



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 2, 2024

Re: Westbury Village Plat 2 (Case #15-2025)

Executive Summary

Approval of the proposed replat would result in the creation of two new lots from one existing lot, known as *Lot 10 of Westbury Village*. The proposed two-lot final plat is known as *Westbury Village Plat 2*.

Discussion

A request by Engineering Surveys and Services (agent), on behalf of THM Construction L.L.C. (owner), seeking approval of a 2-lot final plat. The 5.07-acre site is zoned M-C (Mixed Use - Corridor) and is presently one lot. This final plat is a replat of lot 10 of Westbury Village, which currently contains one structure addressed at 515 South Scott Boulevard Suite 101. The site is about 100 feet northeast of the intersection of Smith Drive and Dayspring Drive. The two newly created lots are to be described as Lot 10A and Lot 10B of Westbury Village Plat 2, and are 4.30 and 0.77 acres respectively.

The subject site is comprised of one legal lots that have been final platted which allows the proposed subdivision to be processed as a replat. Westbury Village was final platted and rezoned to M-C in 2019. The subdivision action in 2019 resulted in the dedication of a type II stream buffer & green space conservation easement to address storm water runoff, which encumbers the rear of lot 10B of this final plat.

Lot 10A will have direct access to Dayspring Drive and the cross access easement on the eastern edge of the site, as well as a cross access easement along the southern edge of the site which is currently improved as a driveway for lot 10B. No right of way is required to be dedicated for this platting action. Standard 10' utility easements are to be rededicated through this plat abutting right of way. Existing storm and sanitary sewer easements, in addition to the aforementioned type II stream buffer & green space conservation easement are also being rededicated through this plat.

A new 10' water easement is being dedicated along the southeastern edge of lot 10B extending directly north until its edge with lot 10A in order to ensure possible water connection for the northeastern portion of lot 10A. Sidewalks will need to be constructed along the western edge of what will be lot 10A along Dayspring Drive before a certificate of occupancy may be issued, per the performance contract associated with the platting action.

Pursuant to sec. 29-5.2(d) of the UDC, approval of a replat is subject the following three (3) criteria. Staff analysis of these criteria are shown in **bold** text.



- (i) The resubdivision would not eliminate restrictions on the existing plat upon which neighboring property owners or the city have relied, or, if restrictions are eliminated, the removal of such restrictions is in the best interest of the public.

Staff is unaware of any restrictions associated with this property that would be eliminated if the proposed replat is approved.

- (ii) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided to meet the needs of the resubdivision, or, there will be no adverse effect on such infrastructure facilities caused by the resubdivision.

There are no known capacity-related issues associated with the public infrastructure serving this parcel. Evaluation of stormwater impacts with redevelopment and mitigative measures will need to be addressed at the time of building permit submission. No additional easements beyond standard 10-foot utility easements and the 10-foot water easement were identified as necessary for the subdivision of this land by relevant city staff.

- (iii) The replat would not be detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighs the alleged detriment to the property in the neighborhood.

The platting action itself would not yield new opportunities for increased intensity of development on the site provided its M-C zoning. The result of this replat may be new ownership opportunities for the lots.

The final plat has been found to meet all the standards of the UDC regulations and is recommended for approval.

Locator maps, the performance contracts, and the final plat are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years.

Long-Term Impact: Potential utility use depending on uses. Any potential impact may or may not be offset by increased user fees and/or property tax collection.



Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

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

[Comprehensive Plan Impacts:](#)

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

Legislative History

Date	Action
06/19/2019	Approved the final plat of Westbury Village (Ord. 23896)
02/03/2019	Approved the rezoning from PD to M-C (Ord. 23772)

Suggested Council Action

Approve the final plat of *Westbury Village Plat 2*.