

Introduced by Hindman

First Reading 5-2-05 Second Reading 5-16-05

Ordinance No. 018504 Council Bill No. B 132-05

AN ORDINANCE

rezoning property located on the northwest corner of the existing intersection of Broadway and Trimble Road from District O-1 to District C-P; repealing all conflicting ordinances or parts of ordinances; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, is amended so that the following property:

A tract of land located in the southwest quarter of Section 8 T48N R12W and in the northwest quarter of Section 17 T48N R12W, in Columbia, Boone County, Missouri, being part of Lot 1A of Administrative Plat No. 1 of Hoyer Subdivision, recorded in book 750 page 810, and Lot 2A and part of Lot 2B of Administrative Plat No. 2 of Hoyer Subdivision, recorded in book 1012 page 536.

Beginning at the southwest corner of Lot 2B of Administrative Plat No. 2 of Hoyer Subdivision, recorded in book 1012 page 536, thence N 1°04'30"E, along the westerly line thereof, 161.56 feet; thence leaving said line, East 163.99 feet; thence N 68°24'00"E 392.30 feet; thence N 25°57'50"E 217.14 feet; thence N 54°14'10"E 325.13 feet; thence East 101.14 feet to the easterly line of Lot 1A of Administrative Plat No. 1 of Hoyer Subdivision, recorded in book 750 page 810 feet; thence S 0°31'40"E, along said line, 534.69 feet to the northerly right-of-way of Trimble Road; thence along said right-of-way, S 76°44'30"W 448.15 feet; thence along a curve to the left having a radius of 137.28 feet, a distance of 168.01 feet to the northerly right-of-way of East Broadway, the chord being S 41°40'50"W 157.72 feet; thence along said right-of-way, N 83°27'20"W 11.06 feet; thence S 61°38'10"W 59.31 feet; thence N 77°39'40"W

385.01 feet; thence N 61°56'40"W 18.53 feet to the beginning and containing 355,180 square feet or 8.15 acres.

will be rezoned and become a part of District C-P (Planned Business District) and taken away from District O-1 (Office District). Hereafter the property may be used for all permitted uses in District C-3 except for the following: bowling alleys; car washes; commercial greenhouses and plant nurseries; commercial swimming pools; kennels for boarding animals; miniature golf courses or driving ranges; mortuaries; self-service storage facilities; and, service stations. The statement of intent, marked "Exhibit A," is attached to and made a part of this ordinance.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. The rezoning of the property described in Section 1 shall be subject to the following conditions:

1. A maximum allowed total build out of the traffic equivalent of 29,000 square feet of restaurant space using the average trip generation rate for high turnover restaurants as published by the Institute of Transportation Engineers (ITE).
2. If the City finds the left turn out movement occurring at the road connection to Trimble Road causes unsafe traffic conditions, the City reserves the right at its sole discretion to prohibit left turns from Trimble Road. This condition shall run with the land.
3. A dedicated left turn lane shall be provided by the developer from Trimble Road to access the development.
4. The left turn lane from Broadway to the site shall be designed in accordance with Missouri Department of Transportation Access and Management Policies. Developer shall construct a right turn lane at this driveway. The lengths of the turn lanes shall follow the guidelines as outlined in the ITE Transportation and Lane Development manual.
5. Plans for the development shall be submitted to Public Works for approval prior to construction.

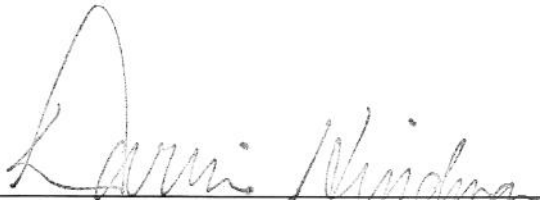
SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this 16th day of May, 2005.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

THE BROADWAY SHOPS, LLC

P.O. Box 1037
Columbia, MO 65205
Telephone (573) 446-5500
Fax (573) 446-5050

April 25, 2005

Mr. William Watkins, Acting Director
Department of Planning and Development
City of Columbia
701 E. Broadway
Columbia, MO 65201

Re: Statement of Intent

Dear Mr. Watkins:

In accordance with Section 29-17 of the City of Columbia Code of Ordinances, we submit and agree to abide by the following Statement of Intent, as part of our C-P Rezoning application.

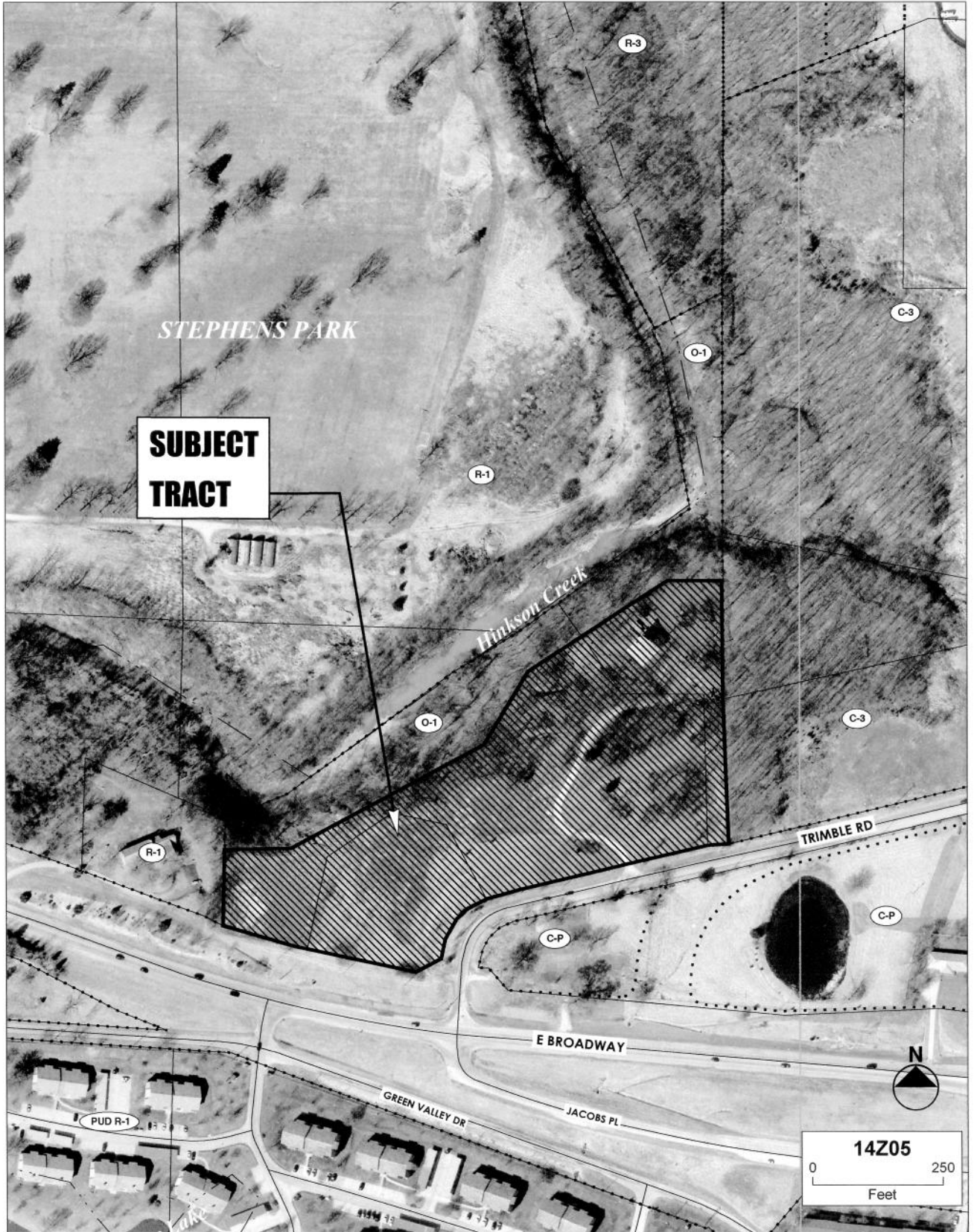
- a. The following uses shall be allowed on this property: All permitted uses in a C-3 district, with the exception of the following:
 - a. Bowling alleys
 - b. Car Washes
 - c. Commercial Greenhouses and Plant Nurseries
 - d. Commercial Swimming Pools
 - e. Kennels for boarding animals
 - f. Miniature Golf Courses or Driving Ranges
 - g. Mortuaries
 - h. Self Storage Facilities
 - i. Drive-In Theaters
 - j. Halfway Houses
 - k. Live Adult Entertainment businesses
- b. The maximum gross square feet of building floor area will be two hundred thousand (200,000) square feet.
- c. The maximum height of any building on the site will be seventy-five (75) feet.
- d. The minimum percentage of the site to be maintained in open space will be 15%.

Respectfully,



Jay R. Lindner, Vice President
FORUM DEVELOPMENT GROUP

cc: José L. Lindner, President



Sec. 29-14. District C-1, Intermediate Business District.

(a) Purpose. This district is intended to provide commercial shopping and service facilities in or near a residential neighborhood. The principal land use is a small shopping area with sales and services oriented to the needs of a local population.

(b) Permitted Uses. In District C-1, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All Permitted Uses in District O-1.

Alcoholic beverage sales by the package or as an accessory use to a restaurant.

Alcoholic beverage sales in the original package or by the drink on licensed premises shall be permitted in restaurants or similar places where substantial quantities of food are served, all in compliance with the alcoholic beverage regulations of Chapter 4 of this Code.

Barber and beauty shops.

Buildings and premises for public utility services or public service corporations.

Cleaning, pressing and dyeing establishments, provided that no explosive cleaning fluids shall be used.

Laundries, coin operated.

Pet stores and grooming shops, for small animals.

Photographic service shops and studios.

Physical fitness centers, private gymnasiums and reducing salons.

Printing shops, provided the total mechanical power used in the operation of such printing plant shall not exceed five (5) horsepower.

Radio and television sales and services.

Repair of household appliances.

Amended to May 5, 2003

Restaurants, cafes or cafeterias, which provide no form of entertainment.

Restaurants, cafes or cafeterias which provide live or recorded music, provided that such music is played indoors only and further provided that the music from any such restaurant, cafe or cafeteria shall not be plainly audible at the property line of the property on which the building housing such restaurant, cafe or cafeteria is located.

Schools operated as a business, except trade schools.

Shoe repair shops.

Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside a building in the required front yard or in any side or rear yard adjacent to a residential zoning district.

Accessory uses, including drive-up facilities, customarily incidental to any of the above uses.

Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-27 of this chapter.

(c) Conditional Uses. The following uses shall be permitted in District C-1 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23.

Assembly or lodge halls.

Bakeries.

Car washes, coin-operated or attendant-operated.

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Halfway houses for young offenders for not more than forty (40) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, halfway houses and other halfway houses for young offenders.

Amended to May 5, 2003

Hospitals for small animals, if within an enclosed building.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Self-service storage facilities, subject to the following conditions:

- (1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-17 (d)(6).
- (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
- (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (5) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (6) Building heights shall be limited to fourteen (14) feet.
- (7) Loading docks shall be prohibited.

Service stations, provided all fuel storage tanks are located underground.

Trade schools.

(d) Height and Area Regulations. In District C-1, any building or portion of a building hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions):

- (1) Lot Size. No minimum requirement.

Amended to May 5, 2003

- (2) Yards.
 - a. Front - Not less than twenty-five (25) feet.
 - b. Rear - Not less than ten (10) feet, except that no rear yard is required where the lot line of the rear yard abuts property in a nonresidential district.
 - c. Side - No minimum requirement, except that:
 - 1. On corner lots there shall be a side yard adjacent to the side street of not less than fifteen (15) feet; and
 - 2. Where a C-1 District abuts any residential district, there shall be a side yard of not less than ten (10) feet.
- (3) Height. Not over thirty-five (35) feet.
- (4) Vision. On any corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.
- (5) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.162; Ord. No. 9958, Sec. 1, 10-3-83; Ord. No. 10041, Sec. 1, 1-3-84; Ord. No. 11702, Sec. 1, 12-7-87)

Amended to May 5, 2003

Sec. 29-15. District C-2, Central Business District.

(a) Purpose. This district is intended to provide for commercial facilities in the Central Business District. The principal land uses are retail sales, services, offices and public facilities.

(b) Permitted Uses. In District C-2, no building, land, or premises shall be used and no building shall be hereafter erected, constructed, reconstructed, or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All permitted uses in District C-1, with the exception that dwelling units shall also be subject to Section 29-8(d)(6).

Armories.

Assembly and lodge halls.

Automobile repair facilities, provided that all repair shall take place within an enclosed building.

Bakeries.

Bars, cocktail lounges and night clubs.

Billiard halls and game arcades.

Bicycle repair shops.

Bus stations.

Car washes, coin-operated or attendant-operated.

Electrical repair shop.

Garment storage facilities.

Government buildings and facilities.

Hospitals for small animals, if within an enclosed building.

Hotels.

Amended to May 5, 2003

Laundries, commercial.

Lumberyards.

Multi-level, underground or covered commercial parking for automobiles and light trucks.

Newspaper Publishing Plants.

Printing Shops.

Restaurants, cafes and cafeterias.

Service stations, provided all fuel storage tanks are located underground.

Shops for custom work, or the manufacture of articles to be sold at retail only on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground thereof, and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Sign painting shops.

Theaters, not including drive-in theaters.

Trade schools.

Wholesale sales offices and sample rooms.

Customary accessory uses including drive-up facilities, subject to the provisions of Section 29-27.

Any retail business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

(c) Conditional Uses. The following uses shall be permitted in District C-2 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23:

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size

Amended to May 5, 2003

and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Hospitals for human beings, medical or dental clinics, sanitariums, and medical laboratories.

Mortuaries, which may include a crematory.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Uncovered, surface commercial parking for automobiles and light trucks, except for publicly-owned parking facilities.

Uncovered, surface off-street parking areas, except for publicly-owned parking facilities.

(d) Height and Area Regulations. In District C-2, any building, portion of a building or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions):

- (1) Lot Size. No minimum requirement.
- (2) Yards. No minimum requirement.
- (3) Building Height. No maximum height.
- (4) Vision Clearance. No requirement.
- (5) Floor Area. No minimum requirement.
- (6) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.163; Ord. No. 9958, Sec. 1, 10-3-83; Ord.No. 11702, Sec. 1, 12-7-87; Ord. No. 12088, Sec. 1, 12-12-88)

Amended to May 5, 2003

Sec. 29-16. District C-3, General Business District.

(a) Purpose. This district is intended to allow for a broad range of commercial activities that may often be oriented toward automobile access and visibility. The principal land uses are sales and service activities.

(b) Permitted Uses. In District C-3, no building, land or premises shall be used and no building shall be hereafter erected, constructed, reconstructed or altered except for one or more of the following uses (for exceptions, see Section 29-28, Non-Conforming Uses, and Section 29-31, Board of Adjustment):

All permitted uses in District C-2 except that dwelling units shall be subject to Section 29-8(d).

Bowling alleys.

Car washes.

Commercial greenhouses and plant nurseries.

Commercial parking for automobiles and light trucks.

Commercial swimming pools.

Customary accessory uses, including drive-up facilities, subject to the provisions of Section 29-23.

Farm machinery sales and services, provided no repair facilities shall be maintained or used outside the building.

Hospitals, medical or dental clinics, sanitariums, and medical laboratories.

Kennels for the boarding of animals, subject to the following conditions:

- (1) The minimum site size shall be two (2) acres.
- (2) The maximum density shall be fifty (50) animals, cared for at full capacity, per acre.
- (3) Any outside animal run structure, pen or enclosure shall be fully fenced (including overhead).
- (4) A secondary or perimeter fence or wall shall be constructed around all outside animal runs.

Amended to May 5, 2003

- (5) The minimum yard, when the facility abuts residential uses and/or zoning, shall be one hundred (100) feet to an unvoided wall or two hundred (200) feet to outside animal runs.

Miniature golf courses or driving ranges.

Mortuaries, which may include a crematory.

Motels.

Motor vehicle or trailer sales and service, provided no dismantling or storage of parts or inoperable vehicles occurs outside.

Rental services.

Self-service storage facilities, subject to the following conditions:

- (1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, compressed flammable gas tanks, or gasoline containers in excess of two (2) gallons, which shall be stored only in exterior areas screened from the view from any street frontage.
- (2) Where the site is adjacent to residentially-zoned land, a permanent screen shall be required and shall conform to the provisions of Section 29-17 (d)(6).
- (3) Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.
- (4) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances and other similar equipment shall be prohibited.
- (5) The sale of any item from the facility or the conduct of any type of commercial activity at the facility shall be prohibited.
- (6) Building heights shall be limited to fourteen (14) feet.
- (7) Loading docks shall be prohibited.

Amended to May 5, 2003

Any retail or wholesale business or use of a similar character to those listed above, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Tree trimming and removal services.

(c) Conditional Uses. The following uses shall be permitted in District C-3 only after the issuance of a conditional use permit pursuant to the provisions of Section 29-23:

Drive-in theaters.

Halfway houses for not more than fifteen (15) occupants, provided that the Board finds that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, other halfway houses and halfway houses for young offenders for not more than forty (40) occupants.

Halfway houses for young offenders for not more than forty (40) occupants, provided that the Board find that the proposed use would not be detrimental to the public interest considering the size and character of the proposed facility and its proximity to schools, churches, mosques, synagogues, residences, halfway houses and other halfway houses for young offenders.

Live adult entertainment businesses, subject to the following:

- (1) Such uses shall not be located within seven hundred fifty (750) feet of any church, mosque, synagogue, school, college, university, park, athletic field, recreational facility for children, residence or residentially zoned district. Such uses shall not be located within one thousand (1,000) feet of any other live adult entertainment business.

Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the live adult entertainment business to the nearest point on the property line of such church, mosque, synagogue, school, college, university, park, athletic field, recreational facility for children, residence, residentially zoned district or other live adult entertainment business.

- (2) Notwithstanding any provision in Chapter 23 to the contrary, a live adult entertainment business shall have no more than one (1) on-premise sign which shall be a wall sign approved by the Board of Adjustment as part of the conditional use permit. The surface area of the sign shall not exceed

Amended to May 5, 2003

ten percent (10%) of the area of the wall to which it is attached. The sign shall not be a neon or similar sign. The sign may be illuminated but shall not be a flashing sign. The sign shall not depict any portion of the human anatomy.

- (3) No sign shall be placed in any window.
- (4) No flashing lights or colored lights or string of lights shall be placed on the outside of the building or on the inside of the building so that the lights can be viewed from outside the building.
- (5) The premises of all live adult entertainment businesses shall be constructed to include a partition or other physical barrier on all customer entrances, that will ensure that the interior of the business is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with a partition or other physical barrier shall be covered so as to prevent observation of the interior of the premises from the exterior of the building. No live adult entertainment business shall be conducted in a manner that permits the observation of entertainers, servers or employees from the exterior of the building.
- (6) On-premise advertisement, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- (7) Notwithstanding the provisions of section 29-30(g), required off-street parking for a live adult entertainment business shall be located on the premises of the business.

Machine shops.

Plumbing, heating, air conditioning, and electrical businesses, which may include related customary activities such as contracting, retail and wholesale sales and distribution.

Research and development laboratories, provided there is minimal/insignificant use of hazardous materials based on a risk assessment.

Testing Laboratories.

(d) Height and Area Regulations. In District C-3 any building or portion of a building hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see Section 29-26, Height and Area Exceptions).

Amended to May 5, 2003

- (1) Lot Size. No minimum requirement.
- (2) Yards:
 - a. Front - Not less than twenty-five (25) feet.
 - b. Rear - Not less than ten (10) feet, except that no rear yard is required where the rear lot line abuts property in a nonresidential district.
 - c. Side - No minimum requirement, except that;
 1. On corner lots there shall be a side yard adjacent to the side street of not less than fifteen (15) feet; and
 2. Where a C-3 District abuts any residential district, there shall be a side yard of not less than ten (10) feet.
- (3) Building Height. Not over forty-five (45) feet, except that the height may exceed forty-five (45) feet provided that for each additional foot of height, one additional foot of setback shall be provided for all yards.
- (4) Vision Clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three feet above the curb level, within 15 feet of the intersection of the street right-of-way lines.
- (5) Parking. (See Section 29-30, Off-Street Parking and Loading.)

(Code 1964, Sec. 19.164; Ord. No. 9958, Sec. 1, 10-3-83; Ord. No. 11703, Sec. 1, 12-7-87; Ord. No. 11767, Sec. 2, 2-1-88; Ord. No. 12088, Sec. 1, 12-12-88)

Amended to May 5, 2003