



March 7, 2017

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, March 7, 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; Joni Powell, town clerk, (recording the minutes); Adam Huffman, assistant parks and recreation director; Mary Hogan, finance director; Gina Clapp, director of planning and zoning; Mary Hogan, finance director; Elizabeth Goodson, development review engineer; Dirk Siebenbrodt, project engineer; Aaron Levitt, senior 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. Tom Newman, pastor of Sunrise United Methodist Church.

4. Agenda Adjustment: The March 7, 2017 meeting agenda was adopted with changes, if any, as listed below.

Changes: Move Item 7c., Downton Square development plan, from public hearings to Unfinished Business to precede New Business.

Motion by: Cobb

Second by: Dickson

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:

George Smith, 229 Stone Hedge Ct. – Mr. Smith addressed the Council to speak in opposition to the Downton Square Townhomes development plan.

Brad Bieber, 128 Gremer Drive – Mr. Bieber is opposed to the Downton Square Townhomes development plan.

6a. Oath of Office - Town Clerk Joni Powell administered the Oath of Office to the following newly-appointed members of the Board of Adjustment and Planning Board: Board of Adjustment: in-town member Bill Daniels; in-town alternate members LaDonna Carter and Tom McKay; and ETJ alternate member Lois Semmens; and Planning Board: in-town members Dan Berry, Chris Deshezor and Shaun McGrath; and ETJ member John Stolarik.

Action: None.

7a. Public Hearing: Annexation Ordinance A16-04 – Ms. Clapp 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. Clapp said the public hearing for this annexation petition was opened on Feb. 7, continued to Feb. 21 and further continued to March 7. Because paperwork is still not completed, the public hearing should be reopened and then continued to the March 21 Council meeting.

With that explanation completed, Mayor Sears reopened 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 21 Town Council meeting.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

7b. Public Hearing: Rezoning Petition 16-REZ-13 – Ms. Clapp said this case was continued from Nov. 15 and Jan. 17 to allow Town staff additional time to review the details of the transportation impact analysis and the additional zoning commitments offered by the petitioner. At the Feb. 21 Town Council meeting, the case was sent back to Planning Board to review proposed changes to the zoning request.

The applicant is requesting to rezone the property from R-30: Residential to R-10 CU: Residential Conditional Use. The parcels currently are vacant. The previous request was for R-8 CU: Residential Conditional Use. The requested R-10 CU: Residential zoning is consistent with the comprehensive plan and provides for all of the proposed townhomes to be located within the nearby Wade Nash/Piney Grove-Wilbon Community Growth Area; the previous condition offered 50%. The maximum overall project density will be 2.64 dwelling units an acre if the proposed first condition offered by the developer is retained, a decrease from 3.0 dwelling units per acre as originally submitted.

The developer has taken into account public input at hearings and meetings and comments made on social media. The applicant has offered the following conditions:

1. Maximum number of dwelling units shall not exceed 610. No more than 213 of such units may be a combination of traditional townhomes and Carriage-Style attached homes as outlined in zoning condition number 6.
2. Maximum density after Honeycutt Road right-of-way dedication shall not exceed 2.64 units/acre averaged across the entire acreage of the applicant's property subject to this rezoning.
3. Greenway connections to Buckhorn Creek Elementary and Holly Springs Middle/High School will be provided.
4. At least 35% 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. See Exhibit B for "Pod" locations.

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).

Traditional Townhomes (Pod A)

- There shall be a maximum of 63 traditional townhomes located in Pod A.

- All townhomes will have 2-car garages.
- 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.

Carriage-Style Attached Homes (Pod B)

- Pod B shall contain only “Carriage-Style” attached homes. Carriage-Style attached homes share a common wall at the rear of the structure with a maximum of 20% of the common wall being attached, giving the appearance of a detached structure from the street.
 - Front loaded Carriage-Style attached homes 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.
 - All Carriage-Style attached homes will have 2-car garages.
 - There shall be a maximum of 150 Carriage-Style attached homes located in Pod B.
7. 100% of the combined traditional Townhomes and Carriage-Style attached homes 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). (See Exhibit ‘B’).
 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 (see Exhibit ‘B’).
 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 to prohibit all traditional townhomes and carriage-style attached homes and not exceed the density of the current Garrison Subdivision. (See Exhibit 'B').

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.

Ms. Clapp said the planning board has reviewed the new conditions and recommends approval after much discussion.

Tom Hughes, chairman of the planning board, addressed the Council to say the proposal is consistent with the Comprehensive Plan, and the zoning would be compatible with adjacent properties. He added that the applicants have demonstrated concern for neighbors' input.

The applicants then took a few moments to go over the zoning request and conditions being offered as well as results of a transportation impact analysis and how road improvements would impact traffic.

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

John Adcock, Rouse Road – Mr. Adcock, representing the property owners, the Honeycutts and Adamses, said not only is he an attorney for the property owners, he is a neighbor, living on Rouse Road. Mr. Adcock spoke in favor of the rezoning. He said the conditions offered should with all the

Brad Cook, 305 Airedale Dr. – Mr. Cook said he is concerned about traffic impact of this and other proposed development. He said existing rural roads not adequate.

Dan Berry, 120 Abbeville Lane – Mr. Berry said he is still opposed to the rezoning request, and he is not convinced that the traffic impact analysis is correct.

Jeremy Merrill, 201 Airedale Dr. – Mr. Merrill said traffic is an issue. He said open space only increases the density and that the application is misleading.

Frank Danko, 100 Abbeville Lane – Mr. Danko said he did not see a big difference between R-8 and R-10, not in comparison to the original R-30 zoning.

Ben Dewar, 5920 Honeycutt Road and three other speakers – These residents said they had nothing to add.

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

Councilman Hank Dickson asked Kimley Horne representative if current and proposed traffic was included in the TIA. Yes.

Councilwoman Lee asked about Honeycutt Road's being four-lane median-divided. Ms. Goodson said that on the Town's Transportation Improvement Plan, all of Honeycutt Road is planned to be four-lane. This project and the school project would get about half of it done.

Councilman O'Brien said he had met with the Garrison homeowners association, and they talked about property owners' rights. He said Garrison residents did not seem concerned about 600 homes. He said they are concerned about the infrastructure that supports these homes. He said Avent Ferry Road is not adequate and that he's not buying the TIA. He said he wants the project, but he doesn't know if (the road) infrastructure can handle it.

Councilwoman Lee said she lives out there and has seen improvements made by the superstreet project. She said believes the applicant has been willing to work with the Town and neighbors and that 2.64 units per acre would make the development more like an R-13 zone rather than an R-10. Even though she likes what the applicant is proposing, she is afraid traffic – especially at the Cass Holt Road and Avent Ferry Road intersection – will become more congested.

Councilman Dickson reminded members that Kimley Horne that took into all data and that the TIA indicates the road infrastructure is adequate.

Councilman Cobb said he appreciates the developer's commitment to the conditions and to neighbors. He said he wanted to wait until the TIA was completed, and now that everything is done, he agrees with the zoning consistency statement.

Councilman Villadsen said he sees both pros and cons. While he likes the roundabout into Garrison and the traffic light at Piney Grove-Wilbon, he feels TIA had too conservative of a growth rate. He said he does like the plan of concentrating townhomes in the core of the Community Growth Area, and he likes the proposed open space and preservation of trees.

Councilman O'Brien said he felt like the project is solid, but he just feels the Main Street Extension project needs to be completed. The MSE project is set to be completed in May.

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-10 CU is consistent with the Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential, which allows density of between 2 and 8 units per acre, and the proposed R-10: CU Residential Conditional Use District will allow for appropriate transition in density and sets the maximum allowed density at 2.64 units/acre. The Future Land Use Plan Map also indicates that a significant portion of the requested map change is located within the Wade Nash Road/Piney Grove Wilbon Community Growth Area, which allows densities of up to 8 units per acre. A small portion is also located with the Avent Ferry Road and Cass Holt Road Community Growth Area, which allows densities of up to 8 units per acre."*

Motion by: Dickson

Second by: Cobb

Vote: The motion carried, following a 4-1 vote. Councilman O'Brien voted no.

Action #2: The Council approved a motion to adopt Zoning Ordinance #16-REZ-13 to change the zoning of 231.47 acres consisting of Wake County PINs #0647486432, 0647495739, 0647684957, 0648406893, 0647588692, 0647597422, 0648508806, and 0648515878 from R-30: Residential to R-10 CU: Residential Conditional Use, as submitted by M/I Homes of Raleigh, with conditions, as offered by the applicant and stated in the ordinance.

Motion: Villadsen

Second by: Cobb

Vote: The motion carried, following a 3-2 vote. Councilmen Villadsen and O'Brien voted against the motion.

A copy of Zoning Ordinance 16-REZ-13 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 regular meeting held Jan. 3, 2017.

8b. Resolution 17-09 – The Council adopted Resolution 17-09 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 17-09 is attached to these minutes.*

8c. Wake County NFPA Agreement - The Council approved to enter Wake County NFPA medical exam reimbursement agreement.

8d. 2017 Mowing NCDOT Right of Way Agreement Extension - The Council approved to extend the Town’s agreement for the mowing of NCDOT right of way for the 2017 mowing season.

7c. 16-DP-09 for Downton Square Townhomes Development Plan – Ms. Clapp said that this case was continued from Dec. 20 to allow the applicant to respond to Town Council concerns regarding transportation and access through the project into Oak Hall. The developer has decided to not make any modification to the proposed site plan. The plan has not changed since the Dec. 20 meeting.

She said the Town received a request to build 88 townhomes on W. Holly Springs Road that would provide interconnectivity from W. Holly Springs Road to Oak Hall. Downton Square is zoned R-MF-8 and is in compliance with the development regulations for this district.

Ms. Goodsoh addressed the Council to recap the requirements. The Town has interconnectivity, widening and stub connection requirements.

She said staff has studied alternatives to address concerns raised by neighbors and Council members about accessing the development from W. Holly Springs Road and the dispersion of traffic through OakHall.

She said a slightly adjusted plan meets all the givens imposed by Town. The applicant is proposing a temporary hammerhead until the property to the west is developed then another connection for Downton Square residents who won’t need connection through OakHall.

Mr. Schifano advised that if the plan has been adjusted, even slightly, then the Council should table the issue and advertise a public hearing on the new plan.

Action: The Council approved a motion to defer action and to schedule a public hearing to receive input on the modified development plan.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

9a. Twelve Oaks, Phase 9 – Ms. Parrish said that staff worked with the developer and drafted the proposed infrastructure reimbursement agreement attached. The highlights of the agreement are as follows:

1. Developer is oversizing a waterline to provide future capacity and will receive a reimbursement in the amount of \$26,740.
2. Developer is oversizing a sewer line to provide future capacity and will receive a reimbursement in the amount of \$21,983.
3. The developer is building a 2 lane median divided roadway on Woodscreek Road and is paying a fee-in-lieu in the amount of \$205,832 for the additional lanes for a 4 lane median divided roadway as required by the CTP.
4. At the west property corner along the frontage of Woodscreek there is a bridge and roadway improvements will be stopped short of getting into a roadway taper. A fee-in-lieu in the amount of \$60,855.50 will be paid.
5. The developer is building a full thoroughfare section along Old Holly Springs Apex Rd, except for across the independently owned piece of property (small rectangle to south of the road frontage) and for the short remainder of the Phase 9 parcel. A fee-in-lieu of \$144,285.50 is due for the unimproved section.

Action: The Council approved a motion to enter into an infrastructure reimbursement agreement with the developers of 12 Oaks, Phase 9.

Motion by: Dickson

Second by: Cobb
Vote: Unanimous

9b. Town Cemetery Phase 1 Project – Mr. Siebenbrodt said this request is proposing to upgrade the infrastructure of the Town cemetery, located at the corner of Earp Street and Burt Street. Upgrades would include paving of the roadways, grading, and installation of storm sewer control and gravesite markers. The request of \$25,000 is to cover additional costs associated with Phase 1 of the project, which makes up about half of the project. Last year Town Council approved \$100,000 for this phase. With the approval of the additional \$25,000, the total amount would be \$125,000 for Phase 1.

He said during the construction phase, special attention was and will be given to the fact that this is a cemetery, existing gravesites will be wrapped with protective fence and funerals will be coordinated with construction activities.

Except the asphalt work and construction staking, all other work such as the design, construction (by Public Works) and construction administration for this project was or will be completed by town staff. This has reduced the cost for this section alone by \$175,000 (Phase 1 of this project was bid in 2016 with only one contractor responding. The costs would have been \$300,000).

A road closure is not proposed during the construction phase, and the cemetery is planned to stay open.

Action: The Council approved a motion to approve upgrades to the Town cemetery, an additional \$25,000 in funding and a \$125,000 Phase 1 project budget.

Motion by: Dickson
Second by: Cobb
Vote: Unanimous

9c. 2016 Street Improvement Project – Mr. Siebenbrodt said the 2016 Street Improvement Project was sent out for informal bid. The town received bids and opened on Feb. 28. The design for this project was completed by the staff.

He said staff recommends awarding the contract to the lowest responsible bidder, Turner Asphalt, Inc.

Action: The Council approved a motion to award a contract to Turner Asphalt, Inc., in the amount of \$448,350 for the 2016 Street Improvement project.

Motion by: O'Brien
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 March 7, 2017 meeting of the Holly Springs Town Council was adjourned.

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