



## TANEY COUNTY PLANNING COMMISSION

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**MINUTES  
TANEY COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
MONDAY, MARCH 10, 2008, 7:00 P.M.  
ASSOCIATE CIRCUIT COURT, DIVISION II COURTROOM  
TANEY COUNTY COURTHOUSE**

Call to Order:

Vice-Chair Shawn Pingleton called the meeting to order at 7:00 p.m. A quorum was established with five members present. They were: Shawn Pingleton, Jim Brawner, Joey Staples, Frank Preston, and Randall Cummings.

Eddie Coxie read a statement explaining the meeting procedures.

Public Hearings:

**Soup Shop:** a request by Stan Kolar to operate a small restaurant to be open for breakfast, lunch, and dinner located at 9383 East St. Hwy. 76 from an existing structure. Mr. Coxie read the staff report and presented pictures and a video of the site. No representative was present. This will be tabled until the applicant contacts the office.

**Dawn Hollow:** a request by Robert Cleveringa to develop a single family residential subdivision located off MM Hwy. to Yandell Cove Road then to an existing road to the property. Plans are to develop two parcels surveyed off the original 32 acre parcel. The applicant withdrew.

**Dixon Storage:** a request by Tri-Sons Construction to build additional storage units at the existing business located at St. Hwy. 76 at the intersection of Coon Creek Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Jack Houseman representing the developer explained the request and stated that 110 additional units within three buildings are proposed. There is 2.01 acres on the property. With no other questions this project will proceed to final vote next week.

**Walkington Villas:** a request by Tri-Sons Construction to construct 12 buildings to be platted as condominiums located at Walkington Road off St. Hwy. 76. Mr. Coxie read the staff report and presented pictures and a video of the site. Jack Houseman representing the applicant addressed the questions from the public. Jeannie Sullenger who lives next to the development and representing the other property owners voiced concerns regarding parking, traffic safety, access, entrances to the residential development, adequate water

supply, electrical rates, lower income housing, property values, and location to the residential development. Mr. Coxie addressed the concern of notification, and parking requirements. Plans are to feed the traffic onto the state highway. There are two other options to feed it through the subdivision but plans are not to do that because it is a residential area. Mr. Pingleton asked that the applicant provide building height numbers next week and provide approval from the Sewer District. This project is residential use only. The project will proceed to final vote next week.

Mountain Country Propane: a request by SNB, LLC and Bryant Landscaping Dev., LLC to operate a propane storage facility and office located at 985 East St. Hwy. 76. Mr. Coxie read the staff report and presented pictures and a video of the site. Mike Yeary representing the applicant addressed questions from the Commission. Plans are to use this site only. The tanks will be in the very back of the property 250' from the highway. With no other questions or discussion this project will proceed to final vote next week.

Briarwood Condominiums: a request by David Hover to include the existing building located on the property at 1685 and 1707 Lakeshore Dr. as a condominium. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Coxie stated that the reason for the request is because it doesn't comply with the setbacks and to make it work into the condo request. John Hover representing the project addressed questions. This property is out of the floodplain and not an issue. With no other questions or discussion this project will proceed to final vote next week.

Lakeshore Resort: a request by David and Dawn Fandel to develop 20 existing units as condominiums located off Lakeshore Drive. Mr. Coxie read the staff report and presented pictures and a video of the site. The Commission asked for clarification on the proposed use. Jack Houseman representing the applicant addressed questions. The plans will stay the same as was approved before except for this addition. Mr. Houseman stated that plans are for whole ownership, but possibly be rented out in the future. Concerns were voiced by the Commission regarding traffic. Mr. Houseman stated that this property is already a resort and no added traffic should be generated. Final vote will be taken next week.

Delmar Resort: a request by David and Dawn Fandel to sell the existing cabins on this property as whole ownership condominiums located off Lakeshore Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. Jack Houseman represented the applicant. This original approval will stay the same except for this request. The plans are for whole ownership, however could be rented out at a later date. Traffic was also a concern by the Commission. This project will receive final vote next week.



Anello Townhomes: a request by Peter V. Anello to construct 13 whole ownership townhomes at 641 Lakeshore Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. There is an existing single family dwelling on the property. The following property owners who spoke included all requests on Lakeshore Drive in their concerns. Jeff Smithers lives in the subdivision across the street spoke for some of the property owners in the subdivision with concerns regarding traffic safety, access, density, wastewater disposal, and adequate water supply. Jerry Jesche representing Kanakuk Kamp voiced their concerns regarding increased traffic, traffic safety, and density. Ahmed Salama who lives next door to this request was concerned with an easement to the Lake and stated that he also has an easement which he maintains for both. Tom Treat representing the applicant addressed the concerns and reported that is there is a written easement with Mr. Salama the applicant will honor it and if not would negotiate with him. He acknowledged the traffic concerns and addressed the traffic study. There has been communication with the County Sewer District, and has been told there is capacity for this project. Mr. Treat stated that where the access is proposed seemed to be the best place to put it. Three stories are planned at 35' tall 38' at the peak. Mr. Staples addressed the number of projects on Lakeshore Dr. and suggested that maybe smaller projects be planned. Mr. Preston reported a traffic study was done by Great River Engineering in 1995 and stated that it concurred with the traffic study mentioned. This study recommended a light and turning lanes from 76, but there is not room. Mr. Preston recommended a signal light maximizing safety issues but determining at whose cost whether it be County or the developers. If a new traffic light is installed at the intersection of 76 at the Taneycomo Bridge might make this intersection more congested. Mr. Jesche stated that sight distances, access distance, speed and width of the road should also be considered. Mr. Brawner discussed parking and availability. He also reported that when the camp has special events and more people coming in they hire people to direct traffic. With no other discussion this project will proceed to final vote next week.

JST Truck Terminal: a request by Mike Swearingin to operate a truck maintenance facility and parking lot for up to 10 dump trucks at 761 Ravenwood Way. Mr. Coxie read the staff report and presented pictures and a video of the site. This property is very close to the county line. No one signed up to speak. Mr. Swearingin addressed questions from the Commission. A letter from Mr. Youngblood a neighboring property owner was presented. Mr. Swearingin presented a site plan of the request. He reported that when he filled in on his property he allowed some rocks to roll over on Mr. Youngblood's property and stated he would remove them. Mr. Crawford reported in a conversation with Mr. Youngblood he stated concerns about erosion. This will be addressed in the Decision of Record. Mr. Preston discussed the topography of the property and



would he want to limit himself to 10 trucks because there is plenty of room on the site. Mr. Swearingin stated that he has another site in Ozark, but he needs a location in this area. He only keeps three trucks there and hopes there will be a need in the future for more. He would be open to be able to add more trucks to the site. With no other questions or concerns this project will proceed to final vote next week.

**Saltzgiver Nightly Rental:** a request by Gale J. and Cynthia A Saltzgiver to operate a nightly rental from an existing single family dwelling located at 422 Iowa Colony Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Richard Bryant and another neighbor who lives approximately 100 yards from this location doesn't feel that this use is compatible. Jan Jones representing the applicants presented pictures and site plan of the site. A brief explanation of the request was presented stating that contact had been made with the Sewer District. A meter will need to be installed for water usage as a commercial property. She stated that this is a very small house and would only rent to a small family or two couples at a time and would not generate a great amount of traffic. In her opinion this use would not affect the neighbors. Mr. Coxie stated that the fire district would required sprinkling, and would be required to pay hotel/motel tax. He also reported that parking would not be an issue. With no other questions or discussion this project will proceed to final vote next week.

**Vista Royal:** a request by JAS, LLC to develop a condominium project on 2.70 acres located at 2307 and 2291 North St. Hwy. 265. Mr. Coxie read the staff report and presented pictures and a video of the site. This location is between two businesses. There was no one present to represent this request. There were several people to speak to the request who wanted to be heard since they came to the meeting. Dan Boone who owns a lot and business in the vicinity and lives below this site does not feel this would be a good fit for the area. Steve Matlock who developed the subdivision next to this request was concerned with compatibility to the residential area and felt the plan was too dense and steep. Mike and Dalina McKinster reside to the east of this property and were concerned about access and traffic safety. They also were concerned about fill being needed for the site and would cause stormwater runoff onto the residential site. Jerry Hruska who developed the other subdivision below this request did not feel this request was compatible. Mr. Preston suggested that the applicant be able to hear the comments made this evening. This project will be tabled until the applicant contacts the Planning Office.

**Addition to the Taney County Health Department:** a request by the Health Department to construct an addition to the existing building located at the corner of Bee Creek Road and Rinehart Road. Mr. Coxie read the staff report and presented pictures and a video of the site. This request was heard at the last



meeting during old and new business and the Commission allowed that meeting to act as the Concept hearing. Tom Treat representing the Health Department addressed questions from the Commission. He stated that there will be a temporary building placed at the back of the property until the addition can be completed. Sewer is available for the site. With no other questions or comments this request will proceed to final vote next week.

#### Old and New Business:

Chapel Hills Estates: This project exceeded the 120 day deadline for recording the Decision of Record and asked for an extension without having to reapply. Nothing has changed from the original approval. This property could be annexed into Merriam Woods in the future if he cannot get County Sewer approval. The applicant prefers to hook to the County Sewer. Jim Brawner made a motion to allow the applicant until March 14, 2008 before 5:00 p.m. to record without rehearing. Randall Cummings seconded. The vote was unanimous.

Tri-State Utilities: Mr. Coxie explained the request. Mrs. Epps the owner of this company stated that they need to drill a new well and storage facility and has only 60 days to comply with the Public Water Supply regulations. There is a residence adjoining this property directly below this tract. The water storage facility will be a half million gallons at a minimum or one million gallons which would be 55' in diameter. A structure would also be built on the property. DNR has been contacted and no problems have been found. The Commission suggested hearing this in the Division III Process since it borders residential property and request the biggest size storage tank for approval. Randall Cummings made a motion to allow this meeting to be the Concept hearing, and allow it to proceed to public hearing next month. Joey Staples seconded. The vote to approve was unanimous. This project will proceed to public hearing April 14, 2008.

Pagett/Gardner Lot Split: Mr. Coxie reported that to approve a lot split minor subdivision rules must be followed requiring a survey, Larry Gardner is requesting a 3 lot subdivision. The property owner wished to subdivide two, 2 acre tracts of a 395 acre parcel leaving a third parcel. Mr. Paulson addressed the reasons why the regulations were written the way they were. Mr. Gardner presented a preliminary survey. Discussion followed with Mr. Coxie explaining why the Planning Commission must make this decision rather than staff. Mr. Gardner and Mr. Coxie reported that many of these kinds of problems were recorded as metes and bounds in the recorders office. A motion was made by Jim Brawner to approve the three lot subdivision and that the third lot to be shown as more than 20 acres. Joey Staples seconded. The vote to approve was unanimous.



During the discussion of the Gardner request, Jim Brawner made a motion to extend the meeting past 9:30 p.m. Randall Cummings seconded. The vote to extend the meeting was unanimous.

Twin Island Condominiums: This project exceeded the 120 day deadline by 44 days for recording the Decision of Record and asked for an extension without having to reapply. Nothing has changed from the original approval. Jim Brawner made a motion to allow the applicant until March 14, 2008 at 5:00 p.m. to come in and have the Decision of Record recorded. Randall Cummings seconded. The vote to approve was unanimous.

Eastland Hills Estates: This project exceeded to 120 day deadline by 1 year and 1 month for recording the Decision of Record and asked for an extension without having to reapply. The applicant stated that the reason for this was because he thought he had the property sold and waited for the buyer, but ended up not selling it. Nothing has changed with the original request. Mr. Coxie stated that normally after approval is given and recording done the applicant must request an extension after a year if nothing has been done on the property, making two basis for approval of the request. Frank Preston made a motion to grant the extension for one year. Discussion followed by Mr. Pingleton that the applicant must record the decision of record and be granted an extension at the same time. Mr. Preston amended his motion to reflect this statement. Seconded by Randall Cummings. The vote to approve was unanimous.

Mr. Pingleton, and Mr. Paulson discussed not allowing applicants to apply for extensions in the future.

Moments by Pat Photography: a request by Mrs. Lambert to have two items of the Planning Commission's decision of record amended to add more hours of operation, and outdoor photography. Mr. Pingleton who made the motion explained his intent and stated that at 5:00 should be over for the day and that a commercial operation outside the home should be considered. She stated that the college student that she uses would not be able to come to her home until after school. Mr. Pingleton stated that requirement only meant clients. The college student would be allowed to come by the home. Mr. Pingleton stated that the reason for not allowing outdoor photography was that condo owners do not own the land only the condo and should not allow business on the outside. Further discussion ensued clarifying the points of the decision of record for the applicant. Mr. Pingleton stated to Mrs. Lambert that the decision of record stands with Mr. Paulson clarifying.

Mr. Coxie reported that a request had been made to the office to place a restaurant in the Hunters Run building. This building originally housed a

restaurant. The Commission stated this request must come through the Division III Process.

Mr. Coxie also explained another piece of property sold in metes and bounds, never recorded or approved by the Planning Commission. The owner is in the process of getting her affairs in order and wants to know how to proceed. The Commission suggested more research be done and be presented at the next meeting. Mr. Paulson will do the research and report under old and new business next week.

Adjournment:

With no other business on the agenda for March 10, 2008 a motion was made by Randall Cummings to adjourn. Seconded by Jim Brawner. The vote to adjourn was unanimous. The meeting adjourned at 9:55 p.m.