

# NOTICE OF MEETING AND PLANNING COMMISSION AGENDA



## CITY OF OSAGE BEACH PLANNING COMMISSION MEETING

1000 City Parkway  
Osage Beach, MO 65065  
573.302.2000  
[www.osagebeach.org](http://www.osagebeach.org)

### TENTATIVE AGENDA

### REGULAR MEETING

June 9, 2026 - 5:30 PM  
CITY HALL

**\*\* Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at [www.osagebeach.org](http://www.osagebeach.org).

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### APPROVAL OF MINUTES

- ▶ Minutes of Planning Commission meeting April 14, 2026

#### NEW BUSINESS

- A. Motion to approve the addition to Article VI Additional Zoning District Regulations; Article VI-B Data Center and Colocation Facilities; Section 405.587: Data Center and Colocation Facilities.

#### REPORTS

## ADJOURN

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Remote viewing link:

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 x 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 forty-eight (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  
April 14, 2026

**CALL TO ORDER**

Commissioner Ebling called the Planning Commission of the City of Osage Beach, Missouri to order at the regular meeting on April 14, 2026, at 5:30 pm at City Hall.

**ROLL CALL**

The following Commissioners were present:

Chairman Susan Ebling,

Mayor Michael Harmison

Tony Stuart

Alan Blair

Angie Schuster

Luke Hagedorn

Chad Kautz - **Absent**

Bill Mackay

Alderman Bob O'Steen - **Absent**

Chad Carlson

**APPROVAL OF MINUTES**

Commissioner Hagedorn made a motion to approve minutes from March 10, 2026. This motion was seconded by Commissioner Mackay. Motion passes unanimously with a voice vote.

**NEW BUSINESS**

**Motion to approve the Special Use Permit Case 418: GT Interests LLC is Requesting a SUP to construct a residential development in a Commercial Zone**

**Applicant:** GT Interests LLC.

**Location:** Subject property is located on the northwest corner of Highway 42 and Norwood Road.

**Petition:** Special Use Permit to allow residential development in a Commercial District.

**Existing Use:** Vacant commercial property.

**Zoning:** C-1 (General Commercial)

**Tract Size:** 5.8 acres

**Surrounding Zoning: Surrounding Land Use:**

**North:** C-1 (General Commercial) Funeral Facility

**South:** C-1 (General Commercial) Highway 42 Commercial Corridor

**East:** N/A Industrial unincorporated

Miller County

**West:** I-1 (Light Industry)N/A Highway 42 Commercial Corridor

**The Osage Beach Comprehensive Plan**

**Designates this area as appropriate for:** Commercial

**Rezoning History Case # Date**

None

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

**Access:** Property will be accessed via Highway 42 and Norwood Road

**Analysis:**

1. The applicant is the owner of the property in question.
2. The character of the area is mixed, containing mostly commercial and industrial uses.
3. The request is for a Special Use Permit to develop a rental residential use on the property that would include triplex type facilities. To accomplish this, the development will be regulated with the use and construction requirements established for the R-3 (Multi-Family) Zoning District.
4. The development will contain a maximum of fifty total units, constructed on one, 5.8-acre, parcel of land. The homes will be rental units that will not be able to be sold separately because they will not be on individual lots. They will have a common parking lot facility similar to an apartment complex. A concept drawing has been included for the purposes of showing the ideology of the request, but a complete, engineered site development plan will be required, prior to construction beginning, if the request is approved.

**Department Comments:**

The Comprehensive Plan recommends this property be used for commercial development. It is, however, worth considering a high density residential rental development, such as this, on these types of second-tier properties from the Highway 42 commercial corridor. The accessibility and visibility of the property does not lend to high traffic commercial development, while allowing the development of rental dwellings can provide a use that works well with the surrounding uses. I believe this proposal can be a benefit to the community and the property owner.

In a situation such as this, where the subject property is zoned commercial, I typically recommend going the route of the Special Use Permit as opposed to a straight rezone of the property. In situations like this, once the developers and their team get into the diligence and design phase of the project, it is not uncommon to find that the costs of development become cumbersome causing the property owner to reverse course. With commercial property, if that were to happen, it is better for the property owner and the City to have maintained the commercial zoning so that other opportunities for development can be reviewed.

**With that in mind, the Planning Department recommends approval of this request for a Special Use Permit with the following regulations and requirements:**

**Permitted Uses:**

Residential Uses shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

A maximum of fifty separate units will be allowed to be constructed per the required "Final Development Plan".

There will be a thirty-day minimum requirement for all rental units.

The units cannot be sold to separate individuals establishing separate ownership of the units. All of the units will be constructed on the common parcel with no dwellings on individual lots.

**Commercial uses can be developed on the subject property until construction begins on the residential uses allowed by this Special Use Permit. If a commercial use is established on any portion of the property, regulated by this Special Use Permit, the Special Use Permit will be deemed discontinued, and the residential uses allowed by this Special Use Permit will not be allowed to be developed without an amendment to the approved Special Use Permit being approved by the Osage Beach Board of Aldermen.**

**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:**

Shall be in conformance with the International Building Code, the use and construction requirements established for the R-3 (Multi-Family) Zoning District, and the approved Final Development Plan.

**Dimensional Requirements:**

Shall be in conformance with the International Building Code and the use and construction requirements established for the R-3 (Multi-Family) Zoning District

**Public Facilities:**

Complete engineering and development plans, for any required public improvements, will be submitted as part of the permitting process. Those plans will be reviewed by a select engineering professional, hired by the City, to assure conformance with the Osage Beach Design Guidelines and the infrastructure shall be constructed as per the approval of the engineer and the City's Public Works Director.

**Access:**

Access shall be derived from approved entrances from Highway 42 and Norwood Road.

**Parking:**

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

**Buffering and Screening:**

Shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

**Exterior Lighting:**

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 arranged and shielded 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 complete, engineered Final Development Plan shall be prepared by a professional engineer and submitted for the City's review. This plan will meet all requirements needed for permitting the site development and construction of the complete project.

Commissioner Blair made a motion to approve the Special Use Permit Case# 418. This motion was seconded by Mayor Michael Harmison. All those in favor vote "Ayes". "Nays" none. Motion passes unanimously.

**Motion to approve Rezoning Case 428: Grand Teton Mountain LLC and Jessica Prewitt are requesting a rezoning of a tract of land from R-3 and C-1 to C-1 with an E3 Overlay.**

**Applicant:** Grand Teton Mountain Investments, LLC & Jessica Prewitt

**Location:** 2000' from Osage Beach Pkwy on Sunset Dr.

(Best way to view the property is from Backwater Jacks Parking Lot)

**Petition:** Rezoning from R-3 (Multi Family) and C-1 (General Commercial) to C-1 (General Commercial) with an amended E-3 Overlay to include a hotel in addition to the permitted uses and requirements in E Overla 417

**Existing Use:** Vacant

**Existing Zoning:** R-3 (multi-family) and C-1 (General Commercial) with an E-3 Overlay for an Amphitheatre and accessory uses.

**Tract Size:** Approximately 4.85 acres

**Surrounding Zoning: Surrounding Land Use:**

**North:** A-1 Vacant

**South:** C-1 and R-3 Lake Front Restaurant and Entertainment Venue

**East:** A-1 Vacant

**West:** C-1 General Commercial Restaurant Use

**The Osage Beach Comprehensive Plan**

**Designates this area as appropriate for:** Moderate Density Residential

**Rezoning History Date**

399 A-1 to C-1b 9/17

406 C-1b to C-1 E-3 7/20

417 Amended E-3 3/22

**Date:** April 14, 2026 **Case Number:** 428

**Utilities**

**Water:** City **Gas:** Summit Gas

**Electricity:** Ameren UE **Sewer:** City

**Access:** Property derives access via Beach Drive

**Analysis:**

1. The applicants are the owners of the 4.85-acre parcel in question. They are asking to rezone a portion of the property from R-3 Multi-Family and C-1 (General Commercial) to C-1 with the expansion of the existing E-3 overlay to make a proposed hotel part of the existing Overlay District. This will require the hotel to meet the regulations of the Overlay District pertaining to impact on properties outside the Overlay District. The hotel itself will become part of the sound buffer from adjacent properties and will not itself be a noise-receiving problem, as it will be part of the district.

2. As part of the growth of the property and the intensity of the uses that were proposed, the City required Beach Drive to be rebuilt to the level of commercial collector to handle current and future development and the increased traffic they will cause. The reconstruction/relocation of Beach Drive has been completed and will have no problem handling the traffic from the proposed hotel.

**Department Comments and Recommendation:**

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is mixed, with the vast majority of the adjacent properties being undeveloped with a mixture of Commercial, Residential, and Agricultural zones. It is no surprise that this area continues to show a pattern of growth with a good amount of developable property, good accessibility, and a blossoming entertainment venue to act as the primary draw in close proximity.

In this situation, we have a hotel facility that wants to take advantage of the activity provided by the primary uses within the Overlay District. Adding the proposed hotel to the overlay district will exempt it from the noise requirements within the district that are present to protect the surrounding properties.

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. This would allow more than 200 residential units to be built on the property if it were doable. The issue with this property and it ultimately being used for residential purposes, is twofold. The first issue is developmental constraints from both topography and accessibility. Second is its relative location to Backwater Jacks. These issues make this property excessively difficult to establish single- or two-family homes because of relative cost and salability.

With the subject property being surrounded largely by undeveloped agriculture, commercial, or high-density multi-family zoned property, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

**Permitted Uses:** The proposed hotel in addition to the established uses permitted by E Overlay 417.

**Construction Requirements:** All construction will be in conformance with the codes that are adopted by the city at the time that a Building Permit is requested for any portion of the development that a permit is required.

**Parking:** Will be required to meet the City Code governing off street parking for such a use. The appropriate number will be reached using land-based parking lot spaces only.

There will be no parking allowed along the roadways of Beach Drive or Sunset Drive. Any vehicles found parked in these locations will be subject to tow.

**Facility access, ingress, and egress:** The proposed hotel facility will derive access from Beach Drive

**Signage:** Signage for the proposed hotel will be required to meet all regulations established for signage by Article five of the Osage Beach Municipal Code.

**Sound Control Requirements:**

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

Instrumentation used in making sound level measurements shall meet the following requirements as specified in Section 220.040 of Chapter 220.

**Sound control regulations, established for this E-3 Overlay District, and by Chapter 220 will only apply to property and uses outside of the E-3 Overlay District that are impacted by the uses within the Overlay District.**

**Maximum permissible sound levels by receiving land use.**

Maximum sustained sound. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below: **SOUND LEVELS BY RECEIVING LAND USE**

<b>Receiving Land Use Category</b>	<b>Time</b>	<b>Sound Level Limit (DBA)</b>
Residential	7:00 A.M. — 10:00 P.M.	60
	10:00 P.M. — 7:00 A.M.	55
Commercial	7:00 A.M. — 10:00 P.M.	65
	10:00 P.M. — 7:00 A.M.	60
Manufacturing, Industrial or Agricultural	At all times	75

Commissioner Schuster made a motion to approve the Rezoning Case #428. This motion was seconded by Mayor Michael Harmison. All those in favor vote “Ayes “. “Nays” none. Motion passes unanimously.

Motion to approve Rezoning Case 429: PKM LLC & OCP LLC are requesting a rezoning of a tract of land from C-1b and C-1.

**Applicant:** PKM, LLC & Ozark Capital Partners LLC.

**Location:** +/- 230 feet north of the Jefferies Road Interchange on the west side of Jefferies Road.

**Petition:** Rezoning from C-1b (Commercial Lodging) to C-1 (General Commercial)

**Existing Use:** Vacant/existing house to be removed

**Existing Zoning:** C-1b (General Commercial)

**Tract Size:** 2.5 acres

**Surrounding Zoning: Surrounding Land Use:**

**North:** C-1 General Commercial Vacant Commercial

**South:** C-1 General Commercial Vacant Commercial

**East:** C-1 General Commercial the Oasis/Marriott Hotel

**West:** C-1b Commercial Lodging Vacant/lake front homes

**The Osage Beach Comprehensive Plan**

**Designates this area as appropriate for:** High Density Residential

**Rezoning History Date**

Rezoning Case 178 1/97

**Utilities**

**Water:** City **Gas:** Summit Gas

**Electricity:** Ameren UE **Sewer:** City

**Access:** Property derives access via Jefferies Road

**Analysis:**

1. The applicant is the owner of the 2.5-acre parcel in question. The parcel is currently zoned C-1b. It was zoned C-1b with the initial zoning of the community in the early 1980’s. In 1997, a portion of the property included in this request was presented for a change in zoning to C-1 (General Commercial). That request failed at that time based on input from the surrounding property owners. Since that time, conditions have changed in proximity of the subject property.

2. The subject property now finds itself directly across Jefferies Road from the Oasis Amusement Park and Marriott Hotel, it is also approximately 230 feet from the Highway 54 and Jefferies Interchange. Properties in close proximity to the expressway tend to develop in a commercial pattern as lower intensity development is not typically suitable on a property that is highly impacted by the conditions surrounding a major highway. It is also worth noting that Jefferies Road will but upgraded to a commercial collector level street, in the near future, which will also increase its capacity and traffic numbers. Clearly this property finds itself in a much different situation than it was before the construction of the 54 Expressway.

3. Currently the subject property is mostly vacant with the only structure being a house that will be removed at some point in the near future.

**Department Comments and Recommendations:**

The subject property is a tract of land that is in the middle of the most intense development area in the community. Obviously, a tract in this situation is only suitable for a use that matches the intensity of its surroundings. And while the C-1b zoning it currently maintains would allow a hotel, or something similar, to develop on it. The subject property is certainly more suited for a service use that will take advantage of the activity that will take place on the properties that surround it. **With this in mind the Planning Department recommends approval of this request.**

Commissioner Carlson made a motion to approve the Rezoning Case #429. This motion was seconded by Commissioner Blair. Roll Call vote “Ayes” Chairman Susan Ebling, Mayor Michael Harmison, Chad Carlson, Alan Blair, Angie Schuster, Luke Hagedorn, Bill Mackay, Tony Stuart. “Nays” none. Motion passes unanimously.

**Motion to approve Rezoning Case 430: Lakefront Apartments LLC is requesting a rezoning of a tract of land from R-1b to R-3.**

**Applicant:** Lakefront Apartments, LLC.

**Location:** 140 Feet off of Zebra Road on Links Road

**Petition:** Rezone subject property from R-1b (Single-family) to R-3 (Multi-family) with a PUD 1 Overlay to allow 48 apartment style dwelling units on 3.86 acres of land.

**Existing Use:** Vacant single family property

**Zoning:** R-1b (Single-family)

**Tract Size:** 3.86 acres

**Surrounding Zoning: Surrounding Land Use:**

**North:** R-1b (Single Family) Stewart Subdivision

**South:** R-1b/C-1 Osage Beach Pkwy Corridor

**East:** R-1b/C-1 Osage Beach Pkwy Corridor

**West:** R-3 (Multi Family) Lake of the Ozarks

**The Osage Beach Comprehensive Plan**

**Designates this area as appropriate for:** Moderate Density Residential

**Rezoning History Case # Date**

N/A

**Utilities**

**Water:** City **Gas:** Summit

**Electricity:** Ameren UE **Sewer:** City

**Access:** Property derives access from Links Road.

**Analysis:**

1. The applicants are the owners of the 3.86 acres in question. The property is currently zoned R-1b (Single Family).

2. The character of the area is mixed containing Single Family, Multi Family, and some commercial property in relative close proximity to the subject property. This property is clearly in a transition space between the Osage Beach Parkway commercial corridor and the single-family subdivisions that fall beyond.
3. The request is for a rezoning to R-3 (Multi-family) with a PUD 1 Overlay to allow 48 apartment style dwelling units on 3.86 acres of land. The PUD will limit the number of units on the property to 48, which will establish a density of just over 12 units per acre. The Comprehensive Plan calls for moderate density residential for this property. The Comprehensive Plan defines moderate density residential as 6-13 units per acre. The density being requested falls within the range recommended by the Comprehensive Plan.
4. As part of this request, Links Road will be required to be improved to a hard surface roadway, as required for existing local streets, from Zebra Road to the westernmost boundary of the subject property. As part of that, the Links Road Right of Way will need to be extended to the end of the newly developed street. The roadway improvement will need to be completed and approved by the City prior to Certificates of Occupancy being issued for the individual dwellings.

**Department Comments and Recommendations:**

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing mixed-use developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation we have a piece of property that falls in a transition area between high and low intensity uses, which lends it positively toward a use like is being proposed. It also falls within the density recommendations of the Comprehensive Plan.

**With that in mind, the Planning Department recommends approval of this request for R-3 with a PUD 1 Overlay with the following regulations and requirements:**

**Permitted Uses:**

Residential Uses shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

A maximum of 48 apartment style dwelling units will be allowed to be constructed per the required “Final Development Plan”.

There will be a thirty-day minimum requirement for all rental units.

The units cannot be sold to separate individuals establishing separate ownership of the units. All of the units will be constructed on the common parcel with no dwellings on individual lots.

**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:**

Shall be in conformance with the International Building Code, the use and construction requirements established for the R-3 (Multi-Family) Zoning District, and the approved Final Development Plan.

**Dimensional Requirements:**

Shall be in conformance with the International Building Code and the use and construction requirements established for the R-3 (Multi-Family) Zoning District

**Public Facilities:**

Complete engineering and development plans, for any required public improvements, will be submitted as part of the permitting process. Those plans will be reviewed by a select engineering professional, hired by the City, to assure conformance with the Osage Beach Design Guidelines and the infrastructure shall be constructed as per the approval of the engineer and the City’s Public Works Director.

**Access:**

Access shall be derived from approved entrances from Links Road.

Links Road is required to be improved to a hard surface roadway as required for existing local streets. The roadway improvement will need to be completed and approved by the City prior to Certificates of Occupancy being issued for the individual dwellings.

**Parking:**

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

**Buffering and Screening:**

Shall conform to use, and construction requirements established for the R-3 (Multi-Family) Zoning District.

**Exterior Lighting:**

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 arranged and shielded 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 complete, engineered Final Development Plan shall be prepared by a professional engineer and submitted for the City’s review. This plan will meet all requirements needed for permitting the site development and construction of the complete project.

Commissioner Hagedorn made a motion to approve the Rezoning Case #430. This motion was seconded by Commissioner Stuart. All those in favor vote “Ayes “. “Nays” none. Motion passes unanimously.

**REPORTS**

**ADJOURN**

Hagedorn made a motion to adjourn the meeting at 6:33pm. The motion was seconded by Harmison Motion passed unanimously with a voice vote.

I, Kegan Powers/ Deputy 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 April 14, 2026

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Kegan Powers/Deputy City Clerk

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Angie Schuster/Planning Commission Secretary

\*\*All meetings may be viewed on Facebook and YouTube for more details.

**City of Osage Beach**  
**Agenda Item Summary**

**Date of Meeting:** June 9, 2026  
**Originator:** Cary Patterson, City Planner  
**Presenter:** Cary Patterson, City Planner

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**Agenda Item:**

Motion to approve the addition to Article VI Additional Zoning District Regulations; Article VI-B Data Center and Colocation Facilities; Section 405.587: Data Center and Colocation Facilities.

**Requested Action:**

Motion to send a recommendation for approval of the subject ordinance addition to the Board of Aldermen.

**Ordinance Referenced for Action:**

Board of Aldermen approval required for an amendment to the Zoning Code per Municipal Code Chapter 405 Zoning Regulations.

**Deadline for Action:**

Not Applicable

**Budgeted Item:**

Not Applicable

**Budget Line Information (if applicable):**

Not Applicable

**Department Comments and Recommendation:**

See enclosed ordinance.

**City Attorney Comments:**

**City Administrator Comments:**

**PLANNING DEPARTMENT REPORT**  
**TO THE**  
**PLANNING COMMISSION**

**Hearing Date: June 9, 2026**

**Case Number: none**

**Action:                    Addition to Article VI Additional Zoning District Regulations  
Article VI-B Data Center and Colocation Facilities  
Section 405.587:        Data Center and Colocation Facilities.**

**Analysis:**

This is the initial draft document addressing the regulation of Data Center and Colocation Facilities within the Cooperate City Limits of Osage Beach. The regulations were written in answer to the concern shown by the citizens of Osage Beach, pertaining to the possible location of this type of facility within the City.

This ordinance draft was reviewed by the previous City Attorney prior to him leaving at which time he gave the document his approval.

## **Addition to Article VI Additional Zoning District Regulations**

### **Article VI-B Data Center and Colocation Facilities**

#### **Section 405.587: Data Center and Colocation Facilities**

- 1** **“Purpose”**. The Data Center and Colocation Facility 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 Data Center Facilities can successfully provide their intended services to the public while maintaining the standard of life to which citizens and visitors of Osage Beach have become accustomed.
- A. “Data Center Facilities”**. This use will only be permitted in the "I-2" zoning district with the approval of a Special Use Permit, by the Board of Aldermen, after meeting the following minimum requirements:
  1. Properties proposed to contain a **Data Center or Colocation Facility** must be located in the previously established zone, with a Special Use Permit approved by the Board of Aldermen, 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 or contains a previously established residential dwelling. This will also include properties zoned “A-1” that contain a previously established residential use and properties zoned “C-1” that have an established residential dwelling or have been approved for a Special Use Permit for a residential use in a commercial zone.
  2. No Data Center or Colocation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
  3. Noise Mitigation: It shall be unlawful for Data Center or Colocation Facility to make, continue or allow to be made or continued any noise that can be heard within the limits of this City, which when measured from a distance of fifty (50) feet or more that exceeds eighty (80) decibels on an A-weighted scale during the hours of 7:01 A.M. to 10:00 P.M. or that measures seventy (70) decibels during the hours of 10:01 P.M. to 7:00 A.M.

4. **Water Usage:** All proposed Data Center or Colocation Facilities will conduct a Water Study to assess impact on local aquifers and submit the findings to the City for review. Once the findings of the Water Study are agreed upon, the applicant will submit plans for a closed-loop, non-water evaporative cooling system, with the Special Use Permit application, that must accommodate the findings of the required Water Study. The required plans must be reviewed and approved by the City prior to the approval of the required Special Use Permit. This requirement is intended to prevent water waste or contamination. No water or water waste, from the required and approved cooling system, will be discharged into Lake of the Ozarks.
5. **Energy Consumption:** All proposed Data Center or Colocation Facilities will conduct an Energy Usage and Grid Impact Study and submit the findings to the City for review. Once the findings of the Energy Usage and Grid Impact Study are agreed upon, the applicant will submit plans for an Energy Usage System, with the Special Use Permit application, that must accommodate the findings of the required Energy Usage and Grid Impact Study.
6. **Transportation:** All proposed Data Center or Colocation Facilities will conduct a Transportation Impact Study and submit the findings to the City for review. Once the findings of the Transportation Impact Study are agreed upon, the applicant will submit plans for the required transportation infrastructure improvements, with the Special Use Permit application, that must accommodate the findings of the required Transportation Impact Study.
7. **Aesthetics & Siting:** All proposed Data Center or Colocation Facilities will conduct an Aesthetic Impact Study and submit the findings to the City for review. Once the findings of the Aesthetic Impact Study are agreed upon, the applicant will submit plans for an Aesthetics, Lighting, and Landscaping that will assure mitigation of sound, Lighting, and visual impact to surrounding properties, as required by Section 405.587, and will accommodate the findings of the required Aesthetic Impact Study. All setback requirements, landscape requirements, and lighting restrictions, established for each individual facility with the approval of the required Special Use Permit, will be required to be in place prior to operation of the facility being approved by the City.
8. All proposed Data Center or Colocation 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.
9. **Parking For Data Center or Colocation Facilities:** Parking for Data Center or Colocation Facilities will be governed by the provisions of Chapter 405 Article IX “Off Street Parking and Loading Requirements”.
10. **Signage For Data Center or Colocation Facilities:** Signage for Data Center or Colocation Facilities will be governed by the provisions of Chapter 405 Article V “Signs”.

11. Applicants wishing to locate a Data Center or Colocation Facility within the city limits of Osage Beach shall submit a complete site plan illustrating that all requirements set and defined by this chapter will be met by the proposed facility.
12. Sustained compliance with the established requirements of the Special Use Permit will be continuously enforced by the City of Osage Beach while each approved facility maintains operation. 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.
13. Decommissioning Plan: All proposed Data Center or Colocation Facilities shall provide plans, including an Engineer's Estimate for the cost of removal of the facility if it is decommissioned or operation of the facility, as approved, ceases. A performance bond for 125% of the Engineer's Estimate must be submitted prior to any Site Development or Building Permits for the facility will be issued by the City of Osage Beach or other service providing agencies.
14. Additional requirements may be established, for each request for a Data Center or Colocation Facility, by the Planning Commission or Board of Aldermen, depending on location or situation, during the Special Use Permit review and approval process.
15. The City of Osage Beach reserves the right to hire independent professionals that specialize in the disciplines needed to review the studies, plans, and other information required by this section. If the City deems it necessary to hire an independent professional, the applicant will submit a deposit of 125% of the review estimate that will be used to pay for their services.
16. The City of Osage Beach reserves the right to deny any request for a Special Use Permit for a Data Center or Colocation Facility if it is deemed that the impact of the proposed facility is too untenable to the community, its citizens, visitors, or business owners.

#### **Additions to Section 405.020 "Definitions"**

##### **Data Center Facility**

A specialized facility for storing, processing, and transmitting digital data, typically housing servers, cooling systems, and power infrastructure.

##### **Colocation Facility**

A third-party facility where businesses rent space, power, cooling, and physical security to house their own servers and networking hardware.