

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 12, 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. December 8, 2020 Planning Commission Meeting

NEW BUSINESS

- A. Rezoning Case 412 WK LOZ Holdings, LLC. Rezoning from C-1 (General Commercial with an E-3 overlay) to C-1b (Commercial Lodging)

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 8, 2020

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 8, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Tyler Becker, Chairman Susan Ebling, Nancy Viselli, Kellie Schuman and Tony Kirn. Absent were Alan Blair and Jeff Dorhauer. Also present: City Planner Cary Patterson (via Zoom) and Planning Department Secretary Pam Campbell.

Minutes - 11/10/2020

Chairman Ebling asked if there were any corrections or comments regarding the November 10, 2020 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the November 10, 2020 minutes and Kellie Schuman seconded the motion, which passes unanimously.*

New Business

Chairman Ebling stated that the first order of business is the hearing of Rezoning Case No. 411 Precision Paint Worx, LLC, Rezoning to remove the unsuccessful PUD from existing C-1 (General Commercial) Zoning and asked for comments from the staff on this request. Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	December 8, 2020	Case Number:	411
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Applicant: Precision Paint Worx, LLC

Location: Approximately 250 ft. off Osage Beach Parkway on Ozark Care Drive.

Petition: Rezoning to remove the unsuccessful PUD from existing C-1 (General Commercial) zoning

Existing Use: Vacant property

Zoning: C-1 General Commercial with a PUD 1 Overlay for a Medical Office complex.

Tract Size: 5.6 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 General Commercial	Vacant Commercial
<u>South:</u>	C-1 General Commercial	Frontage businesses
<u>East:</u>	C-1 General Commercial	Commercial Office
<u>West:</u>	C-1 General Commercial	Vacant Commercial/ Expressway

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Heavy Traffic Commercial

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Johnson-Meyer-Fredrick LLC 217		August 1999

Utilities

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

Access: Property derives access via a private drive from Ozark Care Drive.

Analysis:

1. The applicants have a contract to purchase the 5.6-acre parcel in question. The subject parcel is zoned C-1 and is part of a PUD that was approved for the original 10-acre tract back in 1999. The adjacent properties are also zoned C-1 (General Commercial) and the uses and activities that take place on those properties are permitted under the regulations established by the subject zoning district.
2. The request is technically a rezoning request, but the function of the request is to remove the PUD that overlays the existing zone, thereby, removing the incumbrance of the property restoring the ability to develop the property with all of the uses permitted within the C-1 (General Commercial) zoning district.
3. Access for the property will continue to be via Ozark Care Drive. Ozark Care Drive is platted as a private roadway as part of JMF Subdivision.
4. The character of surrounding development is heavy traffic commercial. The intensity of development can be expected to increase in this area with the property being located between two interchanges for the expressway and accessed from the Osage Beach Parkway commercial corridor.

Department Comments and Recommendations:

The PUD is a zoning tool used to offer flexibility within the rigid zoning districts by allowing mixed-use or cluster developments that adhere to the goals and objectives of the Comprehensive Plan but may not necessarily conform to the rigid requirements of the zoning district itself. Of issue in this particular situation is that I can find no reason why a Planned Unit Development was used for this development. All the uses that were part of

the approved PUD are permitted uses within the C-1 zoning district and I cannot find a purpose for the PUD by way of services requirements either.

As helpful as a PUD can be when a property owner is in need of flexibility to develop their property, they can also be unnecessarily cumbersome to a developer, a piece of property, and ultimately the City if not used effectively. In this situation, the subject property has remained undeveloped for over twenty years and the approved PUD is in no small part a reason for that. From a planning perspective, removing the approved PUD from the property provides the flexibility needed for a piece such as this to be appropriately developed. This of course will be a positive for the landowner who can now sell the property, the buyer who can develop the property, and the city who will experience new development on a piece of property that has remained vacant for some time.

With this in mind, the Planning Department would recommend approval of this rezoning request that would remove the PUD requirements for the subject property.

Chairman Ebling asked if there were any questions for the City Planner or if anyone here is for or against this issue and wants to speak.

Jason Sherrow signed in and stepped up and wanted to voice his opinion for it. He stated he owns the property next door and it would be great to have it rezoned as it will make the City look better.

Chairman Ebling asked if there was anyone else to wished to speak - no one stepped forward.

Commissioner Tyler Becker made a motion to approve Rezoning Case No. 411 Precision Paint Worx, LLC, Rezoning to remove the unsuccessful PUD from existing C-1 (General Commercial) Zoning and Commissioner Tony Kirn seconded the motion, which passes unanimously.

Chairman Susan Ebling called the second case Northview Subdivision Preliminary Plat and asked for comments from the staff for this request. Planner Patterson delivered the following report.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date: December 8, 2020

Subdivision Name: Northview Subdivision Preliminary Plat

Location: Approximately 900 ft off Sycamore Valley Drive on Oak Road

Section/Township/Range: 10/39/16

Applicant: Mitchell Northway

Surveyor: Central Missouri Professional Services, Inc.

Tract Size: 63,418 sq. ft. (5 single –family lots)

Zoning: R-1a (Single Family Residential)

Surrounding Land Use:

North: Lake of the Ozarks

South: Residential Development

East: Residential Development

West: Residential Development

Department Comments

Preliminary:

- 1) The plat was reviewed for code compliance and was found to be consistent with the preliminary plat requirements.
- 2) All public improvements, (i.e., roadways, parking areas, streetlights, etc.) must be designed and built to city design standards. The City Engineer is currently in the review process with the applicant's engineer. That process should be completed soon.

Planner Patterson stated this was a request to re-subdivide the oldest subdivision in town into five lots instead of four which is lake front. He further said he worked with the current City engineers to bring this old subdivision back to the forefront and this request was approved by the City engineers.

Chairman Susan Ebling asked if there were any questions for the City Planner.

Commissioner Tony Kirn wanted to clarify that this was a request to reestablish five lots instead of four and Planner Patterson replied yes that was correct.

Chairman Ebling asked if there were any further questions. There were none, however the applicant stated that all five lots have been sold.

Mayor John Olivarri made a motion to approve Northview Subdivision Preliminary Plat and Commissioner Nancy Viselli seconded the motion, which passes unanimously.

Reports

Chairman Ebling asked Planner Patterson if he had any other reports and Planner Patterson stated there were none at this time.

Adjourn

Chairman Ebling adjourned the meeting at 6:10 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 December 8, 2020.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Date:	January 12, 2021	Case Number:	412
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<u>Applicant:</u>	HK LOZ Holdings LLC. (Robin's Resort)	
<u>Location:</u>	On the north side of Passover Road on Robins Circle (Robins Resort Property).	
<u>Petition:</u>	Rezone the subject property from C-1 (General Commercial) with an E-3 Overlay (allowing PWC rentals) to C-1b (Commercial Lodging).	
<u>Existing Use:</u>	Robin's Resort	
<u>Zoning:</u>	C-1	
<u>Tract Size:</u>	6.21 acres	
	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 Commercial	Mixed uses
<u>South:</u>	R-1b Residential	Shorewood Estates
<u>East:</u>	C-1 Commercial	Parkview Bay Condominium
<u>West:</u>	LU Lake Use	Lake of the Ozarks

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
E-3 Overlay	309	March 2006

Utilities

<u>Water:</u>	City	<u>Gas:</u>	none
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: Property derives access off of Passover Road via Robin's Circle.

Analysis:

1. The applicants are the owners of the 6.21-acre parcel in question. The request is being made for the purposes of allowing the existing resort to be sold as individual units to private owners as condominium units. The rezoning request will also allow the owners to build an additional small condo building on the property should they choose to do so. As part of the approval of this request the E-3 Overlay, that allows for commercial rental of personal watercraft from the subject property, will be discontinued and removed.
2. The majority of the condominium developments within the City are zoned C-1 (General Commercial) currently but recognizing the need to conserve retail/commercial property for those purposes, the City removed condominiums from the C-1 zone as a permitted use in 2006. Condominiums are now allowed only to be developed and constructed in the C-1b zone, which of course is the reasoning that necessitates this request.

Department Comments:

Recent trends of both the demand for housing at the Lake of the Ozarks and the continuing difficulties of operating a resort in the area is why we are seeing these kinds of requests coming before us. The applicants are real estate agents and have advanced knowledge of the market in our area. It is well known that the Lake of the Ozarks is seeing the substantial interest of people wanting to relocate to the area. This is of course what is driving both the shortage of dwellings and the desire of developers to answer that need. Approval of this request will allow the owners to separate the existing units, that were built to meet the code requirements of residential condo units, into individual units that can be sold to private parties. In all honesty, this type of request is the natural transition for a facility of this kind as the demand for resort activity continues to struggle to meet the necessary requirements to stay viable.

With this property currently being designated with the C-1 zoning district, the City's least restrictive commercial zone, This change not only allows the property to maintain a use that is common in the corridor, it also protects the area from a more intense use that is more common in the C-1 zone being developed on the subject property. **With all of the conditions of the subject property lending positively to this request, the Planning Department recommends approval of this request.**



Date Received: 12/15/2020
Case #: 472

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: WK LOZ Holdings LLC Phone: 573-302-2355

Address: 3525 Osage Beach Pkwy City: Osage Beach State MO Zip: 65065

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

Jeff and Melissa Krantz - 974 Palisades Drive Four Seasons, MO 65049

Jason and Natalie Whittle - 5921 Seville Cr. Osage Beach MO 65065

2. Name of landowner's representative, if different from above: N/A Phone:

Address: City: State: Zip:

3. All correspondence relative to this application should be directed to whom? Jeff Krantz

Address: 3525 Osage Beach Pkwy 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: 4935 Robins Circle City: Osage Beach State MO Zip: 65065

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

Explain all uses: Condominium and Rental Units

6. Area of property in square feet or acres: 6.21 Acres

7. Current zoning classification: C-1

8. Sources of utilities: Water: City Service Gas: N/A

Sewer: City Service Electric: Ameren UE

9. Proposed zoning classification: C-1B

10. How long have you owned this property? < 1 month

11. Current use of property (describe all improvements): 6 buildings used for rental housing

12. Current use of all property adjacent to subject property: North: Boat Storage Yard

South: Residential Housing East: Condominium Units West: Lake of the Ozarks

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:

N/A

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.

Sewer and Water Facilities will be upgraded where needed. Roads will remain as is.

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

There should be no change to the 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): The use of this property as condominiums and

rental units will bridge a gap in the current residential market. It will allow more families to enjoy the lake area.

Notary Information

State of Missouri }

ss

County of Camden }

I, JEFFREY KRANTZ, WK LOZ HOLDINGS LLC 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: Jeffrey Krantz

Date: 12/15/20

Subscribed and sworn to before me on this 15th day of December, 20 20.

Notary Public:

My Commission Expires: 10/07/2024

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



MILLER COMPANIES

Engineering • Land Surveying • Environmental Services

December 15, 2020

Planning Commission
1000 Osage Beach Parkway
Osage Beach, MO 65065

Re: WK LOZ Holdings LLC Request to Rezone 4935 Robins Circle Osage Beach MO 65065

Dear Planning Commission,

R. Miller Companies, LLC, on behalf of WK LOZ Holdings LLC (applicant), is requesting a rezone of property at 4935 Robins Circle Osage Beach, MO 65065. The purpose of the request is to allow the applicant to use the property as condominiums and rental units and this purpose is not allowed under existing zoning of C-1. The use of this property as condominiums and rental units will bridge a gap in the current residential market. It will allow more families to enjoy the lake area.

Thanks for your consideration.

Sincerely,

Ethan K. Shackelford P.E.
R. Miller Companies, LLC

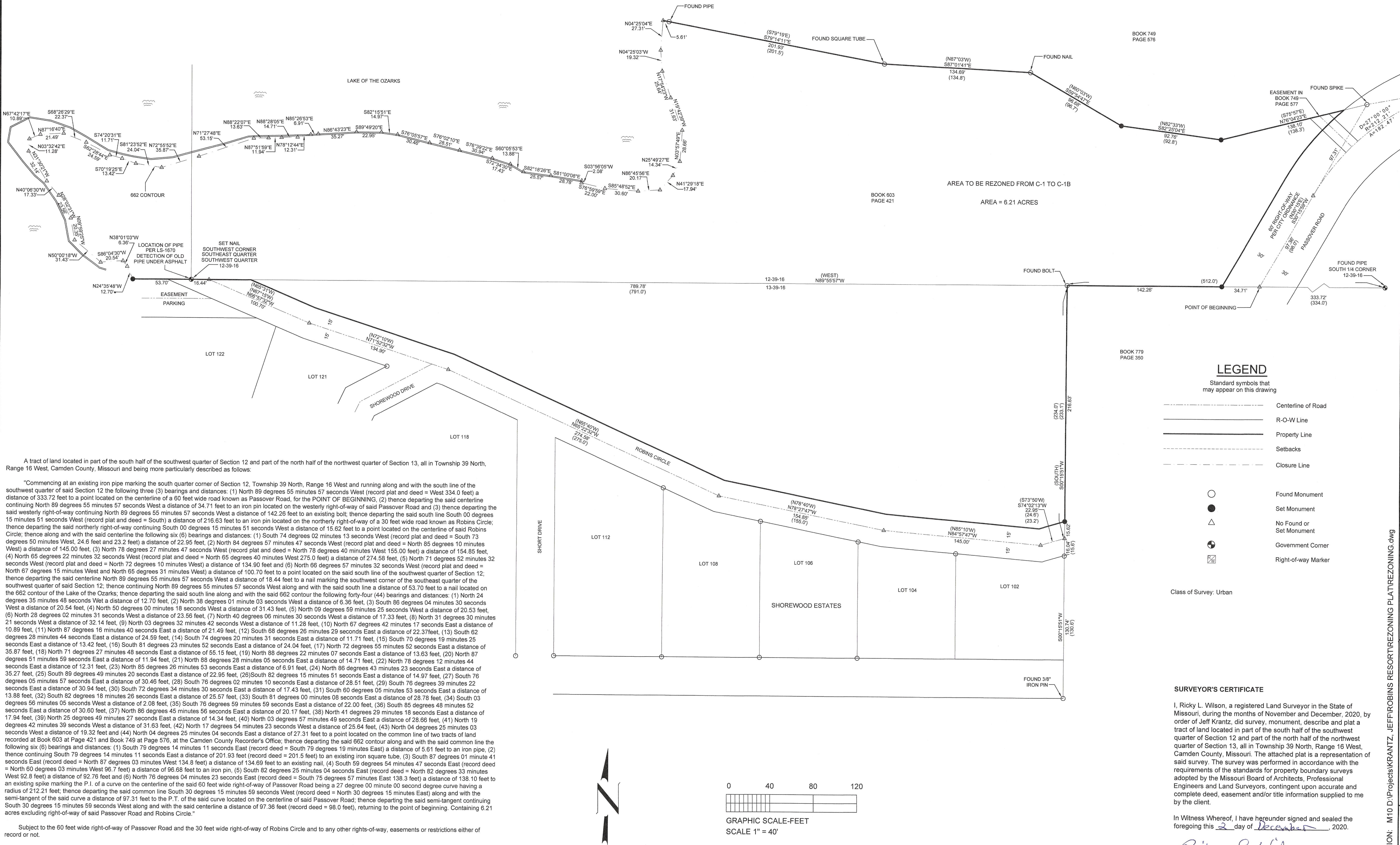


Rezoning Case 412 Location Map

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.
4. The Basis of Bearings for this plat is the Missouri State Plane Coordinate System.

REZONING PLAT: KRANTZ



DRAWING DATE:	12/2/20
REVISIONS:	
DRAWN BY:	N.F.W.
SCALE:	1" = 40'
PROJECT #:	MC 20-362
SHEET:	1 OF 1
FIELD BOOK:	M-301 PG 9
MO LSC NO.	2011027104

Part of the south half of the southwest 1/4 of Section 12 and part of the north half of the northwest 1/4 of Section 13, All in Township 39 North, Range 16 West, Camden County, MO

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

SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of November and December, 2020, by order of Jeff Krantz, did survey, monument, describe and plat a tract of land located in part of the south half of the southwest quarter of Section 12 and part of the north half of the northwest quarter of Section 13, all in 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 2 day of December, 2020.

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

FILE LOCATION:

M10 D:\Projects\KRANTZ, JEFF\ROBINS RESORT\REZONING PLAT\REZONING.dwg

SEAL

STATE OF MISSOURI
LAND SURVEYORS
RICKY L. WILSON
No. 2638

MILLER COMPANIES

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Page 14 of 14