

# 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

August 13, 2024 - 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](http://www.osagebeach.org).

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### APPROVAL OF MINUTES

- A. Motion to minutes June 11, 2024

#### NEW BUSINESS

- A. Rezoning Case 424 Topsider LLC.

#### 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**

**CALL TO ORDER**

Mayor Harmison called the Planning Commission of the City of Osage Beach, Missouri to order at the regular meeting on June 11, 2024, at 5:52 pm at City Hall.

**ROLL CALL**

The following Commissioners were present: Chad Kautz, Bill Mackey, Mayor Michael Harmison, Alderman Bob O'Steen, Chad Carlson and Tony Stuart. Absent Chairman Susan Ebling and Alan Blair Angie Schuster Bill Morgan.

**APPROVAL OF MINUTES**

***Motion to Minutes - March 12, 2024***

Alderman O'Steen made a motion to approve the minutes from March 12, 2024. This motion was seconded by Commissioner Kautz. This motion passes unanimously.

**NEW BUSINESS**

***Motion to Election President of the Planning Commission***

Alderman O'Steen made a motion to recommend Susan Ebling as President of the Planning Commission. This motion was seconded by Commissioner Kautz. This motion passes unanimously.

***Motion to Election Secretary of the Planning Commission***

Alderman O'Steen made a motion to recommend Angie Schuster as Secretary of the Planning Commission. This motion was seconded by Commissioner Mackay. This motion passes unanimously.

***Motion to recommend to Board of Aldermen approval of Design Guidelines***

Commissioner Carlson made a motion to recommend to the Board of Aldermen to approve the recommended changes to the Design Guidelines. This motion was seconded by Commissioner Stuart. This motion passes unanimously.

**REPORTS**

No

**Adjourn**

Mayor Harmison closed the meeting at 6:50pm.

I, Tara Berreth 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 June 11, 2024.

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Tara Berreth/City Clerk

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Angie Schuster/Planning Commission Secretary

**City of Osage Beach  
Agenda Item Summary**

**Date of Meeting:** August 13, 2024

**Originator:**

**Presenter:**

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**Agenda Item:**

Rezoning Case 424 Topsider LLC.

**Requested Action:**

**Ordinance Referenced for Action:**

**Deadline for Action:**

**Budgeted Item:**

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

**Department Comments and Recommendation:**

**City Attorney Comments:**

**City Administrator Comments:**

**PLANNING DEPARTMENT  
REPORT TO THE  
PLANNING COMMISSION**

<b>Date:</b>	August 13, 2024	<b>Case Number:</b>	424
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**Applicant:** Topsider Condominiums, LLC.

**Location:** Osage Beach Parkway to Topsider Lane

**Petition:** PUD 1 Overlay amendment to allow 146 condominium units on 8.5 acres and a hotel, restaurant, and other approved uses on the remaining 4.28 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:** 12.78 acres

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

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

<b><u>Rezoning History</u></b>	<b><u>Case #</u></b>	<b><u>Date</u></b>
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N/A

**Utilities**

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

**Access:** Property derives access from Osage Beach Parkway.

**Analysis:**

- 1) The applicants are the owners of the 12.78 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 seven (7) condominium units and retaining the restaurant and hotel facilities required by the original PUD. The applicant has purchased an additional 2.28 acres of commercial property that fronts Osage Beach Parkway and has been combined with the current request. The additional property will allow further flexibility in the development of the required hotel and restaurant facilities, and could perhaps allow for further commercial development once the required uses are established, complete, or under construction, and will allow additional access capacity. If amended, the PUD will continue to ensure 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 permitted uses within 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 4.28 acres.
- 4) The existing entrance into the property will provide access to the development while the additional property added to the development could provide some additional 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 has now added the additional 2.28 acres of property which will allow for the increased density of the condo development to a total of 146 units and more than doubling the amount of property reserved for the hotel and sit down restaurant uses.

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:**

**Required Uses:**

The development as illustrated in the submitted site development plan:

- 1) 146 condominium units and accessory uses and structures
- 2) Minimum 60 room hotel facility and accessory uses
- 3) Minimum 150-seat “sit down restaurant facility” as defined below. This facility can be located within the required hotel facility or a stand-alone restaurant facility.

**Sit-down Restaurant:** also known as full-service restaurants or colloquially as "table service" establishments, are food service facilities based on traditional dining experience where patrons are seated at a table and provided service by dedicated waitstaff. In these establishments, meals are typically ordered from a menu or even through online ordering for those preferring to enjoy the same quality at home. These dishes are served course by course and consumed in a relaxed setting, providing a more intimate and leisurely dining experience.

Construction of the hotel and restaurant facilities must be in conformance with all use requirements, parking requirements, and all other Building and Zoning Codes.

**Other Permitted Uses within the C-1 Property:**

Retail sales and service facilities, restaurant, convenience, and entertainment facilities as listed in the E-1, E-2, and E-3 Overlay Zones in Section 405 in the Osage Beach Municipal Code.

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

The required uses, within the PUD District, must be permitted and under construction prior to any construction permits being issued for additional uses or facilities on remaining property within the PUD District.

**Prohibited Uses:**

- 1) Non sales tax producing uses
- 2) Non-profit institutions
- 3) Adult Entertainment or Book Store Establishments
- 4) Banks
- 5) Cellular or other towers which are not approved by the City (this restriction does not apply to tenants' communication devices)
- 6) Church
- 7) Medical Clinic, Urgent Care Clinic, Medical Offices and Dental Offices,
- 8) Hospital
- 9) Day Care Facility (This does not include a daycare facility located within the required Hotel Facility that is for the use of the hotels staff and guests only)

- 10) Grocery Stores
- 11) Home Improvement and Hardware Stores
- 12) Laundromat
- 13) Manufacturing or assembly use
- 14) Pawn shop
- 15) Title loan, check cashing or pay-day loan services
- 16) Storage Facilities
- 17) Auto, Boat, and Similar sales, rental, and service facilities
- 18) Auto Parts Supply Stores
- 19) Fitness Clubs/ Gyms
- 20) Tattoo and Piercing Shops
- 21) Car Wash Facilities

**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 with possible secondary access off McField Road. If street upgrade is required to provide capacity for the development, the developer will be responsible for the design and installation of the required infrastructure. 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 to 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.



**Rezoning Case  
424 Location Map**

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 Bagwell 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 Deeds filed in Book 840, Page 907 & Book 898, Page 494 in the Camden County Recorder's Office.
6. This survey drawing has been created for the purposes of zoning.

TOPSIDER P.U.D.
ZONING DRAWING

P.U.D. BOUNDARY

A Tract of land being all of Lots 9-29 of Block 2 of "Oak-Ridge (Amended)" a subdivision of record in Plat Book 3, Page 28 in the Camden County Recorder's Office and parts of the North and South halves of the Northwest Quarter of Section 12, Township 39 North, Range 16 West, Camden County, Missouri, more particularly described as follows:

"BEGINNING at the northeast corner of Lot 8 of Topsider Subdivision, a subdivision of record in the Camden County Recorder's Office, recorded in Plat Book 170, Page 49, being on the northwestern right-of-way of Osage Beach Parkway, formerly known as US Hwy 54, thence along and with said right-of-way the following eleven (11) bearings and distances: (1) South 27 degrees 00 minutes 12 seconds West 146.84 feet to a right-of-way marker marking the P.C. of a non-tangent curve to the right having a radius of 1045.92 feet; (2) along and with the said right-of-way curve in a southwesterly direction a distance of 61.50 feet to a point on said curve, said curve having a chord bearing and distance of South 24 degrees 25 minutes 06 seconds West 61.49 feet; (3) continuing along said right-of-way curve to the right in a southwesterly direction a distance of 400.72 feet to a point marking the P.T. of the said curve, said curve having a chord bearing and distance of South 37 degrees 05 minutes 43 seconds West 398.27 feet; (4) departing said curve South 51 degrees 44 minutes 25 seconds West a distance of 3.89 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (5) South 76 degrees 37 minutes 38 seconds West (record deed = South 76 degrees 36 minutes 31 seconds West 137.84 feet) a distance of 137.89 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (6) South 72 degrees 24 minutes 43 seconds West a distance of 1.94 feet; (7) South 72 degrees 24 minutes 43 seconds West (record deed = South 72 degrees 24 minutes 10 seconds West) a distance of 327.70 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (8) South 45 degrees 18 minutes 14 seconds East (record deed = North 46 degrees 16 minutes 54 seconds West, North 45 degrees 05 minutes West) a distance of 80.58 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (9) South 85 degrees 49 minutes 09 seconds West a distance of 154.71 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (10) South 78 degrees 27 minutes 45 seconds West (record deed = North 77 degrees 23 minutes 21 seconds East) a distance of 45.92 feet to an existing metal right-of-way marker and (11) South 78 degrees 26 minutes 46 seconds West a distance of 123.30 feet to an existing iron pin located on the 662 contour of the Lake of the Ozarks; thence along and with the said 662 contour the following twenty-six (26) bearings and distances: (1) North 01 degree 47 minutes 54 seconds West (record deed = South 03 degrees 17 minutes 27 seconds East) a distance of 33.48 feet; (2) North 00 degrees 40 minutes 35 seconds East (record deed = South 00 degrees 18 minutes 15 seconds West) a distance of 59.15 feet; (3) North 15 degrees 33 minutes 52 seconds East (record deed = South 14 degrees 35 minutes 02 seconds West) a distance of 29.56 feet; (4) North 37 degrees 22 minutes 22 seconds East (record deed = South 36 degrees 23 minutes 32 seconds West) a distance of 62.81 feet; (5) North 40 degrees 09 minutes 36 seconds East (record deed = South 39 degrees 10 minutes 46 seconds West) a distance of 51.29 feet; (6) North 65 degrees 38 minutes 49 seconds East (record deed = South 64 degrees 39 minutes 59 seconds West) a distance of 17.39 feet; (7) North 43 degrees 22 minutes 34 seconds East (record deed = South 42 degrees 23 minutes 44 seconds West) a distance of 21.64 feet and (8) North 60 degrees 25 minutes 23 seconds East (record deed = South 58 degrees 32 minutes 05 seconds West 15.02 feet) a distance of 15.09 feet to an existing pk nail; (9) North 35 degrees 16 minutes 49 seconds East a distance of 36.99 feet; (10) North 37 degrees 08 minutes 27 seconds East a distance of 42.51 feet; (11) North 58 degrees 43 minutes 16 seconds East a distance of 62.67 feet; (12) North 56 degrees 02 minutes 17 seconds East a distance of 27.28 feet; (13) North 45 degrees 05 minutes 13 seconds East a distance of 26.64 feet; (14) North 45 degrees 17 minutes 20 seconds East a distance of 14.84 feet; (15) North 38 degrees 15 minutes 15 seconds East a distance of 11.09 feet; (16) North 22 degrees 31 minutes 16 seconds East a distance of 16.07 feet; (17) North 12 degrees 21 minutes 16 seconds East a distance of 9.37 feet; (18) North 01 degrees 08 minutes 29 seconds East a distance of 32.06 feet; (19) North 14 degrees 59 minutes 43 seconds West a distance of 45.03 feet; (20) North 57 degrees 52 minutes 55 seconds West a distance of 45.03 feet; (21) North 61 degrees 49 minutes 13 seconds West a distance of 121.61 feet; (22) North 44 degrees 46 minutes 53 seconds West a distance of 22.43 feet; (23) North 37 degrees 11 minutes 24 seconds West a distance of 39.63 feet; (24) North 28 degrees 34 minutes 08 seconds West a distance of 45.74 feet; (25) North 04 degrees 43 minutes 21 seconds West a distance of 58.27 and (26) North 13 degrees 58 minutes 19 seconds East a distance of 39.41 feet to a point located on the north line of the south half of the northwest quarter of said Section 12, thence departing the said 662 contour North 89 degrees 41 minutes 05 seconds East (record deed = West, South 89 degrees 40 minutes West) along and with the said north line a distance of 786.47 feet to an existing iron pipe; thence departing the said north line, North 03 degrees 25 minutes 00 seconds East (previous deed = North) a distance of 113.00 feet to another existing iron pipe at the southeast corner of Lot 9 of Block 2 of said "Oak-Ridge (Amended)"; thence along and with the south line of said Lot 9, South 89 degrees 44 minutes 56 seconds West a distance of 42.50 feet to an iron pin at the southwest corner of said Lot 9; thence departing the said south line and run along and with the west line of said Lot 9, North 00 degrees 57 minutes 10 seconds West a distance of 79.45 feet, (plat = 80.0 feet) to an existing iron pin at the northwest corner of said Lot 9, being on the south right-of-way of 30 foot wide Carver Road; thence along and with the north line of Lots 9-12 of Block 2 of "Oak-Ridge (Amended)" and the south right-of-way of Carver Road, North 89 degrees 46 minutes 18 seconds East a distance of 164.14 feet to another existing iron pin at the common northerly corner of Lots 12 and 13; thence along and with the westerly line of Lots 13-20 of Block 2 of "Oak-Ridge (Amended)" and the easterly right-of-way of said Carver Road, North 22 degrees 31 minutes 28 seconds East a distance of 311.22 feet to another existing iron pin at the northwest corner of Lot 20; thence departing said right-of-way along and with the southerly right-of-way of McField Road (plat = Lake Shore Drive) along and with the north line of Lots 20 and 29 of Block 2 of said "Oak-Ridge (Amended)", South 84 degrees 36 minutes 17 seconds East a distance of 168.21 feet to an iron pin at the northeast corner of said Lot 29 and being on the west right-of-way of Osage Beach Parkway; thence departing the said north line and run along and with the said right-of-way of Osage Beach Parkway, South 22 degrees 45 minutes 02 seconds West a distance of 310.33 feet to an existing steel right-of-way monument 75 feet right of station 136+00; thence continue along said right-of-way, South 26 degrees 46 minutes 36 seconds West a distance of 198.31 feet, returning to the POINT OF BEGINNING."

Said tract having area of 186,734 square feet, or 4.29 acres, more or less.

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

The basis of bearings for this description is the Missouri State Plane Coordinate System.

Said description is created for the purposes of municipal zoning and not for real estate transactions.

TRACT 1: C-1b Zoning

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 and being more particularly described as follows:

"Commencing at the center section corner of Section 12, Township 39 North, Range 16 West and running North 88 degrees 58 minutes 02 seconds West (record deed = West) along and with the south line of the northwest quarter of said Section 12 a distance of 564.50 feet; thence departing the said south line North 45 degrees 45 minutes 34 seconds West (record deed = North 45 degrees 05 minutes West) a distance of 1,089.07 feet to a point located on the north line of the northwest quarter of said Section 12, thence along and with the said northerly right-of-way of Osage Beach Parkway, also known as United States Highway No. 54, being the southerly common lot corner of two tracts of land recorded in Book 840 at Page 907 at the Camden County Recorder's Office, for the POINT OF BEGINNING; thence along and with the said northerly right-of-way the following five (5) bearings and distances: (1) South 72 degrees 24 minutes 43 seconds West (record deed = South 72 degrees 24 minutes 10 seconds West) a distance of 327.70 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (2) South 45 degrees 18 minutes 14 seconds East (record deed = North 46 degrees 16 minutes 54 seconds West, North 45 degrees 05 minutes West) a distance of 80.58 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (3) South 85 degrees 49 minutes 09 seconds West a distance of 154.71 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; (4) South 78 degrees 27 minutes 45 seconds West (record deed = North 77 degrees 23 minutes 21 seconds East) a distance of 45.92 feet to an existing metal right-of-way marker and (5) South 78 degrees 26 minutes 46 seconds West a distance of 123.30 feet to an existing iron pin located on the 662 contour of the Lake of the Ozarks; thence along and with the said 662 contour the following twenty-six (26) bearings and distances: (1) North 01 degree 47 minutes 54 seconds West (record deed = South 03 degrees 17 minutes 27 seconds East) a distance of 33.48 feet; (2) North 00 degrees 40 minutes 35 seconds East (record deed = South 00 degrees 18 minutes 15 seconds West) a distance of 59.15 feet; (3) North 15 degrees 33 minutes 52 seconds East (record deed = South 14 degrees 35 minutes 02 seconds West) a distance of 29.56 feet; (4) North 37 degrees 22 minutes 22 seconds East (record deed = South 36 degrees 23 minutes 32 seconds West) a distance of 62.81 feet; (5) North 40 degrees 09 minutes 36 seconds East (record deed = South 39 degrees 10 minutes 46 seconds West) a distance of 51.29 feet; (6) North 65 degrees 38 minutes 49 seconds East (record deed = South 64 degrees 39 minutes 59 seconds West) a distance of 17.39 feet; (7) North 43 degrees 22 minutes 34 seconds East (record deed = South 42 degrees 23 minutes 44 seconds West) a distance of 21.64 feet and (8) North 60 degrees 25 minutes 23 seconds East (record deed = South 58 degrees 32 minutes 05 seconds West 15.02 feet) a distance of 15.09 feet to an existing pk nail; (9) North 35 degrees 16 minutes 49 seconds East a distance of 36.99 feet; (10) North 37 degrees 08 minutes 27 seconds East a distance of 42.51 feet; (11) North 58 degrees 43 minutes 16 seconds East a distance of 62.67 feet; (12) North 56 degrees 02 minutes 17 seconds East a distance of 27.28 feet; (13) North 45 degrees 05 minutes 13 seconds East a distance of 26.64 feet; (14) North 45 degrees 17 minutes 20 seconds East a distance of 14.84 feet; (15) North 38 degrees 15 minutes 15 seconds East a distance of 11.09 feet; (16) North 22 degrees 31 minutes 16 seconds East a distance of 16.07 feet; (17) North 12 degrees 21 minutes 16 seconds East a distance of 9.37 feet; (18) North 01 degrees 08 minutes 29 seconds East a distance of 32.06 feet; (19) North 14 degrees 59 minutes 43 seconds West a distance of 45.03 feet; (20) North 57 degrees 52 minutes 55 seconds West a distance of 45.03 feet; (21) North 61 degrees 49 minutes 13 seconds West a distance of 121.61 feet; (22) North 44 degrees 46 minutes 53 seconds West a distance of 22.43 feet; (23) North 37 degrees 11 minutes 24 seconds West a distance of 39.63 feet; (24) North 28 degrees 34 minutes 08 seconds West a distance of 45.74 feet; (25) North 04 degrees 43 minutes 21 seconds West a distance of 58.27 and (26) North 13 degrees 58 minutes 19 seconds East a distance of 39.41 feet to a point located on the north line of the south half of the northwest quarter of said Section 12, thence departing the said 662 contour North 89 degrees 41 minutes 05 seconds East (record deed = West, South 89 degrees 40 minutes West) along and with the said north line a distance of 512.41 feet; thence departing said north line of the south half of the northwest quarter of said Section 12 South 27 degrees 55 minutes 16 seconds East 60.54 feet; thence South 38 degrees 33 minutes 04 seconds East 137.39 feet; thence South 09 degrees 01 minutes 33 seconds East 187.05 feet; thence South 52 degrees 42 minutes 57 seconds East 35.38 feet to the P.C. of a non-tangent 25.29 degree curve to the left, said curve having a radius of 589.19 feet and a chord bearing and distance of North 35 degrees 06 minutes 28 seconds East 258.00 feet; thence in a northeasterly direction along said curve a distance of 260.11 feet to the P.T. of said curve; thence leaving said curve South 63 degrees 52 minutes 46 seconds East 64.03 feet to a non-tangent curve to the right having a radius of 1045.92 feet on the northerly right-of-way of Osage Beach Pkwy, formerly known as US Hwy 54, thence along and with the said right-of-way curve in a southwesterly direction a distance of 400.72 feet to a point marking the P.T. of the said curve, said curve having a chord bearing and distance of South 37 degrees 05 minutes 43 seconds West 398.27 feet; thence departing said curve South 51 degrees 44 minutes 25 seconds West a distance of 3.89 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; thence South 76 degrees 37 minutes 38 seconds West (record deed = South 76 degrees 36 minutes 31 seconds West 137.84 feet) a distance of 137.89 feet to an existing 5/8" iron pin with an aluminum cap right-of-way marker; thence South 72 degrees 24 minutes 43 seconds West a distance of 1.94 feet, returning to the POINT OF BEGINNING."

Said tract having area of 370,060 square feet, or 8.50 acres, more or less.

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 May and June, 2024, 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 planning & zoning 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.

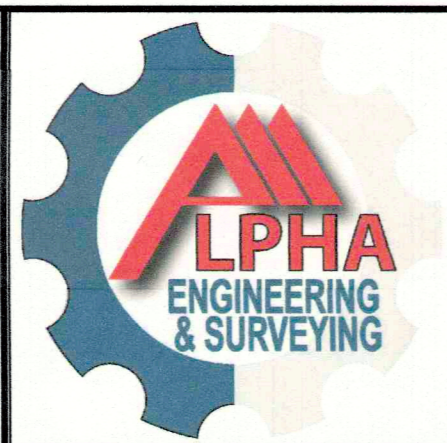
In Witness Whereof, I have hereunder signed and sealed the foregoing this 28 day of June, 2024.

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

S:\Projects\PROJECTS\TOPSIDER CONDOMINIUMS LLC\24-00396 Rezone Description\dwg\24-00396 REZONE LEGAL\_DESC.dwg



SEAL
The Professional Surveyor's seal affixed to this sheet certifies that the surveyor has personally supervised the survey and that the instruments, methods, and procedures used were those in accordance with the standards of the Missouri Board of Architects, Professional Engineers and Land Surveyors. The seal shall not be considered valid unless the surveyor's name and all other information required by the statute are present on the seal. The seal shall not be used for any other purpose and the surveyor shall be held responsible for such misuse, damage or loss of the seal.



Alpha Engineering & Surveying, L.L.C.
3048 Hwy. 52 1037 Osage Beach Rd.
Eldon, MO 65026 Osage Beach, MO 65065
(573) 392-3312 (573) 348-5552
Civil & Structural Engineering Land Surveying
Environmental Operations Material Testing

Lots 9 - 29 in Block 2 of "Oak-Ridge (Amended)"
And Parts of the North & South Halves of the Northwest Quarter of
Section 12, Township 39 North, Range 16 West,
Camden County, Missouri

Table with project details: Sheet Number: 1 OF 2, Date: 06/25/24, Scale: N.T.S., Project Number: 24-00396, Filed Book: M-311, Drawn By: LRS, Approved By: R.L.W.

**Note:**

- Bearings and Distances in parenthesis are from recorded deed(s) and/or plat(s).
- All monuments set and found are 1/2" Iron Pins, unless otherwise noted.
- Subject to Ameren's Bagnell Dam Pool and Flood Rights.
- Basis of Bearings for this plat is the Missouri State Plane Coordinate System.
- The Boundary of the property surveyed at the request of the owner as described in the Warranty Deeds filed in Book 840, Page 907 & Book 898, Page 494 in the Camden County Recorder's Office.
- This survey drawing has been created for the purposes of zoning.

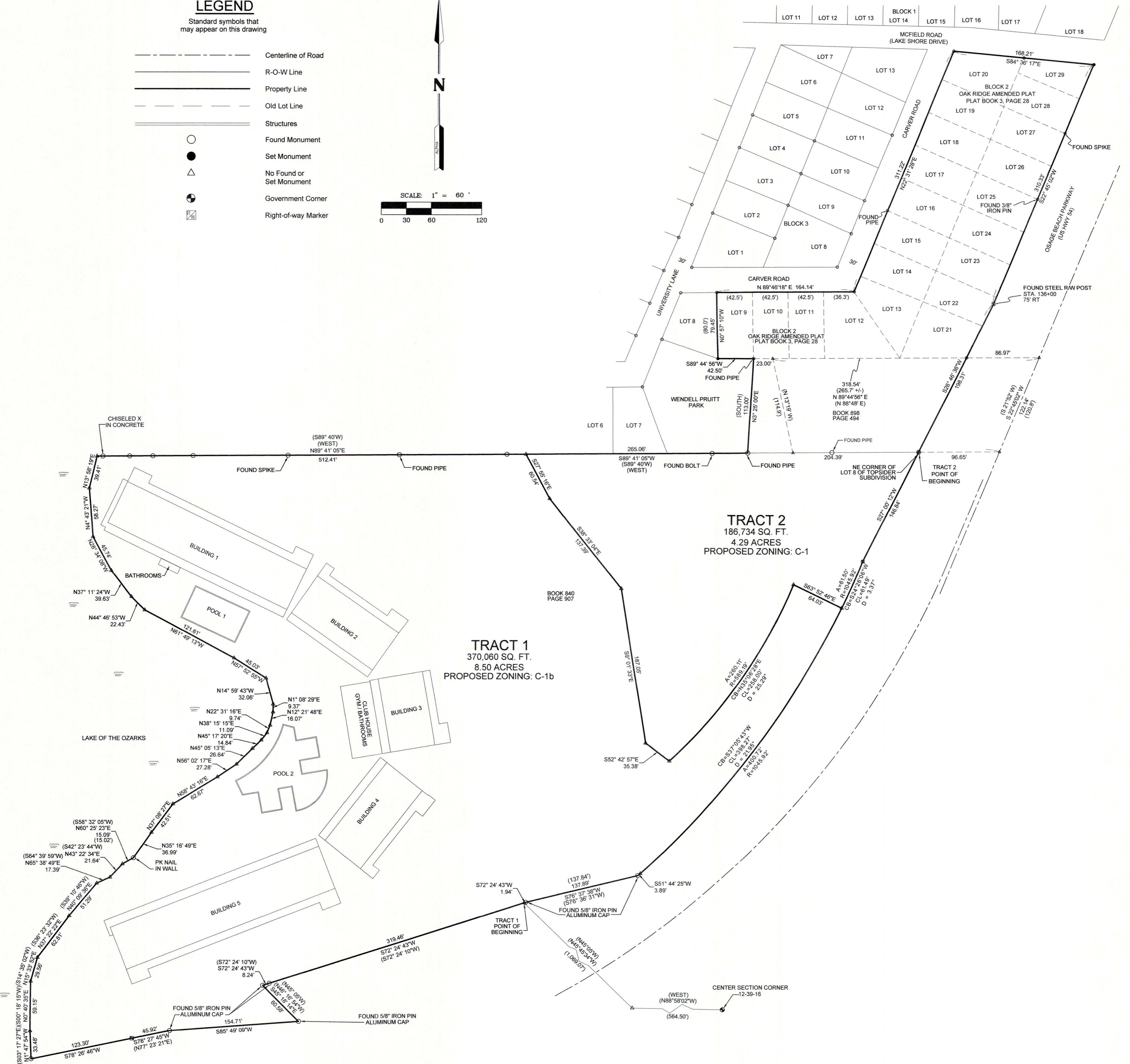
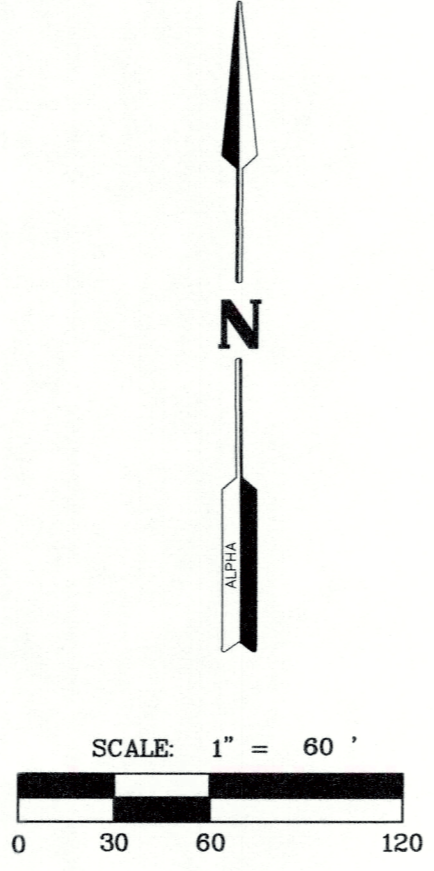
# TOPSIDER P.U.D.

## ZONING DRAWING

**LEGEND**

Standard symbols that may appear on this drawing

- Centerline of Road
- R-O-W Line
- Property Line
- Old Lot Line
- Structures
- Found Monument
- Set Monument
- No Found or Set Monument
- Government Corner
- Right-of-way Marker



**SURVEYOR'S CERTIFICATE**

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of May and June, 2024, 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 planning & zoning 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.

In Witness Whereof, I have hereunder signed and sealed the foregoing this 25 day of June, 2024.

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

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**ALPHA ENGINEERING & SURVEYING, LLC**  
 MO. REG. NO. S. 0203294145  
 E. 20230303912

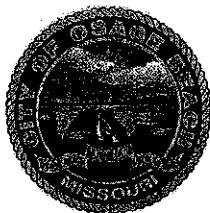
This Professional Surveyor's seal is attached to this sheet and is valid only for the purpose of the instruments, or other documents, not exhibiting this seal shall not be considered a Surveyor's professional seal and the Surveyor expressly disclaims any and all responsibility for such claims, drawings or documents not exhibiting this seal.

**Alpha Engineering & Surveying, LLC**  
 3048 Hwy. 52 Eldon, MO 65026 (573) 392-3312  
 1037 Osage Beach Rd. Osage Beach, MO 65065 (573) 348-5552

Civil & Structural Engineering Land Surveying  
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**Lots 9 - 29 in Block 2 of "Oak-Ridge (Amended)"  
 And Parts of the North & South Halves of the Northwest Quarter of  
 Section 12, Township 39 North, Range 16 West,  
 Camden County, Missouri**

Sheet Number:	2 OF 2
Date:	06/25/24
Project Number:	24-00396
Field Book:	M-311
Drawn By:	LRS
Approved By:	R.L.W.
Scale:	1"=60'



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

### REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Topsider Condominiums, LLC Phone: (314) 680-0681

Address: 10837 Midwest Industrial Blvd City: St. Louis State MO Zip: 63132

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

<u>Stuart Dabbs</u> <u>(314) 680-0681</u> <u>523 Center Street</u> <u>Edwardsville, IL 62025</u>	<u>Chris Ahring</u> <u>(573) 701-3121</u> <u>#7 Sugar Creek Lane</u> <u>Edwardsville, IL 62025</u>	<u>Richard Friend</u> <u>903 Green Trail</u> <u>Farmington, MO 63640</u>
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2. Name of landowner's representative, if different from above: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. All correspondence relative to this application should be directed to whom? Stuart Dabbs

Address: 523 Center Street City: Edwardsville State IL Zip: 62025

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: Condominium Area: 5 buildings totaling 146 units on 370,070 ft<sup>2</sup> (8.5 acres) of the property.

Commercial Area: Hotel and Sit Down Facility as required by City and other Commercial Uses 186,715 ft<sup>2</sup> (4.29 acres)

6. Area of property in square feet or acres: 556,775 ft<sup>2</sup> or 12.78 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 146 units

10. How long have you owned this property? 3 years and 1 month

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 & Commercial

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 6 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 6 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**

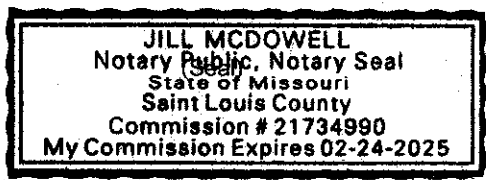
State of Missouri }  
County of Camden } ss

I, Stuart Dabbs, 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: 7/10/24

Subscribed and sworn to before me on this 10<sup>th</sup> day of July, 2024

Notary Public: Jill McDowell  
My Commission Expires: 2-24-25



Person Accepting this Application:

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

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