



**Planning Board
Minutes to the Meeting**
Mebane Municipal Building
March 9, 2020
6:30 p.m.

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

Members Absent: None

Also Present: Montrena Hadley, Planning Officer, and Cy Stober, Development Director

1. Call to Order

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

2. Oath of Office

Pursuant to Chapter 160 D regulations, Stephanie Shaw, City Clerk, administered the oath of office to each Planning Board member.

3. Approval of January 13, 2020 Minutes

Gale Pettiford made a motion to approve the minutes from the January 13, 2020 meeting. Thomas Vinson seconded the motion which passed unanimously (9-0).

4. Request to Rezone +/-4.41 Acres (7 Parcels) Located at 1218 S. Fifth Street (+/-0.65 Acres), Vacant Lot on S. Fifth Street (+/-0.87 Acres), 1228 S. Fifth Street (+/-0.77 Acres), Vacant Lot on S. Fifth Street (+/-0.59 Acres), 1232 S. Fifth Street (+/-0.65 Acres), 1234 S. Fifth Street (+/-0.44 Acres), and NC 119 Hwy (+/-0.44 Acres) Respectively From R-20 (Single Family Residential), B-2 (General Business) to B-2(CD) (General Business Conditional Zoning District) From Dogwood Properties Development Corporation

RZ-20-03

Staff presented an application/tax map from Dogwood Properties & Development Corporation, 1612 Aurora Place, Wilmington, NC 28403 requesting approval to rezone four (4) properties totaling +/-4.41 acres (7 Parcels) located at 1218, 1228, 1232, 1234 South Fifth Street, as well as three (3) adjacent, unaddressed properties, from R-20 (Single-Family Residential) and B-2 (General Business) to B-2(CD) (General Business Conditional Zoning District). No waivers are being requested by the applicant and no proposed use has been stated by the applicant. Per the Mebane Unified Development Ordinance, a site plan that will apply to the property will have to be provided in the future to the Planning Board and City Council for recommendation and consideration at an additional public hearing, respectively. Otherwise, the conditional zoning district will require the properties to be used for business purposes with the existing conditions. Dogwood Properties owns the property and proposes to prohibit 32 uses within the proposed conditional zoning district. The property is located within the City of Mebane’s Corporate Limits.



The property is also identified as Alamance County GPIN 9814451870, 9814359762, 9814357699, 9814356678, 9814355657, 9814354615, and 9814358953.

Tony Tate, owner of the property, attended the Planning Board meeting to answer any question in regards to this application.

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

Tony Tate, owner of property, and also with TNT Landscaping, Durham, NC provided a brief overview of the rezoning request. He further explained that he acknowledges that a site plan has to come back before the Planning Board and City Council for development. We've been trying to acquire these properties since the 1990's and now the bypass comes 23 years later so we're trying to clean up the zoning and zone it all the same. He concluded NCDOT took away the septic, I've provided a list of excluded uses, and now sewer is available so we're trying to clean up properties and the zoning.

Chairman Edward Tulauskas asked if there were any questions or comments concerning this request from the Planning Board.

Lori Oakley, stated thank you staff for the permitted uses table. However, I'm curious as to why a B-2(CD) and not a B-2 especially since Article 9 of the Mebane Unified Development Ordinance requires a site plan.

Tony Tate replied we're trying to clean up the zoning and put the property on the market.

Lori Oakley replied I understand; I agree but I can't vote for it because it doesn't meet the UDO, the UDO requires a site plan.

Kurt Pearson asked do you plan to develop in the future?

Tony Tate replied yes, we thought it would be good to clean up the zoning and to exclude some uses.

Kurt Pearson asked do you have any idea what you want to do?

Tony Tate replied maybe a medical office facility for a portion of it.

Kurt Pearson asked what does the UDO say?

Cy Stober explained his rationale and concluded it reads "shall" have a site plan.

Lori Oakley replied it doesn't meet the UDO.

Kurt Pearson asked do you think that the property would be hard to sale?



Tony Tate replied no, not hard to sale, but it adds another step in the process for someone.

Chairman Edward Tulauskas asked if there were any questions or comments concerning this request from the public and there were none.

Kurt Pearson commented we understand, but I see your point.

Vice Chairman Judy Taylor added I agree, but it goes against the UDO.

Tony Tate asked should I change it?

Kurt Pearson replied I like the conditional rezoning, but there's just no site plan.

Lori Oakley added I would support a B-2.

Tony Tate asked is there a clarification for access and the zoning map?

Kurt replied two are already zoned B-2 and five are zoned R-20.

Vice Chairman Judy Taylor made a motion to recommend denial of the rezoning as follows:

1. Motion to deny the B-2(CD) rezoning as presented due to the following reason:

- The request doesn't meet Article 9, Section 9.7 – Conditional Zoning, of the City of Mebane's Unified Development Ordinance (UDO).

Lori Oakley seconded the motion, which passed unanimously (9-0).

**5. Request to Rezone +/-93.5 Acres of an Existing +/-179.23 Acre Property Located at 1818 Saddle Club Road From CU-R-8 (Conditional Use – Multi-Family/Two Family Residential), CU-R-10 (Conditional Use – Single Family Residential), and R-20 (Single Family Residential) to R-12(CD) (Residential Conditional Zoning District) to Allow "Tupelo Junction" a Subdivision with 181 Single Family Homes as a Residential Cluster Development From Lebanon Road 3, LLC
RZ-20-04**

Staff presented an application/tax map/site plan from Lebanon Road 3, LLC, c/o James Parker, Jr., 504 Meadowland Drive, Hillsborough, NC 27278 requesting approval to conditionally rezone +/- 93.5 acres of a +/-179.23-ac property located at 1818 Saddle Club Road (Orange County – ETJ) from CU-R-8 & CU-R-10 (Conditional Use – Multi-Family/Two Family Residential & Conditional Use - Single-Family Residential) to R-12(CD) (Residential Conditional Zoning District) to allow "Tupelo Junction" a subdivision with 181 single family homes as a Residential Cluster Development. The property is located in Orange County outside of the City Limits within the Extra-Territorial Jurisdiction (ETJ). Lebanon Road Partners has the property under contract to purchase, contingent upon approval of the conditional rezoning.

The site-specific plan onsite amenities & dedications include the following:

- The applicant proposes to construct all internal roads with 5' sidewalks.



- 4,325' of a 10'-wide asphalt multiuse path to connect to the dedicated multiuse path on Stagecoach Road, cross Lebanon Road to the entrance of Lake Michael Park, and through the extent of the property, stubbing at the northern property limit. This is required by the City's adopted *Bicycle and Pedestrian Transportation Plan*.
- The applicant is proposing to donate +/-1.0 acres of private recreation area for use by the HOA members, including a clubhouse and dog park.

Requested waivers:

- The UDO requires front setbacks of 30' and the applicant is requesting that they be reduced to 25'.
- The UDO requires side setbacks of 10', 18' - corner lots, and the applicant is requesting that they be reduced to 5' minimum, and 13' corner lots.
- The UDO requires rear setbacks of 25' and the applicant is requesting that they be reduced to 20'.
- The UDO requires a minimum lot width of 85' and the applicant is requesting that they be reduced to 60'.
- The UDO calculates that the applicant provide 5.17 ac in public recreation area and the applicant is requesting a waiver to provide 1.48 ac (4,325 linear feet) of public greenways (as required by the City's *Bicycle and Pedestrian Transportation Plan*) and 1.0 ac in private recreation area.

The Technical Review Committee (TRC) has reviewed the site plan and the applicant has revised the plan to reflect the comments. The property is also identified as Orange County GPIN #9826416085. The applicants attended the Planning Board meeting to answer any question in regards to this application.

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

Jack L. Smyre, PE, AICP Principal, with The Design Response, Inc., 215 E. Chatham Street, Suite 125, P.O. Box 3585, Cary, NC 27519 provided a brief overview and PowerPoint (27 Slides) of the request as follows:

Tupelo Junction – A Residential Cluster Development Subdivision

- Site Location
- Zoning
- Site Plan
- Tupelo Junction
 - ❖ Located across Lebanon Road from Lake Michael Park
 - ❖ Nearly 3 miles of public sidewalks, greenways, and multi-use side paths
 - ❖ 181 homesites (1.94 units per acre density)
 - ❖ Current zoning districts: CU-R-10, CU-R-8, and R-20
 - ❖ Proposed zoning district: R-12(CD) and R-20



- ❖ Minimum lot size: 7,200 square feet
- ❖ 30% preserved and planted tree canopy
- ❖ 51% open space (owned by Tupelo Junction Homeowners Association)
- Garman Homes – Builder Commitments
 - ❖ Siding: Fiber cement
 - ❖ Trim: Composite
 - ❖ Gutters: 5" gutters and downspouts
 - ❖ Optional Exterior Materials:
 - Standing seam metal roofs
 - Fiber cement shakes and board & batt
 - Alternate vinyl window colors
 - Brick veneer
 - ❖ Roof Overhang: 12"
 - ❖ Main Roof Pitch: Minimum 8:12
 - ❖ Foundation: Monoslab (exposed concrete parged on front elevation)
 - ❖ Sod: Front yard
 - ❖ Street Tree: One in front yard (near right-of-way line)
 - ❖ Driveway: 18' width to right-of-way (if longer than 25' then taper to 12' at right-of-way)
 - ❖ Garages: 1 & 2 car
 - ❖ Front Porches: Included on some plans, optional on others
- Garman Homes – Builder Commitments – Plan Types
 - ❖ Ranch Plans: 1,400 – 2,000 sf, 3-4 bedrooms, 2-3 baths (1-2 plans)
 - ❖ 1.5-story Plans: 1,600 – 2,400 sf, 3-4 bedrooms, 2-4 baths (1-2 plans)
 - ❖ 2-Story Plans: 1,600 – 2,800 sf, 3-5 bedrooms, 2.5-4 baths (3-4 plans)
 - ❖ Front Porches: Included on some plans, optional on others
- House Elevations
 - ❖ Bliss – A & B
 - ❖ Go – A & B
 - ❖ Happy – B & C
 - ❖ Joy – A & B
 - ❖ Lucky – A, B, & C
- Phasing – 5 Phases
- Site Plan
- Pedestrian Plan
- Recreation Areas
 - ❖ South/Main Area – Clubhouse, 2 Picnic Shelters, Playground, Concrete Fire Pit, Table Tennis, Cornhole, Play/Rec Field, and Mail Kiosk
 - ❖ North Area – Gazebo & Dog Park

Chairman Edward Tulauskas asked if there were any questions or comments concerning this request from the Planning Board.

Lori Oakley asked if any of property was in the floodplain because we just received a letter prior to the meeting from a neighboring property owner.



Kurt Pearson asked are you leaving over 50% undeveloped?

Jack Smyre replied it's out of the floodplain.

Lori Oakley asked have any environmental studies been done?

Jack Smyre replied a large wildlife corridor has been reserved.

Chairman Edward Tulauskas asked if there were any questions or comments concerning this request from the public.

Pat Rice, 2000 Saddle Club Road, stated I've lived here all my life and Jeffrey Lee said no development and now he has gotten greedy and wants to sale. We're losing forest land, we need to save our earth, this is country living at its best with no street lights, my father was Joe Rice and he built the barn, we now have kids vandalizing and stealing from our farm selling it downtown, I'm happy with our wells and septic tanks, my parents started the name due to riding horses, I know this land like the back of my hand, where will the wildlife go, schools are overcrowded, you're bringing dirt in, Daniel Boone marked a tree, the stagecoach rock has proven historical value, Mr. Whitaker has a picture of the rock and the name on it, there is a grave marker there and it should be engraved with D.H. Mebane 1906 on the rock, Mill Creek hasn't been preserved either, there is a hill and curve and this is a dangerous road, heavy traffic, trash, Jeffrey Lee adjourns my property and there are lots of bees, I can't step out my backdoor due to clouds of bees, I called the Orange County Bee Association, 2-5 gallons of dead bees were collected, there is wax and poop on my car, driveway, and clothes, I sent him a bill and never heard from him, Cary is nice, but Mebane is ruining most of the history, please stop the unnecessary growth and don't let these developers destroy it.

Lori Oakley asked for clarification of Ms. Rice's property on the zoning map and inquired about the rock.

Pat Rice provided more detailed information on both.

Cy Stober stated staff has directed the developer to research the rock.

Kurt Pearson further explained that there is a reduction in what can be built now and a higher density as zoned now.

Pat Rice asked how can they build on wetlands?

Kurt Pearson replied they're preserving 50% of it, not building in the floodplain, lots of open space, we've looked at Havenstone and Casey Lane and how its turned out, the land is not country land, the city is growing, development is coming, a property owner can build or sale their property if they want to, and we as a Board are using tools in the Unified Development Ordinance (UDO) to preserve.



Pat Rice replied I see houses built on Lebanon Road every day.

Kurt Pearson replied we have water and sewer here now so it's development ready, prime development land, the plan makes sense to me, that's why their asking for setbacks to be reduced, it's higher density to development with water, sewer, open space, it's a give and take, R-10 could be worse.

Tom Boney, with The Alamance News, asked, roughly what's the number of houses that could be built?

Gary Linz, 1514 Saddle Club Road, stated I have a few concerns, I have to look at the back of 13 homes, the landowner has changed his mind from his original decision to make some cash, I have drainage concerns, it's a wildlife refuge, you say you're saving 50% of the property but you're also destroying 50% of the property, move it a quarter mile down the road, already in court now disputing a boundary line, with all the construction we will be breathing the diesel fuel from bulldozers, have you contacted the Wildlife Agency, the Lake Michael dam is leaky, there are box turtles, bees are a nuisance, Summit has a bad reputation for grading, there will be construction noise, has a traffic study been done, it's about 42 miles per hour now, I would love it if enforced, the neighbors North are nicer, and we want a wall not a barrier. Mr. Linz concluded by reading a poem to the Board.

Nikki Mayer, 614 Retriever Lane, exclaimed development keeps coming, I've spent 30 years living in Mebane, y'all say come to meetings but you still let the development keep coming, these houses are too small, Mebane voices don't matter, our small town is gone, it's not charming, it's becoming another Cary, I'm a true Mebanite, we shouldn't have to leave, we grew up here, we cannot afford \$300,000 houses, we're being pushed out our hometown, it was positively charming, Mebane is not meant for this, there's overcrowding in our schools, traffic, roads, bringing in hundreds of people, cookie cutter homes, it's not charming, it's terrible!

Karen Baker, 5050 Talisker Trail, stated my concerns are density, traffic, and schools.

Laura Mayer, 614 Retriever Lane, stated Nikki Mayer is my daughter, and I had to leave my one acre land, I wanted a country feel so I moved to The Village at Lake Michael, my son is 35 years old now and he is a volunteer fireman, Orange County Mebane is like an orphan, it's like not included, it is fast food row on Mebane Oaks Road, congestion, I know a TIA was done, at what point does Mebane start preserving this town and start listening to these people, it's about profit.

Teresa Dallas, 7415 Lebanon Road, stated I have questions about the roads, NCDOT said there would be a major change, what's the plan, safety, my house was built in 1939, it's 3 acres now but was more prior to Lebanon Road and Stagecoach Road being built.

Cy Stober explained that the TIA showed no improvements recommended for that intersection.



Jack Smyre further explained that there would be no changes to that intersection.

Teresa Dallas replied I still have concerns about that intersection and the roads.

Cynthia Linz, 1514 Saddle Club Road, stated my other concern is the buffer zone. It backs up to the houses. Please see my letter that I gave you prior to the meeting. It's sickening what's happening!

Vice Chairman Judy Taylor replied people want to live here and they're moving here.

Kevin Brouwer inquired about the Bike & Trail Plan and asked if it would connect to Lake Michael?

Cy Stober replied yes; it will connect to the Lake Michael entrance, there are plans for enhanced trail plans, no final plan now but will maybe on the Capital Improvement Plan.

Jack Smyre further explained that it would be 2.7 miles of sidewalks and trails, Phase 2 would make the connection to Lake Michael Park.

Kevin Brouwer commented asphalt walking is different from natural path walking.

Kurt Pearson added if it were up to me, I wouldn't approve another home, I don't have any power, I always say schools and roads, landowners can sale their land, it's their right, we cannot say no if zoned for it, we would be sued, we're not ruining Mebane, please understand if a land owner wants to sale, we have to make sure that we utilize the property to the best use we can.

Cynthia Linz exclaimed for seven days a week we have to hear construction noise, why don't you listen!

Discussions ensued.

Cy Stober stated Mr. Chair we need to get better control of this meeting.

Chairman Edward Tulauskas explained although this isn't a public hearing, we still give the public an opportunity to speak in order to hear comments in preparation for a recommendation to the City Council who has the final vote at the public hearing.

Lori Oakley inquired about the wetlands.

Jack Smyre replied there are no wetlands, the property is located above the floodplain, crossing where the old farm bed was located, this is a cluster development, the rock is located outside the NCDOT right-of-way, the rock maybe locally historic and the City Council may have to make a resolution to reserve the rock, we contacted the state and the state sent a letter stating the rock is not historical, we offered to install a guardrail around it, but the NCDOT said it's a hazard.

Larry Teague asked if any legal action was going on?



Jack Smyre replied there is a deep gap not an overlap, they want us to quit claim the gap, it's in our open space area, also Mr. Lee is relocating his business.

Adam Powell, with The Mebane Enterprise, inquired about the creek and imperious coverage.

Jack Smyre replied we're covering 27.5% and the maximum coverage limit is 30%.

Lori Oakley inquired about the street light maximum separation.

Chairman Edward Talauskas commented shoe box lighting.

Cy Stober read Article 6 – Lighting section of the UDO as 10'.

Kurt Pearson added it's designed to minimize lighting.

Kurt Pearson made a motion to recommend approval of the rezoning as follows:

1. Motion to **approve** the R-12(CD) zoning with the following condition:
 - Add guard rail and landscaping to protect the rock
2. Motion to find that **the application is consistent** with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*. The request:

- Is for a property within the City's G-4 Secondary Growth Area and is "...generally residential and commercial in nature..." (Mebane CLP, p.66);
- Does not develop 50% of the property in a Conservation Area that features Mill Creek (p. 67);
- Is providing community facilities in the form of a greenway that connects to Lake Michael Park, consistent with Growth Management Goal 1.4 (p. 17, 83);
- Improves the safety and confidence of pedestrians crossing Lebanon Road, consistent with Public Facilities and Infrastructure Goal 2.1 (p.17, 84);
- Provides a greenway connection across Lebanon Road to Lake Michael Park, 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); and
- Provides a greenway, as required in the City's *Bicycle and Pedestrian Transportation Plan*.
Lori Oakley seconded the motion, which passed unanimously (9-0).

6. New & Other Business



Cy Stober provided an update on the Burlington-Graham MPO Metropolitan Transportation Plan. The website is <http://www.bgmppogettingthere2045.com/> for "Getting There 2045". Once complete, this plan will establish the future vision for the region's transportation system and lay out strategies to help achieve this vision over the next 25 years. The next BGMPO Public Meeting is scheduled on Tuesday, March 31, 2020, 5–7 p.m., Mebane Arts & Community Center, Mebane, N.C.

Lori Oakley inquired about getting updates on items heard by the Planning Board.

Cy Stober provided a brief update.

7. Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m.