

**Board of Adjustment
September 10, 2024
Staff Report**

Application Summary –

A request of Jonathan C. Browning (attorney), on behalf of Yankee Ridge, LLC (owners), seeking approval to use “cottage” optional development standards on property addressed as 2899 Creasy Springs Road to facilitate the development of a 118-lot subdivision to be known as Bennett Ridge as required by Section 29-6.4(j) of the Unified Development Code.

Site Characteristics

The applicant is seeking approval to use the “optional development standards” such that a 118-lot cottage subdivision can be developed on southwestern 22.26-acre portion of an overall 52.15-acre tract of land located on the east side of Creasy Springs Road. The proposed subdivision, to be known as Bennett Ridge, is shown within the attached graphic and includes 117 “cottage-sized” lots and 1 lot devoted to open space. The 22.26-acres upon which the new subdivision will be constructed was recently rezoned from A (Agriculture) to R-2 (Two-family Dwelling). The remaining 29.89-acres was left zoned A (Agriculture). At the time of rezoning, the subject 22.26-acres was identified as being the location for single-family detached homes utilizing the “cottage” dimensional standards subject to approval by the Board of Adjustment as prescribed by sec. 29-6.4(j) of the UDC.

The 117 proposed homesites would, if this request is approved, be permitted to be developed with single-family detached structures using reduced dimensional standards (i.e. setbacks and lot area) as a means of increasing housing diversity, attainability, and affordability. The proposed preliminary plat defining the lot layout of the subject acreage was reviewed and recommended for approval by the Planning and Zoning Commission on July 18, 2024; however, has been withheld from Council consideration pending the Board’s action on this request.

The subject property is located in the southwest corner of the owner’s overall 52.15-acre tract with access to Creasy Springs Road on the west and Emery Road to the south. Emery Road extends southward and connects to Proctor Drive which also accesses Creasy Springs Road to the west and ultimately Bear Creek Drive to the east, west of Parkade Elementary School. The property is bounded by A (Agriculture) to the north and east, IG (Industrial) to the west across Creasy Springs, and R-1 (Single-family Dwelling) to the south. Single-family structures are located on lots south of the subdivision along with a legally non-conforming scrap metal recycler in the southeast corner of the development. The subject acreage is presently undeveloped and heavily wooded.

The proposed internal roadway network serving the development would consist of standard 50-wide residential streets. As can be seen on the attached graphic, the roadway network consists of a “loop” street system connecting to a northern extension of Emery Drive to Creasy Springs Road. The subject site has a significant grade change of approximately 85-feet from its southwest corner to the northeast corner where it drains into the Bear Creek and has access to the Bear Creek Trail. The design of the roadway network and its connectivity to the “legs” of the loop street system were evaluated by the Planning Commission as part of the preliminary plat review. Concerns relating to street length were identified; however, were addressed by incorporation of the proposed common lot (Lot 123) within the south-central portion of the interior lots and inclusion of a pedestrian access between the sides of the “legs” of the loop street.

The subject acreage will be graded such that the proposed street network will comply with maximum grade standards of the UDC and the curvature of the roadway network was necessary to follow existing contours on

the site. Given the grade of the site, it is likely that the lots will be “stair-stepped” along the roadway frontages to create buildable pads. Obtaining approval to use the optional development standards reduces the amount of area that is required to be disturbed and permits otherwise allowable “overall” site development densities to be concentrated into the less environmentally sensitive portions of the site.

The 29.89-acres that was retained as A (Agriculture) zoning is intended for tree preservation and common lots with the exception of Lot 121 which may be rezoned at a future date to permit expansion of residential development. The owner’s choice to not pursue including Lot 121 in the most recent rezoning action was due to the parcel not having sufficient access to meet UDC and Fire Code provisions. Should connection to Proctor Drive be secured it is possible that Lot 121 would be sought for rezoning and future development approval.

Authorization Sought and Purpose

The applicant is seeking authorization to utilize the “optional development standards” associated with the development of a “cottage” subdivision to be known as “Bennett Ridge”. The “optional development standards” are shown in Sec. 29-4.1(a), Table 4.1-1 of the UDC and are only applicable to property that is zoned R-2. Per Sec. 29-6.4(j) of the UDC, authorization to permit an applicant to use these standards requires Board of Adjustment approval following findings that the request meets three review criteria.

The applicant’s correspondence (attached) indicates that authorization is sought to allow development of the 22.26-acres with smaller, single-family detached homes than would otherwise be allowed within conventional R-1 or R-2 development. The proposed development includes detached single-family homes with 2 off-street parking spaces per lot. Additional guest parking may be provided within a driveway or on-street. The applicant has provided the following dimensional summary table to illustrate the differences between conventional development dimensional standards and that proposed for the Bennett Ridge subdivision.

	<i>R-1</i>	<i>R-2 Current</i>	<i>R-2 Cottage</i>	<i>Bennett Ridge*</i>
Minimum Lot Area	7,000 SF	5,000 SF	3,000 SF	4,000 SF
Minimum Lot Width at Building Line	60 feet	60 feet	30 feet	40 feet
Minimum Depth of Front Yard	25 feet	25 feet	10 feet	20 feet
Minimum Width of Side Yard	6 feet	6 feet	6 feet	6 feet
Minimum Depth of Rear Yard	25 feet	25 feet	10 feet	25 feet
Maximum Building Height	36 feet	35 feet	35 feet	35 feet

** Dimensions referenced for Bennett Ridge are typical anticipated dimensions. In some cases, the final dimensions may be less than presented dimensions, but in all cases will comply with the R-2 Cottage dimensional requirements.*

Authorization Analysis –

Summary and Impacts –

The applicant is seeking authorization to use “optional development standards” to facilitate development of a 118-lot cottage-style single-family subdivision. If authorized, 117 single-family lots would be permitted on lots as small as 4,000 square feet with reduced lot frontages (minimum 40-feet) and reduced setbacks from those typically allowed in the R-2 district. It should be noted that the applicant indicates in the “footnote” below the Dimensional Summary Table that the proposed dimensional standards for Bennett Ridge are “typical” and may be adjusted, but not less than the minimums shown in the column title “R-2 Cottage Standards”.

While staff can appreciate the applicant's footnote, this level of variability is seen as a potential challenge in the building permitting process that is administered by the City's Building and Site Development Division. A reduction in the front yard setback to the permissible 10-foot minimum would imply that either 1) an "alley" access to each homesite would be provided such that compliant on-site parking could be provided from the rear of the lot or 2) the applicant intends on seeking a variance to allow parking to be on-street parking.

To ensure that there is clarity on what setbacks would be applied in all instances, it is recommended that the Board seek to establish "minimums" for the overall development. Given the topographical challenges with the property, staff would support a minimum 20-foot front yard, 6-foot side yard, and 10-foot rear yard and a minimum lot width of 30-feet.

In 2017 when the UDC was adopted, the "cottage" development standards were created such that applicants would have the ability to create smaller-footprint detached single-family home subdivisions as a means of increasing housing diversity, income integrated neighborhoods, and affordable housing options that did not exist in previous zoning and subdivision codes. The creation of the "cottage" category was also viewed as a means of ensuring fulfillment of the Comprehensive Plan's Livable and Sustainable Neighborhood goals and objectives. Since adoption of the UDC in 2017, there have been only four other developments within the City of Columbia that have sought and received approval to develop a subdivision using the "optional development standards".

Obtaining "optional development standards" authorization often requires a property first be rezoned to the R-2 district. The subject 22.26-acres underwent this process and has obtained both Planning Commission and Council approval through a deliberate public hearings process. Concurrent with the rezoning, the Planning Commission reviewed publicly and recommended approval of the attached preliminary plat that illustrated the 22.26-acres being developed as a cottage subdivision. The Planning Commission's recommendation was conditioned on the Board of Adjustment completing its required action relating to the use of the "optional development standards" prior to the plat being presented to Council for its consideration. Should the Board approve the use of the "optional development standards" and the Council approve the preliminary plat, a final plat consistent with the approved preliminary plat will be required to formally create the 118 "cottage" lots. At this time the applicant has not submitted a final plat for review.

The concept of introducing smaller lots within the existing developed environment permits an opportunity for those desiring a smaller footprint single-family home on an individual lot an option not presently available within the area. The current built environment is comprised of generally larger single-family lots connected to public services to the south, along Emery Drive, and to the northeast.

The size of the proposed lots and resultant dwelling units are seen as a means of providing an opportunity for more affordable construction given the costs of infrastructure are spread over a greater number of lots which may create housing that is more attainable to a broader economic demographic. The ability to offer such an option is consistent with the Livable and Sustainable Neighborhood goals and objectives of the Comprehensive Plan and would be supportive of the Council's action to rezone the subject site to R-2. Furthermore, when considering that a cottage subdivision is generally more compact there is less environmental impacts on the remaining 29.86-acres of the owner's property. This reduction in environmental impact is also supportive of several land use and environmental protection goals and objectives of the Comprehensive Plan as well as the city's Climate Action and Adaptation Plan.

It should be noted that there was no public opposition to the rezoning of the subject 22.26-acres or the proposed preliminary plat. There was a single inquiry regarding potential land use conflicts with the existing

non-conforming metal recycling facility to the southeast of the proposed acreage. The concern expressed was directed toward what impact introduction of single-family housing adjacent to the active non-conforming use would create and a desire for enhanced communication between the property owner and the existing business. Given the existing business is legally non-conforming, the proposed development of “cottage” housing is coming to a known source of potential conflict for which the applicant must take steps to minimize. Approval to use the “optional development standards” on the subject acreage does not trigger any additional regulatory requirements on the existing business.

Compliance with “Optional Development Standard” Criteria -

Staff has reviewed the “Criteria for Approval” of the “optional development standards” articulated in Section 29-6.4(j)(3)(i-iii), of the UDC and finds that:

- i. The subject site is located within a “Residential” district as shown on the City’s Future Land Use Plan. This designation supports the construction of diverse and inclusive housing options. Proposing development using the “optional development standards” would be consistent within this designation and is seen as furthering the broad goals and objectives of the Comprehensive Plan. The land use character surrounding the subject site is predominately single-family detached housing to the northeast and south. Industrial zoning and uses are to the west of the site across Creasy Springs Road. Further south of Proctor Drive there is a mixture of housing types on a range of lot sizes. To the north and east (within the overall owner’s acreage) will be a 29.86-acre A (Agriculture) buffer that will isolate the proposed 118-lot subdivision from adjacent development in those directions as well as provide protections to the most significant environmental features on the overly 52.15-acre tract.

As stated in the applicant’s correspondence (attached), the authorization to use the “optional development standards” would afford the opportunity for the subject site to support several Comprehensive Plan Livable and Sustainable Neighborhood goals and objectives such as providing diverse and inclusive housing, compact development, and affordable housing. Additionally, authorization to use the “optional development standards” would support Land-use and Growth Management goals and objectives such as reducing maintenance costs for public infrastructure by allowing more dense development.

- ii. Authorization to utilize the “optional development standards” does not relieve the applicant of meeting other regulatory requirements of the UDC. This criterion seeks to determine if adequate parking will be provided for the proposed development. Per the UDC, a single-family detached dwelling is required to provide two on-site parking spaces. Based on the lots shown on the preliminary plat and statements within the applicant’s attached correspondence, a minimum of 2 on-site parking will be provided on each lot which is compliant with the standards of the UDC. Additionally, if a garage is added to each future dwelling unit the front yard setback will be 20-feet from the property line (not the curb location) which is believed to be a sufficient depth to accommodate a vehicle parked in the private driveway. Prior to issuance of a building permit, a final compliance check will be performed to ensure the applicant has met all applicable UDC on-site parking standards.
- iii. The authorization of the “optional development standards” not unlike any other development within this location will increase the amount of traffic traveling along Creasy Springs Road and potentially Emery and Proctor Drives. As part of staff’s review of the preliminary plat there were no identified concerns that the 118-lot development would generate traffic impacts incapable of being handled by the existing roadway network. The development will be required to construct sidewalk along all internal streets and there is presently sidewalk constructed along Creasy Springs Road and Emery Drive. No sidewalk exists along Proctor Drive.

The proposed 118 lots within the subject 22.26-acre R-2 parcel will all be accessed internally from roadways classified as “residential” streets which do permit parking on-street. No lot within the 22.26-acre parcel is permitted to have access to Creasy Springs Road and such access is not physically possible due to the elevation differences between the existing roadway and proposed lot locations. Each lot will have a separate driveway with parking area sufficient to accommodate required parking. When combined, these parameters ensure that public safety will be maintained like any other residential development within the city.

Potential Board Action -

Should the Board determine that compelling testimony has been provided and the standards of Section 29-6.4(j)(3)(i-iii) have been met, it would then be appropriate to offer a recommendation to authorize the use of the “optional development standards” on the subject lot. If a determination is made that such request is not supported by the testimony given or the standards of Section 29-6.4(j)(3)(i-iii), then a recommendation of denial would be appropriate.

Should the Board desire to clarify the “minimum” dimensional standards applicable to 118-lots of future development, a motion to establish those minimums is appropriate. Staff recommends, given the site’s topographical challenges and need to ensure on-site parking is provided, the following “minimums”:

Front yard: 20-feet
Side yard: 6-feet
Rear yard: 10-feet
Minimum Lot Width: 30-feet.

For the purposes of establishing a “complete” public record, Board justification supporting authorization or denial of authorization to use the “optional development standards” as defined in Section 29-6.4(j)(3)(i-iii) shall be stated within the public record prior to a final decision being rendered.