

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

January 12, 2021

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on January 12, 2021 at 6:00 pm at City Hall.

Pledge of Allegiance

Roll Call

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

Minutes - 12/8/2020

Chairman Ebling asked if there were any corrections or comments regarding the December 8, 2020 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the December 8, 2020 minutes and Kellie Schuman seconded the motion, which passes unanimously.*

Chairman Susan Ebling read the following:

The Planning Commission is a board of volunteers that is appointed by the Mayor and the 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. 412 WK LOZ Holdings, LLC, Rezoning from C-1 (General Commercial with an E-3 Overlay) to C-1b (Commercial Lodging) and asked for comments from the staff on this request.

Commissioner Kellie Schuman recused herself from hearing this case and stated it was due to a conflict with her husband being involved in the project and she stepped down from the dais and did not participate.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO
PLANNING COMMISSION**

Date:	January 12, 2021	Case Number:	412
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Applicant: WK LOZ Holdings LLC. (Robin's Resort)

Location: On the north side of Passover Road on Robins Circle (Robins Resort Property).

Petition: Rezone the subject property from C-1 (General Commercial) with an E-3 Overlay (allowing PWC rentals) to C-1b (Commercial Lodging).

Existing Use: Robin's Resort

Zoning: C-1

Tract Size: 6.21 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	C-1 Commercial	Mixed uses
<u>South:</u>	R-1b Residential	Shorewood Estates
<u>East:</u>	C-1 Commercial	Parkview Bay Condominium
<u>West:</u>	LU Lake Use	Lake of the Ozarks

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

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

Utilities

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

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

Analysis:

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

Department Comments:

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

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

Planner Patterson further stated that with the current COVID situation and more people coming to the Lake of the Ozarks, it is not just a destination, but more people are making their home here. He added that Robin's Resort on Passover Road has the highest traffic than most other collector streets in town. The realtors who purchased this property understand the market. It will change the activity from transient to ownership, and will be more consistently filled throughout the year. With it being zoned General Commercial, they could do a lot with it, but C-1b limits it to resorts and condos. If the Board of Aldermen approve this request, they will come back with a final plat and units can be sold. The intensity will be much less.

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

A person from the audience stepped up and signed in, Ed Kolb, and stated his concern was the narrow road which is 13 feet wide and narrows to nine feet at the worst curve on Passover Road and this is a problem for school busses that have to go over the center line and also with boat and trailer traffic.

Planner Patterson stated the road can handle the traffic adding that the previous owner would not give the City the right-of-way needed and the City did not want to condemn to get the property. The rest of the road to the subdivision and World Mark should be able to handle the numbers. Turning the property into condos should not change those numbers. Cary went on to say that there is a large piece of property that is undeveloped, but should it be developed in the future, the road will need to be addressed at that time, along with possibly sidewalks.

Chairman Ebling asked if anyone else wanted to speak.

A person from the audience stepped up and signed in, Lori Hess and stated she has talked to Cary with her concerns of the roads. She stated Robins Resort is busy all year and she has nothing against the condos but has a concern of her view being blocked. She also stated there are a lot of people that walk this road, also that people speed up to 60 mph along this road.

Jason Whittle stepped up and stated he heard all concerns and no giant high rises are being built. They intend to put new roofs, siding and add two newer buildings and nothing that would block views at all.

Chairman Ebling asked about By-Laws regarding if an owner can or cannot rent their unit out. Jason Whittle said nothing prohibits them from doing so, but he believes it will be less transient than the current resort.

Planner Patterson stated that more people are staying here due to COVID – working from their homes or condos, and added that months ago he talked with Police Chief Todd Davis about policing speed on Passover. Todd said they do, but unfortunately have to leave when they get calls for service. Cary also said he agrees there may be less traffic than when the property was a resort so hopefully this will help.

Jeff Dorhauer asked about developing the 6.2 acres and Planner Patterson said they might build another building (where the trailers are) but it would not be a high-rise – only about 8 units and would match the other newer buildings, and would not block any views. He would have been more worried had they opted to tear everything down and put up a high-rise hotel.

City Planner Patterson stated it's possible to put an additional building in the back.

Jeff Dorhauer asked about impact fees for the City.

Planner Patterson stated no impact fees for the City.

Chairman Ebling asked about the doubling number of tourists with increased police and safety personnel.

Planner Patterson stated there are a lot of condos being built to support all people.

Mayor Olivarri stated there are adequate staffed police at this point.

Lori Hess stated she has spoken with Cary regarding people speeding.

Mayor Olivarri stated we don't have the ability to sit and enforce all the roads, we are growing and that means more sales tax.

Ed Rucker, City Attorney's memo to the Planning Commission stated the file is ready for the Board's decision.

Commissioner Tyler Becker made a motion to approve Rezoning Case No. 412 WK LOZ Holdings, LLC, Rezoning from C-1 (General Commercial with an E-3 Overlay) to C-1b (Commercial Lodging) and Mayor John Olivarri seconded the motion, which passes unanimously.

Reports

Planner Patterson stated this is the first agenda packet for the Planning Commission that was done through our Civic Plus software that is used for the Board of Aldermen packets and the Board of Adjustment packets will also be done through this software. He added that it was his intention to be consistent and if you see anything that doesn't look correct to please let him know.

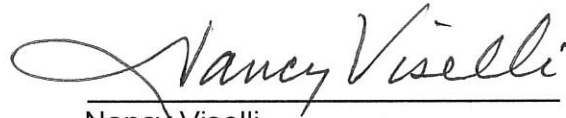
Adjourn

Chairman Ebling adjourned the meeting at 6:32 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 12, 2021.



Pam Campbell
Planning Department Secretary



Nancy Viselli
Planning Commission Secretary

CITY OF OSAGE BEACH

PLANNING COMMISSION

Rezoning Case No. 412 WK LOZ Holdings, LLC, Rezoning from C-1

(General Commercial with an E-3 Overlay) to C-1b (Commercial Lodging)

January 12, 2021 - 6:00 PM

(Please print)

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Ed Kow

Garrett

John