

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

**April 21, 2020
Tuesday, 6:00 p.m.**

**Conducted via Zoom
Elon, North Carolina**

Attendees: Jim Beasley, Clark Bennett, Diane Gill, John, Harmon, Ralph Harwood, Karla Leith, Mark Podolle.

Staff present: Pamela DeSoto, Rich Roedner

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

Item B-i – Approval of Minutes from December 17, 2019, January 21, 2020, and February 18, 2020

Chairman Beasley called for a motion for approval of the minutes of December 17th; Mr. Bennett made the motion and Ms. Gill seconded. The motion was approved by unanimous vote. Ms. DeSoto pointed out minor revisions that were made to the minutes of the January 21, 2020 meeting since the packets were delivered. A motion for approval of the minutes of January 21st was made by Mr. Harwood and seconded by Mr. Podolle. The motion was approved by unanimous vote. A motion to approve the minutes of February 18th was made by Mr. Bennett and seconded by Mr. Podolle and was approved by unanimous vote.

Item B-ii – Review and Consideration: LDO Text Amendment 20-01 Regarding Definition for Built-Upon Area

Chairman Beasley asked Ms. DeSoto to introduce the proposed LDO text amendment regarding the definition for built-upon area and Ms. DeSoto displayed a brief presentation on the item. Ms. DeSoto explained that the purpose of the amendment was to update the LDO to align with NC General Statutes with regards to areas of developed land that do not permit stormwater to infiltrate into the soil. She further explained that legislation was passed in 2015 that provided very specific language defining built-upon area, and in 2017 the NC Administrative Code was revised to incorporate new stormwater rules and carry forward the statutory definition. She added that the adopted language clarifies the conditions and materials that are to be considered when implementing stormwater programs, and uses the term “built-upon area” for those conditions. She added that this is sometimes referred to as “impervious surface” and in some local ordinances, “lot coverage”. She displayed the current LDO definition for “impervious ground cover”, and mentioned that elsewhere in the ordinance references are made to “lot coverage”, but the LDO provides no definition for this term. She then displayed the statutory definition for “built-upon area”, as follows:

“Built-Upon Areas shall include that portion of a Development project that is covered by impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. Built-Upon Area does not include a slatted deck; the water of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over

geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour), or landscaping material, including but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle”.

Ms. DeSoto then stated this amendment goes hand-in-hand with other proposed amendments to be reviewed later in the meeting. Chairman Beasley stated that the LDO currently has a definition for “built-upon area” and why couldn’t this language be added to the definition we have. Ms. DeSoto said that it could be done that way, and suggested that the current definition be changed to match the statutory definition, and Chairman Beasley agreed. He then mentioned that the planning districts refer to a maximum impervious surface for lots, and asked if we will now have to amend each of the districts to change the reference to built-upon area instead. Ms. DeSoto stated that an additional proposal in the amendment is to add a definition for “lot coverage”, that refers to built-upon area, and she displayed the proposed definition, as “The Built-Upon Area of a lot, generally expressed as a percentage of the total lot area.”. Chairman Beasley clarified that the districts refer to “maximum impervious surface lot coverage”, and therefore would that need to change to match the new definitions? Ms. DeSoto asked if changing the “lot coverage” definition to “impervious surface lot coverage” would achieve the same result and Chairman Beasley agreed that it would, and would prevent the need for amending the language in each planning district. Mr. Harmon commented that he liked leaving the word “impervious” in the definition, for instances where there could be built-upon area, that does not result in an impervious surface. Ms. DeSoto agreed to make the change to the amendment. Mr. Harmon added that the term “impervious” is both a good engineering term and legal term. Ms. DeSoto then offered a slide that addressed Plan consistency and stated that Elon’s Land Use Plan includes provision LU-8.12 that states: “Ensure that all LDO sections are up-to-date and compliant with state and federal legislation, guidance, and jurisprudence”, clearly lending support for the proposals’ consistency with the Plan, and that the proposal is considered by staff to be consistent. Ms. DeSoto then asked if there were questions or additional comments before going to the motions, and there being none, the Board proceeded with the following motions:

Motion 1: LDO #20-01 (is/is not) consistent with comprehensive plans that have been adopted by the Town of Elon. A motion that the proposal is consistent was offered by Diane Gill and seconded by Clark Bennett and was approved by unanimous vote.

Motion 2: LDO #20-01 (is/is not) reasonable and in the public interest. A motion was made by Mark Podolle that the proposal is reasonable and in the public interest; the motion was seconded by Karla Leath and passed by unanimous vote.

Motion 3: The Town of Elon Planning Board recommends (approval/denial) of LDO #20-01 to the Elon Board of Aldermen. A motion to recommend approval was offered by Clark Bennett and seconded by Diane Gill and passed by unanimous vote.

Ms. DeSoto offered a draft consistency statement as follows: “The proposal is consistent with the Comprehensive Land Use Plan, including the recommendation in the Plan (LU-8.12) that calls for the ordinance to maintain compliance with state legislation”. Chairman Beasley asked for a motion to accept the statement; John Harmon offered a motion to accept, which was seconded by Clark Bennett and approved by unanimous vote.

Item B-iii – Review and Consideration: LDO Text Amendment 20-02 Regarding Mini-Warehouses and Self-Storage Facilities

Ms. DeSoto opened this item with a statement for disclosure that, as the Board was aware, a proposal for a mini-warehouse/self-storage facility has been presented to the Town, with the applicant receiving a favorable recommendation by this Board for rezoning of property to allow such a use, and will go to the Board of Aldermen in May or June for a final rezoning decision. She stated that, in reviewing the plans for the facility and reviewing the current LDO language related to this use, her reading of it is that the ordinance was attempting to place some restrictions on these uses to control aesthetics and land use and possibly to reduce the numbers of such facilities. She added that restrictions that are available to governing bodies for these uses include very clear aesthetic controls including the types of exterior building materials that can be used, whether they include windows and doors and other means of avoiding long expanses of walls, but that none of these elements were included in the LDO. She added that one of the few restrictions in the ordinance for this use was a 40% restriction on impervious surface. She added that she does receive somewhat frequent requests for these facilities, even in residential districts, likely due to the market provided by the student population. She stated that she does believe the Town needs to be careful because these facilities are sometimes developed poorly, but that she did not believe that restricting lot coverage was the best way to achieve good results. She added that looking at the aesthetics, screening, and impacts to neighboring properties offered a better way to achieve this. She stated that the proposed amendment eliminates the lot coverage restriction and replaces it with aesthetic controls such as screening, exterior building materials, and lighting. She also advised the Board that the project will also require a special use permit, so that it will come back to the Board for review of specifics in the design. Ms. DeSoto then proceeded to a presentation, beginning with a general statement that the range of building types and aesthetic appeal vary widely for self-storage facilities, and that the objective of the amendment is to create site and architectural design standards that ensure development in keeping with the quality expected in Elon, and to minimize impacts to adjoining properties. Additionally, a definition for mini-warehouse/self-storage facilities is not provided in the LDO currently, and is offered by the amendment. Subsequent slides offered some images of facilities, illustrating the wide range of appeal, the “good, bad, and ugly”. Ms. DeSoto also reminded the Board that this use is only allowed in the Industrial District, and requires a special use permit. She then listed each of the new standards offered by the proposed amendment, and those provisions currently offered by the LDO that are proposed for deletion, with explanations as follows:

1. Replaces the 40% maximum lot coverage restriction with standards that allow reasonable development of a property utilizing specific aesthetic requirements including exterior building materials, limits to long expanses of exterior walls, and additional buffers/screening along property lines that abut residential uses;
2. Eliminates the provision for a dwelling unit on the property, stated in the LDO as being intended for a caretaker, as the Town has no ability to control who actually resides in the dwelling;
3. Requires that exposure of adjacent residential uses to noise, light, exhaust emissions and other similar nuisances be minimized through orientation and design;
4. Specifies that moving equipment and vehicle rentals are not permitted unless approved by the special use permit, in which case must be located to the rear of the primary structure;
5. Limits hours of operation from 6:00 am to 10:00 pm to reduce neighborhood impacts;
6. Specifically prohibits outdoor storage;

7. Requires that paved areas be constructed with asphalt or concrete;
8. Ensures adequate queuing for entering vehicles;
9. Limits the height and brightness of exterior lighting to prevent light trespass onto adjacent properties.

The amendment also proposes the following definition for mini-warehouse/self-storage: “A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.”

Ms. DeSoto displayed a slide addressing Plan consistency, which stated that Elon’s Comprehensive Land Use Plan lists among its recommendations the following:

1. LU-5: Focus on quality and experience of each place. Through land development regulations and public investments, create value with enhancements that benefit the community as a whole.
 - a. LU-5.3.1: Develop design guidelines for architecture, focusing on the materials, scale, orientation, and fenestration, particularly on facades visible from public spaces and streets.
2. LU-8.3: Incorporate design standards for commercial and multi-family developments to ensure high-quality development that will support the town’s tax base and preserve community character.
3. ED-1.1: Focus on retention of existing industry and employment centers. Refine strategy on small business and industry retention.

Based on these provisions, staff considers the proposal to be consistent with the Comprehensive Land Use Plan.

Chairman Beasley asked Ms. DeSoto about Chapter 5 of the LDO, which addresses design regulations, and couldn’t these guidelines apply to mini-warehouses as opposed to allowing them to have their own rules. He added that some of the standards are similar and were developed with specific guidelines. Ms. DeSoto replied that in many cases Chapter 5 refers to building types as opposed to planning districts or uses, and isn’t always clear which provisions apply when looking at a specific proposal. Chairman Beasley pointed to the section in Chapter 5 that deals specifically with lighting regulations, and asked why couldn’t mini-warehouses refer to that section, and that other provisions such as paving are handled elsewhere in the ordinance. He added that he was trying to be consistent with how the ordinance was organized. Ms. DeSoto suggested that the amendments would apply to the existing section in the LDO that addresses mini-warehouses, and that the intent was to provide additional protection for this type of use due to its potential for impact to the surroundings. She added that other proposed provisions, such as the language for buffers, is needed because the ordinance is very subjective about when buffers are required. She then suggested that the proposed lighting language be stricken, and allow the existing lighting section in the LDO to stand, and that she recommends that the proposed paving language remain because the ordinance currently allows gravel for driveways and parking, and the frequent vehicle and truck activity at these facilities could create impacts to neighboring properties. She agreed that the intent was not to create confusion, and it would make sense to remove language where the proposal is doubling up. Mr. Harwood asked about creating references in the ordinance to point the user to other sections they may need to look at, such as fences. Ms. DeSoto stated that this is a good point, and efforts to make plenty of cross-references are being looked at in the new ordinance, but there

may not be enough of those in the current ordinance. Ms. DeSoto then suggested that item “O”, regarding lighting requirements, be removed from the proposed language and asked if there were other areas where confusion may result, and read the list of remaining items for feedback. Chairman Beasley agreed that the remaining items should stay. Mr. Harwood asked if the use would be allowed to have an additional business on the site, and Ms. DeSoto replied that they potentially could, if it was a use permitted in the district.

Ms. DeSoto advised the Board that the remaining slides were related to motions. Chairman Beasley stated that he agreed with Mr. Harwood, and that item “O” could refer to the lighting section of Chapter 5.

Motion 1: LDO #20-02 (is/is not) consistent with comprehensive plans that have been adopted by the Town of Elon. A motion that the proposal is consistent was offered by Diane Gill and seconded by Ralph Harwood and was approved by unanimous vote.

Motion 2: LDO #20-02 (is/is not) reasonable and in the public interest. A motion was made by Diane Gill that the proposal is reasonable and in the public interest; the motion was seconded by Clark Bennett and passed by unanimous vote.

Motion 3: The Town of Elon Planning Board recommends (approval/denial) of LDO #20-02 to the Elon Board of Aldermen. A motion to recommend approval was offered by Ralph Harwood and seconded by Clark Bennett and passed by unanimous vote.

Ms. DeSoto offered a draft consistency statement as follows: “The proposal is consistent with the Comprehensive Land Use Plan, including the recommendations in the Plan (LU-5 and LU-8) that call for regulations and standards that focus on quality development, and economic development strategies focusing on small business and industry entities (ED-1). Chairman Beasley asked for a motion to accept the statement; Diane Gill offered a motion to accept, which was seconded by Clark Bennett and approved by unanimous vote.

Item B-iv – Review and Consideration: LDO Text Amendment 20-03 Fences and Walls

Ms. DeSoto introduced this item as a simple change, and is being treated similarly to how the LDO treats signage, with its own section. She added that the intent is to add more specific requirements to the LDO regarding fences and to require that a permit be approved prior to installation. She added that she had undertaken a review of requirements in other communities prior to drafting the amendment, and that the language seeks to address standards regarding aesthetics, access to utility easements and clear passage of stormwater, and safety measures. It also creates a section in the LDO specific to these regulations, and removes the minimal standards currently located in the various building types listed in Chapter 5. She added that creating a separate category is a more user-friendly approach as this is where property owners would look for the information. The current LDO includes very minimal requirements, restricting the height to six feet in rear and side yards and four feet in front yards, and walls are restricted to six feet in rear and side yards and three feet in front yards. She also pointed out that currently, no permit is required, which makes it difficult to regulate even these minimal standards. The new language would add the following provisions:

1. A Planning Compliance Permit is required prior to installation (to be reviewed and approved by the LDO Administrator);
2. A listing of allowable fence and wall types;

3. A listing of prohibited fence types;
4. Height and placement limitations;
5. Additional measures to ensure visibility for vehicle drivers and pedestrians or bicyclists;
6. Aesthetic requirements to determine how the fence appears when viewed from outside the fenced property;
7. A description of how dilapidated fences and walls will be addressed;
8. Specifics regarding measurements and placements.

Ms. Desoto then addressed Plan consistency as follows:

1. LU-5: Focus on quality and experience of each place. Through land development regulations and public investments, create value and enhancements that benefit the community as a whole.
 - a. LU-5.3.1: Develop design guidelines for architecture, focusing on materials, scale, orientation, and fenestration, particularly on facades visible from public spaces and streets.
2. LU-8.11: Make improvements to the LDO to improve the accessibility and user-friendliness of the ordinance:
 - Re-organize problematic sections for ease of reference.

Ms. DeSoto stated that, based on these provisions, staff considers the proposal to be consistent with the Comprehensive Land Use Plan and then asked if there were any questions on the item. As there were none, the following motions were addressed.

Motion 1: LDO #20-03 (is/is not) consistent with comprehensive plans that have been adopted by the Town of Elon. A motion that the proposal is consistent was offered by Diane Gill and seconded by Clark Bennett and was approved by unanimous vote.

Motion 2: LDO #20-03 (is/is not) reasonable and in the public interest. A motion was made by Diane Gill that the proposal is reasonable and in the public interest; the motion was seconded by John Harmon and passed by unanimous vote.

Motion 3: The Town of Elon Planning Board recommends (approval/denial) of LDO #20-03 to the Elon Board of Aldermen. A motion to recommend approval was offered by Clark Bennett and seconded by Ralph Harwood and passed by unanimous vote.

Ms. DeSoto offered a draft consistency statement as follows: “The proposal is consistent with the Comprehensive Land Use Plan, including the recommendations in the Plan (LU-5) that call for regulations and standards that focus on quality design, materials, scale, and orientation, and to reorganize the LDO for ease of reference. Chairman Beasley asked for a motion to accept the statement; John Harmon offered a motion to accept, which was seconded by Clark Bennett and approved by unanimous vote.

Item B-v – Review and Consideration: LDO Text Amendment 20-04 Regarding Approval Authority for Sign Permits

Ms. DeSoto introduced the item and stated that the intent of the amendment is to allow administrative approval of sign permit applications, in keeping with common practices. Currently, the LDO states that sign permits must receive approval by the Planning Board, which is an uncommon level of review and adds delays to the processing of sign permit applications. She

added that the LDO is appropriately specific in regards to sign regulations, leaving little room for subjectivity in the review of applications. She also informed the Board that the LDO rewrite is expected to make substantive changes to the Town's sign regulations, but until adoption of the new LDO, this amendment would allow for a simplified and more timely process for applicants, who can avoid waiting until a scheduled Planning Board meeting before receiving a decision on their application. She added that staff can typically review and decide on sign permit applications within a week's time.

Ms. DeSoto addressed Plan consistency by stating that the Land Use Plan provides no specific guidance regarding approval processes for permitting, though it does recommend that the LDO be improved for accessibility and user-friendliness, and it addresses business recruitment and retention in its economic development recommendations. She added that, as more streamlined processes are typically seen as business and development-friendly, and as the ability to fully enforce the ordinance is not lessened by the proposed amendment, the changes are aligned with the objectives of the Land Use Plan. As such, specific language in the Plan that provides support for the amendment includes:

1. LU-8.11: Make improvements to the LDO to improve the accessibility and user-friendliness of the ordinance;
2. ED-1: Bolster the tax base using combined strategies for job retention, attraction, and creation.

Ms. DeSoto asked if there were questions before addressing the motions and as there were none, the following motions were undertaken:

Motion 1: LDO #20-04 (is/is not) consistent with comprehensive plans that have been adopted by the Town of Elon. A motion that the proposal is consistent was offered by Ralph Harwood and seconded by Karla Leath and was approved by unanimous vote.

Motion 2: LDO #20-04 (is/is not) reasonable and in the public interest. A motion was made by Diane Gill that the proposal is reasonable and in the public interest; the motion was seconded by Karla Leath and passed by unanimous vote.

Motion 3: The Town of Elon Planning Board recommends (approval/denial) of LDO #20-04 to the Elon Board of Aldermen. A motion to recommend approval was offered by Clark Bennett and seconded by Ralph Harwood and passed by unanimous vote.

Ms. DeSoto offered a draft consistency statement as follows: "The proposal is consistent with the Comprehensive Land Use Plan's recommendations to improve the user-friendliness of the ordinance and to utilize economic development strategies that will bolster the tax base." Chairman Beasley asked for a motion to accept the statement; Diane Gill offered a motion to accept, which was seconded by John Harmon and approved by unanimous vote.

Item C – Items from Board Members

There were no items from Board members.

Item D – Board of Aldermen Updates

Ms. DeSoto offered the Board the after-action report from the most recent Board of Aldermen meeting which included a resolution to sell a fire truck that is no longer in service, an amendment to our wastewater agreement with Burlington, which is related to the annexation line of agreement with Gibsonville, and approval of a financial audit contract. Chairman Beasley inquired about the stay-at-home order and Rich Roedner replied that we are following the guidance from the state and the county.

Item E – Motion to Adjourn

A motion to adjourn was offered by Mr. Harwood and seconded by Mr. Bennett. The motion was approved by unanimous vote. Chairman Beasley thanked everyone for their attendance and participation and reminded everyone to support our local businesses.

Meeting was adjourned at 7:37 p.m.



Pamela DeSoto, Planning Director

Minutes were completed in
Draft form on August 13, 2020



Jim Beasley, Planning Board Chair

Minutes were approved on
August 18, 2020