

THE CITY OF OSAGE BEACH, MISSOURI
PLANNING COMMISSION MINUTES OF THE REGULAR MEETING

June 9, 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 June 9, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Richard Ross, Don Sturn, Chairman Susan Ebling, Don Chisholm, Michelle Myler, Alan Blair, Kellie Schuman, and Tony Kirn. Absent was Nancy Viselli. Also present: City Planner Cary Patterson, Planning Commission Secretary Pam Campbell, David Van Leer representing Cochran Engineering and City Attorney, Ed Rucker.

Minutes – 1-14-2020

Chairman Ebling asked if there were any corrections or comments regarding the January 14, 2020 minutes. There were none. *Mayor Olivarri made a motion to approve the January 14, 2020 minutes and Commissioner Chisholm seconded the motion which passes unanimously.*

Chairman Ebling - At this point I need to hand the meeting over to Mayor Olivarri as I have property interest in the next item.

Alderman Ross - I need to recuse myself also due to prior interest.

The meeting was handed over to Mayor Olivarri and he asked Planner Patterson to give his report on the first order of business.

New Business

Planner Patterson delivered the following report:

Applicant: Ebling Enterprises Inc., LLC.

Location: 4877 Osage Beach Parkway

Petition: Rezoning from C-1 (General Commercial) to C-1 and C-1b with a PUD 1 Overlay for the development of Condominiums, a Hotel, and a restaurant.

Existing Use: Not currently being used. The property was previously the location of the Topsider Lake Front Entertainment venue.

Zoning: C-1 (General Commercial)

Tract Size: 10.5 acres

Surrounding Zoning:

Surrounding Land Use:

North: R-1b (Single Family)

Mcfield Subdivision

<u>South:</u>	C-1 (General Commercial)	Osage Beach Pkwy Corridor
<u>East:</u>	C-1 (General Commercial)	Osage Beach Pkwy Corridor
<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>
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N/A

Utilities

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

Access: Property derives access from Osage Beach Parkway.

Analysis:

1. The applicants are the owners of the 10.5 acres in question. The property is currently zoned C-1 (General Commercial) as it was zoned in the original zoning of the community.
2. The applicant is requesting a rezoning to C-1 and C-1b with a PUD 1 overlay which will allow the development of condominiums, a hotel, and a restaurant on the subject property. The PUD assures the uses within the development providing resort residential and commercial uses within the development that complement each other and will provide protection for the buyers of the condo units themselves. The PUD will also allow the three uses in the development to share the parking amenities for the overall development which provide the necessary number of spaces for each of the uses.
3. As you can see on the site development plan, the C-1b (condo development) portion of the development is comprised of 8.2 acres while the C-1 (hotel, restaurant) area consists of the remaining 2.3 acres.
4. The existing entrance into the property will provide the access to the new development
5. The character of surrounding development is primarily commercial with the highway commercial corridor. Mcfield subdivision is located to the North, the proposed use should provide them with a less intense use than what has taken place on the subject property in the past.
6. The development will be required to meet the zoning code requirements of the specific zones that each use falls in unless otherwise listed with the PUD permitted uses. All construction is required to meet all of the Building Codes that have been adopted at the time of Building Permit issuance for each specific building. The Osage Beach Design Guidelines will be followed in the design and construction of the developmental services (sewer, water, streets, etc.).

Department Comments and Recommendations:

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing mixed-use developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation we have an amazing piece of commercially zoned property that was once the home of the Topsider Lakefront Entertainment venue. The Topsider provided the City, its People, and visitors a place to enjoy each other and the activities that make this lake a destination for people from all over our country for nearly 40 years. This piece of property is one of two like it in our community. It has lake frontage, Osage Beach Parkway frontage, and direct access to the Highway 54 Interchange. Obviously, those aspects are hard to come by making this piece very valuable to both the owners and the community.

In 2006 the Planning Commission and The Board of Aldermen removed condominium development from the permitted uses in the C-1 zone. This was done to protect valuable lake front properties such as the subject property from being developed as condos without the City being able to review if that was the greatest and best use for the property. In this situation, the applicants came to me with the desire to put a condo development on the property. As we discussed it, I let them know that I would have difficulty recommending approval of such a request without assuring that at least a portion of the commercial potential of the property would be achieved. The applicant went to work and came up with a plan that works out well for all involved. Of course, the applicant gets to build and sell lake front condominiums while the restaurant and hotel provide for the commercial potential of the property. The three uses compliment each other and actually can be selling points for each other as accessory amenities.

Keep in mind that once this request is approved, the only development that can take place within the PUD District are those that conform to the permitted uses and regulations of the PUD itself. This includes everything from facility construction to infrastructure development.

Keeping in mind the existing conditions of the subject property, a recommendation of Heavy Traffic Commercial for the property by the Comprehensive Plan, I believe the proposed development will be a benefit to the community as requested; **the Planning Department recommends approval of this request subject to the following provisions:**

Permitted Uses:

The development as illustrated in the submitted site development plan:

- 1) 139 condominium units
- 2) Minimum 72-unit hotel facility
- 3) 250 seat restaurant facility

Construction of the hotel and restaurant facilities can vary from the illustrated site plan to accommodate varying design preferences of the ownership. This will include a combination restaurant/hotel facility as opposed to separate structures, provided the use requirements, parking requirements, and all other Building and Zoning Codes can be met.

Any other proposed use that deviates from the uses permitted in the above listed regulatory documents will require an amendment to the approved PUD.

Construction:

Construction shall be in accordance with the Building Codes as adopted by the City of Osage Beach at the time of Building Permit acquisition for each individual facility.

Bulk, Area, and Height Requirements:

Shall be in conformance with the Building Code, the final PUD document, and the Project Development Plan.

Public Facilities:

Engineering plans for water, streets, and sewer improvements will be submitted with the preliminary plat. These plans, including a drainage plan, must be submitted and approved prior to development. Coordination with the City Engineer is required to ensure that all public improvements are sized and designed to accommodate future phases of development and adjacent properties.

1. All required public improvements will be constructed by the applicants or subsequent owner(s). Financial assurances must be provided in conjunction with the preliminary and final plats.
2. Any infrastructure to be dedicated to the City of Osage Beach into any of the public systems must go through the required procedure for acceptance by the City.
3. Any existing Public Rights of Way to be vacated as part of this development must also go through the proper procedure as required by the City Code of Ordinances for the vacation of roads.

Access:

Access shall be derived from Osage Beach Parkway as illustrated in the PUD Site Plan. All street construction or improvements to the existing roads must conform to the city design guidelines.

Parking:

All development shall, at minimum, adhere to Osage Beach off-street parking requirements and the parking requirements as established in the final PUD Document at the time that it is constructed.

Buffering and Screening:

Buffering and screening shall be required as per the Osage Beach Zoning Code for the C-1 (General Commercial) and C-1b (Commercial Lodging) zones.

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 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 for the specific designation for each roadway (thoroughfare, collector, local etc.). Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

All signage within the PUD District will be required to meet the city sign code and a permit must be acquired from the city prior to construction or placement of all signage whether it is a development wide or individual facility sign.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a legally constituted property owners association that meets all the legal requirements prescribed by the City Attorney.

Platting:

All development within this PUD must be platted in accordance with Osage Beach Subdivision Regulations. The uses permitted and the intensity of development as prescribed by the approval of this PUD shall not be subject for review during the platting process.

Final Development Plan:

1. A final PUD development plan for the property has been submitted to the Planning Department and is enclosed in your packet. The submitted document is in line with the recommendations within this report and is ready for the Planning Commission to review and make a recommendation to the Board of Aldermen.
2. The preliminary plat and final plats will require complete review and approval as specified in the City of Osage Beach Subdivision Code.

Planner Patterson - this was one of the greatest entertainment venues, the property was Topsiders with great commercial possibilities and potential. This will be a great benefit for the community with condos, hotel and a restaurant and approval of this request is recommended. The development team is here for any questions.

Mayor Olivarri - the developer Matt Marschke is here.

Matt Marschke - there will be golf carts to take people to the dock and the restaurant will overlook the bridge and there will be bigger pools

Jeff Krantz - have been involved in lots of condos with John - they have tested floor plans which are unique plans and price points have grown to \$300,000-\$350,000.

Mayor Olivarri - asked if committee members have questions.

Don Sturn - asked what the time period for starting and completion

John Locke - the plan is to start the first of August and then the building would be ready in April or May. The hotel dining will come later and will be at the higher end scale.

Jeff Krantz - owners won't parcel this up.

Mayor Olivarri - thanked the developers and asked if anyone in the audience would like to speak for or against this case.

Kim - thanked the committee - stated she has been working with this investment group and is pleased. It started with the Clown then a dock was added and a bar and nightclub and was a popular place with many memories and fun times but it was time to move on and let it go.

Mark Barrett - spoke in favor of this and stated he always looked up to them.

Mayor Olivarri asked if there were any additional questions.

Don Chisolm - this will be a great project

Commissioner Kim made a motion to approve Rezoning Case 404: Ebling Enterprises, Inc., C-1 to PUD-1 and Commissioner Schuman seconded the motion which passes unanimously.

Commissioner Ebling and Alderman Ross return to the meeting.

Commissioner Ebling asked Planner Patterson for his report on the next case: Rezoning Case 405: Dennis L. House Trustee, A-1 to R-1b.

Planner Patterson delivered the following report and stated this is a simple rezoning, simple request of a 2.7 acre piece of property, the rezoning of a subdivision.

Applicant: Dennis House

Location: 695, 671, and 681 Passover Road

Petition: Rezoning from A-1 (Agriculture) to R-1b (Single Family)

Existing Use: Three single family homes

Existing Zoning: A-1 (Agriculture)

Tract Size: +/- 2.7 acres

Surrounding Zoning:

Surrounding Land Use:

North: A-1 Agriculture

Residence

South: A-1 Agriculture

Residence

East: R-1b Single-Family

Residence

West: A-1 Agriculture

Vacant

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

Rezoning History

Date

None

Utilities

Water: City
Electricity: Ameren UE

Gas: Summit Gas
Sewer: City

Access: Property derives access via Passover Road

Analysis:

1. The applicant is the owner of the 2.7-acre parcel in question. The parcel is currently zoned A-1 as it was zoned with the initial zoning of the community in the 1980's.
2. The property is the home of three existing residences as listed above. The request is to rezone the property to a more fitting residential zone as opposed to A-1 (Agriculture). In the A-1 zone, a 3-acre minimum lot size is required. Because there are three homes on this property and the lot is less than 3 acres, it means that both the property and the homes maintain a legal non-conforming status. The applicant wants to separate the homes on their own lots and sell them, but to do that the property must be rezoned. Rezoning this property as requested and separating the homes will put both the properties and the homes in complete conforming status.

Department Comments and Recommendations:

The subject property is in an area that is primarily residential. Approving this request will allow the owner to bring the homes and property into conforming status with City code. The request is in conformance with the Comprehensive plan and puts the property in a district that is more fitting for the current situation and its surroundings. **The Planning Department recommends approval of this request.**

Chairman Ebling asked if the applicant or representative would like to speak.

Planner Patterson stated no one is here for this case.

Commissioner Schuman made a motion to approve Rezoning Case 405: Dennis L. House Trustee, A-1 to R-1b and Commissioner Sturn seconded the motion which passes unanimously.

Commissioner Ebling asked Planner Patterson for his report on the next case: Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay.

Planner Patterson delivered the following report and stated this case was originally heard in January and has been resubmitted with some changes. The case number is now 406 and was withdrawn originally due to the traffic study.

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-1b (Commercial Lodging) to C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses.

Existing Use: Vacant

Existing Zoning: C-1 (General Commercial) and C-1b (Commercial Lodging)

Tract Size: Approximately 14 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	A-1	Vacant
<u>South:</u>	C-1 and R-3	Lake Front Restaurant and Entertainment Venue
<u>East:</u>	A-1	Vacant
<u>West:</u>	C-1 General Commercial	Commercial Restaurant Use

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

<u>Rezoning History</u>	<u>Date</u>
399 A-1 to C-1b	9/17

Utilities

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

Access: Property derives access via Sunset Drive or Beach Drive

Analysis:

1. The applicant is the owner of the 14-acre parcel in question. The applicant is requesting this rezoning in order to establish a two thousand (2000) seat amphitheater with customary accessory uses and parking on the property.
2. As you can see on the enclosed illustrations, the applicant is leaving a 185' buffer area around the property to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
3. As I am sure you will recall, this request came before the Commission in January and was later withdrawn so that the applicant could have a Traffic Impact Assessment done by CJW. The findings of that study are enclosed along with a letter from the City's Engineering firm Cochran confirming their review of the document and the findings.

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 rezone the property in order to establish an amphitheater and the additional parking facility that would be required to serve its patrons. The applicant and his family own the majority of the surrounding properties from the back of the cove up to Osage Beach Parkway, I have enclosed a map illustrating those properties.

As part of the request, the applicant has situated the proposed amphitheater in such a way that the stage and the sound system will be directed away from the Lake of the Ozarks and the sound 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. These conditions should ensure that there will be limited noise pollution to the area and should improve the noise impact on the properties fronting the lake in that cove with the stage and sound system pointing away from the lake itself. Uses customary to an amphitheater are what will be permitted.

As you may recall, my biggest concern as it pertains to the request, is the impact on the transportation system in the area. The City needed to make sure that the existing road infrastructure has the capacity to handle the additional trips that will be created by a capacity event at the proposed facility. The applicant submitted a completed study and its findings which states that the existing infrastructure serving the subject property has the capacity to handle the proposed development. That document is part of the packet so that you can read their findings. Also, the City's contract engineers have reviewed the document and its findings and found them to be in order.

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.

This is a somewhat different request than we have been faced with in the past. It will undoubtedly provide the City with some positive economic impact by bringing more people into the community for the events. Fundamentally it should provide an expanded customer base for not only Backwater Jacks, but the City's other commercial facilities as well. But we must make sure that the benefit outweighs the impact. I am confident that the proposed location for the facility is likely the best location in the community for it as the properties that will receive the majority of the impact are owned by the applicant and his family or are part of the Osage Beach Parkway commercial corridor.

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 amphitheater and accessory uses requested as part of rezoning case 406 and illustrated on the submitted site plan. 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 and the submitted site development plan.

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 and boat slips for the development as a whole. Any overflow parking will take place on the vacant lot located at the corner of Osage Beach Parkway and Beach Drive. Shuttles will be provided to take those patrons to and from the event if it is necessary to use the overflow lot. 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 period along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

Event Traffic Flow: The applicant is required to work with the Osage beach Police Department to provide officers to direct traffic 2 hours prior to the gates opening and after the event until the lots are substantially clear. This is part of the recommendation from the applicants traffic specialist and the City's Engineers. The applicant or his assigns must apply for and Event Permit through the City a minimum of 30 days prior to each event so that the Osage Beach Police Department has time to plan for and coordinate the additional service. Fees for said service will be established by the City of Osage Beach and paid for by the applicant.

Signage: Signage located at the Sunset Drive entrance will be a monument style sign that will meet the requirements of a Residential Subdivision. 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

SOUND LEVELS BY RECEIVING LAND USE

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

Dave from Cochran - the traffic study is functional, and no roadway improvements will be needed for the increase of traffic. There will be people opposed and people in favor of this and is not an easy thing.

Planner Patterson stated the event will need 30 day notice prior to each event to coordinate and assist the traffic flow with Osage Beach police Department.

Chairman Ebling asked if the applicant would like to speak.

Andy Prewitt representing Arapaho LLC stepped forward - there are 153 letters in support, 66 Osage Beach residents, 4 live at the 17.5 mile marker, and 60 local in Lake Ozark. Mark Spears owner of The Reserve is also in support of this, also Sunset Beach Resort is in support. The traffic study concluded it could handle the additional vehicles with no additional traffic signals or lanes required. He also stated:

- They will install signs at the 17.5 mile marker for the entrance and existing the cove
- The trees will buffer the sound and reduce it
- They will pay half the Ameren cost of the wake break
- They will limit the number of shows to 12 a year
- The music will be stopped at 11:45 on Saturdays

- They have over 120 paid employees
- The sales tax paid is over 1 million
- This will create jobs with the additional infrastructure

Chairman Ebling asked if there were any questions.

Tony Kirn asked if there would be 12 shows per year.

Andy Prewitt replied yes.

Discussion about the traffic study and Andy Prewitt replied the one from February and March counts as it is from MODOT and on record.

Tony Kirn asked about traffic and parking.

Planner Patterson - 300 parking units are located off street and no parking will be allowed on Beach or Sunset. This past Memorial Day was the first time ever that this has happened on Beach Drive and we don't want that - especially if emergency vehicles can't get through. There should be enough parking spaces to accommodate and there will also be shuttles for parking.

Tony Kirn asked about the cost of police

Planner Patterson said this would be covered by the applicant.

Alderman Richard Ross stated he applauds Arapaho in regards to getting along with neighbors and asked about the decibels of sound for 10:00 at night, would it be 65.

Planner Patterson stated no and the hours are 7:00 am to 10:00 pm for residential use reading at 800'. At 10:00 pm, it goes down an additional 5 decibels and he will be on site checking the readings. It is zoned general commercial at 65 for commercial and Backwater jacks is a separate ownership and they are below 65.

Alderman Richard Ross asked if it is 65 decibels or lower at 10:00 pm.

Planner Patterson replied yes.

Andy Prewitt stated the Amphitheater will face the back of the hill.

Don Chisholm asked if the sound could be controlled.

Andy Prewitt replied that they can control the sound, can shut it off and control how loud it is.

Alderman Richard Ross asked if Andy talked to the homeowners of the cove - the cove association or every individual owner.

Andy Prewitt replied every proper owner and all but one was for approval.

Alderman Richard Ross asked Dave about the traffic study with regard to the study being done 7 to 4 and not 11:45 at night and asked if it's not an issue of people getting out.

Dave replied yes and there will be police on site to direct traffic.

Alderman Richard Ross asked if the music will be off at 11:45 and will there be a special event permit process.

Planner Patterson stated it would be part of the sound agreement and sound limits by 11:45.

Alderman Richard Ross stated that is a good idea.

Andy Prewitt stated he is good with it and stated 40 of 153 letters were from employees and 113 were not.

Chairman Ebling asked if there were any other questions.

Alan Blair asked about the band control over sound.

Andy Prewitt stated if the band wouldn't agree to their restrictions, they (Arapaho) wouldn't sign their contract to play and the Rider Agreement is negotiated with every band.

Alan Blair asked how that process for sound would be handled.

Planner Patterson stated that a call to the police department to get in touch with Backwater Jack's and he would also be on site himself working with Andy to find the sound levels are regulated and it's in their best interest to stay within the approved sound levels.

Chairman Ebling asked if anyone from the public would like to stand up and speak, sign-in and if you spoke in the past to please keep comments to a minimum.

Mike Blain stepped up and said he submitted his concerns in an email and one being the music - that they are complaints now but no tickets issued and no water patrol in the area that would be hurting their business and stated we would have to decide as a City what is best and he is not in favor.

Dusty Jewell stepped up and stated he is the manager at Backwater Jacks and there's not been a problem with the water patrol, they have been very respectful. He stated he is in full support of this and it will be great for business and the local economy. Also, they can't control what people do as tourists. He and the crew are constantly cleaning around the property and more dumpsters will be added. They are going to biodegradable boxes and paper straws - the general manager is an environmental science major and they are using plain no label cups. Regarding the noise from the amphitheater, it will be muffled by the trees and they have a decibel reader on their system to control the output of sound. This will bring in a different customer base to the City as a great benefit. He thanked everyone for their time.

Mark Barrett stepped up and stated he is in full support, is a business owner and this will be a great place for tourists.

Tim Gardner stepped up and said he is within walking distance and is in favor of this and looking forward to going.

Tim Hand stepped up and stated he is with a consulting firm and is in strong support of this. He stated his firm does economic modeling and it would boost the lake economy by at least 10% with being a great vacation and recreational venue that would attract new visitors with a proven track record to be successful.

Tony Kim stated he didn't hear a single word that was said by the previous person.

Chairman Ebling explained to Tony Kim what Tim Hand said.

Susan Daly stepped up and stated she is a lifelong lake user and 10 years ago they carefully selected Sunset with amenities close to the State Park, shopping and restaurants. She stated

she comes here every weekend and spends lots of money in Osage Beach on groceries, eating out and clothes. Arapaho is trying to adjust and change the traffic study from the January meeting. She stated that as far as 113 people wanting this to be amazing. This infringes on the rights of people as property owners, it puts children's lives in peril, traffic jams and delays, there will be accidents when kids run into the street with the increased traffic, possibility of heinous crimes or abductions, traffic noise, loud music, kids need to get to bed early and there should be a motion to deny this.

Kaitlin Laing stepped up and stated growth is needed to make the economy better, children shouldn't be out at night playing, this would be an asset to the community and City and not a problem for the safety and well being of the City.

Chairman Ebling asked if anyone else would like to speak. No one stepped up and she closed this part of the meeting.

Attorney Ed Rucker - the file is complete and ready for a decision by the Commission.

Alderman Richard Ross asked about the noise levels.

Dustin Jewell replied they've never been cited for this.

Planner Patterson stated he has spoken with the Chief of Police regarding live music and they are cognizant of the situation and this hasn't been a problem.

Aldermen Richard Ross asked about a decibel reader.

Planner Patterson replied it's 75 not 60 for a nuisance request. Backwater Jack's stage is closer to the lake than the amphitheater will be and it'll be enclosed and the trees will also help block the sound.

Aldermen Richard Ross asked if the amphitheater would be lower.

Planner Patterson replied Backwater Jack's is 60-75 and this would be 55/70 which would be stricter.

Aldermen Richard Ross stated concerns from residents on Beach Drive and emergency vehicles.

Planner Patterson replied the only time an issue was Memorial Day weekend with parking along the street and this won't be allowed.

Michelle Myler asked about overflow parking

Mayor Olivarri said if there were two ways in that would be a benefit.

Don Chisholm asked about concerts being held at the same time and loudness of the music.

Andy Prewitt stated the amphitheater wouldn't compete with Backwater Jack's, won't have two concerts at the same time.

Don Chisholm asked if Backwater Jack's stopped the music at 11:30.

Andy Prewitt replied it's shut down at 11:45.

Planner Patterson stated we can't restrict Backwater Jack's, there will be no dualing music, there will be 12 events a year that ends at 11:45. There will be no parking on Beach Road, shuttle busses and golf carts will be used.

A person stepped up from the audience and stated the buffer studies aren't right, he is the closest one that lives there, this isn't zoned properly and the neighbors weren't notified of this.

Alderman Richard Ross asked the person his name

He stated his name is Daryl Weatherman.

Alderman Richard Ross asked about the buffer.

Planner Patterson replied it's rezoned C-1B and this is legal with 185' as required by law.

Chairman Susan Ebling as the committee members for a motion.

Commissioner Kellie Schuman made a motion to approve Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay and Mayor Olivarri seconded the motion. A roll call vote was taken as follows: Mayor Olivarri - yes, Alderman Richard Ross - yes, Chairman Susan Ebling - yes, Don Chisholm - no, Michelle Myler - no, Tony Kirn - no, Alan Blair - no, Kellie Schuman - yes and Don Sturn - no. Pam Campbell stated there were 4 yes and 5 no votes.

Planner Patterson stated this case will be forwarded to the Board of Aldermen since the Planning Commission voted no and a 2/3 vote by the Board of Aldermen will be required to overturn this decision.

Chairman Susan Ebling called for the next case.

Planner Patterson delivered the following report:

Subdivision Name: Arrowhead Centre Final Plats

Location: Corner of St. Moritz and Highway KK

Section/Township/Range: 16/39/16

Applicant: Arrowhead Development Group, LLC.
Dogwood Hills Land Holdings, Inc.

Surveyor: HDR

Tract Size: 14.1 acres

Zoning: C-1 w/ PUD-1 Overlay for a Skilled Nursing and Assisted Living Facility

Surrounding Land Use:

North: Residential Development

South: Vacant Unincorporated

East: Arrowhead Centre PUD

West: Residential Development/Vacant Unincorporated

Department Comments

Final plats:

- 1) The plats were reviewed for code compliance and was found to be consistent with the final plat requirements.
- 2) All public improvements, (i.e., roadways, parking areas, streetlights, etc.) have been completed except for the sidewalks. The applicant will be required to submit a performance bond or letter of credit for construction of those sidewalks.

Chairman Ebling asked if there were any questions or comments.

Commissioner Don Sturn made a motion to approve the Arrowhead Centre Final Plats and Commissioner Alan Blair seconded the motion which passes unanimously.

Adjourn

Chairman Ebling adjourned the meeting at 7:50 p.m.

I, Pam Campbell, Planning Commission 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 June 9, 2020.

A handwritten signature in cursive script, reading "Pam Campbell", is written over a horizontal line.

Pam Campbell/Planning Commission Secretary

CITY OF OSAGE BEACH
PLANNING AND ZONING COMMISSION

Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay

June 9, 2020 - 6:00 PM

(Please print)

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