



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: [www.taneycounty.org](http://www.taneycounty.org)

### MINUTES

#### **TANEY COUNTY PLANNING COMMISSION CONCEPT AND PUBLIC HEARINGS TUESDAY, OCTOBER 10, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

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

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

Concepts/Public Hearings: Each project was presented for Concept then the public hearing was held on the request.

Bender Retirement Home; a request by Harold J. and JoLynn M. Bender to construct a six bedroom, five bathroom home for their retirement on property located at 515 Happy Hollow Road. A special use permit is requested to nightly rental this house until they are ready to retire. Mr. Starrett presented location maps and pictures of the site. The applicant was present. Mr. Starrett read the staff report. No one signed up to speak for the public hearing portion of the meeting. Mr. Cramer discussed wastewater plans. A private system will be installed. No future plans have been made. With no other discussion this project will proceed to final vote next week. Mr. Bender asked for clarification of the C of C procedure. Mr. Bender stated that he would not be at the next meeting. The Commission decided by consensus, that they will vote without the applicant being present at the next hearing.

1345 Oakwood Dr. Nightly Rental; a request by Robert & Meghan Schuck to operate a nightly rental business on property located at 1345 Oakwood Dr. Mr. Starrett presented location maps and pictures of the site. The applicant was present. Mr. Starrett read the staff report. The Commission heard comments from the neighbors regarding traffic, security, compatibility, onsite management, noise, parking, sanitation, liability, safety, and unauthorized people using the private boat dock. Mr. Schuck addressed the concerns and stated that he wants to comply with all the rules imposed by the Planning Commission. He has owned the property for seven years and has rented it for one year. He stated that he has only had one problem in that time which was taken care of right away. This project will proceed to final vote next week.

Parksley Lane Nightly Rental; a request by TCS Enterprise, LLC to construct up to six cabins for nightly rental located off Parksley Lane. Mr. Starrett presented location maps and pictures of the site. The applicants were present. Mr. Starrett read the staff report. The Commission heard comments from the public regarding homeless people living in abandoned buildings in the area, safety was a concern, wastewater disposal, accessibility for emergency equipment, some felt it could be a positive thing for the area if done right, having the two hearings on the same night was a question, RV's and campers on the same property, and there are plans to close the lagoon. The owners addressed the concerns. They stated that they are working with the university to get the structures to be built by students. Parking was discussed. There will be a separate drive for each structure coming off Parksley Lane. With no other discussion this project will proceed to final vote.

177 Kings Way Nightly Rental; a request by Kutch Trust to operate a nightly rental business from an existing structure located at 177 Kings Way. Mr. Starrett presented location maps and pictures of the site, then read the staff report. The representative was present. The Commission heard comments from the public regarding some being in favor of the use, implementing the covenants and restrictions, and compatibility. The representative addressed the concerns. This property operated for four years without being permitted. As soon as they found out they needed one they applied according to the representative. Mr. Faubion informed the representative that nightly rental is a commercial use. Mr. Fogle stated that by operating as nightly rental the use had been changed from residential. After discussion this project will proceed to final vote next week.

Cox Vacation Rental; a request by Jessica and Brian Cox to operate a nightly rental business from an existing structure located at 109 N. Tuscany Dr. Mr. Starrett presented location maps and pictures of the site, then read the staff report. The Commission heard comments from the public. A packet of information was presented by Mrs. Strange a neighbor next door opposing the project. Other concerns brought forth were; compatibility, floor plans, number of bedrooms, what constitutes a bedroom, common wall, buffering, incomplete application, driveway too steep, and insufficient parking. Mrs. Cox addressed questions from the Commission. Mr. Fogle asked how they knew how deep the wall is, which she stated that they cut into it. She stated that any requirements would be met. After discussion this project will proceed to final vote.

Iowa Colony Vacation Rental; a request by Larry Staab-Barrington Capital, LLC to operate a nightly rental business from an existing structure located at 422 Iowa Colony Road. Mr. Starrett presented location maps and pictures of the site, then read the staff report. Mr. Staab clarified his request. No one else signed up to speak. This project will proceed to final vote.

Forsyth Senior Event Center; a request by Rodney Dempsey, President of the Board of Directors to operate a senior center located at 11048 E. Hwy. 76. The request will be constructed in phases consisting of; galleries, community hall, dance hall, exhibition hall, lecture hall, covered farmers market, storage, and shed. The concept has been heard on this project. Mr. Haes discussed the entrances. Mr. Dempsey was present to address questions from the Commission. No one signed up to speak. This project will proceed to final vote.

Timberlake Nightly Rental's; a request by Byron Joplin to construct an 800 sq. ft. and a 808 sq. ft. two bedroom cabins which will be connected to be used as nightly rentals. The property is located at 250 Timberlake Road. Mr. Starrett presented location maps and pictures of the site. He then read the staff report. The applicant was present. Sprinkler systems will be installed. No one from the public signed up to speak. This project will proceed to final vote.

#### Public Hearings:

226 Stoney Pointe Dr. Buffering Requirement; Mr. Starrett read the staff report. The Board of Adjustment approved a request to allow this to proceed with the addition of additional buffering. The representative was present. The Commission heard comments from the public. Marie Powers representing the applicant explained the plans for buffering. Discussion followed regarding additional buffering to cover the hot tub from visibility of the road. The Commission stated that the current vegetation is too thin at this time and should be thicker. They would like something in writing showing what is planned for the file. Discussion followed. Karen Murphy who lives in the neighborhood expressed her opinion regarding the buffering. Susan Smith reported that the HOA had not approved a buffer plan at this time. Mr. Cramer made a motion to table until a buffer plan has been turned in. Seconded by Mr. Fogle. The vote to table was unanimous.

Amendments to Appendix E, Special Use Section of the Taney County Development Guidance Code; removal of last sentence, replace with two sentences. Mr. Starrett reported on the outcome of the meeting with the County Commission regarding this amendment. He then read the new amendment language. If no changes are made this can be heard at the next meeting for final vote. No one signed up to speak.

#### Old and New Business:

No discussion.

#### Adjournment:

With no other business for the October 10, 2017 agenda the meeting adjourned at 8:45 p.m.





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### **MINUTES TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, OCTOBER 16, 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 seven members present. They were; Steve Adams, Dave Stewart, Rick Caudill, Howard Kitchen, Randy Fogle, Brad Lawrence, and George Cramer. Staff present: Scott Starrett and Bonita Kisse-Souttee.

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

#### Review and Action:

Minutes; August 23 and September 2017; with no additions or corrections a motion was made by Mr. Caudill to approve the minutes as written. Seconded by Mr. Cramer. The vote to approve the minutes was unanimous.

#### Final Votes:

Bender Retirement Home; request by Harold J. and JoLynn M. Bender to construct a six bedroom, Five bathroom home for their retirement on property located at 515 Happy Hollow Road. A special use permit is requested to operate a nightly rental business at this location until they retire. Mr. Starrett reviewed the proposed decision of record and location map. Mr. Caudill discussed wastewater. There will be a private plant. After discussion a motion was made by Mr. Caudill to approve based upon the decision of record. Seconded by Mr. Stewart. The vote to approve was unanimous.

1345 Oakwood Dr. Nightly Rental; a request by Robert & Meghan Schuck to operate a nightly rental business on property located at 1345 Oakwood Dr. Mr. Starrett reviewed the proposed decision of record and presented a location map. Mr. Schuck was present to address questions from the Commission. He stated that he will provide buffers in the form of existing vegetation. Signs will be posted so people will not use the dock. A parking plan was provided. Mr. Fogle discussed the buffering plan. Mr. Caudill stated that they should still consider buffering on the side of the neighbor who did not want a buffer. Mr. Schuck pointed out where he is considering placing a wrought iron fence. Discussion followed regarding vegetative buffering and how long it takes to fill in versus a fence. Mr. Lawrence and Mr. Caudill preferred vegetation. Mr. Cramer didn't want to block the neighbors view. After discussion a motion was made to approve based upon the decision of record with the addition of an item addressing

buffering of a minimum of 60' on the west side and 20' on the east side to the retaining wall next to the adjoining residences by Mr. Stewart. Seconded by Mr. Lawrence. The vote was four in favor and two against, with the chairman not voting.

Parksley Lane Nightly Rental; a request by TCS Enterprise, LLC to construct up to six cabins for nightly rental located off Parksley Lane. Mr. Starrett read the proposed decision of record and presented a location map of the site. Buffering will not be required. Mr. and Mrs. Smith were present. Mr. Stewart questioned the existing lagoon. It is being used and in the opinion of the Smith's it is leaking. They presented paperwork stating this from an attorney. Discussion followed regarding the road when it floods. The decision of record will reflect that they will not rent if the road floods. With no other discussion a motion was made to approve based upon the decision of record with the addition by Mr. Lawrence. Seconded by Mr. Cramer. The vote to approve was four in favor and two against, with the Chairman not voting.

177 Kings Way Nightly Rental; a request by Kutch Trust to operate a nightly rental business from an existing structure located at 177 Kings Way. Mr. Starrett reviewed the proposed decision of record and presented a location map of the site. Discussion followed regarding the access road and the subdivisions being separate with different covenants. Mr. Nicholas Grimwood representing the applicants was present to address questions from the Commission, and stated that there were only two people opposed and they are not residents, one of them neighbor does not live in the subdivision. This residence has been operating as a nightly rental for four years. After discussion a motion was made by Mr. Lawrence to approve based upon the decision of record. Mr. Caudill seconded. The vote was four not in favor of the motion and two in favor of the motion, with the chairman not voting, therefore the motion failed. The applicant asked why the Commission voted against. Mr. Fogle stated that because next door there is a residence that is operating a nightly rental without a permit, incompatibility, and lack of buffering.

Cox Vacation Rental; a request by Jessica and Brian Cox to operate a nightly rental business from an existing structure located at 109 N. Tuscany Dr. Mr. Starrett presented location maps and the proposed decision of record. Mrs. Cox was present. Discussion followed regarding adding alternative buffering to the decision of record if approved. After discussion a motion was made by Mr. Caudill to approve with the addition. Mr. Lawrence seconded. The vote was three in favor of approval, and four against. The motion failed. The reason given by the Commission was incompatibility, buffering, and the letter from the doctor. The applicant was advised of the Board of Adjustment procedure.

Iowa Colony Vacation Rental; a request by Larry Staab-Barrington Capital, LLC to operate a nightly rental business from an existing structure located at 422 Iowa Colony Road. Mr. Starrett presented the location map and proposed decision of record. Mr. Staab presented a packet of information. This project if approved will need a buffering

plan. Mr. Staab stated that the two neighbors might do nightly rentals in the future. The property is buffered on two sides. Mr. Cramer suggested an addition to the decision of record to add buffering to protect line of site from house to house if necessary and the burden of maintaining the buffer should be on the property owner. After discussion a motion was made by Mr. Cramer to approve with the addition. Seconded by Mr. Stewart. The vote to approve was four in favor of approval and three against. The motion carried.

Forsyth Senior Event Center; a request by Rodney Dempsey, President of the Board of Directors to operate a senior center located at 11048 E. Hwy. 76. Mr. Starrett presented the location map and proposed decision of record. Discussion followed regarding the uses planned, and the ingress and egress. With no other discussion a motion was made by Mr. Kitchen to approve based upon the decision of record. Seconded by Mr. Cramer. The vote to approve was unanimous.

Timberlake Nightly Rental's; a request by Byron Joplin to construct an 800 sq. ft. and an 808 sq. ft. two bedroom cabins which will be connected, to be used as nightly rentals. Mr. Starrett presented the location map and the proposed decision of record. Mr. Joplin was present. No buffering will be required as the property is surrounded by vegetation. Mr. Cramer discussed wastewater disposal. The soils evaluation is good. After discussion a motion was made by Mr. Caudill to approve based upon the decision of record with the addition of, the property owner will maintain the natural vegetative buffer. Seconded by Mr. Cramer. The vote to approve was six in favor of the motion and one opposed.

Amendments to Appendix E, Special Use Section of the Taney County Development Guidance Code; Mr. Starrett explained the change by the County Commission from 120 days to 90 days for compliance. After discussion a motion was made by Mr. Cramer to approve. Seconded by Mr. Caudill. The vote to approve was unanimous.

#### Concepts:

114 Fieldstone Drive Nightly Rental; a request by Kevin Kueck representing the Marvin and Bonnie Arunakul Trust to operate a nightly rental business on property located at 114 Fieldstone Dr. Mr. Starrett clarified the request. Mr. Kueck was present. Mr. Cramer asked if this was being used as a nightly rental currently. Mr. Kueck stated that it was not and that the permit should be issued to the Heritage Co. because they are buying it. They will be the local contacts for the property. Discussion followed. This property will proceed to public hearing in November.

Lot 40 of the Pinnacle; a request by Margo Spilde, MTS Ventures to operate a nightly rental business on property located at Legends Lane. Mr. Starrett clarified the request. The applicant Austin Miller was present, and explained his plans. With no discussion this project will proceed to public hearing next month.



Old and New Business;

Emory Creek Lot Splits; Ginger Mackiewicz, a property owner, presented a handout of information stating that no lots can be split in the subdivision according to the covenants. She asked that no other lot splits be approved in the subdivision. Discussion followed. Scott updated the Commission on research that was done on this issue. The Commission advised that the homeowners association seek civil action, and that since they are one acre lots they cannot have wastewater disposal, thus making them unbuildable.

Mr. Starrett discussed a change in the public hearing sign-up sheets. The new sheets will be in the back of the room, with the people who want to speak only filling out a sign up if they want to speak. The Commission decided to try the new procedure.

Adjournment:

With no other business on the agenda for October 16, 2017 the meeting adjourned at 7:47 p.m.