



TANEY COUNTY PLANNING COMMISSION

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**MINUTES
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
WEDNESDAY, FEBRUARY 13, 2008, 7:00 P.M.
ASSOCIATE CIRCUIT COURT, DIVISION II COURTROOM
TANEY COUNTY COURTHOUSE**

Call to Order:

Chairman Sarah Klinefelter called the meeting to order at 7:00 p.m. A quorum was established with five members present. They were: Sarah Klinefelter, Shawn Pingleton, Jim Brawner, Joey Staples, and Mark Blackwell. Staff present: Eddie Coxie, Bonita Kissee, Dan Nosalek, Keith Crawford, and Bob Paulson.

Eddie Coxie read a statement explaining the meeting procedures.

Public Hearings:

Ginger, LLC: request by Anthony W. Collier to construct three additional buildings to the existing Dietary Supplement Manufacturing Facility in three phases located at 10203 Mo. East Hwy. 76. Mr. Coxie read the staff report and presented pictures and a video of the site. Kevin Hampton representing the applicant addressed questions from the Commission. He stated that the three buildings on completion will be attached. No one signed up to speak. Build out date will be five years. The company takes precautions to manage any dust emitted from the supplements. Traffic flow from the employees would be approximately 50 employees at completion. There will only be seven employees at first. Shipping will be done from this facility eventually. MoDot has been contacted and at this point no changes to the access is needed. If sometime in the future they wish to do another access MoDot has given tentative approval. This project will proceed to final vote next week.

Cross Creek Development: request by RBA Inv. LLC, and GGW Inv. LLC, to develop lots C5 and C7 as commercial located at St. Hwy. 76. Mr. Coxie read the staff report and presented pictures and a video of the site. No one signed up to speak. Duane Burton representing the developer addressed questions from the Commission. Mr. Pingleton asked what kind of spec building was planned. Mr. Burton reported that it will be a retail business. There were no other questions. This project will proceed to final vote next week.

Poverty Point Duplexes: request by Harry Hodges to construct a duplex condominium development for whole ownership located at Dale Ave and Winkle. Mr. Coxie read the staff report and presented pictures and a video of the site. Jeff Hodges representing his father presented a site plan and addressed questions from the Commission. Mr. Coxie reminded the Commission that they had previously given approval for a project for this site, but it didn't proceed. He explained how the duplexes would be sold and that there is no land would be sold with the building. Marilyn Beltz who lives in the neighborhood a mile from this request, discussed compatibility, density, drugs, smell from the sewer system and traffic. Mr. Hodges discussed the use of the property and stated that it could be hooked into the County Sewer System. He will not hold any interest in the property once the units are all sold. A homeowners association is planned. This project will proceed to final vote next week.

Vista Royal: postponed until next month.

Builder's Marketplace: request by Paul Krueger to construct a warehouse for a retail and wholesale business located at Jim Perry Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Phillip Story and Gala Groom both voiced their support of the project. Mr. Krueger clarified the request and addressed questions from the Commission. This project will be visible from St. Hwy. 65. Initially there will be four buildings constructed then later a bigger "anchor" store. The Commission suggested approval at this time for all five structures. This project will proceed to final vote next week.

Moments by Pat Photography: request by Pat Lambert to operate a photography studio from her home located in Sterling Estates, Building H unit B 189 Sterling Way. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. and Mrs. Lambert were present to address questions. Nikki Liedke developer and homeowner of the Sterling Estates Subdivision, submitted letters from neighbors opposing the request and read a prepared statement, with other exhibits. Mrs. Liedke reported that the Lamberts never moved in the home to live, only to use it as a business. Mrs. Liedke stated that she had visited the home at Sterling Estates, and that it was set up as a photography business. She reminded Mrs. Lambert that to use this home solely as a business would be against the covenants of the subdivision, and had not received approval from Planning and Zoning for this use. Mrs. Liedke presented pictures of the property with several cars parked there on the street and on the landscape. Also delivery trucks were seen coming and going from the property such as UPS, and FED EX according to Mrs. Liedke who continued giving evidence of the business being run from this single family dwelling. Other concerns from surrounding property owners were; traffic, compatibility, property values, parking, and private covenants. Mrs. Klinefelter asked if there were any other small business in the

subdivision. Mrs. Liedke stated that there was not then read the definition of small business in the private covenants. Mr. and Mrs. Lambert addressed the issues and stated that the Liedke's operate their construction business from their home. They reported that this is their primary residence. The deliveries which come to their home are personal not for their business. Most of the photography sessions they do are off site according to Mrs. Lambert, which do not constitute a large traffic flow from the home. She presented a commitment letter signed by the Liedkes permitting them to do a photography business in their home. Mrs. Lambert stated that she has rented a commercial studio to move the business to. Also she has one employee which comes in approximately once a week, and a person who does advertising for them who only comes there occasionally. Mr. and Mrs. Lambert stated that this has become a personal issue between them and the Liedke's. Mrs. Klinefelter informed the Lamberts that the County Planning Commission will decide if a special use permit will be granted for this business. Mr. Pingleton asked if a studio is being rented, why did they need this permit? Mrs. Lambert stated that it would be for her local customers. Mr. Coxie reported that the office received a call from the Liedke's with a complaint regarding this issue, and that is why this request has come before the Commission. This project will proceed to final vote next week.

Images at the Cross: Mr. Coxie stated that Mr. Brown was present with the additional information requested at the previous public hearing. Mrs. Klinefelter stated that the Commission had asked for a site plan and a more detailed request. Mr. Brown presented copies of non-profit status, IRS requirements approval, and structural stability of the planned cross from the engineering company. Mr. Brown pointed out the wing span of current aircrafts and weight of the engines proving that this cross does not cause any more issues than the many aircrafts would which are in the air everyday. He also discussed parking, and location of the monorail, museum, cross, and sidewalks. The service road will be located toward the back and side of the property. An overview of the museum was presented and discussed by Mr. Brown. Mrs. Klinefelter asked about the organization of the project. Mr. Brown stated that this project would be endowed and then elaborated on the Board of Directors. Mr. Blackwell asked how soon plans would be to build, with Mr. Brown stating that the money would need to be obtained before construction begins with construction to begin by the end of the year, and finished in 2009. Mrs. Klinefelter discussed the longevity of the project. Mr. Brown stated that his son who is a lawyer would continue to offer help and advice in the future. This project will proceed to final vote next week.

At this point Mrs. Klinefelter asked Mr. Paulson to discuss changes to the Height Amendment and how this would affect this project. Mr. Paulson presented his changes.

Old and New Business:

Tom Treat: Mr. Coxie stated that Mr. Treat wishes to allow the Taney County Health Department to expand their facility into his building and if the Commission wished to approve this use. Mr. Treat stated that plans are to place a temporary building for their use until the addition to the existing building can be prepared. There will be twelve employees, a lab, and a minimum of customers which would not pose a traffic flow issue. Mr. Pingleton who lives in that area and represents that township feels this is a perfect area for this use. The will of the Commission was that the temporary facility be allowed, then the new construction should be presented into the Division III permit process.

David and Dawn Fandel: Eddie Wolfe explained that the Fandel's wished to sell the existing structures on the previous approval be allowed to be sold as whole ownership condominiums and causing the current resort to cease. No more units would be added only the type of business would be changed. Discussion followed regarding holding the property owners accountable. Shawn Pingleton made a motion to accept this meeting as the concept, then allow this to be on the agenda for public hearing. Mark Blackwell seconded. The vote was unanimous to allow this request to proceed to public hearing next month.

Dave Hover: Mr. Coxie reported that this applicant wishes to include two existing structures into the previously approved condominium project, and stated that there isn't room to split this property and be able to meet setback requirements. John Hover brother of the applicant clarified the request. Mr. Paulson pointed out that the basement of this house is below floodplain. Mr. Coxie reported that this is grandfathered and if the use is changed should conform to current standards. Mrs. Klinefelter stated that this should proceed through the process. Mark Blackwell made a motion to allow this meeting to serve as the concept hearing and allow it to proceed to public hearing next month. Jim Brawner seconded. The vote was unanimous to proceed.

Discussion followed regarding directing staff to guide applicants through the process rather than allowing them to present a request under old and new business.

Emergency Use Waiver: Mr. Coxie reported on an issue last week regarding a person to be buried on their property before a permit could be obtained. Discussion regarding amending the Waiver to include cemeteries. Mr. Paulson stated that this request should still come before them for a Division III approval.

Mrs. Klinefelter thanked the County Commission for allowing a deputy to be present in the hearing room from now on at all the meetings.