



MEMO

Date: February 29, 2016
To: Planning Board
From: Trey Akers, Senior Planner
Re: WestBranch Neighborhood Services Planning Area, Petition for Map Amendment Staff Analysis

1. INTRODUCTION

APPLICANT INFO

- **Owners:** R.Y. Westmoreland & Sons, Inc.
- **Representative:** Susan K. Irvin, Attorney at Law; Mark R. McAuley, PE, Cole Jenest & Stone, PA
- **Location:** Intersection of Robert Walker Drive & Davidson-Concord Road
Parcel IDs # 00728101; 00728106; 00728108
- **Area:** 11.93 acres (Current Neighborhood Services Total); 4.83 acres (Proposed Neighborhood Services Total)

REQUEST

The applicant requests a Map Amendment to reduce the land area of the current planning area designation of their property, Neighborhood Services, from 11.93 acres to 4.83 acres. The applicant requests that the balance of the acreage (+/- 7.1 acres) be designated as Neighborhood General Planning Area.

SUMMARY OF PETITION

In accordance with the provisions outlined in the Davidson Planning Ordinance (DPO) Section 14.21 Changes & Amendments to the Planning Ordinance, the applicant proposes to reduce the amount of land area designated as Neighborhood Services Planning Area, resulting in an increase in the amount of area designated as Neighborhood General Planning Area. These are the two planning area designations currently assigned to the subject properties; the proposal will only change the amount of land area assigned to each. The applicants have met the documentation and public notice requirements as set forth in the DPO.

The proposal was submitted on January 26, 2016 and the application was deemed to be complete on January 27, 2016. This review considers compliance with the DPO adopted May 1, 2015, as amended.

2. PLANNING STAFF REVIEW

BACKGROUND

The applicant and representative met with planning staff multiple times throughout the fall and winter of 2015-2016 to discuss the site plan for the associated WestBranch Master Plan development proposal.

Staff worked with the applicant's representatives to understand the site conditions and building program. During this process, it became evident that the amount of land area designated for Neighborhood Services far exceeded the amount of non-residential development envisioned at this intersection.

PLANNING AND DEVELOPMENT STANDARDS

The Neighborhood Services Planning Area designation was applied to these properties on May 1, 2015, as part of the Davidson Planning Ordinance (DPO) rewrite. That process sought to fulfill the Davidson Comprehensive Plan's recommendation that the intersection of Robert Walker Drive and Davidson-Concord Road serve as a future employment center mixed with residential development (73). The Neighborhood Services designation specifically targets opportunities for commercial development focused on local services.

Description

As described in the DPO, Neighborhood Services represents specific land areas focused on walkable commercial nodes positioned within residential settings. The intent is for these areas to concentrate commercial goods and services; meet the daily needs of local residents; and, offer a sense of place. Notably, the description focuses on the provision of small-scale nodes rather than larger commercial development. This underscores the planning area's purpose to encourage non-residential development that punctuates, rather than dominates, the local landscape.

Uses & Building Types

The Neighborhood Services area permits a variety of commercial uses, all scaled to fit within the residential context (in this case, within a larger Neighborhood General area). Commercial Services, Professional Services, and Retail/Secondary describe the bulk of commercial uses permitted in Neighborhood Services areas. These allowed uses cover a wide range of smaller-scale services and establishments: Personal services (i.e. dry cleaning, hair salons); professional services (i.e. financial, architectural, and real estate offices); and, retail services/goods (i.e. bookstore, coffee shop, specialty food store).

Deliberately, the permitted building types in the Neighborhood Services area reinforce its orientation towards local, personal services. Only Live/Work and Storefront building types are permitted, each with specific standards to situate the non-residential uses close to the sidewalk and provide for an engaging pedestrian experience. Workplace buildings are not permitted, further emphasizing the intent to site non-residential uses within the appropriate context – a primarily residential, as opposed to commercial, setting.

Height & Setbacks

The building scale is moderate: a range of two to four stories is permitted. This represents a measured increase in the height compared to the surrounding residential areas of Neighborhood General (three stories maximum). The intent is to distinguish the node as a destination distinct from the residential setting, helping to create a sense of place, without overwhelming any surrounding residential uses. Also, the height affords owners enough space to construct buildings able to house multiple tenants, adding to the node's employment opportunities and giving nearby residents greater access to local services.

The setbacks are in keeping with those found in other pedestrian-oriented areas – minimal (0') and intended to foster compact development patterns. Coupled with the façade requirements on Storefront buildings, the setbacks likewise work to ensure that pedestrians experience an interesting walk and merchants are able to effectively showcase their goods and services.

3. PLANS AND POLICIES

Below is a list of town-adopted plans and policies summarizing each document's applicability to the proposed map amendment.

- The **Davidson Comprehensive Plan (2010)** discusses a variety of targeted growth areas and identifies the Westmoreland property as a specific node at which to concentrate commercial development:
 - A. Primary Growth Targets: The plan lists this property as a Primary Growth Target, an area anticipated to serve existing populations and therefore directed to receive immediate attention regarding development priorities (72).
 - B. Employment Centers (General): The plan classifies the subject properties as an Employment Center, which aim to provide professional services and technology jobs to local and regional residents (72). The plan recognizes that such centers will offer additional supporting uses, such as those smaller-scale uses permitted within the Neighborhood Services Planning Area.
 - C. Employment Center (Westmoreland Property): The plan envisions the node offering significant job opportunities, but broadens the range of commercial development to include a particular focus on neighborhood services and retail (73).

These examples highlight the role depicted for this area in the plan. They illustrate the node's importance within the town's local real estate market as an area to host employment sites and commercial services for its citizens.

- The **Davidson Planning Ordinance (2015)** contains several references that speak directly to this proposal, including:

Planning Principles

- We must focus development and redevelopment in walkable, mixed-use, connected neighborhoods (3.1);
- We must encourage economic opportunities at all income levels and all abilities (5.3);
- We must establish and maintain an adequate commercial tax base (6.1);
- We must provide a healthy diversity of uses in walkable, compact neighborhoods (6.2);
- We must encourage economic growth without jeopardizing our sense of community (6.3).

Consistency with All Adopted Plans

- Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended (1.5.1).

Neighborhood Services Planning Area, Description

- The Neighborhood Services Planning Area is established to create small nodes within residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage (2.2.9.A).

- The **Cornelius East & Davidson-Concord Road Vision Plan (2003)** contains a detailed discussion of the Westmoreland tract and, specifically, the envisaged commercial node:

Neighborhood Center at Davidson-Concord Road & Robert Walker Drive

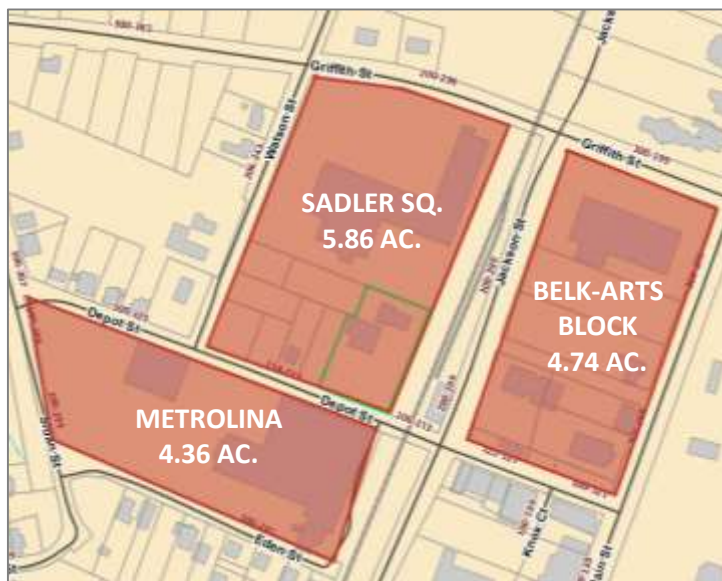
- It is imperative to plan destinations for pedestrians that are within easy walking distances from residences, including commercial destinations (26);

- The plan recommends the construction of a neighborhood center on the Westmoreland tract north of the 200 foot powerline easement, centered around the Davidson-Concord Road & Robert Walker Drive intersection (26);
- The center is not expected nor recommended to include large tenants such as a grocery. Rather, the conceptual plan shows approximately 20,000 square feet of Live/Work and small commercial space. This is very similar to the Vermillion neighborhood configuration in Huntersville. Aside from two commercial buildings (one a restaurant, the other a sales center) most of Vermillion's commercial space is in Live/Work units that include small retail and office spaces such as a design firm, a hair salon, and a window treatment sales center. Other appropriate uses for this neighborhood center include a dry cleaner and a neighborhood store selling general goods – similar to the formats of many drug and convenience stores but designed more like the CVS in Downtown Davidson (27).
- The limited size/scale of this center's uses do not pose a competitive threat to Downtown Davidson (27).

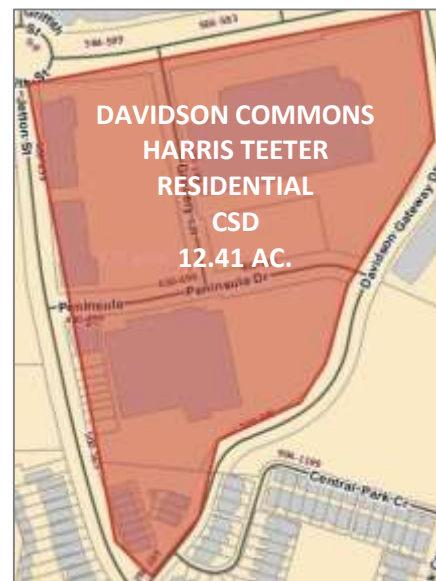
4. STAFF RECOMMENDATION

The DPO permits map amendments in response to changed conditions or changes in public policy. Amendments are not permitted to relieve particular hardships, nor to confer special rights or privileges on any person (DPO 14.21). In this case, the proposed amendment represents a response to changed conditions: To reduce the amount of Neighborhood Services area designated during the May 1, 2015 DPO update in order to more closely align with the amount and type of commercial area envisioned for the subject properties.

As noted in the Background section, the planning process for the associated WestBranch Master Plan revealed that the amount of land area designated as Neighborhood Services far exceeds the amount needed to fulfill the visions laid out in the Davidson Comprehensive Plan and the Cornelius East plan. At 11.93 acres, the area currently zoned for Neighborhood Services covers a land area much more suited to larger-scale commercial development. For comparison, the proposed Neighborhood Services area (4.83 acres) is roughly the same size as various downtown blocks, whereas the existing land area is about the size of the block including Davidson Commons, Community School Davidson, and the residential component at Davidson Gateway Drive/Jetton Street. The graphics below illustrate these comparisons:



Downtown Davidson Land Areas - Various



Davidson Commons, etc. Land Area

The existing land area designation allows a scale of development inconsistent with that envisioned in adopted plans. Moreover, as conditions in the surrounding area have evolved, such development (i.e. larger-scale commercial) may be better suited in other parts of Davidson. Specifically, proposed plans for the NC 73/Davidson East area, Mayes Node, and Barger Farm tract (under consideration as part of the Rural Area Plan), mean that the subject properties' ability to absorb extensive commercial development may be more limited in the coming years. With the Cornelius East plan describing a small commercial node and the Davidson Comprehensive Plan and Planning Ordinance specifying support services as well as local goods and services to serve an immediate population, the reduced land area proves consistent with all adopted plans. Therefore, staff recommends approval of the proposed Neighborhood Services Planning Area reduction from 11.93 acres to 4.83 acres.

5. RESOURCES & ATTACHMENTS

- Resources: Links to referenced policy documents.
 - *Davidson Planning Ordinance (2015)*:
<http://www.townofdavidson.org/1006/Planning-Ordinance>
 - *Cornelius East & Davidson-Concord Road Vision Plan (2003)*:
<http://www.townofdavidson.org/DocumentCenter/Home/View/603>
 - *Comprehensive Plan (2010)*:
<http://www.townofdavidson.org/340/Davidson-Comprehensive-Plan>
- Project Description: Explanation of proposal provided by the Applicant.
- Vicinity Map: Illustration of the subject properties, along with the surrounding uses and planning areas.

R. Y. Westmoreland & Sons, Inc.
Map Amendment
Re-designation of 7.1 acres south of the intersection of Davidson-Concord Road
and Robert Walker Drive from NS to NG

Description of Proposed Change. This zoning request is to amend the zoning map to re-designate a portion of the property of R. Y Westmoreland & Sons, Inc. (the “Westmoreland Family Property”) from Neighborhood Services to Neighborhood General. The amendment to the Davidson Planning Ordinance effective May 1, 2015, rezoned the 11.93 acre parcel located in the western quadrants of the intersection of Davidson – Concord Road and Robert Walker Drive (p/o 007-28-101, 106 and 108) to Neighborhood Services, a planning area that allows commercial, office and retail uses, as well as civic, institutional and residential uses. This rezoning was a reflection of the Town’s plans and policies to locate limited commercial, retail and office uses south of the intersection of Davidson-Concord Road and Robert Walker Drive; however, after preparation of a master plan revealed the size of the Neighborhood Services area, the property owner has requested that the 11.93 acre size be reduced to 4.83 acres. The 11.93 acre size would be too large for the types of uses permitted in the Neighborhood Services Planning Area. The property owner’s request to re-designate 7.1 of the 11.93 acres to Neighborhood General would result in a 4.83 acre Neighborhood Services property on the east and west sides of Robert Walker, an area which is sufficient to sustain limited commercial, retail and office uses as contemplated in the Cornelius East and Davidson Concord Road Vision Plan and the 2010 Comprehensive Plan.

Statement of Compliance. The proposed amendment will not create non-compliance with the provisions of the Planning Ordinance, including Sections 2, 4, 8, 9, 10 and 22. In addition, the proposed amendment is compatible with the principles of the Davidson Planning Ordinance which recommends amendments consistent with adopted plans and policies (Section 1.5.1, Davidson Planning Ordinance). The 2010 Comprehensive Plan recommends that the intersection of Davidson Concord Road and Robert Walker Drive be an Employment Center, but that the commercial be “neighborhood-serving retail.” This is consistent with the Cornelius East and Davidson Concord Road Vision Plan, which recommends limited commercial, retail and office uses. The Neighborhood Services planning area allows Commercial Services, Professional Services, and Retail/Secondary, among others. The proposed 4.83 acres would adequately accommodate these uses, and therefore is consistent with the intention of the Town’s plans and policies.

