



Jan. 6, 2015

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 6, 2015 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior projects manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Laura Holloman, planner; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; John Herring, police chief; Tamara Ward, communications specialist and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Jim Littleton of Holly Springs United Methodist Church.

4. Agenda Adjustment: The Jan. 6, 2015 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

Items added to Consent Agenda: None.

Items added to Agenda: None.

Items removed from Consent Agenda: None.

Other changes: None.

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:

Amy Rifkin Marks, 144 Summit Oaks Lane – Ms. Marks addressed the Council to ask if handball or paddleball could be added to the Town's parks and recreation facilities.

6a. Public Hearing: Development Option Plan Petition 14-DO-01, Burt Tract – Ms. Holloman said staff has received a request for a development options subdivision. The total number of lots proposed is 347. The subject property is located along the south side of New Hill Road.

She said the parcel was rezoned R-10 Conditional Use in the fall of 2014 with the following conditions:

- Gross residential density will not exceed 2.5 units per acre.
- Lots will not be less than 7,500 square feet in size.
- Each house shall provide at least a standard two-car garage.

- Vinyl siding shall be prohibited, except for accent elements of the façade, which will be limited to 20% of the total façade of the area.
- Lots great than 65 feet in width shall show house foundations of at least twelve (12) inches vertically of brick or stone veneer over the entire foundation.
- Each lot shall have one of the following: A) minimum of two trees; B) minimum of one tree and four shrubs; or C) minimum of eight shrubs.
- Decorative front garage doors, if front loaded.
- Architectural shingles will be required, with the exception of any secondary building located behind the primary house.

Ms. Holloman said under Development Options subdivision requirements, the developer has to provide a higher quality product and additional elements throughout the subdivision that would not normally be required in a standard subdivision in exchange for utilizing smaller minimum lot sizes.

She said additional elements include stipulated open space requirements, greater sidewalk improvements, in addition to the residential design façade requirements that are shown in Table 2.09 C. The design façade requirements were updated in 2012, and now take into account updated building trends and ensure a high quality product.

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

Don Mizelle, Longleaf Development – Mr. Mizelle addressed the Council to introduce the development team for the project. He said the subdivision is to be developed into four pods or distinct areas. The smallest lots, he said, would be no smaller than 7,500 square feet, and most of them are much bigger. He added that the smaller lots would be located farthest away from off-site environmental features. Lots would range on up to those that would be common in an R-15 zone.

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

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Development Option Plan Petition 14-DO-01 for the Burt Tract to allow for development options to be used in the R-10 CU residential zoning district as submitted by Bass, Nixon, and Kennedy, dated Revised December 2, 2014.

Waiver of UDO Regulation Findings of Fact:

A petition for Waiver of Regulations of UDO Section 2.09: Development Options for Residential Districts to allow for the use of development options may be granted only upon the presentation of sufficient evidence to enable a written determination that:

- 1) The use of area properties will not be adversely affected;
- 2) The proposed development is appropriate to the site and its surroundings;
- 3) The proposed development is consistent with the policy statements of the Comprehensive Plan;
- 4) The proposed development is consistent with the intent and purpose of this UDO;
- 5) The proposed development will enhance or preserve the natural and/or environmental features on the property; and
- 6) The proposed development will reduce the amount of tree cutting or mass grading of the property as a result of using Development Options.

Motion by: Williams

Second by: Sack

Vote: Unanimous.

A copy of Waiver of UDO Regulations is attached to these minutes.

Action #2: The Council approved a motion to approve Development Option Plan Petition 14-DO-01 for Burt Subdivision to allow for development options to be used in the R-10 CU residential zoning district as submitted by Bass, Nixon, and Kennedy, dated Revised December 2, 2014 with the following conditions:

- 1) A fee-in-lieu of construction for the traffic signal at Green Oaks Parkway and New Hill Road will be required.

- 2) A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
- 3) The following items must be addressed with the first construction drawing submittal associated with this subdivision:
 - a) Site driveways must meet all sight distance requirements. Any improvements necessary to comply with sight distance shall be proposed on design plans.
 - b) Thoroughfare widening shall be shown along property frontage and include the necessary tapers and median construction.
 - c) Thoroughfares, collectors and boulevards will require a calculated pavement. This may result in a pavement cross section bigger than the specified minimum.
 - d) Note that the pavement design will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
 - e) A Final Sewer Report (or documentation that the report submitted and approved with the preliminary plan represents the current design) will be required.
 - f) Documentation in the form of a recorded plat of any offsite right-of-way and access easements required for this project.
 - g) Documentation in the form of a recorded plat of any offsite sewer easements required for this project.
 - h) A flood study will be required for all drainage areas over 20 acres, per Town of Holly Springs Design and Construction Standards. Drainage areas from 20 to 50 acres will not be required to complete a HecRas Model, other engineering methods can be utilized to determine flood elevations and delineate flood plain in these areas. Drainage areas over 50 acres will be required to complete HecRas modeling.
 - i) No fill is permitted in the flood plain for any residential development.
 - j) The Town Staff has been delegated approval authority by NCDWQ for stormwater management plans. Documentation of approval will need to be forwarded to NCDWQ for support of a 401 certification.
 - k) All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
 - l) Homeowner Environmental education packet must be submitted.
 - m) Verify that proper horizontal clearance is provided between water main, sanitary sewer, reuse and storm sewer lines to meet the state's requirements for permitting.
- 4) The following items must be addressed prior to the first construction drawing approval or issuance of a land disturbance permit associated with this subdivision:
 - a) Verify line sizes of the reclaimed water mains with the detailed hydraulic report.
 - b) Approval of Stormwater Management Plan is required.
 - c) Payment of the Stormwater Fee-in-Lieu will be required.
 - 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 150% 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.
 - e) All environmental permits must be obtained for the entire project.
- 5) The following items must be addressed prior to the first plat associated with this subdivision: HOA covenants shall be recorded.

Motion by: Lee

Second by: Cobb

Vote: Unanimous.

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

7a. Minutes – The Council approved minutes of the Council's meeting held Dec. 16, 2014.

7b. Resolution 15-01 – The Council received adopted Resolution 15-01 directing the town clerk to investigate the sufficiency of annexation petition A14-07 and setting a public hearing. *A copy of Resolution 15-01 is attached to these minutes.*

7c. Resolution 15-02 -- The Council approved adopted Resolution 15-02 adopting a policy for mutual assistance with other law enforcement agencies. *A copy of Resolution 15-02 is attached to these minutes.*

7d. 07-DP-16-A01 for HPC Flex Phase 1, Plan Extension - The Council approved to extend the plan approval expiration date for 07-DP-16-A01 for HPC Flex Phase 1 to July 1.

7e. 08-DP-02 for Bridgewater West Townhomes Plan Extension – The Council approved to extend the plan approval expiration date for 08-DP-02 for Bridgewater West Townhomes to July 1.

7f. Main Street Extension Project – The Council approved to award contract to N.W. Poole Well & Pump Co. and approve \$3,000 in funding for well abandonment in the Main Street Extension project.

7g. Ingenco Reclaimed Water Agreement – The Council approved to enter a Major User Agreement – Reclaimed (MURAR) with Ingenco for reclaimed water.

8a. 02-MAS-11-A13, Southpark Village Lot 14 – Ms. Holloman said the Town has received an amendment to the Southpark Village Master Plan. The project is located adjacent to G.B. Alford Highway between Avent Ferry Road and Ralph Stephens Road. The proposed amendment includes one new outparcel, with the subdivision of lot 14 into 14A and 14B, for a total of 17 commercial lots in the Southpark Village Shopping Center.

She said the developer has initiated several amendments in recent years, to create more outparcel lots that can be purchased for development from an outside entity. Up to this point, staff has had no issues with this because the lots that were subdivided were intended to be outparcels themselves and had no approved buildings on the lots.

However, the amendment on the table is to subdivide Lot 14 into two pieces, effectively setting them up for outparcel development. Originally, Lot 14 was approved in early 2008 as part of Southpark Village Phase 1B, and showed a 29,290 square foot integrated use building along Village Walk Drive. This carried out the original intent of Southpark Village which was to create intermingling compatible uses that utilized a small-town atmosphere and was meant to rely on a pedestrian-oriented feel.

This feel is threatened by further carving up of Southpark and eliminating the last opportunity for pedestrian scale development along the north side of Village Walk Drive. The other lots are developed and feature heavy vehicle-driven uses like drive-thru banks and restaurants. Staff feels that this original intent should be thought about when considering this amendment

Councilman Sack said he remembered that the integrated center was a key element of the Southpark approval in 2002.

Ms. Holloman added that the Planning Board had reviewed the petition and approved a motion to recommend approval.

Phil Stephens, 502 N. Ennis Street, Fuquay-Varina – Mr. Stephens is owner of the property. He said Ms. Holloman is correct in that his original vision for the development was a pedestrian-friendly shopping center. He noted that the market for multi-shop buildings and outparcels is very different. He explained why he was requesting the amendment. He said the market for retailing hardly exists on the southern end of town and almost not at all in a grocery-store-anchored shopping center. He also noted that he has lease requirements with Harris Teeter to preserve the sight line for the store.

Councilwoman Williams said she understands staff's position and also sees the perspective of the owner who is dealing with the reality of the market.

Councilman Sack said Mr. Stephens' explanation helped him understand the situation a little better.

Mr. Simmons further explained that staff's position is in adherence to a former Council's approval. He noted that said approval happened years ago and a changing market is not part of the equation. He added that the role of staff, though, is to preserve what is on record for approval.

Council members, who appeared to be leaning toward favoring the amendment, said they were glad to hear that staff's recommendation was based on that previous approval and not on a professional opinion that the amendment would not be appropriate.

Action: The Council approved a motion to approve Master Plan Amendment 02-MAS-11-A13 for Southpark Village as submitted by McKim and Creed, Project Number 3438-0001, date 11/26/14 with the following conditions:

1. All previous approval conditions for *Southpark Village Master Plan* will apply to this plan amendment.
2. A fee-in-lieu of upgrade will be required for this project for the pump station and/or force main.
3. Prior to any building permit being issued for either of these 2 new lots created from Lot 14, the BMP for the site must be fully completed.

Motion by: Sack

Second by: Williams

Vote: Unanimous.

8b. Avent Ferry Road Widening Project – Mr. Levitt said the town secured a federal grant for the design of Avent Ferry Road from the Bypass to Piney Grove-Wilbon Road. This grant includes a maximum of \$144,000 of federal funds administered by NCDOT with a minimum match by the Town of 20%.

He said staff posted a request for qualifications and received letters of interest from a number of engineering firms. After careful consideration and a formal selection process, Ramey Kemp & Associates was chosen based on their qualifications, project experience with roadway design, and their emphasis on NCDOT-administered grant projects.

He said the contract has been reviewed and approved by NCDOT. The total contract amount is \$185,731.37, of which \$144,000 will be in the form of grant funds and \$41,731 of which will be contributed by the Town of Holly Springs.

Councilwoman Lee expressed concern about the entrance to Trotter Bluffs, which would be blocked by a landscaped median. People leaving Trotter Bluff, she asked for clarification, would have to turn right and then make a U-Turn. Mr. Levitt said yes, but added that a way for Trotter Bluff residents would be available that would take them to Avent Ferry Road via a traffic light at Morgan Park.

Action: The Council approved a motion to award a contract in the amount of \$185,731.37 to Ramey Kemp and Associates for design of the Avent Ferry Road widening project.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

8c. 2015 Street Resurfacing Projects – Ms. Parrish said that each year the Town allocates Powell Bill funds to use for street resurfacing. A pavement condition survey was conducted a few years back and each subsequent year the top priority streets are proposed for the available resurfacing funds.

She said this year the allocated amount of Powell Bill funds is \$400,000. The following streets are to be resurfaced:

- Holly Glen Subdivision – Holly Meadow Drive (Sycamore to Holly Branch Drive)
- Ballenridge Subdivision – Sturminster Drive, Thorton Green Place and Chillmark Drive
- Arbor Creek Subdivision – Hyannis Drive (entrance block) and Osterville Drive (entrance block).

She said staff will prepare the construction drawings and administer the bids. Once bids are received staff will come back before council to gain approval of the construction contract

Action: The Council approved a motion to approve the 2015 street resurfacing projects.

Motion by: Sack

Second by: Cobb

Vote: Unanimous.

9. Other Business: None requiring Council action.

10. Manager's Report: None requiring Council action.

11. Closed Session: None.

12. Adjournment: There being no further business for the evening, the Jan. 6, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Jan. 20, 2015.

Joni Powell _____

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minutes follow and are a part of the official record.

