



TANEY COUNTY PLANNING COMMISSION

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AGENDA
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
MONDAY, APRIL 11, 2016, 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:

The Majestic at Table Rock, LLC

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY PLANNING COMMISSION

DIVISION III PERMIT STAFF REPORT

HEARING DATE: April 11, 2016

CASE NUMBER: 2016-0008

PROJECT: The Majestic at Table Rock Timeshare

APPLICANT: Majestic at Table Rock, LLC – Daniel Ruda

LOCATION: The subject property is located at 345 Lenhart Lane, Branson, MO; Branson Township; Section 10, Township 22, Range 22.

REQUEST: The applicant, Majestic at Table Rock, LLC – Daniel Ruda is requesting the Planning Commission approval of a Division III Permit allowing for future units within the permitted, high density, multi-unit development to be marketed and sold as timeshare units.

BACKGROUND and SITE HISTORY:

The subject property is a +/- 10.50 acre tract of land (per the Assessor's information as contained within Beacon) platted as The Majestic at Table Rock Condominiums, located at 345 Lenhart Lane, Branson MO.

The staff has not enumerated the entire history of the development but has chosen to instead highlight the general events that relate directly to the current timeshare request.

On August 14, 1989 the Taney County Planning Commission approved Division III Permit # 1989-0087 which authorized a high density residential development use, which was to held in a condominium style of ownership (originally referenced as Paradise Point Condominiums). Condition # 13 of Division III Permit # 1989-0087 Decision of Record states that, "**Only condominium use is being approved with this application, time share use is not a part of this permit.**" The August 14, 1989 Planning Commission Meeting minutes denote that "**If Mr. Huffman wants time share as a use, he will have to come back for a permit for that.**"

The original Division III Permit Decision of Record does not denote a specific number of units that were approved by the Planning Commission. However, a letter written from the original, applicant's engineer to the Planning Administrator at the time specified that the wastewater treatment plant would serve up to 123 units upon completion of two phases of treatment plant construction. The property is now served by Branson municipal sewer. On May 18, 2005 Greg Smith, the Planning Administrator wrote a

letter to the developer at the time (Missouri Partners, Inc.) indicating his understanding that the condominium project was approved for 123 units.

On April 4, 2000 the Taney County Planning Administrator wrote a letter to the City of Branson Planning Administrator which states, "***This project consisted of a 10.9 acre tract to be developed as a Condominium project that had the ability of nightly rental. The nightly rental option makes it possible for these condominiums to be marketed as timeshares.***" However, the staff was unable to locate any evidence that would suggest that the timeshare of this property was approved via the Planning Commission approval of an additional Division III Permit.

An April 11, 2005 letter from the Planning Administrator to the developer at the time (Missouri Partners Inc.) indicates that in 1999 a Court Order was handed down by Judge Eiffert, pursuant to a Mandate from the Missouri Court of Appeals, which held that the original Division III Permit was valid and in effect.

On November 16, 2005 the Board of Adjustment approved a request from The Majestic at Table Rock, LLC for an appeal of the October 17, 2005 decision to deny 37 additional condominium units by the Planning Commission. This Board of Adjustment decision increased the density of the condominium development from 123 units to 160 total units.

On March 16, 2009 the Planning Commission held a Concept Hearing in which the Commission heard a Division III Permit request from Dan Ruda, in which the applicant was requesting the Planning Commission of a Division III Permit authorizing the fractional ownership of the Majestic Point Condominiums. However, the Planning Department records indicate that this Division III Application was withdrawn.

The current application was approved for Concept on March 21, 2016.

GENERAL DESCRIPTION:

The applicant, Majestic at Table Rock, LLC – Daniel Ruda is requesting the Planning Commission approval of a Division III Permit allowing for future units within the permitted, high density, multi-unit development to be marketed and sold as timeshare units.

REVIEW:

In 1989 the Planning Commission approved what is now the Majestic at Table Rock Condominiums (originally referenced as Paradise Point Condominiums), with a condition specifying that the timeshare use was not being approved as a part of the permit. On April 4, 2000 Chris Hall, former Taney County Planning Administrator wrote a letter to the City of Branson Planning Administrator which states, "***This project consisted of a 10.9 acre tract to be developed as a Condominium project that had the ability of nightly rental. The nightly rental option makes it possible for these condominiums to be marketed as timeshares.***" I believe that Mr. Hall may have been referencing Appendix N from the Development Guidance Code in place at the time of the drafting of the letter (included in the packets for reference). Per the provisions of Appendix N "***Nightly Rental constitutes a commercial use and to be permitted as such. Nightly rentals constitute any condominium or townhouse that may be***

rented for any period of time less than one month. Assurance of classification will be made through the filing of restrictive covenants when the plat is recorded.” I

believe that Mr. Hall may have been indicating to Mr. Coulter (Branson Planning Administrator) that the nightly rental option existed, allowing the applicant to apply for a Division III Permit making it possible for the condominiums to be marketed as timeshares. However, the staff was unable to locate any evidence that would suggest that the timeshare of this property was approved via the Planning Commission approval of an additional Division III Permit.

The eighty-nine (89) existing condominium units are served by with public sewer via the City of Branson and public water via the Missouri American Water Company. All future units will be served by public sewer and water.

The applicant is strictly requesting the Planning Commission authorization of the Division III Permit which would allow for the ownership style of all future units to be timeshare. The exterior appearance of the multi-family development will remain the same.

The adjoining property immediately to the north is single-family residential, the southern Comfort and Friendly Hills Subdivisions. The adjoining property immediately to the south and west is property owned by the U.S. Army Corps of Engineers and Table Rock Lake. The adjoining property immediately to the east is primarily vacant residential lots within the Friendly Hills Subdivision.

The project received a score of 0 on the Policy Checklist, out of a maximum possible score of 29. The relative policies receiving a negative score consist of off-site nuisances, right-of-way on existing roads, emergency water supply, and use compatibility.

STAFF RECOMMENDATIONS:

If the Taney County Planning Commission approves Division III Permit # 2016-0008, 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, the City of Branson and the Missouri American Water Company 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. Up to seventy-one (71) future condominiums units will be authorized to be marketed and sold as timeshares.
4. This decision is subject to all existing easements.
5. Division II Permits shall be required for all applicable structures in the development (Chapter 3, Section 1, Item B).
6. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Final Inspection from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
7. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 2, Item 6).

**APPENDIX N
RURAL RESIDENTIAL COMPATIBLE USES**

1. **Agricultural Use**
2. **Single-Family Detached Dwellings**
3. **Churches and parish halls, temples, convents and monasteries**
4. **Schools**
5. **Public parks, playgrounds, and community buildings**
6. **Home occupations as defined in Appendix E**

The following residential uses are considered to be compatible if another similar use exists within a 1000 foot radius of the proposed use; or the use has been previously recorded on an existing plat:

1. **Two family dwellings**
2. **Condominiums, Townhouses (not for nightly rental).** Nightly rental constitutes a commercial use and to be permitted as such. Nightly rentals constitute any condominium or townhouse that may be rented for any period of time less than one month. Assurance of classification will be made through the filing of restrictive covenants when the plat is recorded. (Amended 1989, 1993)
3. **Apartment complexes**
4. **Multiple-family dwellings**

Mobile Homes as Residential Structures Compatible Uses

1. **Mobile Home**
2. **Mobile Home Parks**

Division III Relative Policy Scoring Sheet:
Western Taney County

Performance Value	Importance Factor	Score	Section Score
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Water Quality

SEWAGE DISPOSAL	n/a=			
centralized system	2	5	2	10
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

SOIL LIMITATIONS	n/a=	x		
no known limitations	0	3		
potential limitations but mitigation acceptable	-1			
mitigation inadequate	-2			

SLOPES	n/a=	x		
NOTE: if residential, mark "x" in box.....				
development on slope under 30%	0	4		
slope exceeds 30% but is engineered and certified	-1			
slope exceeds 30% and not engineered	-2			

WILDLIFE HABITAT AND FISHERIES	n/a=	x		
no impact on critical wildlife habitat or fisheries issues	0	2		
critical wildlife present but not threatened	-1			
potential impact on critical wildlife habitat or fisheries	-2			

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

Land Use Compatibility

OFF-SITE NUISANCES	n/a=			
no issues or nuisance(s) can be fully mitigated	0	5	-1	-5
buffered and minimally mitigated	-1			
cannot be mitigated	-2			

Compatibility Factors

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			

Division III Relative Policy Scoring Sheet: Western Taney County

		Performance Value	Importance Factor	Score	Section Score
LOT COVERAGE	n/a=	x			
lot coverage compatible with surrounding areas		0	1		
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE	n/a=	x			
bulk / scale less than or equivalent to surrounding areas		0	3		
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS	n/a=	x			
proposed materials equivalent to existing surrounding structures		0	2		
proposed materials similar and should blend with existing structures		-1			
materials differ from surrounding structures and would be noticeable		-2			
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS	n/a=	x			
no rooftop equipment or vents		2	1		
blocked from view by structure design		1			
blocked from view using screening		0			
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		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			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.	n/a=	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			
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			

Division III Relative Policy Scoring Sheet:
Western Taney County

	Performance Value	Importance Factor	Score	Section Score
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				
RIGHT TO FARM	n/a= 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			
RIGHT TO OPERATE	n/a= x			
no viable impact on existing industrial uses by residential development	0	3		
potential impact but can be mitigated	-1			
potential impact on existing industrial uses with no mitigation	-2			
DIVERSIFICATION	n/a= x			
creates >=5 full-time, year-round jobs outside of recreation / resort sector	2	5		
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= 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			
Commercial Development				
DEVELOPMENT PATTERNS	n/a= x			
clustered development / sharing of parking, signs, ingress, egress, or not applicable	2	3		
some clustering and sharing patterns with good separation of facilities	1			
some clustering and sharing patterns with minimal separation of facilities	0			
clustered development with no appreciable sharing of facilities	-1			
unclustered development with no sharing or ability to share facilities	-2			

The Majestic at Table Rock Timeshare		Permit#:	16-08		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
DEVELOPMENT BUFFERING		n/a=	x		
approved and effectively designed landscaped buffers between structures and all roads		2	3		
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					
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	5		
structure size and/or access may impede but not hinder serviceability		-1			
structure size and/or access could be problematic or non-serviceable		-2			
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 SYSTEM SERVICE		n/a=			
central water system meeting DNR requirements for capacity, storage, design, etc.		2	3	2	6
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 INFRASTRUCTURE		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			

Division III Relative Policy Scoring Sheet: Western Taney County

		Performance Value	Importance Factor	Score	Section Score
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	2	8
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			
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=	x			
weekly service is available and documentation of availability provided		0	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= 0
Maximum Possible Score= 29
Actual Score as Percent of Maximum= 0.0%
Number of Negative Scores= 4
Negative Scores as % of All Applicable Scores= 50.0%

Scoring Performed by:	Date:
<i>Bob Atchley and Bonita Kisse-Soutee</i>	<i>April 1, 2016</i>

Project: The Majestic at Table Rock Timeshare

Permit#: 16-08

Policies Receiving a Negative Score	
Importance Factor 5:	off-site nuisances right-of-way/roads emergency water supply
Importance Factor 4:	use compatibility
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: Bob Atchley and Bonita Kisse-Soutee

Date: April 1, 2016

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	29	0	0.0%	4	50.0%

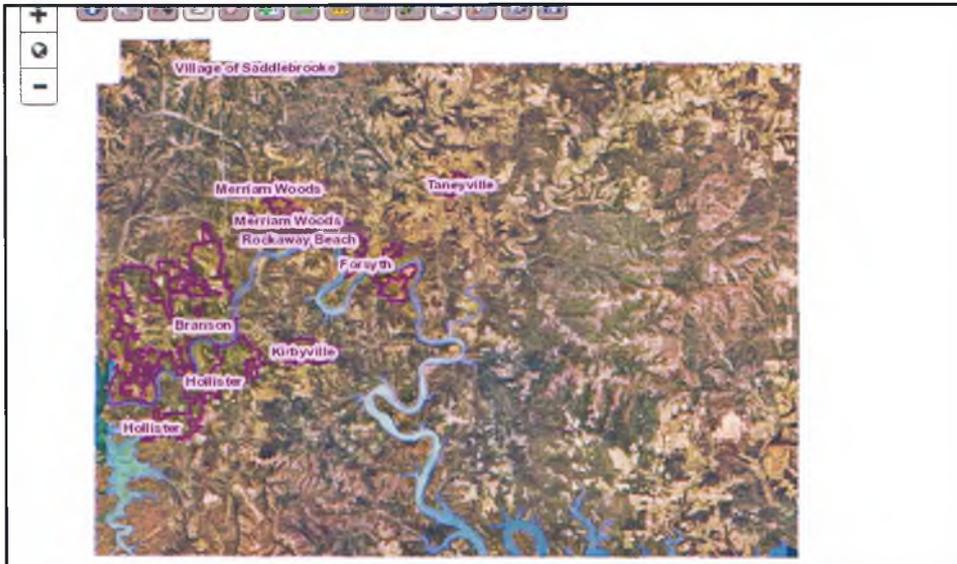
	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	15	-10	3	75.0%
sewage disposal	10	10		
off-site nuisances	0	-5		
diversification				
emergency services				
right-of-way/roads	5	-5		
emergency water supply	0	-10		
waste disposal service				
waste disposal commitment				
Importance Factor 4	8	4	1	50.0%
slopes				
use compatibility	0	-4		
pedestrian circulation				
underground utilities	8	8		
Importance Factor 3	6	6		
soil limitations				
building bulk/scale				
waste containers screening				
outdoor equip storage				
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service	6	6		
Importance Factor 2				
wildlife habitat and fisheries				
air quality				
building materials				
residential buffer / screening				
residential privacy				
traffic	0	0		
pedestrian safety				
usable open space				
Importance Factor 1				
lot coverage				
rooftop vents / equipment				
bicycle circulation				

Scoring by: Bob Atchley and Bonita Kisse-Soutee
Date: April 1, 2016

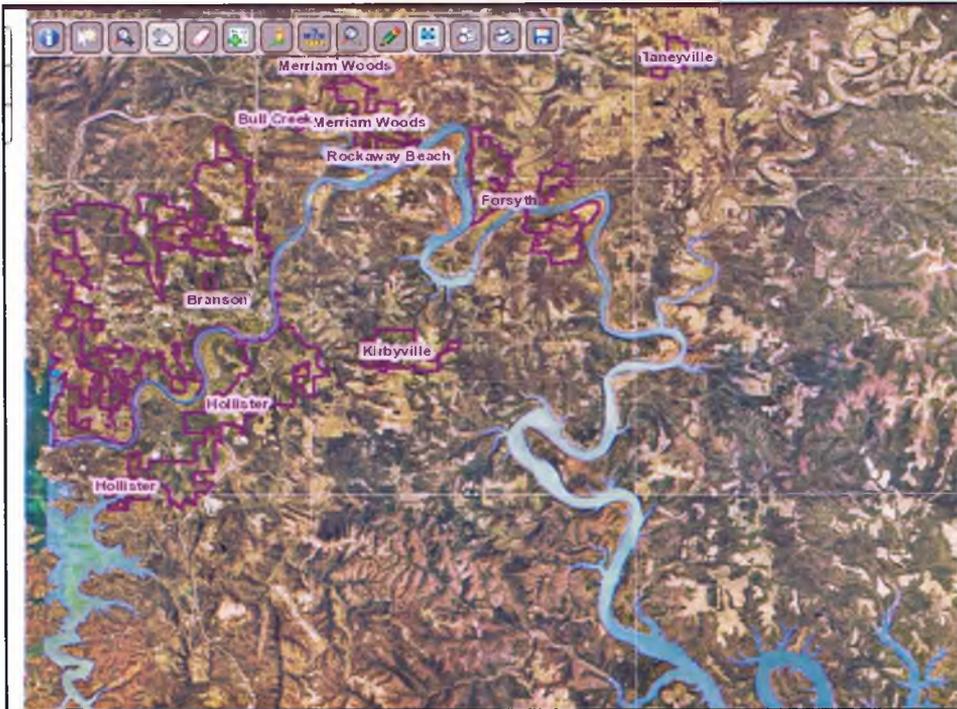


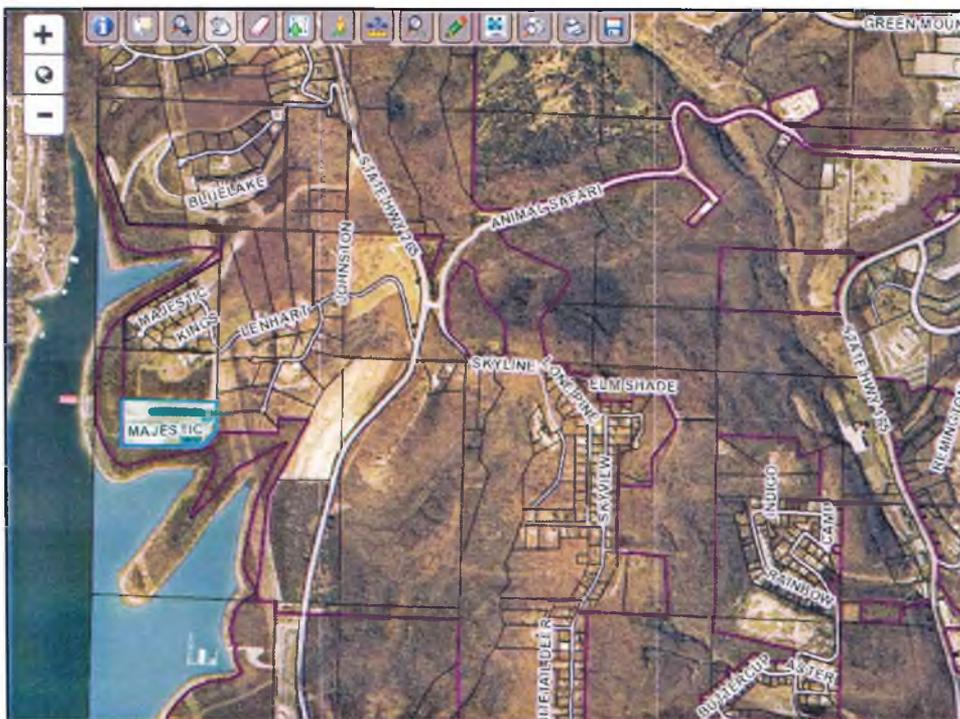
The Majestic at Table Rock LLC





**The Majestic at Table Rock, LLC
200 Majestic Lane, Branson, MO
Division III Permit Case # 2016-0008
Taney County GIS - Beacon**









**The Majestic at Table Rock, LLC
200 Majestic Lane, Branson, MO
Division III Permit Case # 2016-0008
Pictometry – View from the North**



**The Majestic at Table Rock, LLC
200 Majestic Lane, Branson, MO
Division III Permit Case # 2016-0008
Pictometry – View from the South**



**The Majestic at Table Rock, LLC
200 Majestic Lane, Branson, MO
Division III Permit Case # 2016-0008
Pictometry – View from the East**



**The Majestic at Table Rock, LLC
200 Majestic Lane, Branson, MO
Division III Permit Case # 2016-0008
Pictometry – View from the West**















