



**CITY OF OSAGE BEACH  
PLANNING COMMISSION**

1000 City Parkway  
Osage Beach, MO 65065  
573-302-2000  
[www.osagebeach.org](http://www.osagebeach.org)

**AGENDA**

**Regular Meeting**

**September 8, 2020 - 6:00 p.m.  
CITY HALL**

1. CALL TO ORDER
  2. ROLL CALL
  3. APPROVAL OF MINUTES FROM THE August 11, 2020 REGULAR MEETING
  4. NEW BUSINESS
    - A) Rezoning Case 408:  
Carol Ann Branson  
Special Use Permit for a Residential Expansion in a Commercial Zone
    - B) Rezoning Case 409:  
Robert Gresham  
Special Use Permit to allow for a Residential Addition in a Commercial Zone
  5. REPORTS
  6. ADJOURN
- 

Representatives of the news media may obtain copies of this notice by contacting the following:  
Tara Berreth, City Clerk  
1000 City Parkway  
Osage Beach, MO 65065  
573-302-2000 ex 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's office 48 hours in advance of the meeting at the above telephone number.

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

August 11, 2020

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on August 11, 2020 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Tyler Becker, Chairman Susan Ebling, Nancy Viselli, Michelle Myler, Tony Kirn and Kellie Schuman. Absent was Don Chisholm, Alan Blair and Jeff Dorhauer. Also present: City Planner Cary Patterson, Planning Commission Secretary Pam Campbell, and City Attorney, Ed Rucker.

Minutes - 7/14/2020

Chairman Ebling asked if there were any corrections or comments regarding the July 14, 2020 regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the July 14, 2020 minutes and Mayor Olivarri seconded the motion which passes unanimously.*

Chairman Ebling read the following:

The Planning Commission is a board of volunteers that is appointed by the Mayor and Board of Aldermen. Its function is to review and make recommendations to the Board of Aldermen on matters concerning development, the Land Use Code, and Zoning Map of the City of Osage Beach, including amendments and changes thereto. Recommendations will be made with consideration of conformance to the Osage Beach Municipal Code along with the following:

- Relatedness of the proposed amendment to goals and outlines of the long-range physical plan of the City.
- Existing uses of property within the general area of the property in question.
- The zoning classification of property within the general area of the property in question.
- The suitability of the property in question to the uses permitted under the existing zoning classification.
- 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.

Our goal in regulating is to provide adequate provision for transportation, water, sewer, schools, parks, and other public needs including safety, health and general welfare, light and air, while conserving the value of buildings and property through encouraging the most appropriate use of land within the municipality.

New Business

Chairman Ebling stated that the first order of business is the hearing of Rezoning Case No 407 Kaiser Investment Partnership and Randall Kent, C-1 General Commercial to I-1 Light Industry, and asked for comments from the staff on this request. Planner Patterson delivered the following report.

**PLANNING DEPARTMENT REPORT  
TO THE  
PLANNING COMMISSION**

<b>Date:</b>	August 11, 2020	<b>Case Number:</b>	407
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**Applicant:** Kaiser Investment Partnership and Randall Kent

**Location:** 511 Highway 42 (American Sun Control).

**Petition:** Rezoning from C-1 General Commercial to I-1 Light Industry

**Existing Use:** Vacant commercial property

**Existing Zoning:** C-1 General Commercial

**Tract Size:** 2.8 acres

	<b><u>Surrounding Zoning:</u></b>	<b><u>Surrounding Land Use:</u></b>
<b><u>North:</u></b>	I-1 Light Industry	American Sun Control
<b><u>South:</u></b>	C-1 General Commercial	Unincorporated Mixed Uses
<b><u>East:</u></b>	C-1 General Commercial	42 frontage businesses
<b><u>West:</u></b>	I-1 Light Industry	American Sun Control

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

<b><u>Rezoning History</u></b>	<b><u>Date</u></b>
Kaiser Annexation Zoning	November 1997

**Utilities**

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

**Access:** Property derives access via Highway 42 and Antioch Lane.

### Analysis:

1. The applicants are the owners of the 2.8-acre parcel in question. The parcel was zoned C-1 (General Commercial) upon its annexation into the City in 1997.
2. The applicant is requesting this rezoning to accommodate a prospective buyer for the property that plans to have some light manufacture activity within the proposed facility on the subject property.
3. In 2008, the City approved a rezoning request for the property surrounding the subject piece from C-1 (General Commercial) to I-1 (Light Industry) to allow a use similar to what is being proposed for the subject property.

### 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 Highway 42 Corridor, however, has been identified as a location where these types of uses would most efficiently occur, particularly the area towards the outskirts of town. 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, laundry mats etc. This type of use certainly fits in with the character of the area where there are several activities such as boat mechanics, storage yards, a lumber yard, and a fire station. The comprehensive plan recommends heavy traffic commercial use which includes the majority of the uses within the I-1 zone, 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 Ebling asked if anyone has any questions for the applicant or the City Planner and stated there is no one here in opposition since the applicant is the only one in the audience.

Ed Rucker, City Attorney, said the file is complete and ready for a recommendation by the Commission.

*Commissioner Tony Kirm made a motion to approve Rezoning Case Rezoning Case 407 Kaiser Investment Partnership and Randall Kent, C-1 General Commercial to I-1 Light Industry and Michelle Myler seconded the motion.*

Chairman Ebling asked Planner Patterson if he had any reports.

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### Reports

Planner Patterson stated he appreciated and welcomed the new Commissioner, Alderman Tyler Becker, and he would be our liaison back to the Board of Aldermen. There was a new Commissioner appointed, Jeff Dorhauer, who will fill the vacant seat of Don Sturn.

Adjourn

Chairman Ebling adjourned the meeting at 6:07 p.m.

I, Pam Campbell, Planning Department Secretary, 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 August 11, 2020.

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Pam Campbell  
Planning Department Secretary

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Nancy Viselli  
Planning Commission Secretary



3. A Special Use Permit to construct a residential use in a commercial zone must now be reviewed by the Planning Commission and approved by the Board of Alderman prior to a building permit being issued.

**Department Comments:**

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a small subdivision that was subdivided and the homes constructed prior to the initial adoption of the Zoning Code. The fact that the original homes are still present and being used as single-family dwellings lends favorably to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

1. The structure must be built according to the submitted site plan.
  2. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
  3. A building permit must be obtained for the addition and all other zoning codes be adhered to.
-



Date Received: \_\_\_\_\_  
Case #: \_\_\_\_\_

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Carol Ann BRANSON Phone: 636-236-5  
Address: 1144 Red Bud Road City: Osage Beach State: mo Zip: 65065

List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners: -O- CAROL ANN BRANSON sole owner

2. Name of landowner's representative, if different from above: None Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. All correspondence relative to this application should be directed to whom? ?  
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: 1144 Red Bud Rd City: Osage Beach State: mo Zip: 65065

5. Do you have a specific use proposed for this property? home only  Yes  No  
Explain all uses: \_\_\_\_\_

6. Area of property in square feet or acres: \_\_\_\_\_

7. Current zoning classification: \_\_\_\_\_

8. Sources of utilities: Water: City Gas: No  
Sewer: City Electric: Ameren

9. Proposed zoning classification: \_\_\_\_\_

10. How long have you owned this property? 24 years

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

12. Current use of all property adjacent to subject property:  
North: None  
South: None East: None West: None



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:

ALL PROPERTIES IN THIS AREA ARE ZONED COMMERCIAL

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. NONE

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):

Notary Information

State of Missouri )
County of Camden ) ss

I, Carol Ann Branson, 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 Owner/Applicant: Carol Ann Branson

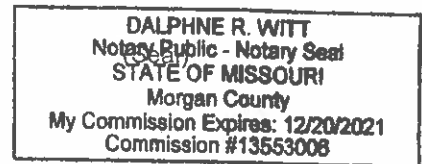
Date: 8/4/20

Subscribed and sworn to before me on this 4th day of August, 2020.

Notary Public: Dalphine R. Witt

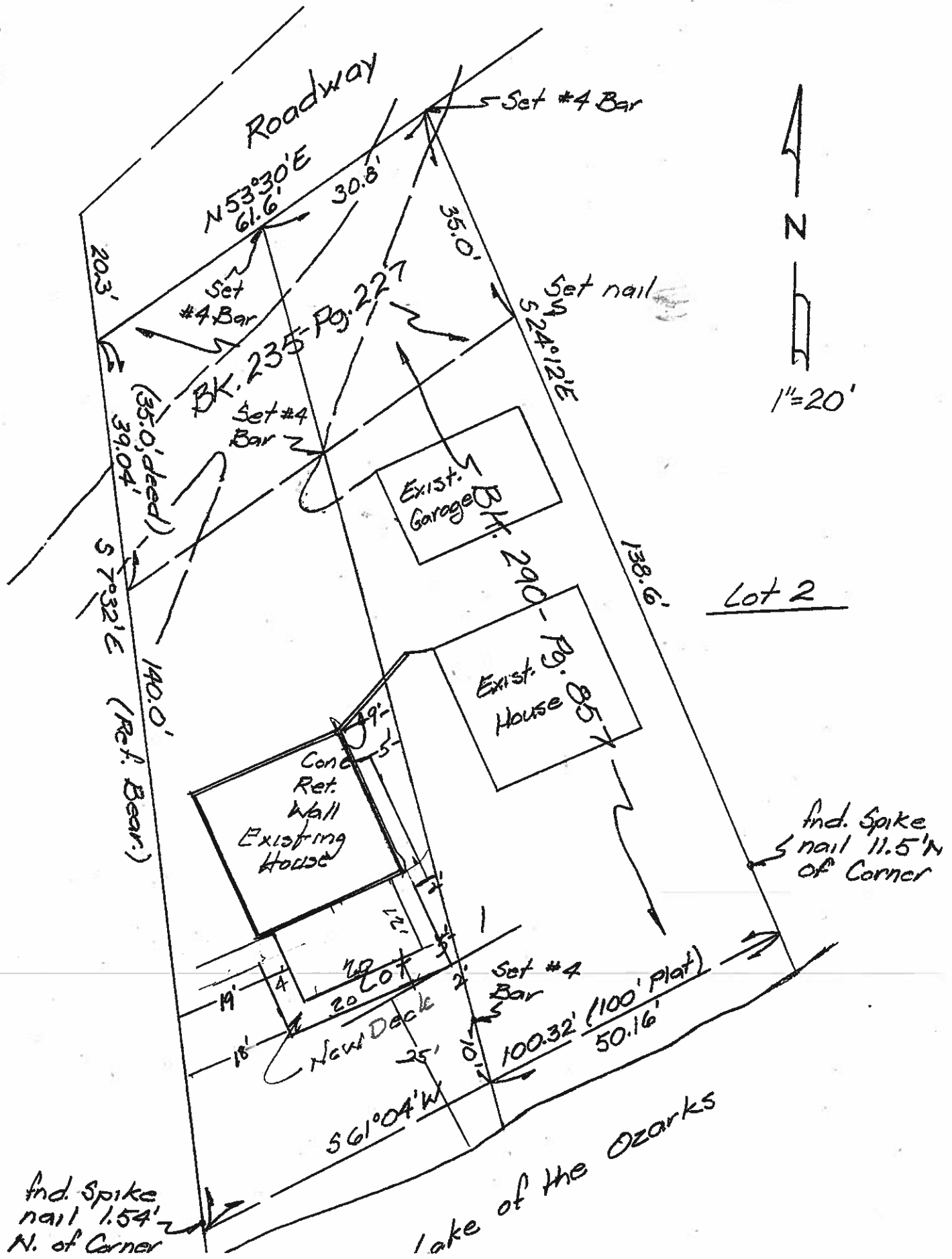
My Commission Expires: 12/20/21

Person Accepting this Application:



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

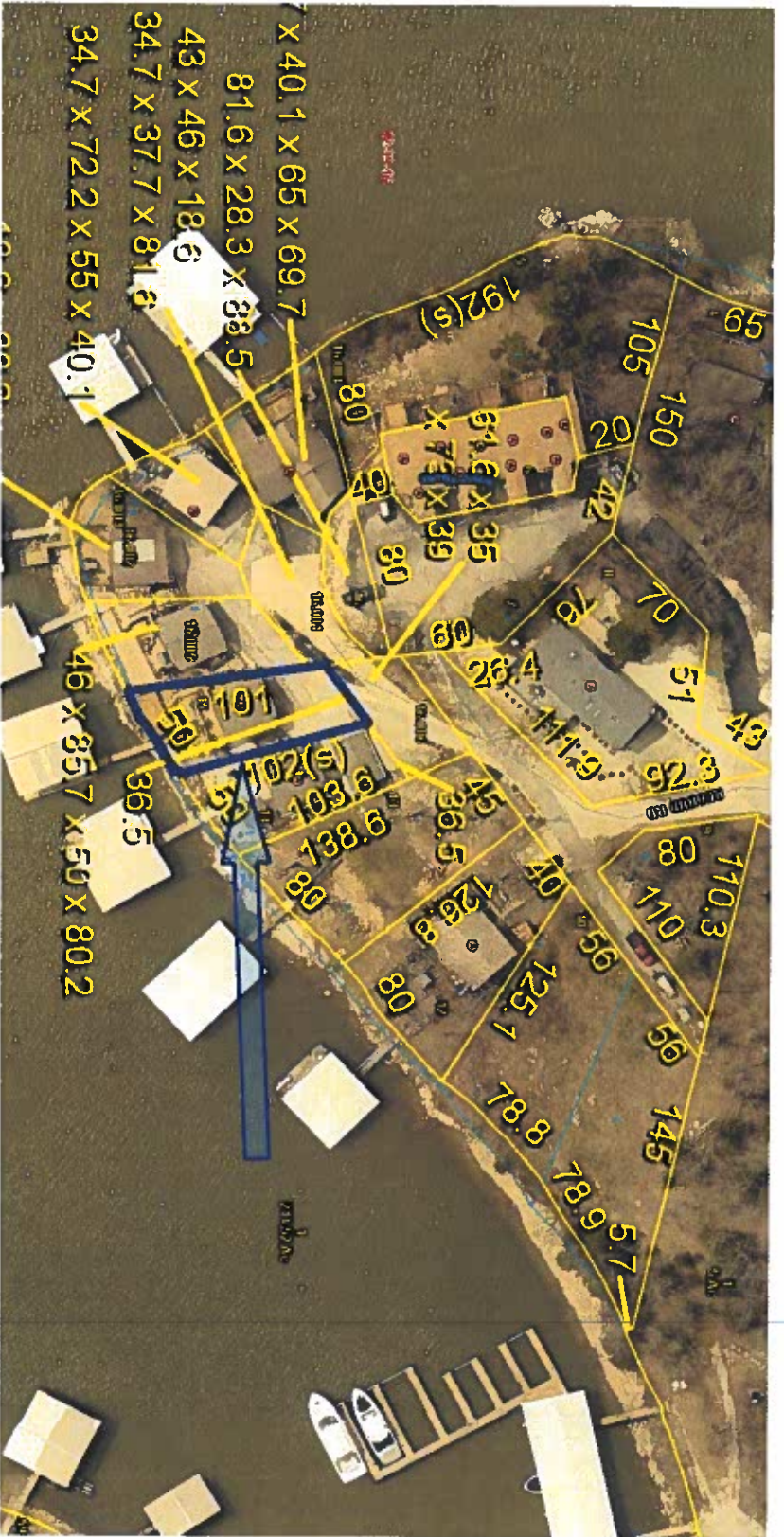
CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone - 573-302-0528 FAX





**NORTH**

**SUP Case  
408 Location Map**





current location of the existing structure, which is to be removed, and will not encroach further into the existing setback requirements than the existing structure. The remainder of the structure that will stay is also a legal non-conforming use as it encroaches well within the front yard setback. As the request is an addition to an existing legal non-conforming structure, a variance was required before the proposed construction could continue through the process.

3. A variance from the minimum setbacks was approved by the Board of Adjustment at their regular meeting held on August 19, 2020.
4. With the approval of the variance request, a Special Use Permit to construct a residential use in a commercial zone must now be reviewed by the Planning Commission and approved by the Board of Alderman prior to a building permit being issued.

### **Department Comments:**

As is seen in many of the commercially zoned areas, a mixture of uses and intensities has developed. This is not uncommon especially in areas with existing residential neighborhoods located in commercial zones. A fundamental function of zoning is to separate incompatible land uses. With increased demand for both commercial and residential properties in the city, land use intensities could increase with property sales and new development. Property owners need to be cognizant of this before further developing their land residentially or replacing nonconforming uses. This particular piece of property is located in a subdivision that was an old resort that has been converted into residential homes and are now owned by individuals. The fact that this request is located in a subdivision that has developed residentially, although zoned commercial, lends this property very favorable to a request of this type. Fortunately, the code of ordinances provides us with the ability to approve a Special Use Permit for this request as opposed to requiring the property to be rezoned. **With this in mind, the Planning Department would recommend approval of this Special Use Permit with the following conditions:**

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval as well as an amendment to the SUP.
3. A building permit must be obtained for the addition and all other zoning codes be adhered to.



Date Received: \_\_\_\_\_  
Case #: \_\_\_\_\_

### REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Robert Gresham Phone: 217-430-4  
Address: 24100 US Hwy 54 City: Pittsfield State IL Zip: 62363

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

2. Name of landowner's representative, if different from above: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. All correspondence relative to this application should be directed to whom? Robert Gresham  
Address: 24100 US Hwy 54 City: Pittsfield State IL Zip: 62363

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):  
Address: 1444 Perch LN City: OSAGE BEACH State MO Zip: 65065

5. Do you have a specific use proposed for this property?  Yes  No  
Explain all uses: Single family Residential

6. Area of property in square feet or acres: Approx. 3,500 sqft.

7. Current zoning classification: C-1 (General Commercial)

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

9. Proposed zoning classification: C-1 w/ SUP for Residential Addition in C-1 zone

10. How long have you owned this property? 3 months

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

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

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:

Residential uses

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.

Don't FORESEE ANY CHANGES TO REZONING

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

NONE WILL MAKE COMMUNITY BETTER & VALUES BETTER

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):

SEE ATTACHMENT

**Notary Information**

State of Missouri )  
County of Camden ) SS

I, Robert Gresham, 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.

Robert Gresham  
Signature Owner/Applicant:

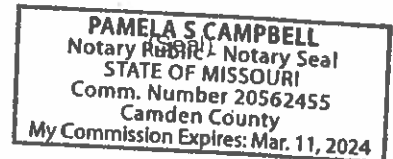
8/20/20  
Date:

Subscribed and sworn to before me on this 20<sup>th</sup> day of August, 2020

Pamela Campbell  
Notary Public:

3-11-2024  
My Commission Expires:

[Signature]  
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







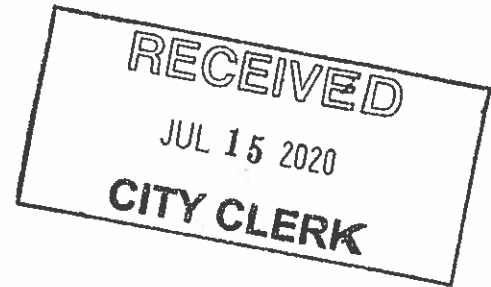
**NORTH**

**SUP Case  
409 Location Map**



July 15, 2020

Osage Beach City Hall  
Attn: Board of Adjustments  
1000 City Parkway  
Osage Beach, MO 65065



Osage Beach Board of Adjustments,

I have purchased property at 1444 Perch Lane with the intent to remodel and use as my family's vacation home. I chose this area because my brother has a home in this same housing division, the house is in a no wake cove, it's close to local businesses, and an easy drive from our home.

Currently there are two parts to the structure; a front portion (18x20) that was built in 2002 which includes a kitchen, dining area and bathroom upstairs and a small living area, bathroom, and laundry room in the lower level; and a back portion that is the original structure, assumed to be built in the 1950's or 60's which has been used for storage but is inhabitable for people. As you can see, I have not mention bedrooms. The bedrooms were in the back section. This structure is not livable and has not been used as such for quite some time. The additions that are on the original structure are falling off and pulling apart from said structure. In addition, the main floor is no longer level. It has been infested by racoons, insects and opossums. There is also a family of ground hogs currently living under the original structure.

I would like to demolish the back structure and rebuild a new structure (24x30) to provide a safe place for my family to gather. I am not looking to expand the current footprint but would like to be able to square up to the new part of the house. In my proposed plan, I intend to build three bedrooms and a family room to accommodate my family's needs. Rebuilding the structure would also get rid of the pests that are currently inhabiting the area. The community has voiced their excitement towards buying the house and rebuilding the dilapidated structure. This structure as it currently sits has decreased property values and has been an eyesore to the community for years.

I appreciate your consideration of my request. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Gresham".

Robert Gresham

217-430-4594



City of Osage Beach  
1000 City Parkway • Osage Beach, MO 65065  
Phone [573] 302-2000 • Fax [573] 302-0528 • www.OsageBeach.org

August 19, 2020

Robert Gresham  
24100 US Hwy 54  
Pittsfield, IL 62363

Re: Variance Case 336

To whom it may concern:

Your request for a Variance for the property located at 1444 Perch Lane in the City of Osage Beach has been approved. The Board of Zoning Adjustment approved Variance Case No. 336 on August 19, 2020.

The following requirements must be adhered to:

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
3. A Special Use Permit to construct a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued
4. A building permit must be obtained for the addition and all other zoning codes be adhered to.

If you have any questions, please do not hesitate to call me at (573) 302-2030.

Sincerely,

Cary Patterson, City Planner  
City of Osage Beach  
CP/pc