

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING A PRELIMINARY PLAT FOR APPROXIMATELY 2.2 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEST GLEN OAKS DRIVE AND SOUTH GREGG ROAD

Background:

The property owner of approximately 2.2 acres, located at the Northwest corner of the intersection of South Gregg Road and West Glen Oaks Drive, has submitted a preliminary plat to replat lots 1,2,3, and 4 of the Spence Addition of the Glen Oaks Estates Subdivision. The Spence Addition was originally platted and recorded in 1987. There was a single-family structure on Lot 4, it was demolished by the current owner in 2022. The subject property was then annexed in March of 2023 and zoned R-1 (single-family) at the time of annexation.

Preliminary plats are a means to provide subdivision developers with an initial approval concerning compliance of planned arrangement with the City's zoning, subdivision, and other pertinent regulations prior to engaging the more expensive actions of detailed engineering and construction.

Analysis:

The preliminary plat consists of 6 lots. Since this is a replat of existing lots in the Spence Addition, the numbering of the new lots will be added to the highest number of lots for the recorded addition. The Spence Addition currently consists of 8 lots, 1-4 on the north side of Glen Oaks Drive and lots 5-8 on the south side. The new lots will be numbered 9-14, replacing lots 1-4. The proposed lot 9 is 1.1 acres and has a known sinkhole on the west and central portions of the lot. There is buildable space on the east portion of the proposed lot 9, all of the lot is to be maintained by the property owner. The remaining proposed lots are approximately .19 acres (8,400 Sq. ft.). The subject property is served by a public street, West Glen Oaks Drive (local). At the time of annexation, the city required an additional 10' of right-of-way (R.O.W.) from the proposed lots along the North side of Glen Oaks Drive to comply with local street right-of-way requirements. The additional R.O.W. is shown on the preliminary plat.

The subject property has access to municipal water service via a 6" water main on the south side of Glen Oaks Drive. The water main has adequate pressure to serve the additional residences. Service lines and meter pits will need to be extended from the main to each new lot. Sanitary sewer is located along the east side of South Gregg Road. The sewer main has adequate capacity to serve the proposed new residences.

The subject property will be served by municipal electric, there are connections along the East and West side of South Gregg Road. The cost to extend municipal services will be incurred by the developer.

The property owner had a Sinkhole Evaluation performed on the property in December of 2022. It was conducted by a registered Geologist in the State of Missouri. The evaluation identified one large sinkhole on the property. The presence of a sinkhole will require the developer to conform to the city's regulations concerning development near karst topography. These regulations address both flooding and water quality concerns. Development of the site will be required to conform to the City's adopted stormwater management regulations.

Planning and Zoning Commission:

A public hearing was held at the August 7th Planning and Zoning Commission meeting. Many concerned property owners approached the Commission during the public hearing. Their concerns ranged from the aesthetics of the new homes not fitting with the rest of the homes on the street, to the possibility that the new homes will be rentals. There was some concern that there is another sinkhole on the property. The Planning and Zoning Commission voted 4-1 to recommend approval to Nixa City Council. The Commissioner with the dissenting vote did not offer a reason as to why they were against the preliminary plat.

Recommendation:

Staff has reviewed the preliminary plat and has determined the document to be in conformance with the applicable regulations of the Nixa City Code concerning major subdivisions within the R-1 zoning district and 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 APPROVING THE
 2 PRELIMINARY PLAT OF THE SUBDIVISION KNOWN AS THE SPENCE AMENDED
 3 ADDITION TO GLEN OAKS ESTATES REPLAT OF LOTS 1, 2, 3, AND 4, SPENCE
 4 ADDITION TO GLEN OAKS ESTATES GENERALLY LOCATED AT THE
 5 NORTHWEST CORNER OF THE INTERSECTION OF SOUTH GREGG ROAD AND
 6 WEST GLEN OAKS DRIVE AND AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE
 7 CERTAIN ACTIONS UPON THE FILING OF A FINAL PLAT.

8 _____
 9

10 **WHEREAS** an original Preliminary Plat of the Spence Amended Addition to Glen
 11 Oaks Estates Replat of Lots 1,2,3, and 4, Spence Addition to Glen Oaks Estates
 12 Subdivision dated July 25, 2023, is on file with the City’s Department of Planning and
 13 Development (“Preliminary Plat”); and

14
 15 **WHEREAS** the Department of Planning and Development has issued a staff report
 16 finding the Preliminary Plat to be in substantial compliance with the requirement of the
 17 Nixa City Code; and

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 19 **WHEREAS** the Planning and Zoning Commission considered the Preliminary Plat
 20 at their meeting on August 7, 2023; and

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 22 **WHEREAS** the Commission, after considering the Preliminary Plat, staff’s
 23 recommendation regarding the Application, and after holding a public hearing on the
 24 Application, issued a recommendation of approval of the Preliminary Plat; and

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 26 **WHEREAS** the City Council, now having considered the Preliminary Plat, staff’s
 27 recommendation regarding the Application, and after providing an opportunity for public
 28 comment on the Preliminary Plat, now desires to approve the Preliminary Plat; and

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 30 **WHEREAS** the City Council desires to authorize the Director of Planning and
 31 Development, the Director of Public Works, and the City Clerk to take certain actions
 32 consistent with this Ordinance.

33
 34 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
 35 **NIXA, AS FOLLOWS, THAT:**

36
 37 **SECTION 1:** City Council hereby approves the Preliminary Plat of the Spence
 38 Amended Addition to Glen Oaks Estates Replat of Lots 1,2,3, and 4, Spence Addition to
 39 Glen Oaks Estates Subdivision which is generally located at the Northwest corner of the
 40 intersection of South Gregg Road and West Glen Oaks Drive. The original preliminary
 41 plat of the is on file in the Department of Planning and Development, a reduced version
 42 of which is attached hereto for general reference as “Council Bill Exhibit A.” All of “Council
 43 Bill Exhibit A” including any referenced attachments, is hereby incorporated herein by this
 44 reference.
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46 **SECTION 2:** The Director of Planning and Development, on behalf of the City of
47 Nixa, is hereby authorized to accept the land, easements, and improvements dedicated
48 to the City, as shown on the Preliminary Plat of the Oakhurst Subdivision, upon: (1) the
49 applicant filing and recording a final plat which is in accordance with this Ordinance,
50 including any conditions attached to and described in “Council Bill Exhibit A,” and the
51 Subdivision Regulations of the City and said final plat shall substantially conform to the
52 Preliminary Plat, and (2) upon the Director of Public Works certifying to the Director of
53 Planning and Development that the public improvements have been made in accordance
54 with the City standards and specifications. Said public improvements shall not be
55 accepted until the occurrence of the above written conditions.

56
57 **SECTION 3:** The final plat shall not be recorded until: (1) the public improvements
58 relating to the Preliminary Plat have been constructed according to the specifications of
59 the City of Nixa, Missouri, and are approved by the Director of Public Works, and all
60 engineering fees, permit fees, licenses, and other fees occasioned by or in connection
61 with the construction of said improvements have been paid to the City; or (2) in lieu of
62 construction of the improvements, that the Developer has filed with the Planning and
63 Development Director, according to the terms of the Subdivision Regulations of the City,
64 the prescribed financial assurances in a form acceptable to the City to ensure the
65 construction of the improvements and the payment to the City of all engineering fees,
66 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
67 construction of the improvements.

68
69 **SECTION 4:** Upon compliance with all the requirement of this Ordinance, including
70 any conditions described in “Council Exhibit A”, the City Clerk is hereby authorized to
71 endorse the City Council’s approval upon the final plat pursuant to Section 445.030
72 RSMo., and such endorsement shall constitute the acceptance of the Public
73 Improvements contained therein.

74
75 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final
76 passage by the City Council and after its approval by the Mayor, subject to the provisions
77 of section 3.11(g) of the City Charter.

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80 **[Remainder of page intentionally left blank. Signatures follow on next page.]**
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92 **ADOPTED BY THE COUNCIL THIS 28th DAY OF August 2023.**

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ATTEST:

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PRESIDING OFFICER

CITY CLERK

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99 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2023.**

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103

MAYOR

CITY CLERK

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106

107 APPROVED AS TO FORM:

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109

CITY ATTORNEY

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COUNCIL BILL EXHIBIT A

PRELIMINARY PLAT OF SPENCE AMENDED ADDITION TO GLEN OAKS ESTATES REPLAT OF LOTS 1, 2, 3 AND 4, SPENCE ADDITION TO GLEN OAKS ESTATES

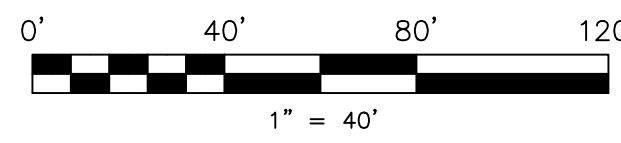
LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 22,
T27N, R22W OF THE 5th. P.M. IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI

ALL BEARINGS ARE BASED ON GRID NORTH, 1983 MISSOURI COORDINATE SYSTEM, CENTRAL ZONE. ALL COORDINATES SHOWN HEREON ARE GIVEN IN FEET AND ARE BASED ON THE 1983 MISSOURI COORDINATE SYSTEM. COORDINATES WERE ESTABLISHED FROM MISSOURI GEOGRAPHIC REFERENCE SYSTEM CONTROL MONUMENT: CH-22
GRID FACTOR: 0.9999372
DATE OF ADJUSTMENT: 2004

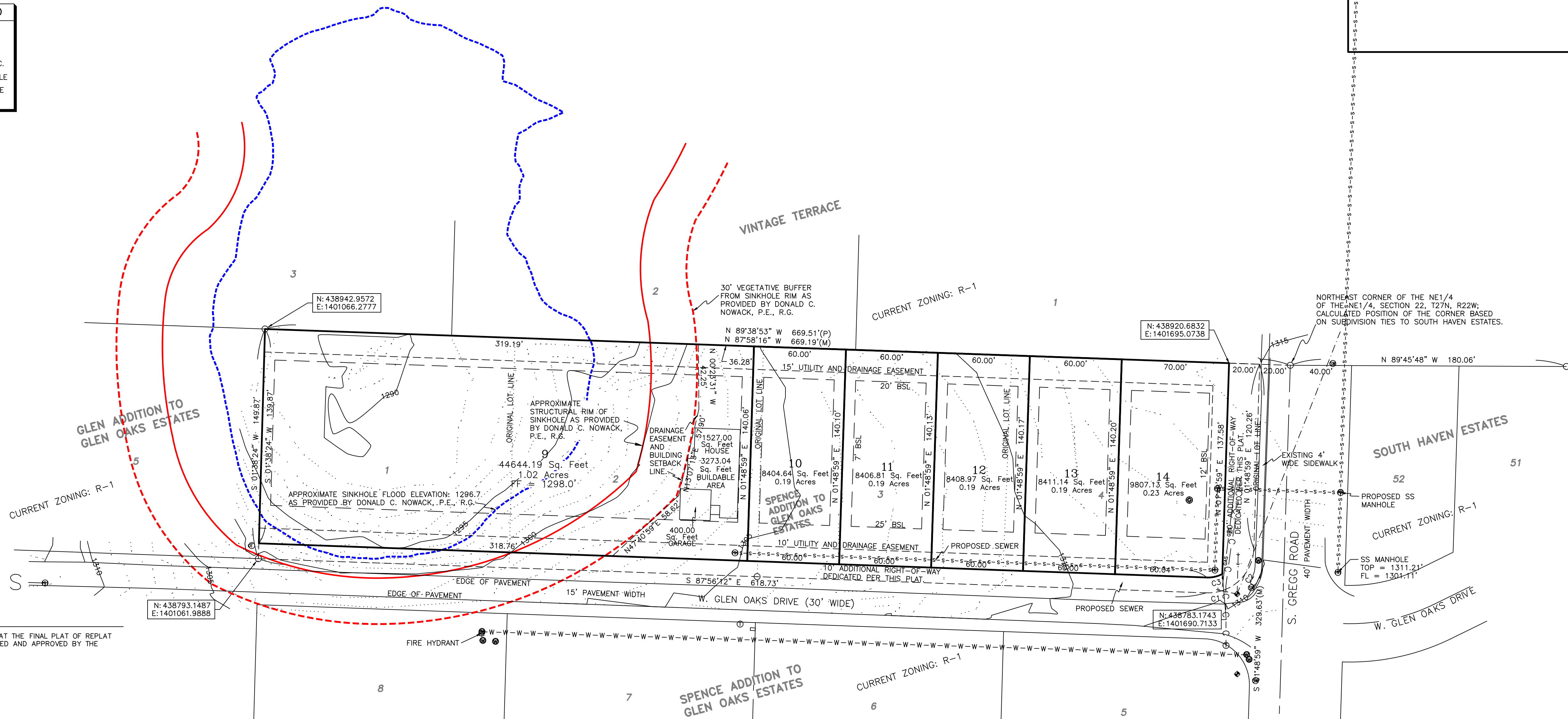
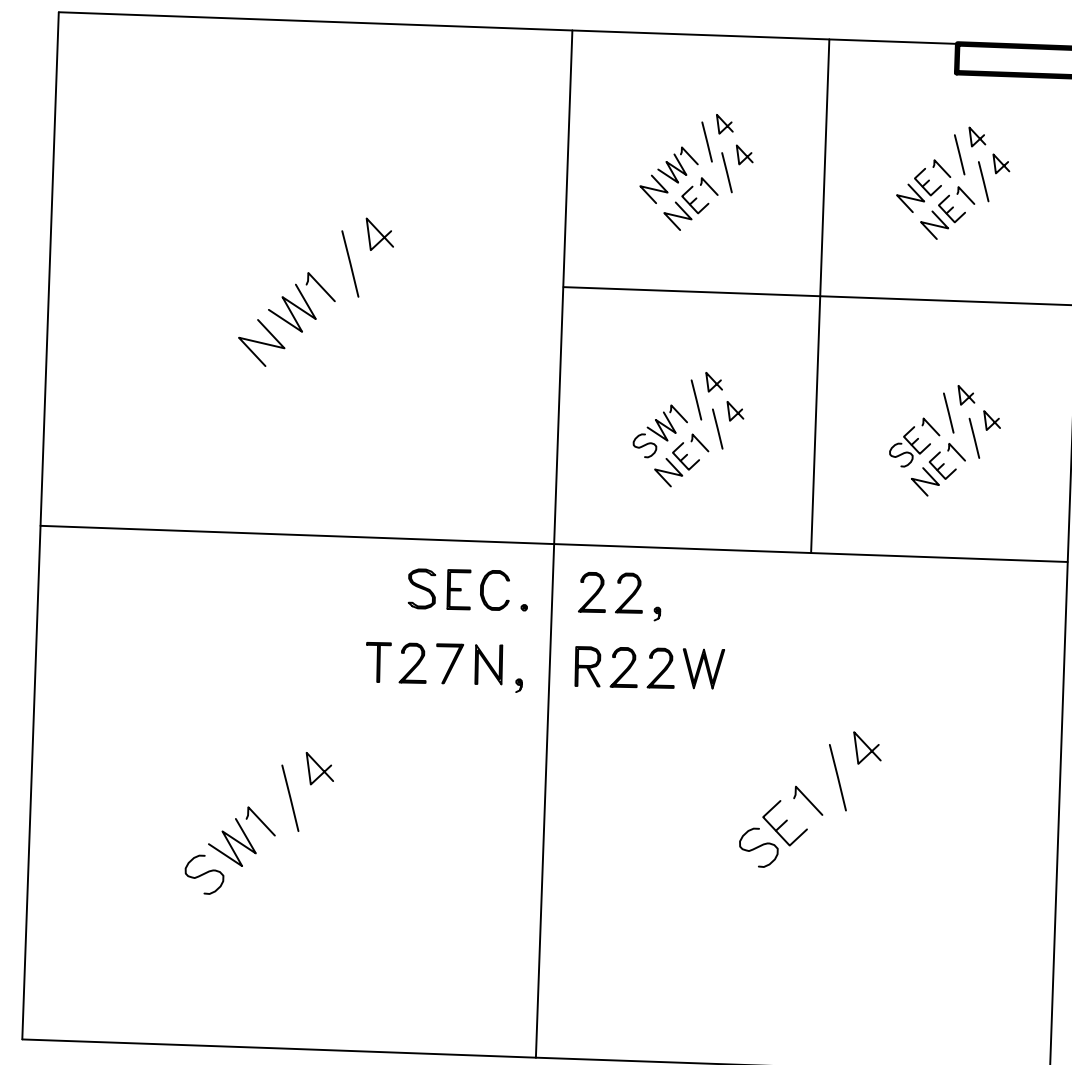
ELEVATIONS ARE BASED ON GPS OBSERVATIONS USING THE 2018 GEOID MODEL.

CONTOUR INTERVAL = 1'

LEGEND	
△	— CALCULATED POINT
○	— FOUND EXISTING 1/2" DIA. IRON PIN BY PLS-2190.
●	— SET IRON PIN WITH PLS-2002014103 CAP.
⊙	— EXISTING WATER VALVE
⊙	— TELEPHONE/CABLE
⊙	— EXISTING SEWER MANHOLE
⊙	— UNDERGROUND ELEC.
⊙	— EXISTING FIRE HYDRANT
⊙	— UNDERGROUND CABLE
(M)	— MEASURED (P) — PLAT
—	— POWER/UTILITY POLE
—	— Ex. SANITARY SEWER



LOCATION SKETCH
1" = 1000'



CITY COUNCIL CERTIFICATE:

I, REBEKKA COFFEY, CITY CLERK OF NIXA, CHRISTIAN COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE FINAL PLAT OF REPLAT OF LOTS 1, 2, 3 AND 4, SPENCE ADDITION TO GLEN OAKS ESTATES WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF NIXA ON THE _____ DAY OF _____, 20____.

REBEKKA COFFEY - CITY CLERK _____ DATE _____

COLLECTOR'S STATEMENT:

I HEREBY CERTIFY ON THIS _____ DAY OF _____, 20____, THAT ALL TAXES OWED ON PARCEL No. 10-0.5-22-001-001-001-000 HAVE BEEN PAID.

TED NICHOLS - COUNTY COLLECTOR _____

CERTIFICATE OF APPROVAL BY THE CITY PLANNER OF THE CITY OF NIXA:

APPROVED THIS _____ DAY OF _____, 20____, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.

MUNICIPAL PLANNER _____ DATE _____

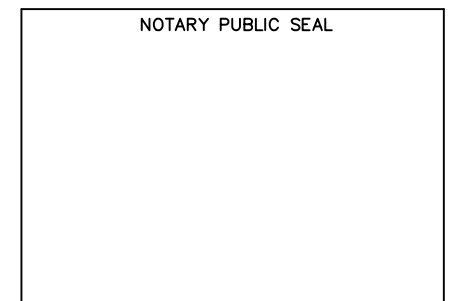
CERTIFICATE OF OWNERSHIP AND DEDICATION:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF NIXA, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE NIXA BOARD OF ALDERMEN IN THE PUBLIC INTEREST.

BALYK VOLODYMYR (PRESIDENT, IVAN-CO, A MISSOURI CORPORATION) _____ DATE _____

ACKNOWLEDGEMENT:

ON THE _____ DAY OF _____ OF, 20____, BEFORE ME PERSONALLY APPEARED BALYK VOLODYMYR, PRESIDENT OF IVAN-CO, A MISSOURI CORPORATION, KNOWN TO BE THE PERSON WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, AT MY OFFICE IN NIXA, CHRISTIAN COUNTY, MISSOURI, THE DAY AND THE YEAR FIRST WRITTEN ABOVE.



NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

MINIMUM FLOOR ELEVATION FOR STORMWATER:

LOT 1: 1298.0'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	29.87'	10.19'	10.14'	N 82°17'30" E	19°32'36"
C2	29.87'	36.86'	34.57'	N 37°10'05" E	70°42'13"
C3	19.87'	10.42'	10.30'	N 77°02'49" E	30°01'57"

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.

NOTES:

RECORD SOURCE PLAT: SPENCE ADDITION AND GLEN ADDITION TO GLEN OAKS ESTATES, PLAT BOOK G, PAGE 153 BY PLS-2190.

REFERENCE PLAT: FINAL PLAT OF SOUTH HAVEN ESTATES, PLAT BOOK G, PAGE 882, DOC #2001L10198, SLIDE #1188 BY PLS-2671.

RECORD SOURCE DEED: IVAN-CO; DEED IN BOOK 2021 AT PAGE 016708.

RECORD SOURCE FOR SINKHOLE EVALUATION: DONALD C. NOWACK, P.E., R.G., PPI PROJECT No. 284276 DATED DECEMBER 6, 2022.

TOTAL AREA OF LOTS: 2.01 ACRES

BUILDING SETBACKS: 25' FRONT YARD
7' SIDE YARD
20' REAR YARD
12' SIDE YARD ADJACENT TO STREET

CURRENT ZONING: R-1

PROPERTY SHOWN HEREON DOES NOT LIE WITHIN A F.E.M.A. IDENTIFIED FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL MAP No. 29043C0065C, EFFECTIVE DECEMBER 17, 2010.

OWNER/DEVELOPER: IVAN-CO

DECLARATION NOTES:

MONUMENTS AND IRON PINS SHOWN AS SET WERE PLACED UNDER THE PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS-2002014103. LOCATION OF IMPROVEMENTS AS SHOWN HEREON WAS TAKEN FROM VISUAL INSPECTION OF PHYSICAL EVIDENCE ON THE PREMISES AND EASEMENTS, IF ANY ARE SHOWN, ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED; AND THESE ITEMS MAY NOT BE ALL INCLUSIVE. PROPERTY BOUNDARIES AS SHOWN ARE GENERALLY BASED ON DEEDS OF RECORD. VARIATIONS FOUND OUT OF HARMONY AGREEMENT WITH RECORD TITLE LINES ARE AS SHOWN. THIS SURVEY IS CLASSIFIED AS URBAN.

CERTIFICATE OF SURVEY AND ACCURACY:

I, BRADLEY N. MACKEY, PLS-2002014103, HEREBY STATE THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREON WERE PLACED UNDER PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS-2002014103, IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

Bradley N. Mackey
BRADLEY N. MACKEY, PLS-2002014103
DATE: 07/25/2023

DECLARATION:
I, BRADLEY N. MACKEY, PROFESSIONAL LAND SURVEYOR #2002014103, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION AND THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. I DID ATTEMPT TO MEET THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, AND THE STANDARDS ADOPTED BY THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. WITNESS BY MY SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 25th, DAY OF JULY, 2023.

MACKEY SURVEYING
LAND SURVEYORS AND PLANNERS
162 OAK TREE ACRES LANE, BRANSON, MO 65616
417-300-1781
JOB No.: 22-1147-5
DATE: 07/25/2023
SCALE: 1" = 40'
DWG. No.: 1147-5-1
PAGE No.: 1 OF 1

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER: PLS-2002014103
PLS CORP. NUMBER: 2022012827

