



Holly Springs Town Council Regular Meeting

Feb. 19, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Feb. 19, 2013 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; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jenny Mizelle, director of economic development; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Eric Tayler, information technology technician; Len Bradley, parks and recreation director; Leroy Smith, fire chief; Laura Holloman, planner I; Sean Ryan, planner I; Jeff Jones, senior planner; and Niki Litts, communications specialist.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Thomas Newman of Sunrise United Methodist Church.

4. Agenda Adjustment: The Feb. 19, 2013 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 Consent Agenda: Item 7b., Sugg Park steering committee.

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: None.

6a. Public Hearing: - Ms. Holloman said the Town has received a Unified Development Ordinance amendment request to add "Taproom" to special exception uses in the RT: Research and Technology zoning district. A definition for the use also is proposed for additional clarification, she added.

She said the RT district currently permits breweries as light manufacturing facilities, but does not allow for the ability for brewery patrons to both sample and purchase the manufacturer's product on-site.

The proposed amendment would permit breweries to have taprooms, a devoted area on-site of the brewery where guests could sample and purchase the brewery's product. "Taproom" is defined specifically as an accessory use to the manufacturing facility; one would not be permitted

without a brewery on-site. Also, as with any accessory use defined in the UDO, its size is limited to no more than 25 percent of the floor area of the primary use or building.

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 allows for viable economic 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 #13-01 approving and enacting UDO Text Amendment #13-UDO-01 to modify the text of UDO Section(s) 4.02 & 11.02 as submitted by Bombshell Brewing.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

A copy of Ordinance 13-01 is attached to these minutes.

6b. Public Hearing: Rezoning Petition 12-REZ-08 - Mr. Ryan said the Town has received a request for a zone map change for property located near the intersection of Sunset Lake Road and Holly Springs Road. The applicant is requesting to rezone the property from R-20: Residential to LB: Local Business. The parcel currently is vacant and is approximately 0.93 acres in size. The property is located within the Northeast Gateway Area Plan and the requested LB: Local Business zoning district is consistent with the business land use designation.

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

Betty Mitchell, 9212 Eisenhower Drive - Ms. Mitchell addressed the Council and asked if the rezoning change would affect her property, and she asked what the long-term plans were for the neighborhood.

Councilman Sack noted that the rezoning is in keeping with the Northeast Area Plan that designates this area as business. It, however, would not rezone all the properties, just the one.

There being no further 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 R-20 to LB is consistent with the Vision Holly Springs Comprehensive Growth Plan and Northeast Gateway Area Plan since the Future Land Use Plan Map indicates this property as Business and the LB: Local Business District allows for commercial, retail, and office development.*"

Motion By: Williams

Second By: Sack

Vote: Unanimous

Action #2: The Council approved a motion to adopt ordinance 12-REZ-08 for Zone Map Change Petition #12-REZ-08 to change the zoning of 0.93 acres of Wake County PIN #0659981190 from R-20:Residential to LB: Local Business as submitted by Capital Civil Engineering.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 12-REZ-08 is attached to these minutes.

6c. Public Hearing: Rezoning Petition 12-REZ-09 - Mr. Ryan said the Town has received a request for a zone map change for property located near the intersection of Grigsby Avenue and Estes Lane. The applicant is requesting to rezone the property from R-20: Residential to R-10: Residential. The parcel is currently vacant and is approximately 7.158 acres in size.

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 R-20 to R-10 is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential* and the R-10 Residential District allows for residential single-family development."

Motion By: Sack

Second By: Williams

Vote: Unanimous

Action #2: The Council approved a motion to adopt rezoning ordinance #12-REZ-09 for Zone Map Change Petition #12-REZ-09 to change the zoning of ± 7.158 acres of a portion of Wake County PIN # 0658371860 from R-20: Residential to R-10: Residential as submitted by Glenda S. Toppe & Associates.

Motion By: Lee

Second By: Cobb

Vote: Unanimous

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

6d. Public Hearing: Main Street Square Elements C, D, and E, 06-DP-09.A04 - Ms. Holloman said the developer has submitted a request to amend Building 5 located in Element C of the Main Street Square Planned Unit Development. Previously, Town Council approved a two-story building comprised of brick, glass storefronts and canvas awnings. The developer would like to change to a one-story building and still will incorporate the use of brick, two glass storefronts and canvas awnings.

She said the Main Street Square Planned Unit Development (PUD) originally submitted in 2005, was intended to provide an ideal setting for a creative, mixed use development that advanced the principles of traditional neighborhood development - the plan consisted of multi -family and single-family dwellings, as well as office and retail spaces. Staff believes that this amendment does nothing to worsen Main Street Square's overall intent and as a result is recommending approval of this amendment request.

Councilman Sack noted that the new building layout also includes a drive-through, and the parking was now situated in a way that would funnel pedestrians into the driveway as they attempt to enter the building. He said it seems pedestrians will have to park remotely and then walk into drive-through lane to get to the entrance.

Engineers for the project addressed the parking lot issue, explaining the applicant is committed to direct pedestrians away from the drive-through to the front of the building but the existing infrastructure of building pads and parking lot is limiting.

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: The Council approved a motion to approve Development Plan #06-DP-09-A04 for Main Street Square Elements C,D, and E Amendment as submitted by Bass, Nixon, and Kennedy, Project Number 04-08042, dated Revised 12/21/12 with the following conditions:

1. All previous approval conditions for *Main Street Square PUD and Main Street Square Element C, D and E Development Plan* will apply to this amendment.

2. Prior to Town Council approval of this plan, the developer must meet with staff to discuss the outstanding greenway design and construction and establish a set of milestones with dates for when both design and construction will be completed.
3. Within ten days of Town Council approval, submit revised site plan showing a new location of the dumpster and improving the pedestrian access to the site from the parking lot.

Motion By: Cobb

Second By: Sack

Vote: The motion carried, following a 3-1 vote. Councilman Sack and Councilwomen Lee and Williams voted for the motion. Councilman Cobb, who initiated the motion to get a motion on the floor, voted against.

6e. Public Hearing: Special Exception Use Petition 12-SEU-10 - Ms. Holloman said the Town has received a request for a drive-thru restaurant, Dunkin Donuts, to be located within the Main Street Square Planned Unit Development. The proposed restaurant will be approximately 2,378 square feet, and the remaining square footage of the building will house another commercial storefront. Under the approved PUD criteria, proposed commercial uses follow the LB: Local Business zoning district's list of special exception uses. Since drive-thru restaurants are special exception uses in Local Business, Dunkin Donuts must go through this process to be permitted to locate within Main Street Square, Ms. Holloman said.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no testimony, 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 Special Exception Use Petition #12-SEU-10 for Dunkin Donuts as submitted by Bass, Nixon, and Kennedy, Project Number 04-08042, dated Revised 12/21/12.

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: Sack

Second By: Williams

Vote: Unanimous

A copy of Special Exception Use Petition 12-SEU-10 addressing the findings of fact is attached to these minutes.

Action #2: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to grant Special Exception Use Petition #12-SEU-10 for Dunkin Donuts as submitted by Bass, Nixon, and Kennedy, Project Number 04-08042, dated Revised 12/21/12 with the following condition:

1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 12-SEU-10.

Motion By: Lee

Second By: Williams

Vote: The motion carried, following a 3-1 vote. Councilman Sack and Councilwoman Lee and Williams voted for the motion. Councilman Cobb voted against.

6f. Public Hearing: Special Exception Use Petition 13-SEU-01 - Ms. Holloman said the Town has received a request for a taproom associated with Bombshell Beer Company, to be located within the existing Omni Industrial Park. The proposed taproom would be approximately 1,128 square feet, and the overall square footage of the brewery building would be 5,522 square feet.

She said taproom is defined specifically as an accessory use to the manufacturing facility; one would not be permitted without a brewery on-site. Also, as with any accessory use defined in the UDO, its size is limited to no more than 25 percent of the floor area of the primary use or building. Since taprooms are special exception uses in the Research and Technology district, it must go through this process to be permitted to locate at this location.

She reported that the Planning Board recommended approval but had questions about what the impact might be on neighboring businesses.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk:

David Sharpe, 116 Quantum Drive - Mr. Sharpe is owner of Omni Business Park. He said he feels the Bombshell Beer Company would be a positive addition to the park and to the Holly Springs business community. He added that neighboring businesses would not object to the brewery and taproom.

Joseph Dalmasso, 124 Quantum Dr. - Mr. Dalmasso, who owns a neighboring business, addressed the Council to speak in favor of the application. He said it would be a positive addition to Omni Business Park.

Ellen Joyner, 120 Quantum - Ms. Joyner is the applicant and she spoke in favor of the petition and said she felt it would support the local business community.

Candace Armogida, 225 Hallwood Ct. - Ms. Armogida spoke in opposition to the application. As a neighboring property owner, she is concerned about security if people were to leave the property and venture into her backyard. She also is concerned about the quality of life for her family with live entertainment and events and operational hours at the beer company.

Ms. Joyner addressed the concerns. She said hours of operation would be limited and while

she could not guarantee that no one would venture behind the building and into Ms. Armogida's yard, she did not expect that would be a problem.

Councilman Sack said the building is a warehouse building with a front entrance and it didn't seem likely that anyone would venture behind the business.

Mr. Sharpe said the property behind the building is wetlands and impassable.

Ms. Armogida rebutted the impassable comment because she said it was passable when the creek is dry. She added, however, that she agrees that it should not be a problem if entrance into the building is only from the front.

There being no further testimony, 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 Special Exception Use Petition #13-SEU-01 for Bombshell Brewing Taproom as submitted by Bombshell Beer Company, dated 1/15/13.

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: Sack

Second By: Cobb

Vote: Unanimous

A copy of Special Exception Use Petition 13-SEU-01 addressing the findings of fact is attached to these minutes.

Action #2: Having made findings of fact that the project meets the requirements to be

granted a Special Exception Use, the Council approved a motion to grant Special Exception Use Petition #13-SEU-01 for Bombshell Brewing Taproom as submitted by Bombshell Beer Company, dated 1/15/13 with the following condition:

1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 13-SEU-01.

Motion By: Cobb

Second By: Sack

Vote: Unanimous

6g. Public Hearing: Holly Woods at Sunset Lake Apartments 12-DP-11 - Mr. Jones said the Town has received a request for a multi-family development project in the Northeast Gateway Area of Town along Lassiter Road. The property is 5.56 acres and is zoned R-MF-15 Multi-family Residential.

The project includes four two-story apartment buildings with 64 multi-family units located throughout the property. A total of 130 parking spaces are distributed throughout the project. Pedestrian connections are provided throughout the interior of the site as well as along all adjacent public streets. All vehicular accesses for the site would be provided by a driveway located off of Lassiter Road.

Mr. Jones said a total of 0.56 acres (10% of project area) of private recreational open space is provided and includes amenities such as a dog park and clubhouse.

The primary building materials include mainly tan brick with blue cement siding accent. Other design features include: façade modulation, roofline variation, decorative columns, and balconies.

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

Tom Galmore, 116 Arlen Park - Mr. Galmore addressed the Council to express concerns about affordable housing and its potential economic impact on neighboring developments.

Gray Styres, Raleigh - Mr. Styres is legal counsel for the applicant. Mr. Styres said he recognize the concern about what kind of product would be provided in the category of affordable housing. He said the project is less dense than was previously approved. He said development standards in Holly Springs are strict and the project meets and exceeds those standards.

In addressing a plan comment about an off-site sidewalk, Mr. Styres said the applicant would like to build the sidewalk because it would move residents safely from the apartments to the commercial center across the street.

Mr. Styres said he recognize that there are higher end properties next door, but those areas are separated from Holly Woods by a wide power line easement. He said longtime residents of Lassiter Road area were supportive of the plan and were anticipating the paving of Lassiter Road.

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

Action: The Council approved a motion to approve Development Plan 12-DP-11 Holly Woods Apartments at Sunset Lake as submitted by CESI, project number 120935.000, dated Revised 01/09/13 with the following conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
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 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.
3. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
4. The following comments must be addressed prior to the first Construction Drawing

submittal:

- a. All items listed on the Stormwater Submittal Checklist, Form #16003.
- b. Provide Engineer's sealed Water System Hydraulic Report for documenting that the Town's fire flow and system pressure requirements are met. Submit this directly to the Engineering Department and note a fee will be due at time of submittal of the report. *Note that this must be submitted, reviewed and approved prior to construction drawings submittal.*
- c. A Traffic Impact Analysis has been submitted for this project. This study must be approved and all recommendations must be addressed on the construction drawings.
- d. Provide dimensions from the centerline to back of curb and right-of-way line on project side of the road.
- e. Provide pavement design for Lassiter Road. This may result in a pavement cross section bigger than the specified minimum.
- f. Any offsite right-of-way required for this project must be obtained and recorded. It is our understanding that the Lassiter Road "R/W" is privately owned. Document the ability of the developer to secure Lassiter Road R/W for the construction of the improvements shown on this plan and convey the right-of-way to the Town after completion. *It is our understanding that this is being worked on through our Town Attorney. This condition must be satisfied before construction drawing submittal.*

5. The following comments must be addressed prior to the Construction Drawing approval:
 - a. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit or construction drawing approval.
 - b. There is an existing culvert downstream of this project on Sunset Fairways. The existing backwater elevation at this culvert cannot be increased.
 - c. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.
 - d. Verify with the Fire Department that FDC and fire hydrants for each building are suitable.
 - e. The town will consider the design engineer's recommendation for the reduction of design speed limit on Lassiter to 25mph.
6. Extend the sidewalk connection out to Sunset Lake Road on Lassiter Road.

Motion By: Sack

Second By: Williams

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. 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.*

7b. Jefferson L. Sugg Park Steering Committee - This item was removed from the Consent Agenda during Agenda Adjustment.

7c. Janitorial Contract - The Council approved to enter into a janitorial contract for Holly Springs Cultural Center.

7b. Jefferson L. Sugg Park Steering Committee - Mr. Bradley presented a list of volunteers wanting to serve on a steering committee for the development of Jefferson L. Sugg Park (within land conservancy and deed restrictions.) He added that the item was removed from the Consent

Agenda so that three more names could be added.

The amended list of volunteers consists of:

Residents:
Gordon Galzerano
Bob Schneider
Jason Brown
Matthew Pausley
Lori Stallings
Larry O'Neal
Deepa Patel
Jeff Tabelon
Paul Poliachik
Gigi Sugg Jones
Nancy Wilson
Karen Ghosh
Katie Thompson
Stephanie Glascok
Bill Hubbard
Tom O'Brien

Jason Deibert
John Rankin
Burton Bailey
Paul Munana
Lauren Connelly
Kyran Connelly
Devin Giovacchini
Jon Harrison
Caroline Curran
Cody Loughridge *
Justin Capone *
David Adams *

Staff:

Len Bradley
Carolyn Couch
Laura Holloman

John Schifano

Council:
Tim Sack
Chet VanFossen

Planning Board Member:
Tom Hughes

P&R Committee Members:
Wanda Holloway
Marty Buckwald
Kevin Adams
Jennifer Jones
Ray Riordan

Action: The Council approved a motion to appoint all members on the amended list to the Jefferson L. Sugg Park steering committee.

Motion By: Cobb

Second by: Williams

Vote: Unanimous.

* = names added to an original list.

8. Other Business: Councilman Sack reported on the partners event at Little Hen Restaurant; Mayor Sears reported on Novartis tours and events; Councilman Lee reported that the Lady Hawks won the first leg of their conference tournament; Councilwoman Williams reported that at the March 19 Council meeting, winners will be recognized; Councilman Sack thanked the public works department for cleaning the Town entrance sign; and Mayor Sears reminded people about the Rex ceremony to dedicate its lawn sculpture.

9. Manager's Report: Mr. Schifano reported that the Town had received a request to sell a portion of the Sugg property recently purchased. He said the offer that was received would provide funds for development of the park. Mr. Schifano asked the Council for permission to surplus the property and weigh offers. He added that preliminary offers are not reasonable and any reasonable offers would be brought to the Town Council for consideration.

It was the consensus of the Council that the property could be sold, if a reasonable offer is forthcoming.

10. Closed Session: None.

11. Adjournment: There being no further business for the evening, the Feb. 19, 2013 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, March 5, 2013.


Lori Powell

ouncil Meeting



Joni Powell, MMC, NCCMC

Town Clerk

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