

Town of Holly Springs
PLANNING BOARD MEETING MINUTES
Tuesday, October 27, 2020 - 7:00 p.m.

Agenda Item #1, 2 & 3:

The Planning Board of the Town of Holly Springs met virtually for their regularly scheduled meeting on October 27, 2020. At 7:00 after determining a quorum was present, Chair Rybak called the meeting to order.

Staff Members Present: Scott Chase, Assistant Town Manager
 Elizabeth Goodson, Land Development Division Manager
 Melissa Sigmund, Principal Planner
 Sean Ryan, Senior Planner
 Cheryl Caines, Planner II
 Caleb Allred, Planner I
 Rachel Jones, Development Review Engineer
 Bronwyn Bishop, Development Plan Reviewer
 Kathy Carlisle, Planning Board Clerk
 Emmily Tiampati, Transportation Planner
 John Schifano, Town Attorney
 Matt Beard, Park Planner

The Board completed roll call.

Members Present: Dana Rybak, Chair
 Ernie Carpico, Vice-Chair
 Mark Brady
 Van Crandall
 Chris Deshazor
 Rick Madoni
 Mark Stuckey
 Thomas Urquhart

Members Absent: Courtney Patterson

The Board recited the pledge of Allegiance and the meeting opened with an invocation by Mr. Deshazor.

Agenda Item #4: Agenda Adjustment

Request to move Item 10a to after Item 7 as well as Items 11a and 11b before Item 9b.

Agenda Item #5: Minutes

a. *September 22, 2020 Minutes*

Motion:

Motion to approve the September 22, 2020 Minutes.

Motion by: Mr. Carpico

Second by: Mr. Stuckey

Action: *The Planning Board voted in favor of the Motion. (8-0)*

Agenda Item #6: Town Council Representative

- a. Planning Board Representation for Town Council
- Joint Public Hearing: None
 - November 3rd – Rick Madoni

- November 17th – Mark Stuckey

Agenda Item #7: Public Comment Period

No speakers signed up to approach the Board.

Agenda Item #8: Zone Map Change Petitions

- a. Oakview Innovation (20-REZ-02)

Ms. Sigmund reviewed the staff report with the Board.

The Town has received a request to rezone the property in question from R-30: Residential and RT: Research & Technology to RT: Research & Technology and LB: Local Business.

Ms. Krstanovic discussed with the Board the Town's Economic Development vision and goals for this area. Discussions about the development agreement were also held.

Chair Rybak invited the applicant to speak.

Jon Keener
Blake Hall

Mr. Keener provided a presentation that also included the master plan as well as the rezoning request. He further discussed the community goals and the development agreement for this area. Mr. Keener provided the Board with anticipated community benefits as a result of the rezoning and master plan.

Discussions about the anticipated traffic impact and road improvements were held. Mr. Keener discussed the neighborhood meeting and issues expressed and the goals to help alleviate their concerns as moving forward with the development. Stormwater and buffer requirements were discussed. Mr. Hall stated he felt confident the requirements and goals of the Town can be met.

Ms. Rybak reviewed the proposed Planning Consistency Statement and the Planning Board agreed with the following as being true:

The requested zone map change from R-30 to RT: Research & Technology is consistent with the Vision Holly Springs Comprehensive Plan and Future Land Use Map designation of Business & Technology and will allow for the development of a large employment cluster.

Approval of rezoning portion from RT: Research & Technology to LB: Local Business shall thereby change the Future Land Use Map designation of said property to Neighborhood Center.

Motion:

Staff recommends that the Planning Board recommend approval of Zone Map Change Petition #20-REZ-02 to change the zoning of approximately 12.644 acres of Wake County PIN 0639633688 from R-30: Residential to RT: Research & Technology and approximately 11.64 acres Wake County PINs 0639941045, portion of 0639943500, portion of 0639937984 from RT: Research & Technology to LB: Local Business as specified on the attached survey map.

Motion by: Mr. Madoni

Second by: Mr. Stuckey

Action: The Planning Board voted in favor of the Motion. (8-0)

Agenda Item #9: Preliminary Plans

a. Oakview Innovation (20-MAS-02)

Mr. Ryan reviewed the staff report with the Board.

The Town has received a request for a nonresidential subdivision located southwest of the intersection of Green Oaks Parkway and Holly Springs New Hill Road. The applicant has submitted a detailed master plan, in accordance with the requirements of the previously approved Development Agreement, which establishes the transportation network, utility layout, lot lines, common landscaping, and master architectural guidelines (common building materials and colors) for future development of the property. If the master plan is approved, the next step in the development process would be a detailed development plan for each outlot. The detailed development plan will determine the specific use of the property (based on the permitted or special exception uses permitted in the RT and LB zoning districts) and specific design standards such as pedestrian circulation, building location, parking lot layout, loading locations, internal landscaping, site lighting, and building elevations.

Ms. Bishop presented an overview of engineering topics including transportation, future traffic signal, utilities and anticipated phases for improvements.

Timeline and best development practices of the Comprehensive Transportation Plan and how it pertains to the project were discussed.

This project was presented by the applicant in conjunction with the rezoning request.

Motion:

Motion that the Planning Board recommend the Town Council approve Detailed Master Plan 20-MAS-02 for Oakview Innovation Park as submitted by the Timmons Group, Project Number 45363, dated Revised 9/25/20 with the following conditions:

1. Articles of the executed Development Agreement shall apply to this Master Plan.
2. Prior to Construction Drawing Approval, the following items must be addressed:
 - a. Street Tree locations shall be shown with approved lighting fixture locations shall be positioned as to not interfere with any lighting fixtures or any site distance triangles. Trees shall be located a minimum of twenty-five (25) feet from the base of all street light poles.
3. 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.
4. This project is required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
5. Maintain vehicular access to the Business Park Pump Station throughout all stages of development.
6. Sewer and Pump Station upgrades and improvements must be constructed in accordance with the terms previously approved in the executed Development Agreement.
7. A Downstream Sewer Evaluation and Preliminary Engineering Report have been completed with the Master Plan. With subsequent phases and Development Plans within the Master Plan, the downstream Business Park Pump Station flow is required to continue to be monitored by the Developer.
8. Prior to or with your second construction drawing submittal, the detailed hydraulic report for the reclaimed water main extension must be finalized.
9. Prior to or with the first construction drawing submittal, the following must be addressed:
 - a. Thoroughfares, collectors and boulevards require a calculated pavement design.

- b. If the construction design triggers updates to the PER/Sewer Study, then a Final Gravity Sewer Line Sizing Report will be required or a letter should be submitted stating that there is not change.
 - c. All items listed on the Stormwater Submittal Checklist, Form #16003
10. The following must be addressed prior to construction drawing approval and/or issuance of a land disturbance permit:
- a. Any Offsite right-of-way needed for this project must be dedicated in the form of a recorded plat.
 - b. Off-site sewer easements shall be documented in the form of a recorded plat.
 - c. Approval of Stormwater Management Plan.
 - d. Payment of the Stormwater Fee-in-Lieu.
 - e. 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 BMP 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 BMP is required at the end of the performance monitoring period for the project.
 - f. All environmental permits must be obtained for the entire project.
 - g. A fee-in-lieu of design and construction of a new traffic signal at the intersection of Green Oaks Parkway/Holly Springs New Hill Road, proportionate to project impact, is required to be paid with Phase 1 of the Master Plan in the amount of \$23,835. If this amount is not paid in a lump sum by the developer, each Development Plan within Phase 1 of this Master Plan will be evaluated and required to pay the equivalent proportionate fee.
 - h. A fee-in-lieu of design and construction of the realignment of the intersection of Old Holly Springs Apex Road/Holly Springs New Hill Road, proportionate to project impact, is required to be paid with Phase 1 of the Master Plan in the amount of \$149,550. If this amount is not paid in a lump sum by the developer, each Development Plan within Phase 1 of this Master Plan will be evaluated and required to pay the equivalent proportionate fee.
11. The following must be addressed with the future Development Plans within Phase 1 of this Master Plan:
- a. Each Development Plan related to Phase 1 of the Master Plan will be required to submit a Transportation Memo to verify it is within the parameters established within the approved TIA.
 - b. Continue to monitor the Site Drive #1/ Ancient Oaks Parkway/ Holly Springs New Hill Rd intersection for traffic signalization. A Signal Warrant Analysis submittal will be required with subsequent Development Plans and phases within this Master Plan to determine if a traffic signal is warranted during any phase of development. If not warranted, a fee-in-lieu of traffic signal design and construction will be required, proportionate to the project impact and due at the time of Construction Drawing Approval.
 - c. A Sewer Memo shall be required with each Development Plan within the Master Plan to verify if the specific development is within the parameters of the Sewer Study approved with this Master Plan. If the parameters are exceeded, an update to the Sewer Study shall be required.
 - d. A Water System Hydraulic Report and FFA shall be required for each Development Plan within the Master Plan for Town review and approval.
 - e. Evaluate feasibility of relocation of overhead utilities underground and determine if fee-in-lieu of the work is applicable in accordance with the UDO.
 - f. Provide preliminary vertical alignment for a distance of 100' beyond the property line to demonstrate constructability for any street stub that crosses a stream in accordance with the ED&CS.
 - g. Determine the location of water meters and services.
 - h. Determine the location of backflow preventers.
 - i. Re-evaluate the feasibility of the construction of sanitary sewer stubs to upstream adjacent properties in accordance with ED&CS.
 - j. Provide Industrial Water Survey and Fats Oils & Grease Survey forms.
12. The following must be addressed with the future Phase of this Master Plan:
- a. Design and construct the new thoroughfare, as noted on the Master Plan, in accordance with the UDO and CTP.

- b. Design and construct the internal connector street, as noted on the Master Plan, to connect Phase 1 with the new thoroughfare.
- c. Re-evaluate the Master Plan TIA study area with new traffic counts to determine if additional recommendations are needed to adequately mitigate project impact. An updated TIA will be required to be submitted to the Town and NCDOT for review.
 - i. Re-evaluate the following intersections for fee-in-lieu of construction of improvements, proportionate to the project impact from this phase: Green Oaks Parkway/Holly Springs New Hill Road, Old Holly Springs Apex/Holly Springs New Hill Road, GB Alford/NC-55 corridor.
 - ii. Re-evaluation of the following intersections should be provided to identify necessary mitigations to meet NCDOT and Town requirements: Green Oaks Parkway / Site Driveway #2, Green Oaks Parkway & DPR Driveway/Thomas Mill Road, Green Oaks Parkway / Premier Drive
 - iii. Continue to monitor the Site Drive #1/ Ancient Oaks Parkway/ Holly Springs New Hill Rd intersection for traffic signalization. A Signal Warrant Analysis submittal will be required with subsequent Development Plans and this Phase within the Master Plan to determine if a traffic signal is warranted during any phase of development. When warranted, it is the responsibility of the Developer to design and construct the traffic signal in accordance with NCDOT and Town standards.

Motion by: Mr. Carpico

Second by: Mr. Crandall

Action: The Planning Board voted in favor of the Motion. (8-0)

- b. Village Gate (20-MAS-03, 20-SEU-09, 20-WAV-18, 20-VARTC-07, 20-VARTC-08, 20-VARTC-09, 20-VARTC-10)

Mr. Ryan reviewed the staff report with the Board.

The Town has received a request for a Detailed Master Plan (mixed-use subdivision) and Special Exception Use to allow for a Mixed-Use Option development located at the intersection of Ralph Stephens Road and S. Main Street. A Detailed Master Plan is required for the project in accordance with the Village Gate Development Agreement approved by the Town Council. In conjunction with the requested Special Exception Use, the applicant is requesting Variances of certain development requirements that are further outlined in this report.

Ms. Bishop provided an overview of engineering topics including transportation, traffic signal improvements, sidewalk connections, off-site greenway and details of the developer agreement. Mr. Beard provided details on the proposed greenway section of this project.

Discussions on the details of the developer agreement were held.

The master plan and three associated development plans will be presented together.

Chair Rybak invited the applicant to speak.

Laura Holloman
Durham NC

Chris Ruckowski
Durham NC

Adam Zabrud
Holly Springs NC

Eli Zabrud
Morrisville NC

Ms. Holloman provided the Board with an overview of the proposed projects as well as the history of the development. Mr. Ruckowski discussed the key details of the master plan for Village Gate. Mr. (Adam) Zabrud presented the Oak Village Academy video. Mr. (Eli) Zabrud depicted the vision and goals for this proposed project.

Mr. Crandall asked about the mixed-use options and Mr. Ryan provided clarification on the intent of the requirements. Discussions about the required streetscape and the applicant's proposal were held. The waiver for Tree Preservation requirements were also discussed. Mr. Ryan discussed that the applicant is meeting the 10% minimum requirement but the applicant is accomplishing it in a different way than listed in the ordinance matrix. Mr. Ruckowski explained the issues in meeting the tree preservation requirements and their alternate proposal for meeting the requirements.

Motion:

ACTION #1: WAIVER OF REGULATIONS OF UDO

Motion that the Planning Board recommend approval of a Waiver of Regulations 20-WAV-18 Waiver of Regulations of UDO Section 7.01 J. Required Tree Preservation Requirements to allow alternate compliance for Tree Preservation Area Priority in association with Detailed Master Plan Petition #20-MAS-03.

Motion by: Mr. Urquhart
Second by: Mr. Deshazor

Action: The Planning Board voted in favor of the Motion. (6-2)

*Mr. Crandall requests that Town Council review the planning discussion item.
Mr. Stuckey's denial is based on the need for more detail for a decision to be made.*

ACTION #2: SPECIAL EXCEPTION USE & MASTER PLAN

Motion that the Planning Board recommend approval of Special Exception Use #20-SEU-09 as specified in Unified Development Ordinance Section 3.05 C. Community Business District to allow for a Mixed Use Option project, and Detailed Master Plan 20-MAS-03 for Village Gate at the property located at 0 Ralph Stephens Road, 0, 1012, 1024, 1036, 1054, 1060, 1064, 1068, & 1072 S Main Street, Wake County PINs 648851905, 648852906, 648854727, 648860360, 648862150, 648862276, 648862939, 648864611, 648874081, & 648950812, as submitted by TMTLA Associates, dated Revised 10/02/20 with the following conditions:

Special Exception Use:

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 20-SEU-09.

Master Plan:

1. Street Tree locations shall be shown with approved street lighting plan and shall be positioned as to not interfere with any lighting fixtures or any site distance triangles.
2. Prior to the submittal of any UDO Permit for Sign Installation for permanent signage or installation of public art, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and be approved.
3. All previous approval conditions for *Village Gate Rezoning* will apply to this Master Plan.

4. Articles of the Development Agreement executed with the Village Gate Rezoning shall apply to this Development Plan.
5. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance
6. The design of the pedestrian access near the focal point at the corner of Ralph Stephens Rd and S. Main Street on Tract 2 is pending additional coordination with the adjacent property owner. Final design will be determined during construction drawing review of this development plan.
7. The following must be addressed prior to or with the 1st Construction Drawing submittal:
 - a. Village Gate Master Plan must receive Town Council approval and have received the Action Notice from the Town's Development Services prior to submitting construction drawings.
 - b. All items listed on the Stormwater Submittal Checklist, Form #16003
 - c. All invoiced special study review fees must be paid.
 - d. Thoroughfares, collectors and boulevards will require a calculated pavement design.
 - e. Verify that no changes to sewer line sizing has occurred during final design.
8. Prior to construction drawing approval and/or issuance of a land disturbance permit, the following must be addressed:
 - a. All off-site water and sewer easements required to serve this project shall be documented in the form of a recorded plat.
 - b. Approval of Stormwater Management Plan.
 - c. Payment of the Stormwater Fee-in-Lieu.
 - d. All environmental permits must be obtained for the entire project
 - e. Any required off-site right-of-way for this project shall be dedicated in the form of a recorded plat.
 - f. Cross-Access Easements between adjacent property owners shall be shown on construction drawings and are required to be documented in the form of a recorded plat. An Access Easement Agreement is required to be documented between the adjacent property owners.
 - g. Any off site sewer facilities that are needed to serve this project; including the Basal Creek Pump Station improvements by the Lowe's development and the downstream sewer extension and manhole network by Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - h. Any off site water facilities that are needed to serve this project; including the watermain extension on Ralph Stephens Road by the Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - i. 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 BMP 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 BMP is required at the end of the performance monitoring period for the project
9. In accordance with the executed Development Agreement, prior to issuance of any permit or plat approval for any tract of the Village Gate project, the following must be addressed:
 - a. Payment of a fee-in-lieu proportionate to project impact in the amount of \$105,000 for design and construction of GB Alford/NC-55 transportation improvements
10. In accordance with the executed Development Agreement, prior to Certificate of Occupancy for the Solaris Building on Tract 3, the following must be addressed :
 - a. Retrofit of the traffic signal at the intersection of Piney Grove Wilbon/S. Main St/Ralph Stephens from wooden pole to mast arm and signal timing modifications shall be completed.
 - b. Design and construction of a northbound through-right turn lane at the intersection of Piney Grove Wilbon/S. Main St/Ralph Stephens shall be completed.
 - c. Off-site Greenway extension along Piney Grove Wilbon Road to Garrison Subdivision shall be completed.
11. Prior to the Town Council hearing, the Master Plan shall be updated to address the remaining review comments listed below:
 - a. Street trees shall be identified by species and illustrated along all streets.
 - b. Roadway plan sheets TE 1.0, TE 1.1, TE 1.2 must be signed and sealed by a professional engineer.
 - c. Revise SDTs to show the vertical dimension in accordance with Standard Detail HS333 (see below). The vertical dimension value should be either 15' or 18' based on street type.

- d. Please verify that the Site Access #1 on S. Main Street meets the ED&CS for a 21' ingress and egress lane on either side of the median. Label the dimensions.
- e. Please verify that the Site Access #3 on S. Main Street meets the ED&CS for a 21' ingress and egress lane on either side of the median. Label the dimensions.
- f. Please add a note to Overall Master Plan to reference that design at the corner of Tract 2 at Ralph Stephens Rd and S. Main Street is pending additional coordination with the adjacent property owner, to be determined during construction drawing review.

Motion by: Mr. Carpico

Second by: Mr. Urquhart

Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.

Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

Agenda Item #10: Special Exception Use

a. 348 W Earp St (20-SEU-08)

Ms. Caines reviewed the staff report with the Board.

The Town has received a request to allow for a Special Exception Use as specified in Unified Development Ordinance Section 2.03 R-15 Residential District to allow for one (1) single-family dwelling within the Village District Area Plan boundary, as indicated in the Comprehensive Plan, in the R-15 District at the property located at 348 W Earp Street, Wake County PIN 0649822850.

Ms. Bishop provide the Board with an overview of engineering topics including road improvements, public sidewalk and water/sewer.

Chair Rybak invited the applicant to speak.

Jason Brown
Holly Springs NC

Mr. Brown thanked the Board for their time and positive comments.

Motion:

Motion to recommend that the Town Council approve Special Exception Use #20-SEU-08 as specified in Unified Development Ordinance Section 2.03 R-15 Residential District to allow for (1) single family dwelling within the adopted Village District Area Plan boundary as indicated in the Comprehensive Plan, in the R-15 District at the property located at 348 W Earp Street, Wake County PIN 0649822850, as submitted by Thompson & Associates with the following 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 20-SEU-08.
2. Minor modifications to the height, bulk, orientation of the structure on the lot, location of the structure on the lot, and site design may be authorized by the Director of Planning & Zoning. If the Director determines that the proposed minor modifications are of such a nature as to adversely impact the purpose or intent of this approval, the petitioner shall be required to file a new petition for Special Exception Use approval.
3. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
4. A land disturbance permit will be required for this project.

5. The following items must be addressed prior to construction drawing approval and/or issuance of a land disturbance permit:
 - a. Right-of-way dedication in the form of a recorded plat.
 - b. All environmental permits must be obtained for the entire project.

Motion by: Mr. Dashazor

Second by: Mr. Carpico

Action: The Planning Board voted in favor of the Motion. (8-0)

Agenda Item #11: Development Plans

a. Peterson Station (16-DP-17-A03, 20-ALT-07)

Mr. Ryan reviewed the staff report with the Board.

In June of 2016, the Town Council approved a Mixed-Use Option Development Plan for Peterson Station, located east of the intersection of Sunset Lake Road and Stephenson Road. The proposal included vertical mixed use buildings (buildings containing ground floor nonresidential land uses and upper level residential land uses) and stand-alone residential apartment buildings. In November of 2019, the Town Council approved modifications to the building elevations and allowed for an increase in the number of residential units from 310 to 317 units.

Since the original approval in 2016, a condition of approval of this plan has been that the vertical mixed-use buildings, located along Sunset Lake Road, had to be the first buildings constructed in order to ensure that the mixed-use nature of this project would be achieved. With this major amendment, the applicant is seeking to modify the phasing plan and is requesting that the stand-alone apartment buildings be allowed to begin construction prior to the mixed-use buildings. Only the Town Council may approve any modification to this original condition of approval. In conjunction with this request, the applicant is seeking to enter into a Development Agreement that lays out the terms for the project phasing.

Secondary to the major amendment to the phasing, the applicant is incorporating the previously authorized changes to the plan approved by the Town Council with the previous amendment, which includes increasing the number of units from 310 to 317, adding parking to accommodate the new units, and modifying the central open space area.

Chair Rybak invited the applicant to speak.

Tom Spaulding

Jeff Peterson

Mr. Spaulding provided the Board with an overview of the proposed amendment. It was stated that most of the road improvements will be completed with the development of the first phase. Mr. Peterson provided an anticipated timeline of the first phase's completion in the next year. Mr. Schifano provided further details on the phasing and development agreement requirements including the installation of a traffic signal.

Mr. Crandall expressed concern about allowing for the change in phasing of the residential units prior to the corner commercial/retail section of the project. He further stated his opposition to the amendment at this time.

Ms. Rybak expressed her understanding of the request due to the circumstances that this item.

Motion:

Motion that the Planning Board recommend that the Town Council approve Major Development Plan Amendment 16-DP-17-A03 for Peterson Station at Sunset Lake, as submitted by Spaulding & Norris, PA, project number 835-16. Dated revised 04/26/2019, with the following conditions:

1. All previous conditions of approval for *Peterson Station at Sunset Lake* shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or as made or modified by any unexpired development agreement.
2. If/when the Public Access Easement for potential future connection stubbed to the McKinney Property is utilized, the landscaping within the easement shall be removed.
3. Prior to Town Council, the following site plan revisions must be addressed:
 - a. On the Site Plan sheet, please revise the label for the 51' Access Easement to "51' Public Access Easement for potential future connection," for clarity.

Motion by: Mr. Carpico

Second by: Mr. Stuckey

Action: The Planning Board voted in favor of the Motion. (5-3)

Mr. Deshazor's denial is based on concerns that the retail will be left off of the project in the end and he feels the retail is needed.

Mr. Crandall agrees with Mr. Deshazor's concerns and that the retail may never be built and it will leave empty space.

Mr. Brady agrees with Mr. Deshazor's concerns and that the retail may never be built and it will leave empty space.

b. New Hill Veterinary Clinic (19-DP-13, 19-SEU-09, 18-WAV-30)

Mr. Allred reviewed the staff report with the Board.

The Town has received a request to allow for a Special Exception Use as specified in Unified Development Ordinance Section 2.01 R-30 Residential District to allow for a Veterinary Hospital in the R-30 Residential District at the property located at 3421 New Hill Holleman Road, Wake County PIN 0629158790.

Ms. Bishop provided the Board with an overview of the engineering topics including water/sewer, utility connection and right-of-way dedication. Discussions of road widening were held.

Chair Rybak invited the applicant to speak.

Alex Fisher
Holly Springs NC

Mr. Fisher provided the Board with a presentation of the proposed project as well as a history of the property and his business. Discussions about the traffic impact and the proposed project were held.

Motion:

ACTION #1: WAIVER OF REGULATIONS OF UDO

Staff recommends that the Planning Board recommend approval of 20-WAV-11 Waiver of Regulations of UDO Section 7.06, 7.07, or 7.08 – Utility Design for Petition #19-DP-13 for New Hill Vet Clinic, to allow private well and septic systems instead of connecting to Town water and sewer as submitted by Alex Fisher.

ACTION #2: SPECIAL EXCEPTION USE

Staff recommends that the Planning Board recommend approval of Special Exception Use #19-SEU-09 as specified in Unified Development Ordinance Section 2.01 R-30 Residential District to allow for a veterinary hospital in the R-30 Residential District at the property located at 4321 New Hill Holleman Road, Wake County PIN 0629158790 as submitted by Alex Fisher with the following conditions:

2. 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 19-SEU-09.
3. Prior to construction drawing approval, the following must be addressed:
 - a. Right-of-way dedication across the full property frontage must be recorded in the form of a plat.
 - b. Public sewer easement shown on the plan must be recorded in the form of a plat.

ACTION #3: DEVELOPMENT PLAN

Staff recommends that the Planning Board recommend approval of Development Plan #19-DP-13 for New Hill Veterinary Clinic as submitted by Alex Fisher, dated Revised 09/2020 with the following conditions:

1. Prior to construction drawing approval, the following must be addressed:
 - a. Right-of-way dedication across the full property frontage must be recorded in the form of a plat.
 - b. Public sewer easement shown on the plan must be recorded in the form of a plat.

Motion by: Mr. Deshazor

Second by: Mr. Carpico

Action: The Planning Board voted in favor of the Motion. (8-0)

- c. Village Gate Tr 1 (20-DP-14, 20-ALT-14)

Ms. Caines reviewed the staff report with the Board.

The Town has received a request for a Development Plan for Tract 1 of the Village Gate Master Plan (20-MAS-03, *pending Town Council approval*) located on S Main Street near the intersection with Ralph Stephens Road. In accordance with the Master Plan, Tract 1 contains a 159-unit, age restricted (senior) apartment building (approximately 195,844 square feet). An additional 12,000 square foot commercial building to the south is planned for future development but is not part of this Development Petition.

Chair Rybak invited the applicant to speak.

This project was presented by the applicant in conjunction with the master plan.

Motion:

Motion that the Planning Board recommend approval of Development Plan #20-DP-14 for Village Gate Tract 1 as submitted by TMTLA Associates, dated Revised 10/02/20 with the following conditions:

1. Prior to the submittal of any UDO Permit for Sign Installation for permanent signage or public art, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and approved.
2. All previous conditions of approval for Village Gate Detailed Master Plan shall apply except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
3. All previous approval conditions for *Village Gate Rezoning* will apply to this plan.

4. Articles of the Development Agreement executed with the Village Gate Rezoning shall apply to this Development Plan.
5. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
6. The following must be addressed prior to or with 1st construction drawing submittal:
 - a. All items listed on the Stormwater Submittal Checklist, Form #16003
 - b. Approval of the Village Gate Master Plan.
 - c. Payment of all invoiced special study fees.
7. Prior to construction drawing approval and/or issuance of a land disturbance permit, the following must be addressed:
 - a. All off-site water and sewer easements required to serve this project shall be documented in the form of a recorded plat.
 - b. Approval of Stormwater Management Plan.
 - c. Payment of the Stormwater Fee-in-Lieu.
 - d. All environmental permits must be obtained for the entire project.
 - e. Any required off-site right-of-way for this project shall be dedicated in the form of a recorded plat.
 - f. Cross-Access Easements between adjacent property owners shall be shown on construction drawings and are required to be documented in the form of a recorded plat. An Access Easement Agreement is required to be documented between the adjacent property owners.
 - g. Any off site sewer facilities that are needed to serve this project; including the Basal Creek Pump Station improvements by the Lowe's development and the downstream sewer extension and manhole network by Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - h. Any off site water facilities that are needed to serve this project; including the watermain by the Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - i. 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 BMP 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.
8. In accordance with the executed Development Agreement, prior to issuance of any permit or plat approval for any tract of the Village Gate project, the following must be addressed:
 - a. Payment of a fee-in-lieu for design and construction of GB Alford/NC-55 transportation improvements, proportionate to the project impact in the amount of \$105,000.
9. Prior to the Town Council Special Exception Use public hearing, the following plan revisions must be made:
 - a. Update the Alternate Landscape Plant Locations noted on Sheet L-3 to match the Alternate Landscape Plan letter
 - b. Update the site data (Sheet L-1) based on the Director's determination requiring a parking ratio of 1.20 spaces per unit plus 10% visitor parking
 - c. Add a bike rack detail showing how the five space minimum requirement is met
 - d. Add the 20-MAS-14 fence detail to Sheet L-4
 - e. Revise the trash enclosure detail on Sheet L-4 to show a metal gate
 - f. Update elevation drawings to show
 - i. the name and color of the building materials to be used on all elevations
 - ii. 60% primary color elements have been provided as stated for all buildings, including garages
 - g. Revise floor plan to show the internal bike storage
 - h. Add a detail of the bollard pedestrian lighting design features
 - i. Please note Emergency Access Only signage at the emergency vehicle access.
 - j. Please verify that the Site Access #1 on S. Main Street meets the ED&CS for a 21' ingress and egress lane on either side of the median. Label the dimensions.

- k. Revise SDTs to show the vertical dimension in accordance with Standard Detail HS333. The vertical dimension value should be either 15' or 18' based on street type.
- l. The Cross Access Easement has been labeled as 20' in width. The easement encapsulates the 20-ft access drive as well as the 5-ft sidewalk and some additional land. Please accurately dimension the easement.

Motion by: Mr. Brady

Second by: Mr. Madoni

Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.

Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

d. Village Gate Tr 2 (20-DP-12, 20-WAV-19, 20-WAV-20, 20-WAV-21, 20-ALT-12)

Mr. Ryan reviewed the staff report with the Board.

The Town has received a request for a Development Plan for Tract 2 of the Village Gate Master Plan (20-MAS-03, pending Town Council approval) located at the intersection of Ralph Stephens Road and S. Main Street. In accordance with the Master Plan, Tract 2 contains approximately 60,000 square feet of professional office uses within two buildings.

Chair Rybak invited the applicant to speak.

This project was presented by the applicant in conjunction with the master plan.

Motion:

ACTION #1: WAIVER OF REGULATIONS OF UDO

Motion that the Planning Board recommend approval of the following waivers:

1. 20-WAV-19: Request to allow for a Waiver of Regulations of UDO Section 3.08, A 1. c. Primary Façade Building Materials, and Building Massing and Façade Treatment, Variation in Massing, to allow an increase in building bay width for Building 1 from 30 feet to 40 feet in association with Development Plan Petition #20-DP-12.
2. 20-WAV-20: Request to allow for a Waiver of Regulations of UDO Section 3.08, A 1. c. Primary Façade Building Materials, and Building Massing and Façade Treatment, Variation in Massing, to allow an increase in building bay width for Building 2 from 30 feet to 40 feet in association with Development Plan Petition #20-DP-12.
3. 20-WAV-21: Request to allow for a Waiver of Regulations of UDO Section 7.05, B. Off-Street Loading Regulations, Design and Construction of Loading Areas, to allow a reduction in the minimum off-street loading dimensions from twelve (12) feet in width and fifty-five (55) feet in length to ten (10) feet in width and thirty-six (36) feet in length in association with Development Plan Petition #20-DP-12.

Motion by: Mr. Madoni

Second by: Mr. Carpico

Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.

Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

ACTION #2: DEVELOPMENT PLAN

Motion that the Planning Board recommend approval of Development Plan #20-DP-12 for Village Gate Tract 2 as submitted by TMTLA Associates, dated Revised 10/02/20 with the following conditions:

1. Prior to the submittal of any UDO Permit for Sign Installation for permanent signage or public art, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and approved.
2. All previous conditions of approval for Village Gate Detailed Master Plan shall apply except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
3. All previous approval conditions for Village Gate Rezoning will apply to this plan as well.
4. Articles of the Development Agreement executed with the Village Gate Rezoning shall apply to this Development Plan.
5. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
6. The design of the pedestrian access near the focal point at the corner of Ralph Stephens Rd and S. Main Street is pending additional coordination with the adjacent property owner. Final design shall be determined during construction drawing review.
7. The following must be completed prior to *or with* first Construction Drawing submittal:
 - a. Approval of the Village Gate Master Plan
 - b. Payment of all invoiced special study review fees.
 - c. All items listed on the Stormwater Submittal Checklist, Form #16003
 - d. Thoroughfares, collectors and boulevards require a calculated pavement design.
8. Prior to Construction Drawing approval and/or issuance of a land disturbance permit, the following must be addressed:
 - a. Off-site water and sewer easements are required to be documented in the form of a recorded plat.
 - b. Approval of Stormwater Management Plan
 - c. Payment of the Stormwater Fee-in-Lieu
 - d. All environmental permits must be obtained for the entire project
 - e. Any required off-site right-of-way for this project shall be dedicated in the form of a recorded plat.
 - f. Cross-Access Easements between adjacent property owners shall be shown on construction drawings and are required to be documented in the form of a recorded plat. An Access Easement Agreement is required to be documented between the adjacent property owners.
 - g. Any off site sewer facilities that are needed to serve this project; including the Basal Creek Pump Station improvements by the Lowe's development and the downstream sewer extension and manhole network by Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - h. Any off site water facilities that are needed to serve this project; including the watermain extension on Ralph Stephens Road by the Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - i. 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 BMP 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
9. Prior to the issuance of any plat or permit approval for the Village Gate project, the following must be addressed:
 - a. Payment of a fee-in-lieu for design and construction of GB Alford/NC-55 transportation improvements, proportionate to the project impact in the amount of \$105,000
10. The following site plan revisions must be addressed prior to this project moving forward to Town Council:
 - a. Please verify that the Site Access #3 on S. Main Street meets the ED&CS for a 21' ingress and egress lane on either side of the median. Label the dimensions.
 - b. Revise SDTs to show the vertical dimension in accordance with Standard Detail HS333 (see below). The vertical dimension value should be either 15' or 18' based on street type.

- c. Show and dimension the proposed Cross Access Easement abutting the Hampton Inn parcel on the Tract 2 property as well. Thank you for identifying the existing off-site easement.
- d. The 12-inch water main across S. Main Street needs to be shown as is has been proposed on the Village Gate Master Plan. Please show the NEW location of the 12-inch water main with the note "Water main relocation to be completed with the Village Gate Master Plan." Please add a note to Site Plan Sheet L-1 to reference that design at the corner of Ralph Stephens Rd and S. Main Street is pending additional coordination with the adjacent property owner, to be determined during construction drawing review.

Motion by: Mr. Stuckey

Second by: Mr. Urquhart

Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.

Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

- e. Village Gate Tr 3 (20-DP-13, 20-WAV-22, 20-WAV-23, 20-WAV-24, 20-WAV-25, 20-ALT-13)

Mr. Ryan reviewed the staff report with the Board.

The Town has received a request for a Development Plan for Tract 3 of the Village Gate Master Plan (20-MAS-03, pending Town Council approval) located at the intersection of Ralph Stephens Road and S. Main Street. In accordance with the Master Plan, Tract 3 contains approximately 21,000 square feet of integrated center, dwelling units, Child Care Center, and art park.

Chair Rybak invited the applicant to speak.

This project was presented by the applicant in conjunction with the master plan.

Motion:

ACTION #1: WAIVER OF REGULATIONS OF UDO

Motion that the Planning Board recommend approval of the following waivers:

1. 20-WAV-22: Request to allow for a Waiver of Regulations of UDO Section 3.08, A 1. c. Primary Façade Building Materials, and Building Massing and Façade Treatment, Primary Building Material, to allow an reduction from 60% primary building material on the Solaris Mixed Use building as follows: West Elev.: 60% to 26%; North Elev.: 60% to 30%; East Elev.: 60% to 33%; South Elev.: 60% to 31%; in association with Development Plan Petition #20-DP-13.
2. 20-WAV-23: Request to allow for a Waiver of Regulations of UDO Section 3.08, A 1. c. Primary Façade Building Materials, and Building Massing and Façade Treatment, Primary Building Material, to allow an reduction from 60% primary building material on the Kiosk building as follows: Primary/West Elev.: 60% to 40%; 25% Primary/North & South Elev.: 60% to 2%, in association with Development Plan Petition #20-DP-13.
3. 20-WAV-24: Request to allow for a Waiver of Regulations of UDO Section 3.08, A 1. c. Primary Façade Building Materials, and Building Massing and Façade Treatment, Animating Features, to allow a reduction from 40% windows and glass doors as follows: Primary/West elevation: 40% to 5%; 25% Primary/North & South elevations: 40% to 20%, in association with Development Plan Petition #20-DP-13.
4. 20-WAV-25: Request to allow for a Waiver of Regulations of UDO Section 3.08, A. 1. Building Materials, Colors, Textures, Architecture, Roof Treatment and Facade Modulation to allow for a waiver of the primary façade requirements for the child care campus in association with Development Plan Petition #20-DP-13.

Motion by: Mr. Deshazor
Second by: Mr. Madoni
Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.
Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

ACTION #2: DEVELOPMENT PLAN

Motion that the Planning Board recommend approval of Development Plan #20-DP-13 for Village Gate Tract 3 as submitted by TMTLA Associates, dated Revised 10/02/20 with the following conditions:

1. Prior to the submittal of any UDO Permit for Sign Installation for permanent signage or public art, a Master Sign Plan must be submitted to the Department of Planning & Zoning for review and approved.
2. All previous conditions of approval for Village Gate Detailed Master Plan shall apply except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
3. All previous approval conditions for *Village Gate Rezoning* will apply to this plan.
4. Articles of the Development Agreement executed with the Village Gate Rezoning shall apply to this Development Plan.
5. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
6. The following must be addressed prior to or with first Construction Drawing submittal:
 - a. Approval of the Village Gate Master Plan
 - b. Payment of all special study review invoices
 - c. All items listed on the Stormwater Submittal Checklist, Form #16003
7. Prior to Construction Drawing approval and/or issuance of a land disturbance permit, the following must be addressed:
 - a. All off-site water and sewer easements required to serve this project shall be documented in the form of a recorded plat.
 - b. Approval of Stormwater Management Plan
 - c. Payment of the Stormwater Fee-in-Lieu
 - d. All environmental permits must be obtained for the entire project
 - e. Any required off-site right-of-way for this project shall be dedicated in the form of a recorded plat.
 - f. Cross-Access Easements between adjacent property owners shall be shown on construction drawings and are required to be documented in the form of a recorded plat. An Access Easement Agreement is required to be documented between the adjacent property owners.
 - g. Any off site sewer facilities that are needed to serve this project; including the Basal Creek Pump Station improvements by the Lowe's development and the downstream sewer extension and manhole network by Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - h. Any off site water facilities that are needed to serve this project; including the watermain extension on Ralph Stephens Road by the Stephens Tract Townhomes project, must be substantially complete prior to this Development Plan receiving Construction Drawing approval.
 - i. 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 BMP 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.
8. In accordance with the executed Development Agreement, prior to issuance of any permit or plat approval for any tract of the Village Gate project, the following must be addressed:
 - a. Payment of a fee-in-lieu proportionate to project impact in the amount of \$105,000 for design and construction of GB Alford/NC-55 transportation improvements.
9. In accordance with the executed Development Agreement, prior to Certificate of Occupancy for the Solaris Building on Tract 3, the following must be addressed:

- a. Retrofit of the traffic signal at the intersection of Piney Grove Wilbon/S. Main St/Ralph Stephens Rd. from wooden pole to mast arm construction and signal timing modifications shall be completed.
 - b. Design and construction of a northbound through-right turn lane at the intersection of Piney Grove Wilbon/S. Main St/Ralph Stephens Rd. shall be completed.
 - c. Off-site Greenway extension along Piney Grove Wilbon Rd. to Garrison Subdivision shall be completed.
10. The following development plan revisions in accordance with the remaining review comments must be addressed prior to this project moving forward to Town Council:
- a) Landscaping has been shown directly on top of a proposed hydrant to the west of the Oak Village Daycare. Please revise.
 - b) _Revise SDTs to show the vertical dimension in accordance with Standard Detail HS333 (see below). The vertical dimension value should be either 15' or 18' based on street type.

Motion by: Mr. Carpico

Second by: Mr. Deshazor

Action: The Planning Board voted in favor of the Motion. (6-2)

Mr. Crandall requests that Town Council review the planning discussion item.

Mr. Stuckey's denial is based on the need for more detail for a decision to be made.

Agenda Item #12: Other Business

- a. Town Council Official Action Overview
 - Ms. Sigmund provided an overview to the Planning Board regarding the Town Council's action on recent development petitions.
- b. Technical Review Committee Representative Report (E. Carpico/C. Deshazor)
 - October 6th Meeting
 - November 3rd Meeting - 3:00 pm
- c. Department Development Services Report
 - No items to report.
- d. New Business:
 - Appoint representative and alternate for Comprehensive Transportation Plan:
 - Rick Madoni as representative
 - Chris Deshazor as alternate

Agenda Item #13: Adjournment

Motion:

Motion to adjourn.

Motion by: Mr. Deshazor

Second by: Mr. Carpico

Action: The Planning Board voted in favor of the Motion. (8-0)

Time: 10:35 pm

Kathy Carlisle

Kathy Carlisle
 Planning Board Clerk