

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

AMENDED

REGULAR MEETING

**December 10, 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 October 8, 2024 minutes

NEW BUSINESS

- A. Special Use Permit Case 415 Chris and Sarah Brand Requesting a SUP to remodel and build an addition onto an existing residential use in a Commercial Zone
- B. Motion to recommend amendments to Chapter 405 Zoning Regulations Section 405.370(A)(6) Sign Regulations - All Zoning Districts.

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
October 8, 2024**

CALL TO ORDER

Chairman Susan Ebling called the Planning Commission of the City of Osage Each, Missouri to order at the regular meeting on October 8, 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, Alderman Bob O'Steen. Absent Bill Morgan,

STAFF PRESENT

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

APPROVAL OF MINUTES

Commissioner Chad Kautz made a motion to approve the minutes from the August 13, 2024. This motion was seconded by Commissioner Bill Mackay. Motion passes unanimously with voice vote.

NEW BUSINESS

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

Applicant: MCM Development LLC

Location - Northwest corner of HWY 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

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 (General Commercial)	Vacant Commercial Property
<u>South:</u>	N/A	Unincorporated Camden Co.
<u>East:</u>	N/A	Unincorporated Camden Co.
<u>West:</u>	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 (Multifamily) 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.

Alderman O'Steen made a motion to recommend approval of Case 414 to the Board of Aldermen. This motion was seconded by Commissioner Kautz. Roll Call vote "Ayes" Chairman Susan Ebling, Commissioner Kautz, Commissioner Mackay, Mayor Michael Harmison, Commissioner Carlson, Commissioner Stuart, Commissioner Blair, Commissioner Schuster, Alderman Bob O'Steen. Absent Commissioner Morgan. Motion passes unanimously with a roll call vote.

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 October 8, 2024.

Tara Berreth/City Clerk

Angie Schuster/Planning Commission Secretary

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	December 10, 2024	Case: 415
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Applicant: Christopher and Sarah Brand

Location: 870 Pintail Lane

Petition: Special Use Permit to allow an addition to an existing dwelling in a commercial zone.

Existing Use: Single-family dwelling

Zoning: C-1 General Commercial

Tract Size: Approximately 5,000 square feet

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		May 1984

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

Access: Property has frontage on both Driftwood Lane and Pintail Lane. Currently, access is derived from Pintail Lane.

Analysis:

1. The applicant is the owner of the property in question. The property is an unplatted tract that has an area of approximately 5,000 sq. ft.
2. The applicant wishes to remodel and build an addition on to the existing structure that is located on the subject property. Because the subject property and structure are located in a C-1 (General Commercial) zone, a Special Use Permit is required before a permit can be approved for the proposed construction.

3. This is also a case where the proposed addition does not meet the setback requirements for property. The addition will encroach to within 23.4 feet from the front property line (Driftwood Lane frontage). The minimum required front setback from a local street in a commercial zone is twenty-five (25') feet.
4. The Board of Zoning Adjustment will hear the request for variance from the minimum front setback requirements, for the subject request, at their meeting on December 18, 2024. If the variance from the minimum setbacks is approved by the Board of Adjustment, the request for the Special Use Permit, if approved by this Commission, can then proceed to a hearing by the Board of Aldermen at their regular meeting held on January 2, 2025.
5. With the approval of both the variance and the Special Use Permit, the applicant can then submit an application for a Building Permit that meets all of the subject conditions for approval.

Department Comments:

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon, especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This piece of property is located in an old resort that has been converted into residential homes and are now owned by individuals. The fact that this request is located in an area that has become residential in nature, even with its commercial zoning, lends this property very favorable to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

1. The structure must be built according to the submitted site plan.
2. Variance Case 352 must be approved by the Board of Zoning Adjustments.
3. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the Special Use Permit.
4. A building permit must be obtained for the addition and all other zoning codes be adhered to.



Date Received: 11.12.24
Case #: 415 ✓ # 19322

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Christopher R and Sarah J Brand Phone: 314-683-3260
Address: 870 Pintail Lane City: Osage Beach State Missouri Zip: 65065

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

Christopher Brand

Sarah Brand

2. Name of landowner's representative, if different from above: Phone:
Address: City: State: Zip:

3. All correspondence relative to this application should be directed to whom? Chris Brand
Address: 7312 Dean Drive City: Dittmer State Missouri Zip: 63023

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: 870 Pintail Lane City: Osage Beach State Missouri Zip: 65065

5. Do you have a specific use proposed for this property? ☒ Yes ☐ No
Explain all uses: Residential Expansion

This is a vacation home. We need more room to fit our family.

6. Area of property in square feet or acres: 0.106 Acres

7. Current zoning classification: C-1

8. Sources of utilities: Water: City of Osage Beach Gas: N/A
Sewer: City fo Osage Beach Electric: Ameren

9. Proposed zoning classification: Residential Expansion in a C-1 Zone

10. How long have you owned this property? 11 Years 8 Months

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

12. Current use of all property adjacent to subject property: North: Residential
South: Residential East: Residential West: Residential

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:

Everything is residential use.

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?

Lot to south and east. Separate lots with that do not tie into this request.

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.

There will be no affect as I'm staying within the same footprint of my existing space.

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

We are submitting for a residential expansion within the same footprint. There will be no affect.

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):

We are only affecting ourselves with minimal impact. See letter.

Notary Information

State of Missouri }
County of Camden } ss

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

Signature Owner/Applicant:

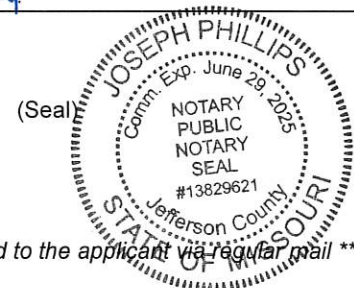
Date:

Subscribed and sworn to before me on this 12 day of November, 2024

Notary Public:

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

CITY OF OSAGE BEACH
LEGAL NOTICE OF MEETING OF THE PLANNING COMMISSION
AND A PUBLIC HEARING BEFORE THE
BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI

Location of property involved: 870 Pintail Lane
Osage Beach MO 65065

Hearing Date:

Planning Commission – December 10, 2024, at 5:30 pm

Board of Aldermen – Public Hearing – January 2, 2025, 5:30 pm

Location: 1000 City Parkway, Osage Beach MO 65065

Subject: Special Use Case No. 415

(a) Applicant: Christopher and Sarah Brand

(b) Proposed use: Special Use Permit – For a Residential addition use in a Commercial (C-1 zone)

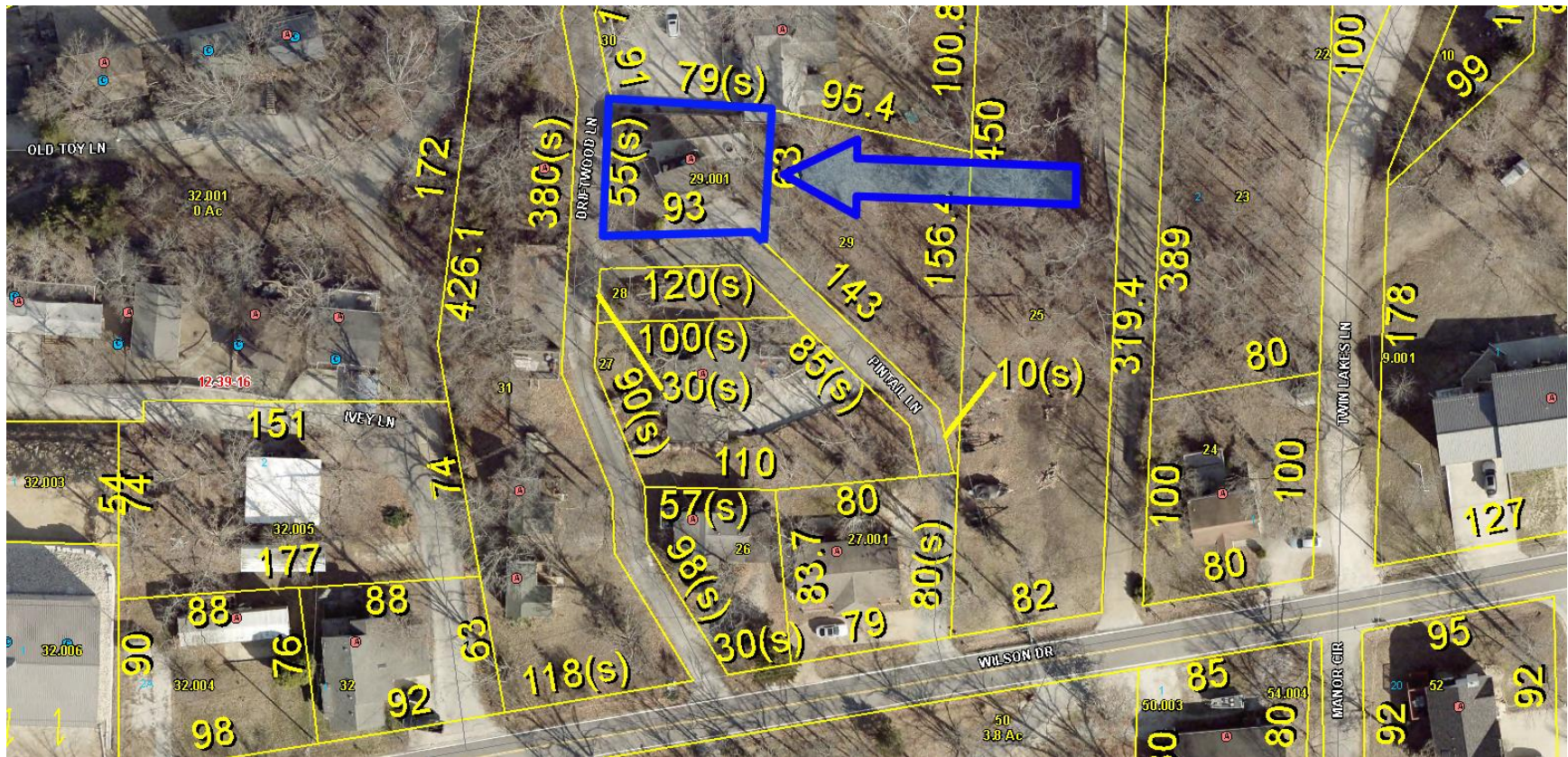
PROPERTY OWNERS PLEASE NOTE: All persons interested should attend and will be given an opportunity to be heard.

Planning Commission of the
City of Osage Beach, Missouri



Tara Berreth, City Clerk

Persons needing a special accommodation as addressed by the Americans with Disabilities Act should contact the City Clerk's office at least forty-eight (48) hours in advance of the meeting at 573.302.2000.



SUP Case 415 Location Map

Note:
1. Bearings and Distances in parenthesis are from recorded deed(s) and/or plat(s).
2. All monuments set and found are 1/2" Iron Pins, unless otherwise noted.
3. Subject to Ameren's Bagnell Dam Pool and Flood Rights.

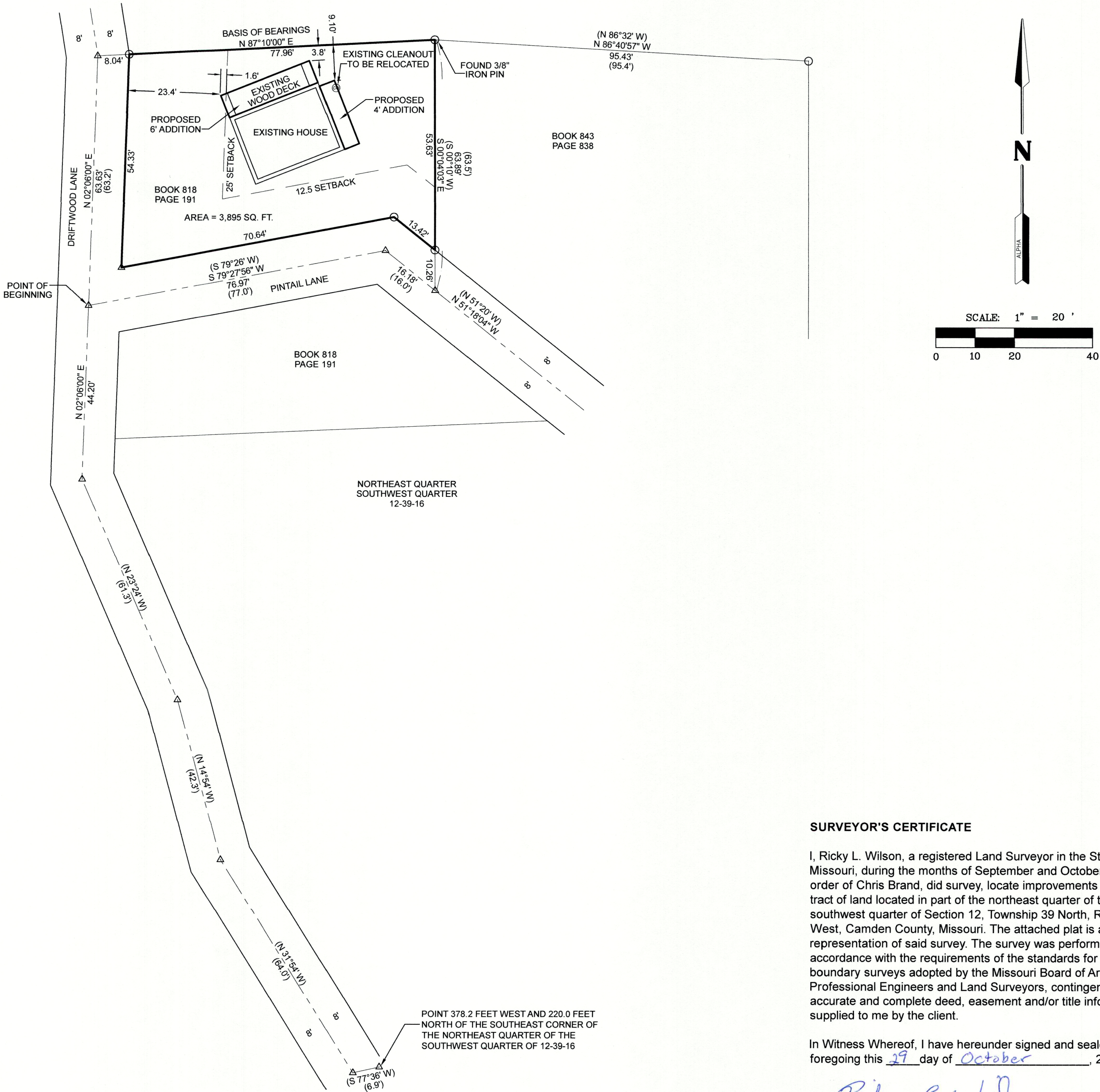
LEGEND

Standard symbols that may appear on this drawing

- Centerline of Road
- R-O-W Line
- Property Line
- Setbacks
- Closure Line
- Found Monument
- Set Monument
- No Found or Set Monument
- Government Corner
- Right-of-way Marker

Class of Survey: Urban

BRAND: Survey



SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of September and October, 2024, by order of Chris Brand, did survey, locate improvements and plat a tract of land located in part of the northeast quarter of the southwest quarter of Section 12, Township 39 North, Range 16 West, Camden County, Missouri. The attached plat is a representation of said survey. The survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors, contingent upon accurate and complete deed, easement and/or title information supplied to me by the client.

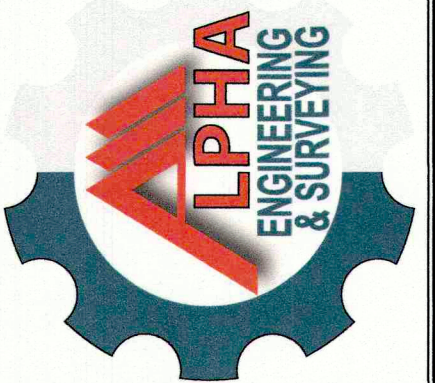
In Witness Whereof, I have hereunder signed and sealed the foregoing this 29 day of October, 2024.

Ricky L. Wilson
Ricky L. Wilson
MO. REG. NO. L.S. 2638

Sheet Number: 1 OF 1	
Date: 10/29/24	Scale: 1"=20'
Project Number: 24-00725	
Field Book M-312 PG 22	
Drawn By: N.F.W.	Approved By: R.L.W.

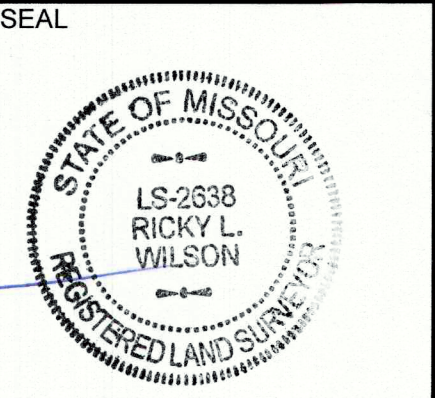
Part of the NE 1/4 of the SW 1/4 of
Sec. 12, Township 39 North, Range 16 West,
Camden County, MO

Alpha Engineering & Surveying, LLC
3048 Hwy. 52
Eldon, MO 65026
(573) 392-3312
1037 Osage Beach Rd.
Osage Beach, MO 65065
(573) 348-5552
Civil & Structural Engineering - Land Surveying
Environmental Operations - Material Testing



ALPHA ENGINEERING & SURVEYING, LLC
MO State Certificates of Authority:
LS - 2023034755
E - 2023033612

The Professional Surveyor's seal affixed to this sheet applies only to material and items as shown on this sheet. All drawings, instruments, or other documents not exhibiting this seal shall not be considered prepared by this Surveyor, and this Surveyor expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal.



S:\Projects\PROJECTS\BRAND, CHRIS\24-00725\24-00725.dwg

December 6, 2024

TO: Planning Commission

FM: Cole Bradbury/City Attorney

Cary Patterson/City Planner

In reviewing our sign ordinances, the City found some outdated and hard-to-enforce language around vehicles. The City Planner and City Attorney recommend the following amendment to exempt passenger vehicles and smaller trailers (like work trailers or flatbeds) from the sign code so long as they are licensed and operational. This gets the City out of having to decide how long a vehicle can be parked before it becomes a sign.

Staff recommends approval.

City Code § 405.370(A)(6):

6. ~~Signs attached to, painted on or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not~~

a. **Nothing in this section is** to be construed as prohibiting the identification of a firm or its principal products on **an operable and licensed vehicle (including a trailer) less than 30 feet in length.**

b. **Nothing in this section is to be construed as prohibiting the identification of a firm or its principal products on an operable and licensed vehicle (including a trailer) over 30 feet in length operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking, does not exceed a period of sixteen (16) hours, ~~except on weekends or holidays. per day.~~ per day.**

c. **The exemption herein shall only apply to identification permanently painted, attached, or otherwise affixed to the vehicle; all such displays shall be made of metal, fiberglass, plastic, vinyl, or like materials, and wood is specifically prohibited.**