

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE ANNEXATION OF APPROXIMATELY 12 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1137 SOUTH TRUMAN BOULEVARD AND ZONING THE PROPERTY SINGLE- FAMILY RESIDENTIAL

Background:

The City of Nixa purchased the 12-acre parcel that is subject to this annexation, as a potential future location for a municipal water tower and a Nixa Public Works storage building in August of 2013. A salt barn storage building was erected shortly thereafter. In 2019 Construction of a well and water tower began and was completed in 2020. The following year Nixa Parks Department fenced in 4 acres and added amenities for a dog park to the property. Annexation seems appropriate at this time given its eligibility and the varied municipal uses of the property. The subject property will be added to council voting district 3.

Analysis:

Surrounding Land Use

North of the subject property is an undeveloped 75-acres within the city limit zoned R-1 single family. East of the property is Forest South subdivision, an R-1 single family development within the Nixa city limit. South of the property is a KAMO substation which is outside the Nixa city limit. And to the West is a 20-acre farm which is outside the Nixa city limit.

Comprehensive Plan

The Nixa 2045 Comprehensive Plan identifies the property in the tier 1 future annexation area, with the future land use map showing single-family residential as the appropriate land use. The proposed annexation is requesting R-1 zoning, though there would be a quasi-public municipal overlay to accommodate the existing use. No future residential development is expected.

Transportation

The subject property is served by S Truman Boulevard which is categorized by the Ozarks Transportation Organization (OTO) as a Collector. No future connections are expected or planned; however, a traffic study would be required should the need for additional access arise.

Municipal Utilities (Water, Wastewater, Electric)

Nixa municipal water and electric are currently present and accessible on this lot. There is a sewer main running north/south on the East side of Norton Road which could reasonably service this lot though there is no current plan that would require a connection to city sewer.

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 is not expected to add traffic to the City's jurisdiction. 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 November 6th meeting of the Planning and Zoning Commission. No one approached the Commission during the public hearing. With all things considered, the PZ Commission voted 6-0 to recommend approval to City Council.

Recommendation:

The property is compact and contiguous to the current city limit. The requested zoning is consistent and harmonious with the surrounding area as well as the comprehensive plan. Staff recommends approval of the annexation and zoning request. Staff recommends that the property be added to Council District 3.

MEMO SUBMITTED BY:

Brendan Justin | Planner I

bjustin@nixa.com | 417-725-5850

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ANNEXING
2 APPROXIMATELY 12 ACRES OF REAL PROPERTY GENERALLY LOCATED AT
3 1137 SOUTH TRUMAN BOULEVARD; ZONING SAID PROPERTY TO THE SINGLE
4 FAMILY RESIDENTIAL (R-1) ZONING DISTRICT; AND AMENDING CHAPTER 2,
5 ARTICLE II, DIVISION 1, SECTION 2-28 OF THE NIXA CITY CODE.
6

7 **WHEREAS** a verified petition requesting annexation into the City of Nixa has been
8 submitted by the owners of all fee interests of record of the real property generally located
9 at 1137 South Truman Boulevard, said Annexation Petition (“Petition”) is attached hereto
10 as “Council Bill Exhibit A”; and
11

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

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

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

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

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

32 **WHEREAS** the Application requests that the City Council rezone said property to
33 the Single Family Residential (R-1) Zoning District; and
34

35 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
36 Application at the Commission’s November 6, 2024, meeting; and
37

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

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

46 **WHEREAS** the City Council also desires to amend Chapter 2, Article II, Section 2-
47 28 of the Nixa City Code, to assign said property to a City Council District.

48
49 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
50 **NIXA, AS FOLLOWS, THAT:**

51
52 **SECTION 1:** City Council, after holding a public hearing on the matter, hereby
53 determines that the annexation of the property described in the “Annexation Petitions,”
54 which are attached hereto as “Council Bill Exhibit A,” which is incorporated herein by this
55 reference, is reasonable and necessary to the proper development of the City, that the
56 City is able to furnish normal municipal services to the area to be annexed within a
57 reasonable time after annexation, and that the area is contiguous and compact to the
58 existing boundaries of the City.

59
60 **SECTION 2:** Pursuant to the provisions of Section 71.012 RSMo., the property
61 described in “Council Bill Exhibit B,” which is attached hereto and incorporated herein by
62 this reference, is hereby annexed into the City of Nixa, Missouri. The boundaries of the
63 City of Nixa are hereby altered to encompass the property described in “Council Bill
64 Exhibit B.”

65
66 **SECTION 3:** The City Clerk, or designee, is hereby directed to provide certified
67 copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian
68 County, and the Missouri Director of Revenue. The City Clerk, or designee, is further
69 authorized to perform any other administrative acts or provide any other documentation
70 to any other entity or party, provided such actions are consistent with the intent of this
71 Ordinance.

72
73 **SECTION 4:** The property described on “Council Bill Exhibit B” is hereby zoned to
74 the Single Family Residential (R-1) zoning district, and the regulations of said district, as
75 established in the Nixa City Code, shall hereafter apply to said real property.

76
77 **SECTION 5:** The Director of Planning and Development, pursuant to section 117-
78 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
79 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
80 contemplated by this Ordinance.

81
82 **SECTION 6:** Chapter 2, Article II, Division 1, Section 2-28 of the Nixa City Code is
83 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
84 new Section 2-28, which said Section shall read as follows (Explanation: Language in
85 bold-face type (e.g., **thus**) is language to be to be added. Language in bold-faced
86 brackets (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):

87
88 Sec. 2-28. – City council district 3.

89

90 Nixa city council district 3 contains all that land within the corporate limits of the
91 City of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), located
92 within the area described as follows:
93

94 Beginning at a point located at the intersection of the centerlines of Mount Vernon
95 Street and Main Street; thence west along the centerline of Mount Vernon Street to its
96 intersection with the centerline of Nicholas Road; thence west along the existing city limits
97 in a counter-clockwise direction to the centerline of Main Street; thence north to the point
98 of beginning.
99

100 In addition to the foregoing area, city council district 3 shall include the following:

101
102 The area annexed by Ordinance No. 2241.

103
104 The area annexed by Ordinance No. 2304.

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

136 **ADOPTED BY THE COUNCIL THIS 26th DAY OF NOVEMBER 2024.**

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

PRESIDING OFFICER

ATTEST:

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF NOVEMBER 2024.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



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

ANNEXATION PETITION

I/We, the undersigned _____

City of Nixa

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:

See Attached legal Description, Exhibit "A"

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.



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

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.

Cindy Robbins City of Nixa
Assistant City Administrator

Owner Signature

Owner Signature

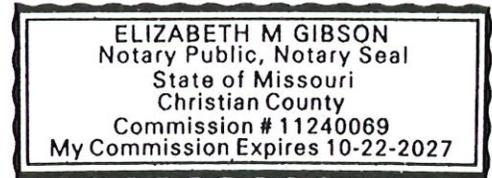
STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 1st day of November, 2024 before me personally appeared Cindy Robbins 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.

Elizabeth M. Gibson

Notary Public



My Commission Expires: 10.22.2027

Applicant Name Cindy Robbins

Phone: 417.725.3785

Applicant Mailing Address: PO Box 395

Nixa, MO. 65714

Exhibit "A"

Tract 1:

A tract of land being the South 10.00 acres of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26, Township 27 North, Range 22 West, Christian County, Missouri, subject to the County road right-of-way along the East and South side thereof and all easements and restrictions of record

EXCEPT:

The South 8 acres of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 27 North, Range 22 West, Christian County, State of Missouri.

Tract 2:

A tract of land being the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26, Township 27 North, Range 22 West, Christian County, Missouri, EXCEPT for the South 10.00 acres thereof, subject to the County road right-of-way along the East and South side thereof and all easements and restrictions of record

Subject to easements, restrictions, reservations, and covenants of record, if any.



ANNEXATION & REZONE APPLICATION

715 W Mt. Vernon
 PO Box 725-57502
 Nixa, MO 65714
 417-725-5850
 planning@nixa.com

Application Date: 9-23-2024

File#: _____

APPLICANT INFORMATION

Name: City Of Nixa Phone #: 417-725-5850
 Mailing Address: 715 W Mt. Vernon St. Nixa MO 65714
Street address City State Zip
 Email : JLiles@Nixa.com Contact Person for Project: Jimmy Liles
 Contact Phone: 417-725-5850 Contact Email: JLiles@Nixa.com

PROPERTY INFORMATION

General Location of Property 1137 S Truman Boulevard

General size of property: 12 (acres)

Requested Zoning for Property:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Agriculture (AG) | <input checked="" type="checkbox"/> Single-Family Residential (R-1) | <input type="checkbox"/> Two Family Residential (R-4) | <input type="checkbox"/> Med-Density Multi-Family (R-5) |
| <input type="checkbox"/> High Density Multi-Family (R-3) | <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> City Center (CC) | <input type="checkbox"/> Transitional Office (O) |
| <input type="checkbox"/> General Commercial (GC) | <input type="checkbox"/> Highway Commercial (HC) | <input type="checkbox"/> Light Industrial (M1) | <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) | If PUD, Complete separate PUD Application Form |

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:  Date: 9-30-24