

P & Z Meeting Minutes

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

Members Present: Brian Popejoy, Joe Gallant, Charity Fitzgerald, Loren Winter, Derris Butler

Members Absent: Robert Wilson, Matt Lander

The minutes from February 6, 2023 were approved with a motion by Brian Popejoy and a second by Derris Butler. All voted aye.

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

Loren Winter Introduced Charity Fitzgerald as a new Commissioner.

Election of Vice Chairman

Brian Popejoy nominated himself. Joe Gallant nominated himself. Loren Winter asked if the current secretary, Brian Popejoy was voted in as Vice Chair then we would have to nominate a new Secretary. Derris Butler seconded the nomination for Brian Popejoy.

Brian Popejoy, 4 voted aye. Joe 1 vote. Brian Popejoy is nominated as Vice-Chairman.

Election of Secretary

Derris Butler nominated himself, with a second by Brian Popejoy. All voted aye. Derris Butler is nominated as Secretary.

Visitors:

None

Agenda Items:

Old Business and Tabled Items

None.

New Business

- a. **Public hearing and possible vote concerning a proposal to pay a fee in lieu of stormwater detention for improvements at the southeast corner of South Main Street and East Mills Road. (EXHIBIT A)**

Staff Report

Scott Godbey presented the staff report for the request. The City of Nixa's adopted Technical Specifications Manual contains regulations pertaining to stormwater management on private property. Generally, the manual requires that stormwater runoff from development that adds impervious surface be detained for a period prior to being released. This detention of stormwater runoff helps to prevent downstream flooding by simulating the same rate of runoff that would have occurred otherwise.

However, in some cases, detaining stormwater runoff may not be practical nor the best solution for managing stormwater. When conditions exist that prove that stormwater detention would not be helpful or practical, the manual provides for an alternative solution in which the developer may pay the City an amount of money in lieu of constructing detention facilities. These funds are then held by the City until spent within the same drainage basin on stormwater improvements.

Bewley Construction has submitted development plans for a new subdivision named Cardinal's Gate in Nixa, in doing so, will add impervious surface to the site. The overall site is 5.03 acres, and the general topography is sloped to the south with FEMA Floodplain located along the south and east property lines. The development plans involve an increase of approximately 0.47 acres of impervious surface. The applicant has requested to provide a payment in lieu of constructing a detention facility.

Staff recommends approval.

Brian Popejoy, Will the money will sit in bank until needed. Scott Godbey stated that it would.

Public Hearing

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

No one approached the Commission.

Discussion

Loren Winter opened the discussion for this agenda item.

Joe has the plat came out? Scott Godbey Preliminary Plat was approved in January.

With no further discussion Brian Popejoy made a motion to approve with a 2nd by Derris Butler. All voted aye.

b. Public hearing and recommendation to the city council concerning a preliminary plat for approximately 17.37 acres of property located along the 700 block of south elegant drive. [EXHIBIT B]

Staff Report

Scott Godbey presented the staff report for the preliminary plat. The property owner of approximately 17.37 acres of undeveloped property located in the 700 block of South Elegant Drive has proposed a new subdivision called Willow Brook. The subject property was annexed into the Nixa City Limits in 2005 and zoned for single-family residential. The Willow Brook subdivision was rezoned in January 2023 to an R-4 two-family residential subdivision. Shaffer & Hines has submitted a preliminary plat for Willow Brook, on behalf of the property owners, illustrating the

proposed arrangement of the lots and the public infrastructure required to serve them. The subdivision will consist of patio homes that have a property line down the middle of the structure which will allow each side of the structure to be bought and sold individually.

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

Joe would like to see an exit to the north.

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. Joe Gallant stated that he didn't like where the 2 entrances were located. Loren would like to see emergency access. Charity Fitzgerald asked if the neighbors expressed concern about this area. Loren stated that yes at the last meeting. Brian Popejoy asked if there was a way heading north that they could put another entrance. Scott Godbey stated that no there isn't. Brian Popejoy expressed concern about emergency access to a property on the north side. Concerns were expressed about emergency access. Scott Godbey explained why the access points were located towards the south side.

With no further discussion Brian Popejoy made a motion to approve with a second by Derris Butler. 4 aye 1 nay. Ayes, Brian Popejoy, Loren Winter, Derris Butler, Charity Fitzgerald. Nay, Joe Gallant.

C. PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AN ANNEXATION OF APPROXIMATELY 2.23 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE SOUTH GREGG ROAD AND WEST GLEN OAKS DRIVE INTERSECTION AND ZONING THE PROPERTY TO THE R-1 ZONING DISTRICT.

Staff Report

Scott Godbey gave the staff report for the annexation request. Mr Godbey stated that the owners of approximately 2.23 acres located at 601 South Gregg Road have submitted a voluntary petition for annexation to the City of Nixa and have requested Single-Family Residential (R-1) zoning. The subject property is lots 1-4 of the Spence Addition to Glen Oaks Estates. Originally platted and recorded in 1987. Each lot in the Spence addition is approximately 0.56 acres. The property is compact and contiguous to the Nixa City Limits. Current Nixa City Limits are along

the east, south and west property lines of the subject property. Staff recommends approval.

Joe Gallant why would the city approve it with a sinkhole. Mr. Godbey stated that they were moving lot lines so that they could make buildable lots. Charity Fitzgerald used to live by this location and has watched it flood. Loren Winter reminded the Commission that the only thing on the agenda was approving/denying an annexation with R-1 zoning.

Public Hearing

Loren Winter opened the public hearing.

Mark Weber 1111 & 1113 Glen Oaks. Mr. Weber expressed his concerns about the widening of the road. Talking about expanding on one side. Property lots up from ½ acre lots to make them smaller. Does not want. Scott Godbey stated that the ROW issue is just for the 4 lots in question. If we needed to expand, they have the room.

Richard Henderson, 1109 Glen Oaks dr. lives next door. Mr. Henderson has a 4-foot fence, and it is under water when it floods. If redoing lots, why not have them brought up now. Who will maintain this property? Has mown the lawn since 2005. The City requires protection of sinkholes. If everyone has 27 ft road requirements fine if they want to widen but doesn't want it on his property. Mr. Godbey reminded everyone that there were no plans to widen this road at this time.

Darlene Graham, 1106 W Glen Oaks, older people that live there, not opposed to it being annexed. Very nice neighborhood. If they change property lines, it will affect the lots behind. Smaller lots and houses will affect how it looks.

Loren Winter closed the public hearing.

Discussion

Charity the property owners behind are on wells, will they be able to flow into that as well? Scott Godbey stated that the city could only improve what was being developed or what was within the city limits. Loren in summary, there will be greater control of what goes into this sinkhole. Scott Godbey yes most likely used as a collection. Darlene Graham approached the Commission. Mr. Winter reminded Mrs. Graham that the public hearing was already closed.

Mr. Winter asked if anyone had any other questions. Without further discussion Joe Gallant made a motion to approve the request with a second by Derris Butler. All voted aye.

Planner's Report

Mr. Godbey gave the Planners Report. Auburn Heights rezone, directly west of the Score building. Currently, denied by City Council, however, a couple of the City Council requested for it to come back for a revote.

Training for the Commission. We would like to do this individually. Lisa Brown will contact each Commissioner to set up times.

With no further business Joe Gallant made a motion to adjourn with a second by Brian Popejoy. All voted aye. Meeting adjourned.

P&Z Secretary