

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

**February 8, 2022 - 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. Motion to approve January 11, 2022

NEW BUSINESS

- A. Special Use Permit 413 - Michael & Cheryl Castle request to allow Residential use in a Commercial District.
- B. Rezoning Case 417 - Arapaho, LLC - Rezoning from C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses to C-1 (General Commercial) with an amended E-3 Overlay.

REPORTS

ADJOURN

Remote viewing is available on Facebook at *City of Osage Beach, Missouri* and on YouTube at *City of Osage Beach*

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

January 11, 2022

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on January 11, 2022 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Alan Blair, Chairman Susan Ebling, Tony Kirn, Mayor John Olivarri, Alderman Bob O'Steen, and Nancy Viselli. Absent was Jeff Dorhauer. Also present: City Planner Cary Patterson, City Attorney Ed Rucker and Planning Department Secretary Pam Campbell. (note: Tony Kirn arrived after the Roll Call was taken)

Minutes - 9/14/2021

Chairman Susan Ebling asked if there were any corrections or comments regarding the September 14, 2021, regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the September 14, 2021 minutes and Alan Blair 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 Special Use Permit Case 412, a request by BAC, LLC, Bruce Christy, to allow a residential use of a property zoned C-1 General Commercial, and asked for comments from the staff.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	January 11, 2022	Case: 412
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Applicant: BAC, LLC (Belinda Phillips) Property Owner
Bruce Christy, Proposed Developer

Location: Approximately 1000 ft off Passover Rd. on Red Bud Road (Next to 1138 Redbud Rd.)

Petition: Special Use Permit to allow a residential use (duplex townhome) in a Commercial District.

Existing Use: Vacant commercial property.

Zoning: C-1 (General Commercial)

Tract Size: Approximately 15,128 sq. ft.

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 (Commercial)	Vacant Commercial
<u>South:</u>	LU (Lake Use)	Lake of the Ozarks
<u>East:</u>	C-1 (Commercial)	Commercial Boat Services
<u>West:</u>	C-1 (Commercial)	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>
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City Wide		1984
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<u>Utilities:</u>	Water:	City	Electricity:	Ameren UE
	Sewer:	City		

Access: Property has frontage on Redbud Road.

Analysis:

1. The applicant is the owner of the vacant property in question.
2. The character of the area is mixed containing condominiums, moderate density residential, and a large parcel that has a commercial boat services use contained within.
3. The current proposal is to construct a duplex townhome on the subject property. The developer plans to live in one of the units and sell the other to a separate owner.
4. The portion of the property that is being requested for SUP is fronted and serviced by Redbud 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 falls into the moderate to low range.

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, than that of a commercial use.

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:**

As I have already stated, the request is in conformance with the use 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:

As previously stated, the area surrounding the subject property contains mixed uses including high and moderate density residential and a commercial facility.

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

The zoning of the surrounding properties is C-1 (General Commercial). This means that the residential uses within the area are legal nonconformities and would require a SUP if developed now as well as a SUP to allow a residential expansion if an addition was proposed to any of them. The requested use will mesh without issue with the surrounding uses.

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

The use of this specific property as a commercial use, depending on the intensity of the use, could cause some substantial issues with the adjacent single-family homes. Because of this, the existing conditions certainly lend more positively towards the residential use as requested as opposed to a permitted use within the current zoning district.

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:

The secondary corridor has seen little development in recent years. There have been some improvements to the homes near the subject property. These improvements required SUPs and variances to be granted by the City.

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.

Permitted Uses:

The following uses shall be permitted in those areas as illustrated on the SUP site plan:

1. Residential Uses shall conform to the requested construction of a duplex townhome.
2. Accessory Uses typical to residential uses of this type will be designed for and available to the owners and their guests/ tenants only and will not be open to the public. Those uses and facilities will be required to meet the code requirements for accessory uses and structures within the R-2 (two family) zone.

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 in conformance with the approved site plan.

Dimensional Requirements:

The new structure will be required to meet the setbacks established on the approved site plan.

Public Facilities:

Engineering plans for any required water or sewer improvements will be constructed in accordance with the Osage Beach Design Guidelines and must be reviewed and approved by the necessary City Officials during the Building Permit process.

Access:

Access shall be derived from an entrance to the property off Red Bud Road. Any required roadway improvements must be reviewed and approved by the City.

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 other facilities within the corridor.

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 to confine all direct light rays within the boundaries of the subject property.

Signage:

Any proposed signage 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 property 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 submitted site plan will serve as the Final Development Plan.

Chairman Susan Ebling asked for Planner Patterson's comments. Planner Patterson stated we will be seeing more of these as there is more need for residential. He mentioned this is a two-lot parcel at the end of Red Bud Road and considered lakefront commercial. Cary said that he had received a call from an Alderman asking if this would cost the City any sales tax (15,000 SF 140' lake frontage) but Cary said the area is not capable of housing a commercial use without adding property. The Alderman then questioned why it was zoned commercial, and Cary said back in 1984 the Planning Commission was more of a "grass roots" commission and he mentioned other areas where they thought bars, marinas and condos might eventually develop, so many areas were zoned commercial that were ultimately developed into housing. But the codes also allowed for the Planning Commission to approve SUPs which would allow residential housing. Cary stated that there are already three homes in this area that have SUPs. Cary said that based on the lots, you could build two single-family homes, but if you tried, you wouldn't be able to meet the setbacks established today. Therefore, a duplex was the ideal use for this property. Cary said this request fits in nicely with everything already in the area, and he would recommend approval.

Chairman Susan Ebling asked if the applicant or representative would like to add any information or clarify anything at this time. Bruce Christy stated that Cary covered all the details, but did mention there was a problem with the dock situation. They asked Ameren about this and were told that a larger dock would be outside their parameters and they could only have a two-well dock, which again would not lend itself to a commercial construction but would be better for a duplex. Cary then said that there would be a problem for a commercial development with hard-surface parking as well, so what is being proposed is the best use.

Chairman Susan Ebling asked if there was anyone in opposition. No one commented.

Chairman Susan Ebling asked if there was anyone in favor. No one commented.

Alderman Bob O'Steen asked who owns the property next to this. City Planner Patterson said that the owner did not want to be named.

Chairman Susan Ebling asked for comments from Legal Counsel. Ed Rucker, City Attorney, said the file is complete and ready for the Commission's decision.

Chairman Susan Ebling then asked if anyone on the Commission had any questions or comments. Hearing none, she said she would entertain a motion.

Alderman Bob O'Steen made a motion to approve Special Use Permit Case 412, a request by BAC, LLC, Bruce Christy, to allow a residential use of a property zoned C-1 General Commercial and Alan Blair seconded the motion. A roll call vote was held and everyone voted yes. The motion was passed.

Chairman Susan Ebling asked if there were any reports.

Reports

Mayor Olivarri stated that Kellie Schuman was sworn in at the January 6th Special Board of Aldermen Meeting as Ward 3 Alderman to replace Tom Walker and had to submit her resignation to the Planning Commission. He asked if anyone had any recommendations for this slot, please let him know and he would be happy to meet with them.

Planner Patterson stated the Commission has been anywhere from 7-15 members in the past but 10-11 is preferred and an odd number would be ideal. He further said if anyone has any suggestions for the vacancy, please let him or the Mayor know. This is a very important group that assists the City.

Nancy Viselli stated they need to live in the City limits of Osage Beach.

Planner Patterson stated yes and if there's a question regarding this, give him the address and he can check.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:15 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 January 11, 2022.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

**PLANNING COMMISSION
REPORT TO THE
PLANNING COMMISSION**

Hearing Date:	February 8, 2022	Case Number: 413
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Applicant: Michael and Cheryl Castle

Location: 5439 Osage Beach Parkway

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

Existing Use: Restaurant

Zoning: C-1 General Commercial

Lot Size: Approximately 1 acre

Surrounding Zoning:

Surrounding Land Use:

North: C-1 General Commercial

Vacant (54 Expressway ROW)

South: C-1 General Commercial

O B Parkway Commercial Corridor

East: C-1 General Commercial

Vacant (54 Expressway ROW)

West: C-1 General Commercial

O B Parkway Commercial Corridor

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

Heavy Traffic Commercial

Rezoning History

Case #

Date

Citywide

May 1984

Utilities

Water: Ciy
Electricity: Ameren

Gas: Summit Natural
Sewer: City

Access: Property has approximately 250 feet of frontage on Osage Beach Parkway

Analysis:

1. The property in question is a platted commercial tract. The property is home to On the Rise Bakery and Restaurant.
2. The applicant has discussed the submittal of a building permit application to improve a portion of the building into a dwelling with the Building Official. The applicants propose to live in the improved area themselves. The future Expressway Right of Way is behind the building. No mitigative measures or screening is proposed.
3. Two off-street parking spaces are provided for the dwelling unit in conformance with current off-street parking requirements. The parking and drives for the restaurant are concrete and asphalt. The parking for the dwelling will be on the side of the facility opposite of the parking facility dedicated to the restaurant.
4. With this property's location close to the Osage Beach Parkway corridor, the land use character of the area is predominately heavy traffic commercial.
5. In accordance with Section 405.420 of the Osage Beach Zoning Code, residences are permitted in C-1 zones with a Special Use Permit.

Department Comments:

It is fairly common to see a situation like this where the owner or an employee of the business maintains a residence within the confines of the business structure. It is important, however, to ensure that neither the residential nor the commercial uses conflict with each other. Typically, this is achieved with design, construction, and landscaping which serves to screen and mitigate secondary effects (i.e. lighting, noise, etc.) on proposed uses. There are specific building codes that the applicant must meet to be able to mix the requested uses; this will be handled in the building permit process. Staff feels that this is an acceptable accessory use to the restaurant on the property and should be approved with the following conditions:

1. Signage or advertising, specifically for, or listing the requested use separately from the existing restaurant business, is prohibited.
2. This approval does not constitute building permit approval, so a building permit must be attained, and all other zoning and building regulations must be followed.



Date Received: 1/24/22
Case #: 413
CR 200.00
Cents 3.65

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: 5431 Hwy Partners LLC Phone: 573-480-552
Address: 5439 O.B. Parkway City: O.B. 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:

S. Michael Castle 5439 O.B. Parkway O.B. 65065 573-480-552
Cheryl L. Castle 5439 O.B. Parkway O.B. 65065 573-480-552

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? Mike or Cheryl Castle
Address: Above 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):
Address: 5439 O.B. Parkway City: O.B. State: MO Zip: 65065

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

Explain all uses: Temporary housing for property owners
Mike & Cheryl Castle

☒ Area of property in square feet or acres: _____

7. Current zoning classification: Commercial

8. Sources of utilities: Water: City Gas: Summit Natural
Sewer: City Electric: Ammer Line

9. Proposed zoning classification: SU2

10. How long have you owned this property? 22 years

11. Current use of property (describe all improvements): Restaurant / Storage / Office

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

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. *We do not see any affect*

and temporary housing will have on public facilities

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any? *There would be no affect on any*

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):

Notary Information

State of Missouri)

ss

County of Camden)

I, *Michael Castle* **CHERYL CASTLE**, owner/applicant, having read the procedures and instructions, make application for 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.

Michael Castle
Signature Owner/Applicant:

Date:

Subscribed and sworn to before me on this *24th*

day of

January 20*22*

Meloney A. Hallander
Notary Public.

My Commission Expires:

Person Accepting this Application:

MELONEY A. HALLANDER
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 96449980
Camden County
My Commission Expires: Apr. 15, 2025

****Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail ****

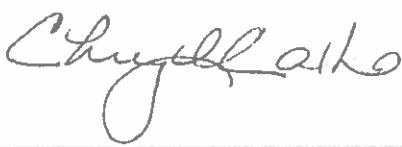
CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone - 573-302-0528 FAX

Dear City of Osage Beach,

We are requesting a special use permit for our space attached to our restaurant. The space has been used for our offices and storage it currently has three rooms, two bath including shower and tub, laundry room with washer and dryer and kitchen area. We have made improvements such as replacing a toilet, adding cabinets, replacing trim and painting. Because we sold our home and the housing market is not ideal for buyers at this time, we are hoping to stay in our office space until we make a home purchase. We are asking for the city's approval and greatly appreciative of their consideration.

Thank you,

Mike and Cheryl Castle

OWNER: 5431 HWY PARTNERS, LLC.
LOCATION: LOT 1, "CASTLE BUSINESS PARK"



**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	February 8, 2022	Case Number:	417
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Applicant: Arapaho, LLC

Location: 2000' from Osage Beach Pkwy on Sunset Dr.
(Best way to view the property is from Backwater Jacks Parking Lot)

Petition: Rezoning from C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses to C-1 (General Commercial) with an E-3 Overlay for an entertainment facility that will include pools, a video board, a stage for small music events, and accessory uses.

Existing Use: Vacant

Existing Zoning: C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses.

Tract Size: Approximately 14 acres

Surrounding Zoning:

Surrounding Land Use:

North: A-1

Vacant

South: C-1 and R-3

Lake Front Restaurant and Entertainment Venue

East: A-1

Vacant

West: C-1 General Commercial

Commercial Restaurant Use

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Moderate Density Residential

Rezoning History

Date

399 A-1 to C-1b

9/17

406 C-1b to C-1 E-3

7/20

Utilities

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

Access: Property derives access via Beach Drive

Analysis:

1. The applicant is the owner of the 14-acre parcel in question. In July of 2020, the applicant was given approval for an E-3 overlay to establish a two thousand (2000) seat amphitheater with customary accessory uses and parking on the subject property. The applicant is now requesting an amendment to the E-3 overlay permitted uses which will remove the 2000 seat amphitheater and concert venue and replace it with an outdoor aquatic entertainment venue and facility that will include multi-tiered pools, a video board, a substantially reduced stage for small music events, and customary accessory uses such as bars, restrooms, souvenir shop, etc. This use will be a full-time activity as opposed to the twelve-event total requirement established for the amphitheater.
2. The new use proposed by the applicant will no longer be for a large-scale concert venue, the stage area is drastically reduced, and the facility will no longer contain concert level sound equipment as it would have for the amphitheater. The sound control requirements will remain as required by the code for the E-3 Entertainment Overlay as listed below.
3. The 185-foot buffer area around the property will remain to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
4. As I am sure you will recall, the traffic situation was addressed for the amphitheater proposal and a plan was established to address concert events. As part of this request, the City is requiring that Beach Drive be rebuilt into a collector status street as determined by the City's contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The reconstruction of Beach Drive will accommodate any future development taking place in the corridor. The first 2,300 feet of Beach Drive has high intensity zoning districts fronting it including C-1 (General Commercial), R-3 (Multi-family), and MH (Mobile Home Park).

5. As part of this, the Sunset Drive entrance into the complex will be gated and marked as a “private entrance, not for use as public access”. The Sunset Drive entrance will only be used by the people renting the Backwater Jacks vacation rentals, employees, and in case of emergency. Emergency usage will be in response to notification or request by the Osage Beach Police Department. All commercial traffic will be removed from Sunset Drive in accordance with the approval of this request.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. With the subject property’s location on a large property surrounded by largely undeveloped property, it lends itself favorably to the type of use being requested, provided that the intensity of the uses such as live music and similar uses is mitigated as to not create a greater impact on the area. The applicant is requesting to amend the E-3 overlay that was approved for the subject property and instead construct an outdoor aquatic entertainment facility that will include pools, a video board, a stage for small music events, and customary accessory uses.

As the facility will be placed in the location where the approved amphitheater was located, noise from the facility will be directed into the wooded area and undeveloped valley that is owned by the applicant and his family. Operation of the facility will be required to conform with the city’s regulations on noise and hours of operation.

The proposed change in the use will also substantially reduce the occupancy of the facility which will be determined by the amount of parking and the International Building Code.

As part of this request, the City is requiring that Beach Drive be rebuilt into a collector status street as determined by the City’s contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The first 2,300 feet of Beach Drive has high intensity zoning districts fronting it including C-1 (General Commercial), R-3 (Multi-family), and MH (Mobile Home Park). The reconstruction of Beach Drive will accommodate any future development taking place in the corridor.

It is also worth noting that approval of this request would not increase the number of docking facilities or boat slips that will be allowed for the property.

Any additional customer base will come from the city via the roadways, as opposed to the lake, meaning additional impact to the cove, in which the subject property is located, should be minimal.

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential, is twofold. The first issue is developmental constraints from both topography and accessibility. Second is its relative location to Backwater Jacks. These issues make this property excessively difficult to establish single- or two-family homes because of relative cost and salability.

With the subject property being zoned Commercial and located on a large lot surrounded largely by undeveloped agriculture or multifamily zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The outdoor aquatic entertainment venue and facility that will include multi-tiered pools, a video board, a substantially reduced stage for small music events, and customary accessory uses such as bars, restrooms, souvenir shop, etc. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

This facility will operate with the same time restraints and hours of operation as outlined in the code governing the E-3 overlays.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the city at the time that a Building Permit is requested for any portion of the development that a permit is required.

Parking: Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces only. If a need for additional parking becomes evident, additional parking facilities will be required to be constructed on the commercially zoned property on site and owned by the applicant.

There will be no parking allowed along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Facility access, ingress, and egress: Beach Drive must be rebuilt into a collector status street as determined by the City's contract engineer. The road will be reconstructed past the entrance into the Backwater Jacks complex. The owners will be required to work with the City and their contract engineers to finalize

plans and construction procedures for the completion of the project. Funding for the design and construction of Beach Drive will be provided by the applicant.

The Sunset Drive entrance into the complex will be gated and marked as a “private entrance, not for use as public access”. The Sunset Drive entrance will only be used by the people renting the Backwater Jacks vacation rentals, employees, and in case of emergency. Emergency usage will be in response to notification or request by the Osage Beach Police Department. All commercial traffic will be removed from Sunset Drive in accordance with the approval of this request.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. Any signage on the Sunset Drive access location will be for the Backwater Jacks vacation rentals only. This sign cannot be back lit or have a digital reader board or running display. Other interior signage is required to meet the regulations established by the City’s Sign Code for commercial properties. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section 220.040 of Chapter 220.

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any additional lighting, proposed as part of this activity, must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: A wooded area is required to be maintained around the facility to mitigate the noise pollution to surrounding properties. A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all of the required changes.



Date Received: 11/19/22
Case #: 2.8.22

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Arapaho LLC Phone: 513-365-9440
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

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

Gary Prewitt Irrevocable Trust

2. Name of landowner's representative, if different from above: Andrew Prewitt Phone: 513-365-9440
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

3. All correspondence relative to this application should be directed to whom? Andrew Prewitt
Address: 12 Allen Road City: Eldon State: MO Zip: 65026

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

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

Explain all uses: Live music, pool bar

6. Area of property in square feet or acres: 11 acres +/-

7. Current zoning classification: Commercial C1 with limited E-3 overlay

8. Sources of utilities: Water: City of Osage Beach Gas: TBD
Sewer: City of Osage Beach Electric: Ameren UE

9. Proposed zoning classification: Commercial C1 with E-3 overlay

10. How long have you owned this property? 3 years

11. Current use of property (describe all improvements): Additional boat parking and access for B&B

12. Current use of all property adjacent to subject property:
North: Residential/Vacant
South: Restaurant/Bar East: Vacant West: Commercial/Vacant

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:

Subject property adjoins Backwater Jacks and is comparable in proposed 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?

We own property all the way around this property and are in agreement with the proposed use

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 2020 Rezoning

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.

The public facilities should not be adversely affected by this project. We are paying to upgrade the road, water, and sewer infrastructure to accommodate this project.

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

We propose to leave a 185 foot buffer around property to mitigate any adverse effects.

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 amount of buffer and property

we own adjacent to the subject property and the infrastructure improvements we are doing

Notary Information

State of Missouri)

ss

County of Camden)

I, Andrew Prewitt, 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.

Andrew Prewitt
Signature Owner/Applicant:

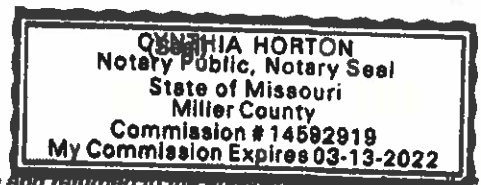
1-19-2022
Date:

Subscribed and sworn to before me on this 19th day of January, 2022.

Carthia Horton
Notary Public:

3-13-2022
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

Arapaho LLC
12 Allen Road
Eldon, MO 65026
Phone: 573.365.9440

January 19, 2022

Cary Patterson
City of Osage Beach
Planning Department
1000 City Parkway
Osage Beach, MO 65065

RE: Request to Rezone Property 093.006.2000.0002005.000 to Commercial C1 with an E-3 Overlay

City Planners,

We would like to respectfully request that a portion of the above mentioned property be rezoned from Commercial C1 to Commercial C-1 with an E-3 Overlay. The property in question has remained vacant and wooded for at least the last fifty years and has not been used for any income producing purpose. Assuming the rezoning to Commercial C1 with an E-3 Overlay is permitted the plan is to build a live music and poolside entertainment venue on the property.

To help remediate any noise or inconvenience from this development we propose to leave at least a 185 foot buffer around the property, install sound buffer barriers, and face the stage in a southeasterly direction away from any existing residential developments.

The property is located in a valley in the back of the Backwater Jacks cove. It is surrounded by wooded hillsides on two sides, a wooded valley on one side, and Backwater Jacks on the remaining side.

We are working with the surrounding property owners and hope that this development will fit with the future development plans for this cove and create a greater tax base for the City of Osage Beach.

Thank you for your consideration on this matter,

Andrew Prewitt
Office: 573.365.9440
Cell: 573.280.4388
Email: Andy@PrewittEnterprises.com

**Arapaho LLC
12 Allen Road
Eldon, MO 65026
Phone: 573.365.9440**

January 19, 2022

**Cary Patterson
City of Osage Beach
Planning Department
~~1000 City Parkway~~
Osage Beach, MO 65065**

**RE: List of Owners of Record of ALL Property within 185 Feet of the Boundaries of the Subject
Property or 1,000 feet of the E Overlay Boundary on the Lake Front**

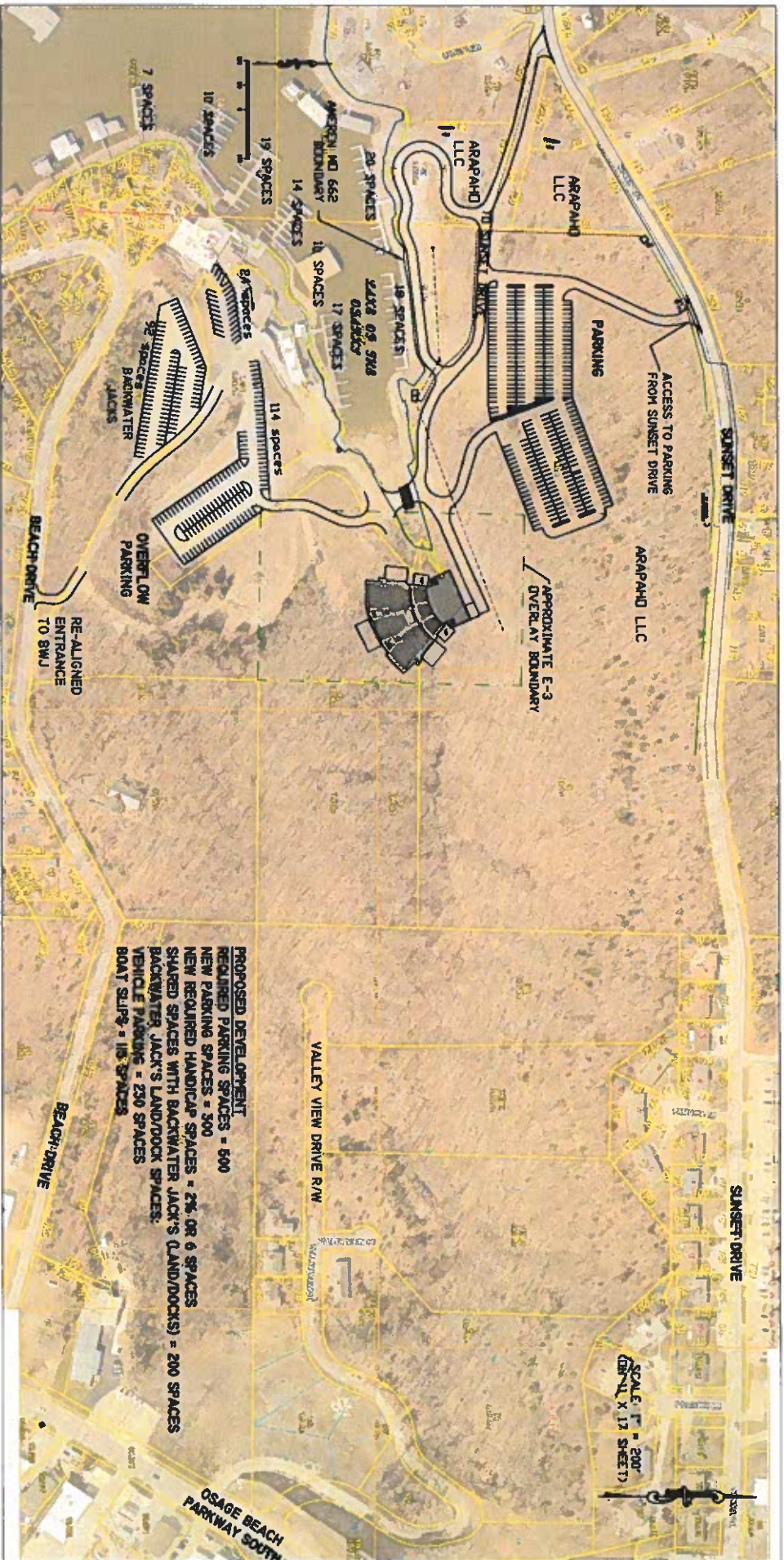
- 1. Jessica Prewitt and Karen Prewitt
~~264 Blue Springs Drive~~
Eldon, MO 65026**
- 2. Grand Teton Mountain Investments LLC
12 Allen Road
Eldon, MO 65026**
- 3. Wade Flaming
PO Box 2291
Springfield, MO 65801-2291**

**Andrew Prewitt
Office: 573.365.9440
Cell: 573.280.4388
Email: Andy@PrewittEnterprises.com**



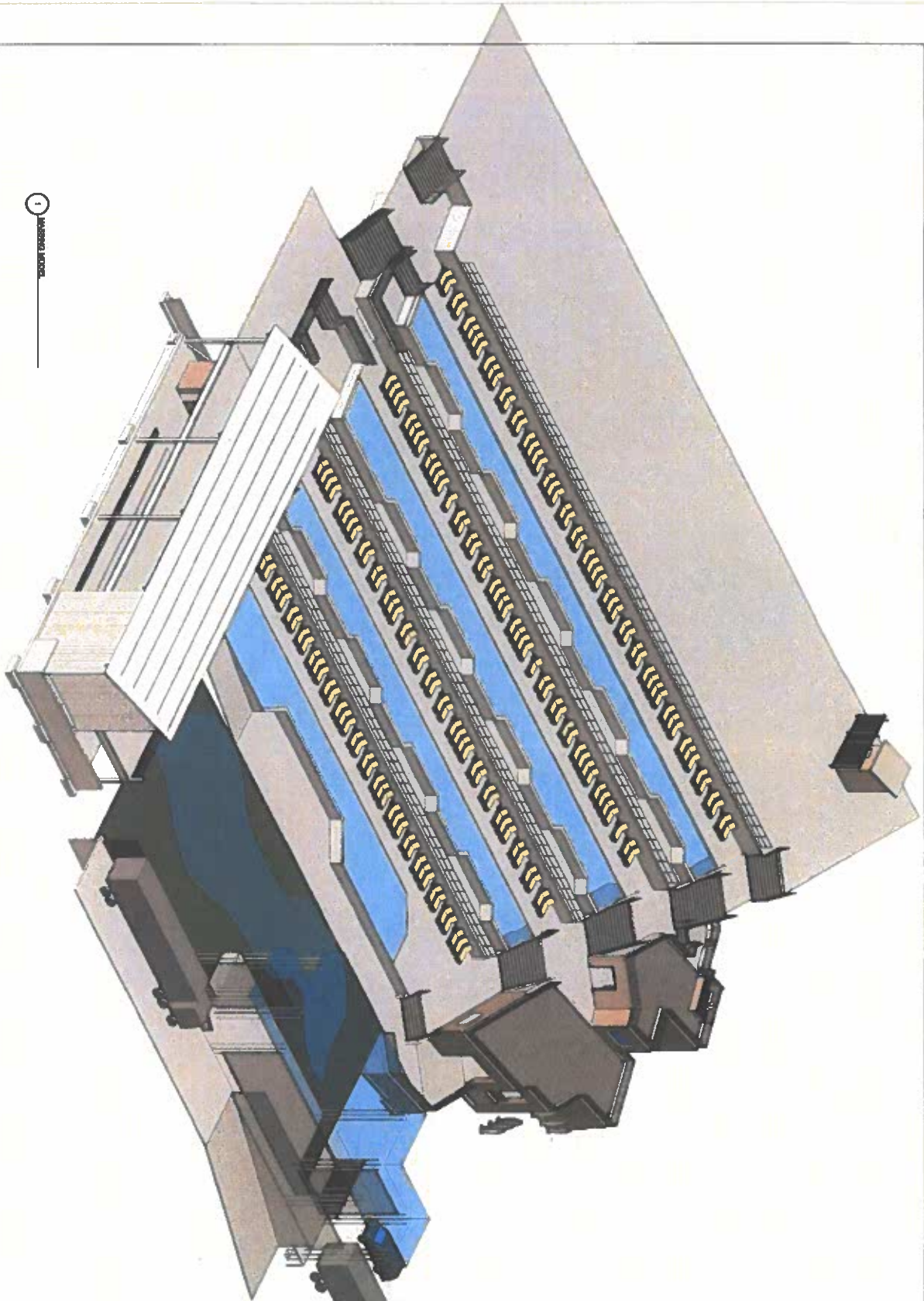
NORTH

**Rezoning Case 417
Location Map**



BWJ AQUA THEATER PRELIMINARY SITE PLAN
 RVSD. 01/18/2022

1
ARAPAHO DEVELOPMENT



BICKLER ARCHITECTS	
1100 WEST BROADWAY STREET ST. LOUIS, MISSOURI 63102	PHONE (314) 436-1100
A1.8	
DATE: 10/11/2007	

Project Name	Arapaho Development
Location	St. Louis, Missouri
Architect	Bickler Architects

ARAPAHO DEVELOPMENT
St. Louis, Missouri

