

RE: AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.48 ACRES LOCATED ALONG THE 300 BLOCK OF SOUTH MARKET STREET FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO TWO-FAMILY ATTACHED RESIDENTIAL (R-4)

Background:

The owner of property in the 300 block of South Market Street has applied to rezone the site from Single-Family Residential (R-1) to Single-Family Attached Multi-Family (R-4) zoning. In 2006 the property was split into two lots with the creation of the James Brown Minor Subdivision. At that same time, the property was rezoned from Agricultural (AG) to Single-Family Residential (R-1). The property featured a single-family structure originally built in 1903 until August of 2022 when a demo permit was approved to remove the structure. The property owners plan to place a multi-family structure on each lot. The subject property is lots 1 and 2 of the James Brown Minor Subdivision.

The Planning and Zoning Commission recommended approval for a rezone to R-3 zoning in November of 2022. At the first reading during the November 14 City Council meeting, many neighbors of the subject property expressed concerns about the potential tri-plex's adding to an existing stormwater concern in the area. Staff relayed these concerns to the applicant. Before the second reading at the November 28 Council Meeting, the applicant submitted a new rezone request for the same property to be rezoned to R-4.

Analysis:

Land Use

The subject property is bounded by Agricultural (AG) zoned property to the East and South, single-family residences to the north and West. The general character of surrounding land uses is a mix of single-family residential, multi-family residential (duplexes), and agricultural.

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

Transportation

The subject property is directly served by South Market Street (Local) and East Lynn Street (Local).

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 multi-family development of this size.

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.

Density

Minimum lot size for two-family residential (duplex) R-4 zoning district are 8,000 square feet. Lots 1 of the James Brown Minor Subdivision is 10,471 square feet. Lot 2 is 10,493 square feet.

Other Public Services

The proposed zoning change could potentially add traffic to the City's jurisdiction, which will impact a variety of public services in proportion to those increases. Ideally, the impact of these additional patrons will produce economies sufficient to cover additional costs.

Planning and Zoning Commission

A public hearing was held December 5, 2022, at the regular meeting of the Planning and Zoning Commission. During the public hearing, two concerned neighbors spoke in opposition of the rezone. The main concern is an existing storm water issue that floods neighboring properties during a substantial rain event. These were the same concerns that prompted the applicant to amend their rezone request to match what the neighbors suggested they would be in favor of. The Planning and Zoning Commission voted 7-1 to recommend approval to City Council. The Commissioner with the lone nay vote mentioned that the stormwater concerns raised by the neighbors was not mentioned during the previous P&Z meeting and would have voted no on the previous rezone request considering the stormwater concerns.

Recommendation:

Staff recommends the approval of this rezone

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development

sgodbey@nixa.com | 417-725-5850

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**
2 **PROPERTY GENERALLY LOCATED AT 300 BLOCK OF SOUTH MARKET STREET**
3 **FROM A SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT TO A TWO-FAMILY**
4 **ATTACHED RESIDENTIAL (R-4) DISTRICT.**
5 _____
6

7 **WHEREAS** an application has been filed for a zoning change of the property
8 generally located at the 300 block of South Market Street (“Application”); and
9

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

14 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
15 Application at the Commission’s November 7, 2022, meeting; and
16

17 **WHEREAS** the Commission, after considering the Application, staff’s
18 recommendation regarding the Application, and after holding a public hearing on the
19 Application, issued a recommendation of approval of the Application; and
20

21 **WHEREAS** the City Council held a public hearing on the Application at the
22 Council’s November 14, 2022, meeting; and
23

24 **WHEREAS** prior to the second reading of this bill, at the November 28, 2022,
25 regular City Council meeting, the Council remanded the Application to the Commission
26 so that the Commission could consider an amended Application from the applicant; and
27

28 **WHEREAS** this amended Application requested a rezoning of the Property to a
29 Two-Family Attached Residential (R-4) District; and
30

31 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
32 amended Application at the Commission’s December 5, 2022, meeting; and
33

34 **WHEREAS** the Commission, after considering the amended Application, staff’s
35 recommendation regarding the Application, and after holding a public hearing on the
36 Application, issued a recommendation of approval of the Application; and
37

38 **WHEREAS** the City Council, now having considered the amended Application,
39 staff’s recommendation regarding the Application, and after providing an opportunity for
40 public comment on the Application, now desires to rezone the subject property and
41 amend the City’s official zoning map to reflect City Council’s action.
42

43 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
44 **NIXA, AS FOLLOWS, THAT:**
45

46 **SECTION 1:** The real property generally located at the 300 block of South Market
47 Street and being more specifically described on "Council Bill Exhibit A," which is attached
48 hereto and incorporated herein by this reference as though fully set forth herein, is hereby
49 rezoned from a Single-Family Residential (R-1) district, or such other zoning district that
50 may apply to said real property, to a Two-Family Attached Residential (R-4) District and
51 the regulations applicable to said district, as established in the Nixa City Code, shall
52 hereafter apply to said real property.
53

54 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-
55 57 of the Nixa City Code, shall amend the City's official zoning map, said map being
56 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
57 contemplated by this Ordinance.
58

59 **SECTION 3:** This Ordinance shall be in full force and effect from and after its final
60 passage by the City Council and after its approval by the Mayor, subject to the provisions
61 of section 3.11(g) of the City Charter.
62

63
64 **ADOPTED BY THE COUNCIL THIS ____ DAY OF _____, 2023.**

65
66 ATTEST:

67
68 _____
69 PRESIDING OFFICER

67
68 _____
69 CITY CLERK

70
71
72 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.**

73
74 ATTEST:

75
76 _____
77 MAYOR

75
76 _____
77 CITY CLERK

78
79
80 APPROVED AS TO FORM:

81
82 _____
83 CITY ATTORNEY

COUNCIL BILL EXHIBIT A

Legal Description

ALL OF LOT ONE (1) AND TWO (2) OF THE JAMES BROWN MINOR SUB, A MINOR SUBDIVISION IN NIXA, CHRISTIAN COUNTY, MISSOURI.