

## **AN ORDINANCE OF THE NIXA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF LOT 34 OF THE SHADY ACRES PUD FROM OFFICE ZONING TO GENERAL COMMERCIAL ZONING**

### **Background:**

The undeveloped subdivision, Briarglen Estates, located in Christian County, was annexed into the City of Nixa in June of 1989. Briarglen Estates was replatted as Shady Acres PUD in June of 1994. The property was platted as a Planned Unit Development (PUD) at the time as it proposed multiple zoning districts on a single plat: Single Family Residential (R-1), Office (O), and General Commercial (GC). There is no governing PUD document. There are four non-residential lots along the north side of Sunrise Drive adjacent to HWY 160. Lots 35 and 36 are zoned GC. Lots 33 and 34 are zoned Office.

### **Analysis:**

#### **Land Use**

The property subject to the application is currently vacant and contains no buildings or structures. The parcel to the North is vacant and zoned Highway Commercial. The parcel to the South is vacant and zoned General Commercial. To the East is an Office zoned lot adjacent to developed single family housing. To the West is Highway 160.

#### **Transportation**

The subject property is directly served by West Sunrise Drive (Local). West Sunrise Drive was constructed at the time as a Neighborhood Collector Road which features a 60' right-of-way corridor. The road surface is 40' measured from back of curb to back of curb. There is an existing sidewalk on the southside of Sunrise Drive. A Traffic Impact Study is not required per Section 115-133 of the Nixa Code of Ordinance because Sunrise Drive is currently classified as a local road. Future development will align their access point on West Sunrise Drive with the intersection of South Canyon Lane.

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

The subject property has access to municipal water, wastewater facilities, and electric service. These facilities have adequate capacity to serve additional development. There are possible sewer connection locations on the lots immediately North and South.

## **Stormwater Management**

The subject property is not served by a regional detention basin because the original developers paid a fee in lieu of detention in 1994. The subject property is not located within or affected by any special flood hazard area or known karst topography features.

## **Other Public Services**

The proposed zoning arrangement will add traffic and population to the City's jurisdiction, which will have an impact on a variety of public services in proportion to those 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.

## **Planning and Zoning Commission:**

A public hearing for this item was held February 5<sup>th</sup> at the regularly scheduled Planning and Zoning Commission meeting. Concerned citizens approached the Commission to voice their opposition to the proposed rezone. Concerns varied from increased traffic, safety concerns for the kids in the area, unsuitable fill dirt, and dangerous intersections. With all things considered, the P&Z Commission voted unanimously (6-0), to recommend approval of the proposed rezone to Nixa City Council.

In addition to the proposed rezone, the property owner submitted an additional request to consolidate lots 34, 35, and 36 into one lot. This request was approved by the Planning and Zoning Commission. The applicant will have 60 days from the date of approval, to submit the final plat to staff for recording.

## **Recommendation:**

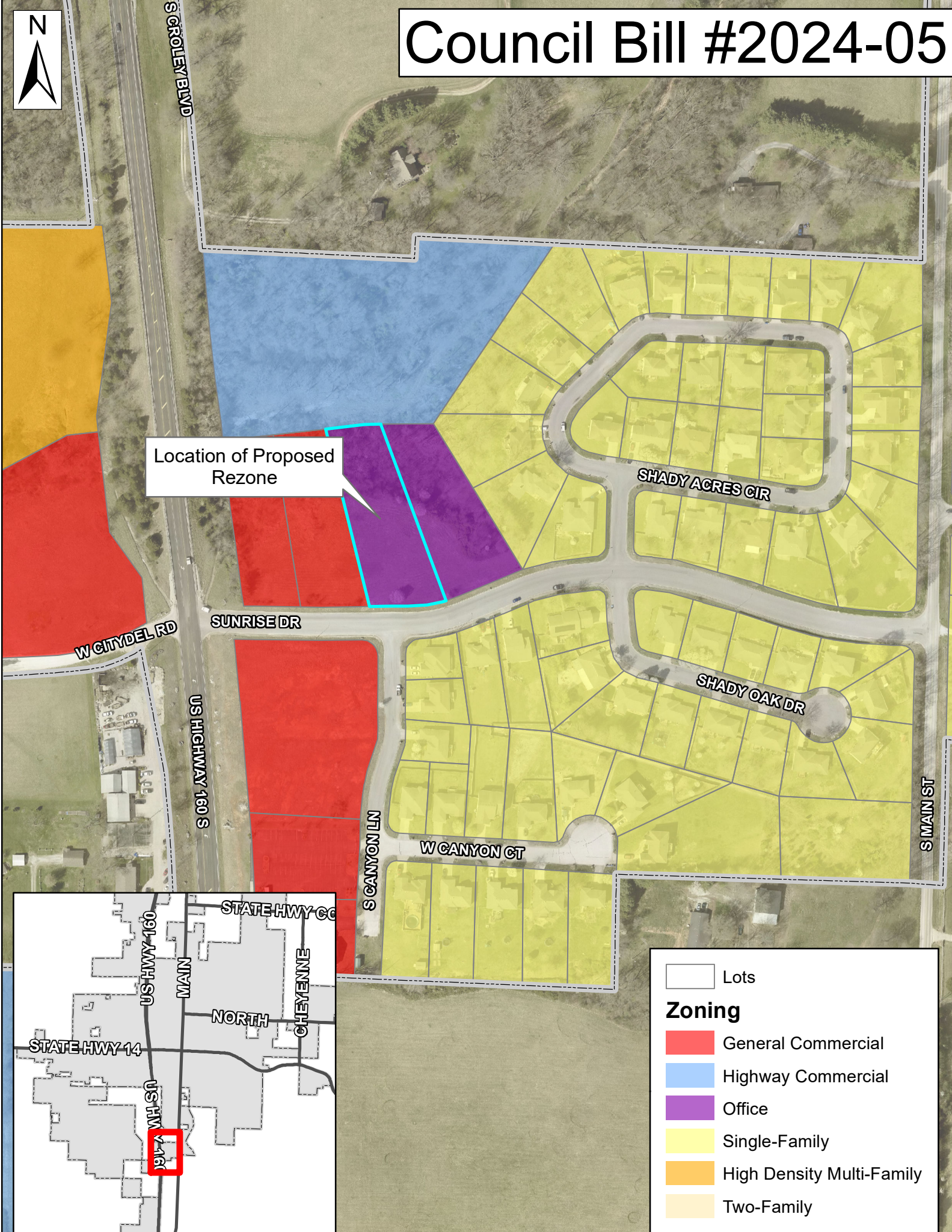
The proposed rezone is consistent with zoning patterns in the vicinity. In combination with a lot consolidation, the intention is to create a single General Commercial zoned lot ready for development, while preserving an Office zoned lot to act as a buffer between adjacent R-1 zoning and the subject property. Staff recommends the approval of this rezone.

## **MEMO SUBMITTED BY:**

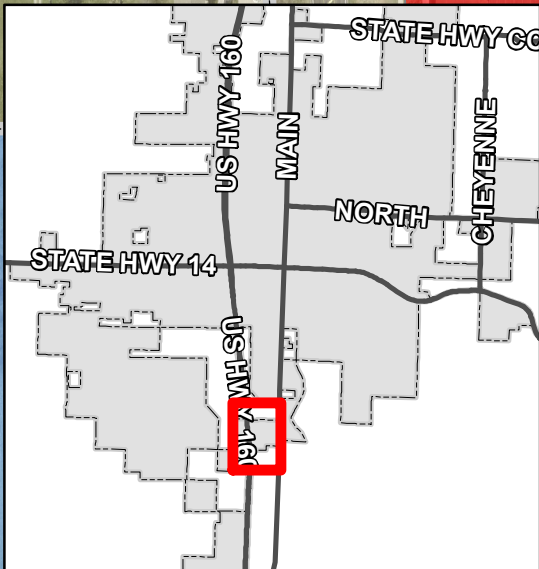
**Scott Godbey** | Director of Planning and Development

sgodbey@nixa.com | 417-725-5850

# Council Bill #2024-05



Location of Proposed Rezone



- Lots
- Zoning**
- General Commercial
- Highway Commercial
- Office
- Single-Family
- High Density Multi-Family
- Two-Family

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA REZONING THE REAL  
2 PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH  
3 HIGHWAY 160 AND WEST SUNRISE DRIVE FROM AN OFFICE (O) DISTRICT TO A  
4 GENERAL COMMERCIAL (GC) DISTRICT.

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7 WHEREAS an application has been filed for a zoning change of the property  
8 generally located at the northeast corner of South Highway 160 and West Sunrise Drive  
9 (“Application”); and

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11 WHEREAS the Application requests that the City Council rezone said property  
12 from an Office (O) District to a General Commercial (GC) District; and

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14 WHEREAS the Planning and Zoning Commission held a public hearing on the  
15 Application at the Commission’s February 5, 2024, meeting; and

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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.

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

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29 SECTION 1: The real property generally located at the northeast corner of South  
30 Highway 160 and West Sunrise Drive and being more specifically described as: **Lot 34**  
31 **of Shady Acres P.U.D.**, is hereby rezoned from an Office (O) district, or such other  
32 zoning district that may apply to said real property, to a General Commercial (GC) District,  
33 and the regulations applicable to said district, as established in the Nixa City Code, shall  
34 hereafter apply to said real property.

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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.

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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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47 **ADOPTED BY THE COUNCIL THIS 19th DAY OF February, 2024.**

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ATTEST:

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PRESIDING OFFICER

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CITY CLERK

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55 **APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

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ATTEST:

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MAYOR

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CITY CLERK

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62 APPROVED AS TO FORM:

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CITY ATTORNEY