



## EXHIBIT A

**ISSUE STATEMENT:** PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED REZONE OF LOT 34 OF SHADY ACRES PUD LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF U.S. HIGHWAY 160 AND SUNRISE DR FROM OFFICE ZONING DISTRICT TO GENERAL COMMERCIAL ZONING DISTRICT

**DATE:** February 5<sup>th</sup>, 2024

**SUBMITTED BY:** HARRY D LEAS TRUST & BERNADINE M LEAS TRUST

**PRESENTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

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### **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: (R-1) Single Family Residential, (O) Office, and (GC) General Commercial. 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 O.

### **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.



### **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 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**

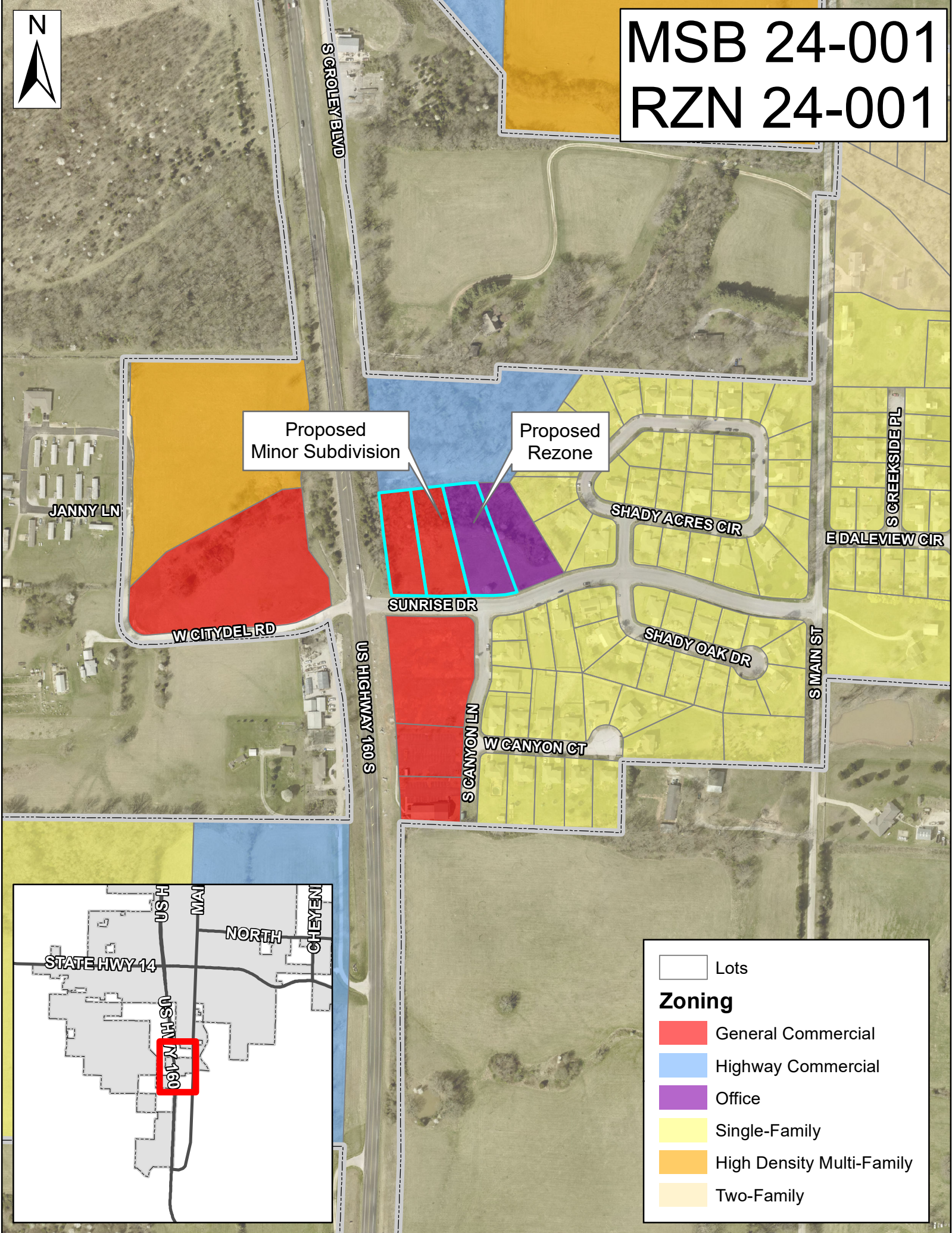
This proposed rezone is consistent with zoning patterns in the vicinity. In combination with the lot consolidation, the intention is to create a single General Commercial zoned district ready for development, while preserving an Office zoned district to act as a buffer between R-1 zoning and the subject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





# MSB 24-001

## RZN 24-001

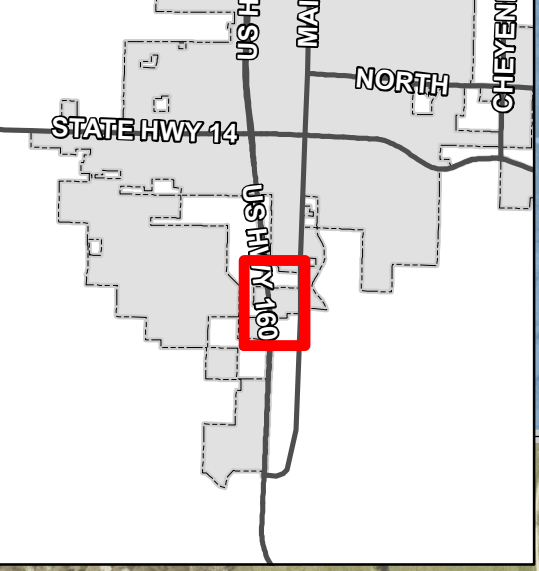


Proposed  
Minor Subdivision

Proposed  
Rezone

Legend

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



# ANNEXATION AND REZONE APPLICATION

Date of Application <b>11/06/2023</b>		File No.	
Applicant Name <b>Harry D. Leas Trust and the Bernadine M. Leas Trust</b>			
Mailing Address - Street Name/Number (Applicant) <b>1000 Bishop St, 12th Floor</b>		City <b>Honolulu</b>	State <b>HI</b>
		Zip Code <b>96812</b>	
Applicant Phone Number <b>808-237-9323</b>		Applicant Email Address <b>pleas@cades.com</b>	
General Location of Site Subject to this Application (street address preferred) <b>NEC of Sunrise Drive and US 160</b>			
<b>REQUESTING 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 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 checked="" 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>By Philip Leas, trustee</i>		Date <i>11/18/23</i>	
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="mailto:planning@nixa.com">planning@nixa.com</a>)</i>	
<input checked="" type="checkbox"/>	List of owners of all the fee interests of record (incl. Name + Mailing Address)
<input type="checkbox"/>	Signed and Notarized Petition for Annexation (signed by all owners of all tracts)
<input checked="" type="checkbox"/>	Legal Description(s) for all area(s) to be annexed and zoned (Microsoft Word format)
<input checked="" type="checkbox"/>	Boundary Survey of all area(s) to be annexed and zoned
<input checked="" type="checkbox"/>	- Total Acreage
<input checked="" type="checkbox"/>	- Location of all proposed zoning boundaries
<input checked="" type="checkbox"/>	- Location and dimension of all proposed lot lines
<input checked="" type="checkbox"/>	- Legal Description of property
<input checked="" type="checkbox"/>	- Names and boundaries of adjacent subdivisions and streets
<input checked="" type="checkbox"/>	- Location and description of monuments
<input checked="" type="checkbox"/>	- Bearings, distances, chords, radii, central angles, tangent links, etc.)
<input checked="" type="checkbox"/>	- Location and width of existing street right-of-way
<input checked="" type="checkbox"/>	- Location and width of existing easements and their type
<input checked="" type="checkbox"/>	- Existing location and type of existing buildings and structures
<input checked="" type="checkbox"/>	- All areas to be dedicated for public use (easement, ROW, etc.)
<input checked="" type="checkbox"/>	- Payment of application fee in the amount of <del>\$500.00</del> \$ 250.00

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 of subject property.	
	Posting of notice of public hearing sign on the subject property.	
Hearing Phase	Public held before Planning & Zoning Commission.	
	Planning & Zoning Commission makes Finding of Facts and recommendation to City Council.	
	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 City of Nixa's Department of Planning and Development at (417) 725-5850.

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Last updated: March 2021