



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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**MINUTES**  
**TANEY COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**MONDAY, JANUARY 9, 2017, 6:00 P.M.**  
**COUNTY COMMISSION HEARING ROOM**  
**TANEY COUNTY COURTHOUSE**

### Call to Order:

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

Election of 2017 Officers: A motion was made by Mr. Kitchen to nominate the same officers as last year. Seconded by Mr. Faubion. The vote to elect Mr. Adams as Chairman and Mr. Stewart as Vice-Chairman was unanimous.

Mr. Atchley read a statement outlining the procedures for the meeting.

All public hearings on projects have been postponed from this meeting until the February 13 meeting.

### Old and New Business:

Public Hearing Proposed Nightly Rental; Mr. Atchley explained that the Planning Commission might vote on the amendment at the next meeting. He gave a brief synopsis of Option A, Option B, and Option C. Mr. Kitchen asked if legal counsel had seen the three options. Mr. Atchley stated that they have been sent but no communication had been received. Mr. Caudill stated that he did not feel prepared to vote on any one of the three at this time.

Deana Wolfe, President of the Missouri Board of Realtors spoke in favor of no interference by local government, which was the opinion of the Board. She asked the Planning Commission not to make a decision on any one of the three until a decision by the Legislators could be made. Mr. Cramer asked for her opinion regarding how Taney County handles nightly rentals. She stated that she liked the way Stone County handles their zoning.

Gary Billingsley who lives on Stoney Pointe Dr. spoke in favor of Option A, because in his opinion a Division III Permit has already been approved for nightly rental

in his neighborhood. The other two options would be a waste of taxpayer money in his opinion. He was representing several property owners who were present.

Barbra Durham who manages a small real estate company manages about 100 nightly rentals. She was in favor of Option A and feels that if Taney County requires stricter regulations or doesn't allow nightly rentals many property owners and money would be lost to Taney County.

Dick Heider discussed the three options and other Counties who do and do not permit nightly rentals and if regulations are even needed. In his opinion if Option A is chosen property owners would have no protection, except through the sheriff and court system. Option B and C are preferable but he likes the current regulations. Mr. Faubion asked if the nightly rental in his neighborhood caused problems. Mr. Heider stated that it does. The other neighbors present stated the same. Mr. Stewart discussed certificates of compliance. Mr. Caudill stated charges have been filed in court regarding these nightly rentals in this neighborhood.

Jeramie Worley real estate broker in the area and operates a vacation rental business, stated that in his opinion none of the options will work. He discussed taxation, parking issues during peak season, performance zoning, traffic, tourism, and infrastructure concerning nightly rentals. In his opinion performance zoning should be changed to traditional zoning.

Brad Moncado who owns several vacation rentals, agrees with Jeramie Worley and says he is neither for nor against the three proposals.

Linda Bokel who is a homeowner, feels that homeowners need protection from nightly rentals. In her opinion nightly rentals are businesses and are not compatible with single family dwellings.

Tom Bokel hopes that Taney County keeps the current regulations. In his opinion nightly rentals can hurt the property values of the local people and the economy. Most people do not want to live next door to a business in his opinion, and that homeowners might go somewhere else to live and buy homes.

Cindy Heider lives in Lemonwood Lane, and does not feel vacation rentals should be allowed in single family residential areas because they are not compatible. The nightly rental in her neighborhood will not cease renting until he is fined or told not to do it, in her opinion. She says they are at the mercy of the regulations, but that they are not enforced properly. Mr. Stewart clarified that the two nightly rentals in her neighborhood were denied by the Planning Commission. Ms. Heider stated that the sheriff was called but nothing could be done according to them.

Karen Murphy who lives in Branson Creek stated that there are several nightly rentals in that neighborhood and that there is no one to oversee them. She is not in favor of Option A and B and feels Option C is closest to the current Code which she is in favor of keeping. She feels there is a safety issue at Branson Creek for people who rent these places.

Wes Strange who lives at the Villas at Branson Creek reported on some nightly rentals in his neighborhood which in the past had some problems which he had to call the sheriff for, but nothing was done about it. In his opinion there are too many people in the structures causing safety issues. He is not in favor of Options A or B.

Mark Mauzey owns about 70 nightly rentals and lives in Springfield. He stated that some property owners have lived up to what the Code requires of nightly rentals and some have not. He has only had to call the Sheriff once in ten years. He pointed out that nightly rentals are at least a \$100,000,000 business providing revenue to Taney County. In his opinion it is a great industry and shouldn't be over regulated. About 70% of his rentals are single family dwellings.

Neil Murphy lives in Branson Creek and does not like Option A. He stated that in his opinion, there are plenty of adequate motel rooms for this area and are at 60%. In his neighborhood there are at least 27 nightly rentals which are not permitted.

Donna Lakey lives at Lemonwood Lane and feels regulation of nightly rentals is a wise thing. She thinks the Planning Commission has done a good job and that nightly rentals should still be controlled. She lives next door to a nightly rental.

Dusty Hall who owns Sunset Realty stressed that he and all of his staff live in Taney County and that current regulations are good and that nightly rentals should not be over regulated in his opinion. He supports all of his homeowners in Branson Creek.

Don Phillips has two homes which he nightly rentals, and feels there is nothing wrong with making money. He makes sure his renters abide by the rules, and if someone looks for a home to buy, they should make sure there are no nightly rentals in the area which they are considering buying in. Mr. Kitchen asked about the letter sent by Mr. Atchley regarding nightly rental approval in Branson Creek. Mr. Phillips manages his properties himself but he lives 7 hours away. He has local people clean and take care of them.

There being no one else signed up to speak the public hearing was closed.

Discussion followed regarding the three Options. Mr. Haes pointed out that the Commission should consider the neighborhoods and also the property owners who are using them as income. Mr. Caudill reminded the Commission that the regulations should be enforced. Mr. Atchley explained how enforcement is currently being done. Mr.

Adams feels we are currently doing a good job permitting the nightly rentals . Mr. Stewart doesn't want to inflict rules on to people who are trying to make a living. Mr. Kitchen likes the current Codes but that they could be improved on. Mr. Faubion stated that in his opinion, our current form of zoning doesn't utilize the policy check list properly. Mr. Atchley reported that at this time he has written two drafts of a new Code and he plans to leave them with his predecessor. Mr. Stewart feels the special use permit is a good tool. Mr. Kitchen feels that in a platted subdivision that has private restrictions should not have nightly rentals unless they specifically say they can. Mr. Cramer feels we need to enforce the regulations and everyone should be on the same page. Mr. Caudill stated we need regulations that will stand up in court. The Commission asked Mr. Atchley to provide them with the two drafts of the Code to be reviewed next month. Mr. Fogle feels a concept should not be approved for someone who does not own the property. Mr. Pennel reminded the Commission that when he was a Commissioner he was not in favor of Traditional Zoning, but since then he has had the opportunity to study it and now feels that is the only way to go. His fear is that performance zoning would not stand up in court. Mr. Atchley stated that legal counsel feels we have a defensible position. The court of appeals should be handing down a decision on it soon. Mr. Haes asked how the traditional zoning districts were decided on. Mr. Atchley explained that it begins with what is existing. Mr. Faubion would like to talk to people who are in the nightly rental business for their input. Mr. Adams asked that the Commission read the two drafts before February.

Mr. Atchley addressed the Commission and announced his resignation effective January 20.

Adjournment:

With no other business on the agenda for January 9, 2017 the meeting adjourned at 8:27 p.m.



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### **MINUTES TANEY COUNTY PLANNING COMMISSION REGULAR MEETING TUESDAY, JANUARY 17, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Steve Adams called the meeting to order at 6:00 p.m. A quorum was established with nine members present. They were; Steve Adams, Dave Stewart, Rick Caudill, Doug Faubion, George Cramer, Randy Haes, Howard Kitchen, Randy Fogle, and Brad Lawrence. Staff present; Bob Atchley and Bonita Kisse-Souttee.

Mr. Atchley read a statement outlining the procedures for the meeting.

#### Review and Action:

Minutes, December 2016; with no additions or corrections a motion was made by Mr. Haes to approve the minutes as written. Seconded by Mr. Cramer. The vote to approve the minutes was unanimous.

#### Final Votes: Postponed

#### Concepts:

Branson Creek Villas, a request to operate a nightly rental from a single family residence located at 165 N. Tuscany Dr. Mr. Atchley presented a location map of the site. With no representative present Mr. Stewart made a motion to postpone until the end of the meeting. At the end of the meeting the representative was not present. This project is postponed until the representative contacts staff.

Branson Creek Villas, a request to operate a nightly rental from a single family residence located at 167 N. Tuscany Dr. Mr. Atchley presented a location map of the site. With no representative present Mr. Stewart made a motion to postpone until the end of the meeting. The representative did not appear. This project is postponed until the representative contacts staff.

George Nightly Rental, a request to operate a nightly rental from a single family residence located at 133 N. Tuscany Dr. This applicant withdrew.

Branson Creek Fieldstone Villa, a request to operate a nightly rental from a single family residence located at 119 Tuscany Dr. Mr. Atchley presented a location map of

the site. Shirley Boyer explained her request. There was no discussion from the Commission. This request will proceed to public hearing February 13, 2017.

Viveiros Duplex, a request to construct a duplex to operate a nightly rental from the site located at Edwards Road. The property contains three mobile homes. Mr. Atchley presented a location map of the site. Aaron Viveiros was present to address questions from the Commission. He reported that he has not moved the old mobiles yet. Discussion involved setbacks, wastewater, and water. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Mays; a request to operate a nightly rental from a single family residence located at 130 Lugano Lane. Mr. Atchley presented a location map of the site. Barbara Durham representing all the properties for Sunset Nightly Rentals addressed questions from the Commission. Discussion included using one side of each structure, and each one having the same requirements. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Valley View I, LLC; a request to operate a nightly rental from a single family residence located at 360 Black Rock Dr. Mr. Atchley presented a location map of the site. Ms. Durham also represented this request. The same requirements apply as well. Discussion followed regarding size of structure, and location. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Bates; a request to operate a nightly rental from a single family residence located at 189 Stoney Pointe Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Khoury; a request to operate a nightly rental from a single family residence located at 157 N. Tuscany Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Contemporary Housing LLC; a request to operate a nightly rental from a single family residence located at 209 Stoney Pointe Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Valley View I, LLC; a request to operate a nightly rental from a single family residence located at 112 N. Tuscany Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Barbour; a request to operate a nightly rental from a single family residence located at 120 Lugano Lane. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Dickson; a request to operate a nightly rental from a single family residence located at 130 Fieldstone. Mr. Atchley presented the a location map of the site. The owner Mr. Dickson clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Pope; a request to operate a nightly rental from a single family residence located at 137 N. Tuscany Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Cox; a request to operate a nightly rental from a single family residence located at 168 Fieldstone. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Valley View I, LLC; a request to operate a nightly rental from a single family residence located at 138 Stoney Pointe Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Sunset Nightly Rentals Branson Creek/Stinkweed, LLC; a request to operate a nightly rental from a single family residence located at 130 N. Tuscany Dr. Mr. Atchley presented a location map of the site. Ms. Durham clarified the request. The same requirements apply. This project will proceed to public hearing February 13, 2017.

Brad Lacore; a request to operate a nightly rental from a single family residence located at 670 Amanda Rd. Mr. Atchley presented a location map of the site. Mr. Lacore clarified his request. He plans to live there and rent when he is out of town. Discussion followed regarding the cul-de-sac being his driveway, size of structure, water and wastewater. This project will proceed to public hearing February 13, 2017.

DK & NK, LLC; a request to operate a nightly rental from a single family residence located at 177 N. Tuscany. Mr. Atchley presented a location map of the site. The applicant clarified the request. Discussion followed regarding history of the property, and property values. This project will proceed to public hearing February 13, 2017.

Mr. Adams everyone that the public hearings on these requests will be held February 13, 2017, and final votes taken the following week February 21, 2017 which is on Tuesday because of the Monday holiday.

Old and New Business:

Proposed Nightly Rental Code Amendment; discussion followed regarding leaving the Code the way it reads on nightly rentals, and when the Commission wants to vote on it. This amendment will be discussed and possible voted on at the February meetings. Mr. Cramer made a motion to move discussion regarding the nightly rental amendment to the February meetings. Seconded by Mr. Stewart. The vote to discuss in February was unanimous.

Adjournment:

With no other business on the agenda for January 17, 2017 the meeting adjourned at 7:50 p.m.