



**AGENDA  
PLANNING COMMISSION**

**Regular Meeting  
November 14, 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 August 8, 2017 MEETING**
- 4. NEW BUSINESS**
  - A) Street Vacation, Nadimi Ahmad and Connie Reinders, Broadwater Lane**
- 5. ADJOURN MEETING**

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

The Planning Commission of the City of Osage Beach, Missouri, met to conduct a regular meeting on August 8, 2017 at 6:00 p.m., at City Hall in said City. The following Commissioners were present: Mayor John Olivarri, Alderman Phyllis Marose, Michelle Myler, Tony Kim, Alan Blair, Nancy Viselli, Jerry Fox, Judith Cloyd, Susan Ebling, and Don Chisholm. Roger Rand was absent. Also present were 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 Susan Ebling, the minutes of the August 8, 2017 meeting were unanimously approved as submitted.

**NEW BUSINESS:**

**Case No. 399**

<b>Applicant:</b>	Lakeshore Holdings and Development, LLC	
<b>Location:</b>	2000' from Osage Beach Pkwy on Sunset Dr. (Best way to view the property is from Backwater Jacks Parking Lot)	
<b>Petition:</b>	Rezoning from A-1 (Agriculture) to C-1b (Commercial Lodging)	
<b>Existing Use:</b>	Vacant	
<b>Existing Zoning:</b>	A-1 (Agriculture)	
<b>Tract Size:</b>	14 acres of a 19-acre tract	
	<b>Surrounding Zoning:</b>	<b>Surrounding Land Use:</b>
<b>North:</b>	A-1	Vacant
<b>South:</b>	C-1 and R-3	Lake Front Restaurant and Entertainment Venue
<b>East:</b>	A-1	Vacant
<b>West:</b>	C-1 General Commercial	Vacant Commercial



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.**

Following the City Planner's report summarizing information contained above, Chairman Fox asked if there were any questions for the City Planner from the Commission.

Phyllis Marose inquired about nightly rentals and who would be handling the reservations and maintenance of the rentals.

Planner Patterson said those things would be handled in house and year-round.

Tony Kirn verified the access point off Sunset and asked how many homes were in the plans to be built.

Planner Patterson stated that 5 to 8 homes would be built and while they will look like single family homes they will be built to commercial standards.

Don Chisholm asked if these homes would have to be signed off on by an architect.

Planner Patterson stated that anything greater than a single-family zone requires a commercial permit which requires architectural plans.

Jerry Fox asked what it was going to look like.

Planner Patterson said it would look like 5 to 8 single family homes.

Don Chisholm asked what the occupancy would be.

Andy Prewitt came forward and spoke on Phyllis's question first, stating that they currently have 14 rental properties off III by Shady Gators for which there is a third-party management company that maintains and rents the units. Most of the time the units rent 3

to 5 nights at a time. The units are 4 bedrooms and sleep 8 to 12 people possibly 14 if pull out sofas are used.

Don Chisholm stated that his concerns with the occupancy stems from fire related instances from the past.

Planner Patterson stated that these units would have fire sprinklers and that the occupancy comes from the building codes and would be established during the plan review done by the Building Official.

Don Chisholm asked about the barrier regarding the other projects they have done specifically to Backwater Jacks where the land was stripped extensively.

Andy Prewitt stated that the plan was for there to be 185 feet all the way around the area. They also plan on leaving trees and wooded area in between the units. In the case of Backwater Jacks, a lot of the land that was cleared was due to the parking and meeting the parking requirements. This project doesn't require all of that and so the trees in the buffer area will be left alone.

Don Chisholm asked what the plans were for docks.

Andy Prewitt stated that their dock company was looking at 14 to 15 slips for that area.

Tony Kirn voiced concerns with the spacing for docks in that area of the cove and asked if they planned on using the other C-1 lot for more spaces.

Andy Prewitt stated per discussions with Ameren that the area would allow for strips of docks with double boat slips verses 1 row of docks. There is also discussion of a boardwalk but it is all depending on what Ameren will allow.

Chairman Fox asked if there were any other questions or comments.

Alan Blair inquired about the parking for these units.

Planner Patterson stated that these individual units would all have to have their own private parking and they will have to be paved as per commercial zone and they will have to meet ADA regulations. The road access will come way of Sunset and what is currently owned by Iguana.

Andy Prewitt stated that paving the access road will answer a lot of the issues and concerns of heavy equipment and trucks accessing that area. This is a common problem all over the lake and will be worked out.

Planner Patterson stated that they would also have to work out storm drainage mitigation with City Engineer Nick Fedelman for everything they end up doing.

Chairman Fox asked Andy Prewitt if he had anything else for the Commission.

Andy Prewitt commented that this was the best fit for this area. This development will take cars off the roads and bring about more business during the week, early season, and late season, and will also benefit other local facilities like Dog Days, Toppers, and for the Osage Beach area overall.

Tony Kirn asked if there were plans to connect the properties.

Andy Prewitt stated that they would like to put a boardwalk but in the end, that would be up to Ameren.

Planner Patterson stated that their boardwalk may need to be further up in the cove because there is a protected wetland area.

Chairman Fox asked if there were any other questions or comments from the Commission or audience, there being none he entertained a motion.

Don Chisholm made a motion to recommend to the Board of Aldermen to approve Rezoning Case No. 399, and Tony Kirn seconded the motion. A roll call vote was taken, and unanimously passed.

#### REPORTS:

Jerry Fox added that Attorney Ed Rucker couldn't attend the meeting however he reviewed the case and noted it's approved for review in the file.

Planner Patterson reaffirmed this noting that it should have been mentioned at the start of the meeting. He then stated that there would be a few more rezoning cases before the end of the year. He also mentioned a sudden increase in variance requests coming up for the Board of Zoning Adjustments. He asked that the Commission be aware of their standings in the community and to be careful not to perpetuate rumors.

There being no further business to come before the Planning Commission, the meeting adjourned at 6:23 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 August 8, 2017.



Brook Cason, Department Secretary

Nancy Viselli, Secretary

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

**Hearing Date:** November 14, 2017

**Case Number:** none

**Applicant:** Ahmed Nadimi and Connie Reinders

**Location:** Osage beach Parkway to Broadwater Lane

**Petition:** Right of Way vacation for portion of Broadwater Ln

**Existing Uses:** Portion of Broadwater Lane cut off by the construction of the 54 Expressway

**Tract Size:** Approximately 5,800 sq. ft.

**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 was cutoff by the construction of the 54 Expressway and currently only serves their property as an access to their business.
- 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) An agency report was given to each of the following to get feedback on how this street vacation would affect each agency.
  - a) Osage Beach Public Works Director/City Engineer
- 5) I have had discussions with Public Works Director/ City Engineer. According to him, there are no apparent issues with the approval of this vacation. Easements will need to be given to any existing or future services or utilities within the boundaries of the subject property to be vacated.





Date Received 10-23-17

Date Completed \_\_\_\_\_

### PETITION FOR STREET VACATION

To The Honorable Mayor and Board of Aldermen of Osage Beach, Missouri:

The undersigned, AHMAD NADIMI AND CONNIE REINDERS, being an owner of real estate fronting and abutting on the portion of the street/valley/road/plat hereafter described, for the vacation of which this petition is filed, does hereby petition the Board of Aldermen of Osage Beach, Missouri to pass an ordinance vacating the following:  
Broadwater Lane, North of Osage Beach Parkway as more particularly described on EXHIBIT 1 & EXHIBIT 2


all in the said City of Osage Beach, CAMDEN County, Missouri.

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, by the City on any street, avenue, alley, thoroughfare or public property intersected by the property to be vacated:  
No Improvements, maintenance or repair are necessary or requested.

The cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

The following are names of people owning or claiming to own property abutting said street, avenue, alley, thoroughfare or public property proposed to be vacated:

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
Ahmad Nadim & Connie Reinders	Property West of Broadwater Lane as recorded in Book 783 Page 826 Camden County Recorder EXHIBIT 3 and depicted on EXHIBIT 2	5395 Osage Beach Parkway, Osage Beach, MO 65065
Ahmad Nadimi & Connie Reinders	Property East of Broadwater Lane as recorded in Book 793 Page 937 Camden County Recorder EXHIBIT 4 and depicted on EXHIBIT 2	5395 Osage Beach Parkway Osage Beach MO 65065

Signature of Petitioner(s) 

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

Individual(s) Acknowledgement

State of Missouri )  
County of Camden ) ss

On this 12th day of October 20 17  
before me, the undersigned, a Notary Public, personally appeared:  
Connie Reinders

Connie Reinders

known to be the person(s) described in and who executed the foregoing instrument of his/her free act and deed.

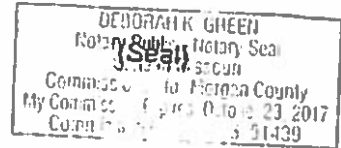
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach, Camden County, Missouri the day and year last above written.

My Commission Expires: 10-23-2017

Notary Public:

*Deborah K. Green*

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Corporate Acknowledgement

State of Missouri )  
County of Camden ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
before me appeared :

to me personally known, who being duly sworn, did say that he is the President of:

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of it's Board of Directors, and said

acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in the day and year last above written.

My Commission Expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

(Seal)



Date Received \_\_\_\_\_

Date Completed \_\_\_\_\_

**CONSENT TO VACATION**

In the matter of the vacation of \_\_\_\_\_  
Broadwater Lane North of Osage Beach Parkway (formerly U.S. Hwy 54)

Know All Men By These Presents: That Ahmad Nadimi and Connie Reinders

the undersigned, being the owners of real estate described below set opposite our names respectively and immediately adjoining the following street, avenue, alley, thoroughfare or public property proposed to be vacated:  
Broadwater Lane North of Osage Beach Parkway (formerly U.S. Hwy 54)

for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said  
Broadwater Lane North of Osage Beach Parkway (formerly U.S. Hwy 54)

may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

Witness with our hands this 12th day of October, 2017.

OWNER NAME	LEGAL DESCRIPTION	MAILING ADDRESS
Ahmad Nadimi & Connie Reinders	Property on the West side of Broadwater Lane as recorded in Book 703 Page 826 Camden County Recorder	5395 Osage Beach Parkway, Osage Beach, MO 65065
Ahmad Nadimi & Connie Reinders	Property on the East side of Broadwater Lane as recorded in Book 793 Page 937 Camden County Recorder	5395 Osage Beach Parkway, Osage Beach, MO 65065

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

Individual(s) Acknowledgement

State of Missouri )  
County of Camden ) ss

On this 12th day of October 20 17  
before me, the undersigned, a Notary Public, personally appeared:  
Connie Reinders

Connie Reinders

known to be the person(s) described in and who executed the foregoing instrument of his/her free act and deed.

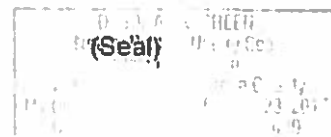
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach, Camden County, Missouri

the day and year last above written.

My Commission Expires: 10-23-2017

Notary Public: Deborah K. Dineen

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Corporate Acknowledgement

State of Missouri )  
County of Camden ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
before me appeared :

to me personally known, who being duly sworn, did say that he is the President of:

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by authority of it's Board of Directors, and said

acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in  
the day and year last above written.

My Commission Expires: \_\_\_\_\_

Notary Public: \_\_\_\_\_

(Seal)



