

Town of Elon

Planning Board Agenda

November 15, 2022

6:00 PM In Person

Elon Town Hall, Town Council Chambers

104. S. Williamson Ave., Elon, NC

Agenda Items

A. Call to Order

B. New Business

- i. Approval of Minutes from the September 20, 2022 Planning Board Meeting.
- ii. Petition RZ-2022-02 - A request by Brian Wagoner for a rezoning of Tax Parcel 108932 located at the intersection of University Drive and Cook Road from Industrial (I) to Suburban Residential (SR).

C. Items from Board Members

D. Other Business

E. Adjournment

TOWN OF ELON PLANNING BOARD MINUTES

Town of Elon Town Hall, 104 S. Williamson Ave., Elon, NC 27244

September 20, 2022, at 6:00 PM

Board members present: Jim Beasley, Clark Bennett, Diane Gill, John Harmon, Aiesha Leath, Mark Podolle, and Philip Owens.

Staff present: Lori Oakley and Mary Kathryn Harward

Item A- Chairman Beasley called the meeting to order at 6:00 pm.

Item B- New Business

Item B-i- Approval of Minutes

Ms. Harward presented the board with minutes from the June 21st, 2022 meeting for approval

- Mr. Bennett made a motion to approve the June minutes; Mr. Harwood seconded the motion; the motion was approved unanimously by the board (7-0).

Item B-ii- Petition MDP-2022-02

Mrs. Oakley presented Petition MDP-2022-02 to the board. MDP-2022-02 is a request by the applicant Brad Moore, on behalf of the property owner, Elon University, for major development plan review for a residence hall located at the intersection of East Haggard Avenue and North Oak Avenue (Tax Parcel 115430) and zoned Public Institutional (PI). The lot proposed for development is surrounded by university developments and single-family lots.

The University has proposed a new residence hall that will contain 52 residential units, flex space/entertaining space, study rooms, living rooms, storage space and a housing office. The site plan also includes a new parking lot that contains 4 parking spaces, and a utility yard. The building consists of 3 stories with a basement that is partially visible. Buffering required by the LDO will be adhered to.

Mrs. Oakley then outlined Elons LDO requirements for parking and how the project intends to meet them for faculty and staff use. The project area is identified on Envision Elon's 2040 Comprehensive Plan as Institutional, which meets the projects intended use. The planning staff analysis continued with discussing the connection between the project and the Haggard Avenue Corridor Plan (Phase 1) and summarizing TRC comments and review.

Staff recommended approval of the proposed major development plan, MDP-2022-02, for the East Neighborhood Commons residence hall as the proposed plan meets the requirements outlined in the LDO. Staff stated that the plan also meets the future land use classification description outlined in the Envision Elon 2040 Comprehensive Plan and two of the recommendations outlined in the Haggard Avenue Corridor Plan, Phase 1.

Staff recommended that the Planning Board consider this Major Development Plan proposal, accept public comment during the scheduled meeting, and consider a recommendation to the Town Council on the proposal at their earliest convenience.

After Mrs. Oakley's presentation, the chairman opened the floor up for questions. The board expressed some concerns about the neighbor's feelings towards the project, the holding of a public

meeting, parking for students, and drainage issues- all of which were addressed by Mr. Brad Moore, applicant.

Motions

- Mr. John Harmon made a motion to approve the MDP as presented; Mr. Bennett seconded the motion; the motion was approved unanimously by the board (7-0).

Item C- Board of Alderman Updates

- Council members wanted to discuss potential restaurants that were posed to take over the Mediterranean Deli vacant space on Haggard Avenue.
- Mr. Beasley expressed that several people had approached him about the orange barriers on Williamson Avenue, and Mr. Bennet said that the Downtown Development Committee are currently working on more aesthetically pleasing alternatives that are within budget.
- Mr. Bennett informed the board that the Downtown Development Committee has approved Benchmark as the candidate for Elon's new Downtown Master plan.

Item D- Planning Director Updates

- The new planning director, Mrs. Lori Oakley, re-introduced herself to the Planning Board and gave a short synopsis of her professional background and work experience.
- Updates on previous cases:
 - MDP-2022-01 was brought before the Council, who expressed concerns about lifetime estate rights. The project moved forward from that point by eliminating one of the two proposed wall signs along University Drive and was approved by the Town Council.
 - RZ-2022-02 was approved by the Town Council after 4 meetings and great dialogue between council and developer. Additional modifications were made to the plan regarding setbacks on residential lots and neighborhood connections to the neighborhood to the North. The next step will be for the developer to submit for the Major Development Plan process.
- Mrs. Oakley expressed that the LMO process is progressing but will most likely be completed after the new year. After the chapters are completed, they must go through public review and comments, as well as Planning Board and Town Council approvals.
- The Haggard Avenue Phase 1 has been adopted, and the consultants (SEPI) are ready to release phases 2 and 3. There will be public engagement as there was for phase 1.
- Mrs. Oakley informed the board that the Town of Elon received a DOT Grant for multimodal work on our bike-ped plan. She is presenting that grant for acceptance at the September 26th meeting.
- A presentation for Link Transit will be presented to the Town Council in late October by planner Mary Kathryn Harward to gauge interest in the Town joining the Link system.
- Mrs. Oakley encouraged Board members to attend the 3 public community meetings that are being held by the Town Council.
- The Millpointe neighborhood entrance was put on the list for updates as it is causing problems with street/entrance quality.

Item E- Motion to Adjourn

A motion to adjourn was made by Mr. Mark Podolle and seconded by Mr. Clark Bennett. The motion was approved by a unanimous vote (7-0).

Meeting was adjourned at 6:45 pm.

Respectfully Submitted,

Chair Jim Beasley

Date

Recording Secretary, Mary Kathryn Harward
Town of Elon Planning Department – Planner I

Date



TOWN OF ELON RECLASSIFICATION

APPLICANT INFORMATION

Name of Applicant/Property Owner: Brian C. Wagoner

Date Request Submitted: 8.2.22 Property Owner Signature: *Brian C. Wagoner*

Parcel ID: 108932 Street Address: Cook Road, Elon, NC

Current Classification: Industrial

Type of Use: Unimproved

New Classification: Suburban Residential

Type of Use: Residential

Description of Use Requested:
Single Family Residence

Date of Planning Board Meeting: ~~August 16, 2022~~ November 15, 2022

Date of Public Hearing before the Board of Aldermen: _____

Date of Vote for Approval or Denial before the Board of Aldermen: _____

ACTION BY THE BOARD OF ALDERMEN:

Having heard all the evidence and arguments presented at the public hearing, the Board of Aldermen of the Town of Elon finds that the foregoing petition has been:

☐ Approved

☐ Denied

Town Mayor

Distribution: Alamance County Inspections
Department Applicant
Town Clerk and Manager
File

**Wagoner Rezoning
RZ-2022-04**

Property Owner: Brian Wagoner
Request: General rezoning from Industrial (I) to Suburban Residential (SR)
Location: University Drive and Cook Road
Parcel ID: 108932
Site Acreage: 1.16 acres (approx. 0.5 acres in railroad R/W = net .66 acres)
Existing Zoning: Industrial (I)
Proposed Zoning: Suburban Residential (SR)

Petition RZ-2022-04 is a request by Brian Wagoner for a rezoning of Tax Parcel 108932 located at the intersection of University Drive and Cook Road from Industrial (I) to Suburban Residential (SR).

Existing Site Conditions (Aerial imagery exhibit attached)

The parcel is currently vacant and contains woodlands.

- To the West – Vacant wooded parcel located in Gibsonville zoned RM-8 (Residential Multi-Family).
- To the South – Several single-family homes located in the Avondale Subdivision in Gibsonville zoned RS-15 (Residential Single Family).
- To the East – SPC Mechanical Corporation (previously Sonoco) zoned Industrial (I).
- To the North – Norfolk Southern railroad line and two vacant parcels zoned Industrial (I).

Zoning and Property History (Survey plat attached)

- The parcel is currently located within the extraterritorial jurisdiction of the Town of Elon. Should the property owner decide to utilize town utilities and services, he will need to submit a petition to the Town of Elon for annexation. The site currently has access to the Town of Gibsonville water; however, there is no access to sewer. The property owner has indicated that he will install a septic system until sewer service is available to the site.
- The parcel is currently zoned Industrial (I), and the Industrial District is described in the LDO as being intended to accommodate existing and future manufacturing, wholesale and warehousing uses. The district is also intended to enhance the economic viability of the Town while imposing significant impacts to adjacent properties.
- The proposed zoning is Suburban Residential (SR). The Suburban Residential Planning District accommodates most of the Town's existing conventional single-family residential subdivisions and

provides for some residential infill development within and surrounding existing neighborhoods. Streets in the Suburban Residential District must be interconnected, as required in Section 5.7 – Street and Greenway Design Regulations, Urban Open Space must be provided according to Section 5.5 – Open Space Preservation and Design Regulations. A range of housing types and low-intensity business uses is permitted in mixed-use buildings at a residential scale, in and around designated Neighborhood and Village Center Districts. The intensity to which permitted uses may be built is regulated by the building type corresponding with the intended use and as permitted within the planning district.

- Uses permitted by right and with additional requirements in the proposed SR District include:
 - Single family detached homes
 - Rental of a single room (in a house)
 - Solar energy system (level 1 – roof mounted)
 - Cemeteries
 - Churches and religious institutions
 - Essential services - Class 1 & 2 (transmission lines, pump stations, water storage tanks)
 - Outdoor recreation and amusement facilities
 - Recreational facilities, parks & greenways
 - Schools, elementary or secondary
 - Transit shelters
 - Civic uses -Police & fire stations, libraries, community centers
 - Bed and breakfast inns
 - Swim/tennis clubs
 - Accessory dwelling
 - Day care home -small (up to 6 children)
 - Home occupations
 - Temporary accessory structures
- Parcel 108932 was originally part of a larger 18.54-acre parcel that included the industrial building to the east. Prior to University Drive being constructed, it was all one contiguous parcel of land. Once University Drive was platted and constructed, it created a small portion (1.16 acres) of land on the western side of University Drive. The property was then subdivided on Sept. 18, 2020 (see attached survey plat) and the 1.16-acre parcel on the western side of University Drive was officially created. The parcel was then sold on September 29, 2020, to the current owner.

Comprehensive Land Use Plan (Exhibit attached)

The Envision Elon 204 Comprehensive Land Use Plan identifies the site as Employment in its Future Land Use Classification. Employment is defined as:

“These areas are intended to accommodate light industrial uses, offices, multi-tenant flex space, and existing Elon University services. This area promotes the concentration of employment-

generating uses in areas with desirable access to highways (I-40 via University Drive and NC-87). Expansions and new locations are supported with public infrastructure investments, and encroachment by new development is discouraged. Limitations on use and operations mitigate negative impacts, such as traffic congestion, noise, and light pollution, on existing residential development.”

While the Comprehensive Plan indicates that this parcel should be utilized for employment uses, staff feels that there are some unique features to the parcel. The parcel was originally part of a larger industrial parcel where the “Employment” designation would have been more logical. The parcel is also 1.16 acres in size and has a net area of .66 acres once the railroad right-of-way is removed. Given the topography of the lot (see attached pictures) and the size, it would be challenging to utilize the site for industrial uses as reflected in the current zoning.

Recommendations included in the 2040 Envision Elon Comprehensive Plan include the following:

- LU-4- Expand housing choices. Appeal to a diverse range of preferences and income levels. Encourage product mix for multi-generational and age-in-place neighborhoods.

Procedural Information

Rezoning is treated as an amendment to the Land Development Ordinance and Map and are referred to the Planning Board for consideration in advance of a public hearing and final decision by the Town Council. Zoning considerations must address the potential for the decision to be classified as “spot zoning.” While not illegal in North Carolina, spot zoning must be clearly supported by a reasonable basis in order to withstand a legal challenge.

1. The size of the tract in questions. The first factor to be considered in determining whether spot zoning is reasonable is the size of the tract. *The lots surrounding this parcel vary in size and includes smaller subdivision lots.*
2. Compatibility with the Land Development Plan. The second factor in a spot zoning analysis is compatibility with the existing comprehensive zoning plan. This involves an inquiry into whether the rezoning fits into a larger context involving rational planning for the community. Whether set forth in a formal comprehensive land use plan or reflected in an overall zoning scheme, zoning regulations must be based on an analysis of the suitability of the land for development (e.g., water, sewer, roads and rail lines), and exiting and needed land uses. *While the current 2040 Comprehensive Land Use Plan proposes this site as an employment site, site constraints make that more challenging. City sewer is not available to the site and the applicant will be utilizing a septic system until that utility line is extended.*
3. Benefits and Detriments. The third factor in spot zoning analysis is who benefits and who is harmed by the rezoning and what the relative magnitude of each consequence is. *The proposed rezoning is essentially a downzoning – from a more intense zoning district to a lesser intense*

zoning district. If approved, the rezoned property would have less of an impact on adjacent property owners.

4. Relationship of Uses. The fourth factor in spot zoning analysis is the relationship between the proposed uses and the current uses of adjacent properties. *Again, if approved, the rezoned property would have less of an impact on adjacent property owners.*

North Carolina State Statutes require that planning boards provide written comments to governing boards on the consistency and reasonableness of a proposed rezoning. In turn, governing boards must approve written statements documenting their consideration of the plans when making rezoning decisions, although they do not have to be consistent with the plan. N.C.G.S. Chapter 160D-605 - *Governing board statement* states the following:

- (a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review.
- (b) Additional Reasonableness Statement for Rezonings. – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Staff Analysis, Recommendation and Suggested Motions

The property owner is requesting a general rezoning from Industrial (I) to Suburban Residential (SR). There is existing residential zoning to the west and south in the Town of Gibsonville and existing Suburban Residential (SR) zoning located further to the southeast of the parcel. There are site constraints due to the size and topography of the lot.

Based on the information contained in this report, staff recommends approval of the requested rezoning, RZ-2022-04 from Industrial (I) to Suburban Residential (SR).

Staff recommends that the Planning Board consider this application, accept public comment during the scheduled meeting, and consider a recommendation to the Town Council on the proposal at their earliest convenience.

Motion: The Town of Elon Planning Board recommends (approval/denial) of Rezoning Request RZ-2022-04.

Approval motion can include: The proposed rezoning has specific site constraints and while it does not adhere to the 2040 Envision Elon Comprehensive Plan, it is compatible with surrounding land uses and has an acceptable level of impact on both the immediate area and the community as a whole. Furthermore, the action is reasonable and in the public interest because the uses allowed in the proposed zoning district are compatible with the area. The Future Land Use Map contained within the 2040 Envision Elon Comprehensive Land Use Plan shall identify this site as Low Density Residential and there is already Low-Density Residential area identified to the south of the site.

[Please note that is a general rezoning request, and therefore, no conditions can be placed upon the approval and no site plans can be approved with the request]

Denial motion can include: The proposed rezoning is not in keeping with the 2040 Envision Elon Comprehensive Plan Future Land Use Map and is not compatible with the surrounding land uses. It is not reasonable and in the public interest and it will have an unacceptable level of impact on both the immediate area and the community as a whole.

Submitted by: Lori Oakley, Planning Director

Enclosures: Rezoning Application
Survey Plat
Existing images of the site
Aerial Map
Zoning Maps (for both Town of Elon and Town of Gibsonville)
Future Land Use Map

FILED
ALAMANCE COUNTY, NC
HUGH WEBSTER
REGISTER OF DEEDS

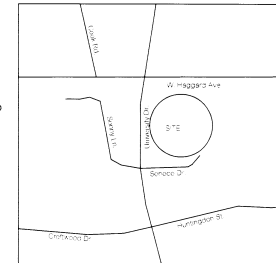
FILED Sep 18, 2020
AT 03:37:50 pm
BOOK 00081
START PAGE 0279
END PAGE 0279
INSTRUMENT # 17612
EXCISE TAX (None)
EMD

Curve Table				
Curve	Chord Bearing	Chord	Radius	Length
C1	S 67°34'33" E	247.50'	3677.43'	247.55'
C2	S 66°16'04" E	200.41'	2960.13'	200.45'
C3	S 74°12'27" E	623.69'	2958.66'	624.85'

Line Table		
Line	Bearing	Distance
L1	S 69°53'36" E	148.29'
L2	S 12°06'28" W	67.56'
L3	S 03°04'36" W	87.60'
L4	S 80°14'46" W	10.58'
L5	S 65°11'15" E	311.16'
L6	S 02°20'43" W	99.43'
L7	S 02°00'04" W	15.11'
L8	N 85°16'18" W	46.05'

LEGEND
 ○ Existing Iron Pipe (EIP)
 ● New Iron Pipe (NIP)
 --- Property Line
 - - - - - Adjoiner's Property Line
 - - - - - Right of Way Line
 * Calculated Point (CP)
 ⊕ Manhole

Vicinity Map

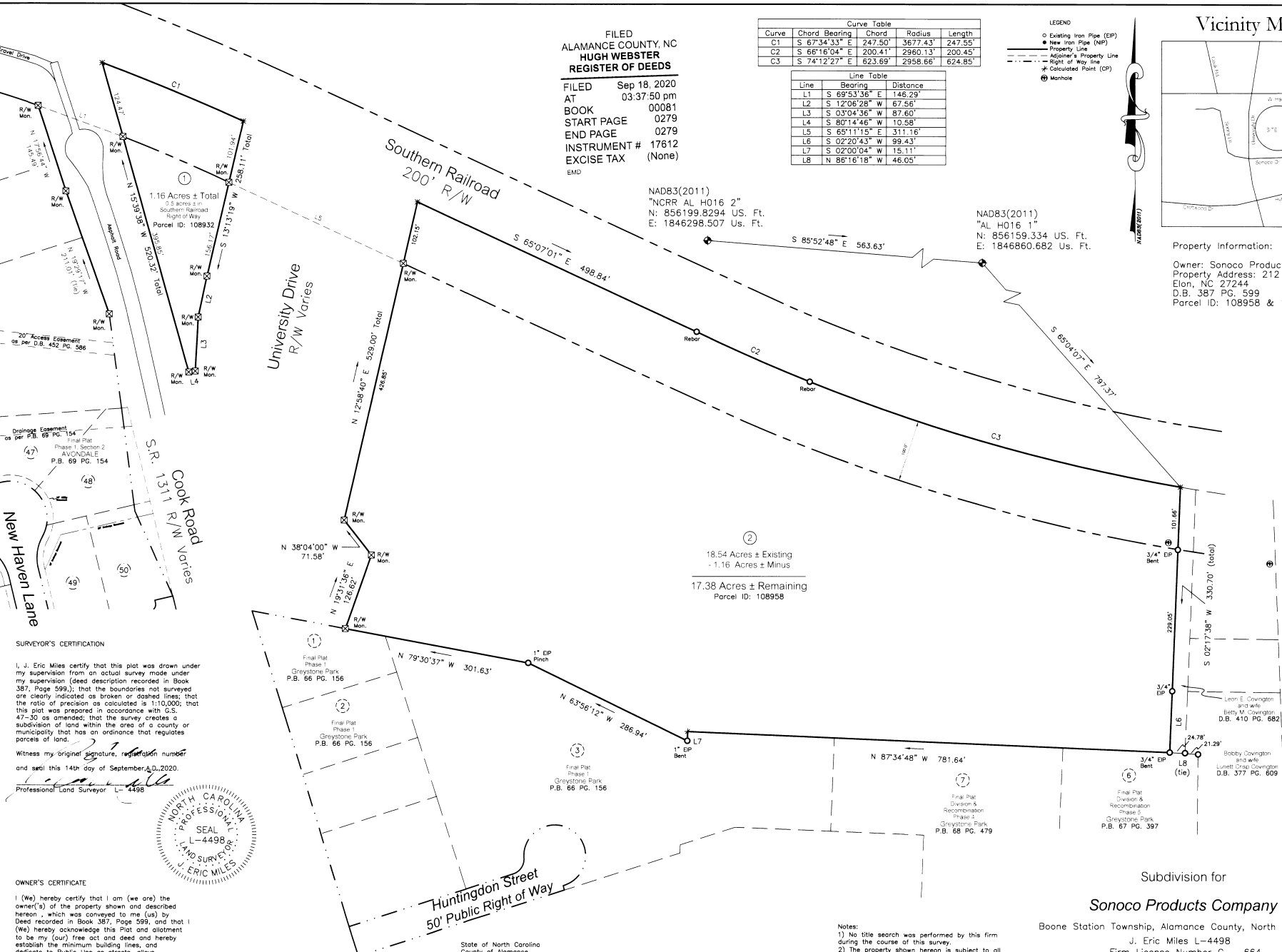


Property Information:

Owner: Sonoco Products Company
 Property Address: 212 Cook Road,
 Elon, NC 27244
 D.B. 387 PG. 599
 Parcel ID: 108958 & 108932

NAD83(2011)
 "NCCR AL H016 2"
 N: 856199.8294 US. Ft.
 E: 1846298.507 US. Ft.

NAD83(2011)
 "AL H016 1"
 N: 856159.334 US. Ft.
 E: 1846860.682 US. Ft.

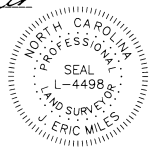


SURVEYOR'S CERTIFICATION

I, J. Eric Miles certify that this plot was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 387, Page 599); that the boundaries not surveyed are clearly indicated as broken or dashed lines; that the ratio of precision as calculated is 1:10,000; that this plot was prepared in accordance with G.S. 47-30 as amended; that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my original signature, registration number and seal this 14th day of September, A.D. 2020.

Professional Land Surveyor L-4498



OWNER'S CERTIFICATE

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by Deed recorded in Book 387, Page 599, and that I (We) hereby acknowledge this Plat and allotment to be my (our) free act and deed and hereby establish the minimum building lines, and dedicate to Public Use as streets, alleys, crosswalks, easements, parks, and other spaces forever as shown or indicated. Further, I (We) certify that the property as shown hereon is within the Subdivision-Regulation Jurisdiction of Alamance County.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the plat shown hereon has been found to comply with the Land Development Ordinance of Elon, North Carolina and that this plat has been approved by the Town of Elon for recording in the Office of the Register of Deeds of Alamance County.

State of North Carolina
 County of Alamance

Pamela Graham Review Officer of Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date: 9/18/20

Certificate stating no approval is required by the Division of Highways of the North Carolina Department of Transportation

This plat does not require certificate of approval by the Division of Highways as provided in NCGS 136-102.6, subsection(g).

Date: 9/18/20 LDO Administrator

Notes:

- 1) No title search was performed by this firm during the course of this survey.
- 2) The property shown hereon is subject to all easements of record affecting same.
- 3) This firm makes no guarantee as to the existence or location of any burial sites, underground improvements, or utilities across this property. Any underground utilities or improvements shown hereon have been located from visible evidence and available information.
- 4) No internal inspection of this property was made by this firm during the course of this survey.
- 5) Areas are calculated by coordinate geometry.
- 6) All distances are horizontal ground distances unless otherwise noted.

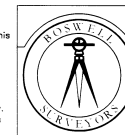
Subdivision for

Sonoco Products Company

Boone Station Township, Alamance County, North Carolina

J. Eric Miles L-4498

Firm License Number C - 664



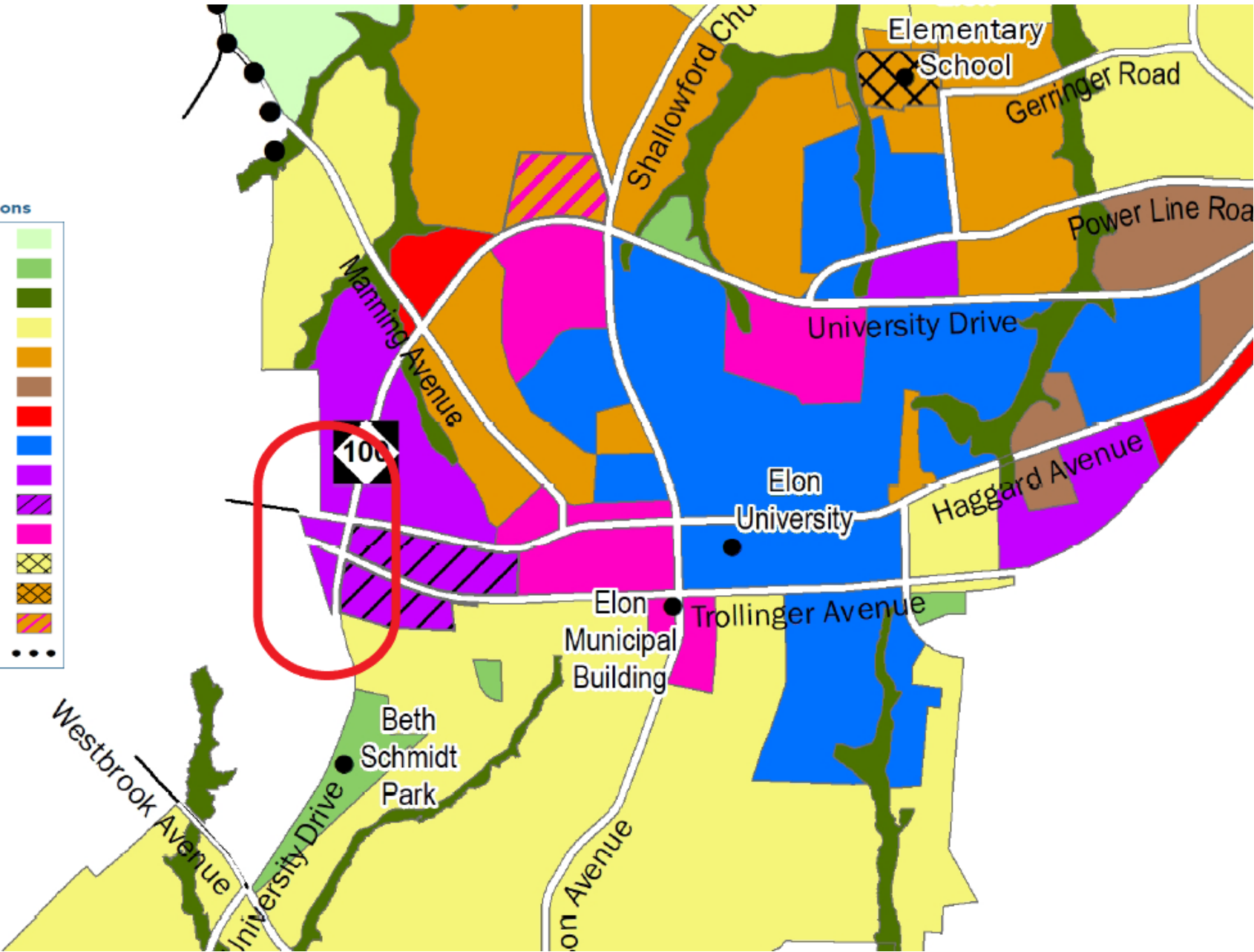
GRAPHIC SCALE 100 0 50 100 (IN FEET)

BOSWELL SURVEYORS, INC.

505 East Davis Street
 Burlington, NC 27215
 336.227.8723 (phone)
 336.222.9917(fax)
 boswellsurveyors.com

Date: 7/08/2020
 Scale: 1"=100'
 Drawn By: JGW
 Job No.: 20-182-200

81-279



Town of Elon Land Use Information



ReGIS Partnership

Legend

Land Use

- RR
- SR
- NR
- UR
- NC
- VC
- TC
- TC-1
- C
- I
- O&I
- PI

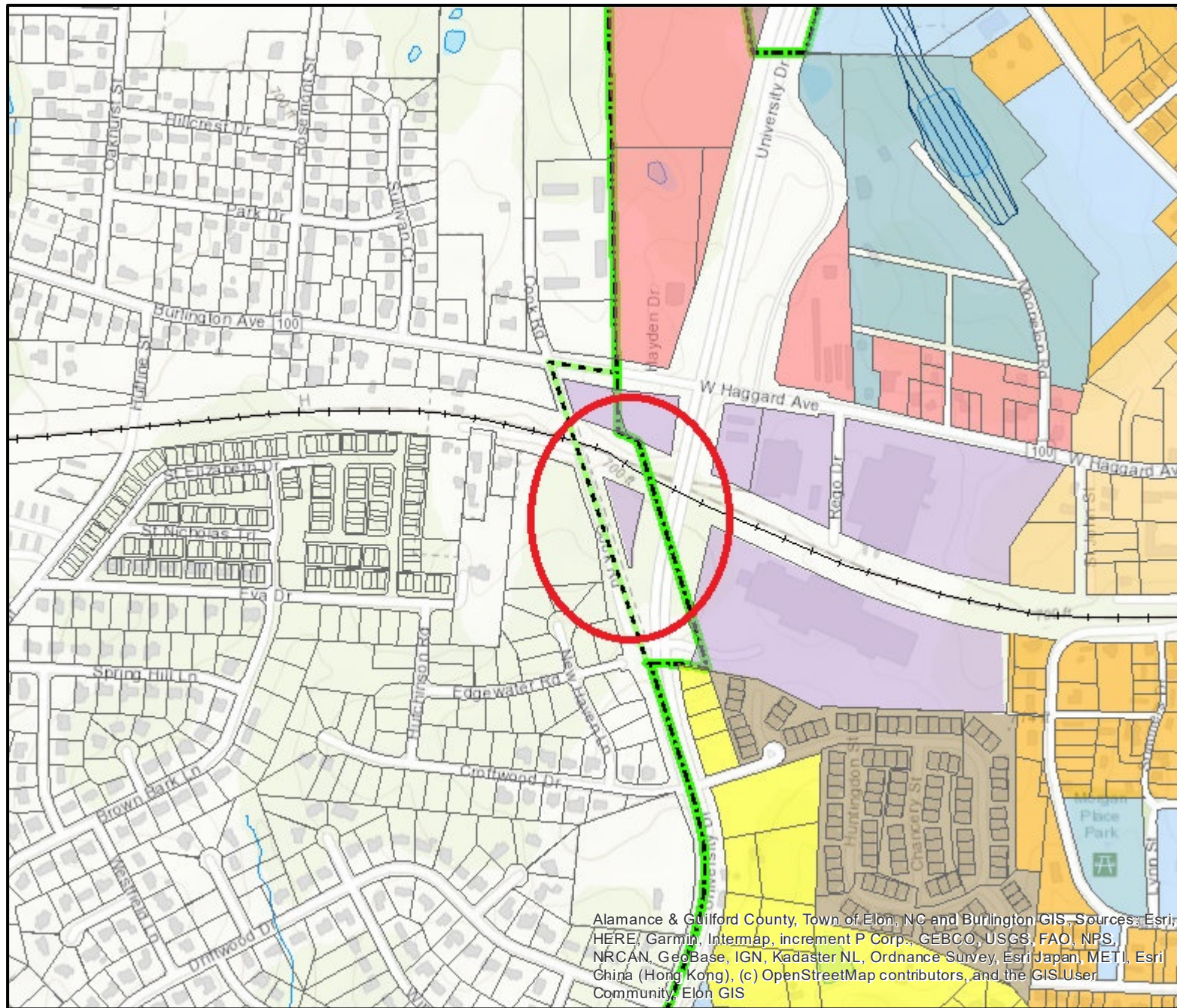
Land Use overlay

- SP
- TND
- MHN



1 inch = 752 feet

Print Date: 8/9/2022

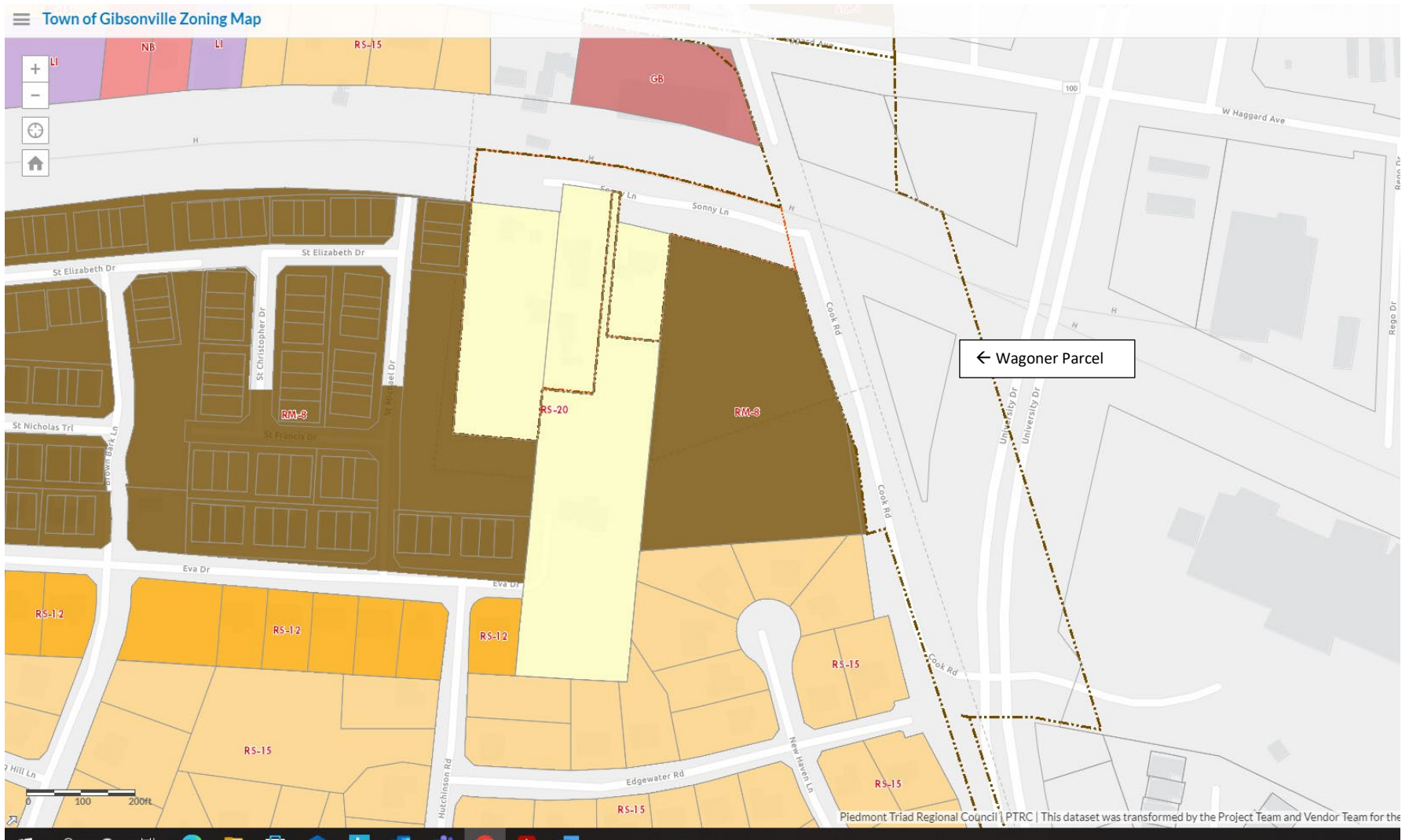


Alamance & Guilford County, Town of Elon, NC and Burlington GIS. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Elon GIS

Disclaimer:

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the Town of Elon nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.

Town of Gibsonville Zoning Map



RM-8 = Residential Multi-Family District (multi-family district up to 8 units per acre)

RS-15 = Residential Single-Family District (moderate single-family residential density up to 2.5 units per acre)

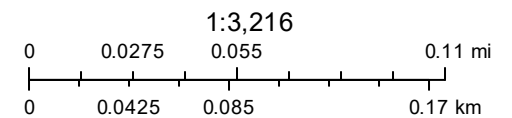
Alamance County



August 12, 2022

Streets

— Private Roads	— 392 - TRAIL	— 395 - TRAIL
— Roads	— 390 - TRAIL	— 393 - TRAIL
— Preliminary Roads	— 391 - TRAIL	— 394 - TRAIL
	— Railroads	— County Line



Alamance County GIS
Alamance County Tax Department