



## TANEY COUNTY PLANNING COMMISSION

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### MINUTES

## **TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING & REGULAR MEETING MONDAY, MAY 13, 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, Randy Haes, Devin Huff, George Cramer, and Doug Faubion. Staff present; Scott Starrett and Bonita Kissee-Soutee.

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

Mr. Kitchen made the announcement that this was Bonita Soutee's last Planning Commission meeting as she is retiring, and thanked her for 40 years of service to Taney County.

#### Review and Action:

April 8, 2019 minutes; with no additions or corrections a motion was made by Mr. Haes to approve the minutes as written. Seconded by Mr. Stewart. The vote to approve the minutes was unanimous.

#### Public Hearing and Final Vote:

#19-17 Crystal Glaser, proposed bakery and farmers market located at 1933 Maple St. Mr. Starrett presented the presented the staff report and location maps of the site. No one signed up to speak. Mr. Huff discussed the possibility of Taney County constructing a road on the property. After discussion, Mr. Haes made a motion to approve the project based upon the decision of record. Mr. Stewart seconded. Further discussion followed regarding the applicant meeting with Mr. Huff. The vote to approve was unanimous.

#19-12 Dennis Osborne, proposed nightly rental located at 114 Fieldstone. Mr. Starrett presented the staff report and location maps of the site. Five people signed up to speak. Mr. Osborne clarified his request. Concerns from the public were; noise, availability of parking, safety of the residents, trash, enforcement of the covenants, compatibility. Mr. Chris Lucchi property manager pointed out the phone numbers are posted on the property and anyone at anytime can call his number he is just minutes away. He stated that this driveway is bigger than most of the other villas. He presented pictures of the driveway showing the parking spaces. Mr. Osborne addressed the concerns. Mr. Faubion discussed the covenants and that the question of nightly rental is

addressed there. Mr. Kitchen stating that he is a resident at Branson Creek discussed the 35% saturation during certain months of the year. Further discussion regarded the developer telling some people nightly rentals were ok then others they were not. Mr. Faubion made a motion to approve based upon the decision of record. Mr. Haes seconded. Discussion followed regarding parking two vehicles in the garage. The vote to approve was three in favor and three against. Mr. Kitchen stated his reason for voting no and clarified compatibility in his opinion was saturation, developer misrepresentation, and safety of the property owners. Mr. Starrett explained the appeal process.

#19-13 Collin Fitzwater, proposed nightly rental located at 406 Foggy River Rd. Mr. Starrett presented the staff report and location maps of the site. Mr. Fitzwater clarified his request. He stated that he plans to plant shrubs on the property lines next to the residential, he lives close by and plans to manage the property himself. No one signed up to speak. Mr. Starrett reported on the other requests for nightly rentals in the neighborhood. Mr. Haes discussed evacuation if flooding occurs. This would be the job of the management company according to Mr. Kitchen. Mr. Cramer discussed elevation. With no other discussion a motion was made by Mr. Faubion to approve based upon the decision of record. Mr. Haes seconded. Mr. Cramer clarified they had denied a nightly rental down the road. The vote to approve was five in favor and one opposing. The request was approved. Mr. Cramer stated that in good conscience he could not vote in favor of a nightly rental that could potentially flood to six feet of water inside the house.

#19-15 Jana Hilt, proposed nightly rental use for 13 lots located in the Estates at Majestic Pointe Subdivision. Mr. Starrett presented the staff report and location maps of the site. Mrs. Hilt was present to clarify her request. She presented a power point of her request. No one signed up to speak. Mrs. Hilt lives on lot 3. With no other discussion from the Planning Commission a motion was made by Mr. Haes to approve based upon the decision of record. Seconded by Mr. Stewart. The vote to approve was unanimous.

#19-16 Gregory Lott, proposed nightly rental located at 479 Hummingbird Hills Lane. Mr. Starrett presented the staff report and location maps of the site. The representative for Mr. and Mrs. Lott clarified the request. James Little representing the homeowners assoc. reported that the covenants specifically stated this use is not allowed. Mr. Starrett reminded that the Planning Commission does not enforce private covenants. The representative addressed the question about the covenants. Mr. Faubion pointed out that there are no other uses of this nature on this street. Mr. Starrett stated that there are no others in this subdivision. Mr. Cramer asked if the property is currently being used as nightly rental. The representative stated that it is. After discussion a motion was made by Mr. Faubion to deny based upon that no other nightly rentals are in the area. Seconded by Mr. Haes. The vote to deny was unanimous. Mr. Kitchen explained the appeal process.

#### Concepts:

#19-19 Creation Ministries of the Ozarks, proposed Creation Museum, book store and gift shop located at 200 Creation Lane. Mr. Starrett presented location maps of the site. Mr. Gary Brooks, board of directors clarified the request. He stated that they want to move the museum from the current location to this location. Discussion followed regarding; traffic, funding, location, and concept drawings. This request will proceed to the June 10 meeting.

#19-20 Bobby Harkness, proposed a two story four-plex for long term rentals located at 192 Lafayette Lane. Mr. Starrett presented location maps and clarified the request. Mr. Harkness explained his plans. This project will proceed to the June 10 meeting.

#19-21 Taylor Kyle, proposed nightly rental located at 360 Lone Pine Rd. Mr. Starrett presented location maps and clarified the request. Barbara Durham representing the request explained the request and that her company will manage the property. Discussion followed regarding the road width. This project will proceed to the June 10 meeting.

#19-22 Chad Jensen, proposed nightly rental located at 188 Clymer St. Mr. Starrett presented location maps and clarified the request. Mr. Jensen explained his plans. Discussion followed regarding buffering, compatibility, parking and use. This request will proceed to the June 10 meeting.

#19-23 TNT Finley Properties LLC, proposed nightly rental located at 244 Picket Ridge Ct. Mr. Starrett presented location maps and clarified the request. Amy Dixon representing the request explained the plans. She presented pictures and site plans of the property. This request will proceed to the June 10 meeting.

#19-24 Bison Valley Development LLC, proposed nightly rental located 237 Picket Ridge Ct. Mr. Starrett presented location maps of the site. Amy Dixon representing the request explained the plans. She presented pictures and site plans of the property. This request will proceed to the June 10 meeting.

#19-25 City of Branson, proposed water tower located on 3.5 acres West St. Hwy. 76. Mr. Starrett presented location maps and Mr. Kendall Powell, and Mr. Mike Ray along with their engineer for the project presented the plans. This request will proceed to the June 10 meeting.

#### Old and New Business:

Branson Land LLC, Division III Permit #10-09 Cell Tower located at 491 Branson Creek Blvd. Mr. Starrett reported a call received requesting the decision of record and that it had not been recorded. He asked for a motion to approve the existing decision of

record so it can be recorded. Mr. Haes made a motion to approve the decision of record. Seconded by Mr. Faubion. The vote to approve was unanimous.

Taney County Guidance Code, Appendix S, Medical Marijuana. Mr. Starrett reported on a meeting he attended regarding writing an ordinance regarding this. Discussion followed.

Adjournment:

With no other business on the agenda for May 13, 2019 the meeting adjourned at 7:55 p.m.