

(FOR A VARIANCE)

TO: BOARD OF ADJUSTMENT
Community Development Department
City Hall, 701 E. Broadway, Columbia, Missouri 65203

SUBJECT: Notice of appeal from Decision of Pat Zenner of the Community Development Department
in regard to the following described property located in the City of Columbia,
County of Boone, State of Missouri (legal description):
Lot 25 and the south sixty (60) feet of Lot 24 in Harbison's Second Addition to the City of Columbia, recorded in book 35 page 414 of the Boone
County, Missouri records

which is presently zoned IG: Industrial and known, or to be known, as 705 Fay Street and 709 Fay Street
(proposed to be zoned M-N: Mixed Use Neighborhood) (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 17-113-00-10-031.00 and 17-113-00-10-032.00

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property.

On the 5th day of July, 2018 said official did deny the proposed development

The reason he gave for such action was that the proposed development has an inadequate number of parking stalls

which does not comply with Section 29-4.3(b), Code of Ordinances of the City of Columbia,
Missouri, which Section provides or requires that 37 parking stalls are required for a building with 5,100 SF of retail space,
twelve 1-bedroom units, and a 2,000 SF rooftop patio.

A copy of the letter of said official is hereto attached.

There are practical difficulties or unnecessary hardships, or both, in the way of carrying out the strict letter
of the Ordinance because Providing the required number of parking stalls per the Code of Ordinance would be excess
parking demand for a pedestrian oriented development.

If the Board of Adjustment varies or modifies the application of the Ordinance as requested by this appeal,
nevertheless there will be a substantial compliance with the Unified Development Code, the spirit of the
Unified Development Code will be observed, public safety and welfare will be secured, and substantial
justice will be done because

This variance does not have the effect of permitting a use of land that is not indicated as a permitted conditional use in Section 29-3.1 and the
proposed development complies with the standards within the Unified Development Code for the zoning M-N without causing harm to the health,
safety, or welfare of the public or surrounding properties.

Applicant(s) requests that the Board of Adjustment vary or modify the application of the Ordinance to the
above described property to the extent indicated, and that the subject site is approved for a 6 parking stall
reduction of the required number of parking stalls (after applying the 1.2 shared parking reduction factor)

Attached hereto and made a part hereof is a sheet entitled "Parties in Interest" which lists the names and
addresses of all other parties in interest, to the best knowledge and belief of Applicant(s).

July 20, 2018
DATE

SIGNATURE(S)

Phoebe LaMar

ADDRESS

1115.9th, Ste. 200, Columbia, MO 65201

TELEPHONE

573-443-3141

CAPACITY OR INTEREST IN PROPERTY

Attorney for Applicant

I hereby acknowledge receipt of a signed copy of the above Notice of Application, and I also acknowledge
receipt of the deposit required to be made with said Notice of Application.

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE

Patrick R Zenner

DATE

7/20/18 (Revised per staff)



July 5, 2018

Mathew Kriete
Engineering Surveys and Services
1113 Fay Street
Columbia, Missouri 65201

Re: Denial Letter – 709 Fay Street (parking)

Dear Mr. Kriete:

This letter is to inform you that the 22 parking spaces proposed at 709 Fay Street in connection with its potential redevelopment as a mixed-use building are insufficient to meet the parking requirements of Section 29-4.3 of the Unified Development Code (UDC). A minimum of 37 parking spaces are required per the UDC; however, may be reduced pursuant to the provisions of Section 29-4.3(d)(2) given the proposed mixed-use (residential/retail) nature of the proposed redevelopment. The ability to utilize the site for this mixture of uses is subject to the approval of a separate rezoning being processed as Case #18-132 and tentatively scheduled for final approval by City Council on August 20, 2018.

Given the details shown on the site plan dated June 6, 2018 and discussion with you regarding the proposed redevelopment plans, staff is aware of your desire to have the "M-N Pedestrian" standards applied to this property subject to the criteria enumerated in Section 29-6.4(j) of the UDC. Such designation will be considered by the Board of Adjustment as part of BOA Case #1962. This denial letter has not been generated with consideration being given to the parking reductions permitted if such designation is approved. Rather, this denial letter has been prepared with the consideration that the subject property would be required to comply with all M-N (Mixed-use Neighborhood) zoning and UDC parking requirements.

Based upon review of the June 6, 2018 site plan and the development details show upon it, staff has concluded that the required parking for the subject site is as follows:

Total Building Square Feet	= 6,090
Retail Square Feet.....	= 5,100
Non-leaseable common area...	= 990
1 Bedroom Residential Units ...	= 12

Required Parking Spaces (per Table 4.3-1)

Retail (1 space/300 square feet).....	= 17 spaces
Residential (1.5 space/1 bd unit).....	= 18 spaces
Residential Overflow (1 space/5 units).	= 2 spaces
Bicycle Parking	= 4 spaces
Total Required Parking (less bicycle space reduction)....	= 33 spaces

Building & Site Development
(573) 874-7474
Fax (573) 874-7283

Neighborhood Services
(573) 817-5050
Fax (573) 442-0022

Planning & Zoning
(573) 874-7239
Fax (573) 874-7546

Per Section 29-4.3(d)(2) of the UDC, parking requirements may be reduced if “shared parking facilities” are utilized. Parking reduction factors are displayed in Table 4.3-2 of the UDC. The subject site is to be redeveloped as a mixed-use residential and retail building. As such, when the reduction factor of Table 4.3-2 is applied to the required parking for the mixture of uses it yields a parking space requirement of:

Total required parking (retail + residential)	= 37 spaces
Reduction factor of Table 4.3-2 (1.2)	= -6 spaces
Bicycle space reduction	= -4 spaces
Total Required Parking (with allowed reductions).....	= 27 spaces

Total parking shown on 6/6/18 site plan	= 22 spaces
Parking space deficiency (required to shown).....	= 5 spaces

Please note that the determination of being 5 parking spaces deficient is based upon consideration that the roof top patio area is not intended to be permanently improved to support continuous outdoor events that are retail-driven in nature (i.e. a roof top bar or restaurant seating area). The occasional special event usage of the roof-top is deemed appropriate for retail purposes and full improvement of the roof-top for residential recreation would be permissible without additional parking being necessitated. Additionally, the 5 space deficiency is based upon the removal of 990 square feet of non-leasable common area from the proposed building which is consider accessory space to the principle building uses of residential and retail.

It should further be noted that this denial letter is given subject to the property being successfully rezoned from its present IG (Industrial) to M-N (Mixed-use Neighborhood) zoning. Should such zoning not be approved by City Council, the IG zoning district will not permit residential dwellings of any kind.

Finally, should the proposed rezoning and designation of the site as developable pursuant to the “M-N Pedestrian” standards be approved by the City Council and Board of Adjustment, respectively, it is possible that no parking space variance will be required. This conclusion is based upon the fact that property designated as “M-N Pedestrian” is afforded a 30% reduction in its parking requirements. Give this reduction, the total required parking on the subject site would be:

Required Parking (with “shared” and bicycle reductions)	= 27 spaces
“M-N Pedestrian” standard reduction (30%)	= -8 spaces
Total Required Parking (with allowed reductions).....	= 19 spaces

Total parking shown on 6/6/18 site plan	= 22 spaces
Parking space surplus (shown to required)	= 3 spaces

Should you have additional questions please contact our offices.

Sincerely,



Patrick R. Zenner, Development Services Manager
City of Columbia – Community Development Department