



Holly Springs Town Council
Regular Meeting

October 16, 2012

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 16, 2012 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 and Councilmen James Cobb and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

Council Members Absent: Councilman Chet VanFossen.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes;); Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Jeff Jones, senior planner; Jeff Wilson, information technology director; Jenny Mizelle, director of economic development; Leroy Smith, fire chief; Mark Andrews, public information officer; Daniel Weeks, project analyst; Elizabeth Goodson, development review engineer; Drew Holland, budget manager; and Len Bradley, director of parks and recreation.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Kelly L. Logue of Holly Springs United Methodist Church.

4. Agenda Adjustment: The Oct. 16, 2012 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda as New Business: None.

Items removed from Agenda: None.

Items removed from the 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 input was recorded:

Tina Rimmer, 237 Raleigh Street - Ms. Rimmer addressed the Council to express her distress over the demolition of an old building on Main Street. She said seeing the Holt House demolition today upset her. She said she does not understand why Holly Springs does not seem to care about historic preservation.

John Classen, 5208 Old Adams Road - Mr. Classen addressed the Council expressing his concerns about highway traffic on N.C. Hwy. 55. He asked the Council to consider that in making decisions in the future.

Michelle Willford, 800 Oak Hall Drive - Ms. Willford addressed the Council to advise them of a genealogy conference in Apex that will offer classes in researching family histories. The event is being hosted by the Church of Jesus Christ of Latter Day Saints.

6a. Bateman Project Update - Ms. Mizelle said on Tuesday, Oct. 16, the Town Public Works Department removed the Holt House building from the former public safety center property on

Main Street. She said that changes to the property will be becoming more and more visible in the coming weeks, and staff provided the Council with a progress report.

She asked Mr. Schifano to address some of the concerns regarding demolition of the Holt House.

Mr. Schifano reported that the house had been sold twice but both sales fell through, so the town held an auction recently that distributed some of the architectural features inside the building. The property itself is being swapped with another landowner, which provides to Town ownership the oldest home in Holly Springs. There are preliminary plans to create a co-working space in the building to preserve it.

Ms. Mizelle also reported that the Town has applied for and received approval for Duke Fuqua School of Business interns to help in the project.

Action: No Action.

7a. Public Hearing: Rezoning Petition, 12-REZ-05 - Mr. Jones said the property owner is requesting a zone map change to Industry Technology zoning to support a future request to have sweepstake machines located on the premises of the Valero Convenience Store located at 601 N. Main Street. The Town initiated a zoning violation process in July of this year because the applicant already has placed sweepstake machines in the convenience store. This rezoning request is a way for the property owner to attempt to resolve the zoning violation without removing the machines.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statement as true:

*The requested zone map change from LB: Local Business Limited to IT: Industry Technology is **not** consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Mixed Use, which is intended for a mix of commercial, business and residential uses, not industrial uses.*

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to deny Zone Map Change Petition #12-REZ-05 to change the zoning of 1.54 acres of Wake County PIN 0649855587 from LB: Local Business- Limited to IT: Industrial Technology as submitted by Dilip Gala.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

7b. Public Hearing: Ordinance 12-09, Unified Development Ordinance 12-UDO-03 - Mr. Zawadski said the Town has received a Unified Development Ordinance amendment request to add *Brewpub* to the list of permitted primary uses in the TV: Town Village zoning district. A definition for the use also is proposed for additional clarification.

He said the TV district currently permits uses such as bars, taverns, restaurants, etc., but does not permit uses that allow for the production of beverages; so uses such as breweries, even in combination with a restaurant or bar, are not permitted at any scale, large or small.

He said the proposed amendment would permit businesses to produce beverages up to 15,000 barrels (17,600 hectoliters) per year, which is the classification of a microbrewery according to the Brewers Association. The definition also requires that the business provide opportunities for public sales and consumption on-site. This would ensure that businesses are destinations that accomplish the goals and intentions of creating a vibrant mixed-use atmosphere in the Village District, and not simply an industrial operation.

The applicant, Mitch Woodward, addressed the Council to answer questions.

Mayor Sears asked how 15,000 barrels compared to a micro-brewery.

Mr. Woodward said the large number is a number provided by a national beer association. He added that his plans are for a "nano-brewery," which would brew a fraction of that amount.

Councilwoman Williams asked if odor control would be a problem.

Mr. Woodward said a large brewery would emit an odor in the boiling process; however, his operation would be small, and he would not expect there to be an odor issue.

Councilman Sack said 15,000 barrels seemed to be a high limit for the TV district.

Council members suggested changing the ordinance to state 5,000 barrels instead of 15,000 barrels.

Mr. Zawadski added that the 15,000 barrel limit might allow for a larger operation in the TV district, if the developer were to meet all the architectural requirements of the district. He said it might be a good move to set the higher limits so as not to prohibit the possibility of a good downtown development opportunity.

Council members seemed to agree that they could set a lower number and then raise it later if needed.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statements as true: "*The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan policies for future land use. The proposed UDO amendments allow for viable downtown development, as well as other opportunities for commercial growth and development in Town.*"

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 12-09 approving and enacting UDO text amendment 12-UDO-03 to modify UDO Section(s) 3.03 Town Village District & 11.02 Definitions, with a limit of 5,000 barrels, as submitted by Mitch and Laurie Woodward.

Motion By: Williams

Second By: Sack

Vote: Unanimous

A copy of Ordinance 12-09 is attached to these minutes.

7c. Public Hearing: Development Plan Amendment 10-DP-04-A03 - Mr. Zawadski said the Town received a request for an amendment to the Pecan Grove multi-family development project near the intersection of Old Adams Road and NC 55. The project received original Town Council approval Oct. 19, 2010. At that time, the project was 20.9 acres in size and included 240 multi-family units located throughout the property.

He said a plan revision is being requested that includes a variety of amendments to the project. The most significant change is a request to add four acres and 96 units to the northwest corner of the project. This would result in a total of 336 apartment units located throughout 16 buildings. The overall density is 13.49 units per acre and is roughly the same as originally approved due to the additional land area.

Mr. Zawadski said the additional minor modifications include:

- Footprint and building elevation revisions
- Garage location and layout modification
- Separation of clubhouse and apartments
- BMP revisions
- Change public street to private street off of G.B. Alford Hwy. (NC 55)
- Additional recreation and open space
- Associated landscape revisions for layout adjustments.

A total of 647 parking spaces (surface parking and garages) are distributed throughout the project. Pedestrian connections are provided throughout the interior of the site as well as along all adjacent public streets. The main vehicular access for the site is provided by a driveway located off of Old Adams Road. A second access point is provided off of G.B. Alford Hwy. to a private drive located near the northwest corner of the project.

A total of 2.49 acres (10% of project area) of private recreational open space is provided and includes amenities such as: pool, clubhouse, dog park, volleyball court, play area, and mulch walking trail.

The primary building materials include earth-tone colored horizontal cement siding, shake siding, and brick accents. Other design features include: façade modulation, roofline variation, decorative columns, balconies with decorative panels.

He said a Town of Holly Springs gateway feature also would be constructed with the project in accordance with the Vision Holly Springs: Comprehensive Plan Section 4.4 Town Gateways. The feature will be located near the intersection of Old Adams Road and NC 55 and will include a water feature, signage and decorative landscaping.

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

H. Jay Gilleece, 825 Walnut Street, Cary - Mr. Gilleece addressed the Council representing the applicant. He said his firm had met with residents of neighboring Shadow Valley and addressed some of their concerns. He added that the change to residential from the already approved non-residential use on the site would reduce the anticipated traffic by a third.

John Classen, 5208 Old Adams Road - Mr. Classen lives adjacent to the development. He said he is concerned about traffic on Hwy. 55.

Mr. Gilleece said originally, the applicant anticipated those four acres to be commercial. Now, they are asking for it to be residential instead, he said, which should help reduce traffic.

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

Action: The Council approved a motion to approve Development Plan Major Amendment #10-DP-04-A03 for Pecan Grove as submitted by Hugh J. Gilleece and Associates, Job No. 18000.05 dated revised Sept. 10, 2012 with the following conditions:

1. All previous approval conditions for *Pecan Grove Apartments Development Plan* will apply to this plan.
2. The Gateway Feature is to be constructed and completed prior to issuance of the first Certificate of Occupancy.
3. The Infrastructure Reimbursement Agreement and all associated terms and conditions does not apply to the area labeled "Phase II". Full fees will be due on all units in Phase II.
4. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Storm Water Ordinance.
5. The following items are required with the first submittal of construction drawings:
 - a. All items listed on the Storm water Submittal checklist, form #16003, must be included with the first construction drawing submittal.
 - b. A flood study will be required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The approved Pecan Grove flood study will need to be updated to reflect this project. This is required with the 1st construction drawing submittal.
6. The following items are required prior to construction drawing approval:
 - a. Approval of Storm water Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - b. Payment of the Storm water Fee-in-Lieu will be required
 - c. Storm water 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 storm water 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.

7. Prior to the Town Council Meeting, the following needs to be addressed:

- a. A Downstream Sewer Evaluation Report update is required for this amendment. This report has been submitted and is under review. Resubmittal of this report addressing all outstanding comments is required.

Motion By: Cobb

Second By: Williams

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 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 regular meeting held Oct. 2, 2012.

7b. Budget Amendment Report - The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Staff Holiday Lunch - The Council authorized the closing of non-essential Town facilities from 11 a.m. to 1 p.m. Dec. 13, 2012 for a staff holiday lunch.

7d. Resolution 12-28 - The Council adopted Resolution 12-28 endorsing a project and requesting NCDOT funding for a Holly Springs Business Park access point. *A copy of Resolution 12-28 is attached to these minutes.*

9. Other Business: Councilwoman Lee reported on Holly Springs High School Government Day. Students were able to talk to Mayor Sears, Councilwoman Lee and Councilman Cobb about their concerns.

10. Manager's Report: Mr. Dean reported to the Council on plans for acquisition of Wake County-owned property on Hwy. 55 / Main Street. The property, he said, is known as the "borrow pit" area of the South Wake Landfill, which is located across G.B. Alford Hwy. from the borrow pit. If the Town were to purchase the property from the county and put it to some other use, a major objective of getting the landfill operation entirely on the west side of the highway would be accomplished. Additionally, it would save the Town from having a large landfill support operation on its main thoroughfare.

Mr. Dean said the Town intends to purchase the property from Wake County for the same amount of money that that County paid for it nearly two decades ago. Mr. Dean added that Wake County officials have indicated that the county would be amenable to selling the property.

As details are being ironed out over the next several weeks, Town officials will begin holding public information meetings to get input on ideas of how to use the property. It likely will be used as an athletic complex, in keeping with the Town's goals of providing residents with top recreational facilities.

Mr. Dean said the county would make a decision in November on whether to sell the land. Following, the Town would have to rezone the property and then do some land planning. Preliminary plans include a baseball stadium, youth baseball complex, tennis courts and supporting structures.

11. Closed Session: none.

12. Adjournment: There being no further business for the evening, the Oct. 16, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 6, 2012.



Council Meeting



Joni Powell, MMC, NCCMC

Town Clerk

Addenda pages as referenced in these minutes follow and are a part of the official record.