



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: Corrective C-2 Rezoning – 501 Fay Street (Case #20-2021 Map Area #2)

Executive Summary

Approval will result in the rezoning of property address 501 Fay Street from C-2 (Central Business) and HP-O (Historic Preservation Overlay) to M-N (Mixed-use Neighborhood) and HP-O (Historic Preservation Overlay). Additionally, approval would grant conditional use permit approval allowing the property be used for all M-N district “conditional” and “conditional accessory” uses. The rezoning best conforms the subject site to its surrounding zoning, does not create a non-conformity with respect to existing on-site uses, and is part of a city-wide effort to resolve zoning map inconsistencies identified following adoption of the Unified Development Code in March 2017.

Discussion

In March 2017, the City adopted the Unified Development Code (UDC) as its zoning and subdivision regulations. With the adoption of the UDC, new zoning district classification were implemented and a new “form-based” district (the M-DT) was adopted to replace the C-2 (Central Business) district. The M-DT (Mixed-use Downtown) district was applied to property generally considered to be located within the “core” commercial area of Columbia often referred to as “The District”.

At the time of UDC adoption staff identified 26 “anomalous” properties zoned C-2 located outside the city “core”. These parcels remained zoned C-2 and were subject to the pre-UDC C-2 regulations which included enhanced design and construction requirements intended to implement a walkable downtown “core”. As part of the UDC adoption process it was contemplated that the C-2 district would sunset and be deleted from the UDC following rezoning of the 26 anomalous parcels. In November 2020, Council approved the first round of anomalous C-2 recoding actions which included 21 of the 26 parcels.

The proposed recoding of the remaining five anomalous C-2 parcels were considered at the Planning and Zoning Commission’s December 10, 2020 meeting. This report specifically addresses the proposed recoding of property located at 501 Fay Street and the request to approve specific M-N “conditional” and “conditional accessory” uses for the property in conjunction with the recoding.

The subject parcel was rezoned in 2006 from M-1 (now IG) to C-2 and HP-O (Historic Preservation Overlay) for the purposes of restoration and conversion of the historic Diggs Building into a mixed-use residential, office, and commercial structure. The HP-O designation was sought to preserve the existing brick building’s integrity and to ensure that it would not be razed in the future should redevelopment of the site be sought. The HP-O designation



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provides specific protections to many of the circa 1922 building's exterior features (see attached rezoning ordinance). The HP-O; however, does not impact interior features of the building.

In preparing this request for consideration by the Planning Commission, staff consulted with the property owner and their legal counsel regarding the proposed M-N district designation. Following discussion and explanation of the purpose of the rezoning, it was concluded that M-N zoning would be appropriate **provided all** conditional and "conditional accessory" uses listed below were authorized as part of the rezoning action.

a. Halfway House	b. Temporary Shelter	c. Assembly or Lodge Hall
d. Funeral Home or Mortuary	e. Veterinary Hospital	f. Bar or Nightclub
g. Car Wash	h. Light Vehicle Repair and Service	i. Bakery
j. Drive-up Facility		

The requested M-N zoning in addition to the "conditional" and "conditional accessory" uses shown above are seen as an appropriate designation in that such action would permit the existing structure to continue to be used as it is presently and allow for its reuse with many; however, not all of the same land uses permitted within the C-2 zoning classification. The proposed inclusion of the identified "conditional" and "conditional accessory" uses maintains generally all land use rights associated with the property today, but provides the opportunity to bring the property into conformity with the UDC and the anticipated long-term zoning classifications adopted as part of the code in 2017.

While the request to include approval of "conditional" and "conditional accessory" uses is non-traditional, staff finds nothing within the regulatory structure of the UDC that indicates such action cannot be taken. The protections that the HP-O designation affords the existing building are seen a sufficient safe-guards against potential inappropriate conversion of the building to a new potentially more auto-centric use. Any potential conversion of the building to accommodate the more intense auto-centric shown above would require the issuance of a Certificate of Appropriateness following review by the Historic Preservation Commission.

Given the surrounding land use context, limited likelihood of significant structural alteration and protections addressing that possibility, and the regulatory efficiency that would will be realized by the deletion of the C-2 district from the UDC, the proposed rezoning and approval of all conditional and "conditional accessory" uses is believed to be in the best interest of the City.

The Planning and Zoning Commission considered this request at their December 10, 2020, meeting. Following the staff presentation there were no public comments offered and



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limited Planning Commission discussion. The Commission made a motion to approve the rezoning of the parcel which passed by a vote of (7-0) with one abstention. A secondary motion was made to recommend approval of the staff report presented "conditional" and "conditional accessory" uses was approved by a vote of (7-0) with one abstention.

A copy of the Planning and Zoning Commission staff report, locator maps, zoning graphic, C-2 & HP-O zoning ordinance, property owner correspondence, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: Limited to required update of the "Official Zoning Map" and GIS data base.

Long-Term Impact: None. Upon completion of recoding of all C-2 zoned property the existing C-2 zoning standards are to be deleted from the Unified Development Code.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Economic Development, Tertiary Impact: Not Applicable

Legislative History

Date	Action
8/17/20	Council Authorization to pursue corrective rezoning actions (Rpt. 43-20)

Suggested Council Action

Approve the rezoning of 501 Fay Street from C-2 and HP-O to M-N and HP-O as well as all M-N "conditional" and "conditional accessory" uses listed above and within the staff report as recommended by the Planning and Zoning Commission.