



MEMO

Date: August 11, 2015
To: Board of Commissioners
From: Jason Burdette, Planning Director
Re: Narrow Passage, Conditional Planning Area Staff Analysis

1. INTRODUCTION

APPLICANT INFO

Developer: Karl Plattner

Owner: Narrow Passage Holdings, Inc.

Site Designer: Woodbine Design, PC (Riley Burgess)

Location: 19615 Shearer Road (Parcel ID# 00309214)
15201 East Rocky River Road (Parcel ID# 00309201)
15210 East Rocky River (Parcel ID# 00725101)

Area: 59.29 acres

REQUEST

Applicant requests a Conditional rezoning to develop a 40-unit master planned development of detached homes on +/- 59 acres.

SUMMARY OF PETITION

This applicant is requesting specific conditions pertaining to:

- 1) Mix of Building Types
- 2) Lot widths
- 3) Infrastructure
 - a. Road Standards
 - b. Multi-Use Path Bridge
 - c. Street Lights
 - d. Sewer/Septic Systems
 - e. Landscaping
 - f. Crossing Beacons
 - g. Greenway
 - h. Sidewalks
 - i. Parking

- j. Conveyance of Land
- 4) Affordable Housing
- 5) Annexation
- 6) Walking Paths and Public Open Space
- 7) HERS Rating/Energy Efficient Construction
- 8) Permanent Open Space
- 9) Open Space Deficiency Contribution
- 10) Sewer Connection (Easement)
- 11) Design Standards

A complete list of the proposed conditions is attached and described in further detail below.

2. PLANNING STAFF REVIEW

BACKGROUND

The applicant met with planning staff at various times during 2014 to discuss the development of the +-59-acre tract of land into a rural residential subdivision. The proposal did not fully comply with the planning ordinance; the applicant elected to request a conditional rezoning. This review considers compliance with the Davidson Planning Ordinance adopted June 11, 2001, as amended.

PLANNING AND DEVELOPMENT STANDARDS

A summary of general planning and development standards is below.

Land Use

Residential development is permitted in the Rural Planning Area (RPA). Development options in the RPA for sites with access to utilities (water and sewer) include a *residential subdivision* with an allowable density of two units per acre. Development options in the RPA for sites without access to utilities include *conservation easement subdivision*, *low-impact subdivision*, and *farmhouse cluster*. For these development types, allowable densities are one unit per twenty acres; one unit per two acres; and, one unit per two acres, respectively. *Low-impact subdivisions* and *farmhouse clusters* limit the number of allowable units to six.

Access

The applicant proposes access to the development through a new street connection on the west side of Shearer Road.

Open Space

Forty percent open space is required in the RPA. The applicant proposes approximately 64.2% open space (37.9 acres). Primary conservation open space (undisturbed save for proposed trails and greenway) amounts to 34.25% of the site (20.23 acres); common open space includes 29.9% of the site (17.67 acres).

Greenway

The applicant proposes a system of woodland trails to provide access to a greenway to be constructed by the developer, and built to Mecklenburg County standards. The planning ordinance requires greenways to stub to the neighboring property line. The applicant has proposed a new condition pertaining to the greenway obligation within parcel #00725101 (south of East Rocky River Rd.).

Multi-Use Path

The applicant proposes to construct the required separated bike facility (multi-use path) on East Rocky River Road. Additionally, the applicant has proposed a new condition pertaining to the potential extension of the multi-use path eastward along East Rocky River Rd.

Connectivity

The applicant proposes to construct a street stub to the neighboring property to the north of the site ("Garmon" Parcel ID# 00309207). The applicant has agreed to convey a parcel to the town to allow for a future connection to the south and to East Rocky River Rd., should adjacent parcels redevelop.

Affordable Housing

As per the number of dwelling units shown on the plans (40), five affordable housing units would be required. The applicant has proposed a condition such that two units will be built on-site, either as separate detached homes or together as a duplex, for the moderate income buyer (between 100%-120% AMI (area median income). The applicant also requested that the payment-in-lieu (PIL) option be available for the remaining three (3) required affordable units at a reduced rate of \$26,550 per unit. Currently, the ordinance only permits a payment-in-lieu option for those units required for very low income households (up to 50 % AMI).

Water Quality

The applicant proposes a road cross-section to include ditch-type streets with bottomless culverts and no hardened swales or energy dissipaters to manage stormwater runoff.

PROPOSED CONDITIONS

The applicant requests specific conditions as part of this conditional rezoning.

1. **Mix of Building Types:** All structures constructed or placed on the Property shall be detached single family and one structure containing two duplex residences and such accessory structures as are permitted by the DPO in the RPA. This includes relief from the Storefront/Workplace and other Attached House requirements listed in DPO Section 4.8.3.
2. **Lot Width:** Pursuant to DPO Section 4.8.15.2, no minimum or maximum lot sizes are required of the project.
3. **Infrastructure:**
 - a. **Road Standards:** All roads, drainage swales, and walking trails within right-of-way areas shall be constructed to conform to the approved cross section and other details for such improvements as shown on the Plans. Horizontal and vertical alignments for the roadways will be in accordance with the latest edition of the manual for Subdivision Roadways of the NCDOT.
 - b. **Multi- Use Path Bridge.** As part of the multi-use path that the Developer has agreed to construct on the south side of the East Rocky River Road, as shown on the Plan, Developer is obligated to deposit with the Town a sum equal to its share to construct a bridge across a water course up to the Developer's property line. The Developer's share of the cost to construct the bridge is based upon the percentage of the bridge located on the Developer's property. Accordingly, Developer may either (1) pay to the Town the sum of \$80,000 as a payment in lieu of constructing the bridge over the West Branch of the Rocky River, or (2) if

Developer requires an appropriate easement, Developer may elect to construct the entire bridge. In the event that the Developer elects to construct the bridge as set forth in (2), Developer shall provide to the Town the estimate for such cost and the Town shall reimburse the Developer for the portion of the bridge located on the adjoining property (PID # 00725133) upon completion of the bridge, not to exceed \$15,000. If the Developer elects to construct the entire bridge, but is unable to secure the easement on the adjoining property, the Town will either obtain the easement or will reduce the payment in (1) above from \$80,000 to \$20,000. [Note: the estimated cost for the developer to construct the bridge is significantly lower than the estimated cost for the Town to construct to the bridge, which accounts for the disparity in the above payment amounts.]

- c. **Street Lights:** The locations of street lights shall be as shown on the Plans. Fixtures and specifications shall be in accordance with the DPO.
- d. **Sewer/Septic Systems:** On-site sewage disposal systems will conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.
- e. **Landscaping:** All street trees and landscaping shall be provided with at least the quantity of and standard of landscaping shown on the Schematic Landscape Design, Typical Lot Design and Narrow Passage Naturalization and Restoration Guide attached to the Plans; provided, however, the hamlet pod shall contain more formalized landscaping in accordance with the Plans.
- f. **Crossing Beacons:** The developer shall install a lighted crossing beacon, which will contain flashers to the east and west, at the crosswalk on the southern boundary of East Rocky River Road where the greenway/multi-purpose path connects to the southern boundary of the crosswalk, subject to NCDOT approval of use, location and design.
- g. **Greenway (Southern Parcel):** The Developer shall satisfy the greenway obligation on the southern parcel (PID #00725101) and adjacent parcels (where necessary) according to one of the following three options:
 - Option A:** The greenway shall be constructed to run north-south along the southern parcel's eastern boundary, connecting to the multi-use path to the north at E. Rocky River Rd. and to the Summit at River Run property to the south.
 - Option B:** In lieu of constructing a greenway, the multi-use path shall be extended along E. Rocky River Rd. east of the southern parcel until the first available connection can be made to Dembridge Dr. through PID #00724316. The Developer will secure an easement from River Run to make the connection to Dembridge Dr.
 - Option C:** Should an easement for option B not be viable, the Developer shall extend the multi-use path along E. Rocky River Rd. east of the southern parcel to terminate at Winged Oak Way.
- h. **Sidewalks:** Sidewalks are not required; instead, walking paths as shown on the Plans shall replace sidewalks. ADA compliant surface materials shall be installed on walking paths on both sides of the streets within the Hamlet pod and on walking paths within those portions of the Common Open Space as noted on the Plan.

- i. **Parking:** Parking for greenway access as shown on the Plan shall contain at least six (6) spaces.
 - j. **Conveyance of Land:** The developer shall convey the southern parcel below East Rocky River Road (PID #00725101) to the Town of Davidson at final plat, provided, such conveyance shall not affect the calculation of open space.
- 4. **Affordable Housing:** Affordable housing units shall be provided in compliance with DPO Section 6.3, except that (all of the following):
 - a. No very low income (up to 50% AMI) units are required;
 - b. 2 units shall be included, either as separate and detached single-family homes or together as a duplex, for the moderate income buyer (between 100% and 120% AMI); and
 - c. Payment in lieu of providing affordable housing units is permitted at the rate of \$26,550 each in place of three of the required affordable units.
- 5. **Annexation:** The property owner shall file a petition for annexation of the Property on the standard town form contemporaneously with, and as a condition of approval of, the Preliminary Plans and prior to commencement of any land disturbing activity. The effective date of the annexation will be the first June 30 following the filing of the petition. After the filing of such annexation petition, no action or inaction of the Town Board shall have any bearing on the progress of the development and the petition for annexation shall not be revoked or withdrawn prior to action on it by the Board of Commissioners.
- 6. **Walking Paths and Common Open Space:** Walking paths and Common Open Space shown on the Plan are privately owned, but shall be accessible by the public and such use shall be subject to the rules and regulations of the recorded Declaration of Protective Covenants for the Property (“Declaration”), which rules and regulations shall not treat the public differently that it treats property owners. These matters shall be acknowledged on the final plat and the recorded Declaration shall provide that the walking paths and Common Open Space shall be maintained by the property owners’ association (“HOA”) established pursuant to the Declaration. In the event the HOA does not maintain the walking paths and Common Open Space and the Town provides written notice to the HOA which details the lack of maintenance, if the HOA does not commence and diligently pursue maintenance on or before thirty (30) days after the receipt of such notice, the Town may elect to maintain the walking paths and Common Open Space, which maintenance shall be accomplished in a good and workmanlike manner. The Town shall be reimbursed by the HOA for the costs of such maintenance as evidenced by paid invoices. The location of walking paths is schematic in nature and shall be field located.
- 7. **HERS Rating.** Houses will be designed to target a HERS rating of 65.
- 8. **Permanent Open Space.** A metes and bounds description of the open space shall be recorded on the subdivision plat and in the protective covenants for Narrow Passage. The protective covenants shall limit uses in the open space to recreational uses.
- 9. **Open Space Deficiency Contribution.** A contribution to the Town’s Open Space Fund, which is a fund to be established by the Town for purchase by the Town of open space and greenway property and for installation by the Town of greenways, shall be made at the time of closing of each lot. The

contribution required for each lot shall be \$1,844.47 and is based on a goal of 70% open space: the actual open space provided in the Property is 64.17, resulting in a deficiency from the goal of 5.8% x 59.29 = 3.4 acres of open space deficiency. The per-acre price of \$21,500.00 is applied to the 3.4 acres of open space deficiency to arrive at the open space deficiency contribution of \$73,100.00/38 = \$1,923.68 per lot. The open space deficiency acreage of 3.4 shall be reduced for each acre of open space Developer assists in securing from other properties toward extending greenway access to Fisher Farm.

10. Sewer Connection. Once the location of a sewer line along Rocky River is determined, if the sewer line is to be along the River within any part of the Property, the Developer/Owner shall grant an easement for a sewer line at that location.

11. Design Standards. The Developer voluntarily consents to the condition that all homes constructed in the development shall comply with the DPO criteria governing building design, including aesthetics; provided, however, 25% of the garages in the development are exempt from the placement criteria listed in DPO Section 5 (Garages & Accessory Structures, Rural Planning Area). To qualify, the garage must be side-loaded (i.e. oriented at least 90 degrees to any road abutting the lot) or rear-loaded.

FIRST TOWN BOARD WORK SESSION

At the April 28, 2015 Town Board work session, the board and staff discussed the Narrow Passage Conditional Planning Area request. It was decided that Randall Arendt, a well-known rural planning consultant, could provide guidance and recommendations on how to better cluster development in the RPA. He would also look at the proposed Narrow Passage development, specifically.

RANDALL ARENDT WORKSHOP

Randall Arendt led a workshop specific to Narrow Passage in mid-May. The workshop included a site visit, and input from the developer, staff, elected officials, and the public. Members of the Planning Board also attended. Arendt produced a revised development schematic and a recap memo from that workshop (see attached). Key points from Arendt's memo included:

1. In areas with good soils, it is preferable for environmental reasons to employ swales that allow stormwater infiltration to occur over larger areas. Grassy shoulders and swales are more "rural" than concrete curbing.
2. Placing street lighting at certain intersections rather than throughout the development also connotes a more "rural" development.
3. Regular tree shading is recommended. A less formal approach could be taken to great effect if each lot is specified with a certain number of trees and shrubs to be planted in specific locations in front yards close to the street. Native species are recommended.
4. Regarding sewer/septic, on-site infiltration methods are recommended. On smaller parcels, individual septic is advised. On larger parcels with many lots, drip irrigation is recommended.
5. The revised street network allows for connectivity to the adjacent parcel, and moves the road away from preferable soils for septic.

6. The revised schematic plan shows a range of both house sizes and prices.
7. A paved greenway trail spanning the development will enhance the town's future greenway network. Less formal internal trails aid connectivity.
8. The revised schematic plan aims to broaden the gas-line edge to lessen the linear impact of the utility line.
9. The ultimate layout of the development would not change much, if at all, if it were delayed until a Rural Area Plan has been adopted. The reality of the southeastern end of the ETJ is currently more suburban than rural. This parcel and the adjacent parcel to the north are essentially suburban infill parcels.

Staff had several follow-up questions for Arendt. Specifically, how would Arendt design Narrow Passage differently as a by-right subdivision (one unit/two acres, maximum six units); and how would Arendt design Narrow Passage differently if it had full access to water and sewer (two units/acre). Arendt responded:

1. Arendt would not recommend developing by-right (six units) in this "non-rural, suburbanizing" area.
2. Arendt would not recommend developing with water and sewer at 2du/ac. This location would not be appropriate for that level of density given distance from services. Topography would also not be conducive to such development intensity.

PLANNING BOARD CONSIDERATIONS

At the April 2015 meeting, the Planning Board discussed the history of development in the Rural Planning Area and the potential for future development. The Planning Board unanimously passed a resolution supporting the prioritization and creation of a small area plan for the Rural Planning Area. Additionally, the Planning Board's resolution asks that the Town Board adopt a moratorium in the Rural Planning Area until such a plan can be completed.

DAVIDSON LAND CONSERVANCY CONSIDERATIONS

The Davidson Lands Conservancy (DLC) has a long history of providing input on important land-use decisions in Davidson. Several members of the DLC participated in the Randall Arendt workshop in May 2015. DLC provided a letter to the Town Board in May 2015 stating their organization's concerns with Narrow Passage and requesting a delay until a Rural Area Plan could be completed. This position was reconfirmed via email from DLC's director on August 3rd.

PUBLIC HEARING

As required by state statute and the planning ordinance, a public hearing for the proposed conditional rezoning was held on July 14, 2015. Members of the public spoke both in favor and against Narrow Passage. Those in favor of the Narrow Passage mentioned property rights and the benefits Narrow Passage would bring to Davidson. Those speaking against the project suggested delaying a decision until a Rural Area Plan could be completed.

SECOND TOWN BOARD WORK SESSION

Following the Randall Arendt workshop, Planning Board recommendation, and public hearing, the Town Board conducted a second work session for Narrow Passage on July 28th. At this work session, the board and staff reviewed the developer's proposed conditions, as well as conditions proposed by the Planning Board, staff, and the Town Board.

Following the work session, staff met with the developer's team again to finalize and revise the proposed additional conditions. This culminated in the resubmittal of plans on August 5th, 2015.

3. PUBLIC PLANS AND POLICIES

Below is a list of town-adopted plans and a brief summary of each plan's applicability to the proposed Narrow Passage Conditional Planning Area rezoning.

- The ***Davidson Greenprint Plan: Natural Assets Inventory (2008)*** identified the community's natural assets and provided recommendations to guide the protection of a sustainable network of open spaces, surface waters, and tree cover. Recommendations relevant to this proposed development include:
 1. Rural sprawl is an issue of concern. In the rural area, residential development is the primary permitted land use. Current policies do not set maximum lot sizes, and especially where public wastewater systems are not available, individual lots are on average two acres or greater in size. In larger lot subdivisions, homes are not satisfactorily clustered and create fragmented, marginal pockets of common or privately-owned open space (p.3).
 2. Contiguous open space is an area of concern. Open space connectivity has proven difficult to achieve across property lines. Especially where a small area plan is absent, it is difficult to decide which open spaces should be preserved during the master plan process. Continuity of open space is critical to sustainable animal habitats (p. 3).
 3. Management of conserved open space can prove difficult as the planning ordinance permits deed restrictions in lieu of conservation easements on common open space (p. 3).
 4. Require open space and tree planting plans as part of every master plan. The Open Space Plan will outline required landscaping, street tree plantings, tree preservation details, and self-monitoring programs. Preservation and planting plans are conceptual during the master plan process and refined during preliminary plat submittal (p. 21).
- The ***Davidson Walks and Rolls: Active Transportation Master Plan (2013)*** aims to create a vision for an improved walking and bicycle environment. Recommendations relevant to this proposed development include:
 1. Recommended pedestrian facilities. The plan identifies future greenway/multi-use path facilities to be located along the West Branch of the Rock River extending north from East Rocky River Road to Fisher Farm, Abersham, and beyond (p. 4-5). The plan also identifies a future greenway/multi-use path to be located along East Rocky River Road, extending west from Cabarrus County to connect to the existing side path located at the roundabout (intersection of Concord Rd., Davidson-Concord Rd., and East Rocky River Rd.).

2. Recommended bicycle facilities. The plan identifies future greenway/multi-use path facilities to be located along the West Branch of the Rock River extending north from East Rocky River Road to Fisher Farm, Abersham, and beyond (p. 4-15). The plan also identifies a future greenway/multi-use path and bike lane to be located along East Rocky River Road, extending west from Cabarrus County to connect to the existing side path located at the roundabout (intersection of Concord Rd., Davidson-Concord Rd., and East Rocky River Rd.).
 3. The plan provides specification recommendations for each proposed active transportation facility.
- The ***Parks and Recreation Master Plan (2014)*** intends to establish a framework for assessing current needs and future recommendations for the town's parks and recreation system. Recommendations relevant to this project include:
 1. Greenways are essential links between parks and destination points. Trailheads, with amenities like signage, maps, benches, lighting, and trash receptacles should be located every half mile along the greenway (p. 43).
 2. The plan includes a map of the proposed Davidson parks and recreation system and associated facilities. A proposed greenway/multi-use path is shown along the West Branch of the Rocky River connecting across East Rocky River Road to the River Run neighborhood (p. 45).
 3. The plan includes a policy recommendation to seek opportunities to foster public/private partnership for park/trail development (p. 49).
 4. The plan includes a facility recommendation to create a linked system by providing more pedestrian and bicycle connections between parks, open space, and key destinations. Specifically, the park and greenway system should be linked by multi-use trails accessible within one-quarter mile of every household (p. 55).
 - The ***Mecklenburg County Greenways and Trails Master Plan (2008)*** aims to improve policies, programs, and activities of the greenways and trails program, to accelerate development of the trails network, and to improve the function and operation of the greenway and trails program. Recommendations relevant to this proposed development include:
 1. Proposed Rocky River Greenway (West Branch) facility extending northwest from the Cabarrus County line to Fisher Farm and Abersham (p. 7). This facility was identified as a "10-year project" in 2008 (p. 9).
 2. The plan references this facility as a "future greenway" as identified on the Davidson Greenway Master Plan, 2007 (p. 11)
 - The ***Davidson Bicycle Transportation Plan (2008)*** aims to address the planning tenet that growth must be sustainable. One key means of achieving sustainability is to reduce the reliance on the automobile and encourage walking and biking. Recommendations relevant to this proposed development include:
 1. Developers play a key role in facility construction and dedication (p. 106, 110)

- The ***General Principles for Planning in Davidson (2001)*** include tenets to guide development in Davidson. Principles relevant to this proposed development include:
 1. We must preserve Davidson's status as a small town. Specifically, large-lot sprawl-type development must be avoided.
 2. We must preserve substantial amounts of open space. The rural area enhances quality of life. Great effort must be made to save significant hardwood forests, farmland, and wildlife habitats.
 3. Growth must be sustainable. Growth totally dependent on the passenger automobile is not sustainable.
 4. We must reestablish our historic diversity of people. The ordinance provides for a mixture of housing types and prices in every neighborhood. The town will actively discourage development that is predicated on having only people of similar socioeconomic status living together.
 5. We rely on a unique combination of private property rights and the health of the community as a whole. The town respects the rights of private property owners with an intent to preserve land values and address the larger picture instead of just the immediate neighborhood that the landowner and the developer consider. The role of government can produce tensions with landowners; these tensions are an integral part of government.

- The ***Davidson Comprehensive Plan (2010)*** describes a vision for the long-term future of the town considering regional context and current growth trends. The purpose of a comprehensive plan is to guide decision-makers on a wide range of issues, in particular land-use policy, conditional development review, long-term planning initiatives, and capital investment decisions. Comprehensive plans usually precede and inform zoning and development ordinances (p. 9). The Comprehensive Plan should be updated at least once every ten years (p. 14). Recommendations relevant to this proposed development include:
 1. The loss of open space is an ongoing concern among citizens. Identified open space goals include preserving 50 percent of the ETJ (extra-territorial jurisdiction) as open space, providing public access to 50 percent of the open space in the ETJ, encouraging walkable, mixed-use communities, protecting the scenic quality and character of the rural areas, protecting water quality, and retaining equity for ETJ landowners (p. 23).
 2. Large-lot, single-family subdivisions on undeveloped, rural properties are not a desirable location for meeting future housing needs. Given the current population mix, it is likely that at least half of the incoming population (based upon growth projections) will be looking for alternatives to the single-family, detached housing unit (p. 29).
 3. To promote socio-economic diversity, the town will continue to require affordable housing. Properties dedicated for affordable housing in new developments are a good place to locate these units. Affordable housing should be located throughout the community (p. 29, 53).
 4. Maintaining quality design and sound planning principles is a livability theme that emerged in response to the restriction against extending rural sewer lines and the low-density residential development potential in the rural area (p. 42).

5. Provide safe and secure neighborhoods, streets, parks, and greenways. The town and developers should continue to design, build, and manage public spaces (such as streets and greenways). Build off-road greenways, trails, and bike improvement projects per the bicycle master plan (p. 49-51).
6. Ensure that every residence is within one-quarter mile of a public park and greenway access (p. 52).
7. Encourage more bicycle and pedestrian travel is cited under a larger livability theme of providing sustainable and healthy choices for transportation (p. 56).
8. Protect and create meaningful open space is cited under the larger livability theme of enabling faithful stewardship of natural assets. Preserving most of the undeveloped rural area is listed as an ongoing initiative (p. 59-60). Constructing more off-road greenways is also listed as an ongoing initiative under this livability theme (p. 60).
9. Preserving the rural landscape is cited as a goal under the maintaining quality design and sound planning principles livability theme (p. 66). Short-term recommendations include updating the ordinance in the Rural Planning Area to encourage cluster development and rural viewshed protection. Additionally, the town should consider best practices for well-timed annexation and utility extensions in the rural area. Intensities and land uses should transition from the urban core to agricultural and natural settings. Discouraging moderate density and dispersed development in the rural area is cited as an ongoing initiative (p. 66).
10. The targeted growth model focused on a balance between housing and jobs, well-planned extensions to infrastructure and public services, and the preservation of meaningful open space (p. 9). This preferred growth model is an economically balanced model that builds on the town's assets and sustains quality of life for residents (p. 71). The Targeted Growth Plan identifies a phased, development pattern that structures growth in a way that maintains and enhances Davidson's strongest community assets, minimizes sprawl, and preserves and protects its rural areas (p. 72). The town can shape its growth in a logical and structured way, while allowing priority areas, such as the downtown, to continue to flourish over time.
 - Priority Growth Targets: These areas should receive the most immediate attention. These growth areas will best serve the existing population in the short term.
 - Secondary Growth Targets: These areas are long-term solutions for economic growth and housing development. This area will not be built out for at least 20 years.
 - Growth Reserve Areas: These areas are for excess development potential or supporting uses to nearby targets. The Rural Area should maintain its character by way of low-density residential development, active agricultural uses, and preserved open space (p. 72)
11. Three sub-areas are identified within the Targeted Growth Plan: The Village, Smart Suburban, and the Rural Area. Within the Village and Smart Suburban Growth Areas, there are hundreds of acres of undeveloped or redevelopable property located between targeted growth nodes. These sub-areas allow for infill development once the targeted growth areas have been built out. Residential development is ideally located within the Village and Smart Suburban Growth Reserve (p. 73).

12. The Rural Area is the third sub-area, and consists of the undeveloped portions of the town's ETJ outside the other two sub-areas. The Targeted Growth Plan places a high priority on preservation of the surrounding Rural Area. Large-scale development nodes and new infrastructure extensions that would encourage large-scale development should not be permitted in this area. Developers would be required to preserve land, create clustered, low-density residential neighborhoods, or actively farm properties in the Rural Planning Area. The extension of sewer extension and the construction of new roads will need to be carefully considered to allow for necessary economic growth while preserving the rural character (p. 73).

4. PLANNING BOARD RECOMMENDATION

At the June 29, 2015 meeting, the proposed Narrow Passage Conditional Rezoning came before the board for a formal recommendation. The Planning Board voted 9-2 against recommending approval of Narrow Passage. In doing so, the Planning Board recognized consistencies with the Comprehensive Plan (greenways, trail, open space, affordable housing contribution), as well as inconsistencies (large-lot subdivisions in rural areas, Targeted Growth Areas, providing affordable housing in each development, and vehicular connectivity to adjacent properties).

The Planning Board also developed a list of proposed conditions should the Town Board choose to approved the project. These proposed conditions included:

1. **Affordable Housing:** The project shall construct the required affordable housing on site.
2. **Parking/Trail Access:** The proposal currently includes one parking area with an inadequate number of parking spaces to ensure sufficient public access to the primary conservation area and greenway facilities. The project shall include additional publicly-accessible parking areas throughout the development capable of accommodating 30 vehicles (total).
3. **East Rocky River Rd. Access:** The project shall reexamine the possibility of a vehicular roadway connection south/southwest to E Rocky River Rd. The analysis shall also include consideration of a parking area in this location to provide public access to the primary conservation area and greenway facilities.
4. **Open Space Criteria/HOA:** The project shall include specific fiscal, management, and maintenance criteria outlying the responsibilities of HOA members to provide for the enduring governance and improvement of the publicly-accessible conservation and open space areas. All open space areas throughout the development shall remain accessible to the public in perpetuity.
5. **Open Space Timing:** The proposal shall include specific information regarding the timing of open space area construction and when these spaces will be available to the public. Open space areas should be made available to the public prior to the first Certificate of Occupancy is issued.
6. **Sidewalks:** To provide for the safety of all users, the proposal shall include sidewalks on one side of each roadway.
7. **Landscape Plans:** The proposal shall include specific plans indicating the location of street trees and canopy cover after clearing and septic work has been conducted.
8. **Entrance Details:** The proposal shall include specific plans and details concerning the proposed plantings at the project entrance(s). Engineered drawings should be included.
9. **Fiscal Impact Analysis:** The proposal shall include a fiscal impact analysis outlining the project costs and benefits according to the Town's *Cost of Land Use Fiscal Impact Analysis* methodology.
10. **Environmental Assessment:** The proposal shall include an environmental assessment (EA) for the project and the results shall be shared publicly.

5. STAFF RECOMMENDATION

All of the afore-mentioned plans serve to inform and guide land-use decisions. Greenways, multi-use paths, open space preservation, and affordable housing are frequently mentioned across multiple plans as necessary and vital components of good community planning. Accordingly, there are aspects of the proposed Narrow Passage Conditional rezoning proposal that are consistent with the plans cited above, as reiterated in portions of Randall Arendt's memo.

Conversely, there are also portions of this proposed rezoning that are inconsistent with approved plans and studies. Multiple plans raise concerns about large-lot developments in the rural area and the potential for sprawl associated with infrastructure extensions.

The Davidson Comprehensive Plan is the only document that specifically cites guiding decision-makers on conditional development review as a stated purpose. The comprehensive plan advises that large-lot, single-family subdivisions in rural areas are not desirable locations to meet the town's future housing needs. Additionally, the town should consider best practices for well-timed annexation and utility extensions in the rural area. Discouraging moderate density and dispersed development in the rural area is cited as an ongoing initiative.

Of greater note, the Comprehensive Plan describes a Targeted Growth Plan as an economically balanced model. Specifically, this Targeted Growth Plan identifies a *phased* development pattern growth in a way that maintains and enhances Davidson's strongest community assets, minimizes sprawl, and preserves and protects its rural areas. The phased development model includes 1) Priority Growth Targets; 2) Secondary Growth Targets; and 3) Growth Reserve Areas.

Within the Growth Reserve Area, three specific reserves are identified: 1) Village Area Reserve; 2) Smart Suburban Reserve; and 3) Rural Area Reserve. Residential development is ideally located within the Village and Smart Suburban Growth Reserve. The proposed Narrow Passage site lies within the Rural Area Reserve – at present, the reserve area least appropriate for development. The Comprehensive Plan states that preservation is a high priority here, and that infrastructure extensions that would encourage large-scale development should not be permitted. Developers should preserve land, create clustered, low-density residential neighborhoods, or actively farmed properties.

Ideally, staff would recommend delaying consideration of this conditional rezoning application until a Rural Area Plan could be completed to better inform decision-makers. Staff has made this request of the developer; the developer elects not to wait for a Rural Area Plan. In the absence of a Rural Area Plan, staff relies on adopted plans, specifically the Davidson Comprehensive Plan, and recommends against approving the conditional rezoning under consideration.

Per Section 4.16 of the Planning Ordinance (Conditional Planning Area), the Planning Board and Board of Commissioners may recommend reasonable and appropriate conditions on the location, nature, and extent of the proposed use. Any condition should relate to the relationship of the proposed use to the surrounding property, proposed support facilities, pedestrian and vehicular circulation systems, screening, timing of development, and other matters that the boards may find appropriate of the applicant may propose.

6. ATTACHMENTS

Narrow Passage Plans and List of Proposed Conditions