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

TENTATIVE AGENDA

REGULAR MEETING

May 9, 2023 - 6:00 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.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

A. Motion to approve January 10, 2023 Planning Commission Meeting Minutes

NEW BUSINESS

A. Presentation -Amendment to PUD - Topsider - 1065 Topsider Lane

ADJOURN

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

January 10, 2023

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on January 10, 2023 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Bill Mackay, Alan Blair, Gary Jones, Angie Schuster, Nancy Viselli, Chairman Susan Ebling, Mayor Michael Harmison, Tony Kirn, Alderman Bob O'Steen and Bill Morgan. Also present: City Planner Cary Patterson, and Planning Department Secretary Pam Campbell. The following were absent: Jessica Rozier. and City Attorney Ed Rucker. Note: Angie Schuster arrived at 6:01 after the Roll Call.

Minutes - November 8, 2022

Chairman Susan Ebling asked if there were any corrections or comments regarding the November 8, 2022, regular meeting minutes. There were none. *Nancy Viselli made a motion to approve the November 8, 2022 minutes and Bill Morgan seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Chairman Susan Ebling said the first order of business was Rezoning Case 420, a request by Rusina Hoffman for a recommendation to approve the Rezoning from C-1 General Commercial to I-1 Light Industrial.

Planner Patterson delivered the following report.

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Date:	January 10, 2023	**Case Number:**	**420**

Applicant: Rusina Hoffman

Location: 987 Village Lane

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

Existing Use: Commercial Property

Existing Zoning: C-1 (General Commercial)

Tract Size:	36,004.58 Sq. Ft.	
	Surrounding Zoning:	Surrounding Land Use:
North:	C-1 General Commercial	Bar/ Tavern
South:	C-1 General Commercial	Vacant Commercial Property
East:	C-1 General Commercial	Commercial Multi Use
West:	C-1 General Commercial	Auto Sales

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

Rezoning History Date

Original City zoning adoption

Utilities

Water:	City	Gas:	Private
Electricity:	Ameren	Sewer:	City

Access: Property derives access from Osage Beach Parkway via ingress/egress easement known as Village Lane.

Analysis:

1. The applicant is the owner of the .83-acre parcel in question. The entire parcel is zoned C-1 as it was zoned with the initial zoning of the community in the 1980's.

2. The property is second tier from Osage Beach Parkway within the area between Highway KK and Nichols Road. The corridor contains a mixture of commercial and Industrial uses ranging from retail to the Airport and Hospital.

3. Currently the subject property has one existing structure that serves as the grandfathered, long-time, residence of the applicant. The subject property was once the home of a tow yard that was owned and operated by the owner/applicant and her late husband Don Hoffman.

4. The applicant and family intend to use the existing tow yard and enclosure for a secure boat storage facility. This intended use requires the property be rezoned to I-1 (Light Industry).

5. The Zoning Code addresses uses of this type as appropriate for the I-1 (Light Industrial) zone. The reasoning is that uses of this kind can be both large scale and impact properties differently than other retail or rental uses. Storage of large boats and use of tractors or tow equipment to move them by nature is not suitable to require hard surfacing for parking and drive areas because of the damage that

is imposed when moving it. In these cases, it is more practical to allow gravel surfacing for the storage areas while still requiring hard surfacing for customer and employee parking areas, including those with accessibility needs.

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 Parkway Corridor in this general area, however, has a number of properties that are already zoned I-1 (Light Industry) as can be seen on the enclosed "Surrounding Zoning" map, along with a number of activities that are compatible with the uses allowed within the I-1 zone, such as, the storage facilities, airport, and other boat service and storage facilities. Allowing some flexibility as it pertains to use in this portion of the corridor may also provide some answer to the property use and infill needs to promote business growth and increased traffic in the area. 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 the uses within the C-1 zone along with some light manufacturing and assembly, storage, freight, laundry mats etc. This particular property was the location of a tow yard for much of its time being used within the community. While the use as a tow yard was established prior to the Zoning Code being adopted by the City, if it were to be reestablished today, the subject property would need to be rezoned to I-1 (light Industry) as is being requested currently. Although the comprehensive plan does recommend heavy traffic commercial for the surrounding properties, that designation includes the majority of the uses within the I-1 zone and 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.

Planner Patterson stated Mr. Justin Hoffman was present.

Planner Patterson referred to the map, stating the area outlined in blue was what would be rezoned, but added that there are an additional eight acres not included. He said that acreage has some topographical issues, but could possibly be rezoned later for something like apartments.

Chairman Susan Ebling asked if there were any questions.

Tony Kirn asked if Light Industrial zoning is less tax money for the City.

Planner Patterson stated it was based on use.

There was discussion regarding Commercial and Light Industrial zoning requirements.

Chairman Susan Ebling asked for a motion.

Bob O'Steen made a motion to approve Rezoning Case 420, a request by Rusina Hoffman for a recommendation to approve a Rezoning from C-1 General Commercial to I-1 Light Industrial and Bill Morgan seconded the motion. A roll call vote was taken and the motion was passed unanimously.

Chairman Susan Ebling said the next order of business is a discussion of the proposed addition of Section: 405.586 "Marijuana Facilities" to Chapter 405 "Zoning Regulations" and asked for comments from the staff.

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: January 10, 2023	**Case Number: none**

Action: Addition of 405.586 “Marijuana Facilities” to Chapter 405 “Zoning Regulations.

Analysis:

This is the initial draft document addressing the regulation of Marijuana Facilities within the Corporate City Limits of Osage Beach. The regulations were written in answer to the approval of legalizing adult marijuana use in the State of Missouri as passed by the voters during the election held November 8, 2022.

The City Attorney has not been able to do his complete review of the enclosed regulations and additions at this point, so there may be some further additions or amendments to the enclosed document prior to the meeting. If there are any amendments the City Attorney wants made to the enclosed document, we will get it to you as soon as possible or if necessary, those changes will be presented at the meeting with the necessary information as to why the subject changes are necessary.

Planner Patterson stated the handout given addresses item J in red that the City Attorney added as a prosecuting attorney regarding his ability to enforce.

Gary Jones asked if section A-1 regarding 200 feet from a school or is it 1,000 feet from a school.

Planner Patterson stated it depends on the type of facility. A dispensary is like a liquor store and has the exact same requirements as a liquor store.

Addition to Article VI Additional Zoning District Regulations

Division 3 Marijuana Facilities

Section 405.585: Medical Marijuana Facilities

SECTION 405.586: Marijuana Facilities

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

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

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

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

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

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

1. Properties proposed to contain a Comprehensive Marijuana Cultivation Facility must be located in one of the previously established zones and also meet the following:

    A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
    B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contains a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone

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

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

1. Properties proposed to contain a Comprehensive Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:

    A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
    B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contain a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone.

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

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

1. Properties proposed to contain a Marijuana Testing Facility must be located in the previously established zone and also meet the following:

    A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
    B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned “A-1” that contain a previously established residential use and properties zoned “C-1” that have been approved for a Special Use Permit for a residential use in a commercial zone.

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

E. Parking For Marijuana Facilities. Parking for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article IX “Off Street Parking and Loading Requirements”

F. Signage For Marijuana Facilities. Signage for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article V “Signs”

G. Marijuana Facilities shall not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare.

H. Marijuana Facilities that propose having more than one type of facility on the same property or within the same building, will be required to follow the regulations for the more restricted facility. (For example; as adopted in 2019, a facility containing both a dispensary and cultivation, would be required to locate in the “I-2” zone with the distance requirements for a cultivation facility.)

I. All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.

J. No marijuana facility shall discharge or emit any odor, dust, smoke, gas or other noxious or offensive fume smell or substance.

Additions to Section 405.020 “Definitions”

"Comprehensive Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

"Comprehensive Marijuana Cultivation Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.

"Comprehensive Marijuana Dispensary Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in Article XIV, Section 2.6(5) of the Missouri State Constitution, or to a consumer, anywhere on the licensed property or to any address as directed by the patient. primary caregiver or consumer and consistent with the limitations of Article XIV, Section 2.6(5) of the Missouri State Constitution, and as otherwise allowed by law to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana but shall collect all appropriate tangible personal property sales tax for each sale as set forth in Article XIV, Section 2.6(5) of the Missouri State Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

"Comprehensive Marijuana-Infused Products Manufacturing Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

"Entity" means a natural person, corporation, professional corporation, nonprofit corporation. cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

"Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

"Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower. buds, and/or plant material, and (3) a concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

"Marijuana" or "marihuana" means Cannabis indica, Cannabis saliva, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp, as defined by Missouri statute, or commodities and products manufactured from industrial hemp.

"Marijuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Marijuana Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility. marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to this section but shall not include a medical facility licensed under Article XIV of the Missouri State Constitution.

"Marijuana-Infused Products" means products that are infused. dipped, coated, sprayed. or mixed with marijuana or an extract thereof. including, but not limited to. products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

"Marijuana Microbusiness Facility" means a facility licensed by the Missouri Department of Health and Senior Services as a microbusiness dispensary facility or microbusiness wholesale facility as defined in Article XIV, Section 2.6(5) of the Missouri State Constitution.

"Microbusiness Dispensary Facility" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in Article XIV, Section 2.6(5) of the Missouri State Constitution to a consumer, qualifying patient (as that term is defined in Article XIV of the Missouri State Constitution), or primary caregiver, as that term is defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV of the Missouri State Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone. or via the internet. including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

"Microbusiness Wholesale Facility" means a facility licensed by the department to acquire, cultivate, process, package. store on site or off site, manufacture. transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness, wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

"Marijuana Testing Facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

"Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

"Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

Additions to Section 405.640 "Off-Street Parking Criteria"

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

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

Additions to Section 405.210 "C-1 General Commercial District"

Comprehensive Marijuana Dispensary Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Dispensary Facilities subject to the use provisions outlined in Section 405.586

Additions to Section 405.240 "I-2 Heavy Industrial District"
Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Infused Products Manufacturing Facilities subject to the use provisions outlined in Section 405.586

Comprehensive Marijuana Testing Facilities subject to the use provisions outlined in Section 405.586

Microbusiness Wholesale Facilities subject to the use provisions outlined in Section 405.586

Additions to Section 405.130 "A-1 General Agricultural District"

Comprehensive Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.586

Chairman Ebling asked for a motion.

Bill Morgan made a motion to approve the Addition of 405.586, "Marijuana Facilities to Chapter 405 "Zoning Regulations" and Mayor Michael Harmison seconded the motion. A roll call vote was taken and the motion was passed unanimously.

Chairman Susan Ebling asked if there were any reports.

Reports

Planner Patterson stated there will be a lot of activity in 2023 and most will require rezoning. There are a lot of exciting things happening this year regarding TIF and CID and Planner Patterson encouraged the Planning Commissioners to participate in those meetings if possible.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:24 pm.

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 January 10, 2023.

Pam Campbell	Nancy Viselli
Planning Department Secretary	Planning Commission Secretary

Date Received: 4-19-23
Case #: ~~ZA~~ 4-21

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Topsider Condominiums, LLC Phone: (573) 216-1974

   Address: P. O. Box 450 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: Stuart Dabbs PO Box 450 Osage Beach - 314-680-0681 Richard Friend PO Box 450 Osage Beach - 573-760-3407 Chris Athring PO Box 450 Osage Beach 573-701-3121 John Lock PO Box 450 Osage Beach 5732161974

2. Name of landowner's representative, if different from above: John Lock Phone: 573-216-1974

   Address: PO Box 450 City: Osage Beach State: MO Zip: 65065

3. All correspondence relative to this application should be directed to whom? John Lock

   Address: P.O. Box 450 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: 1065 Topsider Lane City: Osage Beach State MO Zip: 65065

   NE Corner of HWY 54 Grand Glaize Bridge.

5. Do you have a specific use proposed for this property? ☑ Yes ☐ No

   Explain all uses: Commercial Area: 5-story 72-room hotel with 250-seat restaurant on 87,265 ft² of the property.

   Condominium Area: 5 buildings totaling 147 units on 370,070 ft² of the property.

6. Area of property in square feet or acres: 457,335 ft² or 10.50 acres

7. Current zoning classification: C-1 & C-1b with PUD 1 overlay for the development of condominiums, a hotel & a restaurant

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Natural Gas

   Sewer: City of Osage Beach Electric: Ameren Missouri

9. Proposed zoning classification: None, Amend PUD to increase condominium units from 139 units to 147 units

10. How long have you owned this property? 2 years

11. Current use of property (describe all improvements): Condominiums with future hotel and restaurant

12. Current use of all property adjacent to subject property: North: Residential

    South: US Highway 54 East: Commercial West: Commercial Condominiums

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:

Condominiums exist nearby

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.

The necessary infrastructure improvements have been installed to support the 8 additional units.

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

No problems are foreseen.

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):

The request for 8 additional condominium units will not change the overall scope of the project for mixed-use development. The space necessary for parking and the additional units is available on site without reducing the commercial part of the development.

Notary Information

State of Missouri }
ss
County of Camden }

I [signature], 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: [signature] Date: 4-4-23

Subscribed and sworn to before me on this 4th day of April, 20 23

Notary Public: Melissa Robinson

My Commission Expires: June 18, 2023

Person Accepting this Application:

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

MELISSA ROBINSON
My Commission Expires
June 18, 2023
Camden County
Commission #19999983

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

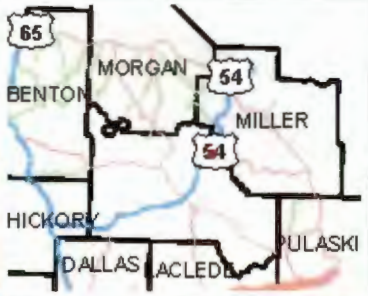
CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX

LEGAL DESCRIPTION

All of Lots 1-8 of Topsider Subdivision, a subdivision of record in the Camden County Recorder's Office Plat Book 170, Page 49.

Subject to United States Highway No. 54, Osage Beach Parkway and to any other rights-of-way, easements or restrictions of record or not.

Camden County, MO



Legend

- Highway
  - Interstate Highway
  - US Highway
  - Numbered State Highway
  - Lettered State Highway
- Road
- Address Point
- Condo Point
- Parcel
- Corporate Limit Line
- Land Hook
  - DASHED LAND HOOK
  - SOLID LAND HOOK
- Original Lot
- Section
- County Boundary

Notes

407.7 0 203.85 407.7 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

LEGAL NOTICE FOR MEETING OF THE PLANNING COMMISSION
AND PUBLIC HEARING BEFORE
BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI
PLANNING DEPARTMENT (573)302-2030

Location of property involved: 1065 Topsider Lane, Osage Beach, MO 65065

Hearing Dates:

Planning Commission – May 9, 2023, at 6:00 pm
Board of Aldermen Public Hearing – June 1, 2023, at 6:00 pm

Location: 1000 City Parkway, Osage Beach, MO 65065

Subject: Amendment to the existing PUD to allow an additional 9 condo units and a hotel restaurant combo facility...

(a) Applicant: Topsiders Condominiums, LLC

(b) Total area involved: 10.50 acres

PROPERTY OWNERS PLEASE NOTE: All persons interested should attend and will be given an opportunity to be heard.

Planning Commission of the
City of Osage Beach, Missouri

By: Tara Berreth
Tara Berreth, City Clerk

Persons needing a special accommodation as addressed by the Americans with Disabilities Act should contact the City Clerk's office at least forty-eight (48) hours in advance of the meeting at 573.302.2000.

PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION

Date:	May 9, 2023	**Case Number:**	**421**

Applicant: Topsider Condominiums, LLC.

Location: Osage Beach Parkway to Topsider Lane

Petition: PUD 1 Overlay amendment to allow 147 condominium units on 8.5 acres and a hotel/restaurant on the remaining 2 acres.

Existing Use: Currently has condo buildings from the original approval occupied with more units under construction.

Zoning: C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

Tract Size: 10.5 acres

	Surrounding Zoning:	**Surrounding Land Use:**
North:	R-1b (Single Family)	Mcfield Subdivision
South:	C-1 (General Commercial)	Osage Beach Pkwy Corridor
East:	C-1 (General Commercial)	Osage Beach Pkwy Corridor
West:	LU (Lake Use)	Lake of the Ozarks

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

Rezoning History	**Case #**	**Date**
N/A		

Utilities

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

Access: Property derives access from Osage Beach Parkway.

Analysis:

1. The applicants are the owners of the 10.5 acres in question. The property is currently zoned C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

2. The applicant is requesting an amendment to the current PUD to allow an additional eight (8) condominium units while combining the restaurant and hotel, required by the original PUD, into a single facility. Combining the restaurant and hotel into one facility will allow them the flexibility to add the needed property to the condominium portion of the development that is required to meet the density requirements for the additional eight units that are being proposed. If amended, the PUD will continue to assure the uses within the development are limited to the subject resort residential and commercial uses and will provide protection for the buyers of the condo units themselves. The PUD will also allow the three uses in the development to share the parking amenities for the overall development which provide the necessary number of spaces for each of the uses.

3. As you can see on the new site development plan, the C-1b (condo development) portion of the development is comprised of 8.5 acres while the C-1 (hotel, restaurant) area consists of the remaining 2.0 acres.

4. The existing entrance into the property will provide access to the development.

5. The character of surrounding development is primarily commercial with the highway commercial corridor. Mcfield subdivision is located to the North, the proposed use should provide them with a less intense use than what has taken place on the subject property in the past.

6. The development will be required to meet the zoning code requirements of the specific zones that each use falls in unless otherwise listed with the PUD permitted uses. All construction is required to meet the Building Codes that have been adopted at the time in which the Building Permit is issued for each specific building. The Osage Beach Design Guidelines will be followed in the design and construction of the developmental services (sewer, water, streets, etc.).

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 an amazing piece of commercially zoned property that was once the home of the Topsider Lakefront Entertainment venue. The Topsider provided the City, its People, and visitors a place to enjoy each other and the activities that make this lake a destination for people from all over our country for nearly 40 years. This piece of property is one of two like it in our community. It has lake frontage, Osage Beach Parkway frontage, and direct access to the Highway 54 Interchange. Obviously, those aspects are hard to come by making this piece very valuable to both the owners and the community.

When the original request was approved back in 2020, it was important to the City to maintain some commercial activity on the subject property so it would have continued income value for the community. At the time, the applicant submitted a plan that had both a restaurant and a hotel, in separate facilities, which required more property for the development and the necessary amenities of those uses. The applicant is now planning to combine the restaurant and hotel uses into one facility giving them slightly more property to devote to increasing the density of the condo development by 7 units to a total of 147 units.

Keep in mind that once this request is approved, the only development that can take place within the PUD District are those that conform to the permitted uses and regulations of the PUD itself. This includes everything from facility construction to infrastructure development.

Keeping in mind the existing conditions of the subject property, a recommendation of Heavy Traffic Commercial for the property by the Comprehensive Plan, I believe the proposed amendment will be a benefit to the developer while still accomplishing the commercial use goals of the community; **the Planning Department recommends approval of this request subject to the following provisions:**

Permitted Uses:

The development as illustrated in the submitted site development plan:

1) 147 condominium units
2) Minimum 72 room hotel facility with a 250-seat restaurant facility within the same structure.

Construction of the hotel and restaurant facilities can vary from the illustrated site plan to accommodate varying design preferences of the ownership provided the use requirements, parking requirements, and all other Building and Zoning Codes can be met.

Any other proposed use that deviates from the uses permitted in the above listed regulatory documents will require an amendment to the approved PUD.

Construction:

Construction shall be in accordance with the Building Codes as adopted by the City of Osage Beach at the time of Building Permit acquisition for each individual facility.

Bulk, Area, and Height Requirements:

Shall be in conformance with the Building Code, the final PUD document, and the Project Development Plan.

Public Facilities:

Engineering plans for water, streets, and sewer improvements will be submitted with the preliminary plat. These plans, including a drainage plan, must be submitted and approved prior to development. Coordination with the City Engineer is required to ensure that all public improvements are sized and designed to accommodate future phases of development and adjacent properties.

1. All required public improvements will be constructed by the applicants or subsequent owner(s). Financial assurances must be provided in conjunction with the preliminary and final plats.
2. Any infrastructure to be dedicated to the City of Osage Beach into any of the public systems must go through the required procedure for acceptance by the City.
3. Any existing Public Rights of Way to be vacated as part of this development must also go through the proper procedure as required by the City Code of Ordinances for the vacation of roads.

Access:

Access shall be derived from Osage Beach Parkway as illustrated in the PUD Site Plan. All street construction or improvements to the existing roads must conform to the city design guidelines.

Parking:

All development shall, at minimum, adhere to Osage Beach off-street parking requirements and the parking requirements as established in the final PUD Document at the time that it is constructed.

Buffering and Screening:

Buffering and screening shall be required as per the Osage Beach Zoning Code for the C-1 (General Commercial) and C-1b (Commercial Lodging) zones.

Exterior Lighting:

1. 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 residential area(s). Additionally, all exterior lighting shall be so arranged and shielded so as to confine all direct light rays within the boundaries of this district.

2. All street lighting proposed shall meet the City's standards for street lighting for the specific designation for each roadway (thoroughfare, collector, local etc.). Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

All signage within the PUD District will be required to meet the city sign code and a permit must be acquired from the city prior to construction or placement of all signage whether it is a development wide or individual facility sign.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a legally constituted property owners association that meets all the legal requirements prescribed by the City Attorney.

Platting:

All development within this PUD must be platted in accordance with Osage Beach Subdivision Regulations. The uses permitted and the intensity of development as prescribed by the approval of this PUD shall not be subject for review during the platting process.

Final Development Plan:

1. A final PUD development plan for the property has been submitted to the Planning Department and is enclosed in your packet. The submitted document is in line with the recommendations within this report and is ready for the Planning Commission to review and make a recommendation to the Board of Aldermen.

2. The preliminary plat and final plats will require complete review and approval as specified in the City of Osage Beach Subdivision Code.

Date Received: 4-19-23
Case #: 4-21

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Topsider Condominiums, LLC Phone: (573) 216-1974

   Address: P. O. Box 450 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: Stuart Dabbs PO Box 450 Osage Beach - 314-680-0681 Richard Friend PO Box 450 Osage Beach - 573-760-3407 Chris Ahring PO Box 450 Osage Beach 573-701-3121 John Lock PO Box 450 Osage Beach 5732161974

2. Name of landowner's representative, if different from above: John Lock Phone: 573-216-1974

   Address: PO Box 450 City: Osage Beach State: MO Zip: 65065

3. All correspondence relative to this application should be directed to whom? John Lock

   Address: P.O. Box 450 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: 1065 Topsider Lane City: Osage Beach State MO Zip: 65065

   NE Corner of HWY 54 Grand Glaize Bridge.

5. Do you have a specific use proposed for this property? ☑ Yes ☐ No

   Explain all uses: Commercial Area: 5-story 72-room hotel with 250-seat restaurant on 87,265 ft² of the property.

   Condominium Area: 5 buildings totaling 147 units on 370,070 ft² of the property.

6. Area of property in square feet or acres: 457,335 ft² or 10.50 acres

7. Current zoning classification: C-1 & C-1b with PUD 1 overlay for the development of condominiums, a hotel & a restaurant

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Natural Gas

   Sewer: City of Osage Beach Electric: Ameren Missouri

9. Proposed zoning classification: None, Amend PUD to increase condominium units from 139 units to 147 units

10. How long have you owned this property? 2 years

11. Current use of property (describe all improvements): Condominiums with future hotel and restaurant

12. Current use of all property adjacent to subject property: North: Residential

    South: US Highway 54 East: Commercial West: Commercial Condominiums

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:

Condominiums exist nearby

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.

The necessary infrastructure improvements have been installed to support the 8 additional units.

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

No problems are foreseen.

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):

The request for 8 additional condominium units will not change the overall scope of the project for mixed-use development. The space necessary for parking and the additional units is available on site without reducing the commercial part of the development.

Notary Information

State of Missouri }
ss
County of Camden }

I, [signature], 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: [signature] Date: 4-4-23

Subscribed and sworn to before me on this 4th day of April, 2023

Melissa Robinson
Notary Public:

June 18, 2023
My Commission Expires:

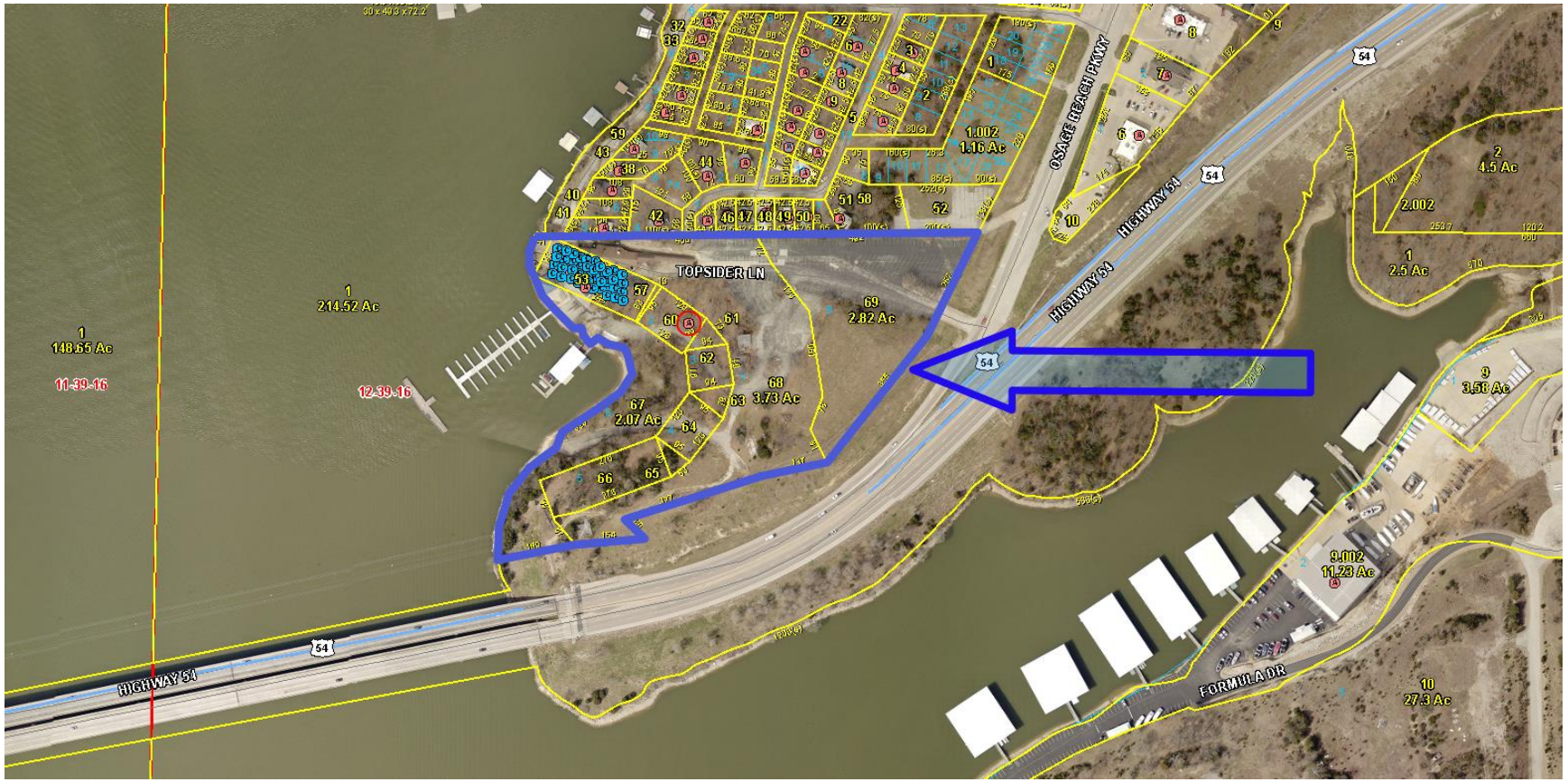
Person Accepting this Application:

NOTARY PUBLIC Seal NOTARY SEAL STATE OF MISSOURI

MELISSA ROBINSON
My Commission Expires
June 18, 2023
Camden County
Commission #19999983

***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

Rezoning Case
421 Location Map

TOPSIDER SUBDIVISION

ZONING DRAWING

Note:

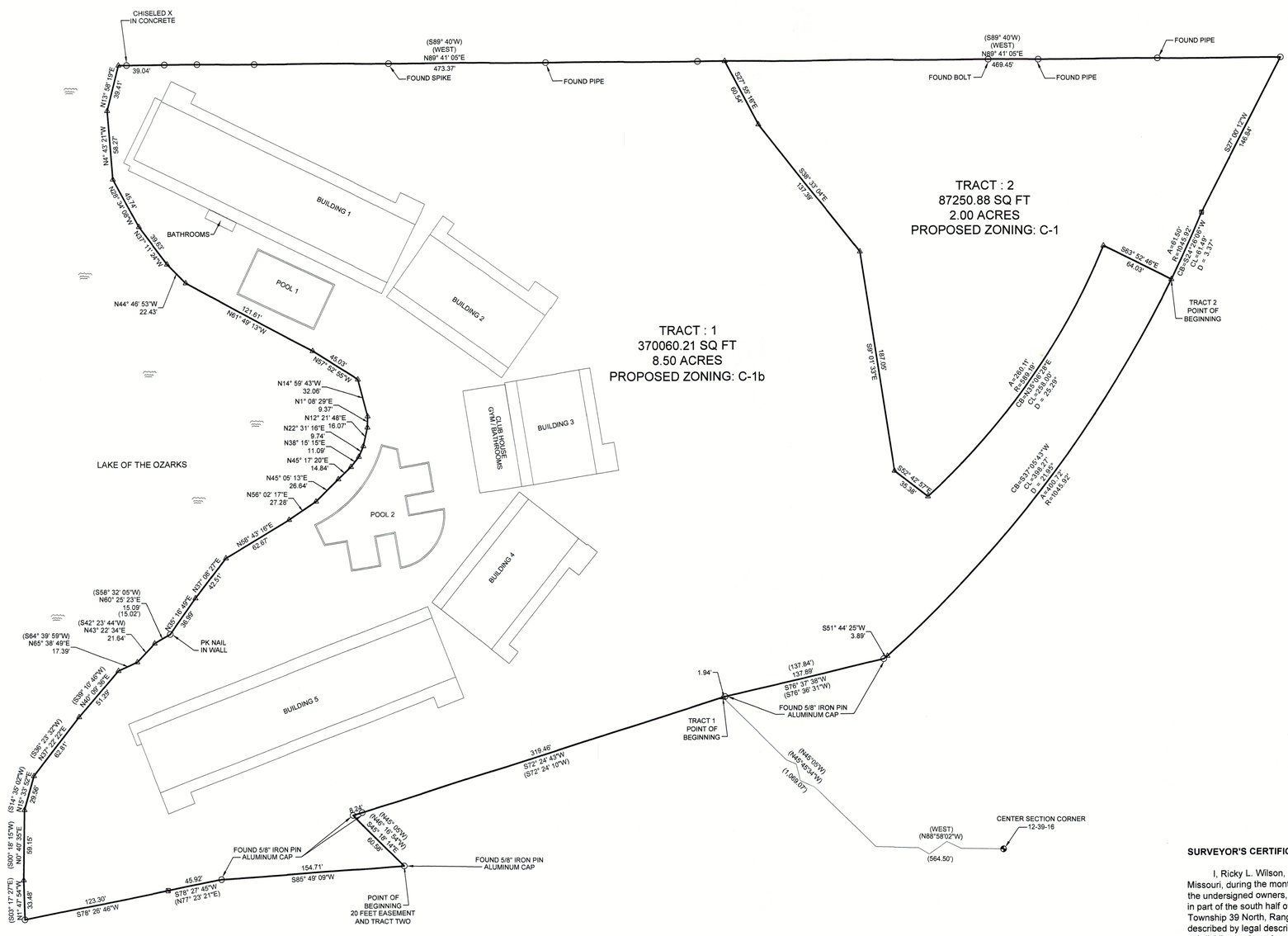
1. *Bearings and Distances in parenthesis are from recorded deed(s) and/or plat(s).*
2. *All monuments set and found are 1/2" Iron Pins, unless otherwise noted.*
3. *Subject to Ameren's Bagnell Dam Pool and Flood Rights.*
4. *Basis of Bearings for this plat is the Missouri State Plane Coordinate System.*
5. *The Boundary of the property surveyed at the request of the owner as described in the Warranty Deed filed in Book 840, Page 907 in the Camden County Recorder's Office.*
6. *This survey drawing has been created for the purposes of zoning.*

LEGEND

Standard symbols that may appear on this drawing

- 2' Contours
- 10' Contours
- Shoreline
- Water Line (W)
- Electric Line (E)
- Sewer Line (S)
- Telephone Line (T)
- Centerline of Road
- R-O-W Line
- Property Line
- Setbacks
- Old Lot Line
- Structures
- Fence Line (X)
- Closure Line
- Treeline
- Found Monument
- Set Monument
- No Found or Set Monument
- Government Corner
- Right-of-way Marker
- Grinder Pump (GP)
- Utility Pole (UP)
- Lift Station (LS)
- Telephone Box (T)
- Sign (S)
- Sewer Valve (SV)
- Manhole (MH)
- Cleanout (CO)
- Tree
- Water Valve (WV)
- Electric Box
- Water Meter (WV)
- Cable TV
- Water Hydrant

Class of Survey: URBAN



0 50 100 150

GRAPHIC SCALE-FEET
SCALE 1" = 50'

LAND DESCRIPTION

All of Lots 1-8 of Topsider Subdivision, a subdivision of record in the Camden County Recorder's Office Plat Book 170, Page 49.

Subject to United States Highway No. 54, Osage Beach Parkway and to any other rights-of-way, easements or restrictions of record or not.

SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of March and April, 2023, by order of the undersigned owners, did survey and plat a tract of land located in part of the south half of the northwest quarter of Section 12, Township 39 North, Range 16 West, Camden County, Missouri, as described by legal description herein, for the purpose of subdividing and naming same in the manner shown hereon. The plat contains all information required by Chapter 448 R.S.MO (Supp. 1983), the Missouri Uniform Condominium Act, except that it is not feasible to include a description of all easements thereon. The survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors.The attached plat is a representation of said survey and resubdivision.

In Witness Whereof, I have hereunder signed and sealed the foregoing this 17 day of April, 2023.

Ricky L Wilson

Ricky L Wilson
MO. REG. NO. L.S. 2638

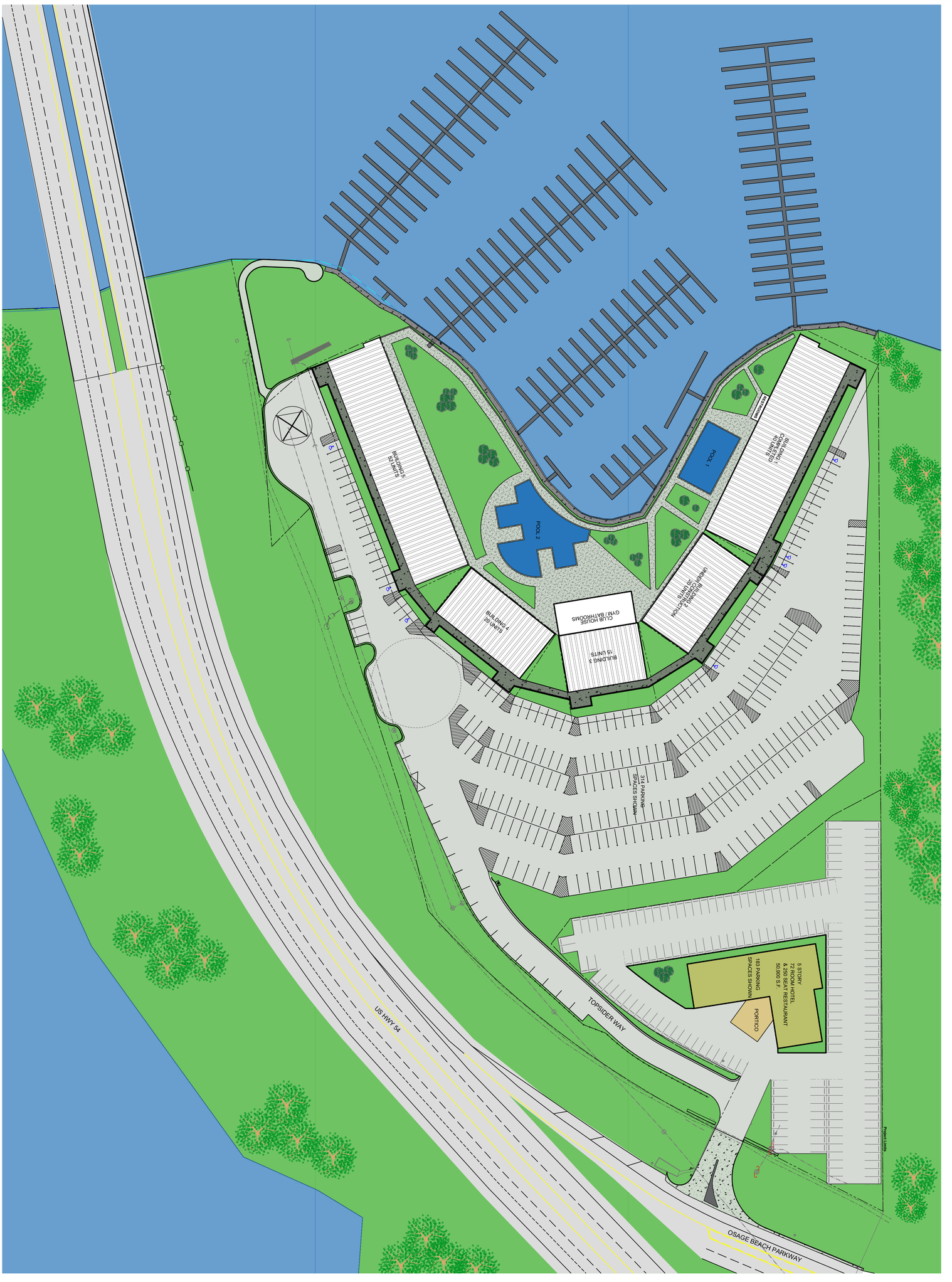
DRAWING DATE:	04/14/2023
REVISIONS:	
DRAWN BY:	LRS
SCALE:	1" = 50'
PROJECT #:	MC 23086
SHEET:	1 OF 2
FIELD BOOK:	M-295 PG 25
MO LSC NO.	2011027104

PART OF THE SOUTH HALF OF NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 16 WEST, CAMDEN COUNTY, MISSOURI

FILE LOCATION: S:\Projects\PROJECTS\TOPSIDER CONDOMINIUMS LLC\23086 AMENDED PLAT\21207 REV 20230309.dwg

MILLER COMPANIES
Engineering • Land Surveying • Environmental Services
P.O. BOX 282, OSAGE BEACH, MO 65065
Eng. (573)348-9799 Surv. (573)348-5552 Fax (573)348-2894
www.themillercos.com

STATE OF MISSOURI LS-2638 RICKY L. WILSON REGISTERED LAND SURVEYOR SEAL



FILE LOCATION: MillerCo_Share\Projects\TOPSIDER CONDOMINIUMS LLC\Topsider Hotel Site Plan 03.29.2023.dwg

SHEET PLAN-01

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www.themillercos.com

Lee R. Schuman
PE-2011400094

Preliminary Not for Construction

SEAL

MO Certificate of Authority No.
E-2011027014

TOPSIDER CONDOMINIUMS
SITE PLAN
OSAGE BEACH, MO 65065

DRAWING DATE: 03/30/2023
REVISIONS:
DRAWN BY: SLB
SCALE: 1" =50'
PROJECT #: 22-265