

Town of Holly Springs
PLANNING BOARD MEETING MINUTES
Tuesday, June 28, 2022 - 7:00 p.m.

Agenda Item #1, 2, 3 & 4:

The Planning Board of the Town of Holly Springs met in person for their regularly scheduled meeting on June 28, 2022. At 7:00 after determining a quorum was present, Chair Deshazor called the meeting to order.

Staff Members Present: Chris Hills, Development Services Director
 Sean Ryan, Planning Manager
 Caitlyn Newton, Board Clerk

The Board completed roll call.

Members Present: Chris Deshazor, Chair
 Rick Madoni, Vice-Chair
 Ernie Carpico
 Van Crandall
 Duane Hansen
 Joanna Holder
 Josh Prizer
 Thomas Urquhart

Members Absent: Courtney Patterson

The Board recited the pledge of Allegiance and the meeting opened with an invocation by Ernie Carpico.

Agenda Item #5: Agenda Adjustment

There was no agenda adjustment.

Agenda Item #6: Minutes

a. April 26, 2022 Minutes

Motion:

Motion to approve the April 26, 2022 Minutes.

Motion by: Thomas Urquhart

Second by: Ernie Carpico

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

Agenda Item #7: Town Council Representative

a. Planning Board Representation for Town Council

- Joint Public Hearing: NONE – All members to attend
- July 5th: *No meeting*
- July 19th: Joanna Holder

Agenda Item #8: Public Comment Period

No speakers signed up to approach the Board.

Agenda Item #9: UDO Amendment

- a. UDO Technical Corrections (22-UDO-02/PLUD0202200157)

Mr. Ryan reviewed the staff report with the Board.

The proposed amendments table below provides a summary of the proposed changes to the Town of Holly Springs Unified Development Ordinance (UDO) and an explanation of why the change is needed. Detailed language of the proposed amendment can be found in the attached draft ordinance.

In October 2021, the Town Council adopted the 2022 UDO with an effective date of March 1, 2022. Following adoption, staff has been working with residents, businesses, and the development community to implement the ordinance and has determined a list of amendments needed to make technical corrections and minor modifications. This amendment also proposes some changes to the notification requirements for development applications.

Purpose of Amendment

Purpose of Amendment Key	
Legal Compliance	Change made to comply with North Carolina General Statutes or other legal change.
Clarification or Correction	Change made to provide clarification on UDO intent, prevent misinterpretations, or correct grammatical errors.
Minor Change	Minor changes made to further achieve goals and policies outlined in the Comprehensive Plan or changes made to better implement the established policy based on resident, business, and development community feedback.
Major Change	Major changes to support a specific town policy or substantially change current UDO regulations.

List of Amendments		
Ordinance Part	Purpose of Amendment	Amendment Summary
1 & 57	Legal Compliance	Subdivision authority relocated from Chapter 7.
2	Clarification or Correction	Clarify UDO exemptions.
3, 7, 8, 9, 10, 11, 13, 23, 29, 30, 32, 34, 35, 38, 40, 41, 42, 43, 45, 46, 47, 48, 50, 55, 56, 60, 61, 63, 64, 70, 88, 89, 90, 91, 92, 93, 94, 104,105	Clarification or Correction	Correct typographical, terminology, or spelling error.

4	Clarification or Correction	Clarify procedures and identify applicable development standards for existing Development Options (DO) and PUDs established before the effective date of the UDO. This is needed to provide guidance on how to regulate uses and development standards established by these previous approvals.
5, 24	Clarification or Correction	Information on previous Conditional Use districts is being relocated to Chapter 1 from Chapter 2 so that all information on pre-existing development approvals is located in Chapter 1.
6	Clarification or Correction	Clarifies role of Administrator in maintaining Zoning Map.
12	Clarification or Correction	Corrects the placement of a note in Residential Use Development Standards.
14	Clarification or Correction	Side setbacks are presented as an aggregate setback of 0'/10', with additional information that one side may have a 0' setback and that end units may have a 5' setback. For a detached structure, this implies the side setback is 5' on each side. The proposed change removes the aggregate setback and replaces it with clear standard.
15	Minor Change	All Residential Use districts were intended to allow 50' building height with a CD (Conditional Zoning District). The SR district was mistakenly not included.
16, 19, 20	Clarification or Correction	Clarifies the Minimum Frontage at the Right-of-Way for a Driveway requirement. The flexible standards were intended to provide options for lots existing prior to the UDO effective date. New lots may provide flexible standards through the CD (Conditional Zoning District) process.
17	Clarification or Correction	Corrects the placement of a note in Commercial & Mixed-Use Development Standards.
18	Clarification or Correction	Corrects the order of Development Standards in the table to be consistent with other Use District tables. Changes the Side-Corner Setback to be consistent with the Front Setback which is consistent with other Use District tables.
21	Minor Change	Provides flexibility in parking location standards (Chapter 6) with CD (Conditional Zoning District).
22	Clarification or Correction	Corrects a section reference.
25	Minor Change	Allows apartment dwellings in CB district with Additional Standards (PS), consistent with other Commercial & Mixed-Use districts. Density standards in Chapter 2 indicate residential uses were intended to be permitted in CB.
26	Minor Change	Removes tobacco stores as permitted use in DMX, RMX, CB, and IVMX districts. The use will remain permitted in BRT by CD (Conditional Zoning District) only.
27	Minor Change	Divides "Religious/Assembly" use into 2 distinct uses - "Religious Use" and "Assembly Use." Assembly uses would include banquet facilities, event centers, and similar uses. Since these uses may have different impacts than religious uses, it is necessary to create a new use category.
28, 67	Minor Change	Adds design standards for Manufactured Dwellings. The UDO includes a reference that Manufactured Dwellings have design standards but no standards were included. Standards from the 2002 UDO were used to draft the standards included in this part.
31	Minor Change	Modifies a requirement that utility uses be surrounded by a wall structure. This requirement is not practical for all utility uses. The modification allows for fencing and opaque landscaping.
33, 52, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 95, 103	Clarification or Correction	Modifies sequencing (1, 2, 3 or a, b, c) of section.

36	Clarification or Correction	Provides missing text in sentence.
37	Minor Change	Modifies Residential Use District Accessory Structure limitations. Based on resident feedback during the Zoning Reassignment public engagement, several residents being reassigned to the RR district indicated concern that the size of residential accessory structures was too limiting for 2 acre properties. This change would allow additional area, not to exceed the size of the dwelling, when the property is zoned RR and is greater than 2 acres.
39	Minor Change	Modifies the Open Space requirements to require nonresidential uses, when located in Residential Use Districts, to follow the open space requirements for Commercial & Mixed-Use Districts. This is consistent with the practice followed in the 2002 UDO. Also removes the requirement that Infrastructure Uses provide Urban Civic Space.
44	Clarification or Correction	Corrects Cape Fear River Basin riparian buffer width consistent with Town's stormwater ordinance.
49	Clarification or Correction	Removes duplicative text.
51	Minor Change	Modifies the landscape requirements to require nonresidential uses, when located in Residential Use Districts, to follow the landscape requirements for Commercial & Mixed-Use Districts. This provides better buffering between residential and nonresidential uses and is consistent with the practice followed in the 2002 UDO.
53	Clarification or Correction	Clarifies permitted parking locations.
54	Clarification or Correction	Clarifies parking requirements, including when bike parking applies. Also corrects Note 1 which conflicted with parking maximums.
58	Clarification or Correction	Clarifies exceptions may be granted as permitted by the Engineering Design and Construction Standards and modifies section references.
59	Clarification or Correction	Clarifies that decision to collect fee in lieu may be determined by decision making body for the project.
62	Clarification or Correction	Modifies Traffic Impact Analysis section to reflect updates made with the adoption of the Traffic Study Policy.
65	Clarification or Correction	Clarifies text to reduce duplication with information found in Chapter 11.
66	Clarification or Correction	Clarifies that standards apply generally and not to specific review types. This helps prevent future inconsistencies when amendments are made.
68	Clarification or Correction	Clarifies building size ranges for implementing building design requirements.
69	Clarification or Correction	Modifies and clarify standards for balconies.
86	Clarification or Correction	Clarifies street, sidewalk, sidepath, and greenway site design requirements for all development and those specific to nonresidential development. The change also reduces duplicative standards that can lead to inconsistent implementation.
87	Clarification or Correction	Clarifies the intent of loading area location on the side of a building.
96, 97	Clarification or Correction	Relocates the allowed Waiver of Sign regulations from the "prohibited sign" section to the "applicability" section for clarity.
98	Clarification or Correction	Modifies text inconsistent with section title.
99	Minor Change	Expands the membership of the Development review Committee and clarifies DRC role in sketch plan review.
100, 101	Major Change	Clarifies Decision-Making Bodies for Development Plans involving Special Use Permits. Modifies order of table columns to align with steps in development process.

		<p>Adds Type 7 Reviews and moves project types from Type 6 to Type 7. Type 6 Reviews will remain for Zone Map Changes which have different notice requirements than other reviews being moved into Type 7.</p> <p>Various Technical Corrections.</p> <p>Expanded notice of development applications.</p> <ul style="list-style-type: none"> • Requires a neighborhood meeting for DRC Development Plan applications • Requires a neighborhood meeting for BOA Special Use Permit applications • Increases mailed notice requirement for the neighborhood meeting from 300 feet to 500 feet • Increases mailed notice requirements for the public hearing notice from 300 feet to 500 feet • Clarifies public hearing notice may follow NCGS for expanded published notice
102	Minor Change	<p>Modifies Neighborhood Meeting requirements</p> <ul style="list-style-type: none"> • Meeting can be no more than 12 weeks before application is made • Mailed notice must be sent to owner on tax record. When tax record owner address does not match parcel address, notice must be sent to parcel address. This helps ensure notice is sent to current resident. • Requires applicant to notify town prior to scheduling the meeting. • Requires in-person meetings be held in close proximity to subject property.
106	Minor Change	<p>Review and Application Procedures for Administrator's Interpretation are missing from the section but were included in initial UDO drafts. This change provides the missing information.</p>
107	Minor Change	<p>Adds definition for Assembly Use, deletes duplicative term for Religious Use, and clarifies Structure.</p>
108	Clarification or Correction	<p>Provides for consistent term use throughout UDO.</p>

Mr. Ryan asked the board if they had any questions.

Mr. Deshazor asked if there were any restrictions for electricity or other modifications that would allow someone to live in the structure.

Mr. Ryan stated that they would allow electricity, but would prohibit the number of primary dwellings on a property.

Mr. Hansen asked if it would prohibit someone from building two homes on their lot.

Mr. Ryan stated only one residential dwelling unit is allowed, and one accessory dwelling unit is prohibited but no two primary dwelling units on one property.

Mr. Carpico and Mr. Crandall asked about manufactured dwellings and the ability to have a manufactured dwelling as an accessory dwelling.

Mr. Ryan explained the limitations with manufactured dwellings in accordance with zoning standards.

Mr. Madoni asked where Oasis Church would fall within the Religious Use/Assembly Use criteria.

Mr. Ryan stated that Oasis Church would fall under Religious Use.

Mr. Deshazor asked that if a space were to be rented out for church use if that would require additional approval by Council.

Mr. Ryan stated that they would not require additional permits/review by Council as it is permitted by right.

Mr. Madoni asked about ordinance changes 59 and 62.

Mr. Ryan stated that it was clarifications to the original for ordinance change 59 and for number 62, Mr. Ryan stated that these were changes to the names and policies as updated with the approved Traffic Study Policy.

Mr. Hansen asked about ordinance change 31 and the fencing regulations in terms of residential projects.

Mr. Ryan explained that they are hoping to expand the requirements for infrastructure uses and not residential.

Mr. Urquhart asked who the Administrator is and if it is defined.

Mr. Ryan stated that it was the Development Services Director or designee.

Mr. Crandall asked about ordinance changes 44 and 45 and the 30-foot rule in regard to riparian buffers.

Mr. Ryan stated that these were correcting omissions made and that further information would need to be gathered by our Stormwater team.

Mr. Crandall stated that he would like ordinance change 44 be omitted and reconsidered by staff.

The board considered the implications of requesting a second motion to omit ordinance change 44.

Mr. Crandall asked if Dig Once policies make it into the UDO.

Mr. Ryan stated that these were addressed in the UDO but that these are not a part of the current amendment package.

Ms. Holder asked about ordinance change 69 for upper-level balconies and what structures these applied to.

Mr. Ryan stated that this encroachment applied to any structure.

Ms. Holder asked about ordinance change 86, 3B regarding pedestrian access and the omission of #2 concerning the impact that would have for future designs of non-residential buildings and greenways. Ms. Holder expressed concerns regarding the word "planned" not being in the verbiage.

Mr. Ryan stated that these are being folded into 3A and that they could add the words "planned" or "existing" into ordinance change 86 to provide further clarifications within the UDO.

Mr. Hansen asked about road widening and meter costs associated with road expansion and moving an existing water meter.

Mr. Ryan stated that the cost of moving the meter is typically covered in the project cost for the road expansion.

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

PLAN CONSISTENCY STATEMENT:

The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan:

The proposed Unified Development Ordinance (UDO) Text Amendments provide the Town of Holly Springs the necessary tools, policies, and development standards to implement Vision Holly Springs. Specifically, the proposed UDO Text Amendments provide technical corrections or minor modifications that further implement the character-based land use approaches outlined in the Land Use & Character Plan (Section 1), the goals and policies of Section 2: Comprehensive Transportation Plan, and the standards to implements the Town's Parks and Recreation needs identified in Section 3: Parks, Recreation and Greenways Master Plan. In addition, it is in the publics' interest to expand public notice requirements to provide additional opportunities for resident engagement and participation in the planning process.

Motion by: Rick Madoni

Second by: Ernie Carpico

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

Motion:

Motion that the Planning Board recommend approval of UDO Text Amendment #22-UDO-02 to modify the Unified Development Ordinance as submitted by the Town of Holly Springs.

Motion by: Rick Madoni

Second by: Ernie Carpico

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

Second Motion:

Motion that Town Council research and understand the rational for HS having 30-ft riparian buffers in the Cape Fear River Basin whereby state-wide ordinance for the Neuse River Basin is 100 ft, Jordan Lake is 50 ft, and Bass Lake is 100ft.

Motion by: Van Crandall

Second by: Ernie Carpico

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

Agenda Item #10: Other Business

a. Committee Reports

- Land Use Advisory Committee Meeting (*E. Carpico/C. Deshazor*)
 - June meeting – Gas station and restaurant next to subdivision on Sunset Lake Rd and Lassiter Rd; questions about traffic and electric vehicle stations
 - July meeting – meeting on the 5th
- Tree Advisory Committee (*T. Urquhart/D. Hansen*)
- Housing Affordability Study Advisory Committee
- Northeast Gateway Master Plan Advisory Committee

b. Town Council Official Action Overview

c. Development Services Report

d. Other business

- a. Dress Code – to relax dress code during summer months
- b. Mr. Crandall promoted Tools for Schools

Agenda Item #11: Adjournment

Motion:

Motion to adjourn.

Motion by: Ernie Carpico

Second by: Joanna Holder

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

Time: 8:00 p.m.



Caitlyn Newton
Planning Board Clerk