

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 22, 2020**

SUMMARY

A request by Stacy Bryant-Wimp (member), 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. **(Case #84-2020)**

DISCUSSION

This request would allow a 764 square foot accessory dwelling unit (ADU) to be built above a newly constructed, 3-bay garage behind the existing home at 507 S. Greenwood Avenue. The home is on a corner lot with the home fronting onto S. Greenwood Avenue and the new garage having driveway access from W. Lathrop Road in generally the same location as the recently demolished garage that occupied the lot.

ADUs are secondary dwelling units attached to or located on the same property as a primary dwelling unit. They are smaller than the primary dwelling unit and must meet all of the use-specific standards of Section 29-3.3 (gg) of the UDC, which includes provisions relating to minimum lot size, setback, height, and parking. ADU's are permitted in the R-2 and R-3 districts subject to the use-specific standards of 29-3.3(gg) as a permitted accessory use. However, when desired in the R-1 district, property owners must obtain a CUP in accordance with the provisions of Section 29-6.4(m) of the UDC *in addition to* compliance with all ADU use-specific standards.

According to the dimensional information provided by the applicant and confirmed via Boone County Assessor records, the home is 2,177 square feet in size and is located on a lot that measures 80' x 208' (16,1640 square feet). As such, the proposed square footage of the ADU meets the dimensional standards of 29-3.3(gg) in terms of minimum lot (5,000 sq.ft.) and maximum unit size (75% of primary dwelling or no more than 800 sq. ft.). Additionally, the applicant has provided information that the setbacks, height and other related siting requirements of Section 29-3.3(gg) will be meet (see information provided by the applicant, attached).

In her application letter, Ms. Bryant-Wimp indicates the ADU would be a one-bedroom dwelling to be used by family as the principal dwelling on the lot only has three bedrooms. It should be noted however, that the unit would not be restricted to family use only and potentially could become a legal rental unit subject to meeting the City's rental registration requirements.

While this property is located 1/3 mile south of Broadway and is not included in an adopted neighborhood plan, N. Greenwood on the north side of Broadway was included in the West Central Neighborhood Action Plan (WCNAP). The Plan provides guidance and support for ADUs as a means to provide incremental, context-sensitive density in established neighborhoods where existing infrastructure and walkable access to goods and services exist. ADUs are also described as a tool in the Columbia Imagined Comprehensive Plan to promote infill development while promoting livable and sustainable neighborhoods.

WCNAP 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 WCNAP calls for an overlay zone to facilitate construction of ADUs in the R-1 district, as previously noted in a recent ADU CUP request, one has not been created. Staff believes the development of the ADU use-specific standards (developed in direct response to this priority identified in the Comprehensive Plan) in combination with the CUP procedure offers an alternative and equivalent process to allow for the construction of ADUs with context-sensitive considerations.

This is the second CUP for an ADU on property zoned R-1 since the adoption of the UDC in March of 2017. Previously, ADUs were only permitted in the R-2 or higher zones. The first ADU request approved by the City Council and was a recently downzoned R-1 lot generally surrounded by R-2 zoned properties.

In the case of this ADU CUP request, this property is surrounded by R-1 zoning. While staff has not identified any specific technical concerns (e.g. utility service capacity, parking, or others) related to permitting an ADU on this lot as long as it meets the requirements of the code, the larger land use-pattern is primarily of single-family residences. As such, staff's evaluation looked at the lot in context with the neighborhood and the ADU in context with the lot.

Overall, the corner lot provides adequate parking and access for a second unit. While the lot is smaller than some within the larger neighborhood, it is not out of scale with the neighborhood pattern (e.g. the lots on the south side of Lathrop are generally comparable) and is more than three times the minimum size (5,000 square feet) for a lot to support an ADU per the UDC. Detached garages are not uncommon in this neighborhood, and the new garage with upstairs unit will not be out of scale with the home or the previously utilized garage.

A subdivision action is not a viable option to split the lot into two given the location of the existing home. However, if the home were torn down the lot would be large enough to be subdivided into two conforming R-1 lots (minimum lot size is 7,000 square feet and 60 feet of width at the building line) if desired. As such, a second unit of density as an ADU may be perceived as a slightly less intensive or incremental increase of density when compared to the impact of a second lot and home.

Staff has received many questions regarding this proposal. Conversations with neighbors during the public information meeting and via phone calls have indicated general support of this plan, especially if only for family use. However, several residents have voiced concerns regarding the potential for the unit to be rented out. Given that the proposed ADU is to be a one-bedroom unit has appeared to help mitigate this concern. Staff has been contacted by the neighbor most directly adjacent to the home and garage and they noted appreciation for the architectural design of the structure and were not against the request. The one written public comment (see attached) expressed concern with the size and design of the garage as well as its potential rental use. It should be noted that the garage structure has been legally permitted, is compliant with all city codes, and is not subject to architectural standards.

While the CUP process allows imposition of additional conditions upon the request such as restricting an ADU to a maximum number of bedrooms, the use-specific standards applicable to ADUs were designed to provide standard enforceable conditions and parity for the use across all properties in which the use would be permitted. Given these standards are in place and that no significant concerns are noted by staff or adjoining property owners for which additional mitigation measures are believed necessary staff does not recommend the imposition of additional conditions as part of this CUP review.

Overall, staff finds the request to be generally consistent with the evaluation criteria for a CUP. 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 as briefly mentioned above, that 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. Adequate infrastructure and utilities are in place to support the unit. Prior to final permitting the proposed construction will be subject to all other applicable building and use-specific standards as articulated within Section 29-3.3(gg) of the UDC. It should be further noted that CUPs may be conditioned to have an expiration or sunset clause. Staff does not see a need for such a condition, and as noted above, staff does not recommend any additional conditions be imposed at this time beyond those already existing in the code.

RECOMMENDATION

Approval of the requested conditional use permit to allow an ADU on property addressed as 507 S. Greenwood Avenue.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- ADU layout and dimensional conditions supplied by applicant
- Public Correspondence

SITE CHARACTERISTICS

Area (acres)	.38 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

S. Greenwood Avenue	
Location	Along eastern frontage of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	No sidewalk

W. Lathrop Road	
Location	Along southern frontage of property
Major Roadway Plan	Local residential
CIP projects	N/A
Sidewalk	No sidewalk

PARKS & RECREATION

Neighborhood Parks	Grasslands Park .6 miles away
Trails Plan	West of the Bike Blvd which connects to MKT, .6 miles northwest of the Lakeshore Drive access to the MKT.
Bicycle/Pedestrian Plan	N/A, northwest of the MKT Lakeshore Drive connector

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 March 17, 2020. 12 postcards were sent.

Public information meeting recap	Number of attendees: 3 Comments/concerns: Interested in the proposal and process. No concerns by attendees.
Notified neighborhood association(s)	Historic Old Southwest Neighborhood Associations.
Correspondence received	Several calls with questions, some concerns with the potential to be a rental, other comments in support. Written correspondence is attached and states concerns about use as a rental and the size and style of the garage.

Report prepared by Rachel Bacon

Approved by Patrick Zenner