



## MEMO

Date: September 12, 2017  
To: Board of Commissioners [Public Hearing]  
From: Jason Burdette, Planning Director  
Re: Davidson Commons East Hotel, Staff Analysis for Conditional Master Plan Amendment

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## 1. INTRODUCTION

### APPLICANT INFO

- **Developer:** Nish Patel, Beacon IMG, Inc.
- **Owner:** Davidson Commons East Condominium Associates
- **Attorney:** Susan K. Irvin
- **Site Designer:** Geoscience Group, Inc.
- **Architect:** The RBA Group
- **Location:** 131 Davidson Gateway Drive (Parcel IDs #00323190, #00323191)
- **Area:** 2.1 acres

### REQUEST

The applicant requests a Conditional Master Plan Amendment to develop a commercial hotel on 2.1 acres. The proposed hotel size would be approximately 74,500 square feet, four stories in height, and feature +/- 115 rooms. The proposal includes a pedestrian plaza along Griffith St. and a retail space on the site's northwest corner at the intersection of Griffith St. and Davidson Gateway Dr.

### SUMMARY OF PETITION

The applicant requests specific conditions pertaining to:

#### *PROPOSED CONDITIONS*

1. **Building Type:** The type of buildings permitted to be constructed on-site.
2. **Height:** The structure's overall height.
3. **Impervious Coverage:** The amount of hardscape permitted on the site.
4. **Uses:** The specific uses permitted on-site.
5. **Setbacks:** The proposed building/uses distance from surrounding properties or right-of-way.
6. **Parking:** The amount of on-site and off-site parking, and parking lot walking area, to be provided by the project.
7. **Bicycle Parking:** The amount of short- and long-term parking to be provided by the project.

**8. Tree Canopy:** The amount of tree canopy cover to be replaced on site.

*REMOVED CONDITIONS*

- The pedestrian trail shown on the Master Plan from the eastern portion of the Site to the Town of Davidson property should be removed.

A complete list of the proposed conditions is included as Attachment A.

## 2. PLANNING STAFF REVIEW

### BACKGROUND

The proposal seeks to replace an existing conditional master plan approved in 2006 and which has since been amended multiple times. Common law vested rights for these lots were established through a series of actions, including a public charrette and plan amendments, taken from 2007-2013. Originally, the four lots along Davidson Gateway Drive (Lots 4A-D) were part of the Davidson Commons Master Plan and envisioned to become 42 townhomes. In 2007, the Davidson Commons East Conditional Master Plan proposed to replace these 42 townhomes with 16 single-family detached homes on Lots 4C-D and two commercial buildings consisting of 24 office/retail/residential condominiums on Lots 4A-B (Attachment B). The commercial buildings were approved to be two to three stories in height. In response to market conditions the owner requested a plan amendment in 2008 that allowed a greater proportion of commercial uses, though the overall building and site designs remained unchanged. Architectural designs for the two mixed-use buildings were approved by the Design Review Board in 2008, but the individual site plans for these lots were not submitted for review and therefore the projects did not move forward through the development process.

In 2010 the Davidson Commons East Conditional Master Plan was once again amended, with the 16 single-family detached homes on Lots 4C-D evolving to become two mixed-use buildings of two- to three-stories and an athletic field (Attachment C). The commercial building on Lot 4C, Woodies Automotive, was approved in 2013 via another Conditional Master Plan amendment and constructed in 2014.

The proposed hotel site comprises Lots 4A-B, the two northernmost lots along Davidson Gateway Dr., with Lot 4A fronting both Davidson Gateway Dr. and Griffith Street. Currently, Lots 4A-B function as a surface parking lot and Lot 4D is largely a graded, grassy plain. The Conditional Master Plan seeks to replace the existing, approved plan for two mixed-use commercial/residential buildings of two to three stories each to permit a hotel featuring four stories.

### PROCESS/TIMELINE

The applicant met with town staff at various times during 2016 to discuss the development of the 2.1 acre tract of land as a commercial hotel. During those conversations, staff and the applicant discussed the process to move the project forward. The property's current designation as a Conditional Planning Area and the site/building's proposed features, some of which do not fully comply with the planning ordinance, led the applicant to request a Conditional Master Plan amendment (DPO 14.5).

In August 2016 the applicant officially filed a concept plan, which was deemed to be a complete submittal on 8/26/16. Based on the concept plan submittal date, this staff analysis considers compliance with the Davidson Planning Ordinance in effect on August 26, 2017.

The concept plan was reviewed by Mecklenburg County staff and the Davidson Planning Department, who made comments prior to the October 3, 2016 Public Input Session (PIS). About 75 citizens attended the PIS, providing feedback on the proposed plan. Some of this feedback was incorporated in the latest design (see Public Comment discussion below). Subsequently, the developer performed a Transportation Impact Analysis (TIA) so that the proposal's effects on traffic were more clearly understood; this was required because the estimated building's size at the time of the sketch plan submittal exceeded 75,000 SF, the threshold over which commercial projects must perform a TIA. From November 2016 – February 2017 the TIA was performed by a consultant, reviewed, and accepted by Planning Dept. staff (see the TIA discussion below). The TIA and PIS Report were posted to the [project webpage](#) in March 2017.

In late February the project team re-engaged the Planning Dept. staff with revised designs based on the PIS and TIA. From February to May the applicant worked to provide further revisions and clarifications, officially submitting a Conditional Master Plan on 5/31/17. The application and requested revisions were again reviewed by Mecklenburg County staff and the Davidson Planning Dept., and were deemed complete on 7/7/17. Additional revisions were performed in July and the documents resubmitted on 7/24/17, with minor revisions again made and submitted on 9/5/17.

In early to mid-August 2017, staff conduct a series of public engagement events including a site walk, lunch and learn presentation, and individual as well as group meetings with surrounding neighborhoods, interested citizens, and other stakeholders. The resulting feedback was presented to the Board of Commissioners and Planning Board at their August Work Session and meetings. A summary of that information is included in the Staff Memo & Feedback Overview Presentation posted on the Documents tab of the project webpage. As a result of the feedback received, the Board of Commissioners provided the project team with Action Items to address prior to/at the September public hearing. Additional information regarding the project timeline and schedule can be found on the project webpage.

## **CONTEXT**

As noted earlier, the proposed hotel lies on two parcels at the corner of Davidson Gateway Dr. and Griffith Street. The site slopes eastward toward an intermittent stream, across which is a Town-owned property and low-density residential homes. Woodies Automotive is immediately adjacent to the south, and across Davidson Gateway Drive to the west is the Community School of Davidson's elementary-middle school campus (CSD). Across Griffith St. to the north is Spinnaker Cove, a low-density residential development. Moving beyond the immediately adjacent uses, the site lies on the eastern edge of a targeted growth node (described in greater detail below). This area, known as the Circles @ 30, features a mix of uses including hotel, office, retail, restaurant, and higher-density residential buildings. The site is nearly equidistant between both I-77 and downtown, lying roughly one-half mile from each.

## **PLANNING AND DEVELOPMENT STANDARDS**

Below is a summary of general planning and development standards relating to this proposal. Note: For the purpose of this analysis, the Lakeshore Planning Area is considered to be the "underlying" planning area for the proposed site.

### LAND USE

The existing, approved plan permitted the development of two, three-story mixed-use buildings – one fronting Davidson Gateway Dr. and one fronting Griffith Street. This plan allowed commercial, office, retail, and residential uses to be located in each building. These uses are consistent with the overall pattern of uses in the Circles @ 30 area.

The proposed plan updates and clarifies the specific uses allowed on Lots 4AB by utilizing the 2015 DPO terms. The specific uses requested are: Hotel/Inn; Commercial Services; Restaurant; and, Retail, Primary & Secondary. Examples of each of these uses exist both near and in the broader vicinity of the subject site. The proposed hotel use, including a bistro and retail component, would be consistent with the existing and future land uses envisioned for the Circles @ 30 area.

### BUILDING TYPE, HEIGHT, & SETBACKS

Building types vary throughout the Circles @ 30 area and range from detached, attached, and multi-family residential buildings to retail and office buildings that fit with the current DPO's Storefront and Workplace building types. The plan amendment proposes the construction of a Workplace building. This building type requires features such as principal entries fronting primary streets, a minimum level of 65% façade transparency on the ground floor, and architecturally-distinguished floor levels and entryways.

This building type is permitted in the Lakeshore Planning Area, with an allowable height of two to four stories. When surveying other buildings in the immediate and broader vicinity, the proposed height is consistent with that of existing buildings. For comparison, approximate height values for nearby buildings are: One Harbor Place (Sabi Restaurant) is three stories, or 51' to parapet; Two Harbor Place (Dunkin' Donuts) is three stories, or 57' to parapet; The Linden is four stories, or 48' to parapet; Woodies Automotive is two stories, or 36' to parapet; and, Homewood Suites is five stories, or 59'. Notably, these buildings are adjacent to other commercial or high-density residential areas. Where the buildings approach the higher-density residential blocks there is a transition, or "step-down," in height that occurs across a right-of-way. This transition typically spans less than two stories in height differential between the commercial building and adjacent residential property.

Lastly, the project proposes 0' setbacks. This is consistent with the permitted setbacks for Storefront and Workplace buildings in the Lakeshore Planning Area as well as existing buildings close by (Woodies, Davidson Day School, Harbor Place One & Two, Homewood Suites, and The Linden). In this location, where pedestrian mobility is important, buildings with active ground floor uses placed close to the sidewalk activate the streetscape – as evidenced by many of the uses in the nearby Davidson Commons and Linden buildings along Jetton Street. On Davidson Gateway Dr. the building will be adjacent to the sidewalk; along Griffith St., the building will be setback approximately 20' or more behind a pedestrian plaza.

### STREETSCAPE

With its location on a corner, the proposed hotel will front two streets: Griffith St. and Davidson Gateway Drive. The site's location in a highly-walkable area means that close attention should be paid to the pedestrian experience along each of these streets. At 10' wide, the sidewalk along Davidson Gateway Dr. continues and expands the established pathway from Woodies to Griffith St., and includes a low-rise wall to screen surface-level parking from pedestrians. Along Griffith St., the sidewalk width increases to approximately 13' and continues at an expanded width east to the property line.

Additionally, in front of the plaza area the plan proposes a decorative brick wall along this walkway, which must meet a three foot maximum height in the front setback permitted by DPO 4.3.1.D. Behind this area lies a plaza intended to function as an inviting, semi-public space. It is designed to be ADA-accessible and to allow easy access from Griffith St. via low-rise steps and an at-grade ramp originating near the retail component. These features, in combination with additional landscaping, decorative paving, and fountains, aim to create a permeable, engaging public realm. Along both frontages street trees and landscaping must be provided in accordance with DPO 9.4.1.

#### PARKING, ACCESS, & TRANSPORTATION

The plan proposes to utilize a mix of parking formats including off-street surface parking (69), on-street parking (30), and a shared parking arrangement with the adjacent Woodies Automotive building (14), for a total of 113 spaces. For commercial properties, DPO Table 8-1 lists a minimum parking requirement of two spaces per 1,000 SF of commercial floor area. At 74,500 SF in total building area, this results in a required parking minimum of 149 spaces (which translates to 1.3 spaces per room). This table considers only gross commercial floor area and does not distinguish between different uses that may generate different trip patterns. Nearby jurisdictions utilize a one parking space per hotel room requirement while also factoring in parking for meeting spaces included within the building; in mixed-use districts the ratio is 0.5 spaces per room. Continuing, DPO 8.3.2.D allows for adjacent non-residential uses to share up to 50% of the required off-street parking spaces available, which in this case would allow for use of 14-15 existing spaces on the Woodies property (14 have been indicated by the developer). The DPO also allows for consideration of off-site parking in select contexts, but this is not permitted in the underlying planning area.

The current proposal represents a 36-space difference in the required (149) and proposed parking (113). However, as noted above, usage patterns vary depending on the nature of each commercial space. In this case, assigning one parking space to each hotel room may not accurately reflect actual parking demand. Based on their experience developing and operating the nearby Homewood Suites Hotel, the developer believes that parking area to be over-built after observing actual usage patterns – the parking lot at this site is only 84% full on sold out nights, with peak demand occurring after 6:00 pm. The developer noted that many visitors do not arrive at that hotel in their own private car but instead utilize taxis, corporate transportation, or ride-sharing services that do not require their use of parking facilities. They also noted that their highest demand for employee parking is during the day, when the parking lot has sufficient capacity for workers and guests. Their experience in this local context informed the current proposal. At 113 spaces, the proposed parking ratio is 0.98 spaces per room; if the Homewood Suites experience is an accurate indicator, then on sold out nights the hotel could anticipate needing 97 parking spaces.

Regarding access, the proposal eliminates the first curb cut off of Davidson Gateway Dr. and instead utilizes the existing shared driveway with Woodies to provide site access. This provides two benefits: 1. It affords a better pedestrian experience along Davidson Gateway Dr. by eliminating a potential conflict point between vehicles and pedestrians; and, 2. It satisfies the requirements of Table 8-2, which discourages off-set driveways.

Lastly, concerning other transportation requirements listed in the DPO, Section 6.10 deals with Transportation Impact Analysis (TIA). These exercises are used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary on- and off-site to provide safe and efficient access and traffic flow. These studies assist in understanding travel patterns in and around the site, which is especially helpful considering the project's proximity to schools

– uses which generate a very high amount of traffic, both motorized and non-motorized, during certain periods of time each weekday.

Based on the estimated building's size at the time of the sketch plan submittal, the developer was required to perform a Transportation Impact Analysis (TIA) so that the proposal's effects within its land use context were more clearly understood. From November 2016 – February 2017 the TIA was performed by a consultant, reviewed, and accepted by the Planning Dept. staff (see the project webpage for the full report). The analysis compared the proposed hotel with the previously-approved master plan, which allowed two mixed-use buildings to be constructed on the same site. At all locations, the impacts of the previously approved development were projected to be much greater than the proposed hotel use (Pg. iii). The report concluded that the proposed development will not have a significant impact on the surrounding roadways or multi-modal infrastructure in the project vicinity. It did note that the intersection at Davidson Gateway Dr. and Griffith St. is expected to experience a slight up-tick in wait time during the morning (iv). However, the report stated that this should be anticipated for any level of development that occurs on the subject site and characterized the delay as minimal (iii).

Notwithstanding these points, pedestrian safety throughout this area remains imperative given the site's proximity to nearby schools. The proposal presents the opportunity to secure improvements at select locations, a topic discussed in greater detail in the Staff Recommendation section below.

#### OPEN SPACE/PARKS

The Lakeshore Planning Area requires a minimum of 5% of the development to be dedicated open space. For this site, that equates to roughly 4,500 SF of open space. Per DPO 7.2.2, development within 0.25 miles of an existing public park may receive a reduction in the required open space area, not to exceed 25%. This site's proximity to Roosevelt Wilson Park enables a reduction of up to 1,125 SF, leaving 3,375 SF of required open space. At 7,311 feet and considering the illustrated design, the proposed plaza area along Griffith St. meets the criteria listed in DPO 7.4.

#### WATER QUALITY

The site is located in the Lake Norman Watershed Critical Area. This means that it is limited in the total amount of impervious coverage it can provide on-site (i.e. hardscape surfaces). Based on prior approvals, the total allowed amount for Lots 4A-D is 120,521 SF. Over the years, the various plans and plan amendments associated with this site have allocated the allowed impervious coverage in different ways. For example, Woodies Automotive is now constructed and that site's impervious coverage has been subtracted from 120,521, leaving Lots 4A, B, and D to split the remaining value. The chart included as part of the proposed project conditions specifies these values (see Attachment A). Lots 4AB are allocated 52,360 SF, collectively, and the proposed plan illustrates 52,336 SF of impervious coverage, which meets the requirement.

### **ADDITIONAL CONSIDERATIONS**

Two additional topics relevant to this site's design have been identified and are introduced below. These are worth careful study by the Planning Board and Board of Commissioners.

#### ADJACENT USES

To the site's southeast lies low-density residential development. Unlike properties to the north, these properties are not separated from the project by a street. Moreover, these properties' elevation sits below that of the project site. Although the Town's form-based code favors well-scaled transitions

between uses rather than isolating buffers (especially in non-rural areas), in some cases wherein the rear properties adjoin different uses vegetated cover may be appropriate.

To address this issue and compensate for the removal of tree canopy cover along Griffith St., the proposal includes replanting the site's eastern buffer with additional large, mature tree cover. Specifically, the east/southeastern area of the site adjacent to residential uses will include: Eight trees along the parking lot perimeter, as required per ordinance; six new trees below the parking lot that will assist in screening the retaining wall; and, five existing, mature trees that will be retained as part of the proposed plan. All told, the proposed plan would remove 21 mature trees on Griffith St. and at least 15 on the project's eastern buffer (perhaps more since a few "saved" trees have root zones adjacent to graded areas). See Sheet L1.2 for planting details.

### TREE CANOPY/GRIFFITH STREET

Currently the site features stands of mature trees along Griffith Street. Along with trees on the north side of the street, these create a canopy that frames the street. The stands are less formalized than the trees one block west along Griffith that line the street for the length of the CSD campus. The 2007 Conditional Master Plan revision included a 0.21-acre public open space along Griffith St. with the intent of preserving the existing tree stands. However, the 2010 amendment removed this provision. Retaining the tree stands means that the building must be set back further from the roadway, which potentially results in the following tradeoffs:

1. A building setback that is inconsistent with the DPO's setback standards for the Lakeshore Planning Area as well as new construction that has occurred throughout the Circles @ 30 area. However, pedestrian features such as plazas, walkways, and sidewalk cafes may be included as part of the front setback area.
2. A less viable commercial retail location at the corner of Davidson Gateway Dr. and Griffith Street.
3. A less formalized streetscape than occurs on adjacent properties and that is required throughout new development in the Circles @ 30 area.
4. Limitations on the building and site design, including the amount of parking able to be provided on-site.

These tradeoffs were carefully considered throughout the site design process, including with regards to feedback about amenities received at the 10/3/17 PIS; the tradeoffs noted above; and, town-adopted plans and goals (listed below in Plans & Policies). The revised plan reflects a building location consistent with town requirements and aims for targeted growth nodes, resulting in the replacement of the existing Griffith St. canopy with a plaza, formalized streetscape, and retail component. To address the loss of trees along Griffith St., the formalized streetscape contains mature tree plantings consistent with other development and, to the site's south/southeast, the plan proposes replantings as described above in the Adjacent Uses section.

### **PRELIMINARY PROPOSED CONDITIONS**

The applicant requests specific conditions as part of this conditional rezoning. Please see Attachment A for a copy of the proposed conditions. Based upon public input and work session discussion, staff may propose additional conditions.

### 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 Davidson Commons East Conditional Planning Area Hotel:

- The ***General Principles for Planning in Davidson (2015)*** include tenets to guide development in Davidson. Principles relevant to this proposed development are listed below. They can be summarized as: Davidson should focus on appropriately-scaled, high-quality infill development that balances residential and commercial uses, and in all cases strives to create vibrant pedestrian environments and public spaces.
  1. We must preserve Davidson's character and sense of community.
  3. We must encourage alternative means of active transportation.
    - Development and redevelopment in walkable, mixed-use, connected neighborhoods.
    - Planning commercial centers so walking, bicycling, and riding public transit to these destinations are viable options.
  4. We must use our scarce land resources wisely.
    - Encouraging development that uses green design, energy conservation, and flexible spaces.
    - Ensuring that development builds up and not out.
  6. We must manage growth so the town can provide public facilities and services apace with development.
    - Encouragement of economic growth without jeopardizing our sense of community.
    - Decisions based on the long-term goals of the comprehensive plan rather than a short term benefit.
  7. We must enhance our quality of life through architecture and design. Livable environments include well-designed buildings, a dynamic public realm, and seamless connections between the two. This means that:
    - Private buildings and public infrastructure must work together to shape public space and to build community character.
    - The design of our public spaces, parks, and plazas will encourage social interaction, cultural experiences, and recreational opportunities.
    - Public art will animate our civic spaces.
- The ***Davidson Comprehensive Plan (2010)*** establishes a wide-ranging set of goals for the community to pursue, many of which are listed below. The Core Values and Goals emphasize Davidson's small-town character; the creation of commercial business opportunities; safe, interesting pedestrian areas and public spaces; and, prioritizing development in designated growth areas.

#### CORE VALUES

- Core Values, Character: Davidson's traditional character is that of a small town, so land planning will reflect its historic patterns of village-centered growth, with connection of neighborhoods, reservation of rural area, and provision of public spaces (Pg. 4).
- Core Values, Economy: Davidson's economic health is essential to its remaining a sustainable community, so town government will judiciously encourage and guide the location of new business opportunities (Pg. 4).



## GOALS & RECOMMENDATIONS

- Diverse Business/Job Opportunities:
  - Goal 1: Encourage independent and/or specialty retail in downtown and the Exit 30 area (Pg. 47).
  - Goal 2: Support and expand hotel and conferencing capabilities (48).
- Safe & Vibrant Public Spaces:
  - Vision: “Eyes on the street” and lively community gathering spaces provide safe places for children, pedestrians, and visitors. The town and private developers should continue to design, build, and manage public spaces (such as streets, greenways, parks, civic buildings, and commercial centers) that allow people of all ages and abilities to interact, create, and learn (49).
  - Goal 1: Continue to require human-scale, pedestrian-friendly architecture, brick sidewalks, attractive lamp posts and welcoming store fronts (50).
  - Goal 2: Ongoing Initiatives: New amenities such as public art, play equipment, and landscaping will energize existing transportation corridors, the transit station area, and park properties (50); Provide venues to display Davidson College student and faculty sculpture exhibits off campus (50).
  - Goal 3: Consider traffic access management policies such as limited driveways along major roads; Improve crosswalk and lane marking visibility (50-51).
- Enable Faithful Stewardship:
  - Goal 3: Encourage rainwater capture and reuse in all new developments (61).
- Safe & Efficient Public Services:
  - Goal 2: Anticipate greater public safety concerns during the development review process (63).
- Maintain Quality Design & Sound Planning Principles:
  - Goal 1: Prioritize infill and mixed-use development within or near already developed areas (65); Provide additional mixed use centers close to existing neighborhoods (65).
  - Goal 2: Ensure compatibility and connectivity of new development with the surrounding context (66); Promote the use of green and local materials in new development (66); Coordinate new development proposals with approved small area plans (66); Continue to discourage franchise architecture (66).

## TARGETED GROWTH PLAN

- Preferred Growth Framework Criteria (71):
  - Growth should create a balance of commercial and residential development.
  - Development should be walkable and vibrant public spaces.
  - Growth should create a full range of employment and housing opportunities.
  - Growth should result in a more balanced local property tax base.
  - Growth should create high-quality pedestrian environments.
- Regional Commercial Center - Circles at 30 Area (72):
  - The Exit 30 area offers development potential for larger footprint development that may not be accommodated in the downtown. The visibility and proximity of the Exit 30 area to I-77 and waterfront will provide opportunities for employment growth.

- The *Circles @ 30 Small Area Plan (2013)* aims to create a new, vibrant town center built according to the same principles as the historic downtown. Although not adopted, the plan contains several points that speak directly to the subject site. Recommendations relevant to this proposed development include:
  - Continued two to four story mixed-use development along Griffith Street (pg. 9);
  - Required retail frontage on Griffith Street (10);
  - Smaller-scale development along Davidson Gateway Drive (i.e. two to three stories, 16);
  - Consideration of angled parking on Davidson Gateway Drive (17).

#### 4. PUBLIC INPUT SESSION & STAKEHOLDER ENGAGEMENT

On October 3, 2016 about 75 citizens attended a Public Input Session to learn more about the proposal and share feedback. Staff collected feedback from conversations as well as from the comment cards submitted (49) and provided them to the applicant, who produced a PIS Report accepted by staff on 10/26/17. The report summarized the breadth of the comments as follows:

- **Transportation:** Concern about increased traffic and regarding the amount and type of parking provided, including whether on-street parking should be provided or whether parking could be shared with Woodies.
- **Safety:** Concern about the hotel's proximity to nearby schools as well as the town's public safety units' ability to respond to a four- to six-story hotel fire.
- **Environmental:** Concern for impacts on the intermittent stream along the eastern boundary, and a desire to maintain existing trees along Griffith St.
- **Aesthetics:** Concern regarding the proposed six story building height and compatibility with surrounding uses.
- **Amenities:** Positive interest in the proposed amenities, including additional meeting spaces, lodging for visitors to the town (including businesses and the college), and potential restaurant and/or retail facilities on-site.

In the report the applicant provided a response to each of these items, which is posted on the project webpage. Notably, the revised plan responds directly to several of the issues raised, including: The completion of a Transportation Impact Analysis outlining the traffic impacts; the provision of a variety of parking arrangements to meet the projected demand; a reduction in height and the completion of advanced architectural renderings for clearer illustration of the building's character; and, additional landscaping to replace mature tree canopy cover and provide a buffer to adjacent residential uses.

Additional opportunities for public feedback were provided in August 2017, where citizens were able to comment on the revised plans. Over the course of three weeks staff conducted a series of public engagement events including: A site walk of the subject property and surrounding streets; a lunch and learn presentation, which was recorded and posted online for review by citizens; meetings with residents of surrounding neighborhoods; and, individual as well as group meetings with interested citizens and other stakeholders. The resulting feedback was presented to the Board of Commissioners and Planning Board at their August Work Session and meetings. Many of the comments reflected the October 2016 Public Input Session feedback, including citizen concerns about safety for adjacent students/residents; increased traffic congestion and limited parking capacity; height of the proposed building; and, environmental issues related to stormwater runoff, tree canopy loss/buffering, and light pollution. Positive comments were received regarding the site's proposed amenities, such as the plaza area and retail component, as well as for site-related improvements such as additional on-street parking

and expanded sidewalk areas. A detailed synopsis of the feedback received is included in the Staff Memo & Feedback Overview Presentation posted on the Documents tab of the project webpage.

## 5. STAFF RECOMMENDATION

The purpose of the Public Hearing Staff Analysis is to assess the updated, proposed plan against existing standards; provide the public and Board of Commissioners with the known facts; and, offer direction on which topics have been addressed and/or should be further explored.

### PREVIOUSLY IDENTIFIED TOPICS

After reviewing the application and documentation, staff offers the following commentary from October 2016, July 2017, and present:

#### **1. Transitions:**

- October 2016: The General Statement of Intent states that the building will be respectful of the surrounding uses, including neighborhoods, and will feature innovative design solutions. Further information is needed regarding how the building will be respectful of surrounding uses, such as creating suitable transitions to surrounding properties. Nor have innovative design solutions been specified.
- July 2017: Addressing context, the revised plans include a reduced building height, formalized streetscape with trees and spacious sidewalks, and proposed mature tree replantings along the eastern boundary. Worth exploring further:
  - » Context/Connections: For a project that anticipates many visitors arriving without an automobile, within walking distance of the Circles @ 30 amenities and downtown, along with its location close to schools and a park, the improvement of existing/inadequate pedestrian facilities should be explored. A list of potential improvements is listed in the Additional Topics section below.
  - » Innovative Design Solutions: Both the 2016 and 2017 General Statements of Intent assert that the building will incorporate “innovative design solutions.” The plaza represents a space that accommodates a variety of uses; but, beyond this feature, the application or plans do not specify what other innovative features are proposed. A better understanding of these proposed innovations is needed.
- September 2017: The applicant has provided responses regarding each issue, which are highlighted in the Additional Topics section below.

#### **2. Height:**

- » October 2016: The Davidson Planning Ordinance (DPO), documented plans, and existing uses/buildings all support multi-story, mixed-use development at this site. However, each of these indicates a range of two to four stories is most appropriate. The proposed height of 68’ exceeds the permitted height of similar by-right development and the height of existing buildings. Certain sites in the Circles @ 30 area may justify taller buildings – locations near the interstate or at key junctures such as each traffic circle, for example. The merits of such an increase as proposed at the subject site must be carefully examined in light of surrounding uses/buildings, future benefits, and Comprehensive Plan goals.
- » July 2017: The revised plans illustrate a significant reduction in height from six to four stories, although the linear height of the building has not been specified. A clearer understanding of the proposed linear height is needed.

» September 2017: The applicant has indicated a linear height of 49 feet.

### **3. Tree Canopy:**

- » October 2016: The DPO contains a variety of definitions for trees, including mature, canopy, and specimen trees. It's possible that the site, including Griffith St. frontage, contains several mature and perhaps a few canopy trees (i.e. those with a shade coverage greater than 1,200 SF), but it does not appear to contain any specimen trees. As noted earlier in the analysis, the existing tree stand creates attractive canopy coverage along Griffith Street, but this is not without tradeoffs. The potential benefits of a formalized streetscape (including new street trees and landscaping), building frontage consistent with the Town's principles, and ability to support active retail at the site's NW corner should be evaluated against the retention of the existing, informal tree stand along Griffith Street.
- » July 2017: The revised plans illustrate the building sited near the streets, which affords an array of benefits as described above. To address the existing trees lost, the proposal includes replantings as described earlier in the analysis' Adjacent Uses section.
- » September 2017: The applicant has indicated that mature trees that are removed as a result of the proposal will be replanted at a 1:1 ratio, with some of the trees potentially being replanted on the Woodies Automotive site with Town/Woodies approval. As detailed earlier, the proposed plans remove 21 mature trees on Griffith St. and at least 15 on the project's eastern buffer (perhaps more since a few saved trees have root zones adjacent to graded areas, which may be impacted by construction). The landscape plans indicate six trees to be replanted in the eastern buffer. Further information is needed on how the 1:1 ratio will be met.

### **4. Active Uses/Ground Floor:**

- » October 2016: Continuing from Item 3, the DPO, existing plans, and precedent all support the inclusion of at least one retail use at this site. The building's NW corner seems a natural location for this use, and the Comprehensive Plan's emphasis on engaging focal points/public space afford a unique opportunity at this site. Practically speaking, to be viable small-scale corner retail uses need: 1. Prominent placement on a primary street and/or corner; 2. A minimum of 10,000 vehicles per day (NCDOT current vehicle counts for Griffith Street range between 11,000 - 21,000 per day); and, 3. Convenient access (Principles of Urban Retail, Robert Gibbs, 3). Factors such as nearby residences or schools, both of which are adjacent to the site, augment the potential success of small-scale retail uses. The location of the building away from the primary street frontage along Griffith diminishes the viability of such uses.

Furthermore, although the developer has indicated that it's possible for the building to shift some of its planned in-house services such as a small coffee station towards the NW corner, the details of this arrangement and what type of public space it would yield are unclear. With the building set back significantly from Griffith Street, the opportunity for seamless pedestrian interaction with a potential retail use greatly diminishes. A continuous experience – where a pedestrian may stop to look at sidewalk or interior merchandise displays, or browse a menu without leaving their walking course – is a hallmark feature of good urban design and is integral to the success of buildings downtown and at Davidson Commons along Jetton Street. Significant building setbacks or unengaging uses such as passive or empty spaces (i.e. meeting rooms, gyms) aren't consistent with this approach. The building's placement on the site and uses along its primary and secondary streets must be judiciously studied.

- » July 2017: The revised plans include a retail component at the site's NW corner. Coupled with the inviting and accessible plaza design, the location positions this feature for success. Further thoughts on how to ensure the viability of this retail space as intended are included in the Additional Topics section below.
- » September 2017: The applicant has indicated agreement with allowing only Retail Primary or Secondary uses in this space.

## **5. Public Spaces:**

- » October 2016: This site presents a special opportunity to create a distinct, attractive public space at the corner of Davidson Gateway Drive and Griffith Street: An inviting focal point that marks the next punctuation in a vibrant streetscape extending from the second traffic circle on the way to Roosevelt Wilson Park. As detailed above, the building's placement on the site plays a critical role in achieving a pleasant, coherent pedestrian experience. A well-positioned retail use would certainly strengthen the corner's appeal; but, regardless of this result, great effort should be put into constructing an attractive, publicly-accessible public space and a unified, interesting pedestrian experience along both of this site's primary and secondary streets.
- » July 2017: The revised plans include a unique plaza that distinguishes this site from typical hotel plans. Its balanced design – with a variety of internal spaces, features, and accessibility options – holds the potential to set the standard for engaging semi-public spaces in town. As suggested below, exploration of public art components would further enhance this appealing space.
- » September 2017: The applicant has indicated a willingness to work with the Public Art Commission to determine art programming for the site. Information about additional landscaping for the plaza area requested at the 7/31/17 Joint Work Session has not been provided.

## **6. Transportation:**

- » October 2016: The site's proximity to the Community School of Davidson's elementary-middle school campus merits exploring the potential transportation impacts of the proposed hotel. This is because of the high peak-hour trips generated by schools at certain times of day, as well as the developer's local experience with hotel guests' transportation choices and parking requirements. In some contexts commercial uses such as hotels may generate less trips than other commercial or residential uses (such as medical offices or detached single-family residential dwellings). Therefore, a detailed Transportation Impact Analysis (TIA) should be conducted to understand the potential on- and off-site impacts of this development.
- » July 2017: Beginning in late 2016 through early 2017 the applicant worked with town staff to produce a TIA, described in fuller detail in the Parking, Access, & Transportation section of this analysis. Overall, the report did not anticipate significant impacts from the proposal. However, the revised plans reflect citizens' concerns over parking through the provision of parking in a variety of formats to meet the projected demand. Moreover, as cited often in this analysis and the TIA, Davidson places a premium on attractive, safe, and walkable streets. To that end, various ideas to further enhance the site and surrounding area have been included in the following section's potential improvements list.
- » September 2017: The applicant's response to each item is provided below.

### ADDITIONAL TOPICS FOR CONSIDERATION

As noted throughout this report, the updated plans include targeted responses to many of the issues raised by the PIS Staff Analysis, citizens, and elected officials in the fall of 2016. Nonetheless, staff offers the following topics for consideration based on the latest plans (submitted 9/5/17):

1. **Retail Space:** A guarantee should be provided that the proposed retail component must meet the DPO definition of Retail Primary or Retail Secondary (DPO 16.3).
  - » September 2017: The applicant has indicated agreement with allowing only Retail Primary or Secondary uses in this space.
2. **Public Art:** The proposal should consider reserving space within the plaza or sidewalk areas along Griffith St. for public art, and the applicant should work with the town to provide a physical or financial contribution to public art (DPO 7.4.2.B.6, General Planning Principle 7, Comp. Plan Safe & Vibrant Public Spaces).
  - » September 2017: The applicant has indicated a willingness to work with the Public Art Commission to determine art programming for the site.
3. **Building Design:** The proposal should reflect the highest design standards, including a commitment to green building as articulated in the Comprehensive Plan (Maintain Quality Design & Sound Planning Principles, Goal 2). The project should consider pursuit and achievement of LEED certification under the USGBC's LEED Rating System, or an equivalent standard.
  - » September 2017: The applicant has indicated that they will not pursue LEED certification but will work to include sustainable building features in the design. Details about which features will be included or how any identified stormwater, lighting, site design, water, or building energy efficiency targets will be verified have not been provided.
4. **Eastern Buffer:** The proposed plan includes replanting of the buffer area along the project's eastern boundary. Consideration should be given to the replanting of the eastern buffer of Woodies Automotive with mature plantings to create continuous coverage (DPO 9.7.1).
  - » September 2017: The applicant has indicated that mature trees that are removed as a result of the proposal will be replanted at a 1:1 ratio, with some of the trees potentially being replanted on the Woodies Automotive site with Town/Woodies approval. As detailed earlier, the proposed plans remove 21 mature trees on Griffith St. and at least 15 on the project's eastern buffer (perhaps more since a few saved trees have root zones adjacent to graded areas, which may be impacted by construction). The landscape plans indicate six trees to be replanted in the eastern buffer. Further information is needed on how the 1:1 ratio will be met, and whether the applicant agrees to the clearing, caliper, and monitoring criteria proposed.
5. **Infrastructure:**
  - a. **Pedestrian Crossings and Crosswalks:** Four opportunities exist to improve connections to and from the project site:
    - i. **Mid-Block Crossing:** Construction of or contribution towards a pre-designed crossing with a pedestrian refuge from Spinnaker Cove Dr. across Griffith St. (Walks & Rolls Plan Figure 4-2/Approximate to Grocery Lane).
    - ii. **Crosswalks:** Construction of two textured/patterned crosswalks across Davidson Gateway Dr. – at its intersection with Griffith St. and at the parking lot entrance (DPO 6.8.1.H).
    - iii. **Stream Crossing:** Construction of a 10' multi-use bridge along Griffith St. to cross the stream on the property's eastern boundary and connect to Roosevelt Wilson Park (DPO 6.5.3.B, 6.8.3.A; Walks & Rolls Plan Figure 4-2).

» September 2017:

- i. **Mid-Block Crossing:** The applicant has indicated a willingness to financially contribute to their share of the cost; however, other stakeholders with whom this cost might be shared have not been identified.
  - ii. **Crosswalks:** This applicant response and revised plan addresses one crosswalk across Davidson Gateway Dr., whereas the Action Item addresses two. The plans illustrate two patterned crosswalks extending from the project site, one across Davidson Gateway Dr. and one connecting to Woodies. The plans note that the crosswalks will be in accordance with DPO standards. No connection across Davidson Gateway Dr. to CSD in front of Woodies has been shown.
  - iii. **Stream Crossing:** The applicant proposed an alternative, on-street alignment that differs from the off-street, buffered alignment proposed by staff. This alternative alignment is not in accordance with adopted plans or citizen feedback. Specifically, the Walks & Rolls Plan Figure 4.2 identifies the project site's Griffith St. frontage as "Replace/widen sidewalk add buffer/shade." The on-street alignment proposed by the project team addresses only the replacement/widen stipulations and does not address the buffer/shade criteria, which would be required of non-conditional projects proposing to develop on this site. Moreover, the landscape plans (L1.2) have not been updated to illustrate the widened sidewalk as shown on Sheet C1.1.
- b. Benches:** As part of the plaza design, installation of at least two benches along Griffith St. (DPO 7.4.2.B.5).  
» September 2017: The applicant has indicated agreement with providing benches.
- c. Transit Amenities:** As part of the mid-block crossing, on the north side of Griffith St., installation of a transit stop in accordance with CATS Standard 60.03C. Additionally, the establishment of a transit stop along Griffith St. at the project site (i.e. signage, bench per DPO 7.4.2.B.5).  
» September 2017: The applicant has identified a potential stop location that differs from that recommended; but, the applicant indicated they will not financially contribute to or construct a transit stop.
- d. Parking:** Construction of on-street parking spaces and streetscape improvements on Griffith St. west of Davidson Gateway Dr. extending to Grocery Ln.  
» September 2017: The applicant has indicated agreement with providing these facilities.

Based on the revised plans and/or responses received to date, staff recommends the continued and careful consideration of the proposed improvements, conditions, and Board of Commissioners action items. Although the applicant has indicated a willingness to work towards many of these items, outstanding issues remain with many of the details. These uncertainties warrant further exploration and agreement prior to a decision.

## 6. ATTACHMENTS/RESOURCES

- Attachment A: Applicant's Proposed General Notes & Conditions
- Attachment B: 2007 Davidson Commons East Conditional Master Plan
- Attachment C: 2010 Davidson Commons East Conditional Master Plan Amendment

## ATTACHMENT A: GENERAL NOTES & CONDITIONS

### GENERAL NOTES

- 1. Zoning:** The zoning of Tracts 4-A, 4-B, 4-C and 4-D of Davidson Commons East, consisting of 6.4 acres, more or less (the "Site"), is CPA (Conditional Planning Area), as shown on the Davidson Commons East Conditional Master Plan, as amended November 10, 2010 and April 9, 2013 (the "Plan"). The Site is to be developed in two phases. Phase II of the Plan was approved for a Change of Use on November 10, 2010 and an amendment to the conditions of Tract 4-C within Phase II was approved on April 9, 2013.
- 2. Building & Site Design:** The building configurations, placements, and sizes shown on the Master Plan are schematic in nature and may be altered and/or modified during design development and construction document phases in accordance with the approved plan. Parking layouts and open spaces may also be modified to accommodate final building configurations in accordance with the Planning Ordinance.
- 3. Ordinance Modifications:** If, at some point, modifications are made to the Ordinance by the Board of Commissioners, the Applicant may voluntarily agree to apply such modifications to the Plan in a manner consistent with the Ordinance as it changes from time to time. Such modifications to the Ordinance shall in no way impact the Applicant's vested rights established per the Ordinance once the Plan is approved.
- 4. Amendments:** The Applicant may request an amendment to the Plan and approved zoning without the written consent of any other owner of all or any portion of the property shown on the Plan so long as the recorded Declaration of Protective Covenants for the property contains a valid and enforceable provision with the stated purpose of granting power of attorney to the Declarant to execute an amendment to the Plan and approved zoning on behalf of such owners. Developer understands that the Town cannot waive the rights of property owners.
- 5. Plat Notes:** In the event the event of an amendment to the plat of the Site, entitled Davidson Commons East Map 1, recorded in Map Book 49, Pages 655 – 657, Mecklenburg County Public Registry, as amended in Map Book 55, Pages 623, Mecklenburg County Public Registry (the "Plat"), the notes included on the Plat shall be included on the subdivision plat of the Site; provided, however, Note 3 of the plat shall be revised to reflect the conditions provided below.

### CONDITIONS

- 1. Building Type:** The hotel building shall be a Workplace building type in accordance with DPO 4.5.6.
- 2. Height:** The Tract 4-A and 4-B Height Restriction is hereby amended to provide that the height allowed for the building located on Tracts 4-A and 4-B, as shown on the amended Master Plan, is a Minimum of Two (2) Stories and a Maximum of Four (4) Stories.
- 3. Impervious Coverage:**



Impervious Calculations	Approved	% of Total	Existing
Tract 4-A	26,180	21.72%	12,709.50
Tract 4-B	26,180	21.72%	12,709.50
Tract 4-C	34,161	28.34%	34,161
Tract 4-D	34,000	28.21%	Unimproved
Total	120,521	100%	59,580

The 52,360 square feet of impervious cover allocated to Tracts 4-A and 4-B may be distributed among such Tracts in accordance with the approved amended Master Plan and may also be redistributed between Tracts if requested by the Applicant and approved by the Planning Director was modified prior to completion of such improvements. After completion, modifications of such improvements shall be permitted with Planning Director approval if such modifications do not exceed the total permitted impervious area for the combined Tracts and do not constitute a major amendment.

4. **Uses:** Permitted uses on Tracts 4-A and 4-B shall include Hotel, Commercial Services, Restaurant and Retail, Primary and Secondary.
5. **Setbacks:** The hotel building shall front on Griffith Street with minimum front and side setbacks of 0’.
6. **Open Space:** [At this time the amount is not known. Once determined, this condition will be revised to state that “XX acres or feet of open space is provided in accordance with DPO 7, as shown on the plan.” The open space type - plaza, paseo, etc. – should be specified per DPO 7.4.]
7. **Parking:** The parking requirement for lots 4-A and 4-B is 2 spaces per 1,000 square feet of building area, or 149 spaces; however, typical parking for a Hotel is 1 space per hotel room, or 115 spaces for this hotel. Parking provided on the plan totals 139 spaces, which is 120% of the typical requirement for a hotel. By comparison, at Homewood Suites in Davidson, the number of parking spaces typically used on a sold out night is approximately 84% of the number of hotel rooms. The majority of the Homewood Suites guests will need the parking spaces after 6:00 PM. Parking provided includes the shared parking in accordance with the Reciprocal Easement Agreement recorded in Book 30349, Page 645, Mecklenburg County Public Registry. This easement parking allows use of the additional spaces, which would only be required on sold out nights.
8. **Bicycle Parking:** Bicycle Parking provided is 6 long term spaces and 12 short-term spaces because hotel occupants typically are not using bicycles. This bicycle parking is provided for shoppers and workers. By comparison, at the Homewood Suites hotel, only one employee currently rides his bike to work. Therefore, even with shoppers and workers, the bicycle parking provided should be more than sufficient.
9. **Tree Canopy:** In order to fulfill the tree canopy requirements of 9.3.1A, Minimum Tree Coverage Requirements, 1.5 times the deficient trees, or 6 trees, will be planted in the southeast area of the property to help screen residential properties.

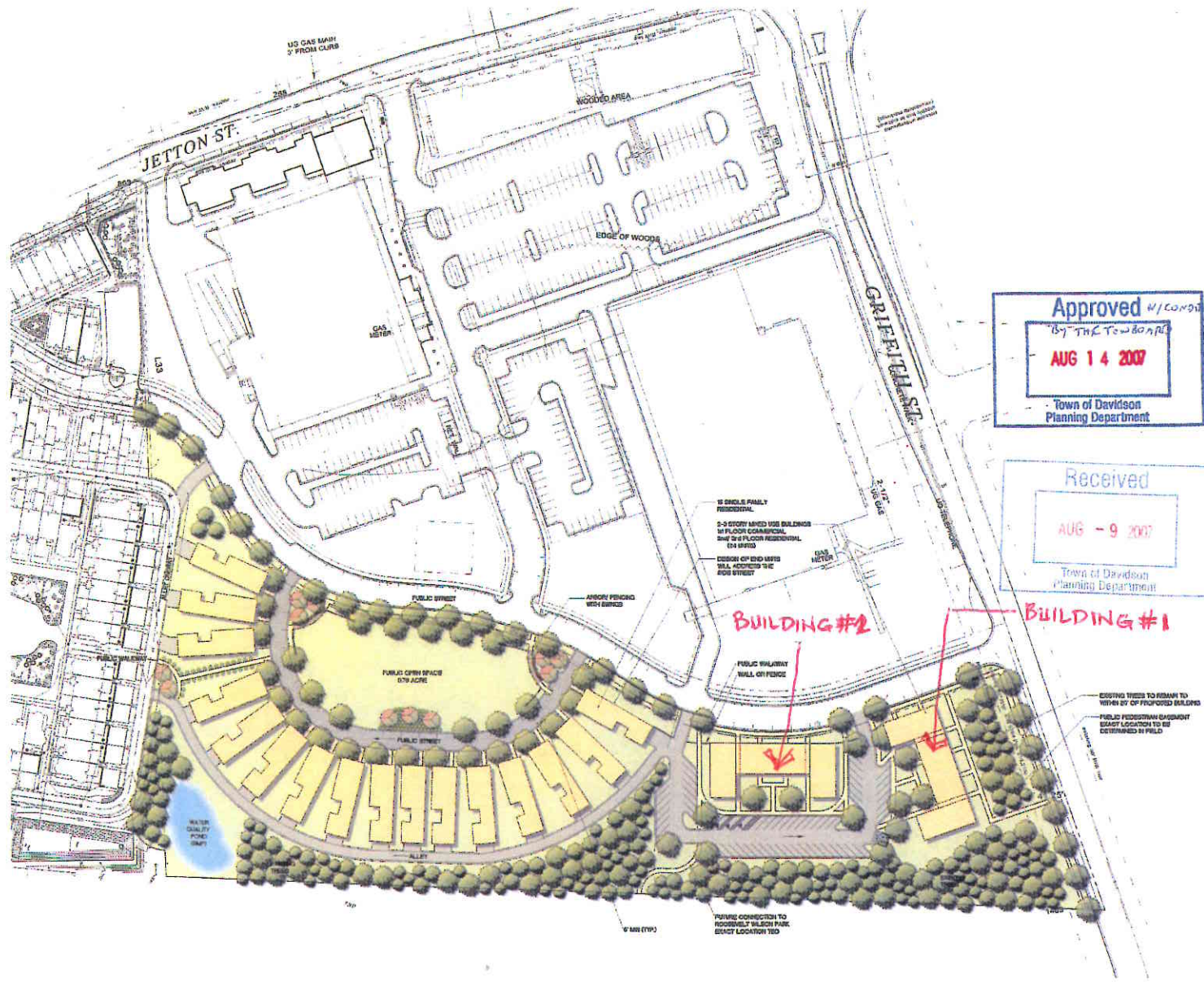
**10. Walkway:** DPO 8.4.5 Pedestrian Access, provides, that in large parking lots (36 spaces or greater), a sidewalk perpendicular to the main building shall be put in place. This cannot be accomplished due to the proximity to the eastern buffer and the impervious requirements.

REMOVED CONDITIONS

- The pedestrian trail shown on the Master Plan from the eastern portion of the Site to the Town of Davidson property is removed.

# ATTACHMENT B: 2007 Davidson Commons East Conditional Master Plan

Exhibit VII-C



**Cole Jenest & Stone**  
 Landscape Architecture  
 1000 S. ...  
 Davidson, NC 28026

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**DAVIDSON COMMONS - EAST**  
 DAVIDSON, NORTH CAROLINA

Approved *W/ COMMENTS*  
*By The Town Board*  
**AUG 14 2007**  
 Town of Davidson  
 Planning Department

Received  
**AUG - 9 2007**  
 Town of Davidson  
 Planning Department

**SITE PLAN**

Project No. \_\_\_\_\_  
 3784 \_\_\_\_\_  
 Issued \_\_\_\_\_  
 Revised \_\_\_\_\_

Scale: 1" = 40'



**SP1.0**

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# ATTACHMENT C: 2010 Davidson Commons East Conditional Master Plan Amendment



## Site Plan Notes

**PART 1 - COMMITMENT:**  
 Davidson Commons East consisting of 4.4 acres, more or less (Site "DB"), is to be developed in two Phases. Phase 1 of the plan is hereby submitted for a change of use from single family residential to a commercial use. Phase 2 is not part of this change of use application.  
 The building configurations, placements, and sizes shown on the Site Master Plan are schematic in nature and may be altered and/or modified during design development and construction document phases. Parking layouts and green spaces may also be modified to accommodate final building configurations in accordance with the Planning Guidelines. The building and parking envelopes depicted on the Site Plan may vary and encroach upon each other as necessary while maintaining the general intent of the building and parking envelope layout depicted thereon.

## PART 2 - STATEMENT OF INTENT:

It is the intention of petitioner to create a commercial development within the Site.  
 It is the intention of petitioner to create a commercial development within the Site.

## PART 3 - PERMITTED DEVELOPMENT WITHIN PHASE II - Requested Change of Use:

- Commercial Use including, but not limited to Office, and/or Restaurant, and/or Retail, and/or Amusement service, and/or health institutions
- Up to 3 stories, not to exceed 50 feet in height to the top of the Parapet Wall
- 2 or more building
- Buildings May Be Connected
- Maximum Square Footage of Commercial Building: 48000 SF
- Outdoor Public Gathering spaces to be included in building design plan.

## Site Plan Allowances:

- Two 24,000 SF Buildings - 2 Stories
- 580 Parking Spaces
- 3.4 Acre Park

## PART 4 - DESIGN GUIDELINES:

### SECTION 1 - OFF STREET PARKING:

- Surface off street parking to conform to Town of Davidson restrictions as listed in section 55.2 of the planning ordinance. (From Table 55.2.2)

	Auto Parking Minimum	Auto Parking Maximum
Commercial (excluding retail)	7 spaces per 1000 square feet of commercial use	11 spaces per 1000 square feet
Retail	7 spaces per 1000 square feet of commercial use	11 spaces per 1000 square feet of commercial use

### SECTION 2 - TOWN PARK AREA/PASSENGER PLAY AREA:

- Petitioner will grant the use of the Park either to be conveyed to Town of Davidson or to be dedicated as a permanent easement to the Town in the form of a "Park Easement Agreement," as part of Phase II of the development.
- Areas to be cleared and graded to create open fields/play area within the Passive Play Area. Passive Play Area shall be a minimum of 1/8 acre and will be located adjacent to Center Park Drive.

### SECTION 3 - IMPROVEMENTS:

- Improvement allocation will remain as per approved 2007 plan.

TYPE/PHASE/USE	Improvements Calculations	Cost/Space (Per Item \$)	Total SF of Contingency
Phase I	45,338	3,000	45,338
Phase II	29,278	3,000	29,278
Total Allowed	115,623	3,000	115,623

Note: 1. Additional reserves for right-of-way for the proposed streets from one line to the other. Minimum total improvement area for which site shall not exceed cost of 1,000,000.00 per 1/4.

### General Development Notes:

- Phases may be subdivided
- Subdivided lots to have cross easements for shared parking
- Total proposed building square footage and parking spaces not to exceed total allowed for project but may vary from phase to phase based on final plan.

## DAVIDSON COMMONS EAST Phase II - Change of Use

October 18, 2010 Scale: 1" = 40' 0 20 40 100

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