

P & Z Meeting Minutes

February 6, 2023, 7:00 P.M.

Members Present: Brian Popejoy, Matt Lander, Joe Gallant, Loren Winter, Derris Butler.

Members Absent: Robert Wilson, Randall Bettis, Tariq Lewis.

The minutes from January 3, 2023 were approved with a motion by Matt Lander and a second by Brian Popejoy. All voted aye.

The agenda was approved with a motion from Joe Gallant and a second from Matt Lander. All voted aye.

Visitors:

No one was present.

Agenda Items:

Old Business and Tabled Items

None.

New Business

- a. **PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AN APPLICATION TO AMEND THE CITY OF NIXA'S OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 1.87 ACRES LOCATED IN THE 1400 BLOCK OF WEST MT VERNON FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY MULTIFAMILY (R-3). (EXHIBIT A)**

Staff Report

Scott Godbey presented the staff report for the request. Mr. Godbey stated that 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.

Mr. Godbey stated that this area was a part of the Oakmont lift station drainage basin which is currently at capacity, the city is looking at moving and expanding this lift station. Any project will be extended out for a couple of years. Transformers are also delayed for a couple of years. Joe Gallant asked where the entrance would be, Mr. Godbey stated it would be along the west side.

Staff recommends approval.

Public Hearing

Loren Winter opened the Public Hearing for anyone who would like to speak on this request.

Steven Sowder – 1432 W Mt Vernon. Mr. Sowder stated that when he sold the property he was told that it would commercial and he is against the rezone.

Josh Wieman, 1367 W Stonehouse Rd. Property is behind his property. Will this be single level or multi-level? Mr. Godbey stated that there were not any plans submitted yet. Mr. Wieman stated that he was concerned about privacy. He is of with single level but was against rezone.

Jane Young, 1342 W Mt. Vernon, driveway would be against her property line and feels it wouldn't work. Quiet area and feels that apartments are dirty and unsafe. Will not feel safe.

Loren Winter stated that he wanted the audience to be aware that the Commission could not consider socioeconomics when they make the decision to approve or deny.

Donna Krawczyk, 142 War Eagle Ct. stated that her biggest concern is size. 27 units should not be allowed on the size of property. Also has concerns about stormwater drainage.

Mr. Godbey stated that he would like to clarify a few items that the audience has concerns about. The stormwater issue will not change, it will still drain the same as it does now. It was designed with future development in mind. There is a screening requirement between R-1 and R-3 zoning which can be achieved by privacy fence and tree line. Building height is 35 foot maximum so a commercial building could be built on this property at this time.

Jeanie Coburn, 1371 W Stonehouse Rd. Property backs up to this property. When it was zoned in 2020, was this zoned commercial at that time? Mr. Godbey stated that it was zoned GC when it was annexed in 2017. Is the owner of the property the same as the owner who developed the houses? Mr. Godbey stated that he was not sure. House is less than a year old. Shared photos of her home. Not against apartments, feels like the people in the apartments would look in her windows.

Donna Krawczyk stated that because of the easement there isn't room for anymore building.

Steve Sowder, when property was sold the buyer was going to put in a small business.

Derek Lee, owner, and developer of property in question. Considers going from commercial to residential is down zoning. High density in Springfield is 40 units per

acre so this is much lower. Honestly thought neighborhood would be ok with people living there instead of commercial business. Willing to talk to the neighbors after the meeting to appease some of the concerns. Considering townhomes and not apartments.

Dave Godsey – 141 War Eagle Ct. When he bought his property, he was not aware of the project. Has a wife and child and is concerned about safety.

Josh Wieman approached the Commission and asked if there has been an assessment of the property value if this was rezoned. Mr. Winter stated that the Commission could not take that into consideration when voting.

Discussion

Loren Winter opened the discussion for this agenda item. Brian Popejoy asked Derek Lee if his intentions was building townhomes and not apartments. Mr. Lee responded that yes, that was his intention. Mr. Lee was also not aware that it would take a 2-year process. Mr. Popejoy asked if he was thinking 2 or 3 units per roof? Mr. Lee stated that he didn't know yet.

Mr. Popejoy asked if the lift station was already being addressed. Mr. Godbey said that yes it was. The 2-year issue is with the transformers being available.

With no further discussion, Matt Lander made a motion to approve the request with a second by Derris Butler. 4 voted aye. 1 voted nay. Aye votes: Brian Popejoy, Matt Lander, Loren Winter, Derris Butler. Nay vote: Joe Gallant

b. PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AMENDING SEVERAL SECTIONS OF CHAPTER 101 OF THE NIXA CITY CODE TO ACCOMMODATE THE STATE'S APPROVAL OF ADULT USE MARIJUANA (EXHIBIT B)

Staff Report

Scott Godbey presented the staff report for the code change. On November 8, 2022, the voters of Missouri approved Constitutional Amendment 3. The provisions of Amendment 3 amend the Missouri Constitution to authorize the adult use of marijuana in the state. The provisions of Amendment 3 became effective on December 8, 2022, and the earliest that marijuana may be legally sold in Missouri is February 6, 2023. With it being possible for marijuana to be purchased legally in the State soon, the City needs to update its land use regulations to account for new land uses which may occur within the City. The amendments proposed by staff are broken down into three sections. The text containing the proposed amendments are included in Attachment 1.

Public Hearing

Loren Winter opened the public hearing for this request. No one approached the Commission.

Discussion

Loren Winter opened the discussion for the request.

With no further discussion, Joe Gallant made a motion to approve with a second by Matt Lander. All voted aye.

Planner's Report

Mr. Godbey gave the Planners Report. Update on previous rezone requests that failed in the P&Z meeting but the Council passed.

The P&Z Commissioners should all have their nixa.com email address for all communications.

Training for P&Z Commissioners should be getting scheduled soon.

With no further business Joe Gallant made a motion to adjourn with a second by Matt Lander. Meeting adjourned.

P&Z Secretary