

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.38 ACRES LOCATED ALONG THE 400 BLOCK OF NORTH MAIN STREET FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO NEIGHBORHOOD COMMERCIAL (NC)

Background:

Warren and Jody Reynolds are the owners of 415 North Main Street. As the owners of the real property, the Reynolds have applied to rezone the site from Single-Family Residential (R-1) to Neighborhood Commercial (NC) zoning. The subject property is lot 11 of the McConnell Addition Subdivision, originally platted in 1971. The property features a single-family home originally built in 1930. The property owners plan to convert the current structure into a commercial space.

Analysis:

Land Use

The subject property is bounded by North Main Street to the east, single-family residences to the north, south and West. The general character of surrounding land uses is a mix of single-family residential, multi-family residential (duplexes), and commercial.

The proposed land use change is consistent with the land uses in the vicinity.

Transportation

The subject property is directly served by North Main Street (Collector). There is existing pedestrian sidewalk along the west side of North Main Street, serving the site.

A Traffic Impact Study will be required prior to development to determine if the traffic generated from a potential commercial development will require improvements to North Main Street.

Public Utilities (Water, Wastewater, Electric)

Municipal water, sanitary sewer, and electric utilities are immediately accessible to the site and are all sufficient in capacity to serve a Neighborhood Commercial land use. Water service to the site is of sufficient capacity to provide adequate fire suppression.

Stormwater Management

The subject property is not served by regional detention facilities and does not appear to be affected by flood hazard area or karst topography. Development of the site must conform to the City's regulations concerning stormwater management.

Other Public Services

The proposed zoning change could potentially add traffic to the City's jurisdiction, which will impact a variety of public services in proportion to those increases. Ideally, the impact of these additional patrons will produce economies sufficient to cover additional costs.

Planning and Zoning Commission:

A public hearing was held October 3, 2022, at the regular meeting of the Planning and Zoning Commission. During the public hearing, neighbors located to the west of the subject property, expressed concerns with additional traffic to the property. Another concern the neighbors expressed, was that this rezone to commercial could cause other properties along North Main Street to be rezoned commercial. The Planning and Zoning Commission unanimously voted in favor of this rezone to be recommended for City Council approval.

Recommendation:

Staff recommends approval of this application.

MEMO SUBMITTED BY:

Scott Godbey | City Planner

sgodbey@nixa.com | 417-725-5850

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL
2 PROPERTY GENERALLY LOCATED AT 415 NORTH MAIN STREET FROM A
3 SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT TO A NEIGHBORHOOD
4 COMMERCIAL (NC) DISTRICT.
5 _____
6

7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located at 415 North Main Street and which is more specifically described on
9 "Council Bill Exhibit A" ("Application"); and

10
11 **WHEREAS** the Application requests that the City Council rezone said property
12 from a Single-Family Residential (R-1) District to a Neighborhood Commercial (NC)
13 District; and

14
15 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
16 Application at the Commission's October 3, 2022, meeting; and

17
18 **WHEREAS** the Commission, after considering the Application, staff's
19 recommendation regarding the Application, and after holding a public hearing on the
20 Application, issued a recommendation of approval of the Application; and

21
22 **WHEREAS** the City Council, now having considered the Application, staff's
23 recommendation regarding the Application, and after providing an opportunity for public
24 comment on the Application, now desires to rezone the subject property and amend the
25 City's official zoning map to reflect City Council's action.

26
27 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
28 **NIXA, AS FOLLOWS, THAT:**

29
30 **SECTION 1:** The real property generally located at 415 North Main Street and
31 being more specifically described on "Council Bill Exhibit A," as:

32
33 ALL OF LOT ELEVEN (11) AND THE NORTH 3 FEET OF LOT TEN (10)
34 IN MCCONNELL ADDITION TO THE CITY OF NIXA, CHRISTIAN
35 COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT
36 THEREOF.

37
38 TOGETHER WITH A DRIVEWAY EASEMENT ACROSS LOT TEN (10) IN
39 MCCONNELL ADDITION AS SAME IS NOW LOCATED AND SERVING
40 LOT ELEVEN (11).

41
42 ALSO A PART OF LOT NINE (9) AND LOT TEN (10) OF MCCONNELL
43 ADDITION AS EXISTING GARAGE IS NOW LOCATED UPON, SAID
44 GARAGE BEING LOCATED MOSTLY IN LOT ELEVEN (11), WITH AN
45 EASEMENT OVER LOTS TEN (10) AND THE EAST 10 FEET OF LOT
46 NINE (9) FOR PURPOSE OF REPAIRS, PAINTING AND GENERAL

47 MAINTENANCE OF SAID GARAGE, AS SET OUT IN QUIT CLAIM DEED
48 RECORDED IN BOOK 202 AT PAGE 236, RECORDER'S OFFICE,
49 CHRISTIAN COUNTY, MISSOURI.

50
51 is hereby rezoned from a Single-Family Residential (R-1) district, or such other zoning
52 district that may apply to said real property, to a Neighborhood Commercial (NC) District
53 and the regulations applicable to said district, as established in the Nixa City Code, shall
54 hereafter apply to said real property. "Council Bill Exhibit A," is hereby incorporated by
55 this reference as though said Exhibit was fully set forth herein.
56

57 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-
58 57 of the Nixa City Code, shall amend the City's official zoning map, said map being
59 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
60 contemplated by this Ordinance.
61

62 **SECTION 3:** This Ordinance shall be in full force and effect from and after its final
63 passage by the City Council and after its approval by the Mayor, subject to the provisions
64 of section 3.11(g) of the City Charter.
65

66
67 **ADOPTED BY THE COUNCIL THIS ____ DAY OF _____, 2022.**

68
69 ATTEST:

70
71 _____
72 PRESIDING OFFICER

71 _____
72 CITY CLERK

73
74
75 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2022.**

76
77 ATTEST:

78
79 _____
80 MAYOR

79 _____
80 CITY CLERK

81
82
83 APPROVED AS TO FORM:

84
85 _____
86 CITY ATTORNEY

PAID

AUG 15 2022

CITY OF NIXA

REZONE APPLICATION

Date of Application 15 August 2022		File No. RZN 22-006																	
Applicant Name Warren and Jody Reynolds																			
Mailing Address - Street Name/Number (Applicant) 6808 North Shadywood Dr.		City Ozark	State MO																
		Zip Code 65721																	
Applicant Phone Number 417-581-3275		Applicant Email Address warrendreynolds@gmail.com																	
General Location of Site Subject to this Application (street address preferred) 415 N. Main St., Nixa, MO, 65714																			
Current Zoning District		Current Use of Property																	
<p>REQUESTED ZONING DISTRICT (if multiple, legal descriptions must be provided for each)</p> <table border="0"> <tr> <td><input type="checkbox"/> Agricultural (AG)</td> <td><input type="checkbox"/> Single-Family Residential (R-1)</td> <td><input type="checkbox"/> Two-Family Residential (R-4)</td> <td><input type="checkbox"/> Low-Density Multi-Family (R-5)</td> </tr> <tr> <td><input type="checkbox"/> High-Density Multi-Family (R-3)</td> <td><input checked="" type="checkbox"/> Neighborhood Commercial (NC)</td> <td><input type="checkbox"/> Center City (CC)</td> <td><input type="checkbox"/> Transitional Office (O)</td> </tr> <tr> <td><input type="checkbox"/> General Commercial (GC)</td> <td><input type="checkbox"/> Highway Commercial (HC)</td> <td><input type="checkbox"/> Light Industrial (MI)</td> <td><input type="checkbox"/> Heavy Industrial (M-2)</td> </tr> <tr> <td><input type="checkbox"/> Modular Home Sub. (R-MHS)</td> <td><input type="checkbox"/> Manufactured Home Comm. (R-MHC)</td> <td><input type="checkbox"/> Planned Unit Development (PUD)*</td> <td><i>*if PUD, complete separate PUD application form</i></td> </tr> </table>				<input type="checkbox"/> Agricultural (AG)	<input type="checkbox"/> Single-Family Residential (R-1)	<input type="checkbox"/> Two-Family Residential (R-4)	<input type="checkbox"/> Low-Density Multi-Family (R-5)	<input type="checkbox"/> High-Density Multi-Family (R-3)	<input checked="" type="checkbox"/> Neighborhood Commercial (NC)	<input type="checkbox"/> Center City (CC)	<input type="checkbox"/> Transitional Office (O)	<input type="checkbox"/> General Commercial (GC)	<input type="checkbox"/> Highway Commercial (HC)	<input type="checkbox"/> Light Industrial (MI)	<input type="checkbox"/> Heavy Industrial (M-2)	<input type="checkbox"/> Modular Home Sub. (R-MHS)	<input type="checkbox"/> Manufactured Home Comm. (R-MHC)	<input type="checkbox"/> Planned Unit Development (PUD)*	<i>*if PUD, complete separate PUD application form</i>
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CERTIFICATION OF APPLICATION																			
<p>I/We, the undersigned applicant being either the owner of the subject property or a duly authorized representative of such owner(s), do attest to the truth and accuracy of the information provided with this application. I also hereby agree to reimburse the City for all costs associated with the provision of notice of public hearings necessitated by this application, including costs for certified mailing and publication in a local newspaper.</p>																			
Applicant Signature Warren D. Reynolds		Date 15 August 2022																	
Received by		Date																	
Fees Collected 250 ⁰⁰	Date Paid 8/15/22	Receipt No. 880397																	

SEE REVERSE FOR CHECKLIST OF OTHER REQUIRED DOCUMENTS THAT MUST ACCOMPANY THIS APPLICATION FORM.



REQUIRED DOCUMENTS TO BE SUBMITTED WITH APPLICATION <i>(all digital submittals sent to planning@nixa.com)</i>	
<input type="checkbox"/>	Ownership Report (certified by a Title Company) identifying owner(s) of all fee interests of record
<input type="checkbox"/>	Legal Description(s) for all area(s) to be rezoned (Microsoft Word format)
<input type="checkbox"/>	Payment of application fee in amount of \$250.00

TYPICAL PROCESS AND TIMELINE		
Preparati on Phase	Application received for staff review and preparation for hearings.	~30 days
	Provide notice of hearing for publication in a local newspaper at least 15	
	Provide notice of hearing to all owners of real estate within 185 of subject	
	Posting of notice of public hearing sign on the subject property.	
Hearing Phase	Public held before Planning & Zoning Commission.	~20 days
	Planning & Zoning Commission makes Finding of Facts and recommendation	
	First Reading of Ordinance by City Council.	
	Second Reading of Ordinance and Final Passage by City Council.	

For questions concerning this application or the process described above, please contact the

NIXA.COM



Recording Date/Time: 01/03/2022 at 09:08:26 AM

Instr #: 2022L00025

Book: 2022 Page: 25

Pages: 2

Fee: \$27.00 S



Electronically Recorded
LEGAL LAND TITLE

Kelly Hall
Recorder of Deeds

GENERAL WARRANTY DEED

THIS DEED, made and entered into this 31st day of December, 2021, by and between CORT N. HANSEN, a single person, GRANTOR, of the COUNTY OF GREENE, STATE OF MISSOURI, and WARREN D REYNOLDS and JODY W REYNOLDS, husband and wife, GRANTEE, of the COUNTY OF GREENE, STATE OF MISSOURI.

GRANTEE'S MAILING ADDRESS: 415 Main Street, Nixa, MO 65714

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said Grantee, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said Grantee, the following described Real Estate, situated in the COUNTY OF CHRISTIAN, STATE OF MISSOURI, to wit:

ALL OF LOT ELEVEN (11) AND THE NORTH 3 FEET OF LOT TEN (10) IN MCCONNELL ADDITION TO THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

TOGETHER WITH A DRIVEWAY EASEMENT ACROSS LOT TEN (10) IN MCCONNELL ADDITION AS SAME IS NOW LOCATED AND SERVING LOT ELEVEN (11).

ALSO A PART OF LOT NINE (9) AND LOT TEN (10) OF MCCONNELL ADDITION AS EXISTING GARAGE IS NOW LOCATED UPON, SAID GARAGE BEING LOCATED MOSTLY IN LOT ELEVEN (11), WITH AN EASEMENT OVER LOTS TEN (10) AND THE EAST 10 FEET OF LOT NINE (9) FOR PURPOSE OF REPAIRS, PAINTING AND GENERAL MAINTENANCE OF SAID GARAGE, AS SET OUT IN QUIT CLAIM DEED RECORDED IN BOOK 202 AT PAGE 236, RECORDER'S OFFICE, CHRISTIAN COUNTY, MISSOURI.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging unto the said party(ies), forever.

The said Grantor covenanting that said party(ies) and the heirs, executors, administrators and assigns of such Grantor, shall and will WARRANT AND DEFEND the title to the premises unto the Grantee, and to the heirs and assigns of such party(ies) forever, against the lawful claims of all persons whomsoever, excepting however, the general taxes for the current calendar year, and thereafter, and special taxes becoming a lien after the date of this deed, and restrictions, easements and building set back lines of record, if any and zoning laws.