



**Dec. 16, 2014**

## **MINUTES**

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

**Council Members Absent:** None.

**Planning Board Members Present:** Robert Bartsch, Ernie Carpico, Matt Johnson, Debbie Kight, Glenn Myrto, Bill Rousseau and Arthur "Pete" Utley Jr.

**Planning Board Members Absent:** Thomas Hughes.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior projects manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Leroy Smith, fire chief; Jenny Mizelle, economic development director; Irena Krstanovic, economic development coordinator; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; Kristen Denton of the parks and recreation department; 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 of South Wake Baptist Church.

**4. Agenda Adjustment:** The Dec. 16, 2014 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda 9d.** Approve to enter a contract with Motorola Solutions, Inc./Wireless Communications for 911 equipment for new Law Enforcement Center in the amount of \$780,277.

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** None.

**Other changes:** None.

At this time, Mayor Sears moved the recognition of soccer teams up on the agenda so the room could be cleared by a bit.

**6a. Recognition of 10u Girls and 10u Boys All-star Soccer Teams -** Ms. Denton of the Parks and Recreation said the town hosted the 2014 Statewide Athletics Committee (SWAC) State Soccer tournament in November.

She said both the boys and girls 10 and under all-star teams from Holly Springs participated in the tournament, and both took top honors. The 10u girls team finished as state runner up. The 10u boys team finished as state champions.

Ms. Denton presented each player with a certificate of achievement.

**Action:** None.

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

Scott Ferguson, 233 Pointe Park Circle – Mr. Ferguson addressed the Council to say he was concerned about the infrastructure of the town keeping up with the growth of the Town. He said he was not anti-growth, but he is concerned that the Town has reached a tipping point. He asked if the process could be changed so that the Council could deny additional subdivision plans if infrastructure can't keep up. He said he understands that the current process requires the Council to approve plans if the applicant meets all the ordinances. He asked if ordinances could be changed to allow plan denial on the basis of infrastructure inadequacies. He cited heavy traffic on certain roadways and school capacities.

**7a. Audit Report -** Ms. Phyllis Pearson, CPA, presented a report and management letter following her firm's annual audit of the Town's financial statements for the fiscal year ended June 30, 2014.

In summary, the management letter states that the Town is in a strong financial position and that the firm found no deficiencies in accounting or management of the Town's finances.

**Action:** The Council approved a motion to accept the report and management letter following audit of the Town's financial statements.

**Motion by:** Cobb

**Second by:** Williams

**Vote:** Unanimous.

*A copy of the management letter is attached to these minutes. The full audit report remains on file with the Finance Department in accordance with the State of North Carolina Records Retention and Disposition Schedule.*

**8a. Joint Public Hearing: Major Amendment 00-PUD-05-A05, Rhamkatte PUD** – Ms. Holloman said a major amendment to the Rhamkatte Planned Unit Development (PUD), which is located near and around the Holly Springs Road/Bass Lake Road intersection has been submitted for review and consideration.

She said the PUD originally was approved in 2001 and was reinstated in May of this year by the Planning Board. As it exists today, the southern portion of the Rhamkatte PUD was developed with what is now Holly Springs Crossing Shopping Center and Yadkin Bank. The northern portion was never developed, and the amendments requested are changes to the vacant northern portion of the PUD.

The amendments are specified below, but, in short:

- the residential and commercial portions would be adjusted, resulting in an increase in residential land area;
- street improvements would be brought up to current Town standards and introduce on-street parking for internal residential streets;
- perimeter landscape buffers would be adjusted; and
- the maximum of residential units allowed would be increased.

Ms. Holloman explained the approval process of the PUD Master Plan does not grant approval for construction or development of the property. Once the master plan for the PUD is approved, the developer is required to submit detailed subdivision plans as each phase of the development occurs to ensure compliance with the approved zoning regulations created in the PUD Master Plan. These plans are processed through the full review cycle and are presented to the

Planning Board and Town Council for review and approval.

She described the differences between the current approved PUD and the proposed amendment:

TABLE OF PERMITTED USES				
USE	RESIDENTIAL		MIXED USE	
	Current PUD	Proposed PUD	Current PUD	Proposed PUD
Single Family Residential	X	X	-	-
Duplex, cluster development	X	X	X	-
Townhomes	X	X	S*	
Apartments	X	-	S*	SEU in Mixed Use Building Only
Condominiums	X	-	S*	
Manufactured Homes	-	-	-	-
Schools (day care, specialty, etc.)	-	-	X	X
Parks	X	X	X	X
Public buildings	-	-	X	X
Churches	-	-	X	X
Temporary Uses	C*	SEU	C*	SEU
Retail Uses	-	-	X	X
Offices (professional, public, etc.)	-	-	X	X
Restaurants	-	-	X	X
Restaurants, sit-down	(not specified)	-	(not specified)	X
Restaurants, drive-through	(not specified)	-	(not specified)	SEU
Shopping Centers	-	-	X	X
Banks	-	-	X	X
Convenience Stores, gas stations, etc.	-	-	X	SEU
Libraries, museums, galleries	-	-	C*	SEU
Assembly Halls	-	-	C*	SEU
Hotels and conference centers	-	-	X	Removed from list

X= Permitted use

S= Special Use Permit \* similar to a Special Exception Use within our current ordinance

C = Conditional Use Permit \*which the Town of Holly Springs no longer issues.

She stressed that the original PUD allowed 6 units per acre, and the amendment would not change that density, even though the number of residential units is increased due to the added area.

She explained the differences between the original PUD and the proposed amendment in regard to lot standards. The differences are illustrated in the following tables:

Current PUD Residential Lot Styles						
District Dec. 16, 20	Townhome A	Townhome B	Village A	Village B	Neighborhood	Homestead
Page 3 of 1	2,000 sq. ft.	1,000 sq. ft.	4,000 sq. ft.	6,000 sq. ft.	7,000 sq. ft.	12,000 sq. ft.
Min.	20'	20'	40'	50'	70'	100'

Proposed UDO Residential Lot Types						
District	Townhome A - Alley Loaded	Townhome B - Front Loaded	Village A Alley Loaded	Village B Front Loaded	Neighborhood ELIMINATED	Homestead Front Loaded
Lot Size	1,600 sq.ft.	1600 sq. ft.	4,200 sq. ft.	4,025 sq. ft.		12,000 sq. ft.
Min. Width	Interior: 20' Corner: 25'	Interior: 20' Corner: 25'	Interior: 35' Corner: 37'	Interior: 35' Corner: 37'		100'
Min. Depth	80'	80'	120'	115'		120'
Front Yard	10'	10'	10'	10'		30'
Rear Yard	8'	20'	20'	25'		25'
Side Yard	N/A	N/A	3'	3'		5'
Corner Side yard	5'	5'	5'	5'		15'
Side Aggregate	n/a	n/a	6'	6'		20'

OVERALL PUD SETBACKS		
SETBACK TYPE	Current PUD	Proposed PUD

amendment in regard to setbacks. The differences are illustrated in the following table:

She then went over the landscaping plan. In summary, the plan calls for plantings that would provide a semi-opaque buffer between the development and neighboring property. She added that the Sunset Ridge North buffer of 25 feet is not platted, but the 20 feet of Rhamkatte PUD buffer is platted and would be protected.

After Ms. Holloman showed Council members some artist renderings of the proposed architecture, she yielded the floor to Ms. Parrish, who explained the transportation aspects of the application.

Ms. Parrish explained the process that results in transportation analysis and recommendations for road improvements.

She said the Town is in the middle of the process, so no final transportation impact analysis is complete, but road improvements would be based upon the information at the time the commercial pod of the PUD goes online... rather than today when the transportation impact may be less intense than in the future.

Ms. Parrish explained that yes, there are streets are stubbed into the woods; however, that is how subdivisions in Town are built, with interconnectivity.

At this time, the applicant addressed the Council to explain what is on the plans for Rhamkatte Village, if it is approved by the Town.

Don Mizelle, Longleaf Development Services – Mr. Mizelle addressed the Council and introduced Steve Leach of Lennar Homes and project engineer, Tom Spaulding.

Mr. Mizelle said he would not repeat the descriptions of the application provided by staff. Instead, he highlighted aspects of the plan regarding walkability, traditional neighborhood housing design and how the plan mirrors the Town of Holly Springs Comprehensive Plan.

He reported that the applicant held three neighborhood meetings.

Concerns that were noted in those meetings, he said, were: the transition between Sunset Ridge North PUD and Rhamkatte Village PUD, transportation (impact of cut-through traffic to Sunset Ridge North, the extension of stubbed streets where children currently play; and schools that are capped.

Mr. Mizelle said his team made revisions to the PUD plan based on some of those concerns.

He said greenspace, buffers and detention ponds are situated in the plan to enhance the effectiveness of buffers

Mr. Spaulding then described the buffer sections.

Mr. Leach then described his vision of how Rhamkatte Village would develop: with tree-lined streets in traditional neighborhood housing styles ranging in price from \$140,000 to \$400,000. He said Inside Wade in Raleigh was a comparable development.

As for schools, Mr. Leach said an elementary school and a new high school for southern Wake County will open just about the same time the first Rhamkatte Village homes will be sold.

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

Tim Winchell, 112 Midden Way – Mr. Winchell said he is concerned about the impact of the development to the Town and to Sunset Ridge North. He said he was upset that his view of 400 feet of forest would be replaced by 100 homes with alleys and garages facing his neighborhood, replacing his view with a buffer of only 20 feet.

Maegan Schildwachter, 209 Chrismill Lane – Ms. Schildwachter said the planned product is high-density residential with an inadequate buffer. She said she felt more buffer would be needed to shield her property from adverse impact of the alleyways, which she said she feared would be loud and lighted. She said there would be a sense of uneasiness caused by foot traffic. She suggested an opaque type C buffer.

Peter Villadsen, 213 Chrismille Lane – Mr. Villadsen said he thought the development would have a negative impact on Holly Springs Road and the streets in his subdivision. He asked the Council and Planning Board to consider less dense neighborhoods.

Brian Woomer, 113 Sunset Grove Drive – Mr. Woomer said he agreed that the Town of Holly Springs has reached that tipping point of when development is too much for the infrastructure. He said the Inside Wade is not a good comparison to Rhamkatte Village because it is situated in an isolated area with a minimum of a quarter mile the perimeter.

He said the higher end homes of Rhamkatte Village PUD should be situated on the plan closer to the existing Sunset Ridge North, rather than the lower end housing products.

Britt Harris, 316 Flint Point Lane – Mr. Harris said he has similar concerns as other speakers. He said he always knew there would be development behind him, but he expected it to be less dense and he felt the transition between the two developments would be less severe.

Sandy Joyce, 5228 Sunset Walk Lane – Ms. Joyce said she hopes Holly Springs will retain its rural character, tree canopy and small town feel. She called the Rhamkatte Village an “urban design in a suburban area.” She said residents would like to see development that is more in keeping with existing development next door, and she feels the Rhamkatte plan is not satisfactory and is not in keeping with existing development.

Steven Grantham, 109 Sunset Grove Drive -- Mr. Grantham passed his opportunity to speak but said he agreed with the collective comments of his neighbors.

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

**Action:** The Council approved a motion to forward Rhamkatte Village PUD Major Amendment #00-PUD-05-A05 to the Holly Springs Planning Board for review and recommendation at its next regular meeting Jan. 27, 2015.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**8b. Public Hearing: Special Exception Use Petition 14-SEU-05 and 14-DP-08, Security Self-Storage** - Mr. Ryan said the Town has received a request for a Special Exception Use to expand the self-storage (mini-) warehouse facility located on approximately four acres at 1101 N. Main Street. This use is permitted by special exception in the BT: Business & Technology zoning district and is not an excluded use of the previously approved zoning conditions placed on the property in conjunction with 06-REZ-10.

He said in conjunction with the Special Exception Use for a self-storage (mini-) warehouse facility, a development plan has been submitted to construct a 50,928-square-foot, four-level building. The building would be 34 feet in height and would appear to be a three-story structure from N. Main Street. There are 630 individual storage units and an on-site office proposed for this site.

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

Taylor Blakely, landscape architect for the project – Mr. Blakely said he hoped that in the future large evergreens on the property could be reused.

Kurt Regensberger, the applicant – Mr. Regensberger said he felt the plan will improve the Town’s streetscape. He said he would request the Council’s permission to allow a payment in lieu because of the transportation improvements that would be required to include a center island. He said he knew the Council could not make the decision tonight but he said he would work with staff in the future to bring that request forward.

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 #14-SEU-05 for as specified in Unified Development Ordinance Section 4.01 Business & Technology to allow for a Self-Storage (Mini-) Warehouse in the BT CU: Business & Technology Conditional Use District at 1101N. Main Street.



#### 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:** Cobb

**Second by:** Sack

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-05 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:

- approve Special Exception Use #14-SEU-05 to allow for a Self-Storage (Mini-) Warehouse in the BT CU: Business & Technology Conditional Use District at 1101 N. Main Street, Wake County PIN#s 0649872410 & 0649877451; and
- to approve Development Plan #14-DP-08 for Security Self Storage as submitted by Blakely Design Group, dated revised 11/13/14, with the following condition(s):

#### **Special Exception Use Conditions:**

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 14-SEU-05.
2. Outdoor storage shall not be permitted on the property.

#### **Development Plan Conditions:**

1. A site lighting and point-by-point photometric plan shall be submitted for review and approval by the Department of Planning and Zoning should any site lighting be added the site.

2. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
3. No increase in the preconstruction runoff rate is allowed onto the adjacent properties.
4. Offsite right-of-way dedication will be required prior to 1st construction drawing submittal.
5. A fee-in-lieu of upgrade will be required for this project for the Pump Station and Force Main.

**Motion by:** Cobb

**Second by:** Williams

**Vote:** Unanimous.

**8c. Public Hearing: Special Exception Use Petition 14-SEU-06 and 14-DP-09, Brook Manor Amenity Center** - Ms. Holloman said the Town has received a request for a Special Exception Use for a private recreation center for the approved Brook Manor subdivision currently under construction. The recreation center proposal includes a swimming pool, pool house with restrooms and the associated required parking.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was offered by those who had been administered the oath 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 #14-SEU-06 to allow for a private recreation center in the R-10: Residential District for Brook Manor Amenity Center at 350 Birkby Way as submitted by Withers & Ravenel dated 11/10/14.

**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:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-06 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 approve Special Exception Use Petition #14-SEU-06 and Development Plan #14-DP-09 to allow for a private recreation center in the R-10: Residential District for Brook Manor Amenity Center at 350 Birkby Way as submitted by Withers & Ravenel dated 11/10/14 with the following conditions:

**Special Exception Use Condition:**

1. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 14-SEU-06.

**Development Plan Conditions:**

1. Conform to previously approved *Brook Manor Subdivision* and note that all previous approval conditions for that plan will apply to this plan as well.
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and Force Main
3. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.
4. Prior to issuance of a land disturbance permit or construction drawing approval, the following items must be addressed:
  - a. Approval of Stormwater Management Plan is required
  - b. 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.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

**8d. Public Hearing: Special Exception Use Petition 14-SEU-10, 14-VAR-20, Variance and 14-DP-12, Mims House** - Mr. Ryan said the Town has received a request for The Leslie-Alford-Mims House, which has stood in downtown Holly Springs since the 19th Century and is the Town's only national historic landmark structure. In recent years it has fallen under disrepair, and its current owner is striving to change that, with some renovations underway.

He said the property previously received approval to convert the structure from a residential use to a commercial use by Special Exception Use in 2011. The approval since has expired, and a new Special Exception Use is required.

The current applicant is proposing a banquet facility that could be used for weddings, professional conferences and other occasions.

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

John Adcock, representing Holly Springs United Methodist Church – Mr. Adcock addressed access to the property and parking. He said the church, which shares parking and access with the Mims House, supported the project as long as a memorandum of understanding is in place with the applicant regarding shared parking.

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 #14-SEU-10 as specified in UDO Section 3.03 A. Town Village District, to allow for a banquet facility at 100 Avent Ferry Road, Wake County PIN 0649920011 as submitted by Orangerie Events.

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:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-10 is attached to these minutes.*

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 7.04 D. 2., Surface of Parking Areas, to allow for the four existing gravel parking spaces to remain unpaved in conjunction with Development Plan #14-DP-12 Leslie-Alford-Mims House, as submitted by Orangerie Events.

*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. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:

- a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
  - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
  - c. The hardship results from the application of the UDO to the property;
  - d. The hardship is not the result of the applicant's own actions; and,
  - e. The variance if granted must be the absolute minimum needed in order to correct the hardship.
2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
3. Granting the variance assures the public safety and welfare and does substantial justice.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

**Action #3:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use and a variance, the Council approved a motion:

- to approve Special Exception Use Petition #14-SEU-10, as specified in UDO Section 3.03 A. Town Village District to allow for a banquet facility at 100 Avent Ferry Road; and
- to grant Variance 14-VAR-20 for Leslie-Alford-Mims House to allow the four existing gravel parking spaces to remain unpaved; and
- to approve Development Plan #14-DP-12 for Leslie-Alford-Mims House, Wake County PIN 0649920011, as submitted by Orangerie Events with the following conditions:

**Special Exception Use Condition:**

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 14-SEU-10.

**Development Plan Conditions:**

1. A Downtown Development Investment (DDI) request was submitted for this project. All improvements shown on the plans are required unless otherwise approved with the DDI request.
2. With the 1st construction drawing submittal, the following items are required:
  - a. A drainage area map and supporting calculations for road widening.
3. Thoroughfares, collectors and boulevards will require a calculated pavement design. Note that the pavement design will require NCDOT approval. The most restrictive cross-section between the minimum design, calculated pavement design, Triassic design, and NCDOT design will apply.
4. Prior to a Certificate of Occupancy being issued for the project, the applicant shall submit a letter or other documentation to the Department of Planning & Zoning which allows the use of the 11 off-street parking spaces located adjacent to the project. If this documentation cannot be obtained, the applicant shall provide the required 11 parking spaces elsewhere on the property.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous.

**8e. Public Hearing: Special Exception Use Petition 14-SEU-14, Tapline Growlers - Ms. Holloman** said the Town has received a request for a retail beer establishment specializing in the

sale of unique craft beers intended for off-site consumption. However, because there will be an opportunity for patrons to sample the beer, it would be classified as a tavern use and is required to go through the special exception use approval process. This business originally was approved for a Village Centre Shoppes location but the applicant has since changed locations and because Special Exception Uses are tied specifically to a location he must go through the process again even though his business model has not changed.

She said this proposed business would be approximately 1,300 square feet located within the retail storefront of the Main Street Square along Kentworth Drive. All business operations would be conducted within the building.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was offered by those who had been administered the oath 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 #14-SEU-14 to allow for a tavern in the Main Street Square Planned Unit Development for Tapline Growler at 1110 Kentworth Drive as submitted by Tapline Growlers, LLC dated 10/31/14.

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:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-14 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 approve Special Exception Use Petition #14-SEU-14 to allow for a tavern in the Main Street Square Planned Unit Development for Tapline Growler at 1110 Kentworth Drive as submitted by Tapline Growlers, LLC dated 10/31/14 with the following conditions:

1) Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 14-SEU-14.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**8f. Public Hearing: Annexation Petition A14-08** – Ms. Holloman said the Town has received a petition for voluntary annexation of 10.74 +/- acres located at 11320 Holly Springs New Hill Road. The property owner is H. H. Hunt Shaffer LLC, and the property is contiguous with city limits. The petition meets all the statutory requirements for annexations. With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A14-08 annexing 10.74 +/- acres owned by H. H. Hunt LLC, and more particularly described as Wake County Pin: 0649-16-6606, into the corporate limits of the Town of Holly Springs.

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous.

*A copy of Annexation Ordinance A14-08 is attached to these minutes.*

**8g. Public Hearing: Rezoning Petition 14-REZ-13** – Ms. Holloman said the Town has received a request to rezone ± 28.43 acres located along the north side of New Hill Road from R-MF-15, and R-30: Residential (upon annexation) to R-8 CU: Residential Conditional Use.

She said the property is located to the east of the Ancient Oaks Drive entrance of the 12 Oaks subdivision. The portion of the Shaffer property is within Town limits, and the parcel owned by HHHunt Shaffer LLC was not within the Town of Holly Springs town limits. A request for annexation was submitted and is pending Town Council approval at agenda packet deadlines.

He said this rezoning request is for a Conditional Use District. 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.

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

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-MF-15, R-30 to R-8-CU is consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Residential and the R-8 CU: Residential Conditional Use District allows for single-family residential development. The establishment of this zoning district will provide an apt transition from the New Hill Road/GB Alford Highway Regional Growth Area and the eventual development of clean business park uses to the south of New Hill Road."*

**Motion by:** Williams



**Second by:** Sack  
**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-13 to approve and enact Zone Map Change Petition #14-REZ-13 to change the zoning of ± 28.43 acres of a portion of Wake County PIN # 0649066014 and Wake County PIN: 064916606 from R-MF-15: Residential and R-30: Residential to R-8 CU: Residential Conditional Use, as submitted by HHHunt Shaffer LLC with the following conditions as offered by the petitioner:

1. A minimum building size of 2,000 square feet.
2. Façade modulation (minimum of 12 inches in depth).
3. Roof overhangs (12-inch minimum on all elevations).
4. Decorative garage doors, if front loaded.
5. No vinyl exterior building material. Composite PVC trim is allowed.
6. Architectural shingles.
7. Covered porch or portico.

**Motion by:** Williams

**Second by:** Sack

**Vote:** Unanimous

*A copy of Zoning Ordinance 14-REZ-13 is attached to these minutes.*

**8h. Public Hearing: Comprehensive Plan Amendment, 14-CPA-02 -** Mr. Ryan said staff is requesting a Comprehensive Plan Amendment to change the future land use designation in the Village District Area Plan for 300 W. Earp Street. The request is to change the future land use designation from Residential to Mixed Use.

**Action:** The Council approved a motion to adopt Resolution #14-35 to approve and enact Comprehensive Plan Amendment #14-CPA-02 to change the Village District Area Plan future land use designation of Wake County PIN #0649826768, totaling 0.46 acres, from Residential to Mixed Use.

**Motion by:** Sack

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Resolution 14-35 is attached to these minutes.*

**8i. Public Hearing: Rezoning Petition 14-REZ-16 –** Mr. Ryan said the Town has received a request for a zone map change for 300 W Earp Street, located west of the intersection of Avent Ferry Road and W. Earp Street. The applicant is requesting to rezone the property from R-15: Residential to TV: Town Village. A single-family dwelling exists on the 0.46-acre property that the petitioner would like to use as an office. The property is located within the Village District Area Plan and the requested TV: Town Village zoning district is consistent with the Mixed Use future land use designation.

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

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statement as being true: *“The requested zone map change from R-15: Residential to TV: Town Village is consistent with the Vision of Holly Springs Comprehensive Plan since the future land use plan and the Village District Area Plan indicate this property as Mixed Use, and the TV: Town Village district allows for a wide range of commercial, business and residential land uses.”*

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.



**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-16 to approve and enact Zone Map Change Petition #14-REZ-16 to change the zoning of 0.46 acres of Wake County PIN # 0649826768 from R-15: Residential to TV: Town Village as submitted by Holly Springs Counseling Center.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

*A copy of Zoning Ordinance 14-REZ-16 is attached to these minutes.*

**8j. Public Hearing: Rezoning Petition 14-REZ-14** – Ms. Holloman said the Town has received a request to rezone ±.75 acres located at the corner of Raleigh Street and Grigsby Avenue from R-10: Residential to TV: Town Village.

She said the property is located at 501 Raleigh Street within the heart of the downtown Village District and the requested TV: Town Village zoning district is consistent with the Mixed Use land use designation.

Ms. Holloman said that a protest petition has been filed by property owners Charles and Christine Kelly at 201 Grigsby Avenue. Under NCGS 160A-385, a protest petition shall be deemed valid if it is signed by the owners of either (i) twenty (20) percent or more of the area included in the proposed change or (ii) five (5) percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. The petition has been reviewed by Planning & Zoning staff and has been determined to be valid.

Ms. Holloman explained that a rezoning petition that has a valid protest petition accompanied with it can be approved only by three fourths (3/4) vote of the town council members, not the traditional simple majority vote. Specifically, 4 out of 5 Council members will need to vote in the affirmative of the motion for it to carry.

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

Tom Spaulding, representing the applicants – Mr. Spaulding of Spaulding and Norris addressed the Council on behalf of the applicants. He said the couple lives in Holly Springs and wants to invest in an ice cream / sweets shop on the property. Mr. Spaulding said the applicants are aware of strict architectural standards for the downtown area.

Mark and Christine Kelly, 201 Grigsby Ave. – Mr. Kelly said he and his wife are concerned about the increased traffic that might be generated on Grigsby Ave. He said he is convinced traffic will be increased.

He said it is his recollection that during meetings held by the applicant, neighbors of the property are either opposed to the rezoning or are neutral.

Ms. Kelly said traffic is her biggest concern, and the couple asked if the zoning decision could be delayed until a traffic impact analysis could be completed.

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

Ms. Parrish explained that a traffic study is based on a specific use, and zoning is a preliminary step in which the appropriateness of a zoning district is considered and all the uses that might be possible within that district. Without a specific use with the type of business, the square footage, etc., there is nothing on which to base a traffic study.

Ms. Parrish emphasized that a traffic study also would result in recommendations for the flow of traffic, not necessarily to say a development plan will not work. She pointed out that it would be a false hope to believe that a traffic study would prohibit a property from being developed.

Councilman Sack said he was cognizant of parking issues on the street with the churches that use the vacant property as a parking lot. He said church traffic also lines the streets, and this should be considered if and when the property develops.

Councilman Dickson agreed and noted that with all of the church parking and traffic, the property is already commercial in nature but is of no other benefit to the community as a vacant lot. The addition of a shop on the property would add to the business community and offer residents products or services at least. He stressed, too, that traffic flow and parking would be determined at

the site plan stage and not at the zoning stage. He said the question before Council is whether Town Village would be an appropriate zoning for the property, and he said he thought it would because it backs up to Main Street and is next to non-residential property.

**Action #1:** The Council approved a motion to accept the following statement as being true: *"The requested zone map change from R-10: Residential to TV: Town Village is consistent with the Vision of Holly Springs Comprehensive Plan since the future land use plan and the Village District Area Plan indicate this property as Mixed Use, and the TV: Town Village district is intended for appropriate uses of commercial, business and residential land uses within the downtown Village District."*

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-14 to approve and enact Zone Map Change Petition #14-REZ-14 to change the zoning of ± 0.75 acres of Wake County PIN # 0649915191 from R-10: Residential to TV: Town Village, as submitted by Lesley Richmond.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

*A copy of Zoning Ordinance 14-REZ-14 is attached to these minutes. A copy of the protest petition is attached to these minutes.*

**8k. Public Hearing: Rezoning Petition 14-REZ-15** – Mr. Ryan said the Town has received a request for a zone map change for property located directly adjacent to the Woodcreek subdivision along Sunset Lake Road near the intersection with Heritage Meadows Lane. The property is zoned R-20: Residential, and the applicant is requesting to rezone the property to R-10: Residential. The requested zoning change is consistent with the residential future land use designation on the property.

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

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following statements as being 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 it is not located within a Community Growth Area. The R-10 Residential District is in keeping with the intent of the Future Land Use Plan as the allowable density is consistent with the residential densities located outside of a high density growth area."*

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-15 to approve and enact Zone Map Change Petition #14-REZ-15 to change the zoning of 5.84 acres of Wake County PIN #0750524075 from R-20: Residential to R-10: Residential as submitted by Kensington Partners, LLC.

**Motion by:** Cobb

**Second by:** Sack

**Vote:** Unanimous

*A copy of Zoning Ordinance 14-REZ-15 is attached to these minutes.*

**9. 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:

**9a. Minutes** – The Council approved minutes of the Council's meeting held Dec. 2, 2014.

**9b. Budget Amendment Report** – The Council received monthly report of amendments to the FY 2014-15 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

**9c. T-Mobile License Agreement** -- The Council approved license agreement with T-Mobile to install an antenna array on water tank located on the Jones Park property.

**9d. Wireless Communications** - The Council approved to enter a contract with Motorola Solutions, Inc./Wireless Communications for 911 equipment for new Law Enforcement Center in the amount of \$780,277.

**10. Other Business:** None requiring Council action.

**11. Manager's Report:** None requiring Council action.

**12. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss economic development opportunities and North Carolina General Statute 143-318.11(a)(3) to discuss with the town attorney a matter of potential litigation.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous

***General Account of Closed Session – Dec. 16, 2014.***

In general, the Council received a report from the town attorney on a matter of potential litigation involving the gasoline station at the intersection of Main Street and Holly Springs Road. The Council took action to authorize the town attorney to take action, and the minutes of that action are sealed until such time as the matter is settled.

The Council received a report from Ms. Mizelle regarding a potential new business investment in the Holly Springs Business Park that would provide tax base and well-paying jobs. The Council took action to give authorization for economic development incentives in accordance with existing town policies, and the minutes of that action are sealed until such time as the purpose for the closed session would no longer be frustrated by the release of the information.

**Action:** The Council approved a motion to approve and seal the minutes of the Dec. 16, 2014 closed session until such time as the purpose for the closed session would no longer be frustrated by the release of the information.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

The Council then approved a motion to return to open session.

**-- End of General Account**

**13. Adjournment:** There being no further business for the evening, the Dec. 16, 2014 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Jan. 6, 2015.

Joni Russell \_\_\_\_\_  
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eting



Town Clerk

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