



Issue: **AN ORDINANCE OF THE NIXA CITY COUNCIL ANNEXING APPROXIMATELY 5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 617 SOUTH HARRISON STREET AND ZONING SAID PROPERTY TO THE R-5 ZONING DISTRICT.**

Date: February 14, 2022

Submitted By: Garrett Tyson, Director of Planning and Development

Background

The owners of approximately 5 acres located at 617 S Harrison St have submitted a voluntary petition for annexation to the City of Nixa and have requested zoning into the R-5 medium-density multi-family residential zoning district.

The subject property is compact and contiguous to the Nixa City Limits and can be provided with municipal services.

Analysis

Land Use

The subject property is presently unused and contains no buildings or structures. The general vicinity of the site contains a variety of land uses including single-family residential dwellings adjacent to the north, east, and south and commercial uses and vacant commercial-zoned land to the west and southwest.

The City's adopted land use plan (2003) indicates low-density residential land uses as being appropriate at this location.

Transportation

The subject property is directly served by S Harrison St (local class thoroughfare), which terminates at the site. Traffic to/from the location will primarily flow to/from South Street (local) which will be primarily served by Massey Boulevard (expressway).

The anticipated trip generation from the proposed R-5 zoning can be supported by the existing transportation facilities at this scale. The applicant has previously inquired about whether Harrison Street would need to be extended through the site. Staff's determination is that such an extension would not be prudent under the circumstances as the costs of such extension (both immediate and long-term) would massively outweigh any benefits to the transportation network in the vicinity. An illustration of this situation is enclosed with this exhibit.



Municipal Utilities (Water, Wastewater, Electric)

The subject property does not enjoy immediate access to municipal water, wastewater, or electric services. These utilities are located within the vicinity of the site but will need to be extended to the site by a developer or property owner. The utilities available to this location are of sufficient capacity to serve the land uses permitted within the proposed R-5 zoning district.

Stormwater Management

The development of the site will be required to conform to the City's adopted stormwater management regulations. The site contains an apparent sinkhole (shown on map enclosed with this exhibit). The treatment of the sinkhole about development and stormwater management will need to conform to the city's regulations concerning development near karst topography. These regulations address both flooding and water quality concerns.

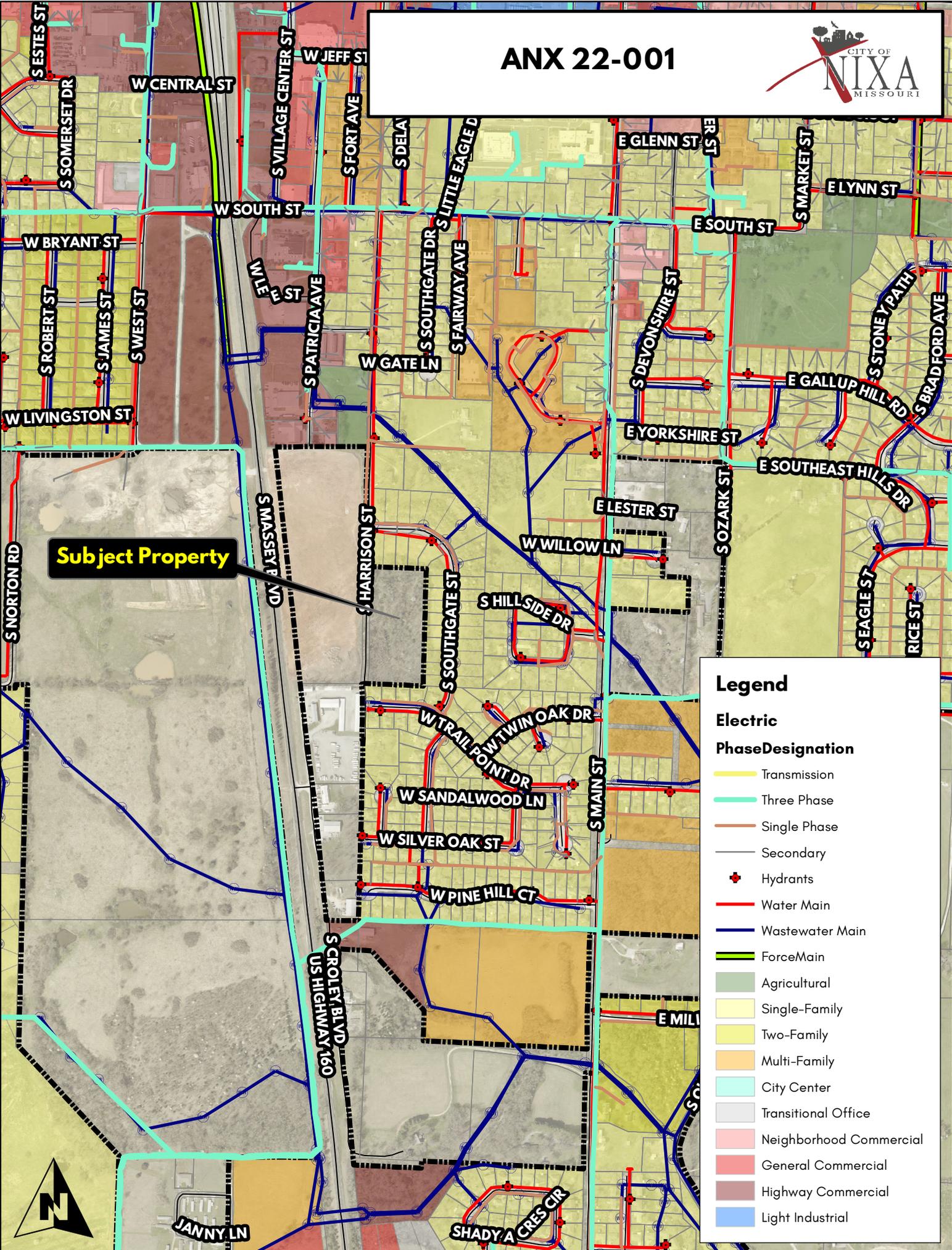
Other Public Services

The proposed multi-family land use may add traffic and patronage to the City's jurisdiction, which will impact a variety of public services in proportion to these increases. Ideally, the impact of these additional 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 of this annexation and zoning.

ANX 22-001



Subject Property

Legend

Electric

Phase Designation

- Transmission
- Three Phase
- Single Phase
- Secondary
- Hydrants
- Water Main
- Wastewater Main
- ForceMain

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

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ANNEXING
2 APPROXIMATELY 5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 617
3 SOUTH HARRISON STREET; ZONING SAID PROPERTY TO THE R-5 ZONING
4 DISTRICT; AND AMENDING CHAPTER 2, ARTICLE II OF THE NIXA CITY CODE.
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6

7 **WHEREAS** a verified petition requesting annexation into the City of Nixa has been
8 submitted by the owners of all fee interests of record of the real property generally located
9 at 617 South Harrison Street, said Annexation Petition (“Petition”) is attached hereto as
10 “Council Bill Exhibit A”; and
11

12 **WHEREAS** the area requested to be annexed is more particularly described on
13 “Council Bill Exhibit B”; and
14

15 **WHEREAS** the Petition was received by the Director of Planning and Development
16 more than fourteen but less than sixty days prior to any public hearing regarding the
17 petition before the City Council; and
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19 **WHEREAS** notice of a public hearing before the City Council concerning the
20 Petition was published at least seven days prior to the public hearing; and
21

22 **WHEREAS** City Council finds and determines that the annexation requested by
23 the Petition is reasonable and necessary to the proper development of the City, the City
24 is able to furnish normal municipal services to the area annexed herein within a
25 reasonable time after annexation, and the area annexed herein is contiguous and
26 compact to the existing boundaries of the City; and
27

28 **WHEREAS** additionally, an application has been filed for a zoning change of the
29 property generally located at 617 South Harrison Street (“Application”) and which is more
30 specifically described on “Council Bill Exhibit B”; and
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32 **WHEREAS** the Application requests that the City Council rezone said property to
33 the R-5 Zoning District; and
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35 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
36 Application at the Commission’s February 7, 2022, meeting; and
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38 **WHEREAS** the Commission, after considering the Application, staff’s
39 recommendation, and after holding a public hearing, issued a recommendation of
40 approval; and
41

42 **WHEREAS** the City Council, now having considered the Application, staff’s
43 recommendation, and after providing an opportunity for public comment, now desires to
44 annex and rezone the subject property and amend the City’s official zoning map; and
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46 **WHEREAS** the City Council also desires to amend Chapter 2, Article II of the Nixa
47 City Code, to assign said property to a City Council District.
48

49 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
50 **NIXA, AS FOLLOWS, THAT:**
51

52 **SECTION 1:** City Council, after holding a public hearing on the matter, hereby
53 determines that the annexation of the property described in the “Annexation Petition,”
54 which is attached hereto as “Council Bill Exhibit A,” which is incorporated herein by this
55 reference, is reasonable and necessary to the proper development of the City, that the
56 City is able to furnish normal municipal services to the area to be annexed within a
57 reasonable time after annexation, and that the area is contiguous and compact to the
58 existing boundaries of the City.
59

60 **SECTION 2:** Pursuant to the provisions of Section 71.012 RSMo., the property
61 described in “Council Bill Exhibit B,” which is attached hereto and incorporated herein by
62 this reference, is hereby annexed into the City of Nixa, Missouri. The boundaries of the
63 City of Nixa are hereby altered to encompass the property described in “Council Bill
64 Exhibit B.”
65

66 **SECTION 3:** The City Clerk, or designee, is hereby directed to provide certified
67 copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian
68 County, and the Missouri Director of Revenue. The City Clerk, or designee, is further
69 authorized to perform any other administrative acts or provide any other documentation
70 to any other entity or party, provided such actions are consistent with the intent of this
71 Ordinance.
72

73 **SECTION 4:** The property described on “Council Bill Exhibit B” is hereby zoned to
74 the R-5 zoning district, and the regulations of said district, as established in the Nixa City
75 Code, shall hereafter apply to said real property.
76

77 **SECTION 5:** The Director of Planning and Development, pursuant to section 117-
78 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
79 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
80 contemplated by this Ordinance.
81

82 **SECTION 6:** Chapter 2, Article II of the Nixa City Code is hereby amended by
83 repealing said Article in its entirety and adopting in lieu thereof a new Article II, which said
84 Article shall read as follows:
85

86 (Note: Language to be added is indicated by being underlined. Language to be removed
87 is indicated by being ~~stricken~~.)
88

89 Sec. 2-25. – City Council district boundaries established.
90

91 The area embraced within the corporate limits of the city, as now or hereafter
92 established, is hereby divided into three districts, the boundaries of which, as set forth in
93 sections 2-26 through 2-28 of this Code, are hereby established.

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95 Sec. 2-26. – City council district 1.

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97 Nixa city council district 1 contains all that land within the corporate limits of the
98 city of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), on the
99 date of this ordinance located north of Northview Road and North Street.

100
101 In addition to the foregoing area, city council district 1 shall include the following:

102
103 (Reserved)

104
105 Sec. 2-27. – City council district 2.

106
107 Nixa city council district 2 contains all that land within the corporate limits of the
108 city of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), on the
109 date of this ordinance located within the area boundary described as follows:

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111 Beginning at a point located at the intersection of the centerlines of Northview Road and
112 Main Street; thence west along the centerline of Northview Road to the end of the existing
113 city limits; thence south to the centerline of Mount Vernon Street; thence east along said
114 centerline to its intersection with the centerline of Main Street; thence south along said
115 centerline to the end of the existing city limits; thence east along the existing city limits in
116 a counter-clockwise direction to the centerline of North Street; thence east along said
117 centerline to its intersection with the centerline of Main Street; thence north along said
118 centerline to the point of beginning.

119
120 In addition to the foregoing area, city council district 2 shall include the following:

121
122 (Reserved)

123
124 Sec. 2-28. – City council district 3.

125
126 Nixa city council district 3 contains all that land within the corporate limits of the
127 city of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), on the
128 date of this ordinance located within the area described as follows:

129
130 Beginning at a point located at the intersection of the centerlines of Mount Vernon Street
131 and Main Street; thence west along the centerline of Mount Vernon Street to its
132 intersection with the centerline of Nicholas Road; thence west along the existing city limits
133 in a counter-clockwise direction to the centerline of Main Street; thence north to the point
134 of beginning.

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136 In addition to the foregoing area, city council district 3 shall include the following:

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(1) The area annexed by Ordinance No. [_____].

SECTION 7: The City Attorney when codifying the code changes made by Section 6 and once this Ordinance is in full force and effect is authorized to provide the Ordinance number assigned to this Ordinance in the blank space provided in Section 6, at or around Line 138.

SECTION 8: The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 9: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 10: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 11: 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.

[Remainder of page intentionally left blank. Signatures follow on the next page.]

183 **ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____ 2022.**

184

185 ATTEST:

186

187 _____

188 CITY CLERK

189

190 **APPROVED BY THE MAYOR.**

191

192 ATTEST:

193

194 _____

195 CITY CLERK

196

197 APPROVED AS TO FORM:

198

199 _____

200 CITY ATTORNEY

PRESIDING OFFICER

MAYOR

DATE OF APPROVAL



PO Box 395, 715 W. Mt. Vernon, Nixa, MO 65714
(Phone) 417-725-5850 (Fax) 417-724-5750

ANNEXATION PETITION

I/We, the undersigned 617 S Harrison St LLC

Owner(s) Name(s) typed or printed

hereinafter referred to as the Petitioner, petitions the City Council of the City of Nixa, Missouri, to annex the following described unincorporated area which is contiguous and compact to the existing corporate limits of the City of Nixa, Missouri:

The parcel located at 617 S. Harrison St. with the Legal Description as follows:

The West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 24, Township 27, Range 22, containing 5 acres, more or less.

(as illustrated by metes, bounds and bearings indicated on attached survey)

Petitioner states that he/she is the owner in fee of all interests in the said tract of real property and requests that the City Council hold a public hearing not fewer than fourteen (14) or more than one-hundred twenty (120) days after receipt of this Petition and that said hearing be held not fewer than seven (7) days after notice of the hearing is published in a newspaper of general circulation, qualified to publish legal matters. Further, should the City Council determine that the annexation reasonable and necessary to the property development of Nixa, Missouri has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, Petitioner requests that said City Council thereafter annex the territory by ordinance without further action.



PO Box 395, 715 W. Mt. Vernon, Nixa, MO 65714
(Phone) 417-725-5850 (Fax) 417-724-5750

Should written objection to the proposed annexation be filed with the City Council not later than fourteen (14) days after said public hearing, this Petitioner than requests the City Council thereafter to petition the Circuit Court of Christian County, Missouri, for a declaratory judgment as to the reasonableness of such annexation.

[Handwritten Signature]
Owner Signature

Owner Signature

STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 10 day of January, 2022, before me personally appeared Justin Foos to me known to be the person described in and who executed the foregoing instrument and acknowledges that he executed the same as his free act and deed and that the facts stated therein are true to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my official seal the date and year first above written.

Christine Renae Ferguson
Notary Public



My Commission Expires: Feb 13, 2024

Applicant Name 617 S Harrison St LLC
Justin Foos - Managing Partner Phone: (303) 917-6532

Applicant Mailing Address: 1153 S Nicholas Rd.
Nixa, MO 65714

COUNCIL BILL EXHIBIT B

Annexation and Zoning (R-5) of 617 South Harrison Street – Legal Description:

The West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 24, Township 27, Range 22, containing 5 acres, more or less.