



STAFF ANALYSIS

Date: May 20, 2019
To: Planning Board Members
From: Jason Burdette, Planning Director
Re: Potts Street Residential Master Plan

1. INTRODUCTION

APPLICANT INFO

- **Owner:** Davidson Acquisition Company, LLC
- **Developer:** Crescent Acquisitions, LLC
- **Project Team:** ColeJenest & Stone, P.A.
- **Location:** 21221 Potts St. (Parcel IDs: 00320511, 00320536, 00324101)
- **Planning Area(s):** Village Infill Planning Area
- **Area:** 15.441 Acres

REQUEST

The applicant proposes 250 multi-family residences located on approximately 15.441 acres primarily on Potts Street. The master plan includes open space, park, and multi-use path features along with street infrastructure. The applicant intends to meet all applicable requirements as part of the Master Plan process identified in Davidson Planning Ordinance (DPO) Section 14.8; the proposal is being reviewed according to the requirements in effect on the application submittal date (May 23, 2017).

2. PLANNING STAFF REVIEW

BACKGROUND

The total master plan area consists of three parcels – two fronting Potts Street (PIDs 00320511, 00324101) and a third parcel adjacent to Lake Cornelius (PID 00320536, addressed as 513 Catawba Avenue). The overall land area straddles the jurisdictional line between Cornelius, NC and Davidson, NC; however, only the Davidson, NC portions of the land area are included as project area in the master plan.

Note: The documentation and process requirements are governed by the ordinance in effect at the time of the 2017 Master Plan application.

The site design has evolved in response to DPO requirements and various meetings with town and county officials. The original plan submitted in May 2017 proposed 19 townhomes and 276 multi-family residential units. A number of regulatory and site constraints emerged over the ensuing months, including: Reconciling requirements of two different municipal zoning codes (Cornelius, Davidson); treatment of stormwater; location within the Lake Norman Critical Watershed; and, potential

transportation impacts. An informal site visit was conducted in July 2017 with the project team, staff, elected officials, and members of the community. Initial concerns raised through the visit ranged from the amount of impervious coverage (i.e. hardscape) and the infrastructure necessary to support the proposed development to the compatibility of the proposed buildings with surrounding residences.

The design continued to evolve from 2017-2018 with the addition of stormwater treatment facilities and shifting of building locations. Eventually, the size of the stormwater facilities increased and townhomes were removed from the proposed plan in early 2018. Some amount of open space has remained along Potts Street throughout each iteration and, likewise, the parcel adjacent to Lake Cornelius has always been designated open space. A Transportation Impact Analysis was conducted in the Summer of 2018 and the results are discussed in this report.

In August 2018, the Davidson Board of Commissioners approved Resolution 2018-12, bringing approvals of water and sewer extensions to the Board, as permitted under a 1984 agreement with Charlotte Water. Charlotte Water has not yet classified the Potts Street Residential development as a connection or extension; in August 2018 the Davidson Board of Commissioners denied approval of water and sewer extensions.

A lawsuit was filed by Davidson Acquisition Company, LLC and Crescent Acquisitions, LLC in October 2018. In mid-April 2019, a court order directed the town to fulfill the remaining process requirements for the development proposal as soon as possible – this included scheduling a Public Input Session for Thursday, May 2, 2019 and the soliciting of the Planning Board’s comments during their scheduled review at their May 20, 2019 meeting.

PLANNING AND DEVELOPMENT STANDARDS

CONTEXT

The proposed development is located on Potts St. about 500 feet north of its intersection with South Main Street/NC 115. Surrounding uses are as follows: To the east the development borders Potts St. and the railroad tracks across Potts Street; to the south a mix of undeveloped and single-family residential parcels; to the southwest the Lake Norman YMCA; to the west undeveloped parcels adjacent to Lake Cornelius; and, to the north and northeast it borders single-family residential parcels along Catawba Ave. and Potts Street. Outside of its surrounding context, there are a number of different uses in the area. The project’s location affords access to a variety of places including the South Main St. area, downtown Davidson, the Circles @ 30, the Lake Norman YMCA, and businesses along NC 115 in Cornelius.

Overall, the transportation infrastructure surrounding the site is limited and underdeveloped: Most streets are unmarked and unimproved. A fuller discussion of these issues is in the Transportation section below.

BUILDINGS/SITE LAYOUT

The subject parcels lie within the Village Infill Planning Area, which the Davidson Planning Ordinance (DPO) describes as the traditional, residential neighborhoods surrounding the historic town center (DPO 2.2.4.A). Through its standards this area provides for infill development and encourages a range of housing types; at the time of the proposal’s submittal, the multi-family building type was an allowed building type within this planning area.

The ordinance emphasizes that development – and buildings, in particular – should be designed to be pedestrian-oriented (i.e. front streets and sidewalks) and compatible in scale with surrounding buildings. In addition to the minimum standards applicable within this planning area, an overlay district places an extra set of standards on buildings in the Village Infill to reinforce the importance of size relationships between adjacent parcels. DPO 2.3.4.A notes that – while Davidson’s older neighborhoods will change – the character of these areas is to be preserved through thoughtful, context-sensitive development. The

Potts Street Residential development lies within the Village Infill Orange Overlay District, which restricts buildings to 32 feet in height. This is measured from the bottom of the first floor to the highest point on the roof where there is no ridgeline. Building elements which are not intended for human occupancy are excepted from the height restrictions. There are numerous other ordinance criteria governing building features such as façade design, window placement, and materials. Because the buildings are multi-family, their design is subject to approval by the Davidson Design Review Board (DRB), a citizen advisory board tasked with ensuring the design meets the ordinance requirements and respects the town's approach to high-quality, contextually-appropriate development. Given the single-family residential uses on the northern and eastern boundaries, it will be imperative for the larger-scale multi-family buildings to respect the character of the existing development. Clarification as to how this proposal meets DPO 4.4.1 has been requested, especially since surrounding buildings have been documented in the National Register Historic District.

The proposal currently lacks a building presence along Potts St. – the front door to the development. As such, it does not appear to meet DPO 4.3.1.A.7, 4.3.1.B.1, which require plans to integrate existing and proposed streets into plans and contain buildings fronting such streets. This is inconsistent with existing development to the north and south where buildings line the Potts Street, albeit with significant front setbacks on the order of 30 to 50 feet. The approved realignment of Potts Street has significant impact on the proposal's ability to comply with DPO standards. The realigned street shall be shown on the plans and accounted for when verifying DPO compliance.

The minimum five-foot front and rear setbacks are met, as is the 10-foot side setback, by clustering the buildings into the middle of the parcel. It's one way to deal with the scale of the buildings; but it comes at the expense of orienting the buildings towards existing streets or around public spaces. Likewise, this clustering is not consistent with other larger-scale multi-family development such as the Bexley Apartments on Davidson Gateway Drive (which lines several streets and faces two types of homes, including single-family homes). The approach there showcases the benefits of utilizing multiple building heights (a mix of two- and three-stories) and designs depending on a building's location on the street or which street/building type it faces – rather than a more uniform building approach as proposed with Potts Street Residential.

It's possible that a mix of larger-scale and smaller-scale buildings will afford greater site flexibility as well as a more suitable transition from the surrounding single-family homes to the larger multi-family buildings. The Village Infill standards permit such an approach by allowing single-family, duplex, and attached housing types along with townhomes.

Lastly, regarding affordable housing: The construction or payment-in-lieu provisions of DPO 5 do not apply to this proposal since it contains only for-rent housing.

TRANSPORTATION

Vehicular access to the site is planned via Potts Street and Public Street A. The proposed street network contains four streets (Public Streets A-D) and one street type: Neighborhood General Street (DPO 6.7). As proposed here, it contains sidewalks, street trees, and on-street parking on both sides of each street. There are four connection points to surrounding parcels. Additionally, the plan provides an alternate fire access pathway from Potts Street. This access was approved by the County Fire Marshall in July 2018. It is assumed that Potts St. will receive the concentrated impacts of the development's full vehicular traffic until additional connections via adjacent parcels are made. However, per DPO 6.6.1, proposed developments must conform to adopted transportation plans: The lack of an additional connection to Catawba Ave. fails to meet the connectivity requirements identified in the Davidson Circulation Plan (Pg. 42); the connection to Catawba is required by the Transportation Impact Analysis (TIA).

As noted earlier, the overall transportation infrastructure surrounding the site is limited and underdeveloped: Most streets are unmarked and unimproved. Although transit stops are within

walking distance, pedestrian and bicycle infrastructure is incomplete or inadequate to accommodate safe travel. However, these conditions are beginning to change with infill development along Catawba Ave., and greater change is set to occur in the coming years.

Work is underway to complete the Potts-Sloan-Beaty connector linking North Main St. at Beaty St. to Potts St. at South Main St./NC 115 via a continuous vehicular route. The project will feature an improved streetscape with bicycle and pedestrian facilities and is anticipated to begin in 2019 and be completed in 2020. Concurrently, NCDOT is working with Cornelius and plans to improve South Main Street's intersections with Potts St. and Davidson St. – realigning South Main St. as it passes under the railroad trestle and installing an expanded traffic circle to improve the safety of vehicular movements at this busy juncture that provides a link between Davidson and Cornelius as well as connection to a major regional destination, the Lake Norman YMCA. These improvements are accompanied by enhanced bicycle and pedestrian facilities. However, the proposed plan does not accommodate the realigned Potts St. as required per DPO 4.3.1.A.7, 4.3.1.B.1. Nor is this omission consistent with DPO 6.6.1 or 6.6.3, which require developments conform to adopted transportation plans (see CRTPO's Comprehensive Transportation Plan, Inset D) and improve existing sub-standard streets.

A Transportation Impact Analysis (TIA) was required by the DPO due to the size of the development. TIAs study the potential impacts of developments on current/projected vehicular and pedestrian/bicycle movements. The TIA was conducted in the fall of 2017 assuming 246 dwelling units 14 townhomes (260 total units); the subsequent reduction in dwelling units to 250 total units is assumed to result in less traffic impacts. The TIA evaluated six scenarios. They included:

- 1) 2017 Existing Conditions
- 2) 2019 Background Conditions (w/existing road alignments)
- 3) 2019 Build Conditions (w/existing road alignments)
- 4) 2022 Background Conditions (w/ NCDOT projects U-5873 and U-5907)
- 5) 2022 Build Conditions (w/ NCDOT projects U-5873 and U-5907)
- 6) 2022 Build Conditions (w/ NCDOT projects U-5873 and U-5907 and Catawba Ave. access)

In sum, the TIA recommend various improvements to streets and intersections covered by the study, which the applicant has agreed to construct or pay mitigation funds towards. The TIA was approved with conditions (DPO 6.10.4.B.2). Those conditions include:

1. The approved Potts Street realignment (U-5873) must be shown on all drawings and the impervious and requisite right-of-way improvements must be removed from all base calculations. This is determined to be a reasonable condition to ensure that the proposal will comply with all DPO standards.
2. Per the TIA recommendation, the connection to Catawba Ave. must be provided. Given the size of the development (250 units), two means of ingress and egress are imperative to reduce the burden on the existing infrastructure and secure public safety.
3. Per the TIA, the greenway to the western parcel shall be constructed. Appropriate documentation from the adjacent parcel owner detailing the intent to provide an easement is determined to be a reasonable condition of the TIA approval.
4. All payments-in-lieu must be made to the Town of Davidson prior to any final plat approval.
5. Payments directed to the Town of Cornelius (per the TIA) must be provided prior to the Town of Davidson approving any final plat. Appropriate documentation of such payment must be provided to the Town of Davidson.

Concerning pedestrian and bicycle improvements, the plan illustrates a multi-use path connection from east to west from Potts St. to the Lake Cornelius parcel as required by the Walks & Rolls Plan for a connection to the Lake Norman YMCA. This path is contingent on an easement connection across the YMCA's land that has yet to be provided; It's not clear that the required greenway access has been or will be provided (DPO 6.5.3.B), or that lakefront access has been secured (DPO 2.2.4.E). The plan also

shows a five-foot sidewalk along Potts Street. Overall, the internal pedestrian connectivity appears to meet several requirements; however, additional clarifications or revisions are required to ensure that the following standards for sidewalks and paths are met: Mid-Block Crossings (DPO 6.5.3.A), Interior Sidewalks (6.8.1.E), Crosswalks (6.8.1.G), Greenway Routing (6.8.3.E), and Access to Parks (14.15.2.D).

Lastly, the project proposes to meet the parking requirements on-site through a mix of off-street and on-street parking spaces. Table 8-1 requires a minimum of 1.0 parking spaces per unit, with a maximum of 2.0 spaces per unit allowed. The project's envisioned 360 spaces fall within the 250-500 parking spaces permitted for the project. This includes 79 on-street spaces, which should help to create a buffered walking environment for pedestrians.

Concerning the parking areas, the approach of breaking the parking areas into smaller bays appears compliant with the DPO. With the extensive parking areas required for this proposal, as the project moves forward it will be important for the site design to be mindful of the parking area design and landscaping requirements. To that end, additional clarification is required to ensure that: The appropriate amount of bicycle parking has been provided and sited (DPO 8.3.1, 8.6.4.A, 8.6.6.A, 7.4.1.F.3) as well as factored into impervious coverage calculations; the design of the parking lots meets the placement (8.4.1.B), size (8.4.1.C), access (8.4.1.A, 8.4.1.D, 8.4.5), and landscaping requirements (9.6).

TREE PRESERVATION/BUFFERS/OPEN SPACE

All parcels included within the proposal are currently heavily wooded with mature trees. The ordinance requires that a minimum 20 percent of the mature tree canopy be preserved (DPO 9.3.2.A.4). According to the DPO mature trees are those over 12 inches (eight inches for smaller maturing trees). Per the Environmental Inventory (Sheet C-001) 691 trees are located on site, with 138 required to be preserved. The data indicates 145 trees (20.8%) have been saved. However, the following issues have been identified:

- Land Areas: It is unclear whether all project areas have been included in the calculations. Based on C-001, it does not appear that the parcel east of Potts St. has been included (PID 00324101B) and it is unclear whether the Lake Cornelius parcel has been considered (PID 00320536). There is inconsistency in the conservation areas depicted on C-001 and C-003. This should be clarified in the Cycle 6 technical review.
- Open Space Trees: It is unclear whether mature trees in all designated open space areas have been preserved per DPO 9.3.2.A.1. Specifically, the open space areas on Lake Cornelius and on the south/southwest side of Street A near its intersection with Potts St. illustrate open space but do not designate tree preservation. This should be clarified in the Cycle 6 technical review.
- Specimen Trees: No information on specimen trees has been provided. Per DPO 9.3.2.A.3, specimen trees must be identified.
- Percent Saved: The plans indicate 145 trees have been saved as shown on C-001, but the number of mature trees illustrated on the plan indicates approximately 116 mature trees have been saved.

A significant amount of the proposed tree preservation for the project has been accomplished at the front of the development. The preservation of tree stands along the northern/northeastern boundaries seem to offer greater screening benefits. This particular use does not require a buffer; however, the ordinance contains requirements for natural buffers adjacent to parking areas that must be fulfilled as the project moves forward (DPO 9.6.2.F). The plans illustrate a 25-foot vegetated buffer along the western, northern, and northeastern boundaries. Additionally, lighting impacts must be taken into account and the standards of DPO 10 met for the buildings, streets, and parking areas. Clarification on these features has been requested.

Regarding open space: At the time of the proposal's submittal, open space was not required in the Village Infill Planning Area by the DPO. Based on Mecklenburg County's Post-Construction Stormwater

Ordinance, the project must provide undisturbed open space equal to at least 17.5 percent (2.62 acres) of the project area. Sheet C-003 illustrates these areas, which do not appear to be depicted consistently across all sheets including C-002 and C-004 (the latter possibly showing grading conflicts where designated open space is located on the west, north, and east sides of the main parcel). Nearly all of the proposed open space is shunted to the proposal's periphery as residual land area; it is not used as an organizing element as in many other Davidson neighborhoods.

Although there are no minimum open space standards, the ordinance requires a neighborhood park, which is sited along Potts St. at the development's entrance. The park contains a designated area for a dog park, which will be an important feature given the proposed building types. However, there are a number of revisions and/or clarifications required to ensure the designated park areas meet requirements. These include: Making the park(s) a focal point of the development (DPO 7.4.1.A.2); ensuring the parks are adequately sized based not only on the minimum requirements but also on based on intended function (7.4.1.C.1, 7.4.2.A.D); providing adequate amenities and access (7.4.1.F.1, 7.4.2.A.E); and that future ownership and maintenance is clearly outlined (7.5).

LAKE NORMAN WATERSHED - CRITICAL AREA

The project's parcels are located in the Critical Area of the Lake Norman Watershed. Within this district the DPO limits more intense development such as this to a maximum of 50 percent built-upon-area (BUA, or hardscape). The plan indicates that that total site area of all parcels has been considered in calculating the permitted BUA. However, DPO 17.7.1 and 17.7.1.2 indicate that the "total project area shall include total acreage in the tract on which the project is to be developed." Mecklenburg County has determined that "tract" requires contiguity. At this point, it is unclear whether the BUA calculation was done correctly. Because the parcels are non-contiguous, the project (in its current iteration) will be required to pursue the Density Averaging process outlined in DPO 17.8 and as required by state statute. The state watershed statute [NCGS 143-214.5(d2)(2)] only permits averaging on up to two non-contiguous parcels (the plans currently indicate three). This should be clarified in the Cycle 6 technical review.

In addition to the BUA criteria, high-density developments must also feature stormwater controls. At the time of this project's submittal, the ordinance permitted only wet detention ponds as the primary treatment system. These facilities tend to be large structures requiring significant land area, as the plans illustrate in the project's northwest corner. The ordinance has since been revised to allow a more context-sensitive approach to stormwater treatment by allowing other facilities to serve as a site's primary features so long as treatment requirements are met. With anticipated plan revisions due to the Potts St. realignment, an opportunity exists to more fully integrate this facility into the project design as an organizing facet that is beautiful, rather than a utilitarian feature relegated to the periphery. Examples of such approaches include: Water St., Celebration, FL; Harbor Bend Rd./Harbor Isle Dr., Harbor Town, Memphis, TN; and, even Harbor Park Dr. in Davidson, NC.

3. PUBLIC PLANS & POLICIES

Below is a list of town-adopted documents and a brief summary of each's applicability to the proposed master plan:

- The ***General Principles for Planning in Davidson (2015)*** include tenets to guide development in Davidson. Principles relevant to this proposed development are listed below. They can be summarized as: Residential development should be context-sensitive in its design, include a variety of housing and transportation options, and be integrated with thoughtful open space/preservation.
 1. We must preserve Davidson's character and sense of community.
 - Compact developments with community open space
 - A street, sidewalk, and greenway network that knits the community together

- Engaging public spaces
 - Neighborhoods welcoming to all citizens
 - Neighborhoods as integral parts of town
3. We must encourage alternative means of active transportation.
 - Development and redevelopment in walkable, mixed-use, connected neighborhoods
 - New greenway, bike, and sidewalk connections to existing developments
 5. We must use our scarce land resources wisely.
 - Preserving rural views, significant hardwood forests, farmland, wildlife habitats, rock outcroppings, parkland, and watersheds in their pristine form
 - Ensuring that development builds up and not out
 6. We must create an environment that fosters diversity. To encourage diversity of all economic levels, all races and ethnic groups, all ages, and all physical and mental abilities we will:
 - Provide a mixture of housing types and prices in every neighborhood
- The ***Davidson Comprehensive Plan (2010)*** characterizes the project site area as a Village Area Growth Reserve context, describing these areas as places for “future infill development...[that] serve as transition areas between the more intense growth targets and existing low-intensity neighborhoods or protected open space. Residential development, public services and civic uses (such as churches and schools) and additional neighborhood-support centers are ideally located within the Village and Smart Suburban Growth Reserve. The plan also discusses the importance of balancing infill development with the impacts of such development on local residents’ quality of life (Pg. 65 Maintain Quality Design & Sound Planning Principles).
 - The ***Town of Davidson Water/Sewer Policy (2018)*** requires a determination by Charlotte Water regarding their ability to serve a site as well as whether a development proposal constitutes an extension (i.e. construction of a non-existing line) or connection (i.e. tapping into an existing line). This proposal has not yet received a determination from Charlotte Water.

4. OUTSTANDING ISSUES

Below is a list of items that require further clarification/resolution prior to the plan’s approval. Several of these have been noted previously in the Planning Staff Review section above. They are consolidated here to provide a single location for the identified issues. Note: These notes are based upon plans submitted during Cycle 5 which were approved by the County Fire Marshall and LUESA Land Development (Mecklenburg County); the Town of Davidson and LUESA Zoning determined Cycle 5 had “unresolved issues” and were not approved. Outstanding items shall be addressed by the applicant in Cycle 6 EPM submittal. Integration of the approved Potts Street alignment into the site is a minimum requirement to verify compliance with DPO standards. This may not be a complete list of outstanding items.

- **Building Orientation/Scale:** The scale and orientation of buildings to existing streets and adjacent uses should be carefully considered as the project evolves.
- **Connectivity/All Modes:** The impacts of the development are significant and the provision of adequate vehicular as well as pedestrian/bicycle facilities are warranted given the development’s size. Required connection to Catawba Ave. per the TIA.
- **Tree Preservation:** Clarity that the tree preservation requirements will be met must be provided.

- Open Space: Confirmation that the Post-Construction Stormwater Ordinance requirements have been met must be provided. Additionally, open space as a central feature/organizing principle should be more fully integrated into the plan.
- Watershed: Clarity regarding the amount of BUA envisioned is required, as well as an understanding of when the project will require BUA Averaging per DPO 17.8.
- Greenways: Easements from the adjacent property owner to the Lake Cornelius parcel requires clarification
- Water/Sewer: Per Resolution 2018-12, this project requires a determination from Charlotte Water regarding extension/connection.
- Documentation: All applicable documentation requirements must be met.

5. FYI OR REQUIRED ACTION

This analysis was produced for the May 20, 2019 Planning Board meeting. Board members are asked to provide a consolidated set of formal comments that will be included as part of staff’s technical review of the project.

7. HISTORY/NEXT STEPS

- Application/Preliminary Sketch Plan Submittal: May 2017
- Transportation Impact Analysis Completed: December 2017
- Master Plan Schematic Design Submittal: July 2018
- Planning Board FYI: April 2019
- Public Input Session: April 2019
- Planning Board Review & Comment: May 2019
- Revised Master Plan Schematic Design Submittal: TBD
- Final Master Plan Submittal for Review/Approval: TBD

8. RESOURCES & ATTACHMENTS

ATTACHMENTS

- Master Plan Schematic Design – Version 5
<http://www.townofdavidson.org/1112/Potts-Development> (see “Documents” tab).
- Summary of TIA Recommendations

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>