
**Board of Adjustment
March 12, 2024
Staff Report**

Application Summary –

A request of Daniel S. Simon (attorney), on behalf of the Roxie Grant Revocable Trust (owner) and Hemme Construction, LLC (contract purchaser), seeking Board of Adjustment authorization to use the “cottage” optional development standards on the 14.47-acres of property within the Amberton Place subdivision that is zoned R-2 and addressed as 3705 W. Gibbs Road to facilitate the development of a 54 homesites with reduced setbacks and lot area as required by Section 29-6.4(j) of the Unified Development Code.

Site Characteristics

The subject property is a 14.47-acre tract of land located within the southern and east central portions of the Amberton Place subdivision (see attached graphic) which was recently annexed into the city’s corporate limits and permanently zoned R-2 (Two-family Dwelling). Amberton Place is comprised of three distinct zoning classifications (R-1, R-2, and R-MF) intended to promote a diverse and inclusive housing mixture on its approximate 60-acre overall site. At the time of annexation and permanent zoning, the subject 14.47 acres was identified as being the location for single-family detached homes utilizing the “cottage” dimensional standards upon approval of the Board of Adjustment as prescribed by sec. 29-6.4(j) of the UDC.

The 14.47-acre site is proposed to be improved with 54 homesites and 3 common lots. The 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 approved by the City Council during its February 5, 2024 meeting. Additionally, a development agreement associated with the Amberton Place subdivision was approved on February 19, 2024 establishing construction and design milestones for specific public infrastructure improvements within and adjoining the development.

The subject property is located north of W. Gibbs Road, west of Hibiscus Drive. The property is bounded by City A (agriculture) zoning to the east, Boone County R-M (multi-family) zoning to the south, Boone County R-S (single-family) zoning to the southwest, City R-MF (multi-family) and R-1 (single-family) zoning to the north and northwest, respectively. There is an existing single-family structure on the subject site in the southeast corner that will be removed as part of the development. Single-family structures are located on lots to the east, south, southwest, and west of the overall Amberton Place subdivision. The single-family dwelling located southwest of the subject site shares a property line with the 14.47-acre subject site. The home north of this dwelling adjoins a portion of the Amberton Place subdivision that is zoned R-1.

Per the CATSO major roadway plan, W. Gibbs Road will be extended through the property as a major collector which will require sidewalks to be constructed along its frontage. The approved development agreement requires the installation of a pedestrian crossing that connects the northern and southern portions of the overall development which is divided by the extension of W. Gibbs Road. All streets serving the proposed “cottage” lots will be built to standard city specifications and will have sidewalks along both frontages.

The northern portion of the 14.47-acres has approximately 10 to 15-feet of fall from the proposed roadway frontage to the rear of the lots. The improvement of these lots would be upon the less steeply sloping portions of this area. The southern portion of the 14.47-acres has less significant grade impacts (generally 5-feet of rise) from the southwest to the northeast. Aside from a wooded ravine along the northwest portion of the site, the

majority of the 14.47-acres has been previously farmed and is cleared of its vegetation. There are two ponds on the overall 60-acre Amberton Place tract and the pond located in the southwest corner is to be retained and used for stormwater management purposes. This pond's location as well as a portion of the wooded ravine are proposed as common lots. A third common lot will be located north of the home in the southwest corner of the overall development, immediately west of the subject site and will provide a buffer from the future extension of W. Gibbs Road through the subdivision.

Authorization Sought and Purpose

The applicant is seeking authorization to utilize the "optional development standards" associated with the development of a "cottage" subdivision. These "optional development standards" are shown in Section 29-4.1(a), Table 4.1-1 of the UDC and are only applicable to property that is zoned R-2. Per Section 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 site with smaller, single-family detached homes than would be allowed within conventional R-1 or R-2 development. The proposed development mixture would include detached single-family homes of 2, 3, and 4-bedroom units having adequate off-street parking and either a single or two-car garage. Additionally, the applicant has provided the following dimensional summary table to illustrate what approval of the requested "optional development standards" may yield in the way of development lots.

	<i>R-1</i>	<i>R-2 Current</i>	<i>R-3 Cottage</i>	<i>Amberton Place *</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	35 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	10 feet
Maximum Building Height	36 feet	35 feet	35 feet	35 feet

**While the request is for R-2 Cottage Standards, the dimensions listed under the Amberton Place are for reference only based on anticipated dimensions for this development.*

Authorization Analysis –

Summary and Impacts –

The applicant is seeking authorization to utilize the "optional development standards" for construction within the R-2 zoning district to facilitate development of a cottage-style single-family subdivision. If authorized, the proposed 57-lot development would be permitted to develop 54 single-family homes on lots as small as 4,000 square feet with reduced lot frontage (minimum 35-feet) and reduced setbacks from those typically allowed in the R-2 district.

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. To date, only three other developments within the City of Columbia have sought and received approval to develop a subdivision using the "optional development standards".

Given the ability to utilize the "optional development standards" often requires that a property first be rezoned to the R-2 district, concerns related to the appropriateness of the land use (i.e. smaller footprint homes and increased density) have been vetted by both the Planning and Zoning Commission and City Council. The subject site has gone through this vetting process and is part of a larger development tract (60.26 acres) that was annexed and permanently zoned R-1, R-2, and R-MF on January 16, 2024. This process was followed up with approval of a preliminary plat and a development agreement on February 5 and 19, respectively.

The concern typically encountered with such a land use change is the uncertainty that the property will be actually developed with "cottage" housing. In this particular instance, the applicant sought and received preliminary plat approval from City Council on February 5, 2024, illustrating the 14.47-acres being divided into the desired "cottage" development. If this request is approved, a final plat consistent with the approved preliminary plat will be required to formally create the 54 "cottage" lots.

The introduction of such lots, while smaller and with less lot frontage than existing development, 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 large lot single-family development served by on-site septic systems and/or duplex development. Furthermore, approval of the request would be consistent with applicant's intent of developing an integrated and mixed-housing style subdivision as expressed throughout the annexation, permanent zoning, and preliminary plat process.

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 in turn 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 permanently zone the subject site to R-2. The product that would be allowed, given its integration into the overall Amberton Place subdivision, is not believe inappropriate.

If such a request were being made absent of the remaining elements within the Amberton Place subdivision there would be more significant staff concern. While the proposed "cottage" lots are at this time inconsistent with the surrounding land use pattern, the complete build-out of Amberton Place with its single-family homesites and multi-family lots (i.e. attached townhomes) with result in this "first" phase of development looking consistent overtime.

The decision to annex and permanently zone Amberton Place to allow for the mixture of housing styles and in this specific instance require Board approval was not without expressed concerns and neighborhood opposition. Notwithstanding, the City Council through its actions found that the proposed Amberton Place development offered a unique opportunity to fulfill unmet housing needs within the community. And, while this development is generally removed from the more urban densities that have been associated with other similar projects, the site has access to utility infrastructure necessary to support the density that would be created. Furthermore, transportation improvements specifically to W. Gibbs Road/Barberry Avenue were discussed as part of the overall annexation and acknowledged as necessary should further intensification of land use occur westward. To address these known impacts, the approved development agreement obligates the applicant to design a

preliminary centerline profile for the future upgrade of W. Gibbs Road from its western entrance back to its intersection with Barberry Avenue and Grayson Drive.

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 are seen as furthering this broad goal and objective. The land use character surrounding the subject site is a mixture of housing types on a range of lot sizes – large lot rural development westward, duplex development to the southeast, and single-family suburban development eastward. Furthermore, the proposed development of the 14.47 acres as “cottage” lots is part of an integrated subdivision development that will include single-family urban-sized lots and multi-family townhouses. The proposed 54-lots would result in single-family homesites that blend into overall development scheme intended for the Amberton Place subdivision.

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 approved preliminary plat and attached development site plan and the stated intent to offer either one or two-car garages, it is staff’s belief that the applicant has shown compliance with this criterion. 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. Finally, at the time of building permit issuance, an additional compliance check will be performed to ensure the applicant has complied with the required 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 Barberry Avenue and W. Gibbs Road. As part of staff’s review of the annexation and preliminary plat for Amberton Place a traffic impact study (TIS) was not trigger; however, staff requested that one be prepared given the need to construct W. Gibbs Road through the overall development tract. Aside from recommendations for stop sign additions at particular key intersection locations, the need to reconstruct existing W. Gibbs Road at its intersection with the extension of Gibbs Road, and a recommendation for a sight visibility analysis to be performed, if warranted, there were no increased safety or congestion issues identified by the development as a whole.

Prior to approval of the preliminary plat, Council requested that staff further consider requiring future roadway improvement to W. Gibbs Road/Barberry Avenue and pedestrian circulation matters that were believed overlooked in the TIS based on concerns expressed by local residents. As a result of this evaluation

and after consultation with the applicant, the associated development agreement for Amberton Place was created. The agreement establishes construction and design milestones for specific public infrastructure improvements within and adjoining the subject site and the overall development.

These obligations are believed sufficient to address any potential public safety issues. It should be noted that a coordinated effort between both the City of Columbia and Boone County may be necessary to facilitate future upgrades to Barberry Avenue/W. Gibbs Road. However, the requirement to have the applicant prepare a preliminary roadway profile for this roadway segment is significant given such a profile will establish the baseline from which additional feasibility analysis and final design would occur.

The proposed 57 lots within the subject 14.47-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 14.47-acre parcel is permitted to have access on existing W. Gibbs Road or its future extension through the overall development tract. 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.

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.