

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

January 14, 2025 - 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 December 10, 2024

NEW BUSINESS

- A. Special Use Permit Case 416 Richard R. Ellerman Requesting a SUP to construct a residential development 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
December 10, 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 December 10, 2024, at 5:30 pm at City Hall.

ROLL CALL

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

STAFF PRESENT

City Planner Cary Patterson, City Staff Angie Bouwens, City Attorney Cole Bradbury.

APPROVAL OF MINUTES

Motion to approve October 8, 2024 minutes

Mayor Harmison made a motion to approve the minutes from October 8, 2024. This motion was seconded by Commissioner Blair. Motion passes unanimously with voice vote.

NEW BUSINESS

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

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

Designates this area as appropriate for: Moderate Density Residential

Rezoning History **Case #**

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.

Mayor Harmison made a motion to recommend approval of Case 415 to the Board of Aldermen. This motion was seconded by Commissioner Stuart. Roll Call vote “Ayes” Chairman Susan Ebling, Commissioner Mackay, Mayor Michael Harmison, Commissioner Morgan, Commissioner Stuart, Commissioner Blair, Commissioner Schuster, Absent Alderman Bob O’Steen, Commissioner Kautz, Commissioner Carlson. Motion passes unanimously with a roll call vote.

Motion to recommend amendments to Chapter 405 Zoning Regulations Section 405.370(A)(6) Sign Regulations - All Zoning Districts.

Attorney Cole Bradbury and City Planner Cary Patterson explained in great detail the reasons as to why the amendments to Chapter 405 Zoning Regulations Sections 405.370 (S)(6) Sign Regulation – All Zoning Districts were needed. After some discussion. Planning Commission made the decision to recommend to the Board of Alderman approval.

Mayor Harmison made a motion to recommend approval of Chapter 405 Zoning Regulations Sections 405.370 (S)(6) Sign Regulation – All Zoning Districts to the Board of Aldermen. This motion was seconded by Commissioner Stuart. Roll Call vote “Ayes” Chairman Susan Ebling, Commissioner Mackay, Mayor Michael Harmison, Commissioner Morgan, Commissioner Stuart, Commissioner Blair, Commissioner Schuster, Absent Alderman Bob O’Steen, Commissioner Kautz, Commissioner Carlson. Motion passes unanimously with a roll call vote.

REPORTS

None

ADJOURN

Chairman Susan Ebling adjourned the meeting at 6:02pm.

I, Angie Bouwens City Staff 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 December 10, 2024.

Angie Bouwens/City Staff

Angie Schuster/Planning Commission Secretary

****All meetings may be viewed on Facebook and YouTube for more details.**

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	January 14, 2025	Case: 416
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Applicant: Richard R. Ellerman

Location: 5825 Lions Road

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

Existing Use: Vacant commercial property.

Zoning: C-1 (General Commercial)

Tract Size: 2.3 acres

Surrounding Zoning:

Surrounding Land Use:

North: C-1 (General Commercial)

Osage Beach Parkway
Commercial Corridor

South: I-1 (Light Industry)

Vacant Airport Property

East: C-1 (General Commercial)

Vacant Commercial/ YMCA

West: I-1 (Light Industry)N/A

Osage Beach Parkway
Commercial Corridor

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

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

Utilities: Water: **City**
Sewer: **City**

Electricity: **Ameren UE**
Gas: **Summit**

Access: Property is accessed via Lions Road

Analysis:

1. The applicant is the owner of the property in question.
2. The character of the area is mixed containing airport uses, recreational (YMCA), and the Osage Beach Parkway commercial corridor.
3. The request is for a Special Use Permit to develop a rental residential use on the property that would include separate, single family type facilities. 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 development will contain a maximum of thirty total units constructed on one, 2.3-acre, parcel of land. The homes will be rental units that will not be able to be sold separately because they will not be on individual lots. They will have a common parking lot facility similar to an apartment complex. A concept drawing has been included for the purposes of showing the ideology of the request, but a complete, engineered site development plan will be required, prior to construction beginning, if the request is approved.
5. As part of this request, Lions Road will be required to be improved to a hard surface roadway as required for existing local streets. The applicant intends to work with the neighboring property owners and the Osage Beach Special Road District to accomplish this requirement. The roadway improvement will need to be completed and approved by the City prior to Certificates of Occupancy being issued for the individual dwellings.

Department Comments:

The Comprehensive Plan recommends this property be used for commercial development. It is however worth considering a high density residential rental development such as this on these types of second-tier properties from the Osage Beach Parkway commercial corridor. The accessibility of the property does not lend to high traffic commercial development while allowing the development of rental dwellings can provide a use that works well with the surrounding uses. This is not a location that I would recommend development of a typical single family residential subdivision where each home is owned by an individual, but as a modified residential use as is being proposed, I believe it can be a benefit to the community and the property owner.

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.

A maximum of thirty separate units will be allowed to be constructed per the required “Final Development Plan”.

There will be a thirty-day minimum requirement for all rental units.

The units cannot be sold to separate individuals establishing separate ownership of the units. All of the units will be constructed on the common parcel with no dwellings on individual lots.

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, the use and construction requirements established for the R-3 (Multi-Family) Zoning District, and the approved Final Development Plan.

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 permitting 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 Lions Road.

Lions Road is required to be improved to a hard surface roadway as required for existing local streets. The roadway improvement will need to be completed and approved by the City prior to Certificates of Occupancy being issued for the individual dwellings.

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 arranged and shielded 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:

A complete, engineered Final Development Plan shall be prepared by a professional engineer and submitted for the City's review. This plan will meet all requirements needed for permitting the site development and construction of the complete project.



Date Received: _____

Case #: _____

RECEIVED

NOV 20 2024

CITY CLERK

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Richard R Ellerman Phone: 573-216-3292Address: 5285 Osage Beach Parkway City: Osage Beach State: MO Zip: 65065List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners: Richard R Ellerman2. Name of landowner's representative, if different from above: Kyle Labrie Phone: 573-286-9772Address: ~~4604 Sunset~~ 4604 City: Osage Beach State: MO Zip: 650653. All correspondence relative to this application should be directed to whom? Kyle LabrieAddress: 4604 Sunset City: Osage Beach State: MO Zip: 65065

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

Address: Lions Way City: Osage Beach State: MO Zip: 650655. Do you have a specific use proposed for this property? ☒ Yes ☐ NoExplain all uses: Residential Housing6. Area of property in square feet or acres: 2.37. Current zoning classification: C18. Sources of utilities: Water: Osage Beach Gas: SummitSewer: Osage Beach Electric: Aurora9. Proposed zoning classification: Residential10. How long have you owned this property? 199811. Current use of property (describe all improvements): Residential12. Current use of all property adjacent to subject property: Residential North: Mini Golf, Car lotSouth: Shop, Air port East: YMCA, Storage West: Beach Storage

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: NA

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. None

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any? None

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 have a housing

shortage in this area and this could help with
affordable housing

Notary Information

State of Missouri }
County of Camden } ss

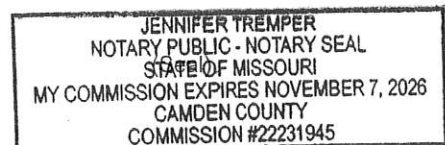
I, Kyle Labaree, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

[Signature] 12-11-24
Signature Owner/Applicant: Date:

Subscribed and sworn to before me on this 11th day of December 2024

[Signature]
Notary Public:
My Commission Expires: 11-7-26

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

00589-0203



DONNIE SRELLING
CAMDEN COUNTY
RECORDER OF DEEDS

2004 AUG 31 P 3:12 PM

PGS. 2 \$ 27

DEPUTY *D. Kimmey*

--GLT-----[Space Above This Line For Recording Data]-----

GENERAL WARRANTY DEED

THIS DEED, Made and entered into this 25 of August, 2004, by and between
EDWARD H. GRAFT and RUTH A. GRAFT, HUSBAND AND WIFE
parties of the first part, of _____ County, State of Missouri, grantor(s), and
RICHARD R. ELLERMAN, A SINGLE PERSON
party of the second part, of Camden County, State of Missouri, grantee(s).

Grantee's mailing address is 5285 Hwy 54 Osage Beach, Mo.
65065

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN, AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part the following described Real Estate, situated in the County of Camden, and State of Missouri, to wit:

All of Lot 1B of PIRATES COVE COMMERCIAL SUBDIVISION FIRST ADDITION, a subdivision in Camden County, Missouri, according to the plat thereof on file and of record at Plat Book 86, Pages 30A and 30B, Camden County Recorder's Office.

Subject to Easements and Restrictions of record.

Property Address (if known): 5825 LIONS ROAD, OSAGE BEACH MO 65065

Tax ID # (if known): 292.89

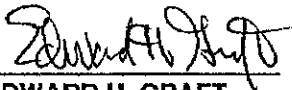
TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto the said party or parties of the second part forever, the said party or parties of the first part covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2004 and thereafter, and special taxes becoming a lien after the date of this deed.

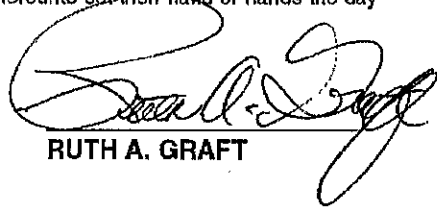
2100 *AD*

Warranty Deed / GRAFT to ELLERMAN (page 1 of 2)

ND 0589-0203

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.


EDWARD H. GRAFT


RUTH A. GRAFT

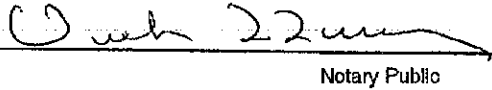
STATE OF Michigan)
COUNTY OF Grand Traverse) ss.

On this 13 day of August, 2004, before me personally appeared EDWARD H. GRAFT and RUTH A. GRAFT, HUSBAND AND WIFE, to me known to be the person or persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Acme Michigan, the day and year first above written.

(SEAL)

My term expires the 17 day of Dec, 2004.

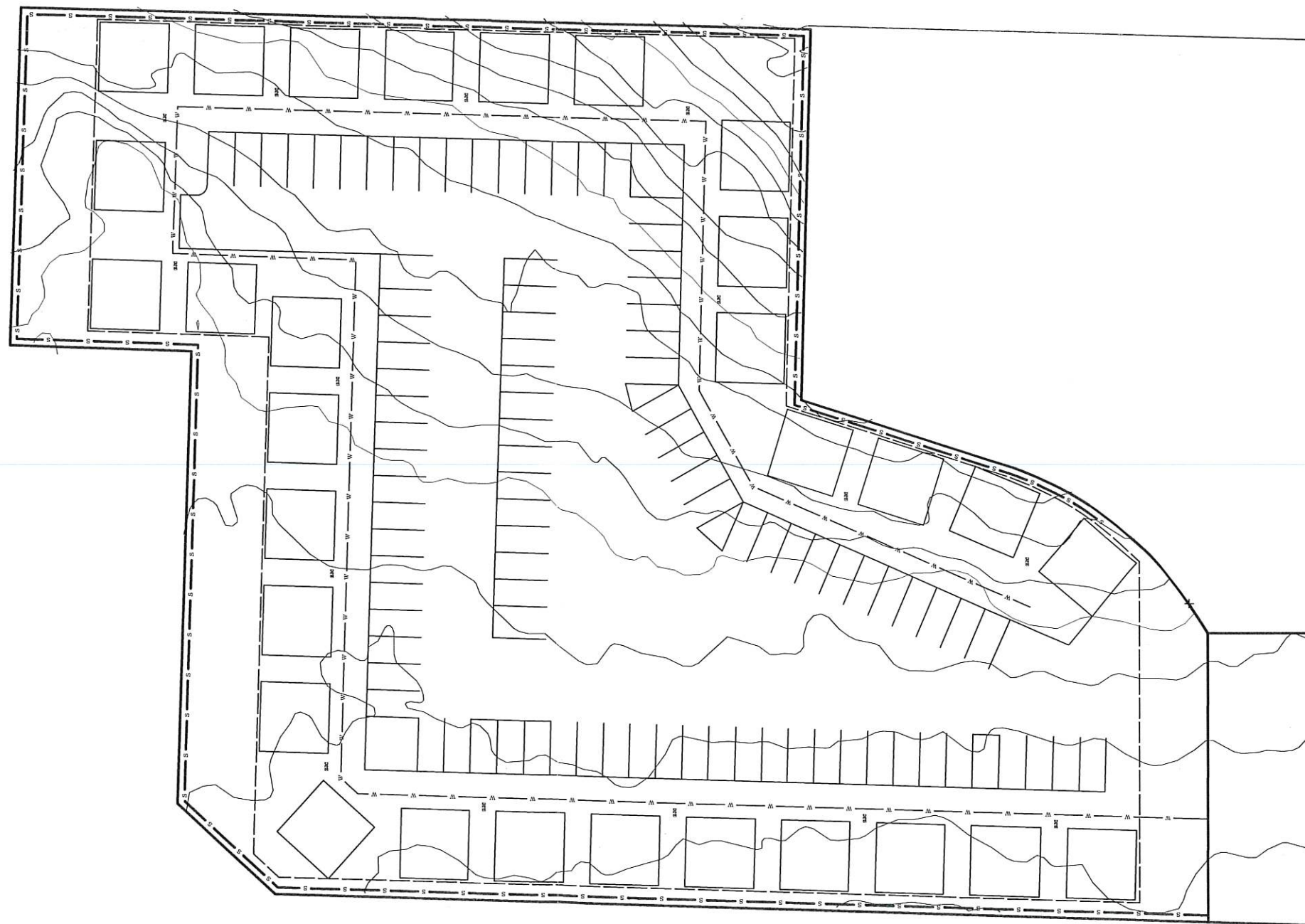

Notary Public

VICKI L. LORENZ, Notary Public
Benzie County, Michigan
My Commission Expires: 12-17-04
Acting in Grand Traverse County, MI



SUP Case 416 Location Map

COTTAGES AT LIONS WAY



93-35