

## **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 4.83 ACRES OF THE PROPOSED 24.3 ACRE CENTURY HEIGHTS SUBDIVISION FROM R-1 SINGLE-FAMILY TO R-4 TWO-FAMILY RESIDENTIAL**

### **Background:**

D & P Development LLC is the owner of approximately 24.3 acres of undeveloped land located in the 1500 block of North Owen Road. The parcel was annexed in May of 2003 and zoned R-1 single-family residential at that time. Nixa Planning and Development was approached by the owners of the real property concerning a residential development which would be composed of single-family homes and duplexes and applied to rezone a portion of this lot to accommodate the R-4 two-family housing.

### **Analysis:**

#### **Land Use**

The property subject to the application is currently vacant and the only structure on the property is the City of Nixa's Northwest Regional Lift Station. The property is bounded by single-family zoning to the west, undeveloped Highway Commercial zoned property to the east, single-family zoning to the north, and to the south is a communications tower located in Christian County.

The proposed zoning change is consistent with the pattern of zoning for this area shown on the Future Land Use Designation map.

#### **Transportation**

The subject property has access to North Owen Road (collector). The transportation facilities serving the subject property for collection and arterial purposes have sufficient capacity to support residential traffic likely to be generated from the proposed zoning change.

Where the subject property accesses North Owen Road, as required by Section 115-133 of the Nixa City Code, a traffic impact study will be performed at the time of development. That study will inform the nature and extent of physical improvements that will be needed to ensure the safe and efficient flow of traffic at these intersections.

#### **Public Utilities (Water, Wastewater, Electric)**

The subject property has immediate access to municipal water, wastewater facilities, and electric service. These facilities have adequate capacity to serve the proposed residential development.

### **Stormwater Management**

The subject property has known sinkholes. A sinkhole evaluation will be required when a preliminary plat is submitted. The placement of buildings on the property shall conform with adopted City sinkhole regulations. Future development on the property will conform to adopted stormwater regulations.

### **Density**

The property owner is requesting that 4.83-acres of the overall 24.3-acre site be rezoned from R-1 to R-4. Current density standards for the R-4 zoning district is 5.45 dwelling units per acre. The max density will be 26 dwelling units or 13 two-family structures. ( $4.83 \times 5.45 = 26.3$ )

### **Other Public Services**

The proposed zoning change 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 Commission:**

A public hearing was held at the August 7<sup>th</sup> Planning and Zoning Commission meeting. Nobody approached the Commission to voice any concerns during the hearing. The P&Z Commission unanimously voted to recommend approval to the Nixa City Council.

### **Recommendation:**

The proposed rezone is consistent with the zoning arrangement on the adopted Future Land Use Designation map and would provide transitional zoning for future development. Staff recommends approval.

### **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 THE 1500 BLOCK OF NORTH OWEN ROAD**  
3 **FROM A SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT TO A TWO-FAMILY**  
4 **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 1500 Block of North Owen Road ("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 Two-Family Residential (R-4) District;  
12 and  
13

14 **WHEREAS** the Planning and Zoning Commission held a public hearing on the  
15 Application at the Commission's August 7, 2023, meeting; and  
16

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

21 **WHEREAS** the City Council, now having considered the Application, staff's  
22 recommendation regarding the Application, and after providing an opportunity for public  
23 comment on the Application, now desires to rezone the subject property and amend the  
24 City's official zoning map to reflect City Council's action.  
25

26 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
27 **NIXA, AS FOLLOWS, THAT:**  
28

29 **SECTION 1:** The real property generally located at the 1500 Block of North Owen  
30 Road and being more specifically described on "Council Bill Exhibit A," which is attached  
31 hereto and incorporated herein by this reference as though fully set forth herein, is hereby  
32 rezoned from a Single-Family Residential (R-1) district, or such other zoning district that  
33 may apply to said real property, to a Two-Family Residential (R-4) District, and the  
34 regulations applicable to said district, as established in the Nixa City Code, shall hereafter  
35 apply to said real property.  
36

37 **SECTION 2:** The Director of Planning and Development, pursuant to section 117-  
38 57 of the Nixa City Code, shall amend the City's official zoning map, said map being  
39 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action  
40 contemplated by this Ordinance.  
41

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

ADOPTED BY THE COUNCIL THIS 28th DAY OF August, 2023.

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

SOURCE OF PARENT TRACT DESCRIPTION: DEED BOOK 2023 AT PAGE 3869, CHRISTIAN COUNTY RECORDER'S OFFICE, OZARK, MISSOURI.

DESCRIPTION:

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2; THENCE NORTH  $89^{\circ}29'23''$  WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 712.49 FEET; THENCE NORTH  $45^{\circ}37'36''$  EAST, 240.91 FEET; THENCE SOUTH  $89^{\circ}29'23''$  EAST PARALLEL WITH SAID SOUTH LINE OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 371.06 FEET; THENCE NORTH  $1^{\circ}57'57''$  EAST PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 385.85 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF  $30^{\circ}10'20''$ ; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 65.83 FEET AND BEING SUBTENDED BY A LONG CHORD OF 65.07 FEET BEARING NORTH  $13^{\circ}07'13''$  WEST; THENCE NORTH  $28^{\circ}12'23''$  WEST, 72.93 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF  $29^{\circ}29'48''$ ; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 64.35 FEET AND BEING SUBTENDED BY A LONG CHORD OF 63.64 FEET BEARING NORTH  $13^{\circ}27'29''$  WEST; THENCE NORTH  $1^{\circ}17'25''$  EAST, 62.26 FEET; THENCE SOUTH  $88^{\circ}42'35''$  EAST, 55.00 FEET; THENCE SOUTH  $1^{\circ}17'25''$  WEST, 25.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF  $9^{\circ}17'24''$ ; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.38 FEET AND BEING SUBTENDED BY A LONG CHORD OF 28.34 FEET BEARING SOUTH  $84^{\circ}03'53''$  EAST; THENCE SOUTH  $79^{\circ}29'11''$  EAST, 38.19 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF  $1^{\circ}24'30''$ ; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 5.53 FEET AND BEING SUBTENDED BY A LONG CHORD OF 5.53 FEET BEARING SOUTH  $80^{\circ}07'26''$  EAST; THENCE SOUTH  $28^{\circ}12'23''$  EAST, 237.66 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH  $1^{\circ}57'57''$  WEST ALONG SAID EAST LINE A DISTANCE OF 562.69 FEET TO THE POINT OF BEGINNING OF THE PORTION HEREIN DESCRIBED CONTAINING 4.83 ACRES, SUBJECT TO RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.