

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA APPROVING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 22.22 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE MONET ROAD AND EAST STATE HIGHWAY CC INTERSECTION AND ZONING THE PROPERTY TO MULTIPLE ZONING DISTRICTS

Background:

The owners of 501 East State Highway CC have submitted an application for voluntary annexation of their 22.22-acre parcel. There is currently a single-family residence which was originally constructed in 1948 as well as several accessory structures clustered on the Western side of the property. The property owner is requesting 19-acres be zoned M-1 (light manufacturing) and the remaining 3.3-acres be zoned R-1 (single-family). If approved this property will be added to Council District 1.

Analysis:

Surrounding Land Use

To the east of the subject property is Monet Rd then Eagle Ridge subdivision which is zoned R-1 single family and within the Nixa city limit. North and West of the subject property are private residences located outside the city limit. The South boundary of the property is State Highway CC then various commercial uses. There is a substation adjacent to the Northeast corner of the subject property that supplies power to the City of Nixa.

Comprehensive Plan

The property subject to voluntary annexation is found in the Tier 1 planning area for the City of Nixa. The Nixa 2045 Comprehensive Plan Future Land Use map does not show a preferred land use designation on the property in question. The Future Land Use Map does indicate industrial use on property directly west of the subject property. The industrial designation continues to the west and also covers property on the south side of State Highway CC in this area.

Transportation

State Highway CC is a MoDOT route and is classified as a primary arterial roadway which requires 110' of right-of-way. Monet Road is classified as a collector, which requires 60' of right-of-way. The annexation plat shows 60' of right-of-way from the

center line of Highway CC adjacent to this property, and adequate right-of-way is present along Monet Road.

According to Section 15-133 of Nixa City Code, a traffic impact study is required for any development proposals that access either State Highway CC or Monet Road due to their classification. The study will evaluate any proposed development access points and their impact on surrounding streets.

Municipal Utilities (Water, Wastewater, Electric)

The subject property is in close proximity to both Nixa proper water and the recently acquired RDE water system. Connection to the RDE system is more conveniently located for looping and staff would recommend connection with the RDE system when development occurs. Connection to either of Nixa's water systems is required and the cost to extend the main will be incurred by the developer.

Sewer is available approximately 500' North of the subject property via an 8" main which was stubbed out to the West of Eagle Ridge subdivision along Monet Road. Reimbursement for capacity into the Northeast Regional Lift Station may be required at the time of development. Connection to Nixa sanitary sewer system is required and the cost to extend the main will be incurred by the developer.

Nixa electric is readily available on site. Electric service to the house is currently provided by a co-op and will not be required to switch providers. The developer plans to subdivide the property in the following months via a minor subdivision. This process will separate the house and the R-1 zoning from the rest of the property. At that time the City of Nixa will be the service provider for future industrial development.

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 January 7th meeting of the Planning and Zoning Commission. A representative for the property owner approached the Commission during the public hearing to answer questions. With all things considered, the P&Z Commission voted 7-0 to recommend approval to City Council.

Recommendation:

The property is compact and contiguous to the current city limit. The requested zoning is consistent with the surrounding area as well as the future land use map in the current comprehensive plan. Staff recommend approval of the annexation and zoning request. Staff recommends that the property be added to Council District 1.

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 22 ACRES OF REAL PROPERTY GENERALLY LOCATED AT
3 THE NORTHWEST CORNER OF THE INTERSECTION OF MONET ROAD AND EAST
4 HIGHWAY CC; ZONING SAID PROPERTY TO THE SINGLE FAMILY RESIDENTIAL
5 (R-1) ZONING DISTRICT AND THE LIGHT MANUFACTURING (M-1) ZONING
6 DISTRICT; AND AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-26 OF
7 THE NIXA CITY CODE.

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9 **WHEREAS** an Annexation Petition (“Petition”) requesting annexation into the City
10 of Nixa has been submitted by the owners of all fee interests of record of the real property
11 generally located at the northwest corner of the intersection of Monet Road and East
12 Highway CC; and

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

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

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

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27 **WHEREAS** additionally, an application has been filed for a zoning change of said
28 property (“Application”); and

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30 **WHEREAS** the Application requests that the City Council rezone said property to
31 the Single Family Residential (R-1) Zoning District and the Light Manufacturing (M-1)
32 Zoning District; and

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34 **WHEREAS** the Planning and Zoning Commission held a public hearing on the
35 Application at the Commission’s January 7, 2025, meeting; and

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

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

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45 **WHEREAS** the City Council also desires to amend Chapter 2, Article II, Section 2-
46 26 of the Nixa City Code, to assign said property to the appropriate City Council District.

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

SECTION 1: City Council, after holding a public hearing on the matter, hereby determines that the annexation of the property described as follows:

THE SOUTH 24 ACRES OF THE EAST HALF OF LOT ONE (1), SECTION ONE (1), TOWNSHIP TWENTY-SEVEN NORTH (27N), RANGE TWENTY-TWO WEST (22W). THAT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A 60D NAIL MARKING THE EAST QUARTER CORNER; THENCE N02°21'37"E, A DISTANCE OF 553.59 FEET TO A PK NAIL; THENCE N87°46'45"W, A DISTANCE OF 289.89 FEET TO A 1/2" IRON PIN, THENCE N02°26'31"E, A DISTANCE OF 259.56 FEET TO AN IRON PIN CAPPED "PLS 2231"; THENCE N87°46'32"W, A DISTANCE OF 1046.73 FEET TO AN IRON PIN CAPPED "LS 2077"; THENCE S02°13'07"W, A DISTANCE OF 772.77 FEET TO AN IRON PIN CAPPED "PLS 2427", SAID POINT BEING LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY CC AND THE SOUTH LINE OF THE EAST HALF OF LOT 1 OF SAID SECTION; THENCE S87°09'11"E, A DISTANCE OF 965.20 FEET AND ALONG SAID LINE TO AN IRON PIN CAPPED "PLS 2002014103"; THENCE N89°59'04"E, A DISTANCE OF 100.12 FEET ALONG SAID SOUTH LINE; THENCE ALONG A CURVE TO THE RIGHT AND SAID RIGHT-OF-WAY LINE, WITH SAID ARC HAVING A RADIUS OF 353.31 FEET, AND A CHORD BEARING S76°06'11"E WITH A CHORD LENGTH OF 145.43 FEET, A DISTANCE OF 136.28 FEET TO THE POINT OF TANGENCY; THENCE S65°03'11"E, A DISTANCE OF 12.40 FEET ALONG SAID RIGHT-OF-WAY LINE TO AN IRON PIN CAPPED "PLS 2002014103"; THENCE N77°04'41"E, A DISTANCE OF 107.00 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S29°40'44"E, A DISTANCE OF 35.84 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE SAID SOUTH LINE OF LOT 1; THENCE S86°52'05"E, A DISTANCE OF 2.75 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 22.2 ACRES.

is reasonable and necessary to the proper development of the City, that the City is able to furnish municipal services to the area to be annexed within a reasonable time after annexation, and that the area is contiguous and compact to the existing boundaries of the City.

SECTION 2: Pursuant to the provisions of Section 71.012 RSMo., the property described in Section 1 hereof is hereby annexed into the City of Nixa, Missouri. The boundaries of the City of Nixa are hereby altered to encompass the property described in Section 1.

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94 **SECTION 3:** The City Clerk, or designee, is hereby directed to provide certified
95 copies of this Ordinance to the Clerk of Christian County, the Assessor of Christian
96 County, and the Missouri Director of Revenue. The City Clerk, or designee, is further
97 authorized to perform any other administrative acts or provide any other documentation
98 to any other entity or party, provided such actions are consistent with the intent of this
99 Ordinance.

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101 **SECTION 4:** The property described as follows:

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103 A TRACT OF LAND IN THE EAST HALF OF LOT ONE (1), SECTION ONE
104 (1), TOWNSHIP TWENTY-SEVEN NORTH (27N), RANGE TWENTY-TWO
105 WEST (22W) OF THE FIFTH (5TH) PRINCIPAL MERIDIAN, BEING MORE
106 PARTICULARLY DESCRIBED AS:

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108 COMMENCING AT A 60D NAIL MARKING THE EAST QUARTER
109 CORNER OF SAID SECTION; THENCE N02°21'37 "E, 553.59 FEET TO A
110 PK NAIL; THENCE N87°46'45"W, 289.89 FEET TO A 1/2 INCH IRON PIN,
111 THENCE N02°26'31"E, 259.56 FEET TO AN IRON PIN CAPPED "PLS
112 2231"; THENCE N87°43'32"W, 1046.73 FEET TO AN IRON PIN CAPPED
113 "LS 2077"; THENCE S02°13'07"W, 272.77 FEET TO AN IRON PIN
114 CAPPED "YOUNG ENG 2017010699 " AND THE POINT OF BEGINNING;
115 THENCE S87°09'11"E, 354.00 FEET TO AN IRON PIN CAPPED "YOUNG
116 ENG 2017010699"; THENCE S02°13'07"W, 260.00 FEET TO AN IRON
117 PIN CAPPED "YOUNG ENG 2017010699"; THENCE N87°09'11"W, 104.00
118 FEET TO AN IRON PIN CAPPED "YOUNG ENG 2017010699"; THENCE
119 S40°01'14"W, 81.57 FEET TO AN IRON PIN CAPPED "YOUNG ENG
120 2017010699"; THENCE S02°13'07"W, 175.00 FEET TO AN IRON PIN
121 CAPPED "YOUNG ENG 2017010699", ON THE NORTH RIGHT-OF-WAY
122 LINE OF STATE HIGHWAY CC; THENCE N87°09'11"W, 200.00 FEET
123 AND TO AN IRON PIN CAPPED "PLS 2427"; THENCE N02°13'07"E,
124 500.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.3 ACRES

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126 is hereby zoned to the Single Family Residential (R-1) zoning district, and the regulations
127 of said district, as established in the Nixa City Code, and as may be amended from time
128 to time, shall hereafter apply to said real property.

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130 **SECTION 5:** The property described as follows:

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132 A TRACT IN THE EAST HALF OF LOT ONE (1), SECTION ONE (1),
133 TOWNSHIP TWENTY-SEVEN NORTH (27N), RANGE TWENTY-TWO
134 WEST (22W) FIFTH (5TH) PRINCIPAL MERIDIAN, BEING MORE
135 PARTICULARLY DESCRIBED AS:

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137 BEGINNING AT A 60D NAIL MARKING THE EAST QUARTER CORNER
138 OF SAID SECTION; THENCE N02°21'37"E, 553.59 FEET TO A PK NAIL;

139 THENCE N87°46'45"W, 289.89 FEET TO A 1/2 INCH IRON PIN, THENCE
 140 N02°26'31"E, 259.56 FEET TO AN IRON PIN CAPPED "PLS 2231";
 141 THENCE N87°43'32"W, 1046.73 FEET TO AN IRON PIN CAPPED "LS
 142 2077"; THENCE S02°13'07"W, 272.77 FEET TO AN IRON PIN CAPPED
 143 "YOUNG ENG 2017010699"; THENCE S87°09'11"E, 354.00 FEET TO AN
 144 IRON PIN CAPPED "YOUNG ENG 2017010699"; THENCE S02°13'07"W,
 145 260.00 FEET TO AN IRON PIN CAPPED "YOUNG ENG 2017010699";
 146 THENCE N87°09'11"W, 104.00 FEET TO AN IRON PIN CAPPED "YOUNG
 147 ENG 2017010699"; THENCE S40°01'14"W, 81.57 FEET TO AN IRON PIN
 148 CAPPED "YOUNG ENG 2017010699"; THENCE S02°13'07"W, 175.00
 149 FEET TO AN IRON PIN CAPPED "YOUNG ENG 2017010699", ON THE
 150 NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY CC; THENCE
 151 S87°09'11"E, 765.20 FEET TO AN IRON PIN CAPPED "PLS 2002014103";
 152 THENCE CONTINUING ALONG RIGHT-OF-WAY N89°59'04"E, 100.12
 153 FEET; THENCE CONTINUING ALONG RIGHT-OF-WAY CURVE TO THE
 154 RIGHT, RADIUS 353.31 FEET, CHORD BEARING S76°06'11"E, CHORD
 155 LENGTH OF 145.43 FEET, 136.28 FEET TO THE POINT OF TANGENCY;
 156 THENCE CONTINUING ALONG RIGHT-OF-WAY S65°03'11"E, 12.40
 157 FEET TO AN IRON PIN CAPPED "PLS 2002014103"; THENCE
 158 CONTINUING ALONG RIGHT-OF-WAY N77°04'41"E, 107.00 FEET;
 159 THENCE CONTINUING ALONG RIGHT-OF-WAY S29°40'44"E, 35.84
 160 FEET TO THE SAID SOUTH LINE OF LOT 1; THENCE DEPARTING
 161 RIGHT-OF-WAY S86°52'05"E, 2.75 FEET ALONG SAID SOUTH LINE TO
 162 THE POINT OF BEGINNING. CONTAINING 19.0 ACRES

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 164 is hereby zoned to the Light Manufacturing (M-1) zoning district, and the regulations of
 165 said district, as established in the Nixa City Code, and as may be amended from time to
 166 time, shall hereafter apply to said real property.

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 168 **SECTION 6:** The Director of Planning and Development, pursuant to section 117-
 169 57 of the Nixa City Code, shall amend the City’s official zoning map, said map being
 170 established pursuant to section 117-56 of the Nixa City Code, to reflect the zoning action
 171 contemplated by this Ordinance.

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 173 **SECTION 7:** Chapter 2, Article II, Division 1, Section 2-26 of the Nixa City Code is
 174 hereby amended by repealing said Section in its entirety and adopting in lieu thereof a
 175 new Section 2-26, which said Section shall read as follows (Explanation: Language in
 176 bold-face type (e.g., **thus**) is language to be to be added. Language in bold-faced
 177 brackets (e.g., [~~thus~~]) is not enacted and is intended to be omitted or deleted.):

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 179 Sec. 2-26. – City council district 1.

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 181 Nixa city council district 1 contains all that land within the corporate limits of the
 182 City of Nixa, on the effective date of Ordinance No. 2230 (November 12, 2021), located
 183 north of Northview Road and North Street.

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185 In addition to the foregoing area, city council district 1 shall include the following:

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187 **The area annexed by Ordinance No. [_____].**

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189 **SECTION 8:** The City Attorney when codifying the code changes made by Section
190 7, and once this Ordinance is in full force and effect, is authorized to provide the
191 Ordinance number assigned to this Ordinance in the blank space provided in Section 7,
192 at or around Line 187.

193

194 **SECTION 9:** The City Attorney, when codifying the provisions of this Ordinance, is
195 authorized to provide for different section numbers, subsection numbers, and different
196 internal citation references than those provided herein when such section numbers,
197 subsection numbers, or internal citation references are in error or are contrary to the intent
198 of this Ordinance.

199

200 **SECTION 10:** Savings Clause. Nothing in this Ordinance shall be construed to
201 affect any suit or proceeding now pending in any court or any rights acquired, or liability
202 incurred nor any cause or causes of action occurred or existing, under any act or
203 ordinance repealed hereby.

204

205 **SECTION 11:** Severability Clause. If any section, subsection, sentence, clause, or
206 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
207 the validity of the remaining portions of this Ordinance. The Council hereby declares that
208 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
209 phrase thereof, irrespective of the fact that any one or more sections, subsections,
210 sentences, clauses, or phrases be declared invalid.

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212 **SECTION 12:** This Ordinance shall be in full force and effect from and after its final
213 passage by the City Council and after its approval by the Mayor, subject to the provisions
214 of section 3.11(g) of the City Charter.

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217 **[Remainder of page intentionally left blank. Signatures follow on next page.]**

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231 **ADOPTED BY THE COUNCIL THIS 28th DAY OF JANUARY 2025.**

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PRESIDING OFFICER

ATTEST:

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF JANUARY 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY