

Source: 
Tim Teddy
FISCAL and VISION NOTES:

Agenda Item No. REP 170-11

TO: City Council
FROM: City Manager and Staff
DATE: September 28, 2011

RE: St. Joseph/Hubbell area - Boone County
Family Resources – Status of Permits and Zoning (tracker 3441)

EXECUTIVE SUMMARY:

At its meeting September 6, 2011 Council requested a report from staff regarding neighborhood preservation issues and development activity in the St. Joseph – Hubbell area of the North Central Columbia neighborhood. There have been a number of resident concerns expressed to Council and staff regarding the activities of Boone County Family Resources (BCFR), a public agency located at 1209 East Walnut that owns several properties in the neighborhood. Concerns include building demolition, code compliance, and compatibility with neighborhood character. Currently there are no additional demolitions, building construction, or parking lots proposed. BCFR has a need for expansion of its facilities and this concerns a number of persons living and owning property in the neighborhood.

DISCUSSION:

Boone County Family Resources has what it regards as a good central location for carrying out its mission. Growth and space concerns have led it to purchase additional property for potential future expansion. Persons owning property and living in the area are concerned how the expansion may affect the neighborhood.

Staff and several residents are aware that the BCRF regards itself as a “political subdivision” which may be exempt from building permits and other municipal approvals. Legal research is continuing on this subject. For the time being, staff is of the opinion that building permits will be required for new construction activity involving BCRF.

There have been complaints that BCFR has violated a 1998 conditional use permit by expanding. That conditional use approval, however, was granted to 1209 East Walnut for the purpose of allowing a counseling center operated by a former tenant of BCFR. The general office activities of BCFR, as a public agency, do not require a conditional use permit. (see zoning discussion, below)

There are also concerns regarding the lawful use of an existing parking lot owned by BCFR located north of Ash Street, and the lawful conversion of 1205 East Walnut from a house to an office.

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: Refer to Website:	
N	Vision Impact? (Y/N or if N, go no further)
Item #	Primary Vision Statement, Goal, and/or Strategy Item#
Item #	Secondary Vision Statement, Goal, and/or Strategy Item#
Task #	FY10/FY11 Implementation Task#

Stephens College constructed the parking lot and subsequently sold the property to BCFR which uses the lot to serve its administrative building on Ash Street. The parking lot is within 1,000 feet of the use it serves and is therefore legal. The house at 1205 East Walnut needs to be inspected to confirm its conformity to building codes for use as office space; staff is in discussions with Boone County Family Resources regarding that issue. The agency did have City fire inspectors review the building for compliance with fire prevention codes.

Recent developments

St. Joseph and Hubbell Streets are primarily residential streets in a diverse and dynamic area sometimes known as the “North Village Arts District” (for example in the *Downtown Charrette Report*). Recent zoning and development actions include:

- the establishment of the Orr Street Studios west of Hubbell;
- rezoning of some property to C-2 on Ash and St. Joseph and conversion of a house into a business space;
- rezoning of College and Walnut to C-2 and plans to construct approximately 100 apartment units there;
- the City’s Regency (future Doubletree) Hotel TIF District and the Short Street parking garage project; and
- some expansion by Boone County Family Resources on Walnut, Hubbell, St. Joseph and Ash Streets.

Besides the 1209 East Walnut building, the agency recently acquired a single-family house at 1205 East Walnut (NEC Walnut & Hubbell); it owns a lot on Hubbell that has been converted into a playground (106 Hubbell); and several lots on Ash and St. Joseph; one of which is used as a parking lot. The agency is evaluating two other houses it owns on St. Joseph for possible rental. Several of the properties in question were acquired from Stephens College (see attached map locating all of the properties).

Recent permit history

1209 E Walnut sign permit

400 St. Joseph Street – demolition permit August 2011 (currently a garage remains)

106 Hubbell – demolition permit March 2007 (currently a park for BCFR use)

1219 East Ash – demolition permit April 2003 (currently vacant)

1215 East Ash – demolition permit May 1998 (currently vacant)

There is some concern surrounding the demolition of the house at 400 St. Joseph because a garage remains; there is a Building Code violation when an “accessory structure” is left on a property without a principal structure to serve (code requires removal of all “accessory” structures at the time a “primary” structure is removed). The agency has hesitated to remove the garage because it is not dilapidated and the agency is still evaluating its options for re-use of the lot, some of which may involve a garage.

Zoning

Concerns over neighborhood stability are common during periods of change. Currently the area in question is primarily zoned R-3 Medium-density Multiple-family Dwelling District – all of the

frontage on Hubbell and St. Joseph is R-3 District, Ash Street is a mix of R-3, C-2 and M-1. Lots are small, resulting in a pattern of single-family dwellings on the streets in question with commercial, office, industrial and campus uses within walking distance.

The zoning rules for BCFR are fundamentally no different than those that would apply to City of Columbia or Columbia Public Schools buildings. “Public Administrative Buildings” and “publicly owned and operated community buildings” are permitted as of right in the R-1 District, and R-1 permitted uses are incorporated by reference in more intensive districts, including R-3 and C-2. There is a conditional use approved for 1209 East Walnut but it applied to a tenant of BCFR that no longer occupies the space. The existence of the conditional use permit creates the impression that anything that BCFR does will require Board of Adjustment approval but this is not necessarily the case.

Neighborhood Stability

There are several options for concerned neighbors.

- Meet with Boone County Family Resources and discuss the agency’s and neighborhood’s plans and future needs. Try to achieve voluntary agreement on the best plan for the neighborhood.
- Support continued work with BCFR and North Light, LLC on possible tenant space in and adjacent to the planned Short Street parking garage. Office space in the planned building and parking spaces in the garage could help mitigate BCFR’s space issues.
- Pursue one of the zoning overlay districts in the Zoning Ordinance – either a Historic Preservation Overlay District (District HP) or the Urban Conservation Overlay District (District U-C). The former requires a finding by the Historic Preservation Commission that the majority of properties are historically significant. The latter allows standards and criteria for development to supplement the existing zoning rules. Either overlay district may be proposed by petitions containing a minimum percentage of property owners within the proposed district - 60 percent for the District HP, 50 percent for the District UC. Alternatively, Council may initiate an Urban Conservation overlay.

Staff recommends a voluntary approach to resolution of the issues on Hubbell and St. Joseph, at least initially. Concerned neighbors have expressed support for the Downtown Charrette report’s vision of the neighborhood as part of a “North Village Arts District.” It would be worthwhile exploring how close agency plans can get to the recommendations expressed in the report.

Boone County Family Resources exemption from some or all city codes is an ongoing discussion with the Law Department.

FISCAL IMPACT:

There are no fiscal impacts associated with this report

VISION IMPACT: <http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

SUGGESTED COUNCIL ACTIONS:

This report is offered as information. No action by Council is required.

