



## STAFF ANALYSIS

To: Board of Commissioners  
From: Jason Burdette, Planning Director  
Date: February 12, 2019  
Re: Davidson Commons East Lot 4D, Map Amendment Pre-Development Consultation

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### 1. INTRODUCTION

#### APPLICANT INFO

- **Owner:** Saussy Burbank
- **Designer:** Woodbine Design
- **Location:** 219 Davidson Gateway Dr. (Parcel ID: #00323193)
- **Planning Area(s):** Conditional Planning Area
- **Area:** 3.14 Acres

#### REQUEST

The applicant proposes to re-designate approximately 3.14 acres located on Davidson Gateway Dr. from Conditional Planning Area to Lakeshore Planning Area. The applicant envisions a development of approximately 38 single-family homes, including homes constructed on-site to meet the Davidson Planning Ordinance requirements for Section 5 Affordable Housing. The applicant is meeting with the Board of commissioners to understand the viability of the Map Amendment (i.e. rezoning) request prior to initiating the official Map Amendment process. The applicant does not anticipate asking for any exceptions to the Davidson Planning Ordinance as part of the Map Amendment process.

### 2. PLANNING STAFF PRELIMINARY REVIEW

#### OVERVIEW

The applicant proposes a Map Amendment for +/- 3.14 acres currently zoned Conditional Planning Area to be re-designated as Lakeshore Planning Area. The purpose of tonight's discussion is to determine whether the Board of commissioners would like to see this proposed rezoning move through the formal Map Amendment (i.e. rezoning) process.

Note: Although as part of this work session the project team has provided a description (i.e. Statement of Compliance) and site plan illustrating their potential development, the plan would not be part of the official rezoning process. However, these materials have been provided by the applicant to aid in the discussion about what a rezoning would mean and this specific project team's intentions concerning the site. The decision to re-designate the land from Conditional Planning Area to Lakeshore Planning Area would be based on the Board of Commissioner's determination that Lakeshore Planning Area is an appropriate designation for the site.

## **LAKESHORE PLANNING AREA**

Per Davidson Planning Ordinance (“DPO”) Section 2.2.6, the Lakeshore Planning Area is located at the town’s western entrance to Davidson from I-77, within easy walking and bicycling distance to large employment centers and downtown Davidson, and with ample access and vistas to Lake Norman, Lake Davidson, and Lake Cornelius. The Lakeshore Planning Area contains opportunities for residential development of varying intensities integrated within corporate, commercial, and retail mixed-use development. This planning area is within the state-mandated watershed overlay district; thus, development should be more concentrated in form with a smaller footprint. Shorelines must be preserved for public use and aesthetic character.

The Lakeshore Planning Area permits an array of building types ranging from detached homes (single-family and duplex), attached homes (triplex and quadplex), townhomes, and multi-family residential buildings to Live/Work, Storefront, and Workplace commercial and mixed-use buildings (DPO Table 2-21). The list of permitted uses in Table 2-20 is equally diverse, ranging from commercial, professional, and retail services to institutional uses such as public safety, childcare, and recreational facilities.

Keeping with the expressed emphasis on compact development noted earlier, the setbacks in the Lakeshore Planning Area encourage development to locate close-to the street. Most building types do not require a minimum setback distance and a few building types set the maximum setback as zero feet (Table 2-22). This reinforces the walkable character of the area and uses land more efficiently in this particular context where water quality proves critical.

Other standards to note include a minimum open space requirement of five percent of the land area and a requirement that 100 percent of the lakeshore must be preserved for public access. The latter criterion would not apply to this parcel since it does not feature lake front area.

## **TIMELINE/PROCESS**

In the spring of 2016, the project team approached staff to discuss the possibility of rezoning the site to allow a mix of commercial and residential uses. The project team worked for several months on a few different plan iterations feature a mixed-use commercial building adjacent to Woodies Automotive and single-family detached residential to the south. Each plan iteration included a built-upon-area (BUA) that exceed the impervious area permitted by the Watershed Overlay District (DPO 17), which places maximum BUA restrictions on the site (i.e. hardscape surfaces like driveways, parking lots, and building footprints must be under a certain percentage of the overall site area).

The project team began exploring their existing assets throughout the watershed area – generally, land west of Main Street – to see if enough of their land holdings could be put under a permanent conservation easement that would then allow them to transfer the buildable impervious area from these sites to the proposed development site, Davidson Commons East Lot 4D. The project team worked on this for many months and well into 2017, documenting the available land and drawing up draft plat materials to execute the land transfer. They likewise assembled the other required materials for an application. Together, these documents were reviewed and refined over several months while preparing an application for “Built-Upon-Area Averaging,” the process alluded to earlier that allows the transfer of building land area from one parcel to another within the Watershed Overlay District. In September 2017 it was determined by staff that the Built-Upon-Area Averaging (BUAA) process required the approval of a master plan prior to submitting for BUAA approval to the Board of Adjustment. At the that time, the proposed hotel rezoning on Davidson Commons East Lots 4AB was moving forward; it was determined that the Board of commissioners would not entertain another rezoning on the same street prior to the decision regarding Lots 4AB, especially since the permitted BUA for Lots 4 A-D is linked together through a final plat that set the maximum allowed for all four lots, collectively. Until the plan for Lots 4AB was finalized, it couldn’t be determined how much BUA would be available for Lot 4D.

In March 2018, after the board of commissioners’ decision in late 2017 concerning Lots 4AB, the project team again approached staff to ask about the process to re-designate the land from Conditional to

Lakeshore Planning Area. Staff outlined the Conditional Map Amendment and Map Amendment processes that would allow the project team to request a rezoning to replace the current Conditional Planning Area designation or the request a new designation, such as Lakeshore Planning Area (LPA), that would allow development within the prescribed LPA requirements.

The project team worked for several months to produce a new plan consisting entirely of single-family homes. In the late fall of 2018, they requested to move forward with the Map Amendment process to re-designate the parcel to Lakeshore Planning Area. Materials for a Board of commissioners work session consultation were submitted in December 2019.

### **PREVIOUS PLANS/PROPOSED PLAN**

The site has a long history dating to the early 2000's, when the Harris Teeter/Davidson Commons master plan emerged on what was once the Elox Industrial commercial site. This plan partitioned off the land east of Davidson Gateway Drive to be handled in a separate planning process. In the mid-2000's the Davidson Commons East Master Plan envisioned on Lots 4C-D an array of single-family detached homes around a common green fronting Davidson Gateway Drive. This was replaced in 2010 by a plan for Lots 4C-D illustrating two commercial buildings fronting Davidson Gateway Dr. with ball fields occupying the Lot 4D's southern half. The Circles at 30 Plan, a town-initiated plan that was recommended by the planning board but not adopted by the board of commissioners, later contemplated a couple different options: Option A focusing on mixed-use office/retail buildings and a public park featuring tennis courts, and Option B featuring a series of attached housing dwellings or small-scale apartment buildings (2013). Since the construction of Woodies Automotive on Lot 4C in 2014, the fate of Lot 4D has remained uncertain – a circumstance underscored by the usage of more BUA than initially contemplated on Lots 4A-C.

The proposed conceptual plan reflects several elements of the plans that preceded it:

- The original Davidson Commons East Master Plan with its homes arranged around a common open space;
- The fronting of Davidson Gateway Dr. by buildings (2010 plan, 2013 Circles at 30 plan); and
- The use of the eastern border for buffering and/or stormwater management facilities.

As conveyed by the project team, were the requested rezoning to be granted the intent is for the proposed plan to meet the ordinance requirements and not request any exemptions. Again, the plan is only an indication of what may occur on the site if the parcel is designated as Lakeshore Planning Area.

### **BUILT UPON AREA AVERAGING**

With the adoption of the Watershed Overlay District text amendments in 2018, the criteria governing the use of the Built-Upon-Area Averaging (BUAA) process changed. Notably, the requirements were strengthened to afford the Davidson Board of Adjustment increased scrutiny in reviewing such requests. Specifically, the text signaled that plans attempting to utilize the process should meet a clearly identified housing need (i.e. provide affordable housing) or be a civic/institutional use. The project team has expressed an intent to meet the ordinance's affordable housing requirement (DPO 5.2) through on-site construction – an increasingly rare option among developments in Davidson.

It's helpful to understand when/how the BUAA process comes into play (the following assumes affirmative responses at each point in the process):

- Pre-Development Consultation: Commissioners signal their interest in the proposed rezoning.
- Map Amendment (i.e. Rezoning): The proposed rezoning proceeds and the planning board makes a recommendation and the board of commissioners holds a public hearing and approves the rezoning request for Lakeshore Planning Area.
- Master Plan: A proposed master plan is put forward in accordance with and follows the process outlined in DPO 14.6. This includes an iterative design/revision process, public input session,

planning board review and comment, and any additional revisions prior to approval. Assuming all applicable DPO and Meck. County criteria are met, the plan is approved.

- **Built-Up-on-Area Averaging (BUAA):** The project team then files an application to pursue the BUAA process outlined in DPO 17.8. The requisite land area to be traded is secured, placed under conservation easement to prevent future development, and the board of adjustment (a subset of the planning board that makes quasi-judicial determinations) reviews the application and – if all applicable requirements are met – approves the transfer of built upon area from the conservation parcels to the proposed development parcel. Lot 4D would then be able to be developed according to the previously-approved master plan under Lakeshore Planning Area.

## RELATED TOWN GOALS

There are several parts of the adopted Planning Principles and Comprehensive Plan that address the proposed rezoning. These include:

### PLANNING PRINCIPLES

- **Principle 1 Character/Community:** *We must preserve Davidson’s character and sense of community* (compact developments with community open space; neighborhoods welcoming to all citizens; and neighborhoods as integral parts of town).
- **Principle 3 Mobility:** *We must encourage alternative means of transportation* (development and redevelopment in walkable, mixed-use, connected neighborhoods).
- **Principle 4 Natural Resources:** *We must use our scarce land resources wisely* (development that builds up and not out).
- **Principle 5 Diversity:** *We must create an environment that fosters diversity* (provide a mix of housing types and prices in each neighborhood).
- **Principle 6 Growth Management:** *We must manage growth so that the town can provide public facilities and services apace with development* (A healthy diversity of uses in walkable, compact neighborhoods; alternative transportation options between destinations).
- **Principle 7 Quality of Life:** *We must enhance our quality of life through architecture and design* (well-designed buildings; the design of public spaces to encourage social interaction; public art to animate our shared spaces).

### COMPREHENSIVE PLAN (2010)

#### Theme: Promote Cultural, Socioeconomic, & Age Diversity

- **Goal – Encourage Development and Activities that Attract a Variety of Age Groups:** The town should require housing and commercial development appropriate for occupants of all ages and abilities.
- **Goal – Provide a Full Range of Services and Opportunities for All Socioeconomic Groups:** The town should continue requiring affordable housing in all new residential developments.

#### Theme: Maintain Quality Design & Sound Planning Principles

- **Goal - Prioritize Infill and Mixed-Use Development Within or Near Already Developed Areas:** The town should establish [areas identified in the Targeted Growth Plan] as the highest priority for infill development, redevelopment, and mixed-use.

## 3. FYI OR RECOMMENDED ACTION

The applicant is meeting with the board of commissioners to understand the viability of the Map Amendment (i.e. rezoning) request prior to initiating the official Map Amendment process. The purpose of tonight’s discussion is to determine whether the board of commissioners would like to see this proposed rezoning move through the formal Map Amendment (i.e. rezoning) process. The board of

commissioners should provide direction to the applicant as to whether they believe the proposed rezoning to Lakeshore Planning Area to be a reasonable request worth pursuing further.

#### 4. PROCESS/NEXT STEPS

Assuming affirmative responses at each point in the process:

- BOC Work Session: Winter 2019
- Rezoning Application: Winter 2019
- Rezoning Process/BOC Approval: Spring 2019
  - Includes Public Hearing and Planning Board Recommendation
- Master Plan Application: Summer 2019
- Master Plan Process/Approval: Summer/Late Summer 2019
  - Includes Public Input Session, Planning Board Review + Comment:
- Built-Upon-Area Averaging Application/Approval: 2019
  - Includes Board of Adjustment Approval

#### 5. RESOURCES & ATTACHMENTS

##### RESOURCES

- Davidson Planning Ordinance (2015): <http://www.ci.davidson.nc.us/DocumentCenter/View/8499>
- Comprehensive Plan (2010): <http://www.townofdavidson.org/340/Davidson-Comprehensive-Plan>

##### ATTACHMENTS

- Statement of Compliance: Provides a description of a potential site development.
- Site Plan: Illustrates a potential site development scenario under the Lakeshore Planning Area.