



Issue: **AN ORDINANCE OF THE NIXA CITY COUNCIL ISSUING A SPECIAL USE PERMIT TO AUTHORIZE A BAR (WITH RESTAURANT) IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AT 105 WEST SHERMAN WAY SUITE 101.**

Date: February 14, 2022

Submitted By: Garrett Tyson, Director of Planning and Development

Background

Jon Huff has applied for a special use permit to use 105 S Sherman Way Ste 101 as a Bar (with restaurant) in the Neighborhood Commercial zoning district.

This particular type of land use is not permitted by-right in the Neighborhood Commercial zoning district but is allowed upon issuance of a special use permit by the Nixa City Council.

Analysis

The subject location is at the northwest corner of the intersection of N Main St (collector) and Sherman Way (local). The proposed land use is not anticipated to have an appreciable impact on traffic volume or municipal utility capacities.

The site is surrounded by a variety of land uses including high-density residential uses to the north and east and other commercial uses to the south and west. The specific location can be accurately characterized as a commercial shopping center served by a transportation network suitable to such land uses.

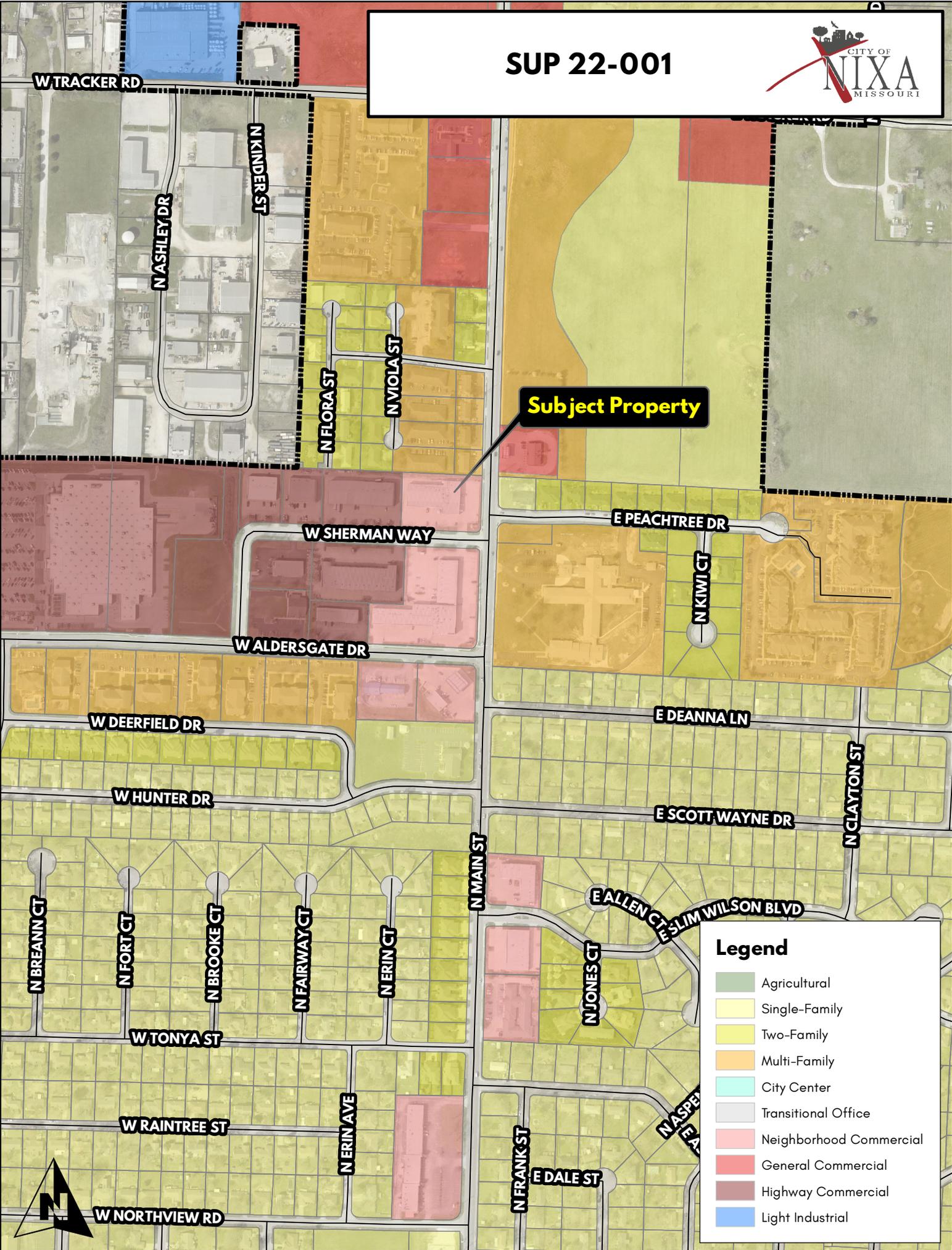
In approving special use permits, the Nixa City Code provides for the following considerations to be made:

1. Consistency with adopted City plans.
2. The proposal will not be detrimental to the public health, safety, or general welfare of the city.
3. The proposed use is properly located relative to the community, including infrastructure.
4. The size and shape of the property are compatible with the proposed use.
5. Public utilities are adequate to serve the proposed use.
6. The proposed use will not adversely affect nearby properties.

Recommendation

Staff recommends the approval of this special use permit.

SUP 22-001



Subject Property

Legend

- 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 GRANTING SPECIAL**
2 **USE PERMIT 22-001 TO AUTHORIZE A BAR, WITH RESTAURANT, USE FOR THE**
3 **NEIGHBORHOOD COMMERCIAL ZONED PROPERTY LOCATED AT 105 WEST**
4 **SHERMAN WAY, SUITE 101.**
5 _____
6

7 **WHEREAS** an application has been received requesting the issuance of a Special
8 Use Permit authorizing a bar, with restaurant, use at the Neighborhood Commercial
9 zoned property located at 105 West Sherman Way, Suite 101; and
10

11 **WHEREAS** Special Use Permits may be granted pursuant to the provisions of
12 Chapter 101, Article III of the Nixa City Code; and
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14 **WHEREAS** the Planning and Zoning Commission held a public hearing regarding
15 the application at the Commission’s February 7, 2022, regular meeting; and
16

17 **WHEREAS** said Commission, after the public hearing, recommended approval of
18 the application; and
19

20 **WHEREAS** City Council finds that sufficient information has been presented to
21 satisfy all applicable standards of the Nixa City Code for issuance of Special Use Permit
22 22-001.
23

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

27 **SECTION 1:** A Special Use Permit authorizing the bar, with restaurant, land use
28 at the Neighborhood Commercial zoned property located at 105 West Sherman Way,
29 Suite 101, referenced as Special Use Permit 22-001, is hereby granted. Special Use
30 Permit 22-001 shall be governed by all applicable provisions of the Nixa City Code,
31 including the provisions of Article III of Chapter 101. Any violations of the provision of this
32 Ordinance, or the conditions contained herein, shall be grounds for revocation of Special
33 Use Permit 22-001.
34

35 **SECTION 2:** This Ordinance shall be in full force and effect from and after its final
36 passage by the City Council and after its approval by the Mayor, subject to the provisions
37 of section 3.11(g) of the City Charter.
38

39
40 **[Remainder of page intentionally left blank. Signatures follow on next page.]**
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42
43
44
45
46

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

48

49 ATTEST:

50

51 _____

52 CITY CLERK

53

54 **APPROVED BY THE MAYOR.**

55

56 ATTEST:

57

58 _____

59 CITY CLERK

60

61 APPROVED AS TO FORM:

62

63 _____

64 CITY ATTORNEY

PRESIDING OFFICER

MAYOR

DATE OF APPROVAL