

Holly Springs Town Council Minutes

Regular Meeting April 18, 2006

The Holly Springs Town Council met in regular session on Tuesday, April 18, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:05 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened. A quorum of the Planning Board also was established as six members were in attendance.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Peter Atwell and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Planning Board Members Present: Matt Johnston, Joe Signoretti, Joe Fanjoy, Raymond Cordon, Deidre Brice and Glen Myrto.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Scott Hammerbacher, planner I; Kendra Stephenson, senior engineer; Stephanie Sudano, director of engineering; Mark Andrews, public information officer; Drew Holland, finance director; Elizabeth Goodson, development review engineer; Heather Keefer, environmental inspector; and Jenny Mizelle, director of economic development.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Doug Parlin of Grace Baptist Church.

4. Agenda Adjustment: The April 18, 2006 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Dickson

Second By: Atwell

Vote: Unanimous

Items Added to the Agenda: A public hearing on the CDBG Scattered Sites program was added as a topic of a special meeting being set on the Consent Agenda for noon Friday, April 28, 2006.

Agenda Items Removed: Item 8b., a discussion on downtown land banking.

Other Changes: None.

5. Holly Springs Chamber of Commerce Quarterly Report – Mr. Scoop Green of the Holly Springs Chamber of Commerce updated the Town Council with the Chamber's quarterly report of the agency's programs and activities.

Action: None.

6a. Public Hearing: PUD Amendment 02-PUD-01-A01 for Trotters Village (Morgan Park) – Mr. Jones explained that the developers of Trotter's Village, now known as Morgan Park, are proposing amendments to the PUD plan, which would reduce the units per acre and the total number of units. Mr. Jones said the amendment also relocates the townhomes to the center of the project, instead of near the rear.

Mr. Jones said the previously-approved Trotter's Village PUD was designed as neo-traditional development with single-family and townhomes and a commercial component. He said the original PUD lot sizes ranged in size from 4,400 to 20,000 square feet. He said the amendment proposes to rearrange the single-family lots and townhomes in the development. He said the amendment proposes lot sizes ranging from 5,000 to 20,000 square feet and decreased the total number of units from 172 to 171. The density of 2.05 units per acre compared to the original PUD of 3.54 units per acre. He said the amendment has added open space to 30.01 acres, up from the 23.21 acres of open space in the original PUD. This is approximately 36% of the project area in open space.

Mr. Jones said the amendment does reduce the commercial component of the project down from 73,250 square feet of retail/office space to 60,000 square feet of retail/office space.

Mr. Jones summarized the amendments the developer is requesting as follows:

- * name change from Trotter's Village to Morgan Park;
- * parcel layout – includes the acreage, lots, streets, utilities, and storm drainage/ponds;
- * lot size, lot count and distribution;
- * creating single-family and townhome lots without public street frontage;
- * commercial parcel acreage adjustment as well as building size and parking;
- * Neighborhood Village designation was changed to Local Business;
- * tree protection fencing was adjusted to match parcel layout;
- * street cross sections were changed to match Town regulations, including sidewalk locations; and
- * includes a village house and patio home detail with 0' lot lines.

Mr. Jones reported there would be access from Avent Ferry Road at a new intersection that will eventually line up with Piney Grove-Wilbon Road (once re-aligned). He said the plan provides a connection into the existing Trotter Bluffs once constructed. He said Avent Ferry Road would be widened per the Thoroughfare Plan to a 74' back to back roadway on a 100' right of way.

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

Tom McKay, 1140 Holly Springs Road -- Mr. McKay is developer of the project. He said he envisions a project whereby units are situated facing a grassy commons, rather than facing streets. He said the home prices would range from \$250K to \$400K. He said he feels the amended plan is a step up from the original plan because it results in a better housing arrangement and safer traffic flow.

Mr. McKay did note conflicting information regarding the commercial square footage. He said he did not believe his amendment would actually reduce the commercial square footage. He said he would work with staff to clear up any confusion. He wanted Council members to know, however, that the amendment does actually increase the acreage of commercial area – only slightly -- but that there would be no change to the commercial square footage.

Charles Schahd, 909 Stable Ridge Drive – Mr. Schahd asked if an environmental study had been conducted on this site. He expressed concern about construction noise in the daytime. He asked what kinds of businesses would be allowed in the commercial area.

Debbie Franzon, 1212 Happy Trails – Ms. Franzon expressed concern that Morgan Park would not be in keeping with the 2-acre and plus lots that are situated along Logging Trail and Happy Trails next door.

Robert Forcum, 1004 Logging Road – Mr. Forcum said he still has the same concerns he had three years ago when Trotters Village was approved. Those concerns centered around density in relationship to the multi-acre parcels along Logging Road. Mr. Forcum said he was concerned that on-street parking would pose a safety hazard in the new development.

Mr. Forcum also pointed to the congestion that already exists on Avent Ferry Road, which will be further aggravated by the addition of Morgan Park.

He also noted the open space that is mentioned in the plan. He said the open space is large, but it is all located to the rear of the parcel and is not useable for active recreation.

Mr. Forcum also questioned the need for the commercial component with the proximity of proposed commercial development in the rear.

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

Councilman Atwell pointed out that the density calculations appear to provide a less dense development, but when the original plan calculations were devised, the open space was compared to total area. The new calculations for Morgan Park are compared to developable area.

Mr. Jones agreed.

Action: The Council approved a motion to forward Planned Unit Development application 02-PUD-01-A01 for Trotter's Village (Morgan Park) PUD to the Planning Board for further review and recommendation.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous

6b. Public Hearing: 06-SEU-02, 100 Avent Pines Lane -- Mr. Hammerbacher explained that the applicant is requesting a Special Exception Use to allow a family child care operation at 100 Avent Pines Lane within the Holly Glen subdivision. He said the Town's Unified Development Ordinance (UDO) allows the maximum of eight children within a registered family child care home and the applicant is proposing to care for four children. He said the hours of the proposed business would be from 6:30 a.m. till 5:30 p.m., Monday through Friday.

Mr. Hammerbacher said both staff and the Planning Board recommend approval with conditions.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded:

Robert Blake, 331 Sycamore Creek Drive – Mr. Blake said that Holly Glen Subdivision has covenants with protections

against signs. He said he just wanted to point that out, even though he realizes the Town would not be enforcing the provisions of homeowner covenants.

Mr. Hammerbacher reported that the applicant's petition notes that no signage would be used.

Scott Swann, 112 Avent Pines Lane – Mr. Swann said some of his questions had been answered. He said he still has a question, however, about the limit of eight children.

Councilman Atwell asked that the covenants Mr. Blake mentioned be included in the record of this case.

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

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-02 to allow a Family Child Care Home to be located at 100 Avent Pines Lane as submitted by Cathy Russel.

- 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: Atwell

Second By: Womble

Vote: Unanimous

A copy of Special Exception Use application 06-SEU-02 entered into the record by the applicant and addressing the findings of facts 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 #06-SEU-02 as submitted by Cathy Russell, with the following conditions:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation (this is a standard condition and will not likely apply to this project since HOA covenants prohibit signs.)
2. All additional state and local permits and approvals will be required prior to the business opening.

Motion by: Atwell

Second By: Dickson

Vote: Unanimous

A copy of the Holly Glen Covenants entered into the record by Councilman Atwell and addressing signs is incorporated into these minutes as addendum pages.

6c. Public Hearing: 208 Crossfire Road, 06-SEU-03, for Family Child Care Home – Mr. Hammerbacher explained that the applicant is requesting a Special Exception Use to operate a family child care home within her residence located at 208 Crossfire Road in the Valleyfield subdivision. He said the Town's Unified Development Ordinance (UDO) permits a maximum of eight children to be cared for within a registered family child care home and the applicant is proposing to care for no more than five children. He said the proposed hours of the business operation would be from 7:00 a.m. till 6:30 p.m., Monday through Friday.

Mr. Hammerbacher said both staff and the Planning Board recommend approval with conditions.

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

None.

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-03 for Susie's Zoo located at 208 Crossfire Road to allow for a Family Child Care Home as submitted by Susan Kirk.

- 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: Atwell

Second By: Dickson

Vote: Unanimous

A copy of Special Exception Use application 06-SEU03 entered into the record by the applicant and addressing the findings of facts 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 #06-SEU-03 Susie's Zoo as submitted by Susan Kirk, with the following conditions:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation.
2. All additional state and local permits and approvals will be required prior to the business opening.

Motion by: Atwell

Second By: Womble

Vote: Unanimous

6d. Public Hearing: Annexation Ordinance A06-06, Shoppes at Holly Springs - Mr. Jones explained that the Town has received a petition for voluntary annexation filed by the developer of Shoppes at Holly Springs, requesting annexation of 51.438 acres. He said 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 input, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A06-06 annexing 51.438 acres owned by Holly Springs Retail Investment, LLC, and more particularly described as Wake County Pins: 0648.12-86-8655; 0658.09-06-4343; 0658.09-06-3232; 0648.12-96-8739; 0648.12-97-8033; 0658.09-06-0224; 0658.09-06-1775; 0658.09-06-0615, into the corporate limits of the Town of Holly Springs.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

A copy of Annexation Ordinance A06-06 is incorporated into these minutes as addendum pages.

6e. Public Hearing: Zoning Map Change 06-REZ-03, and Growth Plan Amendment, 06-GPA-02 for Shoppes at Holly

Springs - Mr. Jones explained that the Town has received a request for a Growth Plan amendment 06-GPA-02 for the properties located at the corner of Ralph Stephens Road and the Highway 55 Bypass, changing the Land Use designation from mixed use to commercial. He said the uses in the commercial designation allows power centers, including high volume, high intensity commercial uses that may be characterized by outdoor display or sales of merchandise.

Mr. Jones said the applicant also is requesting that the Council consider rezoning the 42.891 acres from R-20: residential to CB: Community Business. He said the proposed zoning is consistent with the surrounding area.

Mr. Jones said both staff and the Planning Board recommend approval for both the Growth Plan amendment and the rezoning petition.

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

There being no input, the public hearing was closed.

Action #1: The Council approved a motion to approve Ten-Year Comprehensive Growth Plan Amendment 06-GPA-02 to change the future land use designation of 50.793 acres of Wake County PINs # 0648978033; 0658060615; 0658061775; 0648968739; 0648868655, 0658064343, 06580633232, and 0658060224 from Mixed Use to Commercial as submitted by Arthur Kepes of WRS, Inc..

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

Action #2: The Council approved a motion that the following statement is true: The zone map change is consistent with the Holly Springs Ten-Year Comprehensive Growth Plan pending approval of the recommended change from Mixed Use to Commercial for the subject properties.

Motion By: Dickson

Second By: Womble

Vote: Unanimous

Action #3: The Council approved a motion to approve Zone Map Change Petition 06-REZ-03 to change the zoning of 42.891 acres of Wake County PINs # 0648-97-8033; 0658-06-0615; 0658-06-1775; 0648-96-8739; 0648-86-8655, 0658-06-4343 from R-20: Residential to CB: Community Business as submitted by Arthur Kepes of WRS, Inc.

Motion By: Dickson

Second By: Atwell

Vote: Unanimous

6f. Public Hearing: Annexation Ordinance A06-07, Mable O. Holland - Mr. Jones explained that the Town has received a petition for voluntary annexation filed by Mable O. Holland, requesting annexation of 44.11 acres located along Piney Grove-Wilbon Road. He said 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 input, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A06-07 annexing 44.11 acres owned by Mable O. Holland, and more particularly described as Wake County PIN: 0648.04-63-6209, into the corporate limits of the Town of Holly Springs.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

A copy of Annexation Ordinance A06-07 is incorporated into these minutes as addendum pages.

6g. Public Hearing: Zoning Map Change 06-REZ-05 - Mr. Jones explained that the Town has received a petition to rezone approximately 44.11 acres from R-30: residential to R-10: residential. He said the property is located on Piney Grove-Wilbon Rd. south of Brayton Park.

Mr. Jones said staff and the Planning Board recommend approval.

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

William Kussellnim, 740 Piney Grove-Wilbon Road – Mr. Kussellnim asked if there was a site plan for the site. Mr. Jones said the town has a plan in review and that, although the Town Council cannot consider specific site plans when addressing the question of rezoning, Mr. Kussellnim could come into the office to get an idea of what is being proposed.

Mr. Kussellnim said he would, and he added that he felt medium-density residential might be too high density for the property.

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

Councilman Atwell said he also is concerned about density, but understands the medium label may be appropriate in

light of the high school site nearby.

Action #1: The Council approved a motion that the following statement is true: The zone map change is consistent with the Holly Springs Ten-Year Comprehensive Plan in that it preserves the medium-density designation for the use of the property.

Motion By: Atwell

Second By: DeBenedetto

Vote: Unanimous

Action #2: The Council approved a motion to approve the Zone Map Change Petition 06-REZ-05 to change the zoning of 44.11 acres of Wake County PIN: 0648-63-6209 from R-30: Residential to R-10: Residential as submitted by John Teel.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

In conversation, Councilmen Atwell and VanFossen suggested that lower densities may be appropriate for some of the properties in the new ETJ area.

Ms. Bobber said the timing of this suggestion is good because the Town is updating its Comprehensive Plan, including the land use designations.

6h. Public Hearing: Ordinance 06-07, UDO Amendment 06-UDO-03 - Ms. Bobber explained that during the 2005 Legislative year, the Legislature passed a series of bills that have updated the State's zoning and subdivision regulations. She said the proposed ordinance would amend UDO Sections 9.01, 9.02, 9.03, 9.05 and 11, to meet the new state requirements.

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 Ordinance 06-07 to approve and enact Unified Development Ordinance Amendment #06-UDO-03, North Carolina General Statute updates.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

A copy of Ordinance 06-07, (06-UDO-03) is incorporated into these minutes as addendum pages.

6i. Public Hearing: Shoppes at Holly Springs Developers Agreement - Mr. Schifano explained that pursuant to a new general statute, a public hearing is required in order for the Town to enter into a development agreement. He said the developer of the Shoppes at Holly Springs is requesting an agreement that sets forth some different aspects of signage and parking lot lights for the parcel. He said the agreement is in draft form and not ready for action by the Council; however, a public hearing notice was published.

Mr. Schifano said that staff requests the Council to open the public hearing and continue the public hearing until the May 2, 2006 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 continue the public hearing on a development agreement with the developer of Shoppes at Holly Springs until the May 2, 2006 Town Council meeting.

Motion By: VanFossen

Second By: Atwell

Vote: Unanimous

6i. Public Hearing: Ordinance 06-08, Flood Damage Prevention Amendment and FEMA Flood Insurance Maps - Ms. Keefer explained that the Town of Holly Springs obtained its first copies of Flood Insurance Rate Maps (FIRM) from the Federal Emergency Management Agency (FEMA) on March 3, 1992 when the Town entered into the National Flood Insurance Program (NFIP).

Ms. Keefer said the State Floodplain Mapping Program and FEMA completed the new FIRMs on a river basin by river basin basis. She said since the Town of Holly Springs is split into two river basins, there were two separate sets of maps and review time frames to meet in this process. The Neuse River Basin (primarily east of NC55) was published for review first.

Ms. Keefer explained that the State and FEMA used the Limited Detailed Study to remap the Cape Fear River Basin portion of Holly Springs (west of NC55). The Limited Detail Study is a new study that is based on new topographic data rather than field surveyed data. She said this type of study is much better than the original information used on the 1992 FIRMs, but

is not as detailed as the floodstudy created for the Neuse River Basin streams in 1992. She said in addition to the Limited Detail Study used to create the new maps for the Cape Fear streams, Wake County requested that future conditions data would be used to determine the 100-year future floodplain. The use of the future conditions to determine the 100-year floodplain is consistent with Town required flood studies.

Ms. Keefer said upon adoption, use of these maps will provide the following benefits to the community:

- The updated flood hazard data will provide current, accurate information for North Carolina communities and property owners to make sound siting and design decisions when rebuilding after flooding disasters, when building new structures and infrastructure, and when retrofitting existing structures.
- The use of the updated flood hazard data by communities for floodplain management will dramatically reduce long-term flood losses in the State of North Carolina.
- Updated flood hazard data will alert those at risk of flooding of the need to purchase flood insurance.
- It will be faster and cheaper to update FIRMs.
- Current, updated base maps and the digital format of the FIRMs will allow users to make more precise flood risk determinations.

Ms. Keefer said to meet the State and Federal requirements the Town needs to adopt the new Flood Insurance Rate Maps, and modify the Town's existing Flood Damage Prevention Ordinance.

Ms. Keefer said the Town changed the format of the current ordinance to meet the new State model ordinance and added modifications specific to the new maps adoption and enforcement. She explained that staff recently received additional information from the State and is currently incorporating this new text into the current draft of the Flood Damage Prevention Ordinance.

She requested that the Council open and continue the public hearing so staff can make sure that all State and Federal requirements have been addressed in the proposed ordinance revisions.

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

Robert Blake, 321 Sycamore Creek Drive – Mr. Blake asked if development would have to meet the new flood calculations.

Ms. Keefer explained that new developments have been subjected to the new regulations, even without the ordinance in place. She pointed out, however, that in many cases, the Town's requirements are stricter than the federal ones.

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

Action: The Council approved a motion to continue the public hearing until the May 2, 2006 Town Council meeting.

Motion By: Atwell

Second By: DeBnedetto

Vote: Unanimous

7. Consent Agenda: All items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved the minutes of the board's regular meeting held on March 21, 2006.

7b. Budget Amendment Report – The Council received a report of budget amendments #97 through #120 approved by the town manager. *A copy of the budget report is incorporated into these minutes as addendum pages.*

7c. Avent Ferry Road Pump Station Contract No. 2 Change Order – The Council approved change order No. 1 to the Avent Ferry Road Forcemain and Interceptor contract No. 2, in the amount of \$7,328.50 for the Avent Ferry Road pump station project. *A copy of change order No. 1 is incorporated into these minutes as addendum pages.*

7d. Flint Point Lane Construction Contract Change Orders – The Council approved contract change order No. 4 in the amount of \$6,978.88 and No. 5 in the amount \$3,961.11, for the Flint Point Lane construction project. *Copies of change orders No. 4 and No. 5 are incorporated into these minutes as addendum pages.*

7e. Avent Ferry Road Pump Station Landscaping Contract – The Council approved of entering a contract with Cloer Nursery in the amount of \$12,518 for landscaping at Avent Ferry Road pump station. *A copy of the bid tabulation sheet is incorporated into these minutes as an addendum page.*

7f. Resolution 06-21 – The Council adopted Resolution 06-21 directing the town clerk to investigate the sufficiency of annexation petition A06-08 and setting a public hearing on the question of annexation for Tuesday, May 2, 2006. *A copy of the Resolution is incorporated into these minutes as an addendum page.*

7g. Set Public Hearing for Avent Ferry Road and Fire Station Renovation Installment Financing – The Council set a special meeting for noon Friday, April 28 for the purpose of holding a public hearing on the Town's using installment financing to fund the widening of Avent Ferry Road and renovating Fire Station No. 1 and to receive input on the CDBG Scattered Sites housing rehabilitation program.

7h. Gable Ridge Lane Culvert – The Council approved of entering a contract with Wetherill Engineering in the amount of \$2,100, for annual inspections of the Gable Ridge Lane culvert. *A copy of Wetherill Engineering contract is incorporated into these minutes as addendum pages.*

8a. Shoppes at Holly Springs, 06-DP-04 – Mr. Hammerbacher said the town had received development plan application 06-DP-04 for Shoppes at Holly Springs. He said the plan proposes construction of a 203,819 square foot single-tenant retail store and 43,200 square feet of retail shops for 19 tenants within an integrated center. He said the integrated center is approximately 50 acres and is located along the southern side of the Hwy. 55 By-Pass adjacent to Ralph Stephens Road. He said the plan proposes five out-parcels with an average lot size of 1.3 acres in addition to a lease lot, which is .91 acres in size.

Mr. Hammerbacher said the petitioner is requesting approval of the development plan and waivers from certain UDO regulations, regarding the building colors, the design requirements for the western and rear elevations. Mr. Hammerbacher explained that the Council is to determine whether the findings of fact are met to grant the waivers to the UDO regulations that will allow those elements the applicant is requesting.

Mr. Hammerbacher said both staff and the Planning Board recommend approval with conditions.

Councilmen Atwell and Dickson said they hoped the landscaping would be adequate to soften the parking lot hardscape.

Councilman VanFossen said he thought it would be.

Developer Jim Price addressed the Council, saying that there would be several hundred trees on the site although they are hard to see on the reduced drawings.

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for a waiver to allow the number of allowable building colors to exceed three for the major anchor tenant building and the retail shops as submitted by Freeland and Kauffman, Inc., project #04.059 dated March 10, 2006.

- 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: Atwell

Vote: Unanimous

Action #2: Having made findings of fact that the project meets the requirements to be granted a waiver of regulations of UDO Section 3.03, B., 1., C., (2), (b), Architectural and Site Design Requirements for Commercial/Mixed Use Districts, to allow the number of allowable building colors to exceed three for the major anchor tenant building and the retail shops for Development Plan #06-DP-04, Shoppes at Holly Springs.

Motion By: VanFossen

Second By: Atwell

Vote: Unanimous

Action #3: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for a waiver to allow for a reduction in the number of additional design and appearance requirements from five to three for the western elevation of the major anchor tenant building as submitted by Freeland and Kauffman, Inc., project #04.059, dated March 10, 2006.

- (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: Atwell

Vote: Unanimous

Action #4: Having made findings of fact that the project meets the requirements to be granted a waiver of regulations of UDO Section 3.03, B., 1., C., (2), Architectural and Site Design Requirements for Commercial/Mixed Use districts, to allow for a reduction in the number of additional design and appearance requirements from five to three for the western elevation of the major anchor tenant building for Development Plan #06-DP-04, Shoppes at Holly Springs. **Motion By:** VanFossen

Second By: Dickson

Vote: Unanimous

Action #5: The Council approved a motion to make and accept the following findings of fact to be recorded in the

minutes for a waiver to allow for a reduction in the number of additional design and appearance requirements from five to two for the side and rear elevations of the retail shops as submitted by Freeland and Kauffman, Inc., project #04.059, dated March 10, 2006.

- (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: Atwell

Vote: Unanimous

Action #6: Having made findings of fact that the project meets the requirements to be granted a waiver of regulations of UDO Section 3.03, B., 1., C., (2), Architectural and Site Design Requirements for Commercial/Mixed Use Districts, to allow for a reduction in the number of additional design and appearance requirements from five to two for the side and rear elevations of the retail shops for Development Plan #06-DP-04, Shoppes at Holly Springs.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous

Action #7: The Council approved a motion to approve Development Plan #06-DP-04 for the Shoppes at Holly Springs as submitted by Freeland and Kauffman, Inc., project #04.059 dated March 10, 2006, with the following conditions:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation- temporary or permanent.
2. Prior to submittal of any Development Petition for the out lots- A statement of architectural compatibility shall be provided to the Department of Planning & Zoning.
3. The outdoor storage area for this site shall not exceed 20,000 square feet for the primary building.
4. Fee-in-lieu of pump station upgrade will be required
5. All NCDOT approvals for the full access on NC55 are required. A TIA has been completed for this development and is under review with NCDOT.
6. Staff recommends mast arm signal be installed for the new traffic signal at NC 55 bypass.
7. The following items are to be included with 1st construction drawing submittal (later in the approval process) *Note that these comments reflect modifications from the original ones per meeting on February 17th and conference call on March 17th.*
 - a. The 16" waterline is currently located on the NE side of NC55. Please show required connection to tie this waterline across NC55 by bore and jack & extend with a 12" line along Ralph Stephens Road along the entire roadway frontage of this property. It is our understanding that the developer is discussing with the adjacent property's developer how to share in the installation of this line. This waterline extension along the entire property frontage along Ralph Stephens Road is a requirement of this development and will need to be provided.
 - b. Provide a drainage area map and supporting calculations.
 - c. All environmental permits for the entire project will be required
 - d. Show and label 100 year storm backwater easements (to be recorded) at stream crossings and storm drainage inlets; provide 100 year calculations accordingly.
 - e. A flood study will be required for this project. (The developer has indicated that it will be received prior to construction drawing review.):
 1. Submit 2 copies (hard and electronic) of flood study for proposed pond.
 2. If storm drainage pipes do not meet the minimum required 0.5% slope, a written maintenance plan will need to be provided to ensure proper drainage of the on site storm drainage system and maintenance will be the responsibility of the property owner.
 3. Show the 100 year elevation and backwater on the proposed pond.
 4. Evaluate downstream of your outlet and provide adequate calculations to demonstrate that the 100 year storm event can be accommodated in channel and pipe systems that are provided.
 5. The re-routing of the upstream cross line pipe will not need to be sized for the 100 year future land use but calculation must be provided and overflow routes shown along this route for the 100 year storm. For the area draining towards NC 55, the 100 year post-development runoff will need to be equal to the pre-development runoff per Town policy.
 6. Show 20' maintenance easement surrounding pond and dam.
 7. The Town is currently doing a basin wide flood study of this area. The developer will be responsible for reimbursing

the Town for a portion of the study based on contributing flow if any is to be sent towards NC 55 bypass.

- f. A cross-access easement along the property line between out parcels #4 and #5 to provide access to out parcel #5 will be required.
 - g. No deep rooted vegetation will be allowed to be planted along the center 10' of the drainage easement for the drainage pipe along Ralph Stephens Road and the southern portion of the pond.
 - h. Water and sewer shall be extended to all upstream properties. It appears that the parcel that was proposed to be used for the school is not currently providing utility stubs. It also appears that the sewer stub previously discussed for the Stephens property across Ralph Stephens Road is not provided. Show/document that public gravity sewer and water stubs-outs are provided to all upstream properties or provide written documentation from the property owner verifying that they will not need sewer in that location. Please include a map showing the sewer service area for any manholes that will provide a stub to an upstream property.
 - i. Revise plans to reflect the new right-of-way for Ralph Stephens Road to be 65' along the entire property frontage.
 - j. A development agreement is currently being negotiating with this project and it is anticipated that the following will be included. There may be additional items that may be included once Development Agreement is finalized.
 - i. Public sewer service will be provided by the town to the property line.
 - ii. Possible waterline configuration changes
 - iii. Cost sharing of a mast arm signal at the new intersection of NC55 bypass.
8. Prior to issuance of the first Building Permit for this project,
- a. A Development Agreement amending the allowed height of the parking area outdoor light fixtures and to allow the integrated center to include additional ground signage within the development for the out parcels and to allow a sign that is greater in height and area for the integrated center must be approved by the Town Council, or the plans must be amended to meet the Town Standards in place at the time of Building Permit submittal.
 - b. The developer is to submit detailed building material samples and colors to the Department of Planning & Zoning for review and approval.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous

8b. Downtown Land Banking Strategy – This item was removed from the agenda during agenda adjustment.

8c. Comprehensive Plan Steering Committee Appointments – Mr. Jones explained that on April 4, the Town Council authorized staff to enter into formal contract negotiations with Design Based Planning to complete a new Comprehensive Plan for the Town. He said the consultant has asked, as part of their planning method, that the Town appoint 12 or so people to a steering committee. Mr. Jones said this committee will be the advisory committee that will offer comments throughout the process, starting with the first meeting, which will be during the first week of May.

Councilman Dickson suggested that a representative be someone from the Wake County Public School System growth management department.

Mr. Jones said the consultant has put together a list of potential persons whom they normally would have on a steering committee. The list includes the following positions with names supplied in bold for those who the Council appointed:

- a Town Councilman, **Chet VanFossen**
- a Planning Board representative, **Joe Fanjoy, pending Planning Board agreement**
- a Board of Adjustment representative, **Jimmy Cobb**
- a Chamber of Commerce representative, **Bob Meyers, pending his agreement (or Susan Aldrich, as an alternate).**
- a realtor/developer (residential), **Bill Shankle**
- a realtor/developer (commercial), **Brenda Compton**
- Progress Energy, **Pat Gilliard**
- Wake County Schools, **an official from the growth management division TBD**
- from the ETJ, **Jim Wright**
- 3-5 residents, **George Sharpe, John Wood, Bob Blake, Larry Dewar, Ken Jarvis.**

Action: The Council directed that the above-named persons be notified of their appointment to the steering committee.

9. 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.

William Kusselnim -- Mr. Kusselnim commented that the town council seemed to have nominated folks to the comp plan steering committee who are pro-growth. In reference to the Shoppes at Holly Springs, he commended the town for working with the developer to minimize light pollution.

10. Other Business: none

11. Manager's Report: none

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss with the town attorney particulars involving matters of easement acquisition related to fire station.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

General Account of Closed Session – April 18, 2006

In Closed Session, the town manager and Council updated Council members on a proposed economic development prospect, and the town attorney updated the Council on a matter of right of way acquisition related to the fire station construction project. Council gave the town attorney direction.

-- End General Account

The Council approved a motion to return to Open Session. The motion was made by Councilman Dickson, seconded by Councilman Womble and carried unanimously.

12. Adjournment: There being no further business for the evening, the April 18, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Womble, a second by Councilman Atwell and a unanimous vote.

Respectfully Submitted on Tuesday, May 16, 2006.

Joni S. Powell, CMC, Town Clerk

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