

## **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE WOODFIELD VILLAS PLANNED UNIT DEVELOPMENT RESIDENTIAL AND OFFICIAL ZONING MAP BY INCORPORATING APPROXIMATELY 3.59 ACRES LOCATED IN THE 400 BLOCK OF SOUTH TRUMAN BLVD INTO THE PUD-R**

### **Background:**

King Built Properties owns approximately 6.68 acres of land located in the 400 block of South Truman BLVD. The property is undeveloped. The properties subject to the rezone and amended PUD-R document are Lot 50 of the Woodfield Subdivision and the 3.56 acres of property to the east. Lot 50 is currently zoned R-3 with a PUD-R overlay. The Woodfield Villas Planned Unit Development Residential (PUD-R) is the overlay district on Lot 50 and was originally approved by the Board of Alderman in August 2008. The property adjacent to Lot 50 was rezoned from single-family residential (R-1) to high-density multifamily (R-3) in April 2019. The property owner is requesting to amend the PUD-R to include the adjacent 3.56-acre parcel. In addition, the property owner will be updating the PUD-R document to reflect a new development proposal. 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 structures to the east, and two-family structures to the north. Along the south and west of the property is South Truman BLVD. On the other side of South Truman is a single-family subdivision and single-family residential zoned property to the south.

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

#### **Transportation**

The subject property has access to South Truman BLVD (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.

Where the subject property accesses South Truman BLVD, as required by Section 115-133 of the Nixa City Code, a traffic impact study will be performed 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 has immediate access to municipal water, wastewater facilities, and electric service. These facilities have adequate capacity to serve the proposed residential development.

### **Stormwater Management**

The subject property has a sinkhole that extends onto surrounding properties. A sinkhole evaluation was performed in 2017. With recent changes to Nixa City code regarding the use of sinkholes for stormwater runoff, a new sinkhole evaluation will need to be conducted to comply with the amended sinkhole / stormwater ordinance. The placement of buildings on the property shall conform with adopted City sinkhole regulations.

### **Density**

The property owner is requesting that the PUD-R overlay district maintain the density standards of the R-3 zoning district. Current density standards for the R-3 zoning district is 14.52 dwelling units per acre. According to the site plan for the PUD-R, the property owner will build 81 dwelling units. Lot 50 is being proposed to have 54 dwelling units, which is over the max density for the size of the lot, but within the standards of the PUD-R overlay district. ( $6.68 \times 14.52 = 96.9$ )

### **PUD-R Changes from Current Code**

The Woodfield Villas PUD-R was approved in 2008 with a max building height of 55 feet. The amendment to the PUD-R will maintain the max building height of 55 feet. The developer intends to construct 3-story dwelling units. The Nixa Fire Protection District has the proper equipment to provide service to the structures.

The front setback will increase from the original PUD-R document. It was approved with a 20-foot front setback, which is consistent with the R-3 zoning district standards. The proposed front setback in the amended PUD-R is 25-feet from Truman BLVD and Bryant Street. The side and rear setback from the original PUD-R of 20-feet, will remain.

The PUD-R document does not request any other changes from the currently adopted development standards.

## **Other Public Services**

The proposed zoning change 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. (Insert content of analysis, methodology, findings)

## **Planning and Zoning Commission:**

A public hearing was held at the June 5<sup>th</sup> Planning and Zoning Commission meeting. Citizens from the adjacent area approached the commission to voice concerns about potential traffic problems, flooding issues associated with sinkholes, and aesthetics of the development. The P&Z Commission voted 5-1 to recommend approval to the Nixa City Council.

## **Recommendation:**

Staff has reviewed the Woodfield Villas PUD-R and finds it to be in substantial conformance with Section 117-215, Review criteria for PUDS. 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 AMENDING THE  
2 WOODFIELD VILLAS PLANNED UNIT DEVELOPMENT OVERLAY ZONING  
3 DISTRICT, GENERALLY LOCATED IN THE 400 BLOCK OF SOUTH TRUMAN  
4 BOULEVARD, BY INCORPORATING APPROXIMATELY 3.59 ACRES OF  
5 ADDITIONAL REAL PROPERTY INTO SAID PLANNED UNIT DEVELOPMENT.  
6

7  
8 WHEREAS an application has been filed for an amendment of the Woodfield Villas  
9 Planned Unit Development (“PUD”), which is generally located in the 400 block of South  
10 Truman Boulevard; and

11  
12 WHEREAS the Application requests that an additional 3.59 acres of real property  
13 be added into the PUD; and

14  
15 WHEREAS the amended PUD requirements are attached hereto as “Council Bill  
16 Exhibit A”; and

17  
18 WHEREAS the City’s Planned Unit Development regulations (Article VI of Chapter  
19 117 of the Nixa City Code) allow for a more flexible means of developing land within the  
20 City; and

21  
22 WHEREAS the Planning and Zoning Commission held a public hearing on the  
23 Application at the Commission’s June 5, 2023, meeting; and

24  
25 WHEREAS the Commission, after considering the Application, staff’s  
26 recommendation regarding the Application, and after holding a public hearing on the  
27 Application, issued a recommendation of approval of the Application; and

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

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

36  
37 SECTION 1: The real property generally located in the 400 block of South Truman  
38 Boulevard and being more specifically described in “Council Bill Exhibit A,” is hereby  
39 rezoned by establishing a Planned Unit Development Residential overlay district over the  
40 existing High-Density Multi-Family Residential (R-3) zoning districts applicable to said  
41 property. The Planned Unit Development Residential overlay district established by this  
42 Ordinance shall be known as the Woodfield Villas Planned Unit Development. The  
43 regulations, requirements, and standards applicable to the Woodfield Villas Planned Unit  
44 Development are provided in “Council Bill Exhibit A,” which is attached hereto and  
45 incorporated herein by this reference as though fully set forth herein. Development and  
46 land use activities occurring within the Woodfield Villas Planned Unity Development shall

47 comply with the provisions of "Council Bill Exhibit A," and any other applicable provisions  
48 of the Nixa City Code.  
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50 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-  
51 57 of the Nixa City Code, shall amend the City's official zoning map, said map being  
52 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action  
53 contemplated by this Ordinance.  
54

55 **SECTION 3:** This Ordinance shall be in full force and effect from and after its final  
56 passage by the City Council and after its approval by the Mayor, subject to the provisions  
57 of section 3.11(g) of the City Charter.  
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59  
60 **ADOPTED BY THE COUNCIL THIS 26th DAY OF June, 2023.**

61  
62 ATTEST:

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64 \_\_\_\_\_  
65 PRESIDING OFFICER

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67 \_\_\_\_\_  
68 CITY CLERK

69  
70 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

71  
72 ATTEST:

73  
74 \_\_\_\_\_  
75 MAYOR

76  
77 \_\_\_\_\_  
78 CITY CLERK

79  
80 APPROVED AS TO FORM:

81  
82 \_\_\_\_\_  
83 CITY ATTORNEY

# COUNCIL BILL EXHIBIT A

## Woodfield Villas A Planned Unit Development City of Nixa, Missouri

### **Section I - Site Conditions and Development Impact**

#### **1.01 Legal Description**

The parcels of land that are subject to the regulations of the Woodfield Villas Planned Unit development ("PUD"), such land being hereinafter referred to as "Subject Property", are legally described as:

All of Lot 50, Woodfield, Subdivision, City of Nixa, Christian County, Missouri, According to the Recorded Plat Thereof and

All that part of the Southeast quarter (SE1/4) of the Southwest quarter (SW1/4) of section fourteen (14), township twenty-seven (27) North, Range Twenty-two (22) West, Christian County, Missouri to Wit: (1) Lying North of the South Right-of-Way of Truman Road as proposed on the preliminary plat of Woodfield, Nixa, Missouri (2) Lying East of said preliminary plat of Woodfield (Preliminary Plat prepared by Shaffer & Hines, Inc., Job #D39101); commencing at the Northwest Corner of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of section fourteen (14), township twenty-seven (27) North, Range twenty-two (22) West, Christian County, Missouri; thence along the North Line Thereof, North 89°28'21" East, 1128.55 Feet for the point of beginning; thence continuing along said north line, North 89°28'21" East, 202.45 Feet to the Northeast Corner of Said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4); Thence South, Along the East line thereof, 875 feet to a point; thence Northwest 490 feet, more or less to the preliminary plat of Woodfield, at Nixa, Missouri; thence North 35°00'02" East, 60.00 Feet; Thence North 23°58'25" East, 389.72 Feet; Thence North 00°31'39" West, 140.01 Feet to the Point of Beginning. Except that Part Deeded to the City of Nixa in Book 2021 At Page 22452.

#### **1.02 Total Acreage**

The total acreage subject to the Woodfield Villas Planned Unit Development is 6.68 acres or 290,802 SF.

#### **1.03 Other Physical Conditions**

A sinkhole encumbers the northeast portion of the subject site. The placement of structures of buildings on the Subject Property shall conform with adopted City sinkhole regulations.

### **Section II - Planned Unit Development District (PUD) Land Use Regulations**

## **2.01 Land Use Plan and Development Intent**

The Woodfield Villas Planned Unit Development (hereinafter “PUD”) is intended to allow a multiple dwelling community. The 2003 Nixa Comprehensive Land Use Plan shows Lot 50 as appropriate for the R-3 (multifamily) zoning district and Lot 1 as appropriate for the R-7 (single family) zoning district. The attached site plan, referenced as “Attachment 1”, is incorporated herein by this reference as part of the regulations applicable to the Woodfield Villas PUD. The subject property is unique in terms of its shape and existing drainage easement that encumbers over 28 percent of the site. These physical challenges, combined with the subject site’s convenient location and current zoning district, suggest that the public at large and the property developer are better served by tailoring development to fit the special characteristics of the subject site and its specific locational setting.

The Woodfield Villas PUD is intended to provide a more efficient use of the land, thereby resulting in a greater return to the public infrastructure and services while providing an attractive and superior community for its residents. The Woodfield Villas PUD is proposed to preserve to the greatest extent possible the existing features of the land and allow residents to utilize the open space in an inviting and active way by providing natural walking paths and raised gardens.

## **2.02 Relationship to other City Codes and Regulations**

In addition to any standards set forth in these PUD regulations, the Woodfield Villas PUD is subject to all codes, ordinances, and regulations of the City of Nixa.

## **2.03 Zoning**

The Woodfield Villas PUD shall function as an overlay zoning district which shall complement the existing zoning districts applicable to the subject property. The subject property is currently zoned as an R-3 zoning district.

## **2.04 Setbacks**

No building or structure shall be constructed or otherwise placed within 25-feet of the right-of-way line of Truman Boulevard and Bryant Street. Except as otherwise provided in this paragraph, no building or structure shall be constructed or otherwise placed within 20-feet of the property line of the Subject Property.

## **2.05 Building Height**

No building shall be constructed or otherwise placed within the PUD which exceeds 55 feet in height, so as to provide for the planned three-story villa dwelling units and the overall intent of the project.

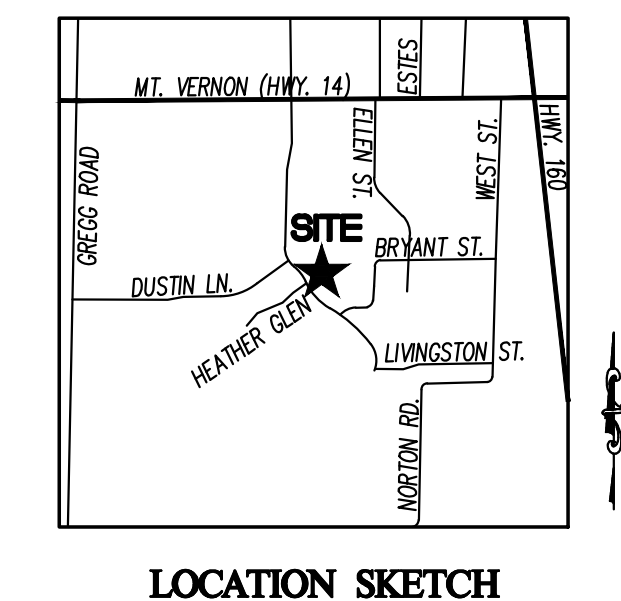
## **2.06 Residential Dwelling Density**

The Woodfield Villas PUD shall authorize up to 96 dwelling units. The R-3 zoning district permits 14.52 dwelling units per acre or 96 dwelling units. Due to the site restrictions, the allowable density for the subject lots will be considered in combination allowing the construction of 54 dwellings units on Lot 50, a twenty percent increase above City of Nixa zoning regulations.

### **2.07 Proposed Building Layout Features and Phasing**

The building, site layout, and overall design of the development are detailed on "Attachment 1." The development of the Subject Property shall be in substantial conformance with the contents of "Attachment 1." The Director of Planning and Development is authorized to approve non-substantive changes to the contents of "Attachment 1." Substantive changes to "Attachment 1" will require approval by ordinance.





**EXISTING PUD REQUIREMENT SUMMARY**

AREA : ALL OF LOT 50 TOTALING 3.09 +/- ACRES  
 LAND USE INTENT : 55 YEARS AND OVER COMMUNITY  
 DWELLING DENSITY : 48 DWELLING UNITS OR ONE DWELLING UNIT FOR EACH 2,800 SF OF LAND AREA.  
 ON-SITE PARKING : 71 PARKING SPACES  
 PROPOSED BUILDING LAYOUT FEATURES AND PHASING : TWO BUILDINGS

**PROPOSED PUD REQUIREMENT SUMMARY**

AREA : LOT 1 AND LOT 50 TOTALING 6.68 +/- ACRES  
 LAND USE INTENT : 3 STORY MULTI-FAMILY APARTMENTS  
 DWELLING DENSITY : 81 DWELLING UNITS COMBINED BETWEEN BOTH LOTS WITH A MAXIMUM DENSITY OF 1 UNIT FOR EACH 2,490 SF OF LAND AREA.  
 ON-SITE PARKING : 1.5 PARKING SPACES PER DWELLING UNIT FOR A TOTAL OF 122 SPACES REQUIRED.  
 PROPOSED BUILDING LAYOUT FEATURES AND PHASING : 9 TOTAL BUILDINGS COMBINED BETWEEN BOTH LOTS WITH A SHARED CLUB HOUSE AND POOL.

**SETBACKS**

- FRONT YARD SETBACK: 25'-0"
- SIDE YARD SETBACK: 5'-0"
- REAR YARD SETBACK: 20'-0"
- \* 20'-0" SETBACK PROVIDED ADJACENT TO LOWER RESIDENTIAL ZONING



**THE ORCHARD APARTMENT - NIXA, MO**

TRUMAN BOULEVARD  
NIXA, MO

ISSUED FOR		
NO.	DESCRIPTION	DATE

DRAWING INFORMATION	
PROJECT NO:	23SP10006
DRAWN BY:	AR
CHECK BY:	NAA
ISSUED FOR:	PERMIT
ISSUED DATE:	

ISSUED BY:	NATHAN A ADAMS
LICENSE NO:	PE No. 2022010967

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**SP**

