



July 21, 2015

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 21, 2015 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 four council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen James Cobb, Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

Council Members Absent: Councilman Tim Sack.

Staff Members Present: Daniel Weeks, senior project manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Gina Clapp, planning and zoning director; Adam Huffman, assistant parks and recreation director; Mary Hogan, finance director; Laura Holloman, planner; Sean Ryan, planner; Elizabeth Goodson, development review engineer; Leroy Smith, fire chief; 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. Horace Ferguson, pastor emeritus of Holly Springs United Methodist Church.

4. Agenda Adjustment: The July 21, 2015 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Dickson

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.

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: Rezoning Petition 15-REZ-02- Ms. Holloman said the Town has received a request to rezone two parcels totaling 43.31 acres situated along Holly Springs New Hill Road, just west of the Ancient Oaks Drive entrance of the 12 Oaks subdivision.

She said the applicant is requesting to rezone the properties from PUD: Planned Unit Development (Finisterra) to R-10: Residential. The subject properties, along with present-day 12 Oaks, were once part of Finisterra PUD, which was a large-scale golf course master planned community. However, Finisterra never developed and 12 Oaks came into fruition and developed under its current boundaries and the two subject parcels were never included in the development equation. So then, although these parcels are technically zoned 'PUD,' it is an empty district because Finisterra is in fact expired and no longer exists.

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

Tom Spaulding, Spaulding and Norris—Mr. Spaulding, representing the landowner, addressed the Council to speak in favor of the rezoning request, saying the property is absolutely suited to be zoned residential since it not only is surrounded by residential property but because the Comprehensive Plan designates it as such. He also said that development of the property would provide the town with a much-needed extension of water and sewer utilities into the area.

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

Action #1: The Council approved a motion to accept the following statements as being true: *“The requested zone map change from PUD to R-10 is consistent with the Vision of Holly Springs Comprehensive Plan since the Vision Holly Springs Comprehensive Plan encourages the development of residential uses and indicates these properties as Residential on the Future Land Use Map. The R-10: Residential District will provide for residential uses and residential lot sizes consistent with the existing uses and existing lot sizes in the surrounding area.”*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

Action #2: The Council approved a motion to adopt ordinance 15-REZ-02 to approve and enact Zone Map Change Petition #15-REZ-02 to change the zoning of 43.31 acres of Wake County PIN #'s 0639534949 and 0639642273 from PUD to R-10: Residential as submitted by Spaulding & Norris, PA.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

A copy of Ordinance 15-REZ-02 is attached to these minutes.

6b. Public Hearing: Rezoning Petition 15-REZ-03 - Mr. Ryan said the Town has received a request to rezone two parcels of land totaling 14.87 acres situated along West Holly Springs Road, southeast of the Oak Hall Planned Unit Development, near the intersection with Blalock Street.

The applicant is requesting to rezone the properties from R-8 CU: Residential Conditional Use to R-8: Residential in order to remove one of the conditions approved as part of the previous conditional use rezoning. The properties were approved for a development options subdivision named “Downton” in 2014.

He said the zoning conditions are offered by the property owners to be placed on the property and are not required by the Town. A conditional use district allows the petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town’s Unified Development Ordinance. Once a petitioner has placed such conditions with the zoning map change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add additional conditions or make the proposed conditions more restrictive; however, additional conditions or regulations cannot be added to the petition by planning board or Town Council, nor can either board request additional conditions.

With that explanation completed, Mayor Sears opened the public hearing. The following was received via email Tuesday morning July 21 for inclusion in the public hearing comments of record:

Marc Cozzens, 313 Hallwood Ct. – Mr. Cozzens said in his email, “Of what I can recall, Lennar was supposed to develop this piece of property with detached garages and because the current house buying public wish to have their garage attached to the house and they have backed out of the project. A new developer has now come in to propose attached garage housing; and I have no issues with that; the adjoining Oak Hall community that I’m a part of has the same arrangement. The issue I have is that the density or number of uses allowed was set (I think) at 33

units and that the new developer would like some additional units. Whatever the number of houses to be built with the previous developer was agreed on, I believe that the same number should be kept as a maximum and no additional units should be allowed. I'm not sure if there will be any civil or layout plans to be presented tonight but I hope that the council will consider that the current number of houses allowed will be transferred to the new developer."

The following input was recorded from speakers at the meeting:

Peter CKnossen -- Mr. CKnossen addressed the Council to explain why the rezoning is being sought. He said the previous owner had requested the condition; however, it appears the current market does not support detached garages. For that reason, the rezoning request to remove the previously approved condition that the lots would have detached garages is being addressed.

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

Councilwoman Williams said she had a concern about on-street parking. Staff responded that the homes would be required to have two off-street parking spaces per lot and that the residential streets that are being required are not designed for on-street parking.

Action #1: The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-8 CU to R-8 CU is consistent with the Vision of Holly Springs Comprehensive Plan since the Village District Area Plan encourages the development of residential uses and indicates these properties as Residential on the Future Land Use Map. The R-8 CU: Residential Conditional Use District will provide for residential uses in the Village District and will expand upon the already built environment of the Village Core."*

Motion by: Williams

Second by: Dickson

Vote: Unanimous.

Action #2: The Council approved a motion to adopt ordinance 15-REZ-03 to approve and enact Zone Map Change Petition #15-REZ-03 to change the zoning of 14.87 acres of Wake County PIN #'s 0649735899 and 0649739880 from R-8 CU: Residential Conditional Use to R-8 CU: Residential Conditional Use as submitted by JVI Development, with the following conditions offered by the petitioner:

1. The minimum lot size shall be 5,000 square feet.
2. The use of vinyl siding shall be prohibited except for accent elements and soffits.
3. All homes shall have change in elevation of roof ridge or change in direction of roof ridge.
4. All homes shall have a foundation landscaping package.
5. All homes shall have façade modulation.
6. All homes shall have roof overhangs a minimum of 12 inches on all elevations.
7. All homes shall have a decorative or carriage style garage door.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of Ordinance 15-REZ-03 is attached to these minutes.

6c. Public Hearing: 15-UDO-02 Unified Development Ordinance Amendment- Mr. Ryan said the Town has received a request for a Unified Development Ordinance text amendment to UDO Section 2.02 R-20 Residential District. The amendment would be to allow communication relay towers by special exception use in the R-20 zoning district. If adopted, any proposed communication relay tower would be subject to the development standards contained in UDO Section 2.02 R-20 Residential District and the additional development standards contained in UDO Section 8.01 Special Regulations for Wireless Telecommunications Facilities. As a special exception use, any proposal would be subject to review by the Planning Board and approval by the Town Council after a public hearing.

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

Gray Styers – Representing the applicant, Mr. Styers addressed the Council to explain that the special exception use would provide the Council with the opportunity to decide whether a particular location is acceptable as a location for a tower. He noted that towers provide improved telephone service for residents.

There being no further input, 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. 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: Cobb

Vote: Unanimous.

Action #2: The Council approved a motion to adopt ordinance 15-08 to approve and enact UDO Text Amendment #15-UDO-02 to modify UDO Section 2.02 as submitted by Skyway Towers, LLC.

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

A copy of Ordinance 15-08 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 Dickson, a second by Councilman Cobb and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of Town Council meetings held May 19 and July 7, 2015.

7b. Greenscape Contract – The Council approved to enter a two-year contract with Greenscape for landscaping services at town facilities.

7c. Six Month Extension – The Council approved to grant a six-month extension for 12-DP-02 for New Hill Place Apartments to extend the expiration date from March 19, 2015 to September 19, 2015 as requested by Mike Hunter of Spring Investors, LLC.

7d. Resolution 15-24 – The Council adopted Resolution 15-24 designating signatories for the Town’s accounts at Yadkin Bank. *A copy of Resolution 15-24 is attached to these minutes.*

8. Other Business: None resulting in Council action.

9. Manager’s Report: None resulting in Council action.

10. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss acquisition of real property for right of way at Avent Ferry and the Hwy. 55 Bypass and for downtown development.

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In Closed Session, the Town Council talked about the right of way acquisition settlement authority for the residential property at Avent Ferry Road and the Hwy. 55 Bypass.

Mr. Schifano suggested a purchase price of \$19,000, which, he said, would be in keeping with the sales price per square foot of property in the area.

The Council approved a motion to authorize the Town Attorney to offer \$19,000 to the owners of property located at the corner of G.B. Alford Highway and Avent Ferry Road for the right of way taking in the Avent Ferry Road improvement project.

Motion by: Cobb
Second by: Lee
Vote: Unanimous

The Council discussed the potential sale of the old fire station property on Main Street at Earp Street. The buyer interested in bidding is the developer of an approved project called "Mosaic." The potential buyer had indicated he would be willing to pay \$225,000 for the lot. If accepted in an open meeting setting, then the offer would be advertised, and another buyer could submit an upset bid. The item was scheduled for the Aug. 4 meeting agenda.

Action: The Council approved a motion to reenter open session.

Motion by: Cobb
Second by: Dickson
Vote: Unanimous.

-- *End of General Account*

11. Adjournment: There being no further business for the evening, the July 21, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Aug. 4, 2015.

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

