



May 21, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, May 21, 2013 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor 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: Mayor Sears and Councilmen James Cobb, Chet VanFossen and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Chuck Simmons, interim town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, project analyst; Rick Ralph, information technology technician; Len Bradley, parks and recreation director; Gina Clapp, planning director; Laura Holloman and Sean Ryan, planners I; Mary Hogan, finance director; Leroy Smith, fire chief; John Herring, police chief; Stephanie Sudano, director of engineering; members of the fire and police departments; and Niki Litts, communications specialist.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Savoldi of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The May 21, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda after Public Comment: Add recognition of the Holly Springs High School Lady Golden Hawks basketball team.

Items removed from New Business 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.

At this time, Mayor Sears recognized the Holly Springs High School 2013 Lady Golden Hawks basketball team for its achievements. The team finished the regular season with a 24-4 record. The team won the conference tournament.

Action: None.

6a. Ironman Triathlon Event – Chief John Herring, Lt. Robbie Parrish and a representative from the Ironman Triathlon provided an update on the June 2 event. Lt. Parrish reported that approximately 2,500 cyclists will ride through Holly Springs in the bike leg of the event, and the police department and communications departments are working together in advance of the

triathlon to make residents aware of the potential for national publicity and the local traffic impacts.

He said the June 2 half-Ironman is a first for the Raleigh area. The swim will take place at Jordan Lake in Chatham County, and the bike leg will take athletes through rural Chatham and Wake Counties before entering downtown Raleigh for the running leg. The run will take athletes through downtown Raleigh and by the N.C. State campus, the capital building, Hillsborough Street, Meredith College and the N.C. Art Museum before finishing at City Plaza.

Lt. Parrish said the police department expects heavy bike traffic on Avent Ferry Road and G.B. Alford Highway and on Sunset Lake Road and Optimist Farm Road between 9 and 11:30 a.m. Sunday, June 2.

Action: None.

7b. Public Hearing: Rezoning Petition 13-REZ-05 – Mr. Ryan said the Town has received a request to conditionally rezone several properties located along West Holly Springs Road, east of NC 55. The applicant is requesting to rezone the properties, encompassing approximately 16.838 acres, from R-10: Residential and R-15: Residential to R-MF-8 CU: Multi-family Residential Conditional Use.

Mr. Ryan said the applicant is requesting the public hearing be opened and continued to the June 4 Council meeting.

Mr. Ryan said zoning conditions are offered by the petitioner to be placed on the property and are not required by the Town. The petitioner has requested the following conditions be placed on the property:

1. The site will be developed to meet the permitted uses of the R-MF-8 zoning district with the exception of apartments, condominiums, and section A.2(a-g.)
2. A 20-foot undisturbed buffer will be maintained along the north and east boundaries (except for utilities/drainage.)
3. An additional 10-foot buffer is to be added to the north and east property lines. This buffer may be disturbed if needed and re-vegetated.
4. Both the 10-foot buffer and 20-foot buffer should have an average plant unit value of 75.
5. There will be no connection to Greomar Drive.

Mr. Ryan said condition #5 was added by the applicant in response to adjacent residents' concerns about the requirement to not connect to Greomar Drive; however, it is at odds with long-established and key policies of the Town of Holly Springs.

Mr. Ryan said that staff strongly recommended that this condition be removed from this request because roadway and project interconnectivity is a key goal that has been established by the town early on, in order to implement the vision discussed in the Vision Holly Springs Comprehensive Plan.

Interconnectivity is strongly supported / required in these major planning documents - Vision Holly Springs Comprehensive Plan, the Unified Development Ordinance and the Engineering Design and Construction Standards.

He said staff recommends that this development be designed to be consistent with that goal. Through each project submitted, the Town works to achieve interconnectivity through road connections and road stubs for future connections. Road stubs like Greomar Drive are made with the intention that they will one day be connected when adjacent development occurs. Interconnectivity is an important tool that the town uses to provide multiple means of access to a subdivision. This is required for public safety's responsiveness, for allowing access to adjacent neighborhoods and businesses without having to exit onto thoroughfares, for interconnecting utilities and for strengthening community.

The details about how a connection would be made will be worked out at the time a development plan is submitted but the option to have a connection needs to be left open and not restricted with this rezoning, Mr. Ryan said.

At the time of design, traffic calming measures can be incorporated by the designer if deemed necessary for distributing traffic.

Mr. Ryan said the Planning Board discussed the following issues and concerns at its meeting April 23 and recommends approval with the removal of condition #5:

- the current stub road at the end of Greomar Drive and the condition offered by the petitioner that it not connect to any potential development on this site. The board questioned whether or not the connection from Greomar Drive was needed or if there were alternative ways to make a pedestrian connection rather than a roadway connection. The board concluded that the road was intended to connect and agreed with staff's recommendation to remove the Greomar Drive connection condition from the rezoning.
- applicable buffer requirements to adjacent properties. They further discussed what the buffer requirements along the Oak Hall Planned Unit Development would be without the additional buffers as provided in the conditions. The board was satisfied that the applicant was proposing to provide a 30-foot buffer with an average plant unit value of 75 along Oak Hall PUD, which is greater than the minimum requirement of a 10-foot B-40 buffer.
- whether any development would actually be able to reach eight units per acre in density. The Board concluded that the actual density of any development would likely be slightly less than eight units per acre.

Mr. Ryan said that staff recommends Town Council discuss the potential impacts of NC House Bill 150 (HB150), which is pending approval by the NC Senate (Senate Bill 139). HB150 proposes to eliminate the ability of the Town to require single-family dwellings, including townhomes, to meet certain architectural requirements including exterior building color, type or style of exterior cladding material, style or materials of roof, structures or porches, exterior nonstructural architectural ornamentation, and location or architectural styling of windows and doors, including garage doors. Staff would like to make the Town Council aware that if this rezoning is approved, and HB150/S139 is approved, there are no assurances that any proposed development will meet the architectural standards currently contained in the UDO.

Staff recommends that the Town Council discuss developer-offered condition #5 and its incompatibility with the Town's interconnectivity policies.

- Vision Holly Springs Comprehensive Plan Section 2: Transportation- Objective #6 and Section 4: Community Character- Objective #9
- Unified Development Ordinance Section 7.07 Street Design and Right-of-Way Reservation Part A.1. Street Layout and Arrangement and Part B. 13.c. Incorporation of Existing Streets.
- Engineering Design & Construction Standards.

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

Hugh J. Gilleece, 875 Walnut Street, Cary – Mr. Gilleece addressed the Council saying that he changed the plan to address neighbor concerns and the condition 5 also was to address neighbor concerns. He asked the Council for a motion to defer action until June 4 so he would have time to meet with staff to explore options.

Mr. Schifano advised that the condition could not be removed and would require a new application.

Council agreed that the application could be renewed but that the public hearing on the old application could be used to receive comments. Neighbors would be notified of the change to remove Condition No. 5.

Action: The Council approved a motion to continue the public hearing and to defer action on proposed Zone Map Change Petition #13-REZ-05 to the ~~June 4~~ Town Council meeting.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

At this time, Ms. Clapp addressed the Council to advise that if the Council is requiring a new application, then there would not be time to advertise the public hearing on the amended petition before the June 4 meeting.

Action: The Council approved a motion to revisit the original motion and replace it with a new motion to eliminate the specific date: The Council approved a motion to continue the public hearing and to defer action on proposed Zone Map Change Petition #13-REZ-05 to a future Town Council meeting.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

7b. Public Hearing: Special Exception Use 12-SEU-09 and Development Plan 12-DP-09 –

Ms. Holloman said the Town has received a request for a mixed use project consisting of 174 multi-family units as well as 10,130 square feet of commercial, to be located at the intersection of Highway 55 and Old Adams Road.

The Local Business zoning district contains a mixed use development option, which, until now, no developer has chosen to utilize. This option is intended to be flexible in nature to allow the center to be somewhat market-driven with some clear guidelines. Specifically:

- The project must include both commercial and residential uses.
- Each project must contain a minimum of 20 percent of both residential uses and commercial uses.
- Such uses may be contained within the project or within the building.
- The project shall contain the required minimum amount of commercial and residential uses within six years of the first certificate of occupancy issued.
- For projects developed in phases, each phase shall be able to function as a stand-alone development and the project shall contain the required open space at all times during the phases of construction.

She said the project plan includes both residential and commercial tracts. The residential tract consists of seven apartment buildings with 174 multi-family units located throughout the property. A total of 335 parking spaces (surface parking and garages) are distributed throughout the project. The commercial tract is rather conceptual in nature at this time and as currently shown features 10,130 square feet of general commercial space. Prior to any commercial projects moving forward, the developer will be required to amend this plan to show the ultimate design of the non-residential tract.

A critical pedestrian connection is provided through the interior of the site, connecting the residential to the commercial. Also, sidewalk pedestrian connections are shown from both residential and commercial buildings located adjacent to Old Adams Road.

She said within the residential tract, a total of 1.28 acres (10% of project area) of private recreational open space is provided and includes amenities such as a pool and clubhouse, dog park, and a badminton/croquet court.

The primary building materials include light brown cement siding and red brick accents. Other design features include: façade modulation, roofline variation, decorative columns and balconies.

Ms. Holloman said the Planning Board discussed the following issues and concerns at its meeting April 23 and recommends approval:

- The board felt that the use was appropriate within the Southern Gateway Area.
- Asked what Fuquay-Varina had planned surrounding the property. When staff relayed to the board that a large subdivision was under construction, they had no issues with this use fitting into the fold.
- The board discussed the associated road improvements with staff. Staff did state that NCDOT was proposing that a superstreet would be constructed on NC55 as part of this project's road improvements.
- Planning Board did not have any issues with the overall layout and design of the proposed project.

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:

Hugh J. Gilleece, 875 Walnut Street, Cary – Mr. Gilleece addressed the Council saying he was available to answer any questions.

Councilman Sack asked if Mr. Gilleece had a problem with the buffer requirements.

Mr. Gilleece said visibility always is a concern with commercial development.

John Classen, 5208 Old Adams Road – Mr. Classen said he feels this additional density across the street from his neighborhood is inappropriate. He said he does not think Holly Springs wants to see multi-family at its entrances where other sites are more suitable.

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

Mr. Classen asked if the Town would be taking into account traffic generated from Alston Ridge.

Councilman VanFossen said traffic impact analysis are required elements, and those studies would take all traffic impacts into account.

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 #12-SEU-09 for a mixed use development as submitted by Hugh J. Gilleece & Associated dated 11/16/12.

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:

- 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: VanFoseen

Second By: Sack

Vote: Unanimous

A copy of Special Exception Use Petition 12-SEU-09 addressing the findings of fact is attached to these minutes.

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 grant Special Exception Use Petition #12-SEU-09 for a mixed use development as submitted by Hugh J. Gilleece & Associates, dated 11/16/12 with the following condition:

1) Project operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 12-SEU-09.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

A copy of Special Exception Use Petition 12-SEU-09 is attached to these minutes.

Action #3: The Council approved a motion to approve Development Plan Petition #12-DP-09 for Pecan Grove Mixed Use Development as submitted by Hugh J. Gilleece & Associates dated Revised 4/8/13 with the following conditions:

1. Prior to any commercial projects moving forward on PIN 0658335805, the developer will be required to formally amend this plan to show the ultimate design of the non-residential tract.
2. The ultimate elevations for the commercial tract will be in harmony with the multifamily dwellings in regards to similar materials and colors.
3. Commercial elevations will be required to be submitted to the Department of Planning & Zoning for review to ensure they comply with all applicable UDO regulations.
4. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
5. GB Alford Highway (NC 55 Bypass) will be widened in the future to a 6 lane cross section. This widening will require additional right-of-way along your frontage. This site must be designed with this in mind and reserve area accordingly along this boundary to accommodate a change in right-of-way when needed in the future.
6. A fee-in-lieu of upgrade will be required for this project for the pump station and associated force main serving this site.
7. The following items must be addressed prior to the 1st construction drawing submittal for any portion of this site:
 - i. The existing Pecan Grove flood study will need to be updated for this project. An updated study must be supplied.
 - ii. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
 - iii. If applicable, 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.
 - iv. Provide a calculated pavement design for Old Adams Road. This may result in a pavement cross section bigger than the specified minimum.
8. The following items must be addressed prior to the 1st construction drawing submittal for the commercial portion of the project:
 - a. A completed Industrial Waste survey short form must be provided once tenants of the commercial space are known.
 - b. A Grease Trap Form must be provided for all businesses that will be handling fats, oils, or grease (i.e. restaurants).
9. The following items must be addressed prior to construction drawing approval:

- a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - b. Payment of the Stormwater Fee-in-Lieu will be required.
 - c. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 150% estimated construction cost of the stormwater BMP prior to the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
 - d. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
 - e. If any off site sewer facilities are needed to serve this project and are not completed and accepted by the Town at the time of approval of this plan, then these facilities must be completed for this project to develop. The Town is not responsible for completion of off-site sewer facilities, and will not guarantee completion of such facilities by any other party. No plats or building permits will be issued by the Town until all necessary on and off site sewer infrastructure is completed.
10. In response to a prior condition, a cost estimate and preliminary greenway design for the greenway connection from Pecan Grove Apartments to the Bass Lake Greenway was recently provided to staff for review and use. It is staff's recommendation that discussions continue regarding a possible developer agreement in order to add this critical pedestrian link to the project.

Motion By: Williams

Second By: VanFossen

Vote: Unanimous

8a. 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 May 7, 2013.

8b. Budget Amendment Report – The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Comprehensive Plan Amendment 13-CPA-02 - The Council continued the public hearing and deferred action on Comprehensive Plan Amendment 13-CPA-02 for property along Ralph Stephens Road and Little Moccasin Lane.

8d. Rezoning Petition 13-REZ-03 - The Council continued the public hearing and deferred action on Rezoning Petition 13-REZ-03 requesting property on Ralph Stephens Road and Little Moccasin Lane be rezoned from Commercial to Mixed Residential.

8e. Budget Amendment, \$13,000 – The Council adopted an amendment to the FY 2012-13 budget in the amount of \$13,000 to cover expenses related to additional design and surveying and increase to the Stewart-Cooper-Newell's architectural services contract to \$308,800. *A copy of the budget amendment is attached to these minutes.*

8f. Budget Amendment, \$5,000 – The Council adopted an amendment to the FY 2012-13 budget in the amount of \$5,000 to purchase firefighting supplies. *A copy of the budget amendment is attached to these minutes.*

8g. Council Order 2013-01 – The Council adopted Council Order 2013-01 directing Wake County to levy and collect property taxes for the Town of Holly Springs. *A copy of Council Order 2013-01 is attached to these minutes.*

8h. Budget Amendment, \$28,450 – The Council adopted an amendment to the FY 2012-13 budget in the amount of \$28,450 and entered a contract with S&ME for materials testing in the Womble Park expansion project. *A copy of the budget amendment is attached to these minutes.*

9a. Mims Stormwater BMP– Ms. Sudano said the Town Council approved the concept and preliminary estimated budget for the enhanced Mims stormwater best management practice (BMP) project at its Spring 2013 retreat. Since then, various department staff members (and Carl) have worked with the developer and the Town’s design engineer to finalize planned financing and enhancements. This request, Ms. Sudano said, is for an amendment to the original design contract reflecting the modifications that have been made to upgrade the BMP from a basic functional structure to a stormwater treatment enhancement feature for downtown (that also functions as an economic development tool.)

She said the amendment is in the amount of \$98,900 in an agreement with Withers and Raveland that covers – among other more detailed items - Avent Ferry Road and Earp Street roadway designs, added decorative retaining walls, landscaping, fencing, public spaces, streetscapes and townhome pad grading.

Action: The Council approved a motion to adopt a budget amendment for 98,900 and to enter an amended contract with Withers and Raveland for design of an enhanced stormwater BMP.

Motion By: VanFossen

Second by: Sack

Vote: Unanimous.

A copy of the budget amendment is attached to these minutes.

9b. North Main Athletic Complex Master Plan – Mr. Bradley said, per the Town’s contract with Withers and Raveland, a presentation of the North Main Athletic Complex master plan must be made to communicate with Town staff and Council. He said no approval will be requested at this time.

A representative of Withers and Raveland shared a rendering of the master plan thus far, showing soccer fields, parking and auxiliary buildings.

Action: None.

10. Other Business: Mayor Sears reported on a Nuclear Regulatory Commission meeting that was held regarding a tiny scratch in the Shearon Harris Nuclear Plant. There is no danger and no radiation leakage from the plant, and the scratch is only a quarter-inch long.

Councilwoman Williams asked about the town Christmas tree. Mr. Bradley said it had died and would be replaced this fall.

Councilwoman Lee said not only did the girls basketball team win the Tri 9 conference title, but half of them have scholarship achievements, maintaining a higher than 4.0 grade point average. She added that members of the HSHS track team have qualified for the nationals.

11. Manager’s Report: Mr. Simmons reported on a number of events and programs.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss matters of land acquisition.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

General Account of Closed Session – May 21, 2013.

In general, the town attorney discussed with the council members a matter of land acquisition for sidewalk right of way along West Holly Springs Road. The Council provided direction as to amounts that the town attorney was authorized to offer for purchases.

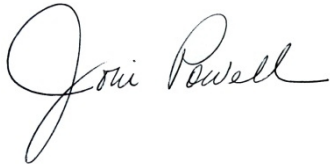
No further action was made in closed session.

The Council approved a motion to return to open session. The motion was made by Councilman Sack and seconded by Councilman VanFossen, and the vote was unanimous.

-- End of General Account

13. Adjournment: There being no further business for the evening, the May 21, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, June 4, 2013.

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

