



KNIGHTDALE LAND USE REVIEW BOARD MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

April 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: George Hess, Rita Blackmon, Michael Blake,
Richard Godwin, Chuck Piratzky, Randy Jones,
Alice Alexander, Ben McDonald

TOWN COUNCIL MEMBERS PRESENT: No one

ABSENT: Stephen Morgan

Attorneys Present: Clyde Holt, Town Attorney; John Silverstein, Board
Attorney

Staff Members Present: Jason Brown, Senior Planner Long Range; Jennifer
Currin, Senior Planner Current; Donna Tierney,
Planning Technician

Meeting called to order by Chairman Hess at 7:01 p.m.

- ITEM I. ADOPTION OF AGENDA
...**Motion by Mr. McDonald to adopt the agenda. Motion seconded by Vice Chairman Piratzky and carried unanimously.**
- ITEM II. CHAIRMAN'S COMMENTS
None at this time.
- ITEM III. APPROVAL OF MINUTES
...**Motion by Mr. Godwin to approve the minutes of March 14, 2016. Motion seconded by Mr. McDonald and carried unanimously.**

...**Motion by Ms. Blackmon to approve the minutes of the March 14, 2016 Quasi-Judicial meeting. Motion seconded by Ms. Alexander and carried unanimously.**
- ITEM IV. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES
The Board entered the Board of Adjustment session.
(See Minutes of the April 11, 2016 Quasi-Judicial Session)
- ITEM V. ORDERS FOR QUASI-JUDICIAL CASES
Order Approving VAR-2-16 – 137 Towler Road

- ITEM VI. COMMUNITY APPEARANCE CASES
None at this time.
- ITEM VII. TREE PROTECTION AND PLANTING CASES
None at this time.
- ITEM VIII. OLD BUSINESS
None at this time.
- ITEM IX. NEW BUSINESS
ZMA-1-16 – StoneRiver Rezoning

Senior Planner Jennifer Currin explained to the board that staff received an application requesting a Zoning Map Amendment to rezone approximately 144.47± acres located south of I-495, east of the Neuse River and adjacent to the Cheswick subdivision. The parcel is located on Hodge Rd. and identified by the Wake County PIN 1733.04-73-7234 (portion). The applicant is requesting to rezoning a portion of the property from General Residential-8 (GR-8) to General Residential-8 Planned Residential Development (GR-8 PRD) for single family residential development. The property owner is Bobby Murray Heirs, the applicant is Pablo Reiter and the developer is Arcaterra Land, LLC.

Ms. Currin reviewed the proposed voluntary conditions and the discussion at the April 4 Town Council public hearing.

Ms. Currin explained that the Board is required by law to adopt a statement of plan consistency and reasonableness of action with their action. If the board approves ZMA-1-16, staff recommends that the following advisory statement be forwarded to Town Council for consideration: the proposed zoning map amendment advances the stated objectives of ensuring that significant open spaces are preserved and utilized as integral components of neighborhoods, which assists in promoting a vibrant, sustainable and safe community design in which people desire to live, work and visit. It is furthermore consistent with the Comprehensive Plan's stated goals of providing interconnected street networks, with sidewalks, to create walkable neighborhoods.

Mr. Godwin asked if the 10' buffer is consistent along the property borders. Ms. Currin answered that a buffer is not required.

Mr. McDonald asked if the proposed greenway was along the Neuse River. Ms. Currin was unable to answer, as the developer's plans have not been submitted.

Pablo Reiter of Terramor Homes conveyed that their plan is to have a consistent product with the existing Cheswick subdivision and previous UDO standards. Their main objective is to be able to mass grade the site due to 40-50 foot drops in topography. These elevation changes would be difficult to grade once the streets are in, and they would like to avoid blasting next to neighbors. Additionally, the mass grading will result in some basements and many crawl homes, not just slabs. Mark MacDonald of Arcardia Real Estate Advisors further explained that the Town allows mass grading on 40-foot lots, but Acraterra Land, LLC would like to be able to mass grade 60-foot lots due to the reasons previously mentioned by Mr. Reiter.

Mr. McDonald commented on the amount of traffic coming in and out of one road connected to Hodge Road, and Mr. MacDonald responded that there is currently a TIA underway.

Spencer Terry and Jim Chandler with Timmons Group spoke about the topography of the land. They explained that less than 5% of the land is what they consider flat and the hardship it would create to grade each lot individually. Retaining walls are proposed around the development, along with all the homes that would have walkout basements.

Mr. Godwin asked if there are any designated wetlands areas on the parcel. Mr. Terry answered that yes, along the creeks are protected and they are not looking to impact anything more than the state allows.

Mr. Terry confirmed the development would take place in phases. Since the development will be on Town water, the utilities will be in the roads, making mass grading more beneficial. Mr. McDonald inquired if the grading would take place phase by phase or all at once. Mr. Terry explained they have the ability to do it phase by phase, but it depends on how the property is developed and where they must move dirt. Mr. Reiter added there will be around 4-5 phases, but they do not want stockpiles of dirt. They will need the ability to move it around where needed.

Chairman Hess asked if anyone in the audience wanted to speak in support of the rezoning, and no one came forth. He then asked if anyone wanted to speak in opposition.

Rick Ide and Sunny Myers, who both reside in Cheswick, took the stand. Mr. Ide read a letter from the several of the Cheswick homeowners (Applicant Exhibit A). The concerns included traffic from the proposed industrial park on Hodge Rd., use of existing Cheswick roads, drainage issues, environmental impacts, buffers between development, Panther Rock road maintenance, signage, future public park access, and possible apartment development. Mr. Ide then presented members with a second letter containing requests from the homeowners (Applicant Exhibit B).

Mr. McDonald asked if the HOA pays for the road maintenance. Ms. Currin answered that the Town maintains Panther Rock Blvd.

Mr. Reiter attempted to address several of the concerns presented in the letter read by Mr. Ide. He explained the TIA includes all adjacent areas including the industrial park. Additionally, the Town's ordinance requires two entrances, and a second one will be located off Water Tower Road. Mr. Reiter added that as previously stated, they do not need to provide a buffer between the developments due to similar zoning/uses, but they are voluntarily providing a 10 foot buffer based on previous conversations with homeowners. Lastly, Mr. Reiter explained that the homeowners' request that they submit a site plan and engineering drawing before rezoning approval is not consistent with the development process; neither would it be practical for the developer.

Chairman Hess inquired about plans for Hodge Road. Ms. Currin explained the eventual plan is for Hodge to be four lanes, but the bridge across the bypass is not currently wide enough to support additional lanes. While the Town is investigating several options, there are not any current DOT projects to widen the bridge because it is not a significant problem at this point.

Christine Bailey, who resides at 1512 Hauser Lake Rd. in Cheswick, said that last year's TIA showed that 90% of traffic turn left out of Panther Rock onto Hodge Road. This raises concern with Cheswick residents.

Ms. Myers expressed concern that the land to the east is still zoned for apartments and is for sale for CBRE. Ms. Currin explained that the parcel in question is zoned UR-12 which allows for multi and single family units. However, an apartment project was incorrectly listed on the Town's website and has since been removed.

Mr. Reiter, Ms. Myers, and Mr. Ide spoke in depth about several drainage issues in the existing Cheswick subdivision. Ms. Myers summarized her attempts to address the drainage issue with her property. She feels that Terramor and the Town have pointed fingers at one another, resulting in a large out of pocket personal expense to fix the issue. Mr. Ide provided information on his drainage issue as well, which started just weeks after moving in. Terramor installed an 18" drain that did not remedy the issue, and his back porch still floods after a heavy rain. Mr. Reiter said the drainage box will be looked at, and that other issues can be addressed individually.

When asked by Mr. Piratzky if it would be preferable to have the Cheswick sign in the roundabout, Ms. Myers answered yes. She would like to see it moved to the roundabout where the neighborhood actually starts, and feels that the cost should be incurred by the developer, not the HOA.

Mr. Godwin inquired about the development timeline. Mr. Reiter said they are currently running out of lots in Cheswick, so they would like to move quickly.

Mr. Reiter answered yes when Mr. McDonald asked if he would be willing to add a condition to move the monument sign as the Cheswick homeowner letter requested.

Town Attorney Clyde Holt communicated to members that they had three options moving forward: to approve, deny, or table for 30 days. He proceeded to caution the board that issues with homeowners and development is not relevant to the rezoning of the land. The board's review should be confined to the zoning case itself, and it is not retroactive.

Mr. Godwin inquired if the board would see this development request again, such as in the Master Plan phase. Mr. Holt said the board would not be involved in further discussions, unless a variance is required. Since the parcel has not been annexed, Town water and sewer is not yet available. Town Council will be involved in the annexation process, but like LURB, will not review the Master Plan either.

Mr. Godwin asked Mr. Reiter if it was a true statement that he could not do the development without mass grading; Mr. Reiter confirmed. He stated further that the Town allows mass grading if lots are smaller than 60 feet. However, they are voluntarily proposing larger lots for the development.

Mr. Blake commented on the topography issues and the retaining walls on the outer perimeter. He also commented that he likes the idea of larger lots and consistently sloped streets.

...Motion by Mr. Godwin to approve ZMA-1-16, finding that it is consistent with the comprehensive plan, so long as it is subject to the voluntary conditions presented and the imposed condition that the developer moves the Cheswick monument sign to the roundabout. Motion seconded by Mr. McDonald and carried unanimously.

ITEM X. OTHER BUSINESS

Ms. Currin announced that the Parks, Recreation and Cultural Programs Citizens Academy would be held April 28, May 5, and May 12 and invited all interested LURB members to attend.

Mr. Godwin commented that he would like to see the Town install event signs at Knightdale Station Park so that users could be more aware of the happenings. Ms. Currin responded that she would pass Mr. Godwin's request to Tina Cheek, Parks and Recreation Director.

ITEM XI. PAST COUNCIL ACTION
None at this time.

ITEM XII. ADJOURNMENT
Motion by Ms. Alexander to adjourn at 9:43 p.m. Motion seconded by Mr. McDonald and carried unanimously.



George Hess, Land Use Review Board Chairman



Donna Tierney, Planning Technician

April 11, 2016

Town of Knightdale
950 Steeple Square
Knightdale, NC 27545

RE: StoneRiver

Ladies and Gentlemen,

We, the Homeowners of Cheswick, are writing to document our concerns regarding the proposed adjacent StoneRiver development project and its direct impact on our community. Unfortunately, there simply was not enough time given to us prior to the previous zoning meeting on April 4, 2016 so that we, as a group, could review the changes and prepare an outline of our possible concerns with the new details shown on the revised plan.

We have now had a chance to reflect on the proposed changes and our concerns remain as follows:

1. **Traffic** – Once the final Phase is completed, there will be 204 homes in Cheswick. With only one way in and out, Panther Rock Road, the traffic flow onto Hodge Road is a major concern for us, especially given the fact that there is no traffic light. Given the close proximity of the lights at the 264 intersections even the addition of another traffic light as a possible solution simply would not work. We understand that a traffic study will be completed, but please keep in mind that this will not forecast the additional traffic brought about in conjunction with the Industrial Park that has also recently been approved just up the road off Hodge. These additional traffic implications must also be anticipated.

The proposed plan for StoneRiver shows that access to/from some of the lots will be via the existing Cheswick roads (Colton Creek & Hauser Lake). This will result in increased traffic in Cheswick and only negatively affect existing Cheswick residents. We ask that the StoneRiver layout be revised so that StoneRiver residents have easier/shorter access to the main entrance of their subdivision. The layout should be designed such that it's more feasible for StoneRiver residents to use the new access road and not existing Cheswick streets.

How does the Knightdale Town Council plan to address future traffic issues for this area? What conversations have taken place with the NCDOT to be proactive about these issues and not reactive? What is the plan to accommodate the traffic volume of this area? Speeding is already an issue within Cheswick, how does the Council plan to address speeding concerns with increased traffic?

2. **Drainage** - issues from the proposed "mass grading" project are a serious cause for concern. It is no secret in our community of Cheswick that we have major drainage issues due to lots being improperly graded by the builder (Terramor/Pablo Reiter). More than 75% of Cheswick residents have had drainage issues. These issues have been previously brought to the developer's attention and discussed in great detail. Many of these issues have yet to be 100% resolved. Some owners have had to pay out of pocket to have these issues resolved by third parties. The Town has blamed the builder/developer

and the builder/developer has blamed the Town. It's become a game of pointing fingers in which no one wants to take responsibility. In the end, the issues remain unresolved and the Knightdale residents are the ones who lose. We strongly oppose any allowance of mass grading to prevent this from making matters worse and/or happening to other homeowners.

How will the proposed mass grading impact the surrounding areas? We would request that Mayor Roberson et al. take a walk through our Cheswick community during a heavy rainfall so that they may see for themselves.

Pictures of existing drainage issues within Cheswick that have yet to be resolved:



3. **Environmental Impacts** - Developer is requesting waiver of UDO section 6.2. Cheswick residents request that waivers should not be acquired without the completion of an environmental impact study. Waivers of studied and regulatory guidelines could drastically impact Neuse River and associated wetlands as well as UDO compliant adjoining Cheswick lots. It is public knowledge that a couple of local communities (Planters Walk & Mingo Creek) are having major issues due to disturbance of the existing wetlands. Wetlands preservation is of utmost concern.
4. **Woodland Buffer** – to preserve our quiet, tree lined community. The destruction of our current tree canopy, which offers significant noise reduction from the adjacent highway,

is another major concern for us. As well as the loss of the privacy it currently provides. The developer proposes a 10' Type A tree buffer between the two communities, "in the spirit of UDO" and Chapter 8. This seems quite minimalistic. We suggest that Cheswick must approve Type A buffers to ensure landscapers do not devalue Cheswick since it will no longer be UDO compliant.

During the April 4, 2016 Council Meeting, and Arbor Day presentation, Mayor Roberson emphasized the importance of our trees. Knightdale has been a Tree City USA status for coming on 15 years. We hope that the Council will make all efforts to protect this title.

The marketing material for Cheswick states that Cheswick is a "private retreat." We feel that the tree buffer around Cheswick is vital to keeping Cheswick what it is today.

5. **Panther Rock Road maintenance** – currently this is paid by our Cheswick HOA funds. Stone River is slated to be a much larger community, over 600 homes, how does Cheswick Investments, LLC propose to determine the costs respective to each community?

Terramor Homes' marketing material for Cheswick has pictures showing Panther Rock Road apart of Cheswick (refer to picture below). Potential homebuyers are led to believe that this entrance is owned by the community. We feel that this is false advertisement on Terramor's part as this street is not apart of Cheswick as marketing documents indicate. The long, winding, tree-lined private road is one of the reasons that many of us were persuaded to buy in Cheswick versus other neighborhoods. It's a huge selling point. Cheswick residents should not have to pay to maintain a road that is used by other communities.

Panther Rock Road picture used by Terramor:



6. **Signage** – StoneRiver subdivision signs are proposed to be placed at our roundabout. We ask that any shared rightways contain no signage. We request that Terramor/Pablo Reiter relocate the existing Cheswick sign to the front of Cheswick. Cheswick HOA funds should NOT be used to relocate this sign. In addition, all proposed signage/graphic locations and designs shall be approved by Cheswick residents. We oppose any graphics

being placed on Panther Rock Road per the TOK Staff Report dated April 4, 2016. What signage are they proposing at the three entrances of StoneRiver?

7. **Future Public Park** – There is a future Town park planned for this area of discussion. What is the master plan for this area? Are there any increased traffic concerns for this area once this new park is complete? How will the public access this park?
8. **Apartments** – Per the Council meeting on April 4 2016, Pablo Reiter stated that they have removed the apartments from the scope of StoneRiver. However, current real estate listings and marketing material show this isn't the case. The land to the east of the proposed developments is zoned for multi-family housing and is currently listed for sale on the Town's website as "StoneRiver Apartments." In addition, the marketing material has the Cheswick logo. Please clarify the intention with this property and if developed, what implications will this have on the traffic in this area?

We understand that the continued development in our great community of Knightdale will happen, and we welcome the positive impacts of such development. However, we believe that based on our review of the current plans that the proposed adjacent development only provides a negative impact on our individual community. This is greatly supported by the fact that Cheswick's interconnecting roads must be utilized by the new community, ultimately creating one large community regardless of how it is being proposed and directly contradicting what many Cheswick homeowners were told at the time of purchase. We request that serious consideration be given to our concerns and in determining the feasible projected outcome of each bullet point above.

As a community we must fight to preserve the vision that we bought into for our families and to understand the immediate impact of the proposed changes that surround us, both positive and negative. As the Town Council & Land Use Review Board, it is your responsibility to determine the overall impact of such development projects, not just individually but also by taking into account each project and their significant connections to each other. What are the traffic implications, not just for Cheswick, but for all commuters traveling on and around Hodge Road? What has been presented to the NCDOT in regards to their responsibilities, what is their response? What is planned for additional schools that will be required with this increased growth? What are the tax implications? We request that the Council & Board carries out their Due Diligence as well as demand that the infrastructure be in place proactively in order to accommodate the continued growth of the surrounding areas, as opposed to reactively as has been done in the past.

Your time and consideration in this matter are greatly appreciated.

Sincerely,

Cheswick Homeowners

April 11, 2016

Town of Knightdale
950 Steeple Square
Knightdale, NC 27545

RE: ZMA-1-16 StoneRiver Planned Residential Development

Members of the Planning Board,

Based on our documented concerns submitted; We, the Homeowners of Cheswick, respectfully request the above referenced Proposal be tabled until such time as Proposers can submit completed design and blueprints for the Agricultural, Architectural, and Civil Engineering designs associated with this proposal.

Our concerns are based on the Proposers request for a waiver of UDO. Terms such as “in the spirit of UDO” must be clearly defined. The submission of the above requested documentation will clarify the Proposers intent.

Due to the request by the Proposers to waive the UDO we also respectfully request that a complete Environmental Impact Study be done and provided at the same time as the other requested documentation. This Study should include the impact waiving UDO, the impact to the wetlands, and the impact to the Infrastructure of the City of Knightdale. This will ensure both the Members of the Board and the Citizens of Knightdale that our streets and school system are prepared to handle such a large Community.

While we look forward to meeting our future neighbors we also want to ensure our wonderful neighborhood is not adversely impacted in any way. We look forward to working with the Board to ensure Knightdale remains one of the Best Places To Live in North Carolina.

Thank you,

Cheswick Homeowners