

CERTIFICATE OF DECISION

KNOW ALL MEN BY THESE PRESENTS, that I, **Peter Norgard, Chairman** of the Board of Adjustment of the City of Columbia, Missouri, do hereby certify as follows:

That on the **12th day of December, 2023**, after public notice thereof had been duly given by publication in the **Columbia Daily Tribune** on the date of **November 26, 2023**, proof of publication of which was before said Board, and after due notice to Parties in Interest by letter notices and by a sign posted on the real property hereinafter described, as shown by the records of said Board, a meeting was held to consider the request of **Robert Hollis (attorney), on behalf of TKG St. Peters Shopping Center, LLC (owner) and 7Brew Coffee (Lessor)**, seeking relief from various M-DT (Mixed-use Downtown) district "form-based" standards and drive-up facility requirements such that construction of a new 7Brew Coffee Restaurant and drive-up facility may be permitted on real estate in the City of Columbia, County of Boone, State of Missouri, hereinafter described, **requesting said Board grant relief from various form-based design provisions applicable to the M-DT (Mixed-use Downtown) Urban General West zoning district and elimination of the required drive-up "by-pass" lane on property addressed as 209 S. Providence Road which are not permitted by Section 29-4.2 [M-DT Form-based Controls] and Section 29-4.3 [Parking and Loading] of the Unified Development Code**, said property being located within the City of Columbia, County of Boone, State of Missouri, and more particularly described as follows:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOT 1 OF UNIVERSITY CENTRE SUBDIVISION RECORDED IN PLAT BOOK 52, PAGE 2 AND THE WARRANTY DEED RECORDED IN BOOK 1426, PAGE 295 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 AND WITH THE EAST LINE THEREOF, N 3°09'55"E, 36.28 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID EAST LINE, 9.11 FEET ALONG A 24.90-FOOT RADIUS, NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD S 65°17'20"W, 9.06 FEET; THENCE S 89°21'55"W, 12.73 FEET; THENCE N 88°56'45"W, 202.00 FEET; THENCE 38.98 FEET ALONG A 25.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 43°37'20"W, 35.15 FEET; THENCE N 1°03'50"E, 115.11 FEET; THENCE S 88°53'20"E, 251.79 FEET TO THE EAST LINE OF SAID LOT 1; THENCE WITH THE EAST LINE THEREOF, 43.39 FEET ALONG A 11,424.20-FOOT RADIUS, NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD S 2°07'45"W, 43.39 FEET;

THENCE S 3°09'55"W, 92.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.80 ACRES OR 34,826 SQUARE FEET.

That at said meeting, **Five (5)** members of the Board being present in accordance with quorum requirements, said request was heard and after the Board was fully advised in the premises, and after deliberation, it was duly moved and seconded that the Board make the following findings and take the following actions:

Motion # 1 - Approve a variance to Section 29-4.2(e)(2)(ii)(B)(1)(b) relating to building height above the average grade of the fronting sidewalk to permit a 5.2-foot variance to be granted. Following said motion, **Five (5)** members of the Board voting in favor and **none** voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

Motion # 2 - Approve a variance to waive the requirement that the proposed buildings have at least 35 percent of their building facade constructed at the required building line (RBL), and that the variance allows structures to be no greater than 32 feet from the property line or 27 feet from the maximum required building line location. Following said motion, **Five (5)** members of the Board voting in favor and **none** voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

Motion # 3A - Approve a variance to Section 29-4.2(e)(2)(ii)(a) to grant relief from the requirement that the main building; i.e., the restaurant, to be constructed upon the subject site be permitted to be less than 18 feet at the RBL, and that such construction shall be no less than 15 feet as measured from the adjusted RBL. Following said motion, **Five (5)** members of the Board voting in favor and **none** voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

Motion # 3B - Approve a variance to Section 29-4.2(e)(2)(ii)(A) specific to the cooler proposed on the site in the location on the site plan to be excluded from maximum structure height required and to permit the cooler to be used as a street wall in compliance with street wall height which is a maximum of eight feet. Following said motion, **Five (5)** members of the Board voting in favor and **none** voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

Motion # 4 - Approve a variance to Section 29-4.2(e)(2)(ii)(B)(1)(b) to waive the requirement that the ground story clear height be 12 feet for the first 25 feet of the building depth, , to be waived in its entirety, and to have height measured from the average fronting sidewalk elevation, not grade elevation as adjusted. Following said motion, **Five (5)** members of the Board voting in favor and **none** voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

Motion # 5 - Approve a variance to Section 29-4.3(i)(2)(vi) to waive the requirement of a bypass lane around the drive-through facility stacking lanes. Following said motion, **Four (4)** members of the Board voting in favor and **One (1)** member voted against the motion. Said motion **passed** and the requested authorization was **APPROVED**. Said action is the decision of the Board.

(Signatures on following page)

IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of January, 2024.

SIGNED: _____

By: **Peter Norgard, Chairman**
Board of Adjustment
City of Columbia, Missouri

STATE OF MISSOURI)
COUNTY OF BOONE) ss.
CITY OF COLUMBIA)

On this ___ day January, 2024, before me, the undersigned Notary Public, personally appeared **Peter Norgard**, to me known to be the same person who executed the foregoing Certificate of Decision and who subscribed the same in my presence, and who being by me first duly sworn, did say that she/he is the **Chairman** of the Board of Adjustment of the City of Columbia, Missouri, and that the facts stated in the foregoing Certificate of Decision are true and correct. In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year next above written.


Paula Edwards, Notary Public

My term of office as Notary Public expires: **November 12, 2025**

