



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 3, 2024

Re: 4414 Smith Drive – Rezoning (Case # 183-2024)

## Executive Summary

Approval of this request would rezone a 4.82-acre parcel of R-1 (One-family Dwelling) district land to the M-OF (Mixed Use – Office) district. The site is located directly south of the intersection of Smith Drive and Dayspring Drive and is addressed 4414 Smith Drive.

## Discussion

### Summary

A Civil Group (agent), on behalf of Dan and Audrey Barraco (owners), seeks approval to rezone 4.82-acres located at 4414 Smith Drive. The subject site lies directly south of the intersection of Smith Drive and Dayspring Drive. The site is improved with a legally conforming single-family home and a garage. The applicants wish to rezone the property to M-OF Mixed-Use Office in advance of its future sale, at an undisclosed time, such that its value is increased and options for redevelopment are enhanced.

### Surrounding use and zoning

There is a mix of zoning surrounding this site, particularly to the east and north. In early 2019, these parcels were rezoned to R-MF Multi-family Residence, M-N Mixed-use Neighborhood and M-C Mixed-Use Corridor and are now improved with “Westbury Village.” A preliminary plat for this acreage was approved concurrently with the rezoning action and a final plat was approved in May of 2019. Zoning to the south and west of the subject property is R-1 One-family dwelling district, and those properties were developed as part of The Hamlet subdivision.

There are three parcels abutting the eastern edge of the subject site at the southwest of intersection of Scott Boulevard and Smith Drive. The southern two parcels are zoned M-N and northern lot located at the southwest corner of Scott Boulevard and Smith Drive is zoned M-C. These lots are encumbered by a Type II stream buffer & conservation easement providing a transitional buffer to the residential lots on the western edge of these three parcels.

### Analysis

While the rezoning the subject site to M-OF would be considered consistent with the comprehensive plan’s future land use as a transition from the Westbury commercial mixed-use district, such action is inconsistent with the surrounding residential land use patterns south of Smith Drive. A rezoning to M-OF could serve as a transition between the more intense M-C and M-N uses that exist along the Scott Boulevard frontage; however, the existing natural and stream buffers provided by Goodin Branch presently serve that purpose.

Given these existing buffers coupled with the fact that the M-OF district does not limit the number of uses/structures that may be on the subject site and allows several commercial



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uses by-right, future development under the requested M-OF designation may permit many new uses viewed as inconsistent with the abutting residential development to the south and west. Within the attached Staff Report to the Planning and Zoning Commission a table has been provided that illustrates the new uses potentially permitted on the site if it were rezoned to M-OF. The current R-1 zoning only permits detached single-family dwellings and a limited number of non-residential/accessory uses.

Ultimately, as the nature of development south and west of Smith Drive is nearly entirely single-family residential, a rezoning of nearly five acres of land to M-OF may result in incompatible uses. The Westbury development already provides a “neighborhood marketplace,” as that concept is described in Columbia Imagined, the comprehensive plan. The existing undeveloped acreage in Westbury could support more office/commercial uses and is a more appropriate location given Westbury is entirely bordered by a street network. The applicant has stated that there is no immediate user for the subject site, if rezoned, and that the purpose of the rezoning is to increase land value in a manner similar to other properties surrounding the subject site.

To address the fact that this subject site is within proximity to a neighborhood marketplace which encourages increased density, and to satisfy the infill density goals of Columbia Imagined, staff indicated that they could support a revised application for R-MF zoning. Such recommendation was rejected by the applicant; however, is more consistent with the surrounding land use pattern and would facilitated several goals of the Comprehensive Plan, notably promoting density and walkability nearby marketplace nodes, as well as would have afforded the applicant the added value they were seeking over the current R-1 zoning. It should be noted that there is an Americans with Disabilities Act (ADA) crosswalk with a pedestrian refuge island at the Dayspring Drive/Smith Drive intersection which provides opportunity for safe pedestrian movement to the Westbury Village development from the subject site. Additionally, there are a series of speed tables to the west of the crosswalk to assist in managing traffic speeds along Smith Drive.

## **Planning & Zoning Commission hearing**

On July 18, 2024, the Planning & Zoning Commission held a public hearing on this matter. Staff presented its report and the applicant’s agent gave an overview of the request. The agent indicated that the applicant’s wanted to age in place and then have the ability to sell their land with greater ease and at a higher value. The agent clarified the applicant was not willing to amend the application to the R-MF district. The Commission asked a series of clarifying questions regarding the intent of the rezoning and about platting if the lot were zoned to M-OF.

Several members of the public spoke expressing concern about both M-OF and R-MF zoning. Concerns cited included traffic on Smith Drive, land-use incompatibility, increased residential density, and potential loss of privacy. Commissioners sought clarification from several speakers about their primary objections with the prospective rezoning.



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Joseph Barraco spoke on behalf of his parents, the property owners, and clarify the intent of request noting that his parents never objected to the development occurring around them and that they believed rezoning to M-OF was appropriate and would provide enhanced financial means to address future living expenses as his parents aged. The Commission questioned Mr. Barraco extensively particularly surrounding his motives for the rezoning and why he was unwilling to accept the R-MF recommendation.

Prior to closure of the public hearing, a representative of owner's agent spoke stating that the M-OF was appropriate placing specific emphasis on the fact that a multifamily development may generate more traffic than possible office uses. The Commission did not ask any questions of this speaker.

Following closures of the public hearing, there was extensive Commission discussion. Commissioners sought clarification about what type of development might occur on the site based on its dimensions and Smith Drive's designation as a collector street. Commissioners all expressed concern with the rezoning application. Following discussion, a motion was made to approve the request that was defeated by a vote of (6-1).

A copy of the Planning and Zoning Commission staff report, locator maps, zoning exhibit, public correspondence (including the applicant's slideshow presentation), and meeting minute excerpts are attached.

## Fiscal Impact

Short-Term Impact: None. The subject site is presently improved with a single-family structure and is to be used for this purpose in the near term. Any possible redevelopment of the site that would require extension of public infrastructure would be borne by the owner or future developer of the acreage.

Long-Term Impact: None as a result of rezoning the acreage given there are no immediate plans for redevelopment of the property. The existing infrastructure and services provided to the site will remain unchanged. Should rezoning be granted and redevelopment occur, impacts could include increased demand for public safety and trash collection as well as maintenance of public infrastructure (i.e. roads, sewer, and water).

## Strategic & Comprehensive Plan Impact

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

Primary Impact: Resilient Economy, Secondary Impact: Secondary, Tertiary Impact: Tertiary

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

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable



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## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Deny the request to rezone the subject parcel from R-1 to M-OF as recommended by the Planning & Zoning Commission.