



**CITY OF OSAGE BEACH
PLANNING COMMISSION**

1000 City Parkway
Osage Beach, MO 65065
573-302-2000
www.osagebeach.org

AGENDA

Regular Meeting

**August 11, 2020 - 6:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE July 14, 2020 REGULAR MEETING
4. NEW BUSINESS
 - A) Rezoning Case 407:
Kaiser Investment Partnership and Randall Kent
C-1 (General Commercial) to I-1 (Light Industry)
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

July 14, 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 July 14, 2020 at 6:00 pm at City Hall and stated if anyone can't hear, please let us know. If anyone would like to speak, please sign in now at the sign in sheet by the microphone.

Roll Call

The following Commissioners were present: Mayor John Olivarri, Alderman Richard Ross, Chairman Susan Ebling, Nancy Viselli, Michelle Myler, Tony Kirn and Kellie Schuman. Absent was Don Chisholm and Alan Blair. Also present: City Planner Cary Patterson, Planning Commission Secretary Pam Campbell, David Van Leer representing Cochran Engineering and City Attorney, Ed Rucker.

Minutes - 6-9-2020 and 6-25-2020

Chairman Ebling asked if there were any corrections or comments regarding the June 9, 2020 regular meeting minutes and the June 25, 2020 special meeting minutes. Mayor Olivarri stated there is a correction to the June 9, 2020 minutes, Don Sturn's no vote regarding Rezoning Case 406: Arapaho, LLC C-1/C-1B to E-3 Overlay was omitted. *Michelle Myler made a motion to approve the June 9th, 2020 minutes as amended and the June 25, 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 amendment 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 406 Arapaho, LLC, and asked for comments from the staff on this request.

Planner Patterson stated the terms are consistent with the previous request, no change and he and Ed Rucker, the City Attorney are here to answer any questions and will turn this back to the Commission.

Chairman Ebling asked the applicant if he wished to speak.

Andy Prewitt stepped up and said he would like to address some previous issues brought up that they were not being good neighbors and stated:

- Always try to keep things clean and the trash picked up
- Donated over \$37,500 to charitable events
- Have 150 letters in support with 66 being Osage Beach residents
- The independent traffic study indicated it could handle the additional vehicles on Sunset Drive
- Gary and I met with neighbors on Sunset with 14 showing up and a majority are second homeowners
- Signs will be put on the docks regarding loud music
- Trees will buffer and reduce the sound of the amphitheater
- Concerts will be limited to 12 per year
- This will drive tourism
- They will pay half the cost of the wake break, even though they are at the back of the cove
- The last three years, have had over 120 employees
- Have paid over \$1 million in taxes
- The amphitheater will bring more people, more jobs and more sales tax

Andy stated he would be happy to answer any questions.

Tony Kirn asked Andy about funding the cove cost.

Andy replied they will pay half the wake break and the cost is determined by Ameren.

Chairman Ebling asked if there were any other questions and stated this is a public hearing and if you signed in to please come up and limit your comments to five minutes.

Mike Blaine stepped up and stated he lives on Sunset and questioned the parking lot on Sunset and if the police department would be doing traffic control on days of events and if the parking lot would be open only when the amphitheater has events.

Planner Patterson stated the parking lot could be gated but it's not required.

Mike Blaine asked if that is part of the plan, for it to be an open lot.

Planner Patterson replied this is not part of the request.

Mike Blaine stated that this should go to the Board of Aldermen for a decision.

Dusty Jewell stepped up and stated he is a manager at Backwater Jack's and would like to

address some concerns brought up at the last meeting. He stated they have done things from an environmental standpoint such as biodegradable to-go boxes and straws, the sound from music will be muffled from the trees, they have sound dampening technology decibel readers, they have sound control over the bands, the police department has only pulled over two boats leaving the cove, signage will be put up asking people to be more responsible, the city will flourish, this will stimulate the local businesses, there will be Spring to Fall concerts that will be spread out and will help Osage Beach thrive. He stated he will answer any questions.

Susan Daly stepped up and asked if this was a zoom meeting

Mayor Olivarri stated no.

Susan Daly asked if the police will be present to direct traffic.

Planner Patterson said only at events themselves or large events such as July 4th that are on a larger scale. The issue on Memorial Day on Beach Drive was the overflow of people that has never happened before but probably with the COVID issue, more people were here.

Susan Daly brought up other concerns such as traffic, guns being brought into the community, the adjacent people weren't notified by certified letters, the leaves and foliage will be off the trees for no sound barrier and said this issue needs to go to the Board of Alderman for a decision.

Chairman Ebling asked if there was anyone else who would like to speak and if there were any comments from a legal standpoint.

City Attorney, Ed Rucker, stated the file is complete and ready for a decision and this Commission only makes recommendations to the Board of Aldermen.

Chairman Ebling said this is now closed for public comments and asked for a motion.

Commissioner Kellie Schuman made a motion to approve Rezoning Case 406: Arapaho, LLC, C-1/C-1B to E-3 Overlay and Nancy Viselli seconded the motion. A roll call vote was taken as follows:

*Mayor Olivarri - yes
Alderman Richard Ross - yes
Chairman Susan Ebling - yes
Nancy Viselli - yes
Michelle Myler - no
Tony Kirn - no
Kellie Schuman - yes*

Pam Campbell stated there were 5 yes and 2 no votes.

Planner Patterson stated this case will be forwarded to the Board of Aldermen at the first meeting in August.

Adjourn

Chairman Ebling adjourned the meeting at 6:33 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 July 14, 2020.

Pam Campbell, Planning Commission Secretary

Nancy Viselli, Secretary

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	August 11, 2020	Case Number:	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

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

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

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

Utilities

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

RECEIVED
JUL 15 2020
CITY CLERK



Date Received: 7/15/2020
Case #: 407

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Kaiser Investment Partnership and Randall Kent Phone: 573-348-3157
Address: 4427 Osage Beach Parkway, A100 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:

Randall Kent 877-601-2628, 415 Kaiser Industrial Park, Kaiser, MO 65047

John E. Curran 573-348-3157, 4427 Osage Beach Parkway, Suite A100, Osage Beach, MO 65065

2. Name of landowner's representative, if different from above: John E. Curran Phone: 573-348-3157
Address: 4427 Osage Beach Parkway, A100 City: Osage Beach State MO Zip: 65065

3. All correspondence relative to this application should be directed to whom? John E. Curran
Address: 4427 Osage Beach Parkway, A100 City: Osage Beach State MO Zip: 65065

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):
Address: Adjacent to 511 State Hwy 42 City: Osage Beach State MO Zip: 65065

Vacant ground has no street address at this time.

5. Do you have a specific use proposed for this property? Yes No
Explain all uses: Retail sales and manufacturing of boat covers.

6. Area of property in square feet or acres: 2.8 acres

7. Current zoning classification: C-1

8. Sources of utilities: Water: Osage Beach Gas: NA
Sewer: Osage Beach Electric: Ameren

9. Proposed zoning classification: I-1

10. How long have you owned this property? More than 20 years by Kaiser Investment Partnership

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

12. Current use of all property adjacent to subject property:
North: Light Manufacturing
South: Not in City East: Vacant Ground West: Light Manufacturing

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:

The property to the North and West is zoned I-1 and is used for light manufacturing.

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.

It will not 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?

It will not 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):

It will allow the better use of currently vacant ground, and will align its zoning with adjacent property.

Notary Information

State of Missouri }
County of Camden }

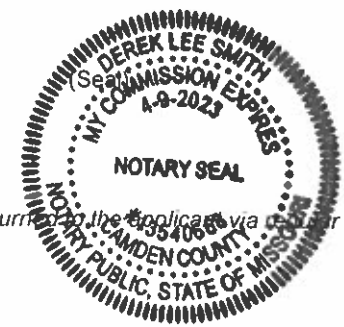
Kaiser Investment Partnership by *John E. Curran, Manager* owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Kaiser Investment Partnership
Signature Owner/Applicant: *[Signature]* Date: *7-14-20*

Subscribed and sworn to before me on this *14th* day of *July*, 20 *20*

Derek Lee Smith
Notary Public:
4/9/2023
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 certified mail

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

CURRAN & ASSOCIATES

ATTORNEYS AT LAW

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Derek L. Smith

Telephone: (573) 348-3157

Telephone: (800) 363-0013

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dsmith@jecurranpc.com

2020-July-14

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

RE: Rezoning Request

To the Osage Beach Planning Commission:

Enclosed please find:

1. Application to Rezone;
2. Legal Description of Tract to be Rezoned;
3. List of Adjacent Property Owners;
4. GIS Map showing adjacent Property Owners; and
5. Survey Plat showing Tract to be Rezoned (highlighted in yellow).

I represent Kaiser Investment Partnership (the "Partnership") and Randy Kent ("Kent") regarding their Rezoning Application to rezone a parcel of land in Osage Beach, Missouri from C-1 to I-1. Such parcel of land is more particularly described in the enclosed Legal Description of Tract to be Rezoned (the "Property").

Kent is in the process of purchasing the Property from the Partnership, and both are making this application to rezone the Property.

The property owners desire to develop the currently vacant land into a facility for the manufacture and retail sales of boat covers as well as the retail sales of boats and other marina merchandise.

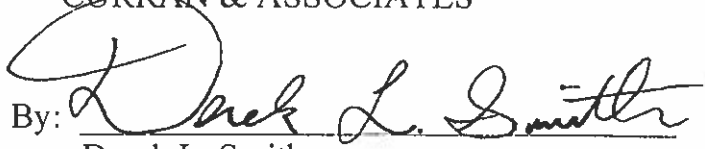
There are no projected issues with the requested rezoning from the surrounding property owners, and some adjacent properties are already zoned I-1.

Enclosed with this letter is a list of the adjacent property owners within 185 feet of the Property along with mailing addresses as set forth in the records of Miller County, Missouri.

If you need any additional information for the application to rezone the Property, please contact me at dsmith@jecurranpc.com.

Very truly yours,

CURRAN & ASSOCIATES

By: 
Derek L. Smith



NORTH

**Rezoning Case
407 Location Map**



