



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 2, 2020

Re: Corrective C-2 Rezoning – 30 E. Broadway (Case 154-2020 Map Area #3)

Executive Summary

Approval of this request will result in the rezoning of five remnant parcels from C-2 (Central Business) district to R-MF (Multiple-Family Dwelling) district and grant a conditional use permit (CUP) to parcels generally located along the eastern boundary of the Columbia Cemetery. The proposed rezoning and granting of the CUP will not create a non-conforming land use and has been initiated as 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 downtown commercial area of Columbia. The M-DT’s form-based standards are highly reliant on a compact and walkable street network which influences land use activities and building architecture.

However, at the time of UDC adoption approximately 26 individual properties zoned C-2 were identified as lying outside the city “core” and were left coded C-2. The choice to retain C-2 zoning upon these parcels was to allow time for the Planning Commission and staff to further analyze what new zoning classification would be most appropriate for the subject parcels. Additionally, given the underlying intent of the M-DT district and the subject parcel’s location it was concluded that the “place-making” elements necessary for appropriate application of the design elements inherent to the new district would not be possible.

Between June and July 2017, the staff and Commission discussed the appropriate zoning to apply to the subject parcels. Additional public outreach was performed between March and May 2020. During the August 17, 2020, Council meeting staff was officially authorized to pursue the requested rezoning action on the subject parcels. Following this authorization, all property owners within 200-feet and Neighborhood Associations within 1000-feet of the subject parcels were notified of the proposed zoning change.

Staff was contacted by a representative of the Columbia Cemetery Association Board regarding the proposed zoning change. The representative sought confirmation that the rezoning of the remnant parcels would not impact their use as existing or future burial plots. Staff explained the action was sought to conform the remnant parcel’s zoning to that of the remaining cemetery acreage. It was further explained that a conditional use permit would



City of Columbia

701 East Broadway, Columbia, Missouri 65201

be granted concurrently with the rezoning action to ensure zoning compliance for the cemetery use given a freestanding cemetery is not a permitted use in the R-MF district without a CUP. The Board's representative agreed under these circumstances that the rezoning was appropriate. Additional public inquiry was limited; however, some sought the reasons for the request and expressed concern about potential redevelopment of the cemetery itself.

Records relating to the origins of the zoning upon the property are limited; however, the cemetery is a 200 year-old institution. To the best of staff's knowledge and based on information provided by the City's Land Surveyor, the remnant parcels are parts of formerly vacated rights of way and vacated subdivision lots that once occupied the acreage. The only record of a rezoning action on the property is a case from 1988 in which the property behind the former Lucky's Grocery (now Eat Well) was rezoned from R-3 (now R-MF) to C-2 to accommodate a potential expansion of the then existing Osco Drug pursuant to a land sale which never occurred.

It should be further noted that the use of the remnant parcels as a cemetery was considered permitted in the C-2 district given a cemetery appeared as a permitted use in the R-3 (now R-MF) district. However, with the adoption of the UDC in 2017 a cemetery became a land use requiring a conditional use permit in the R-MF district. Pursuant to Section 29-1.9(g) of UDC, uses previously permitted "by-right", but recoded to a conditional use by the adoption of the UDC are to be automatically granted a conditional use permit. Had the remnant parcels been rezoned as part of the comprehensive action to adopt the UDC such provision would have attached to the parcels. Staff has found no language within this section that establishes a time limit on when the transition provision becomes effective and believes the proposed rezoning of the remnant parcels at this time would trigger the grant of the conditional use given the property is being used as a cemetery today.

The proposed rezoning and grant of the CUP will not create a non-conforming use of the property. The actions are seen a means to best unify the cemetery's zoning and permit its continued use in a manner consistent with the Columbia Cemetery Association's master plan.

The Planning and Zoning Commission considered this request at their October 8, 2020, meeting. Following the staff presentation there were no public comments offered and limited Planning Commission discussion. The Commission made a motion to approve the rezoning of the remnant parcels to R-MF, as supported by the property owner. The motion passed by a vote of 8-0.

A copy of the Planning and Zoning Commission staff report, locator maps, zoning graphic, 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 the five remnant parcels on the eastern boundary of the Columbia Cemetery presently zoned C-2 (Central Business) to R-MF (Multiple-Family Dwelling) and grant a conditional use permit for the operation of a cemetery on property addressed as 30 E. Broadway as recommended by the Planning and Zoning Commission.