

Archdale Planning and Zoning Board
Regular Meeting
Monday, June 7, 2021

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

Members Absent: None.

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

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 May 3rd, 2021 meeting.

Mr. Collins made a motion to approve the May 3rd, 2021 minutes as written. Mr. Greene seconded the motion and it was approved unanimously by the Board.

Item 3. Public Hearing: Request by Desco Investment Co., Inc. to rezone properties from R-15 (Single Family Residential), M-2 (Light Industrial), M-1 (Heavy Industrial), and OI (Office and Institutional) to CU R-10 (Single Family Residential), for property located at 508 Old English Farm Road and 609 Trindale Road, being a portion of Randolph County Parcel # 7718044799 and 7708951904.

Jason Miller gave the staff report for this rezoning request:

The applicant, Desco Investment Co., Inc., is seeking to rezone ± 215 acres from R-15 (Single-Family Residential), M-2 (Light Industrial), M-1 (Heavy Industrial), and OI (Office & Institutional) to CU R-10 (Single-Family Residential). The subject property is located at 508 Old English Farm Road, and 609 Trindale Road, being a 212-acre portion of Randolph County Parcel # 7718044799 and a three-acre portion of Randolph County Parcel # 7708951904. The 212-acre portion of the rezoning request is owned by James W English; the remaining three acres are owned by the YMCA. The applicant intends to rezone the property in order to construct a single-family subdivision. Combined with another rezoning request, the applicant intends to integrate single-family homes and townhomes into a cohesive residential development with multiple amenities that complement residential uses and the YMCA.

Most of the property in this rezoning request is currently zoned R-15 (± 177 acres) and bounded to the north by properties that are predominately zoned R-15 and R-10. The northern portion of the property in this rezoning request adjoins the terminus of David Street and is adjacent to a proposed townhome development. A request by the applicant

to rezone ± 16.8 acres from R-15 to R-AH will be considered in a separate public hearing. The eastern boundary of the site possesses ± 1,600 feet of road frontage along Archdale Road. Adjoining property to the east consists of single-family and multi-family homes along Archdale Road and Frontier Street.

The southern portion of the site is currently zoned for industrial uses; ± 19 acres are zoned M-1 and ± 15 acres are zoned M-2 and adjoin light industrial and institutional uses along School Road. The southern boundary of the site contains ± 1,800 feet of road frontage along School Road and ± 1,500 feet of frontage along Trinity Road and Norfolk Southern Railroad Right-of-Way (ROW), which also serves as the City Limit Boundary between Archdale and Trinity. A Townhome Community is currently being developed in Trinity, on the opposite side of Trinity Road. The western boundary of the subject property adjoins land that is zoned, and being used, for industrial purposes. A parcel zoned O-I, which contains the Grubb Family YMCA, adjoins the site to the west; approximately three acres of this 11-acre parcel, are part of this request to be rezoned to CU R-10. The western portion of the site contains ± 660 feet of road frontage along English Farm Road and ± 330 feet of frontage along Trindale Road (See Exhibit B Rezoning Map).

The applicant is proposing to rezone the subject property to CU R-10. Exhibits, describing proposed rezoning conditions and illustrating the applicant's intentions for the development, were submitted as part of the application. Exhibit A (English Farm Proposed Rezoning Conditions) contains 20 written conditions that have been offered by the applicant. A Referenced Illustrative Exhibit of Project Features and a Phasing Exhibit are also included in the application; these exhibits are illustrative only and, as such, all represented and referenced locations are approximate.

The exhibits show the applicant's desire to cluster the development's single-family homes. By providing substantial open space, at least 30% of the subject property shall be preserved and dedicated as open space within the project, the applicant is able to reduce the minimum lot size and building setbacks for the homes. The exhibits illustrate the applicant's desire to construct a maximum of 433 single-family homes and conditions stipulate that 42% of single family lot sizes shall be at least 8,450 square feet; 39% of single family lot sizes shall be at least 7,800 square feet and 19% of single family lots sizes shall be at least 7,540 square feet. These commitments shall function as minimums only; lots in any group may be larger than the above stated square footages.

The applicant has offered conditions describing their commitment of minimum architectural standards for the proposed single-family homes. One-story single-family homes shall be at least 1,500 square feet of conditioned space in size; two-story single-family homes shall be at least 1,750 square feet of conditioned space in size. Building materials shall consist of either stone, masonry, cementitious siding and/or high-grade vinyl in the form of straight lap planks, vertical fenestration and/or shakes (variable between different homes), or any mixture thereof. Many of the conditions focus on specific project features and amenities that will be available to residents of the proposed subdivision. Illustrated in the Exhibit of Project Features, proposed project features include a traffic calming roundabout along English Farm Road; a large play area in the southern portion of the project near School Road; a water fountain feature in the existing pond located on the southwest side of Muddy Creek; a pool or splash pad; a dog park; and an amenity center.

The submitted conditions and illustrations demonstrate how the applicant intends to develop the site. If the rezoning request is approved, the applicant can begin the process of preparing a major subdivision preliminary plat, which must be reviewed by the TRC, Planning Board, and approved by City Council prior to construction on the property. Additionally, the applicant offered a condition that stipulates the Developer and City will enter into a Development Agreement, in form satisfactory to both parties, which shall address items such as phasing, road extensions and connections, utility extensions and oversizing, stormwater measures and any other provision necessary to carry out the statutory and/or ordinance based development requirements applicable to this project. The subdivision review process will address the details of the subdivision site plan including engineering, stormwater, and traffic. A Traffic Impact Analysis (TIA) is required as part of this process.

The City's adopted Future Land Use Plan has this site designated as Village. The Village Place Type is intended to promote integrated medium density single and multi-family development with neighborhood scale commercial uses in a planned development. The Village place type is intended to facilitate the development of large planned developments on significant tracts of land within the planning area. With tracts of this size, more traditional development styles that integrate a range of housing types, along with parks, trails, and neighborhood focused retail / service uses are appropriate and possible given the scale of the projects. The rezoning request is consistent with the Village Place Type and the City's adopted Future Land Use Plan.

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

Eric Dischinger of Desco Investment Company, Inc. (600 Market Street, Suite 206, Greensboro, NC) introduced himself as the developer. He also introduced Amanda Hodierne, attorney, and Dave Southard, site engineer. Mr. Dischinger said this was the first step after a culmination of a year of hard work with city staff and local stakeholders and that he was looking forward to the opportunity to work in Archdale.

Amanda Hodierne of Isaacson Sheridan (804 Green Valley Road, Suite 200, Greensboro, NC) came forward and delivered a presentation on the aspects of the proposed development and how it would impact Archdale. She showed the rezoning map as well as an illustrative concept map and explained that the rezoning was just the first step of the development process. She continued and said that a development agreement, preliminary subdivision plans, construction drawings, and the final plat would all have to be voted on by the Technical Review Committee (TRC) as well as the governing boards. She said that if the rezoning was approved it would be at least another year of work to get all plans finalized. Ms. Hodierne also explained some of the conditions brought forth in this rezoning including pedestrian friendly components (sidewalks and greenways); signage and a boulevard entrance; roundabout; amenities (such as a swimming pool, recreation field, dog park, and playground); and open space. She also explained that the developer was setting homebuilding standards by offering lot size minimums, building material commitments, and architectural components. She also showed that the neighborhood would be under HOA control and that the HOA would have maintenance obligations. Ms. Hodierne concluded her presentation by showing that this neighborhood was consistent with the City's recently adopted Comprehensive Plan (*Plan Archdale*) and that the goal was to build the English Farm as almost exclusively residential and in a dense matter that is sensitive to the environment.

Chairman Thomas then asked if anyone was against the request.

Steve van Ausdell (505 Sunny Lane) came forward and expressed concerns about the impact that this development would have on public services (such as EMS, fire, and police). He also explained that the traffic on Archdale and School Roads is very heavy at times, especially at rush hour and when school is in session. Mr. van Ausdell also shared that the intersection of Archdale Road and Sunny Lane is in the floodplain and the proposed development would have adverse effects on this intersection.

Tom English (501 Trindale Road) echoed Mr. van Ausdell's traffic concerns and said he felt there were similar issues on Trindale Road. Mr. English said he hoped that the development would minimize these impacts and that they work with both the City as well as the immediate existing neighbors. Lastly, he expressed worry over the impacts on the local schools and post office routes.

Debra Fox (516 Sunny Lane) asked the Board if any of them had children in the school system or if they lived nearby. She continued and said that this development proposed to be 10% of the housing in Archdale and that if each of the 536 proposed units were to drive 2 cars there would be a significant impact on the local roads, all of which are 2-lane country roads. Ms. Fox said she spoke to an employee of the Randolph County school system, Dale Brinkley (Director of Information Systems) and asked about the potential impact of 800 new students. She said she was told that Archdale Elementary was at 95% of its capacity and Trinity High School was at 85% of its capacity. She also expressed concern that current middle school students would still be going to the overcrowded Archdale-Trinity Middle School before the new middle school in Trinity is built. Ms. Fox also brought forth more traffic concerns, specifically near the intersection of Sunny Lane and Archdale Road.

Bryan Guffey (600 Trindale Road) came forward with his neighbor, Timi Morris (504 Trindale Road). Mr. Guffey said they lived at the intersection of Trindale Road and Lake Drive, which were 100 yards from both entrances and 250 yards from the various amenities. He expressed his concern about the impact of traffic on Trindale Road and said that it was already difficult for him to turn into his driveway during rush hour and that several accidents have already happened in front of his house. He shared that he thought Trindale Road would have to be widened to accommodate the new traffic, which would cause many of his neighbors to lose road frontage. Mr. Guffey also expressed apprehension about noise the development would generate and felt that sound barriers should be installed. He also said he seconded Mr. van Ausdell's apprehension about the impact on EMS services.

Ms. Morris then spoke up and said her and many of her neighbors are older and will have to spend the rest of their lives listening to construction and increased traffic. She also expressed concern about the impact on schools and also asked what the need was for the amenities.

Shandel Andrews (102 Lake Drive) spoke about her experience when Surrent Drive was being repaved and how the traffic was moved over to Trindale Road, creating issues near her house for 4 weeks. She said that the traffic this development would generate would be felt forever. She echoed Mr. Guffey's sentiments about the numerous accidents and close calls at the intersection of Lake Drive and Trindale Road. Ms. Andrews also expressed uneasiness about the construction entrances that would need to be created and that the equipment would be constantly leaving the site, creating a lot of noise and traffic. She encouraged the Board to walk in her shoes as a neighbor to this development. Ms. Andrews concluded by saying that there was already a floodplain and flooding issues on Jernigan Place (across from the development) and that this proposed development would make it worse.

Chairman Thomas then reminded everyone that the Planning Board was not voting on a site plan, but just on the land use.

Danny Fox (516 Sunny Lane) was next and expressed concern over the increased noise level and the loss of night skies because of light pollution. He said as an astronomy enthusiast, he enjoyed looking at the stars and felt this would be severely impacted.

Randy Moore (3904 David Street) spoke and expressed concerns about the proposed David Street extension to Archdale Road. He said that David Street was very narrow and would need to be widened to accommodate this new traffic. Mr. Moore also expressed apprehension over losing nature as well as the increase in crime rate.

Chairman Thomas then offered Ms. Hodierno a chance to provide rebuttal. Ms. Hodierno came forward and spoke, addressing concerns brought up in the meeting. She said that the developer acknowledged traffic would have to be reviewed and they were required to have a traffic impact analysis (TIA). She explained that they were currently in due diligence on the land, which was the time to begin doing feasibility studies as well as delineating floodplains. Ms. Hodierno said they would be required to control stormwater and could not worsen the situation. She addressed the concerns about the addition of students to the schools, stating it would not happen overnight as construction probably would not happen for another 2 years (if approved) and that the subdivision's development would be phased sequentially over 5-9 years. Ms. Hodierno said they had heard the neighbors' concerns and hoped to work with them as the developer believes that this is the highest and best use for this property. She then explained that the recreation field would be a passive field and not lighted. She concluded by stating that there would be a significant buffer around the development.

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

Mr. Greene asked for clarification regarding the high-grade vinyl and if it was similar to hardy board. Ms. Hodierno responded and said that there would be multiple finishes on the homes and that the vinyl was thicker and had dimensions, like hardwood floors.

Mr. Linthicum asked for clarification on the street frontage for the smallest lots. Ms. Hodierno replied that, per the ordinance, the minimum would be 58 feet wide.

Chairman Thomas asked for clarification on the requirements for a TIA and the TRC. Mr. Miller responded that if the rezoning was approved, the developer would come back for preliminary plat review, which would trigger a TRC at which point a TIA would be required. He also said that TRC approval needs to happen before it can come back to the governing boards.

Chairman Thomas then brought up the concerns about David Street. Mr. Miller said that one of the conditions was that it would have to be a thoroughfare to Archdale Road and that any improvement to the road would be constructed by the developer.

Mr. Kollm spoke next and said that he appreciated all the residents coming forward to speak. He said he agreed with the developer that there was a need for growth in Archdale. He explained that his family had been in Archdale since 1985, he could walk to the YMCA from his house, and that he had been active in the community since the Stormwater Ordinance was created in 2007 (he was on that board at the time). His biggest question was asking if this is the development that Archdale needs? Ms. Hodierno responded that the recent Comprehensive Plan was well done and

that the English Farm was one of the last tracts in Archdale that could be built upon, which was stated in the plan, and was designated as “Village” under the Future Land Use Plan. She read the definition of the Village designation as well as a statement from the 20-20 Strategic Plan that called for the English Farm property to be dense. Mr. Kollm countered and said that the Comprehensive Plan also implies commercial development in the Village designation. Mr. Hodierno replied that the Comprehensive Plan indicated a need for more residential and that rooftops are needed for commercial development. Mr. Kollm then asked why this was not a mixed-use development. Ms. Hodierno responded and said that Trindale Road did not have a lot of street frontage for a retail outparcel, which could lead to empty retail opportunities. She also explained that there was not enough traffic on School Road for commercial development and that post pandemic non-residential construction could change.

Ms. Hodierno shared that this development would have 433 homes over its 215 acres, which was only about 2 houses per acre. She reiterated that the size of the lots could change, but this would not affect the density.

Mr. Kollm then expressed that if this developer were to walk away the City would be stuck with the rezoning as it is, and another developer may not be as keen to develop in the same manner. Chairman Thomas reminded everyone that if approved, the conditions would stay with the property.

Ms. Hodierno spoke and said that the developer desired to see density as stated in the Village description in the Comprehensive Plan. She stated that the ordinance allows for clustering and that small lots are subjective. She concluded stating that while this was different for Archdale, the developer felt this was the right time and place for this kind of development and it would fit well into the community.

With no further discussion, Mr. Kinney made a motion to recommend approval of the rezoning with the associated Consistency Statement. Mr. Spillers seconded the motion and it was approved 5-2 (Mr. Collins abstained).

Yay: Kinney, Sparks, Linthicum, Spillers, M. Miller.

Nay: Kollm, Greene.

Abstain: Collins.

Item 4. Public Hearing: Request by Desco Investment Co., Inc. to rezone property from R-15 (Single Family Residential) to R-AH (Residential Attached Housing) for property located along Old English Farm Road, Trindale Road, and Westbrook Court, being a portion of Randolph County Parcel # 7718044799.

Duncan Walser gave the staff report for this rezoning request.

The applicant, Desco Investment Co., Inc., is looking to rezone a 16.8-acre portion of the property at 508 Old English Farm Road. from R-15 (Single-Family Residential) to R-AH (Residential-Attached Housing). The applicant intends to rezone the property in order to construct multiple townhomes. Combined with another rezoning request, the applicant intends to integrate single-family homes and townhomes into a cohesive residential development with multiple amenities that complement residential uses and the YMCA.

The property has road frontage along both Trindale Road, and Old English Farm Road. The property is designated on the City's Future Land Use Plan for Village and the rezoning request is consistent with that designation. Any future development of the property as R-AH will require the acquisition of a Special Use Permit (SR 40: Single-Family Attached Housing) as well as a High-Density Development Permit.

Chairman Thomas thanked Mr. Walser then opened the public hearing. He asked if anyone was in support of the request.

Amanda Hodierna of Isaacson Sheridan (804 Green Valley Road, Suite 200, Greensboro, NC) came forward again and presented that this was a companion case to the R-10 request from Item 3. She indicated that the developer wished to build townhomes as part of a cohesive development. She indicated that there were no conditions with this request, but per City ordinance, the developer, if approved, would have to come back for a Special Use Permit.

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

Tom English (501 Trindale Road) shared his concern about the townhomes being put on the highest elevation of the English Farm property as they would be looking down onto the neighboring properties, including his own, and that there would be a significant slope difference. He urged the developer to work closely with the neighbors.

Debra Fox (516 Sunny Lane) came forward and reiterated her concern about the high density of the development and that it was too much for this area as it would be 10% of the housing in Archdale.

Steve van Ausdell (505 Sunny Lane) was next and restated his concerns about the increased traffic, impact on the floodplain (especially at Archdale Road and Sunny Lane), and the increased pressure on public services.

Chairman Thomas then offered Ms. Hodierna a chance to offer rebuttal. She said the developer wanted to work with the existing neighbors and felt like this location for the townhome development was appropriate as it was next to an existing multi-family development, being the Westbrook Condominiums.

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

Mr. Kinney asked Mr. English about the existing tree buffer and how it may help with his view of the townhome development. Mr. English showed on the illustrative map that his property was surrounded by the English Farm on 3 sides and that his property (as well as those on David Street) was lower than the proposed townhome location. Mr. Kinney asked if Mr. English had received an offer to be bought out by the developer, to which he replied in the negative. Mr. English said he was related to the family and that he was the last member of the family still living on the English Farm property. He said he was not excited about the development but knew it would happen and that he wanted the City to be aware of impacts and concerns in hopes of making this a seamless transition. Mr. English also said he was concerned about multi-story development. Mr. Kinney asked if Mr. English was satisfied with a 2-story development. Mr. English said he would be satisfied, but he would be opposed to anything higher.

Mr. Greene asked if there was a profile available of the townhomes. Ms. Hodiernie said there was not a profile available, but the townhomes would be two stories at the most.

Mr. van Ausdell spoke from the crowd and asked for a copy of the PowerPoint printout that Ms. Hodiernie had presented. Mr. Kinney asked if it was going to be in the minutes. Mr. Miller responded that the PowerPoint could be passed out as it was public record, but it would not be part of the official minutes.

Mr. Miller also clarified that this was a blanket rezoning and no conditions could be made on it.

With no further discussion, Mr. Kinney made a motion to recommend approval of the rezoning with the associated Consistency Statement. Mr. Spillers seconded the motion and it was approved 6-1 (Mr. Collins abstained).

Yay: Kinney, Sparks, Linthicum, Spillers, M. Miller, Greene.

Nay: Kollm.

Abstained: Collins.

Item 5. Public Hearing: Request by Javier Padilla Villa for a Special Use Permit for a Bar, for property located at 10146 N. Main Street, being Randolph County Parcel # 7718654919.

Matthew Wells gave the staff report for this Special Use Permit request.

The applicant is requesting a Special Use Permit to open a taproom in an existing building, the old Guil-Rand fire station. Single-family residential uses adjoin the site to the north. Commercial uses exist along both sides of N. Main Street and are located east, west, and south of the property. The property is in close proximity to Interstate 85 and located on a major thoroughfare that is designed to accommodate a high volume of traffic. It was previously given a Special Use Permit in 2000 to operate a service station, which has not been operational in many years.

The property must address the requirements of the Roadway Overlay District (ROD), SR 38, which regulates bars, and all other aspects of the Zoning Ordinance that are applicable. Almost all requirements have been met, but a 6' opaque fence needs to be constructed to act as a buffer between the business and residential uses to the north as stated in SR 38.

Parking requirements are set in Article VIII of the Archdale Zoning Ordinance. The applicant has provided plans that show 111 seats in the main interior of the building. Per the Ordinance, 1 parking space is required for every 3 seats, which means the establishment is required to have 37 parking spaces. Currently, there are approximately 25 parking spaces on the property. The applicant has submitted a parking plan showing 34 parking spaces. Of those 34 parking spaces, 3 spaces have been requested by NCDOT to be removed for safety standards. The applicant needs approximately 6-8 parking spaces and believes he does not require as much parking as the ordinance states as he will also have hotel patrons and other walk-up traffic utilizing his establishment. Additionally, the applicant has obtained a parking agreement with the Valero gas station. This agreement does not meet the ordinance standards for a Shared Parking Agreement as the Valero is more than 500 feet from the taproom.

In TRC meetings with the applicant, the requests by Guil-Rand Fire Department and Archdale Public Works have been met. The Archdale Police Department has expressed concerns about the proposed hours of operation and the selling of liquor on premise. NCDOT has requested that the applicant apply for a new driveway permit as it is a change in use and must conform to newer standards on the driveway. This driveway permit will be required for the applicant to receive their Certificate of Occupancy.

Chairman Thomas thanked Mr. Wells then opened the public hearing. He asked if anyone was in support of the request.

Javier Padilla Villa (10146 N. Main St – business address; 500 Steele St, High Point, NC – personal address) introduced himself as the owner of the Firehouse Taproom. He said he owned a commercial kitchen and food truck commissary in Randleman. He said his business idea was to first have a commissary but saw that there was more potential with this property. He originally intended to do a brewery in addition to the commissary, but found it cost prohibitive and decided to do a taproom instead. He said he has done extensive renovations on the building and wants to serve local North Carolina craft beers and spirits. Lastly, he said that he had conversations with both the fire marshal as well as the police chief.

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

Steve van Ausdell (505 Sunny Lane) came forward and said he was unsure if he was for or against the request and asked about the hours of operation. City Attorney Beth Koonce spoke and said she believed state statute had last call at 2am, which was confirmed by Captain David Jones of the Archdale Police Department. Mr. van Ausdell then said he was against the request and cited the noise ordinance that comes into effect at 10pm.

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

Mr. Padilla Villa said he wants to have open and unrestricted hours as he wants the ability to serve for private events, such as weddings. He said restricted hours might restrict his potential.

Mr. Kinney said he hoped the business flourishes but had reservations on granting an exemption to the parking standards as he had concerns about potential impacts on neighbors.

Mr. Padilla Villa spoke up and said that he expected 40% of his traffic to be walkup from hotels and he hoped to be able to partner with these hotels. Mr. Kinney responded that Furniture Market is only 2 weeks of the year and asked about the other weeks of the year. Mr. Padilla Villa answered that the hotels have an occupancy of 40-60% year-round. Mr. Kinney then asked if there would be a food truck on site at all times the taproom is operational. Mr. Padilla Villa responded that there would be and that he would be rotating food trucks as he would have up to 40 trucks using the commissary. Mr. Kinney questioned where the food truck would be parked and if it would take up one of the parking spaces. Mr. Padilla Villa responded that it would take up one space and he had the ability to control the commissary hours. Mr. Kollm asked for clarification on where the food truck would be serving for the taproom to which Mr. Padilla Villa said it would be on the front patio and not taking up a parking space.

Mr. Greene expressed concern over the parking agreement with Valero gas station due to the distance and that a portion of the area did not have sidewalks currently and that patrons would be walking in the roadway.

Mr. Spillers asked if additional parking onsite needed to be paved. Mr. Miller responded and said per the ordinance it would need to be, but that the governing board could grant deviation if they felt they needed to.

Mr. Padilla Villa said he had also talked with the tenants next door at Archdale 24/7 Fitness, but stated the owner was uncomfortable with a perceived understanding that the shared parking agreement would be recorded on his deed.

Mr. Kollm expressed reservation for setting a precedent of deviating from parking standards as it appeared there was enough room on the site to build parking. He said he hoped the best for the business and looked forward to patronizing it.

Chairman Thomas asked if the Special Use Permit request could be approved with conditions to which Mr. Miller replied in the affirmative.

Mr. Kollm then asked for clarification on SR 38 and if this was related to the parking standards. Mr. Wells responded that SR 38 and the parking ordinance (Zoning Ordinance Chapter 8) were separate items, but both needed to be satisfied.

With no further discussion, Mr. Kinney made a motion to recommend approval of the Special Use Permit under the following conditions:

- 1) The 6' opaque fence be constructed per the ordinance.**
- 2) No deviation for parking standards would be allowed.**

Mr. Greene seconded the motion and it was approved 7-0. Mr. Collins was not present for the vote.

Item 6. Public Hearing: Request by City of Archdale to amend the text of the Zoning Ordinance to bring the Ordinance into compliance with the recently enacted provisions of North Carolina General Statute Chapter 160D (Local Planning and Development Regulation).

Jason Miller gave the staff report for this request.

Benchmark has completed a review of the City's Zoning and Subdivision Ordinances to identify amendments to bring them into compliance with NCGS 160D, as required prior to July 1, 2021.

The most obvious change to the Zoning Ordinance will be a change in the nomenclature and elimination of the "Conditional Use Permit" from the current "Conditional Use" zoning process. The newly termed "Conditional Zoning" process will be very similar to the current process, however the implied two-step process with both a rezoning and a Conditional Use Permit being approved by Council will be an explicitly single part process, with only a standard legislative rezoning decision without any required findings, but still maintaining binding development and use conditions proposed by the applicant and Council as part of the approval.

Other notable amendments proposed to the Zoning Ordinance to comply with NCGS 160D include standardizing the administrative appeal timeframe to 30 days, clarifying the required vote thresholds for the various types of approvals, and the addition of broader conflict of interest provisions for staff, appointed boards and City Council. The statutes now also mandate a one-year period of validity for zoning permits, a prohibition on regulating manufactured housing explicitly by their age, and a prohibition on requiring the placement of existing electric utilities underground when located outside of a parcel being developed (such as in an exterior right-of-way).

As this measure has officially been adopted by the State, the City must now amend the Zoning Ordinance to comply. Staff recommends approval of the text amendment.

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

There was no one present in favor of the request.

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

There was no one present against the request.

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

With no further discussion, Mr. Kollm made a motion to recommend approval of the Zoning Ordinance amendment with the associated Consistency Statement. Mr. Linthicum seconded the motion and it was approved unanimously.

Item 7. Public Hearing: Request by City of Archdale to amend the text of the Subdivision Ordinance to bring the Ordinance into compliance with the recently enacted provisions of North Carolina General Statute Chapter 160D (Local Planning and Development Regulation).

Matthew Wells gave the staff report for this request.

Benchmark has completed a review of the City's Zoning and Subdivision Ordinances to identify amendments to bring them into compliance with NCGS 160D, as required prior to July 1, 2021.

An amendment is proposed to clarify that an appeal of the City Council's decision on a subdivision plat will go to Superior Court vs. being heard by the Board of Adjustment. There is also an amendment proposed that will bring the City's prohibition on clearcutting into conformance with statute, which restricts local authority to regulate forestry, while also allowing the withholding of development approvals for a period of time in certain circumstances where major clearing activities have occurred. The remainder of the proposed amendments are fairly minor, including some that have parallels in the Zoning Amendments, such as the broader conflict of interest standards, applicant qualifications, and similar "general" changes.

As this measure has officially been adopted by the State, the City must now amend the Subdivision Ordinance to comply. Staff recommends approval of the text amendment.

Chairman Thomas thanked Mr. Wells then opened the public hearing. He asked if anyone was in support of the request.

There was no one present in favor of the request.

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

There was no one present against the request.

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

Chairman Thomas asked how the clearcutting ordinance change would affect a project, such as the proposed English Farm subdivision. Mr. Wells responded that clearcutting was primarily addressing forestry activity and that the English Farm would be subject to the Erosion Control Ordinance as well as other stormwater regulations.

With no further discussion, Mr. Kollm made a motion to recommend approval of the Subdivision Ordinance amendment. Mr. Mitch Miller seconded the motion and it was approved unanimously.

Item 8. Additional Items

There were no additional items brought forward.

Item 9. Adjournment

With no further discussion, Chairman Thomas adjourned the Monday, June 7th, 2021 meeting.