



## TANEY COUNTY PLANNING COMMISSION

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**MINUTES**  
**TANEY COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**MONDAY, DECEMBER 10, 2007, 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 six members present. They were: Sarah Klinefelter, Ray Edwards, Mark Blackwell, Frank Preston, Craig Trotter, and Randall Cummings. Staff present: Eddie Coxie, Bonita Kisse, Keith Crawford, Dan Nosalek, and Bob Paulson.

Eddie Coxie read a statement explaining the meeting procedures.

Public Hearings:

Smoke Tree Hills: a request by Dakota Ventures, Inc. to develop a single family residential subdivision adjacent to Smoke Tree Hills Subdivision. Mr. Coxie read the staff report and presented pictures and a video of the site. Eddie Wolfe represented the developer Gary Verhage. Chad Coffelt a property owner asked if Powell Road would be moved, and if property owners would be required to hook into the wastewater treatment. Another property owner asked about how the subdivision and roads would lay. Mr. Wolfe addressed the questions and gave an overall summary of the project. He stated that the lots proposed are bigger than the original lots in the current Smoke Tree Hills subdivision. The wastewater plans are for a DNR approved treatment plant and 237 lots are planned ranging from 8500 sq. ft. to two acres. This project consists of approximately 182 acres. Plans are to hook onto Powell Road at its end. Mr. Wolfe reported that Powell Road was not constructed according to the original survey. It is a County maintained road and would need to be taken care of by the County. Mr. Paulson suggested that since the road has been in place for 27 years, vacations and quit claim deeds would need to be done with the property owners surrounding it if the County choose to do so. Mr. Verhage asked that the County Commission help the property owners who own property on the road resolve this. At the south end of the present development is where the treatment plant is located and will be expanded. No current property owner would be required to hook on. Lots can be sold to other home builders and not necessarily be constructed by Dakota Ventures. Only stick built homes will be allowed and affordably built. There is a cul de sac at the end of Powell Road and this will be taken out and road



extended to make a loop around the subdivision. Mr. Verhage and Mr. Wolfe answered further questions from the property owner after the public hearing. With no other questions or discussion, this project will proceed to final vote next week.

Deer Run – K8: a request by Chester D. and Ardyth E. Dixon to develop a multi-family housing development extension of Deer Run Apartments. Mr. Coxie read the staff report and presented pictures and a video of the site. Ben Deal a property owner south of the request, wanted to know where the site was located, if the water and sewer would be affected, traffic concerns, and if the old mobile home would be moved. Gary Vaught another property owner who lives off K Hwy. was concerned about traffic safety, claiming the existing apartments posed a site distance problem. In Mr. Vaughts opinion the current buildings are too close to the road. Kelly Walker who lives next to Mr. Deal was concerned with adequate water supply, wastewater treatment, trash, and traffic safety. Pam Metzker the closest neighbor wanted to know where the site was, and reported that she could also hear the motor from the wastewater plant run and smell it. Amy Dixon, the developers daughter explained the type of wastewater plant which is proposed and stated that neither it or the current well will be used. A new wastewater plant, and well will be installed for this new development. She stated that the current treatment plant is on a timer which comes on for 15 minutes at a time or 30 minutes to an hour. DNR inspects the plant regularly. There are certain times according to the weather affects the plant. Plans are for 12 bedrooms and White River Environmental has been contacted to engineer a new wastewater system. Some buildings are on the property, which have been constructed many years ago are not within the setback area because Planning and Zoning was not in place then. The developer also pointed out that K-dock is at the end of the road which creates most of the traffic. This project will proceed to final vote next week.

Murder Rock Cabana: a request by Tim Mahoney to develop a condominium subdivision located off Golf Club Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. Eddie Wolfe representing the developer reported that this will not be timeshare. There are two units per building and will be sold as fractional whole ownerships. Discussion followed regarding this. Mr. Wolfe reported that there is still a lot of property still to be developed at this site. With no other discussion, or public comment, this project will proceed to final vote next week.

Myer Land, LLC: a request by Myer Land, LLC to construct a sales and construction office for the development of Whisper Cove Subdivision. Mr. Coxie read the staff report and presented pictures and a video of the site. Chris Myer representing Myer Land, LLC reported that the old pool hall building across the street had been purchased and would not reopen. The previous approval given



for the other structure will be used as a construction office. With no public comment or discussion, this project will proceed to final vote next week.

Snadon Minor Subdivision: a request by Patsy Snadon to subdivide an existing 7.84 acres parcel into 2 lots located at Bee Creek Road. Mr. Coxie read the staff report and presented pictures and a video of the site, and gave a brief history of this request. Bruce Menke representing the applicant addressed questions from the Commission stating that the future of the remaining acreage has not been decided. No one else signed up to speak. This project will proceed to final vote next week.

Butler Office Building: a request by PSB Land Co., LLC to construct a single occupant office building for an architectural firm located at 1377 Bee Creek Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Brent Butler was present to address questions from the Commission which included access to the site which will be from Bee Creek Road. No one signed up to speak from the public. This project will proceed to final vote next week.

Missouri Sky Estates: a request by Murray M. Bonitt to develop a single family residential subdivision on 65 acres located off St. Hwy. 65 and 160 outer road. Mr. Coxie read the staff report and presented pictures and a video of the site, which is behind the previously approved Davidson Estates Subdivision. Mr. Edwards asked if there was only one road leading to the site and the representative stated that it was. The sewer district has been contacted regarding the current treatment plant and agreed it is sufficient to serve this project. With no other questions and no one signing up to speak this project will proceed to final vote next week.

#### Old and New Business:

Salvage Yard/Inoperable Vehicles: Mr. Pennel reported that the County Commission had approved the Salvage Yard/Inoperable Vehicle amendment to the Code. Mr. Coxie reported that at the last meeting a request was made of staff to present an addition to the definition to the Code addressing inoperable vehicle. There was a discrepancy in the newspaper stating that the amendment only applied to commercial sites. Mr. Coxie asked the Commission if it was their intention that staff would bring residential properties which have numerous cars on the property into compliance. Mr. Pennel addressed item #33 in the Code and stated that he doesn't agree with the residential portion of the item, and in his opinion is that the definition which the County Commission passed was for only junk and salvage yards. Mr. Coxie addressed the way the staff would handle a situation in the field. Discussion followed. Mrs. Klinefelter stated that the concern is with private residences and this should be addressed. Mr. Paulson stated that the language should be changed to address this. Mr. Pennel called attention to



the County Commission's nuisance ordinance and how it addresses junk cars on properties. Further discussion ensued regarding the Code needing to address something the staff can enforce. Mr. Pennel stated that only violations at commercial businesses should be enforced by the Planning Staff. If the violation exists on a residence it is the responsibility of the County Commission. Further discussion ensued. Mr. Preston stated that in his opinion the County Commission does not have the time to enforce nuisance issues and that the two ordinances should be brought into Planning and Zoning Codes so their staff can enforce it. Mr. Pennel stated that in his opinion someone or entity should be in charge of enforcement. After discussion, Mr. Coxie reported that staff will continue to enforce what is written in the Code.

Brian Wade, Cottages at Riverpoint: Mr. Coxie gave a brief history of this project and how it has arrived to this point in time. The sewer district cannot give approval for wastewater treatment until they know where the building in question will be, and the Planning Department cannot issue permits without the sewer approval. Mr. Wade stated that a Division III Permit was approved based upon a certain layout for the subdivision, then it was determined that the layout could not be complied with for the particular house, so it was taken to the Board of Adjustment. The layout has been changed to be free standing buildings instead of common walls but everything else remains the same. The issue is that the garage to one of the houses opens up into an angle of the road. Mr. Wade asked the Planning Commission to direct the staff to issue permits to construct the rest of the houses in the approved subdivision. The garage in question is within the setback area two feet. Mr. Edwards stated that when the Planning Commission approved the request it was his understanding that the property owner would move the garage. The developer offered to pay the property owner to move the garage because leaving it where it is would affect the remaining lots. The developer is simply asking to be issued the further building permits. Further discussion ensued. Mr. Edwards stated that in his opinion the Planning Commission should not render a decision until the two property owners can agree and they should not be involved in land disputes. This problem has been created because the property owner built something out of compliance. Mrs. Klinefelter stated that approval has been given for the project originally and wondered if it was their obligation to change it. Mr. Paulson gave examples of both scenarios for discussion. Mrs. Klinefelter asked for a motion. Randall Cummings made a motion to allow the developer to proceed with either of the proposals as viewed by staff as long as it doesn't lessen in the offer. Frank Preston seconded. Discussion followed. There were three no votes. The motion failed. Discussion followed. Mr. Paulson advised. Mrs. Klinefelter recalled the question. There were four ayes, and one no vote, no abstentions. Mr. Edwards stated that in the future the Planning Commission should look very closely at a project if there are property owners in dispute. The vote to approve was unanimous.



Branson Airport: request an extension on Division III Permit: Mr. Coxie reported that three extensions have been granted and staff does not have authority to extend the fourth time. He also reported how much work had been done on the property, and the Code says that in order to grant an extension 50% of infrastructure has to be done. Ray Edwards made a motion to extend. Randall Cummings seconded. The vote to approve was unanimous.

Eddie Wolfe discussed an issue regarding the Ironridge Subdivision and reported that all infrastructure and roads were in, but it was discovered that no decision of record was filed. Mr. Paulson stated that the decision was moot since the plat has been filed and that the decision should be filed. This will be taken care of by staff.

Hugh Barnes: roads in French Woods: Mr. Coxie reported that the roads have only been paved half way and the developer does not want to pave the rest. Mr. Preston stated that they meet current county standards. The Planning Commission advised to allow the developer to proceed.

Adjournment:

With no other business on the agenda for December 10, 2007 a motion was made by Randall Cummings to adjourn. Mrs. Klinefelter declared the meeting adjourned. The meeting adjourned at 9:25 p.m.