



Issue: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 18 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MAIN STREET AND TRACKER ROAD FROM THE R-1 AND GC ZONING DISTRICTS TO THE R-3 AND R-1 ZONING DISTRICTS.**

Date: May 10, 2021

Submitted By: Garrett Tyson, Director of Planning and Development

Background

Morelock Builders has submitted an application to the City of Nixa's Planning and Development Department requesting the rezoning of approximately 18 acres of land located at the SE corner of the intersection of Main St. and Tracker Rd. The subject property presently contains a combination of R-1 and GC zoning classifications as shown in Map 1A accompanying this memo. The application requests the entire property to be rezoned to a combination of R-3 and R-1 as shown on Map 1B and described in Bill #2021-054.

Analysis

Land Use

The site subject to this application is surrounded by an arrangement of land uses and zoning comparable to those included in the applications. The overall proposal zoning arrangement is not only consistent with the pattern of development in the vicinity of the subject property but it also generally conforming to the recommendations of the City's land use plans. Variation from the specific arrangement shown in the adopted land use plan does not appear to be problematic and is, furthermore, reasonably justified by the impact of karst topography on the site.

Transportation

The subject property is primarily served by Main Street (collector) and Tracker Road (secondary arterial). Traffic flows are to and from the subject property will most likely flow to/from nearby Massey Boulevard (expressway), which serves as a regional arterial. The transportation facilities serving the subject property for collection and arterial purposes have sufficient capacity to support residential and commercial traffic likely to be generated from the proposed zoning arrangement. Improvements to the intersection of Main/Tracker were recently completed and more improvements are planned along North Main Street in the vicinity of the subject properties.

Where the subject property will intersect with Main and Tracker, as required by the provisions of the Nixa City Code, there will need to be a study of the probable traffic impacts at the time of development.



That study will inform the nature and extent of physical improvements that will be needed to ensure the safe and efficient flow of traffic at these intersections.

Municipal Utilities (Water, Wastewater, Electric)

The subject property enjoys immediate access to both water and wastewater facilities. These facilities have adequate capacity to serve the proposed residential and commercial uses. The site is subject to the Northwest Regional Lift Station agreement, requiring reimbursement of \$208,132.49.

Electric facilities are also available to the subject properties and capable of serving the proposed residential and commercial uses.

Stormwater Management

The development of the subject property will require the management of stormwater runoff to prevent flooding hazards as well as to promote water quality (both during construction and afterward). The subject properties contain multiple sinkholes, which will need to be avoided and protected throughout development and use of the properties.

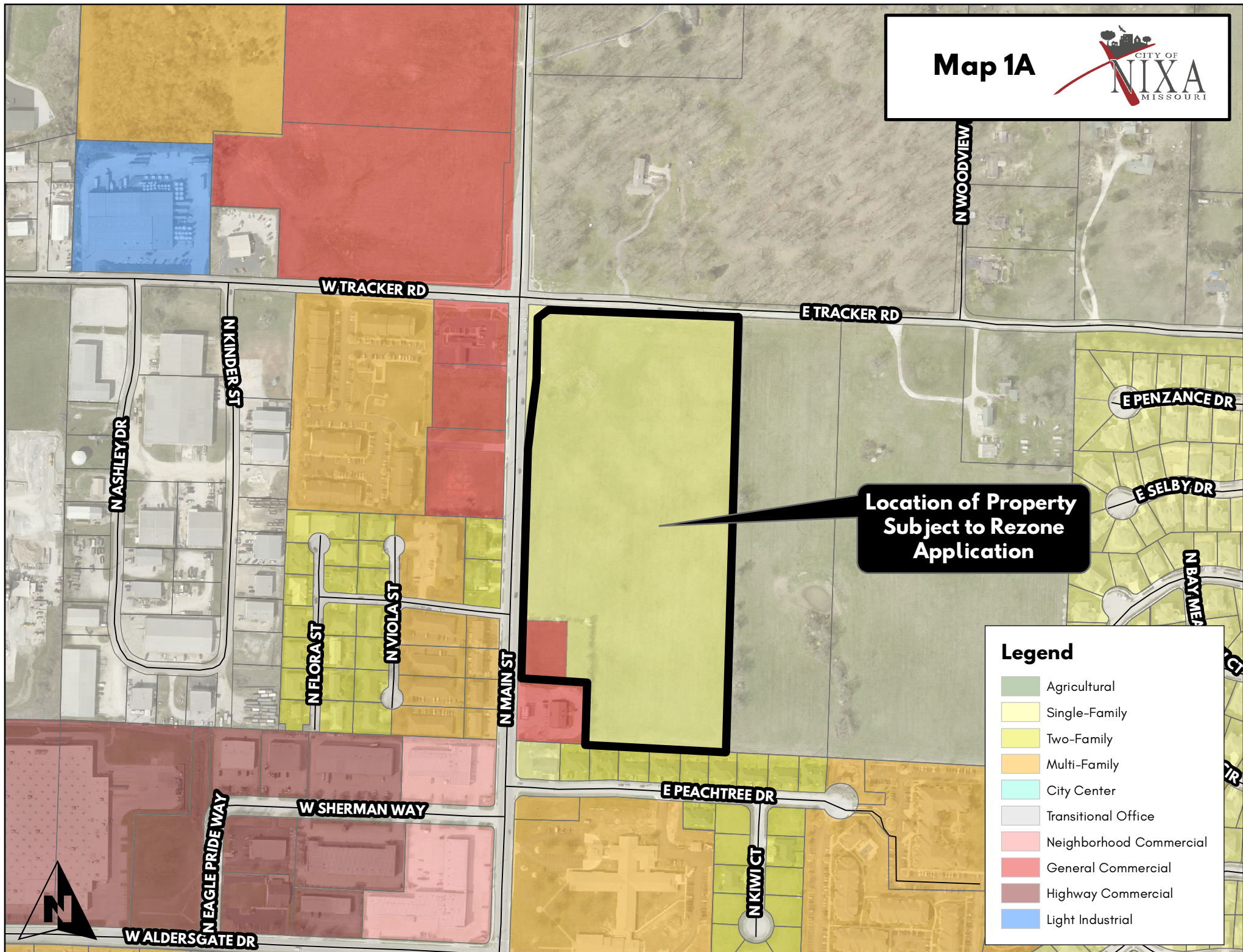
Other Public Services

The proposed zoning arrangement will add traffic 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 residents 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.

Recommendation

Staff recommends the approval and passage of this bill. The Planning and Zoning Commission voted unanimously to recommend the approval and passage of this bill.

Map 1A

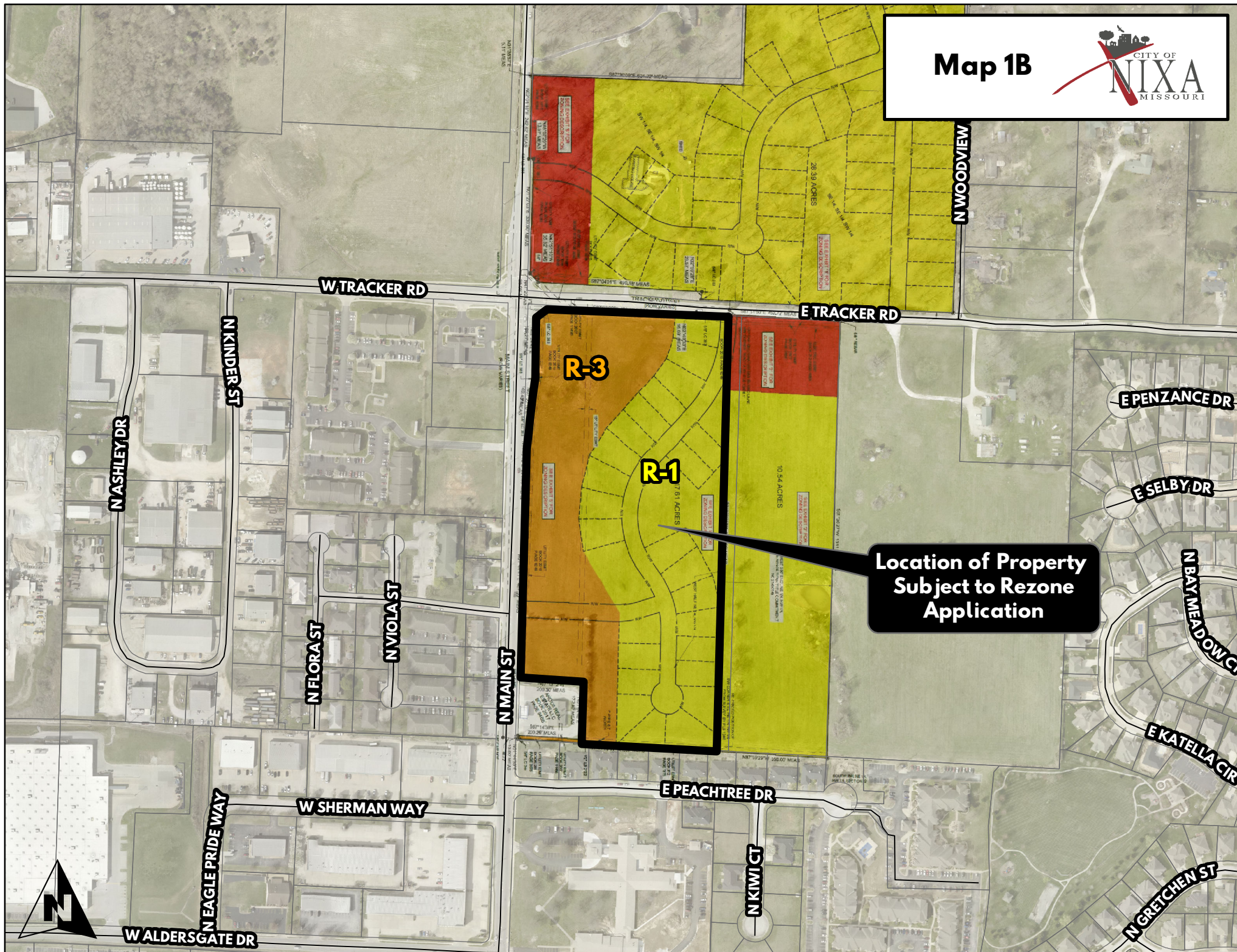


Location of Property
Subject to Rezone
Application

Legend

- Agricultural
- Single-Family
- Two-Family
- Multi-Family
- City Center
- Transitional Office
- Neighborhood Commercial
- General Commercial
- Highway Commercial
- Light Industrial

Map 1B



2
3 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING 18**
4 **ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER**
5 **OF THE MAIN STREET AND TRACKER ROAD INTERSECTION FROM R-1 AND GC**
6 **ZONING DISTRICTS TO R-1 AND R-3 ZONING DISTRICTS.**
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9 **WHEREAS** an application has been filed for a zoning change of the property
10 generally located at the southeast corner of the Main Street and Tracker Road
11 intersection; and
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13 **WHEREAS** said application requests that the City Council rezone said property
14 from R-1 and GC districts to R-1 and R-3 zoning districts; and
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16 **WHEREAS** the Planning and Zoning Commission considered the application and
17 has recommended approval of the requested rezoning; and
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19 **WHEREAS** the City Council, now having considered the requested rezoning,
20 desires to rezone said property and amend the City's official zoning map to be
21 consistent with this action.
22

23 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
24 **NIXA, AS FOLLOWS, THAT:**
25

26 **SECTION 1:** The property described on "Council Bill Exhibit A," which is attached
27 hereto and incorporated herein by this reference is hereby rezoned from its previous
28 zoning classification to the R-1 zoning district, and the regulations of the R-1 district, as
29 established in the Nixa City Code, shall hereafter apply to said property.
30

31 **SECTION 2:** The property described on "Council Bill Exhibit B," which is attached
32 hereto and incorporated herein by this reference is hereby rezoned from its previous
33 zoning classification to the R-3 zoning district, and the regulations of the R-3 district, as
34 established in the Nixa City Code, shall hereafter apply to said property.
35

36 **SECTION 3:** The City Planner, pursuant to section 117-57 of the Nixa City Code,
37 shall amend the City's official zoning map, said map being established pursuant to
38 section 117-56 of the Nixa City Code, to reflect the action contemplated by this
39 Ordinance.
40

41 **SECTION 4:** This Ordinance shall be in full force and effect from and after its
42 final passage by the City Council and after its approval by the Mayor, subject to the
43 provisions of section 3.11(g) of the City Charter.
44
45

46 **ADOPTED BY THE COUNCIL OF THE CITY OF NIXA THIS _____ DAY OF**
47 **_____ 2021.**

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49
50 **ATTEST:**

51
52 _____
53 **CITY CLERK**

_____ **PRESIDING OFFICER**

54
55
56 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**

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59 **ATTEST:**

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61 _____
62 **CITY CLERK**

_____ **MAYOR**

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64
65 **APPROVED AS TO FORM:**

66
67 _____
68 **CITY ATTORNEY**

ALL THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, STATE OF MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THENCE MEASURE SOUTH ALONG THE EAST LINE THEREOF A DISTANCE OF 19.23 FEET TO THE SOUTH RIGHT OF WAY LINE OF TRACKER STREET, FOR THE POINT OF BEGINNING; THENCE N87°11'50"W ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 102.78 FEET TO A REBAR; THENCE S02°49'33"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 16.69 FEET TO A REBAR; THENCE N87°03'09"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 65.56 FEET TO A POINT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE OF TRACKER STREET THE FOLLOWING: THENCE S05°37'30"W 65.96 FEET, THENCE S19°45'21"W 65.06 FEET, THENCE S35°53'20"W 65.18 FEET, THENCE S43°43'01"W 140.00 FEET, THENCE S42°42'57"W 76.36 FEET, THENCE S32°21'16"W 98.75 FEET, THENCE S14°06'04"W 98.55 FEET, THENCE S05°08'24"W 97.13 FEET, THENCE S08°26'49"E 96.84 FEET, THENCE S31°54'56"E 216.43 FEET, THENCE S01°23'58"W 395.20 FEET TO A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S87°09'29"E ALONG SAID SOUTH LINE THEREOF A DISTANCE OF 314.27 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE N01°36'35"E ALONG THE EAST LINE THEREOF A DISTANCE OF 1311.66 FEET TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 10.08 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOT & ASSOCIATES, 03/22/2021)

ALL THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 22 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CHRISTIAN COUNTY, STATE OF MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THENCE MEASURE S87°09'29"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 46.72 FEET TO A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET FOR, FOR THE POINT OF BEGINNING; THENCE N01°44'33"E A DISTANCE OF 10.00 FEET TO A REBAR MARKING THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 2017 ON PAGE 9466 OF THE CHRISTIAN COUNTY LAND RECORDS; THENCE S87°14'38"E ALONG THE SOUTH LINE THEREOF A DISTANCE OF 200.29 FEET TO A REBAR MARKING THE SOUTHEAST CORNER THEREOF; THENCE N01°44'45"E ALONG THE EAST LINE THEREOF A DISTANCE OF 172.00 FEET TO A REBAR MARKING THE NORTHEAST CORNER THEREOF; THENCE N87°13'12"W ALONG THE NORTH LINE THEREOF A DISTANCE OF 200.30 FEET TO A REBAR ON THE EAST RIGHT OF WAY LINE OF MAIN STREET; THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING: THENCE N01°44'41"E 487.33 FEET TO A REBAR, THENCE N01°45'40"E 271.99 FEET TO A REBAR, THENCE N07°27'19"E 140.43 FEET TO A REBAR, THENCE N02°24'42"E 189.27 FEET TO A REBAR, THENCE DEPARTING SAID EAST RIGHT OF WAY LINE OF MAIN STREET N47°20'09"E 35.05 FEET TO A REBAR ON THE SOUTH RIGHT OF WAY LINE OF TRACKER STREET; THENCE S87°03'09"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 410.50 FEET TO A POINT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE OF TRACKER STREET THE FOLLOWING: THENCE S05°37'30"W 65.96 FEET, THENCE S19°45'21"W 65.06 FEET, THENCE S35°53'20"W 65.18 FEET, THENCE S43°43'01"W 140.00 FEET, THENCE S42°42'57"W 76.36 FEET, THENCE S32°21'16"W 98.75 FEET, THENCE S14°06'04"W 98.55 FEET, THENCE S05°08'24"W 97.13 FEET, THENCE S08°26'49"E 96.84 FEET, THENCE S31°54'56"E 216.43 FEET, THENCE S01°23'58"W 395.20 FEET TO A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE N87°09'29"W ALONG SAID SOUTH LINE THEREOF A DISTANCE OF 309.25 FEET TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 7.55 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOTH & ASSOCIATES, 03/22/2021)