



November 19, 2019

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, November 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 Tom O'Brien, Peter Villadsen, and Dan Berry, 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); Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Mark Andrews, *Communications and Marketing*; Mathew Mutter, *IT*; Gina Clapp, *Director of Planning and Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Kendra Parrish, *Director Engineering*; Dirk Siebenbrodt, *Engineering*; Tim Athy, *Engineering*; Aaron Levitt, *Engineering*; Rachel Jones, *Engineering*; Irena K, *Director of Economic Development*; John Herring, *Chief of Police*; and Leroy Smith, *Fire Chief*.

2. The Pledge of Allegiance was recited, led by Cub Scout Pack 66 AOL Den.
3. The meeting opened with an invocation by Jonathan Sherrod of the Kirk of Holly Springs.
4. **Agenda Adjustment:** The November 19, 2019 meeting agenda was adopted with changes, if any, as listed: None.

Motion by: O'Brien

Second by: Berry

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: none

6a. Monarch Behavioral Health Urgent Care

Brian Maxey of Monarch Behavioral Health said that Monarch Behavioral Health Urgent care provides a walk-in service for individuals age 4 and over who are experiencing a behavioral health crisis. The Urgent Care is located in Raleigh. He explained that this location is not for routine outpatient services or inpatient/emergency services. There are Monarch Clinics in Cary, Fuquay Varina and other parts of Wake County for people who need to be evaluated. He said that walk-ins are welcome. Mr. Maxey said that they collaborate with local hospitals, emergency departments and community providers and have access to crisis stabilization services for mental health or substance abuse disorders. When bringing someone to them, they need to know the patient's presenting problem or condition, current medications, medical and treatment history, and insurance or payment information. He shared the location and hours of operation of the clinic. There are

Licensed Clinical Social Workers (LCSW) Psychiatric Nurse Practitioners (PNP) and Psychiatrists on staff, so there are all levels of care available.

6b. Holly Springs Express Route Bus Service

Bret Martin, Capital Area Metropolitan Planning Organization (CAMPO) gave an overview of the public transportation system in Wake County, on how the Holly Springs bus service came to be, and what governs the investments at a programmatic level. In 2016 the Wake Transit Plan was formed. There were 4 big themes associated with this plan: Connect the region; Connect all Wake County Communities; Provide frequent, reliable urban mobility; and Enhance access to transit. Rolesville and Holly Springs were the only communities in the county not connected. Rolesville bus service began in October, and now Holly Springs' service is about to begin. For the bus component a Wake Bus Plan was developed. It laid out the strategic phase-in of bus services, including a project priority plan that all communities would be connected by FY 2021. There is a specific budget plan attached to the service which defined the frequency, the start time, and the hourly service. It includes Bus Route 311 with service to Apex and RTP, and Bus Route 305, commuter service to Apex with connection to Raleigh. The budget also included funds for a park and ride station in Holly Springs and a connection point in Apex.

Questions were asked about the frequency of busses, who the anticipated riders would be, and how long it would take to get from Holly Springs to Raleigh or RTP. Council expressed a strong desire to make this a success. It is anticipated that this will be a commuter route, used by people going to work and students going to school. It currently takes 75 to 90 minutes to get to Raleigh, but CAMPO and GoCary are investigating other routes to shorten that time.

Dirk Siebenbrodt, Engineering, said that the Holly Springs Express Route Bus Service will provide weekday peak commuter service between Holly Springs, Apex and Cary via Williams St. / NC 55, Salem Street and Old Apex Road with three morning round trips between 6am and 9 am, and three afternoon round trips between 4 pm and 7 pm. Phase 1 is anticipated to begin service in early 2020 with one bus stop at the existing bus shelter in the Holly Springs Towne Center. Two additional bus stops will make up Phase 2, later in 2020, one near South Main Street, and the other on Main Street near Town Hall.

Mr. Siebenbrodt said that in 2016 Wake County voters passed a ½ cent local option sales tax that supports the Wake County transit plan. The Town's Comprehensive Transportation Plan (2011) included the need for this bus service line. He said that GoCary will provide \$55,000 one-time funding to construct a bus shelter.

Mayor Sears asked when bus schedules would be finalized, and how will they be communicated to the public. Mr. Siebenbrodt said that staff will work with GOCary to have events, to publish the bus route schedule, and to use social media to get the word out. Right now there will be one bus stop location, which will begin service in early 2020. Staff will give updates at Town Council meetings and on social media as the program is rolled out.

Mr. Martin said the actual schedule is under development. A draft schedule has been developed by GoCary staff, but it is not ready to publish because there are still alternatives being investigated. Once it is settled, a schedule can be finalized.

Questions were asked about how the plan was devised and how success will be measured. Randy Harrington, Town Manager said that staff would look at ridership and on-time performance to measure the success of the program. Mayor Sears said that this is a great start, but it's open for tweaking as we go along.

6c. Transportation Bond Projects Update

Tim Athy, Engineering, gave an update on the status of the transportation bond projects. A \$40 million Transportation Bond referendum passed on November 6, 2018. Six "green projects" are town driven and are 100% locally funded. The "Purple projects" require partnerships. He said that for the "green projects" the Main Street Right Turn Lane was due to be presented to Council in December 2019 with construction estimated to begin in spring of 2021; the NC 55 right turn lane will be presented to Council in January 2020 with construction estimated to begin in summer 2021;

Grigsby Avenue improvements are estimated to begin construction in the spring of 2022; Avent Ferry Road re-alignment construction is estimated to begin in summer of 2022; the Estes Lane connection construction is estimated to begin spring of 2022; the Holly Springs Road widening will come before Council in early 2020 and construction is estimated to begin in summer 2021. For the "purple projects" the LAPP grant applications were submitted to CAMPO on October 31, 2019 for partner funding. The LAPP Grant selections will be announced in early 2020. Developers' fee-in-lieu will also contribute to these projects.

Councilman O'Brien said that there are a lot of projects going on, so kudos to the staff. He said he knows that the public wants it to happen right now, but it takes time. Councilwoman Kelly thanked Mr. Athy for the map. She suggested that it might be put on the website, along with other projects that are going on in town, so that the public knows that construction projects include sidewalks, and not just roads.

7a. Public Hearing: 19-SEU-10 100 Calderon Place

Sean Ryan, Planning and Zoning, said that there has been a request for a Family Child Care Home at 100 Calderon Place. The purpose of the hearing is to consider a Special Exception use to allow for a child care home at this address. State statute defines a Family Child Care Home as child care located in a residence where more than 2 but fewer than 9 children receive child care. The request is to care for 5 children, other than the applicant's own. Drop-off time will be from 6 am to 8 am, and pick-up time from 4 pm to 7 pm. The UDO does not have any additional requirements for the operation of a Family Child Care Home.

Ernie Carpico of the Planning Board said that they discussed the following issues and concerns on 09/24/2019:

- How compliance is monitored. It was explained that staff would investigate noncompliance if a complaint were submitted.
- They asked if the HOA was opposed and were told that they were not.
- How many requests the town typically receives for this use. Staff indicated that five permits have been requested since 2009.
- If adjacent property owners would be notified. Staff explained the public hearing procedures, which include mailed notice of the hearing and posting a sign on the property. The application was also posted on the Town website when it was received.

The Planning Board recommended approval with a vote of 8-0-1 [Recusal.] Ms. Dana Rybak recused herself from voting since she sits on the Sunset Oaks HOA Board.

Mayor Sears opened the public hearing. The following sworn testimony was recorded:

The applicant, Ravin Floyd, 100 Calderon Place, said this is a Special Exception Permit, the way it's worded it seems that I am opening a child care center, and that is definitely not the case. The way this came about is that I was reporting as having an illegal operation of a business out of my home. I was asked if I was operating a child care out of my home. I said that I have three nephews who come stay with my while I am out on two year medical leave, and my 18 year old daughter watches two children during the summer. So I have three family members that were coming, and two that my daughter was watching. Unfortunately after a long process of reading the definition of a child care home, I found that any children other than my own children would count toward a child care home. My foster care daughter, who is not legally adopted, counts as a nonfamily member. The town of Holly Springs has helped me with this long process. Originally the permit was put in for 8 kids, per recommendation from the Town of Holly Springs, only to just make sure that if there was birthday party or anything was to happen, we wouldn't go over our limit of how many kids we were allowed to have. During that process, after looking into it, that would require me to have a built in fire extinguisher system put into my home. Which we were never even wanting to have 8 to 9 kids in the home, that was just a safe zone. So we brought the limit down to 5 which is the kids who have been coming to my home. During this time the one thing that was brought to my

attention was the traffic, or the parking. I understand the concerns about parking, given where my driveway is and the number of cars owned by my family, we have parked on the main street. Someone complained about that. Our car was involved in an accident while it was parked on the street. We have added an extension to our driveway so that it is now a five car driveway to avoid these problems. We contacted our HOA to be sure that we were compliant. This is not a commercial business. The police returned again, and the State came to inspect. They looked at every room in the house, and investigated the children. The State does not count the children who are related to me against the child care limit, but given the number of complaints, the state recommended that we get the permits. The two children I am keeping that are not my relatives are the children of school teachers. They cannot afford other child care and I should not be bullied into stopping caring for these children.

Mayor Sears asked if there were questions.

Councilman Berry asked if she received compensation for the children. Ms. Floyd said just the two that are not family. Councilman Berry asked if their HOA permits in home businesses in the neighborhood. Mr. Floyd said the HOA said that there is nothing in the HOA bylaws that prohibits an in-home business. Councilwoman Lee asked for clarification that her foster daughter is not considered one of your children. Ms. Floyd said the state interprets a foster child as being family, but the Town does not. She said they are a large family, which does create a lot of traffic in itself. The SEU will put this question to rest. Councilman O'Brien asked how many cars drop off and pick up. Ms. Floyd said that during the summer when this started there were more than there are now, because one of her nephews was going back and forth. Now it is limited to four vehicles that drop off and pick up. Three for relatives, and one for the other two children. Everyone has been told not to park on the road, to park in the driveway. Councilwoman Kelly asked if this permit stays with the property, or the applicant. John Schifano, Town Attorney, said it stays with the applicant, not the property.

Eric Robins, 212 Arborhill Lane, said he would like to say that the application does not state the facts correctly. The size of the property as identified on the application is $\frac{3}{4}$ of an acre, but based on the County records it is .38 acres. Based on that gross misrepresentation the application should be denied with prejudice. He said the traffic was his biggest concern. They are asking for drop off between 6 am to 8 am which is when his children are walking down the street to go to school at the time that she is having drop off. There are 4 or 5 stop signs in the neighborhood and no one stops at them and, he said, we should not be inviting people who do not have a vested interest in this neighborhood to come in. We should be looking at ways of stopping, of asking people not to come in. And he thinks that is being overlooked. The issue of the driveway etc. is irrelevant. Whether or not she is making money off of it is not relevant. The reason this is a Special Exception is that the zoning rules are there for a reason. This is a residential neighborhood and we should not be allowing extra traffic. There are more than enough empty spaces in the community and in the town where you could open a business. He asked Council to deny the request.

Councilwoman Kelly asked if he had spoken to the HOA. Mr. Robins said he contacted Ms. Rybak. He said it is hearsay, but since Council asked he would answer. He said that Ms. Rybak said that they have not applied or asked the HOA to approve it or not. He was led to believe that if the Town approves it then HOA gets the second bite of the apple. Councilwoman Kelly asked when he asked the HOA. Mr. Robins said it was in October so it was before the hearing was announced. Councilwoman Lee asked if the HOA had a set rule. Mr. Robins said he didn't think the HOA's rules should be relevant to the Town. This should not be approved.

Daniel Gravis, said he had more questions for the planning board. He said he wasn't intending on speaking because he saw that they approved it 8 to 0. When he saw that he thought it wouldn't make any sense to speak. He would like to know what efforts or monitoring the Planning Board did, how much time they spent in the neighborhood, and what resources the police department or the Planning Board spent in the neighborhood to monitor or look at traffic. He asked if he was allowed to ask the Planning Board what they did.

John Schifano, Town Attorney, said that Council is finding facts. So the sworn witnesses need to present facts to the Council, not the other way around. He explained to the witness that he was there to testify to facts, not to ask questions of the Council or Planning Board.

Mr. Gravis asked if in the future there is a violation, who he would complain to. As a resident of Calderon place, he said, he asked what the Planning Board did and he was being silenced. Mr. Schifano said no sir, you are not being silenced, you can talk as much as you like about the facts of this case. To answer your question, the Planning Department monitors these uses according to the UDO. If there are violations, a homeowner who witnesses those violations can make a report to the Planning Department who can investigate and take enforcement action. But this process is set up for the Town Council to hear your testimony. Councilwoman Lee asked if she could ask these questions. Mr. Schifano said yes, she could cross examine any witness giving sworn testimony.

Mr. Gravis said he called the HOA and in 2006 when he moved here Ryan Properties came before the Council and said this is what our neighborhood should be. He invested in the neighborhood. The HOA said if there is not an existing law on the books then it would have to be changed within the bylaws or the declarations that Ryan properties put forward. That was his understanding. He lives in the neighborhood. He sees it is 8-0 so he guesses it's a waste of time.

Councilman O'Brien called Mr. Carpico back up. He asked if there were any residents at the Planning Board meeting at all. Mr. Carpico said there were not. They asked a lot of questions and delved into it deeply, but they had no public feedback at all. Councilman O'Brien asked if the applicant provided the additional parking. Mr. Carpico said yes, and it was up to code.

Councilwoman Kelly asked if Planning Board asked about the HOA approval. Mr. Carpico said they were advised that there was no opposition from the HOA, not that it was approved or not approved, but that there was no opposition.

Councilman O'Brien asked the Town attorney what would happen if Council approves this and the HOA denies it. Mr. Schifano explained that they would be in violation of their covenants, and would be told to stop. He said that HOA covenants are a contract between the residents. Councilman Berry said the Town's permit being granted would have no bearing on their violation of the covenants.

Mayor Sears said that Mr. Gravis implied that if the Planning Board recommends something it is a rubber stamp. He wanted to say that that is not true, that there have been times when the Planning Board recommends something and Council denies it.

Councilwoman Kelly called the applicants back. She asked what they meant by "several board members have approved this project" Mr. Floyd said that was in reference to the HOA approving the driveway expansion. However, he said he had the email response from the HOA and it says "Per the covenant of Sunset Oaks there is not a restriction of business clause." From his understanding, their compliance would be monitored by whether there are any other complaints. Ms. Floyd said she knows that the Town doesn't come out and inspect. So this is one stepping stone. Her next stepping stone is the State, and she will do that next. This is to prevent the police coming out again and inspecting her house while the children sit on the couch. The State will do home safety inspections, nutritious meals, vaccination records, etc. the state goes much deeper than the Town requires. But she has to have this permit from the Town before they can start this process with the state.

Councilwoman Kelly asked what her neighbors were saying. Ms. Floyd said she did go around and speak to neighbors and got much support. The only complaint was the traffic and parking, which is why they expanded the driveway. However, when she took her kids trick or treating, she was told that there was a neighborhood Facebook page and she was a star. It said that if the child care home was approved the next step would be a crack house. She joined the Facebook page, and said what she was doing and what would be happening. She said she didn't know what to expect, because she had heard hateful things. She got many, many, comments saying that they need to ask questions before judging, and she got way more approval than denial. She spoke to all the direct neighbors, and most said they didn't know anything was going on, and the few that did offer complaints, said that the parking was the only problem.

Mr. Schifano said "We need to reign in the comment on social media. Only in this room, under sworn testimony, can you accept factual information."

Councilman O'Brien asked if the permit would continue after her medical leave ends.

Mr. Schifano said that by default it would be as good long as she is working this, but Council can sunset it if they want to. Ms. Floyd said she was hoping to return to work in a year and a half.

Councilman Berry asked if the driveway approval was completed. Ms. Floyd said it has been completed and inspected. Councilman Berry asked if people dropping off and picking up were using the driveway and not parking on the street. Ms. Floyd said yes, and two of their cars are gone during the drop off and pick up time, so there is only one car in the driveway at that time. She said that during the process of doing this, she discovered that as long as a child was in her care for less than 4 hours, she did not need this permit. She said that is not what they are trying to do here. These are the same children who were there before any of this permitting was mentioned. She is not trying to start a business.

Councilman O'Brien said it does say $\frac{3}{4}$ of an acre on the application, with a lot size of .38. Is that a typo? Mr. Floyd said yes. Councilwoman Lee asked if this was Monday – Friday only. Ms. Floyd said yes, although during the summer time it gets more chaotic due to her nephew being picked up for preschool and brought back. But going forward she will allow drop off and pick up only, no more going back and forth.

Councilman O'Brien asked if there was any other business like this in Sunset Oaks. Mr. Ryan said not that staff has been able to find. There have been five applications town wide since 2009. Councilwoman Kelly asked if they were still active. Mr. Ryan said staff does not know but are in the process of contacting those they have contact information for to see if they are.

There being no further testimony, Mayor Sears closed the Public Hearing.

Action: Motion to adopt Resolution 19-33 to make and accept the Findings of Fact for consideration of and to approve Special Exception Use, with the conditions stated in the packet.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

A copy of Resolution 19-33 is attached to these minutes.

8a. Consent Agenda

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

8a. Minutes – The Council approved minutes of the Council business meeting held November 5, 2019 and the workshop meeting held November 12, 2019.

8b. Monthly Administrative Budget Amendments – 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. Strategic Transportation Prioritization Sidewalk Application – The Council approved a Strategic Transportation Prioritization application for seven Holly Springs Capital Improvement Plan sidewalk projects.

8d. Insurance Proceeds Budget Amendment; Police Vehicle – The Council approved a budget amendment moving \$1,851 from insurance proceeds to vehicle maintenance. *A copy of the budget amendment is attached to this report.*

8e. Insurance Proceeds Budget Amendment; Public Works Vehicle – The Council approved a budget amendment moving \$5,603 from insurance proceeds to maintenance and repair equipment. *A copy of the budget amendment is attached to this report.*

8f. Street Tree Infill Contract – The Council approved a contract with Davis Landscaping, not to exceed \$20,000, for the street tree infill and replacement program.

8g. Reclass of Deputy Clerk Position – The Council approved the reclassification of the Deputy Clerk position to Administrative Assistant/Deputy Clerk.

9. NEW BUSINESS

9a. Development Plan 06-DP-11 / 19-WAV-32 Seqirus

Sean Ryan, Planning and Zoning, said that Seqirus has requested approval for a warehouse expansion with a 40,065 square foot footprint. This is a 38% increase, which is over the 25% increase which can be approved at the administrative/staff level and so is coming before Council. A parking reduction waiver has been requested to allow an additional 16 spaces (3%) to be added to the land banked future parking area, bringing the total parking reduction to 112 spaces, or 17% of the required parking for the site. The elevation matches the existing facility.

Rachel Jones, Engineering, said there is existing water and sewer on site. There are no changes to the transportation facilities. A trip generation letter was submitted, that used a recent traffic count (August 2019) and this development is still within the parameters for the previously approved TIA.

Ernie Carpico of the Planning Board said that they discussed the following issues and concerns on 10/22/2019:

- The board asked for an overview of site security.
- No additional items were discussed

He said that they are only adding 8 additional employees, so the Planning Board was happy to approve the waiver. The Planning Board recommended approval with a vote of (9-0-0).

Kevin White and Eddie Taylor from Seqirus spoke for the applicant. Mr. White said that the expansion is to allow space for an additional 2000 ambient pallet locations and 1400 cold storage pallet locations to support the ongoing Fill Finish Expansion Project, which includes a new high-speed syringe line. He showed elevations of the finished expansion and gave a timeline for completion, which began with a site plan approval in December 2019, and completion and COA in September of 2021.

Councilwoman Kelly asked if, with this expansion, they are expecting more trucks in and out of the site. Mr. White said that they are making more product so there will be more trucks, but they are going to schedule so it should not come during the peak commute time. Mr. Taylor said that normally pickups are during regular business hours, but sometimes trucks run late so they can't promise trucks will never come during that time.

Jack Kemp, Remy and Associates, said that they did the trip generation for this project. They looked at the peak periods, and there is a minor increase in staff, but they projected traffic out by square footage and it was still well below the original TIA.

Action 1: Motion to make and accept the Findings of Fact for consideration of and to approve the Unified Development Ordinance Waiver

Motion by: O'Brien

Second by: Lee

Vote: Unanimous

Action 2: Motion to approve Major Amendment to Development Plan #06-DP-11-A11 for Seqirus with the conditions stated below.

Motion by: Berry

Second by: Lee

Vote: Unanimous

CONDITIONS:

1. All previous conditions of approval shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
2. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
3. The Hydraulic FFA Report must be finalized and approved prior to Construction Drawing Approval.

9b. Development Plan 19-DP-01-A01 / 19-WAV-28 Holly Springs Long Term Care

Melissa Sigmund, Planning and Zoning, said that the applicant is requesting to amend a previously approved development plan to allow additional parking, and to relocate a trash enclosure. This plan was recently approved, this summer. No changes to building elevations are proposed. A waiver is necessary to allow greater than 110% of the maximum allowed parking on the site. The parking requested is one additional row of parking, adjacent to the undeveloped lot. The relocation of the trash enclosure is to a place farther away from the building. There were no changes to the engineering with this proposal.

Ernie Carpico, Planning Board, said that the Planning Board discussed the following issues and concerns on 10/22/2019:

- Aesthetics of the property before and after the proposed changes
 - The applicant presented illustrations of the plans to show a comparison of the approved vs. proposed changes
- Landscaping buffer / Impervious surface
 - The development will continue to provide the required amount of landscape material in the buffer area, the area of the buffer is simply reduced.
 - The impervious surface of the project would be increased by 0.14 acres (~4%) from 3.20 acres to 3.34 acres.
- Cross-access
 - Cross access between this property and the adjacent undeveloped lot to the west will be maintained.

Their main concern at the original approval was whether there was enough parking, so the Planning Board considers this a win-win. The Planning Board recommended approval with a vote of (9-0-0).

Katherine McPherson with ESP, Associates, 2200 Gateway Center Blvd, Morrisville, said that they came back to request the additional parking spaces because their client realized that with shift changes there is overlap and they would need more parking. They had planned for future parking at this spot, so they added them now. They have added shrubs to the buffer that previously required trees only to screen headlights from the road. They moved the dumpster to the end of the street, which clears an area for patient drop off or pickup as well as delivery of goods to the site. Also, the client has added two electric vehicle (EV) stations and four carpool stations at the rear.

Councilman Berry asked how much the shrubs are going to improve the screening, and would any additional landscaping be added since the adjacent parcel is not developed. Ms. McPherson said there are no plans right now to develop the other parcel. But they can add additional screening.

John White, Holly Springs Long Term Care, said they do not have any intention to develop the other lot at this time. He said they found that with their other facility, when the parking lot was

full, people parked on a vacant lot nearby. To avoid that in this location they added this parking. He said they are looking to build a LEED facility, so they will probably have additional landscaping.

Action: Motion to approve Major Amendment to Development Plan #19-DP-01-A01 for Holly Springs Long Term Care with the conditions stated below, and the additional receipt of a condition for added landscaping on the Piney Wilbon side of the project.

Motion by: Berry

Second by: Kelly

Vote: Unanimous

Conditions:

All previous conditions of approval for both Southern Crossroads Master Plan and Holly Springs Long Term Care Development Plan shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.

9c. Main Street Sidewalk North

Dirk Siebenbrodt, Engineering, said there is currently a 2,042 linear foot sidewalk gap on North Main Street. This project would construct a sidewalk to eliminate this gap. Once completed, there will be sidewalk connectivity from the Village District to the Ting Park sports complex. The utility contract with Duke Energy is required to relocate one utility pole during construction of the sidewalk. He said that Council approved the design on July 18, 2017. The Public Works Department will construct this sidewalk, which will reduce construction costs by about 30%. Staff recommends using unrestricted supplemental tax payment revenues that currently reside within Parks & recreation Reserves. No restricted Parks and Recreation developer fee payments are being used. This is the funding strategy outlined at the September 10th council workshop.

Councilman O'Brien asked how long it will take to get the pole moved. Mr. Siebenbrodt said that this will be the first item of this project to be done. If it is approved staff will approach Duke, and staff anticipates it will be done in the next month or two. Aaron Levitt, Engineering, said this is a regional connection and it is much different from the pole at The Block that caused the earlier problem.

Councilwoman Kelly asked Town Manager Randy Harrington, what isn't getting done, since public works employees are constructing sidewalks. Mr. Harrington said that nothing was getting missed. These are big projects that staff can do for less than using a contractor. The Town has dedicated staff for concrete repair. If there was an emergency repair, it might slow down the construction of the sidewalk.

Councilman O'Brien asked what the time frame on this project was start to finish. Mr. Levitt said that Public Works has several projects going so they are two months out. In two to four months they should start work. If emergencies come up there may be a delay, but the cost savings is worth it. Councilwoman Kelly asked if it could be done before baseball season. Randy Harrington said we would do our best. He said that Public Works employees are excited about this project.

Action: Motion to approve budget amendment to transfer a total of \$329,500 from unrestricted funds currently residing in Parks & Recreation Reserves Account 21.95 with \$265,424 to the Project Account 48-619 90.04 and \$64,076 to Contingency 48-619 82.97.

Motion by: Kelly

Second by: Berry

Vote: Unanimous

9d. I-540 Utility Relocation

Aaron Levitt, Engineering, said that the I-540 project is under construction and will require several of the Town's sanitary sewer and water mains to be relocated. The Complete 540 project, also known as the Southeast Extension, will extend the Triangle Expressway from NC 55 in Apex to US 64/US264 (I-87) in Knightdale, completing the 540 Outer Loop around the greater Raleigh area. Per § 136-27.1. of the NCGS, the Town of Holly Springs shall pay 25% of the nonbetterment cost and 100% of the betterment costs for relocation of water and sewer lines owned by the municipality and located within the existing State transportation project right-of-way. A forthcoming utility relocation agreement between the Town and NCDOT/Turnpike Authority is being prepared and will be presented to Council in the near future. Since April 2018 staff has been working with NCDOT/Turnpike authority on the required utility relocations for the construction of the I-540 project. Construction is expected to start in 2020 and should be complete in 2023.

Preliminary work prior to execution of a utility relocation agreement is required for study work associated with the sanitary sewer relocation in the area north and south of the proposed I-540 corridor along Sunset Lake Road. This action will establish the project budget and provide funding for the study in an estimated amount of \$12,400, which will be executed by the Town Manager. Results of the study will be incorporated into the I-540 utility relocation plans.

Action: Motion to approve Project Budget and budget amendment of \$657,150 from the following sources for utility relocations associated with the I-540 extension project:

- \$85,150 from Sewer Reserves
- \$572,000 from Water Reserves

Motion by: Villadsen

Second by: O'Brien

Vote: Unanimous

9e. Update of Local Civic Nonprofit Grant Policies

Corey Petersohn, Finance, said that at the Council Workshop meeting on October 8, 2019 Council discussed options for updating the civic grant process to incorporate best practices. Council indicated a preference for a model that involves both staff and Council participation, and requested that revised policies be drafted for their consideration.

Both the Community Agency Grant Eligibility and Town Council Evaluation of Community Agency Grant Applications policies were drafted in 2004. The Evaluation policy was amended in 2011.

Mr. Petersohn said that the major changes in these policies, based on feedback from the October workshop, are as follows:

1. Adds pre-evaluation by staff so only complete applications are considered;
2. Clarifies and simplifies staff evaluation process and criteria;
3. Adds ADA language to requirements;
4. Formalizes the grant award process currently used by the Town Council Subcommittee.

Other minor changes are to clean up and clarify language.

Councilwoman Kelly asked for clarification on the ADA language requirement. Councilman Berry proposed to amend the Policy so that the Council Subcommittee be two members instead of three, so that there is not a majority of council on the committee.

Action: Motion to adopt Policy P-025.2, Council Evaluation of Local Civic Nonprofit Grant Applications with the change that the Subcommittee be comprised of two members rather than three, and Policy P-026.1, Local Civic Nonprofit Grant Eligibility and Rules.

Motion by: Berry

Second by: Lee

Vote: Unanimous

10. UNFINISHED BUSINESS

10a. Peterson Station 16-DP-17-A02 / 19-WAV-06 / 19-WAV-07

Sean Ryan, Planning and Zoning, said that this project was approved on June 20, 2017. An amendment was approved in May of 2019 to modify the location and arrangement of buildings, adjust the layout of the parking area, and modify the open space layout. The project was previously presented to Council on June 18, 2019 and October 15, 2019. Council requested modifications at both those meetings. Since that meeting, the applicant has discussed making modifications to the corner elevation of the building. The following modifications are proposed:

- Remove 6 units from the front corner elevation to step the building back and provide outdoor active area on the second floor facing the intersection of Sunset Lake Road/Stephenson Road, resulting in the loss of 6 dwelling units.
- Maintain the originally approved 4th floor and elevator to building 4 (previously the applicant proposed reducing the building from 4 to 3 floors) and replace a mailroom with a dwelling unit. This will provide 13 additional dwelling units.
- The net change in dwelling units will be 7 new dwelling units, bringing the total number of dwelling units permitted from 310 to 317, or a density change from 16.43 to 16.8 units per acre.
- Move the amenity building to the east closer to building 1 to allow for additional outdoor area.

The new elevations for the corner of the building have been submitted and included at the end of the building elevations.

The following waivers have been requested (specific waivers outlined in the resolution):

- 19-WAV-06: Primary Façade Materials - to allow for a reduction in the Primary Building Material.
- 19-WAV-07: Façade Modulations – Multifamily - to allow for alternate compliance with façade modulation width and depth.
- 19-WAV-20: Colors – Multifamily - to allow for alternate compliance with the minimum percentage of primary color.
- 19-WAV-21: Roof Treatment - to allow for an increase in maximum continuous roofline.
- 19-WAV-22: Primary Façade Massing - to allow for an increase in maximum building bay.
- 19-WAV-23: Primary Façade Modulation – to allow for alternate compliance with the façade modulation requirement.

Laura Holleman, Spaulding Group, said that the things they heard last time were to make more of an effort at the corner to energize it for the public. So they added back the second story terrace and opened the interior by moving the club house to the right to create a larger open space for public events. Jeff Peterson, Cary, said he thinks with previous Council feedback they have come up with a better concept. By opening the corner and adding the terrace, they needed to add a floor on the Stephenson Road side, which makes the buildings match. With those changes they are hoping to have addressed the concerns of Council.

Action 1: Motion to adopt Resolution #19-31 to make and accept the Findings of Fact for consideration of and to approve Unified Development Ordinance Waivers.

Motion by: O'Brien

Second by: Kelly

Vote: Unanimous

A copy of Resolution 19-31 is attached to these minutes.

Action 2: Motion to approve Major Amendment to Development Plan #16-DP-17-A02 for Peterson Station at Sunset Lake with the conditions stated below.

Motion by: Villadsen

Second by: O'Brien

Vote: Unanimous

Conditions:

1. All previous conditions of approval for *Peterson Station at Sunset Lake* shall apply to this amendment except for any condition that describes a fee or a fee-in-lieu to be paid shall now comply with the current amounts due pursuant to the town's current annual budget or any unexpired development agreement.
2. Revised building elevations to match the rendering submitted and included as Resolution 19-31 Exhibit B shall be submitted to the Department of Planning & Zoning within 30 days of this approval.
3. The Town Council authorizes the Director to approve the following changes to Development Plan 16-DP-17, as amended, to permit the following:
 - a. Remove 6 units from the front corner elevation resulting in the loss of 6 dwelling units.
 - b. Revise building 4 elevations to maintain the 4th floor and elevator 4 and replace a mailroom with a dwelling unit. This will provide 13 additional dwelling units.
 - c. The net change in dwelling units will be 7 new dwelling units, bringing the total number of dwelling units permitted from 310 to 317, or a density change from 16.43 to 16.8 units per acre.
 - d. Move the amenity building to the east closer to building 1 to allow for additional outdoor area.
 - e. Provide sufficient parking for the additional residential units as required by the Unified Development Ordinance.
 - f. Revised building elevations incorporating the above specified building elevations and the proposed rendering in accordance with the approved architectural waivers.

11. OTHER BUSINESS

None that required action.


12. MANAGER'S REPORT

Randy Harrington, Town Manager, asked to recognize Linda McKinney for completing the Municipal Clerks Institute at UNC School of Government.

13. Closed Session:

14. Adjournment: Councilman O'Brien made a motion to adjourn at 9:32 pm. It was seconded by Councilwoman Lee and passed unanimously.

Respectfully Submitted on Tuesday, December 3, 2019.


Linda C. McKinney, Town Clerk

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



Holly Springs Town Council
7 p.m. Tuesday **November 19, 2019**

Regular meeting
Holly Springs Town Hall Council Chambers
128 S. Main Street, 2nd Floor

Agenda

1. Call to Order
2. National Anthem and Pledge of Allegiance, led by Cub Scout Pack 66 AOL Den
3. Invocation
4. Adjustment and approval of the November 19, 2019 meeting agenda

5. PUBLIC COMMENT PERIOD: **Notes on the Comment Period** -- Each speaker may speak up to **3 minutes**, and the total comment period will be 15 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Although the Council is interested in hearing your concerns, speakers should not expect Council action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda. Thank you for your consideration of the Town Council, staff, and other speakers.

6. REQUESTS AND COMMUNICATIONS:

- a. Monarch Behavioral Health Urgent Care
- b. Holly Springs Express Route Bus Service
- c. Transportation Bond Projects Update

7. PUBLIC HEARINGS

- a. 19-SEU-10 100 Calderon Place, Family Child Care Home

8. CONSENT AGENDA:

- a. Approve the minutes of November 5th business meeting and the November 12th workshop meeting.
- b. Receive report of monthly administrative budget amendments
- c. Strategic Transportation Prioritization sidewalk application
- d. Insurance Proceeds for Police Vehicle Repair
- e. Insurance Proceeds for Public Works Vehicle Repair
- f. Street Tree Infill contract
- g. Reclassification of Deputy Clerk to Administrative Assistant/Deputy Clerk

9. NEW BUSINESS:

- a. 06-DP-11 / 19-WAV-32 Seqirus
- b. 19-DP-01-A01 / 19-WAV-28 Holly Springs Long Term Care
- c. Main Street Sidewalk North
- d. I-540 Utility Relocation
- e. Update of Local Civic Nonprofit Grant Policies, P-025 and P-026

10. UNFINISHED BUSINESS:

- a. 16-DP-17-A02 / 19-WAV-06 / 19-WAV-07 Peterson Station

11. OTHER BUSINESS:

12. MANAGER'S REPORT.

13. CLOSED SESSION. — If one is called, the General Statute(s) allowing the Closed Session will be cited in the motion.

14. ADJOURNMENT.

Budget Amendments Report

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 10 General Fund						
340.06 - Other Revenues Sale of Assets						
	10/16/2019	2020-00001967	Sale of Needham Norris House			
				Amended Balance as of: 10/1/2019		\$10,000.00
				\$19,986.00	\$0.00	\$29,986.00
				\$19,986.00	\$0.00	\$29,986.00
355.11 - Other Financing Sources Approp from Fund Balance						
	10/16/2019	2020-00001995	Fiber Connection NCDOT municipal agreement			
				Amended Balance as of: 10/1/2019		\$664,509.00
				\$390,000.00	\$0.00	\$1,054,509.00
				\$390,000.00	\$0.00	\$1,054,509.00
95.21 - Operating Transfers Parks & Recreation Reserves						
	10/16/2019	2020-00001967	Sale of Needham Norris House			
				Amended Balance as of: 10/1/2019		\$1,500,000.00
				\$19,986.00	\$0.00	\$1,519,986.00
				\$19,986.00	\$0.00	\$1,519,986.00
Department: 414 Information Technology						
Sub Department: 50 Fiber Optic						
90.04 - Capital Outley Infrastructure						
	10/16/2019	2020-00001995	Fiber Connection NCDOT municipal agreement			
				Amended Balance as of: 10/1/2019		\$0.00
				\$390,000.00	\$0.00	\$390,000.00
				\$390,000.00	\$0.00	\$390,000.00
Sub Department: 50 Fiber Optic Totals:						
				\$390,000.00	\$0.00	\$390,000.00
Department: 414 Information Technology Totals:						
				\$819,972.00	\$0.00	\$819,972.00
Fund Totals: General Fund						
Fund: 30 Utility Fund						
355.01 - Other Financing Sources Operating Transfers						
	10/16/2019	2020-00001996	School Days Lane Water Line			
				Amended Balance as of: 10/1/2019		\$29,400.00
				\$103,500.00	\$0.00	\$132,900.00
				\$103,500.00	\$0.00	\$132,900.00
355.23 - Other Financing Sources Operating Tsfr Water Reserves						
	10/30/2019	2020-00002212	Budgeted initial OPEB trust funding			
				Amended Balance as of: 10/1/2019		\$512,551.00
				\$295,000.00	\$0.00	\$807,551.00
				\$295,000.00	\$0.00	\$807,551.00
355.24 - Other Financing Sources Operating Tsfr Wastewater Reserv						
	10/30/2019	2020-00002212	Budgeted initial OPEB trust funding			
				Amended Balance as of: 10/1/2019		\$487,111.00
				\$295,000.00	\$0.00	\$782,111.00
				\$295,000.00	\$0.00	\$782,111.00

user: Corey Petersohn

Pages 1 of 3

Monday, November 4, 2019

Town of Holly Springs
Budget Amendments Report
 From Date: 10/1/2019 - To Date: 10/31/2019

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 30 Utility Fund						
Department: 410 Central Services						
02.10 - Employee Benefits Retiree Health Care						
	10/30/2019		2020-00002212	Budgeted initial OPEB trust funding		
				\$590,000.00	\$0.00	\$590,000.00
				\$590,000.00	\$0.00	\$590,000.00
Department: 410 Central Services Totals:						
Department: 432 Engineering						
12.01 - Professional & Technical Service Professional Fees						
	10/16/2019		2020-00001997	Triangle Water Supply Partnership		
				\$0.00	\$4,200.00	\$199,755.00
				\$0.00	\$4,200.00	\$199,755.00
Amended Balance as of: 10/1/2019						
				\$0.00	\$4,200.00	\$199,755.00
12.10 - Professional & Technical Service Jordan Lake Partner/Allocation						
	10/16/2019		2020-00001997	Triangle Water Supply Partnership		
				\$4,200.00	\$0.00	\$20,800.00
				\$4,200.00	\$0.00	\$25,000.00
				\$4,200.00	\$0.00	\$25,000.00
Amended Balance as of: 10/1/2019						
				\$4,200.00	\$0.00	\$25,000.00
Department: 432 Engineering Totals:						
Department: 440 Water						
Sub Department: 41 Distributions						
90.06 - Capital Outlay Projects						
	10/16/2019		2020-00001996	School Days Lane Water Line		
				\$103,500.00	\$0.00	\$103,500.00
				\$103,500.00	\$0.00	\$103,500.00
				\$103,500.00	\$0.00	\$103,500.00
Amended Balance as of: 10/1/2019						
				\$103,500.00	\$0.00	\$103,500.00
Sub Department: 41 Distributions Totals:						
Department: 440 Water Totals:						
				\$103,500.00	\$0.00	\$103,500.00
				\$1,391,200.00	\$4,200.00	\$1,391,200.00
Fund Totals: Utility Fund						
Fund: 31 Stormwater Mgmt Program Fund						
Department: 432 Engineering						
355.27 - Other Financing Sources Operating Trsf Stormwater Reserv						
	10/16/2019		2020-00001972	Avent Acres Storm Drainage		
				\$130,050.00	\$0.00	\$130,050.00
				\$130,050.00	\$0.00	\$130,050.00
				\$130,050.00	\$0.00	\$130,050.00
Amended Balance as of: 10/1/2019						
				\$130,050.00	\$0.00	\$130,050.00

Budget Amendments Report

From Date: 10/1/2019 - To Date: 10/31/2019

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 31 Stormwater Mgmt Program Fund						
Department: 432 Engineering						
90.06 - Capital Outlay Projects						
	10/16/2019	2020-00001972	Avent Acres Storm Drainage			
				Amended Balance as of: 10/1/2019		\$0.00
				\$130,050.00	\$0.00	\$130,050.00
				\$130,050.00	\$0.00	\$130,050.00
Department: 432 Engineering Totals:				\$260,100.00	\$0.00	
Fund Totals: Stormwater Mgmt Program Fund				\$260,100.00	\$0.00	
Grand Totals:				\$2,471,272.00	\$4,200.00	

Town of Holly Springs Budget Amendment Request

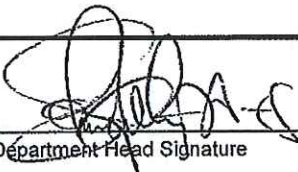
Department: Police

Date Submitted: 10/16/2019

Reason for Budget Amendment: Acceptance of Insurance Proceeds - Police Vehicle

(round to nearest \$25, \$50, \$75 or \$100; no cents)

Account Description	Account #	Increase	Decrease
Insurance Proceeds	10 340.07	1,851	
Repair Vehicles	10-418-18 41.02	1,851	
Total		3,702	-


Department Head Signature

Finance Director Signature

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Budget amendments under \$15,000, between departments, or reallocating funds from Capital Outlay or Salaries/Benefits must be approved by the Town Manager before submitting to Finance. Notified to Town Council at next meeting. Budget amendments that increase the overall budget need the Town Manager's signature and Council approval. Budget amendments \$15,000 and over need the Town Manager's signature and Council approval.

DA1334

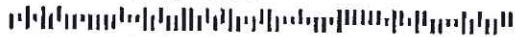
Interlocal Risk Financing Fund of NC
IRFFNC
434 Fayetteville St
Suite 1900
Raleigh, NC 27601

57

Page 1 of 1



000029 R3K3S1A
TOWN OF HOLLY SPRINGS
PO BOX 8
HOLLY SPRINGS NC 27540



Date: 10/04/2019
Check #: 83768
Payment Amount: 1,851.45
Claim #: 3190095542

Remittance Advice

Incident Date	Invoice #	Date of Service	Payment Amount
09/13/2019			0.00
Auto/commercial - afp-1Holly Springs, Town of 2019 Dodge Charger VIN 35714			
<p style="text-align: center;">Fund 10 INS Proceeds 340.07</p>			

PLEASE DETACH BEFORE DEPOSITING CHECK

SHADED AREA MUST GRADUALLY CHANGE FROM BLUE AT TOP TO GREEN AT BOTTOM

Interlocal Risk Financing Fund of NC
IRFFNC
434 Fayetteville St
Suite 1900
Raleigh, NC 27601

11-24/1210

Date: 10/04/2019
Check #: 83768

Pay Exactly **One Thousand Eight Hundred Fifty-One and 45/100 -US Dollars **

Amount

\$****1,851.45

TO THE TOWN OF HOLLY SPRINGS
ORDER
OF

VOID AFTER ONE YEAR

WELLS FARGO BANK, N.A.

Memo: 2019 Dodge Charger VIN 35714

Authorized Signer

⑈0000083768⑈ ⑆121000248⑆ 2062640480437⑈



R3K3S177 000029 277100632130 NNNNN NNNNN NNNNNNNN 000001

ENDORSE HERE

DO NOT WRITE SIGN OR STAMP BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

44051865

44051865



Document Security Features:

- Toner Retention
- Micro Printing
- Chemically Sensitized Paper
- Artificial Watermark - Hold at angle to view
- Laid Lines

Printed on 100% Recycled Paper with 10% Post Consumer Waste

FORM NO. 100-100-001

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Town of Holly Springs	
Budget Amendment Request	

Note - This form is for amendments within your sub	
---	--

Department:	Public Works Solid Waste
--------------------	--------------------------

Reason for Budget Amendment:	Moving insurance proceeds to get truck repaired
-------------------------------------	---

Account Description

10-340.07

10-422-24 41.01

Balance

[illegible]



THE TOWN OF

Holly Springs

Resolution No.: 19-33

Date Adopted: November 19, 2019

Effective Date: November 19, 2019

**RESOLUTION OF THE TOWN OF HOLLY SPRINGS TOWN COUNCIL
MAKING FINDINGS OF FACT FOR
SPECIAL EXCEPTION USE 19-SEU-10 FOR
100 CALDERON PLACE FAMILY CHILD CARE HOME**

WHEREAS, the Town of Holly Springs Town Council adopted *Town of Holly Springs Unified Development Ordinance* ("UDO") in November 2002; and

WHEREAS, pursuant to NCGS §§160A-361 & 388 and the UDO, the town council of Holly Springs ("Town Council") has the authority to grant special exception uses, variances, and waivers if competent and substantial evidence is presented by the Petitioner which allows the Town Council to find as a fact that conditions either currently exist or may exist after implementation of conditions by the Town Council. Such findings are each of the following:

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;

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- 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.

WHEREAS, the Town Council has heard sworn testimony and has accepted and entered the Petitioner's written findings of fact into the minutes (Exhibit A) for the following requested Special Exception Use:

Special Exception Use

1. 19-SEU-10: Special Exception Use as specified in Unified Development Ordinance Section 5.02 A. and 2.01, A., 2. Special Exception Uses, to allow for a Family Child Care Home at the property located at 100 Calderon Place, Wake County PIN 0669576932.


WHEREAS, the Town Council has received competent and substantial evidence and has therefore found the Petitioner's written findings of fact. The Town Council finds that the Petitioner's findings of fact to be consistent with the public testimony received on the requested Special Exception Use, and therefore the Town Council is able to reach conclusions independently (Exhibit B) or be reasonably able to meet the conclusions on the Findings of Fact upon implementation of conditions listed on Exhibit C to this Resolution.

THEREFORE, BE IT RESOLVED by the Town Council to make and accept the Findings of Fact for Special Exception Use 19-SEU-10 for a Family Child Care Home at 100 Calderon Place as submitted by Ravin Floyd.

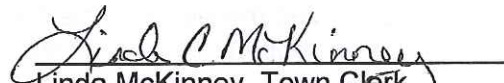
Adopted by the Holly Springs Town Council on this, the 19 day of November 2019.

Town of Holly Springs by

ATTEST:



Dick Sears, Mayor



Linda McKinney, Town Clerk



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RESOLUTION EXHIBIT A

19-SEU-10 FINDINGS OF FACT SUBMITTED BY PETITIONER

TOWN OF HOLLY SPRINGS

SPECIAL EXCEPTION USE FINDINGS OF FACT

Supplement #15
December 2018



You must respond to all findings; please type or print legibly in blue or black ink.

Project Information:

Project Name: CHILD CARE

Special Exception Use:

UDO Section No.:

Special Exception Use: FAMILY CHILD CARE HOME

Specific Special Exception Use Request:

In home daycare 5 kids (Not my own) (P)

For DPZ Use only

Project #

Date Received:

Findings of Fact:

A petition for Special Exception Use may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or unique conditions that would enable the Board to make a written determination that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:

THE CHILD CARE TO BE PROVIDED IN HOME WILL HAVE NO ADVERSE AFFECTS OR IN ANYWAY EFFECT THE PUBLIC IN A NEGATIVE MANNER.

(2) The proposed use will not injure or adversely affect the adjacent area or property values therein:

THE PROPOSED USE WILL NOT INJURE OR ADVERSELY AFFECT ANY ADJACENT PROPERTIES IN ANYWAY.

(3) The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan:

YES WE PLAN ON BEING CONSISTENT WITH ALL ABOVE LISTED AREAS.

(4) 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 by the Town Council in which case the proposed use shall conform to the terms and conditions of such waiver):

YES WE PLAN TO CONFORM TO ALL DEVELOPMENT STANDARD OF THE APPLICABLE DISTRICT.

(5) 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:

WE HAVE ALREADY APPLIED TO SUNSET OAKS HOA TO WIDEN OUR DRIVEWAY AND SEVERAL BOARD MEMBERS HAVE ALREADY APPROVED THIS PROJECT. ALSO DROP OFF AND PICK UP TIMES HAVE BEEN STAGGERED TO HELP EASE ANY POSSIBLE TRAFFIC FLOW ISSUES UPON HOA APPROVAL WE WILL APPLY FOR THE PERMITS THROUGH TOWN OF HOLLY SPRINGS. DUE TO OUR NEIGHBORS CONCERN ABOUT TRAFFIC FLOW WE HAVE INFORMED ALL PARTIES TO UTILIZE DRIVEWAY, AS OF 8/21/19, TO EASE THIS CONCERN.

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- (6) 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:

SEE BULLET POINT (5) FOR PARKING AREA INFORMATION. THERE WILL BE NO CHANGES TO TRASH OR OTHER SERVICES AND THEY ARE CURRENTLY IN COMPLIANCE

- (7) The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, flotation 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:

ALL FACILITIES ARE MORE THAN ADEQUATE TO ACCOMMODATE ALL CHILDREN AT THE FACILITY. WITH A MAX OF 5 CHILDREN AT THE FACILITY AND A NORMAL AVERAGE OF 5. THERE SHOULD BE NO ISSUES.

- (8) Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use:

YES, THIS WILL NOT NEGATIVELY AFFECT ANY ABOVE LISTED PUBLIC SERVICES

- (9) 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:

THERE WILL NOT BE ANY OUTWARD CONSTRUCTION TO THE PROPERTY THUS NO ADVERSE IMPACTS

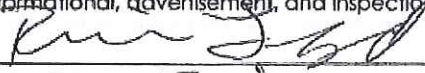
- (10) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood:

ABSOLUTELY NOT, BOTH ADJACENT NEIGHBORS HAVE BEEN MADE AWARE OF THE PROPOSED BUSINESS AND DO NOT SEE ANY CONCERNS OF THE BUSINESS ADVERSELY AFFECTING THEM. WITH DROP OFF TIMES OF 6am-8am AND PICK UP OF 4pm-7pm WE ARE WORKING HARD TO ENSURE THE IMPACT OF THIS BUSINESS IS MINIMAL.

Certificate of Completion

I certify that all information presented in this application is accurate to the best of my knowledge and belief. Further, I grant permission for members of the Planning Board, Town Council, and Town Staff to visit the site in question for informational, advertisement, and inspection needs.

Signature of Applicant:



Date: 8/23/19

Signature of Owner:



Date: 8/23/19

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Email: dick.sears@hollyspringsnc.us

RESOLUTION EXHIBIT B

TOWN COUNCIL'S FINDINGS OF FACT

The Town Council accepts the findings of fact as presented in Exhibit A unless specified below:

The Town Council made the following additional findings:

☒ No additional findings

RESOLUTION EXHIBIT D

CONDITIONS OF APPROVAL

The Town Council added the following conditions in order to adequately make and accept the 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-10.
2. All additional state and local permits, if required, shall be obtained prior to the business opening.

Office of the Mayor

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Email: dick.sears@hollyspringsnc.us



THE TOWN OF

Holly Springs

Resolution No.: 19-31

Date Adopted:

Effective Date:

**RESOLUTION OF THE TOWN OF HOLLY SPRINGS TOWN COUNCIL
MAKING FINDINGS OF FACT FOR
WAIVERS FOR ARCHITECTURAL AND DESIGN REQUIREMENTS
(19-WAV-06; 19-WAV-07; 19-WAV-20; 19-WAV-21; 19-WAV-22; 19-WAV-23)
IN ASSOCIATION WITH DEVELOPMENT PETITION 16-DP-17-A02 FOR
PETERSON STATION AT SUNSET LAKE**

WHEREAS, the Town of Holly Springs Town Council adopted *Town of Holly Springs Unified Development Ordinance* ("UDO") in November 2002; and

WHEREAS, pursuant to §§160A-361 & 388 and the UDO, the town council of Holly Springs ("Town Council") has the authority to grant waivers if competent and substantial evidence is presented by the Petitioner which allows the Town Council to find as a fact that conditions either currently exist or may exist after implementation of conditions by the Town Council. Such findings are each of the following:

Waiver for Alternate Compliance with Architectural Design Requirements Findings of Fact:
A petition for a waiver of regulations of UDO Section 3.08, A., waiver for Alternate Compliance with Architectural Design Requirements may only be granted upon the presentation of sufficient evidence to enable a written determination that:

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

WHEREAS, the Town Council has heard competent and substantial evidence and has accepted and entered the Petitioner's written findings of fact into the minutes (Exhibit A) and have received site plans and elevations depicting the requested WAIVERS (Exhibit B) for the following requested Waivers:

Waiver for Alternate Compliance with Architectural Design Requirements

1. **19-WAV-06: Primary Façade Materials** - Request to allow for Alternate Compliance with the Regulations of UDO Section 3.08 A. 1. c. (1). (a).: Primary Building Material, to

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allow for a reduction in the Primary Building Material, in association with Development Petition #16-DP-17-A02 as follows:

- a. Building 6
 - i. South – from 60% to 38%
 - ii. West – from 60% to 42%
 - iii. West Corner - from 60% to 45%
 - iv. East – from 60% to 32%
 - v. East Corner – from 60% to 18%
 - vi. East Inner – from 60% to 44%
 - vii. North Inner Corner – from 60% to 43%
 - b. Building 7
 - i. East – from 60% to 53%
 - ii. North – from 60% to 41%
 - iii. West – from 60% to 53%
 - iv. South – from 60% to 36%
2. **19-WAV-07: Façade Modulations – Multifamily** - Request to allow for Alternate Compliance with the Regulations of UDO Section 2.07 D. a. (3).: Building Design and Appearance Requirements, Façade Modulation, to allow for alternate compliance with façade modulation width and depth, in association with Development Petition #16-DP-17-A02.
3. **19-WAV-20: Colors – Multifamily** - Request to allow for Alternate Compliance with the Regulations of UDO Section 2.07 D. a. (5).: Building Design and Appearance Requirements, Colors, to allow for alternate compliance with the minimum percentage of primary color, in association with Development Petition #16-DP-17-A02.
4. **19-WAV-21: Roof Treatment** - Request to allow for Alternate Compliance with the Regulations of UDO Section 3.08 A. 1. c. (2). (g).: Roof Treatment, to allow for an increase in maximum continuous roofline, in association with Development Petition #16-DP-17-A02 as follows:
- a. Building 6
 - i. South – 50 feet to 198 feet
 - ii. West – 50 feet to 80 feet
 - iii. North – 50 feet to 78 feet
 - iv. East – 50 feet to 83 feet
 - b. Building 7
 - i. West – 50 feet to 78 feet
 - ii. East – 50 feet to 78 feet
5. **19-WAV-22: Primary Façade Massing** - Request to allow for Alternate Compliance with the Regulations of UDO Section 3.08 A. 1. c. (2). (b).: Variation in Massing, to allow for an increase in maximum building bay, in association with Development Petition #16-DP-17-A02 as follows:
- a. Building 6
 - i. East – increase from 30 feet to 37 feet
 - ii. North – increase from 30 feet to 32 feet and 4 inches
6. **19-WAV-23: Primary Façade Modulation** - Request to allow for Alternate Compliance with the Regulations of UDO Section 3.08 A. 1. c. (2). (h).: Façade Modulation, to allow for alternate compliance with the façade modulation requirement, in association with Development Petition #16-DP-17-A02.

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WHEREAS, the Town Council has received competent and substantial evidence and has therefore found the Petitioner's written findings of fact. The Town Council finds that the Petitioner's findings of fact to be consistent with the public testimony received on the requested Waivers, and therefore the Town Council is able to reach conclusions independently (Exhibit C) or be reasonably able to meet the conclusions on the Findings of Fact upon implementation of conditions listed on Exhibit D to this Resolution.

THEREFORE, BE IT RESOLVED by the Town Council to make and accept the Findings of Fact for Waivers For Architectural And Design Requirements (19-WAV-06; 19-WAV-07; 19-WAV-20; 19-WAV-21; 19-WAV-22; 19-WAV-23) as submitted by Spaulding & Norris, PA.

Adopted by the Holly Springs Town Council on this, the 19th day of November 2019.

Town of Holly Springs by

ATTEST:



Dick Sears, Mayor



Office of the Mayor

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RESOLUTION EXHIBIT A

19-WAV-06 FINDINGS OF FACT SUBMITTED BY PETITIONER

TOWN OF HOLLY SPRINGS
UDO SECTION 3.08 OR 4.05: ALTERNATE COMPLIANCE WITH ARCHITECTURAL
AND SITE DESIGN REQUIREMENTS IN LB, CB, OR, GB & BT, IT
FINDINGS OF FACT

CPM Appendix #A.05
Supplement #15
December 2018



Please print responses in blue or black ink or typewrite.

A petition for Alternate Compliance may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or describe the unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) **The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;**

Please see attached sheets immediately following this page for completed responses for questions #1-4. Thank you.

For DPZ Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) **The proposed development will be compatible with and will enhance the use or value of area properties;**

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

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

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature: _____

Date: 9/27/19

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Sunset Lake Mixed Use Waiver Request: Masonry Reduction

FINDINGS OF FACT

- 1) The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

To understand the grounds for this waiver request, one first must recognize the exact nature of this project. This property, in its location, is like no other in Holly Springs. No other parcel in the town's jurisdiction is bordered by two other jurisdictions, Apex to the West of Stephenson Road, as well as Cary, immediately adjacent to the north. This trifecta of sorts has created the ultimate gateway project for Holly Springs, a unique opportunity to create a sense of place and arrival into the village-like atmosphere that is the town. This gateway also brings with it unique requirements. It is part of the Northeast Gateway Plan and is classified as 'very high density mixed use'. This property's designation requires that a mixed-use designation be created, maintaining a "urban village atmosphere". It is this atmosphere's intent that has guided the design of the proposed buildings.

How does a project create a village atmosphere? A village atmosphere is created by creating a sense of place while being mindful of an existing residential community around it. The subject property is zoned Local Business and within that commercial zoning district there is a Mixed Use option. Given the property's gateway location and land use designation, the property is required to follow the option and its associated ordinance requirements. One of those requirements, found in UDO Section 3.02 3. h. (1) (b) specifically, deals with Commercial Design Guidelines. This requirement states that the buildings shall be designed so that they *create visual interest which can draw attention of the passing public*. As seen on the attached elevations, the buildings proposed have been designed with a unique end game while not comprising the high quality that Holly Springs has come to demand and enjoy. A multitude of materials have been proposed which work to provide an appropriate scale of a mixed use building, this contributes to create visual interest to both the pedestrian pass-by as well as vehicular traffic and breaks up the buildings to create an appropriate scale.

- 2) The proposed development will be compatible with and will enhance the use or value of area properties;

This property is impacted by location, unlike any other property in the Town's jurisdiction because no other property is bounded by two different jurisdictions. This location has driven the Town of Holly Springs to create very heightened design requirements, that require a very high-quality, mixed use development to take shape on the property. As previously mentioned, ordinance requirements are very specific that these buildings are to be unique in design, and generate visual interest from the passing public and surrounding community. But it also must be done so that it fits seamlessly with the existing fabric of nearby properties. This has been done by designing these buildings to avoid large "box-like" forms with continuous unrelieved surfaces by creating variations in building height. The three dimensional cap creates articulation

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in the buildings, such that the potential bland bulkiness of a building as seen from existing neighborhoods is reduced. Additionally, the mix of materials work to visually reduce the overall length of the buildings and make them more scale appropriate to both the pedestrian and vehicle passer-by. This development will be a great compliment to the area, buildings are centered to the main intersection of Sunset Lake and Stephenson Roads and are not located next to nearby residential lots. Currently this lot mostly vacant, developed, this project will feature wide sidewalks along Sunset Lake, much needed road improvements along all road frontage and high quality buildings, resulting in a complete enhancement to the adjacent area.

3) The proposed development will be compatible with the intent of the Comprehensive Plan; and,

The applicant has worked with both town staff and its development team over the course of two years to create the Town's gateway, urban village atmosphere. This project is the result of that vision come to life, in a way the Town has never seen. The waiver request is design driven, done to create a sense of place, and a uniqueness in building design that Holly Springs and the surrounding suburban communities have not before benefited from and should encourage. In the community character section of the Vision Holly Springs Comprehensive Plan, it is stated "Enable all residents to have the ability to live within walking distance of a neighborhood commercial center and central civic space." This development will allow that objective to be achieved, both for the residents of Peterson Station, as well as nearby Sunset Pointe residents who will have a sidewalk connection to this development. Additionally, in the community character section also states the town should "encourage a "village atmosphere" by creating a sense of community and identity for the residents and businesses of Holly Springs." Peterson Station will truly be a village atmosphere with storefronts along the intersection of Sunset Lake and Stephenson Roads, signalling you have arrived into the northeast gateway of Holly Springs; residential balconies will be seen along the streets connecting residents to the passers-by; tables and benches will be along the street as well allowing the patrons to connect to the outside and entice the cars whizzing by to stop and stay in while.

Lastly, the subject property is designated as 'Mixed Use'. Proposed developments within the Mixed Use designation should include multiple land uses; mixed use buildings, or provide a compatible use for the area that is not already provided to create a mixed use setting. Peterson Station checks all of those areas and does it in style. This development will have a healthy dose of commercial business that will last beyond the traditional work day and will serve both the daily errands of residents as well as friends and families wishing to get a bite to eat or a drink and socialize, both in the project and outside it.

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

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed use development option ordinance has greatly influenced this plan. Driving the buildings to be located at the intersection of Sunset Lake and Stephenson Roads and parking behind, as well as access points into and out of the site. In addition to this, the developer has been very conscious about placing the supporting

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residential buildings behind the commercial buildings, and central to the site, therefore being the greatest distance away from the adjacent neighborhood of Sunset Pointe. The proposed amendment has allowed greater distance between adjacent properties and resulted in a better-balanced site that will work with the existing contours of the land, resulting in less unsightly retaining walls. Through those design elements the purpose and intent of the ordinance is being achieved as well as being mindful of the public's safety and interest. The purpose of this waiver is purely to provide a visual orientation from the major thoroughfare of Sunset Lake Road through graduated heights and materials that create architectural elements, that reduce the scale of larger buildings and still strive to create a sense of arrival to Holly Springs. By granting this waiver, the many heightened goals of the Northeast Gateway as well as the mixed use ordinance can be achieved.

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19-WAV-07 FINDINGS OF FACT SUBMITTED BY PETITIONER

TOWN OF HOLLY SPRINGS UDO SECTION 2.06 OR 2.07: WAIVER OF ARCHITECTURAL AND SITE DESIGN REQUIREMENTS IN R-MF-8 & R-MF-15 FINDINGS OF FACT

DFM Appendix #A.06
Supplement #15
December 2018



Please print responses in blue or black ink or typewrite.

A petition for Waiver may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural and Site Design Requirements set forth in the R-MF-8/ R-MF-15 District; or

The strict application of the terms of the Architectural and Site Design Requirements set forth in the R-MF-8/ R-MF-15 District represents an unusual or unnecessary hardship when applied to the proposed development;

Please see pages immediately following this sheet for full responses to questions 1-3. Thank you.

For DPZ Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) The proposed development is consistent with and compatible with other development located within the R-MF-8/ R-MF-15 District and the surrounding area;

- (3) The proposed development is consistent with the intent and purpose of this UDO.

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature: _____

Date: _____

3/29/19

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FINDINGS OF FACT

- 1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural and Site Design Requirements set forth in the R-MF-8/R-MF-15 District; or

The strict application of the terms of the Architectural and Site Design Requirements set forth in the R-MF-8/R-MF-15 District represents an unusual or unnecessary hardship when applied to the proposed development;

The proposed development had a unique challenge of needing to be an attention-grabbing development at the northeast gateway into Holly Springs, while still being respectful of nearby residences. The previously approved development concept was well-received by nearby residents for the most part, but the common feedback seemed to be to "dial back" the contemporary design features and colors and instead propose something more traditional and reminiscent of 'main street' commercial areas. The proposed elevations do just that. The colors and materials are both high quality and muted, which will both be timeless and result in few maintenance issues in the years to come. If the façade modulation requirement was implemented it would result in a random off-set of cap features which would take away the design concept of creating clean lines and seamless connection between the street and sky. The intent is still being met which is to create a façade that moves in and out, it just doesn't do it exactly at the dimensions the ordinance states.

- 2) The proposed development is consistent with and compatible with other development located within the R-MF-8/R-MF-15 District and the surrounding area;

The proposed apartment buildings are consistent and compatible with other development located with R-MF-8/15 Districts, although we believe take a step higher in terms of design placement on-site. These buildings were placed to create less visual impact to the adjacent residential dwellings as possible by being located internal to the site as well as being situated at the northeast gateway intersection of Sunset Lake and Stephenson Roads. Additionally, buildings were situated on a developed central open space designed to allow for easy access to amenities and nearby commercial establishments through multiple pedestrian connections throughout the shared parking lot. Multifamily buildings in Holly Springs are designed to create a sense of place and provide a critical need of alternative housing in town while still adhering to the high-quality residential standards the community has grown to know and expect. These buildings do not contain any prohibited materials such as vinyl or aluminum siding, and instead will use of combination of brick, stone and cement fiber siding that will blend into the surrounding existing environment. The use of modulations, soldier courses and outdoor balconies will create visual scale and human elements designed to carefully blend into a village atmosphere and not overburden it.

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3) The proposed development is consistent with the intent and purpose of this UDO.

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed-use development option ordinance has greatly influenced this plan. As previously stated, this project is unique in that buildings in the development have to meet both commercial as well as multifamily residential requirements.

The majority of the residential buildings will still modulate and have off-sets, it is just a selection of elevations which do not. This waiver is needed due to the grade of the site and the need of some of the buildings, such as building 4 to be up-close to the street or for the buildings to be clustered around the central open space, which has resulted in longer buildings than would what be typically done in an multifamily community. However, we believe this will result in a desired effect of a mixed use site with buildings actively present along thoroughfares and residential buildings which may be longer than typically seen but were done so in order to enhance amenity areas as well as be the maximum distance away from existing residential communities.

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19-WAV-20 FINDINGS OF FACT SUBMITTED BY PETITIONER

TOWN OF HOLLY SPRINGS UDO SECTION 2.06 OR 2.07: WAIVER OF ARCHITECTURAL AND SITE DESIGN REQUIREMENTS IN R-MF-8 & R-MF-15 FINDINGS OF FACT

OPM Appendix FA.04
Supplement #13
December 2018



Please print responses in blue or black ink or typewrite.

A petition for Waiver may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural and Site Design Requirements set forth in the R-MF-8/ R-MF-15 District; or

The strict application of the terms of the Architectural and Site Design Requirements set forth in the R-MF-8/ R-MF-15 District represents an unusual or unnecessary hardship when applied to the proposed development;

Please see pages immediately following this sheet for full responses to questions 1-3. Thank you.

For DPZ Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) The proposed development is consistent with and compatible with other development located within the R-MF-8/ R-MF-15 District and the surrounding area;

- (3) The proposed development is consistent with the intent and purpose of this UDO.

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature: *[Signature]*

Date: 3/29/19

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FINDINGS OF FACT

- 1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the Architectural and Site Design Requirements set forth in the R-MF-8/R-MF-15 District; or**

The strict application of the terms of the Architectural and Site Design Requirements set forth in the R-MF-8/R-MF-15 District represents an unusual or unnecessary hardship when applied to the proposed development;

The proposed development had an unique challenge of needing to be an attention-grabbing development at the northeast gateway into Holly Springs, while still being respectful of nearby residences. The previously approved development concept was well-received by nearby residents for the most part, but the common feedback seemed to be to "dial back" the contemporary design features and colors and instead propose something more traditional and reminiscent of 'main street' commercial areas. The proposed elevations do just that. The colors and materials are both high quality and muted, which will both be timeless and result in few maintenance issues in the years to come. If the primary color requirement of 60% was implemented it would result in a overbearing color effect on the upper stories of the buildings, Instead of a blend of two colors which create pleasing façade differentiation.

- 2) The proposed development is consistent with and compatible with other development located within the R-MF-8/R-MF-15 District and the surrounding area;**

The proposed apartment buildings are consistent and compatible with other development located with R-MF-8/15 Districts, although we believe take a step higher in terms of design placement on-site. These buildings were placed to create less visual impact to the adjacent residential dwellings as possible by being located internal to the site as well as being situated at the northeast gateway intersection of Sunset Lake and Stephenson Roads. Additionally, buildings were situated on a developed central open space designed to allow for easy access to amenities and nearby commercial establishments through multiple pedestrian connections throughout the shared parking lot. Multifamily buildings in Holly Springs are designed to create a sense of place and provide a critical need of alternative housing in town while still adhering to the high-quality residential standards the community has grown to know and expect. These buildings do not contain any prohibited materials such as vinyl or aluminum siding, and instead will use of combination of brick, stone and cement fiber siding that will blend into the surrounding existing environment. The use of modulations, soldier courses and outdoor balconies will create visual scale and human elements designed to carefully blend into a village atmosphere and not overburden it.

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3) The proposed development is consistent with the intent and purpose of this UDO.

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed-use development option ordinance has greatly influenced this plan. As previously stated, this project is unique in that buildings in the development have to meet both commercial as well as multifamily residential requirements.

Although some residential buildings do not meet the minimum percentage of primary building color, the intent is there as the colors selected were done so as to create a timeless style and one that would not be a negative impact to the surrounding residential neighborhoods, while still creating a high-quality development.

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TOWN OF HOLLY SPRINGS
 UDO SECTION 3.08 OR 4.05: ALTERNATE COMPLIANCE WITH ARCHITECTURAL
 AND SITE DESIGN REQUIREMENTS IN LB, CB, OR, GB & BT, RT, IT
FINDINGS OF FACT

OPM Appendix 4A-06
 Supplement #15
 December 2018



Please print responses in blue or black ink or typewrite.

A petition for Alternate Compliance may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or describe the unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) **The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;**

Please see attached sheets immediately following this page for completed responses for questions #1-4. Thank you.

For DPZ Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) **The proposed development will be compatible with and will enhance the use or value of area properties;**

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

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

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature: _____

Date: _____

4/26/19

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Email: dick.sears@hollyspringsnc.us

Sunset Lake Mixed Use Waiver Request: Roofline Treatment Reduction

FINDINGS OF FACT

- 1) The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

To understand the grounds for this waiver request, one first must recognize the exact nature of this project. This property, in its location, is like no other in Holly Springs. No other parcel in the town's jurisdiction is bordered by two other jurisdictions, Apex to the West of Stephenson Road, as well as Cary, immediately adjacent to the north. This trifecta of sorts has created the ultimate gateway project for Holly Springs, a unique opportunity to create a sense of place and arrival into the village-like atmosphere that is the town. This gateway also brings with it unique requirements. It is part of the Northeast Gateway Plan and is classified as 'very high density mixed use'. This property's designation requires that a mixed-use designation be created, maintaining a "urban village atmosphere". It is this atmosphere's intent that has guided the design of the proposed buildings.

How does a project create a village atmosphere? A village atmosphere is created by creating a sense of place while being mindful of an existing residential community around it. The subject property is zoned Local Business and within that commercial zoning district there is a Mixed Use option. Given the property's gateway location and land use designation, the property is required to follow the option and its associated ordinance requirements. One of those requirements, found in UDO Section 3.02 3. h. (1) (b) specifically, deals with Commercial Design Guidelines. This requirement states that the buildings shall be designed so that they *create visual interest which can draw attention of the passing public*. As seen on the attached elevations, the buildings proposed have been designed with a unique end game while not comprising the high quality that Holly Springs has come to demand and enjoy. A multitude of materials have been proposed which work to provide an appropriate scale of a mixed-use building, this contributes to create visual interest to both the pedestrian pass-by as well as vehicular traffic and breaks up the buildings to create an appropriate scale.

- 2) The proposed development will be compatible with and will enhance the use or value of area properties;

This property is impacted by location, unlike any other property in the Town's jurisdiction because no other property is bounded by two different jurisdictions. This location has driven the Town of Holly Springs to create very heightened design requirements, that require a very high-quality, mixed use development to take shape on the property. As previously mentioned, ordinance requirements are very specific that these buildings are to be unique in design and generate visual interest from the passing public and surrounding community. But it also must be done so that it fits seamlessly with the existing fabric of nearby properties. The three-dimensional cap creates articulation in the buildings and will work to create an anchor between the earth and sky above. Additionally, the mix of materials work to visually reduce the overall

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length of the buildings and make them more scale appropriate to both the pedestrian and vehicle passer-by. This development will be a great compliment to the area, buildings are centered to the main intersection of Sunset Lake and Stephenson Roads and are not located next to nearby residential lots. Currently this lot mostly vacant, developed, this project will feature wide sidewalks along Sunset Lake, much needed road improvements along all road frontage and high-quality buildings, resulting in a complete enhancement to the adjacent area.

- 3) **The proposed development will be compatible with the intent of the Comprehensive Plan; and,**

The applicant has worked with both town staff and its development team over the course of two years to create the Town's gateway, urban village atmosphere. This project is the result of that vision come to life, in a way the Town has never seen. The waiver request is design driven, done to create a sense of place, and a uniqueness in building design that Holly Springs and the surrounding suburban communities have not before benefited from and should encourage. In the community character section of the Vision Holly Springs Comprehensive Plan, it is stated "Enable all residents to have the ability to live within walking distance of a neighborhood commercial center and central civic space." This development will allow that objective to be achieved, both for the residents of Peterson Station, as well as nearby Sunset Pointe residents who will have a sidewalk connection to this development. Additionally, in the community character section also states the town should "Encourage a "village atmosphere" by creating a sense of community and identity for the residents and businesses of Holly Springs." Peterson Station will truly be a village atmosphere with storefronts along the intersection of Sunset Lake and Stephenson Roads, signaling you have arrived into the northeast gateway of Holly Springs; residential balconies will be seen along the streets connecting residents to the passers-by; tables and benches will be along the street as well allowing the patrons to connect to the outside and entice the cars whizzing by to stop and stay in while.

Lastly, the subject property is designated as 'Mixed Use'. Proposed developments within the Mixed Use designation should include multiple land uses; mixed use buildings, or provide a compatible use for the area that is not already provided to create a mixed use setting. Peterson Station checks all of those areas and does it in style. This development will have a healthy dose of commercial business that will last beyond the traditional work day and will serve both the daily errands of residents as well as friends and families wishing to get a bite to eat or a drink and socialize, both in the project and outside it.

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

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed-use development option ordinance has greatly influenced this plan. Driving the buildings to be located at the intersection of Sunset Lake and Stephenson Roads and parking behind, as well as access points into and out of the site. In addition to this, the developer has been very conscious about placing the supporting residential buildings behind the commercial buildings, and central to the site, therefore being the greatest distance away from the adjacent neighborhood of Sunset Pointe. This specific

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waiver is needed in order to achieve the overhangs and shadow lines on a flat roof building. This is consistent with traditional neighborhood scale commercial areas that used larger masses rather than contemporary, new-age façade undulations which do not represent a traditional village atmosphere and do not blend into an adjacent neighborhood environment. Collectively, the design elements present on the buildings, the purpose and intent of the ordinance is being achieved as well as being mindful of the public's safety and interest. By granting this waiver, the many heightened goals of the Northeast Gateway as well as the mixed-use ordinance can be achieved, all while creating a development that is mindful of the surrounding neighborhoods.

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TOWN OF HOLLY SPRINGS
UDO SECTION 3.08 OR 4.05: ALTERNATE COMPLIANCE WITH ARCHITECTURAL
AND SITE DESIGN REQUIREMENTS IN LB, CB, OR, GB & BT, RT, IT
FINDINGS OF FACT

OPM Appendix #A.06

Supplement #15

December 2018



Please print responses in blue or black ink or typewrite.

A petition for Alternate Compliance may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or describe the unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) **The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;**

Please see attached sheets immediately following this page for completed responses for questions #1-4. Thank you.

For DPZ Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) **The proposed development will be compatible with and will enhance the use or value of area properties;**

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

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

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature: *[Signature]*

Date: 3/29/19

Office of the Mayor

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FINDINGS OF FACT

- 1) **The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;**

To understand the grounds for this waiver request, one first must recognize the exact nature of this project. This property, in its location, is like no other in Holly Springs. No other parcel in the town's jurisdiction is bordered by two other jurisdictions, Apex to the West of Stephenson Road, as well as Cary, immediately adjacent to the north. This trifecta of sorts has created the ultimate gateway project for Holly Springs, a unique opportunity to create a sense of place and arrival into the village-like atmosphere that is the town. This gateway also brings with it unique requirements. It is part of the Northeast Gateway Plan and is classified as 'very high density mixed use'. This property's designation requires that a mixed-use designation be created, maintaining a "urban village atmosphere". It is this atmosphere's intent that has guided the design of the proposed buildings.

How does a project create a village atmosphere? A village atmosphere is created by creating a sense of place while being mindful of an existing residential community around it. The subject property is zoned Local Business and within that commercial zoning district there is a Mixed Use option. Given the property's gateway location and land use designation, the property is required to follow the option and its associated ordinance requirements. One of those requirements, found in UDO Section 3.02 3. h. (1) (b) specifically, deals with Commercial Design Guidelines. This requirement states that the buildings shall be designed so that they *create visual interest which can draw attention of the passing public*. As seen on the attached elevations, the buildings proposed have been designed with a unique end game while not comprising the high quality that Holly Springs has come to demand and enjoy. A multitude of materials have been proposed which work to provide an appropriate scale of a mixed-use building, this contributes to create visual interest to both the pedestrian pass-by as well as vehicular traffic and breaks up the buildings to create an appropriate scale.

- 2) **The proposed development will be compatible with and will enhance the use or value of area properties;**

This property is impacted by location, unlike any other property in the Town's jurisdiction because no other property is bounded by two different jurisdictions. This location has driven the Town of Holly Springs to create very heightened design requirements, that require a very high-quality, mixed use development to take shape on the property. As previously mentioned, ordinance requirements are very specific that these buildings are to be unique in design and generate visual interest from the passing public and surrounding community. But it also must be done so that it fits seamlessly with the existing fabric of nearby properties. The three-dimensional cap creates articulation in the buildings and will work to create an anchor between the earth and sky above. Additionally, the mix of materials work to visually reduce the overall

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length of the buildings and make them it more scale appropriate to both the pedestrian and vehicle passer-by. This development will be a great compliment to the area, buildings are centered to the main intersection of Sunset Lake and Stephenson Roads and are not located next to nearby residential lots. Currently this lot mostly vacant, developed, this project will feature wide sidewalks along Sunset Lake, much needed road improvements along all road frontage and high-quality buildings, resulting in a complete enhancement to the adjacent area.

- 3) The proposed development will be compatible with the intent of the Comprehensive Plan; and,**

The applicant has worked with both town staff and its development team over the course of two years to create the Town's gateway, urban village atmosphere. This project is the result of that vision come to life, in a way the Town has never seen. The waiver request is design driven, done to create a sense of place, and a uniqueness in building design that Holly Springs and the surrounding suburban communities have not before benefited from and should encourage. In the community character section of the Vision Holly Springs Comprehensive Plan, it is stated "Enable all residents to have the ability to live within walking distance of a neighborhood commercial center and central civic space." This development will allow that objective to be achieved, both for the residents of Peterson Station, as well as nearby Sunset Pointe residents who will have a sidewalk connection to this development. Additionally, in the community character section also states the town should "Encourage a "village atmosphere" by creating a sense of community and identity for the residents and businesses of Holly Springs." Peterson Station will truly be a village atmosphere with storefronts along the intersection of Sunset Lake and Stephenson Roads, signaling you have arrived into the northeast gateway of Holly Springs; residential balconies will be seen along the streets connecting residents to the passers-by; tables and benches will be along the street as well allowing the patrons to connect to the outside and entice the cars whizzing by to stop and stay in while.

Lastly, the subject property is designated as 'Mixed Use'. Proposed developments within the Mixed Use designation should include multiple land uses; mixed use buildings, or provide a compatible use for the area that is not already provided to create a mixed use setting. Peterson Station checks all of those areas and does it in style. This development will have a healthy dose of commercial business that will last beyond the traditional work day and will serve both the daily errands of residents as well as friends and families wishing to get a bite to eat or a drink and socialize, both in the project and outside it.

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

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed-use development option ordinance has greatly influenced this plan. Driving the buildings to be located at the intersection of Sunset Lake and Stephenson Roads and parking behind, as well as access points into and out of the site. In addition to this, the developer has been very conscious about placing the supporting residential buildings behind the commercial buildings, and central to the site, therefore being the greatest distance away from the adjacent neighborhood of Sunset Pointe. This specific

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variation in massing waiver is needed to allow for buildings to be widened to allow for wider commercial ground floor space to create opportunities for more glass and increase the amount of natural light and the ability of leasable space to not feel constricted and narrow. Through those design elements the purpose and intent of the ordinance is being achieved as well as being mindful of the public's safety and interest.. By granting this waiver, the many heightened goals of the Northeast Gateway as well as the mixed-use ordinance can be achieved.

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TOWN OF HOLLY SPRINGS

UDO SECT ON 3.08 OR 4.05: ALTERNATE COMPLIANCE WITH ARCHITECTURAL
AND SITE DESIGN REQUIREMENTS IN LB, CB, OR, GB & BT, RT, IT

FINDINGS OF FACT

OPM Appendix FA.04

Supplement #15

December 2018



Please print responses in blue or black ink or typewritten.

A petition for Alternate Compliance may only be approved upon the presentation of sufficient evidence. Please include as much detailed information or describe the unique conditions that would enable the decision making body to make a written determination that:

Findings of Fact

- (1) The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

Please see attached sheets immediately following this page for complete responses for questions #1-4.

Thank you.

For DP2 Use only

Project # _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

- (2) The proposed development will be compatible with and will enhance the use or value of area properties;

- (3) The proposed development is consistent with the intent of the Comprehensive Plan; and,

- (4) The proposed development is consistent with the intent and purpose of this UDO.

Certificate of Completion

I certify that all information presented in this petition is accurate to the best of my knowledge and belief.

Signature

Date:

4/26/19

Office of the Mayor

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Sunset Lake Mixed Use Waiver Request: Façade Modulation Reduction

FINDINGS OF FACT

- 1) **The proposed development represents the use of (building materials, building massing and façade treatment, building orientation, signs, landscaping, lighting or open space which will result in a development patter which is equivalent to or superior to that achievable under the applicable regulations;**

To understand the grounds for this waiver request, one first must recognize the exact nature of this project. This property, in its location, is like no other in Holly Springs. No other parcel in the town's jurisdiction is bordered by two other jurisdictions, Apex to the West of Stephenson Road, as well as Cary, immediately adjacent to the north. This trifecta of sorts has created the ultimate gateway project for Holly Springs, a unique opportunity to create a sense of place and arrival into the village-like atmosphere that is the town. This gateway also brings with it unique requirements. It is part of the Northeast Gateway Plan and is classified as 'very high density mixed use'. This property's designation requires that a mixed-use designation be created, maintaining a "urban village atmosphere". It is this atmosphere's intent that has guided the design of the proposed buildings.

How does a project create a village atmosphere? A village atmosphere is created by creating a sense of place while being mindful of an existing residential community around it. The subject property is zoned Local Business and within that commercial zoning district there is a Mixed Use option. Given the property's gateway location and land use designation, the property is required to follow the option and its associated ordinance requirements. One of those requirements, found in UDO Section 3.08 3. A. (1) (c) (2) (h) specifically, deals with Commercial Design Guidelines and associated façade modulation. This requirement states that the buildings shall be designed so that they *create visual interest which can draw attention of the passing public*. As seen on the attached elevations, the buildings proposed have been designed with a unique end game while not comprising the high quality that Holly Springs has come to demand and enjoy. A multitude of materials have been proposed which work to provide an appropriate scale of a mixed-use building, this contributes to create visual interest to both the pedestrian pass-by as well as vehicular traffic and breaks up the buildings to create an appropriate scale.

Furthermore, we are proposing to meet the intent of this requirement, when looking at the façade as a whole, the modulation requirements are actually being met.

- 2) **The proposed development will be compatible with and will enhance the use or value of area properties;**

This property is impacted by location, unlike any other property in the Town's jurisdiction because no other property is bounded by two different jurisdictions. This location has driven the Town of Holly Springs to create very heightened design requirements, that require a very high-quality, mixed use development to take shape on the property. As previously mentioned, ordinance requirements are very specific that these buildings are to be unique in design and generate visual interest from the passing public and surrounding community. But it also must be done so that it fits seamlessly with the existing fabric of nearby properties. The three-

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dimensional cap creates articulation in the buildings and will work to create an anchor between the earth and sky above. Additionally, the mix of materials work to visually reduce the overall length of the buildings and make them more scale appropriate to both the pedestrian and vehicle passer-by. This development will be a great compliment to the area, buildings are centered to the main intersection of Sunset Lake and Stephenson Roads and are not located next to nearby residential lots. Currently this lot mostly vacant, developed, this project will feature wide sidewalks along Sunset Lake, much needed road improvements along all road frontage and high-quality buildings, resulting in a complete enhancement to the adjacent area.

- 3) **The proposed development will be compatible with the intent of the Comprehensive Plan; and,**

The applicant has worked with both town staff and its development team over the course of two years to create the Town's gateway, urban village atmosphere. This project is the result of that vision come to life, in a way the Town has never seen. The waiver request is design driven, done to create a sense of place, and a uniqueness in building design that Holly Springs and the surrounding suburban communities have not before benefited from and should encourage. In the community character section of the Vision Holly Springs Comprehensive Plan, it is stated "Enable all residents to have the ability to live within walking distance of a neighborhood commercial center and central civic space." This development will allow that objective to be achieved, both for the residents of Peterson Station, as well as nearby Sunset Pointe residents who will have a sidewalk connection to this development. Additionally, in the community character section also states the town should "Encourage a "village atmosphere" by creating a sense of community and identity for the residents and businesses of Holly Springs." Peterson Station will truly be a village atmosphere with storefronts along the intersection of Sunset Lake and Stephenson Roads, signalling you have arrived into the northeast gateway of Holly Springs; residential balconies will be seen along the streets connecting residents to the passers-by; tables and benches will be along the street as well allowing the patrons to connect to the outside and entice the cars whizzing by to stop and stay in while.

Lastly, the subject property is designated as 'Mixed Use'. Proposed developments within the Mixed Use designation should include multiple land uses; mixed use buildings, or provide a compatible use for the area that is not already provided to create a mixed use setting. Peterson Station checks all of those areas and does it in style. This development will have a healthy dose of commercial business that will last beyond the traditional work day and will serve both the daily errands of residents as well as friends and families wishing to get a bite to eat or a drink and socialize, both in the project and outside it.

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

Since this project's inception, the ordinance and potential public impacts have driven its design. From the initial meeting with the town, staff and the mixed-use development option ordinance has greatly influenced this plan. Driving the buildings to be located at the intersection of Sunset Lake and Stephenson Roads and parking behind, as well as access points into and out of the site. In addition to this, the developer has been very conscious about placing the supporting

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residential buildings behind the commercial buildings, and central to the site, therefore being the greatest distance away from the adjacent neighborhood of Sunset Pointe. This specific waiver is needed in order to achieve the façade modulation treatment applied to the entire façade rather than a percentage of the façade. This is needed because of the store front sizes have increased, therefore increasing available leasable space, but doesn't compromise the UDO, because the intent is still being met and the façade will not be a continuous plane which is what the UDO was trying to prevent. Collectively, the design elements present on the buildings, the purpose and intent of the ordinance is being achieved as well as being mindful of the public's safety and interest. By granting this waiver, the many heightened goals of the Northeast Gateway as well as the mixed-use ordinance can be achieved, all while creating a development that is mindful of the surrounding neighborhoods.

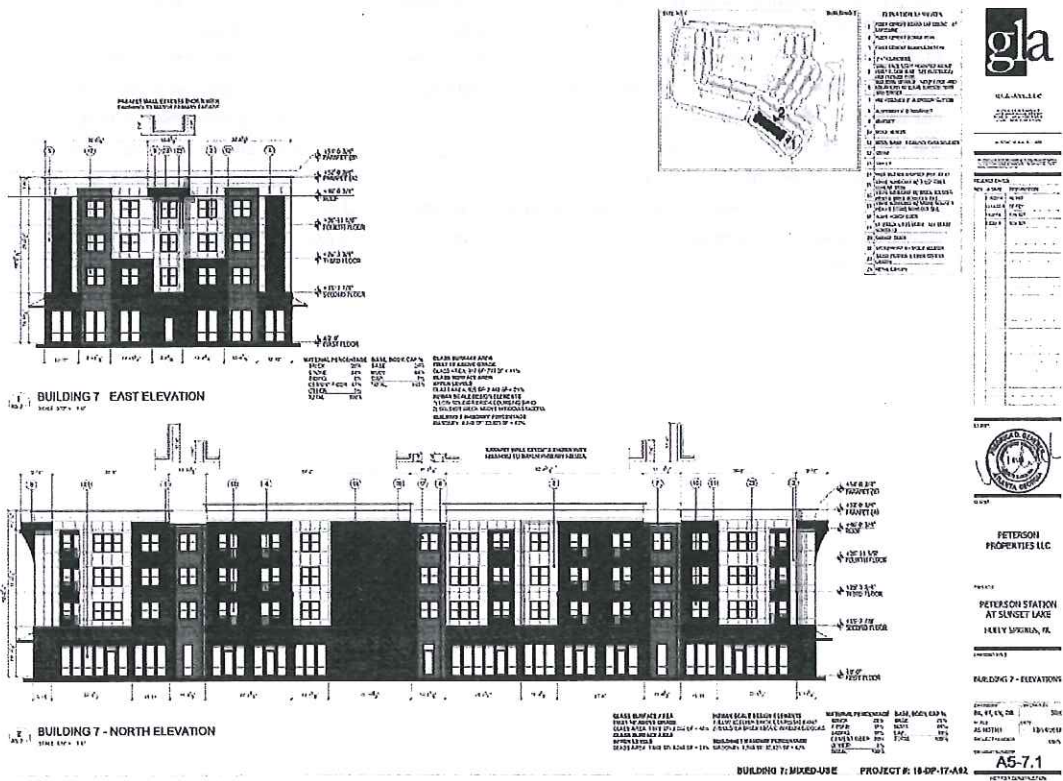
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RESOLUTION EXHIBIT B

ELEVATIONS



RESOLUTION EXHIBIT C

Office of the Mayor

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TOWN COUNCIL'S FINDINGS OF FACT

The Town Council accepts the findings of fact as presented in Exhibit A unless specified below:

The Town Council made the following additional findings:

WAIVERS FOR ARCHITECTURAL AND DESIGN REQUIREMENTS

1. 19-WAV-06: Primary Façade Materials
X No Additional Findings
2. 19-WAV-07: Façade Modulations – Multifamily
X No Additional Findings
3. 19-WAV-20: Colors – Multifamily
X No Additional Findings
4. 19-WAV-21: Roof Treatment
X No Additional Findings
5. 19-WAV-22: Primary Façade Massing
X No Additional Findings
6. 19-WAV-23: Primary Façade Modulation
X No Additional Findings

RESOLUTION EXHIBIT D

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Email: dick.sears@hollyspringsnc.us

CONDITIONS OF APPROVAL


The Town Council added the following conditions in order to adequately make and accept the Findings of Fact:

WAIVERS FOR ARCHITECTURAL AND DESIGN REQUIREMENTS

1. 19-WAV-06: Primary Façade Materials
X No Conditions
2. 19-WAV-07: Façade Modulations – Multifamily
X No Conditions
3. 19-WAV-20: Colors – Multifamily
X No Conditions
4. 19-WAV-21: Roof Treatment
X No Conditions
5. 19-WAV-22: Primary Façade Massing
X No Conditions
6. 19-WAV-23: Primary Façade Modulation
X No Conditions

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 <p>Holly Springs, N.C.</p> <p>Policy & Procedure Statements</p> <p>of the Holly Springs Town Council</p>	P-025.2 Town Council Evaluation of Local Civic Nonprofit Grant Applications	
	Prepared By:	Linda McKinney
	Department:	Town Clerk
	Date Approved by Board:	November 19, 2019
	Effective Date:	November 19, 2019
	Supersedes Old #:	P-025.1
	Old Effective Date:	March 7, 2010

POLICY PURPOSE:

To provide the Town Council with guidelines to use in evaluating applications to the Local Civic Nonprofit Grant program for funding. The guidelines are intended to result in fair and equitable evaluation of applications.

SCOPE/COVERAGE:

This policy, upon adoption by the Town Council, shall be applicable to members of the Town Council and to any designated staff, council members or others that the Council may appoint to play a role in the evaluation of grant applications. This policy may be amended from time to time by the Town Council.

POLICY/STATEMENT:

The Town Council of the Town of Holly Springs will evaluate, or will cause the evaluation of, applications submitted to the Local Civic Nonprofit Grant Program.

The Town Clerk will review applications for completeness and timeliness. The Town Clerk will conduct a pre-evaluation criteria check to ensure only eligible applications are advanced to the assessment stage. If an application fails to meet any of the below criteria the application will not be considered for a grant award in the current fiscal year.

- Has a complete application been received on-time, including required financial documentation and proof of 501(c)(3) status?
- Will funds be spent for a public purpose?
- Will funds be spent on an activity the Town is authorized by law to engage in?
- Will funding from the Town amount to no more than \$2,500, or no more than 25% of an applicant agency's total budget or project budget, whichever is greater?
- Does the applicant demonstrate that facilities and projects will be accessible to people with disabilities?

A review committee of Town staff will be formed to evaluate applications on a set of defined criteria. The staff review committee will be comprised of at least three Town staff, as directed by the Town Manager. If necessary due to workload, multiple staff review committees may be formed to evaluate and score applications. All applications will be assessed on the following criteria:

- Will the agency, project, or event receiving support be reasonably available to all residents of Holly Springs?
- Is the funding organization locally based or providing a direct tangible impact on life in Holly Springs?
- What amount of funding is requested?
- Does the activity support the Town's strategic priority areas?
- Does the organization have year-round managerial leadership or an active board?

A committee consisting of two Councilmembers will evaluate grant applications based on criteria scoring provided by Town staff. This committee will provide funding recommendations for applicants to be approved by Town Council. In each term this committee will be appointed by the Council during each organizational meeting following a municipal election, and the term of the committee members will run for two years.

The Town is not obligated to allocate all funding available in the Special Programs Contributions line item.

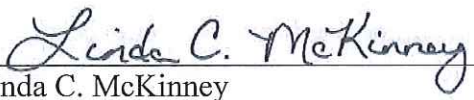
The Council may award all, a portion of or none of an applicant's request

Applicants should not anticipate annual funding, as it may not be made available in every budget year.

The Council may, in its discretion, consider other factors in evaluating an application, and/or amend any provisions of this policy

End of Policy Statement No. P-25.2

I, Linda C. McKinney, Town Clerk of the Town of Holly Springs, certify that this policy statement was adopted by the Holly Springs Town Council by unanimous vote on November 19, 2019.


 Linda C. McKinney
 Town Clerk



 <p>Holly Springs, N.C.</p> <p>Policy & Procedure Statements</p> <p>of the Holly Springs Town Council</p>	P-025.2	
	Town Council Evaluation of Local Civic Nonprofit Grant Applications	
	Prepared By:	Linda McKinney
	Department:	Town Clerk
	Date Approved by Board:	November 19, 2019
	Effective Date:	November 19, 2019
	Supersedes Old #:	P-025.1
	Old Effective Date:	March 7, 2010

POLICY PURPOSE:

To provide the Town Council with guidelines to use in evaluating applications to the Local Civic Nonprofit Grant program for funding. The guidelines are intended to result in fair and equitable evaluation of applications.

SCOPE/COVERAGE:

This policy, upon adoption by the Town Council, shall be applicable to members of the Town Council and to any designated staff, council members or others that the Council may appoint to play a role in the evaluation of grant applications. This policy may be amended from time to time by the Town Council.

POLICY/STATEMENT:

The Town Council of the Town of Holly Springs will evaluate, or will cause the evaluation of, applications submitted to the Local Civic Nonprofit Grant Program.

The Town Clerk will review applications for completeness and timeliness. The Town Clerk will conduct a pre-evaluation criteria check to ensure only eligible applications are advanced to the assessment stage. If an application fails to meet any of the below criteria the application will not be considered for a grant award in the current fiscal year.

- Has a complete application been received on-time, including required financial documentation and proof of 501(c)(3) status?
- Will funds be spent for a public purpose?
- Will funds be spent on an activity the Town is authorized by law to engage in?
- Will funding from the Town amount to no more than \$2,500, or no more than 25% of an applicant agency's total budget or project budget, whichever is greater?
- Does the applicant demonstrate that facilities and projects will be accessible to people with disabilities?

A review committee of Town staff will be formed to evaluate applications on a set of defined criteria. The staff review committee will be comprised of at least three Town staff, as directed by the Town Manager. If necessary due to workload, multiple staff review committees may be formed to evaluate and score applications. All applications will be assessed on the following criteria:

- Will the agency, project, or event receiving support be reasonably available to all residents of Holly Springs?
- Is the funding organization locally based or providing a direct tangible impact on life in Holly Springs?
- What amount of funding is requested?
- Does the activity support the Town's strategic priority areas?
- Does the organization have year-round managerial leadership or an active board?

A committee consisting of two Councilmembers will evaluate grant applications based on criteria scoring provided by Town staff. This committee will provide funding recommendations for applicants to be approved by Town Council. In each term this committee will be appointed by the Council during each organizational meeting following a municipal election, and the term of the committee members will run for two years.

The Town is not obligated to allocate all funding available in the Special Programs Contributions line item.

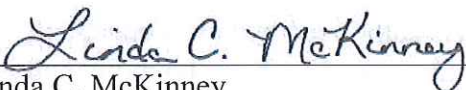
The Council may award all, a portion of or none of an applicant's request

Applicants should not anticipate annual funding, as it may not be made available in every budget year.

The Council may, in its discretion, consider other factors in evaluating an application, and/or amend any provisions of this policy

End of Policy Statement No. P-25.2

I, Linda C. McKinney, Town Clerk of the Town of Holly Springs, certify that this policy statement was adopted by the Holly Springs Town Council by unanimous vote on November 19, 2019.


 Linda C. McKinney
 Town Clerk



 <p>Holly Springs, N.C.</p> <p>Policy & Procedure Statements</p> <p>of the Holly Springs Town Council</p>	P-026.1	
	Community Agency Grant Eligibility and Rules	
	Prepared By:	Linda McKinney
	Department:	Town Clerk
	Date Approved by Board:	November 19, 2019
	Effective Date:	November 19, 2019
	Supersedes Old #:	P-026
	Old Effective Date:	Nov. 3, 2004

POLICY PURPOSE:

To provide the public with information about the eligibility requirements and rules of the Local Civic Nonprofit Grant Program.

SCOPE/COVERAGE:

This policy, upon adoption by the Town Council, shall apply to any individual or group applying for Town funding under the Local Civic Nonprofit Grant Program. This policy may be amended from time to time by the Town Council.

POLICY STATEMENT:

The following are the eligibility requirements and rules set by the Town Council for the Local Civic Nonprofit Grant Program:

Who May Apply

1. Non-profit agencies that hold or have applied for 501(c)(3) tax status and that have been in existence with a credible history of financial responsibility for at least two years. Evidence of 501(c)(3) status should be provided in the grant application (either the 501(c)(3) number; a copy of the 501(c)(3) application; or a sworn affidavit).
2. Applicant organizations that have not been in existence for 2 years or that have not obtained or applied for 501(c)(3) status may apply under the umbrella of another eligible agency that will serve as the applicant and provide fiduciary responsibility.
3. Private individuals or groups requesting funding for capital improvements, enhancements, or landscaping on Town-owned or Town-leased property. Such applications will be subject to the prior-approval of the affected Town department(s) in charge of said Town property before submission of an application for funding.

Grants May Be Used:

1. To support activities which serve a public purpose;
2. To support activities that the Town is authorized by law to engage in;
3. For only up to 25% of general budget support of an applicants agency's total annual capital and operating budget or no more than \$2,500 per year, whichever is greater;

4. For only up to 25% of the costs for a specific public project or public event sponsored by the applicant agency and no more than \$2,500 per year;
5. Up to 100% of the monetary cost of materials to provide capital improvements, enhancement or landscaping on Town-owned or Town-leased property, based on the applicant's ability to provide matching in-kind services or funding and based on the Town's desire for the proposed improvement.

Grants May NOT Be Used:

1. To support of any activity that does not serve a public purpose;
2. To financially benefit any one person or group of persons;
3. To support any election campaign, political party or political activity;
4. To support any activity or group that discriminates based on religion, cultural background, national origin, sex, age, sexual orientation or physical or mental disability.

Grant Limitations and Accounting Requirements:

1. Grants of \$500 or less will not require matching funds from the applicant.
2. Grants of \$501 to \$2,500 will require either:
 - a. matching funds from the applicant, or;
 - b. be no more than 25% of the applicants agency's total annual budget, or;
3. An applicant agency's prior year independent financial audit, if available, should be provided with application.
4. An applicant agency's current year operating budget must be provided with application.
5. Applicant must demonstrate that facilities and projects will be accessible to people with disabilities.
6. All information requested on the grant application must be supplied or adequate reason given as to why information is not provided.
7. All applications, including financial information provided, are public records upon submission to the Town, and therefore subject to public inspection upon request.
8. Any additional information requested by the Town's finance department will be provided upon request.
9. **Grant funds awarded for public projects or events:** Receipts for purchases and services paid for from grant funding must be provided to the Town and should total the amount of the grant request. Receipts should be submitted to the Town within 15 days of expenditure. Failure to provide receipts may result in the forfeiture of remaining grant funds.
10. **Grant funds awarded for public projects or events:** Any unspent grant funds as of June 30 must be returned to the Town of Holly Springs within 15 days, or July 15, whichever is earlier. Grant funds may not be saved from year to year, but agencies can reapply for the funding in the following fiscal year. Applicant agencies that do not return unspent grant funds or provide evidence that the funds have been spent on qualified expenditures will not be eligible to apply for funding in the following fiscal year.
11. **Grant funds awarded for general budget support of an applicants agency:** Receipts do not have to be provided; however, a general accounting of how Town funds were expended during the year must be submitted along with the

agency's grant application in the following year in order for the applicant agency to be considered for future funding.

12. Any application that is incomplete or does not meet the above criteria will not be considered for funding.
13. The Town may award the entire amount, any portion, or none of the funds requested in any application.
14. The Town may or may not allocate all funding available in the Special Programs Contributions item of the budget.
15. Applicant agencies should not anticipate that funding will be made in future years and should not plan annual budgets that would depend on funding from the Town, as that may not be possible.

Applications will be pre-assessed on the following criteria and any other criteria agreed upon by the Town Council before being evaluated and scored:


1. Has a complete application been received on-time, including required financial documentation and proof of 501(c)(3) status?
2. Will funds be spent for a public purpose?
3. Will funds be spent on an activity the Town is authorized by law to engage in?
4. Will funding from the Town amount to no more than \$2,500, or no more than 25% of an applicant agency's total budget or project budget, whichever is greater?
5. Does the applicant demonstrate that facilities and projects will be accessible to people with disabilities?

Applications will be evaluated and scored on the following criteria and any other criteria agreed upon by the Town Council:

1. Will the agency, project, or event receiving support be reasonably available to all residents of Holly Springs?
2. Is the funding organization locally based or providing a direct tangible impact on life in Holly Springs?
3. What amount of funding is requested?
4. Does the activity support the Town's strategic priority areas?
5. Does the organization have year-round managerial leadership or an active board?

End of Policy Statement No. P-026

I, Linda C. McKinney, Town Clerk of the Town of Holly Springs, certify that this policy statement was adopted by the Holly Springs Town Council by unanimous vote on November 19, 2019.


Linda C. McKinney
Town Clerk

