

Introduced by Treece

First Reading 9-20-21

Second Reading 10-4-21

Third Reading 10-18-21

Ordinance No. 024793

Council Bill No. B 297-21

**AN ORDINANCE**

granting the issuance of a conditional use permit to MFL Golf, LLC to allow "outdoor recreation or entertainment" uses on property located at 5500 W. Van Horn Tavern Road in an O (Open Space) 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 5500 W. Van Horn Tavern 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 has been met and hereby grants the issuance of a conditional use permit to MFL Golf, LLC to allow "outdoor recreation or entertainment" uses on property located at 5500 W. Van Horn Tavern Road in an O (Open Space) 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 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 addition of any outdoor recreation or entertainment activity not presently on the property or that will result in an expansion of an existing activity by more than 20% (in size and scale) shall require an amendment to this conditional use permit, including the submission and approval of an updated site plan.
- c. The potential "outdoor recreation or entertainment" uses shall be limited to those set forth in "Exhibit B" attached hereto and incorporated by reference

and includes the following activities: par 3 golf course, mini-golf course, batting cages, go-cart track, yard games, driving range, corn maze area, and laser tag.

- d. A transportation impact analysis shall be submitted at the time of the subdivision plat submission provided the existing development will produce 100 or more trips in and out of the development site at peak hour.
- e. A transportation impact analysis shall accompany any amendment to the conditional use permit when either the existing or proposed activity/activities shall produce 100 or more trips in and out of the development site at peak hour.
- f. The property owner shall comply with the requirements of District O and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- g. The allowed uses, 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 between the hours of 10:00 p.m. and 7:00 a.m.;
  - 2. Excessive noise not compatible with the authorized use;
  - 3. Dust and odor;
  - 4. Excessive traffic not compatible with the authorized use or surrounding neighborhood;
  - 5. Storm water impacts; or
  - 6. Physical appearance not compatible with the authorized use or surrounding neighborhood.
- h. 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 18th day of October, 2021.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
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Mayor and Presiding Officer

APPROVED AS TO FORM:

  
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City Counselor