



**AGENDA
PLANNING COMMISSION**

**Regular Meeting
June 12, 2018
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 FEBRUARY 13, 2018 MEETING**
- 4. NEW BUSINESS**
 - A) Special Use Permit Case No. 400**
 - B) Election of Chairman and Secretary**
- 5. ADJOURN MEETING**

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

February 13, 2018

The Planning Commission of the City of Osage Beach, Missouri, met to conduct a regular meeting on February 13, 2018 at 6:00 p.m., at City Hall in said City. The following Commissioners were present: Alderman Phyllis Marose, Jerry Fox, Nancy Viselli, Roger Rand, Michelle Myler, Susan Ebling, Tony Kirn, Alan Blair, and Don Chisholm. Mayor John Olivarri and Judith Cloyd were absent. Also present were Public Works Director Nick Edelman, City Attorney Ed Rucker, City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings.

Minutes:

On a motion made by Phyllis Marose and seconded by Susan Ebling, the minutes of the November 14, 2017 meeting were unanimously approved as submitted.

New Business:

Chairman Fox asked Planner Patterson to explain the items on the Agenda.

Planner Patterson, stated that there weren't going to be any cases presented from the planning department at this meeting. He explained that Nick Edelman, Public Works Director, would be presenting ordinance changes. Since these changes go hand in hand with the City's Land Use Code they are presented to the Planning Commission for approval before being presented to the Board of Aldermen. Planner Patterson thanked the Commissioners for their attendance and asked Public Works Director, Nick Edelman to begin his presentation.

Public Works Director Edelman, presented the following information:

Reference: Sidewalks

Subject: Amendments to the Osage Beach Design Guidelines

The City is recommending the following three amendments to the Design Guidelines:

Sidewalk Width: Currently the City requires sidewalks be four feet wide. ADA requires sidewalks to be five feet wide as a standard. We are proposing the changes to Drawing No. V-2 and V-4, which is going to require that all sidewalks meet ADA requirements. If ADA requires greater than five feet, the sidewalk must match that standard.

Public Works Director Edelman explained that currently if there are any structural changes done on a road, the sidewalks would have to be brought up to current ADA standards.

Michelle Myler asked if all sidewalks throughout the city would have to be redone.

Planner Patterson stated yes eventually they will all need to be redone if a structural change occurs to that road. The areas of concern for the change are low density, so to prevent being over regulatory, this request comes from the Board of Aldermen to have the Planning Commission review the changes to these guidelines first.

Chairman Jerry Fox asked for clarification on the term "guidelines".

Planner Patterson stated that that guidelines are ordinances.

Attorney Rucker reaffirmed this stating the terminology is different however the guidelines are adopted ordinances approved by the Board of Aldermen.

Alderman Phyllis Marose stated they are criteria to follow and abide by.

Planner Patterson added that these were guidelines for all safety and travel requirements.

Mailboxes and Sidewalks: The City is having issues with private developments installing mailboxes in the sidewalks. We are proposing a mailbox "bump out" detail, shown on V-9, which will give future developments ideas on how to install a mailbox in an area, and still have the sidewalk be ADA compliant.

Sidewalk Requirements: Currently the City requires sidewalks be installed on all streets unless it is a dead-end street serving less than ten houses. We are recommending that sidewalks not be required for any street with less than 400 Peak ADT (Average Daily Traffic). A traffic count was completed by the Public Works Department. That data was inputted into a table to illustrate how this data would be used to determine whether a sidewalk would be required. Table I- Street and Roadway Design Criteria, of the Design Guidelines for Roads, Streets, and Parking Areas, notates all changes recommended by the Public Works Department.

Public Works Director Edelman went on stating that Silverleaf would not be required to have sidewalks under these guideline changes, and neither would Parkwood Circle.

Planner Patterson stated that the changes being discussed are part of a two-fold issue. Under the current guidelines sidewalks are required even when the street is not walkable. The changes would alleviate this. The City would also obtain more leeway in the right of ways; both helping developers in the future.

Don Chisholm questioned using the ADT in neighborhoods that were prominently known to have more children, questioning why the City wouldn't want to place sidewalks in areas where there is also affordable housing.

Planner Patterson stated that the changes are addressing traffic not housing and that sidewalks are forms of transportation, and not a place for children to play.

Public Works Director Edelman added the ADT count would go up in Multi-Family home neighborhoods verses Single-Family home neighborhoods. He said currently Inlet Lane doesn't have a sidewalk but with the new regulation it would be required. He also mentioned another area of concern for the City is Ozark Meadows, the current sidewalks aren't up to ADA standards and need to be redone.

Planner Patterson added that Low Density areas will produce less ADT flow. The idea behind these changes are to gain more transportation, specifically on our collector streets. It becomes difficult to ask developers to build sidewalks to nowhere. What the City would like is to become more of a walking community, and to do this we will need sidewalks on our Collector Streets.

Don Chisholm inquired about the walking access from KK and the Arrowhead Development to the Parkway.

Planner Patterson told Commissioner Chisholm the topography of the area wouldn't allow that access however the Arrowhead development would have its own shopping area and they will provide walking access to those shops.

Tony Kirn asked if it would help circumstances to only require a sidewalk on one side of the street instead of both.

Public Works Director Nick Edelman said they already do this depending on ADT he asked the commissioners to look at page six, table 1, which shows ADT counts of 1500 or more require two sidewalks.

Planner Patterson stated that functionally Collector Streets exceed 400 ADT and don't change between seasons. These Roads are the ones the City is concerned about.

Tony Kirn asked if these benchmarks are standards that other Cities use and said that would make the ordinance defensible.

Public Works Director Edelman agreed, and said John Ballard, Former City Engineer, did that.

Chairman Fox asked Attorney Rucker if they could take one vote for all three changes, or did a vote have to be made on each change individually.

Attorney Rucker said that decision would be up to the Commissioners, but either way would be fine.

All the commissioners agreed to take one single vote for all three changes and Chairman Fox entertained a motion.

Nancy Viselli made a motion to recommend to the Board of Aldermen to approve the Osage Beach Sidewalk Guidelines, and Michelle Myler seconded the motion. A roll call vote was taken, and unanimously passed.

Chairman Fox asked Public Works Director Edelman to describe the next item on the agenda.

Public Works Director described the following information:

The City is recommending the following amendments to the Floodplain Management Ordinance:

These revisions wouldn't become effective until April 18, 2018 which is shown on page one.

General Provisions, Article 2, Section B, Floodplain Administrator: The designated administrator, "City Engineer", is no longer a valid title with the City of Osage Beach. The new title for this position is "Public Works Director", so for consistency the ordinance should be amended.

Definitions, Article 8, Substantial Improvements: FEMA and SEMA are recommending that the time frame be changed to a ten- year duration, meaning over a ten- year time frame substantial improvements to homes within a floodplain may not exceed fifty percent of the current market value of said home.

Public Works Director Edelman added, that most, if not all, government entities take all major recommendations from SEMA and FEMA seriously, and make those changes to their ordinances accordingly. In fact, in all his years with the City, Public Works Director said there has only been one permit request from a house within the floodplain to be approved. He added since so few homes are in the floodplain, he doesn't see this be

Planner Patterson stated that this change is critical, this is how flood insurance is controlled and if a house is improved beyond its value it won't be able to be insured.

Michelle Myler added that a bank won't loan on a house that is over improved either.

Chairman Fox asked if it was known how many houses within city limits are in a floodplain.

Planner Patterson stated that within the last 20 years the Base Flood Elevation has been 664 and the lake levels have seldom gone above that. The permit request Director Edelman spoke about earlier is the only structure that falls within that parameter.

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

Don Chisholm made a motion to recommend to the Board of Aldermen to approve the changes to Floodplain Ordinance, and Phyllis Marose seconded the Motion. A roll call vote was taken, and unanimously passed.

Chairman Fox asked if there were any reports.

Director Edelman told the Commissioners to look for a similar agenda in the future pertaining to the sewer guideline changes.

Planner Patterson told the Commissioners they were going to be a part of the decision making on issues, like the ones discussed today, and the upcoming sewer guideline changes, because they are a part of the land use guidelines.

Planner Patterson invited the Commissioners to join the upcoming meetings for the Market Study. The Market Study was one of the goals set by the HDR Consultants. The Comprehensive Plan should be ready to be updated in 2019 or 2020 and the goal of the Market Study will be to set objectives for the Land Use Code and the Comprehensive Plan.

There being no further business to come before the Planning Commission, on a motion made by Susan Ebling, and seconded by Don Chisholm the meeting adjourned at 6:41p.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 February 13, 2018 at 6:41 p.m.

Brook Cason, Department Secretary

Nancy Viselli, Secretary

Analysis:

1. The applicant is the owner of the vacant property in question.
2. The character of the area is mixed containing moderate density residential and the Osage Beach Parkway commercial corridor.
3. The current proposal is to convert the existing facility from a commercial office building into a multi-unit residential dwelling facility. It of course will be used as a rental facility with multi-tenant capacity.
4. The portion of the property that is being requested for SUP is fronted and serviced by Zebra Road.

Department Comments:

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. Obviously in this situation we are not looking at a large lot residential development. The density on this request is not of any concern as it would be a low number of units in an existing commercial facility.

For the purposes of what would be more beneficial to the City, having the additional well-maintained housing units would not only serve a need of the community, but also would seem to be a better fit for the property, under today's conditions, than that of a commercial use. It is also important that the City be willing to promote structure repurposing on properties such as this in order to stimulate additional commercial activity in the area by providing more consumers in the immediate service area of one of our busiest retail locations.

Perhaps the biggest positive to a request like this is the location of housing units in an area that contains a large number of retail, entertainment, and service jobs in our community. Providing for this housing will allow the possibility for some of these workers to live near their job location. This is a valuable benefit for both the employee and the employer.

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 use 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 request is in conformance with the use recommendations of the Comprehensive Plan.

The Comprehensive Plan also encourages the City to provide additional work force housing when the opportunity arises to locate it on property where it is compatible.

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

As previously stated, the area surrounding the subject property contains mixed uses including moderate density residential, storage facilities, and Osage Beach Parkway commercial corridor .

The request basically provides a use that works with the existing mix of low impact and intensity uses.

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

The zoning of the surrounding properties is a mix that basically coincides with the uses. The requested use will mesh without issue with the surroundings

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

As I have stated, the use of this property as a low impact commercial use (office or storage), would not cause issue in the area. However, the conditions lend more towards the use of the facility for rental residential and likely will keep the facility from sitting empty for some time.

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:

The secondary corridor has seen little development in recent years. There is currently some activity for low impact commercial in the nearby vicinity that will make the subject property and facility a transition between the commercial and residential uses.

Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request subject to the following provisions regulating the property being granted a SUP for repurpose of the existing office facility into rental units:

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 repurposing of the existing facility into rental residential units.
2. Accessory Uses will be designed for and available to the tenants and their guests only and will not be open to the public. Those uses include any administrative office(s) for project management, garages, maintenance facilities, and recreation facilities. At this point, there are no accessory buildings planned.

Construction:

Construction shall be in accordance with the International Building Code and all other pertaining construction codes as adopted by the City of Osage Beach at the time a building permit is issued for each individual facility.

Bulk, Area, and Height Requirements:

Construction for these units will be confined to the existing facility.

Dimensional Requirements:

Will be confined to existing facilities and meet all setback requirements for the existing zone.

Public Facilities:

1. Engineering plans for any required water or sewer improvements will be constructed in accordance with the Osage Beach Design Guidelines and shall be approved by the Public Works Director.

Access:

1. Access shall be derived from the existing entrance to the property off of Zebra Road.

Parking:

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

Buffering and Screening:

No additional buffering or screening is required. Waste cans or dumpsters shall be placed in a location as to have minimal visual impact to the surrounding properties and conform to the general practice and placement of the same facilities with in the corridor.

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 the subject property.

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 the signs compliance with the city's sign code for on premise residential signage.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall be the responsibility of the property owner(s) and/or the property management administrators.

Platting:

All platting of property will be required to be in conformance with the Osage Beach Subdivision Code.

Final Development Plan:

- a. The site plan required for the building permit application will serve as the Final Development Plan.

DRAFT

① Why son
met
rezone
② site visit
③ confirm objectives
on 6/7
④ print &
sign
memo

To: Chairman and Members, Osage Beach Planning Commission

From: Ed Rucker, City Attorney

Re: Planning Commission Meeting for June 12, 2018

Date: June 4, 2018

Special Use Permit – Case No. 400 Applicant: A Colorful Life LLC.

I am sorry I cannot attend the Planning Commission meeting on June 12, 2018

Regarding the Application for a Special Use Permit in Case No. 400 filed by A colorful life LLC, I have done the following:

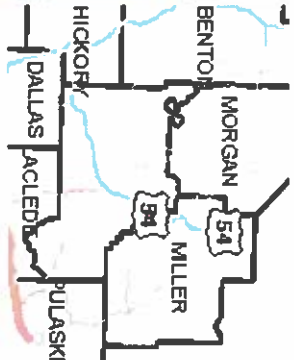
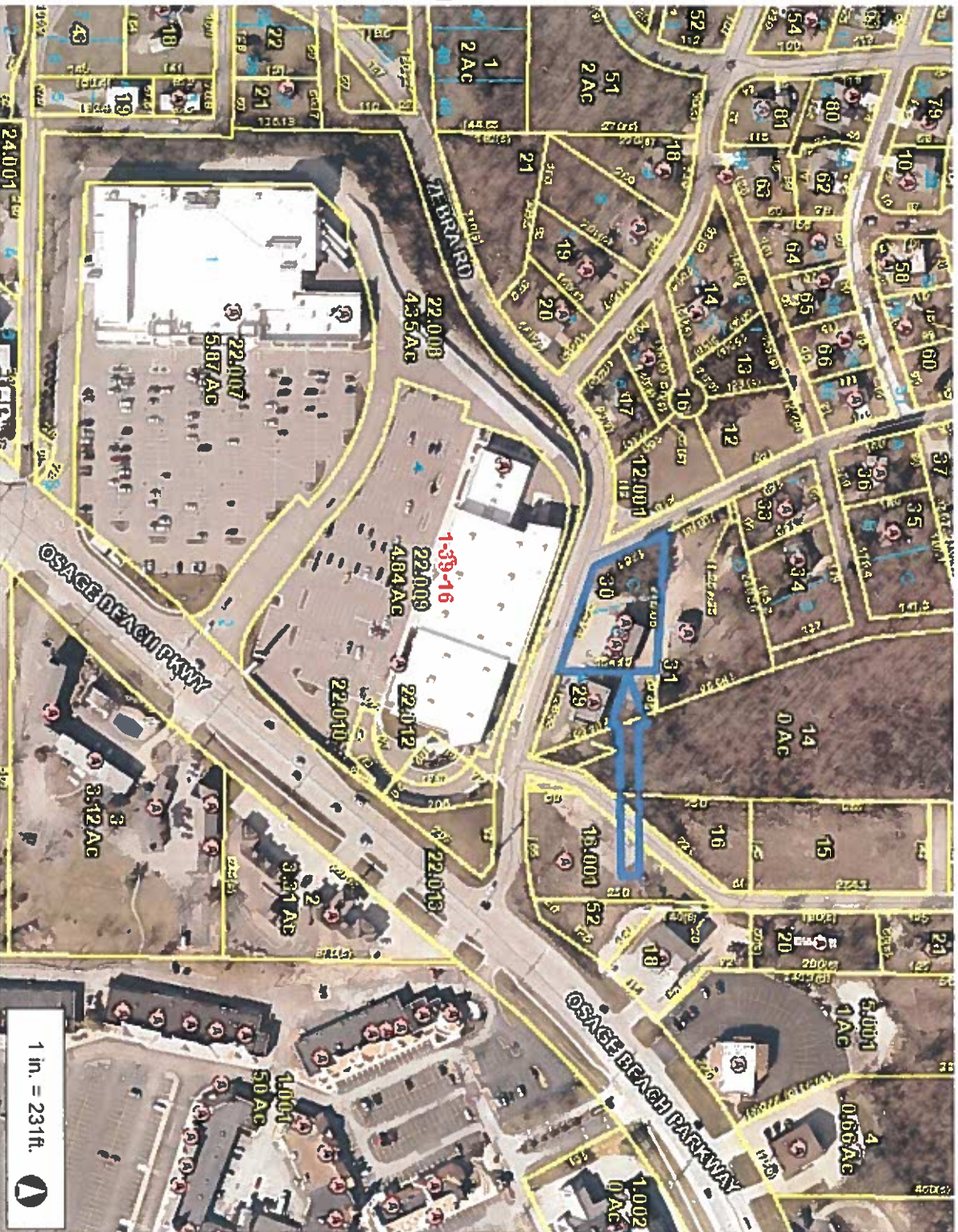
1. Reviewed the application and supporting documentation in the package.
2. Visited and viewed the site.
3. I have discussed this matter with our City Planner, Cary Patterson.
4. Determined the application is in proper legal form and ready for your decision.
5. Verified with the Planning Department that as of the date of this memo no written responses or complaints have been received about this matter.

My legal advice to you is that:

1. The Planning Commission has jurisdiction over this application.
2. The issue is properly prepared and presented to the commission.
3. The decision required is within the discretion of the Commission. There is no legal reason you must accept or deny the application.

cc. City Planner, Cary Patterson
City Administrator, Jeana Woods

Camden County, MO



Legend

Notes

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.



Date Received: 5/14/18
Case #: 400

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Belinda Phillips Phone: 573-692-4979
Address: 4467 Horseshoe Bend Pkwy 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:

A Colorful Life, LLC

2. Name of landowner's representative, if different from above: Fred Dehner Phone: 573-216-7207
Address: PO Box 1012 City: Osage Beach State: MO Zip: 65065

3. All correspondence relative to this application should be directed to whom? Fred Dehner
Address: City: State: Zip:

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: 1040 Zebra Rd City: Osage Beach State MO Zip: 65065

5. Do you have a specific use proposed for this property? Yes No
Explain all uses: Long Term Rental - 8 One Bedroom Apartments

6. Area of property in square feet or acres: 5120 Sq Ft

7. Current zoning classification: Commercial

8. Sources of utilities: Water: City Gas: N/A
Sewer: City Electric: Ameren

9. Proposed zoning classification: Special Use Permit / Multi Family

10. How long have you owned this property? 1985

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

12. Current use of all property adjacent to subject property:
North: Commercial
South: Commercial East: Commercial West: Commercial

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:

n/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?

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.

no

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

no

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):

n/a

Notary Information

State of Missouri)
County of Camden) ss

I, Fred Denner, 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.

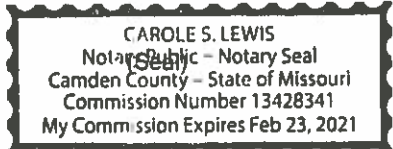
[Signature]
Signature Owner/Applicant:

4/23/2018
Date:

Subscribed and sworn to before me on this 23rd day of April, 2018

[Signature]
Notary Public:

2-23-2021
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

Mr. Kerry Patterson
City Planner
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065

April 23, 2018

Dear Mr. Patterson:

I am writing on behalf of Ms. Belinda Phillips in regards to the property located at 1040 Zebra Road, Osage Beach, MO.

A Real Estate Sales Contract is currently being written with Belinda Phillips as the seller and me as the buyer. The intent to purchase the property is contingent on the approval of a Special Use Permit.

The request for the property is to convert the current retail commercial property into one bedroom efficiency apartments. The use change from the current retail space to multi-family residential will assist in the current need for affordable housing in Osage Beach, yet not impact the neighboring properties.

The renovation of the property will meet both local building and fire codes in the process.

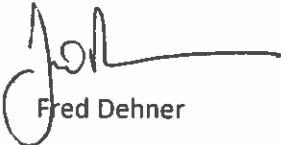
The legal description is:

All of Lots B and C of WEST SHORE DRIVE HEIGHTS FIRST ADDITION, a subdivision in Camden County, Missouri, according to the Amended Plat No. 1 thereof on file and of record at Plat Book 20, page 22, Records of Camden County, Missouri.

A site plan is attached, as well as a list of the neighboring property owners as requested in the application.

Please let me know if you have any questions. I can be reached at 573-216-7207.

Sincerely,


Fred Dehner

Neighboring property owners:

Bennie D and Sharon J Schrimpf
PO Box 1004
Osage Beach, MO 65065

Dierbergs Osage Beach LLC
16690 Swingley Ridge Rd, Suite 475
Chesterfield, MO 63017

Lake Area Anchor Club, Inc.
PO Box 703
Osage Beach, MO 65065

Jake Hartman
Casey Skiles
1069 Park Lane
Osage Beach, MO 65065

Gardner Commercial Group, LLC
4320 Osage Beach Parkway
Osage Beach, MO 65065

Hugh K. McVey
1064 Zebra Road
Osage Beach, MO 65065

High Pointe Shopping Center, LLC
1021 Ashland Road #1405
Columbia, MO 65201