



## 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 PUBLIC HEARING & REGULAR MEETING MONDAY, APRIL 8, 2019, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Howard Kitchen called the meeting to order at 6:00 p.m. A quorum was established with six members present. They were; Howard Kitchen, Dave Stewart, (Mr. Stewart arrived at 6:03 p.m) Randy Haes, George Cramer, Randy Fogle, and Rick Caudill. Staff present; Scott Starrett and Bonita Kisse-Souttee.

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

#### Review and Action:

March 11, 2019; with no additions or corrections a motion was made by Mr. Cramer to approve the minutes as written. Seconded by Mr. Haes. The vote to approve the minutes was unanimous.

Mr. Kitchen asked for discussion regarding keeping public comment to 5 minutes because so many people were present to speak. Mr. Haes made the motion to keep comments to five minutes by the public. Mr. Caudill seconded. The vote to keep public comments to five minutes was unanimous.

#### Public Hearing and Final Vote:

#19-04, Myer Land Development; proposed amendment to the master plan for Whisper Cove allowing nightly rentals located in the Whisper Cove Development. Mr. Starrett presented the staff report and location map for the site. Mr. Gale Myer clarified the request and asked for validation that nightly rental was approved on the original approval. Seven people signed up to speak, one in favor and six against. Concerns of the property owners were; noise, traffic, compatibility, safety of the neighborhood, covenants that do not allow nightly rental, upkeep of the nightly rental property, security, ingress and egress, and some of the property becoming timeshare. One person speaking in favor of the development pointed out it would be a conforming use, the Myers do good developments, and it would be a positive thing for the community in his opinion. Mr. Chris Myer clarified that he also owns a lot in the development and they do not plan to remove the security gates. He stated that there is a misnomer that people who rent nightly rentals a not a good class of people but in his opinion that is not necessarily true. Gayle Myer addressed the concerns, and clarified where in the development the nightly rentals are planned to be. There will not be nightly rental in all

300 domiciles. Mr. Caudill discussed location of the streets. Mr. Haes asked about the estate lots. Mr. Cramer asked about the location of the nightly rentals. Mr. Fogle asked since it is on Branson sewer would they annex at some point. Mr. Myer stated that they would. After discussion a motion was made by Mr. Caudill to postpone. Mr. Haes seconded. Mr. Fogle abstained. The vote to postpone was five in favor and one abstention.

#19-06, SMBZ LLC; proposed nightly rental use for 9 lots located in the Wolf Trail Estates. Mr. Starrett presented the staff report and location map for the site. The applicant was not present at this time. Mr. Stewart made a motion to move this to the end of the hearing. Seconded by Mr. Cramer. The vote to move to the end was unanimous. Mr. Creedon arrived late. He clarified the plans. Three people signed up to speak. Concerns of the neighbors were; traffic, noise, wildlife, trash, road conditions, adequate water and wastewater. Mr. Creedon addressed the concerns. The Commission wants more definition in the plan. Mr. Cramer asked for number of bedrooms on each lot. Mr. Haes discussed the road being for a nightly rental that is not maintained. After discussion a motion was made by Mr. Cramer to deny based on density. Mr. Stewart seconded. The vote was five in favor and one against. Mr. Kitchen explained board of adjustment procedures.

#19-07, Jeffrey Olson; proposed nightly rental located at 1428 Acacia Club Road. Mr. Starrett presented the staff report and location map for the site. No one signed up to speak. Mr. Olson was present to address questions from the Commission. Mr. Caudill discussed the setback on one side of the property, and a concern that the guests would not stay on the property. Mr. Stewart discussed the split rail fence as the buffer and that it didn't meet the requirements of the Code in his opinion. Mr. Olson stated that neighbor doesn't live there. With no other discussion Mr. Cramer made a motion to approve based on the decision of record with the addition of an item not allowing foot traffic on one side of the house. Seconded by Mr. Caudill. The vote to approve was unanimous.

#19-08, Tim Freund; proposed hotel/resort and fractional ownership condominiums located at 3721 St. Hwy. 86. Mr. Starrett presented the staff report and location map for the site. Mr. Freund was present. Eleven people signed up to speak. Mr. Freund explained ingress and egress and that MoDot has been contacted. Concerns of the public was; noise, traffic, compatibility, impairment of the view, property values, ingress and egress, adequate water and wastewater, deforestation of the property, stormwater control, protecting the eagle nesting area, protecting the natural resources, overdevelopment, the application being vague, and blasting. Mr. Freund addressed the concerns. Mr. Haes discussed having enough road easement. Mr. Fogle discussed not having enough information. Mr. Stewart discussed the 35' easement, he would like more detail in the application. The wastewater system will be a closed system according to Mr. Freund. With no other discussion a motion was made by Mr. Cramer to deny based on high density and compatibility. Seconded by Mr. Fogle. The vote to deny was

five in favor and one opposed. Mr. Cramer and Mr. Stewart stated that they are not against development but would like more detail in the plans. Mr. Starrett explained the Board of Adjustment procedures.

#19-10, David Afshar; proposed convenience store located at St. Hwy. F and US 65 Outer Road. Mr. Starrett presented the staff report and location map for the site. Representing the project was Brandon Williams, Jeff Wood, and Spencer Jones. Mr. Williams clarified the request. One person signed up to speak against the request. Her concerns were; lights shining into residences, debris, noise, homeless people living in the woods and breaking into residences, trash, ingress and egress, traffic safety, and sunshine in the eyes of the cars coming up the hill. Mr. Spencer Jones with Great River Engineering explained that both driveways would be utilized and be widened, buffering will be addressed with additional landscaping and fencing to mitigate lighting and sun and glare. Mr. Jeff Wood with Petromarc addressed the need of having a store in this location. Mr. Stewart asked about hours of operation. Mr. Williams stated that depended on the need, at least from 5-11. Mr. Caudill would like to see fencing and prevent as much noise as possible and lights. Water will come from Public Water Supply #3. After discussion Mr. Caudill made a motion to approve based upon the decision of record. Mr. Stewart seconded. The vote to approve was unanimous.

#19-11, Missouri American Water; proposed public water supply well, well house and storage tank located at 1876 N. St. Hwy. 265. Mr. Starrett presented the staff report and location map of the site. Jerry Jesky was present to represent the project. No one signed up to speak. With no other discussion a motion was made by Mr. Fogle to approve. Mr. Cramer seconded. The vote to approve was unanimous.

#19-09, Jeffrey Sidfrid; proposed nightly rental located at 109 Stoney Pointe Dr. Mr. Starrett presented the staff report and location map of the site. Mr. Sidfrid was present. Five people signed up to speak. Concerns of the neighbors; type of people, noise, too many additional people, parking, trash, compatibility, safety of the people in the neighborhood. Mrs. Gaye Lisby spoke in favor of the request, and pointed out that the people who are opposed to the nightly rental came to this area and had to of stayed in a nightly rental the first time they were here. She stated that the applicant would be careful who the property is rented to because they are natives of the area and have family here. Mrs. Lisby also addressed the walking and traffic. The neighbors asked that a buffer not be placed. With no other discussion a motion was made by Mr. Fogle to deny based on compatibility to the surrounding area. Seconded by Mr. Cramer based on density. The vote was four in favor of denial and two opposing. The request was denied. Mr. Kitchen explained the Board of Adjustment process.

Mr. Starrett explained the meeting needed to be extended. Mr. Stewart made a motion to extend the meeting past 9:30 until 10:00 p.m. Mr. Cramer seconded. The vote to extend the meeting to 10:00 was unanimous.

#19-05, SMBZ LLC; proposed nightly rental use for 19 single family homes located on Woodbridge Estates Dr. and Jamie Court. Mr. Starrett presented the staff report and location map of the site. Mr. Creedon was present. A traffic report was presented. Fourteen people signed up to speak. A petition was presented. Concerns were; narrow roads, turn around, traffic safety, compatibility, no sidewalks, no passing zones, who will monitor the property, trash, property values, noise, and emergency vehicles not being able to turn around. Mr. Creedon addressed the concerns. Discussion followed. After discussion a motion was made by Mr. Stewart to deny based upon compatibility. Seconded by Mr. Haes. The vote to deny was unanimous.

A motion was made by Mr. Cramer to extend the meeting to 10:30. Mr. Stewart seconded. The vote to extend the meeting was unanimous.

A motion was made by Mr. Cramer to take a five minute recess. Mr. Stewart seconded. The vote for a five minute recess was unanimous.

#### Concepts:

#19-17, Crystal Glaser; proposed bakery and farmers market located at 1933 Maple St. Mr. Starrett clarified the request and presented location maps of the site. Ms. Glaser was present and explained her project. After discussion this project will proceed to public hearing and final vote next month.

#19-12, Dennis Osborne; proposed nightly rental located at 114 Fieldstone. Mr. Starrett clarified the request and presented location maps of the site. Mr. Chris Lucci representing the applicant was present. Discussion followed regarding traffic, parking, and number of occupants. After discussion this project will proceed to public hearing and final vote next month.

#19-13, Collin Fitzwater; proposed nightly rental located at 406 Foggy River Rd. Mr. Starrett clarified the request and presented location maps of the site. Mr. Fitzwater was present. Discussion followed regarding management, flooding, and buffering. This project will proceed to public hearing and final vote next month.

#19-15, Jana Hilt; proposed nightly rental use for 13 lots located in the Estates at Majestic Pointe Subdivision. Mr. Starrett clarified the request and presented location maps of the site. Ms. Hilt was present. The commission asked for sizes of houses on each lot. This project will proceed to public hearing and final vote next month.

Mr. Cramer made a motion to extend the meeting to 10:50 p.m. Seconded by Mr. Fogle. The vote to extend the meeting was unanimous.

#19-16, Gregory Lott; proposed nightly rental located at 479 Hummingbird Hills Lane. Mr. Starrett clarified the request and presented location maps of the site. A

representative explained the request. This project will proceed to public hearing and final vote next month.

Old and New Business:

Taney County Guidance Code, Appendix S, Medical Marijuana; Mr. Starrett explained that he is going to a seminar to learn how to write this. Discussion followed.

Adjournment:

With no other business on the agenda for April 8, 2019 the meeting adjourned at 10:45 p.m.