



Holly Springs Town Council
Regular Meeting

Jan. 7, 2014

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 7, 2014 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

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

Council Members Absent: None.

Staff Members Present: Chuck Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Jenny Mizelle, economic development director; Adam Huffman, assistant parks and recreation director; Stephanie Sudano, engineering director; Elizabeth Goodson, development review engineer; Jeff Jones, senior planner; Mary Hogan, finance director; Leroy Smith, fire chief; John Herring, police chief; Jamie Holland, fire department battalion chief; Daniel Weeks, project manager; Laura Holloman, planner; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Evans of the Holly Springs Ward of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The Dec. 3, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

Items added to the Consent Agenda: 8c. Enter agreement with Duke Progress to alter a power line for the North Main Athletic Complex project.

Item removed from Public Hearing Agenda: None.

Items removed from the Consent agenda: None.

Other changes: None.

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

6a. Susan G. Komen Foundation Presentation – Fire Chief LeRoy Smith presented a check from the sales of pink breast cancer awareness t-shirts to the Susan G. Komen for the Cure Foundation, North Carolina Triangle to the Coast Affiliate. The fire department raised \$2,500 for the program.

Action: None.

7a. Martin Luther King Jr. Celebration Committee Request – Resident George Kimble and Four Oaks Bank Manager Scott Booth, representing the Martin Luther King Jr. Community Foundation, addressed the Council to request that the Town sponsor a Martin Luther King Jr. Day parade in January 2015. By sponsorship, the foundation is hoping the Town will provide permission to hold

the parade and provide the police and public works manpower that would be needed to control traffic and for post-parade clean-up.

The group envisions a lively event with bands, floats and antique cars that would be the only MLK Day parade for a smaller town in North Carolina. The event, planned for Saturday, Jan. 17, 2015 would follow the same route as the annual Christmas parade, organizers said. The biggest expense to the Town's budget would likely be the overtime salaries of personnel who would have to work the event. Organizers said they would seek private sponsors for other event costs.

The organizers said they hoped to have 100 units in the first parade. Mr. Simmons agreed that estimated personnel overtime costs for an event the size of the annual Christmas parade total about \$15,000.

In the meantime, this year's walk will be a smaller event. It is scheduled for 3 p.m. Sunday, Jan. 19, 2014 from Oakhall Shopping Center, down Main Street to the Holly Springs Cultural Center. At 4 p.m., there will be a celebration program at the Cultural Center.

To commemorate this year's MLK Day, Mayor Sears presented a proclamation designating Jan. 19-20, 2014 as Dr. Martin Luther King Jr. Days in Holly Springs.

Resident Parrish Womble addressed the Council to explain that the Holly Springs Martin Luther King Jr. Community Foundation is a foundation that hopes to raise money for scholarships and to meet human service needs like transportation, prescriptions, food and housing. He said he would hope the Council would support the foundation.

Action: The Council said the request was a budget item and could be discussed at the upcoming retreat under other budget discussion topics.

Councilman Dickson noted that an event in Cary planned for Jan. 20 intrigued him and might represent a good compromise if the Council does not feel led to support a parade event. The event in Cary is an organized Day of Service in the honor and spirit of Martin Luther King Jr. He suggested that a similar event in Holly Springs might benefit a local town facility and not have any real costs and might be an option other than a parade to consider.

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:

8a. Minutes – The Council approved minutes of the Council's regular meetings held Nov. 19, and Dec. 3, 2013.

8b. Plan Approval Extensions – The Council approved plan approval expiration date extensions for 05-MAS-05-A01 Main Street Square Element A, 05-DP-07-A01 Main Street Square Element B, 07-DP-06 Main Street Square Element G, 07-DP-16-A01 HPC Flex Phase I, 08-DP-02 Bridgewater West Townhomes Phase 2, and 08-DP-12 Shoppes at Woodcreek Phase III.

8c. Duke Progress agreement – The Council approved to enter an agreement with Duke Progress to alter the height of a power line on the North Main Athletic Complex project site.

9a. 13-DP-08, Holly Springs Towne Center, Phase 2 – Ms. Holloman said the Town has received a request for a development plan for Phase 2 of Holly Springs Towne Center. The second phase includes approximately 37 acres out of the 166 total acres that are included within the approved master plan.

She said the project includes access from G.B. Alford Highway, and the new thoroughfare, Bennet Knoll Parkway, to help facilitate internal vehicular circulation from both phases of the integrated center as well as to Old Holly Springs-Apex Road.

The site plan consists of six commercial lots and 128,000 square feet of retail space, as well as a 63,815 square foot movie theater/bowling alley.

She said that lot 11 includes a 128,000 square foot inline retail building. Lot 15 includes the movie theater/bowling alley building, retail space in front and associated parking. Lots 12-14 and 16 include only a parking lot layout at this time since tenants have not been chosen. The proposed parking design is based on typical restaurant sizes and may need to be revised at time of development plan submittal for each lot.

Ms. Holloman said that approximately 1,015 parking spaces are proposed throughout the development. The applicant is seeking a parking reduction in order to reduce the overall parking by 7.8 percent. This is in large part due to the fact that the Unified Development Ordinance requires restaurants to have their own separate parking requirements even though it may be in an integrated building. In this case, the movie theater and bowling alley will feature a restaurant inside. Due to the likelihood that this restaurant primarily would be patronized by customers who also would be bowling or attending a movie as opposed to customers primarily going to the restaurant alone, staff can support the parking reduction, Ms. Holloman said.

A pedestrian plan is provided that includes sidewalks on public and private streets as well as pedestrian walkways that connect parking areas, building entrances, open space areas, and adjacent public sidewalks. Approximately .30 acres of developed open space is provided throughout Phase 2. The primary open space area is proposed to be located near the movie theater/bowling alley and would function as a social gathering area for the development that would include: decorative hardscape, enhanced landscaping and other focal features.

The development plan also includes detailed architectural design guidelines and a master signage plan in accordance with the conditions of approval of the original Holly Springs Towne Center Master Plan. The design guidelines include specific requirements for the design of buildings, landscaping and other site and appearance elements in the development. This includes a color and material palette, façade design elements, lighting, screening, and streetscape elements.

The development is proposed to be constructed with tilt-up concrete panels with options for a brick, EIFS, CMU, veneers. The colors and material options include six shades of brick, one stone CMU, 14 EIFS colors, and black fabric and metal awnings. The elevations of the theater/bowling alley are not provided at this time but as a condition of approval would be required to be submitted to staff for review during the construction drawing process.

She said phase 2 of Holly Springs Towne Center would match the architectural design and theme of Phase 1. The proposed architectural design theme includes a combination of modern and traditional building elements. Again, the buildings are proposed to be constructed primarily with a brick veneer and stucco treatments. The treatment options include various shades of brick and a wide range of stucco colors that are in compliance with the adopted design guidelines. The proposed architecture includes a variety of building massing and façade treatments as required by the UDO. Specific architectural features include: base, body, and cap, variation in massing, animating features, human scale design elements, colors, textures, roof treatment, and façade modulation.

Ms. Holloman added that two requests for alternate means of architectural compliance have been requested for the project. The requests for alternate compliance help to create a unique building form using distinctive color combinations as well as alternative cap requirements. Although all of the required architectural elements are not met exactly as the UDO requires, staff does feel that the proposed building architecture meets the intent of the architectural and site design UDO requirements, she said.

J.R. McAdams company representatives were available to answer questions. There was a lot of discussion of plan details.

Questions and answers included: How many bowling lanes will there be in the bowling alley? 16; how many screens will the theater have? 10 or 12; is the bowling alley attached to the theater? It will be in the same buildings. A restaurant is also in the building; How much of the roadway is going to be complete? Ms. Goodson fielded transportation questions and said construction would be delayed but that Bennett Knoll would be completed by 2015.

Councilwoman Lee said that if this facility is anything like the Frank Theater near Myrtle Beach, the restaurant will be a nice.

Motion #1: 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, Off-Street Parking regulations for petition #13-DP-08 for Holly Springs Towne Center Phase 2, motion to approve a waiver to allow for a reduction in the number of off-street parking spaces by 226 spaces, or approximately 7.8% percent, from 1,536 parking spaces to 1,415 parking spaces as submitted by

The John R. McAdams Company.

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

1. The nature and location of the proposed building or structure, and;
2. The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed building or structure at one time, and;
3. The quantity of existing public or private parking on the lot or in the integrated center, business park or industrial park that can reasonably be expected to be available when the building or structure is in use, or;
4. The reduction of required off-street parking spaces will result in preserving existing vegetation on the property, or;
5. A land banked area for future off-street parking spaces is provided on the lot or within the integrated center, Business Park or industrial park that is of sufficient size and layout to effect compliance with the basic minimum requirements of this UDO is indicated on the approved plans. Such land banked area shall not be used for any form of development unless an amended alternate parking plan is submitted, and approved, that indicates compliance with the provisions of this sub-section.

Motion by: Williams

Second by: Sack

Vote: Unanimous.

Motion #2: Having made the necessary findings of fact, the Council approved a motion to grant a waiver to allow for a reduction in the number of off-street parking spaces by 226 spaces, or approximately 7.8% percent, from 1,536 parking spaces to 1,415 parking spaces as submitted by The John R. McAdams Company.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

Motion #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 3.08, A, 1. c (2)(a)(iii) Cap Requirement for development petition #13-DP-08 for Holly Springs Towne Center Phase 2 to allow for an alternative cap requirement, as submitted by Cline Design, dated revised Dec. 3, 2013.

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(iii) Cap Requirement 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, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space 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; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

Motion #4: Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(a)(iii) Cap Requirement for development petition #13-DP-08 for Holly Springs Towne Center Phase 2 to allow for an alternative cap requirement, as submitted by Cline Design, dated revised Dec. 3, 2013.

Motion by: Lee
Second by: Cobb
Vote: Unanimous.

Motion #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 3.08, A, 1. c (2)(e) Color Requirement for development petition #13-DP-08 for Holly Springs Towne Center Phase 2 to allow for more than three discernable colors to be used on building elevations, as submitted by Cline Design, dated revised Dec. 3, 2013.

A petition for a waiver of regulations of UDO Section 3.08, A, 1. c (2)(e) Color Requirement 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, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space 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; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

Motion by: Cobb
Second by: Sack
Vote: Unanimous.

Motion #6: Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.08, A, 1. c (2)(e) Color Requirement for development petition #13-DP-08 for Holly Springs Towne Center Phase 2 to allow for more than three discernable colors to be used on building elevations, as submitted by Cline Design, dated revised Dec. 3, 2013.

Motion by: Sack
Second by: Cobb
Vote: Unanimous.

Motion #7: The Council approved a motion to approve development plan #13-DP-08 for Holly Springs Town Center Phase 2 as submitted by The John R. McAdams Company, Project Number KRG-11010, dated revised 12/16/13 with the following conditions:

1. Minor modifications to building elevations may be submitted to and approved by the Department of Planning and Zoning.
2. Sign permits are required prior to any signage installation.
3. The theater/bowling alley elevations shall be submitted to Department of Planning & Zoning for review and comment and shall ultimately be approved by the Town Council.
4. If the theater/bowling alley elevations have not been submitted within 90 days of Town Council approval, the applicant shall submit revised elevation changes as necessary to add a focal point element to the Junior Anchor JA6 elevation which shall be reviewed and approved by Planning & Zoning staff.
5. Prior to or concurrent with this plan, the Holly Springs Master Plan Amendment 08-MAS-03-A04 must be approved.
6. All previous approval conditions for *Holly Springs Towne Center Master Plan and Holly Springs Towne Center Subdivision Plan* will apply to this phase as well.
7. A fee-in-lieu of upgrade will be required for this project for the Pump Station and associated force main.
8. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance. A general stormwater requirement may affect this project.

9. 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.
10. The traffic signals associated with this phase (Grand Hill Place and New Hill Road, Beaconwood Lane and Bennet Knoll Parkway, and Grand Hill Place and Bennet Knoll Parkway) are to be installed when warranted. When Phase 2 is constructed, the developer will evaluate the traffic volumes at the three intersections noted above to determine if the signals are warranted. If the volumes require a signal, the signal will be installed at that time. If not, the developer will complete an annual evaluation and install the signals at the time they are warranted.
11. Sight distance easements are required to be recorded with the appropriate final plat for any area where a sight distance triangle is outside of the public right-of-way.
12. A schedule for the completion of Bennet Knoll Parkway Section 1 adjacent to Phase 2 including when a preconstruction meeting needs to be scheduled will need to be provided once the Developer Agreement is finalized.
13. The following items must be submitted prior to or with the first construction drawing submittal for this phase:
 - a. The plans for any retaining walls for this phase must be submitted.
 - b. It appears that the retaining walls or the grid that will be installed with them will be in conflict with some of the utilities or easements. Revise to remove any conflict with utilities or easements that are within the grid or retaining wall area or verify that there will be no conflicts.
 - c. Provide a pavement design for any thoroughfares, collectors and boulevards within this phase. This may result in a pavement cross section bigger than the specified minimum.
 - d. A detailed hydraulic report will be required for the reclaimed water main extension proposed or verification that the previously submitted report still adequately covers this phase. This signed and sealed report must be approved prior to construction drawing submittal.
 - e. The control of access fencing along GB Alford Highway (NC 55 bypass) for all of Holly Springs Towne Center must be replaced with decorative fencing or moved to a more non-visible location as approved by NCDOT and the Town.
- f. A revised Forest Springs flood study will need to be submitted if there are any changes to the proposed hydrology and the study must demonstrate there is no rise to the existing 100 yr. water surface elevation.
- g. A revised SWMP will need to be submitted
- h. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included
- i. A Traffic Impact Analysis (TIA) is required for this project. There was a TIA completed for the entire Holly Springs Towne Center with the initial plans however a TIA addendum was prepared and submitted with Phase 2 to update information in the TIA with respect to phasing the thoroughfare. This addendum has been submitted to the town and NCDOT but has not been finalized at this time. This review must be completed and the TIA addendum approved prior to construction drawing submittal.
- j. An Engineer's sealed Water System Hydraulic Report for documenting that the Town's fire flow and system pressure requirements is required for this Phase. This report has been submitted and is under review. The final report must be approved prior to construction drawing submittal.

14. The following items must be submitted prior to the first construction drawing approval for this phase:
 - a. All environmental permits were previous approved with other phases of this project. Approvals to any changes to these permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for this phase of the project.
 - b. Payment of the Stormwater Fee-in-Lieu will be required.

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

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

10. Other Business: Mayor Sears reminded citizens that it is a State law that motorists should stop for pedestrians in crosswalks and control their speeds.

11. Manager's Report: Mr. Simmons reported on a number of events and programs.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Jan. 7, 2014 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 4, 2014.

 _____
 Joni Powell IC

these minutes follow and are a part of the official record.

