



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING MONDAY, APRIL 9, 2018, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Howard Kitchen called the meeting to order at 6:00 p.m. A quorum was established with six members present. They were: Howard Kitchen, Rick Caudill, Doug Faubion, Randy Haes, George Cramer, and Dave Stewart. Staff present: Scott Starrett and Bonita Kisse-Souttee.

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

Review and Action:

March 2018 Minutes; with no additions or corrections a motion was made by Mr. Caudill to approve the minutes as written. Seconded by Mr. Cramer. The vote to approve the minutes was unanimous.

Public Hearing and Final Vote:

#18-07, Gary Williamson/Lori White, Beau's Backyard, Proposed small animal petting zoo, day camp for children and woofing for younger adults on up located at 1123 & 1261 Keithley Road. Mr. Starrett read the staff report and presented location maps of the site. Ms. White was present, and had nothing to add. Mr. Faubion asked about state requirements. The applicant has checked with them. No one signed up to speak. Discussion followed regarding location. After discussion Mr. Haes made a motion to approve based upon the decision of record. Seconded by Mr. Stewart. The vote to approve was unanimous. Mr. Starrett explained the decision of record process.

#18-08, Bill Thibodeaux/Willie Billeys, Proposed tool and equipment rental, pawn shop, boat repair and 6 cabins for short and long term rental located at 19948 US Hwy. 160. Mr. Starrett read the staff report and presented location maps of the site. Mr. Thibodeaux was present. Mr. Faubion clarified that the new cabins would be built where the old cabins were. Mr. Stewart clarified there was adequate wastewater disposal. Mr. Caudill asked when the old cabins were torn down. Mr. Thibodeaux thought about 8-10 years ago. Discussion followed regarding wastewater disposal. The Commission cautioned the applicant that the old system might not measure up to today's standards and he should check with DNR. The project will be phased. Mr. Luis Alveres who lives across the street expressed concerns regarding compatibility. Joni Armer who also lives across the street asked that if it is approved that conditions be

placed on the approval regarding having a survey done to clarify how much of the property can be used. Mr. Thibodeaux pointed out that this property has always been commercial and all the neighbors knew this. Mr. Starrett explained performance zoning. After discussion a motion was made by Mr. Stewart based upon the decision of record. Seconded by Mr. Caudill. The vote to approve was unanimous. Mr. Starrett explained the decision of record process.

#18-09, Domenick Bausano, Proposed nightly rental from an existing four bedroom single family residence located at 326 Happy Hollow Road. Mr. Starrett read the staff report and presented location maps of the site. Mr. Bausano was present. Discussion followed regarding compatibility, location, and buffering. No one signed up to speak. Mr. Stewart discussed the wastewater system. Mr. Bausano read a letter from a property owner in support of the request. The applicant has done nightly rental for 8 years at this location. After discussion a motion was made by Mr. Caudill to approve based upon the decision of record. Seconded by Mr. Cramer. The vote to approve was five in favor and one opposing.

#18-10, Jerry Mottinger/Greggory Stephenson, Proposed nightly rental located at 122 Fieldstone Dr. to transfer approval to the new property owner. During the process of approval for Mr. Mottinger, he found out that he had health concerns and needed to sell the property. Mr. Starrett read the staff report and presented location maps of the site. Joyce Schmaucher was present to represent the applicants, and explained there would be no changes from the original approval. Three people signed up to oppose the request. The first to speak was Karen Murphy who pointed out that in her opinion the Code does not allow for transference of special use permits to a new owner. She reported that a similar case has been appealed to the Board of Adjustment and is waiting for a legal opinion to be rendered. Mrs. Murphy also discussed buffering. She asked the Planning Commission to obtain a legal opinion before giving approval for this request. Susan Smith another property owner spoke in opposition of this request. She pointed out there were nightly rentals operating without permits in the beginning and there is incompatibility existing in the development. She pointed out the discrepancies of this request to the Code in her opinion. Sandra Strange the last to speak, was previously a property owner in the development, and was representing the Barkers who live there. They were concerned about transferring the use to another person who is not the current owner. Mrs. Strange pointed out what the Code states about special use permits to the Commission. She also discussed buffering, and noise, liability insurance, safety of the community, and that six condos have been put up for sale. With no other discussion from the public, the Planning Commission discussed the transferring of special use permits. Mr. Caudill reiterated that this property owner developed health problems before he could move into the property, which was why he wanted to pass the approval to a new owner. Mr. Starrett explained number of bedrooms. Ms. Schmaucher reported that this property had been used as a nightly rental for a long time. Mr. Stewart discussed transference of special use permits. Mr. Cramer pointed out that the Planning Commission has final approval. Mr. Starrett

pointed out that the application was the same development plan that was approved and presented as a maximum occupancy of six. After discussion a motion was made by Mr. Caudill to approve based upon the decision of record. The motion died for lack of second. Mr. Haes made a motion to deny, there was no second for that motion. Mr. Faubion discussed that in his opinion the Code is written that the owner can ask for approval and the Planning Commission should act on their rules. Mr. Cramer seconded Mr. Caudill's motion. The chairman called to a vote which was 4-2 in favor. Discussion followed that the motion voted on was announced dead for lack of second thus it could not be voted on. The Commission let the applicant know that no decision was made. Mr. Starrett explained to the applicant the appeal process.

#18-11, M.H. Brittain/Taney County Regional Sewer District, Proposed office and shop facilities located at 6733 E. St. Hwy. 76. Mr. Starrett read the staff report and presented location maps of the site. Mr. Brad Albritton Sewer District Administrator was present and explained the shop would be constructed first, then the office. There are no plans to put in a wastewater treatment plant. Mr. Mike Brittain who owns the property, spoke on behalf of the surrounding property owners that the sewer district would not be processing or hauling in sewage to the property. This will be added to the decision of record. Mr. Albritton stated that there would be some maintenance of equipment and storage of trucks. After discussion a motion was made based upon the decision of record with the addition. The motion was seconded by Mr. Haes. The vote to approve was five in favor and one abstention.

Mr. Cramer made a motion to take a five minute break. The vote was unanimous.

Concepts:

#18-13, Turkey Crossing/Proposed 6 single family homes for nightly rental, located at Jones Road and Seiler Road. Mr. Starrett presented location maps of the site. A representative was present to clarify the request. There are 25 nightly rentals in that area that they own. This will be log homes similar to the ones already there. Discussion followed regarding why this isn't special use. Mr. Faubion explained that a replat should be done to include four cabins per lot. Mr. Kitchen explained that this project will proceed to public hearing and final vote next month.

#18-14, Dean Donat/Proposed nightly rental located at 2395 Yandell Cove Road. Mr. Starrett presented location maps of the site. Mr. Donat was present. The house will be 1600 sq. ft. with 3 bedrooms. With no discussion this project will proceed to public hearing and final vote next month.

#18-15, Dr. Billye Brim/Proposed nightly rental located at 434 Parksley Lane. Mr. Starrett presented location maps of the site. Tony Krukow representing the applicant clarified the request. There are three bedrooms and two bathrooms. This will be for housing parishioners overnight for the church across the street, or relatives, or overflow from Prayer Mountain of the Ozarks. Mr. Starrett asked the Planning Commission if they

wanted a buffer plan. The Commission wants a buffer plan for every nightly rental request. This project will proceed to public hearing and final vote next month.

#18-16, Michael Messenger/Proposed Archery Range located at 633 Newport Road. Mr. Starrett presented location maps of the site. Mr. Wilson and Mr. Beckett were present to clarify the request. This business has been operating for a while, but the applicants stated they did not know a permit was required. There are special times of the year to raise money for people who need it. This project will proceed to public hearing and final vote next month.

#18-17, Shawn Porter/Proposed nightly rental located at 392 Foggy River Road. Mr. Starrett presented location maps of the site. Mr. Porter was present. They plan to use it as a family vacation home and when not in use by the family they want to rent to the public. This project will proceed to public hearing and final vote next month.

#18-19, Lakestyle LLC/Proposed boat dock parking located on Lot 21 Happy Hollow Road. Mr. Starrett presented location maps of the site. Eddie Wolfe representing the applicant clarified the request. There was brief discussion. This project will proceed to public hearing and final vote next month.

#18-20, MAPS Enterprise LLC/Proposed RV and Boat Storage located at 745 Rinehart Road. Mr. Starrett presented location maps of the site. Eddie Wolfe representing the applicant clarified the request. There was brief discussion. This project will proceed to public hearing and final vote next month.

Old and New Business:

Mr. Kitchen presented the resignation letter from Mr. Haes who is retiring at the end of the month. Devon Huff will be replacing Mr. Haes.

Adjournment:

With no other business on the agenda for April 9, 2018 the meeting adjourned at 8:00 p.m.