



**Issue:** AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 8.35 ACRES LOCATED AT THE SOUTHEAST CORNER OF THE NORTH CHEYENNE ROAD AND EAST NORTH STREET INTERSECTION FROM GENERAL COMMERCIAL (GC) AND R-3 MULTI-FAMILY TO PLANNED UNIT DEVELOPMENT MIXED USE (PUD-MU)

**Date:** July 11, 2022

**Submitted By:** Planning and Development Department

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### Background

The property owner of approximately 8.35 acres of land located at the Southeast corner of the intersection of North Cheyenne Valley Road and East North Street, has applied to rezone the site from the R-3 Multi-Family and General Commercial (GC) into the Planned Unit Development -Mixed Use (PUD-MU) zoning district. The property is currently divided into two GC lots and one R-3 lot.

### Analysis

#### **Land Use**

The property subject to the application is presently vacant and contains no buildings. The subject property is bounded by North Street to the north, Cheyenne Road to the west, and single-family residences to the south and east. The general character of surrounding land uses is predominantly single-family residential and undeveloped general commercial zoning adjacent to the Cheyenne and North intersection.

The proposed land use change is consistent with the current zoning of the property and consistent with zoning in the vicinity of the Cheyenne and North intersection.

#### **Transportation**

The subject property is directly served Cheyenne Road (primary arterial) and North Street (Secondary Arterial). There is no existing pedestrian or multi-modal facility serving the site.

The impact of traffic generated from potential mixed-use development of the subject property according to the allowable land uses in the PUD-MU document, will require a Traffic Impact Study to determine the amount / type of improvements to North Street and Cheyenne Road at the proposed entrances to the property.

#### **Public Utilities (Water, Wastewater, Electric)**



Municipal water, sanitary sewer, and electric utilities are immediately accessible to the site and are all sufficient in capacity to serve general commercial and multi-family land uses. The site is served by the Northeast Regional Lift Station that has sufficient capacity to serve general commercial and multi-family land uses at this site. Water service to the site is of sufficient capacity to provide adequate fire suppression.

### **Stormwater Management**

The subject property is not served by regional detention facilities and does not appear to be affected by flood hazard area or karst topography. Development of the site must conform to the City's regulations concerning stormwater management.

### **Other Public Services**

The proposed zoning arrangement will add traffic and population to the City's jurisdiction, which will impact a variety of public services in proportion to those increases. Ideally, the impact of these additional residents and patrons will produce economies sufficient to cover additional costs. The City's development regulations will require standards to be met to ensure sufficient access to the site for emergency response, rescue, and fire suppression.

### **Proposed Density**

The proposed density of the site is 15 dwelling units per acre. Traditional R-3 zoning allows for 14.52 dwelling units per acre. For the entire site, the proposed PUD-MU will gain 4 additional units over current City density standards. Sec. 117-215 of the Nixa Code of Ordinance allows for increases in density with the inclusion of certain amenities or public improvements. This proposal includes joint use parking (1% increase in density), being within 1,500 feet of a school (1% increase in density), creation of new jobs (5% increase in density).

### **Proposed Maximum Height**

The PUD-MU document states that the maximum building height within the development will be 60 feet. This is above the current standard of 35 feet in the R-3 zoned district. This development is in the Ozark Fire Protection District. Chief Metheny of the OFPD stated that they do not have any building height limitations or restrictions and can properly serve this development. Chief Walles of the Nixa Fire Protection District only concern was with insuring that proper building codes will be met on structures of that height.

### **Supplementary Uses**

Section 117-214(4)(d) Permitted uses in a PUD-MU; allows for residential dwellings to be constructed above commercial uses provided:

1. Separate access to dwelling units is provided.
2. No commercial uses shall occupy the same floor as one occupied by a dwelling unit.



### **Other Applicable Codes**

According to the PUD-MU document, all provisions of the Nixa City Code that would normally apply to land use and physical development within the Cheyenne Valley PUD will apply unless a provision of the development plan states otherwise.

### Planning and Zoning Commission

A public hearing was held 7/5/2022 at the July regular meeting of the Planning and Zoning Commission. Staff presented the rezone. During the public hearing, residents of the area voiced their concerns of adding more traffic to an already congested area. They would like to see road improvements to be made before further development in this area. The rezone was unanimously approved by the Commission.

### Recommendation

Staff recommends approval of this application.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**  
2 **PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH**  
3 **CHEYENNE ROAD AND EAST NORTH STREET FROM A GENERAL COMMERCIAL**  
4 **DISTRICT AND R-3 MULTI-FAMILY DISTRICT TO A PLANNED UNIT**  
5 **DEVELOPMENT.**

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8 **WHEREAS** an application has been filed for a zoning change of the property  
9 generally located at the southeast corner of north Cheyenne Road and east North Street;  
10 and

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12 **WHEREAS** the Application requests that the City Council rezone said property  
13 from General Commercial and R-3 Multi-Family districts to a Planned Unit Development;  
14 and

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16 **WHEREAS** the proposed Planned Unit Development requirements are attached  
17 hereto as “Council Bill Exhibit A”; and

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19 **WHEREAS** the City’s Planned Unit Development regulations (Article VI of Chapter  
20 117 of the Nixa City Code) allow for a more flexible means of developing land within the  
21 City; and

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23 **WHEREAS** the Planning and Zoning Commission held a public hearing on the  
24 Application at the Commission’s July 5, 2022, meeting; and

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26 **WHEREAS** the Commission, after considering the Application, staff’s  
27 recommendation regarding the Application, and after holding a public hearing on the  
28 Application, issued a recommendation of approval of the Application; and

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30 **WHEREAS** the City Council, now having considered the Application, staff’s  
31 recommendation regarding the Application, and after providing an opportunity for public  
32 comment on the Application, now desires to rezone the subject property and amend the  
33 City’s official zoning map to reflect City Council’s action.

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35 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
36 **NIXA, AS FOLLOWS, THAT:**

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38 **SECTION 1:** The real property generally located at the southeast corner of north  
39 Cheyenne Road and east North Street and being more specifically described within  
40 Council Bill Exhibit A” as “ALL LOT 2 IN CHEYENNE VALLEY, A SUBDIVISION IN THE  
41 CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.”, is hereby rezoned from a General  
42 Commercial and R-3 Multi-Family districts, or such other zoning districts that may apply  
43 to said real property, to a Planned Unit Development and the requirements and standards  
44 contained in “Council Bill Exhibit A,” which is attached hereto and incorporated herein by  
45 this reference, as well as the applicable provisions of the Nixa City Code shall hereafter  
46 apply to said real property.

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**SECTION 2:** The Director of Planning and Development, pursuant to section 117-57 of the Nixa City Code, shall amend the City’s official zoning map, said map being established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action contemplated by this Ordinance.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

**ADOPTED BY THE COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## COUNCIL BILL EXHIBIT A

### CHEYENNE VALLEY PLANNED UNIT DEVELOPMENT

#### A. SCOPE AND AUTHORITY

1. The Cheyenne Valley Planned Unit Development (PUD) shall be applicable to the development of the real property described in Exhibit A.
2. This PUD is formed according to the provisions of Chapter 117, Article VI. – Planned Unit Development of the Nixa City Code. The Cheyenne Valley PUD is a Planned Development Mixed Use (PUD-MU) according to the provisions of Section 117-213.
3. The provisions of this development plan shall regulate the land use and physical development of the Cheyenne Valley PUD.
4. The provisions of the Nixa City Code that would normally apply to land use and physical development within the Cheyenne Valley PUD will apply unless a provision of this development plan states otherwise.
5. The Nixa Planning and Development Director or their designee shall have the authority to render interpretations and determinations of applicability of this development plan. Appeals of the decisions of the Nixa Planning and Development Director concerning administrative decisions made concerning this development plan may be presented to the Nixa Board of Adjustment according to the City's currently adopted procedure for such appeals.

#### B. PURPOSE AND INTENT

1. The purpose of the Cheyenne Valley PUD is to provide for a mixture of residential and commercial land uses as a cohesive development in ways that are unique, creative, and not otherwise possible according to the current provisions of the Nixa City Code.
2. The approval of this development plan by the Nixa City Council shall be made upon findings that the Cheyenne Valley PUD serves the public interest by allowing for variation and flexibility in design and development regulation that is particular to the Cheyenne Valley PUD.
3. The approval of this development plan facilitates the integration of dissimilar land uses in a way that achieves compatibility and provides for a sense of place.

#### C. DEFINITIONS

#### D. USES PERMITTED

1. The following lists provides for land uses that are expressly permitted or prohibited within the Cheyenne Valley PUD.
2. The spatial arrangement of these land uses is limited by the provisions of Section E of this development plan.
3. Notwithstanding the provision of paragraph 4 of this subsection, land uses not expressly permitted by this development plan are prohibited within the Cheyenne Valley PUD.
4. Proposed land uses that are not specifically mentioned below may still be permitted upon a determination of the Nixa Planning and Development Director that such proposed land use is substantially similar in scale and intensity to those uses that are expressly permitted.
5. Permitted Uses
  - (a) Residential dwellings, whether attached or detached.
  - (b) Commercial land uses involving retail sales.
  - (c) Commercial and institutional offices, including but not limited to professional office uses.
  - (d) Personal services including but not limited to barbershops, beauty shops, tanning salons, clothing alterations, and spas.

- (e) Government offices, including police and fire stations.
- (f) Recreational areas and parks, whether public or private.
- (g) Restaurants and other eating and drinking establishments including bars and taverns.
- (h) Restaurants or eating and drinking establishments with drive-in, pick-up window, or drive-thru facilities.
- (i) Mini Golf Courses
- (j) Medical facilities, including physician care, dental care, pharmacies, and counseling services.

6. Prohibited Uses

- (a) Outdoor storage of materials or equipment associated with commercial or business uses.
- (b) Golf courses and driving ranges.
- (c) Convenience stores with fueling stations or gas pumps.
- (d) Banks and financial institutions with automatic teller machines and drive-thru facilities.

7. Accessory Uses

- (a) Accessory uses that are incidental to an associated permitted principal use are permitted. Accessory uses may not exceed the scale or intensity of the principal use with which they are associated.
- (b) Accessory uses include, but are not limited to:
  - 1. Home occupations that do not generate traffic or other externalities that exceed what is normal for the area.
  - 2. Parking of vehicles for patrons, residents, and employees.
- (c) Outdoor accommodations that do not cause a public nuisance or affect emergency vehicle access.

E. ARRANGEMENT OF LAND USES

- 1. The spatial arrangement of land use shall develop and be permitted in accordance with the layout shown in Exhibit B.
- 2. The Cheyenne Valley PUD allows the location of residential and commercial uses within the same building so long as the residential use is located above the first floor so as to create a continuous non-residential façade on the first floor.

F. DENSITY AND DIMENSIONAL REQUIREMENTS

- 1. The overall residential density within the Cheyenne Valley PUD shall not exceed 15 dwelling units per acre.
- 2. The maximum building height within the Cheyenne Valley PUD shall be 60 feet as measure from the lowest adjacent grade to the highest point of the building.
- 3. Buildings shall not be located within 25 feet of a property line where the adjoining property is in a residential zoning district outside of the Cheyenne Valley PUD.
- 4. Buildings shall not be located within 40 feet of the centerline of North Road.
- 5. Building separations shall conform to the most recently adopted editions of the International Residential, Building, and Fire Codes.

G. OPEN SPACE, LANDSCAPING, AND SCREENING

- 1. A minimum of 20 percent of the land area of each lot shall be void of buildings and parking structures. This required open space shall be primarily covered with vegetation or other natural material.
- 2. Parking areas shall be screened from any adjoining public right-of-way with an opaque screen not less than three feet in height.
- 3. Adjoining residential zoning districts shall be provided with a screen that is opaque to a height of at least six feet and shall also include trees that are planted

so that, at maturity, their canopies will create intermittent visual obstruction up to a height of 20 feet with no more than five feet between canopies.

4. Interior parking lot landscaping shall be provided according to the provisions of Section 105-28 of the Nixa City Code.
- H. OFF-STREET PARKING AND LOADING
1. The off-street parking and loading requirements of the Nixa City Code shall apply to development of the Cheyenne Valley PUD.
- I. SUBDIVISION OF LAND
1. The subdivision of land within the Cheyenne Valley PUD shall proceed according to the provisions of Chapter 115 of the Nixa City Code, except that preliminary plats shall be valid for a period of four years from the date of approval.
- J. PHASING OF DEVELOPMENT
1. Development within the Cheyenne Valley PUD may be phases provided that:
    - (a) All public improvements directly related to each phase are completed at the time of its development;
    - (b) Improvements serving the Cheyenne Valley PUD as a whole and the adjoining area are completed in a sequence assuring full utility of the District as a whole; and
    - (c) Future public improvements required by this development plan or other applicable ordinances of the City are not negatively affected.
- K. IMPACTS ON EXISTING INFRASTRUCTURE
1. Any new intersections on an existing public street of collector or arterial classification shall involve a traffic impact study that prescribes public improvements warranted according to traffic engineering best practices.
- L. ACCESS MANAGEMENT
1. The access locations on Cheyenne Road and North Road shown on Exhibit B are permitted. Any additional proposed access to public thoroughfares shall conform to the City's adopted access management standards.
- M. FINAL DEVELOPMENT PLAN
1. This development plan shall be considered the final development plan for the Cheyenne Valley PUD.
- N. AMENDING THIS DEVELOPMENT PLAN
1. This development plan may be amended by the same procedure that it was originally approved.



**EXHIBIT A**

THAT TRACT OF LAND BEING A PART OF THE WEST ONE HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) IN SECTION 17, TOWNSHIP 27 NORTH, RANGE 21 WEST, IN CHRISTIAN COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL LOT 2 IN CHEYENNE VALLEY, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.

GC ZONING  
2.699 ACRES

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NORTH RD



R-3 ZONING  
5.658 ACRES  
82 UNITS MAX

Exhibit B

### SITE PLAN SUMMARY

GENERAL COMMERCIAL ZONE 2.70 ACRES  
RESIDENTIAL (R3) ZONE 5.66 ACRES  
TOTAL ACRES FOR DEVELOPMENT 8.36 ACRES

**MIXED USE - COMMERCIAL / RETAIL IN GENERAL COMMERCIAL ZONING - 2.70 ACRES**

BUILDING ONE: 3,000 SQ FT  
12 COVERED PARKING SPACES  
4 THREE BED/TWO BATH  
2 TWO BED/TWO BATH

BUILDING TWO: 3,000 SQ FT  
12 COVERED PARKING SPACES  
4 THREE BED/TWO BATH  
2 TWO BED/TWO BATH

**MULTI-FAMILY DEVELOPMENT IN RESIDENTIAL 3 (R3) - 5.66 ACRES**

BUILDING A (24 UNIT BUILDING)  
8 ONE BED/ONE BATH  
16 TWO BED/TWO BATH  
24 TOTAL UNITS PER BUILDING

BUILDING B (12 UNIT BUILDING)  
4 TWO BED/TWO BATH  
8 THREE BED/TWO BATH  
12 TOTAL UNITS PER BUILDING

BUILDING C (24 UNIT BUILDING)  
8 ONE BED/ONE BATH  
16 TWO BED/TWO BATH  
24 TOTAL UNITS PER BUILDING

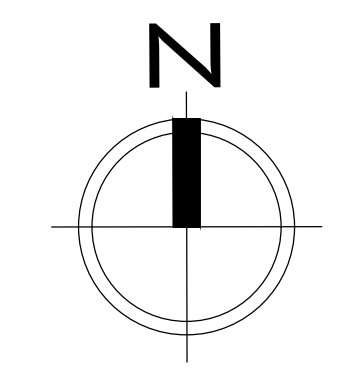
BUILDING D (24 UNIT BUILDING)  
8 ONE BED/ONE BATH  
16 TWO BED/TWO BATH  
24 TOTAL UNITS PER BUILDING

84 TOTAL UNITS  
REQUIRED PARKING (1.5 MIN. SPACES / UNIT) 126 SPACES

**TOTAL OF ALL BUILDINGS / ALL ZONINGS**  
BUILDINGS (6 BUILDINGS)  
24 ONE BED/ONE BATH PER BUILDING  
56 TWO BED/TWO BATH PER BUILDING  
24 THREE BED/TWO BATH PER BUILDING

REQUIRED PARKING SPACES COMMERCIAL: (6,000/300) = 20 SPACES  
REQUIRED PARKING SPACES MULTI FAMILY: 1.5 PER UNIT = 156 SPACES  
TOTAL REQUIRED: 176  
TOTAL PROVIDED:

104 TOTAL APARTMENT UNITS  
6,000 SQ FT OF COMMERCIAL LEASE SPACE  
24 COVER PARKING SPACES.  
TOTAL PARKING PROVIDED:



**SITE PLAN**  
SCALE: 1"=40'-0"

PROPOSED MIXED USE AND MULTI-FAMILY DEVELOPMENT FOR:  
**CHEYENNE VALLEY DEVELOPMENT**  
CITY OF NIXA, MISSOURI  
SEPTEMBER 10, 2021

