



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 16, 2024

Re: Legacy Woods PD Plan – Design Adjustments (Case #262-2024)

## Executive Summary

Approval of this request would grant design adjustments associated with a new planned development plan and preliminary plat known as “Legacy Woods” that would subdivide Lot 1202 of Legacy Farms, Plat No. 1 into 49 single-family lots and 3 common lots. The applicants are seeking approval to waive sidewalk construction along the west side of Athena Drive [Sec. 29-5.1(d)], allow block length to exceed the 600-feet [Sec. 29-5.1(c)(3)(ii)], and permit more than 30-lots to be served from a single street segment [Sec. 29-5.1(c)(3)(i)(E)].

A concurrent request, under separate cover, accompanies this report that seeks to rezone Lot 1202 (12.92-acres) from R-MF (Multiple-family Dwelling) to PD (Planned Development) as well as approval of a development plan to be known as “Legacy Woods PD Plan”. The PD Plan will serve as the overall acreage’s revised preliminary plat. A final plat of the proposed 49 lots will be presented for Council consideration on a future agenda.

## Discussion

Crockett Engineering (agent), on behalf of First State Community Bank (owner) is seeking approval of three design adjustments to Sec. 29-5.1 in order to address conflicts between the Unified Development Code subdivision requirements and the existing infrastructure constructed on the subject parcel. The property lies on the west side of Sinclair Road, approximately ½-mile south of Southampton Drive and contains 12.92 acres.

The applicant seeks a waiver to the requirements of Sec. 29-5.1(c)(3), which addresses street design layout. Subsection (c)(3)(i)(E) states that no more than 30 lots should be served by a single street segment. This is a replication of the requirement found in the Fire Code, which limits developments to no more than 30 lots sharing a single vehicular access point. The second waiver is sought from subsection (c)(3)(ii) which caps the maximum permissible block length (the distance between intersecting streets) at 600 feet. The third design adjustment sought by the applicants is a partial waiver of the requirement of Sec. 29-5.1(d), to construct sidewalks on both sides of a street. Sidewalks are already in place along the east side of Athena Drive and along the public streets of the perimeter; therefore, the requested waiver would apply to only the west side of the private street.

There is a concurrent request to approve a rezoning from R-MF Multiple-family Dwelling to PD, and for approval of the, “Legacy Woods PD Plan,” and its associated statement of intent. Approval of the PD plan is contingent upon approval of each of the proposed design adjustments.



## **Number of lots on a single street segment**

Though there are more than 30 lots on a single street segment in this plan, Athena Drive connects to public streets - one end to Darlington Drive and the other end to Crabapple Lane) - and therefore there is no overloading of a dead-end or single-access street with lots. Staff believes that the intention of the development code provision is to avoid greater than 30 dwelling units with a single point of access.

## **Sidewalk**

When evaluating this request, staff considered the typical evaluation criteria found within Sec. 29-5.2(b)(9) of the UDC for each design adjustment. Following this analysis, staff determined that waiving the sidewalk construction requirement in this location would not pose any negative impacts on the neighborhood. While not clearly consistent with the Comprehensive Plan, there are some mitigating factors present in the compact nature of the planned development and the extent of sidewalk surrounding the property, greater than 2,000 feet of public sidewalk on Darlington Drive and Crabapple Lane are also part of the subject lot. The additional cost of adding sidewalk to the west side of Athena Drive would be approximately \$123,987 based on the city's two-year average construction cost of sidewalk, not including the cost of disrupting the applicant's installed site improvements, which had planned sidewalk on one side of the street and small homes placed close to the curb.

Athena Drive is an improved street (i.e. built with curbs & gutters); however, the street was intended to be a private access drive within a single multi-family lot. As such, the street is not built to public street standards and has been identified as being a "private street" on the proposed PD Plan/preliminary plat. The applicant has indicated that their intention is to develop the property with the same housing product, the only difference being the dwellings will be placed on individual lots.

## **Block length**

Staff initially found that waiving the block length and connectivity requirements of Sec. 29-5.1(c) would conflict with the goals of the comprehensive plan specifically in regards to connectivity. Staff sought an additional roadway connection between Athena and Darlington Drives. The applicant revised the development plan to include a 5-foot 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 full roadway connection would be a significant challenge due to topographical conditions. The additional sidewalk connection between Athena and Darlington Drives provides a safe and direct route for pedestrians and cyclists through the development.

The proposed alternative method of breaking a block's length by adding a pedestrian connection has been employed in other locations throughout the Legacy Farms development. In fact, a number of blocks within the broader Legacy Farms development were previously granted a design adjustment to the block length provisions, but the request did not include Athena Drive (previously Ewing Lane) since it was a private street.



The Planning and Zoning Commission considered these requests at their November 21, 2024 meeting. Staff presented its report and the applicant gave an overview of the request. The applicant explained that the project will consist of the same type of housing as was planned on the single lot, with the difference being individual lots rather than cooperative ownership. Following discussion, the Commission moved to approve, in a single motion, the proposed rezoning, PD plan and Statement of Intent, and the three design adjustments which passed by a vote of (9-0).

The Planning Commission staff report, locator maps, design adjustment worksheets, PD Plan and meeting minute excerpts are attached.

### Fiscal Impact

Short-Term Impact: None.  
Long-Term Impact: None.

### Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Inclusive Community, Secondary Impact: Safe Neighborhoods, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Infrastructure

### Legislative History

Date	Action
04/04/2022	Approved: Preliminary Plat for Legacy Farms (Ord. No. 024981)
04/04/2022	Approved: Design Adjustments in relation to the proposed Preliminary Plat for Legacy Farms (Ord. 024980)
04/04/2022	Approved: Rezoning from A to R-1, <b>R-MF</b> , and M-N (Ord. No. 024979)

### Suggested Council Action

Approve of the requested design adjustments to Sec. 29-5.1 to waive and/or allow the following, as recommended by the Planning and Zoning Commission:

- Allow more than 30 dwellings/lots to be served from a single street segment, **[Sec. 29-5.1(c)(3)(i)(E)]**
- Allow maximum block length to exceed 600-feet, **[Sec. 29-5.1(c)(3)(ii)]**
- Wavier of sidewalk construction along the west side of Athena Drive, **[Sec. 29-5.1(d)]**