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OZARKS

Controversy at the county line: Table Rock Lake development incites litigation, concerns

On Battleship Rock, local real estate entrepreneurs want to bring luxury to Table Rock Lake. Residents of nearby neighborhoods are wary of traffic on narrow gravel roads that access the property.



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Battleship Rock is one of many cliffs on Table Rock Lake known for its natural beauty and as a place of recreation for lake visitors. But the property, which sits right across the Stone County line in Taney County, has been at the center of a local controversy the past two years, with nearby residents raising concerns as developers seek to make the cliff a place for vacation rentals.

In early 2022, Jeramie Worley of Branson-based Worley Real Estate Network partnered with realtor Brad Youngblood and broker Tracey Lightfoot to rezone the property from agricultural use to allow for nightly rentals. Worley, who has extensive experience with nightly rentals, proposed construction of 50 to 60 "super elite and super premium" homes. But there was a hitch — access to the 20-acre property was through Stone County neighborhoods.

During the Taney County rezoning meetings, dozens of letters were submitted in opposition to the proposal and several nearby residents voiced their concerns with the rezoning, even completing their own traffic study. Beyond general concerns about developing natural land and fears of vacationers infringing upon neighborhoods, the biggest worry for residents was about increased traffic on narrow — and what they considered private — roads.

Adding to the frustration was the fact that effective July 2022, Stone County prohibits short-term rentals as a conditional use within suburban residence districts. But the property's

position on the other side of the county line meant Stone County's rules held no sway.

The property ultimately was rezoned but the cliff remains untouched more than two years later, in large part because of a lawsuit regarding the road and access to the property.

What is the development planned to look like?

Since the rezoning, Worley said the concept has changed somewhat in terms of what the nightly rentals may look like. What was planned to feature 50-60 premium homes with several bedrooms, will now include some smaller, one- to three-bedroom cabins in addition to more estate-sized homes.

He said the goal was always to retain the natural assets of the property. Unlike some other developers, Worley said he takes care of the properties he owns and protects the land and what it has to offer.

"This land is one of the most photographed and utilized locations on Table Rock Lake, so our goal was to create something beautiful on that land and do something different than the other developers were doing by focusing on green initiatives, by focusing on saving trees, by focusing on creating an experience for that short-term rental guest that they couldn't get anywhere else," Worley said. "We wanted that to be a destination for them, and so that was our original goal in purchasing the development."

Before the rezoning, an online petition was created on Change.org calling to preserve and "save Battleship Rock," garnering more than 12,800 signatures. Worley said the petition was based on a misconception of the development plan, as "clearcutting" the land was never the intention.

While Worley highlighted other concessions that have been made as evidence of his intention to preserve the land, , such as not pursuing maximum density. But Blue Eye residents living in the nearby Grandview Acres and Lakeview Paradise Estates neighborhoods said the development would disturb the peace and pose safety concerns on roads that are already dangerous.

With all the challenges involved in the pursuit of the development, Worley said he got closer to God, prompting him to to revamp the concept and add in a chapel, while naming the development "Victory Springs."

"Because what we want to do is we want to help other people claim victory over whatever is going on in their lives," he said. "The plan for this project is to be a destination place for responsible people in need of retreat, and we want to be able to serve them however we can."

Concerns about streets

Access to the Battleship Rock development is via Tall Tree Drive, a narrow gravel street currently utilized only by those residing there.

Tom Shiflett, the president of the Grandview Acres subdivision at the time of the rezoning, has owned his lake house in the neighborhood since 1986. Now that he has retired, the house is a place for his grandchildren to come visit and enjoy the beauty and peace the lake offers. But if this development moves forward, he said he would have to "seriously question" his investment.

Other neighbors, many of them retirees, have also raised the possibility of moving if the plans proceed. Speakers at the rezoning hearing expressed concerns that large scale of the proposal would be detrimental to those who've invested in their properties for their peace and quiet.

"It's just a disaster waiting to happen, very little consideration has been given to the existing property owners," Shiflett said.

He said repurposing the small neighborhood streets to carry large volumes of traffic would make it both unsafe and unattractive for homeowners. While Worley argued during the rezoning that such premium builds would increase owners' property values, Shiflett sees the opposite.

Nightly rentals are not truly the problem, Shiflett said. Residents would support development, whether it was for traditional residential homes or vacation rentals, if access could be provided elsewhere, he said, arguing that the density of the proposal is simply too much for the streets to handle.

"You can't even pass somebody on our road. That's how narrow it is, just a little gravel road about 20 foot wide," said Stan Patterson, whose family has a history of owning some vacation rentals in the area themselves — though nothing to the extent of those proposed on the cliff.

While the property also abuts Levitt Lane on the Taney County side, during rezoning hearings Worley said that this is a gated private street. Any easement by necessity he said would be negated by the property having access via Tall Tree Drive.

The road was a point of contention at the Taney County rezoning meetings. But with the street falling in Stone County, Taney County Planning commissioners felt they did not have any authority to discuss or create any road requirements for the developers. Worley did suggest an improvement plan for the streets in the name of "being a good neighbor" to to ease some of the tension.

Shiflett though said this would be "impossible" without adversely affecting existing homes and infringing upon people's properties.

"Our roads as they exist now do not lend themselves to widening because of the drain more than anything else, it would encroach on our property if they tried to widen it," he said. "I mean, who wants to live next to that kind of busy road?"

Arundel Road, which feeds onto Tall Tree Drive, is steep and residents said already poses safety concerns with visibility and winter weather. According to county documents, the right-of-way for Tall Tree Drive is 50 feet wide.

Falling just on the other side of the county line, those residing in Stone County felt their comments were not given as much weight with the rezoning process being considered in Taney County.

A private public road?

Battleship Rock Development LLC, the entity under which Worley and his partners own the property, sued 16 homeowners and Stone County regarding access to Tall Tree Drive after a gate was erected, preventing developers from using the road to get to the cliff.

Through the lawsuit, Circuit Judge Alan Blankenship found that Tall Tree Drive is in fact a public road accessible to anyone, though it has never been and still is not maintained by Stone County, which is not required to do so. Through an order, the judge barred any of the defendants in the case to block access to the Battleship Rock property but also put some restrictions on the developers, such as limiting long-term parking of large vehicles and equipment and development activities to their own property and limiting short-term parking to certain parts of Tall Tree Drive.

"We would have liked it to have gone a different way," Worley said. "I have never sued anyone in my entire life ever and never thought I ever would, but I ended up having to use the legal system to defend my right to use a public road."

While the homeowners appealed the case, the appeal was dismissed following a settlement between the parties.

Reflecting on the process, Worley called it "the hardest thing [he's] ever gone through," with the lawsuit delaying lot sales and increasing interest rates.

"I don't blame anybody for preparing to protect their land, but it was very difficult for me to go through this process," he said. "I had gone into one of the deepest depressions I've ever gone into in my entire life because I was staring down the barrel of financial ruin."

Moving forward and facing fresh obstacles

Now, Worley said he and his partners are in the process of putting together their capital stack and raising money for the project, which they hope to have shovel-ready by the end of the year.

As a commercial property, the property may be assessed by the county as business personal property, bringing in additional tax revenue for the county.

But before any business can actually take place on Battleship Rock, it must be permitted and undergo several approval processes to build the homes and welcome guests. The Western Taney County Fire District is a part of this process.

Fire Chief and Taney County Emergency Manager Chris Berndt said the fire district, being independent of the county, is not involved in the rezoning process.

"It's very clear that access to that property at the very best is poor," he said in regard to Battleship Rock. "For the fire district, it's not our decision to build or not to build, we just need to have this access, so we can provide protection to those buildings."

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As the developers apply for building permits, emergency access will become a bigger topic. Being aware of the situation ahead of time, Berndt said that while the density of the homes themselves doesn't necessarily impact emergency response, the higher traffic the development would produce would exacerbate the difficult access the steep and underdeveloped road already provides.

"Our concern is simply, can we get fire trucks there in a timely fashion? And we are not convinced that it's possible there," he said.

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