

April 17, 2023

Town of Davidson Planning Department  
Attn: Trey Akers, Principal Planner  
216 S. Main Street  
Davidson, NC 28036

Project Name: Summit Farms

Subject: Conditional Planning Area – Master Plan – Letter of Intent

Mr. Akers,

The following is a summary of the intended land use and ordinance compliance for the proposed 57± acre mixed-use master-plan located on Shearer Road and East Rocky River Road in Davidson, North Carolina. This project has been submitted as a Conditional Planning Area Master Plan and therefore the applicant is requesting modifications to certain ordinance provisions which have been listed in this letter under the appropriate section.

### **General Statement of Intent**

Summit Farms GP, “the Applicant”, intends to develop the 57± acre site to accommodate the construction of a vibrant mixed-use commercial and residential community anchored around the operations of a working farm. The commercial and attached housing area constitutes 8± acres with the detached residential area 36± acres; the remaining site area dedicated to farm operations is approximately 13 acres. The development will provide the community and surrounding area with a neighborhood hub focused on local and craft production, sensitively sited in the existing landscape to maintain, and highlight the natural features of the site.

The development of 55 detached, single-family lots will be complemented by approximately 62,000 gross square feet of commercial space (including a 40-room inn), and 28 apartment units in a mixed-use retail and multi-family building. Ten additional attached residential units are included; 8 units housed in two quadraplex buildings, and two units located in the duplex farmhouse. The total residential unit count is 93 units. In addition to the commercial and residential uses, a new barn and associated structures will be constructed to support the farm operations.

This development will provide improved vehicular and pedestrian connections as well as public open space, including pastures, greenways and walking trails, and a new multi-use path along Shearer Road adjacent to the commercial buildings.

### **Environmental Inventory**

The 57± acre site is located along the eastern boundary of Shearer Road adjacent to the intersection with East Rocky River Road and encompasses a total of five parcels. The property is currently utilized as a working farm with livestock and includes numerous forested stands and open fields; survey has identified 2,005 trees that measure 12-inches and above. 195 trees, both softwoods and hardwoods, have been identified and are considered specimen trees as defined by the Planning Ordinance. Free-standing specimen trees have been noted on sheet CP-102 with further tree survey information noted on sheets CP-103 through CP-108 (including species). These tree species include cedar, pine, oak, poplar, elm, gum, hickory, sycamore, and maple. Overall, a majority of the identified trees are located within robust, healthy stands as depicted on the tree survey. Surveyed trees range in size from 12” to 60”, however field observations indicate additional trees of smaller caliper exist within the forested areas as well. Visual examination indicates general good health of the trees; further evaluation will be needed for free-standing specimen trees to-be-saved to determine

preservation viability from a health standpoint. The eastern side of the site is bound by the Rocky River and is partially located in the floodplain; community flood encroachment areas and flood fringe areas are located on site. Additionally, the Town of Davidson Post-Construction Controls Ordinance and GIS mapping applications indicate that a 100' stream buffer be observed for the Rocky River in this area. Additional natural drainage ways, although non-jurisdictional, have also been located on-site and are noted on sheet CP-100. These drainage paths are ephemeral in nature, experiencing wet conditions only during and immediately after rain events. Two large wetland areas have been identified on the site, totaling approximately 1.01 acres. Furthermore, there are two existing farm ponds, both of which have been determined to be non-jurisdictional by the US Army Corp of Engineers (USACE), on the southern end of the site. As noted on sheet CP-101, on-site soils as determined by the United States Geological Survey (USGS) are CeB2, CeD2, WkE, MO, MeB, and ChA. All soils with the exception of WkE are identified as prime agricultural soils per the NRCS Prime and Other Important Farmlands database. Additionally, a significant rock outcropping has been identified in a wooded area near the northeast corner of the site; this outcropping has been identified on the Environmental Inventory plan, sheet CP-100. Lastly, review of the Davidson Rural Area Plan, specifically Map 4.1 "Future Green Network Diagram" denotes an existing preserved green space on parcel no. 00308170, which is located across E. Rocky River Road from the subject property and noted on sheet CP-100. Additional correspondence with the Davidson Land Conservancy indicates there are no other active or designated open space areas on adjoining properties contiguous with the subject site. Further information provided by the Town indicates an additional preserved green space adjacent to the project in Cabarrus County on parcel no. 46730157740000.

### **General Description**

The current zoning for the site is a combination of Neighborhood Services (NS) and Neighborhood Edge (NE). The site is surrounded by existing single-family detached and agricultural land uses. Along the northern and eastern portions of the site, a total of two wetlands and the Rocky River have been identified. SWIM and Post Construction Control buffers, and floodplain are present along the eastern portion of the site. These areas are intended to remain undisturbed to the greatest extent possible as determined during future schematic engineering of the site and utilized as open space for the development. Based on Davidson Planning Ordinance (DPO) Section 20, Post-Construction Stormwater Ordinance, it is anticipated that this project will be considered high-density due to the amount of new built-upon-area. Numerous stormwater control device locations have been noted on the Preliminary Sketch Plan as needed to meet jurisdictional requirements. Final location and Best Management Practices (BMP) types will be determined during the Master Plan Schematic Design and Construction Documents (Preliminary Plat) phases. A total of 1,996 trees measured 12-inches and above have been identified within the project boundary. This development will comply with all tree coverage and preservation requirements as outlined in the ordinance; preservation requirements are based on the underlying NS and NE Planning Areas.

A combination of Urban Avenue, Rural Road, Close, and Alley street cross-sections are proposed for the site. Dedicated on-street parking will be located on the Urban Avenue. The Urban Avenue will utilize traditional full depth asphalt pavement. The Rural Road and Close will have a chip-seal treatment applied to the full-depth asphalt surface. In keeping with the rural context, the Alleys will be constructed out of aggregate paving materials and designed to support the weight of a fire truck. A new greenway will be constructed along the Rocky River utilizing aggregate paving materials that will meet all public standards for accessibility. Additionally, six-foot pedestrian pathways have been provided at intermittent locations to provide access to the new greenway from the upper reaches of the development along Shearer Road and throughout the neighborhood; these pathways will also be constructed using aggregate paving materials. A gravel drive serving the existing farm will be re-utilized as a wide pedestrian pathway and open space. A portion of this gravel pathway will function as fire access as noted on sheet CP-200 and CP-202. Within the commercial node, the 6-foot wide pedestrian connection to the greenway is intended to traverse through an existing ravine and will pass below a bridge structure connecting two parking areas.

The 6.5± acre commercial node will consist of a mix of uses including commercial and attached residential. This commercial area is bisected by an urban avenue with on-street parking and a wide speed-table to provide safe pedestrian access between the two commercial areas. Access to parking lots and service drives will be located along this urban avenue. Parking for the commercial and attached residential uses will be provided in two parking lots

located behind the buildings on the east side of the urban avenue. The larger parking lot will utilize aggregate paving materials that will support the weight of a fire truck, while the smaller parking lot will be paved with a chip-seal treatment, identical to what is proposed for the rural road. Concrete sidewalks and gravel paths will provide pedestrian connectivity throughout the commercial node and to other areas of the development.

The detached residential node will consist of 55 lots ranging in size from 60-feet wide to 105-feet wide. Generally, smaller lots will utilize rear-loaded alley vehicular access unless topography or other site constraints dictate the need for front-loaded access. Smaller lots with front-loaded access are noted on CP-200 and CP-202 by the absence of a rear alley. Overall, all lots will front either public street right-of-way or publicly accessible open space. At the southern end of the project adjacent to the close, right-of-way easement area will be dedicated and extended to the property line to allow for a road extension to the south pending future development by adjacent parcels.

The working farm will comprise the remaining site and encompasses multiple operations which include but are not limited to crop/garden production and livestock. The crops will be situated south of the commercial node, adjacent to a farm yard with farm operations buildings and a duplex house for farm staff. Aggregate-paved access will be provided into the farmyard as well as along the crops lining Shearer Road. An event barn/building will be constructed in the eastern portion of the upper pasture; parking for the event building will be contained in the commercial parking lots previously described and accessed via sidewalk connections as indicated on sheet CP-200 and CP-201.

Please refer to Exhibit A for photos showing the existing site and surrounding conditions.

### **Statement of Compliance**

Based on our review of the Town of Davidson Planning Ordinance, this proposed development complies with a majority of the applicable sections of the Davidson Planning Ordinance (DPO). The requested exceptions to Ordinance requirements necessitate a Conditional Planning Area – Master Plan. See Page 7 of this document, Requested Modifications to Standards for a list of exceptions from ordinance regulations known at this time. In addition, the Applicant intends to develop the Site in compliance with all applicable Mecklenburg County Land Use and Environmental Agency (LUESA), NCDOT, and Charlotte Water regulations. The following is a partial list of applicable development standards; the Davidson Planning Ordinance contains the full list of requirements and controls wherein the standards listed below may differ from the DPO.

### **Parcels and Current Land Use Designation**

- 00723103 – 7.92± Acres – Neighborhood Services & Neighborhood Edge
- 00723121 – 8.31± Acres – Neighborhood Edge
- 00723115 – 15.00± Acres – Neighborhood Edge
- 00723116 – 28.03± Acres – Neighborhood Edge

### **Zoning Compliance**

Based on the Town of Davidson Planning Department’s Planning Areas map and except as noted in the Requested Modifications to Standards section, the proposed site plan is generally compliant with existing and future land uses. Based on exceptions/conditions requested for certain Ordinance requirements, a Conditional Planning Area – Master Plan is required.

### **Section 2 – Planning Areas**

- The site is currently comprised of two planning areas and an overlay district, Neighborhood Services (NS) and Neighborhood Edge (NE), and Neighborhood Services Overlay District (NSOD). The uses and other Ordinance requirements are generally in compliance with the current zoning categories. Requested exceptions/conditions are noted as cited above.

- Town of Davidson Neighborhood Service (NS) Description:  
*The Neighborhood Services Planning Area is established to create small nodes within residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage.*
- Town of Davidson Neighborhood Edge (NE) Description:  
*The Neighborhood Edge Planning Area is established to transition between Davidson’s urban areas and its rural periphery. Development in this planning area is low-density residential consisting primarily of single-family homes. Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.*
- Uses (NS):
  - Residential
  - Commercial Services
  - Micro-Brewery
  - Inn (Requested Conditional Use)
- Uses (NE):
  - Residential
  - Agricultural – Includes Crop and Animal Production (Requested Conditional Use)
  - Farm Product Sales (Requested Conditional Use)
- Building Type (NS):
  - Storefront
- Building Type (NE):
  - Detached House
  - Attached House
- Setbacks:
  - 60’ & 75’ Lots (consistent with NE zoning)
    - Front: 10’
    - Side: 3’
    - Rear: 20’
  - 90’ & 105’ Lots (generally consistent with Rural Zoning – Conditional Request)
    - Front: 25’
    - Side: 15’
    - Rear: 20’
  - Open Space:
    - NS: 10% (2.25 AC x 10% = 0.23 AC)
    - NE: 45% (55.39 AC x 45% = 24.93 AC)
    - Minimum Open Space Required (aggregate): 43.65% (25.16 AC / 57.64 AC)
  - Density:
    - There is no density requirement.

#### Section 4 – Design Standards

- General Site Design Requirements (Section 4.3):
  - The primary pedestrian entry to all storefront and workplace buildings and access to first floor retail will face a fronting, primary street.
  - Detached, attached, will have the primary pedestrian entry facing a fronting, primary street, a central courtyard, or pedestrian way.
  - Buildings will front on a public street, pedestrian way, or a dedicated public plaza that is open to a public street.

- Loading facilities, loading docks, service doors, and other service areas may be located along a primary street-facing façade. In all cases, screening will be provided to ensure service area(s) are not visible from the street, nor from a park or public open space.
- General Building Design Requirements (Section 4.4):
  - Height per building type (NS)
    - Storefront min: 2 stories max.: 3 stories
  - Height per building type (NE)
    - Detached House min: 1 story max.: 3 stories
    - Attached House min: 1 story max.: 3 stories
- Specific Building Type Requirements (Section 4.5):
  - All detached and attached building types will meet the criteria outlined in section 4.5.2.A-F.
  - All storefront building types will meet the criteria outlined in section 4.5.6.A-J.

### Section 5 – Affordable Housing

- The applicant will provide affordable housing in accordance with section 5.2 of the Ordinance but reserves the right to utilize the payment-in-lieu option as outlined in 5.2.D for a portion of the calculated number of affordable units required.
- Total Required Amount: 12.5% of the total number of proposed units within the development.
- Projects that elect to construct on-site affordable housing units may receive a reduction in the required amount of affordable housing as follows:
  - For every unit constructed on-site, the payment-in-lieu for one unit will be waived.
  - All units constructed on-site using the waiver option shall be priced as affordable to households that earn between 80%-100% AMI.

### Subdivision and Infrastructure Standards

- The development will utilize a mixture of street types defined in section 6.7 of the Ordinance. Street types will include:
  - Urban Avenue (with on-street parking)
  - Rural Residential Street
  - Alley
  - Close

\*Refer to sheet CP-200 for typical street cross-sections.
- Vehicular and pedestrian connections will be provided to Shearer Road and East Rocky River Road. The close will provide a terminus for the rural residential street, however public right-of-way easement area will be dedicated and extend to the property line so that the street may be extended in the future should adjacent property to the south of this project develop.
- All intersections will intersect as nearly as possible at right angle and no street will intersect at less than (60) sixty-degrees.
- Curb radii are designed for the minimum emergency and public service vehicle(s) where necessary.
- Reinforced turf will be provided along fire access paths where pavement width is less than (20) twenty feet. The reinforced turf areas shall be able to support the load of a fire apparatus vehicle as determined by the local Fire Marshal.
- An existing gravel drive connected to Shearer Road will be utilized for fire and pedestrian access only. This gravel drive will be upgraded as needed to meet fire access requirements.
- The applicant requests as a condition to modify the pavement type or top-coat treatment. These modifications are indicated on sheet CP-200 and include:
  - Rural Residential Street – Provide a chip-seal top surface treatment.
  - Alley – Provide an aggregate all-weather drive in lieu of asphalt pavement. The aggregate pavement structure will be designed to support the weight of fire apparatus and public service vehicles.

- This development will construct a new (10) ten foot public greenway along Rocky River. This greenway will be constructed of aggregate paving materials. Additionally, the greenway will be terminated at the southern neighborhood pedestrian connection; however a (20) twenty foot wide public easement will be stubbed to the property line so that the greenway may be extended in the future should adjacent property to the south of this project develop.
- Within the NS area, internal sidewalks have been provided along the Urban Avenue and a (10) ten-foot asphalt multi-use path will be constructed along Shearer Road.
- Pedestrian connections to the greenway will be constructed utilizing aggregate paving materials.
- A traffic impact analysis will be conducted for this project as the total number of units exceeds (50) fifty and the commercial area exceeds 10,000 square feet.

### Section 7 – Parks and Open Space

- A minimum of 25.04 AC (43.44)% open space will be provided. This minimum amount is determined by aggregating the open space required for the NS and NE areas. As noted on sheet CP-200, a total of 29.12 AC (50.52%) is being provided.
- A minimum of 1.25 AC (5% of total open space required) must be provided in the form of a park or public space. This development will provide 2.19 AC park/public space as depicted on the sheet CP-200.

### Section 8 – Parking and Driveways

- Attached and multi-family residential parking will provide a minimum of 1 space per bedroom.
- Detached residential parking will provide a minimum of 1 space per unit and maximum of 2 spaces per unit.
- Commercial uses will provide a minimum of 2 spaces per 1000 gross square feet.
- The inn will provide a minimum of 1 space per room.
- For lots 60-feet wide or less, driveways for detached housing will be located to the rear and accessed via public alleys unless site constraints such as topography prevent rear-loaded operations. Refer to sheet CP-200 and CP-202 for locations of front-loaded and rear-loaded 60-foot lots.
- For lots wider than 60-feet, driveways for detached houses will be either front-loaded from public streets or rear-loaded from public alleys. Refer to sheet CP-200 and CP-202 for located of front-loaded and rear-loaded lots that are greater than 60-feet in width.
- A maximum curb cut of 12-feet wide will be provided for all detached housing.
- Alley-accessed garages will be set back a minimum of 15-feet from the centerline of the alley.
- The commercial and attached residential parking lots may utilize a different paving material other than asphalt including:
  - Aggregate, all-weather paving material which can support the weight of a fire truck or public service vehicle.
  - Chip-seal top surface treatment.
- All driveways connected to the proposed Urban Avenue will utilize Modified Type II Driveways as detailed in the Mecklenburg County Land Development Standards manual.

### Section 9 – Tree Preservation, Landscaping, and Screening

- Trees will be provided within the planting strip Shearer Road, East Rocky River Road, and the new Urban Avenue in accordance with Section 9.4.1. Street tree planting along Shearer Road and East Rocky River Road will require a tree planting permit from NCDOT if located within the right-of-way.
- All detached residential lots will provide a minimum of 20% tree canopy coverage.
- Minimum project canopy coverage will be determined by aggregating the required amounts for the original NS and NE areas.
  - NS: 15% (2.25 AC x 15% = 0.34 AC)

- NE: 50% (55.39 AC x 50% = 27.70 AC)
- Minimum Project Canopy Coverage Required (aggregate): 48.65% (28.04 AC / 57.64 AC)
- No more than 50% of the minimum project canopy coverage may come from the required preservation areas.
- Payment-in-lieu may be provided within the NS area to meet the minimum project canopy requirements so long as all street tree and parking lot planting requirements are met.
- 50% minimum tree preservation will be provided. Refer to sheet CP-700 for preservation information.
- The applicant intends to preserve existing tree canopy to the greatest extent possible within the designated detached residential lots and other areas of the development. However, for the purposes of project canopy coverage and tree preservation calculations, trees on detached residential lots are to be considered removed unless otherwise noted on the Tree Survey Schedule.
- Parking lots will be landscaped in accordance with Section 9.6 of the Ordinance, however this project will not break the lot into parking modules of not more than 36 spaces.

#### Section 10 – Lighting

- All lighting will conform to the standards listed in Section 10.4 of the Ordinance.
- Street lighting will be provided along all new public streets per the requirements listed in Section 10.5 of the Ordinance

#### Section 11 – Signs

- All signage will confirm to the standards listed in Section 11.3 and 11.4 of the Ordinance.
- Monument signs are prohibited.

#### Section 18 – Floodplain Overlay District

- Community and FEMA flood hazard areas are located on-site and therefore the development will comply with the Floodplain Overlay District requirements.

#### Section 19 – Erosion Control

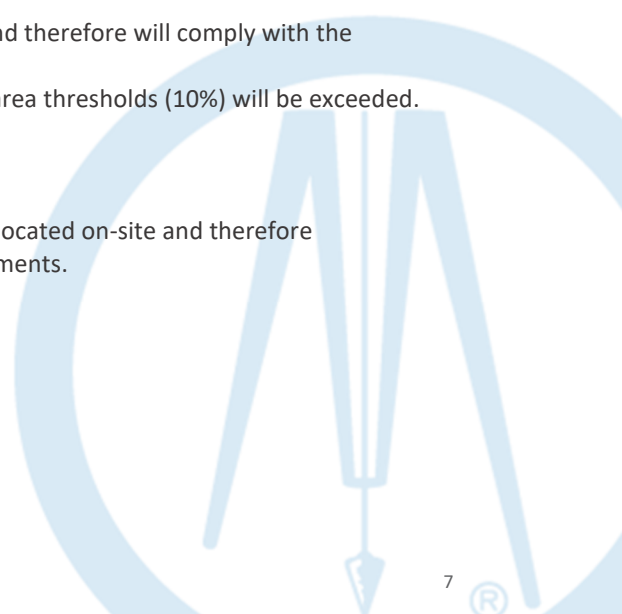
- This project will exceed Erosion Control implementation thresholds and therefore will comply with the requirements outlined in the Ordinance.

#### Section 20 – Post Construction Storm Water Ordinance

- This project will exceed Post-Construction Storm Water thresholds and therefore will comply with the requirements outlined in the Ordinance.
- This project will be considered high density as maximum built-upon-area thresholds (10%) will be exceeded.

#### Section 21 – Stream Buffer Overlay District

- A 100-foot stream buffer has been designated for Rocky River and is located on-site and therefore development will comply with Stream Buffer Overlay District requirements.



Section 22 – Historic Preservation Ordinance

- This project is not located within a Local Historic District.

**Requested Modifications to Standards**

Refer to Conditional Plan Sheet CP-203 for requested modifications to Davidson Planning Ordinance standards.

Respectfully,



Colin M. Jenest, PE  
Bolton & Menk Inc. d/b/a ColeJenest & Stone

cc: Jason Burdette, AICP – Town of Davidson (ToD)  
Brian Jenest, RLA – Bolton & Menk Inc. d/b/a ColeJenest & Stone (CJS)  
Jason Ward – Summit Farms GP, LLC (SF)  
Nathan Sipp – SF  
Brian Helfrich – SF  
Michael LeBlanc, AIA – Utile Design (UD)  
Brendan Willis, AIA – UD

Attachments:

1. Exhibit A – Site Photos

