



## TANEY COUNTY PLANNING COMMISSION

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**AGENDA**  
**TANEY COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**TUESDAY, OCTOBER 14, 2014, 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:

*Sam's Nightly Rental*

Old and New Business:

*Tentative*

Adjournment.



**TANEY COUNTY  
PLANNING COMMISSION  
DIVISION III SPECIAL-USE PERMIT  
STAFF REPORT**

**HEARING DATE:** October 14, 2014

**CASE NUMBER:** 2014-0007

**PROJECT:** Sams Family Nightly Rental

**APPLICANTS:** Mathew & Tricia Sams

**LOCATION:** The subject property is located at 1264 Goodnight Hollow Road, Walnut Shade, MO; Jasper Township; Section 10, Township 24, Range 21.

**REQUEST:** The applicants, Mathew & Tricia Sams are requesting approval of a Division III Special-Use Permit in order to utilize an existing, two (2) bedroom, single-family residence for nightly rental.

**BACKGROUND and SITE HISTORY:**

The Planning Department issued Division I Permit # 2012-0149, authorizing the construction of the 1,500 square foot, two (2) bedroom, two and one-half (2 ½) bath, single-family residence. On March 3, 2013, a Certificate of Conformance was issued for the single-family residence.

The property in question is served by an on-site (septic) wastewater treatment system and a private well.

The current application was approved for Concept on September 15, 2014.

**GENERAL DESCRIPTION:**

The subject property is an approximately fourteen (14) acre meets and bounds described parcel of land (per the Assessor's Information via Beacon), which contains an approximately 1,500 square foot, two (2) bedroom, two and one-half (2 ½) bath, single-family residence, located at 1264 Goodnight Hollow Road, Walnut Shade, MO.

## REVIEW:

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) days, counting portions of days as full days.” Currently, the applicants would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family home will remain the same. 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 two (2) bedroom home would have a maximum occupancy of six (6) people.

The property is served by an on-site (septic) wastewater treatment system and a private well. A Septic Permit was not required for the installation of the wastewater treatment system because the property in question is in excess of the three (3) acres in size.

The property is served by an existing drive off of Goodnight Hollow Road.

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 three (3) parking spaces will be required. The residence is currently served by a two (2) car attached garage. The property will exceed the minimum parking requirements of the Development Guidance Code.

A nightly rental application falls under the provisions of a Division III Special-Use Permit. 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.

The adjoining property immediately to the north is Goodnight Hollow Road and vacant property. The adjoining property to the south and east is vacant. The adjoining property to the west is predominately light residential and vacant.

The project received a total score of -17 on the Policy Checklist, out of a maximum possible score of 41. The relative policies receiving a negative score consist of offsite nuisances, right-of-way on existing roads, emergency water supply, solid waste disposal service 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.
2. Compliance letters from the Western Taney County Fire Protection District and the Missouri Department of Revenue; including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office.(Chapter VI-VII)
3. A copy of a valid Merchant's License via the Taney County Collector's Office shall be provided to the Planning Department.
4. A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.
5. No outside storage of equipment or solid waste materials.
6. This decision is subject to all existing easements.
7. This residence shall accommodate (sleep) no more than six (6) persons per night. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
8. The Sams Family Nightly Rental has been approved 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.
9. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

**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=			
centralized system	2	5	0	0
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		
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		
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		
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	2	8
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	0	0
transparent change / change not readily noticeable	-1			
impact readily apparent / out of place	-2			



Division III Relative Policy Scoring Sheet: Eastern Taney County		Performance Value	Importance Factor	Score	Section Score
<b>STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT &amp; VENTS</b> <span style="float: right;">n/a=</span>		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			
<b>STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS</b> <span style="float: right;">n/a=</span>		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			
<b>STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.</b> <span style="float: right;">n/a=</span>		x			
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
<b>LANDSCAPED BUFFERS -- RESIDENTIAL</b> <span style="float: right;">n/a=</span>		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			
<b>LANDSCAPED BUFFERS - INDUSTRIAL</b> <span style="float: right;">n/a=</span>		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			
<b>Local Economic Development</b>					
<b>AGRICULTURAL LANDS</b> <span style="float: right;">n/a=</span>		x			
no conversion of Class I-IV agricultural land to other use(s)		0	1		
development requires reclassification of Class I-IV agricultural land to other use(s)		-2			
<b>RIGHT TO FARM</b> <span style="float: right;">n/a=</span>		x			
does not limit existing agricultural uses / does not cause nuisance, predation		0	3		
does not limit existing agricultural uses, but may result in minor nuisance		-1			
potential impact(s) on existing agricultural land		-2			
<b>RIGHT TO OPERATE</b> <span style="float: right;">n/a=</span>		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			

Division III Relative Policy Scoring Sheet: Eastern Taney County	Performance Value	Importance Factor	Score	Section Score
<b>DIVERSIFICATION</b>	n/a=	x		
creates >=5 full-time, year-round jobs outside of recreation / resort sector	2	4		
creates full-time, year-round and seasonal jobs	1			
creates seasonal jobs only	0			
<b>Site Planning, Design, Occupancy</b>				
<b>RESIDENTIAL PRIVACY</b>	n/a=			
privacy provided by structural design, or not applicable	2	2	0	0
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			
<b>MIXED-USE DEVELOPMENTS</b>	n/a=	x		
uses / functions are compatible or not applicable	2	3		
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			
<b>Commercial Development</b>				
<b>DEVELOPMENT PATTERN / BUFFERING</b>	n/a=	x		
approved and effectively designed landscaped buffers between structures and all roads	2	4		
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			
<b>Services - Capacity and Access</b>				
<b>UTILITIES</b>	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			
<b>TRAFFIC</b>	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			
<b>EMERGENCY SERVICES</b>	n/a=			
structure size and/or access can be serviced by emergency equipment	0	3	0	0
structure size and/or access may impede but not hinder serviceability	-1			
structure size and/or access could be problematic or non-serviceable	-2			

Sams Family - Nightly Rental		Permit#:	14-07		
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	-2	-10
50 ft. right-of-way		0			
40 ft. right-of-way		-1			
less than 40 ft. right-of-way		-2			
<b>Internal Improvements</b>					
WATER SYSTEMS		n/a=			
central water system meeting DNR requirements for capacity, storage, design, etc.		2	3	0	0
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	1	4
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			



Sams Family - Nightly Rental		Permit#:	14-07		
Division III Relative Policy Scoring Sheet: Eastern Taney County		Performance Value	Importance Factor	Score	Section Score
<b>Open-Space Density</b>					
USABLE OPEN SPACE		n/a=	x		
residential developments (>25 units) include more than 25% open recreational space			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	2	
no designated recreational space provided, but open space available			-1		
no open recreational space provided			-2		
<b>Solid Waste Disposal</b>					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY		n/a=			
weekly service is available and documentation of availability provided			0		
weekly service reportedly available but not documented			-1	5	-5
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		
services available but not a requirement documented in covenants			-1	5	
not applicable / no pick-up service provided			-2		

Total Weighted Score= -17

Maximum Possible Score= 41

Actual Score as Percent of Maximum= -41.5%

Number of Negative Scores= 4

Negative Scores as % of Total Score= 11.4%

Scoring Performed by:

Bob Atchley / Bonita Kissee-Souttee

Date:

October 7, 2014

**Project:** Sams Family - Nightly Rental

**Permit#:** 14-07

Policies Receiving a Negative Score	
Importance Factor 5:	right-of-way / roads emergency water supply waste disposal service
Importance Factor 4:	utilities
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: Bob Atchley / Bonita Kissee-Soutee

Date: October 7, 2014

# Eastern District Relative Policies: Division III Permit

Project: **Sams Family - Nightly Rental**

Permit: **14-07**

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	41	-17	-41.5%	4	36.4%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
<b>Importance Factor 5</b>	<b>5</b>	<b>-25</b>	<b>3</b>	<b>100.0%</b>
sewage disposal				
right-of-way / roads	5	-10		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
<b>Importance Factor 4</b>	<b>16</b>	<b>8</b>	<b>1</b>	<b>25.0%</b>
stormwater drainage				
air quality				
off-site nuisances	8	8		
use compatibility	0	0		
diversification				
development buffering				
utilities	0	-4		
pedestrian circulation				
underground utilities	8	4		
<b>Importance Factor 3</b>				
preservation of critical areas				
screening of rooftop equip				
screening / waste containers				
screening of outdoor equip				
industrial landscape buffers				
right to farm				
mixed-use developments				
emergency services	0	0		
water systems	6	0		
<b>Importance Factor 2</b>				
residential landscape buffers				
right to operate				
residential privacy	4	0		
traffic	0	0		
pedestrian safety				
usable open space				
<b>Importance Factor 1</b>				
agricultural lands				
bicycle circulation				

Scoring by: *Bob Atchley / Bonita Kisse-Soutee*

Date: *October 7, 2014*



# PUBLIC HEARING

## THE TANEY COUNTY PLANNING COMMISSION

Will Hold A Public Hearing Concerning The  
Following Requested Zone Change  
Under the Division III Process

Applicant: Mathew & Tricia Sams

Proposed Development: Nightly Rental  
Special Use Permit

Property Location: 1264 Goodnight  
Hollow Road

Hearing Location: Taney County Courthouse

Time: 6:00 PM Date: 10-14-14

Phone: 417-546-7225

















