

Archdale Planning and Zoning Board
Regular Meeting
Monday, February 6, 2023

Members Present: Larry Thomas, Chairman; Larry Linthicum, Vice-Chairman; Board Members: Brent Kinney, Bob Kollm, Scott Greene, Chris Spillers, and Joy Sparks.

Members Absent: Board Members: Mitch Miller and Chris Collins.

Others Present: Jason Miller, Planning Director; Matthew Wells, Planning Administrator.

Item 1. Call to Order, Welcome, and Register of Attendance

Chairman Thomas welcomed everyone and explained the procedures for the Planning and Zoning Board meeting.

Item 2. Approval of the Minutes

Chairman Thomas stated the next order of business was the approval of the minutes from the December 5th, 2022 meeting.

Mr. Kollm stated that on page 7 the minutes seemed to have ended abruptly. Mr. Wells stated that there might be a page missing but would double check.

Mr. Kinney advised that on page 2 the word “asked” seemed to be missing in a statement made by Chairman Thomas.

Mr. Kinney made a motion to approve the December 5th, 2022 minutes with the corrections stated. Mr. Kollm seconded the motion, and it was approved unanimously by the Board.

Item 3. Public Hearing: Request by Hackett Properties, Inc. to rezone property located along NC Highway 62 West and Modlin Grove Road from B-1 and RS-40 (Guilford County) to CD GRD (Multi-Family Housing), being Guilford County Parcel #s, 7729328013, 7729328221, and 7729422260.

Mr. Miller gave the staff report for this item:

Overview

The applicant, Hackett Properties, Inc., is seeking to rezone ± 13.72 acres, comprised of three parcels and located between 1768 – 1774 NC Highway 62 West, from B-1 (General Business) & RS-40 (Guilford County Single-Family Residential) to CD GRD (Conditional District Group Residential Development) in order to construct a residential development of 168 apartment homes. Group Residential Developments require a Special Use Permit or Conditional GRD

Zoning and must conform to Special Requirement Three (SR 3) in Section 6.5 of the Zoning Ordinance.

Area Land Use

The subject property is bounded to the north by Pine Grove Baptist Church and Interstate 85. The eastern boundary of the site adjoins single family homes along Modlin Grove Road. The southern portion of the site contains approximately 1,000 feet of frontage along NC 62 West. A Citgo Gas Station is located at the intersection of NC 62 West and Weant Road, directly south of the proposed development. The western boundary of the proposed site possesses approximately 850 feet of frontage along I-85 Right-of-Way (ROW).

Proposed Site Details & Amenities

The applicant is proposing 168 apartment homes: 84 one-bedroom units and 84 two-bedroom units. A site plan and building elevations are submitted as conditions of this rezoning request (*See Site Plan & Building Elevations*). The internal street and parking field will be private. City parking standards have been met. The development will be properly screened from adjoining residentially zoned property to the north by a 20' vegetated buffer. The frontage along NC 62 West and Modlin Grove Road will have a berm and meet the City's thoroughfare planting yard requirements. The applicant is proposing the construction of a clubhouse and pool to serve residents, which would be maintained by a private Homeowner's Association (HOA). The proposed site plan also shows internal sidewalk that provides pedestrian connectivity from sidewalk along the development's parking field to the apartments and resident amenities.

TRC Review

The Technical Review Committee (TRC) reviewed and approved the site plan on October 20th (*See TRC Minutes*) and the applicant has revised the plan to reflect TRC comments. Water and Sewer service will be available from extensions of existing City of Archdale water and sewer lines. The submitted utility plan shows the proposed water lines, sewer lines, and storm drainage and stormwater management devices to indicate that the project is feasible for utility service and providing stormwater management. If the rezoning request is approved, the applicant can begin the process of preparing detailed construction, engineering, and stormwater drawings and begin preparing the site for final plat approval.

TIA Review

A Traffic Impact Analysis (TIA) was conducted for the proposed residential development in accordance with the North Carolina Department of Transportation (NCDOT) capacity analysis guidelines (*See TIA*). The proposed residential development to be located in the northwest quadrant of the intersection of NC 62 and Modlin Grove Road in Archdale, North Carolina. The proposed development, anticipated to be completed in 2025, is assumed to consist of up to 168 multifamily units. Site access is proposed via one right-in/right-out driveway

along NC 62 located opposite Weant Road and one full movement driveway along Modlin Grove Road.

Stormwater Statement

The applicant is also requesting a High-Density Development Permit, the acquisition of which is required prior to the initiation of any construction. The Archdale Modlin Grove Road Multi-Family project has been reviewed based on the requirements of the High-Density Development Permit (HDDP) as well as the provisions of the ACE Integrated Stormwater Management Program. The requirements of Chapter 15 of the City Code of Ordinances are more stringent therefore govern in this case.

Requested Waivers & Modifications

- Fee in-lieu of installation is requested for sidewalk along NC 62 West and Modlin Grove Road due to U-6018 NCDOT STIP project (to be determined at time of construction and prior to the issuance of Zoning Permits).
- The proposed site plan has one entrance on a thoroughfare (NC 62 West) and one on a local road (Modlin Grove Road) rather than two access points to the thoroughfare, as required for developments with more than 100 units in SR 3.

Consistency With *Plan Archdale*

The City's adopted Future Land Use Plan has this site designated as Commercial Corridor. The Commercial Corridor place type is primarily intended to provide for the development and ongoing use of a mixture of local and regional scale commercial enterprises along and in close proximity to major transportation routes. The goods and services provided by businesses along the Commercial Corridor cater to a wide consumer base, including the many transient customers who visit Archdale for gas, dining, and lodging when traveling on I-85. The request to rezone this property to CD GRD as submitted is not consistent with the Commercial Corridor place type and the City's adopted Future Land Use Plan. However, Staff feels this multi-family development does support some objectives and goals outlined in the City's Comprehensive Land Development Plan (*Plan Archdale*). If approved, this rezoning will change the City of Archdale's Future Land

Chairman Thomas thanked Mr. Miller and then opened the public hearing. He asked if there was anyone present in support of the request.

Dino Hackett, owner of Hackett Properties, Inc. (1152 Kearns-Hackett Road, Pleasant Garden, NC 27313) introduced himself as the developer and said he had been in the multifamily development business for 26 years and had built a variety of complexes, including garden-style and student apartments, across North Carolina. He said Hackett Properties, Inc. is a family-run business and also introduced his engineer, Vince Townsend of Green Mountain Engineering. Mr. Hackett stated he felt there was a need for newer luxury apartments in Archdale and had been thinking about developing in the area for some time. He highlighted that location was also key as this property is directly off Interstates

85 and 74. Mr. Hackett concluded by stating that he realized that the Future Land Use Plan called for this land to be Commercial Corridor and that his request was inconsistent, but he felt that his development could start the process for other commercial businesses to follow as he had seen in other locations he had built in.

Chairman Thomas then asked if anyone present was against the request.

Glenda Frazier (612 Liberty Road, High Point, NC 27263) said she had spoken with residents of the area and that she was representing several neighbors who could not attend or did not feel comfortable speaking. Ms. Frazier stated that she felt traffic would get a lot worse with 336 more cars on Modlin Grove Road, which she observed as already being a high traffic intersection. She said her property is served by the same water line this project would be on and that she had pressure issues that the City of Archdale has not addressed. Ms. Frazier also pointed out that when emergency sewer issues happen at the Weant Road pump station that the Checker Road pump station (up Modlin Grove Road from the project) acts as overflow before it gets routed to the Eastside treatment plant in High Point and that the increased sewer usage at the proposed development would worsen the situation considerably. She also pointed out that neighbors along Modlin Grove Road and across NC Highway 62 (in the Bluewood Court subdivision) would have decreased access abilities due to the proposed project and the U-6018 NCDOT project along the NC Highway 62 corridor. Lastly, Ms. Frazier pointed out that the 3 story apartment units were out of character for the area.

Chairman Thomas then closed the public hearing and turned it over to the Board for discussion and a possible action.

Chairman Thomas asked if Public Works staff had signed off and addressed Ms. Frazier's concerns. Mr. Miller responded that they had signed off during the TRC review, but not specifically to Ms. Frazier's questions. Chairman Thomas then asked about the water pressure issues Ms. Frazier discussed to which Mr. Miller said he could not advise at this time.

Mr. Greene asked how many residences backed up to the property. Mr. Miller replied that there were a handful in the area, but the only directly adjacent property was Pine Grove Baptist Church.

Chairman Thomas clarified that the two items on the agenda were for the same rezoning request, but that staff had been advised to have two separate items due to parcels being held under two different owners.

Mr. Greene asked if there was a traffic signal proposed at Modlin Grove Road and NC Highway 62. Mr. Miller answered that there was one proposed for the U-6018 NCDOT project.

Chairman Thomas asked Mr. Hackett to clarify the timeline of the project and its relationship to the U-6018 NCDOT project. Mr. Hackett responded that he was working

with NCDOT on driveway permits and coordination. He also stated that the sewer would not have a direct impact on the pump station's capabilities.

Vince Townsend of Green Mountain Engineering (1A Wendy Court, Greensboro, NC 27409) introduced himself as the project engineer. He stated that there were no known issues with sewer capacity. Mr. Townsend also highlighted that they had done a hydrant fire flow test across NC Highway 62 from the project and found the pressure to be adequate. He concluded by stating that many of the traffic concerns should be addressed by the U-6018 NCDOT project. Chairman Thomas clarified that this NCDOT project should be starting in late 2023 or early 2024.

Mr. Kinney asked Mr. Hackett how his apartments were considered luxury. Mr. Hackett responded that they would have luxury amenities, such as a clubhouse and a pool, as well as high end finishes, such as granite countertops and stainless steel appliances, in the units. He felt that his development went above and beyond to provide these amenities.

Mr. Kinney asked if Mr. Hackett retains ownership of the properties. Mr. Hackett replied that he does retain ownership of some properties, but has also worked with a third party management company. He also said he has built 25-30 complexes and owns 2 or 3 of them currently. Mr. Hackett explained further that some complexes he owns for just a couple years and some he owns for over 20 years. He concluded by saying that Hackett Properties, Inc. had just sold several complexes in 2022 due to the market and interest rates, which now allows Mr. Hackett to build more complexes.

With no further discussion, Mr. Greene made a motion to recommend approval of the conditional district rezoning with the following consistency statement:

Motion to Approve the GRD (CD) zoning as presented.

And to find that the application is not consistent with the City's adopted Future Land Use Plan but does support some objectives and goals outlined in the City's Comprehensive Land Development Plan (*Plan Archdale*).

- The Future Land-Use Plan has the property designated as Commercial Corridor and Commerce Park.
- The rezoning request supports Livability Factor Recommendations; the proposed rezoning request will:
 - o Encourage developers to integrate appropriately scale multi-family and "age-friendly" housing into the development plans for new neighborhoods. **(C.1.2)**
 - o Seek to maintain a diverse housing stock that supports the needs of all residents, regardless of age, ability, or income. **(C.1.5)**

- Encourage developers to build housing that aligns with the needs and expectations of the City’s current and future workforce. **(C.1.8)**
- Promote the development of higher density housing in areas where adequate transportation and utility networks can support them. **(C.2.11)**

Mr. Kollm commented that this was a tough rezoning and advised the board that more land designated for commercial was being taken and the potential impacts of continued residential requests. He concluded by stating that this rezoning should not be taken lightly and to pay close attention to the efforts made during *Plan Archdale*.

Mr. Spillers seconded the motion, and it was approved 5-1.

Yay: Linthicum, Greene, Spillers, Kollm, and Sparks.

Nay: Kinney.

Item 4. Public Hearing: Request by Hackett Properties, Inc. to rezone property located along Modlin Grove Road from RS-40 (Guilford County) to CD GRD (Multi-Family Housing), being a portion of Guilford County Parcel # 7729428801.

Mr. Wells gave the staff report for this item:

The applicant, Hackett Properties, Inc., is seeking to rezone ± 0.13 acres, comprised of a portion of property owned by Pine Grove Baptist Church from RS-40 (Guilford County Single-Family Residential) to CD GRD (Conditional Group Residential Development). This rezoning request compliments the previous rezoning request to construct a residential development of 168 apartment homes.

The applicant is also requesting a High-Density Development Permit, the acquisition of which is required prior to the initiation of any construction. The Archdale Modlin Grove Road Multi-Family project has been reviewed based on the requirements of the High-Density Development Permit (HDDP).

The request to rezone this property to CD GRD as submitted is not consistent with the Commerce Park place type and the City’s adopted Future Land Use Plan. However, Staff feels this multi-family development does support some objectives and goals outlined in the City’s Comprehensive Land Development Plan (*Plan Archdale*). If approved, this rezoning will change the City of Archdale’s Future Land Use Plan designation for the developed portion of this property to the Neighborhood Center place type.

Lastly, Mr. Wells reiterated that this small rezoning complimented the previous rezoning request and that it was a crucial piece of land for the developer as his main entrance off of Modlin Grove Road goes through this land.

Chairman Thomas thanked Mr. Miller and then opened the public hearing. He asked if there was anyone present in support of the request.

Dino Hackett, owner of Hackett Properties, Inc. (1152 Kearns-Hackett Road, Pleasant Garden, NC 27313) reintroduced himself and echoed that this land was critical to the development of his property. He thanked Pine Grove Baptist Church for their efforts. He concluded by stating that having an entrance off of Modlin Grove Road, in combination with the U-6018 NCDOT project, should help alleviate traffic concerns.

Chairman Thomas then asked if anyone present was against the request.

Glenda Frazier (612 Liberty Road, High Point, NC 27263) said many neighbors on Modlin Grove Road were currently served by a well and that this growth could lead to decreased quality of these wells. She also stated that this area used to be the High Point Extra-Territorial Jurisdiction (ETJ) and there were plans for this area to become Archdale's ETJ, but it was denied by the Guilford County Commissioners. She questioned why Archdale needed more rooftops and that if changing the Future Land Use Plan was really the impact the Board wanted to have.

Betsy Modlin Sink (6859 Dresden Road, High Point, NC 27263) stated she grew up on Modlin Grove Road and that much of the land used to be farmland before being taken over by the interstates. She stated that she did not see how apartments could fit on this property and that Modlin Grove Road could not handle the traffic.

Chairman Thomas then closed the public hearing and turned it over to the Board for discussion and a possible action.

Chairman Thomas said the properties were also subject to annexation, which would be considered by City Council. Chairman Thomas asked for clarification that the project was in Guilford County to which Mr. Miller confirmed.

With no further discussion, Mr. Kinney made a motion to recommend denial of the conditional district rezoning.

With no second motion, the motion died on the floor.

Mr. Greene then made a motion to recommend approval of the conditional district rezoning with the following consistency statement:

Motion to Approve the GRD (CD) zoning as presented.

And to find that the application is not consistent with the City's adopted Future Land Use Plan but does support some objectives and goals outlined in the City's Comprehensive Land Development Plan (*Plan Archdale*).

- The Future Land-Use Plan has the property designated as Commercial Corridor and Commerce Park.
- The rezoning request supports Livability Factor Recommendations; the proposed rezoning request will:
 - o Encourage developers to integrate appropriately scale multi-family and “age-friendly” housing into the development plans for new neighborhoods. **(C.1.2)**
 - o Seek to maintain a diverse housing stock that supports the needs of all residents, regardless of age, ability, or income. **(C.1.5)**
 - o Encourage developers to build housing that aligns with the needs and expectations of the City’s current and future workforce. **(C.1.8)**
 - o Promote the development of higher density housing in areas where adequate transportation and utility networks can support them. **(C.2.11)**

Mr. Kollm stated that family farms mean a lot to the area, and it was hard to watch them disappear with development, but that this land had been sitting for a long time next to the interstate and had proven difficult to build on. Chairman Thomas referenced the former Walmart and Lowe’s project that had been proposed in the area in 2008.

Mr. Spillers seconded the motion, and it was approved 5-1.

Yay: Linthicum, Greene, Spillers, Kollm, and Sparks.

Nay: Kinney.

Item 5. Additional Items

Mr. Kinney asked if they could approve the minutes with the outstanding corrections and whether it would be better to reopen the item and table the minutes until the next meeting. Chairman Thomas said he would need to check Robert’s Rules to see if this would be allowed. Mr. Wells clarified that the only missing portion were a sentence and the motion from page 7. Mr. Kollm asked if the corrected minutes could be sent out to the Board after the meeting to which Mr. Wells said he could do that.

Item 6. Adjournment

With no further discussion, Chairman Thomas adjourned the Monday, February 6th, 2023 meeting.