



October 19, 2010

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 19, 2010, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

**Council Members Present:** Councilmen Jimmy Cobb, Parrish Womble, Chet VanFossen and Tim Sack and Councilwoman Linda Hunt Williams.

**Council Members Absent:** none.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Len Bradley, director of parks and recreation; Jenny Mizelle, director of economic development; Gina Clapp, director of planning and zoning; Ray Cummins, information technology technician; Mark Andrews, public information officer; Stephanie Sudano, director of engineering; Mark Zawadski, planner I; Elizabeth Goodson, development review engineer; Rodney Campbell, development inspections administrator; Daniel Weeks, project analyst; John Herring, police chief; and Drew Holland, finance director.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Councilman Womble.

**4. Agenda Adjustment:** The Oct. 19, 2010 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** None.

**Items removed from the agenda:** None.

**Other changes:** None.

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded. None.

**6a. Economic Development Report** – Ms. Mizelle updated the Town Council from its presentation at the Winter retreat on the creative economy and its relationship to our workforce development efforts.

Ms. Diane Cherry, policy manager at the Institute for Emerging Issues, gave a report on statewide initiatives and the importance of nurturing the creative economy. She pointed out that employers are looking for “right-brain” skills such as big picture thinking, empathy, inventiveness

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and artistry. North Carolina cannot compete on price alone to stay ahead in industrial recruitment, Ms. Cherry said. N.C. must think its way out of the recession, she said, adding that the town must think about ways to attract creative jobs... the type of job that will not get out-sourced off shore.

She commended the town council for committing to a creative strategies approach.

Ms. Mizelle then addressed the Council on how her department is working to make Holly Springs attractive to businesses seeking intellectual and artistic talent.

**Action:** None.

**6b. No Parking Zones Ordinance** – Ms. J. Powell explained that Mark Mazanek, resident and president of the Braxton Village Homeowners Association, requested of the Council on behalf of the HOA that No Parking Signs be placed in two locations within the Braxton Village Subdivision:

**Location 1**

**200 Block of Texanna Way** – The Braxton Village HOA board recently renovated the tot lot at the corner of Texanna Way and Holly Thorne Trace. While the residents are elated with the increased pedestrian traffic generated by this renovation, they are concerned with cars parking on Texanna Way in front of the tot lot and at the corner of Texanna Way and Holly Thorne Trace. Parking is not an issue on Holly Thorne Trace; however, the board is concerned for the safety of the pedestrians with cars parking on the narrow Texanna Way. In addition, the sight line of cars trying to turn from Holly Thorne Trace onto Texanna Way is hindered as cars line up on Texanna Way in front of the tot lot.

For these safety reasons the Braxton HOA requests a No Parking Zone be designated on Texanna Way in front of the tot lot extending west to Holly Thorne Trace and around the corner of Texanna Way and Holly Thorne Trace.

An attached photo illustrates Location 1.

**Location 2**

**0 Block of Pyracantha Drive** – Location 2 is the southern section from the pool parking lot, west to Braxman Lane as illustrated on the attached photo.

During pool season, Braxton Village has a large number of residents who drive to the pool. There is a parking lot; however, overflow parking extends on both sides of Pyracantha Drive, west to Braxman Lane. Due to safety concerns for pedestrians as well as the need for access by emergency vehicles to get through on Pyracantha Drive, the Board requests a No Parking Zone be placed on the south side of Pyracantha Drive from the entrance of the pool parking lot, west to Braxman Lane as shown on the attached photo.

By restricting the parking to one side of Pyracantha, it would make emergency vehicle access easier and also create a safer environment for the pedestrians walking to the pool.

**Action:** The Council approved a motion to adopt Resolution 10-31 designating No Parking Zones in the Braxton Village Subdivision.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

*A copy of Resolution 10-31 is incorporated into these minutes as an addendum page.*

**7a. Public Hearing: Annexation Petition A10-06 Bass Lake Property** – Mr. Zawadski said the Town has initiated a petition for annexation of approximately 8.97 Town-owned acres located along Bass Lake Road.

He said the petition meets all the statutory requirements for annexation; however, staff still is waiting on an accurate legal description, which is forthcoming. Once the town receives the legal description, the ordinance will be ready for adoption. In the meantime, the public hearing was advertised to occur on Oct. 19.

He said staff requests that the public hearing be held, but that action on the annexation ordinance be deferred until the Nov. 2 Town Council meeting.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to defer action until the Nov. 2, 2010 Town Council meeting.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**7b. Public Hearing: Annexation Petition A10-07 Parker Property** – Mr. Zawadski said the Town has received a petition for voluntary annexation of approximately 16.895 acres located at the corner of NC Hwy 55 and Old Adams Road. The property owners are Clifton G. and Jewell A. Parker.

The petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A10-07, annexing approximately 16.895 acres owned by Clifton and Jewell Parker, and more particularly described as Wake County PIN: 0658..03-33-5805, into the corporate limits of the Town of Holly Springs.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Annexation Ordinance A10-07 is incorporated into these minutes as addendum pages.*

**7c. Public Hearing: Special Exception Use, 00-COM-02-A01, Sunrise United Methodist Church** – Mr. Zawadski said the Town has received a special exception use request from Sunrise United Methodist Church to expand the religious use at 5420 Sunset Lake Road. The property is 5.6 acres in size and is zoned R-10: Residential.

He said the existing property includes a 9,900-square-foot building that contains sanctuary space, classrooms, offices and a kitchen. A temporary 1,120-square-foot modular building also is located next to the permanent building for additional classroom space.

The proposed expansion plan includes a 10,500-square-foot education building, a 2,100-square-foot office expansion, and a 388-square-foot kitchen expansion. Land area also is set aside for a future sanctuary building that would require Town approval prior to construction. The parking lot includes a total of 200 parking spaces to accommodate the proposed building expansion as well as the future sanctuary building. A bicycle rack is proposed near the front entrance of the existing building and pedestrian connections are provided throughout the site (see condition #7c regarding connection to the public sidewalk).

The primary building materials include brick and cement siding to match the existing building. The existing building was approved prior to UDO adoption and, therefore, does not meet the current architectural requirements. A request for alternate compliance of the masonry and window architectural requirements has been submitted in order to achieve consistency with the existing building design. Other design features include: façade modulation, roofline variation, decorative columns and decorative brick patterns.

Ms. Goodson said the applicant has requested that the Town Council consider waiving the sewer fees in exchange for extending the sewer to the adjacent upstream property. The town development standards require development plans to extend sanitary sewer to adjacent

upstream properties without compensation or fee waivers; therefore, staff recommendation is to not approve the fee waivers requested, she said.

Ms. Sudano said her department estimates that the fee waivers would amount to about \$7,200.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Town Clerk:

Ross Carter, 5201 Sunset Fairways Drive – Rev. Carter, who is pastor of Sunrise Methodist Church, addressed the Council. He said growth of the town and the church has necessitated the church expansion of worship, education and parking areas. He spoke in favor of the petition.

Randy Miller, 153 Holly Springs Road – Mr. Miller addressed the stormwater question raised by the planning board. He said there are three facilities planned to accommodate not only existing run-off, but future run-off. The stormwater, he said, would be captured, treated and piped underground.

The sewer extension question, he said, stems from the original developer/owner who he believes should have stubbed sewer to the neighboring tract but did not. The result, Mr. Miller said, is that a non-profit organization has to bear the cost burden instead of the original for-profit developer.

Mr. Miller mentioned that the church also would like to entertain with NCDOT and the town in the future some ideas about how Sunset Lake Road is constructed with a median and where breaks would be located.

Staff said it is something that can be discussed but staa was not prepared to address it at this time.

Councilman Sack asked how the architect had figured the number of parking spaces and whether the spaces provided would be adequate.

Mr. Miller said the architect had based the number of spaces on the square footage of the sanctuary, and designers feel the number of spaces would be adequate.

There being no further testimony, the public hearing was closed.

Concilmen Sack and VanFossen agreed that they were supportive of the church's petitions, except for the request regarding sewer fee credits. Councilman Womble said he would be inclined to grant the request because churches are different than developers who recoup their costs from development of the property.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition 00-COM-02-A01 Sunrise United Methodist Church, as submitted by Thompson and Associates Job Number SUNRISE, dated revised 8/30/2010.

Special Exception Use Findings of Fact:

A special exception use may be granted only upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 –

Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;

- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion By:** VanFossen

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Special Exception Use Petition Amendment 00-COM-02-A01 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for an alternate compliance of architectural requirements, UDO Section 3.08, A, 1. c (2)(c)(ii) Windows and Doors and UDO Section 3.08, A, 1. c (1)(a) Primary Building Materials, in association with Special Exception Use Petition 00-COM-02-A01 Sunrise United Methodist Church, as submitted by Thompson and Associates Job Number SUNRISE, dated revised 8/30/2010.

Alternate Compliance Findings of Fact:

1. The proposed development represents the use of (building materials, colors, textures, building architecture, roof features, façade modulation, building orientation, signs, landscaping, lighting or open space) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous

**Action #3:** Having made findings of fact, the Council approved a motion to approve an alternate compliance of architectural requirements, Section 3.08, A, 1. c (2)(c)(ii) Windows and Doors and UDO Section 3.08, A, 1. c (1)(a) Primary Building Materials in association with Special Exception Use Petition # 00-COM-02-A01 Sunrise United Methodist Church, as submitted by Thompson and Associates Job Number SUNRISE, dated revised 8/30/2010.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**Action #4:** The Council approved a motion to deny the request to waive sewer fees associated with Special Exception Use Petition 00-COM-02-A01 Sunrise United Methodist Church, as submitted by Thompson and Associates Job Number SUNRISE, dated revised 8/30/2010.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** The motion carried, following a 4-1 vote. Councilmen Cobb, VanFossen and Sack and Councilwoman Williams voted for the motion. Councilman Womble voted against.

**Action #5:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use Petition 00-COM-02-A01 Sunrise United Methodist Church, as submitted by Thompson and Associates Job Number SUNRISE, dated revised 8/30/2010 with the following conditions:

1. Conform to previously approved *Sunrise United Methodist Church Development Plan* and note that all previous approval conditions for that plan will apply to this plan as well.
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main.
3. There are existing downstream drainage complaints in this area. Accordingly, a flood analysis will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018)
4. No increase in 100 year water surface elevations will be allowed downstream from this project.
5. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance
6. Prior to the first construction drawing submittal for the Sunrise United Methodist Church, the following items must be addressed:
  - a. Remove the existing striping for the road improvements and show proposed new striping.
  - b. Provide documentation from Progress Energy that you have approval to place parking and a gravity sewer line crossing in their easement for this project.
7. Prior to the first construction drawing approval (or issuance of a land disturbance permit) for the Sunrise United Methodist Church, the following items must be addressed:
  - a. Approval of Stormwater Management Plan is required.
  - b. Payment of the Stormwater Fee-in-Lieu will be required.
  - c. Provide pedestrian connection from public sidewalk to the front entrance of the building.
8. Future sanctuary building requires staff review and Town Council approval of building elevations and site design.

**Motion By:** VanFossen

**Second By:** Cobb

**Vote:** Unanimous

**7d. Public Hearing: Rezoning Petition 10-REZ-02** – Mr. Zawadski said the Town has received a request to amend the developer commitments for 8.6 acres located at the intersection of Optimist Farm Road and Bibleway Court. This property was rezoned to R-10 CU: Residential and annexed into the Town limits in November 2007. A new applicant now is requesting to revise zoning condition #5 (see below) that was approved with the original rezoning.

**Conditional Use Developer Commitments:** The owner has requested the following (revised) conditions be placed on the property:

1. Minimum required square footage of dwelling to be 3,000 square feet.
2. Dwellings to have brick or stone front façade.

3. Vinyl siding will not be permitted.
4. Lots are to be left as wooded as possible, minimal clearing is required.
5. ~~No driveway on Bibleway~~ or Optimist Farm Road.

Mr. Zawadski said the zoning conditions are offered by the property owner to be placed on the property and are not required by the Town. The original wording of condition #5 required that a new public road be constructed in order to provide access to the property since it prohibited driveways on Optimist Farm Road and Bibleway Court. The current applicant is requesting to change condition #5 so that the property could be accessed with driveways on Bibleway Court.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statement as true: *“The requested zone map change from R-10 CU to R-10 CU is consistent with the Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential (maximum density of 15 units/acre) and the R-10 Residential District sets the maximum allowed density at 3.25 units/acre.”*

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt ordinance 10-REZ-02 to approve Zone Map Change Petition #10-REZ-02 to change the zoning of 8.65 acres of Wake County PIN # 0669-46-1169 from R-10 CU: Residential to R-10 CU: Residential, with amended conditions, as submitted by Vijay Juneja with the following developer commitments:

1. Minimum required square footage of dwelling to be 3,000 sf.
2. Dwellings to have brick or stone front façade.
3. Vinyl siding will not be permitted.
4. Lots are to be left as wooded as possible, minimal clearing is required.
5. No driveways on Optimist Farm Road.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

*A copy of Rezoning Ordinance 10-REZ-02 is incorporated into these minutes as addendum pages.*

**7e. Public Hearing: Development Plan 10-DP-04, Pecan Grove Apartments – Mr.**

Zawadski said the Town has received a request for a multi-family development project at the intersection of Old Adams Road and N.C. Hwy. 55. The property is 20.9 acres in size and is zoned R-MF-15 Multi-family Residential.

He said the project plan includes 12 apartment buildings with 240 multi-family units located throughout the property. A total of 474 parking spaces (surface parking and garages) and 26 bicycle racks are proposed to be distributed throughout the project. Pedestrian connections would be provided throughout the interior of the site as well as along all adjacent public streets. The main vehicular access for the site would be provided by a driveway located off of Old Adams Road. A second access point would be provided off of a new public street located along the northwest corner of the project.

A total of 2.1 acres (10% of project area) of private recreational open space would be provided and would include amenities such as: pool, clubhouse, dog park, volleyball court, play area, and mulch walking trail.

The primary building materials would include light brown cement siding and tan stone

accents. Other design features in the plan include: façade modulation, roofline variation, decorative columns, balconies with decorative panels, and a decorative cupola on top of the clubhouse building. The clubhouse building also would include 20 solar collector panels located on the southwest side of the roof.

Mr. Zawadski said the Town of Holly Springs gateway feature also would be constructed with the project in accordance with the Vision Holly Springs: Comprehensive Plan Section 4.4 Town Gateways. The feature would be located near the intersection of Old Adams Road and N.C. Hwy. 55, and the final design is required to be completed as a condition of approval (see condition 13.)

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Jack Norris, 509 Woodleigh Ct. – Mr. Norris said he was concerned about traffic trying to exit the property onto Hwy. 55. He said there will need to be a traffic light there. He asked the Council members to, if they are inclined to approve the plan, that the Town request that the Department of Transportation place a traffic light there.

There being no further comments, the public hearing was closed.

**Action:** The Council approved a motion to approve Development Plan #10-DP-04 for Pecan Grove Apartments as submitted by Jerry Turner and Associates, dated Revised 9/13/10 with the following conditions:

1. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
2. No fill is permitted in the floodplain for residential development.
3. No increase in the pre condition 100 yr. runoff for the Somerset Basin is allowed.
4. GB Alford Highway (NC 55) will be widened in the future to a 6 lane cross section. This widening will require additional right-of-way along your frontage. Design for this site should reserve area accordingly along this boundary to accommodate a change in right-of-way when needed in the future.
5. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main.
6. This site will require a Pump Station to be constructed with the project. The Preliminary Pump Station Site Plan must be approved by Town Council prior to or with the approval of this Development Petition. (*Staff Note: The Preliminary Pump Station Site Plan is scheduled to go before the Town Council at the same meeting as this project.*)
7. Pump station site must be platted and conveyed by deed to the Town of Holly Springs before pump station final acceptance.
8. Pump station site owned by the Town of Holly Springs may be expanded in the future and there will be routine operation inspections and maintenance on the premises once the pump station is in operation.
9. Prior to the first construction drawing submittal for the Pecan Grove Apartments Development Plan, the following items must be addressed:
  - a. Provide draft PCN with all supporting documentation including but not limited to buffer determinations and projected location and impacts to jurisdictional features for the entire project.
  - b. Offsite right-of-way must be dedicated for this project for the new cul-de-sac.
  - c. Provide documentation in the form of a recorded plat of any required offsite sewer easements (including the force main corridor from the Pump Station to the discharge point).
  - d. A Final Gravity Sewer Line Sizing Report will be required for all lines that are stubbed to adjacent upstream properties. Include calculations to document line sizes, adequacy of proposed sanitary sewer lines to serve all future upstream development.



- e. Gateway Feature design shall be submitted to the Department of Planning & Zoning for review and approval by the Town. The design must be finalized and approved by the Town prior to Construction Drawing Submittal.
10. Prior to the first construction drawing approval (or issuance of a land disturbance permit) for the Pecan Grove Apartments Development Plan, the following items must be addressed:
- a. Flood study approval will be required.
  - b. Payment of the Stormwater Fee-in-Lieu will be required.
  - c. Approval of Stormwater Management Plan is required.
  - d. All environmental permits must be obtained for the entire project.
  - e. The Bass Lake Buffer Waiver for installation of the sanitary sewer in the undisturbed Bass Lake Buffer must be obtained for the entire project.
11. The following items must be addressed within 10 days of Town Council Action:
- a. An Engineer's sealed Water System Hydraulic Report for documenting that the Town's fire flow and system pressure requirements are met. This report has been submitted and is under review. The report must be approved and any items that require changes to the plans must be addressed within 10 days of Town Council Action.
  - b. A New Pump Station Preliminary Design Report is required. The report has been submitted and is under review. The report must be approved and any items that require changes to the plans must be addressed within 10 days of Town Council Action. *(The report has been approved 10/14/10– plans must be submitted to reflect any plan items from the report)*
  - c. A Traffic Impact Analysis (TIA) is required. The report has been submitted and is under review. The report must be approved and any items that require changes to the plans must be addressed within 10 days of Town Council Action.
  - d. The Shadow Valley Sewer Study must be finalized and hard copies submitted. *(The report has been finalized and approved 10/14/10)*
  - e. Replace wood fence with black chain link fence and revise planting plan to create additional screening along the northeastern property lines.
12. Prior to Final Plat, the following must be completed:
- a. Payment of fees-in-lieu of land dedication in the amount of \$744/unit.
13. The developer is requesting an Infrastructure Reimbursement Agreement (IRA) for this project. There is information (8 ½ x11 project map and a Professional Engineer's estimate of costs) that must be provided by the developer to the Director of Engineering to prepare the agreement. This information was not available in by the deadline for the Town Council meeting associated with the project. Once the information is received a schedule will be created including which Town Council meeting this information will be presented for consideration.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

Councilman VanFossen asked that he be recused from the meeting due to his professional association as architect with subject applicants.

Councilman Womble made a motion to recuse Councilman VanFossen from the meeting. It was seconded by Councilman Cobb, and the motion carried unanimously.

A quorum of the Council still was present.

**7f. Public Hearing: Ordinance 10-13, UDO Amendment** - Mr. Zawadski said the Town has received a request for a UDO amendment to add kennels with outdoor runs and veterinary offices to the list of Special Exception Uses within the LI: Light Industrial District.

He said currently the UDO permits kennels with outdoor runs as a Special Exception Use in the R-30: Residential District and CB: Community Business District, and as a Primary Use in the GB: General Business District. Veterinary offices currently are permitted as a Special Exception Use in the R-30: Residential District and LB: Local Business District, and as a Primary Use in the CB: Community Business District and GB: General Business District.

Mr. Zawadski said according to UDO Section 4.02, the intent of the LI: Light Industrial is: "...to provide for development of assembly and light manufacturing or processing facilities which may require limited amounts of outdoor storage. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts."

The Light Industrial district permits a range of office and light industrial uses, but also includes uses that are intended to serve the daily needs of employees that work within and near the LI district. These uses include the following: child care, gas stations, dry cleaning, restaurants, banks, fitness centers, gymnastics and dance studios and drug stores.

The UDO amendment also includes adding parking requirements for animal service uses such as veterinary offices, kennels, groomers, etc. at a rate of 3.5 spaces per 1,000 square feet. The UDO does not currently specify parking requirements for these uses, and the proposed requirement is in-line with the American Planning Association's recommendation for parking standards.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statement as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Executive Summary regarding Adopting and Implementing the Plan and the Objectives for Future Land Use."*

**Motion By:** Cobb

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance 10-13 to approve and enact UDO Text Amendment 10-UDO-06 to modify the text of UDO Sections 4.02 Light Industrial and 7.04 Off-Street Parking Regulations as submitted by Chet VanFossen Architect.

**Motion By:** Cobb

**Second By:** Womble

**Vote:** Unanimous

**7g. Public Hearing: Special Exception Use Petition, 10-SEU-03, Bed and Biscuit -** Mr. Zawadski said the Town has received a request for a Special Exception Use to operate a kennel with outdoor run and veterinary office to be located at 250 Premier Drive in the LI: Light Industrial zoning district. The property is 1.17 acres and is located near the intersection of Premier Drive and Green Oaks Parkway.

He said the property is the former location of Jump Zone, and the new business is proposed to utilize the existing building. The only proposed modification to the site would be an 80'x18' fenced outdoor play area located behind the building in a portion of the parking lot - not visible from Premier Drive. The property includes a total of 36 existing parking spaces located throughout the site. The site is proposed to be accessed from the existing driveway located on Premier Drive, and there are no modifications proposed to the building exterior.

Councilman Cobb asked how the applicant would manage outdoor pet waste. Ms. Goodson said staff would work with the applicant to manage waste to the town's satisfaction.

With that explanation completed, Mayor Sears opened the public hearing to accept

sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no testimony, the public hearing was closed.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a Special Exception Use #10-SEU-03 for Country Gardens Bed and Biscuit as submitted by Chet VanFossen Architect, date revised 6/24/2010.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the adjacent area;
3. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
4. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
5. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
6. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
7. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
8. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
9. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
10. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion By:** Cobb

**Second By:** Williams

**Vote:** Unanimous

*A copy of Special Exception Use Petition 10-SEU-03 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use 10-SEU-03 for Country Gardens Bed and Biscuit as submitted by Chet VanFossen Architect, date revised 6/24/2010 with the following condition:

1. Prior to Construction Drawing approval, stormwater management for the outside pet waste will be required.

**Motion By:** Cobb

**Second By:** Sack  
**Vote:** Unanimous

At this time, the Council approved a motion to readmit Councilman VanFossen into the meeting.

**Motion By:** Sack  
**Second By:** Cobb  
**Vote:** Unanimous.

**7h. Public Hearing: Community Development Block Grant Funding** - Mr. Weeks said with authorization from the Town Council, staff will apply to the NC Department of Commerce for a 2010 Scattered Site Housing grant in the amount of \$100,000 that will provide housing rehabilitation funds for eligible citizens living within the Town of Holly Springs. The Town will solicit applications from low-income homeowners who qualify for housing rehabilitation. Prioritization will be based on applicants' circumstances and needs. Advertisement for this program has been published in the Holly Springs Sun, and direct mailings have been sent to citizens who have inquired about home repairs in the past.

Mr. Weeks said this is the first of two required public hearings. The purpose of this initial public hearing is to explain the CDBG program and to allow citizens of Holly Springs an opportunity to express their views concerning community development needs and priorities.

He said during a second public hearing, citizens will have an opportunity to comment of the actual Scattered Sites Housing application, which is required to contain program beneficiaries.

Councilman Cobb asked how the funding would be administered and if there was a limit per applicant.

Mr. Weeks said the town would pay costs up-front and be reimbursed by the Division of Community Assistance.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to authorize staff to apply for 2010 scattered sites housing rehabilitation Community Development Block Grant funding.

**Motion By:** Sack  
**Second By:** Womble  
**Vote:** Unanimous.

**8. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote. The following actions were affected:

**8a. Minutes** – The Council approved minutes of the Council's regular meeting held Sept. 21, 2010.

**8b. Budget Amendment Report** -- The Council received a monthly report of amendments to the FY 2010-11 budget approved by the town manager. *A copy of the budget amendments report is incorporated into these minutes as an addendum page.*

**8c. Community Planning Month** – The Council received a report of a proclamation designating October as Community Planning Month.

**8d. Secondary and Cumulative Impact Master Mitigation Plan Update** - The Council received a report regarding the biennial Secondary and Cumulative Impact Master Mitigation Plan update.

**8e. Cemetery Enhancement Project** - The Council approved to enter into a contract with Brick and Stone of N.C. Inc in the amount of \$8,995; a contract with Rodney's Signs in the amount of \$1,169.75; and a contract with Seegars Fencing in the amount of \$9,752 for cemetery enhancements.

8f. Governors Highway Safety Program Traffic Grant - The Council adopted an amendment to the FY 2010-11 budget in the amount of \$196,670 and to accept a Governors Highway Safety Program traffic grant. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Comprehensive Bicycle Planning - The Council approved to enter into an agreement with Greenways Inc. in the amount of \$40,000 for completion of a comprehensive bicycle planning document.

8h. Raleigh Street to Stinson Avenue Sidewalk Project – The Council approved the alignment, a budget amendment for \$120,000 and an NCDOT municipal grant agreement for sidewalk connecting downtown to Womble Park

8i. Personnel Policy – The Council approved a text amendment in the town's personnel policy providing clarification to the section on the hiring of relatives.

8j. Bass Lake Park Phase 2 Sidewalk Project – The Council approved the alignment, a budget amendment for \$180,000 and an NCDOT municipal grant agreement for Bass Lake Park Phase 2 sidewalk. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8k. Pecan Grove Pump Station Project – The Council approved the preliminary site plan for the Pecan Grove pump station with conditions.

8l. Town's Stormwater Fee-in-Lieu – The Council approved modifications to the Town's Stormwater Fee-in-Lieu.

**9a. Developer Request to Reduce Town Fees** – Mr. Doug Ledson made a request of the Town Council for a reduction of capacity and park fees associated with the Woods of Avent Ferry, a planned senior apartments project. Mr. Ledson said original fee amounts total about \$650,000, and he is asking for a reduction to approximately \$250,000.

Mr. Dean said that staff and management would recommend against the fee reductions since it is these fees paid by developers that provide the town's infrastructure of streets, utilities and parks. Mr. Dean points out that even though a senior population may have less impact on town facilities than other groups, the infrastructure provided is no less expensive.

Mr. Ledson addressed the Council with his request, saying that it would be difficult to absorb the costs because the project is a tax-credit-subsidy with senior, mostly low-income tenants with limited resources.

Mr. Ledson pointed out that the town's rate structure does not equitably apply fees since a three-bedroom house cost the same in fees as a one-bedroom senior living apartment. He said he seeks some equity in how the fees are applied.

Councilman Sack said the town assisted the project by applying for the grant funding and that the project bottom line should have been determined early in the project. He said he did not think it was good business for the project principles to come in at the last minute asking for nearly half a million dollars in relief.

Mr. Ledson said when the builder put the numbers together, they worked based on what they thought the town's fees were. Mr. Ledson said it was his fault that the builder had incorrect information about the town's fees.

A representative of the RHA development company said RHA found out the fees in June were going to be \$672,000, or \$10,500 per unit. He stressed his company is non-profit and the savings of a discount offered by the Town would go into the apartments for upgrades.

Ken Jarvis, 176 Avent Ferry Road – Mr. Jarvis addressed the Council to speak in support of the project and the developer. Mr. Jarvis sold a portion of his property to the developer for the project, and he is a neighbor of it.

Councilman Sack and Councilwoman Williams said they support the project and that the town needs it, but it is the responsibility of the builder to know the fees before going into a project, and it is not the town's responsibility to make the financials work.

Councilmen Cobb and Womble said they were sorry the project principles did not keep

up with how much the fees were going to be; however, Councilman Womble said he feels inclined to consider some fee reductions to make the project work. Councilman Cobb was not in favor of a fee reduction.

Councilman VanFossen said the Council was in agreement that the town wants senior housing, and that the project would be a good addition to the Town's village district. It puts the Town in a bad position, however, to ask for fee reductions, especially so late in the project.

Councilman VanFossen said it might be appropriate for the Council to consider future policy changes for a reduction in capacity fees for senior housing, but that would not apply to this project.

**Action:** After much the discussion, the Council approved a motion to deny a request from the developers of the Woods at Avent Ferry for a reduction in fees due on the project.

**Motion By:** Sack

**Second By:** Williams

**Vote:** The motion carried, following a 3-2 vote. Councilmen Cobb and Sack and Councilwoman Williams voted for the motion. Councilmen Womble and VanFossen voted against.

**9b. Board of Adjustment In-Town Alternate Member Appointment** – Ms. Clapp said that Mr. John Sadler, an in-Town alternate member of the Board of Adjustment has resigned from his position on the Board of Adjustment since he is moving out of town and no longer will be able to serve on the Board.

She said the Town Council is being asked to fill the remainder of his term ending Dec. 31, 2012. The following is a list of the applicants whose applications Council received earlier under separate cover:

1. James "David" Arnold, Oak Hall (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
2. Anthony D'Agostino, Braxton Village (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
3. Chad T. Howard, Holly Glen (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
4. Vincent B. Lovell, Ballenridge (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
5. Matthew McGinnis, Sunset Oaks (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
6. Ray Robbins, Somerset Farms (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
7. Douglas Ward, Bridgewater (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
8. Kevin Wingate, The Woods at Sunset Oaks (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)
9. Brian P. Woomer, Sunset Ridge (PB 1<sup>st</sup> choice, BOA 2<sup>nd</sup> choice)

**Action:** By a show of hands, the Council approved a motion to appoint Brian P. Woomer to fill the remaining term of a vacated in-Town alternate member of the Board of Adjustment, with the term ending Dec. 31, 2012.

**9c. New Community Center Building Name** – Mr. Bradley said that it is the time during the construction process to consider the signage to be located on the façade of the new community center. With construction of a new center building, this is a good time to consider incorporating the center with Womble Park, making the facility more identifiable and easier to locate, Mr. Bradley said.

He said staff recommends the name of the community center to be Parrish Womble Park Community Center with the gymnasium's remaining the W.E. Hunt Gymnasium.

Councilman Sack said he was in favor of keeping it W.E. Hunt Community Center because the name is familiar and it would maintain the legacy of the former building's history.

Councilwoman Williams said she would like the name Holly Springs to be incorporated, as in the W.E. Hunt Community Center of Holly Springs.

Councilman VanFossen said he preferred Holly Springs Community Center.

Councilman Womble said he would prefer to retain the W.E. Hunt name, and he said Council had discussed at the beginning of the project whether to change the name on the new building. He said he recalled that there would be no change in name. He said he preferred W.

E. Hunt Recreation Center.

Councilman Sack said he liked the term "recreation center" instead of "community center," too. He said recreation center is a better description and leaves "community center" free for a future facility.

**Action:** By consensus, the Council directed that the name of the new building, together with the gym, be "W.E. Hunt Recreation Center."

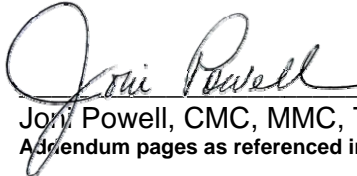
**10. Other Business: None**

**11. Manager's Report:** Mr. Dean reported on the last weekend for the 2010 farmers market; the Oct. 27 reuse system dedication; that Hollyfest will be Oct. 30; that Halloween is Oct. 31; and an election is scheduled for Nov. 2.

**12. Closed Session: None.**

**13. Adjournment:** There being no further business for the evening, the Oct. 19, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 16, 2010,

  
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Joni Powell, CMC, MMC, Town Clerk

Appendum pages as referenced in these minutes follow and are a part of the official record.

