

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 23, 2021**

**SUMMARY**

A request by A Civil Group (agent), on behalf of Boone Development, Inc. (owner), for a major revision to the Arbor Falls PD (Planned Development) to be known as "Arbor Falls PD No. 4". The new PD Plan includes a revised site layout, a revised statement of intent (SOI) reflecting a change in use from multi-family units to one-family detached dwelling units, and revised design parameters. The proposed PD also revises the on-site amenities previously approved under the Arbor Falls PD including, but not limited to, removing the previously shown clubhouse and pool. The request also includes design adjustments from Sections 29-5.1 and Appendix A of the UDC. The property is zoned PD (Planned Development) and is generally located north of Highway WW and south of Pergola Drive addressed as 5730 Pergola Drive. **(Case #140-2021)**

**BACKGROUND**

This case was heard at the August 19, 2021 Planning and Zoning Commission meeting. At that meeting, the Commission voted in favor of recommending approval of the three requested design adjustments (8-0). The vote on the PD plan failed to secure a majority of the Commission's support with a vote of 3 in favor and 5 against. Cited Commissioner concerns with the PD Plan included the use and management of the detached storage garages shown on Lot 435 as well as some concerns with the use of private streets within the development.

In light of these concerns, the applicant has revised the PD plan and related documents to remove the detached storage garages. The revised plan now shows 37 single family lots in a slightly revised lot layout versus the previously presented 34-lot layout. The desire to continue to utilize a private street network for lot access has been retained in the revised plan. The revised plan has been reviewed by the Public Works Department and is considered acceptable given the surrounding roadway infrastructure network.

The applicant requests the Planning Commission review and make recommendation on the revised plan at the September 23, 2021 meeting. The substitution of the revised plan, its presentation, and the requested reconsideration of the Commission's August 19 vote has been discussed with the Law Department and has been deemed an appropriate procedural action. The actions of the Commission following reconsideration of the revised plan are what will be the topic of future Council action relating to this proposed property and its revised PD Plan, SOI, and design adjustments.

**DISCUSSION**

The applicant is seeking a major amendment to the "Arbor Falls PUD Plan" that was approved in 2006 which would revise the type, arrangement, and number of dwelling units as well as related amenities on the undeveloped 7.49 acres of land located in the southwest quadrant of the overall Arbor Falls development south of Pergola Drive and west of Talco Drive. Additionally, the applicant is seeking approval of three design adjustments and design exceptions to the UDC's standards which are discussed below.

The applicant indicates the desired revision from multi-family dwelling units to detached one-family units is to align with market-driven housing demands. Homes on smaller lots with less maintenance

commitments and access to the greater Old Hawthorne golf and community amenities are desired by neighborhood buyers. This style of housing is what is built in the other phases of Arbor Falls, both across Talco Drive to the east and across Pergola Drive to the north in both attached and detached forms. Additionally, these “villa” (attached one-family) and “patio” (detached one-family) styles of homes with smaller setbacks (18-20’ front, 20-25’ rear and 5’ interior side yard setbacks) are common in other parts of Old Hawthorne as well (e.g. Linkside at Old Hawthorne, Villas at Vintage Falls, and Villas at Old Hawthorne), though the minimum lot sizes vary for each development.

The amendment covers approximately 21% (7.49 acres) of the total 35.17-acre Arbor Falls development site. The Arbor Falls PD is part of the Old Hawthorne neighborhood and was initially zoned PUD 6 (gross; varies by sub-area) for up to six dwelling units per acre as a part of the larger Old Hawthorne annexation and zoning approved in 2005 (Ordinance 18558) and then rezoned to PUD 6.6 in 2006 (Ordinance 19117).

The developed 27.68 acres of the Arbor Falls PUD Plan is not part of this request. This acreage is mostly built-out according to the original plan or via amendments processed in the intervening years. The adjoining acreage, to the east, was amended over time from eight 10-unit condo buildings to its present development mixture of one condo structure, two detached garage unit structures, and 24 one-family attached homes (of which 20 have been built).

The proposed new SOI and site plan reflect a change on the subject acreage from seven 10-unit condo buildings and a pool and clubhouse, to 37 single-family home lots. An irrigation pump house and two cluster mailbox locations required by the Postal Service are also shown on the plan. The net density of the site, per the amendment, will be 4.9 dwelling units per acre which is less than the original 2005 (6 du/ac) and current 2006 (6.6 du/ac) densities allowed on the site.

In terms of the greater housing mix of Old Hawthorne, the loss of multifamily units decreases the overall variability of the housing options within the development; however, there remains some multi-family units, and there is property zoned M-N (Mixed-Used Neighborhood) and M-C (Mixed-Use Commercial) directly to the west and northwest of this property that would permit multi-family development.

The SOI under review has been revised/updated from the August 19 staff report to match the revised PD Plan. The lots proposed within the amendment are generally consistent with the one-family options built on Trellis and Bower Lanes, to the north, that contain lots ranging from 4,356 sq. ft. to 5,663 sq. ft. and have a 20’ garage front yard setback (18’ for building), 5’ interior side yard setbacks, and either a 10’ or 25’ rear yard setback (see attached the Arbor Falls PUD Plan).

Per the revised SOI, the minimum residential lot size for the subject site is 5,000 square feet, with a maximum building height of 35 feet, front yard setback of 20’, rear yard setback of 20’, side yard of 5’ (interior), and a side yard for corner lots of 12.5’. The plan also shows an irrigation well house on Lot 545 (which serves as a greenspace common lot) and two cluster mailbox locations (on Lots C403 and 545). The cluster mailboxes shall be subject to USPS siting requirements. Per the SOI, the well house and accessory buildings to maintain the common lots shall not exceed 400 square feet and shall be sited outside of rights of ways or utility easements.

Access to the site will be from Hailey Drive (new) and Talco Drive (existing) from Pergola Drive. Talco Drive will be extended from its southern terminus to Euliss Drive (an existing street) west, where it will connect to Hailey Drive and loop to the north to Pergola Drive. A cul-de-sac street, Roman Drive, extends from Hailey Drive. All proposed streets are to be privately maintained with 24-feet of pavement. Access to the development and its width have been reviewed and approved by both the Fire

Department and Traffic Engineering staff and are supported. 6' sidewalks are shown along both sides of all streets, and parking is to be restricted to one side of each street.

It should be noted that the new plan retains one of the three previously requested design exceptions, and two of the previous design adjustments. The revised plan has been properly noticed. Included within the June 10 and August 19 staff reports, staff noted the clubhouse and pool amenities presently shown within the subject site intended to serve all of the Arbor Fall PD development would be eliminated if the proposed plan revision is approved. This condition remains unchanged with the revised development plan under consideration. Given this concern, all public notice sent/advertised by staff has specifically called out the loss of the pool and clubhouse via the amendment.

It should be noted; however, that at the time of writing this staff report there have been no expressed concerns with the loss of these features by adjoining residents. Given the heightened review of this proposal, the HOA's letter of support for the current development plan, and the nearness of the Old Hawthorne Clubhouse and Pool it would appear staff's concern has been generally ameliorated. Nonetheless, staff believes the impact of this revision should be stated for the purposes of transparency and awareness as part of the public hearing process.

## **DESIGN ADJUSTMENTS**

As part of the review process for the revised plan amendment, staff and the applicant worked to identify design adjustments (variations from subdivision requirements) and design exceptions (variations from typical zoning requirements for similarly situated developments under non-PD zoning) relating to the proposed development. PD plans may serve as the preliminary plat for planned development proposals, as is the case in this instance, and a final plat will be required to facilitate the proposed development's lots and site arrangement should the PD plan be approved. It should be noted that design adjustments require a separate vote in addition to the vote on the PD plan itself, whereas design exceptions are part of the vote on the proposed PD plan.

The three design adjustment requests are enumerated on the plan and described in the design adjustment worksheets (attached). They include the following:

- Roman Drive is 305' in length, which is 5' in excess of that permitted by Section 29-5.1(c)(3)(F) relating to cul-de-sacs length;
- One proposed length of the new street network, Haley Drive, is 20' feet greater (620') than that allowed by Section 29-5.1(c)(3)(K(ii)). The section of roadway is between Roman Drive and the connection to the existing Euliss Drive pavement which then intersects with Talco Drive.;
- The proposed private street design for all development streets is designed to match the existing private street network within existing Arbor Falls. This design does not meet the current design specifications, ROW dedication requirements, or street widths for public streets as described in Section 29-5.1(c)(4) and Appendix A.

In review of the design adjustment requests, staff reviewed the five design adjustment criteria per Section 29-5.2(b)(9) that authorizes the Commission to approve a design adjustment, the design adjustment worksheets, and correspondence from the Arbor Falls neighborhood in terms of their desires and ultimate support of the revised plan.

It should be noted that the applicant has attempted to limit and mitigate the impact of design adjustments #1 and #2 through the subdivision design process by incorporating a pedestrian connection (5' sidewalk) from the end of the Roman Drive cul-de-sac to existing Talco Drive. This

access allows pedestrian movement east-west within the development. Additionally, staff discussed the revised plan's design adjustments with Traffic Engineering, specifically the continuation of the general private street design as seen in the Arbor Falls development. It was concluded that the private street design functions well in practice, as referenced by the use and maintenance of other such private streets in the neighborhood over the past 15+ years, and there is no concern with the new street network utilizing the same standards. Given the incorporated design elements and findings, the design adjustment criteria are believed to be met and staff is supportive of the adjustments as presented.

## **DESIGN EXCEPTIONS**

The design exceptions as described below only include two of those reviewed in the August 19 staff report, as the removal of the garage storage facilities on a separate lot negate the need for some of the design exceptions. The requested design exceptions are generally from the dimensional standards applicable to the R-1 (One-family Dwelling) district. Approval is necessary to facilitate the desired development form on the subject site, and may be voted on via the vote on the PD plan itself rather than by separate votes.

The applicant has provided a letter (attached) describing the design exceptions sought to facilitate their design, and the decision-making process behind the proposed design of the individual lots and the site as a whole, including market-related considerations. The following design exceptions are sought and have been listed on the PD Plan.

### *Design Exceptions:*

- Reduction in the required dimensional standards for the R-1 (One-Family Dwelling) district (Section 29-2.2(a)(1) and Tables 29-2.2 and 4.1-1) to permit a minimum lot area less than 7,000 square feet, a minimum lot width of less than 60 feet, and minimum setbacks of less than 25 feet for the front setback, 6 feet for the side yard, 25 feet for the corner lot street side, and a rear yard of the lesser of 30% of the lot depth or 25 feet.
  - The proposed minimum lot size per the SOI is 5,000 square feet. Lot widths vary (see PD plan). The SOI requires a front yard setback of 20', a rear yard setback of 20', interior side yard setbacks of 5', and side yards on corner side lots of 12.5'.
  - These setbacks would not otherwise be permitted in the R-1 zone, but may be permitted via the design exception process via a PD.
  - The revised development plan proposes the same minimum lot size, front, rear and interior side yard setbacks as the August 19 development plan.
- 29-3.3(ii)(1)(ii) related to the well house/structures to maintain the HOA greenspace to allow this structure(s) on the common lot, to not exceed 400 square feet, and to permit siting outside of ROW or utility easements. The cluster mailboxes shall be sited per USPS requirements.

Staff reviewed the supporting information from the applicant relating to the design exceptions and reviewed the existing (built) conditions on similarly designed lots in Arbor Falls. While 5-foot interior side yard setbacks can create challenges for site drainage given less "wiggle room" for grading and drainage facilities, there are no known issues with existing homes in this area. Additionally, the resulting 10-foot separation between homes/structures meets the requirements of the Fire and Building codes. Staff also notes this same issue can arise with six-foot side yard setbacks as well.

Staff discussed the impact of a corner side yard setback of 12.5' with both the applicant and Traffic

Engineering. It should be noted that within the UDC's various residential zones the required corner side yard setbacks vary from 10' (cottage), 25' (one and two-family) and 15' (multi-family). Staff notes that the common issue of overgrown/overly-exuberant landscaping negatively impacts sight lines at intersections and can be exasperated as building setbacks are reduced. Given this observation, staff has communicated its concern to the applicant and asked that it be communicated to the HOA and developer.

The other aspects of lot size and lot coverage/setbacks are not believed to be of concern, are similar to many lots throughout the neighborhood, and are not out of keeping with the overall character of the area. Staff also notes the density of the proposal (37 one-family dwelling units on 7.49 acres versus the 70 approved condo units) is reduced along with corresponding impacts on car trips.

Concerns regarding the loss of community-serving amenities shown on the initial PD plan are discussed in previous sections. These lots will have full access to all of Old Hawthorne's community and recreation facilities which helps to alleviate concerns about limited access to amenities and green spaces. Such enhanced spaces are often common to smaller lot/greater lot coverage developments and are generally considered necessary for such developments to obtain support for approval. As noted above, no opposition to the loss of the existing planned recreational space has been expressed by directly impacted residents.

The continued use of PD zoning is not believed inappropriate to account for the desired development type and the provision of accessory amenities on separate lots not otherwise permitted in the UDC's "straight" residential zoning districts. Additionally, staff does not disagree with the information provided by the applicant and other outlets that market demand for smaller yards/yard maintenance exist, and that this development type is desired within this neighborhood and the general community. While it is not believed this development is intended to provide affordable housing, larger conversations are being held in planning circles about lot sizes/lot coverage and land consumption in term of cost and personal versus community spaces and amenities that support such styles of housing development.

This case was heard by the Planning and Zoning Commission on August 19, 2021 after the applicant had requested a previous tabling to allow for more time to work with Arbor Falls residents on the plan. A letter of support was received from the Arbor Falls HOA prior to the August 19 meeting for the PD Plan, and neighborhood representatives voiced support for the plan at the meeting. One neighbor spoke at the meeting with concerns about the condition of the existing roads. An updated letter of support from the Villas at Arbor Falls HOA on the most recent PD Plan under consideration herein has been received, and is attached to this report. The letter cites appreciation of the applicant to work with residents to address their concerns, and addresses the HOA's responsibilities for road maintenance. No correspondence against the presently proposed plan has been received by staff.

## **Conclusion**

Staff has reviewed the proposed PD amendment and finds that it meets the technical requirements of the PD District and the UDC.

## **RECOMMENDATION**

The following recommendations are provided:

1. Approval of the design adjustments to Section 29-5.1(c)(3)(F) relating to cul-de-sac length; 29-5.1(c)(3)(K(ii)) related to street length without an intersection break; and 29-5.1(c)(4) and Appendix

A of the UDC to allow private street on common lots varying from public street width/ROW design/dedication standards.

2. Approval of the requested major PD amendment to be known as “Arbor Falls PD No. 4” with the associated design exceptions as stated on the PD plan.

**SUPPORTING DOCUMENTS (ATTACHED)**

- 1) Locator Maps
- 2) PD Plan (rev. 9-15-21)
- 3) SOI Worksheet (rev. 9-16-21)
- 4) Design Adjustment Worksheets (rev. 9-16-21)
- 5) Design Exception Information
- 6) Arbor Falls PUD Plan (2006)
- 7) 2006 PD Zoning (Ordinance 19117)
- 8) Public Correspondence (supportive)

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	7.49 acres
<b>Topography</b>	Generally flat
<b>Vegetation/Landscaping</b>	Turf
<b>Watershed/Drainage</b>	Grindstone Creek
<b>Existing structures</b>	None

**HISTORY**

<b>Annexation date</b>	2005
<b>Zoning District</b>	PD
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Arbor Falls Plat 1, Lots 109-114 and Arbor Falls Plat 2, Lot C9C and Lot C9D

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	PWSD #9
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	Boone Electric

**ACCESS**

<b>Pergola Drive</b>	
<b>Location</b>	North side of site
<b>Major Roadway Plan</b>	Neighborhood Collector (improved & City-maintained), requiring 60’ of ROW. No additional ROW required.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Existing

<b>Talco Drive</b>	
<b>Location</b>	East side of site
<b>Major Roadway Plan</b>	NA; private street
<b>CIP projects</b>	NA
<b>Sidewalk</b>	Existing

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Near Old Hawthorne Golf Course
<b>Trails Plan</b>	South Fork of the Grindstone Trail, secondary, proposed to extend to the Rolling Hills/WW node
<b>Bicycle/Pedestrian Plan</b>	10' Pedway alongside WW planned

**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 16 and May 6, 2021 via postcard. Property owner letters were sent on 5/6/21, 6/15/21, 7/1/21 and 8/31/21. 33 addresses were noticed.

<b>Public information meeting recap</b>	Not held due to COVID 19 protocols.
<b>Notified neighborhood association(s)</b>	The Vineyards Homeowner Association Arbor Falls Condominiums and Arbor Falls Villas at Old Hawthorne also notified
<b>Correspondence received</b>	Numerous phone calls and emails early in the process. 10 letters against original PD plan. Following plan revisions and engagement between the applicant and neighbors, all persons opposed to original plan have indicated support of revised PD plan. The second/current HOA letter of support attached.

Report prepared by Rachel Smith

Approved by Patrick Zenner