



# City of Fayetteville

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## Legislation Text

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**TO:** Mayor and Members of City Council

**THRU:** Jay Reinstein, Assistant City Manager  
Gerald Newton, AICP, Director, Development Services Department  
Taurus Freeman, Planning and Zoning Division Manager

**FROM:** David Nash, AICP, Senior Planner, Development Services Dept.

**DATE:** August 6, 2018

**RE:**  
Update on the Broadwell Property- Southside of Elliot Farm Road

**COUNCIL DISTRICT(S):**  
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### **Relationship To Strategic Plan:**

Goal II: Diverse and Viable Economy

### **Executive Summary:**

At the February 5, 2018 Work Session, staff provided information about Broadwell Land Company's plan to develop a large, mixed-use project north of the City. The project continues as a full annexation request meeting the city's regulations. The timeline of expected actions is presented.

Tonight's presentation is one of sharing that the process has now moved beyond discussion to specific activities occurring over the next three months. The presentation is not one of any of the technical items regarding public services. The technical items all are worked out over the next ten weeks according to the actionable plan.

### **Background:**

See the agenda packet for the February 5, 2018 Work Session for detailed background on this property.

### **Issues/Analysis:**

Since February 5, City and PWC staff members have met with the property owner and his agents of the Broadwell Land Company several times. Difficult conversations have occurred. Work is now proceeding toward a project on the northernmost portion of the city's Municipal Influence Area.

The current plan is for Broadwell to use PWC sewer and water for its proposed development project rather than Harnett County utilities. Since the property is in the Fayetteville Municipal Influence Area (MIA), Broadwell's use of PWC sewer will require that the property be annexed, per City Council Policy 150.2.

The process will involve three major tracks: the establishment of a development agreement, the initial zoning of the property, and the annexation of the property. These three tracks will start when Broadwell submits the required applications and documents for each track. City staff will assist Broadwell in completing the applications.

Staff expects that all three of these tracks will come together at a future City Council meeting, probably in October. A critical assumption underlying these three tracks is that Broadwell will ask for annexation for all of its property at one time. Map 1 (attached) shows the proposed map for annexation. The property owner has indicated that the entire site will be requested as one project.

**Development Agreement Track-**A development agreement is a document that North Carolina law authorizes for long-term, large-scale developments, much like Broadwell is proposing. Since Broadwell has already submitted a development plan that has been approved by the County, provisions of the County-approved plan will be included in the development agreement with the City.

The City's UDO includes procedures and standards for establishing a development agreement. Broadwell has already prepared a draft agreement that the City staff has reviewed. City and PWC staff met with Broadwell officials most recently on July 16 to discuss the current status of the development agreement.

The development agreement track will officially start when Broadwell submits the proposed development agreement to the City. According to the procedures in the UDO, staff will need to prepare a report on the agreement and present it to the Planning Commission for review. Staff currently expects that the Planning Commission will be able to review the development agreement at its September 18 meeting and then make a recommendation as to whether the City should enter into it.

The City Council will then need to hold a public hearing on the development agreement. Staff expects that the development agreement public hearing can be scheduled for the October 22 City Council meeting. After holding the public hearing, City Council will then decide on whether to enter into it.

Agreements with PWC-It should be noted that Broadwell is also in the process of establishing separate agreements with PWC regarding the provision of utilities. According to the PWC staff, they are preparing a term sheet summarizing their agreement. This sheet will be shared with Broadwell and it is expected that Broadwell will give its concurrence prior to the August work session. PWC will use the term sheet to create the agreement. PWC plans to have a signed agreement with Broadwell before the City items come to City Council.

**Initial Zoning Track-**The initial zoning track will start when Broadwell submits the required zoning application. The Zoning Commission will need to hold a public hearing and make a recommendation to City Council. Staff currently expects that the Zoning Commission will be able to hold the public

hearing at its September 11 meeting. After holding the public hearing, the Zoning Commission will be able to make a recommendation to City Council on the initial zoning. This recommendation will be contingent upon the development agreement being approved by the Planning Commission and the area being annexed by the City Council. Staff expects that the initial zoning case can be scheduled for the October 22 City Council meeting.

**Annexation Track**-The annexation track will start when Broadwell submits an annexation petition. Staff has already prepared an annexation map and a legal description for inclusion in the petition; the map and legal description assume that Broadwell will be asking that all of its property be annexed at one time. See Map 1 (attached). The City Real Estate staff will then need to review the petition to be sure that Broadwell still owns each parcel. City operating departments will be asked to review the area from the standpoint of service provision and costs. All of this information will be compiled into the CCAM for City Council's consideration. Following public notice, an annexation public hearing will be scheduled. Staff expects that the annexation public hearing can be scheduled for the October 22 City Council meeting.

**Summary of Tracks**-It is expected that the three tracks (the development agreement, the initial zoning, and the annexation) will come together at a future City Council meeting. Staff expects that all three tracks can be finalized at the October 22 City Council meeting.

**Issue of Sequencing of Tracks and How This Might Affect Scheduling of Meetings**-As outlined above, the Planning Commission will review the development agreement on September 18, after the Zoning Commission has considered the initial zoning case on September 11. Although staff recognizes that it might be preferable for the Planning Commission to review the development agreement before the initial zoning case goes to the Zoning Commission, staff believes that either sequence will work.

**Factors Affecting the Proposed Schedule**-The Zoning Commission normally meets on the second Tuesday of each month. The Planning Commission normally meets on the third Tuesday of each month. The City Council normally considers development-related items (such as zoning and annexation) on the fourth Monday of each month, and due to public notice requirements, it is often desirable for City Council action to be scheduled about six weeks following a Zoning Commission meeting.

**Future Updates**-Unless there is a significant issue, the next time this item will be in front of the city council is at their preparatory meetings in October.

Various issues will continue to be discussed and worked through at the staff level and on a technical basis through all three of the tracks presented above. It is anticipated that with the full annexation approved that the PWC utility work will begin.

Timing for seeing any new vertical construction at the site will likely be July, 2019 at the earliest. The implication is that all items of public services will be resolved through the process and subsequent yearlong site and utility construction.

**Budget Impact:**

None

**Options:**

Receive the report as information only.

**Recommended Action:**

Receive a presentation on the Broadwell Land Project- Southside of Elliot Farm Road. No action is required.

The property owner and various governmental service agencies will continue the process. It is expected that three City Council actions will occur in October when the development agreement, the zoning map amendment, and the annexation agreement are acted on by the council.

If any of the three city council are not approved, then the entire package and agreements for utility connections will not be approved. The activity is a blend of all activities; thus, this update is offered in front of the various parties working on the multiple aspects of actions.

**Attachments:**

Map 1-Broadwell-Map for Annexation

February 5, 2018 CCAM- Consideration of Annexation Waiver Request- Broadwell Lan Company- Southside of Elliot Bridge Road