



## **EXHIBIT A**

**ISSUE STATEMENT:** PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE ISSUING OF A SPECIAL USE PERMIT TO AUTHORIZE A BAR (WITH RESTAURANT) IN THE NEIGHBORHOOD COMMERCIAL ZONED PROPERTY LOCATED AT THE SOUTHEAST PORTION OF THE ROUND-A-BOUNT AT TRACKER ROAD AND OLD CASTLE ROAD

**DATE:** August 5, 2025

**SUBMITTED BY:** LowerDeck94, LLC

**PRESENTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

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### **Background**

The potential property owner for a 3-acre parcel currently zoned Neighborhood Commercial (NC), has applied for a special use permit to use Lot 2 of Wicklow Phase 5 as a Bar (with restaurant). According to the application, there will be additional commercial tenant space to accompany the primary use.

According to Sec. 117-99 of Nixa city code, the proposed land use is not permitted by right in the Neighborhood Commercial zoning district but is allowed upon the issuance of a special use permit by the Nixa City Council.

### **Analysis**

The proposed site is currently zoned NC. Surrounding land uses are residential, both single-family (R-1) and high-density multi-family (R-3). The specific location has been identified for commercial activity since the inception of the Wicklow Subdivision in 2003. The comprehensive plan at that time, called for the preservation of land at the intersection of two major roads and for the land to be dedicated for commercial activities. Wicklow originally planned for 27 acres of NC zoned property along Tracker Road. In 2015 the total acreage for NC zoned property shrunk to 11 acres. As development continued in the Wicklow area, the overall acreage for NC zoned property has dwindled to just the 3-acre lot in question.

The proposed location has access to East Tracker Road (Secondary Arterial) and North Old Castle Road (Secondary Arterial). The Wicklow Subdivision was originally planned with future growth in mind. The original traffic impact study was conducted based on more intensive land uses than what was ultimately



built. As a result, the study predicted higher traffic volumes, leading to roadways being designed larger than necessary. Today, the actual developments in the area generate less traffic than what was modeled, meaning the existing roads are more than capable of handling current and future traffic needs.

## **Conditions for Approval**

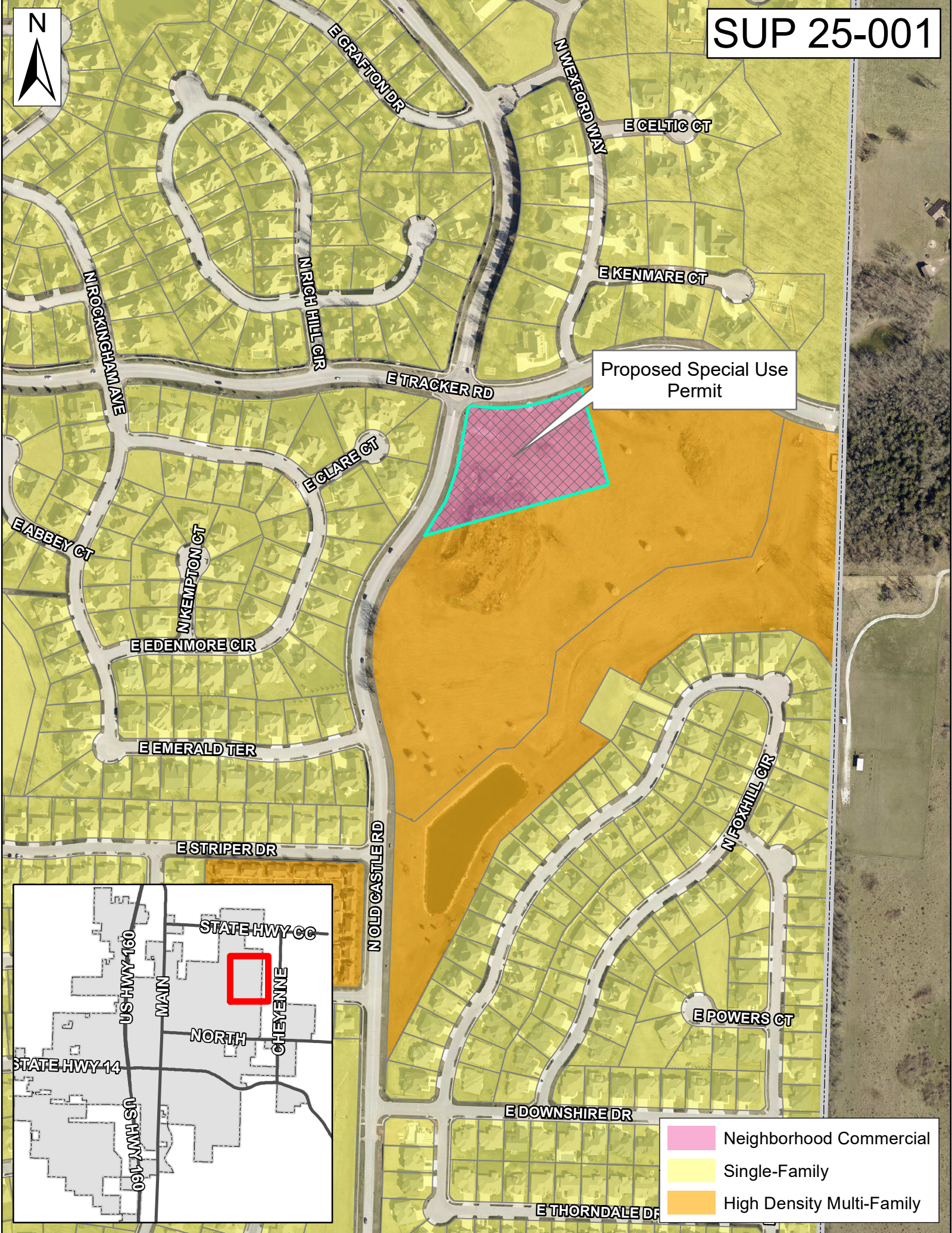
Starting at Sec. 101-136 of Nixa City Code and continuing through Sec. 101-143, lists the requirements and additional conditions for approval that should be considered. Based off the adopted code language, staff is recommending the following conditions of approval for the special use permit to help minimize the proposed land use's impact on the surrounding area.

1. The use of generators to provide power to ancillary uses on site is prohibited.
2. Events and or activities that include the use of amplified sound outside of the primary building, will cease at 9pm.
3. Alcohol sales shall stop at 11pm.
4. Building setbacks from the property lines adjacent to Old Castle Road and Tracker Road shall be increased to 45 feet.
5. The developer shall provide sidewalk along the site's road frontage. This will include any necessary crosswalks at the round-a-bout. All work to be designed and constructed to city standards.
6. Freestanding signage shall be restricted to 6' in height. No digital boards, no interior backlighting allowed. Ground lights for illumination will be acceptable.
7. Parking requirements will be reduced to 1 space for every 6 seats. The developer can provide more parking if they choose.
8. Increase landscaping street buffer yard to 15'.

## **Recommendation**

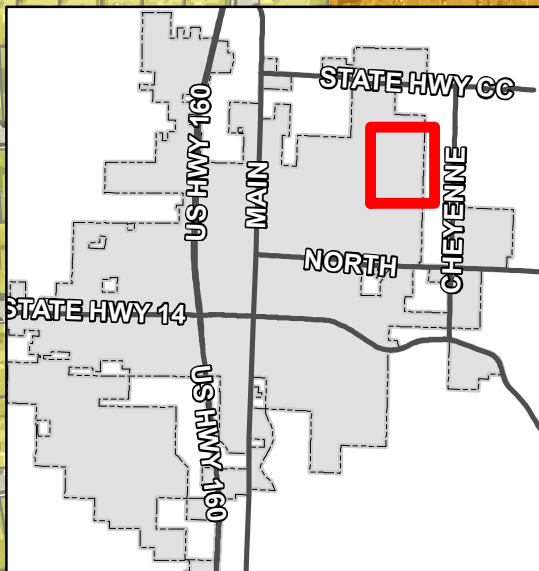
Staff believes that the acceptance of proposed conditions will lessen the impact on the surrounding area and promote an environment that fits with the neighborhood fabric. Staff recommends approval with the proposed conditions.





Proposed Special Use Permit

- Neighborhood Commercial
- Single-Family
- High Density Multi-Family







## SPECIAL USE APPLICATION

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

Application Date: 6-17-2025

File#: \_\_\_\_\_

### APPLICANT INFORMATION

Name: LowerDeck94, LLC Phone #: 417-849-4208  
Mailing Address: PO Box 14841, Springfield MO 65814  
Street address City State Zip  
Email : christinachanter@gmail.com Contact Person for Project: Billy Kimmons  
Contact Phone: 417-862-4483 Contact Email: bkimmons@hoodrich.com

### PROPERTY INFORMATION

General Location or address of Property Lot 2, Wicklow Phase 5, Nixa MO 65714

Current Zoning of Property: Neighbor Commerc

Description of proposed use: Mixed Commercial use. Small production facility/cidery and Taproom. Indoor/Outdoor Space. Supporting commercial tenants in smaller units w/parking.

Drive-thru service for restaurant and coffee shop uses is requested.

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: Christina Chanter Date: 6-17-2025

## 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 covered by this Special Use Application.
- ☐ 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

**NIXA.COM**



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## NOTES:

**BUILDING LAYOUT:** THIS DEVELOPMENT WILL SUPPORT A 15,000 SQUARE FOOT BUILDING WITH OUTDOOR SPACE AND PARKING. THE ACTUAL LAYOUT OF THE BUILDING AND OUTDOOR SPACE STILL NEEDS TO BE DESIGNED, BUT THE PARKING AND VEHICULAR CIRCULATION ON THE SITE IS EXPECTED TO CLOSELY FOLLOW THIS PLAN. WE WOULD LIKE TO MAINTAIN THE OPTION TO HAVE TWO BUILDINGS IN LIEU OF ONE WITH OUTDOOR SPACE SITUATED BETWEEN THEM. THIS OPTION, IF CHOSEN, WOULD PROMOTE BETTER SCREENING TO THE SURROUNDING NEIGHBORHOOD, AND CREATE A MORE PRIVATE OUTDOOR AREA. THE SINGLE BUILDING OPTION WOULD OPEN VIEWS TO THE NEIGHBORHOOD AND WOULD LIKELY BE A MORE EFFICIENT WAY TO BUILD. THE APPLICANT IS EXPLORING BOTH OPTIONS FOR THIS DEVELOPMENT.

### INFORMATION FROM NIXA, MISSOURI - CODE OF ORDINANCE

**ASSUMED ZONING:** NEIGHBORHOOD COMMERCIAL  
**ASSUMED USE:** RESTAURANTS, BARS

- ADHERE TO 10' MIN. STREET BUFFER YARD AND 5' MIN. PERIMETER BUFFER YARD.
- PROVIDE INTERIOR PARKING LOT GREEN SPACE EQUAL TO 5% OF TOTAL PARKING AREA. PROVIDE SHADE TREES AND SHRUBS AT ALL BUFFER YARDS AND ISLANDS AS REQUIRED BY NIXA CODE OF ORDINANCE.
- PROVIDE SCREENING ADJACENT TO RESIDENTIAL ZONES AS REQUIRED BY NIXA CODE OF ORDINANCE.
- FIRE HYDRANTS SHALL NOT BE MORE THAN 400' APART BY STREET ACCESS AND MUST BE LOCATED TO SERVE ALL PARTS OF EVERY BUILDING.
- PROVIDE ONE PARKING SPACE FOR EVERY FOUR SEATS, PLUS RESERVOIR LANE CAPACITY EQUAL TO FIVE SPACES PER DRIVE-IN WINDOW. PROVIDING 93 PARKING SPOTS ALLOWING FOR 372 SEATS MAX. FOUR ACCESSIBLE PARKING SPACES REQUIRED.
- ADHERE TO 24' MIN. PARKING AISLE.
- PROVIDE ONE SPACE FOR LOADING AND UNLOADING, MIN. 12'X55' WITH 14' OVERHEAD CLEARANCE. IN CASE OF INSUFFICIENT LOT AREA AVAILABLE TO BE USED PRACTICALLY FOR LOADING AND UNLOADING, COMPLY WITH REQUIREMENTS TO THE EXTENT REASONABLY POSSIBLE.

City Approval Stamp

HOOD-RICH ARCHITECTURE  
h  
HOODRICH.COM

1722 S. Luster Ave  
Springfield, MO 65804  
P: 417.862.4483

Hood-Rich, Inc. MO  
Certificate of Authority A-622-D

STATE OF MISSOURI  
PLANNING COMMISSION  
JULY 23, 2025  
7:23 PM  
MO A-2003027165

BILLY KIMMONS - Architect  
MO A-2003027165

The Professional Architects seal and the seal of the State of Missouri are required on all drawings, instruments or other documents not submitted to the State of Missouri for recording. The seal of the State of Missouri is required on all drawings, instruments or other documents not submitted to the State of Missouri for recording. The seal of the State of Missouri is required on all drawings, instruments or other documents not submitted to the State of Missouri for recording.

## SPECIAL USE PERMIT for LOWERDECK94, LLC

LOT 2, WICKLOW PHASE 5, NIXA, CHRISTIAN COUNTY, MO 65714

Proj.No.	25-122
Date:	7/23/2025
revisions:	
No.	date

sheet  
**A0.1**  
SITE PLAN

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