



TOWN OF KNIGHTDALE

Land Use Review Board

7:00 pm

Monday, November 9, 2015

950 Steeple Square Court, Council Chambers

Knightdale, NC 27545

Minutes

I. CALL TO ORDER

Chairman Pete Mangum *called* the meeting to order at 7:07 pm.

II. ROLL CALL

The following members were present:

LURB Members Present: Pete Mangum, George Hess, Chuck Piratzky, Richy Narron, Rita Blackmon, Richard Godwin, Alice Alexander, Stephen Morgan, Michael Blake

LURB Members Absent: None

Town Council Members Present: None

Staff Members Present: Chris Hills, Jason Brown, Matt Christian, Donna Tierney

Attorneys Present: Town Attorney Clyde Holt

III. ADOPTION OF THE AGENDA

...Mr. Hess moved to adopt the agenda for the November 9, 2015 meeting. Mr. Godwin seconded the motion. The motion passed unanimously.

IV. APPROVAL OF MINUTES

...Ms. Blackmon moved to approve the minutes from the October 12, 2015 meeting. Mr. Hess seconded the motion. The motion passed unanimously.

Ms. Alexander moved to approve the minutes from the October 12, 2015 Board of Adjustment meeting. Ms. Blackmon seconded the motion. The motion passed unanimously.

V. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES

...The Board entered the Board of Adjustment session At 7:08 p.m.
(See Minutes of the November 9, 2015 Quasi-Judicial Session)

VI. RECESS

VII. COMMUNITY APPEARANCE CASES

VIII. TREE PROTECTION AND PLANTING CASES

A. FY16 Street Tree Planting Project

Planner/Code Enforcement Officer Matt Christian presented Board Members with an update regarding the Street Tree Planting Project. A portion of the project was removed due to concern

that the property behind the road is currently undeveloped and the size of the trees at maturity would conflict with existing trees. Also, Town Council and LURB members are interested in a future sidewalk installation and the trees in this location may cause a future conflict with the sidewalk.

IX. OLD BUSINESS

X. NEW BUSINESS

A. ZTA 3-15, Planned Residential Development/Senate Bill 25 Amendments

Senior Planner Jason Brown explained the purpose of the text amendment is to bring the Unified Development Ordinance (UDO) into compliance with Senate Bill 25 (Session Law 2015-86). Additionally, the text amendment will create a new option for Planned Development Districts (PDD) entitled Planned Residential Development (PRD) and require new major residential subdivisions to utilize a PDD through a legislative process.

Mr. Brown then summarized that the following chapters would be altered: Chapter 2.1(B) ("Planned Development Districts") to establish the Planned Residential Development District; Chapter 2.3(C) to change Dwelling-Single Family and Dwelling – Duplex from permitted to permitted subject to additional standards; Chapter 2.14(C) to establish standards for the Planned Residential Development (PRD) District; Chapter 3.3(T) ("Dwelling- Single Family and Dwelling – Duplex) to add additional standards including exempting lots prior to the date of adoption and requiring new single family and duplexes that are part of a major subdivision to be a Planned Development District; Chapter 4.6(C).2 ("Building Materials") to remove building material requirements for accessory structures; Chapter 5.3 ("Exceptions") to establish one and two family homes as being exempted from the building type and architectural standards as provided for in NCGS 160A-381; Chapter 15.4(F).6 ("Major Subdivision") to amend the major subdivision process so that Major Subdivisions that are part of a Planned Development District follow the legislative process; Chapter 16.8(D).2 ("Architectural Plan") to remove duplexes from required architectural elevations; and Other Technical Amendments that result from these changes including code section references, table of contents, index, etc.

Mr. Brown shared staff's recommendation to approve ZTA-3-15 and forward the advisory statement concerning said amendment in writing to the Town Council. The advisory statement states "The proposed zoning text changes are reasonable as they support the need for the Town's Unified Development Ordinance to be consistent and compliant with State law. The inclusion of Planned Residential Development (PRD) is consistent with the goals of the Comprehensive Plan as it will require each individual PRD to make a statement of plan consistency. Further it is consistent with the goal of promoting site design which clearly provides a system of coordinated land uses and that encourages decision makers, the development community and Town staff to view each new development proposal in a larger and regional context."

Development Services Director Chris Hills explained the process would be similar to a zoning map amendment and the provisions would now be presented to LURB. It was clarified that these changes apply to major subdivisions, which is considered five or more lots. Mr. Brown ensured that an application package would be created to ensure developers knew the requirements.

Mr. Godwin requested clarification on Chapter 5.3 Exceptions. Mr. Brown provided examples of window location, roof type, garage doors and windows as no longer enforceable. Discussion took place on how this amendment would actually impact the current process. Mr. Brown explained that the process for allowing a major subdivision into Knightdale is currently administrative and the amendment would change it to legislative.

Mr. Hills stated every town in the state is going through text amendments now that Senate Bill 25 has passed. The change provides Town Council with the opportunity to be more involved in the residential building approval as they had requested. The applicant can apply conditions but Town Council and LURB have to feel comfortable with the project as a whole, including signage, streets, recreational space, traffic, etc.

Mr. Godwin inquired if City of Raleigh has staff or Council approval. Town Attorney Clyde Holt answered that the city also has form based code and are struggling with the same issue. He also confirmed that master plans have public hearings. Additionally, he clarified that property owners or developers can now volunteer many specifications since the Town can no longer mandate them.

Mr. Hills indicated that staff is comfortable they will receive high quality products with the level of review that will take place. Mr. Mangum agreed that developers' initiative will be to receive approval from Council and the Board so there should not be too much apprehension on future submissions with this new process.

Before making a motion, Mr. Morgan commented that he would like to see uses of "shall" changed to "should" and to receive more clarification and specific examples of the new process.

...Mr. Morgan moved to recommend approval of ZTA-3-15 based on Staff's recommendation and Advisory Statement. Mr. Hess seconded the motion. The motion passed unanimously.

B. ZMA 6-15, Quarry Overlay District Expansion

Chairman Mangum moved to recuse himself from the discussion due to his connection with Wake Stone Corporation and to have Vice-Chair Michael Blake preside.

Senior Planner Jason Brown presented information on ZMA 6-15 which would allow the Town to expand the quarry overlay district to include a portion of the parcel identified as Wake County PIN 1745-43-7740 or 2300 Old Milburnie Road. The Unified Development Ordinance establishes the Quarry Overlay District (QOD) to acknowledge the unique land use impact of mining and quarrying on neighboring land uses, the need to notify the owners of the presence of neighboring quarry and to reduce potential negative impacts of the quarry on adjacent land uses. The purpose of this request is to expand the QOD to the ultimate mining boundary and to recognize the QOD on a property that was added during ETJ expansion and where the QOD was not increased proportionately.

Mr. Brown further explained that according to staff's analysis the total area of expansion is 21.8 acres, 12.8 acres is located in the Special Flood Hazard Area (SFHA), and nine acres of developable land will be impacted. Additionally, this topic was presented to the Planning and

Engineering Committee in August and the general consensus was to approve the map amendment. This amendment would be the maximum expansion of the quarry overlay district.

Ms. Alexander inquired about the impact on the golf course. Mr. Brown replied that the golf course is zoned residentially, and if developed, it will be limited to one dwelling per acre. This applies to about nine acres when the flood hazard area is accounted for.

Development Services Director Chris Hills explained that in 2008 the Town went to the county to expand the ETJ. The QOD should have been added at that time but it was mistakenly overlooked. The Town is now trying to make sure they are in compliance with the UDO.

Martin Allen introduced himself as co-owner of Wilmar Golf Course. He stated that if the zoning map amendment is granted, they will lose nine acres of developable property. While they have no intention of closing the golf course for development, they do not know what the future holds. They advocate that the quarry use some of the existing buffer to make up the overlay expansion and he also stated that they will suffer a negative financial impact if their land is taken.

There was discussion on the size of the buffer and options to reduce it in size. The width of the buffer is 1,000 ft. but 200 ft. on one side is not counted where the quarry is at its largest expandable area. It was explained the buffer was originally designated as a way to protect the impact on current and future citizens to shield against feeling and hearing blasts.

Mr. Allen reiterated that as property owners they are willing to give up the area covered by wetland and the 100 year floodplain but not the nine acres of developable land.

...Mr. Godwin moved to approve ZMA 6-15, Quarry Overlay District Expansion with the recommendation to remove the approximately 9 acres that do not include flood hazard. Ms. Alexander seconded the motion. The motion passed unanimously.

XI. OTHER BUSINESS

A. Quasi-Judicial Discussion

Development Services Director Chris Hills recapped the potential accessory structure text amendment that was discussed with the Planning and Engineering Committee. The committee decided not to proceed with a text amendment but would rather see LURB members grant variances if appropriate.

Mr. Hills explained that when presenting variances, staff try to be impartial and in the future can provide more information on the ordinance in question so that Board Members understand the spirit and intent.

Moving forward Mr. Hills suggested that the Board first determine as a body if the variance is a reasonable request and then consult the four required findings of fact. He reiterated that context of the variance is very important and does not necessarily set precedent for future variances. He reminded the Board members that they may place reasonable conditions when

granting variances. He also suggested having Quasi-Judicial training during a month with a light agenda.

B. Chairman's Comments

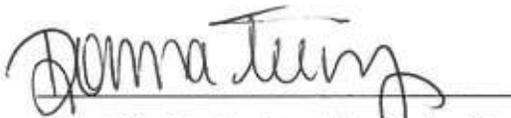
Chairman Mangum reflected on his time as Chairman of LURB and thanked Board members for their service.

XII. ADJOURNMENT

Having reached the end of the evening's agenda and hearing no further discussion, Ms. Alexander motioned to **adjourn** the meeting at 9:01 p.m. Mr. Hess seconded the motion and the motion passed unanimously.



Chairman of the Land Use Review Board



Attest, Clerk to the Land Use Review Board, Donna Tierney