

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.

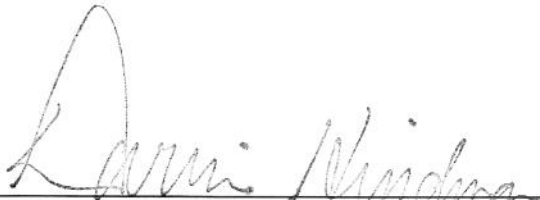
SECTION 4. This ordinance shall be in full force and effect from and after its passage.

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

