



**Issue:** **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.38 ACRES LOCATED ALONG THE 900 BLOCK OF NORTH WESTVIEW DRIVE FROM NEIGHBORHOOD COMMERCIAL (NC) TO SINGLE-FAMILY RESIDENTIAL (R-1)**

**Date:** July 11, 2022

**Submitted By:** Planning and Development Department

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### Background

Terry Fielder is the owner of 906 North Westview Drive. As the owner of the real property, Mr. Fielder has applied to rezone the site from the Neighborhood Commercial (NC) zoning to Single-Family residential (R-1) zoning. The subject property is located in the Young Addition Subdivision, which was originally platted in 1976. This property once featured a single-family house. Sometime in 2009, the home was demolished due to a fire and has been considered a vacant lot since.

### Analysis

#### **Land Use**

The property subject to the application is presently vacant and contains no buildings or structures, just the remnants of a house foundation. The subject property is bounded by North Westview Drive to the west; Neighborhood Commercial zoned single-family residences to the north and south, and single-family residences zoned R-1 to the east. The general character of surrounding land uses is single-family residential.

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

#### **Transportation**

The subject property is directly served by North Westview Drive (local). Traffic to/from the subject property will come from/to Northview Road (collector). There is no existing pedestrian or multi-modal facility serving the site.

The impact of traffic generated from potential residential development of the subject property is not sizeable relative to the capacity of infrastructure serving the site.

#### **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 single-family residential land use. The site is served by the Northeast



Regional Lift Station that has sufficient capacity to serve a single-family residential land use at this site. 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 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.

### **Planning and Zoning Commission**

A public hearing was held 7/5/2022 at the July regular meeting of the Planning and Zoning Commission. Staff presented the rezone. During the public hearing a representative of the property owner spoke. She mentioned that the property is under contract contingent on the rezone. She also spoke about the struggle and lack of interest on the listing when it was listed as commercial and how lenders were not offering traditional loans on the property. The rezone was unanimously approved by the Commission.

### **Recommendation**

Staff recommends approval of this application.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**  
2 **PROPERTY GENERALLY LOCATED AT 906 WESTVIEW DRIVE FROM A**  
3 **NEIGHBORHOOD COMMERCIAL DISTRICT TO AN R-1 SINGLE-FAMILY**  
4 **RESIDENTIAL DISTRICT.**

5 \_\_\_\_\_  
6  
7 **WHEREAS** an application has been filed for a zoning change of the property  
8 generally located at 906 Westview Drive, said Application is attached hereto as "Council  
9 Bill Exhibit A": and

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

14  
15 **WHEREAS** the Planning and Zoning Commission held a public hearing on the  
16 Application at the Commission's July 5, 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 906 Westview Drive and being  
31 more specifically described on "Council Bill Exhibit A" as "ALL OF LOT TWENTY-SIX (26)  
32 OF YOUNGS ADDITION, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI,  
33 ACCORDING TO THE RECORDED PLATE THEREOF", is hereby rezoned from a  
34 Neighborhood Commercial District, or such other zoning district that may apply to said  
35 real property, to a R-1 Single-Family Residential District and the regulations applicable to  
36 said district, as established in the Nixa City Code, shall hereafter apply to said real  
37 property. "Council Bill Exhibit A," is hereby incorporated by this reference as though said  
38 Exhibit was fully set forth herein.

39  
40 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-  
41 57 of the Nixa City Code, shall amend the City's official zoning map, said map being  
42 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action  
43 contemplated by this Ordinance.  
44

**SECTION 3:** 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.

**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

Date of Application 5/13/2022		File No. RZN 22-005	
Applicant Name Terry Fielder			
Mailing Address - Street Name/Number (Applicant) 904 Westview Dr.		City Nixa	State MO
		Zip Code 65714	
Applicant Phone Number 417 425 3557		Applicant Email Address terry300@aatt.net	
General Location of Site Subject to this Application (street address preferred) 904 Westview Dr.			
Current Zoning District Light Commercial		Current Use of Property Empty Lot	
<b>REQUESTED ZONING DISTRICT</b> (if multiple, legal descriptions must be provided for each)			
<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
<b>CERTIFICATION OF APPLICATION</b>			
<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 Terry Fielder		Date 5/13/22	
Received by RB		Date 5/13/22	
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 <i>(all digital submittals sent to <a href="mailto:planning@nixa.com">planning@nixa.com</a>)</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		
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.	

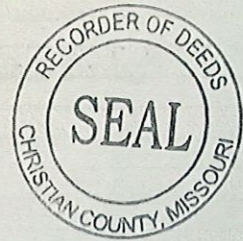
For questions concerning this application or the process described above, please contact the

**NIXA.COM**





BK **2009** PG **13135**



## GENERAL WARRANTY DEED

118424  
**THIS DEED**, made and entered into this 8th day of September, 2009, by and between Bonnie Mountain, a/k/a Bonny Mountain, a single person as **GRANTOR(S)** of the County of Christian, **STATE OF MISSOURI**, party or parties of the first part and Terry Fielder and Sandra Fielder, husband and wife, as **GRANTEE(S)**, of the **County of Christian, STATE OF MISSOURI**, party or parties of the second part,

**GRANTEES MAILING ADDRESS:** 904 Westview Drive, Nixa, MO 65714

**WITNESSETH**, that the said party or parties of the first part, for and in consideration of the sum of ONE Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described REAL ESTATE, situated in the **COUNTY OF CHRISTIAN** and **STATE OF MISSOURI**, to wit:

ALL OF LOT TWENTY-SIX (26) OF YOUNGS ADDITON, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

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

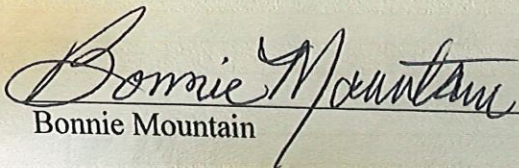
TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto, belonging, or in anywise appertaining, unto the said party of the second part, and unto their heirs and assigns forever, the said grantors hereby covenanting that they are lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that they have good right to convey the same; that the premises are free and clear of any encumbrances done or suffered by them or those under whom they claim and that they will Warrant and Defend the title of the said premises unto the said party of the second part and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever except as herein before stated, and except for the lien of taxes, both general and special.



SUBJECT to covenants, conditions, easements, restrictions and reservations of record, if any.

WORDS and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands the day and year first above written.

  
Bonnie Mountain

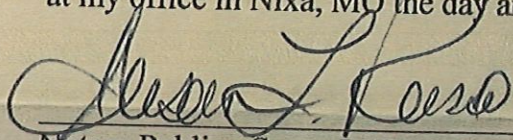
State of Missouri

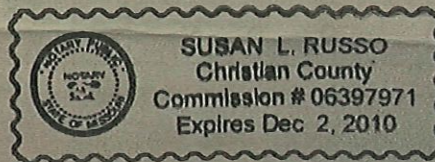
County of Christian

}  
}  
} ss.  
}

On this 8th day of September, 2009, before me personally appeared Bonnie Mountain, a single person. To me known to be the person(s) described in and who execute the foregoing instrument and acknowledged that he/she executed that same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Nixa, MO the day and year first above written.

  
Notary Public: Susan L. Russo  
My Commission expires: December 2, 2010





RZN 22-005

