

ATTACHMENT A

**[DRAFT] Conditions for the Lake Forest Church Davidson Conditional Rezoning
August 25, 2020**

Unless otherwise noted, the Davidson Planning Ordinance (DPO) in effect as of 10/1/2019 shall apply to the development of the property (Property) shown on the attached plans (Plans). Any development of the Property or any portion of the Property which is not included in this application for a Conditional Planning Area, shall be regulated by the Planning Ordinance in effect as of the date an application for such development activity is filed with the Town. The proposed zoning is Conditional Planning Area with the underlying zoning being Village Edge Planning Area (VEPA) for parcel 00324111 and Village Infill Planning Area (VIPA) for parcels 00324107 and 00324170; except as specifically modified by these conditions, exceptions, and notes, all provisions of the DPO, shall apply to the development and use of the Property, including any proposed changes to the plan.



Conditions:

1. Religious Institution Use:

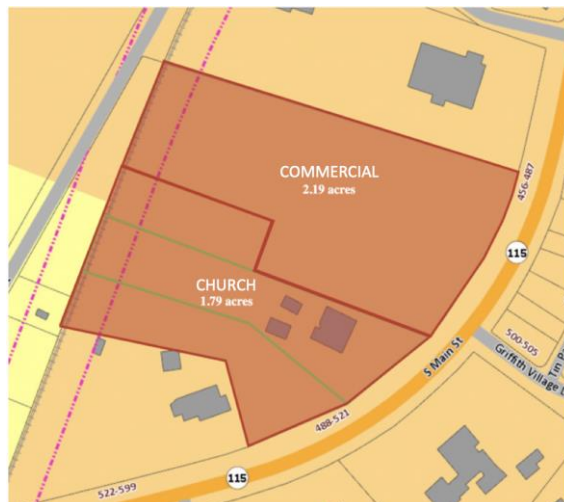
- a. Lake Forest Church Davidson (Developer) shall locate a new two-story church building at 496 & 480 South Main Street. This is within the minimum separation requirement for religious institutions (Places of Assembly). The new church building shall be located to the rear of the project site, as illustrated in the Plans.
- b. The Developer shall preserve and maintain the existing detached house at 496 South Main Street.

- c. The Developer shall either locate church offices within the detached house at 496 South Main Street or the continued use of the property shall be a residential use. Any subsequent change of use for the detached house must be approved by the Board of Commissioners.

2. Infrastructure:

- a. **Shared Driveway Agreement:** The Developer shall obtain a shared driveway agreement with the adjacent property owner to the north, at 460 South Main Street (Access 1) prior to preliminary plat approval. This agreement shall bind the owners and occupiers of both parcels and their transferees, successors, and assigns.
- b. **Shared Parking Agreement:** The Developer shall include a shared parking agreement between parcels XX (church parcel) and XXX (commercial parcel) in any future sale of the commercial parcel, for Planning Director review. This agreement shall bind owners and occupiers of both parcels and their transferees, successors, and assigns.
- c. **Crossing Beacons:** The Developer shall install a lighted crossing beacon prior to the issuance of any Certificate of Occupancy (CO) which will contain flashers to the north and south, across South Main Street between Access 1 and Access 2, as shown on the Plans, subject to NCDOT approval of use, location, and design.
- d. **Sidewalks:** The Developer shall install 6'-12' wide sidewalks as required by the DPO along the project site frontage. Additionally, the Developer shall install a 6' wide sidewalk along the frontage of 460 South Main Street, connecting the project site to the existing sidewalk at the corner of South Village Lane and South Main Street.
- e. **Transportation Impact Analysis:** The Developer shall comply with all recommendations included in the TIA approval letter from the Planning Director.

- 3. **Subdivision:** The Developer shall subdivide the project site as shown on the Plans, creating a clear distinction between taxable and tax-exempt uses. Parcel XX includes the tax-exempt church and the existing detached house. Parcel XXX includes the commercial mixed-use building. A change of use for this building shall require Board of Commissioners approval.



4. Two-Story Church Building (Parcel XX): The new church building located on parcel XX shall be a minimum of two-stories and a minimum of 20,000 total square feet. Any expansion shall comply with the Davidson Planning Ordinance.

5. Three-Story Commercial Mixed-Use Building (Parcel XXX):

- a. The commercial mixed-use building located on parcel XXX shall be three-stories and 20,000-30,000 total square feet and shall comply with requirements of the Retail Frontage Overlay District per DPO Section 2.3.6.
- b. Prior to Design Review Board review of the commercial mixed-use building, the developer shall conduct a building design charrette facilitated by the project architect, involving the following stakeholders:
 - i. Commercial developer,
 - ii. Board of Commissioners (two members),
 - iii. Design Review Board (two members),
 - iv. Town Staff representation, and
 - v. Lake Forest Church representation

Design feedback collected during the charrette shall be used to inform the Design Review Board's formal review of the commercial mixed-use building.

6. Payment-In-Lieu of Town Taxes:

The owner of parcel XX (Lake Forest Church Davidson) acknowledges that the church will receive police and fire services, among other municipal services, from the Town. The church also acknowledges the future loss of commercial tax revenue for the Town of Davidson with the proposed project. As such, the church and its transferees, successors or assigns agrees to make an annual voluntary contribution, due September 1 each year, to the Town of Davidson as outlined below:

- a. Once the Conditional Master Plan is approved and Lake Forest closes on the property, the church agrees to make an annual voluntary contribution in an amount equal to the tax assessed value of parcels XX and XXX (land only) divided by \$100 multiplied by the current tax rate. When the church sells the mixed-use parcel (parcel XXX), the church's obligation shall be reduced to the value of parcel XX (land only).
- b. The church (and its development partner) has five years from December 31st following the date of the Conditional Master Plan approval to secure a Certificate of Occupancy (CO) for the commercial mixed-use building. After five years, the church's contribution shall increase to \$15,602.74 per year. This contribution shall be updated in conjunction with subsequent Mecklenburg County tax revaluations and approved by the Economic Development Manager and Finance Director, or their designees.
[Note: This contribution amount is an estimate of the projected Davidson tax obligation for a 25,000 sq. ft. commercial building. The projected tax obligation is calculated using the average appraised value by square foot for minimum two-story commercial buildings between 9,900-30,000 sq. ft. in the Town of Davidson.]
- c. Once the commercial mixed-use building is constructed on parcel XXX and in the year taxes are first paid on the new building, the church's annual voluntary contribution shall revert back to an

amount equal to the tax assessed value of parcel XX (land only) divided by \$100 multiplied by the current tax rate. This payment shall be made to the town so long as the use of parcel XX is tax-exempt and shall be updated in conjunction with subsequent Mecklenburg County revaluations.

- d. Beginning January 1, 2022, should there be a State of Emergency declared by either the federal or state government due to a health pandemic, the five-year term may be extended by the Planning Director. The extension shall be equal to the length of the declared State of Emergency.

The Town and Church agree to enter into a separate PILOT agreement setting forth the specific terms of the payment in lieu of taxes. This PILOT agreement shall be agreed upon by all parties prior to Conditional Master Plan approval. This obligation shall be assumed by any other non-profit entity that acquires title to parcel XX.

7. **Voluntary Buffer:** The Developer shall maintain the existing 30' vegetated buffer along the southern property boundary, between the project site and 520 South Main Street.
8. **Conditional Master Plan Sunset:** The Lake Forest Church Conditional Master Plan shall remain valid for five years from the date of final approval by the Board of Commissioners. The Planning Director may grant an extension of up to one year from the date of termination, if a request is received up to 30 days prior to the termination date, and the renewal would not exceed any statutory time period. In determining whether or not to grant an extension, the Planning Director shall consider: (A) Any planning ordinance amendments which would have a material impact on the plan; (B) The expenditure of time, money, or resources by the developer toward the plan; (C) General economic conditions (i.e. not specific to the developer).