

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
November 21, 2024

Case Number 262-2024

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 three 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.)

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the following:

- Rezoning of the subject acreage from R-MF to PD
- Design Adjustments from Section 29.5.1(c)(3)(ii), Section 29-5.1(c)(3)(i)(E), and Section 29-5.1(d)
- The "Legacy Woods" Development Plan
- Statement of Intent.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Are there any questions for staff on this case? Commissioner Placier?

MS. PLACIER: Yeah. Perhaps you cannot address this, and it will have to wait until we hear from the applicant, but this was originally planned for townhouses, and then that fell through.

MR. PALMER: I believe they were detached, kind of condo type units.

MS. PLACIER: Yeah. It could be -- whatever. Condo.

MR. PALMER: Yeah. And the applicant can definitely expand on it.

MR. TEDDY: I can address that just from the City side, and I believe our applicant will speak more particularly to this, but last winter we issued what we call a land disturbance permit for the site, so that allowed for the grading, the infrastructure, the street surface, the several banks of parking spaces. You see out there, if you've been out to the site, we also issued retaining wall permits for some long

retaining walls. All of this was land preparation for what, at the time, we understood was going to be 46 detached units with a clubhouse structure. And that was to be organized as a real estate cooperative, so a different kind of ownership. It would remain a single parcel. So what remains is the infrastructure, and they now want to go to a more conventional lot program.

MS. PLACIER: Well, my question was about the sidewalks, but this was originally planned to have these structures on both sides of the street. Why were sidewalks not planned on both sides of the street? Why was it allowed for utilities to be constructed where a sidewalk should be --

MR. TEDDY: Yeah. It --

MS. PLACIER: -- that set up this need for this design adjustment?

MR. TEDDY: Yeah. Again, it's because it wasn't viewed as much as a public street. There would be the sidewalk on -- it would be the east side. There was a mid-block extension of a trail that looped around the clubhouse structure, so it did have some additional walking space for residents, but it -- it goes to that we did not have a particular standard in an R -- on an RMF lot for a complete street there.

MS. PLACIER: Okay. Well --

MR. TEDDY: And now going to -- going to separate lots, you now have a difference in that you will have folks that are in the middle of the block that will not be connected to other lots by sidewalk. Before, it was going to be all one ownership.

MS. PLACIER: I guess I still have that question, but I won't ponder it.

MR. TEDDY: Yeah. I understand -- I understand your concern, but yeah. Yeah. We've done commercial private streets where we've required the sidewalks on both sides, for example. So --

MS. GEUEA JONES: Any other questions? Commissioner Loe?

MS. LOE: My question is about Athena, and looking at where it accesses Darlington on the north side, Darlington looks like it could be a fairly somewhat busy street with that access onto Havana to get over to Sinclair, and I'm just -- I was curious with the placement of Athena on that corner -- inside corner with Havana coming in close to the south. Our -- I realize the street is already constructed. I guess this goes back to the request for adding another connection between Athena and Darlington, and what the evaluation was of just traffic and safety with those connections.

MR. PALMER: I believe Mr. Crockett can expand on that a lot more just based on the fact that, like I said, I -- I asked them at the concept review phase to explore adding the vehicular connection. And based on their analysis, they -- they indicated that the pedestrian connection was more feasible and more -- more helpful. But the traffic study impacts were more in the previous phase. Like, we didn't ask them to do another traffic study for this. And so any type of impacts that this arrangement would have likely weren't really studied, but we went with the previous traffic study. So at that time all of this was approved and really the only change is the lot arrangement. So -- and, actually, we're reducing the number of units, so the assumption would be that if it was approved previously, it would -- it would stand to reason we're -- we're in a decent state now, so --

MS. LOE: I have two follow-ups then, the first being I thought we were just informed that the previous development was for 46 units, and this one has 49 lots.

MR. PALMER: I'm sorry. I -- yeah, I misspoke about that. I thought -- I misheard him. I thought it was less, but -- yeah.

MS. LOE: My second follow-up is, on the sidewalk that's being shown between Athena and Darlington, it appears to be on the two private lots in their setbacks, and I was just curious as to I think previously we've typically seen that common sidewalk come back as part of a common lot?

MR. PALMER: Yeah. And they've actually added that to the plan. That one is probably just the last rendition. That would have been the only change is that they've -- they've created an easement there for that.

MS. LOE: Would we have a -- I feel uncomfortable placing a common use on a private lot without easements, or would we be expecting that to be placed on a common lot?

MR. PALMER: It would work either way. I believe I seen both where it's a pedestrian easement or you can create a common lot for that.

MS. LOE: Thank you.

MS. GEUEA JONES: Any further questions for staff? Seeing none.

PUBLIC HEARING OPENED.

MS. GEUEA JONES: Come on up. State your name and address for the record. Three minutes for individuals, six minutes for a group and/or the applicant.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Before my time starts, I would like to go through just a couple of housekeeping items. I think there's some misconceptions. There is some misrepresentations here, just a little bit. So I'd like for some clarifications, if I may.

MS. GEUEA JONES: It's part of your six minutes.

MR. CROCKETT: Okay. Then I'll -- I'll go through it pretty quick then. If I don't -- Tim, if I can get my PowerPoint to work, please.

MR. PALMER: It should automatically --

MR. CROCKETT: Here we go. I'm here with -- with Joe Miller, president of First State Community Bank, and they are owners of this piece of property. Let me start off by talking about why -- well, it's just -- let's talk about Legacy Farms. This is the small piece of the entire Legacy Farms development. Many of you members on Planning and Zoning were here several years ago when this project came before this Commissioner for approval. It was about 400 acres. This is the overall development, and, Ms. Placier, this is going to comment on some of what your comment was. If you recall, this development had many different portions of it. It was all different types of residential development from multi-family from apartments to townhouses to retirement community to all variant sizes of single-family residential from the minimum lot sizes of 60 feet up to estate lots. And so what we're here tonight to talk about is the Legacy Woods, which is right here in the middle. It's this piece right

her. It was presented two years ago as the retirement portion, the retirement community, single family detached units, and that's what was proposed and that was what was presented originally, and that's what we're proposing now. Nothing has changed with what this concept has been on this piece of property. They were single-family detached units, basically a retirement-type facility. We are asking to go from rezoning from R-MF to PD on about the 13 acres. It is for 49 single-family residences. It's already developed, and when I say it's -- when I say developed, we're talking about water, electric, sanitary sewers, storm sewers, it's been graded, all the roads are in place, and the development concept has not changed. Okay? We -- the original developer was a developer who purchased this from Iowa, and he wanted to develop it, and due to other circumstances, he's not able to develop it and the process -- and the project -- the property went back to the landowner. So -- and we're talking about nothing has really changed, and so why are we here tonight? Well, that we're here tonight because what is changing is how they want to sell the units. As Mr. Teddy indicated, the original concept was a co-op, meaning that if you were to buy a single-family house in this development, one of 49, you wouldn't buy your house on a small lot, you would buy 1/49th of the entire development with exclusive rights to your specific house. Okay? That works in some communities. It's worked all over, but that's something new to Columbia where you go in here and you buy 1/49th of a development, and with exclusive rights. So when that developer lost, it goes back to the bank. The bank is wanting to market it back out to the local development community. Well, local developers don't want that concept because they don't believe that the market is really accustomed to that type situation here in Columbia. What they're accustomed to seeing is you want to buy a single-family house, you have a small lot on which you can purchase that on. And so the concept is not changing, It's always been a retirement-type community with small single-family houses. The only difference is instead of buying it through a co-op, we want to be able to sell them individually on small lots. And so that's the -- that's the change that we're here tonight asking for. This is the -- this is the preliminary plat. The streets, the sewers, the water, the layout, everything is exactly the same as it was presented a couple of years ago. And so, again, we talk about a couple of design adjustments tonight, so we're talking about block length. So, yes, we don't have a connection here. When it was developed under the R-MF standards, we don't need to have -- the block-length doesn't come into effect. It only happens later when we want to subdivide it. The same exact type of development falls under different classifications, different -- different regulations, even though it's exactly the same. And so that's what we're asking for here. You know, internal connectivity is high. All segments connect to a major roadway. We are providing alternative location for pedestrians. So we have two access points, obviously, on either end. Typically, you see two access points on the same side with the long, lengthy area that goes back to a cul-de-sac. That's not the situation here. What we have here is one on either side that provides proper connectivity through the entire development. Putting one here, as Mr. Palmer has indicated, is problematic. There is some -- you know, it's all been graded. We've got storm sewer in place. The grade changes. It does bounce up there, coming in with the grade, coming in higher with the street, meaning the street is going to be higher than the -- than the units themselves, and that presents an issue. So what

we're providing or we're proposing is to put a pedestrian connectivity, a sidewalk at this location. This is what was proposed on the original Legacy Farms development in many locations and this is what was approved originally. So this would be very much in line with the original concept for all of Legacy Farms. The second design adjustment that we're asking for is sidewalks on one side. Now this isn't uncommon for smaller developments. What we're looking for, again, we're looking for a -- a retirement-type community where our traffic isn't going to be heavy. We're not looking for a lot of traffic. We don't have a lot of vehicles. It's surrounded by road, so it's not that anyone is going to have cut-through traffic on this - through this piece of property. If you're trying to get from side to the other, it's certainly easier to go around the public roads that are perimeter to this development. The green line shows the sidewalk that's within the development itself. We're adding this sidewalk right here. So those are our internal sidewalks. We're going to add to that all the external sidewalks that go around on all the public streets. Those are in place or will be in place during development, as well. And lastly, if you recall when we were here a few years ago, we talked about having this trail network that goes through Legacy Farms. And so then on the west side of this project, there will be a trail that cuts through there, as well. So by having sidewalk on both sides of that -- it's a narrower street. It's 26 feet wide, because it's going to have significantly less traffic on it. And so having the narrower street, the fewer lots, all internal traffic, we believe that it gives it a little more cozy feel for the smaller lots. Mr. Palmer talked about the lot sizes are more in common with a single-family development. That may be because they're a little bit deeper, the sizes, the square footages maybe, but the widths are smaller. So the widths are narrower than the single-family residential that you typically see. We're looking for smaller cottage type houses in here. That's the reason for the setbacks. We're trying to draw those in closer to the street, and just give that cozy cottage feel. We feel that having sidewalk on one side helps -- helps with that, as well. Again, the proposed development is consistent with the original concept for Legacy Farms. Nothing has changed, nothing at all. It's already constructed, the concept is not changing. The only change in the development is how the lots are sold, not what is being built. So, Ms. Placier, when you talked about having the townhomes, the townhomes, you're exactly right. The townhomes are on an adjacent piece of R-MF zoned property. This was the retirement portion that -- that we're talking about today. So I'm not sure where I'm at with my time, but -- let me see. Ms. Loe, I want to talk about your traffic item just a little bit. Yes. When we did this and we laid this out, that northerly entrance, we could either go in at that four-way intersection with Havana and have a four-way stop, or we could push it further north, meet the City's separation standard, and have two T-intersections. Traffic engineers, the City traffic engineer, and just civil engineers in general, like to have T-intersections. It's better for traffic flow, has less conflicts than a four-way intersection. So when we design -- design that, while we do have a significant number of four-ways, if we can, we try to avoid them where possible. With regard to the amount of traffic, the amount of traffic coming from the west up there is all residential. It's a -- it's probably the third of the three different access points coming from that direction, so it's going to have the less of all three and not a significant amount of traffic that's going to have conflict with our entrance at that location. So I hope that answers your question. So if you have any

questions, I'll be happy to answer them.

MS. GEUEA JONES: Perfect. Any questions for this speaker? Commissioner Loe?

MS. LOE: Thank you, Mr. Crockett. One question on the traffic. Just what is the City's distance separation?

MR. CROCKETT: I believe it's 125 feet for intersecting streets. And so -- and I say that. We're in a driveway situation, so our driveway in that case I believe, if I'm not correct -- if I'm not mistaken, Mr. Palmer, I believe it's -- I want to say it's 30 or 35, but we're well in excess of that. And so, I mean, this has all gone through traffic review, so --

MS. LOE: Uh-huh. On the added sidewalk --

MR. CROCKETT: Yes, ma'am.

MS. LOE: -- can you just comment on what the intended -- is that intended to be left on the private property? Was it -- I notice it is stopping three feet short of the common lot.

MR. CROCKETT: What -- yes. Yes, ma'am. To answer the question, we're proposing to put it on the private property in the setbacks that have a public easement over the top of it for public use. That's how we've done it in other locations, by putting a pedestrian easement on that sidewalk. I mean, that's pretty common. We do it in subdivisions on a regular basis. There's sometimes the -- the common location for a sidewalk in a residential subdivision is one foot inside the right-of-way, but for various reasons, there's a whole bunch of different reasons, many times that sidewalk is put back on public property -- or, excuse me, on private property off the right-of-way, and we always cover that with a pedestrian easement. So that's something that's pretty common, and I believe that the Planning Department and the Public Works Department, you know, it's pretty -- they're pretty routine and they see that on a regular basis.

MS. LOE: Is there a reason it's not connecting to the common lot?

MR. CROCKETT: It would be -- well, because it -- it can connect to the common lot, but really it goes up and it's tying into the public -- the reason why it is not is because the lot line doesn't connect to the common lot. It connects -- the sidewalk connects to the public sidewalk that runs up and down Darlington.

MS. LOE: But you're -- you can modify that lot line.

MR. CROCKETT: I can, absolutely. If you want it to go to the common lot, I can do that, but the public sidewalk goes through the common lot, as well, just a few feet away. But if we need to, we can pull it over and tie it to the common lot easy enough. That's not a problem. Happy to do it.

MS. LOE: I guess I saw something in the report about there being challenges due to the grade change, and if you had longer length to work with, it might provide you --

MR. CROCKETT: Right.

MS. LOE: -- a greater facilitation with mitigating that grade.

MR. CROCKETT: Right. What Mr. Palmer was referring to was further to the north, Ms. Loe, two or three lots -- or one lot even, but two lots further north where the shorter distance would be, that's the

reason why we don't have the connection up there because that's the challenge with grade. If we have -- that's why we have it shown where we put it is because the grade in that location works a little better for -- for a sidewalk, and so that's why we're able to make that one work. And if we want to take it to the site -- to the common lot, we're happy to do that. That's not a problem.

MS. LOE: It just seems to me if there's a common use at the common lot --

MR. CROCKETT: Sure. Right.

MS. LOE: -- it might be nice to actually have the right --

MR. CROCKETT: We can do that. I mean we are -- we have sidewalk on two sides of it. We're -
- we're happy to change that.

MS. LOE: But you're still planning that, I hear. Thank you.

MS. GEUEA JONES: Thank you. Any other questions for this speaker? Commissioner Placier?

MS. PLACIER: Well, just to follow up on what Commissioner Loe just asked, will there be any challenges on the grade of that additional sidewalk? Considering that this is a senior --

MR. CROCKETT: No, ma'am. All of our -- all of our sidewalks are going to conform to ADA standards.

MS. PLACIER: Okay.

MR. CROCKETT: Hundred percent.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I just want to get clarity. So is this going to be designated a neighborhood for individuals 62 years of age or older?

MR. CROCKETT: What -- what -- that's what we would like. The bank is in the process of trying to sell the property, and that's what we're marketing it as. That's what the developer of Legacy Farms is wanting, and that's what we're desiring to have. That's what was originally set up as was a retirement community, and typically, it's a 55 and plus age group. That's what they would like. That's what the developer would like to see, and I think that that's what our interested parties are -- have indicated that that's what they would like -- like to put on the market. And they are going to be smaller homes, more patio style. We do have some walkouts you can see in there just by -- by -- by the grade, we have to have some walkouts, and that's not too bad, but most of them want to be, you know, smaller patio slab on grade homes.

MS. GEUEA JONES: Anything else, Commissioner Williams?

MR. WILLIAMS: No, thank you.

MS. GEUEA JONES: Commissioner Brodsky?

MR. BRODSKY: Quick question for you, Mr. Crockett. On your on-street parking --

MR. CROCKETT: Yes.

MR. BRODSKY: -- you know, I see that you're providing for -- for some on the, you know, I'll call it off-street, although it's directly adjacent to the street. I'm assuming the street is not wide enough to have any parallel parking on the street and allow for emergency vehicles?

MR. CROCKETT: You can still park on there and still have emergency -- emergency services can still pass if they were to park on the street, but we're going to discourage that and ask them not to. And we really, honestly, we want the visitor parking to be in those parking pockets as opposed to on-street, so we really don't want that. With the narrower lots and the driveways that come out, there's really not going to be an opportunity with distance to park on the street, and that's kind of the reason that drives that, as well. We know you're going to have visitors. Correct? And so we have to provide those locations for your visitors.

NR, BRODSKY: Perfect. Appreciate it.

MS. GEUEA JONES: Any further questions? Commissioner Ortiz?

MS. ORTIZ: Hi. You mentioned that this will probably be older people. If we only have a sidewalk on one side, even if it is ADA compliant, if there were to be multiple people with mobility challenges, using the same sidewalk, wouldn't that cause some issue?

MR. CROCKETT: Well, ADA has standards for that, and so given the width of the sidewalk and how often we have to have areas -- you know, passing zones -- so that will all be covered with ADA standards. So you are correct. We do have some issues sometimes when you have long length of sidewalks that's a certain width, we have to provide certain width of the sidewalk or passing zones within the sidewalk itself to -- to meet those ADA standards.

MS. ORTIZ: Thank you.

MS. GEUEA JONES: Any further questions? Commissioners Walters?

MR. WALTERS: I have a quick question, just for education purposes.

MR. CROCKETT: Yes, sir.

MR. WALTERS: So Athena is a public street?

MR. CROCKETT: No, sir. It will be -- it's a private street.

MR. WALTERS: It's private, so it's -- okay. So you'll take care of that as the parking spaces come in with that, as well.

MR. CROCKETT: Yes.

MR. WALTERS: Okay.

MS. GEUEA JONES: Anything else from the Commissioners for this speaker? Seeing none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. GEUEA JONES: Anyone else from the public to speak on this case, please come forward. Seeing no movement. Very good. We will close public hearing.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: And go to Commissioner comment. Are there any Commissioner comments on this case? Commissioner Brodsky?

MR. BRODSKY: I'll just start off. For me, personally, I'm comfortable with the one sidewalk. My folks live in The Links development over in Hawthorne. It's very similar type of development. I don't see

any issue with that, and happy to support this application as is.

MS. GEUEA JONES: Any further Commissioner comment? Seeing none. Would anyone like to make a motion? Anyone at all. Commissioner Brodsky?

MR. BRODSKY: I will make a motion for approval of --

MS. GEUEA JONES: If we could have the summary slide back up? Sorry. We need our crutches.

MR. BRODSKY: We used to not go through all this formality when I was here. Approval of Case 262-2024, Legacy Farms rezoning and PD plan.

MS. GEUEA JONES: We have a motion. Is there a second?

MR. WALTERS: Second.

MS. GEUEA JONES: Motion made by Commissioner Brodsky and seconded by Commissioner Walters. Very good. Is there any discussion on the motion? Commissioner Loe?

MS. LOE: Do you want to include the design adjustments?

MS. GEUEA JONES: Oh, yeah. Legal would like you to restate it now that you have -- now that we have the --

MR. BRODSKY: Yes. Recommend -- motion to recommend approval of the Legacy Woods PD Plan and design adjustments for Case Number 262-2024.

MS. GEUEA JONES: Commissioner Walters, do you accept that amendment?

MR. WALTERS: Yes. I second that.

MS. GEUEA JONES: The amendment has been made and accepted by the second. Now is there any discussion on the motion? Seeing none. Commissioner Williams, whenever you're ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placier, Mr. Stanton, Ms. Geuea Jones, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Mr. Brodsky, Ms. Ortiz. Motion carries 9-0.

MR. WILLIAMS: Nine yeses and zero nos.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.