

## **RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE PRELIMINARY PLAT OF THE CARDINALS GATE SUBDIVISION GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH MAIN STREET AND EAST MILLS ROAD**

### **Background:**

The Cardinal's Gate subdivision is a multi-family subdivision located within the R-4 zoning district. The subject property was annexed into the Nixa City Limits in March of 1985 and a form of the existing zoning arrangement was established at that time. The property owner has submitted a preliminary plat illustrating the proposed arrangement of new lots and the public infrastructure required to serve them.

Preliminary plats are a means to provide subdivision developers with an initial approval concerning compliance of the planned arrangement with the City's zoning, subdivision, and other pertinent regulations prior to engaging the more expensive actions of detailed engineering and construction.

### **Analysis:**

The Cardinal's Gate subdivision proposes to create 6 two-family residential lots, 5 of the lots are planned to be served by public streets, municipal water, municipal sanitary sewer, and municipal electric services, the 6<sup>th</sup> lot will be undeveloped and left for open space or possible future trail connection. The undeveloped lot (lot 6) is primarily a natural gully that is contained in a FEMA Floodplain. The 6 lots are zoned for two-family dwelling units (duplexes).

There is municipal water and electric service to the site that is of sufficient capacity to serve a residential development of this size. The developer will be installing a sewer line south of lots 1-5. This line will run west to east and connect to an existing sewer line adjacent to Old Riverdale Road.

The overhead electric lines that run North / South across the property does not belong to the City of Nixa and is contained within a 20-foot electric easement.

All lots will be served by East Mills Roads. Lots 1 will not have direct vehicular access to South Main Street. Lot 5 will not have direct vehicular access to Old Riverdale Road. Lot 6 does not have access to South Main Street or Old Riverdale Road, access will come

from East Mills Road in a 30-foot ingress and egress easement that runs between lots 4 and 5.

It is recommended that this new subdivision not retain its stormwater runoff because of its proximity to a FEMA Floodplain. If they were to retain their stormwater it could create two peaks or a prolonged peak in the flood water in the floodplain. The property owner intends to apply for a fee in lieu of stormwater detention. The fee will be reviewed by the Planning and Zoning Commission and be due at the time of development.

The pre-plat indicates that there will be 5 new structures built creating 10 new dwelling units. Current density standards for the R-4 district is 5.45 dwelling units per acre. The overall acreage for this site is 5.03 acres. (5.03 X 5.45 = 27.4 max dwelling units)

### **Planning and Zoning Commission**

This preliminary plat agenda item was read at the January 3, 2023, regular meeting of the Planning and Zoning Commission. During the public hearing, concerned neighbors approached the Commission to voice their opposition to this development. Neighbors spoke of flooding concerns. This area is impacted by a FEMA Floodplain which extends onto some neighboring properties. Another neighbor spoke about how narrow East Mills Road is. The road is an existing road constructed before City standards were in place. They voiced concerns about where East Mills Road connects to South Main Street, and how additional traffic will impact that intersection. With all things considered, the Commission voted 6 to 1 to recommend approval to the City Council. The Commissioner that voted nay, voiced concerns about the stormwater during the Commissioners discussion.

### **Recommendation:**

Staff has reviewed the preliminary plat and has determined the document to be in substantial conformance with the applicable regulations of the Nixa City Code concerning major subdivisions within the R-4 zoning districts. Staff recommends approval.

### **MEMO SUBMITTED BY:**

**Scott Godbey** | Director of Planning and Development

sgodbey@nixa.com | 417-725-5850

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE  
2 PRELIMINARY PLAT OF THE CARDINAL’S GATE SUBDIVISION GENERALLY  
3 LOCATED ALONG THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH  
4 MAIN STREET AND EAST MILLS ROAD AND AUTHORIZING CERTAIN CITY  
5 OFFICIALS TO TAKE CERTAIN ACTIONS UPON THE FILING OF A FINAL PLAT.  
6

7  
8 WHEREAS an original Preliminary Plat of the Cardinal’s Gate Subdivision dated  
9 September 9, 2022, is on file with the City’s Department of Planning and Development  
10 (“Preliminary Plat”); and  
11

12 WHEREAS the Department of Planning and Development has issued a staff report  
13 finding the Preliminary Plat to be in substantial compliance with the requirement of the  
14 Nixa City Code; and  
15

16 WHEREAS the Planning and Zoning Commission considered the Preliminary Plat  
17 at their meeting on January 3, 2023; and  
18

19 WHEREAS the Commission, after considering the Preliminary Plat, staff’s  
20 recommendation regarding the Application, and after holding a public hearing on the  
21 Application, issued a recommendation of approval of the Preliminary Plat; and  
22

23 WHEREAS the City Council, now having considered the Preliminary Plat, staff’s  
24 recommendation regarding the Application, and after providing an opportunity for public  
25 comment on the Preliminary Plat, now desires to approve the Preliminary Plat; and  
26

27 WHEREAS the City Council desires to authorize the Director of Planning and  
28 Development, the Director of Public Works, and the City Clerk to take certain actions  
29 consistent with this Ordinance.  
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
32 NIXA, AS FOLLOWS, THAT:  
33

34 SECTION 1: City Council hereby approves the Preliminary Plat of the Cardinal’s  
35 Gate Subdivision which is generally located at the southeast corner of the intersection of  
36 south main street and east mills road, as approved by the Planning and Zoning  
37 Commission. The original preliminary plat of the Cardinal’s Gate Subdivision is on file in  
38 the Department of Planning and Development, a reduced version of which is attached  
39 hereto for general reference as “Council Bill Exhibit A.” All of “Council Bill Exhibit A”  
40 including any referenced attachments, is hereby incorporated herein by this reference.  
41

42 SECTION 2: The Director of Planning and Development, on behalf of the City of  
43 Nixa, is hereby authorized to accept the land, easements, and improvements dedicated  
44 to the City, as shown on the Preliminary Plat of the Cardinal’s Gate Subdivision, upon: (1)  
45 the applicant filing and recording a final plat which is in accordance with this Ordinance,  
46 including any conditions attached to and described in “Council Bill Exhibit A,” and the

47 Subdivision Regulations of the City and said final plat shall substantially conform to the  
48 Preliminary Plat, and (2) upon the Director of Public Works certifying to the Director of  
49 Planning and Development that the public improvements have been made in accordance  
50 with the City standards and specifications. Said public improvements shall not be  
51 accepted until the occurrence of the above written conditions.  
52

53 **SECTION 3:** The final plat shall not be recorded until: (1) the public improvements  
54 relating to the Preliminary Plat have been constructed according to the specifications of  
55 the City of Nixa, Missouri, and are approved by the Director of Public Works, and all  
56 engineering fees, permit fees, licenses, and other fees occasioned by or in connection  
57 with the construction of said improvements have been paid to the City; or (2) in lieu of  
58 construction of the improvements, that the Developer has filed with the Planning and  
59 Development Director, according to the terms of the Subdivision Regulations of the City,  
60 the prescribed financial assurances in a form acceptable to the City to ensure the  
61 construction of the improvements and the payment to the City of all engineering fees,  
62 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the  
63 construction of the improvements.  
64

65 **SECTION 4:** Upon compliance with all the requirement of this Ordinance, including  
66 any conditions described in "Council Exhibit A", the City Clerk is hereby authorized to  
67 endorse the City Council's approval upon the final plat pursuant to Section 445.030  
68 RSMo., and such endorsement shall constitute the acceptance of the Public  
69 Improvements contained therein.  
70

71 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
72 passage by the City Council and after its approval by the Mayor, subject to the provisions  
73 of section 3.11(g) of the City Charter.  
74

75  
76 **ADOPTED BY THE COUNCIL THIS 23rd DAY OF January 2023.**

77  
78 ATTEST:

79  
80 \_\_\_\_\_  
81 PRESIDING OFFICER

80 \_\_\_\_\_  
81 CITY CLERK

82  
83  
84 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.**

85  
86 ATTEST:

87  
88 \_\_\_\_\_  
89 MAYOR

88 \_\_\_\_\_  
89 CITY CLERK

90  
91  
92 APPROVED AS TO FORM:

93  
94  
95

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

# PRELIMINARY PLAT OF CARDINAL'S GATE

A SUBDIVISION BEING A PART OF THE NE¼ OF THE SW¼  
SECTION 24, T27N, R22W,  
NIXA, CHRISTIAN COUNTY, MISSOURI

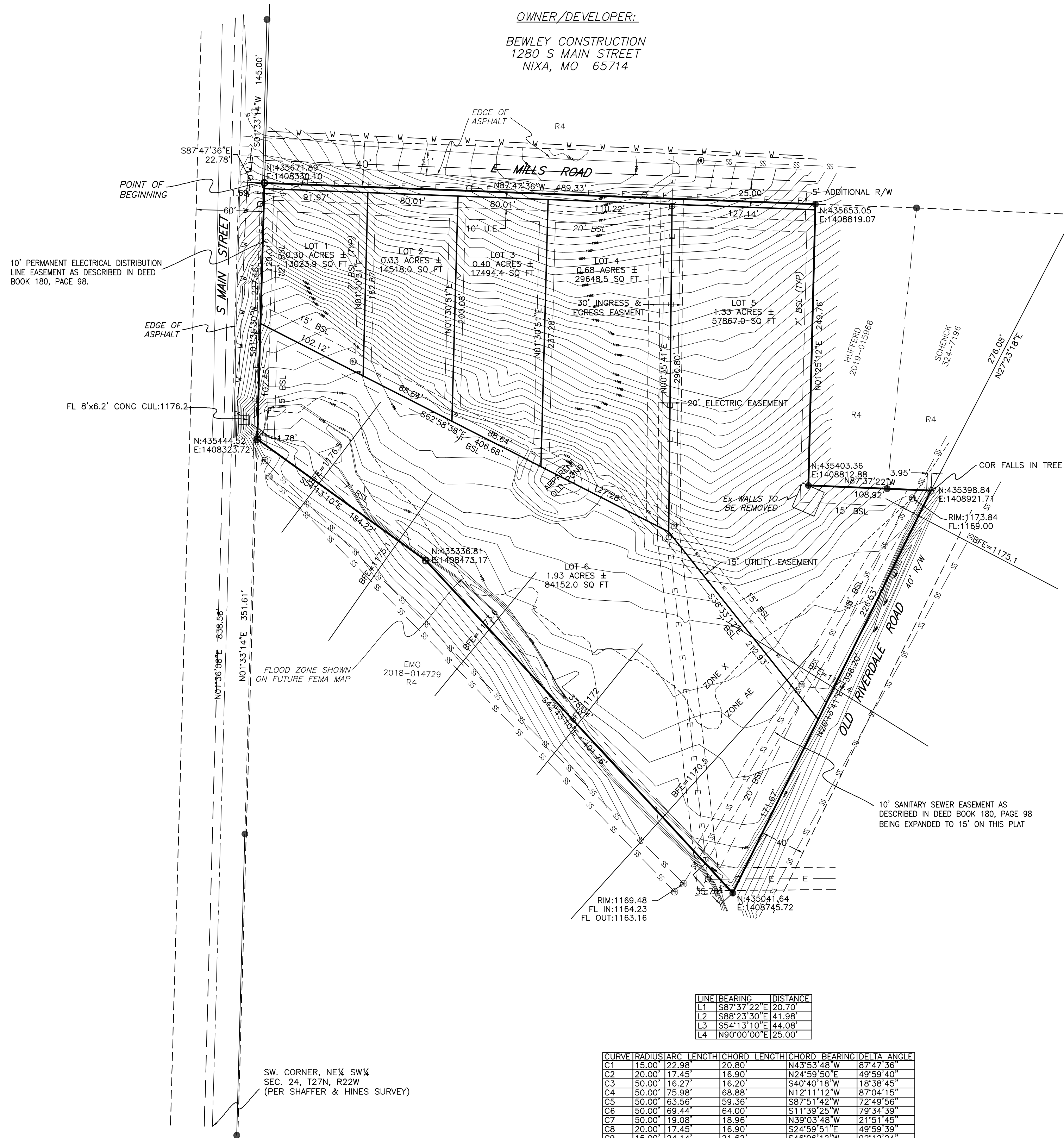
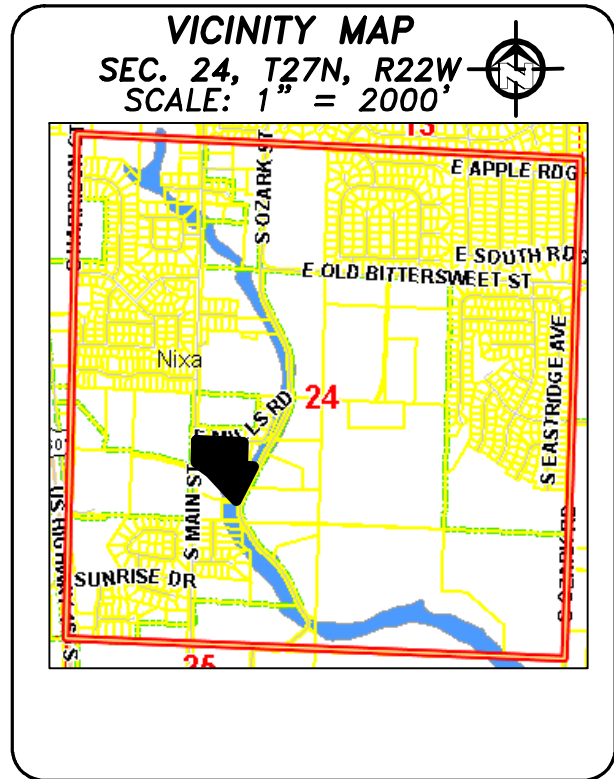
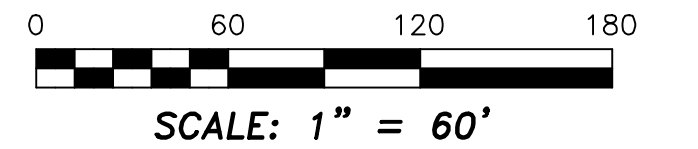
OWNER/DEVELOPER:

BEWLEY CONSTRUCTION  
1280 S MAIN STREET  
NIXA, MO 65714

**GRID NORTH**

NOTE: ALL BEARINGS ARE BASED ON  
GPS OBSERVATIONS IN THIS PROJECT  
MO CENTRAL ZONE

| LEGEND |  |              |
|--------|--|--------------|
| △      | = CALCULATED POINT                           |              |
| ●      | = FOUND EXISTING IRON PIN OR PIPE.           |              |
| ○      | = SET IRON PIN (PLS-2007017965 CAP)          |              |
| ⊙      | = POWER POLE    ⊕ = SEWER MANHOLE            |              |
| U.E.   | = UTILITY EASEMENT    BSL = BUILDING SETBACK |              |
| G      | = GAS LINE    W                              | = WATER LINE |
| E      | = OVERHEAD ELECTRIC SERVICE LINE             |              |
| SS     | = SANITARY SEWER LINE                        |              |



**PROPERTY DESCRIPTION:**

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER (NE¼) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 24, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE 5TH P.M. IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FROM THE SOUTHWEST CORNER OF SAID NE¼ OF THE SW¼, THENCE N01°36'08"E, ALONG THE WEST LINE OF SAID NE¼ OF THE SW¼, 838.56 FEET; THENCE S87°47'36"E, 22.78 FEET TO AN IRON PIN SET ON THE EAST LINE OF MAIN STREET; THENCE S01°36'30"W, ALONG SAID EAST LINE OF MAIN STREET, 227.46 FEET TO AN IRON PIN; THENCE S54°13'10"E, 184.22 FEET TO AN IRON PIN; THENCE S42°43'10"E, 401.76 FEET TO AN IRON PIN; THENCE N26°13'41"E, ALONG THE WEST BANK OF A GULLY, 398.20 FEET; THENCE N87°37'22"W, 108.92 FEET TO AN IRON PIN; THENCE N01°25'12"E, 249.76 FEET TO AN IRON PIN; THENCE N87°47'36"W, 489.33 FEET TO THE POINT OF BEGINNING. SUBJECT TO THAT PART TAKEN, DEEDED OR USED FOR ROAD PURPOSES ACROSS THE NORTH AND WEST SIDE THEREOF. ALSO, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

**NOTES :**

1. ZONING: R-4
2. R-4 BUILDING SETBACKS, UNLESS NOTES OTHERWISE, ARE AS FOLLOWS:  
FRONT SETBACK: 20'  
SIDE SETBACK: 7'  
REAR SETBACK: 15'  
SIDE SETBACK WITH STREET FRONTAGE: 12'
3. OWNER/DEVELOPER: BEWLEY CONSTRUCTION, LLC
4. TOTAL ACREAGE: 219,152 SQ.FT. (5.03 ACRES±)
5. A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE IN A F.E.M.A. IDENTIFIED FLOOD PLAIN ACCORDING TO COMMUNITY PANEL NO.: 29043C0070C, EFFECTIVE 12/17/2010
6. RECORD SOURCE DEED: BK 2022, PG 013305
7. SMALLEST LOT: LOT 1 (13023.9 SQ.FT.) LARGEST LOT: LOT 6 (84152 SQ.FT.)
8. EXISTING ELECTRIC LINE EASEMENT AND SANITARY SEWER EASEMENT AS SHOWN IN DEED BOOK 180, PAGE 98.
9. FENCES SHALL NOT BE PERMITTED WITHIN THE SEWER EASEMENTS
10. THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO OLD RIVERDALE ROAD FROM LOTS 1 AND 6

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | S87°37'22"E | 20.70'   |
| L2   | S88°23'30"E | 41.98'   |
| L3   | S54°13'10"E | 44.08'   |
| L4   | N60°00'00"E | 25.00'   |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| C1    | 15.00' | 22.98'     | 20.80'       | N43°53'48"W   | 87°47'36"   |
| C2    | 20.00' | 17.45'     | 16.90'       | N24°59'50"E   | 49°59'40"   |
| C3    | 50.00' | 16.27'     | 16.20'       | S40°40'18"W   | 18°38'45"   |
| C4    | 50.00' | 75.98'     | 68.88'       | N12°11'12"W   | 87°04'15"   |
| C5    | 50.00' | 63.56'     | 59.36'       | S87°51'42"W   | 72°49'56"   |
| C6    | 50.00' | 69.44'     | 64.00'       | S11°39'29"W   | 79°34'39"   |
| C7    | 50.00' | 19.08'     | 18.96'       | N39°03'48"W   | 21°51'45"   |
| C8    | 20.00' | 17.45'     | 16.90'       | S24°59'51"E   | 49°59'39"   |
| C9    | 15.00' | 24.14'     | 21.62'       | S46°06'12"W   | 92°12'24"   |

**DECLARATION BY SURVEYOR**

I HEREBY DECLARE TO BEWLEY CONSTRUCTION, THAT THE INFORMATION CONTAINED HEREIN IS BASED UPON AN ACTUAL SURVEY OF THE LAND DESCRIBED HEREIN, WHICH WAS PERFORMED TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ACCORDANCE WITH THE JOINT STANDARDS FOR PROPERTY SURVEYS AS PUBLISHED BY THE MISSOURI DEPARTMENT OF AGRICULTURE AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS DATED JUNE 30, 2017 AND BASED ON INFORMATION PROVIDED BY THE CLIENT. MONUMENTS AND PINS SHOWN AS SET WERE PLACED UNDER MY REVIEW AND SUPERVISION. PHYSICAL EVIDENCE OF IMPROVEMENTS IS SHOWN FROM INFORMATION TAKEN BY VISUAL INSPECTION OF THE PREMISES. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE. APPARENT OWNERSHIPS AS SHOWN ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND DO NOT REPRESENT AN OPINION AS TO TITLE. THIS PLAT OF SURVEY IS AN INSTRUMENT OF SERVICE AND IS NOT TO BE USED BY ANYONE OTHER THAN THOSE TO WHOM IT HAS BEEN CERTIFIED UNLESS IT HAS BEEN UPDATED AND RE-CERTIFIED BY THE UNDERSIGNED.

|  |  |  |
|--|--|--|
| <br>O&M SURVEYING<br>LLC<br>(417) 832-1405<br>(417) 830-1171 | LAND SURVEYORS,<br>PLANNERS, &<br>CONSTRUCTION STAKING<br>472 TROUT ROAD<br>OZARK, MISSOURI 65721  | PROFESSIONAL LAND SURVEYOR<br>REG. NUMBER: PLS-2007017965<br>CORPORATION# 2022004477                           |
|  | CLIENT: BEWLEY CONSTRUCTION<br>DESCRIPTION: BOUNDARY/TOPO SURVEY<br>LOCATION: SW¼, SEC. 24, T27N, R22W<br>NIXA, CHRISTIAN COUNTY, MO<br>ORDERED BY: DUSTY BEWLEY | JOB No.: 22874<br>DATE: 09-09-2022<br>SCALE: 1" = 60'<br>DRAWN BY: JES<br>CHECKED BY: BDM<br>DWG. No.: 22874-1 |

**NOTE:**  
ADJOINING LAND OWNERS AND THEIR DEED BOOK AND PAGES WERE BASED ON INFORMATION OBTAINED FROM THE CHRISTIAN COUNTY ON-LINE WEBSITE SERVICES. (PROVIDED BY OTHERS)