



The Planning Board meeting was held at the Mebane Arts and Community Center located at 633 Corregidor Street, Mebane, NC 27302 and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=ccahB1Oge2Y>

Members Present:

Chairman Edward Tulauskas
Judy Taylor, Vice Chair
Gale Pettiford
Susan Semonite

Kurt Pearson
Keith Hoover
Larry Teague
William Chapman

City Staff Present:

Audrey Vogel, Planner
Ashley Ownbey, 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 Newly Appointed Planning Board Member William Chapman

Stephanie Shaw, City Clerk, swore in William Chapman to take an oath for his term as a new member of the Planning Board.

3. Approval of March 14, 2022, Meeting Minutes

Kurt Pearson made a motion to approve the meeting minutes. Gale Pettiford seconded the motion which passed unanimously.

4. City Council Actions Update

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

5. Request to establish R-12(CD) zoning +/- 148.98 acres for a Planned Unit Development of 308 single-family homes and 184 townhomes, by rezoning 2570 S NC 119 (GPIN 9803664499) from R-20; rezoning an adjacent unaddressed property (GPIN 9803752741) from B-2 and R-20 and establishing zoning on a portion of the property not zoned by the City of Mebane; rezoning portions of an adjacent unaddressed property (GPIN 9803578931) from R-20; and, rezoning portions of 2502 S NC 119 (GPIN 9803677687) from B-2 by Leoterra Development, Inc.;

AND

Request for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station on the unaddressed property (GPIN 9803752741) by Leoterra Development, Inc.

Leoterra Mebane, LLC, is requesting to rezone the properties to R-12(CD) (Residential Conditional District) to allow for a Planned Unit Development of 184 townhomes and 308 single-family homes. The properties are in Alamance County outside of the City limits. Leoterra Mebane, LLC, owns the largest property and has all portions of the other properties under contract for purchase, contingent upon approval of the conditional rezoning.



Proposed onsite amenities, waiver requests and traffic improvements are detailed in the meeting agenda packet available here: <https://cityofmebanenc.gov/meetings/planning-board-meeting-april-11-2022/>. The Technical Review Committee (TRC) has reviewed the site plan five (5) times and the applicant has revised the plan and TIA to reflect the comments.

Ashley Ownbey provided an overview and PowerPoint presentation of the request.

Attorneys La-Deidre Matthews and Craig Turner of Fox Rothschild LLP (101 N. Tryon St. Suite 1300 Charlotte, NC 28246) representing the applicant provided a detailed presentation of request. Craig Turner presented the rezoning request which included a discussion of the surrounding land use, traffic conditions and improvements. La-Deidre Matthews presented the special use permit request. During the presentation, Ms. Matthews explained that the request would meet the following criteria for a Special Use Permit:

- 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

The applicant Buddy Lyons of Leoterra Development, Inc. introduced himself to the Planning Board and public and went into detail about the home products and architectural standards they intent to use and the proposed onsite amenities.

Rami Al-Chacar, 3010 Bluebird Lane, asked how what the proposed density would be and if it would be small lots. Mr. Lyons responded that it would be 3.3 units per acre and the lot size is pretty standard compared to newer developments in the area.

Francis Fredette, 2531 Farrell Rd, expressed concerns about increased traffic in the area, specifically the already troublesome intersection of Turner Rd and S NC HWY 119. Mr. Fredette recounted his experience of leaving 30 minutes early just to get on 119 from Turner Rd and asked if there would be a traffic light added at this intersection. He added that an entrance to the proposed development on Farrell Rd would prohibit those residents from easily accessing Turner Road as well.

Buddy Lyons explained his Engineering team was required to complete a traffic impact analysis (TIA) to for the project, which was reviewed and approved by the City of Mebane and the NC Department of Transportation (NCDOT). He noted that the goal of the TIA and design is to minimize the traffic impact, and added that the impacts to the road network would not take place for many years ahead due to supply chain delays and project phasing. Mr. Fredette (2531 Farrell Rd).

Alex Carter, P.E., an engineer at Leoterra Development, Inc spoke about the traffic study. He stated that the Ramey Kemp traffic engineer that conducted TIA was not able to attend the meeting. He explained that per the TIA the developer will provide a number of improvements on NC119 including a traffic light at NC 119 and Kimrey Rd.



Heather Merritt, 2170 Farrell Rd shared disappointment over the prospect of the “beautiful farmland” across from her home being turned into more “cookie cutter homes.” Ms. Merritt commented that speeding is unsafe on Farrell Rd and more homes in the area will make the road more unsafe and increase traffic on an already congested system. Ms. Merritt inquired when the TIA was completed and if it took COVID impacts into consideration - now that people are going back to work traffic has been worse than ever. She stated that a traffic signal at NC 119 and Kimrey Rd would benefit only the people living in the proposed development. She reiterated that a signal at NC 119 and Turner Rd is necessary and that school traffic in the morning is burdensome. The impact to schools will also be problematic, noting increasing class sizes at the elementary school and longer bus rides. Ms. Merritt also expressed disappointment that neighbors were notified about the project two weeks in advance. She urged the Planning Board to consider the impact to the surrounding neighbors and the already strained road network.

Christopher Cole, 2200 Farrell Rd, echoed the concerns about density and traffic congestion in the area. Mr. Cole also spoke about the wildlife that currently exists on the subject property, such as bald eagles and turkeys. He concluded that traffic and growth in the area is “getting out of hand” and is unsustainable.

Tara Cole, 2200 Farrell Rd shared similar concerns about traffic and congestion on NC 119, Turner and Farrell Rd. She also asked whether the TIA considered recent traffic conditions since people have returned to working in person. She noted that a light at NC 119 and Kimrey can only do so much when the road needs to be widened. She added that Alamance County doesn’t maintain Farrell Rd, so more cars on the street will cause more problems. Ms. Cole commented that she moved to Farrell Rd for the appeal of rural living and she was not ever aware that the subject property was for sale and commented that Mebane has changed so much over the last 10 years with respect to population growth, open space and traffic.

Kurt Pearson asked Alex Carter, P.E. to answer some questions about the Hawfields Landing TIA and clarified that he is not from Ramey Kemp (the firm that conducted the TIA). Mr. Carter explained that a traffic signal at the NC 119 and Kimrey Rd intersection will help to improve the level of service (LOS) by creating a “gating effect” for the flow of traffic. He clarified that there are no direct improvements proposed on Turner Road. Kurt Pearson read from the TIA that no-build and build conditions both have the same LOS for the major and minor roads.

Buddy Lyons commented that the road network and improvements are based on what is required by the City and CCDOT, and any additional staff feedback during the TRC process. He added that he would be happy to have a conversation with the City about additional traffic improvements.

Kurt Pearson asked why the development was going to have an entrance on Farrell Road? Cy Stober answered that NC State fire code requires two points of access for developments of more than 100 homes. Mr. Pearson noted that it would be likely that residents of the proposed development would use Turner and Farrell roads and asked what would trigger an improvement to Turner Rd. Cy Stober responded regardless of the development the Turner Road intersection has a LOS F. Mr. Sober continued that the NCDOT has initiated an express design project for S NC 119, but it would take at



least 10 years for any improvements to be realized. He recognized that the traffic on this road is already a significant challenge and there is no remedy at this time for the NCDOT controlled road.

Keith Hoover asked when the TIA was completed. Mr. Stober responded that the TIA was updated twice, most recently this year in March 2022 to reflect the latest traffic conditions. He added that the developer of Cambridge Park is already required to add a turn lane at the NC 119 intersection. Acquiring right of way to add a turn lane on NC 119 is already a challenge due to historic preservation constraints at the Hawfields Presbyterian Church and cemetery. Kurt Pearson asked if a stoplight at Turner Road intersection is warranted? Cy Stober confirmed that it is warranted per the signal warrant analysis, but it would need to go through the NCDOT Congestion Management and Division 7 and it is unclear how it would be funded.

Buddy Lyons noted that he would be willing to explore improvements on Turner Road at the City's direction. He also emphasized that the core purpose of the Planning Board meeting is to discuss land use and the property's current state it could be used for a range of higher intensity commercial uses that may generate even more traffic or truck traffic. Mr. Lyons also explained that his team has worked to meet the requirements of the Mebane UDO and TRC, but would be interested in holding another meeting with the neighbors prior to the City Council public hearing to address concerns about setbacks, density, etc.

Gale Pettiford asked when the Cambridge Park improvements discussed earlier would begin. Cy Stober responded that it would be within the next two phases.

Cy Stober reminded the Planning Board that NC State law prohibits municipalities from considering making land use decisions based on public schools.

Mr. Fredette, 2531 Farrell Rd, asked how long it would take to see a traffic light at Turner Rd if it is left up to the state. Cy Stober answered the NCDOT express design project could take at least 10 years.

Kurt Pearson asked what the City takes into account when making a recommendation for land use and zoning decisions. Cy Stober referred to Ashley Ownbey's presentation earlier noting that they look at harmony with surrounding land use and zoning in the area and adopted long range plans. He added that there is State case law that dictates single family residential adjoining single family residential, despite lot sizes is to be considered harmonious.

Susan Semonite asked if increasing the minimum setbacks would decrease the number of lots in the development and how it would impact the home products? Buddy Lyons responded that it would have a bigger impact on the homebuilder and the products, but it does not necessarily reduce the number of homes.

Buddy added that he is happy to look at increasing setbacks, buffer, landscaping and making some density concessions prior to the City Council meeting. He added that he hopes to get a contact sheet of those who have attended the meeting to get in touch and work with folks to address concerns.



He emphasized the importance of addressing the concerns of the neighbors and meeting people in the middle.

Larry Teague asked how many acres are proposed to be developed with homes. Buddy responded that about 50 acres are being reserved for open space with about 100 acres for development.

Judy Taylor asked about the price point for the townhomes. Buddy responded that it would likely be low 400's. He elaborated on the dramatic increase in prices and property values over the last year or so due to inflation.

Judy Taylor commented on the property being classified as the G2 growth area in the Comprehensive Land Development Plan. She noted that this growth area is intended to have activity centers with opportunities for residential development and employment so that people can live and work close by. Ms. Taylor added that people that do work close by at the distribution centers probably can't afford homes in the 400k range.

Buddy Lyons responded that he would be willing to get a lower price point, but they wouldn't be able to achieve the City's desired architectural conditions.

Tom Boney of the Alamance news asked for more information on the history of the project. Cy Stober responded that the project was originally brought to TRC by another developer over 4 years ago, with plans that included 560 homes with apartments. This never came to Planning Board. Leoterra took over the project and reduced the density.

Kurt Pearson asked if Leoterra makes changes to the plans, do they need to return to the Planning Board prior to City Council. Cy Stober explained that it depends if the changes significantly alter the design of the project.

Buddy reiterated that beyond traffic improvements which warrants further discussion with the City and DOT, he is considering a reduction in the number of homes, increasing setbacks and the addition of more landscaping and buffers, particularly around the cemetery. He also discussed changes to the architectural standards. Buddy opined that none of which would create a substantial change. He also reiterated his intent to meet with surrounding residents.

Tom Boney asked how many homes would be eliminated. Buddy responded that he would need to run the numbers, but it would probably be in the 10s.

Cy Stober provided clarification that per state law the City is prohibited from regulating the architecture of single-family homes. Cy explained the precedent that private developers often offer architectural commitments to City Council as part of their conditional rezoning request, but that is strictly between the developer and City Council.

Tara Cole asked for clarification about "flexibility in design" for Planned Unit Developments. She also emphasized the need to consider the average income in the area to insure these homes are



affordable. Cy Stober clarified that the flexibility in design for PUDs allows certain deviations from the City's development standards, but once the project is approved it must adhere to the conditional approval and the site plan may not change without approval from the City Council at a public hearing.

Tara Cole asked if anyone on the Board has been to the cemetery on the property and commented that the design around the cemetery was not favorable.

Buddy Lyons proposed to the Planning Board to make the following changes to the rezoning request

- Increase minimum side setback from 10 to 14 feet;
- reduce the number of homes by at least 20 lots
- improve the design of the area surrounding the cemetery; and
- publicly dedicate the walking trail

Buddy also repeated his intent to meet with the neighbors to discuss further including landscaping and buffers.

Chairman Tulauskas invited more members of the public ask questions and provide comments. He reminded everyone that the City Council will have the final say and the project will be considered at a public hearing.

Janet Eckelbarger, 2872 Nereus Dr, commented that the purpose of the meeting is to consider the zoning – which is currently B-2 along NC 119 with some R-20 in the back. Ms. Eckelbarger explained the property was zoned B-2 for a reason and should stay that way citing the need to commercial services in the area and the future growth strategy areas in the Comprehensive Plan. She also commented that the developer should provide public recreation in the area and that a payment-in-lieu is not acceptable. She concluded that R-12 is too dense and a less traditional type of development would be a better fit for the area.

William Currin, 431 E Mcpherson Dr and owns property on Farrell Rd echoed the concern that too many homes are being proposed and remarked on how much Mebane has changed. He also asked about the annexation of the property and how it would impact neighbors. Cy Stober clarified that only the subject property would be annexed. Mr. Currin also asked about the cost to extend sewer to the development. Buddy Lyons explained that this is a developer's expense.

Bhavna Hilligrass, 1262 Valdosta Dr, shared concerns about the degradation and loss of habitat and environmental resources. Ms. Hilligrass referenced the conservation area identified in the CLP and the goal and objectives in the CLP that support tree preservation and environmental conservation. Ms. Hilligrass also referenced the City's tree protection ordinance. Ms. Hilligrass requested that the developer provide an onsite walk through with neighbors. She also suggested the developer provide more nature-based amenities geared towards conservation. She concluded by asking the Board to consider the project and how it can be in harmony with nature, and how conservation strategies can help protect their health and environment.



Planning Board

Minutes to the Meeting
April 11, 2022, 6:30 p.m.

Matt Lawrence, 3015 S NC 119 HWY, commented that he's lived in the area for more than 40 years and is on the Board of Directors for the Hawfields Child Care and Development Center. His concern is that the growth in the area has not been supported by adequate infrastructure. He commented on the bottleneck on NC 199 between the Hawfields Presbyterian Church and historic cemetery, noting that until that bottleneck is resolved no traffic light will fix the problem. He elaborated that the roads cannot accommodate new and or already approved sources of traffic on NC119 including amazon trucks, the new high school, Summerhaven, and Cambridge park. He said all of our interest is to make a place that people want to come and work and live and if we don't do it responsibly people won't want to live here anymore.

Judy Taylor asked if City staff provided any guidance or feedback to the developer regarding the required public recreation dedication of 14 acres and the proposed payment in lieu. Buddy Lyons responded that the public recreation was determined prior to him taking over the project but was open to feedback on the matter. Judy Taylor emphasized the importance of the Planning Board meeting to give neighboring residents and the developer an opportunity share ideas and concerns prior to the City Council meeting.

Concluding the public comment period of the meeting, Buddy Lyons spoke about the feedback he received and stated that he would be willing to do an onsite walk through prior to the Council Meeting and that we would get a signup sheet/ list of contact information from interested members of the public in attendance. He also said that they were required to do a stream and wetland study for the project, and Leoterra Development, Inc. has their own grading and utility and simple site construction division, which gives them full control over the site development and any impacts to stream, wetlands, wildlife, etc.

Craig Turner reminded the Planning Board that the site plan brought forward for the rezoning request is something that has been reviewed extensively by City staff and has been approved by the TRC. He added that Mr. Lyons has shown that he is more than willing to cooperate with City staff and the community to address number of concerns related to the project and that the ultimate authority is the City Council which will hear these concerns as well. Mr. Turner asked that the Planning Board approve the request as presented with the conditions that Mr. Lyons agreed to and allow the City Council to negotiate with the Developer further. Buddy Lyons restated the conditions he would add to the site plan prior to City Council:

- Increase minimum side setback from 10 to 14 feet;
- reduce the number of homes by at least 20 lots
- improve the design of the area surrounding the cemetery; and
- publicly dedicate the walking trail / make it ADA accessible

Kurt Pearson questioned if it would be appropriate for them to continue to Council given the number of proposed changes and suggested tabling the request for a month to allow the developers to make the discussed changes. Cy Stober responded that the developer has the right to seek Council Action after the Planning Board has had 30 days to consider the request.



Buddy Lyons explained that he hoped the Planning Board would make a recommendation and then the Developer team would use the time before the City Council hearing to make sure they address the concerns raised during the meeting. Buddy added that he would be happy to table the request for the Planning Board but ultimately comes down to Council.

Kurt Pearson raised the concern that there are two requests on the table – the rezoning and the special use permit request which puts the Planning Board in a difficult position. Attorney La-Deidre Matthews clarified that the special use permit request is to be considered separately from the rezoning request and will have a separate quasi-judicial public hearing before the City Council.

Attorney Craig Turner requested a two-minute break, which was granted by Chairman Tulauskas. Following the brief intermission, Mr. Turner made a request for the requests to be tabled for a month to allow the development team time to make the above discussed changes to the site plan and hold an onsite meeting and walk through with the concerned neighbors. Buddy Lyons thanked the members of the public that attended the meeting for their professionalism and for sharing their concerns.

Per this discussion, Kurt Person made a motion to continue the rezoning and special use request by Leoterra Development, Inc. to the May Planning Board meeting. Judy Taylor seconded the motion which passed unanimously.

6. New Business

Audrey Vogel, City Planner, shared the following new business items:

- Kevin Brouwer stepped down from the Planning Board due to increased time commitment and travel at work.
- City Council Budget Work Session to be held on May 13
- City offices closed Friday, April 15

7. Adjournment

Chairman Edward Tulauskas adjourned the meeting at 8:45 p.m.