



## 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  
CONCEPT AND PUBLIC HEARING  
TUESDAY, OCTOBER 10, 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*

Concepts

- 17-23 *Bender Retirement Home*
- 17-30 *1345 Oakwood Dr Nightly Rental*
- 17-31 *Parksley Nightly Rentals*
- 17-32 *177 Kings Way Nightly Rental/Kutch Trust*
- 17-33 *Cox Vacation Rental*
- 17-34 *Iowa Colony Nightly Rental*
- 17-35 *Forsyth Senior Event Center*
- 17-36 *Timberlake Nightly Rentals*

Public Hearing:

- 17-23 *Bender Retirement Home*
  - 17-30 *1345 Oakwood Dr Nightly Rental*
  - 17-31 *Parksley Nightly Rentals*
  - 17-32 *177 Kings Way Nightly Rental/Kutch Trust*
  - 17-33 *Cox Vacation Rental*
  - 17-34 *Iowa Colony Nightly Rental*
  - 17-35 *Forsyth Senior Event Center*
  - 17-36 *Timberlake Nightly Rentals*
  - 17-04A *226 Stoney Pointe Dr/Buffering Requirement*
- Amendments to Appendix E, Special Use section of the Taney County Guidance Code*

Old and New Business:

Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

Posted: 10/03/2017 By: MP Time: 10:00 am

Posted At: 132 David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room at the Taney County Courthouse and the office of Planning and Zoning.



TANEY COUNTY PLANNING COMMISSION

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17-023

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: BENDER RETIREMENT HOME/NIGHTLY RENTAL

NAME OF APPLICANT: HAROLD J. AND JO LYNN M. BENDER
(Must be owner of record)

SIGNATURE: Harold J. Bender DATE: 5-1-17
(Must be owner of record)

MAILING ADDRESS: 2367 S. 118TH ST., WEST ALLIS, WI 53227

TELEPHONE: 217-779-7985 EMAIL: thebenders7@sbcdglobal.net

Representative Information

NAME OF REPRESENTATIVE: SELF - REPRESENTED

MAILING ADDRESS (rep.):

TELEPHONE NUMBER (rep.):

Handwritten notes: Concept = 7-17-17 8-21-17
P.A = 8-14-17 9-11-17
F.V = 8-21-17 9-18-17

## Property Information

ACCESS TO PROPERTY (street # and name): 515 Happy Hollow Road,  
Blue Eye, MO Oliver Township

Number of Acres (or sq. ft. of lot size): 1.25 Acres

PARCEL #: 19-2.0-03-003-001-004.000  
(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: 3 TOWNSHIP: 21 RANGE: 22

NAME OF SUBDIVISION (if applicable): Williams Point

Lot # (if applicable) #17 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.)**

OWNERS OF THE LOT PROPOSE TO BUILD A SIX-BEDROOM  
FIVE-BATHROOM RETIREMENT HOME WITH WELL WATER SEPTIC  
SYSTEM, AND PROPANE GAS. OWNERS ARE SEEKING A SPECIAL  
USE PERMIT TO RENT HOUSE AS A VACATION RENTAL ON  
A NIGHTLY OR WEEKLY BASIS. OWNERS WOULD SEEK  
TO RENT ONLY TO QUALITY RENTERS & VACATIONERS  
(FAMILIES, COUPLES, BUSINESS GROUPS, ETC.). THE GROUP  
WOULD BE REQUIRED TO HAVE A RESPONSIBLE PERSON  
OVER 25 YEARS OF AGE. OWNERS HOPE TO BUILD THE  
HOUSE IN SUMMER - FALL - EARLY WINTER OF 2018. OWNERS  
WOULD RETIRE IN THIS HOUSE IN 2016.

## 515 Happy Hollow Rd. - A Vacation Rental Home

Concept Hearing  
Taney County Planning Commission  
October 10, 2017

### Two Story Lakehouse with Walkout Basement

- Six Bedrooms - Five Bathrooms (approx. 3700 square feet)
- Great room, Family room, Loft area, Dining room, Kitchen, Breakfast nook
- Parking for seven vehicles (six up by house with one or two overflow below)
- NFPA 13D Sprinkler System for fire suppression
- Well-water with treatment system
- Septic System to Taney County specifications (soil test already taken)
- Propane system for heating and cooking
- Property to be gated for security with external cameras
- Property located at the end of Happy Hollow Rd. (right before it turns into Longshore Dr.); it should make a minimal impact on traffic flow.
- Property intended to become the Bender's retirement home in about nine years

### Renters Desired

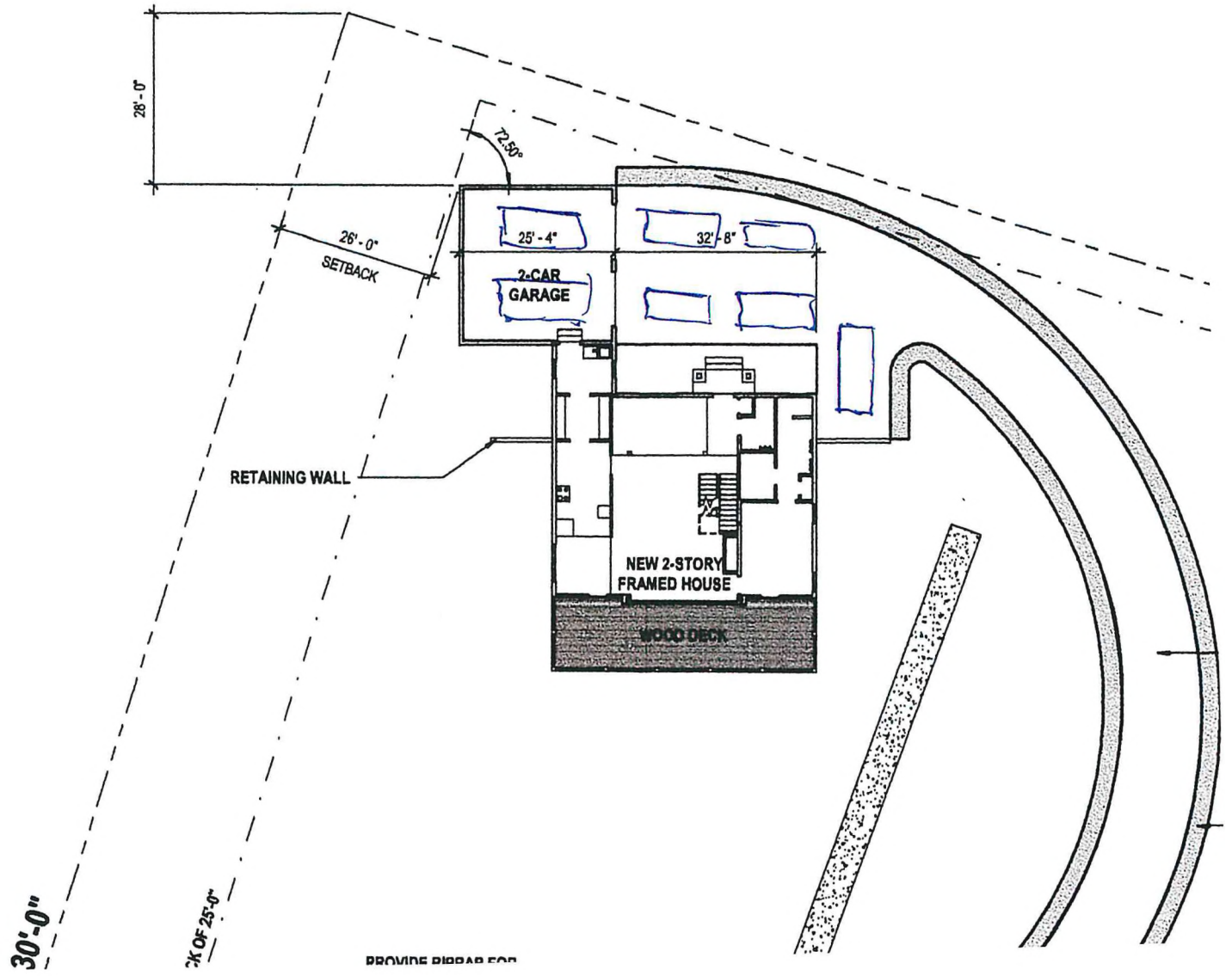
- Vacationers
- Family Reunions
- Couples
- Church Groups
- No teenagers or early 20's; a "responsible party" 25 years old or older will be required to sign rental contract

### Previous Experience

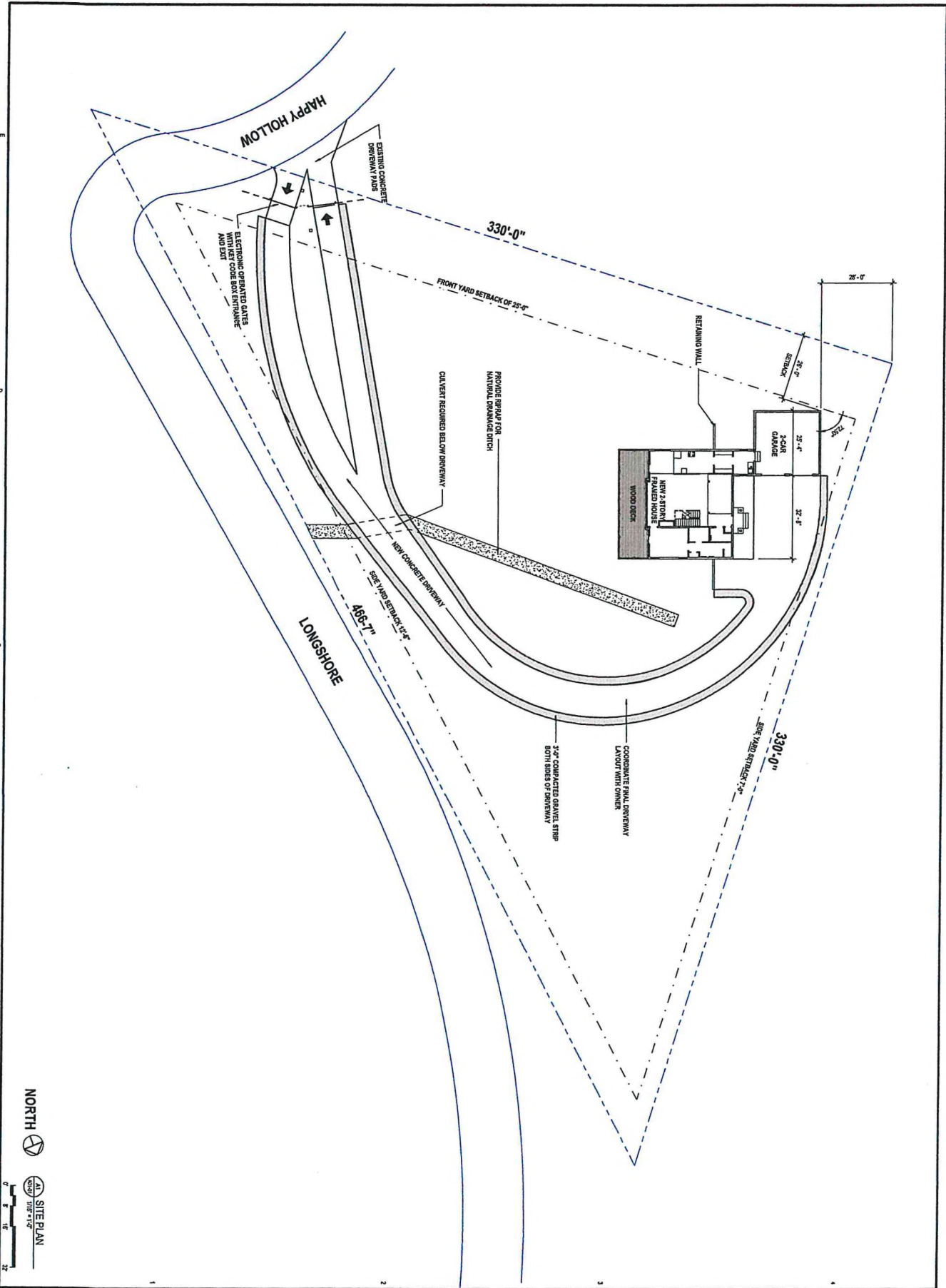
- Owned and managed a nightly rental in Branson Canyon, 2011-2016
- Five star ratings from renters
- No incidents that caused concerns for neighbors

### Tentative Timeline

- Seeking approval from Taney county Planning Commission - October, 2017
- Plans put out for bid - January, 2018
- Decide on contractor - March, 2018
- Groundbreaking - June/July, 2018
- Completion - Winter, 2019
- Open for rental - March, 2019



PROVIDE DIMENSIONS



E  
0  
0  
0  
0  
A



1" = 10'  
0' 5' 10' 15' 20'

SITE PLAN

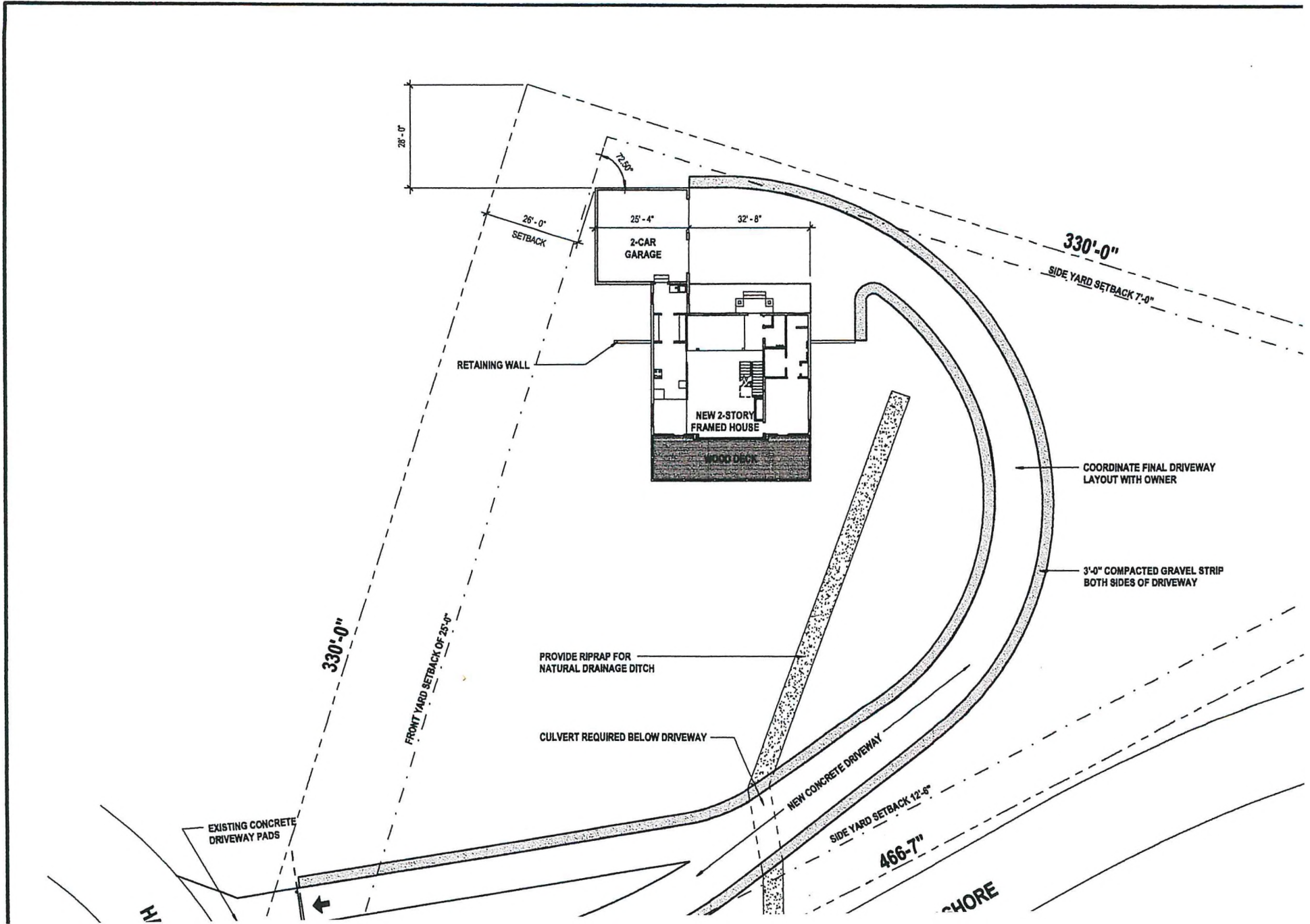
DRAWING TITLE	OWNER
ARCHITECTURAL SITE PLAN	Harold and JoLynn Bender
DRAWING NO.	
A01-01	
DATE	

# The Bender Family Lake House

Owner: Harold and JoLynn Bender  
 Table Rock Lake, Taney County, Missouri

**THE BEND**  
 architectural group

JERRY CANNON  
 300 ALBY STREET  
 ALTON, MISSOURI  
 62002  
 618-425-5786







# Bender Retirement Home Nightly Rental



Map prepared by [unreadable] on [unreadable] for [unreadable]. All rights reserved. No warranty is made for use of this map for any purpose other than that for which it was prepared.



# Taney County Planning Commission

## Division III Special Use Permit

### Staff Report

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-023

**PROJECT:** Bender Retirement Home Nightly Rental

**APPLICANTS:** Harold Bender

**LOCATION:** The subject property is located at 515 Happy Hollow Rd, Blue Eye, Missouri, Oliver Township, Section 03, Township 21, Range 22.

**REQUEST:**

The applicant, Harold Bender is seeking Planning Commission approval of a Division III Special Use Permit allowing for the nightly rental use for a six bedroom single family home to be built, located at 515 Happy Hollow Road, Blue Eye, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor’s information the lot (lot #17), is located in the Williams Point subdivision. The lot is approximately 1.25 acres. The applicant is planning to build a six (6) bedroom single family home. The property will be served by a private well and an onsite waste water system.

The lot to the south currently has a waste water plant located on it for the future development of the lot. The property to the west is in Stone County and appears to be vacant. The east property line borders Happy Hollow Road and Table Rock Lake.

Per the nightly rental provisions of the Development Guidance Code, “The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom.” Therefore, the six (6) bedroom home would have a maximum occupancy of fourteen (14) occupants.

Per the nightly rental provisions of the Development Guidance Code, “One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental.” Therefore, a total of seven (7) parking spaces will be required.

The Taney County Development Guidance Code defines nightly rental as “A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days.”

The project received a total score of 4 on the Policy Checklist.

#### **STAFF RECOMMENDATIONS:**

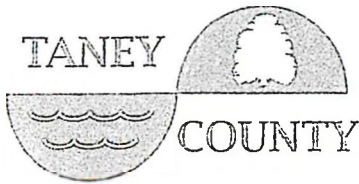
If the Taney County Planning Commission approves Division III Special Use Permit #2017-023, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The Bender Retirement Home Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)
4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)

6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)
7. Compliance letter from the Western Taney County Fire Protection District.
8. The Bender Retirement Home Nightly Rental shall accommodate (sleep) no more than fourteen (14) persons. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of seven (7) parking spaces will be required. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The Bender Retirement Home Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)
13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
14. The Bender Retirement Home Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.

- c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.
  - e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
  - f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
  - g. The solid waste disposal collection day if provided by a solid waste company. (Appendix E, 4.7.8)
15. The owner of the property shall designate a "Local Representative". The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)
- a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
  - b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
  - c. **Availability.** If the Taney County Sheriff's Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.

16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)
17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)
18. A Division II permit will be required before construction begins.
19. This decision is subject to all existing easements.
20. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)



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

17-30

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: 1345 OAKWOOD DR.

NAME OF APPLICANT: ROBERT & Meghan Schuck  
 (Must be owner of record)

SIGNATURE: [Signature] DATE: 7/14/17  
 (Must be owner of record)

MAILING ADDRESS: 14561 234<sup>th</sup> ST. TONGANOXIE KS  
 66086

TELEPHONE NUMBER: 913-208-8817

Representative Information (will be present w/ owners)

NAME OF REPRESENTATIVE: Ben Robbins

MAILING ADDRESS (rep.): 1012 Langston Ct. Lawrence KS 66049

TELEPHONE NUMBER (rep.): 913-231-6177

Concept = 8-21-17  
 P.H = ~~9-11-17~~ 10-10-17 ?  
 FV = ~~9-18-17~~

# Property Information

ACCESS TO PROPERTY (street # and name): 1345 OAKWOOD

Drive Hollister MO OLIVER TOWNSHIP

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

PARCEL #: 19-1.0-02-003-001-074.000

(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: 2 TOWNSHIP: 21 RANGE: 22

NAME OF SUBDIVISION (if applicable): Oakmont / OAKWOOD ACRES ON THE LAKE

Lot # (if applicable) 11 & 12 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.)***

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## Marla Pierce

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**From:** Robert Schuck [rschuckdc@gmail.com]  
**Sent:** Tuesday, August 08, 2017 9:34 AM  
**To:** Marla Pierce  
**Subject:** Re: description of proposed project  
**Attachments:** 1345 Oakwood Floor Plan.pdf

Marla,

Here is a floor plan. There are 5 official bedrooms.

I will be sending a parking plan as well. Please let me know if you need anything additional.

Rob

On Mon, Aug 7, 2017 at 1:58 PM, Marla Pierce <[MarlaP@co.taney.mo.us](mailto:MarlaP@co.taney.mo.us)> wrote:

Hi Rob, thanks for sending the description, how many bedrooms are in the residence?

---

**From:** Robert R Schuck, DC [mailto:[rschuckdc@gmail.com](mailto:rschuckdc@gmail.com)]  
**Sent:** Monday, August 07, 2017 1:57 PM  
**To:** Marla Pierce  
**Subject:** Re: description of proposed project

Marla,

I am sorry, the application was a little redundant and confusing to me after I printed it. I don't know if the the pages were mixed up after printing or if the application served more than one purpose and I didn't think that certain portions applied.

We, the owners of 1345 Oakwood Dr, Hollister MO are seeking permission through the special use permit process to allow nightly renters in our home. We intend to provide information necessary to become compliant with Taney county and the Western Taney county fire in order to be granted legal permission to do so.

Please let me know if this will suffice.

**Robert R Schuck, DC / CEO**

*Midwest Chiropractic Center*

## Marla Pierce

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**From:** Robert Schuck [rschuckdc@gmail.com]  
**Sent:** Tuesday, August 08, 2017 9:36 AM  
**To:** Marla Pierce  
**Subject:** Re: description of proposed project  
**Attachments:** 1345 Oakwood Dr.-Available Parking.pdf

Marla,

Here is the parking availability at 1345 Oakwood. I believe that there are 9 parking spaces.

Rob

On Tue, Aug 8, 2017 at 9:33 AM, Robert Schuck <[rschuckdc@gmail.com](mailto:rschuckdc@gmail.com)> wrote:  
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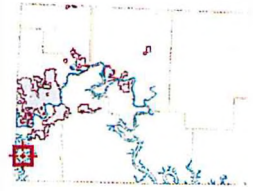
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**Overview**



**Legend**

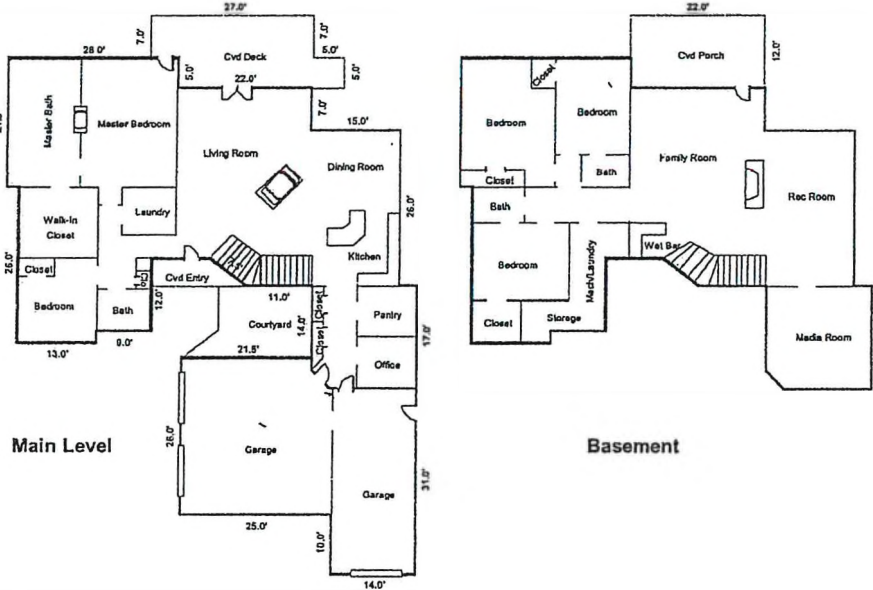
- Parcels
- Roads
- Lakes
- Corporate Limits

<b>Parcel ID</b>	19-1.0-02-003-001-074.000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	SCHUCK ROBERT R & MEGHAN A
<b>Sec/Twp/Rng</b>	2-21-22	<b>Class</b>	n/a		14561 234TH ST
<b>Property Address</b>	1345 OAKWOOD DR	<b>Acreeage</b>	n/a		TONGANOXIE KS 66086-
<b>District</b>	5CWX				
<b>Brief Tax Description</b>	OAKWOOD ACRES ON THE LAKE - AMD PLAT OAKWOOD ACRES ON THE LAKE - AMD PLAT LTS 11 & 12 (Note: Not to be used on legal documents)				

Date created: 8/2/2017  
 Last Data Uploaded: 8/1/2017 10:34:17 PM

Developed by  
 The Schneider Corporation

*Parking for 1345 Oakwood  
 Nightly Rental*



Sketch by Aperi, Inc.

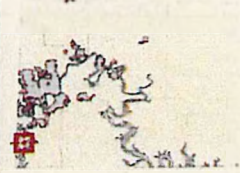
Comments:

AREA CALCULATIONS - SUMMARY			
Code	Description	Net Size	Net Totals
GLAJ	Main Level	2574.8	2574.8
BSMT	Basement	2574.8	2574.8
P/P	Cvd Deck	326.5	
	Cvd Porch	264.0	
	Cvd Entry	56.3	646.8
GAR	Garage	1071.0	1071.0
Net LIVABLE Area		(Rounded)	2575

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
Main Level			
0.5 x	4.5 x	6.0	13.5
	13.0 x	47.5	617.5
	9.0 x	45.5	409.5
	2.0 x	21.5	43.0
	4.0 x	33.5	134.0
	11.5 x	28.5	327.8
	25.5 x	26.0	663.0
	7.0 x	10.5	73.5
0.5 x	3.0 x	3.0	4.5
	3.0 x	14.5	43.5
	14.0 x	17.5	245.0
11 Items	(Rounded)		2575



Overview



Legend

- Parcels
- Roads
- Lakes
- Corporate Limits

Parcel ID	19-1.0-02-003-001-074.000	Alternate ID	n/a	Owner Address	SCHUCK ROBERT R & MEGHAN A
Sec/Twp/Rng	2-21-22	Class	n/a		14561 234TH ST
Property Address	1345 OAKWOOD DR	Acreage	n/a		TONGANOXIE KS 66086-
District	5CWX				
Brief Tax Description	OAKWOOD ACRES ON THE LAKE - AMD PLAT OAKWOOD ACRES ON THE LAKE - AMD PLAT LTS 11 & 12 (Note: Not to be used on legal documents)				

Date created: 10/3/2017  
 Last Data Uploaded: 10/2/2017 10:10:13 PM

Developed by  
 The Schneider Corporation

A - Row of 6' ARBORVITAE  
 B - BLACK WROUGHT IRON FENCE  
 C - EXISTING TREES FOR PRIVACY  
 + BOUNDARY





TANEY COUNTY PLANNING COMMISSION

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DIVISION III PERMIT
APPLICATION/AFFIDAVIT
TANEY COUNTY PLANNING COMMISSION

Applicants Name: ROBERT & MEGHAN SCHUCK Phone: 913-208-8817

Project Name (if applicable): 1345 OAKWOOD DR.

Mailing Address: 1345 OAKWOOD DR. Hollister, MO

Description of Request: Special Use permit for Nightly Rentals.

Required Submittals:

- Typewritten Legal Description of Property involved in the request
Postage for notifying property owners within 600 feet of the request (Later?)
Proof of Public Notification in a Newspaper of County-wide Circulation (Later?)
Proof of Ownership or approval to proceed with request by the owner
Sketch Plan of the project which completely demonstrates request
Concept hearing conducted (date) TBD

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.

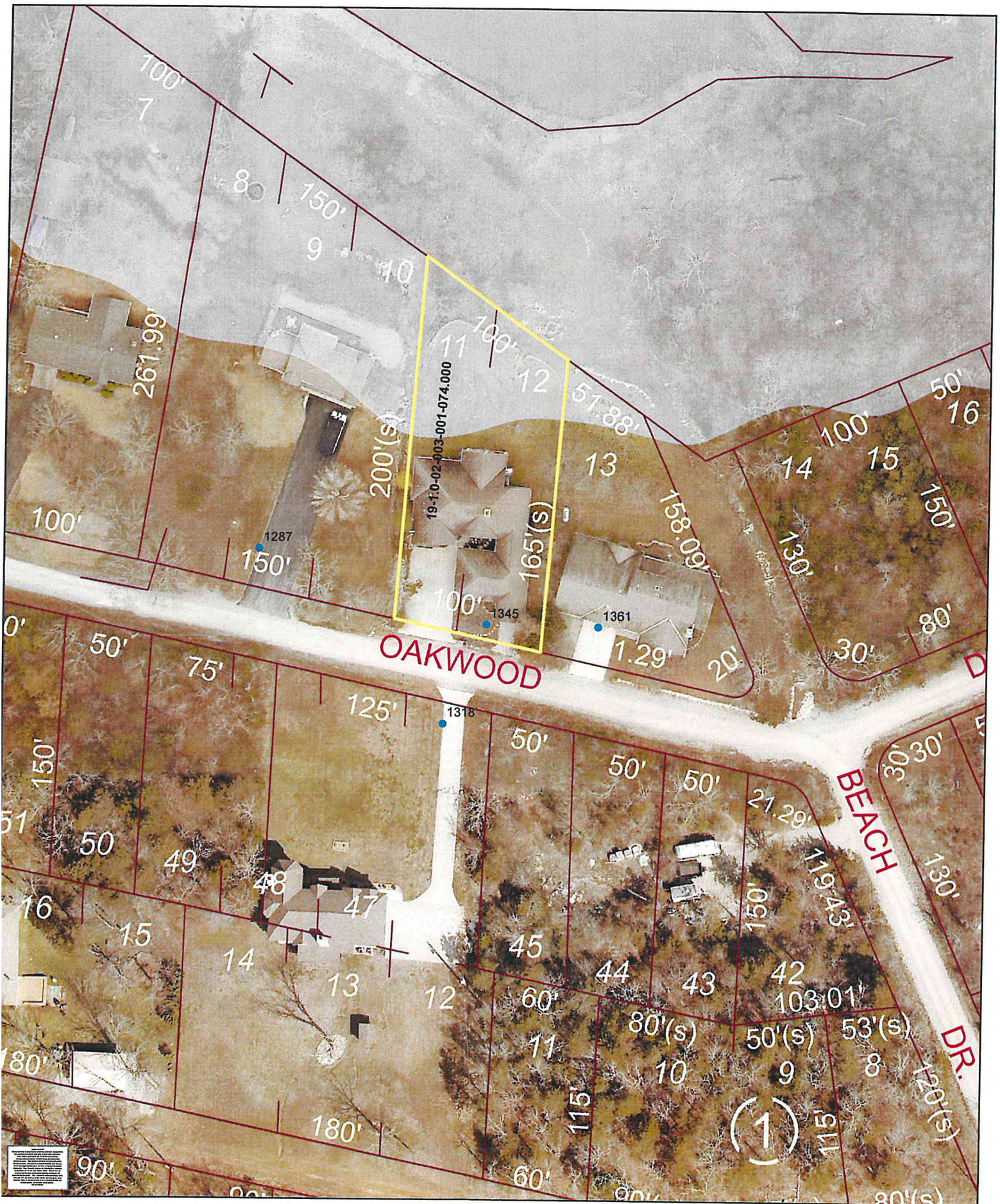
Applicant's Signature

7/14/17
Date of Application





# 1345 Oakwood Dr





**Taney County Planning Commission**  
**Division III Special Use Permit**  
**Staff Report**

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-030

**PROJECT:** 1345 Oakwood Drive Nightly Rental

**APPLICANTS:** Robert Schuck

**REPRESENTATIVE:** Ben Robbins

**LOCATION:** The subject property is located at 1345 Oakwood Drive, Hollister, Missouri, Oliver Township, Section 02, Township 21, Range 22.

**REQUEST:**

The applicant, Robert Schuck, represented by Ben Robbins, is seeking Planning Commission approval of a Division III Special Use Permit allowing nightly rental use of the existing single family residence, located at 1345 Oakwood Drive, Hollister, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor's information the single family residence has five (5) bedrooms, includes two (2) two car garages, and is built on lots 11 and 12, located in the Oakwood Acres on the Lake subdivision and was constructed in 2005. The property is approximately .38 acres in size. The property is served by a private well and an onsite waste water system.

The lots to the south, west and east are currently residential lots with single family homes. The property to the north is the Table Rock Lake take line.

Per the nightly rental provisions of the Taney County Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom”. Therefore, the five (5) bedroom home would have a maximum occupancy of twelve (12) occupants, and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a nightly rental.” Therefore a total of six (6) parking spaces will be required.

The project received a total score of -5 on the Policy Checklist.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-030, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The 1345 Oakwood Drive Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)
4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)
6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)

7. Compliance letter from the Western Taney County Fire Protection District.
8. The 1345 Oakwood Drive Nightly Rental shall accommodate (sleep) no more than twelve (12) persons. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of six (6) parking spaces will be required. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The 1345 Oakwood Drive Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)
13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
14. The 1345 Oakwood Drive Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.

- e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
  - f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
  - g. The solid waste disposal collection day if provided by a solid waste company. (Appendix E, 4.7.8)
15. The owner of the property shall designate a “Local Representative”. The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)
- a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
  - b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
  - c. **Availability.** If the Taney County Sheriff’s Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.

16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)
17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)
18. This decision is subject to all existing easements.
19. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)

**Scott Starrett**

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**From:** Helen [hlande67@yahoo.com]  
**Sent:** Sunday, October 01, 2017 5:31 PM  
**To:** Scott Starrett  
**Subject:** To register opposition to nightly rentals

Taney County Planning Commission  
PO Box 383  
Forsyth, MO 65653

To the commission:

This letter is to register my opposition to the nightly rentals at 1345 Oakwood Drive, Hollister, MO.

The house was being rented nightly in 2016 without a permit. It's my feeling that nightly rentals are not appropriate for our residential neighborhood. Many negative aspects are presented as threats to our security. We live in a threatening world and fear for our safety in all areas of our lives. As a widow, living alone, I fear for my safety and feel the nightly rentals would be a threat to me personally.

Not only the above, but our streets are narrow and become congested when numbers of people rent a house due to numerous cars, boats, etc. this is a safety concern. Those renters not usually paying attention to numerous neighbors, of all ages, walking and the renters not honoring speed limits.

Nightly renters are on vacation, and most celebrate or party, by being loud into all hours of the night, showing a lack of respect with our neighbors. Then we have the neighborhood dogs barking due to strangers coming and going throughout the day and night.

There is also the issues of overuse of septic systems, additional garbage with bins running over and trash not being picked up for days.

Please deny the nightly rental permit for 1345 Oakwood Drive.

Respectfully submitted,  
Helen Andersen  
1189 Oakwood Drive

**Scott Starrett**

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**From:** Terry Woods [terrywoods@orkintoday.com]  
**Sent:** Monday, October 02, 2017 4:29 PM  
**To:** Scott Starrett  
**Cc:** Susan Unger  
**Subject:** Permit for nightly rentals at 1345 Oakwood Drive

Taney County Planning Commission,

My name is Terry Woods at 1261 Oakwood Dr Hollister MO 65672. I am writing you to oppose granting a permit for nightly rental at 1345 Oakwood Dr.

I do not feel that nightly rentals are appropriate for this residential neighborhood. You have made similar decisions on the Lemonwood Ln subdivision just last year, which is directly beside our subdivision. The main concern I have is the increase in traffic and security. We have already had 1 major theft at our home, and I feel the increase in traffic would lead to more. Most of our surrounding neighbors feel the same way.

I appreciate your consideration in this matter and request that the nightly rental permit for 1345 Oakwood Dr be denied. Feel free to reach out to me if I can be of any assistance.

Thank you,

***Terry Woods***

*636-942-1011 office  
314-346-0303 cell*



October 2, 2017

Taney County Planning Commission  
Taney County Courthouse  
132 David Street  
Forsyth, MO

Re: Public Hearing, October 10, 2017  
Request by **Robert Schuck for nightly rental at 1345 Oakwood Dr. Hollister, MO**

Commissioner:

As the owners of the adjoining residential home to the west of 1345 Oakwood Dr., we would like to provide input for your consideration in denying the permit for nightly rental. Our opposition is based on personal experience during the summer of 2016 when Sunset Rentals did nightly rentals on behalf of the Schuck's.

The home on 1345 Oakwood Dr. was built within 8 feet from our property line and resides at the end of a small shallow cove on table rock lake. There is no buffer zone keeping people that are unfamiliar with the area from coming across our lawn to access the more open areas of the lake. See the attached aerial view that shows the path's taken across our property. There is a shallow storm drainage area between the homes, that resides on our property. This area is dry during the peak rental season and is shallow and easy to cross. See the second attachment of the natural rock path between the two properties.

Our private boat dock has also been an attraction to the renters. We have had to tell renters they could not park their boat there, or fish, or swim off the end, or drop off and pick up boat loads of people with coolers and children. See circled area of Attachment 1.

Additionally, 1345 Oakwood Dr. has no street parking available in front of their home. The narrow gravel road has the drainage ditch on the opposite side of the street keeping people from parking across the street from their property. Overflow parking occurs in front of our home and on our property. Our property has been used by the renters to park not only cars, but trailers and boats. See highlighted areas in Attachment 1.

Our frustration with the nightly renters during 2016 was high. We were put in a position of having to tell strangers that they could not use our property, boat dock or that they needed to move their cars off of our lawn. The only property contact we had was the father/father-in-law of the Schuck's. On numerous occasions we called to tell him that he needed to tell his renters that our property was not included with the rental and that we could not take on the liability if someone would get hurt. Unfortunately to get immediate action, we had to address the situation ourselves. And for several weekends in a row we would experience the same thing. The confrontation of renters who are partying, drinking and on vacation, puts us in an adversarial and unsafe situation on our own property.

Not all residential properties are situated well to be a nightly rental, nor were they designed to be. The original owners of 1345 Oakwood Dr. put up the biggest home they could on the minimum required lots for this subdivision. They were planning on this being their life long home until they ran into financial trouble. The design and use of this property due to parking, lot

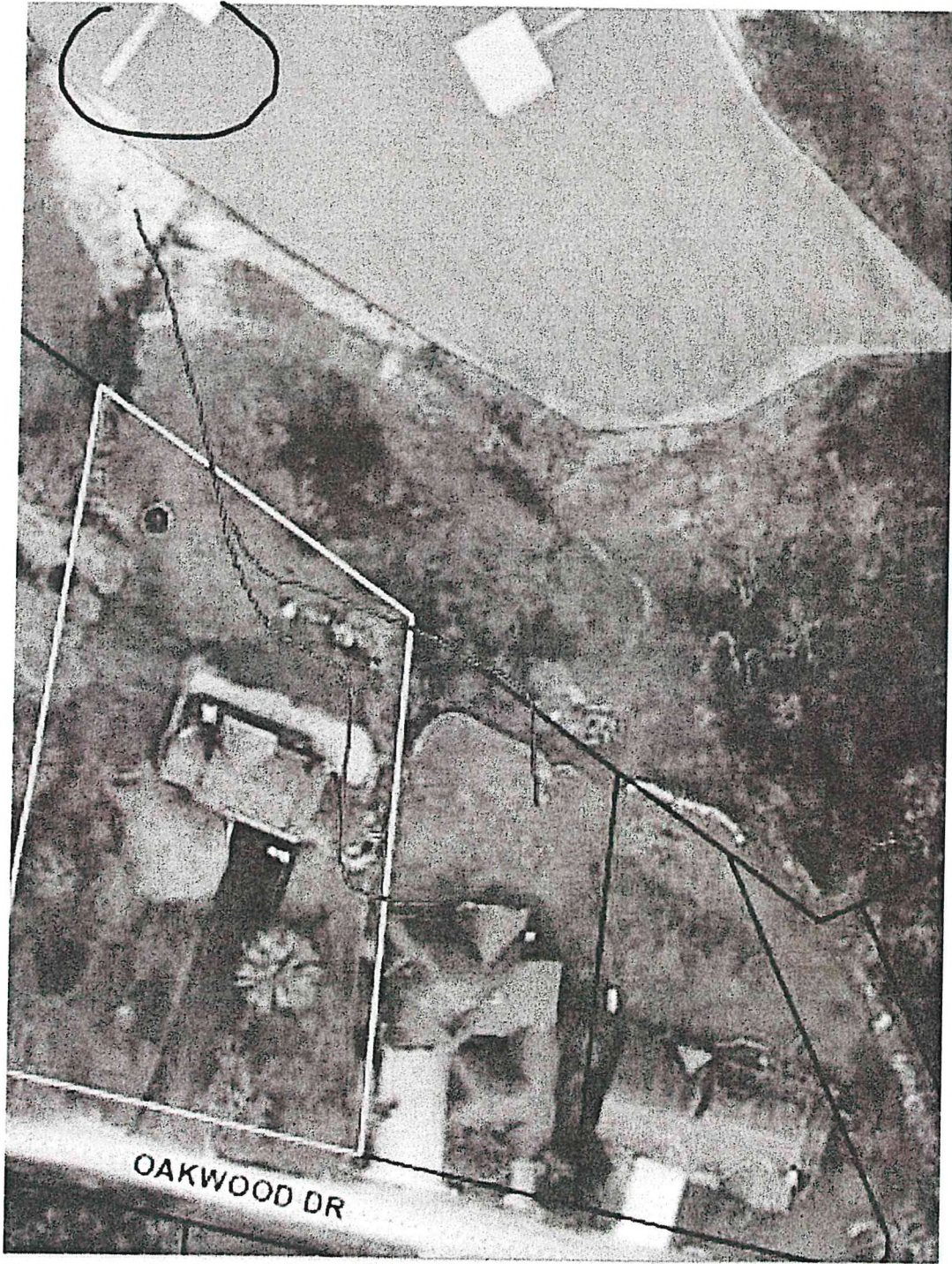
size, and noise level with close proximity to adjoining properties, does not make this a good design for a nightly rental.

Thank you for your consideration in denying this permit.

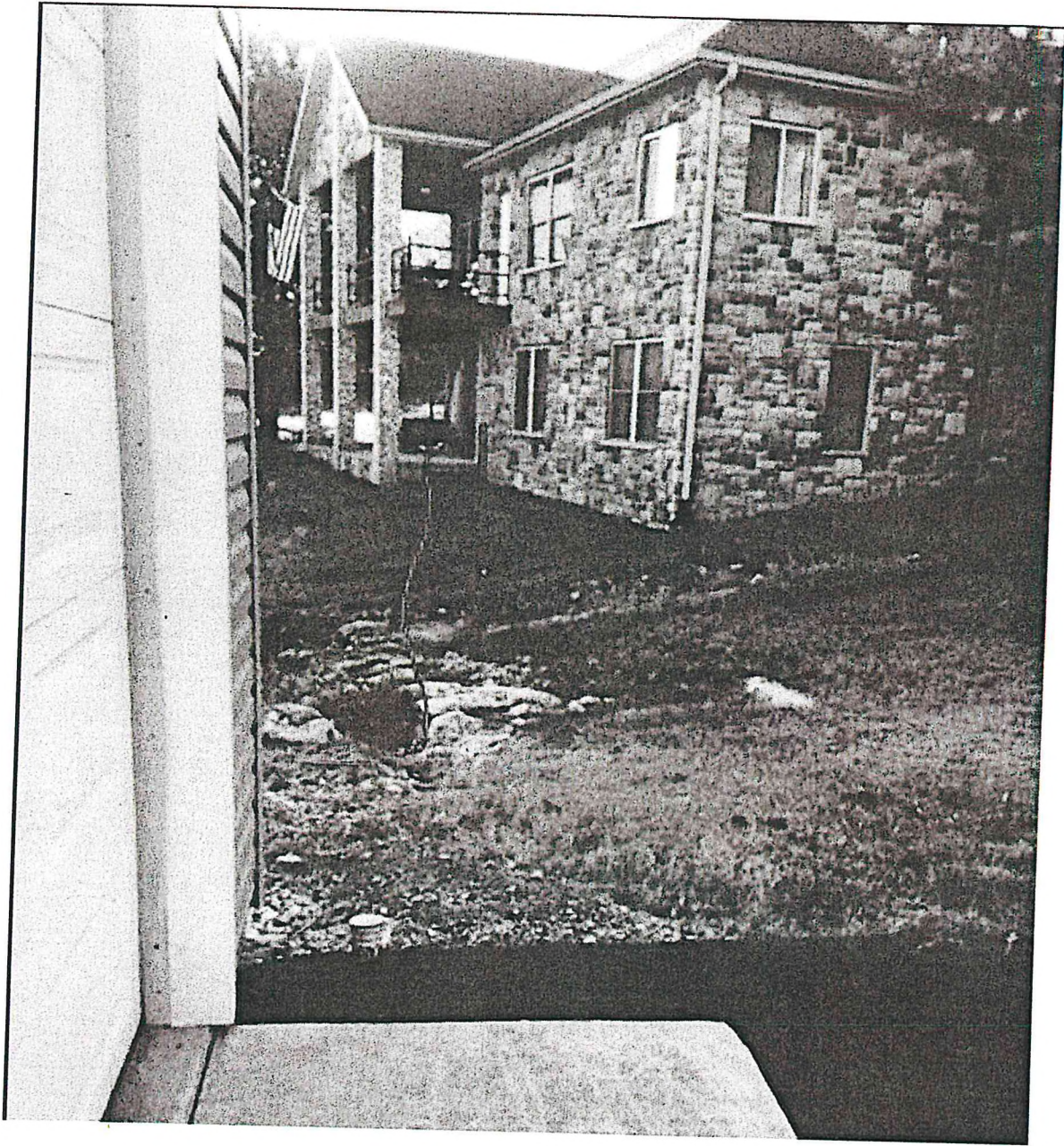


David and Janis Hillhouse  
1287 Oakwood Dr.  
Hollister, MO 65672

Attachment 1:



Attachment 2:



October 2, 2017

Taney County Planning Commission  
PO Box 383  
Forsyth, MO 65653

To the Commission,

This letter is sent to register **opposition to the granting of a permit for nightly rentals at 1345 Oakwood Drive, Hollister, MO.**

This house was rented nightly in 2016 without a permit by Sunset Realty. Therefore we have experience with the problems nightly rentals have on our neighborhood. We are grateful to the Planning & Zoning administrator for stopping the practice then and ask that you disallow it from happening again.

Nightly rentals are not appropriate for this residential neighborhood. They present many negative aspects and no positive ones for the neighbors. These include the following.

- Security – Who knows who is renting the house? Anyone with the money, regardless of intent could rent. A sex offender could be next door. Numerous cars coming and going leave the neighbors with no way to recognize people with bad intentions.
- Parking – Oakwood is a narrow street and the house in question sits close to the street with little parking. Folks renting this house in the past parked in the neighboring yards. Some had boat trailers taking up the space of several cars.
- Noise – Folks on vacation are at the lake to have a good time. They party. They are loud and have no reason to respect the neighbors. They go home and a new set of vacationers takes their place. It is like the 4<sup>th</sup> of July all summer.
- Sanitation – The house in question is large. It was advertised in 2016 to accommodate 20 people. Even if the county standard does not allow that many people, there is no one on site to prevent this much occupation. No septic system can stand up to that many people constantly using it. The trash generated by large groups in the past filled 4 trash cans which have stood full for days on some occasions.
- Safety & Liability – The house is lakefront but has no dock. Renters have used our dock without permission on numerous occasions. This presents a safety and liability issue for them and for us.

For these reasons we ask that the nightly rental permit for 1345 Oakwood Drive be denied.

Respectfully Yours,

Tom & Susan Unger  
1263 Oakwood Dr  
Hollister, MO 65672

I (we) oppose the granting of a nightly rental permit for

1325 Oakwood Dr, Hollister, Mo

Name	Address	Phone
1 Helen Andersen	1189 Oakwood Dr, Hollister	417-336-2491
2 Linda Mice	1216 Oakwood Dr, Hollister	417-332-7222
3 Tom & Susan Weger	1263 Oakwood Dr, Hollister	479-643-2282
4 Loretta Bolal	331 LEMONWOOD HOLLISTER	417 343 9736
5 Marie Bowen	562 LAKEWOOD DR HOLLISTER	417 527-2542
6 Laura Bowen	314 LEMONWOOD DR HOLLISTER	417-334-6324
7 Curt & Michael	363 LEMONWOOD LN	417-335-2578
8 Martina	363 LEMONWOOD	
9 Andy Geider	351 Lemonwood Ln.	816-387-7777
10 Nichol A. Kil	351 Lemonwood Ln	816 387 7777
11 Creative Design	102 Lemonwood Ln	417-699-9418
12 Tiger Baker	1477 Oakwood	417-294-2411
13 Cathy Spears	171 Lemonwood Ln Hollister	417-334-2643
14 Robert Middle	203 Lemonwood	417-294-0108
15 Eileen Rainier	265 Lemonwood	870-480-9448
16 Emma McLaughlin	264 Lemonwood Ln	417-337-7616
17 George & Rock	245 Lemonwood Ln	417-336-8275
18 John & Jean	132 Lemonwood	772-399095
19 Ed Hillhouse	1287 Oakwood Dr Hollister	314-705-4641
20 Smith Hillhouse	1287 Oakwood Dr	636-699-5012
21 Sandra L Simpson	131 Lemonwood Ln. Hollister	417-230-2509
22 Richard Simpson	131 Lemonwood Ln	417 336-2119
23 Beverly Winters	788 Hillcrest Drive, Ridgeway	417-332-7622
24 Allen & Rene Johnson	391 Lemonwood Ln	417-334-2116

I (we) oppose the granting of a nightly rental permit for  
 1325 Oakwood Dr, Hollister, Mo

	Name	Address	Phone
1	JOHN & SARAH WINGERT	569 LAKEWOOD	417-5983758
2	Glen & Allison Beebe	792 Hillcrest Dr Ridgedale	417-576-8441
3	Warren and Thia Schuler	801 Hillcrest Dr, Ridgedale	65739 417-559-4423
4	Bob Grimos	<del>452 Hillcrest Dr</del> Ridgedale, MO	417-337-0410 65739
5	James Jung	2092 Graham	Hollister Mo 65672
6	Diana M. Yager	2092 Graham	Hollister Mo 65672

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October 2, 2017

Taney County Planning Commission  
PO Box 383  
Forsyth, MO 65653

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For these reasons we ask that the nightly rental permit for 1345 Oakwood Drive be denied.

Respectfully Yours,



Tom & Susan Unger  
1263 Oakwood Dr  
Hollister, MO 65672



October 2, 2017

Taney County Planning Commission  
Taney County Courthouse  
132 David Street  
Forsyth, MO

In re: Public Hearing -- October 10, 2017

Request by **Robert Schuck for nightly rental at 1345 Oakwood Dr. Hollister, MO**

Commissioner:

Thank you for accepting public comments regarding the above request. We **STRONGLY OPPOSE** the request.

The mentioned property lies within a Residential Community. Within this residential community there are no current provisions for commercial activity. Advertised, nightly vacation rental property (commercial) use, is not consistent with the intention of a residential area.

Vacationing "renters" have been known to:

- .) Disregard parking requirements
- .) Disrupt the peace with loud partying
- .) Leave trash and debris
- .) Trespass on other private property
- .) Speed through narrow residential streets

General concerns involving rental property:

- .) Is there adequate parking - how many vehicles would be allowed - who will monitor parking ?
- .) Is there adequate septic sewage capacity for an undisclosed or undetermined number of persons ?
- .) Is there a fire safety plan ?
- .) Will there be a manager on duty to monitor the activities of the renters ?

The Branson/Hollister area offers thousands of vacation rental opportunities in 'planned' vacation rental communities. We see no need to disrupt a residential community by interjecting or allowing commercial nightly rentals.

Thank you for your attention. Please thoughtfully consider a **DENIAL** of this nightly rental request.

James and Diane Unger  
2092 Graham Clark Rd.  
Hollister, MO 65672

October 4, 2017

Taney County Planning Commission  
Taney County Courthouse  
132 David Street  
Forsyth, MO 65653

RE: Public Hearing – October 10, 2017  
Request by: Robert Schuck for nightly rental at 1345 Oakwood Drive,  
Hollister, MO

Commissioner:

This is a public comment and statement on the above request. We have had our residential lake home for 20 years and enjoy our neighbors, some who have lived there most of their lives, and quietness and beauty of this residential area. This is what attracted us to this area on Table Rock Lake.

**We strongly oppose to this request of now adding nightly rentals to our residential area.**

We feel that Branson, Hollister and adjoining areas offer many planned vacation rental locations that are managed with rules and restrictions. There are also managers on duty to make sure these are followed.

Vacationers are in these nightly rentals to have a good time and have no respect for parking, trash, disrupting parties and trespassing on resident's property, namely the privately owned "**DOCKS**". It will also increase the traffic on these quiet small residential roads. Take a look at Graham Clark Road and send one of your road department people to sit and count the amount of traffic and speeding on any day of the week. We don't want it!

What about the environment? I know this particular home has advertised on the internet to fit multiple families. All of our septic tanks, yes they have a septic tank, sits very close to the lake. Is there a sewage treatment plant to help with the increasing flow of sewage from these multiple families?

In closing again, we are strongly opposed to allowing nightly rentals in our residential communities. We want to keep commercial businesses like this

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one from starting. Just because you can't sell it, why not rent full time to people who are responsible and who become good neighbors.

Thank you for allowing our comments,

Kevin and Susan Cole  
1962 Graham Clark Road  
Hollister, MO 65672

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17-31

**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:** Parkside Lane Nightly Rentals

**NAME OF APPLICANT:** TCS Enterprise, LLC  
(Must be owner of record)

**SIGNATURE:** Tammy R. Smith **DATE:** 8-1-17  
(Must be owner of record)

**MAILING ADDRESS:** 12237 Co Rd 8490, Newburg, MO 65550

**TELEPHONE NUMBER:** 573-578-1154 / 573-762-3168

**Representative Information**

**NAME OF REPRESENTATIVE:** Tammy R. Smith

**MAILING ADDRESS (rep.):** same

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

CONCEPT = August 21  
PH = September 11  
FY = September 18

**Property Information**

**ACCESS TO PROPERTY (street # and name):** Swan Township  
Parkley Lane

**Number of Acres (or sq. ft. of lot size):** 1.889

**PARCEL #:** 09-26-27-000-000-015.000  
(This number is on the top left hand corner of your property tax statement)

**SECTION:** 27 **TOWNSHIP:** 23 **RANGE:** 20

**NAME OF SUBDIVISION (if applicable):** \_\_\_\_\_

**Lot # (if applicable)** 6-13 **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
- Special Use
- Multi-Family
- Commercial
- Industrial
- Other - Explain: nightly rentals

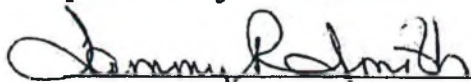
**DIVISION III PERMIT  
APPLICATION/AFFIDAVIT  
TANEY COUNTY PLANNING COMMISSION**

Applicants Name: TCS Enterprise LLC Phone: 573-762-3162  
Project Name (if applicable): Parkside Lane Nightly Rentals  
Mailing Address: 12237 Co. Rd 8490, Newburg, MO 65550  
Description of Request: Nightly Rentals  
Required Submittals:

- Typewritten Legal Description of Property involved in the request
- Postage for notifying property owners within 600 feet of the request
- 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 of the project which completely demonstrates request
- Concept hearing conducted (date) \_\_\_\_\_

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

**In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.**

  
Applicant's Signature

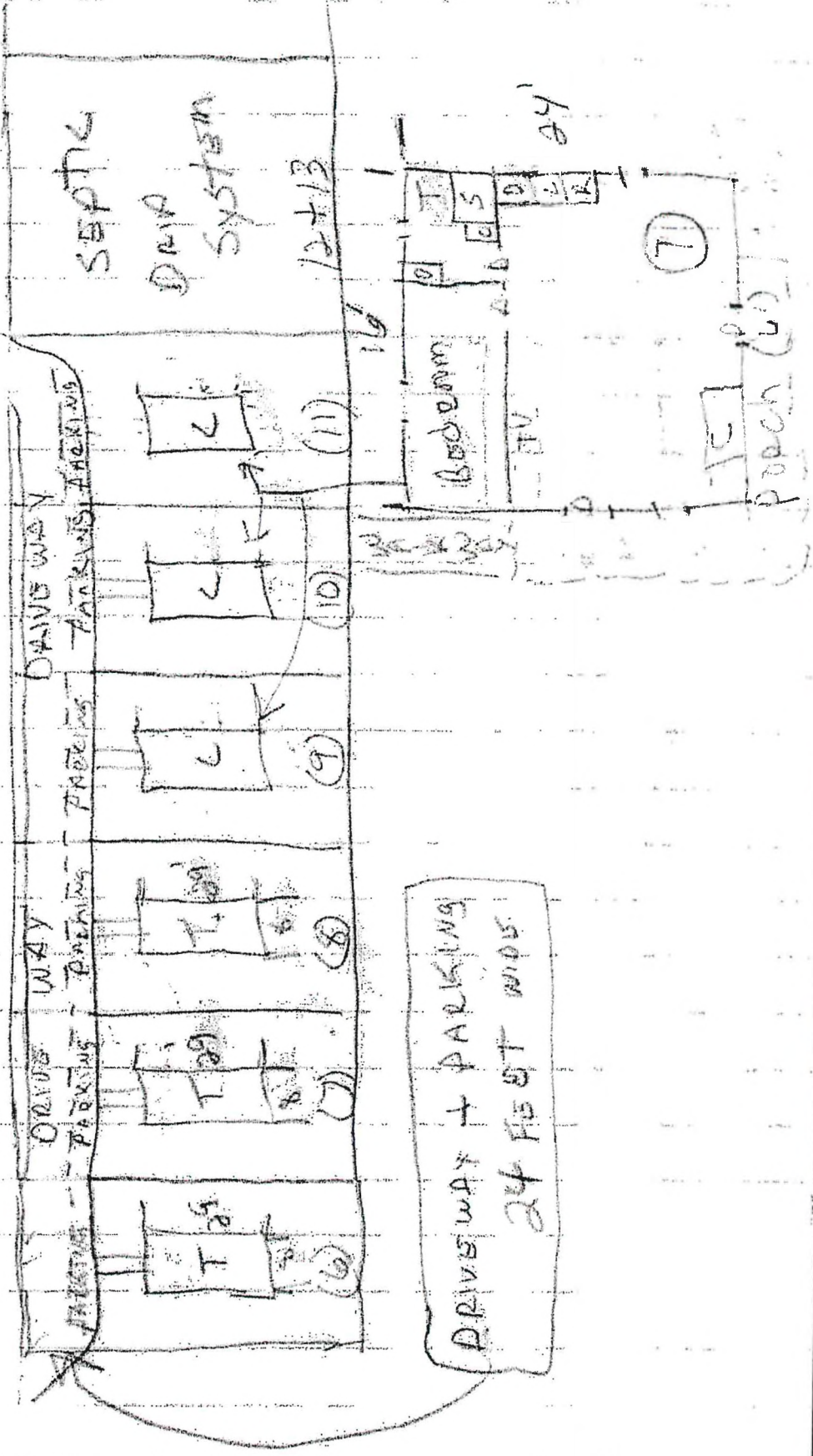
8-1-17  
Date of Application

**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.)**

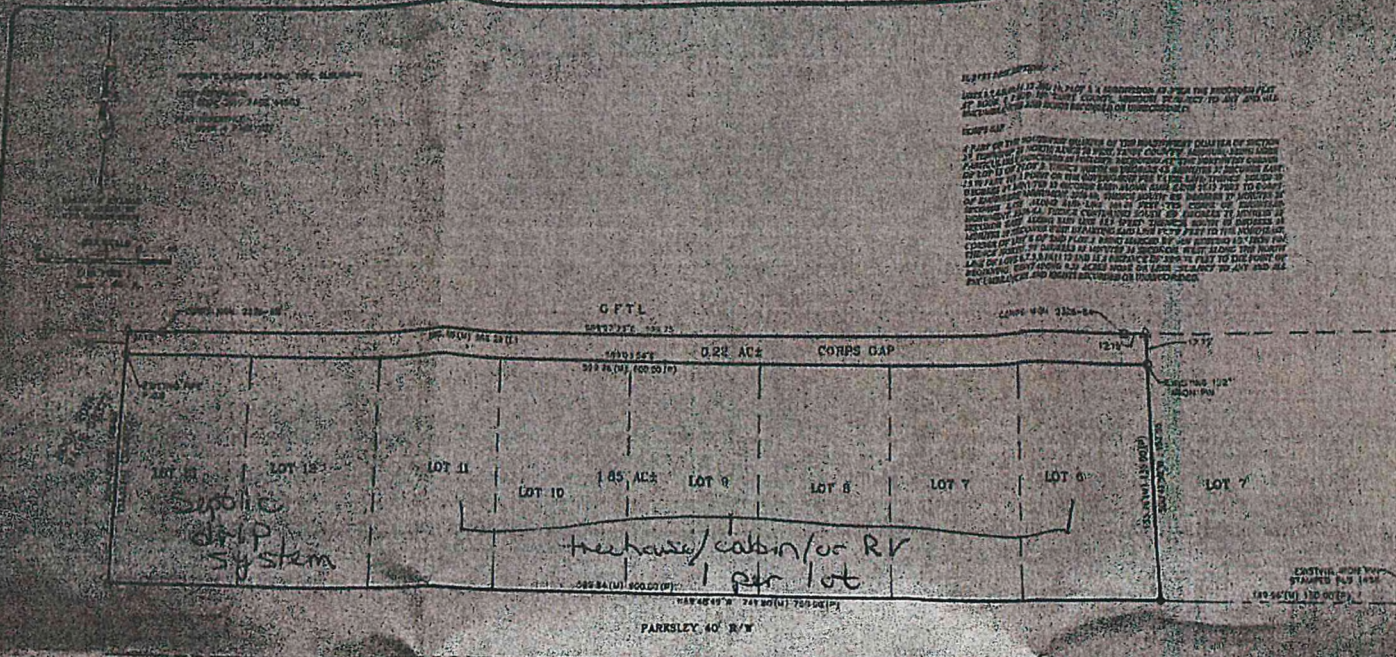
We would like to construct treehouses and/or cabins and/or RV rentals for nightly use. This area is right next to the T. Doek Marina and would provide nightly rentals close to them. This would provide a place for families to come and rent pontoons, paddle boards and fishing. We intend these rentals to be for nightly use for families. This is also by the public access to the boat launch. Also, could be used for the bass fishermen when tournaments are held on bull shoals. We intend these to be 1 bedroom with amenities for up to 4 people maximum occupancy.

ELECTRIC LINE + TELEPHONE LINES

# PARKSLOX LN.







**NOTICE TO BUYER**

THIS PLAT IS A SURVEY OF THE PROPERTY DESCRIBED IN SECTION 34, TOWNSHIP 21 NORTH, RANGE 21 WEST, COUNTY OF WISCONSIN, AND IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS THEREON AS SHOWN ON THE PLAT. THE BUYER IS ADVISED THAT THE PROPERTY IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS THEREON AS SHOWN ON THE PLAT, AND THAT THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

**DECLARATION BY SURVEYOR**

I, STANLEY J. SCHROEDER, SURVEYOR, HEREBY DECLARE TO YOURSelves THAT THE INFORMATION CONTAINED HEREON IS BASED UPON MY ACTUAL SURVEY OF THE LAND DESCRIBED HEREON, WHICH WAS PERFORMED TO THE BEST OF MY KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE SURVEY STANDARDS FOR PROPERTY BOUNDARIES SERVICES AS ESTABLISHED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE WISCONSIN BOARD FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS, EFFECTIVE 9/26/01, AND SAID INFORMATION PROVIDED BY YOURSelves TO ME.

IMPROVEMENTS AND THIS SHOWN AS SET WERE PLACED UNDER MY PERSONAL SUPERVISION. PHYSICAL EVIDENCE OF IMPROVEMENTS IS SHOWN FROM INFORMATION TAKEN BY VISUAL INSPECTION OF THE PROPERTY. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED OR OTHERWISE AND MAY NOT BE ALL. APPLICANT'S APPOINTMENT IS SHOWN AND BASED UPON INFORMATION PROVIDED BY APPLICANT AND DOES NOT REPRESENT MY OWN AS TO TITLE.

STANLEY J. SCHROEDER, SURVEYOR  
 LICENSE NUMBER: 18-2000  
 DATE PREPARED: 9-10-10





# Taney County Planning Commission

## Division III Permit

### Staff Report

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-031

**PROJECT:** Parksley Lane Nightly Rental

**APPLICANT:** TCS Enterprise LLC, Tammy Smith

**LOCATION:** The subject property is located at lots 6 through 13 Parksley Lane, Kirbyville, Missouri, Swan Township, Section 27, Township 23, Range 20.

**REQUEST:**

The applicant, TCS Enterprise LLC, represented by Tammy Smith, is seeking Planning Commission approval of a Division III Permit allowing nightly rental use for six (6) cabins or tree houses to be built, and or RV's, located on lots six (6) through thirteen (13) Parksley Lane, Kirbyville, Missouri.

**BACKGROUND and SITE HISTORY and REVIEW:**

Per the Assessor's information the subject property consists of eight (8) lots, six (6) through thirteen (13) plot two (2). The property is approximately 1.88 acres. The applicant is planning to build six (6) one (1) bedroom cabins, one (1) cabin per lot numbers six (6) through eleven (11), with the waste water system on lots twelve (12) and thirteen (13). The property will be served by a private well. The applicant is currently working with Taney County and an Engineer on the permit application for the waste water system.

Lots to the west and east are owned by the applicant. The property to the north is the Corps of Engineers on Bull Shoals Lake. The property to the south is Parksley Lane.

Per the nightly rental provisions of the Development Guidance Code, "The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom."

Per the nightly rental provisions of the Development Guidance Code, "One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental."

The project received a total score of -6 on the Policy Checklist.

The applicant feels this location would be a good area for nightly rental being next to the K-Dock Marina for families and fishermen to use.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Permit #2017-031, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letter from the Central Taney County Fire Protection District.
3. The Parksley Lane Nightly Rental cabins shall accommodate (sleep) no more than four (4) persons per cabin. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
4. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of two (2) parking spaces will be required per cabin. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
5. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)

6. The Parksley Lane Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
7. A Certificate of Compliance (C of C) must be issued for each Nightly Rental structure certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. The Certificate of Compliance must be issued before any nightly rental can begin. (Appendix E, 4.7.6)
8. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
9. The Parksley Lane Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.
  - e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
  - f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
  - g. The solid waste disposal collection day if provided by a solid waste company.(Appendix E, 4.7.8)
10. The owner of the property shall designate a "Local Representative". The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)
  - a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a

revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.

- b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- c. **Availability.** If the Taney County Sheriff's Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.

11. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)

12. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)

13. A Division II permit will be required before construction begins.

14. This decision is subject to all existing easements.

15. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)

nightlyrentalsroger

To Whom It May Concern  
Taney County Planning Commission

Re: RV's and Tree Houses For Nightly Rental  
on Parksley Road by TCS Enterprises, LLC

Concerns about lot 5 and 6. There have to be safety concerns about the power lines that cross the center of lot 5. This could be dangerously close to tree houses or pull type campers. The distance from power lines will have to be confirmed safe.

Also, there is a concern about sewage for these tree houses or campers in question. The cess pool on lot 8 has been inspected and deemed unusable. We have all the paperwork to for proof of this. Proof this cess pool can not exist. For some reason it remains on lot 8 with two houses using it illegally. Request answer as to why?

There is a concern about all the people who live on Parksley Lane about the traffic problems and possible drug sales on McClean and Parksley Lane. There is a history that should be looked at and considered. People who stay or live here should be informed a convicted drug dealer still resides on this road.

Plus, lots 1,2 and 3 were all drug dealers who were raided and many people were sent to jail. The well and also the septic tanks will need to be removed and clean up done and replacement will have to take place These facts shou be investigated also.

Rick Hill who was an officer of Taney County Sheriff's department along with the Comet Team has the evidence the cabins on lots 1 2 and 3 should be checked for drug contaminants to make meth.

This land is not land that is designated for commercial use, which is most likely why Mr. Smith has the need to request this hearing.

This development proposition has caused a lot of people here on Parksley Lane to look for some where else to live. Mr. Smith has put several pressure tactics to make this happen. I don't believe this type of bullying should be allowed.

Sincerely

Roger Parmeter 417 527 9909



Page 1

nightlyrentals

To Whom It May Concern  
Taney County Planning Commission

Re: RV's and Tree Houses For Nightly Rental  
on Parksley Road by TCS Enterprises, LLC

There are several concerns about this proposed construction that are felt by us and many of the residents here. We have talked with all of the residents on this road and not one of them including ourselves is for this proposed construction and nightly rentals.

The residents and home owners of the west end of Parksley Lane have restrictions that through lawyers and legal recourse have been able to stop this from taking place in the west end of Parksley. They have had to either seperately or together work with lawyers to halt TCM Enterprises, LLC, aka T. Chris Miller from putting nightly rentals of any sort in that area.

I live on the east end of Parksley Lane and we do not have such restrictions for the plotted subdivision at this end that we can find. But, this is just the beginning of the problems that I foresee here. It is a logistical, health, and safety issues that would make this a very bad idea.

There is one way in and out of this area. You must drive down Hwy K to Warren Rd and then up into Parksley Lane. When the water is high the road at the end of K Hwy and Warren Rd become flooded. If a person were to have a medical issue or a fire or an issue that would need law enforcement involvement there would be no way for them to get the help they needed in a timely manner. Who would be liable for that?

The Wilson brothers have in the past allowed home owners and the dock owner to pass through his land on a private road. I have talked to him in the recent days and he says that is all he has to allow through and if they do not follow the rules he can deny them access.

I know for a fact in the past 3 flooding incidents, there are certain people that have taken advantage of this road in ways that were not allowed. They have also let people through that were not allowed, littered and damaged the gates used to keep his property private.

We have come upon some that were seeking drugs that have taken the gates down and caught them in the process of doing so and the police were called in. There have been keys to the gate hidden and left for people who do not live in the area to go through his property and vandalism and littering were



nightlyrentals

not uncommon events during the time of flooding. The Wilson's were very gracious to let us use this road but, I would not blame him at all that during the next flooding event that he would not want us to do that again.

So even if the Wilson family allowed homeowners and the dock owner to pass through this the nightly rental customers would not be allowed to use this road. Emergency services would need several extra minutes to use it if allowed that could mean the difference between life and death.

Even garbage pick up would be an issue. We all in the past have had to make arrangements with our particular garbage carrier or place of business where we have worked to have our garbage removed.

The road that floods the Taney County raised up 10 feet right after the 2nd flooding in this area. It was thought at that time the Wilson's private road would no longer be needed. This years rainfall caused this not to be the case. The road was flooded at least 5 feet under at the highest spot and home owners and dock owners were allowed through. The Wilson family still had issues with people who did not belong on the road. Including the person who is wanting to put this development in. He brought through either RV's or equipment that actually got stuck in the bend in the road that is steep and short between an S curve.

Who would be responsible for raising the road at the end of K hwy and the Beginning of Warren Road to prevent the issues of flooding and a lack of access to the clients of the nightly rental. If no one does, who would be responsible for any occurance that would jepardize their safety or health?

The neighborhood down here is not exactly a safe neighborhood. We have many times had police out here to investigate drug sales and meth making operations. We have daily traffic that comes in and out to get their drugs to this day. We in the past have had our lives threatened, watched as they marched around with AK's and AR's while cooking events were going on. There have been 4 suspicious deaths. We have had fugitives take refuge in the abandoned cabins and homeless make their place to live K Dock Park. At one point we had a reported incident down at the park in which the people causing the trouble came to my home. With in minutes of that the police arrived asking me if I had seen the hoodlums. I asked if they wanted his mama's phone number as he used my phone to call his mama. He told her he would be in the abandoned cabins and for her to pick him up. There were several officers in the area when the two they were searching for came back to my home and my

### nightlyrentals

husband took them at gun point to the officers searching the cabins. The two were quickly arrested and put into squad cars, but, they were still searching for the 3rd who went in a different direction into the woods to escape.

Recently I had a drunk out in front of my home, that came to my door after he got up from where he was laying in the street. He was either extremely drunk or high or both and barely made it to my gate. I told him to leave before I get my gun and he fell at least 4 times trying to go up the drive way. I was alone, my husband was visiting family on the west coast. It was not the only time that I had to wear a gun in my own home to feel that I had a chance. I had to do it for months before the raid was made on the cabins several years ago. My life had been threatened.

This is just a couple of many many incidents in the area. If you check into the police records you will find that this is actually a very high crime area. Couple that with more nightly renters it only increases the odds for a tragedy to happen.

Who is responsible for that???

Then there are the lots themselves. My husband and I looked into buying these lots on more than one occasion. We checked into what it would take to build, put in a septic and well. We checked into the geology of the property itself. We found that there is only one spot that a well might work out because the lots are mostly ledge rock or too close to the lake for a proper septic system. It was cost prohibitive to do anything on those lots.

There is also a cess pool on the property. It is used by the two homes that are on McClean Road, a loop just off of Parksley. They share it. At one time all the property was owned by the same person and it worked for them. We looked into what it would take to get the cess pool closed only to find it had already been attempted, condemned and closed but, since there is a 10 year rule on certain things regarding properties we may be able to try and close it but, they have the time in use on their side.

So, the two property owners had their rights to continue to use this cess pool on one the lots that are 8 thru 10, not sure of the exact location.

What is to happen with that cess pool? The properties on McClean have their rights as it has been there for more than 10 years even though it was

nightlyrentals

condemned and told to be closed. Their property is all ledge rock, and with new set back rules for wells and septic they would need to come to an agreement to share costs, which would be substantial to build a septic drip system of some sort as the Nelson's and Dixons had to do when they moved in or built.

Is this cess pool going to be what is used for the nightly rentals? If he is planning to use the tanks on the RV's how are we to know that they will be pumped out properly and not just dumped to the cess pool or the ground. Especially in times that the road is flooded.

There are a few issues also of ethics. When Mr. Smith bought the property from Mr. Wilson, who sold it to him privately with no realtor involved. Mr. Wilson told us it was a man and his family that just wanted a place to build a home for retirement and enjoy their wonderful view of the lake. Mr. Wilson is one of the people that have gotten a lawyer to stop Mr. Smith from developing the west end of Parksley. Had he known what was about to happen, that there had been a plan all along to develop the area he said he would have never sold the property to Mr. Miller. I feel that a man that lies in one area of business and life will lie in others. Ethically I do not trust this man.

I have been told by the other people in residence he has used bullying tactics to make them want to leave, move or sell and especially sell to him. He has not bullied us at this time but, the whole idea of what he has done and wants to do have put a pressure on us. It has been a real issue for me and my health, I have fibromyalgia and all the stress deeply effects my pain levels and messes with my diabetic numbers.

We, my husband and I would not be apposed to moving if we were given an offer that would make it worth our expending the energy and stress of moving. We are older, both disabled and retired. We would need to have help with moving, and the stress of it would really cause me issues with my health just as being pressured and worried does now. Moving is the 2nd most stressful event that can happen in someone's life, and being forced out is would make it even more so.

I know that we do not have the money this man has and for us to be able to fight with a lawyer would be a budgetary disaster for us.

No one who currently lives here, wants this development. At least 2 are looking to move as they have tired of the bullying tactics and stress. They were very happy even with all the other issues that have been here for years.

nightlyrentals

I myself would just like to have some peace of mind. This was our dream to live by the lake, and to go fishing when we wanted, but, it has turned into a nightmare on more than one occasion. This being one of them. All I see are problems that will develop if this is allowed to happen.

According to what I have heard in the planning around the lakes in the area by DNR Table Rock was to be the play, resorts, and tourist lake, and Bull Shoals was to be designated as the lake for fishing. That meant no tourist type resorts were to be a part of the future of Bull Shoals lake area. If you let a small development in what is to stop the bigger ones as you will be setting precedence for them to make this change of designation.

One more thing, on lot 5, there is a utility right of way that consumes 1/2 of the lot with huge power lines. I would think that there is a limit to how close someone can build or put an RV or tree house on these lots.

I am hopeful you will take everything into consideration before allowing this developement to go forward. I am hopeful that it will be stopped before it is started.

thank you for your time and consideration

Sincerely,

A handwritten signature in cursive script that reads "Deb Parmeter". The signature is written in black ink and is positioned above the typed name.

Deb Parmeter



17-32

**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.

177 KINGS  
WAY  
BRANSON, MO

**NAME OF PROJECT:** Nightly Rental Permit Application

**NAME OF APPLICANT:** KUTCH TRUST  
(Must be owner of record)

**SIGNATURE:** [Signature] **DATE:** 7/24/17  
(Must be owner of record)

**MAILING ADDRESS:** 8213 NE 124th St. KC, MO 64167

**TELEPHONE NUMBER:** 816-695-2887

**Representative Information**

**NAME OF REPRESENTATIVE:** Nicolas D. Grimwood

**MAILING ADDRESS (rep.):** 168 S Payne Stewart Dr. Branson, MO 65616

**TELEPHONE NUMBER (rep.):** (417) 335-3550 NIC@FENTONGRIMWOOD.COM

Concept = 8-21-17  
PH = 9-11-17  
FV = 9-18-17

**Property Information**

ACCESS TO PROPERTY (street # and name): 177 Kings Way  
BRANSON, MO Branson Township

Number of Acres (or sq. ft. of lot size): 70.69 x 209.09 IRR

PARCEL #: 18-2.0-10-002-001-010.020  
(This number is on the top left hand corner of your property tax statement)

SECTION: 10 TOWNSHIP: 22 RANGE: 22

NAME OF SUBDIVISION (if applicable): ESTATES AT MAJESTIC POINTE

Lot # (if applicable) 4 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.)***

Applicant seeks a Special use Permit for the  
purpose of operating a nightly rental at the  
address identified herein.

## Sketch/Site Plan

*Division III Special Use Permit Application For Nightly Rental*

**Property Address:** 177 Kings Way, Branson, MO 65616

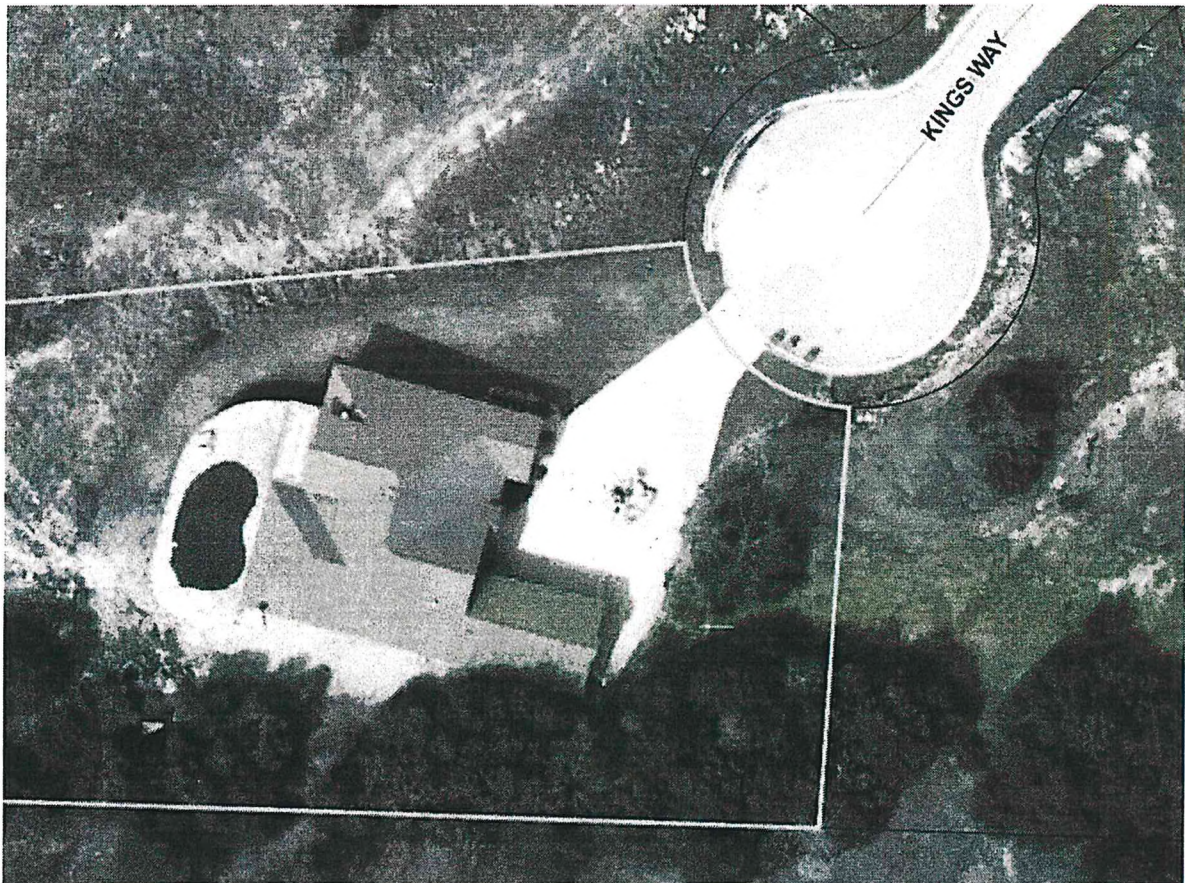
**Number of Bedrooms:** 6

**Maximum Occupancy:** 14

**Off-Street Parking Spaces:** 7+

### **Description of Site/Sketch Plan:**

*The Property below has an attached 3-car garage (shown here on the east side) and the driveway (shown here on the north side) can easily accommodate 4 (or more) additional vehicles for off-street parking. Further, the adjoining lots are either undeveloped at this point or are used for residential or other similar purposes (as can be ascertained in the image shown on the following page).*





***Buffering Plan for  
Kutch Trust's Division III Special- Use Permit Application***

In compliance with the requirements of the Taney County Development Code (the "Code"), Kutch Trust ("Applicant") has submitted its application for a Division III Special-Use Permit seeking authorization to operate the property located at 177 Kings Way, Branson, MO 65616 (the "Property") as a nightly rental.

In further support of Applicant's application and pursuant to the provisions of Section 4.7.15 of Appendix E to the Code and Section 6 of Appendix H to the Code, the following represents Kutch Trust's compliance with the required buffering set forth therein.

First, as is identified in the highlighted portion of the image below, the southern boundary of the Property is buffered by existing, indigenous plant material.



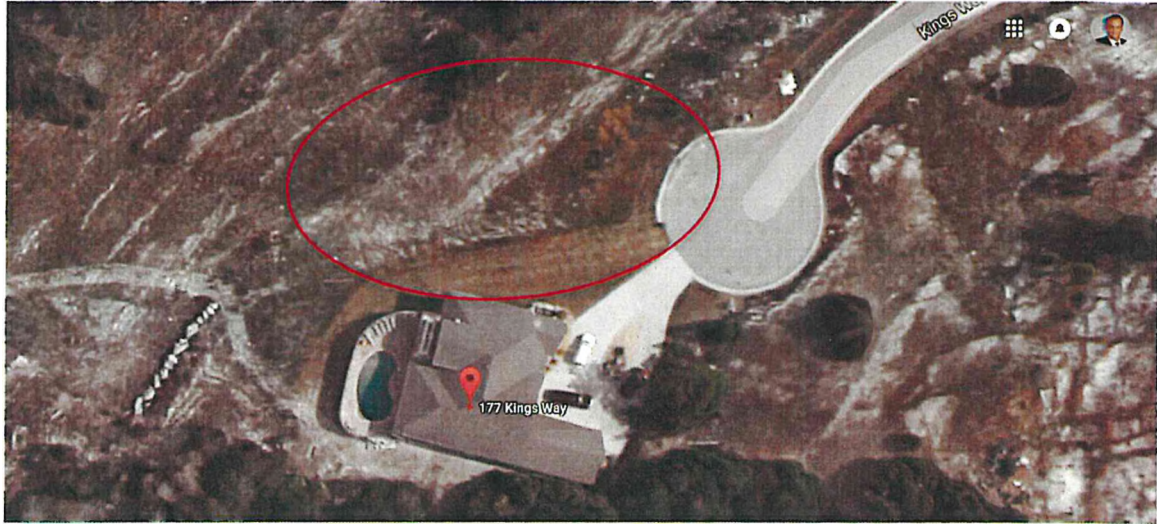
Second, as identified in the highlighted portion of the image below, the western boundary of the Property is buffered by existing, indigenous plant material.



Third, as identified in the highlighted portions of the two images below, the eastern boundary of the Property is buffered by a retaining wall.



Finally, although the photo below represents that that northern lot adjacent to the property (highlighted below) is undeveloped, it is the Applicant's understanding that the lot is indeed developed and being operated as a presently un-permitted nightly rental. That being the case, *Applicant requests that the burden to implement buffering on Applicant's northern boundary be placed upon the presently unpermitted property owner.*





# 177 Kings Way Nightly Rental





# Taney County Planning Commission

## Division III Special Use Permit

### Staff Report

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-032

**PROJECT:** 177 Kings Way Nightly Rental

**APPLICANTS:** Kutch Trust

**REPRESENTATIVE:** Nicolas Grimwood

**LOCATION:** The subject property is located at 177 Kings Way, Branson, Missouri, Branson Township, Section 10, Township 22, Range 22.

**REQUEST:**

The applicant, Kutch Trust, represented by Nicolas Grimwood, is seeking Planning Commission approval of a Division III Special Use Permit allowing nightly rental use of the existing single family residence, located at 177 Kings Way, Branson, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor's information the single family residence has six (6) bedrooms and is built on lot number four (4), located in the Estates at Majestic Pointe subdivision and was constructed in 2008. The property is approximately .87 acres in size. The property is served by a community well for water and City of Branson sewer for waste water.

The lots to the south is currently an eleven (11.7) acre parcel with a single family residence. Lots to the west and east are currently vacant subdivision lots. The lot to the north currently has a single family residence.

Per the nightly rental provisions of the Taney County Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom”. Therefore, the six (6) bedroom home would have a maximum occupancy of fourteen (14) occupants, and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a nightly rental.” Therefore a total of seven (7) parking spaces will be required.

The project received a total score of -1 on the Policy Checklist.

### **STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-032, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The 177 Kings Way Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)
4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)
6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)

7. Compliance letter from the Western Taney County Fire Protection District.
8. The 177 Kings Way Nightly Rental shall accommodate (sleep) no more than fourteen (14) persons. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of seven (7) parking spaces will be required. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The 177 Kings Way Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)
13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
14. The 177 Kings Way Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.

- e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
- f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
- g. The solid waste disposal collection day if provided by a solid waste company. (Appendix E, 4.7.8)

15. The owner of the property shall designate a “Local Representative”. The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)

- a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
- b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- c. **Availability.** If the Taney County Sheriff’s Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.



16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)
17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)
18. This decision is subject to all existing easements.
19. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)

August 29, 2017

Uwe and Joan Jagiella

332 Majestic Circle (Lots 16, 17 and 18)

Branson, MO 65616

Taney County Planning and Zoning

PO Box 383

Forsyth, Mo 65653

Re: Request of Kutch Trust for Nightly Rental at 177 Kings Way, Branson, MO

Dear Planning and Zoning Board:

It is our request that you deny the applicant for Division III Special Use Nightly Rental Permit for the following reasons.

A nightly rental in Majestic Pointe subdivision is not compatible with surrounding single family residential uses and the property does not comply with the Policies for Land Use Compatibility and off site nuisances as enumerated within the Taney County Development Guidance Code.

From my understanding a Certificate of Compliance has not been issued to this property that has been having illegal Nightly Rentals for the last few years. Apparently, it appears that this Nightly Rental operators are in violation of the Taney County Development Code section 4.7.9. They have also submitted pictures that appear no other homes are in the area. How untrue, our home is directly down the hill from this property. We have been subjected to the noise, traffic, and the partying of numerous people staying in this single family home. The Kutch Trust advertises this as a vacation home that has 14 beds and can house 20 people, according to the information submitted to the Planning and Zoning Board it stated the maximum of transients they could house would be 14. The parking of cars has been overwhelming with cars parking in the garage on the drive way and overflowing on to the private property across the road from this home. This neighborhood was not designed for rentals as is evidenced by the gates at the front of the subdivision making the Majestic Pointe subdivision into a private gated community for residential homes and not rentals.

"The purpose of the Declaration of The Estates at Majestic Pointe Subdivision is to establish a set of covenants for single-family homes on well-landscaped lots, having aesthetic continuity and preservation and encouragement of privacy." Having one home with 20 transient people certainly does not constitute privacy. Per Declaration of The Estates at Majestic Pointe Subdivision: Article one 1.1 "Lots shall be used for residential purposes only", having nightly rentals in this subdivision is against this covenant, as well.

Gunner Hill drive and Majestic Dr. are very steep, narrow and curvy. Having a commercial business would put the neighborhood residents at risk as the fire department would have extreme difficulty operating in a narrow, steep and curvy road. There are no fire hydrants in a reasonable range and tanker

trucks would be needed, as happened with the condo fires a few years ago. The result of the fire was that the total condo building needed to be rebuilt due to the total loss.

The Majestic Pointe subdivision was built to be a gated high quality residential neighborhood complementing the Friendly Hills subdivision. These houses range from over \$ 400,000 to approximately one million dollars. As the owner of one of the homes in the subdivision, I am very concerned that the value of our taxable property and home will decrease with the addition of a commercial business in our neighborhood. There is also the fear that having transient renters puts the neighborhoods at risk for theft and vandalism. Our property has already had things stolen from it as well as the electrical boxes have been subject to graffiti. Transient renters do not have the care and concern of the neighborhood as individual tax paying owners.

Upon purchasing our home and lots on either side of the home it was marketed as a residential neighborhood with covenants and restrictions. We would like to see the continuation of these restrictions and covenants.

In conclusion, a commercial nightly rental business would not be compatible or suitable with the surrounding single family residential uses and the property does not comply with the Policies for Land Use Compatibility and off site nuisances as enumerated within the Taney County Development Code and will violate the neighborhoods Covenants and Restrictions, and will also not promote, public health and safety and the general welfare of the neighborhoods.

Similar permits have been denied for the same reasons. Therefore, we are requesting that the application for nightly rentals from the Klutch Trust be **denied**.

Thank you for your consideration.

Uwe and Joan Jagiella

262-501-5552

[jjagiella@gmail.com](mailto:jjagiella@gmail.com)

September 2, 2017

Robert and Debra Johnston  
Friendly Hills Lots 23 & 24  
104 Lenhart Lane  
Branson, MO 65616

Taney County Planning and Zoning  
PO Box 383  
Forsyth, Mo 65653

Re: Request of Kutch Trust for Nightly Rental at 177 Kings Way, Branson, MO

Dear Planning and Zoning Board:

We respectfully request that you deny the application for a special use permit by the Kutch Trust at 177 Kings Way on the basis of the following:

A. Incompatibility: There are homes within range of sight and sound in which families with children and grandchildren live. In Friendly Hills, we believe it is important to know your neighbors in an effort to keep our families safe. This certainly applies to the high quality neighborhood that adjoins us, Majestic Estates. (see attachment 1)

B. Prevailing Covenants: Both Majestic Estates and Friendly Hills have covenants that guard against any sort of commerce. The residents of both of these subdivisions have purchased or built their permanent residences trusting that these covenants would be protected.

C. Precedence: Please don't allow non residents to come and believe that if they buy a house and begin to rent it, they will be allowed to grandfathered. The Kutch Estate has been renting this home since at LEAST June of 2013 (that is their first of 63 reviews on VRBO) Their listing is attachment 2.

In conclusion, a commercial nightly rental business would not be compatible with existing covenants and use of existing residences.

Similar permits have been denied for the same reasons. Therefore, we are requesting that the application for nightly rentals from the Kutch Trust be **denied**.

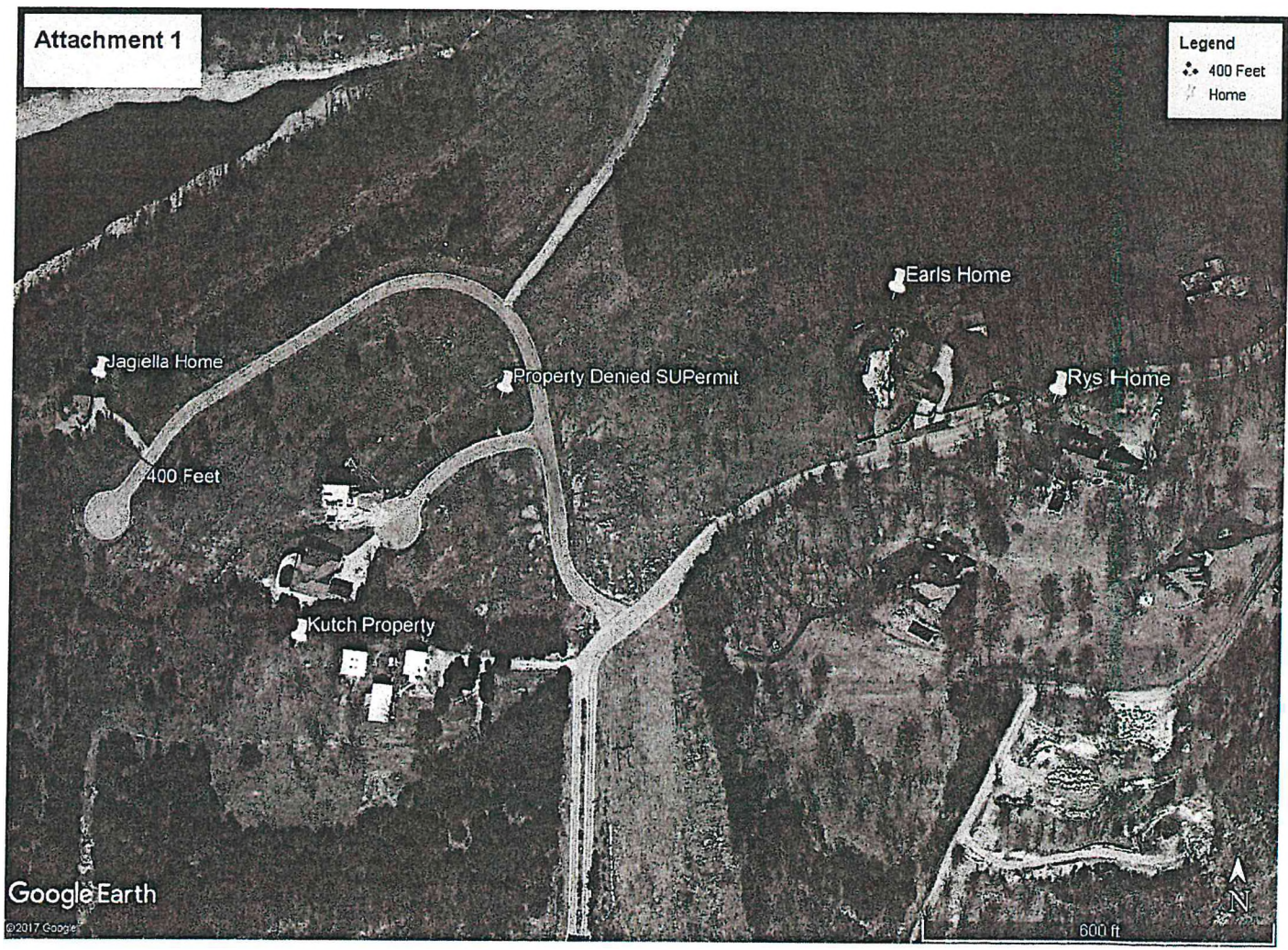
Thank you for your consideration.

Robert & Debra Johnston

Attachment 1

Legend

- 400 Feet
- Home



Google Earth

©2017 Google

600 ft.

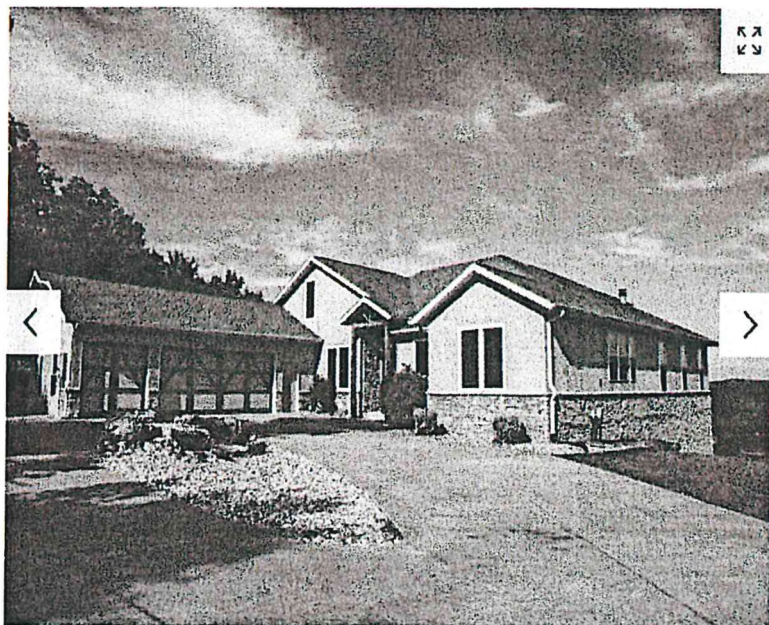
< Back to Search

Blensons, MD, USA Rental 4512015ha

# Majestic Overlook ~ RA148581

Overview Amenities Reviews Map Photos Availability

Share Favorite



Book Online or call VRBO Booking Assistance: 888-829-7076

\$475  
per night  
View details

Your dates are Available!

10/23/2017 10/26/2017

4 guests

Instant Confirmation

Book Now

Report this listing

1 of 24

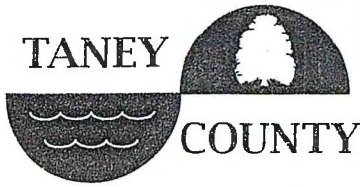


## Details

House	Sleeps	Bedrooms	Bathrooms	Half Baths	Minimum Stay
4,309 sq. ft.	20	6	4	1	3 nights

About the property

Home, 6 Bedrooms, 4.5 Baths, (Sleeps 20)



TANEY COUNTY PLANNING COMMISSION

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

APPLICATION FOR CONCEPT DIVISION III TANEY COUNTY PLANNING COMMISSION

17-33

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: Cox Vacation Rental

NAME OF APPLICANT: Jessica and Brian Cox (Must be owner of record)

SIGNATURE: [Signature] DATE: 8/2/17 (Must be owner of record)

MAILING ADDRESS: 1122 Bradley Lane, Russellville, AR 72801

TELEPHONE: (479) 264-7912 EMAIL: jcox@ct1.us

Representative Information

NAME OF REPRESENTATIVE: Jessica and Brian Cox

MAILING ADDRESS (rep.): 1122 Bradley Lane, Russellville, AR 72801

TELEPHONE NUMBER (rep.): (479) 264-7912 (479) 967-0101

Concept = 8-21-17
PH = 9-11-17
FV = 9-18-17

## Property Information

ACCESS TO PROPERTY (street # and name): 109 N Tuscany Drive  
SCOTT TOWNSHIP

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

PARCEL #: 17-8.0-28-000-000-001.117  
(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: 28 TOWNSHIP: 22 RANGE: 21

NAME OF SUBDIVISION (if applicable): Villas of Fieldstone at Branson Creek Development

Lot # (if applicable) unit B villa 19 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.)**

We intend to apply for a permit (Div. 3) to use the property we own at 109 North Tuscan Drive Hallister, MO 65672 as a nightly rental. We intend to have it as a 3 bedroom unit. There is available parking for up to 6 vehicles.

# Brian and Jessica Cox

---

109 N Tuscany Hollister, MO 65672

9/1/2017

Scott Starrett  
Planning Administrator  
Taney County

RE: "Staff Recommendations" item number 16.

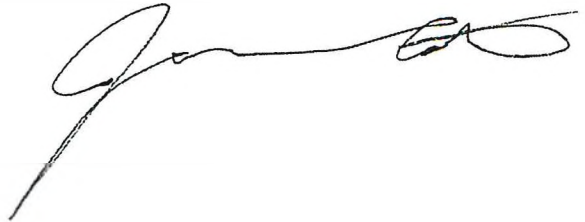
**Dear Scott:**

As previously discussed, our buffer will be the existing wall that separates our property with the neighboring tenant. The wall is approximately 13.5 inches wide. There is a 5 ¼-stud wall attached to our property, a 3 inch neutral space, and then the neighboring tenant stud wall begin.

Sincerely,



**Brian and Jessica Cox**



# Brian and Jessica Cox

---

109 N Tuscany Hollister, MO 65672

**9/1/2017**

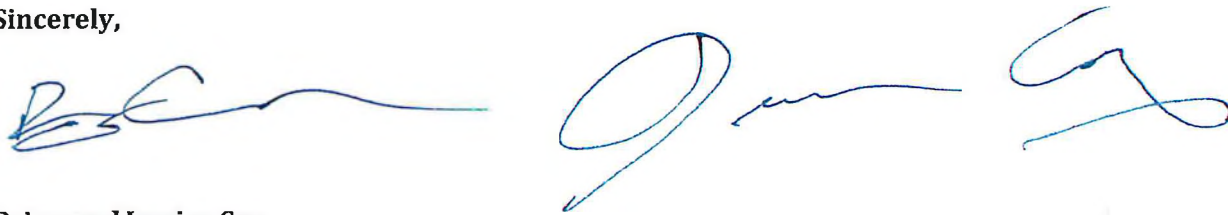
Marla Pierce  
Planning Commission Secretary  
Taney County

RE Description of use at 109 N Tuscany Drive

**Dear Marla:**

As previously discussed, we have attached a description of our proposed project. Also included is the map indicating parking at 109 N. Tuscany Drive Hollister, MO 65672.

**Sincerely,**

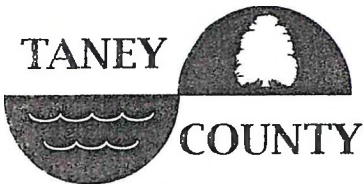
The image shows three handwritten signatures in blue ink. The first signature on the left is a stylized 'BC' followed by a long horizontal line. The middle signature is a cursive 'J' followed by a horizontal line. The signature on the right is a cursive 'C' followed by a horizontal line.

**Brian and Jessica Cox**

**Beacon™** Taney County, MO



<b>Parcel ID</b>	17-8.0-28-000-000-001.117	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	COX BRIAN & JES
<b>Sec/Twp/Rng</b>	28-22-21	<b>Class</b>	n/a		1406 LANDS END
<b>Property Address</b>	109 N TUSCANY DR	<b>Acreage</b>	n/a		RUSSELLVILLE AF
<b>District</b>	5CWX				



# TANEY COUNTY PLANNING COMMISSION

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

## DIVISION III PERMIT APPLICATION/AFFIDAVIT

### TANEY COUNTY PLANNING COMMISSION

Applicants Name: Jessica Cox Phone: (479) 264-7912

Project Name (if applicable): Cox Vacation Rental

Mailing Address: 1122 Bradley LN, Russellville AR 72801

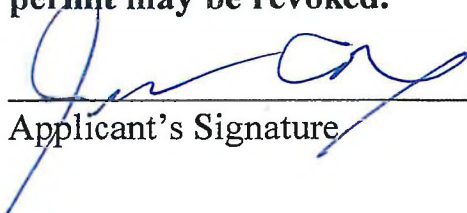
Description of Request: Special Use Permit

#### Required Submittals:

- Typewritten Legal Description of Property involved in the request
- Postage for notifying property owners within 600 feet of the request
- 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 of the project which completely demonstrates request
- Concept hearing conducted (date) \_\_\_\_\_

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

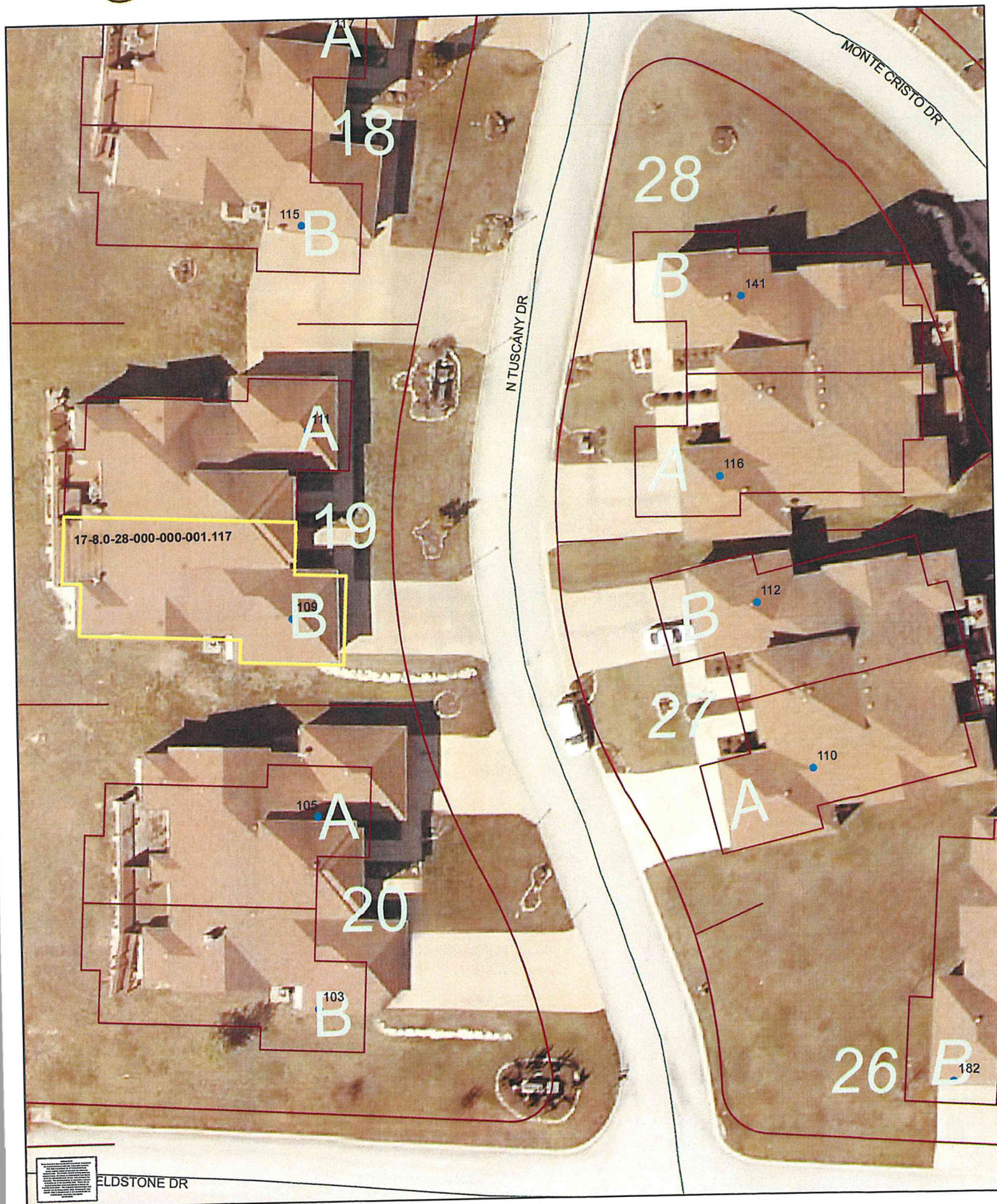
**In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.**

  
Applicant's Signature

8/2/17  
Date of Application



# Cox Vacation Rental





**Taney County Planning Commission**  
**Division III Special Use Permit**  
**Staff Report**

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-033

**PROJECT:** Cox Vacation Rental

**APPLICANTS:** Jessica and Brian Cox

**LOCATION:** The subject property is located at 109 N Tuscany Drive, Hollister, Missouri, Scott Township, Section 28, Township 22, Range 21.

**REQUEST:**

The applicant, Jessica and Brian Cox, is seeking Planning Commission approval of a Division III Special Use Permit allowing nightly rental use of the existing single family residence, located at 109 N Tuscany Drive, Hollister, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor’s information the Villa was constructed in 2006, located in the Villas of Fieldstone at Branson Creek Development subdivision. The Villa is approximately 1,893 square feet in size.

Per the nightly rental provisions of the Taney County Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom, and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a nightly rental.”

The project received a total score of -1 on the Policy Checklist.

## **STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-O 33, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The Cox Vacation Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)
4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)
6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)
7. Compliance letter from the Western Taney County Fire Protection District.
8. The Cox Vacation Rental shall accommodate (sleep) no more than eight (8) persons. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of four (4) parking spaces will be required. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)



10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The Cox Vacation Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)
13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
14. The Cox Vacation Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.
  - e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
  - f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
  - g. The solid waste disposal collection day if provided by a solid waste company.(Appendix E, 4.7.8)
15. The owner of the property shall designate a "Local Representative". The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorized or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence

or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)

- a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
- b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- c. **Availability.** If the Taney County Sheriff's Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.

16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)

17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)

18. This decision is subject to all existing easements.

19. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)



TANEY COUNTY PLANNING COMMISSION

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

17-34

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: Iowa Colony

NAME OF APPLICANT: Larry Staab - Barrington Capital LLC (Must be owner of record)

SIGNATURE: Larry Staab DATE: 8-2-17 (Must be owner of record)

MAILING ADDRESS: 14736 C.R. 8430, West Plains, MO 65775

TELEPHONE: 417-257-4450 EMAIL: LarryStaab1@gmail.com

Representative Information

NAME OF REPRESENTATIVE: Larry Staab

MAILING ADDRESS (rep.): same as above

TELEPHONE NUMBER (rep.): 417-257-4450

Concept = 8-21-17
P.A. = 9-11-17
FV = 9-18-17

## Property Information

**ACCESS TO PROPERTY (street # and name):** 422 Iowa Colony,  
Holister, MO OLIVER township

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

**PARCEL #:** 18-6.0-13-0003-004-010.000  
(This number is on the top left hand corner of your property tax statement)

**SECTION:** 13 **TOWNSHIP:** 22 **RANGE:** 22

**NAME OF SUBDIVISION (if applicable):** Escher

**Lot # (if applicable)** 11 **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 # Regional

### 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.)***

We respectfully request the zoning board permit us to change the zoning on 422 Iowa Colony to allow for Weekly/Nightly rentals. There will be strict adherence of renting to families or retired individuals. The rental periods should be a week or longer. This home will not be rented to individuals under the age of 30. Our goal is a longer rental period. In Florida, we rented homes to foreigners primarily from Germany and Switzerland; they are terrific clients and problem free repeat visitors who brought money to our local economy. The home is a <sup>3</sup>two bedroom two bath with quality finishes, furnishing and a terrific view of Port Royal Golf Course. This location has ample parking for multiple cars and a boat if desired. Two spots are in the carport, a large parking area next to it, and a large circle drive way. Thus there will not be any cars on the county road way. We feel with the Branson Airport has an un-tapped international market. This would be a great fit and would benefit our local economy and exposure to Branson as well. Thank you in advance for the considering this change in zoning.

**DIVISION III PERMIT  
APPLICATION/AFFIDAVIT  
TANEY COUNTY PLANNING COMMISSION**

Applicants Name: Larry Staab Phone: 417-257-4450

Project Name (if applicable): Barrington Capital

Mailing Address: 14736 CR 8430, West Plains, MO

Description of Request: Special Use - Weekly Rental 65775-

Required Submittals:

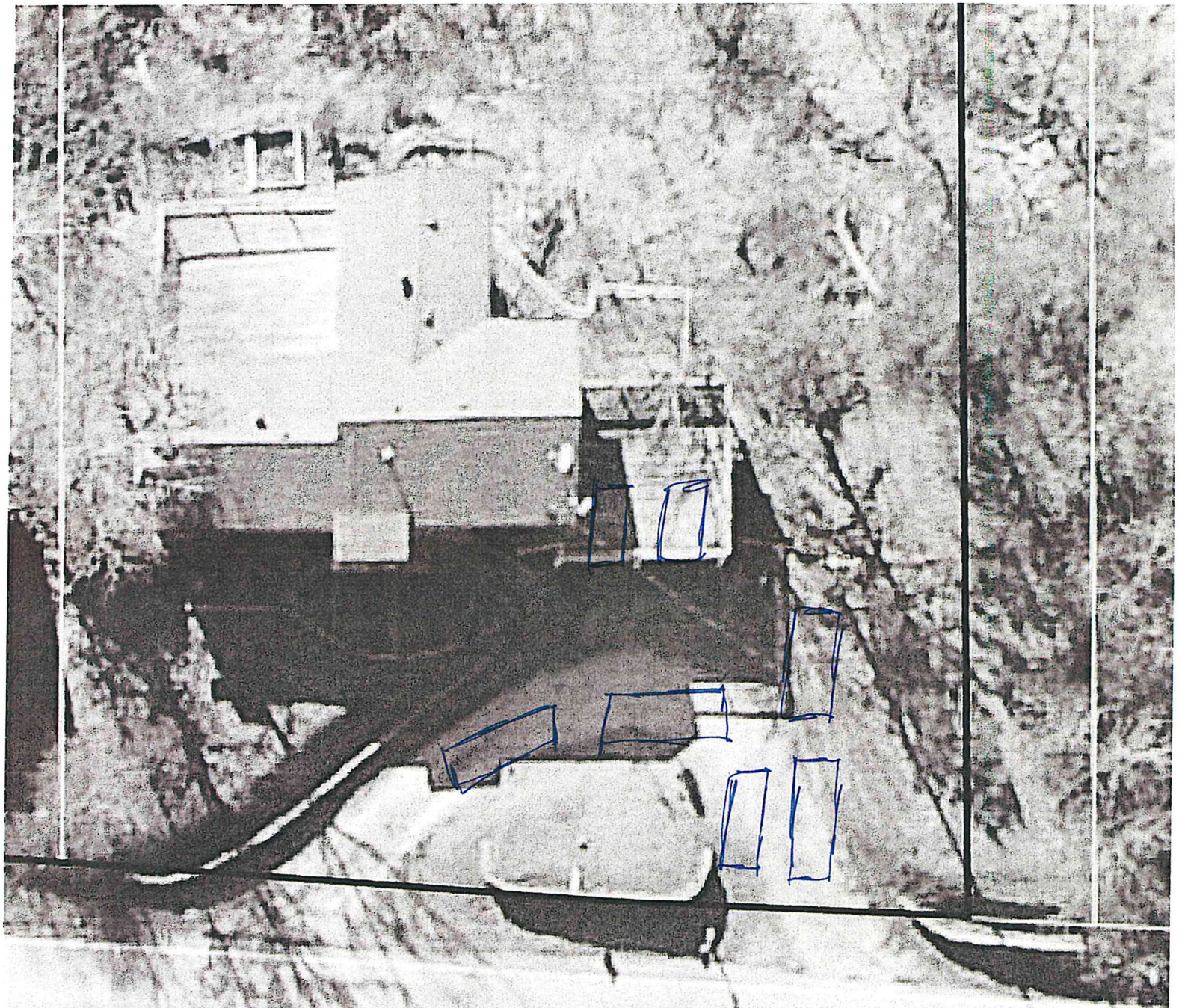
- Typewritten Legal Description of Property involved in the request
- Postage for notifying property owners within 600 feet of the request
- Proof of Public Notification in a Newspaper of County-wide Circulation
- Proof of Ownership or approval to proceed with request by the owner
- Sketch Plan of the project which completely demonstrates request
- Concept hearing conducted (date) \_\_\_\_\_

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

**In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.**

Larry Staab - Managing Member  
Applicant's Signature  
Barrington Capital LLC

8-2-17  
Date of Application



Iowa Colony Road







**Taney County Planning Commission**  
**Division III Special Use Permit**  
**Staff Report**

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-034

**PROJECT:** Iowa Colony Nightly Rental

**APPLICANTS:** Barrington Capital LLC, Larry Staab

**LOCATION:** The subject property is located at 422 Iowa Colony Road, Hollister, Missouri, Oliver Township, Section 13, Township 22, Range 22.

**REQUEST:**

The applicant, Barrington Capital LLC, is seeking Planning Commission approval of a Division III Special Use Permit allowing nightly rental use of the existing single family residence, located at 422 Iowa Colony Road, Hollister, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor’s information the single family residence is built on lot 11, located in the Escher subdivision and was constructed in 1962. The property is served by a private well and Taney County Regional Sewer District for waste water service.

The lots to the south and north are currently residential single family homes. The property to the east is vacant residential lots with Lake Taneycomo to the west of the property.

The Taney County Development Guidance Code defines nightly rental as “A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days.”

Per the nightly rental provisions of the Taney County Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom”. Therefore, the three (3) bedroom home would have a maximum occupancy of eight (8) occupants, and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a nightly rental.” Therefore a total of four (4) parking spaces will be required.

The project received a total score of -3 on the Policy Checklist.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-034, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The Iowa Colony Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)
4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)
6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)

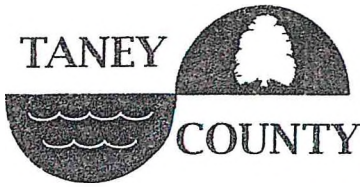
7. Compliance letter from the Western Taney County Fire Protection District.
8. The Iowa Colony Nightly Rental shall accommodate (sleep) no more than eight (8) persons. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of four (4) parking spaces will be required. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The Iowa Colony Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)
13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
14. The Iowa Colony Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.

- e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
- f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
- g. The solid waste disposal collection day if provided by a solid waste company. (Appendix E, 4.7.8)

15. The owner of the property shall designate a “Local Representative”. The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)

- a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
- b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- c. **Availability.** If the Taney County Sheriff’s Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.

16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)
17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)
18. This decision is subject to all existing easements.
19. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)



TANEY COUNTY PLANNING COMMISSION

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

RECEIVED
8-11-17 ME

17-35

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: FORSYTH SENIOR EVENT CENTER

NAME OF APPLICANT: RODNEY DEMPSEY (PRES. BOARD OF DIRECTORS)
(Must be owner of record)

SIGNATURE: Rodney Dempsey DATE: 10 AUGUST 2017
(Must be owner of record)

MAILING ADDRESS: 13869 HWY 160 FORSYTH, MO

TELEPHONE: (417) 669-9788 EMAIL: rdems152@gmail.com

Representative Information

NAME OF REPRESENTATIVE: PHILIP EDWARDS

send all
CONS. TO
Philip

MAILING ADDRESS (rep.): 598 BAKER STREET FORSYTH, MO 65653

TELEPHONE NUMBER (rep.): (417) 251-9189

CONCEPT = 9-18-17
PH = 10-10-17
FV = 10-16-17

**Property Information**

ACCESS TO PROPERTY (street # and name): 11048 EAST HWY 76 AND OREMUS ROAD SWAN TOWNSHIP

Number of Acres (or sq. ft. of lot size): 8.08 ACRES

PARCEL #: 09-2.0-03-000-000-031.000  
(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: 3 TOWNSHIP: 23 RANGE: 20

NAME OF SUBDIVISION (if applicable): T-COMO LAKE ESTATES THERMAL

Lot # (if applicable) 2 1/2 BLOCK # N/A

**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 # TANEY CO. REGIONAL SEWER DISTRICT

**WATER SUPPLY SYSTEM:**

- Community Well
- Private Well
- Central: District # 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.)**

PROPERTY ADDRESS: 11048 E. Hwy 76 FORTSMITH

THE SENIOR EVENT CENTER WILL HAVE INTENDED  
USES FOR THE FOLLOWING CLASSIFICATIONS:

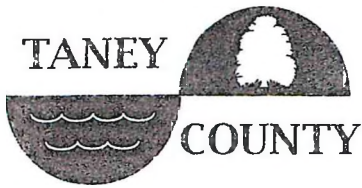
X-3 - Galleries, Community Hall, Dance Hall  
Exhibition Hall & Lecture Hall

M - Covered Farmers Market

SI - Storage

U - Shed





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 website: www.taneycounty.org

**DIVISION III PERMIT  
 APPLICATION/AFFIDAVIT  
 TANEY COUNTY PLANNING COMMISSION**

Applicants Name: FORSYTH SENIOR CENTER Phone: \_\_\_\_\_

Project Name (if applicable): FORSYTH SENIOR EVENT CENTER

Mailing Address: 13869 HWY 160

Description of Request: CHANGE OF OCCUPANCY

**Required Submittals:**

- Typewritten Legal Description of Property involved in the request
- Postage for notifying property owners within 600 feet of the request
- 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 of the project which completely demonstrates request
- Concept hearing conducted (date) 18 SEPT 2017

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

**In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.**

Rodney Demsey  
 Applicant's Signature

10 AUGUST 2017  
 Date of Application



# Forsyth Senior Event Center





**Taney County Planning Commission**  
**Division III Permit Staff Report**

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-035

**PROJECT:** Forsyth Senior Event Center

**APPLICANTS:** Senior Friendship Site, Rodney Dempsey, President

**REPRESENTATIVE:** Philip Edwards

**LOCATION:** The subject property is located at 11048 East State Hwy 76, Forsyth, Missouri, Swan Township, Section 03, Township 23, Range 20.

**REQUEST:**

The applicant, Senior Friendship Site, represented by Philip Edwards, is seeking Planning Commission approval of a Division III Permit allowing for an event center located at 11048 East State Hwy 76, Forsyth, Missouri.

**BACKGROUND and SITE HISTORY:**

The subject property involved with this request is approximately .75 acres of the 7.75 acres owned by the Senior Friendship Site that lies within Taney County. The remaining seven acres is within the City of Forsyth. As per the Assessor's information the existing building was built in 1956. An approximate forty two (42) by forty eight (48) section of the existing building on the property has been left for use of the indoor events. The applicant has indicated they plan to connect to public water and sewer in the future. The applicant has indicated they will also continue to block the entrance from East State Hwy 76 to the property that was used by the previous business. There are separate entrances to the property within the city limits of Forsyth with better site distance that will be used.

The current application was approved for Concept September 18, 2017.

The project received a total score of -3 on the Policy Checklist.

**REVIEW:**

The applicant is requesting the ability to add the following uses to the Senior Friendship Site property at 11048 East State Hwy 76: Galleries, Community Hall, Dance Hall, Exhibition Hall, Lecture Hall and a covered Farmers Market.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Permit #2017-035, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letter from the Central Taney County Fire Protection District.
3. No outside storage of equipment or solid waste materials.
4. The East State Hwy 76 entrance to the property within Taney County shall remain closed or will be eliminated for use.
5. This decision is subject to all existing easements.
6. A Division II Permit will be required for all applicable structures in the development.
7. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Appendix D, Step 6).



TANEY COUNTY PLANNING COMMISSION

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website: www.taneycounty.org

APPLICATION FOR CONCEPT DIVISION III TANEY COUNTY PLANNING COMMISSION

17-36

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: Timberlake Nightly Rentals

NAME OF APPLICANT: Byron Joplin (Must be owner of record)

SIGNATURE: [Signature] DATE: 8/24/17 (Must be owner of record)

MAILING ADDRESS: 210 Timberlake Road Branson MO 65616

TELEPHONE: 263 0025 EMAIL: joplinbconstruction@gmail.com

Representative Information

NAME OF REPRESENTATIVE: Same

MAILING ADDRESS (rep.): Same

TELEPHONE NUMBER (rep.): Same

Concept 10-10-17
P.A. 10-10-17
FV 10-16-17

## Property Information

ACCESS TO PROPERTY (street # and name): 250 Timberlake Road

Brown MO 65616

Scott Township

Number of Acres (or sq. ft. of lot size): 3 acres +-

PARCEL #: 08-70-26-000-000-010,017

(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: 26 TOWNSHIP: 23 RANGE: 21

NAME OF SUBDIVISION (if applicable): Timberlake 2nd subdivision

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 # \_\_\_\_\_

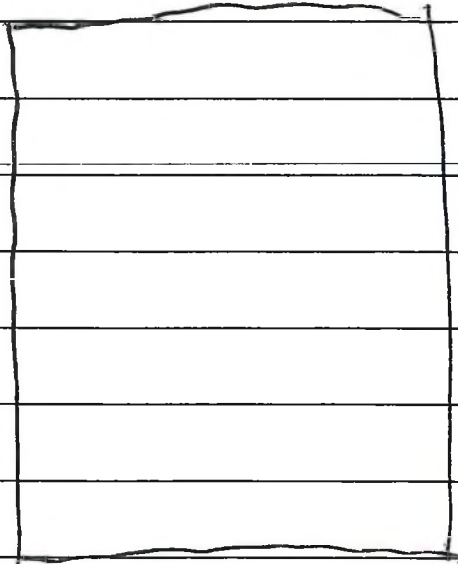
DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Yes  No

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

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

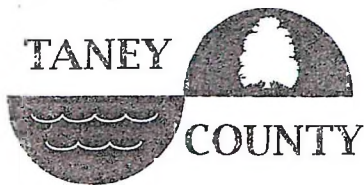
**Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: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

One unit of 1616 sqft tied together as to  
units for nightly rental purposes. Two bedrooms  
per unit



Legal Description

Lot<sup>xx</sup> 1 of Timberlake 2<sup>nd</sup> Subdivision



TANEY COUNTY PLANNING COMMISSION

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Phone: 417 546-7225 / 7226 • Fax: 417 546-6861
website: www.taneycounty.org

DIVISION III PERMIT
APPLICATION/AFFIDAVIT
TANEY COUNTY PLANNING COMMISSION

Applicants Name: Byron Joplin Phone: 417-243-0025

Project Name (if applicable): Timberlake nightly Rentals

Mailing Address: 210 Timberlake Rd Branson MO 65616

Description of Request: Nightly Rentals

Required Submittals:

- Typewritten Legal Description of Property involved in the request
Postage for notifying property owners within 600 feet of the request
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 of the project which completely demonstrates request
Concept hearing conducted (date)

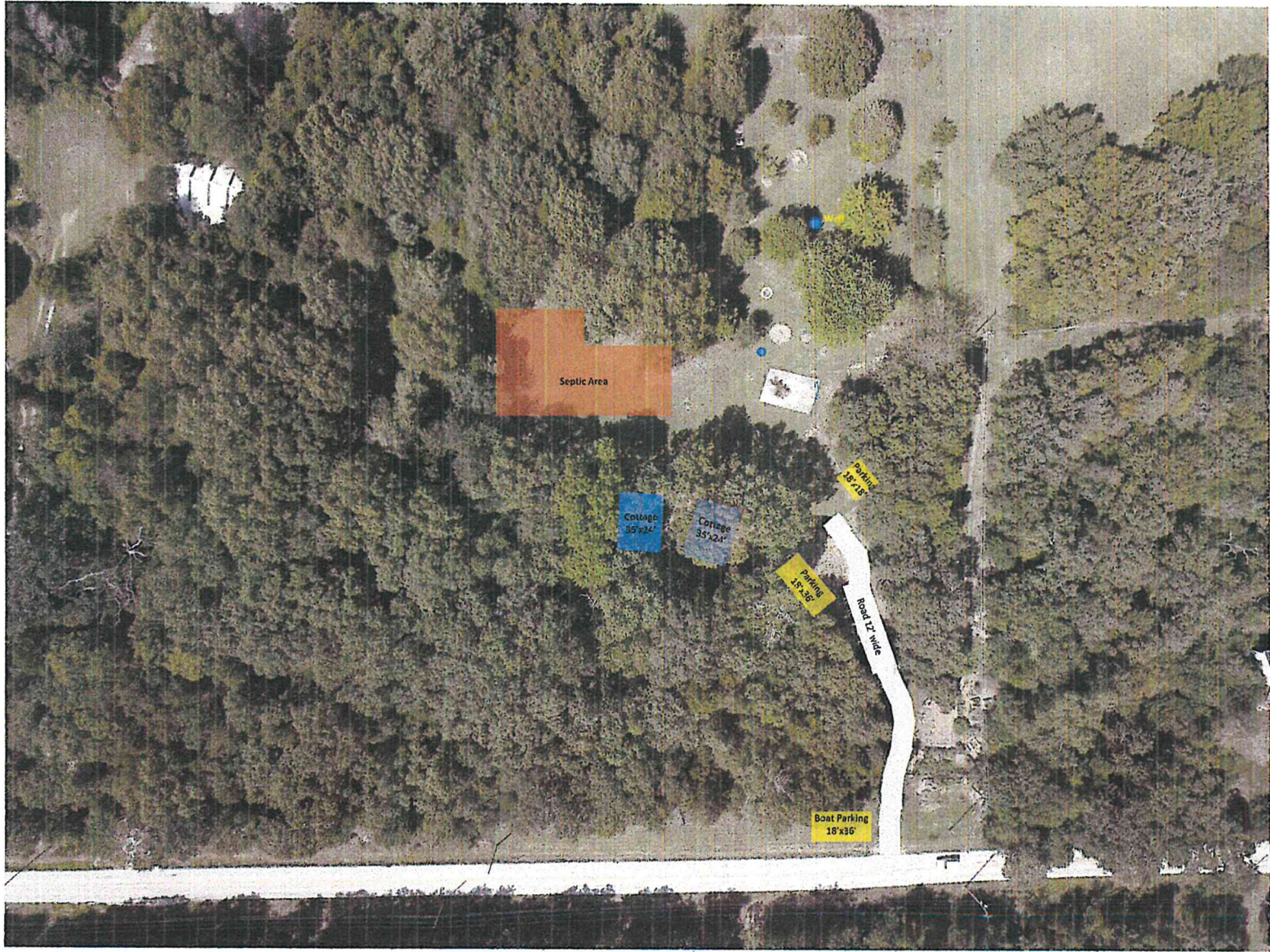
All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.

Applicant's Signature

Date of Application 8/24/17

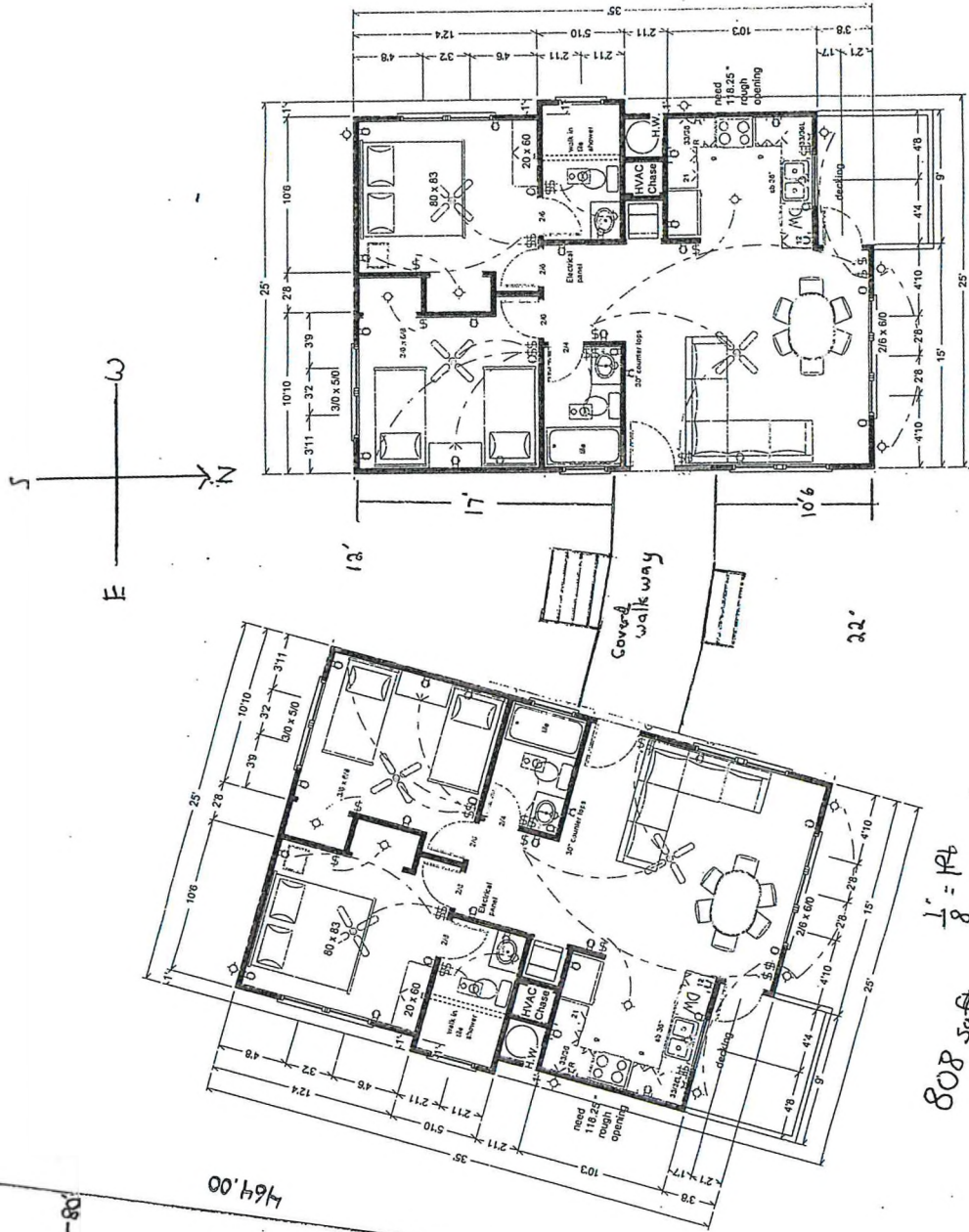




S 88°09'16" E  
 282'  
 LOT 1  
 3.0 ±  
 Acres  
 257' → Proposed  
 85' → Proposed  
 N 0057'11" W  
 164.00'

Sec 26 Twp 23 Rng 21

250 Timberlake Rd  
 Branson MO 65616



$\frac{1}{8}'' = 1ft$

808 sqft.

Project 1616 sqft.

$\frac{1}{8}'' = 1ft$

808 sqft.



# Timberlake Nightly Rentals





# Taney County Planning Commission

## Division III Special Use Permit

### Staff Report

**HEARING DATE:** October 10, 2017

**CASE NUMBER:** 2017-036

**PROJECT:** Timberlake Nightly Rental

**APPLICANTS:** Byron Joplin

**LOCATION:** The subject property is located at 250 Timberlake Road, Branson, Missouri, Scott Township, Section 26, Township 23, Range 21.

**REQUEST:**

The applicant, Byron Joplin, is seeking Planning Commission approval of a Division III Special Use Permit allowing nightly rental use of two (2) eight hundred and eight (808) square foot, two (2) bedroom cabins connected together, located at 250 Timberlake Road, Branson, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor's information the property is three (3) acres. The applicant has applied for a Division I permit, permit #17-146, issued July 25, 2017, for construction of two (2) eight hundred and eight (808) square foot, two (2) bedroom cabins that will be connected together. The property is served by a private well for water and an onsite waste water system for waste water.

The Taney County Development Guidance Code defines nightly rental as "A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days."

Per the nightly rental provisions of the Taney County Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom”. Therefore each two (2) bedroom home would have a maximum occupancy of six (6) occupants, and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a nightly rental.” Therefore a total of six (6) parking spaces will be required.

The project received a total score of 7 on the Policy Checklist.

**REVIEW:**

The applicant has indicated he plans to provide a number of parking locations along with an area for boat and trailer parking. The parking area will total an area of fifty four (54) feet wide and eighteen (18) feet deep for vehicles and an area of eighteen (18) feet wide and thirty six (36) feet deep for boats. The proposed nightly rentals are adjoining the applicants current residence property. The property to the west and north is a thirty six (36) acre parcel with a residence. The property to the east is the owner and another residential lot. The property is currently served by an existing drive off of Timberlake Road.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-036, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The Timberlake Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval. (Appendix E, 3.1)
3. The permit does not constitute a land use change and is not, therefore tied to the property; that is, it does not transfer as part of property sale or ownership change. (Appendix E, 3.2)

4. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications. (Appendix E, 3.3)
5. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by administrative decision. If the permit has been revoked, it can be re-instated only by the Planning Commission through the Division III process. (Appendix E, 3.4)
6. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable. (Appendix E, 3.5)
7. Compliance letter from the Western Taney County Fire Protection District.
8. The Timberlake Nightly Rental shall accommodate (sleep) no more than six (6) persons per each cabin. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations. (Appendix E, 4.7.1)
9. One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental. Thus a total of three (3) parking spaces will be required per each cabin. Inability to provide the required off-street parking will reduce the permitted occupancy. Nightly rental occupant vehicles are to be parked on the residence property or in an overflow parking area, if available, and not on a roadside. (Appendix E, 4.7.2)
10. The management company or a waste collection provider shall provide weekly solid waste collection during all months that the nightly rental is available for rent. (Appendix E, 4.7.3)
11. The Timberlake Nightly Rental shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable. (Appendix E, 4.7.5)
12. A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special Use Permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements. (Appendix E, 4.7.6)

13. A valid Missouri Department of Revenue Sales Tax License or sale tax number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance (Appendix E, 4.7.7)
  
14. The Timberlake Nightly Rental shall have the following posted within five (5) feet of the main entrance of the dwelling unit, both on the inside and on the outside.
  - a. The name and telephone number of the local representative.
  - b. The name and address of the owner.
  - c. The contact information for the Planning Department and Taney County Sheriff's Department
  - d. The maximum occupancy permitted.
  - e. The name and telephone number of all local emergency personnel (police, fire and medical personnel).
  - f. The number of off street parking spaces provided on the property, and the maximum number of nightly rental occupant vehicles allowed to be parked on the property.
  - g. The solid waste disposal collection day if provided by a solid waste company.  
(Appendix E, 4.7.8)
  
15. The owner of the property shall designate a "Local Representative". The local representative shall be available on a twenty-four (24) hour basis, seven days per week. The local representative may be the owner, a property management company, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the nightly rental. The local representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week. (Appendix E, 4.7.10)
  - a. **Change Local Representative.** The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the County of a change in the local representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special Use Permit.
  - b. **Complaints.** The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a nightly rental. The local representative

must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for nightly rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.

- c. **Availability.** If the Taney County Sheriff's Department is not able to contact the local representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special Use Permit.
16. A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans). (Appendix E, 4.7.11)
17. Taney County assumes no responsibility for the operation of the site and owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the nightly rental. The owner shall maintain appropriate liability insurance for the nightly rental. (Appendix E, 4.7.16)
18. This decision is subject to all existing easements.
19. A Decision of Record shall be filed with the Taney County Recorder of Deeds office within 120 days or the approval shall expire. (Appendix D, Step 6)





October 10, 2017  
Code Revision  
Public Hearing

#### 4.7.6 Certificate of Compliance

A Certificate of Compliance (C of C) must be issued for each Nightly Rental Special-Use permit certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions ,including but not limited to compliance with the local Taney County Fire District and all other Planning Commission requirements of the recorded Decision of Record.

Before issuing a (C of C) for each Nightly Rental Special-Use permit all requirements in the Decision of Record must be completed. ~~If the permit is required due to a Notice of Violation of no Special-Use permit in place or to bring a current Nightly Rental into compliance voluntarily, the applicant has 120 days from the date of the approval to have the C of C in place or the continued nightly rental shall cease until the C of C is issued.~~ If the Special-Use permit is requested for an existing nightly rental seeking Taney County Guidance Code compliance due to the lack of a Special-Use permit for nightly rental, the Special-Use permit must have the C of C issued within 90 days after the approval date or the nightly rental shall cease until a C of C for the Special-Use permit is issued. The deadline can be administratively extended if the approval is appealed to the Board of Adjustment and evidence of scheduling any modifications required for the C of C is presented to the Planning Staff. **If the Special-Use permit is for a new nightly rental the C of C must be issued before any nightly rental can begin.**