

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

March 9, 2021

Call to Order

Mayor John Olivarri called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on March 9, 2021 at 6:00 pm at City Hall. Mayor Olivarri stated he was conducting the meeting due to the absence of Chairman Susan Ebling.

Roll Call

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

Note: Alan Blair arrived at the meeting at 6:10 pm.

Minutes - 2/9/2021

Mayor Olivarri asked if there were any corrections or comments regarding the February 9, 2021 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the February 9, 2021 minutes Kellie Schuman seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Mayor John Olivarri said the first order of business is Rezoning Case 413, a request to recommend approval of a zoning change for the subject property from R-1b (single-family) to C-1 (General Commercial) by Duenke Real Estate, LLC and asked the staff for comments.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT REPORT  
TO THE  
PLANNING COMMISSION**

|              |                      |                     |            |
|--------------|----------------------|---------------------|------------|
| <b>Date:</b> | <b>March 9, 2021</b> | <b>Case Number:</b> | <b>413</b> |
|--------------|----------------------|---------------------|------------|

**Applicant:** Duenke Real Estate, LLC

**Location:** +/- 2,500 feet south of Hwy KK Traffic Circle on El Terra Road.

**Petition:** Rezoning from R-1b (Single Family) to C-1 (General Commercial)

**Existing Use:** Vacant

**Existing Zoning:** R-1b (Single Family)

**Tract Size:** 6.95 acres

|                              | <u>Surrounding Zoning:</u> | <u>Surrounding Land Use:</u> |
|------------------------------|----------------------------|------------------------------|
| <u>North:</u>                | C-1 General Commercial     | Vacant Commercial            |
| <u>South:</u><br>Residential | C-1 and R-1b               | Vacant Commercial/           |
| <u>East:</u>                 | N/A                        | Hwy 54 Corridor              |
| <u>West:</u>                 | R-1b Residential           | Vacant Residential           |

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

|                         |             |
|-------------------------|-------------|
| <u>Rezoning History</u> | <u>Date</u> |
|-------------------------|-------------|

None

**Utilities**

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

**Access:** Property derives access via El Terra Road

**Analysis:**

1. The applicant is the owner of the 6.95-acre parcel in question. The parcel is currently zoned R-1b. It was zoned R-1b with the initial zoning of the community in the early 1980's.
2. The property is adjacent to Hwy 54. The properties in close proximity to the expressway tend to develop in a commercial pattern as residential development is not typically suitable on a property that is highly impacted by the conditions surrounding a major highway. Clearly this property finds itself in a much different situation than it previously experienced prior to the construction of the 54 Expressway.
3. Currently the subject property is a vacant piece of frontage property that is contiguous to other commercial tracts that extend to the Highway KK corridor.

**Department Comments and Recommendations:**

The subject property is a tract that is contiguous to the Highway 54 ROW in an area that has several properties that are candidates to be rezoned. Obviously, this tract is not an appropriate property on which to locate a single family residence. The activity that takes place this close to a major highway dictates that the subject property should be appropriately zoned for a use that is more compatible to the surroundings. **With this in mind the Planning Department would recommend approval of this request.**

Mayor Olivarri asked if there were any questions and stated for the record that no one is here to ask questions or have comments from the applicant.

Note: Alan Blair jointed the meeting at this point.

Ed Rucker, City Attorney, stated he had no comments and the file is complete.

*Tyler Becker made a motion to approve Rezoning Case 413, a zoning change for the subject property from R-1b (single-family) to C-1 (General Commercial) by Duenke Real Estate, LLC. Tony Kirn seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

Mayor Olivarri stated the next item for business is a request for a recommendation to approve a Right of Way Vacation for a portion of Valley View Drive by Andrew and Jessica Prewitt and asked for comments from the staff.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT REPORT**  
**TO THE**  
**PLANNING COMMISSION**

|                                    |                          |
|------------------------------------|--------------------------|
| <b>Hearing Date:</b> March 9, 2021 | <b>Case Number:</b> none |
|------------------------------------|--------------------------|

**Applicant:** Andrew and Jessica Prewitt

**Location:** Osage Beach Parkway to Valley View Drive

**Petition:** Right of Way vacation for portion of old Valley View Drive

**Existing Uses:** Portion of Valley View Drive removed and relocated by the construction of the 54 Expressway

**Analysis:**

- 1) The applicants own the land adjacent to the requested vacation property.
- 2) The applicants are asking that the City of Osage Beach vacate a portion of the existing right of way that the driving surface was removed from by the construction of the 54 Expressway.
- 3) There is City of Osage Beach service infrastructure currently in the ROW that benefits the subject property. Easements for that infrastructure will need to be given if this request for vacation is approved.
- 4) The other half of this ROW was vacated in 2019 to the property owner on the other side of the ROW. At that time, the City Engineers reported no issues with vacating the ROW as requested. Easements will need to be given to any existing or future services or utilities within the boundaries of the subject property to be vacated.

Mayor Olivarri asked if there were any questions for the City Planner.

Tyler Becker asked why the City can't sell the property.

Planner Patterson stated this is a public right of way and by law, if property is vacated, it goes back to the property owners on each side.

Tony Kirn asked about a sketch where it appears the property has already been built on.

Planner Patterson stated that half of it was previously vacated and that portion does now have buildings on it. Planner Patterson pointed this out to Tony Kirn on the map.

Tony Kirn asked about the land being right up to the property line.

Mayor Olivarri stated this request is for all vacant land.

Planner Patterson stated yes, all vacant.

Ed Rucker, City Attorney, stated the file is complete and repeated that the City cannot sell what it doesn't own.

*Nancy Viselli made a motion to approve Right of Way Vacation for a portion of Valley View Drive by Andrew and Jessica Prewitt and Kellie Schuman seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

Mayor Olivarri stated the last order of business is a request for a recommendation to approve the Final Plat for Northview Subdivision by Mitchell Northway and asked for comments from the staff.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT REPORT**  
**TO THE**  
**PLANNING COMMISSION**

**Date:** March 9, 2021

**Subdivision Name:** Northview Subdivision Final Plat

**Location:** Approximately 900 ft off Sycamore Valley Drive on Oak Road

**Section/Township/Range:** 10/39/16

**Applicant:** Mitchell Northway

**Surveyor:** Central Missouri Professional Services, Inc.

**Tract Size:** 63,418 sq. ft. (5 single –family lots)

**Zoning:** R-1a (Single Family Residential)

**Surrounding Land Use:**

**North:** Lake of the Ozarks

**South:** Residential Development

**East:** Residential Development

**West:** Residential Development

**Department Comments**

**Preliminary:**

- 1) The plat was reviewed for code compliance and was found to be consistent with the requirements for a final plat.
- 2) The City Engineers have approved the public improvement plans for the development. A Letter of Credit for 125% of the engineers estimate for the cost of improvement installation will need to be submitted before final approval and recording of the plat.

Planner Patterson stated Northview Subdivision finalized the preliminary plat and it went to the Board of Aldermen in December, 2020. There are no property owners and it went from four lots to five lots and was approved. The title will have to be transferred to individual lots. A letter of credit for 125% for improvements will have to be submitted and then it will go to the Board of Aldermen and if approved by the Board of Aldermen, they can proceed.

Discussion was held about what the letter of credit covers and how it would be used if the developer fails to complete the infrastructure.

Ed Rucker, City Attorney said the file is complete and he has nothing to add.

*Tony Kirn made a motion to approve Final Plat for Northview Subdivision by Mitchell Northway and Tyler Becker seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

Mayor Olivarri asked if there were any reports.

**Reports**

Planner Patterson stated a lot is being developed this time of year and he's been taking a lot of phone calls and been in meetings and there are lots of folks coming to spend time here.

Mayor Olivarri stated there's been a lot of activity at Topsider.

Tony Kirn stated he's seen a bigger excavator there.

Planner Patterson stated the plans are for condos, hotel, and a restaurant, but the condos will be first.

Kellie Schuman stated she didn't realize how close the houses were to the top until the buildings were demolished.

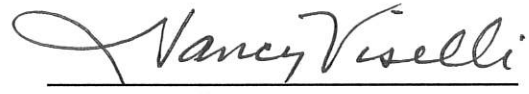
Mayor Olivarri asked if there were any other comments, there were none.

**Adjourn**

Mayor Olivarri adjourned the meeting at 6:22 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 March 9, 2021.

  
Pam Campbell  
Planning Department Secretary

  
Nancy Viselli  
Planning Commission Secretary