

AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 8.49-ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH MAIN STREET AND STATE HIGHWAY CC FROM GC (GENERAL COMMERCIAL) ZONING TO PUD-C (PLANNED UNIT DEVELOPMENT COMMERCIAL) ZONING

Background:

Merchants Field LLC owns approximately 8.49-acres of mostly developed land located on the northeast corner of North Main Street and State Highway CC. This property was annexed and zoned General Commercial in September of 2020. The applicant is requesting a Planned Unit Development Commercial (PUD-C) district to allow for a variety of land uses to include light industrial land uses. The property owner wants to construct a new building on site and intends to provide flex space for commercial or light industrial land uses.

Analysis:

Surrounding Land Use

The property subject to the applications currently has 4 commercial buildings. These buildings were constructed and occupied prior to annexation. The long-term land uses found onsite include a mix of commercial and light industrial uses.

The adjacent properties to the West and South are mostly developed for commercial use. The property to the North is a single-family land use located in the County. To the East there is undeveloped property in the County.

The adopted Future Land Use Map shows the property in question to be properly zoned as General Commercial. The map also shows the property to the east to potentially have a future land use of industrial.

Transportation

The property in question will be heavily impacted by the planned roundabout at State Highway CC and Main Street. MoDOT will be removing one of the current access points onto Highway CC. As part of the roundabout construction, two access points will be

realigned to meet MoDOT standards. There are no new connections to Highway CC planned as part of the proposed new building construction.

Public Utilities (Water, Wastewater, Electric)

The subject property has immediate access to municipal water and wastewater facilities. These facilities have adequate capacity to serve the proposed new building. The wastewater on the property is currently served by a sand filtration system. This system will be replaced by connecting to existing City sewer infrastructure on site. The wastewater from this site will flow to the Northwest Regional Lift station. Before connection can be made, the developer might have to purchase additional capacity into the regional lift station.

City of Nixa Electric is not currently in the area. The current electric provider, Liberty Utilities, will be allowed to serve the new building.

Stormwater Management

The subject property generally drains to the Northwest into an existing detention basin. The detention basin will be redesigned by MoDOT to accommodate their improvements, as well as the full build out of Merchants Field.

Modifications From Current City Code

A PUD-C allows all nonresidential land uses found in the City Center (CC), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC) and Office (O) zoning districts. The property owner is requesting to include light industrial land uses found in the City's M-1 zoning district.

The development will follow all current city codes as it relates to physical developments in the General Commercial zoning district.

Other Public Services

The proposed zoning change and development will add traffic, commercial activity, 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 businesses 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 for this item was held April 2nd in front of the Planning and Zoning Commission. The property owner and his engineer approached the Commission to provide some background for the rezone request. With all things considered, the PZ Commission voted 6-0 to recommend approval to City Council.

Recommendation:

Staff have reviewed this PUD-C proposal and find it to be in substantial conformance with Sec. 117-215 - Review criteria for PUDs. Staff recommend the approval of this application as it allows GC and M-1 land use to occur on the same property and is a continuation of what is currently occurring on the property.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development

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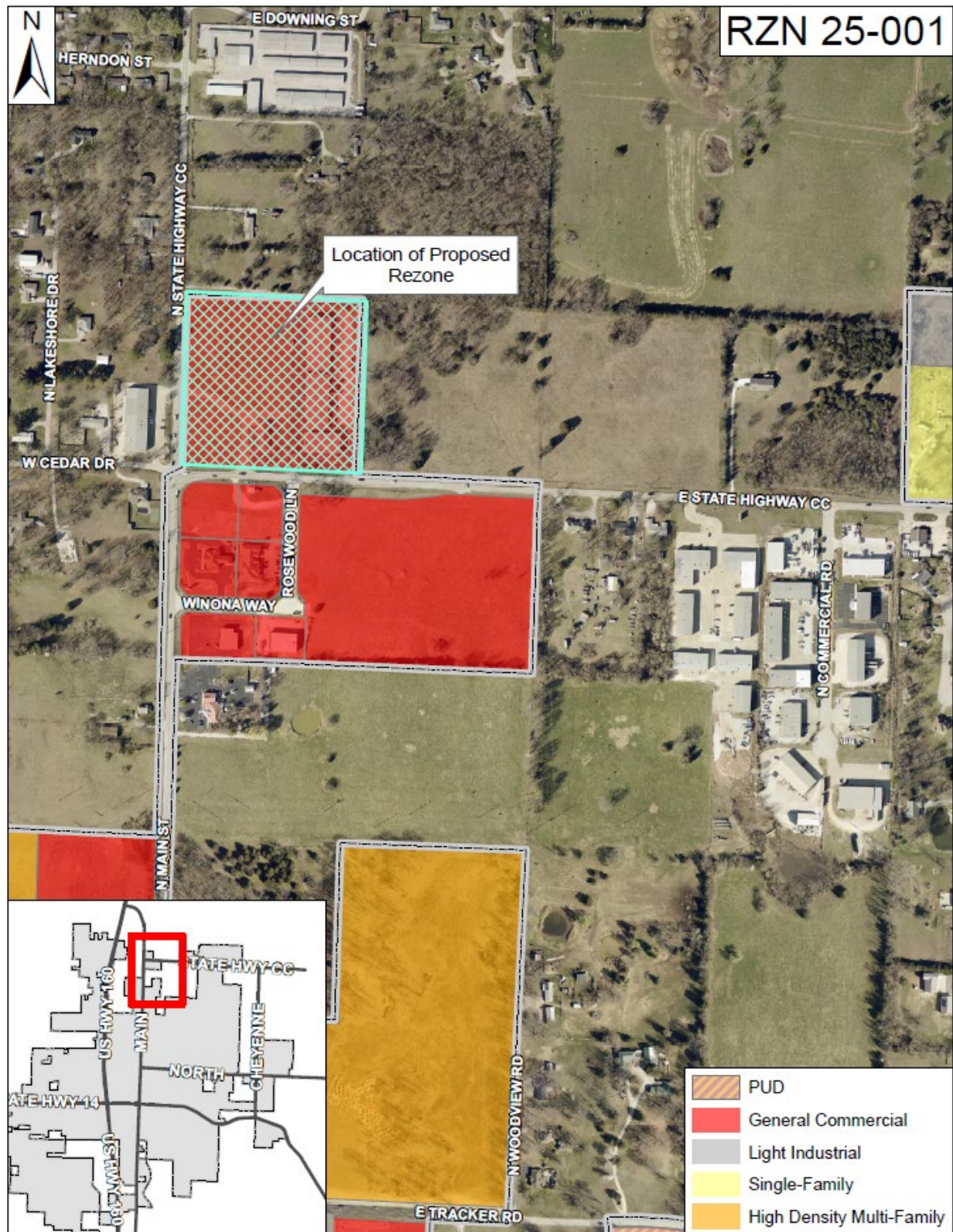


Figure 1 General Location

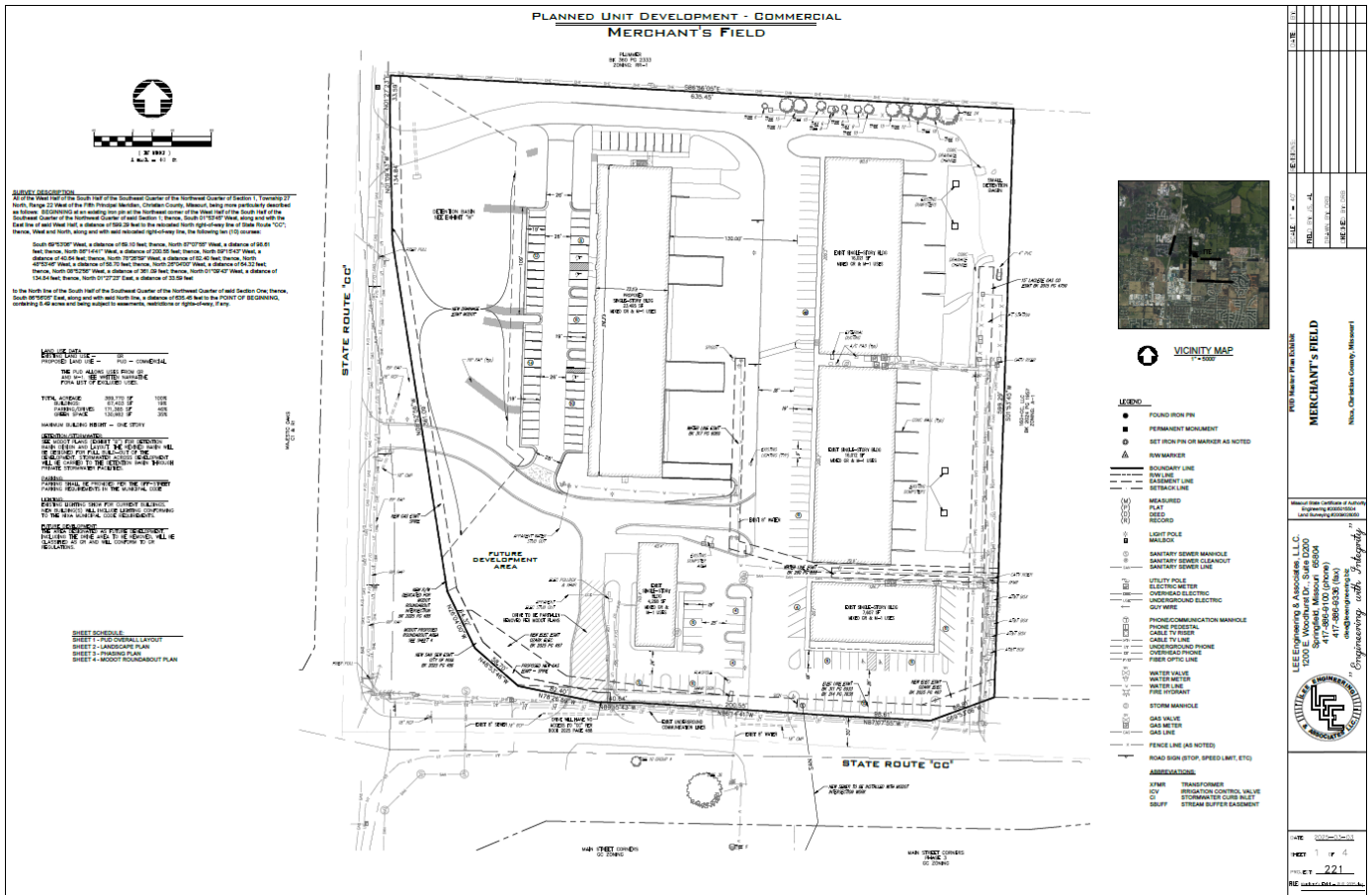


Figure 2 Layout, Including New Building

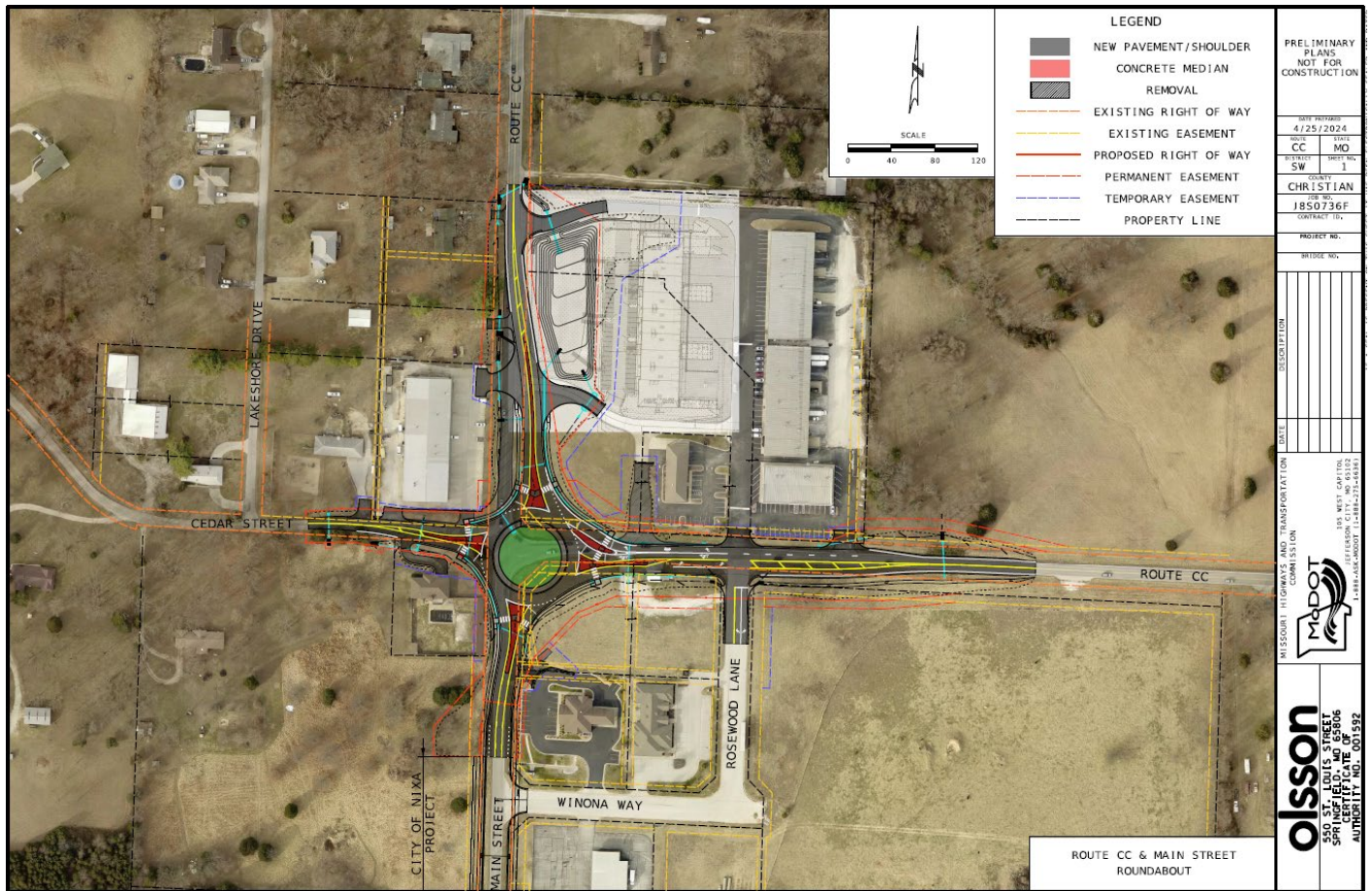


Figure 3 Road Improvements

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**
2 **PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH**
3 **MAIN STREET AND STATE HIGHWAY CC A GENERAL COMMERCIAL (GC)**
4 **DISTRICT TO A PLANNED UNIT DEVELOPMENT – COMMERCIAL (PUD-C)**
5 **DISTRICT.**

6
7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located at the northeast corner of North Main Street and State Highway CC
9 (“Application”); and

10
11 **WHEREAS** the Application requests that the City Council rezone said property
12 from a General Commercial (GC) District to a Planned Unit Development – Commercial
13 (PUD-C) District; and

14
15 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
16 Application at the Commission’s April 2, 2025, meeting; and

17
18 **WHEREAS** the Commission, after considering the Application, staff’s
19 recommendation, and after holding a public hearing, issued a recommendation of
20 approval; and

21
22 **WHEREAS** the City Council, now having considered the Application, staff’s
23 recommendation, and after providing an opportunity for public comment, now desires to
24 rezone the subject property and amend the City’s official zoning map to reflect City
25 Council’s action.

26
27 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
28 **NIXA, AS FOLLOWS, THAT:**

29
30 **SECTION 1:** The real property generally located at the northeast corner of North
31 Main Street and State Highway CC and more specifically described as follows:

32
33 All of the West Half of the South Half of the Southeast Quarter of the
34 Northwest Quarter of Section 1, Township 27 North, Range 22 West of the
35 Fifth Principal Meridian, Christian County, Missouri, being more particularly
36 described as follows:

37
38 BEGINNING at an existing iron pin at the Northeast corner of the West Half
39 of the South Half of the Southeast Quarter of the Northwest Quarter of said
40 Section 1; thence, South 01°52'11" West, along and with the East line of
41 said West Half, a distance of 599.18 feet to the relocated North right-of-way
42 line of State Route "CC"; thence, West and North, along and with said
43 relocated right-of-way line, the following ten (10) courses:

44
45 South 69°53'06" West, a distance of 69.10 feet; thence, North 87°07'55"
46 West, a distance of 98.61 feet; thence, North 86°14'41" West, a distance of

200.55 feet; thence, North 89°15'43" West, a distance of 40.64 feet; thence, North 78°26'59" West, a distance of 82.40 feet; thence, North 48°53'46" West, a distance of 58.70 feet; thence, North 26°04'00" West, a distance of 64.32 feet; thence, North 08°52'56" West, a distance of 361.09 feet; thence, North 01°09'43" West, a distance of 134.84 feet; thence, North 01°27'23" East, a distance of 33.59 feet to the North line of the South Half of the Southeast Quarter of the Northwest Quarter of said Section One; thence, South 86°56'05" East, along and with said North line, a distance of 635.45 feet to the POINT OF BEGINNING, containing 8.49 acres and being subject to easements, restrictions or rights-of-way, if any.

is hereby rezoned from a General Commercial (GC) District, or such other zoning district that may apply to said real property, to a Planned Unit Development – Commercial (PUD-C) District, and the regulations applicable to said district, as established in the Nixa City Code, and the provisions of this Ordinance shall hereafter apply to said real property.

SECTION 2: The PUD-C District established by the adoption of this Ordinance shall be subject to the following additional provisions:

1. The zoning regulations for the District shall be in accordance with the GC Zoning District, as established by the Nixa City Code and as may be amended.

2. In addition, the District shall include those permitted uses authorized with an M-1 Zoning district, as established by the Nixa City Code and as may be amended, except the following uses shall be excluded from the District:

- 2.1. Marijuana dispensaries,
- 2.2. Marijuana growing and cultivation,
- 2.3. ABC stores (liquor),
- 2.4. Sexually oriented business,
- 2.5. Adult businesses (as defined in Nixa City Code section 16-381),
- 2.6. Asbestos, abrasive, and related products,
- 2.7. Animal slaughter and rendering,
- 2.8. Recycle processing center,
- 2.9. Hazardous and radioactive waste,
- 2.10. Petroleum and petroleum products,
- 2.11. Welding shops, and
- 2.12. Exterior dog runs.

3. Setbacks for the District shall be in accordance with the GC Zoning District regulations.

4. Building height regulations shall be in accordance with the GC Zoning District regulations.

5. The District shall be required to have 20 percent of the total site as open space. This space shall be occupied by natural features, landscaping, walkways, or recreational areas. All open space in the District shall be required to have a landscape plan, unless the Director of Planning and Development determines the area is best left untouched in order to preserve the natural beauty or uniqueness of the existing landscape. The usable open space on the site is located in the detention basin. Any proposed development within the District shall have a landscape plan around the detention basin to enhance the overall aesthetics of the development.

SECTION 3: The Director of Planning and Development, pursuant to section 117-57 of the Nixa City Code, shall amend the City's official zoning map, said map being established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action contemplated by this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS 22nd DAY OF APRIL 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF APRIL 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY