

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

October 8, 2024 - 5:30 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 minutes from August 13, 2024

NEW BUSINESS

- A. Special Use Permit Case 414 MCM Development LLC. Requesting SUP to develop Residential use in a Commercial Zone

REPORTS

ADJOURN

Remote viewing link:

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
August 13, 2024**

CALL TO ORDER

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri to order at the regular meeting on August 13, 2024, at 5:30 pm at City Hall.

ROLL CALL

The following Commissioners were present: Chairman Susan Ebling, Chad Kautz, Bill Mackay, Mayor Michael Harmison, Chad Carlson, Tony Stuart, Alan Blair, Angie Schuster and Bill Morgan. Absent Alderman Bob O'Steen

STAFF PRESENT

City Planner Cary Patterson, City Clerk Tara Berreth, City Administrator Devin Lake, and City Attorney Cole Bradbury

APPROVAL OF MINUTES

Commissioner Mayor Harmison made a motion to approve the minutes from the June 11, 2024. This motion was seconded by Commissioner Bill Mackay. Motion passes unanimously with voice vote.

NEW BUSINESS

Rezoning Case 424 Topsider LLC.

Applicant: Topsider Condominiums, LLC.
Location: Osage Beach Parkway to Topsider Lane
Petition: PUD 1 Overlay amendment to allow 146 condominium units on 8.5 acres and a hotel, restaurant, and other approved uses on the remaining 4.28 acres.
Existing Use: Currently has condo buildings from the original approval occupied with more units under construction.
Zoning: C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

Tract Size: 12.78 acres

Surrounding Zoning:

Surrounding Land Use:

<u>North:</u>	R-1b (Single Family)	Mcfield Subdivision
<u>South:</u>	C-1 (General Commercial)	Osage Beach Pkwy Corridor
<u>East:</u>	C-1 (General Commercial)	Osage Beach Pkwy Corridor
<u>West:</u>	LU (Lake Use)	Lake of the Ozarks

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Heavy Traffic Commercial

Rezoning History Case #

N/A

Utilities

Water: City **Gas:** Summit **Electricity:** Ameren UE **Sewer:** City

Access: Property derives access from Osage Beach Parkway.

Analysis:

- 1) The applicants are the owners of the 12.78 acres in question. The property is currently zoned C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

- 2) The applicant is requesting an amendment to the current PUD to allow an additional seven (7) condominium units and retaining the restaurant and hotel facilities required by the original PUD. The applicant has purchased an additional 2.28 acres of commercial property that fronts Osage Beach Parkway and has been combined with the current request. The additional property will allow further flexibility in the development of the required hotel and restaurant facilities, and could perhaps allow for further commercial development once the required uses are established, complete, or under construction, and will allow additional access capacity. If amended, the PUD will continue to ensure the uses within the development are limited to the subject resort residential and commercial uses and will provide protection for the buyers of the condo units themselves. The PUD will also allow the permitted uses within 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 new site development plan, the C-1b (condo development) portion of the development is comprised of 8.5 acres while the C-1 (hotel, restaurant) area consists of the remaining 4.28 acres.
- 4) The existing entrance into the property will provide access to the development while the additional property added to the development could provide some additional access to the 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 the Building Codes that have been adopted at the time in which the Building Permit is issued 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.

When the original request was approved back in 2020, it was important to the City to maintain some commercial activity on the subject property so it would have continued income value for the community. At the time, the applicant submitted a plan that had both a restaurant and a hotel, in separate facilities, which required more property for the development and the necessary amenities of those uses. The applicant has now added the additional 2.28 acres of property which will allow for the increased density of the condo development to a total of 146 units and more than doubling the amount of property reserved for the hotel and sit down restaurant uses.

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 amendment will be a benefit to the developer while

still accomplishing the commercial use goals of the community; **the Planning Department recommends approval of this request subject to the following provisions:**

Required Uses:

The development as illustrated in the submitted site development plan:

- 1) 146 condominium units and accessory uses and structures
- 2) Minimum 60 room hotel facility and accessory uses
- 3) Minimum 150-seat "sit down restaurant facility" as defined below. This facility can be located within the required hotel facility or a stand-alone restaurant facility.

Sit-down Restaurant: also known as full-service restaurants or colloquially as "table service" establishments, are food service facilities based on traditional dining experience where patrons are seated at a table and provided service by dedicated waitstaff. In these establishments, meals are typically ordered from a menu or even through online ordering for those preferring to enjoy the same quality at home. These dishes are served course by course and consumed in a relaxed setting, providing a more intimate and leisurely dining experience.

Construction of the hotel and restaurant facilities must be in conformance with all use requirements, parking requirements, and all other Building and Zoning Codes.

Other Permitted Uses within the C-1 Property:

Retail sales and service facilities, restaurant, convenience, and entertainment facilities as listed in the E-1, E-2, and E-3 Overlay Zones in Section 405 in the Osage Beach Municipal Code.

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

The required uses, within the PUD District, must be permitted and under construction prior to any construction permits being issued for additional uses or facilities on remaining property within the PUD District.

Prohibited Uses:

- 1) Non sales tax producing uses
- 2) Non-profit institutions
- 3) Adult Entertainment or Book Store Establishments
- 4) Banks
- 5) Cellular or other towers which are not approved by the City (this restriction does not apply to tenants' communication devices)
- 6) Church
- 7) Medical Clinic, Urgent Care Clinic, Medical Offices and Dental Offices,
- 8) Hospital
- 9) Day Care Facility (This does not include a daycare facility located within the required Hotel Facility that is for the use of the hotels staff and guests only)
- 10) Grocery Stores
- 11) Home Improvement and Hardware Stores
- 12) Laundromat
- 13) Manufacturing or assembly use
- 14) Pawn shop
- 15) Title loan, check cashing or pay-day loan services
- 16) Storage Facilities

- 17) Auto, Boat, and Similar sales, rental, and service facilities
- 18) Auto Parts Supply Stores
- 19) Fitness Clubs/ Gyms
- 20) Tattoo and Piercing Shops
- 21) Car Wash Facilities

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.
3. 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 with possible secondary access off McField Road. If street upgrade is required to provide capacity for the development, the developer will be responsible for the design and installation of the required infrastructure. 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:

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 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 to 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.

Commissioner Chad Carlson made a motion to recommend to the Board of Aldermen the approval of Rezone Case #424 Topsider LLC. This motion was seconded by Commissioner Tony Stuart. Motion passes with roll call vote Chairman Susan Ebling, Chad Kautz, Bill Mackay, Mayor Michael Harmison, Chad Carlson, Tony Stuart, Alan Blair, Angie Schuster and Bill Morgan. Absent Alderman Bob O'Steen.

REPORTS

Cary Patterson introduced City Administrator Devin Lake.

ADJOURN

Chairman Susan Ebling adjourned the meeting at 5:50pm.

I, Tara Berreth City Clerk 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 August 13, 2024.

Tara Berreth/City Clerk

Angie Schuster/Planning Commission Secretary

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	October 8, 2024	Case: 414
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Applicant: MCM Development LLC.

Location: Subject property is located on the northwest corner of Highway 54 and Runabout Drive.

Petition: Special Use Permit to allow a mixed residential development in a Commercial District.

Existing Use: Vacant commercial property.

Zoning: C-1 (General Commercial)

Tract Size: Approximately 35 acres

Surrounding Zoning:

Surrounding Land Use:

North: C-1 (General Commercial)

Vacant Commercial Property

South: N/A

Unincorporated Camden Co.

East: N/A

Unincorporated Camden Co.

West: N/A

Unincorporated Camden Co.

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Tobro Ltd. Inc.	345	2009

Utilities: Water: **City** Electricity: **Ameren UE**
Sewer: **City**

Access: Property has frontage on Highway 54 And Runabout Drive.

Analysis:

1. The applicant is the owner of the vacant property in question.
2. The character of the area is mixed containing high density residential and the Highway 54 commercial corridor.
3. The request is for a Special Use Permit to develop a mixed residential use on the property that could include single and multi-family facilities, depending on demand. To accomplish this, the development will be regulated with the use and construction requirements established for the R-3 (Multi-Family) Zoning District.
4. The portion of the property that is being requested for SUP is the rear portion of the property that measures approximately 35 acres. The proposed Development will be accessed by new road infrastructure that will be reviewed and approved as part of the Major Subdivision process that will take place after the approval of the Special Use Permit.

Department Comments:

The subject property does not carry a recommendation by the Comprehensive Plan because it was annexed into the Corporate City Limits of Osage Beach after the adoption of the Comprehensive Plan in 2006. The properties adjacent to the subject property, within the city limits, are recommended for high density residential and commercial on the frontage of Highway 54. It is reasonable to assume that the subject property should carry the same recommendations, as the surrounding properties, which would support the subject request.

In a situation such as this, where the subject property is zoned commercial, I typically recommend going the route of the Special Use Permit as opposed to a straight rezone of the property. In situations like this, once the developers and their team get into the diligence and design phase of the project, it is not uncommon to find that the costs of development become cumbersome causing the property owner to reverse course. With commercial property, if that were to happen, it is better for the property owner and the City to have maintained the commercial zoning so that other opportunities for development can be reviewed.

With that in mind, the Planning Department recommends approval of this request for a Special Use Permit with the following regulations and requirements:

Permitted Uses:

Residential Uses shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

Commercial uses can be developed on the subject property until construction begins on the residential uses allowed by this Special Use Permit. If a commercial use is established on any portion of the property regulated by this Special Use Permit, the Special Use Permit will be deemed discontinued, and the residential uses allowed by this Special Use Permit will not be allowed to be developed without an amendment to the approved Special Use Permit being approved by the Osage Beach Board of Aldermen.

Construction:

Construction shall be in accordance with the International Building Code and all other pertaining construction codes as adopted by the City of Osage Beach at the time a building permit is issued for each individual facility.

Bulk, Area, and Height Requirements:

Shall be in conformance with the International Building Code and the use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

Dimensional Requirements:

Shall be in conformance with the International Building Code and the use, and construction requirements established for the R-3 (Multi-Family) Zoning District

Public Facilities:

Complete engineering and development plans, for any required public improvements, will be submitted as part of the Major Subdivision Process. Those plans will be reviewed, by the City Engineer, for conformance with the Osage Beach Design Guidelines and shall be constructed as per the City Engineer's approval.

Access:

Access shall be derived from approved entrances from Highway 54 and Runabout Drive.

Parking:

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

Buffering and Screening:

Shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

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 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 the subject property.

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 the signs compliance with the city's sign code for on premise residential signage.

Maintenance of Open Space and Common Areas:

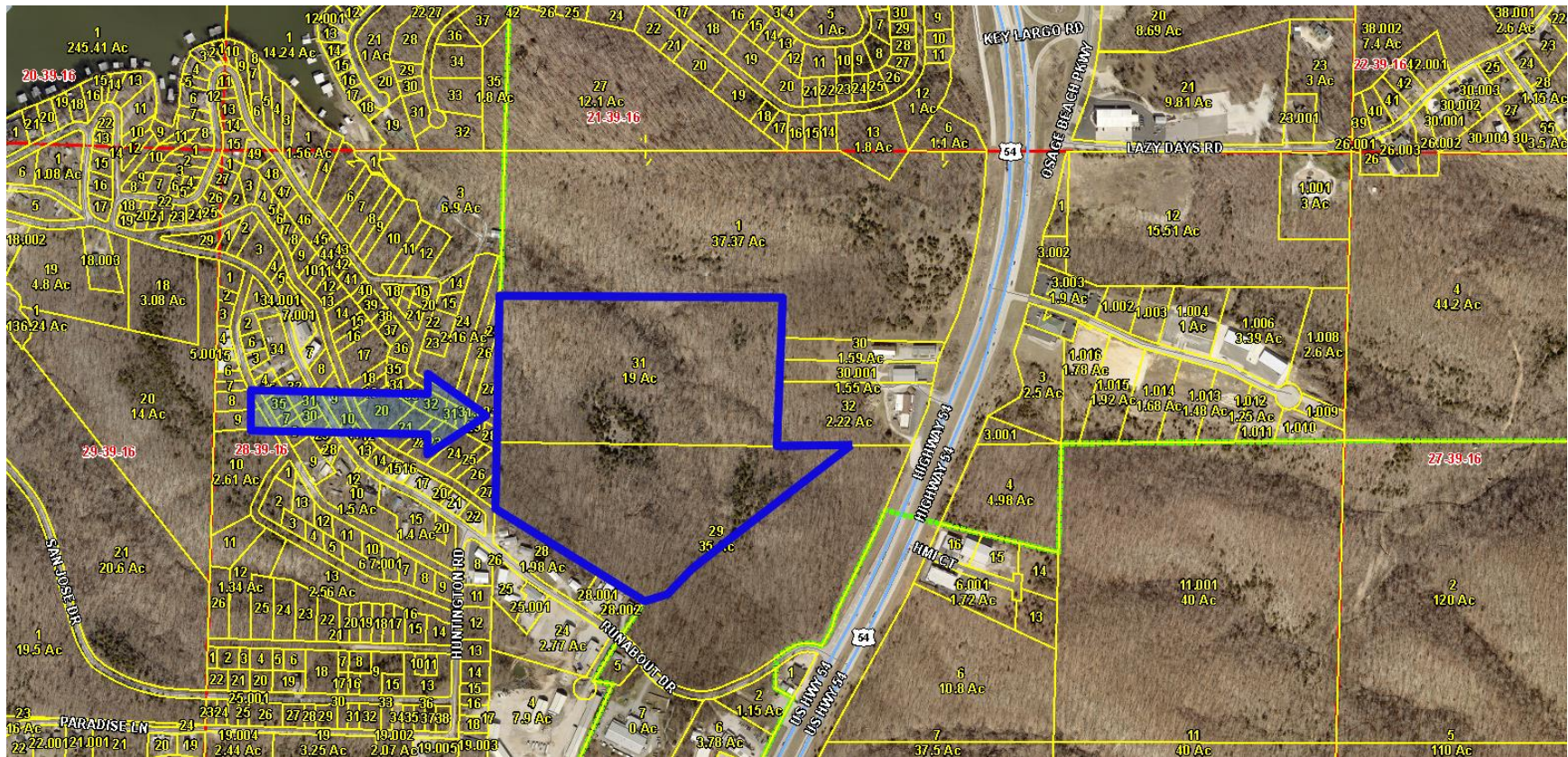
The maintenance of common area and facilities within the district shall be the responsibility of the property owner(s) and/or the property management administrators.

Platting:

All platting of property will be required to be in conformance with the Osage Beach Subdivision Code.

Final Development Plan:

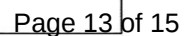
The Major Subdivision Plats and Public Improvement Plans will serve as the Final Development Plan.



NORTH

**SUP Case
414 Location Map**

CERTIFICATION: This is to certify that I, Answow M. Allen, P.L.S., at the direction of Joe McDevitt, have executed a survey of a tract of land as described in Bk. 268, Pg. 90 and Bk. 323, Pg. 270, Camden County Records, Camden County, Missouri being a part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and that part of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 28, Township 39 North, Range 16 West, Camden County, Missouri and that said survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects, and that the results of said survey are shown hereon.





Date Received: 9.23.24

Case #: 414

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: MCM Development LLC Phone: 573-480-0117

Address: 84 Oak Bend Road City: Kaiser State MO Zip: 65047-2145

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

Joseph McDevitt 573-480-0117

2. Name of landowner's representative, if different from above: Todd Chandler - Great River Engineering Phone: 816-519-1601

Address: 186 S Payne Stewart Drive, Suite 151 City: Branson State: MO Zip: 65616

3. All correspondence relative to this application should be directed to whom? Todd Chandler - Great River Engineering

Address: 186 S Payne Stewart Drive, Suite 151 City: Branson State MO Zip: 65616

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

Address: TBD US HWY 54 City: Osage Beach State MO Zip: 65065

08-8.0-28.0-000.0-002-029.000 08-8.0-28.0-000.0-002-031.000

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

Explain all uses: Commercial and Retail near Highway 54 and Residential based on market demand; request special use to apply to entirety of both parcels

6. Area of property in square feet or acres: Parcel 1 - 35 acres Parcel 2 - 19 Acres

7. Current zoning classification: Commercial

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Natural Gas

Sewer: City of Osage Beach Electric: Ameren Missouri

9. Proposed zoning classification: Commercial with SUP with residential use x SEAGOS 10/2/24

10. How long have you owned this property? 1985

11. Current use of property (describe all improvements): Undeveloped

12. Current use of all property adjacent to subject property: North: R-1B

South: I-1 (County) East: C-1 West: R-1 (County)

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

Mexicali Blues and various businesses and residential subdivisions surround property

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

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

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

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

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

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

No anticipated impact as development plan aligns with current zoning with exception of residential component

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

Potential for increase of property values to adjacent properties

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

Development meets current need for affordable housing in the community

Notary Information

State of Missouri }
County of Camden } ss

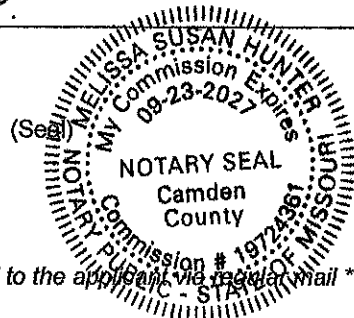
I, Joseph McDevitt, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Joseph E. McDevitt Signature Owner/Applicant: Date: 20 SEP 2024

Subscribed and sworn to before me on this 20th day of September, 2024.

Melissa Susan Hunter
Notary Public:
9-23-2027
My Commission Expires:

Person Accepting this Application:



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

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