



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

AGENDA TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING MONDAY, DECEMBER 13, 2010, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

*Establishment of Quorum
Explanation of Meeting Procedures
Presentation of Exhibits*

Public Hearing:

*Kanakuk Cemetery
Code Amendments*

Permit Renewal Request:

Old and New Business:

*Randy Cerretti
Moriuchi Parcel*

Adjournment.



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TANEY COUNTY PLANNING COMMISSION
DIVISION III STAFF REPORT
DECEMBER 13, 2010
KANAKUK CEMETERY
#10-27

Public Hearing for Kanakuk Cemetery located off Lakeshore Dr. in the Branson Township, Sec. 28 Twp. 23 Rng. 21.

The applicant K-Land One, LLC requests approval to subdivide a parcel of land as a private family cemetery.

History: Concept approval November 15, 2010.

General Description: The subject property contains 0.339 acres or 14,785 sq. ft. The adjoining property to the request consist of commercial, residential, and multi-use.

Review: The proposed site will consist of a cemetery only with no out buildings, no 911 address, and no utilities. Entrance to the property is existing off Lakeshore Dr.

Summary: If the Taney County Planning Commission approves this request, the following requirements shall apply unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
 - b. Stormwater management (Appendix B Item 3)
2. No outside storage of equipment, or solid waste materials.
3. The decision of record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire. (Chapter III Item 6).

Considerations:

1. Do you want to set up provisions to have a duplex structure anywhere and any neighborhood?
2. By removing from condo style of ownership we remove all provisions required by fire district. This would include firewall partition, common attic, common roof etc.
3. Will be creating smaller whole ownership substandard lots. This could result in future request to build free standing homes on lots created for duplex use.
4. Creating substandard lots where septic requirements would need to be changed.
5. Is there a need to require common wall agreements and are they effective?

Duplex

Definitions

Attached House	A single dwelling unit located on its own lot that shares at least one common abutting wall with another dwelling unit. (This definition can be expanded to facilitate multi-unit housing.)
Duplex	Two dwelling units contained within a single building. (do we exclude mobile, manufactured, or factory housing?)
Dwelling Unit	A building or portion of a building designed and used for residential occupancy by a single household. (This includes exclusive sleeping, cooking, and sanitation facilities)

Lot Size / Frontage

The minimum lot size for a duplex when a public/central sewer system is available shall be twelve thousand square feet **(12,000) with each unit having a minimum of six thousand (6,000) square feet. With each unit having 50 feet of direct access frontage**

If an onsite septic system is needed due to the unavailability of a public/central sewer system, the minimum lot size shall be **four (4) acres two (2) aced for each unit with seventy (70) feet of road frontage for each unit.**

No interior side setback is required on the "attached" side of of a lot containing a duplex. The street, side, and rear setback standards shall apply.

Each dwelling unit shall have direct access to the existing road

Duplex

Definitions

Attached House	A single dwelling unit located on its own lot that shares at least one common abutting wall with another dwelling unit. (This definition can be expanded to facilitate multi-unit housing.)
Duplex	A two-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
Dwelling Unit	A building or portion of a building designed and used for residential occupancy by a single household. (This includes exclusive sleeping, cooking, and sanitation facilities)

Requirements

The minimum lot size for a duplex when a public/central sewer system is available shall be twelve thousand square feet **(16,000) with each unit having a minimum of eight thousand (8,000) square feet. With each unit having 70 feet of direct access frontage**

If an onsite septic system is needed due to the unavailability of a public/central sewer system, the minimum lot size shall be **four (4) acres two (2) acres for each unit with seventy (70) feet of road frontage for each unit.**

A one (1) hour fire rated, partition wall from foundation to roof decking shall be required between dwelling units.

No interior side setback is required on the "attached" side of a lot containing a duplex. The street, side, and rear setback standards shall apply.

Each dwelling unit shall have direct access to the existing road

DUPLEX

Duplexes will pose many issues that will need to be creatively overcome or require major changes to not only the Development Code but possibly regulations in other departments as well. We are looking at changes which will create substandard lots, removal of current requirements enforced by the fire districts, changes in sewer requirements, removal of setbacks for attached walls, and possible additional common wall agreements for purchasers. Depending on the direction taken many of these issues can be addressed if so desired.

We can try to make a policy for duplex construction in any part of the county or we can try and create duplex standards in connection with an area such as a Planned Urban Development.

Planned Urban Development

Definition: An area of land under single ownership containing any combination of two or more principal uses. Development may be done in whole or phases.

The planned Unit Development permits greater flexibility of land planning and site design in that no rights of development apply other than those of the approved PUD plan.

1. Overview of Procedure

PUDs shall be processed in stages such as Concept Plan and Final Plan.

- a. The PUD Concept Plan is reviewed with respect to such issues as density, including the number, type, and location of dwelling units and other uses; impacts on surrounding areas; possible building concerns, roads, and the adequacy of facilities and services. The result of this review is the establishment of the basic parameters for development of the PUD. Concept Plan approval will establish the maximum development parameters

with regard to density, lot sizes, scale, open space, environmental protection, and other development and service provision issues.

- b. After approval of the concept plan the PUD final plan is developed and presented through the Division III process and will become the document upon which building permits and other applicable approvals are issued. The PUD final plan review is the point at which developers bring forward detailed plans for carrying out the type of project conceptually approved during the PUD Concept Plan review.

2. PUD Concept Plan

A PUD Concept Plan is a generalized land use plan for the entire area proposed to be included within a PUD. The purpose of the PUD concept plan is to allow early review of a proposed PUD before substantial technical planning work has been undertaken.

a. Preapplication Conference

Before submitting a PUD concept plan, the applicant shall confer with the Planning and Zoning Administrator and other designated officials. The proposal of this preapplication conference is to discuss the proposal and the applicable development review and approval procedures.

b. Application

A division III application or perhaps a separate PUD concept application form is to be submitted with non-refundable application fee to be established by the County Commission. The concept plan is not intended to be a highly detailed site plan, but rather to provide enough information to officials to allow an accurate determination of the merits of a proposed project prior to beginning detailed planning work.

Suggested Information for PUD Concept Plans

1. Name of project, address, boundaries, date, north arrow, and plan scale.

2. Name and address of the owner of record, developer, engineer, surveyor, or architect who prepared the development plan.
3. All existing lot lines, easements, and right-of-way. Include in acres or square feet, abutting land uses and structures.
4. The general location of all existing and proposed streets adjacent to and within the development.
5. The location of steep slopes, creeks, water courses and drainage ways, floodplains, and any environmentally sensitive features.
6. The full legal description of the boundaries of the property or properties to be included in the PUD.
7. A generalized summary of land use arrangements within the PUD, showing types of uses and intensities proposed within areas of the PUD.
8. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the PUD.
9. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan.
10. If the PUD calls for construction over a period of years, a schedule showing the proposed time and sequence within which the phases shall be completed.
11. A written summary of the project proposal including the following:
 - Gross area of the PUD
 - Number of dwelling units and density
 - Building coverage
 - Common open space
 - Recreation, open space, and other amenities

3. PUD Concept Approval

Upon signature approval of all departments involved with approval of the PUD concept the project shall proceed through the meeting phase of the Division III process of the Taney County Planning Commission.

4. PUD Final Approval

A PUD Final Plan shall be approved by the Planning Commission if it is determined by the Planning Commission to be in substantial compliance with the approved PUD concept plan. The PUD Final Plan shall be deemed to be in substantial compliance with the PUD

Concept Plan so long as, when compared with the PUD Concept Plan, it does not result in:

- a. An increase in project density or intensity, including the number of housing units per acre.
- b. A change in the mix of housing types or the amount of land area devoted to nonresidential uses.
- c. A reduction in the amount of open space.
- d. Any change to the vehicular system that results in a significant change in the amount or location of streets, parking areas, or access to the PUD.
- e. Any change within 50 feet of any residential districts.
- f. Any change determined by the Planning and Zoning Commission to represent an increase in development intensity.
- g. A substantial change in the layout of buildings.

5. Developer's Statement of Intent

Each PUD Concept Plan application shall contain a statement from the applicant describing how the proposed development departs from the otherwise applicable standards of the development code and how the proposed development is an improvement over what would be required under the otherwise applicable standards.

6. Applicability

A PUD district may be approved only when the applicant demonstrates to the *Planning Commission* that a proposed PUD project would result in a greater benefit to the county than would development under current regulations.

5. Division of Land

This section details the requirements and approval process for land division within Taney County. Pursuant to and as stated in RSMo Chapter 137, Section 185, no tract or parcel of less than one-sixteenth of a section (40 acres) shall be conveyed {transferred} by metes and bounds. Surveys in accordance with the above-mentioned statute are required. The Designated Official can approve minor subdivisions administratively provided specific conditions are met. The Planning Commission shall approve all other subdivisions. Additionally, all lots or tracts less than two (2) acres shall be approved by the Taney County Regional Sewer District.

5.1 Minor Subdivisions

A minor subdivision is a division of land that meets all of the following requirements. Approval of minor subdivisions can be preformed administratively.

- Contains no more than six (6) lots
- Includes only single-family residences
- Is not an extension of off-tract improvements
- Lots to be served by an on-site septic system must be greater than two (2) acres in area.

Note: If one or more of the conditions defined above cannot be met, the proposed division of land cannot be defined as a *minor* subdivision, but instead must be treated as a subdivision in accordance with section 5.2 below. A Minor Subdivision of land resulting in the recording of a survey may or may not be approved administratively as circumstances suggest if the following conditions are met:

- 5.1.1 *No more than six(6) tracts (lots) shall be created by a survey regardless of size. The six (6) tract maximum includes tracts created within the survey and also includes those tracts created by exclusion for the survey. A survey containing mot more than six (6) tracts must account for all of the area in the original tract of land.*
- 5.1.2 *Any tract of land measuring forty (40) acres or more that is created By exclusion from a survey is not required to be included as a lot in a minor subdivision plat; however all tracts of land created by exclusion from a survey and not made a part of a minor subdivision plat must be identified on the minor subdivision plat and include the surveyor's certification that the excluded tract measures at least forty (40) acres.*
- 5.1.3 *All tracts created shall have direct access to a public road with a fifty (50) foot easement or a platted easement with a fifty (50) foot minimum width that is declared to be a private road.*

Note: If an easement is established to access the tract or tracts to be created by survey, it shall be a minimum of fifty (50) feet wide and declared to be a private road.

Considerations:

1. Do you have a preference as to the existence of a road regardless of the size of tract?
2. Can roads be declared private roads (not county maintained) but for public use?
3. Road easements are not calculated in the total acreage of the tracts created as the easement can not be improved upon.
4. Should all easements declared road easements be tax exempt because of #3?

4.9. Permit Extension

All Division I and Division II permits are valid for a period of one (1) year from the date issued. If the project as approved cannot be completed before expiration of the permit, an extension can be requested. The request for extension must be received in writing by the Planning & Zoning office prior to the permit's expiration date and can be approved administratively within the Planning & Zoning office.

Division III land use changes (except Special Use Permits) do not require a permit extension and shall remain in effect until another change is requested and granted for the land. Significant Changes or deviations in an approved plan shall require re-application to the Planning Commission.

CONSIDERATIONS:

1. There may be many requests to have land "Rezoned to commercial" without intent to develop.
2. Projects may become unsuitable should the neighborhood undergo substantial growth or change.
3. **No Permitted Uses By Right of Ownership**
4. Changes in project such as density, style of ownership, etc.