



# KNIGHTDALE LAND USE REVIEW BOARD MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

**September 12, 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, Michael Blake, Rita Blackmon, Richard Godwin, Randy Jones, Ben McDonald, Stephen Morgan

TOWN COUNCIL MEMBERS PRESENT: Councilor Tripp

ABSENT: No one

ATTORNEYS PRESENT: Katie Jobe, Town Attorney; John Silverstein, Board Attorney

STAFF MEMBERS PRESENT: Chris Hills, Development Services Director; Jennifer Currin, Assistant Development Services Director; Jason Brown, Senior Planner Long Range; Matthew Christian, Planner; Donna Tierney, Planning Technician

Meeting called to order by Chairman Hess at 7:05 p.m.

- ITEM I. ADOPTION OF AGENDA  
**...Motion by Ms. Blackmon to adopt the agenda. Motion seconded by Mr. McDonald 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 August 8, 2016. Motion seconded by Mr. Morgan and carried unanimously.**  
**...Motion by Ms. Alexander to approve the Quasi-Judicial minutes of August 8, 2016. Motion seconded by Mr. McDonald and carried unanimously.**
- ITEM IV. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES  
VAR-5-16 – 104 Bridgedale Court

The Board entered the Board of Adjustment session.  
(See Minutes of the September 12, 2016 Quasi-Judicial Session)

ITEM V. ORDERS FOR QUASI-JUDICIAL CASES  
Order Granting VAR-4-16 – StoneRiver

(See Minutes of the September 12, 2016 Quasi-Judicial Session)

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

A. ZMA-4-16 – Old Knight Road Rezoning

Continued to the October 10, 2016 Land Use Review Board Meeting per the applicant's request

B. ZMA-5-16 – Robertson Street Rezoning

Continued to the October 10, 2016 Land Use Review Board Meeting per the applicant's request.

C. ZMA-3-16 – Whitley Ridge Rezoning Rehearing

Senior Planner Jason Brown explained that upon Eastwind Development, LLC's request, a rehearing was granted at the August 1, 2016 Town Council meeting. Since the initial submittal, the applicant has resubmitted a revised subdivision plan and Planned Residential Development Master Plan, which outlines several significant changes in the proposal. Mr. Brown provided a brief summary of the case's history.

Mr. Brown stated that the maximum density is not to exceed 1.1 units per acre or 29 lots. A reduction in the Neuse River Buffer provided enough space to gain an additional lot and community amenities. The following items were changed in the applicant's resubmittal: front elevation will contain two materials, all homes will have decorative front doors, all garage doors will have decorative lights, decorative fencing will be provided in several community spaces, lantern-style street lights will be installed along all subdivision streets, a playground will be installed, and a park bench will be installed at the mail kiosk. Additionally, the subdivision will be developed in one phase.

Mr. Brown summarized the public hearing, and explained how the plan was consistent with the Comprehensive Plan. He explained that by law, the Board must adopt a statement of plan consistency and reasonableness of action. The Development Services Department recommends that the Land Use Review Board recommend approval of ZMA-3-16 and forward the following advisory statement and to the Town Council: *"The proposed zoning map amendment is consistent with the Comprehensive Plan's overall objectives of maintaining a respect for the existing relationship between rural and urban Knightdale. It is further consistent with the overall design guidelines of preserving and protecting open space, providing recreational amenities, and accommodating pedestrian activity. It is also, reasonable as it advances the neighborhood design objectives of*

*providing safe streets, multi-use paths, and utilizing riparian corridors as community open space features.”*

Andy Petesch of Petesch Law spoke on behalf of his client, Eastwind Development, LLC. He explained that the Thursday after the Town Council denied the rezoning request, his client was notified that of the stream determination, allowing space for an additional lot and amenities. Mr. Petesch highlighted the changes in their request

Mr. Morgan expressed concern about some of the odd shaped lots, especially one on the upper left cul-de-sac, and about the drainage easement shown crossing several of the lots. Mr. Petesch explained the site plan shown is still conceptual, but conversations will continue between the applicant and staff to determine if there is better placement for the easement.

Mr. Petesch clarified that the subdivision does not have access to public water, and will be on community water and individual septic tanks. He added that when dividing lots, you must consider where the land will perk.

**...Motion by Mr. Godwin to recommend approval of ZMA-3-16 Whitley Ridge rezoning, finding that it is consistent with the comprehensive plan, and to forward staff's written advisory statement to the Town Council. Motion seconded by Ms. Alexander and carried unanimously.**

#### D. SU-1-16 – East Wake Middle School

Assistant Development Services Director Jennifer Currin explained CLH Design, P.A. submitted an application requesting a Special Use Permit to construct a 216,387± sq. ft. school facility on 52.89± acres located at 2700 Old Milburnie Rd., identified as Wake County PIN 1745.02- 75-7956 and owned by Wake County Board of Education. The Knightdale Unified Development Ordinance classifies this use as “Schools Elementary & Secondary,” which is permitted through the approval of a special use permit in the General Residential-8 zoning district.

While explaining the overall process, Ms. Currin stated approval of the Master Plan is contingent on Town Council approving the Special Use Permit. She presented information on the vicinity, proposed site plan layout, proposed landscaping plan, roadway improvements, and elevations. With a proposed 2020 opening, the existing school will be used while the new one is being built. The new school will hold 1,450 students, and the current school holds approximately 1,100.

Ms. Currin summarized the public hearing stating two adjacent residents voiced concerns with the proximity of the school to their property line, bus circulation, and buffers. She also explained how the plan was consistent with the Comprehensive Plan. The Development Services Department recommends that the Land Use Review Board approve SUP-1-16 East Wake Middle School to Town Council with the following conditions: a revised TIA is submitted addressing all Town of Knightdale and NCDOT comments, and construction drawings are submitted for review addressing the master plan comments and clarification from the June 30, 2016 TRC meeting.

Mr. Morgan inquired how far the road improvements would extend up and down Old Milburnie Road. Ms. Currin answered that right of way plans have not been submitted yet

and that it would be the applicant's job to acquire more right of way if needed. Sidewalk will be added to East Wake Drive and on the Town's side of Old Milburnie Road.

Upon Mr. Blake's request, Ms. Currin clarified that the adjacent property owners are approximately 172 feet from the building and 60-70 feet from the parking lot.

Kenneth Haywood, attorney with Wake County Board of Education, explained the parcel presents a unique situation for the school system. Since they originally were able to acquire 53 acres of land, they are now able to build a larger middle school without having to disrupt students by sending them to a different location during construction. He spoke about minimum setback requirements and how they are proving larger ones than required.

Keith Downing, Landscape Architect with CLH Design P.A., stated that with this project the site will tie into public sewer.

Upon Chairman Hess' request, Brad Harlow of SLH Architects explained the efficiency added with the new school based on square footage and capacity.

Mr. Morgan inquired if there are other impacts from construction, like temporary entrances. Mr. Downing stated they have not reached the construction drawing phase yet, but that both school entrances will have to remain open to the existing school. They will probably construct a new bypass lane and temporary construction drive. Mr. Morgan also expressed interest in including pedestrian and bicycle traffic in the TIA.

**...Motion by Ms. Alexander to recommend approval of SU-1-16 East Wake Middle School with the provided conditions and that additional analysis of bicycle, pedestrian, and public transit activity is performed in the construction drawing phase. Motion seconded by Mr. Godwin and carried unanimously.**

#### E. ZTA-2-16 – PRD/Residential Edits

Senior Planner Jason Brown explained that the Unified Development Ordinance (UDO) was amended in November 2015 to require all major subdivisions be reviewed as part of a Planned Residential Development (PRD). However, after going through the PRD process six times, it was evident that requiring subdivisions to apply for a special use permit would be a more appropriate review process. Therefore, it was determined that the Planned Residential Development District is no longer necessary and will be removed from the UDO. Mr. Brown presented information on amending the following four groups: major subdivisions, pedestrian oriented development, multi-family development, and procedural changes.

Major subdivision changes include the requirement that all major subdivisions apply for a Special Use Permit with a site-specific development plan, the allowance for voluntary conditions and modifications to UDO Sections 4-12, and following Quasi-Judicial proceedings. The goal of the pedestrian oriented development amendments is to make the appearance of houses less auto-dominated. Proposed changes will affect lot width, driveway length, and alley setbacks. Multi-family projects will change from a permitted use to a special use in all districts, with a requirement to contain mixed use, and be located in a primary or secondary activity center. Procedural changes will require

developer initiated neighborhood meetings, a pre-application meeting, and other various UDO updates to reflect the process change.

Mr. Brown explained the proposed changes are to provide a predictable process with clear standards, and to foster open and transparent dialogue with staff, developers, and the public. Additionally, if an application has already been submitted, the developer can choose which process to follow. Special Use Permits provide for two years to record the final plat from the date of approval. Vested right extensions can be granted by the Town Council.

Mr. Brown explained that by law, the Board must adopt a statement of plan consistency and reasonableness of action. The Development Services Department recommends that the Land Use Review Board recommend approval of ZTA-2-16 and forward the following advisory statement and to the Town Council: *"The proposed zoning text changes are reasonable as they support the need to update the UDO in order to provide a transparent and navigable development process. It is further reasonable as it promotes the development of pedestrian-friendly neighborhoods and walkable activity centers. Further, the text amendments are consistent with the Comprehensive Plan's goal of providing an open, accessible, responsive and fiscally responsible government. It is also consistent with the goal of providing safe, dynamic and sustainable neighborhoods, which offer employment opportunities, high quality education, adequate and affordable shelter, health care, and recreational amenities."*

Board members discussed particular aspects of the proposed amendments. Mr. Godwin inquired about the possibility of postponing ZTA-2-16 and meeting with staff to better understand the proposed amendments. Mr. Hills explained acting on the item tonight was imperative due to the amount of rezoning requests received in the previous couple of months. Town Council would like a new, better process in place as soon as possible.

**...Motion by Mr. McDonald to recommend approval of ZTA-2-16 finding that it is consistent with the comprehensive plan, and to forward staff's written advisory statement to the Town Council. Motion seconded by Ms. Alexander and carried with a 6-2 vote. Mr. Godwin and Vice Chairman Piratzky voted in opposition.**

ITEM X. OTHER BUSINESS

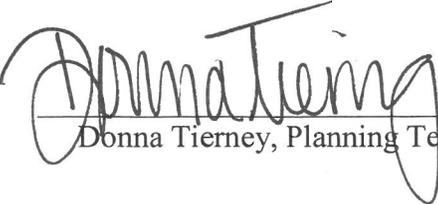
Mr. Hills announced that Planner Matthew Christian would be leaving his employment with the Town to pursue a Town Manager opportunity.

ITEM XI. PAST COUNCIL ACTION

ITEM XII. ADJOURNMENT

**...Motion by Ms. Blackmon to adjourn at 9:46 p.m. Motion seconded by Mr. Morgan and carried unanimously.**

  
George Hess, Land Use Review Board Chairman

  
Donna Tierney, Planning Technician