

024257

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First Reading 6-15-20

Second Reading 7-6-20

Ordinance No. 024257

Council Bill No. B 123-20

**AN ORDINANCE**

granting the issuance of a conditional use permit to Reliable Community Bancshares, Inc. to allow the establishment of a light vehicle service and repair use for a gas station and convenience store, and a drive-up facility as an accessory use to a financial institution (bank), on property located on the southeast corner of Highway WW and Elk Park Drive in an M-N (Mixed-use Neighborhood) 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 on the southeast corner of Highway WW and Elk Park Drive 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 Reliable Community Bancshares, Inc. to allow the establishment of a light vehicle service and repair use for a gas station and convenience store, and a drive-up facility as an accessory use to a financial institution (bank), on property located on the southeast corner of Highway WW and Elk Park Drive in an M-N (Mixed-use Neighborhood) 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 uses or revocation of the permit. Any discontinuance of the uses of the property as granted for a period of twelve (12) months or more or any change in the character of the uses shall render the permit null and void.

- b. The gas station, convenience store and 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.
- c. The conditional use permit shall apply only to the 2.1 acre portion of the property shown on the conceptual site plan for construction of a gas station, convenience store and drive-up facility and is non-transferrable to another location.
- d. Landscaping on the property shall be installed to shield the view of the building, gas station canopy, ITM, dumpster and parking lot from residential lots located along the south side of Elk Park Drive using a Level 2 landscape buffer and shall be in substantial conformance with the conceptual site plan as set forth in "Exhibit B." The landscape buffer shall not be subject to the location criteria established in Section 29-4.4(e) of the City Code.
- e. Landscaping along the property's Highway WW frontage shall be in substantial conformance with the landscape development plan as set forth in "Exhibit C" attached hereto and incorporated by reference.
- f. Construction of a freestanding sign shall be prohibited along that portion of Elk Park Drive adjacent to the residential area and signage is prohibited on the south side of the building.
- g. The property owner shall comply with the requirements of District M-N and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- h. 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;
  - 2. Excessive noise;
  - 3. Trash and debris; or
  - 4. Storm water impacts.
- i. 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 6<sup>th</sup> day of July, 2020.

ATTEST:

  
City Clerk ~~City Clerk~~ Deputy city clerk

  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
City Counselor