

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 5, 2019**

SUMMARY

A request by Jonalyn Siemer (owner) for a conditional use permit (CUP) to allow for an accessory dwelling unit on property owned R-1 (one-family dwelling district) and addressed 103 Anderson Avenue. **(Case # 22-2020)**

DISCUSSION

This request would allow a second dwelling unit to be built behind the existing home at 103 Anderson Avenue. Jonalyn Siemer, applicant and owner, voluntarily down-zoned her property from R-2 (Two-Family Dwelling) to R-1 (One-Family Dwelling) in 2018 as part of a multi-property zoning action intended to promote a single-family feel for the West Ash neighborhood and to address concerns about multi-family redevelopment on aging or inadequate infrastructure systems. As such, Ms. Siemer must now ask for a conditional use permit (CUP) to be permitted to build an accessory dwelling unit (ADU) upon her property.

ADUs are secondary dwelling units attached to or located on the same property, as the primary dwelling unit. They are smaller than the primary dwelling unit and must meet all use-specific standards of Section 29-3.3 (gg) of the UDC which include provisions relating to minimum lot size, setback, height, and parking. ADU's are permitted in the R-2 and R-3 districts subject to only meeting the use-specific standards of 29-3.3(gg); however, when desired in the R-1 district they must also obtain approval of a conditional use permit in accordance with the provisions of Section 29-6.4(m) of the UDC as well as comply with all use-specific standards.

103 Anderson Avenue is a .22-acre, 50x200' (10,000 sq.²) property located mid-block on the west side of Anderson Avenue north of West Broadway and South of Ash. Ms. Siemer has owned and lived at the property since 2000. At the time of the downzoning effort, her plans did not include building an ADU; however, she has since become interested in doing so.

The West Central Columbia Neighborhood Action Plan was collaboratively developed by this neighborhood in 2015. The plan describes downzoning R-2 property as a way to stabilize the single-family land use pattern and address concerns about multifamily redevelopment in the area. Two successful downzoning requests have been undertaken by residents in the neighborhood since the plan was adopted.

During the 2018 public hearing process for the downzoning to which the subject site was a part, concerns were cited by some applicants that it would be more challenging for R-1 properties to add ADUs once downzoned and many residents indicated they were supportive of ADUs due to the smaller footprint and limited perceived impact that such units would create. ADUs offer opportunity to generate an income stream for homeowners as well as may provide affordable housing options in established neighborhoods. Some noted the West Central Neighborhood Action Plan called for an overlay that would still allow ADUs by right should a property owner zone to R-1, but such an overlay had not been developed. The fact that the CUP process was an available tool to permit construction of an ADU on R-1 zoned property was also a part of the public dialogue during the hearing process.

The lot size of 103 Anderson Avenue meets the dimensional requirements to have an ADU per the code (5,000 square feet and 50 foot lot-width minimum). Ms. Siemer has discussed the technical requirements of the building code and the use-specific standards with City Planning, Building, Utilities, and Fire staff. Ms. Siemer has indicated she anticipates building an approximately 450 square-foot, one-bedroom detached ADU in her backyard (see attached information). ADUs cannot exceed 75% of the footprint of the primary

dwelling or 800 square feet. Ms. Siemer's home is 1,104 square feet according to Assessor records thus the maximum size of an ADU on the property should the CUP be granted would be 800 square feet.

This is the first CUP request in for an ADU in an R-1 zone since the adoption of the UDC in March of 2017. Previously, ADUs were only permitted in the R-2 or higher zones. In addition to the CUP criteria, which will be discussed in detail below, the appropriateness of a CUP for this location was also considered in terms of the public dialogue during the 2018 rezoning request as described above, the West Central Neighborhood Action Plan and the Comprehensive Plan, and the context of the surrounding area.

In the past, many residents in the West Ash neighborhood have expressed a desire to have ADUs in their neighborhood in public processes including, but not limited to, the downzoning process discussion. Throughout the Columbia Imagined and West Central Neighborhood Action Plan development processes, and most recently as 2018, residents have worked with staff to develop and amend the ADU provisions in the zoning code (pre-UDC and post UDC).

ADUs are explicitly cited in both Columbia Imagined (for R-2 zoned property) and West Ash Neighborhood Action Plan (for R-2 and R-1 property) to promote context-sensitive density in existing neighborhoods, allow more residents the ability to live in walkable areas served by infrastructure and services, and as a means of providing income streams to homeowners. ADUs are also often described as a way to introduce a mix of housing types and mixed-income and/or affordable housing into a community.

Neighborhood planning was called for as a tool to promote livable and sustainable neighborhoods by Columbia Imagined and the West Ash Neighborhood Action Plan was the first neighborhood plan completed following the adoption of Columbia Imagined in which such objectives were included. Below is an excerpt from page 32 of the Action Plan supporting the current CUP request to allow an ADU in the R-1 zone:

Land Use & Zoning Priority 1: Downzone land to preserve single-family character.

Support downzoning of single-family character areas to R-1 (One-Family Dwelling), and apply an overlay zoning district to accommodate continued eligibility of ADUs (accessory dwelling units) within the area as a means of supporting first time homeowners and retirees.

While the Plan calls for an overlay zone to facilitate construction of ADUs in the R-1 district, as previously noted, one has not been created. The CUP procedure offers an alternative to the intended overlay and is viewed as an equivalent process to allow for the construction of ADUs.

In terms of the larger land-use and zoning mix of the area around 103 Anderson Avenue, most properties remain in R-2 zoning, which would allow an ADU by right. Staff has not identified any specific concerns (e.g. utility service capacity, parking, land use compatibility, or others) related to permitting an ADU on this lot as long as it meets the requirements of the code.

Staff also finds the request to be generally consistent with the evaluation criteria for a CUP as discussed below, especially given there is clear guidance in the applicable neighborhood plan (which is considered a part of the Comprehensive Plan) regarding a desire for ADUs on R-1 downzoned properties in this neighborhood.

Below are staff's findings relative to the six (6) conditional use review criterion of Section 29-6.4(m).

- (A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;*
- (B) The proposed conditional use is consistent with the city's adopted comprehensive plan;*
- (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination,*

consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;

(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;

(E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and

(F) The proposed variance will not cause significant adverse impacts to surrounding properties.

In review of the CUP criteria, staff also notes the use-specific standards and other provisions of the UDC are in place to mitigate the potential negative impacts of ADUs on adjacent property, to provide sufficient infrastructure and services to support the use, and to protect the character of the area in which it is located.

The request is considered consistent with the comprehensive plan and conforms to the requirements of the R-1 zone as the lot size meets the requirements for an ADU in the R-1 zone. Prior to final permitting the proposed construction will be subject to all other applicable building and use-specific standards articulated within Section 29-3.3(gg) of the UDC. It should be further noted that CUPs run with the land into perpetuity unless otherwise conditioned. Staff does not recommend any additional such conditions at this time.

RECOMMENDATION

Approval of the requested conditional use permit to allow an ADU on property addressed as 103 Anderson Avenue.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Information provided by applicant
- West Central Columbia Neighborhood Action Plan (2015)

SITE CHARACTERISTICS

Area (acres)	.22 acres
Topography	Flat
Vegetation/Landscaping	Residential landscaping
Watershed/Drainage	Flat Branch
Existing structures	Existing home

HISTORY

Annexation date	1905
Zoning District	R-1
Land Use Plan designation	Neighborhood
Previous Subdivision/Legal Lot Status	Legal Lot

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Anderson Avenue	
Location	Along eastern frontage of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	Existing

PARKS & RECREATION

Neighborhood Parks	Again Street Park ¼ mile away
Trails Plan	West of the Bike Blvd which connects to MKT.
Bicycle/Pedestrian Plan	N/A; West of the Bike Blvd.

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on November 26, 2019. 31 postcards were sent.

Public information meeting recap	Number of attendees: 4 Comments/concerns: Interested in the proposal and process. No concerns by attendees.
Notified neighborhood association(s)	Historic West Broadway and West Ash Neighborhood Associations.
Correspondence received	Phone call with some concerns regarding previous issues with shared driveway between 103 & 105 Anderson.

Report prepared by Rachel Bacon

Approved by Patrick Zenner