



AGENDA
PLANNING COMMISSION

Regular Meeting
March 14, 2017

6:00 p.m.
City Hall
1000 City Parkway
Osage Beach, Missouri

REGULAR MEETING AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE January 10, 2017 MEETING
4. NEW BUSINESS
 - A) Villas at Grand Glaize 20th Amended Plat
 - B) Rezoning Case NO. 395 Steeple Keys
 - C) Rezoning Case NO. 396 Old School Investment, LLC
 - D) Rezoning Case NO. 397 Passover Properties, LLC
5. ADJOURN MEETING

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION FOR
THE CITY OF OSAGE BEACH, MISSOURI**

January 10, 2017

The Planning Commission of the City of Osage Beach, Missouri, met to conduct a regular meeting on January 10, 2017 at 6:00 p.m., at City Hall in said City. The following Commissioners were present: Mayor John Olivarri, Alderman Tom Walker, Roger Rand, Michelle Myler, Tony Kirn, Alan Blair, Nancy Viselli, and Jerry Fox. Judith Cloyd, Susan Ebling, Don Chisholm, and James Handel were absent. Also present were City Administrator Jeana Woods, City Attorney Ed Rucker, City Engineer Nick Edelman, City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings.

MINUTES:

On a motion made by Mayor John Olivarri and seconded by Nancy Viselli, the minutes of the November 8, 2016 meeting were unanimously approved as submitted.

NEW BUSSINESS:

Case #: 394

Applicant: Iowa Friends (Dog Days Restaurant and Lakefront Entertainment Facility)

Location: Approximately 1500 feet down Jefferies Road on the right hand side

Petition: Revision to the existing Entertainment Overlay E-3, to allow further facility development to include a pool and outdoor bar facility with new enclosed facility that will contain a kitchen, restrooms, and a gift shop

Existing Use: Dog Days Restaurant and Lakefront Entertainment Facility

Zoning: C-1 with an E-3 (Entertainment) Overlay

Tract Size: Approximately 3.42 acres

Surrounding Zoning:

North: C-1 Commercial

South: C-1 Commercial

East: C-1 Commercial

West: C-1 Commercial

Surrounding Land Use:

Mixed uses

Vacant commercial/ Resort

Lake of the Ozarks

Condominium Development

The Osage Beach Comprehensive Plan
Recommends this area is:

Heavy Traffic Commercial

Rezoning History	Case#	Date
Addition of E-3 Overlay	276	April 2004

Utilities: Water: Well	Electricity: Ameren
Sewer: City	Gas: Propane

Access: Property has approximately 385 feet of frontage on Jefferies Road

Analysis:

1. The applicant is the owner of the 3.75-acre parcel in question. The applicants are requesting an addition to their existing Entertainment Overlay that would allow them the opportunity for further facility development to include a pool and outdoor bar facility with a new enclosed structure that will contain a kitchen, restrooms, and a gift shop.
2. Currently Dog Days operates outdoor entertainment as regulated by the permitted uses as described in Rezoning Case 276 which include the restaurant, outdoor entertainment, and accessory uses that currently exist on the property and are illustrated on the approved site development plan.
3. Recognizing past incompatibility problems with similar uses and less intense (residential) uses, the City adopted Ordinance 96.21, which regulates all uses with outdoor entertainment overlay zoning requirements.

Department Comments:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The City's lake front facilities can probably be defined more accurately as lake front entertainment facilities as opposed to simply just restaurant/bar facilities. The character of this corridor has undergone a significant change over the past number of years; it is now a corridor that is experiencing a much more intense use base with the construction of the condominium developments where single family uses once were located. Also, the property that was formerly the location of Kalfran Lodge will further shape this corridor as it is vacant and maintains a C-1 (General Commercial) zoning designation. The subject property's location in a corridor that is predominately commercially zoned and has its lakefront on the main channel lends itself favorably to this type of use.

Currently, there are some pressing issues that are facing properties and facilities such as the one we are currently looking at. The main issue is being able to provide a safe accessible and quality environment from which to provide their particular services. As the Lake Of the Ozarks and these facilities become more family focused, most if not all, have had to do substantial improvements on their facilities from a building code perspective, to provide for the safety needs of the customer and employee as well as providing required and necessary improvements for accessibility for those who are protected by the American with Disabilities Act. These upgrades are completed even before necessary improvements are done in order to compete.

In this particular request, the applicant is asking to build a pool and outdoor bar facility along with a new structure that will house a new kitchen, restrooms, and a gift shops.

With this property's location in the commercial corridor away from any concentration of residential uses, and the fact that its lake front is on high traffic portion of the main channel, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The restaurant, outdoor entertainment, and accessory uses as approved by Rezoning Case 276, the ability to rent personal watercraft from subject property as approved by Rezoning Case 272, and the additional structure and uses as requested by this case and illustrated on the accompanying site development plan allowing further facility development to include a pool, outdoor bar facility with customary accessory structure, and a new enclosed structure that will contain a kitchen, restrooms, and a gift shop.

The subject property is governed by the regulations pertaining to E-3 Overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code and the approved Site Development Plan included in this case.

Parking: Parking will be provided from the existing land and water parking facilities for the Dog Days Restaurant and lakefront entertainment facility.

Signage: The applicant will be required to get a sign permit for any additional signage that will be needed.

Exterior Lighting: Any additional lighting proposed as part of this activity must be shielded to direct light inward and not increase light intensity within adjoining properties.

Landscaping: A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all the required changes.

Jerry Fox asked the Barretts if they would like to comment.

Brian Barrett came forward and told the Commissioners that the upgrades they are doing to Dog Days will be to the whole facility, the decks will be coming out where the pool is going. The seating and capacity for the property won't be changing. They will be moving the kitchen and bathrooms off the back side where the neighbors are which should confine what they are doing and make a better flow. The big change will be the lift and leveling the whole property.

Planner Patterson added that because the Dog Days facility is off the main channel it lends itself to this type of intensity and use. The main idea is to draw more customers including those who couldn't access the facility prior to the ADA changes being made.

Tony Kirn voiced concerns with the facility being able to meet the ADA regulations considering the current condition of the facility and the lack of continuous handrails and its multiple levels. He also had concerns with the location of the pool in regards to the parking lot and what kind of safety

guard they planned on putting in. Other than those concerns he commended the Barretts on what they were doing to the facility.

Brian Barrett said they plan to place a wall 6ft above the parking lot; the grade would be even to the restaurant. Instead of four levels they plan on having 2 levels. The bottom level will give access to the pool then a ramp or second lift will take customers to the restaurant. The front of the building will be the handicap parking and is where access to the lift will be. There will no longer be access from the existing parking lot.

Planner Patterson added that all the construction being done has to be done to ADA compliance standards, which is a big part of why they are doing this.

Jerry Fox asked if anyone from the audience had any comments or concerns.

Randy Mueller came forward with concerns over the parking and there not being enough for what they are trying to do. On special events and holiday weekends things get out of control, the people park in the yards, and last season four mailboxes were destroyed.

Planner Patterson reminded the Commissioners that according to the current parking requirements there are more than enough parking spots for the Dog Days facility. More parking could be made available by utilizing Lot 13 of Mile Point 19; however, that would only bring Dog Day customers closer to the Mueller's property. It would be the due diligence of the City and Police department to make big weekends and special events conducive for both parties.

Mark Barrett came forward and told the Commissioners that Dog Days only hosted five events that were more land driven and a majority of their parking comes from their docks. He asked Planner Patterson if Dog Days had the same parking standards as Wobbly Boots without the Docks, and Planner Patterson answered in the affirmative.

Jerry Fox stated that from what he has seen the main issue for traffic is at night on three or four holiday weekends or if there is a good band playing.

Mark Barrett said the idea behind the pool is to increase their daytime business.

Planner Patterson said he spoke with the Police Chief about the concerns and no parking signs could be placed which would also state vehicles towed at owner's expense.

Roger Rand spoke of the possibility of shuttling like they do at the Horny Toad.

Planner Patterson reminded him of capacity difference between Horny Toad and Dog Days and that with Dog Days size shuttling would put them over their maximum capacity, and overwhelm the staff.

Nancy Viselli spoke in favor of signage being placed. She resides at the end of Jefferies Road and feels a no turn around sign would help tremendously. She also spoke favorably of Dog Days being good neighbors.

Jerry Fox asked Attorney Ed Rucker if there was anything he would like to add.

Attorney Rucker stated the file was complete and was ready for a vote.

Tony Kirn made a motion to recommend to the Board of Aldermen to approve Rezoning Case 394 and Nancy Viselli seconded the motion. A roll call vote was taken, and unanimously passed.

REPORTS:

Jerry Fox asked if there were any reports from the staff.

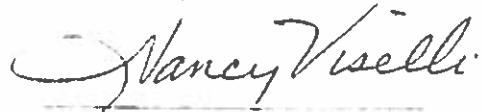
Planner Patterson was excited to announce that the consultants for the Parkway West Study had completed the public forums, and would be bringing their findings to the Board of Aldermen in the near future.

There being no further business to come before the Planning Commission, on a motion made by Tony Kirn, and seconded by Michelle Myler the meeting adjourned at 6:34 p.m.

I, Brook Cason, Department Secretary of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Planning Commission of the City of Osage Beach, Missouri, held on January 10, 2017.



Brook Cason, Department Secretary



Nancy Viselli, Secretary

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	March 14, 2017	Case Number:	395
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Applicant: Steeple Keys, LLC

Location: +/- 350 feet south of Hwy 54 exit ramp stoplight on the east side of
Passover Road

Petition: Rezoning from R-1b (Single Family) to C-1 (General Commercial)

Existing Use: Vacant

Existing Zoning: R-1b (Single Family)

Tract Size: +/- 1.131 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	N/A	54 Expressway ROW
<u>South:</u>	C-1 General Commercial	Vacant Commercial
<u>East:</u>	C-1 General Commercial	Vacant Commercial
<u>West:</u>	C-1 General Commercial	Marina Investments, LLC

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: Commercial

<u>Rezoning History</u>	<u>Date</u>
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None

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit Gas
<u>Electricity:</u>	Ameren UE	<u>Sewer:</u>	City

Access: Property derives access via Passover Road

Analysis:

1. The applicant is the owner of the 1.131 acre parcel in question. The parcel is currently zoned R-1b. It was zoned R-1b with the initial zoning of the community in the early 1980's.
2. The property is in close proximity to the Hwy 54 Expressway interchange for Passover Road. The area around the interchange has already begun its transition to an intensely commercial area. The property was previously the location of a home prior to the construction of the 54 Expressway.
3. Currently the subject property is a vacant piece of frontage property that is contiguous to a large commercial tract that is drawing interest for development. The subject property is necessary to derive access to the previously mentioned commercial tract.

Department Comments and Recommendations:

The subject property is the last tract that is contiguous to the Highway 54 ROW in this area that has yet to be rezoned. Obviously this tract is not an appropriate property on which to locate a single family residence. The intensely commercial nature to which the surrounding properties are developing dictates that the subject property should be appropriately zoned for the same type of developmental activity. **With this in mind the Planning Department would recommend approval of this request.**



Date Received: 2/20/2017
Case #: 396

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Steeple Keys, LLC Phone: (573) 873-3352
Address: PO Box 1254 City: Osage Beach State: Missouri Zip: 65065
List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners: (1) Julie Wilson, 124 Dorothy Lane, Camdenton, MO 65020; (2) Anne Baker, PO Box 1254, Osage Beach, MO 65065; (3) Drennan & Judith Cloyd, 1650 Nichols Rd., Osage Beach, MO 65065; and (4) Michael G. and Jan Baker, 1059 Gene's Point, Camdenton, MO 65020.

2. Name of landowner's representative, if different from above: Korb Maxwell Phone: (816) 360-4327
Address: 900 W. 48th Place, Suite 900 City: Kansas City State: Missouri Zip: 64112

3. All correspondence relative to this application should be directed to whom? Korb Maxwell
Address: 900 W. 48th Place, Suite 900 City: Kansas City State: Missouri Zip: 64112

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: Parcel No. 08-1.0-12.0-000.0-001.007.000 City: Osage Beach State: Missouri Zip: 65065

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No
Explain all uses: The subject property is proposed to be a part of a mixed-use development consisting of some or all of the following uses: retail, restaurant, residential, hotel and other similar uses.

6. Area of property in square feet or acres: Approx. 49,261 square feet, more or less (approx. 1.131+/- acres)

7. Current zoning classification: R-1b (Single Family Residential)

8. Sources of utilities: Water: _____ Gas: _____
Sewer: _____ Electric: _____

9. Proposed zoning classification: C-1 (General Commercial)

10. How long have you owned this property? Passover Properties, LLC ("Developer") is currently under contract to purchase the subject property from Steeple Keys, LLC.

11. Current use of property (describe all improvements): Raw, unimproved ground

12. Current use of all property adjacent to subject property:
North: R-1b
South: R-3 East: C-1 West: R-1b

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location: The surrounding area is predominantly zoned C-1 (General Commercial), which is the proposed zoning classification. There is just a small area immediately north and west of the subject property zoned R-1b, with R-3 immediately to the southeast. The area as a whole is primarily zoned C-1.

14. Do you own property abutting or in the vicinity of the subject property? ☐ Yes ☒ No

If yes, where is the property located and why was it not included with this application?

N/A

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☒ No Not to applicant's knowledge

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? ☐ Yes ☒ No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning. The property is being rezoned as part of a comprehensive plan for redevelopment of the subject property and surrounding parcels. The Applicant will work with the City to ensure adequate utilities/infra.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any? The rezoning will have a positive impact on the adjacent properties by facilitating redevelopment into a higher and better use.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission): The rezoning should be granted to facilitate redevelopment of the subject property and surrounding parcels into a higher and better use.

Notary Information

State of Missouri)

County of Camden)

ss

I, Steele Hays, LLC, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Chris Baker, Member
Signature Owner/Applicant:

Date:

2/17/17

Subscribed and sworn to before me on this

17th

day of

February

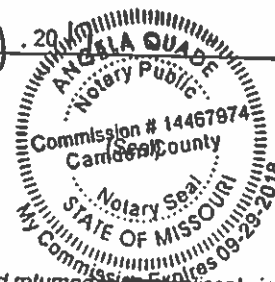
2017

Notary Public:

Angela Wade
9-29-18

My Commission Expires:

Person Accepting this Application:



**Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail **

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

LEGAL DESCRIPTION

ALL THAT PART OF TRACT 29, TUTTLES ACREAGES, A SUBDIVISION IN THE CITY OF OSAGE BEACH, CAMDEN COUNTY MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 29, WHICH IS ALSO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 16 WEST; THENCE COINCIDENT WITH THE SOUTH LINE OF SAID TRACT 29, NORTH 89°22'30" WEST, 86.87 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF PASSEOVER ROAD, AS IT NOW EXISTS; THENCE COINCIDENT WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE, ALONG THE FOLLOWING COURSES: THENCE NORTH 16°47'27" WEST, 7.00 FEET; THENCE NORTH 44°55'28" WEST, 52.01 FEET; THENCE NORTHWESTERLY, ALONG A NON TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 381 FEET, A CHORD BEARING OF NORTH 42°06'35" WEST AND A CHORD LENGTH OF 82.27 FEET, FOR A DISTANCE OF 82.43 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. ROUTE 54, AS IT NOW EXISTS; THENCE COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 23°20'35" EAST, 315.13 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 89°13'04" EAST, 62.18 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 29; THENCE COINCIDENT WITH SAID EAST LINE, SOUTH 00°54'40" WEST, 394.04 FEET TO THE POINT OF BEGINNING, CONTAINING 49,261 SQUARE FEET, OR 1.131 ACRES, MORE OR LESS.



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

February 15, 2017

Korb W. Maxwell
(816) 360-4327
kmaxwell@polsinelli.com

City of Osage Beach
Attn: Cary Patterson
1000 City Parkway
Osage Beach, MO 65065
Phone: 573-317-3820
Fax: 573-317-3964

Re: Rezoning of Parcel No. 081.012.0000.0001007.000

Dear Mr. Patterson:

As you know, we represent Passover Properties, LLC (the "Developer") in connection with its proposed redevelopment of certain real property generally located at the southeast corner of Highway 54 and Passover Road in Osage Beach ("City"), Camden County, Missouri (the "Development Property"). The Development Property consists of four (4) separate parcels, including Parcel No. 081.012.0000.0001007.000 (the "Subject Property"), which is the subject of this letter.

The Developer is currently under contract to purchase the Subject Property from its owner of record, Steeple Keys, LLC (the "Applicant"), with a closing set for Spring 2017. Upon acquisition, the Developer intends to redevelop the Development Property, including the Subject Property, into a mixed-use development consisting of some or all of the following uses (without limitation): retail and restaurant and/or similar uses, hotel uses, residential uses and other similar commercial and/or residential uses.

In light of this, and the Developer's proposed redevelopment of the Subject Property to include various commercial uses, the Developer and the Applicant are requesting a change of zone for the Subject Property from R-1b to C-1 (General Commercial).

Upon completion, the Development Property will serve to promote and stimulate the general and economic welfare of the City, as well as the quality of life therein, and a project of this caliber will undoubtedly create a significant number of jobs and economic impact for the City.

polsinelli.com

Atlanta	Boston	Chicago	Dallas	Denver	Houston	Kansas City	Los Angeles	Nashville	New York	Phoenix
St. Louis	San Francisco		Washington, D.C.	Wilmington						

Polsinelli PC, Polsinelli LLP in California

56371945 1



February 15, 2017
Page 2

In accordance with the City's application instructions for rezoning/special use permit procedures (and specifically instruction #5 thereof), this letter serves as the Applicant's letter describing the request and any past and present issues related thereto.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Korb Maxwell", written over a horizontal line.

Korb Maxwell

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	March 14, 2017	Case Number:	396
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Applicant: Old School Investment, LLC

Location: 4427 Osage Beach Parkway (former OB Elementary Facility)

Petition: Rezoning from R-1b (Single Family) to C-1 (General Commercial)

Existing Use: Vacant school facility

Existing Zoning: R-1b (Single Family)

Tract Size: 4.58 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	R-1b and C-1	Church facility, commercial
<u>South:</u>	R-1b and C-1	Vacant Park/ Commercial
<u>East:</u>	C-1 General Commercial	OB Pkwy Commercial
<u>West:</u>	C-1 General Commercial	OB Pkwy Commercial

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: Commercial

<u>Rezoning History</u>	<u>Date</u>
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None

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit Gas
<u>Electricity:</u>	Ameren UE	<u>Sewer:</u>	City

Access: Property derives access via Osage Beach Parkway

Analysis:

1. The applicant will be the owner of the 4.58 acre parcel in question by the March Planning Commission Meeting. The parcel is currently zoned R 1b as is common for properties on which a public school is located. The school is no longer located on the subject property which has a new owner who intends to use the property in a way more conducive to a property located on a commercial corridor. This, of course, is what necessitated the change in zoning designation.
2. The property is located on Osage Beach Parkway, which is currently the community's primary commercial corridor. The surrounding uses are predominately retail and commercial entertainment in nature.

Department Comments and Recommendations:

The subject property is the last tract that fronts Osage Beach Parkway. Obviously this tract is not an appropriate property on which to locate a single family residence or residences. The intensely commercial nature to which the surrounding properties are developed dictates that the subject property should be appropriately zoned for the same type of developmental activity. **With this in mind the Planning Department would recommend approval of this request.**



Date Received: 2-17-17
Case #: 376

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Old School Investment, LLC Phone: 573-348-3157

Address: 3750 Osage Beach Pkway Ste 100 City: Osage Beach State: MO Zip: 65065

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Manager, Rhonda Bohm 3750 Osage Beach Parkway, Suite 100, Osage Beach, MO 65065

573-348-3157

2. Name of landowner's representative, if different from above: Phone:

Address: City: State: Zip:

3. All correspondence relative to this application should be directed to whom?

Address: 3750 Osage Beach Pkway, Ste 100 City: Osage Beach State: MO Zip: 65065

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):

Address: 4427 Osage Beach Parkway City: Osage Beach State: MO Zip: 65065

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No

Explain all uses: Office space for law office and title company

6. Area of property in square feet or acres: 4.58 acres

7. Current zoning classification: R-1b

8. Sources of utilities: Water: City of Osage Beach Gas:
Sewer: City of Osage Beach Electric: Ameren UE

9. Proposed zoning classification: C-1

10. How long have you owned this property? Purchasing now

11. Current use of property (describe all improvements): vacant building, former Elementary School

12. Current use of all property adjacent to subject property: North: Church, surveying company
South: State land vacant East: Vacant ground, boat storage West: Family entertainment, shopping center

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

A C-1 corridor lies on either side of the property. Such is used for a variety of purposes, including but not limited to retain and family entertainment.

14. Do you own property abutting or in the vicinity of the subject property? ☐ Yes ☒ No

If yes, where is the property located and why was it not included with this application?

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☒ No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? ☐ Yes ☒ No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning.

In my opinion, rezoning will not effect any public facilities adversely

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any?

In my opinion, rezoning will not effect adjacent properties adversely.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission):

The property is part of a C-1 corridor. See attached letter.

Notary Information

State of Missouri)

ss

County of Camden)

Rhonda Bohrn, manager Old School Investment, LLC

owner/applicant having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Rhonda Bohrn

2/17/2017

Signature Owner/Applicant:

Date:

Subscribed and sworn to before me on this

17th

day of

February, 20 17

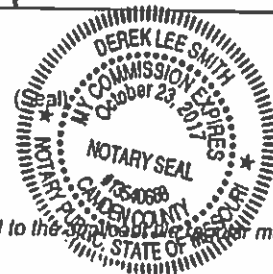
Notary Public:

October 23, 2017

My Commission Expires:

Person Accepting this Application:

Applications not properly signed and notarized may be removed from the Agenda and returned to the City of Osage Beach by mail



CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone - 573-302-0528 FAX

CURRAN & ASSOCIATES

ATTORNEYS AT LAW

3750 Osage Beach Parkway, Suite 100
P.O. Box 600
Osage Beach, Missouri 65065-0600

*John E. Curran
Terry R. Hyten*

*Judy L. Curran
Of Counsel*

*Derek L. Smith
Telephone: (573) 348-3157
Facsimile: (573) 348-3093
dsmith@jecurranpc.com*

2017-February-17

City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: Rezoning Property in Osage Beach

TO WHOM IT MAY CONCERN:

On behalf of my client, Old School Investment, LLC, attached please find:

1. Application for Rezoning;
2. Site plan showing existing buildings, tract size, streets, and other property characteristics; and
3. GIS Map showing adjoining and abutting tracts and owners.

I am sending this letter on behalf of Old School Investment, LLC, a Missouri limited liability company ("Old School").

Old School desires to apply to rezone the real property located at 4427 Osage Beach Parkway, Osage Beach, MO 65065 from a designation of R-1B to C-1.

The real property is more particularly described as follows:

All of Tract A of ZEBRA SCHOOL SUBDIVISION, a subdivision in Camden County, Missouri, according to the plat thereof on file at Plat Book 1463, page 18, Camden County Recorder's Office.

Old School is currently in the process of purchasing the above described property and will be owner at the time of the March 2017 planning commission meeting.

At the time of this application, Old School has not yet closed on the property; however, as soon as such transaction is completed, I shall forward you a copy of the deed conveying title to Old School.

Old School desires to renovate the existing structure on the property for use as a law office and title company as well as other tenantable commercial space.

Old School believes a zoning designation of C-1 is appropriate for the above described real property as the property lies on a commercial corridor along the Osage Beach Parkway. While the property formerly held an elementary school, the property is not suitable for other residential purposes and is best utilized for commercial purposes along the commercial corridor on which it sits.

The property has until now been owned by the local school district for approximately the past 80 years. To my knowledge, no party has attempted to rezone the property before now.

As requested, a list of the adjoining property owners follows. Such list is to be used in conjunction with the attached GIS Map (the corresponding number shows the location of the adjoining property).

Starting west of the property and moving counter-clockwise:

MAP No.

Property Owner

1.

Atra Data, Inc., a Missouri corporation.

a. Use: Family Entertainment complex, arcade.

b. Mailing Address: 2140 Bagnell Dam Blvd,
Suite 301, Lake Ozark, MO 65049.

<u>MAP No.</u>	<u>Property Owner</u>
2.	<u>CPG Partners, L.P., a Delaware limited partnership.</u> a. Use: Outlet Mall. b. Mailing Address: PO Box 6120 Indianapolis, IN 46206.
3.	<u>State of Missouri.</u> a. Use: Vacant ground/forest. b. Mailing Address: PO Box 176; 1101 Riverside Drive, Jefferson City, MO 65102.
4.	<u>Eldon H. Becker, Jr., Trustee and Nancy J. Becker, Trustee of the Eldon H. Becker, Jr. and Nancy J. Becker Living Trust Dated October 13, 2004, and Eldon H. Becker, Sr., Trustee of the Eldon H. Becker, Sr. Revocable Living Trust dated May 10, 2001, and Timothy L. Duncan, a single person.</u> a. Use: Vacant Ground next to boat retailer. b. Mailing Address: 5889 Glaize Woods Court, Osage Beach, MO 65065.
5.	<u>Kirkwood Partners, LLC, a Missouri limited liability company.</u> a. Use: Advertising space for commercial resort property. b. Mailing Address: PO Box 37, Osage Beach, MO 65065.
6.	<u>Nicklyn B. Foster and Daryl L. Foster, Trustees of the Daryl L. Foster Revocable Trust dated June 19, 2003.</u> a. Use: Commercial space. b. Mailing Address: PO Box 8, Osage Beach, MO 65065.

MAP No.

Property Owner

7. Dale S. Miller and Janice M. Miller, Trustees, or any acting successor, under the Dale S. Miller and Janice M. Miller Living Trust dated April 11, 2007, and any amendments thereto.
a. Use: Land surveying and engineering company parking.
b. Mailing Address: PO Box 434, Lake Ozark, MO 65049.
8. Rockne C. Miller, Trustee of the Rockne C. Miller Living Trust Dated November 13, 2002 and Della F. Miller, Trustee of the Della Miller Living Trust Dated November 13, 2002.
a. Use: Land surveying and engineering company.
b. Mailing Address: PO Box 1633, Lake Ozark, MO 65049.
9. The Southern Missouri District Council of the Assemblies of God, Inc., a Missouri not-for-profit corporation.
a. Use: Church.
b. Mailing Address: 528 W Battlefield Rd, Springfield, MO 65807.

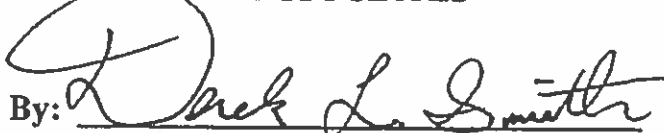
If there is any additional information you require, please contact me at the address given above.

Thank you for your consideration in this request for rezoning.

Very truly yours,

CURRAN & ASSOCIATES

By:

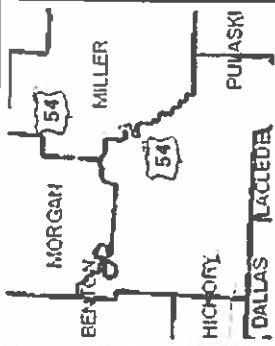
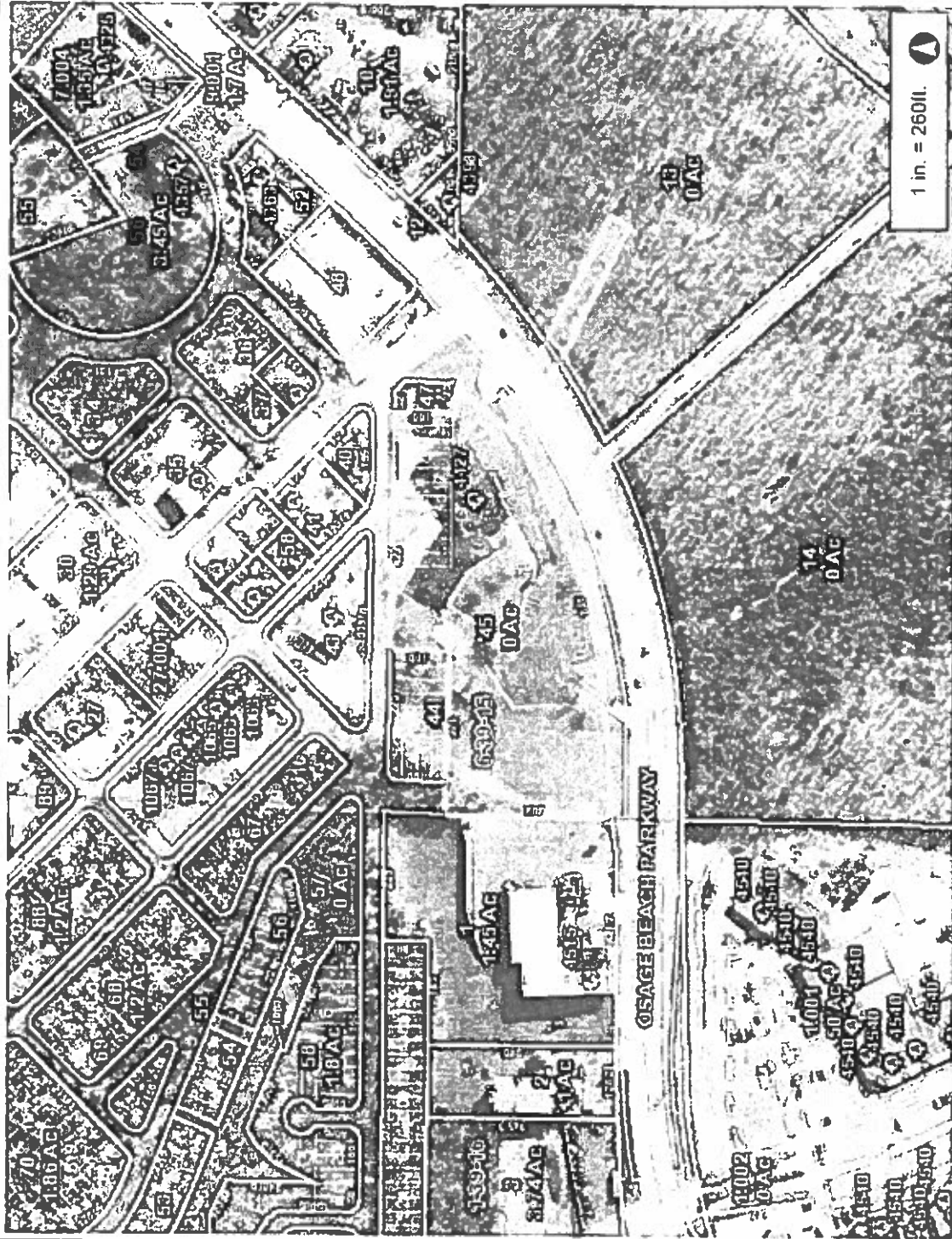


Derek L. Smith

—



Camden County, MO



Legend

- Highway
 - Interstate Highway
 - US Highway
 - Numbered State Highway
 - Lettered State Highway
- Road
 - Address Point
 - Condo Point
 - Parcel
 - Corporate Limit Line
 - Land Hook
 - DASHED LAND HOOK
 - SOLID LAND HOOK
- Original Lot
- Section
- County Boundary

Notes

This map is a user generated state output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	March 14, 2017	Case Number:	397
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Applicant: Passover Properties, LLC

Location: see enclosed location map

Petition: Rezoning from A-1 (Agriculture) to C-1 (General Commercial)

Existing Use: Vacant unincorporated property

Existing Zoning: Not currently zoned

Tract Size: 28.662 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	N/A	54 Expressway ROW
<u>South:</u>	A-1 (Agriculture)	City Park
<u>East:</u>	N/A	Vacant unincorporated
<u>West:</u>	C-1 General Commercial	Vacant Commercial

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** N/A

<u>Rezoning History</u>	<u>Date</u>
--------------------------------	--------------------

None

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit Gas
<u>Electricity:</u>	Ameren UE	<u>Sewer:</u>	City

Access: None currently

Analysis:

1. The applicant is the owner of the 28.662 acre parcel in question. The parcel is currently unincorporated meaning that it currently does not maintain a zoning district. The applicant has submitted an application to the City to consider annexation of the subject property. If the property is approved for annexation, it will, at that time, be given the City's most restrictive zone which is A-1 (Agriculture). This is done in accordance to State Statutes. If the Board approves the request for annexation, it can then act on the Planning Commission's recommendation and proceed with the review and decision on the request to rezone the property from A-1 to C-1.
2. As you have undoubtedly realized, two of the properties that are being reviewed currently are related, in that, they are both part of a larger developmental tract that has gained interest for future commercial development. The subject property will be accessed via a road that will be constructed in the future by the previously mentioned developer.

Department Comments and Recommendations:

The subject property has frontage on the 54 Expressway ROW. It is a tract of land that was opened to developmental consideration with the construction of the 54 Expressway. Currently there is no surrounding development other than the City Park, but because of its location, it is subject to intense noise pollution from the expressway but benefits from very good visibility, making it a desirable location for commercial development. **Because of the conditions the subject property maintains, the Planning Department would recommend approval of this request once the subject property has been approved for annexation by the Board of Aldermen.**



Date Received: 2/21/2017
Case #: 397

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Passover Properties, LLC Phone: (316) 634-2600

Address: 8110 E. 32nd St. N., Suite 150 City: Wichita State: Kansas Zip: 67226

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Christian Ablah, Manager (same contact information as above)

2. Name of landowner's representative, if different from above: Korb Maxwell Phone: (816) 360-4327

Address: 900 W. 48th Place, Suite 900 City: Kansas City State: Missouri Zip: 64112

3. All correspondence relative to this application should be directed to whom? Korb Maxwell

Address: 900 W. 48th Place, Suite 900 City: Kansas City State: Missouri Zip: 64112

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):

Address: Parcel No. 09-3.0-06.3-000.0-001-015.000 City: Osage Beach* State: Missouri Zip: 65065

*NOTE: The subject property is not currently within the City limits; an annexation petition was filed concurrently with this application.

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No

Explain all uses: The subject property is proposed to be part of a mixed-use development consisting of some or all of the following uses: retail, restaurant, residential, hotel and other similar uses.

6. Area of property in square feet or acres: Approx. 1,248,514 square feet (approx. 28.662+/- acres)

7. Current zoning classification: Upon annexation, the statutory holding zoning will be A-1 (Agricultural)

8. Sources of utilities: Water: _____ Gas: _____
Sewer: _____ Electric: _____

9. Proposed zoning classification: C-1 (General Commercial)

10. How long have you owned this property? October 2016

11. Current use of property (describe all improvements): Raw ground / outside City limits (annexation petition pending)

12. Current use of all property adjacent to subject property: North: R-1B
South: Outside City limits East: Outside City limits West: C-1

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

Immediately adjacent C-1 zoning designation.

14. Do you own property abutting or in the vicinity of the subject property? ☒ Yes ☐ No

If yes, where is the property located and why was it not included with this application? The Applicant owns the adjacent property to the southwest, which is already zoned C-1 consistent with the Applicant's anticipated mixed-use development

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☒ No (not to Applicant's knowledge)

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? ☐ Yes ☒ No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning. The property is being rezoned as part of a comprehensive plan for redevelopment

of the subject property and surrounding parcels. The Applicant will work with the City to ensure adequate utilities/infra.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any? The rezoning will have a positive impact on the adjacent properties by facilitating redevelopment

into a higher and better use.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission): The rezoning should be granted to facilitate redevelopment

of the subject property and surrounding parcels into a higher and better use.

Notary Information

State of Missouri KANSAS

SS

County of Garden SEDGWICK

I, Christian Ablah, Manager of Passover Properties, LLC, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Signature Owner/Applicant:

Date:

Subscribed and sworn to before me on this 8th day of February, 2017.

Notary Public:

6-29-2018

My Commission Expires:



Person Accepting this Application:

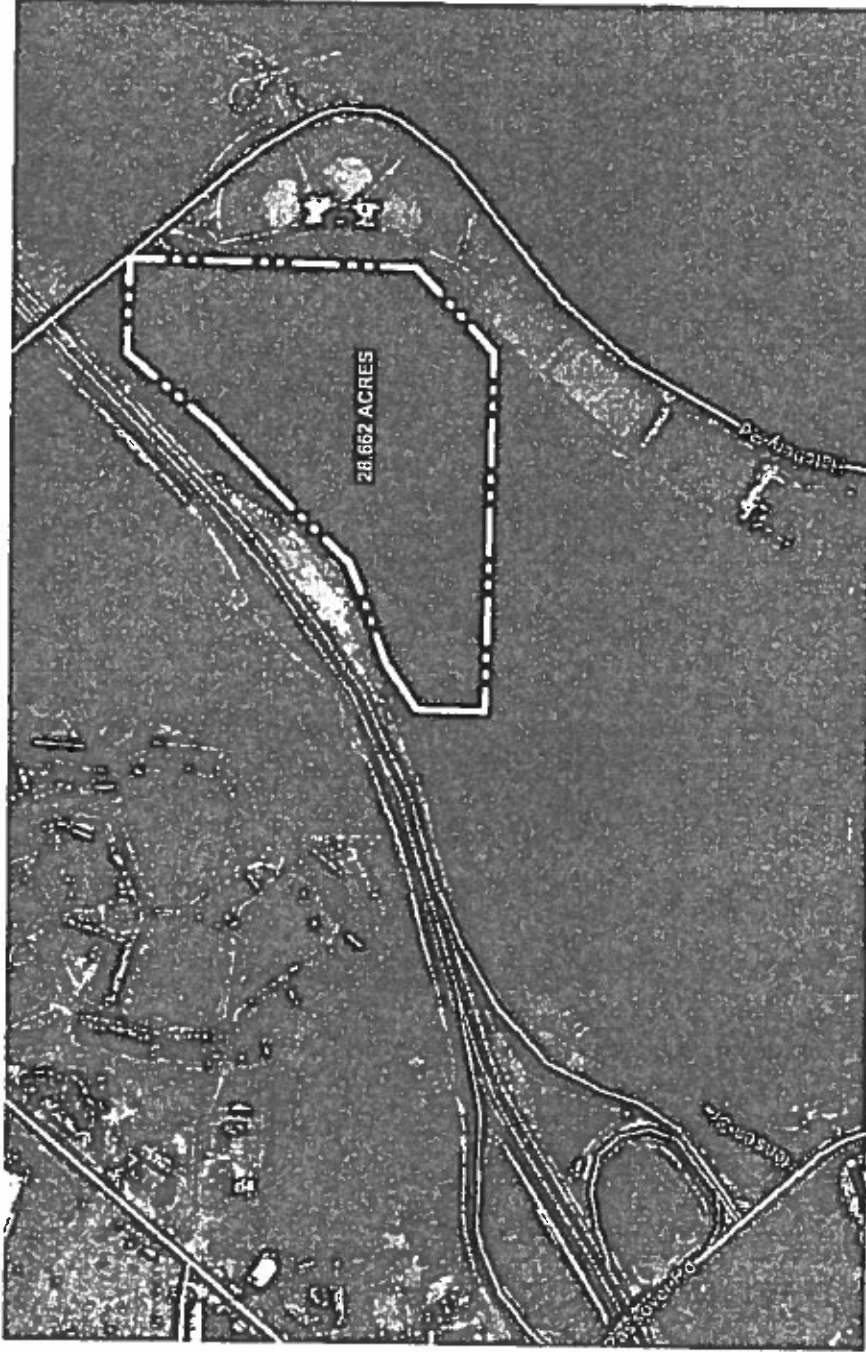
****Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail ****

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

LEGAL DESCRIPTION

All that part of the south half of Lot 2 of the Southwest Quarter of Section 6, Township 39 North, Range 15 West in Camden County, Missouri, more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 6, said point being on the east line of the Northeast Quarter of the Northeast Quarter of Section 12, Township 39 North, Range 16 West; thence coincident with the west line of the Southwest Quarter of said Section 6, North 01°04'49" East, 247.03 feet to a line 30 feet southeasterly of and parallel with the southerly right-of-way line of U.S. Route 54, as it now exists; thence departing said west line, coincident with said line 30 feet southeasterly of and parallel with the southerly right-of-way line of U.S. Route 54, as it now exists, along the following courses: thence North 55°34'33" East, 187.72 feet; thence North 69°00'30" East, 384.33 feet; thence North 43°09'17" East, 402.17 feet; thence North 45°15'26" East, 282.79 feet; thence North 39°00'16" East, 410.76 feet; thence departing said parallel line and coincident with the north line of the south half of Lot 2 of the Southwest Quarter of said Section 6, South 88°53'03" East, 337.02 feet to the northeast corner of the south half of said Lot 2; thence coincident with the east line of the south half of said Lot 2, South 01°10'03" West, 1,034.65 feet; thence departing said east line, South 46°23'50" West, 415.63 feet to a point on the south line of the Southwest Quarter of said Section 6; thence coincident with said south line, North 88°51'41" West, 1,267.94 feet to the Point of Beginning, containing 1,248,514 square feet, or 28.662 acres, more or less.



02.01.2017



HWY 54 & PASSOVER - Osage Beach, MO



OVERLAND PARK, KS 913-742-9000

EXISTING



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

February 9, 2017

Korb W. Maxwell
(816) 360-4327
kmaxwell@polsinelli.com

City of Osage Beach
Attn: Cary Patterson
1000 City Parkway
Osage Beach, MO 65065
Phone: 573-317-3820
Fax: 573-317-3964

Re: Rezoning of Parcel No. 093.006.3000.0001015.000 to C-1 (General Commercial)

Dear Mr. Patterson:

As you know, we represent Passover Properties, LLC (the "Applicant") in connection with its proposed redevelopment of certain real property generally located at the southeast corner of Highway 54 and Passover Road in Osage Beach ("City"), Camden County, Missouri (the "Development Property"). The Development Property consists of four (4) separate parcels, including Parcel No. 093.006.3000.0001015.000 (the "Subject Property"), which is the subject of this letter.

This letter accompanies the Applicant's request to have the Subject Property rezoned to C-1 (General Commercial), for the purpose of facilitating the Applicant's proposed redevelopment of the Development Property into a mixed-use development consisting of some or all of the following uses, without limitation: retail, restaurant, hotel, residential and other commercial and residential uses.

The Subject Property is currently located outside of the City limits and, concurrent with this rezoning application, the Applicant has submitted a petition for annexation. It is our understanding that, upon annexation, the Subject Property will receive a statutory holding zoning of A-1 (Agricultural). In light of this, and the Applicant's proposed redevelopment of the Subject Property to include commercial uses, the Applicant is requesting the change of zone for the Subject Property to C-1 (General Commercial).

Upon completion, the Development Property will serve to promote and stimulate the general and economic welfare of the City, as well as the quality of life therein, and a project of

polsinelli.com

Atlanta	Boston	Chicago	Dallas	Denver	Houston	Kansas City	Los Angeles	Nashville	New York	Phoenix
St. Louis	San Francisco	Washington, D.C.	Wilmington							

Polsinelli PC, Polsinelli LLP in California

55811587 1



February 9, 2017
Page 2

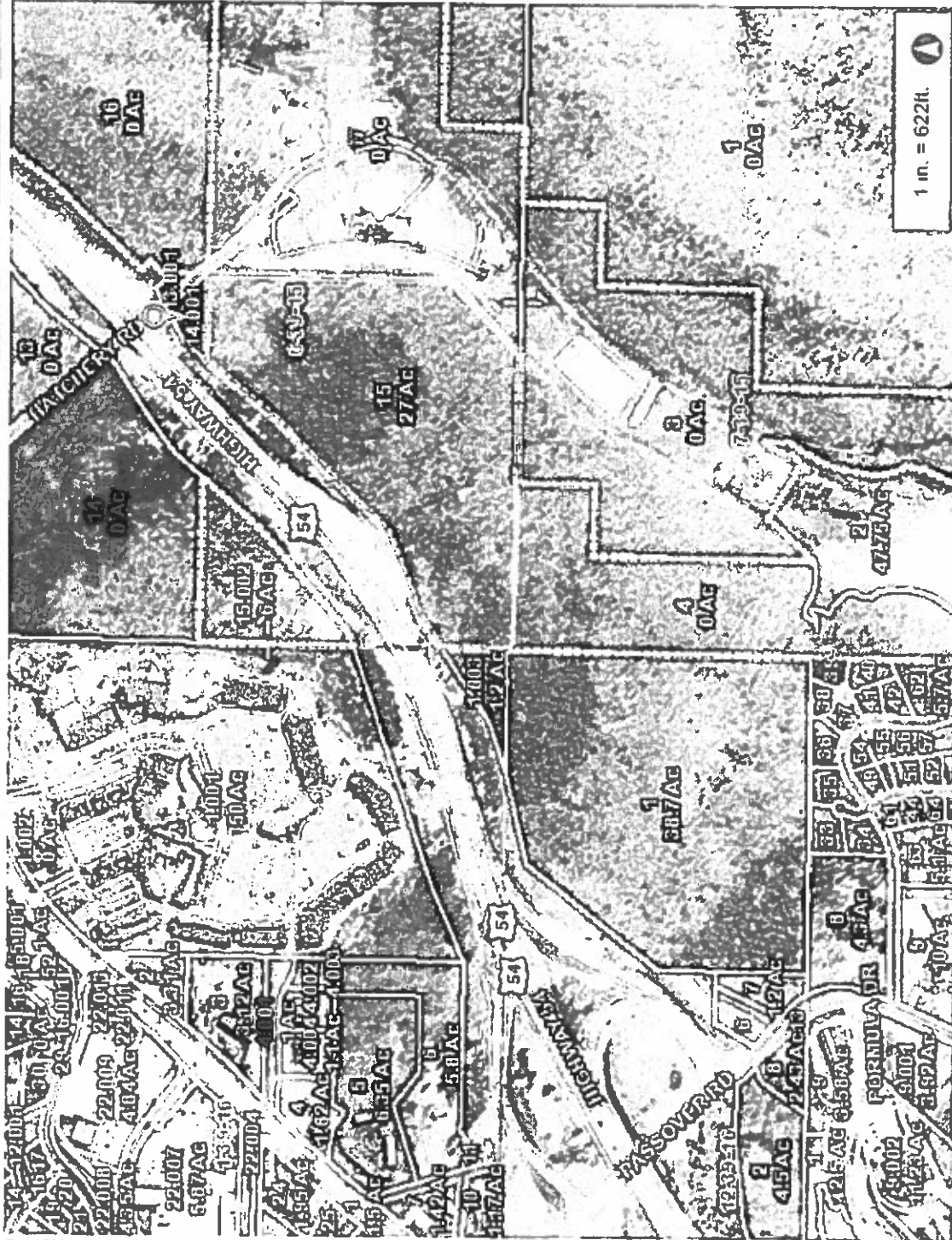
In accordance with the City's application instructions for rezoning/special use permit procedures (and specifically instruction #5 thereof), this letter serves as the Applicant's letter describing the request and any past and present issues related thereto.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Korb Maxwell', with a stylized, flowing script.

Korb Maxwell

 $1 \text{ m.} = 622 \text{ k.}$

Notes

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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