



Holly Springs Town Council  
Regular Meeting

**Jan. 20, 2015**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Jan. 20, 2015 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.

**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; Laura Holloman, planner; Leroy Smith, fire chief; Kendra Parrish, director of engineering; Aaron Levitt, senior engineer; Elizabeth Goodson, development review engineer; Jenny Mizelle, economic development director; Mary Hogan, finance director; Tamara Ward, communications specialist and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Alice Fisler of The Kirk of Holly Springs Presbyterian Church that meets at the Masonic Lodge.

**4. Agenda Adjustment:** The Jan. 20, 2015 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda** None.

**Items added to Agenda:** None.

**Items removed from 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 comments were recorded:

Howard Slinkard, 101 Triple Crown Trail – Mr. Slinkard addressed the Council to speak in support of a letter from Mr. Glen Walker regarding the Sheetz plan and concerns about noise, odor, light pollution, run-off and impacts on traffic on Avent Ferry Road.

Mr. Slinkard also spoke on the issue of parks. He noted that Town parks are all located east of the NC Hwy. 55 Bypass and residents who live on the western side of NC Hwy. 55, he said, would appreciate the Town's pursuing acquisition and development of park property on that side of the roadway.

Glen Walker, 912 Logging Road – Mr. Walker complimented the Town's new Christmas lights and the general responsiveness of Town employees. He said he really appreciates the responsiveness. He asked about the unpainted side of the Avent Ferry Road water tower and whether the Town of Holly Springs logo could be applied to it.

**6a. Kiwanis International Day Proclamation** - Mayor Sears said that a century ago, on Jan. 21, 1915, the first Kiwanis Club was formed in Detroit, Michigan. In 2015, Kiwanis has grown into international organizations, and members across the globe will renew their century-old commitment to children by finding solutions to community needs and by eradicating a deadly disease from the world.

In Holly Springs, the Kiwanis Club celebrates children by recognizing outstanding students through the Terrific Kid programs, hosting the annual Kids Appreciation Day and co-presenting the Happy Holly Days Christmas Parade with the Town of Holly Springs Department of Public Affairs and Communications.

Globally, January 2015 kicks off six months of celebrations to honor the past century of service and launch the next 100 years of signature service projects. Each year, Kiwanis members devote 18.5 million volunteer hours toward projects in their communities and raise more than \$100 million, all to help children thrive, prosper and grow.

Mayor Sears presented a proclamation commemorating the 100<sup>th</sup> anniversary of Kiwanis by designating Jan. 21, 2015 as Kiwanis International Day throughout the Town of Holly Springs.

**Action:** None.

**6b. Holly Springs High School Principal Brian Pittman Introduction** – Mayor Sears introduced Holly Springs High School Principal Brian Pittman and welcomed him to his new position.

**Action:** None.

**7a. Street Light and a Dog Park** - Miss Abby Priest, a local student and member of the Mayor's Youth Advisory Board, addressed the Council with some ideas to make Holly Springs better. Miss Priest requested installation of a street light in the Holly Glen subdivision in an area that is dark mornings when students are headed to the bus stop. She said she feels it would make her neighborhood safer. The engineering department has received the request and is looking into it.

Miss Priest also requested the Council consider funding the dog parks that are planned for the Sugg Farm at Bass Lake Park property.

**Action:** None.

**7b. Access 540 Update** - Mr. Levitt said that NCDOT invited representatives from Holly Springs, Apex, and Wake County to a meeting reviewing the proposed plans for the Access 540 project. He said the Access 540 project is a proposal by the NCDOT to convert the existing bridge at the Triangle Expressway (Toll NC 540) and Old Holly Springs-Apex Rd (SR 1153) to an interchange.

He said the project also would construct approximately 1.5 miles of additional auxiliary lanes along the Triangle Expressway between the NC Bypass and US 1.

The purpose of the Access 540 project is to improve access and roadway connectivity in response to the planned development of the Veridea project in Southern Apex.

**Action:** None.

**8a. Public Hearing: Sheetz At Morgan Park** – Mr. Ryan said the Town has received a request for a special exception use to allow for a gasoline service station located on one of the commercial parcels in the Morgan Park Planned Unit Development (PUD.) The Morgan Park PUD established that all uses found in the Unified Development Ordinance (UDO) under the LB: Local Business zoning district are permitted on the commercial lots of the PUD. The LB: Local Business district states that a gasoline service station is a special exception use. The proposed gasoline service station includes a main convenience store building, gasoline pump canopy, and carwash building. There would be no automobile repair on the property.

He said in conjunction with the special exception use request, the Town has received a development plan for a 6,407-square-foot gasoline service station which includes a one and one-half story convenience store and restaurant, gasoline pump canopy and carwash building. The

development standards for the project are established under the regulations of the Morgan Park PUD. The applicant has requested several variances from the Morgan Park PUD development standards, which are outlined below:

- Variance petition #14-VAR-09 – Minimum Glazing: Request to allow for a variance of development regulations of the Morgan Park Planned Unit Development (PUD) to reduce the minimum glazing for the north and west facing sides from 70% to 40%; and
- Variance petition #14-VAR-10 – Metal Awnings: Request to allow for a variance of development regulations of the Morgan Park PUD to provide metal awnings in addition to canvas awnings as required in the Morgan Park PUD Parcel E Architectural Standards; and
- Variance petition #14-VAR-11 – Principle Building Roof Pitch: Request to allow for a variance of development regulations of the Morgan Park PUD to allow for a flat roof for the north facing portion of the principle building as required in the Morgan Park PUD Parcel E Architectural Standards; and
- Variance petition #14-VAR-17 – Carwash Building Roof Pitch: Request to allow for a variance of development regulations of the Morgan Park PUD to allow for a flat roof on for the west facing portion of the carwash building as required in the Morgan Park PUD Parcel E Architectural Standards; and
- Variance petition #14-VAR-18 – Parking Location: Request to allow for a variance of development regulations of the Morgan Park PUD to allow for parking in front of the principle building between the south facing façade and Avent Ferry Road as required in the Morgan Park PUD Parcel E Parking Standards; and
- Variance petition #14-VAR-19 – Building Location: Request to allow for a variance of development regulations of the Morgan Park PUD to remove the front build-to-line requirement along Avent Ferry Road, as illustrated in the Morgan Park PUD Parcel E Building Placement Standards.

Ms. Goodson addressed the Council with information about the project's transportation impact analysis. In short, she said the traffic study estimates 6,000 trips per day into the facility, but of that, 70% would come from traffic that already is on Avent Ferry Road. The plan will follow the recommended improvements, which would provide a connection to the neighboring Trotters Bluff subdivision. Residents of Trotters Bluff, then, would use that new connection to emerge onto Avent Ferry Road at a the traffic light at Piney Grove-Wilbon Road.

Mr. Ryan said the Planning Board discussed the following issues and concerns at its meeting Dec. 17:

- the appropriateness of a gas station at the entrance to the Morgan Park subdivision. The discussion focused on whether the original intent of the commercial component of the PUD was to have a gas station as proposed rather than office or retail uses. The discussion also focused on whether the use was in character with the entrance to a residential neighborhood and how the future residents would be impacted.
- the hours of operation. The applicant has stated the hours of operation are 24 hours a day.
- concerns with the location of the carwash building close to the future residential lots in Morgan Park and whether alternatives were available. The Board ultimately added a condition of approval that a three-foot opaque fence be installed to block headlight glare adjacent to the carwash building (Revised plans have been submitted showing this additional fence.)
- the traffic impact analysis, required road improvements, and the impacts of the Main Street Extension project was discussed with Engineering staff.
- the proposed building elevations and found them to be appropriate.

The Planning Board recommended approval, with conditions. The Planning Board vote was: 4-2-2

Mr. Ryan said those voting against the motion were:

- Mr. Glenn Myrto, who voted to recommend to deny, saying he did not feel that the proposed use was harmonious with the neighborhood.
- Mr. Robert Bartsch, who voted to recommend to deny, saying he felt there are traffic problems that already exist in the area and that the proposed use would not be harmonious with the neighborhood

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

Jamie Gerhart, Sheetz – On behalf of the applicant, Mr. Gerhart addressed the Council to share the company story of Sheetz, which he characterized as a family business with nearly 500 stores. He said the company is very interested in being good neighbors and doing what is right for the community because the family name is on the building. He noted that Sheetz is more than just a gasoline station, having been named by Forbes magazine as one of the top 100 companies for which to work in the U.S.

Tom Anastasi, project engineer – Mr. Anastasi addressed the Council describing the project and addressing the findings of fact for the special exception use permit. He talked about project specifics like canopy lighting and the enclosed car wash operation that has drawn comments from the Planning Board and residents of the area.

He said the canopy lighting would be pointed downward, and the canopy would not have any illumination, and he showed a photograph of a store in Garner in illustration.

He said the carwash building is designed as an enclosed building in which sound would be minimized, and headlight glare would be addressed with grading and fencing. He noted that the plan has been amended to enhance the controls for noise and light impacts.

He said, in his professional opinion, the architecture and site plan would satisfy all findings of fact for the special use permit.

Mayor Sears asked how the plan was different than the one near Raleigh-Durham International Airport.

Mr. Gerhart said the Holly Springs store would be different as it is a different market, a different location.

Councilman Sack asked if it would be like the one in Apex on SR 1010. Mr. Gerhart said it would be identical as far as lighting and canopy design, and Mr. Anastasi agreed.

Mr. Gerhart then explained the safety record and environmental consciousness of Sheetz. He said there would be no environmental concerns, and there would be no odor pollution in daily operation of the business. He said, in his opinion, the way Sheetz is operated and how this site is designed, it would meet all of the Special Exception Use findings of fact.

Jessica McClure, traffic engineer – Ms. McClure of Ramey and Kemp, the firm that conducted the traffic impact analysis, gave a summary of her report. She reported that two driveways on Paddock View Drive would be sufficient to provide access to the site.

She said that 63 to 66% of traffic to the site would be existing pass-by traffic that already is there. She said there would be 73 new trips on Avent Ferry Road in the morning because of the Sheetz and 77 in the afternoon. She said the new trips would be but a minor percentage of total trips (3%).

Ms. McClure said a trip generation report of what would be created by a local business use on the site without the Special Exception Use permit for a Sheetz states that there could be as many as 293 new trips in the morning and 194 in the afternoon (compared to 73 and 77 for Sheetz.)

Ms. McClure said that, in her professional opinion, the proposed use would not be injurious to the general welfare of the area; accesses are adequate in size and located to be safe; and on-site improvements will be adequate to satisfy the needs generated.

Councilman Dickson asked if the traffic analysis took into account SouthPark Village noontime traffic because of high school students who would be driving by the site at lunch. He noted that high school drivers are inexperienced and may have difficulty pulling out from SouthPark Village.

Ms. McClure said the analysis was conducted only for morning and afternoon traffic; however, she said planned Avent Ferry Road improvements and the new traffic light to be installed at SouthPark Village will create safer turns.

Michael Birch, on behalf of the applicant – Mr. Birch submitted the application and its address of the findings of fact into the record. He added that a property appraiser reports that there would be no adverse impacts to adjoining property values because of a Sheetz.

Mr. Anastasi – Mr. Anastasi addressed Council in regard to the variance requests, explaining that some actually resulted from plan changes stemming from meetings and coordination with Town staff.

Mr. Anastasi said the flat roof request is needed to house the mechanical systems. He said the PUD document states that canvas awnings are allowed, and it does not say metal ones are not, but staff recommended getting a variance to allow them. Ms. Anastasi said the metal awnings could be fixed with rain diverters or gutters and canvas awnings would slick water onto the heads of customers, so the metal awnings would be far better.

Councilwoman Williams asked how mechanical systems on the flat roof would be screened.

Mr. Gerhart said the mechanical systems actually would be stored on the larger portion of roof behind the pitched façade. The flat portion of the smaller portions of roof would be needed because of the way the building is constructed. There would be no way for a matching pitched façade to be used on the one-story portion of roof.

Robert Forcum, 1001 Logging Road – Mr. Forcum recounted the history of the Morgan Park PUD approvals. Using the original public hearing descriptions of the applicant and comments made publicly about the project, he said, Sheetz would not be in keeping with all of the historical approvals, which were met with much public opposition.

He said area residents are concerned because a Sheetz would not be described as low-key development and it would not be compatible with the area. He said, by its nature, a Sheets would not be a business intended to serve the immediate neighborhood because it is a car-scaled business intended to attract traffic. He added that a Sheetz would not be neighborhood friendly.

Mr. Forcum submitted articles and reports for gasoline spills that have contaminated sensitive natural areas. He said he and his neighbors are served by groundwater drinking wells. He submitted violent and drug crimes at Sheetz locations in other states from 2009 to 2014.

He said the reports did not sound “neighborhood friendly.”

Mr. Forcum said a gas station / carwash was not mentioned as a possibility at the original approval. He said he was speaking not only for himself but for the people who were not there to stand up for themselves: the future homeowners of Morgan Park PUD.

“Do you think they are going to want a convenience store and gas station at the entrance of their subdivision?” he asked.

He added that in hearing input from Sheetz representatives, the tankers would be going down Avent Ferry Road, which doesn’t need to happen.

*A copy of Mr. Forcum’s report is attached to these minutes as Exhibit A.*

Barbara Masecar, 965 Logging Road -- Ms. Masecar said no doubt that plans show a beautiful structure, but it is a 24-hour gas station/convenience store that would be more suited to main thoroughfares. She quoted a report that convenience stores are top in being targets for crime because of late hours and the amount of money on site. She said that would invite crime to a quiet residential neighborhood.

Glen Walker, 912 Logging Road – Mr. Walker said he does not want to come off as a Not-In-My-Back-Yard kind of person, and he appreciates the trouble the team has gone to to make the project as attractive as it is; however, Avent Ferry Road is a “residential neighborhood corridor,” and he likes that characterization. He said a 24-hour business when others are not would not fit into that characterization. He added that he is not convinced that the lighting would be as controlled as depicted in photos because cameras don’t generally pick up ambient light like the human eye.

Mr. Walker said the canopy is tall and if it is going to be similar to the one at the Fuquay-Varina store, it is too tall. He questioned the traffic impact analysis, and he asked if people who normally would normally would take the Main Street Extension stay on Avent Ferry Road in order to

stop at the gas station.

Mr. Walker said he was concerned about gasoline odor, gas leaks, water run-off and the wells on Logging Road. He added that he is concerned about the fuel transport trucks. He noted that not only fuel transport but all service trucks to the site would be loud, and a 24-hour gas station with the potential for noise at night would not be good for the kids in the neighborhood.

In closing, Mr. Walker said he stood at the property line of the Eagles gas station in the WalMart shopping plaza. He said he could smell a distinct odor of gasoline.

Gray Styers, 1101 Haynes Street, Raleigh – Mr. Styers, representing land owner Joel Williams, spoke in favor of the petition. He said he does not work for Sheetz but he has first-hand knowledge of the company. He said the company has impressed him with their genuine care and concern to provide a good product. He said a convenience store is at the entrance to his own subdivision, and a subdivision entrance is an appropriate location for a convenience store and gas station.

Mr. Styers went into the history of whose responsibility it might be to dedicate right of way for the widening of Avent Ferry Road.

Mr. Schifano cautioned the Council to consider only evidence and not hearsay in weighing the findings of fact. He said the Council should accept competent evidence of a first-hand nature, like Mr. Walker's account of smelling gasoline at the Eagles from Wal Mart but not reports of crime statistics from other locations.

Mr. Styers entered into the record various exhibits, that are enclosed in these minutes, as evidence that his client is not responsible for dedicating road right of way.

*A copy of Mr. Styers' exhibits, which do not address the findings of fact but which were submitted into the record, are attached to these minutes as Exhibits B-1, B-2, B-3 and B-4.*

Gray Methuen, 107 Castleberry Ct., Cary – Mr. Methuen, representing Morgan Park builder Standard Pacific Homes spoke in favor of the special exception use permit. Mr. Methuen said he and the applicant have worked together to minimize impacts on Morgan Park and the rest of the area. Based on changes to the plan and staff's recommendation for road right of way dedication, he supports the plan.

Rosanne Lissow, 121 Triple Crown, Holly Springs – Ms. Lissow quoted from the Planning Board's discussion of the project, agreeing with members who felt the use was not suited to the neighborhood and would create traffic woes. She claimed to have asked on a number of occasions what was planned for the two vacant parcels and was told by Town staff that offices and professional buildings were planned for that location.

Mayor Sears asked for rebuttal statements from the applicant.

Councilman Sack asked for clarification on the issue of the developer agreement referenced by witness Mr. Styers.

Mr. Birch responded. – Mr. Birch said in response that if the Sheetz permit is approved, the road right of way would be dedicated at the expense of Sheetz.

Mr. Birch said the application for the special exception use was submitted under the Morgan Park PUD document, which has always identified this property as Commercial. He said the only use of the Sheetz that requires a SEU permit is the gasoline sales. All other uses contained in a Sheetz, a car wash, food and beverage sales, grocery sales, etc., are allowed by right.

Ms. Birch said the Sheetz would be neighborhood-friendly because it would include a coffee house and beverage sales that would be in keeping with providing goods and services for neighborhoods.

He said he heard and appreciated comments from people living on Logging Road, but he points out that those residents are at least 1,000 feet away or more from the site, and he feels there would be no impact to them. He noted that the plan had been enhanced to provide more buffer and protection through grading and fencing to Mr. Methuen's satisfaction and that people who buy homes from in Morgan Park will be on notice that a convenience store will be at the entrance of the subdivision because the Sheetz will be there before they buy.

Mr. Birch said no crime statistics were offered from North Carolina, and there was no attempt to tie the statistics claimed for convenience stores to North Carolina, to this particular Sheetz store or to this area in general. He discounted the evidence.

Mr. Birch noted that the gasoline spills cited provided no factual evidence that there would be a danger of gasoline spills at this Sheetz, and he deferred to Mr. Gerhart for more specific information on that point.

Mr. Birch said Mr. Walker's observation about a gasoline odor from the Eagles station nearby may be competent evidence, but it is not material. He said there is no relationship with that instance and the proposed Sheetz because the Sheetz company uses a different storage and ventilation system than the Eagles.

As for the comments that the lighting would be too bright, he said the lighting plan meets and exceeds code. He added that the plan features the mitigating factor for the light of car headlights in the carwash with an additional berm, landscaping and fencing.

Mr. Anastasi gave rebuttal comments. He said the Sheetz would be pedestrian-friendly inasmuch as the plan calls for building sidewalk along Avent Ferry Road, having a bike rack and outdoor seating.

Mr. Gerhart gave rebuttal comments. He said, regarding a gasoline spill on West Virginia over a decade ago, the industry standard for gasoline storage tanks was different. There were single-walled tanks and dispensers.

Today, double-walled devices are required in North Carolina, and since 2002, there have been no cases of fuel releases from a double walled tank. He added that Sheetz has more than 2,100 gasoline storage tanks, all equipped with sensors. If any one sensor goes off, the home office that monitors the tanks 24 hours a day, is alarmed. Mr. Gerhart reported that Sheetz receives about 15 alarms a day, but they all are false positives, and none have been because of incident.

On the issue of crime, Mr. Gerhart spoke directly with the Fuquay-Varina Police Department to compare crime statistics from before the Sheetz there was built and then after. There was no increase in crime because of the Sheetz store, and interpretation of statistics in other cities for other convenience stores in other neighborhoods that was presented is not accurate.

Councilwoman Lee asked if a security officer would be hired to man the store.

Mr. Gerhart said no, unless there arises a reason that one would be needed, but that is not anticipated. He said staff is protected by has constant access – even while outdoors -- to panic buttons, and security cameras monitor all areas of the property. The monitoring system can notify local police without the employee's having to do.

Councilwoman Lee asked how many houses would be impacted by the property.

Mr. Birch said none at the moment, but four future homes would bound the property in the rear.

Councilwoman asked if sound levels had been tested. Mr. Birch said no, but the carwash would enclosed so sound would be minimized.

Mr. Forcum readdressed. He asked that some of his input be considered admissible as it was public record and not hearsay.

Councilwoman Lee said she would be more concerned about the impacts on Morgan Park if homes were already there, but, in this case, buyers will know about the Sheetz before they buy and can make that decision.

Councilman Sack said there are five gas stations in town, and there is no local police stats that indicate crime is a problem at any of them or in the neighborhoods around them. He pointed out that the Valero station is situated at the entrance to Oak Hall subdivision, and it poses no problems. He said the Sheetz site plan keeps everything away from residential uses, so he likes that.

Mayor Sears said Holly Springs is the third safest town in North Carolina.

Councilwoman Williams asked Ms. Lissow if she remembered to whom she had spoke at the Town regarding the potential development of the vacant lots. Ms. Lissow said she did not. Councilwoman Williams then said the property was zoned according to the PUD document and that all uses allowed by right and allowed by issuances of special use permit (such as with the Sheetz

plan) were always allowed.

She added that a gasoline station sited at the entrance to a subdivision was not uncommon.

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-08 for Sheetz at Morgan Park to allow for a gasoline service station in the Morgan Park Planned Unit Development as submitted by Pabst & Hilburn, PA.

**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-08 addressing the findings of fact is attached to these minutes.*

**Action #2:** The Council approved a motion to adopt Resolution #15-06 to make and accept the findings of fact as submitted by the petitioner as specified in Exhibit C and to approve variances of development standards #14-VAR-09, 14-VAR-10, 14-VAR-11, 14-VAR-17, 14-VAR-18 and 14-VAR-19 requested by Morningstar Law Group for 1101 Avent Ferry Road, Wake County PIN #0648671566.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Resolution 15-06 is attached to these minutes.*

**Action #3:** Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use #14-SEU-08 to allow for a gasoline service station in the Morgan Park PUD and to approve Development Plan #14-DP-11 for Sheetz at Morgan Park for 1101 Avent Ferry Road, Wake County PIN #0648671566, amended to include the described berm and fencing as submitted by Pabst & Hilburn, PA, Project Number 263-14, dated revised 12/23/14 with the following conditions:

**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-08.

**DEVELOPMENT PLAN CONDITIONS:**

1. All previous approval conditions *Morgan Park PUD* will apply to this outparcel.
2. The following items must be provided with 1<sup>st</sup> construction drawing submittal for this plan:
  - a) Thoroughfares, collectors and boulevards will require a calculated pavement design. This may result in a pavement cross section bigger than the specified minimum.
  - b) 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.
  - c) Documentation in the form of a recorded plat must be submitted for any required offsite right-of-way
  - d) No rise is allowed in the existing water level for the pipe that is located between the Town of Holly Springs Fire Station and the proposed Sheetz.
  - e) The final TIA must be approved.
  - f) The final Fire Flow Analysis must be approved.
  - g) The final Sewer Study must be approved.
3. Prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project
  - a) All environmental permits must be obtained
  - b) Documentation in the form of a recorded plat must be submitted for any required offsite right-of-way
4. Within 90 days of approval of this plan the following must be addressed:
  - a) Right-of-way dedication for all road improvements shown on these plans must be dedicated in the form of a recorded plat.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous.

**8b. Public Hearing: Annexation A14-07** – Ms. Holloman said the Town has received a petition for voluntary annexation of 3.81 +/- acres located along Avent Ferry Road. The property owner is Joel L. Williams, and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation.

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 A14-07 annexing 3.81 +/- acres owned by Joel L. Williams, and more particularly described as Wake County Pin: 0648.07-67-1566, into the corporate limits of the Town of Holly Springs.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Annexation Ordinance A14-07 is attached to these minutes.*

**8c. Public Hearing: Holly Springs Professional Park** - Ms. Holloman said the Town has received a request for a Special Exception Use for an integrated professional office center to be located on approximately 8.4 acres along Earnie Lane at Holly Springs Road. This use is permitted by right in the LB: Local Business zoning district; however, the LB district dictates that any integrated center greater than 24,000 square feet is classified as a Special Exception Use. This integrated center proposes a total of 46,050 square feet.

She said in conjunction with the Special Exception Use for an increase in overall square footage allowed, a development plan has been submitted to construct five single-story office buildings totaling 46,050 square feet. Access to these buildings would be off of the existing private drive Earnie Lane and the buildings would have visibility along G.B. Alford Highway.

The applicant also has requested several variances from the building setback along Highway 55 which are described below:

- 14-VAR-13: Variance from UDO Section 3.02. B. 2. a. Development Standards to allow to allow the NC 55 Bypass building setback to be reduced from 50 feet to 30.74 feet; and
- 14-VAR-21: Variance from UDO Section 3.02, B. 2. a. Development Standards to allow the NC 55 Bypass building setback to be reduced from 50 feet to 33 feet; and
- 14-VAR-22: Variance from UDO Section 3.02, B. 2. a. Development Standards to allow the NC 55 Bypass building setback to be reduced from 50 feet to 30.53 feet;

Ms. Holloman said the Planning Board had reviewed the petition and recommends approval.

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:

Eli Zablud, the developer – Mr. Zablud submitted the application addressing the findings of fact into the record and said he would answer any questions.

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-12 for Holly Springs Professional Park to allow for an integrated center greater than 24,000 square feet in the LB: Local Business District as submitted by EDR Engineering.

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:** Lee

**Vote:** Unanimous.

*A copy of Special Exception Use Petition #14-SEU-12 is attached to these minutes.*

**Action #2:** The Council approved a motion to adopt Resolution #15-07 to make and accept the findings of facts as submitted by the petitioner as specified in Exhibit C and to approve Variance of Development Standards #14-VAR-13, 14-VAR-21 and 14-VAR-22 requested by EDR Engineering for 300 Earnie Lane, Wake County PINs #0649533493; 0649531775; 0649533910 and 0649534990 with no conditions added to Exhibit D.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Resolution 15-07 is attached to these minutes.*

**Action #3:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.06, D., 4., b. Buffer Areas to allow existing plant materials in the required buffer area adjacent to NC 55 – G.B. Alford Highway to be removed for Holly Springs Professional Park as submitted by EDR Engineering.

A petition for a waiver of regulations of UDO Section 7.06, D., 4., b. Buffer Areas, may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. The granting of the waiver will not be detrimental to public safety, health or welfare or injurious to other property
2. Conditions upon the request for a waiver are unique to the property for which a waiver is sought and are not applicable generally to other property
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is not carried out
4. The waiver will not contravene the provisions of this UDO or the Comprehensive Plan
5. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**Action #4:** Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 7.06, D., 4., b. Buffer Areas to allow existing plant materials in the required buffer area adjacent to NC 55 – G.B. Alford Highway to be removed for Holly Springs Professional Park as submitted by EDR Engineering with the following condition:

1. The buffer area shall be replanted in accordance with development plan 14-DP-14 for Holly Springs Professional Park. Once the buffer has been reestablished, plant materials within the buffer area shall not be removed unless dead, diseased or threatens to become a danger to human life or property.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

**Action #5:** Having made the necessary 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-12 for Holly Springs Professional Park to allow for an integrated center greater than 24,000 square feet in the LB: Local Business District and Development Plan Petition #14-DP-14 for Holly Springs Professional Park as submitted by EDR Engineering Project Number 02130012, dated revised dated revised 12/8/14, 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-12.

**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 at the time of Construction Drawing submittal.
2. All previous approval conditions for *Little Pros Development Plan* will apply to this development plan.
3. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
4. The following items will be required to be addressed with the first construction drawing submittal:
  - a. Provide all items listed on the Stormwater Submittal Checklist, Form #16003...
  - b. Revised plans to show a vehicular access between Buildings 1 and 2 to provide access to the adjacent properties.
  - c. The Final TIA must be approved.
5. The following items will be required prior to construction drawing approval or issuance of a land disturbance:
  - a. Approval of Stormwater Management Plan is required.
  - b. Payment of the Stormwater Fee-in-Lieu will be required.
  - c. 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.
  - d. Payment of a fee-in-lieu of construction of the right turn lane as specified in the TIA.
6. Prior to a Certificate of Occupancy on any building associated with this project, the following items must be addressed:
  - a. All remaining items on NCDOT punch list will need to be completed and road widening for West Holly Springs Road approved for acceptance by NCDOT.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous

**8d. Public Hearing: Rezoning Petition 14-REZ-17** – Mr. Ryan said the Town has received a request to rezone ± 23.11 acres located along the north side of Holly Springs - New Hill Road from R-MF-15: Multifamily Residential and R-30: Residential to R-10: Residential. The property is located to the east of the Green Oaks Parkway entrance of the 12 Oaks subdivision. The properties recently were annexed into the Town limits and this site is the future E43 elementary school location.

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

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-MF-15 & R-30 to R-10 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-10: Residential District allows for single-family residential development and other compatible uses through a special exception use."*

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-17 to approve and enact Zone Map Change Petition #14-REZ-17 to change the zoning of ± 23.11 acres located at 11500 Holly Springs – New Hill Road, Wake County PIN 0639958908, from R-MF-15: Multifamily Residential & R-30: Residential to R-10: Residential, as requested by CLH Design PA.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Zoning Ordinance #14-REZ-17 is attached to these minutes.*

**8e. Public Hearing: New Elementary School** – Mr. Ryan said the Town has received a request for a Special Exception Use to locate a new elementary school with modular units near the intersection of Holly Springs – New Hill Road and Green Oaks Parkway, just east of the Twelve Oaks neighborhood. The proposed project is located on ± 23.11 acres at 11500 Holly Springs – New Hill Road.

He said in conjunction with the Special Exception Use request, the applicant is requesting approval of a development plan for a 102,399-square-foot, two-story elementary school. The building would be 47 feet and six inches high and would be oriented toward Holly Springs – New Hill Road. A predominantly brick building, the school would have four modular units to the rear of the building. Parking and recreation facilities are proposed for this site.

Mr. Ryan said the applicant had applied for a number of waivers of UDO regulations, including:

- A waiver of regulations of UDO Section 3.08, A., 1., c., (2) (a). Base, Body, Cap to allow for a one-dimensional building cap instead of a three-dimensional cap on all building elevations; and
- A waiver of regulations of UDO Section 3.08 A. 1. c. (2). (b). Variation in Massing to allow building bays to exceed 30 feet to 48' 8" on the west elevation, 155' 1 3/4" on the south elevation; 84' 4" on the east elevation, and 144' 7" on the north elevation; and
- A waiver of regulations of UDO Section 3.08 A. (2). (c). Animating Features to allow a reduction in the amount of windows and glass doors, from 20% to 14% on the first floor and from 15% to 6% on the second floor; and
- A waiver of regulations of UDO Section 3.08 A. 1. c. (2). (g). Roof Treatment, to allow rooflines to exceed 50 feet in a continuous plane to 70 ' on the west elevation,

- 84' on the south elevation, 70' on the east elevation, and 90' on the north elevation; and
- A waiver of regulations of UDO Section 3.08 A. 1. c. (2). (h). Façade Modulation to allow walls to exceed 100 feet in length without a change in wall plane to 155' 1 3/4" on the south elevation, and 157' 1" on the north elevation.

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

Ms. Goodson said staff is working with the school system and NCDOT on recommendations to keep traffic moving safely on New Hill Road at Green Oaks Parkway in light of pending development in the area.

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

Kenneth Haywood, attorney for Wake County Public School System – Mr. Haywood outlined the project for a new elementary school. He submitted into the record the application addressing the findings of fact for waivers and the special exception use.

He said this would be the largest elementary school ever built in Wake County with 52 teaching stations and a capacity of 800 students in the main building. Additionally, modular units are included in the plan for future use, if needed.

Renee Pfeifer, landscape architect – Ms. Pfeifer addressed the Council to describe the site plan.

Betty Parker, WCPSS senior director of real estate services – Ms. Parker said the project represents a good opportunity for a pedestrian-friendly school site with development all around. She described some of the challenges on the site for development. She said the project is on a fast track and is scheduled for opening in 2016.

Jim Copeland, architect – Mr. Copeland described the prototype design and why certain waivers are being requested.

Councilman Sack asked if right of way had been acquired off-site.

Ms. Pfeifer said there would be 1,800 feet of on-site stacking but right of way off site would be acquired later. Ms. Parker pointed out that acquisition of right of way offsite is a condition of approval.

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-13 to allow for a School – Public and Modular Units, in the R-10: Residential Zoning District as submitted by CLH Design. 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 #14-SEU-13 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 2.04. B. 7. Maximum Building Height, to allow the height of the building to exceed the 35-foot maximum building height requirement by 12 feet and 6 inches, to a total height of 47 feet and 6 inches, as submitted by CLH Design.

*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:** Dickson

**Second by:** Sack

**Vote:** Unanimous.

**Action #3:** The Council approved a motion to adopt Resolution #15-08 to make and accept the findings of facts as submitted by the petitioner as specified in Exhibit C and to approve alternate compliance with architectural and site design requirements for 11500 Holly Springs – New Hill Road, Wake County PIN 0639958908, in conjunction with Development Plan #14-DP-15 Wake County Public Schools - E43 as submitted by CLH Design PA.

**Motion by:** Cobb  
**Second by:** Dickson

**Vote:** Unanimous.

*A copy of Resolution 15-08 is attached to these minutes.*

**Action #4:** 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 E. 2. to allow for a reduction of 12 spaces, or 9%, of the minimum number of required parking spaces for 11500 Holly Springs – New Hill Road, Wake County PIN 0639958908, in conjunction with Development Plan #14-DP-15 Wake County Public Schools - E43 as submitted by CLH Design.

*A petition for a waiver of regulations of UDO Section 7.04 E. 2. : Reduction in the Number of Off-Street Parking Spaces 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:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

**Action #5:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, a variance of development standards, and waivers of development standards, the Council approved a motion to approve:

- Special Exception Use #14-SEU-13 as specified in Unified Development Ordinance Section 2.04 2. b. R-10: Residential, to allow for a School – Public and Modular Units,
- Variance #14-VAR-14, a variance of regulations of UDO Section 2.04. B. 7. Maximum Building Height, to allow the height of the building to exceed the 35-foot maximum building height requirement by 12 feet and 6 inches, to a total height of 47 feet and 6 inches.
- Waiver of regulations of UDO Section 7.04 E. 2. : to allow for a reduction of 12 spaces, or 9%, of the minimum number of required parking spaces for Development Plan Petition #14-DP-15 for Wake County Public Schools - E43.
- Alternate Landscaping Plan for Wake County Public Schools - E43
- and Development Plan #14-DP-15 for Wake County Public Schools - E43 as submitted by CLH Design PA, Project Number 531825, dated Revised 12/8/14, for 11500 Holly Springs – New Hill Road, Wake County PIN 0639958908, with the following conditions:

**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-13.
2. Prior to the placement of any modular classroom, a UDO permit shall be submitted to the Department of Planning & Zoning for review and approval.

Development Plan Conditions:

1. A fee-in-lieu of upgrade will be required for this project for the Pump Station and Force Main
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. A revised landscaping plan shall be submitted to the Department of Planning & Zoning showing a revised street tree species along Holly Springs – New Hill Road if required by Duke Progress Energy.
4. Prior to issuance of a land disturbance permit or construction drawing approval, the following items must be addressed:
  - a. Documentation in the form of a recorded plat for any offsite right-of-way or easements required for this project.
  - b. Approval of Stormwater Management Plan is required.
  - c. Payment of the Stormwater Fee-in-Lieu will be required.
  - d. 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.
  - e. All environmental permits must be obtained for the entire project.
5. The following items must be addressed with the first construction drawing submittal:
  - a. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included.
  - b. A Final Gravity Sewer Line Sizing Report will be required for all lines that are stubbed to adjacent upstream properties. Include calculations to document line sizes, adequacy of proposed sanitary sewer lines to serve all future upstream development.
  - c. Thoroughfares, collectors and boulevards will require a calculated pavement design with 1<sup>st</sup> construction drawing submittal. This may result in a pavement cross section bigger than the specified minimum. This will become a condition of plan approval.
  - d. 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.
  - e. The Final Traffic Impact Analysis must be approved and all recommendations must be incorporated on the plans.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**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 Jan. 6, 2015

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. Municipal Hazard Mitigation Plan -- The Council adopted Resolution 15-03 enacting a joint municipal hazard mitigation plan. *A copy of Resolution 15-03 is attached to these minutes.*

9d. Wake County Emergency Operations Plan - The Council adopted Resolution 15-04 approving the Wake County Emergency Operations Plan. *A copy of Resolution 15-04 is attached to these minutes.*

9e. Annexation A14-05 – The Council adopted Resolution 15-05 directing the town clerk to investigate the sufficiency of annexation petition A14-05 and setting a public hearing. *A copy of Resolution 15-05 is attached to these minutes.*

9f. Budget Amendment, \$17,500- The Council adopted an amendment to the FY 2014-15 budget in the amount of \$17,500 to cover fire engine repairs. *A copy of the budget amendment is attached to these minutes.*

9g. Budget Amendment, \$408,610 – The Council adopted an amendment to the FY 2014-15 budget in the amount of \$408,610 to cover the cost and accept grant funds for Avent Ferry Road widening design. *A copy of the budget amendment is attached to these minutes.*

9h. Set Special Branding Workshop Date – The Council approved to set special meeting for a branding workshop.

**10a. Board of Adjustment and Planning Board Appointments** - Ms. Clapp said on the last day of February of each year, the terms of several members of the Board of Adjustment and Planning Board expire. The Town Council is responsible for the appointment of “in-town” members to the Holly Springs Board of Adjustment and Planning Board. Extraterritorial jurisdiction members are appointed by the Wake County Board of Commissioners (WCBOC); however, the Town Council makes a recommendation to the WCBOC on who should be appointed.

The Town Council is being asked to review the applications for the vacancies and appoint new members to the respective boards or re-appoint interested members. The terms will be for three years from March 1, 2015 to February 28, 2018.

This year's vacancies are as follows:

Board of Adjustment - 1 in-town member and 1 ETJ member

Planning Board - 3 in-town members

In addition, Ms. Clapp said, Brian Stempowski resigned as an in-town member of the Board of Adjustment with a term ending in February 2017, so his seat also will need to be filled.

**Action #1:** The Council approved a motion to appoint Larry O'Neal as an in-town regular member of the Board of Adjustment with a term of March 1, 2015 to Feb. 28, 2018.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous.

**Action #1:** The Council approved a motion to appoint Bill Daniels as an in-town regular member of the Board of Adjustment to fill the remainder of Mr. Stempowski's term ending Feb. 28, 2017.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

**Action:** The Council approved a motion to appoint Dan J. Carro as an in-town alternate member of the Board of Adjustment to fill the remainder of Mr. Daniels' term ending Feb. 28, 2017.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous.

**Action:** The Council approved a motion to appoint Richard D. Madoni as an in-town alternate member of the Board of Adjustment to fill the remainder of Mr. O'Neal's term ending Feb. 29, 2016.

**Motion by:** Lee

**Second by:** Sack

**Vote:** Unanimous

**Action:** The Council approved a motion to recommend that the Wake County Board of Commissioners appoint Glen Walker as the extraterritorial jurisdiction member of the Board of Adjustment with a term of March 1, 2015 to Feb. 28, 2018.

**Motion by:** Sack

**Second by:** Cobb  
**Vote:** Unanimous.

**Action #3:** The Council approved a motion to reappoint Tom Hughes and Matt Johnson as in-town members of the Planning Board with terms of March 1, 2015 to Feb. 28, 2018.

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

**Action #4:** The Council approved a motion to appoint Jason Weishaupt as an in-town member of the Planning Board with a term of March 1, 2015 to Feb. 28, 2018.

**Motion by:** Dickson  
**Second by:** Cobb  
**Vote:** Unanimous.

**10b. Grigsby Sidewalk, Phase 2 Project** - Mr. Levitt said staff completed the design and permitting of the Grigsby Sidewalk Phase 2 plans, and legal has secured all easements required for construction. This sidewalk will close the gap between downtown and Womble Park.

He said the public works department will be constructing the sidewalk with town forces in lieu of using a private contractor. This project includes over 1,000 linear feet of sidewalk, associated storm sewer, extension of a 42-inch culvert under Grigsby, and installation of a Rapid Rectangular Flashing Beacon (RRFB) crosswalk warning system.

**Action:** The Council approved a motion to approve \$95,000 in funding for construction of the Grigsby sidewalk Phase 2 project and adopt a related amendment to the FY 2014-15 budget.

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

*A copy of the budget amendment is attached to these minutes.*

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

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

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the Jan. 20, 2015 meeting of the Holly Springs Town Council was adjourned.

day, Feb. 3, 2015.



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

