

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

September 13, 2022

Call to Order

Acting Chairman Nancy Viselli in the absence of Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on September 13, 2022 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Nancy Viselli, Bill Mackay, Alan Blair, Gary Jones, Tony Kirn, and Bill Morgan. Also present: City Planner Cary Patterson, and Planning Department Secretary Pam Campbell. The following were absent: Mayor Michael Harmison, Alderman Bob O'Steen, Chairman Susan Ebling, Angie Schuster, Jessica Rozier and City Attorney Ed Rucker.

Minutes - 7/12/2022

Acting Chairman Nancy Viselli asked if there were any corrections or comments regarding the July 12, 2022, regular meeting minutes. There were none. *Bill Morgan made a motion to approve the July 12, 2022 minutes and Bill Mackay seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Acting Chairman Nancy Viselli said the only item for business on the agenda is the Final Plat for "Bybee Springs Subdivision": Vacation of Platted Right-of-Ways and Dedicated Roadways, Reserved for "Hotel" and "Park" and asked for comments from Planner Patterson.

Planner Patterson stated he appreciated everyone showing up tonight and delivered the following report.

**PLANNING DEPARTMENT  
REPORT TO THE  
PLANNING COMMISSION**

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|-----------------------------------------|--------------------------|
| <b>Hearing Date: September 13, 2022</b> | <b>Case Number: none</b> |
|-----------------------------------------|--------------------------|

**Applicants:**

Motor Sports Properties, LLC.  
Timothy and Deborah Seebold  
Hilltop Estates, LLC.  
Daryl L. Foster Revocable Trust and Daryl L. and Nicklyn B. Foster  
MB2 Investments, LLC

**Location:**

The corner of Osage Beach Parkway and Osage Beach Road

**Petition:**

Vacation of platted Right of Ways and "Reserved for Hotel" and "Park" by approving and recording the "Bybee Springs Subdivision" Plat

**Existing Uses:**

Some frontage commercial properties and vacant commercial properties

### Analysis:

- 1) The applicants own the land adjacent to the requested vacation lands.
- 2) The applicants are asking that the City of Osage Beach vacate numerous undeveloped ROWs that bisect their properties making them difficult if not impossible to appropriately develop. Approval of this request will give the properties much better development capacity.
- 3) There is no apparent service infrastructure currently in the ROWs. However, easements for any infrastructure that is found to exist will need to be given if this request for vacation is approved. Existing unknown infrastructure is addressed in the "Owners Certificate" section of the Certification Sheet.
- 4) This vacation is being done by plat, known as "Bybee Springs Subdivision", which is the most efficient way to accomplish a vacation in which all properties that are adjacent to the subject ROW are required to sign the "Owner's Certificate" portion of the Certification Sheet.

### Recommendation:

The property owners and their attorneys have been working on this request with the City for a number of years. It is an extremely involved and complicated process to get legal descriptions for this many properties and Rights of Way assembled along with the approval and signatures of all the effected properties. **At this time, that appears to have been done and the Planning Department recommends approval of this request to vacate existing undeveloped Rights of Way and establish new lots with their own legal descriptions.**



Planner Patterson stated the following: This has been at least four years in the making. When looking at the Plat it was actually the original Osage Beach Subdivision back in the 1950's. The smaller lots are 25' x 80' that were meant for single-wide trailers. There are still a large number of those and some people own entire blocks and if they want to combine the lots, we do a Minor

Subdivision which erases the property lines. We are doing this for seven property owners who own the lots and also for the right-of-ways. We are getting rid of 108 small lots and replacing with seven larger, more developmental lots that don't have right-of-ways running through them. The issue now is with those being there now, the right-of-ways are semi-public and are required to be vacated by the community either by way of road vacation or by vacation of Plat that would be approved by the Planning Commission and the Board of Aldermen. In this situation, Lot 1 is 15.14 acres which is owned by Motor Sports Property and they haven't been able to develop it with the right-of-ways and now would be able to develop it with these proposed changes. Lots 2, 3, 4, 5, 6 and 7 which is at the corner of Osage Beach Parkway and Osage Beach Road are owned by individual owners and this gets rid of property lines. The reason this is coming to the Planning Commission and Board of Aldermen is because there are right-of-way vacations involved with this Plat and is required by State Statute. Planner Patterson then gave his recommendation to approve.

Acting Chairman Nancy Viselli asked if anyone had questions for Cary or comments.

Bill Morgan asked where this property was located.

Planner Patterson stated it is on the corner of Osage Beach Parkway and Osage Beach Road and explained where the lots are and who owned the lots. Also, it is the area where the old 54 Diner, Bandanas and First Watch are located.

Planner Patterson stated the Plats were put together by Allen Surveying and most of the preparation was done by their attorney, Aaron Ellsworth.

Acting Chairman Nancy Viselli asked if the City Attorney had any issues with this.

Planner Patterson stated the City Attorney did not have any issues with this and all of the dedications were looked at. Planner Patterson also stated the Public Works Department looked at this and there are no services that run through any of the right-of-ways being vacated.

Bill Morgan asked if this was just a way to clean this up for the owners.

Planner Patterson stated this would clean this up for the owners and each of them have to sign the certification sheet stating they are good with this.

Acting Chairman Nancy Viselli asked if there were any other questions and if not, we need a motion.

Gary Jones thanked Planner Patterson for explaining all the lots.

Acting Chairman Nancy Viselli asked for a motion.

*Bill Morgan made a motion to approve "Bybee Springs Subdivision": Vacation of Platted Right-of-Ways and Dedicated Roadways, "Reserved for Hotel" and "Park" and Gary Jones seconded the motion. A roll call vote was taken and the motion was passed unanimously.*

Acting Chairman Nancy Viselli asked if there were any reports.

#### Reports

Planner Patterson stated there were no reports and that the Mayor and Alderman O'Steen were at the MML Meeting. He said Bike Fest is coming up. Also, there is a lot going on and there will probably be more upcoming meetings.

Acting Chairman Nancy Viselli mentioned there is an upcoming event being the Rotary Club's Wing Fest tomorrow night at the Regalia.

Planner Patterson stated he appreciated everyone showing up and we have to have six members to have a meeting.

Alan Blair asked what year this platted out.

Planner Patterson stated it was in the 1950's and right before the City incorporated in 1957.

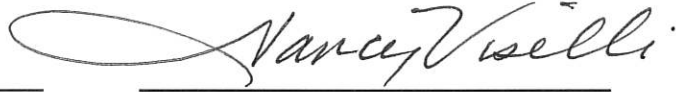
Adjourn

Acting Chairman Nancy Viselli adjourned the meeting at 6:10 pm.

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 13, 2022.



Pam Campbell  
Planning Department Secretary



Nancy Viselli  
Planning Commission Secretary