



**Planning Board
Minutes to the Meeting**

March 8, 2021
6:30 p.m.

The Planning Board meeting was held virtually and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=-KXH7MHFnPw>

Members Present Via Zoom: Keith Hoover, Lori Oakley, Kurt Pearson, Vice Chairman Judy Taylor, Gale Pettiford, Larry Teague, Kevin Brouwer, and Chairman Edward Tulauskas

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

1. Call to Order

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

2. Approval of Feb 8, 2021 Minutes

Gale Pettiford made a motion to approve the minutes from the February 8, 2021 meeting. Kevin Brouwer 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 regarding the rezoning request for the Mebane 5th Street Shopping Center by PT Greenland. He also provided an update on the City Council's action regarding the Lowes Blvd Corridor.

4. Request to rezone six parcels totaling +/- 133.9-Acres located on Oakwood Street Extension, with frontages on E Washington Street and Mattress Factory Road (PINs 9825404628, 9825502531, 9825601982, 9825529420, 9825614053, 9825604799), from R-20 and M-1 to R-8 (CD) and R-10 (CD) for a Townhouse and Single Family, respectively, Residential Cluster Development, by Meritage Homes of the Carolinas

Staff presented an application from Meritage Homes of the Carolinas to rezone six (6) properties totaling +/- 133.9 acres located on Oakwood St Ext with frontages on E Washington St Ext and Mattress Factory Rd from M-1 (Heavy Manufacturing District) and R-20 (Residential District) to R-8(CD) and R-10 (CD) (Residential Conditional Zoning Districts) to allow for a residential cluster development of 134 townhomes 275 single-family homes, 409 dwellings total. The property is located in Orange County, with two parcels within City limits and 4 parcels in the ETJ. Meritage Homes of The Carolinas has the property under contract to purchase, contingent upon approval of the conditional rezoning.



The proposed onsite amenities & dedications include the following:

- The construction of all internal roads with 5' sidewalks.
- The construction of a clubhouse, pool, dog park, tot lot and turf play area to exclusively serve development residents to be maintained by the HOA.
- 5,360' of a 10'-wide asphalt multiuse path through the development, running from Oakwood Street Extension to E. Washington St. This includes the path along E Oakwood St Ext required by the City's adopted Bicycle and Pedestrian Transportation Plan.

Requested Waivers:

- Townhome R-8 Lots:
 - A 20' front setback rather than the required 30'
 - A minimum lot width of 21' rather than the required 85'
 - A minimum lot size of 2,600 s.f.
- Single-Family, Detached R-10 Lots:
 - A 25' front setback rather than the required 30'
 - A 5' side setback rather than the required 10'
 - A 20' rear setback rather than the required 25'
 - A minimum lot width of 51' rather than the required 70'
- Multi-use path dedication as an alternate to the payment-in-lieu for public recreation area

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

Mike Owens, Vice President of Land Acquisition at Meritage Homes, provided some background information about the company Meritage Homes, their experience building energy efficient quality homes, and their work in North Carolina.

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

Judy Taylor asked if they were planning on having a variety of home sizes intermixed. Mike Owens responded that the townhomes would range from about 1,500 to 1,800 sf to include an interior, 1-car garage home and an exterior, 2-car garage home. The single family detached homes range from about 1800 sf to just over 3,000 sf.

Judy Taylor asked if the proposed multi-use path public recreation dedication only included what is required by the Bike and Ped Plan or if any additional path beyond the requirement was being provided. Tim Smith explained that the path extends through the proposed development from



Oakwood Ext to E Washington St. Tim Smith noted that the existing sidewalk on the frontage of Oakwood St Ext would be improved to a multi-use path per the Bike and Ped Plan. Cy Stober clarified that the portion of the path along Oakwood St Ext is required by the Bike and Ped Plan, but portion of the path extending though the development is a new feature that is not required/addressed in the Bike Ped Plan.

Kurt Pearson commented on the TIA that the E Washington Street / Center Street intersection is known to have a lot of traffic issues. He asked if the recommended proposed restriping is sufficient to address any increased traffic at an already problematic intersection. Tim Smith commented that the proposed restriping was recommended by NCDOT. Cy Stober explained that the traffic problems at the intersection are a known existing traffic condition and that the addition of traffic from the proposed Oakwood Subdivision was included in the TIA scope because of this concern. However, the City's traffic consultant and NCDOT found the striping to be the only responsibility of the developer, acknowledging that there is a larger public obligation for the intersection's improvement based on existing conditions.

Ed Tulauskas asked if the home energy efficiency features will meet any IECC standards or certifications. Lisa Acklin with Meritage responded that she would research the exact standards and year that their homes would meet and get back to them.

At this time, Chairman Tulauskas asked for any public participation or comments.

Audrey Vogel read the following written comment received via email from Laura Pearson at 7616 E. Washington Street Ext:

Below are my concerns that I would like to be addressed at this virtual meeting:

1. THIS REQUEST IS WHAT I CONSIDER TO BE MANDATORY ON MY BEHALF: To have the owners of the development to build an 8-9 foot privacy fence around my property. My husband and I would like to keep our privacy for when we are hanging out in our backyard. We like our privacy and for many people to have access to our backyard (our "personal lives") would be devastating and extremely uncomfortable! Backyard privacy was one of the main reasons we chose to purchase this property in 2003. Not to mention that we have old buildings on our property and we certainly don't want any children to wander onto our property and accidentally get hurt by being curious and entering these buildings.

2. East Washington Street is a high traffic road, partially due to surrounding businesses/industries, and on a lot of evenings the traffic has been backed up at the nearby railroad crossing. IF the entrance and/or exit to the development will be located beside my house I want to be sure that there are NO plans to have a turning lane installed in front of my house, that will take away ANY portion of my front or side yard. With this road already extremely heavily traveled, I predict that there are



going to be traffic accidents (because people fly up and down this road), that there will be traffic backups in this spot, unless a turning lane IS installed.

3. I might be asking too much with this request but here goes: with the potential for auto accidents at this location (because the traffic is going to get MUCH heavier), I would like to request that a partial stone/brick wall be installed at the entrance/exit to this development to help protect vehicles from potentially ending up in my yard or even in the side of my house. I've seen (and even heard) auto accidents that occurred at the entrance/exit to the Ashbury housing development so I am pretty certain that this is going to happen at this location.

Thank you!

*Laura Pearson
7616 E. Washington Street Ext
Mebane, NC 27302*

Tim Smith asked Audrey Vogel to repeat the address for the abovementioned comment. Kurt Pearson noted that it is the property labeled "A1" on the project site plan. Chairman Tulauskas noted that Ms. Laura Pearson was also present as a registered participant.

Brian Shoffner spoke on behalf of the Wiles Family at 701 E Oakwood St. Mr. Shoffner noted that his family participated in the developer's neighborhood meeting. Mr. Shoffner asked if the existing sidewalk that ends at the Wiles' southern property line would be extended northward through their property at 701 E Oakwood St. Cy Stober answered that the sidewalk/multiuse path would not be extended outside of the boundaries of the project's subject properties. Tim Smith asked Cy if the extension of the path was part of the long-range Bike and Ped Plan. Cy Stober clarified that the City's adopted Bike and Ped Plan does call for a multi-use path along Oakwood Street, including the frontage of 701 E Oakwood St. Extension of the path would be done by future development/owners, or as a City public project that would be subject to review and approval at a public hearing as part of the City's budgeting process. He noted that it is not included in this year's budget and there is no active intent to design or construct the path by the City.

Brian Shoffner, 701 E Oakwood St, also commented that the previous development of the site left an abrupt dramatic grade at the south property line, an area within the buffer, and requested that it be corrected/addressed by the proposed development. Tim Smith commented that the slope will be addressed in their final grading plan and that the slope will be corrected so that it is in a condition that can be planted for the buffer and it not so abrupt.

Brian Shoffner, 701 E Oakwood St, commented that their adjacent property should be correctly denoted on sheets 7, 8, and 11 and the label should be "Edna Wiles Estate." Mr. Shoffner also asked if there were any areas on the site plan with proposed fencing, as requested by Ms. Pearson. Tim



Smith responded that they currently are not providing any fencing, but they are listening to the neighbors concerns and will discuss it with Meritage. Mr. Shoffner requested that no chain link fence be used at the property line adjoining their property.

Tim Smith noted that they hosted two neighborhood meetings the week prior to allow neighbors to ask questions about the project prior to the planning board meeting and that they intended to host neighborhood meetings prior to the City Council hearing as well.

Larry Teague asked the applicant why they requested eight waivers. Tim Smith responded that the waivers were not intentional by design and they were a result of Meritage's desired townhome and single-family home layouts,

Kurt Pearson asked if there were any approved subdivisions at this time in Mebane with a 5-foot setback. Cy Stober responded that he would need to confirm, but he believed that the Villages at Copperstone and the Villages at Lake Michael had 5-foot side setbacks with 10 aggregates. Kurt asked Cy Stober if there were any concerns or persistent discussion topics during TRC (Technical Review Committee). Cy Stober indicated that the bulk of the discussion was about the density which has informed the setbacks and lot sizes, and that the setbacks for each respective home product was largely informed by the density that the developer wished to achieve.

Kurt Pearson asked if it would be correct to assume that that the lot layouts are a result of trying to get in a desired number of units. CY responded that was correct and the layouts/setbacks for an R-8 request or conversely an R-12 request would look different. Cy also noted that front setbacks came up in TRC, as it is a priority to prevent cars hanging out of driveways for public works, more so than any discussion over rear or side setbacks.

Kurt Pearson indicated that he does not have much concern over the density and was satisfied with the open space and buffers shown on the plans. He noted that TRC has done a good job considering the restrictions of the site.

Mr. Pearson made a motion to approve the R-8(CD) and R-10(CD) zoning as presented. The motion finds that the application is consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan Mebane By Design as it:

- Provides a multi-use path along its Oakwood Street frontage, as required by the City's adopted Bicycle and Pedestrian Transportation Plan;
- Is for a property within the City's G-4 Secondary Growth Area and is generally residential in nature (Mebane CLP, p.66);
- Provides a greenway connection to a different land use, consistent with Open Space and Natural Resource Protection Goal 4.2 (p. 17 & 89);



- Provides a greenway and open space in a developing area, connecting to other locations, consistent with Open Space and Natural Resource Protection Goal 4.3 (p. 17, 89, & 90);

Lori Oakley seconded the motion. Per a roll call vote the motion passed (7-1). Chariman Tulauskas confirmed that the motion passed and will go before City Council at public hearing on April 5th. Larry Teague's rationale to vote against the request was concern for the number of waivers being requested.

5. New Business

Cy Stober provided an update on the Buckhorn Area Plan, noting that the Mebane City Council will participate in a joint work session with the Orange County Board of Commissioners on Tuesday, March 9th at 7 p.m. to discuss the plan.

Cy Stober announced that the City Council will also hold the first budget work session at the Arts and Community Center on March 23rd.

Cy Stober noted that at the April Planning Board meeting will include a rpesentation of the required UDO revisions.

Cy Stober also noted that the terms for 4 members of the planning board are soon to expire should they want to apply to be reappointed at the July City Council meeting.

6. Adjournment

There being no further business, the meeting was adjourned at 7:35 p.m.