



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING/REGULAR MEETING MONDAY, JUNE 11, 2018, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

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

Review and Action:

May 14, 2018 minutes; with no additions or corrections a motion was made by Mr. Caudill to approve the minutes as written. Seconded by Mr. Cramer. The vote to approve the minutes was unanimous.

Public hearing and final votes:

#18-18, Unified Covenant LLC/proposed nightly rental located at 2155 Lakeshore Dr. Mr. Starrett presented the staff report and location maps of the site. Chris Powers and his brother Bryan representing the applicants clarified the request and addressed questions and concerns. There were four property owners signed up to speak in opposition of the request. Concerns were; additional traffic, noise, what type of people renting the property, property supposed to be single family residential, well agreement for single family only, road easement, private boat dock and boat being used by the renters, pump was removed, property is for sale, and originally was going to be used as a veterans home, and the lease applied for the permit not the owner of the property. Mr. Powers stated that there were some inconsistencies in some of the dialog from the property owners. He also quoted sections of the proposed decision of record, which have been complied with in his opinion. Mr. Powers stated that Empire District gave approval to occupy the property. He pointed out that the sign says "Lakeshore Dr. Resort Area", proving in his opinion that this use is compatible with the surrounding area. Mr. Fogle reported that the City of Branson Emergency Services will not respond to the property. Further discussion followed regarding property rights and right to occupy according to the Empire agreement. Mr. Faubion asked who put the property up for sale. Mr. Powers stated that it was the applicant. Mr. Cramer asked if they intended

to allow anyone to occupy the boat dock. Mr. Powers stated that he couldn't comment on that question, because there is no agreement. They don't want the liability of someone using the property that they don't own. Renters won't be allowed to use the dock because it is not part of the request. With no further discussion a motion was made by Mr. Cramer to deny the application. Seconded by Mr. Caudill. The vote in favor of the motion was unanimous based upon Item (f) Appendix E Section 2.3 of the development guidance code.

#18-21, Horvath Communications & Fortune Wireless/proposed wireless communications facility including a guyed tower, located at 615 Deer Lane. Mr. Starrett presented the staff report and location maps of the site. No one from the public signed up to speak. Mr. Stewart asked if there would be co-location. The applicant representative stated that there might be but not at this time. The tower will be at this point for Verizon use only. Mr. Fogle asked where the closest tower was to this property. The representative stated that there wasn't one within a half mile to his knowledge. With no other discussion a motion was made by Mr. Faubion to approve based upon the decision of record. Seconded by Mr. Fogle. The vote to approve was unanimous.

#18-23, Richard Fordyce/proposed car wash located on 11 acres off US Hwy. 160. Mr. Starrett presented the staff report and location maps of the site. Mr. Fordyce would like to start with one bay to start, and privacy fence. Hours of operation would be weekends and not too late in the day but not 24 hours a day. He has five trucks, and maybe some other larger trucks from other companies. One person signed up to speak. Mr. Jarrett Cole who owns the property next to this was concerned about wastewater runoff, noise, lights, and hours of operation. Mr. Caudill stated that an engineered plan from DNR should be turned in regarding the runoff. Mr. Cole's property was previously a garage. Mr. Kitchen stated that the office received a letter also opposing the request. Mr. Fordyce addressed the concerns. The Planning Commission asked if hours of operation from 8-10 would be agreeable, and Mr. Fordyce agreed. He also has the option of hooking to Lakeway Sewer, but feels it would be too costly. He plans an 8' cedar privacy fence. With no other discussion a motion to approve was made by Mr. Stewart with the hours of operation and lighting to be turned off at 10 and a security light. Seconded by Mr. Caudill. The vote to approve was unanimous.

#18-24, Michael Gilchrist/proposed nightly rental located at 422 Sundown Lane. Mr. Starrett presented the staff report and location maps of the site. Mr. Kitchen asked why the buffer plan had not been submitted. Mr. Gilchrist stated that he could have it by tomorrow. He felt that erecting a privacy fence would impede the neighbor from mowing the property between the two properties. Seven people signed up to speak in opposition to the request. Mr. Starrett reported that when he was on the property a property owner stated to him that he was in favor of the request. Some of the concerns were; compatibility, setting precedence, adequate wastewater disposal, noise, adequate availability of water, added traffic, size of the structure, water runoff, and safety. Mr.

Gilchrist addressed the concerns. He stated that he wants to rent the house to offset the cost while he travels for his job. Mr. Caudill asked who would maintain the property. Mr. Gilchrist stated that he would hire a company to manage it. Mr. Stewart discussed screening and that compatibility was an issue. Mr. Starrett stated that he discussed buffering with the applicant. After discussion a motion was made to deny by Mr. Faubion. Seconded by Mr. Fogle. The vote to deny was unanimous. Mr. Kitchen stated that the applicant had the option to appeal.

#18-25, Emily & Jeremy Burcham/proposed nightly rental located at 351 Boston Dr. Mr. Starrett presented the staff report and location maps of the site. Valerie Budd representing the applicants clarified the request. Emily Burcham was also present. Buffering will be placed on the two sides that do not have natural vegetation. Letters were presented from property owners who approve of the request. Ms. Budd has 25 other properties she manages in this neighborhood. Eight people signed up to speak opposing the request. Some concerns were; compatibility, subdivision covenants, public safety, property values, traffic, parking, effect on a single family community, adequate wastewater disposal, adequate water supply, county road maintenance, and atv's using the trails behind the subdivision. Ms. Budd and Mrs. Burcham addressed the concerns. Mr. Fogle discussed parking. After discussion a motion was made by Mr. Fogle to deny the request. Seconded by Mr. Cramer. The vote to deny was unanimous.

Concepts:

#18-22, Bryan Charlton/proposed nightly rental located at 584 Hillcrest Dr. Mr. Starrett presented location maps of the site. Mr. Charlton was not present. Mr. Stewart made a motion to postpone. Seconded by Mr. Cramer. The vote to postpone was unanimous.

#18-26, Shawn Porter/proposed nightly rental located at 392 Foggy River Rd. Mr. Starrett presented location maps of the site. Mr. Starrett clarified that this applicant is reapplying for lesser bedrooms making more parking spaces. He plans to put up a sign regarding flooding. A property management company will be hired. This request will proceed to the July 9, 2018 meeting.

Old and New Business:

No discussion.

Adjournment:

With no other business on the agenda for June 11, 2018 the meeting adjourned at 8:27 p.m.