

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
OF THE CITY OF OSAGE BEACH, MISSOURI

May 5, 2016

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, May 5, 2016 at 6:30 p.m. at City Hall. The following were present: Mayor John Olivarri, Alderman Jeff Bethurem, Alderman Phyllis Marose, Alderman Ron Schmitt, Alderman Kevin Rucker and Alderman Tom Walker. Diann Warner, City Clerk was present and performed the duties of that office.

Mayor's Communications.

Mayor Olivarri issued the following proclamations:

National Travel and Tourism Week – May 1-7, 2016

National Emergency Medical Services Week – May 15-21, 2016

Peace Officers Memorial Day and National Police Week – May 15-21, 2016

National Public Works Week – May 15-21, 2016

Citizens Communications.

Noel Frazer, representing the Festival of Speed, asked the City for funds to help with signage, advertising, and portable facilities for the event on June 2. The committee has 43 paid sponsorships, 25 booth rentals and received confirmations from 12 exhibitors. Ms. Frazer said this event has a great deal of community involvement and she asked for the City's support.

Consent Agenda.

Alderman Bethurem moved to approve the consent agenda which includes minutes of the regular meeting held on April 21, 2016, and the bills list as submitted. Alderman Marose seconded the motion which was voted on and passed.

Unfinished Business.

None

New Business.

Public Hearing.

Public hearing to allow the public to give feedback and comments on the consideration of proposed changes to the Osage Beach Municipal Code regarding group home spacing requirements in Chapter 405: Zoning Regulations; Sections 405.130, 405.140, 405.690, and 405.735.

City Attorney Ed Rucker explained the proposed changes are in light of United States v. St. Peters, No. 4:13CV1493CEJ and the Fair Housing Act and the Americans with Disabilities Act; together with creation of one new section to be known and numbered as Section 405.735 Reasonable Accommodation Policy and Procedure. Amendments to the zoning ordinance require a public hearing to give the public an opportunity to voice concerns. The Planning Commission recommended approval of the amendment.

Mayor Olivarri opened the public hearing at 6:40 p.m.

No one was present who wished to speak to the proposed amendments to the Zoning Ordinance related to spacing requirements for group homes; therefore Mayor Olivarri closed the public hearing at 6:45 p.m.

The first reading of the ordinance to approve the zoning amendment will appear on the agenda for the Board of Aldermen meeting on May 19, 2016

Public Hearing. Special Use Case No. 390. Revelation Construction and Development LLC request a Special Use Permit to build residential units in a commercial zone.

Applicant: Jason Dampier

Location: Approximately 420 feet south of Osage Beach Parkway on Murphy Road

Petition: Special Use Permit to allow extended stay rental units in a Commercial District.

Existing Use: The subject property is vacant.

Zoning: C-1 (General Commercial)

Tract Size: 21,632 sq. ft.

<u>North:</u>	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
R-3 (Multi Family)		Apartments
<u>South:</u>	R-1 (Single Family)	Single Family
<u>East:</u>	C-1 (Commercial)	Commercial Storage
<u>West:</u>	R-2 (Two Family)	Residential

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Rezoning	Case 257	January 2002

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

Access: Property has frontage on Murphy Road.

Analysis:

1. The applicant is the owner of the property in question.
2. The character of the area is mixed containing moderate density residential, apartments, and commercial storage facilities, along with the Osage Beach Parkway commercial corridor in close proximity.

3. This property was rezoned from R-3 to C-1 in 2003 so that a construction company office could be built there. Since that time, the construction company has vacated the facility and the conditions in the area have changed substantially with the presence of the Highway 54 Expressway.
4. The current proposal is to convert the existing facility from a commercial office building into a multi-unit residential dwelling facility. It will be used as a rental facility with multi-tenant capacity.
5. The portion of the property that is being requested for SUP is fronted and serviced by Murphy Road.

Department Comments:

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. Obviously in this situation we are not looking at a large lot residential development. The density on this request is not of any concern as it would be a low number of units in an existing facility.

For the purposes of what would be more beneficial to the City, having the additional well maintained housing units would not only serve a need of the community, but also would seem to be a better fit for the property, under today's conditions, as opposed to a commercial use. It is also important that the City be willing to promote development on properties such as this in order to stimulate the commercial activity on the West Side of the Grand Glaize Bridge. If the City approves this type of development it will serve to put more housing units on the west side of the bridge increasing the customer potential and the sheer numbers from which our businesses can draw patrons.

Under the Section 405.610 of the City Code of Ordinances for Amendments and Changes, bullet point 6 gives five matters that the city should consider before making a change in the use of property.

1. Relatedness of the proposed amendment to the goals and outlines of the long range physical plan for the City:

The request is in conformance with the density recommendations of the Comprehensive Plan.

The Comprehensive Plan also encourages the City to provide additional work force housing when the opportunity arises to locate it on property where it is compatible.

2. Existing uses of property within the general area of the property in question:

The area surrounding the subject property contains mixed uses including moderate density residential, apartments, resort residential, storage facilities, and condominium development.

The request basically provides a use that works with the existing mix of low impact and intensity uses.

3. The zoning classification of property within the general area of the property in question:

The zoning of the surrounding properties is a mix that basically coincides with the uses. The requested use will mesh without issue with the surroundings

4. The suitability of the property in question to the uses permitted under the existing zoning classification:

The use of this property as a low impact commercial use (office or storage), would not cause issue in the area. However, the conditions lend more towards the use of the facility for rental residential and likely will keep the facility from sitting empty for some time.

5. The trend of development , if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification:

It has been some time since there was any development in this corridor as it is mostly developed with little or no remaining land for new development.

Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request subject to the following provisions regulating the property being granted a SUP for repurpose of the existing office facility into rental units:

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 repurposing of the existing facility into rental residential units.
2. Accessory Uses will be designed for and available to the tenants and their guests only and will not be open to the public. Those uses include any administrative office(s) for project management, garages, maintenance facilities, and recreation facilities. At this point, there are no accessory buildings planned.

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:

Construction for these units will be confined to the existing facility.

Dimensional Requirements:

Will be confined to existing facilities and meet all setback requirements for the existing zone.

Public Facilities:

Engineering plans for any required water or sewer improvements will be constructed in accordance with the Osage Beach Design Guidelines and shall be approved by the City Engineer's Department.

Access:

Access shall be derived from the existing entrance to the property off of Murphy Road.

Parking:

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

Buffering and Screening:

No additional buffering or screening is required. Waste cans or dumpsters shall be placed in a location as to have minimal visual impact to the surrounding properties and conform to the general practice and placement of the same facilities within the corridor.

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 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 site plan for the existing facility is appropriate for the final development plan.

The Planning Commission recommended approval of Special Use Case No. 390 at their meeting on April 12, 2016.

Jason Dampier, the applicant was present to answer questions.

Patricia Griffin who owns property behind the proposed multi-unit residential facility, was present to ask Mr. Dampier to install a fence as a buffer and for privacy. Mr. Dampier responded that installing a privacy fence is not in his budget.

City Planner Cary Patterson explained if this request is approved, the use is decreasing in intensity, additionally, there is a wooded buffer between the properties. He added that constructing a buffer between a residential use and a residential zone is not required. Mr. Patterson said if there are issues with trespassing, there are remedies to address the issues with law enforcement.

Mr. Patterson commented that the units must be built according to the residential building codes.

There being no further questions or comments, Mayor Olivarri closed the public hearing at 6:55 p.m.

Consideration of Special Use Case No. 390.

Alderman Bethurem moved to approve Special Use Case No. 390 as recommended by the Planning Commission. Alderman Marose seconded the motion which was voted on and passed with Alderman Walker expressing a negative vote.

Bill No. 16-39. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE EXPENDITURE OF FUNDS TO SUPPORT THE LAKE RACE FESTIVAL OF SPEED EVENT ON JUNE 2, 2016

City Administrator Jeana Woods explained the application for event support for the Lake Race (Festival of Speed) was submitted on May 2, 2016. The request is for \$3,000 for assistance with Lamar advertising, tent rentals, portable restroom facilities, beer vendor wristbands and cups, directional signs for parking, and volunteer t-shirts.

FY2016 Event Support Budget (10-21-754250)	\$10,000
Prior support: Bike Fest (for advertising) (BOA 3/3/16)	<\$ 2,000>
Balance Available to date:	<u>\$ 8,000</u>

Alderman Marose explained the event for the first year will be a part of the Lake Race Festival of Speed and requires a lot of advertising and more exposure for the one day event which will be June 2 from 4:00 p.m. to 9:00 p.m. She added three lanes of traffic will be closed between Public Beach #2 and Coral Reef Seafood for attendees and for businesses to display boats and other products.

Alderman Marose moved to approve the request of \$3,000 for the Lake Race in Osage Beach on June 2. Alderman Bethurem seconded the motion.

Alderman Walter questioned the amount budgeted for the event so the Board can make a determination.

City Administrator Jeana Woods explained that it would be better if the City would pay a specific vendor rather than just contributing funds. Alderman Rucker asked if there was an estimate of fees to be collected from the vendors and the amount that will be generated from parking fees. He added that he supports the event however, a budget must be submitted for the Board to review. Alderman Marose responded that everything is being filtered through the Lake Race Committee in Lake

Ozark and she does not know the total budget however the amount being requested is a small percentage of the total amount.

Noel Frazer commented that there are many costs they were not anticipating such as barriers and fencing for cordoning off the area for safety. Lake Race committee member Cindy Van Hook said the cost for cordoning off over 3,000 feet with barriers is very high.

Mayor Olivarri said the City is attempting to assist with funding the Festival of Speed and trying to identify the activity as it relates to Osage Beach, and looking for the budget that shows the revenues and expenses. Alderman Marose said the \$3,000 will be used in Osage Beach for sanitary facilities, signs, a DJ and advertising. Ms. Van Hook commented that it will cost approximately \$20,000 for the one day event in Osage Beach.

Alderman Walker did not oppose the event but he said there is a potential challenge with the next request for funds if the application for the Lake Race does not include a budget.

Alderman Marose moved to postpone Bill No. 16-39 until the next meeting. Alderman Bethurem seconded the motion.

Mayor Olivarri asked that a budget of revenues and expenses be provided for the Board's consideration for the next meeting.

The motion to postpone Bill No. 16-39 until the May 19th Board of Aldermen meeting was voted on and passed.

Communications from Members of the Board of Aldermen.

Alderman Rucker. Kevin Rucker questioned the status of repairing the fence at Peanick Park that was damaged by a vehicle. Assistant City Administrator Mike Welty said he anticipates the repairs will be made within the next couple of weeks.

Staff Communications.

City Attorney. Ed Rucker reported that he recently attended a conference and learned that local government should dominate the board on Neighborhood Improvement and Community Improvement Districts. He added that the City has three of the five votes on the Arrowhead Centre Community Improvement District.

Police Department. Todd Davis reminded the Board that Lake Enforcement Day will be held at the First Family Church off of Highway 42 on May 15th.

City Treasurer. Karri Bell reported that she received a check today to repair a street light that was damaged by a vehicle.

There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

I, Diann Warner, City Clerk of 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 Board of Aldermen of the City of Osage Beach, Missouri, held on May 5, 2016.


Diann Warner, City Clerk


John Olivarri, Mayor

APPROVED
5/19/16