

## **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE PRELIMINARY PLAT FOR THE CENTURY HEIGHTS SUBDIVISION LOCATED IN THE 1500 BLOCK OF NORTH OWEN ROAD**

### **Background:**

The property owner of approximately 24.3 acres, located in the 1500 block of North Owen Road, has submitted a preliminary plat for the Century Heights subdivision. The parcel of concern was annexed in May of 2003 and zoned R-1 single family at that time. In August 2023, 4.83 acres of the parcel was rezoned to R-4 two-family residential in anticipation of the Century Heights preliminary plat proposal.

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.

### **Analysis:**

The property subject to this application is presently vacant. The property is currently bound by vacant R-1 single-family residential zoned parcel to the North, vacant highway commercial (HC) zoned parcel to the East, KAMO substation located in the county to the Northwest, Single family residences located in the county to the Southwest, and to the south is a telecommunications tower located in the county.

The property subject to the preliminary plat is properly zoned for the layout of the subdivision. The portion of the property recently rezoned to R-4 will provide a transitional zoning buffer between the R-1 zoned lots and the undeveloped Highway Commercial property to the east.

The Century Heights subdivision proposes to create 27 buildable single family residential lots, and 12 two-family (duplex) residential lots. All new lots are planned to be served by public streets, municipal water, municipal sanitary sewer, and municipal electric services. There will be three common area lots. These lots are associated with non-buildable sinkhole areas which are to be dedicated to a homeowner's association for maintenance.

A sinkhole evaluation was performed in January of 2024 by Gredell Engineering. This evaluation designated 7 sinkholes on the property. Subdivision streets shown on the preliminary plat have been laid out to avoid sinkholes to the degree possible. However,

the primary access from Owen Rd will cross two sinkholes. The sinkhole evaluation states that a properly designed road in conformance with the Nixa Technical Specifications Manual regarding sinkholes will provide suitable structural stability to traverse. The report also recommends to have the sinkhole located on lot 15, remediated by means of fill, compaction, and grading which will be sufficient to render the affected area to a developable standard.

The proposed subdivision consists of two stormwater drainage areas. The west drainage area consists of three buildable lots and drains to the sinkhole found by Owen Road. The rest of the proposed subdivision drains to the north to a sinkhole. Development will conform to City standards for stormwater runoff into sinkholes.

The proposed subdivision has one main ingress / egress point on North Owen Road. Sec. 115-136 of Nixa City Code requires two means of access for subdivisions.

- (a) Two means of access connecting with a public street shall be provided to ensure public safety by providing an efficient transportation system for ingress and egress from a subdivision. The two access points shall connect with the public street system.
- (b) Consideration will be given if it can be shown that compliance with this section is not possible due to land constraints. A limited number of lots, acreage, or an unusually shaped piece of property that cannot reasonably be served by more than a single access point will be considered. If it is determined that a single access is all that the property will accommodate, it must be shown that the single access will meet the public safety and transportation needs of the subdivision.
- (c) When it has been determined that two means of access is impracticable for development, it may be necessary for emergency purposes to provide an emergency access. This alternative access shall be required if it is determined that the number of units proposed, and the nature of the development warrants emergency access. The alternative access shall be designed to accommodate the ingress and egress of necessary emergency vehicles as determined by the city chief of police and the fire district chief.

The access road which extends North of West Tracker Road to the northwest regional lift station is not an option for emergency access due to it belonging to the City of Nixa and is in constant need of upkeep. There is a vacant lot at the end of Domino Court, which abuts the southwest corner of this property. This is a possibility for an emergency access point and the developer is in contact with the property owner. Should this secondary access be found to be unusable, section D107.1 of the 2018 International Fire Code allows for a subdivision of 30 or more dwelling units to be served by a single access, so long as every dwelling unit has fire suppression sprinklers installed. A road is

stubbed out in the northeast corner of the subdivision, it can be extended with future development in the area to provide a second permanent access point for the subdivision.

North Owen Road is classified as a collector level road. A Traffic impact study was performed and determined that this proposed subdivision will not negatively impact the level of service of North Owen Road. No road improvements to North Owen Road are required. Roads classified as a collector require a minimum 65' ROW, the required additional ROW has been granted from the applicant of this proposed subdivision and will be captured on the final plat.

### **Planning and Zoning Commission:**

A public hearing was held at the June 3rd Planning and Zoning Commission meeting. Nobody approached the Commission during the public hearing. The Planning and Zoning Commission voted unanimously (7-0) to recommend approval to Nixa City Council.

### **Recommendation:**

Staff has reviewed the Century Heights 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 and R-4 zoning districts.

### **MEMO SUBMITTED BY:**

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

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE  
2 PRELIMINARY PLAT OF THE SUBDIVISION KNOWN AS CENTURY HEIGHTS  
3 WHICH IS GENERALLY LOCATED IN THE 1500 BLOCK OF NORTH OWEN ROAD  
4 AND AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS UPON  
5 THE FILING OF A FINAL PLAT.  
6

7  
8 **WHEREAS** an original Preliminary Plat of the Century Heights Subdivision dated  
9 August 10, 2023, is on file with the City’s Department of Planning and Development  
10 (“Preliminary Plat”); and  
11

12 **WHEREAS** the Department of Planning and Development has issued a staff report  
13 finding the Preliminary Plat to be in substantial compliance with the requirements of the  
14 Nixa City Code; and  
15

16 **WHEREAS** the Planning and Zoning Commission considered the Preliminary Plat  
17 at their meeting on June 3, 2024; and  
18

19 **WHEREAS** the Commission, after considering the Preliminary Plat, staff’s  
20 recommendation regarding the Preliminary Plat, and after holding a public hearing on the  
21 Application, issued a recommendation of approval of the Preliminary Plat; and  
22

23 **WHEREAS** the City Council, now having considered the Preliminary Plat, staff’s  
24 recommendation regarding the Preliminary Plat, and after providing an opportunity for  
25 public comment on the Preliminary Plat, now desires to approve the Preliminary Plat; and  
26

27 **WHEREAS** the City Council desires to authorize the Director of Planning and  
28 Development, the Director of Public Works, and the City Clerk to take certain actions  
29 consistent with this Ordinance.  
30

31 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
32 **NIXA, AS FOLLOWS, THAT:**  
33

34 **SECTION 1:** City Council hereby approves the Preliminary Plat of the Century  
35 Heights Subdivision which is generally located at the 1500 block of North Owen Road.  
36 The original preliminary plat of the is on file in the Department of Planning and  
37 Development, a reduced version of which is attached hereto for general reference as  
38 “Council Bill Exhibit A.” All “Council Bill Exhibit A,” including any referenced attachments,  
39 is hereby incorporated herein by this reference.  
40

41 **SECTION 2:** The Director of Planning and Development, on behalf of the City, is  
42 hereby authorized to accept the land, easements, and improvements dedicated to the  
43 City, as shown on the Preliminary Plat upon: (1) the applicant filing and recording a final  
44 plat which is in substantial accordance with this Ordinance, including any conditions  
45 attached to and described in “Council Bill Exhibit A,” the Subdivision Regulations of the  
46 City, any applicable provisions of the Nixa City Code, and said final plat shall substantially

47 conform to the Preliminary Plat; and (2) upon the Director of Public Works certifying to  
48 the Director of Planning and Development that any public improvements connected with  
49 this Subdivision have been made in accordance with adopted City standards and  
50 specifications. Said public improvements shall not be accepted until the occurrence of the  
51 above written conditions.

52  
53 **SECTION 3:** The final plat shall not be recorded until: (1) the public improvements  
54 relating to the Subdivision have been constructed according to the specifications of the  
55 City, and are approved by the Director of Public Works, and all engineering fees, permit  
56 fees, licenses, and other fees occasioned by or in connection with the construction of said  
57 improvements have been paid to the City; or (2) in lieu of construction of the  
58 improvements, that the Developer has filed with the Planning and Development Director,  
59 according to the terms of the Subdivision Regulations of the City, the prescribed financial  
60 assurances in a form acceptable to the City to ensure the construction of the  
61 improvements and the payment to the City of all engineering fees, permit fees, licenses,  
62 and other fees occasioned by, or which will be occasioned by, the construction of the  
63 improvements.

64  
65 **SECTION 4:** Upon compliance with all the requirement of this Ordinance, including  
66 any conditions described in "Council Exhibit A", the City Clerk is hereby authorized to  
67 endorse the City's approval upon the final plat pursuant to Section 445.030 RSMo., and  
68 such endorsement shall constitute the acceptance of the Public Improvements contained  
69 therein.

70  
71 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
72 passage by the City Council and after its approval by the Mayor, subject to the provisions  
73 of section 3.11(g) of the City Charter.

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75 **ADOPTED BY THE COUNCIL THIS 8th DAY OF July 2024.**

76  
77 ATTEST:  
78  
79 \_\_\_\_\_  
80 PRESIDING OFFICER CITY CLERK

81  
82 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

83  
84 ATTEST:  
85  
86 \_\_\_\_\_  
87 MAYOR CITY CLERK

88  
89 APPROVED AS TO FORM:  
90  
91 \_\_\_\_\_  
92 CITY ATTORNEY

# Council Bill Exhibit A

- LEGEND**
- = PROPERTY BOUNDARY LINE
  - - - = WIRE FENCE LINE
  - - - = EASEMENT - SETBACK LINE AS DESCRIBED
  - - - = OVERHEAD ELECTRIC LINE
  - - - = WATER LINE
  - - - = SANITARY SEWER LINE
  - - - = ATT - COMMUNICATION
  - = SANITARY MANHOLE
  - = FOUND LIMESTONE
  - = FOUND 5/8" REBAR
  - = SET 5/8" X 24" REBAR (PRM)
  - (M) = FIELD MEASURED DIMENSION
  - (P) = RECORD PLAT DIMENSION

BENTWATER SUBDIVISION PHASE 3  
PLAT BOOK H, PAGE 256, ZONED R-1

FOR RECORDER'S USE ONLY

## THE PRELIMINARY PLAT CENTURY HEIGHTS

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2  
TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI

OWNER - DEVELOPER  
D & P DEVELOPMENT, LLC  
DAVID & PAULA EMERSON  
2188 UNION CHAPLE ROAD, NIXA, MISSOURI 65714

SOURCE OF PARENT TRACT DESCRIPTION: DEED BOOK 2023 AT PAGE 3869,  
CHRISTIAN COUNTY RECORDER'S OFFICE, OZARK, MISSOURI.

**DESCRIPTION OF LANDS SURVEYED**

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2; THENCE SOUTH 1°57'57" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 1314.21 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 89°29'23" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 712.49 FEET; THENCE NORTH 1°56'39" EAST ALONG THE EAST LINE OF STRAWBERRY HILLS SUBDIVISION A DISTANCE OF 515.04 FEET; THENCE NORTH 89°25'30" WEST ALONG THE NORTH LINE OF STRAWBERRY HILLS SUBDIVISION A DISTANCE OF 615.20 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 2°02'35" EAST ALONG SAID WEST LINE A DISTANCE OF 240.02 FEET TO THE SOUTHWEST CORNER OF THE NORTH 560 FEET OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°25'16" EAST ALONG THE SOUTH LINE OF SAID NORTH 560 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 663.76 FEET TO THE SOUTHEAST CORNER OF SAID NORTH 560 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 2°00'23" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 560.01 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°23'32" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 1527.76 FEET TO THE POINT OF BEGINNING OF THE PORTION HEREIN DESCRIBED CONTAINING 24.26 ACRES, SUBJECT TO RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



**GENERAL PLAT NOTES:**

1. ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #29043C0060C, EFFECTIVE DATE: DECEMBER 17, 2010. THE AREA IN CA-3 COMMON AREA AS DEPICTED LIES IN ZONE "A" SPECIAL FLOOD HAZARD AREA 100 YEAR FLOOD PLAIN. THE REMAINING PROPERTY LIES IN ZONE X AN AREA DETERMINED TO BE OUTSIDE THE 0.20 PERCENT CHANCE ANNUAL FLOOD PLAIN.
2. THE CURRENT ZONING FOR LOTS 1-27 IS R-1, AND LOTS 28-39 IS R-4.
3. CLASSIFICATION OF SURVEY IS URBAN.
4. TOTAL NUMBER OF LOTS: 39, 24.26 TOTAL ACRES.
5. LARGEST LOT: LOT 38 (20216 SQUARE FEET) 0.46 ACRES.
6. SMALLEST LOT: LOT 22 (8022 SQUARE FEET) 0.18 ACRES.
7. YARD SETBACKS ARE AS FOLLOWS: STREET FRONTAGE - 25 FEET SIDE YARD - 5 FEET, REAR YARD - 20 FEET.
8. ALL COMMON AREAS WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. NO VARIANCES SHALL BE GRANTED FOR REQUIRED SETBACK OR LOT SIZES.
10. SIDEWALKS WILL BE CONSTRUCTED TO THE CITY OF NIXA STANDARDS ON SAME SIDE OF STREET AS WATER MAIN.

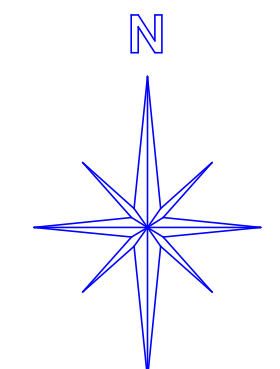
STRAWBERRY HILLS SUBDIVISION  
PLAT BOOK G, PAGE 408

ZIMMER MIDWEST  
COMMUNICATIONS INC  
BK 2020, PG. 16193

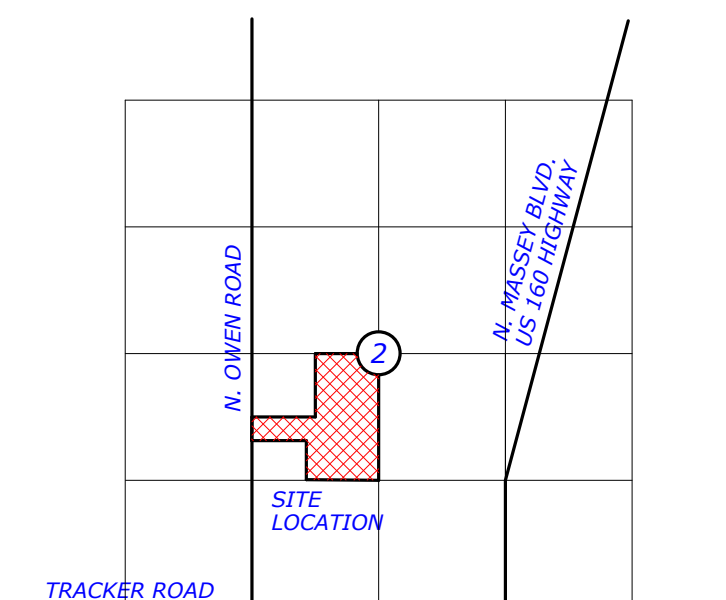
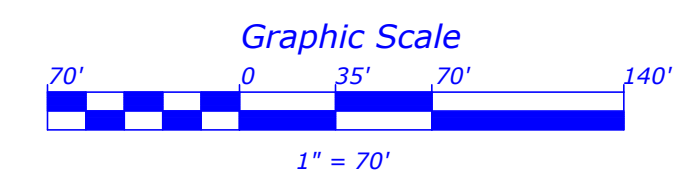
**SURVEYOR'S CERTIFICATION**

THAT I, MARK E. GUNTER, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY PERSONAL SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY MARK E. GUNTER, PLS NO. 2427, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN AS SET HEREIN WERE PLACED UNDER THE DIVISION OF GEOLOGY AND LAND SURVEY, MISSOURI DEPARTMENT OF AGRICULTURE IN ACCORDANCE WITH THE CURRENT STANDARDS FOR "PROPERTY BOUNDARY SURVEYS".

MARK E. GUNTER  
MISSOURI PLS NO. 2427  
CORP. NO. 2006035379  
DATE \_\_\_\_\_



BASIS FOR BEARINGS ARE  
GRID NORTH MISSOURI STATE  
PLANE COORDINATE SYSTEM  
CENTRAL ZONE - 1983.



SITE LOCATION MAP 1" = 2000'  
SECTION 2, TOWNSHIP 27 NORTH, RANGE 22 WEST

|  |                                     |   |
|--|-------------------------------------|---|
| <b>GUNTER AND ASSOCIATES, INC.</b>                       |                                     |   |
| P.O. BOX #1218<br>LAND SURVEYORS<br>NIXA, MISSOURI 65714 |                                     | PH. (417)725-2229<br>email: guntersurveying@gmail.com |
| SCALE: 1" = 70'  | CLASS OF SURVEY<br>ACCURACY (URBAN) | DRAWN BY: M.E.G.                                      |
| DATE: 08/10/23   |                                     | F.B.K. DC @ PG. 5604                                  |
| PREPARED FOR:<br>D & P DEVELOPMENT, LLC                  |                                     | JOB #<br>5604-PP                                      |