

this plan over the past three years. He did not think there was anything about the plan that the Association was not consulted about. Mr. Casick said they also felt the private agreement was fair, equitable, and it would serve both sides to their advantage. The Chapel Hill Lake Homeowners Association were in support of the applicant's request.

Mr. Kruse congratulated the neighborhood association on a job well done. He asked if there was any discussion about the possible use of neon lighting on the buildings. Mr. Casick believed there was a provision in the agreement regarding the direction of the lighting and the brightness at the border of the development. Mr. Kruse thought that was for the street lighting. Mr. Casick said that was correct. Mr. Kruse said he did not see anything that would preclude a store from wrapping itself in neon lights. Mr. Casick agreed. Mr. Kruse said he would not like to see a lot of bright, neon lights on buildings. Mr. Campbell reminded Mr. Kruse that the Council only had the City agreement in front of them. Mr. Campbell remembered some discussion regarding the brightness and the direction of lighting. Mr. Casick read from their agreement the stipulations regarding signage within the development.

Dr. George Gibb, owner of the office building to the north of the subject property, said he was pleased with the plan. He said it was a good plan and something they could be proud of.

Mayor Hindman closed the public hearing.

Mr. Campbell noted that both sides had been very willing to negotiate. He said this may not be ideal from anyone's perspective, but it was something everybody could live with. He complimented both sides.

Mrs. Crockett said she was grateful that Mr. Campbell had volunteered to work with both sides as it made the Council's job a lot easier.

B74-97 as amended was given third reading with the vote recorded as follows: VOTING YES: CROCKETT, CAMPBELL, KRUSE, HARLINE, HINDMAN, COBLE, JANKU. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

Introduced by Campbell

First Reading March 3, 1997 Second Reading March 17, 1997

Ordinance No. 015185 Council Bill No. B 74-97 A

#### AN ORDINANCE

amending the Zoning District Map established and adopted by Section 29-4 of the Code of Ordinances of the City of Columbia, Missouri, by changing and amending the zoning map whereby property located on the southwest corner of Forum Boulevard and Chapel Hill Road will be rezoned and become a part of C-P (Planned Business District) and O-P (Planned Office District); amending the Land Use Plan; repealing all conflicting ordinances or parts of ordinances; approving the O-P/C-P development plan of Forum Chapel Plaza; authorizing an agreement with Limerick Heights, Inc., for off-site street improvements; 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 hereby amended and changed to rezone the following described property, to wit:

#### Tract A

Part of the southeast quarter of Section 22, Township 48 North, Range 13 West, City of Columbia, Boone County, Missouri, being part of the tract described by the Deed in Book 464, Page 888, being part of Tract 1 of the survey in Book 1246, Page 380, all of the Boone County Records, being more particularly described as follows:

Starting at the east quarter corner of said Section 22, thence N84°31'45"W, along the quarter section line, 787.60 feet; thence leaving the quarter section line, S00°15'55"W, 159.68 feet to the northeast corner of Chapel Ridge Subdivision, recorded in Plat Book 26 Page 73 of the Boone County records, also being a point on the south right-of-way line of Chapel Hill Road, and the northwest corner of Tract 1 of said survey in Book 1246, Page 380; thence S64°10'15"E, along the north line of said Tract 1, also being the south right-of-way line of said Chapel Hill Road, 259.50 feet to the point of beginning.

Thence from the point of beginning, continuing S64°10'15"E, 529.60 feet to the northeast corner of said Tract 1, also being a point on the west right-of-way line of Forum Boulevard; thence continuing with the lines of said Tract 1 of said survey in Book 1246, Page 380, and the west right-of-way line of said Forum Boulevard, S25°49'45"W, 284.37 feet; thence with a curve to the left, 355.45 feet, curve radius 1472.39 feet, chord S18°54'45"W, 354.60 feet; thence S11°59'45"W, 280.85 feet; thence leaving the west right-of-way of said Forum Boulevard, and the east line of said Tract 1, N80°22'30"W, 103.35 feet; thence with a non tangent curve to the right, 172.51 feet, curve radius 47.00 feet, chord N65°13'30"W, 90.75 feet; thence with a curve to the left, 18.35 feet, curve radius 30.00 feet, chord N22°22'45"E, 18.10 feet; thence N4°49'45"E, 673.85 feet; thence with a curve to the right, 28.00 feet, curve radius 275.80 feet, chord N7°44'15"E, 28.00 feet; thence with a non tangent line N63°36'30"W, 198.25 feet; thence N25°49'45"E, 263.80 feet to the point of beginning and contains 7.12 acres.

### Tract B

Part of the southeast quarter of Section 22, Township 48 North, Range 13 West, City of Columbia, Boone County, Missouri, being part of the tract described by the deed in Book 464, Page 888, being part of Tract 1 of the survey in Book 1246, Page 380, all of the Boone County Records, being more particularly described as follows:

Starting at the east quarter corner of said Section 22, thence N84°31'45"W, along the quarter section line, 787.60 feet; thence leaving the quarter section line, S00°15'55"W, 159.68 feet to the northeast corner of Chapel Ridge Subdivision, recorded in Plat Book 26, Page 73 of the Boone County Records, also being a point on the south right-of-way line of Chapel Hill Road, and the northwest corner of Tract 1 of said survey in Book 1246, Page 380, the point of beginning.

Thence from the point of beginning, S64°10'15"E, along the north line of said Tract 1, also being the south right-of-way line of said Chapel Hill Road, 259.50 feet; thence leaving said north line, S25°49'45"W, 263.80 feet; thence S63°36'30"E, 198.25 feet; thence with a non tangent curve to the left, 28.00 feet, curve radius 275.80 feet, chord S7°44'15"W, 28.00 feet; thence S4°49'45"W, 673.85 feet; thence with a curve to the right, 18.35 feet, curve radius 30.00 feet, chord S22°22'45"W, 18.10 feet; thence with a curve to the left, 172.51 feet, curve radius 47.00 feet, chord S65°13'30"E, 90.75 feet; thence S80°22'30"E, 103.35 feet to a point on the west right-of-way line of Forum Boulevard, also being the east line of said Tract 1; thence with said east line, S11°59'45"W, 262.15 feet to the southeast corner of said Tract 1; thence leaving said west right-of-way line and with the lines of said Tract 1, S84°02'00"W, 235.20 feet; to a point on the east line of a tract described by the deed in Book 989, Page 63 of the Boone County records; thence with said east line and continuing with the lines of said Tract 1, N5°23'40"W, 363.19 feet; thence N3°52'55"E, 262.35 feet; thence N41°38'05"W, 168.16 feet to a point on the east line of Chapel Hill Lakes Subdivision, recorded in Plat Book 25, Page 58 of the Boone County records; thence leaving said east line of the tract described by said deed in Book 989, Page 63, and with the east line of said Chapel Hill Lakes Subdivision, and also continuing with the lines of said Tract 1, N0°15'55"E, 568.40 feet to the southeast corner of Chapel Ridge Subdivision, recorded in Plat Book 26, Page 73 of the Boone County records; thence leaving the east line of said Chapel Hill Lakes Subdivision and with the east line of said Chapel Ridge Subdivision, and continuing with the lines of said Tract 1, N0°15'55"E, 173.38 feet, the point of beginning and contains 7.09 acres.

Tract A will be rezoned and become a part of C-P (Planned Business District) and taken away from R-1 PUD (Planned Unit Development) and C-1 (Intermediate Business District). Tract B will be rezoned and become a part of O-P (Planned Office District) and taken away from R-1 PUD (Planned Unit Development) and C-1 (Intermediate Business District). Allowed uses shall be limited to those stated in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 2. The property described as Tract A in Section 1 is designated "Planned Commercial" on the Land Use Plan. The property described as Tract B in Section 1 is designated "Planned Office" on the Land Use Plan.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. The City Council hereby approves the Forum Chapel Plaza O-P/C-P development plan for the property referenced in Section 1 above, subject to the following conditions:

- a. Grading plans for the entire O-P/C-P zoned site shall be submitted and approved by the Public Works Department, along with any final plat for any portion of the property.
- b. Any changes to the landscape screening along the west side of the site will require a public hearing before the Planning and Zoning Commission.
- c. No occupancy permits shall be granted for any building on Lots 1, 2, 3 or 4 until the perimeter landscape screening, in its entirety, is in place and approved by the City's arborist.
- d. Dana Court, from Chapel Hill Road to the southern edge of Hannah Drive, and Hannah Drive, including the right in/right out channelization device, shall be dedicated by final plat, constructed and accepted by the City prior to any occupancy permit being granted for any building on the property described in Section 1.

The Director of Planning and Development shall use the design parameters set forth in Exhibit "C," which is attached to and made a part of this ordinance, as guidance when considering future revisions to the O-P/C-P development plan.

SECTION 5. The City Manager is authorized to execute an agreement with Limerick Heights, Inc., for off-site street improvements. The form and content of the agreement shall be substantially as set forth in Exhibit "A" attached to and made a part of this ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this 17th day of March, 1997.

ATTEST:

/s/ Penny St. Romaine  
City Clerk

/s/ Darwin Hindman  
Mayor and Presiding Officer