

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE ANNEXATION OF APPROXIMATELY 29.60 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE NICHOLAS ROAD AND WEST MT. VERNON STREET INTERSECTION AND ZONING THE PROPERTY GENERAL COMMERCIAL

Background:

The owners of 3 parcels totaling approximately 29.60 acres located at 1351 W Mt Vernon & 1209 W Mt Vernon have submitted a voluntary petition for annexation to the City of Nixa and have requested General Commercial (GC) zoning.

1351 W Mt Vernon is an un-platted 9.05 acres. There was a mechanic shop located on the southwest corner of this lot which was built in 1950 and was demolished in 2022. Currently the only structure on the property is a storage shed. 1209 W Mt Vernon was recently separated into 2 parcels via an administrative minor subdivision by the County. The northern 5-acres was split off from the remaining 14-acres. There are three structures on the 14-acre lot: a single-family home built in 1950, a detached garage built in 1960, and a barn built in 1975. The subject properties are vacant and bounded by Nixa city limits along the east and south property lines.

Analysis:

Surrounding Land Use

East of the subject property are single-family residences (R-1 zoning) within the Nixa city limits, as well as undeveloped General Commercial (GC) lots along the W Mt Vernon St frontage. North of the subject property is a single-family residence on a 20-acre parcel and Victory Baptist Church on a 7-acre parcel, both of which are outside the Nixa city limit. West of the subject property is an undeveloped 20-acre parcel which is outside the Nixa city limit.

South of the Subject property is a 4-acre lot zoned Highway Commercial (HC) and a 6-acre General Commercial (GC) lot, home to Calvary Bible Church. Both lots are inside the Nixa city limit.

Comprehensive Plan

The subject properties were acquired with the intention of annexation prior to the adoption of the Nixa 2045 Comprehensive Plan. The Future Land Use map of the

Comprehensive Plan at the time of application for annexation showed these lots with GC zoning. Until there is a development plan where a Planned Unit Development-Mixed Use (PUD-MU) could be proposed, GC zoning is the most sensible zoning designation.

The current Comprehensive Plan (Nixa 2045) shows the subject property within the Tier One Planning Area. The Future Land Use Framework suggests "mixed-use" as the highest and best use in this area. Currently the City of Nixa does not have a standard "mixed-use" zoning district. To achieve the suggested land use, the city code requires a rezone to a PUD-MU. The PUD-MU zoning designation is reserved for developments that require some type of deviation from the current city code. Currently the property owner does not have a development plan for the entire property in question.

Transportation

The subject property is served by W Mt Vernon St./14 Highway to the South which is a primary arterial road which was widened in 2020, and the appropriate right of way was acquired at that time. To the East is Leann Dr., classified as a local road. To the West is N Nicholas Rd/Farm Road 141 which is also a primary arterial road which was also improved within the appropriate Right of Ways in 2020.

According to Section 15-133 of Nixa City Code, a traffic impact study is not required for any development that only accesses local roads. Development proposals that access Highway 14 will require a traffic impact study. The study will evaluate any proposed developments access points and their impact on surrounding streets.

Municipal Utilities (Water, Wastewater, Electric)

The subject property has immediate access to municipal water service via an 8" water main present adjacent to Nicholas Road. A water main that runs on the east side of Leann Drive is also stubbed out to the property at two points on the east side.

Sanitary sewer is available on site via an 8" sewer main extended to the northeast corner of the property on the west side of Leann Dr. Depending on capacity needs of future developments, sanitary sewer has the potential to flow either to the northeast or to the southwest. If the sanitary sewer flows to the southwest, it will tie into sewer mains that flow to the Oakmont lift station which is currently at capacity. New development that flows to the current Oakmont lift station will not be permitted until the new larger Oakmont lift station is online.

Nixa electric is readily available on site. Electric service was provided to both properties by a co-op. Their service connections were disconnected on June 13th of this year at the property owner's request. The property owner had the choice of retaining the previous electric service provider or switching to Nixa electric. The property owner has requested to utilize Nixa as its electric provider for future development. According to

State statute, previous electric service must be removed 90 days prior to annexation, if the city is to provide electric service.

Stormwater Management

Any future development of the site will be required to conform to the City's adopted stormwater management regulations. Additionally, any future development would compel a sinkhole evaluation. The presence of any potential sinkholes would require conformance to the city's regulations concerning development near karst topography. These regulations address both flooding and storm water quality concerns.

Other Public Services

The proposed land use may add traffic and patronage to the City's jurisdiction, which will impact on a variety of public services in proportion to these 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. The land subject to annexation is within the current service areas for the Nixa Fire Protection District, Nixa Police Department, and Nixa Public Schools.

Planning and Zoning Commission:

A public hearing was held at the September 3rd Planning and Zoning Commission meeting. Two nearby residents approached the Commission during the public hearing to get clarification on sewer issues and to ask that the city keep the residents of the single-family subdivision in mind when making decisions regarding development on the subject property. The Planning and Zoning Commission voted unanimously (6-0) to recommend approval to Nixa City Council.

Recommendation:

The property is compact and contiguous to current City Limits and Staff recommends the approval of this request. Staff supports the proposed zoning. Staff recommends that the property be added to Council District 2.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development
sgodbey@nixa.com | 417-725-5850

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ANNEXING
2 APPROXIMATELY 29.60 ACRES OF REAL PROPERTY GENERALLY LOCATED AT
3 THE NORTHEAST CORNER OF THE INTERSECTION OF NICHOLAS ROAD AND
4 MOUNT VERNON STREET; ZONING SAID PROPERTY TO THE GENERAL
5 COMMERCIAL (GC) ZONING DISTRICT; AND AMENDING CHAPTER 2, ARTICLE II,
6 DIVISION 1, SECTION 2-27 OF THE NIXA CITY CODE.
7

8 **WHEREAS** verified petitions requesting annexation into the City of Nixa has been
9 submitted by the owners of all fee interests of record of the real property generally located
10 at the northeast corner of the intersection of Nicholas Road and Mount Vernon Street,
11 said Annexation Petitions (“Petition”) are attached hereto as “Council Bill Exhibit A”; and
12

13 **WHEREAS** the area requested to be annexed is more particularly described on
14 “Council Bill Exhibit B”; and
15

16 **WHEREAS** the Petition was received by the Director of Planning and Development
17 more than fourteen but less than sixty days prior to any public hearing regarding the
18 petition before the City Council; and
19

20 **WHEREAS** notice of a public hearing before the City Council concerning the
21 Petition was published at least seven days prior to the public hearing; and
22

23 **WHEREAS** City Council finds and determines that the annexation requested by
24 the Petition is reasonable and necessary to the proper development of the City, the City
25 is able to furnish normal municipal services to the area annexed herein within a
26 reasonable time after annexation, and the area annexed herein is contiguous and
27 compact to the existing boundaries of the City; and
28

29 **WHEREAS** additionally, an application has been filed for a zoning change of said
30 property (“Application”) and which is more specifically described on “Council Bill Exhibit
31 B”; and
32

33 **WHEREAS** the Application requests that the City Council rezone said property to
34 the General Commercial (GC) Zoning District; and
35

36 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
37 Application at the Commission’s September 3, 2024, meeting; and
38

39 **WHEREAS** the Commission, after considering the Application, staff’s
40 recommendation, and after holding a public hearing, issued a recommendation of
41 approval; and
42

43 **WHEREAS** the City Council, now having considered the Application, staff’s
44 recommendation, and after providing an opportunity for public comment, now desires to
45 annex and rezone the subject property and amend the City’s official zoning map; and
46

47 **WHEREAS** the City Council also desires to amend Chapter 2, Article II, Section 2-
48 27 of the Nixa City Code, to assign said property to a City Council District.

49
50 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
51 **NIXA, AS FOLLOWS, THAT:**

52
53 **SECTION 1:** City Council, after holding a public hearing on the matter, hereby
54 determines that the annexation of the property described in the “Annexation Petitions,”
55 which are attached hereto as “Council Bill Exhibit A,” which is incorporated herein by this
56 reference, is reasonable and necessary to the proper development of the City, that the
57 City is able to furnish normal municipal services to the area to be annexed within a
58 reasonable time after annexation, and that the area is contiguous and compact to the
59 existing boundaries of the City.

60
61 **SECTION 2:** Pursuant to the provisions of Section 71.012 RSMo., the property
62 described in “Council Bill Exhibit B,” which is attached hereto and incorporated herein by
63 this reference, is hereby annexed into the City of Nixa, Missouri. The boundaries of the
64 City of Nixa are hereby altered to encompass the property described in “Council Bill
65 Exhibit B.”

66
67 **SECTION 3:** The City Clerk, or designee, is hereby directed to provide certified
68 copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian
69 County, and the Missouri Director of Revenue. The City Clerk, or designee, is further
70 authorized to perform any other administrative acts or provide any other documentation
71 to any other entity or party, provided such actions are consistent with the intent of this
72 Ordinance.

73
74 **SECTION 4:** The property described on “Council Bill Exhibit B” is hereby zoned to
75 the General Commercial (GC) zoning district, and the regulations of said district, as
76 established in the Nixa City Code, shall hereafter apply to said real property.

77
78 **SECTION 5:** The Director of Planning and Development, pursuant to section 117-
79 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
80 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
81 contemplated by this Ordinance.

82
83 **SECTION 6:** Chapter 2, Article II, Division 1, Section 2-27 of the Nixa City Code is
84 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
85 new Section 2-27, which said Section shall read as follows (Explanation: Language in
86 bold-face type (e.g., **thus**) is language to be to be added. Language in bold-faced
87 brackets (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):

88
89 Sec. 2-27. – City council district 2.

90

91 Nixa city council district 2 contains all that land within the corporate limits of the
92 City of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), located
93 within the area boundary described as follows:

94

95 Beginning at a point located at the intersection of the centerlines of Northview
96 Road and 112 Main Street; thence west along the centerline of Northview Road to the
97 end of the existing city limits; thence south to the centerline of Mount Vernon Street;
98 thence east along said centerline to its intersection with the centerline of Main Street;
99 thence south along said centerline to the end of the existing city limits; thence east along
100 the existing city limits in a counter-clockwise direction to the centerline of North Street;
101 thence east along said centerline to its intersection with the centerline of Main Street;
102 thence north along said centerline to the point of beginning.

103

104 In addition to the foregoing area, city council district 2 shall include the following:

105

106 **The area annexed by Ordinance No. _____.**

107

108 **SECTION 7:** The City Attorney when codifying the code changes made by Section
109 6, and once this Ordinance is in full force and effect, is authorized to provide the
110 Ordinance number assigned to this Ordinance in the blank space provided in Section 6,
111 at or around Line 106.

112

113 **SECTION 8:** The City Attorney, when codifying the provisions of this Ordinance, is
114 authorized to provide for different section numbers, subsection numbers, and different
115 internal citation references than those provided herein when such section numbers,
116 subsection numbers, or internal citation references are in error or are contrary to the intent
117 of this Ordinance.

118

119 **SECTION 9:** Savings Clause. Nothing in this Ordinance shall be construed to
120 affect any suit or proceeding now pending in any court or any rights acquired, or liability
121 incurred nor any cause or causes of action occurred or existing, under any act or
122 ordinance repealed hereby.

123

124 **SECTION 10:** Severability Clause. If any section, subsection, sentence, clause, or
125 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
126 the validity of the remaining portions of this Ordinance. The Council hereby declares that
127 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
128 phrase thereof, irrespective of the fact that any one or more sections, subsections,
129 sentences, clauses, or phrases be declared invalid.

130

131 **SECTION 11:** This Ordinance shall be in full force and effect from and after its final
132 passage by the City Council and after its approval by the Mayor, subject to the provisions
133 of section 3.11(g) of the City Charter.

134

135 **[Remainder of Page Intentionally Left Blank. Signature Page Follows.]**

136

137 **ADOPTED BY THE COUNCIL THIS 24th DAY OF SEPTEMBER 2024.**

138

139

ATTEST:

140

141

PRESIDING OFFICER

CITY CLERK

143

144

145 **APPROVED BY THE MAYOR THIS _____ DAY OF SEPTEMBER 2024.**

146

147

ATTEST:

148

149

MAYOR

CITY CLERK

151

152

153 APPROVED AS TO FORM:

154

155

CITY ATTORNEY

156



PO Box 395, 715 W. Mt. Vernon, Nixa, MO 65714
(Phone) 417-725-5850 (Fax) 417-724-5750

ANNEXATION PETITION

I/We, the undersigned XTREME PROPERTY HOLDINGS, LLC
Owner(s) Name(s) typed or printed

hereinafter referred to as the Petitioner, petitions the City Council of the City of Nixa, Missouri, to annex the following described unincorporated area which is contiguous and compact to the existing corporate limits of the City of Nixa, Missouri:

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4, NE1/4) OF SECTION 15, TOWNSHIP 27N, RANGE 22W, CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE OF THE NORTHEAST QUARTER; THENCE ALONG THE SOUTH LINE THEREOF S88°27'17"E 90.01 FEET; THENCE N01°32'43"E 55.01 FEET TO THE NORTH RIGHT-OF-WAY OF STATE HIGHWAY #14; THENCE ALONG SAID NORTH RIGHT OF WAY LINE S88°27'13" E 577.78 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE N02°00'47"E 613.55 FEET; THENCE N01°27'16"E 330.53 FEET FOR A TRUE POINT OF BEGINNING; THENCE N01°27'16"E 351.70 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S88°37'54"E 639.26 FEET TO THE WEST RIGHT OF WAY LINE LEEANN DRIVE; THENCE ALONG SAID WEST RIGHT OF WAY LINE S01°46'55"W 351.71 FEET; THENCE N88°37'54"W 637.25 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 5.15 ACRES MORE OR LESS. SUBJECT TO ANY RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

Petitioner states that he/she is the owner in fee of all interests in the said tract of real property and requests that the City Council hold a public hearing not fewer than fourteen (14) or more than one-hundred twenty (120) days after receipt of this Petition and that said hearing be held not fewer than seven (7) days after notice of the hearing is published in a newspaper of general circulation, qualified to publish legal matters. Further, should the City Council determine that the annexation reasonable and necessary to the property development of Nixa, Missouri has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, Petitioner requests that said City Council thereafter annex the territory by ordinance without further action.



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Should written objection to the proposed annexation be filed with the City Council not later than fourteen (14) days after said public hearing, this Petitioner than requests the City Council thereafter to petition the Circuit Court of Christian County, Missouri, for a declaratory judgment as to the reasonableness of such annexation.

Owner Signature

Owner Signature

STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 8 day of August, 2024 before me personally appeared Hunter Lampe to me known to be the person described in and who executed the foregoing instrument and acknowledges that he executed the same as his free act and deed and that the facts stated therein are true to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my official seal the date and year first above written.

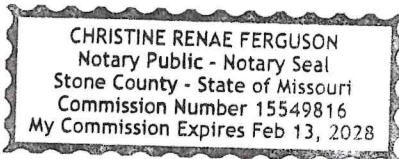
Christine Renae Ferguson

Notary Public

My Commission Expires: Feb 13, 2028

Applicant Name LILLY BOYD Phone: 417-888-0645

Applicant Mailing Address: 1550 E. REPUBLIC ROAD
SPRINGFIELD, MO, 65804





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Petitioner states that he/she is the owner in fee of all interests in the said tract of real property and requests that the City Council hold a public hearing not fewer than fourteen (14) or more than one-hundred twenty (120) days after receipt of this Petition and that said hearing be held not fewer than seven (7) days after notice of the hearing is published in a newspaper of general circulation, qualified to publish legal matters. Further, should the City Council determine that the annexation reasonable and necessary to the property development of Nixa, Missouri has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, Petitioner requests that said City Council thereafter annex the territory by ordinance without further action.



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[Handwritten Signature]

Owner Signature

Owner Signature

STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 8 day of August, 2024 before me personally appeared Hunter Lampe to me known to be the person described in and who executed the foregoing instrument and acknowledges that he executed the same as his free act and deed and that the facts stated therein are true to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and affixed my official seal the date and year first above written.

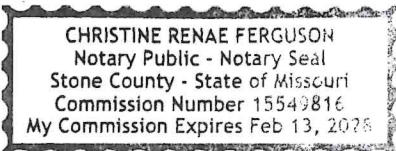
Christine Renae Ferguson

Notary Public

My Commission Expires: Feb 13, 2028

Applicant Name LILLY BOYD Phone: 417-888-0645

Applicant Mailing Address: 1550 E. REPUBLIC ROAD
SPRINGFIELD, MO, 65804





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Owner(s) Name(s) typed or printed

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DEED DOC. NO 2022L10940

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Petitioner states that he/she is the owner in fee of all interests in the said tract of real property and requests that the City Council hold a public hearing not fewer than fourteen (14) or more than one-hundred twenty (120) days after receipt of this Petition and that said hearing be held not fewer than seven (7) days after notice of the hearing is published in a newspaper of general circulation, qualified to publish legal matters. Further, should the City Council determine that the annexation reasonable and necessary to the property development of Nixa, Missouri has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, Petitioner requests that said City Council thereafter annex the territory by ordinance without further action.



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[Handwritten Signature]

Owner Signature

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STATE OF MISSOURI
COUNTY OF CHRISTIAN

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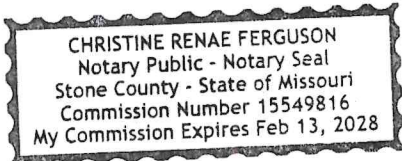
Christine Renae Ferguson

Notary Public

My Commission Expires: Feb 13, 2028

Applicant Name LILLY BOYD Phone: 417-888-0645

Applicant Mailing Address: 1550 E. REPUBLIC ROAD
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TRACT 1

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TRACT 2

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TRACT 3

DEED DOC. NO 2022L10940

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4, SW1/4, NE1/4) OF SECTION 15, TOWNSHIP 27N, RANGE 22W, CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE WEST LINE THEREOF N01°59'36"E 75.01 FEET TO THE NORTH RIGHT-OF-WAY OF STATE HIGHWAY #14 FOR A TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE N01°59'36"E 593.70 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE S88°26'27"E 667.56 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE EAST LINE THEREOF S02°00'47"W 628.43 FEET TO THE NORTH RIGHT-OF-WAY OF STATE HIGHWAY #14; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING COURSES: N88°27'54"W 607.66 FEET; THENCE N47°16'44"W 53.15 FEET; THENCE N88°25'55"W 19.40 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 9.60 ACRES MORE OR LESS. SUBJECT TO RIGHT-OF-WAY FOR A COUNTRY ROAD ALONG THE WEST SIDE OF SAID TRACT, AND ALL OTHER RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.