



Sept. 18, 2018

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Sept. 18, 2018 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 five council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Dan Berry, Tom O'Brien and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly.

Council Members Absent: None.

Staff Members Present: Randy Harrington, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Melissa Sigmund, principal planner; Matt Beard, planner; Sean Ryan, planner; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Kevin Ashworth, fire marshal; Paul Allen, real estate acquisition agent; John Herring, police chief; Captain Mike Patterson of the police department; Adam Huffman, assistant parks and recreation director; LeRoy Smith, fire chief; Irena Krstanovic, economic development director; Mary Hogan, finance director; Rachel Jones, development review engineer; Mark Andrews, public information officer; Tamara Ward, communications specialist and Billy Whitehead, information technology analyst.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Mayor Sears.

4. Agenda Adjustment: The Sept. 18, 2018 meeting agenda was adopted with changes, if any, as listed: Add to New Business, amending the 2018 Council meeting calendar on file to add a workshop at 6 p.m. Tuesday, Sept. 25.

Motion by: O'Brien

Second by: Villadsen

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:

Christine Quante, Holly Springs Chamber of Commerce – Ms. Quante addressed the Council to express appreciation on behalf of the Chamber board and business members

Dianna Wynn on behalf of the League of Women Voters – She reported on the LWV's recent event celebrating women in government. She presented Councilwomen Kelly and Lee with certificates of appreciation for their service.

Gerald Holleman, 5625 Easton Street – Mr. Holleman addressed the Council to memorialize his friend and former colleague the late Parrish Womble. He said Parrish loved Holly Springs and should be remembered for his two decades of serving the community.

6a. Citizen Well-Check Program – Chief Herring and Capt. Patterson gave a presentation regarding the implementation of the Citizen Well-Check Program. The program will provide an automated telephone call each day to seniors who live alone in Holly Springs. The call is to make

sure they are okay, and to send assistance if indications are they need help. The program will run 365 days and will lend some peace of mind to loved ones.

Action: None.

6b. Go Triangle presentation – Ms. Mary Morookian, a representative of Go Triangle explained the proposed phasing of bus services through the 10-year horizon of the Wake Bus Plan. This presentation is part of an outreach with the public before project managers and the consulting team prepare the 10-year operating and capital plan and program for fixed-route and demand response services.

Over 10 years, Ms. Morookian said, investments in public transportation will connect the region, connect all Wake County communities, provide frequent and reliable urban mobility and enhance access to transit. The plan includes: expanding bus service, improving bus stops and shelters, implementing bus rapid transit and building a 37-mile commuter rail system.

Ms. Morookian went into further detail about each of the plan elements. One highlight is that Holly Springs will get a new express route connecting to Apex and Cary by June 2020, providing local commuters with a bus transit option during the day.

The HSX will be operated by GoCary and will connect Holly Springs to Cary through Apex. It will be available weekdays during peak period as an hourly service.

Action: None.

7a. Public Hearing: Rezoning Petition 18-REZ-06 – Mr. Beard said this is a request for a zone map change for the property located on the south side of Holly Springs Rd at the southeast corner of the intersection of Raleigh Street and Holly Springs Road, with the address of 204 Holly Springs Rd. The property has an area of 0.24 acres.

He said the applicant is requesting to rezone the property from LB: Local Business Limited to R-8: Residential. The parcel is vacant, but surrounded on the south, east and west sides by single-family homes. The requested R-8: Residential zoning is consistent with the comprehensive plan designation as Residential and as part of the Village District.

The applicant held a neighborhood meeting Sept. 4 at the subject property. Their submitted neighborhood meeting report states that three sets of neighbors attended the meeting but were not opposed to the rezoning proposal.

With that explanation completed, Mayor Sears opened the public hearing.

The following input was entered into the record from speakers at the hearing:

Roy Morton, 216 Holly Springs Road – Mr. Morton said he was concerned about how the rezoning might affect the value of his own neighboring property.

The property owner's representative – He said the owner of the property at this time intends to place a single-family home on the site.

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

Action #1: The Council approved a motion to accept the following statement of compatibility: *“The requested zone map change from LB - Limited to R-8 is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential within the Village District Area Plan and the R-8 Residential District supports residential development.”*

Motion by: Villadsen

Second by: Lee

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 18-REZ-06 to approve and enact Zone Map Change Petition #18-REZ-06 to change the zoning of 0.24 acres of Wake County PIN # 0659031231 from LB: Local Business Limited to R-8: Residential as submitted by Ahmad Khachchaf.

Motion by: Lee

Second by: O'Brien

Vote: Unanimous

A copy of Rezoning Ordinance 18-REZ-06 is attached to these minutes.

7b. Public Hearing: Special Exception Use Petition 18-SEU-06 / Development Plan 18-DP-06 -

Mr. Beard said the Town has received a request for a minor automotive repair shop on vacant property on the south side of Rosewood Center Drive at the intersection of Rosewood Center Drive and Sunsprite Way.

As an Automotive Repair – Minor use in the CB: Community Business district, the project is required to receive Special Exception Use approval from the Town Council. A development plan has also been submitted with the SEU petition along with a waiver to reduce the minimum amount of required glazing (windows or glass doors).

Mr. Beard went on to explain that the applicant had requested that the public hearing be opened and then continued to the Oct. 16, 2018.

For those in attendance, Mr. Beard gave an overview of the project described in agenda packets.

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

There being no testimony, the public hearing was continued.

Action: The Council approved a motion to continue the public hearing for Special Exception Use Petition #18-SEU-06 for Holly Springs Complete Auto Service to resume at the Oct. 16, 2018 Council meeting at the request of the applicant.

Motion By: Kelly

Second By: Villadsen

Vote: Unanimous.

7c. Public Hearing: Rezoning Petition 18-REZ-07 - Mr. Beard said the Town has received a request to rezone two parcels totaling approximately 26.7 acres situated along Holly Springs-New Hill Road, just west of the Addison Pond and Trinity Creek subdivisions.

The applicant is requesting to rezone the properties from PUD: Planned Unit Development to R-10 CU: Conditional Use Residential. The subject properties, along with present-day 12 Oaks, were once part of the Finisterra PUD which was a large-scale golf course master planned community. However, Finisterra never developed and 12 Oaks came into fruition and did not include all of the parcels of the original Finisterra PUD. So although these parcels are technically zoned 'PUD', it is an empty district because the Finisterra PUD plan is in fact expired and no longer in effect.

The applicant held their neighborhood meeting on Aug. 9 at the Hunt Center. Their neighborhood meeting report states that no neighbors attended the meeting but that one had reached out prior to the meeting. That neighbor, Rene Plante at 208 Carving Tree Court, called Jon Frazier prior to the meeting to ask how close future homes could be to his property. Mr. Plante was satisfied with Mr. Frazier's response.

The Planning Board reviewed the application and recommends approval following a 7-1-1 vote. Mr. Crandall represented the planning board to outline the board's discussion. He said the planning board questioned why a TIA was not required; proximity of the site to the Shearon Harris power plant and evacuation routes; and if road improvements would include realignments to try to straighten Holly Springs – New Hill Road.

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.

John Frazier, representing the owner and developer of the property – Mr. Frazier said since the property has no effective zoning that they requested a zoning district similar to adjacent

properties. In addition, the applicant is offering conditions to control the architectural standards of the development and has agreed to a payment in lieu of a traffic signal at Green Oaks Parkway.

Shawn Smith, representing the applicant – He confirmed that the developer is committing to preserve as many trees on the site as possible and also to the 2.0 units per acre.

Councilwoman Kelly said if the commitment is there for the 2.0 units per acre then she would like to know if that would include the space taken up by the power transmission line that traverses the property.

Mr. Schifano recommended that if the Council wanted to include the condition that the property would be limited to 2.0 units per acre (gross or net) then the application should be readvertised with the new condition included.

Council members agreed they would like a commitment from the applicant.

Action #1: The Council approved a motion to table the question until the Oct. 16 meeting so the hearing could be readvertised properly.

Motion by: Lee

Second by: Kelly

Vote: Unanimous

7d. Public Hearing: Special Exception Use Petition 18-SEU-07 / Development Plan

Amendment 10-DP-06-A05 - Mr. Ryan said this Special Exception Use request is for UNC Rex Hospital in Holly Springs.

In conjunction with the Special Exception Use request, a development plan has been submitted for a 236,130 square foot, seven-story hospital building for UNC Rex Hospital. The project would be located along S. Main Street and GB Alford Highway east of the existing medical office buildings along Avent Ferry Road.

Mr. Ryan said the development plan includes 769 parking spaces to serve both the hospital and medical office buildings, a helicopter-landing pad, a central energy building, and a mobile MRI unit. Additional improvements include internal walkways and greenways, public road widening with sidewalk, and decorative improvements in the public right-of-way such as lighting, benches, and street trees. The project is located in a gateway corridor along GB Alford Highway/ NC 55 and will serve as the southern entry into the Village District.

In association with the development plan, petitions were submitted for variances and waivers.

The Planning Board reviewed the applications and recommend approval, following a 8-0-1 vote. Mr. Crandall reported on the board's discussion.

He noted that the planning board members talked about:

- The importance of pedestrian access, such as a foot bridge, from the proposed project to restaurants, dining, and shopping across Hwy 55.
- The ability of current fire department equipment to service the facility.
- The NC 55 bypass building elevation and if it was sufficiently attractive
- If the existing stormwater facility would remain and where stormwater would be treated

Leslie Calucci, project manager and representing the applicant – Ms. Calucci showed a fly-over video of the project, giving the audience a visual of how the project would look.

Tom Williams, Vice President, Ambulatory Services, representing UNC Rex Hospital -- Mr. Williams addressed the Council to describe the proposed project. He described a seven-story full-service hospital with emergency room service and space in the upper stories for future expansion

He said the completion timetable would begin with a groundbreaking in January 2019 and a two-year construction calendar. The first patient would be seen in about March 2021.

Councilman Berry asked why a "mobile MRI" is on the plan.

Mr. Williams said the Certificate of Need granted by the State required it. He went on to explain that patients would get to the mobile unit via an interior route, and plans are for one inside the main building in the future.

Council members asked questions about operations and the potential for both on-site and off-site improvements.

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

James Adams, 113 W. Maple Ave. – Mr. Adams asked if Maple would go through to Avent Ferry Road.

Engineering staff said it would not. There would be no changes to Maple Ave.

David Prince, 713 Utley Street – Mr. Prince asked if there would be any displacement of families. He was told there would not. Mr. Prince asked if there would be buffering. He was told there would be buffering. Mr. Prince said he was not in favor of the hospital development.

Mr. Prince spoke a few times, bringing up the issues of helicopter noise and dangers; he said neighbors were accustomed to the forest behind their homes and none of them wanted the woods to be replaced by a hospital site; the potential for noise; and he said the neighbors were mainly upset because they felt like they were never included in discussions or information meetings.

Claudia Cofield, owns property on Hickory Ave. – Ms. Cofield said she was concerned about widening of Main Street how much property for widening would be needed. She asked where the access to the property would be located. The applicant showed her the access location.

Mr. Williams said he would like to meet with the neighboring residents to hear their concerns and discuss them. He added that the helicopter would be an infrequent impact on neighbors since the hospital would not be a trauma center. He said ambulance noise would not be any more of a problem than it is now because ambulances turn their sirens off on approach to the hospital. He said he felt the neighbors should have their concerns addressed and he would welcome the opportunity to meet with them.

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

Councilman Villadsen asked if the hospital site would be in violation of the noise ordinance.

Mr. Williams said ambulance sirens would cut off on Main Street. He said the only other noise coming from the site might be mechanical noise from the building HVAC or perhaps the generator if the power is interrupted.

Councilwoman Kelly asked if main entrance would be Main Street or Avent Ferry Road.

Mr. Williams said the property could be accessed from both directions, but that the Main Street entrance was probably going to get the most traffic.

Councilman Berry said a glaring omission from the plan was approximately 150 feet of off-site sidewalk that would complete a connection of downtown sidewalk to the site. He said he knew the request would be above and beyond what is required.

Ms. Calucci said the applicant would likely be willing to build the sidewalk segment if the town would obtain the right of way. She said she would investigate the request further.

During discussion of the applicant's request for a waiver of having to relocate overhead utility lines underground (18-WAV-15), Council members each said they could not make the findings of fact to grant Waiver 18-WAV-15 for a waiver of utility design and reservation. This is because Duke Progress Energy never provided definitive information that the relocation would not be desirable unless it extended further down the road off-site.

Action #1: The Council approved a motion to adopt Resolution 18-36 making and accepting the necessary findings of fact for each of the following: special exception use 18-SEU-07; variances of development standards 18-VARTC-03, 18-VARTC-09, 18-VARTC-10, 18-VARTC-11 and 18-VARTC-12; waivers for architectural and design requirements 18-WAV-04; and waiver of lot design and public place reservation 18-WAV-14 as submitted by Surface 678, P.A. (The resolution is not to include positive findings of fact for the requested waiver of utility design and reservation 18-WAV-15)

Motion by: O'Brien

Second by: Lee

Vote: Unanimous

A copy of Resolution 18-36 as is attached to these minutes.

An original motion inadvertently included findings for 18-WAV-15, but the Council amended the original motion to exclude that findings of fact were found for 18-WAV-15.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant waivers of regulations with any associated conditions:

- **18-WAV-04** - Waiver for Alternate Compliance with Architectural Design Requirements, UDO Section 3.08, A., 1., C. Primary Façade Building Materials, and Building Massing and Façade Treatment;
- **18-WAV-14** - Waiver of regulations of Lot Design and Public Place Reservation - Buffer Areas, UDO Section 7.06 D., 4., Buffer Areas
 - Pertaining to 18-WAV-14 - The buffer area shall remain undisturbed, except for those locations shown on the Development Plan for vegetation removal. The Buffer Area shall be replanted in accordance with development plan 10-DP-06-A05. Once the buffer has been reestablished, plant materials within the buffer area shall not be removed unless dead, diseased or threatens to become a danger to human life or property.

Motion by: Villadsen

Second by: Lee

Vote: Unanimous

Copies of waiver applications 18-WAV-04, 18-WAV-14, and 18-WAV-15 addressing the findings are attached to these minutes.

Action #3: Having made the necessary findings of fact, the Council approved a motion to approve variance petitions:

- **18-VARTC-03:** to allow a Variance of Development Standards of UDO Section 3.04 B., 5. Maximum Building Height, to allow for an increase in the maximum building height from 75 feet to 146 feet in association with Development Plan Petition #10-DP-06-A05;
- **18-VARTC-09:** to allow a Variance of Development Standards of UDO Section 3.08 A., 1., c., (1), (b) Prohibited exterior Building Materials, to allow for metal siding on a primary façade (14% of north façade, 18% of south façade, 46% on east façade, and 44% on west façade), in association with Development Plan Petition #10-DP-06-A05;
- **18-VARTC-10:** to allow a Variance of Development Standards of UDO Section 3.04 B., 6., Parking and Loading, to allow for parking areas between the front building line and front lot line along Avent Ferry Road, S. Main Street, and NC 55 Bypass, in association with Development Plan Petition #10-DP-06-A05;
- **18-VARTC-11:** to allow a Variance of Development Standards of UDO Section 3.04 B., 4., a., Use of Minimum Yards and Bufferyards, Minimum Front Yards, to allow for parking areas in the minimum front buffer area along NC 55 Bypass, in association with Development Plan Petition #10-DP-06-A05; and
- **18-VARTC-12:** to allow a Variance of Development Standards of UDO Section 3.07 A., 3., c., Trash/Recycling containers, to allow for a variance of the requirement to have an opaque screen gate, in association with Development Plan Petition #10-DP-06-A05 with the following conditions:
 - **Pertaining to 18-VARTC-03, 09, 10, 11 and 12** - This variance shall apply only to project number 10-DP-06-A05 for UNC REX Hospital.

Motion by: Lee

Second by: Kelly

Vote: Unanimous

Copies of variance applications 18-VARTC-03, 18-VARTC-09, 18-VARTC-10, 18-VARTC-11 and 18-VARTC-12 addressing the findings are attached to these minutes.

Action #4: : Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use 18-SEU-07, as specified in Unified Development Ordinance Section 3.04 Office, Research & Development Park District to allow for a hospital at 617, 704, and 741 Avent Ferry Road; 850 S. Main Street; and 250 W. Maple Avenue, Wake County PINs 0648883964; 0648886797; 0648896547; 0648897356; 0648982510; and Development Plan 10-DP-06-A05 for UNC Rex Healthcare, as submitted by Surface 678, P.A., dated 8/31/18 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 18-SEU-07.

Development Plan Conditions:

1. All previous approval conditions for the approved *Rex Healthcare Development Plan* will apply to this plan as well.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. When replaced, the site lighting fixtures currently used for MOB I and II will be replaced with the same fixture as specified with the hospital portion of the site.
4. If applicable, prior to the submittal of any UDO Permit for Sign Installation for permanent signage, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and approved by the Town Council.
5. New or relocated control of access fencing shall be black ornamental in accordance with UDO Section 3.07, A., 3, b.
6. In accordance with UDO Section 3.08 A. 4. C. Gateway Feature, this project is located at an intersection which is designated as a focal point in the Comprehensive Plan: Village District Area Plan. A focal point shall be constructed in connection with the development of this project. Prior to issuance of a building permit, design specifications shall be submitted to the Department of Planning & Zoning for review and the Town Council for approval.
7. The following items must be addressed prior to the first construction drawing submittal:
 - a. Right-of-way dedication in the form of a recorded plat is required with this project in accordance with the Town's Comprehensive Transportation Plan for the following items. The acceptance of the plat will be delayed until the improvements are constructed.
 - i. Grade separated interchange at S. Main Street and NC 55 By-Pass
 - ii. NC 55 By-pass along the property frontage.
 - b. Thoroughfares, collectors and boulevards will require a calculated pavement design and will require NCDOT approval.
 - c. Documentation in the form of a plat must be provided for offsite right-of-way to be dedicated for this project.
 - d. A flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The flood study will need to be updated to reflect this project and will need to demonstrate that development of the site will not raise established flood levels. Retention or detention may be required to accomplish this.
8. The following must be submitted with the first Construction Drawing submittal:
 - a. A point-by-point photometric plan for all site lighting (not including public right-of-way street and pedestrian lights) in conformance with lighting levels specified in UDO Section 7.02 shall be submitted to and approved by the Department of Planning & Zoning.
 - b. Tree survey information for perimeter yard increments D-5 through D-16 must be shown on the first submittal of construction drawings. If supplemental landscaping is needed, a revised landscape plan will be required.

- c. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.
 - d. The Downstream Sewer Evaluation Report must be completed and approved.
9. The following items must be addressed prior to construction drawing approval:
- a. A proportionate fee-in-lieu of upgrade will be required for this project for the downstream sewer impacts.
 - b. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - c. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.
 - d. Stormwater sureties are required on this project. A performance surety in the form of a bond, letter of credit or cash is required in the amount of 125% estimated construction cost of the stormwater SCM prior to the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the SCM is required at the end of the performance monitoring period for the project.
 - e. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
 - f. A proportionate fee-in-lieu for the realignment of Pine Avenue at Avent Ferry Road is required with this project.
 - g. A fee-in-lieu of relocating overhead utilities underground along Avent Ferry Road is required with this project.
10. An Infrastructure Reimbursement Agreement (IRA) is expected for this project in association with the potential need to relocate the 30-inch water main on Avent Ferry Road. Any changes required as a result shall be incorporated into the plans during the construction drawing phase. The IRA will be presented to the Town Council once completed for review and approval.

Motion by: O'Brien

Second by: Berry

Vote: Unanimous

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

8a. Minutes – The Council approved minutes of the Board's meeting held Sept. 4, 2018.

8b. Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Budget Amendment, \$18,878 – The Council adopted an amendment to the FY 2018-19 budget to transfer \$18,878 for damaged motorcycles from #10 340.07 insurance proceeds to 10-418-18 90.02 capital outlay vehicles.

8d. Postage Meter Lease Agreement – The Council approved to enter a contract with Mail Finance for the Town's postage meter lease agreement.

8e. Fee Schedule Amendment – The Council adopted an amendment to budget ordinance 18-06 amending the fee schedule for the winter farmers market.

8f. Resolution 18-37 – The Council adopted Resolution 18-37 to adopt Development Procedures Manual Amendment #18-DPM-03. *A copy of Resolution 18-37 is attached to these minutes.*

8g. Tree City USA Meeting Reschedule - The Council approved to reschedule the Tree City USA board discussion until input is secured from the Planning Board and the Parks and Recreation Advisory Committee.

NEW BUSINESS – Mr. Harrington asked the Council to amend its calendar of regular meetings for 2018 by adding a workshop for 6 p.m. Tuesday, Sept. 25.

Action: The Council approved a motion to amend its 2018 calendar of regular meetings to add a workshop meeting for 6 p.m. Tuesday, Sept. 25 in the Holleman Room of Holly Springs Town Hall, 128 S. Main St.

Motion By: O'Brien

Second By: Lee

Vote: Unanimous

9. Other Business: None that resulted in Council action;

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

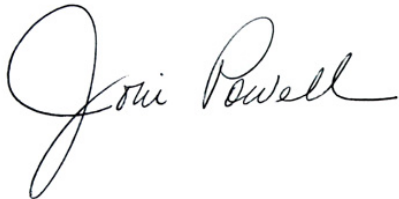
11. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) to discuss with the town attorney under the attorney-client privilege the litigation matters of the Jadep LLC vs. ComTran and the Town of Holly Springs and the Currin Brothers vs. the Town of Holly Springs case.

In closed session, the Council considered information resulting from a mediation in the Currin Brothers vs the Town of Holly Springs case and gave direction to Mr. Schifano on this and the Jadep LLC vs ComTran and the Town of Holly Springs case.

The Council approved a motion to return to open session.

12. Adjournment: There being no further business for the evening, the Sept. 18, 2018 meeting of the Holly Springs Town Council was adjourned.

day, Oct. 16, 2018.

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