

# Petition for Land Use Plan Amendment

Wake County, North Carolina

PLG-LUPA-002583-2020

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## Location & Vicinity Map

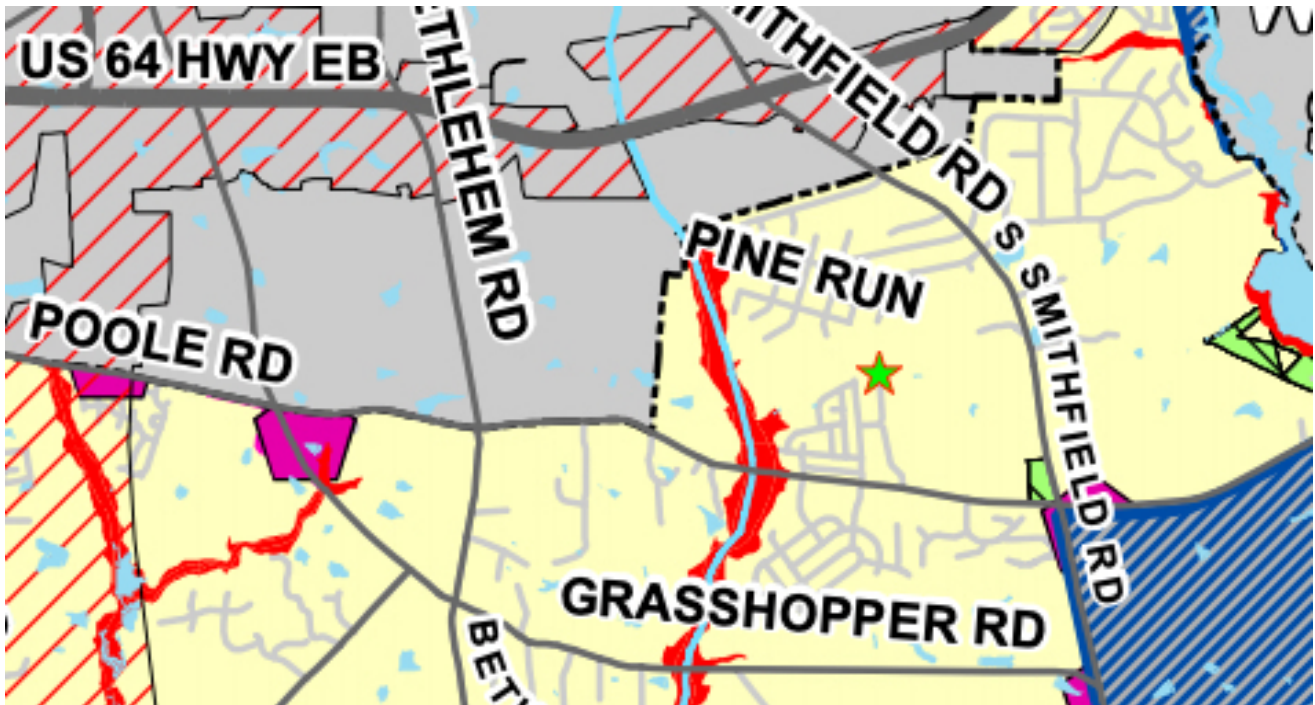


The subject property, highlighted in red above, is an undeveloped parcel created as part of the Huntsboro subdivision circa 1998. At that time, access was only available from the south via Knotts Hill Place, which would require crossing a USGS stream. An alternate plan for access to and development of the subject parcel would allow preservation of environmentally sensitive land on both sides of the stream as open space.

Rutledge Landing Subdivision Phase III to the immediate west of the subject property provides new connectivity to the subject parcel via Rutledgeville Lane (indicated by green star in the map above). This would provide ingress and egress through both the Ashley Hills subdivision to the north and through the Rutledge Landing subdivision to the south. Ashley Hills provides close access to Pine Run and Sandy Run, both designated as collector streets on the Wake County Collector Street Plan, which feed Smithfield Road. Rutledge Landing provides close access to Rutledge Landing Drive, which feeds into Poole Road.

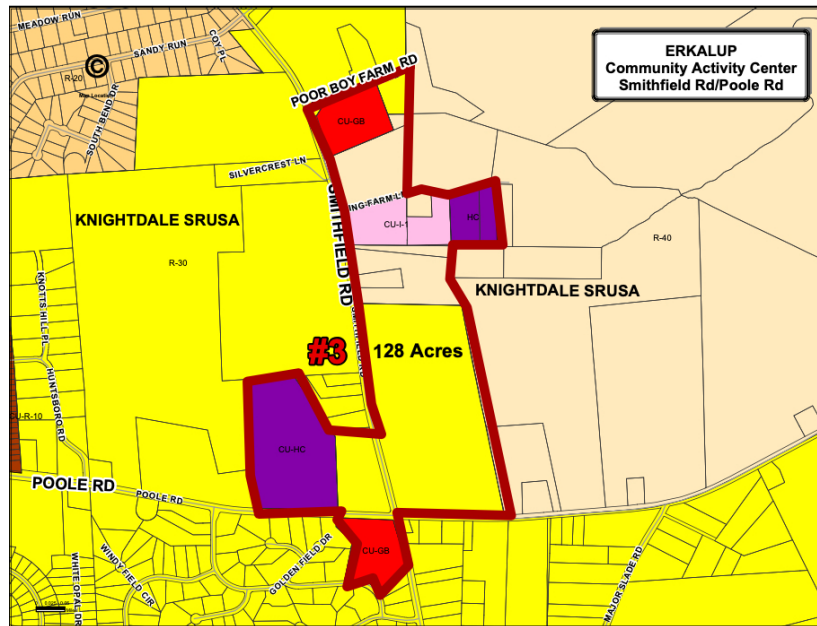
## Project Data

PIN:	1763007038
Property Address:	900 Knotts Hill Place
Property Size:	10.08 ± acres
Property Status:	Vacant – Wooded
Area Land Use Plan:	East Raleigh / Knightdale
Short Range Planning Area:	Knightdale
Current Land Use Plan Designation:	Residential (Less Than 1.5 Units Per Acre)
Proposed Land Use Plan Designation:	Residential (1.5 to 4 Units Per Acre)



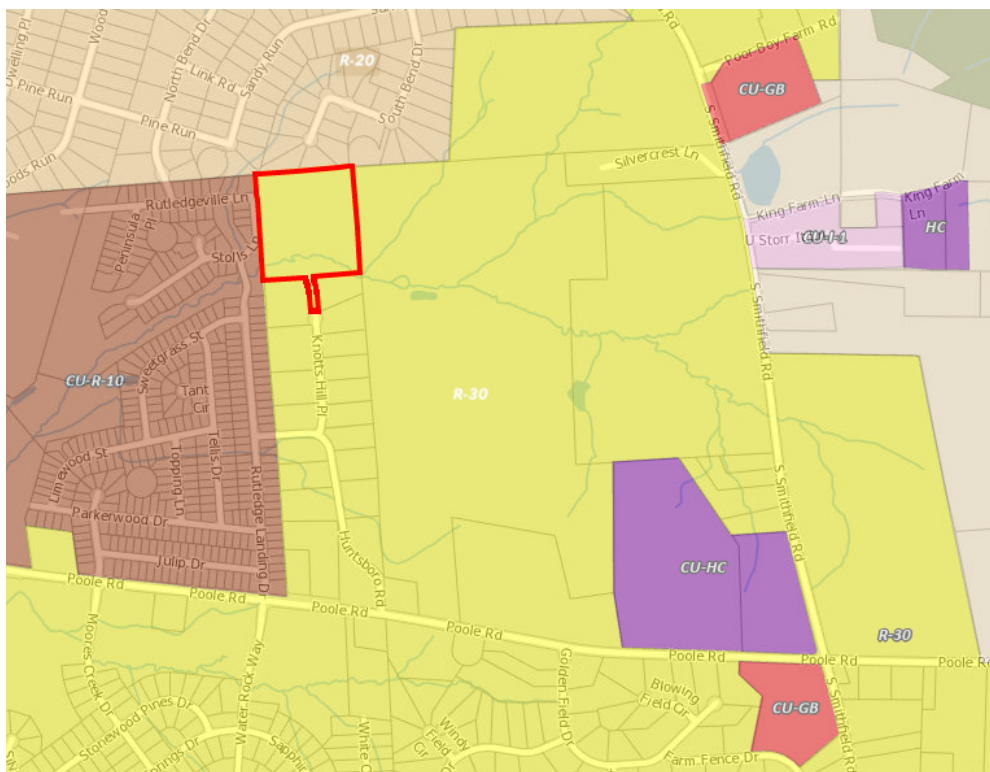
Excerpt of the relevant section of Wake County's East Raleigh-Knightdale Area Land Use Plan showing this area designated as Residential less than 1.5 dwelling units per acre. The subject property is shown with the green star.

The Petitioner seeks to maintain a Residential land use designation, but one that allows up to four (4) dwelling units per acre, rather than the current maximum of 1.5 units per acre. Such an amendment to the Land Use Plan and associated maps would increase the Subject Property's conformity with the current zoning designations and development to the North and West. See Existing Area Zoning Map [infra](#). The Subject Property is located approximately 0.9 miles from the intersection of Smithfield Road and Poole Road, which is the hub of a LUP Community Activity Center. See East Raleigh-Knightdale Area Land Use Plan ("ERKALUP") Map [infra](#).



### Existing Area Zoning

- Subject Parcel: Residential-30
- North Area: Residential-20
- West Area: CU-R-10
- East Area: Residential-30
- South Area: Residential-30



# Wake County Land Use Plan Analysis

## A. Conformance with the Land Use Plan

Although the Subject Property was designated as Residential Less Than 1.5 Units Per Acre when the East Raleigh/Knightdale Area Land Use Plan map was created, the type of growth in the vicinity of the Subject Property makes an amendment to the ERKALUP map reasonable, appropriate, and – on balance – compatible with the Wake County Land Use Plan.

### 1. Statement of Compliance

The Wake County Land Use Plan (“LUP” or “Plan”) envisions the County as

an outstanding community of urban and rural areas, where the demand for quality and affordable growth is met, economic development and opportunity is enhanced, environmental quality and cultural heritage are maintained, and all of these objectives are balanced with protecting the property rights of landowners.

(LUP p II.1). Plotting a path to this vision, the LUP sets out eleven goals and strategies, including:

- *To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities.*
  - (Goal #2)
- *To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses.*
  - (Goal #3)
- *To ensure that the land use plan and transportation plan mutually support each other.*
  - (Goal #7)
- *To ensure that the County always protects the property rights of landowners.*
  - (Goal #8)

The Subject Property is within the Town of Knightdale’s Short-Range Urban Services Area (“SRUSA”). The LUP established Urban Services Area classifications to define areas in the County's jurisdiction expected and intended to be urbanized in the foreseeable future, i.e. “developed at the range of urban intensities typically found in area municipalities, served by the urban facilities and services typically available in municipalities, and eventually becoming part of an adjacent municipality.” (LUP p III.1). SRUSAs are most closely connected to Goal #2's call for encouraging growth close to municipalities, Goal #3's call for ensuring the availability of sufficient land zoned for short-range growth demands, and Goal #7's call for

ensuring planning transportation facilities in relation to planned growth and promoting transit-oriented development. (LUP p III.3).

The proposed amendment will allow for increased residential density on a parcel that was originally reserved by the developer of the Huntsboro Subdivision (“Huntsboro”). Developed between 1994 and 1998, Huntsboro is comprised of 17 parcels, generally ranging from 1 to 2 acres and improved with single-family detached homes. The Subject Property was the 18th Huntsboro lot and located at the north end of the subdivision. It is significantly larger than the other Huntsboro lots at 10.08± acres. The requested rezoning is comparable to the adjacent existing development to the north and west.

North of the Subject Property is the Ashley Hills Subdivision (“Ashley Hills”), which was developed in the 1980s and includes over 200 lots ranging generally from .45 to .80 acres. Although Ashley Hills is designated as Residential Less Than 1.5 Units Per Acre on the ERKALU map, the subdivision is zoned R-20, which supports a density of approximately 2.1 units per acre.

West of the Subject Property is the Rutledge Landing Subdivision (“Rutledge Landing”). Rutledge Landing Phase 1 was developed around 2001, Phase 2 around 2003, and Phases 3 and 4, which are currently under construction or pending. Although Rutledge Landing is designated as Residential Less Than 1.5 Units Per Acre on the ERKALU map, the subdivision is zoned CU-R-10, which supports a density of just over 4.0 units per acre.

East of the Subject Property is an 86.2 acre property, which is largely undeveloped. That property is designated as Residential Less Than 1.5 Units Per Acre on the ERKALU map and zoned R-30.

The Subject Property is also covered by the East Raleigh-Knightdale Area Land Use Plan. The proposed LUPA is consistent with that Plan’s adopted goals including:

- #2 *Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans.*

The subject property will utilize existing infrastructure such as community water and sanitary sewer, which allows for increased density without imposing on public water and sewer resources. Per UDO § 12-11-1(C)(5), proposed water and wastewater systems must be designed and installed in accordance with the applicable standards of the relevant municipality (in this case the Town of Knightdale).



- #3 *Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas.*

The Subject Property is located approximately 0.9 miles from the intersection of Smithfield Road and Poole Road, which is the hub of a LUP Community Activity Center. Increased density in proximity to an activity center is supportive of mixed-use development and growth.

## **2. Knightdale Comments**

In response to Applicant's inquiry, Knightdale Planning Staff indicated that the proposed change in allowed density would be inconsistent with the KnightdaleNext 2035 Comprehensive Plan ("2035 Comp Plan").

However, Planning Staff also noted that the 2035 Comp Plan uses a "playbook approach" that allows for aspects of the Plan to evolve over time as conditions change. (See attached 2035 Comp Plan excerpt). Because the Subject Property is in the County's planning jurisdiction rather than Knightdale's, there is no opportunity for the Town to apply these playbook principles to the Subject Property and make a determination as to whether current conditions would actually this LUPA Petition request with the 2035 Comp Plan. Consequently, Planning Staff cannot consider current conditions in providing their comment on Plan consistency.

## **3. Transitional Urban Development Policies**

The subject property will be served by centralized community water and sanitary sewer. Allowing for increased density will help better utilize existing water and sewer capacity without directly impacting the capacity of public water and sewer services. A letter from Carolina Water Service of North Carolina confirming capacity for up to 40 parcels adjacent to the Rutledge Landing subdivision is attached. Connectivity to community water and sewer allows for the promotion of more urban intensities. Per UDO § 12-11-1(C)(5), proposed water and wastewater systems must be designed and installed in accordance with the applicable standards of the relevant municipality (in this case the Town of Knightdale).

As noted above, development of the Subject Property as a small subdivision would extend Rutledgeville Lane to the large vacant tracts between the Subject Property and Smithfield Road, which would provide future street connectivity on the east side of the Subject Property and help support growth of the nearby Smithfield Rd / Poole Rd Community Activity Center.



**B. How the Proposed Land Use Plan Amendment Otherwise Advances Public Health, Safety, and General Welfare**

As discussed above, given recent growth in the area, new street connectivity through Phase III of the Rutledge Landing subdivision, availability of community water and sewer, and identical permitted uses as is currently allowed, the requested zoning change is compatible with surrounding uses. In addition, the requested CU-R-10 rezoning would allow a cluster subdivision development that preserves the natural areas on the southern portion of the Subject Property both by the rezoning condition prohibiting access via Knotts Hill place and by designation of open space in the subdivision approval process. Not only does this prevent disturbance of a U.S.G.S. stream, but also provides a substantial buffer for the existing lower-density residential development to the south.

As addressed below, the amount of traffic potentially generated by the proposed increase in development density on a parcel of this size is not expected to have a material impact on the surrounding road and intersection capacities.

**C. Traffic Impact Analysis Requirement**

The proposed land use plan amendment does not trigger either the 100 peak hour trips or 1000 trips per day thresholds that would require the preparation of a formal traffic impact analysis. In consultation with Planning Staff, the Petitioner has attached a Traffic Assessment Statement prepared by Ramey Kemp Associates. Based on that assessment, the increased traffic associated with the proposed residential subdivision developed pursuant to an R-10 zoning designation is expected to have a minimal impact on the studied intersections.

**D. LUPA Petition Addendum**

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site:

A USGS perennial stream runs from east to west across the southern portion of the Subject Property. There are 50-foot Neuse River buffers on either side of this perennial stream as well as Wake County flood hazard soils. Environmentally sensitive areas will be protected in accordance with the provisions of the Wake County UDO and other applicable State laws. Amending the LUP to allow higher residential density will allow development of a cluster subdivision whereby the environmentally sensitive areas associated with the perennial stream will be preserved and protected in their natural state. Additionally, the steeper slopes dropping down to the stream are heavily wooded and would serve as a natural buffer/screen between such development and the lower-density Huntsboro subdivision to the south.

There are no known existing rare plants or wildlife habitats that will be adversely impacted by the proposed map amendment.

# THE PLAYBOOK

Because the Town should be able to take advantage of opportunities when they present themselves, KnightdaleNext uses a 'playbook approach' to guiding future growth and development in the community.

Some parts of the document—things like the community vision, guiding principles, and *Growth Framework Map*—should remain constant and keep Knightdale on a focused path for success.

Other parts of the document—things like the general recommendations, focus area study recommendations, the *Growth and Conservation Map*, and other supporting infrastructure maps—may need to evolve over time as conditions change that were not contemplated at the time this document was adopted.

Any changes considered under the playbook mindset for the document should be evaluated against the community vision, guiding principles, and *Growth Framework Map* to determine if they are in the best long-term interests of the Town and its residents, businesses, and property owners.

Patience may be needed for some aspects of the plan to evolve, as it sets a long-term vision to guide growth over an extended period of time. Town officials should avoid 'short-sighted' decisions to modify the Plan as a playbook unless reasons to change it are supported by staff.



# Carolina Water Service of North Carolina™

22 September 2019

Richard Stockett

Re: 40 Lots Adjacent to Rutledge Landing  
Tax Parcels 1763350850 and 1763007038  
Wake County NC

Mr. Stockett:

As you know, Carolina Water Service of NC, Inc. (CWSNC) provides sanitary sewer utility service to the area adjacent to the above referenced property. CWSNC is a franchised and regulated public utility company in the State of North Carolina.

CWSNC hereby agrees to accommodate the sanitary sewer utility needs for the referenced property under the existing permit provided that a mutually agreed upon developer agreement is executed prior to construction. The peak design flows as presented must concur with Wastewater Design Flow Rates found within 15A NCAC 02T.0114. All standard connection or other fees apply and may change from time to time as approved by the NC Utilities Commission.

As a part of any proposed development, the developer is required to perform necessary water and/or sewer system improvements to meet the needs of the proposed development and insure that the existing customers' services are not affected by proposed development. Not only do these system improvements include internal ones to the development, but external ones also, including but not limited to expansion of current lift stations and wastewater treatment facilities. The developer is required to provide a set of drawings to allow the proposed system improvements to be evaluated by CWSNC. If any systems improvements are determined necessary, the developer is notified, and these improvements must be included in the proposed development plans and constructed. All revised construction designs shall be submitted to CWSNC for review and approval. The end result is that a willingness and capability letter may be issued, but any proposed development will not be approved until all requirements as detailed above are met.

As a result of the Tax Cuts and Jobs Act of 2017 (TCJA), the exemption for water and sewer property transferred to a public utility from current year taxation has been removed from the tax code. Contributions in Aid of Construction (CIAC), whether paid in cash or in the form of contributed property, are now immediately taxable to the recipient of these contributions. The Tax Multiplier to be used to increase CIAC based on the Act is **29.836%**. To calculate the Tax Multiplier for contributed property or cash, simply multiply the transferred amount by 0.29836. This figure assumes a 21% federal tax rate and a 2.5% North Carolina state rate.

Should you have any questions, please do not hesitate to contact me directly in our Charlotte Office at 704-319-0517 or via email [bryce.mendenhall@carolinawaterservicenc.com](mailto:bryce.mendenhall@carolinawaterservicenc.com).

Sincerely,



J Bryce Mendenhall  
VP of Operations

cc: Martin Scanlon, Project Manager  
Dana Hill, Director of Operations