

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 336-21

AN ORDINANCE

granting the issuance of a conditional use permit White Oak Investment Properties, LLC to allow a “bar” use on property located at 504 Fay Street in an IG (Industrial) 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 504 Fay Street 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 White Oak Investment Properties, LLC to allow a “bar” use on property located at 504 Fay Street in an IG (Industrial) 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. Applicant shall cause to be recorded, after review and approval by the City's Law Department, either a shared parking agreement pursuant to Section 29-4.3(d)(2)(iii) or a restrictive covenant on the land at 509 Fay Street that establishes that the parking lot proposed at 509 Fay Street is tied to this development.

- c. An ADA-compliant crosswalk and appropriate signage shall be constructed, by the owner, at a location on Fay Street that is acceptable to the City's traffic engineer
- d. Wayfinding signage shall be installed, by the owner, as to direct patrons to the off-site parking at 509 Fay Street.
- e. Any loading dock and delivery area associated with the proposed brewery operations expansion located along College Avenue shall not be used for the shipping of finished products or the receiving of raw materials used to produce finished products at any time. Such loading dock or delivery area; however, may be used temporarily, when properly permitted, to facilitate the delivery or maintenance of existing or new brewery-related equipment subject to the following:
 - 1. No maintenance/repair activities shall occur within the delivery area at any time.
 - 2. The loading dock door shall remain closed except when needed for receiving of equipment or to move equipment out of the brewery facility for maintenance or repair.
 - 3. On-site signage shall be installed along the College Avenue frontage to direct routine deliveries to the appropriate loading dock location on Fay Street to ensure no unnecessary standing of traffic occurs along or within the College Avenue right-of-way.
 - 4. A barrier shall be installed outside of the right of way of College Avenue to ensure the delivery area driveway is blocked to unauthorized use.
- f. Any portion of a structure associated with a proposed footprint expansion shall not exceed 50-feet in height.
- g. Fenestration on the College Avenue side of the subject site shall comply with the requirements of Section 29-4.6(c)(2) of the Unified Development Code.
- h. Landscaping, screening, and buffer shall be installed to be consistent with Section 29-4.4(c) of the Unified Development Code as applicable to the loading dock located on College Avenue.
- i. The property owner shall comply with the requirements of District IG and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- j. 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.
- k. 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 _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor