

Introduced by Hindman

First Reading 10-3-05 Second Reading 10-17-05

Ordinance No. 018731 Council Bill No. B 373-05 A

AN ORDINANCE

approving the C-P Development Plan/Preliminary Plat of Fairview Marketplace; setting forth conditions of approval; granting a variance to the Subdivision Regulations; 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 City Council hereby approves the C-P Development Plan/Preliminary Plat of Fairview Marketplace, dated September 8, 2005, located on the north side of West Broadway (State Route TT), between Fairview Road and Park De Ville Drive. The Director of Planning and Development shall use the design parameters set forth in "Exhibit A" which is attached to and made a part of this ordinance as guidance when considering any future revisions to the C-P Development Plan.

SECTION 2. Approval of the C-P Development Plan is subject to the following conditions:

1. No building permit shall be issued for any building on the property until the City Council has determined, by resolution, that:
 - (a) Adequate financial resources are available to the applicant to fund all street improvements and other improvements referred to in the December 14, 2004, amended and restated application for rezoning; and
 - (b) That all necessary governmental approvals required for these improvements have been requested in the proper manner from all of the necessary governmental authorities.
2. No occupancy permit shall be issued for any building on the property until the City Council has determined, by resolution, either:

- (a) All street improvements and other improvements referred to in the December 14, 2004, amended and restated application for rezoning have been substantially completed; or
- (b) If any street improvement shall not be substantially completed by the time any occupancy permit otherwise could be issued but for the fact that the street improvements are not completed, the applicant shall nevertheless be entitled to such occupancy permit if:
- (i) The applicant posts a surety bond or equivalent financial security equal to the cost of completing the uncompleted improvements; and
 - (ii) The applicant demonstrates that the completion of the street improvement has been delayed due to circumstances reasonably beyond the control of the applicant; and
 - (iii) The applicant provides reasonable assurances that the improvements which have been delayed shall be completed as soon as it becomes reasonably possible to do so.
3. A development agreement, addressing all off-site improvements, shall be executed in conjunction with the final plat.
 4. No commercial truck deliveries shall use Park De Ville Drive.
 5. All sides of the exterior of the buildings shall be brick as depicted on the rendering of the building and the brick samples submitted by the applicant.
 6. The R-1 zoned property bounded by West Ash Street, Fairview Road, the proposed West Ash Street and the proposed Orleans Drive shall be used only as green space. The R-1 and C-1 zoned property bounded by Park De Ville Drive, West Ash Street, the proposed Orleans Drive and the proposed West Ash Street shall be used only as green space and a parking lot for the Mary Paxton Keeley Elementary School. The development agreement executed in conjunction with the final plat shall contain provisions so limiting the use of this land.
 7. No noise-generating activities within the development shall be permitted after 9:00 p.m.

8. A consistent architectural theme (style and type of materials) shall be used throughout the development.
9. There shall be no outside trailers used and there shall be no outside storage.
10. No runoff from pesticides or herbicides shall occur.
11. Special events, such as automobile sales, shall be prohibited outdoors.
12. No deliveries shall occur between the hours of 11:00 p.m. and 6:00 a.m.
13. Storm water inlet filters shall be installed in the parking lot and shall be maintained by the property owner.
14. A sidewalk shall be constructed along the north side of the existing West Ash Street frontage from the eastern terminus of the existing sidewalk to Fairview Road. Item to be removed.
15. There shall be no fast food restaurants with drive-through windows.
16. There shall be no idling of delivery trucks prior to or after authorized delivery hours.
17. There shall be no overnight parking of recreational vehicles, including in the school parking lot.
18. Light poles shall be no higher than 25 feet from finished grade.
19. No gasoline sales shall be allowed on the property.
20. There shall be no increase in the storm water runoff rate from the site after development.
21. The entrance/exit to the school parking lot on Orleans Drive shall be moved south of the location shown on the Development Plan to a location just north of the berm.
22. The developer shall plant a minimum of eight, ten foot tall spruce trees between the school parking lot and the adjacent neighborhood.


SECTION 3. Subdivider is granted a variance from the requirement of Section 25-45(2) of the Subdivision Regulations so that the new extension of West

Ash Street may be constructed without the minimum 200-foot tangent segment between curves.

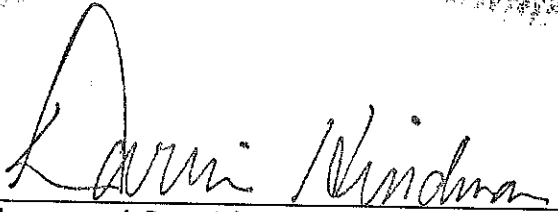
SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this 17th day of October, 2005.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

VAN MATRE AND HARRISON, P.C.

Members of the Planning & Zoning Commission

Mr. Tim Teddy, Director of Planning

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3. Copies of the Boone County tax parcel sheets for all properties within 185 feet of the Property which is the subject of this development plan attached hereto as Exhibit B.

4. A list of the names and addresses of the persons comprising the Applicants is attached hereto as Exhibit C.

5. Our firm's check for Four Hundred Nineteen and 84/100 Dollars (\$419.84) accompanying this Application.

Please advise the undersigned as to any additional amounts due for advertising in conjunction with this Application, and we will promptly remit that amount to the City. The Applicants certify that the development plan submitted herewith is intended to, and, to the best of their knowledge, does comply with the detailed list of requirements included in Ordinance Number 18359 passed by the Council of the City of Columbia on January 3, 2005, pursuant to Council Bill Number B 402-04 A.

Assuming that design parameters are required to be submitted with this Application, and based on what we understand is required by the Code of Ordinances of the City of Columbia, the following design parameters will be applicable to this development:

a. The maximum square footage of building floor area on the site will be two hundred twenty thousand (220,000) square feet.

b. The minimum distance between any building and any adjacent property line or street right-of-way will be ten (10) feet; except that from Broadway, said distance will be twenty-five (25) feet.

c. The maximum height of any building on the site will be 35 feet.

d. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way will be six (6) feet.

e. The minimum percentage of the site to be maintained in open space is fifteen percent (15%), but this percentage does not take into account the open area and landscaping north of new West Ash Street as depicted on the Development Plan.

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f. The maximum number of freestanding signs on the site is three (one pylon sign and two monument signs).

g. The maximum height of the light poles on the site will be twenty-five (25) feet above their bases.

h. All other requirements of the Ordinances are depicted on the attached plans.

To the best of the knowledge and belief of the undersigned, this Application is complete and meets all requirements of the City's Ordinances. However, if additional information is or has been inadvertently or mistakenly omitted, please advise and we will promptly furnish same to you.

Thank you for your attention to this.

Sincerely,

VAN MATRE AND HARRISON, P.C.

By: 

CAVM/tew
Enclosures