>Single Family</b>   | <b>Closed</b> |
| <b>Agreement Type:</b> Exclusive Right To Sell<br><b>County:</b> Taney<br><b>Subdivision:</b> Branson Creek/The Legends<br><b>Total Bedrooms:</b> 5<br><b>Baths - Total:</b> 4<br><b>Baths - Full:</b> 4<br><b>Baths - Half:</b> 0<br><b>Sign on Property:</b> No<br><b>Aprx Year Built:</b> 2007 |                             | <b>List Price:</b> \$350,000<br><b>Begin Date:</b> 05/09/20 16<br><b>Total SqFt:</b> 3,100<br><b>List Price Sqft:</b> 112.9<br><b>Total Finished SqFt (All Levels):</b> 3,100<br><b>Above Grade Fin SqFt:</b> 1,600<br><b>Above Grade UnFin SqFt:</b> 0<br><b>Below Grade Fin SqFt:</b> 1,500<br><b>Below Grade UnFin SqFt:</b> 0<br><b>Aprx Lot Size (Acres):</b> 0.09<br><b>Lake/River:</b> None<br><b>Waterfront/View:</b> None |               |
| <b>Elementary School:</b> Hollister<br><b>Middle School:</b> Hollister<br><b>High School:</b> Hollister   |                             | <b>Inside City Limits:</b> No<br><b>Foreclosure/Short Sale:</b> No   |               |

**Directions:** From Branson - Take 65S to Branson Creek; turn left into Branson Creek. Go 2.7 miles then turn left into Pinnacle

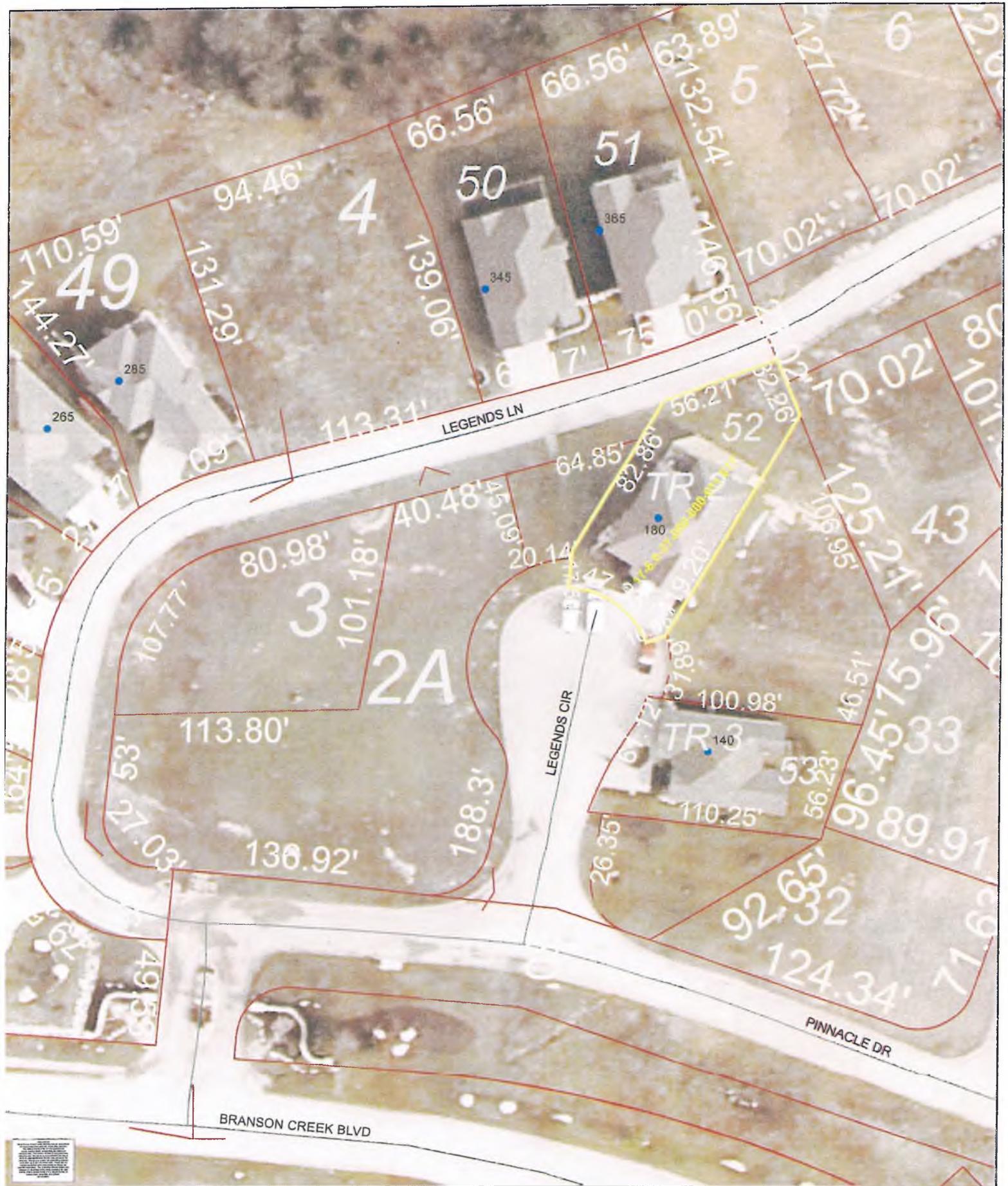
**Marketing Remarks:** Fully Furnished Legal Nightly Rental with a spectacular view of Buffalo Ridge Golf Course. Great Books! Two Decks to enjoy watching the Buffalo when they are on the ridge. New Finished Walk Out Basement with Two Master Suites.

| Room Name   | Room Level | Aprx Room Sizes  | Room Name | Room Level   | Aprx Room Sizes |
|---|------------|--|-----------|--|-----------------|
| <b>Features</b>   |            | <b>Construction &amp; Utilities</b>                                    |           | <b>Other</b>   |                 |
| <b>Basement Type:</b> Basement: Yes;<br>Full - Finished<br><b>View:</b> Golf Course; Mountain;<br>Panoramic   |            |  |           | <b>Tax Year:</b> 2015<br><b>Tax ID:</b> 17-8.0-27-000-000-011.017<br><b>Real Estate Tax:</b> 1,908<br><b>Vacation Rental:</b> Yes                            |                 |
| <b>Scott Starrett</b><br><b>Branson House Realty</b><br>192 Expressway Lane<br>Suite C<br>BRANSON, MO 65616<br>417-334-7653<br>scott@bransonhouse.com |            | <b>Property Sub-Type:</b> Single Family<br><b>Sign on Property:</b> No |           | <b>Financing:</b> Conventional<br><b>Price Disclosed:</b> Yes<br><b>Sold Price Sqft:</b> 108.06<br><b>Begin Date:</b> 05/09/2016<br><b>Cumulative DOM:</b> 0 |                 |

Information is deemed to be reliable, but is not guaranteed. © 2017 MLS and FBS. Prepared by Scott Starrett on Monday, March 13, 2017 3:24 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.



# 180 Legends Circle



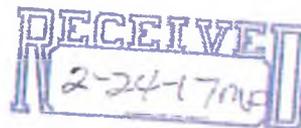
BRANSON MISSOURI  
CITY OF BRANSON  
MISSOURI  
PLANNING DEPARTMENT  
AERIAL PHOTOGRAPHY  
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#17-1a



APPLICATION FOR CONCEPT DIVISION III TANEY COUNTY PLANNING COMMISSION

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NAME OF PROJECT: Outpost Flea Market

NAME OF APPLICANT: DONNA TANKA (Must be owner of record)

SIGNATURE: [Signature] DATE: 2-24-17 (Must be owner of record)

MAILING ADDRESS: PO Box 1417 Forsyth MO 65653 215-2510

TELEPHONE: 717-211-1752 EMAIL:

Representative Information

NAME OF REPRESENTATIVE: SAME AS ABOVE

MAILING ADDRESS (rep.):

TELEPHONE NUMBER (rep.):

Handwritten notes: CH-8-20-17 4-17, PH-4-10-17 5-9, FV-4-17-17 5-15

## Property Information

ACCESS TO PROPERTY (street # and name): 22068 U8 Hwy 160

Number of Acres (or sq. ft. of lot size): 2 AC

PARCEL #: 10-50-15-000-000-020.000  
(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: 15 TOWNSHIP: 23 RANGE: 19

NAME OF SUBDIVISION (if applicable): Thomas Est

Lot # (if applicable) 1 BLOCK # \_\_\_\_\_

### WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other - Explain: \_\_\_\_\_

*Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)*

Flea Market

24x36 Building





**Overview**



**Legend**

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

|                              |   |                     |     |                      |                  |
|------------------------------|---|---------------------|-----|----------------------|------------------|
| <b>Parcel ID</b>             | 10-5.0-15-000-000-020.000                 | <b>Alternate ID</b> | n/a | <b>Owner Address</b> | TANKA DONNA M    |
| <b>Sec/Twp/Rng</b>           | 15-23-19                                  | <b>Class</b>        | n/a |                      | PO BOX 1417      |
| <b>Property Address</b>      | 22068 US HWY 160                          | <b>Acreage</b>      | 2   |                      | FORSYTH MO 65653 |
| <b>District</b>              | 2CCX                                      |                     |     |                      |                  |
| <b>Brief Tax Description</b> | THOMAS ESTATES THOMAS ESTATES LT 1        |                     |     |                      |                  |
|                              | (Note: Not to be used on legal documents) |                     |     |                      |                  |

Date created: 2/24/2017  
 Last Data Uploaded: 5/20/2013 10:17:09 PM



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#17-12

**APPLICATION FOR CONCEPT  
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NAME OF PROJECT: The "M" Nightly rental

NAME OF APPLICANT: Jzailyn MUNshi of JHM Properties  
(Must be owner of record)

SIGNATURE: Jzailyn Munshi DATE: 3-6-2017  
(Must be owner of record)

MAILING ADDRESS: 165 Benjamin Place - Brownson -

TELEPHONE: 417.230.4254 EMAIL: JRTERILYN@AOL.COM

Representative Information

NAME OF REPRESENTATIVE: Same as above

MAILING ADDRESS (rep.): \_\_\_\_\_

TELEPHONE NUMBER (rep.): \_\_\_\_\_

CH-4-10  
PH-5-9  
FV-5-15

**Property Information**

ACCESS TO PROPERTY (street # and name): 955  
Emery Creek Blvd. Walnut Shade MO 65616

Number of Acres (or sq. ft. of lot size): 58<sup>+</sup> Acres

PARCEL #: 06-7.0-25-000-000-019.027  
(This number is on the top left hand corner of your property tax statement)

SECTION: 5 TOWNSHIP: 24 N RANGE: 22 W

NAME OF SUBDIVISION (if applicable): Bordering Emery Creek Ranch

Lot # (if applicable) \_\_\_\_\_ BLOCK # \_\_\_\_\_

**WITHIN 600' FROM THIS PROPERTY IS:** woods- Home site in a valley  
(Check all land uses that apply)

- Commercial
- Multi-Family
- Residential
- Agricultural
- Multi-Use
- Municipality

**SEWAGE DISPOSAL SYSTEM:**

- Treatment Plant
- Individual Septic
- Central Sewer: District # \_\_\_\_\_

**WATER SUPPLY SYSTEM:**

- Community Well
- Private Well
- Central: District # 3

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

**THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:**

- Residential
- Special Use Nightly Rental
- Multi-Family
- Commercial
- Industrial
- Other - Explain: \_\_\_\_\_

**Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)**

Jesslyn Munsch of "JHM Properties" is requesting approval of a division III Special-Use Permit to utilize the approximate 3000 sq ft home at 955 Emory Creek Blvd for nightly rental.

The single family home was completed several years ago after being purchased from the bank as it was foreclosed. The home sits in a valley surrounded by woods and the Emory Creek. The closest home is approx 700 ft from the proposed house. The land borders the Emory Creek Ranch subdivision.

Thank you for your consideration of my request.





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#17-14

**APPLICATION FOR CONCEPT  
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NAME OF PROJECT: BRANSON CREEK 136 Monte Cristo Dr.

NAME OF APPLICANT: TIMOTHY WATSON  
 (Must be owner of record)

SIGNATURE: Timothy Watson DATE: 2-10-17  
 (Must be owner of record)

MAILING ADDRESS: 6119 NW 11<sup>TH</sup> ST LINCOLN, NE 68521

TELEPHONE: 402-474-0661 EMAIL: cubbit@swin.20@gmail.com

**Representative Information**

NAME OF REPRESENTATIVE: SAME AS ABOVE

MAILING ADDRESS (rep.): \_\_\_\_\_

TELEPHONE NUMBER (rep.): \_\_\_\_\_

## Property Information

ACCESS TO PROPERTY (street # and name): 136 Monte Cruise Drive

Hollister MD 205672

Number of Acres (or sq. ft. of lot size): \_\_\_\_\_

PARCEL #: 17-8.0-28-000-000-000.151 <sup>006.141</sup>

(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_

NAME OF SUBDIVISION (if applicable): Ford/Stone

Lot # (if applicable) \_\_\_\_\_ BLOCK # \_\_\_\_\_

### WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other - Explain: \_\_\_\_\_

## Marla Pierce

---

**From:** Tim Watson [cubbieswin.tw@gmail.com]  
**Sent:** Friday, March 17, 2017 3:44 PM  
**To:** Marla Pierce  
**Subject:** Watson division 3 permits

Good afternoon Marla

110 N Tuscany

3 bedroom 2 1/2 bathrooms 8 guests maximum

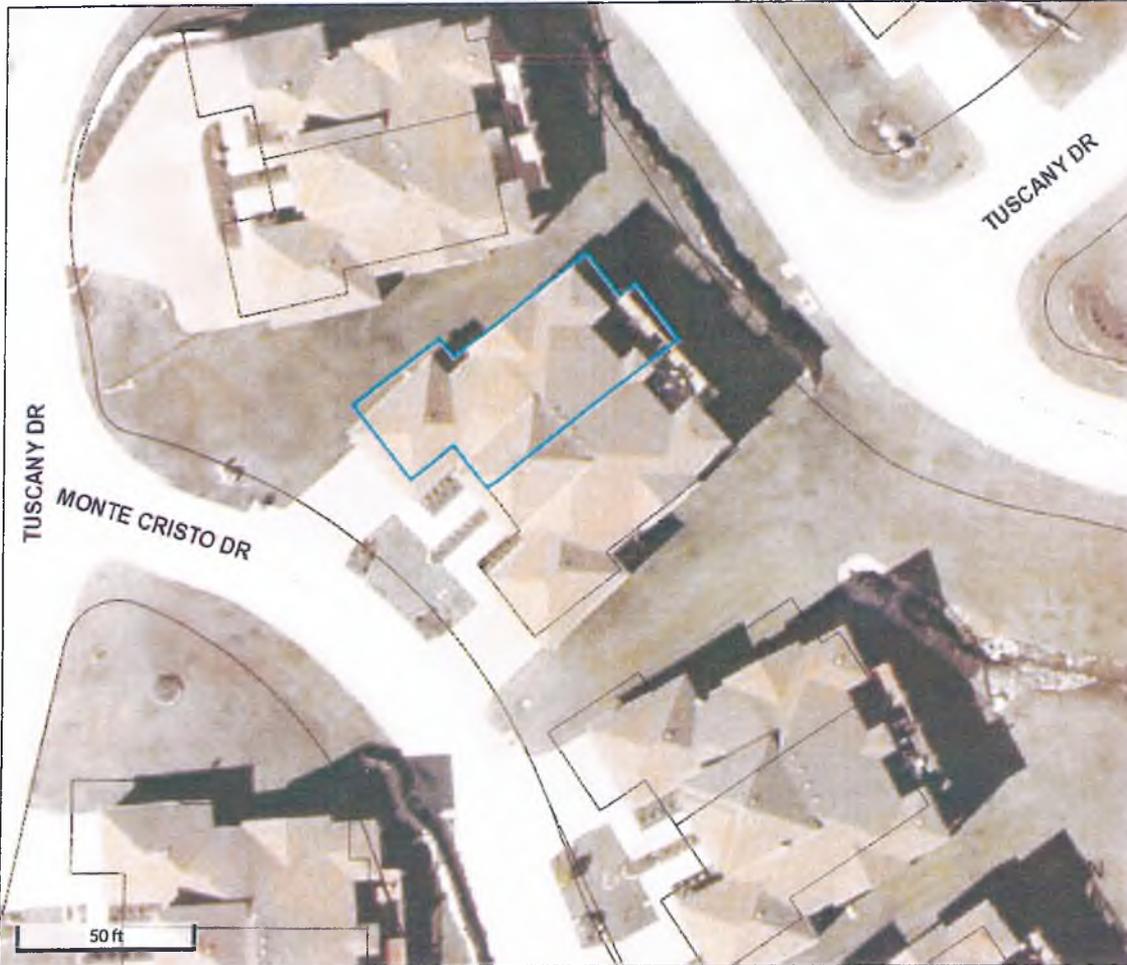
136 Monte Cristo Drive

3 bedrooms 2 1/2 bathrooms 8 guests maximum.

Please let me know if you need anything else.

Thanks

Tim Watson



**Overview**



**Legend**

-  Par cels
-  Roa ds
-  Lakes
-  Cor porate Limits

|                              |  |                     |     |                      |                                 |
|------------------------------|--|---------------------|-----|----------------------|---------------------------------|
| <b>Parcel ID</b>             | 17-8.0-28-000-000-001.141  | <b>Alternate ID</b> | n/a | <b>Owner Address</b> | WATSON RANDY & CHERYL & TIMOTHY |
| <b>Sec/Twp/Rng</b>           | 28-22-21   | <b>Class</b>        | n/a |                      | 6119 NW 11TH ST                 |
| <b>Property Address</b>      | 136 MONTE CRISTO DR  | <b>Acreage</b>      | n/a |                      | LINCOLN NE 68521                |
| <b>District</b>              | 5CWX   |                     |     |                      |                                 |
| <b>Brief Tax Description</b> | VILLAS OF FIELDSTONE AT BRANSON CREEK DEVELOPMENT, THE VILLAS OF FIELDSTONE AT BRANSON CREEK DEVELOPMENT,<br>(Note: Not to be used on legal documents) |                     |     |                      |                                 |

Date created: 3/17/2017  
 Last Data Uploaded: 5/20/2013 10:17:09 PM

 Developed by  
 The Schneider Corporation



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861
website: www.taneycounty.org

#17-15

APPLICATION FOR CONCEPT
DIVISION III
TANEY COUNTY PLANNING COMMISSION

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

NAME OF PROJECT: BRANSON CREEK 110 M. Husonmy

NAME OF APPLICANT: TIMOTHY WATSON
(Must be owner of record)

SIGNATURE: Timothy Watson DATE: 2-10-17
(Must be owner of record)

MAILING ADDRESS: 6119 NW 11TH STREET LINCOLN NE 68521

TELEPHONE: 402-474-0661 EMAIL: cubbipswin-tw@gmail.com

Representative Information

NAME OF REPRESENTATIVE: SAME AS ABOVE

MAILING ADDRESS (rep.):

TELEPHONE NUMBER (rep.):

## Property Information

ACCESS TO PROPERTY (street # and name): 110 N TUSCANY

DRIVE HOLLISTER MO 65072

Number of Acres (or sq. ft. of lot size): \_\_\_\_\_

PARCEL #: 17-8.0-28-000-000-~~001.141~~<sup>001.151</sup>

(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_

NAME OF SUBDIVISION (if applicable): Fieldstone

Lot # (if applicable) \_\_\_\_\_ BLOCK # \_\_\_\_\_

### WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other – Explain: \_\_\_\_\_

## Marla Pierce

---

**From:** Tim Watson [cubbieswin.tw@gmail.com]  
**Sent:** Friday, March 17, 2017 3:44 PM  
**To:** Marla Pierce  
**Subject:** Watson division 3 permits

Good afternoon Marla

110 N Tuscany

3 bedroom 2 1/2 bathrooms 8 guests maximum

136 Monte Cristo Drive

3 bedrooms 2 1/2 bathrooms 8 guests maximum.

Please let me know if you need anything else.

Thanks

Tim Watson



Overview



Legend

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

|                              |  |                     |     |                      |                                 |
|------------------------------|--|---------------------|-----|----------------------|---------------------------------|
| <b>Parcel ID</b>             | 17-8.0-28-000-000-001.151  | <b>Alternate ID</b> | n/a | <b>Owner Address</b> | WATSON RANDY & CHERYL & TIMOTHY |
| <b>Sec/Twp/Rng</b>           | 28-22-21   | <b>Class</b>        | n/a |                      | 6119 NW 11TH ST                 |
| <b>Property Address</b>      | 110 N TUSCANY DR   | <b>Acreage</b>      | n/a |                      | LINCOLN NE 68521                |
| <b>District</b>              | 5CWX   |                     |     |                      |                                 |
| <b>Brief Tax Description</b> | VILLAS OF FIELDSTONE AT BRANSON CREEK DEVELOPMENT, THE VILLAS OF FIELDSTONE AT BRANSON CREEK DEVELOPMENT,<br>(Note: Not to be used on legal documents) |                     |     |                      |                                 |

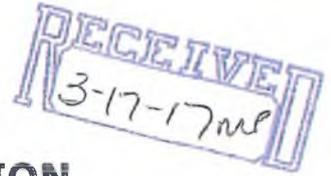
Date created: 3/17/2017  
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TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861
website: www.taneycounty.org

#17-16



APPLICATION FOR CONCEPT DIVISION III TANEY COUNTY PLANNING COMMISSION

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

NAME OF PROJECT: Bristol Rd Vacation Rental Home

NAME OF APPLICANT: Rachel Dunlap (Must be owner of record)

SIGNATURE: [Signature] DATE: 3/17/17 (Must be owner of record)

MAILING ADDRESS: 417 Bristol Rd, Walnut Shade Mo

TELEPHONE: 417-294-4601 EMAIL: rachelpala40@yahoo.com

Representative Information

NAME OF REPRESENTATIVE: Same as above

MAILING ADDRESS (rep.):

TELEPHONE NUMBER (rep.):

CH-4-17
PH-5-9
FV-5-15

## Property Information

ACCESS TO PROPERTY (street # and name): 417 Bristol Rd

Number of Acres (or sq. ft. of lot size): 1

PARCEL #: 05-8.0-33-000-000-012.005

(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: 33-24-21 TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_

NAME OF SUBDIVISION (if applicable): Froeschle's Lazy Acres

Lot # (if applicable) 2 BLOCK # \_\_\_\_\_

### WITHIN 600' FROM THIS PROPERTY IS:

(Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other – Explain: \_\_\_\_\_

**Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)**

I would like to list my home as a vacation rental property. It is a 4-bedroom home with 2½ bathrooms. We have a wonderful backyard, deck with a cabana & grill, and above ground pool. Doing this would allow me to better provide for my children.

This home has a private well & septic tank, as well as plenty of room for parking.

I would list this home w/ a potential of a total of 8-10 people nightly. In between vacationers, my family would stay/live there. I teach in Nixa, & am off in summers. I have already contacted my insurance agent (same man for over 20 years), to give me quotes/policy info in the event I'm able to do this. I have also talked to my tax accountant about help w/ possible tax implications & how to proceed legally.

Revised 12/19/03

Thank you for your thoughtful consideration.  
Rachel Dunlap



# Bristol Road Vacation Rental





TANEY COUNTY PLANNING COMMISSION  
 P. O. Box 383 • Forsyth Missouri 65653  
 Phone: 417-546-7125, 716 • Fax: 417-546-0861  
 website: www.taneycounty.org

#17-17

**APPLICATION FOR CONCEPT  
 DIVISION III  
 TANEY COUNTY PLANNING COMMISSION**

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

**NAME OF PROJECT:** Continuance of Nightly Rental

**NAME OF APPLICANT:** Billingsley Family Trust 12/06/2007, Gary D & Lois Billingsley Trustees  
*(Must be owner of record)*

**SIGNATURE** *Gary D Billingsley* **DATE:** 3/22/17  
*(Must be owner of record)*

**MAILING ADDRESS:** 14511 Tanglewood Drive, Farmersbranch, TX 75234

**TELEPHONE:** 972-768-6355 **EMAIL:** 1gary.billingsley@gmail.com

**Representative Information**

**NAME OF REPRESENTATIVE:** Gary D Billingsley / MARIE POWERS  
546 CANNON BALL LOOP, BURTON MO 65614

**MAILING ADDRESS (rep.):** 14511 Tanglewood Drive, Farmersbranch, TX 75234

**TELEPHONE NUMBER (rep.):** 972-768-6355 / 417-598-0144

## Property Information

**ACCESS TO PROPERTY (street # and name):** \_\_\_\_\_

226 Stoney Pointe Drive, Hollister, MO 65672

**Number of Acres (or sq. ft. of lot size):** \_\_\_\_\_ 71.61 x 145.60 IRR

**PARCEL #:** \_\_\_\_\_ 17-8.0-28-000-000-001.043  
(This number is on the top left hand corner of your property tax statement)

**SECTION:** \_\_\_\_\_ 28 **TOWNSHIP:** \_\_\_\_\_ 22 **RANGE:** \_\_\_\_\_ 21

**NAME OF SUBDIVISION (if applicable):** \_\_\_\_\_ Fieldstone Bluffs - PH 1 Fieldstone Bluffs

**Lot # (if applicable)** \_\_\_\_\_ 29 **BLOCK #** \_\_\_\_\_

### **WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)**

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### **SEWAGE DISPOSAL SYSTEM:**

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### **WATER SUPPLY SYSTEM:**

- Community Well     Private Well  
 Central: District # \_\_\_\_\_

**DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?**  Yes  No

### **THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:**

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other – Explain: \_\_\_\_\_

***Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)***

I purchased my vacation home in 2008 to have a place to come & enjoy children & grandchildren who live in the area. This vacation home was made possible by entering our home in Branson Creek's nightly rental program to offset the purchase. I contracted with Fieldstone Villa Management, LLC on 4/25/2008 - Exhibit 1. Exhibit 2 is the first income received. Under various

management I have rented the home continuously since 2008 under Branson Creek's Div III permit until the current time when a recording issue necessitated each owner obtaining their own Div III permit.

I am appearing today to request a Special Use Permit. This has never been a profit venture for me, just simply a way to afford a home to enjoy our grandchildren. Exhibit 3 - House description & Guest Relations, Exhibit 4 - Aerial Map, Exhibit 5 - Aerial map closer range, Exhibit 6 - General Warranty Deed.

Now managed by Marie Powers, Agape Upscale Vacation Rentals LLC, who lives in Branson (417-598-0144)



Billingsley Family Trust  
Gary D Billingsley Trustee  
14511 Tanglewood Drive  
Dallas, TX 75234

Scott Starrett  
Taney County Planning  
PO Box 383  
Forsyth, MO 65653

Greetings Scott,

Yes, I did receive the December 16, 2016 Notice of Violation. That time was quite confusing. As owners began mailing in their applications, Bob cancelled their concept hearing and took their place to offer up an Option A, B, or C to try to resolve the matter. I understood, perhaps wrongly, that the board would discuss it and come up with a resolution that was neither A, B, or C. It was coming close to the time of needing to reply to the violation so I sent a certified letter to Planning & Zoning that I would continue to operate under Branson Creek's Div III permit until we received an answer on how to proceed. I never received a reply to that letter.

Since then, many have applied and received their permits so I consider that my answer. Unfortunately I have been dealing with family matters for the last couple months that required my time and attention here in Texas. Since receiving the second notice, my manager, Marie Powers, volunteered to get the paperwork together. You will be receiving that paperwork directly from her to speed up the process. I am enclosing a check in the amount of \$150 to proceed with the application and am hoping to get on the agenda for April's Concept Hearing.

If there is anything more needed, please contact Marie at 417-598-0144. I will come up from Texas for the Concept Hearing, Public Hearing and vote.

Sincerely,

A handwritten signature in cursive script that reads "Gary D Billingsley". The signature is written in black ink and is positioned above the printed name.

Gary D Billingsley, Trustee  
Billingsley Family Trust

To: Bonita

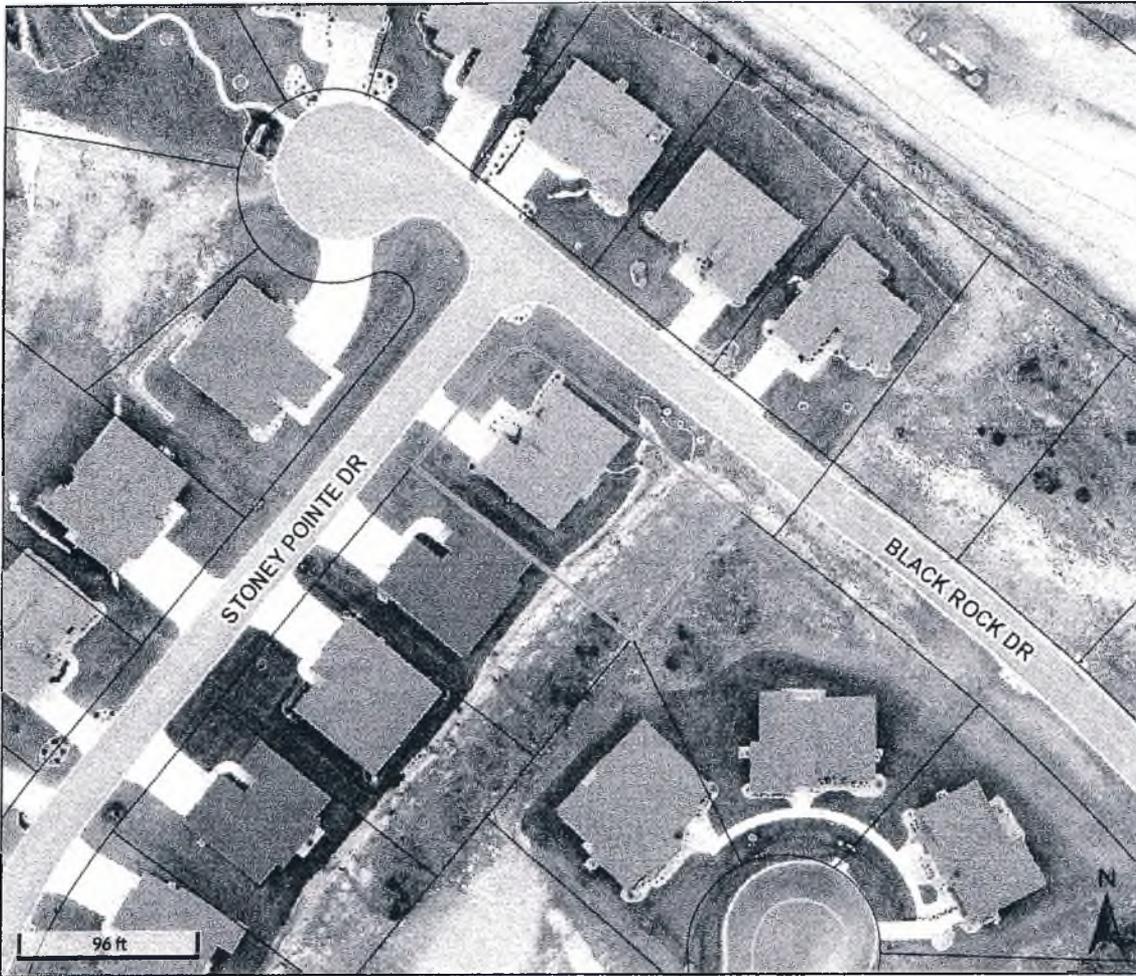
We were told that you wanted to know of any altercations or issues with the homeowners in Branson Creek with our guests. We have only had one and it was in the summer of 2016 about two weeks after the whole fuss started. And if you want to know what started the fuss, it was that Karen Murphy and Sue Smith usually go to the community pool in the mornings and they enjoy their private time in the pool. On one morning, about 20 guests (from 2 different villas) joined in at the pool. From what I understand, the guests were polite and respectful but that many people will definitely encroach on your private space when it is 2 against 20. From that point on, they made it their mission to close down the vacation rentals.

I looked for the text but could not find it, but after my guests had gone home from their stay, they sent me a text. The guest told me that when they had arrived to the home, less than 10 minutes later a lady (Karen) knocked on the door and told her their car in the street was illegal and they needed to move it immediately. Our guests apologized and quickly complied. (I think it was in the street because they don't get the garage door opener until they enter the home so they had probably just gotten things into the home and hadn't gotten out to move the cars into the garage).

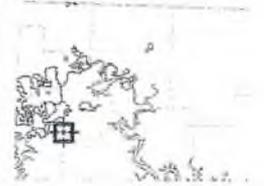
The next day when our guests went to the pool, Karen and Sue were there. The guests had hung their towels on the railing at the pool. Karen or Sue grabbed their towels and threw them down onto a chair and told them that it was illegal to hang their towels and it was tacky. Karen & Sue then commented to the guests, "you must have been the one who ordered Dominos last night". They said it with complete disgust as if our guests were white trash. It actually wasn't our guests who ordered the pizza. She told the guests various things but mainly that they were going to shut down the vacation rentals in the community. Karen & Sue questioned and questioned as to who rented them the home. The guests felt they were protecting me by not giving them that information. I would have gladly spoken to Karen & Sue. I don't care what they say to me but it is not appropriate for them to approach our guests. They told our guests that they had seen lights on after 10 in the home and the community rules say lights must be out at 10. Our guests took it all amazingly well, but she wanted to give me a heads up that they were gunning for me and gunning to shut down vacation rentals.

I visited with Stacey in the HOA the very next day and gave her my information and cell number. I made it clear that I will field any calls and complaints but approaching our guests is NOT acceptable. I told her I would be willing to sit down with the ladies (as I think all the owners have) to try to resolve their issues. If they want to affect change in our guest's behavior they need to talk to the owners and managers. Our guests follow our parameters but if we

don't know them, we can't pass them along. I did get a list from Stacey of their complaints or interpretation of the CC&RS and I contacted all of our incoming guests and posted them in our welcome book immediately.



**Overview**



**Legend**

- Parcels
- Roads
- Corporate Limits
- Floodplains**
- A
- AE

|                         |                           |                     |     |                      |                                      |
|-------------------------|---------------------------|---------------------|-----|----------------------|--------------------------------------|
| <b>Parcel ID</b>        | 17-8.0-28-000-000-001.043 | <b>Alternate ID</b> | n/a | <b>Owner Address</b> | BILLINGSLEY FAMILY TRUST 12/06/2007  |
| <b>Sec/Twp/Rng</b>      | 28-22-21                  | <b>Class</b>        | n/a |                      | GARY D & LOIS A BILLINGSLEY TRUSTEES |
| <b>Property Address</b> | 226 STONEY POINTE DR      | <b>Acreage</b>      | n/a |                      | 14511 TANGLEWOOD DR                  |
|                         |                           |                     |     |                      | FARMERSBRANCH TX 75234-2551          |

**District** 5CWX  
**Brief Tax Description** FIELDSTONE BLUFFS - PH 1 FIELDSTONE BLUFFS - PH 1 LT 29  
 (Note: Not to be used on legal documents)

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.

Date created: 3/22/2017  
 Last Data Uploaded: 5/20/2013 10:17:09 PM

Developed by  
 The Schneider Corporation

FIELDSTONE AT BRANSON CREEK  
RENTAL PROGRAM AGREEMENT  
BLUFFS# 29

EXHIBIT 1

This Rental Program Agreement (hereinafter, the "Agreement") is made this 25<sup>th</sup> day of April, 2008 by and between Fieldstone Villa Management, LLC, a Missouri limited liability company (hereinafter, "Agent") and Gary + Lois Billingsley (hereinafter, "Unit Owner"), the owner of Fieldstone Bluffs # 29 (hereinafter, the "Rental Unit").

WHEREAS, Agent is in the business of managing Fieldstone Villas/Bluffs in the Branson Creek development; and

WHEREAS, Agent has created a rental management program for the benefit of interested Villa/Bluffs owners in which Agent will maintain, manage and rent various Villas/Bluffs entered into such program by their owners upon certain terms and conditions (the "RENTAL PROGRAM"); and

WHEREAS, Unit Owner desires to have his Rental Unit become part of the RENTAL PROGRAM.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1. Appointment.** Unit Owner hereby appoints and designates Fieldstone Villa Management, LLC as its exclusive agent to maintain, manage and rent Unit Owner's Rental Unit during the term and pursuant to the terms and conditions of this Agreement.

**2. Management Fee.** Out of rental revenue or capital reserves, Unit Owner shall pay Agent 15% of gross revenue derived from the renting of the Rental Unit as provided hereunder, in addition to a one time set up fee of \$100 per Rental Unit (the "Management Fee").

**3. Receipt of Rent.** For purposes of renting the Rental Unit, Unit Owner hereby authorizes and appoints Agent to: (1) execute and deliver on Unit Owner's behalf rental agreements covering the Rental Unit upon such terms and conditions and to such tenants as Agent, in its discretion, may determine; and (2) demand, receive and provide receipts for all rents due and/or paid for the renting of such Rental Unit (regardless of who receives such rent, including Unit Owner); subject however, to all the terms and conditions of this Agreement.

**3. Renting the Rental Unit.** At such times as Unit Owner is not occupying the Rental Unit, Agent shall make efforts to rent such Rental Unit with a view toward obtaining the greatest total rents from said Rental Units and any other units in the RENTAL PROGRAM, and commensurate with the nature, class and atmosphere of Fieldstone Villas/Bluffs. A proposed seasonal rental rate schedule has been established but is subject to change at the sole discretion of Agent at any time.

In renting Villas/Bluffs through the RENTAL PROGRAM, the Agent shall give equal consideration to all units within such program, attempting to spread the occupancy among such available Villas/Bluffs as equally as possible. Each Villa/Bluffs unit shall be rented as a complete unit. Unit Owner shall not rent the Rental Unit to anyone without the prior written approval of Agent and, whether or not such approval is obtained, Unit Owner shall remit immediately all rents that are received by Unit Owner to Agent, to be held and disbursed in the same manner as rents received directly by Agent under this Agreement. Unit Owner agrees to cooperate with Agent and other owners of Villas/Bluffs units in RENTAL PROGRAM in promoting the rental of other Villas/Bluffs unit in RENTAL PROGRAM.

**4. Sale of Unit.** Should Unit Owner sell their Rental Unit during the term of this Agreement, the profit for the month (as determined in accordance with Paragraph \_\_\_ ) in which such Rental Unit is sold shall be pro-rated between seller and buyer based on the closing date of the sale. Unit Owner agrees to settle with Agent regarding the cash reserves held by Agent at the closing of sale to buyer. The amount of cash reserves due to Unit Owner shall be an amount to be determined by Agent at the time of sale after ensuring that the RENTAL PROGRAM meets minimum rental standards for FF&E.

*- There needs to be a formula + Not left to the discretion of the agents*

Should buyer elect to remain in the RENTAL PROGRAM, the buyer shall sign a Rental Program Agreement with the Agent and immediately pay to Agent an identical amount of cash reserves as determined above. Should the cash reserves become the property of the buyer at the time of closing, a copy of the signed agreement signed by both seller and buyer shall be presented to the Agent. In the absence of any such properly signed agreement or Unit Owner's settling with Agent as provided above, the Agent shall treat any cash reserves as property of the new owner until instructed otherwise by both parties.

**5. Segregation of Rent/Reporting to Unit Owner.** Income from the Rental Unit received by the Agent shall not be segregated into a separate account. All income and expenses related to the Rental Unit shall nevertheless be properly applied to such Rental Unit with full detailed accounting and reporting for all receipts, expenses and disbursements with accurate reporting to the owner.

**6. Owner Occupancy.** Unit Owner shall have the right to occupy the Rental Unit upon giving notice to Agent with the intended dates of occupancy at least thirty (30) days in advance of the date of intended occupancy so as to remove the Rental Unit

from rental availability. Unit Owner may also occupy the Rental Unit at any time without notice to Agent within said 30 day notice period if Agent has not reserved to a third party the Rental Unit at the time of said notice for the period the Unit Owner's desires occupancy. Such period of occupancy by Unit Owner shall be done on a daily basis. When Unit Owner shall have notified Agent of intent to occupy the Rental Unit, Unit Owner shall be deemed to have occupied the Rental Unit for the day(s) specified, whether or not Unit Owner actually occupies it.

Agent may rent the Rental Unit for a period more than 30 days in advance only with Unit Owner's prior written approval.

Agent may assess Owner a reasonable cleaning charge of \$ 85<sup>00</sup> for a four-bedroom unit, after Owner's occupancy to render Owner's unit fit for rental occupancy. This fee is subject to change at the discretion of the Manager/Agent.

This Agreement is in no way intended to be used in limiting, accruing, accounting for or otherwise affecting any relationship with the Unit Owner and the IRS and determining the number of days used for personal use.

**7. Cooperation of Unit Owner.** Unit Owner shall abide by Agent's rules for check-out procedures and shall respect and comply with all rental obligations contracted by Agent and shall in no manner interfere with the occupancy of a bona fide renter of any Villa in the RENTAL PROGRAM.

**8. Expenses.** As Agent for all of the owners of Villas/Bluffs in the RENTAL PROGRAM managed by Agent, Agent shall pay, from rental revenue or capital reserves, the costs and expenses of operating the Rental Unit that are of a type that the Unit Owner would not have to pay if their Rental Unit was not part of the RENTAL PROGRAM, including but not limited to the cost of replacing broken or stolen dishes, silverware or damaged or worn furniture which occurs when the Rental Unit is in the RENTAL PROGRAM and that are subject to the list of minimum required equipment, and the cost of all linen service, laundry, soap, stationery, and similar supplies and all wages of maids for cleaning services (collectively, the "Unit Expenses").

Agent shall not pay as Rental Unit expenses, and Unit Owner shall be responsible for and pay promptly when due, all obligations and expenses of the Rental Unit of the type that the Unit Owner would have to pay even if their Rental Unit was not part of the RENTAL PROGRAM including but not limited to expenses and obligations under the Covenants, Conditions and Restrictions for both Fieldstone at Branson Creek and the Branson Creek Master Association, ad-valorem real property taxes, Rental Unit repair and remodeling, insurance, utility charges.

**9. Taxes.** The expenses payable by Agent for the Unit Owner shall also include all general taxes collected from renters of the Rental Unit and any license taxes levied, assessed against, or payable by, Agent with respect to the RENTAL PROGRAM. Agent shall not be liable for any federal or state income taxes or corporate excise taxes

attributable to income earned by, or paid to, Unit Owner, and Unit Owner hereby agrees to indemnify Agent for and against any and all claims, damages or liabilities (including reasonable attorneys fees and costs) related thereto.

**10. Division of Net Income.** In accordance with the provision of this paragraph, Unit Owner shall receive Seventy Percent (70%) of the Net Rental Income and Agent shall receive Thirty Percent (30%) of the Net Rental Income.

Agent shall report to the Unit Owner the Net Rental Income for the preceding month as soon as Agent shall reasonably be able to compute the same, but not later than 30 days, at which time Agent shall also make the distribution to Unit Owner as provided herein. Agent will determine the amount of cash to be distributed to Unit Owner after providing for a reasonable cash reserve equal to approximately Four – Five Percent (4-5%) of the maximum rental revenue possible during the month in which the distribution is made, which amount shall be deducted from Unit Owner's distribution of Net Rental Income and held in reserve on Owner's behalf. *After a Cash Reserve is met*

*if the reserve is met the percentage will not be withheld until*  
Annually, following each calendar year of the term hereof, the Agent shall promptly prepare and forward to the Unit Owner a statement showing all receipts and disbursements of the RENTAL PROGRAM for Villas/Bluffs unit in the RENTAL PROGRAM in reasonable detail, such statement to be forwarded to each Unit Owner as soon as the same can reasonably be prepared. *Unit Owner shall have the right at any time during ordinary business hours to examine the books of the RENTAL PROGRAM with respect to Agent's management of the Villas/Bluffs in the RENTAL PROGRAM, either personally or by Unit Owner's duly authorized representative, such authorization to be in writing directly to the Agent with a 48 hour advance notice.*

For purposes of this Agreement, the "Net Rental Income" shall be derived by subtracting the Unit Expenses and the Management Fee from the actual rental revenue received by Agent for the Rental Unit during the relevant time period.

**11. Furniture and Furnishings.** In order to operate the Rental Unit effectively in the RENTAL PROGRAM, Unit Owner shall provide and maintain in the Rental Unit furniture and furnishings sufficient in number, type, and quality to furnish the Rental Unit adequately, as determined in Agent's discretion, Agent shall provide Unit Owner with a list of the minimum necessary furniture and furnishings for Unit Owner's Rental Unit, to which Unit Owner shall make such additions as Unit Owner desires. A list of such items will be provided to the Unit Owner and is subject to change or modification in the sole discretion of Manager. By Unit Owner's execution of this Agreement, Unit Owner agrees to meet and maintain the minimum standard of the number, type, and quality of furniture and furnishings established by Agent. Such furniture and furnishings shall be purchased or leased by Unit Owner and shall remain separate property of Unit Owner or that of Unit Owner's Lessor.

**12. Past Due Obligations of Unit Owner.** Any moneys due to Unit Owner under this Agreement may be used, at the Agent's discretion, to satisfy any obligation of

the Unit Owner, provided that such obligation of said Unit Owner is at least thirty (30) days in default. In the case of the sale of the Rental Unit, the obligation of the Unit Owner may be paid immediately, unless the obligations are paid through the final closing of the sale of the Rental Unit.

**13. Powers of Agent.** ~~Agent shall have any and all authority and power necessary to reasonably carry out its responsibilities and obligations as provided for in this Agreement. In addition, Agent shall have to power to adopt, publish, enforce and modify any and all conditions, rules and regulations relating to the renting of Villa units in the RENTAL PROGRAM, including the Rental Unit.~~

**14. Limitation of Liability.** The duties of Agent shall be as expressed herein only and Agent shall not be considered a fiduciary of the Unit Owner. Agent shall not be liable to Unit Owner except in the event of gross negligence, willful misconduct or bad faith. In no case shall Agent shall be liable for any special, consequential, or punitive damages, and Unit Owner hereby waives any claim for the same. This Agreement shall not be interpreted to require Agent to pay expenses relating to the Rental Unit except as it regards the Unit Expenses and Management Fee.

**15. Term and Termination.** The initial term of this Agreement shall begin upon the date this Agreement is executed and shall terminate upon the one-year anniversary of such date of execution. At the end of the initial term this Agreement shall automatically renew for successive one year terms; provided, however, that Agent or Unit Owner may terminate this Agreement upon thirty (30) days written notice to the other party.

**16. Further Action.** The parties shall with reasonable promptness undertake such actions and execute such documents in accordance with this Agreement, and applicable law, as shall be reasonably necessary and appropriate to consummate the transactions contemplated herein.

**17. Entire Agreement.** This Agreement constitutes the entire agreement among the parties pertaining to the subject matter hereof, and, except to the extent specifically provided herein supersedes all prior agreements and understandings of the parties in connection therewith.

**18. Amendment.** The provisions of this Agreement may not be changed, modified, or amended except in writing duly executed by each party hereto.

**19. Binding.** This Agreement shall be binding on the parties hereto and their respective heirs, successors and assigns.

**20. Severability.** In the event that any one or more provisions of this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, by any court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and the parties shall use their best

efforts to substitute a valid, legal and enforceable provision which, insofar as practical, implements the purposes and intents of this Agreement.

**21. Governing Law/Venue.** This Agreement shall be governed by and construed and interpreted under the laws of the State of Missouri, without regard to conflict-of-law principles. In the event of litigation relating to or arising out of this Agreement, the parties agree that the exclusive venue shall be the Circuit Court of Taney County, Missouri.

**22. Counterparts.** This Agreement may be executed in two or more identical counterparts, each of which, when executed, shall constitute an original. This Agreement may be executed and delivered by facsimile.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year written below.

Unit Owner: Gary & Lois Billingsley

Unit Number(s) #29 - The Bluffs

By X Gary Billingsley TTEE Date: 4-8-08  
X Lois Billingsley TTEE 4-8-08

Unit Owner's Address: 226 Stone Point Dr  
Hollister MO 65672

Fieldstone Villa Management, LLC

By: \_\_\_\_\_ Date: \_\_\_\_\_

100 Branson Creek Boulevard  
Hollister, MO 65672



TANEY COUNTY PLANNING COMMISSION  
P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
website: www.taneycounty.org

#17-18

APPLICATION FOR CONCEPT  
DIVISION III  
TANEY COUNTY PLANNING COMMISSION

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

NAME OF PROJECT: LEE'S SECRET GARDEN

NAME OF APPLICANT: DEAN & JANICE DONAT DBA FIND YOUR BEACH-DADJED, LLC  
(Must be owner of record)

SIGNATURE: [Signature] DATE: 3/28/2017  
(Must be owner of record)

MAILING ADDRESS: 2383 YANDELL COVE RD, KIRBYVILLE, MO 65679

TELEPHONE: 417-546-5461 - HOME EMAIL: dad2donat@gmail.com  
417-848-2827 - M

Representative Information

NAME OF REPRESENTATIVE: DEAN A. DONAT

MAILING ADDRESS (rep.): 2383 YANDELL COVE RD. KIRBYVILLE, MO 65679

TELEPHONE NUMBER (rep.): 417-848-2827

## Property Information

ACCESS TO PROPERTY (street # and name): 392 BLACKWELL FERRY ROAD

Number of Acres (or sq. ft. of lot size): 0.800000011920929

PARCEL #: 09-6.0-23-000-000-028.000  
(This number is on the top left hand corner of your property tax statement)

SECTION: 23 TOWNSHIP: 23 RANGE: 20

NAME OF SUBDIVISION (if applicable): N

Lot # (if applicable) NA BLOCK # NA

WITHIN 600' FROM THIS PROPERTY IS:  
(Check all land uses that apply)

- Commercial     Multi-Family     Residential     Agricultural  
 Multi-Use     Municipality

### SEWAGE DISPOSAL SYSTEM:

- Treatment Plant     Individual  
 Central Sewer: District # \_\_\_\_\_

### WATER SUPPLY SYSTEM:

- Community Well     Private Well  
 Central: District # PWSD #2

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

### THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential     Multi-Family     Commercial     Industrial  
 Special Use     Other – Explain: \_\_\_\_\_

*Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)*

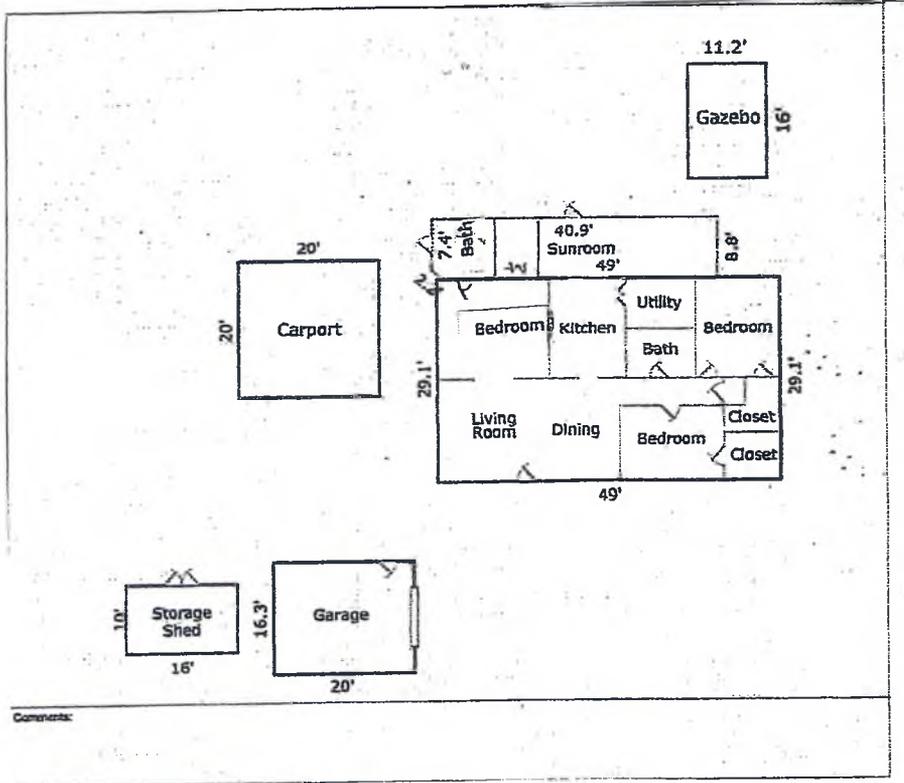
REQUESTING A SPECIAL USE PERMIT TO ALLOW THE  
USE OF THIS HOUSE AND LAND AS A VACATION  
RENTAL BY OWNER (NIGHTLY RENTAL AS PER THE  
AMENDMENTS ADOPTED BY THE TANEY COUNTY  
COMMISSION).



# Lee's Secret Garden







BLACKWELL FERRY RD