



City Manager's Office

To: Park Bond Council Sub-Committee

CC: Douglas J. Hewett, City Manager
Michael Gibson, Parks & Recreation Director

From: Kristoff Bauer, Deputy City Manager

Date: May 2, 2018

Re: Process for Rezone or Site Plan Revision of Military Business Park

On April 19, the Committee expressed an interest in receiving cost estimates for a revised infrastructure design for the Military Business Park ("MBP"). This request is based on the terms of the offer to sell prepared by the property owner that would require the City to complete all unfinished infrastructure improvements included in the current MBP site plan. The belief is that the current estimate of the cost of those improvements could be reduced if the road standards are revised. Staff committed to the following in response to this issue:

- Provide details on the process required for either a property owner or Council initiated zone change and site plan revision
- Identify the process and cost of developing a revised infrastructure design consistent with a revised site plan approval and revised cost estimates based on that new design
 - If the Committee recommends initiating a rezone and site plan revision or other action based on this discussion, then staff will include that recommendation in a revised agenda item for May 7

The development site plan approval process consists of a multi-disciplinary review of an engineered plan submitted by the sub-divider to ensure compliance with all applicable development regulations. This includes all building code trades with particular emphasis on fire and development code compliance, engineering review for stormwater and traffic standards, NCDOT review, and review by applicable utility services. This review is a complex interplay of the proposed land use and the function of adjacent transportation and other infrastructure.

The offer to sale the land in the MBP contains the following provisions relevant to this discussion:

- Other consideration by Buyer (site improvements)
 - Extend roadways and related infrastructure (water, sewer, storm sewer, storm water management facility, landscaping, sidewalks, etc) in accordance with development standards as designated on the attached map

- Install landscaping, irrigation and sidewalks on existing Coalition Boulevard in accordance with development standards as designated on the attached map
- Buyer to amend zoning designation to allow for proposed uses by Buyer (Sports Complex, Tennis Center, and other related uses) as approved by Seller

The cost estimates provided to the Committee were prepared by the Seller and represent their estimate of the cost of complying with the provisions above.

Rezone:

The Council does have the authority to initiate a rezone. That process includes:

1. Council action to direct staff to prepare a proposed rezone
2. Notice to property owner and nearby properties
3. Public hearing before the Zoning Commission
4. Council consideration of rezone with the potential for another public hearing

The offer to sale specifically includes the condition that the property owner approve the proposed rezone. There are legal constraints on predetermining the outcome of a zoning process by contract. There have also been subsequent conversations regarding the interest of the property owner in revising the zoning for the broader development. The Council's consideration of the appropriate land use for this development should be based on information and analysis, including public comment, develop through the rezoning process. The safest course of action would be for the Council to consider all land use decisions separate from the purchase process and decision using standard review and deliberation procedures.

Site Plan Revision:

The standard site plan process is initiated by the submission of an engineered site plan by the property owner seeking to subdivide their property. That submission receives an initial review by the City's Technical Review Committee and other regulatory parties, NCDOT and PWC for example, are brought in as appropriate. Additional required information is identified at this step as well.

Standard Process:

- 1st Submit application and fee
 - 2nd Item is reviewed by TRC team
 - 3rd TRC meeting to discuss the item and complete TRC comments listing code requirements
- This will include gathering information from PWC and NCDOT on what would be required based on the changes to the previously approved plan. (If a rezoning is required a final TRC approval will not be issued until the rezoning is complete AND the final plans for landscaping, lighting, open space, building elevations, final plats, etc. are approved – this process can take as little or as long as it takes to get the plans prepared and submitted by the design team.)

As you can see, the review is technical and multi-disciplinary. In speaking with the project engineer who developed the current site plan, he mentions that it may be necessary to secure an updated Traffic Impact Analysis ("TIA"). Mr. Kizer, PE states:

We would be happy to assist the City in further review of the options for the Park site at the MBP. I would imagine there are some things we could do to help lower some of the infrastructure cost associated with the roads, but that may require additional TIA related

reviews. The impact of the 295 improvements have changed the traffic patterns significantly in the area (that was something we unsuccessfully tried to convey to everyone when we were discussing it over 10 years ago). The MBP was designed based off the traffic counts that then existed on Santa Fe and Bragg Blvd., without much recognition of the ultimate impacts that 295 might have. I would imagine we could reduce the street sections based on some updated information combined with how the MBP has developed thus far.

Prior to pulling a proposal together, it would be worthwhile for us to further determine the scope and what exactly you have in mind. We can make assumptions on the road improvements needed, but without updated TIA information, it would be speculative. If City Traffic is on board with a reduced street cross section, then we would need to know what that is so we can adjust things accordingly. Not sure how NCDOT will look at this since the main site access improvements on Santa Fe and Bragg Blvd. are already in place (some additional work is needed to bring them up to final configuration, but the bulk work has been done etc.). We may need to discuss with Lee Jernigan and see what his thoughts are to confirm how best to proceed.

A request has been submitted to the City Attorney to review Council's appropriate role in the process of revising the approved site plan for the MBP.

Next Steps:

If Council decides to proceed with the acquisition of land in the MBP for the Sports Field Complex, staff would recommend (after re-affirming the conditions of sale with the property owner):

1. Initiating and completing the rezoning of lot purchased by the City or the entire park as the Council may direct, and then,
2. If the development owner concurs, scope and hire an engineer to perform any TIA or other analysis and prepare a revised site plan for submission and a revised cost estimate for the transportation infrastructure as proposed.

The proposed plan would then go through full review and would need to be approved by partner agencies and then by City Council. The rezone will require 60 to 90 days after Council action. The redesign process will require an estimated 90 to 180 days after the completion of the rezone depending on the scope of TIA requirements and whether formal procurement processes will be required.