



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 16, 2024

Re: Legacy Woods – Rezoning & PD Plan (Case # 262-2024)

Executive Summary

Approval of this request would rezone 12.92-acres from R-MF (Multiple-family dwelling) to PD (Planned Development), approve a new 52-lot development plan to be known as “Legacy Woods PD Plan”, and adopt a statement of intent (SOI) governing the uses and dimensional standards applicable upon the acreage. Of the 52-lots, 49 are proposed for single-family residential use and three will be used as common areas/open space.

The subject acreage was previously platted as Lot 1202 Legacy Farms Plat No. 1 and was proposed to be developed as a single R-MF development; however, is now sought to be rezoned and governed by the PD Plan in efforts to allow the acreage to be divided into individual lots more similar to surrounding development within the overall Legacy Farm Subdivision. The 12.92-acre parcel is addressed as 5201 Ewing Lane and is northwest of the intersection of Darlington Drive and Crabapple Lane.

A concurrent request, under separate cover on the Council's December 16 agenda, accompanies this proposal that seeks approval of three design adjustments from Sec. 29-5.1 of the UDC. These adjustments are from Sec. 29-5.1(c) in regards to block length and connectivity standards, and from Sec. 29-5.1(d) with respect to sidewalk construction along the west side of Ewing Lane (to be renamed Athena Drive). Approval of the proposed PD Plan is contingent on approval of the design adjustments; however, the PD rezoning request and SOI could be granted without design adjustment approval.

Discussion

Crockett Engineering (agent), on behalf of First State Community Bank (owner), seeks to rezone 12.92-acres from R-MF (Multi-family Dwelling) to PD (Planned Development) and obtain PD Plan approval on Lot 1202 of “Legacy Farms Plat No. 1” to facilitate the creation of a new 52-lot subdivision to be known as “Legacy Woods”. The original intention for Lot 1202 was to utilize R-MF zoning to create a cooperative housing development containing 46 detached single-family homes on the lot. Owners would have exclusive rights to their homes, but maintain equal shares of the underlying property. The R-MF zoning was approved along with the preliminary plat of, “Legacy Farms,” in April 2022. After installation of the necessary infrastructure, the property remained otherwise undeveloped and eventually was returned to the lender, who is the current owner of the property.

In order to meet market demands, the property owner is seeking to subdivide the property into 49 single-family lots arranged off of the central private street, Athena Drive (currently



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Ewing Lane), while utilizing the existing infrastructure. The Planned Development plan includes three additional lots to be used for greenspace and stormwater purposes.

Given the challenges of creating the desired residential lots within the existing infrastructure framework, staff recommended that the acreage be rezoned to Planned Development. PD zoning will allow for small dimensional adjustments without the need for additional approvals. For example, the minimum lot width of 60 feet would be extremely limiting in this instance given the curvilinear street layout and the resulting lot width constrictions. The proposed lots range in size from roughly 6,900 to 15,000 square feet, but vary in width from 39-feet to roughly 120-feet.

The proposed Statement of Intent (SOI) further defines the permitted uses and dimensional standards for the development. The SOI caps development to 49 single-family units, for a maximum density of 3.8 units per acre. The proposed dimensional standards presented in the SOI include reductions in the minimum lot size and setbacks when compared to normal R-1 (One-family Dwelling) standards. Minimum lot area is proposed as 5,000 sq. ft. (7,000 sq. ft. typical), front and rear yard setbacks of 20-feet (25-ft. typical) and side yard setbacks of 5-feet (6-ft typical). Maximum building height would remain unchanged from the R-1 standards at 35-ft. The SOI requires each lot to include two on-site parking spaces, and 10-20 additional spaces are shown on the PD Plan throughout the development to serve as guest parking. The SOI also includes a minimum 25% of the site to be maintained as greenspace, and states that permitted amenities would include a clubhouse, swimming pool, and walking trails.

In order to avoid reinstalling the existing infrastructure components, approval of a number design adjustments will be necessary. These requests are addressed in greater detail under separate cover on the Council's December 16 agenda. Approval of the PD Plan is contingent on approval of each of the proposed design adjustments. These adjustments include two waivers from Sec. 29-5.1 (c) of the UDC which limit blocks to no more than 600 feet in length [Sec. 29-5.1 (c) (3) (ii)] and caps the number of lots served being served from a single street segment to no more than 30 dwellings [Sec. 29-5.1 (c) (3) (i) (E)]. The third design adjustment request seeks a waiver from the provisions of Sec. 29-5.1 (d) which requires sidewalk construction across the street frontage of all newly developed lots.

The Planning and Zoning Commission held a public hearing on this request at its November 21, 2024 meeting. Staff presented its report and the applicant made a presentation. Commissioners asked for clarification of the proposed housing type and asked why sidewalks were not planned for on both sides of the street. The applicant's agent described the cooperative housing originally proposed on the site and explained that the Ewing Lane (to be renamed Athena Drive) was never viewed as a public street since it was intended as an access drive serving one multi-family lot. The applicant's agent also noted that the development concept has not changed since the original zoning and subdivision approvals, but given the desire to create "lots" for individual ownership the subdivision of the property is now necessary.



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The applicant's agent further noted that Athena Drive is a thru-street with connections on both ends and that sidewalk use is anticipated to be low since the development would be targeted to the aging population.

Commissioners then pointed to potential issues with Americans with Disabilities Act (ADA) and accessibility, to which the applicant's agent indicated that the development will be fully ADA compliant and pointed out that the broader Legacy Farms Subdivision includes an extensive trail system for pedestrian connectivity. A commission member inquired as to why the internal pedestrian connection provided on the PD plan did not connect directly to the common lot that was intended for green space (Lot C1). Mr. Crockett explained that the trail does connect to the public sidewalk along Darlington Drive and still provides access to the northeast corner of the common lot, but that the trail could be revised if the Commission requested the modification.

Finally, the Commission inquired about intersection spacing requirements at the north end of Athena Drive, near the intersection of Darlington Drive and Havana Lane. The applicant's agent pointed out that the street layout was previously approved and remains unchanged from the original design of the overall Legacy Farm Subdivision and noted that since Athena Drive (formerly Ewing Lane) was considered a private driveway it was required to meet driveway spacing standards which require less separation than that applied to public streets.

Following limited additional discussion, the Commission made one motion to approve the requested rezoning, the proposed PD Plan and SOI, as well as the requested three design adjustments which were passed by a vote of (9-0).

A copy of the Planning and Zoning Commission staff report, locator maps, PD plan, Statement of Intent, design adjustment worksheets, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None. Costs associated with relocation or expansion of public infrastructure will be borne by the applicant.

Long-Term Impact: Limited. Possible impacts may include additional costs associated with the provision of public safety, roadway maintenance, trash collection, and utility maintenance (sewer) services. Increased costs may or may not be off-set by increased property tax collection or user-fees.



Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Reliable and Sustainable Infrastructure, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Economic Development

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, R-MF , and M-N (Ord. No. 024979) |

Suggested Council Action

Approve the requested rezoning of 12.92-acres from R-MF to PD, the "Legacy Woods PD Plan", and the associated Statement of Intent as recommended by the Planning and Zoning Commission.