

STAFF REPORT

To: PED Committee Date: July 14, 2011
From: Judy Daniel, Director Planning and Development
Subject: Cottage Development Regulations

Summary: Consideration of a recommendation to remove the use “Cottage Developments” from the USSR for further study.

Background: The “cottage development” use was adopted by the City Council in June of 2007. Its intent was to allow small infill development of small single family homes as a means to increase the stock of housing affordable at the “workforce” housing levels. According to the staff report at the time, the impact of the allowed greater density is offset by the smaller size of the homes, and the layout and design are of particular importance to ensure that they complement the surrounding existing neighborhood. The Council had expressed an interest in this development type, and after substantial staff research, public input, and modifications suggested by the Planning and Zoning Commission; it was adopted unanimously. The use is defined as:

A cluster of small detached single family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single family residential development.

The use is a “by right” use, providing all technical standards are met, in the RS-8, RM-6, RM-8, and RM 16 zoning districts. To date, four have been approved and two have been fully built.

The Kenilworth Cottages development is located on at 127 Aurora Drive (off Kenilworth Road). The development was approved in 2010 for 11 homes, and 3 have been built and one is inhabited. The site was in bankruptcy proceedings but still advertises homes for sale and the site is kept mowed. Foundations are in place for 2 units, and basic grading and stub-out infrastructure is in place for the remaining 6 units.

The Cottages on Liberty Green are located at 2 Cottage Cove Lane, off Liberty Street in the Oakley community off Fairview Road. It was approved in 2008 for 7 “green” homes for sale, and 2 have been at least partially built. None were purchased and none are inhabited; the site had appeared abandoned but recent activity has been noted.

The Town View Common Cottages were approved in 2008 for 11 homes and completed in 2009. They are located on at 45 Nancy Road, off Hansel Road near Patton. All 11 homes were built and are inhabited, and the project functions as an affordable housing rental property. This project received Housing Trust Fund support.

The Beaucatcher Cottages are located at 444 Beaucatcher Road off Kenilworth for 12 homes. They were approved in 2010 and are almost completed; some are already inhabited. It is being built by the same developer that built the Nancy Road development. It also received Housing Trust Fund support and is also to be operated as an affordable rental property.

Immediate neighbors across Beaucatcher Road are upset about this community due to its design, which located the required common green on the interior of the property (with the homes facing it), and the rear of 7 of the homes facing Beaucatcher Road. Staff is working with the developer on an augmented landscaping plan for that area to provide increased screening for the neighbors across the street.

The standards for approval for this development type include criteria that require:

A minimum development area (30,000 sf) - but they are not subject to lot size, lot width, or lot frontage limitations for their zoning district.

They must have at least a 25 foot wide frontage on a public street. (*This was envisioned to most frequently be a common driveway to serve the cottages.*)

There must be at least 5 and no more than 12 units.

They are not allowed on steep slopes or ridgetops; and they are not allowed on sites or portions of sites with a finished grade of over 15 percent.

They must be located at least 1,000 feet from another cottage development.

They must be set back at least 15 feet from any adjoining street right-of-way or property line; they must be at least six feet from each other, and if they have an accessory structure, they must be at least six feet from other structures.

They may be no more than 28 feet high, and any accessory structures no more than 20 feet high.

They may be no larger than 1,400 square feet, and no more than 1,200 square feet on the ground floor.

Accessory structures (to be garages or community buildings only) may be no more than 800 square feet. And the maximum number of accessory structures may not exceed 60% of the total number of cottage homes in the development.

The only type of accessory dwelling allowed is a small dwelling of no more than 400 square feet above a detached garage; and no more than 50 percent of the cottage homes may have such an accessory dwelling. And such accessory dwellings must have one parking space allotted.

Each home must have one parking space, but no more than two (unless an accessory dwelling is located above the garage).

Parking is not allowed within 25 feet of any adjoining street right-of-way or property line unless screened by a Type A Buffer.

Parking is to be dispersed across the site in groupings of six or fewer spaces if possible. No more than 12 spaces may be grouped together.

Common open space must be provided of 500 square feet per home, plus 300 square feet for any accessory dwelling. Such common open space must be arranged so that at least 75% of the homes have direct front door access to the open space.

In addition, at least 300 square feet of private open space must be provided for each cottage home. Such space is to be designated by fencing, landscaping, hardscaping or other means. If it is divided, each individual area must be a minimum of 100 square feet.

All cottage homes must have an unenclosed (screening allowed), roofed porch of at least 80 square feet (measuring at least eight feet on each side) off its front entrance.

The must have a gable or hip roof with a pitch of 4:12 or greater; although porches (or decks or stoops) must have a shed roof. Dormers are allowed if they do not exceed the peak of the main roof.

The rear side of any cottage home or accessory structure that is within 25 feet of an adjoining street right of way may not face the street right of way. WHY

A variety of siding materials are allowed (wood, vinyl, or fiber-cement clapboard; stucco, stone; or brick).

Despite these standards, there have been concerns with recent designs for this development type. The staff believes that some of the problems inherent in the design standards are because they seem to have been designed to accommodate properties that are "interior" - surrounded by other lots facing a public street, and taking access from a single access drive. All of the approved developments in Asheville, however, take direct access from public streets. While the developments approved include intended design features, there has been some awkwardness to certain aspects of the designs, especially related to orientation to the surrounding neighborhood and parking areas. This has led to developments that do not blend well with their surrounding neighborhoods as intended. Concerns include:

The use is currently a "USSR" meaning that the staff is left in the role of determining whether the submitted plan meets the required standards; and despite the intent that the standards be very explicit, we have found more opportunity for interpretation than was intended

Evaluation of the added density allowed - specifically for the very small units allowed in the accessory structures

Evaluation of the standards given the evolving use of the development for affordable rental housing

Lack of public review for the design of a proposed development

Therefore the staff suggests that this use be removed from the UDO and studied for revisions to address these concerns. It is less complicated to remove the use than to consider a moratorium. The staff intent would be to propose modifications and to bring those suggested modifications before the newly created Affordable Housing Commission for review and comment before being brought to the Planning and Zoning Commission and Council. The areas of change are likely to include:

Modifying the design standards for properties that have more than 25 feet of frontage on a public road (to ensure visual protection and preferably enhancement for existing dwellings)

Considering additional standards for how a cottage development relates to nearby lot sizes, setbacks, and other neighborhood characteristics

Expanding the type of architecture allowed, establishing more flexibility in design (reflecting the increased use of contemporary or blended architectural styles in many Asheville neighborhoods)

Evaluation of the approval process to determine if they should remain as a USSR approved only by the staff or approved by the Planning and Zoning Commission under a different type of process allowing public input on the design. It would be important for the public review to be mainly about the design and not the density.

Design is the crucial element for successful cottage development standards. As noted in the "Cottage Housing Development Standards Guide (Seattle, WA - 2000) used for the original staff research:

"In all cases careful attention to design detail and landscaping softens the impact of higher densities... "Going one step further, a design goal should be that the cottage cluster actually improves the surrounding neighborhood, rather than having just a neutral impact"... "The surest way to destroy public support for cottage development would be to build cheap little boxes that add density while degrading the aesthetics of the neighborhoods. While very inexpensive cottages may provide affordability in the short run, such development will inevitably erode support for the higher densities necessary for long-term affordability...". The policy challenge is to find ways to ensure that cottage development in single family areas follows good design principles. Cottage housing is a wonderful idea that could be killed off with just a few bad experiences."

Thus, with a bit over four years of experience, the staff now believes that we should consider changes to "tailor" these very important design criteria to our experiences in Asheville and elsewhere. Foremost is the need to ensure that the overall development fits smoothly into its setting, and is a complement to the existing homes in the area.

Attachments:
(1) Site plans
(2) Photos