

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 REGULAR MEETING MONDAY, DECEMBER 19, 2011, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

#### Call to Order:

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

Review and Action: Minutes, November 2011

### Final Votes:

Larimore Photography Learn and Play Daycare Spirit Hills Airpark

#### Concepts:

Country Park American Sportsman Holdings Monopine

Old and New Business: Code Amendments

Adjournment.



TANEY COUNTY PLANNING COMMISSION

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## MINUTES TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING MONDAY, NOVEMBER 14, 2011, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

#### Call to Order:

Chairman Shawn Pingleton called the meeting to order at 6:00 p.m. A quorum was established with seven members present. They were: Shawn Pingleton, Susan Martin, Ray Edwards, Dave Stewart, Rick Treese, Rick Caudill and new member Steve Adams. Staff present: Bob Atchley and Bonita Kissee.

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

### Public Hearings:

798 Parkview Dr. Rental House: a request by Donald and Judith Haun for a special use permit to utilize an existing single family residence for nightly rental located at 798 Parkview Dr. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Pingleton clarified special use permit guidelines. Tammy Taylor daughter of the applicant, gave a brief presentation of the request. She stated that Ken Westfall who owns the property next door does not want a privacy fence along that part of the property. The other property owners want a privacy fence next to their properties. She addressed the parking situation, and stated that there is room for a circle drive making it possible to turn a boat trailer around. Tom Rankin who lives on Parkside Dr. asked everyone to stand who were against the project. Most of the people present stood up. Mr. Rankin reported on the other structure in the neighborhood that did nightly rental without a permit and discussed that situation. He stated that the neighborhood does not object to monthly rental but not nightly rental, and wanted to know why the Planning Commission allowed this request to come before them. Mr. Pingleton stated that anyone can apply for a Division III permit, and explained what the Code states and the process. Mr. Rankin expressed a concern regarding enforcement, and stated that other structures in the neighborhood were doing nightly rental without permits. Buddy Burr who also lives on Parkview Dr. across the street, his in-laws also live down the street. He is not against the request and believes people should be able to do with their property as they see fit as long as it doesn't interfere with others rights. There was a question about covenants. Mr. Pingleton stated that the Planning

Commission does not enforce private restrictions. Ms. Taylor stated that they are looking for a three night minimum or weekly rental. Mr. Atchley stated that this could be placed on the decision of record as a condition. Ms. Taylor stated that all their rental properties are maintained well, they want to be good neighbors and not be a nuisance. The house sleeps six people with two bedrooms and one bath, no more than that amount of people will be allowed. The Hauns will not allow any abuse of the law on any of their properties, according to Ms. Taylor. Mrs. Martin discussed the privacy fence and Mr. Westfall's opposition to it. Ms. Taylor stated that this property was rental property when she bought it. Mr. Treese asked where her other rental properties were located and she stated they are in Springfield and this is the only nightly rental they would own. She has a website advertising her properties. Further discussion followed. This project will proceed to final vote next week.

Angel's Rest Gift Shop: a request by Phyllis Tate to utilize an existing 320 sq. ft. building as a jewelry and craft business with most of the business being conducted on line. The property is located at 407 Holstein Dr. Mr. Atchley read the staff report and presented pictures and a video of the site. Mrs. Tate clarified her request and stated that most of the business will be over the internet. Tuesday through Saturday 9:00 to 4:00 p.m. will be hours of operation. There will be 4 x 4 signs posted in two locations. Flyers will be posted around town. She does not anticipate very much traffic. There was one person in attendance who did not object to the request. This project will proceed to final vote next week.

Verizon Wireless telecommunications tower: a request to construct a new 250' self support tower on property owned by Rick and Rhonda Turner located off Church Camp Road. Mr. Atchley read the staff report and presented pictures and a video of the site. Gary Buster representing the Turners and Verizon, explained the request. He stated that they preferred to co-locate, but it cannot be done because of the back taxes owed on the existing tower. Mr. Treese asked how far it will be from the other tower. Mr. Buster stated that it is farther than the guyed wires from the other tower. Mr. Stewart asked if there could be a guarantee that when the tower is no longer used, that it would be removed. Mr. Buster stated that in their contract there is a removal clause, and that they would comply with whatever the Planning Commission requested of them (Verizon). Mr. Atchley stated that a "tower removal bond" could be inserted in the Code. Mr. Stewart suggested placing an item in the decision of record about removing the tower. Mr. Pingleton questioned #7, and stated that in his opinion, the Planning Commission might not be able to enforce this. Mr. Atchley stated that there isn't anything in the Code covering this or tower removal. The Planning Commission could place these items in the decision of record. Discussion followed. No one else signed up to speak. This project will proceed to final vote next week.

Old and New Business:

Mr. Pingleton welcomed the new member representing Beaver Township, Steve Adams. Mr. Atchley gave a report on appointments to the Planning Commission and

that at the end of 2011, Big Creek Township which is vacant at this time, and Susan Martins position will be up for reappointment. Mr. Pingleton asked Mrs. Martin to think about being reappointed, and let Mr. Atchley know if she wants to be reappointed and he will let them know by email.

Mr. Stewart discussed why the tower that owes the taxes doesn't come up to tax sale. Discussion followed regarding the tower owners being in bankruptcy.

Next week amendments to the Code will be discussed. Other discussion followed regarding the signs at Parkside Dr., and other permitted nightly rentals.

#### Adjournment:

With no other business on the agenda for November 14, 2011 the meeting adjourned at 7:09 p.m.



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## MINUTES TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, NOVEMBER 21, 2011, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

### Call to Order:

Chairman Shawn Pingleton called the meeting to order at 6:00 p.m. A quorum was established with seven members present. They were Shawn Pingleton, Dave Stewart, Ray Edwards, Rick Caudill, Rick Treese, Steve Adams, and Susan Martin. Staff present: Bob Atchley and Bonita Kissee.

Mr. Atchley read a statement outlining the procedures for the meeting, and presented the Exhibits.

### Review and Action:

Minutes: October 2011: with no additions or corrections a motion was made by Ray Edwards to approve the minutes as written, seconded by Susan Martin. The vote to approve the minutes was unanimous.

### Final Votes:

798 Parkview Dr. Rental House: request by Judy Haun to allow nightly rental with a three night minimum from an existing structure located in the Poverty Point area. Tammy Taylor was present to represent the project. Susan Martin asked about an alternative in place of the portion of privacy fence next to the property owner that didn't want a fence. Mr. Atchley stated that since this is a special use permit, the requirement for the fence would be at the discretion of the Planning Commission. Ms. Taylor stated that she would have up to two cars at a time. Mr. Caudill expressed his opinion that this property was not intended for nightly rental when it was constructed. Mr. Edwards agreed with Mr. Caudill, and stated that in his opinion there isn't enough parking and that the Code doesn't allow for nightly rental. Mr. Atchley clarified what the Code addressed regarding nightly rental. Mr. Pingleton and Mr. Treese also agreed. After discussion a motion was made by Dave Stewart to deny. Rick Treese seconded. The vote to deny was unanimous.

Angel's Rest Gift Shop: a request by Phyllis Tate to operate a gift shop from an existing building located at 407 Holstein Dr. Mrs. Tate was present to address

questions from the Commission. Mrs. Martin clarified that most of this business would be over the internet. Mr. Treese asked if the closest neighbor objected, and Mrs. Tate stated that he did not. Mr. Pingleton clarified the days and hours of operation. Mrs. Martin also clarified the placement of the sign, and if the building had air conditioning. Mrs. Tate stated that it doesn't but may have in the future. Mrs. Tate makes jewelry and quilts and other things. Mr. Treese made a motion to approve. Seconded by Susan Martin. The vote to approve was unanimous.

Verizon Wireless: request by Rick and Rhonda Turner to allow Verizon to place a 250' self support tower to sit inside a  $100' \times 100'$  compound along with equipment shelter accessed from Church Camp Road. Gary Buster was present representing the applicant. With no discussion a motion was made by Ray Edwards to approve. Seconded by Rick Treese. Discussion followed regarding the other tower. The vote to approve was unanimous.

#### Concepts:

Larimore Photography, Inc.: a request by Pamela S. Thomas to operate a photography studio at an existing single family dwelling, 1708 Bee Creek Road. A handout and power point presentation was presented by the representative. Mrs. Larimore explained the location, chemistry, buffering, signage, processing unit, water, electricity, trash service, and sewer. This business will not be in-home. There will only be up to one or two cars at a time, unless wedding photography is done. Mr. Stewart asked what the policy in the Bee Creek area was regarding hooking to City sewer and annexation. Mr. Atchley stated that the City cannot force annexation if the customer hooks to their sewer. Mr. Caudill asked about processing. The representative stated that they will not advertise processing and that they are in the process of switching over to digital processing. This project will proceed to public hearing next month.

Learn and Play Day Care: a request by Tonia Collins to operate a day care facility from an existing structure located at 21047 US Hwy. 160. Mrs. Collins presented a handout and a presentation of her experience, layout of the building and location. She explained the parking and ingress and egress. Play area will be in back, with three gated areas to enter the property and building. Security cameras will be installed. There will be four children at first and after licensing is obtained there will be up to 14 children. Ages of children will be from infant to pre-school. Mr. Pingleton asked if there were any other licenses required. Mrs. Collins stated that the building is licensed, there is a state licenses for individual teachers, and fire district. This is strictly daycare no over night. Mr. Adams asked about the road. Mrs. Collins explained the drive would be in one way and out the other with diagonal parking. She has approval from the septic inspector. Mr. Pingleton asked about ownership of the adjoining property being separate, and asked that they be combined in order that the property not be sold in the future. If they can provide required parking, this would not have to be done. Mrs. Collins asked if they wanted to place a business on the other property if they could ask for approval in the future. Mr. Pingleton stated that if they met the requirements of the

Code. The applicant might add this use to the request and will meet with staff about adding this. This project will proceed to public hearing next month. Mrs. Martin asked where the fence would be. Mrs. Collins pointed it out on the drawing presented.

Spirit Hill Airpark: a request by Missouri Airparks, LLC (Tammy Warner) to develop 1100 acres into a single family residential subdivision with a possible golf course, airstrip, and tracts consisting of 5+ acres each. Eddie Wolfe representing the request explained the location, roads, ingress and egress. There will be 148 lots with a private airstrip, hangers for private use, septic tanks, possible golf course and wells. Mr. Atchley stated that DNR approval does not need to be obtained for a subdivision on 5 acre lots. The hangers will be rented and the Commission wanted that added to the application. Discussion followed regarding compliance with the Code on the other subdivision owned by the applicant. This project will proceed to public hearing next month.

### Old and New Business:

Code Amendments: Public comment was taken first. Gail Myer spoke regarding zero lot line common wall. He stated that financing for condominiums has all but gone away and that if a project could be permitted as a duplex funding could be obtained. He also asked if the County could be consistent with square footage with the City of Branson in case some of them would be annexed, which is 8000 sq. ft. rather than 9000 sq. ft. Mr. Myer also discussed right of way difference, curb or ditch, and that the Code is too simple on that, and might need to be different in most areas of the County. This would be in case of sprinkler systems or other things. He discussed nightly rentals in the County, and that the Commission might get some information from the lodging association. Mr. Pingleton thanked him for his comments and asked that Mr. Myer speak with his County Commissioner and asks him to move on the approval of the amendments.

Jess Coker who lives in Stone County and owns businesses and real estate in Taney County, owns a duplex looked upon as a condominium. He stated that the present code places a burden on someone who wants to buy a duplex for financing reasons. He feels that changing this rule would provide a boom to the county. Mr. Pingleton encouraged Mr. Coker to also ask his Commissioner to move on approval of these amendments.

Mr. Pingleton asked that the items the Commission could agree on be sent on to the County Commission after tonight. Mr. Atchley read through the changes and stated that from page four to page 12 were amendments that had already been agreed on by the Planning Commission and sent to the County Commission. Each amendment was reviewed and voted on individually.

Section 6.1.3; Mrs. Martin made a motion to accept as written. Seconded by Mr. Caudill. The vote was unanimous.

Table J-2 page 74, regarding buffering; a motion was made by Mr. Caudill with a change of 25' throughout. Seconded by Mrs. Martin. The vote to approve was unanimous.

11.1/11.2b and Appendix B regarding the Sewer District; Mrs. Martin suggested changing the verbiage to obtain and produce, from ensuring to ensure. Mr. Caudill seconded. The vote was unanimous.

Page 18 & 19 of 107, 5.1, 5.1.1, 5.1.3; Mr. Pingleton suggested on 5.1 change in the forth point to 2 acres or greater, change 50' minimum in 5.1.3 to per current road standards refer to Appendix L. Item 5, last line, and change Taney County Regional Sewer District, to permitting entity. A motion was made to make the change by Mr. Edwards. Seconded by Mr. Adams. The vote to make the change was unanimous.

Page 7 of 107, 13 of 107 and 14 of 107; add 3.13.6; Mr. Edwards made a motion to approve 3.13, including definitions, seconded by Dave Stewart. The vote to approve was unanimous.

4.1.2b; a motion to approve was made by Susan Martin, seconded by Ray Edwards. The vote to approve was unanimous.

Appendix L; a motion to approve as is by Rick Treese, seconded by Rick Caudill, the vote to approve was unanimous.

4.1.3; a motion to allow the change by Ray Edwards, seconded by Rick Caudill. The vote to approve was unanimous.

7.2 will be deleted and not sent to the County Commission.

Item 5 of page 107, this order must be adopted by the County Commission and the Planning Commission will ask them to do this per staff.

Item 14 of Page 107, 3.11.6 delete this item. Rick Caudill made the motion, seconded by Rick Treese.

4.1.1; to change; motion made by Susan Martin, seconded by Rick Caudill. The vote to approve was unanimous.

Appendix B second paragraph, delete, on 3 acres or more. Motion made by Rick Caudill, seconded by Susan Martin, the vote to approve was unanimous. Appendix F; as is, motion made Susan Martin, seconded by Rick Caudill. The vote to approve was unanimous.

Table 1; change two-family dwelling to 8000 sq. ft. and 4 acres for duplex, per instead of /, delete wells, motion made by Rick Caudill, seconded by Susan Martin. The vote to approve was unanimous.

5.3.1; delete Taney County Regional Sewer District, motion made to approve the change by Steve Adams, seconded by Dave Stewart. The vote to approve was unanimous.

3.13.6; insert this new section: A recorded government document acknowledged by all property owners that covers interest in the property included but not limited to, insurance, utilities, building exterior and other common elements. Motion made by to approve. Seconded by. The vote to approve was unanimous.

Staff will make changes and email to the Planning Commission before sending on to the Planning Commission.

#### Adjournment:

With no other business on the agenda for November 21, 2011 the meeting adjourned at 9:20 p.m.

Concept +1-21 12-19 pl - +2-12 1-9 pl - +2-19 1-17

11,26

# 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: Country Park
NAME OF APPLICANT: Milton Lianne Truster (Must be owner of record)
SIGNATURE MULTON DATE: 10-18-11 GOZ the GANNE MILTON THUST Dated July 7,2006, MAILING ADDRESS: 8 Willow CT Branson, Mo. 65616
for the LiANNE MILTON THUST Dated July 7,2006.
MAILING ADDRESS: 8 Willow of Branson, Mo. 65614
TELEPHONE NUMBER: 417-294-2200
<b>Representative Information</b>
NAME OF REPRESENTATIVE: Eddie Wolfe
MAILING ADDRESS (rep.): South 3rd street Branson, Mo, 65612
TELEPHONE NUMBER (rep.): 4/7.334-8820

Revised 01/01/2010

# **Property Information**

ACCESS TO PROPERTY (street # and name): 121 Yale 5t
Number of Acres (or sq. ft. of lot size): 0138 acres
PARCEL #: <u>08-4.0-17-000-000-013,000</u> (This number is on the top left hand corner of your property tax statement)
<b>SECTION:</b> <u>17</u> <b>TOWNSHIP:</b> <u>23</u> <b>RANGE:</b> <u>21</u>
NAME OF SUBDIVISION (if applicable): Park
Lot # (if applicable) 8 BLOCK #
WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)
Commercial Multi-Family Residential Agricultural
SEWAGE DISPOSAL SYSTEM: Treatment Plant Individual Central Sewer: District #
WATER SUPPLY SYSTEM:  Community Well Central: District # _3
DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?  Ves VNo
THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:
□ Residential □ Multi-Family ☑ Commercial □ Industrial □ Special Use □ Other – Explain:
Revised 12/19/03

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.)

On Lot 8 country Park there's an existing house 

Revised 12/19/03

#### **Eddie Wolfe**

From: To:	"Larry Milton" <larry@branson.com> "Eddie Wolfe" <ew@wolfesurveying.com></ew@wolfesurveying.com></larry@branson.com>
Cc:	"Jim T Cell" <jim@centralpro-am.com>; "Lianne BTC" <lianne@bransontourismcenter.com></lianne@bransontourismcenter.com></jim@centralpro-am.com>
Sent:	Wednesday, October 12, 2011 18:25
Subject:	121Yale

Eddie,

After making an exhaustive list of potential uses for 121 Yale, I decided to submit this restricted list. These uses will be much more palatable to my neighbor Janet and these will really only be the desired uses for the foreseeable future.

Any alternative uses in the future will have to submit to the County/City.

Real Estate Brokerage Office Residential/Commercial Sales Residential/Commercial Leasing Timeshare/Vacation Club Sales Property Management Escrow/Title Company Mortgage Lender/Broker

Theater-Show-Attraction Ticket Sales Lodging Sales Vacation Package Sales Marketing/Advertising Office/Administrative/Accounting Visitor Welcome Center

Professional Uses Engineering Accounting Barber/Beauty Shop Counseling/Massage/Therapy Dentist/Medical Builder/Contractor/Sub-contractor Attorney Architect

Model/Display Showroom

Antique/craft/quilt/gift sales

(Please modify the above as needed)

We are requesting 5 total parking spaces 3 employees



# **Country Park**



# 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:	Lot 45 - Monopine	
NAME OF APPLICANT:	American Sportsman Holdings Co (Must be owner of record)	
SIGNATURE:	(Must be owner of record)	11/29/2011
MAILING ADDRESS: _2	10 South Third Street, Branson, MO 65616	1
TELEPHONE NUMBER:	(417) 334-8820	
	<b>Representative Information</b>	
NAME OF REPRESENTA	TIVE: Eddie D. Wolfe / Wolfe Surveying, Inc.	
MAILING ADDRESS (re	p.): 210 South Third Street, Branson, MO 65616	
TELEPHONE NUMBER (	rep.): (417) 334-8820	

Revised 01/01/2010

# **Property Information**

ACCESS TO P	PROPERTY (str	eet # and n	ame):	45 - Dale Drive	
E911 address to b	e assigned.				
Number of A	cres (or sq. ft.	of lot size):	<u>76.51' x 115.07'</u>	( 8,804.01 square feet	)
PARCEL #: _	19-1.0-11-004-003-00	07.000			
	(This number is a	on the top left ha	nd corner of yo	ur property tax state	ament)
SECTION:	11TO	NNSHIP:	21	RANGE: 221	N
NAME OF SU	BDIVISION (if	applicable)	Ozarks Para	dise Village	
Lot # (if app	licable) 45	BL	.OCK #	11	
		o' FROM THI all land use	s that appl	Y)	tural
		anniy Qive		ipality	
	Treatment I		🗆 In		
	Community \	<b>TER SUPPLY</b> Well ral: District #	D Priv	vate Well	
DOES THE PI	ROPERTY LIE I	IN THE 100-	YEAR FLOO	D PLAIN? D Y	es dxNo
THIS REC	QUEST FALLS I	CATEGOR	r More of [ES:	THE FOLLOW	ING
□ Reside □ Spe	ntial D cial Use	Multi-Family DxOther – E	Comme xplain: <u>Utili</u>	rcial Indus ty - Wireless Commun	rial ications Facility
				Revised 12/19/03	

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.)

Utility use for a wireless telecommunications facility consisting of an 80' monopine communications

and associated	ground based equipment pla	teu with a tencer comp	
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			Revised 12/



P.O. Box 230 Ridgedale, Missouri 65739

Telephone: 417-334-2106 417-334-1570 Fax: 417-334-2022

November 7, 2011

Bob Atchley Director, Planning & Zoning Taney County, Missouri 207 David Street Forsyth, MO 65653

#### Re: Ozarks Paradise Village, Lot 45, Block 11

Dear Mr. Atchley:

Please be advised that by the powers vested in the Board of Directors of Oakmont Community Improvement Association, Inc., (the "Association"), pursuant to the Declarations of Covenants of Ozarks Paradise Village (as contained in Book 181, Page 27, and Amended in Book 202, at Page 127, and in Book 251, at Page 1520), the Board has consented to and approved a change in use of Lot 45, Block 11, to allow for utility uses on said lot, including the construction and operation of a wireless communications tower and related appurtenances, as shown on attached <u>Exhibit A</u>. It is our understanding that such use also requires issuance of a Division III permit issued through the Taney County Planning & Zoning Commission. Please let us know if you need any additional information.

> Board of Directors, Oakmont Community Improvement Association, Inc.

Secretary of the Board of Directors





# Taney County, MO



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# Taney County, MO



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# Lot 45 Monopine



