

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

SUMMARY

A request by A Civil Group (agent), on behalf of Sonya Andreassen-Henderson (owner), for approval of a Conditional Use Permit (CUP) to allow a second principal dwelling to be constructed on property addressed as 1605 & 1607 Westwinds Drive subject to approval of a concurrent request to rezone the 10.53-acre tract from R-1 (One-Family Dwelling) to A (Agriculture) as presented in Case # 142-2023. If the CUP and rezoning are approved, a second single-family dwelling would be allowed on the subject acreage in addition to the existing home addressed as 1605 Westwinds Drive. The 10.53-acre subject site is located at western terminus of Westwinds Drive, north of Stadium Boulevard and is commonly addressed as 1605 & 1607 Westwinds Drive. **(Case # 144-2023)**

DISCUSSION

Background

The applicant is seeking approval of a conditional use permit (CUP) to allow a second principal structure to be built upon the subject 10.53 acres in the location shown on the attached Site Plan/Exhibit. This request is being considered concurrently with Case # 142-2023, which seeks to rezone the acreage from R-1 (One-family Dwelling) to A (Agriculture). The ability to construct a second principal residence on a lot zoned A is only permissible upon issuance of a CUP following recommendation by the Planning Commission and approval by City Council. In making a recommendation on the proposed conditional use, the Commission may recommend and the Council may include any additional conditions deemed necessary to carry out the provisions and intent of the UDC.

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 was to seek rezoning of the property to the A-district (Case # 142-2023) and then seek approval of this requested CUP. If the rezoning and this CUP are approved, the applicant would be authorized to construct a second principal residence on the subject acreage. The proposed additional dwelling is intended to be the applicant's "forever" home upon retirement and would be located behind the existing farmstead structure on the property which was the original residence of the applicant's mother. Given the significant family heritage associated not only with the property, but also the existing farmstead, the applicant desires to retain the framstead and build the secondary dwelling further to the rear of the property on a ridgeline approximately 15-feet lower than the site's Westwinds Drive frontage.

To permit future construction, the applicant would be required to plat the acreage into a single lot given the parcel is not currently considered a legal lot. The future residence has access to necessary public infrastructure; however, a sewer main extension would be required. The final plat for the single lot has been submitted for review and is prepared to be submitted upon Council action relating to this request as well as the proposed rezoning being considered under Case # 142-2023.

Conditional Use Criteria

Below are the 6-conditional use permit criteria from Section 29-6.4(m)(2)(i) of the UDC. Staff's evaluation of the application's conformance with the criteria are shown in **bold** text. A copy of the applicant's responses to these same criteria are attached for the Commission's review.

- (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.

Provided the proposed rezoning of the acreage is approved, the request for approval of a CUP to allow the second principal residence is in conformance with the uses allowed in the A-district. The location of the proposed second residence is not encroaching upon the site's FP-O (Floodplain Overlay) designated areas.

- (B) The proposed conditional use is consistent with the city's adopted comprehensive plan.

The comprehensive plans does not specifically address the number of dwelling units that may be located on a single parcel of property. However, it does reference support for the protection of sensitive land features and encourages preservation of open space/greenbelts. The rezoning of the subject site to the A-district accomplishes both those objectives while also allowing for a minimal increase in development intensity via allowing a second dwelling on a parcel without the need for subdivision improvements. The proposed request will not negatively impact the sensitive environmental features of the site and will ensure that the natural forested features are maintain unlike the possible outcome if standard R-1 development were permitted.

- (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.

Granting the CUP for a secondary residence on the 10.53 will have minimal impact upon the character of the adjoining lands. The proposed construction of the home from the submitted site plan/exhibit would appear to be comparable in size to existing construction with the adjoining neighborhoods. Given the sloping conditions of the site it is possible that the perceived bulk of the dwelling will be minimized in relation to the adjoining homes. The vegetative cover that will be retained on the site will further screen the future dwelling to the adjoining development.

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

Based on preliminary review by relevant city departments no concerns have been expressed with the access that will be provided to the future second principal dwelling. The Fire Department has provided preliminary comment on the circular driveway diameter and noted it will need to meet the current IFC standards. Such compliance will be evaluated at the time of building permitting. The proposed dwelling will be accessed from the overall tract's frontage along Westwinds Drive. The future location of the proposed driveway access generally follows that which provides access the existing detached garage and former chicken coup on the site. There have been no expressed concerns with traffic impacts given the overall 10.53-acres would only be adding the second principal residence.

- (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.

Sufficient public infrastructure exists to serve the future dwelling. A public sewer extension will be required, the cost of which will be borne by the applicant. As part of the required platting action, sidewalk along the overall parcel's Westwinds frontage will be installed. Additionally, a compliant turn-around will be installed in the unopened right of way of St. Michael Street to the east of the subject acreage.

- (F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.

The addition of a second principal dwelling is not believe to create an adverse impact upon the surrounding properties. The location of the future dwelling would be central to property and at an equivalent if not potentially lower elevation than surrounding development. The retained natural features will screen the new dwelling from surrounding property.

RECOMMENDATION

Approve the requested conditional use permit allowing a second principal residence to be constructed on the 10.53-acre parcel with said residence being addressed 1607 Westwinds Drive subject to rezoning of the acreage to A (Agriculture) as presented in Case # 142-2023.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Applicant's CUP Criteria Response
- Site Plan/Exhibit – Hidden Haven Plat 1

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.

Report prepared & approved by Patrick Zenner