

## **TOWN OF DAVIDSON BOARD OF COMMISSIONERS**

### **Consistency Statement**

(PROPOSAL: NARROW PASSAGE CONDITIONAL PLAN AMENDMENT – LAND ADDITION)

#### **SUMMARY OF ACTION TAKEN BY BOARD**

Vote:

Description of Action:

#### **PROPOSAL / REQUEST**

The applicant requests an amendment to the approved Conditional Planning Area that would permit the addition of 1.07 acres to the proposed development. Additionally, the request includes a proposed modification to two conditions and creating a new condition. The amendment does not include a request to increase the number of units originally approved or project density.

#### **SUMMARY OF PETITION / PROPOSAL**

The project proposes to:

1. Add 1.07 acres of open space to the proposed development.
2. Modify two conditions as well as create a new condition: A reduction in the previously-approved payment-in-lieu amount for the multi-use path bridge on the southern parcel; an increase in the amount of non-conforming garages permitted within the development; and, an increase in the amount of allowed construction signs from one to two (one for each road frontage).

#### **CONSISTENCY STATEMENT**

In the opinion of the Board of Commissioners the proposed Narrow Passage land area addition and signage request are consistent with Davidson Comprehensive Plan and Planning Ordinance, as adopted by the Board of Commissioners and amended from time to time.

The areas in which the Narrow Passage land area addition and signage requests are consistent with the Davidson Comprehensive Plan and Davidson Planning Ordinance are as follows:

##### **▪ Consistency with the Davidson Comprehensive Plan:**

1. The proposal maintains and/or seeks to increase the amount of open space to be provided in the approved plan, which features a requirement for 70% open space via land set asides or payment-in-lieu.
  - *The Comp. Plan cites the loss of open space as an ongoing concern among citizens. Identified open space goals include preserving 50 percent of the ETJ (extra-territorial jurisdiction) as open space, providing public access to 50 percent of the open space in the ETJ, encouraging walkable, mixed-use communities, protecting the scenic quality and character of the rural areas, protecting water quality, and retaining equity for ETJ landowners (p. 23).*

- *Protect and create meaningful open space is cited under the larger livability theme of enabling faithful stewardship of natural assets. Preserving most of the undeveloped rural area is listed as an ongoing initiative (p. 59-60). Constructing more off-road greenways is also listed as an ongoing initiative under this livability theme (p. 60).*

▪ **Consistency with the Davidson Planning Ordinance:**

1. The proposal seeks to increase the amount of signage marketing the property from one sign total to one sign per road frontage, resulting in two signs total that meet the ordinance requirements for size, shape, display, etc.
  - *The ordinance notes that the purpose of signage is to establish reasonable and improved standards to assist property owners and business owners in understanding town expectations (11.1.A).*

**INCONSISTENCY STATEMENT**

In the opinion of the Board of Commissioners the proposed Narrow Passage payment reduction and non-conforming garage requests are not consistent with the Davidson Comprehensive Plan or Davidson Planning Ordinance, as adopted by the Board of Commissioners and amended from time to time.

The areas in which the Narrow Passage payment reduction request is not consistent with the Davidson Comprehensive Plan is as follows:

▪ **Inconsistency with the Davidson Comprehensive Plan:**

1. The proposal requests a reduction in the amount of previously agreed-upon funding to support the expansion of the town's greenway network in accordance with adopted plans, including related facilities such as bridges. This is not consistent with the Comprehensive Plan, which states:
  - *Build off-road greenways, trails, and bike improvement projects per the bicycle master plan (Pg. 51).*

▪ **Inconsistency with the Davidson Planning Ordinance:**

1. The proposal seeks to increase the number of non-conforming garages, which is not consistent with the Davidson Planning Ordinance requirements.
  - *The ordinance specifies that in all planning areas, if the street-side elevation of the garage is side-loaded, i.e. oriented at least 90 degrees to the street, the attached garage may be flush with, but shall not project in front of, the front façade of the house. If the front property line is at least 75 feet wide and the front façade has a covered porch that covers at least 60 percent of the front façade, then a side loaded garage, i.e. oriented at least 90 degrees to the front façade, may be flush with the front plane of the covered porch but shall not project in front of this plane (4.5.2.F.4).*

----

*Adopted this 14th day of November, 2017.*