



**AGENDA  
PLANNING COMMISSION**

**Regular Meeting  
August 8, 2017**

**6:00 p.m.  
City Hall  
1000 City Parkway  
Osage Beach, Missouri**

**REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES FROM THE April 11, 2017 MEETING**
- 4. NEW BUSINESS**
  - A) Rezoning Case No. 399 Lakeshore Holdings and Development, LLC**
- 5. ADJOURN MEETING**

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

April 11, 2017

The Planning Commission of the City of Osage Beach, Missouri, met to conduct a regular meeting on April 11, 2017 at 6:00 p.m., at City Hall in said City. The following Commissioners were present: Mayor John Olivarri, Alderman Tom Walker, James Handel, Roger Rand, Michelle Myler, Tony Kirn, Alan Blair, Nancy Viselli, and Jerry Fox. Judith Cloyd, Susan Ebling, and Don Chisholm were absent. Also present were City Attorney Ed Rucker, City Engineer Nick Edelman, City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings.

**MINUTES:**

On a motion made by Nancy Viselli and seconded by James Handel, the minutes of the March 14, 2017 meeting were unanimously approved as submitted.

**NEW BUSINESS:**

**Case No. 398**

<b>Applicant:</b>	RFW Properties, LLC.	
<b>Location:</b>	6368 Osage Beach Parkway	
<b>Petition:</b>	Rezoning from C-1 (General Commercial) to I-1 (Light Industry)	
<b>Existing Use:</b>	Vacant Commercial Property	
<b>Existing Zoning:</b>	C-1 (General Commercial)	
<b>Traet Size:</b>	3.4 acres	
	<b>Surrounding Zoning:</b>	<b>Surrounding Land Use:</b>
<b>North:</b>	C-1 General Commercial A-1 (Agriculture)	Vacant Commercial facility Large Property Estate
<b>South:</b>	C-1 General Commercial	Parkway frontage businesses
<b>East:</b>	C-1 General Commercial	Parkway frontage businesses
<b>West:</b>	C-1 General Commercial	Parkway frontage businesses

**The Osage Beach Comprehensive Plan**

**Designates this area as appropriate for:** Heavy Traffic Commercial

**Rezoning History**

**Date**

Original City zoning adoption

**Utilities**

<b>Water:</b>	City	<b>Gas:</b>	Private
<b>Electricity:</b>	Ameren	<b>Sewer:</b>	City

**Access:** Property derives access via Osage Beach Parkway

**Analysis:**

1. The applicant is the owner of the 3.4 acre parcel in question. The entire parcel is zoned C-1 as it was zoned with the initial zoning of the community in the 1980's.
2. The property fronts Osage Beach Parkway within the area between Highway KK and Lazy Days Road. The corridor contains a mixture of commercial uses ranging from retail to landscape and building material sales.
3. Currently the subject property is vacant with one existing structure that was previously used as a preschool facility. It has been vacant for some time.
4. The applicant intends to construct a new facility that will be used for the rental of heavy equipment and machinery (mini excavators, skid loaders etc.).
5. The Zoning Code addresses uses of this type as appropriate for the I-1 (Light Industrial) zone. The reasoning is that uses of this kind are both large scale and impact properties differently than other retail or rental uses. Large machinery or farm equipment by nature is not suitable to require hard surfacing for parking and drive areas because of the damage that is imposed when moving it. In these cases, it is more practical to allow gravel surfacing for the storage areas while still requiring hard surfacing for customer parking areas, including those with accessibility needs.

**Department Comments and Recommendations:**

The City of Osage Beach is a community where finding locations for industrial uses is difficult to say the least. The Parkway Corridor in this general area, however, has a number of uses currently that are compatible with the uses within the I-1 zone, such as, the storage facilities and landscape and building material companies. Allowing some flexibility as it pertains to use in this portion of the corridor may also provide some

answer to the property use and infill needs to promote business growth and increased traffic in the area. The subject property along with several of the adjacent properties would greatly benefit from the added use flexibility provided by the I-1 zone which permits all of the uses within the C-1 zone along with some light manufacturing and assembly, storage, freight, laundromats etc. Although the comprehensive plan does recommend heavy traffic commercial for the surrounding properties, that designation includes the majority of the uses within the I-1 zone and by allowing C-1 uses to be located within the I-1 zone; the zoning code itself establishes that C-1 and I-1 uses are compatible and complementary. **With this in mind the Planning Department would recommend approval of this request and would also recommend that the City react positively to any similar requests for adjacent properties that could be made in the future.**

Chairman Fox asked if there were any questions from the Commission.

Tony Kim asked what Southwest Stone's zoning was.

Planner Patterson stated that everything on that end of the Parkway is zoned general commercial. The use of Southwest Stone is a grandfathered use and would fit into the light industrial zone by today's standards. If this were a new use the City would require the same things they are requiring the applicant in this specific case and would request the use of gravel. Planner Patterson asked the Commissioners to keep in mind that the other landscaping company in the old Music Show has the same use in some areas and a lot of storage units prefer to use gravel instead of pavement or concrete.

Chairman Fox asked if there were any other questions from the Commission.

James Handel commented about the area from KK to where the road ends being one of the few areas left in Osage Beach with undeveloped land. He voiced concerns over the possibility of future rezoning for I-1 or even I-2, and questioned the effect this could have on the area.

Planner Patterson reminded the Commission that I-2 is a heavy industrial use. I-1 use allows for all the same uses seen within the C-1, and still allows commercial buildings to be built within the I-1, allowing for nonintrusive, nonretail, uses such as packaging and assembly. Planner Patterson reassured the Commission that I-1 won't be incompatible for commercial use, and the Code is set up to allow this. He also stated that he didn't see this area lending itself to stand alone retail stores without bringing more traffic to this area. In this particular case no harm will come to the surrounding area by allowing the I-1 use.

Jerry Fox brought up a hypothetical scenario of a future I-1 rezoning case and questioned if that, too would be okay for the area.

Planner Patterson stated that the City should look favorably at similar uses. The perception that retail is the only way to develop the economy isn't necessarily correct; in this particular case the land lends itself to this use and can create job opportunity, income opportunity, and will increase the traffic to this area that is in need of development.

James Handel brought up the extension of the road from KK to Y Road, and if the road opened up and an interchange was to be put in, it would allow the area to be opened up for development. Presently the way

the land is it looks more like I-2 property. If the land were to open up for C-1, specifically retail, it would give the area as a whole a different complexion.

Planner Patterson stated that the topography of the land would make frontage development difficult. In fact in his opinion opening the road up and adding an interchange would lend that land to industry even more, and any other type of development is a far way out, and so allowing this type of use is a positive for the city.

James Handel stated he wasn't opposed to this type of use and zone change but his main concern was for the future development possibilities for this area.

Mayor Olivarri stated that there are several tracts of developable land off the expressway in Osage Beach. He also stated that this request was one that was consistent with the other businesses in the area and spoke favorably of other future requests.

Planner Patterson mentioned this area being a transition area and by the City considering these types of requests opens up opportunities for the land owners.

Chairman Fox asked if there were any comments from the RFW properties. There being none he then asked if there were any comments from legal counsel.

Attorney Ed Rucker said the file was complete and ready for the decision of the Commission.

Chairman Fox asked if there were anyone else that would like to speak in favor or opposition.

Larry Wall, owner of Southwest Stone Supply came forward and spoke in favor of the request and in favor of anything bringing the property values up for properties in the area.

Matt Renkoski, property owner of 6260 Osage Beach Parkway came forward stating he was neutral to the request. He does agree with Mr. Handel and would like the City to carefully consider what is allowed now, because it will have an impact on the future development. He would like the City to be thoughtful of the long term development of the area. His main objective for attending the meeting was for a better understanding of the process and to gain knowledge of the terminology of the zoning, specifically to this case, the I-1 zoning.

Tony Kim said these comments disturbed him. He added that people have apparently given up on having an interchange there and extending the road to Y Road. Tony said that Osage Beach needs a decent exit and entrance at the end of Osage Beach Parkway, adding that solutions have been demonstrated all over the country. Tony said he feels like people were short-sighted in Osage Beach because you have to go back to KK to go south on the expressway. He then said he believed the requested use fits well at the edge of town, but hoped that down the road serious negotiations would take place to add an interchange at the entrance.

James Handel pointed out that the scope of work Mr. Kim speaks of is out of the City's control due to the fact that the State owns the property that would allow the City to gain access on the west end. He also spoke of the safety issues that arose from a fatal accident that occurred 2 days after the opening of the highway which is why it remains a dead end today.

Chairman Fox asked if there were any other questions from anyone else hearing none he entertained a motion.

James Handel made a motion to recommend to the Board of Aldermen to approve Rezoning Case No. 398, and Roger Rand seconded the motion. A roll call vote was taken, and unanimously passed.

**REPORTS:**

Planner Patterson told the Commission that HDR would be presenting their findings to the Board of Aldermen and the Public on April 27<sup>th</sup> at 6p.m., and reminders would be sent out via emails and social media when it came closer to the date.

Alan Blair inquired about the May Planning Commission being held on the 16<sup>th</sup> if there was any new business.

Planner Patterson said yes, if there is any new business to be presented to the Planning Commission that the meeting for May will be held on the 16<sup>th</sup>.

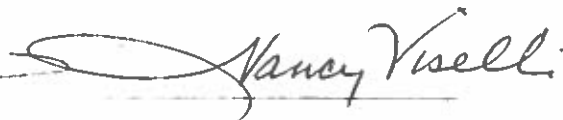
Attorney Ed Rucker told the Commission about the upcoming meetings for the TIF. The first meeting is strictly an informative meeting which will be held April 24<sup>th</sup> at 6p.m. The second meeting will be to consider the Osage Beach Commons TIF which will go in front of the TIF Commission on May 11<sup>th</sup> at 6p.m.

There being no further business to come before the Planning Commission, with a motion from Michelle Myler and seconded by Mayor John Olivarri, the meeting adjourned at 6:32 p.m.

I, Brook Cason, Department Secretary of 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 April 11, 2017.



Brook Cason, Department Secretary



Nancy Viselli, Secretary

**PLANNING DEPARTMENT REPORT  
TO THE  
PLANNING COMMISSION**

<b>Date:</b>	August 8, 2017	<b>Case Number:</b>	399
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**Applicant:** Lakeshore Holdings and Development, LLC

**Location:** 2000' from Osage Beach Pkwy on Sunset Dr.  
(Best way to view the property is from Backwater Jacks Parking Lot)

**Petition:** Rezoning from A-1 (Agriculture) to C-1b (Commercial Lodging)

**Existing Use:** Vacant

**Existing Zoning:** A-1 (Agriculture)

**Tract Size:** 14 acres of a 19 acre tract

	<b><u>Surrounding Zoning:</u></b>	<b><u>Surrounding Land Use:</u></b>
<b><u>North:</u></b>	A-1	Vacant
<b><u>South:</u></b>	C-1 and R-3	Lake Front Restaurant and Entertainment Venue
<b><u>East:</u></b>	A-1	Vacant
<b><u>West:</u></b>	C-1 General Commercial	Vacant Commercial

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

<b><u>Rezoning History</u></b>	<b><u>Date</u></b>
None	

**Utilities**

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

**Access:** Property derives access via Sunset Drive

**Analysis:**

1. The applicant is the owner of the 14 acre parcel in question. The property is however being rezoned to satisfy a contract contingent for sale to the proposed developer. The parcel is currently zoned A-1 (Agriculture) as is common for large acre properties with developmental difficulties.
2. As you can see on the enclosed illustrations, the applicant is leaving a 185' buffer area around the property to protect both the existing corridor and their future investment. This buffer will remain zoned A-1 (Agriculture).
3. The prospective buyer of the property plans to build nightly rental facilities on the subject land that will take advantage of its location relative to the Backwater Jacks Lakefront Restaurant and Entertainment Venue.

**Department Comments and Recommendation:**

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential is twofold. The first issue is developmental restraints from both topography and accessibility. Second is its relative location to Backwater Jacks. Allowing the developer to build nightly rental facilities on the property is likely the best-case scenario as it allows for the development of a low intensity use, but is a use that is also geared toward compatibility with the Entertainment Venue across the cove. By rezoning the property to C-1b, the applicant will be allowed to rent the units commercially as they will be built to conform with the International Building Code pertaining to such uses. The rezoning will allow construction of the proposed units and any accessory uses such as an office, pool, activity areas, and parking or storage facilities to be used by the owner and their guests on the property.



Under the Section 405.610 of the City Code of Ordinances for Amendments and Changes, bullet point 6 gives five matters that the city should consider before making a change in the zoning of property.

**1. Relatedness of the proposed amendment to the goals and outlines of the long range physical plan for the City:**

As I have already stated, the Comprehensive Plan calls for Moderate Density Residential. The developers plan will accomplish a use intensity similar to that of a residential development but with a commercial front more compatible with its surroundings.

**2. Existing uses of property within the general area of the property in question:**

The area surrounding the subject property contains mixed uses including commercial, residential, and vacant properties.

The request basically provides a use that conforms to the mix of multi and single family and is more compatible with the adjacent commercial use.

**3. The zoning classification of property within the general area of the property in question:**

The subject property is surrounded on both sides by more intensive zoning districts currently.

**4. The suitability of the property in question to the uses permitted under the existing zoning classification:**

The subject property is currently zoned Agriculture. It is unreasonable to expect a large tract to develop as such other than to go undeveloped.

**5. 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:**

There has been substantial development to the commercial facility adjacent to the subject property. Other than that, there has been little take place in the corridor within the reasonable time frame.

**According to the City Engineer, there is plenty of service capacity available to provide all required services to the subject property and Sunset Drive also has plenty of capacity to provide safe and efficient ingress and egress from**

**the corridor if the subject units were to be built. All services for the development will be required to meet the regulations established by the City and all construction will be required to be built in conformance with the Building Code that is adopted at the time a permit is approved for development.**

**Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request to rezone this property from A-1 (Agriculture) to C-1b (Commercial Lodging). This property if the request is approved will be subject to the provisions for the approved zones as listed in the Osage Beach Municipal Code of Ordinances.**



Date Received 7/20/17  
Case # 399

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Lakeshore Holdings & Development LLC Phone: \_\_\_\_\_

Address: 1360 Bagnell Dam Blvd City: Lake Ozark State: MO Zip: 65049

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners:

Dennis Reese, 1360 Bagnell Dam Blvd, Lake Ozark, MO

2. Name of landowner's representative, if different from above: Andrew Prewitt Phone: 573-280-4388

Address: 12 Allen Road City: Eldon State: MO Zip: 65026

3. All correspondence relative to this application should be directed to whom? Andrew Prewitt

Address: 12 Allen Road City: Eldon State: MO Zip: 65026

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):

Address: TBD Sunset Drive City: Osage Beach State: MO Zip: 65065

5. Do you have a specific use proposed for this property?  Yes  No

Explain all uses: Rental Cabins

6. Area of property in square feet or acres: 14 acres

7. Current zoning classification: Agricultural

8. Sources of utilities: Water: \_\_\_\_\_ Gas: \_\_\_\_\_

Sewer: \_\_\_\_\_ Electric: \_\_\_\_\_

9. Proposed zoning classification: Commercial C1-B

10. How long have you owned this property? \_\_\_\_\_

11. Current use of property (describe all improvements): Vacant

12. Current use of all property adjacent to subject property: North: Residential/Vacant

South: Restaurant/Bar East: Vacant West: Commercial/Vacant

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

U/A

14. Do you own property abutting or in the vicinity of the subject property?  Yes  No

If yes, where is the property located and why was it not included with this application? West 11 is

already zoned Commercial

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification?  Yes  No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted?  Yes  No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning

Proposed rezoning should have little or no effect on public facilities in the area.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any?

we propose to leave a 185' Buffer around the property to address any problems.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission):

Described adequately in letter to Planning Commission

**Notary Information**

State of ~~Missouri~~ Illinois )  
County of ~~Columbia~~ Henry ) 55

I, Dennis J. Reese, owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Dennis J. Reese Signature Owner/Applicant Date: 7-18-17

Subscribed and sworn to before me on this 18<sup>th</sup> day of July, 20 17

[Signature]  
Notary Public  
6821

My Commission Expires:

Person Accepting this Application:



**\*\*Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail\*\***

CITY OF OSAGE BEACH  
PLANNING DEPARTMENT  
1000 CITY PARKWAY  
OSAGE BEACH, MO 65065  
573-302-2000 Phone – 573-302-0528 FAX

Lakeshore Holdings & Development LLC  
1360 Bagnell Dam Blvd  
Lake Ozark, MO 65049

July 19, 2017

Cary Patterson  
City of Osage Beach  
Planning Department  
1000 City Parkway  
Osage Beach, MO 65065

**RE: Request to Rezone Property 093.006.2000.0002005.000 from Agricultural to Commercial C1-B**

City Planners,

We would like to respectfully request that the above mentioned property be rezoned from Agricultural to Commercial C1-B. The property in question has remained vacant and wooded for at least the last fifty years and has not been used for any income producing or agricultural purpose. Assuming the rezoning to Commercial C1-B is permitted the plan is to build nightly rental houses on the property and install docks for the patrons of those houses.

To help remediate any noise or inconvenience from these proposed rental units we propose to leave at least a 185 foot buffer around the property that will remain in its current agricultural zoning classification.

The property is bordered on two sides by property zoned commercially, one being a boat rental facility also owned by Lakeshore Holdings & Development LLC and the other is Backwater Jacks Bar and Grill.

We are working with the owner of Backwater Jacks and hope that this development will fit with the future development plans for this cove and create a greater tax base for the City of Osage Beach.

Thank you for your consideration on this matter,



Andrew Prewitt  
Office: 573.365.9440  
Cell: 573.280.4388  
Email: Andy@PrewittEnterprises.com

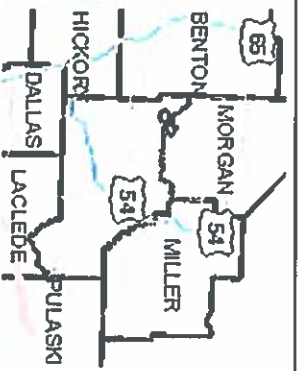
# Camden County, MO










1 in. = 200ft. 

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



- Legend**
- Highway
    -  Interstate Highway
    -  US Highway
    -  Numbered State Highway
    -  Lettered State Highway
  -  Road
  -  Section
  -  County Boundary

Notes

**Rezone Property Description:**

That part of the West ½ of Lot 3 of the Northwest Quarter of Section 6, Township 30 North, Range 15 West, Camden County, Missouri being part of land described in Warranty Deed recorded at Book 725, Page 124 in the Recorder of Deeds, Camden County, Missouri described as follows:

From the Southeast corner of the West ½ of Lot 3 of the Northwest Quarter of Section 6 run North along the East line of the West ½ Lot 3 of the Northwest Quarter 347.1 feet; thence South 87 degrees 15 minutes West 185.21 feet to the point of beginning; thence South 87 degrees 15 minutes West 568.69 feet to an iron pin set at the head of a cove near the shoreline of the Lake of the Ozarks; thence along the shoreline in a Southwesterly direction to a point on the West line of the West ½ of Lot 3 of the Northwest Quarter of Section 6 which is North 235.1 feet from the Southwest corner of the West ½ of Lot 3 of the Northwest Quarter; thence leaving the shoreline North along the West line of the West ½ of Lot 3 of the Northwest Quarter 295.07 feet; thence leaving said West line North 57 degrees 33 minutes East 265.72 feet; thence North 74 degrees 00 minutes East 88.63 feet; thence North 83 degrees 20 minutes East 215.78 feet; thence South 87 degrees 25 minutes East 549.47 feet; thence North 80 degrees 05 minutes East 181.81 feet; thence South 390.76 feet to the place of beginning. Parcel contains 11 acres ±.

**Buffer Description:**

A buffer area located in the West ½ of Lot 3 of the Northwest Quarter of Section 6, Township 30 North, Range 15 West, Camden County, Missouri across a parcel of land described in Warranty Deed recorded at Book 725, Page 124 in the Recorder of Deeds, Camden County, Missouri described as follows:

From the Southeast corner of the West ½ of Lot 3 of the Northwest Quarter of Section 6 run North along the East line of the West ½ Lot 3 of the Northwest Quarter 347.1 feet to the point of beginning; thence South 87 degrees 15 minutes West 185.21 feet; thence North 390.76 feet; thence South 80 degrees 05 minutes West 181.81 feet; thence North 87 degrees 25 minutes West 549.47 feet; thence South 83 degrees 20 minutes West 215.78 feet; thence South 74 degrees 00 minutes West 88.63 feet; thence South 57 degrees 33 minutes West 265.72 feet to a point on the West line of the West ½ of Lot 3 of the Northwest Quarter of Section 6; thence North along the West line of the West ½ of Lot 3 of the Northwest Quarter 242.93 feet to the centerline of Osage Beach Third Addition Road; thence along the centerline of road North 57 degrees 33 minutes East 165.0 feet; thence North 74 degrees 00 minutes East 135.0 feet; thence North 83 degrees 20 minutes East 249.1 feet; thence South 87 degrees 25 minutes East 543.6 feet; thence North 80 degrees 05 minutes East 383.0 feet to the East line of said West ½ of Lot 3 of the Northwest Quarter of Section 6; thence leaving the centerline of road South along the East line of the West ½ of Lot 3 of the Northwest Quarter 622.3 feet to the place of beginning.



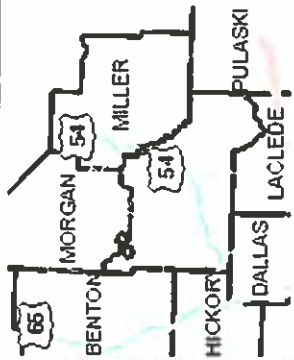
# Camden County, MO



1 in. = 358ft. 

716.1  
0 358.05 716.1 Feet

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Legend

Notes