



**Oct. 21, 2014**

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 21, 2014 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, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Daniel Weeks, senior projects manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Leroy Smith, fire chief; Irena Krstanovic, economic development coordinator; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Elizabeth Goodson, development review engineer; Tamara Ward, communications specialist and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Todd Cole of Lifespring Church.

**4. Agenda Adjustment:** The Oct. 21, 2014 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda:** None.

**Items added to Agenda:** None.

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

**Other changes:** None.

At this time, Mayor Sears and the Town Council recognized Stephanie L. Sudano on her pending retirement after 20 years of service with the Town of Holly Springs. The mayor read a proclamation and presented Ms. Sudano with a key to the city.

**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 comments were recorded: None.

**6a. Public Hearing: Annexation Petition A14-06** – Ms. Holloman said the Town has received a petition for voluntary annexation of 17.837 +/- acres located along Holly Springs-New Hill Road. The property owner is Wake County Public School System, and the property is contiguous with the city limits.

She said the petition meets all the statutory requirements for annexation.

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

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A14-06 annexing 17.837 +/- acres owned by Wake County Public School System, and more particularly described as Wake County Pin's: 0639.95-5904; 0639.96-6073; 0639.95-8539; and 0639.95-8820, into the corporate limits of the Town of Holly Springs.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Annexation Ordinance A14-06 is attached to these minutes.*

**6b. Public Hearing: Rezoning Petition 14-REZ-11** – Mr. Ryan said the Town has received a request for a zone map change for properties located along Bibleway, directly adjacent to the recently-approved Wescott Way subdivision. The parcels are vacant and total approximately 8.43 acres. The applicant is requesting to rezone the properties from R-10 CU: Residential Conditional Use to R-10: Residential to remove all the conditions approved as part of the previous conditional use rezoning.

He said the current conditions are:

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

He said the proposed changes are to remove all conditions.

Mr. Ryan said the zoning conditions are offered by the property owner to be placed on the property and are not required by the Town. In order to change or remove conditions offered and approved as part of a rezoning, a new application for rezoning must be submitted and approved.

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

There being no comments, the public hearing was closed.

Councilman Dickson commented that the conditions requested in the original petition seemed to be more strict than removing them and would not be in favor of a change.

**Action #1:** The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-10 CU: Residential Conditional Use to R-10: Residential is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as residential and not located within a high-density growth node. The R-10 Residential District will allow this designation to be carried out by being an appropriate density for this area."*

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-11 to approve and enact Zone Map Change Petition #14-REZ-11 to change the zoning of 8.43 acres of Wake County PINs # 0669369319, 0669369255, 0669369178 & 0669453807 from R-10 CU: Residential Conditional Use to R-10: Residential as submitted by Baker and Company.

**Motion by:** Cobb

**Second by:** Williams

**Vote:** The motion carried following a 4-1 vote. Councilmen Cobb and Sack and Councilwomen Lee and Williams voted for the motion. Councilman Dickson voted against.

*A copy of Zoning Ordinance 14-REZ-11 is attached to these minutes.*

**6c. Public Hearing: Special Exception Use Petition 14-SEU-07** - Mr. Ryan said the Town has received a request for a fitness center, which will be operated as CrossFit Zeal, to be located within the existing 171 Tradition Trail industrial warehouse development. The proposed facility, adjacent to the Daniel Dhers Action Sports Complex, will be approximately 5,000 square feet. He said that CrossFit Zeal currently operates at 206 Premier Drive in the Holly Springs Business Park and is moving to a larger location.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was offered by those who had been administered the oath by the deputy town clerk: None.

There being no testimony, the public hearing was closed.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #14-SEU-07 for CrossFit Zeal to allow for a Fitness Center in the RT: Research & Technology District as submitted by CrossFit Zeal.

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:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-07 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, motion to approve Special Exception Use Petition #14-SEU-07

for CrossFit Zeal to allow for a Fitness Center in the RT: Research & Technology District as submitted by CrossFit Zeal, dated 8/15/2014 with the following (2) condition(s):

1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 14-SEU-07.
2. Upon determination by the Director of Planning & Zoning that additional parking is needed, the additional 17 parking spaces located in the reserved land banked parking area approved in conjunction with Development Plan #09-DP-03-A02 for Holland Industrial Park Lot 2, shall be constructed within 60 days of notification.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**6d. Public Hearing: UDO Text Amendment 14-UDO-02** - Ms. Clapp said staff is requesting to modify the dates that the Board of Adjustment and Planning Board are appointed for their terms of service. Currently the three-year terms for these boards are Jan. 1 to Dec. 31.

She said the busy holiday season and the fact that the Wake County Board of Commissioners does not have a second meeting in December brings about a situation in which we are not being notified until the week of a BOA meeting whether the extraterritorial jurisdiction member appointments have been made. Staff is requesting to change the terms to March 1 to the last day of February so that appointments can be made at the second Town Council meeting of January, which will provide adequate time for the Wake County Board of Commissioners to affirm the appointments of the ETJ members and to provide for more adequate and individual training for each board instead of a single training session that we have been completing.

She said this ordinance also will extend the terms of the existing in-town members to the last day of February for their expiration year and is requesting that Wake County also extend the terms for the ETJ members the same.

**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. The proposed UDO Amendment provides the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan."*

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #14-08 to approve and enact UDO Text Amendment #14-UDO-02 to modify the text of the Unified Development Ordinance as submitted by Town of Holly Springs.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance 14-08 is attached to these minutes.*

**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 meeting held Oct. 7, 2014.

7b. Mobile Doc, LLC Contract – The Council approved to enter a contract in an amount not to exceed \$15,000 with Mobile Doc, LLC, for health screening and physical exam services for the fire department.

7c. North Main Athletic Complex Project -- The Council approved an amendment to a Withers and Ravel contract for extra surveying and engineering work in the North Main Athletic Complex project. *A copy of the budget amendment is attached to these minutes.*

7d. East Side Regional Pump Station – The Council approved entering into a contract with Mauldin and Watkins for surveying services for the east side regional pump station. *A copy of the budget amendment is attached to these minutes.*


**8. Other Business:** None requiring Council action.

**9. Manager’s Report:** None requiring Council action.

**10. Closed Session:** None.

**11. Adjournment:** There being no further business for the evening, the Oct. 21, 2014 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Nov. 4, 2014.

J  
T  
A  
 \_\_\_\_\_

minutes follow and are a part of the official record.

