

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 8.11 ACRES LOCATED IN THE 400 BLOCK OF SOUTH MAIN STREET FROM HIGH DENSITY MULTI-FAMILY (R-3) TO A PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R)

Background:

400 S Main LLC owns approximately 8.11 acres of land located in the 400 block of South Main Street. The property has been partially developed since 2007 with private road infrastructure and utilities on site but no structures have been constructed. There was a condo plat associated with this property until recently when it was removed by the current property owner. The condo plat outlined two family residential structures on the high-density multi-family residential (R-3) zoned lot. The property owner is requesting to construct two-family residential structures (duplexes) and single-family structures on this site. According to Sec. 117-23(4) of the Nixa Code of Ordinances, single-family attached and two-family uses can occur within the R-3 zoning district, only in the form of a planned residential or planned unit development. Sec. 117-214(1)c states that all uses in the R-1 (single-family), R-4 (two-family), and R-3 (high-density multi-family) zone districts shall be allowed within a Planned Unit Development-Residential district.

Analysis:

Land Use

The property subject to the application is currently vacant and contains no buildings or structures. The property is bounded by single-family zoned property to the south, single-family structures and South Main Street to the east, a single-family structure and an apartment complex to the West, and single-family zoned property and R-3 zoned property to the North.

The proposed land use change is consistent with the pattern of development in the vicinity.

Transportation

The subject property has access to South Main Street (collector). The transportation facilities serving the subject property for collection and arterial purposes have sufficient capacity to support residential traffic likely to be generated from the proposed zoning change. This site does feature an emergency access point that is in the southeast corner of the property with access to South Main Street via concrete blocks.

Where the subject property connects to South Main Street, 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 the intersection with South Main Street. This site has had previous traffic impact studies performed, 2006 and 2008. The proposed density for the PUD-R is the same as the estimated number of dwelling units at the time of the previous traffic impact studies.

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 the proposed residential zoning change.

Stormwater Management

The property has existing stormwater infrastructure that will be used for the management of stormwater runoff to prevent flooding hazards as well as to promote water quality (both during construction and afterward). The property contains FEMA Flood Hazard Area (Zone A), which falls within the existing stormwater infrastructure. The existing basin was over designed in 2006 to handle more impervious surface than what is being proposed and additional flows from outside of the Pines development.

Density

The property owner is requesting a density standard of 7.1 dwelling units per acre. This is well below the density standards for the current R-3 zoning of the property. Current density standards for the R-3 zoned district is 14.52 dwelling units per acre. The site plan submitted as part of the PUD document shows 45 new dwelling units. The dwelling units will be a mix of single-family structures and duplex structures.
(8.11 X 7.1 = 57.58)

PUD-R Changes from Current Code

This Planned Unit Development Residential has proposed to make minor changes to current zoning standards for the R-3 zoned district. The proposed building setbacks for this PUD-R are listed as front yard setback of 12 feet which will extend from South Main

Street. The proposed side yard setback is 8 feet. Current standards for the R-3 zoned district are front yard setback of 20 feet and a side yard setback of 12 feet.

The PUD-R document is not requesting any other changes from currently adopted development standards.

Other Public Services

The proposed zoning change could potentially add traffic to the City's jurisdiction, which will impact a variety of public services in proportion to those increases. Ideally, the impact of these additional patrons will produce economies sufficient to cover additional costs. The City's development regulation 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 January 3, 2023, at the regular meeting of the Planning and Zoning Commission. During the public hearing, a concerned neighbor approached the Commission to voice his concerns about additional stormwater. The neighbor lives to the south of the subject property. A FEMA floodplain runs across his property next to his house and he is worried about potential flooding concerns.

The Planning and Zoning Commission voted unanimously to recommend approval to City Council.

Recommendation:

Staff has reviewed this PUD-R and finds it to be in substantial conformance with Sec. 117-215-Review criteria for PUDs. Staff recommends the approval of this application.

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 REZONING THE REAL**
2 **PROPERTY GENERALLY LOCATED IN THE 400 BLOCK OF SOUTH MAIN STREET**
3 **FROM A HIGH DENSITY MULTI-FAMILY (R-3) TO A PLANNED UNIT**
4 **DEVELOPMENT.**

5 _____
6

7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located in the 400 block of South Main Street; and

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10 **WHEREAS** the Application requests that the City Council rezone said property
11 from a High Density Multi-Family (R-3) district to a Planned Unit Development; and

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13 **WHEREAS** the proposed Planned Unit Development requirements are attached
14 hereto as "Council Bill Exhibit A"; and

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16 **WHEREAS** the City's Planned Unit Development regulations (Article VI of Chapter
17 117 of the Nixa City Code) allow for a more flexible means of developing land within the
18 City; and

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20 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
21 Application at the Commission's January 3, 2023, meeting; and

22
23 **WHEREAS** the Commission, after considering the Application, staff's
24 recommendation regarding the Application, and after holding a public hearing on the
25 Application, issued a recommendation of approval of the Application; and

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

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

34
35 **SECTION 1:** The real property generally located in the 400 block of South Main
36 Street and being more specifically described on "Council Bill Exhibit B," is hereby rezoned
37 from a High Density Multi-Family (R-3) district, or such other zoning districts that may
38 apply to said real property, to a Planned Unit Development and the requirements and
39 standards contained in "Council Bill Exhibit A," which is attached hereto and incorporated
40 herein by this reference, as well as the applicable provisions of the Nixa City Code shall
41 hereafter apply to said real property.

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43 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-
44 57 of the Nixa City Code, shall amend the City's official zoning map, said map being
45 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
46 contemplated by this Ordinance.

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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 23rd DAY OF January, 2023.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Requirements and Standards Applicable to The Pines Planned Unit Development District

A. APPLICABILITY

Building or other permits shall not be issued for development permitted by this Planned Unit Development (“PUD”) District, nor can any changes be made to this property until the Final Development Plan has been approved in the manner provided herein.

All requirements of the Nixa City Code shall apply to the property subject to this PUD District, unless modified by the requirements and standards herein.

B. INTENT

The intent of this PUD District is to allow single family and duplex land uses in a multi-family development.

C. DEFINITIONS

The definitions contained in Section 101-2 of the Nixa City Code, or its successor provision, shall apply to this PUD District.

D. USES PERMITTED

The following uses shall be permitted in the PUD District:

- a) Accessory uses, as permitted by section 117-94, Accessory uses.
- b) Home occupation uses as permitted by Section 117-95, Home Occupations.
- c) Approved uses not requiring permits by Section 117-96, Approved uses not requiring permits.
- d) All uses permitted in an R-3 zone found in Section 117-99.
- e) Single family detached residences, multiple dwelling units per lot.
- f) Family duplex residences.
- g) A clubhouse and/or other common recreation facilities.

E. USE LIMITATIONS

- a) All use limitations required by the zoning ordinance for R-3 zoned property, except for those limitations associated with single- and two-family residences.

F. INTENSITY OF DEVELOPMENT

Development occurring within the PUD District shall adhere to the following standards:

1. The maximum residential dwelling units shall be limited to 57 dwelling units or 7.1 units per acre.

G. BULK, AREA, AND HEIGHT REQUIREMENTS

The following bulk, area, and height requirements shall apply to the PUD District:

Maximum structure height:

The maximum structure height shall be the structure height allowed in R-3 Zoning Districts.

Front yard setback:

- a. 12' along Main Street.

Side yard:

- a. 8' side yard along West, North and South property lines.

Spacing between buildings:

- a. Minimum Spacing will be in accordance with the City's adopted building codes.
- b. Duplex lots shall have fire walls separating dwelling units as required by the City's adopted building codes.

H. OPEN SPACE, LANDSCAPING & SCREENING

- a. Minimum open space: Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with Chapter 105, Article II of the Nixa City Code. Open space shall not include areas covered by buildings, structures, parking, loading, and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- b. Maximum impervious surface: The combined area occupied by all main and accessory buildings or structures, parking, loading, and other paved areas, and any other surfaces which reduce and prevent absorption of stormwater shall

not exceed 70 percent of the total area unless modified in accordance with the City of Nixa stormwater and flood control requirements.

- c. Landscaping and screening shall be in accordance with Exhibit 2 of this PUD District. The existing streets were constructed under approved construction plans in the past. Some of those streets extend into buffer areas and are considered approved in their current location.

I. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown in Exhibit 2 shall be governed by the existing standards of the City of Nixa for the applicable street classification.

J. OFF-STREET PARKING

Chapter 111, Article V of the Nixa Code of Ordinances in effect at the time of development shall apply except as modified herein.

K. REQUIRED IMPROVEMENTS

1. Public improvements to serve this development have been constructed and are in place. Public and private improvements necessary to adequately accommodate the intensity of development proposed in this District shall be constructed prior to or concurrently with the development of the property. The development may be phased, and with each phase, the Planning and Development Department will make a determination as to the improvements that would be necessary to support the phase.

Prior to building permits being issued, the applicant or subsequent owners shall:

- a. construct the required improvements; or
 - b. provide assurances satisfactory to the Director of Public Works guaranteeing that all required improvements will be constructed in accordance with Chapter 115, Article III. – Required Improvements and Design Standards.
2. Certificate of occupancy. No certificate of occupancy shall be issued for any structure within this District, or phase of the development, unless:
 - a. the required improvements are completed prior to occupancy of the structures; or
 - b. the Director of Public Works has determined that:

- (1) any incomplete required improvements have little or no effect on the occupancy of the facility; or
- (2) conditions beyond the control of the contractor, *i.e.*, strikes, weather, etc., have delayed the completion of the improvements.

If one of these conditions occurs, the Director of Planning and Development may permit occupancy under conditions satisfactory to the Director of Public Works that the required improvements will be completed as required by this ordinance within a reasonable time.

3. Required improvements. The following improvements are required for full development of the subject property:

a. Sanitary sewer facilities.

Public sanitary sewer is currently extended onto this property to serve this project. Private sewers are currently extended from the public main to serve the buildings. If the property is subdivided, public sanitary sewer shall be extended to each lot in accordance with the City's Subdivision Regulations.

b. Stormwater management facilities.

- (1) Private and public inlets and piping are currently installed on this property to serve this project.
- (2) A detention basin is currently constructed to meet detention requirements. All stormwater infrastructure must meet the City of Nixa's stormwater regulations.

4. Improvement Standards. Improvements shall conform to the following standards.

- a. All utility services lines and utility connections shall be located underground, including, but not limited to, electrical and telephone cables, security and other telecommunication systems, and wires, unless utility easements providing for overhead service exist or are obtained in the future.

L. MAINTENANCE OF COMMON AREAS AND FACILITIES

The site has one owner and thereby does not have common area. All facilities shall be maintained by the owner in accordance with the Nixa City Code.

M. PHASING

Development will be phased with respect to building permits. Most of the infrastructure is already completed. The dwelling units will be constructed by individual permits at the discretion of the developer.

N. FINAL DEVELOPMENT PLAN

A final development plan, showing conformance with the requirements of this Exhibit and Exhibit 2, shall be submitted to the Planning and Development Department and approved in the manner described herein prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this exhibit. The final development plan may be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development of this District shall be in accordance with the approved final development plan.

1. The intent of Exhibit 2 is to show in sufficient detail how the subject property is going to develop, so that approval of the Final Development Plan may be given by the Planning and Development Department without returning to Planning and Zoning Commission or City Council for review. A final development plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined Chapter 117, Article VI – Planned Unit Development (PUD).
2. The final development plan shall be submitted to the Planning and Development Department for review. The Planning and Development Department is hereby authorized, at its discretion, to approve minor adjustments and modifications. Such authority shall not, however, be construed to permit:
 - a. Any uses within the District other than those specifically prescribed by the ordinance.
 - b. Any increase in the intensity of use permitted within the District.

COUNCIL BILL EXHIBIT B

Legal Description

LOT 1 OF THE REPLAT OF LOT 1, THE PINES DEVELOPMENT IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.

PUD EXHIBIT

OWNER/DEVELOPER:
SAY U CAN DEVELOPMENT, LLC
4319 S NATIONAL, BOX 126
SPRINGFIELD MO 65810

BUILDING SETBACKS:
12' FRONT YARD (EAST PROPERTY LINE)
8' SIDE YARD (WEST, NORTH & SOUTH PROPERTY LINE)

DESCRIPTION:
All of Lot 1 of The Pines, a subdivision in the City of Nixa, Christian County, Missouri, according to the recorded plat therefor.

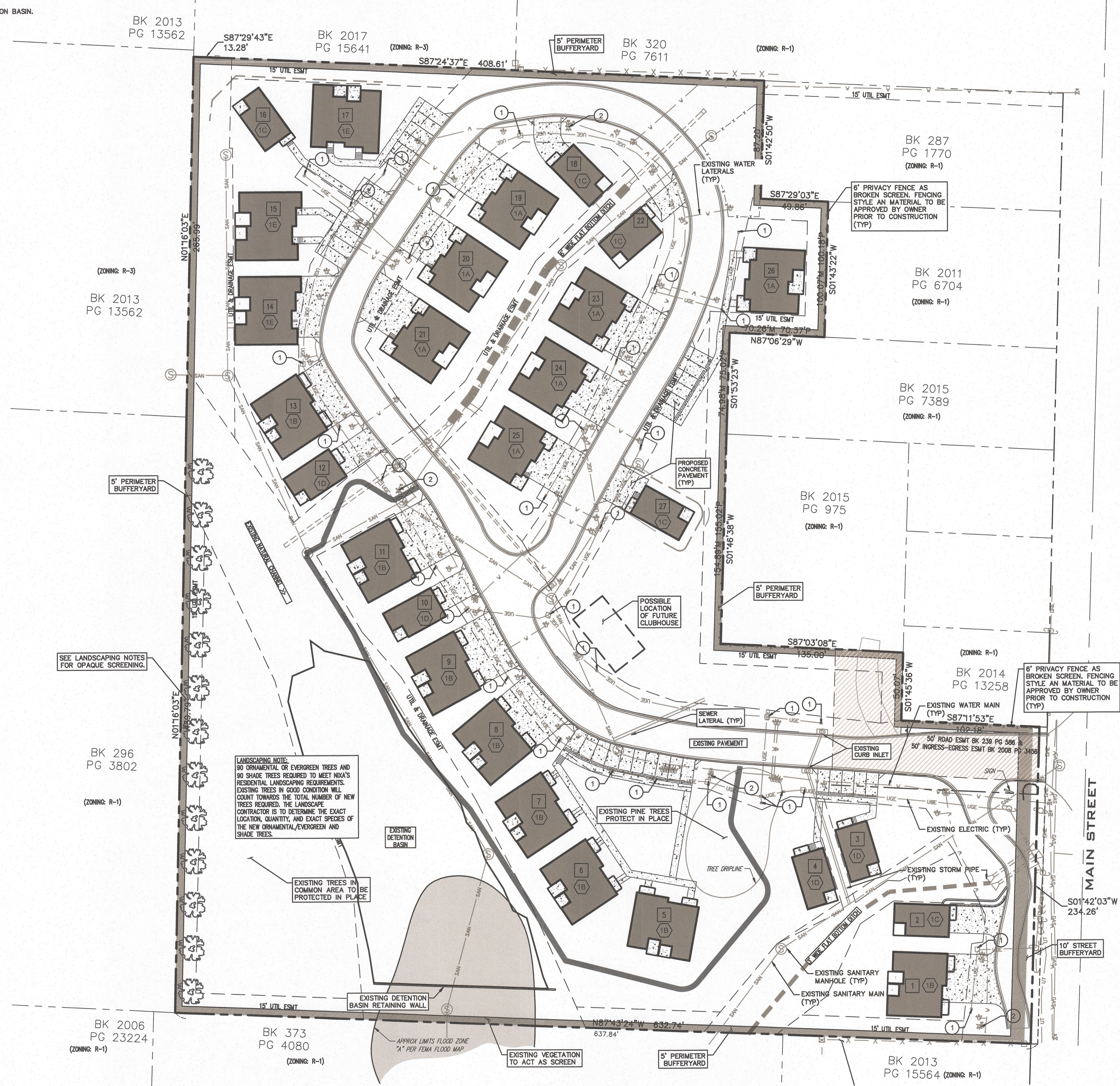
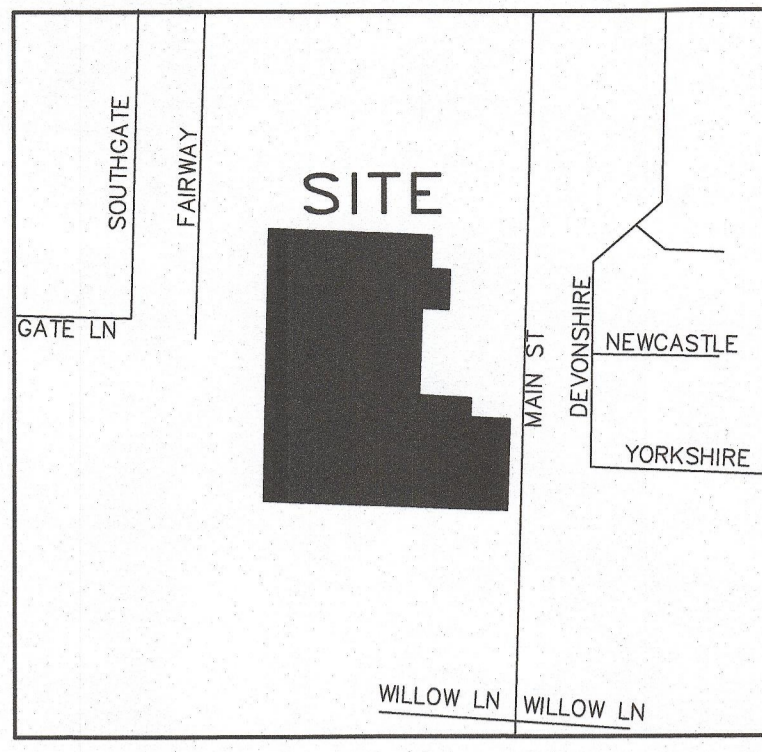
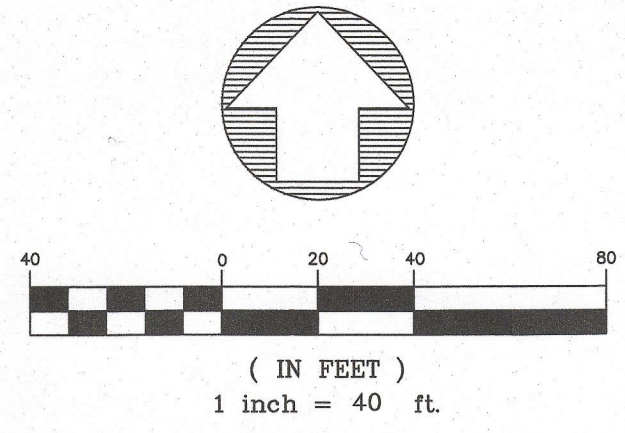
BUFFERYARDS AND SCREENING:
10' WIDE STREET BUFFER
5' WIDE PERIMETER BUFFER
BROKEN SCREEN REQUIRED BETWEEN R-3 AND R-1

IRC & FIRE CODE REQUIREMENTS:
DIVIDING WALLS BETWEEN THE UNITS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE IRC AND FIRE CODE. MINIMUM FIRE SEPARATION DISTANCE BETWEEN BUILDINGS SHALL BE 10' PER SECTION R302 OF THE IRC.

FIRE APPARATUS ACCESS:
ALL DRIVE LANES WITHIN THE COMPLEX ARE CONSIDERED FIRE LANES.

DETENTION NOTE:
DETENTION IS PROVIDED IN THE EXISTING DETENTION BASIN.

ZONING NOTES:
EXISTING ZONING: R-3
PROPOSED ZONING: PUD
PROPOSED SITE AREA: 8.08 AC (352,114 SF)
PROPOSED # OF BUILDINGS=27
MAXIMUM # OF BUILDINGS=33
PROPOSED DWELLING UNITS: 45
MAXIMUM DWELLING UNITS: 57
PROPOSED DENSITY: 5.6 DWELLING UNITS/AC
MAX DENSITY: 7.1 DWELLING UNITS/AC
PROPOSED OPEN SPACE: ~50%
MINIMUM OPEN SPACE: 70%



VICINITY MAP
NOT TO SCALE

BENCHMARK:
SITE BM - SE Corner Storm Box near center of property per recorded plat of The Pines Condominium
ELEV = 1253.82

FLOOD NOTE:
This property lies in Flood Zone "A" (areas determined to be within the Flood Hazard Area) with no Base Flood Elevation determined according to FIRM Community Panel 29043C 0070 G, effective December 17, 2010.

- LEGEND**
- FOUND IRON PIN
 - SET IRON PIN OR MARKER AS NOTED
 - △ R/W MARKER
 - BOUNDARY LINE
 - - - R/W LINE
 - - - EASEMENT LINE
 - - - SETBACK LINE
 - (M) MEASURED
 - (D) PLAT
 - (R) DEED RECORD
 - ☆ LIGHT POLE
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ SANITARY SEWER CLEANOUT
 - SANITARY SEWER LINE
 - ⊕ UTILITY POLE
 - ⊕ ELECTRIC METER
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - GUY WIRE
 - ⊕ PHONE/COMMUNICATION MANHOLE
 - ⊕ PHONE PEDESTAL
 - ⊕ CABLE TV RISER
 - CABLE TV LINE
 - UNDERGROUND PHONE
 - OVERHEAD PHONE
 - FIBER OPTIC LINE
 - ⊕ WATER VALVE
 - ⊕ WATER METER
 - WATER LINE
 - ⊕ FIRE HYDRANT
 - ⊕ GAS VALVE
 - ⊕ GAS METER
 - GAS LINE
 - x FENCE LINE (AS NOTED)
 - ⊕ ROAD SIGN (STOP, SPEED LIMIT, ETC)
- ABBREVIATIONS:**
- XFMR TRANSFORMER
 - ICV IRRIGATION CONTROL VALVE
 - CI STORMWATER CURB INLET

- EXISTING UTILITY NOTES:**
- ① PULL BOX/TRANSFORMER
 - ② FIRE HYDRANT

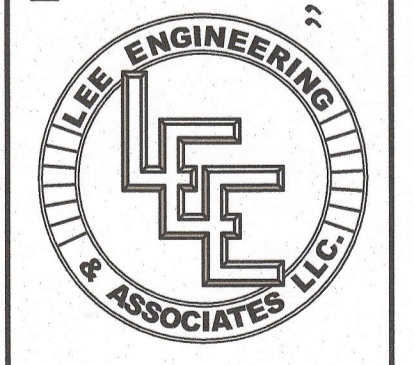
- DWELLING UNIT NOTES FOR POSSIBLE UNIT MIX:**
- 1A TYPE "A" TWO-STORY, ABOVE GRADE, DUPLEX UNIT. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - 1B TYPE "B" TWO-STORY, WALKOUT, DUPLEX UNIT. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - 1C TYPE "C" TWO-STORY, ABOVE GRADE, SINGLE FAMILY UNIT. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - 1D TYPE "D" TWO-STORY, WALKOUT, SINGLE FAMILY UNIT. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - 1E TYPE "E" ONE-STORY, ABOVE GRADE, SINGLE FAMILY UNIT. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - ② RESERVED
 - ③ 6' PRIVACY FENCE

BY:	
DATE:	
REVISIONS:	
SCALE: 1" = 40'	
FIELD BY: TS, JS	
DRAWN BY: DCR	
CHECKED BY: DCR	

PUD EXHIBIT
THE PINES
NIXA, CHRISTIAN COUNTY, MISSOURI

Missouri State Certificate of Authority
Engineering #2005015504
Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.
1200 E. Woodhurst Dr., Suite D200
Springfield, Missouri 65807
417-886-9100 (phone)
417-886-9336 (fax)
leee@leeengineering.biz



DATE: 2022-11-30
SHEET: PUD
PROJECT: 1900
FILE: 1900 - The Pines - PUD.dwg