

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

December 19, 2019

#### Case Number 22-2020

**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.**

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends approval of the requested conditional use permit to allow an ADU on property addressed as 103 Anderson Avenue.

MS. LOE: Thank you, Ms. Bacon. Before we move to Commissioner questions, I would like to ask any Commissioners who have had any ex parte to please disclose that now so all Commissioners have the same information on this case before them. Seeing none. Are there any questions for Ms. Bacon? Mr. MacMann?

MR. MACMANN: Just an admin question. Are we going to discuss the potentiality or details of an ADU overlay for the west side in work session sometime? Just an idea you guys are batting around?

MR. ZENNER: I think we -- we had batted it around and I believe, as Ms. Bacon pointed out, in our discussions internally, there are some significant downsides associated to a general overlay. And developing -- we had talked about an overlay can consist of a floating zone as well, meaning that it would -- when particular conditions exists, the zone requirements would attach to particular property. And so there is the idea of an overlay floating zone and then the CUP potentially has been discussed. The CUP allows for the greatest amount of neighborhood interaction to ensure that all neighbors are informed, and something just doesn't get built without the interaction of those surrounding neighbors to ensure that the contact sensitivity as expressed in the plans there. So to answer the question, given what we have discussed internally and what we see as the potential downside to an overlay, even though it's expressed within the plan, it's not an active project that's currently on our radar. We feel that the CUP process works effectively and is probably a more appropriate route at this point, unless so directed either through Commission or a request of Council, we'll probably continue to pursue this as the method by which to approve ADUs moving forward.

MR. MACMANN: All right. I just have a quick follow up. I agree with everything you just said and why you made the choice you made. I would just ask that if you guys do bat that around again, if it becomes a thing, I think we need to --

MR. ZENNER: We definitely would. We have to. It would require -- the establishment of overlay zones, not unlike our urban conservation districts, would require initiation. Typically, those would either

come from the neighborhood itself through a percentage of its ownership. It could be initiated by City Council or through the procedures that exist within the UDC. It is possible that the Planning and Zoning Commission potentially could make a recommendation to Council to initiate as well. So we will, I think, as a part of moving forward with maybe our comprehensive planning efforts, talk about this as well as some other zoning tools that we may need to begin to look at. I know missing middle construction and things of that nature which we have touched on before in work session are things that we probably need to start to look at as it relates to our zoning strategies in order to address housing typology that we currently do not have within the City that is easily attainable. So that -- this, I think, will flow into a much broader discussion of how do we accommodate the unique demands that are being created by the ever-changing demographic that we are dealing with.

MR. MACMANN: Thank you, Mr. Zenner. Thank -- I apologize, Ms. Siemer. I didn't mean to hijack any of your time there. Just some admin stuff going forward. Thank you. Thank you, Madam Chair.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for staff? Seeing none.

**PUBLIC HEARING OPENED.**

MS. LOE: We will open up the floor for public comments. If you have any comments you would like to make, you can come up to the podium. We need your name and address for the record. You don't have to make any comments, but if there is anything you would like to just share that can help us make a decision --

MS. SIEMER: My name is Jonalyn Siemer. I'm at 103 Anderson. I would like to build a small cottage in the back. I think it will be really consistent with the neighborhood style. And I know that we are anticipating increased density. This seems like a great way to do it. I don't know if you have any other questions or information that you want from me.

MS. LOE: That sounds fine. Are there any questions for Ms. Siemer?

MS. CARROLL: A quick question.

MS. LOE: Ms. Carroll?

MS. CARROLL: If you don't mind, can you comment on the intended use? Will this be a rental or for your own personal use?

MS. SIEMER: Yeah. Sure. No. My original plan was that it -- it is a smaller place, so I thought I might put a graduate student there, rent it out to someone that would be quiet and studious and would augment my eventual retirement funds. Yeah. That's kind of the thought. I don't know, someday when I'm a lot older, maybe I would go live there. It doesn't have any stairs, you know.

MS. CARROLL: That sounds lovely.

MS. SIEMER: Thank you. I'm excited about it, you know, if it comes to be.

MS. LOE: Any additional questions? I see none at this time. Thank you.

MS. DOKKEN: Dee Dokken, 804 Agin Street. And I was so excited to see this in the newspaper. I didn't know she was planning to build this, but this is exactly what our neighborhood needs, I think, more

of to increase density in a really -- in a pleasing way for us. And I was going to say maybe we should do this overlay thing because I don't -- I know she felt like she had a -- this is a barrier to the people. But I didn't realize there were downsides. So anyway, I would like to discuss it more and maybe I would put some energy into it from the neighborhood getting it started if it seemed like a good idea.

MS. LOE: Thank you. Are there any questions for Ms. Dokken? I seen none. Thank you. Any additional speakers? Seeing none. We'll close public comments.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Mr. Toohey?

MR. TOOHEY: So I have an issue with this. I don't think this is the way to increase density, and I think this sets a bad precedent. I think if you want to increase density, this needs to go back to R-2 -- an upzone back to R-2, not through a CUP.

MS. LOE: Do you mind elaborating on that?

MR. TOOHEY: I just think that's what the zoning classification should be for what she is intending to do with the property. That is what it was before, and so I think that's -- it ought to go back to R-2. We have a spot zoning situation with what it is now when you look at the surrounding properties, so we eliminate that spot zoning issue if it goes back to R-2 and she still can have the same use she wants to use. It's also part of the CAP plan where we want to try to increase density through zoning.

MS. LOE: Ms. Carroll?

MS. CARROLL: This is increasing density through zoning. The additional dwelling units are an allowed use -- a conditional use in R-1. I think that this type of R-1 with an additional dwelling unit achieves the goals that are outlined in the West Area Plan, the goals that are outlined for Columbia Imagined in terms of increasing density. I support this type of additional dwelling unit in R-1, where it is an incremental step in increasing density. That's typically a little bit more manageable for the community. I have no arguments here. I think that it achieves our goals.

MS. LOE: Mr. Stanton?

MR. STANTON: I agree with my fellow Commissioner. This was, number one, the West Central Neighborhood Plan kind of spearheaded this whole ADU thing anyway. And this helps the little guy, the guy that owns one house and wants to expand the use of its -- of his little piece of paradise. And we're working really hard on working these ADU codes anyway, so yeah, I'm glad to see it. This is coming to fruition being applied. So yeah, I plan to support it.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So I don't have a -- I think it is great that we're seeing another one of these. I hope that we have more. But I just don't think -- I just think it should be -- go back to R-2, which is -- I think is more fitting.

MS. LOE: Mr. MacMann?

MR. MACMANN: Well, that may be easier for certain elements in the community to have it R-2. This -- it will be easier for a process if it was R-2. This homeowner chose to downzone, and then chose

to have an ADU, although it was a barrier for her, it was her barrier and her path to follow. And as Commissioner Stanton just said, this has been -- and we've seen this. We've been involved in this, you know, directly and indirectly. This has been a neighborhood driven process from the bottom up; whereas, when this neighborhood was designated R-2, that was a top down process. And this is the type of community engagement and type of community, I would say, that we would like to see. Yes, it is more difficult for -- to make that R-1, R-2 transition. It is spot zoning. We currently as a nation don't have good solution to that, and I'm quite pleased that West Ash -- the West Central Neighborhood has chosen to engage and chosen to jump through the hurdles. And I wish them more success in the future.

MS. LOE: Ms. Carroll?

MS. CARROLL: Off of what Michael and Brian have just been discussing, I see the friction that Brian is referring to -- the downzone and then the additional dwelling unit. But I think both of those actions and those actions together support two goals within the plan, and thus, I support both downzoning requests and ADU requests. In fact, I -- I would like to see less friction for ADUs in R-1 if people would like to pursue that.

MS. LOE: Ms. Rushing?

MS. RUSHING: And this lot just seems particularly well suited for placement of an ADU. I'm -- with, you know, some lots might not be as well suited, but this one I think would look really nice -- could look really nice on the back part of that lot.

MS. LOE: Ms. Burns?

MS. BURNS: I think I saw that 31 postcards went out on this, and there were no responses -- no negative responses and no one here to speak against it. So I am planning on supporting this.

MS. LOE: Mr. MacMann?

MR. MACMANN: I don't mean to cut off a good conversation, not one that we've had -- we've had this before. Unless you guys want to go on, I have a motion. I mean, do you guys want to -- all right. In the matter of Case 22-2020, a request by Jonalyn Siemer for a conditional use permit to allow for an accessory dwelling unit on her property currently zoned R-1, I move to approve.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? I would like to say that when the request came forward to downzone these properties, I understood the arguments and did support it. But it does -- we are working also at -- for opportunities to increase housing and looking for opportunities to infill. And there -- so there are -- Mr. Toohey's comments do strike a chord with that. And the request ran a bit contrary to some of those arguments. Still, like I said, I did support it. I do understand that the quality of these neighborhoods and the history of those zoning decisions in those neighborhoods. I find this request very ironic given the whole history of the ADU and that it was created with this neighborhood in mind and with these under -- substandard -- I think we called them originally the substandard R-2s in that they were -- couldn't take advantage of the original require-- or minimum requirements for doing a two-family dwelling unit, which is how we sort of

started shaping the ADU requirements. It was to allow these small R-2s to take some advantage of their zoning. So for this lot to go from an R-2 that couldn't be a full-fledged R-2, to be an R-2 that could be an ADU R-2 to go to an R-1 and now come back as a CUP wanting the ADU is a very interesting journey. But I don't agree with Mr. Toohey that being an R-1 with a CUP with an ADU is the same as being an R-2. I mean, I believe that your requested to be downzoned from an R-2 to an R-1 because there are certain developments allowed in an R-2 that you would prefer not to have on your property and that you are specifically asking for this conditional use permit because there is a specific use you do want attached to this property, and I do support that. Any additional comments? Seeing none. Ms. Burns, roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton. Voting No: Mr. Toohey. Motion carries 8-1.**

MS. BURNS: Eight to one, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council.