



Feb. 19, 2019

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 19, 2019 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 five council members were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Dan Berry, Tom O'Brien and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly. Councilman Tom O'Brien left at 7:50 pm.

Council Members Absent: None.

Staff Members Present: Randy Harrington, Town Manager; Daniel Weeks, Assistant Town Manager; Scott Chase, Assistant Town Manager; John Schifano, Town Attorney; Linda McKinney, Town Clerk (recording the minutes); Gina Clapp, Director of Planning and Zoning; LeeAnn Plumer, Parks and Recreation Director; Adam Huffman, Assistant Director, Parks and Recreation; Mark Andrews, Public Information Officer; Tamara Ward, Director, Communications and Marketing; Irena Krstanovic, economic development director; Melissa Sigmund, Planning & Zoning; Rachel Jones, Engineering; and Matt Beard, Planning and Zoning.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Paul Wilson of the Oasis Church in Holly Springs.

4. Agenda Adjustment: The Feb. 19, 2019 meeting agenda was adopted with changes, if any, as listed: Item 9d of the Consent Agenda was delayed until a future meeting

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous

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:

Vann Crandall of 4813 Salem Ridge in Holly Springs spoke about public hearings for Planned Unit Development (PUD) zoning map changes and the town's practice of holding joint public hearings with the Planning Board and the Town Council.

6a. Welcome and Introduction of Senator Sam Searcy – Mayor Sears introduced Senator Searcy and said that he grew up in Western NC, and obtained his undergraduate degree at Appalachian State University. He received his law degree in Tulsa, Oklahoma and represents District 17 in the NC Senate. He lives in Holly Springs with his wife and family and is owner of a small business in the Triangle area.

Senator Searcy said that he was delighted to be here and it is an honor to serve as our senator. He reported on items coming up before the General Assembly regarding delays in DOT actions in southern Wake County, and requested that people contact him if they have any requests or concerns. Councilwoman Kelly asked if he had any town halls coming up. He said that on March

20th he would be in Fuquay Varina at the Mason Jar Tavern, and on April 24th in Holly Springs at Town Hall. Meetings in Apex and Cary will occur at a later date.

Action: None.

7a. re:Vision Holly Springs Update – Melissa Sigmund updated the Council on re:Vision Holly Springs and gave background information on the program. She said that Community Outreach had been conducted via social media, emails, newsletters, yard signs, and word of mouth. There were also posters, hand-outs and flyers, including at the Farmers Market, local businesses, and in the ETJ. Over 1100 postcards were mailed to people in the ETJ to make sure that they received information. The event on February 13th was an interdepartmental effort. There were over 150 attendees who signed in, and were probably more than that in attendance, because not everyone signed in, or not every member of a family who came together signed in. People were engaged and excited by the activities and were eager to explain their opinions. Ms. Sigmund shared a map showing that the participants came from every part of town.

She said that the next steps will be data entry and analysis. Videos showing the event have been uploaded to the website www.revisionHSNC.com and there are also tools online so that people who were not able to come on February 13th can participate. Some information is uploaded already, and more is being done over the next days and weeks.

The next event is Planapalooza, scheduled for February 28 – March 4 (Thursday – Monday). There will be open sessions with consultants and targeted meetings on topics touched on in the workshop but in a setting conducive to offering more detail. One can go to any or all of the meetings. Ms. Sigmund said she hopes that residents will be able to express what they value and what they want to see. On March 4th at 6:00 p.m. there will be a wrap up presentation in the Council Chambers.

Councilwoman Lee asked if there was a brochure that could be sent to councilmembers and Ms. Sigmund said there was, and she would send it.

The point was made by John Schifano that since a quorum of councilmembers could be present we need to advertise the March 4th event as a Special Meeting of the Council.

Action: None.

8a. Public Hearing: Special Exception Use petition 18-SEU-15 – Mr. Beard said that this request is for approval of a Special Exception Use for an Artisan Food and Beverage Producer to open a craft distillery and associated bar/taproom in Lease Space 5 of the multi-tenant building known as The Block at 300 S Main St. He reported that the Planning Board did not have any issues or concerns at their meeting on 1/22/2019. The Planning Board recommended Approval and the Planning Board vote was: 8-0-1. He showed the property in question and where in that property the business would be, as well as a proposed floor plan.

Councilwoman Kelly asked if there was any consideration for providing a smoking area that would keep the sidewalk pedestrian friendly. John Schifano said that under state statute the town can prohibit smoking inside, but cannot prohibit smoking on the sidewalk. The town can, however create areas to encourage people to smoke away from the doors.

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

Chris Melke of 428 Marsh Landing spoke. He said that he has lived in Holly Springs for over 12 years and is happy to do something to give back to the town. He said that the proposed

business is an award winning artisan food and beverage producer, an excellent addition to the town and a draw to the downtown area. He cannot name the business because of ongoing negotiations.

Mayor Sears closed the public hearing.

ACTION 1: The Council approved a motion to make and accept the Findings of Fact for a Special Exception Use as specified in Unified Development Ordinance Section 3.03 A., 2., c. TV: Town Village District to allow for an Artisan Food and Beverage Producer use in the TV: Town Village District at the property located at 300 S Main St, Wake County PIN 0649903903.

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: Villadsen

Second by: Lee

Vote: Unanimous

ACTION 2: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, a motion was made to approve Special Exception Use #18-SEU-15 as specified in Unified Development Ordinance Section 3.03 A., 2., c. TV: Town Village District to allow for an Artisan Food and Beverage Producer use in the TV: Town Village District at the property

located at 300 S Main St, Wake County PIN 0649903903, as submitted by Joni Barnes with the following 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 18-SEU-15.

Motion by: Berry

Second by: Lee

Vote: Unanimous

A copy of Special Exception Use 18-SEU-15 Findings of Fact are attached to these minutes.

8b. Public Hearing: Annexation A19-01 – Ms. Sigmond said that the Town received a voluntary annexation petition annexing approximately 56.752 +/- acres located in the vicinity of Ralph Stephens Road, Avent Ferry Road, and S. Main Street. The property owners are Agnes H. Smith Revocable Living Trust; David L. and Brenda Gale Tollefson; Stephens Cousins, LLC; William and Kathleen Kesserling; and CSX Transportation, Inc., and the property is contiguous with city limits. The petition meets all the statutory requirements for annexation. She explained that the property was made up of several tracts on both sides of Ralph Stephens road.

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

There being no input the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A19-01, annexing 56.752 -/+ acres owned by Agnes H. Smith Revocable Living Trust; David L. and Brenda Gale Tollefson; Stephens Cousins, LLC; William and Kathleen Kesserling; and CSX Transportation, Inc., more particularly described as Wake County Pins: 0648-77-1259, 0648-76-7039, 0648-76-5713, and 0648-66-8224, into the corporate limits of the Town of Holly Springs.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

A copy of Annexation Ordinance A19-01 is attached to these minutes.

8c. Public Hearing: Rezoning Request 18-REZ-15 – Matt Beard said that the Town received a request to rezone a small parcel of former railroad right-of-way to R-MF-15 to establish zoning as the parcel currently has no known zoning designation. The proposed zoning district is the same as the surrounding Stephens Tract property to the north and south of this parcel. He showed the current zoning, which has this sliver of land unzoned.

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

There being no input the public hearing was closed.

The applicant's attorney, Jason Baron with Morningstar Law Group, 421 Fayetteville Street, Raleigh said that he was there to answer any questions. He said that during the process of due diligence they discovered that CSX owned this bit of property, but they were able to get it under contract and are requesting rezoning.

Councilman Berry asked Mr. Beard about the sliver of CSX land outside of the annexation. Mr. Beard said that CSX still owns it and does not want it zoned because they get a lower tax rate on unzoned land.

ACTION 1: The Council approved a motion to accept the following statement as being true: The requested zone map change from unzoned property to R-MF-15: Multifamily Residential Use is consistent with the objectives of the Vision Holly Springs Comprehensive Plan, which supports a range of housing types including townhouses, condominiums, and apartments, and the R-MF-15 district allows for multifamily residential development. The annexation and zoning of this property will allow for the orderly development of the surrounding properties without the creation of gaps in the Town's network of services and infrastructure and will support the development of residential uses in proximity to existing commercial centers.

Motion by: Lee

Second by: Villadsen

Vote: Unanimous

ACTION 2: The Council approved a motion to adopt ordinance 18-REZ-09 to approve and enact Zone Map Change Petition 18-REZ-09 to assign the zoning of 1.39 acres of property with attached Legal Description from unzoned property to R-MF-15: Multifamily Residential Use as submitted by Nils Ghosh.

Motion by: O'Brien

Second by: Villadsen

Vote: Unanimous

A copy of Rezoning Ordinance 18-REZ-09 is attached to these minutes.

8d. Public Hearing: Development Plan 18-DP-13 – Matt Beard said that the Town received a request for a 292 unit Townhome Multifamily development and associated amenity center and recreational open space. He showed the current zoning, as of tonight, of the property in question, and a proposed site plan. The majority of the townhomes would be on the north side of Ralph Stephens Road. There would be a greenway from the northwest section of the property to the shopping center and Ralph Stephens Road, with connections to Avent Ferry Road.

Rachel Jones spoke about water and sewer connections. Councilman Berry asked what improvements are actually part of the plan. Ms. Jones said there are improvements and upgrades phased with the Basil Creek pump station. The Lowe's development plan has triggered those improvements and they are pursuing those upgrades, all of phase 2 and part of phase 3, which includes replacing existing pumps with larger pumps, extending gravity sewer and taking the Garrison station offline, and installing force main. That will accommodate this project. However, if that is not in place when this project is ready to start construction, then the developer would be responsible for those improvements. The infrastructure would have to be there for them to connect. This project will trigger the water and sewer upgrades that are already planned.

A Transportation Impact Analysis was completed and approved with the rezoning and all improvements identified in the TIA have been incorporated into this plan. As a result, Ralph Stephens will be widened into a four lane divided road with a ten-foot sidewalk on the north side and a five-foot sidewalk on the southern side from the development entrance to Avent Ferry Road. Sidewalk will be provided from Main Street to the southern property line to tie into the greenway. There will be an additional right-turn lane on Ralph Stephens Road from the property line to the intersection with Avent Ferry Road.

Van Crandall said that the Planning Board discussed the following issues or concerns at their meeting on 1/22/2019:

- Questions about the Traffic Impact Analysis and the assumptions being used in preparing them.

- Location of primary access points vs north connection behind Harris Teeter. Some clarification was provided by staff indicating that commuter traffic to and from the proposed project would primarily occur at points north not south of the project.
- Concern about crosswalk safety at Ralph Stephens Rd crossing. 292 units are proposed, around 31% are on the west side of the road, but the amenities are all on the east side. The target market is working families and empty nesters. Traffic will increase over time, and it could be challenging for children to cross Ralph Stephens Road to get to the amenities.
- Discussion of Greenway connections and gaps in pedestrian connectivity.
- Level of buffering and visibility of back of Townhomes from Ralph Stephens Rd. Using a development in Cary at Tryon and Holly Springs Road as an example they discussed effective buffering.
- Requested design of street lighting plans for review by Planning Board and Town Council rather than as part of Construction Drawing review process. Lighting plans were not provided to the Planning Board. A planning board member asked if public street lighting was a part of the Town's required road improvements. Comments related to street lighting surfaced multiple times at the Planning Board meeting.

The Planning Board recommended Approval. The Planning Board vote was: 7-1-1.

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

There being no input the public hearing was closed.

Jason Baron with Morningstar Law Group, 421 Fayetteville Street, Raleigh spoke and said that he wanted to present the plan and answer any questions. Mr. Nick Antilli of WithersRavenel, Inc., 115 MacKenan Dr., Cary said he is a registered engineer and has overseen the plans that are before the council tonight. Regarding density, he said that based on the current zoning there is a potential for a maximum of 459 units, but the plan proposes 292 units or 5.2 per acre with 31 parking spaces above the minimum town requirement; more acres of open space than the required number; a one mile greenway trail surrounding the site, a ten foot multi-use path and a 5 foot sidewalk. Tree preservation is 12% (2% higher than the town requires) and there is open space to preserve wetlands and stream buffers. There are two road connections – to Autumn Park and to the Harris Teeter parking lot, and pedestrian access to Southpark shopping center. It is his professional opinion that the proposed use will not be detrimental to the town, is consistent with the town plan and conforms to all requirements. Service areas are located so as to be safe, access for fire and police is adequate and there is screening to harmonize with adjacent properties.

Mr. Baron said that he believes the project “checks all the boxes” and meets the requirements of the town master plan.

Councilwoman Kelly asked where the mailbox kiosks would be placed. Mr. Antilli said that there would be kiosks on both sides of Ralph Stephens Rd. for the residences on that side, and that they will have parking. Councilwoman Kelly expressed concern about people crossing Ralph Stephens Road. Mr. Antilli explained that the open space is where it is due to preserving the wetlands and the heavily treed nature of that side of Ralph Stephens. He said if the Council would like a redesign to provide open space on the southern side, they have that flexibility.

Councilwoman Lee expressed the hope that homeowners will look at the location of the amenities when choosing which side to live on, but suggested that crosswalk signals could be put in that area for that. Mr. Baron said that there is a high visibility crosswalk planned, but he is not sure if it is lighted. He is willing to work with the town if they believe lighting should be added. Councilman Villadsen said that the crosswalk should incorporate state of the art technology.

Ms. Jones said that they are working on increasing the technology and visibility of crosswalks. Councilman Berry said that he supports more visible crosswalks as it's going to be very busy and pedestrian connectivity is a big concern.

Questions were asked by Council about the plans for buffering. Mr. Antilli said that the plan would provide surrounds for amenities facing Ralph Stephens Rd. and Mr. Beard said that the typical section provided as part of the landscape plan will give you an idea of the types of trees in the plan. He explained the buffer plan includes lower level evergreens and upper level canopy trees.

There was discussion about whether adding a play space on the other side of Ralph Stephens Road would increase or decrease the pedestrian traffic across the road. Mr. Baron expressed that his client is flexible in developing the open and naturalized areas.

Action: Council adopted the Findings of Fact below:

Findings of Fact 1 – That a rapidly flashing beacon crosswalk is necessary to provide adequate pedestrian connectivity for this subdivision.

Motion by: Villadsen

Second by: Berry

Vote: unanimous

Findings of Fact 2 – That a change to the plan necessary in keeping with spirit of the UDO to provide an open area for residents to congregate that is not currently found in the plan

Motion by: DB

Second by: PV

Vote: Unanimous

A Motion was then made to approve Development Plan #18-DP-13 for Stephens Tract as submitted by WithersRavenel, Inc., Project Number 02170951, dated Revised 01/07/2019 with the above Findings of Fact, and the following conditions:

1. The interconnection to Autumn Park and the South Park Shopping center shall be blocked off until the construction of this development project is complete.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. No fill is allowed in the flood plain for residential development. Fill is not allowed even if it does not raise downstream water surface elevations.
4. SCM's are not permitted in the flood plain.
5. Town Staff has been delegated approval authority by NCDWQ for stormwater management plans. Documentation of approval to NCDEQ is the responsibility of the owner.
6. Road improvements constructed with this development project shall be coordinated with the Town and NCDOT with the Phase I Avent Ferry Road Improvements Project (U-5529).
7. If Phase 2 and portion of Phase 3 Holly Springs Basal Creek Pump Station Upgrades and Improvements identified in the Downstream Sewer Study for this project are not completed with the approved Lowe's Master Plan project, the Stephens Tract Development is responsible for the design, construction and completion of the pump station upgrades and associated improvements with this development plan to serve their project.
8. The following items must be addressed prior to or with the first construction drawing submittal:
 - a. A point-by-point photometric plan for all site lighting (not including public right-of-way street and pedestrian lights) in conformance with lighting levels specified in UDO Section 7.02 shall be submitted to and approved by the Department of Planning & Zoning.
 - b. Thoroughfares, collectors and boulevards will require a calculated pavement design and will require NCDOT approval.

- c. Improvements identified as the responsibility of the Stephens Tract Development in the approved Downstream Sewer Study, must be submitted by the Developer, detailing the required improvements for review and approval by the Engineering Department and Director of Engineering.
- d. Developer shall provide a gravity sewer stub to each upstream adjacent property at a suitable location. Coordinate final design, location and alignment of all gravity sewer stubs to adjacent upstream properties and ensure viable gravity sewer service is provided.
- e. A fee-in-lieu is required for constructing the remaining portion of gravity sewer stub as identified on the approved plans. The fee-in-lieu cost estimate shall be submitted by Developer to the Engineering Department with the 1st Construction Drawing Submittal for review and approval.
- f. Final Gravity Sewer Line Sizing Report is required for all lines that are stubbed to adjacent upstream properties.
- g. A flood study is required to meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018). The flood study shall be updated to reflect this project and demonstrate that development of the site will not raise established flood levels.
- h. All items listed on the Stormwater Submittal Checklist, Form #16003, must be included with the first construction drawing submittal.

9. The following items must be addressed prior to issuance of construction drawing approval and/or land disturbance permit:

- a. Documentation in the form of a plat must be provided for offsite right-of-way to be dedicated for this project.
- b. Provide documentation in the form of a recorded plat of any required offsite sewer and/or water easements.
- c. If any off site water or sewer facilities are needed to serve this project and are not completed and accepted by the Town at the time of approval of this preliminary subdivision plan, these facilities must be completed prior to construction drawing approval unless otherwise approved by the Director of Engineering. The Town is not responsible for completion of off-site sewer facilities, and will not guarantee completion of such facilities by any other party.
- d. Fee-in-lieu of upgrade will be required for the downstream Pump Station and/or Force Main; Holly Springs Basal Creek Pump Station and Garrison Pump Station.
- e. Approval of Stormwater Management Plan is required.
- f. Payment of the Stormwater Fee-in-Lieu will be required prior to construction drawing approval.
- g. 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 125% estimated construction cost of the stormwater BMP prior to plat recordation 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.
- h. All environmental permits must be obtained for the entire project.

10. No more than 85% of building permits (248 units) shall be issued prior to the completion of all developed recreational open space.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

A copy of the Findings of Fact and Development Plan 18DP-13 is attached to these minutes.

9. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilwoman Lee, a second by Councilwoman Kelly and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Board's meetings held February 5, 2019 and February 12, 2019.

9b. Budget Report – The Council receive a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

9c. Annexation A18-08 – The Council closed the advertised public hearing for Annexation A18-08 and agreed to readvertise when the Petitioner is ready to bring forth the annexation request.

10 Other Business: Ting Stadium Field Improvements -

Mayor Sears said that he talked to the owner of the Salamanders who said he feels good about these changes.

Adam Huffman recapped the discussion that was had at the workshop meeting.

The improvements would take out the turf which has become impregnated with clay from the mound, and replace the mound with a portable mound which can be assembled and disassembled in an hour or so. The benefits of this improvement will be increased utility of the field for various sports and levels of players, improved viewing angles for spectators and the elimination of current maintenance issues. It will save the town \$4,250 in labor costs and \$10,000 in material costs each year, and will pay for itself in four years.

Questions were asked about the lifetime of the mound. Mr. Huffman said that the mound would last for many years. The landing strip is the part that will have to be replaced more often, but they will keep an extra in stock so that the facility will not be unprepared.

Randy Harrington expressed to Council that there is some time sensitivity in moving forward because of the start of the Salamander's season.

Action: Motion to approve Ting Park Stadium field improvements in the amount of \$40,865.

Moved: Kelly

Second: Lee

Vote: Unanimous

No further business that required action.

11. Manager's Report: The Town Manager reminded the Council of the Town and State dinner tomorrow, including workshops on special topic sessions before the dinner.

He then introduced LeeAnn Plumer, the new Parks and Recreation Director, and gave a brief overview of her career. He also recognized Adam Huffman and his work in keeping the department going. He then congratulated the Council for a successful retreat.

12. Adjournment: There being no further business for the evening, Councilman Villadsen made a motion to adjourn the February 19, 2019 meeting of the Holly Springs Town Council, seconded by Councilwoman Lee; Council members voted to adjourn with a unanimous vote at 8:44 pm.

Respectfully Submitted on Tuesday, March 5, 2019.



Linda C McKinney

Linda McKinney, Town Clerk

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