

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
November 21, 2024**

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of First State Community Bank (owners), for approval to rezone a 12.92-acre property from R-MF (Multiple-family Dwelling) to PD (Planned Development) with an associated statement of intent, and development plan to be known as, "Legacy Woods." The plan includes 49 single-family lots and 3 common lots on Lot 1202 of Legacy Farms Plat No. 1 which is currently addressed as 5201 Ewing Lane. The applicants are also seeking two design adjustments for partial relief from Section 29-5.1(c)(Streets) regarding block length and connectivity standards, and 29-5.1(d)(Sidewalks) where existing utilities would conflict with construction of a sidewalk on the west side of Athena Drive (formerly Ewing Lane). **(This matter was tabled at the November 7, 2024 Planning and Zoning Commission meeting.)**

**DISCUSSION**

The subject site is currently known as Lot 1202 of "Legacy Farms Plat No. 1." The lot was intended to be improved with a comprehensive multi-family development consisting of several detached condominium units. Due to a lack of market demand for this style of development and financial challenges experienced by the original developer following installation of public utilities and a private street the property was returned to the lender and has remained undeveloped with vertical improvements. At this time, the current property owner is seeking approval of a rezoning to PD to accommodate development of the parcel with a more traditional, albeit smaller, single-family housing product. The proposed plan includes 49 single-family lots ranging in size from roughly 6,900 square feet to 15,000 square feet. The plan also includes 3 common lots to be utilized for stormwater detention and greenspace purposes.

The proposed development plan also depicts an existing private street, renamed to Athena Drive (previously Ewing Lane), and all utility locations. Grading and required infrastructure installations were completed by the previous developer, in accordance with the approved plat. Athena Drive was installed in addition to on-street (90 degree) parking at various locations across the site. Two retaining walls were also constructed along the east side of the parcel where topography poses a challenge between proposed development lots, or between lots and adjacent streets.

In order to enable the applicants' desired product without significant modifications to the existing infrastructure or excessive subdivision design adjustments, staff recommended this rezoning as the most appropriate action to accommodate what improvements were already made on the overall acreage. The PD development plan will serve as a new preliminary plat for the acreage which, if approved, can then permit a final plat to be prepared for Council approval. The PD plan, with the exception of the two requested design adjustments, is compliant with the platting standards of the UDC. Prior to issuance of building permits, a final plat of the proposed lots will be required to be approved.

**Statement of Intent**

The applicants have provided the required statement of intent worksheet (SOI) for consideration with their proposed PD plan. The applicants are proposing only single-family detached homes on the site,

with an option to provide a clubhouse and/or community area as an amenity for residents of the neighborhood. The SOI limits the development to 49 units, which equates to a maximum density of 3.8 units per acre. Proposed dimensional standards presented in the SOI do represent a slight reduction in typical R-1 (One-family dwelling) standards, including a minimum lot size of 5,000 square feet (typ. 7,000), 20-foot front and rear yard setbacks (typ. 25'), and 5-foot side yards (typ. 6'). Maximum building height is maintained at 35 feet. The SOI also states that each lot shall include two on-site parking spaces, including garages, and requires 10-20 additional spaces throughout the development to serve as guest parking. The SOI requires that 25% of the site is to be maintained as greenspace, and that permitted amenities include a clubhouse, swimming pool, and walking trails.

### **Design Adjustments**

In order to accommodate the proposed development, the applicants are first seeking a waiver of the maximum block length (Sec. 29-5.1(c)(3)(ii)) and the maximum number of lots to be served by one street segment (Sec. 29-5.1(c)(3)(i)(E)).

### **Section 29-5.1(c) – Maximum Block Length and Maximum Dwellings per Street Segment**

In conjunction with the approved Legacy Farms final plat, Council granted a design adjustment to Section 29-5.1(c)(3)(ii) of the UDC (block length) for a number of blocks across the site. This section requires that streets intersect at regular intervals resulting in blocks that are less than 600 feet in length. This provision is intended to ensure that the street network within a subdivision has good connectivity and provides multiple route options for vehicle and pedestrian travel, as well as access for service vehicles. Shorter blocks are more efficient at moving both vehicular and pedestrian traffic and reduces the reliance on one stretch of roadway within a development from having to carrying the majority of the development's trips which can reduce the wear and tear on any single stretch of roadway within the development.

In all, 15 blocks were included in the approved design adjustment. Athena Drive was a private street planned to serve only one multi-family parcel; therefore, it was not included in the waiver request even though the street was depicted on the approved plat and did not meet the "block length" requirements. Athena Drive is approximately 1,750 feet in length, nearly triple the maximum block length, and it will serve all 49 anticipated units. Section 29-5.1(c)(3)(i)(E) of the UDC provides a limitation for the number of dwelling units that can be served from a single street segment, which is a replication of the Fire Code limitation of 30 lots when only one point of vehicular access can be provided. The number of lots accessing a street is a product of the street's length; therefore, these items are mutually dependent.

Section 29-5.2(b) of the UDC provides five evaluation criteria which should be considered when weighing a request for a design adjustment. The criteria and staff analysis of each are outlined below.

**i. The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;**

The requested design adjustment is not consistent with Columbia Imagined which promotes the accommodation of non-motorized transportation and safe modes of interconnectivity throughout the city. In accordance with repeated concerns raised by the Planning Commission in regards to interconnectivity with past subdivision requests, staff requested an additional roadway connection between Athena and Darlington Drives. The applicant revised the development plan to include a 5' sidewalk between Lots 41 and 42 to allow a cut through from the center of the parcel to the intersection of Darlington Drive and Crabapple Lane, noting that a roadway connection would be

a significant challenge due to topographical concerns. This alternative method of breaking a block's length has been employed in other locations throughout the Legacy Farms development for which the previous design adjustment was applicable.

The additional sidewalk connection between Athena and Darlington Drives provides a safe route for pedestrians and cyclists that does not require them to circumnavigate the full length of Athena when traveling north or south through the development. The lack of vehicular connections means that all 49 residential units must be served internally from Athena. **[NOT SUPPORTED]**

**ii. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**

No adverse impacts to neighboring properties are anticipated from approval of the design adjustment. Impacts are localized to just those lots that are served by Athena Drive. **[SUPPORTED]**

**iii. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met;**

The requested design adjustment would not significantly impact the existing conditions on the site. Athena (Ewing) Drive was previously constructed in the same arrangement, and although it is substandard, other measures have been utilized to improve safety for non-motorized users. Athena is designed with significant curvature to help reduce vehicle speeds, and the sidewalk cut through provides a shorter route, away from vehicular circulation, for users to enter/exit the development without traversing the entire length of Athena. The provision of emergency services to internal lots is not impacted by the proposed subdivision in comparison to the approved multi-family arrangement. **[SUPPORTED]**

**iv. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and,**

As previously stated, the roadway and utility infrastructure serving the development were installed by the previous developer of the property. The applicants wish to modify the housing type and lot arrangement without impacting the existing infrastructure improvements. The design and location of Athena Drive is also a product of topographic conditions on the site, which make vehicular connections to the east and west challenging. The land immediately west of the subject site lies within a common lot and contains a small stream corridor. This lot was also utilized as a buffer between the R-MF zoning and the R-1 lots lying just west of the creek. Therefore, no roadway stubs were provided for additional connections to the west. **[SUPPORTED]**

*v. The design adjustment will not create adverse impacts on public health and safety.*

No significant adverse impacts on public health and safety are anticipated by granting the waiver. The street was approved during the previous platting action as a private street, serving as access for a multi-family development consisting of many single-family homes on a single lot. While the lot configuration is proposed to change to traditional single-family lots, the built environment will be very similar once constructed. **[SUPPORTED]**

### **Section 29-5.1(d) – Sidewalks**

The applicants are also seeking a partial waiver of the provisions of Section 29-5.1(d) requiring installation of sidewalks on both sides of a street. Athens Drive was constructed with sidewalk only along its east side, with utilities installed along the west side. The construction of sidewalk along the west side of the street would conflict with a number of phone pedestals and transformers. Relocation of these items would be required in many locations.

Again, the evaluation criteria of Section 29-5.2(b) of the UDC provide guidance for the Planning Commission in considering a design adjustment request.

**i. The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;**

The requested design adjustment is not consistent with Columbia Imagined which promotes the accommodation of non-motorized transportation and safe modes of interconnectivity throughout the city. The applicants provided an additional 5' sidewalk between Lots 41 and 42 to accommodate cut-through traffic from the center of the parcel to the intersection of Darlington Drive and Crabapple Lane. This additional sidewalk connection between Athena and Darlington Drives provides improved pedestrian connectivity, but does not address internal pedestrian needs. **[NOT SUPPORTED]**

**ii. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**

No adverse impacts to neighboring properties are anticipated from approval of the design adjustment. **[SUPPORTED]**

**iii. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met;**

The requested design adjustment would not significantly impact the existing conditions on the site. Athena (Ewing) Drive was previously constructed in the same arrangement, and although it is substandard, other measures were utilized to improve safety for non-motorized users. Athena is designed with significant curvature to help reduce vehicle speeds, and the sidewalk cut through provides a shorter route, away from vehicular circulation, for users to enter/exit the development without traversing the entire length of Athena. **[SUPPORTED]**

**iv. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and,**

The applicants are simply seeking approval to maintain the existing streetscape environment. Again, the location of installed infrastructure is in conflict with standard placement of sidewalks; therefore, would require relocation of numerous pedestals and transformers adding significant expenses to the project. **[SUPPORTED]**

v. *The design adjustment will not create adverse impacts on public health and safety.*

No significant adverse impacts on public health and safety are anticipated by granting the waiver. The potential for pedestrian interaction with automobiles already exists given the current built environment, where users have to cross the street from the west in order to reach the existing sidewalk. Continuation of the existing deficiency, however, does not constitute a negative outcome resulting from this request. **[SUPPORTED]**

**CONCLUSION**

Staff believes the requested PD zoning is appropriate given the lack of development on the site in spite of significant infrastructure improvements. In order to permit a desirable housing type on the parcel without extensive relocation expenses, a unique design solution is necessary. The needed design adjustments are generally supported by staff given the waivers will not create any new negative impacts to the health and safety of future residents, or to any neighboring properties.

The applicants have attempted to address connectivity concerns by proposing a pedestrian connection between Athena and Darlington Drives, which provides a shorter route to the intersection southeast of the subject site. Although this provision does not address vehicular connectivity, it is consistent with other accepted alternatives in similar situations in the recent past. The proposed PD plan and statement of intent are consistent with the original intended housing types and resulting built environment. The applicants are seeking to divide the property into multiple lots to suit market demands for traditional single-family homes as opposed to condominiums.

**RECOMMENDATION**

Approval of the following:

- Rezoning of the subject acreage from R-MF to PD
- Design adjustments from Sec. 29-5.1(c)(3)(ii), Sec. 29-5.1(c)(3)(i)(E), and Sec. 29-5.1(d)
- The “Legacy Woods” Development Plan
- Statement of Intent

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- “Legacy Woods,” PD Plan
- Statement of Intent

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	12.92 acres
<b>Topography</b>	Steadily sloping to the northwest to drainage channel
<b>Vegetation/Landscaping</b>	Timber coverage along western boundary, otherwise graded/cleared
<b>Watershed/Drainage</b>	Little Bonne Femme Creek, Mill Creek
<b>Existing structures</b>	Ewing Lane (renamed to Athena Drive), various parking areas, and a retaining wall near south end of parcel

**HISTORY**

<b>Annexation Date</b>	1998
<b>Zoning District</b>	R-MF
<b>Land Use Plan Designation</b>	Columbia Imagine: Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Lot 1202, Legacy Farms Plat No. 1

**UTILITIES & SERVICES**

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

**ACCESS**

<b>Darlington Drive</b>	
<b>Location</b>	Along the east side of property
<b>Major Roadway Plan</b>	N/A
<b>CIP projects</b>	None
<b>Sidewalk</b>	Installed

<b>Crabapple Lane</b>	
<b>Location</b>	Along the southern side of property
<b>Major Roadway Plan</b>	N/A
<b>CIP projects</b>	None
<b>Sidewalk</b>	Installed

<b>Athena Drive (previously Ewing Lane)</b>	
<b>Location</b>	Internal to the property, connecting Darlington Dr (N) to Crabapple Ln (S)
<b>Major Roadway Plan</b>	Neighborhood Collector; (60-foot ROW required for extension); additional ROW to be dedicated at time of final plat.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Magnolia Falls Park
<b>Trails Plan</b>	Future trail along Mill Creek
<b>Bicycle/Pedestrian Plan</b>	Pedway proposed along Sinclair Road

**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 via property owner letter on October 16<sup>th</sup>, and an ad was placed in the Tribune on October 22<sup>nd</sup> with a secondary ad, referencing the required design adjustments, being placed within the Tribune on November 5<sup>th</sup>.

Report prepared by Rusty Palmer

Approved by Patrick Zenner