



**Issue:** **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI ANNEXING APPROXIMATELY 10 ACRES OF LAND LOCATED ALONG THE 100 BLOCK OF EAST TRACKER ROAD AND CLASSIFYING IT WITHIN THE R-1 AND GC ZONING DISTRICTS.**

**Date:** May 10, 2021

**Submitted By:** Garrett Tyson, Director of Planning and Development

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### Background

Morelock Builders has submitted an voluntary petition for annexation and an application for zoning of approximately 10 acres of land located along the 100 block of E. Tracker Rd. The application requests the entire property to be rezoned to a combination of R-1 and GC as shown on Map 2A and described in Bill #2021-055.

### 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 2A



W TRACKER RD

N WOODVIEW RD

E TRACKER RD

E PENZANCE DR

N SANDY CREEK CIR

Location of Property  
Subject to Annexation  
Petition and Zoning  
Application

N BAY MEADOW CT

E KATELLA CIR

N ARLINGTON ST

N GRETCHEN ST

E PEACHTREE DR

N KIWI CT

N MAIN ST

N VIOLA ST

N FLORA ST

W SHERMAN WAY

N KINDER ST

NEAS - PRIDEWAY

CC

R-1

10.54 ACRES

17.61 ACRES

28.39 ACRES



2  
3 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ANNEXING 10**  
4 **ACRES OF PROPERTY GENERALLY LOCATED AT THE 100 BLOCK OF EAST**  
5 **TRACKER ROAD AND ZONING SAID PROPERTY TO R-1 AND GC ZONING**  
6 **DISTRICTS.**  
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9 **WHEREAS** a verified petition requesting annexation into the City of Nixa has been  
10 submitted by the owners of all fee interests of record of the property located in the area  
11 proposed to be annexed in said petition, said area being generally located at the 100 block  
12 of East Tracker Road; and  
13

14 **WHEREAS** said petition was received by the City more than fourteen but less than  
15 sixty days prior to the public hearing thereon; and  
16

17 **WHEREAS** notice of said public hearing was published at least seven days prior to  
18 the public hearing; and  
19

20 **WHEREAS** City Council finds and determines that said annexation is reasonable  
21 and necessary to the proper development of the City; the City is able to furnish normal  
22 municipal services to the area annexed herein within a reasonable time after annexation;  
23 and the area annexed herein is contiguous and compact to the existing boundaries of the  
24 City; and  
25

26 **WHEREAS** an application has been filed for a zoning change of the property  
27 generally located at the 100 block of East Tracker Road; and  
28

29 **WHEREAS** said application requests that the City Council zone said property to the  
30 R-1 and GC zoning districts; and  
31

32 **WHEREAS** the Planning and Zoning Commission considered the application and  
33 has recommended approval of the requested rezoning; and  
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35 **WHEREAS** the City Council, now having considered the requested rezoning, desires  
36 to rezone said property and amend the City's official zoning map to be consistent with this  
37 action.  
38

39 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
40 **NIXA, AS FOLLOWS, THAT:**  
41

42 **SECTION 1:** City Council, after holding a public hearing, hereby determines that the  
43 annexation of the property described in the "Annexation Petition," which is attached hereto  
44 as "Council Bill Exhibit A" and is incorporated herein by this reference, is reasonable and  
45 necessary to the proper development of the City, the City is able to furnish normal municipal  
46 services to the area annexed within a reasonable time after annexation, and that the area is  
47 contiguous and compact to the existing boundaries of the City.  
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49 **SECTION 2:** Pursuant to the provisions of § 71.012 RSMo., the property described  
50 in "Council Bill Exhibit A" is hereby annexed into the City of Nixa, Missouri. The boundaries

of the City of Nixa are hereby altered to encompass the property described in "Council Bill Exhibit A."

**SECTION 3:** The City Clerk, or designee, is directed to provide certified copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian County, and the Missouri Director of Revenue. The City Clerk, or designee, is further authorized to perform any other administrative acts or provide any other documentation, provided such actions are consistent with the intent of this Ordinance.

**SECTION 4:** The property described on "Council Bill Exhibit B," which is attached hereto and incorporated herein by this reference is hereby zoned to a GC zoning district, and the regulations of the GC district, as established in the Nixa City Code, shall hereafter apply to said property.

**SECTION 5:** The property described on "Council Bill Exhibit C," which is attached hereto and incorporated herein by this reference is hereby zoned to a R-1 zoning district, and the regulations of the R-1 district, as established in the Nixa City Code, shall hereafter apply to said property.

**SECTION 6:** The City Planner, 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 action contemplated by this Ordinance.

**SECTION 7:** 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 OF THE CITY OF NIXA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

ATTEST:

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

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

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

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

## VOLUNTARY PETITION FOR ANNEXATION

TO: THE CITY OF NIXA, MISSOURI, A MUNICIPAL CORPORATION

We, the undersigned petitioner(s), submit to the City Council of the City of Nixa, Missouri this petition for voluntary annexation, and state as follows:

1. The undersigned are owner(s) of all fee interest of record of the real estate in Christian County, Missouri more fully described in Exhibit A, and
2. The owner(s) hereby request and petition the City Council of the City of Nixa, Missouri to annex the land described in Exhibit A, and
3. The land described in Exhibit A is contiguous to the existing corporate limits of the City of Nixa, Missouri, and
4. This request and petition is voluntarily made and is submitted under the provisions of Section 71.012 RSMo. 1986, as amended.

SIGNED: Amanda J Walker TTEE  
AMANDA J. WALKER

SIGNED: \_\_\_\_\_

## ACKNOWLEDGMENT BY OWNER, TRUSTEE(S)

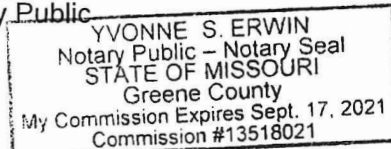
STATE OF MISSOURI )  
 ) SS  
COUNTY OF Greene )

On this 29th day of March, 2021, before me appeared Amanda J. Walker, to me personally known, who, being by me duly sworn did say that he/she is the Trustee of Walker Family Trust, and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and state aforesaid the day and year first above written.

Yvonne S. Erwin  
Notary Public

My commission expires: 9-17-2021



**EXHIBIT 'A'**

ALL OF THE WEST 350 FEET OF THE FOLLOWING DESCRIBED PROPERTY: ALL THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 22 WEST, THENCE N 90°00'00": E, 2006.81 FEET ALONG THE NORTH LINE OF SECTION 12, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG LAST DESCRIBED COURSE, 1003.40 FEET; THENCE S 00°49'48" E, 1327.70 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 12: THENCE S 89°54'14" W, 997.15 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, THENCE N 01°05'55" W, 1329.48 FEET ALONG WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12 TO THE POINT OF BEGINNING. SUBJECT TO ANY RIGHTS OR WAY OF RECORD, CHRISTIAN COUNTY, MISSOURI.

ALL THAT PART OF THE WEST 350 FEET OF THE EAST 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 NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THENCE MEASURE SOUTH ALONG THE WEST LINE THEREOF A DISTANCE OF 19.23 FEET TO THE SOUTH RIGHT OF WAY LINE OF TRACKER STREET, FOR THE POINT OF BEGINNING; THENCE S87°11'50E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 349.95 FEET TO A REBAR; THENCE S01°36'27"W ALONG THE EAST LINE OF SAID WEST 350 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 230.05 FEET TO A POINT; THENCE N87°11'50"W PARALLEL TO SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 349.95 FEET TO A POINT ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE N01°36'35"E ALONG SAID WEST LINE THEREOF A DISTANCE OF 230.05 FEET TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 1.85 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOTH & ASSOCIATES, 03/22/2021)



ALL THAT PART OF THE WEST 350 FEET OF THE EAST 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 NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THENCE MEASURE SOUTH ALONG THE WEST LINE THEREOF A DISTANCE OF 249.28 FEET TO A POINT 230.05 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF TRACKER STREET, FOR THE POINT OF BEGINNING; THENCE S87°11'50"E PARALLEL TO SAID SOUTH RIGHT OF WAY LINE 349.95 FEET TO A POINT; THENCE S01°36'27"W ALONG THE EAST LINE OF SAID WEST 350 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 1081.85 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N87°09'29"W ALONG THE SOUTH LINE THEREOF A DISTANCE OF 350.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE N01°36'35"E ALONG THE WEST LINE THEREOF A DISTANCE OF 1081.61 FEET TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 8.69 ACRES. (DESCRIPTION PREPARED BY SURVEYOR JOSEPH R. PULLIAM, MO PLS 2006016641, TOTH & ASSOCIATES, 03/22/2021)