

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

September 14, 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 September 14, 2021 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

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

Minutes - 7/13/2021

Chairman Susan Ebling asked if there were any corrections or comments regarding the July 13, 2021, regular meeting minutes. There were none. *Mayor John Olivarri made a motion to approve the July 13, 2021 minutes and Nancy Viselli seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed 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 Susan Ebling said the first order of business is Rezoning Case 415: A request by Jeff and Diana Dorhauer for a recommendation to approve a Rezoning of their property, located off Indian Trace, from R-1a (Single Family) with a PUD 1 Overlay to R-2 (Two Family).

Commissioner Jeff Dorhauer recused himself, stepped off the dais and left the room. After Mr. Dorhauer was out of the room Chairman Susan Ebling asked for comments from the staff.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Date:	September 14, 2021	Case Number:	415
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Applicant: Jeff and Diana Dorhauer

Location: .75 miles from the intersection of Highway 54 on the north side of Lazy Days Road.

Petition: Rezone from R-1a (Single-Family) with a PUD 1 Overlay to R-2 (Two Family).

Existing Use: Vacant

Zoning: R-1a (Single-Family) with a PUD 1 Overlay

Tract Size: Approximately 1.1 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	A-1 (Agriculture)	Single-Family
<u>South:</u>	PUD 1 Overlay	Vacant not in city
<u>East:</u>	PUD 1 Overlay	Scattered Single-Family
<u>West:</u>	R-1 (Single Family)	Vacant Single-Family

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Jeff Green	Case 312	April 2006

Utilities

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

Access: Property can derive access via Indian Trace.

Analysis:

1. The applicants are the owners of the 1.1 acres in question. They attained the property approximately 14 years ago.

2. The applicants have submitted a request to rezone the subject property from R-1a (Single Family) with a PUD Overlay to R-2 (Two Family). The subject property was zoned as it is currently in 2006 as part of a Planned Unit Development that encompassed some of the surrounding property that totaled 11.1 acres in area. The PUD allowed both single and two-family development within the district. The subject property was set for single family.
3. The owners of the property have a prospective buyer that wishes to place two duplex townhomes on the property. A rezoning to R-2 is required for that and the contract for sale is contingent on the rezoning being approved.
4. The character of surrounding development is primarily residential. It ranges from single-family to high-density condominium development all along the Lazy Days corridor.
5. The R-2 district permits lots of 6500 square feet with two dwelling units per lot. The R-1a zone has a minimum lot size of 10,000 square feet with a single dwelling per lot.

Department Comments and Recommendations:

A request of this type is likely to become common, in the approaching period of time, as developers try to answer the call for more housing in the lake area. The subject piece of property could develop with as many as seven single family homes under the moderate density single family zone, but the topographic issues facing the piece are substantial. Allowing a developer to build a couple of duplex townhomes on the piece will give them the ability to get greater use out of the more buildable portion of the parcel while still maintaining a low to moderate density for the property causing minimal impact to the area. With the City and the lake area as a whole looking for ways to address the housing shortage we face, providing property owners flexibility on the type of units they are allowed to build, is one way that the City can promote the type of development that can help address that need. **Keeping that in mind and taking into account the issues facing this property, the Planning Department recommends approval of this request.**

Chairman Susan Ebling asked if the applicant or representative would like to add any information or clarify anything at this time. No one commented.

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.

Planner Patterson showed the Planning Commissioners a photo of what these duplexes may look like.

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 Rezoning Case 415: Rezoning of their property, located off Indian Trace, from R-1a (Single Family) with a PUD 1 Overlay to R-2 (Two Family) and Kellie Schuman seconded the motion. A roll call vote was held. Commissioners Alan Blair, Tony Kim, Mayor John Olivari, Alderman Bob O'Steen, Kellie Schuman, Nancy Viselli, and Chairman Susan Ebling, all voted yes. Commissioner Jeff Dorhauer having recused himself was

not present and did not vote. The motion was passed.

Jeff Dorhauer came back to the meeting.

Chairman Susan Ebling said the next order of business is Rezoning Case 416: A request by Kyle LaBrue for a recommendation to approve a Rezoning of his property, located on the corner of Bluff Drive and Ski Drive, from PUD allowing Duplex Residential Structures to PUD allowing Fourplex Residential Structures.

Commissioner Kellie Schuman, recused herself, stepped off the dais and left the room. After Mrs. Schuman was out of the room Chairman Susan Ebling asked for comments from the staff.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Date:	September 14, 2021	Case Number:	416
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Applicant: Kyle LaBrue

Location: Southeast corner of Bluff Drive and Ski Drive.

Petition: PUD Amendment for 13 four plex units.

Existing Use: Residential property with 2 existing duplex buildings.

Zoning: PUD for 24 Duplex Units

Tract Size: 9.3 acres

	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	R-1a Single Family	Scattered Single Family
<u>South:</u>	R-3 Multi-family R-1a Single Family	Summit Apartments Oak Run Subdivision
<u>East:</u>	R-3 Multi-family	Undeveloped Multi-family
<u>West:</u>	R-1a Single Family	Scattered Single Family

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

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
Deves-Moffit & Assoc.	282	Aug. 2004

Utilities

<u>Water:</u>	City	<u>Gas:</u>	None
<u>Electricity:</u>	Ameren UE	<u>Sewer:</u>	City

Access: The subject property is fronted on three sides by public streets (Bluff Drive, Ski Drive, and Ash Lane).

Analysis:

- 1 The applicant is the owner of the 9.3 acres in question. The property is currently zoned with a PUD to allow the construction of 24 two family buildings.
- 2 The applicant is requesting an amendment to the existing PUD which would remove 11 of the structures and allow the remaining 11 to be constructed with four units that includes two efficiency units in the lower level.
3. Under this proposal, the development would have a maximum density that would equate to 5.5 units per acre which is still at a low-density level as it pertains to residential development.
4. If approved, substantial changes will be required to the building and the site. The building code will require a commercial building permit and all drives and parking areas will need to be asphalt or concrete paved. These changes in the site will be reviewed for code compliance and approved prior to a building permit being issued. An inspection to assure conformance to the approved plans will be required prior to a Certificate of Occupancy being issued.
5. The character of surrounding development is primarily residential. It ranges from single-family to high-density multi-family development in this section of the Bluff Drive corridor.

Department Comments and Recommendations:

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing alternative developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation, the property owner is attempting to get greater use from the developable portion of the property by building fewer structures with more units.

This was actually recommended to the previous owner/developer by both myself and the City Engineer at the time, as well as his contract engineer. The issue is the topography of the lower end of the property is excessive and makes it both difficult and unaffordable to develop. At the time, we recommended a plan using structures with more units to help the development capacity of the land but the developer did not want to deal with more stringent building codes.

This is another situation where the City can help provide more flexibility for a developer attempting to put residential housing on a challenging piece of land. This is certainly one of the things the City can do to help promote the type of development that is needed both within our community and in the lake area as a whole.

One of the situations that the staff was adamant about was limiting the access and road cuts into the units that front Bluff and Ski Drive. The amended PUD site plan illustrates shared access points for the above mentioned units, there will be no more than three access points total off of Bluff and Ski Drive.

The request is consistent with the Comprehensive Plan. The Department feels that with the number of different uses in the area and given the complexity of the engineering and construction pertaining to the subject property, this will be a fitting use for the property. The Department recommends approval of this request to amend the subject PUD to the following provisions:

Permitted Uses:

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

1. Residential Uses shall conform to the requested 13 fourplex residential buildings containing a total of 52 units.
2. Accessory Uses designed for and available to residents of the subdivision, but not open to the public. Those uses include administrative office(s) for project management, model units, garages, maintenance buildings, gate houses, and recreation facilities.
3. Community and Recreation Facilities including but not limited to community centers, swimming pools, tennis courts, and basketball courts.
4. A final development plan is required for all permitted uses as listed above.

Bulk, Area, and Height Requirements:

Shall be in conformance with the International Building Code.

Public Facilities:

1. 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.
 - a. 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.

Access:

1. Access shall be derived from a maximum of three access points off of Bluff and Ski Drive using shared driveways for the units fronting the before-mentioned streets; the other tiered units will derive access off of inter-development roads or drives. All street, drive, and parking facility construction or improvements to the existing roads must conform to the City Design Guidelines.

Parking:

All development shall adhere to Osage Beach off-street parking requirements at the time that it is constructed.

Buffering and Screening:

1. Natural vegetative screening will provide an appropriate buffer between surrounding uses.
2. Waste cans, dumpster units, or other trash receptacles shall be placed where they are least visible from a public street or adjoining properties. Screening/fencing as to make these devices as least visible as possible is required.

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 or proposed 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 on local streets in residential areas. Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

The applicant 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 compliance with the City's sign code.

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. If approved, the PUD site plan can serve as the preliminary plat.

Final Development Plan:

1. A final development plan showing conformance with the requirements outlined herein above shall be submitted.
2. The final development plan and/or preliminary plat and final plats are subject to review administratively to approve minor adjustments and modifications. Such authority shall not, however, be construed to permit the following:
 - a. Any use(s) within the district other than those specifically prescribed by these regulations.
 - b. Any increase in intensity of the use(s) permitted.

- c. Any substantial deviation in the height, area, and bulk of the use permitted within the district.

Chairman Susan Ebling asked if the applicant or representative would like to add any information or clarify anything at this time. The applicant, Kyle LaBrue, stepped up to the podium and filled out the sign-in sheet. He stated this is to bring more affordable housing to the area for working class people and would be beneficial and thanked everyone for their consideration.

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.

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

Nancy Viselli made a motion to approve Rezoning Case 416: Rezoning of property, located on the corner of Bluff Drive and Ski Drive, from PUD allowing Duplex Residential Structures to PUD allowing Fourplex Residential Structures and Jeff Dorhauer seconded the motion. A roll call vote was held. Commissioners Alan Blair, Tony Kirn, Mayor John Olivarri, Alderman Bob O'Steen, Jeff Dorhauer, Nancy Viselli, and Chairman Susan Ebling, all voted yes. Commissioner Kellie Schuman having recused herself was not present and did not vote. The motion was passed.

Chairman Susan Ebling asked if there were any reports.

Reports

Planner Patterson stated this has been an exciting summer with a lot of things going on and the next three months there will also be very big things happening here.

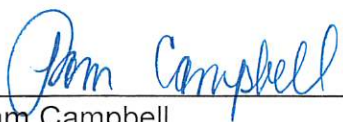
Mayor Olivarri stated the City will be receiving Federal funding of approximately \$900,000 to \$950,000. He said these funds will be restricted but the City could use them for water and sewer improvements, adding that the City would have until the end of 2026 to complete the projects. Mayor Olivarri then stated that the City would be paying off the Prewitt TIF Development soon, which is two years ahead of schedule. Mayor Olivarri then stated that the City's sales tax through August (which has a two-month lag), is 22% ahead of 2020 for the same period. He said that 2020 over 2019 was only about 3.5%, indicating this year's increase was phenomenal.

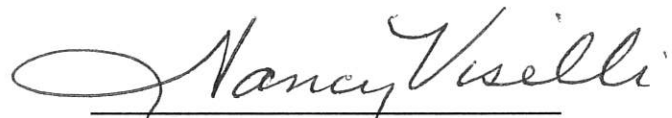
City Attorney Ed Rucker indicated that the Osage Beach Commons development was progressing and financing is now in place, and Mayor Olivarri added that Hobby Lobby was expected to open in June or July, 2022. He went on to say that the Topsider development was moving along quickly and a lot of exciting things are coming.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:27 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 14, 2021.


Pam Campbell
Planning Department Secretary


Nancy Viselli
Planning Commission Secretary

September 14, 2021 - 6:00 PM

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Kyle LaBue 9604 Sarsat 573-286-9784