

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

September 8, 2020

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on September 8, 2020 at 6:00 pm at City Hall.

Roll Call

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

It was announced that Don Chisholm resigned from the Planning Commission for personal reasons and we have a new committee member in attendance, Jeff Dorhauer.

Minutes - 8/11/2020

Chairman Ebling asked if there were any corrections or comments regarding the August 11, 2020 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the August 11, 2020 minutes and Michelle Myler seconded the motion which passes unanimously.*

Chairman Ebling read the following:

The Planning Commission is a board of volunteers that is appointed by the Mayor and Board of Aldermen. Its function is to review and make recommendations to the Board of Aldermen on matters concerning development, the Land Use Code, and Zoning Map of the City of Osage Beach, including amendments and changes thereto. Recommendations will be made with consideration of conformance to the Osage Beach Municipal Code along with the following:

- Relatedness of the proposed amendment to goals and outlines of the long-range physical plan of the City.
- Existing uses of property within the general area of the property in question.
- The zoning classification of property within the general area of the property in question.
- The suitability of the property in question to the uses permitted under the existing zoning classification.
- 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.

Our goal in regulating is to provide adequate provision for transportation, water, sewer, schools, parks, and other public needs including safety, health and general welfare, light and air, while conserving the value of buildings and property through encouraging the most appropriate use of land within the municipality.

New Business

Chairman Ebling stated that the first order of business is the hearing of Rezoning Case No. 408 Carol Ann Branson, Special Use Permit for a Residential Expansion in a Commercial Zone and

asked for comments from the staff on this request. Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date	September 8, 2020	Case 408
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Applicant: Carol Ann Branson

Location: 1144 Red Bud Road.

Petition: SUP to allow an addition to an existing dwelling in a commercial zone.

Existing Use: Single-family dwelling

Zoning: C-1 General Commercial

Tract Size: Approximately 4,100 square feet

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		May 1984

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

Access: Property has frontage on Red Bud Road

Analysis:

1. The applicant is the owner of the property in question. The lot is not a part of a platted subdivision and has an area of approximately 4,100 sq. ft.
2. The applicant wishes to build an addition onto the existing structure on the subject property. The request is for a 12' by 20' room addition that will be placed in the current location of the existing deck, which is to be removed, and a smaller wrap around deck to be constructed around the new room. The requested addition complies with setback requirements for the C-1 zone.
3. A Special Use Permit to construct a residential use in a commercial zone must now be reviewed by the Planning Commission and approved by the Board of Aldermen prior to a building permit being issued.

Department Comments:

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a small subdivision that was subdivided and the homes constructed prior to the initial adoption of the Zoning Code. The fact that the original homes are still present and being used as single-family dwellings lends favorably to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
3. A building permit must be obtained for the addition and all other zoning codes be adhered to.

Carol Branson stated all the neighbors have agreed to this request.

Chairman Ebling asked if there were any questions of the City Planner or the applicant or if there was any opposition. There were none.

Commissioner Tony Kim made a motion to approve Rezoning Case No. 408 Carol Ann Branson, Special Use Permit for a Residential Expansion in a Commercial Zone and Kellie Schuman seconded the motion, which passes unanimously.

Chairman Ebling stated that the second order of business is the hearing of Rezoning Case No. 409 Robert Gresham, Special Use Permit to allow for a Residential Addition in a Commercial Zone and asked for comments from the staff on this request. Planner Patterson delivered the following report.

PLANNING DEPARTMENT REPORT TO PLANNING COMMISSION

Date:

September 8, 2020

Case 409

Applicant: Robert Gresham

Location: 1444 Perch Lane.

Petition: SUP to allow an addition to an existing dwelling in a commercial zone.

Existing Use: Single-family dwelling
Zoning: C-1 General Commercial
Tract Size: Approximately 3,500 square feet

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: High density residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Citywide		May 1984

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

Access: Property has frontage on Slope Lane, but access is derived from Perch Lane

Analysis:

4. The applicant is the owner of the property in question. The lot is not a part of a platted subdivision and has an area of approximately 3,500 sq. ft.
5. The applicant wishes to remodel and build an addition onto the existing structure on the subject property. The addition will encroach to within 8.1 feet from the east property line and 8.82 feet from the west property line. The addition will be placed in the current location of the existing structure, which is to be removed, and will not encroach further into the required setbacks than the existing structure. A smaller wrap around deck is to be constructed around the new room. The remainder of the structure that will stay is also a legal non-conforming structure as it encroaches well within the front yard setback requirement. As the request is an addition to an existing legal non-conforming structure, a variance was required before the proposed construction could continue through the process.
6. A variance from the minimum setbacks was approved by the Board of Adjustment at their regular meeting held on August 19, 2020.
7. With the approval of the variance request, a Special Use Permit to construct a residential use in a commercial zone must now be reviewed by the Planning Commission and approved by the Board of Aldermen prior to a building permit being issued.

Department Comments:

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a small subdivision that was an old resort that has been converted into residential homes and are now owned by individuals. The fact that this

request is located in a subdivision that has developed residentially, although zoned commercial, lends this property very favorable to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

4. The structure must be built according to the submitted site plan.
5. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
6. A building permit must be obtained for the addition and all other zoning codes be adhered to.

The applicant was in attendance and said the neighbors can't wait.

Discussion was held regarding property lines and fire codes.

Commissioner Michelle Myler made a motion to approve Rezoning Case No. 409 Robert Gresham, Special Use Permit to allow for a Residential Addition in a Commercial Zone and Alderman Tyler Becker seconded the motion, which passes unanimously.

Reports

Chairman Ebling asked Planner Patterson if he had any reports. Planner Patterson stated there will be a residential zoning review for the next month's meeting.

City Attorney, Ed Rucker, addressed the Commission and stated he has talked with the Mayor and would like to go over the protections the City has adding that the Commissioners' service is protected and approved by the Board of Aldermen. Attorney Rucker said that the City will defend you as you serve on the Planning Commission. He added that if there are any problems, questions or concerns, don't hesitate to call and the faster you tell the better, as the City can't defend you if we don't know about the issue.

Adjourn

Chairman Ebling adjourned the meeting at 6:14 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 September 8, 2020.



Pam Campbell
Planning Department Secretary



Nancy Viselli
Planning Commission Secretary