

Holly Springs Town Council Minutes

Regular Meeting March 6, 2007

The Holly Springs Town Council met in regular session on Tuesday, March 6, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Chet VanFosson, Parrish Womble, and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Peter Atwell.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda R. Harper, deputy town clerk (recording the minutes); Mark Zawadski, planner I; Mark Andrews, public information officer; Len Bradley, director of parks and recreation; John Herring, chief of police; Jenny Mizelle, director of economic development; Kendra Stephenson, senior engineer, Daniel Weeks, project analyst; and Elizabeth Goodson, development review engineer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Mr. Lewis Gentry.

4. Agenda Adjustment: The March 6, 2007 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Dickson

Second By: Debenedetto

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: Remove agenda item 7b., Southern Wake County waterline payment from new business.

Consent Agenda Items Moved to Regular 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.

Van Crandall 4813 Salem Ridge Road. Mr. Crandall expressed his concerns with the increase of traffic that new developments brings to the Town and the Town needs to require road widening along the entire road frontage of the new developments as they occur.

6. Consent Agenda: All items on the Consent Agenda were approved following a motion by Councilman VanFosson, a second by Councilman Womble and a unanimous vote. The following actions were affected:

6a. Minutes - The Council approved minutes of the Council's regular meetings held on Feb. 6 and 20, 2007.

6b. Resolution 07-08 – The Council adopted Resolution 07-08 requesting NCDOT to release a section of Main Street (NC 55 Business) lying between intersections of Center Street and Maple Street to be included in the Town's street system. *A copy of Resolution 07-08 is incorporated into these minutes as addendum pages.*

6c. Resolution 07-09 – The Council adopted Resolution 07-09 enacting the Community Development

Block Grant program manual for the FY 2006 \$45,000 CDBG grant. *A copy of Resolution 07-09 is incorporated into these minutes as addendum pages.*

6d. Cultural Center Rate Schedule and Policy Amendment – The Council approved to amend the Cultural Center theater rate schedule and policy to address rehearsals. *A copy of the rate schedule is incorporated into these minutes as an addendum page.*

6e. Budget Amendment, \$1,540 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$1,540 to cover funds for community development. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7a. Honeycutt Property – Ms. Clapp reviewed with the Council Members the background of Mr. Honeycutt's request of developing his 10 acre tract located at the North East corner of Piney Grove-Wilbon Road and Wade Nash Road without public water or public sewer. She said that Mr. Honeycutt met with staff several times to discuss what options he had for his property. Due to the property being located in the Town's ETJ, a major subdivision would require this development to meet all of the Town's ordinances and standards. She said staff outlined during a meeting on March 30, 2006, many of these requirements includes tying onto water and sewer. Mr. Honeycutt was instructed that currently there were no ordinances or standards that would allow development of this property as a major subdivision without public utilities.

Ms. Clapp explained to Mr. Honeycutt that the Town was evaluating the idea of allowing larger lot construction in specific areas with connection to water, but not sewer. She explained this was in the early stages of discussion and that if Mr. Honeycutt wanted he could wait to develop his property and see how this decision would proceed in the coming months. He was cautioned that although the Town was evaluating this concept that at that time we did not know what area (if any) would be allowed to develop in this way and that his property may not be in the area that was identified for this type of development. It was also shared with him that this concept was going to be evaluated as part of the writing of our new Comprehensive Plan which began in May 2006 and be adopted in June 2007.

Ms. Clapp said staff also discussed the options of developing this property as a minor subdivision or a more dense development that could support the cost of connection to utilities. With a minor subdivision (4 or less lots), if the utilities are not within 1000' of the property, connection is not required. Water is along Piney Grove-Wilbon Road however this is the main 30" water line from Harnett County so a hydraulic analysis will be required to verify if this main can be tapped in this area.

Ms. Clapp said that after the meeting, Mr. Honeycutt kept in touch with staff and in July requested in writing information on his options for the development of his property and staff responded to his request.

Since that time, Mr. Honeycutt has been kept updated on the status of the Comprehensive plan. She said in October that a draft of the proposed Future Land Use plan was submitted and the plan did not include an area for rural development options; as Mr. Honeycutt had expressed interested in or that staff had expected within the Cass Holt Road/Piney Grove-Wilbon Road areas. She said therefore, the proposed plan was presented to the Comprehensive Steering Committee at two meetings for reviewed, discussed and was presented to the Town Council at your annual retreat.

Ms. Clapp said a drafted plan was reviewed and evaluated by the Steering Committee, Mr. Honeycutt requested that his request be taken before the Town Council for their comments. At the December 19, 2006 Town Council meeting the Council directed staff to evaluate appropriate locations for large lot development and the appropriateness of residential development within the general area without connection to public water and/or sewer.

Ms. Clapp said staff presented a proposal at the annual retreat regarding the appropriate area for allowing development without sewer connection, but requires connection to public water. She said staff recommends for a development of this type to be located south of Spence Farm Road/Rex Road and east of Cass Holt Road and the Council was in favor of this recommended area at the retreat. She said this line was determined based upon the location of existing and proposed sewer infrastructure and staff's recommendation to ensure recouping of expenses and facility capacity that has been included in the Town's estimates and reserves in the designing of the new treatment plant and pump stations/force mains in the area. She explained that this line was also chosen due to the location of existing subdivisions without sewer facilities and the fact that the intersection of Piney Grove-Wilbon Road and Honeycutt Road is designated as an Activity Node or Growth Area on the proposed Future Land Use plan, which would

denote this area for higher density residential development or commercial/office development—not rural residential development.

At the last Town Council meeting, staff was directed to prepare a detailed list of options for the development of Mr. Honeycutt's property and to evaluate his request to develop his property without public water and sewer. She said the main issues regarding considering his request is that his property is not located within or adjacent to the "adopted" area for such development proposals and concern that allowing Mr. Honeycutt not to connect to public sewer may set a precedent for such proposals within this area.

Ms. Clapp reviewed the review process and that the Town Council would need to approve several waivers to the UDO regulations for the utilities and exceptions to the Engineering Standards for the roadway improvements in order for the property to be subdivided for a major subdivision per Mr. Honeycutt's request. She said that staff is recommending to rezoning the property to R-20, which will allow him to do additional lots on the property to offset cost that will be associated with the required improvements.

She said that no official action is needed on this request however; the Council is requested to provide Mr. Honeycutt general direction on the development of his property. She said Mr. Honeycutt would submit the appropriate petitions and information for review of his proposal in accordance with the adopted rules and regulations of the Unified Development Ordinance and Development Procedures Manual.

Ms. Clapp reviewed the following three options to the Council:

Option 1: Minor Subdivision (4 lots or less)

- Annexation required;
- Administrative review process;
- No water/sewer connection required (since closest utilities are more than 1000' from the property... however depending on hydraulic testing, water may be available from the 30" mail adjacent to the parcel)- verification from Wake County regarding suitability of well/septic will be required;
- R/W dedication required along main roadway (Piney Grove-Wilbon Road and Wade Nash Road);
- Can not include any new public or private street;
- All Town development fees will be required to be paid.

Option 2: Major Subdivision (4+ lots)

- **Note: the plan that was submitted during a concept meeting with staff did not comply with Town zoning requirements regarding lot width/frontage/ etc. most likely property will yield 8 or 9 lots, not 10 as shown.**
- Annexation required;
- TC review process (no public hearing required);
- Water/sewer required (may request waiver- requires recommendation by TRC and action by TC- must submit waiver request with submittal of preliminary plan petition and include documentation from Wake Co. that both well and septic is feasible on all lots);
- May request a rezoning to allow for more units to off-set the costs of water/sewer extension which is in conformance with the current future land use plan;
- Perimeter streets (Piney Grove-Wilbon Road and Wade Nash Road) to be widened in accordance with Town Standards and Town of Holly Springs Thoroughfare Plan;

Option 3: Rezone and Develop Commercial/Office

- Annexation required;
- TC public hearing;
- Water/Sewer required;
- All internal roadways to meet Town Standards;
- All Town development fees will be required to be paid.

Ms. Goodson discussed with the Council the requirements of realigning of Piney Grove-Wilbon Road and Wade Nash Road and the existing Thoroughfare Plan. She also reviewed the location of the

nearest water and sewer lines to the proposed development.

Tim Honeycutt 5617 Wade Nash Road, Mr. Honeycutt requested the Council to consider approving waivers and exceptions from the Town's regulations to develop the property without the requirement of connecting to public water and sewer, but to allow a well and septic tank development with larger size lots.

Mr. Ben Dewar 5420 Honeycutt Road. Mr. Dewar said that rezoning the property to R-20: Residential would not be feasible for a well and septic tank development, the County requires 30,000 square foot lots for well and septic tanks. He said instead of installing road improvements for only ten lots, which would not be profitable for the developer, but will dedicate right-of-way for NC DOT future widening. Mr. Dewar indicated that installing dry sewer lines for future connections would be possible.

After much discussion among the Council Members of the options for consideration Councilman VanFosser discussed the possibility of Option 4, to require Piney Grove-Wilbon Road and Wade Nash Road be widened in accordance with Town standards; installing of dry sewer lines; annexation of the property; connect to public water; all internal roadways meet Town standards; pay required Town development fees, some fees negotiable and suggested staff and Mr. Honeycutt meet with the Town of Fuquay-Varina to inquire about connecting water to the property located across the street from the proposed 10 lots which is in their ETJ area.

Action: The Council gave direction to allow the applicant to proceed with the application process for development of his property to be consistent with as described as option 4 in the Council's discussion.

Motion By: VanFosser

Second By: Womble

Vote: Unanimous

7b. Southern Wake County Waterline Fees – Mr. Schifano requested the Council to consider tabling this item until discussions with Wake County are completed on the Southern Wake County Waterline project.

Action: The Town Council made a motion to table the payment of the Southern Wake County Waterline until the town attorney conduct further discussions with Wake County.

Motion By: Womble

Second By: VanFosser

Vote: Unanimous

8a. Novartis Vaccines and Diagnostics Facility Amendment, 06-DP-11-A01 – Ms. Clapp said this request is for an amendment to development plan 06-DP-11-A10 for Novartis Vaccines & Diagnostics. She said the development plan received approval on Oct. 3, 2006 for a 274,000- square-foot facility comprised of six buildings with a 13,000-square-foot spine corridor to interconnect all the buildings. The plan included a condition that would authorize staff to approve up to a 25% increase in the building footprint administratively.

Ms. Clapp explained that Novartis has added a second product to this facility, which has increased the building footprint to 516,000 square feet, which is a 53% increase over the original development plan, therefore needs approval from the Council.

Ms Clapp said the Planning Board had the following questions:

- Is there enough room on the current site for an additional 25% of floor area as potentially implied within the notes on the cover page?
- Are there any hazardous chemicals or materials that are being used that can potentially impact adjacent properties?
- Requested clarification on the screening requirements for the trash dumpsters.
- Clarified the maintenance of existing vegetation for the perimeter buffers.
- Questioned whether or not the oxygen and other tanks adjacent to the parking lot are going

to be protected to ensure they are not hit.

Ms. Clapp said that staff and Planning Board recommend approval with conditions.

Tom Anderson of 2508 Blacken Ridge Ct., Raleigh presented to the Town Council a presentation of the progress of the Novartis Vaccines and Diagnostics facility.

Action: The Council approved a motion to approve development plan amendment #06-DP-11-A01 for Novartis Vaccines & Diagnostics as submitted by Jacobs Engineering, project number: USFCC facility dated revised 2/14/2007 with the following conditions:

1. All previously approved conditions for the Novartis Vaccines & Diagnostics (06-DP-11) will still apply to this amendment.
2. Prior to construction drawing approval the following will need to be addressed:
 - a. The Industrial sewer permit application will need to be completed and submitted for permitting.
 3. The pretreatment facility and set-up will require a separate construction drawing submittal.

Note: The following are the conditions of approval for the original Development Plan that will apply per recommended Condition #1 a. b.

1. This plan includes general information with respect to Engineering Design and Construction Standards. Due to communication between Town Staff and the project's engineers, staff feels comfortable with the detailed information being provided with construction drawings (later in the approval process).
2. Prior to issuance of Building Permit, the following must be completed:
 - a) Proposed building elevations to be submitted to and approved by the Technical Review Committee. The Town Council authorizes the TRC to consider and grant Waivers in accordance with UDO Section 4.05.
3. Prior to issuance of a Certificate of Occupancy, the following must be completed:
 - a) Proposed landscape and irrigation plans to be submitted to and approved by the Department of Planning & Zoning.
 - b) Site lighting plan to be submitted to and approved by the Department of Planning & Zoning.

Motion By: Dickson

Second By: Womble

Vote: Unanimous

8b. Morgan Park Amendment, 02-PUD-01-A02 – Mr. Zawadski explained that this request is for consideration of an amendment to planned unit development plan, 02-PUD-01-A02 Morgan Park (previously Trotter's Village PUD) located at the intersection of Avent Ferry Road and Piney Grove-Wilbon Road.

Mr. Zawadski reviewed the plan amendments to include the following:

- a different parcel and street layout;
- a new location for the recreation site;
- single family lots in part of the area originally set aside for townhomes.
- reduction in landscape buffers along the western property line and the addition of landscape buffers along the northeastern property line;
- an overall reduction of approximately 5 acres of open space;
- minimum lot size reduced to 16,000 SF from 20,000 SF in district A1;
- minimum lot size reduced to 7,500 SF from 12,000 SF in district D1;
- parcel B townhomes changed to parcel B village house/patio homes.

Mr. Zawadski said the Planning Board discussed vehicular and pedestrian connectivity, the existing storm drainage problem behind the fire station at Avent Ferry Road, the overall storm drainage for this site. He said staff and the Planning Board recommends approval with conditions.

Councilman DeBenedetto asked staff if they were comfortable with the Planning Boards

comments. Mr. Zawadski said that staff was comfortable with their comments.

Action: The Council approved a motion to approve Planned Unit Development Amendment #02-PUD-01-A02 for Morgan Park PUD as submitted by Spaulding and Norris, project number 604-05 dated revised 1/31/2007 with the following conditions:

1. All previously approved conditions of the Morgan Park PUD shall remain. *(Note that the condition about the requirement for the TIA will be clarified to reflect that it will be required prior to 1st construction drawings related to this project.)*
2. Prior to 1st construction drawing submittal, the following items will need to be addressed or included with the submittal of construction drawings:
 - a. A portion of the downstream sewer line will need to be relayed to handle additional capacity. If this is not completed prior to the 1st construction drawing submittal of this project, show on the construction drawings for this project that this will be completed with the construction of this site.
 - b. A comprehensive drainage area map and supporting calculations will be required.
3. Prior to erosion control plan approval, the following items will need to be addressed:
 - a. Location of the riparian buffers on this property will need to be finalized.

Note: The following are the previous conditions of approval that are recommended to remain in accordance with proposed condition #1 above:

1. The area for land dedication to the Town of Holly Springs as park land is to be provided at a rate of 1 acre per 35 units. This area is to be calculated at time of preliminary plan. All areas for dedication within utility easements, slopes of 15% or greater, or flood plain will be credited at the rate of 1 acre per 20 units.
2. An 8' asphalt greenway trail with 30' easement should be shown from the cul-de-sac in area A to and including the main greenway trail. The area of the greenway easement and linear footage of the constructed asphalt trail will be credited toward the Ordinance requirements for fees in lieu of dedication of park land.
3. The following items are to be included on preliminary plans/development petitions (later in the approval process):
 - a. Provide a functional alignment for Piney Grove Wilbon Road re-alignment to verify that access to the Carroll property is maintained.
 - b. Verification of all easements and private roads within the easements
4. Prior to submittal of any development plans for Section G the following information will need to be provided:
 - a. Documentation of offsite right-of-way access to this parcel.
5. The following information will need to be submitted with the 1st construction drawing submittal for this project:
 - a. A separate plan clearly specifying radii, row, street cross-sections, on-street pavement markings, on-street parking signage, etc. must be submitted to the town for review and approval. Information should be very clear for ease of use by inspectors in inspections.
6. The following information will need to be submitted with 1st plat submittal for this project:
 - a. Provide covenants which establish Homeowner's Association to cover maintenance of buffers, street trees, private open spaces, streets, parking areas, lighting, recreation areas, greenways, ponds, lakes, private sewer collection, private drainage easements, etc. and full disclosure regarding the proximity of the project to the Town's Waster Water Treatment Plant. The covenants shall be recorded after Town approval and prior to the review officer's sign-off of the first mylar for recordation.
 - b. A Traffic Impact Analysis will need to be submitted for this project later in the review process in accordance with the engineering director's discretion.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous

9. Other Business: Councilman DeBenedetto asked Town staff to write a letter of appreciation and apology to County Commissioner Lindy Brown and to the Wake County Commissioners for not responding to her request and not being present at the February 5th County Commissioners meeting.

Councilman DeBenedetto also requested that a written report of what are the next steps for the Town to request landfill hosting fees from Wake County.

He suggested to staff to set up a communication system, where this type of miscommunication would not happen in the future.

After much discussion Mr. Schifano agreed to send a letter of apology along with the requested information to the County Commissioners and will follow-up with a report regarding the next steps for collecting landfill hosting fees from Wake County at a future Town Council meeting.

10. Manager's Report: Mr. Dean said that staff will be forwarding to the Town Council an action plan regarding the items discussed at the Town Council's Winter Retreat. Councilman DeBenedetto asked who will be making arrangements for the Council Members to attend the breakfast with David Price in April. Mr. Dean suggested contacting the Town Clerk if the Council Members would like to attend the breakfast and she will make arrangements.

11. Closed Session: None.

12. Adjournment: There being no further business for the evening, the March 6, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Womble, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, March 20, 2007.

Linda R. Harper, CMC, Deputy Town Clerk

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