



## MEMO

Date: August 29, 2016  
To: Planning Board  
From: Trey Akers, Senior Planner  
Re: Narrow Passage, Amendment to a Conditional Planning Area – Staff Analysis

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### 1. INTRODUCTION

#### APPLICANT INFO

- **Developer:** Karl Plattner
- **Owners:** K&M Land and Home
- **Representative:** Susan K. Irvin, Attorney at Law
- **Site Designer:** Woodbine Design, PC (Riley Burgess)
- **Location:** 15201 East Rocky River Road (Parcel ID# 00309201)  
15210 East Rocky River Road (Parcel ID# 00725101)
- **Area:** 59.29 acres (Total)

#### REQUEST

The applicant requests an amendment to the plan approved by the Board of Commissioners on August 11, 2015 to permit the extension of municipal sewer service to the proposed development. Additionally, the request includes the option to expand the amount of open space provided by the development through the acquisition of 15215 East Rocky River Road (Parcel ID# 00309240).

#### SUMMARY OF PETITION

The applicant requests an amendment to the approved Conditional Planning Area that would permit the extension of sewer to the proposed development. The amendment does not include a request to increase the number of units originally approved or project density. The plan is approved for 40-units (including one duplex) on +/- 59 acres.

The proposal seeks to allow the opportunity to tap into and extend an existing municipal sewer line in the River Run subdivision, bringing the line up into and through the Narrow Passage development. The identified access point to which the project will seek to connect lies across East Rocky River Road to the project's south on PID #00724316. This may require the acquisition of land or easement area across various parcels; as a result, the proposal includes a request to allow consideration of any additional land areas acquired to count towards the open space requirements (so long as all applicable open space criteria are met). It is the developer's responsibility to secure all required approvals and easements necessary to access and extend the sewer line.

## 2. PLANNING STAFF REVIEW

### BACKGROUND

The applicant met with planning staff in May 2016 to discuss the possibility of extending sewer service to the site in lieu of septic systems. The proposal was submitted on June 13, 2016 and was deemed to be complete the week of June 18. This review considers compliance with the Davidson Planning Ordinance adopted June 11, 2001, as amended; the Conditional Planning Area plan approved for this project on August 11, 2015; and, applicable plans.

### PLANNING AND DEVELOPMENT STANDARDS

The proposal does not alter the following, previously approved project Conditions, General Notes, or Davidson Planning Ordinance standards as they apply to the approved site design, including: Land use (residential); Access (proposed streets and connections); Greenways (and trail system); Bike Path (along East Rocky River Road); Affordable Housing (duplex); and, Water Quality (bottomless culverts rather than hardened swales or energy dissipaters to manage stormwater runoff). These standards remain in effect.

The proposal does affect the type of waste system treatment originally approved by proposing to utilize a sewer-based system, rather than septic, throughout the development. In turn, this potentially affects the amount of open space provided by the project because the Davidson Planning Ordinance does not consider utility easement area to be counted as open space. However, the proposal includes an option to add additional land area to the common open space if such becomes available through the sewer extension process. The approved plan includes a specific condition regarding the amount of open space that the development must provide – either through land set asides or payment-in-lieu. Accordingly, any open space land that is reduced or any qualifying land that is acquired through the provision of sewer infrastructure would be factored into the required payment-in-lieu for each lot. This condition will not be modified as a result of this amendment.

### PROPOSED CONDITIONS

Although the majority of approved Conditions and General Notes are not affected, the proposal requires revision to Conditions 3d (Sewer/Septic Systems) and 3e (Landscaping): 3d must be modified to permit sewer extension in addition to septic system construction; and, 3e must be adjusted because the original landscape guidelines were written assuming the construction of septic-specific systems. 3d now allows the construction of sewer systems within the proposed development. 3e now includes a replanting standard derived from the current Davidson Planning Ordinance (adopted 5/1/15, as amended), which specifies the amount of mature tree canopy cover based on lot area. The revised and original conditions are below:

#### 3. Infrastructure:

- d. **Sewer/Septic Systems:** All or a portion of the project may be developed with sewer service via an extension of the Charlotte Water system. Rights-of-way for this extension must be acquired by the developer. All or a portion of the project may be developed with on-site septic tank and drain field systems. On-site sewage disposal systems must conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.

*Original Condition:* On-site sewage disposal systems will conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.

- e. **Landscaping:** Outside of the hamlet area, each lot and the front yard area of each lot shall maintain at least two large mature trees per 5,000 square feet of parcel area, OR one large mature tree and one small mature tree per 3,000 square feet of parcel area. The hamlet pod shall contain more formalized landscaping in accordance with the approved plan.

*Original Condition:* All street trees and landscaping shall be provided with at least the quantity of and standard of landscaping shown on the Schematic Landscape Design, Typical Lot Design and Narrow Passage Naturalization and Restoration Guide attached to the Plans; provided, however, the hamlet pod shall contain more formalized landscaping in accordance with the Plans.

#### **PLANNING BOARD CONSIDERATIONS**

At its June 2016 meeting the Planning Board were provided notice of the request and informed that the official proposal would appear before this board at the July 2016 Planning Board meeting. Members discussed the history of the development, stating that they believed it was in the community's best interest to have the Rural Area Plan approved prior to consideration of this request so that decision-makers could understand the approved Rural Area Plan's final recommendations (including sewer extensions). The Planning Board unanimously passed a resolution requesting that the Board of Commissioners defer consideration of the proposal until the Planning Board could make a recommendation on the proposed amendment. Staff explained that the July 12, 2016 Board of Commissioners meeting entailed a public hearing but no decision, and that the Planning Board would officially hear the proposal and make a recommendation at the July 2016 Planning Board meeting prior to the Board of Commissioners meeting on August 9 – at which time it's possible for a decision to occur.

#### **4. PUBLIC PLANS AND POLICIES**

Below is a list of town-adopted plans considered during the proposed Narrow Passage Conditional Planning Area rezoning in 2015. A summary of these plan's and the applicability of each to the project was provided in the Planning Board and Board of Commissioners analyses (June/July 2015).

- *The Davidson Greenprint Plan: Natural Assets Inventory (2008)*
- *The Davidson Walks and Rolls: Active Transportation Master Plan (2013)*
- *The Parks and Recreation Master Plan (2014)*
- *The Mecklenburg County Greenways and Trails Master Plan (2008)*
- *The Davidson Bicycle Transportation Plan (2008)*
- *The General Principles for Planning in Davidson (2001)*
- *The Davidson Comprehensive Plan (2010)*

Since that time, the Town has undertaken a Rural Area Plan intended to accommodate, direct, and manage growth in its 3,800 acre rural area over the next few decades. The plan has not yet been approved but contemplates a standard of development for the Rural Planning Area similar to the proposed plan. Specifically, the Rural Area Plan proposes a revision to the Rural Planning Area standards that would require a min. of 40-70% open space, with varying levels of density permitted. It also proposes the extension of sewer in the project vicinity. Although the recommendations are still being finalized, the proposed sewer extension for this project is not inconsistent with the plan's trajectory.

#### **5. STAFF RECOMMENDATION (INITIAL – 7 12/16)**

Ideally, this amendment would be considered within the context of an approved Rural Area Plan to better inform decision-makers. Nonetheless, because the proposal does not include a request to alter the previously-approved project layout, density, or open space requirements, the plan remains – in effect – the same as it was when approved in August 2015. Based on these circumstances, staff

recommends approval of the proposal to extend municipal sewer into the development. *See below for updated recommendation 7/25/16.*

## 6. ADDENDUM: UPDATED INFORMATION & RECOMMENDATION

### INFORMATION FROM CHARLOTTE WATER

In mid-July 2016 Charlotte Water (CLT Water) contacted the Planning Dept. to express concern that the proposed extension to Narrow Passage posed long-term issues regarding the maintenance of the proposed line, specifically, and the expansion of sewer service into the West Branch of the Rocky River basin, generally. In the ensuing weeks the project team worked with CLT Water to reach a conceptual agreement satisfying CLT Water's concerns about the proposed extension and West Branch expansion. The understanding contains two components: 1. The proposed Narrow Passage extension will be revised to address CLT Water's concerns regarding design and long-term maintenance; and, 2. the developer will assist in the construction and/or financial support of the beginning of the sewer connection leading from River Run to the West Branch basin. The details of these arrangements are yet to be finalized but have been identified as ways to accommodate both the developer's request and CLT Water's long-term aims.

### PLANNING STAFF REVIEW

In light of this information, it's important to understand two things: 1. The request presented by the developer is to modify the approved conditions to allow municipal sewer to serve the project site and add property to the common open space area; and, 2. The depicted extension is a proposed alignment that is subject to CLT Water authority and determinations – this alignment, and the attendant expansion of the initial West Branch basin connection, will be worked out with CLT Water through the approval of project construction documents.

### PROPOSED CONDITIONS

Based on this information, staff proposes that Condition 3d. be modified to acknowledge CLT Water's role in the extension approval (see highlight). The revised and original conditions are below:

#### 3. Infrastructure:

- d. **Sewer/Septic Systems:** All or a portion of the project may be developed with sewer service via an extension **in accordance with Charlotte Water policy**. Rights-of-way for this extension must be acquired by the developer. All or a portion of the project may be developed with on-site septic tank and drain field systems. On-site sewage disposal systems must conform to the standards of, and will be permitted by, the Groundwater and Wastewater Services section, Environmental Health division of the Mecklenburg County Health Department.

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*Original Condition:* All street trees and landscaping shall be provided with at least the quantity of and standard of landscaping shown on the Schematic Landscape Design, Typical Lot Design and Narrow Passage Naturalization and Restoration Guide attached to

the Plans; provided, however, the hamlet pod shall contain more formalized landscaping in accordance with the Plans.

**RECOMMENDATION – 8/29/16**

The proposal entails a request to modify the approved conditions such that municipal sewer may be allowed to serve the project site. Staff supports this goal and believes that modifying the condition language to allow this opportunity is a reasonable request. Staff affirms the initial recommendation provided on 7/12/16 regarding project density, layout, and open space requirements, adding that any alignment should conform to CLT Water policy and with the understanding that the developer will participate as agreed with CLT Water to develop/support the expansion of the West Branch line.

**7. ATTACHMENTS**

- Narrow Passage Plans – Cover Sheet, Concept Plan Sheet 5