

P & Z Meeting Minutes

November 7, 2022, 7:00 P.M.

Members Present: Loren Winter, Sarah Bader, Joe Gallant, Tariq Lewis, Derris Butler, Matt Lander. Members Absent: Robert Wilson, Randall Bettis

The minutes from October 3, 2022 were approved with a motion by Matt Lander and a second by Derris Butler. All voted aye.

The agenda was approved with a motion from Joe Gallant and a second from Tariq Lewis. All voted aye.

Visitors:

No one was present.

Agenda Items:

Old Business and Tabled Items

None.

New Business

- a. **PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AN APPLICATION TO AMEND THE CITY OF NIXA'S OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.48 ACRES LOCATED ALONG THE 300 BLOCK OF SOUTH MARKET FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO HIGH DENSITY MULTI-FAMILY (R-3), (EXHIBIT A)**

Staff Report

Scott Godbey presented the staff report for the request. Mr. Godbey stated that The owner of property in the 300 block of South Market Street has applied to rezone the site from Single-Family Residential (R-1) to High-Density Multi-Family (R-3) zoning. In 2006 the property was split into two lots with the creation of the James Brown Minor Subdivision. At that same time, the property was rezoned from Agricultural (AG) to Single-Family Residential (R-1). The property featured a single-family structure originally built in 1903 until August of 2022 when a demo permit was approved to remove the structure. The property owners plan to place a multi-family structure on each lot. The subject property is lots 1 and 2 of the James Brown Minor Subdivision.

Staff recommends approval.

Public Hearing

Loren Winter opened the Public Hearing for anyone who would like to speak on this request.

Rick Brooks, 404 Lynn St, approached the Commission. Mr. Brooks has lived at this address for 32 years and feels like this is not a good idea for the neighborhood. He wanted to know what was planned for this area. Mr. Winter stated that the only thing on the agenda tonight was the rezone so the Commission could not speak about what

would be built. Mr. Godbey stated that the owner had plans for a tri-plex. Mr. Brooks stated he did not want this rezoned.

Matt Wicklund, Ozark MO, approached the Commission. Mr. Wicklund stated that he was the builder for the owner, James Brown. They are planning on building either a duplex or tri-plex on each lot and that they would adhere to the building standards of the City of Nixa. Sarah Bader asked what the plans were for upkeep and cleaning of the area during construction. Mr. Wicklund stated that it was in their best interest to keep a positive relationship with the neighbors, and they would make every effort to keep the area clean.

Discussion

With no further discussion, Joe Gallant made a motion to approve with a second by Derris Butler. All voted aye. Motion carried.

**b. PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL
CONCERNING A PROPOSAL TO PAY A FEE IN LIEU OF STORMWATER
DETENTION FOR IMPROVEMENTS AT 301 NORTH MAIN STREET. (EXHIBIT B)**

Staff Report

Scott Godbey presented the staff report for proposal. Mr. Godbey stated that The City of Nixa's adopted Technical Specifications Manual contains regulations pertaining to stormwater management on private property. Generally, the manual requires that stormwater runoff from development that adds impervious surface be detained for a period prior to being released. This detention of stormwater runoff helps to prevent downstream flooding by simulating the same rate of runoff that would have occurred otherwise.

However, in some cases, detaining stormwater runoff may not be practical nor the best solution for managing stormwater. When conditions exist that prove that stormwater detention would not be helpful or practical, the manual provides for an alternative solution in which the developer may pay the City an amount of money in lieu of constructing detention facilities. These funds are then held by the City until spent within the same drainage basin on stormwater improvements.

Christian County Ambulance District has submitted construction plans to build a new station in Nixa, in doing so, will add impervious surface to the site. The overall site is 0.37 acres, and the general topography is relatively flat. The development plans involve an increase of approximately 0.12 acres of impervious surface. The applicant has requested to provide a payment in lieu of constructing a detention facility.

Public Hearing

No one approached the Commission.

Discussion

With no further discussion, Joe Gallant made a motion to approve the proposal with a second by Sarah Bader. All voted aye. Motion carried.

c. PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING THE AMENDMENT OF THE CITY'S ZONING REGULATIONS AS THEY RELATE TO SELF-STORAGE LAND USES (EXHIBIT C)

Staff Report

Scott Godbey presented the staff report for the amendment. Mr. Godbey stated that the city has received an influx of inquiries about possible development of self-storage land uses inside city limits in commercial zoned property. Currently self-storage land uses are a permitted use in Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), and industrial zoned districts (M-1 and M-2).

At the September 14, 2022, City Council meeting, staff present, and Council approved a resolution for an administrative delay on applications and permits for self-storage land uses located in commercial zoned districts. The administrative delay is set to expire December 31, 2022.

At the October 11, 2022, City Council meeting, staff presented a discussion topic about three possible code amendments for self-storage land uses. Council and staff agreed that to preserve the commercial zoned property along the major commercial corridors, the best code amendment at this time would be to only allow self-storage land uses in the industrial / manufacturing zoned districts of M-1 and M-2.

Public Hearing

Loren Winter opened the public hearing to anyone wishing to speak on this matter.

Steve Eoff, 901 E Timber Ridge, approached the Commission. Mr. Eoff stated that he owned property abutting Hwy 14 that has been for sale for about 15 years. He now has a buyer that is wanting to put in storage units and is upset that this might not be allowed. Mr. Eoff stated that his understanding was that it was allowed in the zoned district and had told the buyers. The buyers prepared engineered plans to prepare for buying and subsequently applying for a building permit. Now they are out that money.

Discussion

Joe Gallant asked how long the discussion on changing this. Mr. Godbey stated that discussions started in September. Loren Winter stated that Mr. Eoff did everything right and now he was being told otherwise. Mr. Godbey stated that Mr. Eoff has not turned in a building permit or plans for any proposed storage units. Therefore it was not taken into consideration. Joe Gallant asked if his property could be

grandfathered in. Mr. Godbey again stated that there were no plans turned in therefore there wasn't anything to grandfather.

Loren Winter stated that he sees both sides but felt for the property owner. Matt Lander asked what the reason was behind the change. Mr. Godbey stated that they would like to preserve commercial corridors for retail businesses.

Mr. Winter stated that the Commissioners must make a motion, or it would die. He would rather make a motion and deny than to have no motion at all.

Loren Winter made a motion to approve the change with a second by Derris Butler. All voted Nay. Motion denied.

d. **CAPITAL IMPROVEMENT PROJECTS FOR PLANNING COMMISSION REVIEW**
(**EXHIBIT D**)

Staff Report

Scott Godbey presented the staff report for the review. Mr. Godbey stated that State law, specifically Section 89.390, provides that, once a City has adopted a plan of the municipality (comprehensive plan) then no street or other public facilities, or no public utility, shall be constricted or authorized by the municipality until the location, extent, and character thereof has been submitted to and approved by the planning commission. Additionally, this section goes on to provide that the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for any street or other public facility is subject to similar submission and approval.

Public Hearing

Doug Colvin gave a brief description of items on the CIP and explained what they were for.

Discussion

Without further discussion Loren Winter made a motion to approve the CIP with a second by Joe Gallant. All voted aye.

Planner's Report

Mr. Godbey said that there would be a new Planning and Zoning Commissioner appointed by the Mayor at the November 14 City Council meeting.

Scott Godbey was hired as the new new Planning and Development and his official start date will be November 14.

With no further business Derris Butler made a motion to adjourn with a second by Tariq Lewis. Meeting adjourned

P&Z Secretary