



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 3, 2019

Re: Westbury Village – Final Plat (Case #118-2019)

## Executive Summary

Approval of this request would result in the creation of a 15-lot mixed-use final plat to be known as *Westbury Village* that includes new roadways and easements to be dedicated to public use. Approval will also authorize the Interim City Manager to execute a development agreement between the City and the property owners establishing public infrastructure obligations related to the development of the *Westbury Village* subdivision.

## Discussion

Engineering Surveys and Services (agent) on behalf of THM Construction (contract purchaser) is seeking approval of a 15-lot final major plat on M-N (Mixed Use-Neighborhood), M-C (Mixed Use-Corridor), and R-MF (Multiple-family Dwelling) zoned property, to be known as *Westbury Village*. The 46.62-acre subject site is generally located at the northwest and southwest corner of Scott Boulevard and Smith Drive. The owners have also submitted a development agreement, which was required as a condition of the preliminary plat approval to be submitted prior to the issuance of permits on the site.

The final plat will create a total of 15 lots for development of commercial and residential uses, with one lot dedicated to tree and sensitive area preservation. The plat includes the dedication of the required right of way for two new non-residential streets that will extend Dayspring Drive south to intersect with Smith Drive. The second extension will be off Faurot Drive through the site connecting Scott Boulevard to Stone Valley Parkway. Additional right of way for Smith and Scott will also be dedicated.

Current zoning of the site allows commercial development on Lots 1-10, and residential development on Lots 12-13 and 15. Access to the property from Scott will be limited to a pair of right-in/right-out access points – one to the north and one to the south of Smith Drive. Access easements are being granted to ensure that lots without direct access to roadways are accessible.

The development agreement addresses three main items, which include: 1) improvements that were recommended by a traffic impact analysis including, among other items, intersection improvements at Scott and Smith, 2) payment offset of approximately \$160,000 for previously-incurred City costs for traffic light installation and right of way acquisition at Scott and Smith, and 3) fee-in-lieu payment for the cost of constructing a portion of Stone Valley Parkway that was previously platted but not constructed.

In addition, the agreement requires the submission of a Letter of Credit for all public improvements that are not completed prior to the approval of the final plat. This requirement



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is in lieu of a standard performance contract, which does not require the applicant to provide direct financial surety for public improvements. The financial surety will ensure that the public improvements required for the development of the site can be completed should the developer fail to do so. Per the development agreement, the LOC will be submitted within 10 days of the execution of the development agreement by the Interim City Manager.

The requested final plat includes all property contained within the approved preliminary plat and upon review has been found to be in substantial conformance with the approved preliminary plat. The plat meets the standards of the UDC regulations and is recommended for approval by staff.

Locator maps, final plat, previously approved *Westbury Village Subdivision* preliminary plat, and the development agreement are attached.

## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Livable & Sustainable Communities

## Legislative History

Date	Action
2/4/2019	Approved the preliminary plat of Westbury Village Subdivision. (R21-19)
2/4/2019	Approved rezoning to M-N, M-C, R-MF. (Ord. #23772)

## Suggested Council Action

Approve the final plat and authorize the Interim City Manager to execute the development agreement.