



Nov. 17, 2015

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 17, 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; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Jeff Wilson, information technology 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; Elizabeth Goodson, development review engineer; John Herring, police chief; 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. Tom Newman, pastor of Sunrise Methodist Church.

4. Agenda Adjustment: The Nov. 17 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 New Business: 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: None.

6a. Public Hearing: Special Exception Use Petition, 15-SEU-04 / Development Plan, 15-DP-07 Lochridge Recreation Center - Mr. Ryan said at the Oct. 20 Council meeting a motion was made to continue the public hearing for this item to resume on Nov. 17.

Mr. Ryan said the Town has received a Special Exception Use request for a private recreation center for the approved Lochridge subdivision currently under construction. The subject property was identified as a future recreation site on the approved subdivision plans.

He said the recreation center development plan proposal includes a swimming pool, pool house with restrooms and the associated required parking. The applicant has requested two waivers for this project, both in regard to parking. One waiver is to allow 100% of the parking in front of the building, rather than a portion on the side as required by the Unified Development

Ordinance. The other waiver is a request to reduce the amount of parking by six spaces, or 21% of the total required. Future on-street parking could be provided if necessary.

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

David Baranke, the applicant -- Mr. Baranke addressed the Council to speak to the variance requesting a reduction in parking. He said his company has used the proposed layout in other neighborhoods with a house-to-parking ratio of 15:1 in Durham and 13:1 in Raleigh. The Lochridge site would be parked at a 6:1 ratio, he said.

Councilwoman Lee asked if other projects included mail kiosks, and Mr. Basranke said no.

Councilman Cobb asked what would happen if it were determined in the future. Mr. Ryan said on-street parking would be required as a condition of approval.

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 #15-SEU-04 for Lochridge Recreation Center to allow for a private recreation center on a portion of 2854 Avent Ferry Road PIN 0638122973, a property located in the Lochridge subdivision, as submitted by Priest Craven & Associates.

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: Williams

Vote: Unanimous.

A copy of Special Exception Use Application 15-SEU-04 addressing these findings 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 waiver of regulations of UDO Section 7.04 E. 1 Minimum Number of Required Off-Street Parking Spaces for Development Plan Petition #15-DP-07 for Lochridge Recreation Center to allow a reduction of 21% or six parking spaces as submitted by Priest Craven & Associates dated 9/4/15.

A waiver of the Off-Street Parking requirements contained in Section 7.04, E., 4., may only be granted upon making the following findings:

- a. *The nature and location of the proposed building or structure, and;*
- b. *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;*
- c. *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;*
- d. *The reduction of required off-street parking spaces will result in preserving existing vegetation on the property, or;*
- e. *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: Cobb

Second by: Williams

Vote: Unanimous.

Action #3: Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 7.04 E. 1 Minimum Number of Required Off-Street Parking Spaces for Development Plan Petition #15-DP-07 for Lochridge Recreation Center to allow a reduction of 21%, or six parking spaces, as submitted by Priest Craven & Associates dated 9/4/15, with the following condition:

1. Upon determination by the Planning Director that the reduced parking spaces are needed, the six parking spaces placed into the land banked area as future on-street parking shall be constructed.

Motion by: Lee

Second by: Sack

Vote: Unanimous.

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. 4. Maximum Number of Off-Street Parking Spaces for Development Plan Petition #15-DP-07 for Lochridge Recreation Center to allow greater than 75% of the provided parking between the front building line and front lot line as submitted by Priest Craven & Associates dated 9/4/15.

A waiver of the Off-Street Parking requirements contained in Section 7.04, E., 4., may only be granted upon making the following findings:

1. *A parking demand study completed by a third party that provides evidence regarding:*
 - a. *Peak usage estimates based on reliable data collected from comparable uses located within the same or similar market areas as the Town of Holly Springs.*

Comparable uses will be determined based on density, scale, bulk, area, type of activity, and location; and,

b. *Number of employees on the largest shift; and,*

c. *Minimum number of spaces needed to meet the parking demand for the specific use; and,*

2. *The granting of a waiver will not cause negative impacts on the environment or adjacent properties without the necessity of including mitigating elements such as additional screening, pervious pavement, shared parking, rain gardens, or that such elements are provided under the plan to the extent necessary to lessen the effects of any negative impacts; and,*

3. *The proposed development is consistent with the intent of the Comprehensive Plan; and,*

4. *The proposed development is consistent with the intent and purpose of this UDO.*

Motion by: Williams

Second by: Sack

Vote: Unanimous.

Action #5: Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces for Development Plan Petition #15-DP-07 for Lochridge Recreation Center to allow greater than 75% of the provided parking between the front building line and front lot line as submitted by Priest Craven & Associates dated 9/4/15.

Motion by: Sack

Second by: Williams

Vote: Unanimous.

Action #6: Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use #15-SEU-04 as specified in Unified Development Ordinance Section 2.04 A. 2. Special Exception Uses to allow for a private recreation center at the property located on a portion of 2854 Avent Ferry Road PIN 0638122973 associated with the Lochridge subdivision, and Development Plan #15-DP-07 for Lochridge Recreation Center, as submitted by Priest Craven & Associates dated revised 9/4/15, 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 15-SEU-04.

Development Plan Conditions:

1. All previous approval conditions for the Lochridge Subdivision Plan will apply to plan amendment.
2. The following items must be addressed on the first submittal of construction drawings:
 - A. Provide a RPZ back flow preventer for the potable water.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

6b. Public Hearing: Special Exception Use Petition, 15-SEU-05 / Development Plan, 15-DP-09 for Holly Pointe Recreation Center - Mr. Ryan said the Town has received a Special Exception Use request for a private recreation center for the approved Holly Pointe Phase 2 subdivision under construction. The recreation center development plan proposal includes a swimming pool, pool house with restrooms, community mail kiosk, fire pit, play area and the associated required parking. A waiver of off-street parking regulations to allow greater than 75% of

the required parking between the front building line and front lot line also has been submitted with the development plan.

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 town clerk:

Randy Miller, Thompson & Associates, for the applicant – Mr. Miller said he was available for questions.

James Caldwell, 100 Gryffinder Lane -- Mr. Caldwell spoke in favor of the application and said Holly Pointe residents were eager for the recreation center to be built.

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 #15-SEU-05 to allow for a private recreation center in the R-10: Residential District as submitted by Thompson & Associates.

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: Lee

Second by: Cobb

Vote: Unanimous.

A copy of Special Exception Use Application 15-SEU-05 addressing these findings 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 waiver of regulations of UDO Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces to allow for 100% of the provided parking between the front building line and front lot line in association with Development Plan Petition #15-DP-09.

A petition for a waiver of regulations of UDO Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces may only be granted upon the presentation of sufficient evidence to enable a written determination that:

1. *A parking demand study completed by a third party that provides evidence regarding:*
 - a. *Peak usage estimates based on reliable data collected from comparable uses located within the same or similar market areas as the Town of Holly Springs. Comparable uses will be determined based on density, scale, bulk, area, type of activity, and location; and,*
 - b. *Number of employees on the largest shift; and,*
 - c. *Minimum number of spaces needed to meet the parking demand for the specific use; and,*
2. *The granting of a waiver will not cause negative impacts on the environment or adjacent properties without the necessity of including mitigating elements such as additional screening, pervious pavement, shared parking, rain gardens, or that such elements are provided under the plan to the extent necessary to lessen the effects of any negative impacts; and,*
3. *The proposed development is consistent with the intent of the Comprehensive Plan; and,*
4. *The proposed development is consistent with the intent and purpose of this UDO.*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

Action #3: Having made findings of fact that the petition meets the requirements, the Council approved a motion to grant a waiver of UDO regulations in Section 7.04 E. 4. Maximum Number of Off-Street Parking Spaces to allow for 100% of the provided parking between the front building line and front lot line in association with Development Plan Petition #15-DP-09.

Motion by: Williams

Second by: Sack

Vote: Unanimous.

Action #4: Having made findings of fact that the project meets the requirements the Council approved a motion to approve Special Exception Use Petition #15-SEU-05 to allow for a private recreation center at 113 Blue Prince Trail, Wake County PIN 0638629530, and approve Development Plan #15-DP-09 for Holly Pointe Subdivision recreation lot, as submitted by Thompson & Associates dated revised 10/12/15, 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 15-SEU-05.

Development Plan Conditions:

1. All previous approval conditions from *Holly Pointe Phase 2* will apply to this plan as well.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

6c. Public Hearing: 15-SEU-07 / 15-DP-11 / 15-VAR-09 / 15-VAR-10 Harris Teeter Fuel Center

– Mr. Ryan said the Town has received a request for a special exception use to allow for a gasoline service station located on the last remaining commercial out-parcel in the Sunset Commons Shopping Center Ph. 1. The LB: Local Business district regulations state that a gasoline service

station would be a special exception use. In conjunction with the special exception use request, the Town has received a development plan for a 294 square foot gasoline service station kiosk which includes a gasoline pump canopy and four customer parking spaces. There would be no automobile repair on the property.

The applicant also is requesting two variances and one waiver of Unified Development Ordinance regulations.

Councilman Cobb asked if the canopy lighting would be pointed downward or into traffic. Mr. Ryan said the lighting would be required to be directed downward, but a lighting plan will be required to be submitted.

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 town clerk:

Bharat Patel, 2106 Pilot Mountain Lane, Apex – Mr. Patel said he supports the plan, but he has concerns about traffic at the intersection of Holly Springs Road and Sunset Lake Road. He said there are traffic issues, and a gasoline station would increase those problems. He noted that making a left turn from the shopping center onto Sunset Lake Road was dangerous and almost impossible. He asked if a traffic signal could be placed there to help motorists get out onto Sunset Lake Road.

Mr. Patel added that another problem occurs with turning traffic at the intersection of Holly Springs Road and Sunset Lake Road.

Ms. Parrish said that, with the development of phase 2 of the shopping center, the left-turn from the shopping center would be removed and replaced with safer entrances and exits. Additionally, she said this site would pay a fee in lieu toward a light that will be triggered by the phase 2 shopping center development.

Mr. Patel asked when this might happen, fearing it would be six or seven years or more.

Ms. Parrish said plans for the phase 2 project have been submitted to the Town, so she would anticipate the road improvements would be completed in shorter order than six years.

Lacy Reaves, 150 Fayetteville Street, on behalf of the applicant – Mr. Reaves pointed out that the size of the outparcel and the environmental features of the property behind it require the applicant to request the variances. He then introduced Mr. Matt Edwards, engineer for the project, to assist him in addressing the findings of fact.

Matthew Edwards, Charlotte – Mr. Edwards is engineer for the project.

Mr. Reaves asked questions of Mr. Edwards to establish Mr. Edwards' qualifications as a civil engineering expert. He then went down the list of findings of fact for a special exception use and asked Mr. Edwards questions that provided the Council with the opportunity to make each of the findings of fact.

Mr. Reaves then went down the list of findings of fact required for variances and asked Mr. Edwards questions that provided the Council with the opportunity to make each of the findings of fact.

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 #15-SEU-07 for Harris Teeter Fuel Center to allow for a gasoline service station in the LB: Local Business district as submitted by Kimley-Horn & Associates.

Special Exception Use Findings of Fact:

A special exception use may be granted only upon the presentation of sufficient evidence to enable a written determination that:

- a. *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;*
- b. *The proposed use will not injure or adversely affect the adjacent area;*
- c. *The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;*

- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion by: Sack

Second by: Cobb

Vote: Unanimous.

A copy of Special Exception Use Application 15-SEU-07 addressing the findings 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 Variance of Development Regulations Petition #15-VAR-09 for a variance of UDO Section 3.07 A 3 h (2): Gasoline Dispensers and Canopies, to allow for a gasoline canopy that is not proportional to the primary building structure in conjunction with Development Plan 15-DP-11 for Harris Teeter Fuel Center.

Variance of Development Regulations Findings of Fact:

A variance of development regulations may be granted only upon the presentation of sufficient evidence to enable a written determination that:

- 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Motion by: Williams

Second by: Cobb

Vote: Unanimous.

Action 3: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Variance of Development Regulations Petition #15-VAR-10, a variance of UDO Section 3.07 A 3 h (1): Gasoline Dispensers and Canopies, to allow for a gasoline canopy in the front yard along Holly Springs Road, in conjunction with Development Plan 15-DP-11 for Harris Teeter Fuel Center.

Variance of Development Regulations Findings of Fact:

A variance of development regulations may be granted only upon the presentation of sufficient evidence to enable a written determination that:

1. *Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*
2. *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*
3. *The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*
4. *The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of variance findings of facts 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 3.08, A., 1., c. ii. Windows and Glass Doors to allow a reduction in surface area of windows and glass doors from 40% to 11.4% on the left side elevation, and to allow a decorative brick inset (11.1%) on the left elevation and additional glazing on the right (11.4%) and front elevation (4.8%) to supplement for a portion of the requested reduction. A total of 38.5% glazing, a reduction of 1.5% glazing, is provided.

WAIVER FINDINGS OF FACT:

A petition for a waiver of regulations of UDO Section 3.08, A., 1., c. ii. Windows and Glass Doors may be granted only upon the presentation of sufficient evidence to enable a written determination that:

1. The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the use or value of area properties;
3. The proposed development is consistent with the intent of the Comprehensive Plan; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

Motion by: Lee

Second by: Dickson

Vote: Unanimous.

Action 5: Having made findings of fact that the petition meets the requirements to be granted a waiver of regulations of UDO Section 3.08, A., 1., c. ii. Windows and Glass Doors, the Council approved a motion to approve a waiver to allow a reduction in surface area of windows and glass doors from 40% to 11.4% on the left side elevation, and to allow a decorative brick inset

(11.1%) on the left elevation and additional glazing on the right (11.4%) and front elevation (4.8%) to supplement for a portion of the requested reduction. A total of 38.5% glazing, a reduction of 1.5% glazing, is provided, in association with Development Plan #15-DP-11 for Harris Teeter Fuel Center.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

Action 6: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use and Variances, the Council approved a motion to

1. Approve Special Exception Use Petition #15-SEU-07 as specified in Unified Development Ordinance Section 3.02 A. 2. Local Business District to allow for a gasoline service station;
2. Approve Variance of Development Regulations Petition #15-VAR-09 requesting a variance of UDO Section 3.07 A 3 h (2) : Gasoline Dispensers and Canopies, to allow for a gasoline canopy that is not proportional to the primary building structure, in conjunction with Development Plan 15-DP-11 for Harris Teeter Fuel Center;
3. Approve Variance of Development Regulations Petition #15-VAR-10 requesting a variance of UDO Section 3.07 A 3 h (1): Gasoline Dispensers and Canopies, to allow for a gasoline canopy in the front yard along Holly Springs Road, in conjunction with Development Plan 15-DP-11 for Harris Teeter Fuel Center;
4. Approve Development Plan #15-DP-11 for Harris Teeter Fuel Center at 5201 Sunset Lake Road, Wake County PIN #0669070864, as submitted by Kimley-Horn & Associates, Project Number 0156400034, dated 10/20/2015;

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 15-SEU-07.

DEVELOPMENT PLAN CONDITIONS:

1. All previous approval conditions Sunset Lake Commons Shopping Center Ph. 1 will apply to this outparcel.
2. The following items must be provided with 1st construction drawing submittal for this plan:
 - a. A point-by-point photometric plan in conformance with the maximum light levels contained in the Unified Development Ordinance for the under canopy lighting.
3. The following items must be addressed prior to construction drawing approval:
 - a. This project will be required to pay a percentage of the total cost of the intersection upgrades in the amount of \$5,250.
 - b. An fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
4. The following items must be completed prior to Town Council approval:
 - a. The Fire Flow Analysis must be approved.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

6d. Public Hearing: Ordinance #15-10 – Ms. Holloman said the Town is proposing changes to the Town of Holly Springs Unified Development Ordinance (UDO) and an explanation of why each change is needed. Detailed language of the proposed amendments can be found in the attached draft ordinance.

She said that twice a year, the departments of Planning & Zoning and Engineering evaluate the UDO and bring forward a series of amendments to the Town's development regulations and requirements as interpretation issues arise, new or modified regulations are suggested for

development within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ), or the State modifies regulations or the General Statutes that have an impact on the Town's development regulations.

Councilwoman Williams said she would like the setbacks for cellular towers to be revisited to be reduced. She said she felt the wording that required a setback equal to the height of the tower was excessive, and she wanted to delay action on this portion of the ordinance until some facts can be gathered about setbacks that other towns require.

Councilman Dickson noted that the setback applied to property lines and would not restrict development of the same piece of 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 UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan: Much of the UDO amendments currently proposed work to maintain a high quality of commercial growth. As found in the Comprehensive Plan's Future Land Use Objective's "Guide the development of regional commercial areas so they are contained and their access is managed to protect the character of the remainder of the community."

"Executive Summary in regard to 'Using the Plan to Implement the Town's Vision' and 'Adopting and Implementing the Plan'; Section 1: Future Land Use 'Objectives,' 'Community Growth Areas,' 'Regional Centers' and 'Future Land Use Plan Details;'

"Ensure that new housing is appropriate in type, location and density to minimize environmental impacts and maintain community character.

"The proposed UDO Amendments provide the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan."

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

Action 2: The Council approved a motion to adopt Ordinance 15-10 to approve and enact UDO Text Amendment #15-UDO-03 to modify the text of the Unified Development Ordinance as submitted by Town of Holly Springs with the exception of Part 36 pertaining to cellular tower setbacks.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

A copy of Ordinance 15-10 as amended is attached to these minutes.

7. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Town Council's meeting held Nov. 3, 2015.

7b. Main Street Extension Project – The Council approved a Memorandum of Settlement and Consent Judgment in the Main Street Extension project.

7c. Resolution 15-31 – The Council adopted Resolution 15-31 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 15-31 is attached to these minutes.*

7d. Town Hall Roof Repair Contract – The Council approved to enter into a contract with Baker Roofing in the amount \$45,678 for repairs to the roof of Town Hall.

7e. North Main Athletic Complex Easement – The Council approved to enter into an agreement with Security Self Storage for egress through their site to transport dirt removed from the North Main Athletic Complex property.

7f. Contract Report - The Council received report of contracts amounting to less than \$15,000 approved by the town manager.

7g. Main Street Extension Project - The Council approved to retain Kimley Horn & Associates for designing and permitting of a back-up water connection to replace wells abandoned for the Main Street Extension project.

8a. Animal Ordinance Amendment – Ms. Holloman said the Town Council has been asked to once again consider an urban chicken ordinance to allow hens on single-family lots within the Town. At the last Town Council meeting when this was discussed, the Department of Planning & Zoning was directed to assist with research and development of an urban chicken ordinance to present to Town Council for review. Ms. Holloman presented her findings on what other local municipalities are doing and how those entities, as well as state and national examples, have influenced our ordinance direction.

She said staff is looking for feedback for finalizing this ordinance that will entail both Unified Development Ordinance amendments and Town Code amendments and will share key aspects of the draft ordinance with regard to suggested content, including: minimum lot size – **10,000 square feet**; the maximum number of hens allowed – **three**; zoning districts where hens would be allowed – **R-30, R-20, R-15 and R-10**; minimum setback – **12 feet**; UDO permit requirements – **yes, at a cost of \$75 with the application to be reviewed and approved by Planning & Zoning**; and whether a compliance inspection would be required – **yes, in conjunction with permit approval**.

She said staff, with Council input, can move forward with drafting language to bring before the Planning Board for recommendation and review at its December meeting. The draft ordinance then would be brought to the Town Council for consideration, likely in January.

Councilwoman Williams suggested that the Town communicate with homeowner associations about the ordinance so they would be prepared to deal with homeowners. Ms. Holloman stressed for Council that the ordinance would not override the restrictions of homeowner association rules and covenants.

Councilman Sack said the input he has received from constituents is that many do not want chickens to be allowed.

Mr. Simmons asked for clarification if the setback would specifically pertain to the rear yard.

Ms. Holloman said she would clarify that language in the draft ordinance.

Councilwoman Lee said she would prefer that the minimum lot size be larger, as in R-15.

Councilman Dickson said he felt R-10 was adequate because that is the minimum lot size required in other towns.

Direction: Ms. Holloman said she would make adjustments to the draft and submit it for review by the planning board in December.

8b. Downtown Transportation Plan – Ms. Parrish said as an action item of the 2015 Town Council retreat, we wanted to take a look at the downtown transportation system and make improvements for overall traffic flow with an approach and layout that could address transportation, as well as attract downtown development.

She reviewed the draft transportation plan that has been vetted within multiple town departments and administration.

The draft plan sets up a layout to allow more downtown parking and area for potential development, improves dangerous intersections, is more pedestrian friendly and is an improvement for our public safety resources.

She said if Town Council is in support, the next step would be to run the draft plan through traffic modeling software.

Action: The Council approved a motion to endorse the draft Downtown Transportation Plan and direct staff to proceed with traffic modeling.

Motion by: Sack

Second by: Williams

Vote: Unanimous.

9. Other Business: None that resulted in Council action.

10. Manager's Report: None requiring or resulting in Council action.

11. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(5) to discuss with the Town Attorney a matter of potential real estate acquisition.

General Account – Closed Session Nov. 17, 2015

In Closed Session, the Town Council discussed the possibility of obtaining 32 acres near Bridgewater that is distressed and could be used as a park. There is an agreement between the Town and Wake County that would allow the Town to purchase the property for taxes owed. The Council directed the Town Attorney to proceed and then discussed a neighboring piece of property that also could be obtained by upsetting an existing purchase bid.

Action: The Council approved a motion to obtain both parcels, buying the 32-acre parcel for \$23,000 in back taxes and bidding up to \$25,000 for the neighboring four acres.

Motion by: Sack

Second by: Cobb

In discussion, the Council believed a total taking in the amount of \$50,000 might be more successful.

Amended Motion: Councilman Sack offered an amended motion to change the bidding amount to up to \$27,000, and Councilman Cobb seconded the amended motion, giving the Town Attorney the authority to negotiate and bid within a \$50,000 window.

Vote: Unanimous.

The Council then approved a motion to reenter open session.

-- **End of General Account**

12. Adjournment: There being no further business for the evening, the Nov. 17, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Dec. 1, 2015.



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

