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**Planning Board  
Minutes to the Meeting**

June 14, 2021  
6:30 p.m.

The Planning Board meeting was held at the Glendel Stephenson Municipal Building located at 106 E. Washington Street, Mebane, NC 27302 and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=Ol4qLH0bahM>

**Members Present:** Chairman Edward Tulauskas, Vice Chair Judy Taylor, Lori Oakley, Gale Pettiford, and Larry Teague.

**Also Present:** Audrey Vogel, Planner; Cy Stober, Development Director; Kirk Montgomery, IT Director

**1. Call to Order**

At 6:30 p.m. Chairman Edward Tulauskas called the meeting to order.

**2. Approval of April 12, 2021 Minutes**

Judy Taylor made a motion to approve the minutes from the April 12, 2021 meeting. Lori Oakley seconded the motion, which passed unanimously.

**3. City Council Actions Update**

Cy Stober, Development Director, provided an update on the City Council's recent action at the May and June City Council meetings.

**4. Request for a Special Use Permit to allow a 195-foot monopole non-stealth telecommunications facility on a +/- 3.87-acre property zoned R-20 located at 4449 Landi Lane (PIN 9816764270) by Towercom IV-B, LLC, c/o George Davis, 5611 NC Hwy 55, Suite 201, Durham, NC 27713.**

Staff presented the above application from Towercom IV-B, LLC. Special Use Permit granted by City Council is required for this wireless support structure for the following reasons:

- Setbacks required by the underlying zoning must be reduced to accommodate the proposed wireless support structure
- it is a non-stealth wireless support structure proposed within 200 feet of a property line for any residential property.

The Planning staff has reviewed the request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval. The Technical Review Committee (TRC) has reviewed the site plan and the applicant has revised the plan to reflect the



comments. The applicant has an agreement to lease the property for this special use, pending approval of the City Council.

Cy Stober provided a brief overview and PowerPoint of the request.

Thomas Johnson of Williams Mullen, 301 Fayetteville Street, Raleigh, NC 27601 presented on the behalf of the applicant. He noted at the end of his presentation:

- the Tower would not injure surrounding property values, based on the analysis submitted with the application.
- the Tower would improve the welfare of the area by providing cell service; and
- The Tower is presumed to be in harmony with the surrounding zoning because it is a permitted use, by special use permit, in the Table of Permitted use Mebane Unified Development Ordinance

Following the presentation, Mr. Johnson answered questions from the Planning Board and community members in attendance.

Judy Taylor asked if the Tower or equipment generated any noise. Mr. Johnson answered that “there really isn’t any noise” and noted that a generator may be necessary in the event of a power outage.

Lori Oakley asked if the Tower would have a red light at the top. Mr. Johnson responded that the Tower will not have any lighting, as the FAA approval letter indicated it is not required for anything under 200’ tall.

Larry Teague asked about the potential for flooding in the area, noting the floodplain on the subject property, and how the design of the stream culverts shown on the drawings may impact the properties downstream of the site. Mr. Johnson responded that the Tower is not in the floodplain, and the engineer designed the site with the current flows in mind, with culverts big enough to take them into account. Larry Teague expressed concerns about future flows and the potential to force water onto the surrounding properties. Mr. Johnson responded that to his knowledge the engineer’s design will function appropriately to accommodate stormwater, and that the engineer has experience with designing tower sites across the country. Cy Stober noted that as in Engineer’s Memo provided in the packet, the stormwater has been reviewed by City Staff. Mr. Johnson noted that the Tower design does not exceed the maximum impervious surface coverage, and should the property be developed further, Towercom would be willing to help implement the required stormwater control measures for additional impervious surface coverage.

Chairman Ed Tulauskas asked if the Tower would have the technology to provide 5G service. Mr. Johnson confirmed that it would have 4G and eventually 5G service.



Chairman Ed Tulauskas indicated that at this time the Board would hear any written comments submitted to Staff to be read aloud.

Audrey Vogel read aloud the following written comment received via email from Lydia Paylor, 4416 Landi Lane:

*I have concerns about potential radiation exposure and health risks including cancer that may be associated with this tower. I have read up on it, but there are mixed reviews.*

*Will there be a fence or barrier around this tower?*

*I read that the chances of falling is very slim, but not guaranteed. So if the tower happens to fall, are there any buildings in the vicinity that would be hit or damaged? What about damage to any surrounding trees if they fall and need to be moved?*

*Who would be responsible for any and all damages?*

*Another concern is when there are storms in the area, how will it handle the storms and the lightning? Are there any concerns with it drawing more lightning to the area?*

*Another concern is how will having this tower affect selling property around it?*

*How will this affect the wildlife and their natural habitat? Some trees were cleared out several years ago, and the wildlife was forced to move and now they are more in the residential areas.*

*If this tower is for the Mill Creek area, then shouldn't the proposed area be in Mill Creek somewhere away from the homes so that it would not be a potential threat to them?*

*As you can see, I have concerns with having this tower in the area. If we were to put it to a vote, my vote would be no.*

Mr. Johnson responded to Ms. Paylor's questions, noting the following:

- The Tower will have fencing around the compound area
- If any damage were to occur, Towercom would be total responsible. In the event that there was a failure, it would be a bending of the Tower and it would stay within 80 ft on the Tower property itself.
- The Tower will have a lightning rod and a grounding system
- Michael Berkowitz, appraiser, performed an analysis and found that the Tower will not adversely affect the adjoining property values
- The State, Federal, and Local (Mebane Ordinance) specifically acknowledge that radiation emissions from the site are regulated by the Federal Communications Commission and have



to be very low, and as such cannot be a consideration for this Board. They are deemed safe because they operate within those FCC guidelines

- The Tower compound takes up very little space, and the site has been designed with landscaping and buffering that should minimize any impact on wildlife habitat.
- The Tower is for everyone in the area to have reliable service as shown on the coverage map, not just the residents of Mill Creek, although named after the subdivision.

Chairman Ed Tulauskas indicated that at this time the Board would hear any questions or comments from the public.

Curtis Bryant, 4356 Landi Lane, commented that Ms. Paylor covered most of his questions, and asked how far the Tower would be from the street. Mr. Johnson responded that the Tower would be located in the back corner of the property and 396 feet from the right of way. Mr. Bryant also asked about impacts on the stream. Mr. Johnson responded that the site would meet all of the stringent requirements in the Watershed. Mr. Bryant asked why they chose the location on Landi Ln, noting that the Cates Farm area by the 119 Bypass would be better. Mr. Johnson responded that they chose an area that would provide optimum coverage, placing a tower too close to another tower area does not provide optimum coverage and that much of the area surrounding the bypass is owned by NCDOT.

Arthur Holt, 1714 Landi Lane, asked about the distance of the Tower to the nearest home. Mr. Johnson responded that the Ordinance requires the distance to be double the tower height. Mr. Holt responded that he wanted to know the actual distance from the nearest home, not the ordinance requirement. Mr. Johnson responded that it is greater than 398 feet but did not have the exact distance. Mr. Holt expressed concerns about radio waves from the Tower being so close to his home and family. Mr. Holt commented that if the Tower meets the minimum requirements, then those requirements are not sufficient, and the Applicant and Planning board would not want a tower like this in their backyards. Mr. Holt added that despite the real estate appraisal analysis, people will not want to move to an area within such close vicinity to a tower.

Mr. Bryant asked the Board if Ms. Lydia Paylor's and Mr. Arthur Holt's concerns would be considered. Chairman Ed Tulauskas responded that their concerns are being recorded and will be shared with the Mebane City Council that will ultimately vote on the request.

Gale Pettiford expressed concern over stormwater, noting that as a resident of the area, it is already an issue. She asked to hear more about how the stormwater on the Tower site will be routed and how it will impact surrounding property owners. Mr. Johnson responded that the site has been engineered to handle the water flow at the location of the tower – two 36' pipes – to allow the water to flow naturally without restriction. He noted that he cannot speak directly on water flow in locations beyond the site. Cy Stober added that City Staff does look downstream, and concerns regarding offsite



stormwater were accounted for in TRC comments. He explained the stormwater calculation and reporting process and noted that staff is required to look at the 1-year storm, and often looks at the 10- or 100-year storm as well to try and accommodate for higher intensity. Mr. Johnson added that the project has to meet the same stormwater requirements as any other development project and is designed so that it does not change the stormwater.

Ms. Pettiford asked if the surrounding neighbors would be able to contact Towercom if an issue arises. Mr. Johnson noted that the contact information would be posted on site. Robin Clement, a representative of Towercom, added that calls would come straight to her at her office in Durham, NC. Ms. Pettiford asked who will be maintain the property and landscaping. Mr. Johnson responded that it will be maintained by Towercom, and residents with any concerns about landscaping or maintenance in general can call the number provided on site.

Mr. Bryant asked why Cates Farm was not considered for the Tower instead of Landi Lane, a Black neighborhood. Mr. Johnson explained the factors considered in selecting the site, including a willing property owner, coverage area, and topography, noting that the residents in the area were not considered as a factor.

Lori Oakley addressed the public in attendance, commenting that during her career as a planner, telecommunications towers have consistently been topics of passionate discussion. Ms. Oakley acknowledged the neighbors' concerns about the Tower but noted that towers are carefully regulated by the FCC, Telecommunications Act and Mebane UDO and the request meets these requirements.

Lori Oakley made a motion to approve special use request for 199'-tall non-stealth wireless communication facility as presented and motioned to find that the request is both reasonable and in the public interest because it meets the following four findings:

- a. Will not materially endanger the public health or safety;
- b. Will not substantially injure the value of adjoining or abutting property;
- c. Will be in harmony with the area in which it is located; and
- d. Will be consistent with the objectives and goals in the City's adopted plans.

Judy Taylor seconded the motion, and the motion passed (4-1). Chairman Tulauskas confirmed that the request will go before the Mebane City Council in July. Cy added that the July City Council meeting will be delayed one week due to the July 4<sup>th</sup> Holiday, and that the hearing would be on July 12<sup>th</sup> at 6 p.m.. Mr. Stober added that it would be a quasi-judicial hearing requiring sworn testimony.



- 5. Request to Request to establish R-8(CD) zoning on three (3) properties totaling +/- 25.58 acres located at 900, 1002 & 1010 Ben Wilson Road (PINs 9824434841, 9824435349 & 9824435147) outside of the Extra-Territorial Jurisdiction (ETJ) in Orange County for a residential townhome development of 162 homes by Ben Wilson Rd, LLC, c/o James Parker, Jr., 320 Executive Court, Hillsborough, NC 27278**

Staff presented the above application from Ben Wilson Rd, LLC. The Planning staff has reviewed the request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval. The Technical Review Committee (TRC) has reviewed the site plan and the applicant has revised the plan to reflect the comments.

The proposed onsite amenities & dedications include the following:

- The construction of all internal roads with 5' sidewalks.
- The construction of an amenity center, dog park, playground, and greenspace to exclusively serve development residents to be maintained by the HOA. In total, the site plan features 1.7 acres of active recreation space and 10.44 acres of passive HOA owned open space.
- +/- 3,446 linear feet of a variable 8'-10'-wide asphalt multiuse path through the development and along the frontage of the northern portion of the site on Ben Wilson Road.

Requested waivers:

- 20' front setback, UDO requires 30'
- 15' rear setback, UDO requires 20'
- 8' side setback, UDO requires 15'
- 2 parking spaces per 3-bedroom home, UDO 2.5 parking spaces per 3-bedroom home
- Lot area and width as presented

Audrey Vogel provided a brief overview and PowerPoint of the request.

Tim Smith, Senior Project Manager at Summit Design and Engineering Services, 320 Executive Court, Hillsborough, NC 27278 provided a presentation of the request and site plan. During his presentation, Mr. Smith described a series of building commitments and proposed elevations for the home products.

Larry Teague asked about the garage sizes and street parking. Mr. Smith replied that there could be one or two car garages, and they are not proposing any street parking per the street design on the plans. Cy Stober added clarification that the city does not regulate on street parking unless petitioned through the parking restriction policy, so unless otherwise noted, on street parking is allowed.



Lori Oakley asked Tim to elaborate how the plans could accommodate two-car garages, noting that the driveways shown could only accommodate a one-car garage with one driveway parking space. Tim Smith replied that it may be something they need to address with the final elevations for the units, and in order to accommodate a two-car garage, the driveway would need flare out, but as currently shown the plans only allow two spaces per unit.

Larry Teague asked about the number of entrances to site, turn lanes and the flow of traffic south from the subdivision towards Bowman Road. Tim Smith responded that per the Traffic Impact Analysis (TIA), a southbound left turn lane on Ben Wilson Road would be provided as shown on the plans. Mr. Smith added that the TIA indicated that the majority of trips would be coming south from the interstate along Ben Wilson Rd. Mr. Teague responded that he did not agree with the traffic study, noting that the traffic in that area is terrible and folks are likely to take Bowman Rd to avoid traffic on Mebane Oaks Road.

Larry Teague commented that he liked the layout of the site plan but was not pleased with the waivers being requested. Mr. Teague asked Tim Smith to elaborate on why waivers were required for townhomes as he noted in his presentation. Tim Smith responded that the lot width and dimensions in the ordinance do not accommodate typical townhome unit layouts. Lori Oakley chimed in that she would like this to be addressed in future UDO revisions. Cy Stober clarified that the UDO essentially treats townhomes the same as single-family homes, and acknowledged the conflict it creates (for setbacks, etc.).

Larry Teague asked Tim Smooth about stormwater controls on site, noting a history of flooding from Haw Creek in the area. Mr. Smith responded that they worked with City Staff to ensure that the ponds meet stormwater requirements, noting that the City has extensive requirements and review procedures for stormwater.

Lori Oakley asked if any consideration was given to R-12 CD zoning to align with the developments across the street. Tim Smith responded that it had been considered, but that R-8 CD better aligned with the developer's project needs.

Lori Oakley expressed concern about the waiver being requested for parking spaces, noting the project has a deficit of 62 spaces and the layout does not provide any parking for guests. Lori added that is apparent the developer wants to get as many homes as possible on the site with the R-8 CD zoning. Ms. Oakley recalled townhome developments in Hillsborough that provide sufficient on street parking pockets for guests, commenting that the Meadowstone site plan is lacking that kind of parking – for friends, guests, in-laws, visitors, teenagers, etc. Ms. Oakley added that she did not take issue with any of the lot dimension/setback waivers but was concerned about parking.



Judy Taylor asked about the market price point for the townhomes. Mr. Smith responded that he was not clear on the price point and would need to ask the developer. Cy Stober added that the townhomes at the Meadows across the street are priced between \$225,000 and \$250,00 by Capitol City Homes. Cy added that the elevation shown in Tim Smith's presentation is identical to one of the Capitol City Homes townhome elevations at the Meadows.

Tom Boney of Alamance News asked why the zoning requested for the Meadowstone Townhomes was different from the Zoning at the Meadows Townhomes across the street if the same home products are being proposed. Cy Stober clarified that the Meadows was approved as a planned unit development with mixed housing types – primarily single detached family residential, with 55 townhomes.

Lori Oakley made a motion to deny the request to establish R-8 CD zoning as presented, for the reason that the R-8 zoning is a more intense density which is less appropriate on the periphery of the City and secondly does not meet the parking requirements of the UDO and does not provide adequate parking for each lot. Judy Taylor seconded the motion. Chairman Tulauskas confirmed that the motion to deny passed unanimously (5-0) and the request would go before the Mebane City Council on July 12 at 6 p.m.

## **6. New Business**

- (a) Cy Stober shared that Staff will be having the revised copies of the UDO, per the adopted 160-d amendments, printed and distributed to Planning Board upon request.
- (b) Cy Stober informed the Board that the application deadline for the five open Planning Board positions, including Mr. Vinson's vacant seat, will be Friday June 18<sup>th</sup>. Positions will be appointed at the July 12 City Council meeting. He noted that there is one ETJ position open that will require appointment from the Alamance County Board of Commissioners on July 19<sup>th</sup>.
- (c) Cy Stober reminded the Board that the July Planning Board meeting would be held on the 19<sup>th</sup> due to the July 4<sup>th</sup> Holiday.
- (d) Cy Stober noted that the City has been working on a new website, which is currently under internal review.

## **7. Adjournment**

There being no further business, the meeting was adjourned at 8:10 p.m.