



June 18, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 18, 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 Tom O'Brien, Dan Berry, and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly.

**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); Latisha Butler, *Deputy Town Clerk*; Gina Clapp, *Director of Planning and Zoning*; Sean Ryan, *Planning*; Rachel Jones, *Engineering*; Aaron Levitt, *Engineering*; Jeff Wilson, *IT Director*; LeeAnn Plumer, *Parks and Recreation Director*; Matt Beard, *Planning*; Mark Andrews, *Public Information Officer*; Tamara Ward, *Interim Director, Communications and Marketing*; Irena Krstanovic, *Director of Economic Development*; Mary Hogan, *Director of Finance*; Paul Allen, *Assistant Town Attorney*

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by the Reverend Horace Ferguson, of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The June 18, 2019 meeting agenda was adopted with changes, if any, as listed: Item 9d was pulled from the agenda to be considered at a later meeting; recognition of Kiara Leslie, WNBA and Holly Springs High School graduate was added.

**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:

Michelle Gallant, 220 Steeple Road, Holly Springs in the Remington subdivision, spoke about the need for speed bumps on her street. A landscaping truck killed their dog while their children were outside. There have been near misses of children being hit. Holly Springs Police Department has done radar studies showing people going over 40 mph. She also requested more officers in the neighborhood to deter people from speeding.

Van Crandall, 4813 Salem Ridge Road, spoke as a citizen, not as a member of the Planning Board. He spoke about the Peterson Station development. He thinks the development plan is too old to move forward and should have to be reapproved from the beginning.

Sean Gallant, 220 Steeple Road, Holly Springs in the Remington subdivision, spoke about the need for speed bumps and speed enforcement on his street. He reiterated the statements made by his wife about people speeding through the neighborhood and the near misses that have occurred.

Mayor Sears closed the public comment period.

**6a. Recognition: Kiara Leslie, Holly Springs High School alumna and WNBA player** - Mayor Sears said that Kiara Leslie was a graduate of Holly Springs High School where she played basketball and was recognized by being named Player of the Year for District 5 in 2013. She then went on to play for the University of Maryland and then NC State University. She was chosen as the number 10 draft pick for the WNBA where she now plays guard for the Washington Mystics. Mayor Pro Tem O'Brien spoke about seeing the draft pick and how excited he was to see Kiara picked. Councilwoman Lee spoke about Kiara's years at Holly Springs High School and what a great mentor she was to other students, both as an athlete and as a scholar.

Mayor Sears issued a proclamation honoring Kiara Leslie.

**Action:** None.

**6b. Recognition: Park and Recreation Month** - LeeAnn Plumer, Parks and Recreation Director, said that since 1985 the National Recreation and Park Association has celebrated July as Parks and Recreation Month. This year's theme is "Game On" and all month long Holly Springs Parks and Recreation Department will be celebrating. She said that there would be special programs popping up in town parks and facilities in July and beyond.

Mayor Sears issued a proclamation that July was to be Parks and Recreation Month in Holly Springs.

**Action:** None.

**7a. Public Hearing: 19-SEU-01 303 W. Earp Street** – Sean Ryan, Planning, said that this request is for approval of a Special Exception Use permit to build a single-family home at 303 W. Earp St., which is zoned R-15. Several years ago the zoning in the village district area was changed. Lots that were platted in the late 19<sup>th</sup> century and often do not fit the current zoning. He said this parcel was platted in 1885 and is a nonconforming lot. He showed the proposed elevation and plot plan, pointing out architectural details that the developer is willing to include to keep the village district feel. The request is for an approximately 2400 sq. foot house.

Ernie Carpico said that the Planning Board discussed the following issues and concerns on 05/28/2019:

The Planning Board discussed if driveways along the side of the home must be set back from the property line. Staff indicated no setback is required for at-grade improvements.

Planning Board Recommendation:

The Planning Board recommended approval (9-0-0) He said there were no qualifying trees so the tree ordinance does not apply.

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:

Petitioner Jason Brown, 5804 Cleveland Court, Holly Springs said this was a single family home that he wants to build. He welcomed questions.

Councilman Berry asked if he built the houses next door. Mr. Brown said no, but he's building on Grigsby right now.

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

**Action:** Motion to make and accept the Findings of Fact and approve/deny/defer Special Exception Use #19-SEU-03 for 303 W. Earp Street with the conditions stated below.

**Motion by:** Villadsen

**Second by:** Berry

**Vote:** unanimous

**Special Exception Use Findings of Fact:**

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 19-SEU-03.
2. Minor modifications to the height, bulk, orientation of the structure on the lot, location of the structure on the lot, and site design may be authorized by the Director of Planning & Zoning. If the Director determines that the proposed minor modifications are of such a nature as to adversely impact the purpose or intent of this approval, the petitioner shall be required to file a new petition for Special Exception Use approval.
3. Verify the feasibility of public utility connection with Public Works.
4. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
5. Operation and maintenance requirements exist for the grassed area per the MDC. Please see the MDC manual for these requirements.
6. Details for the vegetated receiving area will be required with the building permit.
7. Approval of Stormwater Management Plan is required prior to issuance of a land disturbance permit.
8. No fill is allowed in the backwater easement.
9. The following must be shown on the Building Permit:
  - a. label and dimension the drainage easement on the southeast side of the lot. This should be a 20' easement.

**8. Consent Agenda:**

The Council approved a motion to approve all items on the Consent. The motion carried following a motion by Councilman O'Brien, a second by Councilman Kelly, and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council meeting held June 4, 2019.

8b. Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Year End Budget Amendment Report – The Council adopted an amendment to the FY 2018-2019 budget to provide end of year adjustments to accounts. *A copy of the budget amendment is attached to these minutes.*

8d. Meter Lid Replacements – The Council approved a contract with MeterSYS for meter lid replacement for fixed AMI Network.

8f. Holly Springs Cultural Center Cleaning Contract – The Council approved a contact with Non-Core Business Solutions in the amount of \$35,000 to clean the Holly Springs Cultural Center and Branch Library for FY2019-2020.

8g. Tax Collection Order – The Council issued Order 19-01 directing Wake County to collect taxes for FY2019-2020. *A copy of Order 19-01 is attached to these minutes.*

8h. Greenway Paving Contract – The Council approved a contract with Raleigh Paving to repave greenways at Jones Park, Veterans Park, and Carrington Subdivision.

8i. Information Technology Security and Network Assessments – The Council approved a Confidentiality Agreement and statements of work and sales agreements with Corus360 for Network Assessment and Information Security Assessment.

## **9. New Business:**

### **9a. Major Amendment to Development Plan 16-DP-17-A02; Peterson Station at Sunset Lake**

Sean Ryan, Planning, said Peterson Station was approved on June 20, 2017. The project was approved under the Mixed-Use Option in the UDO and includes vertical mixed-use buildings along Sunset Lake Road with ground floor commercial and retail and a total of 310 multi-family dwellings with a gross density of 16.43 units per acre. He said a plan amendment was approved in May 2019 to modify the location and arrangement of buildings, adjust the layout of the parking area, and modify the open space layout. The number of units and density did not change and parking, open space, and building footprint area changes were within the established allowances. In accordance with UDO Section 9.05 D. 5., the proposed modifications qualified as a Minor Amendment.

Mr. Ryan said the majority of the project area was zoned LB Local Business in 2016 with a portion of the project area being zoned LB Local Business in 2005. The project area is designated as Very High Density Mixed Use on the Northeast Gateway plan land use map.

Mr. Ryan said the purpose of the amendment is to modify the building elevations. Unified Development Ordinance (UDO) Section 9.05 D. 5. states that a substantial change in building design, building material selection, or percentage of various building materials utilized constitutes a major amendment and requires approval from the Town Council. He showed the original elevations, and then the requested altered elevations, including incorporating garages into the building rather than having stand alone garages, and he listed the requested waivers for primary façade materials, façade modulations, colors, roof treatment, primary façade massing, and primary façade modulation.

Ernie Carpico, Planning Board said the Planning Board discussed the following issues and concerns on 05/28/2019:

- The Board agreed that the proposed elevations are an improvement over the approved elevations being modified.
- The Board requested information from staff on the previously approved minor amendment to the site plan. The Board expressed that the changes did not seem to be minor, specifically the reduction in area of the central open space, and should have been included with this amendment.
- The Board requested an update on any other changes that may have been made to the project, including additional sidewalks along Sunset Lake Road and the status of a traffic signal at the intersection of Sunset Lake Road and Stephenson Road.

- Where signs would be placed on the building. A Master Sign Plan will still be needed for this project and will allow the Board an opportunity to review signage.
- The appearance of the building from the corner and if the facade could be changed to be more inviting or aesthetically pleasing. He said that the developer was amenable to making changes;

Planning Board Recommendation:

The Planning Board recommended approval of Architectural Waivers (8-0-1[Recusal])

Councilman Villadsen asked why the one recusal. Mr. Carpico said that person lived almost right next to the project and felt it better to be recused.

The Planning Board recommended approval of Development Plan Amendment (7-1-1[Recusal])

Those voting against the motion were:

Mr. McGrath: Aesthetically, the front corner façade appears too large and modifications should be made to make the corner more inviting.

Mr. Carpico said that at the conclusion of the May 28, 2019 meeting an additional motion was made as follows:

The Planning Board request the Town Council to task Town staff to evaluate the decision matrix in UDO Section 9.05 as it pertains to administrative amendment approvals.

The Planning Board voted in favor of the Motion. (9-0-0)

Laura Holloman of Spaulding & Norris, PA said that they were here to discuss the elevations specifically. She showed the elevations put to the Planning Board, and said that everyone was excited about the mixed use aspect of the project, but they weren't sure about the design. Since the meeting, they have tried to improve the look since it is at the Northeast gateway of the town. She said they think this new design fits better. They have increased the glazing, the square footage of the retail, and tried to make it more inviting. The uniqueness of this development is what is requiring the many waivers, because residential and commercial have different requirements. She showed alterations since the planning board meeting that enhance the cap, and add variety of materials and colors, to make it more of a focal point. She brought up the strategic plan and said that this project meets the strategic priority of Economic Prosperity and Diversity, because it brings nonresidential development to an area that needs it. It meets the priority of Engaged, Healthy and Active Community because it is a walkable project, and they are extending the sidewalk to make it even more walkable. Ms. Holloman said it addresses the priority of Sustainable Growth. She looked up an Industry definition, and came up with the phrase "thoughtful design." She said that they let the existing topography dictate design, which has created a design that is cognizant of the neighbors. They have increased plazas and open areas to attract foot traffic to the retail areas. She mentioned the TIA and said the traffic signal was something the DOT did not approve at first, but the developer lobbied the DOT and got the traffic signal, which speaks to the Safe and Friendly strategic priority. They are also improving other intersections near the project to improve traffic flow.

Wayne Davis of TYJO Group LLC, 532 Pylon Drive, Raleigh said that they are very proud of this project and the amount of thought that has gone into it. It will be a very walkable livable community that Holly Springs can be proud of. He said that he hopes the elevation changes address the concerns of the Planning Board. The elimination of the 35' retaining wall and the free-standing garages allowed them to increase the distance to neighboring houses and increase open space.

Council members asked what percent of the project is commercial and whether the changes had impacted the percentage of commercial to residential. Mr. Davis said there was no change in the percentage of commercial (15%) and the number of units and the number of parking spaces had remained the same. Councilwoman Kelly asked if they went back to talk to the neighbors after making the alteration in the elevations. Mr. Davis said that the neighbors saw the more modern one, but have not seen the current elevations. He said they were going for a more traditional look to fit with the Holly Springs look.

Council members asked about the phasing of the project, whether commercial would come before residential, and whether traffic improvements would come before other construction. Mr. Davis said the road improvements will be done as soon as possible, but he did not know the phasing. They will start on Stephenson Rd first. He said that the retail is in buildings one and two on the ground level, and construction would start with those buildings. There will be elevators in the front buildings, but the back buildings will be garden style walk-ups. He said the power lines will be underground.

Councilwoman Lee asked if they would lose the tables and outside seating shown in the original plan. Mr. Davis said that space was moved to the ground level, where there will be fewer ADA issues, and the project is getting more open space in total.

Ms. Holloman said the site plan, space use, and plantings have not changed. Mr. Davis said the interior courtyard has the pool house, club house and open space between the apartment buildings.

Jeff Peterson of Peterson Properties said that the courtyard is staying the same, except a little bit smaller. They didn't show it on these drawings because they weren't asking for changes on that at this point. He said that he met with neighbors at Sunset Point. They had 2 concerns. The retaining wall, which they eliminated in this plan; and walkability. He said that they are putting in sidewalks to Sunset Point to improve the walkability for neighbors. He said the changes were to make it fit in more with the suburban feel of Holly Springs.

There was discussion about the look of the elevations compared to the original drawings, and whether the new plan was less open and welcoming. Councilmembers discussed colors and open spaces. They discussed the Northeast Gateway plan being clear that this area needs commercial development, and how the six luxury apartments being upfront makes this look residential, not commercial.

Councilman Villadsen feels that this new design will hold its appeal, whereas the original would look dated in twenty years. Councilwoman Lee wants them to add character and charm.

The Traffic Impact Analysis was brought up and John Schifano, Town Attorney reminded Council that the decision before them deals with façade modulation and colors. Since the density is not changing, it will not have any more traffic impact than the approved plan, and the Town cannot require a new TIA.

Council then asked if the applicant would be interested in coming back with some new ideas. Mr. Davis said that if Council would like to table the item he could bring back some new ideas and get more feedback on the façade. Mr. Peterson said that they would like to take advantage of the weather to start the road work and site work. Mr. Ryan said that building permits have to be issued for corner buildings first. They can move forward with site work but can't pull any building permits until the plans are approved.

**Action 1:** Motion to defer major amendment to Development Plan 16-DP-17-A02, Peterson Station at Sunset Lake.

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

## 9b. Development Plan 19-DP-03, Ferguson Warehouse Center

Sean Ryan, Planning and Zoning said the Town has received a request for Development Plan approval for a new wholesale and warehouse building at 401 Green Oaks Parkway in the Holly Springs Business Park. This project is zoned Holly Springs Business Park Planned Unit Development (PUD) and must adhere to the land use and development standards contained within the PUD. The parcel was zoned PUD on November 19, 2001.

Mr. Ryan said that an 89,200 square foot building, with additional expansion area for 36,000 square feet, is proposed. He said that:

- The applicant is requesting a Waiver of Maximum Number of Off-Street Parking Spaces to allow greater than 110%, but less than the maximum 150%, of the required number of off-street parking spaces.
- The applicant is requesting a Waiver of Site Design Requirements for Loading Orientation to allow for loading zones to be oriented towards a new public street, which the applicant will build.
- The applicant is requesting a Waiver of Architectural Requirements for the west façade to allow for future expansion.
- The applicant is requesting Architectural Waiver of the Façade Modulation requirement on the north and east façades.
- The applicant is requesting Architectural Alternate Compliance for Roof Treatment to allow continuous rooflines to exceed 50 feet on the north and south façades.
- The applicant is requesting Architectural Alternate Compliance for Massing to allow building bays larger than 30 feet on the north, east, and south façades.

The planning meets all of the landscaping requirements, and provides a buffer, which is not required.

Rachel Jones, Engineering showed the utility plan. All the engineering requirements have been met. With the new road there will be a new water main connecting on Green Oaks Parkway. There will be a sewermain extension from an existing manhole. The project does not need reclaimed water at this time, but they will add it with this development for future use. The new street will have a sidewalk on each side and adjacent properties for future development. This project did not trigger a full TIA, but they requested a traffic assessment report for three different intersections: Green Oaks Parkway at New Hill Road, Green Oaks Parkway at the new road, and Green Oaks Parkway at NC 55 Bypass. A fee-in-lieu of traffic signal was identified proportionate to the impact.

Ernie Carpico, Planning Board member, said the Planning Board discussed the following issues and concerns on 05/28/2019:

- The Board discussed the requested waivers and if industrial buildings commonly requested waivers. Staff discussed how the size of the building necessitated many of the requested waivers.
- They also talked about the parking,
- The Board asked if future roadway extensions in the business park could be impacted by the development of the parcel. Staff discussed that there are no planned extensions in this area on the Comprehensive Transportation Plan.
- The Board discussed if the Building would be seen from Green Oaks Parkway, specifically loading areas.

Planning Board Recommendation:

The Planning Board recommended approval of Waivers (9-0-0)

The Planning Board recommended approval of Development Plan (9-0-0)

Mark Smith of McKim and Creed, 1730 Varsity Drive, Suite 500, Raleigh, NC said that his goal was to talk about the company, the facility, the site plan, the landscape plan, the off-site improvements and architectural details.

Mr. Smith said that Ferguson is headquartered in Newport News, and has 1400 locations, most of which are retail stores. They are looking forward to expanding their operations in the Triangle. They are the largest US Distributer of plumbing supplies with 10 distribution centers throughout United States. This will be a "branch" at 90,000 square feet. The distribution centers are twice as large.

He said the site is 19 acres, bordered by Seqirus. They met with representatives of Seqirus, and they were amenable to this project. There will be 2 "front yards" because of the new road they are building. There will be 20% passive open space with this property. They are excluded from the tree ordinance by right. The space will be split between wholesale area and warehouse. Traffic for that will be mostly in the morning when contractors pick up their supplies. They are requesting 90 parking spaces. He has experience with building warehouses that go into expansion almost as soon as they are built, so they are planning for that. The storage yard is adequately screened, and can be expanded if necessary. There will be a 6 foot decorative fence, open in the morning, closed at night.

Mr. Smith said that because of the two front yards, even with all the natural screening, they are requesting a waiver for loading docks. The landscaping plan is to use existing vegetation as much as possible. They will screen with shrubs and evergreen trees, and the roadway will be screened with street trees. The plan could not meet foundation planting requirements because of loading docks, so they provided alternate planting around the southern property line. Offsite improvements include a left turn lane off Green Oaks Parkway.

Sam Franklin, Triad Design Group presented the East elevation, which will be the employee entrance to the warehouse. It will use premium materials, with four primary facades. There will be architectural metal panels, with a ten foot high split base and infill areas of groundface block. The plan uses earth tones, with a darker brown at the base and a sandstone color for the vertical panels. The east side is the office side. There are shading devices about the windows and lighting between the windows to provide pedestrian scale.

He said the southern side is the wholesale entrance and has a retail look. As you go west there are windows and louvers for ventilation. Along the western "expansion wall" there will be premium metal materials. The north side on Green Oaks Parkway, is very similar to the south elevation. There are required fire access doors on the south elevation. This side drops off to the retaining wall.

He enumerated the Waivers that Mr. Ryan listed and said that façade modulation is due to the size and scale of the building. Based on the functionality of the building and its location on the site they can't meet all the requirements for facades.

Ronald Stevenson, TAR, said that Ferguson has a huge commitment to their communities and are looking forward to being part of Holly Springs.

Councilman O'Brien asked how many employees would work there. Mr. Stevenson said there will be 70-75 employees, 20-25 wholesalers, and there may be some training that takes place there that would bring in more people on occasions. There will be two shifts of the 70-75 employees, but that is internal, not trucks coming in and out.

Councilwoman Kelly asked how many trucks will be on the bypass and at what times. Mr. Stevens said 10 – 15 trucks, most of them in the morning, and going against traffic.

Councilwoman Kelly asked if there was a change in the plan, how it would affect the tree choices. Matt Beard, Planning, said that if they change the plan the species will be dictated by the Ordinance in effect at the time. The applicant said if the price is the same they are willing to change species

Mr. Ryan said that the following conditions of approval have been revised since they were presented at Planning Board:

- Item 6.a was moved from the Planning Board packet to item 4.d in the Town Council packet.
- Item 5.a was modified from the Planning Board packet to include that cost of the fee as shown in the Town Council packet.
- Item 6.c was moved from the Planning Board packet to item 5.h in the Town Council packet indicating the timing for approval of the cost estimate for road stubs.
- Item 6.b from the Planning Board packet was removed as the applicant submitted the required plan sheet revisions.

**Action 1:** Motion to adopt Resolution 19-23 to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waivers. *A copy of Resolution 19-23 is attached to these minutes.*

**Motion by:** O'Brien

**Second by:** Kelly

**Vote:** Unanimous.

**Action 2:** Motion to approve Development Plan 19-DP-03 for Ferguson Warehouse Center with the conditions stated below.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous.

#### **Waiver of Unified Development Ordinance 19-WAV-16 - Primary Façade**

1. This waiver shall only apply to the west façade building elevations submitted with 19-DP-03 and shall not apply to the future expansion of the building.

#### **Development Plan 19-DP-03**

1. All previous approval conditions for *Holly Springs Business Park PUD* will apply to this plan as well.
2. Outdoor storage shall not occur in the future building expansion area.
3. Please note that this project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
4. Prior to the 1st construction drawing submittal, the following items must be addressed or included with the submittal:
  - a. Thoroughfares, collectors and boulevards require a calculated pavement design and approval by the Town.
  - b. All items listed on the Stormwater Submittal Checklist, Form #16003.
  - c. A Final Gravity Sewer Line Sizing Report for all lines that are stubbed to adjacent upstream properties.
  - d. The revised Fire Flow Analysis must be finalized and approved.
5. The following items must be addressed prior to issuance of construction drawing approval and/or land disturbance permit:

- a. Payment of fee-in-lieu proportionate to project impact in the amount of \$10,000 for the traffic signal at Green Oaks Parkway and Holly Springs New Hill Road.
- b. Payment of the fee-in-lieu of construction of the southern portion of the new 2-lane collector street and the two access stubs to the adjacent properties.
- c. Documentation in the form of a plat must be provided for right-of-way to be dedicated for this project following the 1st construction drawing submittal. The plat must be approved prior to construction drawing approval.
- d. Approval of the Stormwater Management Plan.
- e. All environmental permits must be obtained for the entire project.
- f. Payment of the Stormwater Fee-in-Lieu.
- 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 the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.
- h. Finalize and approve cost estimate for fee-in-lieu of construction of the southern portion of the new 2-lane collector street and the two access stubs to the adjacent properties.

#### **9c. Development Plan 19-DP-01, Holly Springs Long Term Care**

Matt Beard, Planning and Zoning, said that the Town has received a request for Development Plan approval for a new nursing home/long term care facility at 1936 Ralph Stephens Road in the Southern Crossroads Master Plan area. A 65,272 sq. ft. building is proposed. The 16-MAS-02-A03, Southern Crossroads Master Plan was originally approved on February 7, 2016 and most recently amended on August 24, 2018. The parcel was zoned Zoning CB: Community Business District on March 15, 2016. There are multiple street fronts, which is part of the waiver request. Because of the size of the building they had to meet the façade modulation requirements. The landscape plan is in accordance with the Southern Crossroads Master Plan. Commercial buildings require floor to ceiling, store front glass. Because this is more of a residential feel, they requested waivers for the ground floor. They are requesting shutters that mimic windows on upper floors.

Rachel Jones, Engineering showed the utility plan that shows the project meets engineering requirements for water and sewer connection. All environmental and stormwater ordinances and standards are required. There will be a public sidewalk on Southern Crossing Boulevard, and internal site pedestrian network. And two public access points to the parcel. A TIA was completed and approved with the Southern Crossroads Master Plan.

Ernie Carpico, Planning Board Member, said the Planning Board discussed the following issues and concerns on 05/28/2019:

They agreed that the TIA was within the parameters. The parking was adequate and they agreed with the glazing waivers as it was more attractive.

Planning Board Recommendation:

The Planning Board recommended approval of Waivers (9-0-0)

The Planning Board recommended approval of Development Plan (9-0-0)

Mr. Beard said the following conditions of approval have been revised since presented at Planning Board:

Items 6.a (finalization of fire flow analysis) and 6.b (revision to driveway width to meet Eng. Standards) have been removed from the conditions of approval, as these items were required to be addressed prior to Town Council.

Mr. Carpico said an additional motion was made at the conclusion of the 05/28/2019 Planning Board meeting as follows:

Motion to ask Town Council to task Town staff to relook at creating a maximum glazing requirement.

The Planning Board voted in favor of the Motion. (8-1-0)

Ms. Rybak's denial is based on the concern that it is a fine line and not the Board's role to advise developers to watch how much energy they are using. Mr. Madoni agreed with Ms. Rybak.

Councilman Berry asked about the buffer required if the 10 acres are subdivided, for 7 acres for this project and three for something else. Mr. Beard said this would be two lots with the same zoning and the buffer is sufficient. If the zoning were to change it would require different planting, but if the zoning stays the same, the Type A planting is sufficient.

Kathryn McPherson with ESP, Associates, 2300 Gateway Center Blvd, in Morrisville said that she is the landscape architect on this project. She said the traffic engineer, civil engineer, client and architect were present and ready to answer questions. She then showed an aerial drawing of the site. There will be a community open space in the courtyard that will connect to the other parcel as it is developed. They will have two right-in, right-out entrances and will provide cross access easement for development of the adjacent parcel. She showed how the utilities would loop through the site, with the new sewer line stubbed to the adjacent parcel. She described the planting buffers along each property line, and said there will be all required foundation plantings and parking lot trees.

Joe Gable, architect with Principal Long Term Care, showed the elevations and described the various areas of the building. The wings will be residential, the center is the rehab facility. Service areas (laundry etc.) are in the back. He showed the rear elevation with the emergency entrance, the dining facility, laundry, and courtyard access. There are outside seating areas. As part of the modulation exercise, they realized that there was a combination of uses, so they utilized commercial elements, residential elements, and retail elements to try to tie in to the surrounding buildings and facilities.

Maxwell Mason of 821 Tinkerbell Road, Chapel Hill, Vice President of Principal Long Term Care said they have been in operation for over 50 years. They are a North Carolina company owned by a North Carolina family from the Lenoir County area. They own, operate, or manage 43 skilled nursing facilities in the state, in multiple counties and urban and rural settings.

Mayor Sears asked what their closest facility is to Holly Springs. Mr. Mason said the facility in Raleigh near the Wake Med campus, or the facility in Clayton may be the closer one. Councilwoman Lee pointed out that Long Term Care doesn't mean geriatric care only, and Mr. Mason said it is a skilled nursing facility, which is different from nursing home/assisted living. It would offer 24 hour, 365 day care.

Councilwoman Kelly asked how many jobs it would provide. Mr. Mason said if fully occupied, there will be between 100-140 jobs, full and part time. But the number of jobs depends on occupancy because nursing is labor intensive.

Councilwoman Kelly asked how they came up with the parking numbers. Mr. Mason said the Clayton facility experience showed them to be under supplied with parking, and they did not want to repeat that mistake.

Councilman Berry asked why the property would be subdivided. Mr. Mason said the state Certificate of Need law imposes significant cost restraints. In order to stay within strict financial restrictions they needed to divide the property to make it more viable from a financial perspective. They intend to retain ownership of the property. They have no specific intent for the other part, but

could see developing it for some other medical use, as partnerships between long term care facilities and other medical providers become more cooperative.

Councilman Berry was concerned about the landscape buffer, since there is no immediate plan for developing the other parcel. He said he would like to see it increased and Councilwoman Kelly agreed.

**Action 1:** Motion to adopt Resolution 19-24 to make and accept the Findings of Fact for consideration of and to approve the Unified Development Ordinance Waivers.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous.

*A copy of Resolution 19-24 is attached to these minutes.*

**Action 2:** Motion to approve Development Plan 19-DP-01 for Holly Springs Long Term Care with the conditions stated below.

**Motion by:** Villadsen

**Second by:** Kelly

**Vote:** Unanimous.

**Conditions:**

**Waiver of Unified Development Ordinance 19-WAV-09 – Animating Features**

1. This waiver shall only apply to the building elevations submitted with 19-DP-01.

**Waiver of Unified Development Ordinance 19-WAV-10 – Animating Features**

1. This waiver shall only apply to the south building elevations submitted with 19-DP-01.

**Development Plan 19-DP-03**

1. All previous conditions of approval for *Southern Crossroads Master Plan* shall apply.
2. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater Ordinance.
3. The following is due at the time of the preconstruction meeting:
  - a. Fee-in-lieu of upgrades to the Garrison and Basal Creek Pump Stations/Force Mains.
4. The following must be submitted 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. All items listed on the Stormwater Submittal Checklist, Form #16003.
5. The following items must be addressed prior to the issuance of construction drawing approval/land disturbance permit:
  - a. Payment of the Stormwater Fee-in-Lieu.
  - b. Approval of Stormwater Management Plan.
  - c. All environmental permits must be obtained for the entire project.
  - d. Off-site sewer facilities must be completed. The Town is not responsible for completion of off-site sewer facilities, and will not guarantee completion of such facilities by any other party.
  - e. 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 the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.

**9d. Parks and Recreation Advisory Committee Appointments**

Deferred to a later meeting.

**9e. Board of Adjustment Midterm In-Town Alternate Member Appointment**

The Board of Adjustment has a midterm vacancy for an in-town alternate member due to Morgan Wiley's appointment as in-town regular member in May to complete the term vacated by Bill Daniels. The vacancy was advertised in accordance with the Board Appointment Policy Statement and six applications were received. On June 17<sup>th</sup> Aaron Wolff requested that his name be removed from consideration. Council reviewed the applications and voted by ballot. Deputy Town Clerk Latisha Butler tabulated the ballots and the applicants received the following number of votes:

Dennis Doty	0
Jayson Greene	0
Shannon Hallak	1
Cody Loughridge	4
Sherry Webster	0

**Action:** Motion to appoint Cody Loughridge as an In-Town Alternate Member of the Board of Adjustment to fill the remainder of a term ending February 28, 2022.

**Motion by:** Villadsen

**Second by:** Lee

**Vote:** Unanimous.

*A copy of the ballots cast are attached to these minutes.*

**9f. ADA Transition Plan, Policy Statement, and Grievance Procedure**

Scott Chase, Assistant Town Manager, said that this past year, the NC Department of Transportation provided notice of the Town's responsibility for adherence with the Americans with Disabilities Act of 1990 (ADA) and Section 503 of the Rehabilitation Act of 1973. The Town received this notice as one of 196 entities statewide receiving federal funds and having 50 or more employees. Staff attended a NCDOT workshop on December 12, 2018 and based on direction from the workshop, three items should be considered in a timely manner:

- Select and name an ADA Coordinator
- ADA Policy Statement
- Adopt Grievance Complaint Procedures.

Mr. Chase said that upon adoption of the policy and grievance procedures provided and naming an ADA Coordinator, the town would need to begin the process of developing an ADA Transition Plan to identify barriers in programs and activities that prevent persons with disabilities from accessing town services and infrastructure.

The town is required to evaluate current services, policies and practices, and the effects thereof, that do not or may not meet ADA requirements. This evaluation shall include, but is not limited to:

- All municipal facilities
- Pedestrian facilities
- Complaint and grievance procedures

Mr. Chase said that the evaluation shall include an inventory of all facilities, including details of modifications needed to make facilities accessible to persons with disabilities, and to the extent any such service, policy, or practice is required, the town must proceed to make the necessary modifications. The state has provided a representative to review our plan and progress and has committed to work closely with the town.

He said that early development of the ADA Transition planning process should involve the following:

- **Selection and naming of an ADA Coordinator.** Name and contact information is to be provided on the website for those inquiring about ADA activities.
  - Kristi Moore from the Public Works Department has been appointed as the ADA Coordinator.
- **ADA Policy Statement.** A draft town policy has been included herein to include a general statement prohibiting the discrimination based on a disability, defining disability and the town's commitment to providing reasonable accommodation, providing access to persons with disabilities and ensuring communications with the disabled are as effective as communications with others.
- **Grievance Complaint Information.** Provision for making all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all town programs, services and activities.

The ADA does not require the town to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Mr. Chase said that this plan is something that Holly Springs will be working on for years to come. Councilman Villadsen asked how much time the town would have to get in compliance if areas are found that are out of compliance. Mr. Chase said that there is not a specific time frame, just within a reasonable time. Randy Harrington said that what the Department of Justice cares about is that the town has a plan and is working toward it. Councilwoman Lee asked how residents report something. Mr. Chase said that they can call Kristi Moore, or fill out the grievance form from the web page.

**Action:** Motion to adopt ADA Compliance and Grievance Policy (SH-21)

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous.

## **10. Unfinished Business:**

### **10a. Development Plan 18DP16, Holly Springs Place**

Matt Beard said that Holly Springs Place is a 239 unit multi-family project located at the intersection of Old Holly Springs Apex Rd. and Bennett Knoll Parkway which is Pod D of the Holly Springs Towne Center Master Plan designated for multi-family residential use. The plan includes a petition for a Parking Reduction Waiver to reduce the overall parking requirement by 10%.

Rachel Jones said that there was an approved TIA that included this apartment complex. The applicant has brought back an additional memorandum that addresses the concerns, and they are in compliance. There were questions from Planning Board regarding traffic today versus when the plan was approved. The applicant showed the relationship between daily traffic that DOT provides, and that current traffic is under the threshold that was approved. The applicant provided traffic counts from May 2019. Based on those, and using the 5% annual growth rate, traffic counts are under the threshold.

Ernie Carpico, Planning Board member said that the Planning Board discussed the issue on 03/26/2019.

Planning Board Recommendation:

The Planning Board recommended approval of Waiver (4-3-2)

The Planning Board recommended approval of Development Plan (4-3-2)

Those voting against the motion were:

Waiver

- Mr. Brady, Mr. Crandall and Mr. Deshazor's denial votes for the Waiver were based on the project not meeting the Town's established standards.

Development Plan

- Mr. Deshazor is concerned that the traffic study was completed too long ago. His opinion is that the developer should assist with resolving the traffic issues in that area.
- Mr. Brady is concerned about the traffic issues with all the development in this area. He would like the entire area be considered not just this one project.
- Mr. Crandall's denial is based on the Town's preferred tax base.
- Ms. Patterson recommends approval of this project but only because she feels the Board is required to do so. However, she feels the Board should not be approving projects with additional residential units until the Future Land Use Plan has been updated and approved. She feels the current TIA is outdated and not sufficient for the current situation and has concerns for the area.

After the vote, an additional motion was made.

Motion that Town Council consider requiring the developer to evaluate the need of adding elevators to the buildings as well as future needs for better accessibility for the senior community.

The Planning Board voted in favor of the Motion. (6-1-2)

Applicant David Lastly of Piedmont Land Design said this project came before the Council on April 16, 2019. Council at that time felt that they needed updated information on the traffic compared to what was originally approved due to the lapse of time. Matt Peach with Stantec compiled the traffic information. His findings show that the two driveways off Bennett Knoll Parkway and Old Holly Springs Apex Rd will both operate at acceptable levels of service with the completion of their project and the completion of five other approved projects in the area. They now feel very confident in moving forward on this.

Mr. Lastly introduced Chris Carlino of Dominion Realty Partners, Matt VanDyke of Kyte Realty, and Matt Peach of Stantec to answer questions. Councilwoman Kelly asked them to talk more about the parking reductions. Mr. Lastly said that they would not undertake a project of this magnitude without studying the parking. There is a reduction in three bedroom units overall, and this project has more one-bedroom than two-bedroom units. With a reduction they are looking at 1.73 parking spaces per unit, which is more than the industry standard but less than the town requirement. He said no one wants to build a parking lot just to have a parking lot. It increases impervious surface and removes more trees. Less parking would allow more vegetation and less pollution. This site is topographically challenging, and it doesn't make sense to build parking spaces that aren't needed. Therefore, he said, they are requesting that Town Council trust the developer to know what they are doing. Also, they are reserving the land and will have the ability to come back and build more parking spaces if needed.

Councilwoman Kelly asked if they needed retaining walls, wouldn't it be easier to build both retaining walls at the same time. Mr. Lastly asked why build a retaining wall if it is not needed. Councilwoman Kelly said she was concerned because there is no street parking or other places for people to park if there is not enough parking.

Council thanked the applicant for bringing back more recent traffic information.

**Action 1:** Motion to adopt Resolution 19-14 to make and accept the Findings of Fact for consideration of and to approve the Unified Development Ordinance Waivers.

**Motion by:** O'Brien

**Second by:** Villadsen

**Vote:** 4-1

**Yes:** Kelly, O'Brien, Villadsen, Lee

**No:** Berry

The motion passed.

*A copy of Resolution 19-14 is attached to these minutes.*

**Action 2:** Motion to approve Development Plan for Holly Springs Place with conditions as specified in the packet.

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** 4-1

**Yes:** O'Brien, Villadsen, Lee, Berry

**No:** Kelly

The motion passed.

**Conditions:**

**Waiver of Unified Development Ordinance 18-WAV-31 – Off-Street Parking Requirements**

1. This waiver shall only apply to the development plans submitted with 18-DP-16.

**Development Plan 18-DP-16**

1. All previous approval conditions for *Holly Springs Town Center Master Plan* will apply to this plan as well.
2. This project will be required to meet Town's NPDES Phase II Post Construction Stormwater ordinance.
3. The following must be completed prior to the first Construction Drawing submittal:
  - a. Final Plat must be recorded for the recombination of the properties shown on the Development Plan.
  - b. Submit a Final Gravity Sewer Line Sizing Report for all lines that are stubbed to adjacent upstream properties.
4. The following must be submitted 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. All items listed on the Stormwater Submittal Checklist, Form #16003.
  - c. A fee-in-lieu of upgrades/improvements to the downstream Twelve Oaks Pump Station/Forcemain.
  - d. A fee-in-lieu of upgrades/improvements to the downstream gravity sewer lines proportionate to project impacts.
  - e. Approval of Stormwater Management Plan.
  - f. Payment of the Stormwater Fee-in-Lieu.
  - g. All environmental permits must be obtained for the entire project.
5. No more than 85% of building permits shall be issued prior to the completion of all developed recreational open space.
6. The following must be submitted with the first Construction Drawing Approval:
  - a. 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 the preconstruction meeting and a maintenance surety in the form of a cash escrow account in the amount of 35% the actual construction cost of the BMP is required at the end of the performance monitoring period for the project.

- b. The Forest Springs flood study is required to be updated to reflect this project and must meet the Town's policy for Hydrologic Basin Models (Town Policy - P-018).

**11. Other Business** – Mayor Sears spoke about Holly Springs High School Graduation, and crosswalk safety. Councilwoman Kelly spoke about meeting with Oakhall Residents on landfill odor, and speed bumps in their neighborhood. Councilwoman Lee spoke about reviewing the UDO, and the colors the town requires. Also, she requested Council go to a summer dress code, especially for the men (polo shirts etc.) as the weather gets warmer, for meetings in July and August.

**12. Manager's Report:**

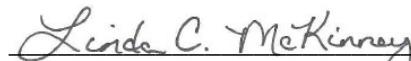
Randy Harrington, Town Manager mentioned tomorrow night's workshop and listed out the agenda items for that meeting.

**13. Closed Session:** At 9:52 pm Councilman Berry made a motion to go in to closed session to discuss *Currin et al v. Holly Springs* and a potential litigation matter in regards to property owned by the Kornblau family, to preserve the attorney-client privilege pursuant to NCGS 143-318.11(a)(3); and to discuss negotiating parameters for the acquisition of real estate for a new public works facility pursuant to NCGS 143-318.11(a)(5) The motion was seconded by Councilman Villadsen and the vote was unanimous.

Councilwoman Lee made a motion to leave closed session. It was seconded by Councilman Berry and the vote was unanimous.

**14. Adjournment:** Councilwoman Kelly made a motion to adjourn at 11:00 pm. It was seconded by Councilwoman Lee, and passed unanimously.

Respectfully Submitted on Tuesday, July 16, 2019.

  
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Linda C. McKinney, Town Clerk

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