

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 1.87 ACRES LOCATED IN THE 1400 BLOCK OF WEST MT VERNON STREET FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-3)

Background:

The owner of approximately 1.87 acres of land located in the 1400 block of West Mt. Vernon Street has applied to rezone the property from General Commercial (GC) to High Density Multi-Family (R-3). The property was annexed into the City of Nixa in December of 2018 as part of a 21-acre annexation. The entire 21-acres was zoned General Commercial at the time of annexation. The property was then proposed to be split into 14 lots as part of the Auburn Heights preliminary plat in January of 2020. A portion of the property was rezoned to single-family at that time, but the subject property (lot 12) remained GC. The subdivision was completed, and a final plat was recorded in June of 2020.

This rezone was presented to City Council in February of 2023. Council voted 3 ayes to 1 no. Approval requires a majority vote of all Council members, which is 4 members. Council has requested that this item be brought back for a vote with more members present.

Analysis:

Land Use

The property subject to the application is presently vacant and contains no buildings. The property contains a large detention basin that was constructed to contain the stormwater runoff of the Auburn Heights subdivision and release the storm water at the same volume as predevelopment rates. The subject property is bounded by Single-Family homes to the south; a legal non-conforming Single-Family structure on General Commercial zoned property to the west, West Mt. Vernon Street (HWY 14) to the north, and Nixa Public Schools S.C.O.R.E. building on General Commercial zoned property to the east.

The proposed land use change is consistent with the adopted Future Land Use Designation Map, which shows that the subject property should be zoned for high density multi-family.

Transportation

The subject property is served by West Mt Vernon Street (primary arterial). Access to the property will come from the 40' shared access easement along the west property line. The transportation facilities serving the subject property for collection and arterial purposes, are MoDOT roads and have sufficient capacity to support residential traffic likely to be generated from the proposed zoning change.

All access points onto Highway 14 (Mt Vernon Street) will require prior approval from MoDOT before construction can begin.

Public Utilities (Water, Wastewater, Electric)

The subject property has immediate access to all municipal utilities (water, sewer, and electric). The subject property is part of the Oakmont Lift Station drainage basin. This lift station is currently at capacity and cannot support additional wastewater flows. The City of Nixa is currently in the planning phase of moving and expanding the lift station to support future development in the area.

Electric and water is of sufficient size and capacity to support development activities associated with the R-3 zoning district. 3-phase and single-phase transformers currently have an estimated lead time of 18-24 months.

Stormwater Management

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 currently contains the stormwater basin that was designed as part of the Auburn Heights Subdivision. It was designed and constructed to handle the runoff generated by the single-family portion of Auburn Heights and the subject property.

Density

Current density standards for the R-3 zoning district is 14.52 dwelling units per acre. The lot subject to this rezone is 1.87-acres, which will allow for a maximum of 27 dwelling units. (1.87 X 14.52 = 27.1524)

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 February 6, 2023, at the regular meeting of the Planning and Zoning Commission. During the public hearing, concerned neighbors approached the Commission to voice their concerns about the potential rezone. Concerns varied from the potential increase in crime, increase in noise, the possibility of a 3-story apartment building outside their back door, and the lack of privacy that could occur.

The Planning and Zoning Commission voted 4-1 to recommend approval to City Council.

Recommendation:

Staff recommends the approval of this application based off the adopted Future Land Use Designation Map showing that the subject property should be zoned as high-density multi-family (R-3).

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development

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AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL PROPERTY GENERALLY LOCATED AT THE 1400 BLOCK OF WEST MOUNT VERNON STREET FROM A GENERAL COMMERCIAL (GC) DISTRICT TO A HIGH-DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT.

WHEREAS an application has been filed for a zoning change of the property generally located at the 1400 block of West Mt. Vernon Street and which is more specifically described on “Council Bill Exhibit A” (“Application”); and

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

WHEREAS the Planning and Zoning Commission held a public hearing on the Application at the Commission’s February 6, 2023, meeting; and

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

WHEREAS the Application was considered by the City Council at its February 13, 2023, and February 27, 2023, regular meetings; and

WHEREAS at the February 27, 2023, regular Council meeting, the Council voted 3 yes and 1 no on the Application, this vote resulted in the measure failing; and

WHEREAS at the request of members of Council, the item has been returned to Council for further consideration with more members present; and

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

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

SECTION 1: The real property generally located at 1400 block of West Mt Vernon Street and being more specifically described on “Council Bill Exhibit A,” is hereby rezoned from a General Commercial (GC) district, or such other zoning district that may apply to said real property, to a High-Density Multi-Family Residential (R-3) District and the regulations applicable to said district, as established in the Nixa City Code, shall hereafter apply to said real property. “Council Bill Exhibit A,” is hereby incorporated by this reference as though said Exhibit was fully set forth herein.

47 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-
48 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
49 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
50 contemplated by this Ordinance.

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

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57 **ADOPTED BY THE COUNCIL THIS _____ DAY OF _____, 2023.**

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ATTEST:

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PRESIDING OFFICER

CITY CLERK

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

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ATTEST:

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MAYOR

CITY CLERK

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73 APPROVED AS TO FORM:

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CITY ATTORNEY

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