



Issue: **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.56 ACRES LOCATED ALONG THE 700 BLOCK OF EAST CRYSTAL AVENUE FROM R-3 TO R-1**

Date: June 13, 2022

Submitted By: Planning and Development Department

Background

Brendan Justin and Gina Hammersmith are the owners of approximately 0.56 acres of land located at the SW corner of the intersection of E Crystal Ave and S Tiffany Blvd more particularly described as Lots 17A, 17B, and 17C of the Tiffany Highlands 2nd Addition subdivision. As the owners of the real property, Mr. Justin and Ms. Hammersmith have applied to rezone this lot from the R-3 multi-family residential zoning district into the R-1 single-family residential zoning district.

Analysis

Land Use

The property subject to the application is presently vacant and contains no buildings or structures. The subject property is bounded by E Crystal Ave to the north and S Tiffany Blvd to the east. The surrounding land uses include single and two-family residential dwellings to the north, east, and south and general commercial zoning immediately to the west. The general character of surrounding land uses is predominantly single-family residential and commercial zoning that fronts Mt Vernon.

The proposed land use change is consistent with the pattern of development in the vicinity.

Transportation

The subject property is directly served by Crystal Ave (local). Traffic to/from the subject property will likely come from/to Mt Vernon St (primary arterial) through Tiffany Blvd (local). There are existing sidewalks serving the surrounding residential neighborhood.

The impact of traffic generated from potential residential development of the subject property according to the allowable land uses in the R-1 district is not sizeable relative to the capacity of infrastructure serving the site. E Crystal Ave and S Tiffany Blvd are of sufficient capacity to serve single-family residential land uses at this location.



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 single-family residential land uses. The site is served by the Timber Creek Lift Station that has sufficient capacity to serve single-family residential land uses at this site. All other municipal utilities are also of sufficient capacity to serve the proposed land use.

Stormwater Management

The subject property is 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 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.

Planning and Zoning Hearing

A public hearing was held 6/6/2022 at the June regular meeting of the Planning and Zoning Commission. Staff presented the rezone. During the public hearing, no one approached the Commission. The rezone was unanimously approved by the Commission.

Recommendation

Staff recommends the approval of this bill.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**
2 **PROPERTY GENERALLY LOCATED ALONG THE 700 BLOCK OF EAST CRYSTAL**
3 **AVENUE FROM THE R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO THE R-1**
4 **SINGLE-FAMILY RESIDENTIAL DISTRICT.**

5 _____
6
7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located along the 700 Block of East Crystal Avenue and which is more
9 specifically described on "Council Bill Exhibit A" ("Application"); and

10
11 **WHEREAS** the Application requests that the City Council rezone said property
12 from the R-3 Multi-Family Residential District to the R-1 Single-Family Residential
13 District; and

14
15 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
16 Application at the Commission's June 6, 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 described on "Council Bill Exhibit A," which is
31 attached hereto and incorporated herein by this reference, is hereby rezoned from a R-3
32 Multi-Family Residential District, or such other zoning district that may apply to said real
33 property, to a R-1 Single-Family Residential District and the regulations applicable to said
34 district, as established in the Nixa City Code, shall hereafter apply to said real property.

35
36 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-
37 57 of the Nixa City Code, shall amend the City's official zoning map, said map being
38 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
39 contemplated by this Ordinance.

40
41 **SECTION 3:** This Ordinance shall be in full force and effect from and after its final
42 passage by the City Council and after its approval by the Mayor, subject to the provisions
43 of section 3.11(g) of the City Charter.
44
45
46

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

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2022.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REZONE APPLICATION

PAID

APR 29 2022

CITY OF NIXA

Date of Application 4-29-22		File No. RZN-22-001																	
Applicant Name Brendan Justin																			
Mailing Address - Street Name/Number (Applicant) 911 Wesley Rd.		City Nixa	State MO																
		Zip Code 65714																	
Applicant Phone Number 630-440-3795		Applicant Email Address BrendanJustin@gmail																	
General Location of Site Subject to this Application (street address preferred) 790, 792, 794 E Crystal Ave Nixa MO 65714																			
Current Zoning District R-3		Current Use of Property																	
REQUESTED ZONING DISTRICT (if multiple, legal descriptions must be provided for each) <table border="0"> <tr> <td><input type="checkbox"/> Agricultural (AG)</td> <td><input checked="" 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 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>*if PUD, complete separate PUD application form</td> </tr> </table>				<input type="checkbox"/> Agricultural (AG)	<input checked="" 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 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)*	*if PUD, complete separate PUD application form
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CERTIFICATION OF APPLICATION 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.																			
Applicant Signature 		Date 4-29-22																	
Received by		Date																	
Fees Collected	Date Paid	Receipt No.																	

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



REQUIRED DOCUMENTS TO BE SUBMITTED WITH APPLICATION (all digital submittals sent to planning@nixa.com)	
<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		
Preparation 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: 03/07/2022 at 08:27:04 AM

Instr #: 2022L03298

Book: 2022 Page: 3266

Pages: 2

Fee: \$27.00 S



Electronically Recorded
Choice Escrow and Land Title, LLC

Kelly Hall
Recorder of Deeds

WARRANTY DEED BY CORPORATION

This Warranty Deed made and entered into **MARCH 4 2022**, between
J K CONSTRUCTION, INC., a corporation organized and existing
under the laws of the State of MISSOURI, known as **Grantor**,

AND: BRENDAN L. JUSTIN and GINA HAMMERSMITH, HUSBAND AND WIFE,
known as **Grantee**,
whose mailing address is

911 WESLEY RD, NIXA MO 65714

In consideration of ten dollars and other valuable consideration to it paid by
BRENDAN L. JUSTIN and GINA HAMMERSMITH, HUSBAND AND WIFE, known as Grantee, the receipt
whereof is hereby acknowledged, and by virtue and pursuance of a Resolution of the Board of Directors of said
Grantor, does by these presents, Grant, Bargain, Sell, Convey and Confirm unto the said Grantee Successors and
assigns, the following described lots, tracts, or parcels of land, lying, being and situate in the County of CHRISTIAN
and State of MISSOURI to-wit:

**ALL OF LOTS SEVENTEEN A (17A), SEVENTEEN B (17B),
AND SEVENTEEN C (17C), FINAL PLAT TIFFANY
HIGHLANDS SECOND ADDITION, A SUBDIVISION
IN CHRISTIAN COUNTY, MISSOURI, ACCORDING TO
THE RECORDED PLAT THEREOF IN PLAT BOOK G PAGE 655**

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges,
appurtenances, and immunities thereto belonging or in anywise appertaining unto the said Grantee, and unto their
successors and assigns, forever. The said Grantor hereby covenanting that it is lawfully seized of an indefeasible
estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free
and clear of any encumbrance done or suffered by it or these under whom it claims; and that it will warrant and defend
the title to the said premises unto the said Grantee and unto successors and assigns forever, against the lawful claims
and demands of all persons whomsoever, excluding, 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 setback
lines of record, if any, and zoning laws, except for taxes, both general and special, not now due and payable.