

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
December 10, 2020**

**SUMMARY**

A request by the City of Columbia to correctively rezone 501 Fay Street from district C-2 (Central Business) and HP-O (Historic Preservation Overlay) to district M-N (Mixed-use Neighborhood) and HP-O (Historic Preservation Overlay) and approve of all conditional and “conditional accessory” uses permitted in the M-N district as shown in Table 29-3.1 of the Unified Development Code. The subject property is located at the northwest corner of Hinkson Avenue and Fay Street and is commonly known as the Mule Barn. The existing historic structure is a mixed-used building housing residential lofts and office uses. (**Case # 20-2021, Map Area #2 – 501 Fay Street**)

**DISCUSSION**

The subject parcel is being proposed to be rezoned so that it matches its existing land use and best conforms to the permanent zoning classifications established as part of the 2017 adopted Unified Development Code (UDC). The choice to not rezone the subject parcel to M-DT (Mixed-use Downtown), the replacement district to C-2, in 2017 was influenced by the fact that the subject parcel was located outside the M-DT district regulating plan boundary. The current historic structure is occupied by residential lofts and offices on the ground floor. The structure is also one of four buildings within the City that are designated an HP-O (Historic Preservation Overlay) which further regulates how the building may be modified in efforts to preserve its historical integrity.

During the UDC adoption process, there was discussion that all C-2 zoned parcels located outside the existing core of Columbia (now zoned M-DT) would be considered for new zoning classifications following staff analysis, Planning Commission review and recommendation, and Council approval. Additionally, it was contemplated that once all anomalous C-2 parcels were rezoned the C-2 regulations would be deleted from the UDC. In fulfilling these objectives, the Commission and staff reviewed the proposed zoning classification of the subject parcel in June and July 2017; however, were unable to initiate the rezoning process at that time due to time-sensitive work assignments. Since conducting its initial research and analysis, work assignments have normalized and staff has been able to re-engage in this activity.

The subject property, given its dual zoning designation, required additional coordination with the property owner regarding its possible rezoning. The property owner was notified in August 2020 of the proposed rezoning of the property to M-N (Mixed-use Neighborhood) with retention of the HP-O designation. The property owner’s attorney contacted staff (see attached correspondence) in September expressing concern with the proposed M-N designation stating that it would eliminate land use rights presently available under the C-2 designation. Following additional 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 permitted in the M-N district would be authorized as part of the rezoning action. Staff noted that such a request would be presented to City Council as part of its request for authorization to initiate the rezoning process on the subject parcel.

On November 2, 2020, the City Council authorized staff to initiate the formal rezoning process on the subject parcel to M-N and sought clarification regarding the property owner’s request for approval of the all M-N conditional and “conditional accessory” uses. In response to Council’s inquiry, staff indicated it would provide an analysis of the impact of those uses as part of its rezoning staff report. Council acknowledged staff’s response. Following this authorization, staff has followed all notification and public hearing notice procedures applicable to any other rezoning request. The property owner as well as

adjoining property owners within 200-feet and Neighborhood Associations within 1000-feet of the subject parcel have been notified of the pending action.

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. At the time of rezoning the existing structure on the site was vacant. The rezoning was sought to allow residential uses and eliminate required parking standards; however, prior to Council approval of the rezoning the property owners secured approximately 20 parking spaces on property adjoining the subject site to support the uses proposed.

A unique feature of this parcel’s zoning designation is the historic preservation overlay (HP-O) that is also applied to it. 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 provides specific protections to many of the circa 1922 building’s exterior features (see attached rezoning ordinance). Administration and/or modification of the overlay’s requirements fall within the purview of the Historic Preservation Commission and would necessitate review and issuance of a “Certificate of Appropriateness” should exterior changes to the structure be sought. Pursuant to the approving ordinance establishing the HP-O there are no restrictions on interior improvements within the structure.

The requested M-N zoning is seen as an appropriate designation in that such action would permit the 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 principal differences between the C-2 and M-N districts generally center upon the intensity of land uses allowed. The C-2 district was the most diverse classification in the City pre-2017. The collection of permitted land uses were a reflection of the historical development and land use patterns of Columbia’s downtown as the City’s commercial, education, government, and manufacturing center. The M-N district, on the other hand, is more similar to the City’s former C-1 (Intermediate Business) district allowing for commercial services near or within residential neighborhoods.

Given these differences, the M-N district does not allow the semi-industrial uses (i.e. printing plants, sign shops, lumberyards) that were considered appropriate within the C-2 district given the area’s historical land use patterns. Furthermore, several uses considered compatible with the activity levels in the downtown such as gas stations, vehicle repair shops, drive-up/thru businesses, bars and nightclubs, and veterinary hospitals require a conditional use permit in the M-N district as a means of mitigating potential land use conflicts between less intense development patterns. It is the need to obtain a conditional use permit for these types of uses that the property owner has expressed concern over should the rezoning to M-N be approved. As such, the property owner seeks approval of all the conditional and “conditional accessory” uses permitted in the M-N district as part of this rezoning action.

Typically approval of a conditional use permit (CUP) would be associated with a pending development/redevelopment need. The request of the property owner is to have the following M-N conditional or “conditional accessory” uses approved for use on the site in advance of an actual application being submitted seeking their establishment.

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		

While the property owner’s request is non-traditional, staff finds nothing within the regulatory structure of the UDC that indicates such action cannot be taken. Staff acknowledges that several of the uses are less likely to occur upon the property given its current usage and such uses may be further limited by the regulatory process of obtaining a Certificate of Appropriateness to alter the structure to accommodate more auto-centric uses. However, given the parcel’s location in a semi-industrial environment and the added protections that the HP-O places upon the structure’s exterior, the additional conditional and “conditional accessory” uses sought with the rezoning to M-N do not raise concern with staff.

Given the surrounding land use context, limited likelihood of significant structural alteration and protections addressing that possibility, and the regulatory efficiency that would be realized by the deletion of the C-2 district from the UDC, staff believes the proposed rezoning and approval of all conditional and “conditional accessory” uses is in the best interest of the City. Such action will not negatively impact the property owner’s enjoyment of the parcel and does not create a non-conformity. The M-N classification allows significant re-use options for the existing structure. The M-N district is consistent with the Comprehensive Plan’s future land use designation of “City Center” and is compatible with adjoining properties to the south and east.

**RECOMMENDATION**

Approve the requested rezoning of the subject parcel to M-N with all permitted conditional and “conditional accessory” uses allowed in the M-N districts as shown in Table 29-3.1 of the UDC.

**SUPPORTING DOCUMENTS (ATTACHED)**

- 1) Locator Maps
- 2) Zoning Graphic
- 3) C-2 & HP-O Zoning (Ord. # 019076)
- 4) Property Owner Correspondence

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	Approximately 0.516 acres (22,477 sq. ft.)
<b>Topography</b>	Sloping to the southwest
<b>Vegetation/Landscaping</b>	None – fully improved with former Diggs meat packing plant
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	Mixed-use commercial/office/residential building

**HISTORY**

<b>Annexation date</b>	1906
<b>Zoning District</b>	C-2 (Central Business District) & HP-O (Historic Preservation Overlay) per 2006 rezoning
<b>Land Use Plan designation</b>	City Center
<b>Previous Subdivision/Legal Lot Status</b>	Lot 22 and 23 of Central Addition to the City of Columbia

**UTILITIES & SERVICES**

Parcel is serviced by all City services.

**ACCESS**

<b>Hinkson Avenue</b>	
<b>Location</b>	South of subject parcel
<b>Major Roadway Plan</b>	Local; City-maintained
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks present

<b>Fay Street</b>	
<b>Location</b>	East of subject parcel
<b>Major Roadway Plan</b>	Local; City-maintained
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks present

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Located within 1200-feet of Field Park
<b>Trails Plan</b>	N/A
<b>Bicycle/Pedestrian Plan</b>	N/A

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were provided early property-owner notification of this pending request on November 10, 2020 and formal property owner notification letters on November 24, 2020. 16 postcards and letters were distributed.

Report prepared by \_\_\_\_\_

Approved by Patrick Zenner