



Nov. 15, 2016

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 15, 2016 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 four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen Tom O'Brien and Hank Dickson and Councilwomen Cheri Lee and Linda Hunt-Williams.

**Council Members Absent:** Councilman James Cobb

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Daniel Weeks, assistant town manager; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Mary Hogan, finance director; Adam Huffman, assistant parks and recreation director; Gina Clapp, director of planning and zoning; Justin Steinmann, senior planner; Matt Beard and Sean Ryan, planners; Elizabeth Goodson, development review engineer; Rodney Campbell, development inspection administrator; Leroy Smith, fire chief; John Herring, police chief; Jeff Wilson, information technology director; Tamara Ward, communications specialist, and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Doug Parlin, pastor of South Wake Baptist church.

**4. Agenda Adjustment:** The Nov. 15, 2016 meeting agenda was adopted with changes, if any, as listed below.

**Changes:** None.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following comments were recorded:

Nick Oliver, 213 Diggory Drive – Mr. Oliver said he has been a resident of Holly Pointe for seven years. He said he is concerned about extreme traffic congestion on Avent Ferry Road. He asked the Council to consider a moratorium on development in west Holly Springs until traffic corridors are enhanced.

Susan Smith, 8237 Kingsport Road -- Ms. Smith addressed the Council on the issue of high water bills as water meters in town are upgraded. She suggested that residents be better notified of the change-out. She said she learned a lot from a plumber and that when water service is restored, it should be restored slowly.

**6a. World Pancreatic Cancer Awareness Day** – Mayor Sears is advising residents that Nov. 17, 2016 is World Pancreatic Cancer Awareness Day, and he has issued a proclamation to this effect locally. Members of the Pancreatic Cancer Awareness Network spoke and accepted the

proclamation in an effort to raise awareness of this devastating disease and encourage those who are developing treatments and early detection tools.

Pancreatic cancer is the third leading cause of cancer deaths in the United States. An estimated 53,070 people will be diagnosed this year in the U.S. and about 93% will die from it within five years. When the symptoms present themselves, it's usually too late for a positive diagnosis. There is no cure, and there has been no significant improvement in survival rates during the last several years.

Even so, pancreatic cancer does have its survivors. Mayor Sears would like to increase awareness of this illness and also celebrate with those who have survived this most deadly disease.

**Action:** None.

**7a. Public Hearing: Rezoning Petition 16-REZ-10** – Mr. Ryan said the Town has received a request from a property owner for a zone map change for property located north of the Morgan Park subdivision, near the intersection of Utley Bluffs Drive and Berman Edge Road. The applicant is requesting to rezone the property from R-20: Residential to R-10 CU: Residential Conditional Use. The parcel is vacant. The requested R-10 CU: Residential zoning is consistent with the comprehensive plan and provides for larger lot sizes than the adjacent Morgan Park subdivision, which allows for a transition in the density of development moving north towards Utley Creek and the large residential lots further north along Berman Edge Road.

He said a Conditional Use District allows the Petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a petitioner has placed such conditions with the Zoning Map Change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add additional conditions or make the proposed conditions more restrictive; however, additional conditions or regulations cannot be added to the petition by Planning Board or Town Council, nor can either Board request additional conditions.

The property owner has offered the following conditions:

1. The minimum lot size shall be limited to 10,000 square feet;
2. All dwelling units shall be subject to the following architectural design standards:
  - a. The use of vinyl siding shall be prohibited.
  - b. Multiple building materials (secondary materials must comprise at least 20% of front façade).
  - c. All windows shall have permanent window grids.
  - d. Garage doors shall be decorative in nature including but not limited to: windows and carriage door features.
  - e. Change in elevation and direction of roof ridge
  - f. Foundation landscaping package (minimum of 2 trees, 1 tree and 4 shrubs, or 8 shrubs)
3. No lots shall have driveway access onto Berman Edge Road.
4. The maximum density shall be limited to 2.45 units per acre
5. There shall be a 20-foot undisturbed buffer along Berman Edge Road.

Laura Holloman, Spaulding and Norris addressed the Council. She said

Tom Spaulding, Spaulding and Norris addressed the Council. He said there is a greenway trail between, and the bluff on which the property is situated

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

Glen Walker, 912 Logging Trail – Mr. Walker said his main concern is that the applicant used Morgan Park as a comparison. He acknowledged that Happy Hunting Hills is surrounded by Town. He noted that while the allowed houses per acre for the subject property is 2.45, the reality of his neighborhood is that 1 house per 5 acres, so the density of the proposed rezoning is not comparable. He says he supports the conditions offered by the petitioner.

Rob Ruoloff, 108 Brownsville Ct. – Mr. Rouloff spoke in favor of the rezoning request. He said it would be a good transition in the area.

Patty Tolentino, 200 Utley Bluffs Drive – Ms. Tolentino spoke against the rezoning request. She said she is concerned that trees would be removed during development of the property and that it would lead to more traffic congestion.

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

Councilman Dickson said initially saw the request as a good transition between the R-10 Morgan Park and the large lots of Happy Hunting Hills. Now, he is thinking R-10 might not be appropriate.

Councilman O'Brien asked for clarification if the rezoning would translate into 17 homes....

On thinking about it, Councilman Dickson said if the rezoning remains at R-20 then homes could be constructed with vinyl siding, no architectural features or garages. Then he said he felt it would be better to have control over the housing product provided and he would prefer the conditional use rezoning request over leaving the property zoned R-20. It would provide higher value and prettier homes.

**Action #1:** The Council approved a motion to accept the following statement as being true: *“The requested zone map change from R-20 to R-10 CU is consistent with the Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential, which allows density of between 2 and 8 units per acre, and the proposed R-10 Residential District will allow for appropriate transition in density and sets the maximum allowed density at 3.25 units/acre.”*

**Motion by:** O'Brien

**Second by:** Dickson

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt ordinance 16-REZ-10 to approve and enact Zone Map Change Petition #16-REZ-10 to change the zoning of 7.027 acres of a portion (described below) of Wake County PIN #0648496146 from R-20: Residential to R-10 CU: Residential Conditional Use, with the following conditions, as offered by the property owner,

1. The minimum lot size shall be limited to 10,000 square feet;
2. All dwelling units shall be subject to the following architectural design standards:
  - a. The use of vinyl siding shall be prohibited.
  - b. Multiple building materials (secondary materials must comprise at least 20% of front façade).
  - c. All windows shall have permanent window grids.
  - d. Garage doors shall be decorative in nature including but not limited to: windows and carriage door features.
  - e. Change in elevation and direction of roof ridge
  - f. Foundation landscaping package (minimum of 2 trees, 1 tree and 4 shrubs, or 8 shrubs)
3. No lots shall have driveway access onto Berman Edge Road.
4. The maximum density shall be limited to 2.45 units per acre
5. There shall be a 20-foot undisturbed buffer along Berman Edge Road.

Portion of Wake County PIN #0648496146:

Beginning at an existing iron pipe, said point being South 87°48'39" West 2,567.41 feet from H.S.G.S. Grid Monument "BAKER 6", said monument having N.C. Grid Coordinates (NAD 83) of N=689,355.27, E=2,047,284.53, thence from said Beginning point South 74°34'24" East 239.26 feet to an existing iron pipe, thence South 57°48'08" East 327.16 feet to an existing iron pipe on the western right of way of Utley Bluffs Drive (51' Public Right of Way), thence with said right of way along a curve to the left having a radius of 375.00 feet, an arc length of 283.07 feet, and a chord bearing and distance of South 37°11'47" West 276.40 feet to an existing iron pipe, thence South 15°34'17" West 82.96 feet to an existing rebar, thence along a curve to the right having a radius of 25.00 feet, an arc length of 47.38 feet, and a chord bearing and distance of South 69°52'09" West 40.60 feet to an existing rebar, thence South 23°22'52" West 51.92 feet to an existing rebar, thence

South 54°03'11" East 1.28 feet to an existing rebar, thence along a curve to the right having a radius of 25.00 feet, an arc length 39.55 feet, and a chord bearing and distance of South 08°43'52" East 35.55 feet to an existing rebar, thence South 36°35'28" West 6.73 feet to an existing rebar, thence leaving said right of way North 53°24'36" West 232.98 feet to a point, thence South 39°51'07" West 172.86 feet to a point, thence North 50°09'07" West 87.68 feet to a point, thence North 59°48'56" West 283.67 feet to a point, thence along the existing zoning line North 38°38'22" East 558.19 feet to the point and place of Beginning containing 7.027 Acres more or less.

**Motion by:** Dickson

**Second by:** O'Brien

**Vote:** Unanimous

*A copy of Rezoning Ordinance 16-REZ-10 is attached to these minutes.*

**7b. Public Hearing: Rezoning Petition 16-REZ-13** – Mr. Steinmann said the Town has received a request for a zone map change for property located between Cass Holt Road and Piney Grove-Wilbon Road, bisected by Honeycutt Road. The applicant is requesting to rezone the property from R-30: Residential to R-8 CU: Residential Conditional Use.

Mr. Steinmann said the applicant has requested that action on the request be deferred until January so the developer could amend their approach to address expressed citizen concerns about traffic and density. With that explanation, Mayor Sears said the remaining request description was not needed because information may change. He suggested that the project description be held for the night when the public hearing is continued.

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

Annis Davis, 2900 Honeycutt Road – Ms. Davis addressed the Council to speak against the rezoning request. She said she was concerned about traffic moving from the development of the property using the existing rural road system. She asked the Council to not pave over paradise.

Marjorie Minor, 6217 Oliver Creek – Ms. Minor spoke against the rezoning request. She said traffic from development is overburdening the rural roadways. She asked the Council to consider traffic in its decision.

**Action:** The Council approved a motion to defer action on Zone Map Change Petition #16-REZ-13 and to continue the public hearing to the Council's regular meeting scheduled for Jan. 17, 2017.

**Motion by:** Lee

**Second by:** Williams

**Vote:** Unanimous

**7c. Public Hearing: Special Exception Use Petition #16-SEU-03 and Development plan 16-DP-06 for 306 S. Main Street** – Mr. Beard said the Town has received a Special Exception Use and Development Plan to convert a vacant residence into an office with parking. Last year, Town Council approved a change to the Town Village zoning district which would require any new project or subdivision to receive a Special Exception Use. The proposed office use is a permitted use in the TV district; however, because the use is changing and the structure is being expanded, the proposed project is considered a new project requiring the Special Exception Use approval.

In association with the Special Exception Use, a development plan has been submitted for this project. The current structure is a single-story dwelling with a floor area of 1,325 square feet and a 246-square-foot wood deck on the back of the dwelling. The development plan proposes to enclose the wood deck and convert the dwelling to an office space. The office is required to meet all requirements for development in the TV: Town Village district. The applicant has submitted several waiver petitions for architectural regulations that could not be met as they wish to preserve the existing architecture of the dwelling. The petitioner also felt that additional parking should be provided and has submitted a waiver petition to increase the allowable parking to 140% of required.

In addition to a request for Special Exception Use and Development Plan approval, the applicant has requested several variances and waivers, which are outlined below:

**Variances:**

1. 16-VARTC-03 –Unified Development Ordinance Section 3.03 C. Architecture and Site Design Review, to allow for an expansion of a structure not in compliance with Architecture and Site Design requirements in the TV: Town Village District
2. 16-VARTC-04 –Unified Development Ordinance Section 3.03 B. 4. a. Minimum Building Height, to allow for a single story development in the TV: Town Village District

**Waivers:**

1. 16-WAV-08 – UDO Section 7.04 E 4 to allow a waiver of the maximum number off-street parking spaces requirement in order to provide 140 percent of the required parking.
2. 16-WAV-18 – UDO Section 3.03 C 1 b (1) (a) (i): Building Materials to allow for use of HardiPlank siding rather than masonry.
3. 16-WAV-19 – UDO Section 3.03 C 1 b (2) (c) (ii): Animating Features to allow a reduction in minimum glazing from 40 percent to 17 percent in order to match existing window style and coverage.

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

Jason Brown, 728 Piney Grove-Wilbon Road, the applicant – Mr. Brown answered Council questions about trees, explaining that some of the existing trees would have to be removed in order for him to build sidewalk required by the Town and access to the property from the rear.

Christine Kelly, 201 Grigsby Ave. – Ms. Kelly said she supports downtown development but she wants to make sure development downtown is quality. She said she was a bit concerned about access onto Grigsby.

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

Ms. Goodson said planned is an access onto Main; however, because the property is so close to Ballentine Street, there is not enough stacking room in the turn lane, so planters to block the Main Street drive will be used until Ballentine is made one-way in the future, and then access would be safe from Main Street.

Councilman Dickson said approval of the project would bring life to a vacant building and add life to downtown. He added that he did not think an office use would generate too much traffic.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #16-SEU-03 for 306 S Main St to allow for a new project in the TV: Town Village District as submitted by Jason Brown.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;

- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous

*A copy of Special Exception Use Application 16-SEU-03 addressing the findings is attached to these minutes.*

**Action #2:** The Council approved a motion to adopt Resolution #16-38 to make and accept the findings of facts as submitted by the petitioner as specified in Exhibit A (with the following additional findings, if any) and to approve Variance of Development Standards #16-VARTC-03 & #16-VARTC-04, requested by Randy Miller and Jason Brown for the property located at 306 S Main Street, Wake County PIN 0649914391 with (no) conditions added to Exhibit A.

A *variance* may be granted by the Board if competent and substantial evidence is presented by the applicant which persuades the Board to either reach each of the following conclusions independently or be reasonably able to meet these conclusions upon implementation of conditions by the Board:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**Motion by:** Dickson

**Second by:** O'Brien

**Vote:** Unanimous

*Copy of Resolution and findings of fact addressing the findings are attached to these minutes.*

**Action #3:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.04, Waiver of Off-Street

Parking Regulations for Special Exception Use Petition #16-SEU-03 and Development Plan #16-DP-06 for 306 S Main St to allow a waiver of the maximum number off-street parking spaces requirement in order to provide 140 percent of the required parking as submitted by Jason Brown, dated September 19, 2016.

A petition for a waiver of regulations of UDO Section 7.04, Waiver of Off-Street Parking Regulations may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. A parking demand study (please attach all documentation) completed by a third party that provides evidence regarding:
  - a. Peak usage estimates based on reliable data collected from comparable uses located within the same or similar market areas as the Town of Holly Springs. Comparable uses will be determined based on density, scale, bulk, area, type of activity, and location; and,
  - b. Number of employees on the largest shift; and,
  - c. Minimum number of spaces needed to meet the parking demand for the specific use.
2. The granting of a waiver will not cause negative impacts on the environment or adjacent properties without the necessity of including mitigating elements such as additional screening, pervious pavement, shared parking, rain gardens, or that such elements are provided under the plan to the extent necessary to lessen the effects of any negative impacts.
3. The proposed development is consistent with the intent of the Comprehensive Plan.
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action #4:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 7.04, Waiver of Off-Street Parking Regulations for Special Exception Use Petition #16-SEU-03 and Development Plan #16-DP-06 for 306 S Main St, motion to approve a waiver to allow 140 percent of the required parking as submitted by Jason Brown, dated September 19, 2016 with the following (#) condition(s):

1. This waiver shall apply only to development plan project number 16-DP-06, 306 S Main St. Any future addition to the building or redevelopment of the property shall be in conformance with the development standards at the time such project is proposed.

**Motion by:** O'Brien

**Second by:** Dickson

**Vote:** Unanimous

**Action #5:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03 C 1 b (1) (a) (i): Building Materials for Special Exception Use Petition #16-SEU-03 Development Plan #16-DP-06 for 306 S Main St to allow a waiver to allow for use of HardiPlank siding rather than masonry as submitted by Jason Brown, dated September 19, 2016.

A petition for a waiver of regulations of UDO Section 3.03, Architectural and Site Design Requirements in TV may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (building materials, colors, textures, building architecture, building orientation, signs, landscaping, lighting or pedestrian circulation and vehicular area design) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan.

4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion by:** Williams

**Second by:** O'Brien

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action #6:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 3.03 C 1 b (1) (a) (i): Building Materials for Special Exception Use Petition #16-SEU-03 and Development Plan #16-DP-06 for 306 S Main St, motion to approve a waiver to allow for use of HardiPlank siding rather than masonry submitted by Jason Brown, dated September 19, 2016 with the following condition:

1. This waiver shall apply only to development plan project number 16-DP-06, 306 S Main St. Any future addition to the building or redevelopment of the property shall be in conformance with the development standards at the time such project is proposed.

**Motion by:** Dickson

**Second by:** O'Brien

**Vote:** Unanimous

**Action #7:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03 C 1 b (2) (c) (ii): Animating Features for Special Exception Use Petition #16-SEU-03 Development Plan #16-DP-06 for 306 S Main St to allow a reduction in minimum glazing from 40 percent to 17 percent in order to match existing window style and coverage as submitted by Jason Brown, dated September 19, 2016.

A petition for a waiver of regulations of UDO Section 3.03, Architectural and Site Design Requirements in TV may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (building materials, colors, textures, building architecture, building orientation, signs, landscaping, lighting or pedestrian circulation and vehicular area design) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan.
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion by:** Lee

**Second by:** Williams

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action #8:** Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 3.03 C 1 b (2) (c) (ii): Animating Features for Special Exception Use Petition #16-SEU-03 and Development Plan #16-DP-06 for 306 S Main St, motion to approve a waiver to allow a reduction in minimum glazing from 40 percent to 17 percent in order to match existing window style and coverage as submitted by Jason Brown, dated September 19, 2016 with the following condition:

1. This waiver shall apply only to development plan project number 16-DP-06, 306 S Main St. Any future addition to the building or redevelopment of the property shall be in conformance with the development standards at the time such project is proposed.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous



**Action #9:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, motion to approve Special Exception Use #16-SEU-03 for 306 S Main St and Development Plan #16-DP-06 for 306 S Main St as submitted by Jason Brown, dated September 19, 2016 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 16-SEU-03.

Development Plan

1. The access on Main Street can only be used once Ballentine Street is converted to one way - planters or other temporary measure blocking this access from vehicular access must remain in place until Ballentine Street is one-way.
2. A fee-in-lieu will be required for the roadway improvements along Raleigh Street. A design and cost estimate for the road improvements required is under review to determine the amount.
3. A 12' wide sidewalk is required on Main Street per the Village District Area Plan. Due to the building/porch encroachment this sidewalk will be built as shown on these plans however at the time the site is redeveloped or the encroachment is removed, the sidewalk will need to be extended at that time.

**Motion by:** Williams

**Second by:** O'Brien

**Vote:** Unanimous

**7d. Public Hearing: Development Options Plan 16-DO-01, Park Avenue Subdivision – Mr.**

Ryan said the Town has received a request for a development options subdivision. A total of 114 single-family lots are proposed with a total density of 3.18 units per acre. The parcel is vacant and surrounded by single-family residential subdivisions on all four sides – Valley Field to the north, Parks at Bass Lake to the east, Somerset Farm to the south, and Fair Hill to the west.

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 using smaller minimum lot sizes. Additional elements include stipulated open space requirements, greater sidewalk improvements, in addition to the Residential Design façade requirements that are shown in Tables 2.09 C. 4 and 5. The design façade requirements were updated in 2012, and now take into account updated building trends and ensure a high quality product.

Councilwoman Williams asked how residents of this proposed development would get onto Hwy. 55.

Ms. Goodson said via a new Teal Lake Drive connection or out to Grigsby.

Councilwoman Williams said she felt like the collector streets would be narrow.

Ms. Goodson noted that traffic impact studies were required, and the results were that no offsite improvements would be required.

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

Amy Morales, 204 Hidden Farm Lane -- Ms. Morales said she is overwhelmed at the thought of the increased traffic impact on Teal Lake Drive, not only from the neighborhood but from Sugg Farm events like Hollyfest and July 5.

Joe Boos, 204 Somerset Farm Drive – Mr. Boos said he shares a lot of the same concerns as Ms. Morales. He said he feels if the plan is approved, then traffic-calming measures would be appreciated. He said he feels that Teal Lake Drive would be overburdened if it is connected to this development.

George Smith, 229 Stonehedge Ct. – Mr. Smith spoke against the proposal. He said he would not support a road through a wetland. He said he understands road connectivity but it is not

convinced it is a good idea to build through a wet area. He said he does not feel the findings of fact can be met.

Tom Spaulding, Spaulding and Norris – Mr. Spaulding, representing the applicant, addressed concerns, pointing out that the property is zoned R-10 and could be developed as R-10 without development options; however, the resulting neighborhood would not be as quality as one developed with the development options. He said development options would provide a higher standard product.

He acknowledged that the connection with Teal Lake Drive would require crossing a wetland area, but the connection is critical and according to the Town's transportation plan. He noted that the applicant's partnering in the crossing was a good deal for the Town to get that road connection, more open space, more sidewalk and higher standard homes.

Councilwoman Lee asked about trees. Mr. Spaulding explained there were no trees on the property now because it is a pasture.

There being no further input, 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 #16-DO-01 for Park Avenue to allow for development options to be used in the R-10 residential zoning district as submitted by Spaulding & Norris, Project Number 15064, dated revised 09/26/2016.

A petition for Waiver of Regulations of UDO Section 2.04: R-10 Residential District 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:** Dickson

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action 2:** Having made findings of fact that the petition meets the requirements to be granted Development Options, the Council approved a motion to approve Development Option Plan Petition #16-DO-01 for Park Avenue to allow for development options to be used in the R-10 residential zoning district as submitted by Spaulding & Norris, Project Number 15064, dated revised 09/26/2016 with the following conditions:

1. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
2. 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 plat recordation 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.
3. The following items must be addressed prior to (or included with) the first construction drawing submittal:
  - a. Provided the calculated pavement design for any thoroughfares, collectors or boulevards shown on this plan. This may result in a pavement cross section bigger than the specified minimum. Note that the pavement design for NCDOT maintained roads will require NCDOT

approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.

- b. This project is located in a basin where the Town has an approved flood study. Accordingly, 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. The following is the approved flood study that this project will need to update: Somerset Basin
  - c. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
  - d. No fill is permitted in the flood plain for any residential development.
  - e. Storm drainage must be extended beyond the greenway trail. Concentrated flow cannot be directed toward the greenway trail.
  - f. All outlet structures from stormwater control measures cannot discharge water in a manner that it flows over the greenway. Discharge pipes must be extended beyond the greenway trail.
  - g. Documentation in the form of a recorded plat is required for all offsite right-of-way needed for this project.
  - h. An at-grade crossing with the raised cross-walk will be provided for the greenway crossing. Rapid flashing advanced signage will be required leading up to this crossing.
4. The following items must be addressed prior to the first construction drawing approval:
    - a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
    - b. Payment of the Stormwater Fee-in-Lieu will be required.
    - c. A fee-in-lieu of upgrade will be required for this project for the Pump Station and associated force main.
  5. The following items must be addressed prior to the first plat approval:
    - a. Home Owner's Association (HOA) covenants shall be recorded with the first plat associated with this subdivision. Provide a copy to staff for review prior to submittal of the first plat
    - b. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures or site distance triangles. A revised street tree plan shall be submitted to the Department of Planning & Zoning upon completion of a street lighting plan.
  6. An infrastructure reimbursement agreement has been prepared for this project and is scheduled to go to the Town Council at a later meeting. If there are any changes to the agreement that cause changes to this plan, an amendment will be required to revised this plan to match.

**Motion by:** Dickson

**Second by:** Lee

**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 Dickson, a second by Councilwoman Williams and a unanimous vote. The following actions were affected:

**8a. Budget Amendment Report**– The Council received a monthly report on operational budget amendments approved by the town manager or that were accomplished at the direction of the Council. *A copy of the budget amendment report is attached to these minutes.*

**8b. Reclassify Three Positions** – The Council approved to reclassify positions 420-029, 420-030, 420-03 to the job title of Captain.

**8c. Resolution 16-39** - The Council adopted Resolution 16-39 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 16-39 is attached to these minutes.*

**8d. 2016-17 Fee Schedule Amendment** - The Council approved corrections to fees in the 2016-17 fee schedule.

8e. Budget Amendment, \$20,076 – The Council adopted an amendment to the FY 2016-17 budget in the amount of \$20,076 to cover costs of utility meter purchases. *A copy of the budget amendment is attached to these minutes.*

8f. Budget Amendment, \$28,000 – The Council adopted an amendment to the FY 2016-17 budget in the amount of \$28,000 to move salary funds to contract employee funds. *A copy of the budget amendment is attached to these minutes.*

**9a. Annexation Ordinance A15-05** – Ms. Clapp said that a public hearing was advertised and held on Dec. 15, 2015 for a voluntary annexation request for approximately 47.5 +/- acres located along Grigsby Avenue. The property owner is Betty S. Waller, Trustee Howard Odell Strother Trust. The owner's representative requested to delay the annexation of the property to have it be considered along with the subdivision plans. The subdivision plan review process concludes with the development options considerations for Park Avenue.

With that explanation completed, Mayor Sears reopened the public hearing. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A15-05, annexing 47.5 +/- acres owned by Betty S. Waller, Trustee Howard Odell Strother Trust, and more particularly described as Wake County Pin's: 0658-27-6388, into the corporate limits of the Town of Holly Springs.

**Motion by:** Lee

**Second by:** Williams

**Vote:** Unanimous

*A copy of annexation ordinance A15-05 is attached to these minutes.*

**10a. 15-MAS-03, Bridgeberry Phase I, Preliminary Plan** – Mr. Ryan said the Town has received a request for a residential subdivision south of Avent Ferry Road and north of Rex Road. A total of 88 single-family lots are proposed with a total density of 1.39 units per acre. The parcel is currently vacant and is surrounded by single-family residential and vacant property, but is directly adjacent to the Mills at Avent Ferry Subdivision (under construction) and the proposed Bridgeberry II subdivision.

Ms. Goodson explained that a new road through the property and connecting Rex Road and Avent Ferry Road would be provided.

Councilwoman Lee and Councilman O'Brien expressed concern about traffic on Avent Ferry Road and how it would be impacted.

Ms. Clapp said the Planning Board had reviewed the request and recommends approval.

**Action:** The Council approved a motion to approve Preliminary Plan #15-MAS-03 for Bridgeberry I Subdivision as submitted by Piedmont Land Design, dated revised 10/4/2016, with the following conditions:

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. Home Owner's Association (HOA) covenants shall be recorded with the first plat associated with this subdivision. Provide a copy to staff for review prior to submittal of the first plat
3. 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 plat recordation 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
4. The following items must be addressed prior to construction drawing submittal:
  - a. Provide documentation in the form of a recording plat for any required offsite right-of-way needed for the improvements shown on the plan.

- b. A complete flood study must be submitted. Failure to submit will result in the plan being rejected as incomplete.
  - c. All items listed on the Stormwater Submittal Checklist, Form #16003.
  - d. Provided the calculated pavement design for any thoroughfares, collectors or boulevards shown on this plan. This may result in a pavement cross section bigger than the specified minimum. Note that the pavement design for NCDOT maintained roads will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
  - e. If any off site water or sanitary facilities are needed to serve this project and are not completed and accepted by the Town at the time of the approval of this plan, then these facilities must be completed. The Town is not responsible for completion of offsite water or sanitary sewer facilities, and will not guarantee completion of such facilities by any other party, no plats or building permits will be issued by the Town until all necessary on and off site infrastructure is completed.
  - f. A preliminary sewer study has been completed for this project outlining the downstream sewer capacity and the sizing of the lines to serve the upstream basin. If the construction design triggers updates to this study (for example design slopes vs minimum slopes, etc.) then a Final Gravity Sewer Line Sizing Report will be required or a letter submitted stating that there is not change.
  - g. A fee-in-lieu of upgrade will be required for this project for the two pump stations and associated force mains that this site drains through.
  - h. Provide documentation in the form of a recorded plat of any required offsite sewer easements.
  - i. A CLOMR/or No-rise certification will be required prior to construction drawing approval. The appropriate revised flood study must be submitted with the first construction drawing submittal.
5. The following items must be addressed prior to construction drawing approval:
- a. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
  - 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.
  - d. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures or site distance triangles. A revised street tree plan shall be submitted to the Department of Planning and Zoning upon completion of an approved street lighting plan by Engineering.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

**10b. Public Hearing: 16-DP-03 for Bridgeberry, Phase II, Development Options Plan – Mr. Ryan** said the Town has received a request for a development options subdivision. A total of 87 single-family lots are proposed with a total density of 2.93 units per acre. The parcel is currently vacant and is surrounded by single-family residential and vacant property, but is directly adjacent to the proposed Bridgeberry I subdivision.

He 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. Additional elements include stipulated open space requirements, greater sidewalk improvements, in addition to the Residential Design façade requirements that are shown in Tables 2.09 C. 4 and 5. The design façade requirements were updated in 2012, and now take into account updated building trends and ensure high quality product.

Mr. Ryan said the Planning Board had reviewed the petition and recommends approval.

With that explanation completed, Mayor Sears opened the public hearing, and the following comments were recorded: None.

There being no 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 #16-DO-03 for Bridgeberry II to allow for development options to be used in the R-15 & R-10 residential zoning district as submitted by Piedmont Land Design, dated revised 10/04/2016.

A petition for Waiver of Regulations of UDO Section 2.03 R-15 and 2.04: R-10 Residential District 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:** Dickson

**Vote:** Unanimous

*A copy of the waiver application addressing the findings are attached to these minutes.*

**Action 2:** Having made findings of fact that the petition meets the requirements to be granted Development Options, motion to approve Development Option Plan Petition #16-DO-03 for Bridgeberry II to allow for development options to be used in the R-15 & R-10 residential zoning district as submitted by Piedmont Land Design, dated revised 10/04/2016, with the following conditions:

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. 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 plat recordation 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
3. Home Owner's Association (HOA) covenants shall be recorded with the first plat associated with this subdivision. Provide a copy to staff for review prior to submittal of the first plat
4. A fee-in-lieu of upgrade will be required for this project for the two pump stations and associated force mains that this site drains through.
5. Prior to Construction Drawing submittal, the following items are to be addressed:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.
6. Prior to Construction Drawing approval the following items are to be addressed:
  - a. Street Trees on all interior streets shall be positioned as to not interfere with any lighting fixtures or site distance triangles. A revised street tree plan shall be submitted to the Department of Planning and Zoning upon completion of an approved street lighting plan by Engineering.
  - b. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.

c. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.

**Motion by:** Dickson

**Second by:** O'Brien

**Vote:** Unanimous

**11. Other Business:** None that resulted in Council action.

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

**13. Closed Session:** none.

**14. Adjournment:** There being no further business for the evening, the Nov. 15, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Dec. 20, 2016.

*Joni Powell* \_\_\_\_\_

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Notes follow and are a part of the official record.

