

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

AMENDED

June 13, 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

ELECTION OF OFFICERS

APPROVAL OF MINUTES

- A. Motion to Approve May 9, 2023 Minutes

NEW BUSINESS

- A. Rezoning Case 422 Lakeport Village, LLC.

REPORTS

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**

May 9, 2023

Call to Order

Acting Chairman Mayor Michael Harmison in the absence of Chairman Susan Ebling called Planning Commission of the City of Osage Beach, Missouri to order at the regular meeting on May 9, 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, Mayor Michael Harmison, Tony Kirn, Jessica Rozier, and Alderman Bob O’Steen. Also, present City Planner Cary Patterson and City Clerk Tara Berreth. The following were absent Chairman Susan Ebling.

Approval of Minutes

Commissioner Morgan made motion to approve January 10, 2023, Planning Commission Meeting Minutes. This motion was seconded by Commissioner Viselli. Motion passes unanimously with a voice vote.

New Business

Presentation -Amendment to PUD - Topsider - 1065 Topsider Lane

**PLANNING DEPARTMENT
REPORT TO THE**

PLANNING COMMISSION

Date:	May 9, 2023	Case Number: 421
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<u>Applicant:</u>	Topsider Condominiums, LLC.	
<u>Location:</u>	Osage Beach Parkway to Topsider Lane	
<u>Petition:</u>	PUD 1 Overlay amendment to allow 147 condominium units on 8.5 acres and a hotel/restaurant on the remaining 2 acres.	
<u>Existing Use:</u>	Currently has condo buildings from the original approval occupied with more units under construction.	
<u>Zoning:</u>	C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.	
<u>Tract Size:</u>	10.5 acres	
	<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>
<u>North:</u>	R-1b (Single Family)	Mcfield Subdivision
<u>South:</u>	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

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.

Commissioner Morgan made a motion to recommend to the Board of Alderman the approval of the Amendment to PUD – Topsider – 1065 Topsider Lane. This motion was seconded by Commissioner Kirn. Motion passes unanimously with a voice vote.

ADJOURN

Mayor Michael Harmison adjourned the meeting at 6:24 pm.

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 May 9, 2023.

Tara Berreth/City Clerk

Planning Commission Secretary

**PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION**

Date:	June 13, 2023	Case Number:	423
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Applicant: Lakeport Village, LLC

Location: 1100 block of Jeffries Road

Petition: Rezoning from C-1 (General Commercial) to C-1 (General Commercial) with an E-3 Overlay for an entertainment facility that will include an amusement park with customary rides and accessory uses.

Existing Use: Vacant

Existing Zoning: C-1 (General Commercial)

Tract Size: Approximately 8.186 acres

Surrounding Zoning:

Surrounding Land Use:

North: C-1 General Commercial

Vacant/condo development

South: N/A

Highway 54 Corridor

East: LU

Lake of the Ozarks

West: C-1 General Commercial

Vacant Commercial Property

The Osage Beach Comprehensive Plan

Designates this area as appropriate for: Commercial

Rezoning History

Date

City Wide Zoning Adoption

1984

Utilities

Water: City
Electricity: Ameren UE

Gas: Summit Gas
Sewer: City

Access: Property derives access via Jeffries Road

Analysis:

1. The applicant is the owner of the 8.186-acre parcel in question. The applicant is requesting an E-3 overlay to develop and establish an outdoor amusement park entertainment venue and facility that will include carnival type mechanical rides, arcades and games, food and concession facilities, outdoor restaurant and dining facilities, customary retail facilities, and other typical accessory uses such as bars, restrooms, souvenir shop, etc. This use will be a full-time activity that is open year-round.
2. As is typical with the establishment of a use of high intensity like this, impact on the road system and traffic capacity is a situation that will need to be addressed. A Traffic Impact Study and Statement has been performed by consultants contracted by the applicants. A significant amount of discussion has been had between the consultants, MoDOT, and the City during the process of this analysis with the findings and recommendations to be delivered and reviewed by those parties soon. The findings and recommendations of this document will be reviewed by MoDOT and the City's Engineers to determine the necessary improvements that will be required to the road system. Those improvements will be required as part of the construction permit process and will be required to be completed prior to the approval of the final inspection and the issuance of a Certificate of Occupancy to open the park to the public.
3. I am sure you are aware that this project has been discussed in public settings over the past few months during the process by which the applicant has requested Tax Increment Financing, along with other financing and development and incentive programs, from the City of Osage Beach. Those processes are still ongoing and are being addressed by the appropriate Boards and Commissions. Those issues are not within the responsibilities of the Planning Commission and will not be addressed at this meeting.

Department Comments and Recommendation:

The primary intent of E-zones is to regulate outdoor activities that could adversely affect adjacent properties, both commercial and residential. The character of this corridor is high traffic commercial. With the subject property's location adjacent to Highway 54 and the Jeffries Road interchange, it lends itself favorably to the type of use being requested, provided that the intensity of the uses is mitigated as to not create an untenable impact on the area.

With the subject property's location in an intense use corridor being recommended for commercial use and development by the Comprehensive Plan, the Planning Department would recommend that this request be approved subject to the following provisions and conditions:

Permitted Uses: The outdoor amusement park and entertainment venue that will include carnival type mechanical rides, arcades and games, food and concession facilities, outdoor restaurant and dining facilities, customary retail facilities, and other typical accessory uses such as bars, restrooms, souvenir shop, etc. The subject property will now be governed by the regulations pertaining to E-3 overlays as specified in the Land Use Chapter of the City of Osage Beach Municipal Code the submitted site development plan, and the following.

This facility will operate with the same time restraints and hours of operation as outlined in the code governing the E-3 overlays.

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

Parking: Will be required to meet the City Code governing off street parking for such a use. The required spaces can be addressed by using onsite parking lots and parking garage facilities.

Facility access, ingress, and egress: Ingress and egress for the development will be attained via access points from Jeffries Road. These accesses will be approved by MoDOT and the City as part of the roadway improvement plans during the construction permit process.

Signage: Signage for the development will be in conformance with the City of Osage Beach Municipal Code that regulates signage . The applicant will be required to get a sign permit for any new signage.

Sound Control Requirements:

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

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

Maximum permissible sound levels by receiving land use.

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

SOUND LEVELS BY RECEIVING LAND USE

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

Exemptions. The following activities or sources are exempt from these noise standards:

Activities covered by the following: Stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.

Construction or routine maintenance of public service utilities; and

The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

Exterior Lighting: Any lighting proposed as part of this development must be shielded to direct light inward and limit light intensity within adjoining properties or the Lake of the Ozarks.

Buffering and Landscaping: Buffering and sound mitigation will be required if noise or light becomes an issue for surrounding properties. A minimum of 5 percent of the areas devoted to parking must be left in open lawn or landscaped areas.

Final Development Plan: The site plan submitted with the application is sufficient for the final development plan, unless changes or additions are requested by the Board of Aldermen, as part of the approval of the request. In that case an amended site development plan will be submitted illustrating all the required changes.



Date Received: 5/18/23
Case #: 722

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of Property Owner: Lakeport Village LLC Phone: 515-494-2711

Address: 4401 N. Mesa City: El Paso State: Texas Zip: 79902

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

Lakeport Village LLC, 4401 N. Mesa, El Paso, Texas, 79902
Big T, LLC, its managing member, through Fred Ross, its manager, 6136 Nieman Road, Shawnee, KS 66203
and Tegethoff Development, LLC, member, through Jeff Tegethoff, its manager, 6801 Lake Plaza Drive, #A-103, Indianapolis, IN 46220, 515-494-2711

2. Name of landowner's representative, if different from above: Jeff Tegethoff Phone: 515-494-2711

Address: 6801 Lake Plaza Drive, #A-103 City: Indianapolis State: Indiana Zip: 46220

3. All correspondence relative to this application should be directed to whom:

Name: Patrick Eckelkamp

Address: 8001 Forsyth Boulevard City: Saint Louis State: Missouri Zip: 63105

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

Address: 5085 Davis Drive City: Osage Beach State: Missouri Zip: 65065

Address: 1102 Jeffries Road City: Osage Beach State: Missouri Zip: 65065

Parcel ids: 08-1.0-11.0-000.0-001-022.00; 08-1.0-11.0-000.0-011-003.000; 08-1.0-11.0-000.0-001-026.000; 08-1.0-11.0-000.0-001-024.000; 08-1.0-11.0-000.0-001-029.000

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

Explain all uses: Amusement Park or Theme Park, Recreation and Entertainment (indoor and outdoor), Marina (public and private) Amusement Arcade and Games, Theater (indoor and outdoor), General Commercial Services, Alcohol Sales, Brewery, Distillery or Winery, Food Trucks, Restaurants (with or without drive-thru), Concessions, Automated Teller or Vending Machines, General Retail (indoor and outdoor), Hotel, Mechanical Rides, and Specialty Retail Services (souvenir shop).

6. Area of property in square feet or acres: Approximately 8.186 acres

7. Current zoning classification: C-1; General Commercial District

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Utilities
Sewer: City of Osage Beach Electric: Ameren

9. Proposed zoning classification: E-3; Entertainment District 3

10. How long have you owned this property? Property was conveyed May 4, 2023 to Lakeport Village LLC

11. Current use of property (describe all improvements): No use. Currently the property is vacant land

12. Current use of all property adjacent to subject property: North: Commercial and vacant land
South: Highway East: Lake of the Ozarks West: Residential, commercial, and vacant land

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: None

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? Will be rezoned at a later date.

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.

See Cover Letter

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

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): See Cover Letter

May 18, 2023

VIA HAND DELIVERY

City of Osage Beach
Planning Department
Attn: Cary Patterson
1000 City Parkway
Osage Beach, MO 65065

RE: Lakeport Village Amusement Park (“**Oasis at Lakeport**”) Rezoning Application

Dear Cary Patterson:

On behalf of Lakeport Village LLC (the “**Applicant**”), please find enclosed with this letter, a rezoning application (the “**Application**”) and a site plan for the parcels located in the general vicinity of Jeffries Road and Highway 54 (as further defined in the Application, the “**Area**”). The Application requests a rezone from the Area’s current zoning classification of C-1 or General Commercial District to the proposed zoning classification of E-3 or Entertainment District 3.

The Applicant seeks to rezone the Area in anticipation of its development of an amusement park to be known as Oasis at Lakeport (“**Oasis at Lakeport**” or the “**Project**”), which will be a part of a larger development of a family friendly resort and entertainment district. The Area’s current zoning classification will not allow the development of the Project because the Project is anticipated to include an outdoor area, amusement rides such as a Ferris wheel, an arcade, restaurants, and more. The current zoning classification of C-1 only allows for general commercial, and with the development of numerous outdoor entertainment activities such as a Ferris Wheel, the Project will require a E-3 classification in accordance with the municipal code of the City of Osage Beach, Missouri (the “**City**”). Without a rezoning of the Area, the Project’s feasibility cannot occur.

The rezoning of the requested Area will bring numerous community and economic benefits to the City. The Project is expected to enhance the curb appeal and remediate the blighted conditions of the Area, increase tourism to the City, and generate additional tax revenues within the Area, which will greatly benefit the City. Furthermore, the development of the Project is anticipated to transform an underutilized area of the City suffering from blight into a premier tourist destination in the Midwest. The Project is expected to remove the deteriorated buildings, improve the structural support within the Area, and attract future economic development to the City. The Project will provide a range of opportunities, including but not limited to, new employment opportunities for residents, the creation of new commercial spaces for new businesses located in the City, and new tourist activities for visitors to the City. Furthermore, the Project is anticipated to attract thousands of guests each year, and this increased tourism is projected to provide a significant increase in sales tax revenues, which will greatly benefit the City.



Additionally, the Project is in furtherance of the City's comprehensive plan and is in accordance with the Future Land Use Map prepared by the City.

While the Project is anticipated to bring many community and economic benefits to the City, the Applicant has also taken steps to make sure the Project has properly addressed its impact on public facilities and adjacent property owners. The Applicant is working closely with the City's various internal departments, including the Department of Public Works, the City Engineering Department, and various City staff, including the Director of Planning, to ensure the City is actively involved in the planning and development of the Project, to make sure that all public facilities are properly protected, and any potential problems are mitigated. This review includes City officials reviewing site plans, engineering plans, and surveys for the Project. Furthermore, the Applicant is working with Missouri Department of Transportation and traffic consultants to address the concerns of the increased traffic on Highway 54 and Jeffries Road. The Applicant is also working with the City to address any additional site or pedestrian infrastructure needs that will be needed in connection with the Project.

If you should have any questions, please do not hesitate to contact me either by phone at 314-345-6267 or by email at Patrick.Eckelkamp@huschblackwell.com.

Kindest regards,

HUSCH BLACKWELL LLP

A handwritten signature in black ink that reads "Patrick Eckelkamp". The signature is written in a cursive, slightly slanted style.

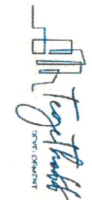
Patrick J. Eckelkamp

Enclosures

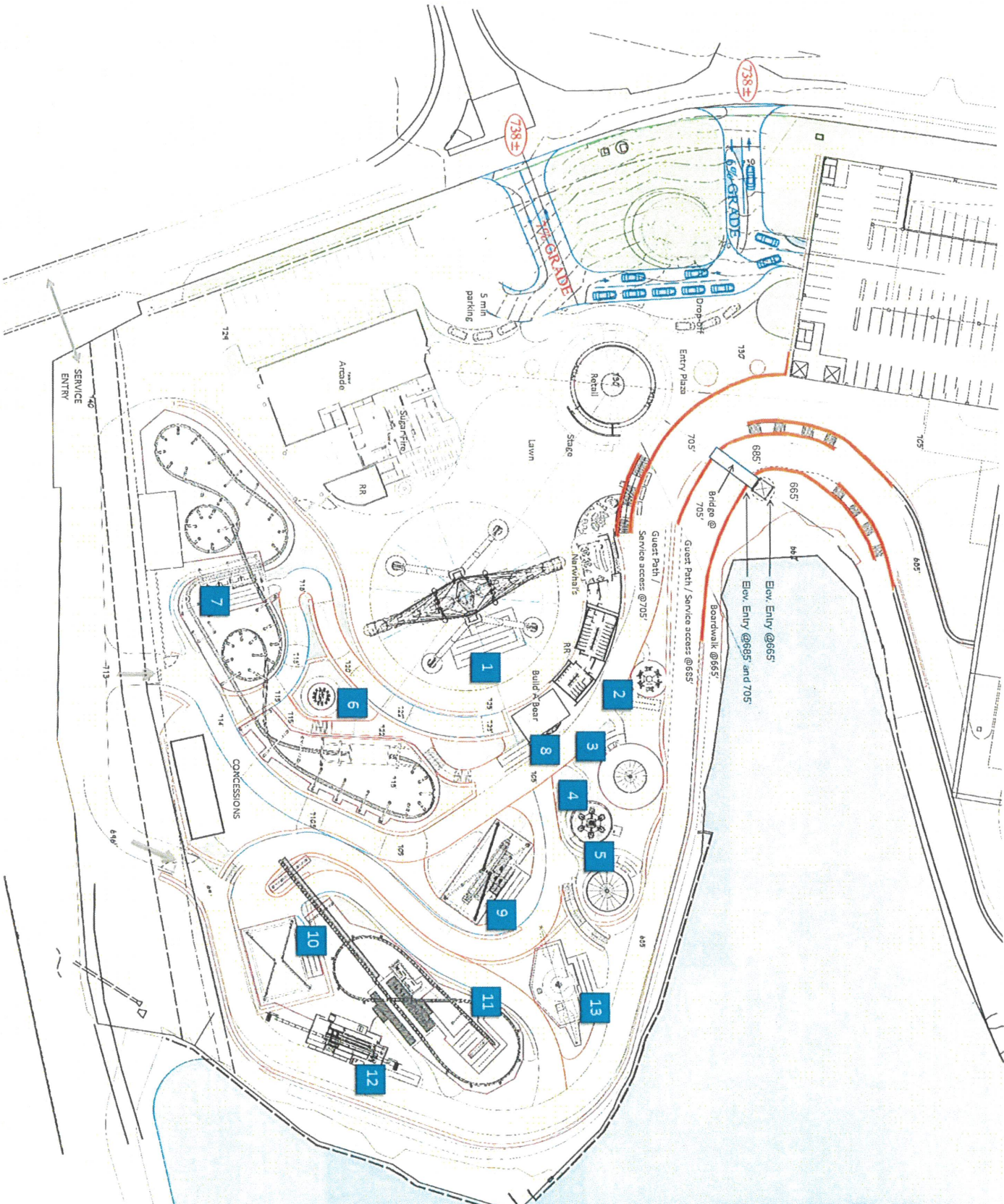
cc: Jeff Tegethoff, authorized representative of the Applicant (via email)
David Richardson, Counsel for the Applicant (via email)
Ryan Schweissguth, Cochran Engineering (via email)
Elliot Reed, Cochran Engineering (via email)
Al Mers, Co-Managing Partner of Skyview Partners (via email)
Todd Schneider, Co-Managing Partner of Skyview Partners (via email)
Mark Spykerman, Counsel for the City (via email)
Cole Bradbury, City Attorney (via email)



**Rezoning Case
422 Location Map**



OASIS AT LAKEPORT | SCHEMATIC DESIGN | April 26, 2023



- RIDE LIST**
- 1 OBSERVATION WHEEL
 - 2 JUMP AROUND BOAT
 - 3 WAVE SWINGER
 - 4 BALLOONS
 - 5 MERRY GO ROUND
 - 6 SPRING TOWER
 - 7 SUSPENDED FAMILY COASTER
 - 8 HIMALAYA
 - 9 PIRATE SHIP
 - 10 STREET FIGHTER
 - 11 BOOMERANG COASTER
 - 12 BOOSTER
 - 13 SLINGSHOT

OVERALL SITE PLAN - PROGRESS
 SCALE: 1" = 50'


SHEET NO.
 A2.1



