



Feb. 21, 2017

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Feb. 21, 2017 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, Tom O'Brien and Hank Dickson, Peter Villadsen and Councilwoman Cheri Lee.

Council Members Absent: None.

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

4. Agenda Adjustment: The Feb. 21, 2017 meeting agenda was adopted with changes, if any, as listed below.

Changes: None.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous

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. Oath of Office - Mayor Sears said the Town Council appointed Dana Rybak to fill the in-town member seat vacated by the appointment of Peter Villadsen. Ms. Rybak's term will begin immediately with a term ending Feb. 28, 2019. Her first meeting will be Feb. 28, 2017.

Linda Harper, Deputy Town Clerk administered the Oath of Office to Ms. Rybak at this time.

Action: None.

7a. Public Hearing: Annexation Ordinance A16-04 – Ms. Capp said the Town has received a petition for voluntary annexation of approximately 1.18 +/- acres located at 5204 Old Adams Road. The property owner is Jerre Parker of Primera Homes I, LLC System and the property is contiguous with city limits.

Ms. Capp said the public hearing for this annexation petition was opened on Feb. 7 and continued to Feb. 21, 2017. The public hearing should be reopened and then continued to the March 7 Council meeting because we are waiting for some paperwork to be completed.

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

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

Action: The Council approved a motion to continue the public hearing on Annexation Ordinance A16-04 to resume at the March 7 Town Council meeting.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

7b. Public Hearing: Rezoning Petition 16-REZ-15 – Mr. Steinmann said the Town has received a request for a zone map change for property located adjacent to the Mills at Avent Ferry subdivision on Avent Ferry Road. The applicant is requesting to rezone the property from R-30: Residential to R-10CU: Residential Conditional Use. There are two single-family dwellings on the parcels. The requested R-10CU: Residential Conditional Use zoning is consistent with the comprehensive plan and intended to integrate with the surrounding R-10CU zoning that applies to the Mills at Avent Ferry development.

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 conditions with the zoning map change request, the conditions 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 the Planning Board or Town Council, nor can either board request additional conditions.

Mr. Steinmann said a historic house, the Needham Norris House, is located on the site. He reviewed the historic resource report from Capital Area Preservation that staff had requested the applicant have completed. This report indicates the house to be 90% original and would strongly encourage the preservation of the house. Staff has inquired with the applicant as to his willingness to preserve the house in place or to move the house to one of the newly-created lots in the proposed future subdivision.

The comprehensive plan recommends the following:

Community Character Objective #11:

- Ensure (or encourage) development proposals that are adjacent to known historic or cultural resources are (or should) include measures to protect those resources from demolition, including adaptive reuse strategies by encouraging developers to utilize existing historic structures and features into the design of new developments or relocating them to appropriate locations to maintain glimpses of the Town's past with its future.

At this time the applicant has not indicated a willingness to preserve the house in place or to move the house to a lot within the subdivision, though he has verbally indicated a willingness to allow the house to be relocated off-site at someone else's expense.

The property owner has offered the following conditions:

1. The conditions of rezoning #05-REZ-03 shall apply to this rezoning and shall be the only conditions retained at such time as Wake County PINs 0638618734 and 0638619778 are resubdivided. These parcels are intended to be developed as part of a common scheme with the subject parcels rezoned by rezoning #05-REZ-03.

For reference purposes, the conditions of rezoning #05-REZ-03 are:

1. Total project density will not exceed R-15 (2.25 units per acre) standards
On parcel 0637.02-79-8419, the density will not be more than 2 units per acre.

Jeffrey Smerko, 2515 Exeter Circle, Raleigh, the applicant explained to the Council the plans to remove, destroy or salvage parts of the historic house, the Needham Norris House that is

located on the site. He said he would be willing to work with town staff to remove the house to preserve but not at his expense or the Town's. He said rezoning the property is the first step and in participating, a timeline for removal of the house would be within twelve months.

Mr. Schifano said the town has the following options to preserve the historic house: 1) Historic Preservation Commission, this will affect the developer; 2) work with the applicant and interested second party to relocate the structure to another location.

Council Members were in consensus they would like to preserve the Needham Norris House that is located on the site if possible.

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

Mayor Sears had explained to the Council that he had received the following comments for the public hearing via email to be entered into the minutes:

Elizabeth Zuro, 3645 Praed Place, Fuquay-Varina, I read about the developer requesting a zone map change. Please let me explain why I'm opposed to this. Specifically my concerns are regarding the home at 2329 Avent Ferry Road, the Needham Norris home. (He was born in 1775 and died in 1852.) Going back, his father, John Norris, Jr., was one of the first English settlers in the area! He received this land in a land grant for his service in the Revolutionary War! (As a matter of fact, his home was located across the street and down the road about 1/4 mile. In 1935 the DAR erected a memorial stone for John Norris, Jr. on the west side of Avent Ferry Road, not far from where he is buried in the Norris Family graveyard.) John Norris, Jr. and his wife, Patience Pearson, are my 4th great grandparents! My 3rd great grandfather, Col. Samuel Pearson Norris, is the brother of Needham Norris. They all lived right in this area!

Needless to say, although I live in Fuquay-Varina, I'm passionate about preserving the Needham Norris home! The land was given to Needham by his father on which to build his own home. It is significant because it survived the Civil War and is still standing! At the time of the Civil War Needham Norris' nephew, Simpson Washington Holland and his family lived in this house. Almost everything else in the area was razed during the Civil War. My family history explains that the reason why is that this home was used as a field hospital, and it was not destroyed was because Simpson Holland's wife had taken in a wounded Union officer and nursed him back to health during the encampment of Union troops in the area in April of 1865! That is the only reason this home at 2329 Avent Ferry Road was not destroyed!

I love and treasure this area where my Jones and Norris ancestors lived. My maternal grandmother was born in 1900 in the (now long gone) Jones home, very close by! Back to my concerns -- SURELY when this property was bought, the developer was made aware of the historical significance of the home on this property! I feel very strongly that it is the developer's duty to PLEASE have this house preserved! Surely it could be moved to a different part of his development and preserved with a historical marker!

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 R-30 to R-10CU is consistent with the Vision of Holly Springs Comprehensive Plan since the Plan designates this property as Residential which allows for densities ranging from 2 units per acre up to 8 units per acre for parcels located near a Community Growth Area. With this property not being located near a Community Growth Area, the R-10CU district and proposed condition will limit maximum density to be compatible with surrounding development, which is in keeping with the intent of the Future Land Use Plan."*

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 16-REZ-15 to change the zoning of 3.71 acres consisting of Wake County PINs #0638618734 and 0638619778 from R-30: Residential to R-10CU: Residential Conditional Use, as submitted by Five Star Avent Ferry, with the following condition, as offered by the applicant:

1. The conditions of rezoning #05-REZ-03 shall apply to this rezoning and shall be the only conditions retained at such time as Wake County PINs 0638618734 and 0638619778 are resubdivided. These parcels are intended to be developed as part of a common scheme with the subject parcels rezoned by rezoning #05-REZ-03.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous

A copy of Zoning Ordinance 16-REZ-15 is attached to these minutes.

7c. Public Hearing: Annexation Ordinance A16-05 – Ms. Capp said the Town has received a petition for voluntary annexation of approximately 3.71 +/- acres located at 2317 and 2329 Avent Ferry Road. The property owners are Michael S. and Lindsay G. Yount and Avent Ferry Developers LLC, and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation.

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

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

Action: The Council approved a motion to adopt Annexation Ordinance A16-05, annexing 3.71-/+ acres owned Michael Shannon and Lindsay Grimes Yount and Avent Ferry Developers LLC, and more particularly described as Wake County Pins: 0638.04-61-9778 and 0638.04-61-8734, into the corporate limits of the Town of Holly Springs.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

A copy of Ordinance A16-05 is attached to these minutes.

7d. Public Hearing: Rezoning Petition 16-REZ-11 – Mr. Ryan said the town has received a request to rezone approximately 30 acres located along the west side of NC 55 Bypass / G.B. Alford Highway, north of Avent Ferry Road and south of Green Oaks Parkway. The request involves three parcels of land – a 25-acre vacant property currently zoned R-20, a 3.23-acre vacant property currently zoned as part of the Ballenridge Planned Unit Development, and the right-of-way for the town-maintained Treatment Plant Road. The applicant is requesting to have all three properties zoned as CB: Community Business. The requested rezoning is consistent with the Regional Center Future Land Use designation, which encourages the development of high intensity, commercial and retail power centers.

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

Tom Krause, 209 Hartshorn Ct. and representing residents of Ballenridge – Mr. Krause at this time read a letter from his neighbor with two children who live at 209 Sturminster Drive. The letter said the residence are weary of the traffic noise coming from G.B. Alford Highway. Requesting that a noise protection wall installed.

Harvey Cary, 220 Hartshorn Ct. – Mr. Cary said his home backs up to the bypass, and it is noisy. He asked the Council to request a sound barrier installed as part of the project. He said the new development would bring additional truck traffic and noise.

Tina Smith, 220 Chilmark Ridge – Ms. Smith said she supports the installation of a sound barrier.

David Sakell, 105 Chilmark Ridge – Mr. Sakell is president of the homeowners association and said the Ballenridge neighborhood and request the development to include a sound wall.

Councilman Dickson said he researched regarding the date of public knowledge for construction of NC Hwy 55 bypass, it was his understanding the publish date of the bypass was prior to the approval date of Ballenridge subdivision.

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 R-20 and PUD to CB is consistent with the Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates these properties as Regional Center, which are intended to provide for the location of power centers, including high volume, high intensity commercial uses, and the CB Community Business district will allow for high volume and high intensity commercial land uses.*”

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 16-REZ-11 to change the zoning of ± 30.05 acres of Wake County PIN # 0649409751 from R-20 Residential to CB Community Business; PIN # 0649507490 from PUD Ballenridge to CB: Community Business, and the right-of-way for Treatment Plant Road to establish zoning as CB: Community Business, as submitted by Carlos I. Cabré, P.E.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Zoning Ordinance 16-REZ-11 is attached to these minutes.

7e. Public Hearing: 16-SEU-08 and 16-DP-15, Holly Springs United Methodist Church – Mr. Ryan said the Town has received requests for Special Exception Use and Development Plan for an addition to the Holly Springs United Methodist Church. In 2015, Town Council approved a change to the Town Village zoning district, which requires any new project or subdivision to receive a Special Exception Use approval. The proposed use – Religious Use– is a permitted use in the TV district; however, because the existing structure is being expanded, the proposed project is considered a new project requiring the Special Exception Use approval.

He said the Holly Springs United Methodist Church, located at 108 Avent Ferry Road, is requesting approval for a narthex addition to the front of the existing building. Dedicated in 1917, the existing building is one of the town's several historic structures located within the Village District. The building was last modified around 2000 with the addition of the Christian Life Center to the rear of the original structure. A 700 square foot main floor area addition to the front of the building is proposed and is designed to blend seamlessly with the historic architecture of the original church.

Mr. Ryan reviewed the following findings of fact for the Special Exception Use, Variance of Development Standards, & Waivers for Architectural and Design Requirements have been adequately satisfied:

Special Exception Use:

1. 16-SEU-08: Request to allow for a new project in the TV: Town Village District.

Variance of Development Standards:

1. 16-VAR-09 Request for a variance from the Unified Development Ordinance Section 3.03 B.
 4. a. Minimum Building Height, to allow for a reduction in the minimum building height from 25 feet to 16 feet, 10 inches (16'10").

Waiver for Alternate Compliance with Architectural Design Requirements:

1. 16-WAV-44 Base, Body, and Cap: Request to allow for a Waiver of Regulations of UDO Section 3.03 C. 1. b. (2) (a)): Base, Body, and Cap, to allow for a reduction in the percentage of the building cap, in association with Development Petition #16-DP-15, as follows:
 - a. North Façade - A reduction in the minimum building cap from 7% to 1.7%
 - b. East Façade - A reduction in the minimum building cap from 7% to 1.7%
 - c. South Façade - A reduction in the minimum building cap from 7% to 1.7%

2. 16-WAV-45 Animating Features: Request to allow for a Waiver of Regulations of UDO Section 3.03 C. 1. b. (2) (c): Animating Features, to allow for a reduction in the percentage of lower level storefront and upper level windows and glass doors, in association with Development Petition #16-DP-15, as follows:
 - a. East Façade – A reduction in the amount a lower level glazing from 40% to 4.67% and upper level glazing from 15% to 8.71%
 - b. North Façade - A reduction in the amount a lower level glazing from 40% to 17% and upper level glazing from 15% to 9.48%.

Council Members discussed the historic structure and keeping the appearance of the original historic architecture.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was submitted by those who had been administered the oath by the deputy town clerk:

Anne Oakley, 7113 Waltridge Place, Holly Springs, representing United Methodist Church Building Committee. She said the church wants to maintain the architecture of the existing appearance of the structure.

George Hueqericy of 201 N. Main Street, Holly Springs, representing the church said the intent was to keep the integrity of the historic design. The church is using the same architect who completed the previous addition to the church.

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

Action #1: The Council approved a motion to adopt Resolution #17-07 making and accepting findings of fact for each of the following:

- Special Exception Use 16-SEU-08;
- Variance of Development Standards 16-VAR-09; and
- Waivers for Architectural and Design Requirements 16-WAV-44 and 16-WAV-45.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

A copy of Resolution 17-07 is attached to these minutes.

Action #2: Having made the necessary findings of fact, motion to approve Waivers of Architectural and Design Requirements 16-WAV-44 and 16-WAV-45 as submitted by Holly Springs United Methodist Church.

Motion by: Villadsen

Second by: Dickson

Vote: Unanimous

A copy of the waivers findings of facts is attached to these minutes

Action #3: Having made the necessary findings of fact, motion to approve Special Exception Use Petition #16-SEU-08 to allow for a new project in the TV: Town Village District; Variance 16-VAR-09 to allow for a reduction in the minimum building height from 25 feet to 16 feet, 10 inches (16' 10"); and Development Plan 16-DP-15 for Holly Springs united Methodist Church, dated Revised 1/12/17, at the property located at 108 Avent Ferry Road, Wake County PIN 0649819836, with the following conditions:

Special Exception Use Conditions:

1. All operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted and those findings of fact specified by the Town Council in conjunction with 16-SEU-08.

Development Plan Conditions:

1. All previous approval conditions for Holly Springs United Methodist Church Development Plan will apply to this plan.

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

A copy of Special Exception Use Applications 16-SEU-08 addressing the findings is attached to these minutes.

7f. Public Hearing: Ordinance 17-02, 17-UDO-01, UDO Amendment - Mr. Ryan said in review of Table 2.09, C. – 4: Residential Design Features for Front Façades, staff discovered that previous amendments did not correctly remove or add text from the table as design features were modified. Certain architectural requirements were removed or placed into other categories; however, these changes were accidentally omitted from the ordinances adopted by the Town Council. Unfortunately, these errors were not discovered by staff at the time and subsequently these revisions were not technically valid ordinance changes. While the current published version of the table in the UDO is being enforced, staff believes that Table 2.09, C. – 4 needs to be deleted from the ordinance to remove any past errors and then re-adopted in its current format.

Staff also is proposing some minor revisions to the text of the table for clarification purposes, which are indicated in the Planning Board staff report using **bold** text for new text and ~~strikeout~~ for text being removed, as well as adding the required garage design features to the table.

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

There being no 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: Executive Summary in regards to “Using the Plan to Implement the Town’s Vision” and “Adopting and Implementing the Plan”; and Section 1: Future Land Use “Objectives”, which encourages the town to maintain a “small town” character as it grows and changes. 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: Dickson

Second by: O'Brien

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 17-02 to approve and enact Unified Development Ordinance Text Amendment #17-UDO-01 to modify the text of UDO Section 2.09 as submitted by the Town of Holly Springs.

Motion by: Cobb

Second by: Lee

Vote: Unanimous

A copy of ordinance 17-02 is attached to these minutes.

7g. Public Hearing: Ordinance 17-03, 17-UDO-02, UDO Amendment - Ms. Clapp said at the Town Council meeting Jan.17, the Council directed staff to add one additional in-town member position to the Planning Board. This will take the membership from eight members to nine members reducing the opportunity for tied votes as the Council felt that it is important to have an “odd numbered” Board.

This amendment would add a ninth member to the Planning Board. Staff has run the numbers, and the addition of this seat would not require any additional extraterritorial jurisdiction member positions to ensure equal representation on the Board in accordance with NCGS.

This position would have an original term of two years to keep the Board with equal terms and rotation.

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

There being no input, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statements as being true: *“The proposed UDO Text Amendment is consistent with the Vision Holly Springs: Comprehensive Plan as specified in the Executive Summary / Adopting and Implementing the Plan by expanding the Planning Board to provide additional feedback and recommendations to the Town Council regarding measuring the desirability of proposed development by their conformity with the Plan, and adopting policies and ordinances that support Plan goals.”*

Motion by: O’Brien

Second by: Dickson

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 17-03 to amend the Town Code and to approve and enact Unified Development Ordinance Amendment #17-UDO-02 to amend the text of UDO Section 9.02, B: Planning Board- Membership, Term and Vacancies as submitted by Town of Holly Springs.

Motion by: Lee

Second by: Cobb

Vote: Unanimous

A copy of ordinance 17-03 is attached to these minutes.

7h. Public Hearing: Rezoning Petition 16-REZ-13 – Mr. Steinmann said this public hearing was continued from Nov. 15, 2016, and January 17, 2017 and the petitioner is requesting that the case be continued until March 7, 2017. Town staff requested additional time to review the details of additional zoning commitments that have been offered by the petitioner.

He said this is a request for a zone map change for property located between Cass Holt Road and Piney Grove -Wilbon Road, bisected by Honeycutt Road. The applicant is requesting to rezone the property from R-30: Residential to R-8 CU: Residential Conditional Use. The parcels are vacant. The requested R-8 CU: Residential zoning is consistent with the comprehensive plan and the zoning commitments offered by the petitioner provide for 50% of the proposed townhomes to be located within the nearby Wade Nash/Piney Grove-Wilbon Community Growth Area as designated on the Vision Holly Springs Future Land Use Plan. The maximum overall project density would be capped at 2.69 dwelling units an acre as offered by the developer, which is less dense than the Town’s base R-10 zoning district.

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, the conditions 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.

The property owner has offered the following conditions:

1. Maximum number of dwelling units shall not exceed 623. No more than 225 of such units may be townhomes.
2. Maximum density after Honeycutt Road right-of-way dedication shall not exceed 2.69 units/acre.
3. Greenway connections to Buckhorn Creek Elementary and Holly Springs Middle/High School will be provided.
4. At least 30% of the total project area will be maintained in open space, including utility corridors and stormwater management devices.
5. There are 6 Existing champion trees identified on Exhibit A. Subject to a report from a Certified Arborist confirming their health, these trees will be preserved and incorporated into open space areas within the community.
6. All dwelling units will utilize the following architectural details from the Development Options section of the UDO.

Single Family Homes

- The use of vinyl siding shall be prohibited, except for accent elements of the façade, limited to 20% of the total façade area.
- All lots will contain a Foundation Landscape Package (min. 2 trees and 8 shrubs).

Townhomes

- Front loaded townhomes will utilize decorative or carriage style garage doors, or a decorative garage opening.
 - Garage shall extend no further than ten (10) feet from the front façade of the dwelling unit associated with the garage.
7. At least 50% of Townhomes will be located within the Wade Nash and Piney Grove Wilbon CGA (within 1/2-mile radius of the intersection of Wade Nash and Piney Grove Wilbon Road)
 8. To address cut through traffic concerns raised by the Garrison Community, the developer will provide a traffic round-about at the connection to the Garrison neighborhood between the proposed east/west collector street and Cabot Drive as shown on the Town's Transportation Plan.
 9. Subject to Town of Holly Springs approval, barricades will remain in place at the end of Cabot Drive until certificates of occupancy are issued for 75% of the homes on the north side of Honeycutt Road.
 10. No building permits for a residential dwelling will be issued prior to the completion of all roadway improvements associated with the following TIP Projects:
 - Main Street Extension - NCDOT TIP Project # U-5318
 - NC 55 – Avent Ferry Road Intersection Improvements - NCDOT TIP Project # W-5601
 11. Subject to approval by the Town of Holly Springs and NCDOT, the developer agrees to construct the following roadway improvements to mitigate traffic impacts anticipated to be generated by this development as outlined in the recommendations of the TIA:

Piney Grove-Wilbon Road – Honeycutt Road:

- Install a traffic signal when it is warranted and approved by NCDOT. If not warranted at approval of the TIA and project, the developer will continue to monitor the intersection of Piney Grove Wilbon Road and Honeycutt Road periodically until the time of full build-out of the project and if warranted within this time period the developer will install the signal at that time
- Extend the storage of the committed eastbound right-turn lane on Honeycutt Road by approximately 75 feet to provide 150 feet of storage on that approach

Honeycutt Road:

- Perform thoroughfare widening along the property frontage to meet the Town's requirements of a four-lane median-divided roadway along Honeycutt Road

Honeycutt Road – School Carpool Lane/East Site Driveway:

- Provide an exclusive eastbound left-turn lane on Honeycutt Road with 50 feet of storage and appropriate tapers

Cabot Drive & Central Site Driveway:

- Extend Cabot Drive westward within the project and generally along the northern property boundary as a 2-lane roadway
- Construct a north-south collector road (Central Site Driveway) between Honeycutt Road and the extended Cabot Drive as a 2-lane roadway

Honeycutt Road – Central Site Driveway:

- Provide an exclusive eastbound left-turn lane on Honeycutt Road with 50 feet of storage and appropriate tapers
- Provide an exclusive westbound left-turn lane on Honeycutt Road with 100 feet of storage and appropriate tapers
- Construct the westbound approach such that the outside through lane on Honeycutt Road (constructed as part of thoroughfare widening) terminates as an exclusive right-turn lane

12. The developer agrees to the dedication and construction of streets and rights of way and other infrastructure and for the coordinated provision of utilities that will create conditions essential to public health, safety, and the general welfare.
13. To facilitate a transition to the existing Garrison Community, within 1,000 feet of the limits of the Garrison Subdivision the developer agrees to prohibit townhomes and not exceed the density of the Garrison Subdivision.
14. WHEREAS, the Town requires certain fees to be paid upon development of land and for the granting of a building permit, said fees being listed in the Town's annual budget, and the Developer (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget ordinance; and (iii) notwithstanding any reimbursements discussed below, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with the Residential Project as such fees are so listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development.

Councilwoman Lee asked the applicant to explain the request to continue rezoning to March 7th Council meeting.

Jeremy Medlin M/I Homes of Raleigh, 15111 Sunday Drive, Raleigh said that he needed more time to evaluate new options to zone the property and to research a common ground with the surrounding communities and bring back to the town.

There were discussion with the applicant and Council Members that there have been numerous changes and if the rezoning request needs to go back before the Planning Board for review.

Ms. Clapp said the Council has the option to make a motion to forward rezoning petition 16-REZ-13 to the Planning Board and continue the public hearing.

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

Jeremy Merrill of 201 Airedale Drive, reviewed the timeline of rezoning petition 16-REZ-13 to the Council Members, and said that continuing this item is putting a toll on all residences and requested the Council to deny the rezoning petition.

Betty Parker, Senior Director, Real Estate Division, Wake County Public School Systems, 1429 Rock Quarry Road, Raleigh, supports the rezoning. She said the surrounding communities are growing and appreciates the growth in the infrastructure of roads, water and sewer improvements. She thanked the town and staff for working together with the school systems regarding gravity pump station and look forward to the growth of this new neighborhood and creating new walking and greenway connections.

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

Action #1: The Council made a motion to forward zoning petition 16-REZ-13 to February 28, 2017 Planning Board meeting for review.

Motion by: Lee

Second by: O'Brien

Vote: Unanimous

Action #2: The Council approved a motion to continue public hearing of zoning petition 16-REZ-13 to resume on March 7, 2017, Town Council meeting.

Motion: Dickson

Second by: Villadsen

Vote: Unanimous

7i. Public Hearing: Abandonment Right of Way – Ms. Goodson said the Town has received a request to abandon road right-of-way located at the end of Thomas Mill Road at its terminus with Irving Parkway, dissecting property owned by New Hill Group LLC and KSP Properties LLC. The applicant wishes to capture this right of way and then dedicate the right of way that will be needed for a future interchange off of the Bypass.

To accomplish this, the old right-of-way needs to be abandoned and new right of way dedicated.

Following a 30-day appeal period from the effective date of the street closing order and upon recordation of this order, the property containing the right-of-way would revert back to the ownership of the adjacent property owners.

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

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

Action: The Council approved a motion to adopt Resolution 17-08 a street closing order abandoning unused road right of way of Thomas Mill Road extended.

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

A copy of Resolution 17-08 is attached to these minutes.

8. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Cobb, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved the minutes of the Council's winter retreat meeting held Feb. 10-11, 2017.

8b. Budget Amendment Report– The Council received monthly report of operational budget amendments approved by the town manager or that were accomplished at the direction of the Council. *A copy of budget amendment report is attached to these minutes.*

8c. Town Facilities Elevator Contract - The Council approved contracts with Schindler Elevator for elevator maintenance at Town facilities.

8d. Southern Crossroads/Powell Tract Developer Agreement - The Council approved agreements with developer of the Southern Crossroads/Powell tract.

8e. Budget Amendment, \$5,500 - The Council adopted an amendment to the FY 2016-17 budget in the amount of \$5,500, to move funds to the part-time utility billing department salary line item.

8f. Consultant Selection Policy Statement Amendment- The Council adopted a policy statement amendment to revise the Town's consultant selection.

9a. Ordinance Amendment 17-04 Planning Board and Board of Adjustment – Ms. Clapp said at the Town Council meeting Jan. 17, the Town Council directed staff to modify the Town's Planning Board membership. It was found that there were old regulations regarding the establishment of the Planning Board and Board of Adjustment that remained in the Town Code after the adoption of the Unified Development Ordinance as an Appendix to the Town Code.

This amendment to the Town Code removes the old information about Planning Board and Board of Adjustment from Chapter 2, Article IV and refers to Appendix A: Unified Development Ordinance for the most current information about the establishment and make up of the Boards.

Action: The Council approved a motion to adopt ordinance 17-04 to approve the text amendments to Holly Springs Town Code Chapter 2, Article IV regarding the establishment of the Planning Board and Board of Adjustment.

Motion by: Lee

Second by: Dickson

Vote: Unanimous

A copy of Ordinance 17-04 is attached to these minutes.

9b. Planning Board Member Appointment – Ms. Clapp said at the Jan. 17 Town Council meeting, the Town Council determined that it would like to explore the idea of adding an additional member to the Planning Board for a total membership of nine so that the Board will have an "odd" number of members to avoid the opportunity of tied votes for their recommendations to Council.

Earlier on tonight's agenda, was a Unified Development Ordinance Amendment to create the ninth member of the Board.

If the Town Council wishes to fill this vacancy at the Feb. 21 meeting, the applications that have been received for interest in the Planning Board are attached. In addition, to keep the term expirations evenly distributed, this initial appointment of a member to this seat will be for two-years with a term expiring Feb. 28, 2019 as stated in the ordinance amendment. All subsequent appointments to this seat will have the traditional 3-year term.

Action: The Council approved a motion to appoint Shaun McGrath of 101 Winter View Place as an in-town member of the Planning Board for a term expiring Feb. 28, 2019. Check spelling of name.

Motion by: Cobb

Second by: Villadsen

Vote: Unanimous

9c. Board Appointment Policy and Procedures – Ms. Clapp said at the Jan. 21 Town Council meeting when the Council was reviewing applications for consideration for appointment to the Planning Board and Board of Adjustment, the Town Council directed staff to prepare a policy statement regarding the application procedures and process so that it would be clear to residents interested in serving on how to go about submitting their applications. In addition, it was requested that all applications be handled by the Town Clerk's Office for all board appointments to reduce any concerns about staff that the specific board will be working with having any influence on the applications submitted to the Council. The policy also adds that all appointments are to be made by a simple majority vote of the Town Council.

This draft policy would be effective for the Board of Adjustment, Planning Board, Parks & Recreation Advisory Committee, and any future subcommittees or boards created by the Town Council.

Planning, Parks & Recreation, Town Clerk, and Town Attorney met to review the current processes and procedures and prepared the proposed policy. This policy does change a few of the standard practices that have been practiced over the years.

- All applications will now be filed with the Town Clerk's Office instead of the specific department that oversees the specific board.
- Applications will not be accepted year round, rather only during certain application periods as specified.
- Applications will not be maintained after the appointments are made
- Only those applicants who were appointed will be notified of their appointment. No notification will be sent to those not selected.
- Applicants will not be notified or reminded to submit a new application if they are interested for further consideration.

All openings- both annual appointments and mid-term vacancies will be advertised to seek applicants interested at that time for appointment.

After discussion the Council members were in consensus to amend policy to send notifications to those applicants not selected via email.

Action: The Council approved a motion to adopt policy and procedure P-044 Board Opening and Application Procedures policy statement with the amendment to send notifications to those applicants not selected via email."

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

10. Other Business: None that resulted in Council action.

11. Manager's Report: None that resulted in Council action.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the February 21, 2017 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, March 21, 2017.



Linda Harper, MMC, NCCMC
Deputy Town Clerk

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

