



KNIGHTDALE LAND USE REVIEW BOARD MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

June 13, 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, Chuck Piratzky, Alice Alexander, Rita Blackmon, Richard Godwin, Randy Jones, Ben McDonald, Stephen Morgan

TOWN COUNCIL MEMBERS PRESENT: Councilor Tripp, Mayor Pro Tem Chalk

ABSENT: Michael Blake

Attorneys Present: Clyde Holt, Town Attorney

Staff Members Present: Chris Hills, Development Services Director; Jennifer Currin, Senior Planner Current; Matt Christian, Planner/Code Enforcement Officer; Donna Tierney, Planning Technician

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

ITEM I. ADOPTION OF AGENDA

Senior Planner Current Jennifer Currin announced that Lee Lambert requested ZMA-4-16 Old Knight Road Rezoning and ZMA-5-16 Robertson Street Rezoning be removed from tonight's agenda and heard at the July 11, 2016 LURB meeting.

ITEM II. CHAIRMAN'S COMMENTS
None at this time.

ITEM III. APPROVAL OF MINUTES
...**Motion by Mr. Morgan approve the minutes of May 9, 2016. Motion seconded by Mr. McDonald and carried unanimously.**

...**Motion by Mr. McDonald to approve the minutes of the May 9, 2016 Quasi-Judicial meeting. Motion seconded by Ms. Blackmon and carried unanimously.**

ITEM IV. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES
None at this time.

ITEM V. ORDERS FOR QUASI-JUDICIAL CASES
None at this time.

ITEM VI. COMMUNITY APPEARANCE CASES
None at this time.

ITEM VII. TREE PROTECTION AND PLANTING CASES
Street Tree Plan Update

Planner Matt Christian provided an update on the street tree program. In recent years, it has become increasingly difficult to select an available street tree project that fits the allocated budgeted amount. Beginning next fiscal year, all major street tree projects will have to compete for funds through the CIP process. There are still some funds available for maintenance and minor projects. This budget change does not affect our commitment to Tree City USA and other urban forestry programs.

ITEM VIII. OLD BUSINESS
None at this time.

ITEM IX. NEW BUSINESS

Chairman Hess announced that while this is an open meeting, the Board is not required to hear public comments. However, the Board will make time for anyone who wants to be heard but he asks that speakers stay focused and avoid repetitive comments.

A. ZMA-3-16 Whitley Ridge Rezoning

Senior Planner Current Jennifer Currin explained staff received an application submitted by property owner Eastwind Development, LLC requesting a Zoning Map Amendment to rezone approximately 26.85 acres located at 0 Rider Drive, north of I-495 and east of Rider Drive, identified by Wake County PIN 1763.01-37-0021 from General Residential and Special Highway Overlay District (GR-8 and SHOD) to General Residential Planned Residential Development, Special Highway Overlay District (GR-8 PRD and SHOD) for a single family residential development.

Ms. Currin summarized the previous variances granted to the applicant, and explained how the plan was both consistent and inconsistent with the Comprehensive Plan.

Ms. Currin stated the Development Services Department recommends that the Land Use Review Board recommend denial of ZMA-3-16 and forward the following advisory statement and to the Town Council: *“The proposed zoning map amendment is inconsistent with the Comprehensive Plan objectives of enhancing a “sense of place” and preserving the local character of Knightdale. It is further inconsistent with the Neighborhood Design District guidelines of encouraging a wide range of housing types to create a diverse and authentic community. It is further inconsistent with the guideline to provide a variety of significant passive recreational amenities particularly pocket parks and community playgrounds as communal outdoor living spaces where neighbors may meet and interact as small groups, which would also provide opportunities for residents to strengthen their ties to the community and neighbors.”*

Mr. Godwin requested clarification on the link between the Comprehensive Plan inconsistencies and the items granted in the applicant’s previous variance request. Ms. Currin explained while “sense of place” is subjective, the proposed development does not create the sense of Knightdale neighborhood.

Mr. Morgan inquired if staff feels like the proposal is lacking or if not enough information was provided. Ms. Currin explained that a master plan was submitted so staff received a significant amount of information. When compared to the Comprehensive Plan, it was found not to be consistent with surrounding land uses and how they may develop.

Andy Petesch of Petesch Law spoke on behalf of his client, Eastwind Development, LLC. He confirmed that he and his client disagree with the proposed Comprehensive Plan inconsistencies. He provided a brief history of the parcel being orphaned from the Amber Ridge subdivision when the bypass location changed. Because of this and other factors, the parcel is difficult to develop, hence the previous variance request.

Mr. Petesch handed out a sheet outlining Eastwind Development's proposed conditions. *See ZMA-3-16 Applicant Exhibit A.*

Mr. Petesch read the definitions of active and passive recreation from the UDO. He stated they would work with the Division of Water Resources to cross the stream buffer and build a footbridge. They also believe the parcel's closeness to nature creates a sense of place. While his client can plan for compatibility with the neighboring existing development, they cannot plan for the undeveloped parcel to the north. He further explained that the lot layout depends on where soils will perk. It is their goal to minimize cul-de-sacs and maximize connectivity. Additionally, Mr. Petesch explained that the subdivision would only be 26 lots. Due to the small size and density, it is not feasible to include different housing types. Mr. Petesch concluded that he believes their proposed plan goes to great lengths to comply with the Town's Comprehensive Plan.

Chairman Hess inquired if staff had seen the conditions sheet prior to the meeting. Ms. Currin received a copy right before the meeting, but staff has not had time to review, make comments, or request clarification.

Vice Chairman Piratzky asked if the strip of land between the bypass and parcel is usable. Ms. Currin answered that a 50-foot buffer is required to protect from noise. The land can count toward other requirements like tree canopy but it has to remain undisturbed.

Mr. Godwin stated he thinks the applicant's proposal is consistent with what LURB approved in September 2015 and requested clarification on how to make a motion. Development Services Director Chris Hills explained that the Board could recommend approval with a consistency statement, recommend approval with a statement recognizing inconsistency but stating it is reasonable, or recommend denial based on staff's recommendation.

Town Attorney Clyde Holt confirmed Mr. Hill's explanation and further explained the Board's options. If the Board wants to recommend approval, they will need to make a motion to approve with the conditions presented, cite staff's advisory statement, and include the applicant's statement of consistency.

...Motion by Mr. Godwin to recommend approval of ZMA-3-16 Whitley Ridge rezoning, recognizing staff's written statement of Comprehensive Plan inconsistency, but determining it is reasonable and forwarding the following

statement by Eastwind Development, LLC to Town Council: *“By designing a subdivision that does not seek to maximize density and includes open space that greatly exceeds the UDO’s minimum requirements, the proposed development of the subject property strikes an excellent balance between rural and urban Knightdale. The proposed development provides an increase in housing stock developed in a manner that will be compatible with surrounding communities. It also offers an abundance open space and a 6’ multi-use path with crosswalks for recreation and safety. The proposed development will promote responsible urban design, planning and development by being designed in a manner that will be compatible with the surrounding neighborhood and community. (See Comp Plan p. VI-2.)”* Motion seconded by Mr. Morgan and carried unanimously.

B. ZMA-6-16 Lawson Creek Rezoning

Senior Planner Current Jennifer Currin explained an application was submitted by Summit Design requesting a Zoning Map Amendment to rezone approximately 149.26 acres located south of Buffalo Road, east of Old Crews Road and west of Lucas Road, with Wake County PIN 1755.01-48-5119, from Neighborhood Mixed Use (NMX), Urban Residential-12 (UR-12), and General Residential-8 (GR-8) to Neighborhood Mixed-Use Planned Residential Development (NMX PRD), Urban Residential-12 Planned Residential Development (UR-12 PRD), and General Residential-8 Planned Residential Development (GR-8 PRD) for a single-family residential development. The property owner is Buffalo Country, LLC, the applicant is Summit Design, and the Developer is LGI Homes.

Ms. Currin shared the applicant’s voluntarily submitted neighborhood standards, and further explained that the applicant has requested exception to Chapter 6.2B of the Town’s Design Standards to allow grading outside the building footprint, driveway, and a minimal area surrounding the building footprint to accommodate construction equipment. Lastly, Ms. Currin explained how the plan was both consistent and inconsistent with the Comprehensive Plan.

Ms. Currin stated the Development Services Department recommends that the Land Use Review Board recommend denial of ZMA-6-16 and forward the following advisory statement to the Town Council: *“The proposed zoning map amendment is inconsistent with several stated objectives and design guidelines of the Comprehensive Plan as it does not enhance the “sense of place” and preserve the local character of Knightdale, nor does it promote the development of a compact mix of uses or embedding of civic, institutional and commercial activities as integral components of neighborhoods and design district. Further, it is inconsistent in the failure to provide a variety of significant passive and active recreational amenities and the failure to concentrate civic, institutional, and commercial activity in Neighborhood Villages that are within walking distance of most residences within the Neighborhood Design District.”*

Mr. Godwin inquired about staff’s use of “may find” and wondered if staff does not have enough information to make a definite determination. Ms. Currin explained that based on what was provided, staff does not think it is consistent.

Mr. Godwin asked if commercial use is part of the plan. Ms. Currin confirmed that the parcel is located in an activity center, which anticipates mixed use. The parcel was zoned

NMX when the UDO was adopted in conjunction with Comprehensive Plan in order to locate more commercial uses.

Vice Chairman Piratzky inquired if the activity center would be located within UR-12 zoning as well. Ms. Currin explained UR-12 could allow for multifamily use, and a higher density use is anticipated.

Chad Abbot, Land Development Manager from Summit Design and Engineering who represents LGI Homes, shared additional information about the request and addressed some of staff's concerns. Mr. Abbott stated they have not proposed a specific lot layout to allow for more flexibility during designing stages. He and his client will be making an enormous investment in Knightdale by installing and extending both sewer and water lines.

He expressed that residential development is needed first in order to support commercial development, and not the other way around. Their proposal will spur future commercial development of the area.

He stated that the current zoning districts would allow for almost 1,200 housing units, but his client is only proposing 600-700 due to topography of the land. The area zoned NMX is located near streams, and the stream buffers will not allow for single-family dwellings. Townhouses are proposed for the location instead, and commercial opportunities are not a viable option.

Mr. Abbott reiterated that while "sense of place" is subjective, they would be happy to interject conditions to achieve what is desired. He also discussed traffic improvements including signaling Old Crews Road and Buffaloe Road, and adding a third street as shown on the Comprehensive Plan.

Sue Puryear, of 8100 Buffaloe Road, listed concerns that could affect her farm including water runoff and erosion from development, compliance with the Voluntary Agriculture District law, the preservation of a stream on the property, and location of future sewer lines. Ms. Puryear provided a handout detailing her concerns. *See ZMA-6-16 Exhibit A.*

Faye Phillips, of 5716 All Clear Lane in Wendell, shared her concern for an old cemetery on the property and inquired about an investigation of this site since markers are no longer present. Development Services Director Chris Hills explained that if the development is approved, state law requires an environmental survey and it will address such things as cemeteries.

Mr. Godwin asked if water infrastructure currently exists in Buffaloe Road. Ms. Currin explained the applicant would have to pay for all water and sewer extensions plus any required right-of-ways and easements. There are possibly two routes for the sewer, but alignment has not been provided at this time. Water is present to the west, but it has not extended all the way to the property.

Ms. Alexander asked if Ms. Puryear's farm touches the parcel proposed for development. An intervening 4-acre parcel belongs to Ms. Puryear's granddaughter. Ms. Alexander wondered what the developer would do to secure the runoff from the development. The developer would address that particular issue later down the road if the proposal were

approved. There would be a buffer requirement and the developer would have to meet all stormwater requirements.

Mr. Morgan inquired what happens if the request is denied. Ms. Currin confirmed that the applicant would have to bring any changes and a new request back to the Board.

Mr. McDonald asked about the site's topography. Mr. Abbott stated the property is rolling with slopes in the 6-10% range. He also referenced a topographic and stream buffer map in their submittal package.

Chairman Hess asserted that the Comprehensive Plan views this area as mixed use, yet the applicant is proposing 100 percent residential development.

Mr. Morgan commented that the rendering provided looks like any other place and that everyone living in the subdivision will have to drive somewhere else to go shopping.

...Motion by Mr. Morgan to recommend denial of ZMA-6-16 Lawson Creek based on findings of inconsistencies with the Comprehensive Plan and to forward staff's written advisory statement to the Town Council. Motion seconded by Mr. McDonald and carried unanimously.

ITEM X. OTHER BUSINESS
None at this time.

ITEM XI. PAST COUNCIL ACTION
None at this time.

ITEM XII. ADJOURNMENT
Motion by Ms. Alexander to adjourn at 8:39 p.m. Motion seconded by Mr. Morgan and carried unanimously.



George Hess, Land Use Review Board Chairman



Donna Tierney, Planning Technician

Conditions

Petition for Zoning Map Amendment

Case No. ZMA-3-16

Eastwind Development LLC

Eastwind Development LLC, as both Applicant and property owner, offers the following conditions to its rezoning application:

1. Density of a residential subdivision on the 26.85 acre parcel shall not exceed one (1) dwelling unit per acre.
2. Lots shall be a minimum of 20,000 square feet.
3. At least twenty-five (25) percent of the 26.85 acre parcel shall be open space.
4. In order to retain as much of the existing mature, healthy forestation as possible, the subject parcel shall not be mass graded, except where necessary for infrastructure such as but not limited to streets and utilities. Subdivided lots shall be cleared on a per lot basis.
5. Drainage swales shall be located between subdivision streets and any multi-use paths that run parallel to those streets to buffer pedestrian and bicycle use of the paths.
6. No speed bumps or speed humps shall be utilized within a residential subdivision.
7. For passive recreation, a natural walking trail shall be provided to access the wooded areas around the blue line stream.
8. The subdivision shall have restrictive covenants ("Whitley Ridge Covenants") recorded with the Wake County Register of Deeds.
9. The Whitley Ridge Covenants shall include the following design standards and guidelines:
 - a. All dwellings shall be single family detached. Duplexes are prohibited.
 - b. All single family homes would have a front porch with a minimum depth of five (5) feet. Front porch posts will be at least 6" x 6".
 - c. For single family homes, all main roof pitches, excluding porches, fronting the street shall be 6:12 or greater.
 - d. The minimum roof overhang on each gable end shall be twelve (12) inches.
 - e. All garage doors shall have decorative lights.
 - f. Garages shall not be located more than five (5) feet forward of the front porch or stoop.

ZMA-6-16, Lawson Creek Planned Residential DEVELOPMENT

We are not opposed to the development; however, we do have ^{as long as it does not affect our property in any way} concerns:

1- I am concerned about the possible water runoff or drainage from the development of that property that may be directed toward our farm since our property is downhill from that property. We do not want our topsoil washed away or erosion to occur.

2- This is an active farm with livestock. Two pastures with beef cattle and other planted crops. THIS PROPERTY IS IN THE VOLUNTARY AGRICULTURE DISTRICT IN ACCORDANCE WITH THE GENERAL STATUTE.

I believe the General Statute requires the developer/Realtor to notify a buyer within 1/2 mile of a vol ag district.

3- I am concerned about the beautiful stream on that property that goes across our property. I hope it will be protected from construction pollution & runoff. Currently this is a beautiful clear stream that you can see the sand on the bottom of the stream. It is clear enough that I would not be afraid to drink the water in it. I hope it remains that way.

4- Also there is a cemetery on the property in question that I hope does not end up with pavement or a house built over the graves.

5- With the number of proposed single family dwellings, I am also concerned with the increased amount of traffic on Buffalo Rd.

Again, I am not opposed to the development, it is their property to do as they see fit, but I am concerned about the affect to our property -- possible erosion, water runoff onto our property from their development, pollution to that beautiful stream with clear water,, the cemetery, & the traffic concerns.

Thank you for your time & I hope the Town Council, ^{The Developer, & the Land Use Board} will take these concerns seriously.

*Request the Buffer Requirement around the streams
be expanded*

*It would be nice to have a fence or some type of barrier
between their property + ours to prevent their new residents
from coming onto our farm.*