

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

JUNE 13, 2023

CALL TO ORDER

Acting Chairman Mayor Michael Harmison called the Planning Commission of the City of Osage Beach, Missouri to order at the regular meeting on June 13, 2023, at 6:00 p.m. at City Hall.

ROLL CALL

The following Commissioners were present: Bill Mackay, Gary Jones, Angie Schuster, Mayor Michael Harmison, Tony Kirn, Bill Morgan, and Alderman Bob O'Steen. Also, present City Planner Cary Patterson and City Clerk Tara Berreth. The following were absent Chairman Susan Ebling and Alan Blair.

ELECTION OF OFFICERS

Alderman O'Steen made a motion to appoint Susan Ebling as Chairman to the Planning Commission. This motion was seconded by Commissioner Morgan. Motion passes unanimously with a voice vote.

Commissioner Morgan made a motion to appoint Angie Schuster as Secretary to the Planning Commission. This motion was seconded by Alderman O'Steen. Motion passes unanimously with a voice vote.

APPROVAL OF MINUTES

Commissioner Kirn made motion to approve May 9, 2023, Planning Commission Meeting Minutes. This motion was seconded by Commissioner Jones. Motion passes unanimously with a voice vote.

NEW BUSINESS

Rezoning Case 422 Lakeport Village, LLC.

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	June 13, 2023	Case Number:	422
<u>Applicant:</u>	Lakeport Village, LLC		
<u>Location:</u>	1100 block of Jeffries Road		
<u>Petition:</u>	Rezoning from C-1 (General Commercial) to C-1 (General Commercial) with an E-3 Overlay for an entertainment facility that will include an amusement park with customary rides and accessory uses.		
<u>Existing Use:</u>	Vacant		

Existing Zoning: C-1 (General Commercial)

Tract Size: Approximately 8.186 acres

Surrounding Zoning:

North: C-1 General Commercial

South: N/A

East: LU

West: C-1 General Commercial

Surrounding Land Use:

Vacant/condo development

Highway 54 Corridor

Lake of the Ozarks

Vacant Commercial Property

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

Rezoning History

Date

City Wide Zoning Adoption

1984

Utilities

Water: City

Gas: Summit Gas

Electricity: Ameren UE

Sewer: City

Access: Property derives access via Jeffries Road

Analysis:

1. The applicant is the owner of the 8.186-acre parcel in question. The applicant is requesting an E-3 overlay to develop and establish an outdoor amusement park entertainment venue and facility that will include carnival type mechanical rides, arcades and games, food and concession facilities, outdoor restaurant and dining facilities, customary retail facilities, and other typical accessory uses such as bars, restrooms, souvenir shop, etc. This use will be a full-time activity that is open year-round.
2. As is typical with the establishment of a use of high intensity like this, impact on the road system and traffic capacity is a situation that will need to be addressed. A Traffic Impact Study and Statement has been performed by consultants contracted by the applicants. A significant amount of discussion has been had between the consultants, MoDOT, and the City during the process of this analysis with the findings and recommendations to be delivered and reviewed by those parties soon. The findings and recommendations of this document will be reviewed by MoDOT and the City's Engineers to determine the necessary improvements that will be required to the road system. Those improvements will be required as part of the construction permit process and will be required to be completed prior to the approval of the final inspection and the issuance of a Certificate of Occupancy to open the park to the public.

3. I am sure you are aware that this project has been discussed in public settings over the past few months during the process by which the applicant has requested Tax Increment Financing, along with other financing and development and incentive programs, from the City of Osage Beach. Those processes are still ongoing and are being addressed by the appropriate Boards and Commissions. Those issues are not within the responsibilities of the Planning Commission and will not be addressed at this meeting.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is high traffic commercial. With the subject property's location adjacent to Highway 54 and the Jeffries Road interchange, it lends itself favorably to the type of use being requested, provided that the intensity of the uses is mitigated as to not create an untenable impact on the area.

With the subject property's location in an intense use corridor being recommended for commercial use and development by the Comprehensive Plan, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The outdoor amusement park and entertainment venue that will include carnival type mechanical rides, arcades and games, food and concession facilities, outdoor restaurant and dining facilities, customary retail facilities, and other typical accessory uses such as bars, restrooms, souvenir shop, etc. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

This facility will operate with the same time restraints and hours of operation as outlined in the code governing the E-3 overlays.

Construction Requirements: All construction will be in conformance with the codes that are adopted by the city at the time that a Building Permit is requested for any portion of the development that requires a permit.

Parking: Will be required to meet the City Code governing off street parking for such a use. The required spaces can be addressed by using onsite parking lots and parking garage facilities.

Facility access, ingress, and egress: Ingress and egress for the development will be attained via access points from Jeffries Road. These accesses will be approved by MoDOT and the City as part of the roadway improvement plans during the construction permit process.

Signage: Signage for the development will be in conformance with the City of Osage Beach Municipal Code that regulates signage. The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.
Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section 220.040 of Chapter 220.

Maximum permissible sound levels by receiving land use.

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit (DBA)
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any lighting proposed as part of this development must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: Buffering and sound mitigation will be required if noise or light becomes an issue for surrounding properties. A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all the required changes.

Commissioner O'Steen made a motion to adjourn. This motion was seconded by Commissioner Morgan. This motion passed unanimously with a voice vote.

ADJOURN

Mayor Michael Harmison adjourned the meeting at 6:20 pm.

I, Tara Berreth, City Clerk, 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 June 13, 2023.



Approved via email —

Per Ordinance 14.29 Creates a Process for Approval of Minutes for Committees that Meeting Infrequently

Tara Berreth/City Clerk

Angie Schuster/Planning Commission Secretary

