

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

**February 8<sup>th</sup>, 2022**

**Elon Town Hall & via Zoom**

**Tuesday, 6:00 pm**

**Elon, North Carolina**

Attendees in Person: Jim Beasley, Clark Bennet, Stephanie Bourland, John Harmon, Ralph Harwood, Aeisha Leath, Randy Orwig, and Phillip Owens.

Attendees via Zoom: Diane Gill.

Staff present: Pamela DeSoto and Mary Kathryn Harward (via zoom)

Community members present: Chad Huffine and Jeremy Meddlin

**Item A-** Chairman Beasley called the meeting to order at 6:00 PM

**Item B- New Business**

**Item B-i-** Approval of Minutes from the January 18<sup>th</sup>, 2022 Planning Board Meeting. A motion was made by Mr. Bennett to approve the minutes with amendments suggested by Chairman Beasley. The motion was seconded by Mr. Owens and approved by unanimous vote.

**Item B-ii.-Review and Recommendation:** Consideration of LDO Text Amendment LDO-2022-03 Regarding Conditional Planning Districts.

Ms. Desoto presented the board with text amendment #2022-03- concerning the addition of conditional zoning to the Town's Land Development Ordinance. The draft of the text amendment was originally submitted by Mr. Chad Huffine, and was revised by staff to meet the needs and goals of the Town's future Land Management Updates (LMO).

Conditional zoning is defined by UNC's School of Government as "a legislative process in which an applicant proposes, and the local government, a map amendment that includes additional conditions. Conventional zoning map amendments change the zoning district applicable to a piece of property, but do not include any standards beyond the base standards of the zoning ordinance. Conditional zoning allows the local government and the applicant to agree on additional conditions that may be appropriate for a particular project within the context of legislative zoning." <sup>1</sup>

Factors presented for the planning board to consider:

---

<sup>1</sup> Chapter 160D Guidance bulletin #5 - Conditional Zoning; Benjamin Hitchings and Jim Joyce; January 2021

- Elon's current LDO only allows conventional rezoning, and according to a 2018 survey done by the UNC School of Government, 77% of cities with populations greater than 25,000 reported use of conditional zoning in their development ordinances.
- As opposed to conventional zoning, a site plan can be required as part of the submittal, and the developer would be required to resubmit if significant changes to the plan or the development program are proposed.
- As part of the conditional zoning process, conditional zoning allows for a list of conditions to be applied to the approval, which triggers negotiations to take place between the developer and the governing body.
  - Note: only those conditions mutually agreed upon by the Town and the petitioner may be included as part of the approval.
- Due to the provision in the text amendment requiring a community informational meeting to be held by the petitioner, an additional opportunity for potentially affected parties to learn more about the proposal and provide input is created.

As required by the text amendment application Mr. Huffine has included a narrative, as follows:

1. What is the rationale or condition that justify the proposed amendment?

*In an effort to create an identity or destination type neighborhood consisting of residential and other mixed uses desired within the Town, a planned unit type development or conditional planning district is necessary to facilitate this type of master planned neighborhood. The Town's Development Ordinance (LDO) does not address or is silent on this topic. As such, a framework for this undertaking is necessary.*

2. How would the change be consistent with the Town's Comprehensive Plan and other applicable plans or policies?

*The proposed document, text amendment, and associated materials are based on existing town ordinance text and guidance. The proposed conditional planning district incorporates this guidance into an appropriate planning district that will facilitate master planned developments consisting of different uses. Uses that already allowable within the Town's ordinance can then be arranged in a master planned configuration where a significantly higher development direction and planning can occur.*

3. How is the proposal reasonable and in the general public interest?

*The general public, citizens, Town personnel, and adjacent property owners will all benefit from the proposal. The Town's Land Development Ordinance does not currently address conditional planning districts, and does not currently have the necessary structure needed to create one. The addition of the proposed Conditional Planning District ordinance language will provide all stakeholders with specific guidance for the design of these types of developments, from an early land use determination phase following through to completion. The conditional planning districts offer increased specificity and intent in the location of proposed uses, therefore solidifying land use above and beyond that which is typically found in separate and general zoning districts.*

Ms. DeSoto addressed the question of plan consistency by offering the following provisions from the Land Use Plan, and the draft of the consistency statement recommended by staff.

*Envision Elon 2040*, Elon's Comprehensive Land Use Plan, lists among its recommendations the following:

- LU-2.3: Support rezoning applications for changes in zoning that demonstrate the intent to implement the plan and amend the town's LDO to facilitate future development and redevelopment as described in this plan.
- LU-8.10: Continue investigating how the Town of Elon community members conceptualize the "small-town" feel of the Town of Elon, and incorporate these findings into the LDO in ways that protect the character and quality of life of the community.
- ED-6: Encourage mixed-use development that blends a variety of uses, including office space, residential, shopping, and entertainment.

**Plan Consistency:**

*The proposal is considered by staff to be consistent with the Comprehensive Land Use Plan, in that it provides flexibility in tailoring development proposals and uses to better meet recommendations in the Plan, allowing for specific mixes of uses, and creating development projects that contribute in positive ways to the character and quality of life in Elon.*

**Recommendations and Suggested Motion;** Staff recommended that the Planning Board consider a recommendation on the amendment draft and make the following motions:

**Motion 1:** LDO #22-03 (is/is not) consistent with comprehensive plans that have been adopted by the Town of Elon.

*Mr. Harwood motioned that the changes are consistent with comprehensive plans; Mr. Bennett seconded the motion; all were in favor.*

**Motion 2:** LDO #22-03 (is/is not) reasonable and in the public interest.

*Mr. Harmon motioned that that the changes are reasonable and in the public interest; Mr. Owens seconded the motion; all were in favor.*

**Motion 3:** The Town of Elon Planning Board recommends (approval/denial) of LDO #22-03 to the Elon Board of Aldermen.

*Mr. Bennett made a statement of recommendation to approve; Mr. Owens seconded the motion; all were in favor.*

**Motion 4:** In order to fully comply with N.C. General Statutes, please provide a statement regarding the decision.

Staff recommendation: The proposal is consistent with the Comprehensive Land Use Plan, in that it provides flexibility in tailoring development proposals and uses to better meet recommendations in the Plan, allowing for specific mixes of uses, and assisting in

the creation of development projects that contribute in positive ways to the character and quality of life in Elon.

*Mr. Owens motioned to approve the staff recommendation; Mrs. Gill seconded the motion; all were in favor.*

\*This revision will go before the Board of Alderman on March 7<sup>th</sup>, 2022.

**Item C- Board of Alderman Updates**

- The Board members themselves had no updates.
- Ms. DeSoto informed the Board that there was a Land Management Ordinance (LMO) kickoff meeting with committee members and two new consultants.

**Item D- Motion to Adjourn**

A motion to adjourn was made by Mr. Bennett and seconded by Mr. Harmon. The motion was approved by unanimous vote.

Meeting was adjourned at 7:31pm.



---

Mary Kathryn Harward, Planner

Minutes were completed in  
Draft form on March 4<sup>th</sup>, 2022



---

Jim Beasley, Planning Board Chair

Minutes were approved on  
March 8th, 2022