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September 21, 2020

Patrick Zenner
Development Services Manager
Community Development
City of Columbia
Via email: Patrick.Zenner@CoMo.gov

Re: Historic Mule Barn, LLC / "corrective zoning change"

Dear Mr. Zenner,

I represent Historic Mule Barn, LLC which is the owner of property located at 501 Fay Street in the City of Columbia (the "City"). My client received the attached letter dated August 18, 2020, which proposed to rezone my client's property from C-2 to M-N. As you understand well, such a change would significantly reduce the permitted uses for my client's property and would also place other significant development limitations on said property. Of course, my client would never freely choose to have its property rights so substantially diminished without commensurate compensation for the loss of those substantial rights.

However, in an effort to avoid litigation and out of a desire to further cooperate with the City as it relates to this property, my client is willing to accept the proposed down-zoning without compensation if and only if all conditional and conditional accessory uses are also approved as part of the process. In other words, following the City's down-zoning process, the property would have a M-N zoning designation, but, in addition to all permitted uses afforded by that designation, it would also be afforded the conditional and conditional accessory uses associated with the M-N zoning designation in the City's Code of Ordinances. Even with the conditional and conditional accessory uses being permitted uses, the down-zoning process will still result in the loss of many permitted uses and will still result in the imposition of substantial limitations on development of the property.

To the extent that one might argue that there are "risks" to the City associated with approving such conditional and conditional accessory uses, such an argument is without merit. However, should one accept that there is merit to such an argument, one need only understand that this property is subject to a Historic Preservation Overlay. As such, any significant changes that may be sought for the property is subject to an extensive process due to the Historic Preservation Overlay. Although we firmly believe that the permitted uses and the conditional and conditional accessory uses (which are fewer and less intense than currently allowed under C-2) are entirely

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proper for the property without any additional approval procedures beyond the building permit process and the like, any potential concerns about such uses are alleviated by the approval process associated with the Historic Preservation Overlay applicable to the property.

Should the City decide to move forward with down-zoning my client's property, the City should only expect cooperation from my client if the process is modified as described above. In other words, all M-N conditional and conditional accessory uses must also be permitted uses.

Please let me know if you have any questions.

Thanks.

Robert

Sincerely,

VAN MATRE LAW FIRM, P.C.

By:


Robert N. Hollis

RNH/mjh
Enclosures



August 18, 2020

Historic Mule Barn, LLC
C/O Thomas M. Harrison
501 Fay Street
Columbia, MO 65201

Re: Proposed corrective zoning change from C-2 (Central Business) to M-N (Mixed-use Neighborhood) for property addressed as 501 Fay Street.

Dear Property Owner:

Following adoption of the City of Columbia's Unified Development Code in March 2017, the above referenced property was identified as being located within the C-2 (Central Business District) zoning classification. This zoning classification has been identified as being improperly coded to your property. **THE PURPOSE OF THIS LETTER IS TO INFORM YOU OF THE CITY'S INTENT TO REZONE YOUR PROPERTY TO A CONFORMING CLASSIFICATION.**

Prior to pursuing such action, the staff of the City's Community Development Department - Planning and Zoning Division have been directed to reach out to affected property owners. The purpose of this outreach is to allow opportunity for the staff to explain what possible impacts the proposed zoning change will have upon the subject property and what options may exist to minimize those impacts.


Your property is proposed to be rezoned to the **M-N (Mixed-use Neighborhood)** zoning classification. It is the City's intent is to recode your property to a zoning classification that would be conforming to its current usage and in conformance with the City's adopted land use plan. The proposed zoning change will not impact the existing H-P Overlay (Historic Preservation Overlay) designation on the property. The M-N classification is described as being established for the purpose of:


Providing commercial shopping and service facilities in or near a residential neighborhoods that accommodate both pedestrian-oriented shopping with walkable connections to surrounding neighborhoods and small auto-oriented shopping centers convenient to lower density residential areas. The district permits a combination of residential, office, and retail businesses.

Land uses permitted within the M-N zone are shown within the Permitted Use Table (Table 29-3.1) of the Unified Development Code. Table 29-3.1 can be viewed at the following link:

https://library.municode.com/mo/columbia/codes/code_of_ordinances?nodeId=PTIICOOR_CH29UNDE_CO_ART3PEUS_S29-3.2PEUSTA

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It should be noted that some land uses have associated, "use-specific standards." If a particular land use has additional restrictions the far right-hand column of the Permitted Use Table will be populated with an alpha-numeric code. These codes correspond to the use-specific standards found within Section 29-3.3 of the Unified Development Code. The use specific standards can be viewed at the following link:

https://library.municode.com/mo/columbia/codes/code_of_ordinances?nodeId=PTIICOOR_CH29UNDECO_ART3PEUS_S29-3.3UECST

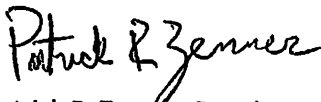
At this time, the Community Development Department desires to answer any questions you may have regarding the City's intended course of action. To ensure that this matter is addressed within a timely manner, staff asks that you contact our offices **within 45 days of the date of this letter** to discuss any concerns you may have. If staff has not been contacted by you within this allotted time, it will be assumed that you do not object to the proposed rezoning of your land.

Prior to final action being taken upon your property, staff will seek Council action to initiate the rezoning pursuant to the authority granted to them by Section 29-6.4(n) of the Unified Development Code. However, the City would prefer to have your consent and support of the proposed zoning change. It should also be noted that all administrative and advertising costs associated with the rezoning process will be borne by the City.

Pursuant to City policy and statutory requirements, you will also receive notices containing the date and time of a public information meeting as well as a required public hearing before the Planning and Zoning Commission relating to the rezoning of your property. The purpose of the public information meeting is to explain the impacts of the proposed rezoning action. The Planning Commission public hearing provides you and other affected property owners to provide public testimony regarding the proposed rezoning action.


Should you desire to contact our staff we would welcome the opportunity to talk with you over the phone or in person. Thank you for your time and attention to this correspondence.


Sincerely,



Patrick R. Zenner, Development Services Manager
City of Columbia – Community Development Department, Planning & Zoning Division

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