

**RE: AN ORDINANCE OF THE NIXA CITY COUNCIL
CONCERNING AN ANNEXATION OF APPROXIMATELY 2.23
ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE
NORTHWEST CORNER OF THE SOUTH GREGG ROAD AND WEST
GLEN OAKS DRIVE INTERSECTION AND ZONING THE PROPERTY
TO THE R-1 ZONING DISTRICT**

Background:

The owners of approximately 2.23 acres located at 601 South Gregg Road have submitted a voluntary petition for annexation to the City of Nixa and have requested Single-Family Residential (R-1) zoning. The annexed property will be added to Council District 3.

The subject property is lots 1-4 of the Spence Addition to Glen Oaks Estates. Originally platted and recorded in 1987. Each lot in the Spence addition is approximately 0.56 acres. The property is compact and contiguous to the Nixa City Limits. Current Nixa City Limits are along the east, south and west property lines of the subject property.

Analysis:

Land Use

The subject property is currently vacant except for an old well house. Surrounding land uses are single-family residential to the North, South, West, and East. The Future Land Use Designation Map adopted as part of the current Comprehensive Plan, indicates this area should be used for single-family residential.

The previous single-family structure that was located on lot 4 was demolished by the current owner in early 2022.

Transportation

The subject property is served by West Glen Oaks Drive (local). The city will require an additional 10' of right-of-way along the north side of West Glen Oaks Drive to comply with local street right-of-way requirements.

Municipal Utilities (Water, Wastewater, Electric)

The subject property has immediate access to municipal water service via a 6" water main on the south side of West Glen Oaks Drive. The water main has adequate pressure to serve the residential lots. Service lines and water meter pits will need to be provided for each lot.

Sanitary sewer is located along the east side of South Gregg Road. The main has adequate capacity to serve the proposed residential use.

An outside electric co-op provided electricity to the residence that was on 601 North Gregg Road. The property owner can choose between using the previous service provider or extending Nixa electric service to the property. The cost of extending Nixa electric service will be incurred by the property owner.

Stormwater Management

The development of the site will be required to conform to the City's adopted stormwater management regulations. The site contains an apparent sinkhole (shown on map enclosed with this exhibit). The presence of a sinkhole will require development and stormwater management to conform to the city's regulations concerning development near karst topography. These regulations address both flooding and water quality concerns.

Other Public Services

The proposed land use may add traffic and patronage to the City's jurisdiction, which will impact a variety of public services in proportion to these increases. Ideally, the impact of these additional 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. The land subject to annexation is within the current service areas for the Nixa Fire Protection District and the Nixa Police Department.

Planning and Zoning Commission

A public hearing was held at the March 6, 2023 Planning and Zoning Commission meeting. During the public hearing, neighbors voiced their concerns with property values, flooding issues with the sinkhole, and roadway width. A Commissioner did not approve that we were annexing a non-buildable lot. The applicant intends to adjust some of the lot lines to attach the sinkhole lot to a buildable lot, through the minor subdivision process. With these concerns in mind the commission unanimously voted (5-0) to recommend approval to City Council.

Recommendation:

The property is compact and contiguous to current City Limits and Staff recommends the approval of this request.

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 ANNEXING
 2 APPROXIMATELY 2.23 ACRES OF REAL PROPERTY GENERALLY LOCATED AT
 3 THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH GREGG ROAD
 4 AND WEST GLEN OAKS DRIVE; ZONING SAID PROPERTY TO THE R-1 ZONING
 5 DISTRICT; AND AMENDING CHAPTER 2, ARTICLE II, SECTION 2-28 OF THE NIXA
 6 CITY CODE.

7 _____

8
 9 **WHEREAS** a verified petition requesting annexation into the City of Nixa has been
 10 submitted by the owners of all fee interests of record of the real property generally located
 11 at the northwest corner of the intersection of south Gregg Road and West Glen Oaks
 12 Drive, said Annexation Petition (“Petition”) is attached hereto as “Council Bill Exhibit A”;
 13 and

14
 15 **WHEREAS** the area requested to be annexed is more particularly described on
 16 “Council Bill Exhibit B”; and

17
 18 **WHEREAS** the Petition was received by the Director of Planning and Development
 19 more than fourteen but less than sixty days prior to any public hearing regarding the
 20 petition before the City Council; and

21
 22 **WHEREAS** notice of a public hearing before the City Council concerning the
 23 Petition was published at least seven days prior to the public hearing; and

24
 25 **WHEREAS** City Council finds and determines that the annexation requested by
 26 the Petition is reasonable and necessary to the proper development of the City, the City
 27 is able to furnish normal municipal services to the area annexed herein within a
 28 reasonable time after annexation, and the area annexed herein is contiguous and
 29 compact to the existing boundaries of the City; and

30
 31 **WHEREAS** additionally, an application has been filed for a zoning change of said
 32 property (“Application”) and which is more specifically described on “Council Bill Exhibit
 33 B”; and

34
 35 **WHEREAS** the Application requests that the City Council rezone said property to
 36 the R-1 Zoning District; and

37
 38 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
 39 Application at the Commission’s March 6, 2023, meeting; and

40
 41 **WHEREAS** the Commission, after considering the Application, staff’s
 42 recommendation, and after holding a public hearing, issued a recommendation of
 43 approval; and

44

45 **WHEREAS** the City Council, now having considered the Application, staff's
46 recommendation, and after providing an opportunity for public comment, now desires to
47 annex and rezone the subject property and amend the City's official zoning map; and
48

49 **WHEREAS** the City Council also desires to amend Chapter 2, Article II, Section 2-
50 28 of the Nixa City Code, to assign said property to a City Council District.
51

52 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
53 **NIXA, AS FOLLOWS, THAT:**
54

55 **SECTION 1:** City Council, after holding a public hearing on the matter, hereby
56 determines that the annexation of the property described in the "Annexation Petition,"
57 which is attached hereto as "Council Bill Exhibit A," which is incorporated herein by this
58 reference, is reasonable and necessary to the proper development of the City, that the
59 City is able to furnish normal municipal services to the area to be annexed within a
60 reasonable time after annexation, and that the area is contiguous and compact to the
61 existing boundaries of the City.
62

63 **SECTION 2:** Pursuant to the provisions of Section 71.012 RSMo., the property
64 described in "Council Bill Exhibit B," which is attached hereto and incorporated herein by
65 this reference, is hereby annexed into the City of Nixa, Missouri. The boundaries of the
66 City of Nixa are hereby altered to encompass the property described in "Council Bill
67 Exhibit B."
68

69 **SECTION 3:** The City Clerk, or designee, is hereby directed to provide certified
70 copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian
71 County, and the Missouri Director of Revenue. The City Clerk, or designee, is further
72 authorized to perform any other administrative acts or provide any other documentation
73 to any other entity or party, provided such actions are consistent with the intent of this
74 Ordinance.
75

76 **SECTION 4:** The property described on "Council Bill Exhibit B" is hereby zoned to
77 the R-1 zoning district, and the regulations of said district, as established in the Nixa City
78 Code, shall hereafter apply to said real property.
79

80 **SECTION 5:** The Director of Planning and Development, pursuant to section 117-
81 57 of the Nixa City Code, shall amend the City's official zoning map, said map being
82 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
83 contemplated by this Ordinance.
84

85 **SECTION 6:** Chapter 2, Article II, Section 2-28 of the Nixa City Code is hereby
86 amended by repealing said Section in its entirety and adopting in lieu thereof a new
87 Section 2-28, which said Section shall read as follows:
88

89 (Note: Language to be added is indicated by being underlined. Language to be removed
90 is indicated by being ~~stricken~~.)

91
92 Sec. 2-28. – City council district 3.
93

94 Nixa city council district 3 contains all that land within the corporate limits of the
95 city of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), located
96 within the area described as follows:
97

98 Beginning at a point located at the intersection of the centerlines of Mount Vernon Street
99 and Main Street; thence west along the centerline of Mount Vernon Street to its
100 intersection with the centerline of Nicholas Road; thence west along the existing city limits
101 in a counter-clockwise direction to the centerline of Main Street; thence north to the point
102 of beginning.
103

104 In addition to the foregoing area, city council district 3 shall include the following:
105

- 106 (1) The area annexed by Ordinance No. 2241.
- 107
- 108 (2) The area annexed by Ordinance No. [_____].
- 109

110 **SECTION 7:** The City Attorney when codifying the code changes made by Section
111 6 and once this Ordinance is in full force and effect is authorized to provide the Ordinance
112 number assigned to this Ordinance in the blank space provided in Section 6, at or around
113 Line 108.
114

115 **SECTION 8:** The City Attorney, when codifying the provisions of this Ordinance, is
116 authorized to provide for different section numbers, subsection numbers, and different
117 internal citation references than those provided herein when such section numbers,
118 subsection numbers, or internal citation references are in error or are contrary to the intent
119 of this Ordinance.
120

121 **SECTION 9:** Savings Clause. Nothing in this Ordinance shall be construed to
122 affect any suit or proceeding now pending in any court or any rights acquired, or liability
123 incurred nor any cause or causes of action occurred or existing, under any act or
124 ordinance repealed hereby.
125

126 **SECTION 10:** Severability Clause. If any section, subsection, sentence, clause, or
127 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
128 the validity of the remaining portions of this Ordinance. The Council hereby declares that
129 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
130 phrase thereof, irrespective of the fact that any one or more sections, subsections,
131 sentences, clauses, or phrases be declared invalid.
132

133 **SECTION 11:** This Ordinance shall be in full force and effect from and after its final
134 passage by the City Council and after its approval by the Mayor, subject to the provisions
135 of section 3.11(g) of the City Charter.
136

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

138

139

ATTEST:

140

141

PRESIDING OFFICER

CITY CLERK

143

144 **APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2023.**

145

146

ATTEST:

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148

MAYOR

CITY CLERK

150

151 APPROVED AS TO FORM:

152

153

CITY ATTORNEY

154



PO Box 395, 715 W. Mt. Vernon, Nixa, MO 65714
(Phone) 417-725-5850 (Fax) 417-724-5750

ANNEXATION PETITION

I/We, the undersigned Volodymyr Balyk, President of Ivan - Co, Inc.,

Owner(s) Name(s) typed or printed

hereinafter referred to as the Petitioner, petitions the City Council of the City of Nixa, Missouri, to annex the following described unincorporated area which is contiguous and compact to the existing corporate limits of the City of Nixa, Missouri:

Petitioner states that he/she is the owner in fee of all interests in the said tract of real property and requests that the City Council hold a public hearing not fewer than fourteen (14) or more than one-hundred twenty (120) days after receipt of this Petition and that said hearing be held not fewer than seven (7) days after notice of the hearing is published in a newspaper of general circulation, qualified to publish legal matters. Further, should the City Council determine that the annexation reasonable and necessary to the property development of Nixa, Missouri has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, Petitioner requests that said City Council thereafter annex the territory by ordinance without further action.



PO Box 395, 715 W. Mt. Vernon, Nixa, MO 65714
(Phone) 417-725-5850 (Fax) 417-724-5750

Should written objection to the proposed annexation be filed with the City Council not later than fourteen (14) days after said public hearing, this Petitioner than requests the City Council thereafter to petition the Circuit Court of Christian County, Missouri, for a declaratory judgment as to the reasonableness of such annexation.

Owner Signature

Owner Signature

STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 6th day of February, 2023 before me personally appeared Volodymyr Balyk to me known to be the person described in and who executed the foregoing instrument and acknowledges that he executed the same as his free act and deed and that the facts stated therein are true to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my official seal the date and year first above written.

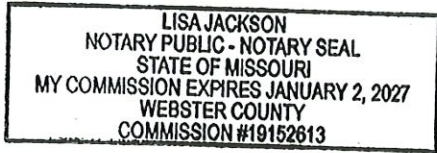
Notary Public

My Commission Expires: 01/02/2027

Contact Viktor Gossen

Applicant Name Volodymyr Balyk Phone: 417-421-0705

Applicant Mailing Address: bestwayshome@gmail.com



DESCRIPTION:

ALL OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4)
OF SPENCE ADDITION TO GLEN OAKS ESTATES, A
SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI
ACCORDING TO THE RECORDED PLAT THEREOF IN
PLAT BOOK G AT PAGE 153.

SUBJECT TO EASEMENTS, COVENANTS AND
RESTRICTIONS OF RECORD.

COUNCIL BILL EXHIBIT B

DESCRIPTION:

ALL OF LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) OF SPENCE ADDITION TO GLEN OAKS ESTATES, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF IN PLAT BOOK G AT PAGE 153.

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