

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

**February 19, 2019
Tuesday, 6:00 p.m.**

**Elon Municipal Building
Elon, North Carolina**

Attendees: Jim Beasley, Ralph Hardwood, Diane Gill, Mark Podolle, Monti Allison, Clark Bennett

Staff Present: Pamela Graham

Item A - Chairman Beasley called meeting to order at 6:00 pm. He welcomed the attendees and explained the conduct preferred during a public meeting.

Item B-i - Approval of Minutes from November 20, 2018

Mr. Allison made a motion to approve the minutes of the November 20, 2018 Planning Board meeting. The motion was seconded by Ms. Gill and was approved by unanimous vote. Ms. Graham advised the Board that the minutes from the November 20, 2018 meeting were in decision as the update has not been approved yet.

Item B-ii - Review and Recommendation of Rezoning Request RZ #2019-02 Submitted by Eastwood Homes, Inc. for Property Located at the Northeast Intersection of Gibsonville-Ossipee Road and N. Manning Avenue

Chairman Beasley opened the public meeting. Ms. Graham advised that the applicants were in attendance and would address the Planning Board following her presentation. At that time, the Board may open the floor to public comments. Ms. Graham presented the facts of the rezoning request, which has been brought forward by the D. Lewis Holt Family Trust and the Rachael Y. Holt Revocable Trust who are the current property owners. The rezoning, or Planning District Reclassification, request is for two adjacent parcels, one for a 10.3 acre parcel that is currently zoned Neighborhood Center (NC) and is located in Elon's ETJ, and the adjoining 69.8 acre parcel to the north is in Alamance County and has no zoning designation. The request is to apply the Neighborhood Residential (NR) Planning District designation to both properties. The total acreage of the two parcels is +/- 80.1 acres. The applicant has submitted an annexation petition for both parcels. If approved, the 69.8 acre piece will come into our jurisdiction with the NR zoning designation. Applying a zoning designation immediately following annexation allows us to regulate uses on the property. Ms. Graham displayed an aerial image of the two properties, showing the properties' proximity to N. Manning Avenue and Gibsonville-Ossipee Road and explaining that west of this area is Gibsonville jurisdiction. Also shown was the existing zoning in the vicinity, which included NR (the requested designation) that adjoins the property, as well as Rural Residential (RR) and further to the north, more unzoned Alamance County properties. Ms. Graham read the LDO description for the NC designation currently applied to the 10.3 acre piece, which classifies the district as an "activity center". She then read the LDO description for the requested NR District, which focuses on single family residential uses. She also pointed out that the NC

designation applied to the 10.3 acre piece is not present for other properties in this part of town. This is primarily due to the property being located at the intersection of two fairly heavily traveled roads. Also mentioned is that there is a lot of the requested NR designation in the area. Chairman Beasley clarified where the location of the solar farm is with reference to these properties (just to the south and east), and a large Office and Institutional parcel to the south where the church is located. Ms. Graham then addressed the proximity of the nearest Village Center (VC) District at a little over a half of a mile away, which is important because part of the description for the NC District states that it should be located near other VC where there are more activities and more of a mix of uses other than residential. She also pointed out that the nearest Suburban Residential (SR), which we have a lot of in Elon, is slightly over a mile away.

Ms. Graham then described the rezoning process in Elon, which are treated as amendments to our ordinances and to our ordinance map. She stated that these actions require a recommendation from the Planning Board and a final decision from the Board of Aldermen. She then described spot zoning and why zoning decisions must consider the potential for the rezoning to be challenged as a spot zoning action, and provided the four primary questions that should be asked when considering a rezoning proposal:

1. The size of the tract in question in relation to the surrounding context. For this property, slightly over 80 acres in total, there are a few small tracts in the vicinity ranging from .2 acre to slightly under three acres. The other four parcels adjoining the subject property range in size from 28 to 67 acres. The locations of these parcels were displayed.
2. Compatibility with the Land Use Plan which will be specifically addressed in the upcoming motions. The 2002 Land Development Plan included a Proposed Land Use Map (not a zoning map) which is a guide for what the expectation of uses would be on properties both inside our jurisdiction and our expected future jurisdiction. The Map indicates the proposed use of suburban residential with a traditional neighborhood overlay for this property. However, two years later when the LDO was adopted, the property was not zoned Suburban Residential. Instead, the NC District was placed on the 10.3 acres, and the 69.8 acres was unzoned as it was not in Elon's jurisdiction. Within the vicinity of the property, there is a lot of the NR designation, which is the requested designation. Also important is that the requested NR district and the SR district suggested by the Land Development Plan contain many similarities including calling for medium-density single family residential uses, (no multi-family, commercial or office uses), pedestrian-friendly design such as sidewalks and walking trails, connectivity to adjacent neighborhoods, parks, and open space. Notable is that the current NC designation has far fewer similarities with the SR district than the requested NR district has. For example, the NC district allows commercial and office uses, and while it does allow single family uses, it does not require it to contain a percentage of residential as might be required of a mixed-use development. In this case, it could contain all single family or none. Additionally, the SR and NR districts require open space, but the NC district does not.
3. Who benefits and who is harmed by the rezoning? Will the rezoning greatly benefit the owner or will the owner be seriously harmed if it is denied? The same questions must be asked for the neighbors and the community at large, and the effects of all three must be balanced. Due to the fact that a 69.8 acre portion of the property will be newly annexed prior to a final decision on the rezoning, the town would be restricted in its ability to

regulate uses on the property until a zoning category is applied. Also, the change on the ten acre portion, going from the NC to the NR District, is expected to provide minimal benefit to the owner based on a comparison between the specific requirements of the two districts such as lot size, setbacks, and open space requirements. Finally, there has been no identified harm to the neighbors or the community at large resulting from the zoning change.

4. The relationship of uses between the proposed uses and the current uses of adjacent properties. The NR District is more residential in nature than the NC District and is therefore more in keeping with uses on the neighboring properties. A greater disparity would exist if the property were to be developed under the current zoning, particularly because office and/or commercial could be the predominant use of the property.

Ms. Graham then displayed a preliminary sketch provided by the developer showing how they are working through the layout of the property and pointed out that for rezonings we don't typically see highly detailed plans (that comes later). When a property owner comes to the town for a rezoning they don't know if they have a project or not until the rezoning is approved, so the investment in a fully engineered set of plans is not a reasonable expectation at that stage and is not required. As a Major Development Plan, the developer will come back with something more detailed so that this Board can make a proper recommendation to the Board of Aldermen. Ms. Graham pointed out that the property is at an odd angle where the roads intersect, but the plan has positioned the amenities front and center (the plan shows a clubhouse and pool, though they are not tied to those specifics). There are two primary entry points, one on Manning and one on Gibsonville-Ossipee Road. They have stayed away from floodplain areas at the north of the property and have incorporated it into their open space and have added additional areas of open space including a buffer along Gibsonville-Ossipee Road so that the lots don't back up directly to the traffic. As required by our LDO, they are making stub-outs to adjoining properties for potential connection if those properties are developed in the future.

Chairman Beasley clarified that the plan is a schematic design and that the locations of the stub-outs could change. Mr. Allison asked about the location of water and sewer lines in this area. Ms. Graham stated that there is a water line at the church on Manning and runs near the back of this property and the developer would need to make an extension in order to connect to it. Chairman Beasley mentioned that this is a well-traveled road that is a main entrance into Elon and encouraged the developer to enhance the buffer to make it appealing to the public.

Ms. Graham pointed out that while the plans are schematic, they contain more detail than is often seen for rezoning requests. She described that, through the rezoning you are allowing certain uses to take place, but there are a lot of factors that come into play on how that is laid out. Because of the restrictions on the property (floodplain and topography) the developer will need to work through those details. Chairman Beasley cautioned that there be sufficient buffer between the proposed houses and the solar panels on the solar farm to the south.

Mr. Harwood asked if the State requires turn lanes for developments like this. Ms. Graham responded that this depends on the traffic counts on the roads and how many additional vehicle trips are anticipated as a result of the development. She added that before the project comes back to the Planning Board it will go through our Technical Review Committee (TRC) and that the NCDOT District Engineer is part of that committee. During that process, they will determine

whether a traffic impact analysis will be needed to have more detail on the affect that the development will have on an identified study area and will make recommendations on what road improvements will be needed.

Ms. Graham described the existing conditions of the property which is mostly wooded and contains an inactive farm and a stream along the north side with associated floodplain. The preliminary plans indicate that this area will be avoided and will used as part of the required open space. There are also additional green spaces scattered throughout the plan. We will explore whether an easement for future development of a greenway is something that the town would like to have. Ms. Graham showed an existing conditions exhibit that shows the floodplain and the wooded nature of the property with the exception of the cleared areas on the farm. The topography shows the land sloping towards the floodplain with a couple of distinct ridges.

Ms. Graham then showed a flow chart describing the approval process for the development and explained that if the rezoning is approved the proposal would move through the TRC with detailed plans and then come back to the Boards for approval of a Major Development Plan.

Ms. Graham again touched on the question of consistency with plans and advised that the proposal is considered by staff to be consistent with the 2002 Land Development Plan, which guides new residential development in the vicinity of the property towards low to medium density single family residential uses with a range of features that are either required or recommended by the proposed Neighborhood Residential District.

Ms. Graham then offered the floor to individuals representing the project to provide additional information and to take questions. Mr. Lawson Brown with the Vernon Law Firm addressed the Planning Board and introduced his partner Ryan Moffitt and Greg Davidson with Eastwood Homes. Mr. Brown described Eastwood Homes as a regional builder based out of Charlotte that has been in this market finishing the Lindley Park subdivision and a recently approved project in Burlington off of Highway 70. Per Mr. Brown, the company is making a firm commitment to this area and is very excited about this project. He described the project as being in the preliminary engineering stage and currently proposes 230 single family home sites meeting the dimensional requirements for the requested district. He also stated that the developer proposes minimum house sizes of 2,200 square feet with mixed construction materials and six or eight various house plans. Mr. Brown describes the proposal as being a little unusual because of part of the property being in Elon's ETJ and part of it being outside of it. Eastwood and The Holt Trust is requested zoning of a property that must be annexed prior to the zoning change. Therefore, both properties are expected to be brought forward for annexation and access to public water and sewer. Mr. Brown then mentioned that the sewer access is another contingency because the lines and pump station are owned by Gibsonville and that this issue is being worked through by Town officials. Mr. Brown stated that the requested zoning is a logical extension of existing zoning, is consistent with the long range plan and these are positives to be considered in their recommendation. He also mentioned that the greenway request would be considered favorably by Eastwood Homes and he added statements about the buffering from the road with a possible berm to soften the look and avoid views into the rear of the homes. He then stated that some changes in the layout may come about in the final design and that he expects that the DOT would ask for a turn lane but that would come

about during TRC review. He then offered to take questions and asked for the opportunity to respond to any concerns that may be expressed by the neighbors.

Chairman Beasley asked the Planning Board members if there were questions for Mr. Brown. Mr. Allison asked about the ten acre property and the designation of Neighborhood Center based on its location at the intersection because that is what was in the vision. He doesn't know that this every came to fruition based on lack of demand for that type of project. If it was changed to residential (NR) all you are really doing is losing the opportunity for the property to be used for commercial or live/work space. He doesn't see that as a real loss. Ms. Graham confirmed that this would be the primary change based on the comparison of the list of permissible uses for the two districts. Chairman Beasley stated that, in connection with this discussion, the LDO was associated with the smart planning concept with the idea of taking large tracts where you might cluster the housing in one area and leaving the vast majority of the open space as open space. He asked if this property was not large enough to look at it as more of a cluster residential development or are there other limiting factors, because we have never had an opportunity to implement a plan such as that in the years since adoption of the ordinance. Ms. Graham responded that it would be difficult to implement that type of development on the ten acre parcel and that there has not been a great deal of development of any type in this area, though we are now starting to see more interest. With there being water and sewer nearby, this property is in an area where we would expect to see some development and not being too far from town. The economy was also a factor in the lack of development.

Mr. Brown advised that the developer is not a commercial developer and that nearby residents may object to commercial uses that are allowed in the current district such as a day care. The requested zoning does not allow that, nor does it allow drive-through windows and is a true residential zoning. Chairman Beasley mentioned that one adjacent parcel is zoned Rural Residential (RR), which maintains 30% of the space as open space so you wouldn't have a high density but would cluster the houses on one section of the property and leave the rest as open space. He is not advocating that they should do RR, but was wondering if it was considered. He simply wonders why no one has ever come in and develop as a cluster development. He then asked if anyone else representing the project wanted to address the Board. Mr. Brown replied that they would take any additional questions. Chairman Beasley asked if there were questions from the Board or anyone from the public who wished to speak. Hearing none, he suggested that the Board deliberate on the motions suggested by staff.

Motion #1 - Rezoning Request #19-02 is or is not consistent with the adopted plans of the Town of Elon. The proposal is considered by staff to be consistent with the adopted Land Development Plan. Mr. Harwood made the motion that the requested rezoning is consistent with the plan. Mr. Allison seconded the motion. Vote was 6-0 in favor of this motion.

Motion #2 - Based on the information provided by the applicant, staff and other interested parties, that Rezoning Request #19-02 does or does not have an acceptable level of impact on the immediate area and the community as a whole. Mr. Harwood made the motion that the rezoning does not have an acceptable level of impact on the immediate area and the community as a whole. The motion was seconded by Mr. Podolle. Vote on the motion was 6-0 in favor of this motion.

Motion #3 - The Town of Elon's Planning Board recommends either approval or denial of the Rezoning Request #19-02, subject to adoption of the annexation ordinance for Parcel #110188. Mr. Allison moved to recommend approval of the request and Mr. Podolle seconded the motion. Vote was 6-0 in favor of a recommendation for approval of the request.

Motion #4 – In order to comply with NC General Statutes, and using the table provided, provide the appropriate statement(s). Chairman Beasley stated that staff has provided a recommended statement. The Board has deemed the proposal to be consistent and has recommended approval and the motion may include the statement recommended by staff as follows: “The action is considered to be reasonable and in the public interest as the application of a district designation provides the Town with the authority to regulate uses on the greatest portion of the property that would otherwise be unzoned following annexation. Furthermore, the application of the Neighborhood Residential (NR) District designation provides residential housing that is needed in the community while protecting environmentally sensitive areas as a result of the open space requirements in the Town's residential districts”. Ms. Graham reminded the Board that the statement provided by staff was a recommendation only and may be adopted by the Board or not, at their discretion. A motion to adopt the provided statement was offered by Ms. Gill, and seconded by Mr. Harwood. The motion was approved by unanimous vote.

Item B-iii - Review and Recommendation of a Major Development Plan (Major Subdivision) Consisting of Forty-seven Single-family Residential Lots on Property Bordered by Shallowford Church Road, Elon Ossipee Road, and Cable Road

Following a short break, Chairman Beasley called the meeting back to order and introduced the agenda item. He then stated that because Ms. Gill had sent an email to the Planning Board regarding this item, he would like for her to express those comments. Ms. Gill stated that she had sent an email to the Planning Board and to the Town Manager communicating her general concerns about transportation in the ETJ, with all of the new development that is coming along. She stated that she wanted to disclose that she sent the email and this is part of a long-standing process regarding what is happening in the ETJ. Chairman Beasley clarified that Ms. Gill is an ETJ representative on the Planning Board. He then offered the floor to Ms. Graham for an overview of the proposal.

Ms. Graham stated that she would turn the floor over to the applicant, who was present, following her presentation. She described the item as a Major Development Plan submitted by Diamondback Investment Group and their representative was Mr. Paul Holst. This is a single family subdivision and requires a review and recommendation by the Planning Board to be forwarded to the Board of Aldermen for a final decision. She also described the Technical Review Committee (TRC) process, and that the project meets the existing zoning so there is no request for rezoning of the property. She stated that Mr. Holst submitted a preliminary plan set for TRC review and there have been a number of meetings with him and his engineer during the review process. There have been comments from the various departments, with the exception of the Police Department at this time and they will be notified if the property is annexed so that they can include it in their service area. NCDOT has weighed in at a preliminary level at this stage. She explained that as part of the Major Development Plan process, the applicant is required to hold a community meeting. Mr. Holst held this meeting on Wednesday evening of last week at the Elon Municipal Building and there was a

sizable turnout from the community. There was a good bit of discussion regarding their concerns and some of those citizens are in the audience tonight and will have an opportunity to address those concerns with the Planning Board. She stated that her presentation will include a summary of the topics that were discussed at the meeting. Mrs. Graham then reviewed the approval process for an item of this type, specifically that the LDO lays out a process that fully engineered plans would be submitted after Board approval with a final plat to be approved at the staff level. This meeting provides staff with an opportunity to advise the Board on whether the project meets our ordinances and if there are any concerns that have not been yet addressed by the TRC or otherwise. Beyond that, the Board may not require additional conditions, though they may make requests. The meeting also allows the Board to hear from the community first hand. She described that the LDO categorizes residential subdivisions with ten or more lots and nonresidential subdivisions consisting of any number of lots as Major Development Plans.

Ms. Graham described that the property is in the ETJ and if approved, may receive Town water and wastewater services upon annexation, with the developer making any necessary extensions of the existing lines at his cost. A petition for annexation is expected to be filed. The LDO also requires that the applicant provide a Statement of Development Intent and this has been provided and included in the packet. She stated that this document describes the project as a forty-seven lot single family residential development, to be constructed in two phases. The property is split-zoned with the eastern side being Suburban Residential (SR) and the western side Neighborhood Residential (NR). Ms. Graham summarized the Statement of Development Intent as follows:

- The LDO requires that streets in the development interconnect within the development as much as possible as well as connect with adjoining development. There is language in the LDO that discourages the use of cul-de-sacs, with the objective of creating more connectivity. Specifically, the LDO states that cul-de-sacs are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection of through-traffic. Ms. Graham stated that it may become clear when looking at the plans why Mr. Matey, the project engineer, chose the cul-de-sac design. The Statement provides justification for it by citing wetland features on the property and the associated topography because the site has some steep slopes as you get closer to the wetlands and stream. According to Mr. Matey, alternative designs would result in excessive impacts to the wetlands, and he has proposed a remediation in the form of a planted area in the cul-de-sac and possibly a large-growth tree. This option will require approval by the Fire Chief and Fire Inspector following a determination of adequate turning radius requirements being met within the cul-de-sac.
- The LDO also requires that streets connect with adjoining development and that street stubs be provided adjacent to open land to provide for future connections. Mr. Matey addresses this near the bottom of page 1 of the Statement, in his reference to Street "C", which is shown as a stub-out at the northern property boundary. Although there is currently no proposal for development of the property to the north, the stub would allow for connection with any future proposal.
- The Statement references the location of a cluster mailbox area, required by the US Postal Service. This requirement has been initiated nation-wide and eliminates house-to-house mail delivery for new subdivisions. It was clarified that the proposed location of the mailboxes is indicated on the plans.

- It is expected that the streets and public utilities would be dedicated to the Town and would be maintained by the Town following an inspection and acceptance of the infrastructure.
- The Statement also recognizes the multiple constraints presented by the property including the extensive environmental features and utility easements that render much of the property unbuildable. These constraints result in a total undeveloped area accounting for 48.7% of the parcel acreage. Because the parcel straddles Shallowford Church Road, any future development proposal for the area between Shallowford Church and Elon-Ossipee Roads will still result in a provision for open space far in excess of the minimum requirement of 10%.

Ms. Graham displayed the Existing Conditions Plan and pointed out the areas that have been identified as wetlands or as potential wetlands in a preliminary determination by the Army Corps of Engineers, the location of the stream and related buffer (which also contains an existing sewer line), and the utility easements at the south of the property (power and gas). Mr. Harwood asked if there was floodplain on the property. Ms. Graham responded that there was no identified floodplain on the property but that our ordinance requires a 50' buffer along the stream. She clarified that the floodplains in Alamance County have been mapped so unless there has been some change the property is clear from floodplain.

Ms. Graham then displayed the development plans that were submitted, including the plan showing the lot and road layout. She described the LDO requirement that roads be stubbed-out to adjacent vacant property for future connection when the vacant property is developed. She also pointed out the connection with Cable Road, also required by the LDO, and the mailbox kiosk. Mr. Allison asked if Cable Road was a Town-maintained road. Ms. Graham responded that it is an NCDOT road and that there has been a lot of discussion with the community members about the condition of the road and that NCDOT would need to approve the connection from the new road. She advised that the District Engineer has given a preliminary determination that no turn lanes would be required on Shallowford Church Road to accommodate the development. She also stated that she expects there to be additional discussions with the community on this. Mr. Podolle asked for clarification on the limits of disturbance shown on the plans and Ms. Graham explained that the line indicates that no clearing, grading, or other type of disturbance will not occur beyond that point with regards to the development of the property. She also advised that the NC Department of Environmental Quality will also review the plans as required by them when more than one acre of disturbance will occur on the site. Mr. Allison asked if there were sidewalks on only one side of the street and Ms. Graham clarified that sidewalks are shown on both sides of the streets.

Ms. Graham offered an explanation of the level of detail in the plans at this stage in the process, that it allows for a review of the project's compliance with requirements such as lot size and setbacks, as well as information for review by other members of the TRC. Mr. Harwood asked about the phasing sequence and if there was a compelling reason why the Cable Road side will be developed first. He stated that the traffic would be better directed towards Shallowford Church Road during construction, rather than the circuitous route through Cable Road. Ms. Graham replied that this would be a good question for the applicant and designer. Mr. Matey stated that the thought was to develop the east side first and isolate construction traffic to Shallowford Church Road during construction of Phase 2. Also, he doesn't think there will be a considerable amount of time between phases. Chairman Beasley asked about the satellite lot on Cable Road and the notation

that it will be served with on-site well and septic. He asked if those currently existed on the property. Mr. Matey responded that they did not but that it is not practical to extend utilities to serve that lot. He stated that the soils on the lot were promising for septic. Chairman Beasley questioned if the lot would need to be removed from the annexation request so that well and septic could be used there. Mr. Matey stated that they are planning to work that out before requesting the annexation and expect the lot to be pulled out as a separate minor subdivision but wanted to show it on the plans to be fully transparent.

Ms. Graham asked if there were further questions from the Board for her. Chairman Beasley opened the floor to the applicant for additional comments. Mr. Matey identified himself as a civil engineer with The Timmons Group and introduced Mr. Holst and Mr. Hollifield with Diamondback Investments. He offered that with the split zoning and the stream that bisects the property, it lends itself to a two-phase development with two distinct products. He also stated that there are a considerable amount of topographical, environmental, and utility constraints on the property that they had to work with. They are trying to utilize the property that they can and are being sensitive to impacting the minimal amount of the wetlands. There will be considerable conservation area and open space for the citizens to enjoy. He then thanked the Board and invited questions. Mr. Paul Holst then introduced himself and reminded the Board that they had come before the Board with a variance request some months ago. He stated that they received a clear message and went back to the drawing board and are now offering a plan that fully meets the ordinance. He also stated that he has had a number of meetings with the residents of the Spanish Oaks neighborhood and he understands and appreciates their concerns. He then pledged that he will be as good a neighbor as he is able to be. He pointed out that they will be extending water through their neighborhood and bringing it to Cable Road which may then be made available to the neighbors. He addressed the question from Mr. Hardwood regarding the sequencing and offered that what was driving the decision was the water being brought from off-site and will need to cross the stream at some point. Also, part of the thinking was that they currently have an architectural product that suits that side of the property (the bigger lot side) and they don't have a product developed yet for the other side. This was the primary driver in treating the east side as the initial phase; however, he thinks the point is very good that if they were to develop the west side first they could limit the traffic that comes through the other side and could ease the traffic concerns that the neighborhood folks have expressed. He advised that they would go back and look at that again. He then invited question from the Board. Mr. Allison stated that he had the same question, since they were going to bring water from Shallowford Church. Mr. Matey then offered some comments on the grading plan, which is preliminary at this stage. They had showed a "pad" type grading scheme that created land disturbance all the way up to the eastern property line. However, the product on that side is going to have crawl spaces and they have not yet updated the grading plans to reflect that. They are now working on a crawl space grading scheme that shows a 25' undisturbed area along the eastern boundary and that will be the scheme submitted with construction drawings. Mr. Holst offered that there is a nice stand of hardwoods along that line that they had talked about preserving. Mr. Hardwood asked if the stream crossing will hold a fire truck. Mr. Matey described the crossing as a culvert and it will be designed to handle the weight of a fire truck. Ms. Gill then asked for clarification on what "pad" type means. Mr. Holst described that some builders use slab foundations because they are more efficient and less expensive to build, and others will retain the existing topography and build walls that form a crawl space. The crawl spaces require less grading and the pads require removal of the topsoil and replacing it with

structural fill to support the floor. He stated that all of the houses on the Cable Road side are planned for crawl spaces and the smaller lots on the other side will be graded for concrete pads. Chairman Beasley asked if they switch phases will they have to move the mailbox cluster. Mr. Holst responded that they will probably put in the culvert and stream crossing soon enough to allow access to the mailboxes when Phase 1 is complete.

Ms. Graham advised the Board that the developer held a community meeting as required by the LDO and offered the following summary of the discussion:

- A request for buffers along the back of the lots closest to Cable Road;
- Where was the water coming from for the development;
- How would the neighbors be insured that connection will be made in Phase 2;
- A desire that stumps and other land clearing debris not be burned on site;
- If a monument sign will be installed;
- Concerns about the current condition of the roads in the Spanish Oaks neighborhood and how additional traffic will impact them.

Ms. Graham then advised that the vote is a simple majority vote with a motion to recommend approval or denial of the Major Development Plan to the Board of Aldermen. The floor was then offered to the public for comments.

Mr. Bill Mann stated that he lives in the Spanish Oaks neighborhood and they have county roads with no lighting and that the community provides their own water and sewer through wells and septic. It is his belief that this is going to bring about a lot of traffic because it will become a cut-through. Cable Road connects to Powerline Road approximately 100 yards from University Drive. There is an elementary school going in on Walker Road and there is no outlet to Highway 87 except going east on Gerringer Road and that is not the way the traffic will be going. It will be going north and west. The only road that you have going west and north is Shallowford Church Road and there will be a lot of traffic coming down Shallowford Church Road. What are they going to do? Go to University Drive and make a left and then to Powerline Road and turn left then go to Walker Road and turn left to go to the school? He stated that he doesn't think so. He thinks that they will be turning left through the subdivision, coming over to Cable Road, turn right, and going out to Powerline Road. He thinks it will bring a lot of congestion. He thinks the city and the Planning Board needs to think about where we are going to have some major outlets to 87. Can we extend Walker Road to 87? Can we extend Walker Road west to Shallowford Church Road, so there could be some major outlets for traffic? A second concern is water, sewer, and the roads in his neighborhood. He doesn't think that the roads in that neighborhood can sustain heavy vehicle traffic from construction vehicles. He is afraid that they will tear up the roads and is the City of Elon going to be responsible for that? He reminded the Board that they are not in the City of Elon. Is the County going to be responsible? Is anyone from the NCDOT here tonight? Ms. Graham stated that she is attempting to facilitate a meeting between the community and NCDOT, on-site if possible, to take a look at the roads in his neighborhood. Mr. Mann restated his concerns and that he had seen a study that said there will be 400 cars coming through but he thinks it will be considerably more than that, in fact he could see at least triple that coming across there. He then went on to thank Mr. Holst for the job he has done and he is not speaking against his project, but is speaking about what is going to happen to his neighborhood. They are in the jurisdiction of Elon

and it seems that Elon has control over this, but they don't have much control. Another thing he would like to see is the possibility of bringing them into Elon city limits, but he has been told that this can't happen unless the community requests it. Water goes down Powerline Road and sewer is not far from them either. There are twelve homes that are going to be directly affected and where he lives on Spanish Oaks will be indirectly affected. There is no way out of their development except on Powerline Road. Those are his concerns and then he offered to take questions. Mr. Allison stated that this goes two ways in that for someone like Mr. Mann they will now have an outlet to bypass the intersection on Powerline that will have school traffic. He sees this as a possible benefit to the neighborhood. He also doubts if traffic coming down Shallowford Church Road will use this as a cut-through because it will be too difficult to make the left turn on Powerline Road in the mornings. He believes that will stop a lot of the cut-through traffic. Maybe in the afternoons people will try to cut through but he can't really see that happening over the option of using University Drive. He stated that he appreciates the concerns of traffic in their quiet neighborhood. Mr. Mann asked who is going to put up the stop lights and stop signs because a lot of those will be needed. He reiterated that he believes there will be a lot more traffic than what is anticipated. He then thanked the Board and Mr. Holst and stated that he hopes that we can get all of the issues resolved to everybody's satisfaction.

Chairman Beasley stated that there is a process that the neighborhood could use to request annexation if a majority of the neighborhood desired it. Ms. Graham confirmed that this is true. Chairman Beasley stated that he assumes there will be a cost associated with it. Ms. Graham responded that it is her understanding that this has been discussed off and on for a number of years but she had been told that there was a prohibitive cost for the community to tie on to water given the current distance to water lines. What we don't know at this time is, with the water being brought to Cable Road by this development, what does that do to the costs? She stated that that could be explored and the community deserves to know that.

Mr. Mark Luck introduced himself and stated that he lives at 612 Cable Road. Mr. Luck stated that he wanted to back all of the concerns that Mr. Mann expressed. He stated that he has become to like Paul (Mr. Holst) more since he has decided to put in buffers and build homes with crawl spaces that will blend in with the existing neighborhood. He stated that he wanted the Board to pay attention to Cable Road. It was once a dirt road and had 3-4" of gravel. It was required in the early 70s or late 60s to be paved to be taken over by the state and it has not ever changed. It is more of a drive and not a road with elbow turns at each end of Cable Road. It does not have adequate drainage and needs to be looked at for that kind of traffic. He says the estimate of 400 cars should be tripled if not more. He has been told that the homes will be 2,200 square feet and people who live in homes that size have two cars. Then there is the school traffic. He stated that for many years the neighborhood has used the roads to walk and don't worry about safety. The roads were not designed for that much traffic and need to be upgraded. He does not think there will be safe areas to walk or for children to ride bicycles. There are no sidewalks or lighting for safety. What about those elbow turns? It has to be upgraded. He thanked the Board for listening.

Kaye Murray introduced herself as a resident of Cable Road since 1988. She stated that she used to be a resident of Shallowford Church Road but the Department of Transportation liked their house so they lost their house to University Drive. She stated that she has concerns about all of this. Shortly after moving there she received a letter from then-manager Mike Dula saying that

there would be a sewer easement behind her house and the sewer easement was paid for by the Town of Elon and the University. She said that it serves no one other than Rhodes Stadium. Her house is on the other side of the first lot to the right and she did not know that you could build that close to the utility right-of-way. She said that her homeplace is located on Shallowford Church Road and that the only thing that they could do on the farm with that utility right-of-way was to plant crops. She also noticed that in a letter dated February 5, 2019 it says in the first paragraph that the property that they are proposing to build on will be annexed but they are saying that they are going to put a well and sewer on one lot. She wonders what is that going to do to the wells that are there now and she has a concern about that. She thanked the Board.

Chairman Beasley asked if there were other comments, and hearing from no one, closed the public hearing to allow the Board to deliberate. Ms. Graham then offered to provide any clarifications that the Board may need and she reiterated that the reviews to date by the TRC and particularly by her regarding LDO compliance have been extensive and show that the proposal is compliant. There have been a few items that have been worked out such as justifying the cul-de-sac and trying to reduce grading as much as possible near the Cable Road properties. She stated that there were no outstanding issues with other departments that are involved in the TRC group and that the proposal is fully compliant. She stated that she hears the concerns from the community and has made a commitment to them on their primary concern of the condition of the existing roads. She clarified that they are state roads and they are the responsibility of the state but that she feels a responsibility to be a liaison between the community and the state and to bring attention to their concerns regarding additional traffic on the road and whether the state can give the condition of the roads some attention. She then stated that if there are no other questions, the item is ready for a recommendation from this Board to the Board of Aldermen.

Mr. Harwood then spoke, saying that he understands the concerns because he lives in a neighborhood that is a cut-through. He stated that they have the police come out and run radar and was told that if they do that they will catch the people in the neighborhood speeding and that was exactly what happened. The people who were caught speeding lived in the neighborhood and it slowed people down for a little while.

Mr. Allison stated that to him the big wild card is Cable Road and the impact to the residents. He said that waiting for NCDOT to do something may take 3 or 4 years and the fact that there is interest in coming into the town limits introduces another complexity. Does the town want to take on the responsibility of something that may not be up to the standards of what we want in Elon? He commended Mr. Holst and his team for listening to feedback from the people who are most impacted and those are the people here tonight. He appreciates Paul taking the time to do that. He further stated that he sees no problem except for the problem with the road. Mr. Harwood stated that the interesting thing is that you can't have it both ways, if the crossing were not there it wouldn't be a cut-through. You may have a problem twice a day: at 8:00 in the morning and again at 2:30 in the afternoon. The rest of the time he would think that most of the traffic would go out Shallowford Road. Ms. Gill stated that she would like to speak up to the larger consideration here. It is not that the development is not appropriate for the zoning, which it seems to be, but as an aggregate of the ETJ, of the development that has happened, which is Forest Creek, where the developer did not extend the two long roads (Gazebo and Colonnade) over to 87 to the north, and they did not extend Walker Road across to Shallowford. So we have a huge development there,

and now we have a new elementary school almost ready right there on Walker Road, and we have sixty-some acres for sale along Walker and Gerringer, and we have this new Cable Road project that we are considering tonight. We have to start to think in terms of the entire transportation network of this ETJ, Cable Road to Walker Road, Shallowford to the bypass to Cable. We have to start to think of this in a larger picture and open up our discussion in the ETJ and discuss why are we landlocking all of these projects. Why are we not extending Walker Road to Shallowford? Why are we not connecting big developments to Highway 87? These are her concerns. She stated that she admits that what we are undertaking tonight is appropriate for the zoning, but she thinks we need to consider the larger perspective. And to have dialog about that.

Chairman Beasley stated that these contractors do not own the land outside of their parcel, and he is not responsible for the extension of these other roads through other people's property. To get from Walker to Shallowford, somebody owns the farmland. He stated that the Planning Board unsuccessfully addressed the connectivity to Highway 87 from Forest Creek but the cost was so prohibitive that the gentleman could not make that connection. Ms. Gill stated that we are at the point where our development plans and our building plans are getting ahead of our road transportation. Chairman Beasley stated that he hopes these contractors have heard the concerns about the construction equipment driving through Cable Road and maybe they will go out Shallowford Church Road, especially if they change the phases, all of the construction egress could go out Shallowford Church Road instead of Cable Road. It is not officially in writing but based on tonight's discussion he may opt to change his sequence. Mr. Holst interjected at this point to say that he didn't know that there was any reason that they couldn't bring everything in from Shallowford Church Road, and as long as there is not an issue he isn't aware of now, he promises to do that.

Chairman Beasley then asked if there were further comments or if anyone wishes to make a motion. Mr. Allison made a motion that they accept the application with the concerns mentioned tonight brought to the attention of the Board of Aldermen. The motion was seconded by Mr. Podolle and received a vote of 4-1 in favor with Ms. Gill voting against.

Item B-iv - Review and Recommendation of a Major Development Plan of Property Fronting NC Highway 87 and MacArthur Lane

Chairman Beasley introduced the item and Ms. Graham stated that this item also falls into the category of a Major Development Plan and described the history. She stated that she had received a survey for a subdivision plat for this property which is located at the spot where Haggard Avenue, University Drive, and Webb Avenue come together. The property is split jurisdictionally, with part of it in Elon's ETJ and part in Burlington's ETJ. The plat shows a subdivision line that crosses the jurisdictional line in more than one place, basically taking one parcel and dividing it into two. She stated that it is unusual for a subdivision of land this minor would need to go through a process that is this time-consuming. Burlington was able to sign off on the plat right away as a staff-approved proposal. The LDO requires that any subdivision of land with ten or more residential lots or any number lots for nonresidential uses requires this process. The LDO considers this a Major Development Plan due to the subdivision, but there is no actual development being proposed right now, it is simply a plat that shows the property being divided into two. Ms. Graham then displayed the plat, and stated that there are a number of existing condition factors on the property,

including a large power easement containing both power poles and transmission towers. There is a large portion of the property on Elon's side of the line that is unbuildable due to this. Ms. Graham showed a detail of where the property is being divided and how this line differs from the jurisdictional line, resulting in there being more than one division within Elon's jurisdiction. She then displayed an aerial of the property that was taken in 2014 or 2015 and shows one existing building on the Burlington side. She added that it is her understanding that some development may take place on the Burlington side of the line, but not within Elon. She then advised the Board that this property is one of two within Elon's jurisdiction that is unzoned and reminded the Board about recent discussions regarding having property within your jurisdiction that is unzoned leaves us vulnerable because we are unable to regulate uses on the property. She stated that she spoke with her predecessor about this to get some history and apparently it is an issue that goes way back but as it is one of the three focus areas on our new Land Development Plan as our eastern gateway into town, we should look at applying zoning to the property in the near future.

Ms. Graham then advised the Board that the applicant, Ms. Teresa Frazier, is in the audience and stated that if a development project is proposed for the property, depending on the nature of the proposal, it may come back to this Board for review. She further stated that this item will need a recommendation from the Planning Board before being presented to the Board of Aldermen for a final decision. Mr. Allison asked what precisely is the Planning Board recommending. Ms. Graham replied that you are recommending approval or denial of a Major Subdivision of a 5.4 acre parcel, partially located within the Elon ETJ. She explained that it is considered a major subdivision by our LDO because there is the potential for nonresidential uses on the property due to the absence of zoning, and she assumes that the intent of this requirement was that the Boards have an opportunity to weigh in on all nonresidential development. Although the LDO technically defines subdivisions of land as developments, there are no proposed developments or other changes to the Elon side of the property other than the change in the property line. There was some discussion regarding nearby properties that were in a similar situation that have been cleaned up by adding zoning, but this property was not. Ms. Frazier addressed the Board by saying that if she had known about the complications of the jurisdiction line she might have drawn the subdivision differently. Ms. Graham added that she initially received the plat by email from the surveyor for a review with the expectation that he would then send her the plat for signature, which is how a plat like this is handled in most jurisdictions. She stated that she had to advise the surveyor and Mr. Frazier that because it is considered a major subdivision by our LDO, it must receive a recommendation from the Planning Board and approval by the Board of Aldermen, which will take a minimum of sixty days.

Chairman Beasley asked if we are recommending approval of the subdivision as well as a zoning category for the property. Ms. Graham replied that the rezoning item is not on the agenda tonight, but that she would like to bring that back to them after looking more closely at the recommendations from the Land Use Plan and identifying an appropriate zoning category for their consideration. She added that our current plan shows a good bit of Village Center in that area with the idea that this is a primary gateway into Elon that we would want to enhance as much as we can with a lot of commercial and other opportunities there. However, tonight the recommendation is either for approval or denial of this subdivision plat.

Mr. Harwood made a motion to recommend approval, which was seconded by Mark Podolle and approved by unanimous vote.

Item C – Items from Board Members

There were no items from Planning Board Members for discussion.

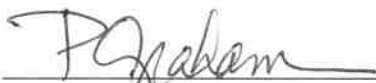
Item D – Items from Alderman Davis Montgomery

Ms. Graham noted that the results from the last Regular Meeting of the Board of Aldermen were included in the packet.


Item E – Motion to Adjourn

A motion to adjourn was offered by Mr. Harwood and seconded by Mr. Allison. The motion received an immediate and unanimous vote of approval.

Meeting was adjourned at 9:22 p.m.



Pamela Graham, Planning Director
Minutes were completed in
Draft form on March 29, 2019



Jim Beasley, Planning Board Chair
Minutes were approved on
April 16, 2019

