



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
TUESDAY, NOVEMBER 12, 2013, 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:

Star Furniture Liquidator

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY PLANNING COMMISSION

DIVISION III SPECIAL-USE PERMIT STAFF REPORT

HEARING DATE: November 12, 2013

CASE NUMBER: 2013-0023

PROJECT: Star Furniture Liquidator

APPLICANT: Michael Lenz

LOCATION: The subject property is located at 4900 State Highway 176, Rockaway Beach, MO; Jasper Township; Section 2, Township 23, Range 21.

REQUEST: The applicant, Michael Lenz is requesting the approval of a Division III Special-Use Permit in order to operate a retail furniture sales business from a building adjoining his residence.

BACKGROUND and SITE HISTORY:

On September 17, 2013 Division I Permit # 2013-0124 was issued administratively by the Planning Department office, authorizing the construction of a 1,856 square foot (32' x 58') accessory building, located at 4900 State Highway 176, Rockaway Beach, MO; to be utilized for private storage. As of the time of the writing of this Staff Report, the applicant has begun to construct the building foundation.

The applicant, Michael Lenz is now seeking the Planning Commission approval of a Division III Special-Use Permit authorizing the establishment of a retail furniture sales business within the building originally authorized as an accessory building, via the Division I Permitting process. The structure in question is being constructed on the same parcel of land as the applicant's existing, single-family residence.

The current application was approved for Concept on October 21, 2013.

GENERAL DESCRIPTION:

The approximately 3.00 acre meets and bounds described, subject property contains an approximately 2,385 square foot single-family residence, two small accessory buildings and the new 1,856 square foot building (currently under construction) (according to the Assessor's information utilizing Beacon). The existing residence is addressed at 4900 State Highway 176, Rockaway Beach, MO, with the new building being addressed 4950 State Highway 176.

REVIEW:

The applicant is seeking the approval of a Division III Special-Use Permit in order to establish a retail furniture sales business within the building under construction, originally authorized as an accessory building, via the Division I Permitting process.

The applicant has indicated that the Star Furniture Liquidator business will not be served by a public restroom. The existing single-family residence is served by an on-site well and septic system.

The applicant is proposing for the Star Furniture Liquidator business to be accessed via two existing accesses off of State Highway 176. The primary entrance will be located to the north, with a shared, secondary access also being provided to the south. The shared access will be the existing circle driveway to the south, currently serving the residence. The applicant will be required to obtain a permit via the Missouri Department of Transportation (MoDOT) allowing for the widening of the existing, northern commercial entrance.

The applicant has indicated that he will likely not be open seven days a week but is requesting the following hours of operation: Monday through Sunday 9:00 AM – 8:00 PM.

This application is being heard as a Division III Special-Use Permit. Therefore, per the provisions of the Development Guidance Code, a Special-Use Permit is specific to the applicant to whom the permit is issued and cannot be transferred without Planning Commission approval. Per the provisions of the Development Guidance Code the Special-Use Permit cannot be used to establish commercial compatibility for or with any future land-use change applications.

Per the parking provisions of the Development Guidance Code a furniture store would require "1 space for every 400 square feet and adequate loading areas." Therefore, the Star Furniture Liquidator business will require a minimum of six (6) parking spaces, with at minimum of one (1) handicapped parking space.

The adjoining property immediately to the north is vacant property, with the Village of Merriam Woods being located further to the north-west. The adjoining property immediately to the south and east is vacant property owned by the Conservation Commission of the State of Missouri. The adjoining property immediately to the west is State Highway 176 and vacant property owned by the Conservation Commission of the State of Missouri.

The project received a total score of -12 on the Policy Checklist, out of a maximum possible score of 63. The relative policies receiving a negative score consist of emergency water supply, solid waste disposal service, stormwater drainage, use compatibility and utilities.

STAFF RECOMMENDATION:

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 (Section 4.1.1)
 - b. Stormwater management (Appendix B Item 3)
 - c. Land Grading Permit for all disturbances of over one acre (Appendix F)
 - d. Utility easements and building line setbacks (Table 12)
 - e. Improvements with scale of buildings, streets, onsite parking and utilities.(Table 6)
 - f. A complete landscape and buffering plan showing the location, size and planting materials for all buffer yards, both adjacent to public rights-of-way and residential properties.
 - g. A lighting plan showing the location, height and other specifications on the lighting to be provided for the development.
2. Compliance letters from the Village of Merriam Woods, the Western Taney County Fire Protection District and the Missouri Department of Transportation (MoDOT) shall be submitted to the Planning Department Office, including all other entities which have requirements governing a development of this nature (Chapter VI-VII).
3. An opaque (privacy) fence shall be erected between the Star Furniture Liquidator business and the applicant's adjoining single-family residence to the south.
4. A minimum of six (6) parking spaces shall be provided for the Star Furniture Liquidator business.
5. Business hours of operation shall be Monday through Sunday 9:00 AM to 8:00 PM.
6. The Star Furniture Liquidator application shall be viewed as a Special-Use Permit. Therefore the permit is specific to the applicant to whom the permit is issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
7. No outside storage of equipment or solid waste materials.
8. This decision is subject to all existing easements.
9. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
10. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Certificate of Occupancy (C of O) from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
11. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

Attachment to Division 3 Permit request
From Michael Lenz 4900 State Hwy 176, Rockaway Beach, MO 65740
3 Acres, Parcel # 08-1.0-02-004-001-001.001
Section 2, Township 23, Range 21.

- Project will not generate wastewater

- Height of building from ground to top of roof ridge
 - North West corner: 18' 02"
 - North East corner: 18' 00"
 - South East corner: 23' 00"
 - South West corner: 22' 00"

- Parking in front and both sides of new building

- There will be one 10'x8' garage door located on the East end of the North side of the building. One single concrete slab extending 20 feet to the North will be poured in front of the single garage door.

- Construction materials:
 - Concrete footings stair stepped down slope of land 2' wide, 6" thick, 2' below grade.
 - 8" thick crawl space walls. The concrete wall will be 6" above grade on the North end and 5' above grade on the South end. The North end of the building will be in filled with 2" rock prior to concrete slab pour.
 - 50% concrete slab on North end of building. 50% 2"x12" Douglass Fir joist on South end of building.
 - Perimeter walls will be 2"x6"x10' Douglass Fir studs, Exterior sheathing will be ½" OSB with ½"x4'x10' plywood corners.
 - Interior of structure will be an open floor plan with ¾" plywood over joist on South 50% of building.
 - Roof will be Douglass Fir trusses with 5/8" plywood sheathing and composition shingles.

- Electric service will be 200 amp panel with underground feed from the metered yard pole.

- LP gas supply will come from new underground gas line fed from an existing LP tank.

Parcel # 08-1.0-02-004-001-001.001
Section 2 Township 23 Range 21
Division 3 Permit Request
Property

N

Directions

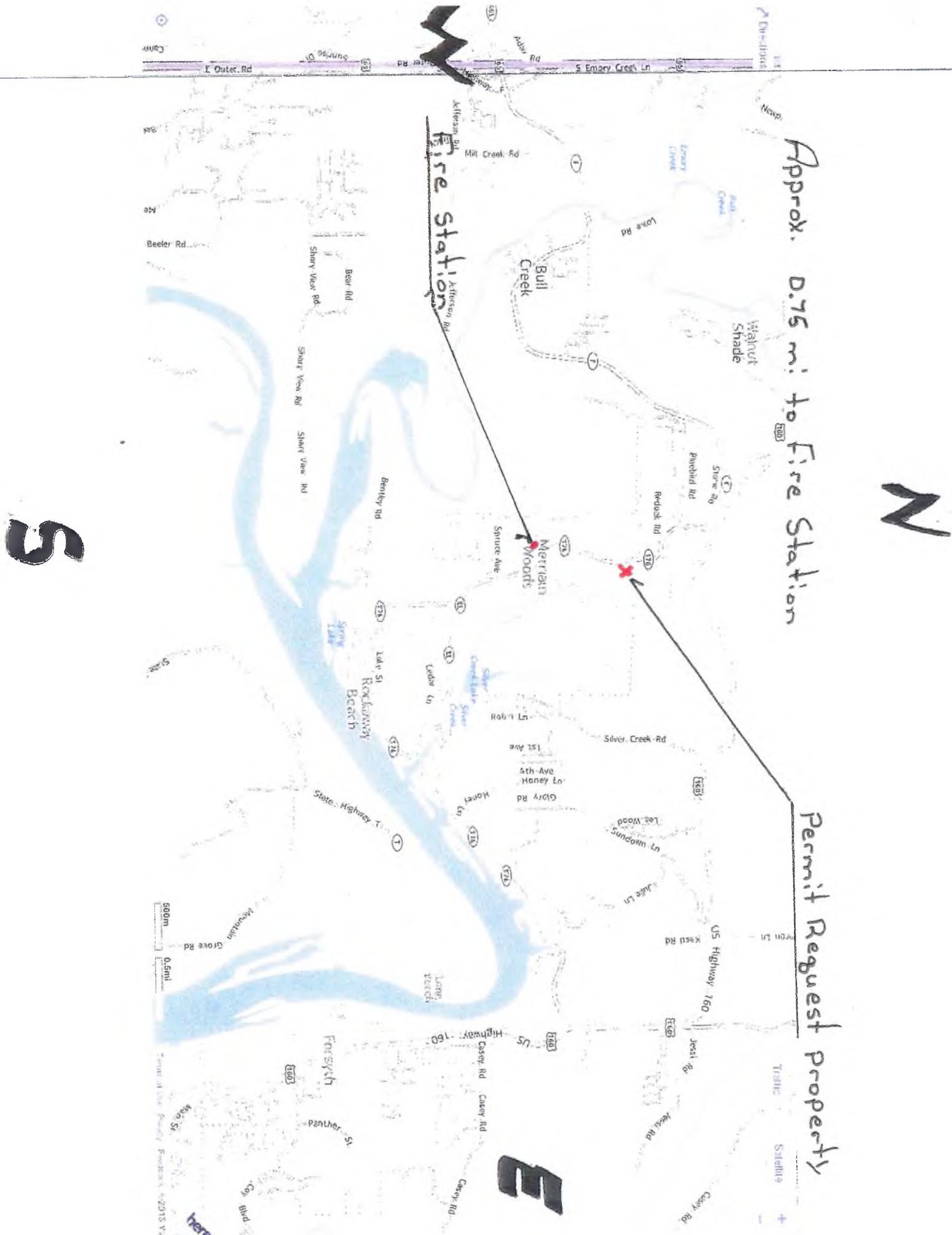
Traffic Satellite



W

E

S



Approx. 0.75 mi. to Fire Station

Permit Request Property

Fire Station

S

N

E

500m

0.5mi

© 2015 Google

here

Existing
culvert

Side of Bldg to Prop. line

52'2" overhang

4'x4' Front
entrance slab

54'2" Side of Bldg.

Survey
Yellow Top
Marker



E

S

TO
Powerline **N**

Yard Pole
White River Electric Meter

LP Gas line Buried

Ingress, Egress **C**



136.65

76

214.50



Division III Relative Policy Scoring Sheet:
Eastern Taney County

Performance Value	Importance Factor	Score	Section Score
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Water Quality

SEWAGE DISPOSAL	n/a=	x			
centralized system		2	5		
on-site treatment system(s) with adequate safeguards to mitigate pollution		1			
septic system of adequate design and capacity		0			
proposed system may not provide adequate capacity		-1			
proposed solution may cause surface and/or ground water pollution		-2			

Environmental Policies

STORM DRAINAGE	n/a=				
on-site stormwater retention and absorption with engineered plans		2	4	-1	-4
on-site stormwater retention and absorption without engineered plans		1			
stormwater retention with managed and acceptable run-off		0			
no stormwater retention, but adverse impacts from run-off have been mitigated		-1			
no acceptable management and control of stormwater run-off		-2			

AIR QUALITY

AIR QUALITY	n/a=				
cannot cause impact		0	4	0	0
could impact but appropriate abatement installed		-1			
could impact, no abatement or unknown impact		-2			

Critical Areas

PRESERVATION OF CRITICAL AREAS	n/a=				
no adverse impact to any designated critical area		2	3	2	6
one of the designated critical areas impacted but can be fully mitigated		1			
more than one of the designated critical areas impacted but can be fully mitigated		0			
one or more of the designated critical areas impacted and mitigation not fully effective		-1			
one or more of the designated critical areas impacted with no ability to mitigate problem		-2			

Land Use Compatibility

OFF-SITE NUISANCES	n/a=				
no issues		2	4	1	4
minimal issues, but can be fully mitigated		1			
issues that can be buffered and mitigated to a reasonable level		0			
buffered and minimally mitigated		-1			
cannot be mitigated		-2			

USE COMPATIBILITY

USE COMPATIBILITY	n/a=				
no conflicts / isolated property		0	4	-1	-4
transparent change / change not readily noticeable		-1			
impact readily apparent / out of place		-2			

Star Furniture Liquidator		Permit#:	13-23		
Division III Relative Policy Scoring Sheet: Eastern Taney County		Performance Value	Importance Factor	Score	Section Score
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS		n/a= x			
no rooftop equipment / vents or blocked from view by structure design or screening		0	3		
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS		n/a= x			
no on-site waste containers or blocked from view by structure design or screening		0	3		
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.		n/a=			
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3	0	0
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
LANDSCAPED BUFFERS -- RESIDENTIAL		n/a= x			
approved landscaped buffer between homes and all streets / roads / highways		2	2		
approved landscaped buffer from major roads / highways only		1			
minimal landscaped buffer, but compensates with expanse of land		0			
no landscaped buffer between residences and local streets		-1			
no landscaped buffer from any road		-2			
LANDSCAPED BUFFERS - INDUSTRIAL		n/a= x			
approved landscaped buffer from public roads		0	3		
minimal landscaped buffer, but compensates with expanse of land		-1			
no landscaped buffer from public roads		-2			
Local Economic Development					
AGRICULTURAL LANDS		n/a=			
no conversion of Class I-IV agricultural land to other use(s)		0	1	0	0
development requires reclassification of Class I-IV agricultural land to other use(s)		-2			
RIGHT TO FARM		n/a=			
does not limit existing agricultural uses / does not cause nuisance, predation		0	3	0	0
does not limit existing agricultural uses, but may result in minor nuisance		-1			
potential impact(s) on existing agricultural land		-2			
RIGHT TO OPERATE		n/a= x			
no viable impact on existing industrial uses by residential development		0	2		
potential impact but can be mitigated		-1			
potential impact on existing industrial uses with no mitigation		-2			

Star Furniture Liquidator		Permit#:	13-23		
Division III Relative Policy Scoring Sheet: Eastern Taney County		Performance Value	Importance Factor	Score	Section Score
DIVERSIFICATION		n/a=			
creates >=5 full-time, year-round jobs outside of recreation / resort sector		2	4	0	0
creates full-time, year-round and seasonal jobs		1			
creates seasonal jobs only		0			
Site Planning, Design, Occupancy					
RESIDENTIAL PRIVACY		n/a=	x		
privacy provided by structural design, or not applicable		2	2		
privacy provided by structural screening		1			
privacy provided by landscaped buffers		0			
privacy provided by open space		-1			
no acceptable or effective privacy buffering		-2			
MIXED-USE DEVELOPMENTS		n/a=			
uses / functions are compatible or not applicable		2	3	0	0
uses / functions are integrated and separated based on compatibility		1			
uses / functions differ minimally and are not readily apparent		0			
uses / functions poorly integrated or separated		-1			
uses / functions mixed without regard to compatibility factors		-2			
Commercial Development					
DEVELOPMENT PATTERN / BUFFERING		n/a=			
approved and effectively designed landscaped buffers between structures and all roads		2	4	0	0
minimal landscaped buffering, but compensates with expanse of land		1			
minimal landscaped buffering		0			
no landscaped buffering, but utilizes expanse of land		-1			
no or inadequate buffering or separation by land		-2			
Services - Capacity and Access					
UTILITIES		n/a=			
adequate utilities capacity as evidenced by letter from each utility		0	4	-1	-4
adequate utilities capacity without formal letter from each utility or not from all utilities		-1			
inadequate information to determine adequacy of utilities		-2			
TRAFFIC		n/a=			
no impact or insignificant impact on current traffic flows		0	2	0	0
traffic flow increases expected but manageable using existing roads and road accesses		-1			
traffic flow increases exceed current road capacities		-2			
EMERGENCY SERVICES		n/a=	x		
structure size and/or access can be serviced by emergency equipment		0	3		
structure size and/or access may impede but not hinder serviceability		-1			
structure size and/or access could be problematic or non-serviceable		-2			

Division III Relative Policy Scoring Sheet:
Eastern Taney County

	Performance Value	Importance Factor	Score	Section Score
RIGHT-OF-WAY OF EXISTING ROADS n/a=				
greater than 50 ft. right-of-way	1	5	1	5
50 ft. right-of-way	0			
40 ft. right-of-way	-1			
less than 40 ft. right-of-way	-2			
Internal Improvements				
WATER SYSTEMS n/a=	x			
central water system meeting DNR requirements for capacity, storage, design, etc.	2	3		
community well / water system meeting DNR requirements	1			
private wells meeting DNR requirements	0			
private wells not meeting any established standards	-1			
individual / private wells	-2			
EMERGENCY WATER SUPPLY n/a=				
fire hydrant system throughout development with adequate pressure and flow	0	5	-2	-10
fire hydrant system with limited coverage	-1			
no fire hydrant system	-2			
PEDESTRIAN CIRCULATION n/a=	x			
paved and dedicated walkways (no bicycles) provided throughout development	2	4		
paved walkways provided throughout development / maybe shared with bicycles	1			
designated walkways provided but unpaved	0			
no pedestrian walkways, but green space provided for pedestrian use	-1			
no designated pedestrian walkway areas	-2			
PEDESTRIAN SAFETY n/a=	x			
separation of pedestrian walkways from roadways by landscape or structural buffer	2	2		
separation of pedestrian walkways from roadways by open land buffer	1			
pedestrian walkways abut roadways with no buffering / protection	0			
BICYCLE CIRCULATION n/a=	x			
dedicated / separate bike-ways with signage, bike racks, trails	2	1		
bicycle lanes shared with pedestrian walkways but separated by markings / signs	1			
no designated bike-ways	0			
UNDERGROUND UTILITIES n/a=				
all utilities are provided underground up to each building / structure	2	4	0	0
all utilities traverse development underground but may be above ground from easement	1			
utilities above ground but / over designated easements	0			
utilities above ground and not within specific easements	-1			
no specific management of utilities	-2			

Star Furniture Liquidator		Permit#:	13-23		
Division III Relative Policy Scoring Sheet: Eastern Taney County		Performance Value	Importance Factor	Score	Section Score
Open-Space Density					
USABLE OPEN SPACE	n/a=	x			
residential developments (>25 units) include more than 25% open recreational space		2	2		
residential developments (>25 units) offer >10% but <25% open recreational space		1			
recreational area provided, but highly limited and not provided as open space		0			
no designated recreational space provided, but open space available		-1			
no open recreational space provided		-2			
Solid Waste Disposal					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY	n/a=				
weekly service is available and documentation of availability provided		0	5	-1	-5
weekly service reportedly available but not documented		-1			
centralized, on-site trash collection receptacles available		-2			
SOLID WASTE DISPOSAL SERVICE COMMITMENT	n/a=	x			
restrictive covenants provide for weekly disposal for each occupied structure		0	5		
services available but not a requirement documented in covenants		-1			
not applicable / no pick-up service provided		-2			

Total Weighted Score= -12

Maximum Possible Score= 63

Actual Score as Percent of Maximum= -19.0%

Number of Negative Scores= 5

Negative Scores as % of Total Score= 14.3%

Scoring Performed by:

Bob Atchley / Bonita Kisse

Date:

October 30, 2013

Project: **Star Furniture Liquidator**

Permit#: **13-23**

Policies Receiving a Negative Score	
Importance Factor 5:	emergency water supply waste disposal service
Importance Factor 4:	stormwater drainage use compatibility utilities
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: *Bob Atchley / Bonita Kisse*

Date: *October 30, 2013*

Eastern District Relative Policies: Division III Permit

Project: **Star Furniture Liquidator**

Permit: **13-23**

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	63	-12	-19.0%	5	29.4%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	5	-10	2	66.7%
sewage disposal				
right-of-way / roads	5	5		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
Importance Factor 4	40	-8	3	37.5%
stormwater drainage	8	-4		
air quality	0	0		
off-site nuisances	8	4		
use compatibility	0	-4		
diversification	8	0		
development buffering	8	0		
utilities	0	-4		
pedestrian circulation				
underground utilities	8	0		
Importance Factor 3	18	6		
preservation of critical areas	6	6		
screening of rooftop equip				
screening / waste containers				
screening of outdoor equip	6	0		
industrial landscape buffers				
right to farm	0	0		
mixed-use developments	6	0		
emergency services				
water systems				
Importance Factor 2				
residential landscape buffers				
right to operate				
residential privacy				
traffic	0	0		
pedestrian safety				
usable open space				
Importance Factor 1				
agricultural lands	0	0		
bicycle circulation				

Scoring by: *Bob Atchley / Bonita Kissee*
 Date: *October 30, 2013*

ADDRESS WITHIN 600'
4104 WESTGATE

413,38

WEST GATE

WHITE RIVER VALLEY

STATE HWY 116

312.11

Jasper

EXISTING 19" CULVERT AND DRIVE

YELLOW CAP SURVEY

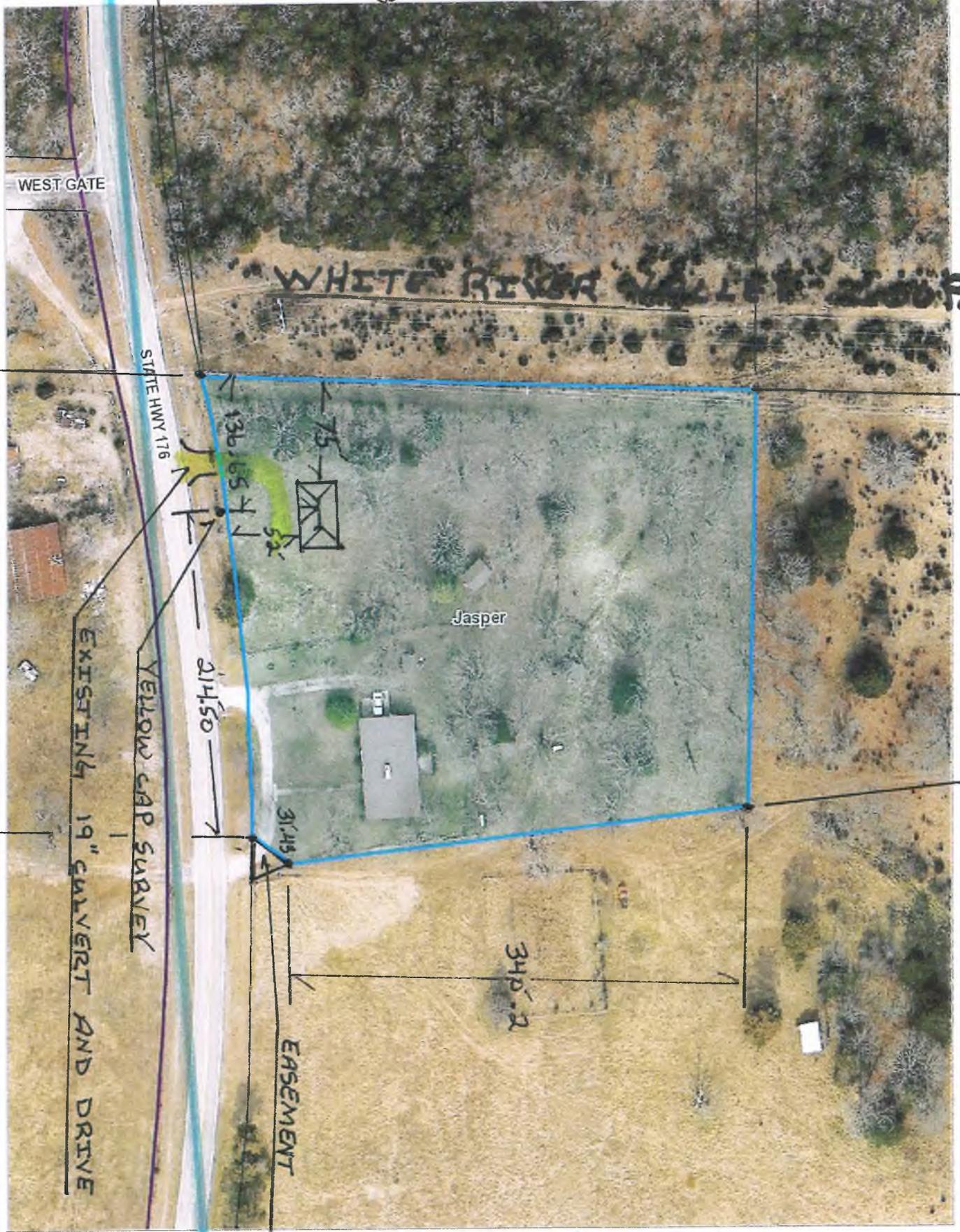
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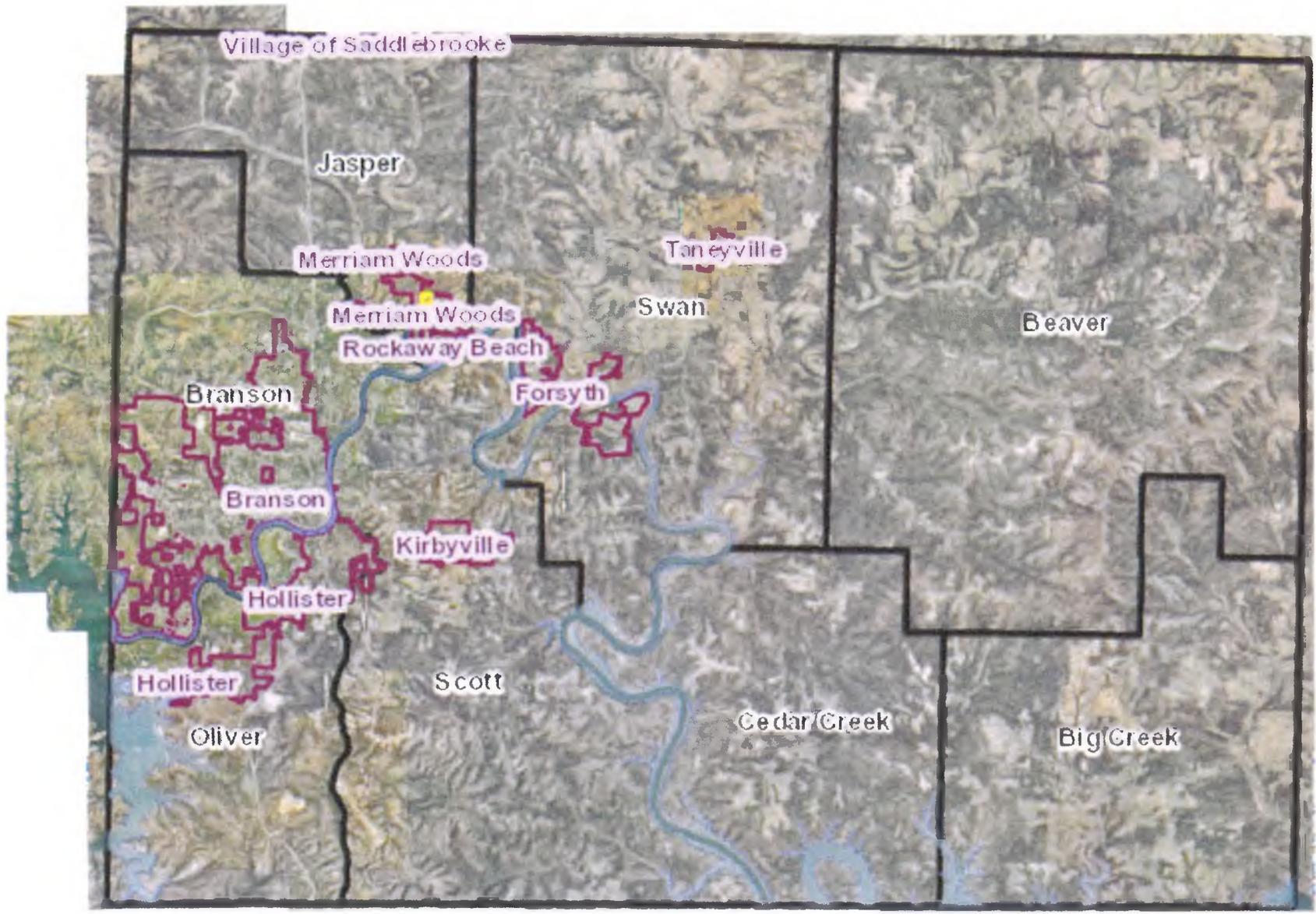
EASEMENT

340.2

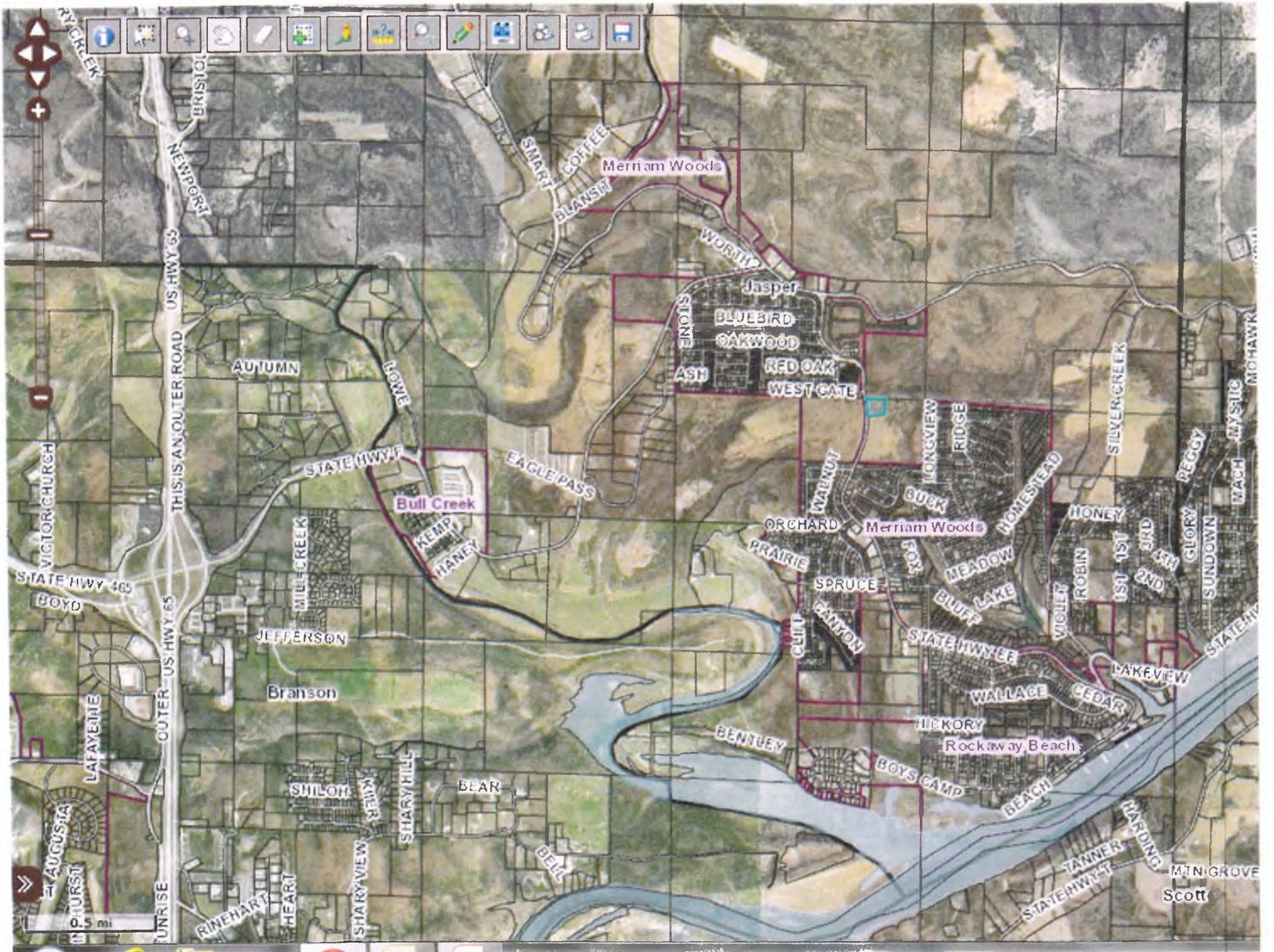
MERRIAM WOODS CITY LIMIT

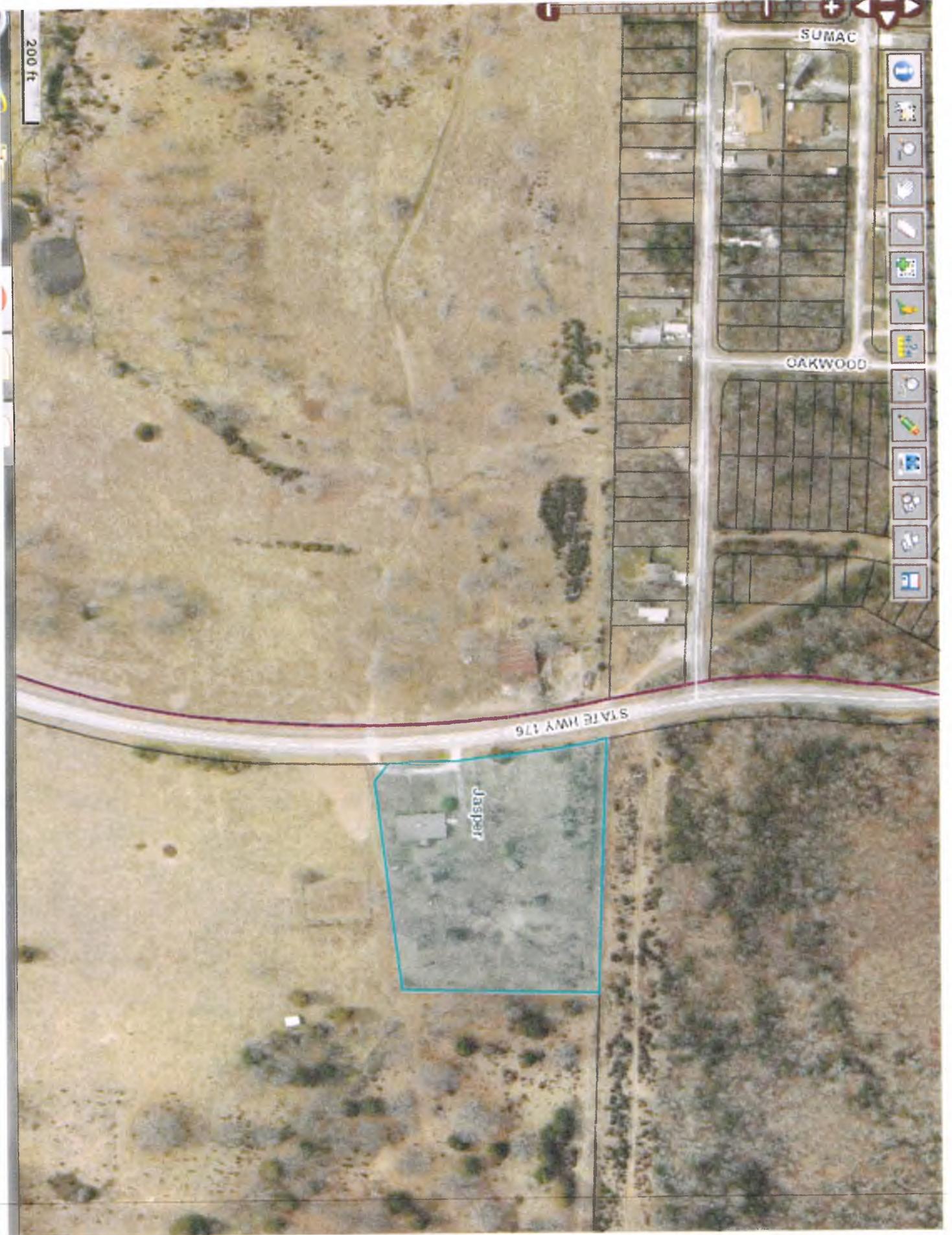
TANEY COUNTY





**Star Furniture Liquidator
Division III Permit 2013-0023
Taney County GIS - Beacon**





200 ft

SUMAC

OAKWOOD

STATE HWY 176

Jasper



STATE HWY 176

351.15'

37.43'

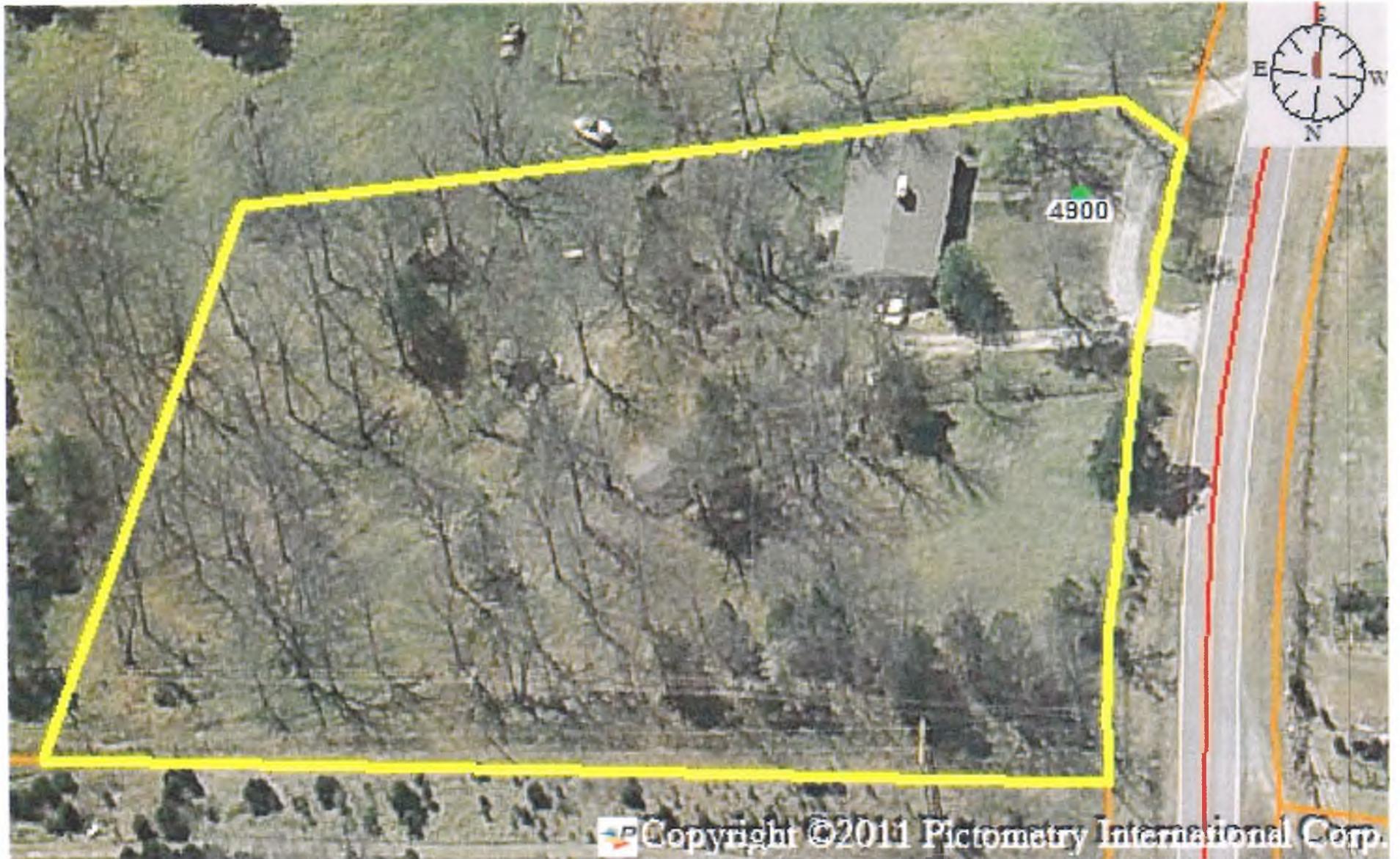
340.20'

3.04(c)

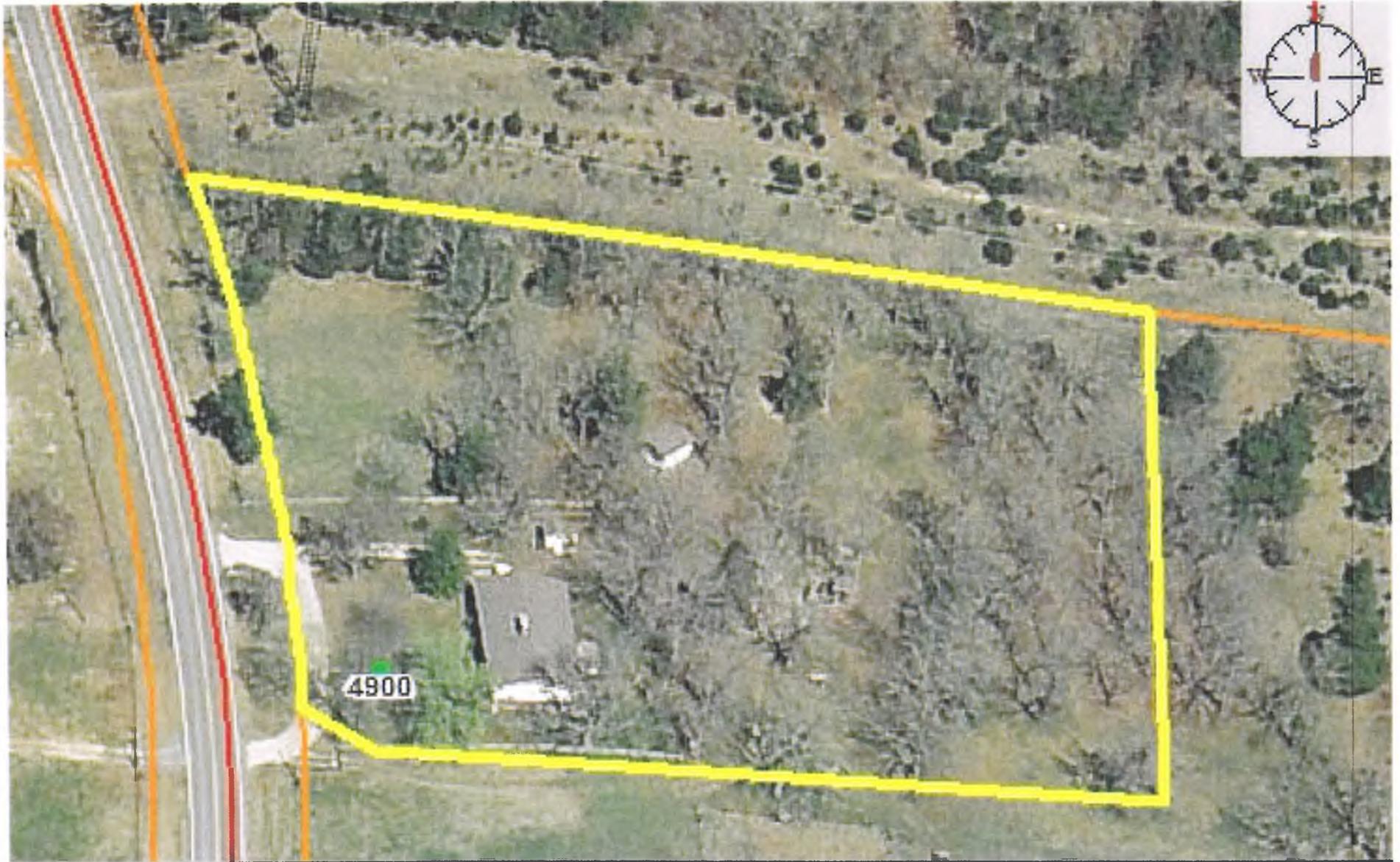
Jasper

413.38'

312.11'



**Star Furniture Liquidator
Division III Permit 2013-0023
Pictometry – View from the North**



**Star Furniture Liquidator
Division III Permit 2013-0023
Pictometry – View from the South**



**Star Furniture Liquidator
Division III Permit 2013-0023
Pictometry – View from the East**



**Star Furniture Liquidator
Division III Permit 2013-0023
Pictometry – View from the West**

413.38

ADDRESS WITHIN 600'
4104 WESTGATE
MERRIAM WOODS CITY LIMIT

WEST GATE

WHITE RIVER VALLEY GROUP

STATE HWY 116



Jasper

214.50

37.15

340.2

EASEMENT

312.11

EXISTING 19" CULVERT AND DRIVE

YELLOW CAP SURVEY

MERRIAM WOODS CITY LIMIT

TANEY COUNTY



NOTICE OF PUBLIC HEARING

THE TANNEY COUNTY PLANNING COMMISSION

Will Hold A Public Hearing
Following Request

Under the Division III Process

Applicant: Star Furniture
Proposed Development: Liquidator

Property Location: State Hwy 176

Hearing Location: Taney County Courthouse
Time: 7:00 PM

Date: 11-12-13
Phone: 417-516-7225









