

Ordinance No. 18359

Council Bill
No. B 402-04 A

AN ORDINANCE

rezoning property located on the north side of Broadway, south of West Ash Street, between Fairview Road and Park De Ville Avenue from Districts R-1 and C-1 to District C-P; repealing all conflicting ordinances or parts of ordinances; imposing conditions on the rezoning; 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 property described in Exhibit A which is attached to and made a part of this ordinance will be rezoned and become a part of District C-P (Planned Business District) and taken away from Districts R-1 (One-Family Dwelling District) and C-1 (Intermediate Business District). The property may be used for all C-1 uses. The property may not be used for overnight parking of recreational vehicles or for a fast food restaurant with a drive-thru.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 local nonresidential street shall be extended along the northern edge of the subject tract from the present Fairview Road/West Ash Street intersection west to Park De Ville Drive to intersect south of the property owned by the Columbia School District.
2. The property shall be limited to a Floor Area Ratio (FAR) of no more than 0.22.
3. Driveway access to the site will be limited to the driveways and locations shown in Exhibit B (Illustrative Site Diagram) of the December 14, 2004 amended and restated application for rezoning. Additional lots or tracts created as part of a C-P site plan or subdivision plat will not be permitted to have direct driveway access on to Broadway, Fairview Road, and Park De Ville Drive. Traffic circulation internal to the site will be designed to accommodate shared driveway locations.

4. The development plan for this property shall be consistent with the representations set forth in the December 14, 2004 amended and restated application for rezoning and with the representations made by property owners' representatives at the public hearings on this matter before the Planning and Zoning Commission and the City Council.
5. The ordinance approving the C-P development plan shall provide that no building permit shall be issued for any building on the property until the City Council has determined, by resolution, that: (i) adequate financial resources are available to the applicant to fund all street improvements and other improvements referred to in the December 14, 2004, amended and restated application for rezoning; and (ii) that all necessary governmental approvals required for said improvements have been requested in the proper manner from all of the necessary governmental authorities.
6. The ordinance approving the C-P development plan shall provide that no occupancy permit shall be issued for any building on the property until the City Council has determined, by resolution, either: (i) all street improvements and other improvements referred to in the December 14, 2004, amended and restated application for rezoning have been substantially completed; or (ii) if any street improvement will not be substantially completed by the time any occupancy permit otherwise could be issued but for the fact that said street improvements are not completed, the applicant shall nevertheless be entitled to such occupancy permit if: (a) the applicant posts a surety bond or equivalent financial security equal to the cost of completing said uncompleted improvements; and (b) the applicant demonstrates that the completion thereof has been delayed due to circumstances reasonably beyond the control of the applicant; and (c) the applicant provides reasonable assurances that the improvements which have been delayed will be completed as soon as it becomes reasonably possible to do so.
7. No deliveries shall be made from Park De Ville Drive.
8. The Wal-Mart store shall be no larger than 173,500 square feet. An additional 10,000 square feet may be added to the other retail shops.

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

PASSED this 3rd day of January, 2005.