



MEMO

Date: June 24, 2015
To: Planning Board
From: Jason Burdette, Planning Director
Re: Narrow Passage, Conditional Planning Area Staff Analysis

1. INTRODUCTION

APPLICANT INFO

Developer: Karl Plattner

Owner: Narrow Passage Holdings, Inc.

Site Designer: Woodbine Design, PC (Riley Burgess)

Location: 19615 Shearer Road (Parcel ID# 00309214)
15201 East Rocky River Road (Parcel ID# 00309201)
15210 East Rocky River (Parcel ID# 00725101)

Area: 59.29 acres

REQUEST

Applicant requests a Conditional rezoning to develop a 39-unit master planned development of detached homes on +/- 59 acres.

SUMMARY OF PETITION

This applicant is requesting specific conditions pertaining to:

- 1) Mix of Building Types
- 2) Lot widths
- 3) Bicycle facilities
- 4) Road Standards
- 5) Street Lights
- 6) Sewer/Septic Systems
- 7) Street Trees
- 8) Sidewalks
- 9) Affordable Housing
- 10) Annexation

A complete list of the proposed conditions is attached and described in further detail below.

2. PLANNING STAFF REVIEW

BACKGROUND

The applicant met with planning staff at various times during 2014 to discuss the development of the 59-acre tract of land into a rural residential subdivision. The proposal did not fully comply with the planning ordinance; the applicant elected to request a conditional rezoning. This review considers compliance with the Davidson Planning Ordinance adopted June 11, 2001, as amended.

PLANNING AND DEVELOPMENT STANDARDS

Staff is currently working with the applicant to address outstanding review comments. A summary of general planning and development standards is below.

Land Use

Residential development is permitted in the Rural Planning Area (RPA). Development options in the RPA for sites with access to utilities (water and sewer) include a *residential subdivision* with an allowable density of two units per acre. Development options in the RPA for sites without access to utilities include *conservation easement subdivision*, *low-impact subdivision*, and *farmhouse cluster*. For these development types, allowable densities are one unit per twenty acres; one unit per two acres; and, one unit per two acres, respectively. *Low-impact subdivisions* and *farmhouse clusters* limit the number of allowable units to six.

Access

The applicant proposes access to the development through a new street connection on the west side of Shearer Road.

Open Space

Forty percent open space is required in the RPA. The applicant proposes approximately 62.4% open space (36.98 acres). Primary conservation open space (undisturbed save for proposed trails) amounts to 34.0% of the site (20.14 acres); common open space includes 28.4% of the site (16.84 acres).

Greenway

The applicant proposes a system of woodland trails to provide access to a greenway to be constructed by the developer, and built to Mecklenburg County standards. The planning ordinance requires greenways to stub to the neighboring property line. The applicant has not provided the greenway connection stub within parcel #00725101 (south of East Rocky River Rd.) as shown on the Parks and Recreation Master Plan and other adopted plans.

Bike Path

The applicant proposes a payment-in-lieu of constructing the required separated bike facility (multi-use path) on East Rocky River Road. Specific details of this requested condition are sited below in the *Proposed Conditions* section.

Connectivity

The applicant proposes to construct a street stub to the neighboring property to the north of the site ("Garmon" Parcel ID# 00309207). Staff is working with the applicant to ensure that a right-of-way dedication is included to allow for a future connection to the south and to East Rocky River Rd., should adjacent parcels redevelop.

Affordable Housing

As per the number of lots shown on the plans, five affordable housing units would be required. The applicant requested a condition to allow all affordable housing units to be affordable to buyers within the income range of 80%-120% of the AMI (area median income). The applicant also requested that the payment-in-lieu (PIL) option be available for the required affordable units at a reduced rate of \$26,550 per unit. Currently, the ordinance only permits a payment-in-lieu option for those units required for very low income households (up to 50 % AMI).

In consultation with Cindy Reid, the town's affordable housing director, and in accordance with the planning ordinance, staff recommends that the applicant provide affordable housing on-site and not be permitted to provide a payment-in-lieu.

Water Quality

The applicant proposes a road cross-section to include ditch-type streets with bottomless culverts and no hardened swales or energy dissipaters to manage stormwater runoff.

PROPOSED CONDITIONS

The applicant requests specific conditions as part of this conditional rezoning. Staff has revised the proposed conditions. Where necessary, additional staff comments are provided below.

1. **Mix of Building Types:** All structures constructed or placed on the Property shall be detached single family residences and such accessory structures as are permitted by the DPO in the RPA. This includes relief from the Storefront/Workplace and Attached House requirements listed in DPO Section 4.8.3.
2. **Lot Width:** Pursuant to DPO Section 4.8.15.2, no minimum or maximum lot sizes are required of the project.
3. **Infrastructure:**
 - a. **Bicycle Facilities:** A bike path and bridge over the North Fork of the Rocky River are not required provided that the applicant pays to the Town the sum of \$60,000 (the approximate cost of the multi-use path and a bridge to the property line) prior to final plat approval for any phase of the Property.

Staff comment: The applicant originally proposed a payment of lieu of \$25/per linear foot of this portion of the south side of East Rocky River (approximately \$15,000). Further research and discussions with Mecklenburg County Parks and Recreation as well as private consultants suggested the proposed amount was inadequate. East Rocky River road frontage totals approximately 0.10 mile, with approximately 53' of bridge span and 475' of multi-use path for parcel #00725101 (south of East Rocky River Road). All town estimates are based upon Mecklenburg County specifications. These specifications cite \$100 per linear foot for a 10' multi-use path (\$47,500); and \$1200 per linear foot for a 10' multi-use path bridge (\$63,600) for a total of \$111,100. Two private consultants listed the cost for a 10' multi-use side path between \$100 and \$125 per linear foot. In 2008, NCDOT estimated this cost to be \$133/linear foot. Presented with this information, the applicant proposed the revised \$60,000 amount.

- b. **Road Standards:** All roads, drainage swales, and walking trails within right-of-way areas shall be constructed to conform to the approved cross section and other details for such improvements as shown on the Plans. Horizontal and vertical alignments for the roadways will

be in accordance with the latest edition of the manual for Subdivision Roadways of the NCDOT.

- c. **Street Lights:** The locations of street lights shall be as shown on the Plans. Fixtures and specifications shall be in accordance with the DPO.
 - d. **Sewer/Septic Systems:** On-site sewage disposal systems will conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.
 - e. **Street Trees:** All street trees shall be provided with at least the landscaping shown on the typical landscape matrix attached to the Plans.
 - f. **Sidewalks:** Sidewalks are not required; instead, walking paths as shown on the Plans shall replace sidewalks.
4. **Affordable Housing:** Affordable housing units shall be provided in compliance with DPO Section 6.3, except that (all of the following):
- a. No very low income (up to 50% AMI) units are required;
 - b. 1 unit shall be low income (no greater than 80% AMI);
 - c. 2 units shall be moderate income (between 80% and 100% AMI);
 - d. 2 units shall be moderate income (between 100% and 120% AMI);
 - e. Payment in lieu of providing affordable housing is permitted at the rate of \$26,550 per required affordable unit.

Staff comment: In consultation with Cindy Reid, the town's affordable housing director, and in accordance with the planning ordinance, staff recommends that the applicant provide affordable housing on-site and not be permitted to provide a payment-in-lieu.

5. **Annexation:** The property owner shall file a petition for annexation of the Property on the standard town form upon approval of the Preliminary Plans and prior to commencement of any land disturbing activity. After the filing of such annexation application, no action or inaction of the Town Board shall have any bearing on the progress of the development and the petition for annexation shall not be revoked or withdrawn prior to action on it by the Board of Commissioners.

PLANNING BOARD CONSIDERATIONS

At its April 2015 meeting, the Planning Board discussed the history of development in the Rural Planning Area and the potential for future development. The Planning Board unanimously passed a resolution supporting the prioritization and creation of a small area plan for the Rural Planning Area. Additionally, the Planning Board's resolution asks that the Town Board adopt a moratorium in the Rural Planning Area until such a plan can be completed.

TOWN BOARD WORK SESSION

At the April 28, 2015 Town Board work session, the board and staff discussed the Narrow Passage Conditional Planning Area request. It was decided that Randall Arendt, a well-known rural planning consultant, could provide guidance and recommendations on how to better cluster development in the RPA. He would also look at the proposed Narrow Passage development, specifically.

RANDALL ARENDT WORKSHOP

Randall Arendt led a workshop specific to Narrow Passage in mid-May. The workshop included a site visit, and input from the developer, staff, elected officials, and the public. Members of the Planning Board also attended. Arendt produced a revised development schematic and a recap memo from that workshop (see attached). Key points from Arendt's memo included:

1. In areas with good soils, it is preferable for environmental reasons to employ swales that allow stormwater infiltration to occur over larger areas. Grassy shoulders and swales are more "rural" than concrete curbing.
2. Placing street lighting at certain intersections rather than throughout the development also connotes a more "rural" development.
3. Regular tree shading is recommended. A less formal approach could be taken to great effect if each lot is specified with a certain number of trees and shrubs to be planted in specific locations in front yards close to the street. Native species are recommended.
4. Regarding sewer/septic, on-site infiltration methods are recommended. On smaller parcels, individual septic is advised. On larger parcels with many lots, drip irrigation is recommended.
5. The revised street network allows for connectivity to the adjacent parcel, and moves the road away from preferable soils for septic.
6. The revised schematic plan shows a range of both house sizes and prices.
7. A paved greenway trail spanning the development will enhance the town's future greenway network. Less formal internal trails aid connectivity.
8. The revised schematic plan aims to broaden the gas-line edge to lessen the linear impact of the utility line.
9. The ultimate layout of the development would not change much, if at all, if it were delayed until a Rural Area Plan has been adopted. The reality of the southeastern end of the ETJ is currently more suburban than rural. This parcel and the adjacent parcel to the north are essentially suburban infill parcels.

Staff had several follow-up questions for Arendt. Specifically, how would Arendt design Narrow Passage differently as a by-right subdivision (one unit/two acres, maximum six units); and how would Arendt design Narrow Passage differently if it had full access to water and sewer (two units/acre). Arendt responded:

1. Arendt would not recommend developing by-right (six units) in this "non-rural, suburbanizing" area.
2. Arendt would not recommend developing with water and sewer at 2du/ac. This location would not be appropriate for that level of density given distance from services. Topography would also not be conducive to such development intensity.

3. PUBLIC PLANS AND POLICIES

Below is a list of town-adopted plans and a brief summary of each plan's applicability to the proposed Narrow Passage Conditional Planning Area rezoning.

- The ***Davidson Greenprint Plan: Natural Assets Inventory (2008)*** identified the community's natural assets and provided recommendations to guide the protection of a sustainable network of open spaces, surface waters, and tree cover. Recommendations relevant to this proposed development include:
 1. Rural sprawl is an issue of concern. In the rural area, residential development is the primary permitted land use. Current policies do not set maximum lot sizes, and especially where public wastewater systems are not available, individual lots are on average two acres or greater in size. In larger lot subdivisions, homes are not satisfactorily clustered and create fragmented, marginal pockets of common or privately-owned open space (p.3).
 2. Contiguous open space is an area of concern. Open space connectivity has proven difficult to achieve across property lines. Especially where a small area plan is absent, it is difficult to decide which open spaces should be preserved during the master plan process. Continuity of open space is critical to sustainable animal habitats (p. 3).
 3. Management of conserved open space can prove difficult as the planning ordinance permits deed restrictions in lieu of conservation easements on common open space (p. 3).
 4. Require open space and tree planting plans as part of every master plan. The Open Space Plan will outline required landscaping, street tree plantings, tree preservation details, and self-monitoring programs. Preservation and planting plans are conceptual during the master plan process and refined during preliminary plat submittal (p. 21).
- The ***Davidson Walks and Rolls: Active Transportation Master Plan (2013)*** aims to create a vision for an improved walking and bicycle environment. Recommendations relevant to this proposed development include:
 1. Recommended pedestrian facilities. The plan identifies future greenway/multi-use path facilities to be located along the West Branch of the Rock River extending north from East Rocky River Road to Fisher Farm, Abersham, and beyond (p. 4-5). The plan also identifies a future greenway/multi-use path to be located along East Rocky River Road, extending west from Cabarrus County to connect to the existing side path located at the roundabout (intersection of Concord Rd., Davidson-Concord Rd., and East Rocky River Rd.).
 2. Recommended bicycle facilities. The plan identifies future greenway/multi-use path facilities to be located along the West Branch of the Rock River extending north from East Rocky River Road to Fisher Farm, Abersham, and beyond (p. 4-15). The plan also identifies a future greenway/multi-use path and bike lane to be located along East Rocky River Road, extending west from Cabarrus County to connect to the existing side path located at the roundabout (intersection of Concord Rd., Davidson-Concord Rd., and East Rocky River Rd.).
 3. The plan provides specification recommendations for each proposed active transportation facility.

- The ***Parks and Recreation Master Plan (2014)*** intends to establish a framework for assessing current needs and future recommendations for the town’s parks and recreation system. Recommendations relevant to this project include:
 1. Greenways are essential links between parks and destination points. Trailheads, with amenities like signage, maps, benches, lighting, and trash receptacles should be located every half mile along the greenway (p. 43).
 2. The plan includes a map of the proposed Davidson parks and recreation system and associated facilities. A proposed greenway/multi-use path is shown along the West Branch of the Rocky River connecting across East Rocky River Road to the River Run neighborhood (p. 45).
 3. The plan includes a policy recommendation to seek opportunities to foster public/private partnership for park/trail development (p. 49).
 4. The plan includes a facility recommendation to create a linked system by providing more pedestrian and bicycle connections between parks, open space, and key destinations. Specifically, the park and greenway system should be linked by multi-use trails accessible within one-quarter mile of every household (p. 55).

- The ***Mecklenburg County Greenways and Trails Master Plan (2008)*** aims to improve policies, programs, and activities of the greenways and trails program, to accelerate development of the trails network, and to improve the function and operation of the greenway and trails program. Recommendations relevant to this proposed development include:
 1. Proposed Rocky River Greenway (West Branch) facility extending northwest from the Cabarrus County line to Fisher Farm and Abersham (p. 7). This facility was identified as a “10-year project” in 2008 (p. 9).
 2. The plan references this facility as a “future greenway” as identified on the Davidson Greenway Master Plan, 2007 (p. 11)

- The ***Davidson Bicycle Transportation Plan (2008)*** aims to address the planning tenet that growth must be sustainable. One key means of achieving sustainability is to reduce the reliance on the automobile and encourage walking and biking. Recommendations relevant to this proposed development include:
 1. Developers play a key role in facility construction and dedication (p. 106, 110)

- The ***General Principles for Planning in Davidson (2001)*** include tenets to guide development in Davidson. Principles relevant to this proposed development include:
 1. We must preserve Davidson’s status as a small town. Specifically, large-lot sprawl-type development must be avoided.
 2. We must preserve substantial amounts of open space. The rural area enhances quality of life. Great effort must be made to save significant hardwood forests, farmland, and wildlife habitats.
 3. Growth must be sustainable. Growth totally dependent on the passenger automobile is not sustainable.

4. We must reestablish our historic diversity of people. The ordinance provides for a mixture of housing types and prices in every neighborhood. The town will actively discourage development that is predicated on having only people of similar socioeconomic status living together.
 5. We rely on a unique combination of private property rights and the health of the community as a whole. The town respects the rights of private property owners with an intent to preserve land values and address the larger picture instead of just the immediate neighborhood that the landowner and the developer consider. The role of government can produce tensions with landowners; these tensions are an integral part of government.
- The ***Davidson Comprehensive Plan (2010)*** describes a vision for the long-term future of the town considering regional context and current growth trends. The purpose of a comprehensive plan is to guide decision-makers on a wide range of issues, in particular land-use policy, conditional development review, long-term planning initiatives, and capital investment decisions. Comprehensive plans usually precede and inform zoning and development ordinances (p. 9). Recommendations relevant to this proposed development include:
 1. The loss of open space is an ongoing concern among citizens. Identified open space goals include preserving 50 percent of the ETJ (extra-territorial jurisdiction) as open space, provide public access to 50 percent of the open space in the ETJ, encourage walkable, mixed-use communities, protect the scenic quality and character of the rural areas, protect water quality, and retain equity for ETJ landowners (p. 23).
 2. Large-lot, single-family subdivisions on undeveloped, rural properties are not a desirable location for meeting future housing needs. Given the current population mix, it is likely that at least half of the incoming population (based upon growth projections) will be looking for alternatives to the single-family, detached housing unit (p. 29).
 3. To promote socio-economic diversity, the town will continue to require affordable housing. Properties dedicated for affordable housing in new developments are a good place to locate these units. Affordable housing should be located throughout the community (p. 29, 53).
 4. Maintaining quality design and sound planning principles is a livability theme that emerged in response to the restriction against extending rural sewer lines and the low-density residential development potential in the rural area (p. 42).
 5. Provide safe and secure neighborhoods, streets, parks, and greenways. The town and developers should continue to design, build, and manage public spaces (such as streets and greenways). Build off-road greenways, trails, and bike improvement projects per the bicycle master plan (p. 49-51).
 6. Ensure that every residence is within one-quarter mile of a public park and greenway access (p. 52).
 7. Encourage more bicycle and pedestrian travel is cited under a larger livability theme of providing sustainable and healthy choices for transportation (p. 56).

8. 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).
9. Preserving the rural landscape is cited as a goal under the maintaining quality design and sound planning principles livability theme (p. 66). Short-term recommendations include updating the ordinance in the Rural Planning Area to encourage cluster development and rural viewshed protection. Additionally, the town should consider best practices for well-timed annexation and utility extensions in the rural area. Intensities and land uses should transition from the urban core to agricultural and natural settings. Discouraging moderate density and dispersed development in the rural area is cited as an ongoing initiative (p. 66).
10. The targeted growth model focused on a balance between housing and jobs, well-planned extensions to infrastructure and public services, and the preservation of meaningful open space (p. 9). This preferred growth model is an economically balanced model that builds on the town's assets and sustains quality of life for residents (p. 71). The Targeted Growth Plan identifies a phased, development pattern that structures growth in a way that maintains and enhances Davidson's strongest community assets, minimizes sprawl, and preserves and protects its rural areas (p. 72). The town can shape its growth in a logical and structured way, while allowing priority areas, such as the downtown, to continue to flourish over time.
 - *Priority Growth Targets*: These areas should receive the most immediate attention. These growth areas will best serve the existing population in the short term.
 - *Secondary Growth Targets*: These areas are long-term solutions for economic growth and housing development. This area will not be built out for at least 20 years.
 - *Growth Reserve Areas*: These areas are for excess development potential or supporting uses to nearby targets. The Rural Area should maintain its character by way of low-density residential development, active agricultural uses, and preserved open space (p. 72)
11. Three sub-areas are identified within the Targeted Growth Plan: The Village, Smart Suburban, and the Rural Area. Within the Village and Smart Suburban Growth Areas, there are hundreds of acres of undeveloped or redevelopable property located between targeted growth nodes. These sub-areas allow for infill development once the targeted growth areas have been built out. Residential development is ideally located within the Village and Smart Suburban Growth Reserve (p. 73).
12. The Rural Area is the third sub-area, and consists of the undeveloped portions of the town's ETJ outside the other two sub-areas. The Targeted Growth Plan places a high priority on preservation of the surrounding Rural Area. Large-scale development nodes and new infrastructure extensions that would encourage large-scale development should not be permitted in this area. Developers would be required to preserve land, create clustered, low-density residential neighborhoods, or actively farmed properties in the Rural Planning Area. The extension of sewer extension and the construction of new roads will need to be carefully considered to allow for necessary economic growth while preserving the rural character (p. 73).

4. STAFF RECOMMENDATION

All of the above-mentioned plans serve to inform and guide land-use decisions. Greenways, multi-use paths, open space preservation, and affordable housing are frequently mentioned across multiple plans as necessary and vital components of good community planning. Accordingly, there are aspects of the proposed Narrow Passage Conditional rezoning proposal that are consistent with the plans cited above, as reiterated in Randall Arendt's memo.

Conversely, there are also portions of this proposed rezoning that are inconsistent with approved plans and studies. Multiple plans raise concerns about large-lot developments in the rural area and the potential for sprawl associated with infrastructure extensions.

These plans recognize that developers play a key role in active transportation facility construction and dedication. While the applicant proposes constructing a greenway on the larger parcel north of East Rocky River, future greenway considerations highlighted in multiple approved plans are not addressed on the parcel south of East Rocky River Road. Similarly, the applicant proposes a payment-in-lieu for the required separated multi-use path and bridge on the south side of East Rocky River Road. Based upon cost estimates obtained from multiple sources, the proposed payment-in-lieu is inadequate.

Additionally, the applicant proposes an option to provide a payment-in-lieu for affordable housing obligations. Currently, the payment-in-lieu option is only permitted for the very low income category (up to 50% of AMI). Locating affordable housing throughout the community promotes socio-economic diversity – a long-standing planning principle in Davidson.

The Davidson Comprehensive Plan is the only document that specifically cites guiding decision-makers on conditional development review as a stated purpose. The comprehensive plan advises that large-lot, single-family subdivisions in rural areas are not desirable locations to meet the town's future housing needs. Additionally, the town should consider best practices for well-timed annexation and utility extensions in the rural area. Discouraging moderate density and dispersed development in the rural area is cited as an ongoing initiative.

Of greater note, the comprehensive plan describes a Targeted Growth Plan as an economically balanced model. Specifically, this Targeted Growth Plan identifies a *phased* development pattern growth in a way that maintains and enhances Davidson's strongest community assets, minimizes sprawl, and preserves and protects its rural areas. The phased development model includes 1) Priority Growth Targets; 2) Secondary Growth Targets; and 3) Growth Reserve Areas.

Within the Growth Reserve Area, three specific reserves are identified: 1) Village Area Reserve; 2) Smart Suburban Reserve; and 3) Rural Area Reserve. Residential development is ideally located within the Village and Smart Suburban Growth Reserve. The proposed Narrow Passage site lies within the Rural Area Reserve – at present, the reserve area least appropriate for development. The comprehensive plan states that preservation is a high priority here, and that infrastructure extensions that would encourage large-scale development should not be permitted. Developers should preserve land, create clustered, low-density residential neighborhoods, or active farmed properties.

Ideally, staff would recommend delaying consideration of this conditional rezoning application until a Rural Area Plan could be completed to better inform decision-makers. In the absence of a Rural Area Plan, staff relies on adopted plans, specifically the Davidson Comprehensive Plan. Staff recommends against approving the conditional rezoning under consideration.

5. ATTACHMENTS

Narrow Passage Plans
Randall Arendt memo
Public Information Session Report
Targeted Growth Plan