



## **EXHIBIT A**

ISSUE STATEMENT: PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AN APPLICATION TO AMEND THE CITY OF NIXA'S OFFICIAL ZONING MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 1.87 ACRES LOCATED IN THE 1400 BLOCK OF WEST MT VERNON FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY MULTIFAMILY (R-3).

DATE: FEBRUARY 6, 2023

SUBMITTED BY: WILLARD80, LLC

PRESENTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

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### **Background**

The owner of approximately 1.87 acres of land located in the 1400 block of West Mt. Vernon Street has applied to rezone the property from General Commercial (GC) to High Density Multi-Family (R-3). The property was annexed into the City of Nixa in December of 2018 as part of a 21-acre annexation. The entire 21-acres was zoned General Commercial at the time of annexation. The property was then proposed to be split into 14 lots as part of the Auburn Heights preliminary plat in January of 2020. A portion of the property was rezoned to single-family at that time, but the subject property (lot 12) remained GC. The subdivision was completed, and a final plat was recorded in June of 2020.

### **Analysis**

#### **Land Use**

The property subject to the application is presently vacant and contains no buildings. The property contains a large detention basin that was constructed to contain the stormwater runoff of the Auburn Heights subdivision and release the storm water at the same volume as predevelopment rates. The subject property is bounded by Single-Family homes to the south; a legal non-conforming Single-Family structure on General Commercial zoned property to the west, West Mt. Vernon Street (HWY 14) to the north, and Nixa Public Schools S.C.O.R.E. building on General Commercial zoned property to the east.

The proposed land use change is consistent with the adopted Future Land Use Designation Map, which shows that the subject property should be zoned for high density multi-family.

#### **Transportation**

The subject property is served by West Mt Vernon Street (primary arterial). Access to the property will come from the 40' shared access easement along the west property line. The transportation facilities



servicing the subject property for collection and arterial purposes, are MoDOT roads and have sufficient capacity to support residential traffic likely to be generated from the proposed zoning change.

All access points onto Highway 14 (Mt Vernon Street) will require prior approval from MoDOT before construction can begin.

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

The subject property has immediate access to all municipal utilities (water, sewer, and electric). The subject property is part of the Oakmont Lift Station drainage basin. This lift station is currently at capacity and cannot support additional wastewater flows. The City of Nixa is currently in the planning phase of moving and expanding the lift station to support future development in the area.

Electric and water is of sufficient size and capacity to support development activities associated with the R-3 zoning district. 3-phase and single-phase transformers currently have an estimated lead time of 18-24 months.

### **Stormwater Management**

The subject property will require the management of stormwater runoff to prevent flooding hazards as well as to promote water quality (both during construction and afterward). The subject property currently contains the stormwater basin that was designed as part of the Auburn Heights Subdivision. It was designed and constructed to handle the runoff generated by the single-family portion of Auburn Heights and the subject property.

### **Density**

Current density standards for the R-3 zoning district is 14.52 dwelling units per acre. The lot subject to this rezone is 1.87-acres, which will allow for a maximum of 27 dwelling units.  
(1.87 X 14.52 = 27.1524)

### **Other Public Services**

The proposed zoning arrangement 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.

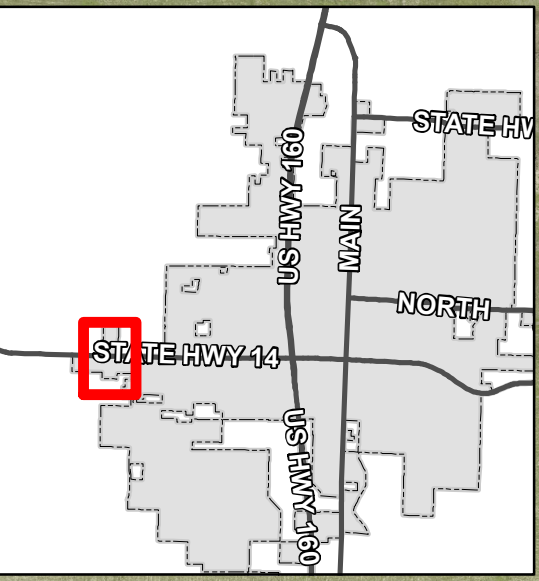
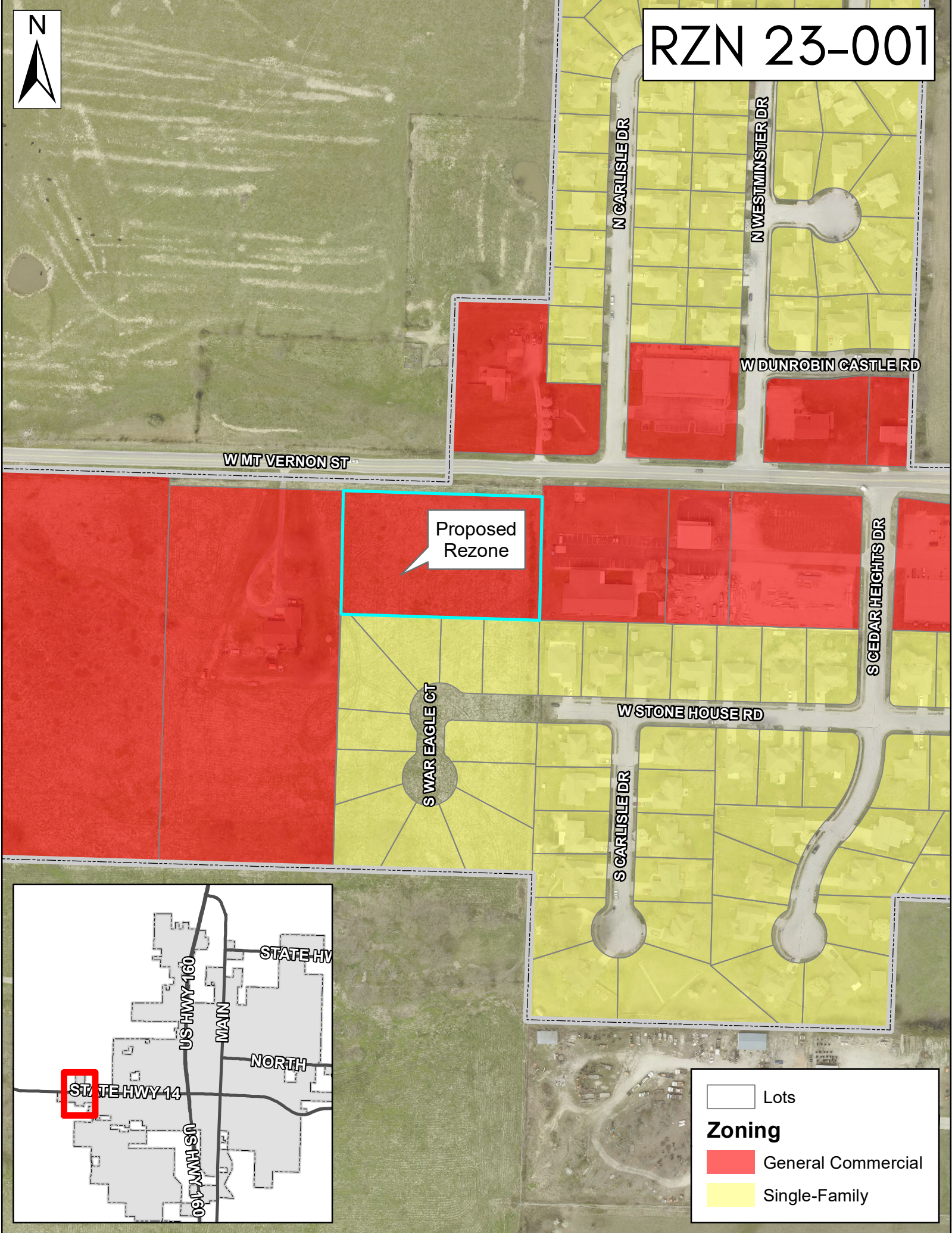
### **Recommendation**

Staff recommends the approval of this application based off the Future Land Use Designation Map showing that the subject property should be zoned as R-3.





# RZN 23-001



Lots

**Zoning**

- General Commercial
- Single-Family



# REZONE APPLICATION

Date of Application 11/29/2022		File No.	
Applicant Name Willard80, LLC			
Mailing Address - Street Name/Number (Applicant) 1200 E Woodhurst Dr, Suite D200		City Springfield	State MO
		Zip Code 65804	
Applicant Phone Number 417-886-9100		Applicant Email Address dlee@leeengineering.biz	
General Location of Site Subject to this Application (street address preferred) 1432 W Mt Vernon St, Nixa MO 65714			
Current Zoning District General Commercial (GC)		Current Use of Property Vacant Land	
<b>REQUESTED ZONING DISTRICT</b> (if multiple, legal descriptions must be provided for each)			
<input type="checkbox"/> Agricultural (AG)	<input type="checkbox"/> Single-Family Residential (R-1)	<input type="checkbox"/> Two-Family Residential (R-4)	<input type="checkbox"/> Low-Density Multi-Family (R-5)
<input checked="" type="checkbox"/> High-Density Multi-Family (R-3)	<input type="checkbox"/> Neighborhood Commercial (NC)	<input type="checkbox"/> Center City (CC)	<input type="checkbox"/> Transitional Office (O)
<input type="checkbox"/> General Commercial (GC)	<input type="checkbox"/> Highway Commercial (HC)	<input type="checkbox"/> Light Industrial (MI)	<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)*	<i>*if PUD, complete separate PUD application form</i>
<b>CERTIFICATION OF APPLICATION</b>			
<p>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.</p>			
Applicant Signature <i>Derek Lee</i>		Date 11/29/22	
Received by		Date	
Fees Collected	Date Paid	Receipt No.	

**SEE REVERSE FOR CHECKLIST OF OTHER REQUIRED DOCUMENTS THAT MUST ACCOMPANY THIS APPLICATION FORM.**



REQUIRED DOCUMENTS TO BE SUBMITTED WITH APPLICATION	
<i>(all digital submittals sent to <a href="http://planningenixa.com">planningenixa.com</a>)</i>	
<input type="checkbox"/>	Ownership Report (certified by a Title Company) identifying owner(s) of all fee interests of record
<input type="checkbox"/>	Legal Description(s) for all area(s) to be rezoned (Microsoft Word format)
<input type="checkbox"/>	Payment of application fee in amount of \$250.00

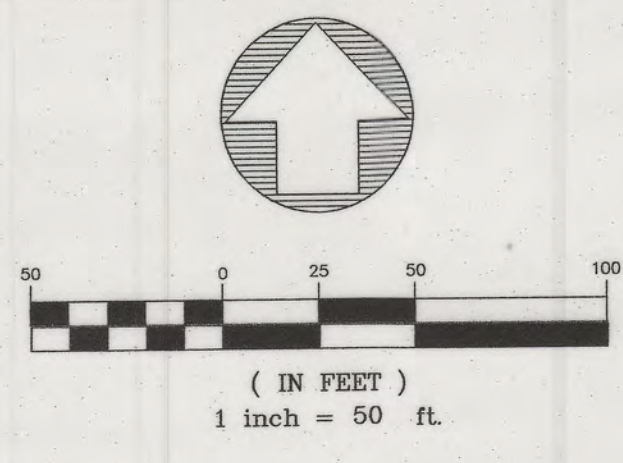
TYPICAL PROCESS AND TIMELINE		
Preparati on Phase	Application received for staff review and preparation for hearings.	~30 days
	Provide notice of hearing for publication in a local newspaper at least 15	
	Provide notice of hearing to all owners of real estate within 185 of subject	
	Posting of notice of public hearing sign on the subject property.	
Hearing Phase	Public held before Planning & Zoning Commission.	~20 days
	Planning & Zoning Commission makes Finding of Facts and recommendation	
	First Reading of Ordinance by City Council.	
	Second Reading of Ordinance and Final Passage by City Council.	

For questions concerning this application or the process described above, please contact the

**NIXA.COM**







**OWNERS:**  
 FAYE H. SOUTER TRUST DATED MAY 24, 1989  
 FAYE H. SOUTER, TRUSTEE  
 ROBERT L. SOUTER TRUST DATED MAY 24, 1989  
 ROBERT L. SOUTER, TRUSTEE  
 5832 S MIDDLETON AVE  
 SPRINGFIELD, MISSOURI 65804

**DEVELOPER:**  
 LT DEVELOPMENTS LLC  
 1200 E. WOODHURST, UNIT D200  
 SPRINGFIELD, MISSOURI 65804

**FINAL PLAT OF  
 AUBURN HEIGHTS**  
 A SUBDIVISION IN THE CITY OF NIXA,  
 CHRISTIAN COUNTY, MISSOURI

Book I  
 Page 241  
 Slide 4558  
 6/5/2020

**BASIS OF BEARINGS:**  
 BEARINGS ARE GRID NORTH BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE VIA TIES TO STATION "CH-26"

CH-26  
 N: 135136.377m  
 E: 421274.474m  
 ELEV: 326.5m  
 Scale Factor: 0.9999629  
 Coordinates shown are U.S. Feet ground coordinates

**CERTIFICATE OF OWNERSHIP & 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 City Council in the Public Interest.

*Steve Souter*  
 Faye H. Souter Trust Dated May 24, 1989, *Steve Souter*, Successor Trustee

*Robert Souter*  
 Robert L. Souter Trust Dated May 24, 1989, *Robert Souter*, Successor Trustee

**ACKNOWLEDGEMENT:**  
 STATE OF MISSOURI }  
 COUNTY OF CHRISTIAN } SS

On the 27<sup>th</sup> day of March, 2020, before me personally appeared Steve Souter, Successor Trustee, known to be the person who executed the plat on behalf of the Faye H. Souter Trust and also the Robert L. Souter Trust and acknowledged to me that they executed the same for the reasons therein stated. In witness whereof, I have hereunto set my hand and affixed my official seal at my office in Christian County, Missouri on the day and year first above written.

*Martha Middleton*  
 Martha Middleton, Notary  
 Date: 3/27/2020



**CERTIFICATE OF APPROVAL BY THE CITY CLERK:**  
 I hereby certify that all streets shown on this plat are within the City of Nixa, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 12 months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with Subpart B of the Nixa City Code, and therefore this plat has been approved by the City of Nixa City Planner, subject to it being recorded in the Christian County Registry within 60 days of the date below.

*Andy Kobrowski*  
 Andy Kobrowski, City Clerk  
 Date: 6-1-2020

**CERTIFICATE OF APPROVAL BY THE CITY PLANNER:**  
 Approved this 2 day of DECEMBER, 2020 by the Planning and Zoning Commission of the City of Nixa, Christian County, Missouri. 2019

*TLB*  
 TLB, Municipal Planner  
 Date: 6-1-20

**COLLECTOR'S STATEMENT:**  
 I hereby certify on this 27<sup>th</sup> day of June, 2020, that all taxes owed on parcel 10-0.5-15-3-1-3 have been paid.

*Paul Nichols*  
 Paul Nichols, County Collector

**CERTIFICATE OF COMPLIANCE WITH LAND DEVELOPMENT CODE:**  
 I, Deshaun Lee, hereby state that all improvements have been complied with in accordance to the land development code of the city.

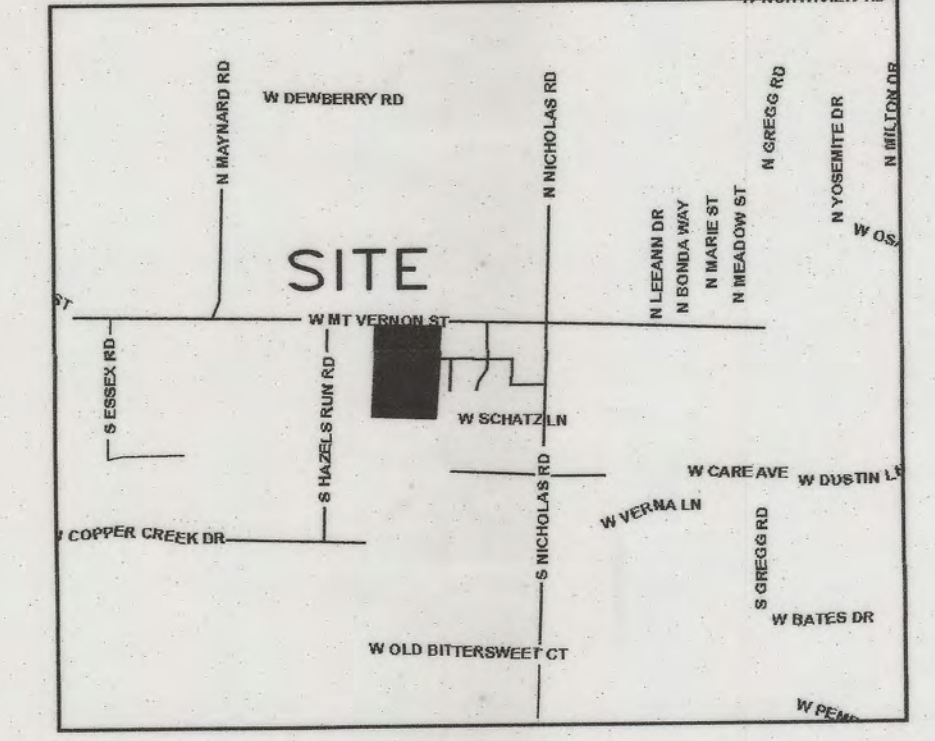
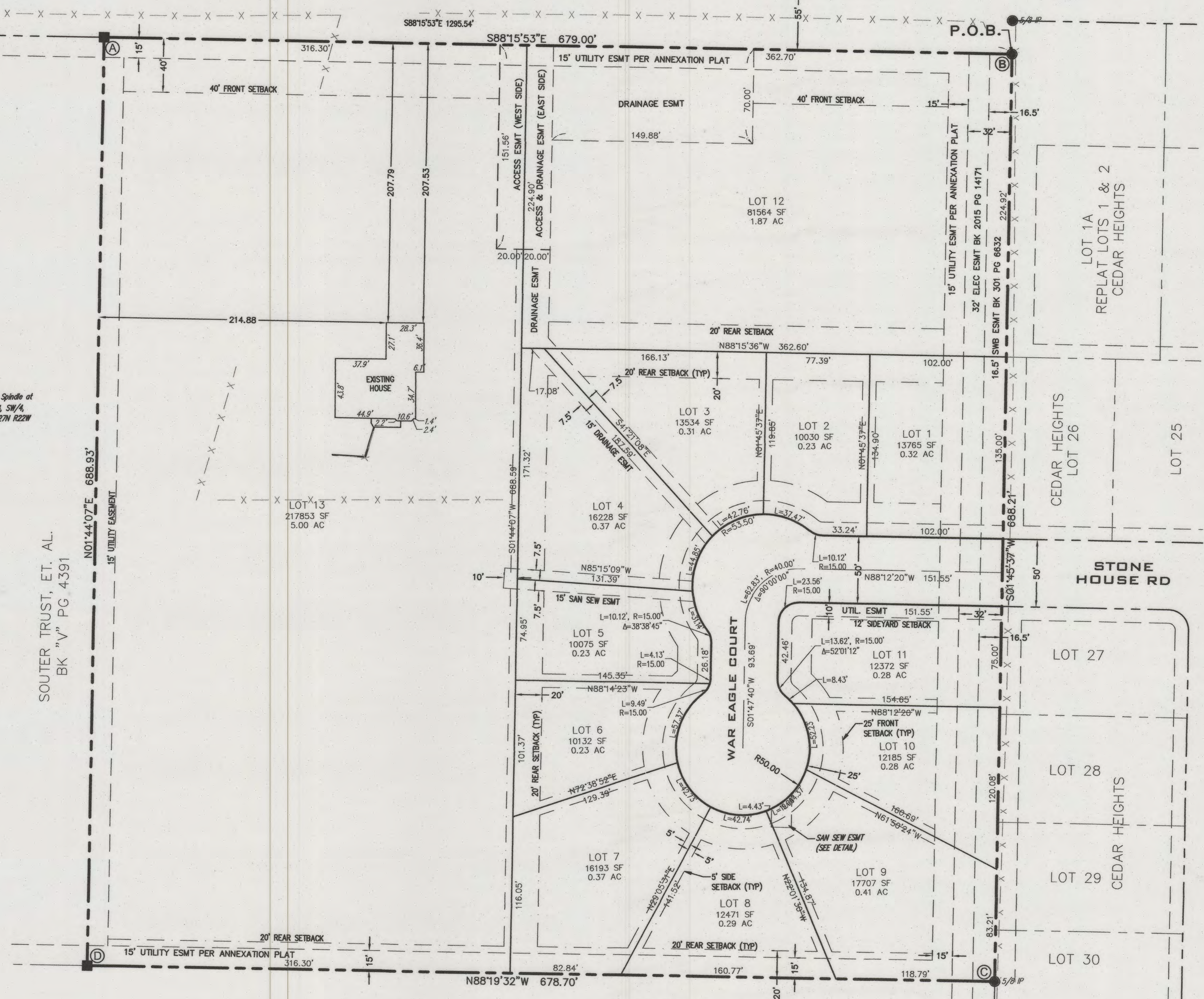
*Deshaun Lee*  
 Deshaun Lee, Principal Designer  
 Date: 5/29/20

**FLOOD NOTE:**  
 This property lies in Flood Zone "X" (areas determined to be outside of the 0.2% annual chance floodplain) according to FIRMS Community Panel 29043C 0065 C, effective December 17, 2010.

**DECLARATION BY SURVEYOR:**

"I, Don R. Berry, P.L.S., 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 my personal supervision, in accordance with the Missouri Standards for Property Boundary Surveys, for the City of Nixa.

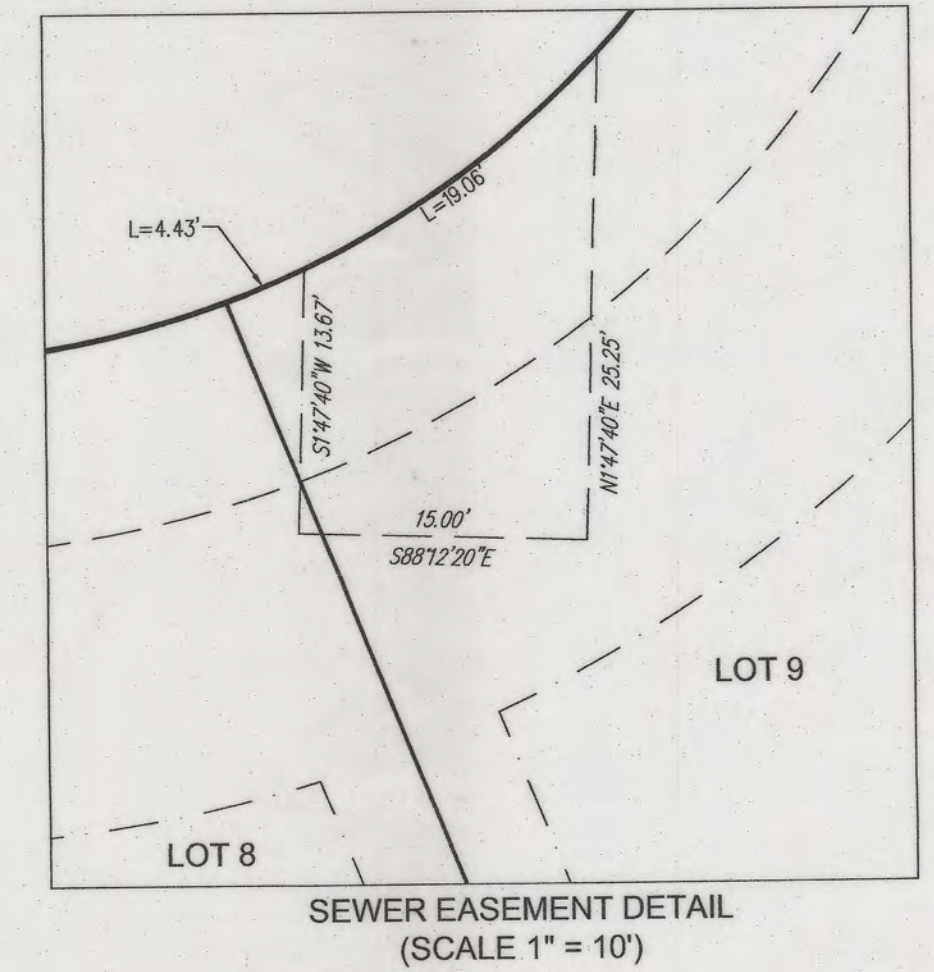
BY: *Don R. Berry*  
 Don R. Berry, PROFESSIONAL LAND SURVEYOR  
 STATE OF MISSOURI LICENSE NO. 2004017829  
 DATE: 24 March 2020



**VICINITY MAP**  
 NOT TO SCALE

**LEGEND**

- FOUND IRON PIN
- SET PERMANENT MONUMENT
- SET IRON PIN OR MARKER AS NOTED
- △ R/W MARKER
- BOUNDARY LINE
- R/W LINE
- LOT LINE
- EASEMENT LINE
- SETBACK LINE



**PLAT NOTE:**  
 Cul-de-sac lots have a minimum of 60 feet of width, as measured in a straight line, from the intersection of the setback line and lot line to the intersection of the setback line and the opposing lot line.

Lots 1 through 11 are zoned R-1.  
 Setbacks: Front - 25 ft, Side - 5 ft, Rear - 20 ft, Side with Local Street Frontage - 12 ft

Lots 12 and 13 are zoned GC  
 Setbacks: Front - 40 ft, Side - 15 ft, Rear - 20 ft

Iron Pins Stamped LSC-2009028050 are set at all lot corners unless otherwise noted.

No fences can be constructed within a drainage easement.

Maintenance of the detention basin located on Lot 12 shall be the responsibility of the property owner(s).

Access to Lot 12 shall be limited to the shared access located along the West property line.

Use of the existing residential access to Lot 13 shall be discontinued upon development of Lot 13 as a commercial use. At that time access will be limited to the shared access along the East property line.

Angle Table			
Corner	Angle	Northing	Easting
A	90° 00' 00"	441669.17	1397136.71
B	89° 56' 30"	441648.61	1397815.40
C	90° 05' 09"	440960.72	1397794.28
D	89° 56' 21"	440980.55	1397115.85
(N-2)*180	360° 00' 00"		

**DESCRIPTION:**  
 All that part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 27 North, Range 22 West of the Fifth Principal Meridian, City of Nixa, Christian County, Missouri, being more particularly described as follows: Commencing at an existing cotton picker spindle at the Southwest corner of the Northwest Quarter of said Section 15; thence, North 01°42'48" East, along and with the West line of said Quarter-Quarter section, a distance of 590.20 feet to an existing iron pin; thence, South 88°22'08" East, a distance of 40 feet, more or less, to the relocated East right-of-way line of Hazel Run Road; thence, North 01°43'04" East, along and with said relocated East line, a distance of 689.59 feet to the intersection of said East line with the relocated South right-of-way line of Mount Vernon Street (State Highway 14); thence, South 88°15'53" East, along and with said relocated South line, a distance of 1295.54 feet to the West line of Cedar Heights, a subdivision in the City of Nixa, Christian County, Missouri, per the recorded plat thereof and the POINT OF BEGINNING; thence, South 01°45'37" West, along and with the West line of said Cedar Heights, a distance of 688.21 feet to an existing iron pin; thence, North 88°19'32" West, a distance of 678.70 feet; thence, North 01°44'07" East, a distance of 688.93 feet to the relocated South right-of-way line of Mount Vernon Street (State Highway 14); thence, South 88°15'53" East, along and with said South line, a distance of 679.00 feet to the POINT OF BEGINNING, containing 10.73 acres, more or less.

Final Plat

**AUBURN HEIGHTS**  
 City of Nixa,  
 Christian County, Missouri

Missouri State Certificate of Authority  
 Engineering #2005015504  
 Land Surveying #2009028050

LEE Engineering & Associates, L.L.C.  
 1200 E. Woodhurst Dr., Suite D200  
 Springfield, Missouri 65807  
 417-886-9100 (phone)  
 417-886-9336 (fax)  
 dlee@leeengineering.biz  
 "Engineering with Integrity"

SCALE: 1" = 50'

FIELD BY: TS, JS  
 DRAWN BY: DRB  
 CHECKED BY: LEE

REVISIONS:

NO.	DATE	BY

DATE: 2020-03-24

SHEET: 1 of 1

PROJECT: 1918

FILE: 1918 - Auburn Heights Final Plat.dwg