



STAFF ANALYSIS

Date: August 13, 2019
To: Board of Commissioners
From: Jason Burdette, Planning Director
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: Epcon 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 Epcon 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 (55.7 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 Board of Commissioners discussed this project at their January 2019 work session. They continued the project formally (included on the agenda) at their February 2019 work session. In the months since, staff and the development team have met several times to formalize their conditional request. Additional information was solicited from the applicant.

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 development team has augmented the required list of exemptions from the ordinance based upon staff feedback since the proposal was last discussed in February 2019. Some have been removed while others have been added.

Staff has summarized the exemptions below.

PREVIOUS EXEMPTIONS WHICH THE DEVELOPER HAS ADDRESSED

1. **Mix of Building Types.** Adjusted plans reflect requirement that no more than 90 percent of the units may be single-family detached and nor more than 30 percent of the units shall be duplex detached or attached. *Current detached homes: 80%*
2. **Small Lots.** Plans reflect DPO requirement that a minimum of 35% of the lots shall be 60' or less. *All lots are 60' or less.*
3. **Setbacks.** DPO specifies minimum 10' front setback, 3' side setback, and 20' rear setback. Developer intends to comply with DPO setbacks.
4. **Berms.** Plans reflect the DPO prohibition of berms.
5. **Garage Location.** DPO Section 4.5.2.F.3 requires garages to be recessed from the front façade with specific dimensions. The applicant has expressed an intent to comply with this requirement. If this proposal moves forward, staff recommends adding a condition to ensure compliance.
6. **Affordable Housing.** The developer plans to provide a payment-in-lieu of affordable housing.
7. **Maximum Block Length.** The DPO limits maximum block length to 600'. The revised plan appears to comply with the requirement.
8. **Greenway Connections.** The DPO requires greenway connections every 600'.

EXISTING AND NEW EXEMPTIONS REQUESTED

	DPO STANDARD	Condition Requested
1.	Mix of Lot Sizes. <i>NE Planning Area 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.</i>	Two lot sizes proposed: Detached – 104 units (80%) Duplex – 26 units, 13 lots (20%)
2.	Alley Access. <i>DPO Section 6 requires that all lots less than 60' be rear-accessed via an alley.</i>	No lots with alley access
3.	Lot Frontage. <i>DPO Section 4 requires that all developments that include or front on an existing street integrate that street into the development.</i>	Plans do not incorporate existing Shearer Rd. into design. Developer has highlighted preservation and enhancement of wooded frontage.
4.	Garage Location. <i>DPO Section 4.5.2.F.3 requires garages to be recessed from the front façade with specific dimensions. The applicant has expressed an intent to comply with this requirement. If this proposal moves forward, staff recommends adding a condition to ensure compliance.</i>	N/A
5.	Driveway Curb Cuts. <i>DPO Section 8.5.C.2 limits the width of driveways at the curb to 12'.</i>	Submitted drawings show driveways double the size.
6.	Number of Driveways: <i>Per DPO Section, only one driveway shall be permitted per lot except that a duplex quadplex on a corner lot may have one driveway on each fronting street.</i>	Submitted duplex plans show two driveways fronting the same street.

7.	Driveway Separation. <i>DPO Section 8.7.2, all driveways must maintain at least 15' separation from another driveway.</i>	Submitted drawings show driveways closer than this dimension.
8.	External Connectivity. <i>DPO Section 6 requires external vehicular connections every 600'.</i>	The plan shows one vehicular connection to the north when two are required. The plan shows a pedestrian connection.
9.	Affordable Housing. <i>The applicant has expressed an intent to provide payment-in-lieu. If this proposal moves forward, staff recommends adding a condition to ensure compliance with specified amount noted.</i>	N/A
10.	Mid-Block Connections. <i>The DPO requires mid-block connections on blocks greater than 300'.</i>	Revised plans show additional mid-block connections, but not full compliance.
11.	Greenway Infrastructure. <i>DPO Section 6 requires construction of greenway infrastructure as depicted on approved plans (specifically the Davidson Walks & Rolls Active Transportation Plan). Adopted plans show key north/south routes, east/west routes, and connections to existing facilities.</i>	The plan depicts some greenway infrastructure, vital connections to adjacent parcels are not shown. The applicant proposes a \$500,000 contribution in lieu of construction.

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 a significant 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. On-site greenway connections are a baseline. Off-site greenway connections are potential benefits of the Conditional Planning process. Both are missing.

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)