

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

**September 24, 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, Robert Irwin.

Staff Present: Pamela Graham

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

Item B-i – Review and Recommendation of Rezoning Request #2019-06 Submitted by Robert B. Irwin on behalf of Irwin Properties, LLC for .843 Acres Located at 931 and 933 East Haggard Avenue

Chairman Beasley introduced the item and Planning Director Graham informed the Board that the applicant was present for questions following her presentation. Her presentation began with an aerial image of the vicinity surrounding the properties, which she described as two adjoining parcels that are currently vacant. She added that just to the east of the subject parcels is Alamance Storage, which is owned by the applicant. She described that the request is to change the two parcels from the Commercial District to the Industrial District, and that the properties together total .843 acres. She stated that the requested zoning matches the zoning of the properties immediately to the east, and that the applicant intends to expand his storage business to include these properties. She explained that the Commercial District provides for a wide range of uses, but does not permit self-storage facilities, which are limited to the Industrial District in Elon. She added that, if the rezoning is approved, the requested use would require a special use permit to be issued by the Board of Aldermen. She described the special use permit process allows for additional conditions to be imposed to insure that the proposal meets all specifications of the LDO, will be visually and functionally compatible with the surrounding area, will not materially endanger the public health or safety, and will not substantially injure the value of adjoining property. A slide was then shown that described the zoning categories of the adjacent properties: Commercial to the north and west, Industrial to the east, and Light Industrial in Burlington's jurisdiction to the south. An enlargement of Elon's Planning District designation map showing the area surrounding the subject property was then displayed. The Land Development Ordinance's (LDO) description of the Commercial District was offered: this district accommodates a wide range of existing commercial sites. Uses within this district will serve not only the Elon community, but travelers along the US 70 and NC 100 Corridors. The intent of the district is to provide an opportunity for economic development with convenient automobile access, minimal traffic congestion and reduced visual clutter along designated commercial corridors. The LDO's description for the Industrial District followed: this district accommodates existing and future manufacturing, wholesale and warehousing uses. The district is intended to enhance the economic viability of the Town without imposing significant impacts to adjacent properties. Ms. Graham then showed a table that compared allowable uses of the two districts. A question was raised regarding what constituted outdoor storage, which is permitted in both districts with a special use permit.

The existing site conditions were described as being undeveloped property located on a corridor previously designated as a state highway (NC 100) prior to the development of University Drive. It is situated in an area undergoing a slow transition from single-family residential to more varied uses, including commercial, light industrial, multi-family residential, and heavy industrial. Ms. Graham added that the site contains no known environmental concerns and exhibits adequate sight lines to allow for safe ingress and egress. A map was displayed that showed approximate distances from the property to existing commercial, industrial, and residential uses. Mr. Allison asked about the railroad right-of-way. Mr. Irwin stated that the right-of-way is very limiting and he can only fit one building on the lots. He added that the building will be pushed forward and will look more like an office than a self-storage facility, with a brick front and a lot of glass across the front. He added that the University leases about 75% of the space in the existing space so there is very little traffic. He added that he cannot come close to meeting the student or University demand with the space he has, and additional indoor storage is needed. Mr. Allison asked about facilities with multiple stories and Mr. Irwin replied that many facilities being built in the Raleigh area are 4-5 stories and look more like retail or office than warehouses. He followed by stating that he is thinking two stories for the new facility but that the building would not be any higher than the buildings that are already there, which are about 20-22 feet high. He added that he recently built one in Hillsborough that is 22 feet and looks like an office building. Ms. Graham advised the Board that the LDO limits buildings in that district to three stories. Mr. Irwin offered some additional information regarding his details of the proposed building (footprint approximately 18,000 square feet) and added that he does not believe that retail will ever work there. Chairman Beasley pointed out that the minimum lot size for storage facilities is two acres and Mr. Irwin replied that he plans to recombine the two parcels with the property with the existing facility to meet that minimum. Mrs. Gill commented in response to Mr. Irwin's statement that retail is not going to come that far, that there at least two or three residences along East Haggard that are for sale right now. Mr. Irwin replied that he would not be interested in doing retail on something that small and Ms. Graham added that it would be challenging to develop those properties as retail in part because of the parking requirements and Mr. Irwin added that the railroad also restricts the properties.

An overview of the rezoning procedure was provided to the Board, including an assessment of the potential for the request to be considered spot zoning as follows:

1. The size of the tract in question. The total area proposed for rezoning is .843 acres. Properties fronting the same side of E. Haggard Avenue, are of very similar size. Properties on the north side of Haggard are typically larger, with average lot depths of over 450 feet and reaching University Drive. The average lot size for all lots fronting East Haggard within ¼ mile in both directions is 1.18. The area proposed for rezoning is very similar in size to other lots in the vicinity.
2. Compatibility with the Land Development Plan. The Future Land Use and Conservation Map incorporated in the Town's Comprehensive Land Use Plan indicates commercial uses for the subject properties. The map's designation for industrial uses falls under the category "Employment (Industrial)" and restricts those uses to the two far ends of Haggard Avenue in Elon's jurisdiction, where heavy industrial uses already exist. The light industrial category that might include mini-warehouse/self-storage uses is not accommodated on the map, although this use is present on the property immediately adjacent to the subject properties. Relevant goals and objectives offered by the Plan include the following:

- Promote and ensure quality governance, stewardship of public resources, and sustainability of services;
- Ensure there are areas throughout the community where people and businesses make the Town of Elon their choice place to live, work, and play;
- Ensure adequate plans are in place to support existing and future development.

Among the Plan's key recommendations are the following:

- ED-1.2: Work with the Alamance Chamber to develop a long-term strategy to augment the existing tax base and industry attraction over the long term.
 - IS-3: Manage growth to utilize existing infrastructure capacity and discourage growth in conservation areas.
3. Benefits and Detriments. The property has remained vacant under the Commercial zoning designation, likely due to there being too few residences nearby to support typical retail uses. There is adequate opportunity to create safe ingress and egress to the site and the proposed use is expected to produce less traffic than is typically produced by commercial uses. Applying the Industrial designation to the property is not expected to create hardships to the neighborhood or community at large.
 4. Relationship of Uses. The existing uses of adjacent properties include single-family residential, multi-family residential, and the existing mini-warehouse/self-storage uses on the owner's property to the east (currently zoned Industrial).

Ms. Graham then displayed a series of street-view images of the area where the subject property is located, including the existing Alamance Storage facility on the adjacent land. Mr. Allison asked if buffers were required and Ms. Graham replied that buffers are required between incompatible uses such as the residential uses to the west as well as landscaping requirements along the road frontage, similar to what is provided at the existing facility. She followed with a statement regarding plan consistency, offering that the proposal is considered to be inconsistent with the Land Development Plan, based on the lack of complete alignment of the proposed use with the Plan's Future Land Use and Conservation Map. She pointed out, however, that the proposal is supported by some elements found in the Plan, including specific goals, objectives, and recommendations. Based on this support, she informed the Board that she believed there to be sufficient justification for recommending approval of the request. Ms. Graham then concluded her presentation and stated that Mr. Irwin may have more to add. Mr. Bennett inquired about the gate at the existing facility and if he expects to have one at the new one. There was some discussion following this regarding fire department access. Ms. Graham pointed out that, if the rezoning is approved, the proposal would be put through the technical review process where details would be ironed out. Mr. Irwin added that he wants a nice looking building for people to see as they enter Elon from that end of town and that it will not look like a traditional storage facility. Ms. Graham stated that she has had a number of other inquiries from people interested in rezoning properties for this use, but they were looking at residential properties. She added that she lets them know that it is a very high bar to expect approval of a rezoning of residential property to industrial, but this request took on a very different character from the start, as the use proposed is not as much of a deviation from the existing Commercial district, and it is an extension of the Industrial zoning that is on the adjacent property. Chairman Beasley asked if we might consider amending the ordinance to allow this use in the Commercial District. Ms. Graham stated that this would have been another way to address this request, and the processes are virtually identical. She added that she reached out through the UNC School of Government's planning listserv with this question and her responses showed that a few communities do allow them in commercial districts but most did not. She reminded the Board that amending the ordinance would have opened up every Commercially-

zoned property to this use and she felt that was a bigger step to take. Mr. Harwood mentioned that with the railroad being so close to this property, there may not have been enough consideration for how difficult it would be to get commercial on the properties in this area. Mr. Irwin added that the industrial facility behind them can occasionally be loud.

Chairman Beasley asked if there were additional comments, then addressed the motions provided. Ms. Graham advised the Board that staff's recommendation on whether the proposal is consistent with the Land Use Plan could have probably gone either way, but that it is hard to reconcile the map's designation for the properties, even though there are some recommendations that support the use. She also stated that, with the fourth motion, a number of statements and declarations are required depending on the outcome of the prior motions. She added that staff is recommending approval of the request, in spite of the plan inconsistency, and that is always an option for the Board. She further added that, though her recommendation is based on her background and research on the case, and the final decision is of course up to this Board and ultimately to the Board of Aldermen.

Motion #1 – Rezoning Request RZ #2019-06 is or is not consistent with adopted plans of the Town of Elon. Mr. Allison stated that it is inconsistent, but not necessarily wrong. Chairman Beasley replied that it is inconsistent with the map, but otherwise is consistent. Mr. Bennett made the motion that the amendment is consistent with the plan. Mr. Harwood 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 #2019-06 does or does not have an acceptable level of impact on both the immediate area and the community as a whole. Mr. Harwood made the motion that the request does have an acceptable level of impact. Mr. Bennett 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 #2019-06. Mr. Bennett moved to recommend approval of the request. The motion was seconded by Mr. Allison. Vote was 6-1 in favor of a recommendation for approval of the request, with Mrs. Gill dissenting.

Motion #4 – Ms. Graham read the consistency statement recommended by staff, in order to comply with NC General Statutes, as follows, and reminded the Board that they can make changes to the statement: “The action is reasonable and in the public interest because the proposed use will be conditioned through a special use permit process requiring approval by the Town’s elected body, because the proposed use serves an established need for the community, and because the development proposed has the potential to have fewer negative impacts to the area such as traffic and noise when compared to many traditional commercial uses”. A motion to adopt the provided statement was offered by Mr. Harwood, and seconded by Mr. Allison. The motion was approved by a vote of 6-1, with Mrs. Gill dissenting. Mrs. Gill described her reasons for her votes, that the action of rezoning is a permanent and significant step. She stated that she believes that in 15 or 20 years it may be better that this property has commercial zoning. She added that it was not anything against this particular project.

Item B-ii – Review and Recommendation of Elon Land Development Ordinance Text Amendment LDO #2019-02 Regarding Temporary Storage Containers

Ms. Graham introduced the item by saying that the issue of storage containers remaining on properties for extended periods had been discussed with this Board and that the Board of Aldermen also brought it to her attention. She added that our current ordinance was inadequate to address the issue and the proposed amendment has been drafted to assist staff with enforcement. She made a short presentation to the Planning Board, advising the Board members that she had done some considerable research on this, looking at what other communities are doing, and borrowed language from several of them to draft the amendment. She informed the Board that the Town Attorney has reviewed the amendment and has approved it to move forward.

Ms. Graham’s presentation included two images of these structures located on residential property in other communities, one of which showed the unit blocking access to the sidewalk. She stated that the intent of the amendment is to:

1. Limit the length of time that these structures can be kept on a property;
2. Limit the number and size of structures on a property at any given time;
3. Regulate the location of the structure(s) on a property;
4. Require that existing temporary storage containers on lots abide by the new requirements;
5. Differentiate these types of structures from other types of temporary structures such as mobile classrooms and construction trailers.

Mr. Allison asked about the distinction between these structures and a construction trailer that is parked on a site each day, specifically people who are construction or landscape contractors who park their trailer at their home at the end of each day. Ms. Graham replied that she believes the definition that was created for temporary storage containers makes the distinction. She added that another way that staff addresses the work trailers is through the home occupation ordinance which would limit the outdoor storage of items related to their business at a residential location. She added that outdoor storage of materials not typical to a residence are not allowed on residential property. Mr. Allison asked about storage buildings that are delivered to a home and are placed anywhere you want on your site. Ms. Graham stated that what he is describing are handled as accessory structures, and must receive a zoning permit from the Town and if they are over 12’ wide or long, they require a building permit as well. She added that our ordinance limits where they may be located and how large they may be in relation to the square footage of the primary structure. Mrs. Gill asked about the seasonal market language and Ms. Graham replied that our current language lumps together temporary uses with temporary structures. She added that the amendment treats uses separately from structures and still allows the temporary or seasonal markets. Mr. Harwood asked about heavy equipment such as bulldozers and if they can be stored in the back yard of a residence. Ms. Graham stated that if the equipment was there for a project that was being done on the site it would not be an issue, but that type of outdoor equipment storage would likely not be allowed unless it was inside a structure such as a shed or garage.

Ms. Graham summarized the new language in the amendment as follows:

1. Temporary accessory structures are “permitted accessory uses with requirements” in all planning districts;
2. When associated with construction projects, such structures are permitted only for the duration of the construction permit and must be removed upon completion of the construction project and prior to the issuance of a final certificate of occupancy;

3. A Temporary Use Permit is required, to be issued by the LDO Administrator;
4. Sales activities from temporary structures will not be permitted;
5. Temporary storage containers are defined as: “A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials, and other items on a limited basis. Temporary storage containers are not intended to be used for long-term on-site storage and any such long-term use in any planning district is expressly prohibited”.
6. Specific regulations regarding temporary storage containers include:
 - a. They may be in place no longer than 60 consecutive days for a given site and may not be permitted more frequently than two times in a 12 month period;
 - b. No more than two structures may be placed on a given site at any one time;
 - c. The maximum structure size allowed is 16’L x 8’W x 8’H;
 - d. Permissible locations include existing driveways, designated parking area, or behind a dwelling. They may not be located directly in front of a dwelling, on a street, or where traffic movement or sight lines will be obstructed;
 - e. 5’ side and rear setbacks apply;
 - f. Containers located on a property at the time of adoption of the ordinance must also comply with the regulations.

Mr. Allison asked about how the limit of two structures would work at an apartment complex. Ms. Graham stated that the limitation would still apply and that during her research she did not see any ordinances that made special provisions for multi-family uses. Mr. Allison stated that you have a single address with one parking lot for multiple housing. Ms. Graham agreed that in a case like this where there may be multiple people moving at any given time on a single property, she believed that they could consider giving a warning but that she did not believe there would be many cases of this and that if this becomes a problem we would need to add something to the ordinance to address it. Ms. Graham also addressed the sixty day time frame and stated that this was in the mid-range of the time frames she found during her research. Mr. Allison asked if Burlington had such an ordinance and Ms. Graham replied that Burlington allows ninety days. She added that she borrowed some of Burlington’s language on where the structures can be located on a site, and the two structure maximum. She read from her notes that Gibsonville allows ninety days, Clemmons is thirty, Garner is sixty, Whispering Pines is fifteen which was the least amount of time from all communities that responded to her inquiry.

Ms. Graham then addressed plan consistency and provided a recommendation from the Land Use Plan that cites quality of place is a major factor when considering economic development in a community, and added that there was not a great deal in the Plan to support or refute the proposed amendment. She added that staff considers the proposal to be consistent with the Land Use Plan and asked if there were additional questions. As there were none, Chairman Beasley addressed the motions, as follows:

Motion #1 – LDO #2019-02 is or is not consistent with adopted plans of the Town of Elon. Mrs. Gill made the motion that the amendment is consistent with the plan. Mr. Bennett seconded the motion. Vote was unanimous in favor of this motion.

Motion #2 – LDO #2019-02 is or is not reasonable and in the public interest. Mr. Bennett made a motion that it is reasonable and in the public interest. The motion was seconded by Mr. Allison and approved by unanimous vote.

Motion #3 - The Town of Elon Planning Board recommends approval or denial of LDO #2019-02. Mr. Harwood moved to recommend approval of the request. The motion was seconded by Mr. Bennett and was approved by unanimous vote.

Motion #4 – Ms. Graham read the consistency statement recommended by staff, in order to comply with NC General Statutes, as follows: “The proposal is consistent with the Comprehensive Land Use Plan, including the recommendation in the Plan (LU-5) that calls for a focus on quality and experience of place, and its directive to create value that benefits the community as a whole through land development regulations. A motion to accept the provided statement was offered by Mr. Bennett, and seconded by Mrs. Gill. The motion was approved by unanimous vote.

Item C – Items from Board Members

Chairman Beasley asked if there were any items from Board members. Ms. Graham was asked if she could update the Board on the Manager search. She advised the Board that the list of candidates was being narrowed and Mr. Allison stated that the process has been interesting and there were a lot of good candidates. Mrs. Gill stated that the new Elon Elementary School was running smoothly but she has seen that one of the properties on Gerringer has no parking signs posted on lawn. Mr. Harwood replied that he understands that some parents are parking on Gerringer and walking their children in to the school because the wait to drop off is so long.

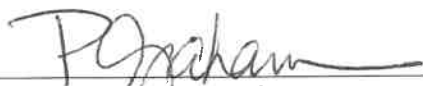
Item D – Items from Board of Aldermen

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

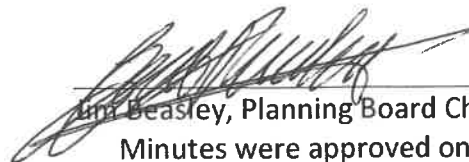
Item E – Motion to Adjourn

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

Meeting was adjourned at 7:30 p.m.



Pamela Graham, Planning Director
Minutes were completed in
Draft form on November 21, 2019



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

