

TOWN OF ELON

TOWN COUNCIL AGENDA REPORT

Item Type: Public Hearing(s)

SUBJECT: Quasi-Judicial Public Hearing on Special Use
Permit Request SUP-2025-01: Neal Street Duplex
Project

DATE: June 10, 2025

TOWN COUNCIL ACTION REQUESTED ON: 2025-06-23

HISTORY:

The proposed duplex project was submitted to staff as a conditional rezoning request on December 14, 2022, and was grandfathered under the previous LDO (Land Development Ordinance). It included four (4) waivers and staff did not support the request based on the mass, scaling and proportion of the proposed duplex dwelling units (on stilts) along with the reduced setbacks. The request was heard by the Planning Board in January 2024 and the Planning Board unanimously (7-0) recommended denial. The applicant then decided to withdraw the case in order to allow him sufficient time to modify the original request. All of the original waivers have been eliminated, and the duplexes were reduced to two-stories (with no stilts). The applicant then switched the application from a conditional rezoning to a special use permit request (special use permits do not require Planning Board review and recommendation). The applicant is now requesting approval for a special use permit to allow him to construct four (4) duplexes on four (4) lots at the end of Neal Street.

FACTS AND ISSUES:

- The property owner is proposing to reconfigure the existing three (3) parcels to create one 1.87-acre parcel on Neal Street and the two (2) parcels along with the two (2) single-family dwellings would remain on S. Williamson Avenue. The new 1.87-acre parcel would then be subdivided into four (4) lots and the remaining land would be common open space. If the special use permit is approved by the Town Council, the applicant will be required to obtain major subdivision approval from the Planning Board in order to create the proposed lots.
- There will be one (1) duplex on each lot with two (2) individual units. Each unit will have three (3) bedrooms and will have varying footprint sizes ranging from 50' x 38' (1,900 SF) to 44' x 44' (1,936 SF). The heated interior space of each unit will be either 2,800 square feet or 2,904 square feet. Each lot will meet the lot coverage (impervious) requirements per the LMO.
- Each unit will have separate driveways and two (2) garages. Each building will have four (4) separate garage doors. The LMO requires sixteen (16) parking spaces (2 parking spaces per unit) and thirty-three (33) spaces are proposed. Each unit has four (4) proposed parking spaces, including two (2) of which are located in the garage. There is one (1) additional space on lot 1 due to the configuration of the driveway in the bulb of the cul-de-sac. The applicant is requesting that the additional spaces be approved per Section 7.2.2.E of the LMO. Each parking space will be 10' x 20,' which exceeds the space size of 9' x 19' as required by the LMO.
- The applicant is proposing to extend Neal Street and it will contain a cul-de-sac

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.

- The minimum amount of common open space that is required per the LMO is 15% (12,219 square feet) and the applicant is providing 13,100 square feet. 25% of the minimum required open space is required to be set aside for active recreation. The applicant is providing 50% of active open space (6,600 square feet), which is proposed to be a disc and traditional golf area.
- The property owner has also attached conceptual renderings of the front and side elevation of the proposed duplexes. The materials will either be brick, Hardie board or vinyl or a combination thereof. The elevations of the proposed duplexes depict a shared main entrance to appear as if they are a single-family dwellings as required per Section 4.3.31 of the LMO.
- The parcel is not located within a special flood hazard area as defined by the Federal Emergency Management Agency (FEMA); however, If the project is approved, a flood study will be required for the development to ensure that there are no negative impacts to the existing basin and the surrounding area.
- The Envision Elon 2040 Comprehensive Land Use Plan identifies the site as Low Density Residential. The development meets two specific goals outlined in the Comprehensive Plan:
 - Focus future growth in the “core” of the planning area where infrastructure can support new and infill development as well as redevelopment.
 - Expand housing choices. Appeal to a diverse range of preferences and income levels. Encourage product mix for multi-generational and age-in-place neighborhoods.
- The TRC Committee reviewed the application (as both a conditional rezoning and special use permit) and approved the special use permit application.
- On May 15, 2025, a neighborhood meeting for the special use permit was conducted by the property owner and his engineering team at the Town Hall. Approximately twelve (12) people attended the meeting in addition to staff. Discussions at the neighborhood meeting primarily focused on student behavior and student parties. Other topics of discussion included, but are not limited to noise, flooding in the area (in particular since the Station at Mill Point apartments were constructed), traffic in the immediate area and the limited site distance visibility on Ball Park Ave. due to the University's large shrubs at the apartments, increased student housing and the stormwater detention facility.

In summary, the applicant is requesting the issuance of a special use permit in order to establish four (4) duplexes on four (4) proposed lots in the NBR zoning district. There will be one (1) duplex on each lot with two (2) individual units and each unit will have three (3) bedrooms. The parking spaces, in both number and size, exceed the LMO requirements per Section 7.2.2.E of the LMO. The common open space provided exceeds the LMO requirements and 50% of the common open space will include active open space.

The project proposes an extension to Neal Street with the addition of a cul-de-sac bulb. If the development receives special use permit approval, the applicant will need to seek major subdivision approval from the Planning Board for the new cul-de-sac.

The applicant and his team have addressed planning staff's previous concerns from the

original conditional rezoning request for the four (4) duplexes regarding massing, scaling and proportion and no waivers are requested. The proposed development meets LMO standards.

Section 5.2.21 of the LMO establishes the following findings of fact that the Town Council must make in granting any special use permit. The special use request:

1. Will not materially endanger the public health, safety, comfort, or general welfare if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses;
3. Will not substantially injure the value of the abutting land, or impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
4. Will be in harmony with the area in which it is to be located and will not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Can be adequately served by public facilities.

The applicant has included his responses to all of the findings of fact in his application, which is attached to this agenda item.

****Please note that the review of a special use permit application is a quasi-judicial process and requires sworn, expert testimony provided at the public hearing.**

OPTIONS:

1. Planning staff recommends holding a public hearing for the special use permit request, SUP-2025-01, at this meeting. At the next meeting, the Council should consider voting to approve, approve with modifications and / or conditions or deny the special use permit request.
2. Mayor and Council defined option.

When the Council votes on the matter, I have included suggested motions below. Each motion must be voted on separately.

- Motion 1: The requested special use (will not/ does) materially endanger the public health, safety, comfort, or general welfare if located where proposed.
- Motion 2: The requested special use (does/ does not) complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses.
- Motion 3: The requested special use (will not/ will) substantially injure the value of the abutting land, or impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- Motion 4: The requested special use (will/ will not) be in harmony with the area in which it is to be located and (will/will not) not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted.
- Motion 5: The requested special use (is/ is not) in general conformity with the Town's adopted policy guidance.
- Motion 6: The requested special use (can/ cannot) be adequately served by public facilities.

The Town of Elon Town Council (select one of the following):

1. Approves the special use permit request, with or without conditions, as stated for the record.
2. Approves the special use permit request with modifications to the request, with or without conditions, as stated for the record.
3. Denies the special use permit request.

TOWN MANAGER RECOMMENDED ACTION:

Prepared By: Lori Oakley , Planning

ATTACHMENTS:

SUP-2025-01 Completed Application.pdf

2023-03-14 Neal - FINAL Layout 5-1-2025.pdf

SUP-2025-01 Staff Report.pdf

Neighborhood Meeting Sign In Sheet and Minutes.pdf

Neighborhood Meeting Typed Document Submitted by Neighbor.pdf

SUP-2025-01 Neal St. Aerial Map (zoomed in).pdf

SUP-2025-01 Neal St. Aerial Map (Zoomed Out).pdf

SUP-2025-01 Neal St. Zoning Map.pdf

SUP-2025-01 Neal St. FLUM.pdf