



Issue: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH NICHOLAS ROAD AND WEST TORI DRIVE FROM THE NEIGHBORHOOD COMMERCIAL DISTRICT TO THE R-4 RESIDENTIAL DISTRICT.

Date: August 23, 2021

Submitted By: Garrett Tyson, Director of Planning and Development

Background

Shannon Bryant is the owner of approximately 1.2 acres of land located at the SE corner of the intersection of S Nicholas Rd and W Tori Dr more particularly described as Lot 31 of the Glen Oaks Estates Second Addition subdivision. As the owner of the real property, Shannon Bryant has applied to rezone this lot from the Neighborhood Commercial (NC) zoning district into the R-4 residential zoning district.

The Glen Oaks Second Addition subdivision was platted in 1999 and the Neighborhood Commercial zoning of Lot 31 was established simultaneously. The site has been vacant and unimproved since that time.

Analysis

Land Use

The property subject to the application is presently vacant and contains no buildings or structures. The subject property is bounded by Nicholas Rd to the west and Tori Dr to the north. Conventional single-family residential development (R-1 zoning) adjoins the site to the east and attached single-family dwellings (R-4 zoning) adjoin the site to the south. The general character of surrounding land uses is predominantly low-to-moderate density housing. Commercial land uses become more prevalent along Mt Vernon St (also State Route 14) north of the subject property and the Nixa High School is located south of the site along Nicholas Rd.

The impact of this proposed change is generally consistent with surrounding land uses and the general trend of development in the vicinity.

Transportation

The subject property is directly served by Nicholas Rd (also State Route M) and Tori Dr, which are classified as primarily arterial and local-residential thoroughfares respectively. Traffic to/from the subject property will likely come from/to Mt Vernon St (primary arterial). The site is also served by a sidewalk along Nicholas Rd.



There appears to be an existing point of access located on Nicholas Rd and additional direct access to Nicholas Rd is very unlikely. Access to Tori Dr is more appropriate and will better protect the flow of traffic on the nearby arterial.

The impact of traffic generated from potential residential development of the subject property according to the allowable density in the R-4 district is not sizeable relative to the capacity of infrastructure serving the site. Both Tori Dr and Nicholas Rd are of sufficient capacity to serve development of the site according to the provisions of the R-4 district.

Public Utilities (Water, Wastewater, Electric)

The subject property enjoys immediate access to water, sanitary sewer, and electric municipal utilities that are all sufficient in capacity to serve R-4 land uses. The site is served by the Oakmont Lift Station that is nearing capacity limits but can serve this development at the present time. The water infrastructure is also capable of provide adequate flow and pressure for fire suppression purposes.

Stormwater Management

The subject property is served by a regional detention basin developed as part of the construction of the Glen Oaks Second Addition subdivision. The subject property is not located within or affected by any special flood hazard area or known karst topography features.

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 of this application.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**
2 **PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE**
3 **INTERSECTION OF SOUTH NICHOLAS ROAD AND WEST TORI DRIVE FROM**
4 **NEIGHBORHOOD COMMERCIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT.**
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7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located at the southeast corner of the intersection of South Nicholas Road and
9 West Tori Drive and which is more specifically described on “Council Bill Exhibit A”
10 (“Application”); and
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12 **WHEREAS** the Application requests that the City Council rezone said property
13 from the Neighborhood Commercial District to the R-4 Residential District; and
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15 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
16 Application at the Commission’s August 2, 2021, meeting; and
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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
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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.
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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
32 Neighborhood Commercial district, or such other zoning district that may apply to said
33 real property, to the R-4 Residential District and the regulations applicable to said
34 district, as established in the Nixa City Code, shall hereafter apply to said real property.
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36 **SECTION 2:** The Director of Planning and Development, pursuant to section
37 117-57 of the Nixa City Code, shall amend the City’s official zoning map, said map
38 being established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning
39 action contemplated by this Ordinance.
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41 **SECTION 3:** This Ordinance shall be in full force and effect from and after its
42 final passage by the City Council and after its approval by the Mayor, subject to the
43 provisions of section 3.11(g) of the City Charter.
44
45
46

47 **ADOPTED BY THE CITY COUNCIL THIS 23RD DAY OF AUGUST 2021.**

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50 **ATTEST:**

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53 _____
CITY CLERK

PRESIDING OFFICER

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56 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**

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59 **ATTEST:**

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62 _____
CITY CLERK

MAYOR

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65 **APPROVED AS TO FORM:**

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68 _____
CITY ATTORNEY

Council Bill #2021-086 Exhibit A

PROPERTY DESCRIPTION

ALL OF LOT THIRTY-ONE (31) GLEN OAKS ESTATES SECOND ADDITION, A RESIDENTIAL SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.