



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=4uzhIQcFYwM>.

**Members Present:**

Edward Tulauskas, Chair  
Judy Taylor, Vice Chair  
Colin Cannell  
David Scott  
Gale Pettiford  
Keith Hoover  
Kurt Pearson  
William Chapman

**Members Absent:**

Susan Semonite

**City Staff Present:**

Ashley Ownbey, Development Director  
Briana Perkins, City Planner  
Kirk Montgomery, IT Director

**1. Call to Order**

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

**2. Approval of April 15, 2024, Meeting Minutes**

Gale Pettiford made a motion to approve the meeting minutes. William Chapman seconded the motion, which passed unanimously.

**3. City Council Actions Update**

Ashley Ownbey informed the Board that the general rezoning on 1233 S. Third Street was unanimously approved by the Mebane City Council.

**4. Request to amend a Special Use Permit for a +/- 1.06-acre outparcel of the Oak Manor Market Shopping Center addressed 640 N. First Street (GPIN: 9825074851) to allow for a drive-through restaurant by McDonalds USA, LLC**

McDonald's USA, LLC is requesting to amend a Special Use Permit to develop a restaurant with a drive-through on a +/- 1.06-acre outparcel of the Oak Manor Market Shopping Center addressed 640 N. First Street (GPIN: 9825074851). The subject property is currently zoned B-2, General Business District. Development of the shopping center and outparcels was approved with a special use permit by the Mebane City Council on December 9, 2002. One of the conditions of the special use permit reads: "The only restaurants allowable on the out parcels will be restaurants with no "drive- thru" windows." The applicant is requesting to amend this provision for the subject property only. Restaurants with drive-throughs are permitted with development standards in the B-2, General Business District.



William Chapman disclosed to the Planning Board that he owned property on North Wilba Road that was in the immediate area of the proposed project. He said that he believed he could remain objective in his consideration of the request. The Planning Board agreed.

The staff report is provided in the meeting agenda packet available [here](#).

Briana Perkins provided a more detailed overview and PowerPoint presentation of the request.

Patrick Byker, attorney with Morningstar Law Group representing McDonald's USA, LLC, introduced his team and presented information about the current site. He stated that the amendment to the special use permit would only apply to the 1.06-acre site proposed for McDonald's and the remaining outparcels would remain with the condition of no drive-through restaurants.

Brian Burchett, project engineer with Sambatek, provided additional information on the site and explained coordination with the North Carolina Department of Transportation to have internal drives for the site. He also explained that the driveways were set up to reduce the amount of queuing outside of the drive-through.

David Scott asked to clarify the access. Brian Burchett replied that the south side of the site was an outbound and the only entrance access would be the driveway located at the north side of the site.

Kurt Pearson asked if the two-lane down to one lane drive-through actually worked. Brian Burchett replied it has worked for McDonald's for several years and now other drive-through restaurants are moving to that design.

Colin Cannell asked city staff if it was true that Chick-fil-A was changing their drive-through layout. Ashley Ownbey replied that yes, construction plans had been approved for Chick-fil-A's new drive-through configuration. Colin Cannell asked if they were going from the two lanes down to one and moving to two full lanes due to stacking. Ashley Ownbey replied the adjustment is to two full lanes, though she is uncertain of the reason. Brian Burchett provided that Chick-Fil-A has some of the slowest processing times out of all the fast-food restaurants.

Kurt Pearson asked about the sidewalk shown on the site plan coming across to the middle of the building. Brian Burchette replied that the sidewalk was ADA compliant so anyone could access the site through the existing sidewalk along N. First Street.

Tom Boney Jr., Alamance News, commented that it appeared the property line crossed the stormwater retention pond and asked if the pond would be affected in any way. Brian Burchett replied that the property line did cross the pond, but the pond would not be affected.



Caroline Cheeves, traffic engineer with DRMP, commented that the traffic impact analysis was completed with input from the NCDOT and the City. She said that the site already had access drives set up within the shopping center, and that it was found that the existing conditions of the site were adequate for the project.

Jarvis Martin, state appraiser with Stewart, Martin, & McCoy, presented that his firm reviewed restaurants with and without drive-through windows that were in reasonable proximity to residential properties and examined sales price, price per square foot, days on market, and list to sales ratio of homes located near those restaurant types. He provided that they had looked at two restaurants without drive-through windows and two with drive-through windows. He stated that the analysis showed no major adverse impacts on properties located near restaurants that had drive-through windows.

Tom Boney Jr. asked specifically which restaurants were studied. Jarvis Martin replied that the firm had looked at the Subway located in that same shopping center, the Chick-fil-A on Mebane Oaks Road, Sakura on Mebane Oaks Road, and the Andy's on Huffman Mill Road in Burlington.

Patrick Byker stated that notification was sent out to all neighbors within a 600-foot radius of the site for a virtual neighborhood meeting. He said that the meeting was held on Thursday, May 9, 2024, with only three neighbors in attendance.

Colin Cannell asked if anyone had remembered why there was a restriction on drive-through restaurants for the original special use permit. Patrick Byker replied that it was a common restriction in many places 20-plus years ago when there was more of a desire for sit-down restaurants.

Kurt Pearson asked Brian Burchett if there was any more noise or light pollution that spills over that occurs with a drive-through. Brian Burchett replied that the only noise from the speaker post was set back a far distance from any residential properties and all lighting follows the City's development standards, with the illumination almost down to zero footcandles at the property lines.

Judy Taylor asked if there were any hours of operation restrictions since the Food Lion closed at 10:00pm. Ashley Ownbey reviewed the development standards and replied that the hours of operation shall be compatible with adjacent land uses. The only restrictions apply when the site is adjacent to residential property, with no operations allowed between 10 p.m. and 6 a.m.

Kurt Pearson made a motion to approve the request as follows:

*Motion to approve the amendment to the special use permit as presented; and,  
Motion to find that the request is both reasonable and in the public interest because it has been found that the request:*

- *Will not materially endanger the public health or safety;*



- *Will not substantially injure the value of adjoining or abutting property;*
- *Will be in harmony with the area in which it is located; and*
- *Will be in conformity with the land development plan or other plans officially adopted by the City Council.*

Gale Pettiford seconded the motion, which passed unanimously.

Chairman Tulauskas noted that the request will go to the City Council on June 3, 2024, at 6:00 p.m.

#### **5. Comprehensive text amendments to the Mebane Unified Development Ordinance**

The City of Mebane is requesting to amend portions of Articles 2 – 12 and Appendices A – F of the Unified Development Ordinance (UDO). The staff report is provided in the meeting agenda packet available [here](#).

Ashley Ownbey provided a more detailed overview and PowerPoint presentation of the request.

In discussion of amendments to garages and carports allowed in the side yard, Judy Taylor asked if the exclusion of the roof overhang prohibits a type of lean-to off the main roof. Ashley Ownbey replied that there could be additional language added to further clarify that is prohibited.

David Scott asked if a storage room built onto a carport as shown in the presented example was still permitted since there was no restriction on the length. Ashley Ownbey replied that yes, it was the intent to keep the width at 24-feet and have no restrictions on the length of the structure.

In discussion of detached accessory structures, Colin Cannell commented that although the new language proposed for the lot coverage of detached accessory structures appeared restrictive, it actually allows for larger structures, such as allowing a 1,000 square-foot structure on a half-acre of land. Ashley Ownbey replied that staff had tested the new language and found that a lot of older lots in Mebane already have more than the two accessory structures.

Tom Boney Jr. asked when the zoning regulations had changed. Ashley Ownbey replied that since she had started, Mebane has always only allowed two accessory structures on residential properties. Judy Taylor commented that he may be referring to accessory dwelling units. Colin Cannell commented that he may have also been referring to allowing metal structures in residential zoning.

Tom Boney Jr. asked if there were any more changes to materials allowed. Ashley Ownbey replied that there were no proposed changes to the materials and metal would still be an allowed material in all residential zoning districts with the exception of the historic district.



Colin Cannell asked if his understanding of how heated floor area is calculated and its difference from a building footprint. Ashley Ownbey replied that heated floor area is where there is heating and cooling.

Colin Cannell asked if it was the staff's intention to require those with larger lots to subdivide for a separate home if they wanted to exceed the maximum 1,000 square-foot accessory dwelling unit (ADU). Ashley Ownbey referred to a particular case where staff initially advised a property owner seeking a larger ADU to apply for a permit for a new home. The UDO allows more than one home on a property provided the homes are located to allow for subdivision in the future.

In discussion of amendments to the outdoor lighting section of Article 6, Colin Cannell asked how the City was encouraging use of full cut-off lighting. Ashley Ownbey replied that the non-cut-off lighting has more restrictions and can only be used for decorative lighting and not to provide site lighting.

Tom Boney Jr. asked what type of lighting was prohibited. Ashley Ownbey replied that flashing, revolving, intermittent exterior lighting, search lights, laser lights, neon lighting, luminous tube lighting (rope lighting), and flood lights are proposed to be prohibited. Tom Boney Jr. asked if search lights or lights associated with a temporary event would be prohibited. Ashley Ownbey replied that yes, they would be prohibited.

During discussion of proposed changes to the recreation and open space section of Article 6, Colin Cannell asked about the thought process to change the old formula to the current formula for payment in lieu of public recreation area. Ashley Ownbey replied that changes are focused on clarifying that the current value of property to be used in the calculation should not include agricultural credits. She said that other than that clarification, the formula itself had not changed.

Colin Cannell commented that it was not the City's intent to update the formula, but to avoid an unintended consequence of the language that required correction. Ashley Ownbey replied that yes, only the current calculation had been clarified.

Colin Cannell asked if the City would ever change the formula or if it was locked in place. Ashley Ownbey replied that the City was comfortable with keeping the current formula since and shared legal concerns about more aggressive requirements. Colin Cannell asked what would lead to legal issues. Ashley Ownbey replied that the State's approach to impact fees in general would not favor the City pursuing certain calculations. She said that it was best to keep the fee based on the property value. Colin Cannell asked if it was market value or tax value. Ashley Ownbey replied that the specific wording was "on the land as appraised for property tax purposes." Colin Cannell commented that there were other places in North Carolina that used the market value and questioned if it was the City's judgment that such a practice is legally "iffy." Ashley Ownbey replied it was. Colin Cannell



asked if it was the City's general goal to enable the City to provide public recreation facilities somewhere else instead of the developer providing the facilities. Ashley Ownbey replied that she could provide a response that applies generally to every development. She referenced previous City Council meetings and the Recreation and Parks Comprehensive Master Plan as identifying a particular need in the southern part of Mebane. She said that ultimately it was at the discretion of the City Council as to whether they accepted payment in lieu or required land dedication.

Colin Cannell commented that the current language did not seem to address a specific strategy. He reported that in 2017, the City paid \$750,000 for Cates Farm Park. He said that based on the current wording, if a developer had to provide a payment in lieu of land the size of Cates Farm Park at that assessed tax value, then the developer would pay \$68,700 which was less than a tenth of the cost the City paid. He commented that he was confused as to what the City was intending to do by using the tax value and basing a fee off a low value providing very little funding for building a park. Ashley Ownbey replied that part 3 of the public recreation section in Article 6 referenced that the funds would be used for capital improvements on recreational facilities, not necessarily for the purchase of land. Colin Cannell said that he understood the City was comfortable with the trade off, but he did not see how it was beneficial to allow a small payment of lieu amount for acres of land that may be of higher value.

Judy Taylor commented that legally, the City must have a consistent method. She said that more legality issues could come up with using how much a developer initially paid for the land as opposed to basing a government formula from a government number. She said that if the number was higher, then it would be the City Council's determination at that point but there had to be a logical formula applied across the board to all developments.

Kurt Pearson asked if there were places in North Carolina where payment in lieu was not an option. Ashley Ownbey replied that she would have to do more research. She knew that there were some places that do not require public recreation. Colin Cannell commented that he also had not found a location that did not provide an option in his research. He did find that there was a wide range of calculations for the payment in lieu.

Kurt Pearson said that he was concerned about the large twenty-to-forty-acre parcels that would pay a small fee and not provide the public recreation. He also commented that with the fast development, the City would eventually have trouble finding land for a necessary park that was affordable. Ashley Ownbey replied that it was unreasonable to have multiple pocket parks for the City to maintain in each development and there is ongoing discussions on land acquisition for parks and recreational facilities.

*Kurt Pearson made a motion to approve the amendments to the City of Mebane Unified Development Ordinance as presented, and that the amendments were consistent with the objectives*



*and policies for growth and development in the Comprehensive Land Development Plan Mebane By Design.*

Judy Taylor seconded the motion, which passed unanimously.

**6. Amendments to the boundary of the General Watershed Area Overlay District of the Graham-Mebane Lake Public Water Supply Watershed WS-II Balance of Watershed Area**

The City is requesting to amend the boundary of the General Watershed Area Overlay District of the Graham-Mebane Lake Public Water Supply Watershed WS-II Balance of Watershed Area. The staff report and supporting maps are provided in the meeting agenda packet available [here](#).

Ashley Ownbey provided a more detailed overview and PowerPoint presentation of the request.

Judy Taylor asked how the square shown on the map was removed from the watershed, while everyone around it was still within the watershed. She disclosed that she lives in the square. Josh Johnson, with Alley Williams Carmen & King who is the contracted stormwater engineer, provided that the proposed watershed boundary was more accurate. He reported that the original watershed boundary was done in 1993 by engineers in Raleigh using the available data at the time. He said that the new data was more accurate and new development has shown that the boundary is different than the current boundaries. He said that the properties within the square area showed the water flowing to the South away from the watershed.

Judy Taylor asked if it was based on how the sewer lines run directing the water flow. Josh Johnson replied that it was a combination of storm drains and ditches that directed flow in other directions. He also provided that the grade in that area did not have a lot of fall or change in grade, so it was easier to redirect the flow of water in that area. He said that some of the flow was directed under the train tracks, but some was directed back towards the watershed. He provided that the changes to the ordinance about the watershed will make it easier to update the boundaries if new data arises.

Kurt Pearson commented that it looked like there are parcels proposed to be added to the watershed and asked if those parcels were mostly the City's property. Josh Johnson replied that there were no new parcels added, but there were parcels with a higher percentage of watershed coverage. Kurt Pearson asked if that meant no resident was getting a letter saying they were now within the watershed. Josh Johnson replied that he was correct and two separate letters were sent to the public. Ashley Ownbey stated that there was a letter for those who were removed or partially removed from the watershed, and then a letter for those who had additional watershed added to their property. Ashley Ownbey also stated that the letters would go out again before the City Council and yard signs would be posted on several intersections for proper notice.



*Kurt Pearson made a motion to approve the amendments to the boundary of the General Watershed Area Overlay District of the Graham-Mebane Lake Public Water Supply Watershed WS-II Balance of Watershed Area according to the best available information.*

David Scott seconded the motion, which passed unanimously.

**7. Announcements**

Ashley Ownbey reported that City offices will be closed on May 27, 2024.

**8. Adjournment**

Chair Tulauskas adjourned the meeting at approximately 7:48 p.m.