

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
March 21, 2013 (Tabled from March 7)**

SUMMARY

A request by George & Joni Pfenenger (owners) for a major amendment to Woodrail Country Homes PUD Plan to accommodate improvements to Lot 12 of Woodrail Plat No. 3, addressed 1600 Woodrail Ave. The proposal includes building additions and a proposed front yard setback reduction along the site's Woodrail Terrace frontage from 25 feet to 13.5 feet (Case 13-13)

DISCUSSION

The property is developed with a single-family home, which is currently built to the established 25-foot setback line along Woodrail Terrace. The proposed PUD amendment includes a home addition in the front yard and a new accessory structure in the side yard. The proposed home addition would encroach 11.5 feet into the established 25-foot front yard setback along Woodrail Terrace. The proposed accessory structure would abut the interior side yard along the south side of the property, however, does not infringe on any required setback since the PUD did not establish one for interior lot lines.

The R-3 PUD District within which the subject property lies is comprised mainly of attached single-family dwellings with a mixture of two- and four-unit structures. Subsequently, the site is subject to the PUD setbacks, which are established at 25 feet along both street frontages, and zero feet along interior side and rear yards.

Staff believes that the site may be better served by traditional setback requirements for single-family homes, which allow corner lots to have a 12.5-foot setback along one street-facing frontage. Given the small degree of the infringement being proposed along the existing Woodrail Terrace frontage, and the flexibility of the PUD district to accommodate such amendments, staff does not believe that the proposed home addition will aesthetically or otherwise detract from surrounding property values or ability of neighbors to enjoy their own properties. However, a survey of other lots within this R-3 PUD plan area found no exceptions to the established 25-foot setback along Woodrail Terrace have been granted, and the requested infringement may be viewed as a self-imposed hardship.

In keeping with the belief that the subject site is better served by traditional single-family setbacks, staff finds that the gazebo accessory structure being proposed along the lot's south property line should be set back at least three feet from the neighbor's property line. This minimum setback reflects the standard that would apply to detached garages in the R-1 district, and would ensure that no part of the structure would encroach on the neighbor's property. It would also provide space on the subject site to allow for maintenance of the proposed gazebo.

It should be noted that a successful amendment to the PUD plan would not exempt the owner from separate homeowners' association covenant standards, which require association approval of any home additions, including conformance to established architectural standards. This requirement falls outside of the City's enforcement jurisdiction, and any request for permits in compliance with approved PUD plan amendments would not be subject to compliance with established homeowners' association bylaws.

RECOMMENDATION

Approval of the proposed PUD amendment, subject to the detached accessory structure being set back a minimum of three feet from the southern property line.

ATTACHMENTS

- Locator maps
- Amended PUD plan for Lot 12

HISTORY

Annexation date	1969
Zoning District	R-3 PUD (Medium Density Multiple-Family Dwelling with a Planned Unit Development Overlay District)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Legally platted as Lot 12 of Woodrail Plat 3

SITE CHARACTERISTICS

Area (acres)	0.9 acres
Topography	Generally flat
Vegetation/Landscaping	Landscaped
Watershed/Drainage	Hinkson Creek
Existing structures	7,941 sq. ft. one-family residence

UTILITIES & SERVICES

Sanitary Sewer	All City services are available to the site.
Water	
Fire Protection	
Electric	

ACCESS

Woodrail Avenue	
Location	North side of site
Major Roadway Plan	Neighborhood Collector (improved & City-maintained), requiring 60 ft of ROW. Existing ROW is variable & exceeds minimum standards. No additional ROW required.
CIP projects	None
Sidewalk	In place

Woodrail Terrace	
Location	East side of site
Major Roadway Plan	Local Residential street (improved & City-maintained), requiring 40-50 ft of ROW. Existing ROW is 40-ft. No additional ROW required.
CIP projects	None
Sidewalk	In place

PARKS & RECREATION

Neighborhood Parks	N/A
Trails Plan	No trails planned adjacent to site.
Bicycle/Pedestrian Plan	N/A

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 a public information meeting, which was held on February 12, 2013.

Public information meeting recap	Number of attendees: 1 Comments/concerns: Current code violations, & conformance with HOA covenants, including architectural standards & review process.
Neighborhood Association(s) notified	N/A
Correspondence received	See attached.

Report prepared by Steve MacIntyre Approved by Patrick Zenner

Martha A. Townsend & Clark L. Swisher
3403 Woodrail Terrace
Columbia, MO 65203

To: City Planning

Re: Case # 13-13: Woodrail Country Homes PUD, Lot 12, Plat No. 3 – major amendment

We, the homeowners immediately adjacent to the property for which the amendment has been proposed, strenuously oppose the amendment put forward and urge the City NOT to approve it. Our reasons include, but are not limited to, the following.

- The PUD's By-Laws specify Architectural Control restrictions for PUD, including the amendments addressed in the proposal. The By-Laws appear not to have been consulted in the preparation of the proposal.
- Lot 12, Plat No. 3 is situated within the Woodrail Country Homes PUD. The By-Laws for the PUD require that amendments be brought to the Homeowners Board of Directors or its Architectural Control Committee—and this proposal has not been submitted to either of those groups.
- The homeowner should be required to comply with setbacks that are established by the PUD. The proposed addition will encroach into neighborhood space, visually and physically disrupting the greenspace that contributes to all PUD property owners' home values.
- Regarding variance to the established setbacks, the City's recommendation to allow the setback variance relies on considering the front of the home as Woodrail Avenue. In fact, the home is situated diagonally on the lot, and thus the front of the home is *both* Woodrail Avenue *and* Woodrail Terrace. The setback variance should apply to both streets.
- Variance to the established setback will establish precedence for further variance requests.
- Variance to By-Laws regarding outbuildings (i.e., the proposed gazebo) will establish precedent for further requests.
- It is unclear whether the proposed landscaping changes for leveling the ground have taken into consideration negative impact on the 55' trees and tree root systems on the north side of our property at 3403 Woodrail Terrace.

We agree with the Boone Country Resource Management Department's judgment (1/28/13) that "The applicant is trying to put too much building on the site." We urge the City not to approve the amendment.

Respectfully submitted,

Martha A. Townsend 3/6/13 Clark L. Swisher

Martha A. Townsend (and) Clark L. Swisher

Mr. Patrick Zenner
Development Services Manager
701 East Broadway
Box 6015
Columbia, Missouri 65205-6015

25 February 2013

Re: Woodrail Country Homes PUD Plan – major amendment request
(case #13-13)

Dear Mr. Zenner:

We live at 3314 Woodrail Terrace which is probably the closest property to the proposed amendment. This is to state that we are vehemently against the proposed amendment. All property and building lines are clearly shown on the subdivision plat, approved by the city and filed for record for all to see. Any change to a building line without very extenuating circumstances would make a mockery of approved plats and the data shown thereon.

Also, the people living on this property have little or no regard for city ordinances, subdivision regulations, or Home Owners Association covenants and bylaws.

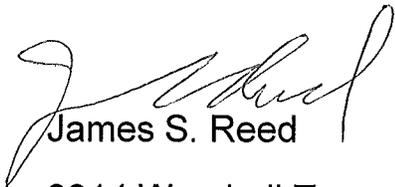
A car was parked in front of our home on Woodrail Terrace. It was there for several months, clearly in violation of city ordinances. I called the police and reported an apparent abandoned vehicle. They checked and informed me that it belonged to George Pfenenger. Shortly thereafter it was moved and parked on Woodrail Avenue and has been there for several months, clearly a violation of city ordinances.

Cars are parked everywhere so the place looks like a used car lot. To my knowledge, not a single car is parked in their three car garage. All this is in violation of the PUD covenants.

In summary, we are against the proposed amendment, but due to health reasons, will not attend any meetings. Mr. Larry Stevens, President of the Association, will be present at all meetings. He represents the association, Larry Stevens, who is a close resident and the Reeds. When he speaks, he speaks for all three entities.

Please send me a copy of the staff report when it is prepared.

Yours truly:

A handwritten signature in black ink, appearing to read "James S. Reed", written over the printed name.

James S. Reed

3314 Woodrail Terrace

Columbia, Mo. 65203

C: Larry Stevens

Bob Roper

Bob McDavid

**Woodrail Country Homes Association #1
3459 Woodrail Terrace
Columbia, MO. 65203**

March 5, 2013

Patrick R. Zenner
Development Service Manager
P.O. Box 6015
Columbia, Mo. 65205

Re: Case # 13 -13 Woodrail Country Homes PUD Plan

Dear Mr. Zenner:

As President of the Woodrail Country Homes Association # 1 this letter is to inform you and the Planning and Zoning Commission that our Board of Director and many of the next door neighbors are against any changes to the existing PUD Plan for 1600 Woodrail Avenue and that you **do not recommend approval of this plan.**

I have visited personally or by telephone with the adjoining neighbors (unit owners) whose front, back or side yard would be adversely affected by such an intrusion of the setback and in addition, no out buildings or sheds are allowed in the covenants. The plans also indicate a six foot wall with a three foot fence extension on top that would run along the edge of their property thus destroying the common ground area of the PUD Plan and the unique configuration of the neighborhood.

The original owner submitted plans to build this home to the association's architectural committee for thorough review and approval at which time it was approve. The Pfenegers made no such request to the association which leads to the thought they are trying to circumvent the covenants and by-law of the association and want to put a country estate in a residential neighborhood.

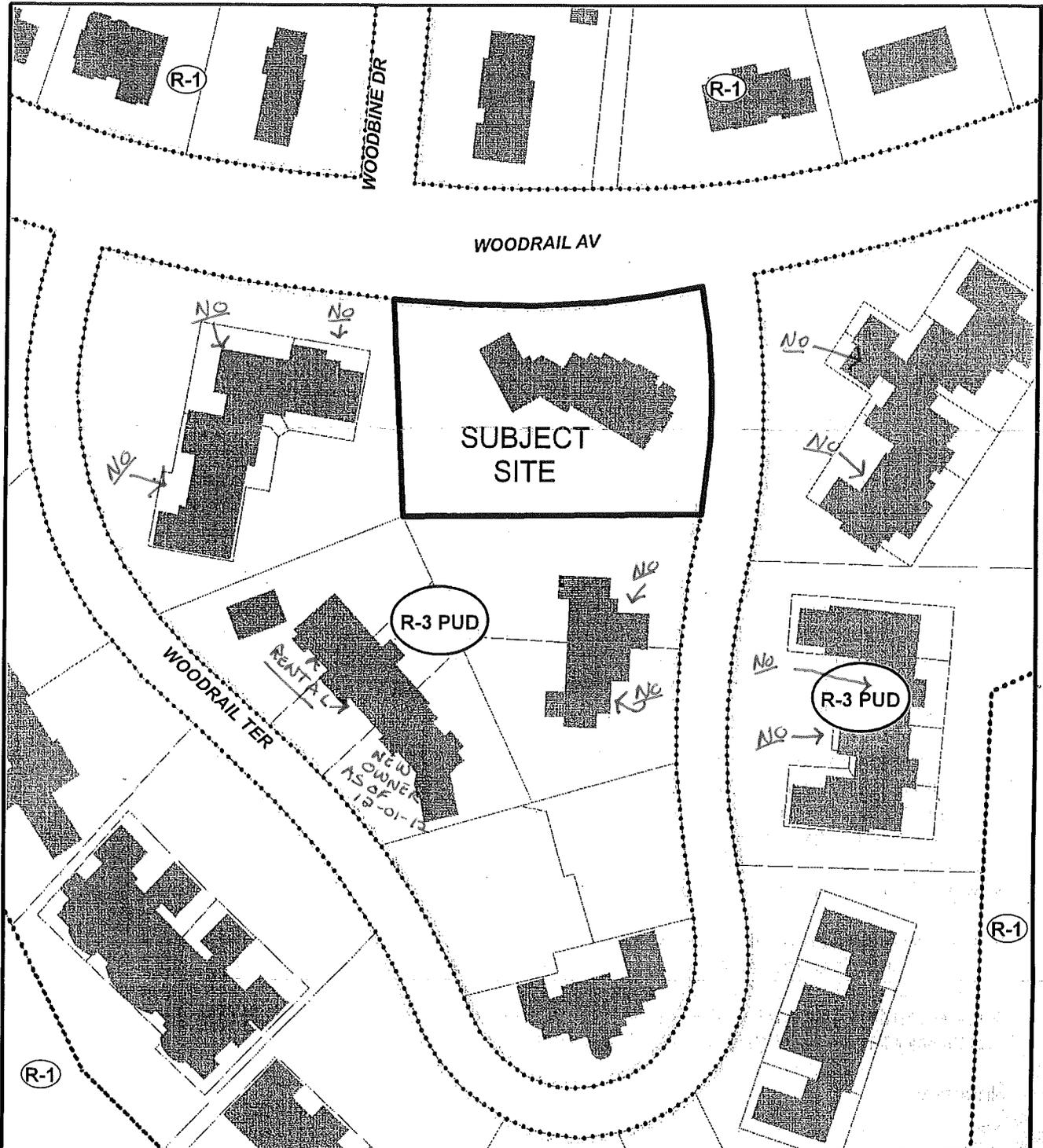
Please also review the comments in your report submitted from the Boone County Resource Planning Dept. – Planning Division that disapproves of this request and read their reasons.

Respectfully,

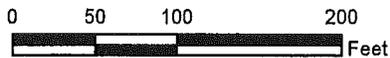


Lawrence E. Stevens
President and Member of the Board of Directors
3459 Woodrail Terrace

THESE ARE THE NEIGHBORS NEXT TO THE SUBJECT SITE WHO HAVE CONTACTED OR SPOKEN TO ME DIRECTLY THAT I MENTIONED IN MY LETTER.



**Case 13-13: Major Amendment
Lot 12, Woodrail Country Homes PUD Plan**



1 inch = 100 feet

