



KNIGHTDALE LAND USE REVIEW BOARD MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

January 11, 2016

The Knightdale Land Use Review Board Committee met at 7:00 p.m. in the Council Chamber Room of Town Hall.

LURB MEMBERS PRESENT: Rita Blackmon, Michael Blake, Richard Godwin, George Hess, Stephen Morgan, Richy Narron, Chuck Piratzky

TOWN COUNCIL MEMBERS PRESENT: Councilor Tripp

ABSENT: Alice Alexander

Attorneys Present: John Silverstein, Board Attorney; David York, Town Attorney

Staff Members Present: Chris Hills, Development Services Director; Jason Brown, Senior Planner Long Range; Bryn Terry, Development Services Intern; Donna Tierney, Planning Technician

Meeting called to order by Chairman George Hess at 7:08 p.m.

ITEM I. ADOPTION OF AGENDA
...**Motion by Stephen Morgan to adopt the agenda. Motion seconded by Richard Godwin and carried unanimously.**

ITEM II. CHAIRMAN'S COMMENTS

ITEM III. APPROVAL OF MINUTES
...**Motion by Richard Godwin to approve the minutes of December 14, 2015. Motion seconded by Stephen Morgan and carried unanimously.**

...**Motion by Rita Blackmon to approve the minutes of the December 14, 2015 Quasi-Judicial meeting. Motion seconded by Michael Blake and carried unanimously.**

ITEM IV. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES
The Board entered the Board of Adjustment session.
(See Minutes of the January 11, 2016 Quasi-Judicial Session)

VAR-1-16 – 112 Rochelle Drive

ITEM V. ORDERS FOR QUASI-JUDICIAL CASES

ITEM VI. RECESS

ITEM VII. COMMUNITY APPEARANCE CASES
None at this time.

ITEM VIII. TREE PROTECTION AND PLANTING CASES
None at this time.

ITEM IX. OLD BUSINESS
None at this time.

ITEM X. NEW BUSINESS
ZTA-1-16 – Quarterly Text Amendment

Senior Planner Long Range Jason Brown explained that the proposed text amendments are in response to State Legislative changes, Supreme Court rulings, and best practices and staff identified improvements. The following proposed text amendments were each addressed in detail.

Chapter 11.5(A) & Chapter 17.3(G).1 (“Street Lighting”) will be edited to clarify that developers will be responsible to add street lights to all streets including NCDOT streets on which a project may have frontage.

Mr. Godwin inquired as to who pays the monthly bills for the added street lights. Mr. Brown explained the Town will pay once the Town accepts the street.

Mr. Morgan asked if there is a lighting standard and expressed his concern for consistency. Mr. Brown offered to look into DOT standards and confirmed the Town is converting all existing lights to LED lights.

12.4(I).1 & Chapter 12.7(C).2&3 (“Election Signs & Non-Profit Community Event Banners”) will be changed to remove content based sign regulations to ensure the sign ordinance is compliant with Reed v. Town of Gilbert, a recent Supreme Court ruling. Mr. Brown explained this change is most applicable to noncommercial signs as commercial speech is not afforded the same protections.

Mr. Piratzky requested clarification on what is meant by “noncommercial sign.” Mr. Brown explained staff will develop definitions.

Mr. Brown explained that ultimately the ruling says if you have to read the sign to know what it is about then your ordinance is content based and that is no longer allowed.

Town Attorney David York explained that we currently do not know if text amendments will work until further litigation takes place. The Supreme Court did not provide much guidance initially. Other jurisdictions are currently rewriting their entire sign ordinances but the Town is trying to bring the existing ordinance into compliance.

Chapter 15.6(B) & Chapter 15.6(C) (“Zoning Text Amendments & Zoning Map Amendments”) will be edited to add public written comments and remove protest petitions per State Statute. Citizen comments allow for written comments to be submitted to the Town Clerk at least two days prior to a decision. The Clerk will then deliver the statements to the Town Council. Mr. Brown confirmed that citizens still have the right to attend any public hearing to voice their opinion, but this new legislation allows them to put it in writing if they are unable to attend the meeting. Mr. Morgan stated he would like to see the wording clarified for when the Clerk is to deliver the comments.

Chapter 17.4(A).1 (“Acceptance of Public Infrastructure”) will be changed to clarify what types of performance sureties are acceptable under State Statute 2015-187 (HB 721) and to set the maximum amount. Developers will be allowed to choose the type of subdivision infrastructure performance guarantees to provide. Their choices are surety bonds, letters of credits, or other guarantees from any company/financial institution licensed to do business in the State. The maximum amount is set at 125%.

Chapter 16.9 (“Traffic Impact Analysis”) will be edited to consider bicycle and pedestrian modes in the Traffic Impact Analysis process. A TIA is required if proposed re-zoning or development generates 150 new peak hour trips. Currently, the TIA process requires study of vehicle travel and associated levels of service but staff would also like to see pedestrian and bicycle improvements evaluated in the TIA process.

Mr. Hess inquired as to specifically how bicycle and pedestrian levels of service will be determined and if an engineer would do it. Development Services Intern Bryn Terry explained there is not a specific level of service yet, but Charlotte has developed complicated calculations to determine LOS.

Ms. Terry explained that considering pedestrian and bicycle LOS and making certain improvements could be incentivized by awarding developers Water Allocation Policy bonus points. Several examples of improvements are sidewalk presence/width, spot improvements, crosswalks, greenway connections, and bicycle lanes.

Mr. Brown presented staff’s recommendation to approve ZTA-1-16 and to forward the following advisory statement to Town Council: “The proposed zoning text changes are reasonable as they support the need to periodically update the UDO to account for recent best practices in site design and development which is compatible with the Comprehensive Plan’s stated objective of providing an open, accessible, responsive, and fiscally responsible government. The text changes are further consistent as they promote the goal of the Comprehensive Plan to comprehensively plan for pedestrian travel to accommodate substantial on-site pedestrian activities as well as movement within and through the site, and for automobile accommodation areas and travel ways to respect pedestrian travel ways and the form of public spaces. The changes also further the objectives of development proposals incorporating best practices for creating public spaces that are safe.”

...Motion by Stephen Morgan to approve ZTA-1-16 with the recommendation that lighting consistency is addressed along DOT roads and that consideration be given to public transportation improvements in Traffic Impact Analyses. Motion seconded by Chuck Piratzky and carried unanimously.

ITEM XI. OTHER BUSINESS

Development Services Director Chris Hills announced that the Town Council Retreat will be held Saturday, January 30. The agenda is not yet finalized but LURB members will be invited to attend a portion of the retreat to discuss land and development issues.

ITEM XII. ADJOURNMENT

...Motion by Richard Godwin to adjourn at 8:51 p.m. Motion seconded by Rita Blackmon and carried unanimously.



George Hess, Land Use Review Board Chairman



Donna Tierney, Planning Technician