

P & Z Meeting Minutes

September 2, 2025, 6:00 P.M.

Members present: Brian Popejoy, Ruth Ann Maynard, Loren Winter, Nicholas Gerdes, Matt Lander

Members absent: Rober Wilson

The minutes from August 5, 2025, were approved with a first by Matt lander and a second by Ruth Ann Maynard. All voted aye.

Visitors

None

Old Business

Exhibit A and Exhibit B

Public hearing and recommendation to the Nixa City Council concerning the annexation of approximately 96 acres of real property generally located at the Southwest corner of the intersection of State Hwy CC and N Cheyenne Rd and zoning the property for single-family and general commercial uses.

Scott Godbey presented the staff report for both exhibits. Mr. Godbey stated that this was tabled at the last meeting to give the Commission some time to research the subject. They will require 2 separate votes.

The potential owners of 3 parcels totaling approximately 96 acres, generally located at the southwest corner of the intersection of State Highway CC and North Cheyenne Road, have submitted a voluntary petition for annexation to the City of Nixa and have requested approximately 93.2-acres to be zoned Single-Family (R-1) and approximately 2.7-acres to be zoned General Commercial (GC). In addition, the potential property owner has applied for a preliminary plat on the same property.

On the 96 acres, there are 2 houses and numerous accessory structures. Some of the accessory structures date back to the 1940's and 1950's. The two homes are relatively newer, being built in 1987 and 1991. The potential developer of this site will be keeping the house that sits on the 73-acre parcel of this annexation. The house is currently served by Ozark Electric Co-Op, and the developer has elected to keep their current service provider.

The subject properties falls within tier one of the 3-tier planning map. Tier one is where the city is either currently providing or intends to provide urban level services in the near future.

The subject property does not fall within the priority annexation areas identified in Nixa 2045 and therefore does not have a future land use designation.

Nixa Utilities and Public Works staff is recommending denial of the application, as it is proposed. Staff has serious concerns that the development will have a negative effect on the city's ability to adequately provide water in northeast Nixa at the level of service we demand of ourselves, and our customers have come to expect. Besides the risk of deteriorating service to our existing customers, and low confidence in the desired service level for this development, lessening the minimum recommendations threatens our good standing with both the Nixa Fire Protection District and the Missouri DNR as a top water service provider in the state.

Upon receipt of the application for Moore Estates, staff identified concerns that the proposed development would have a negative effect on water volumes and pressures in northeast Nixa. These concerns are centered around real-world observations and operational conditions that our water operators have experienced over the past several years. In 2023 the city contracted with Olsson & Associates to develop a Hydrologic Water Model for the city. This model serves as a tool that can be utilized to run scenarios to determine what impact improvements to the system could possibly have on the overall water system. With concerns that the proposed development would have a negative effect, Olsson was asked to run the model with the proposed improvements to develop a recommendation on what improvements were necessary to accommodate Moore Estates. The model that was produced for the city in March of this year identified the need for a 16" water line along Cheyenne Rd. from High Point Elementary to the development, with an additional 12" line connecting Bluebird Hills to Moore Estates providing a looped system to maintain water volume and pressure in northeast Nixa. After that study the developer reached out to our consulting engineer at Olsson and asked that they make changes to the parameters of the model, thereby reducing the recommended improvements by eliminating the 12" loop north to Bluebird Hills but retaining the need for a 16" line connecting Moore Estates to the existing infrastructure at High Point Elementary. Staff has strong concerns about this reduction in the recommended improvements to only require the 16" line without providing a looping system to the Bluebird Hills subdivision.

A hydraulic model can be an effective starting point in identifying system improvements; however, the model is just a tool that utilizes hypothetical scenarios to provide a point of reference for the system. The model does not provide a guarantee on how improvements will affect the system. To restate our comments above, as system operators, city staff's concerns are centered around the real-world observations and operational conditions that we have experienced over the past few years. Therefore, we do not support the development as proposed without the installation of the 16" line along Cheyenne and a 12" loop to Bluebird Hills which is critical to maintain adequate volume and pressures for service and fire protection as well as the proper circulation to assure a high water-quality standard is attained.

Public Hearing

Loren Winter opened the public hearing for both exhibits.

Brian Wade, 3810 W Sunshine. Mr. Wade stated that 16 exhibits were provided that a 12 inch line would be sufficient. The preliminary plat meets all requirements under law. Would ask to have a vote on preliminary plat. Issue is annexation with the problem being the water line. City requested the water study. Olsson did the study. Mr. Jerry Jeske, Olsson Engineering performed the study and explained the second study. Mr. Wade gave a printout of an email to be put in the public record. Nothing in the code that would prevent this from being approved. Mr. Wade feels that the 12 inch line would improve water pressure and there is no need for a 16 inch line.

Clayton Hines, Shafer and Hines, PO Box 493, Nixa. Mr. Hines stated that the second study shows that a 12 inch line is sufficient for water pressure and would help the surrounding homes that are having issues now. Knows staff has reservations, very understandable, models are not always matching. Things are always changing. Would like to focus on exhibits that are set before you. Mr. Hines presented his reasoning for an approval on a 12 inch line.

Julie Tobash, PO Box 14248, O'Reilly Real Estate Partners. Mrs. Tobash was here for any questions and was very frustrated with the situation. Mr. Winter asked for the cost difference between the 12 and 16 inch.

Kristin Canady, 877 Enniskerry. Mrs. Canaday is in support of the annexation. She does have some concerns about increased traffic. There are no restrictions and covenants, and the current plan does not include a community area.

Robert Jones, 1408 N Wicklow, it seems like there is a plan in 2045? What was being planned? Will Cheyenne be extended in future. Mr. Winter that would be under Ozarks Transportation District. Mr. Popejoy asked if he was asking about the north side of the road? Mr. Jones stated that yes, Mr. Godbey said we could address that after the public hearing.

Beth Polivka, 870 Kenmare, 2 questions about water issue. Knew it was going to be developed, it is being requested to be annexed not our problem yet. As a resident now there are water issues. Can you put in 12 inch and then it doesn't work can you then put in the 16 inch? Mr. Winter stated that it should be done right the first time.

Andrew Mills, 339 Collins Rd, Ozark. Grew up on the farm, read letter from City in 2017. Mr. Mills stated that this property would sell, either now or in the future. Just wanted to read letter.

Ron Schmidt, Peoria Arizona. Family member of the property owners. Mr. Schmidt feels that the 12 inch line is sufficient.

Kara Kuhnel, 802 Cork Ct. wanted to know why the city is not installing a water tower. Loren Winter stated that it was scheduled for 2032.

Discussion

Brian Popejoy asked Brian Wade to come back to the podium. Mr. Popejoy admonished Mr. Wade about addressing the Commission. On report that Commission received states that 16-inch waterline was recommended, why was this not mentioned?

Matt Lander, on the exhibit has anyone decided to develop on the north side of Hwy CC? Mr. Godbey stated that Ozark Water is on that side and we have no further requests for development.

Loren Winter is this area in Tier One of the Comprehensive Plan. Mr. Godbey stated that it does, but it does not have a land use designated.

Nick Gerdes asked on the Olsson models seeing the minimum pressure is we were told that it would increase pressure but on the models there are no changes. Will Wicklow area change? Mr. Travis Cossey replied that it speaks more to what Mr. Hines was saying. When the March study was conducted provides the recommendations according to the City's parameter guidelines, any study after that was not done at the City's request. Mr. Cossey gave an overview of past and current water studies.

Mr. Gerdes stated that according to the study it will affect the water pressure in his neighborhood even though he is a ways away from this development. Its very concerning.

Loren Winter stated that for the Commissioners that this decision relies on whether we need the 12 inch line vs the 16 inch line. 16 inch is not required by code, so would mainly serve to provide for infrastructure for continued growth.

After further discussion Ruth Ann Maynard made a motion to approve the annexation request with a second by Loren Winter. Roll call vote: Loren Winter, Matt Lander, Ruth Ann Maynard, aye – Brian Popejoy, Nick Gerdes, nay. 3 aye – 2 nay. Motion passed.

Loren Winter made a motion to approve the preliminary plat with a second by Ruth Ann Maynard. Roll Call vote: Loren Winter, Ruth Ann Maynard, Matt Lander – aye. Nick Gerdes, Brian Popejoy – nay. 3 aye – 2 nay. Motion passed.

New Business

Exhibit C

Public hearing and possible vote concerning the proposed Mager's Subdivision Ph 2, a minor subdivision (lot split) of the property located to the south and west of 830 W Mt. Vernon.

Brendan Justin presented the staff report for the exhibit. Mr. Justin stated that Mager's Properties Nixa LLC owns approximately 13.82 acres located at the Southwest corner of the intersection of S Truman Blvd and W Mt Vernon St. The property was annexed into the City of Nixa in October of 1980 and received the GC (General Commercial) zoning

designation when the zoning code was first adopted. Mager's Subdivision established Lots 1, 2, and 3 in March of 2008 after the construction of West Side Plaza was completed in 2007.

This proposed minor subdivision conforms with Nixa City Code Section 115-Minor Subdivision Approval and Section 117 – Minimum Dimensional Standards. Staff recommends approval of this minor subdivision.

Public Hearing

Loren Winter opened the public hearing for anyone who would like to speak.

Don Berry, 1200 Woodhurst, Lee Engineering. Here for any questions.

Discussion

With no further discussion, Nicholas Gerdes made a motion to approve with a second by Brian Popejoy. All voted aye

Exhibit D

Public Hearing and Recommendation to the Nixa City Council concerning a preliminary plat for approximately 21.45 acres located immediately south of Cobble Creek 3rd Add along S Ozark Rd

Brendan Justin presented the staff report for the exhibit. Mr. Justin stated that \tThe property owner of approximately 21.45 acres located immediately to the South of currently developed portions of the Cobble Creek Subdivision, has submitted a preliminary plat for Cobble Creek 4th Addition. The subject property was annexed in May of 1994 and zoned for single family residential use at that time. A preliminary plat for Cobble Creek subdivision was approved in February of 2000 and has been developed in phases. The most recent phase of Cobble Creek was completed in 2017 (phase 3). While there are no significant changes to the proposal, the preliminary plat approval from 2000 has expired for phase 4.

Staff has reviewed the preliminary plat and has determined the document to be in conformance with the applicable regulations of the Nixa City Code concerning major subdivisions within the R-1 zoning district. Staff recommends approval.

Public Hearing

Morgan Neal, with OWN was present for any questions.

Discussion

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

Other Business

Scott Godbey mentioned the upcoming Planning Conference.

With no further discussion Matt Lander made a motion to adjourn the meeting with a second by Ruth Ann Maynard. All voted aye.

Planning & Zoning Secretary