

# Town of Elon Planning Board Meeting Agenda

January 16, 2024 6:00 PM In Person Elon Town Hall, Town Council Chambers 104. S. Williamson Ave., Elon, NC

### **Agenda Items**

- A. Call to Order
- **B.** New Business
  - 1) Election of Chair and Vice-Chair
  - 2) Approval of Minutes from the November 1, 2023, Special-Called Planning Board Meeting.
  - 3) CRZ-2022-02 A request by Ezrine Family Holdings, LLC for conditional district rezoning from Neighborhood Residential to Neighborhood Residential Conditional Planning District on Parcels 109717, 109721 and 109723 for four duplexes on four proposed lots.
- C. Items From Board Members
- D. Other Business / Planning Director Updates
- E. Adjournment

#### TOWN OF ELON SPECIAL CALLED PLANNING BOARD MEETING MINUTES

Town of Elon Town Hall, 104 S. Williamson Ave., Elon, NC 27244 November 1, 2023, at 6:00 PM

Board members present: Jim Beasley, Mark Podolle, Clark Bennett, Aiesha Leath, Diane Gill, John Harmon and Philip Owens. Alternate member Rachael Dimont was in attendance in the audience.

Staff present: Lori Oakley

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

#### **Item B- New Business**

#### **Item B-1-** Approval of Minutes

Oakley presented the board with minutes from the September 12, 2023, and September 19, 2023, meetings for approval.

- Bennett made a motion to approve the September 12<sup>th</sup> minutes; Owens seconded the motion; the motion was approved unanimously by the board (7-0).
- Gill made a motion to approve the September 19<sup>th</sup> minutes; Podolle seconded the motion; the motion was approved unanimously by the board (7-0).

**Item B-2-** Petitions TA-2023-01 Land Management Ordinance and RZ-2023-01 New Zoning Map for the Town and ETJ

Oakley stated that she was presenting both cases jointly and would be reviewing the highlighted items on the spreadsheet "LMO Public Comments." The board agreed with the majority of staff's recommended changes and went into further discussion on a few specific items.

There was a discussion about the required parking lot setback in the UNV district and the board decided to recommend a 20' setback for parking lots (from public roads) as it would allow both a 10' setback and a 10' landscaping area for the parking lot.

There was a discussion about duplexes and where to allow them. The Planning Board decided to support the staff's recommendation and remove duplexes, triplexes, quadplexes and multifamily from SBP and do not propose any changes to the NBR district.

There was a discussion about accessory dwelling units and how/where they should be allowed as well. The board voted to support staff's recommended setback of 20' from the side and rear and to also prohibit ADU's in the RUR and SBR districts. They would remain as a permitted use in NBR and the other districts in which they are proposed.

There was a discussion about short-term rentals (STR's), their time limits and where they should be allowed. Dimont (from the audience) stated that she is in favor of allowing STR's and that they benefit the property owner and the community as the town only has one hotel. She hasn't heard of any issues with them. Bennett concurred that they are somewhat regulated based on the rental fee that many charge to rent out their home as a STR. The board decided to leave them as they are currently proposed (permitted by right) in the draft LMO.

#### **Motions**

- TA-2023-01 Owens made a motion to approve TA-2023-01 with the requested modifications that were discussed during the meeting. Bennett seconded the motion, and the motion was approved unanimously (7-0).
- RZ-2023-01 Gill made a motion to approve RZ-2023-01; Podolle seconded the motion; and the motion was approved unanimously (7-0).

#### **Item C - Items from Board Members**

• Bennett updated the board about some property near the University.

#### <u>**Item D - Planning Director Updates**</u>

The meeting was adjourned at 7:03 pm.

- Oakley updated the board on the Ezrine duplex project and said that it should be before the Planning Board soon for a vote.
- The Town's Multimodal plan is wrapping up and the draft should be on the website soon.

#### **Item E- Motion to Adjourn**

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

Respectfully Submitted,		
Chair Jim Beasley	Date	
Interim Recording Secretary, Lori Oakley	 Date	

# 1593

# CONDITIONAL DISTRICT REZONING APPLICATION

Town of Elon Planning Department 104 S. Williamson Avenue Elon, NC 27244 (336) 584-3601 Fee: \$450 (plus cost of mailing due at later date)

CF-Z-2022-62 Application Number

APPLICANT INFORMATION	ALL DIL MAKE
Name: EZENE FAMILY HOLDING , LC Tele	ephone: 386 46 4733
Mailing Address: PO BOX 77	
City: Elou State: N	C Zip: 21244
Email: Joshezrine @ hotmail.com	
PROPERTY OWNER INFORMATION	77, 71, 1/153
Name: EZPINE FAMILY HOLDINGS, LLC Tele	ephone: 366 266 4433
Mailing Address: Po Box 77	
City: ELON State: N	C Zip: 27244
City: ELON State: No State	
DRODEDTY INCODMATION	
Address: NEW STREET City: ELON	State: <u>NcZip:Z72.44</u>
2 Halantification Number(s): 109717 . 109723 , 10972	Township:
Total Acreage: 3.5 -/- Watershed: Notes	Floodplain: 🔲 Yes 🖺 No
Utilities (check all that apply): Public Sewer Public Water	☐ Septic ☐ Well
Existing Zoning: NR (NIW NBR) Requested Zoning:  Current Use of Land: Yacant, Period Requested Zoning:	NR-CPD (now NBR-CPD)
Surrounding Land Uses: PENDENTIAL	
Proposed Land Use(s): PESIDENTIAL	
	3 3 47
Proposed Zoning Condition(s) if applicable: PLEASE SEE ATT	ACHMENT A
	LUNE OF THE PROPERTY OF THE PARTY OF THE PAR
AFFIDAVID OF OWNERSHIP AND ACKNOWLEDGEMENT	tracked conditions and listed above. I certify
An application has been duly filed requesting a rezoning according to the	attached conditions and nated above 1 action,
that I am the owner of the requested property. It is understood and ack	nowledged that if the property is recorded to the
requested and the Conditional District authorized, the property involved in	this request will be perpetually bound to the
uses and conditions as imposed unless subsequently changed or amended	by the Town of Elon Town Council.
hel st	12-12-2022
Signature of Owner	Date

#### APPLICATION SUBMITTAL REQUIREMENTS

#### Community Meeting:

Prior to the scheduled meeting of the Planning Board, the petitioner must file with the LDO Administrator a written report of at least one community meeting held by the petitioner. The report shall include, among other items, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Please see Section 8.4.H.1 of the Land Development Ordinance (LDO) for additional information regarding the community meeting.

#### Master Site Plan and Additional Information:

A petition for a conditional planning district shall include: (attached as separate documents):

- 1. A master site plan prepared in accordance with Chapter 5, and pursuant to the requirements in Chapter 6 for Major Development Plans;
- 2. Written supporting documentation that specifies the actual use or uses proposed for the property;
- 3. Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Ordinance, will govern the development and use of the property in conjunction with the requirements of this Land Development Ordinance, and/or in lieu of specified portions of this Land Development Ordinance as authorized by N.C.G.S. 160d-703; and
- 4. A statement analyzing the reasonableness of the proposed rezoning. This statement of reasonableness may consider, among other factors:
  - The size, physical conditions, and other attributes of the area proposed to be rezoned;
  - The benefits and detriments to the landowners, the neighbors, and the surrounding community;
  - The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
  - Why the action taken is in the public interest; and
  - Any changed conditions warranting the amendment.

All rules, regulations, and conditions of any corresponding general district and all other requirements of the Town of Elon Land Development Ordinance apply to a conditional planning district except as specifically modified through the use of additional development conditions by the Town Council, and as agreed upon by the petitioner.

#### SIGNATURES AND ACKNOWLEDGEMENT

The undersigned hereby certify that the forgoing application is complete and accurate. Furthermore, the undersigned hereby authorizes the Town of Elon Planning Director or designated representative to enter upon the above referenced property for the purpose of inspecting and verifying compliance with the Town of Elon's Ordinances.

Signature of Applicant

Signature of Property Owner

|2-|2-Zozz Date |2-|2-Zozz

OFFICE USE ONLY	
Completed Application Submitted On: 12/14/2622	Receipt Number: 131797
Date Property was Posted:	
Action of Planning Board:	
Date of Town Council Hearing:	
Dates Notices Published & Name of Newspaper:	
Action of Town Council:	

# Ezrine Family Holdings, LLC CRZ-2022-02 Conditional District Rezoning

**Property Owner:** Ezrine Family Holdings, LLC

**Request:** Conditional District Rezoning (CRZ) Review and Recommendation

**Location:** Neal Street (and S. Williamson Avenue)

**Parcel ID:** 109717, 109721, 109723

**Site Acreage:** 3.7 acres total (1.59 acres in the project area)

**Current Zoning:** Neighborhood Residential (previously identified as NR and now as NBR)

**Proposed Zoning:** Neighborhood Residential – Conditional Planning District (previously identified as

NR-CPD and now as NBR-CPD)

Petition CRZ-2022-02 is a request by Ezrine Family Holdings, LLC for conditional district rezoning from NBR (Neighborhood Residential) to NBR-CPD (Neighborhood Residential – Conditional Planning District) on Parcels 109717, 109721 and 109723 for four duplexes on four proposed lots.

#### Existing Site Conditions (Aerial imagery exhibit attached)

The proposed development contains three existing parcels. The two parcels along S. Williamson Avenue contain single-family dwellings on each parcel. The remaining parcel located at the end of Neal Street is vacant. There is a drainage ditch/stream that bisects the two larger parcels. The applicant is proposing to reconfigure the parcels and create a 1.59-acre "parent" tract off of Neal Street for the project. The proposed newly created 1.59-acre tract would involve a future subdivision into four lots for the proposed duplexes and a lot designated as common open space. The two remaining parcels along S. Williamson Avenue would need to be reconfigured if this project is approved.

- To the West Single-family dwellings located on Neal Street zoned NBR (Neighborhood Residential).
- To the South A single-family dwelling and woodland zoned NBR (Neighborhood Residential).
- To the East Single-family dwellings (across S. Williamson Ave.) zoned SBR (Suburban Residential).
- To the North Several single-family dwellings zoned NBR (Neighborhood Residential).

#### **Zoning and General Site Plan Conditions**

The proposed development was submitted to staff on December 14, 2022, and is grandfathered under the previous LDO (Land Development Ordinance). Under the LDO, duplexes were a use allowed by right in the NR (now NBR) zoning district. The property owner is requesting 4 waivers from the LDO and in doing so has requested a conditional district rezoning from Neighborhood Residential to Neighborhood

Residential - Conditional Planning District. The Neighborhood Residential zoning district remained in the ordinance from the LDO to the LMO; however, it now abbreviated NBR instead of NR. The terms NR and NBR might be used interchangeably in this staff report.

- The property owner is proposing to reconfigure the existing three parcels to create one 1.59-acre parcel on Neal Street and the two parcels along with the two single-family dwellings would remain on S. Williamson Avenue. The new 1.59-acre parcel would then be subdivided into four lots and the remaining land would be common open space.
- There will be one duplex on each lot with two individual units. Each unit will have three (3) bedrooms and have a footprint area of 32x44 (1,408 square feet).
- The parcel is currently zoned NBR (NR at the time of application submittal), and the use of a duplex is a use-by-right in the NR zoning district in the LDO. The property owner is not able to meet four of the standards contained in the Land Development Ordinance (LDO) and is subsequently requesting a conditional rezoning with four specific waivers. Those waivers include:
  - Section 3.3.6 Two story building height setback waiver is requested: Building height maximum 38' to Ridge.
  - o Section 3.3.4 Rear setback waiver is requested: Reduction 25' to 8.'
  - Section 3.3 Parking in the rear waiver requested: Parking is proposed alternatively as there is no room in the rear to park.
  - Section 3.3.4 Minimum lot size waiver requested: The minimum lot size proposed is less than 6,000 square feet.
- The maximum building height in the NR district is 2 stories. The proposed duplexes are elevated (on stilts) and the height of the buildings exceeds that which is normally allowed in the NR district.
- The rear setback in the NR district is 25 feet. The applicant is requesting to reduce the rear setback to 8,' which would allow the structure, or anything attached to the structure to be located 8' off the rear property line. The applicant is also proposing a 6' opaque fence along the northern portion of the site along with evergreen shrubs immediately adjacent to each unit.
- Due to lot constraints (in the proposed subdivision), the property owner is proposing driveways and parking under each unit. Each unit will have separate driveways. The (previous) LDO requires parking for any residential use other than single-family dwellings to be in the rear. 4 parking spaces are proposed for each unit (8 per building) for a total of 32 spaces. 14 parking spaces are required by the LDO.
- The property owner is proposing to create four new lots along with a common open space lot and the lot sizes are as follows:
  - Lot 1 = 4,221 square feet
  - Lot 2 = 4,247 square feet
  - Lot 3 = 4,200 square feet
  - Lot  $4 = 4{,}152$  square feet
  - Common open space = 41,834 square feet

As stated above, the minimum lot size in the NR district is 6,000 square feet.

- The applicant is proposing to extend Neal Street and it will contain a turnaround that can be utilized for emergency service vehicles and refuse collection trucks. A 5' wide sidewalk is also being proposed along the frontage of the four duplex lots.
- There is a dry detention pond located on the southern portion of the site as required by the Town Engineer.

- The parcel is not located within a special flood hazard area as defined by the Federal Emergency Management Agency (FEMA). It is located within the Cape Fear River basin and the Jordan Lake watershed. The site contains a drainage ditch/stream that bisects the two parcels along S. Williamson Avenue and the new proposed property line would follow the ditch/stream. There is also a 50' stream buffer on both sides of the ditch/stream.
- Open space is not required for a project of this size per Section 5.5.3 of the LDO; however, the applicant is proposing 41,834 square feet of open space.
- The property owner has also attached conceptual renderings of the front elevation of the proposed duplexes. As stated previously, the duplexes are elevated (on stilts) to accommodate parking underneath the units.

#### **Envision Elon 2040 Comprehensive Plan**

The Envision Elon 2040 Comprehensive Land Use Plan identifies the site as Low Density Residential.

• Low Density Residential - This area is characterized by low- to moderate-density residential development (up to 4 dwelling units per acre). Single-family detached homes are complemented by natural areas as well as formal and informal open space amenities. and maintenance techniques employed ensure that potentially negative impacts are minimized and mitigated.

The project meets Goal LU-4 outlined in the Envision Elon 2040 Comprehensive Plan, which reads:

#### Land Use and Development Design

Goal LU-4

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

Staff does not believe that the project meets Goal CC-1 outlined in the Envision Elon 2040 Comprehensive Plan, which reads:

#### **Community Character**

Goal CC-1

• While recognizing that the town will continue to grow, seek to retain aspects of the small-town characteristics that have made the Town of Elon an appealing place to live, work and study.

#### **Additional Considerations**

The Technical Review Committee (TRC) reviewed the conditional district rezoning project at their Jan. 11, March 22, July 26, and August 23, 2023, meetings. The primary discussions during the meetings were items that needed to be amended or added to the site plan. All of the items mentioned during the TRC meetings were addressed by the property owner and his engineering team. The TRC Committee approved the conditional district rezoning plans.

#### **Neighborhood Meeting**

On November 28, 2023, a neighborhood meeting for the rezoning was conducted by the property owner and his engineering team at the Town Hall. Approximately 13 people attended the meeting in addition to staff. Topics discussed at the neighborhood meeting included but are not limited to noise, parking conditions, traffic on Ball Park Ave., speeding on Ball Park Ave., fencing, landscaping, setbacks, the appearance of the structures, student behavior and student parties and the stormwater detention facility.

#### **Recommendations and Suggested Motions**

The applicant is requesting a conditional district rezoning from NBR (Neighborhood Residential) to NBR-CPD (Neighborhood Residential – Conditional Planning District) on Parcels 109717, 109721, 109723 located on Neal Street for four duplexes on four proposed lots, along with four requested waivers. The project was submitted in December 2022 and is grandfathered under the Town's previous LDO. Under the LDO, the use of a duplex was an allowable use under the current zoning, and the conditional rezoning is being requested to accommodate the four waivers and the extension of Neal Street. The four waivers include: the building height, rear setback, parking in the rear and the minimum lot size.

Planning staff has some concerns about the proposed development and the requested waivers related to the compatibility with the surrounding environment as it pertains to Section 5.2.3 (*Relationship of Building to Surrounding Built Environment*) and 5.3.2 (*Mass, Scale and Proportion*) of the LDO.

Section 5.2.3 Relationship of Building to Surrounding Built Environment states:

A. Development should incorporate predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road or street layout, lot size, and pattern and translate them into innovative design solutions.

Section 5.3.2 Mass, Scale and Proportion states:

A. The height and scale of each building will take into consideration its site and existing (or anticipated) neighboring buildings which includes those on properties behind a proposed building and beyond the immediately adjacent neighbors.

All of the existing houses and manufactured homes on Neal Street are single story except for two Cape Cod style homes, which are 1½ stories. The adjacent homes on Ball Park Avenue are also single story in height. The proposed duplexes are essentially 3 stories in height due to them being elevated, and they are also proposed to be located much closer to the rear property line than what is normally required in that district due to the waiver that is being requested.

Based on the information contained in this report, staff recommends denial of the requested conditional district rezoning, Case # CRZ-2022-02, from Neighborhood Residential to Neighborhood Residential-Conditional Planning District.

Town of Elon Planning Board Meeting January 16, 2024 Staff Analysis

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

**Possible** 

Motion:

The Town of Elon Planning Board recommends (approval/denial) of Conditional District Rezoning Request CRZ-2022-02.

**Approval motion can include:** The proposed conditional district rezoning has an acceptable level of impact on both the immediate area and the community as a whole. Furthermore, the action is reasonable and in the public interest because the uses allowed in the proposed conditional zoning district are generally allowed in the underlying zoning district. The proposed development supports Goal LU-4 in the 2040 Envision Elon Comprehensive Land Use Plan by providing different housing options for the area.

[Please note that is a conditional district rezoning request, and therefore, additional conditions can be placed upon the approval per Planning Board and Town Council negotiation with the applicant].

**Denial motion can include**: The proposed conditional district rezoning is not in keeping with the 2040 Envision Elon Comprehensive Plan and is not compatible with the surrounding land uses. It is not compatible with Goal CC-1 of the Envision Elon 2040 Plan and the *General Building Design Regulations* related to massing, scaling and compatibility contained in the LDO. It is not reasonable and in the public interest and it will have an unacceptable level of impact on both the immediate area and the community as a whole.

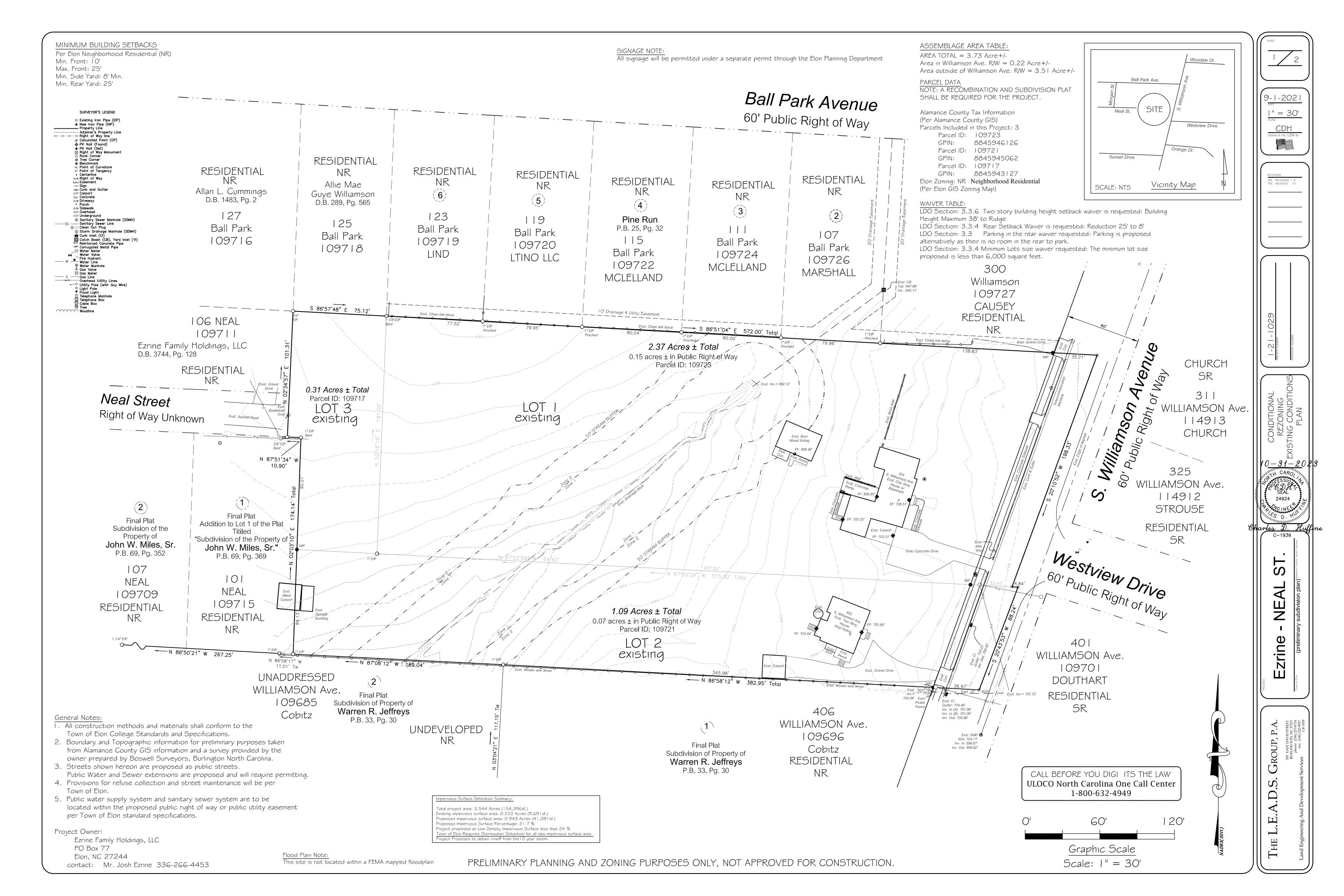
Submitted by: Lori Oakley, Planning Director

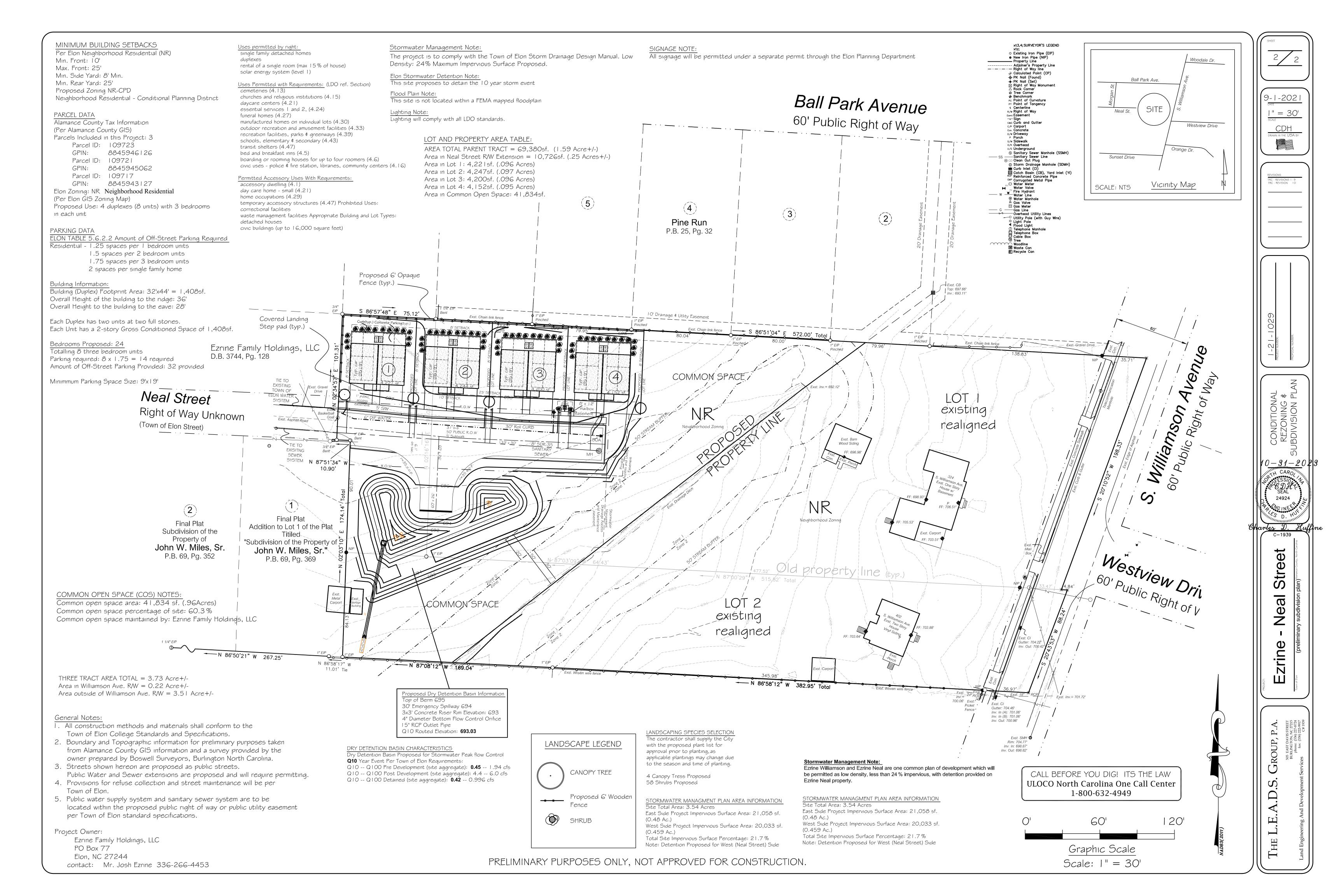
Enclosures: Conditional District Rezoning Application

Conditional Rezoning Site Plan / Front Elevation of the Proposed Duplexes

Aerial Map Zoning Map

Future Land Use Map







Graphic Scale

Scale: | " = 2"

ILLUSTRATION PURPOSES ONLY, NOT APPROVED FOR CONSTRUCTION.

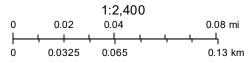
8-3-2023

REVISIONS TRC - REVISIONS 1 - 9 TRC - REVISION 10

Street

# Aerial Property Map





Alamance County GIS Alamance County GIS Department

## Town of Elon Planning District Map



## Town of Elon Future Land Use Map

