

**ORDER OF THE  
CHRISTIAN COUNTY COMMISSION  
OZARK, MISSOURI**

**DATE ISSUED:** October 3, 2019  
**SUBJECT:** CASE NUMBER 2019-0208  
**TEXT:**

**ELF PROPERTY HOLDINGS LLC & ANDREW EVANS** petition the Christian County Commission to rezone a 1.84 acre tract of land from R-1 (Suburban Residence District) to C-2 (General Commercial District) in order to lawfully permit land use compatible with surrounding parcels and be reflected as such on the Christian County Zoning Map 1310 GUIN ROAD, NIXA, , MISSOURI, located within Parcel 05-0.8-34-3-1-1.000 which is legally described as follows:

**A PART OF THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-TWO (22), BEGINNING AT THE NORTHEAST CORNER OF SAID 20 ACRE TRACT, THENCE WEST 320 FEET, THENCE SOUTH 251 FEET, THENCE EAST 320 FEET, THENCE NORTH 251 FEET TO THE POINT OF BEGINNING, EXCEPT FOR EXISTING ROADS, IN CHRISTIAN COUNTY, MISSOURI.**

The Christian County Planning and Zoning Commission did, during public hearing on September 16, 2019 review this request and hear public comment. The motion to recommend approval of this change failed by a vote of 3 yea to 4 nay.

Now, therefore, after additional review of this case and having heard additional public comment the Christian County Commission did this day, upon a motion by Commissioner Robertson, seconded by Commissioner Phillips, by a unanimous vote to approve this request.

Done this 3rd day of October, 2019, at 10:30 a.m.

**CHRISTIAN COUNTY COMMISSION**

*Ralph Phillips*  
Ralph Phillips  
Presiding Commissioner

Yes X  
Dated: 10/3/19

*Mike Robertson*  
Mike Robertson  
Commissioner, Eastern District

Yes ✓  
Dated: 10.03.2019

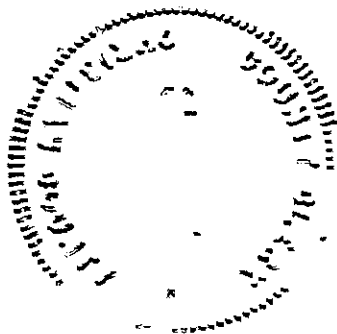
ABSENT  
Hosea Bilyeu  
Commissioner, Western District

Yes \_\_\_\_\_  
Dated: \_\_\_\_\_

**ATTEST:**

*Kay Brown*  
Kay Brown  
County Clerk

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# PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

**Request for Zoning Change**

**HEARING DATE: October 3, 2019**

**CASE NUMBER: 2019-0208**

**APPLICANT: Elf Property Holdings, LLC and Andrew Evans**

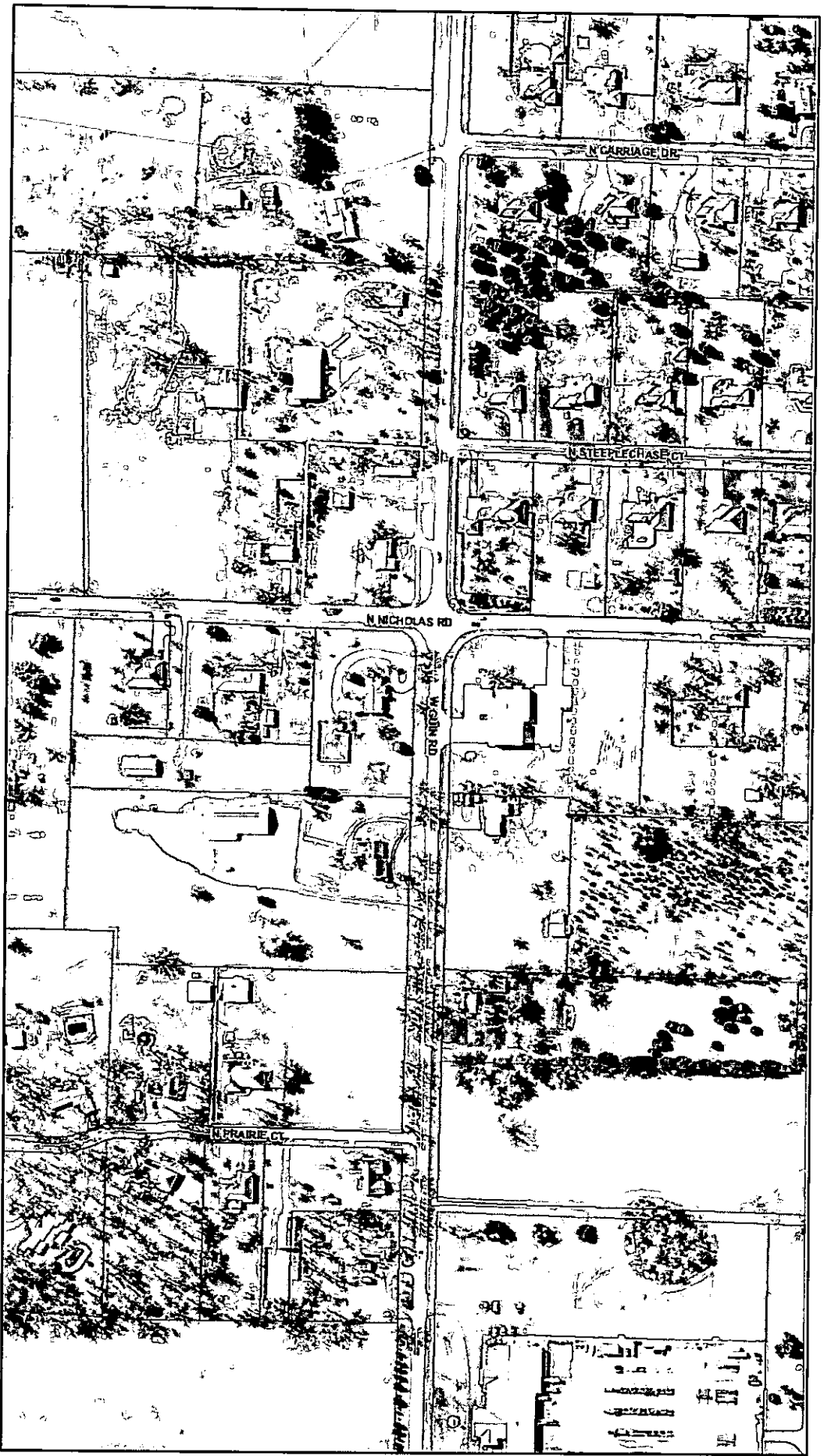
**CURRENT ZONING: R-1 Suburban Residence**



1106 W. Jackson St., Ozark, MO 65721 (417) 581-7242



**LOCATION:** Southwest corner of Guin Rd. and N. Nicholas Rd.



# Zoning in the area:



**PROJECT DESCRIPTION:**

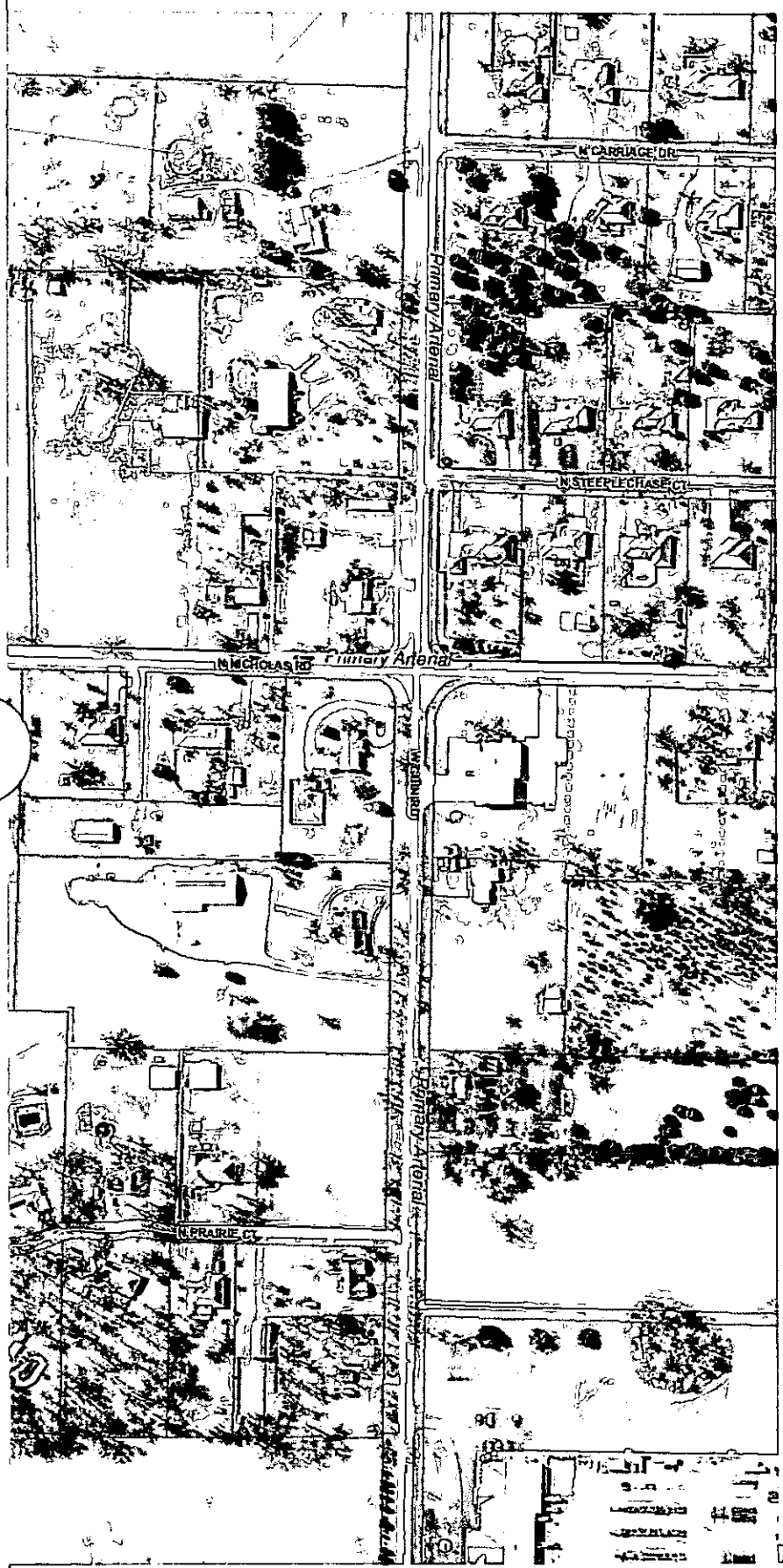
The applicant proposes the change in zoning classification for this parcel to C-2 in order that it can be lawfully utilized as a commercial site for a future primary commercial use, which would be acceptable within the C-2 district. The applicant has been informed that the site must be developed in accordance with the County's development regulations and that any new structure will be subject to inspection and must be in compliance with applicable codes administered by the Building Inspections Department.



# PLANNING / LAND USE ANALYSIS:

## Land Use Plan:

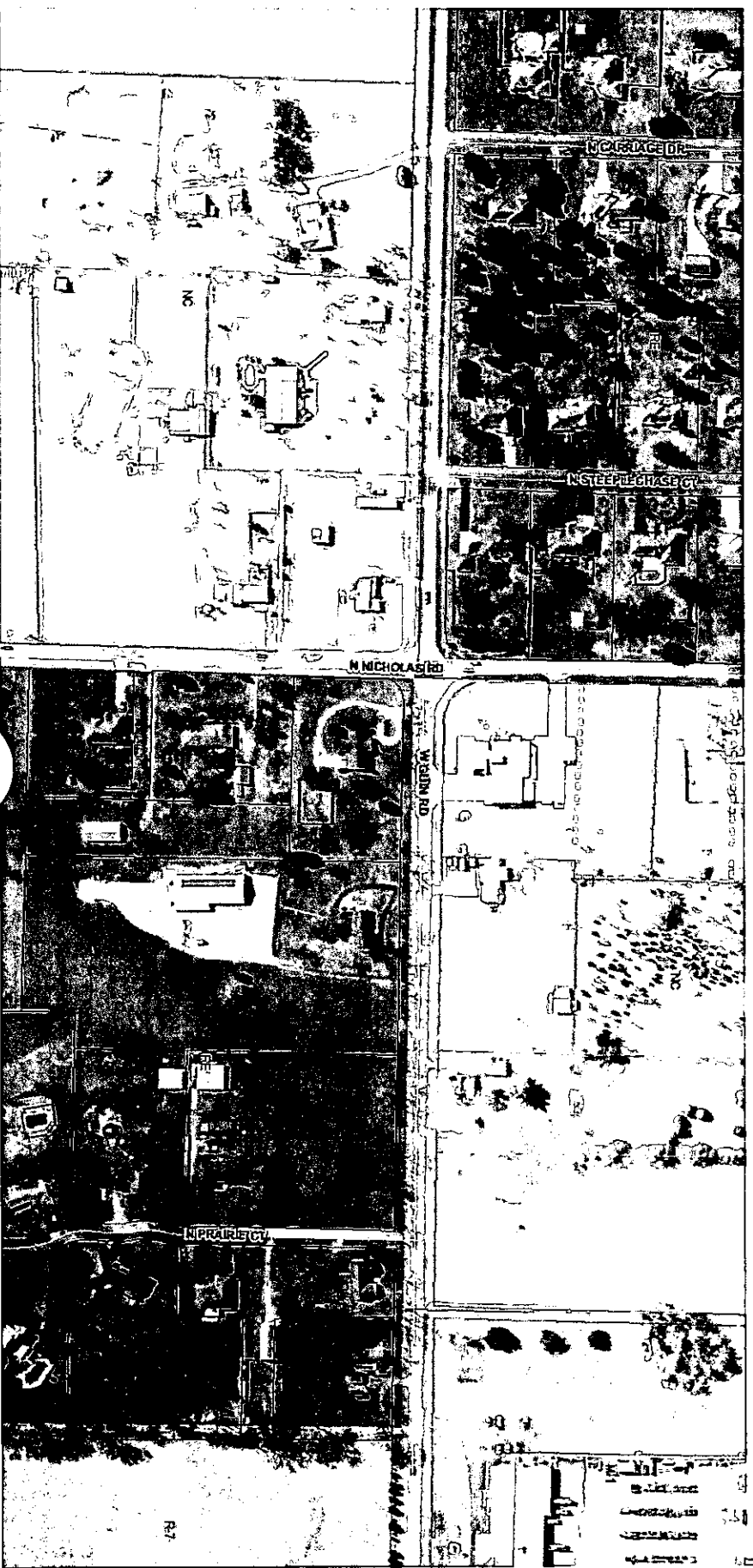
This property is located at the southwest corner of Guin Rd. (State Hwy AA) and Nicholas Rd. The OTO Major Thoroughfare Plan identifies both of these roads as a primary arterials.



# PLANNING / LAND USE ANALYSIS:

## *Land Use Plan:*

This parcel is also located in the Tier 2 Urban Service area of the City of Nixa. Nixa's Future Land Use Map designates this parcel as being appropriate for Neighborhood Commercial.





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## **PLANNING / LAND USE ANALYSIS:**

### *Compatibility:*

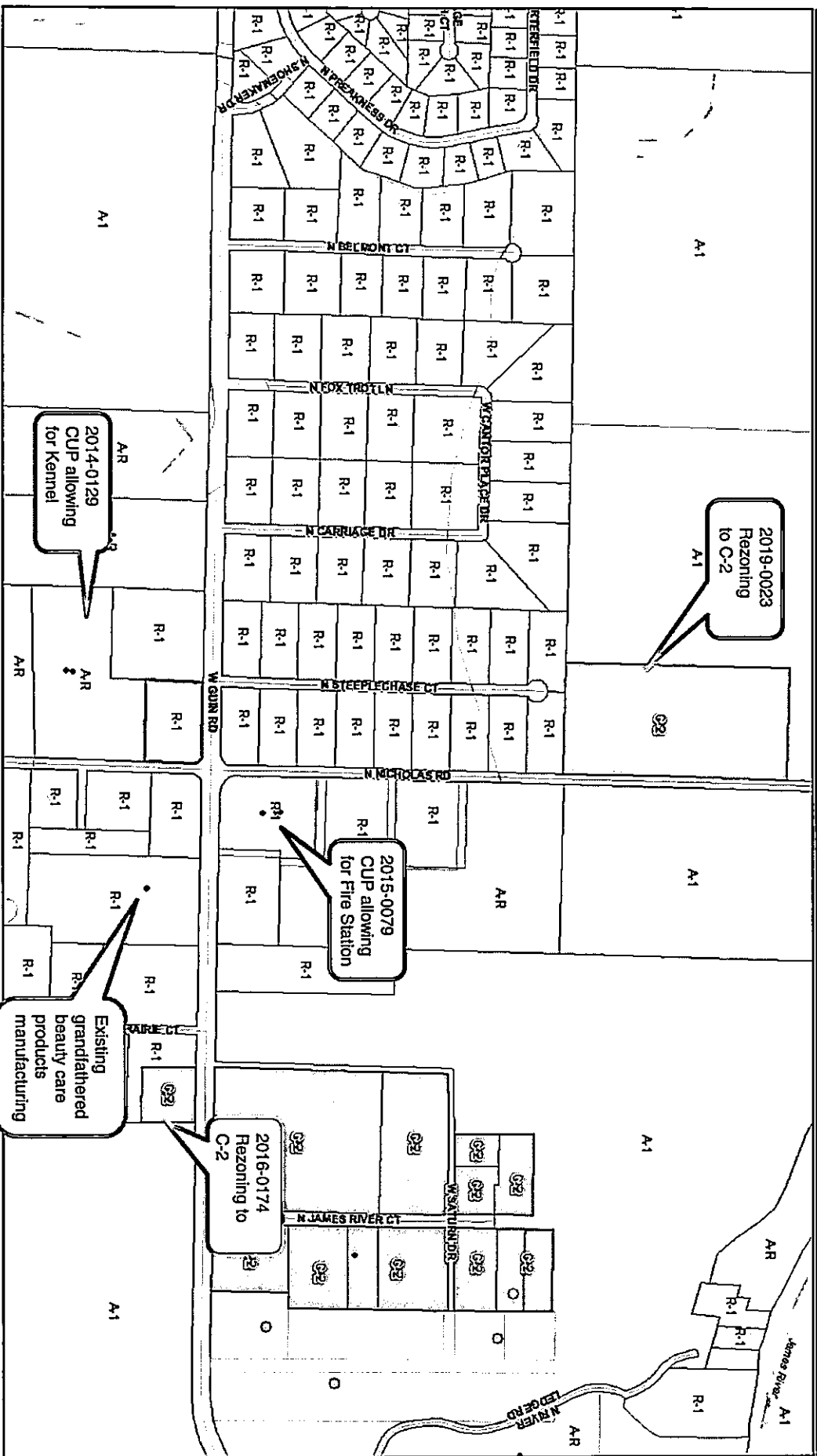
The parcel to be re-zoned as C-2 is located adjacent to a platted subdivision to the north along with other residential uses nearby. The property located diagonally across the intersection is home to a Nixa fire station and there are also other commercially developed properties in close proximity along Guin Rd. to the east.

The applicants have not expressed a specific intention to develop the site at this time. The setbacks required by the Zoning Regulations for many uses listed in Article 43 place a significant constraint on potential commercial uses which could be located on this small parcel.



**Compatibility:**

This map indicates the proximity of other recent land use cases and ongoing uses which suggest compatibility and also precedent supporting this request.



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## **PLANNING / LAND USE ANALYSIS:**

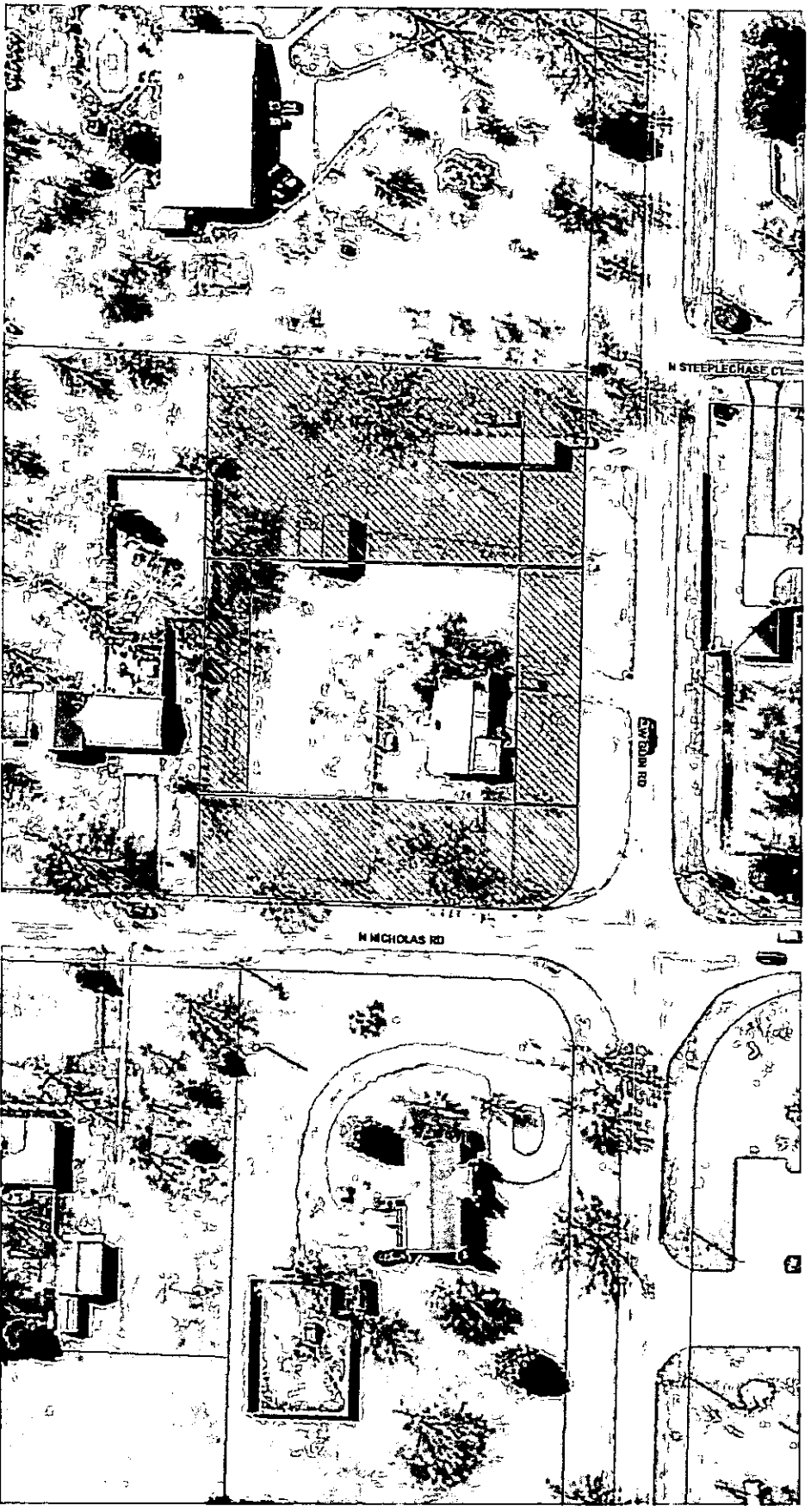
*Certain Principal Permitted Uses listed in Article 43 require a 200 foot setback from residentially zoned property. The application of this requirement eliminates the following uses from being located at this site:*

- *Bar, restaurant, cocktail lounge, liquor store, pool hall, bowling alley or similar enterprises.*
- *Drive-in eating and drinking establishments*
- *Building materials sales yard*
- *Contractors equipment storage*
- *Trucking and motor freight stations*
- *Warehousing*
- *Retail lumber yard*
- *Storage of grain, livestock feed or fuel*
- *Hauling establishments or vehicle storage*



**PLANNING / LAND USE ANALYSIS:**

Many other types of uses described in Article 43 require a 100 foot setback from residential districts.



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## **PLANNING / LAND USE ANALYSIS:**

### **Connectivity:**

The applicants are aware of the impact of the OTO MTP in terms of right-of-way requirements. Incorporating this into future development plans will help to facilitate future capacity improvements in the area.

### **Public Benefits:**

This change would allow for the establishment of a business which could provide future jobs and economic activity to the area.



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## **PROJECT/SITE ANALYSIS:**

### *Landscaping and Buffering:*

The applicant has not submitted a development site plan, therefore no provisions for landscaping or buffering have been offered or will be required at this time. Any specific requirements regarding landscaping, buffering or setbacks called for within the Zoning Regulations for a particular use would be administered and verified by staff prior to granting any certificate of occupancy.

### *Building Design:*

The site is currently occupied by a manufactured home. No official plans for a building have been submitted at this time. Any future structures will be subject to the codes administered by the Building Inspections Department.



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## **PROJECT/SITE ANALYSIS:**

### *Access:*

This parcel has approximately 525 feet of road frontage along Nicholas Rd. and Guin Rd. When the site plan is developed, the location and design of a commercial driveway would need to be approved by the Christian County Highway Department if placed along Nicholas. Any driveway located along State Hwy AA falls under the jurisdiction of MoDOT.

### *Utility Services:*

The site is currently served by an on-site well for its water and contains an individual septic system.



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## **ENVIRONMENTAL ANALYSIS:**

### *Stormwater Impact:*

It is expected that any new structure with associated required parking will add at least 5000 square feet of additional impervious coverage to this lot. A stormwater evaluation will be required as part of the site development process to determine if detention is required. Any required stormwater infrastructure would need to be constructed prior to the issuance of building permits.

### *Groundwater Impact:*

None is anticipated. If and when any building permits are applied for, the Christian County Health Department will perform an evaluation to determine appropriate capacity of the wastewater treatment system will be required.

### *Floodplain/Sinkhole Impacts:*

No known floodplain or sinkhole features are located on the property.





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## **TRANSPORTATION ANALYSIS:**

### *Traffic Impact:*

Approval and development of this site for a future use would require a traffic study to determine if a given proposed use would require the developer to make road improvements.

The fact that both Nicholas Rd. and Guin Rd. are classified as primary arterials for planning purposes indicates recognition by the local transportation planning organization that capacity improvements are needed and will take place as funding becomes available.

### *Access Management:*

The site will likely be accessed from an existing drive off of Guin Rd. or a yet to be determined point along N. Nicholas Rd. While no specific plans or requests have been submitted at this time, any commercial access point will need to be located away from the intersection.



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## **STAFF COMMENTS:**

Staff suggests the following factors support a decision for approval:

- This property is located at the intersection of a State Highway and one of our most heavily traveled roads.
- The property located diagonally across the intersection has been redeveloped as a fire station.
- The proximity of other existing non-residential uses in the area.
- The impact of design standards which will be imposed when capacity improvements take place.
- The weight of similar rezoning requests which have been approved by the County Commission.

Staff also believes that the required setbacks and open space requirements provided for within the Zoning Regulations will act as a reasonable buffer for the residential uses nearby.



**RECOMMENDATIONS:**

Staff recommends approval of this request.

The Planning and Zoning Commission reviewed this request at the September 16, 2019 hearing and a motion for a recommendation for approval failed by a vote of 3 yea to 5 nay. There was no formal motion made for a recommendation to deny this request, nor was there any articulation from the Board as to the reasoning why the motion did not pass.

