



STAFF ANALYSIS

To: Board of Commissioners
From: Jason Burdette, Planning Director
Date: February 12, 2019
Re: River Run Phase 6, Conditional Planning Area Map Amendment

1. INTRODUCTION

APPLICANT INFO

- **Owner:** River Run Limited Partnership
- **Contractor:** Dieter Crago (Sepi Engineering); Homebuilder: Epcom Communities
- **Location:** 18500 Shearer Rd. (Parcel IDs: 00749104, 00749196, 00749106)
- **Planning Area(s):** Neighborhood Edge Planning Area, Conditional Planning Area
- **Area:** +/- 74.8 acres

REQUEST

The applicant proposes to re-designate approximately 74.8 acres located in east of Shearer Rd and south of E. Rocky River Rd. from a combination of Neighborhood Edge/Conditional Planning Areas to entirely Conditional Planning Area. The applicant is working with Epcom Communities to develop a 130-unit active adult (age-targeted) community. As part of the conditional request, the applicant is asking for a number of exceptions to the Davidson Planning Ordinance. These exceptions are detailed below.

2. PLANNING STAFF PRELIMINARY REVIEW

OVERVIEW

The applicant proposes a Conditional Planning Area Map Amendment for +/-74.8 acres currently zoned Neighborhood Edge (+/-49.8 acres) and Conditional (+/-24.87 acres). Per the DPO, the Conditional Planning Area is an option for developers to ask for exceptions from the ordinance in a manner that is mutually agreeable to the developer and the Town of Davidson. River Run Ltd.'s proposal includes 130 age-targeted homes on 52'-wide lots with +/-41.4 acres (55 percent) open space. The purpose of tonight's discussion is to determine if the Board of Commissioners would like to see this proposed conditional rezoning move through the formal Conditional Planning Area Map Amendment (rezoning) process.

NEIGHBORHOOD EDGE PLANNING AREA

The Neighborhood Edge Planning Area (NE) was established to provide a transition between Davidson's urban areas and its rural periphery (DPO 2.2.11). Development in this planning area is low-density

residential consisting primarily of single-family homes. Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.

The Neighborhood Edge Planning Area permits both detached homes (single-family and duplex) and attached homes (triplex and quadplex) as approved building types (DPO 2.2.11.C). There are a range of development standards specific to each respective planning area, and some requirements pertain to building type. For instance, NE Planning Area requires that no more than 90 percent of the units in each new development to be single-family detached (excluding duplexes), and no more than 30 percent of the units in each new development shall be duplex detached houses or attached house (triplex and quadplex building types).

Similarly, the NE Planning Area also requires that in developments of greater than 50 units, a minimum of three different lot sizes are required with a minimum of 15' variation in lot width (DPO 2.2.11.E). Each lot size must comprise a minimum of 20 percent of the total lots. Also, a minimum of 35 percent of the lots must be 60' or less (requiring rear alley access).

The purpose of these building type variation requirements and lot width variation standards is to ensure that each new development provides a range of housing options for citizens. Many of these concepts have long been part of the ordinance (c. 2001); others were recently reinforced with the adoption of the Rural Area Plan (2016). Above all, the intent is to ensure that new development reflects Davidson core values and planning principles.

TIMELINE

Staff has been working with River Run Ltd. Partnership and SEPI since early 2018 as part of the informal conceptual design phase of the development proposal (DPO 14.3) ahead of a formal application submittal. Initial schematic concepts assumed NE Planning Area for all of the parcels. In June 2018, staff made the determination (based upon information from River Run Ltd. Partnership and consultation with the town attorney) that the existing parcel with the Conditional designation needed to be acknowledged. This required that the entire development proposal come under some "non-conditional" designation (i.e. NE Planning Area), or that the entire proposal come under a Conditional Planning Area. Both scenarios would require a rezoning. River Run Ltd. Partnership questioned this determination until September 2018.

In November 2018, the applicant expressed interest in pursuing a Conditional Rezoning of the entire property. Per development protocol, staff provides the opportunity for a pre-conditional consultation during a work session with the Board of Commissioners. The purpose of this consultation is for staff to provide a summary of the applicant's requested deviations from the ordinance so the board can make an informed decision as to whether or not the project has support to move forward. It also allows the applicant time to describe their project. The January 8, 2019 work session was targeted; however, the applicant did not provide the necessary information as required so that staff could provide a detailed analysis. However, commissioners elected to discuss the proposal with the developer at this meeting.

PROPOSED CONDITIONS

With any conditional proposal, any deviation from the ordinance needs to be formally requested from the Board of Commissioners. An underlying zoning must be assumed to reference all deviations from the ordinance. In this case, Neighborhood Edge is the assumed underlying zoning.

The applicant provided the required list of exemptions from the ordinance they were seeking in January, complying with the deadline ahead of the February 12th work session.

Staff has summarized the exemptions below. Additionally, a preliminary review of the site plan suggests that additional exemptions should be noted if this project is to move forward.

DEVELOPER NOTED EXEMPTIONS

1. Exception from the mix of building types required. *NE Planning Area requires that no more than 90 percent of the units in each new development to be single-family detached (excluding duplexes), and no more than 30 percent of the units in each new development shall be duplex detached houses or attached house (triplex and quadplex building types). The schematic concept plan depicts all detached house lots with no variation in building type.*
2. Exception from the variation in lot widths required. *NE Planning Area also requires that in developments of greater than 50 units, a minimum of three different lot sizes are required with a minimum of 15' variation in lot width. Each lot size must comprise a minimum of 20 percent of the total lots. The schematic concept plan depicts one uniform lot size (52').*
3. Exception from the specific smaller lot requirement. *NE Planning Area requires that a minimum of 35 percent of all lots be 60' or less requiring rear alley access. All of the lots depicted on the schematic concept plan are less than 60'.*
4. Exception from the alley access requirement for smaller lots. *DPO Section 6 requires that all lots less than 60' be rear-accessed via an alley. The schematic concept plan depicts lots less than 60' and no alley access.*
5. Exception to the building setback requirements for front, side, and rear. The applicant has requested 20' front setback (to allow for a car to park), a 5' side setback, and 10' rear setback. *DPO Section 2 specifies minimum 10' front setback, 3' side setback, and 20' rear setbacks.*
6. Exception regarding fronting lots on existing streets. *DPO Section 4 requires that all developments that include or front on an existing street integrate that street into the development. The schematic concept plan depicts homes whose rear elevations front on Shearer.*
7. Exception prohibiting berms. *DPO Section 4 prohibits berms that separate development from the street.*
8. Exception to the recessed garage placement requirement. *DPO Section 4 requires that front-loaded garages be recessed 10' behind the front façade. Typical EPCOM house plans (and those shown at the Jan. 8 meeting) show garage locations forward the front door.*
9. The applicant intends to provide payment-in-lieu for the affordable housing requirement (DPO Section 5).
10. Exception to the maximum block length requirements. *DPO Section 6 limits the maximum block length to 600'.*
11. Exception to the requirement for the development's external connectivity. *DPO Section 6 requires external vehicular connections every 600'. The schematic concept plan is missing additional connections to Shearer Rd. and to the parcels to the north.*
12. Exception to the mid-block connections requirement. *DPO Section 6 requires mid-block pedestrian connections on blocks greater than 300'.*
13. Exception to greenway connections. *DPO Section 6 requires greenway connections every 600'.*
14. Exception to the integrated park space requirement. *DPO Section 7 requires that in NE Planning Area, a minimum of 5 percent of the open space requirement shall be in the form of a park integrated within the development. The schematic concept plan depicts all open space at the periphery of the proposed development.*

STAFF NOTED EXEMPTIONS

1. While the schematic concept plan depicts a greenway running north/south along the Rocky River, the plan omits the east/west connection to the terminus of the West Branch Rocky River Greenway (as shown on the adopted *Walks and Rolls Active Transportation Plan*). Greenway infrastructure on adopted plans is a requirement of all development. Also, a connection to the trails at the West Branch Nature Preserve is key.

2. The schematic concept plan depicts two flag lots. *The ordinance does not permit flag lots.*

RELATED TOWN GOALS

There are several parts of the adopted Planning Principles, Comprehensive Plan, and Strategic 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, connected neighborhoods).
- **Principle 4 Natural Resources:** *We must use our scarce land resources wisely*
- **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).

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.

Theme: Enable Faithful Stewardship of Natural and Historic Assets

- **Goal: Protect and Create Meaningful Open Space:** An open space plan should describe priority natural areas for preservation and enhancement.

Theme: Maintain Quality Design and Sound Planning Principles

- **Goal: Insure Compatibility and Connectivity of New Development with Surrounding Context**

STRATEGIC PLAN (2018)

Land Use Strategy: The Town of Davidson will align land use policies... to manage residential growth and reduce the scale of future development.

3. FYI OR RECOMMENDED ACTION

The purpose of tonight’s discussion is to better understand the viability of the Map Amendment (i.e. rezoning) request prior to initiating the official Map Amendment process. Board feedback is integral to this process.

Staff has conducted a preliminary review based upon information provided by the development team. At this time, staff would not recommend that this development move forward with the map

amendment process. The applicant is asking for an excessive number of exceptions to the ordinance. Many of these requested exceptions stand in stark contrast to some of the basic tenets of the ordinance and planning principles – a variety of housing options, pedestrian-centric design, connectivity, well-defined central public spaces, and accessible open space. The purpose for the Conditional Planning Area is to create additional controls outside the ordinance to allow for innovative planning/design. Insuring quality development is integral to this process. It is staff's determination that this proposal falls short of this expectation.

4. PROCESS/NEXT STEPS

TBD.

5. RESOURCES & ATTACHMENTS

Resources: Links to referenced policy documents.

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

Site Plans/Building Renderings:

- Proposed Schematic Concept Plan (SEPI)