

NOTICE OF MEETING AND PLANNING COMMISSION AGENDA



CITY OF OSAGE BEACH PLANNING COMMISSION MEETING

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

September 14, 2021 - 6:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- A. Motion to approve July 13, 2021

NEW BUSINESS

- A. Motion to approve Rezoning Case 415 - Jeff and Diana Dorhauer
- B. Rezoning Case 416 Kyle LaBrue

REPORTS

ADJOURN

Remote viewing link: Remote viewing is available on Facebook at City of Osage Beach, Missouri and on YouTube at City of Osage Beach.

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 x 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's Office forty-eight (48) hours in advance of the meeting at the above telephone number.

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

July 13, 2021

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on July 13, 2021 at 6:00 pm at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Alan Blair, Tony Kirn, Nancy Viselli, Mayor John Olivarri, Kellie Schuman, Alderman Bob O'Steen, and Chairman Susan Ebling. Also present: City Planner Cary Patterson, City Attorney Ed Rucker and Planning Department Secretary Pam Campbell. Absent was Jeff Dorhauer.

Minutes - 5/11/2021

Chairman Susan Ebling asked if there were any corrections or comments regarding the May 11, 2021, regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the May 11, 2021 minutes and Kellie Schuman seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Chairman Susan Ebling said the first order of business is Rezoning Case 414: A request by Platinum III Investments for a recommendation to approve a Rezoning of their property, located at the end of Passover Road, from C-1 (General Commercial) to C-1b (Commercial Lodging District) and asked the staff for comments.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date: July 13, 2021

Case: 414

Applicant: Platinum III Investments

Location: Former Mikes Resort property located at the end of Passover Road on the east side of the roadway.

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

Existing Use: Vacant property that was formerly a resort.

Zoning: C-1

Tract Size: 10 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 General Commercial	Vacant Commercial
<u>South:</u>	LU Lake Use	Lake of the Ozarks
<u>East:</u>	C-1 General Commercial	Condominium Commercial
<u>West:</u>	C-1 General Commercial R-1b Single Family	Condominium Commercial Shorewood Estates

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: High Density Residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>	
Ken Carpenter R-1b (Single Family) to C-1 (General Commercial)	148	August 1995	
<u>Utilities:</u>	<u>Water:</u> City <u>Sewer:</u> City	<u>Electricity:</u>	Ameren UE

Access: Property has frontage on Passover Road.

Analysis:

1. The applicant is the owner of the property in question. The property has been under this ownership for approximately ten years. It is a compilation of the properties formerly occupied by Mikes Resort.
2. The subject property was formerly the home of Mikes Resort. In 1995 the previous owner requested a rezoning of the lake front portion of the property, approximately 2 acres, from R-1b (Single Family) to C-1 (General Commercial) to allow possible resort expansion or condominium development. The remaining 8 acres was already zoned C-1 at the time of this request. The Board of Aldermen approved that rezoning request in August of 1995.
3. In 2006 the City of Osage Beach removed condominiums from the permitted uses within the C-1 (General Commercial) zone. This was done to give the City the ability to protect prime property for commercial and sales tax generating development from being developed as condominium developments as opposed to what is the properties greatest and best use. Because of this change, the subject property is required to be reviewed by the City for a zoning change that would allow Condo development as opposed to a hotel with accessory uses or a similar use.
4. The property has been excavated and the structures that existed on it previously have been removed by the new ownership. The property is surrounded by three condo developments and one single family residential subdivision. This property enjoys high visibility from the Main Channel of the Lake of the Ozarks.
5. The applicant intends to build a condominium project, that will include 90 units, as part of an overall development plan. As you can see in the submitted letter, the applicant may also develop a 55 and older residential use on the remaining property. The C-1b zone will permit

one unit of condominium development for every 2500 square feet of lot area. Without any consideration given to the other desired uses, the property will support approximately 174 total units. Submission of complete development plans will be required for the City's approval. Infrastructure improvements for water, sewer, and streets are likely, including the extension of the City's sidewalk along the properties frontage in order to serve the proposed development.

Department Comments:

This piece of property is located in an area that is affected by the intense nature of the main channel of the Glaize Arm of the Lake of the Ozarks. The Comprehensive Plan calls for high density residential on this property which would support the applicant's request for the subject property. The City has seen this property as a future condominium development property for some time and has accounted for its development in the reconstruction of Passover Road and the public utilities for the corridor. As I stated above, it is likely that improvements on the existing public infrastructure will be required, and that will be handled within the development approval stage of the process. Of course, any facility constructed to serve this development will be required to be built to City Standards. **Keeping in mind the conditions of the subject property and the recommendation of the Comprehensive Plan, the Planning Department recommends approval of this request.**

Chairman Susan Ebling asked if the applicant or representative would like to add any information or clarify anything at this time. No one commented.

Chairman Susan Ebling asked if anyone else had any questions.

A person from the audience, Melissa Lyons, stepped up to the podium and signed in. She stated she is new to the area and moved to World Mark condos in January of this year. She had several questions regarding financing, sidewalks, etc., for Planner Patterson.

Chairman Ebling then asked if anyone on the Commission had any questions or comments, , there were none and then asked about entertaining a motion.

Tony Kirn made a motion to approve Rezoning Case 414, Rezoning of property, located at the end of Passover Road, from C-1 (General Commercial) to C-1b (Commercial Lodging District) and Kellie Schuman seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.

Chairman Susan Ebling asked if there were any reports.

Reports

Planner Patterson stated there's new development going on and things have been very busy.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:18 p.m.

I, Pam Campbell, Planning Department 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 July 13, 2021.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

Planning Commission Minutes 7/13/2021

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Date:	September 14, 2021	Case Number:	415
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<u>Applicant:</u>	Jeff and Diana Dorhauer	
<u>Location:</u>	.75 miles from the intersection of Highway 54 on the north side of Lazy Days Road.	
<u>Petition:</u>	Rezone from R-1a (Single-Family) with a PUD 1 Overlay to R-2 (Two Family).	
<u>Existing Use:</u>	Vacant	
<u>Zoning:</u>	R-1a (Single-Family) with a PUD 1 Overlay	
<u>Tract Size:</u>	Approximately 1.1 acres	
	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	A-1 (Agriculture)	Single-Family
<u>South:</u>	PUD 1 Overlay	Vacant not in city
<u>East:</u>	PUD 1 Overlay	Scattered Single-Family
<u>West:</u>	R-1 (Single Family)	Vacant Single-Family

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Moderate Density Residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Jeff Green	Case 312	April 2006

Utilities

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

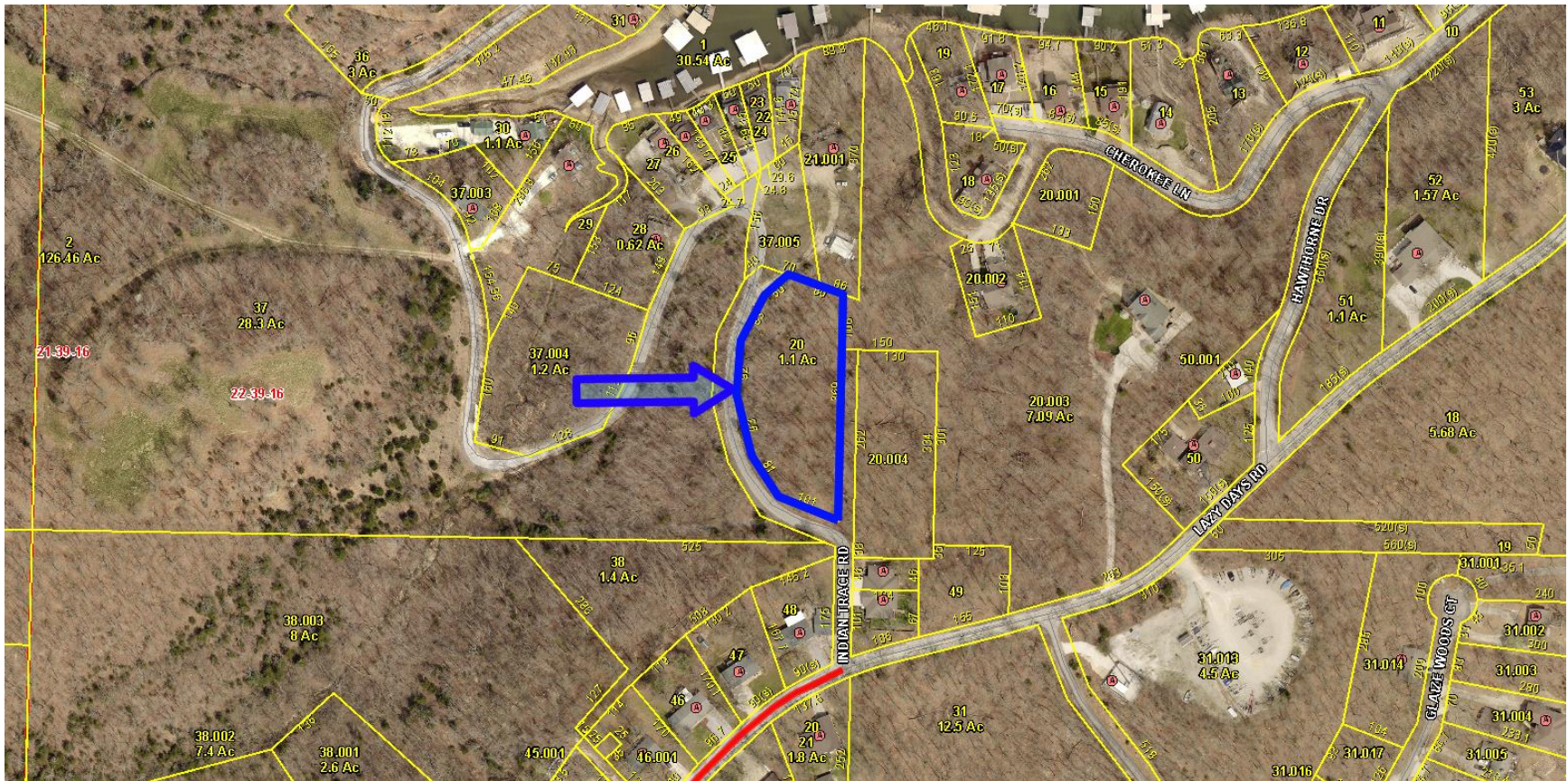
Access: Property can derive access via Indian Trace.

Analysis:

1. The applicants are the owners of the 1.1 acres in question. They attained the property approximately 14 years ago.
2. The applicants have submitted a request to rezone the subject property from R-1a (Single Family) with a PUD Overlay to R-2 (Two Family). The subject property was zoned as it is currently in 2006 as part of a Planned Unit Development that encompassed some of the surrounding property that totaled 11.1 acres in area. The PUD allowed both single- and two-family development within the district. The subject property was set for single family.
3. The owners of the property have a prospective buyer that wishes to place two duplex townhomes on the property. A rezoning to R-2 is required for that and the contract for sale is contingent on the rezoning being approved.
4. The character of surrounding development is primarily residential. It ranges from single-family to high-density condominium development all along the Lazy Days corridor.
5. The R-2 district permits lots of 6500 square feet with two dwelling units per lot. The R-1a zone has a minimum lot size of 10,000 square feet with a single dwelling per lot.

Department Comments and Recommendations:

A request of this type is likely to become common, in the approaching period of time, as developers try to answer the call for more housing in the lake area. The subject piece of property could develop with as many as seven single family homes under the moderate density single family zone, but the topographic issues facing the piece are substantial. Allowing a developer to build a couple duplex townhomes on the piece will give them the ability to get greater use out of the more buildable portion of the parcel while still maintaining a low to moderate density for the property causing minimal impact to the area. With the City and the lake area as a whole looking for ways to address the housing shortage we face, providing property owners flexibility on the type of units they are allowed to build, is one way that the City can promote the type of development that can help address that need. **Keeping that in mind and taking into account the issues facing this property, the Planning Department recommends approval of this request.**



Rezoning Case 415 Location Map

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Date:	September 14, 2021	Case Number:	416
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Applicant: Kyle LaBrue

Location: Southeast corner of Bluff Drive and Ski Drive.

Petition: PUD Amendment for 13 four plex units.

Existing Use: Residential property with 2 existing duplex buildings.

Zoning: PUD for 24 Duplex Units

Tract Size: 9.3 acres

Surrounding Zoning:

Surrounding Land Use:

North: R-1a Single Family

Scattered Single Family

South: R-3 Multi-family
R-1a Single Family

Summit Apartments
Oak Run Subdivision

East: R-3 Multi-family

Undeveloped Multi-family

West: R-1a Single Family

Scattered Single Family

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Low Density Residential

Rezoning History

Case #

Date

Deves-Moffit & Assoc.

282

Aug. 2004

Utilities

Water: City
Electricity: Ameren UE

Gas: None
Sewer: City

Access: The subject property is fronted on three sides by public streets (Bluff Drive, Ski Drive, and Ash Lane).

Analysis:

1. The applicant is the owners of the 9.3 acres in question. The property is currently zoned with a PUD to allow the construction of 24 two family buildings.
2. The applicant is requesting an amendment to the existing PUD which would remove eleven of the structures and allow the remaining 11 to be constructed with four units that includes two efficiency units in the lower level.
3. Under this proposal, the development would have a maximum density that would equate to 5.5 units per acre which is still at a low-density level as it pertains to residential development.
4. If approved, substantial changes will be required to the building and the site. The building code will require a commercial building permit and all drives and parking areas will need to be asphalt or concrete paved. These changes in the site will be reviewed for code compliance and approved prior to a building permit being issued. An inspection to assure conformance to the approved plans will be required prior to a Certificate of Occupancy being issued.
5. The character of surrounding development is primarily residential. It ranges from single-family to high-density multi-family development in this section of the Bluff Drive corridor.

Department Comments and Recommendations:

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing alternative developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation, the property owner is attempting to get greater use from the developable portion of the property by building fewer structures with more units.

This was actually recommended to the previous owner/developer by both myself and the City Engineer at the time, as well as his contract engineer. The issue is the topography of the lower end of the property is excessive and makes it both difficult and unaffordable to develop. At the time, we recommended a plan using structures with more units to help the development capacity of the land but the developer did not want to deal with more stringent building codes.

This is another situation where the City can help provide more flexibility for a developer attempting to put residential housing on a challenging piece of land. This is certainly one of the things the City can do to help promote the type of

development that is needed both within our community and in the lake area as a whole.

One of the situations staff was adamant about was limiting the access and road cuts into the units that front Bluff and Ski Drive. The amended PUD site plan illustrates shared access points for the above mentioned units, there will be no more than three access points total off of Bluff and Ski Drive.

The request is consistent with the Comprehensive Plan. The Department feels that with the number of different uses in the area and given the complexity of the engineering and construction pertaining to the subject property, this will be a fitting use for the property. The Department recommends approval of this request to amend the subject PUD to the following provisions:

Permitted Uses:

The following uses shall be permitted in those areas as illustrated on the PUD site plan:

1. Residential Uses shall conform to the requested 13 fourplex residential buildings containing a total of 52 units.
2. Accessory Uses designed for and available to residents of the subdivision, but not open to the public. Those uses include administrative office(s) for project management, model units, garages, maintenance buildings, gate houses, and recreation facilities.
3. Community and Recreation Facilities including but not limited to community centers, swimming pools, tennis courts, and basketball courts.
4. A final development plan is required for all permitted uses as listed above.

Bulk, Area, and Height Requirements:

Shall be in conformance with the International Building Code.

Public Facilities:

1. 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.

- a. 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.

Access:

1. Access shall be derived from a maximum of three access points off of Bluff and Ski Drive using shared driveways for the units fronting the before mentioned streets; the other tiered units will derive access off of inter development roads or drives. All street, drive, and parking facility construction or improvements to the existing roads must conform to the city design guidelines.

Parking:

All development shall adhere to Osage Beach off-street parking requirements at the time that it is constructed.

Buffering and Screening:

1. Natural vegetative screening will provide an appropriate buffer between surrounding uses.
2. Waste cans, dumpster units, or other trash receptacles shall be placed where they are least visible from a public street or adjoining properties. Screening/fencing as to make these devices as least visible as possible is required.

Exterior Lighting:

1. 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 or proposed 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 on local streets in residential areas. Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

The applicant will be required to get a sign permit from the city. At such time that an application is filed, a site plan and engineering will be submitted to assure compliance with the city's sign code.

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. If approved the PUD site plan can serve as the preliminary plat.

Final Development Plan:

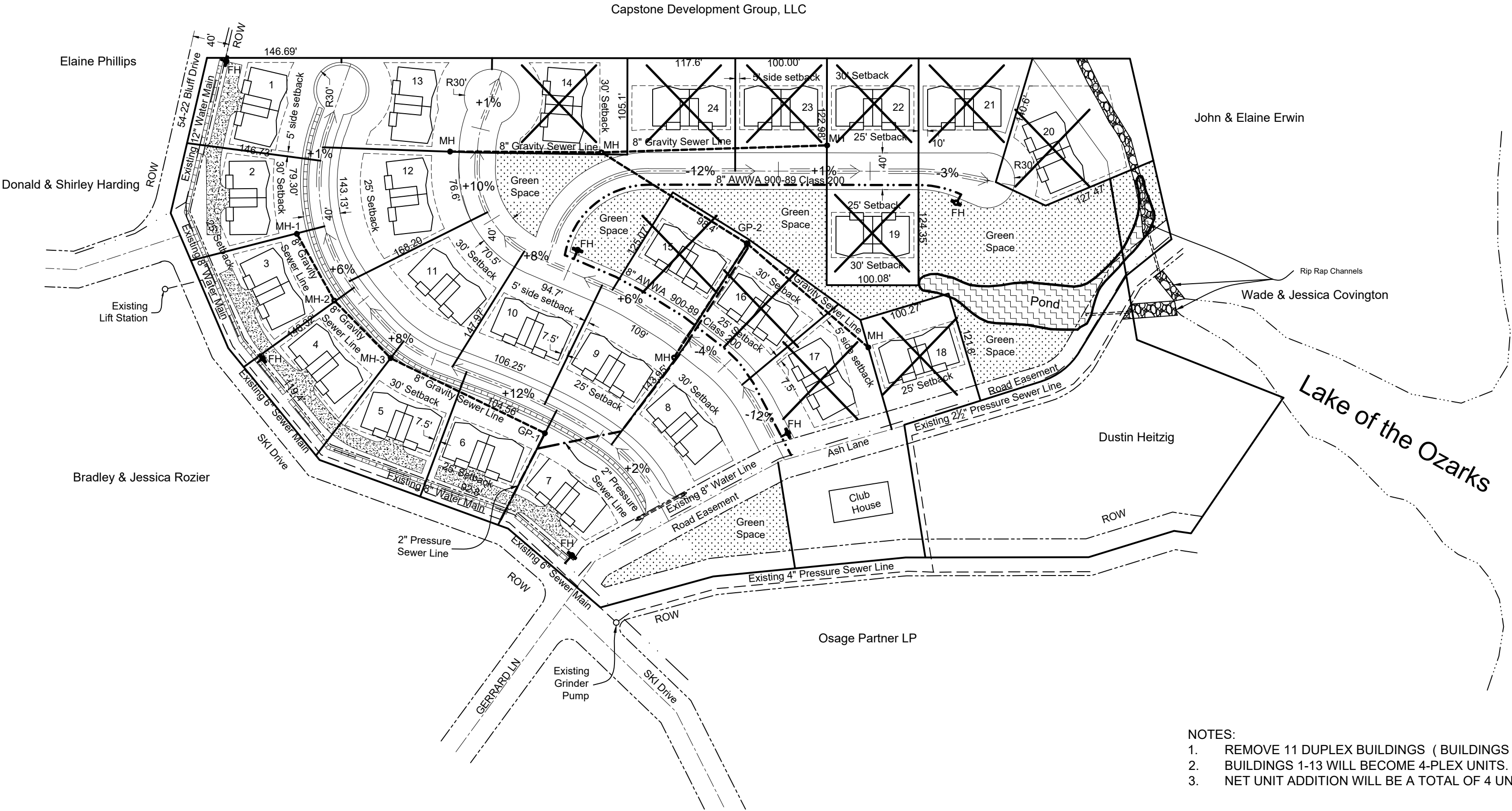
1. A final development plan showing conformance with the requirements outlined herein above shall be submitted.
2. The final development plan and/or preliminary plat and final plats are subject to review administratively to approve minor adjustments and modifications. Such authority shall not, however, be construed to permit the following;
 - a. Any use(s) within the district other than those specifically prescribed by these regulations.
 - b. Any increase in intensity of the use(s) permitted.
 - c. Any substantial deviation in the height, area, and bulk of the use permitted within the district.

BLUFF VIEW ESTATES FOR: LABRUE DEVELOPMENT

Bluff View Estates Subdivision

DRAWING DATE:	08/18/2021
REVISIONS:	
DRAWN BY:	EKS
SCALE:	1" = 100'
PROJECT #:	20-XXX

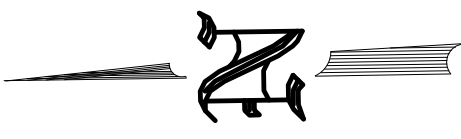
BLUFF VIEW ESTATES
PRELIMINARY PLAT
SEC 1-T39N-R16W
OSAGE BEACH, MO



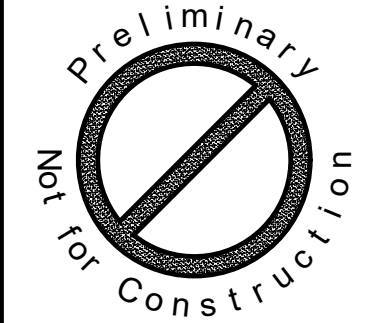
- NOTES:
- 1. REMOVE 11 DUPLEX BUILDINGS (BUILDINGS 14-24).
 - 2. BUILDINGS 1-13 WILL BECOME 4-PLEX UNITS.
 - 3. NET UNIT ADDITION WILL BE A TOTAL OF 4 UNITS.

Setbacks
Side Yard = 5'
Front Yard = 25'
Rear Yard = 30'

Legend:	
Property Line	_____
ROW	_____
Center Line	_____
Existing Water Line	_____
Proposed Water Line	_____
Existing Sewer Line	_____
Proposed Sewer Gravity	_____
Proposed Sewer Pressure	_____
Shore Line	_____



MO Certificate of Authority No. E-2011027014
SEAL



Ethan K. Shackelford
PE-2018000271

MILLER COMPANIES
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www.themillers.com

SHEET
PLAN-01

FILE LOCATION: S:\Projects\Labrue, Kyle\Osage Beach Harbour\Bluff View Estates Preliminary Plat.dwg