



Date: March 19, 2013

To: Thomas J. Bonfield, City Manager
From: Keith Chadwell, Deputy City Manager
Subject: Authority to Sign on Behalf of the City for Development Plans – Kent Corners Development

Executive Summary

Self Help Credit Union is proposing to submit a zoning map change application with an associated development plan for the corner of West Chapel Hill Street and Kent Street, commonly known as Kent Corners. One of the subject parcels is owned by the City of Durham, and is currently used as a surface parking lot. Self Help is proposing to purchase the City-owned parcel through the upset bid process.

Per Unified Development Ordinance (UDO) and state statutes, all subject property owners must authorize the rezoning of any property if a development plan is included. The City-County Planning Department administers this provision by requiring the inclusion of a signed “Owner’s Acknowledgement Form” for zoning applications. Per the opinion of the City Attorney’s office, the City Council has not authorized the Administration to sign zoning applications on behalf of the City.

Recommendation

Authorize the City Manager to sign owner’s acknowledgment forms for zoning map changes with development plans for Kent Corners on behalf of the City.

Background

Self Help Credit union is proposing a redevelopment project at the corner of West Chapel Hill Street and Kent Street, which is known as Kent Corners. In December, Self Help submitted a zoning map change application for seven parcels, requesting Commercial General (CG) zoning without a development plan. This request did not include the City-owned parcel. This proposal received opposition from some adjacent neighbors. In order to address community concerns, Self Help is proposing to submit an amended application with a development plan. This amended application will include two additional parcels, one of which is owned by the City.

UDO Section 3.5.6(D)(2) requires that a development plan application “shall include a signed request from each property owner that the development plan be approved.” Because the City owns a property within the requested zoning change, the application must be signed on behalf of the City. The City Attorney’s office has reviewed the City Charter provisions and the delegated authority resolutions approved by Council, and has determined that the authority to sign a development plan rezoning application has not been delegated by Council to anyone within the City Administration.

Alternatives

The Council can elect not to authorize any member of the City Administration to sign the development plan zoning application on behalf of the City. Instead, Council would be required to vote to authorize the submission of any application involving City-owned property.

Financial Impact

There is no financial impact to the City.

SDBE Summary

N/A

Attachments

None.