



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, APRIL 19, 2010, 6:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum
Explanation of Meeting Procedures

Review and Action:

Minutes, March 2010

Final Vote:

Bee Creek Storage

Concept:

Bill Majors

Permit Renewal Request:

Mt. Branson Townhomes

Old and New Business:

Adjournment.



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10-7

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: Bill + Kelly Majors

NAME OF APPLICANT: Bill + Kelly Majors
(Must be owner of record)

SIGNATURE: [Signature] **DATE:** 2/25/10
(Must be owner of record)

MAILING ADDRESS: 597 Round Mt Rd Walnut Shade, MO 65771

TELEPHONE NUMBER: 417-768-0422 CELL

Representative Information

NAME OF REPRESENTATIVE: Bill Majors

MAILING ADDRESS (rep.): 597 Round Mt Rd Walnut Shade, MO 65771

TELEPHONE NUMBER (rep.): 417-768-0422 CELL

Property Information

ACCESS TO PROPERTY (street # and name): Hwy 160
13159 St Hwy 160 Forsyth, mo

Number of Acres (or sq. ft. of lot size): _____

PARCEL #: _____
(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: _____ TOWNSHIP: _____ RANGE: _____

NAME OF SUBDIVISION (if applicable): _____

Lot # (if applicable) _____ BLOCK # _____

WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- Commercial Multi-Family Residential Agricultural
 Multi-Use Municipality

SEWAGE DISPOSAL SYSTEM:

- Treatment Plant Individual
 Central Sewer: District # _____

WATER SUPPLY SYSTEM:

- Community Well Private Well
 Central: District # _____

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN? Yes No

THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- Residential Multi-Family Commercial Industrial
 Special Use Other - Explain: _____

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.)

We are proposing to build (4) commercial buildings on our property. We have the first bldg package being delivered on FEB 30th. We have equipment coming in starting March 1st for the buildings. The first building will be used as a used car facility with a small shop area for our own use. The second building would be used as a new tire store / light repair facility. The 3rd and 4th buildings are for future use to be determined.

EMERGENCY WAIVER FORM

Date March 3, 2010

Project Bill Majors Commercial Development

Location 13159 State Hwy 160 at Highway H Forsyth

Proposed Improvement Automobile sales lot and shop, a tire shop with oil changes and minor repairs, two spec buildings, and a residence.

Stated Emergency Buildings and equipment being delivered week of 3/3/2010 and did not know they would need permits to build. Mr. Majors instructed this is a possibility but the full process would need to be completed for final approval.

Meeting Date & Time 8:00 3/5/10

Approved Denied

Signatures

Presiding Commissioner Chuck Pennel

Eastern District Commissioner _____

Western District Commissioner Conference Call

Planning Administrator [Signature]



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MINUTES

TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING AND REGULAR MEETING MONDAY, MARCH 15, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Sarah Klinefelter called the meeting to order at 7:00 p.m. A quorum was established with six members present. They were: Sarah Klinefelter, Shawn Pingleton, Frank Preston, Randall Cummings, Jim Brawner, Mark Blackwell. Staff: Eddie Coxie, Bonita Kisse, Dan Nosalek, Bob Paulson.

Mr. Coxie read a statement outlining the procedures for both the public hearing and regular meetings.

Review and Action:

Minutes: February 2010: with no changes or additions a motion was made by Frank Preston to approve the minutes as written. Seconded by Jim Brawner. The vote to approve the minutes was unanimous.

Public Hearings:

Branson Bank Warehouse: a request by Branson Bank for a permit on an existing warehouse and office building located at 2909 St. Hwy.265. Mr. Coxie read the staff report and presented pictures of the site, then clarified the request. The structures were constructed approximately two years ago. There is no county sewer to the site. Anyone who purchases the property must receive a permit to change the use. Terry Dugan representing the Bank explained the request and reported that the Bank plans to install water and sewer to the property. There were no questions from the public, so the hearing was closed.

Pajama Mama's Bed and Breakfast: a request by Ashleigh and Richard Moen with Delisa Delay as the representative to operate a bed and breakfast as a special use permit, from an existing structure located at 203 Doulos Road. Mr. Coxie read the staff report and presented pictures of the site, then clarified the request. The sewer district reported that this structure and the location next door are both on the same system, however a new grinder pump is needed for this location. Additional property is also needed for parking. Fencing or screening

should be placed between this use and the residential property. Terry Brown who lives 50' from this property presented a petition of property owners against the request. He reported that the neighbors paid to bring the road up to county road standards. He stated that there are no side walks only ditches on either side of the road. The neighbors want this to remain a residential neighborhood and are homeowners and taxpayers. Mrs. Klinefelter reminded that this is being applied for as special use and what that entails. Mr. Blackwell asked Mr. Brown to show on the overhead where each of the property owners who signed the petition lives. John Moore who owns Cakes and Creams on 76 and is a real estate broker lives on the corner off Doulos Road. He stated that there is a neighborhood watch in place and the neighbors do not want commercial in the area because of added traffic, safety, and compatibility. Delisa Delay who lives at the property explained her reasons for wanting the business there. She does not plan to have signage, a hotel type environment, or to park in the road. Plans are for renting to adults only. Mark Delay, husband of Delisa, stated that if someone were to buy the house for residential, because of its size, would have more people living there than if it were to be run as a bed and breakfast. She does not plan to be open year round. Mr. Coxie read from the Code how a Bed and Breakfast is defined. With no one else signed up to speak the public hearing was closed.

Wachob Outdoor Building: a request by Robert Wachob to operate an in home occupation as a special use permit to manufacture flavoring for a product known as sno-pops, located at 236 Coronado Dr. Mr. Coxie read the staff report, and presented pictures of the site, then clarified the request. Bob Schanz who lives in the neighborhood spoke against the request. Mr. Coxie reported that the RV community has their own well and treatment plant. Phyllis Coleman who lives on Hillman Dr. across from Mr. Schanz also spoke against the request. Mr. Wachob who owns the property and company called Originals Marketing explained his request and that he owns two lots giving more room for his structures. He does not intend to live in his RV much longer because he wants to finish the structure so he can move in it. Mr. Wachob went door to door asking his neighbors if any of them had a problem with him making his product at his home. He reported that in his opinion no one did. Mrs. Klinefelter asked Mr. Wachob if his business was denied if he would go ahead and build the residence. Mr. Wachob stated that he would. Mr. Blackwell asked where his water came from that he used for the product. Mr. Wachob uses the onsite water which is treated and tested once a month. Jackie Denley who lives in the neighborhood spoke against the project stating incompatibility, property values, and traffic. Mr. Pingleton asked about adjoining the lots. Mr. Coxie stated that it was one owner and contiguous and could be platted. He also discussed pre-existing non-conforming uses and undersized lots. Mr. Coxie discussed the lack of building Codes in the County.

Mrs. Klinefelter closed the Public Hearing portion of the agenda. Mr. Coxie read the procedures for the Regular Meeting.

Branson Bank Warehouse: Mr. Preston asked if this met MoDot requirements. Mr. Dugan stated that it has and the information is in our file. Mr. Cummings noted that if this property sells and the new owner wants to do a higher density use must come back before Planning Commission approval. Discussion followed. Mr. Brawner noted that no one has signed up to speak to the project at any of the meetings. Randall Cummings made a motion to approve based upon the decision of record with the addition of Mr. Brawner adding that before any density change or change of use must appear before the Planning Commission. Shawn Pingleton seconded. The vote to approve was unanimous, with Mark Blackwell abstaining.

Pajama Mama's Bed and Breakfast: Mr. Coxie clarified lot size in the area. Mr. Brawner noted that there are two properties for sale across that street and these could request the same change of use. Mr. Preston stated that because property owners are notified of the change of use and that there are seven out of ten property owners present who are not in favor, the Commission should take this into consideration. Mr. Pingleton stated that the Commission should not allow property owners to stop a project just because they don't want it, if the project can comply with the rules. Discussion followed. Mr. Coxie advised that the Commission should decide if this use would alter the property in such a way that it is not acceptable. He also gave some suggestions for alternative parking. Mr. Blackwell clarified that if approval was given items of the decision of record must be complied with before certificate of conformance is issued. Mr. Pingleton asked Mr. Brown where some of the residences and other properties were located. Mr. Blackwell clarified how many students stay at Doulos Ministries adjacent to this property. Mr. Pingleton stated that he used to live in that neighborhood and there are a lot of people in and around that area who do not live there. Mr. Blackwell asked Mr. Coxie to clarify special use. After discussion a motion was made by Frank Preston to deny based on issues highlighted by the policy checklist including traffic, use compatibility, and residential privacy. Jim Brawner seconded. The vote was four in favor of denial and one against.

Wachob Home Occupation: Mr. Pingleton clarified that the Commission cannot impose building codes in the county and that is not an issue for the Planning Commission to address at this meeting or for this project. Also he stated that there are regulations in the Code for setting up RV Parks and/or mobile home parks. This park was done before these rules were set up, also which the Commission cannot address at this meeting. This request must meet the current codes. Mr. Coxie stated that according to the request and site plan it does meet the current code. The business will take up 22% of the floor space after the structure is built. Mr. Pingleton clarified with Mr. Wachob that there are

no deliveries coming to the home and that Mr. Wachob does the delivering from his personal vehicle. He will not put up a sign. After discussion a motion was made by Mr. Pingleton to approve based upon the decision of record. Seconded by Mr. Blackwell. The vote to approve was three in favor and two against with Frank Preston and Jim Brawner voting against. The chairman did not vote.

The Final Vote portion of the meeting was closed.

Concepts:

Bee Creek Storage: a request by John Padgett for a mini-storage facility for residential family use located at 772 Bee Creek Road. Mr. Padgett explained his request and stated that the first phase will have ten, 10 x 10 and four 5 x 10 units. The second phase will have twenty, 10 x 10 and eight 5 x 10 units. There will be no water or sewer. The primary access point is from Bee Creek Road. The Commission asked that specific footage of the buildings, and reconciliation of how many tracts are planned be presented at the next meeting. This project will need to be buffered. The project will proceed to public hearing in April.

The Mountain Complex, LLC: a request by Gail Hinshaw to construct a concrete pad for a back-up generator, electrical switch gear, cooling equipment, for the use of data center support located at 3269 St. Hwy. 248. Mr. Hinshaw explained his request and gave a history of the project. This is a quarry to be converted into high use. The Commission chose not to hear this project but for the Administrator to conduct the permit process.

Brass Lantern Resort Community: a request by Tammy Warner to add four residential building lots to the existing resort property located at 5133 Brass Lantern Road. Mr. Coxie clarified the request and stated that variances would be needed on the existing resort for setbacks. A state approved well and treatment plant will be needed. One of the lots is less than two acres. This project will proceed to public hearing in May after appearing before the Board of Adjustment in April providing approval is given.

Permit Renewal Requests:

Lakeshore Resorts and Condominiums and Del Mar Resorts and Condominiums request for renewal. Eddie Wolfe representing the developer explained that nothing has changed since approval was given. After discussion, Jim Brawner made the motion to renew, Randall Cummings seconded to approve a one year renewal.

Old and New Business:

Natural Gas Pipeline: a request by SM & G to place natural gas lines in Taney County and to be able to create a substandard lot. A map was presented

showing the location. If allowed to proceed the project could be done by September. Mr. Preston suggested a more positive public image could be done by the company. This will be done administratively.

Harris Estates was already handled in house.

Development Code Updates: Harry Styron presented proposed regulations for patio home subdivisions. Discussion followed.

A motion was made by Shawn Pingleton to extend the meeting past 9:30. Randall Cummings seconded. There were two abstentions. The meeting was extended past 9:30 p.m.

Mr. Coxie updated the Commission on the Code revisions. The map was presented of the zoning done by EGIS Engineering. Zoning designations will be discussed under old and new business in April. Discussion followed.

Mr. Coxie discussed with the Commission data compiled of Planning Commission attendance from 2006 and how many meetings had been cancelled and why.

Adjournment:

With no other business on the agenda for March 15, 2010 the meeting adjourned at 9:55 p.m.



BOOK PAGE
2007L38446
07/25/2007 03:09:35PM
REC FEE:48.00
NON-STD FEE:
PAGES: 9
REAL ESTATE DOCUMENT
TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION
Robert A. Dixon
ROBERT A. DIXON

TANEY COUNTY PLANNING COMMISSION
DIVISION III DECISION OF RECORD
MAY 21, 2007
MOUNT BRANSON TOWNHOMES
#07-25

On May 21, 2007 the Taney County Planning Commission (grantor) approved a request by Vogel Properties of Branson, LLC (grantee) to develop a townhome/row home project. In accordance with this approval a Division III Permit #07-25 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

Vogel Properties of Branson, LLC is authorized to develop 64 townhome/row home dwellings located off Candlestick Road. With eight out of nine Planning Commissioners present the vote to approve was unanimous. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
 - b. Stormwater management (Appendix B Item 3)
 - c. Land grading permit (Appendix B)
 - d. Delineation of the 100 year floodplain (Taney County Floodplain Management Ordinance 60.3b Sec. A)
 - e. Utility easements and building line setbacks (Table 12)
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts (Appendix C)
 - g. Improvements with scale of buildings, streets, onsite parking and utilities (Table 6)
2. Compliance letters from the Fire, Sewer and Water Districts (Chapter VI-VII).
3. No outside storage of equipment or solid waste materials.
4. The stormwater runoff plan is bonded or put into place before the buildings to up.
5. Division I Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
6. The 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).

Legal description attached