

## **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:**

Marshfield Premium Properties LLC owns approximately 6.68 acres of land located in the 400 block of South Truman BLVD. The property is currently undeveloped. The properties subject to the rezone and amended Planned Unit Development Residential (PUD-R) document are Lot 50 of the Woodfield Subdivision and the 3.56 acres of property to the east. The Woodfield Villas 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. This is the second application for this re-zone this calendar year. In June, the Planning and Zoning Commission voted 5-1 to recommend approval to City Council. The City Council denied the request by a 3 yes, 2 no, 1 not present vote. The applicant has made minor changes to the language in the PUD document and added renderings of the proposed development, to address some of the concerns that were raised during the previous public hearings.

### **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 buildings will be reviewed for compliance with adopted building regulations.

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 to 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.

### **Planning and Zoning Commission:**

A public hearing was held at the November 6<sup>th</sup> Planning and Zoning Commission meeting. One nearby property owner approached the Commission to voice his approval of the development. The P&Z Commission voted unanimously (5-0) to recommend approval to the Nixa City Council.

### **Recommendation:**

Staff has reviewed the Woodfield Villas PUD-R and finds it to be in conformance with Section 117-215, Review criteria for PUDS. Staff recommends approval.

### **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 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 3.56 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 November 6, 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 Unit Development shall



47 comply with the provisions of "Council Bill Exhibit A," and any other applicable provisions  
48 of the Nixa City Code.  
49

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.  
58

59  
60 **ADOPTED BY THE COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

61  
62 ATTEST:

63  
64 \_\_\_\_\_  
65 PRESIDING OFFICER

66  
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

Woodfield Villas  
A Planned Unit Development  
City of Nixa, Missouri

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

### **1.01 Legal Description**

The parcels of land that are proposed to be subject to the Woodfield Villas Planned Unit development (PUD), are legally described as all of Lot 50, Woodfield Subdivision, City of Nixa, Christian County, Missouri, According to the Recorded Plat Thereof and 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 Deed 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 Shape and Topography**

The subject site is generally level with a gradual slope to the northeast. The site is located at street grade with Truman Boulevard. The subject site is irregular in shape and best resembles a trapezoidal shape.

### **1.04 Description of Surrounding Area**

The Subject property is located along the east side of Truman Boulevard approximately ¼ mile south of Highway 14 in the central portion of the City of Nixa. The subject's location enjoys convenient access to the major thoroughfares of the city including Highway 14 (Mt. Vernon) and Highway 160 (Massey Boulevard). To the north is the Nixa City Center Phase I Subdivision which is fully developed with two-family dwellings. To the northeast is Grey Hawk Place which is fully developed with single

family dwellings. To the east is Hedgpeth Estates which is fully developed with single family dwellings. To the northwest is the Gardens at Woodfield, a City of Nixa owned recreational facility. To the west is the remaining portion of Woodfield Subdivision, which is fully developed with single family homes. To the south is undeveloped single-family land.

### **1.05 Current Zoning**

Lot 50 of the Woodfield Subdivision is currently zoned PUD-R. The adjacent property that is to be added into the PUD-R is currently Zoned R-3 by the City of Nixa. The property to the south, west and east is zoned R-1, Single Family by the City of Nixa. The property to the immediate north is zoned R-4, Two Family by the City of Nixa.

### **1.06 Existing Utilities and Utility Easements**

The subject is partially within the Woodfield Subdivision and all public utilities are available to the site. Truman Boulevard is a 60-foot wide, undivided roadway with curb and gutters. The recently completed extensions of Truman Boulevard and Bryant Street border the subject property. A sidewalk is located on the west side of Truman Boulevard and was constructed as part of the Woodfield Subdivision. A 15-foot utility easement extends along the entire north and east boundaries of the Lot 50. A 10-foot utility and drainage easement extends along the entire Truman Boulevard frontage, with Lot 50. Two existing fire hydrants are located directly west of the subject site on the west side of Truman Boulevard.

### **1.07 Existing Structures**

There are no structures located on the subject property.

### **1.08 Existing Vegetation**

The property has some treed vegetation which is planned to be preserve where possible.

### **1.09 Other Physical Conditions**

A sinkhole encumbers the northeast portion of the subject site. Palmerton & Parrish, Inc. released a Sinkhole Evaluation on April 6, 2017. 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 PUD will allow a multiple dwelling community. The 2003 Nixa Comprehensive Land Use Plan shows Lot 50 as R-3 (multifamily) zoning and the adjacent property as single family zoning. The attached site plan is incorporated as part of 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 architecturally resemble single-family housing with brick and cement siding, pitched roofs and smaller footprints to blend into the surrounding communities.

### **2.02 Local Codes and Ordinances**

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

### **2.03 Zoning**

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

### **2.04 Public Infrastructure**

Because the subject site is part of a platted subdivision that was developed and approved consistent with the regulations of the City of Nixa, the current public infrastructure is adequate to serve the proposed use and would not have negative impacts to the surrounding area. Therefore, the Woodfield Villas PUD does not propose any new public infrastructure or facilities, except that new fire hydrants are proposed to be located on the site to serve the needs of the subject site. All on-site utility connections will be placed underground.

### **2.05 Drainage**

The subject site currently drains to a sinkhole in the northeast corner of the site. The development will include an onsite stormwater quality pond to treat the first flush runoff, per City of Nixa regulations. Overflow from the stormwater quality pond will drain into the onsite sinkhole.

### **2.06 Lot Sizes**

The subject lots are 6.68 acres, combined, after Bryant Street and Truman Blvd right-of-way is dedicated. The Woodfield Villas PUD does not propose any change to the current lot size configuration; the lot size is large enough to allow development as an identifiable unit.

### **2.07 Setbacks**

The Woodfield Villas PUD will have a 25-foot setback from the Truman Boulevard and Bryant Street right-of-way line. The north and east property lines have a setback of 20 feet which permits the existing trees to remain, where possible, in that area of the site.

### **2.08 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. The third floor of the units will have less livable space, with the slope of the pitched roof.

All structures will conform to the adopted International Building Codes of the City of Nixa.

The setback standards that have been created within the Woodfield Villas PUD, the proposed building design, the existing alignment of Truman Boulevard, the existing non-buildable drainage easement at the east portion of the subject site, and the proposed landscaping plan minimize any adverse effect on surrounding properties due to the permitted building height on the subject site.

### **2.09 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 in the subject's case. 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.

## **2.10 Open Space and Landscape Areas**

The Woodfield Villas PUD is subject to the current adopted City of Nixa Landscaping and Open Space requirements. Various open space areas are provided under the Woodfield Villas PUD. The overall planned open space accounts for 81 percent of the total project, well above the 20 percent minimum requirement of an R-3 district. The open space is uniquely and specifically designed to allow for use by residents of the project.

## **2.11 Traffic Circulation**

Three gated access points are proposed along Truman Boulevard to allow access to the subject property for residents and guests. The access points are designed to provide for effective internal circulation, and emergency access standards will be coordinated with the Nixa Fire Protection District and the Nixa Police Department.

## **2.12 On Site Parking**

The Woodfield Villas PUD provides for open surface parking for the use of its residents and guests. The parking type and location provides for security and convenience of the residents. The on-site parking requirement will conform to the City of Nixa regulations for the R-3 zoning district.

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

Nine buildings are proposed to be constructed as part of the Woodfield Villas PUD, and the layout is intended to minimize visual interference to the surrounding area and enhance the internal circulation and privacy for the residents of the project. The project is proposed to be constructed in phases to minimize the inconvenience and impact during the construction period to the surrounding properties.

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.



**APPENDIX 1**  
**WOODFIELD VILLAS SITE PLANS**













