

**EXCERPTS**

**PLANNING AND ZONING COMMISSION MEETING**

**COLUMBIA CITY HALL COUNCIL CHAMBER**

**701 EAST BROADWAY, COLUMBIA, MO**

**MAY 21, 2020**

**Case Number 84-2020**

**A request by Stacy Bryant-Wimp (members), on behalf of JSAE Enterprises, LLC (owner), for a conditional-use permit (CUP) to allow for an accessory dwelling unit on property zoned R-1 (One-Family Dwelling District) and addressed 507 S. Greenwood Avenue.**

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested conditional-use permit to allow an ADU on property addressed as 507 S. Greenwood Avenue.

MS. LOE: Thank you, Mr. Zenner. Before we ask staff questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Seeing none. Are there any questions for Mr. Zenner? Mr. MacMann?

MR. MACMANN: Just one, and you guys will think I'm crazy. I'm going to support Pat on something. I drove by this house kind of by accident looking for another location the other day. And after we got our packet, and I went back and looked at it, and I looked at the specific issues raised by the person who had concerns. And I knew there were and there are throughout the area, they're certainly not stacked up, there were quite a few garages of notable size, significantly bigger than my home throughout the area. I think that point is moot, and I think we should just consider the ADU portion rather than it being out of scale or out of place because it's not.

MS. LOE: Ms. Burns?

MS. BURNS: I think it was noted in the documentation that the applicant is not the owner or the occupant of the house. And I believe under the current ADU standards, you can't have two -- you couldn't have for rental either the primary residence or the ADU. You could have one, but not both; is that correct?

MR. ZENNER: The ADU -- the ADU is an accessory dwelling unit to the principal residence, so I believe that is a correct statement that you're making, Ms. Burns. The applicant has indicated that they, while not living in the home right now, it is being renovated, that they will be living in the home and they were seeking the ADU approval for additional living space for their family or guests. Now, when you use guests, that is a very possible distinction at some point that that could be used for something other than your family.

MS. BURNS: Right. And --

MR. ZENNER: We don't -- we don't investigate that. The ADU, however, you're allowed an ADU as a rental if you claim it as a rental and you cannot have a ADU and the residential structure, if I am correct -- and I'd have to go back and look at those regs -- both as in the rental program, so it's one or the other.

MS. BURNS: I looked at it and that's how I read it. I was just looking for confirmation given that -- and I guess we'll wait for public comment. Perhaps the owner is here is going to give us more information, so I'll wait for that. But I guess my concern was, since we're -- we don't have a lot of information about who owns it or who is going to occupy it, that we weren't going to run into two rental situations, and now you've clarified that would not be allowed.

MR. ZENNER: We would have to evaluate that on the type of the rental application being made, and if both properties, the residential structure, the principal structure and the ADU came up, one of them is going to have to give, but that would be handled through our Office of Neighborhood Services as part of rental conservation and compliance with the ADU ordinance.

MS. BURNS: Thank you.

MS. LOE: Additional questions for staff? Mr. Strodman?

MR. STRODTMAN: Mr. Zenner, I think I'm just going a little bit of Mr. MacMann. If we -- if we did nothing with the ADU, the building itself is what we see is there, the two-story structure, on the bottom left, that -- that structure will be there regardless of the ADU. That's already under construction, approved to be built with the windows in the second story and -- and it will look like a ADU is up there even if we don't approve it. I mean, that structure -- I think Mr. -- to Mr. MacMann, the structure itself I don't think is part of the discussion. It's more is -- is a one-bedroom allowed upstairs or not, because the structure itself is there. Right? I mean --

MR. ZENNER: That is correct. So the upper story does not need to be --

MR. STRODTMAN: You know, because the driveway is -- the driveway didn't change because of the ADU. The -- the garage size, the building is still the same. I mean --

MR. ZENNER: Yeah. The -- in essence, to make the dwelling unit a dwelling unit, you would have to put in a kitchen, the bath. There is a bath in the structure at this point. And then you would have to have a sleeping space. You could create this as a 764 square foot efficiency, if you wanted, with no bedroom walls, or you could make it a hobby room, you could make it a workout space. You could do a lot of things to finish off the upper story short of making it a habitable living -- a dwelling unit. So, yes. The structure, if you chose not to approve the CUP, the permit that's been issued for the construction of the structure in the lower left-hand corner is valid permit. There would be other mechanisms by which we would not allow it to be converted to a dwelling unit through the building code process to ensure that we don't issue a 220 outlet for a stove or other aspects that would make it a dwelling unit, legally. Let me put it that way.

MR. STRODTMAN: Thank you.

MS. LOE: Additional questions for staff? Seeing none, we'll open up the floor to public comment.

## **PUBLIC HEARING OPENED**

MS. LOE: If anyone would like to make public comment on this project, please come up and give your name and address for the record. We do limit comments to three minutes, typically.

MR. BECK: Okay. My name is Jim Beck; I live at 500 South Greenwood. I was kind of surprised that the gentleman said that the owner straight to the north was in -- had no problems with --

MS. RUSHING: Could you speak into the microphone, please?

MR. BECK: Okay. I was kind of surprised that the gentleman said that the owner straight to the north of the property, John and Chris Rose, did not have any problems with this because I'm here kind of on -- on their behalf and my own in that we're concerned and maybe -- maybe we're concerned not correctly, but that they could eventually convert the rest of structure to a living -- to really a second house rather than just an additional living unit. Is that possible or is it restricted to just the 800 square feet?

MS. LOE: It's -- as an ADU, it's restricted to 800 -- 800 square feet, maximum for the dwelling unit. And I believe one of the letters mentioned going to an R-2 situation where both would be rented, and I believe that's what Ms. Burns is discussing. That would be considered upzoning. There are no R-2 properties in this neighborhood, and that's a completely different consideration.

MR. BECK: Okay. Well, then -- then the other thing he said was that it's -- I think you said it is your impression that they intend to live in the house. At the -- or somebody said that. At the meeting in March, there was, like, a 5:30 meet and greet thing or something on this thing, and the owners told me that they intend to make the house an Airbnb property. So there's going to be -- if the house is going to be a rental house, from what my understanding is what -- what -- at that time, and their son is intended to live upstairs above the garage. So I don't really know what mechanism, assuming all that happens, there's only one rental unit and then a somewhat owner-occupied unit, then what's the mechanism if the son moves out that they rent that, how does the City become aware of that, and how is that regulated, because now there's no regulations on Airbnbs, from what I understand.

MS. LOE: Those are in process at this time.

MR. BECK: Right. But how -- but my -- so my question is, how do you -- how would you regulate if they have the Airbnb in the house and then they have this other living unit that's been approved tonight or whenever, and then they start to rent it later, because -- or the future owners start to rent it or whatever, because, you know, plans -- real estate does change hands and plans do change on people.

MS. LOE: But rented units are regulated in the City. What's under discussion right now with Airbnbs is how those will be regulated, but they will be regulated.

MR. BECK: But I just -- okay. But then I just want to make it clear that that's what my understanding is from the owners is it's intended to be a rental house from the beginning.

MS. LOE: If they choose to rent it, it will fall under the regulations and those questions are outside the purview of this Commission.

MR. BECK: I understand. I understand, but there was a discussion that the owners intended -- someone said up here that the owners intended to live in the house, and that's not my understanding.

MS. LOE: All right. So this Commission is dealing strictly with whether or not the conditional-use permit for an ADU, and we -- we are not privy to exactly how the owner will use it.

MR. BECK: I just think you ought to have -- that you ought have that correct information.

MS. LOE: Okay.

MR. BECK: Somebody brought that up, it was a topic of discussion. It should be understood what's correct and what's not correct. That's my whole point.

MS. LOE: All right.

MR. BECK: Okay. That's all I have.

MS. LOE: Any questions for this speaker? I see none. Thank you.

MR. BECK: Thank you.

MS. LOE: Any additional speakers? I see none. We will close public comments.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Burns?

MS. BURNS: I have concern supporting this given that the applicant didn't appear before us tonight to answer some of these questions. And if we have neighbors coming forward with additional information or correspondence that is contrary to what -- the information we have received, I am -- I am so surprised that the applicant did not appear to answer questions and flesh out more of what we're discussing right now.

MS. LOE: Ms. Carroll?

MS. CARROLL: I agree with Tootie. I am surprised that the applicant isn't here. I am supportive of ADUs in general. I can relate to the neighborhood concerns given the size of the garage, but as that's permitted and as Mr. MacMann and Mr. Strodtman pointed out, I -- I don't feel that that's our consideration. The -- the nature of the three big garage, while there are other very large garages in that area, I don't frequently see three-bay that are as visible. That still by right and going to happen whether we approve the ADU or not, and that changes my consideration quite a bit.

MS. LOE: Mr. Toohey?

MR. TOOHEY: What they're going to do with the property is immaterial to what we're deciding here. I mean, if they want to rent the property, that's part of their bundle of rights. Whether or not they're going to rent both properties, we just found out -- or both dwellings is impossible, so there is mechanism to deal with that if that were to happen. But how they're going to -- which property they're going to -- or which one they are going to rent is immaterial to what we're deciding with this case.

MS. LOE: Ms. Russell?

MS. RUSSELL: On a different topic, when I drove out there, this picture does not do justice to that area. They've been very careful about preserving trees around it, and it does look and have the feel of the neighborhood, so I plan to support it. It meets all the criteria for ADU. If they're going to try and rent both sides, we have a different mechanism for that, and ADUs, we're not there yet, so I plan to support it.

MS. LOE: Ms. Carroll?

MS. CARROLL: I also wanted to point out that the goals of Columbia Imagined to increase density by ADUs include rental of an ADU, and that is the mechanism by which that allows affordable housing. And so I'm not opposed to renting ADUs. I think that's a benefit to the neighborhood and to the community at large.

MS. LOE: Mr. MacMann?

MR. MACMANN: I'm seeking other commentary because I have a motion.

MS. LOE: We're looking for a motion.

MR. MACMANN: I have a motion. In the matter of 84-2020, I move to approve.

MR. TOOHEY: Second.

MS. LOE: Mr. Toohey, second. We have a motion on the floor. Any discussion on that motion? Ms. Rushing?

MS. RUSHING: I -- I think Ms. Carroll pretty much said -- Commissioner Carroll pretty much -- why do I keep doing that. Yeah. Carroll. I had a woman who worked with me at the City of Warrensburg whose last name was Carroll, and I want to call Valerie Barbara all the time, so -- but I agree pretty much with what she said. This case is disturbing to me because I read the letters and I'm, like, yeah. You know, I can see that. The -- the garage is huge. of course, it looks worse now because it's under construction and I assume it will fit in more with the neighborhood once it's finished. So you're looking at this huge -- and you do -- we have to rely on what the applicant says, that she's the owner, and that it will be used as an ADU and it meets the requirements of an ADU, so I don't see that we can do anything but approve it. And then if it turns out she's not the owner and it's not going to be -- the main house isn't going to be owner occupied, those are all issues that we're not looking at today. I -- you know, I don't -- I don't like it, but I -- I think --

MS. LOE: Any additional discussion? Seeing none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann,**

**Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Carroll, Ms. Loe. Voting No: Ms. Burns. Motion carries 8-1.**

MS. BURNS: Eight to one, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. That closes our cases for the evening.