



Sept. 17, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Sept. 17, 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, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Eric Taylor, information technology technician; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning director; Mary Hogan, finance director; Leroy Smith, fire chief; Daniel Weeks, project analyst; Jenny Mizelle, director of economic development; Heather Kiefer, environmental engineer; Elizabeth Goodson, development review engineer; Kendra Parrish, senior engineer; Laura Holloman, planner I; Sean Ryan, planner I; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Doug Parlin, pastor of South Wake Baptist Church.

4. Agenda Adjustment: The Sept. 17, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to the Agenda: None.

Items removed from New Business Agenda: Item 8b, expansion of the Holly Springs extra territorial jurisdiction.

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.

Nathan Cameron, 400 Sunset Grove – Mr. Cameron addressed the Council about sycamore street trees on Sunset Grove. He said there are still sycamore trees that are tearing up the sidewalks and water and sewer lines because they are not suitable street trees. He asked the Council to consider removing the trees and replacing them with more suitable street trees.

Rick Diecke 420 Sunset Grove Drive – Mr. Diecke addressed the Council on the same topic. He asked for the Council's help in sharing the responsibility of solving the problem.

Andrea Ackerman, 304 Sunset Grove Drive – Ms. Ackerman addressed the Council on the same topic. She asked for the same consideration.

Mayor Sears there are no quick answers but that staff is addressing the concerns of Sunset Grove residents.

6a. Public Hearing: Unified Development Ordinance Amendment 13-UDO-05 - Ms. Holloman and Mr. Ryan addressed this topic, a running list of UDO amendments. Ms. Holloman said that twice a year, the departments of planning and zoning and engineering evaluate the Unified Development Ordinance and bring forward a series of amendments to the Town's development regulations and requirements. These amendments result as interpretation issues arise, new or modified regulations are suggested for development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations.

Ms. Holloman and Mr. Ryan then explained each of the text modifications, which are enumerated in the proposed ordinance. Ms. Keefer and Ms. Goodson also addressed some UDO modifications that originated from the engineering department.

With that explanation completed, Mayor Sears opened the public hearing. 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 statements as being true:

- *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan: Much of the UDO amendments currently proposed work to maintain a high quality of commercial growth. As found in the Comprehensive Plan's Future Land Use Objective's "Guide the development of regional commercial areas so they are contained and their access is managed to protect the character of the remainder of the community."*
- *"Executive Summary in regards to "Using the Plan to Implement the Town's Vision" and "Adopting and Implementing the Plan";*
- *Section 1: Future Land Use "Objectives", "Community Growth Areas", "Regional Centers", and "Future Land Use Plan Details";*
- *"Ensure that new housing is appropriate in type, location and density to minimize environmental impacts and maintain community character."*
- *"The proposed UDO Amendments provide the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan."*

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance #13-09 approving and enacting UDO Text Amendment #13-UDO-05 to modify the text of the Unified Development Ordinance as submitted by Town of Holly Springs.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 13-09 is attached to these minutes.

6b. Comprehensive Plan Amendment 13-CPA-05 – Ms. Holloman said the Town has received a Comprehensive Plan Amendment request to change the future land use designation of the subject parcel from Open Space to Commercial as specified in the Southern Gateway Area Plan.

Ms. Holloman said it was understood at the time the property was designated open space that it was required by the State to mitigate impervious surfaces. Since then, it has been determined that this is not required by the State so staff allowed the request to move forward.

She further explained that the 4.02 acre tract is surrounded on all adjacent sides by commercial property.

Councilman Sack said the Town is trying to get Avent Ferry Road widened, and the development of this property would provide at no cost to the Town the widening of a portion of that

total roadway. The developer would have to widen the roadway on his side of the roadway along his frontage.

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

Joe Hodges, 404 Texana Way – Mr. Hodges asked the Council to not approve the comprehensive plan amendment. He said Avent Ferry Road has traffic congestion and the widening of the road in front of the subject property would not adequately relieve the problem. He noted that Avent Ferry Road is a Harris Plant evacuation plan.

Bridgette Egerdahl, 508 Cline Falls Drive – Ms. Egerdahl lives near the end of Cline Falls Drive and is concerned that the woods at the end of her street would be transformed into a commercial property. She is concerned that her street might be stubbed into the property and create a secondary entrance. She was concerned about her property values as commercial zoning is placed so close to her home.

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

Action: The Council approved a motion to adopt Resolution #13-36 approving Comprehensive Plan Amendment #13-CPA-05 to change the Future Land Use Designation of 4.07 acres of Wake County PIN #0648661838 from Open Space to Commercial as submitted by Sean Dolle of Grounded Engineering.

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. Councilwoman Lee voted against.

A copy of Resolution 13-36 is attached to these minutes.

6c. Public Hearing: Rezoning Petition 13-REZ-09 – Ms. Holloman said the Town has received a request to rezone one parcel totaling approximately 4.07 acres from PUD: Planned Unit Development to LB: Local Business. The parcel is located along Avent Ferry Road between Piney Grove Wilbon Road and Chandler Springs Drive.

She called the allowed uses appropriately scaled for a neighborhood with uses that are not high intensity. She noted buffer requirements that would be in place at development of the property.

Councilwoman Lee asked what types of uses could be located there, and she added that she is concerned about traffic on Avent Ferry Road and what kind of impact a commercial zone would have on it.

Ms. Parrish said the site is small in comparison to the traffic problem on Avent Ferry Road. She noted Main Street extension and environmental restrictions on the property that would limit development.

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

Robert Castillo, 1200 Avent Ferry Road – Mr. Castillo opposes the rezoning because he does not want to hear any more noise. He said the fire station is a noisy neighbor, and he complained that people on Avent Ferry Road try to use his driveway to get around stalled traffic. He said getting out of his driveway onto Avent Ferry Road often takes a long time and he believes the commercial zone will make it worse.

Gerald Holleman, 5625 Easton Street – Mr. Holleman said he is opposed to any rezoning on Avent Ferry Road until it is improved as an evacuation route. He said North Carolina Department of Transportation has forgotten about southern Wake County.

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

Action #1: The Council approved a motion to accept the following statement as being true: *“The requested zone map change from PUD: Planned Unit Development to LB: Local Business is consistent with Vision Holly Springs: Comprehensive Plan (amendment) since the plan designates this area for small scale commercial uses.”*

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. Councilwoman Lee voted against.

Action #2: The Council approved a motion to adopt Ordinance 13-REZ-09 to approve Zone Map Change Petition #13-REZ-09 to change the zoning of 4.07 acres of Wake County PIN # 0648661838, as described in the ordinance and recorded in the minutes, from PUD: Planned Unit Development to LB: Local Business as submitted by Sean Dolle of Grounded Engineering.

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. Councilwoman Lee voted against.

A copy of Rezoning Ordinance 13-REZ-09 is attached to these minutes.

At this time, Councilman VanFossen asked to be excused because he did the original plan for the subject property of the next item on the agenda.

Action: The Council approved a motion to excuse Councilman VanFossen due to his association with the subject property.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

6d. Public Hearing: Rezoning Petition 13-REZ-08 – Mr. Ryan said the Town has received a request to rezone property at 301 Grigsby Avenue, located at the intersection of Grigsby Avenue and Rogers Street. The applicant is requesting to rezone the property from R-10: Residential to TV: Town Village. A single family dwelling currently exists on the 0.16 acre property. He said the property is located within the Village District Area Plan, and the requested TV: Town Village zoning district is consistent with the Mixed Use land use designation.

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

Larry Fleszar, 400 Nevis Drive – Mr. Fleszar is the applicant and spoke in favor of the rezoning so that he can proceed with property improvements and rezoning is required due to its nonconformance.

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

Action #1: The Council approved a motion to accept the following statement as being true: *“The requested zone map change from R-10: Residential to TV: Town Village is consistent with the Vision of Holly Springs Comprehensive Plan since the Future Land Use Plan and the Village District Area Plan indicate this property as Mixed Use and the TV: Town Village district allows for a wide range of commercial, business, and residential land uses.”*

Motion By: Cobb

Second By: Williams

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 13-REZ-08 to approve Zone Map Change Petition #13-REZ-08 to change the zoning of 0.16 acres of Wake County PIN # 0649907718, as described in the ordinance and recorded in the minutes, from R-10: Residential to TV: Town Village as submitted by Lawrence and Gail Fleszar.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

A copy of Rezoning Ordinance 13-REZ-08 is attached to these minutes.

Action: The Council approved a motion to readmit Councilman VanFossen into the meeting.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

6e. Public Hearing: Rezoning Petition 13-REZ-10 – Ms. Holloman said the Town has received a request to rezone three parcels totaling approximately 2.01 acres from R-15: Residential and R-MF-8: Residential to LB: Local Business. She said the parcels are located along Avent Ferry Road between G.B. Alford Highway and Cotten Lane. The intent, she said, would be to provide a wide range of uses for the benefit of neighbors.

Councilman Cobb noted that the required neighborhood meeting had been held and minutes indicated that there were no concerns of neighbors.

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

There were no comments, and the public hearing was closed.

Councilman Sack noted that the rezoning would compliment the development of the Rex property into a hospital

Action #1: The Council approved a motion to accept the following statement as being true: *“The requested zone map change from R-15 and R-MF-8 to LB is consistent with Vision Holly Springs: Comprehensive Plan since the plan designates this area for a wide range of commercial uses.”*

Motion By: Williams

Second By: VanFossen

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 13-REZ-10 to approve Zone Map Change Petition #13-REZ-10 to change the zoning of approximately 2.01 acres of Wake County PINs# 0648891455; 0648892529; and 0648893512, as described in the ordinance and recorded in the minutes, from R-15: Residential and R-MF-8: Residential to LB: Local Business as submitted by Withers & Ravenel.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

A copy of Rezoning Ordinance 13-REZ-10 is attached to these minutes.

6f. Public Hearing: Rezoning Petition 13-REZ-11 – Mr. Ryan said the Town has received a request to rezone property at 3519 Crittenden Lane, located southeast of the intersection of N. Main Street and Sunset Lake Road/Old Smithfield Road in the northern portion of the Town limits. The applicant is requesting to rezone the property from R-MF-8: Multifamily Residential to R-10: Residential. The parcel was rezoned in 2000 to R-10 SUD: Residential Special Use District in order to allow for a multi-family building to be constructed with a Special Use Permit. An eight-unit senior apartment building originally was proposed for this site back in 2001; however, plans for that project never came to fruition and the property has remained vacant since.

He said in 2002, the new Unified Development Ordinance was adopted, and this parcel was given the designation of R-MF-8: Residential Multi-family in order to conform to the new zoning classifications of the UDO. The applicant is requesting the zoning of this property be designated back to R-10: Residential district.

Mr. Ryan said that while staff believes that the requested R-10: Residential zoning designation is not in conformance with the mixed use designation of the Future Land Use Plan, the R-10: Residential district provides an appropriate density and compatible use for the area along Crittenden Lane. Staff believes that the R-MF-8: Multifamily Residential zoning district is much less compatible with existing land uses surrounding the property. Since the area surrounding Crittenden

Lane remains largely undeveloped, a mix of uses including commercial, business, and residential, is possible once the area becomes more developed in the future.

With that explanation completed, Mayor Sears opened the public hearing.

There were no comments, and the public hearing was left opened.

Action: The Council approved a motion to continue the public hearing on proposed Zone Map Change Petition #13-REZ-11 to the Oct. 1, 2013 Town Council meeting.

Motion By: Sack

Second By: Williams

Vote: Unanimous

6g. Public Hearing: Rezoning Petition 13-REZ-12 – Ms. Holloman said the Town has received a request to rezone one parcel totaling approximately 0.42 acres from R-15: Residential to LB: Local Business. The parcel is located along Avent Ferry Road between G.B. Alford Highway and Elm Street.

With that explanation completed, Mayor Sears opened the public hearing.

There were no comments, and the public hearing was left opened.

Action: The Council approved a motion to continue the public hearing on proposed Zone Map Change Petition #13-REZ-12 to the Oct. 1, 2013 Town Council meeting.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

At this time, Councilman VanFossen asked to be excused because he did the architectural work for the subject property of the next item on the agenda.

Action: The Council approved a motion to excuse Councilman VanFossen due to his association with the subject property.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

6h. Public Hearing: Special Exception Use Petition 13-SEU-03 – Mr. Ryan said the Town has received a request for a Special Exception Use for a 5,000 square foot fitness center to be located at 121 Quantum Street. The property is 1.29 acres and is located in the Omni Business Park.

He said the fitness center is proposing to use the existing building on the property. No exterior building modifications are proposed for the project; however, the existing pavement area would be restriped to accommodate additional parking. The property includes a total of 22 parking spaces on the eastern side of the property and directly adjacent to the building. An additional nine parking spaces will be striped using existing pavement. The site would be accessed by the driveway located on Quantum Street.

He said in conjunction with the Special Exception Use request, the applicant has submitted an application for a waiver of regulations of UDO Section 7.04, Off-Street Parking Regulations for Petition #13-SEU-03 for Omni Fitness Center, to allow for a reduction in the number of off-street parking spaces by two spaces, or six percent, from 33 parking spaces to 31 parking spaces.

Councilwoman Williams asked why the two spaces were not added at this time.

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:

David Sharpe, the applicant – Mr. Sharpe responded to the question. He said the person building the fitness center based his business plan on an industry standard of 22 spaces. He said the Town is requiring 33 spaces, and he is trying to meet his tenants needs and the Town's needs by banking the two spaces.

Rick Borelli -- Mr. Borelli is the tenant and testified that the industry standard is 22 for his size of club and expected use.

There being no further 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 Special Exception Use Petition #13-SEU-03 for Omni Park Fitness Center to allow a Fitness Center in the RT: Research and Technology District as submitted by David Sharpe.

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: Sack

Second By: Cobb

Vote: Unanimous

A copy of Special Exception Use Petition 13-SEU-03 addressing the findings of fact is attached to these minutes.

Action #2: Having made necessary findings of fact, the Council approved a motion to approve a waiver of regulations of UDO Section 7.04, Off-Street Parking Regulations for Petition #13-SEU-03 for Omni Fitness Center to allow for a reduction in the number of off-street parking spaces by two spaces, or six percent, from 33 parking spaces to 31 parking spaces as submitted by David Sharpe, with the following two conditions:

1. All parking spaces shall be striped in accordance with Town standards.
2. If deemed necessary at any time, the two parking spaces placed into the land banked area shall be constructed.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

A copy of the variance application addressing the findings of fact is attached to these minutes.

Action #3: Having made findings of fact, the Council approved a motion to approve Special Exception Use Petition #13-SEU-03 for Omni Fitness Center as prepared by David Sharpe with the following condition:

1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 13-SEU-03.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

Action: The Council approved a motion to readmit Councilman VanFossen into the meeting.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

7. 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:

7a. Minutes – The Council approved minutes of the Council's regular meeting held Sept. 3, 2013.

7b. Budget Amendment Report – The Council received monthly report of amendments to the FY 2013-14 budget approved by the interim town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Budget Amendment, \$1,079,525 - The Council adopted an amendment to the FY 2013-14 budget in the amount of \$1,079,525 to transfer funds from Water Reserves to cover Harnett County capacity debt payment and water tank maintenance. *A copy of the budget amendment is attached to these minutes.*

7d. Job Reclassifications – The Council approved changes to four personnel positions.

8a. Holly Springs Business Park NCDOT Funding – Ms. Sudano said that over the past nine months or so, the Town has pursued funding for a new roadway extension into the Holly Springs Business Park after the current connection (Irving Parkway) was converted to a right-in/right-out by the superstreet road improvements recently undertaken in the area. She said that Carl Dean and Mayor Sears were successful in procuring a special appropriation to fund this project from both Senator Tamara Barringer and Representative Nelson Dollar.

Ms. Sudano said the engineer's preliminary cost opinion was \$1.1 million (construction portion around \$900,000.) Since initial estimating, the cost projections have been refined and revised to include land acquisition, permitting, and other expenses. The latest cost estimate is \$1.4 million, although every effort will be made to reduce this cost. The attached NCDOT municipal agreement and resolution provides for a \$400,000 contribution toward the project.

The Town will be responsible for the balance of costs.

Town staff likely will recommend funding the Town portion of this project out of a combination of water reserves (for a waterline) and street reserves. This would be solidified once design is complete and construction numbers are known.

Action: The Council approved a motion to adopt Resolution 13-37 to enter into a municipal agreement with NCDOT to accept funding participation in the construction of additional access for Holly Springs Business Park.

Motion By: VanFossen

Second by: Sack

Vote: Unanimous.

A copy of Resolution 13-37 is attached to these minutes.

8b. Holly Springs ETJ – This item was removed during agenda adjustment.

9. Other Business: Councilman Sack urged the public to support the upcoming bond referendum; he addressed the topic of town debt. He said everyone in today's society has debt and it is not necessarily bad thing. He said it is how you manage the debt that is important, and he noted that Local Government Commission and top financial reporting agencies like Standard and Poor and Moody's have upgraded the Town's bond rating because it is so good at managing its debt to provide services and facilities for citizens.

He said the Town is managing its debt well and that should be taken into consideration when people talk about debt.

Mr. Bradley introduced Adam Huffman, the town's new assistant parks and recreation director.

10. Manager's Report: Mr. Simmons reported on a number of events and programs.

11. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss litigation regarding Bass Lake Park.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

General Account of Closed Session – Sept. 17, 2013.

In general, Council received an update from Mr. Schifano on a matter of litigation. Mr. Schifano reported that a jury awarded a property owner \$145,000 as payment for a Bass Lake Road shoreline easement that was taken by the town a few years back.

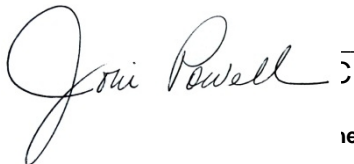
No further action was made in closed session.

The Council approved a motion to return to open session, and the motion carried unanimously.

-- End of General Account

12. Adjournment: There being no further business for the evening, the Sept. 17, 2013 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Oct. 1, 2013.

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These minutes follow and are a part of the official record.

