



## **AGENDA MEMO**

To: Davidson Board of Commissioners

From: Trey Akers, Senior Planner, Planning Dept.

Date: June 28, 2022

Re: Davidson Condos Conditional Map Amendment – Public Hearing

### **OVERVIEW**

The developer, Jake Palillo, proposes six residential units in a single, three-story building with parking beneath the building. The parcel lies in the Lakeshore Planning Area, which requires a minimum 5% open space on-site and preservation of the lake shoreline for public use. The proposal includes certain provisions that do not meet the Davidson Planning Ordinance (DPO), therefore the project will follow the Conditional Map Amendment process (i.e., rezoning) and require approval by the Davidson Board of Commissioners. This process requires a Public Input Session and a recommendation by the Planning Board. It is also following the Individual Building process, requiring review and approval by the Design Review Board.

The previous Board of Commissioners reviewed the project in June 2021 as a pre-development consultation, offering informal feedback. An application was accepted by the Town of Davidson in October 2021. Both Mecklenburg County and Town of Davidson staff have performed two technical reviews of the project, which broadly meets each jurisdiction's applicable requirements though there are a number of outstanding issues remaining. The developer initially pursued a Conditional Map Amendment request due to the proposed building location, which did not meet the front setback requirements. The Lakeshore Planning Area requires a maximum front setback of 10 feet for multi-family buildings. The project proposes a maximum 135-foot front setback.

The need for additional conditions became apparent through the technical review process, with the Board of Commissioners' most recently approved Conditional Map Amendment – Davidson Cottages – and adopted plans/policies providing the foundation for conditions.

### **STAKEHOLDER FEEDBACK**

Since the Board of Commissioners discussed the project on February 8, 2022, the Planning Board, Design Review Board, and Public Input Session participants offered feedback on the plans at various meetings from February – April 2022. Detailed feedback from each of these groups is included in the Staff Analysis. A copy of the full Public Input Session Report is available on the [project website](#).

## INTERDEPARTMENTAL REVIEW

Town of Davidson staff performed an interdepartmental review and have the following information to share. Note: This information has been updated where appropriate based on the stakeholder feedback described in the Staff Analysis and subsequent staff discussions.

- **Overview:** The proposed six-unit, three-story building comprises +/- 20,000 square feet and sits on 0.881 acres. The oddly shaped parcel requires access from Southwest Dr. via an easement which is recorded in the adjoining parcel's covenants (Windjammer Condominium Declaration, 4.9). The parcel includes lakefront area and, per DPO 2.2.6.E, new development along the lake must retain 100 percent of the lake shoreline public use. The project does not intend to provide public access to the lakeshore or a park component.
- **Economic Development:** The analysis anticipates annual revenue for the six-unit development to be \$13,306.62, with costs to serve the development of \$7,542.24 – leaving a \$5,764.38 annual net gain.
- **Public Safety:**
  - Police: The Police Department's requests for adequate lighting, building access and addressing have been included as a condition.
  - Fire: The code-required 20-foot driveway is now shown on the plans. The Fire Department's request for secondary access has not been provided.
- **Housing & Equity:** DPO 5.2.1.A.1 requires projects with seven or fewer residential units to include one affordable unit or make a payment-in-lieu (PIL) to the town. The developer proposes a PIL for a single unit (\$40,840). The Housing & Equity manager recommends payment for two units (\$81,680).
- **Parks & Recreation:** To acknowledge the omission of public access, park, and open space features as required by the ordinance, the conditions include a payment-in-lieu option for the various features of a publicly-accessible lakefront that are not included in the project.
- **Projects Manager:** Uncertainty about the provision of waste services was expressed during initial review and at the Public Input Session. The project now includes a screened waste services area in front of the building (recommended for relocation by Planning staff) and Note 6. Waste Services on Sheet MP-04 indicates the building will participate in the town's publicly-contracted waste services program.
- **Arborist:** The best opportunities for tree preservation are along the north/northeastern project boundary and corner. With the removal of the internal sidewalk as now shown this prospect increases, though the current siting of the waste storage area works against this aim. Additionally, the abundant English Ivy should be removed from trees to be preserved; this has been requested as a note on the plans.

- **Planning:** The site’s unique shape and limited access presents a number of challenges, as does its location along Lake Norman. As stated earlier, the proposal generally complies but features a number of opportunities to advance town aims through site refinements and conditions. Many of these topics are discussed more fully in the Additional Topics & Conditions section below.

## ADDITIONAL TOPICS, CONDITIONS, & NON-COMPLIANT FEATURES

The following list provides an update on the status of major items reviewed to date, along with a summary of non-compliant project features or omissions. These topics are based on feedback from town advisory boards and Public Input Session participants as well as interdepartmental review, precedent projects, and adopted plans/policies. See the attached Staff Analysis or the Annotated Conditions documents for more specific information on certain topics.

- **Architecture:** A summary of the the Design Review Board (DRB’s) May 2022 comments are included in the Staff Analysis. Board members did not believe a maximum height was necessary. A condition has been added to require DRB approval by December 2022 so the same board members that have reviewed the building to date will make a final decision on its architecture before the board composition potentially changes.
- **Built-Upon Area (BUA):** The plans have been revised to illustrate a 20-foot fire access, the parking lot redesigned/relocated, the parking/drive aisle materials modified, and the internal sidewalk removed. Each of these actions has impacted the overall BUA. Currently, the proposed parking surface (boardwalk decking) does not meet DPO requirements and it is unclear whether an ADA-accessible ramp is required; further modifications could be required though the general building orientation is unlikely to change so long as the project remains classified as a “low-density” development with less than 24 percent BUA. Therefore, a condition has been added referencing the 24 percent BUA requirement so that the final building/site design, even if modified during the construction documents phase, still reflects the low-density approach reviewed by the public and commissioners.
- **Site Access/Mobility:** The project proposes making a payment-in-lieu for bike sharrow pavement decals and constructing a six-foot sidewalk as well as crosswalks linking the roundabout to residences further west. These solutions work to improve access to the broader area by utilizing existing right-of-way and avoiding disturbance to surrounding parcels, including HOA lands. They are consistent with the spirit of improvements envisioned by the Mobility Plan.

Notably, the internal sidewalk has been removed in the latest plans. This makes it unclear whether pedestrians have safe access to the site – in particular because the sidewalk served as an ADA-compliant ramp connecting parking spaces to the building. Staff proposes that the project explore the inclusion of a two-way pedestrian area on the north/northwest side of the parking area drive aisle as a means of solving each of these issues (pedestrian safety, ADA-access).

- **Parks/Open Space:** Per the earlier discussion in this Memo, a condition requiring payment-in-lieu has been added to mitigate the omission of publicly-accessible lakefront, park, and open space features.
- **Sustainability:** The developer has agreed to the lighting, universal design, and part of the landscaping improvements (i.e., except the 30 square foot pollinator garden). At the April Board of Commissioners meeting the developer also agreed to provide two electric vehicle charging stations. Additionally, the conditions have been updated to include a rainwater mitigation payment-in-lieu due to the project's post-construction impacts.
- **Utility Access:** The project requires approval by the Board of Commissioners to extend sewer utilities to the site. A condition has been added to ensure the required CLT Water Capacity Assurance letter is provided prior to construction document approval.
- **Waste Services:** Per the earlier discussion, staff recommends relocation of the waste storage area to save specimen trees.
- **Non-Compliant Features/Omissions:**
  - Front Setback: Exceeds the maximum permitted by the DPO.
  - Parking: Location of parking lot, surface materials, number of spaces proposed, lack of sidewalks, and garage screening do not meet DPO requirements.
  - Waste Services Storage: The location (front of building) and screening (materials) do not meet DPO requirements.
  - Pedestrian Access: Lack of entryway facing a fronting street does not meet DPO requirements.
  - Open Space: Lack of publicly-accessible lakeshore, park, open space and supporting amenities do not meet requirements.

## REQUESTED ACTION

The purpose of the public hearing is to review the plans and associated conditions, receive public comments, discuss the proposal with staff and the developer, and provide comments on the plan/conditions. Specifically, staff would appreciate direction on the following items:

- **Affordable Housing:** Do commissioners recommend consideration of two payments-in-lieu?
- **Architecture/Height:** Do commissioners have any additional input on the building design? Should the maximum height placeholder be removed?
- **Mobility:**
  - Internal Movement: Do commissioners recommend exploration/provision of pedestrian access within the site, possibly within the parking drive aisle?

- External Movement: Do commissioners agree with the proposed approach to provide a six-foot sidewalk and crosswalks within the right-of-way connecting the site to the roundabout as shown on the plans?
- **Sustainability**: Do commissioners believe the full landscaping condition should be applied?
- **Waste Services**: Do commissioners recommend exploring the relocation of the waste storage area?
- **Conditions**: Are there any modifications to conditions that commissioners propose?
- **Additional Topics/Engagement**: Are there additional topics commissioners recommend be explored more fully? Are there specific topics on which commissioners desire additional feedback from neighboring landowners or the Planning Board?
- **Timeline**: This project's schedule tentatively set for a commissioner decision in August, after receiving the Planning Board's recommendation from their July meeting (which occurs after the Board of Commissioners' second July meeting). Does this timeline seem agreeable?

## RELATED TOWN GOALS

*The following lists identify how the proposal currently or could align with the Town of Davidson Strategic Plan and its Core Values.*

### **Strategic Plan Alignment**

- Connecting People and Places – Expand, improve, and diversify the town's transportation network to provide residents and visitors with safe, convenient, accessible, reliable, and efficient multi-modal travel choices to connect people across the community.
  - *Priority Strategy: Prioritize building/completing sidewalk gaps in a contextually sensitive manner.*
- Affordable Living, Equity and Inclusion – Work together to create a culture of belonging, address our past inequities, provide opportunities for all, treat everyone with respect and dignity and recognize every voice.
  - *Priority Strategy: Identify and pursue ways to expand equity and inclusivity through facilities/infrastructure and programming throughout all parts of town.*

### **Core Values**

- Open communication is essential to an engaged citizenry, so town government will seek and provide accurate, timely information and promote public discussion of important issues.
- Davidson's historic mix of people in all income levels and ages is fundamental to our community, so town government will encourage opportunities, services, and infrastructure that allow people of all means to live and work here.

- Davidson’s traditional character is that of a small, historic college town, so land planning will reflect its historic patterns of village-centered growth including connection of neighborhoods, preservation of our historic resources, conservation of rural area, and provision of public spaces.
- Citizens need to move easily throughout the town and region, so government will provide a variety of options, such as sidewalks, bike paths, greenways, connected streets, and transit.
- Citizens must live in a healthy environment, so town government will protect watersheds, trees, air quality, and other elements of the town’s ecology.

## OPTIONS/PROS & CONS

**Options:** Building/site options are explained in the Staff Analysis as well as the Overview section above.

**Pros:** The project is anticipated to provide a revenue-positive development with the potential to make significant mobility improvements connecting the Davidson Landing area to I-77. Additionally, payment-in-lieu/conditions for housing, open space, rainwater management, and mobility offer broader community benefits while the universal design, landscaping, lighting, and electric vehicle charging stations offer site-specific benefits that advance Strategic Plan and Comprehensive Plan, and Mobility Plan goals. Some view the architecture as a welcome update to the area while others do not.

**Cons:** Continuing, some view the architecture as incompatible with the area, specifically, and Davidson as a whole. The lack of internal site access (i.e., sidewalk) or public access to the lakefront and accompanying amenities are a missed opportunity to set a new paradigm consistent with recent planning/development patterns in an area that pre-dates the existing conditions around the project site. The same goes for the approach to parking, with the proposed boardwalk decking materials neither ordinance-compliant nor sensible in the long-term. In the current plan, the proposed location of the waste storage area seems a poor tradeoff for the loss of two specimen trees of approximately 30 inches each.

## NEXT STEPS

The project is following the Conditional Map Amendment process, along with elements of the Individual Building process. The following are the next steps (tentative):

- **June:** Board of Commissioners Public Hearing
- **July:** Planning Board Hearing/Recommendation
- **August:** Board of Commissioners Decision