



**AGENDA
PLANNING COMMISSION**

**Regular Meeting
May 14, 2019**

**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 12, 2019 MEETING**
 - 4. NEW BUSINESS**
 - A) Right of Way Vacation, Portion of previous location of Valley View Drive**
 - B) Amendment to Chapter 405 "Zoning Regulations, addition of Section 405.585 "Medical Marijuana Facilities".**
 - 5. REPORTS**
 - 6. ADJOURN**
-

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

FEBRUARY 12, 2019

Call to Order –

Chairman Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on February 12, 2019 at 6:00pm at City Hall.

Roll Call

The following Commissioners were present Don Sturn, Nancy Viselli, Susan Ebling, Mayor John Olivarri, Michelle Myler, Roger Rand, Alan Blair, Don Chisholm and Alderman Richard Ross. Also, present Public Works Director Nick Edelman, City Planner Cary Patterson, Building Official Ron White and City Clerk Tara Berreth.

Minutes – November 13, 2018

Mayor Olivarri made a motion to approve November 13, 2018 minutes seconded by Commissioner Rand. Motion passes unanimously.

New Business

- A. Request for a Final Plat – Villas at Grand Glaize 21st Amended Plat
Behind and south of Highway 54 frontage between Winn (54-40) and Murphy (54-47) roads.

Two (2) townhome footprints; zero lot line housing Lots 123 and 124. Sewer, water and street system to serve individual lots. Plans have been submitted and approved as part of the preliminary plat approval. Construction is underway; any improvements required for the lots proposed will require financial assurance filed with the Department if the improvements are not installed at the time of approval.

The Planning Department has reviewed this plat for code compliance and found it to be in order. The public improvements that service these lots have been installed. The Planning Department recommends approval of this plat.

Commissioner Chisholm made a motion to recommend to the Board of Aldermen the approval of the Final Plat – Villas at Grand Glaize 21st Amended Plat Behind and south of Highway 54 frontage between Winn (54-40) and Murphy (54-47) roads seconded by Commissioner Myler. Motion passes unanimously.

- B. Request for a Rezoning C-1 with an Entertainment Overlay (E-2) - Case NO.401 – Lofts at 18, LLC - Jason Whittle

This parcel is 1.1 acres. The applicants are requesting the ability to remodel a portion of the existing facility into a fine dining restaurant with outdoor food service and dining on a deck/patio. Currently the existing structure has been empty for some time. This structure holds some historical significance to the area. The applicants are also remodeling the upper level into condos. The plan is to sell them, but if they do not sell then they will be used as a VRBO.

Commissioner Chisholm – If these condos do not sell are you going to rent them?
Jason Whittle – Yes, they will be rented on a nightly or extended stay basis.

Chairman Ebling asked if anyone in the audience would like to speak. Pete Ickes said he had several concerns.

- ✓ Notification distance
- ✓ Impact on Water and Sewer System
- ✓ Noise from bar/restaurant
- ✓ Why do we need another Bar and Restaurant?
- ✓ Impact on cove

Planner Patterson – Applicants supplied the notification list and was approved by the Planning Department. Discussion followed about the City’s policy on distances for notification.

Public Works Director Edelman – The water and sewer system are more than capable of handling this project. Discussion was held about upgrades made to the system in this area.

Jason Whittle – There will be no outside noise other than background music for dinner. There will be not live bands, disc jockeys or karaoke systems. Those will all be prohibited from this facility. This is going to be an upscale dining facility.

Greg Massey – Lives in this cove and has no problem with this project. He is 100% in support.

Commissioner/Aldermen Ross made a motion to recommend to the Board of Alderman the request for Rezoning C-1 with an Entrainment Overlay (E-2) - Case NO.401 – Lofts at 18, LLC with the following amendments under background music change “sound level that does not impact the neighboring properties to sound level that does not impact the adjacent property owners” and that “Parking and dock facilities will be vacated within 30 minutes of the restaurant closing. This does not include vehicles owned by guests staying in the rental facilities or their boats that will be docked in an area specified by the owners. Employees will be allowed to remain until their job requirements are completed” seconded by Commissioner Rand. Motion passes unanimously.

Reports

Planner Patterson – The 1st building at Arrowhead is getting ready to have a grand opening scheduled for February 15th. This is a gorgeous facility.

Adjourn

Chairman Ebling closed the meeting at 6:45pm.

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 February 12, 2019.

Tara Berreth/City Clerk

Nancy Viselli/Secretary

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: May 14, 2019

Case Number: none

Applicant: Ted Ave

Location: Osage Beach Parkway to Valley View Drive

Petition: Right of Way vacation for portion of old Valley View Drive

Existing Uses: Portion of Valley View Drive removed and relocated by the construction of the 54 Expressway

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 the driving surface was removed from by the construction of the 54 Expressway.
- 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.

May 6, 2019

MEMORANDUM

To: City Planner

From: Public Works Director



Reference: Ave Vacation Request

Subject: Street Vacation

We have reviewed the street vacation request by Mr. Ave. This area used to be a part of the Valley View. When MoDOT built the expressway in particular Osage Beach Parkway South, they moved Valley View's intersection with Osage Beach Parkway South in a southwesterly direction of where it used to be. The Public Works Department is fine with vacating it.



Date Received: _____

Date Completed: _____

PETITION FOR STREET VACATION

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

The undersigned, Ted Ave. Lallemand, being an owner of real estate fronting and abutting on the portion of the street/alley/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:

Old discarded roadway called Valley dr.
Moved To new location

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:

none

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
<u>Ted Ave-Lallemand</u>	<u>Owner</u>	<u>PO Box 2350</u> <u>Lake Ozark Mo 65049</u>

[Handwritten Signature]
Signature of Petitioner(s)

CITY OF OSAGE BEACH
CITY CLERK
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-2039 FAX

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: May 14, 2019

Case Number: none

Action: Addition of 405.585 “Medical Marijuana Facilities” to Chapter 405
“Zoning Regulations.

Analysis:

This is the initial draft document addressing the regulation of Medical Marijuana Facilities within the Cooperate City Limits of Osage Beach. The regulations were written in answer to the discussion that took place at the Planning Commission and Board of Aldermen combined meeting on April 16, 2019.

Additions to Section 405.020 “Definitions”

"Medical Marijuana Cultivation Facility" a facility licensed by the Department to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility or to a Medical Marijuana-Infused Products Manufacturing Facility.

"Medical Marijuana Dispensary Facility" a facility licensed by the Department to acquire, store, sell, transport and deliver marijuana marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility- a Medical Marijuana Testing Facility or a Medical Marijuana-Infused Products Manufacturing Facility.

"Medical Marijuana-Infused Products Manufacturing Facility" a facility licensed by the Department to acquire, store, manufacture, transport and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

"Medical Marijuana Testing Facility" a facility certified by the Department to acquire, test, certify and transport marijuana.

“Religious Institution” a building used for religious activities, particularly for religious worship services.

“Elementary School” a school for the first four to six grades and includes kindergarten.

“Secondary School” a school that is intermediate in level between elementary school and college and that usually offers general, technical, vocational, or college-preparatory curricula.

Additions to Section 405.640 “Off-Street Parking Criteria”

“Medical Marijuana Dispensary Facility” One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

Additions to Section 405.210 “C-1 General Commercial District”

Medical Marijuana Dispensary Facilities subject to the use provisions outlined in Section 405.585

Additions to Section 405.240 “I-2 Heavy Industrial District”

Medical Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.585

Medical Marijuana Infused Products Manufacturing Facilities subject to the use provisions outlined in Section 405.585

Medical Marijuana Testing Facilities subject to the use provisions outlined in Section 405.585

Additions to Section 405.130 “A-1 General Agricultural District”

Medical Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.585

SECTION 405.585: Medical Marijuana Facilities

1 **"Purpose"**. The Medical Marijuana Facilities regulations are established to promote the health, safety, morals and general welfare of the citizens, visitors, and businesses of the City. This Section is intended to govern and provide locations within the City of Osage Beach where Medical Marijuana Facilities can successfully provide their intended services to the citizens and visitors of Osage Beach while maintaining the standard of life to which they have become accustomed.

A. **"Medical Marijuana Dispensary Facility"**. This use will only be permitted in the "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:

1. No Medical Marijuana Dispensary Facility shall be permitted within two hundred (200) feet, measured from property line to property line, of any religious institution, elementary or secondary school, or child daycare facility.
2. Properties proposed to contain a Medical Marijuana Dispensary Facility must be located in one of the previously established zones and also meet one of the following:

- A. Be located within two thousand (2,000) feet of the Osage Beach Parkway Public Right of Way or the Interchange Right of Way for the Highway 54 Expressway or;
- B. Be located within one thousand (1,000) feet from the State Highway 42 or State Highway KK Public Right of Way.

3. No Medical Marijuana Dispensary Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.

B. **"Medical Marijuana Cultivation Facility"**. This use will only be permitted in the "A-1" and "I-2" zoning districts after meeting the following minimum requirements:

1. Properties proposed to contain a Medical Marijuana Cultivation Facility must be located in one of the previously established zones and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contains a previously established residential use and properties

zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone

2. No Medical Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.

C. "Medical Marijuana Infused Products Manufacturing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:

1. Properties proposed to contain a Medical Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.

2. No Medical Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.

D. "Medical Marijuana Testing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:

1. Properties proposed to contain a Medical Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.

2. No Medical Marijuana Testing Facility shall be permitted on a property that contiguous with the Lake of the Ozarks.

- E. Parking For Medical Marijuana Facilities.** Parking for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article IX “Off Street Parking and Loading Requirements”
 - F. Signage For Medical Marijuana Facilities.** Signage for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article V “Signs”
 - G.** Medical Marijuana Facilities shall not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare.
 - H.** Medical Marijuana Facilities that propose having more than one type of facility on the same property or within the same building, will be required to follow the regulations for the more restricted facility. (For example; as adopted in 2019, a facility containing both a dispensary and cultivation, would be required to locate in the “I-2” zone with the distance requirements for a cultivation facility.)
 - I.** All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.
-