



Agenda

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Adjustment and approval of December 21, 2021 meeting agenda

PUBLIC COMMENT PERIOD

Notes on the Public 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.

REQUESTS AND COMMUNICATIONS

5. N.C. House Representative Erin Paré Presentation
6. Acceptance of proceeds from the 1st Annual HERO Golf Classic to the Police and Fire departments
7. Holly Springs Skyhawks Presentation
8. Holly Springs Police Department Annual Report and Police Community Advisory Group Update

RECOGNITIONS

9. Recognition of SolSmart bronze designation

CONSENT AGENDA

10. Approve the minutes of the December 7, 2021 Business meeting
Resolution Making Findings of Fact Concerning Proposed Bond Issue - Current Refunding (refinancing of existing debt) of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (1 of 3)(First Action)
11. Introduction of Bond Order - Current Refunding of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (2 of 3)
12. Current Refunding "refinancing of existing debt" of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (3 of 3)(Final Action)
13. Personnel Policy Amendments
14. Gunter Morris Rd. Road Closure
15. Amend the Mayor and Town Council Procedures Manual
- 16.

PUBLIC HEARINGS

17. Holly Springs New Hill Road Rezoning & Development Agreement 21-REZ-01 - Legislative Hearing

OTHER BUSINESS
MANAGER'S REPORT
CLOSED SESSION -
ADJOURNMENT

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:

linda.mckinney@hollyspringsnc.gov 919-557-3900



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 5.

Requests & Communications

Title: N.C. House Representative Erin Paré Presentation

Strategic Priority Area: Responsible & Balanced Growth
Economic Prosperity & Diversity

Staff Resource: Mayor Mayefskie

Action(s):

N.C. House Representative Erin Paré will offer comments on the recently approved State budget that includes \$10.5 million of funds dedicated to benefit Holly Springs.

Explanation:

- On November 18, 2021 Governor Roy Cooper signed into law the State's FY23 budget.
- The budget includes \$8 million to Holly Springs to support new utility infrastructure associated with the economic development recruitment of Amgen to the Friendship Innovation Park in the northwest area of Town.
- The State budget also includes \$2.5 million to supplement NC Department of Transportation (NCDOT) funding to increase the number of lanes on a planned, new NCDOT bridge on Old Holly Springs Apex Rd over Little Branch Creek from 2-lanes to 4-lanes.
- Representative Paré advocated for the inclusion of these funds in the N.C. House budget and will share some comments about these efforts.

Background:

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 6.

Recognitions

Title: Acceptance of proceeds from the 1st Annual HERO Golf Classic to the Police and Fire departments

Strategic Priority Area: Engaged, Healthy, & Active Community
Safe & Friendly

Staff Resource: LeRoy Smith, Fire Chief, Paul Liquorie, Police Chief

Action(s):

Approve budget amendment to receive a check for \$15,000 from HERO Golf Classic event organizers to the Town of Holly Springs Fire and Police departments.

Explanation:

- This action will accept \$15,000 in proceeds from the 1st annual HERO Golf Classic to the Police and Fire departments.
- Event organizers Jon Smith and John Ratliff will present the funds to the Police and Fire departments for safety and educational purposes.
- Fire will receive \$7,500 and Police will receive \$7,500.

Background:

Funding Source(s):

General Fund - donations (\$15,000).

Attachment(s):

1. FY22 Budget Amendment Form - HERO Golf

Town of Holly Springs Budget Amendment Request

BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

Department: Police Department and Fire Department

Date: 12/21/2021

Reason for Budget Amendment:

Acceptance of proceeds from the First Annual HERO Golf Classic (12 Oaks) to the police and fire departments

Expense			
Account #	Account Description	Increase	Decrease
10-420-62.04	Fire Department - Supplies	\$ 7,500	
10-418-18-62.11	Police - Law Enforcement Supplies	\$ 7,500	
Total Expense:		\$ 15,000	\$ -

Revenue			
Account #	Account Description	Increase	Decrease
10-340.05	General Fund - Private Contributions	\$ 15,000	
Total Revenue:		\$ 15,000	\$ -

Department Head Signature (or electronic submission)

Finance Director Signature (if necessary)

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Town Manager is authorized to transfer within a department without prior approval of Town Council.

Town Manager is authorized to approve transfers between departments within the same fund up to \$50,000.

All inter-departmental transfers will be reported to Town Council by the following month.

Amendments that change the total budget or departmental transfers over \$50,000 require Town Council approval.



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 7.

Requests & Communications

Title: Holly Springs Skyhawks Presentation

Strategic Priority Area: Engaged, Healthy, & Active Community

Staff Resource: Carolyn Couch

Action(s):

Approve budget amendment to receive \$1,200 donation from the Skyhawks remote control aeronautics club.

Explanation:

- The Skyhawks host a remote control model aeronautics flying club at Sugg Farm each Saturday morning. The event is open to the public.
- Doug LeRoy, RC Club President, along with Club members, will present a donation check to Bass Lake Park and Meg's Smile Foundation from funds raised at the 2021 Wings Over Springs event, held September 4, 2021 at Sugg Farm Park.

Background:

- The Holly Springs Skyhawks started as a club that met at Sugg Farm to fly recreational remote controlled airplanes.
- As part of the partnership agreement with Bass Lake, the club conducts an annual service project to benefit the Town.
- Since 2017, the Skyhawks have hosted Wings Over Springs as their service project.
- Wings Over Springs is a charity electric fly-in involving remote-controlled airplanes and drones. This event allows residents and visitors to learn about the remote-controlled airplane hobby and actually fly one of the remote-controlled planes using a "buddy-box" system.

Funding Source(s):

General Fund - Private Contributions (\$1,200)

Attachment(s):

1. FY22 Budget Amendment Form - Bass Lake Sky Hawks

Town of Holly Springs Budget Amendment Request

BE IT ORDAINED by the Town Council of the Town of Holly Springs, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

Department: Parks and Recreation

Date: 12/21/2021

Reason for Budget Amendment:

The donation of \$1,200 to Bass Lake Park is a portion of the funds that were brought in from pilot registrations to take part in the Wings Over Springs event.

Expense			
Account #	Account Description	Increase	Decrease
10-425-28-62.04	Parks - Bass Lake Supplies	\$ 1,200	
Total Expense:		\$ 1,200	\$ -

Revenue			
Account #	Account Description	Increase	Decrease
10-340.05	General Fund - Private Contributions	\$ 1,200	
Total Revenue:		\$ 1,200	\$ -

Department Head Signature (or electronic submission)

Finance Director Signature (if necessary)

Town Manager Signature (if necessary)

Council Approved/Notified (if necessary)

Town Manager is authorized to transfer within a department without prior approval of Town Council.

Town Manager is authorized to approve transfers between departments within the same fund up to \$50,000.

All inter-departmental transfers will be reported to Town Council by the following month.

Amendments that change the total budget or departmental transfers over \$50,000 require Town Council approval.



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 8.

Requests & Communications

Title: Holly Springs Police Department Annual Report and Police Community Advisory Group Update

Strategic Priority Area: Safe & Friendly
Organizational Excellence

Staff Resource: Paul Liquorie, Police Chief

Action(s):

Receive Police Department's 2021 Annual Report and update on formulation of the Police Community Advisory Group.

Explanation:

- The intent of the Holly Springs Police Department's (HSPD) Annual Report is to provide an overview of the Town's crime statistics and the police department's activities for policy makers and administrators who govern Holly Springs and the residents who live and work here.
- The police command staff is also dedicated to analyzing and evaluating this data to ensure the best use of the department's resources for professional, equitable, and efficient policing.
- The men and women who comprise the outstanding HSPD are committed to providing the highest quality of service to ensure the safety, security, and well-being of residents, businesses, and visitors of Holly Springs.
- The Police Community Advisory Group (PCAG) is designed to strengthen neighborhood relationships, build trust, increase understanding and awareness of law enforcement challenges and opportunities in the community, and provide direct community engagement with the Police Chief.
- The Police Department is working toward the Commission on the Accreditation of Law Enforcement Agencies (CALEA) certification. One of the best practice criteria components for this national accreditation includes the establishment of a police advisory group.
- The Police Chief will share the purpose of the PCAG and the list of residents who will comprise the first advisory committee. The Police Department received 103 applicants for seven originally envisioned advisory seats. Due to this overwhelming interest, staff are expanding the number of group members to ten.

Background:

- The reportable period examined encompasses the time span between October 1 of the preceding year through September 30 of the current year.
- The format of this off-set calendar year follows the Federal Bureau of Investigations (FBI) annual crime reporting period.

- The Holly Springs Police Department's Annual Report gives a broad overview of the agency's structure, advancements, challenges, and current operations.
- The officers, telecommunicators and support staff that make up the department remain committed to providing exceptional community service, while maintaining Holly Springs as one of the safest towns in North Carolina.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 9.

Recognitions

Title: Recognition of SolSmart bronze designation

Strategic Priority Area: Economic Prosperity & Diversity
Responsible & Balanced Growth

Staff Resource: Sean Ryan, Development Services

Action(s):

No Action Requested

Explanation:

- The Town has achieved bronze designation with the SolSmart program. Staff will present the award plaque for this designation.
- This designation signifies the Town's commitment toward sustainability and the environment and making solar PV installation easier, more affordable and equitable.
- Key tasks the Town completed to earn the bronze designation included creating a solar webpage, creating an easy to follow solar permitting checklist, reviewing the UDO for potential improvements in solar regulations, and specialized training for staff.
- Staff will evaluate our SolSmart designation scoring sheet to identify the steps we need to take as we work towards a silver designation.

Background:

- SolSmart is a voluntary program that indicates to the solar power community that the Town is in support of alternative energy (solar) options, specifically as it relates to residential solar PV installation options.
- As outlined in the Town Council's Strategic Plan, Responsible and Balanced Growth Initiative 2.3, the Town Council seeks to achieve the SolSmart silver designation.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 10.

Consent Agenda

Title: Approve the minutes of the December 7, 2021 Business meeting

Strategic Priority Area: Organizational Excellence

Staff Resource: Linda McKinney, Town Clerk

Action(s):

Approve the minutes of the Council's Business meeting held November 30, 2021.

Explanation:

- Minutes in draft form are attached for the Council's review.
- If there are any corrections, please call the Town Clerk at 919-557-3900 in advance of Tuesday night's meeting so that corrected versions of the draft minutes can be circulated for review before adoption of the Consent Agenda.

Background:

Funding Source(s):

N/A

Attachment(s):

1. 12.7.21 minutes-draft



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, December 7, 2021. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and four Council members were present in the Chamber as the meeting opened.

Council Members Present: Mayor Sears, Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, and Aaron Wolff, and Councilwoman Christine Kelly.

Council Members absent: Councilman Shaun McGrath.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Scott Chase, *Assistant Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Kendra Parrish, *Executive Director of Utilities & Infrastructure*; Aaron Levitt, *Utilities & Infrastructure*; Dirk Siebenbrodt, *Utilities & Infrastructure*; Chris Hills, *Director, Development Services*; Rachel Jones, *Development Services*; Cheryl Caines, *Development Services*; Elizabeth Goodson, *Development Services*; LeeAnn Plumer, *Director, Parks and Recreation*; Adam Huffman, *Parks and Recreation*; Antwan Morrison, *Director, Finance*; Corey Petersohn, *Administration*; Cassie Hack, *Director, Communications*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Pastor Jonathan Sherrod, of Kirk of Holly Springs.

4. Agenda Adjustment: The December 7, 2021 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry
Second: Villadsen
Vote: Unanimous

Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council, and the Clerk was asked for any written comments received prior to the meeting.

The following written comments were received: none.

The following comments were received in person: Tim Sack, former council member, spoke to the history of Holly Springs, and to thank Mayor Sears for his twenty years of service.

RECOGNITIONS

5. NC Recreation and Parks Association Special Citation Award

Michelle Wells, Executive Director of the NC Recreation and Park Association presented a Special Citation Award to town employee Leslie Haney for outstanding dedication to the field of recreation and parks for her actions at the beginning of the pandemic to shift programs to online formats, and for innovative programming throughout the year.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by Mayor Pro Tem Berry, a second by Council member Villadsen and a unanimous vote. The following actions were affected:

6. Minutes – Council approved the minutes of the business meeting held November 30, 2021.

7. Monthly Budget Amendment Report – The Council received the monthly budget amendment report.

A copy of the budget amendment report is attached to these minutes.

NEW BUSINESS

8. Sugg Farm Paving Project (TOHS Proj 21-024)

Aaron Levitt, Utilities and Infrastructure, said that this project was to rehabilitate multiple road sections within Sugg Farm Park, totally approximately 2,900 linear feet. The design was done in-house, so the entire contract is for construction costs. The Town received two bids for this project. The lowest responsive responsible bidder was Turner Asphalt, Inc. Construction is anticipated to start in Spring of 2022.

Mr. Levitt said that this project was in the Community Investment Plan, budgeted at \$130,000. The additional \$124,000 will be funded from savings from existing Parks and Recreation capital projects. He said the current road will be resurfaced, and an existing gravel road section will be surfaced to allow emergency access through the Parks at Bass Lake neighborhood. The road is gated and currently the easement allows for emergency-only use. However, staff is in negotiations with the HOA and expects to bring an agreement before Council that will allow this road to be used as a second exit to alleviate traffic issues for major events such as Holly Fest and July 5th.

Action: Motion to approve project budget.

Motion by: Wolff

Second by: Berry

Vote: unanimous

Action: Motion to award the Sugg Farm Paving Project contract to Turner Asphalt Inc. and provide funding in the amount of \$254,000.00 which consists of the base bid and alternate "A" bid amount of \$230,585 plus \$23,415 in contingency.

Motion by: Berry

Second by: Wolff

Vote: unanimous

9. FUJIFilm Diosynth Biotechnologies Development Plan 21-DP-10

Elizabeth Goodson, Development Services, said the purpose of this item was to consider the Development Plan and Development Agreement for Fujifilm Diosynth Biotechnologies. She showed the location of the project, and reminded Council of the process to date. The project is approximately 152 acres, with 809,000 square feet of Lab/Manufacturing/Warehouse uses. The property is designated Business & Industrial on the Future Land Use Map and zoned RT: Research & Technology.

Rachel Jones, Development Services, explained how this project fit in with the draft Comprehensive Transportation Plan (CTP) update, including the southern access road and the road connecting to Avent Ferry Road. She said a Traffic Impact Analysis studied thirteen intersections, including new site access points. She showed where road improvements are being

done by Oakview Innovation, and where improvements will be made by Fujifilm Diosynth Biotechnologies, and where the site driveways will be. The site will be served by water, reclaimed water, and sanitary sewer.

Ms. Goodson said that greenway easements will be dedicated according to the Parks and Greenway Master Plan. She gave highlights of the Development Agreement including an increased building height, exemption from Architectural and Site Design Requirements, exemption from screening trash/recycling containers that are more than 100 feet from the site boundary, UDO preference to continue under the current UDO or adopt the new UDO, granting a 30-foot sewer easement, and dedicating greenway easements.

Planning Board Representative Courtney Patterson said that Planning Board recommended approval with a vote of 6-0. She said the Planning Board discussed traffic.

Kenneth Bilenberg, FUJIFilm Diosynth Biotechnologies, spoke for the applicant. He gave an overview of the company including FY2020 revenue of \$20.3 billion. He described Fujifilm's healthcare division and said that Fujifilm Diosynth Biotechnologies has six locations and 3,400 employees. This facility will be the largest end-to-end biopharmaceutical manufacturing facility in North America. He said the reclaimed water project, and the willingness to support sustainability played into their decision to move here. Production is projected to ramp up in the fourth quarter of 2025. The facility will employ 725 people when fully operational. He showed what the campus and buildings would look like when complete and stressed the company's focus on sustainability, including LEED Gold Certification for the campus. He described the layout of the campus. He said their purpose was "to be the largest cell culture CDMO facility in North America, designed with sustainability as its core." He thanked Council for their support of this project.

Action: Motion to approve Development Plan for Fujifilm Diosynth Biotechnologies with the conditions stated in the attachment.

Motion by: Kelly
Second by: Berry
Vote: unanimous

Action: Motion to approve Development Agreement for Fujifilm Diosynth Biotechnologies.

Motion by: Villadsen
Second by: Wolff
Vote: unanimous

ORGANIZATIONAL MEETING

10. Recognition of outgoing Mayor and Council Members

Randy Harrington, Town Manager, spoke about the service to the Town by Council members Christine Kelly and Pete Villadsen, who are rotating off Council. Staff presented them with tokens of appreciation, and they each spoke a few words.

Mr. Harrington, spoke of Mayor Sears' long tenure as Mayor of Holly Springs, and the many accomplishments during his tenure. He said that staff and Council wanted to recognize his service with a special gift. He was presented with a rocking chair with the Town Seal and other gifts. Mayor Sears spoke a few words.

11. Oaths of Office

Justice Tamara Barringer, NC Supreme Court, administered the Oath of Office to Mayor Sean Mayefskie. Town Clerk Linda McKinney administered the Oath of Office to Council members Kristi Bennett, Dan Berry, and Timothy Forrest.

A new quorum was established as the mayor and four council members were present as the meeting resumed.

Council Members Present: Mayor Mayefskie, Council members Dan Berry, Aaron Wolff, Timothy Forrest, and Kristi Bennett

Council Members Absent: Shaun McGrath

12. Election of Mayor Pro Tem

Mayor Mayefskie said that he had discussed the position of Mayor Pro Tem with each council member, and the consensus was for Dan Berry to continue in the role.

Action: Motion to elect Dan Berry as Mayor Pro Tem.

Motion by: Wolff

Second by: Forrest

Vote: unanimous

13. Confirmation of Mayoral Appointments to Area Boards and Committees

Mayor Mayefskie said that he had spoken with Council members about their preferences for serving on various boards and committees, and members had volunteered for the positions, as listed in the chart below. He asked for a motion.

Action: Motion to appoint the following people to the following groups:

Committee or Board	Lead	Alternate
Triangle J Council of Governments Board Members	Tim Forest	Aaron Wolff
Transportation Advisory Committee of CAMPO	Shaun McGrath	Sean Mayefskie
Parks & Recreation Advisory Committee	Kristi Bennett	Tim Forest
Technical Review Committee	Dan Berry	Kristi Bennett
Tree Advisory Committee	Aaron Wolff	Kristi Bennett
Legislative Action Committee	Dan Berry & Aaron Wolff	
Town Council NonProfit Grants Committee	Dan Berry & Aaron Wolff	
Landfill Working Group	Shaun McGrath & Aaron Wolff	

Motion by: Berry

Second by: Wolff

Vote: unanimous

Timothy Forrest said he would like to join Council Member Wolff on the *ad hoc* Affordable Housing Committee.

Action: Motion to appoint Council member Forrest as an alternate to the Affordable Housing Committee.

Motion by: Forrest

Second by: Wolff
Vote: unanimous

Mayor Mayefskie said he wanted to confirm that MPT Berry would continue to serve as the Council liaison to the general audit. Council agreed, and MPT Berry accepted the position.

14. Adopt the Calendar Year 2022 Town Council Meeting Schedule

Town Clerk, Linda McKinney said that Council adopts its official schedule of meetings at the first meeting in December and files it with the Clerk's Office. Council will hold business meetings on the first and third Tuesday of each month, and workshop meetings on the second Tuesday of each month with the following changes, recommended by the Town Manager:

- Cancelling the first Tuesday meeting in July due to the Independence Day holiday;
- Cancelling the first Tuesday meeting in August and the August workshop meeting as a reduced summer meeting schedule.

Action: Motion to adopt the 2022 Town Council Meeting Schedule as stated in the agenda packet.

Motion by: Forrest
Second by: Bennett
Vote: unanimous

OTHER BUSINESS

Mayor Mayefskie said that we want to remember Pearl Harbor, and he thanked the men and women who have served, including Council members McGrath and Forrest and former Mayor Dick Sears, and those in the audience. He thanked Justice Barringer for taking the time to come out tonight, and his family for their support. And he thanked staff for their work in getting him up to speed.

Council member Bennett said she was grateful to her family for supporting her in this endeavor. She said Holly Springs is a very special place and she is excited to get to work.

Council member Forrest thanked his wife and family for their support, and the friends and neighbors including the Boy Scouts who attended to support him. He thanked Council member Bennett and Mayor Mayefskie for their support, and MPT Berry for his mentorship. He thanked Representative Paré for encouraging him to run for office, and the residents for voting. He thanked Town Manager Randy Harrington and all the staff for being welcoming and getting them up to speed. He said he was excited to get to work.

Council member Wolff said it was strange to move from the "new kid" to the experienced one in the blink of an eye. He thanked staff and said that their hard work makes Council's job easier. He encouraged the new Council members to lean on staff. He thanked the Clerk and Deputy Clerk for helping decorate the Town Council tree at the Ting Park Tree Trail. He thanked Parks & Recreation for putting on the event, and Chief Smith for bringing Santa to town to visit the neighborhoods.

MPT Berry thanked his wife and family for their support. He thanked his parents and friends, his campaign team, and his volunteers. He said he would not be able to do this without their support and assistance. He looks forward to another four years of serving the community.

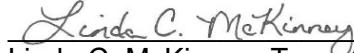
MANAGER'S REPORT

Randy Harrington, Town Manager, said he did not have a report tonight. He congratulated the new council members on their election and swearing in and said that staff looks forward to working with them in the years ahead.

CLOSED SESSION: none.

Adjournment: MPT Berry made a motion to adjourn at 8:25 pm. It was seconded by Council member Wolff and passed with a unanimous vote.

Respectfully Submitted on Tuesday, December 21, 2021.

A handwritten signature in cursive script, reading "Linda C. McKinney", is written over a horizontal line.

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

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 11.

Consent Agenda

Title: Resolution Making Findings of Fact Concerning Proposed Bond Issue - Current Refunding (refinancing of existing debt) of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (1 of 3)(First Action)

Strategic Priority Area: Organizational Excellence

Staff Resource: Antwan Morrison, Finance

Action(s):

Adopt Resolution Making Findings of Fact Concerning Proposed Bond Issue - Current Refunding of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012

Explanation:

The Council makes the following factual findings which must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52. These are as follows:

- Facts Regarding Necessity of Proposed Financing
- Facts Supporting the Amount of Bonds Proposed
- Past Debt Management Policies
- Past Budgetary and Fiscal Management Policies
- Retirement of Debt
- Reasonable Rates of Interest
- Ratification of Application to the Local Government Commission

Background:

- The Town Council previously refunded Series 2006 Water and Sewer bonds in March 2006 with an interest rate of 3.55% to 4.20%; this refunded Sanitary Sewer bonds dated March 1991, Water and Sewer bonds Series 1994, dated March 1994, and Water bonds, Series 1997, dated September 1997
- The Town Council previously refunded Series 2012 Water and Sewer bonds in November 2012 with an interest rate of 2.00% to 3.00%; this refunded Water Bond Series 2002, dated August 2002, Water and Sewer Bond Series 1999A, dated December 1999, Water and Sewer Bond Series 1999B, dated December 1999, and Sanitary Sewer Bond Series 1999C, dated December 1999
- The Town Council issued Series 2012 Parks and Recreation Bonds in November 2012 with an interest rate of 2.00% to 3.00%
- The Town made a preliminary determination to finance all or a portion of the refinancing costs through the issuance of water and sewer bonds in an amount currently estimated

Town Council Business Meeting
December 21, 2021

not to exceed \$17.5 million.

- The new rate is expected to be between 1.00% to 1.60%, depending on final closing with projected savings of approximately \$1.7 million over the remaining life of the debt
- Refinancing or refunding municipal debt is a common and best practice approach among NC municipalities when lower interest rates provide an opportunity to lower a municipality's overall debt service to achieve savings for tax and payers

Funding Source(s):

Debt Service Funds

Attachment(s):

1. Town of Holly Springs GO Refunding 2022 Findings of Fact

STATE OF NORTH CAROLINA)
)
TOWN OF HOLLY SPRINGS) SS:

I, Linda McKinney, Town Clerk of the Town of Holly Springs, North Carolina, DO HEREBY CERTIFY, as follows:

1. A regular meeting of the Town Council of the Town of Holly Springs, a municipal corporation of the State of North Carolina, was duly held on Tuesday, December 21, 2021 proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of said Town Council.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the Council Members who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of December, 2021.

(SEAL)

Town Clerk
Town of Holly Springs, North Carolina

EXTRACTS FROM MINUTES OF THE TOWN COUNCIL

A regular meeting of the Town Council of the Town of Holly Springs, North Carolina, was duly held on December 21, 2021 at 7:00 p.m. in the Town Hall Council Chambers, 128 South Main Street, Holly Springs, North Carolina. Mayor Sears presiding.

The following Council Members were present:

The following Council Members were absent:

☐

☐

☐

☐

☐

Council Member _____ moved that the following resolution, copies of which having been made available to the Town Council, be adopted:

Error! Unknown document property name.

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA
MAKING CERTAIN STATEMENTS OF FACT
CONCERNING PROPOSED BOND ISSUE**

WHEREAS, the Town Council of the Town of Holly Springs, North Carolina (the “*Town Council*”) is considering the issuance of bonds of the Town of Holly Springs, North Carolina (the “*Town*”) which shall be for the following purpose and in the following maximum amount:

Not to exceed \$17,500,000 of refunding bonds to pay the capital costs of refunding the Town’s (1) General Obligation Refunding Bonds, Series 2006 maturing on and after June 1, 2022, (2) General Obligation Refunding Bonds, Series 2012 maturing on and after February 1, 2023, and (3) General Obligation Parks and Recreation Facilities Bonds, Series 2012 maturing on and after February 1, 2023 (collectively, the “*Refunded Bonds*”).

WHEREAS, certain findings of fact by the Town Council must be presented to enable the Local Government Commission of the State of North Carolina (the “*Commission*”) to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Town Council, meeting in open session on December 21, 2021, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient in order to pay the capital costs of refunding the Refunded Bonds.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The amount proposed is adequate and not excessive for the proposed purpose of the issue.

C. ***Past Debt Management Policies.*** The Town’s debt management procedures and policies are good and have been carried out in compliance with law. The Town employs a full-time Finance Director to oversee compliance with applicable laws relating to debt management. The Town Council requires annual audits of Town finances. In connection with these audits, compliance with laws is reviewed. The Town is not in default in any of its debt service obligations. The Town Attorney reviews all debt-related documents for compliance with laws.

Error! Unknown document property name.

D. ***Past Budgetary and Fiscal Management Policies.*** The Town's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the Town Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the Town Council at regular Town Council meetings. The Budget Officer presents financial information to Town Council which shows budget to actual comparisons quarterly and otherwise as the Town Manager deems necessary or as a member of the Town Council may request. The Finance Director presents financial information to the Town Council as the Town Manager deems necessary or as a member of the Town Council may request.

E. ***Retirement of Debt.*** The schedule for issuing the bonds does not currently require a property tax increase, but an increase in taxes, if any, necessary to service the proposed debt will not be excessive. The schedule for issuance calls for issuing all of the bonds by the end of the fiscal year ending June 30, 2022, but issuance may be delayed until such time as the Town determines that the market is more favorable for the issuance of the bonds.

F. ***Reasonable Rates of Interest.*** The proposed bonds can be marketed at reasonable rates of interest.

G. ***Ratification of Application to the Local Government Commission.*** All actions of the Finance Director, or his designees, in filing an application with the Commission, whether previously or hereinafter taken, are hereby approved, ratified and authorized.

H. ***Effective Date.*** This Resolution is effective immediately on its adoption.

On motion duly made and seconded, the foregoing resolution was adopted by the following vote:

AYES:

NAYS:

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STATE OF NORTH CAROLINA)
) SS:
TOWN OF HOLLY SPRINGS)

I, Linda McKinney, Town Clerk of the Town of Holly Springs, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, “**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE**” adopted by the Town Council of the Town of Holly Springs, North Carolina at a regular meeting held on the 21st day of December, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town, this the 21st day of December, 2021.

(SEAL)

Town Clerk
Town of Holly Springs, North Carolina



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 12.

Consent Agenda

Title: Introduction of Bond Order - Current Refunding of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (2 of 3)

Strategic Priority Area: Responsible & Balanced Growth
Organizational Excellence

Staff Resource: Antwan Morrison, Finance

Action(s):

Introduce bond order authorizing the issuance of not to exceed \$17.2M General Obligation Refunding Bonds

Explanation:

- Staff recommends refunding three outstanding bond issuance maturing on and after June 1, 2022, and February 1, 2023.
- An application has been submitted to the Local Government Commission requesting approval of the bonds as required by the Local Government Bond Act
- By passing this bond order, the Town Council agrees:
 - It is advisable to refund the Refunded Bonds
 - That money is required to pay the costs of refunding the Refunded Bonds, General Obligation Refunding Bonds with a maximum aggregate principal amount of \$17.5M
 - Taxes will be levied in an amount sufficient to pay the principal and interest of the General Obligation Refunding Bonds
 - A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection
 - This bond order is effective upon its adoption

Background:

- The Town Council previously refunded Series 2006 Water and Sewer bonds in March 2006 with an interest rate of 3.55% to 4.20%; this refunded Sanitary Sewer bonds dated March 1991, Water and Sewer bonds Series 1994, dated March 1994, and Water bonds, Series 1997, dated September 1997
- The Town Council previously refunded Series 2012 Water and Sewer bonds in November 2012 with an interest rate of 2.00% to 3.00%; this refunded Water Bond Series 2002, dated August 2002, Water and Sewer Bond Series 1999A, dated December 1999, Water and Sewer Bond Series 1999B, dated December 1999, and Sanitary Sewer Bond Series 1999C, dated December 1999
- The Town Council issued Series 2012 Parks and Recreation Bonds in November 2012 with

Town Council Business Meeting
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an interest rate of 2.00% to 3.00%

- The Town made a preliminary determination to finance all or a portion of the refinancing costs through the issuance of water and sewer bonds in an amount currently estimated not to exceed \$17.5 million.
- The new rate is estimated to be 1.6%, depending on final closing with projected savings of approximately \$1.7 million over the remaining life of the debt
- Refinancing or refunding municipal debt is a common and best practice approach among NC municipalities when lower interest rates provide an opportunity to lower a municipality's overall debt service to achieve savings for tax and payers

Funding Source(s):

Debt Service Funds

Attachment(s):

1. Town of Holly Springs GO Refunding 2022 Introduction of Bond Order

STATE OF NORTH CAROLINA)
)
TOWN OF HOLLY SPRINGS) SS:

I, Linda McKinney, Town Clerk of the Town of Holly Springs, North Carolina, DO HEREBY CERTIFY, as follows:

1. A regular meeting of the Town Council of the Town of Holly Springs, a municipal corporation of the State of North Carolina, was duly held on Tuesday, December 21, 2021, proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of said Town Council.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the Council Members who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 21st day of December, 2021.

(SEAL)

Town Clerk
Town of Holly Springs, North Carolina

EXTRACTS FROM MINUTES OF TOWN COUNCIL

A regular meeting of the Town Council of the Town of Holly Springs, North Carolina, was duly held on December 21, 2021 at 7:00 p.m. in the Town Hall Council Chambers, 128 South Main Street, Holly Springs, North Carolina. Mayor Sears presiding.

The following Council Members were present:

The following Council Members were absent:

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The following bond order was introduced by reading the title thereof:

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$17,500,000
GENERAL OBLIGATION REFUNDING BONDS
OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA**

WHEREAS, the Town of Holly Springs, North Carolina (the “*Town*”) has issued (1) General Obligation Refunding Bonds, Series 2006 (the “*2006 Bonds*”), (2) General Obligation Refunding Bonds, Series 2012 (the “*2012 Refunding Bonds*”), and (3) General Obligation Parks and Recreation Facilities Bonds, Series 2012 (the “*2012 Parks and Recreation Bonds*”);

WHEREAS, the Town Council of the Town (the “*Town Council*”) deems it advisable to refund (1) the 2006 Bonds maturing on and after June 1, 2022, (2) the 2012 Refunding Bonds maturing on and after February 1, 2023, and (3) the 2012 Parks and Recreation Bonds maturing on and after February 1, 2023 (collectively, the “*Refunded Bonds*”);

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina (the “*Commission*”) requesting approval of the bonds hereinafter described as required by the Local Government Bond Act, as amended, and the Secretary of the Commission has notified the Town Council that the application has been accepted for submission to the Commission.

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Holly Springs, North Carolina, as follows:

Section 1. The Town Council deems it advisable to refund the Refunded Bonds.

Section 2. To raise the money required to pay the costs of refunding the Refunded Bonds, General Obligation Refunding Bonds of the Town are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$17,500,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the General Obligation Refunding Bonds.

Section 4. A sworn statement of the Town’s debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order is effective on its adoption.

Error! Unknown document property name.

After the introduction of the bond order, Council Member _____ moved that the Town Council adopt without change or amendment, and direct the Town Clerk to publish a notice of adoption as prescribed by The Local Government Bond Act, the bond order entitled, **“BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$17,500,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA”**.

The motion was seconded by Council Member _____ and was adopted by the following vote:

AYES:

NAYS:



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 13.

Consent Agenda

Title: Current Refunding "refinancing of existing debt" of General Obligation Bonds Series 2006; General Obligation Refunding Bonds, Series 2012, and General Obligation Parks & Recreation Facilities Bonds, Series 2012 (3 of 3)(Final Action)

Strategic Priority Area: Organizational Excellence
Responsible & Balanced Growth

Staff Resource: Antwan Morrison, Finance

Action(s):

Adopt Resolution 21-31 for providing for the issuance of not to exceed \$17.5 million in General Obligation Refunding Bonds, Series 2022 of the Town of Holly Springs

Explanation:

- The Town has applied to the North Carolina Local Government Commission (LGC) for its approval of refunding water and sewer and parks and recreation General Obligation bonds, and the LGC has accepted the Town's application.
- The purpose of this agenda item is to request Town Council to adopt this resolution to authorize formally the issuance of the new General Obligation Refunding Bonds.
- Bonds will be sold through a competitive sale to the bidder whose bid results in the lowest interest cost to the Town.
- The Notice of Sale with respect to the Bonds, as well as the Preliminary Official Statements have been made available.

Background:

- The Town Council previously refunded Series 2006 Water and Sewer bonds in March 2006 with an interest rate of 3.55% to 4.20%; this refunded Sanitary Sewer bonds dated March 1991, Water and Sewer bonds Series 1994, dated March 1994, and Water bonds, Series 1997, dated September 1997.
- The Town Council previously refunded Series 2012 Water and Sewer bonds in November 2012 with an interest rate of 2.00% to 3.00%; this refunded Water Bond Series 2002, dated August 2002, Water and Sewer Bond Series 1999A, dated December 1999, Water and Sewer Bond Series 1999B, dated December 1999, and Sanitary Sewer Bond Series 1999C, dated December 1999.
- The Town Council issued Series 2012 Parks and Recreation Bonds in November 2012 with an interest rate of 2.00% to 3.00%.
- The Town made a preliminary determination to finance all or a portion of the refinancing costs through the issuance of water and sewer bonds in an amount currently estimated not to exceed \$17.5 million.
- The new rate is expected to be 1.6%, depending on final closing with projected savings of

Town Council Business Meeting
December 21, 2021

approximately \$1.7 million over the remaining life of the debt.

- Refinancing or refunding municipal debt is a common and best practice approach among NC municipalities when lower interest rates provide an opportunity to lower a municipality's overall debt service to achieve savings for tax and payers.

Funding Source(s):

Debt Service Funds

Attachment(s):

1. Town of Holly Springs GO Refunding 2022 Notice of Adopted Bond Order
2. Bond Resolution - Town of Holly Springs 2022 Refunding GOs - v.3
3. Sworn Statement of Debt
4. Statement of Estimated Interest on GO Bonds

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$17,500,000
GENERAL OBLIGATION REFUNDING BONDS
OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA**

WHEREAS, the Town of Holly Springs, North Carolina (the “*Town*”) has issued (1) General Obligation Refunding Bonds, Series 2006 (the “*2006 Bonds*”), (2) General Obligation Refunding Bonds, Series 2012 (the “*2012 Refunding Bonds*”), and (3) General Obligation Parks and Recreation Facilities Bonds, Series 2012 (the “*2012 Parks and Recreation Bonds*”);

WHEREAS, the Town Council of the Town (the “*Town Council*”) deems it advisable to refund (1) the 2006 Bonds maturing on and after June 1, 2022, (2) the 2012 Refunding Bonds maturing on and after February 1, 2023, and (3) the 2012 Parks and Recreation Bonds maturing on and after February 1, 2023 (collectively, the “*Refunded Bonds*”);

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina (the “*Commission*”) requesting approval of the bonds hereinafter described as required by the Local Government Bond Act, as amended, and the Secretary of the Commission has notified the Town Council that the application has been accepted for submission to the Commission.

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Holly Springs, North Carolina, as follows:

Section 1. The Town Council deems it advisable to refund the Refunded Bonds.

Section 2. To raise the money required to pay the costs of refunding the Refunded Bonds, General Obligation Refunding Bonds of the Town are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$17,500,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the General Obligation Refunding Bonds.

Section 4. A sworn statement of the Town’s debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order is effective on its adoption.

The foregoing order was adopted on the 21st day of December and is hereby published this ____ day of December, 2021. The Finance Director of the Town has filed a statement estimating that the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, is \$4,779,791. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on the bonds. Any action or proceeding in any court to set aside this bond order, or to obtain any other relief, on the grounds that the bond order is invalid must be begun within 30 days after the date of publication of this notice. After the expiration of this period of limitation, no right of action or defense based upon the invalidity of the bond order shall be asserted, nor shall the validity of the bond order be open to question in any court upon any ground whatever, except in an action or proceeding begun within the period of limitation described herein.

/s/ Linda McKinney
Linda McKinney
Town Clerk

EXTRACT FROM MINUTES OF THE TOWN COUNCIL

A regular meeting of the Town Council of the Town of Holly Springs, North Carolina, was duly held on December 21, 2021 at 7:00 p.m. in the Town Hall Council Chambers, 128 South Main Street, Holly Springs, North Carolina.

The following Council Members were present:

The following Council Members were absent:

Council Member _____ introduced the following resolution (the “*Resolution*”), a copy of which had been provided to each Council Member:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022 OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA

WHEREAS, the Bond Order (as defined below) has been adopted, and it is desirable to make provision for the issuance of the Bonds authorized by the Bond Order;

WHEREAS, the Town of Holly Springs, North Carolina (the “*Town*”) desires to issue its General Obligation Refunding Bonds, Series 2022 (the “*Bonds*”) for the purposes described herein and to request that the Local Government Commission of North Carolina (the “*Commission*”) sell the Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the Town;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the Town and have been made available to the Town Council:

1. the Notice of Sale with respect to the Bonds (the “*Notice of Sale*”); and
2. the Preliminary Official Statement with respect to the Bonds, together with the Official Statement with respect to the Bonds (collectively, the “*Official Statement*”).

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town (the “*Town Council*”) as follows:

Section 1. For purposes of this Resolution, the following words have the meanings ascribed to them below:

“*Authorized Officers*” means, individually and collectively, the Mayor, the Town Manager, the Finance Director, and the Town Clerk.

“*Bond Order*” means the bond order authorizing the issuance of \$17,500,000 General Obligation Refunding Bonds of the Town of Holly Springs, North Carolina adopted by the Town Council on December 21, 2021 and effective on its adoption.

“*Bonds*” means the Town’s General Obligation Refunding Bonds, Series 2022, authorized under the Bond Order.

“*Code*” means the Internal Revenue Code of 1986, as amended. Each reference to the Code or to a section of the Code herein will be deemed to include the United States Treasury Regulations proposed or in effect with respect thereto.

“*Federal Securities*” means, to the extent permitted by the General Statutes of North Carolina, as amended, (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations issued by any agency controlled or supervised by and acting as an instrumentality of the United States of America, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a) or (b) issued or held in the name of the trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody’s, if the bonds are rated by Moody’s, and S&P, if the bonds are rated by S&P, and Fitch Ratings, if the bonds are rated by Fitch Ratings, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated; or (e) any other obligations permitted under the laws of the State of North Carolina for the defeasance of local government bonds.

“*Fiscal Year*” means a twelve-month period commencing on the first day of July of any year and ending on the 30th day of June of the succeeding year, or such other twelve-month period which may subsequently be adopted as the Fiscal Year of the Town.

“*Fitch Ratings*” means Fitch Ratings Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation for any reason no longer performs the functions of a securities rating agency, “Fitch Ratings” will refer to any other nationally recognized securities rating agency other than Moody’s and S&P designated by the Town.

“*Moody’s*” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, “Moody’s” will be deemed to refer to any other nationally recognized rating agency other than S&P and Fitch Ratings designated by the Town.

“*Pricing Certificate*” means the certificate of the Town’s Finance Director delivered in connection with the issuance of the Bonds which (1) establishes, with respect to the Bonds, the final maturity amounts,

deposits of the Bond proceeds and the provisions for redemption, and (2) identifies the Refunded Bonds, if different from those provided for herein.

“Refunded Bonds” means, collectively, the Town’s (i) General Obligation Refunding Bonds, Series 2006 maturing on and after June 1, 2022, (ii) General Obligation Refunding Bonds, Series 2012 maturing on and after February 1, 2023, and (iii) General Obligation Parks and Recreation Facilities Bonds, Series 2012 maturing on and after February 1, 2023.

“S&P” means S&P Global Ratings, a business unit of Standard & Poor’s Financial Services LLC, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, *“S&P”* will be deemed to refer to any other nationally recognized rating agency other than Moody’s and Fitch Ratings designated by the Town.

“Tax Certificate” means the Tax Certificate executed by the Town related to the Bonds.

Section 2. The Town shall issue not to exceed \$17,500,000 in total aggregate principal amount of its Bonds. The final principal amounts of the Bonds will be set forth in the Pricing Certificate

Section 3. The Bonds shall be dated as of their date of issuance. The Bonds shall pay interest semiannually on February 1 and August 1, beginning August 1, 2022, unless the Finance Director establishes different dates in his Pricing Certificate. The Bonds are being issued to (1) refund the Refunded Bonds pursuant to and in accordance with the Bond Order and (2) pay the costs of issuing the Bonds.

Section 4. The Bonds are payable in annual installments on February 1 in each year, unless the Finance Director establishes different dates in his Pricing Certificate. The maturities of the Bonds will be as set forth in the Pricing Certificate.

Section 5. The Bonds are to be numbered from “R-1” consecutively and upward and shall bear interest from their date at a rate or rates which will be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.

Section 6. The Bonds are to be registered as to principal and interest, and the Finance Director is directed to maintain the registration records with respect thereto. The Bonds shall bear the original or facsimile signatures of the Mayor or the Town Manager and the Town Clerk. An original or facsimile of the seal of the Town is to be imprinted on each of the Bonds.

Section 7. The Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York (*“DTC”*), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable to DTC or its nominee as registered owner of the Bonds in immediately available funds. The principal of and interest on the Bonds will be payable to owners of Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director determines that the continuation of the book-entry system of evidence and transfer of ownership

of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Town will discontinue the book-entry system with DTC. If the Town fails to identify another qualified securities depository to replace DTC, the Town will authenticate and deliver replacement bonds in accordance with DTC's rules and procedures.

Section 8. If the Pricing Certificate designates a date for the Bonds on and after which the Bonds are subject to redemption, then such Bonds are subject to redemption before maturity, at the option of the Town, from any money that may be made available for such purpose, either in whole or in part on any date on or after the date set forth in the Pricing Certificate, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, with such redemption premium, if any, designated for the Bonds in the Pricing Certificate.

If the Bonds are subject to optional redemption and if less than all the Bonds are called for redemption, the Town shall select the maturity or maturities of the Bonds to be redeemed in such manner as the Town in its discretion may determine, and DTC and its participants shall determine which Bonds within a maturity are to be redeemed in accordance with its rules and procedures; *provided, however*, that the portion of any Bond to be redeemed must be in principal amount of \$5,000 or integral multiples thereof and that, in selecting Bonds for redemption, each Bond is to be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. When the Town elects to redeem any Bonds, notice of such redemption of such Bonds, stating the redemption date, redemption price, any conditions to the redemption and identifying the Bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there are due and payable on each Bond or portion thereof so to be redeemed, the principal thereof and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, is to be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the registered owner of such Bonds, by prepaid certified or registered United States mail (or by such other means as may be permitted by DTC's rules and procedures), at the address provided to the Town by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC, or its nominee, is not the registered owner of such Bonds, the Town will give notice at the time set forth above by prepaid first class United States mail, to the then-registered owners of such Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the Town. The Town will also mail or transmit by facsimile or electronic submission a copy of the notice of redemption within the time set forth above (1) to the Commission and (2) to the Municipal Securities Rulemaking Town Council (the "MSRB") through the Electronic Municipal Market Access ("EMMA") system or other electronic format as prescribed by the MSRB, but any failure or defect in respect thereto will not affect the validity of the redemption.

If at the time of mailing of the notice of redemption there is not on deposit money sufficient to redeem the Bonds called for redemption, such notice may state that it is conditional on the deposit of money for the redemption on the date of redemption as set forth in the notice. Any notice, once given, may be withdrawn by notice delivered in the same manner as the notice of redemption was given.

The Bonds may be sold as term bonds and, if so, will be subject to mandatory sinking fund redemption as set forth in the Pricing Certificate.

Section 9. The Bonds and the provisions for the registration of the Bonds and for the approval of the Bonds by the Secretary of the Local Government Commission are to be in substantially the form set forth in the Appendix A hereto, the terms of which may be changed by the Pricing Certificate.

Section 10. The Town covenants that it will not take or permit, or omit to take or cause to be taken, any action that would adversely affect the exclusion from gross income of the recipient thereof for federal income tax purposes of the interest on the Bonds, and, if it should take or permit, or omit to take or cause to be taken, any such action, the Town will take or cause to be taken all lawful actions within its power necessary to rescind or correct such actions or omissions promptly upon having knowledge thereof. The Town acknowledges that the continued exclusion of interest on the Bonds from the owner's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The Town covenants that it will comply with all the requirements of Section 148 of the Code, including the rebate requirements, and that it will not permit at any time any of the proceeds of the Bonds or other funds under its control be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the Bonds to be "arbitrage bonds" for purposes of Section 148 of the Code. The Finance Director is hereby authorized to execute a Tax Certificate.

Section 11. From the proceeds of the sale of the Bonds, the State Treasurer shall transfer or cause to be transferred to DTC or its nominee, as registered owner of the Refunded Bonds, an amount designated in the Pricing Certificate to refund the Refunded Bonds, with the balance to the Town to pay costs of issuing the Bonds.

Any proceeds of the Bonds to be used to pay the costs of issuance of the Bonds shall be accounted for in a separate segregated account held by the Town and invested and reinvested by the Finance Director as permitted by the laws of the State of North Carolina. The Finance Director shall keep and maintain adequate records pertaining to such account and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the Town maintains its covenants with respect to the exclusion of the interest on the Bonds from gross income for purposes of federal income taxation. To the extent any funds remain in such account 90 days after the Bonds are issued (or sooner at the discretion of the Finance Director), the Finance Director shall apply them to pay interest on the Bonds on the next interest payment date therefor.

Section 12. Actions taken by officials of the Town to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, as amended, are hereby authorized and approved.

Section 13. The Commission is hereby requested to sell the Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the Town, determined on the basis of the net interest cost method.

Section 14. The Authorized Officers are each hereby authorized, empowered and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Commission, to execute the Bonds and to turn the Bonds over to the registrar and transfer agent of the Town, if any, for delivery through the facilities of DTC to the purchaser or purchasers to whom they may be sold by the Commission.

Section 15. The form and content of the Notice of Sale and the Official Statement are in all respects authorized, approved and confirmed, and the Town Manager and Finance Director are authorized, empowered and directed, individually and collectively, to deliver the Notice of Sale and the Official Statement in substantially the form and content presented to the Town Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, the delivery thereof to constitute conclusive evidence of the Town Council's approval of any and all such changes, modifications, additions or deletions therein.

Section 16. The Authorized Officers are authorized, empowered and directed to execute and deliver for and on behalf of the Town any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated hereinabove or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. All actions previously taken by any of the Authorized Officers, or their designees or those officers of the Town authorized to act on their behalf, related to the Bonds and the proceedings therefor are hereby ratified and approved. Any provision in this Resolution that authorizes more than one officer of the Town to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 17. The Town agrees, in accordance with Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission (the “SEC”) and for the benefit of the registered owners and beneficial owners of the Bonds, to provide to the MSRB:

(a) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2022, the audited financial statements of the Town for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the Town for such Fiscal Year to be replaced subsequently by audited financial statements of the Town to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2022, (i) the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included in the Official Statement under the captions “**THE TOWN—DEBT INFORMATION**” and “**—TAX INFORMATION**” (excluding information on overlapping and underlying units) and (ii) the combined budget of the Town for the current Fiscal Year, to the extent such items are not included in the audited financial statements referred to in clause (a) above;

(c) in a timely manner not in excess of 10 business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on the debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (5) substitution of any credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the

tax status of the Bonds;

- (7) modification of the rights of the beneficial owners of the Bonds, if material;
- (8) call of any of the Bonds, other than mandatory sinking fund redemptions, if material, and tender offers;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of any property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Town;
- (13) the consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material;
- (14) the appointment of a successor or additional trustee, or the change in the name of a trustee, if material;
- (15) incurrence of a financial obligation of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties; and

(d) in a timely manner, notice of a failure of the Town to provide required annual financial information described in (a) or (b) above on or before the date specified.

For purposes of this undertaking, “*financial obligation*” means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of either clause (a) or (b) above. The term “*financial obligation*” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent the Rule.

The Town agrees to provide all documents described in this Section in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB. The Town may discharge its undertaking described above by providing such information in a manner the SEC subsequently authorizes in lieu of the manner described above.

The Town agrees that its undertaking under this Section is intended to be for the benefit of the registered owners and the beneficial owners of the Bonds and is enforceable by any of the registered owners and the beneficial owners of the Bonds then outstanding, including an action for specific performance of the Town's obligations under this Section, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the Bonds. An action must be instituted, had and maintained in the manner provided in this Section for the benefit of all of the registered owners and beneficial owners of the Bonds.

The Town may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the Town, but:

- (1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the Town;
- (2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of the Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances; and
- (3) any such modification does not materially impair the interest of the registered owners or the beneficial owners, as determined by nationally recognized bond counsel or by the approving vote of the registered owners of a majority in principal amount of the Bonds then outstanding.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the Bonds.

Section 18. Portions of this Resolution may be amended or supplemented from time to time without the consent of the registered owner of the Bonds if, in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owner of the Bonds and would not cause the interest on the Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the outstanding Bonds, exclusive of Bonds, if any, owned by the Town; *provided, however*, without the express consent of the owner of any Bond, no modification or amendment to such Bond may reduce the principal amount of such Bond, reduce the interest rate payable on such Bond, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable or reduce the percentage of consent required for amendment or modification; *provided further*, that any amendment to Section 17 of this Resolution must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owner of the Bonds is binding on the owner of the Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, the owner of the

Bonds shall have no right or interest to object to the action, to question its propriety or to enjoin or restrain the Town from taking any action pursuant to a modification or amendment.

If the Town proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owner of the Bonds, the registrar for the Bonds shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to such owner by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the designated office of the registrar for the Bonds for inspection by the owner of the Bonds. If, within 60 days or such longer period as shall be prescribed by the Town following the giving of such notice, the owner of a majority in aggregate principal amount of such Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

Section 19. Nothing in this Resolution precludes (a) the payment of the Bonds from the proceeds of refunding bonds or (b) the payment of the Bonds from any legally available funds.

If the Town causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of the Bonds the principal of the Bonds (including interest to become due thereon) and, premium, if any, on the Bonds, through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, money sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, then such Bonds shall be considered to have been discharged and satisfied, and the principal of the Bonds (including premium, if any, and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the Town receives an opinion of a nationally recognized verification firm that the segregated money or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance, the Town shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the Town, for the mailing of a notice to the owners of the Bonds that such money is so available for such payment.

Section 20. All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the Bonds are in all respects ratified, approved and confirmed.

Section 21. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the Bonds authorized hereunder.

Section 22. All resolutions or parts thereof of the Town Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 23. This Resolution is effective on its adoption.

On motion duly made and seconded, the foregoing resolution entitled “**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022 OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA**” was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
) ss:
TOWN OF HOLLY SPRINGS)

I, Linda McKinney, Town Clerk of the Town of Holly Springs, North Carolina, DO HEREBY CERTIFY the attached to be a true and correct copy of a Resolution entitled “**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$17,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022 OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA**” adopted by the Town Council of the Town of Holly Springs, North Carolina, at a meeting held on the 21st day of December, 2021.

WITNESS my hand and the corporate seal of the Town of Holly Springs, North Carolina, this the 21st day of December, 2021.

Linda McKinney
Town Clerk
Town of Holly Springs, North Carolina

APPENDIX A
FORM OF BOND

No. R-

\$

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
TOWN OF HOLLY SPRINGS

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
	FEBRUARY 1, 20__	_____, 2022	

REGISTERED OWNER: **CEDE & Co.**

PRINCIPAL SUM: _____ **DOLLARS**

GENERAL OBLIGATION REFUNDING BOND, SERIES 2022

THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA (the “Town”) acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, on surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this Bond until it shall mature at the Interest Rate per annum specified above, payable on February 1, 2022 and semiannually thereafter on February 1 and August 1 of each year. Principal of and interest on this Bond are payable in immediately available funds to The Depository Trust Company (“DTC”) or its nominee as registered owner of the Bonds and is payable to the owner of the Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The Town is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

This Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Bond Act, each as amended, and a bond order adopted by the Town Council of the Town on December 21, 2021, effective on the date of its adoption. The Bonds are issued to provide funds to pay the costs (1) to redeem the Town’s (i) General Obligation Refunding Bonds, Series 2006 maturing on and after June 1, 2022, (ii) General Obligation Refunding Bonds, Series 2012 maturing on and after February 1, 2023, and (iii) General Obligation Parks and Recreation Facilities Bonds, Series 2012 maturing on and after February 1, 2023; and (2) incurred in connection with the issuance of the Bonds.

[to insert redemption language, if any]

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

PPAB 6677692v3

IN WITNESS WHEREOF, the Town has caused this Bond to bear the original or facsimile of the signatures of the Town Manager and the Town Clerk of the Town and an original or facsimile of the seal of the Town to be imprinted hereon and this Bond to be dated as of the Dated Date above.

(SEAL)

ATTEST:

Linda McKinney
Town Clerk

Randy Harrington
Town Manager

Date of Execution: _____, 2022

The issue hereof has been approved under the
provisions of The Local Government Bond Act.

Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney to register the transfer of the within Bond on the books kept for registration thereof,
with full power of substitution in the premises.

Dated: _____

Signature guaranteed by:

NOTICE: Signature must be guaranteed by a Participant in the Securities Transfer Agent Medallion Program (“*Stamp*”) or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MAY BE REQUIRED

**STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER**

*State and Local Government Finance Division
and the Local Government Commission
3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604*

STATEMENT OF DEBT

For Town of Holly Springs, North Carolina

To be filed with the application. The debt described below should not include debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding or refunding bonds. The debt described below should not include revenue bonds or special obligation bonds.

A. Gross Debt

1. Outstanding debt evidenced by bonds:

<u>Purpose</u>	<u>Amount</u>
Water	
General Obligation Bonds	\$ 5,490,000
Sanitary Sewer	
General Obligation Bonds	3,100,000
Electric	N/A
Gas	N/A
Other	
General Obligations – General Government	39,060,000
	\$47,650,000

2. The proposed financing, and bonds authorized by orders introduced but not yet adopted:

<u>Date</u> <u>Introduced</u>	<u>Purpose</u>	<u>Amount</u>
12/21/2021	Refunding GO Bonds	\$17,200,000

3. Unissued bonds authorized by adopted orders:

<u>Date</u> <u>Introduced</u>	<u>Purpose</u>	<u>Amount</u>
----------------------------------	----------------	---------------

4. Outstanding debt not evidenced by bonds (lease-purchase agreements):

<u>Date</u> <u>Incurred</u>	<u>Purpose</u>	<u>Amount</u>
11/15/2021	Water	\$ 50,000
07/24/2006	Parks Recreation & Business Park	300,000
01/12/2007	Business Park/Parks & Recreation	195,000
06/17/2008	Business Park	1,768,333

06/17/2008	Business Park/Parks & Recreation	344,133
02/11/2010	WasteWater	7,875,000
03/08/2011	Water	15,008
07/18/2012	Parks & Recreation	1,805,271
09/12/2013	Information Technology	450,000
08/20/2020	Fire	1,200,000
09/10/2020	Parks & Recreation	2,590,885
09/10/2020	Water & Sewer	3,045,650
10/16/2020	Vehicles/Equipment	550,000
9/2014	Limited Obligations (LEC/NMAC/Street)	12,115,000
6/2021	Limited Obligations (Econ Dev/Town Hall)	18,270,000

\$50,574,280

Total Gross Debt (Sum of 1, 2, 3 and 4)

\$115,424,280

LGC-109 (Back)

Page 2

LGC-109 (Back)

B. Deductions

Total Deductions
(Sum of 1 through 7)

1. Funding and refunding bonds authorized by orders introduced but not yet adopted.	\$ 17,200,000
2. Fund and refunding bonds authorized but not issued.	\$ 0
3. Amount held in sinking funds or otherwise for the payment of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent deductible under Section 159-55[b] of the Local Government Bond Act), or two or more of these purposes.	\$ 0
4. Bonded debt included in gross debt and incurred or to be incurred for water, gas or electric light or power purposes, or any two or more of these purposes.	\$ 5,490,000
5. Bonded debt included in gross debt and incurred or to be incurred for sanitary sewer system purposes (to the extent deductible under Section 159-55[b] of The Local Government Bond Act).	\$ 3,100,000
6. Uncollected special assessments levied for local improvements for which gross debt (that is not otherwise deducted) was or is to be incurred, to the extent it will be applied, when collected, to the payment of such gross debt.	\$ 0
7. Estimate of special assessments to be levied for local improvements for which any part of gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments when collected, will be applied to the payment of any part of gross debt.	\$ 0
	Total deductions

\$ 25,790,000

C. **Net Debt** being the difference between Total Gross Debt (A) and Total Deductions (B).

\$ 89,634,280

D. **Assessed Value** of property subject to taxation being the value from which the assessed value was last fixed for taxation as revealed by the County tax records and certified by the County Tax Supervisor.

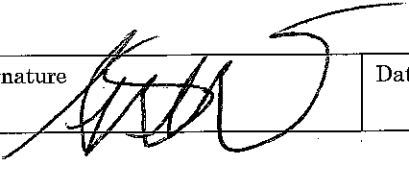
\$ 6,398,195.920

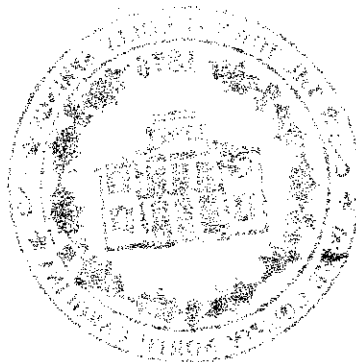
E. **Percentage that Net Debt** bears to the assessed value of property subject to taxation ($C \div D$)

1.40%

F. **Estimated Total Amount of Interest** that will be paid on the bonds over the expected term of the bonds.

1.66%.....

I certify the above is correct to the best of my knowledge.	Finance Officer's Signature 	Date 12/15/21
---	--	---------------



STATE OF NORTH CAROLINA)
)
COUNTY OF Wake) ss.:

Antwan Morrison, being duly sworn, says that he is
the Finance Director of the Town of Holly Springs
in the State of North Carolina; and that the foregoing statement is true and was made and
subscribed by him.


Finance Officer

Sworn to and subscribed before me on
the day of the date of said statement

Sara K. Emig
(Notary Public)

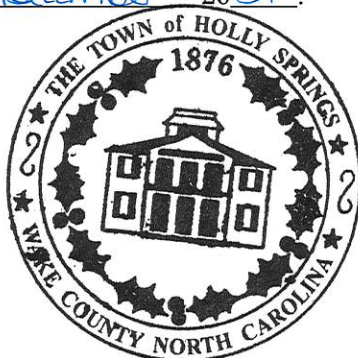
My commission expires the 26th day of October, 2023.



STATE OF NORTH CAROLINA)
)
COUNTY OF Wake) ss.:

I, the undersigned Deputy Clerk of the Town
of Holly Springs in the State of North Carolina, DO HEREBY CERTIFY that the
foregoing statement and accompanying affidavit were filed in my office on the 15th day of
December, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, this
15th day of December, 2021.



Kathy White
Clerk

STATEMENT OF ESTIMATED INTEREST AMOUNT ON GENERAL OBLIGATION BONDS

The Town Council of the Town of Holly Springs, North Carolina (the "*Town Council*") will consider the introduction of the following bond order of the Town of Holly Springs, North Carolina (the "*Town*") at its December 21, 2021 meeting:

Refunding Bonds

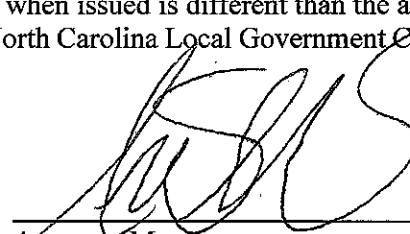
Not to exceed \$17,500,000 of refunding bonds (the "*Bonds*") to pay the capital costs of refunding the Town's (1) General Obligation Refunding Bonds, Series 2006 maturing on and after June 1, 2022, (2) General Obligation Refunding Bonds, Series 2012 maturing on and after February 1, 2023, and (3) General Obligation Parks and Recreation Facilities Bonds, Series 2012 maturing on and after February 1, 2023 (collectively, the "*Refunded Bonds*").

Section 159-55 of the General Statutes of North Carolina, as amended, requires the Finance Director of the Town to file with the Town Clerk at the time a bond order is introduced a statement estimating the total amount of interest that will be paid on the general obligation bonds over the expected term of the bonds, if issued, and a summary of the assumptions on which the estimate is based.

The total estimated interest on Bonds is estimated to be \$4,779,791 based on the assumption that the Bonds will be issued in an amount of \$14,060,000 at an estimated interest rate of 1.66% in February of 2022 with level principal amortization beginning in the fiscal year ending June 30, 2022 and ending in the fiscal year ending June 30, 2037.

The total estimated interest amounts are preliminary and for general informational purposes only. There is no assurance that the assumptions on which the estimates are based will occur, and the actual occurrence of certain of the facts on which the assumptions are based is beyond the Town's control. Differences between the actual circumstances at the time the Bonds are issued from the assumptions included in the estimates could result in significant differences between the estimated interest and the actual interest on the Bonds. The validity of the Bonds authorized by the bond order is not subject to challenge on the grounds that the actual interest cost of the Bonds when issued is different than the amount set forth in this statement. This statement will be filed with the North Carolina Local Government Commission and maintained by the Town Clerk.

December 21, 2021



ANTWAN MORRISON
Finance Director
Town of Holly Springs, North Carolina

STATE OF NORTH CAROLINA

)

)

SS:

TOWN OF HOLLY SPRINGS

)

I, *Kathryn White*, Town Clerk of the Town of Holly Springs, North Carolina, a municipal corporation validly organized and existing under the Constitution and laws of the State of North Carolina, hereby certify that the foregoing statement was filed in my office on the 15th day of December, 2021.



KATHRYN WHITE

Deputy Clerk

Town of Holly Springs, North Carolina



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 14.

Consent Agenda

Title: Personnel Policy Amendments

Strategic Priority Area: Organizational Excellence

Staff Resource: Erika Phillips, Director, Human Resources

Action(s):

Approve amendments to the Personnel Policy pertaining to funeral leave and pay for employees required to work on a Town-observed holiday that falls on a weekend, and authorize the Town Manager to update the Personnel Policy to reflect these changes.

Explanation:

- In support of Strategic Planning Goal: *As an employer of choice, we will retain and recruit a highly skilled workforce*, two technical updates are being requested to the Town's Personnel Policy.
- Update #1: Adding the word "calendar" days to the current funeral leave benefit to clarify that employees are allowed three calendar days off for the benefit, no matter their work schedule (e.g. 8 hour day, 12 hour day, or 24 hour day). Currently, employees are allowed to use up to 8 hours per day (or 24 hours total) for funeral leave throughout a calendar year.
- Update #2: Change to holiday pay provides additional compensation for employees required to work on four town-observed holidays including Christmas, New Years Day, July 4th, and Veterans Day when the holiday falls on a weekend. During these instances, employees will be paid 1.5 times their normal salary for hours worked on a weekend holiday in addition to the 8 hour holiday benefit that all Town employees receive. This change impacts shift workers in Police, Fire, and Utilities & Infrastructure. Currently, shift employees working on a weekend holiday receive straight pay for hours worked plus the 8 hour holiday benefit.

Background:

- The Town's Personnel Policy is adopted by the Council. The policy outlines a variety of employment practices for the town including pay, benefits, hiring processes, and other employment expectations for all staff.
- The proposed changes originated from staff feedback on ideas to clarify and modify policies that would enhance recruitment and retention.
- Personnel Policy changes can occur at any time, but typically occur in association with the adopted budget or at the start of a calendar year.
- Additional, recommended Personnel Policy changes will be considered in the near future as part of the Pay & Classification Study and upcoming budget process.

Funding Source(s):

N/A

Attachment(s):

None



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 15.

Consent Agenda

Title: Gunter Morris Rd. Road Closure

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: John Schifano, Town Attorney, Rachel Jones, Development Services

Action(s):

- Adopt Resolution 21-32 declaring the Town's intent to close a portion of right of way located on Gunter Morris Road and to hold a public hearing on February 1, 2022.

Explanation:

- Resolution 21-32 is a resolution of intent to abandon and close a portion of right of way located on Gunter Morris Road and to hold a public hearing of question on February 1, 2022.
- The property owner along this short road requested from NCDOT the closure of Gunter Morris Road between Shearon Harris Road and New Hill Holleman Road in the Town's Extraterritorial Jurisdiction (ETJ).
- By operation of law, when this portion of the road is abandoned, it will revert to the underlying land owners.
- N.C. G.S. 160A-299(a) requires a municipality to adopt a resolution declaring its intent to close a street, and calling a public hearing, prior to closing a street.

Background:

- The Town has never maintained this road or invested any Town funds into its construction or maintenance.
- Stephen Gunter received the executed resolution of support for the abandonment of Gunter Morris Road, approved by the Wake County Board of Commissioners on November 8, 2021.

Funding Source(s):

N/A

Attachment(s):

1. Resolution of Intent Gunter Morris



Resolution No. 21-32

Date Adopted: December 21, 2021

Effective Date: December 21, 2021

**RESOLUTION OF THE HOLLY SPRINGS TOWN COUNCIL DECLARING
THE TOWN'S INTENT TO CONSIDER CLOSING GUNTER MORRIS ROAD
RIGHT OF WAY BETWEEN SHEARON HARRIS ROAD AND NEW HILL
HOLLEMAN ROAD**

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of right of way of Gunter Morris Road between Shearon Harris Road and New Hill Holleman Road, as shown on the map attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA:

1. A public hearing will be held at 7 p.m. on the 1st day of February, 2022, or as soon thereafter as is practicable, in the Council Chambers of Holly Springs Town Hall to consider a resolution ordering the closing of Gunter Morris Road between Shearon Harris Road and New Hill Holleman Road;

2. The Town Clerk is hereby directed to publish notice of the adoption of this Resolution of Intent once a week for four consecutive weeks in the News & Observer, or other newspaper of general circulation in the area;

3. The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent and by regular mail to the North Carolina Department of Transportation and all utility companies; and

4. The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the Holly Springs Town Council on this, the ____ day of December, 2021.

Town of Holly Springs by

Sean Mayefskie, Mayor

ATTEST:

Linda McKinney, Town Clerk

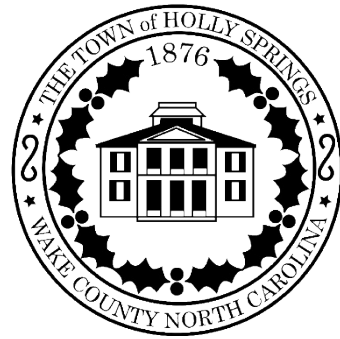
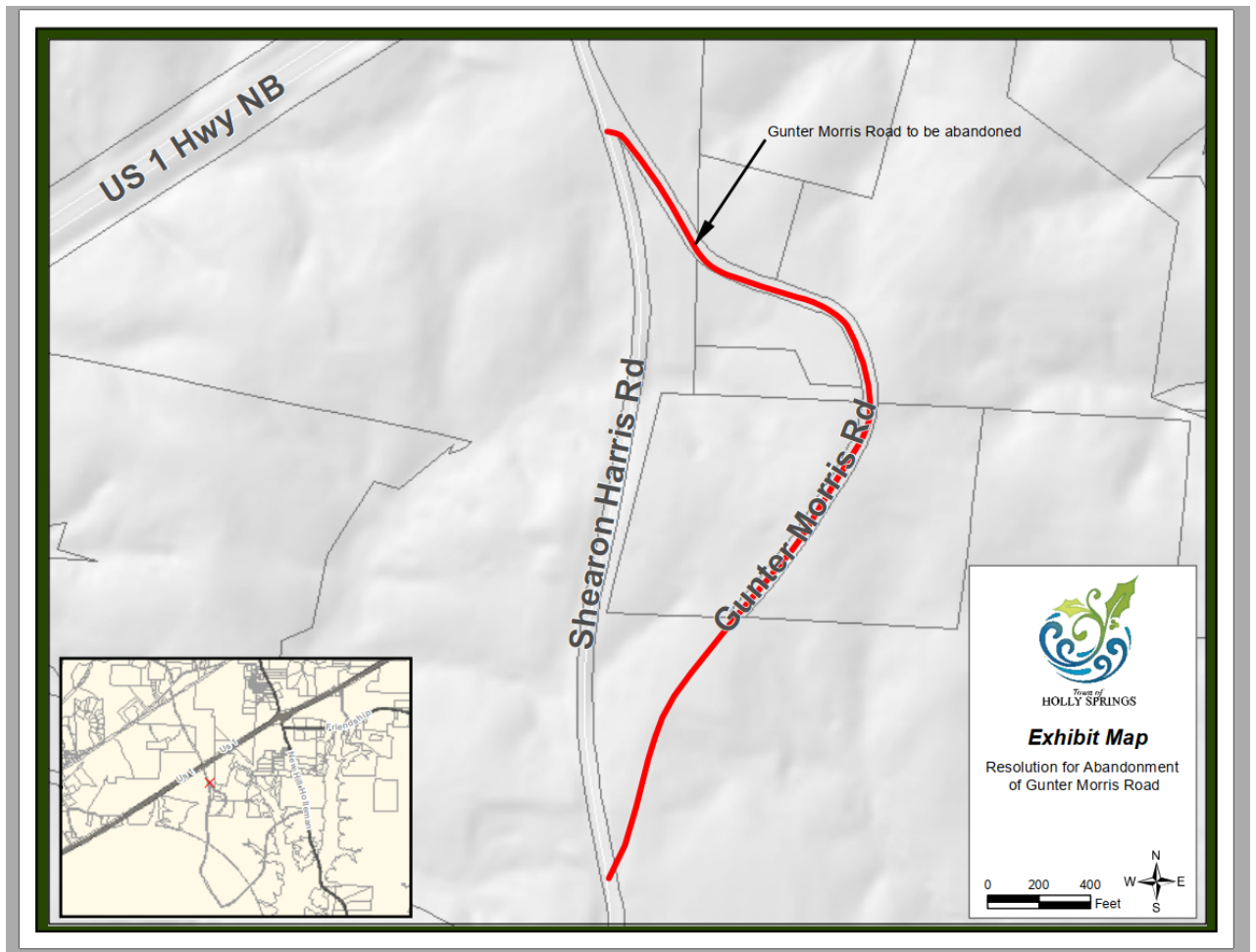


Exhibit A

[Map of Road to be Abandoned]





Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 16.

Consent Agenda

Title: Amend the Mayor and Town Council Procedures Manual

Strategic Priority Area: Organizational Excellence

Staff Resource: John Schifano, Town Attorney

Action(s):

Amend the Town Council Procedures Manual to allow electronic participation of council members under certain circumstances.

Explanation:

- The current Mayor & Council Procedures Manual does not provide for the participation of governing body members during Council business meetings unless covered by the Council's Electronic Meetings Policy.
- At the December 14, 2021 Council Workshop, Council discussed amending their Procedures Manual to allow for the remote participation of members for exigent purposes and directed the Town Attorney to draft a proposed modification. Council weighed the merits of allowing a remote member to vote on matters and decided by consensus not to allow remote voting.

Background:

- The Town Council has adopted a Procedures Manual to assist the Council in its operations. The manual currently states that members not physically present at meetings may not participate in deliberations.
- The Council recently adopted a remote meetings policy consistent with North Carolina open meetings law that allows for a remote meeting to occur when all members are participating remotely. This change in the Procedures Manual would allow remote participation of one or more members when a regular meeting is held.

Funding Source(s):

N/A

Attachment(s):

1. Motion to amend pages 10-11

Motion to amend pages 10- 11 of the Town Council Procedures manual, as follows:

Remote Participation in Council Meetings

~~No member who is not physically present for a council meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the council. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the council.~~

Members of the Council may participate remotely in any duly called town council meeting or workshop under the following conditions: 1) an exigency exists requiring the council member to be more than 100 miles away from town for business or personal reasons such as work obligations, family obligations, or a planned vacation; 2) notice is given to the mayor and town manager at least 24 hours in advance; and 3) the member has an adequate means to engage in clear, direct, and simultaneous communication with the council in a manner such that all those in attendance at the meeting can hear the member attending remotely. The member may engage in deliberations but may not vote on matters and shall not be counted as present for purposes of a quorum. In the event of an Electronic Meeting where each of the council members is participating remotely, the Town's Electronic Meeting Policy shall apply in lieu of this procedure.



Holly Springs Town Council

Town Council Meeting Agenda Cover Sheet

Agenda Item#: 17.

Public Hearings

Title: Holly Springs New Hill Road Rezoning & Development Agreement 21-REZ-01 - Legislative Hearing

Strategic Priority Area: Responsible & Balanced Growth

Staff Resource: Cheryl Caines, Development Services, Rachel Jones, Development Services

Action(s):

1. Conduct Legislative Public Hearing
2. Adopt Rezoning Ordinance RZ21-07 to adopt a statement of compatibility and to approve rezoning
3. Approve a Development Agreement

Explanation:

- The property consists of seven parcels, totaling approximately 5.855 acres.
- The property is located at the NW corner of Holly Springs New Hill Road and Old Holly Springs Apex Rd.
- There are a number of residential and non-residential developments that have been constructed in this vicinity in the past 5-6 years, including Oakview Elementary School, Hensley subdivision, Thales Academy, Extra Space Storage, and Holly Springs Place apartments.
- The proposal is to rezone the property from R-10 Residential to CB CU: Community Business Conditional Use to support the development of a commercial center (integrated center).
- The Future Land Use Map designates the property as Mixed Use Center.
- Mixed Use Center offers the opportunity to serve broader economic, entertainment, and housing needs in the community.
- The project includes a Development Agreement with terms associated with phasing of the project construction, a fee-in-lieu for the realignment of Old Holly Springs Apex Road and Holly Springs New Hill Road and land conveyance of property owned by the town to facilitate the road improvements along the frontage of the property.

Conditions of Approval

The petitioner has proposed conditions of approval on the property:

1. Buildings shall have a minimum height of 20 feet and 2 stories, with the exception of 1 single-story building allowed for childcare/pre-school or similar uses. The single story building is still required to meet the 20 foot minimum height requirement.
2. The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028).

Town Council Business Meeting
December 21, 2021

3. Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
4. The following uses shall be prohibited:
 - a. Motorcycle/Scooter Sales
 - b. Self Service Laundry/Costume Rental
 - c. Public Utility Substation
 - d. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - e. Neighborhood Recycling Collection Point
 - f. Automobile Parts Sales (new)
 - g. Quick Oil Change Facility
 - h. Car Wash (automatic or self)
 - i. Gasoline Service Station without repair
6. Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit.
7. All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
8. Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.
9. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
10. The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Assessment Report, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
11. A fee-in-lieu (FIL) will be offered towards the realignment of Old Holly Springs & New Hill Roads. Developer offers the amount of \$234,000 to be paid at release of construction drawings.
12. Development may be split into two Phases. Phase 1 defined as up to 3 acres developable beside Thales Academy PIN 0649265028 (not to include any shared SCM or parking/entrances on remaining acreage). Phase 2 shall be the remaining developable acreage towards the intersection of Old Holly Springs & New Hill Roads. Should the development be divided into 2 phases, then Developer shall pay the proportionate share of the FIL at time of approval of those construction drawings for Phase 1. Proportionate share to be determined as a percentage of acreage developed versus overall acreage. Developer shall be responsible for any thoroughfare widening as part of the overall development or Phasing and any improvements such as turn lanes required by NCDOT.

Planning Board Recommendation

The Planning Board discussed the following issues and concerns on November 23, 2021:

- Existing traffic issues on adjacent streets and additional traffic related to future commercial development.
- Street improvements and access restrictions.
- Pedestrian access from nearby apartment developments.

Planning Board Recommendation:

Planning Board recommended approval (5 -1- 2)

There was one vote against the motion due to concerns that the Traffic Impact Analysis did not thoroughly address traffic issues.

Background:

- Developer Agreements are a tool used when a partnership is proposed. There are several types of agreements that can be used. Infrastructure Reimbursement Agreements are used when utilities or road projects are being built beyond a project's impact and the oversized portion of the project cost is reimbursed to a developer upon completion of the improvements. Development Agreements are used when there are zoning related items considered. They also can include fee-in-lieu terms or other reimbursements. This agreement type is a Development Agreement.
- The primary reason for this agreement is to help complete a needed improvement adjacent to this project that is shown in the town's adopted Comprehensive Transportation Plan - the Old Holly Springs Apex Rd and Holly Springs New Hill Road intersection realignment. There are multiple development projects that trigger this need and two projects that were approved prior to this project submitting their application that have committed to paying a fee-in-lieu proportionate to their impact for constructing improvements at this intersection. At the time of review of this rezoning application, an additional project was submitted that also impacted this intersection.
- In July 2021 at the Town Council work session, staff brought forward a discussion with the Town Council about a strategy to enter into a developer agreement with Green Oaks Tech Center PUD developer and proceed with collecting a fee-in-lieu from this project to get the realignment completed.
- Since the work session, the Green Oaks Tech Center PUD project proceeded and was approved along with a development agreement on November 30, 2021. This rezoning and associated agreement have followed closely behind that work.
- Parcels were rezoned from R-20 Residential to R-10 Residential by the Town Council on October 26, 1993.

Funding Source(s):

N/A

Attachment(s):

1. 21REZ01_Holly Springs New Hill Rd PB staff report
2. 21REZ01_Holly Springs New Hill_Attachments
3. RZ21-07 Holly Springs New Hill Rd Ordinance
4. Draft_New Hill 1300 LLC_Development Agreement



Town of Holly Springs Staff Report to the Planning Board

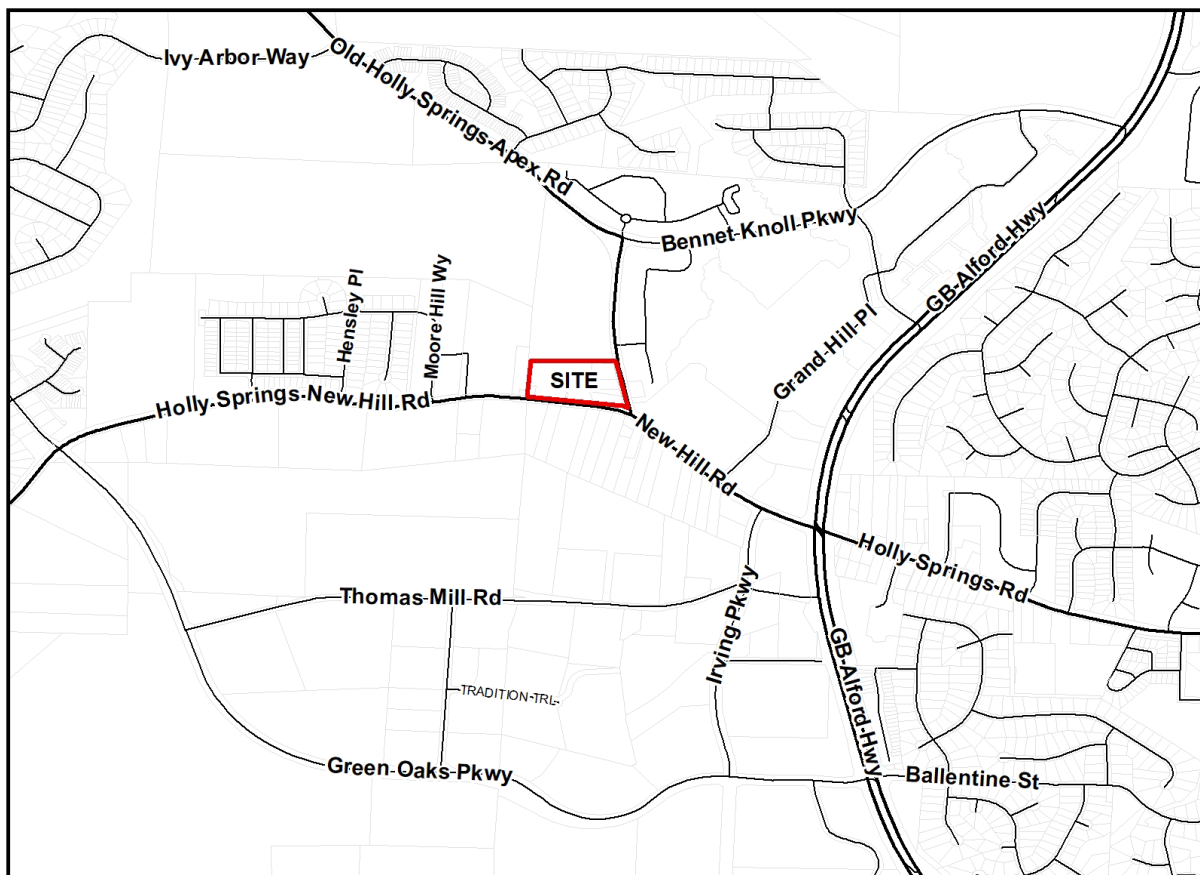
REQUEST FOR ZONE MAP CHANGE Holly Springs New Hill Road Rezoning 21-REZ-01

PETITIONER(S):

The Spaulding Group, PA
1611 Jones Franklin Road, #101
Raleigh, NC 27606

OWNER(S):

See parcel information below

LOCATION:

☒ [X] Within Corporate Limits of Holly Springs ☐ [] Within Holly Springs ETJ ☐ [] Annexation Pending

ANTICIPATED REVIEW SCHEDULE:

Planning Board:	November 23, 2021
Public Hearing and Town Council Action:	December 21, 2021

STAFF CONTACTS: Cheryl Caines, Planner II
Rachel Jones, Development Review Engineer

ATTACHMENTS:

Petition for Zone Map Change; Plan Consistency Statement; Neighborhood meeting report

PARCEL INFORMATION			
OWNER	PARCEL #	ZONING	AREA*
James T. Taylor & Ronald A. Taylor	0649258795	R-10: Residential	3.328 ac
James T. Taylor & Ronald A. Taylor	0649353728	R-10: Residential	0.649 ac
James T. Taylor & Ronald A. Taylor	0649353599	R-10: Residential	0.242 ac
Pensco Trust Co.	0649352626	R-10: Residential	.924 ac
Thales Academy	0649257680	R-10: Residential	0.117 ac
Judith R. Adams	0649353581	R-10: Residential	0.581 ac
Town of Holly Springs	No parcel #	No zoning	.014 ac.
		Total	5.855 ±ac

*Area is per survey and not Wake County Tax Records.

ADJACENT PROPERTY SITE DATA		
	ZONING	EXISTING LAND USE
Subject Property	R-10	Vacant, undeveloped
North	IT	Vacant, undeveloped
South	R-10 & BT CU	Holly Springs New Hill Road, then vacant undeveloped and Extra Space Storage self-storage facility
East	RMF-15	Old Holly Springs Apex Road, then Holly Springs Place Apartments
West	R-10	Thales Academy, private school

PROPERTY HISTORY

Rezoning History

Project # 93-R-03

Original Zoning: R-20

Proposed Zoning: R-10

Approved by Town Council on: 10/26/93

ZONE MAP CHANGE REQUEST		
	CURRENT	PROPOSED
Zoning District	R-10: Residential	CB CU: Community Business Conditional Use
Future Land-Use Designation	Mixed-Use Center	No Change

STAFF ANALYSIS

Zone Map Change Request:

The request is to rezone the property in question from R-10: Residential to CB CU: Community Business Conditional Use.

PROJECT OVERVIEW

The project consists of six parcels totaling approximately 5.855 acres. The property is located at the northwest corner of Old Holly Springs Apex and Holly Springs New Hill Roads. There are a number of residential and non-residential developments that have been constructed in this vicinity in the past 5-6 years, including Oakview Elementary School, Hensley subdivision, Thales Academy, Extra Space Storage, and Holly Springs Place apartments. The applicant is proposing to rezone the property to CB CU: Community Business Conditional Use to support the development of a commercial center (integrated center) containing 3 buildings.

Developer Commitments:

A Conditional Use District allows the Petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a Petitioner has placed such conditions with the Zoning Map Change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the Petitioner may add additional conditions or make the proposed conditions more restrictive, however, additional conditions or regulations cannot be added to the Petition by Planning Board or Town Council.

The property owner has offered conditions as described below:

1. Buildings shall have a minimum height of 20 feet and 2 stories with the exception of 1 single-story building allowed for childcare/pre-school or similar uses. The single story building is still required to meet the 20 foot minimum height requirement.
2. The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028)
3. Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
4. The following uses shall be prohibited:
 - a. Motorcycle/Scooter Sales
 - b. Self Service Laundry/Costume Rental
 - c. Public Utility Substation
 - d. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - e. Neighborhood Recycling Collection Point
 - f. Automobile Parts Sales (new)
 - g. Quick Oil Change Facility
 - h. Car Wash (automatic or self)
 - i. Gasoline Service Station without repair
5. Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit
6. All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
7. Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.
8. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
9. The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Assessment Report, to create conditions essential to public health,

safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.

10. A fee-in-lieu (FIL) will be offered towards the realignment of Old Holly Springs & New Hill Roads. Developer offers the amount of \$234,000 to be paid at release of construction drawings.
11. Development may be split into two Phases. Phase 1 defined as up to 3 acres developable beside Thales Academy PIN 0649265028 (not to include any shared SCM or parking/entrances on remaining acreage). Phase 2 shall be the remaining developable acreage towards the intersection of Old Holly Springs & New Hill Roads. Should the development be divided into 2 phases, then Developer shall pay the proportionate share of the FIL at time of approval of those construction drawings for Phase 1. Proportionate share to be determined as a percentage of acreage developed versus overall acreage. Developer shall be responsible for any thoroughfare widening as part of the overall development or Phasing and any improvements such as turn lanes required by NCDOT.

PLANNING & ZONING

Vision Holly Springs Comprehensive Plan *Land Use & Character Plan:*

The Future Land Use Map designates this property as Mixed-Use Center.

A Mixed-Use Center offers the opportunity to serve broader economic, entertainment, and housing needs in the community. Land uses and buildings on small blocks in the core may stand three or more stories tall and encourage active public spaces between the buildings. Residential units or office space are found above storefronts. The compact, walkable environment and mix of residential and non-residential uses in the center supports multiple modes of transportation, including the potential for transit-oriented development if-when a decision is made to invest in premium transit along the NC 55 corridor. A large-scale, Mixed-Use Center may be surrounded by one or more residential neighborhoods that provide additional nearby home choices and encourage active living with a comprehensive and interconnected network of walkable streets.

Zone Map Change Analysis

The proposed CB CU: Community Business Conditional Use District will allow for the development of commercial uses in close proximity to existing residential uses, consistent with the intent of the Mixed Use Center character area. The developer has offered conditions to restrict auto-oriented uses and those that would detract from a pedestrian-oriented environment. In addition, conditions have been offered to ensure the building form and site layout achieves the goals of the Mixed Use Center character area in terms of building and parking placement and building height. As a result, the proposed zoning change will provide additional opportunities for neighborhood serving commercial uses while creating a built form that balances the goals of the Land Use & Character Plan with the character of existing development along this corridor.

Civil Improvements

Water

This project is required to tie to and extend Town water facilities to serve all proposed buildings. A Hydraulic Fire Flow Analysis will be required at the time of Development Plan Submittal.

Sewer

A Sewer Study memo was completed in conjunction with this Rezoning Petition. This development will discharge to the Twelve Oaks Pump Station. This project is required to tie to and extend Town sewer facilities to serve any proposed buildings when it develops.

Reclaimed Water:

This project is in the Town's Reuse Service Area and as such is required to tie into reclaimed water facilities to serve the project at the time of development.

Transportation

Traffic Impact Analysis (TIA):

A Traffic Impact Analysis (TIA) Report was completed in conjunction with this Rezoning Petition. This development will be required to adhere to and construct all recommended improvements within the Approved TIA and in accordance with the Unified Development Ordinance (UDO) and Comprehensive Transportation Plan (CTP). Road widening to meet ½ of the ultimate four-lane, median-divided thoroughfare cross-section will be required across the property frontage along Holly Springs New Hill Rd. and Old Holly Springs Apex Rd.

Comprehensive Transportation Plan (CTP):

The CTP shows the intersection of Holly Springs New Hill Rd. and Old Holly Springs Apex Rd. being realigned and ultimately extended to connect to Thomas Mill Rd. in the future. Additionally, this intersection has been flagged as a hot spot study with the Town's CTP Update that is currently underway. This intersection along with the intersection of Grand Hill Place and Holly Springs New Hill Rd. are being evaluated from a systematic approach, as the impacts at one intersection can contribute to additional impacts at the neighboring intersection. Part of this evaluation includes short term and long term recommendations for improvements in this corridor. The CTP Update is expected to be adopted in the first quarter of 2022.

Partner Funding for Improvements:

The realignment of the intersection mentioned above has been identified as a priority project and the Town has been actively partnering with adjacent development for several years in an effort to help fund this need. The developer worked with the Town during the review of the TIA, and during preliminary Developer Agreement discussions, to determine a proportionate fee-in-lieu of design and construction for the improvement that will be contributed with this development.

Pedestrian Facilities and Connectivity:

In accordance with the Town's Parks and Greenways Master Plan, a 10' sidepath is required to be designed and constructed across the project property frontage on Holly Springs New Hill Rd., and the Developer has committed to providing an off-site extension beyond the project property line to complete the connection to the existing sidepath at Thales Academy. in accordance with the Town's Parks and Greenways Master Plan. The Sidepath will connect to the existing 10' Sidepath in front of Thales Academy.

Environmental:

This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance and is located in the Cape Fear River Basin and will be subject to all applicable requirements of that basin.

DRAFT Developer Agreement Discussion:

As previously mentioned, the Developer and the Town have had preliminary discussions regarding a Developer Agreement with this Rezoning. The draft items below are still in the initial stages and more coordination is needed to finalize the parameters of the agreement. Once finalized, the Developer Agreement will go before town Council for approval at the same time the Rezoning Petition.

- A fee-in-lieu (FIL) by Developer toward the realignment of Old Holly Springs & New Hill Roads. Developer offers the amount of \$234,000 to be paid at release of construction drawings.
- Proposed phasing of road improvements, including thoroughfare widening along Holly Springs New Hill Rd.

Please be aware that Rezoning Conditions #10, #11, and #12 could change as a result of final discussions regarding the Developer Agreement.

PLANNING BOARD RECOMMENDATION TO THE TOWN COUNCIL**ACTION #1: ZONE MAP CHANGE REQUEST****PLAN CONSISTENCY STATEMENT:**

The requested zone map change from R-10: Residential to CB CU: Community Business Conditional Use is consistent with the Vision Holly Springs Comprehensive Plan and Future Land Use Map designation of Mixed-Use Center and will allow for the development of neighborhood serving commercial uses compatible with and complimentary to surrounding existing uses.

ZONE MAP CHANGE PETITION MOTION:

Motion that the Planning Board recommend the Town Council approve / deny Zone Map Change Petition #21-REZ-01 to change the zoning of approximately 5.855 acres of Wake County PINs 0649258795, 0649353728, 0649353599, 0649352626, 0649257680, 0649353581 and land described in the attached legal description from R-10: Residential to CB CU: Community Business Conditional Use with conditions offered by the property owner as follows.

1. Buildings shall have a minimum height of 20 feet and 2 stories with the exception of 1 single-story building allowed for childcare/pre-school or similar uses. The single story building is still required to meet the 20 foot minimum height requirement.
2. The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028)
3. Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
4. The following uses shall be prohibited:
 - a. Motorcycle/Scooter Sales
 - b. Self Service Laundry/Costume Rental
 - c. Public Utility Substation
 - d. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - e. Neighborhood Recycling Collection Point
 - f. Automobile Parts Sales (new)
 - g. Quick Oil Change Facility
 - h. Car Wash (automatic or self)
 - i. Gasoline Service Station without repair

5. Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit
6. All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
7. Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.
8. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
9. The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Assessment Report, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
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Legal Description:

TOWN OF HOLLY SPRINGS REZONING

Beginning at a rebar set at the turnout of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way) and Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way), said rebar being North 27°14'10" West 5,355.23 feet from N.C.G.S. Monument "Seagraves", said monument having N.C. Grid Coordinates (NAD83/1995) of N=690,714.40, E=2,045,932.34, thence from said Beginning point, along said Old Holly Springs-Apex Road (SR 1153) western right of way turnout South 46°28'25" West 37.32 feet to a rebar set on the northern right of way of Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way), thence along said right of way North 74°46'09" West 48.49 feet to a rebar set, thence North 78°22'12" West 59.31 feet to a rebar set, thence North 80°49'30" West 56.79 feet to a rebar set, thence North 82°33'49" West 46.08 feet to a rebar set, thence North 72°35'19" West 20.25 feet to a rebar set, thence North 81°23'58" West 83.00 feet to a rebar set, thence North 81°23'58" West 104.62 feet to a rebar set, thence North 82°25'23" West 2.86 feet to a rebar set, thence North 82°25'23" West 9.92 feet to a rebar set, thence North 82°25'23" West 49.65 feet to a rebar set, thence North 82°25'23" West 92.10 feet to a rebar set, thence North 81°54'54" West 23.05 feet to a rebar set, thence North 81°54'54" West 35.37 feet to a rebar set, thence North 74°39'03" West 25.78 feet to a rebar set, thence North 04°05'04" East 3.15 feet to a rebar set, thence North 81°56'17" West 2.88 feet to a rebar set, thence North 86°08'51" West 13.67 feet to a rebar set, thence North 74°39'03" West 44.30 feet to a rebar set, thence North 74°39'03" West 13.60 feet to a rebar set, thence leaving said Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way) North 03°54'25" East 320.78 feet to an existing 1/2" iron pipe, thence South 86°41'02" East 478.18 feet to an existing 1 1/2" iron pipe, thence South 86°55'37" East 173.02 feet to a point on the western right of way of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way), thence along said right of way with a curve to the left, having an arc length of 101.96 feet, a radius of 2,935.00 feet, and a chord bearing and distance of South 09°57'17" East 101.95 feet to a rebar set, thence South 10°57'00" East 48.92 feet to a rebar set, thence South 10°57'00" East 94.18 feet to a rebar set, thence South 10°57'00" East 66.00 feet to a rebar set, thence South 10°57'00" East 69.47 feet to a rebar set, thence South 17°27'46" East 13.13' to the point and place of Beginning containing 5.855 Acres more or less.

Agenda Item Completeness Checklist				
Staff Member	Approved for Distribution		Initials	Comments
	Yes	No		
Cheryl Caines	X		CAC	
Rachel Jones	X		RDJ	

REZONING, COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION



The current Filing Fees can be found on-line in the Town of Holly Springs Fee Schedule: <http://www.hollyspringsnc.us/planning>

Petition Type (check one- each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District **or** ☒ Conditional Use District/Permit
☐ Comprehensive Plan Amendment (check all that apply)
☐ Text Amendment ☐ Future Land Use Plan Map Amendment
☐ Area/Corridor Plan Map Amendment / Name: _____
☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use
 Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd
Use street address. If none, use the closest intersection
☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation
 PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; 0031660; 0084548; 0031659;
0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0183053; 0047145; 0072447
 Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use
 Current Future Land Use Designation: Mixed-Use Center
 Proposed Future Land Use Designation: Mixed-Use Center
 Area Plan Designation (if applicable): _____
 Waivers Requested: ☒ No ☐ Yes- Specify UDO Section Number(s): _____
If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety- please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____
 Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA
 Mailing Address 1611 Jones Franklin Road, Suite 101
 City Raleigh State NC Zip 27606
 Telephone # (919) 854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com
 How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

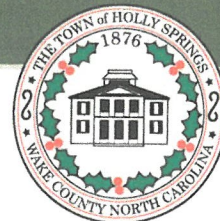
Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name James T. Taylor & Ronald A. Taylor Company _____
 Mailing Address 305 Foxwood Trail
 City Pittsboro State NC Zip 27312
 Telephone # () E-Mail _____
 How would you like to receive staff review comments? ☐ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☐ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s) Ronald A. Taylor PIN/REID 0649.25.8795 / REID: 0084548 Date 1-20-21
 JTT & RAT
 JTT only PIN: 0649.35.3728 / REID: 0031659
 JTT only PIN: 0649.35.3599 / REID: 0183053

AFFIDAVIT OF OWNER CONSENT



If the Owner(s) of the subject property is giving authorization for another person to apply for a Conditional Use District and/or Conditional Use Permit on their property, this affidavit must be completed and signed by all record owners of the subject property.

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the described property, and further give authorization to

Thomas Spaulding _____ of _____ The Spaulding Group, PA
(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10: Residential _____ to _____ CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

For DPZ Use only

Project # _____

Date Received: _____

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

Signature of Owner(s):

James T. Taylor & Ronald A. Taylor
James T. Taylor & Ronald A. Taylor - Signatures

James T. Taylor only - Signature

James T. Taylor only - Signature

Wake County PIN/REID:

PIN: 0649.25.8795 ; REID: 0084548

PIN: 0649.35.3728 ; REID: 0031659

PIN: 0649.35.3599; REID: 0183053

State of _____
County of _____

James T. Taylor did personally appear before me _____, Sworn to and subscribed before me the _____ day of _____, 20____. Notary Public in and for the State of North Carolina. My Commission expires: _____

Notary Public

Printed

Seal

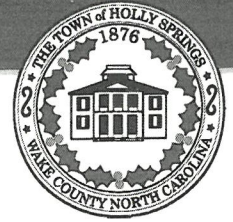
State of North Carolina
County of Wake

Ronald A. Taylor did personally appear before me Angie MSifford, Sworn to and subscribed before me the 20th day of January, 2021. Notary Public in and for the State of North Carolina. My Commission expires: June 10, 2023

Angie MSifford / Angie MSifford
Notary Public Printed



REZONING, COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION



The current Filing Fees can be found on-line in the Town of Holly Springs Fee Schedule: <http://www.hollyspringsnc.us/planning>

Petition Type (check one- each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District **or** ☒ Conditional Use District/Permit
- ☐ Comprehensive Plan Amendment (check all that apply)
- ☐ Text Amendment ☐ Future Land Use Plan Map Amendment
- ☐ Area/Corridor Plan Map Amendment / Name: _____
- ☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use

Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd
Use street address. If none, use the closest intersection

☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation

PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; 0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0031660; 0084548; 0031659; 0183053; 0047145; 0072447

Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

For DPZ Use only

Project # _____

Fees Paid: \$ _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use

Current Future Land Use Designation: Mixed-Use Center

Proposed Future Land Use Designation: Mixed-Use Center

Area Plan Designation (if applicable): _____

Waivers Requested: ☒ No ☐ Yes- Specify UDO Section Number(s): _____
If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety- please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____

Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA

Mailing Address 1611 Jones Franklin Road, Suite 101

City Raleigh State NC Zip 27606

Telephone # (919)854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com

How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name James T. Taylor & Ronald A. Taylor Company _____

Mailing Address 305 Foxwood Trail

City Pittsboro State NC Zip 27312

Telephone # () E-Mail _____

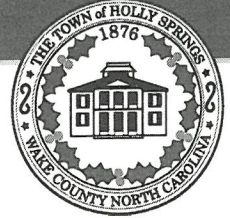
How would you like to receive staff review comments? ☐ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☐ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s)	PIN/REID	Date
JTT & RAT <u>[Signature]</u>	PIN: 0649.25.8795 / REID: 0084548	<u>1/20/21</u>
JTT only <u>[Signature]</u>	PIN: 0649.35.3728 / REID: 0031659	<u>1/20/21</u>
JTT only <u>[Signature]</u>	PIN: 0649.35.3599 / REID: 0183053	<u>1/20/21</u>

AFFIDAVIT OF OWNER CONSENT



If the Owner(s) of the subject property is giving authorization for another person to apply for a Conditional Use District and/or Conditional Use Permit on their property, this affidavit must be completed and signed by all record owners of the subject property.

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Thomas Spaulding of The Spaulding Group, PA
(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10: Residential to CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

Signature of Owner(s):

James T. Taylor & Ronald A. Taylor - Signatures
James T. Taylor only - Signature
James T. Taylor only - Signature

Wake County PIN/REID:

PIN: 0649.25.8795 ; REID: 0084548

PIN: 0649.35.3728 ; REID: 0031659

PIN: 0649.35.3599; REID: 0183053

State of Florida
County of Volusia

James T. Taylor did personally appear before me Sandra K Phelps. Sworn to and subscribed before me the 20 day of January, 2021. Notary Public in and for the State of

Florida North Carolina. My Commission expires: 03-11-2022

Sandra K Phelps
Notary Public

Sandra K Phelps
Printed



SANDRA K PHELPS
Commission # GG 236789
Expires August 11, 2022
Banded Third Birdlight Notary Services

Seal

State of _____
County of _____

Ronald A. Taylor did personally appear before me _____, Sworn to and subscribed before me the _____ day of _____, 20____. Notary Public in and for the State of North Carolina. My Commission expires: _____

Notary Public Printed

Seal

REZONING, COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION



The current Filing Fees can be found on-line in the Town of Holly Springs Fee Schedule: <http://www.hollyspringsnc.us/planning>

Petition Type (check one- each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District **or** ☒ Conditional Use District/Permit
- ☐ Comprehensive Plan Amendment (check all that apply)
- ☐ Text Amendment ☐ Future Land Use Plan Map Amendment
- ☐ Area/Corridor Plan Map Amendment / Name: _____
- ☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use

Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd

Use street address. If none, use the closest intersection

☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation

PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; 0031660; 0084548; 0031659;

PIN: 0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0183053; 0047145; 0072447

Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use

Current Future Land Use Designation: Mixed-Use Center

Proposed Future Land Use Designation: Mixed-Use Center

Area Plan Designation (if applicable): _____

Waivers Requested: ☒ No ☐ Yes- Specify UDO Section Number(s): _____

If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety- please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____

Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA

Mailing Address 1611 Jones Franklin Road, Suite 101

City Raleigh State NC Zip 27606

Telephone # (919) 854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com

How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name Judith R. Adams Company _____

Mailing Address 346 Canterbury Place Drive

City Sunawnee State GA Zip 30024

Telephone # () _____ E-Mail _____

How would you like to receive staff review comments? ☐ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☐ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s)

PIN/REID

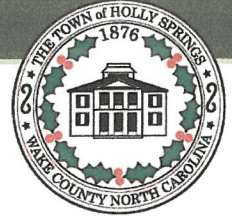
Date

PIN: 0649.35.3581 / REID: 0031660

PIN: 0649.35.3581 / REID: 0031660

1/5/2021

AFFIDAVIT OF OWNER CONSENT



If the Owner(s) of the subject property is giving authorization for another person to apply for a Conditional Use District and/or Conditional Use Permit on their property, this affidavit must be completed and signed by all record owners of the subject property.

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the described property, and further give authorization to

Thomas Spaulding of The Spaulding Group, PA
(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10: Residential to CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

For DPZ Use only

Project # _____

Date Received: _____

Signature of Owner(s):

Judith R. Adams
Judith R. Adams - Signature

Wake County PIN/REID:

PIN: 0649.35.3581 ; REID: 0031660

State of Georgia
County of Gwinnett

Sworn to and subscribed before me the 5 day of FEBRUARY, 2021.

Notary Public in and for the State of North Carolina. My Commission expires: 10/30/2021

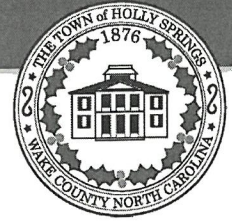
[Signature]
Notary Public

MADRIAN PEELE
Printed

Seal



REZONING, COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION



The current Filing Fees can be found on-line in the Town of Holly Springs Fee Schedule: <http://www.hollyspringsnc.us/planning>

Petition Type (check one- each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District **or** ☒ Conditional Use District/Permit
☐ Comprehensive Plan Amendment (check all that apply)
☐ Text Amendment ☐ Future Land Use Plan Map Amendment
☐ Area/Corridor Plan Map Amendment / Name: _____
☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use
 Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd
Use street address. If none, use the closest intersection
☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation
 PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; Real Estate ID: 0031660; 0084548; 0031659;
0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0183053; 0047145; 0072447
 Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

For DPZ Use only

Project # _____

Fees Paid: \$ _____

Date Received: _____

☐ Initial ☐ Revised ☐ Final

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use
 Current Future Land Use Designation: Mixed-Use Center
 Proposed Future Land Use Designation: Mixed-Use Center
 Area Plan Designation (if applicable): _____
 Waivers Requested: ☒ No ☐ Yes- Specify UDO Section Number(s): _____
If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety- please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____
 Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA
 Mailing Address 1611 Jones Franklin Road, Suite 101
 City Raleigh State NC Zip 27606
 Telephone # (919) 854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com
 How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

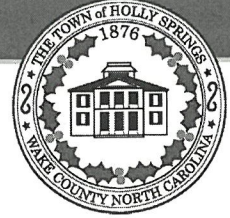
Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name Thales Academy Company _____
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone # () _____ E-Mail _____
 How would you like to receive staff review comments? ☐ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☐ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s) [Signature] PIN/REID PIN: 0649.25.7680 / REID: 0072447 Date 2/19/2021

AFFIDAVIT OF OWNER CONSENT



If the Owner(s) of the subject property is giving authorization for another person to apply for a Conditional Use District and/or Conditional Use Permit on their property, this affidavit must be completed and signed by all record owners of the subject property.

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the described property, and further give authorization to

Thomas Spaulding of The Spaulding Group, PA
(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10: Residential to CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

For DPZ Use only

Project # _____

Date Received: _____

Signature of Owner(s):

William H. Francis
Thales Academy - Signature

Wake County PIN/REID:

PIN: 0649.25.7680 ; REID: 0072447

State of North Carolina

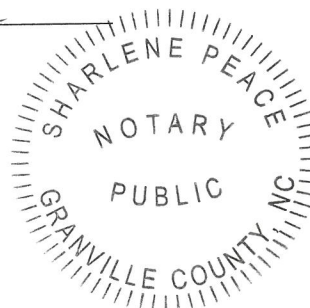
County of Wake

Sworn to and subscribed before me the 10 day of February, 2021.

Notary Public in and for the State of North Carolina. My Commission expires: 10/23/2021

Sharlene Peace / Sharlene Peace
Notary Public Printed

Seal



REZONING COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION

The current Filing Fees can be found on-line in the Town of Holly Springs Fee Schedule: <http://www.hollyspringsnc.us/planning>



Petition Type (check one, each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District or ☒ Conditional Use District/Permit
- ☐ Comprehensive Plan Amendment (check all that apply)
- ☐ Text Amendment ☐ Future Land Use Plan Map Amendment
- ☐ Area/Corridor Plan Map Amendment / Name: _____
- ☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use

Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd

Use street address. If none, use the closest intersection

☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation

PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; 0031.650; 0084.548; 0031.659;

0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0183053; 0047145; 0072447

Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use

Current Future Land Use Designation: Mixed-Use Center

Proposed Future Land Use Designation: Mixed-Use Center

Area Plan Designation (if applicable): _____

Waivers Requested: ☐ No ☒ Yes- Specify UDO Section Number(s): _____

If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety- please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____

Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA

Mailing Address 1611 Jones Franklin Road, Suite 101

City Raleigh State NC Zip 27606

Telephone # (919)854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com

How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name Michael I. Edwards / Susan G. Edwards Company PENSCO TRUST CO - Custodian

Mailing Address 310 TAYLOR ST

City CLAYTON State NC Zip 27520

Telephone # 919 909 4221 E-Mail MIKEFROMSA@YAHOO.COM

How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail

How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s) [Signature] PIN/REID 8080 Amador Date 02-05-2021

AFFIDAVIT OF OWNER CONSENT



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(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10; Residential to CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

For DPZ Use only

Project # _____

Date Received: _____

Signature of Owner(s):

[Signature]
Michael I. Edwards - PENSICO TRUST CO - Custodian

[Signature]
Susan G. Edwards - PENSICO TRUST CO - Custodian

Baton Amador
Authorized Signer

Wake County PIN/REID:

PIN: 0649.35.2626 ; REID: 0047145

PIN: 0649.35.2626; REID: 0047145

State of North Carolina

County of Johnston

Sworn to and subscribed before me the 22 day of January, 20 21

Notary Public in and for the State of North Carolina. My Commission expires 2/20/2025

[Signature]
Notary Public

Elizabeth Coley-Riddle
Printed

Seal



REZONING, COMPREHENSIVE PLAN/ UDO AMENDMENT PETITION



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Petition Type (check one, each request must be on separate petitions)

- ☐ Zoning Map Change: ☐ General Use District **or** ☒ Conditional Use District/Permit
☐ Comprehensive Plan Amendment (check all that apply)
☐ Text Amendment ☐ Future Land Use Plan Map Amendment
☐ Area/Corridor Plan Map Amendment / Name: _____
☐ UDO Amendment (UDO Section: _____)

Project Information

Project Name: Holly Springs New Hill Mixed Use
 Project Location: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Springs Apex Rd
Use street address. If none, use the closest intersection
☒ Within Corporate Limits ☐ Within Holly Springs ETJ ☐ Pending Annexation
 PIN: 0649.35.3581; 0649.25.8795; 0649.35.3728; 0031650; 0084548; 0031659;
0649.35.3599; 0649.35.2626; 0649.25.7680 Real Estate ID: 0183053; 0047145; 0072447
 Project Acreage: (Rounded to nearest tenth) 6.81 Partial Parcel: ☒ No ☐ Yes

Scoping Meeting Date: _____ Concept Meeting Date: December 3, 2020

If the Concept Meeting Date is not within 8 weeks of the submittal date, another Concept Meeting is required prior to submittal.

Petition Request

Current Zoning: R-10: Residential Proposed Zoning: CB-CU Community Business Conditional Use
 Current Future Land Use Designation: Mixed-Use Center
 Proposed Future Land Use Designation: Mixed-Use Center
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 Waivers Requested: ☒ No ☐ Yes- Specify UDO Section Number(s): _____
If yes, complete and attach appropriate Waiver Petition(s) from Waiver Packet

Petition Contact Information (complete each contact in its entirety - please print or type)

Project Applicant/Contact

(check one) ☐ Owner ☐ Owner's Agent ☒ Design Professional ☐ Developer ☐ Other _____
 Is the applicant applying on behalf of the property owner(s)? ☐ Yes ☐ No If yes, please complete the Affidavit of Property Owner Consent form and attach. If applicant contact is not the Owner or representing the Owner(s), please complete Property Owner Notification Affidavit and attach.

Name Tom Spaulding / Anne Oakley Company The Spaulding Group, PA
 Mailing Address 1611 Jones Franklin Road, Suite 101
 City Raleigh State NC Zip 27606
 Telephone # (919) 854-7990 E-Mail tom@spaulding-group.com; anne@spaulding-group.com
 How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Property Owner(s) if different than Applicant/Contact-REQUIRED attach additional sheets if necessary

Name Ryan M. Roberts / Kathryn E. Roberts Company PENSCO TRUST CO - Custodian
 Mailing Address 1904 EASTWOOD Rd. SUITE 306
 City WILMINGTON, NC State NC Zip 28403
 Telephone # (919) 780-8620 E-Mail ryan@thebluewatergroup.com
 How would you like to receive staff review comments? ☒ E-Mail ☐ US Mail
 How would you like to receive Official Action Notices? ☒ E-Mail ☐ US Mail- Certified

Owner's Authorization (Required for Conditional Use Zoning or Conditional Use Permit)

Owner's Signature(s) [Signature] PIN/REID 0649.35.2626 / REID: 0047145 Date 02-05-2021
 Authorized Signet [Signature] PIN: 0649.35.2626 / REID: 0047145

AFFIDAVIT OF OWNER CONSENT



If the Owner(s) of the subject property is giving authorization for another person to apply for a Conditional Use District and/or Conditional Use Permit on their property, this affidavit must be completed and signed by all record owners of the subject property.

The persons listed below do hereby appear before a Notary Public and swear or affirm that they are the legal owners of the described property, and further give authorization to

Thomas Spaulding _____ of _____ The Spaulding Group, PA
(Name of Representative) (Name of Company)

to submit a Petition for Zoning Map Change to a Conditional Use District and/or for a Conditional Use Permit for my (our) property from
R-10: Residential _____ to _____ CB-CU Community Business Conditional Use
(Current Zoning District) (Proposed Zoning District)

and to offer additional use and/or standard restrictions as a part of the request for a Conditional Use Permit.

For DPZ Use only

Project # _____

Date Received: _____

Signature of Owner(s):

Ryan M. Roberts
Ryan M. Roberts - PENSICO TRUST CO - Custodian

Kathryn E. Roberts
Kathryn E. Roberts - PENSICO TRUST CO - Custodian

Brian Amador
Authorized Signet

Wake County PIN/REID:

PIN: 0649.35.2626 ; REID: 0047145

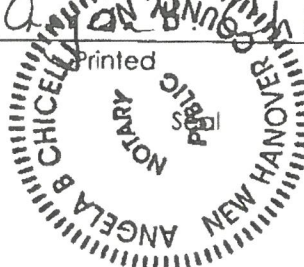
PIN: 0649.35.2626; REID: 0047145

State of NC
County of New Hanover

Sworn to and subscribed before me the 21st day of January, 20 21.

Notary Public in and for the State of North Carolina Commission expires: 4-3-21

Angela B. Chichelli
Notary Public



7019 2280 0001 2986 5554

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Apex, NC 27502	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: Ronald A. Taylor 213 James St. Apex, NC 27502	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2280 0001 2986 5554

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
New Smyrna Beach, FL 32169	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: James Taylor 14 Oak Tree Drive New Smyrna Beach, Florida 32169-4311	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2280 0001 2986 5547

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Suwanee, GA 30024	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: Judith Adams 346 Canterbury Place Drive Suwanee, GA 30024	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2280 0001 2986 5370

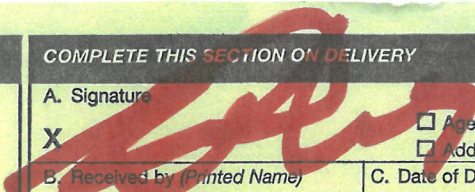
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Raleigh, NC 27616	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: Thales Academy 4641 Paragon Park Road Raleigh, NC 27616	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

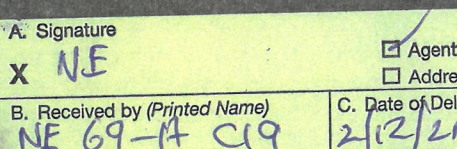
7019 2280 0001 2986 5530

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Clayton, NC 27520	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: Mike & Sue Edwards 310 Tayside St Clayton, NC 27520	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 2280 0001 2986 5525

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Hampstead, NC 28443	
Certified Mail Fee \$3.60 Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$2.85 ☐ Return Receipt (electronic) \$0.00 ☐ Certified Mail Restricted Delivery \$0.00 ☐ Adult Signature Required \$0.00 ☐ Adult Signature Restricted Delivery \$0.00	0171 5 Postmark Here 02/09/2021
Postage \$0.55 Total Postage and Fees \$7.00	
Sent To: Ryan & Kathryn Roberts 383 Aster Pl Hampstead, NC. 28443	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

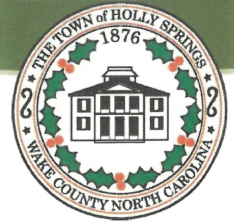
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X  ☐ Agent ☐ Addressee	
1. Article Addressed to: Mike & Sue Edwards 310 Tayside St Clayton, NC 27520		B. Received by (Printed Name) 	C. Date of Delivery
2. Article Number (Transfer from service label) 7019 2280 0001 2986 5530		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 211121	
3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery		☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X NE  ☒ Agent ☐ Addressee	
1. Article Addressed to: James Taylor 14 Oak Tree Drive New Smyrna Beach, Florida 32169-4311		B. Received by (Printed Name) NE 69-17 C19	C. Date of Delivery 2/12/21
2. Article Number (Transfer from service label) 7019 2280 0001 2986 5561		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery		☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY													
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Kathryn Roberts</i> ☐ Agent ☐ Addressee													
1. Article Addressed to: Ryan & Kathryn Roberts 383 Aster Pl Hampstead, NC. 28443		B. Received by (Printed Name) <i>Kathryn Roberts</i>	C. Date of Delivery 8/16/21												
2. Article Number (Transfer from service label) 7019 2280 0001 2986 5523		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No													
9590 9402 5180 9122 4170 53		3. Service Type <table border="0"> <tr> <td>☐ Adult Signature</td> <td>☐ Priority Mail Express®</td> </tr> <tr> <td>☐ Adult Signature Restricted Delivery</td> <td>☐ Registered Mail™</td> </tr> <tr> <td>☒ Certified Mail®</td> <td>☐ Registered Mail Restricted Delivery</td> </tr> <tr> <td>☐ Certified Mail Restricted Delivery</td> <td>☐ Return Receipt for Merchandise</td> </tr> <tr> <td>☐ Collect on Delivery</td> <td>☐ Signature Confirmation™</td> </tr> <tr> <td>☐ Collect on Delivery Restricted Delivery</td> <td>☐ Signature Confirmation Restricted Delivery</td> </tr> </table>		☐ Adult Signature	☐ Priority Mail Express®	☐ Adult Signature Restricted Delivery	☐ Registered Mail™	☒ Certified Mail®	☐ Registered Mail Restricted Delivery	☐ Certified Mail Restricted Delivery	☐ Return Receipt for Merchandise	☐ Collect on Delivery	☐ Signature Confirmation™	☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery
☐ Adult Signature	☐ Priority Mail Express®														
☐ Adult Signature Restricted Delivery	☐ Registered Mail™														
☒ Certified Mail®	☐ Registered Mail Restricted Delivery														
☐ Certified Mail Restricted Delivery	☐ Return Receipt for Merchandise														
☐ Collect on Delivery	☐ Signature Confirmation™														
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery														
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt													

TOWN OF HOLLY SPRINGS
ZONING PETITION

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

The following form or a separately prepared document in substantially the same form may be used for submitting the Notice of the requested Zoning Map Change and the public hearing in association with a request for a Zoning Map Change to the property owner(s). The form must be sent to the owner(s) via certified mail. This Affidavit is to be signed by the Applicant of the requested Zoning Map Change and have attached thereto the USPS green certified mail receipt and a copy of the form sent to the owner(s) to ensure that all record owners of the property have been notified by the Applicant(s).

For DPZ Use only

Project # _____

Date Received: _____

AFFIDAVITSTATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 84548; 183053; 31659 and PIN 649258795; 649353599; 649353728 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 20 21.

Applicant Signature _____

Printed name of Applicant Thomas J. Spaulding

NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 20 21.Notary Public in and for the State of North Carolina. My Commission expires: 10-14-2021

Anne B. Oakley
Notary Public

/ Anne B. Oakley

Printed

Seal



NOTIFICATION TO PROPERTY OWNER

Dear Property Owner,
(James T. Taylor)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 84548; 183053; 31659

and PIN 649258795; 649353599; 649353728

located at 1338 New Hill Road; 4544 Old Holly Springs Apex Rd; 0 Old Holly Springs Apex Rd

from R-10: Residential (existing zoning district) to

CB: Community Business Conditional Use (proposed zoning district).

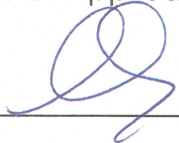
The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

Signature of Applicant:

Date:

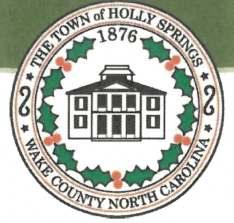


2-9-2021

Name	<u>Thomas J. Spaulding</u>	Company	<u>The Spaulding Group, PA</u>
Mailing Address	<u>1611 Jones Franklin Road, Suite 101</u>		
City	<u>Raleigh</u>	State	<u>NC</u> Zip <u>27606</u>
Telephone #	<u>(919) 854-7990</u>	Fax #	<u>() N/A</u>
		E-Mail	<u>tom@spaulding-group.com</u> <u>anne@spaulding-group.com</u>

TOWN OF HOLLY SPRINGS
ZONING PETITION

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

The following form or a separately prepared document in substantially the same form may be used for submitting the Notice of the requested Zoning Map Change and the public hearing in association with a request for a Zoning Map Change to the property owner(s). The form must be sent to the owner(s) via certified mail. This Affidavit is to be signed by the Applicant of the requested Zoning Map Change and have attached thereto the USPS green certified mail receipt and a copy of the form sent to the owner(s) to ensure that all record owners of the property have been notified by the Applicant(s).

For DPZ Use only

Project # _____

Date Received: _____

AFFIDAVIT

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 84548 and PIN 649258795 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 2021.

Applicant Signature [Signature]

Printed name of Applicant Thomas J. Spaulding

NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 2021.

Notary Public in and for the State of North Carolina. My Commission expires: 10-14-2021

[Signature]
Notary Public

Anne B. Oakley
Printed

Seal



NOTIFICATION TO PROPERTY OWNER

Dear Property Owner,
(Ronald A. Taylor)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 84548

and PIN 649258795

located at 1338 New Hill Road

from R-10: Residential (existing zoning district) to

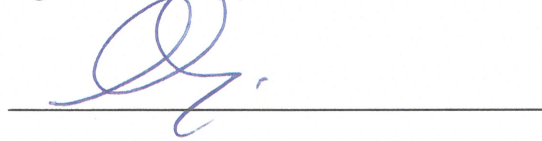
CB: Community Business Conditional Use (proposed zoning district).

The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

Signature of Applicant:



Date:

02-09-2021

Name	<u>Thomas J. Spaulding</u>	Company	<u>The Spaulding Group, PA</u>
Mailing Address	<u>1611 Jones Franklin Road, Suite 101</u>		
City	<u>Raleigh</u>	State	<u>NC</u> Zip <u>27606</u>
Telephone #	<u>(919) 854-7990</u>	Fax #	<u>()</u>
		E-Mail	<u>tom@spaulding-group.com</u> <u>anne@spaulding-group.com</u>

TOWN OF HOLLY SPRINGS
ZONING PETITION

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

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For DPZ Use only

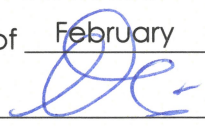
Project # _____

Date Received: _____

AFFIDAVITSTATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 31660 and PIN 649353581 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 2021.

Applicant Signature 

Printed name of Applicant Thomas J. Spaulding

NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 2021.

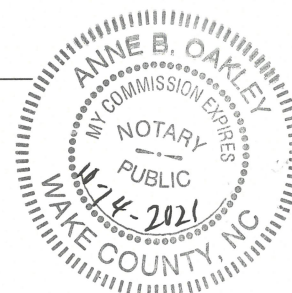
Notary Public in and for the State of North Carolina. My Commission expires: 10-14-2021


Notary Public

Anne B. Oakley

Printed

Seal



NOTIFICATION TO PROPERTY OWNER

Dear Property Owner,
(Judith R. Adams)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 31660

and PIN 649353581

located at 1300 New Hill Road

from R-10: Residential (existing zoning district) to

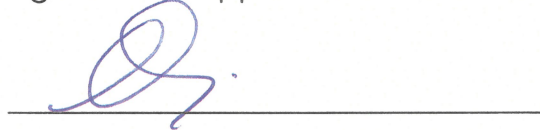
CB: Community Business Conditional Use (proposed zoning district).

The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

Signature of Applicant:



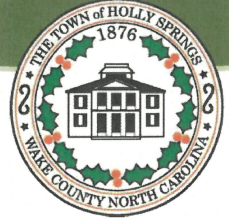
Date:

2-9-2021

Name	<u>Thomas J. Spaulding</u>	Company	<u>The Spaulding Group, PA</u>
Mailing Address	<u>1611 Jones Franklin Road, Suite 101</u>		
City	<u>Raleigh</u>	State	<u>NC</u> Zip <u>27606</u>
Telephone #	<u>(919) 854-7990</u>	Fax #	<u>() N/A</u>
		E-Mail	<u>tom@spaulding-group.com</u> <u>anne@spaulding-group.com</u>

TOWN OF HOLLY SPRINGS
ZONING PETITION

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

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For DPZ Use only

Project # _____

Date Received: _____

AFFIDAVITSTATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 47145 and PIN 649352626 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 2021.

Applicant Signature [Signature]

Printed name of Applicant Thomas J. Spaulding

NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 2021.

Notary Public in and for the State of North Carolina. My Commission expires: 10-14-2021

Anne B. Oakley
Notary Public

Anne B. Oakley
Printed

Seal



NOTIFICATION TO PROPERTY OWNER

Dear Property Owner,
(PENSCO- Mike & Sue Edwards)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 47145

and PIN 649352626

located at 4528 Old Holly Springs Apex Road

from R-10: Residential (existing zoning district) to

CB: Community Business Conditional Use (proposed zoning district).

The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

Signature of Applicant:

Date:

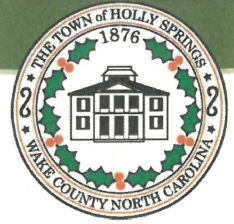


02-09-2021

Name Thomas J. Spaulding Company The Spaulding Group, PA
Mailing Address 1611 Jones Franklin Road, Suite 101
City Raleigh State NC Zip 27606
Telephone # (919) 854-7990 Fax # () N/A E-Mail tom@spaulding-group.com
anne@spaulding-group.com

TOWN OF HOLLY SPRINGS
ZONING PETITION

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

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For DPZ Use only

Project # _____

Date Received: _____

AFFIDAVITSTATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 47145 and PIN 649352626 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 20 21.Applicant Signature [Signature]Printed name of Applicant Thomas J. Spaulding

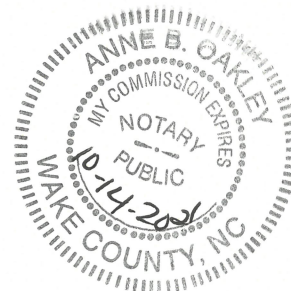
NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 20 21.Notary Public in and for the State of North Carolina. My Commission expires: 10-14-2021

Anne B. Oakley
Notary Public

Anne B. Oakley
Printed

Seal



NOTIFICATON TO PROPERTY OWNER

Dear Property Owner,

(PENSCO - Ryan & Kathryn Roberts)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 47145

and PIN 649352626

located at 4528 Old Holly Springs Apex Road

from R-10: Residential (existing zoning district) to

CB: Community Business Conditional Use (proposed zoning district).

The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

Signature of Applicant:

Date:

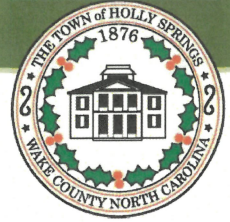


2-9-2021

Name	<u>Thomas J. Spaulding</u>	Company	<u>The Spaulding Group, PA</u>
Mailing Address	<u>1611 Jones Franklin Road - Suite 101</u>		
City	<u>Raleigh</u>	State	<u>NC</u> Zip <u>27606</u>
Telephone #	<u>(919) 854-7990</u>	Fax #	<u>()</u>
		E-Mail	<u>tom@spaulding-group.com</u> <u>anne@spaulding-group.com</u>

Thales

AFFIDAVIT OF OWNER NOTIFICATION



The following Affidavit of Owner Notification shall be provided at time of petition submittal if the Applicant is requesting a Zoning Map Change for property(s) he/she does not own at the time of the petition submission.

The following form or a separately prepared document in substantially the same form may be used for submitting the Notice of the requested Zoning Map Change and the public hearing in association with a request for a Zoning Map Change to the property owner(s). The form must be sent to the owner(s) via certified mail. This Affidavit is to be signed by the Applicant of the requested Zoning Map Change and have attached thereto the USPS green certified mail receipt and a copy of the form sent to the owner(s) to ensure that all record owners of the property have been notified by the Applicant(s).

For DPZ Use only

Project # _____

Date Received: _____

AFFIDAVIT

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I hereby certify to the Town of Holly Springs that the owner of the property described by Wake County Real Estate ID 0072447 and PIN 0649.25.7680 was served the notification attached to this Affidavit indicating the requested zoning map change petition and public hearing date and time. As evidence of the service of the notification, I hereby attach the return receipt from the certified mailing of this notice.

This the 9th day of February, 2021.

Applicant Signature [Signature]

Printed name of Applicant Thomas J. Spaulding

NOTARY STATEMENT

Sworn to and subscribed before me the 9th day of February, 2021.

Notary Public in and for the State of North Carolina. My Commission expires: 10.14.2021

Anne B. Oakley
Notary Public

Anne B. Oakley
Printed

Seal



NOTIFICATION TO PROPERTY OWNER

Dear Property Owner,
(Thales Academy)

I am requesting the Holly Springs Town Council to rezone your property described by:

Wake County Real Estate ID# 0072447

and PIN 0649.25.7680

located at 1340 New Hill Road, Holly Springs, NC 27540

from R-10: Residential (existing zoning district) to

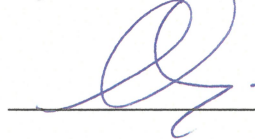
CB: Community Business Conditional Use (proposed zoning district).

The public hearing before the Holly Springs Town Council on the matter will be heard on June 15, 2021 (date) at 7:00 PM.

Additional information can be obtained by contacting the Holly Springs Department of Planning & Zoning at (919) 557-3908.

Thank you,

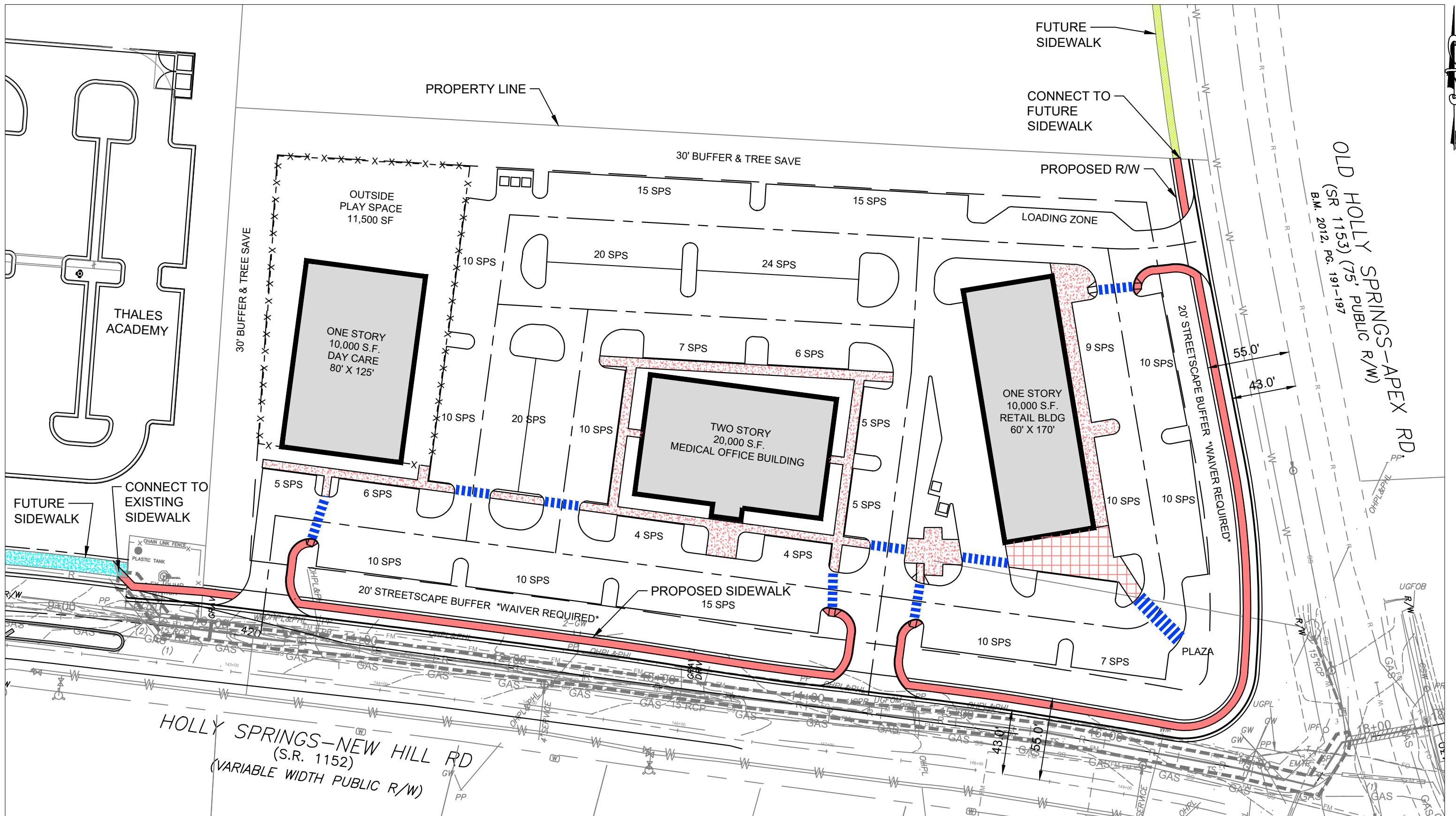
Signature of Applicant:



Date:

February 9, 2021

Name Thomas J. Spaulding Company The Spaulding Group, PA
Mailing Address 1611 Jones Franklin Road, Suite 101
City Raleigh State NC Zip 27606
Telephone # (919) 854-7990 Fax # () N/A E-Mail tom@spaulding-group.com
anne@spaulding-group.com



HOLLY SPRINGS NEW HILL ROAD CONCEPTUAL SITE PLAN

THE SPAULDING GROUP, PA
planning • civil engineering
 1611 Jones Franklin Road Suite 101 Raleigh, NC 27606
 Phone (919) 854-7990 Fax (919) 854-7928

SCALE: 1" = 60'
EXHIBIT



HOLLY SPRINGS NEW HILL ROAD REZONING

THE SPAULDING GROUP, PA
planning • civil engineering
 1611 Jones Franklin Road Suite 101 Raleigh, NC 27606
 Phone (919) 854-7990 Fax (919) 854-7925

SCALE: 1" = 500'

EXHIBIT

CONDITIONAL USE PERMIT

The following Conditional Use Permit form or a separately prepared document in substantially the same form may be used for submitting the Conditional Use Permit Restrictions Statement in association with a request for a Conditional Use District. The attached form is intended to meet the recording standards of the Wake County Register of Deeds.

If there are no changes to the Conditional Use Permit at the Public Hearing, the Department of Planning & Zoning will have the Review Officer sign the Permit and return it to the Applicant for recording in accordance with the Town of Holly Springs Development Procedures Manual.



If there are minor changes to the Conditional Use Permit approved at the Public hearing, the Applicant must modify the Permit to reflect the changes that were made and return the revised Permit to the Department of Planning & Zoning within ten (10) business days for Review Officer signature prior to recording in accordance with the Town of Holly Springs Development Procedures Manual.

An additional public hearing shall be required If the changes being required or requested are of such a substantial nature as to effect any of the following: the type of use, greater than 10% change in the overall density, significant alterations to site access, or hours of operation. If an additional public hearing is required, then the Petitioner shall modify the permit and cover the cost of republishing public notice.

Standard Document Criteria

A standard document meets the following criteria. If a document fails to meet any one of these criteria, the non-standard document fee will be added.

- Paper size is 8.5" x 11" or 8.5" x 14"
- Blank margin of 3" at top of first page.
- Blank margin of at least 1/4" on remaining sides of first page and on all sides of subsequent pages.
- Typed or printed in black on white paper in a legible font.
- A font size no smaller than 9 point shall be considered legible.
- Blanks in an instrument may be completed in pen and corrections to an instrument may be made in pen.
- One-sided only.
- Instrument type is stated at center of first page.

Prepared By: Thomas Spaulding - The Spaulding Group, PA

1611 Jones Franklin Road, Suite 101

Raleigh, NC 27606

Returned To: Town of Holly Springs Department of Planning & Zoning
P.O. Box 8
Holly Springs, NC 27540

Instrument Type: Other – Conditional Use Permit

TOWN OF HOLLY SPRINGS
ZONING PETITION

CONDITIONAL USE PERMIT

DPM Appendix #A.02
Supplement #15
November 2018



In accordance with the Town of Holly Springs Unified Development Ordinance, the Owner of the real estate located in the Town of Holly Springs, North Carolina, or its extra-territorial jurisdiction, which is described below, offers the following use and development standard restrictions for the following described parcel of real estate:

LEGAL DESCRIPTION:

Town of Holly Springs

Property Owner: Judith R. Adams; James T. Taylor & Robert A. Taylor; PENSICO TRUST CO - Custodian; Thales Academy

Property Descriptions: 1300/1338/1340 New Hill Rd & 0/4528/4544 Old Holly Springs Apex Road

PIN(s): 0649.35.3581; 0649.25.8795; 0649.35.3728; 0649.35.3599; 0649.35.2626; 0649.25.7680

including town owned parcel to be deeded to the developer as described in the attached legal description

WRITTEN STATEMENT / TERMS OF CONDITIONAL USE PERMIT:

The following Permitted Uses shall be prohibited :

- 1. Motor Cycle / Scooter Sales**
- 2. Self-Service Laundry / Costume Rental**
- 3. Public Utility Substation**
- 4. Bed & Breakfast/ Bus Station / Agricultural Seed Sales / Radio or Television Stations/ Artificial Lake**
- 5. Neighborhood Recycling Collection Point**
- 6. Automobile Parts Sales (new)**
- 7. Quick Oil Change Facility**
- 8. Car Wash (automatic or self)**
- 9. Gasoline Service Station without repair**

The terms and conditions contained in this instrument shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners, heirs, devisees, grantees, lessees, and licensees of the above-described real estate and other persons acquiring an interest therein. The terms of this conditional use permit may be modified or terminated by a decision of the Town of Holly Springs Town Council made at a public hearing after proper notice has been given and in connection with a petition for zoning map change.

The terms and conditions contained in this instrument shall be effective upon the approval of the conditional use district on the subject real estate and the approval of this Conditional Use Permit by the Town Council pursuant to the Town of Holly Springs Unified Development Ordinance, and shall continue in effect until modified or terminated by the Town of Holly Springs Town Council.

The terms and conditions of this instrument may be enforced by the Town of Holly Springs Town Council.

This Conditional Use Permit shall be retained in the office of the Department of Planning & Zoning of the Town of Holly Springs, North Carolina and shall constitute additional restrictions on the use and development of the subject real estate.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____ 20_____, *See attached multiple owner signatures*

TOWN OF HOLLY SPRINGS REZONING

Beginning at a rebar set at the turnout of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way) and Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way), said rebar being North 27°14'10" West 5,355.23 feet from N.C.G.S. Monument "Seagraves", said monument having N.C. Grid Coordinates (NAD83/1995) of N=690,714.40, E=2,045,932.34, thence from said Beginning point, along said Old Holly Springs-Apex Road (SR 1153) western right of way turnout South 46°28'25" West 37.32 feet to a rebar set on the northern right of way of Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way), thence along said right of way North 74°46'09" West 48.49 feet to a rebar set, thence North 78°22'12" West 59.31 feet to a rebar set, thence North 80°49'30" West 56.79 feet to a rebar set, thence North 82°33'49" West 46.08 feet to a rebar set, thence North 72°35'19" West 20.25 feet to a rebar set, thence North 81°23'58" West 83.00 feet to a rebar set, thence North 81°23'58" West 104.62 feet to a rebar set, thence North 82°25'23" West 2.86 feet to a rebar set, thence North 82°25'23" West 9.92 feet to a rebar set, thence North 82°25'23" West 49.65 feet to a rebar set, thence North 82°25'23" West 92.10 feet to a rebar set, thence North 81°54'54" West 23.05 feet to a rebar set, thence North 81°54'54" West 35.37 feet to a rebar set, thence North 74°39'03" West 25.78 feet to a rebar set, thence North 04°05'04" East 3.15 feet to a rebar set, thence North 81°56'17" West 2.88 feet to a rebar set, thence North 86°08'51" West 13.67 feet to a rebar set, thence North 74°39'03" West 44.30 feet to a rebar set, thence North 74°39'03" West 13.60 feet to a rebar set, thence leaving said Holly Springs-New Hill Road (SR 1152) (Variable Width Public Right of Way) North 03°54'25" East 320.78 feet to an existing 1/2" iron pipe, thence South 86°41'02" East 478.18 feet to an existing 1 1/2" iron pipe, thence South 86°55'37" East 173.02 feet to a point on the western right of way of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way), thence along said right of way with a curve to the left, having an arc length of 101.96 feet, a radius of 2,935.00 feet, and a chord bearing and distance of South 09°57'17" East 101.95 feet to a rebar set, thence South 10°57'00" East 48.92 feet to a rebar set, thence South 10°57'00" East 94.18 feet to a rebar set, thence South 10°57'00" East 66.00 feet to a rebar set, thence South 10°57'00" East 69.47 feet to a rebar set, thence South 17°27'46" East 13.13' to the point and place of Beginning containing 5.855 Acres more or less.

THE SPAULDING GROUP, PA

planning • civil engineering

Voluntary Zoning Conditions

21-REZ-01

Holly Springs New Hill Commercial Rezoning Date: 11.23.2021

The following conditions will apply to the parcels included in this Conditional Use rezoning application:

- 1) Buildings shall have a minimum height of 20 feet and 2 stories with the exception of 1 single- story building allowed for childcare/pre-school or similar uses. The single story building is still required to meet the 20 foot minimum height requirement.
- 2) The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028)
- 3) Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
- 4) The following uses shall be prohibited:
 - i. Motorcycle/Scooter Sales
 - ii. Self Service Laundry/Costume Rental
 - iii. Public Utility SubStation
 - iv. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - v. Neighborhood Recycling Collection Point
 - vi. Automobile Parts Sales (new)
 - vii. Quick Oil Change Facility
 - viii. Car Wash (automatic or self)
 - ix. Gasoline Service Station without repair
- 5) Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit
- 6) All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
- 7) Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.

- 8) The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
- 9) The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Assessment Report, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
- 10) A fee-in-lieu (FIL) will be offered towards the realignment of Old Holly Springs & New Hill Roads. Developer offers the amount of \$234,000 to be paid at release of construction drawings.
- 11) Development may be split into two Phases. Phase 1 defined as up to 3 acres developable beside Thales Academy PIN 0649265028 (not to include any shared SCM or parking/entrances on remaining acreage). Phase 2 shall be the remaining developable acreage towards the intersection of Old Holly Springs & New Hill Roads. Should the development be divided into 2 phases, then Developer shall pay the proportionate share of the FIL at time of approval of those construction drawings for Phase 1. Proportionate share to be determined as a percentage of acreage developed versus overall acreage. Developer shall be responsible for any thoroughfare widening as part of the overall development or Phasing and any improvements such as turn lanes required by NCDOT.

(Individual Owners)

Signature _____ (Seal)

Printed James T. Taylor

Signature Ronald A. Taylor (Seal)

Printed Ronald A. Taylor

(Individual Acknowledgments)

STATE OF _____)

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared James T. Taylor, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

My Commission expires: _____

SEAL

STATE OF North Carolina

COUNTY OF Wake

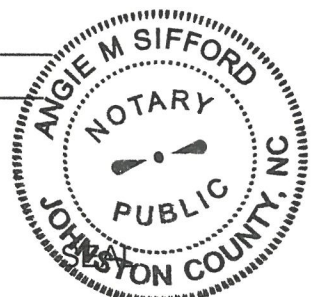
Before me, a Notary Public in and for said County and State, personally appeared Roland A. Taylor, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 20th day of January, 2021.

Signature: Angie M. Sifford

Printed: 1/20/2021

My Commission expires: June 10, 2023



(Individual Owners)

Signature James T. Taylor (Seal)
Printed James T. Taylor

Signature _____ (Seal)
Printed Ronald A. Taylor

(Individual Acknowledgments)

STATE OF Florida
COUNTY OF Volusia

Before me, a Notary Public in and for said County and State, personally appeared James T. Taylor, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 20 day of January, 2021.

Signature Sandra K Phelps
Printed Sandra K Phelps

My Commission expires: 08-11-2022



SANDRA K PHELPS
Commission # GG 236789
Expires August 11, 2022
Bonded thru Budget Notary Services

SEAL

STATE OF _____
COUNTY OF _____

Before me, a Notary Public in and for said County and State, personally appeared _____
Roland A. Taylor, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature: _____
Printed: _____

My Commission expires: _____

SEAL

(Individual Owner)

Signature *Judith R. Adams* (Seal)

Signature _____ (Seal)

Printed Judith R. Adams

Printed _____

(Individual Acknowledgment)

STATE OF GEORGIA

) SS:

COUNTY OF Gwinnett

Before me, a Notary Public in and for said County and State, personally appeared JUDITH ADAMS, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 5 day of FEBRUARY, 2021.

Signature *M. Adrian Peele*

Printed M. ADRIAN PEELE

My Commission expires: 10/30/2021



(Organization Owner)

Signature William H. Francis Jr. (Seal)

By Thales Academy

Printed William H. Francis Jr.

Title Chief Financial Officer

(Organization Acknowledgment)

STATE OF North Carolina
COUNTY OF Wake) SS:

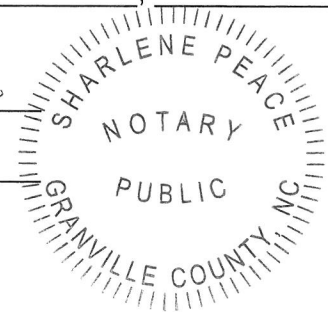
I, a Notary Public for said County and State, certify that William H. Francis Jr personally came before me this day and acknowledged that he/she is the Chief Financial Officer of Thales Academy, a (corporation, ~~limited liability company~~, ~~partnership~~) (strike inapplicable) and that by authority duly given as the act of the corporation the foregoing instrument was signed in its name by its Chief Financial Officer sealed with its corporate seal, and attested by himself/herself as its Chief Financial Officer.

Witness my hand and Notarial Seal this 10 day of February, 2021.

Signature

Printed

Sharlene Peace
Sharlene Peace



My Commission expires: 10/23/2021

This instrument was prepared by _____.

(Organization Owner)

Signature Jason Amador (Seal)

By PENSCO TRUST CO

Printed Jason Amador

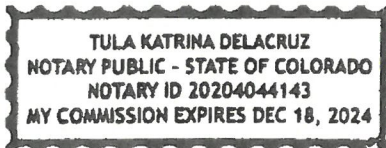
Title Authorized Signer

STATE OF Colorado (Organization Acknowledgment)

) SS:
COUNTY OF Denver

I, a Notary Public for said County and State, certify that Jason Amador personally came before me this day and acknowledged that he/she are the Authorized Signer of PENSCO TRUST CO, a (corporation, limited liability company, partnership) (strike inapplicable) and that by authority duly given as the act of the corporation the foregoing instrument was signed in its name by its Authorized Signer sealed with its corporate seal, and attested by himself/herself as its Authorized Signer.

Witness my hand and Notarial Seal this 5th day of February, 2021.



Signature Tula Katrina Delacruz

Printed Tula Katrina DeLaCruz

My Commission expires: 12/18/24

This instrument was prepared by _____

(Organization Owner)

Signature Jason Amador (Seal)

By PENSCO TRUST CO

Printed Jason Amador

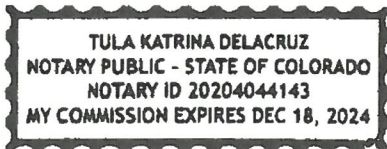
Title Authorized Signer

STATE OF Colorado) (Organization Acknowledgment)

COUNTY OF Denver) SS:

I, a Notary Public for said County and State, certify that Jason Amador personally came before me this day and acknowledged that he/she are the Authorized Signer of PENSCO TRUST CO, a (corporation, limited liability company, partnership) (strike inapplicable) and that by authority duly given as the act of the corporation the foregoing instrument was signed in its name by its Authorized Signer sealed with its corporate seal, and attested by himself/herself as its Authorized Signer.

Witness my hand and Notarial Seal this 5th day of February, 2021.



Signature Tula Katrina DeLaCruz

Printed Tula Katrina DeLaCruz

My Commission expires: 12/18/24

This instrument was prepared by _____.

PLAN CONSISTENCY STATEMENT



Describe how the proposed Zone Map Change request is consistent or supported by the objectives and policies of *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* and how it is inconsistent with the Plan.

You must respond to each section; please type or print legibly in blue or black ink

Project Information:

Project Name: Holly Springs New Hill Mixed Use

Proposed Zoning District: CB-CU - Community Business Conditional Use

Proposed Land Use/Density: Mixed Use Center

Future Land Use Plan Map Designation: Mixed Use Center

Future Land Use Plan Designation Land Use/Density: Mixed Use Center

For DPZ Use only

Project # _____

Date Received:

Plan Consistency Statement:

In accordance with NCGS §160A-383 prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement of zoning consistency or inconsistency. Please include as much detailed information about the proposed zoning change and developer offered conditions (if any) or unique conditions associated with this request that support the Town's comprehensive plan objectives and/or policies and why the proposed zoning change is reasonable and in the public interest. If the proposed zoning amendment is not in compliance with the comprehensive plan, the Town Council is required to determine why the proposed zoning change is reasonable and in the public interest if approved. Please provide detailed documentation to assist the Council in making their determination. *Attach Additional Sheets as needed*

Petitioner's Response	Staff's Evaluation
Executive Summary Please see sheets immediately following this page for each response to these questions. Thank you.	☐ Agree ☐ Disagree
Section 1: Future Land Use & Community Character	☐ Agree ☐ Disagree
Section 2: Transportation / Comprehensive Transportation Plan	☐ Agree ☐ Disagree

Section 3: Parks, Recreation & Open Space/Beyond the Green: A Parks & Recreation Master Plan	☐ Agree ☐ Disagree
Section 4: Community Facilities	☐ Agree ☐ Disagree
Section 5: Infrastructure and Utilities	☐ Agree ☐ Disagree
Section 8: Natural Resources	☐ Agree ☐ Disagree

Plan Consistency Response Prepared by:

Preparer's Signature(s)

Date

Anne B. Oakley
 Anne B. Oakley

2-17-2021

Holly Springs New Hill Mixed Use - Petitioner's Responses – Plan Consistency Statement

Executive Summary

The Town of Holly Springs has enjoyed exponential growth in recent years. Much of this growth has been residential with commercial centers filling in along 55-bypass and other major thoroughfares. Vision Holly Springs' Comprehensive Plan, the town's long-term vision document is a working conduit for finding the necessary balance to allow the town to maintain its charm and character while equally working to diversify its tax base. The proposed rezoning request will provide non-residential completion to a high-profile corner and intersection while adding necessary balance to a key area that is designated as Mixed-Use. This request fulfills the Mixed-Use intentions set forth in Vision Holly Springs by adding non-residential uses adjacent to high density residential and educational uses thus serving neighbors and the community.

The Executive Summary, found in the Comprehensive Plan, describes specific guidelines for the town as it steers new development. Several of the statements are applicable to this rezoning request as well as consistent with the request. Specifically:

- 1.) "To enable all residents with the ability to live within walking distance of a neighborhood commercial center and central civic space."
This rezoning request is comprised of six (7) parcels located at the intersection of (3) roads: Old Holly Springs Apex Road, Holly Springs New Hill Road and New Hill Rd. These parcels are located within walking distance to Holly Springs Place a 239-unit multi-family complex, Thales Academy, and Hensley Subdivision a single-family home community. These nearby residential and educational uses will have easy pedestrian connectivity to the proposed commercial uses.
- 2.) "To strategically encourage business park, light industrial and **commercial development** in appropriate locations and balance overall tax base."
Commercial Development is intended for prominent intersections where bicycle, vehicle and pedestrian traffic can access the site safely and efficiently. The intersection of these parcels where 3 major roads come together is a perfect example of such an intersection. By adding commercial uses to this site, it adds necessary balance to the surrounding high-density residential and education uses, as well as adding to the overall non-residential tax base.

Section 1: Future Land Use & Community Character

The Future Land Use and Community Character sections of the town's Comprehensive Plan work to define the characteristics of what Holly Springs seeks to strive for, the idea of maintaining a village atmosphere that embodies small town charm.

A. Future Land Use

The following are specific Future Land Use objectives this rezoning request will satisfy.

- 1.) "Balance land use decisions with their potential impact on the regional transportation network."
As noted above commercial developments should be located where appropriate, in this circumstance appropriate means located at a 3-road major intersection with a network that leads to nearby prominent shopping centers, 55-Bypass, and local high density / single family residential. The road improvements along this proposed commercial site will complete the road frontage leading to an intersection which is already signalized and feeds appropriately into an existing pre-planned commercial roadway network and major thoroughfare 55-Bypass. This site will contribute to construction and / or a fee-in-lieu to the future intersection re-alignment as well. In addition to the vehicular access this site fits neatly into; bicycle and

pedestrian connectivity will allow local employees and nearby residents to take advantage of the personal and professional uses planned within this commercial development.

- 2.) "Prevent sprawl and ensure that community services and infrastructure are used strategically and conservatively."

The (7) parcels that comprise the site of this rezoning are approximately 5.84 acres and conveniently complete this intersection. From Thales Academy to the signal along with road frontage on Old Holly Springs Apex Road across from 239-unit apartments; the commercial use of this site adds community services and infrastructure strategically and conservatively. By adding personal and professional use types, residents and local employees alike can enjoy close vehicle access or take advantage of the pedestrian connectivity this site will offer. The site being generally small and contributing to the in-fill mixed use intent of the overall area help to mitigate single use sprawl and provide community services and infrastructure strategically and conservatively.

B. Community Character

Community character speaks to creating a sense of community and identity for the residents and businesses of the town. To achieve this the Comprehensive Plan has several Community Character Objectives, several of which this rezoning request achieves:

- 1.) "Encourage a "village atmosphere" by creating a sense of community and identity for the residents and business of Holly Springs".

Village atmosphere is a term used often in the Town of Holly Springs. This term lends to a small-town charm. This proposed Commercial Development truly does just that. Imagine staff from Thales Academy or Oak View Elementary who would be able to enjoy walking to personal and professional appointments on their lunch breaks or directly after work. Picture adjacent residents who do not have to get in their cars because they can now walk to attend these appointments. The commercial use of this site creates that sense of community and identity when these personal and professional community uses are conveniently and easily accessed creating the desired village atmosphere.

- 2.) "Enhance the public streetscape with trees, landscaping and street furniture as appropriate along thoroughfares and in the cores of the community growth areas, using both public and private initiatives to develop the character of pedestrian places."

This project will be subject to street tree requirements and this is in conjunction with all other UDO public streetscape requirements. Building orientation will play a critical role and work to establish a public streetscape. When commercial is facing the street, it allows these public streetscapes to occur. All these features contribute to this community growth area and develop the character of local pedestrian places.

- 3.) "Encourage the development of connected pedestrian-oriented developments."

Sideways and connecting Sidewalks surrounding this property will be the foundation of this pedestrian-oriented commercial center. This planned walkable access will make it easy for nearby residential and schools to access the services at this prominent and convenient location. Together these components create a pedestrian-oriented development the whole community can enjoy.

C. Future Land Use Map

As part of the Future Land Use and Community Character section of the Comprehensive Plan, there is also a Future Land Use Map which places specific land use designations on specific parcels, guiding current property owners and developers on what the town's vision is.

The Comprehensive Plan designates these subject parcels as 'Mixed-Use Center'. The Plan states that:

A Mixed-Use Center offers the opportunity to serve broader economic, entertainment, and housing needs in the community. Land uses and buildings on small blocks in the core may stand three or more stories tall and encourage active public spaces between the buildings. Residential units or office space are found above storefronts. Homes surrounding the core offer several choices to live and experience the center. Parking is satisfied using on-street parking, structured parking, and shared rear-lot parking strategies. The compact, walkable environment and mix of residential and non-residential uses in the center supports multiple modes of transportation, including the potential for transit-oriented development if-when a decision is made to invest in premium transit along the NC 55 corridor.

The intersection of Old Holly Springs Apex Road, Holly Springs New Hill Road and New Hill Road is in a fast pace area of the community. Currently, Holly Springs Place a 239-unit multi-family with clubhouse is under construction directly across Old Holly Springs Apex Road. Thales Academy is located adjacent to the site along Holly Springs New Hill Road with single- family community Hensley on the other side of Thales Academy.

With Residential and Educational uses close to the subject parcels included in this rezoning request, and the addition of this project's commercial uses, a mixed-use center truly begins to take shape. Residents from nearby Holly Springs Place, and Hensley will be able to walk their child to school and potentially continue walking to work in a future professional office.

The Holly Springs New Hill Mixed-Use request meets both the current Land Use Plan and Vision Comprehensive Plan. When developed, this project will offer the necessary commercial component to this corner making it truly reflect a Mixed-Use Center. A walkable, modern village concept that will be a welcomed part of Holly Springs.

Section 2: Transportation / Comprehensive Transportation Plan

As the town experiences continued growth, traffic becomes more and more critical. As a new development, this project will contribute to the mitigation of its potential traffic impacts. This is done through submitting required TIA's and working with both the town's Development Services as well as NCDOT. The developer will work with the Town of Holly Springs to create a Developer Agreement that will outline the full scope of commitments for Traffic Impact at this site.

Transportation

The Comprehensive Plan strives to strike a balance between land use and effective transportation throughout town and has several objectives that suggest how that can be achieved. The proposed rezoning request can meet several of these, specifically:

- 1.) "Promote a pedestrian -friendly environment by filling gaps and improving connectivity throughout the sidewalk system and to key destination or activity nodes."

This project is critical to complete and in-fill this high profile 3-road intersection. With the development of these (7) parcels in a friendly walkable manner while providing thoughtful community business uses. The developer committed to filling a gap by working with the Town of Holly Springs to complete the sidewalk connection from Thales Academy site to this future Commercial Center. With Sidepaths and sidewalks continuing along road frontage, this site greatly promotes pedestrian-friendly connectivity. These contributions improve the pedestrian climate along these major roads and improve connectivity throughout the sidewalk system to key destination or activity nodes.

Comprehensive Transportation Plan

The CTP outlines the same goals or objectives as the transportation section of the Comprehensive Plan. The plan also proposes a multimodal transportation network that fosters growth in a positive way to the surrounding environment. This is done through three distinct elements: roadway, bicycle and pedestrian, and transit. This project is committed to creating a Developers Agreement with the town to define the roadway aspects of how this Developer is able meet these objectives. The pedestrian elements will be added by constructing the required sidepaths and sidewalk along the project frontage. The transit element is dependent on what comes to fruition with future transit options for the town. Currently there is no public transit offered in Holly Springs.

Section 3: Parks, Recreation & Open Space/Beyond the Green: A Parks & Recreation Master Plan

The purpose of the Parks & Recreation Master plan is to acknowledge the importance of providing open space and active opportunities for all town residents. The master plan has several guiding principles, and our rezoning request meets the following:

- 1.) "To enable all residents to live within walking distance of a neighborhood commercial center and central civic space."

This project is in an area that is rapidly changing. Hensley, an existing single-family subdivision, is within walking distance of the proposed project. Across the street, Holly Springs Place apartment community is under construction and just down New Hill Road is Target, restaurants, and additional shopping. All are projects that are recently constructed or already established. All these residents and employees will have an opportunity to walk to this development's personal and professional offices.

This will greatly improve the quality of life for this area of the community.

2.) "To physically unite the Town by connecting existing trails, sidewalks, and open spaces."

To the greatest extent possible, this project will connect sidewalk systems by constructing public sidewalks along its property frontage as required by Town standards. The Developer has committed to working with the Town to bridge the sidewalk gap between Thales Academy and this commercial site. The site will also meet all other requirements to physically unite the town by adhering to the required site improvements.

Section 4: Community Facilities

Community facilities addresses the need to be mindful of the increased demand for public services as the town grows and develops. Community facilities can include fire, police, EMS, as well as public school facilities. The Comprehensive Plan contains several community facilities objectives, specifically our project achieves the following:

1.) "Inform developers when proposing new subdivisions- of the need for residents' access to community facilities and the importance to plan appropriately to enable this access."

Although as a non-residential development, there is less demand for community facilities when compared to a traditional subdivision because there are commercial uses and not residential ones, community facilities may be used in a limited capacity. Developers plan for community facilities such as police, fire and EMS when designing a development. Drive isles are required to be designed to accommodate the largest emergency response vehicle. The turning template is then submitted and reviewed by staff to ensure that the vehicle can safely maneuver through all access points and parking areas. Due to the infill location of this project, existing emergency response facilities are located within close proximity and no issues are perceived with regards to insufficient response time.

Section 5: Infrastructure and Utilities

The Comprehensive Plan strives to ensure that infrastructure such as water, wastewater, stormwater, electric, telecommunications and so forth, with respect to new development can adequately handle new growth. Holly Springs has planned smartly for the rapid growth that it has been experiencing over the last several years. A water agreement is in place with Harnett county where the town is served by abundant water from the Cape Fear River. With regards to sewer, the town has invested in its own wastewater treatment plant. The Town-owned and operated WRF facility presently has a total treatment capacity of 6.0 MGD, and in 2018 treated

approximately 2.8 MGD. The Town has a permit to expand the treatment up to 8.0 MGD. Withthat said, the submitted sewer analysis shows there are no sewer capacity issues to serve our proposed rezoning request.

For many years the town has had established stormwater requirements. This project will be required to meet all NPDES Phase II requirements which will be reviewed duringthe site plan process.

Given our subject project area's close proximity to existing development, there is already electricity in place nearby. Additionally, there are several telecommunication services in proximity also installed to allow for a healthy market of choices for future businesses.

Section 8: Natural Resources

The town is tasked with the challenge of finding a balance between development and preserving the natural environment. Fortunately, the town has many tools it uses during the development process to ensure that there is some thought to that balance. First, the town must verify that each project, meet all state, federal and local requirements when it comes to protecting stream and wetland features. It has been determined that this small commercial development has no such features or wetland, and that this site does not require such environmental reviews.

This project will work to meet the town's requirements for the preservation of Natural Resources.

NEIGHBORHOOD MEETING REPORT



A minimum of fourteen (14) days prior to the scheduled Public Hearing on the Petition, the Petitioner shall submit a report about the Neighborhood Meeting(s) to the Department of Planning & Zoning.

☒ Neighborhood Meeting Date: 04.15.2021
Time: 6:30PM - 7:30PM
Location: Zoom - Video Conferene

For DPZ Use only

Project # _____

Date Received: _____

Notification of Owners:

1. The Petitioner or Petitioner's Agent shall prepare a Neighborhood Meeting Notification to be sent via first class mail to the owner(s) of the land specified on the Petition, owner of land abutting that parcel(s) of land, any homeowners association or property owners association that represents any parcels within that area as shown on the county tax listings and to the Town of Holly Springs Department of Planning & Zoning.
2. The Notice shall include the date, time, and location of the Neighborhood Meeting; the name of the Petitioner; the location of the proposed request (address, tax property identification number, or metes and bounds description); and an explanation of the nature of the request.
3. The Notice shall be deposited in the mail not less than ten (10) days nor more than 25 days before the date of the Neighborhood Meeting.

☐ Complete ☐ Incomplete

☒ Date of Notification Mailing: 03.30.2021

Conduct of Meetings:

At the Neighborhood Meeting, the Petitioner shall explain the proposal and petition, answer any questions, respond to concerns neighbors have about the petition and proposed resolutions to these concerns. Town Staff will not attend the Neighborhood Meeting.

Summary of Issues:

See attached complete neighborhood meeting report.

Attach Additional Sheets as needed

Changes made to the Petition by the Petitioner as a result of the meeting:
No changes were requested as a result of this meeting.

Attach Additional Sheets as needed

Additional attachments required for the report:

- ☒ A listing of those persons and organizations that were sent notification about the Neighborhood Meeting.
☐ A copy of the signed attendance list that includes names and addresses of those in attendance. On-line - N/A

Neighborhood Meeting Report Prepared by:

Preparer's Signature(s)

Anne B. Oakley, Operations Manager
Anne B. Oakley

Date

04.30.2021

April 15, 2021

Town of Holly Springs
Development Services
120 S. Main Street
Holly Springs, NC 27540

RE: Neighborhood Meeting Summary: Holly Springs New Hill Rezoning 21-REZ-01

To whom it may concern:

The Spaulding Group, PA acting as the consultant and applicant respectfully submitted a Rezoning Petition request for 7 parcels located at the intersection of Holly Springs New Hill Rd and Old Holly Springs Apex Road; more particularly described as:

PIN #	REID	ACREAGE	CURRENT ZONING
0649.35.3581	0031660	0.93	R-10: Residential
0649.25.8795	0084548	3.71	R-10: Residential
0649.35.3728	0031659	0.76	R-10: Residential
0649.35.3599	0183053	0.29	R-10: Residential
0649.35.2626	0047145	1.00	R-10: Residential
0649.25.7680	0072447	0.12	R-10: Residential
no PIN available	no REID available	See legal description	R-10: Residential

Presently vacant, the subject parcels totaling ± 6.81 acres are zoned R-10: Residential. A Rezoning Petition was submitted to propose all parcels be rezoned to Community Business Conditional Use. In compliance with required notifications for a rezoning, a Neighborhood meeting was held on Thursday, April 15, 2021 via ZOOM. (Please see attached adjacent property owner mailing list, and neighborhood meeting invite.) The following is a summary of the meeting:

The applicants were present in the ZOOM forum at 6:15pm and the meeting began at 6:35pm. Aside from the applicants, two other individuals attended and one elected not to speak. The applicant provided a vicinity map on the screen to orient the proposed property and explained the current zoning and proposed zoning to the meeting attendees. After this introduction, the applicant opened the meeting for any questions.

Ryan Roberts – Pensco Group a property owner stated he was on the call to listen on behalf of the investors of Pensco Group and ask questions. He asked if the property taxes would go up because of the rezoning, if the rezoning would be conditional use and if an annexation would be involved?

Anne Oakley – The Spaulding Group, PA replied the property taxes will adjust to the commercial rate for Wake County, and the property value will likely increase due to its new

THE SPAULDING GROUP, PA
planning • civil engineering

Commercial designation. The rezoning petition is conditional use, and the conditions include excluding certain permitted uses to help form the expectations for the future commercial center. As all parcels are already within town limits, an Annexation was not required for these parcels.

Tom Spaulding – The Spaulding Group, PA advised the major concern with the overall project is the potential for expensive road improvements, understanding this factor and how the town will negotiate with the Property owners and Developer will be key to the overall outcome.

Ryan Roberts – Pensco Group advised his group of investors are in support of the project and proposed rezoning, he stated it is a unique opportunity to collaborate this group of landowners and bring commercial development to this intersection and he hopes the Town will also see that as a unique opportunity. He asked questions regarding what are the next steps that lead to full approval and where will this property access sewer? What type of timeline is the TIA review going to be on and when do we anticipate project approval?

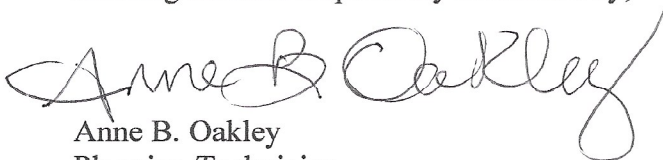
Tom Spaulding – The Spaulding Group, PA explained the 3 steps of the submittal process to achieve Construction Drawing approval and begin development. He also advised sewer runs along Holly Springs Road and the project can tie in there. Mr. Spaulding explained the TIA review process with the town and advised that a Developer's Agreement will have to be worked out. Due to the project's submittal date schedule it should follow May Planning Board and June Town Council; this could change depending on the review cycle of the TIA.

Rehab Hamad – Triland Property Assured Mr. Roberts that the Real Estate Team who brought these property owners together and The Spaulding Group acting as the applicant are an experienced team who are all committed to working together to ensure the success of this project. She further reiterated Mr. Spaulding's concerns with the potential for expensive road improvements that could threaten the feasibility of the project.

Ryan Roberts – Pensco Group thanked everyone on the call and concluded that this small 6 acre project would not be a major traffic contributor and should not be made to carry expensive road improvements. He advised that the investors of Pensco Group are in full support and to let them know whatever they can do to support this project.

Tom Spaulding – The Spaulding Group, PA thanked everyone on the call for attending and asked if anyone else had any other questions; hearing no questions he made a motion to adjourn the meeting. Motion was seconded by Ms. Rehab Hamad and the online ZOOM meeting concluded at 7:25PM.

Meeting minutes respectfully submitted by,



Anne B. Oakley
Planning Technician
The Spaulding Group, PA

THE SPAULDING GROUP, PA
planning • civil engineering

March 30, 2021

Subject: Holly Springs New Hill Mixed Use – 1300/1338/1340 New Hill Rd & 0/4528/4544
Old Holly Springs Apex Road
Wake County Parcel Identification Numbers: 0649.35.3581; 0649.25.8795; 0649.35.3728;
0649.35.3599; 0649.35.2626; 0649.25.7680

Dear Neighbor:

This letter is inviting you to an informational meeting to review the proposal for a mixed-use rezoning on 7 parcels totaling approximately 6.81 acres, located at the addresses listed above. (please see maps included in this letter outlining the specific parcels in yellow). This request is to rezone these parcels to Community Business Conditional Use. At this meeting we will discuss the petition and provide an overview of the proposed commercial rezoning.

Meeting Information:

Location: This meeting will be held remotely on Zoom, see the accompanying page for directions on how to join.

Date: Thursday, April 15, 2021

Time: 6:30pm - 7:30pm

Please feel free to contact us with any questions or concerns regarding this petition. If you do not wish to participate in the Zoom meeting on April 15, please feel free to contact Tom Spaulding or Anne Oakley at any time, 919-854-7990, or tom@spaulding-group.com; anne@spaulding-group.com.

Sincerely,

Anne B. Oakley
The Spaulding Group, PA
919-854-7990

Instructions on how to join the Neighborhood Meeting via Zoom

Online:

- Before the meeting, go to this link: <https://www.zoom.com> to download and sign- up for the Zoom application.
- At the time of the meeting, join the meeting via the same link.
- The Webinar ID is: 910 5368 4775 Passcode: 756075
- Upon joining, you will be added to the audience and your input will be automatically on mute. To ask a question, select the “raise hand” button and the meeting leader will call on you in the order your raised hand was received.
- **If you have questions, but do not wish to join the neighborhood meeting via Zoom, please feel free to contact Tom Spaulding or Anne Oakley at any time, 919-854-7990, or tom@spaulding-group.com; anne@spaulding-group.com.**

By Phone:

- At the time of the meeting dial one of the following numbers:
 - 1 646 876 9923 US
 - 1 301 715 8592 US
 - 1 312 626 6799 US
 - 1 346 248 7799 US
 - 1 408 638 0968 US
 - 1 669 900 6833 US
 - 1 253 215 8782 US

(multiple numbers are offered in case one gives a busy signal)

- The Webinar ID is: 910 5368 4775 Passcode: 756075

Upon joining, you will be added to the audience and your input will be automatically on mute. To ask a question, press *9 and the moderator will call on you in the order your raised hand was received.

By iPhone one-tap:

- +16468769923,,91053684775#,,,*756075# US
- +13017158592,,91053684775#,,,*756075# US

Upon joining, you will be added to the audience and your input will be automatically on mute. To ask a question, press *9 and the moderator will call on you in the order your raised hand was received.



New Hill Rez VICINITY



0 105 210 420 ft
1 inch = 200 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*

Holly Springs New Hill Rezoning 200 Ft Buffer Adjacent Property Owners

PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Site Address	City
649255277	121263	PARRISH WOMBLE HEIRS	114 HICKORY ST	HOLLY SPRINGS NC 27540		1347 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649257396	41672	LESLIE, LISA LESLIE, CALVIN	PO BOX 574	HOLLY SPRINGS NC 27540-0574		1341 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649257518	153855	HOLLY SPRINGS TOWN OF	TOWN ATTORNEY	PO BOX 8	HOLLY SPRINGS NC 27540-0008	0 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649257680	72447	THALES ACADEMY	1340 NEW HILL ROAD	APEX NC 27539		1340 NEW HILL RD	HOLLY SPRINGS
649258280	222650	MCNEIL, BARBARA LESLIE	1335 NEW HILL RD	HOLLY SPRINGS NC 27540-6102		1325 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649258795	84548	TAYLOR, JAMES T TAYLOR, RONALD A	305 FOXWOOD TRL	PITTSBORO NC 27312-9591		1338 NEW HILL RD	HOLLY SPRINGS
649265028	37397	THALES ACADEMY	4641 PARAGON PARK RD	RALEIGH NC 27616-3406		11244 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649350244	119026	BIG BOSS LITTLE BOSS LLC	5109 BARTIZAN DR	HOLLY SPRINGS NC 27540-6307		11213 HOLLY SPRINGS NEW HILL RD	HOLLY SPRINGS
649352029	41677	TRIANGLE STORAGE I LLC	201 S ELLIOTT RD APT 511	CHAPEL HILL NC 27514-5975		1309 NEW HILL RD	HOLLY SPRINGS
649352626	47145	PENSCO TRUST CO CUSTODIAN	FBO SUSAN G EDWARDS	PO BOX 173859	DENVER CO 80217-3859	4528 OLD HOLLY SPRINGS APEX RD	HOLLY SPRINGS
649353198	12258	UPPERMAN, SHIRLEY A STEPHENS, LILLIE C	103 PLAZA DR	GARNER NC 27529-2725		1303 NEW HILL RD	HOLLY SPRINGS
649353581	31660	ADAMS, JUDITH R	346 CANTERBURY PLACE DR	SUWANEE GA 30024-7497		1300 NEW HILL RD	HOLLY SPRINGS
649353599	183053	TAYLOR, JAMES T	305 FOXWOOD TRL	PITTSBORO NC 27312-9591		4544 OLD HOLLY SPRINGS APEX RD	HOLLY SPRINGS
649353728	31659	TAYLOR, JAMES T	305 FOXWOOD TRL	PITTSBORO NC 27312-9591		0 OLD HOLLY SPRINGS APEX RD	HOLLY SPRINGS
649361536	65323	WOMBLE, TOMMY L MCIVER, PATTY W	LINDA F JOHNSON ADMIN	PO BOX 446	FUQUAY VARINA NC 27526-0446	4500 OLD HOLLY SPRINGS APEX RD	HOLLY SPRINGS
649367355	67333	KRG BENNET KNOLL LLC	KITE REALTY GROUP	30 S MERIDIAN ST STE 1100	INDIANAPOLIS IN 46204-3565	1501 HENDRICKS HILL LN	HOLLY SPRINGS
649451311	409311	TARGET CORP	PROPERTY TAX DEPT T-2785	PO BOX 9456	MINNEAPOLIS MN 55440-9456	100 GRAND HILL PL	HOLLY SPRINGS
		TAYLOR, JAMES T	14 OAK TREE DRIVE	NEW SMYRNA BEACH, FL 32169-4311			
		TAYLOR, RONALD A	213 JAMES STREET	APEX, NC 27502			
		EDWARDS, MIKE & SUE	310 TAYSIDE STREET	CLAYTON, NC 27520			
		ROBERTS, RYAN & KATHRYN	383 Aster Place	HAMPSTEAD, NC 28443			



THE TOWN OF

Holly Springs

Ordinance No.: RZ21-07

Date Adopted: December 21, 2021

Effective Date: December 21, 2021

**AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES
TO MODIFY APPENDIX A: UNIFIED DEVELOPMENT ORDINANCE: OFFICIAL ZONING MAP
AND ADOPT THE COMPATIBILITY STATEMENT REQUIRED BY
NORTH CAROLINA GENERAL STATUTES 160D-605**

WHEREAS, the Town of Holly Springs Town Council adopted *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* in November 2007 and updated the plan in 2009, 2018, 2019; and

WHEREAS, the Town of Holly Springs has received a request to modify the Official Zoning Map for : #21-REZ-01 to change the zoning of approximately 5.855 acres property identified by Wake County PINs 0649258795, 0649353728, 0649353599, 0649352626, 0649257680, 0649353581 and land described in the legal description as: Beginning at a rebar set at the turnout of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way) and Holly Springs-New Hill Road (SR 1152)(Variable Width Public Right of Way), said rebar being North 27°14'10" West 5,355.23 feet from N.C.G.S. Monument "Seagraves", said monument having N.C. Grid Coordinates (NAD83/1995) of N=690,714.40, E= 2,045,932.34, thence from said Beginning point, along said Old Holly Springs-Apex Road (SR 1153) western right of way turnout South 46°28'25" West 37.32 feet to a rebar set on the northern right of way of Holly Springs-New Hill Road (SR 1152)(Variable Width Public Right of Way), thence along said right of way North 74°46'09" West 48.49 feet to a rebar set, thence North 78°22'12" West 59.31 feet to a rebar set, thence North 80°49'30" West 56.79 feet to a rebar set, thence North 82°33'49" West 46.08 feet to a rebar set, thence North 72°35'19" West 20.25 feet to a rebar set, thence North 81°23'58" West 83.00 feet to a rebar set, thence North 81°23'58" West 104.62 feet to a rebar set, thence North 82°25'23" West 2.86 feet to a rebar set, thence North 82°25'23" West 9.92 feet to a rebar set, thence North 82°25'23" West 49.65 feet to a rebar set, thence North 82°25'23" West 92.10 feet to a rebar set, thence North 81°54'54" West 23.05 feet to a rebar set, thence North 81°54'54" West 35.37 feet to a rebar set, thence North 74°39'03" West 25.78 feet to a rebar set, thence North 04°05'04" East 3.15 feet to a rebar set, thence North 81°56'17" West 2.88 feet to a rebar set, thence North 86°08'51" West 13.67 feet to a rebar set, thence North 74°39'03" West 44.30 feet to a rebar set, thence North 74°39'03" West 13.60 feet to a rebar set, thence leaving said Holly Springs-New Hill Road (SR 1152)(Variable Width Public Right of Way) North 03°54'25" East 320.78 feet to an existing 1/2" iron pipe, thence South 86°41'02" East 478.18 feet to an existing 1 1/2" iron pipe, thence South 86°55'37" East 173.02 feet to a point on the western right of way of Old Holly Springs-Apex Road (SR 1153) (75' Public Right of Way), thence along said right of way with a curve to the left, having an arc length of 101.96 feet, a radius of 2,935.00 feet, and a chord bearing and distance of South 09°57'17" East 101.95 feet to a rebar set, thence South 10°57'00" East 48.92 feet to a rebar set, thence South 10°57'00" East 94.18 feet to a rebar set, thence South 10°57'00" East 66.00 feet to a

rebar set, thence South 10°57'00" East 69.47 feet to a rebar set, thence South 17°27'46" East 13.13' to the point and place of Beginning containing 5.855 Acres more or less from R-10: Residential to CB CU: Community Business Conditional Use; and

WHEREAS, the *Vision Holly Springs: Town of Holly Springs Comprehensive Plan* designates said parcel on the *Future Land Use Map* as Mixed Use Center; and

WHEREAS, the zoning allows land uses that are consistent with the adopted *Vision Holly Springs: Town of Holly Springs Comprehensive Plan Future Land Use Map*, and

WHEREAS, the Holly Springs Planning Board reviewed this request at a Public Meeting on November 23, 2021 and recommended approval by a vote of 5-1-2; and

WHEREAS, an opportunity for public input into the suggested amendment has been offered in a public hearing before the Town Council; and

WHEREAS, after considering the recommendation of the Holly Springs Planning Board and the public input offered in a public hearing before the Town Council, the Town Council finds amending the Official Zoning Map will meet the development needs of the community and help achieve the *Vision Holly Springs: Town of Holly Springs Comprehensive Plan*,

WHEREAS, the Town Council finds the proposed amendment to the Official Zoning Map is reasonable and in the public interest as it is consistent with the Vision Holly Springs Comprehensive Plan and Future Land Use Map designation of Mixed Use Center and will allow for the development of broader economic, entertainment, and housing needs in the community compatible with adjacent uses.

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Unified Development Ordinance of the Town is amended as follows:

Part 1: Amend Unified Development Ordinance Section 1.20, C. Official Zoning Map with the following rezoning request: #21-REZ-01 to change the zoning of approximately 5.855 acres of Wake County PINs 0649258795, 0649353728, 0649353599, 0649352626, 0649257680, 0649353581 and land described in the attached legal description from R-10: Residential to CB CU: Community Business Conditional Use with conditions 1-11 as submitted.

1. Buildings shall have a minimum height of 20 feet and 2 stories with the exception of 1 single-story building allowed for childcare/pre-school or similar uses. The single-story building is still required to meet the 20 foot minimum height requirement.
2. The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028)
3. Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
4. The following uses shall be prohibited:
 - a. Motorcycle/Scooter Sales
 - b. Self Service Laundry/Costume Rental
 - c. Public Utility Substation
 - d. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - e. Neighborhood Recycling Collection Point

- f. Automobile Parts Sales (new)
 - g. Quick Oil Change Facility
 - h. Car Wash (automatic or self)
 - i. Gasoline Service Station without repair
5. Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit
 6. All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
 7. Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.
 8. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
 9. The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan and the approved Transportation Assessment Report, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.
 10. A fee-in-lieu (FIL) will be offered towards the realignment of Old Holly Springs & New Hill Roads. Developer offers the amount of \$234,000 to be paid at release of construction drawings.
 11. Development may be split into two Phases. Phase 1 defined as up to 3 acres developable beside Thales Academy PIN 0649265028 (not to include any shared SCM or parking/entrances on remaining acreage). Phase 2 shall be the remaining developable acreage towards the intersection of Old Holly Springs & New Hill Roads. Should the development be divided into 2 phases, then Developer shall pay the proportionate share of the FIL at time of approval of those construction drawings for Phase 1. Proportionate share to be determined as a percentage of acreage developed versus overall acreage. Developer shall be responsible for any thoroughfare widening as part of the overall development or Phasing and any improvements such as turn lanes required by NCDOT.

Part 2:

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of the Unified Development Ordinance of the Town of Holly Springs conflicting or inconsistent with the provisions of this rezoning ordinance are hereby repealed.

Part 3:

SEVERABILITY

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Part 4:

INCLUSION IN UDO

It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

Part 5:

EFFECTIVE DATE

The provisions of this ordinance shall become effective December 21, 2021 in accordance with the laws of the State of North Carolina.

Adopted this, the 21st day of December 2021.

Town of Holly Springs by

ATTEST:



Sean Mayefskie, Mayor

Linda McKinney, Town Clerk

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**DEVELOPMENT AGREEMENT REGARDING INFRASTRUCTURE
CONSTRUCTION AND FEE REIMBURSEMENT**

BY AND BETWEEN

**NEW HILL 1300, LLC
&
THE TOWN OF HOLLY SPRINGS**

THIS AGREEMENT (“Agreement”), made and entered into this ____ day of _____, 2021, by and between the **TOWN OF HOLLY SPRINGS**, a North Carolina Municipal corporation, hereafter referred to as the “Town” and **NEW HILL 1300, LLC**, a Delaware limited liability company, its successors and/or assigns, hereafter referred to as the “Developer.”

WITNESSETH:

WHEREAS, the Developer or its affiliate is the fee simple owner or contract purchaser of several tracts of land held in common for development, the total of which are approximately 5.85 acres in size, which are shown in **Exhibit A**, attached hereto and incorporated herein by reference (the “Property”); and,

WHEREAS, the Developer seeks to develop the Property and has requested that the Town approve [NAME OF MASTER PLAN] (the “Master Plan”) dated [DATE OF MASTER PLAN], as may be later amended and approved by the Town; and,

WHEREAS, the Developer desires careful integrations between public and private capital facilities planning, financing, and construction, and further desires sufficient assurances that development standards, ordinances, policies and procedures remains stable throughout the extended period of development; and,

WHEREAS, it is beneficial to the Town and Developer to construct and coordinate certain off-site road improvements to serve the proposed development and future development in the Town; and

WHEREAS, the Town is authorized to enter into this contract pursuant to N.C.G.S. § 160D-1001(b) and 160D-1003, and may contract with the Developer to carry out the public purposes set forth herein pursuant to N.C.G.S. §160D-1001(a) and the Town Council of Holly Springs has determined that it is in the best interests of its citizens to do so; and,

WHEREAS, the Developer has offered certain Zoning Conditions listed in Exhibit C and has done so voluntarily and agrees to be bound by those conditions.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, which are incorporated by reference as if set forth below, the Town and the Developer agree as follows:

ARTICLE I

1. **General:** All terms of this Agreement shall become enforceable upon the later of: (i) the signing of this Agreement by the Developer and ratification of this Agreement by the Town Council; (ii) the annexation of the Property into the Town; and (iii) the approval of the Development Plan by the Town Council (i)-(iii), (the “Conditions Precedent”). For the portions of the Property not currently within the corporate limits of the Town (the “ETJ Property”), the Holly Springs Town Council shall in its sole legislative discretion make the determination after holding a public hearing on the matter as to whether the ETJ Property shall be annexed into the corporate limits of the Town.

2. **Definitions:**

- a. **Actual Costs:** The amount of true costs actually incurred for construction of a certain project described herein upon final completion and approved by the Town, inclusive of the cost of acquiring easements or rights of way from those not party to this agreement, but exclusive of any administrative costs (i.e., profit and overhead) of the Developer, or any project construction contingency. Any such costs which herein after are agreed to be reimbursed or otherwise paid by the Town shall be audited by the Town under generally accepted accounting principles for governments for a period of three (3) years after the last act under this Agreement. Developer’s right of reimbursement for Actual Construction Costs pursuant to the terms of this Agreement is contingent upon Developer first receiving from the Town advance written consent to the expected cost of an applicable transaction before the cost is incurred, provided, that such consent shall not be unreasonably withheld or delayed by the Town.
- b. **Conditions Precedent:** The conditions referenced in subsections (i)-(iii) of Article I, Section 1 of this Agreement.
- c. **Construction Drawings:** The civil engineering drawings for the Project as submitted to and approved by the Town and other applicable authorities as required for the issuance of construction permits for the Project.
- d. **Development Plan:** The Development Plan approved for the Project, as approved by the Town Council, together with approved civil construction drawings approve by the Town’s Development Services department, containing each of the zoning conditions listed in Exhibit C.
- e. **Infrastructure Project(s):** Any project described herein that will become an asset of the Town or NCDOT, regardless of who constructs it.

- f. **Project**: The Developer's plan to develop the Property in the manner described in the Development Plan, and as approved by the Town Council of Holly Springs through its normal development process.
- f. **Project Permits**: The building permits for the construction of the Project pursuant to the approved Construction Drawings.

ARTICLE II DESCRIPTION OF AGREEMENT

1. **TERM**: The duration of this Agreement is for ten (10) years. The parties are not precluded from entering into subsequent agreements that may extend the original term.

2. **PHASING**: It is anticipated that the Project will be constructed in two phases as outlined below and in the Development Plan (each, a "Phase"). Phasing of the Project and associated development levels may be updated administratively by Town staff as development plans are submitted and traffic studies updated.

(a) Phase one will include approximately _____ square feet of _____ space ("Phase 1"). For purposes of this Agreement, Phase 1 shall commence upon the filing of the first site plan application for the Project. Phase 1 shall consist of not more than 2 buildings on land comprising 3 acres or less.

(b) Phase two will include approximately _____ square feet of _____ space ("Phase 2").

Prior to approval of civil construction drawings of any phase, the Developer shall (i) dedicate all necessary rights of way and easements to the Town necessary for the realignment of the intersection of Holly Springs New Hill Road and Old Holly Springs Apex Road, (ii) construct any needed Infrastructure Project; and (iii) pay to the Town a fee in lieu as described in paragraph 4 below. Developer shall cooperate with granting of additional easements, if required, in order to effectuate all of the Infrastructure Projects construction, repaired, or reconstructed during the term of this Agreement.

3. **ROAD IMPROVEMENTS**: The Developer shall construct all road improvements as a public Infrastructure Project as detailed on the Development Plan.

4. **ADDITIONAL DEVELOPER CONTRIBUTION (FEE IN LIEU)**. In addition to the Road Improvements, the Developer has agreed to and shall contribute \$208,800 to the realignment of the intersection of Old Holly Springs Apex Road and Holly Springs New Hill, to be constructed by others.

ARTICLE III DEVELOPER'S DUTIES

Subject to the satisfaction of each of the Conditions Precedent:

1. If the Developer constructs the Project, then Developer shall do so in accordance with the Construction Drawings approved by the Town, requirements of the Town, and according to engineering best practices.
2. The Developer shall adhere to all of the voluntary Zoning Conditions listed in Exhibit C.
3. As a condition precedent to the issuance of the Project Permits for a Phase, the Developer shall procure and provide to the Town a completion bond for the portion of the TIA Road Improvements included in that Phase as enumerated in Article I, Section 3 of this Agreement (the “Bonds”, and each, a “Bond”). Each Bond shall secure the Developer’s obligations to construct the TIA Road Improvements for a Phase prior to receiving any certificate of occupancy for that Phase. Each Bond shall be released upon the completion of construction of the portion of the TIA Road Improvements subject to the Bond. Provided, however, that if the Developer elects to pay a fee-in-lieu as outlined in Article II, Section 6, of this Agreement, no Bond or other security shall be required.

ARTICLE IV DEVELOPER BENEFITS

(Insert provisions addressing conveyance of land owned by Town)

1. **LAND DEDICATION:** In exchange for construction of the TIA Road Improvements, or payment of fees-in-lieu as outlined above and Developer’s contribution to the Realignment, the Town shall convey to the Developer land along Holly Springs New Hill Road, as more particularly described in **Exhibit B** (the “Town Land”) to facilitate the Project. Prior to the issuance of building permits for Phase 1, the Town shall convey the Town Land to the Developer and the Developer shall file a subdivision plat to incorporate the Town Land as part of the overall Project tract.

ARTICLE V OTHER

Subject to the satisfaction of each of the Conditions Precedent:

1. If Developer elects to pursue the development and construction the Project, then the Developer shall be responsible for the complete design and construction of the Project, including all surveying, design, permitting, plat preparation and recordation, testing, engineering, bidding, construction, inspection, acceptance, easement maps and documents, construction management, construction administration, and all other necessary functions to insure complete-in-place, fully functional Project built and operational in accordance with Town and State standards and approved plans for the project. The costs of all of these items shall be borne by the Developer and shall not be subject to reimbursement or participation by the Town, except as specifically described herein.

2. The Town agrees that it shall act consistent with its rules, regulations, and common practices on any application for permits associated with the development of the Project.

3. In the course of installing the Project or any other work on easements obtained by the Town and under the Town's ownership, the Developer shall operate under permission to encroach onto a Town easement and rights of way and shall hold the Town harmless. The Developer agrees to protect, defend, indemnify and hold the Town of Holly Springs and its officers, employees and agents (collectively, "Indemnified Parties") free and harmless from and against any and all direct and actual losses, penalties, damages, settlements, costs, charges, liens, professional fees, or other expenses or liabilities caused by Developer or its contractors or agents entry onto and performance of work on the easements and rights of way of the Town in connection with the development of the Project and not resulting from the gross negligence or intentional misconduct of any of the Indemnified Parties ("Indemnified Matters"). The Developer further agrees to investigate, handle, provide defense for and respond to, any claims pertaining to Indemnified Matters at its sole expense and agrees to bear all other costs and expenses related thereto, even if such claims are groundless, false, or fraudulent.

4. All projects shall be subject to the Town's policies and procedures regarding Town acceptance on infrastructure.

5. It shall be the responsibility of the Developer to ensure that all regulatory approvals for each project are in place before beginning construction.

6. Payment of the Fee in Lieu payments by the Developer is in full satisfaction of any component of the Road Improvements (as defined above) and by making such payment, each party fully and completely releases the other from current and future obligations relating to such component of the Road Improvements.

7. All notices, reports, and other communications given pursuant to this Agreement shall be in writing and shall either be mailed by first class mail, postage prepaid, certified or registered with return receipt requested, or delivered in person to the intended addressee. Notice sent by certified or registered mail shall be effective upon the date of delivery indicated on the return receipt. Notice given in any other manner shall be effective upon actual receipt by the addressee.

8. Notices under this agreement shall be to the following:

FOR THE TOWN:

Randy J. Harrington
Town Manager
PO Box 8
Holly Springs, NC 27540
Reference: CRESCENT
COMMUNITIES

FOR THE DEVELOPER:

9. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. The parties consent to the jurisdiction of Wake County.

10. This Agreement is not assignable by the Developer to an unaffiliated third-party without the prior written consent of the Town, which consent may be evidenced by written communication from the Town Manager. However, Developer may assign its rights and obligations under this Agreement to an entity in which Developer or any of its direct or indirect owners has an interest without the necessity of further consent.

11. The section and subsection headings in this Agreement have been included for convenience only, and are not part of the Agreement and shall not be taken as an interpretation of any provision of this Agreement.

12. A ruling by any court that one or more of the provisions contained in this Agreement is invalid, illegal, or unenforceable in any respect shall not affect any other provision of this Agreement so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner materially adverse to any party. Thereafter, this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had been amended to the extent necessary to be enforceable within the jurisdiction of the court making the ruling and to preserve the transactions contemplated by this Agreement to the greatest extent possible.

13. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and there are no representations, warranties, covenants or obligations except as set forth in this Agreement. This Agreement supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions relating to the subject matter hereof, written or oral, of the parties.

14. It is anticipated that, upon completion of the Roadway Improvements, following any necessary holding periods, the roadway improvements constructed pursuant to this Agreement shall be dedicated to the Town (or such other applicable government entity), and upon dedication, conveyance or assignment of such easements/improvements to the proper governmental entity, the obligations of the Developer with respect thereto shall terminate, and such applicable governmental entity shall have the continuing and ongoing obligation to maintain and repair the same.

15. This Agreement does not guarantee any specific approvals of any proposed development plan, provided, however, that all approvals granted prior to the date of this Agreement shall continue to be valid and in full force and effect.

16. Exhibit List: The following exhibits are hereby incorporated by reference:

EXHIBIT A: Description of Parcels

EXHIBIT B: Description of Town Land

EXHIBIT C: Zoning Conditions

[Signatures Appear on Following Page]

DRAFT

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

THE TOWN

(Town Seal)

TOWN OF HOLLY SPRINGS

BY: _____
Randy J. Harrington, Town Manager

ATTEST:

[] Linda McKinney, Town Clerk
[] Kathryn White, Deputy Town Clerk

This document is sufficient as to form.

John P. Schifano, Town Attorney

This instrument has been pre-audited in the manner proscribed by the Local Government Finance Act.

Antwan Morrison
Finance Director

NORTH CAROLINA
WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Town Clerk/Deputy Town Clerk of the Town of Holly Springs, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Town, and that said writing was signed and sealed by her in behalf of said corporation by its authority duly given and the said person acknowledged this writing to be the act a deed of said corporation.

WITNESS my hand and official stamp (or seal), this the ____ day of December, 2021

Notary Public

My Commission Expires: _____

Date: _____

_____, Notary Public

[Affix Notary Stamp or Seal]

My Commission Expires: _____

THE DEVELOPER

CRESCENT COMMUNITIES, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____
_____ COUNTY

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____.

Date: _____, _____, Notary Public

[Affix Notary Stamp or Seal]

My Commission Expires: _____

EXHIBIT A

DESCRIPTION (THE "PROPERTY") OF 5.855 ACRES IN
HOLLY SPRINGS, WAKE COUNTY, NORTH CAROLINA.

PARCEL INFORMATION			
OWNER	PARCEL #	ZONING	AREA*
James T. Taylor & Ronald A. Taylor	0649258795	R-10: Residential	3.328 ac
James T. Taylor & Ronald A. Taylor	0649353728	R-10: Residential	0.649 ac
James T. Taylor & Ronald A. Taylor	0649353599	R-10: Residential	0.242 ac
Pensco Trust Co.	0649352626	R-10: Residential	.924 ac
Thales Academy	0649257680	R-10: Residential	0.117 ac
Judith R. Adams	0649353581	R-10: Residential	0.581 ac
Town of Holly Springs	No parcel #	No zoning	.014 ac.
		Total	5.855 ±ac

EXHIBIT B
The Town Land

All of that property northeast of the right-of-way of Green Oaks Parkway as shown in Book of Maps 2006, Page 2291, Wake County Registry.

Approximately 0.7700 acres labeled as Tract 2 and more particularly described in Deed Book 13263, Page 1468, Wake County Registry.

DRAFT

EXHIBIT C
VOLUNTARY ZONING CONDITIONS

1. Buildings shall have a minimum height of 20 feet and 2 stories with the exception of 1 single-story building allowed for childcare/pre-school or similar uses. The single story building is still required to meet the 20 foot minimum height requirement.
2. The 10' pedestrian side path will be extended to the existing stub within the right-of-way in front of Thales Academy (PIN 0649265028)
3. Drive-thru facilities (if any) shall position service lanes to run parallel with Old Holly Springs Apex Road to allow for safe pedestrian access to the facility and commercial center.
4. The following uses shall be prohibited:
 - a. Motorcycle/Scooter Sales
 - b. Self Service Laundry/Costume Rental
 - c. Public Utility Substation
 - d. Bed & Breakfast/Bus Station/Agricultural Seed Sales
 - e. Neighborhood Recycling Collection Point
 - f. Automobile Parts Sales (new)
 - g. Quick Oil Change Facility
 - h. Car Wash (automatic or self)
 - i. Gasoline Service Station without repair
5. Any restaurant business having a drive-thru service shall be part of a two-story building and will require a Special Exception Use permit
6. All parking areas located between a front building line and a street shall be limited to either a single loaded parking area or 1 double loaded parking area with 1 access drive.
7. Low-impact landscape design techniques and sustainable stormwater practices will be incorporated into the development.
8. The Town requires certain fees to be paid upon development of land and for the granting of a building permit. Said fees are listed in the Town's annual budget, and with this rezoning the Developer agrees he/she (i) is familiar with these fees, (ii) does not dispute the reasonableness of these fees as set forth in the Town's annual budget; and (iii) notwithstanding any reimbursements discussed at this time through an Infrastructure Reimbursement Agreement, hereby agrees to timely pay all normal and customary fees applicable to Developer in connection with Non-Residential and Residential Projects. Such fees are listed in the current year annual budget of fees at the time the fee is due under the ordinary course of development unless otherwise specifically noted in the Developer Agreement.
9. The Town requires, pursuant to N.C.G.S. § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Comprehensive Transportation Plan

and the approved Transportation Assessment Report, to create conditions essential to public health, safety, and the general welfare. A rezoning may be delayed until such time as necessary transportation improvements (to include offsite improvements) may be made, unless the Town and the Developer can enter into agreements to accelerate the time for completion of these needed improvements.

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