

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 19, 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, and providing detached storage units for residents of the proposed development. 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)**

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 several design exceptions to the UDC's standards which are discussed below.

This case was originally heard by the Planning and Zoning Commission on June 10, 2021 and was requested to be tabled to the July 8 meeting to allow required notice to be given on a design adjustment that was overlooked in the review process. Following the initial tabling, the applicant requested a second tabling to the August 19 meeting to address concerns from several Arbor Falls residents related to the location of the garage units originally proposed in the center of the project in an area neighbors desired to keep as greenspace. As a result of the extended tabling, a fully revised development plan and Statement of Intent (SOI) (attached) have been prepared. These documents are the subject of this public hearing.

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 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 34 single-family home lots with free-standing garage unit structures available for lease by residents. 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 4.5 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 June 10 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 setbacks for the free-standing garages (in connected rows) are proposed to be 20' from the front and rear lot lines, 5' on interior side yard lots, and 12.5' on corner lot side yards. Parking will be prohibited on the driveways in front of the garages, and the maximum height of the garages will be 24 feet. The garages will be similar to the existing ones on Ranger Drive, and will be located on lot 435.

The new plan has a revised street and lot layout. 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. All proposed streets will remain private 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.

The plan also relocates the proposed accessory garages to the southwest corner of the development site and includes an additional common lot improved with the irrigation pump house and a cluster mailbox location adjacent to what is presently greenspace to the west of the existing Talco Drive. The intent of this design was to isolate the accessory garages from the existing development to the east and expand the greenspace buffer between the existing and new development.

At the time of report preparation, staff had received a letter of support (attached) from the HOA of the Villas at Arbor Falls at Old Hawthorne for the revised PD plan acknowledging the applicant's work to address their concerns. Nine of the ten residents who previously submitted comments against the initial design have withdrawn their opposition; however, the tenth resident has not responded against or in

support of the revised plan. As such, their letter of opposition is attached.

It should be noted that the new plan retains the originally requested design exceptions, and adds three design adjustments. The revised plan, including the design adjustments, has been properly noticed and was provided to neighbors, by the applicant, at neighborhood meetings and via correspondence between staff and residents.

Included within the June 10 staff report, there was discussion regarding a concern that 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 revision is approved. This condition remains unchanged with the revised development plan under consideration. Given this concern, all public notice sent/published/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 the June 10 staff report and presently 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. None the less, 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:

- Elin 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 Elin 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 Elin 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 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 are to the same sections of the UDC as discussed in the June 10 staff report, but the fine details have been revised slightly as described below. The design exceptions are from the dimensional standards applicable to the R-1 (One-family Dwelling) district and standards applicable to customary accessory structures allowed within the district. Approval of the exceptions are necessary to facilitate the desired development form on the subject site.

It should be noted the applicant has indicated a desire to retain the PD zoning on the site as the desired use type is permitted under the existing zoning, and that a change in zoning may be undesirable to the neighborhood. Staff notes recent discussions during Planning Commission work sessions have identified that the City's existing residential zoning districts do not well-accommodate single-family dwelling types on moderate-sized lots with a relatively higher lot coverage/reduced setbacks, though this style of development is not uncommon in comparable communities and facilitated through their respective zoning codes.

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 June 10 development plan. The corner lot side yard setback has been revised from 15' to 12.5'.
- Permission to allow a typical customary accessory use of a garage per Sections 29-3.3(ii)(1)(i), 29-3.3(ii)(1)(ii) and 29-3.3(ii)(2)(ii) to be location on a lot separate from the primary use structure, to

allow setbacks for such structures to vary from the dimensional standards applicable to the primary use and structure, and to allow the detached structures in addition to the attached two-car garages on the residential lots.

- As per the SOI, the garages would have front and rear setbacks of 20', interior side yard setbacks of 5' (10' between structures) and 12.5' corner lot setbacks. Additionally, while the number of garage spaces (2) attached to each home is compliant for the proposed lot sizes, the overall PD site plan shows additional garage spaces via the garages on their own lot (435). This arrangement is not otherwise accounted for in the UDC so a design exception is sought which is permissible given the PD zoning and development plan process.
- The applicant has capped the maximum share footage of garage/storage structures to a maximum of 10,500 square feet (no cap was proposed with the June 10 development plan) and has increased the front and rear setbacks to 20' (from 10'). Revisions are reflective of neighborhood input. The interior setbacks remain 5' (10' between buildings), and corner lot side yard setbacks have been reduced from 15' to the requested 12.5'.

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 "wobble 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 (34 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.

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
- 3) SOI Worksheet
- 4) Design Adjustment Worksheets
- 5) Design Exception Information
- 6) Arbor Falls PUD Plan (2006)
- 7) 2006 PD Zoning (Ordinance 19117)
- 8) Public Correspondence (Supportive)
- 9) Public Correspondence (Un-supportive)

SITE CHARACTERISTICS

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

HISTORY

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

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	PWSD #9
Fire Protection	City of Columbia
Electric	Boone Electric

ACCESS

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

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

PARKS & RECREATION

Neighborhood Parks	Near Old Hawthorne Golf Course
Trails Plan	South Fork of the Grindstone Trail, secondary, proposed to extend to the Rolling Hills/WW node
Bicycle/Pedestrian Plan	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. Property owner letters were sent on 5/6/21, 6/15/21 and 7/1/21. 33 addresses were noticed.

Public information meeting recap	Not held due to COVID 19 protocols.
Notified neighborhood association(s)	The Vineyards Homeowner Association Arbor Falls Condominiums and Arbor Falls Villas at Old Hawthorne also notified
Correspondence received	Numerous phone calls and emails. 10 letters against original PD plan. 9/10 persons opposed to original plan have indicated support of revised PD plan. Outstanding opposition letter is attached. HOA letter of support attached.

Report prepared by Rachel Smith

Approved by Patrick Zenner