

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 28.39 ACRES LOCATED AT THE NORTHEAST CORNER OF THE NORTH MAIN STREET AND TRACKER ROAD INTERSECTION FROM SINGLE-FAMILY RESIDENTIAL (R-1) AND GENERAL COMMERCIAL (GC) TO HIGH DENSITY MULTIFAMILY (R-3) AND GENERAL COMMERCIAL (GC)

Background:

The Walker Family Investments LLC owns approximately 28.39 acres of land located at the Northeast corner of the Tracker Road and Main Street intersection. In May of 2021 the property was annexed and zoned General Commercial (GC) and Single-Family Residential (R-1). In August of 2021, a preliminary plat was approved for the property. The Walker Woods Subdivision preliminary plat featured two GC lots and 54 R-1 lots. The Walker Woods Subdivision had one access point off Tracker Road and one access point on Main Street. The subdivision was scheduled to be under construction earlier this year but due to the uncertain timeline of the Main Street widening project, the developer was not able to get the construction plans approved by the City because the North Main Street was still being designed.

The rezone request is to expand the current GC portion from 2.53 acres to 3.15 acres. The remaining 25.24 acres will be rezoned from Single-Family (R-1) to High Density Multi-Family (R-3).

Analysis:

Land Use

The property subject to the application is presently vacant and contains no buildings or structures. The subject property is bounded by East Tracker Road to the south; Single-Family Structures in the County to the east, North Main Street and a single-family structure to the West, and undeveloped property located in the County to the North.

The proposed land use change is consistent with the pattern of development in the vicinity and is consistent with the adopted Future Land Use Designation Map.

Transportation

The subject property is primarily served by Main Street (collector) and Tracker Road (secondary arterial). Traffic flows to and from the subject properties will most likely flow to/from nearby Massey Boulevard (expressway), which serves as a regional arterial. The transportation facilities serving the subject property for collection and arterial purposes have sufficient capacity to support residential and commercial traffic likely to be generated from the proposed zoning arrangement. Improvements to the intersection of Main/Tracker were recently completed and more improvements are planned along North Main Street in the vicinity of the subject property.

Where the subject property will intersect with Main Street and Tracker Road, as required by the provisions of the Nixa City Code, there will need to be a study of the probable traffic impacts at the time of development. That study will inform the nature and extent of physical improvements that will be needed to ensure the safe and efficient flow of traffic at these intersections.

Public Utilities (Water, Wastewater, Electric)

The subject property enjoys immediate access to both water and wastewater facilities. These facilities have adequate capacity to serve the proposed residential and commercial uses. The site is subject to the Northwest Regional Lift Station agreement, requiring reimbursement of \$188,011.60 at the time of development.

Electric facilities are also available to the subject properties and capable of serving the proposed residential and commercial uses.

Stormwater Management

The development of the subject property will require the management of stormwater runoff to prevent flooding hazards as well as to promote water quality (both during construction and afterward). The subject property contains multiple sinkholes, which will need to be avoided and protected throughout development and use of the properties. The property also contains FEMA Flood Hazard Area (Zone A), which will also need to be considered when designing stormwater management for the site.

Density

Current density standards for the R-3 zoned district is 14.52 dwelling units per acre. The R-3 portion of this rezone is 25.24 acres which will allow for a maximum of 366 dwelling units.

$(25.24 \times 14.52 = 366.4848)$

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.

Planning and Zoning Commission

A public hearing was held December 5, 2022, at the regular meeting of the Planning and Zoning Commission. During the public hearing, neighbors voiced their concerns and opposition to this rezone. Most of the concerns were related to the increase in traffic that will be generated by this zoning change. Neighbors adjacent to the property expressed concerns about their property values. Another topic mentioned by the neighbors was the increased demand on the school district. The Planning and Zoning Commission voted 5-3 to not recommend approval of this rezone to City Council. The Commissioners reasons for the nay votes varied. Some believed the property to be properly zoned and that the R-1 zoning is a natural transition zoning from commercial. Others expressed concerns for the increase in traffic on Tracker Road.

Recommendation:

Staff recommends approval of this rezone.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development

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1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL
2 PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE
3 NORTH MAIN STREET AND TRACKER ROAD INTERSECTION FROM SINGLE-
4 FAMILY RESIDENTIAL (R-1) DISTRICT AND GENERAL COMMERCIAL (GC) TO
5 HIGH-DENSITY MULTI-FAMILY (R-3) RESIDENTIAL DISTRICT AND GENERAL
6 COMMERCIAL (GC) DISTRICT.

7 _____
8

9 WHEREAS an application has been filed for a zoning change of the property
10 generally located at the northeast corner of the North Main Street and Tracker Road
11 intersection (“Application”); and
12

13 WHEREAS the Application requests that the City Council rezone said property
14 from Single-Family Residential (R-1) District and General Commercial (GC) District to a
15 High-Density Multi-Family Residential (R-3) District and General Commercial (GC)
16 District; and
17

18 WHEREAS the Planning and Zoning Commission held a public hearing on the
19 Application at the Commission’s December 5, 2022, meeting; and
20

21 WHEREAS the Commission, after considering the Application, staff’s
22 recommendation regarding the Application, and after holding a public hearing on the
23 Application, issued a recommendation of disapproval of the Application; and
24

25 WHEREAS the City Council, now having considered the Application, staff’s
26 recommendation regarding the Application, and after providing an opportunity for public
27 comment on the Application, now desires to rezone the subject property and amend the
28 City’s official zoning map to reflect City Council’s action.
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
31 NIXA, AS FOLLOWS, THAT:
32

33 SECTION 1: The real property generally located at the northeast corner of the
34 North Main Street and Tracker Road intersection and being more specifically described
35 on “Council Bill Exhibit A,” which is attached hereto and incorporated herein by this
36 reference as though fully set forth herein, is hereby rezoned from a Single-Family
37 Residential (R-1) district, or such other zoning district that may apply to said real property,
38 to a High-Density Multi-Family Residential (R-3) District, and the regulations applicable
39 to said district, as established in the Nixa City Code, shall hereafter apply to said real
40 property.
41

42 SECTION 2: The real property generally located at the northeast corner of the
43 North Main Street and Tracker Road intersection and being more specifically described
44 on “Council Bill Exhibit B,” which is attached hereto and incorporated herein by this
45 reference as though fully set forth herein, is hereby rezoned from a Single-Family
46 Residential (R-1) district and General Commercial (GC) district, or such other zoning

47 district that may apply to said real property, to a General Commercial (GC) District and
48 the regulations applicable to said district, as established in the Nixa City Code, shall
49 hereafter apply to said real property.
50

51 **SECTION 3:** The Director of Planning and Development, pursuant to section 117-
52 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
53 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
54 contemplated by this Ordinance.
55

56 **SECTION 4:** This Ordinance shall be in full force and effect from and after its final
57 passage by the City Council and after its approval by the Mayor, subject to the provisions
58 of section 3.11(g) of the City Charter.
59

60
61 **ADOPTED BY THE COUNCIL THIS 23rd DAY OF January, 2023.**
62

63 ATTEST:

64
65 _____
66 PRESIDING OFFICER

67
68 _____
69 CITY CLERK

70 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.**
71

72 ATTEST:

73
74 _____
75 MAYOR

76
77 _____
78 CITY CLERK

79 APPROVED AS TO FORM:
80

_____ CITY ATTORNEY

COUNCIL BILL EXHIBIT A

EAST OF MAIN – NORTH OF TRACKER (R3)

ALL THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, STATE OF MISSOURI, LYING NORTH OF THE EXISTING NORTH RIGHT OF WAY LINE OF TRACKER STREET AND EAST OF THE EXISTING EAST RIGHT OF WAY LINE OF MAIN STREET; LESS AND EXCEPT THEREFROM THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND ALSO LESS AND EXCEPT THE EAST 15 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER DESCRIBED IN BOOK 367 ON PAGE 177 OF THE CHRISTIAN COUNTY LAND RECORDS; FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT, ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY STATE OF MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET AT THE INTERSECTION WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE S87°30'09" ALONG THE NORTH LINE THEREOF A DISTANCE OF 232.88 FEET TO A POINT; THENCE S01°53'29"W A DISTANCE OF 614.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TRACKER STREET; THENCE N87°04'01"W ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 191.63 FEET TO A REBAR; THENCE N42°51'10"W LEAVING THE NORTH RIGHT OF WAY LINE OF TRACKER STREET A DISTANCE OF 35.82 FEET TO A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET; THENCE N01°27'03"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 339.90 FEET TO A REBAR; THENCE N88°07'29"W A DISTANCE OF 13.97 FEET TO A REBAR; THENCE N02°01'18"E ALONG SAID EAST RIGHT OF WAY LINE OF MAIN STREET A DISTANCE OF 242.62 FEET TO A RIGHT OF WAY MARKER; THENCE N01°35'57"E A DISTANCE OF 5.11 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING A TOTAL OF 25.24 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOTH & ASSOCIATES, 11/08/2021)

COUNCIL BILL EXHIBIT B

EAST OF MAIN – NORTH OF TRACKER (GC)

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, STATE OF MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET AT THE INTERSECTION WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE S87°30'09" ALONG THE NORTH LINE THEREOF A DISTANCE OF 232.88 FEET TO A POINT; THENCE S01°53'29"W A DISTANCE OF 614.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TRACKER STREET; THENCE N87°04'01"W ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 191.63 FEET TO A REBAR; THENCE N42°51'10"W LEAVING THE NORTH RIGHT OF WAY LINE OF TRACKER STREET A DISTANCE OF 35.82 FEET TO A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET; THENCE N01°27'03"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 339.90 FEET TO A REBAR; THENCE N88°07'29"W A DISTANCE OF 13.97 FEET TO A REBAR; THENCE N02°01'18"E ALONG SAID EAST RIGHT OF WAY LINE OF MAIN STREET A DISTANCE OF 242.62 FEET TO A RIGHT OF WAY MARKER; THENCE N01°35'57"E A DISTANCE OF 5.11 FEET TO THE POINT OF BEGINNING; CONTAINING A TOTAL OF 3.15 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOTH & ASSOCIATES, 11/08/2021)