

THE LAW FIRM OF
HADEN & COLBERT

June 9, 2026

VIA EMAIL

Patrick Zenner
Development Services Manager
Community Development Department – City of Columbia
701 E. Broadway
Columbia, MO 65201

Re: Request for UDC Text Amendment

Dear Mr. Zenner:

This firm represents Dave Johnson and the Broadway Diner. On behalf of the Broadway Diner, I write to respectfully request a text amendment to the UDC in order to facilitate the potential relocation of the Broadway Diner within the Mixed Use – Downtown (“M-DT”) District.

The Broadway Diner is an icon in downtown Columbia. Originally opening in 1949, the Broadway Diner has served generations of Columbians ranging from business professionals to college students. During this 75+ year history, the Broadway Diner structure has generally remained the same – a single, one-story modular building with space to cook and space to eat. From approximately 1965 to 2001, the Broadway Diner was located at 218 E. Broadway. In 2001, the Broadway Diner structure was moved to its current location at 22 South 4th Street in downtown Columbia. The Broadway Diner has leased the space on 4th Street since 2001. In 2024, the Broadway Diner was designated as a Most Notable Historic Property. At the time, it was noted that the Broadway Diner structure was manufactured by the Valentine Manufacturing Company in the early 1960s and was one of the few “Valentine Diners” still in operation.

Unfortunately, Broadway Diner’s lease is set to expire in the near future and the landlord has respectfully asked Broadway Diner to relocate in order to allow for the redevelopment of the current site. Fortunately, the Broadway Diner has identified potential locations in downtown Columbia that would be ideal sites. However, when the City of Columbia adopted the UDC in 2017, new form-based standards were adopted for development in downtown Columbia. The form-based standards include a variety of requirements. For example, the UDC requires that buildings be located adjacent to the public right-of-way at the “required building line” and be a minimum of two-stories in height. To put it simply, the existing one-story modular structure does not – and cannot - meet most of the M-DT form standards. This makes the existing structure a non-conforming structure. But there is no mechanism in the UDC to allow a non-conforming structure to be relocated. Arguably, relocating a non-conforming structure would trigger an obligation to bring the structure into compliance. This makes relocating the existing Broadway Diner structure to another M-DT site virtually impossible.

When the UDC was adopted, the zoning consultant, the Planning & Zoning Commission and the City Council recognized that certain structures should be exempt from complying with the

form-based standards in the M-DT district. For example, 29-4.2(d)(11) exempts all “Civic Buildings” from the form-based standards. Section 29-4.2(d)(12) exempts gas stations and fueling centers from certain portions of the form-based standards. I would respectfully request that the Planning & Zoning Commission and City Council adopt a text amendment which expands exemptions from 29-4.2 to include situations like the Broadway Diner. I believe this could be accomplished in one of three ways:

- I. Designate the Broadway Diner as a “Civic Building”
- II. Modify UDC § 29-6.5 to allow Existing Non-Conforming Structures to be Relocated; or
- III. Create an Exemption for One-Story Modular Structures.

These are each discussed in more detail below.

I. Designate the Broadway Diner as a Civic Building

Pursuant to UDC § 29-1.11, Civic Buildings are defined as “buildings that house strictly civic uses or *historically* and culturally *significant structures* designated on the mixed-use downtown (M-DT) regulating plan. A civic structure is one in which buildings are customarily designed to meet the needs of assembly for civic affairs, religious worship, or education, and therefore include perimeter greenspace and characteristic building forms that are governed by civic or religious traditions.”

As noted above, Broadway Diner was designated in 2024 as being a historically significant structure and was included as a Most Notable Historic Property. As such, we believe Broadway Diner is eligible for designation as a Civic Building under the first sentence in the definition. If Broadway Diner was designated as a Civic Building, then the structure could be relocated without triggering an obligation to come into full compliance with the form-based standards.

II. Modify UDC § 29-6.5 to allow Existing Non-Conforming Structures to be Relocated

Alternatively, this situation could be addressed with other non-conformities by adding a new section to UDC § 29-6.5. Specifically, I believe a subsection could be added to 29-6.5(b) to allow non-conforming structures to be relocated in substantially the same condition, size, dimensions and form without losing their “legal, non-conforming” status. As written, subsection (b)(1) allows nonconforming structures to be used, leased and sold without losing their legal nonconforming status, but the subsection is silent on relocation.

III. Create an Exemption for One-Story Modular Structures.

Finally, it may be possible to add a new subsection in 29-4.2 as 29-4.2(14) to exempt one-story modular structures that were in use in the M-DT district when the UDC was adopted in 2017 from compliance with the form-based standards. Similar exemptions exist for civic buildings and

for gas and fueling stations. Here, I think the exemption should only be applied to existing one-story structures, so I would suggest tying it to the effective date of the UDC.

In summary, those are the options that we've identified to facilitate the proposed relocation of the Broadway Diner. If you can think of other options, we're happy to discuss those. Otherwise, we would respectfully ask that a request for a UDC text amendment be placed on the upcoming City Council agenda for discussion and consideration. If approved by City Council, I understand Council would just be taking the first step by authorizing Community Development to draft a proposed amendment. I understand the actual text for an amendment would then be discussed at the Planning & Zoning Commission before being forwarded to City Council for final approval.

As always, thank you for your time and help on this matter. This is a truly unique situation, and we appreciate the City's willingness to work with us to find a solution. If I can provide any other information, please just let me know.

Sincerely,



R. Caleb Colbert