



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 22, 2019

Re: Westbury Village Zoning Map Amendment (Case #24-2019)

## Executive Summary

Approval of this request would result in a zoning map amendment involving approximately 45.14 acres of property commonly known as the Tosini Tract (now Westbury) from PD (Planned Development) zoning to 3.31 acres of M-N (Mixed Use-Neighborhood), 21.53 acres of M-C (Mixed Use-Corridor), and 20.3 acres of R-MF (Multiple-family Dwelling) zoning. The subject property is located to the north and south of the intersection of Scott Boulevard and Smith Drive.

## Discussion

The applicant, Engineering Surveys & Services (agent), on behalf of the contract purchaser THM Construction, LLC, and property owners Hamlet Limited Partnership, Joseph Tosini, and Westbury Village Joint Venture seek approval to rezone 45.14 acres of property from PD (Planned Development) zoning to 3.31 acres of M-N (Mixed Use-Neighborhood), 21.53 acres of M-C (Mixed Use-Corridor), and 20.3 acres to R-MF (Multiple-family Dwelling) zoning. The subject site is located at the northwest and southwest corner of Scott Boulevard and Smith Drive.

It is worth noting that the zoning requested by the applicant was not fully supported by the staff or the Planning and Zoning Commission. Specifically, staff and the Commission did not support the requested M-C zoning. There was only support for the proposed M-N and R-MF zoning. Following the public hearing and testimony, the Commission voted to recommend approval of the proposed M-N and R-MF zoning and to retain the existing PD zoning (PUD 12, O-P, and C-P) for the area proposed to become M-C.

As is standard practice, the ordinance for this request will reflect the zoning requested by the applicant, not the staff or Planning & Zoning Commission recommendations. The outcome of approving only partial zoning on this property, however, would likely not be desirable. The resulting zoning is illustrated in the attached *Planning and Zoning Commission Zoning Recommendation* graphic. The graphic highlights the zoning changes supported by the PZC with diagonal lines (hatching), as well as the areas that would remain in their current zoning (for clarity, the existing zoning reflects the previous planned district zone designations used prior to the UDC adoption).

The site's current planned district zoning, originally approved on February 21, 2000 with PUD, O-P and C-P zoning (all of which are now referred to as PD zoning), is still valid and includes a statement of intent (SOI) with permitted uses and other restrictions. In December 2000, a PUD Plan was approved for single-family, two-family and multi-family residential units, but



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that plan has expired. An O-P/C-P plan for the remaining portion of Westbury Village was approved in April 2001 and is still valid.

The request under consideration is to rezone the entire property to standard zoning designations, not planned development zoning. If approved, this would void the existing planned district ordinance and all remaining development plans for the site, and the site would be permitted to develop using the permitted uses within the Table 29-3.1 of the UDC (see Attachment #5 of the PZC report) and would be subject to all of the Unified Development Code regulations.

The Planning and Zoning Commission considered the permanent zoning for the subject property at their December 20, 2018 meeting. Staff presented its report and the applicant and their representatives gave an overview of the request. Multiple members of the public spoke against the proposed rezoning during the public hearing, including representatives from the Stoneridge Estates Homeowners Association, Rothwell Heights Neighborhood Association, and Kings Meadow Neighborhood Association. The concerns expressed included lack of additional protections afforded by Planned Development zoning, increased traffic congestion along Smith Drive and other surrounding streets, inconsistency between goal of walkable mixed-uses and the proposed uses which may be auto-oriented (gas station, drive-through restaurant, pharmacy), land use compatibility issues with the proximity of existing residential uses and the possibility of noise and light impacts, skepticism regarding absorption of additional commercial zoning given surrounding commercial zoning with vacancies, safety of pedestrians, and environmental impacts of removing the existing vegetation. One person spoke in favor of the request.

The Commission discussed the zoning of the site and the appropriateness of the M-C zoning request more specifically. Discussion included the uses that are permitted in M-N as conditional uses (gas stations, drive-through restaurants) but permitted as of right in M-C, and considering a less intense district such as M-N for the M-C area.

Following the public hearing and additional discussion, the Commission voted (8-1) in favor of a motion to approve the R-MF and M-N zoning, and deny the M-C zoning that was requested by the applicant, as seen on the attached zoning graphic (Attachment #3 of the PZC report). The applicant sought approval of M-C zoning in the southeast region of the site on approximately 21.53 acres.

The Planning Commission staff report, locator maps, application materials, zoning graphic, surrounding zoning graphic, UDC excerpt, existing zoning ordinance & SOIs (Ord. 16361), existing O-P/C-P plan & ordinance, voided PUD-12 plan, Columbia Imagined excerpts, meeting minutes excerpts, Planning and Zoning Commission Zoning Recommendation graphic, and public comments 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: Economy, Tertiary Impact: Not Applicable

### [Comprehensive Plan Impacts:](#)

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

## Legislative History

Date	Action
4/2/2001	Approved O-P/C-P Plan (Ord. #16838)
12/4/2000	Approved PUD Plan (now expired) (Ord. #16698)
2/21/2000	Approved PUD-12, O-P and C-P zoning. (Ord. #16361)

## Suggested Council Action

Approve the requested R-MF and M-N zoning, as recommended by the Planning and Zoning Commission.