

CITY OF OSAGE BEACH PLANNING COMMISSION

1000 City Parkway Osage Beach, MO 65065 573-302-2000

www.osagebeach.org

AGENDA

Regular Meeting

July 14, 2020 - 6:00 p.m. CITY HALL

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES FROM THE June 9, 2020 REGULAR MEETING AND JUNE 25, 2020 SPECIAL MEETING
- 4. NEW BUSINESS
 - A) Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay (Rehearing as approved at a Special Meeting of the Planning Commission held on June 25, 2020)
- 5. REPORTS
- 6. ADJOURN

Representatives of the news media may obtain copies of this notice by contacting the following: Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ex 1020

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

June 9, 2020

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on June 9, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Richard Ross, Don Sturn, Chairman Susan Ebling, Don Chisholm, Michelle Myler, Alan Blair, Kellie Schuman, and Tony Kirn. Absent was Nancy Viselli. Also present: City Planner Cary Patterson, Planning Commission Secretary Pam Campbell, David Van Leer representing Cochran Engineering and City Attorney, Ed Rucker.

Minutes - 1-14-2020

Chairman Ebling asked if there were any corrections or comments regarding the January 14, 2020 minutes. There were none. Mayor Olivarri made a motion to approve the January 14, 2020 minutes and Commissioner Chisholm seconded the motion which passes unanimously.

Chairman Ebling - At this point I need to hand the meeting over to Mayor Olivarri as I have property interest in the next item.

Alderman Ross - I need to recuse myself also due to prior interest.

The meeting was handed over to Mayor Olivarri and he asked Planner Patterson to give his report on the first order of business.

New Business

Planner Patterson delivered the following report:

<u>Applicant:</u> Ebling Enterprises Inc., LLC.

Location: 4877 Osage Beach Parkway

Petition: Rezoning from C-1 (General Commercial) to C-1 and C-1b with a PUD 1

Overlay for the development of Condominiums, a Hotel, and a restaurant.

Existing Use: Not currently being used. The property was previously the location of the

Topsider Lake Front Entertainment venue.

Zoning: C-1 (General Commercial)

Tract Size: 10.5 acres

Surrounding Zoning: Surrounding Land Use:

North: R-1b (Single Family) Mcfield Subdivision

South: C-1 (General Commercial) Osage Beach Pkwy Corridor

East: C-1 (General Commercial) Osage Beach Pkwy Corridor

West: LU (Lake Use) Lake of the Ozarks

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Heavy Traffic Commercial

Rezoning History Case # Date

N/A

<u>Utilities</u>

Water:CityGas:SummitElectricity:Ameren UESewer:City

Access: Property derives access from Osage Beach Parkway.

Analysis:

- 1. The applicants are the owners of the 10.5 acres in question. The property is currently zoned C-1 (General Commercial) as it was zoned in the original zoning of the community.
- 2. The applicant is requesting a rezoning to C-1 and C-1b with a PUD 1 overlay which will allow the development of condominiums, a hotel, and a restaurant on the subject property. The PUD assures the uses within the development providing resort residential and commercial uses within the development that complement each other and will provide protection for the buyers of the condo units themselves. The PUD will also allow the three uses in the development to share the parking amenities for the overall development which provide the necessary number of spaces for each of the uses.
- 3. As you can see on the site development plan, the C-1b (condo development) portion of the development is comprised of 8.2 acres while the C-1 (hotel, restaurant) area consists of the remaining 2.3 acres.
- 4. The existing entrance into the property will provide the access to the new development
- 5. The character of surrounding development is primarily commercial with the highway commercial corridor. Mcfield subdivision is located to the North, the proposed use should provide them with a less intense use than what has taken place on the subject property in the past.
- 6. The development will be required to meet the zoning code requirements of the specific zones that each use falls in unless otherwise listed with the PUD permitted uses. All construction is required to meet all of the Building Codes that have been adopted at the time of Building Permit issuance for each specific building. The Osage Beach Design Guidelines will be followed in the design and construction of the developmental services (sewer, water, streets, etc.).

Department Comments and Recommendations:

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing mixed-use developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation we have an amazing piece of commercially zoned property that was once the home of the Topsider Lakefront Entertainment venue. The Topsider provided the City, its People, and visitors a place to enjoy each other and the activities that make this lake a destination for people from all over our country for nearly 40 years. This piece of property is one of two like it in our community. It has lake frontage, Osage Beach Parkway frontage, and direct access to the Highway 54 Interchange. Obviously, those aspects are hard to come by making this piece very valuable to both the owners and the community.

In 2006 the Planning Commission and The Board of Aldermen removed condominium development from the permitted uses in the C-1 zone. This was done to protect valuable lake front properties such as the subject property from being developed as condos without the City being able to review if that was the greatest and best use for the property. In this situation, the applicants came to me with the desire to put a condo development on the property. As we discussed it, I let them know that I would have difficulty recommending approval of such a request without assuring that at least a portion of the commercial potential of the property would be achieved. The applicant went to work and came up with a plan that works out well for all involved. Of course, the applicant gets to build and sell lake front condominiums while the restaurant and hotel provide for the commercial potential of the property. The three uses compliment each other and actually can be selling points for each other as accessory amenities.

Keep in mind that once this request is approved, the only development that can take place within the PUD District are those that conform to the permitted uses and regulations of the PUD itself. This includes everything from facility construction to infrastructure development.

Keeping in mind the existing conditions of the subject property, a recommendation of Heavy Traffic Commercial for the property by the Comprehensive Plan, I believe the proposed development will be a benefit to the community as requested; the Planning Department recommends approval of this request subject to the following provisions:

Permitted Uses:

The development as illustrated in the submitted site development plan:

- 1) 139 condominium units
- 2) Minimum 72-unit hotel facility
- 3) 250 seat restaurant facility

Construction of the hotel and restaurant facilities can vary from the illustrated site plan to accommodate varying design preferences of the ownership. This will include a combination restaurant/hotel facility as opposed to separate structures, provided the use requirements, parking requirements, and all other Building and Zoning Codes can be met.

Any other proposed use that deviates from the uses permitted in the above listed regulatory documents will require an amendment to the approved PUD.

Construction:

Construction shall be in accordance with the Building Codes as adopted by the City of Osage Beach at the time of Building Permit acquisition for each individual facility.

Bulk, Area, and Height Requirements:

Shall be in conformance with the Building Code, the final PUD document, and the Project Development Plan.

Public Facilities:

Engineering plans for water, streets, and sewer improvements will be submitted with the preliminary plat. These plans, including a drainage plan, must be submitted and approved prior to development. Coordination with the City Engineer is required to ensure that all public improvements are sized and designed to accommodate future phases of development and adjacent properties.

- 1. All required public improvements will be constructed by the applicants or subsequent owner(s). Financial assurances must be provided in conjunction with the preliminary and final plats.
- 2. Any infrastructure to be dedicated to the City of Osage Beach into any of the public systems must go through the required procedure for acceptance by the City.
- Any existing Public Rights of Way to be vacated as part of this development must also go through the proper procedure as required by the City Code of Ordinances for the vacation of roads.

Access:

Access shall be derived from Osage Beach Parkway as illustrated in the PUD Site Plan. All street construction or improvements to the existing roads must conform to the city design guidelines.

Parking:

All development shall, at minimum, adhere to Osage Beach off-street parking requirements and the parking requirements as established in the final PUD Document at the time that it is constructed.

Buffering and Screening:

Buffering and screening shall be required as per the Osage Beach Zoning Code for the C-1 (General Commercial) and C-1b (Commercial Lodging) zones.

Exterior Lighting:

- Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing residential area(s). Additionally, all exterior lighting shall be so arranged and shielded so as to confine all direct light rays within the boundaries of this district.
- 2. All street lighting proposed shall meet the City's standards for street lighting for the specific designation for each roadway (thoroughfare, collector, local etc.). Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

All signage within the PUD District will be required to meet the city sign code and a permit must be acquired from the city prior to construction or placement of all signage whether it is a development wide or individual facility sign.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a legally constituted property owners association that meets all the legal requirements prescribed by the City Attorney.

Platting:

All development within this PUD must be platted in accordance with Osage Beach Subdivision Regulations. The uses permitted and the intensity of development as prescribed by the approval of this PUD shall not be subject for review during the platting process.

Final Development Plan:

- 1. A final PUD development plan for the property has been submitted to the Planning Department and is enclosed in your packet. The submitted document is in line with the recommendations within this report and is ready for the Planning Commission to review and make a recommendation to the Board of Aldermen.
- 2. The preliminary plat and final plats will require complete review and approval as specified in the City of Osage Beach Subdivision Code.

Planner Patterson - this was one of the greatest entertainment venues, the property was Topsiders with great commercial possibilities and potential. This will be a great benefit for the community with condos, hotel and a restaurant and approval of this request is recommended. The development team is here for any questions.

Mayor Olivarri - the developer Matt Marschke is here.

Matt Marschke - there will be golf carts to take people to the dock and the restaurant will overlook the bridge and there will be bigger pools

Jeff Krantz - have been involved in lots of condos with John - they have tested floor plans which are unique plans and price points have grown to \$300,000-\$350,000.

Mayor Olivarri - asked if committee members have questions.

Don Sturn - asked what the time period for starting and completion

John Locke - the plan is to start the first of August and then the building would be ready in April or May. The hotel dining will come later and will be at the higher end scale.

Jeff Krantz - owners won't parcel this up.

Mayor Olivarri - thanked the developers and asked if anyone in the audience would like to speak for or against this case.

Kim - thanked the committee - stated she has been working with this investment group and is pleased. It started with the Clown then a dock was added and a bar and nightclub and was a popular place with many memories and fun times but it was time to move on and let it go.

Mark Barrett - spoke in favor of this and stated he always looked up to them.

Mayor Olivarri asked if there were any additional questions.

Don Chisolm - this will be a great project

Commissioner Kirn made a motion to approve Rezoning Case 404: Ebling Enterprises, Inc., C-1 to PUD-1 and Commissioner Schuman seconded the motion which passes unanimously.

Commissioner Ebling and Alderman Ross return to the meeting.

Commissioner Ebling asked Planner Patterson for his report on the next case: Rezoning Case 405: Dennis L. House Trustee, A-1 to R-1b.

Planner Patterson delivered the following report and stated this is a simple rezoning, simple request of a 2.7 acre piece of property, the rezoning of a subdivision.

Applicant: Dennis House

Location: 695, 671, and 681Passover Road

Petition: Rezoning from A-1 (Agriculture) to R-1b (Single Family)

Existing Use: Three single family homes

Existing Zoning: A-1 (Agriculture)

Tract Size: +/- 2.7 acres

Surrounding Zoning: Surrounding Land Use:

North: A-1 Agriculture Residence

South: A-1 Agriculture Residence

East: R-1b Single-Family Residence

West: A-1 Agriculture Vacant

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Moderate Density Residential

Rezoning History Date

None

Utilities

Water: City Gas: Summit Gas

Electricity: Ameren UE **Sewer:** City

Access: Property derives access via Passover Road

Analysis:

1. The applicant is the owner of the 2.7-acre parcel in question. The parcel is currently zoned A-1 as it was zoned with the initial zoning of the community in the 1980's.

2. The property is the home of three existing residences as listed above. The request is to rezone the property to a more fitting residential zone as opposed to A-1 (Agriculture). In the A-1 zone, a 3-acre minimum lot size is required. Because there are three homes on this property and the lot is less than 3 acres, it means that both the property and the homes maintain a legal non-conforming status. The applicant wants to separate the homes on their own lots and sell them, but to do that the property must be rezoned. Rezoning this property as requested and separating the homes will put both the properties and the homes in complete conforming status.

Department Comments and Recommendations:

The subject property is in an area that is primarily residential. Approving this request will allow the owner to bring the homes and property into conforming status with City code. The request is in conformance with the Comprehensive plan and puts the property in a district that is more fitting for the current situation and its surroundings. The Planning Department recommends approval of this request.

Chairman Ebling asked if the applicant or representative would like to speak.

Planner Patterson stated no one is here for this case.

Commissioner Schuman made a motion to approve Rezoning Case 405: Dennis L. House Trustee, A-1 to R-1b and Commissioner Sturn seconded the motion which passes unanimously.

Commissioner Ebling asked Planner Patterson for his report on the next case: Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay.

Planner Patterson delivered the following report and stated this case was originally heard in January and has been resubmitted with some changes. The case number is now 406 and was withdrawn originally due to the traffic study.

Applicant: Arapaho, LLC

Location: 2000' from Osage Beach Pkwy on Sunset Dr.

(Best way to view the property is from Backwater Jacks Parking Lot)

Petition: Rezoning from C-1b (Commercial Lodging) to C-1 (General Commercial)

with an E-3 Overlay for an Amphitheatre and accessory uses.

Existing Use: Vacant

Existing Zoning: C-1 (General Commercial) and C-1b (Commercial Lodging)

Tract Size: Approximately 14 acres

Surrounding Zoning: Surrounding Land Use:

North: A-1 Vacant

South: C-1and R-3 Lake Front Restaurant and

Entertainment Venue

East: A-1 Vacant

West: C-1 General Commercial Commercial Restaurant Use

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Moderate Density Residential

Rezoning History Date

399 A-1 to C-1b 9/17

Utilities

Water: City Gas: Summit Gas

Electricity: Ameren UE **Sewer:** City

Access: Property derives access via Sunset Drive or Beach Drive

Analysis:

- 1. The applicant is the owner of the 14-acre parcel in question. The applicant is requesting this rezoning in order to establish a two thousand (2000) seat amphitheater with customary accessory uses and parking on the property.
- 2. As you can see on the enclosed illustrations, the applicant is leaving a 185' buffer area around the property to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
- 3. As I am sure you will recall, this request came before the Commission in January and was later withdrawn so that the applicant could have a Traffic Impact Assessment done by CJW. The findings of that study are enclosed along with a letter from the City's Engineering firm Cochran confirming their review of the document and the findings.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. With the subject property's location on a large property surrounded by largely undeveloped property, it lends itself favorably to the type of use being requested, provided that the intensity of the uses such as live music and similar uses is mitigated as to not create a greater impact on the area. The applicant is requesting to rezone the property in order to establish an amphitheater and the additional parking facility that would be required to serve its patrons. The applicant and his family own the majority of the surrounding properties from the back of the cove up to Osage Beach Parkway, I have enclosed a map illustrating those properties.

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As part of the request, the applicant has situated the proposed amphitheater in such a way that the stage and the sound system will be directed away from the Lake of the Ozarks and the sound will be directed into the wooded area and undeveloped valley that is owned by the applicant and his family. Operation of the facility will be required to conform with the city's regulations on noise and hours of operation. These conditions should ensure that there will be limited noise pollution to the area and should improve the noise impact on the properties fronting the lake in that cove with the stage and sound system pointing away from the lake itself. Uses customary to an amphitheater are what will be permitted.

As you may recall, my biggest concern as it pertains to the request, is the impact on the transportation system in the area. The City needed to make sure that the existing road infrastructure has the capacity to handle the additional trips that will be created by a capacity event at the proposed facility. The applicant submitted a completed study and its findings which states that the existing infrastructure serving the subject property has the capacity to handle the proposed development. That document is part of the packet so that you can read their findings. Also, the City's contract engineers have reviewed the document and its findings and found them to be in order.

It is also worth noting that approval of this request would not increase the number of docking facilities or boat slips that will be allowed for the property.

Any additional customer base will come from the city via the roadways, as opposed to the lake, meaning additional impact to the cove in which the subject property is located should be minimal.

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential, is twofold. The first issue is developmental constraints from both topography and accessibility. Second is its relative location to Backwater Jacks. These issues make this property excessively difficult to establish single- or two-family homes because of relative cost and salability.

This is a somewhat different request than we have been faced with in the past. It will undoubtedly provide the City with some positive economic impact by bringing more people into the community for the events. Fundamentally it should provide an expanded customer base for not only Backwater Jacks, but the City's other commercial facilities as well. But we must make sure that the benefit outweighs the impact. I am confident that the proposed location for the facility is likely the best location in the community for it as the properties that will receive the majority of the impact are owned by the applicant and his family or are part of the Osage Beach Parkway commercial corridor.

With the subject property being zoned Commercial and located on a large lot surrounded largely by undeveloped agriculture or multifamily zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The amphitheater and accessory uses requested as part of rezoning case 406 and illustrated on the submitted site plan. The subject property will now be 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 submitted site development plan.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the City at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces and boat slips for the development as a whole. Any overflow parking will take place on the vacant lot located at the corner of Osage Beach Parkway and Beach Drive. Shuttles will be provided to take those patrons to and from the event if it is necessary to use the overflow lot. If a need for additional parking becomes evident, addition parking facilities will be required to be constructed on the commercially zoned property on site and owned by the applicant.

There will be no parking period along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Event Traffic Flow: The applicant is required to work with the Osage beach Police Department to provide officers to direct traffic 2 hours prior to the gates opening and after the event until the lots are substantially clear. This is part of the recommendation from the applicants traffic specialist and the City's Engineers. The applicant or his assigns must apply for and Event Permit through the City a minimum of 30 days prior to each event so that the Osage Beach Police Department has time to plan for and coordinate the additional service. Fees for said service will be established by the City of Osage Beach and paid for by the applicant.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. This sign cannot be back lit or have a digital reader board or running display. Other interior signage is required to meet the regulations established by the City's Sign Code for commercial properties. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section <u>220.040</u> of Chapter <u>220</u>.

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

		Sound Level Limit
Receiving Land Use Category	Time	(DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level <u>Limit</u> (DBA)
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: A wooded area is required to be maintained around the facility to mitigate the noise pollution to surrounding properties. 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 of the required changes.

Dave from Cochran - the traffic study is functional, and no roadway improvements will be needed for the increase of traffic. There will be people opposed and people in favor of this and is not an easy thing.

Planner Patterson stated the event will need 30 day notice prior to each event to coordinate and assist the traffic flow with Osage Beach police Department.

Chairman Ebling asked if the applicant would like to speak.

Andy Prewitt representing Arapaho LLC stepped forward - there are 153 letters in support, 66 Osage Beach residents, 4 live at the 17.5 mile marker, and 60 local in Lake Ozark. Mark Spears owner of The Reserve is also in support of this, also Sunset Beach Resort is in support. The traffic study concluded it could handle the additional vehicles with no additional traffic signals or lanes required. He also stated:

- They will install signs at the 17.5 mile marker for the entrance and existing the cove
- The trees will buffer the sound and reduce it
- They will pay half the Ameren cost of the wake break
- They will limit the number of shows to 12 a year
- The music will be stopped at 11:45 on Saturdays

- They have over 120 paid employees
- The sales tax paid is over 1 million
- This will create jobs with the additional infrastructure

Chairman Ebling asked if there were any questions.

Tony Kirn asked if there would be 12 shows per year.

Andy Prewitt replied yes.

Discussion about the traffic study ad Andy Prewitt replied the one from February and March counts as it is from MODOT and on record.

Tony Kirn asked about traffic and parking.

Planner Patterson - 300 parking units are located off street and no parking will be allowed on Beach or Sunset. This past Memorial Day was the first time ever that this has happened on Beach Drive and we don't want that - especially if emergency vehicles can't get through. There should be enough parking spaces to accommodate and there will also be shuttles for parking.

Tony Kirn asked about the cost of police

Planner Patterson said this would be covered by the applicant.

Alderman Richard Ross stated he applauds Arapaho in regards to getting along with neighbors and asked about the decibels of sound for 10:00 at night, would it be 65.

Planner Patterson stated no and the hours are 7:00 am to 10:00 pm for residential use reading at 800'. At 10:00 pm, it goes down an additional 5 decibels and he will be on site checking the readings. It is zoned general commercial at 65 for commercial and Backwater jacks is a separate ownership and they are below 65.

Alderman Richard Ross asked if it is 65 decibels or lower at 10:00 pm.

Planner Patterson replied yes.

Andy Prewitt stated the Amphitheater will face the back of the hill.

Don Chisholm asked if the sound could be controlled.

Andy Prewitt replied that they can control the sound, can shut it off and control how loud it is.

Alderman Richard Ross asked if Andy talked to talked to the homeowners of the cove - the cove association or every individual owner.

Andy Prewitt replied every proper owner and all but one was for approval.

Alderman Richard Ross asked Dave about the traffic study with regard to the study being done 7 to 4 and not 11:45 at night and asked if it's not an issue of people getting out.

Dave relied yes and there will be police on site to direct traffic.

Alderman Richard Ross asked if the music will be off at 11:45 and will there be a special event permit process.

Planner Patterson stated it would be part of the sound agreement and sound limits by 11:45.

Alderman Richard Ross stated that is a good idea.

Andy Prewitt stated he is good with it and stated 40 of 153 letters were from employees and 113 were not

Chairman Ebling asked if there were any other questions.

Alan Blair asked about the band control over sound.

Andy Prewitt stated if the band wouldn't agree to their restrictions, they (Arapaho) wouldn't sign their contract to play and the Rider Agreement is negotiated with every band.

Alan Blair asked how that process for sound would be handled.

Planner Patterson stated that a call to the police department to get in touch with Backwater Jack's and he would also be on site himself working with Andy to find the sound levels are regulated and it's in their best interest to stay within the approved sound levels.

Chairman Ebling asked if anyone from the public would like to stand up and speak, sign-in and if you spoke in the past to please keep comments to a minimum.

Mike Blain stepped up and said he submitted his concerns in an email and one being the music - that they are complaints now but no tickets issued and no water patrol in the area that would be hurting their business and stated we would have to decide as a City what is best and he is not in favor.

Dusty Jewell stepped up and stated he is the manager at Backwater Jacks and there's not been a problem with the water patrol, they have been very respectful. He stated he is in full support of this and it will be great for business and the local economy. Also, they can't control what people do as tourists. He and the crew are constantly cleaning around the property and more dumpsters will be added. They are going to biodegradable boxes and paper straws - the general manager is an environmental science major and they are using plain no label cups. Regarding the noise from the amphitheater, it will be muffled by the trees and they have a decibel reader on their system to control the output of sound. This will bring in a different customer base to the City as a great benefit. He thanked everyone for their time.

Mark Barrett stepped up and stated he is in full support, is a business owner and this will be a great place for tourists.

Tim Gardner stepped up and said he is within walking distance and is in favor of this and looking forward to going.

Tim Hand stepped up and stated he is with a consulting firm and is in strong support of this. He stated his firm does economic modeling and it would boost the lake economy by at least 10% with being a great vacation and recreational venue that would attract new visitors with a proven track record to be successful.

Tony Kirn stated he didn't hear a single word that was said by the previous person.

Chairman Ebling explained to Tony Kirn what Tim Hand said.

Susan Daly stepped up and stated she is a lifelong lake user and 10 years ago they carefully selected Sunset with amenities close to the State Park, shopping and restaurants. She stated

she comes here every weekend and spends lots of money in Osage Beach on groceries, eating out and clothes. Arapaho is trying to adjust and change he traffic study from the January meeting. She stated that as far as 113 people wanting this to be amazing. This infringes on the rights of people as property owners, it puts children's lives in peril, traffic jams and delays, there will be accidents when kids run into the street with the increased traffic, possibility of heinous crimes or abductions, traffic noise, loud music, kids need to get to bed early and there should be a motion to deny this.

Kaitlin Laing stepped up and stated growth is needed to make the economy better, children shouldn't be out at night playing, this would be an asset to the community and City and not a problem for the safety and well being of the City.

Chairman Ebling asked if anyone else would like to speak. No one stepped up and she closed this part of the meeting.

Attorney Ed Rucker - the file is complete and ready for a decision by the Commission.

Alderman Richard Ross asked about the noise levels.

Dustin Jewell replied they've never been cited for this.

Planner Patterson stated he has spoken with the Chief of Police regarding live music and they are cognizant of the situation and this hasn't been a problem.

Aldermen Richard Ross asked about a decibel reader.

Planner Patterson replied it's 75 not 60 for a nuisance request. Backwater Jack's stage is closer to the lake than the amphitheater will be and it'll be enclosed and the trees will also help block the sound.

Aldermen Richard Ross asked if the amphitheater would be lower.

Planner Patterson replied Backwater Jack's is 60-75 and this would be 55/70 which would be stricter.

Aldermen Richard Ross stated concerns from residents on Beach Drive and emergency vehicles.

Planner Patterson replied the only time an issue was Memorial Day weekend with parking along the street and this won't be allowed.

Michelle Myler asked about overflow parking

Mayor Olivarri said if there were two ways in that would be a benefit.

Don Chisholm asked about concerts being held at the same time and loudness of the music.

Andy Prewitt stated the amphitheater wouldn't compete with Backwater Jack's, won't have two concerts at the same time.

Don Chisholm asked if Backwater Jack's stopped the music at 11:30.

Andy Prewitt replied it's shut down at 11:45.

Planner Patterson stated we can't restrict Backwater Jack's, there will be no dualing music, there will be 12 events a year that ends at 11:45. There will be no parking on Beach Road, shuttle busses and golf carts will be used.

A person stepped up from the audience and stated the buffer studies aren't right, he is the closest one that lives there, this isn't zoned properly and the neighbors weren't notified of this.

Alderman Richard Ross asked the person his name

He stated his name is Daryl Weatherman.

Alderman Richard Ross asked about the buffer.

Planner Patterson replied it's rezoned C-1B and this is legal with 185' as required by law.

Chairman Susan Ebling as the committee members for a motion.

Commissioner Kellie Schuman made a motion to approve Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay and Mayor Olivarri seconded the motion. A roll call vote was taken as follows: Mayor Olivarri - yes, Alderman Richard Ross - yes, Chairman Susan Ebling - yes, Don Chisholm - no, Michelle Myler - no, Tony Kirn - no, Alan Blair - no, and Kellie Schuman - yes. Pam Campbell stated there were 4 yes and 5 no votes.

Planner Patterson stated this case will be forwarded to the Board of Aldermen since the Planning Commission voted no and a 2/3 vote by the Board of Aldermen will be required to overturn this decision.

Chairman Susan Ebling called for the next case.

Planner Patterson delivered the following report:

Subdivision Name: Arrowhead Centre Final Plats

Location: Corner of St. Moritz and Highway KK

Section/Township/Range: 16/39/16

Applicant: Arrowhead Development Group, LLC.

Dogwood Hills Land Holdings, Inc.

Surveyor: HDR

Tract Size: 14.1 acres

Zoning: C-1 w/ PUD-1 Overlay for a Skilled Nursing and Assisted Living

Facility

Surrounding Land Use:

North: Residential Development

South: Vacant Unincorporated

East:

Arrowhead Centre PUD

West:

Residential Development/Vacant Unincorporated

Department Comments

Final plats:

- 1) The plats were reviewed for code compliance and was found to be consistent with the final plat requirements.
- 2) All public improvements, (i.e., roadways, parking areas, streetlights, etc.) have been completed except for the sidewalks. The applicant will be required to submit a performance bond or letter of credit for construction of those sidewalks.

Chairman Ebling asked if there were any questions or comments.

Commissioner Don Sturn made a motion to approve the Arrowhead Centre Final Plats and Commissioner Alan Blair seconded the motion which passes unanimously.

Adjourn

Chairman Ebling adjourned the meeting at 7:50 p.m.

I, Pam Campbell, Planning Commission Secretary, for 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 June 9, 2020.

Pam Campbell/Planning Commission Secretary

THE CITY OF OSAGE BEACH, MISSOURI PLANNING COMMISSION MINUTES OF THE SPECIAL MEETING

June 25, 2020

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the special meeting on June 25, 2020 at 1:30 pm at City Hall.

Roll Call

The following Commissioners were present: Alan Blair, Nancy Viselli, Chairman Susan Ebling, Mayor John Olivarri, Alderman Richard Ross, Tony Kirn, and Michelle Myler. The Commissioners absent were Don Sturn, Don Chisholm and Kellie Schuman. Also present: Planning Commission Secretary Pam Campbell and City Attorney, Ed Rucker.

Mayor Olivarri stated that Commissioner Don Sturn has resigned from the committee.

Chairman Susan Ebling stated the purpose of the meeting is to address the letters received from Rachel Orr, attorney representing Arapaho LLC, and Tim Hand a citizen, and to discuss the points brought up in these letters as to whether or not to call for a reconsideration of the prior disapproval vote. She stated she has read the letters several times and there were issues with the sound system.

Michelle Myler asked if the purpose was to rehear this case.

Chairman Ebling replied yes and this will be a yes or no or it would go to the Board of Aldermen for a decision.

Michelle Myler stated she had no problem doing either one.

Mayor Olivarri stated we are not here to discuss the previous meeting but only the letters received and a request made for a reconsideration for a decision.

Chairman Ebling replied this will be based on the points brought up in the letters.

Alan Blair asked about conflict of interest.

City Attorney Ed Rucker replied this is not so much of a conflict of interest but he could retain outside counsel and this this meeting would reset the public process again.

Chairman Ebling stated a motion for reconsideration would have to be brought up by a member who voted no at the previous meeting.

Richard Ross stated that the definition of conflict of interest is to recuse and the PA system is working, need to speak closer to the microphone and the lapel microphones have been located.

Chairman Ebling stated a yes vote means that we are setting aside our recommendation of disapproval and having a new hearing on this application, and a no vote means the matter proceeds to the Board of Aldermen with our recommendation against the proposal.

Commissioner Tony Kirn made the following motion:

- 1. Reconsider and rescind the vote to recommend disapproval of the application of Arapaho LLC in case number 406 and
- 2. that the case be rescheduled for a new rehearing after notice as required in Section 400.070 B; and,
- 3. that the chair promptly informs the City Clerk of this action.

The motion was seconded by Michelle Myer.

Chairman Ebling called for a roll call.

A roll call vote was taken with the following responses:

Mayor Olivarri - yes Alderman Richard Ross - no Chairman Susan Ebling - yes Nancy Viselli - yes Michelle Myler - yes Tony Kirn - yes Alan Blair - no

Chairman Ebling stated the vote was 5 yes and 2 no and the recommendation for disapproval is withdrawn and we shall have a new public hearing on the issue. That meeting will be held at a later date after the publication of the required notice.

Adjourn

Chairman Ebling adjourned the meeting at 1:44 p.m.

I, Pam Campbell, Planning Commission Secretary, for the City of Osage Beach, M do hereby certify that the above foregoing is a true and complete journal of proceed					
the special meeting of the Planning Commission of the City of Osage Beach, Missour					
on June 25, 2020.					
	N				
Pam Campbell/Planning Commission Secretary	Nancy Viselli/Secretary				



Rachel A. Orr

Direct T 816.472.3117
rorr@armstrongteasdale.com



June 12, 2020

City of Osage Beach Board of Aldermen City of Osage Beach P&Z Commission Attn: Ms. Tara Berreth, City Clerk 1000 City Parkway Osage Beach, MO 65065 Tberreth@osagebeach.org

Re: Arapaho LLC Request to Rezone Property in Osage Beach and Add an E-3 Overlay Request to have P&Z Commission Rehear and Reconsider the Petition

Dear Board of Aldermen and Planning and Zoning Commissioners of the City of Osage Beach, Missouri:

Our firm has been retained by Arapaho LLC ("our client") to represent it in the above-mentioned rezoning request and any resulting appeals or other related litigation. This letter serves as a request for the Planning and Zoning Commission (the "P&Z Commission") of the City of Osage Beach (the "City") to rehear and reconsider our client's rezoning petition. The P&Z Commission held a hearing for the rezoning petition on June 9, 2020. The rezoning petition relates to the development and construction of an outdoor music venue/amphitheater that will be located in a highly-commercialized cove in Osage Beach. The grounds for this rehearing request are set forth below.

The first reason for this rehearing request to reconsider our client's rezoning petition is because the minutes from the rezoning hearing held on January 14, 2020 (the "Minutes") reflect that Commissioner Don Sturn was required to recuse himself from voting with respect to the rezoning petition. Our clients were informed that Commissioner Sturn was asked to recuse himself by Chairwoman Susan Ebling and by Mayor John Olivarri, and he failed to do so. In addition, in the Minutes, Commissioner Sturn states on the record that our clients "haven't donated a dollar to the cove association and that makes me jaded." The comments of Commissioner Sturn in the Minutes indicate that he was considering external factors and past personal disputes with our client that were unrelated to the rezoning matter before him. Commissioner Sturn's inability to put personal matters aside required that he recuse himself from considering and voting on our client's rezoning petition. Under Chapter 105 of the Revised Statutes of Missouri, public officials cannot take part in using their decision-making authority for the purpose of obtaining from another anything of actual monetary value. Commissioner Sturn's failure to recuse himself from voting with respect to the rezoning petition provides our client with sufficient grounds to file legal proceedings against him, including, but not limited to, filing a complaint with the Missouri Ethics Commission. Should the P&Z Commission grant the request for rehearing, Commissioner Sturn should recuse himself from voting with respect to the rezoning petition.

Further, Commissioner Alan Blair was also required to recuse himself from voting with respect to the rezoning petition. Commissioner Blair has an ownership interest in a nearby live music venue in Osage Beach named Main Street Music Hall. The proposed development and construction of the amphitheater that is the subject of the rezoning petition would be in direct competition with Commissioner Blair's music venue. Under Chapter 105 of the Revised Statutes of Missouri, public officials cannot take part in making decisions that financially impact themselves or their family members. Commissioner Blair's failure to recuse himself from voting with respect to the rezoning petition provides our client with sufficient grounds to file legal proceedings against him, including, but not limited to, filing a complaint with the Missouri Ethics Commission. Should the P&Z Commission grant the request for rehearing, Commissioner Blair should recuse himself from voting with respect to the rezoning petition as a result of this personal financial conflict of interest.

The second reason for this rehearing request is due to the defective sound equipment used at the June 9, 2020 hearing of the P&Z Commission. While we have not yet reviewed the minutes from that meeting, it was reported that multiple Commissioners and individuals who spoke at the hearing stated that they were unable to hear testimony and information provided by our client and other presenters during the public hearing portion of the meeting due to defective microphones and audio equipment. Lake area business and financial consultant, Tim Hand, spoke in support of the project and offered economic modeling data his firm had compiled regarding the positive economic impact the amphitheater project would have on the Lake economy. At the conclusion of Mr. Hand's remarks, Commissioner Kirn stated to Chairwoman Ebling that "he had not heard a single word Mr. Hand had said." If Commissioner Kirn was unable to hear Mr. Hand's testimony, it is likely other Commissioners were also unable to hear it as well, and this this information would not have been considered in their final decision, which would have a significant impact on the outcome of the vote. Our client is entitled to the opportunity to have its petition heard in full at a properly-noticed and executed public hearing conducted by the P&Z Commission.

Our client has expended significant time and financial resources with respect to its rezoning petition, conducted itself and its representatives professionally during the course of consideration of its rezoning petition, and complied with all previous requests of the P&Z Commission, including delaying its rezoning petition from its initial application in January of 2020 to conduct a traffic study at the request of the P&Z Commission.

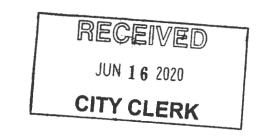
For these reasons, we believe it is appropriate and essential for the P&Z Commission to rehear and reconsider our client's rezoning petition, with appropriate recusals by Commissioners Sturn and Blair. We request the Mayor and the Board of Aldermen encourage the P&Z Commission to rehear and reconsider our client's rezoning petition. A sufficiently effective sound system should be utilized at this rehearing so that all Commissioners can hear and consider all relevant information presented by our client and other presenters before making a final determination. In the event that these requests are denied, I have been instructed by our client to take all available legal action, including, but not limited to, filing suit against any parties, including the P&Z Commission and Commissioners Sturn and Blair. We appreciate your thoughtful and thorough consideration of these requests.

Sincerely,

Rachel A. Orr

Rudul A. Gr

City of Osage Beach Board of Aldermen City of Osage Beach P&Z Commission 1000 City Parkway Osage Beach, MO 65065 (573)302-2000



Re: Request to have P&Z Commission Rehear and Reconsider the Petition Case #406 (Arapaho, LLC)

Board of Aldermen,

In January I sent a letter to Osage Beach Planning Commissioner Chairwoman Ebling regarding an Osage Beach Planning Commission Regular Meeting I attended on January 14, 2020 to support Rezoning Case 403 (Arapaho, LLC). I have no affiliation with Arapaho, LLC or the applicants. My purpose for attending the meeting was related to my firm's strong support for the project. My firm does economic modeling and has a policy of supporting publicly projects that we deem would have a positive economic impact. Based on our modeling, we deem this project as such. It is our practice to file suit on behalf of disenfranchised taxpayers.

As you know, at that January meeting the requested rezoning vote was deferred in lieu of an additional traffic study. The purpose of my letter was to request that Commissioner Sturn recuse himself regarding any vote on the project given his obvious bias. Commissioner Sturn spoke at considerable length about his dislike of the applicants. This included his decade long grudge regarding the applicant's lack of support for a no-wake zone in the cove and his distaste for other unrelated commercial entities owned by the applicants. The official minutes of that meeting quote Commissioner Sturn stating he was "jaded" regarding the applicants. Under any standard, such comments indicate intense bias which require Mr. Sturn to recuse himself. Although Chairman Ebling never responded to my letter, eventually, after several requests, City Attorney Ed Rucker responded. Based on his comments I assumed that Commissioner Sturn would recuse himself.

I did not mention it in my initial letter but subsequently learned that Commissioner Blair also has a conflict of interest in that he operates a business that would directly compete with the proposed project. Commissioner Blair should also recuse himself.

I attended the follow-up meeting on June 9th regarding the Arapaho, LLC project (now Case #406). At the meeting I was stunned that neither Commissioner Sturn nor Commissioner Blair recused themselves. As you know, the project vote was four in favor and five against with both Commissioners Blair and Sturn voting against. Your failure to ensure that both commissioners recuse themselves ultimately led to a vote against the project which would have been voted for in favor had proper municipal governance been applied. I know Chairwoman Ebling understands the concept of recusal given that earlier in the same meeting she recused herself from a rezoning case regarding her family's property. I believe

Commissioner Ross also recused himself regarding the same case for merely having done business with the Ebling Family. I am confounded Commissioners Sturn and Blair were not required to adhere to the same standard. This represents a stunning level of either incompetence or corruption. I hope you would agree that neither should be tolerated in municipal government.

There were several other issues that lead me to conclude the outcome of the meeting is not legally binding. The sound acoustics were atrocious. From my seat in the center of the audience I could hear less than half of the proceedings. Numerous other attendees, including an Alderman told me they were having extreme difficulty hearing. As you may know, I spoke on behalf of my firm in support of the project at the meeting. My firm's reasons for support should be part of the public record so I won't reiterate them at this time. At the conclusion of my comments, Commissioner Kirn informed the Chairwoman that "he had not heard a single word I had said". It is a certainty that many others in the meeting could not hear my comments due to the deficient sound system. Failure to provide a suitable environment in which to conduct an appropriate meeting disenfranchises all the taxpayers of Osage Beach.

The final speaker who spoke against the project made a profanity laced tirade about the sound system and stated that from his seat he heard virtually none of the meeting. He even offered to purchase a new sound system for the city. Moreover, this final speaker made his colorful and inflammatory comments AFTER Chairwoman Ebling had closed the meeting to the public. The Chairwoman should never have allowed him to speak and his comments should not be included in the official record.

For these reasons I believe that the Board of Aldermen should request the Planning and Zoning Commission to rehear and reconsider Case #406 for Rezoning and have Commissioners Blair and Sturn recuse themselves because of their obvious conflicts of interest and other bias. A sufficient sound system should be available for any follow-up meeting. Failure to correct these deficiencies will cause my firm to reserve the right take legal action on behalf of the disenfranchised taxpayers of Osage Beach for the economic damage caused. Our suit will be against the Planning and Zoning Commission and its members, the Board of Aldermen and its members and any other city official(s) that we deem relevant. In the interim, we intend to publish our case in local media outlets and on social media.

Thank you.

Timothy P. Hand TNT Solutions LLC 5315 Melody Lane

Osage Beach, MO 65065

573-693-2871

Memorandum

Date: June 9, 2020

To: Cary Patterson, City Planner

From: Todd Davis, Police Chief

RE: Backwater Jacks Proposed Amphitheatre

With the proposed amphitheater project comes the concern of ingress and egress of emergency vehicles in and out of the venue and the local subdivisions, as well as from the Osage Beach Fire Protection District's Station #1 that is located further down Bluff Drive.

It is my understanding that the Traffic Study that was completed reflects that the roadways will handle the traffic load, however they also recommend that law enforcement is utilized during the events to assist with traffic control.

With utilizing members of the Police Department for traffic control during these events I feel that there would minimum traffic delays for emergency response to or from areas surrounding Backwater Jacks, or emergency responses of fire department apparatus from Station #1.

The additional overtime costs for the Officers working the traffic control details should also be paid by the venue.

PLANNING DEPARTMENT REPORT TO THE PLANNING COMMISSION

Date: June 9, 2020 Case Number: 406

Applicant:

Arapaho, LLC

Location:

2000' from Osage Beach Pkwy on Sunset Dr.

(Best way to view the property is from Backwater Jacks Parking

Lot)

Petition:

Rezoning from C-1b (Commercial Lodging) to C-1 (General

Commercial) with an E-3 Overlay for an Amphitheatre and

accessory uses.

Existing Use:

Vacant

Existing Zoning:

C-1 (General Commercial) and C-1b (Commercial Lodging)

Tract Size:

Approximately 14 acres

Surrounding Zoning: Surrounding Land Use:

North:

A-1

Vacant

South:

C-1 and R-3

Lake Front Restaurant and

Entertainment Venue

East:

A-1

Vacant

West:

C-1 General Commercial

Commercial Restaurant Use

The Osage Beach Comprehensive Plan

Designates this area as appropriate for:

Moderate Density Residential

Rezoning History

<u>Date</u>

399 A-1 to C-1b

9/17

Utilities

Water:

City

Gas:

Summit Gas

Electricity:

Ameren UE

Sewer:

City

Access:

Property derives access via Sunset Drive or Beach Drive

Analysis:

- 1. The applicant is the owner of the 14-acre parcel in question. The applicant is requesting this rezoning in order to establish a two thousand (2000) seat amphitheater with customary accessory uses and parking on the property.
- 2. As you can see on the enclosed illustrations, the applicant is leaving a 185' buffer area around the property to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
- 3. As I am sure you will recall, this request came before the Commission in January and was later withdrawn so that the applicant could have a Traffic Impact Assessment done by CJW. The findings of that study are enclosed along with a letter from the City's Engineering firm Cochran confirming their review of the document and the findings.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. With the subject property's location on a large property surrounded by largely undeveloped property, it lends itself favorably to the type of use being requested, provided that the intensity of the uses such as live music and similar uses is mitigated as to not create a greater impact on the area. The applicant is requesting to rezone the property in order to establish an amphitheater and the additional parking facility that would be required to serve its patrons. The applicant and his family own the majority of the surrounding properties from the back of the cove up to Osage Beach Parkway, I have enclosed a map illustrating those properties.

As part of the request, the applicant has situated the proposed amphitheater in such a way that the stage and the sound system will be directed away from the Lake of the Ozarks and the sound will be directed into the wooded area and undeveloped valley that is owned by the applicant and his family. Operation of the facility will be required to conform with the city's regulations on noise and hours of operation. These conditions should ensure that there will be limited noise pollution to the area and should improve the noise impact on the properties fronting the lake in that cove with the stage and sound system pointing away from the lake itself. Uses customary to an amphitheater are what will be permitted.

As you may recall, my biggest concern as it pertains to the request, is the impact on the transportation system in the area. The City needed to make sure that the existing road infrastructure has the capacity to handle the additional trips that will be created by a capacity event at the proposed facility. The applicant submitted a completed study and its findings which states that the existing infrastructure serving the subject property has the capacity to handle the proposed development. That document is part of the packet so that you can read their findings. Also, the City's contract engineers have reviewed the document and its findings and found them to be in order.

It is also worth noting that approval of this request would not increase the number of docking facilities or boat slips that will be allowed for the property. Any additional customer base will come from the city via the roadways, as

opposed to the lake, meaning additional impact to the cove in which the subject property is located should be minimal.

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential, is twofold. The first issue is developmental constraints from both topography and accessibility. Second is its relative location to Backwater Jacks. These issues make this property excessively difficult to establish single- or two-family homes because of relative cost and salability.

This is a somewhat different request than we have been faced with in the past. It will undoubtedly provide the City with some positive economic impact by bringing more people into the community for the events. Fundamentally it should provide an expanded customer base for not only Backwater Jacks, but the City's other commercial facilities as well. But we must make sure that the benefit outweighs the impact. I am confident that the proposed location for the facility is likely the best location in the community for it as the properties that will receive the majority of the impact are owned by the applicant and his family or are part of the Osage Beach Parkway commercial corridor.

With the subject property being zoned Commercial and located on a large lot surrounded largely by undeveloped agriculture or multifamily zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The amphitheater and accessory uses requested as part of rezoning case 406 and illustrated on the submitted site plan. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

A maximum of twelve (12) events will be held at the subject facility per year.

All events will end at or prior to 11:45 PM Central Time.

Events will not take place concurrent with bands playing at the existing Backwater Jacks facility.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the City at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces and boat slips for the development as a whole. Any overflow parking will take place on the vacant lot located at the corner of Osage Beach Parkway and Beach Drive. Shuttles will be provided to take those patrons to and from the event if it is necessary to use the overflow lot. If a need for additional parking becomes evident, addition parking facilities will be required to be constructed on the commercially zoned property on site and owned by the applicant.

There will be no parking period along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Event Traffic Flow: The applicant is required to work with the Osage beach Police Department to provide officers to direct traffic 2 hours prior to the gates opening and after the event until the lots are substantially clear. This is part of the recommendation from the applicants traffic specialist and the City's Engineers. The applicant or his assigns must apply for and Event Permit through the City a minimum of 30 days prior to each event so that the Osage Beach Police Department has time to plan for and coordinate the additional service. Fees for said service will be established by the City of Osage Beach and paid for by the applicant.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. This sign cannot be back lit or have a digital reader board or running display. Other interior signage is required to meet the regulations established by the City's Sign Code for commercial properties. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section 220.040 of Chapter 220.

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: A wooded area is required to be maintained around the facility to mitigate the noise pollution to surrounding properties. 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 of the required changes.





REZONING/SPECIAL USE PERMIT APPLICATION

1.	Name of property owner: Arapaho LLC Phone: 573-365-9440
_	Address: 12 Allen Road City: Eldon State MO Zip: 65026
	List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:
_	Gary Prewitt Inevocable Trust
2.	Name of landowner's representative, if different from above: Andrew Prewitt. Phone: 573-365-9440
	Address: 12 Allen Road City: Eldon State: MO Zip: 650Z6
3.	All correspondence relative to this application should be directed to whom? Andrew Prewitt
	Address: 12 Allen Road City: Eldon State MO Zip: 65026
4.	General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
	Address: TBD Sunset Drive City: Osage Beach State MO Zip: 65026
5.	Do you have a specific use proposed for this property? Amphitheater X Yes No
	Explain all uses: Live music entertainment venue
6.	Area of property in square feet or acres: 1 acres +/-
7.	Current zoning classification: Commercial C1-B
8.	Sources of utilities: Water: City of O.B. Gas: Gasco
	Sewer: City of O.B. Electric: Ameron UE
9.	Proposed zoning classification: Commercial C-1 with an E-3 overlay
10.	How long have you owned this property? 2 years
	Current use of property (describe all improvements): Additional boat parking and access for But
	Current use of all property adjacent to subject property: North: Residential / Vacant
	South: Restaurant / Bar East: Valant West: Commercial / Valant

13. If zoning district or comparable use to that proposed adjoins or lies within describe the use and its location:	the vicinity of subject property, please
The property adjoins Backwater Jacks and is compate	able with the proposed use.
14. Do you own property abutting or in the vicinity of the subject property?	Yes D No
If yes, where is the property located and why was it not included with this app	lication?
We own property all the way around this propert	ty and are happy with its curren
15. Do any private covenants or restrictions encumber the subject property which zoning classification?	could be in conflict with the proposed No
If yes, please remit copy of restrictions with Recorder of Deeds Book and Pag	e number. NA
16. To your knowledge, has any previous application for the reclassification of the	subject property been submitted? No 201 &czening
17. How, in your opinion, will the rezoning affect public facilities (sewer, water, s measures are proposed to address these problems, if any? Please include a Department reviews of proposed zoning.	
The public facilities should not be adversly	affected by this project.
18. How, in your opinion, will rezoning affect adjacent properties and what mitigathese problems, if any?	ating measures are proposed to address
We propose to leave a 185' buffer around the	property to help mitigate any pa
19. List the reasons why, in your opinion, this application for rezoning/special us blank if adequately described in letter to Planning Commission):	se permit should be granted (may be left
own surrounding this property makes this a g	, , ,
Notary Information	this use.
State of Missouri }	
County of Camden }	
I, Andrew Prewitt , owner/applicant, having read the programment for a change in the zoning district boundary lines as shown on the zoning maps of the City this application.	procedures and instructions, make application of Osage Beach, Missouri and explained in
0101	7020
Signature Owner/Applicant: Date:	
Subscribed and sworn to before me on this 12 + day of May	, 20 1.0
Notary Public:	CYNTHIA HORTON Notary Public, Notary Seal
3-13-2022 My Commission Expires:	(SeaState of Missouri Miller County Commission # 14592919
Person Accepting this Application:	My Commission Expires 03-13-2022

**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

Arapaho LLC 12 Allen Road Eldon, MO 65026 Phone: 573.365.9440

May 12, 2020

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

RE: Request to Rezone Property 093.006.2000.0002005.000 from Agricultural to Commercial C1-B

City Planners,

We would like to respectfully request that a portion of the above mentioned property be rezoned from Commercial C1-B to Commercial C-1 with an E-3 Overlay. The property in question has remained vacant and wooded for at least the last fifty years and has not been used for any income producing purpose. Assuming the rezoning to Commercial C1 with an E-3 Overlay is permitted the plan is to build an amphitheater/entertainment venue on the property.

To help remediate any noise or inconvenience from this development we propose to leave at least a 185 foot buffer around the property, install sound buffer barriers, and face the stage in a southeasterly direction away from any existing residential developments.

The property is located in a valley in the back of the Backwater Jacks cove. It is surrounded by wooded hillsides on two sides, a wooded valley on one side, and Backwater Jacks on the remaining side.

We are working with the surrounding property owners and hope that this development will fit with the future development plans for this cove and create a greater tax base for the City of Osage Beach.

Thank you for your consideration on this matter,

Andrew Prewitt Office: 573.365.9440 Cell: 573.280.4388

Email: Andy@PrewittEnterprises.com



City of Osage Beach

1000 City Parkway · Osage Beach, MO 65065 Phone (573) 302 2000 · Fax (573) 302 2039 · www.OsageBeach.org

March 30, 2020

Cary Patterson. City Planner City of Osage Beach 1000 City Parkway Osage Beach, MO 65065 SENT VIA: Email (cpatterson@osagebeach org)

RE. STAFF MEMORANDUM

Backwater Jacks Traffic Impact Assessment

Prepared by CJW

Dated March 6, 2020

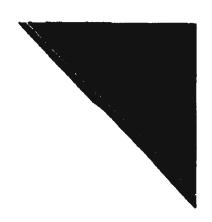
Mr Patterson,

We have reviewed the subject Traffic Impact Assessment and Addendum dated March 30, 2020. The findings indicated no roadway improvements are necessary. To assist in efficient traffic movement, the recommendations to provide traffic control measures at the intersection of Sunset and Bluff Drive during event arrivals and departures shall be implemented.

Sincerely

David Van Leer PE

cc Jeana Woods, City Administrator



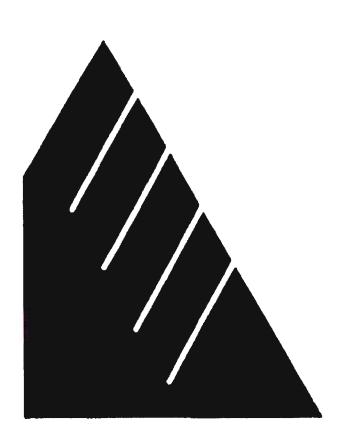
BACKWATER JACKS TRAFFIC IMPACT ASSESSMENT

PREPARED FOR

Mr. Gary Prewitt Arapaho, LLC 12 Allen Road, Eldon, Missouri 65026







INTRODUCTION

PURPOSE OF STUDY

A commercial development has been proposed for an existing parcel in Osage Beach, Missouri that has Sunset Drive run along its northern border. The property will utilize two access points, one onto Sunset Drive and one utilizing the existing access of Beach Drive. Exhibit 1 illustrates the location of the proposed development. The purpose of this study is to determine the potential impact to the transportation network due to potential development and identify any necessary improvements (lane additions and/or traffic control modifications) to the adjacent and nearby road system to mitigate the impact and maintain a satisfactory level of service, adequate safety, and access for the proposed development.

STUDY OBJECTIVES

The objective of this study is to evaluate development access points and traffic impacts on the public roadway network adjacent to the site of the proposed development. This report will identify possible traffic related concerns that could arise due to the proposed development and recommend any needed improvements based on comprehensive data attained in the field and traffic projections.



AREA CONDITIONS

TRANSPORTATION NETWORK STUDY AREA

AREA ROADWAY SYSTEM - EXISTING

Exhibit 2 illustrates the existing roadway system with PM peak hour traffic volumes for the adjacent roadways. The roadways analyzed within the study have the following characteristics:

SUNSET DRIVE — (North of the development) Sunset Drive is an east/west roadway. The roadway provides full access to residential and commercial properties in Osage Beach, Missouri. It is a two-lane roadway with lane widths of 12 feet. A traffic count at Sunset Drive recorded 600 vehicles per day and 54 vehicles in the PM peak hour. Sunset Drive is classified as a Local Road by the Missouri Department of Transportation (MODOT) Functional Classification Map. The roadway is under the jurisdiction of the City of Osage Beach and is currently posted with a 30 mph speed limit near the development.

<u>BLUFF DRIVE</u> — (East of the development) Bluff Drive is a north/south roadway. The roadway provides full access to residential and commercial properties in Osage Beach, Missouri. It is a two-lane roadway with typical lane widths of 12 feet. A traffic count at Bluff Drive recorded 1,890 vehicles per day and 170 vehicles in the PM peak hour. Bluff Drive is classified as a Local Road by the MODOT Functional Classification Map. The roadway is under the jurisdiction of the City of Osage Beach and is currently posted with a 30 MPH near the development.

OSAGE BEACH PARKWAY — (South of the development) Osage Beach Parkway is a roadway that runs east/west around Bluff Drive and curves north/south near Breach Drive. The roadway provides full access to commercial properties in Osage Beach, Missourl. It is a three-lane roadway with typical lane widths of 12 feet. A traffic count at Osage Beach Parkway recorded 7,220 vehicles per day and 650 vehicles in the PM peak hour. Osage Beach Parkway is classified as an Other Freeway and Expressway by the MODOT Functional Classification Map. The roadway is under the jurisdiction of MODOT and is currently posted with a 45 MPH near the development.

BEACH DRIVE – (South of the development) Beach Drive is an east/west roadway. The roadway provides full access to residential and commercial properties in Osage Beach, Missouri. It is a two-lane roadway with lane widths of 10 feet. A traffic count at Beach Drive recorded 90 vehicles per day and 8 vehicles in the PM peak hour. Bluff Drive is classified as a Local Road by the MODOT Functional Classification Map. The roadway is under the jurisdiction of the City of Osage Beach and is currently posted with a 25 MPH near the development.

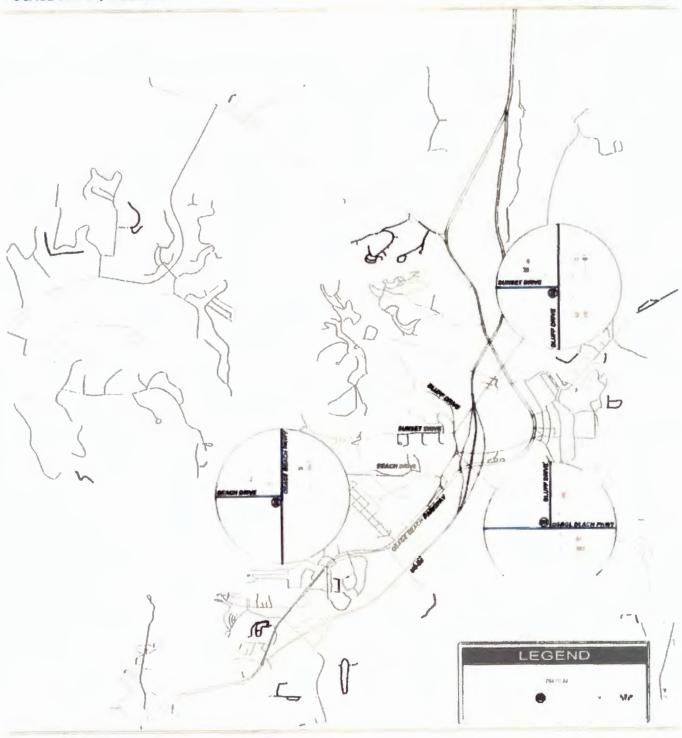
AREA ROADWAY SYSTEM - FUTURE

<u>Access P1</u> — Access P1 will provide full access onto Sunset Drive to the subject property and will provide full ingress/egress to all development traffic.

BEACH DRIVE – Beach Drive is an existing access point that will provide full access onto Osage Beach Parkway to the subject property and will provide full ingress/egress to all development traffic.



EXHIBIT 2 EXISTING TRAFFIC VOLUME PM PEAK HOUR







PROJECTED TRAFFIC

2022 PROPOSED LEVEL OF SERVICE

Projected traffic volumes are obtained by utilizing the counts of the existing roadway network and applying a 2% annual growth factor to the system up to the build-out year of the proposed development. Provided below in **Table 2** is the expected level of service of the roadway network looking solely at the growth of the network over a 2 year period and not the anticipated traffic added by future developments.

Table 2: 2022 Peak Hour Measures of Effectiveness (Natural Growth)
Summary of Intersection Capacity Analysis & Geometric Configuration

INTERSECTIO	N	# of	Traffic	PM	
NIS	E/W	Lanes	Control	Delay	LOS
Bluff Drive & 1	Sunset Drive		TWSC	2.6	A
Eastbound Left	t / Right	1	Stop	8.6	A
Northbound Le	ft / Through	1	Free	2.7	A
Southbound Th	rough / Right	1	Free	0.0	A
Bluff Drive & (Dange Beach Parkway		TWSC	1.2	A
Westbound Th		3	Free	0.0	A
Southbound Ri	ght	1	Stop	10.6	В
Osage Beach	Parkway & Beach Drive		TWSC	0.1	A
Eastbound Rig	ht	1	Stop	9.8	A
Southbound Th	rough / Right	3	Free	0.0	A

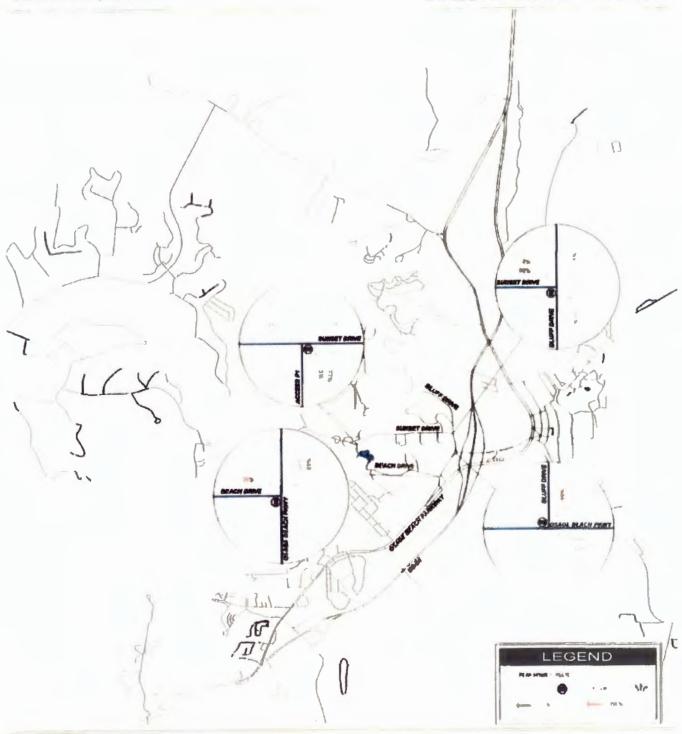
2022 Proposed Trip Generation

Traffic generated to and from the development was estimated based upon data provided in "Trip Generation, 10th Edition," an informative report published by the Institute of Transportation Engineers (2017). The ITE Trip Generation Report is recognized by land use and traffic planners as the most authoritative text available for estimating the trip generation of various types of land development. Traffic volumes for future development are estimated in terms of "Trip Ends" for each land use. A Trip End is defined as a one-way trip to or from the subject property that has the property as either its origin or destination. In determining trip generation, the average rate as given by the ITE Trip Generation Report was used. Average daily trip generations have been calculated for the proposed development. For the purpose of this study, the criterion above was used to compute the trips generated. The number of trips was subsequently used to determine the impact on adjacent roadways.

Table 3 summarizes the average daily & PM peak hour traffic generated to and from the property for the proposed development, based on the expectations previously stated.



AMPHITHEATER TIA OSAGE BEACH, MISSOURI EXHIBIT 3 2022 PROJECTED LAND USE DIRECTIONAL DISTRIBUTION





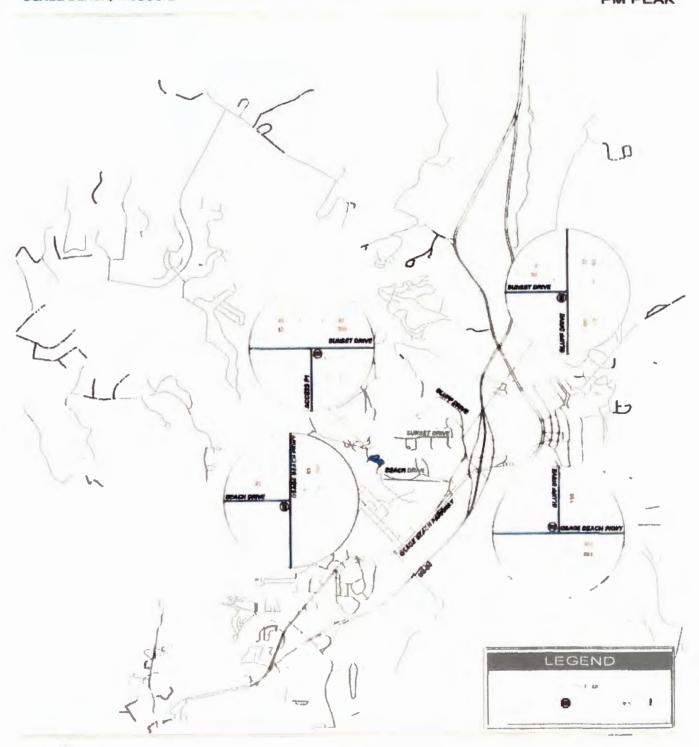


Tel: 417.889,3400 Fax. 417.889,3402

www.fait.Bl.com

LAN ANUECT No 20019

EXHIBIT 4 PROJECTED 2022 TRAFFIC ASSIGNMENT PM PEAK







SpringBold (Miles: Tel 417,889,3490 Fax 417 889,1402

divided by her seek

CAP PROJECT ME 20019

Findings & Recommendations

- Sight Distance at the Proposed Entrances Careful consideration should be given
 to sight distance obstructions when planning any future development or aesthetic
 enhancements, such as berms, fencing, or landscaping, to ensure that these
 improvements do not obstruct the view of entering and exiting traffic at the
 development entrance with public roads. It is generally recommended that all
 improvements higher than 3.5 feet above the elevation of the nearest pavement edge
 be held back at least 20 feet from the traveled roadway.
- Access P1 Access P1 will serve as a full access driveway, providing full ingress and egress to the development along Sunset Drive.
- Beach Drive Beach Drive will serve as a full access driveway, providing full ingress and egress to the development.
- Given the nature of the traffic associated with an amphitheater, it is recommended that
 traffic be directed at the intersection of Sunset and Bluff Drive to provide traffic control
 measures for the time periods expected for event arrival and departure to assist in the
 efficient movement of traffic through the intersection.

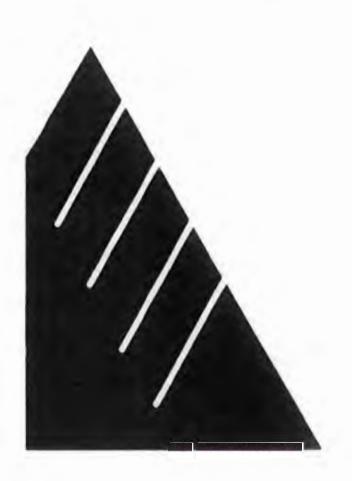
Signal Warrants

- Osage Beach Parkway & Beach Drive A signal warrant analysis was conducted at the intersection of Osage Beach Parkway and Beach Drive. It was determined that the Intersection did not meet the minimum requirements necessary for a signalized intersection. See chart in Appendix II.
- Osage Beach Parkway & Bluff Drive A signal warrant analysis was conducted at the intersection of Osage Beach Parkway and Bluff Drive. It was determined that the intersection did not meet the minimum requirements necessary for a signalized intersection. See chart in Appendix II.
- Sunset Drive & Bluff Drive A signal warrant analysis was conducted at the
 Intersection of Sunset Drive and Bluff Drive. It was determined that the
 intersection did not meet the minimum requirements necessary for a signalized
 intersection. See chart in Appendix II.
- Sunset Drive & Access P1 A signal warrant analysis was conducted at the
 intersection of Sunset Drive & Access P1. It was determined that the
 intersection did not meet the minimum requirements necessary for a signalized
 intersection. See chart in Appendix II.





APPENDIX I - EXISTING TRAFFIC



PREPARED BY:



Intersection:

Bluff Drive & Sunset Drive

PM Count

Observer: JO

N/S Street: E/W Street: **Bluff Drive**

Date:

•

Sunset Drive

2/13/2020

	E	3	N	В		SB
Time		R	L	T	T	R
4:00-4:15	0	4	7	17	12	0
4:15-4:30	0	8	5	13	11	0
4:30-4:45	0	3	2	8	11	0
4:45-5:00	0	3	12	12	9	0
5:00-5:15	0	6	5	10	8	1
5:15-5:30	0	9	4	12	4	0
5:30-5:45	0	2	7	7	14	0
5:45-6:00	0	13	10	2	5	0
Peak Hour	0	18	26	50	43	0
PHF	#DIV/0!	0.56	0.54	0.74	0.90	#DIV/0!

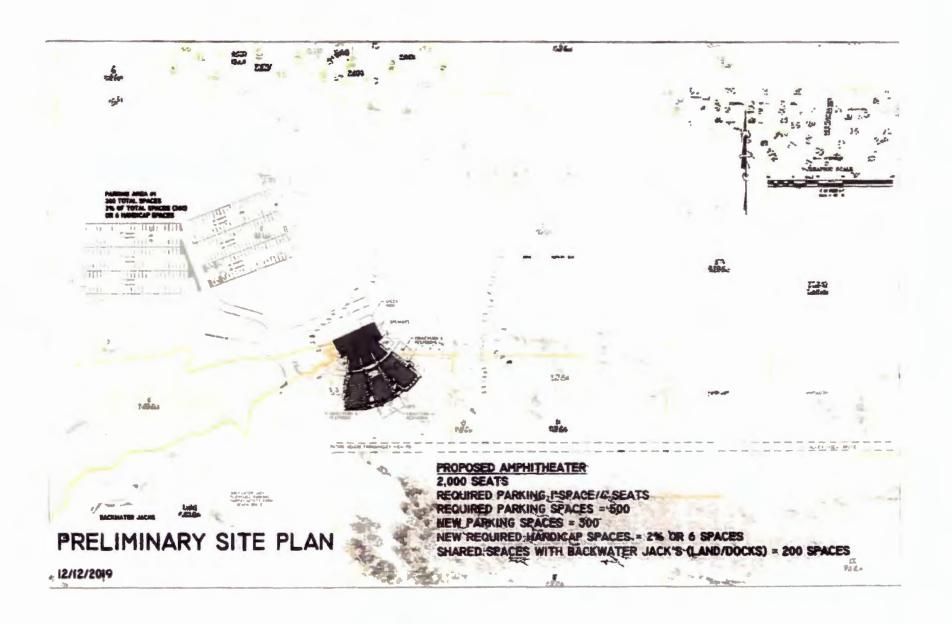
1: Osage Beach Parkway & Bluff Drive

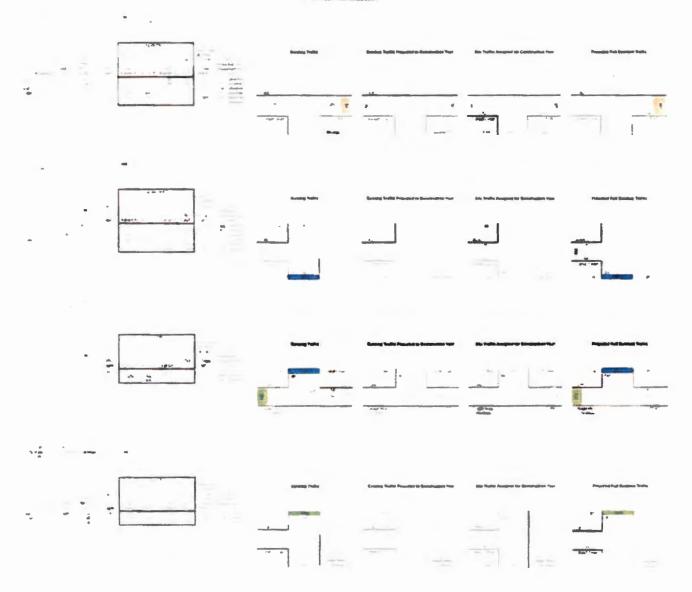
	1	-	-	-	1	1
Lana Group	EBL	EBT	WBT	WOR	SI	SBR
Lane Configurations			444			-
Traffic Volume (vph)	0	0	562	84	0	86
Future Volume (vph)	0	0	562	84	0	88
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util, Factor	1.00	1.00	0.91	0.91	1.00	1.00
Frt			0.981			0.865
Fit Protected			4144.1			
Satd. Flow (prot)	0	0	4989	0	0	1811
Fit Permitted						
Setd. Flow (perm)	0	0	4989	0	0	1611
Link Speed (mph)		30	45		30	
Link Distance (ft)		862	576		720	
Travel Time (s)		19.6	8.7		16.4	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	611	91	0	93
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	0	702	0	0	93
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0		0	
Link Offset(ft)		0	0		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15			9	15	9
Sign Control		Free	Free		Stop	
Managla Servey						

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 24.7%
Analysis Period (min) 15

	*	*	1	1	1	1
Lans Group	EBL	EBR	NBL	NBT	SST	SER
Lane Configurations	Y			4	4	
Traffic Volume (vph)	0	25	29	55	61	0
Future Volume (vph)	0	25	29	55	61	0
Ideal Flow (yphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frl	0.865		*****	1.00	1.00	
Fit Protected				0.983		
Said. Flow (prot)	1611	0	0	1831	1863	0
Fit Permitted			•	0.983		
Said. Flow (perm)	1611	0	0	1831	1863	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1140			720	227	
Travel Time (s)	25.9			16.4	5.2	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	27	32	60	66	0
Shared Lane Traffic (%)			-	00	00	•
Lane Group Flow (vph)	27	0	0	92	66	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12	. again	Lon	0	0	ragin
Link Offset(ft)	0			0	Ö	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane					10	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15	1.00	1.00	9
Sign Control	Stop		15	Free	Free	8
Intersection Summary					,,,,,,	_

Area Type: Other
Control Type: Unsignalized
Intersection Capecity Utilization 21.2%
Analysis Period (min) 15





940.9.1 Left Turn Lane Guidelines for Two-Lane Roads lees than or equal to 40 mph, Northbound Left, Susset Drive & Bluff Drive

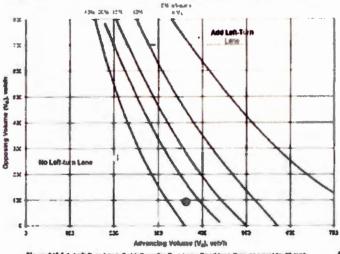


Figure 946.5.1, Laft Turn Lane Guidelines for Two-Lane Road less than or equal to 40 aigh.

Note: Left Turn Lane Warranted

The tollowing data are required

- 1 Opposing Volume (vehills) VO The opposing volume is to include only the right-turn and through movements in the opposite direction of the left turning vehicle. 95 vehicle:
- 2 Advancing Volume (vehicle) VA The advancing volume is to include the right-lium and through movements in the same direction as the left turning vehicle. 363 website.
- 3 Operating Speed (mph) The greatest of anticipated operating speed, measured 85th percentile speed or posted speed 35 MMH.
- 4 Percentage of left turns in VA 84,3%

Left turn take is not needed for left turn volume tess than 10 vph. However criteria other than volume, such as crash experience, may be used to justify a left turn take.

The appropriate frend tine is identified on the basis of the percentage of left-turns in the advancing volume rounded up to the nearest percentage frend line. If the advancing and opposing volume combination intersects above or to the right of this trend line, a left-turn time is appropriate.

2022 Signal Warrant Analysis

	PMI			ight Hour is Souset L				TIP
Access Pt	NB 80	SB	(61)	VPH				
Secres I'l	EB	E.M.	En.	1111				
Sunser Dave	38	338	338	7.511				
PM Peak Hour	the	of ADT			•			
		Factor to Ob	run Xth		Condition	Condition	Wattant Condition	Warrant
Rondway	ADT	Hour		8th Hour	.\ 100°a	B 100%	\ {{Kl ^m .a.	B lur,
Sunset Drive	3,756	90,0		225,33	5(X)	750	Not Mer	Not Me
Access P1	088	0.06		5.3	150	73	Not Met	Not Met

2022 Signal Warrant Analysis

	PMYER	Watte	PRODUCTO .	ghi Hour		Blul	e	
Bluff Dave	NB	SB 158	158	VPII				
mutt Drive	- KH	WB	136	CPIL				
Sage Beach Parkwas	1745	1028	11128	VPH				
Peak Hour	()41	TCI/ In						
							Warrant	Warrant
		Factor to 9	Deam Eth		Condition	Condinon	Condition	Condino
Remelver	PCI/.	110	NJ P	Arh Hour	.\ 100°	100%	L.	8 100° =
Isage Beach Parkway	11,422	- 0,0	16	685.33	5(8)	750)	1.1	Not Me
Blott Drive	1.50	10	(Ki	105	150	~5	Not Met	Diet

1: Osage Beach Parkway & Bluff Drive

	1	-	-	-	1	1
Lane Group	到	EBT	Wet	WBR	SBL	SBR
Lane Configurations			444			P
Traffic Volume (vph)	0	0	585	87	0	89
Future Volume (vph)	0	0	585	87	0	89
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	0.91	0.91	1.00	1.00
Frt			0.981			0.865
Fit Protected						
Setd. Flow (prot)	0	0	4989	0	0	1611
Fit Permitted			1000	•		
Sald. Flow (perm)	0	0	4989	0	0	1611
Link Speed (mph)		30	45		30	
Link Distance (ft)		862	576		720	
Travel Time (s)		19.6	8.7		16.4	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	0	636	95	0	97
Shared Lane Traffic (%)	•		000	-	•	
Lane Group Flow (vph)	0	0	731	0	0	97
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Left	Left	Right	Left	Right
Median Width(ft)		0	0	t again	0	. again
Link Offset(ft)		0	o		0	
Crosswalk Width(ft)		16	16		16	
Two way Left Turn Lane		10			10	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	1.00	1.00	9	15	9
Sign Control		Free	Free		Stop	U
Intersection Summery	S 300 11			T I CON	-	

Area Type: Control Type: Unsignalized Other

Intersection Capacity Utilization 25.4% Analysis Period (min) 15

	1	>	4	1	1	1		
ahe Group	EAL	EBR	NEL	NET	583	SBR	-345	
Lane Configurations	A			4	1			
Traffic Volume (vph)	0	26	30	57	0	63		
Future Volume (vph)	0	26	30	57	0	63		
ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00		
Frt	0.865				0.865			
Fit Protected				0.983				
Satd. Flow (prof)	1611	0	0	1831	1611	0		
FIt Permitted				0.983				
Satd. Flow (perm)	1611	0	0	1831	1611	0		
Link Speed (mph)	30			30	30			
Link Distance (ft)	1140			720	227			
Travel Time (s)	25.9			16.4	5.2			
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Adj. Flow (vph)	0	28	33	62	0	68		
Shared Lane Traffic (%)								
Lane Group Flow (vph)	28	0	0	95	68	0		
Enter Blocked Intersection	No	No	No	No	No	No		
Lane Alignment	Left	Right	Left	Left	Left	Right		
Median Width(ft)	12			0	0			
Link Offset(ft)	0			0	0			
Crosswalk Wkith(ft)	16			16	16			
Two way Left Turn Lane								
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00		
Turning Speed (mph)	15	9	15			9		
Sign Control	Stop			Free	Free			
(about the land	_		_					

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 21.3%
Analysis Period (min) 15

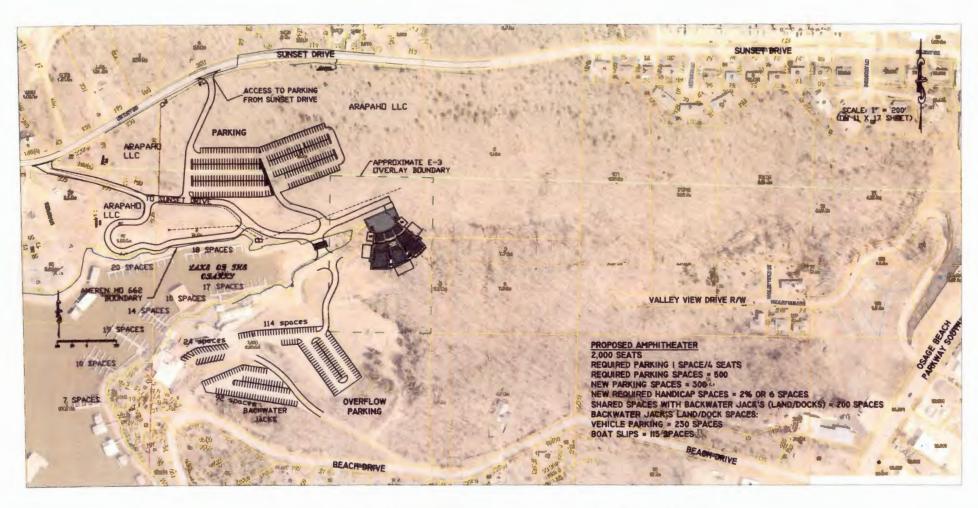
5: Osage Beach Parkway /Osage Beach Parkway & Beach Drive

	1	1	1	1	1	1	
Lane Group	EN	EBR	NBL	MAT	481	SBR	
Lane Configurations		-			446		
Traffic Volume (vph)	0	15	0	0	750	43	
Future Volume (vph)	0	15	0	0	750	43	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Lane Util. Factor	1.00	1.00	1.00	1.00	0.91	0.91	
Fet		0.865			0.992		
Fit Protected							
Said. Flow (prot)	0	1611	0	0	5045	0	
Fit Permitted						_	
Satd. Flow (perm)	0	1611	0	0	5045	0	
Link Speed (mph)	25			30	45		
Link Distance (ft)	803			477	862		
Travel Time (s)	21.9			10.8	13.1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	0	16	0	0	815	47	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	0	16	0	0	862	0	
Enter Blocked Intersection	No	No	No	No	No	No	
Lane Alignment	Left	Right	Left	Left	Left	Right	
Median Width(ft)	0			0	0		
Link Offset(ft)	0			0	0		
Crosswalk Width(ft)	16			16	16		
Two way Left Turn Lane							
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	
Turning Speed (mph)	15	9	15			9	
Sign Control	Stop			Free	Free		

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 25.4%
Analysis Period (min) 15

	\rightarrow	7	-	—	4	-	
Lane Group	EBT	EBR	WBL	WBT	MBL	NBR	
Lane Configurations	-			4	Y		
Traffic Volume (vph)	26	12	308	30	3	77	
Future Volume (vph)	26	12	308	30	3	77	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	
ert	0.957				0.870		
FII Protected				0.956	0.998		
Satd. Flow (prot)	1783	0	0	1781	1617	0	
FIt Permitted				0.956	0.996		
Setd. Flow (perm)	1783	0	0	1781	1617	0	
ink Speed (mph)	30			30	30		
Link Distance (ft)	346			1000	206		
fravel Time (a)	7.9			22.7	4.7		
eak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	28	13	335	33	3	84	
Shared Lane Traffic (%)							
Lane Group Flow (vph)	41	0	0	368	87	0	
Enter Blocked Intersection	No	No	No	No	No	No	
ane Alignment	Left	Rìght	Left	Left	Left	Right	
Aedian Width(ft)	0			0	12	4	
ink Offset(ft)	0			0	0		
Crosswalk Width(ft)	16			16	16		
Two way Left Turn Lane							
feadway Factor	1.00	1.00	1.00	1.00	1.00	1.00	
Furning Speed (mph)		9	15		15	9	
Sign Control	Free			Free	Stop		

Area Type: Other
Control Type: Unsignalized
Intersection Capacity Utilization 36.9%
Analysis Period (min) 15

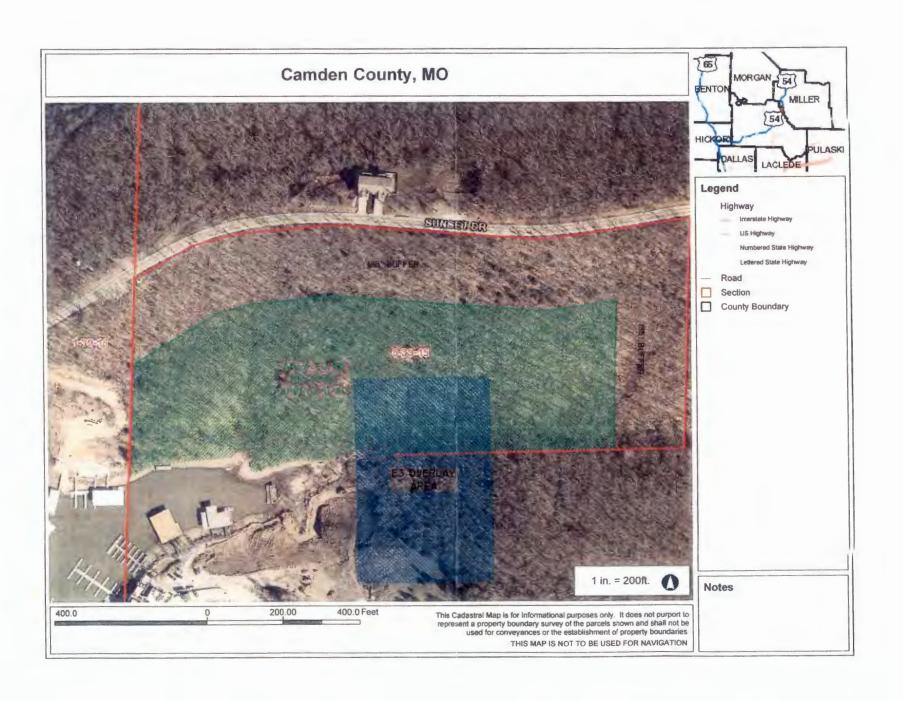


AMPHITHEATER PRELIMINARY SITE PLAN RVSD, 03/12/2020



Properties owned by the Applicant and Family





July 7, 2020

Re: Rezoning case no. 406

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

Members of the Osage Beach Planning Commission,

We would like to formally express our opposition to the rezoning case by Backwater Jack's that is yet again to be discussed at the upcoming meeting. We have been homeowners on Beach Drive for the past 14 years and have attended as many meetings as possible where this issue has been discussed. We have expressed our opposition in person, submitted our questions to the city clerk, have spoken directly with the city planner and a planning commission member and now we feel we should respond in writing.

In the minutes from the last meeting included in today's packet, it reads that the applicant stated that he has been in contact with all the property owners in the cove and all but one are in favor of this project. He has not been in contact with all property owners - no one representing the applicant nor the city has been in contact with us, nor any of our immediate neighbors on Beach Dr., to our knowledge.

As many of our neighbors on Sunset Drive have expressed at previous meetings, we are frustrated that such a disruptive project is being proposed for a primarily residential area. As you know, the microphone sound was a problem for those of us listening to the previous planning meeting online so we were not able to understand what was discussed about the traffic study presented by the applicant. I can only hope that several people pointed out that a traffic study done during the off-season in February and March would not be reflective of the current in-season traffic loads on either Sunset Drive or Beach Drive. If the applicant truly wanted to mitigate the negative impact on the surrounding area, he could have waited to conduct his study during the tourist season when concerts will take place. We think it's safe to assume that if that were done, the traffic counts would not align favorably for this project.

As has been said before but maybe needs to be reiterated, the scope of the applicant's business has changed dramatically in the past few years. While we certainly do not begrudge him his success, there should be a balance between that and the impacts that success has on the surrounding neighborhood. There is only so much shoreline to go around and businesses need to be able to peacefully coexist with residents and vacationers. We were not opposed when the large expansion and pool area was built, but now it seems we've reached a tipping point where the impacts to the neighborhood are piling up and we wonder where the line will be drawn.

At the end of the day, the material facts of this case that were considered at the last meeting remain unchanged. We are grateful to the commissioners who stood with the neighborhood and voted against this project, and hope that they will do so again.

We will try to be in attendance if possible at the meeting next Tuesday. We thank you all for your service to the city and your consideration.

Sincerely,

Chris and April Milne 4440 Beach Dr.

cc: Tara Berreth, City Clerk

cc: Cary Patterson, City Planner

Pam Campbell

Subject:

FW: Backwater Jacks Cove Project

----Original Message----

From: Sharon Carlson <jasapple@charter.net>

Sent: Tuesday, June 9, 2020 8:45 AM

To: Tara Berreth tberreth@osagebeach.org

Subject: Backwater Jacks Cove Project

I am writing this letter to voice my concern over the expansion being planned at the end of our cove. Our address is 1257 Rock Lane so we are further down the cove than most of the others protesting this expansion. We did not attend the meeting with Mr. Pruitt on Sunday, but we did attend the first planning commission meeting at city hall. At that time, it was only being proposed and would be voted on after several studies were completed. In the meantime we have witnessed the work on the project going on without the final approval like it was already approved. This has been disheartening and made us feel as if it was going in no matter what.

Our concerns are these:

- 1. The noice coming from amphitheater. It just isn't the music. We hear people yelling and screaming on boats and at the pool as it is. This of course would increase boat traffic. Paying for half of a wave breaker is generous. We could afford to pay our part, but I know a number of people wouldn't be able to or want to, putting the burden on the rest of us. Damage to our docks continues to be a problem. Many of us put a lot of time and money into getting our cove no wake. While most boaters respect it, there are still some who do not, especially after spending time partying at Backwaters.
- 2. Many people on our street are elderly. If there was an emergency, could emergency vehicles get through. This could be a matter of life and death.
- 3. There are always children playing and often crossing the road at the start of Sunset. Will people, who may have already been partying, look out for them on the way to the concert? Where the road is being put in, it is on the crest of the hill with the entrance is blind at a certain point.

In conclusion, my husband and I moved here 12 years ago to retire and enjoy lake life. We were fully aware of Backwaters at the end of the cove and honestly, it hasn't bothered us. We have enjoyed the boat traffic, and have frequented Backwaters often ourselves. But after the pool was put in, things began to get crazier and louder. I can only imagine what it would be like during a concert. I feel as if our quality of life is being challenged and could be changed because of this project.

Sharon /Jerry Carlson 1257 Rock Lane

Sent from my iPhone

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Pam Campbell

Subject:

FW: Sunset Drive/Backwater Jacks Zoning Meeting

----Original Message-----

From: Amy supulver <supulver2@yahoo.com>

Sent: Tuesday, June 9, 2020 8:38 AM

To: Tara Berreth <tberreth@osagebeach.org>

Subject: Sunset Drive/Backwater Jacks Zoning Meeting

To whom it may concern,

As a full time resident that lives on Sunset Drive I have to voice my concerns over the amphitheater that backwater Jacks is attempting to put in.

I have a son with a disability, what happens if and when I need to call an ambulance? What if somebody down Sunset Drive has any kind of medical emergency or in need of a fire truck? Will we be guaranteed all emergency vehicles will be able to get down our road without any time hindrances whatsoever during these concert times? Or is there a chance that we will possibly watch our houses burn down or our loved ones bleed out, because there is a money making concert going on that takes precedence over our safety?

How is it even a possibility to close off a two way residential street with backed up traffic for a concert. We are a residential district. We all purchased our homes in a residential district, not a commercial district. It appalls me that there is ZERO concern for all the children that play outside at the apartments, most of the time very close to the street. I guess since this is a lower income housing alternative to what I am sure the Prewitts live in, they don't count! I can't help but wonder what social media would think of the Lake of the Ozarks, knowing there is so little regard for innocent children with no where else to play but outside of their apartments and a bunch of people, strangers, possibly drunk, are allowed to put these kids in danger every time there is a concert. Lets just hope and pray that one of these children are not struck by a vehicle or abducted by some concert goer. I guess it always come down to who is privileged and who is not!

I am saddened by what Osage Beach is turning into; a hedonistic party place that no longer promotes families or their values. I moved to the lake 33 years ago. It was a beautiful place where people retired to and families raised their children. Now it has progressed to nothing but promoting a giant fraternity type atmosphere. How many more entertainment complexes do we need? How many will be enough? Surely the community can come up with more attractions promoting the family tourism this lake was built on and have somewhat more of a balance before we drive away all the tourist with children and future retiree's. Is this really the Lake of the Ozarks that we want? Another large drinking/party facility? It was a huge embarrassment when the backwater Jacks covid video went national, that was our tourism video, very sad indeed!

I do understand that the amphitheater will provide more revenue but at what cost? It is a total disregard to all the full time tax paying residents in Osage Beach that do not want this built. I not only pay property taxes but I along with everyone else also shop all year long, am involved in the community and am raising a next generation of taxpaying citizens who may choose to live and raise their family in Osage Beach. The noise and traffic level of this endeavor will impact many locals.

I read that there are not any records of calls of complaints about the music at Backwater Jacks. Well if there are not any, then there is something shady going on because I for one have called numerous times and I know my neighbors have also. There were instances I have called five time in one night because apparently the Prewitts are untouchable and do not have to abide by the shut off time for music. Gee, wonder what would happen if I turned up my stereo and let it play until 11-11:30 at night with neighbors calling in complaints. I am pretty sure it wouldn't be allowed to continue, yet we all call and complain and nothing is ever done about it. The music is never stopped. We got the picture loud and clear! currently the music just keeps getting louder and played until way past the shut down time to comply with city ordinances. They do what they want, they have made it clear they have no concern for the very community they are in the middle of.

Come to my house on a night when they are playing music and you will see the trees are not a buffer of any kind. My children now stay up until the bar closes, no choice there! I'm quite sure all those young children and working class people living in the apartments across from the amphitheater won't mind staying up half the night.

The traffic report they submitted is a joke, anyone can clearly see that. How about doing a report on last Memorial Day, wonder how different that would look? Has everybody forgotten that this is the middle of Osage Beach? That there is a fire department right down the street? When resulting traffic from these concerts is happening, do the residents along Bluff Drive and Sunset Drive just make plans to stay home. My kids are involved in extra curricular activities in school that sometimes take place on the weekends; does that have to end because it will take two hours to drive to the end of our street?

I hope that everybody who has a vote, very seriously listens to our voice of opposition, and realizes the repercussions this amphitheater could have on a lot of people in our community and our community as a whole.

Respectfully Yours, Randy and Amy Supulver

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Pam Campbell

Subject:

FW: Planning Commission - June 9 meeting

Attachments:

Osage Beach Zoning.docx

From: Jennifer White < jenniferleewhite@yahoo.com >

Sent: Monday, June 8, 2020 4:04 PM

To: Tara Berreth < tberreth@osagebeach.org Subject: Planning Commission - June 9 meeting

Good afternoon,

I would like to submit the attached comments related to the agenda for the June 9 Planning Commission Meeting.

My primary question I would like to pose to the Commission:

How can this proposal be properly considered without a decibel test on current volume levels (Backwater Jack's weekend music entertainment), statement of regulatory authority for enforcement of the decibel limits, and a consistent process to determine that future volume levels will not exceed the limits set by:

Osage Beach City Municipal Code Section § 220.020. Noises Prohibited Generally AND

Osage Beach Zoning Regulation 405.300, pertaining to E3 Zones

Thank you.

Jennifer White

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Attn: Osage Beach Planning Commission City Hall 1000 City Parkway Osage Beach, MO 65065

We are writing to you today regarding the proposed amphitheater in Osage Beach, submitted to the Planning Commission by applicant Arapaho, LLC, Case Number #403 and resubmitted as Case Number #406.

To the general public, the thought of an amphitheater in Osage Beach is a wonderful idea, and will bring fun new entertainment options to the heart of Osage Beach. The city council is probably excited about the increased revenue and taxes it anticipates receiving. What most people aren't thinking of is the impact on the immediate surrounding residential area.

In January, the planning and zoning meeting topic was not announced in advance. Signs should have been posted in the affected neighborhoods to advise of the upcoming zoning meeting and proposed changes. Notices should have been posted in the local area newspapers. Fliers should have been sent via US Postal Service to individuals in the surrounding zip codes. With the level of secrecy in which this topic presented itself to the zoning commission, it definitely feels like certain individuals were trying to sneak something by the community.

The property owner, Mr. Pruitt seems to think that because he owns the majority of the surrounding property, there will not be any issues or objections. What he has not considered, and hopefully the zoning commission does their due diligence to consider, is the impact on the surrounding community if this amphitheater project is approved. Mr. Pruitt already has an outdoor concert area at Lazy Gators. In building that facility, he disrupted that entire neighborhood.

In the past several years, Backwater Jacks has expanded several times. First, they expanded the indoor dining area, and then the outdoor dining area. In their biggest expansion (2017), they added the swimming pool, additional dining areas, sushi restaurant, moved the stage, and added more boat docks to the back of the cove. With each expansion, there have been no improvements to Beach Dr. despite the added traffic.

Beach Dr. is a narrow two-lane road. A standard passenger vehicle has to almost take the ditch to allow a delivery truck to pass by in the opposite direction. Since the Backwater Jack's pool expansion, the road and parking lot cannot handle a normal summer weekend, and during holiday weekends people are parking on both sides of Beach Dr, often blocking the main road. If it's already this bad, can you imagine what the increased traffic of an amphitheater will bring?

The original application to the zoning commission included a "Traffic Impact Statement" which only noted impacts to Sunset Drive and Bluff Drive. Neither of these roads has been impacted by the Backwater Jack's expansions. The recent "Traffic Impact Assessment" was completed in February 2020, despite the fact that Backwater Jacks was not even open for business at that time. There is a drastic difference in traffic during peak season (April through September), none of which is reflected in either of the submitted traffic surveys.

In a recent article regarding the proposed amphitheater it is stated "The amphitheater would be constructed at the back of the cove, with a parking lot for 300 vehicles on Sunset Dr." Just doing the simple math... A 2000 seat amphitheater, and 300 capacity parking lot, would require a minimum of 6.6 people per vehicle. Many people may decide to carpool, but typical concert goers would be arriving in groups of 2 or 4. Where will the overflow vehicles park? Do they actually expect that the additional 200 (estimated) parking spaces at Backwater Jack's will be used only for concert attendees? Will the concerts only take place on a week night, in order to not interfere with the already at-capacity parking lot at Backwater Jack's during the weekends? The stated intention is that the traffic will be routed to Sunset Dr.; however, most people who are familiar with Backwater Jack's current location will still use Beach Dr. to access as they will likely be eating and drinking there before or after the concert event.

In our current residence, we can already hear the bands on Friday/Saturday night, what will that be like in comparison to a full-blown amphitheater? Backwater Jack's has no regard for the current regulations regarding the noise ordinance. We have called the police when the band was still playing well beyond 11 pm or even midnight, in complete disregard to the noise ordinance. On July 26, 2019 specifically, the police were called to file a noise complaint regarding the band continuing to play well past 11 pm; upon arrival, we were told "it's not that loud" - clearly indicating the police are in Pruitt's pocket if they are unwilling to complete a decibel test as indicated within city ordinances. Is any one man or business considered above the law?

Per Osage Beach City Municipal Code Section § 220.020. Noises Prohibited Generally.

It shall be unlawful for any person to make, continue or allow to be made or continued any noise that can be heard within the limits of this City, which when measured from a distance of fifty (50) feet or more that exceeds eighty (80) decibels on an A-weighted scale during the hours of 7:01 A.M. to 10:00 P.M. or that measures seventy (70) decibels during the hours of 10:01 P.M. to 7:00 A.M.

The current band set up is 6-8 large speakers, and projects sound a great distance throughout our neighborhood. I can only imagine the increased volume of an amphitheater's full velocity sound system. Furthermore, which code or regulation applies to such an entertainment location? The zoning application indicates a re-zoning from C-1B (Commercial Lodging) to C-1 (General Commercial), with an E3 Entertainment Overlay Zone.

Per the Osage Beach Zoning Regulation 405.300, pertaining to E3 Zones: *Noise.*

- 2. Instrumentation. Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section <u>220.040</u> of Chapter <u>220</u>.
- 3. Maximum permissible sound levels by receiving land use.

a. Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	,
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

In published articles, Mr. Pruitt has stated the intention to use trees and foliage to absorb the sound, but many construction vehicles have been on the property, cutting down a large number of trees in the past several months. If this proposal truly needs council approval, how is it that Mr. Pruitt already has permission to begin the construction process?? What building or construction laws apply to this situation?

When the property was previously rezoned from A-1 to C-1B (in September 2017) there were no attempts made to utilize the property for "commercial lodging." The only improvements were to add additional boat parking docks to the area across from Backwater Jack's, near Sunset Beach Resort. It seems like the prior rezoning was merely subterfuge to ease into the eventual rezoning request to C-1. Will the house at 4303 Beach Dr. be permitted to stay as a single residence, even though it will be on C-1 property (if this rezoning permit occurs)? Based on my understanding of C-1 zoning, single family residences are not permitted.

In a recently published article, an editorial commented that this project would strengthen Osage Beach, and highlighted the closures of Ace Hardware and Wood's Supermarket (businesses west of the Grand Glaize Bridge). Adding more business to the already saturated east side of Osage Beach will do nothing to reinvigorate the west side of Osage Beach. If bringing business to Osage Beach West is the desire, there are a number of empty properties in that part of town where neighbors will not be an issue. Perhaps there is a more suitable location for this proposal.

Please do not misunderstand the intention of this letter, we greatly enjoy Backwater Jack's in its current state for dinner, listening to music with friends, and hanging out in the pool during the summer. We do not want to be singled out for this message, and potentially banned from dining at Backwater Jack's. We have a house where the proposed amphitheater will be facing, and believe this will create excess noise, traffic, and overall is a bad idea for our community.

We simply ask that the Osage Beach Planning and Zoning Commission fully consider what is truly right for this residential community.

Marc & Jennifer White

Tara Berreth

From: April M <aprilgibbsmilne@gmail.com>

Sent: Monday, June 8, 2020 8:46 AM

To: Tara Berreth

Subject: Planning Commission Meeting 6/9

I would like to submit a question and comment regarding the application for zoning change by Backwater Jack's. We will also be attending the meeting on Tuesday via Zoom.

How can this proposal be properly evaluated with data from a traffic study that was conducted during the off-season? According to the report, the numbers were collected on Thursday, February 13th, on Presidents' Day - Monday, February 17th and on Friday, March 6. Backwater Jack's was not even open for business during these times. Traffic counts provided in this report would not accurately reflect significantly higher in-season levels that include second home owners, vacation rentals, and other weekend/seasonal visitors.

If the Planning Commission intends to provide reasonable due diligence in evaluating the anticipated impacts of this project before making a recommendation to the Board, it should require that traffic counts be taken during a typical day/evening when the applicant plans to hold concerts. A count should also be taken on one of the major holiday weekends in order to determine the highest current demand on the roadways.

Thank you,

Chris and April Milne 4440 Beach Dr.

Tara Berreth

From: tsfaltus@aol.com

Sent: Saturday, June 6, 2020 8:00 PM

To: Tara Berreth

Cc: susandaly63@gmail.com
Subject: Rezoning at Backwater Jacks

To Whom it may Concern:

I am the property owner at 4598 Sunset Road, the very last house on the left at the end of the road. Considering the current amount of traffic, noise, and the behavior of its patrons, the idea of granting a zoning variance to build an amphitheater at Backwater Jacks is ridiculous in and of itself.

But even more importantly, the idea of using Sunset Drive for egress from this venue creates a serious safety hazard. It is the responsibility of Osage Beach to provide unobstructed fire and ambulance service to its residents and the traffic created by an amphitheater would absolutely impact this. I have a heart condition and have had heart surgery, and you can be sure I will hold the city responsible if an ambulance is unable to reach me because of amphitheater traffic.

It's time for the city to act in the best interest of the majority of those affected by this project, not just those who will profit from it.

Sincerely, Tim Faltus

Tara Berreth

From: Patrick Cantwell < patrick.cantwell@henkel.com>

Sent: Sunday, June 7, 2020 8:42 AM

To: Tara Berreth

Subject: Amphitheater project traffic

Hello,

I am an Osage Beach resident and live on Sunset Dr. I would like to officially state that I am totally against this project and the increased traffic it will inherently bring to Sunset Dr. The traffic must be moved off of Sunset Dr.

If the city of Osage Beach condones the resulting traffic on this family street it will be held accountable. When stalled Police/Fire response times result in property or personal damage the city will be liable.

Pat Cantwell 214-674-8486

Pam Campbell

From: Tara Berreth

Sent: Tuesday, June 9, 2020 7:01 AM

To: Pam Campbell

Subject: Fwd: Rezoning Request #406 Comments for Planning Meeting June 9, 2020

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From: Mike Blaine <mjblainelk4504@gmail.com>

Sent: Monday, June 8, 2020 7:35:37 PM
To: Tara Berreth < tberreth@osagebeach.org>

Subject: Rezoning Request #406 Comments for Planning Meeting June 9, 2020

Planning Commision Members.

I have several concerns with this request, and believe your decision on whether to let this request go forward or not will have an impact on the City as to whether Osage Beach will be considered a party destination (with approval), or hopefully (without approval) and innovative thinking, become a family vacation destination we can all be proud of.

As I look through how we got to where we are today in regards to the BackWater Jacks properties, I wonder does anybody look at what they were told to get approval of other zoning requests and what actually happened? Rezoning Request #393

- No new boat docks would be allowed. Yet there are new docks marked for Backwater Jacks customers only
- In the meeting minutes Planner Patterson reminded Tony Kirn the the facility wasn't lakefront and wouldn't require more docking facilities
- I also wonder who if anybody looked into packing, based on what I've seen on busy weekends there isn't enough
- You were also led to believe that a more family affiliated facility was to be created based on Cary Pattersons report. Don't believe that's what you got.

Rezoning Request #399

- So far you got nothing that was proposed except additional docks with no vacation rental homes to use them and a lot of stripped ground for a parking lot that has not gotten your approval
- And lets not forget that Cary Patterson reminded all of you at this meeting that there would be additional rezoning request coming and basically don't talk about it. I would have thought that the Planning Commision would want to be open with the public and gather their input to get a feel for what the community would like to see. Any chance this was in reference to Request #406. Would anyone like to fill us in on what's coming next, or does the public not have the right to know.

Concerns over the new Rezoning Request #406

- One thing that seems to be a push factor for getting, rezoning request through you are told of the great financial impact it will have on the community and business as a whole. When I look at the Sales Tax revenue for the city as the Lakefront Party Centers expand, I'm not seeing much if any growth in tax revenue, based on city budget reports. As I drive around town, I do see a lot of closed business.
- By letting Lakefront Party Centers expand especially into residential areas, are we risking driving full time residents out of the city which in turn will impact more of the offlake business which probably need year round customers to survive.
- Other impacts of losing full time residents, loss in revenue for water and sewer fees if homes become rental properties. Possible loss of the local Hospital if full time residents move away. I can go on and on here about the impact of losing full time residents.

Is it time to say the Lakefront Party Centers are not the avenue to better prosperity. Should we be looking instead to inviting new business into the community that provide year round, full time employment and can draw new full time residents to the city, that's true growth.

Thanks, Mike Blaine 4504 Sunset Drive Osage Beach, MO 65065

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Pam Campbell

Subject:

FW: Sunset Drive/Backwater Jacks Zoning Meeting

----Original Message-----

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Sent: Tuesday, June 9, 2020 8:38 AM

To: Tara Berreth <tberreth@osagebeach.org>

Subject: Sunset Drive/Backwater Jacks Zoning Meeting

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Come to my house on a night when they are playing music and you will see the trees are not a buffer of any kind. My children now stay up until the bar closes, no choice there! I'm quite sure all those young children and working class people living in the apartments across from the amphitheater won't mind staying up half the night.

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I hope that everybody who has a vote, very seriously listens to our voice of opposition, and realizes the repercussions this amphitheater could have on a lot of people in our community and our community as a whole.

Respectfully Yours, Randy and Amy Supulver

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Pam Campbell

From:

Tara Berreth

Sent:

Tuesday, June 9, 2020 7:01 AM

To:

Pam Campbell

Subject:

Fwd: Backwater Jacks Expansion

Get Outlook for Android

From: Paul Wettstein <paul.wettstein@pigsrus.net>

Sent: Monday, June 8, 2020 8:23:08 PM

To: Tara Berreth < tberreth@osagebeach.org>

Subject: Backwater Jacks Expansion

To whom it may concern,

My name is Paul Wettstein and I own the house at 4539 Sunset drive. I want the planning board to know that I completely oppose the driveway to back water jacks off of sunset drive. I understand this driveway will be used to access a parking lot used for the 2000 person amphitheater. I am greatly concerned about the traffic during one of these events and how it will impact the many residents on sunset drive. For example if a fire or rescue is needed at the end of sunset and cannot get past the traffic. The city and BWJ will be held liable for this traffic resulting in excessive damage to property or a delay in assistance to a resident.

Also I find it interesting that the owner of BWJ has already built the road acting as though it will be approved.

I think a much better access point point would be to use the current road to BWJ.

Thanks

Paul Wettstein

Communication made through e-mail and messaging systems shall in no way be deemed to constitute legal notice to the City of Osage Beach or any of its agencies, officers, employees, agents or representatives with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents or representatives, where notice to the City is required by any federal, state or local laws, rules or regulations.

Pam Campbell

From:

Tara Berreth

Sent:

Tuesday, June 9, 2020 7:01 AM

To:

Pam Campbell

Subject:

Fwd: planning & zoning meeting 6-9-2020 rezoning case 406 Arapaho comments to

the commission

Get Outlook for Android

From: daryl weatherman <daryldw@hotmail.com>

Sent: Monday, June 8, 2020 8:29:38 PM

To: Tara Berreth <tberreth@osagebeach.org>

Subject: Fw: planning & zoning meeting 6-9-2020 rezoning case 406 Arapaho comments to the commission

From: daryl weatherman

Sent: Monday, June 8, 2020 8:17 PM

To: tberreth@osagebeach.org <tberreth@osagebeach.org>

Subject: planning & zoning meeting 6-9-2020 rezoning case 406 Arapaho comments to the commission

the rezoning from A-1 to C-1 b 9-17 was not none LEGAL . none of the near by property owners (sunset villas owners # 4333 don sable & # 4331 stella gillen) kyclayker development , daryl weatherman ,david & Kerrie townsend , jim unger ,brian mock , and many many others was not notified by registered mail.

yes, I have been told by mayor john olivarri that it was because of a 185 feet buffer a-1 agriculture !! that is not legal by any means! its not plated in Camdenton county, and when you build a commercial road in the middle of a 185 feet buffer is that what john olivarri calls a buffer? and piles of trees stacked in a mess. lets be clear here a buffer is woods that you call agriculture area. you the board members have to live with what you pass, or what Patterson talks you all into doing. by any means you all know it was not none legal PERIOD. ALL LAND OWNERS

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Patrick and Susan Daly 4512 Sunset Drive Osage Beach, MO 65301

To the City of Osage Beach Planning and Zoning Commission Mayor John Olivarri
Susan Ebling (Ward I) - CHAIRMAN
Nancy Viselli (Ward II) - Secretary
Alderman Richard Ross (Ward III)
Don Sturn (Ward I)
Don Chisholm (Ward II)
Michelle Myler (Ward II)
Tony Kirn (Ward II)
Alan Blair (Ward II)
Kellie Schuman (Ward III)

Dear Commission Members:

We have watched the developments of the Arapahoe LLC rezoning request with great interest.

We attended the January 2020 meeting and listened to Mr. Patterson's presentation. We also presented what we and many other cover residents consider significant concerns with the project. Unfortunately, we and the majority of the neighbors on Sunset Drive came away with the impression that the issue was supposed to be an open and shut case.

The following remain concerns:

- 1. A traffic study dated March 6, 2020 is included in the packet for the next Commission Meeting. The author(s) appear to lend some form of approval for bringing the traffic in via Sunset Drive. As you surely understand relying on a traffic study from February in Osage Beach at the beginning of a global pandemic seems like a poor decision. So my question is if the City of Osage Beach accepts this traffic assessment based on this Commission's recommendation and there is an increase in emergency response time to a household on Sunset Drive due to the extreme traffic congestion and the lack of any place to clear the road for an emergency vehicle, will the City of Osage Beach have liability especially when there were alternatives to the planned entrance? This could equally apply to the residents elsewhere in Osage Beach as traffic from 2000 attendees and the employees of the amphitheater and band will ultimately backup onto Bluff and hamper emergency vehicle access to use the stretch of Bluff Drive between the Parkway and Sunset Drive.
- 2. Arapahoe reportedly plans to use the trees as a buffer for sound deadening and to play only when the trees have leaves for that reason. It is also my understanding that of the twelve planned events, four will be in the spring, four will be in the summer, and four will be in the fall. My questions are, who will police this and has a noise study been conducted with and without leaves as was discussed in the last meeting?
- 3. Both Mr. Prewitts boast that they are currently "grandfathered" in with respect to Backwater Jack's existing outdoor stage and therefore do not have to shut down at any time. My question is at what time will they be required to shut down the amphitheater and who will police this? As you heard at the last meeting Backwater Jack's has been at best an inconsiderate neighbor and at worst a lawbreaker based on the decibel levels in the cove. While both Mr Prewitts further boast that they have never received a citation

there have been plenty of complaints. This is clearly a failure of the enforcement arm of the City which reeks of favoritism toward revenue generation regardless of impact on the citizens of Osage Beach. With the addition of an amphitheater with national acts whose products are the music and whose contacts require their control of the decibel levels how can the City legitimately promise the property owners in this and surrounding coves that noise ordinances will be observed and enforced?

- 4. With the addition of an amphitheater in a residential cove, one could claim that the noise will be magically deflected away by the angle of the stage or by some sort of farcical sound deflecting fence which does not affect the view of the lake. However, without a sound study with all sound deadening measures in place one must could just as easily point out the painfully obvious that every boat on the lake will be rafting in the cove for a free concert Aquapalooza style. This would clearly trample the rights of those homeowners in the cove. My question is how does the City Planner suggest that the rights of cove residents be protected?
- 5. The Osage Beach Citizen Advisory Committee was established to provide for the sharing of information from the residents of Osage Beach on matters of public concern and to assist the City in fulfilling its mission statement. The committee may research, review, and provide recommendations on specific topics or issues as requested by the Mayor, Board of Aldermen majority, or the City Administrator. My question is has this group been consulted by Mayor Olivarri?
- 6. Has an economic impact study been done and if so where can it be found? If the revenue is as high as the City Planner suggests my question is why has the city not considered creating a suitable entrance of Beach?
- 7. Why weren't the letters received prior to the last meeting made part of the meeting records?
- 8. Why will this meeting be restricted attendance if Camden County has lifted those restrictions.
- 9. If RE/MaX Lake of the Ozarks has conducted any business with Arapahoe or anyone associated with it, should Susan Ebling recuse herself from any recommendation?

I sincerely hope that you remain vigilant in your responsibility as commissioners to serve the entire population of Osage Beach and not a sole interest regardless of the revenue that might be generated by any single project. While everyone understands the importance of tax revenue, great cities create it in a planned manner where all citizens are consulted about how and if they want their city to grow. While some residents have expressed support for this project, I promise you that it is not in their back yard. Very few home owners in the cove support this. Those that do hold a misguided belief that this is going to increase their property value. If this was in any of your backyards, you would not support this.

To date this process has been superficial and perhaps criminal as the project has progressed steadily despite a lack of zoning approval and following the despicable sales pitch provided by Mr. Patterson. As the elected and appointed officials responsible for a recommendation to the City's Aldermen you will be remiss in your obligation to the citizens of Osage Beach if you don't demand a great deal more from your City Planner than to jump at any revenue that comes along, citizens be damned.

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Cary,

My family and I live at the Lake of the Ozarks. We own property and contribute to the local businesses and pay sales tax to the local jurisdictions. I enjoy spending time at Backwater Jacks now and plan to continue visiting this establishment in the future. I am in favor of the back of the cove/adjacent property being rezoned to accommodate a new amphitheater and additional parking. I plan to patronize the new establishment once complete and I believe it will bring additional people and revenue to the lake region as a whole.

Thank you,

3 13 302 1200

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Thank you,

800 Mexis 9V KS 66208

meyerrohatmed.com

913 486-624

(Name, City/Address, Email or Phone Number)

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Spencer Jewell

1651 Cherokeerd APT ZB

86)-716-8705

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(Name, City/Address, Email or Phone Number)

Britany Evbank 159 Carton Point Dr. Wentzville, MO63385

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(Name, City/Address, Email or Phone Number)

2 AND MO 65049

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Kieghan Graham Sunrise Beach, Mo 2681 State Rd. TT.

5 73-397-3445

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Thank you,

eric charles 38 aus foost In

(715)-111-2218

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Sabby Powell	
(Name, City/Address, Email or Phone Number) 44 Black Rd. Keiser, MU	4504
(573)480-7682	

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Thank you,

Jacob Stith
16 Oak Ben RJ.
Kaiser MO 15734809923

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Thank you,

Calvin Massey 1249 Procter Dr Osasa Beach 65065 573-876-6741

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Thank you,

Mucks Creek MO

triplex6901@ Yahoo. Com

HE CONTRACTOR OF THE WINDOWS

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GROBELL BELLAMY
620 PARKWOOD CIRCLE UNIT 138
673-434-2110

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Melanie Miller 1019 Bencono Ridge hake orapic

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The new amphitheater project will provide more jobs and will bring more people to the lake which will in turn bring sales tax and help other local businesses (hotels/restaurants/shops/etc). I support rezoning the property to accommodate the amphitheater and I hope that the rezoning board does as well.

Thank you,

Mary Jensen Waynesvillemo

25370 Hwy 17

Mary Jensen 888@ YAhoo. Com (Name, City/Address, Email or Phone Number)

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10 Box 82 Lake Ozarle MO 65049 573-280 3671

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(Name, City/Address, Email or Phone Number)

are Otark Mo 65049 Jural-Dickson@gmail.com

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Thank you,

Meagan Schwartz 247 Camden Ave Camdraton, Mo. 65020

573-280-4722

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Janul'aduka@gmail.com
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(Name, City/Address, Email or Phone Number)

col group@gmail.com 573-557-4239

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(Name, City/Address, Email or Phone Number)

itfoody @yahoo. com

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Thank you.

513-337-1889

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Mr. Patterson,

I have lived in this area and worked at Backwater Jacks for a total of 3 years. During that time I have personally been a part of keeping this cove clean and picking up trash. We do our best to keep the cove clean and also to be good neighbors to the people that live in the 17.5 MM Cove.

The new amphitheater project will provide more jobs and will bring more people to the lake which will in turn bring sales tax and help other local businesses (hotels/restaurants/shops/etc). I support rezoning the property to accommodate the amphitheater and I hope that the rezoning board does as well.

Thank you,

Justin Harris 4235 Sunset de Apt 20 sase Deach Mo, Xantharsis Qagmail.com

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Mr. Patterson,

I have lived in this area and worked at Backwater Jacks for a total of $\frac{4}{2}$ years. During that time I have personally been a part of keeping this cove clean and picking up trash. We do our best to keep the cove clean and also to be good neighbors to the people that live in the 17.5 MM Cove.

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Thank you,

Osase 4235 sunset Dr 65065

573 286 2381

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Mr. Patterson,

I have lived in this area and worked at Backwater Jacks for a total of 1 years. During that time I have personally been a part of keeping this cove clean and picking up trash. We do our best to keep the cove clean and also to be good neighbors to the people that live in the 17.5 MM Cove.

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ferneTH Lewis

OSAGE BEACH, MO Krlewis 99-Klj @ g MAIl-Com

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

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Thank you,

551 e Chris of

COMMO MO 65203

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

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Thank you,

65020

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Thank you,

Deucel P Ens 5. 205 Volunteer Lu

Roach MG 65787

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Osage Beach 4071 Plairie Hollow Osage Beach MO 65065

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Sadie Pourl 4229 Sunset dr. Osage Neach Sadie pouel 1232@yanoc.com 573-286-3287

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KAITLIN LAING 252 WITT RD EZDON MO 65026 573 SSZ 1582

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Thank you,
Lydia Withers
17675 HWY 133
Dixon, MO 65459
Lydia-lean napotmail-com

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Thank you,

Luke Willenblock 11 cofferhand land

573-480-5750

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Stranheny 2020a gmail.com

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Thank you,

(Name, City/Address, Email or Phone Number)

320 Eldon, mo. 65065

Midway Rd.

Paytongood243@gmail com

(573) 375-2046

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Thank you,

Drage Brach, 4187 Sunset Drive Apt #1,

talysian wazir @ gmail.com

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080
CPatterson@OsageBeach ors

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Cary,

My family and I live at the Lake of the Ozarks. We own property and contribute to the local businesses and pay sales tax to the local jurisdictions. I enjoy spending time at Backwater Jacks now and plan to continue visiting this establishment in the future. I am in favor of the back of the cove/adjacent property being rezoned to accommodate a new amphitheater and additional parking. I plan to patronize the new establishment once complete and I believe it will bring additional people and revenue to the lake region as a whole.

Thank you,

(Name, City/Address, Email or Phone Number)

573-292-4010

Rabinold Beach, MO 15, 1587 San Joge dr

Cary Patterson City of Osage Beach Planning Department 1000 City Parkway Osage Beach, MO 65065 (573)302-2000 Ext 1080 CPatterson@OsageBeach org

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I Roanda Beach Drake Deark, MD

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(Share Brown)

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🏹 hank you,

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(Christina Proser)

aw point MO 43349

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080
CPatterson@OsageBeach org

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Terry Werdeman Streatglich 1300 gmail com 20931 Birch Street Gretna Ne 68028 1(402) [0]6-2659

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080
CPatterson@OsageBeach org.

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Thank you,

2523 St. R.d. A.

Emily Cone

June 2020

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080
CPatterson@Osage Beach org.

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Cary,

sbcglobel.net

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Surise Beach 237 Garey Oak Dr. 816-806-2486

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

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(Name, City/Address, Email or Phone Number)	
Carolina Poppy	
239-848-6141	
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care Coral FL	
339.04	

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

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, -	s, Email or Phone Numb	•
Juns!	Que Cairon C	hotmail. Com

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Thankyou, <u>Jeff Becheror</u> <u>6502 Copeview La</u> <u>Osage Beach</u>

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Tuauk Aon

Cace Beach 1110

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MK Mckwelle

5455 Heror BAY 05A38 BEACH W LTOLS Mike BAJAZUOIC 9 mail. Com

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Zach Odell

5834 Oxaga Beach Arkny Oxaga Beach, MO 65065 25092502@gahoo.com

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

1595 Osage Beach Pkwy #27 573-873-6645

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(Name, City/Address, Email or Phone Number)

Yn Catterneir 573-746-0133 [Yan Gryonsells. com

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TAY (C)

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Pakway 407

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Andrea Livera Osage Beach, MV riveraa 1313@gmail 270-331-7389

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Thank you,

CUET GEASS LAKE HOME 1036 QUIVER LUNE 311 7TH BEACH, MO.

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(Name, City/Address, Email or Phone Number)

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Cary Patterson City of Osage Beach Planning Department 1000 City Parkway Osage Beach, MO 65065 (573)302-2000 Ext 1080 lanarscany (. . . Beach et p

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Cary,

My family and I live at the Lake of the Ozarks. We own property and contribute to the local businesses and pay sales tax to the local jurisdictions. I enjoy spending time at Backwater Jacks now and plan to continue visiting this establishment in the future. I am in favor of the back of the cove/adjacent property being rezoned to accommodate a new amphitheater and additional parking. I plan to patronize the new establishment once complete and I believe it will bring additional people and revenue to the lake region as a whole.

Thank you,

Ben Veshoef OSage Beach 44+1 Ham rock Lane 573-280-9027

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es47 or 573-286-9186

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Osage Beachyno 5704 Purkving art

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Shannon Paut

1392 Gerrard Lane

05aze Beach, 4065665

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1392 Germand LN
05Ape Beach MO

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From < 4410 Erwen Ln

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Harla Benson 14507 Cove Road, Osage Beach, MO 65065

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(Name, City/Address, Email or Phone Number)

Kodgers Puiver Lane Pouch Mo 65065

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Thanky	, ou,				
(Name,	City/Ac	ldress,	Email o	or Phone	Number)

KYAN KOERKENIMEIER 4507 COUE Rd. OSAGE BEACH, MO 65065

913-378-65-99

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	um yana ma	(Principle August
		-

(Name, City/Address, Email or Phone Number)

Jody Watson 4507 Cove Road Osage Broch, MO 65065

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Thank you,

DAVE WILD

P.O. BOXZ79

LAKE OZAKK, NO 65049

DRW G8R@ ADL. COM

(Name, City/Address, Email or Phone Number)

Support our load huseness operator of our locale who line

hire tresse grateful for. All om businesses do!

Here since 1971.

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

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My family and I visit the Lake of the Ozarks 365 number of times each year. We (own/rent) property when we are at the lake and we contribute to the local businesses and pay sales tax to the local jurisdictions. I enjoy spending time at Backwater Jacks now and plan to continue visiting this establishment in the future. I am in favor of the back of the cove/adjacent property being rezoned to accommodate a new amphitheater and additional parking. I plan to patronize the new establishment once complete and I believe it will bring additional people and revenue to the lake region as a whole.

618-973-6629 P.O. BOX 796 CAKE OZMANO 65049

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Amés RV

05066 3400 MO 65065

June 2020

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080

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Po Day 190 LAN E OLDEN, 1065049 954-850-0096

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1481 Ledger D.B-R -

573-484-6805 ; Spencer. Carlock 210 ymail. com

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Ncci Lierdecker 1277 Little Brave Pr Orallon MO

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Brickston Mudmyr 709 Landau Ln Wornal FL 61761

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Thank you,

David Lolfe

(Name, City/Address, Email or Phone Number)

Parid volte

[701 Butram Road, white Hall AR 71602

870-718-3618

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(Name, City/Address, Email or Phone Number)

Paige Giacoletto, Nevenning Deerln, osage beache 618-975-1893

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Chris Webb 59026 Shalon DR Rusielville, Ma 65074 STET1130 ymil

June 2020

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(Name, City/Address, Email or Phone Number)

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2000 1042 QUIVER W.

85AGE JEACH, MD 65068 3145037097- Lyansen 17 Egmail. com

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Bardara Poolell 742 S. Caneer St. Senothmo 63876

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Hank you, Katil Guhnare Ilia Port Rayale Dr. unit ID

SUNISH BEACH, MO 65079

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Wesley Rose
Ub Port Rouel CDr
Mit 1D
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Chris Gunnove

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Cuuris C Beach, MO 500 79

(Name, City/Address, Email or Phone Number)

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Kairen, MO 65047

573 480-2995

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Laure Pearson

53-2 E Landers Lane

Condention NO 65020

573-757-7689 Impearsonstlognail.com

Cary Patterson City of Osage Beach **Planning Department** 1000 City Parkway Osage Beach, MO 65065 (573)302-2000 Ext 1080 rus isony in electronic en-

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305 Highland Ghores Dr. Unit Sc Lake Ozark, MO USO49

and the South of the Street Hotel

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Myanda Pratt

305 Highland shores Dr Unit 50

Lake Ozark, Mo US049

Couture. Catering. Loz@gmail.com

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Boy Dr. Unit 1 C no le5049

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Jenifer Bland 204 Emerald Bay Drive Linit IC ake mark, MO 65049

(Name, City/Address, Email or Phone Number)

573-375-0405

RE: Arapaho LLC/Backwater Jacks Amphitheater Property Rezoning Request

Cary,

My family and I visit the Lake of the Ozarks 13 number of times each year. We own rent) property when we are at the lake and we contribute to the local businesses and pay sales tax to the local jurisdictions. I enjoy spending time at Backwater Jacks now and plan to continue visiting this establishment in the future. I am in favor of the back of the cove/adjacent property being rezoned to accommodate a new amphitheater and additional parking. I plan to patronize the new establishment once complete and I believe it will bring additional people and revenue to the lake region as a whole.

Thank you,

For Meyer Sr. 6301 Ash, PV, KS 66008 6. C. meyer & A01. com 913 831-6257

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hank you,

8798571101

June 2020

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065
(573)302-2000 Ext 1080
CPatterson@OsageBeach ore

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Thank you,

Pam Campbell

From:

Cary Patterson

Sent:

Tuesday, June 9, 2020 2:23 PM

To:

Pam Campbell

Subject:

FW: Backwater Jacks Amphitheater Rezoning

From: Tim Gardner < tim@smartprintingcenters.com>

Sent: Tuesday, June 9, 2020 2:21 PM

To: Cary Patterson < cpatterson@osagebeach.org > **Subject:** Backwater Jacks Amphitheater Rezoning

Cary

I own a home and business within walking distance to backwater Jacks. We enjoying being close to them and the entertainment they provide. We are in full support of the rezoning for the amphitheater and think it would be a great addition to Osage Beach and believe it would attract visitors to our area. We hope the city will support this project and pass the rezoning. Thanks. Tim

Smart Printing Centers

4595 Osage Beach Pkwy Osage Beach, MO 65065

Phone: 573-348-3100 Fax: 573-348-3102

UPLOAD YOUR PRINT FILES TO OUR WEB SITE

AT: www.smartprintingcenters.com

Communication made through e-mail and messaging systems shall in no way be deemed to constitute legal notice to the City of Osage Beach or any of its agencies, officers, employees, agents or representatives with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents or representatives, where notice to the City is required by any federal, state or local laws, rules or regulations.