

## **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 0.32 ACRES LOCATED AT 306 SOUTH MARKET STREET FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO TWO-FAMILY ATTACHED RESIDENTIAL ZONING (R-4)**

### **Background:**

The owner of the property located at 306 South Market Street has applied to rezone the site from Single-Family Residential (R-1) to Two-Family Attached Residential (R-4) zoning. In August of 2023, the current owner of the property applied for and was granted a permit to demolish the single-family structure that was built in 1935. The property was acquired by the current owners in 2019. The property owners plan is to replace the single-family structure with a duplex.

### **Analysis:**

#### **Land Use**

The subject property is bounded by single-family residences to the North, East, and South, with R-4 two-family residences to the West. The general character of surrounding land uses is a mix of single-family residential, two-family residential (duplexes), high-density residential (senior housing apartments).

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). South Market Street is considered a public street as it is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

#### **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 two-family structure.

## **Stormwater Management**

The subject property is not served by regional detention facilities and does not appear to be affected by FEMA designated flood hazard area or karst topography. Redevelopment of the site will require on-site stormwater improvements to be made in order to conform to the City's regulations concerning stormwater management.

## **Lot Dimensions**

The current minimum lot size standards for R-4 zoning district is 4000 square feet per dwelling. The lot is 13860sqft/2 dwelling units = 6,930sqft per dwelling unit, which meets minimum lot standards for the R-4 zoning district.

## **Planning and Zoning Commission:**

A public hearing was held November 6, 2023, at the regular meeting of the Planning and Zoning Commission. During the public hearing, adjacent property owners spoke in opposition to the rezone. The adjacent property owners voiced concerns that the local roads are becoming more frequently traveled and are too narrow for the additional traffic. They expressed concerns for the safety of the residents in the area that walk on the road. Another concern voiced by the neighbors was about the addition of more impervious surface in the area with a known stormwater issue. The Planning and Zoning Commission voted unanimously (5-0) to recommend approval to the City Council.

## **Recommendation:**

The zoning change is in harmony with the surrounding area. Redevelopment of this property will add on-site stormwater improvements, which will mitigate this property's contribution to a known stormwater issue in the area. Staff recommends approval of this application.

## **MEMO SUBMITTED BY:**

**Scott Godbey** | Director of Planning & Development

sgodbey@nixa.com | 417-725-5850



# REZONE APPLICATION

715 W Mt. Vernon  
PO Box 395  
715 W Mt. Vernon  
Nixa, MO 65714  
417-725-5850  
planning@nixa.com

Application Date: \_\_\_\_\_

File#: RZN23-0003

## APPLICANT INFORMATION

Name: Grand Dam Investments Phone #: 970-274-2023

Mailing Address: 415 W. Declan Ct. Nixa, MO 65714  
Street address City State Zip

Email: becky020405@gmail.com Contact Person for Project: Rebecca Hale

Contact Phone: 970-274-2023 Contact Email: becky020405@gmail.com

## PROPERTY INFORMATION

General Location of Property: 300 S. market st. Nixa MO

General size of property: 105 x 1320 (acres) Current Zoning of Property: \_\_\_\_\_

Requested Zoning for Property:

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Agriculture (AG)                | <input type="checkbox"/> Single-Family Residential (R-1) | <input checked="" type="checkbox"/> Two Family Residential (R-4) | <input type="checkbox"/> Med-Density Multi-Family (R-5) |
| <input type="checkbox"/> High Density Multi-Family (R-3) | <input type="checkbox"/> Neighborhood Commercial (NC)    | <input type="checkbox"/> City Center (CC)                        | <input type="checkbox"/> Transitional Office (O)        |
| <input type="checkbox"/> General Commercial (GC)         | <input type="checkbox"/> Highway Commercial (HC)         | <input type="checkbox"/> Light Industrial (M1)                   | <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          |

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.

Applicant Signature: RTH Date: 8/30/23

**REQUIRED DOCUMENTS TO BE SUBMITTED WITH APPLICATION**  
 (all digital submittals sent to [planning@nixa.com](mailto:planning@nixa.com))

- Ownership report (certified by a title company) Identifying owner(s) of all fee interests of record.
- Legal description(s) for all areas to be rezoned (Microsoft Word Format)
- Payment of Application fee in the amount of \$250

**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 days prior to hearing date.	
	Provide notice of hearing to all owners of real estate within 185 feet of subject property	
	Posting of notice of public hearing sign on the subject property.	
Hearing Phase	Public hearing before Planning & Zoning Commission	-20 Days
	Planning & Zoning Commission makes finding of facts and recommendation to City Council	
	First reading of ordinance by City Council	
	Second reading of ordinance by City Council	

For questions regarding this application or the process described above, please contact the City of Nixa Planning and Development Department at 417-725-5850

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1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL**  
2 **PROPERTY GENERALLY LOCATED AT 306 SOUTH MARKET STREET FROM A**  
3 **SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT TO A TWO-FAMILY RESIDENTIAL**  
4 **(R-4) DISTRICT.**

5 \_\_\_\_\_  
6  
7 **WHEREAS** an application has been filed for a zoning change of the property  
8 generally located at the 306 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 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 November 6, 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  
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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 306 South Market Street  
30 and being more specifically described as: **all of Lot 1801, Village of Nixa**, is hereby  
31 rezoned from a Single-Family Residential (R-1) district, or such other zoning district that  
32 may apply to said real property, to a Two-Family Residential (R-4) District, and the  
33 regulations applicable to said district, as established in the Nixa City Code, shall hereafter  
34 apply to said real property.  
35

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

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

47 **ADOPTED BY THE COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

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ATTEST:

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

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

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

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ATTEST:

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\_\_\_\_\_  
MAYOR

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

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62 APPROVED AS TO FORM:

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

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