

Introduced by Buffalo
 First Reading 2-5-24 Second Reading 2-19-24
 Third Reading 3-4-24
 Ordinance No. 025590 Council Bill No. B 17-24

AN ORDINANCE

granting the issuance of a conditional use permit to TKG St. Peters Shopping Center, LLC to allow the establishment of a drive-up facility (restaurant) on property located at 209 S. Providence Road in an M-DT (Mixed-use Downtown) zoning district; providing a severability clause; and fixing the time when this ordinance shall become effective.

WHEREAS, pursuant to Section 29-6.4(m)(1) of the City Code, the Planning and Zoning Commission (hereinafter "Commission") held a public hearing and submitted a written recommendation to the City Council related to issuance of a conditional use permit on property located at 209 S. Providence Road and legally described as set forth in "Exhibit A" attached hereto and incorporated by reference; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-6.4(m)(2)(i) of the City Code.

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

SECTION 1. The City Council finds and determines that the criteria established in Section 29-6.4(m)(2)(i) of the City Code have been met and hereby grants the issuance of a conditional use permit to TKG St. Peters Shopping Center, LLC to allow the establishment of a drive-up facility (restaurant) on property located at 209 S. Providence Road in an M-DT (Mixed-use Downtown) zoning district, subject to the following conditions:

- a. The conditional use permit is granted to the property owner and shall be valid for the duration of the use or revocation of the permit. Any discontinuance of the use of the property for a drive-up facility for a period of twelve (12) months or more or any change in the character of the use shall render the permit null and void.
- b. The drive-up facility shall be constructed in substantial conformance with the conceptual site plan as set forth in "Exhibit B" attached hereto and incorporated by reference with particular emphasis placed upon traffic movement and shared access drives to accommodate the drive-up traffic.

- c. The conditional use permit shall apply only to the 0.80 acre portion of the property shown on the conceptual site plan for construction of the drive-up facility and is non-transferrable to another location.
- d. Access to the site shall be from a shared access driveway extending from the intersection of Providence Road and the "Backage Road" located north of Elm Street. The site shall not have a separate entrance or exit drive onto Providence Road.
- e. The property owner shall comply with the requirements of District M-DT and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- f. The allowed use, per this conditional use permit, shall not create negative impacts on neighboring properties and rights-of-way, including but not limited to:
 - 1. Lighting and glare beyond the property lines;
 - 2. Excessive noise; or
 - 3. Storm water impacts.
- g. If any of the conditions of this conditional use permit are not complied with, the City Council, upon recommendation of the Commission following written notice and a noticed public hearing by the Commission, may in addition to revoking the permit, amend, alter, delete or add conditions to the permit.

SECTION 2. The provisions of this ordinance are severable and if any provision is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this 4th day of March, 2024.

ATTEST:

Holly Alexander
Deputy City Clerk

Barbara Buflalo
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor