



## MEMO

Date: April 6, 2016  
To: Board of Commissioners  
From: Jason Burdette, Planning Director  
Re: WestBranch Neighborhood Services Planning Area, Petition for Map Amendment Staff Analysis

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### 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. PUBLIC HEARING

A public hearing was held on Tuesday, March 8<sup>th</sup>. Two citizens spoke. Both supported the neighborhood services node as part of the WestBranch development. One citizen expressed concern about reducing the size. Another citizen supported integrating the neighborhood services node into the neighborhood, and suggested that a gateway feature (roundabout/parkway) could be helpful.

#### 5. PLANNING BOARD RECOMMENDATION

The Planning Board heard the proposal at the February 29, 2016 meeting, and after further discussion at the April 5, 2016 meeting rendered the following decision: The Planning Board does not find the proposed map amendment consistent with existing plans or policies and, therefore, the Planning Board does not recommend the map amendment as proposed. Explaining their decision, members emphasized that they believe some type of reduction in the scale of the existing Neighborhood Services area may be appropriate; however, they expressed strong reservations about the reduction as proposed. Specifically, members cited the existing utility easement on the northern parcel and access issues on the southern parcel as significant impediments to realizing the Town’s stated plan and policy objectives. Members underscored that the proposed configuration of parcels resulted in an amount of developable area insufficient to achieve adequate commercial development/employment opportunities in fulfillment of the Comprehensive Plan aims as well as constrained the configuration of such opportunities to potentially preclude commercial development centered on public spaces, as described in various plans.

Moreover, members stressed that the proposal was not in accordance with the Davidson Planning Ordinance’s purpose in reviewing map amendments (DPO 14.21). The Planning Board maintained that the proposal is not consistent with the Ordinance’s purpose because:

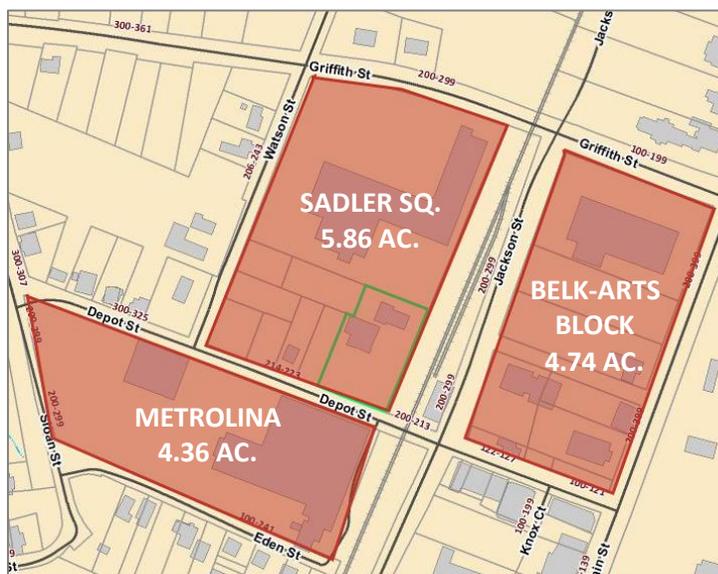
- The proposed WestBranch Master Plan is not an adopted plan; therefore, it is not a changed condition.
- The adoption of the DPO in May 2015 increased the amount of Neighborhood Services, indicating that the area should be a neighborhood center; therefore, the request to reduce the amount of Neighborhood Services is inconsistent with the DPO change.
- The Rural Area Plan is not an adopted plan; therefore, it is not a changed condition.

Ultimately, members did not feel that they had sufficient information regarding how viable the parcels would be after the reduction to make a decision; or, that the proposal was based on a response to valid changed conditions.

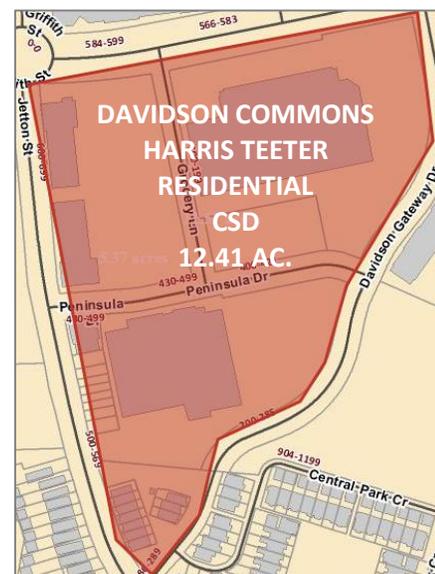
## 6. STAFF RECOMMENDATION

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.

## 7. 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.