

P & Z Meeting Minutes

January 3, 2023, 7:00 P.M.

Members Present: Joe Gallant, Brian Popejoy, Robert Wilson, Tariq Lewis, Loren Winter, Randall Bettis. Members Absent: Derris Butler.

The minutes from December 5, 2022 were approved with a motion by Randall Bettis and a second by Robert Wilson. All voted aye.

The agenda was approved with the change of taking off the Pre-Plat for property along Elegant Drive with a motion from Joe and a second from Matt Lander. All voted aye.

Visitors:

No one was present.

Agenda Items:

Election of Officers

Loren Winter opened the meeting for nominations for the election of Officers.

Chairman – Joe Gallant made a motion to re-elect Loren Winter as Chairman with a second by Randall Bettis. All Voted Aye. Motion Carried.

Vice-Chairman – Tariq Lewis made a motion to re-elect Randall Bettis as Vice-Chair with a second by Loren Winter. All voted aye. Motion Carried.

Secretary – Robert Wilson made a motion to elect Brian Popejoy with a second by Matt Lander. All voted aye. Motion carried.

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 8.11 ACRES LOCATED IN THE 400 BLOCK OF SOUTH MAIN STREET FROM HIGH DENSITY MULTIFAMILY (R-3) TO A PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R). (EXHIBIT A)**

Staff Report

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

Staff recommends approval.

Public Hearing

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

Jeff Gallant, 106 Willow. He feels that the water runoff would be too much. He is concerned that it would flood his basement.

Derek Lee, Lee Engineering. There is detention on site. It was built for a more impervious surface than what R-3 zoning would allow. Here for questions.

Joe Gallant had some reservations on the water runoff and stated that he was Jeff Gallant's father.

Mr. Lee stated that they had a detailed study for that area and it is designed for a more impervious situation than what they are proposing.

Discussion

Loren Winter opened the discussion for this agenda item. Joe Gallant stated that he was concerned about the water.

With no further discussion, Matt Lander made a motion to approve the request with a second by Randall Bettis. All voted aye.

b. PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING A PRELIMINARY PLAT FOR THE CARDINALS GATE SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF SOUTH MAIN STREET AND EAST MILLS ROAD. (EXHIBIT B)

Staff Report

Scott Godbey presented the staff report for proposal. Mr. Godbey stated that The Cardinal's Gate subdivision is a multi-family subdivision located within the R-4 zoning district. The subject property was annexed into the Nixa City Limits in March of 1985 and a form of the existing zoning arrangement was established at that time. The property owner has submitted a preliminary plat illustrating the proposed arrangement of new lots and the public infrastructure required to serve them.

Preliminary plats are a means to provide subdivision developers with an initial approval concerning compliance of the planned arrangement with the City's zoning, subdivision, and other pertinent regulations prior to engaging the more expensive actions of detailed engineering and construction.

Public Hearing

Loren Winter opened the public hearing for this request.

Hubert Cagle, 113 Mills Rd. Mr. Cagle stated that he feels development will flood his property because there is no drainage. He is against the proposal.

Doug Schenck, 116 Mills Rd. Mr. Schenck stated that he had lived there for 23 years, and the entrance is bad. The flood water is bad in this area. Mr. Schenck is against the proposal.

Brandy Bewley, 198 E Rosedale Rd. Owner of the property as such they are making sure all concerns will be addressed and they will build quality homes.

Toney Vanzant, 800 S Main. Mr. Vanzant is very concerned about the traffic. Safety is an issue. Power comes from White River. The builder has already asked them to move poles. Mr. Vanzant doesn't want that to happen.

Paul Mitchel, 125 Mills Rd. When they built the last 5 houses, before they built them they were supposed to curb and cut the road. Isn't it a rule that before you approve new homes for curbs and sidewalks to be installed. Scott Godbey said that there are design standards. But they are not extending the road at this time.

Hubert Cagle, approached the Commission again. Not against building homes but the road is not wide enough.

Discussion

Loren Winter opened the discussion for the request. Joe Gallant stated he was concerned about flooding.

Brian Popejoy asked if there would be a traffic impact study. Mr. Godbey stated that since they are only accessing Mills Rd it does not require a study.

Robert Wilson asked how much additional right of way we would be getting. Mr. Godbey stated that it would be 5 ft. Mr. Wilson asked what the standard for local? Mr. Godbey stated that it would be 40 ft of right of way. There is room to widen the road. Mr. Wilson asked why only 5, Mr. Godbey stated that it would have to come from the properties on the North. Randall Bettis asked what improvements would be required. Mr. Godbey stated that it would be utility improvements.

With no further discussion, Matt Lander made a motion to approve with a second by Brian Popejoy. 6 voted aye, 1 voted nay. Aye votes, Robert Wilson, Tariq Lewis, Matt Lander, Randall Bettis, Loren Winter, Brian Popejoy. Nay vote: Joe Gallant.

- c. **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 17.37 ACRES LOCATED IN THE 700 BLOCK OF SOUTH ELEGANT DRIVE FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO TWO-FAMILY RESIDENTIAL (R-4).**
(EXHIBIT C)

Staff Report

Scott Godbey presented the staff report for the request. Mr. Godbey stated that the property owner of approximately 17.37 acres of undeveloped property located in the 700 block of South Elegant Drive, has requested to rezone their property from Single-Family Residential (R-1) to Two-Family Residential (R-4). The property was originally annexed into the City of Nixa in 2005 as part of 118.8-acre parent parcel annexation. A preliminary plat was also approved in 2005 for the Richmond subdivision which contained the property in question. For the specific 17 acres in question, the original Richmond pre-plat from 2005 showed 38 single-family lots. Only one phase of the Richmond Subdivision developed and then in 2019, the undeveloped portions of the Richmond subdivision sold to a new developer, except for the 17 acres in question. CRM Built, LLC purchased 17 acres in December of 2021.

Loren Winter reminded the Commission that they were only deciding on was the zoning not a preliminary plat. Mr. Winter also stated to the audience that the Commission only served as a recommendation board only.

Public Hearing

Loren Winter opened the public hearing to anyone wishing to speak on this matter.

Steve Sweany, 722 S Peach Brook, feels like it is not in harmony with the existing neighborhood. Elegant is a busy street and the city had to build a chicane to slow traffic down. Feels it would put a strain on the schools.

Rachel Bradley, 704 S Eastridge. Her home backs up to this development. Would like single family homes instead of duplex. The gulley the water runs into lagoon behind her house. Wants to keep trees.

Dorothy Kleist, 614 S Eastridge. Originally zoned in 2005, only little bit of nature with woods that is there. Feels it will bring in crime, noise and property value will go down.

Greg Perkins, 859 E Stone Crest Dr. Feels the development will increase traffic too much. Too much speeding and traffic now. It is single family area and is against.

Scott Puryear, 758 E Diamond. On north end of vacant lot. Main concern is traffic. If it is R-4 will it be fewer homes. Mr. Godbey stated that it is correct. No crosswalk. It is a hazardous area.

Lee Duran, 872 E Stone Crest. Why is it being rezoned? Mr. Winter stated that the landowner has the right to request any type of zoning. Lived there for 5 years.

Infrastructure is an issue. The chicane is a joke.

Craig Heintz, 762 E Diamond. Mr. Heintz stated he had concerns with safety and traffic.

Travis Cossey, 720 S Eastridge. Mr. Cossey stated that he was against the rezone. Feels that it is a spot zoning situation. He feels the project does not comply with the surrounding area or the Comprehensive Plan.

William Grant, owner of the property stated that he was here to answer any questions.

Clayton Hines, Engineer for owner is also here for any questions.

Dave Combs, 870 E Stonecrest. Mr. Combes was here when Forest Heights was developed. Feels the water runoff is a problem.

Jen Myer, 671 E Gallup Hill Rd. would bring down property values. Traffic on Elegant is bad and schools are overcrowded.

Melissa Cannell, 609 S Jewell Ct. Home is at the end of Diamond Ave. She has a flood rating of 1 but has drainage problems and has caused house to shift.

Rich Womack, 818 Southridge St. Mr. Womack was told it would not be developed because of water. Has concerns about traffic.

Discussion

Loren Winter opened the discussion for the Commission. Randall Bettis stated that the Nixa Future Land Use Map provided by Mr. Cossey there is a location directly to the south that is set aside for medium density. Joe Gallant asked about spot zoning. Mr. Godbey stated that low density to medium density follows the traditional zoning. Mr. Godbey stated that it is not spot zoning.

Mr. Bettis, how far would the next placement of multi family be? Mr. Godbey stated in front of Tiffany Highlands.

Robert Wilson stated that he feels it isn't spot zoning, but the transition does not apply. Mr. Popejoy stated that there are other areas where this does work. Mr. Godbey stated that there are areas in Nixa that have this same situation. Mr. Winter stated that this really is the transition that is a natural transition.

Tariq Lewis made a motion to have a 5 minute recess with a second by Joe Gallant. All voted aye.

Loren Winter called the meeting back to order. Mr. Winter asked Scott Godbey to clarify the map that Mr. Cossey handed out. Mr. Godbey stated that through extensive research, staff can't find evidence that it was properly approved. So we have to refer to the 2006 map that we are currently using.

Brian Popejoy made a motion to approve the rezone with a second by Matt Lander. Roll Call: Joe Gallant, nay; Robert Wilson, Nay; Tariq Lewis, Nay; Brian Popejoy, aye; Matt Lander, aye; Randall Bettis, nay; Loren Winter, aye. 4 nays 3 aye. Motion failed.

Planner's Report

Mr. Godbey gave the Planners Report. All future communications would go to the new nixa.com email addresses that have been assigned to the Commission. There will be individual training coming up for each Commissioner.

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

P&Z Secretary