



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=Afat8CL6VJY>

Members Present:

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

Keith Hoover
Larry Teague
William Chapman

City Staff Present:

Ashley Ownbey, Planner
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 11, 2022, Meeting Minutes

Judy Taylor made a motion to approve the meeting minutes. William Chapman 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 April City Council meeting

4. *Continued from April 11th Planning Board Meeting:*

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 308 single-family homes and 184 townhomes. 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](#).



The request was on the agenda of the April 11th meeting. The matter was continued to the May meeting to allow the applicant to modify their request and hold an additional neighborhood meeting.

Ashley Ownbey provided an overview and PowerPoint presentation of the request, highlighting the changes in the site plan since the April meeting.

Craig Turner of Fox Rothschild LLP (101 N. Tryon St. Suite 1300 Charlotte, NC 28246) representing the applicant gave a recap of the previous Planning Board meeting and provided an overview of the proposed rezoning request. He added that attorney La-Deidre Matthews is available to respond to questions about the SUP request and traffic consultant Chase Smith of Ramey Kemp to discuss the traffic study.

The applicant Buddy Lyons of Leoterra Development, Inc. provided a detailed presentation of the changes to the proposed site plan which included modified setbacks, an ADA accessible walking path, and improved landscape buffers. Mr. Lyons also presented research and photos of the existing cemetery on site and committed to fencing the historic grave site and adding a plaque. Mr. Lyons discussed that this project was a “down-zoning” because the existing B-2 zoning and un-zoned area in the county would allow for higher intensity uses compared to the proposed residential use, particularly for traffic, referencing a traffic study that compared the development to hypothetical commercial or industrial uses. He also said that this development would have a positive impact on property values while some of the current permitted uses would not.

Larry Teague asked how many of the people at the neighborhood meeting approved of the project after the proposed adjustments to the site plan? Buddy Lyons responded that the improvements to the landscape buffer and the cemetery addressed concerns raised by the neighbors, and that the increase of the side setback would likely not be that significant to them. He added that traffic is by far the biggest concern for neighbors.

Larry Teague asked if the HOA would be responsible for the cemetery. Mr. Lyons affirmed that it would provided that there aren't any specific historic laws about cemeteries prohibiting them. In response to a question from Keith Hoover, Buddy Lyons noted that the cemetery consists of one headstone for the Turner Family but may have one or two more grave sites under the overgrown vegetation.

Keith Hoover asked if an industrial park would have a greater impact on traffic in the area, per the hypothetical traffic study. Buddy Lyons responded that traffic could be nearly double for a commercial development and that Ramey Kemp is considered a reputable traffic consultant.

Gale Pettiford asked if the cemetery is documented with Alamance County as historic. Buddy Lyons responded that it would be cleaned up, dedicated, and undisturbed by the project, but they need to do an environmental report to learn more about it. Gale Pettiford suggested that they contact the Alamance County Historical Properties Commission for more information and documentation. In



response to a question from Judy Taylor, Buddy Lyons added that they also plan to fence in the cemetery provided that it is allowable.

Judy Taylor asked if any existing vegetation would be preserved on site particularly for the buffer and if a fence would be part of the buffer. Mr. Lyons responded that most of the site is an open field, and they are limited in how much they can preserve due to grading. He added that there is a lot of interest in using native planting that enhances the landscape and has discussed this with some of the residents interested in environmental conservation. He also responded that a fence would be added provided that it is not an issue for the public sidewalks.

William Chapman commented that he drove Farrell Road and expressed concerns about the physical condition of the road and asked how the increased traffic may impact the road. Mr. Lyons explained that the road has a lower level of maintenance from the state, and that the biggest issue he was from the uneven surfaces created by gravel driveways. Project Engineer Aden Stoltzfus, P.E. added that they would improve the road by providing sidewalks along the project's side of Farrell Road.

In response to a question from Larry Teague, Chase Smith explained that the development would triple the amount of traffic on Farrell Road. He added that the majority of the initial phases would use Kimrey Rd instead of Farrell and Turner Rds. Buddy Lyons added that the improvements on Turner Rd required for Cambridge Park project would also improve the conditions, and that they are interested in working with the City to install a traffic light at the Turner Rd intersection.

Susan Semonite asked how many homes would be constructed in each phase of development. Mr. Aden Stoltzfus highlighted each phase on the site plan.

Judy Taylor expressed concern that the payment-in-lieu for public recreation seemed low and that there is a significant demand for recreation facilities in that southern area of Mebane. Buddy Lyons responded that their project fully complies with the amount required for payment-in-lieu and goes beyond that by making the walking paths ADA accessible so that they could be publicly dedicated sometime in the future. Cy Stober added that the true market value is reflected in the calculation of payment-in-lieu.

The following members of the public spoke about the project:

1. Tara Cole, 2200 Farrell Rd shared concerns about the loss of landscape and environmental open space. She commented that the price point for the home products is not affordable for the people in the surrounding area and questioned if people would relocate to Mebane if the economy doesn't stay strong. Ms. Cole commented that there are limited services in the area, for example the pharmacy. She expressed an interest in more diverse housing, age restricted housing, and small businesses to serve the residents. Ms. Cole expressed concern about traffic and congestion on NC 119, Turner and Farrell Rd and cited several developments in the pipeline on NC 119 that will increase traffic even more, and the current infrastructure can not accommodate Hawfields Landing.



2. Thomas Coates, 2602 Jamie Baker Dr commented that the proposed development would destroy the Farrell Road neighborhood and that buffers wouldn't fix the negative impact on Farrell Rd. He echoed concerns about traffic, the project is not for the middle class and that growth in Mebane is unsustainable. He added that he's lived in the area for 20 years but would consider leaving if the project is approved.
3. Heather Merritt, 2170 Farrell Rd, noted that she attended the neighborhood meeting and appreciated Mr. Lyons efforts to work with the neighborhood, but the proposed changes don't address her primary concerns about traffic, speeding, and damage to Farrell Road. She added that she supported residential development, not commercial development, but urged the Planning Board and applicant to consider the dire traffic situation and put pressure on NCDOT to act.
4. Richard White, 2635 Jamie Baker Dr cited several excerpts from the Mebane By Design Comprehensive Land Development Plan (CLP) that did not support the proposed rezoning. He read a quote about prioritizing growth inward that is designed with infrastructure in mind. Mr. White noted that the proposed development would be uncontrolled growth and urban sprawl. He echoed that the infrastructure could not support the project, particularly due to severe traffic and trucking on NC 119. He quoted from the CLP that controlling the size and number of homes in Mebane would increase demand. He commented that he moved to Mebane for the slower pace of life not found in the Research Triangle, and regrets to see how Mebane has changed so rapidly. He concluded that the developers do not care about the neighbors' quality of life and the development should look more like the other side of Farrell Road, and the proposed development is not harmonious and not consistent with the CLP.
5. Jenna White 2635 Jamie Baker Dr echoed concerns about traffic, density, and disruption to the quality of life on Farrell Road. She spoke about the valuable natural resources and wildlife on the property such as white oak and woodpeckers. She noted that the area is not viable for commercial development, and residential development must be sustainable and consider the voices of the community. Ms. White concluded by playing an audio recording of the wildlife on the subject property and noted that the birds heard on the recording would not survive high density development.
6. Christopher Cole, 2200 Farrell Rd, echoed the concerns about infrastructure, density, and traffic congestion in the area. Mr. Cole also spoke about the challenge the proposed development would pose for emergency services.
7. Maria Trinidad, 2111 Tigger Ct commented that she loves her neighborhood on Farrell Rd and expressed opposition to the proposed rezoning.
8. Barbara Faison 2511 Farrell Rd shared concerns about traffic in the area and recounted an instance where an accident on NC 119 caused a major traffic jam on Farrell Road.



9. Stacy Canty, 2220 Farrell Rd thanked her neighbors for their remarks and shared their concerns about traffic. Ms. Canty discussed how much Mebane has changed over the last 20 years and that she could never afford one of the proposed homes.
10. Patricia Coates, 2602 Jamie Baker Dr asked the Planning Board not to ruin her quite neighborhood and elaborated on the need for recreation facilities in the area.
11. Janet Ecklebarger 2872 Nereus Dr thanked Buddy Lyons for his willingness to collaborate with the surrounding neighbors and expressed opposition to the density of the project. Ms. Ecklebarger told the planning board the project is not consistent with the CLP, and that R-20 would be a better density. In response to a question from Ms. Ecklebarger, Cy Stober noted that there are 23 pump stations in Mebane.
12. Allen Rowland 2538 Kimrey Rd echoed concerns about the impact of the proposed development on the quality of life for the Farrell Road community and the dire traffic situation on NC 119. He asked the board to hear and address the concerns of current residents before approving more homes.

Following the public comments, Buddy Lyons spoke to the Planning Board about how difficult it has been to work in Mebane, and how his team has worked hard to meet the City's requirements and address concerns of the neighbors. He emphasized that his project is a down-zoning and gave an example of how the property could be used for warehouse and self-storage because of their minimal sewer requirements. Mr. Lyons opined that a residential development would truly be in the best interest in the neighborhood. He added that the project would provide more access to Farrell Rd for emergency services by connecting it to Kimrey Road.

Craig Turner told the Planning Board that growth is coming to Mebane and Alamance County is of the fastest growing counties in North Carolina. He described the other developments in the area, such as Amazon, Chick-fil-a and other distribution centers and explained that the subject property will not remain a pastoral open space. He reiterated that the current B-2 zoning would allow for a higher intensity commercial development with more traffic. He emphasized that the proposed conditional rezoning is a reasonable request and reiterated that Leoterra has gone the extra mile to be a good developer.

Judy Taylor made a motion to recommend the approval of the conditional zoning request and special use permit request. Larry Teague seconded the motion. After some confusion, the motion did not pass per a roll call vote split 3-4.

Larry Teague commented that he hates to see the loss of farmland and open space in Mebane but acknowledged Buddy Lyons and Leoterra Development inc. as "one of the best developers he's seen in Mebane."

Gale Pettiford clarified her opposition for the request due to public safety concerns, specifically the ability for emergency services



Susan Semonite indicated her opposition is also due to public safety concerns, in addition to traffic density and inadequate infrastructure.

Gale Pettiford asked what the Mebane Fire Department thought about the project, with respect to public safety when traffic gets so backed up during school hours. Cy Stober responded that the Mebane Fire Department is on the Technical Review Committee (TRC) and has reviewed the project and recommended approval.

Cy Stober instructed the Planning Board that they needed to make another motion since it did not pass.

Keith Hoover explained that he opposed the project as presented due to the side setbacks and that there needs to be more space between the homes.

Gale Pettiford made a motion to recommend the denial of the R-12 CD rezoning request and special use request due to concerns about public safety. Susan Semonite seconded the motion. The motion passed 5-2.

Cy Stober explained that the Planning Board is an advisory body, and the requests will go before the Mebane City Council on June 6th at 6 pm. He added that per statutory requirements, the public hearings will be advertised in the newspaper, and notices will be posted on the properties and mailed to surrounding neighbors.

5. Comprehensive text amendments to the Mebane Unified Development Ordinance including Article 2-7, 10, 12, Appendix A, Appendix G, and the Zoning Map

City staff presented text amendments to portions of Articles 2 – 7, 10, and 12, the Official Zoning Map, and Appendices A and G of the Unified Development Ordinance (UDO). The proposed amendments are the result of six months of collaborative discussions and work with Green Heron Consulting, LLC, and a two-month public input process to ensure that the Mebane UDO is A) responsive to local concerns and priorities, most notably the goals and objectives stated in plans adopted by the City Council; B) reflective of City staff concerns on application and interpretation of the existing language in the UDO; and C) bringing the UDO into alignment with current professional practices and standards.

Cy Stober introduced the proposed amendments including an overview of the purpose, project timeline and connection to Mebane By Design CLP.

Ashley Ownbey and Audrey Vogel discussed the public outreach strategy for the proposed amendments and presented the following key findings of the public surveys:

- More than 60% of respondents agreed that aluminum, iron, steel, wood, vinyl, wood & welded wire should be permitted fence materials in all yards.



- 40% of respondents indicated that chain link fence materials should not be permitted in front yards.
- Respondents indicated a preference for more bicycle, ADA, and motor vehicle parking in Downtown areas and more electric vehicle charging stations in commercial areas.
- Respondents favored landscaping and recreation areas as “open space” but not stormwater devices.
- Respondents favored an increase in buffer requirements, particularly for industrial and high-density residential uses.
- Outside of Mebane's Downtown and commercial centers, respondents indicated a preference for larger lot developments. Walkability is preferred nearer Downtown.
- There is strong support for metal as a building material for accessory structures and commercial buildings.

Cy Stober provided a detailed presentation the proposed changes in each article of the UDO. These changes are summarized in the agenda packet available on the City’s website [here](#) and upon request. He asked that the Planning Board take action on the following items at a minimum: zoning map symbology, accessory structures, fences, and the definitions. **Throughout his presentation, Cy answered questions from the Planning Board and members of the public and provided clarification about particular revisions. The key items of discussion are summarized below.**

Regarding a proposed amendment for electric vehicle charging stations, Tom Boney of the Alamance News asked where in the City are there currently EV charging stations? Cy Stober responded, at Sheetz, Arby’s, Tanger Outlets, and Cone Health.

Regarding the proposed amendment to eliminate the RA-20 zoning district, Tom Boney asked if the property owners within that zoning district would be notified. Cy Stober responded that they have not at this time, explaining that they would be replaced with the R-20 zoning which has the same zoning restrictions, he added that additional exemptions could be achieved through bona-fide farm status.

Regarding the proposed amendment to switch the industrial zoning districts so that M-1 would be light manufacturing and M-2 would be heavy manufacturing, Tom Boney asked if this aligned with other municipalities in Alamance County. Mr. Stober responded that it aligns with Burlington, but he was not sure about Graham.

In response to a question from Larry Teague, Cy Stober clarified that the current requirement that limits the number of accessory structures on residential properties applies to the Mebane ETJ.

Rami Al-Chacar, 3010 Bluebird Lane, asked questioned the intent of restricting the use of metal to only high-quality material. Mr. Al-Chacar explained that he worked in the metal building industry and that modern metal siding is manufactured to sustain 140 mph winds and 30 lbs of solar, certified by an engineer without being “high quality” steel and is significantly more



affordable than stick-built. He expressed concern that this restriction is based on aesthetics, and it isn't affordable for the average income of Alamance County residents.

Susan Semonite asked if there was a better way to classify metal materials, that "high-quality" seemed arbitrary.

Keith Bottoms, 7620 E Washington St, responded that the quality could largely be determined by the coating on the metal. Mr. Bottoms explained that the metal used for buildings and garages (not-prefab sheds) nowadays are higher quality, are more structurally sound and affordable than stick-built buildings.

Mr. Bottoms expressed opposition to the amendment that would allow metal only for residential properties 1.5 acres or larger. He explained that he wanted to build a metal garage on his 0.5-acre property in the ETJ, and a stick-built garage would cost double. Mr. Bottoms asked why the lot size was relevant to residential building materials?

Cy Stober responded that metal is currently only permitted for accessory structures on 2 acre lots or large in the RA-20 zoning district, and the intent of the proposed amendment is to allow the materials in all zoning districts provided that a 1.5-acre threshold is still met, which would limit the use of metal on smaller residential lots throughout town. Mr. Stober added that it would be easier to regulate metal if there was an overlay zoning district for the downtown and historic areas of Mebane, but there isn't one. Cy Stober also indicated that Article 6 of the UDO is very clear on what is considered "high quality metal" listing out flat metal siding with a non-metallic appearance or if integrated as an ornamental feature and standing seam or bat metal siding including interlocking rivets, the development director may approve the use of similar materials not identified prohibited building materials metal. Prohibited building materials are listed out as metal siding composed of sheets that are not interlocking and or not of durable construction including corrugated metal sliding and boxer metal siding. Cy Stober added that there is flexibility here to review if there's an engineer's letter regarding wind shear.

Mr. Bottoms questioned why a high-quality metal garage would not be allowed on his 0.5-acre property compared to a stick-built garage in the exact same place and dimension? Cy Stober responded that it was a matter of appearance. Mr. Bottoms asked if that was a violation of NC general statutes, comparing it to prohibiting the color that he could paint his home pink which is illegal. Mr. Stober responded that state law does prohibit the regulation of the appearance of single-family residences, so if it was attached to the home, they could not regulate it. Mr. Bottoms reiterated that he did not understand why or how the size of the property could factor into the regulation of appearance, particularly for properties in the ETJ.

Rami Al-Chacar echoed Mr. Bottoms concerns and added that the proposed regulation would eliminate affordability for Mebane residents and that it is not typical to see metal prohibited in Alamance County and across the state. Mr. Al-Chacar argued that there is a high demand for metal, it is very popular and installed with aesthetically appealing design.



Cy Stober replied that in his review of 12 peer communities in North Carolina, a number of them do regulate metal as a building material for both commercial and residential purposes. He repeated that the UDO currently prohibits metal everywhere in Mebane and they are proposing to expand the use of metal in the City by allowing on properties 1.5 acres or larger.

Tom Boney asked if the current requirement is being enforced, referencing small metal buildings seen throughout town. Cy Stober responded that it is permitted in the M-1 and M-2 districts, but in other areas of towns it is enforced through complaints only.

Keith Hoover asked how the quality of metal would be defined in the UDO. Mr. Stober responded that it is defined in Article 6 which he read earlier.

Keith Bottoms reiterated his opposition to the proposed regulation of metal, stating that his property is large enough for a metal garage that would look professional and nice, but wouldn't be allowed because it doesn't meet the minimum 1.5-acre lot area.

After Cy Stober presented the proposed revisions to the fence regulations, Susan Semonite asked if welded wire and wood fences, such as the one on 5th St, would be allowed. Mr. Stober answered that those materials would be prohibited, in the front yard and the backyard. The existing fence would be grandfathered in. Larry Teague made a point that the purpose of that type of welded wire fence allows for the containment of small dogs in yards. Judy Taylor asked if there was a certain size that could be allowed in the rear yard for dogs and pets. Cy answered that the proposed revision is to prohibit it universally. Mr. Stober also clarified that chain link is currently allowed universally and he is proposing to restrict it to rear yards.

Susan Semonite asked if they could vote to recommend approval for all of the amendments with some clarifications or conditions attached to the welded wire and metal materials issues? Cy Stober clarified that that would be an appropriate action they could take. He reminded the board that they do not need to vote on all of the amendments at the meeting and could continue to the next meeting, but staff would like them to act on the handful of more urgent revisions including the zoning map symbology, accessory structures, fences, and the definitions.

Tom Boney asked why these items such as fences and accessory structures were considered urgent. Cy Stober responded that these items currently place heavy burden on staff with respect to enforcement.

Larry Teague added that there is urgency to establish a standard for fences moving forward particularly for the new neighborhoods. Susan Semonite added that these communities do have HOA's that regulate fences already.

Judy Taylor asked about the proposed changes to the development standards for accessory dwelling units. Cy Clarified that ADUs are currently permitted in all residential zoning districts, and they are proposing to lower the size requirement for detached from 150 percent of the minimum lot size to 100 percent. He clarified that the City does not regulate short term rentals.



Planning Board

Minutes to the Meeting
May 9, 2022, 6:30 p.m.

Following Mr. Stober's presentation and discussion from the Planning Board Members, he reminded the board that they could make a motion to recommend the entire suite of amendments, or they could propose any conditions, continue the discussion to the next meeting.

Keith Hoover made a motion to approve the amendments to the City of Mebane Unified Development Ordinance as presented, stating 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 mostly required by State law. Gale Pettiford seconded the motion, which passed unanimously.

Cy Stober thanked the Planning Board for their time and City Staff for their efforts.

6. New Business

- a. Audrey Vogel shared that there is a vacancy on the Planning Board and that the Planning Department is actively seeking applications to fill that vacancy.
- b. Ashley Ownbey shared some details about the BPAC's efforts to promote Bike Month in May

7. Adjournment

Chairman Edward Tulauskas adjourned the meeting at 10:20 p.m.