

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 4, 2023**

SUMMARY

A request by A Civil Group (agent), on behalf of Soyna Andreassen-Henderson (owner), seeking to rezone 10.53-acres from R-1 (Single-family Dwelling) to A (Agriculture). The subject 10.53 acres is located at the western terminus of Westwinds Drive north of the Stadium Boulevard and is commonly addressed as 1605 & 1607 Westwinds Drive. A concurrent request (Case # 144-2023) seeks conditional use permit (CUP) approval to allow the applicant to construct a second principal dwelling on the property, subject to approval of this request. The existing single-family dwelling occupying the site is addressed 1605 Westwinds Drive. **(Case # 142-2023)**

DISCUSSION

Background

The applicant is seeking to rezone the subject 10.53 acres from R-1 (One-family Dwelling) to A (Agriculture) so that she may be able to seek approval of a conditional use permit (Case # 144-2023) to construct a second principal residence on the property. The subject acreage has previously appeared before the Commission as a 2-lot preliminary plat known as Hidden Haven subdivision. The preliminary plat was approved by Council in February 2023. A final plat for Lot 1 of the proposed development was presented to staff and was being prepared to be forwarded to City Council for final approval; however, was held off the Council's agenda pending the outcome of two Board of Adjustment (BOA) variances relating to proposed construction on Lot 1.

The BOA variances were related to the construction of an accessory garage prior to a principal use being constructed and the location of the accessory garage being forward of the future principal structure. At its March 14, 2023 meeting, the BOA denied the requests citing that other options to accommodate the applicants desired construction could be pursued.

Following consultation with staff, it was identified that the option available to the applicant to accomplish the desired construction would be seek a rezoning of the acreage to the A district and pursue only platting the 10.53-acres as a single lot. Presently the parcel is a non-legal lot and cannot obtain a building permit for any construction with platting. If the requested rezoning is not approved and the property is platted a permit for the construction of the accessory garage would be permitted; however, without further subdivision no additional residential structure can be constructed on the lot – the R-1 district only permits one principal residence per lot.

Given the topographical conditions of the property and the applicant's desire to retain the original farmstead as a result of its significant family heritage, the location of accessory garage is left no other reasonable location than to be placed forward of the future home that would be built on Lot 1 of the preliminary plat. Given this condition and the BOA's denial of the variance to allow the garage forward of the future principal structure on Lot 1 the applicant believes this requested rezoning and subsequent conditional use permit is the only available option for them to achieve their desired objectives. The applicant indicates she and her husband intend to return to Missouri to built their "forever" home on the subject tract, while honoring the memory of her parents by keeping the original farmstead and re-establishing the property as a forested tract conducive to nature as it was during her childhood.

Rezoning Considerations

While rezoning a tract essentially in the center of the City to an agriculture district may appear to be a misapplication of the UDC's land use classifications, as staff reviewed the conditions surrounding the site and the benefits that such zoning may provide, this request's potential merits became more apparent. As shown on the attached "Natural Features Graphic" the subject site contains approximately 45-feet of fall from southeast to northwest. Given these slopes, there are limited areas upon which traditional subdivision construction would be readily available without significant modification to the site's natural features. Furthermore, the site is encumbered by floodplain overlay given that the northern boundary of the site is defined by the County House Branch.

Given these conditions, the rezoning of the site to A would prohibit conventional subdivision development of the property as the A-district only allows the division of a property into two lots that are no less than 2.5 acres each. This protective measure serves to ensure the natural features such as the steep slopes and floodplain are protected. Furthermore, the restriction on the development intensity protects the adjacent property owners to the north and east from possible excess development that could occur if the site were to be developed under R-1 standards. Based on several calls from adjoining land owners inquiring about this proposal and the conditional use application, there is strong support for leaving the site in as natural a state as possible.

The applicant's desire to construct the second principal structure on a ridgeline that falls approximately 15-feet lower than the southern boundary of the property along Westwinds Drive. This ridge is sufficiently wide to accommodate the future home, but not sufficient to accommodate both the detached garage and the home. The detached garage is desired to be constructed in the approximate location of a former chicken coup and detached garage just north of the site's Westwind frontage and west of the existing farmstead. The location of the garage would be behind the farmstead; therefore, would be compliant with the zoning code as it is behind the site's primary residence.

A further supporting factor for rezoning to the A-district is the site's limited access to public streets. This is principally due to the topographic conditions on the property and is evidenced by the surrounding land use and platted development patterns. As can be seen within the locator maps there are few if any platted stubs into this property given the existing roadways that bound the site follow existing ridges. The site is at the terminal end of Westwinds Drive, a public street over a mile in length, with no reasonable ability to connect to College Park further to the west. The site's elevation above Stadium Boulevard as well as its restricted access further limit additional public street connections.

While rezoning to the A-district may appear unconventional given the site's location, there are other similar tract nearby off of Forum Boulevard just north of Chapel Hill Road. The inclusion of such property within the built environment offers the opportunity to bring relief to the landscape and nature into the back yards of suburban living. While approval of the request would help to facilitate the objectives of the applicant, it would also assist in meeting other environmental preservation objectives of the Comprehensive Plan such as preservation of natural features and habitats for wildlife.

Finally, while agricultural zoning is generally associated with farming activities (i.e. crop growing), the UDC does define agriculture to include other purposes such as grazing of animals, orchards, trees, and forest lands. As noted, the applicant seeks to re-forest the property with species that existed on the site during her childhood while also managing the property from the effects of invasive species. Given the applicant's desired objectives, the ability to protect the site from over-development, and ability to

preserve a pocket of original woodland within the urban environment with no known negative impact on adjoining property the request to rezone the subject 10.53 acres from R-1 to A would appear appropriate and not inconsistent with the objectives of the Comprehensive Plan.

RECOMMENDATION

Approve the requested rezoning of the subject 10.53-acres to A (Agriculture).

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps

SITE CHARACTERISTICS

Area (acres)	10.53
Topography	Sloping southeast to northwest from Stadium Boulevard (approx. 45-ft)
Vegetation/Landscaping	Fully forested
Watershed/Drainage	County House Branch
Existing structures	Single-family home (farmstead), former chicken coup, and garage

HISTORY

Annexation date	1955
Zoning District	R-1
Land Use Plan designation	Neighborhood & Open Space/Greenbelt
Previous Subdivision/Legal Lot Status	2-lot preliminary plat – Hidden Haven Subdivision

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia.

ACCESS

Westwinds Drive	
Location	Along the east side of property
Major Roadway Plan	NA; local residential street
CIP projects	None
Sidewalk	To be installed along Westwinds Drive frontage at time of final plat

PARKS & RECREATION

Neighborhood Parks	Within Kiwanis Park, Westwinds Park service area
Trails Plan	Within County House Trail service area
Bicycle/Pedestrian Plan	None

PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request on April 14, 2023. 30 property owner letters were distributed. Since distribution, two general inquires relating to this request have been made seeking clarification as to what is being proposed and why. After providing explanation support for the request was expressed.

Report prepared & approved by Patrick Zenner