

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

July 13, 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. May 11, 2021 Planning Commission Meeting Minutes

NEW BUSINESS

- A. Rezoning Case 414 Platinum III Investments

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

May 11, 2021

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on May 11, 2021 at 6:00 pm at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

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

Minutes - 3/9/2021

Chairman Susan Ebling asked if there were any corrections or comments regarding the March 9, 2021, regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the March 9, 2021 minutes and Alderman Tyler Becker seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Chairman Susan Ebling said the first order of business is a Right of Way vacation request for undeveloped property and asked the staff for comments.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Hearing Date: May 11, 2021	Case Number: none
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Applicant: Josh and Brooke McKay

Location: Osage Beach Road Corridor

Petition: Vacation of an undeveloped property

Existing Uses: Vacant commercial property

Analysis:

- 1) The applicants own the land adjacent to the requested vacation property.
- 2) The applicants are asking that the City of Osage Beach vacate an undeveloped right of way that bisects their property which will give it greater development capacity.

- 3) There is no apparent service infrastructure currently in the ROW. However, easements for any infrastructure that are found to exist will need to be given if this request for vacation is approved.
- 4) This vacation is being done by plat which is the most efficient way to accomplish a vacation in which both properties that are adjacent to the subject ROW is owned by the same party.

Department Comments and Recommendations:

Planner Patterson stated this property has faced challenges with many different things. This was zoned C-1 General Commercial in 1986. The owners will be selling this property in pieces and want to get rid of the Right of Way that was done in the 50's - 60's. He further stated he has checked with our Engineering Inspector Loyd and verified there is no sewer or electric cable on the property and said he recommends approval of this request.

Chairman Susan Ebling asked if anyone had any questions.

Ed Rucker, City Attorney, stated the file is complete and ready for the Commission's decision.

Planner Patterson stated doing this by plat is a far more efficient and cleaner way of doing this type of request.

Jeff Dorhauer made a motion to approve the Vacation of undeveloped property at the location of Osage Beach Corridor and Tony Kirn seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.

Chairman Susan Ebling asked if there were any reports.

Reports

Planner Patterson stated there is excitement going on in the City and a lot of work being done at Osage Commons.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:05 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 May 11, 2021.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

City of Osage Beach
Agenda Item Summary

Date of Meeting: July 13, 2021
Originator: Cary Patterson, City Planner
Presenter: Cary Patterson, City Planner

Agenda Item:
Rezoning Case 414 Platinum III Investments

Requested Action:
Motion to recommend approval of Rezoning Case 414 to the Board of Aldermen.

Ordinance Referenced for Action:

Board of Aldermen approval required for an amendment to the Zoning Map per Municipal Code Chapter 405 Zoning Regulations.

Deadline for Action:
90 Day Rule

Budgeted Item:
N/A

Budget Line Information (if applicable):

Department Comments and Recommendation:
See the attached information

City Attorney Comments:

City Administrator Comments:

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date: July 13, 2021

Case: 414

Applicant: Platinum III Investments

Location: Former Mikes Resort property located at the end of Passover Road on the east side of the roadway.

Petition: Rezoning from C-1 (General Commercial) to C-1b (Commercial Lodging District).

Existing Use: Vacant property that was formerly a resort.

Zoning: C-1

Tract Size: 10 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 General Commercial	Vacant Commercial
<u>South:</u>	LU Lake Use	Lake of the Ozarks
<u>East:</u>	C-1 General Commercial	Condominium Commercial
<u>West:</u>	C-1 General Commercial R-1b Single Family	Condominium Commercial Shorewood Estates

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Ken Carpenter R-1b (Single Family) to C-1 (General Commercial)	148	August 1995

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

Access: Property has frontage on Passover Road.

Analysis:

1. The applicant is the owner of the property in question. The property has been under this ownership for approximately ten years. It is a compilation of the properties formerly occupied by Mikes Resort.
2. The subject property was formerly the home of Mikes Resort. In 1995 the previous owner requested a rezoning of the lake front portion of the property, approximately 2 acres, from R-1b (Single Family) to C-1 (General Commercial) to allow possible resort expansion or condominium development. The remaining 8 acres was already zoned C-1 at the time of this request. The Board of Aldermen approved that rezoning request in August of 1995.
3. In 2006 the City of Osage Beach removed condominiums from the permitted uses within the C-1 (General Commercial) zone. This was done to give the City the ability to protect prime property for commercial and sales tax generating development from being developed as condominium developments as opposed to what is the properties greatest and best use. Because of this change, the subject property is required to be reviewed by the City for a zoning change that would allow Condo development as opposed to a hotel with accessory uses or a similar use.
4. The property has been excavated and the structures that existed on it previously have been removed by the new ownership. The property is surrounded by three condo developments and one single family residential subdivision. This property enjoys high visibility from the Main Channel of the Lake of the Ozarks.
5. The applicant intends to build a condominium project, that will include 90 units, as part of an overall development plan. As you can see in the submitted letter, the applicant may also develop a 55 and older residential use on the remaining property. The C-1b zone will permit one unit of condominium development for every 2500 square feet of lot area. Without any consideration given to the other desired uses, the property will support approximately 174 total units. Submission of complete development plans will be required for the City's approval. Infrastructure improvements for water, sewer, and streets are likely, including the extension of the City's sidewalk along the properties frontage in order to serve the proposed development.

Department Comments:

This piece of property is located in an area that is affected by the intense nature of the main channel of the Glaize Arm of the Lake of the Ozarks. The Comprehensive Plan calls for high density residential on this property which would support the applicant's request for the subject property. The City has seen this property as a future condominium development property for some time and has accounted for its development in the reconstruction of Passover Road and the public utilities for the corridor. As I stated above, it is likely that improvements on the existing public infrastructure will be required, and that will be handled within the development approval stage of the process. Of course, any facility constructed to serve this development will be required to be built to City Standards. **Keeping in mind the conditions of the subject property and the recommendation of the Comprehensive Plan, the Planning Department recommends approval of this request.**



Date Received: 4/21/21
Case #: PD V# 10370
200
Cents 102.15

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Platinum III Investment Co. INC

Address: PO Box 569

City: Lebanon

State Mo

Phone: (417) 532-7117

Zip: 65536-0569

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

Elizabeth Ruble, 417-664-0540

Debora Johnson 417-533-4882

Robbie Marley 417-588-7315

2. Name of landowner's representative, if different from above: Bob VanStavern

Address: 2605 S. Jefferson St

City: Lebanon

State: MO

Phone: 417-588-5658

Zip: 65536

3. All correspondence relative to this application should be directed to whom? Matthew J. Marschke

Address:

City:

State

Zip:

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures): Properties listed below are owned by Platinum III Investment LLC

Address: 440 Passover Road

City: Osage Beach State MO

Zip: 65065

08-6.0-13.0-000.0-002-008.000, 08-6.0-13.0-000.0-002-002.000, 08-6.0-13.0-000.0-002-003.000

5. Do you have a specific use proposed for this property?

☒ Yes

☐ No

Explain all uses: Development of Residential Condominiums

6. Area of property in square feet or acres: 10 Acres

7. Current zoning classification: C-1

8. Sources of utilities: Water: City

Gas: Summit

Sewer: City

Electric: Ameren

9. Proposed zoning classification: C-1B

10. How long have you owned this property? 10 Years +

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

12. Current use of all property adjacent to subject property:

South: Lake

East: Condos/Parking Complex

North: Undeveloped

West: Resort/Condominiums

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:

Condos all about.

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?

08-6.0-13.0-000.0-002-016.000, 08-6.0-13.0-000.0-002-004.000, 08-6.0-13.0-000.0-002-005.000,
08-1.0-12.0-000.0-009-038.000

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.

Capacity available for 90 Condominiums; public facilities will not require mitigating measures.

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

Increasing value of surrounding developed similar 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 property is located in an area with condominium type properties on both sides.

Notary Information

State of Missouri

County of Camden

ss

I, [Signature], 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: [Signature]

Date:

Subscribed and sworn to before me on this 20th day of May, 20 21

Notary Public: [Signature]

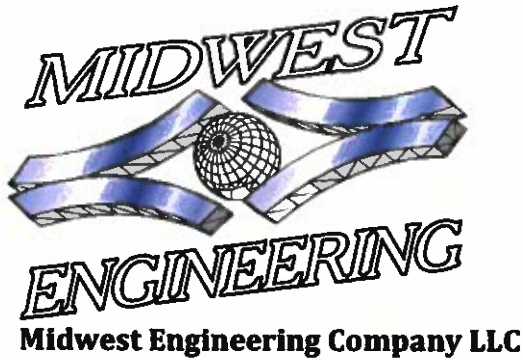
My Commission Expires: June 20, 2022

Person Accepting this Application: _____

BRENDA A. YAKLE
Notary Public - Notary Seal
STATE OF MISSOURI
Camden County
My Commission Expires June 20, 2022
Commission #14433707

****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



(DBA Marschke Engineering, LLC in
Illinois)
15 Shiloh Court
Edwardsville, IL 62025

5610 Alona Point
Osage Beach, MO 65065
573-216-0066

June 17th, 2021

Planning and Zoning Department
City of Osage Beach

RE: Platinum III Rezoning Application

Dear Mr. Patterson,

Please find enclosed the location map, land location illustration, legal descriptions of the parcels involved in the request for rezoning, and a letter from the developer, Bob Van Stavern.

We believe that rezoning this property is consistent with the surrounding land uses and is the best utilization of this property. We plan to build approximately 90 condominiums along the lakeside of this property which is identical to the land use of the neighboring east and west properties as described in the application.

We appreciate your time and attention to our project and look forward to working with you.

Respectfully,

Matthew J. Marschke, P.E.

CC: Bob Van Stavern

Attachments:

- Application Signed and Notarized by Land Owner.
- Legal Descriptions
- 185ft Layout Illustration
- Application Fee

<https://netorg3742062.sharepoint.com/sites/MarschkeEngineering/Shared Documents/Projects Current/Platinum III/City Package for Rezoning Application/Submitted/Letter to City Planning and Zoning Platinum III 61721.docx>

**B.D. Van Stavern
2605 South Jefferson
Lebanon, Mo. 65536**

Date June 17, 2021

Planning & Zoning Commission, City of Osage Beach, Mo

Board of Alderman

Mr. Cary Patterson, City Planning Engineer.

Gentlemen,

We would like to take this opportunity to thank you for taking your time to consider our request for a zoning change on the property know as Mike's Resort, located at the end of Passover Road, Osage Beach , Mo 65065.

Our firm optioned this property 10 years ago with the intent of building condominiums as soon as we finished and sold The Towers Condo Complex. Two years ago we purchased the property, took down all of the old unsightly buildings, filled in the pool, and at the instance of Ameren UE we took the dated docks down.

It is our intent to build approximately 90 condo units along the waterfront, and perhaps develop the upper portion of this property into a 55 and older complex. Consisting of several HI-END duplexes with attached garages along Passover Road. Of course this could change as the economy dictates what can be done to some extent. We have spent countless hours determining the highest and best use of this piece of property.

Our firm has worked with the City for over 20 years, we have a good relationship with all departments. It is our intent to continue to follow all rules and regulations of same, should you see fit to rezone this property as requested.

Thanking you in Advance

Bob Van Stavern

Van Stavern Companies

417-532-7117



Rezoning Case 414 Location Map