



**AGENDA  
PLANNING COMMISSION**

**Regular Meeting  
September 10, 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 MAY 14, 2019 MEETING**
- 4. NEW BUSINESS**
  - A) Rezoning Case NO. 402, Pearl Capital Management, LLC.**
- 5. REPORTS**
- 6. ADJOURN**

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

May 14, 2019

Call to Order –

Mayor Olivarri called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on May 14, 2019 at 6:00 pm at City Hall.

Roll Call

The following Commissioners were present Mayor John Olivarri, Nancy Viselli, Michelle Myler, Roger Rand, Alan Blair, Don Chisholm, Tony Kirn and Alderman Richard Ross. Commissioners absent were Susan Ebling and Don Sturn. Also, present Public Works Director Nick Edelman, City Planner Cary Patterson, City Clerk Tara Berreth and Planning Commission Secretary Pam Campbell.

Minutes – February 12, 2019

*Commissioner Viselli made a motion to approve the February 12, 2019 minutes with two corrections: On page 2, the word Alderman should be Aldermen, and the word Entrainment should be Entertainment. Commissioner Myler seconded the motion which passed unanimously.*

New Business

A. Right of Way Vacation, Portion of previous location of Valley View Drive

*Commissioner Chisholm made a motion to recommend approval of the requested Right of Way Vacation to the Board of Aldermen, seconded by Commissioner Rand, the Motion passes unanimously.*

B. Amendment to Chapter 405 “Zoning Regulations, addition of Section 405.585 Medical Marijuana Facilities”.

Planner Patterson explained:

- ✓ Different zones and locations for footage requirements for designated facilities was clarified adding that for Medical Marijuana Dispensary facilities the distance was changed from 1,000 feet (per State recommendation) to 200 feet (City’s recommendation) for properties adjacent to a church, school or daycare.
- ✓ Cultivation facilities will be allowed in the A-1, I-1, and I-2 zones.
- ✓ Infused products and testing facilities would be allowed in the I-2 zone only.

Mayor Olivarri asked for public comments, reminding the people that comments should pertain to land use issues only.

(please see the attached list of names)

- Ty Leatherberry - spoke in favor of the 200 foot rule for Medical Marijuana Dispensary facilities.
- Kathleen Miller - spoke in favor of this and encouraged the panel to approve this as presented.
- Pastor Tim Anna asked questions regarding green apothecary boundaries and residential use/dispensary use such as a building apartment upstairs and a dispensary downstairs, also, state park boundary issues.
- Various residents spoke in favor of the 200 ft rule and thanked the City for being proactive and accessible.

Mayor Olivarri explained that there is no guarantee for the number of dispensaries – the determination is made by the State. Until it's licensed in Osage Beach there will be none in Osage Beach.

Mayor Olivarri then said citizen comments are always welcome. The next Board of Aldermen meeting is Thursday, May 16, 2019 at 6:00 p.m. The land use issue is not on the agenda.

*Commissioner Kirn made the motion to recommend approval to the Board of Aldermen for the Amendment to Chapter 405 "Zoning Regulations, addition of Section 405.585 Medical Marijuana Facilities" seconded by Commissioner Rand. Motion passes unanimously. (Roll Call vote taken)*

#### Reports

Planner Patterson – by the end of June this should be on the Board of Aldermen's agenda.

#### Adjourn

Mayor Olivarri adjourned the meeting at 6:43 p.m.

I, Pam Campbell, Planning Commission 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 May 14, 2019.

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Pam Campbell/Planning Commission Secretary

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Nancy Viselli/Secretary

**PLANNING DEPARTMENT  
REPORT TO  
PLANNING COMMISSION**

<b>Date:</b> September 10, 2019	<b>Case:</b> 402
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**Applicant:** Pearl Capital Management, LLC

**Location:** Immediately off of the interchange on the west side of Nichols Road

**Petition:** Rezoning from C-1 (General Commercial) and A-1 (Agriculture) to R-3 (Multi Family)

**Existing Use:** The subject property is vacant.

**Zoning:** C-1 (General Commercial) and A-1 (Agriculture)

**Tract Size:** 22.09 acres

	<b><u>Surrounding Zoning:</u></b>	<b><u>Surrounding Land Use:</u></b>
<b><u>North:</u></b>	PUD	vacant
<b><u>South:</u></b>	C-1 and A-1	vacant
<b><u>East:</u></b>	PUD	vacant
<b><u>West:</u></b>	PUD/ C-1	vacant

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

<b><u>Rezoning History</u></b>	<b><u>Case #</u></b>	<b><u>Date</u></b>
Citywide		1984

**Utilities:** Water: City                                  Electricity: Ameren UE  
Sewer: City

**Access:** Property has frontage on Nichols Road

**Analysis:**

1. The applicant represents the owners of the vacant property in question. The property has been owned by the Kahrs Family since 1957.
2. The character of the area is undeveloped for the most part as the subject property is surrounded by property that was previously the home of golf courses. The Arrowhead Centre PUD is north and west and is currently undeveloped while being slated for commercial development in the future. The rest of the property surrounding the subject parcel is owned by the Kahrs Family and was previously part of the Sycamore Creek Golf Club and Osage Catfisheries. It is likely that we can expect the remainder of these properties to be the subject of rezoning requests as interest in its future development is cultivated.
3. The applicant intends to build a "Class A Apartment Home Community" on the property. The minimum lot size in an R-3 zone is 7500 sq. ft. with a maximum density of one family per 2500 sq. ft. This would allow 384 apartment units on the property at its maximum capacity. The development will be required to conform to all Building and Zoning Codes as well as the Design Guidelines for service construction.
4. The subject property is fronted and serviced by Nichols Road.

**Department Comments:**

The property is recommended for commercial use by the Comprehensive Plan. This is often the case for properties in close proximity to a thoroughfare interchange because uses of higher intensity are necessary to provide the best fit with the property's surroundings. In this case, we virtually have a clean slate situation with the surrounding properties being vacant. This provides the city and the property owners with the opportunity to dictate the best use for the property. As a community, we know that one of, if not our greatest need, is housing. This has been known for some time, but the need was reinforced by the findings of the housing study that was conducted by LOREDC, the lakes regional economic development group.

For the purposes of what would be beneficial to the City, having the additional, well maintained, housing units would not only serve a need of the community, but would be a better fit in the immediate area as opposed to other commercial uses allowed within a C-1 zone or something similar. Providing residential units in close proximity to two of the City's largest employers, the hospital and the school, would be a positive for both of those entities and their ability to recruit people to take the jobs that their organizations need to fill.

It is also important that the City be willing to promote development on properties such as this in order to continue to stimulate the commercial activity on the West Side of the Grand Glaize Bridge. Simply put, if the City approves this type of development it will serve to put more housing units on the west side of the bridge increasing the customer potential and the sheer numbers from which our businesses can draw patrons.

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 Comprehensive Plan calls for commercial development on the subject property.

However, 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. This property and its surroundings provide a near perfect location for the type of development that is being requested by the applicant.

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

As previously stated, the area surrounding the subject property is almost completely undeveloped. It is a great opportunity for the city and the property owners to shape the area to best meet the needs of the community.

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

As I stated previously, the subject property is surrounded on all sides by PUD, C-1, and A-1 districts. It can be expected that the property owned by the Kahrs Family will be the subject of redevelopment and rezoning efforts in the future to uses similar to the one we are currently while the Arrowhead Centre will be looking to maximize its development capabilities on the property to the north and west.

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

The subject property is zoned C-1 and A-1. Commercial zoning is common for properties on interchanges within a community while agricultural zoning is common for properties around interchanges that are located in rural areas but not necessarily within communities and developed areas. In this case, the agricultural area contained a portion of the golf course and a home. As they do not intend to maintain the golf course, agricultural zoning is no longer the best fit for the subject property.

**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 area surrounding the subject property is undergoing substantial changes in use. The Arrowhead Centre property is scheduled for a mix of commercial and residential uses while the Sycamore Creek property has yet to be defined as it pertains to its future uses but the Comprehensive Plan calls for a mix of commercial with some high and moderate density residential uses on the plus 200 acres associated with it..

**According to the City Engineer, there is plenty of service capacity available to provide all required services to the subject property and Nichols Road 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) and C-1 (General Commercial) to R-3 (Multi Family). This property, if the request is approved, will be subject to the provisions for the approved zone as listed in the Osage Beach Municipal Code of Ordinances.**



Date Received: 8.16.19  
Case #: 402

### REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Pearl Capital Management, LLC Phone: 317-472 0271  
Address: 919 East St. City: Indianapolis State IN Zip: 46202

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? Jeff Tegethoff  
Address: 919 East St. City: Indianapolis State IN Zip: 46202

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

1170 Nichols Rd. - Adjacent to Nichols Rd. across and west of Osage Catfisheries

5. Do you have a specific use proposed for this property?  Yes  No  
Explain all uses: A large multifamily residential development

6. Area of property in square feet or acres: 22.09 Acres

7. Current zoning classification: A-a & C-1

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Natural Gas  
Sewer: City of Osage Beach Electric: Ameren, MO

9. Proposed zoning classification: R-3

10. How long have you owned this property? 62 Years

11. Current use of property (describe all improvements): Residential and Golf Course

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



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.

We do not feel it would significantly affect public facilities.

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

We do not feel the project will negatively affect adjacent properties.

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):

To allow a project that will benefit residents of the City to move forward.

**Notary Information**

State of Missouri )  
County of Camden ) ss

I, Jeff Tegethoff, 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:

August 12, 2019  
Date:

Subscribed and sworn to before me on this 12<sup>th</sup> day of August, 2019.

Tina M. Ricciotti  
Notary Public:  
April 13, 2022  
My Commission Expires:

TINA M. RICCIOTTI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires April 13, 2022  
Commission # 14604549

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

August 14, 2019

Planning Commission  
City of Osage Beach  
1000 City Parkway  
Osage Beach, MO 65065

919 North East Street  
Indianapolis, IN 46202  
P 317.472.0271  
F 317.472.1130

Dear Members of the Commission,

After having lived full time in the Lake of the Ozarks area, it became very evident there was a shortage of new, quality housing for rent. My wife and I are still homeowners in Sunrise Beach.

My wife worked full time at Lake Regional in Osage Beach as an Occupational Therapist since graduating from University of Missouri in Columbia. Her biggest challenge was finding quality housing in Osage Beach in her price range. After meeting with many of her co-workers that were nurses, physical therapist, occupational therapist, young doctors, etc...., it became clear that many struggled with finding long term housing options. This led me to inquire with many employers in the area that stressed they struggled to attract talented employees to the lake area because of the lack of full-time housing options.

After meeting Steve Kahrs and the Kahrs family, we knew their family's property along Nichols Road would be a perfect site to build a "Class A" Apartment home community. Given the sites proximity to large employers (including the hospital) and the new elementary school, it is perfect for this opportunity.

The property has been in the Kahrs family since 1957. They are very proud of the ground and are also excited to bring a quality project to the community they grew up in. There have been no issues in the past present as it relates to the ground.

We are respectfully asking for your positive recommendation to re-zone the parcels as the first step in developing our new multi-family project.

Sincerely,



Jeff Tegethoff

*Owner's List per Camden County, MO Tax Record*

**Subject Tract Title Record**

Osage Golf, LP  
1170 Nichols Road  
Osage Beach, MO 65065  
Book 407, Pager 05

Kahrs Family Properties, LLC  
1170 Nichols Road  
Osage Beach, MO 65065  
Book 758, Pager 283

Karen J. Kahrs  
1157 Nichols Road  
Osage Beach, MO 65065  
Book 682, Page 88

**Adjoining Property Owners within 185 feet**

Dogwood Hills Golf Course, Inc  
1252 Highway KK  
Osage Beach, MO 65065  
Book 739, Page 343  
Book 395, Page 023

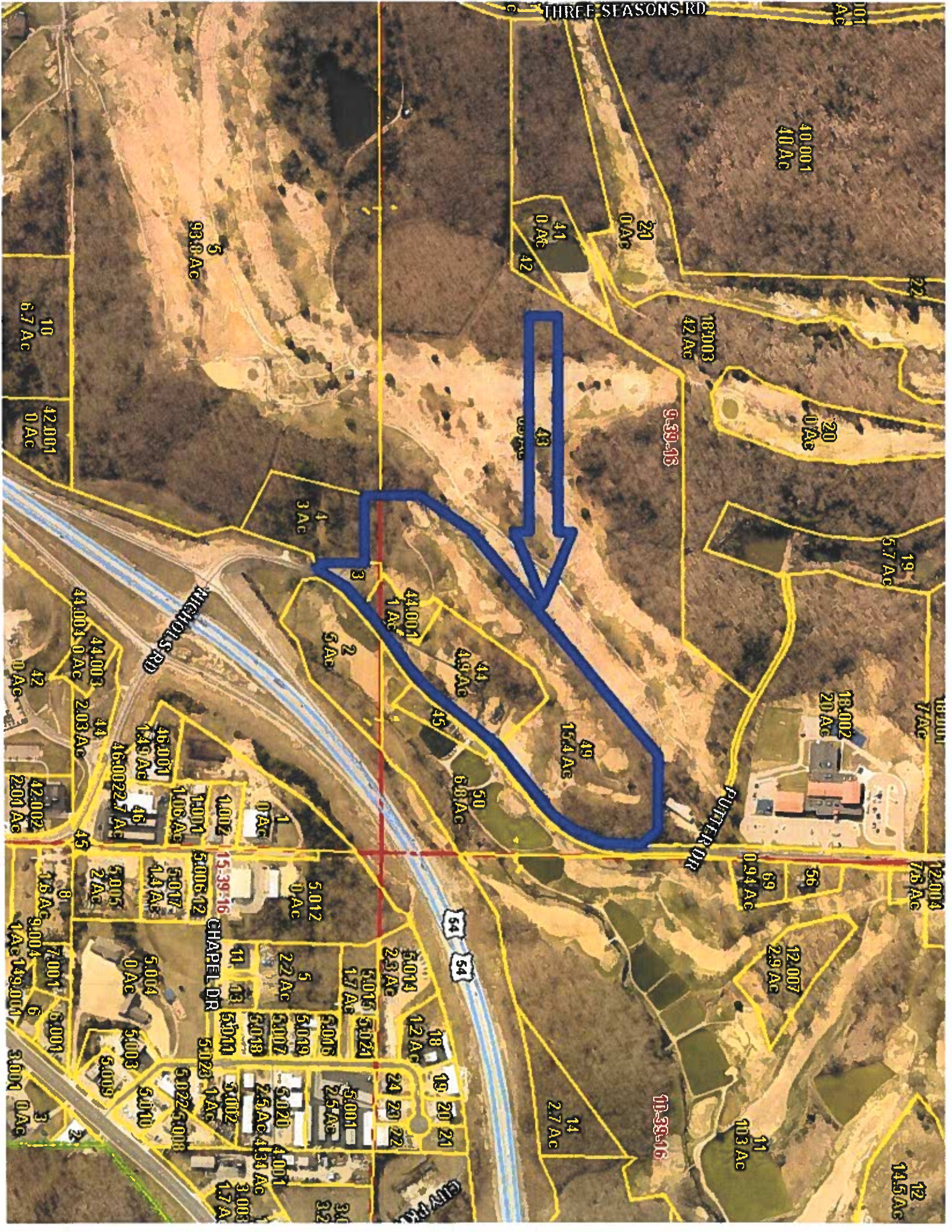
Byrne Family Holdings, LLC  
2267 Peninsula Court  
Osage Beach, MO 65065  
Book 533, Page 485

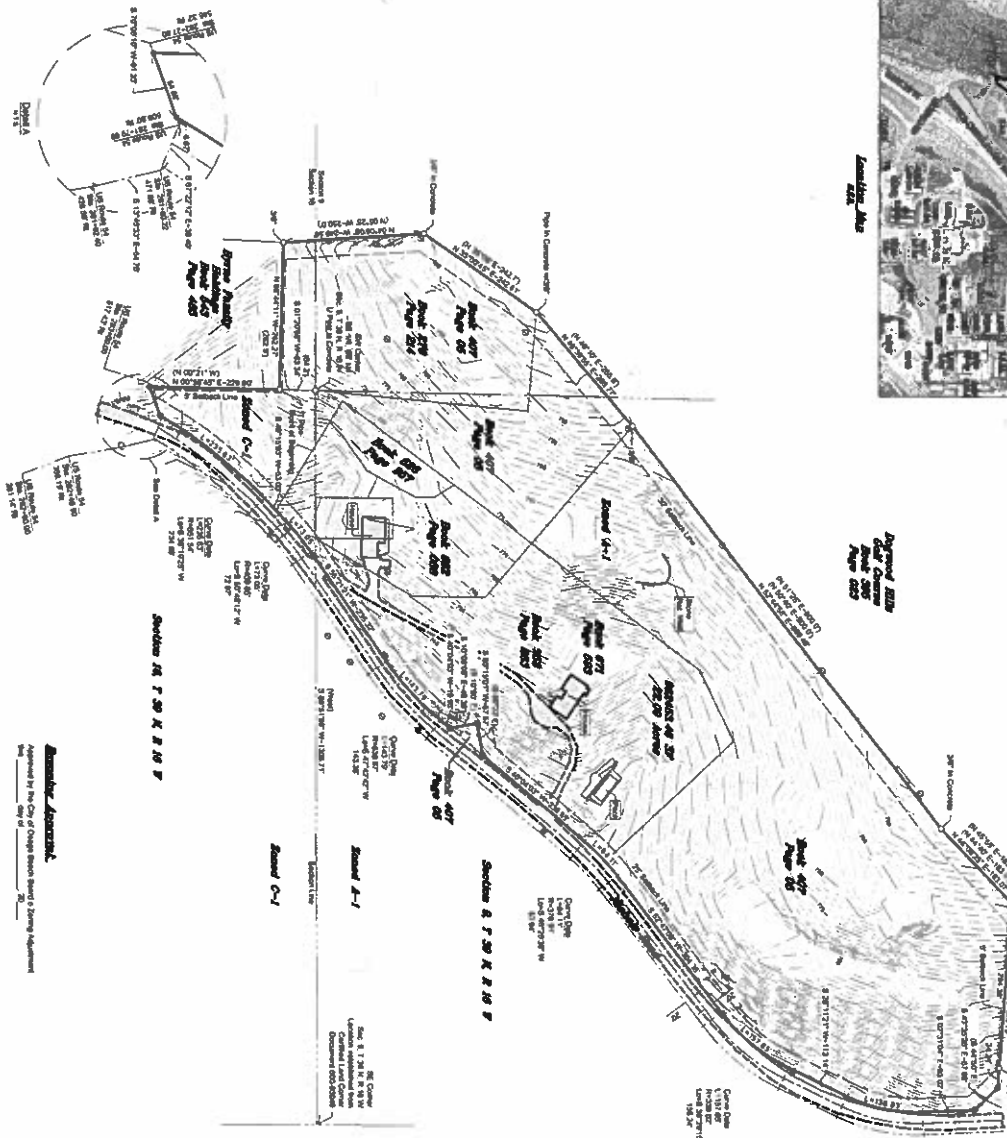
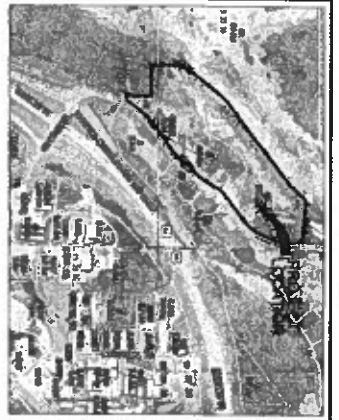
Osage Golf, LP  
1170 Nichols Road  
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Book 407, Pager 05

Kahrs Family Properties, LLC  
1170 Nichols Road  
Osage Beach, MO 65065  
Book 758, Pager 283

Camdenton Reorganized School District R-III  
PO Box 1409  
Camdenton, MO 65020  
Book 746, Page 101

\*Book and Page Numbers refer to the Records of Camden County, MO





Approved by the City of Camden Board of Planning and Zoning Ordinance on 08/11/2015.

**PLAT FOR REZONING**  
**PART OF THE SE 1/4**  
**SEC. 9, T 39 N, R 16 W**  
**& PART OF THE NE 1/4**  
**SEC. 16, T 39 N, R 16 W**  
**CAMDEN CO., MO**

Original Boundary = C-1 & A-1  
Revised Boundary = B-3

Project 1st - 32'  
Project 2nd - 50'  
Public Right - 5'



**LEGAL DESCRIPTION**

A tract of land situated in and being a part of the SE 1/4 of Section 9, and the NE 1/4 of Section 16, T 39 N, R 16 W, of the 1st Meridian, Missouri State, being the same as the land described in the plat of 'Original Boundary' of said section, as shown on the attached map, and being the same as the land described in the plat of 'Original Boundary' of said section, as shown on the attached map, and being the same as the land described in the plat of 'Original Boundary' of said section, as shown on the attached map...

**LEGEND**

- Original Boundary
- Revised Boundary
- Project 1st - 32'
- Project 2nd - 50'
- Public Right - 5'

Professional seal of the Missouri State Surveyor General, with the text 'I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the foregoing plat is a true and correct representation of the actual field work done by me or under my supervision, and that I am a member in good standing of the Missouri State Surveyors Association. Witness my hand and the seal of said office this 1st day of August, 2015. Surveyor General, Missouri State'.

**SHORELINE SURVEYING & ENGINEERING**  
3048 Hwy 52 Elson, MO 65026  
PH: (573) 362-5312

1 of 1

10/21/2015

1:1000

10/21/2015

10/21/2015