



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 MONDAY, MARCH 13, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

*Establishment of Quorum
Explanation of Meeting Procedures
Presentation of Exhibits*

Final Vote:

177 N. Tuscany Nightly Rental #17-1

Public Hearings:

*167 N. Tuscany Nightly Rental #16-32
National Enzyme #17-4
764 Jones Road Nightly Rental #17-5
127 N. Tuscany Nightly Rental #17-6*

Old and New Business:

Tentative

Adjournment.



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TANEY COUNTY PLANNING COMMISSION STAFF REPORT DIVISION III SPECIAL USE PERMIT 167 N. TUSCANY DRIVE VACATION RENTAL

Hearing Date: March 13, 2017
Case #: 2016-0032
Applicant: Hill Property Investments, LLC
Representative: Richard T. Carraway

Request: The representative, Richard T. Carraway is seeking the Planning Commission approval of a Division III Special-Use Permit allowing for the nightly rental of the existing single-family residence. The residence contains three (3) bedrooms.

Background and Site History: Per the Assessor's information the single-family residence was constructed in 2006. The single-family residence is held in condo style ownership at the Villas of Fieldstone at Branson Creek Development.

The current application was approved for Concept February 21, 2017.

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) calendar days, counting portions of days as full days." Therefore, the applicant would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family residence 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 three (3) bedroom home would have a maximum occupancy of eight (8) people.

Review: The property is currently served by an existing drive off North Tuscan Drive.

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 four (4) parking spaces will be required. The project received a total score of -1 on the Policy Checklist, out of a maximum possible score of 29.

Staff Recommendations: If the Taney County Planning Commission approves Division III Permit #2016-0032, 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 Missouri Department of Revenue and the Environmental Division of the Planning Department; 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 valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. No outside storage of equipment or solid waste materials.
5. This decision is subject to all existing easements.
6. The residence located at 167 N. Tuscany Drive shall accommodate (sleep) no more than the Maximum Occupancy. "The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom". The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
7. The 167 N. Tuscany Dr. Vacation Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the representative 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.
8. 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).



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TANEY COUNTY PLANNING COMMISSION

DIVISION III STAFF REPORT

MARCH 13, 2017

LORETTA RENEE PENNEL

NATIONAL ENZYME CO.

#17-4

The representative, National Enzyme Co. is seeking the Planning Commission approval of a Division III Permit allowing for the future expansion of the National Enzyme Co. manufacturing facilities located on the adjacent property to the east.

The current application was approved for Concept February 21, 2017. Per the Assessor's information the property consists of lots 1-4 of the South Park Village Subdivision platted and recorded in 1981. The total of the 4 lots is approximately 4 acres. Taney County Regional Sewer District in combination with National Enzyme Co. have expanded the central sewer to the adjacent property which is currently part of the National Enzyme Co. manufacturing business.

The project received a total score of 3 on the Policy Checklist, out of a maximum possible score of 29.

If the Taney County Planning Commission approves Division III Permit #2017-0004, 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 Central Taney County Fire Protection District 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. Division II Permits will be required for any construction that meets the requirements for such.
4. This decision is subject to all existing easements.
5. 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).




Overview



Legend

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

Date created: 3/2/2017
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The Schneider Corporation



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TANEY COUNTY PLANNING COMMISSION STAFF REPORT DIVISION III SPECIAL USE PERMIT 764 JONES ROAD VACATION RENTAL

Hearing Date: March 13, 2017
Case #: 2017-5
Applicant: GCS Properties, LLC
Representative: Gary McSpadden

Request: The representative, Gary McSpadden is seeking the Planning Commission approval of a Division III Special-Use Permit allowing for the nightly rental of a planned three (3) bedroom main residence with an attached two (2) bedroom guest house. The total number of bedrooms will be five (5).

Background and Site History: Per the Assessor's information the property is 2.13 acres in size. The applicant is planning to build a three (3) bedroom main home with a two (2) bedroom guest house attached by a covered walkway between the homes. The property is served by a well on the property. Taney County Planning staff is currently working with a licensed installer for the permit on the onsite waste water system that will be sized for 840 gpd based on the maximum occupancy of 14 people. The onsite waste water permit will be required to be in place before any building permit is issued.

The current application was approved for Concept February 21, 2017.

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) calendar days, counting portions of days as full days." Therefore, the applicant would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family residence 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 three (3) bedroom home would have a maximum occupancy of eight (8) people and the two (2) bedroom guest house would have a maximum occupancy of six (6) people.

Review: The property is currently served by an existing drive off Jones Road.

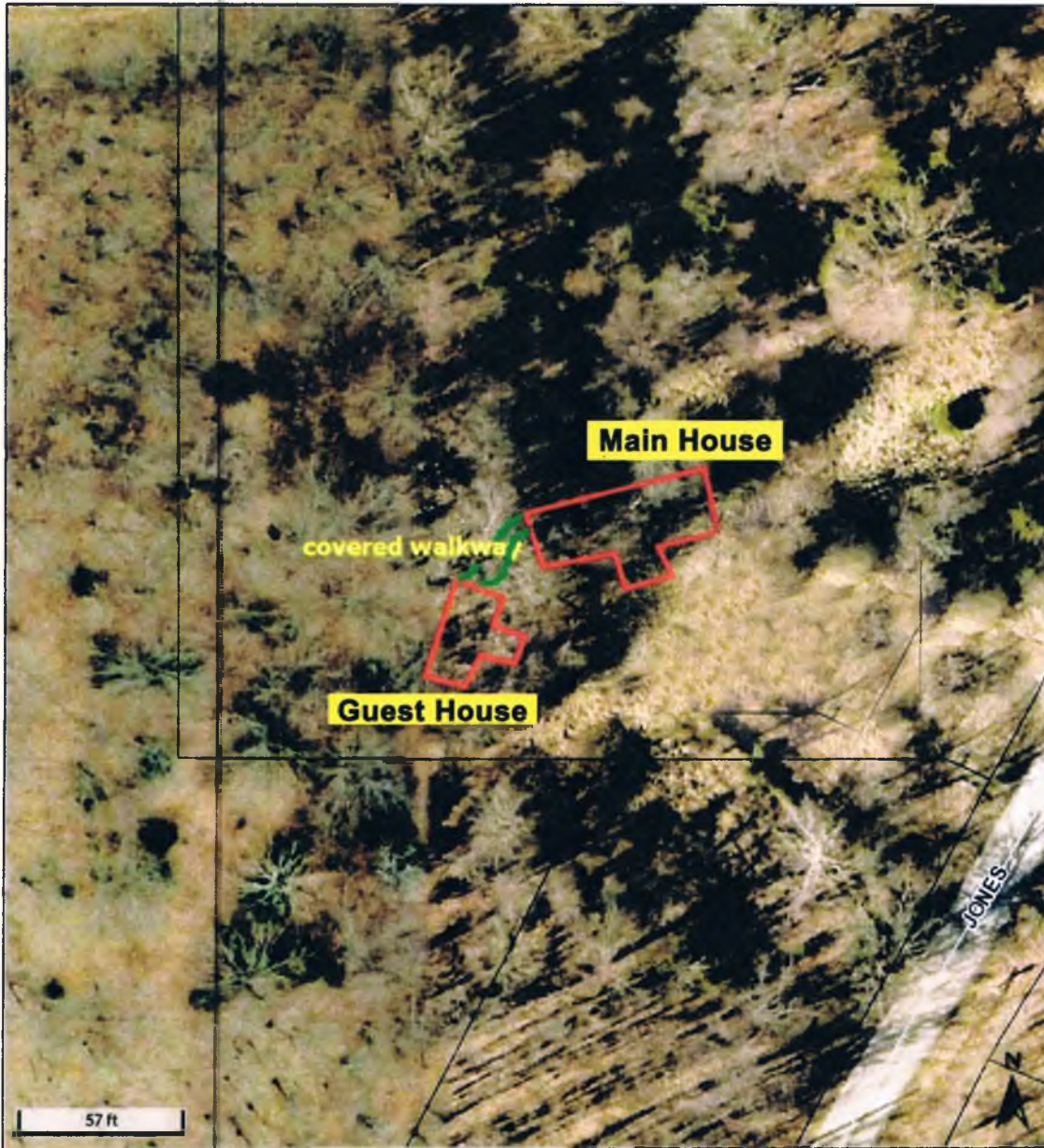
Per the nightly rental provisions of the Development Guidance Code, "One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly Rental." Therefore a total of seven (7) parking spaces will be required. The project received a total score of 2 on the Policy Checklist, out of a maximum possible score of 29.

Staff Recommendations: If the Taney County Planning Commission approves Division III Permit #2017-0005, 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 Missouri Department of Revenue and the Environmental Division of the Planning Department; 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 valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. No outside storage of equipment or solid waste materials.
5. This decision is subject to all existing easements.
6. The residence located at 764 Jones Road shall accommodate (sleep) no more than the Maximum Occupancy. "The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom". The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
7. The 764 Jones Road Vacation Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the representative 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.
8. 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).



02/24/2017 15:54



Overview



Legend

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

Date created: 1/31/2017
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 Developed by
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TANEY COUNTY PLANNING COMMISSION STAFF REPORT DIVISION III SPECIAL USE PERMIT 127 N. TUSCANY DRIVE VACATION RENTAL

Hearing Date: March 13, 2017
Case #: 2017-0006
Applicant: Roy and Jane Glazer
Representative: same

Request: The representatives Roy and Jane Glazer are seeking the Planning Commission approval of a Division III Special-Use Permit allowing for the nightly rental of the existing single-family residence. The residence contains three (3) bedrooms.

Background and Site History: Per the Assessor's information the single-family residence was constructed in 2007. The single-family residence is held in condo style ownership at the Villas of Fieldstone at Branson Creek Development.

The current application was approved for Concept February 21, 2017.

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) calendar days, counting portions of days as full days." Therefore, the applicant would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family residence 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 three (3) bedroom home would have a maximum occupancy of eight (8) people.

Review: The property is currently served by an existing drive off North Tuscany Drive.

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 four (4) parking spaces will be required. The project received a total score of -1 on the Policy Checklist, out of a maximum possible score of 29.

Staff Recommendations: If the Taney County Planning Commission approves Division III Permit #2017-0006, 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 Missouri Department of Revenue and the Environmental Division of the Planning Department; 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 valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. No outside storage of equipment or solid waste materials.
5. This decision is subject to all existing easements.
6. The residence located at 127 N. Tuscany Drive shall accommodate (sleep) no more than the Maximum Occupancy. "The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom". The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
7. The 127 N. Tuscany Dr. Vacation Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the representative 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.
8. 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).



127 N Tuscany Nightly Rental



Bonita Kissee

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Wednesday, February 22, 2017 11:36 AM
To: Bonita Kissee
Subject: Fwd: Planning Commission

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

----- Forwarded message -----

From: Lisa Aguirre <hollisterladyquilts@gmail.com>
Date: Wed, Feb 22, 2017 at 9:49 AM
Subject: Planning Commission
To: P&Z@co.taney.mo.us

Messrs. Adams, Stewart, Cramer, Fogle, Lawrence, Caudill, Kitchen, Fabian and Haes:

I have attended the last two Taney County Planning Commission meetings and wish to express my disdain for the job you are providing the people of Taney County. Your mission statement states in part "Our goal in the Planning Department is to provide the very best possible service to the citizens and visitors of Taney County within the requirements of the Development Guidance Codes and polices". Have you even read this statement? It appears from your recent decisions pertaining to Branson Creek that you have not. Not only have you negatively impacted the rights of property owners but I believe you have set the county up for legal action.

The impression I get from your panel is that you are a bunch of country bumpkins who present themselves as having just rode into town on a horse. Perhaps clean pants and a presentable shirt would be in order for public hearings. This is the 21st century and "good ole boy networks" should be a thing of the past. Mr. Chairman, you are a mumbler. You need to learn enunciation or take a class in public speaking. In addition, you need to learn what constitutes a majority vote. Really? You needed to talk among yourselves to determine if you had a valid and binding vote? Know your business before you sit before the public.

You were presented with countless documents regarding present guidance codes, master subdivision plans etc. which you obviously ignored. The Nightly Rental Permits should have been denied based upon current guidelines alone. More than one legal opinion has been obtained determining that Branson Creek is not and never was developed for nightly rentals. Just so you are clear, a legal opinion is a written statement from a law firm who has reviewed the evidence, documents etc. and deemed an opinion based upon the LAW and the FACTS. You ignored buffer zones, parking requirements and what actually constitutes a "bedroom" in a home. The homework you were provided was obviously ignored. For the record, a "closet" is part of a structure. It has a door and is enclosed and a person can step into it. A "wardrobe" is much like a dresser, bureau or armoire which is a piece of furniture and can be easily moved.

Nightly Rentals is obviously a hot topic in this community. What you all chose to do is "pass the buck". You are afraid of the consequences of the almighty dollar and passed these permits so that other departments of the county would be accountable. By passing the buck, you are now engaging other county agencies like the Taney County Fire District and Taney County Sheriff's Department to clean up after you. This will only cost Taney

County taxpayers money that doesn't need to be spent. Gentlemen, buck up and be men or resign from the commission. In my humble opinion, not one of you is fit to sit on this panel.

You may see the matter as concluded but I would suggest that this situation is far from over. I think you have underestimated the homeowners in this subdivision.

Sincerely,

Lisa Aguirre

210.412.2468

hollisterladyquilts@gmail.com

Bonita Kissee

From: Randy Fogle [bfrchief3@gmail.com]
Sent: Saturday, February 25, 2017 10:10 AM
To: Bonita Kissee
Subject: Fwd: Branson Creek nightly rentals Feb 21 hearing

A reply from Susan Smith that should be kept in some form due to public records

----- Forwarded message -----

From: Susan Smith <trsmith@centurytel.net>
Date: Thu, Feb 23, 2017 at 16:02
Subject: Branson Creek nightly rentals Feb 21 hearing
To: <bfrchief3@gmail.com>

It was enlightening to see a commissioner actually answer an email. Even tho Lisa's email was rough around the edges and very blunt, she was right on! Monday nights meeting was a travesty. If I hadn't of been there and witnessed it, I would have never believed what took place.

I have had so many people email me even realtors, they can not not believe how the commissioners came to their decision.

We had presented fact after fact starting with the conception of the community. There was not one legal document to prove nightly rentals were ever approved. Even Frank Cottey agreed, that is why each owner of rental was to apply for special use permit.

We had Violation after Violation sited, complaint letters. We had everything to prove our point why these should not be granted. They chose to ignore all. Sounds pretty suspicious to me.

They focused more on the difference between a closet and a wardrobe. Unreal.

Biggest concern, first applicant(nightly rental) from another subdivision, the commissioners couldn't come to a majority, so it was put on hold.

But when they came to Branson Creek, 16 applicants all approved. Minimum discussion. If they had followed their own guidance codes, these would never have been approved. The commissioners just set a precedent for the destruction of all pre-existing communities.

Susan Smith

Sent from my iPad

Bonita Kissee

From: Scott Starrett
Sent: Thursday, February 23, 2017 9:45 AM
To: Bonita Kissee
Subject: FW: Branson Creek nightly RENTALS

From: Susan Smith [mailto:trsmith@centurytel.net]
Sent: Thursday, February 23, 2017 8:55 AM
To: P&Z
Cc: Scott Starrett
Subject: Branson Creek nightly RENTALS

Dear Commissioners

As an opposition to the nightly rentals that were granted Special Use Permits here in Branson Creek on February 21. I feel as a Branson Creek Permanent resident, we have the right to know why they were approved. You had all the facts in a binder and all recorded documents and numerous complaints, what more could we have provided?

Yet the 1st nightly rental on the agenda, you couldn't even come to a majority vote. We had 16 in one community and you approved all with minimum discussion.

Frankly, I don't understand why the difference between a closet and a wardrobe took preference.

I feel the permanent residents were not fairly treated. Also I feel this precedent you have just set, will be the destruction of many good communities.

Will I get a reply back? Are will this just be filed away?

Susan Smith

Sent from my iPad

Bonita Kissee

From: Scott Starrett
Sent: Thursday, February 23, 2017 9:55 AM
To: Bonita Kissee
Subject: FW: Ruling Feb 21

-----Original Message-----

From: Karen Murphy [mailto:klnmjm40@gmail.com]
Sent: Wednesday, February 22, 2017 8:23 AM
To: P&Z
Subject: Ruling Feb 21

To all Commissioners

You went against your own enforcement code for 115 Greystone. A Division III Special Users permit can only be applied for under 4.7.13 ownership by the owner of the property. You let the prospective buyer of 115 Greystone complete an application. They are not the owner of the property. They did not have to go through the regular channels of appearing before your court at a concept meeting.

At the public hearing held on Feb 13th the commissioners all told Mr Phillips the owner of 115 Greystone that he could not apply for his prospective buyer and that he could not transfer his permit. Guess what he outfoxed all of you.

You opened the door that eventually Branson Creek will be 100% nightly rentals with no restrictive percentage. You know that rentals are not compatible with the neighborhood because the covenant issues were pointed out at the Feb 13th hearing. You confirmed to all the permanent residents who protested that "since those who were renting illegally without a permit" that by golly they should be able to continue by approving the application. If the developer mislead a rental buyer and Realtors, the developer should not be rewarded by now giving these rental property owners a permit.

I commend Mr Stewart for all his nays. He voted with all the facts in mind (specifically knowing there are no buffers) and the other commissioners voted yes to take the easy way out.

We will fight all of last nights decisions with appeals.

From: Karen Murphy
Sent from my iPhone

Bonita Kissee

From: Randy Fogle [bfrchief3@gmail.com]
Sent: Thursday, February 23, 2017 12:44 PM
To: Bonita Kissee; hollisterladyquilts@gmail.com
Subject: Taney County P & Z

Ms. Aguirre,

I received your email through Bonita in the P&Z office and would like to respond on my behalf and not the other members.

I am not aware of what has taken place the last two meetings as I was absent and have not been provided an update on the final actions. I am aware of the situation in Branson Creek as well as the rest of Taney County.

My only purpose in responding to your email is that I was listed as a participant in the last two meetings as referenced which I was not.

The current nightly rental debate is an issue across the State of Missouri and is being discussed in the House under bill 608 and 632. I have not read these bills as I was only made aware of their existence yesterday while at the Capitol.

I would encourage you to look at these and contact your representative with any questions.

I am sure we will receive an update on the last two meeting as you referenced prior to our next meeting in March.

Lastly, I applaud you for being involved in your county and making contact with us.

Sincerely,

Randy Fogle
Branson Township Representative

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Tuesday, February 28, 2017 7:59 AM
To: P&Z
Cc: Scott Starrett
Subject: Branson Creek

I will attempt again for an answer to my question.

What basic did the commissioners have to approve nightly rentals in Branson Creek? Since we were the opposition , do we not have the right to know?

Also, please respond to my second question, Mr Billingsley at 226 Stoney Point, received the same Notice of Violation letter everyone else received. He is not adhering to your notice.

Am I to assume no action will be taken?

I am appalled at the lack of inconsistency this PZ is operating.

Await your reply

Susan Smith

Sent from my iPad

Scott Starrett

From: Karen Murphy [klmnjm40@gmail.com]
Sent: Monday, February 27, 2017 5:14 PM
To: P&Z; Scott Starrett
Subject: Branson Creek

To all commissioners

According to Guidance Code 4.5 on page 17: Applications for permits shall be made on designated forms by the county. Incomplete applications shall not, under any circumstances, be considered for approval.

Please note that all applications are not completed accurately. The within 600' land use was not completed on some and the Villas were represented as 3 bedroom. The name of the subdivision was inaccurate on some. The categories were not correct.

According to Appendix D the applicant was suppose to have sketches of the property along with parking sketch. There are several driveways that share a driveway and there would not be adequate parking.

The permits issued should be rescinded.

From: Karen Murphy
Sent from my iPhone

Scott Starrett

From: Karen Murphy [klmnm40@gmail.com]
Sent: Thursday, March 02, 2017 8:51 AM
To: Scott Starrett
Subject: 115 Greystone

Don Phillips applied for a Nightly rental permit but then at the Feb 21 ruling I believe the commissioners went against the guidance code and the permit was issued to the prospective buyer who had signed an application that supposedly you had in hand on Feb 21.

The application from the prospective buyer was not posted under the Feb 21 packet.

Please send me a copy of this application by the prospective buyer since it should have been posted for public hearing.

From: Karen Murphy
Sent from my iPhone

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Thursday, March 02, 2017 9:14 AM
To: Scott Starrett
Cc: P&Z
Subject: Branson creek

So let me get this clear. 115 greystone applies for special use permit for nightly rentals in Oder to sell his home. It is approved. Now his home has sold to new investor on February 27, 2017. So now the new investor assumes they will be granted special use permit, because they would never have bought the home unless it was a sure deal.

My question to the commissioners, therefore we as permanent residents do not even need to show up at their hearing, or any future hearings, because the commissioners have already made their decision? Correct?

And you think our county commissioners are fair?

Please forward to commissioners

I am still waiting to hear back from commissioners as to how they came to their approval vote.

This is a fair question.

Susan Smith

Sent from my iPad

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Thursday, March 02, 2017 9:14 AM
To: Scott Starrett
Cc: P&Z
Subject: Branson creek

So let me get this clear. 115 greystone applies for special use permit for nightly rentals in Oder to sell his home. It is approved. Now his home has sold to new investor on February 27, 2017. So now the new investor assumes they will be granted special use permit, because they would never have bought the home unless it was a sure deal.

My question to the commissioners, therefore we as permanent residents do not even need to show up at their hearing, or any future hearings, because the commissioners have already made their decision? Correct?

And you think our county commissioners are fair?

Please forward to commissioners

I am still waiting to hear back from commissioners as to how they came to their approval vote.

This is a fair question.

Susan Smith

Sent from my iPad

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Friday, March 03, 2017 8:54 AM
To: Scott Starrett
Cc: P&Z
Subject: Branson Creek

Please forward to all commissioners,

Per the notice below. How to you justify the bold statement?

I don't believe any of these have been obtained, they have not come into compliance as of yet. Still continuing to rent as we speak. You are not enforcing your own codes. Please explain.
Please reply to email that was sent yesterday.

December 16, 2016

NOTICE OF VIOLATION

Re: Notice of Violation of the Taney County Development Guidance Code

Dear Sir or Madem:

It has come to the attention of the Taney County Planning Department that the single-family residence that you own at _____, Hollister, Missouri, is being utilized for nightly rental. Please be advised that the Taney County Development Guidance Code (“Code”) **requires that you obtain a Special Use Permit before using this property as a nightly rental, which the Code defines as:**

“A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term – Nightly Rental shall not include hotel, motel or bed and breakfast establishments.”

If you intend to continue utilizing the above-described property as a nightly rental, please fill out the enclosed application to begin the process of applying for a Special Use Permit. If you have not submitted an application within 30 days of the date of this letter, this matter will be referred to the Taney County Prosecuting Attorney for handling. Failure to comply with the Code is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for a period not exceeding one (1) year, or both.

If you require assistance, or need more time to complete the application process, please contact me at your earliest convenience. Thank you in advance for your immediate attention to this matter.

Sincerely,

Bob Atchley
Taney County Planning Administrator

Bonita Kissee

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:20 PM
To: P&Z; Scott Starrett
Cc: Bonita Kissee
Subject: 136 Monte Cristo Dr., Hollister, Mo

All Commissioners and Violation Department:

I am writing to complain about the property at 136 Monte Cristo Dr., Hollister, MO. This property is owned by Randy Watson from Lincoln, NE and does not currently have a Special Use Permit to operate as a nightly rental. This weekend the noise and banging next door prompted me to knock on the front door. There were two individuals in the unit who were cleaning. I asked them if the unit was going to be rented and they said yes, shortly. This is the second unit that this individual owns that does not have an approved Special Use Permit. This owner needs to be put on notice from the county that he is operating illegally.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner should be charged the appropriate fine and the matter turned over to the prosecuting attorney.

Be assured that if renters arrive, I will contact the Taney County Fire District immediately as improper use of this unit directly impacts the health, safety and well-being of my family in the adjoining unit. In addition, you will continue to receive complaints on each and every illegal rental until the matter is resolved according to the law. I will be following up with you on the resolution of this matter.

Sincerely,

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

PS: Hard copies of this email have been forwarded to the Taney County Violations Department Via Certified Mail #7014 1820 0000 2161 5257.

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Friday, March 03, 2017 4:23 PM
To: Scott Starrett
Subject: Fwd: Branson creek

Will you not be forwarding this to the commissioners? We would like answers.

Sent from my iPad

Begin forwarded message:

From: Susan Smith <trsmith@centurytel.net>
Date: March 2, 2017 at 9:13:55 AM CST
To: Scott Starrett <scotts@co.taney.mo.us>
Cc: P&Z@co.taney.mo.us
Subject: Branson creek

So let me get this clear. 115 greystone applies for special use permit for nightly rentals in Oder to sell his home. It is approved. Now his home has sold to new investor on February 27, 2017. So now the new investor assumes they will be granted special use permit, because they would never have bought the home unless it was a sure deal.

My question to the commissioners, therefore we as permanent residents do not even need to show up at their hearing, or any future hearings, because the commissioners have already made their decision? Correct?

And you think our county commissioners are fair?

Please forward to commissioners

I am still waiting to hear back from commissioners as to how they came to their approval vote.

This is a fair question.

Susan Smith

Sent from my iPad

Scott Starrett

From: Wes & Sandra [wstuscany@centurytel.net]
Sent: Sunday, March 05, 2017 7:44 PM
To: P&Z
Subject: Unauthorized rentals in Branson Creek

Listed below are four units that over the weekend **totally ignored the rules** and rented their units anyway. Number two has never filed for their special use permit but just continues to rent without one. So once again the rentals act like they are above the law and do whatever they want without any one enforcing the rules. You tell us our recourse is to report these infarctions. Please stop turning a blind eye and enforce your own rules and regulations and ensure that these people work within the regulations that you the county has set up. **PLEASE NOTE THAT TWO OF THESE WERE IN VIOLATION OF THE PARKING – THEY PARKED CARS IN UNAUTHORIZED PARKING AREAS. SO THE PARKING PROBLEMS CONTINUES.**

1. **137 N Tuscany** - Owner Terry Pope live in Homeland, CA. Being rented without the completion of the Special User permit. Car from Arkansas in driveway This Villa would not require sprinklers but needs compliance certificate from Fire District. Needs owner/agent information with occupancy maximum posted.
2. **110 N Tuscany** - Owner Randy Watson live in Lincoln NE. **They have not applied for Special User Permit.** Drive way too steep so Texas **car is parked at the pool parking lot.** Needs sprinklers - needs Owner and Agent Information with occupancy maximum posted..
3. **115 Greystone** - Owner P&P Faithful Four from Metamura, IL. Needs sprinklers and owner/agent information. Checking on permit application. Renting without completed application and fire district compliance certificate and occupancy maximum and owner/agent information posted. This house also needs a health department certificate. Boats and cars parked in the driveway and hanging out onto the street. **Cars and boats parked at the Mountain Vista dead end road blocking the fire hydrant**
4. **191 Greystone** - Owner Branson Family Memories - Edmond OK. Needs sprinklers and owner/agent information. Renting without completed application and fire district compliance certificate. Also needs health department certificate.

Wes and Sandra Strange

Scott Starrett

From: Ed Fischer [ebfishr@sbcglobal.net]
Sent: Sunday, March 05, 2017 7:09 PM
To: P&Z
Subject: Nightly Rentals

Attention: All commissioners

We attended the hearing on February 13 in regard to nightly rentals in Branson Creek. We were also there February 21 when you, the planning and zoning commissioners voted to approve all the applications. We cannot tell you how disappointed we were to hear your approval.

My husband and I moved here 5 years ago and planned to make Branson Creek our home for the rest of our lives. We had planned it for 4 years. We had no idea what was in store for us. You know the story, now we have nightly rentals throughout the neighborhood, overcrowding our streets, making noise late at night, disrespectful of those who live here and using the amenities we thought we would be able to use.

We are begging you please do not continue to approve every nightly rental application that comes your way. Can't we let it stop here and now? I think our percentage of nightly rentals in our neighborhood is quite adequate. So far we can still call it a neighborhood if we are able to enforce some of the rules of the neighborhood. But if more and more nightly rentals continue to appear, soon it will actually be just another resort. Full time residents will be pushed out. As full time residents of Taney county, we'd like to feel just as important as a visitor.

It seems that permanent residents are not really welcome in Taney county. Taney county is only interested in visitors coming to Branson, spending their money and then going home. We spent money here too! We spend money all year round. We buy cars, appliances, insurance and pay for doctors and dentists all year long. Why are we not considered as important as a visitor to Branson? I am so sorry we ever came to live here. I have friends who have thought about moving to Branson. I will no longer encourage them.

Please consider the lives of regular people who just wanted to live here. Thank you.

Betty and Ed Fischer

Sent from my iPad

Scott Starrett

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:21 PM
To: P&Z; Scott Starrett
Subject: 137 N. Tuscany, Hollister, MO

March 5, 2017

All Taney County Planning and Zoning Commissioners and Violation Department:

I am writing to complain about the property at 137 N. Tuscany Drive, Hollister, MO. This property is owned by Terry Pope from Homeland, CA and has not currently completed the conditions of the Special Use Permit issued on February 13, 2017. This weekend there were renters from Arkansas parked in the driveway even though a garage is provided for this use. To my knowledge, a compliance certificate from the Fire Department has not been obtained and there is no current signage for emergency contacts, maximum occupancy etc. Why are you issuing Special Use Permits if you don't intend to carry out the requirements of said permit? As complaints continue to mount, perhaps you will reconsider your decisions of February 13, 2017.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner should have the permit revoked as your commission stated it would should there be non-compliance issues. Again, as you have given us the task of policing the enforcement of your permits, we need the information that was required when said permit was issued. In addition, without proper fire department sign-off, you are endangering the adjoining homes.

One has to wonder why your commission failed to follow the current laws as set forth on the plats for this subdivision. In addition, you failed to consider two legal opinions obtained by Taney County stating that nightly rentals were not permitted in Fieldstone. You even acknowledged that fact that our HOA does not allow nightly rentals so you have now compounded the problem so that the owners must challenge both Taney County and the HOA. As individuals charged with making lawful decisions for the residents of Taney County, I sincerely hope you take this complaint to the maximum extent of the law. I will be following up with you on the resolution.

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

PS: Hard copies of this email have been forwarded to the Taney County Violations Department Via Certified Mail #7014 1820 0000 2161 5257.

Scott Starrett

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:21 PM
To: P&Z; Scott Starrett
Subject: 115 Greystone, Hollister, MO

March 5, 2017

All Taney County Planning and Zoning Commissioners and Violation Department:

I am writing to complain about the property at 115 Greystone Drive, Hollister, MO. This property is owned by P & P Faithful Four from Metamura, IL and has not currently completed the conditions of the Special Use Permit issued on February 13, 2017. This weekend there were boats and cars parked in the driveway and hanging out onto the street. In addition, cars and boats were parked at the Mountain Vista dead end road blocking the fire hydrant. As a reminder, no off-street parking is allowed. To my knowledge, a compliant sprinkler system has not been installed nor has a compliance certificate from the Fire Department been obtained. There is no current signage for emergency contacts, maximum occupancy etc. Lastly, I believe a Health Department Certificate is required for this property. Why are you issuing Special Use Permits if you don't intend to carry out the requirements of said permit? As complaints continue to mount, perhaps you you will reconsider your decisions of February 13, 2017.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner should have the permit revoked as your commission stated it would should there be non-compliance issues. Again, as you have given us the task of policing the enforcement of your permits, we need the information that was required when that permit was issued and the assurance that all conditions have been met.

One has to wonder why your commission failed to follow the current laws as set forth on the plats for this subdivision. In addition, you failed to consider two legal opinions obtained by Taney County stating that nightly rentals were not permitted in Fieldstone. You even acknowledged that fact that our HOA does not allow nightly rentals so you have now compounded the problem so that the owners must challenge both Taney County and the HOA. As individuals charged with making lawful decisions for the residents of Taney County, I sincerely hope you take this complaint to the maximum extent of the law. I will be following up with you on the resolution.

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

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Scott Starrett

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:20 PM
To: P&Z; Scott Starrett
Subject: 110 N. Tuscany, Hollister, MO

All Commissioners and Violation Department:

I am writing to complain about the property at 110 N. Tuscany Drive, Hollister, MO. This property is owned by Randy Watson from Lincoln, NE and does not currently have a Special Use Permit to operate as a nightly rental. This weekend the renters, from Texas, did not park at the property because of the steep incline of the driveway but rather chose to park at the community pool. This parking lot is not intended for this use. This is just one of many issues you failed to address when you approved Special Use Permits for other owners. As complaints continue to mount, perhaps you you will reconsider your decisions of February 13, 2017.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner should be charged the appropriate fine and the matter turned over to the prosecuting attorney.

One has to wonder why your commission failed to follow the current laws as set forth on the plats for this subdivision. In addition, you failed to consider two legal opinions obtained by Taney County, whom you represent, stating that nightly rentals were not permitted in Fieldstone. You even acknowledged the fact that our HOA does not allow nightly rentals so you have now compounded the problem so that the owners must challenge both Taney County and the HOA. As individuals charged with making lawful decisions for the residents of Taney County, I sincerely hope you take this complaint to the maximum extent of the law. I will be following up with you on the resolution of this matter.

Sincerely,

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

Scott Starrett

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:20 PM
To: P&Z; Scott Starrett
Subject: 191 Greystone, Hollister, MO

All Commissioners and Violation Department:

I am writing to complain about the property at 191 Greystone, Hollister, MO. This property is owned by Branson Family Memories from Edmond, OK. To my knowledge, the owner has not currently completed the conditions of the Special Use Permit issued on February 13, 2017 including the installation of a compliant sprinkler system, nor has a compliance certificate from the Fire Department been obtained. There is no current signage for emergency contacts, maximum occupancy etc. Lastly, I believe a Health Department Certificate is required for this property. These requirements are for the health and safety of individuals who rent these properties. Will it take the death of someone to assure compliance with the permits you issue? The law is the law and should be followed by each and everyone including you the commissioners.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner's permit should be revoked as your commission stated it would if there were compliance issues. We are not even a month into these approvals and already issues have arisen.. The health, safety and welfare of all residents is at stake with this non-compliance and we have you to thank for that.

One has to wonder why your commission failed to follow the current laws as set forth on the plats for this subdivision. In addition, you failed to consider two legal opinions obtained by Taney County, whom you represent, stating that nightly rentals are not now or ever have been permitted in Fieldstone. You even acknowledged the fact that our HOA does not allow nightly rentals so you have now compounded the problem so that the owners must challenge both Taney County and the HOA. As individuals charged with making lawful decisions for the residents of Taney County, I sincerely hope you take this complaint to the maximum extent of the law. I will be following up with you on the resolution of this matter.

Sincerely,

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

Scott Starrett

From: Lisa Aguirre [hollisterladyquilts@gmail.com]
Sent: Sunday, March 05, 2017 5:20 PM
To: P&Z; Scott Starrett
Cc: Bonita Kissee
Subject: 136 Monte Cristo Dr., Hollister, Mo

All Commissioners and Violation Department:

I am writing to complain about the property at 136 Monte Cristo Dr., Hollister, MO. This property is owned by Randy Watson from Lincoln, NE and does not currently have a Special Use Permit to operate as a nightly rental. This weekend the noise and banging next door prompted me to knock on the front door. There were two individuals in the unit who were cleaning. I asked them if the unit was going to be rented and they said yes, shortly. This is the second unit that this individual owns that does not have an approved Special Use Permit. This owner needs to be put on notice from the county that he is operating illegally.

The commissioners have given the permanent residents of Branson Creek the challenge of policing the nightly rentals in our SINGLE FAMILY USE NEIGHBORHOOD and therefore, this is a formal complaint. The owner should be charged the appropriate fine and the matter turned over to the prosecuting attorney.

Be assured that if renters arrive, I will contact the Taney County Fire District immediately as improper use of this unit directly impacts the health, safety and well-being of my family in the adjoining unit. In addition, you will continue to receive complaints on each and every illegal rental until the matter is resolved according to the law. I will be following up with you on the resolution of this matter.

Sincerely,

Lisa Aguirre
210.412.2468
hollisterladyquilts@gmail.com

PS: Hard copies of this email have been forwarded to the Taney County Violations Department Via Certified Mail #7014 1820 0000 2161 5257.

From: Judy Ward [judyward14076@gmail.com]
Sent: Sunday, March 05, 2017 5:50 AM
To: Scott Starrett; P&Z
Subject: Nightly Rentals

I would like to report on nightly rentals in BransonCreek. 137 N Tuscany - Being rented the without the completion of special User Permit.Car from Arkansas in driveway. 110 N Tuscany - Being rented -Driveway too steep,so Texas car is parked at the pool parking lot.115Greystone- Being rented Boats and cars parked in the drive way and hanging out in the street. Cars and boats parked at the Mountain VISTA DEAD END ROAD BLOCKING THE FIRE

HYDRANT. 191 Greystone-Being
rented. Thank you for reading
this. Judith Ward

Scott Starrett

From: Karen Murphy [klmnm40@gmail.com]
Sent: Saturday, March 04, 2017 5:29 PM
To: P&Z; Scott Starrett
Subject: To All Commissioners

167 N Tuscany owned by Hill Property Investments LLC.

We would like to complain about the property listed above. This property has been a constant problem with violations of nuisance, loud partying, parking in the street and using our amenities without being accompanied by the owner.

The occupancy has been over the 6 persons allowed for a 2 bedroom rental. Originally it was combined with 165 N Tuscany and the two together were advertised as a seven bedroom rental by Sunset Rentals.

This property continues to be rented without a Special Use permit. They are definitely in violation of the county code and the fire district code.

Unless the renter is able to use the garage, the driveway only accommodates two vehicles.

We were platted as single family dwellings and therefore the buffer section of your guidance code should be enforced. We are not "condo styled" dwellings.

We realize that you state you don't consider the covenants; however in the previous 16 permit approvals you didn't even make it a requirement that the owners had to be in compliance with the covenants of Branson Creek.

Our covenants do not permit nightly rentals only leases that have to be approved by our HOA and a copy of the lease on file at the HOA office. The approval for the Special Use permit with conditions to be met did not include that they were to be in compliance with the Branson Creek covenants.

You, the commissioners, have opened up a Pandora's box in Branson Creek. There is no limit on the number of rentals you will be approving in our residential community. If they apply you approve?

You have transferred compliance to Branson Crfeek permanent residents to be the enforcer. You not only destroyed our neighborhood by your decisions, you destroyed the retirement lives of over 60 elderly permanent Taney County residents by bowing to the pressure of outside investors and certain real estate and real estate management firms. What a shame.

It is not acceptable that the developer and the HOA lied to potential buyers. Usually if you lie you get caught and punished. However, in the case of Branson Creek Communities, the commissioners rewarded instead of punishing the lie.

We ask that you do not approve this permit.

From: Neil and Karen Murphy
112 Monte Cristo Dr
Hollister Mo. 65672
281-433-6740

Scott Starrett

From: Karen Murphy [klmnjm40@gmail.com]
Sent: Saturday, March 04, 2017 5:29 PM
To: P&Z; Scott Starrett
Subject: To All Commissioners

127 N Tuscany owned by Roy & Jane Glazer

We would like to complain about the property listed above. The driveway is so steep that the renters park in the street on a bad curve and incline grade that restricts seeing the parked vehicles when residents drive on the street. There have been skate boarders using the steep driveway and going into the street. Very dangerous. Using our amenities without being accompanied by the owner.

On the application they stated they were in compliance with the HOA covenants. This is not accurate. Again, our covenants do not permit nightly rentals only leases that have to be approved by our HOA and a copy of the lease on file at the HOA office.

This property continues to be rented without a Special Use permit. They are definitely in violation of the county code and the fire district code.

We were platted as single family dwellings and therefore the buffer section of your guidance code should be enforced. We are not "condo styled" dwellings.

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You, the commissioners, have opened up a Pandora's box in Branson Creek. There is no limit on the number of rentals you will be approving in our residential community. If they apply you approve? You have transferred compliance to Branson Creek permanent residents to be the enforcer. You not only destroyed our neighborhood by your decisions, you destroyed the retirement lives of over 60 elderly permanent Taney County residents by bowing to the pressure of outside investors and certain real estate and real estate management firms. What a shame!

It is not acceptable that the developer and the HOA lied to potential buyers. Usually if you lie you get caught and punished. However, in the case of Branson Creek Communities, the commissioners rewarded instead of punishing the lie.

We ask that you do not approve this permit.

From: Neil and Karen Murphy
112 Monte Cristo Dr
Hollister Mo. 65672

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Friday, March 03, 2017 4:23 PM
To: Scott Starrett
Subject: Fwd: Branson creek

Will you not be forwarding this to the commissioners? We would like answers.

Sent from my iPad

Begin forwarded message:

From: Susan Smith <trsmith@centurytel.net>
Date: March 2, 2017 at 9:13:55 AM CST
To: Scott Starrett <scotts@co.taney.mo.us>
Cc: P&Z@co.taney.mo.us
Subject: Branson creek

So let me get this clear. 115 greystone applies for special use permit for nightly rentals in Oder to sell his home. It is a approved. Now his home has sold to new investor on February 27, 2017. So now the new investor assumes they will be granted special use permit, because they would never have bought the home unless it was a sure deal.

My question to the commissioners, therefore we as permanent residents do not even need to show up at their hearing, or any future hearings, because the commissioners have already made their decision? Correct?

And you think our county commissioners are fair?

Please forward to commissioners

I am still waiting to hear back from commissioners as to how they came to their approval vote.

This is a fair question.

Susan Smith

Sent from my iPad

Scott Starrett

From: Susan Smith [trsmith@centurytel.net]
Sent: Tuesday, March 07, 2017 7:03 AM
To: P&Z
Cc: Scott Starrett
Subject: Branson creek nightly rentals

This an official complaint 167 N Tuscany

My deck faces this villa's deck. During the summer the loud partying can be heard from my deck. loud music and cursing are not uncommon.. The serenity I was promised when I moved here is no more. This villa continually over books way beyond what a 2 bedroom should have. Cars parked in the road. Which is very narrow, preventing the safety of walkers. Large boats parked in the driveway. Then renters from that villa have brought their partying to our small pool. Preventing permanent residents the enjoyment of our amenity. Beer cans and trash are left leaving permanent residents to pick up after them. All together there are more than 28 nightly rentals in our community which you commissioners seem to care less. There is no way possible there can be compatibility within this community with this many nightly rentals. If you multiply this complaint times 28, can you not imagine the disruption this causes amongst our community. I did not buy into a resort style living neighborhood. I was promised the life style that a retired person could enjoy. Wake up commissioners, don't let greedy investors and realtors influence your decision.

Sent from my iPad