



**TOWN OF DAVIDSON
PLANNING BOARD
Board Room
Davidson Town Hall
February 26, 2018**

PLANNING BOARD MEETING - 6:00 PM

(Held in the Town Hall Board Room)

I. CALL TO ORDER

II. SILENT ROLL CALL AND DETERMINATION OF QUORUM

III. CHANGES TO THE AGENDA

IV. REVIEW/APPROVAL OF THE MINUTES

- (a) Approval of Minutes from 1/29/18

V. OLD BUSINESS

- (a) Mobility Plan Committee Update
- (b) Planning Board Ordinance Committee Update

VI. NEW BUSINESS

- (a) Election of Planning Board Vice-Chair
- (b) Affordable Housing Update

VII. OTHER ITEMS

VIII. B.O.C. LIAISON SELECTION

IX. ADJOURNMENT



Agenda Title: Approval of Minutes from 1/29/18

Summary: The Planning Board will review and vote on the approval of the previous meeting's minutes.

ATTACHMENTS:

Description	Upload Date	Type
□ 1/29/18 Planning Board Minutes	2/22/2018	Cover Memo

MEETING MINUTES

Planning Board
Town of Davidson, NC
January 29, 2018

A meeting of the Davidson Planning Board was held at 6:00 p.m. in the Davidson Town Hall Board Room.

I. CALL TO ORDER: 6:02 pm

II. SILENT ROLL CALL AND DETERMINATION OF QUORUM

- **Present Board Members:** Kelly Ross; Susan Cooke; Mickey Pettus (Chair); Mike Minett; Shawn Copeland; Matt Dellinger; Ellen Donaldson; Lindsey Williams; John Swope; Michael Flake.
- **Absent Board Members:** Bob Miller.
- **Town Representatives:** Travis Johnson, Trey Akers, Lindsay Laird.

III. CHANGES TO THE AGENDA

- Mickey Pettus announced that the Affordable Housing discussion had been moved to February.

IV. REVIEW/APPROVAL OF THE MINUTES OF: November 27, 2017

- Motion to Approve: Ellen Donaldson
Second: John Swope
Vote: 10-0 (Minutes Approved; Not Present: Miller)

V. REPORT OF B.O.C. LIAISON: None.

VI. OLD BUSINESS: None.

VII. NEW BUSINESS

a. Michael Higgs Passing:

- Mickey Pettus acknowledged the service of Michael Higgs, who passed away on Monday, January 15, 2018. He served on the Planning Board the past several years and was a consistent contributor throughout all board topics and especially during the Rural Area Plan process, where he participated in numerous events as an ETJ representative.

b. Welcome to New Planning Board Members:

- Mickey Pettus welcomed new Planning Board members Michael Flake and John Swope. Members and staff took turns introducing themselves and briefly sharing their backgrounds.

c. Planning Board Orientation:

- Trey Akers of the Planning Dept. gave an overview presentation of: Planning history; Davidson planning history; trajectories and demographics; Planning Department functions; and, Planning Board roles and responsibilities, with an emphasis on process, roles, and communication.

- He discussed the four types of foundational documents that inform planning decisions: The Comprehensive Plan; Planning Principles; Davidson Planning Ordinance; and, Small Area Plans. Additionally, he explained the different types of review processes and the types of actions required by the Planning Board for quasi-judicial decisions, development proposal review, ordinance amendments, and municipal plan creation.
- The concept of topic-specific committees was also introduced in the presentation, with the first two committees proposed to be a Mobility Plan unit and a text amendment unit. Akers explained that these groups would work with staff earlier in various planning processes to provide insight/comments, review drafts, and consistently participate in matters of interest that would come before the board. Members were encouraged to contact staff after the meeting to sign up for a committee.
- Mickey Pettus discussed guidelines for board members' communication, both within meetings and outside of meetings. Afterwards, Akers highlighted upcoming work and resources that board members might find useful in their roles.

d. Board of Adjustment Overview:

- Trey Akers provided an overview of the Board of Adjustment (BOA), a sub-set of the Planning Board responsible for making quasi-judicial decisions concerning certain planning processes. He touched on the various processes requiring a BOA decision: Appeals, variances, ordinance interpretation; and, Watershed Review Board cases.
- Akers also explained the proposed membership list, noting the changes from the previous year. Afterwards, board members voted to approve the list (see attached).
- Motion to Approve: John Swope
Second: Mike Minett
Vote: 10-0 (Minutes Approved; Not Present: Miller)

e. Watershed Review Board Overview:

- Trey Akers provided an overview of the Watershed Review Board (WRB), a sub-set of the Planning Board responsible for making quasi-judicial decisions concerning certain planning processes. He discussed the purpose of Davidson Planning Ordinance Section 17, including why the watershed overlay standards exist, where they apply geographically, and how they are administered.
- Akers touched on the various processes requiring a WRB decision, including variances as well as the Density Averaging process. He indicated that should a case come before the WRB, a refresher presentation and more detailed/case-specific information would be provided to the board at that time.

f. Watershed Review Board Overview:

- Lindsay Laird of the Planning Dept. provided an overview of the proposed text amendments to the Watershed Overlay District (WOD), Section 17 of the Davidson Planning Ordinance. She reviewed the following: The WOD's history (how it came to be); the reasons for the proposed changes (Meck. County direction to clarify standards, address inconsistencies, and remove inapplicable sections); and, highlights of the proposed changes. She provided before/after examples of the standards' effects.
- Members asked questions about how existing lots are currently regulated, how they would be regulated after the proposed changes, and how the demolition of an accessory structure on-site would impact the overall site. Staff explained that the proposed changes would

improve consistency of how individual lots are treated by clarifying what does and does not constitute existing development and redevelopment.

- Mickey Pettus asked whether the proposed text amendment committee would have the opportunity to review the changes ahead of a recommendation required by the Planning Board. Staff and board members reached an agreement on vetting the standards before a required recommendation: Staff will work with the committee to review, understand, and solicit feedback on the proposed changes prior to the February Planning Board meeting, where an update will be provided. The committee will also work to draft a consistency statement before the Planning Board must make a recommendation.

VIII. OTHER ITEMS

a. Mobility Plan:

- Travis Johnson provided an overview of the upcoming Mobility Plan, highlighting the Community Conversation on 2/8; 4-Day Charrette 3/5-3/8; and, Joint Work Session with the Livability Board in early/mid-May. All Planning Board members were encouraged to attend the events as they are able.

IX. SELECTION OF BOARD OF COMMISSIONERS LIAISON: None (no business to report to BOC).

X. ADJOURNMENT: 8:00 pm

- Motion to Adjourn: Lindsey Williams
Second: Shawn Copeland

APPROVAL OF MEETING MINUTES

Signature/Date
Mickey Pettus
Planning Board Chair

BOARD OF ADJUSTMENT

Membership List 2018

13.2.1 AUTHORITY AND RESPONSIBILITY

The authority to establish a Planning Board and Board of Adjustment for the Town of Davidson is granted under the authority of G.S. 160A-19.

The Board of Adjustment shall have the following duties and responsibilities:

1. To hear and decide appeals from any order, decision, determination, or interpretation made by the Planning Director pursuant to or regarding these regulations.
2. To hear and decide petitions for variances from the requirements of these regulations.
3. To make an interpretation of any portion of this ordinance.
4. To serve as the Watershed Review Board and rule on all petitions in accordance with the procedures specified in the watershed ordinance.

13.2.2 MEMBERSHIP AND TERMS OF OFFICE

All members of the Planning Board also serve as member of the Board of Adjustment, either presently serving or alternates. The five presently serving members shall be elected by the Planning Board and shall include an ETJ representative. The chair of the Board of Adjustment shall be chosen by the Board of Commissioners.

Board of Adjustment

1. Mickey Pettus
2. Kelly Ross
3. Bob Miller (ETJ)
4. Susan Cooke
5. Matt Dellinger

Alternates (In Order)

6. Shawn Copeland
7. Ellen Donaldson
8. Mike Minett
9. Lindsey Williams
10. Michael Flake
11. John Swope

VOTE

- Planning Board Meeting 1/29/18
- Motion to Approve: John Swope
Second: Mike Minett
Vote: 10-0



Agenda Title: Mobility Plan Committee Update

Summary: Mobility Plan Project Manager Travis Johnson and Committee Coordinator Matt Dellinger will provide an update on the Mobility Plan, including the Walking Tour and Community Conversation held on Thursday, February 8, 2018.



Agenda Title: Planning Board Ordinance Committee Update

Summary: The Planning Board Ordinance Committee (PBOC) will provide an update on their review of the proposed Watershed Text Amendments. Staff liaisons Trey Akers and Lindsay Laird, along with PBOC members, will give an overview of the substantive changes proposed and discuss case studies of the proposed changes. Note: The PBOC will convene after the Planning Board meeting ends to discuss the board's feedback as well as answer citizen questions and listen to their comments.

ATTACHMENTS:

Description	Upload Date	Type
□ Watershed Amendments Memo	2/22/2018	Cover Memo



WATERSHED ORDINANCE SUMMARY

Date: February 26, 2018
To: Planning Board
From: Planning Board Ordinance Committee
Re: DPO Section 17 (Watershed Ordinance) - Text Amendments

1. BACKGROUND/PURPOSE

- **Purpose:** The proposed amendments address standards that have been in place since 1993. Their purpose is to keep our drinking water in Lake Norman clean. These standards accomplish this in two ways: 1. By requiring vegetative buffers on a site; and, 2. By limiting the amount of "built-upon-area" (BUA) that can be placed on a lot. The less buffers and more BUA a lot contains then the more runoff containing dirt, fertilizer, chemicals from cars, etc. washes off onto our streets and gets into the lake. BUA is hardscape surfaces like a driveway or building footprint; it is not things like fences or decks that have grass underneath. The standards apply to properties within 0.5 mi. of the lake (i.e. the "critical area"), which is generally everything west of Main St.
- **Background:** In March of 2017, Charlotte-Mecklenburg Stormwater Services (CMSS) suggested that Davidson update DPO Section 17 to clarify standards, address inconsistencies, and remove inapplicable sections in the Davidson Watershed Ordinance. Mecklenburg County provided a preliminary list of recommend changes to Davidson's Watershed Ordinance on March 10, 2017. Additionally, staff worked with CMSS to identify issues that have arisen that are particular to Davidson – such as expansions and demolitions that avoid the watershed rules.

2. OVERVIEW OF SUBSTANTIAL CHANGES

Note: The following highlight substantive changes to DPO Section 17. Additional changes are being proposed to clarify definitions, standards, and address inconsistencies.

SECTION 17.3: DEFINITIONS

- **Add "Existing Development" Definition (not previously defined):** Existing development includes projects that are built or have established a vested right under NC zoning law as of 10/1/1993.
- **Add "Redevelopment" Definition (not previously defined):** Redevelopment includes the removal and replacement of BUA on a lot after 10/1/1993.
- **Revise Variance Definitions, "Minor/Major":** Revised to align with NCDENR's definition (i.e. minor is less than 10% variance, major is greater than 10%). Minor still requires BOA approval and Major requires BOA + state approval.

SECTION 17.6: EXCEPTIONS TO APPLICABILITY

- **17.6.1 Existing Development, Update Language:** Going forward, CMSS recommends that expansions to single-family development should meet the same rules as all other existing development – i.e. the BUA of the expansion will be limited 24% or 50% of the lot area depending on the option selected. The BUA of the existing structure is not counted.
- **17.6.2 Existing Lot, Update Language:** Currently, an existing lot of record may be developed/used for single-family residential purposes without being subject to the watershed rules. These lots existed before 1993 and their lot lines haven't changed. The proposed text clarifies the only two scenarios where the Lot of Record exemption applies:
 1. If the lot has never been previously developed, then it may be developed for a single-family detached house subject only to buffer requirements.
 2. If the lot has been developed but is owned by the same individual or family since before 1993, then the lot may be redeveloped for use as a single-family detached house subject only to buffer requirements. This exemption was added in response to citizen concern.
- **17.6.3 "Redevelopment," Add New Section:** The proposed text clarifies how the redevelopment of parcels should be handled. Additionally, it provides flexibility in the redevelopment of parcels located in the Village Center and Village Commerce Planning Areas:
 1. On the block bounded by Depot, Main, and Jackson Streets, these parcels would be allowed to use the amount of BUA currently on the site, but not increase it, if the redevelopment provides the same or greater amount of stormwater control than the previous development.
 2. For Village Center parcels along the north side of Depot St. and Village Commerce parcels west of Jackson Street, these parcels would be allowed to use the amount of BUA currently on the site, but not increase it, and the redevelopment must provide engineered storm water control if the built-upon area exceeds 24%. This was recommended by CMSS and addresses citizen concerns.

In each case, if the redevelopment disturbs less than one acre the parcel is exempt from the watershed rules (per state statute). Note: All projects, regardless of size, still have to provide adequate measures to control runoff during construction.

SECTION 17.7 WATERSHED SUBAREAS ESTABLISHED

- **17.7.1.2 Reserve Built-Upon Area Limits:** CMSS recommends adding text that requires the initial owner to reserve BUA of 1% (not less than 150 sq. ft.) for future BUA additions like a porch, patio, etc. (i.e. site components that would not require a building permit but that would impact a site's allowed BUA). This section also clarifies the rule's applicability: Detached houses, attached houses, or townhomes (i.e. individual lots that may have more than one owner over time).

SECTION 17.8: DENSITY AVERAGING

- **Reorganization:** The existing ordinance's Section 17.8 Density Averaging consists of 12 bullet points, with rules and document requirements buried within. The proposed changes rework the entire section to clarify the purpose, eligibility, process, and documentation requirements for Density Averaging.

3. EXAMPLES: EXISTING DEVELOPMENT EXPANSIONS, EXISTING LOTS OF RECORD

- A. Existing Development, Current Practice:** BUA of Expansion Limited to 24/50%, SF Exempt
- B. Existing Development, Future Practice:** BUA of Expansion Limited to 24/50%, SF Not Exempt

- C. Lot of Record, Existing Conditions:** Pre-1993 Lot, Older Home, Small BUA Footprint [i.e. 17% BUA]
- D. Lot of Record, Current Practice:** Pre-1993 Lot, Home Demolished, High BUA Result [i.e. XX% BUA]
- E. Lot of Record, Future Practice:** Pre-1993 Lot, No Existing Development or Same Owner/Family, BUA Rules Do Not Apply, Buffer Rules Apply (for lots on streams/lake) [i.e. XX% BUA]
- F. Not Lot of Record, Future Practice:** Post-1993 Lot/Owner, BUA/Buffer Apply [i.e. 24/50% BUA]

4. WHAT IS NOT CHANGING

- The ordinance's emphasis on providing clean drinking water.
- Max. BUA limit amounts are not changing (i.e. 24% low-density/50% high-density).
- Buffer requirements are not changing (i.e. 40' for low-density development/100' high-density)

5. PROS/CONS

PROS

- Ensures state- and county-mandated environmental regulations that protect our drinking water are updated and effectively/fairly applied.
- Closes loophole allowing recently purchased lots to be exempt from standards.
- Allows flexibility in Village Center and Village Commerce Planning Areas.
- Provides increased clarity to staff administering the regulations as well as landowners building within the regulations.
- Maintains greater stability for single-family lots subject to development pressures by clarifying and affirming rights of long-standing landowners and their families.

CONS

- That the loophole has not been closed sooner, leading to inconsistent application and frustrating circumstances for staff and landowners.
- Lots purchased since 1993 will require more thoughtful design of the site.



Agenda Title: Election of Planning Board Vice-Chair

Summary: The Planning Board will elect a Vice-Chair to serve as needed.



Agenda Title: Affordable Housing Update

Summary: At the Planning Board's request Cindy Reid, Town Attorney, will provide an update regarding the Town's affordable housing program and answer questions board members may have.
