

## **AN ORDINANCE OF THE NIXA CITY COUNCIL ISSUING A SPECIAL USE PERMIT TO AUTHORIZE A BAR (WITH RESTAURANT) AND A RESTAURANT (WITH DRIVE-THRU) IN THE NEIGHBORHOOD COMMERCIAL ZONED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE ROUND-A-BOUT AT TRACKER ROAD AND OLD CASTLE ROAD**

### **Background:**

The potential property owner for a 3-acre parcel currently zoned Neighborhood Commercial (NC), has applied for a special use permit to use Lot 2 of Wicklow Phase 5 as a Bar (with restaurant) and a Restaurant (with drive-thru). According to the application, there will be additional commercial tenant space to accompany the primary use.

According to Sec. 117-99 of Nixa city code, the proposed land uses are not permitted by right in the Neighborhood Commercial zoning district but is allowed upon the issuance of a special use permit by the Nixa City Council.

### **Analysis:**

The proposed site is currently zoned NC. Surrounding land uses are residential, both single-family (R-1) and high-density multi-family (R-3). The specific location has been identified for commercial activity since the inception of the Wicklow Subdivision in 2003. The comprehensive plan at that time, called for the preservation of land at the intersection of two major roads and for the land to be dedicated for commercial activities. Wicklow originally planned for 27 acres of NC zoned property along Tracker Road. In 2015 the total acreage for NC zoned property shrunk to 11 acres. As development continued in the Wicklow area, the overall acreage for NC zoned property has dwindled to just the 3-acre lot in question.

The proposed location has access to East Tracker Road (Secondary Arterial) and North Old Castle Road (Secondary Arterial). The Wicklow Subdivision was originally planned with future growth in mind. The original traffic impact study was conducted based on more intensive land uses than what was ultimately built. As a result, the study predicted higher traffic volumes, leading to roadways being designed larger than necessary. Today, the actual developments in the area generate less traffic than what was modeled, meaning the existing roads are more than capable of handling current and future traffic needs.

## Conditions for Approval:

Starting at Sec. 101-136 of Nixa City Code and continuing through Sec. 101-143, lists the requirements and additional conditions for approval that should be considered. Based off the adopted code language, staff is recommending the following conditions of approval for the special use permit to help minimize the proposed land use's impact on the surrounding area.

1. The use of generators to provide power to ancillary uses on site is prohibited.
2. The use of amplified sound on the property shall cease at 9pm.
3. Alcohol sales shall cease at 11pm.
4. Building setbacks from the property lines adjacent to Old Castle Road and Tracker Road shall be increased to 45 feet.
5. The developer shall provide sidewalk along the site's road frontage. This will include any necessary crosswalks at the round-a-bout. All work to be designed and constructed to city standards.
6. Freestanding signage shall be restricted to 6' in height. No digital boards, no interior backlighting allowed. Ground lights for illumination will be acceptable.
7. Parking requirements will be reduced to 1 space for every 6 seats. The developer can provide more parking if they choose.
8. Increase landscaping street buffer yard to 15'.

## Planning and Zoning Commission:

This Special Use Permit request was read in front of the Planning and Zoning Commission at their August 5<sup>th</sup> regular monthly meeting. Many residents from the area approached the Commission to express their concerns with the request. Concerns ranged from impact on the neighborhood to school bus pickup location and then the safety of pedestrians in the neighborhood if an establishment serving alcohol is present. With all feedback considered, the P&Z Commission voted 4-2 to NOT recommend approval to City Council. The Commissioners voting no expressed concerns that the proposed land use will not be in harmony with the area in which it is located.

## Recommendation:

Staff's opinion is that the acceptance of the proposed conditions will lessen the impact on the surrounding area and promote an environment that fits with the neighborhood fabric. Staff recommend the approval of the Special Use Permit request with the proposed conditions.

**Scott Godbey** | Director of Planning and Development  
sgodbey@nixa.com | 417-725-5850







## NOTES:

BUILDING LAYOUT: THIS DEVELOPMENT WILL SUPPORT A 15,000 SQUARE FOOT BUILDING WITH OUTDOOR SPACE AND PARKING. THE ACTUAL LAYOUT OF THE BUILDING AND OUTDOOR SPACE STILL NEEDS TO BE DESIGNED, BUT THE PARKING AND VEHICULAR CIRCULATION ON THE SITE IS EXPECTED TO CLOSELY FOLLOW THIS PLAN. WE WOULD LIKE TO MAINTAIN THE OPTION TO HAVE TWO BUILDINGS IN LIEU OF ONE WITH OUTDOOR SPACE SITUATED BETWEEN THEM. THIS OPTION, IF CHOSEN, WOULD PROMOTE BETTER SCREENING TO THE SURROUNDING NEIGHBORHOOD, AND CREATE A MORE PRIVATE OUTDOOR AREA. THE SINGLE BUILDING OPTION WOULD OPEN VIEWS TO THE NEIGHBORHOOD AND WOULD LIKELY BE A MORE EFFICIENT WAY TO BUILD. THE APPLICANT IS EXPLORING BOTH OPTIONS FOR THIS DEVELOPMENT.

## INFORMATION FROM NIXA, MISSOURI - CODE OF ORDINANCE

ASSUMED ZONING: NEIGHBORHOOD COMMERCIAL  
ASSUMED USE: RESTAURANTS, BARS

1. ADHERE TO 10' MIN. STREET BUFFER YARD AND 5' MIN. PERIMETER BUFFER YARD.
2. PROVIDE INTERIOR PARKING LOT GREEN SPACE EQUAL TO 5% OF TOTAL PARKING AREA. PROVIDE SHADE TREES AND SHRUBS AT ALL BUFFER YARDS AND ISLANDS AS REQUIRED BY NIXA CODE OF ORDINANCE.
3. PROVIDE SCREENING ADJACENT TO RESIDENTIAL ZONES AS REQUIRED BY NIXA CODE OF ORDINANCE.
4. FIRE HYDRANTS SHALL NOT BE MORE THAN 400' APART BY STREET ACCESS AND MUST BE LOCATED TO SERVE ALL PARTS OF EVERY BUILDING.
5. PROVIDE ONE PARKING SPACE FOR EVERY FOUR SEATS, PLUS RESERVOIR LANE CAPACITY EQUAL TO FIVE SPACES PER DRIVE-IN WINDOW. PROVIDING 93 PARKING SPOTS ALLOWING FOR 372 SEATS MAX. FOUR ACCESSIBLE PARKING SPACES REQUIRED.
6. ADHERE TO 24' MIN. PARKING AISLE.
7. PROVIDE ONE SPACE FOR LOADING AND UNLOADING, MIN. 12'X35' WITH 14' OVERHEAD CLEARANCE. IN CASE OF INSUFFICIENT LOT AREA AVAILABLE TO BE USED PRACTICALLY FOR LOADING AND UNLOADING, COMPLY WITH REQUIREMENTS TO THE EXTENT REASONABLY POSSIBLE.

City Engineer's Stamp



SPECIAL USE PERMIT  
for  
LOWERDECK94, LLC

LOT 2, WICLOW PHASE 5, NIXA, CHRISTIAN COUNTY, MO 65714

Proj. No.	25-122
Date	7/23/2025
Revisions:	
No.	date
sheet	
A0.1	
SITE PLAN	

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA GRANTING SPECIAL**  
2 **USE PERMIT 25-001 TO AUTHORIZE THE USES OF A BAR (WITH RESTAURANT)**  
3 **AND A RESTAURANT (WITH DRIVE-THRU) IN THE NEIGHBORHOOD**  
4 **COMMERCIAL ZONED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF**  
5 **THE INTERSECTION OF TRACKER ROAD AND OLD CASTLE ROAD.**

6  
7 **WHEREAS** an application has been received requesting the issuance of a Special  
8 Use Permit authorizing the uses of a bar (with restaurant) and restaurant (with drive-thru)  
9 at the Neighborhood Commercial zoned property generally located at the southeast  
10 corner of the intersection of Tracker Road and Old Castle Road; and

11  
12 **WHEREAS** the uses of bar (with restaurant) and restaurant (with drive-thru) are allowed  
13 in a Neighborhood Commercial (NC) zoned property only with a Special Use Permit  
14 according to the Table of Uses in Nixa City Code Section 117-99; and

15  
16 **WHEREAS** Special Use Permits may be granted pursuant to the provisions of  
17 Chapter 101, Article III of the Nixa City Code; and

18  
19 **WHEREAS** the Planning and Zoning Commission held a public hearing regarding  
20 the application at the Commission's August 5, 2025, regular meeting; and

21  
22 **WHEREAS** said Commission, after the public hearing, recommended denial of the  
23 application; and

24  
25 **WHEREAS** City Council finds that sufficient information has been presented to  
26 satisfy all applicable standards of the Nixa City Code for issuance of Special Use Permit  
27 25-001.

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

31  
32 **SECTION 1:** A Special Use Permit authorizing the land uses of a bar (with  
33 restaurant) and restaurant (with drive-thru) at the Neighborhood Commercial zoned  
34 property generally located at the southeast corner of Tracker Road and Old Castle Road,  
35 more particularly described as Lot 2, Wicklow Phase 5, referenced on Special Use Permit  
36 25-001., is hereby granted.

37  
38 **SECTION 2:** Special Use Permit 25-001 shall be governed by all applicable  
39 provisions of the Nixa City Code, including, without limitation, the provisions of Chapter  
40 101, Article III.

41  
42 **SECTION 3:** Special Use Permit 25-001 shall be governed by the terms and  
43 conditions referenced in this Section 3. The terms of Section 3 are found to be integral to  
44 the Council's approval of Special Use Permit 25-001 The Council declares that without  
45 the imposition of said conditions on the subject property, the Council would not have  
46 granted its approval of said Special Use Permit. Where the terms of the City Code and

the terms of these conditions conflict, the conditions shall control. The following conditions shall apply to Special Use Permit 25-001:

- 1) The use of electric generators to provide power to ancillary uses, such as food trucks or any mobile vending uses, is prohibited.
- 2) The use of any amplified sound on the property shall cease at 9:00 p.m.
- 3) Alcohol sales shall cease on the property at 11:00 p.m.
- 4) Building setbacks from the property lines adjacent to Old Castle Road and Tracker Road shall be 45 feet from said property lines.
- 5) Prior to the issuance of any occupancy permit for any buildings on the property, a sidewalk shall be constructed by the property owner along the property's street frontage. Said sidewalk shall include any required crosswalks, or pedestrian improvements, at the traffic circle located at the intersection of Tracker Road and Old Castle Road. Construction, design, and other matters related to the sidewalk and pedestrian improvements shall be governed by the City's adopted design and construction standards in effect at the time of construction activities for the sidewalk and pedestrian improvements.
- 6) Any freestanding signage placed or erected on the property shall be restricted to 6 feet in height. No digital boards or interior backlighting shall be allowed. Ground lights for illumination shall be permitted.
- 7) Minimum parking requirements for the property shall be 1 parking space for every 6 seats of seating capacity.
- 8) A minimum 15-foot landscaping buffer yard shall be provided from the property lines adjacent to Old Castle Road and Tracker Road.

**SECTION 4:** Any violations of the provisions of this Ordinance, or the conditions contained herein, shall be grounds for revocation of Special Use Permit 25-001.

**SECTION 5:** 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.

**[Remainder of page intentionally left blank. Signatures follow on next page.]**

ADOPTED BY THE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY