

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. _____ B3-23

AN ORDINANCE

granting the issuance of a conditional use permit to allow the construction and operation of a temporary shelter with associated support services on Lot 1 of E.C. More's Subdivision, Plat 1A located on the northeast corner of Bowling Street and Business Loop 70 in an M-C (Mixed-use Corridor) 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 the northeast corner of Bowling Street and Business Loop 70 known as Lot 1 of E.C. More's Subdivision, Plat 1A and more fully legally described as set forth in "Exhibit A" attached hereto and incorporated by reference (hereinafter the "Property"; and

WHEREAS, the City Council has considered the recommendation of the Commission along with the criteria set forth in Section 29-3.3(i) and 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 29-3.3(i) and 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 allow the construction and operation of a temporary shelter with associated support services consisting of approximately 26,500 square feet on the Property in an M-C (Mixed-use Corridor) zoning district, subject to the following conditions:

- a. This conditional use permit shall be valid for the duration of the use or revocation of the permit. Following construction and initiation of operations of the conditional use on the Property, any subsequent 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. The construction of the temporary shelter shall be in substantial compliance with the portions of the site plan which apply to the construction the shelter produced by PW Architects, Inc. dated December 14, 2022, as set forth in “Exhibit B” attached hereto and incorporated by reference. The additional structures and related items depicted on such site plan are for illustration only and are not subject to the requirements of this conditional use permit.
- c. A minimum thirty foot (30’) setback for building construction of the temporary shelter shall be required along any property line that is adjacent to a tract zoned R-1.
- d. The height of any building constructed on the Property for use as a temporary shelter shall be limited to a maximum of thirty-five feet (35’).
- e. A waiver of the construction of thirty (30) parking spaces required for the construction of the temporary shelter is granted such that construction of such parking spaces shall not be required for construction and operation of the temporary shelter. Nothing contained herein shall apply to the parking requirements for additional structures or uses conducted on the Property.
- f. The temporary shelter shall be authorized to operate 24 hours per day for 365 days per year.
- g. The operational characteristics and support services to be provided by the temporary shelter shall be consistent with the application submitted by Crockett Engineering Consultants dated December 13, 2022, attached hereto as “Exhibit C” and incorporated by reference. Such operational characteristics provide that the temporary shelter will have a maximum occupancy of 120 beds and will house single adult males and females up to a maximum of 90 days. An occasional variance in operational capacity or standards may occur on a limited basis in the event of an emergency provided the primary use and operation of the temporary shelter is conducted in conformance with the standards set forth in this conditional use permit. The support services to be provided by the temporary shelter may include the provision of direct services as set forth in Exhibit C or may, as an alternative, include providing access to such services that are substantially equivalent.
- h. The property owner shall comply with the requirements of this conditional use permit and District M-C and all other applicable regulations unless the property owner is granted a variance pursuant to the City Code.
- i. The allowed use, 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 not compatible with the surrounding neighborhood;
 3. Dust and odor;
 4. Excessive traffic not compatible with the surrounding neighborhood;
 5. Storm water impacts; or
 6. Physical appearance.
- j. 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 _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor