



# LAND USE REVIEW BOARD MEETING AGENDA

950 Steeple Square Court, Knightdale, North Carolina 27545

**January 11, 2021  
7:00 p.m.**

- ITEM I. ADOPTION OF AGENDA
- ITEM II. APPROVAL OF MINUTES
  - A. [December 14, 2020 Minutes](#)
  - B. [December 14, 2020 Quasi-Judicial Minutes](#)
- ITEM III. BOARD OF ADJUSTMENT
  - A. Variances
  - B. Appeals
  - C. Orders
    - a. [VAR-2-20 Forest Drive](#) Assistant DS Director
- ITEM IV. PLANNING BOARD
- ITEM V. NEW BUSINESS
- ITEM VI. COMMUNITY APPEARANCE COMMISSION
- ITEM VII. TREE BOARD
- ITEM VIII. OTHER BUSINESS
  - [UDO Update](#) Assistant DS Director
- ITEM IX. ADJOURNMENT



# KNIGHTDALE LAND USE REVIEW BOARD MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

**December 14, 2020**

Due to the State of Emergency issued in response to the COVID-19 pandemic, the Knightdale Land Use Review Board met electronically at 7:00 p.m. via Zoom.

LURB MEMBERS PRESENT (*remotely*): Rita Blackmon, Darryl Blevins (joined at 7:05pm), Steve Evans, Gentry Lassiter (joined at 7:23 pm) Tiffanie Meyers, Latatious Morris, Chris Parker, and Bradley Pope.

ABSENT: None.

STAFF MEMBERS PRESENT (*remotely*): Chris Hills, Development Services Director; Kevin Lewis, Senior Planner; Aquila Blackwell, Planning Technician; and Dustin Tripp, Assistant Town Manager.

TOWN COUNCIL MEMBERS PRESENT (*remotely*): Councilor Mark Swan and Councilor Stephen Morgan.

Meeting called to order by Chair Morris at 7:01 p.m.

ITEM I. ADOPTION OF AGENDA  
Chair Morris introduced the agenda.

**...Motion by Ms. Meyers to adopt the agenda. Motion seconded by Mr. Evans and carried unanimously.**

ITEM II. APPROVAL OF MINUTES  
November 9, 2020 Minutes  
Chair Morris introduced the minutes of November 9, 2020.

**...Motion by Ms. Meyers to approve the minutes of November 9, 2020. Motion seconded by Ms. Blackmon and carried unanimously.**

ITEM III. BOARD OF ADJUSTMENT  
None at this time.

ITEM IV. PLANNING BOARD  
None at this time.

ITEM V. NEW BUSINESS

None at this time.

ITEM VI. COMMUNITY APPEARANCE COMMISSION  
None at this time.

ITEM VII. TREE BOARD  
Street Tree Update  
Mr. Hills provided an update for this year's street tree project.

ITEM VIII. OTHER BUSINESS  
UDO Update  
Mr. Hills provided an update for on the UDO update.

ITEM IX. NEW BUSINESS  
None at this time.

ITEM X. PAST COUNCIL ACTIONS  
None at this time.

ITEM XI. ADJOURNMENT  
**...Motion by Ms. Blackmon to adjourn at 8:55 p.m. Motion seconded by Ms. Meyers and carried unanimously.**

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Latatious Morris, Land Use Review Board Chairperson

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Aquila Blackwell, Planning Technician



# KNIGHTDALE BOARD OF ADJUSTMENT MINUTES

950 Steeple Square Court, Knightdale, North Carolina 27545

**December 14, 2020**

Due to the State of Emergency issued in response to the COVID-19 pandemic, the Knightdale Land Use Review Board met electronically at 7:00 p.m. via Zoom.

QUASI-JUDICIAL LURB MEMBERS PRESENT (*remotely*):

Rita Blackmon, Darryl Blevins, Gentry Lassiter, Tiffanie Meyers, and Bradley Pope.

ABSENT:

None.

ATTORNERYS PRESENT (*remotely*):

Roger Knight.

STAFF MEMBERS PRESENT (*remotely*):

Chris Hills, Development Services Director; Jason Brown, Assistant Development Services Director; Aquila Blackwell, Planning Technician; Heather Smith, Town Clerk; and Dustin Tripp, Assistant Town Manager.

Meeting called to order by Chair Morris at **7:04** p.m.

## ITEM I. PUBLIC HEARINGS FOR QUASI-JUDICIAL CASES

### Var-2-20 Forest Drive Flex Building

Development Services Director Chris Hills explained to the Board that the applicant Danny Howell with Real Engineering, on behalf of Marshall Katherine Properties LLC, submitted a variance request for the properties located at 202 and 204 Forest Drive to the Town of Knightdale Unified Development Ordinance Chapter 5. The applicant is specifically requesting the use of metal siding materials, which is prohibited for commercial buildings in the Highway Business zoning district as well as relief from a required parapet wall and roof offsets. The properties are located at 202 & 204 Forest Drive in the Town of Knightdale's Corporate Limits and further identified by the Wake County PINs 1754-46-8990 and 1754-47-8096.

Mr. Hills presented additional property information and a vicinity map.

Before opening up the floor for questions, Mr. Hills reminded members of the required findings of fact, along with their other powers and responsibilities.

Attorney Andy Gay asked Mr. Hills questions about the staff report regarding spelling and staff recommendations, and Mr. Hills explained that ultimately it is the Board's decision.

Mr. Gay asked to strike the following sentence from the record: "According to Town records, the LURB has not approved a variance from design standards in Knightdale since 2011 (VAR-3-11)." Town Attorney Roger Knight and Chair Morris agreed.

Board members asked for clarification on the basis of the request for the variance, and Mr. Gay stated that he will answer the questions during his presentation.

Mr. Parker asked Mr. Hills to further explain the orientation of the building and the proposed materials of the building. Mr. Hills displayed a vicinity map and explained the proposed materials of the sides. Mr. Parker also asked if the building would contain roof-top air-conditioned units, and Mr. Hills stated that the building would have roof-top air-conditioned units.

Mr. Knight asked the applicant, Mr. Gay, to present his case. Mr. Gay explained the history of the lot and details regarding the location of the lot. Mr. Gay displayed photos of nearby buildings. Mr. Gay explained that this lot was the last lot at the end of a cul-de-sac surrounded by undeveloped property, so he noted that these requests are reasonable for a variance request.

Engineer Danny Howell described the exterior elevations and materials of the proposed building. He noted that this road is located at the end of cul-de-sac. He also went into more detail regarding the buffers and the topography of the lot, and he explained that the site will feature retaining walls and awnings.

Mr. Gay asked Engineer Joe Smith to determine the exterior materials of the Town's Public Works Building, and Mr. Smith explained the exterior materials of the Public Works Building.

Mr. Howell went into more detailed regarding the roof top units and showed images of the roof top offsets. He compared the height of the offsets to the height of the building.

Mr. Gay summarized the hardships to the Board members and provided closing remarks.

Mr. Knight asked if the Board members had any questions.

Ms. Meyers asked the applicant for additional clarification on the unnecessary hardships, and Mr. Gay provided a summary of the applicants' hardships.

Mr. Parker asked for clarification on when the original buildings on the street were built. Mr. Gay stated that he did not know the original construction dates, but he noticed that they have been built for decades. He stated that the area is currently an industrial park, but not zoned like an industrial zone.

Ms. Morris asked for Mr. Smith to note what the other materials were on the Public Works building, and he explained that he made his observations from photographs.

Mr. Parker asked Mr. Knight to for additional information regarding quasi-judicial cases.

Mr. Blevins asked the applicant for more details on the roof off-set hardships, and Mr. Howell provided more information.

Mr. Hills provided more information regarding the roof offsets and vested rights.

Board members asked about land uses that allow for metal buildings, and Mr. Hills stated that the MI zoning district has a reduced building design standard, but he noted that masonry material is typically required.

Mr. Howell asked about vested rights, and he noted that the original plat called this an industrial park.

Mr. Gay closed and summarized his case.

Mr. Blevins asked Mr. Howell to explain any screening for roof-top units, and Mr. Howell provided additional information.

Mr. Gay asked for clarification on the comment that was received.

**...Motion by Mr. Parker to close the public hearing at 8:36 pm. Motion seconded by Ms. Meyers and carried unanimously.**

Members decided to examine each item on the variance request one at a time.

Members discussed the current hardships of the site and building, and they noted if the roof offset can be reviewed by staff.

Staff provided clarification on UDO requirements.

Mr. Parker noted that this project was an infill project and discussed the hardships.

**...Motion by Mr. Evans to deny variance VAR-2-20 Forest Drive Flex Building. Motion seconded by Ms. Meyers and carried with a 4:1 vote, with Mr. Blevins opposing the motion.**

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

ITEM III. ADJOURNMENT  
The Board of Adjustment session ended at **8:50** p.m.

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Latatious Morris, Land Use Review Board Chair

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Aquila Blackwell, Planning Technician



# Town of Knightdale

## *Staff Report*

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Title: Order Granting a Variance: VAR-2-20 Forest Drive Flex Building

Director Signature: CH

Staff : Kevin Lewis, Senior Planner

Date: January 11, 2021

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### **BACKGROUND INFORMATION**

- The attached order provides a summary of action taken by the Land Use Review Board acting at the Board of Adjustment at the December 14, 2020 meeting. At that meeting, the Board denied a Variance request from Marshall Katherine Properties LLC concerning their request for relief from zoning requirements pertaining to architectural requirements in Chapter 5 of the Unified Development Ordinance.

After discussing the request, the Board made a motion to deny the Variance request, voting 4-1 on the motion. The applicant is able to amend their Master Plan to conform with the UDO requirements mentioned above or seek further variances based on updated plans. The order was drafted upon the action of the Council by Development Services staff and reviewed and approved as to form by the Town Attorney.

### **RECOMMENDED ACTION**

- After consideration, staff recommends the Board approve the proposed Order.



NORTH CAROLINA  
WAKE COUNTY

## TOWN OF KNIGHTDALE

950 STEEPLE SQUARE COURT • KNIGHTDALE, NC 27545  
OFFICE (919) 217-2242 • FAX (919) 217-2249

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### ORDER DENYING A VARIANCE

THE TOWN OF KNIGHTDALE

On the date listed below, the Knightdale Land Use Review Board, sitting as the Board of Adjustment, held a public hearing to consider the following application:

APPLICANT:	Danny Howell, Real Engineering
PROPERTY OWNERS:	Marshall Katherine Properties LLC.
PROJECT NUMBER:	VAR-2-20
PROJECT LOCATION:	202 & 204 Forest Drive
WAKE COUNTY PIN:	1754-46-8990 & 1754-47-8096
LAND USE REVIEW BOARD MEETING DATE:	December 14, 2020

The Land Use Review Board (hereinafter the “LURB”), sitting as the Board of Adjustment, for the Town of Knightdale held a quasi-judicial, evidentiary public hearing on Monday, December 14, 2020 to receive evidence presented by interested parties on a request for variance from the Knightdale Unified Development Ordinance (UDO) and to allow for public questions regarding testimonies.

The applicant pursued variances to the following UDO requirements:

Section 5.4.I – Type of Construction:

Except where expressly permitted by this Ordinance, manufactured, mobile, and metal units shall be prohibited.

Section 5.4.J.1 – Roof Finishing:

Flat roofs and roof pitches less than 3:12 will require a parapet wall along all sides visible from a public street.

Section 5.4.K – Rooftop Equipment:

All rooftop equipment shall be screened from view from any public right-of-way through the use of parapet walls and/or a central screened corral.

Section 5.11.C.4 – Wall Materials:

Commercial Building walls shall be brick, stone, cementitious fiber board, EIFS or wood clapboard. Regular or decorative concrete block may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.

Section 5.11.C.5.a – Roof Relief:

Commercial Buildings shall avoid long, monotonous, uninterrupted horizontal roof planes of 50 feet or more by utilizing roofline offsets that are five (5) feet or more in height, building wall offsets and matching roof lines that are two (2) feet or more in depth, pitched or raised parapets, towers, etc. that lend architectural interest and variety.

The LURB, having considered the verified application, the staff reports and the testimony and arguments presented at the public hearing, makes the following FINDINGS OF FACT:

1. Chris Hills, the Town Director of Development Services was sworn in and offered testimony regarding the history of the property and surrounding property and the history of this application, including the Town’s compliance with statutory and ordinance requirements.
2. The Staff Report prepared by the Town’s Development Services Department was offered and received into evidence, except for page 3, paragraph 4 that was stricken from the record after objection by applicant. The remainder of the Staff Report was received into evidence without objection.
3. The applicants were represented at the hearing by Andy Gay, attorney at law, who was also sworn in as a witness. Mr. Gay offered an opening statement.
4. Applicants offered into evidence in the form of photographs of the property and surrounding properties and buildings, a photograph of the Town’s public works building, topographic representations of the property, and documents depicting the sight lines of the proposed structures. Those were received into evidence without objection.
5. The applicant offered into evidence the testimony of Danny Howell and Joe Smith, licensed engineers, who testified as the intended design and use of materials proposed for the

property. All witnesses were sworn in before testifying. The testimony was received into evidence without objection.

THEREFORE, based on the foregoing Findings of Fact, the Land Use Review Board makes the following CONCLUSIONS OF LAW:

1. The Town and the applicant complied with the notice requirements to hold a hearing on the proposed variances.
2. There was insufficient evidence of unnecessary hardship to justify the issuance of any of the variances requested.

A motion made by Mr. Steve Evans to deny the variance was seconded by Ms. Tiffanie Meyers and received the following vote: Ayes--- Mr. Evans, Ms. Meyers, Mr. Bradley Pope, and Mr. Chris Parker; Nays---Mr. Darryl Blevins. The motion received four affirmative votes and the variance is not granted.

Ordered this \_\_\_\_ day of December, 2020.

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Latatious Morris, Chairperson  
Land Use Review Board

NOTE: If you are dissatisfied with the decision of this board, an appeal may be taken to the Superior Court of Wake County within thirty (30) days after the date this order is served on you. See Chapter 15, Development Process, of the Knightdale Unified Development Ordinance.

NORTH CAROLINA  
WAKE COUNTY

IN WITNESS WHEREOF, the Town of Knightdale has caused this order to be issued in its name, and the undersigned being all of the property owners of the properties above described, do hereby accept this Variance, together with all its conditions, as binding upon them and their successors in interest or ownership.

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*(witness)*

ATTEST:

SEAL

\_\_\_\_\_  
Heather M. Smith, Town Clerk

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_, Town Clerk of Knightdale, personally came before me this day and being by me duly sworn says that she knows the corporate seal of the Town of Knightdale and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Knightdale, that \_\_\_\_\_, Town Clerk for the Town of Knightdale subscribed her name thereto; that the corporate seal of the Town of Knightdale was affixed thereto, all by virtue of an order of the Land Use Review Board, and that said instrument is the act and deed of the Town of Knightdale.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



# Town of Knightdale

## Staff Report Cover Sheet

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Title: Unified Development Ordinance (UDO) Update

Staff: Jason S. Brown, AICP, CZO

Date: January 11, 2021

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### **PURPOSE**

- To provide an update on the status of the Unified Development Ordinance Update process.

### **STRATEGIC PLAN PRIORITY AREA(S)**

- Connected & Inclusive
- Sustainable

### **GENERAL STATUTE REFERENCE(S), if applicable**

- N/A

### **TYPE OF PUBLIC HEARING, if applicable**

- N/A

### **FUNDING SOURCE(S), if applicable**

- FY '20-'21 Adopted Budget

### **ATTACHMENT(S)**

- Staff Report
- Project Scope and Approach
- Updated Project Schedule

### **STAFF RECOMMENDATION**

- Receive as information

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*Knightdale Strategic Priorities*



Safe



Connected & Inclusive



Sustainable



Active & Healthy



Organizational Excellence



# Town of Knightdale

## Staff Report

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Title: UDO Update

Staff: Jason S. Brown, Assistant  
Development Services Director

Date: January 11, 2021

Director Signature:

Asst. Town Manger Signature:

Town Manager Signature:

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### BACKGROUND INFORMATION

- The next phase of implementing the KnightdaleNext 2035 Comprehensive Plan is to update the UDO to ensure it is consistent and has the capabilities to deliver the community vision. The Town has retained the consulting services of Houseal Lavigne & Associates (HLA) and currently is in the third phase of the process. The UDO Update is a seven-step process. The project approach and process are outlined as an attachment to this staff report.

### SUMMARY

- Phases 1 – 3 of the UDO Update are now complete with the delivery of the final draft Chapters 2, 3, 4, & 5. The draft chapters are posted on the project website for public review and comment, the website can be accessed at the following link: <http://www.hlplanning.com/portals/knightdale/documents/>.

The following Chapters will be reviewed by the UDO Advisory Committee at their January 21, 2021 meeting:

- Chapter 6 “Building Types”
- Chapter 7 “Development Standards”
- Chapter 8 “Signs”
- Chapter 9 “Environmental Protection Standards”

The overall schedule for the UDO update has been revised. Staff and the consultant have worked together to build a schedule that allows for the remainder of the UDO to be completed with the right quantity of public feedback. This changes the adoption date until June 2021, but still meets the requirements of the North Carolina General Statutes to adopt §160D. The extra time will allow for staff to incorporate items of the Water Allocation Policy into the UDO, which was the direction of the Town Council. It also allows for a 30-day public inspection period of the final draft UDO document prior to adoption.

### RECOMMENDED ACTION

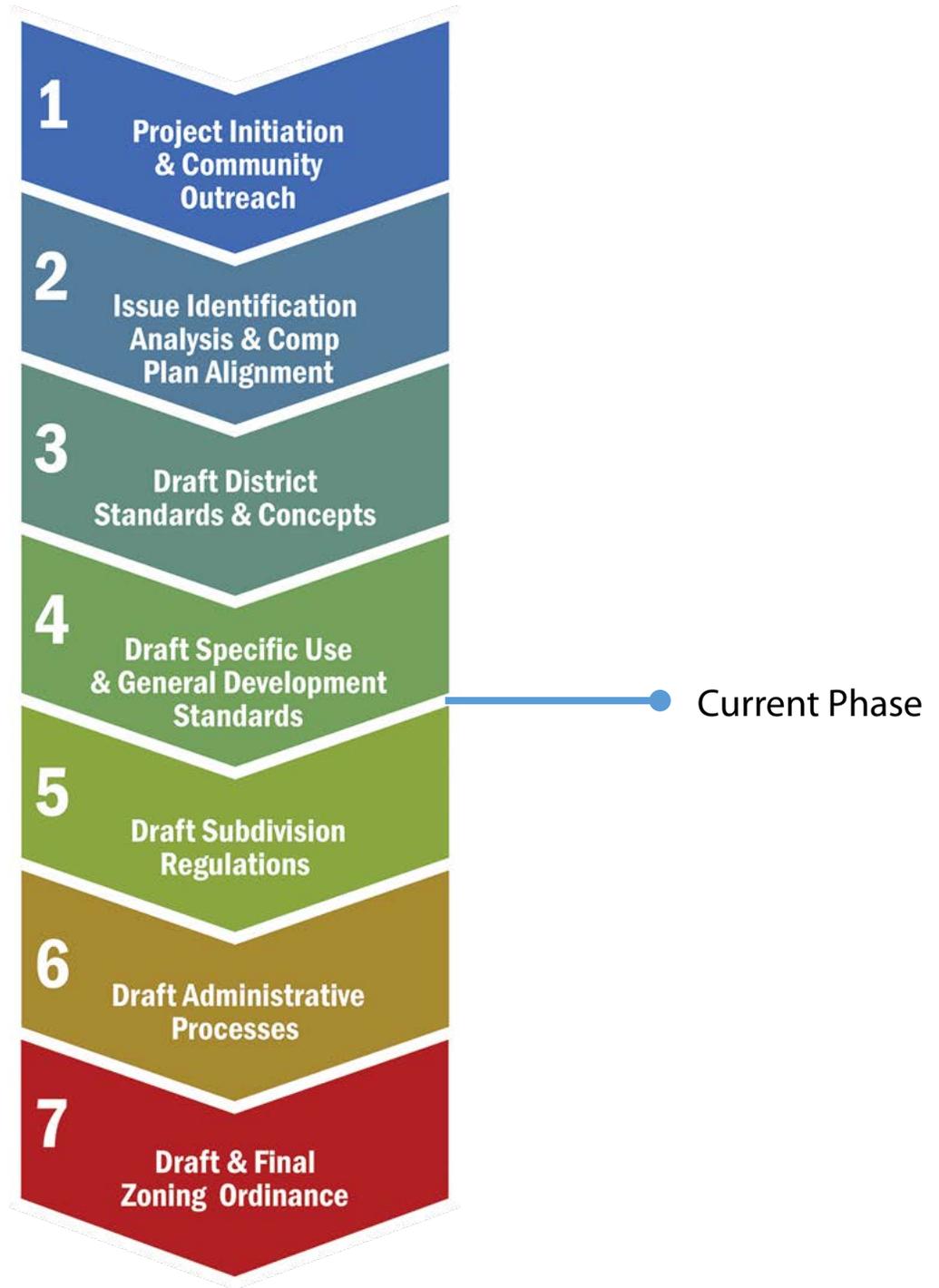
- Receive as information



# Town of Knightdale

*Staff Report*

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# Town of Knightdale

## Staff Report

UDO Update Process	November				December				January				February				March				April				May				June			
	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4	Wk 1	Wk 2	Wk 3	Wk 4
Draft Development Standards - Finalize Signs and Building Types																																
Deliver Draft Development Standards for Review (December 28, 2020)																																
Staff Deliver Review Comments (January 11, 2021)																																
UDO Advisory Committee Meeting (January 21, 2021)																																
Draft Subdivision Review Standards																																
Deliver Draft Subdivision Standards for Review (February 5, 2021)																																
Staff Deliver Review Comments (February 18, 2021)																																
UDO Advisory Committee Meeting (February 24, 2021)																																
Draft Administrative Process and Code Enforcement																																
Deliver Draft Administrative Process and Code Enforcement (March 5, 2021)																																
Staff Deliver Review Comments (March 19, 2021)																																
UDO Advisory Committee Meeting (March 24, 2021)																																
Final Draft Delivered (April 14, 2021)																																
Public Inspection Period																																
Town Council - Public Hearing (May 19, 2021)																																
Land Use Review Board (June 14, 2021)																																
Town Council - Decision (June 16, 2021)																																