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**Planning Board  
Minutes to the Meeting**

August 9, 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=9qOPlue29PI>

**Members Present:** Chairman Edward Tulauskas, Lori Oakley, Gale Pettiford, Kurt Pearson, Keith Hoover, Kevin Brouwer, 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. Swearing-in of reappointed members Kurt Pearson and Larry Teague**

Stephanie Shaw, City Clerk, swore in Kurt Pearson and Larry Teague to take their oaths for their new terms as members of the Planning Board.

**3. Election of Officers**

Cy Stober explained that the Planning Board elects two members of the board to serve as chair and vice chair on an annual basis. Staff did not receive any nominations prior to the meeting.

Kurt Pearson made a motion to nominate current officers, Edward Tulauskas as Chair and Judy Taylor as Vice Chair. Larry Teague seconded the motion. The motion passed unanimously.

**4. Approval of July 19, 2021 Minutes**

Lori Oakley made a motion to approve the July 19 meeting minutes. Kevin Brouwer seconded the motion, which passed unanimously.

**5. City Council Actions Update**

Cy Stober, Development Director, provided an update on the City Council's recent action at the August City Council meeting,

**6. Proposed amendment to the Flood Hazard Overlay District (FHO) in accordance with the Federal Emergency Management Agency Letter of Map Revision (LOMR) Case Number 21-04-0010P that revises the extent of the floodplain along the northern bank of the Lake Michael Tributary (FIRM #370390, Panel #9825, Suffix #L), effective July 15, 2021.**



Cy Stober presented the proposed amendment, summarizing the FEMA FIRM amendment process. Cy Stober explained that will bring the proposed amendment is necessary to bring the City's official Zoning Map into consistency with the revised FIRM. Josh Johnson, P.E. of Alley, Williams, Carmen, & King was in attendance and available to answer any technical questions.

Kevin Brouwer made a motion to the amendments to the City of Mebane Unified Development Ordinance and Zoning Map as presented and that the amendments are consistent with the objectives and policies for growth and development in the Comprehensive Land Development Plan Mebane By Design and are required by State and Federal law. Kurt Pearson seconded the motion, which passed unanimously. Cy Stober commented that the request will go before the City Council at the public hearing scheduled for September 13.

**7. 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 cluster development of 147 townhomes by Ben Wilson Rd, LLC**

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 initial request was presented to the Planning Board on June 14, 2021, and received a recommendation for denial due to concerns about density and insufficient parking. The request has since been revised to increase the amount of parking so that a waiver is no longer required, and the number of townhome units has decreased from 161 to 147.

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

The applicant, James Parker of Ben Wilson Rd, LLC, 320 Executive Court, Hillsborough, NC 27278, provided a presentation of the request and site plan. Mr. Parker primarily discussed the site plan revisions since its initial presentation in June: additional parking and landscaping of parking areas.

Larry Teague expressed concern that there aren't enough turn lanes to accommodate traffic volumes coming to and from Mebane Oaks Road. Mr. Parker responded that the TIA warranted one turn lane, which is provided at the northern entrance to the site.

Larry Teague asked if Orange County had any farmland protection requirements that would need to be considered in converting farmland into townhomes. Cy Stober responded that the City of Mebane does not have any type of farmland protection agreements with Orange County nor Alamance County.

Lori Oakley thanked the applicant for the consideration of her concerns raised at the June 2021 Planning Board meeting, noting that the plan surpasses minimum parking requirements. Ms. Oakley also noted that while she would have liked to see lower density, perhaps R-12, but was pleased to see



that they reduced the density from the previous request. Larry Teague echoed Lori Oakley's remarks. Mr. Parker responded that the parking waiver request for the previous site plan was not intentional and concurred that sufficient parking is important.

Lori Oakley made a motion to approve the request to establish R-8 CD zoning as presented. Larry Teague seconded the motion which passed unanimously. Chairman Tulauskas confirmed that the request will go before the Mebane City Council at the September 13th public hearing.

**8. Request to rezone the +/- 0.343-acre property addressed 702 Vance Street (PIN 9815730196), from B-3 to R-12 to allow for a single-family detached home by VGG Holdings LLC, c/o Peter Gitto**

Staff presented the above general rezoning request. The Planning staff has reviewed the general rezoning request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval.

Audrey Vogel provided a brief overview and PowerPoint of the request. The applicant Peter Gitto of VGG Holdings LLC, 7720 Basset Hall Court, Raleigh, NC 27616 approached the podium to answer questions from the Planning Board.

Two members from the public began to ask Pete what he intended to build on the property and why a rezoning was necessary. Chairman Tulauskas asked the members of the public to share their names and addresses for the record and to hold their questions until after the Planning Board addressed Mr. Gitto.

Lori Oakley asked if staff or the applicant knew why the property was zoned for business use in the first place. Mr. Gitto explained his process to get an exclusion determination, as the property was previously recognized by Alamance County and the City as a single property with split-zoning (R-20 and B-3 zoning) but had historically existed as two lots. Cy Stober clarified that the original recorded plats and historic deeds demonstrated that the properties were recorded as individual lots and never legally recombined, and the applicant provided the evidence of this property history and was issued a Certificate of Exclusion, per Article 7, Section 2 of the Unified Development Ordinance. As such, Cy Stober approved an exempt subdivision plat for the subject B-3 property and adjacent R-20 property in March 2021 per the exclusion determination. Cy Stober also added that he did not know why the subject had B-3 zoning, as there are not records for some of the older parcels of land in the city. Mr. Stober also clarified that residential uses are not a permitted use in the B-3 Neighborhood Business zoning district.

Kurt Pearson asked about the second lot referenced. Cy Stober clarified that the subject property and the adjacent property to the west of the site, 704 Vance Street, had originally been recognized as a single lot and had been recently subdivided per the exclusion determination process discussed above. This adjacent property is zoned R-20 and the applicant has already submitted a permit application to build a single family home.



Larry Teague clarified that the applicant intends to build two homes, one on the 704 Vance St property with residential zoning and one on the subject 702 Vance Street property pending rezoning approval.

Lori Oakley commented that she initially wondered why R-12 was being requested over R-20 zoning but understood that the subject property did not conform to the minimum lot area of the R-20 zoning district. Cy Stober confirmed that she was correct.

Kurt Pearson commented that there appeared to be quite a few non-conforming lots in this area of Mebane. Cy Stober responded that there are numerous non-conforming lots in the older parts of Mebane. Planning staff has not brought forth an initiative to propose rezoning to bring all lots into conformance at this time as it would be an enormous undertaking.

At this time Chairman Tulauskas invited members of the public to provide comments and ask questions.

Mitchell Graves, 706 Vance Street, expressed concern that two-story dwellings are too large for the size of the lots and would not align with the character of the neighborhood.

Kurt Pearson responded that the lot is nearly 15,000 square feet which really isn't very small and is larger than a typical R-12 lot size. He also noted that as a general rezoning request, the Board is only evaluating the setbacks and other density and dimensional requirements of the proposed use, but the design of the proposed use is a separate issue. Cy Stober added that North Carolina General Statute does not permit cities to regulate the architectural character of single-family residents, such as number of stories, square footage, and appearance, unless there is a historic district or overlay in place.

Kurt Pearson asked Mr. Graves if that helped clarify that the Planning Board does not have purview to dictate what the applicant builds on the lot. Mr. Graves responded that he understood but wanted the Board to hear his concern about neighborhood change and the impact of the proposed rezoning on the character of the neighborhood.

Phillip McAdoo, 408 Giles Street, raised concerns about drainage issues referring to another home that Mr. Gitto is building on Roosevelt Street. Mr. Gitto responded that he would go check out the site if drainage issues were persisting, but that he added a drainage pipe to fix the issues Mr. McAdoo was referring to. Mr. Gitto explained that the drainage issues in that area are because the public right-of-way does not have an adequate drainage system, but he would continue working on improve the drainage at the site.

Mr. McAdoo asked what was the reason for him and his neighbors attending the meeting other than changing the zoning of the property? Cy Stober responded that North Carolina general statutes and the local ordinance require a public hearing which will be held September 13th at 6 pm before the Mebane City Council. Mr. Stober added that any decisions made at the planning board meeting



tonight are recommendations to the City Council, which holds the authority to make decisions on rezonings. The hearing will be advertised per state and local requirements including the posting of the property, an advertisement in the local paper and the notification of all neighboring property owners within 300 feet the subject property. Mr. Stober added that the Planning Board meeting gives the public an opportunity to speak in favor or in opposition or ask questions regarding the rezoning request.

Carmen Bradsher commented that she did not live in the area but owned property there (she did not specify her address). Ms. Bradsher asked if the proposed rezoning from neighborhood business to residential would apply to the surrounding properties in the area, and if a resident that ran a daycare in the area would still be able to continue that use? Chairman Tulauskas clarified that the rezoning request only applied to the one subject property 702 Vance Street, and it would not impact the daycare business. Ms. Bradsher expressed concerns about the impact of the new home on the taxes in the area and the potential for gentrification.

Omega Wilson, Co-founder of the West End Revitalization (WERA), explained that he represents an environmental justice organization that owns two properties on the east side of Vance and Giles Street. Mr. Wilson explained that the properties in the neighborhood are historically owned by African Americans and the lots are irregular in part because the streets were not built by the City until after zoning was established. Mr. Wilson commented that the City's planning and zoning processes that impact environmental justice communities, such as West End, should formally take into the consideration the population of African American, indigenous people, and/or latinos that live in those communities. Mr. Wilson also informed the Planning Board about an environmental justice mapping project that WERA and the City are working on under the guidance of the Federal Government.

Tom Boney of Alamance News asked for some clarification about the location of the WERA owned properties relative to subject property and the Mebane City limits. Mr. Wilson clarified that the subject property and the properties on Giles that he referenced are located within City Limits since they were annexed some 30 years ago.

Rodney Graves commented that he used to live on Vance Street and owns vacant property on Giles Street. Mr. Graves shared the history of the subject property, which was paid for by a soldier killed in action during World War II and family that worked for years at the Kingsdown factory. Mr. Graves expressed disagreement with the development of the property by someone without any ties to the community or deep history of the neighborhood.

Kurt Pearson asked if the majority of those in attendance that disagree with the rezoning request are homeowners of residential properties. The audience replied with a unanimous "yes." Kurt Pearson indicated that the plot plan for the proposed home on the subject property clearly meets all of the setback requirements for the request R-12 zoning district, with side setback distances in excess. Mr. Pearson asked what could be built on the property under its current B-3 Neighborhood Business



Zoning? Lori Oakley responded that she looked at the Table of Permitted Uses in Article 4 of the UDO which includes laundromat, library, bank, barbershop, and carwash. Ms. Oakley added that as its currently zoned the property owner could build a laundromat on the property as a by-right use without any public notification or public hearing. Ms. Oakley and Mr. Pearson concurred that single-family residential zoning would allow for a more compatible use of the property due to the residential nature of the neighborhood.

Mitchell Graves, 706 Vance St, commented that he did not have an issue with the proposed residential use, but did have concerns about density. Chairman Tulauskas responded that R-12 is a relatively low-density zoning district compared to some of the properties zoned R-8 in the area. A woman in the audience added that they are asking for the developer to respect the neighbors in the area, and that they don't have an issue with the property being developed but they do have an issue with what is going to be built. Kurt Pearson responded that the Board does not have the power to regulate that, and if the residential rezoning is approved it will be up to the applicant to choose what to build provided that it meets the development requirements. Mr. Pearson suggested that the applicant and the residents of the area sit down and talk as neighbors about Mr. Gitto's plans for the property.

Kurt Pearson made a motion to approve the R-12 rezoning request as presented. Keith Hoover seconded the motion which passed unanimously. Kurt Pearson and Cy Stober clarified that there will be an opportunity to attend the City Council public hearing which will held on September 13<sup>th</sup> at 6:00 pm. Cy Stober added that the property will continue to be posted, the hearing will be advertised in the local papers and the surrounding property owners will received a letter.

#### **9. New Business**

Audrey Vogel notified the Board that the September Planning Board meeting will be held on September 20th which is pushed back one week due to the Labor Day holiday.

#### **10. Adjournment**

There being no further business, the meeting was adjourned at 7:25 p.m.