

**Minutes
Special Meeting of the
Elon Planning Board**

**August 17, 2021
Tuesday, 6:00 p.m.**

**Elon Town Hall & via Zoom
Elon, North Carolina**

Attendees: Jim Beasley, Clark Bennett, Diane Gill, John Harmon, Ralph Harwood, Phillip Owens, and Mark Podolle. Mr. David Hodges was also in attendance.

Staff present: Pamela DeSoto

Item A - Chairman Beasley called the meeting to order at 6:04 pm.

Item B-i – Review and Recommendation: Modification to Special Use Permit Issued in 1991 for the Development of Mill Pointe at the Country Club

Chairman Beasley introduced the item and Ms. DeSoto introduced Mr. David Hodges, representing the Mill Pointe Homeowners Association (HOA), and proceeded with a presentation, summarized as follows:

The Mill Pointe HOA has submitted an application to modify a special use permit that was issued in 1991 for the development of Mill Pointe at the Country Club. The specific request is to remove a portion of a condition included in the original approval that states: “Any alternative types of pavement or proposed street appurtenances, i.e., islands, fountains, statues, should be maintained by the Home Owners Association”. The requested modification would transfer maintenance responsibilities to the Town for two sections of roadway pavement in the subdivision that included concrete or brick pavers as an alternative to asphalt. Those roadway sections total +/- 7,500 square feet and are located on Truitt Drive leading into Windsor Way, and on another section between 605 Truitt Drive and an existing pond on the golf course. Both sections include islands separating the two lanes of traffic. The paver sections and the islands are within the Town’s right-of-way, as is the remainder of all roadways within the Mill Pointe subdivision. Because the pavement does not meet the Town’s specifications, the special use permit approval included a condition that absolved the Town from maintenance responsibilities. The HOA now wishes to transfer the maintenance responsibilities of the paver sections to the Town via this modification request, but wishes to continue maintaining the landscaped islands.

A special use permit allows for conditions to be imposed in order to ensure that the proposal meets all specifications of the LDO, as well as the following provisions;

- Will be visually and functionally compatible with the surrounding area,
- Will not materially endanger the public health or safety, and
- Will not substantially injure the value of adjoining property.

A modification to a special use permit would be expected to maintain those broad objectives. The Planning Board is requested to make a recommendation for approval or denial to the Board of Aldermen on the request.

answer questions and add any information he wished the Board members to know. Mr. Hodges explained that the Mill Pointe HOA did not have the funds to bring the roadway up to Town standards and they are requesting that the roadway sections be taken in as Town-maintained roadway in their current condition. Ms. Gill asked why this item was brought to the Planning Board, and commented that the HOA should be responsible for the cost. Mr. Hodges replied that there were no funds for the project. Ms. DeSoto explained that the Town receives approximately \$200,000 annually in Powell Bill funds from the state, and we take on resurfacing projects every other year, using two years' worth of funds, or approximately \$400,000. She added that our resurfacing plan is a five-year plan and was created by outside consultants after evaluating the conditions of the streets currently within Town-maintenance responsibility, which did not include these portions of roadway. She stated that if the sections were to be taken over by the Town, the urgency of the improvements would be evaluated to determine if they should be made within the five-year timeframe, or scheduled for later, adding that the five-year plan is updated annually. Additional discussion resulted in a motion being made by Mr. Harwood recommending denial of the request, but also requesting that the applicant return to the Planning Board with an alternative request for consideration. The motion was seconded by Mr. Harmon and approved by unanimous vote. Ms. DeSoto then explained to Mr. Hodges that he had the option of bringing an alternative proposal back to this Board, or moving on to the Board of Aldermen with the request, with the recommendation for denial being part of the record.

Item B-ii – Review and Recommendation: Land Development Ordinance Text Amendment LDO #2021-02 Regarding Campaign and Election Signs

Chairman Beasley introduced this item and Ms. DeSoto made a brief presentation, explaining that Elon's LDO requires updating to clarify regulations regarding campaign and election signs and to bring our ordinance into compliance with N.C. General Statutes. She added that the intent of the amendment request is also to create clear parameters for this type of signage so that candidates, the general public, and our code enforcement staff can be better informed and avoid misunderstandings. She then went on to summarize the draft amendment, as follows:

- The first section of the draft amendment includes requirements provided in state statutes for placement of political signs on the rights-of-way of the state highway system (any state-maintained roadway with the exception of fully controlled access highways). The proposed amendment would institute these same requirements for town-maintained rights-of-way.
- The second section includes additional requirements for town-maintained rights-of-way beyond those in the first section, and the third section includes requirements for property adjacent to state or town-maintained rights-of-way. It should be noted that, while the language which applies to state-maintained rights-of-way is strictly regulated by statute, the statute allows local governments leniency in the requirements outside of that realm. A town or city may altogether prohibit the placement of political signs on their own rights-of-way, though this draft amendment does not propose that restriction. Rather, the amendment proposes that requirements for town rights-of-way mimic the state requirements with regards to the time period of sign placement, the dimensional limitations of the signs, and other provisions such as distance from the road pavement and visibility. For Town rights-of-way, the proposal does place additional limitations beyond what is required for State rights-of-way, such as not placing signs on other signs or on trees, and that the signs may not be illuminated.

Ms. DeSoto advised the Board of the following information regarding Plan Consistency:

Envision Elon, Elon's Comprehensive Land Use Plan, lists among its recommendations the following:

1. LU-8.11: Make improvements to the LDO to improve the accessibility and user-friendliness of the ordinance.
2. LU-8.12: Ensure that all LDO sections are up-to-date and compliant with state and federal legislation, guidance, and jurisprudence.

Currently, the LDO offers incomplete guidance as well as regulations that are not compliant with NC General Statutes. She added that the proposal is considered by staff to be consistent with the Comprehensive Land Use Plan's recommendations to improve the user-friendliness of the ordinance and bring it into compliance with state statutes.

Lastly, Ms. DeSoto offered a motion format and Chairman Beasley asked if anyone wished to make a motion. A motion that LDO #21-02 is consistent with comprehensive plans that have been adopted by the Town of Elon was made by Mr. Harwood and seconded by Mr. Bennett. The motion passed by unanimous vote.

A motion that LDO #21-02 is reasonable and in the public interest was made by Mr. Bennett and seconded by Mr. Harmon and was passed by unanimous vote.

A motion that the Town of Elon Planning Board recommends approval of LDO #21-02 to the Elon Board of Aldermen was made by Ms. Gill and seconded by Mr. Bennett. The motion passed by unanimous vote.

Then Ms. DeSoto read the staff recommendation for Motion #4: The proposal is consistent with the Comprehensive Land Use Plan, including the recommendations in the Plan that calls for the LDO to maintain compliance with state legislation and that the LDO be updated to improve the accessibility and user-friendliness of the document. Approval of the proposal is reasonable and in the public interest in that it helps achieve these objectives. A motion was made by Mr. Bennett to accept the staff recommended statement as written. The motion was seconded by Mr. Owens and passed by unanimous vote.

Item C – Board of Aldermen Updates

No updates were discussed.

Item D – Items from Board Members

There were no items for discussion from Board Members

Item E - Motion to Adjourn

A motion to adjourn was offered by Mr. Bennett and seconded by Mr. Harwood. The motion was approved by unanimous vote.

Meeting was adjourned at 7:12 p.m.