

Potts Street Residential Public Input Session Report
Provided by the Applicant's Representative

A public input session for the Potts Street Residential project was held on Thursday, May 2, 2019 from 5:00 – 7:00 p.m. at Davidson Town Hall, Town Board Meeting Room.

Attachments

- A. Community Meeting Notice – A copy of the Community Meeting Notice and mailing list is attached hereto as Exhibit A.
- B. Press Release – A copy of the press release is attached hereto as Exhibit B.
- C. Signage – A copy of the text of the posted signage is attached hereto as Exhibit C.
- D. Presentation – A copy of the Applicant's presentation is attached hereto as Exhibit D.
- E. Sign Up Sheet – A copy of the sign-up sheet from the public input session is attached hereto as Exhibit E. 49 members of the public attended the public input session.
- F. Comment Cards – Copies of comment cards are attached hereto as Exhibit F.

Public Information Comments and Responses

Comments and responses are grouped by subject category.

COMMENTS REGARDING TRANSPORTATION.

- 1. Comments regarding the TIA:
 - a. The Transportation Impact Analysis was completed in the summer when school was out and people were on vacation.
 - b. Concerns about accuracy of TIA and the basis of the considerations.
 - c. Was the Potts realignment considered in the TIA?
 - d. What does Crescent plan to do to improve the intersections and connections impacted by the project?
 - e. Is there an expiration date on the TIA?
 - f. The TIA showed a multi-use path up Potts St. and into Davidson, in light of the fact that this is an historic area and path cannot go through the historic area, will your TIA be revised?
 - g. Has the TIA been approved by the Town and does it need to be approved by the Town Board? Cornelius set a payment in lieu amount much higher than Davidson's and this doesn't seem fair. When will the payment in lieu be made and is it still up to the town planner to decide on payment in lieu or improvements?

RESPONSE: Traffic counts were conducted on June 1, 2017 while Charlotte-Mecklenburg Schools were still in session. The TIA analysis was completed in December 2017. Planning Staff coordinated and outlined the analysis required by the TIA and all TIA issues have been resolved. The TIA is in compliance with the requirements of both NCDOT and the Town of Davidson and the scope for the study was formalized through a MOU (Memorandum of Understanding). The TIA considered 6 analysis scenarios which included the Potts-Beaty-Sloan project. All TIA issues have been resolved. The Town has not formally accepted the TIA. The approved TIA recommendations will be followed. The TIA will not expire during the application process of this

Commented [TA1]: TOD: There are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval.

plan. The TIA is not required to be approved by the Town Board. No changes are required to be made to the master plan as a result of these comments.

2. Comments regarding roundabout:

- a. Where will the final location of the roundabout be in relation to the project?
- b. Concern about other NCDOT roundabout projects that have failed.
- c. How long has the Town known about the Potts Street realignment project?

RESPONSE: Final designs for the roundabout have not yet been completed by NCDOT. No changes are required to be made to the plan as a result of this comment. Applicant is not aware of any failed roundabout projects. In November of 2017, NCDOT presented three alternative conceptual designs for the Potts Street realignment to the Town of Cornelius and the Town of Cornelius approved the conceptual design containing the roundabout in November of 2017.

3. Comments regarding stubs and capacity:

- a. Town lacks the infrastructure to support the project.
- b. Potts St. does not have the capacity and the connection to Davidson Street was removed from the plan.
- c. Stubs shown are to Mike Orlando's home, a second stub is through church property and a third is through someone else's property.
- d. Why was there not a stub to the boundary of the Athertons' home?
- e. Stubs should be shown in other locations. Why does the site plan have only one entrance and exit?

RESPONSE: The locations of stubs are a result of input and comments from Town Planning Staff over five sets of reviews and the Davidson Street connection was removed when the Cornelius property was removed from the plan. The proposal to move a stub to the Athertons' property or other locations will not be made because they would require major changes to the plan layout that are not feasible given the current plan constraints as a result of Staff comments. No changes are required to be made to the plan as a result of these comments.

4. Comments regarding NCDOT land acquisition:

- a. Will the Applicant be reimbursed when the land is taken to build the Potts St. extension?
- b. Has NCDOT already condemned that land?
- c. Is NCDOT a party to the litigation?

RESPONSE: NCDOT has not condemned any property for a future roundabout and is not a party to the litigation between the Town and the Applicant. At such time as NCDOT begins acquiring right of way, to the extent any portion of the proposed right of way is on the Applicant's property at that time, the acquisition will go through the normal NCDOT acquisition process.

COMMENTS REGARDING CULTURAL CONTEXT.

- 1. Comment was made that Crescent is an invading force, with no respect for the culture and customs and not an ally working with the neighbors.

RESPONSE: No changes to the plan are required as a result of this comment. This comment does not call for specific changes to the plan.

- 2. Impervious plan disrespects the land.

RESPONSE: No changes to the plan are required as a result of this comment.

Commented [TA2]: TOD: The TIA has been accepted per the Acceptance Letter; however, there are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval.

Commented [TA3]: TOD: There are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval.

Commented [TA4]: TOD: There are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval, including site design revisions as a result of the Potts St. realignment.

Commented [TA5]: TOD: This statement requires confirmation.

Commented [TA6]: TOD: Staff Review Comments have been updated to not require the NE extension due to existing development. However, there are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval, including the completion of the Catawba Ave. connection.

3. No mix of housing types is provided with a mix of economic viability. Want to see a mix of housing – not just apartments, with more integration and harmonization into existing single-family neighborhood.

RESPONSE: The Applicant can no longer provide a mix of housing types within the project because there is no longer room for a mix of housing types [due to plan constraints resulting from Staff input and comments over the course of five reviews]. However, the proposed rental housing will add to the diversity of housing options within walking distance of downtown Davidson. No changes will be made to the plan as a result of these comments.

4. Maybe this could go closer to Exit 30 and take into account everyone's concerns.

RESPONSE: This change will not be made to the plan because the property is located in the location currently shown on the plan.

5. A guiding principal of Davidson is to look like the surrounding buildings, so why don't apartment buildings look like single-family farm house style buildings?

RESPONSE: [These proposed changes will not be made] to the plan because the flat roof three-story buildings are a result of the height requirements of the Town's Planning Ordinance and the plan constraints due to the Town's requirements and comments through five sets of revisions.

6. This feels like it is being forced down our throats, and there were many attempts at communication with Crescent and were repeatedly ignored, so Applicant is strongly encouraged to work with the neighbors. There are a lot of facts and databases that say this project cannot happen. Work with us. Fight us, you will lose and it will be a long, hard-fought battle.

RESPONSE: This comment does not require a change to the plan.

7. Everyone against this project has legitimate concerns. The general consensus is that nobody is against development, they are just opposed to how this has gotten to this point. After the developer reviews the negative response from this meeting, is their commitment to stay in town and do something that is more conducive to fitting in town or is it to plow ahead with this? There is nothing about this project that is remotely similar to or complimentary of anything in Davidson. There has been a total lack of concern and compassion towards adjoining property owners, a twisted outcome as it pertains to density averaging, open space, tree canopy and traffic impact. A re-worked, less dense and more diverse project would go a long way in acceptance and healing.

RESPONSE: This plan is at this point because it has changed over the course of five cycles of reviews and comments from Town Planning Staff. Crescent is committed to providing a project that complies with the Davidson Planning Ordinance. [During plan review comments, Town Staff commented that the master plan was in keeping with the surrounding built area.]

8. Comment was made that in light of constitutional rights, one can enter a community holding constitutional rights saying I can do this because of my rights, or they can come in and say that I would like to make money but I would also like to help out the community by reducing the density of this project even though permitted by the Ordinance.

RESPONSE: The Applicant has worked through five rounds of comments and the current plan is [the result of input and requirements of the Town.]No changes will be made to the plan as a result of this comment as it does not call for specific changes to the plan.

9. Another developer whose company offered to buy the property stated that he reached out to Crescent multiple times as an owner of contiguous property. He said Crescent never

Commented [TA7]: TOD: The Davidson Planning Ordinance permits a variety of building types within the Village Infill Planning Area. The ability of a project to provide a mix of housing types is contingent on a variety of factors, including a landowner's proposed aims for a site.

Commented [TA8]: TOD: The Davidson Planning Ordinance requires the consideration of context, particularly for documented buildings of value. Staff has requested an explanation of the proposed design's consistency with adjacent properties located within the National Register Historic District.

Commented [TA9]: TOD: This statement requires confirmation.

Commented [TA10]: TOD: Revision is required: "...the current plan is the result of input from a number of parties, agencies, and Davidson Planning Ordinance requirements."

responded, so it is not a fair assessment to say that Crescent worked with him or other neighbors. He also said density averaging is a difficult subject. He tried to get it done in one of his projects but it was denied, and can't see how this works. He says that this project just feels bad, and the spirit of Davidson used to be that this is a special place with cool projects.

This is just a developer trying to maximize profits.

RESPONSE: The Applicant has worked through five rounds of comments and the current plan is the result of input and requirements of the Town. No changes will be made to the plan as a result of this comment as it is not specific regarding plan changes.

10. Questions were asked as to why affordable housing is not provided. Please provide affordable housing.

RESPONSE: The Ordinance doesn't require affordable housing to be provided in a rental property.

Commented [TA11]: TOD: Revision is required: "...the current plan is the result of input from a number of parties, agencies, and Davidson Planning Ordinance requirements."

COMMENTS REGARDING JURISDICTION.

1. Comment: This parcel is unique because it falls in the unincorporated area of Cornelius and Davidson, does the unincorporated area of Cornelius have different zoning?

RESPONSE: This project is not in the unincorporated jurisdiction of Cornelius. A portion of the property is in the Town limits and a portion in the unincorporated jurisdiction of Davidson. No changes are required to be made to the plan as a result of this comment.

2. Comment: Cornelius already disapproved the plan. Why are you moving forward with this plan? Why was property removed from Cornelius?

RESPONSE: Cornelius does not have jurisdiction in Davidson. No changes are required to be made to the plan as a result of this comment.

Commented [TA12]: TOD: Clarification is required: "...Town of Davidson limits..."

Commented [TA13]: TOD: Clarification is required: "The intended development area has been located solely within the Town of Davidson jurisdiction."

COMMENTS REGARDING PLAN.

1. **Building Location.**

- a. One of Davidson's principals is that the main building will face the main road, so orient the buildings toward Potts.
- b. Move two apartment buildings in the middle out of that area to allow for parking.
- c. Since the future Potts realignment as it is currently estimated would cut right through the clubhouse and open space, move the parking area to the middle and put a park area to the outside of the property and maybe add a recreational trail around the property
- d. Townhomes would also fit well on the corner of the property. Parking lots should be on the interior and not the periphery.
- e. What changes would Crescent be willing to make?

RESPONSE: The current plan is a result of five cycles of Staff comments which have constrained the plan as currently shown. Building orientation and type is provided in compliance with the Davidson Planning Ordinance and in accordance with Staff comments. Buildings do front the newly proposed public streets within the development and comply with the Ordinance.

Commented [TA14]: TOD: Revision is required because the current site design does not comply with DPO 4.3.1.A.7, which requires existing streets to be integrated into the development.

2. **Impervious and BUA Calculations.**

- a. Is the non-adjacent parcel on the lake included in the calculations?

- b. State law for watershed BUA in NC says you have to use what is called averaging when a parcel's area is included in the BUA. They need to go through this averaging process. How come they did not have to go through this averaging process?
- c. Sliver across from Potts St. - was this included in the impervious area calculations?
- d. On the plan, why does it look like there are 2 non-contiguous parcels, on the lake and across from Potts St. Why did they not develop anything on those parcels?
- e. Why are there 3 different parcels as shown on the map? Why are they non-contiguous?
- f. Why did they purchase this property if they weren't going to build?

RESPONSE: These comments do not require changes to the plan, but are related to matters in ongoing litigation.

Commented [TA15]: TOD: Clarification regarding the stated impervious coverage values and use of contiguous properties has been requested. If the calculation of impervious coverage values does not meet Davidson Planning Ordinance requirements or state statute, revision will be required.

3. Watershed.

- a. When project started in 2017, Crescent needed to get 2 stream exemptions, are there streams on the property?
- b. Why did they need to get 2 exemptions of the property?
- c. Were there studies done on environmental and stormwater impacts?

RESPONSE: The developer completed all of the requirements that are imposed by the Town's Planning Ordinance and Mecklenburg County Land Development. No additional studies will be performed.

Commented [TA16]: TOD: Revision is required: The question has not been answered.

4. Parking Lot Location.

- a. Comment was made that Davidson's Ordinance says that adjacent to parking lots there has to be lighting and buffer considerations. Woods are empty and buffer area should buffer against parking lot lights going into houses.
- b. Was there a light pollution study done that is online?
- c. Can parking lots be located in the center of the development and not the periphery?

RESPONSE: The Applicant intends to provide a voluntary 25' vegetated buffer that will be preserved and maintained by the property owner as common open space. The Davidson Planning Ordinance does not require a light pollution study to be commissioned by Applicant, but does have lighting requirements with which the project will comply, including the installation of a voluntary 25' buffer. No new studies will be performed and no changes are required to be made to the plan as a result of these comments.

Commented [TA17]: TOD: All Davidson Planning Ordinance buffer requirements must be met. Revisions will be required if requirements are not met.

5. Park Dedication. Comment was made that, assuming that this property doesn't get approved, property owner should donate it to be a park.

RESPONSE: This comment does not require a response on the plan.

6. Tree Coverage. Comment was made that it is deceptive for the illustrative plan to show the trees as a buffer when the actual land does not have trees there.

RESPONSE: In Cycle 6, the areas on the illustrative plan showing trees on the exterior of the property will be adjusted to show only existing aerial outside of project boundaries.

7. Lake Elevation. Comment was made that there are some projections that lake will rise and affect future of the project, how will that affect the plan?

RESPONSE: At the time of the application, there were no alterations to the lake level and no change is required to the plan as a result of this comment.

8. Lake Runoff. Comment was made that there could be possible runoff in the lake from stormwater. Residents on Lake Norman in Cornelius do not want runoff of oil and other

substances that will affect kayaking and other lake activities. Can residents see the environmental studies?

RESPONSE: Developer completed all of the requirements that are imposed by the Town's Planning Ordinance. No additional studies will be performed.

Commented [TA18]: TOD: Revision is required: The question has not been answered.

9. **Future NCDOT Roundabout Project.**

- a. The future roundabout road through the property is not being added to the project's requirements for tree save, BUA and impervious areas. Please resubmit a plan that includes the Potts Street re-alignment and the recalculation of the BUA, tree save and any other effected elements related to the ordinance.
- b. Where is the dog park going if Potts Road is realigned?
- c. Will the next version of the plan show the future Potts realignment?

RESPONSE: NCDOT has not approved a final location and no right of way acquisition has been commenced. The Cycle 6 master plan will not include or count in its impervious, open space, BUA or tree calculations NCDOT's current draft roundabout design or changes to the dog park location because NCDOT's plans are not final and Applicant is not required to show or count the current draft location or to construct or dedicate NCDOT roads.

Commented [TA19]: TOD: There are Conditions of Approval outlined in the TIA Acceptance Letter that must be fulfilled prior to plan approval, including site design revisions as a result of the Potts St. realignment.

10. **Fire Access.** Comment was made that fire access failed 5 times in the past.

RESPONSE: As the plan evolved through the five cycles of reviews based on Town Planning Staff comments, roads were shifted and modifications made to accommodate the requested Staff changes. The current fire access location has been approved by the Fire Marshall and LUESA Land Development. No change will be made in the 6th cycle to the plan as a result of this comment.

11. **Density.** Would it be accurate to say that from the first submission of the plan to the latest version, because of the change in apartments from town houses, has the density of the project increased from the beginning until now?

RESPONSE: The first version of the plan showed 276 apartments and contained 19 townhomes on approximately 15 acres. There are now 250 apartments on the approximately 15 acres, after the five revisions, but the plan contains no townhomes.

Commented [TA20]: TOD: Revision is required: The question has not been answered. A response utilizing units/acre must be provided.

12. **Detention.** Can buildings be built on area with below ground detention? How has the land area been reduced due to above ground detention?

RESPONSE: Yes, property can be developed in areas that contain below ground detention as long as the development is designed to allow maintenance and repair. So, requiring above ground detention further constrains the plan. No changes to the plan will be made as a result of this comment.

13. **Greenway.** What will Applicant do if they are unable to obtain a greenway easement from the YMCA to the lake parcel?

RESPONSE: The master plan will conform with the requirements of the Davidson Planning Ordinance.

Commented [TA21]: TOD: Revision is required: "...will conform with to the requirements of the Davidson Planning Ordinance, which includes access to and preservation of lakefront areas."

COMMENTS REGARDING PROCESS.

1. Plan evolution comments:
 - a. Why were there five revisions to the plan?
 - b. Why were the townhomes removed from the original plan?
 - c. Why was the connection to Davidson Street removed from the plan?

d. How has the land area been reduced?

RESPONSE: Over the five review cycles, Staff comments and requirements have added constraints that have changed the plan. Applicant proposed townhomes in the first, second, third and fourth iterations of the master plan, but due to the impacts of a number of varying Town Planning Staff comments, the townhomes were removed.

2. Will there be another version of the plan submitted after the Public Input Session?

RESPONSE: Yes, a Cycle 6 revision will be submitted.

3. Will the Public Input Session report include a report of the Planning Board?

RESPONSE: No, the Public Input Session report includes a list of comments that were incorporated into the plan and a list of comments that were not and why not.

4. How many of the 10 people from the public who spoke at the Planning Board spoke in favor of the project?

RESPONSE: The 10 people who spoke at the Planning Board meeting were not in favor of the Potts Street Residential project.

5. Has Crescent closed on the property?

RESPONSE: No, the current owner of the property is Davidson Acquisition Company, LLC (See Applicant's presentation attached as Exhibit D).

6. When can we expect the public input session report?

RESPONSE: The first draft is scheduled to be submitted to the Town for review by May 9th.

7. Is the court's opinion on the Town's website?

RESPONSE: No, it is not.

8. Would it be possible to give a summary as to what the court's rationale was?

RESPONSE: The court ruled against the Town in a motion for partial summary judgment and ordered the Town to continue with the master plan process.

9. Is the court's order based on a procedural or substantive issue?

RESPONSE: That is a litigation matter.

10. The Master Plan has a sunset period in the Ordinance. Will this process keep going if it is in litigation? Is there a tolling of the plan due to the litigation?

RESPONSE: That is a litigation matter.

11. Will Applicant be building apartments on area surrounding to the Property?

RESPONSE: No.

12. What is the process between the first and fifth submittal?

RESPONSE: There is a 21- business day review period once it is submitted to EPM and the Town and the County come back with comments and then those comments are reviewed and addressed by the Applicant and resubmitted. And if there are new comments or comment changes, re-submittals must be made.

Commented [TA22]: TOD: The Davidson Planning Ordinance permits a variety of building types within the Village Infill Planning Area. The ability of a project to provide a mix of housing types is contingent on a variety of factors, including a landowner's proposed aims for a site.

COMMENTS REGARDING ARCHITECTURE.

1. Comment was made that Village Infill height is 32 feet and somewhere in the process the ordinance was revised to exclude the parapet and not to be included in the roof height. The low point of the roof is actually 32 feet and other points will be higher than the 32 feet minimum. The parapet sticks up 5 feet higher and this does not appear to meet the ordinance.

RESPONSE: No changes will be made as a result of these comments because building heights will meet the DPO requirements.

2. Comments:

- a. Architecture does not fit with the surrounding property and to fit in with the surrounding as-built area, the buildings need to be single-family buildings, they need to have pitched roofs, they need to be on large lots and they need to look like the single-family farmhouse building type surrounding the property to fit in with the neighborhood.
- b. One comment suggestion was to think about adding another story and getting rid of some of the building footprints.
- c. Comment was made that this plan doesn't look like Davidson and is not reflective of the surroundings, where there are single family homes with half acre lots around the perimeter.
- d. Suggestion was made that maybe the apartments could be a lower height.

RESPONSE: The building style and height meet the Ordinance requirements. Four story buildings are not allowed by the Ordinance, so this change will not be made to the plan. The current plan is the result of five rounds of revisions made in response to Staff comments and requirements.

Commented [TA23]: TOD: The Davidson Planning Ordinance requires the consideration of context, particularly for documented buildings of value. Staff has requested an explanation of the proposed design's consistency with adjacent properties located within the National Register Historic District.

Commented [TA24]: TOD: The Davidson Planning Ordinance requires the consideration of context, particularly for documented buildings of value. Staff has requested an explanation of the proposed design's consistency with adjacent properties located within the National Register Historic District.