

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

**August 20, 2019  
Tuesday, 6:00 p.m.**

**Elon Municipal Building  
Elon, North Carolina**

Attendees: Jim Beasley, Monti Allison, Clark Bennett, Diane Gill, Ralph Harwood, Karla Leath, Mark Podolle, Peggy Huffines Page, Allen and Kathy Page, Bob Shea.

Staff Present: Pamela Graham

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

**Item B-i - Approval of Minutes from the March 19 and April 16, 2019 Regular Meetings**

A motion was made by Monti Allison and seconded by Mark Podolle to approve the minutes from the March 19, 2019 Regular Meeting. The minutes were approved by unanimous vote. A motion was made by Clark Bennett and seconded by Ralph Harwood to approve the minutes from the April 16, 2019 Regular Meeting. This motion was also approved by unanimous vote.

**Item B-ii – Review and Recommendation of Rezoning Request #2019-05 Submitted by Peggy Sue Huffines Page for 20.765 Acres Located Southwest of the Intersection of University Drive and N. O’Kelly Avenue**

Chairman Beasley introduced the item and offered the floor to Planning Director Graham for a presentation on the item. Ms. Graham stated that the presentation closely followed the items that were made available to the Planning Board in their agenda packets. She also stated that the Page Family was in attendance and would address the Board following the presentation; following that, there was a member of the public that may wish to speak also. She then displayed an aerial image of the subject property and its immediate surroundings. She described the request as a reclassification from the Public Institutional District to the Suburban Residential District. She added that the reclassification application describes the intended use as a single family home, she added that there is an existing home on the property that is occupied by the applicant. Planning Director Graham informed the Board that the family’s intent is to divide the parcel into two parcels and construct a single family dwelling on the second parcel. She added that the property is in Elon’s ETJ, and that the applicant is not requesting annexation at this time.

Ms. Graham then advised the Board that some research had taken place regarding the history of the property’s zoning. She stated that when the Town’s LDO was adopted in 2004, there was a mass rezoning and that virtually every property in town was rezoned. In most cases properties were rezoned to new categories in the LDO that were similar to the previous category. Prior to the 2004 date, this property was zoned RA-15 and many of the RA-15 properties were reclassified to Suburban Residential, with standards that were very similar to the RA-15 category. This property, however, was reclassified to Public Institutional. The Page Family has expressed their desire for the property to maintain the existing single-family residential use, and would like to add an additional home. Per the LDO, single-family residential uses are not permitted in the PI District. As an existing use, it was grandfathered in, and is considered a nonconforming use. There is

nonconforming language in the LDO that prohibits the expansion of a nonconforming use. This issue raised an obstacle for the family as far as building the second home, and they have asked that the zoning be reverted back to a district that would allow the single-family use that is existing there. As part of the research, the maps that were produced with the old Land Use Plan adopted in 2002 were reviewed. One of the exhibits produced with the plan was an Existing Land Use Map that shows the majority of the property as “Vacant/Minimal”. There is a small piece on the eastern side of the property that the map shows as being suitable for single-family detached dwellings. This is the area of the existing home. Across O’Kelly is shown the property where the Inn at Elon is being built; this property is shown with a split existing use, with the northern portion as vacant, and the remainder shown as single-family detached, also at the location of an existing home that was demolished prior to the construction of the inn. The map also indicates institutional uses for most of the University properties.

Ms. Graham stated that another exhibit created as part of the 2002 plan was the Existing Zoning Map, which shows the University properties as being zoned X-I. The subject property is shown as RA-15 and many of the properties to the north also share the RA-15 zoning designation, with many of those properties today being zoned Suburban Residential. The Future Land Use Map from 2002 was also reviewed and there we see that the same future land use that was applied to the University properties was applied to the Page property. This plan was adopted in 2002 and the LDO was adopted in 2004. She added that these maps inform what happened with the LDO and the zoning change to this property.

Ms. Graham then displayed a chart showing that the subject property is surrounded by PI properties to the south and west, SR to the north, and Commercial to the east, where the inn is being built. She followed with an enlarged current zoning map showing the area in the vicinity of the subject property. Mrs. Gill asked a question about the property to the north, and is it Elon University Forest? Ms. Graham responded that the Forest property is shown a bit farther along Powerline Road and is zoned PI. The areas shown as Suburban Residential contain some undeveloped properties and some single-family residences. Ms. Graham provided the Board with the LDO’s description of the PI District, and read the list of uses-by-right, and added that dormitories, which are considered group quarters housing, are permitted with specific requirements; however, single-family residential uses are not permitted. Ms. Graham added that, for the most part, properties in the PI category are University-owned or in the Twin Lakes campus. She then described the requested SR District, adding that single-family detached homes are permitted as a use by right. She also stated the pre-2004 category of RA-15, previously applied to the Page property, was described in the ordinance active at that time as being intended to provide a place for agriculture and a low density residential use, with single-family residential uses being a use-by-right.

A brief description of the existing site condition was offered. There is a protected stream buffer and pond on the property and there are University sports facilities to the west. At the southwest corner of the property there is a 3,000 square foot maintenance building operated by Elon University and leased to them by the applicant. As those uses are not permitted in the requested SR zoning category, the area immediately surrounding the building was excluded from the rezoning request and will remain PI. Ms. Graham explained that the land to remain PI will be defined by a metes and bounds description. An aerial image was displayed that showed the property, including the maintenance facility.

An overview of the procedures for rezoning properties was described, as well as a summary of spot zoning considerations. The four issues that should be considered for rezoning requests were evaluated, as follows:

1. The size of the tract in question. The total area proposed for rezoning is 20.76 acres. By comparison, the smallest adjoining parcel south of University Drive is the site of the Inn at Elon (18.11 acres), and the largest is immediately to the south (58.37 acres), constituting a portion of the University campus. Immediately to the north, across University Drive, is a 4.1 acre parcel. The subject parcel is not incongruous in size compared to other properties in the general vicinity, and the proposed district designation is well represented by developed and vacant properties to the north.
2. Compatibility with the Land Development Plan. Elon's Comprehensive Land Use Plan indicates Residential Low Density with redevelopment potential as the existing use on the subject parcel. When evaluated for residential vs. commercial suitability, the majority of the property was considered more suitable for residential uses, with the exception of the University Drive frontage. The Future Land Use and Conservation Map included in the Plan indicates an expansive area, including this parcel, in the Mixed Use future land use category. Any use, or a range of uses, common to a mixed use setting may be considered as appropriate for the property. The Plan's description of the Mixed Use category includes a range of uses such as retail, restaurant, service, office, and a variety of housing types. The proposed SR category is represented in the Plan as Low-Density Residential, where single-family detached homes are complemented by natural areas as well as formal and informal open space amenities. The SR category is well aligned with the existing uses on the property. Also in the Plan are a list of goals and objectives, including:

- Protect environmental resources and preserve open space (the property is mostly undeveloped and contains a pond and protected stream buffer);
- Carefully preserve the Town of Elon's small town character;
- Make "smart growth" decisions that maintain our small town characteristics.

Chairman Beasley asked if the stream ends at the pond or begins at the pond. Mr. Page replied that the stream flows north, away from the pond. Ms. Graham stated that staff supports a finding that the proposal is compatible with the Comprehensive Land Use Plan, based on the potential for uses permitted in the SR District to contribute to a large-scale mixed-use setting, as well as the proposal's consistency with several of the Plan's goals and objectives.

3. Benefits and Detriments. The property owner desires to construct one additional single family dwelling on the property. Because single family residential uses are not permitted in the PI District, the property owner is prohibited from doing this at this time. We also know that every allowable use in the SR District, if it is rezoned, would be available to the owner. Mrs. Gill asked Ms. Graham to elaborate. Ms. Graham replied that even though the request is to build one more home, any use or density that would be allowed in the SR District, would be available to them or to a subsequent property owner, if someone wanted to develop the property. Ms. Graham went on to state that there is no indication at this time of any harm to neighbors or the community at large resulting from approval of the request. The existing PI zoning is well represented on the Elon University campus and in the Twin Lakes Community. Neither of these entities has expressed to staff any interest in the property, and the University's 2017 Master Plan Update excludes the property from its Near, Mid, and Long-term Project list.

4. Relationship of Uses. Existing uses on adjacent properties to the west and south are as support facilities for Elon University, including student housing and sports facilities. The adjoining property to the east is currently being developed by the University as an inn, and is zoned Commercial. The adjoining property to the north, directly across University Drive, is vacant and is zoned Suburban Residential. Though some disparity exists between the subject property use and the adjoining University-owned properties, the largely vacant nature of the subject property is reflected in other properties in the vicinity.

Ms. Graham displayed an additional slide regarding Consistency with Plans and stated that she was prepared to support a statement that the proposal is consistent with the Land Use Plan, based on the potential for the existing uses to contribute to a large-scale mixed use setting, and the proposal's consistency with several of the Plan's goals and objectives.

Mrs. Gill asked for clarification that the Future Land Use Plan does not recognize the current PI zoning for the future. Ms. Graham reiterated that it is shown in a mixed-use category and she returned to the slide that describes the range of uses that might be expected in a mixed use setting, including restaurant, retail, office uses, and a variety of housing types. Mr. Podolle commented on the earlier statement that based on staff research the property appeared to have been zoned PI in November 2004, and asked if the intentions of changing it to PI are known. Ms. Graham replied that all staff persons that were involved in the 2004 rezoning are no longer employed with the town, and that the intentions are not known, but it is clear that the property is adjoined on three sides by University-owned properties. She added that when future land use plans are adopted, there are assumptions made, in broad brush strokes, about how properties might develop and under what entity they might develop in the future. She also stated that the plan is a guiding document. Chairman Beasley stated that he recalls that properties south of University Drive to the railroad track were expected to be PI, and that this has caused some issues with residential properties near the railroad track. Mr. Allison asked for clarification from the Pages of when they realized that the property was not zoned to build a second house. Mrs. Kathy Page replied that was when they brought their proposal to Ms. Graham and that they had no idea prior to that time.

Chairman Beasley stated that the Board would entertain comments from the audience. Mrs. Kathy Page addressed the Board, introduced herself and the other family members present. She stated that the property in question, originally more than 100 acres, is now the last twenty acres of the original Huffines family farm and has been in the family more than 200 years. She stated that the University now owns 80% of the original Huffines family farm. She listed the various farm-related activities that had occurred on the property, including brick-making and stated that the early University buildings were constructed using brick from the farm. She added that the application before the Board is simply about a family trying to move forward by building a single-family home for her and her husband close to her mother-in-law, Mrs. Peggy Page. She added that it is Mrs. Peggy Page's greatest desire to finish out her days there on the family home. She then described the process of visiting the town about the request and not realizing there would be a problem. She stated that they were shocked to find that the property had been zoned institutional, using informational ads in the local newspaper to give notice as allowed by state statute. She said that her in-laws did not see the ads, and even if they had, they would have been misled because the ad reads that in most cases, the general nature and intent of most districts is similar to proposed districts. She explained that for the entire 200 years of the Huffines owning this property, a Huffines family member has lived on the property. She added that she believes a wrong was done to the Huffines family by the town in 2004 when this rezoning placed family land into an

institutional district without any type of direct notification. She stated that they are trying to correct a wrong, and are requesting that the Huffines family farm be rezoned residential, continuing the existing use, and allowing them to build a single-family dwelling. She then shared some photographs of family members on the farm with the Board and described some of the history of the property.

Chairman Beasley asked if the proposed house would be located north or south of the current house. Mr. Page replied that it would be to the north, towards University Drive. He then asked if Mrs. Page had anything additional and as she did not, asked if there were any others who had comments. Mr. Bob Shea introduced himself as the Chief Financial Officer at Elon University and advised that he met earlier that day with the Pages and have entered into good faith communications and negotiations to reach a mutually beneficial arrangement. He stated that he is officially neutral tonight, based on the conversation from earlier in the day. He added a point of clarification regarding the assumption that the University has no plans for the property based on the Master Plan. He stated that it would be presumptuous of the University to make plans on land that it does not own, and wanted to clarify that. Mr. Allison commented that the town, as it expanded its town limits, went around this property. He asked the Pages that, from the point of water or sewer, are they planning to connect to those utilities. Mr. Page replied that they intended to tap into his mother's well. Mr. Bennett asked for clarification on how the property would be split and Mr. Page replied that each parcel would be more than ten acres. Mr. Allison stated that, if it is rezoned, they could put multiple homes on the property. Mrs. Gill read the list of other permitted uses for the Suburban Residential District, which includes, in addition to single-family residential, cemeteries, religious institutions, essential services, outdoor amusement and recreation facilities, parks and greenways, schools (elementary or secondary), transit and civic uses, police and fire stations, libraries and community centers, bed and breakfast inns, and swim and tennis clubs. Mr. Allison clarified that if it is rezoned, they have the right to do any of those on the list, and that they are not there to restrict that, but he wants to make sure that it is understood what the options are.

Chairman Beasley asked if there were any additional questions. Mr. Allison stated that there was misinformation, whether there was a wrong or not, it was fifteen years ago and he doesn't think that anyone can take the fall for failure to communicate that. He added that we can't go backwards, and can only go forward. Ms. Graham stated that it represents a lesson learned, that even when you meet the letter of the law, it is sometimes prudent to do more than that when there is a significant change to someone's property. Chairman Beasley then addressed the motions provided, as follows.

**Motion #1** – Rezoning Request RZ #2019-05 is or is not consistent with adopted plans of the Town of Elon. Chairman Beasley added that the proposal is considered by staff to be consistent with the Town's Land Development Plan and that recommended statements are offered as part of Motion #4. Mr. Harwood made the motion that the amendment is consistent with the plan. Mr. Allison seconded the motion. Vote was 6-1 in favor of this motion, with Mrs. Gill dissenting.

**Motion #2** – Based on information presented by staff and other interested parties, Rezoning Request RZ #2019-05 does or does not have an acceptable level of impact on both the immediate area and the community as a whole. Mr. Allison made the motion that the request does have an acceptable level of impact. Mr. Podolle seconded the motion. Vote was 6-1 in favor of this motion, with Mrs. Gill dissenting.

**Motion #3** - The Town of Elon Planning Board recommends approval or denial of Rezoning Request RZ #2019-05 from PI to SR. Mr. Podolle moved to recommend approval of the request. The motion was seconded by Ms. Leath. Vote was 5-2 in favor of a recommendation for approval of the request, with Mrs. Gill and Mr. Bennett dissenting.

**Motion #4** – Ms. Graham read the consistency statement offered by staff, in order to comply with NC General Statutes, as follows, and reminded the Board that they can amend or rewrite the statement at their discretion: “The action is considered to be reasonable and in the public interest as the return of the property’s zoning category to a residential category is consistent with the existing, long-term uses on the property, represents a low-intensity use that does not place burdens on the infrastructure, and potentially preserves a significant green space in a prominent location that balances more intense uses on nearby properties”. A motion to adopt the provided statement was offered by Mr. Harwood, and seconded by Mr. Podolle. The motion was approved by a vote of 5-2, with Mrs. Gill and Mr. Bennett dissenting. Chairman Beasley reminded the applicant that the request would then be considered by the Board of Aldermen for a final decision.

**Item C – Items from Board Members**

Mrs. Gill commented on the school that recently opened in her neighborhood and that there was a big pothole near her house and this might be where emergency vehicles may need to turn around. The location is at the intersection of Ridgedell and Greenlea. Ms. Graham clarified the location and advised Mrs. Gill that she would verify if it was a town street or not. Chairman Beasley asked if there were any additional comments and as there were none, called for a motion to adjourn.

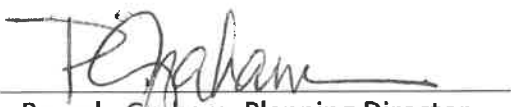
**Item D – Items from Board of Aldermen**

An update of action taken by the Board of Aldermen was provided in the agenda packet.

**Item E – Motion to Adjourn**

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

Meeting was adjourned at 7:18 p.m.



Pamela Graham, Planning Director  
Minutes were completed in  
Draft form on November 12, 2019



Jim Beasley, Planning Board Chair  
Minutes were approved on  
December 17, 2019