



PLEASE TAKE NOTICE that the Mebane Planning Board's regular meeting will be held **virtually** on Monday, February 8, 2021, at 6:30 p.m.

The City of Mebane is taking measures to mitigate the spread of the COVID-19 virus including banning physical attendance at public meetings, employing social distancing, and implementing remote participation. The following will allow the public to attend the meeting by remotely accessing it on the internet.

For those without internet service, you can listen to the meeting by calling 919-304-9210, password 158962.

For people who plan to view the meeting, but not comment or participate, the City is providing a YouTube live stream by searching the City of Mebane on YouTube or at the following link:

<https://www.youtube.com/channel/UCoL1RXdRDMzk98p53TMoqww>

For people who plan or think they may want to address the Planning Board for public comment, see options below.

Option #1-

- Email comment to avogel@cityofmebane.com. Written comments must be received by **4:00 pm** on Monday, February 8th. Written comments will be read aloud by staff
- Messages must be labeled "Planning Board Public Comment" in the subject line and must contain commenter's name and address.

Option #2

- Email avogel@cityofmebane.com by **2:00 pm** Monday, February 8th to participate. When email is received, an email will be sent with instructions on how to register and speak during the meeting.
- Messages must be labeled "Planning Board Participation" in the subject line and must contain commenter's name and address in the email.
- Registered participants will be given an access code to speak at the meeting via Zoom, a remote conferencing service
- Callers will be held in queue and asked to mute their phones or speakers until they are called on to speak
- Speakers will be called in the order in which they are registered. Should time allow after all registered speakers have had a chance to speak, you may use the "raise hand" button on the Zoom interface to be recognized and staff will unmute you to give comment.
- Per authority of NCGS 143-318.17, if a person participating remotely willfully disrupts the Planning Board, then upon direction by the Chair, such person may be removed from electronic participation, or his or her e-mail may not be read



Planning Board
Regular Meeting Agenda
February 8, 2021, 6:30 p.m.

1. Call to Order
2. Approval of January 11, 2021, Meeting Minutes
3. City Council Actions Update
4. Request to rezone the property located at S NC Hwy 119 (GPIN 9814861392) from B-2 to B-2(CD) to allow for a multi-tenant shopping center with a drive-through restaurant on +/- 1.54 acres by PT Greenland, LLC
5. Overview and Discussion of UDO Revisions
6. New Business
 - a. Racial Equity Advisory Committee
7. Adjournment



**Planning Board
Minutes to the Meeting**

January 11, 2021
6:30 p.m.

The Planning Board meeting was held virtually and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=ci2UakUtAD8>

Members Present Via Zoom: Keith Hoover, Lori Oakley, Kurt Pearson, Vice Chairman Judy Taylor, Chairman Edward Tulauskas

Also 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 December 14, 2020 Minutes

Judy Taylor made a motion to approve the minutes from the December 14, 2020 meeting Keith Hoover 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 on the Buckhorn Area Plan. City Council did not adopt the plan; however, Council did approve an amendment to the *Mebane by Design* Comprehensive Land Use Plan (CLP) to include a portion of the recommended area expansion in the Future Growth Area and Industrial Primary Growth Area (V). Cy indicated that Focus Area A of the plan along with the Medline Properties and 6016 West Ten Road were included in the City Council Action. He added that the Council discussed intent to meet with Orange County elected official to discuss the Buckhorn Area Plan further.

Judy Taylor asked Cy about any further meetings in Orange County regarding the Buckhorn Area Plan. Cy specified that a hearing before the Orange County Board of Commissioners would likely occur in February at the earliest.

Cy noted that all maps in the *Mebane by Design* CLP require updates to reflect the Council Action. Cy clarified, per request by Kurt Pearson, that the property in question per agenda item 4 was included in this Council Action.

4. Request to Establish M-2 (CD) Zoning on a +/-47.5-Acre Parcel (PIN 9834436528) at 6016 West Ten Road Located Outside of the Extra-Territorial Jurisdiction (ETJ) in Orange County by Al Neyer –
Continued from December 14th Planning Board Meeting



At the start of the agenda item, Chairman Tulauskas indicated that he would request that all members of the public keep their comments to a 5-minute maximum. The members of the Planning Board agreed unanimously per a roll call vote.

Cy Stober provided presented a PowerPoint of the request, providing a review of project history and the information presented at the prior two meetings. Cy noted that per the City Council action on January 4, 2021, the property is now located within the *Mebane by Design* CLP Future Growth Area and Primary Growth Area V, although it is located outside of the ETJ and will require annexation before formal zoning action can be taken.

In addition, Cy reviewed the NC statutory requirements for Planning Board review and recommendation. Per NC General Statutes, the applicant can revise a rezoning request based upon feedback from the Planning Board. Planning Board has 30 days to make a recommendation of approval or denial of the request to the governing body. After 30 days, the applicant has a right to seek action from the governing body. A lack of action by the Planning Board shall result in a Planning Board recommendation with no vote.

Justin Parker, representing the applicant Al Neyer, spoke to the Planning Board and meeting attendees. He indicated that the revisions to the master site plan over the last couple of months have culminated from comments and feedback received from the Board and the public and proceeded to highlight the various revisions. He elaborated on the findings from the traffic impact analysis (TIA) that indicated that the traffic counts for the proposed use are relatively low for an industrial use and are lower than the traffic that would be generated if the site were developed for single family use. He also emphasized that the use of the property would create jobs and generate tax revenue and noted that Neyer is excited to be a good development partner and a good neighbor in Mebane.

At the conclusion of the Applicant presentation, Chairman Tulauskas asked for any public comments to be shared.

Audrey Vogel read aloud the following written comment received Patricia O'Connor, 1011 Squires Rd:

January 11, 2021

Dear Planning Board Members,

I am writing to express my concerns about the plan to change zoning on the property at 6016 West Ten Road. I bought my home on Squires Road, just off West Ten Road, eleven years ago. After hearing of plans to industrialize on the road, but before purchase, I researched the zoning on West Ten Road and learned that the north side of the road was zoned for light industrial and that the south side was zoned Residential/Ag. While I wasn't thrilled about the prospect of living across from an industrial



property, I figured it was a price I was willing to pay for living in this lovely semi-rural setting, and began investing in my home as I was able.

Last year, the Mebane City Council approved changing the zoning of the property on the south side of West Ten Road directly across from (and purchased by) the Medline Company. Medline agreed to limit the development on the south side to one of approximately 25 projects that THEY felt would not be disruptive to nearby neighbors. (Those projects can be found in a December 2019 communication from Medline Industries to the City Council.) I can assure you that most of those projects would clearly be disruptive to adjacent neighbors.

Now Mebane is again looking to change zoning on the south side of West Ten Road. If this is allowed, then the residential wooded community on Winchester and Squires Roads, could be surrounded on 3 sides by industrial developments, and the residents in Preston Loop, nearly engulfed. It would clearly impact the quality of life for surrounding residents and likely impact home values in a negative way. Would any of you choose to live surrounded by noise and light pollution, diesel fumes and severely impeded traffic flow in an industrialized neighborhood? The Medline warehouse alone is slated to have 600 employees and could have as many as 200 truck trips, in or out, daily. I can assure you that if you proceed with rezoning this additional property, where yet another fairly large warehouse is proposed, having coffee on my back porch in the morning will no longer be calming or enjoyable.

Another potential problem could be a decrease in the water flow to nearby Winchester Way and Squires Road properties where residents are dependent on wells and aquifer recharge since the current development plan directs most storm water runoff to retention ponds on the west edge of the property.

This property in question is in Orange County and subject to the Orange County UDO. Are you familiar with the guiding principles? Some of them are: Natural Area Resource preservation; Preservation of rural land use pattern; Water resources preservation; Preservation of community character. Have the Orange County Board members been consulted regarding this plan?

I would ask two things before recommendation for a zoning change is voted on. 1) That you make a sight visit to the area to look at the lay of the land and current development and 2) that you request a real estate impact study to determine the potential effects that all actual and proposed development will have on the surrounding properties. Like many, my home is my most valuable asset and the thought of having my property value decline is both discouraging and frightening.

The phrase "by design" has 2 different meanings: it can mean a plan with a specific purpose OR it can mean to obtain something desired, typically in a secret and dishonest way. I truly hope that Mebane by Design operates on the first premise and that more creativity and imagination is used in planning in and around established and beautiful rural residential communities.



*Respectfully,
Patty O'Connor*

Aimee Tattersall, 1133 Squires Road, was called upon to speak. Ms. Tattersall commented on the TIA findings and the impact of traffic on West Ten Road. Ms. Tattersall also commented on the project in relation to the Buckhorn Area Plan, asking what authority enables the Buckhorn Area Plan and annexation of properties outside of its Jurisdiction. Cy Stober answered that NC General Statutes, Article 160A, allows municipalities to annex property up to 3 miles from their contiguous city limits so long as they can extend and provide utilities.

Ms. Tattersall asked about the traffic study and the property in relation to the Medline Project. Justin Parker responded that he is unable to comment on Medline but offered that their traffic consultant, Josh Reinke, could answer questions about the subject property. Mr. Reinke confirmed the estimated number of daily trips to be generated from the site. In addition, he confirmed that the level of service for the West Ten Road and Buckhorn Road intersection is acceptable. Ms. Tattersall expressed sadness about the project.

Fiona Johan, 5016 Johan Lane, commented that she agreed with the statements and sentiments expressed in Patricia O'Connor's letter. Ms. Johan also expressed concern that this project will set a precedent for the area and frustration about the role and relationship between county planning and city planning.

Kurt Pearson asked the applicant to confirm that the build condition of the proposed project performed at a "B level of service." Mr. Reinke elaborated on the level of service and that the project does not come close to meeting the national MUTC thresholds to require a traffic signal.

Kurt Pearson asked about the potential of future development to "trigger" the need for a traffic signal, and what that process would look like. Cy Stober elaborated on the City's TIA requirements and review process, indicating that the city requires a TIA for developments that produce 100 peak hour trips, 100 trips per day, or for another reason that the City deems appropriate. Cy also pointed out that COVID-19 has disrupted the traffic counting process and these analyses have had to use best available data from 2019. He noted that the scope of work for project may include a "signal warrant analysis" to make a determination of whether a traffic signal would be necessary for the intersection. Mr. Reinke elaborated on the technical processes for signal warrant analyses.

Kurt Pearson expressed that it is important for the public to understand that the traffic analysis process in Mebane is effective and reasonable. Mr. Pearson then asked the applicant about the outdoor storage use shown on the master site plan. Justin Parker responded that it was intended for a potential minor tenant driven use, such as a storage pod.



Lori asked the applicant about plantings within the gas line easement on the property. Tim Summerville, confirmed that planting is not allowed in the easement and it does overlap with the 100 foot buffer, so in that area they may only plant within the easement line and the property line. He indicated that they included 3-foot berms to provide additional screening and noise buffering. Ms. Oakley noted that on the northside of the property the buffer is significantly reduced because of this. Mr. Summerville indicated that the landscaping would meet the requirements.

Kurt Pearson indicated that he was prepared to make a motion and ask if there were any more public comments.

David Squires was called upon to speak at this time. Mr. Squires expressed concerns about trucks turning in and out of the site, and potential safety issues for passenger vehicles on the same road. Josh Reinke responded, indicating that those concerns were taken into consideration in the design of the site, including turn radii, site distance, turn lanes, and right-in right-out driveway design. Justin Parker indicated that the site was designed with Mr. Squires' concerns in mind to promote safety.

Fiona Johan asked about the potential tax revenue from the proposed site as compared to the loss of the real estate value of the surrounding homes the area. Ms. Johan also indicated that the project is not "positively charming."

Kurt Pearson thanked the public for their input and the Al Neyer team for incorporating the concerns of the board and the public. Mr. Pearson then made a motion to recommend the approval of the M-2(CD) zoning request as presented, finding that it is consistent with the objectives and goals in the *Mebane By Design* CLP. Mr. Pearson noted that the plan serves CLP growth management goal 1.7 through the support of industrial development near I-40 and I-85, and aligns with the Industrial Primary Growth Area. He also cited that pending approval by the Mebane City Council, the site is a top tier property within the Buckhorn Area Plan. Kevin Brouwer seconded the motion. The motion passed unanimously per a roll call vote.

Chairman Tulauskas indicated that the request will go before the Mebane City Council on Monday, February 1st. Cy Stober added that the property will be posted, letters will be mailed to property owners within 300 feet of the site and the hearing will be advertised in the local paper.

5. Lowes Boulevard Corridor Plan

The City of Mebane 2040 Comprehensive Transportation Plan (CTP), which was adopted in May 2018, recommends "Roadway Project #7" (p. 78), the planning and construction of a roadway to connect Lowes Boulevard with Trollingwood-Hawfields Road and NC 119. As identified in the CTP, construction of a new roadway is expected to improve connectivity and relieve congestion in a well-traveled area that includes a congested, high-crash intersection at Trollingwood-Hawfields Road and



NC 119 that currently has a Level of Service (LOS) F, as rated by the NC Department of Transportation. Both NC 119 and Trollingwood- Hawfields Road have LOS D at this location that could be addressed through congestion relief and safety improvement. The Lowes Boulevard Corridor Plan proposes several concepts for extending Lowes Boulevard. The proposed extension of Lowes Boulevard is intended to decrease the number of vehicles traveling through the intersection of Trollingwood- Hawfields Road and NC 119. Additionally, the proposed concepts include a multi-use path to improve bicycle and pedestrian access in the area, particularly to Hawfields Middle School and Garrett Elementary School.

A virtual public engagement website went live Monday, December 7, 2020. Since then, residents, businesses, and property owners in the area as well as the general public have been invited by letters, postcards, and social media posts to attend a virtual public input session on January 7 and complete a survey by January 22.

Ashley Ownbey shared a brief PowerPoint introducing the Lowes Boulevard Corridor Plan. Ms. Ownbey emphasized this planning effort is not a construction project, and that it will serve as a long-range plan to provide guidance for potential development pursuits in the study area.

Devyn Lozzi, Project Manager at Ramey Kemp, presented the plan in greater detail by explaining the technical design process and describing each development of the 4 development concepts. Ms. Lozzi noted that concept 4 is a new design that was developed as a product of public input is therefore not yet shown on the public engagement website. In addition, Ms. Lozzi provided an update on the preliminary public data collected from the online survey.

Ed Tulauskas asked if design concept #4 would be available for the public to provide input online. Ms. Lozzi indicated that the design would be shared online, but they are working on a solution to address the public survey as many people have already completed the survey without option 4 included.

Kurt Pearson asked if any of the three-lane design section concepts included roundabouts? Devyn Lozzi responded that any of the concepts could be made to accommodate a three-lane section, including a roundabout.

Kurt Pearson strongly encouraged the use of roundabouts and elaborated on their ability to improve the flow of traffic.

Lori Oakley commented that she also prefers roundabouts as well. Ms. Oakley asked about the mobile home park shown in the study area. Cy Stober indicated that staff planned to avoid impacts to the mobile home park, but the owner of the property indicated a preference for the design as shown on concept 4.



Devin Lozzi clarified at concept 4 could accommodate a roundabout.

Kevin Brouwer asked about considerations for school traffic and any potential back up during peak hours, adding that a traffic circle may make it difficult to traverse the area during these peak hours. Devin Lozzi responded that they did include a traffic analysis in the development of each concept, noting that COVID19 conditions do not allow for real time school traffic counts. She noted that queuing for pick up would likely not back up on to Lowes Blvd. Judy Taylor added in that the Middle School has a very long driveway that is set up to accommodate for queuing within the school property. Ms. Lozzi added that roundabouts can be designed with “slip lanes” to allow for even greater traffic flow.

Judy Taylor commented that the concept 4 design opens up to allow for more area to developed as a potential commercial area. Cy Clarified that this is the reason for the property owners’ preferences for Concept 4.

Cy Stober clarified that a Lowes Boulevard design concept would be submitted as a single project in the even that the City moves forward to pursue state funding, but if it is to be built by developers it would be a more “piecemeal” approach.

Kurt Pearson asked about the cost of concept. Cy Stober clarified that the cost for concept 4 presented on the PowerPoint, 4.7 million, does not include roundabouts. Judy Taylor commented that the cost estimate is inclusive the costs associated as “Phase 2” on concepts 1 and 2. Kurt Pearson indicated that a roundabout is critically important and in terms of cost he would rather see a plan that includes roundabouts with the northern phase to be built by developers, as opposed to an option without roundabouts.

Mr. Pearson then asked Cy Stober to clarify the suggested motion for the Board. Cy Stober explained that the Board’s recommendation is intended to provide guidance to council on the Board’s preferred concept alignment and preference for median or turn lane.

Judy Taylor commented that concept 4 with the inclusion of roundabouts would be a preferred and cost-effective measure as it includes the cost for the northern portion that is identified as “phase 2” in other concepts. Kevin Brouwer added that while business development is a positive aspect of option 4, it may produce more traffic. Judy Taylor noted that the “quadrants” in option 4 appear as though they would pull traffic away from NC 119.

Kurt Pearson asked if the Board could vote on the preference for roundabouts. Cy Stober clarified that the board could make a “non-action” vote for this matter. Kurt Pearson expressed support for roundabouts and the members of the Board shared the same sentiment.



Ed Tulauskas welcomed input from the Public.

Harry Isley, a property owner within the study area, commented on his family's role in developing the south side of Mebane and that they have an interest in the future of the area. Mr. Isley added that he liked roundabouts, but option 1B would not work because a roundabout near Lowes would inhibit trucks from being able to back into the truck bays. He also indicated that it would encroach on their 4 acres of property. He noted that his initial preference was for concept 1A, but that option 4 would be even better by providing additional frontage for development.

Carolyn Isley commented to reiterate Mr. Isley's points and added that Harry and Mack Isley have had a very long-term vested interest in the City of Mebane. She noted that her family is supportive of the plan, traffic circles, and encouraging improved traffic flow, but wanted to emphasize the importance of taking the property owners and the age of the existing properties into consideration.

Ginny Flint, 2000 Old Hillsborough Rd, commented on the traffic that backs up from student drop off at the middle school in the mornings. She requested that this be taken into consideration so that people are still able to turn left when the road is backed up to turn right towards the school. Cy Stober noted that this concern is a comment to be considered for the NC 119 DOT widening project that is in its early stages.

Chairman Tulauskas asked for any additional questions or comments.

Lori asked to look at concept 4 again. Kurt Pearson indicated that option 4 would not have the roundabout issue that Mr. Harry Isley expressed concern about. Mr. Isley commented in agreement.

Kurt Pearson commented that he preferred concept 4 with the three-lane section and a roundabout in the middle. Keith Hoover, Judy Taylor, and Kevin Brouwer agreed. Lori Oakley commented that she liked the layout but had a reservation about displacing the mobile home park, with those tenants in mind.

David Squires, the owner of the mobile home park, noted that the property owners did not explicitly pick option number four, but asked for an option that allowed for maximum flexibility for the development of the properties involved as opposed to a pre-set route.

Cy Stober responded that per the City's adopted plans, Staff is flexible about the location of the road provided that no new property owners are affected by realignment of a proposed road and that it serves its purpose for the development as well as for the city. However, the City is inflexible on and what has to go back to a public hearing would be a proposed road that would affect additional property owners not identified in the plans.



Mr. Squires indicated that he understood the project would take 5-7 years through the City and may happen sooner should a developer take on the project and in that case the property owner would like flexibility in that development process. Cy Stober confirmed that his understanding was correct, and they are on the same page.

Martin Shoffner, 1468 Trollingwood Hawfields Rd, attempted to speak but experienced technical difficulties. He noted in the chat box that most of his concerns were addressed.

Judy Taylor made a motion to recommend Concept 4 to council with an addition of roundabouts. Keith Hoover, Kurt Pearson, and Kevin Brouwer voted in favor. Lori voted in favor of recommending plan, but not in favor of Concept 4, with a preference for option 3.

Chairman Tulauskas indicated that the request will go before the Mebane City Council on Monday, February 1st. Cy Stober added that planning staff has treated the project as a public hearing and has made a diligent effort to notify property owners and tenants.

6. New Business

Audrey Vogel shared information about the open position on the City of Mebane Bicycle and Pedestrian Advisory Committee.

Cy Stober also provided an update to the Board on the City's effort to update the Unified Development Ordinance.

7. Adjournment

There being no further business, the meeting was adjourned at 8:30 p.m.



AGENDA ITEM #3

RZ 21-01

Conditional Rezoning –
Mebane 5th Street Shopping
Center

Presenter

Cy Stober, Development Director

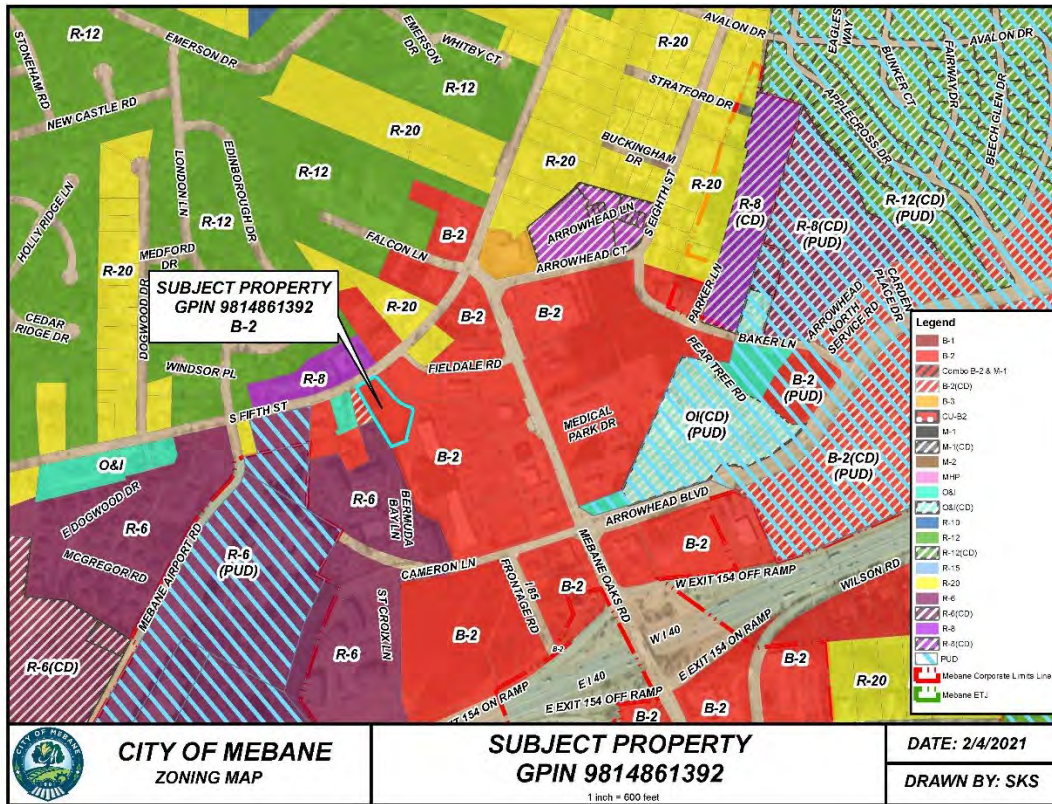
Applicant

PT Greenland LLC
1648 Memorial Drive
Burlington, NC 27215

Public Hearing

Yes No

Zoning Map



Property

S NC Hwy 119
Alamance
County GPIN
9814861392

Proposed Zoning

B-2(CD)

Current Zoning

B-2

Size

+/- 1.54 Acres

Surrounding Zoning

R-8, R-6, B-2, B-2 w/ SUP, B-2(CD)

Surrounding Land Uses

Residential,
Office,
Shopping
Center

Utilities

Present

Floodplain


No

Watershed

No

City Limits

Yes

 **CITY OF MEBANE**
ZONING MAP

SUBJECT PROPERTY
GPIN 9814861392

DATE: 2/4/2021
DRAWN BY: SKS

1 inch = 600 feet

Summary

PT Greenland, LLC, is requesting a rezoning from B-2 (General Business) to B-2(CD) (General Business, Conditional) district to allow for a Multi-tenant Building (aka "Neighborhood Shopping Center") complying with all development standards identified in the Mebane UDO 4-7.8.I and allowing for the following four (4) otherwise restricted uses:

- Laundromat, Coin-Operated or Card
- Restaurant (drive-in or take-out window only)
- Restaurant (with drive-through)
- Physical Fitness Center, Training Center

Financial Impact

N/A, though development of the property will enhance its assessed tax value.

Recommendation

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.

Suggested Motion

1. Motion to approve the B-2(CD) zoning as presented.
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-1 Mixed Use (III) Primary Growth Area and provides "...neighborhood-scale retails and commercial development and entertainment... [and provides]...internal roadways that require interconnectivity between different development projects" (Mebane CLP, p.72);
 - Satisfies Growth Management Goal 1.1: "Encourage a variety of uses in growth strategy areas and in the downtown, promote/encourage a village concept that supports compact and walkable environments." (pp.17, 82); and
 - Satisfies Growth Management Goal 1.6: "Require that commercial development be pedestrian-friendly, supporting walking between differing land uses while also reducing parking requirements." (pp.17, 84)
3. Motion to **deny** the B-2(CD) rezoning as presented due to a lack of
 - a. Harmony with the surrounding zoning

OR

- b. Consistency with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design* or any of the City's other adopted plans.

Attachments

1. Conditional Rezoning Request Application
2. Zoning Map
3. Site Plan
4. Planning Project Report
5. Preliminary Water and Sewer System Approval Letter
6. Technical Memorandum – City Engineering Review



APPLICATION FOR A ZONING AMENDMENT

Application is hereby made for an amendment to the Mebane Zoning Ordinance as follows:

Name of Applicant: P.T. GREENLAND, LLC

Address of Applicant: 11648 MEMORIAL DRIVE DAVENPORT NC

Address and brief description of property to be rezoned: 1.54 AC. PID 1164563
AT SOUTH FIFTH STREET VACANT B-2 PROPERTY

Applicant's interest in property: (Owned, leased or otherwise) OWNER

*Do you have any conflicts of interest with: Elected/Appointed Officials, Staff, etc.?

Yes ___ Explain: _____ No

Type of re-zoning requested: CONDITIONAL BUSINESS B-2

Sketch attached: Yes No _____

Reason for the requested re-zoning: REQUEST TO ALLOW ADDITIONAL

USES AS FOLLOWS: RESTAURANT WITH DRIVE THROUGH &
TAKE OUT COIN OR
CARD LAUNDRY MAT
& PHYSICAL FITNESS
TRAINING CENTER

Signed: [Signature]

Date: 2/2/2021

Action by Planning Board: _____

Public Hearing Date: _____ Action: _____

Zoning Map Corrected: _____

The following items should be included with the application for rezoning when it is returned:

1. Tax Map showing the area that is to be considered for rezoning.
2. Names and addresses of all adjoining property owners within a 300' radius (Include those that are across the street).
3. \$200.00 Fee to cover administrative costs.
4. The information is due 15 working days prior to the Planning Board meeting. The Planning Board meets the 2nd Monday of each month at 6:30 p.m. Then the request goes to the City Council for a Public Hearing the following month. The City Council meets the 1st Monday of each month at 6:00 p.m.

Conditional Zoning Request February 2, 2021
South 5th Street Shopping Center 1.54 Acre Parcel
PID 164563 Mebane, North Carolina

The above referenced project is seeking a Conditional Business B-2 CD Zoning for a 10,800 sf. multi-tenant shopping center to be located within the **City of Mebane B-2** zoning district. The rezoning of this parcel is requested to extend the uses allowable under the current B-2 Zoning to include the following uses for this Multi-Tenant Shopping Center less than 15,000 sf.:

Laundromat, Coin or Card Operated
Restaurant (drive-in or take-out window only)
Restaurant (with drive through)
Physical Fitness Center, Training Center

The zoning change of this parcel from B-2 to B-2 CD provides for the uses similar to those uses allowable in larger shopping centers and multi-tenant occupancies and;

Will not endanger the public health or safety;

The proposed project has been designed in accordance with City of Mebane requirements and has received the endorsement of the City of Mebane Technical Review committee.

Will not injure the value of adjoining or abutting property;

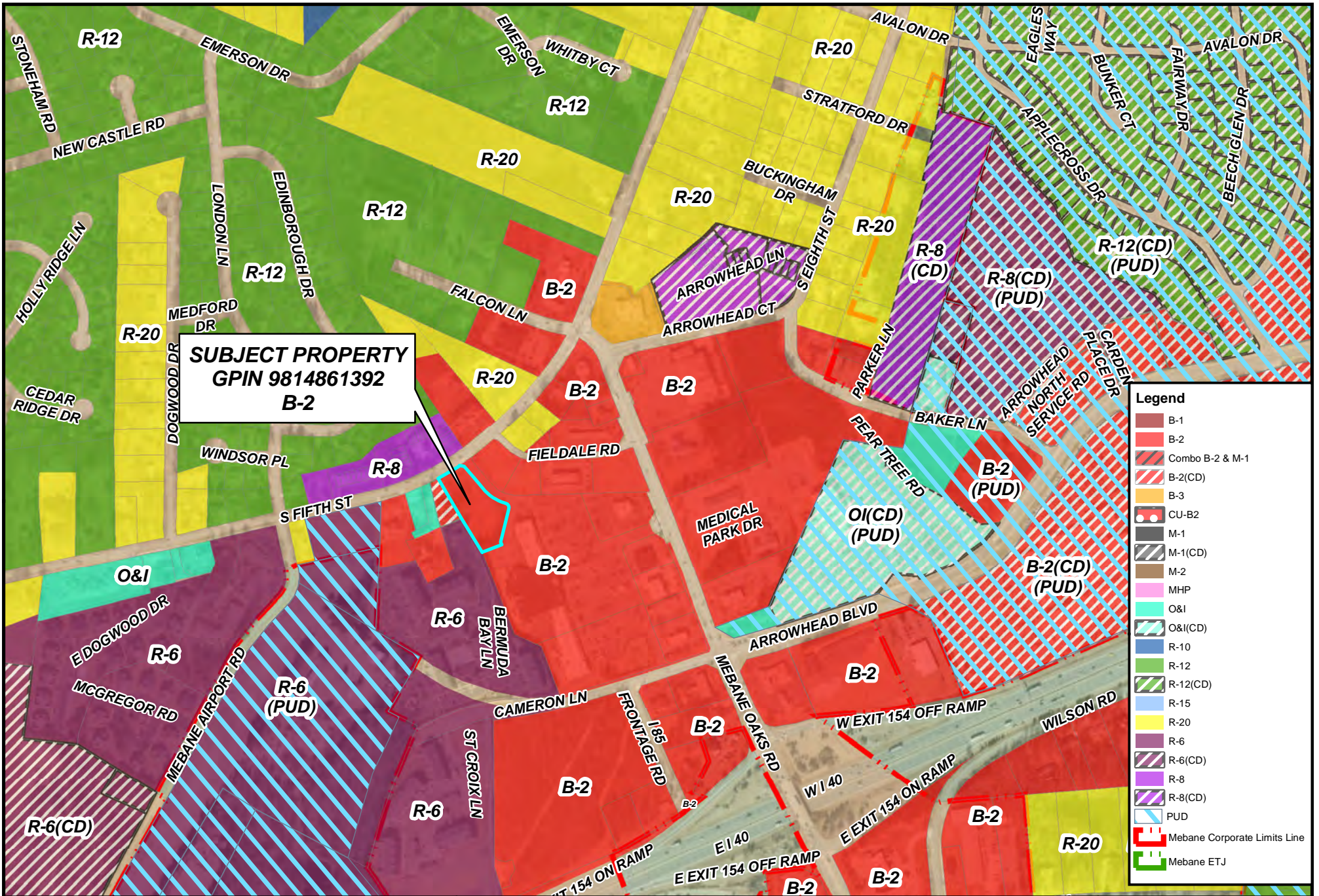
The proposed project will likely have little or no affect on adjacent property values. The project is the final fill-in project for the last remaining outparcel of the surrounding larger retail and commercial property (Lowe's Foods anchor of Mebane Oaks Village).

Will be in harmony with the area in which it is located;

The proposed development will be in harmony with the surrounding areas conforming to City of Mebane requirements, completing the development of this larger project and will be comprised of uses that are similar and complementary to those uses on adjoining properties.

and, Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the City Council.

The development of this property with the proposed use is consistent with the current City of Mebane technical requirements and applicable Transportation and Long Range Plans.



CITY OF MEBANE
ZONING MAP

SUBJECT PROPERTY
GPIN 9814861392

1 inch = 600 feet

DATE: 2/4/2021

DRAWN BY: SKS

MINIMUM BUILDING SETBACKS
 Per City of Mebane UDO, Article 4:
 Front Setback - 40'
 Side Setback - 0' or 5'
 Rear Setback - 30'
 City of Mebane Zoning: B-2 General Business

PARCEL DATA
 Alamance County Tax Information
 PIN Information: 9814861392
 Parcel ID: 164563
 City of Mebane Zoning: B-2
 Parcel Address: 5 NC Hwy 119, Mebane, NC
 (Unaddressed)
 Township: Melville
 Parcel Owner: PT Greenland, LLC
 Deed Reference: Book 3174, Page 296
 Plat Reference: Book 61, Page 17

SITE DATA
 Existing Use: Vacant
 Proposed Use: Shopping Center
 Total Property Area: 1.54 Ac. ±

Disturbed Area in this project: 1.42 Ac. ± (61,932 sf)

Existing Building Area: 0 sf
 Proposed Building Area: 10,800 sf

Impervious Areas:
 Existing (to remain): 0 Ac. ± (0 sf), 0%
 Proposed Additions: 1.15 Ac. ± (50,300 sf), 74.9%
 Total Impervious Area: 1.15 Ac. ± (50,300 sf), 74.9%

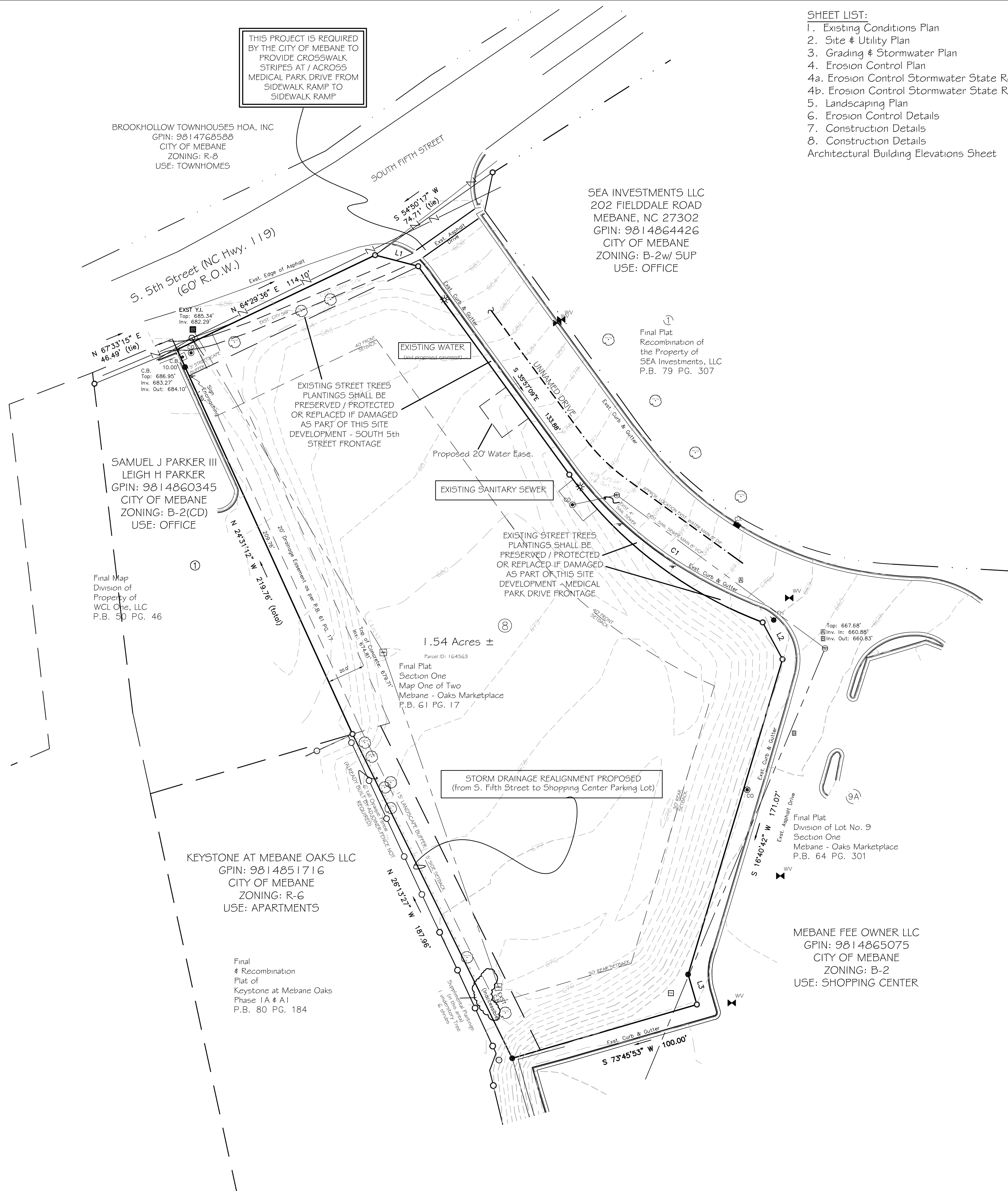
Parking Requirements: (Per City of Mebane UDO, Table G-4-1):
 Use: General Business - Retail - Restaurant
 Rate: 1 space / 200 sf.
 Total Parking Required: 54 spaces required
 Total Parking Provided: 54 spaces provided
 (Including 4 Accessible Spaces)
 which includes 4 Van HC Parking Spaces

CONTRACTOR'S NOTES:
 1. The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
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Plan Prepared for:
 PT Greenland LLC
 1648 Memorial Drive
 Burlington, NC 27215

THIS PROJECT IS REQUIRED BY THE CITY OF MEBANE TO PROVIDE CROSSWALK STRIPES AT / ACROSS MEDICAL PARK DRIVE FROM SIDEWALK RAMP TO SIDEWALK RAMP



SEA INVESTMENTS LLC
 202 FIELDDALE ROAD
 MEBANE, NC 27302
 GPIN: 9814864426
 CITY OF MEBANE
 ZONING: B-2w/ SUP
 USE: OFFICE

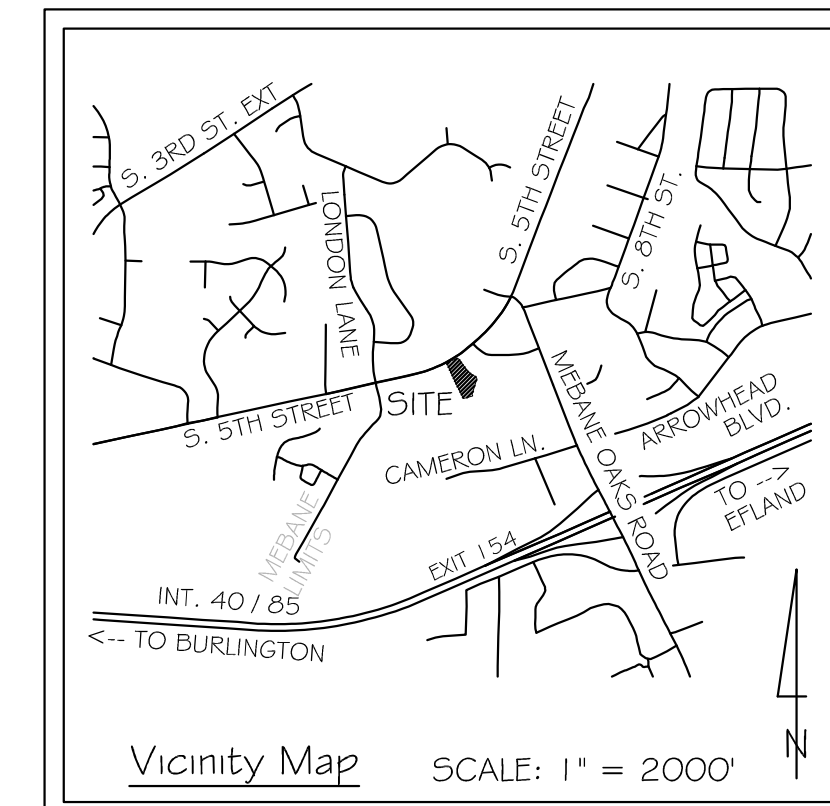
BROOKHOLLOW TOWNHOUSES HOA, INC
 GPIN: 9814762588
 CITY OF MEBANE
 ZONING: R-8
 USE: TOWNHOUSES

SAMUEL J PARKER III
 LEIGH H PARKER
 GPIN: 9814860345
 CITY OF MEBANE
 ZONING: B-2(CD)
 USE: OFFICE

KEYSTONE AT MEBANE OAKS LLC
 GPIN: 9814851716
 CITY OF MEBANE
 ZONING: R-G
 USE: APARTMENTS

Final
 & Recombination
 Plat of
 Keystone at Mebane Oaks
 Phase 1A & A1
 P.B. 80 PG. 184

- SHEET LIST:**
 1. Existing Conditions Plan
 2. Site & Utility Plan
 3. Grading & Stormwater Plan
 4. Erosion Control Plan
 4a. Erosion Control Stormwater State Required Sheets
 4b. Erosion Control Stormwater State Required Sheets
 5. Landscaping Plan
 6. Erosion Control Details
 7. Construction Details
 8. Construction Details
 Architectural Building Elevations Sheet



SURVEYOR'S LEGEND

- NP (New Iron Pipe)
- EP (Existing Iron Pipe)
- WV Water Valve
- ⊕ Man Hole
- ⊙ Yard Inlet (Y.I.) Catch Basin (C.B.)
- ⊙ Clean Out (CO)
- ⊙ FH Fire Hydrant
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Line Table		
Line	Bearing	Distance
L1	S 75°30'20" E	23.12'
L2	S 28°13'56" E	21.80'
L3	S 16°14'03" E	16.30'

Curve Table			
Curve	Chord Bearing	Chord	Radius
C1	S 52°36'25" E	126.53'	220.00'

CITY OF MEBANE INSPECTION FEES:

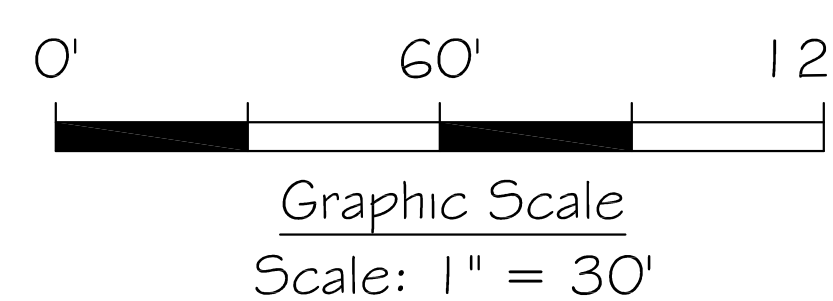
TYPE	LENGTH	FEE	AMOUNT
SAN. SEWER	0	\$2.50 /ft.	\$0
STREET	0	\$3.00 /ft.	\$0
WATER MAIN	0	\$2.50 /ft.	\$0
WATER TAP	1	\$500 ea.	\$500.00
SIDEWALK	75	\$1.00 /SW	\$100.00
DRIVEWAY	1	\$100 /DW	\$100.00

THE CONTRACTOR SHALL CALL FOR THE INSPECTION OF FORMWORK, STRING LINE, GRADE PINS, INLET TOPS AND GRATES, FORMS ETC. PRIOR TO THE PLACEMENT OF ANY CONCRETE, ASPHALT OR OTHER FINISHED SURFACE.

THIS SITE DEVELOPMENT REQUIRES PERMITS. READ THE PLAN READ THE PERMIT!

STORM DRAINAGE REALIGNMENT PROPOSED (from S. Fifth Street to Shopping Center Parking Lot) AT THE TIME OF THIS PLAN SUBMITTAL - PORTIONS OF THE SITE STORM DRAINAGE WERE FOUND TO BE INACCESSIBLE FOR SURVEY - CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION PRIOR TO ANY OTHER SITE DEVELOPMENT.

CALL BEFORE YOU DIG! ITS THE LAW
 ULOCO North Carolina One Call Center
 1-800-632-4949



1 / 8

8-24-20

1" = 30'

BSB/CDH

1-20-1025

Existing Conditions Plan

12-2021

MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.

Land Engineering And Development Services

MINIMUM BUILDING SETBACKS
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 Front Setback - 40'
 Side Setback - 0' or 5'
 Rear Setback - 30'
 City of Mebane Zoning: B-2 General Business

PARCEL DATA
 Alamance County Tax Information
 PIN Information: 9814861392
 Parcel ID: 164563
 City of Mebane Zoning: B-2
 Parcel Address: 5 NC Hwy 119, Mebane, NC (Unaddressed)
 Township: Melville
 Parcel Owner: PT Greenland, LLC
 Deed Reference: Book 3174, Page 296
 Plat Reference: Book 61, Page 17

PAVING SCHEDULE:
 Contractor shall coordinate with owner to determine the desired pavement section and finalize design sections prior to construction. Minimum stone, asphalt and concrete section thickness shown hereon over approved subgrade soils are provided for reference only. No pavement design was performed to establish these sections. Final pavement sections should be constructed per owner's geotechnical engineering recommendations based on the evaluation of exposed subgrade soils.

Additional Borrow / Waste Note:
 If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land disturbing activities and must be permitted either through the Sedimentation and Pollution Control Act as a one-use-borrow site or through the Mining Act.

Proposed Wastewater Flow Rates (NC 15a nca; Q2t.0114)
 7,600 sf retail / office space - 25 gpd / employee / shift - 10 employees proposed = 250gpd
 3,200 sf retail food service - 40 gpd / seat - 150 seats = 6,000gpd

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Plan Prepared for:
 PT Greenland LLC
 1648 Memorial Drive
 Burlington, NC 27215

Brookhollow Townhouses HOA, Inc
 GPIN: 9814768588
 CITY OF MEBANE
 ZONING: R-8
 USE: TOWNHOMES

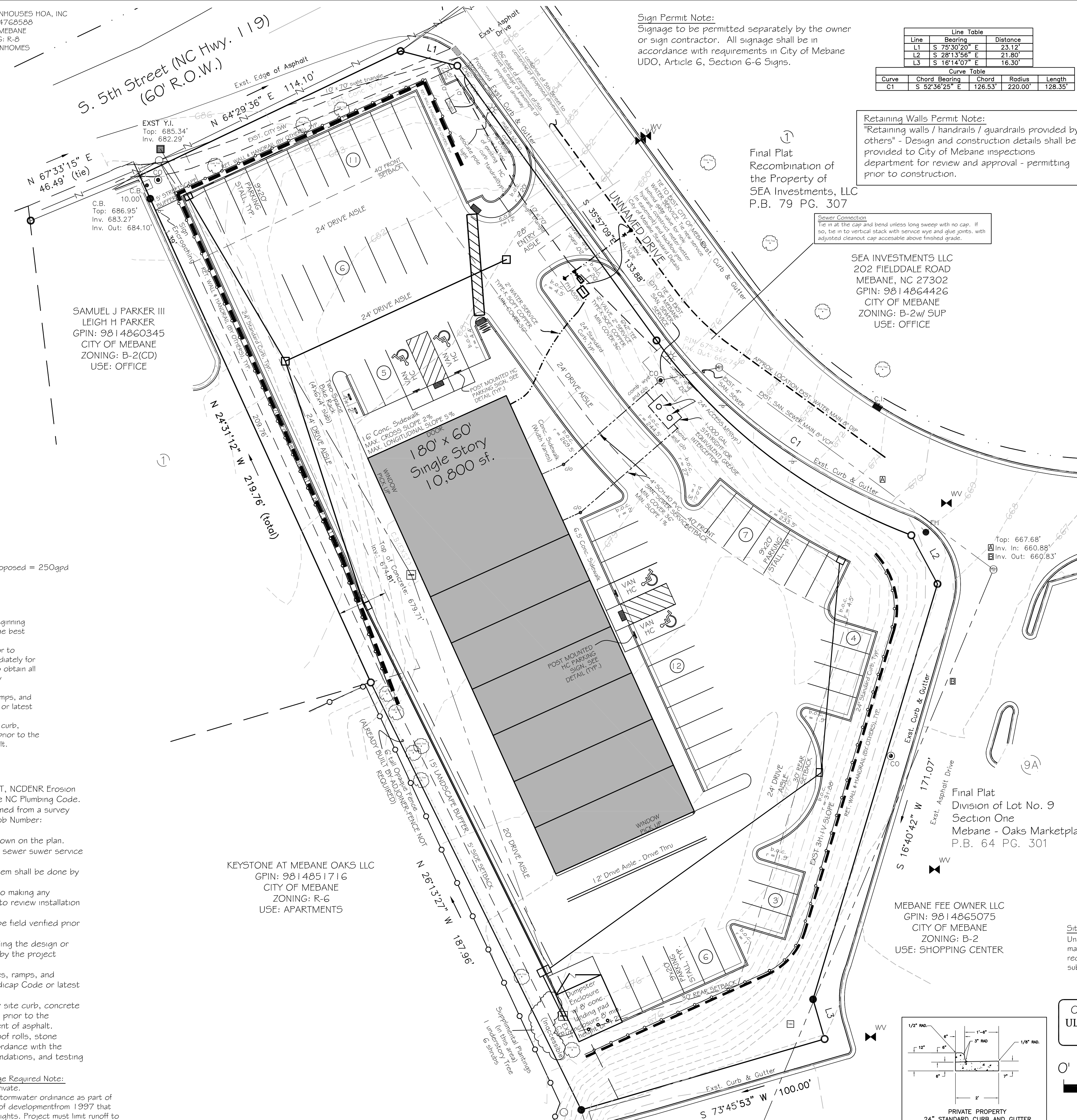
Samuel J Parker III
 Leigh H Parker
 GPIN: 9814860345
 CITY OF MEBANE
 ZONING: B-2(CD)
 USE: OFFICE

Keystone at Mebane Oaks LLC
 GPIN: 9814851716
 CITY OF MEBANE
 ZONING: R-6
 USE: APARTMENTS

MEBANE FEE OWNER LLC
 GPIN: 9814865075
 CITY OF MEBANE
 ZONING: B-2
 USE: SHOPPING CENTER

Site Soils Classification:
 Unclassified. Classification of near surface soils shall be made per Owner's geotechnical engineering recommendations based on the evaluation of exposed subgrade soils.

Site / Site Storm Drainage Required Note:
 Site storm drainage is private.
 Project is exempt from stormwater ordinance as part of the larger common plan of development from 1997 that has established vested rights. Project must limit runoff to the capacity of downstream storm drainage.



Sign Permit Note:
 Signage to be permitted separately by the owner or sign contractor. All signage shall be in accordance with requirements in City of Mebane UDO, Article 6, Section 6-6 Signs.

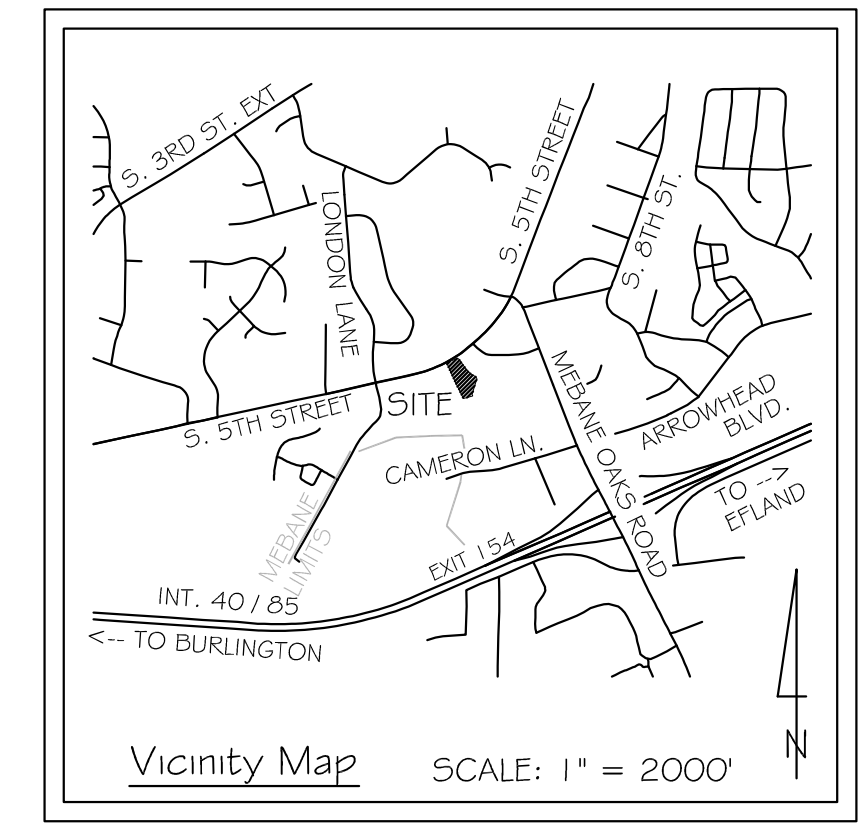
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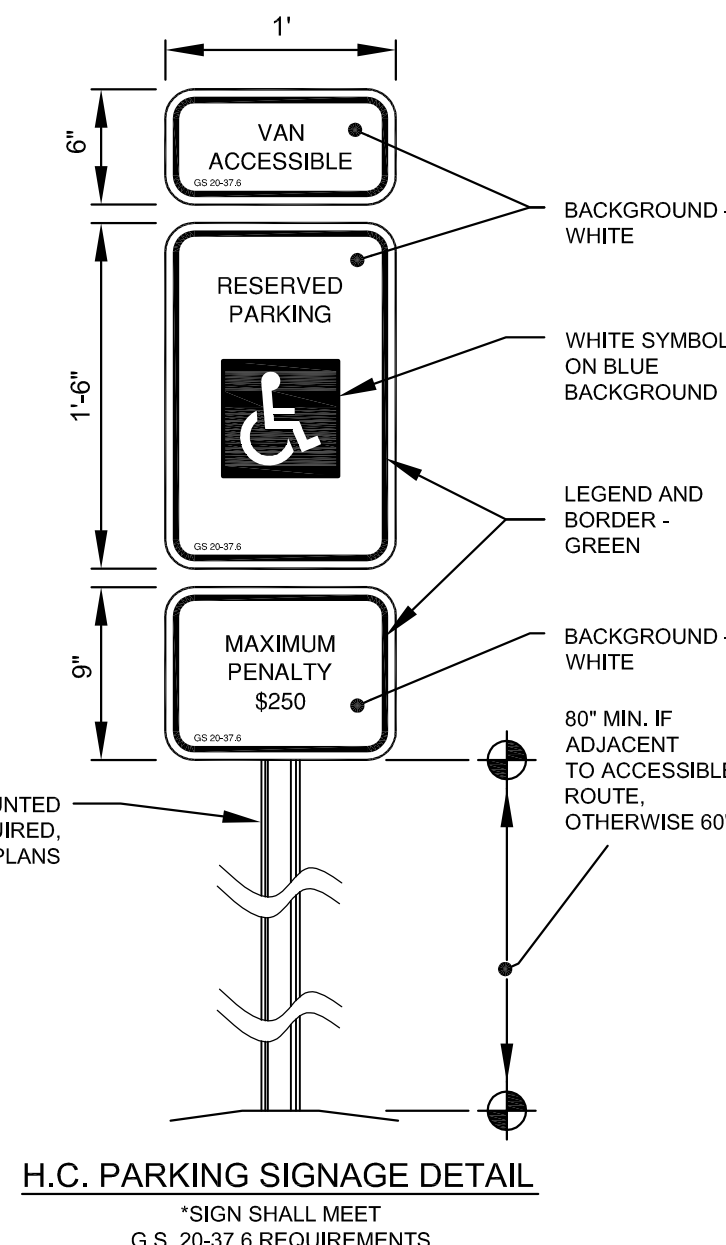
Retaining Walls Permit Note:
 Retaining walls / handrails / guardrails provided by others" - Design and construction details shall be provided to City of Mebane inspections department for review and approval - permitting prior to construction.

Sewer Connection:
 Tie in at the cap and bend unless long sweep with no cap. If so, tie in to vertical stack with service wye and glue joints, with adjusted cleanout cap accessible above finished grade.

SEA INVESTMENTS LLC
 202 FIELDDALE ROAD
 MEBANE, NC 27302
 GPIN: 9814864426
 CITY OF MEBANE
 ZONING: B-2w/ SUP
 USE: OFFICE

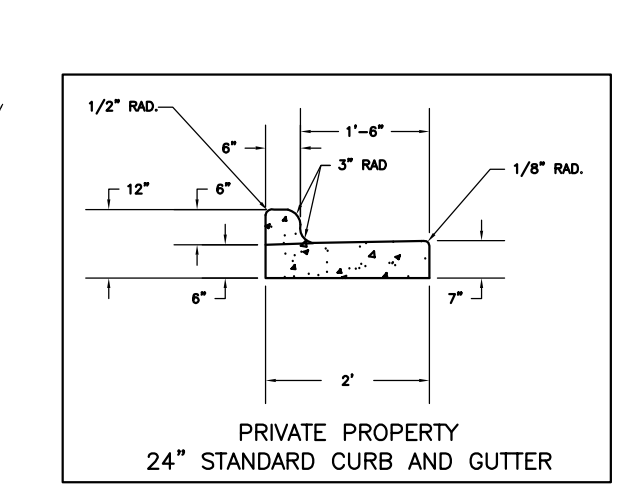


- SURVEYOR'S LEGEND**
- NP (New Iron Pipe)
 - EP (Existing Iron Pipe)
 - Water Valve
 - Man Hole
 - Yard Inlet (Y.I.) Catch Basin (C.B.)
 - Clean Out (CO)
 - Fire Hydrant
 - Calculated Point



Final Plat
 Division of Lot No. 9
 Section One
 Mebane - Oaks Marketplace
 P.B. 64 PG. 301

MEBANE FEE OWNER LLC
 GPIN: 9814865075
 CITY OF MEBANE
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 USE: SHOPPING CENTER



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2/8

8-24-20

1" = 20'

BSE/CDH

1-20-1025

Site & Utility Plan

12-2021

MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.

505 EAST DUNSMUIR STREET
 BURLINGTON, NC 27215
 Tel: (336) 225-9977
 Fax: (336) 225-9979
 Email: info@leadsgroup.com

MINIMUM BUILDING SETBACKS
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 (Unaddressed)
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Sidewalk Note:
 Min. sidewalk thickness = 5" (per City of Mebane)
 (sidewalk thickened through driveway section to 6")
 Max. sidewalk longitudinal slope = 5% or matching existing
 curbline where allowable.
 Max. sidewalk cross slope = 2%
 Sidewalk widths as shown on plan

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STORM PIPE TABLE
 (10 yr sizing)

LOCATION	AREA (acre)	C	INTENSITY	Q-CIA		Q-CIA		Slope (ft./ft.)		PIPE DATA		Length (ft.)	Inv. In	Inv. Out	
				10 year	Incremental	cfs	cfs	Size (in) Ther.	Size (in) Act.	n	Material				Type
Y#2 EXIST Y1	0.25	0.20	0.80	5.00	7.22	1.46	1.46	0.0382	6.67	EXST.	0.013	RCP	20.4	682.29	681.51
Y#3 Y#2	0.00	0.00	0.90	5.00	7.22	0.00	1.46	0.0134	8.11	15.00	0.013	RCP	76.7	676.73	675.70
Y#3 Y#1	0.20	0.18	0.90	5.00	7.22	1.33	1.33	0.0052	9.36	15.00	0.013	RCP	96.0	676.20	675.70
CB#4 Y#3	0.20	0.18	0.90	5.00	7.22	1.31	4.10	0.0094	12.78	15.00	0.013	RCP	102.0	675.70	674.74
CB#5 CB#4	0.25	0.24	0.95	5.00	7.22	1.73	5.83	0.0087	14.79	15.00	0.013	RCP	180.4	674.54	673.14
CB#5 CB#5A	0.31	0.28	0.93	5.00	7.22	2.05	2.05	0.0051	11.07	15.00	0.013	RCP	82.9	674.50	674.08
CB#5 CB#5B	0.02	0.02	0.95	5.00	7.22	0.16	2.21	0.0055	10.86	15.00	0.013	RCP	132.0	674.00	673.14
EXIST CB CB#5	0.28	0.26	0.95	5.00	7.22	1.89	9.93	0.0600	12.58	15.00	0.013	RCP	20.0	672.94	671.74

Note: For Public Works review - Downloading receiving pipe capacity check:
 15" RCP @ 2.89% Q=17.9 cfs. Qsize 10=9.95 cfs - OK

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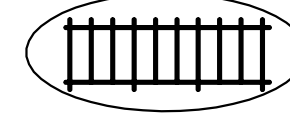
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 CITY OF MEBANE
 ZONING: R-6
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Final
 § Recombination
 Plat of
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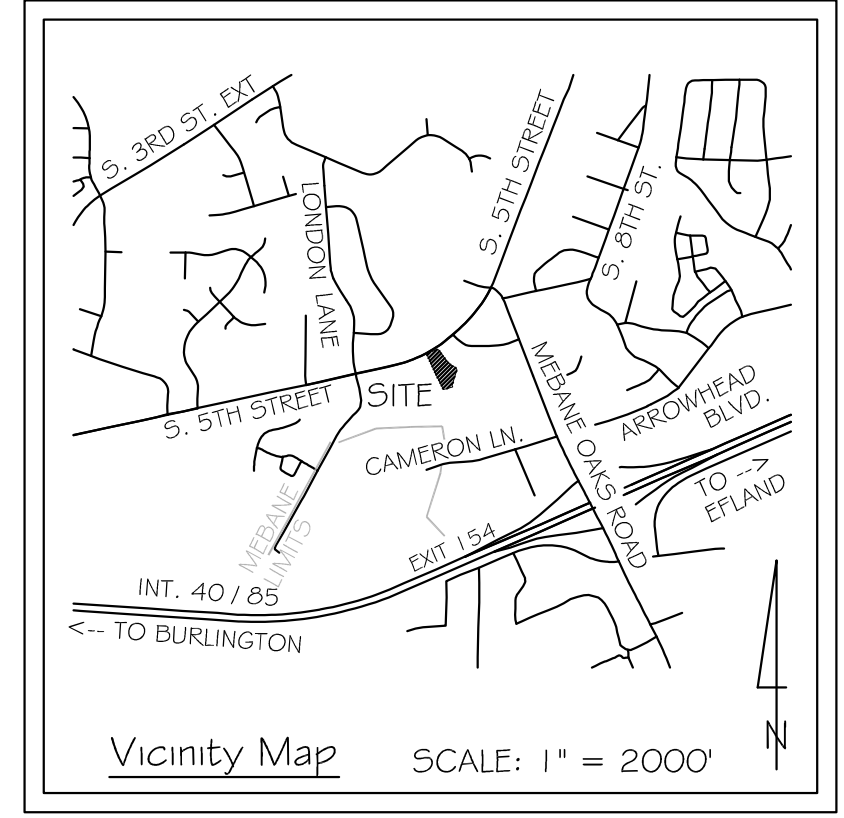
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 must be permitted either through the Sedimentation and Pollution
 Control Act as a one-use-borrow site or through the Mining Act.

Above retaining walls as needed
 - ALUMINUM 4' PICKET FENCE
 AROUND -or- Approved
 equivalent fence / handrail /
 guardrail (see detail sheet for
 illustrations)
 (typ. nts)



Final Plat
 Recombination of
 the Property of
 SEA Investments, LLC
 P.B. 79 PG. 307

SEA INVESTMENTS LLC
 202 FIELDDALE ROAD
 MEBANE, NC 27302
 GPIN: 9814864426
 CITY OF MEBANE
 ZONING: B-2w/5UP
 USE: OFFICE



SURVEYOR'S LEGEND

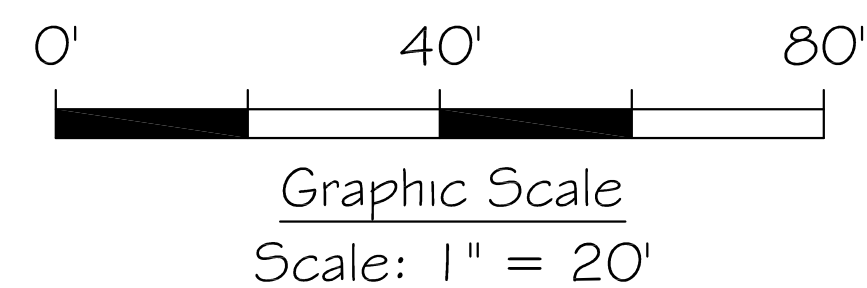
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PAVING SCHEDULE:
 MINIMUM PAVING SCHEDULE:
 HEAVY DUTY PAVING:
 8" ABC STONE, 3" BINDER - 119.02, 2" SURFACE - 5F9.5A
 LIGHT DUTY PAVING:
 6" ABC STONE, 2" SURFACE - 5F9.5A
 *MINIMUM SECTIONS ARE PROVIDED FOR REFERENCE ONLY.
 NO PAVEMENT DESIGN WAS PERFORMED TO ESTABLISH
 THESE SECTIONS. FINAL PAVEMENT SECTIONS SHOULD BE
 CONSTRUCTED PER OWNER'S GEOTECHNICAL ENGINEERING
 RECOMMENDATIONS AND OVER APPROVED SUBGRADES.

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3 / 8

8-24-20
 1" = 20'
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 ENGINEERS & ARCHITECTS

REVISIONS
 1. 11-12-2020
 2. 12-23-2020
 3. 1-12-2021

1-20-1025
 PROJECT NUMBER

Grading &
 Stormwater
 Plan

12-2021
 NORTH CAROLINA
 PROFESSIONAL
 SEAL
 24924
 CHARLES D. HUFFINE
 ENGINEER

MEBANE 5TH STREET
 SHOPPING CENTER
 PROJECT

THE L.E.A.D.S. GROUP, P.A.
 505 EAST DAVENPORT STREET
 BURLINGTON, NC 27215
 P. 336.225.9717
 F. 336.225.9719
 Land Engineering And Development Services

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EROSION CONTROL NOTES:
 Proposed Disturbed Area = 1.42 Ac. ± (61,932 sf)

- Limits of Disturbance shall be property lines, silt fencing, temporary diversion ditches or as shown on plan.
- In areas where the property boundary, disturbance limits, and/or silt fencing are parallel and overlap, lines are offset to provide clarity.
- This site proposes to disturb greater than one acre. An erosion and sedimentation control permit is required for disturbed areas of one acre or more. Any material imported to the site or exported from the site shall originate or be disposed of at a properly permitted site.
- Additional erosion control measures will be installed during construction in order to control erosion if deemed necessary by on-site inspection.
- All erosion control measures shall be inspected once every 7 calendar days or after a rainfall event having precipitation greater than 1/2 inch in any 24 hour period. The inspection shall be documented in writing, and damaged or ineffective measures be repaired or replaced as needed.
- A self-inspection must be made of the project after each phase and documented in writing. This self-inspection will be performed in addition to the NPDES self monitoring report required by the General Permit as described above.
- All erosion and sediment control devices shall be properly maintained during all phases of construction until the completion of all construction activities and / or contributing areas have been stabilized. Existing measures may require adjustment or modification and additional control measures may be required in order to control erosion and/or off-site sedimentation if determined necessary by on site inspection.

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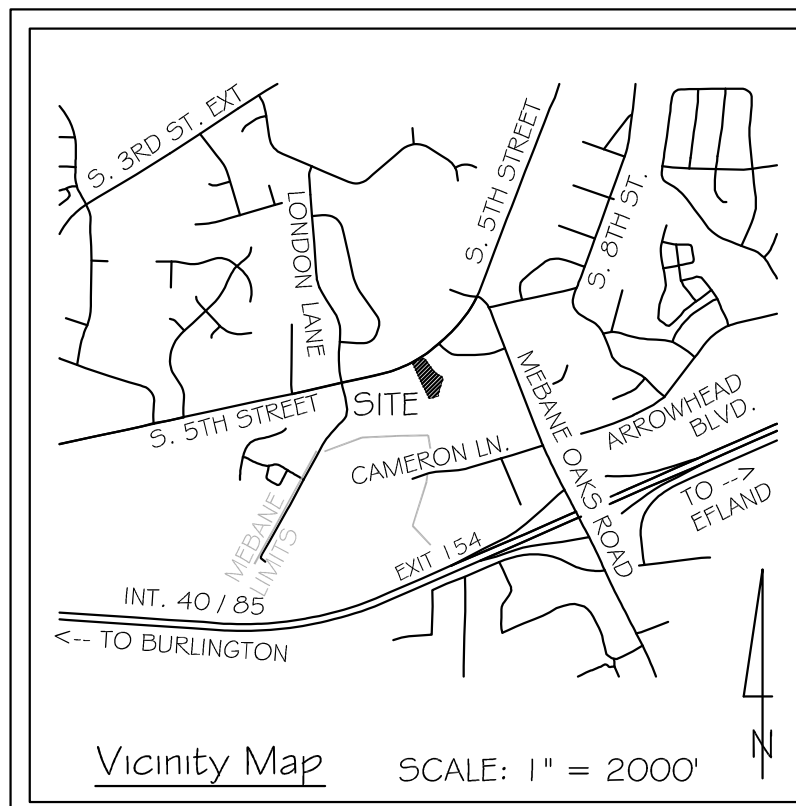
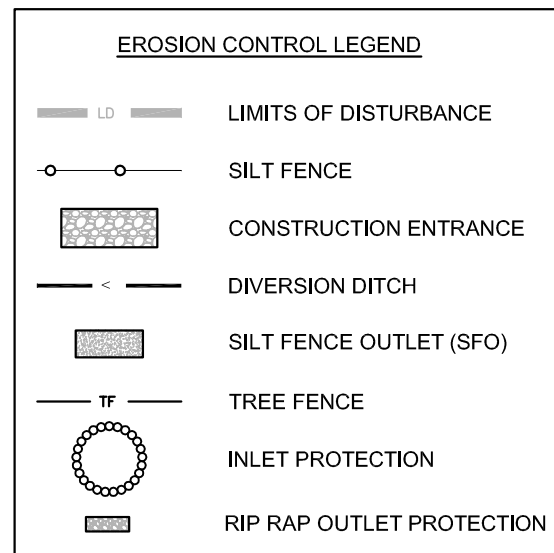
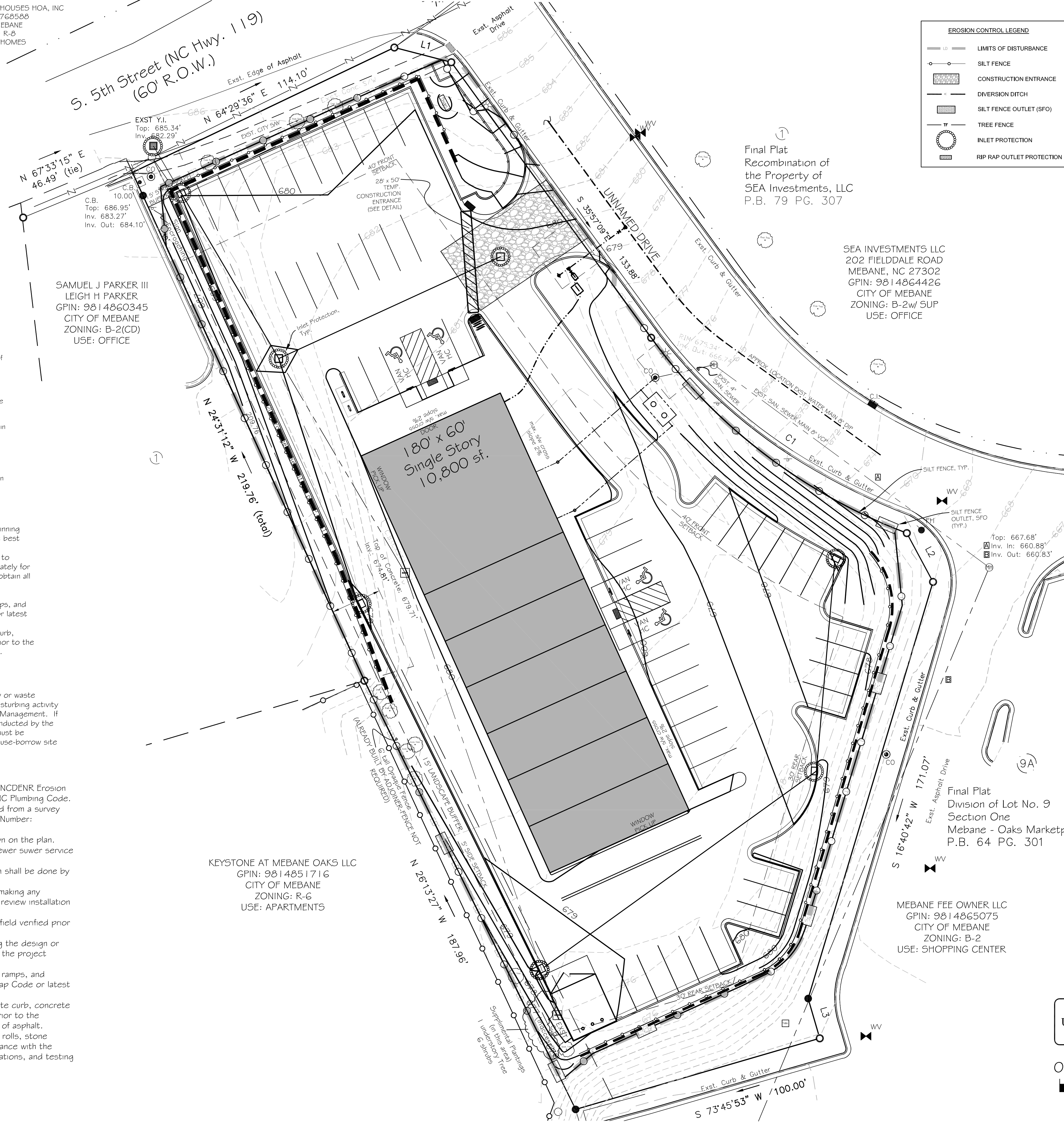
Additional Borrow / Waste Note:

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land disturbing activities and must be permitted either through the Sedimentation and Pollution Control Act as a one-use-borrow site or through the Mining Act.

General Notes:

- All construction methods and materials shall conform to the NCDOT, NCDENR Erosion Control, City of Mebane Standard Specifications & Details, and the NC Plumbing Code.
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- Compaction of fill materials, approval of residual subgrade, soil proof rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
 PT Greenland LLC
 1648 Memorial Drive
 Burlington, NC 27215



SEA INVESTMENTS LLC
 202 FIELDDALE ROAD
 MEBANE, NC 27302
 GPIN: 9814864426
 CITY OF MEBANE
 ZONING: B-2w SUP
 USE: OFFICE

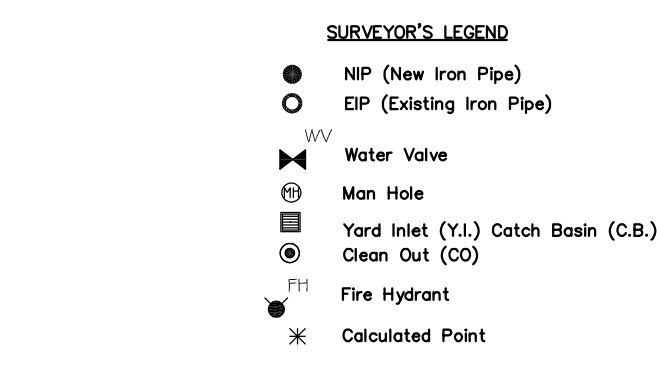
SAMUEL J PARKER III
 LEIGH H PARKER
 GPIN: 9814860345
 CITY OF MEBANE
 ZONING: B-2(CD)
 USE: OFFICE

KEYSTONE AT MEBANE OAKS LLC
 GPIN: 9814851716
 CITY OF MEBANE
 ZONING: R-6
 USE: APARTMENTS

MEBANE FEE OWNER LLC
 GPIN: 9814865075
 CITY OF MEBANE
 ZONING: B-2
 USE: SHOPPING CENTER

NEW STABILIZATION TIMEFRAMES

SITE AREA DESCRIPTION	STABILIZATION	TIMEFRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES/SLOPES	7 DAYS	NONE
HIGH QUALITY WATER (HOW) ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 17' OR LESS IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED
SLOPES 3:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPE GREATER THAN 50' IN LENGTH
ALL OTHER AREAS WITH SLOPES FLATTER THAN 4:1	14 DAYS	NONE, EXCEPT FOR PERIMETERS AND HOW ZONES



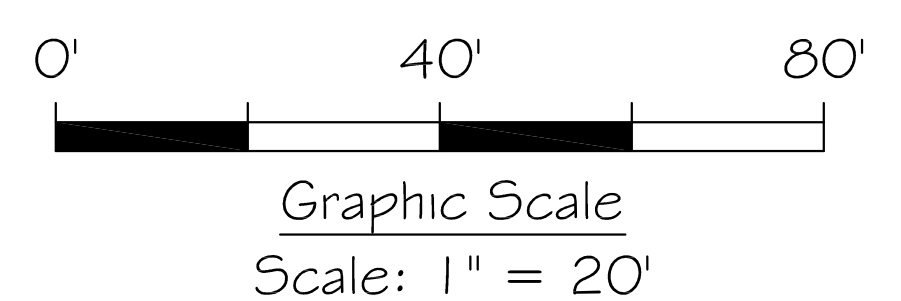
Line Table

Line	Bearing	Distance
L1	S 75°30'20" E	23.12'
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L3	S 16°14'03" E	16.30'

Curve Table

Curve	Chord Bearing	Chord	Radius	Length
C1	S 52°36'25" E	126.53'	220.00'	128.35'

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 1-800-632-4949



4/8

8-24-20

1" = 20'

BSE/CDH

1-20-1025

Erosion Control Plan

12-2021

MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.

505 EAST DAVENPORT STREET
 BURLINGTON, NC 27215
 Tel: (336) 225-9977
 Fax: (336) 225-9978
 www.leadsgroup.com

**PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING**

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

Inspect	Frequency (during normal business hours)	Inspection records must include:
(1) Rain gauge maintained in good working order	Daily	Daily rainfall amounts. If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those unattended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device approved by the Division.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating properly, 5. Description of maintenance needs for the measure, 6. Description, evidence, and date of corrective actions taken.
(3) Stormwater outfalls (SDCs)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, 5. Indication of visible sediment leaving the site, 6. Description, evidence, and date of corrective actions taken.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If visible sedimentation is found outside site limits, then a record of the following shall be made: 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 2. Description, evidence, and date of corrective actions taken, and 3. An explanation as to the actions taken to control future releases.
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made: 1. Description, evidence and date of corrective actions taken, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit.
(6) Ground stabilization measures	After each phase of grading	1. The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). 2. Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible.

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

**PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING**

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be kept on site and available for inspection at all times during normal business hours.

Item to Document	Documentation Requirements
(a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan.	Initial and date each E&SC measure on a copy of the approved E&SC plan or complete, date and sign an inspection report that lists each E&SC measure shown on the approved E&SC plan. This documentation is required upon the initial installation of the E&SC measures or if the E&SC measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC plan.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC measures.	Initial and date a copy of the approved E&SC plan or complete, date and sign an inspection report to indicate the completion of the corrective action.

2. Additional Documentation to be Kept on Site

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

- (a) This General Permit as well as the Certificate of Coverage, after it is received.
- (b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.

3. Documentation to be Retained for Three Years

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

**PART III
SELF-INSPECTION, RECORDKEEPING AND REPORTING**

SECTION C: REPORTING

1. Occurrences that Must be Reported

Permittees shall report the following occurrences:

- (a) Visible sediment deposition in a stream or wetland.
- (b) Oil spills if:
 - They are 25 gallons or more,
 - They are less than 25 gallons but cannot be cleaned up within 24 hours,
 - They cause sheen on surface waters (regardless of volume), or
 - They are within 100 feet of surface waters (regardless of volume).
- (c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.
- (d) Anticipated bypasses and unanticipated bypasses.
- (e) Noncompliance with the conditions of this permit that may endanger health or the environment.

2. Reporting Timeframes and Other Requirements

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

Occurrence	Reporting Timeframes (After Discovery) and Other Requirements
(a) Visible sediment deposition in a stream or wetland	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis. • If the stream is named on the NC 303(d) list as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions.
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release.
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none"> • A report at least ten days before the date of the bypass, if possible. The report shall include an evaluation of the anticipated quality and effect of the bypass.
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that includes an evaluation of the quality and effect of the bypass.
(e) Noncompliance with the conditions of this permit that may endanger health or the environment [40 CFR 122.41(l)(7)]	<ul style="list-style-type: none"> • Within 24 hours, an oral or electronic notification. • Within 7 calendar days, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. [40 CFR 122.41(l)(6)]. • Division staff may waive the requirement for a written report on a case-by-case basis.

PART II, SECTION G, ITEM (4)

DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

- (a) The E&SC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items,
- (b) The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit,
- (c) Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems,
- (d) Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item (c) above,
- (e) Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
- (f) Sediment removed from the dewatering treatment devices described in Item (c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.



MINIMUM BUILDING SETBACKS
 Per City of Mebane UDO, Article 4:
 Front Setback - 40'
 Side Setback - 0' or 5'
 Rear Setback - 30'
 City of Mebane Zoning: B-2 General Business

PARCEL DATA
 Alamance County Tax Information
 PIN Information: 9814861392
 Parcel ID: 164563
 City of Mebane Zoning: B-2
 Parcel Address: 5 NC Hwy 119, Mebane, NC
 (Unaddressed)
 Township: Melville
 Parcel Owner: PT Greenland, LLC
 Deed Reference: Book 3174, Page 296
 Plat Reference: Book 61, Page 17

Landscaping Vegetation Size Notes:
 All proposed landscaping shall meet requirements in The City of Mebane UDO Section 6-3 Landscaping, Buffering, and Screening.
 Canopy Trees Minimum Size 2.5" Caliper and 10' tall at time of planting.
 Understory Trees Minimum Size 2.0" Caliper and 8' tall at time of planting.
 All Shrubs 3 gallon size and 24" height at time of planting.
 Note: Shrubs shall be evergreen.
Canopy Tree / Sidewalk Dimensional Constraint:
 Note Street Trees shall be planted not less than 5' from the back of the proposed sidewalk.

Landscaping Notes:
 Canopy trees noted as VUA (Vehicular Use Area) on plan, to be planted within 60' of parking stalls.

ON-SITE UTILITY SCREENING
 All onsite utilities will be screened

LANDSCAPING TABLE	Canopy (required/provided)	Understory (required/provided)	Shrubs (required/provided)
5. 5th Street Streetscape: Length = 110' Width = 15'	N/A	Rate: 1 per 20 LF G/G (note 3 proposed and 3 existing)	N/A
Parking Lot: 31,700 sf	Rate: 1 per 2,500 sf 13 / 13	N/A	Rate: 1 per 5 LF ** 93 provided
Perimeter Buffer: Length = 180' Width = 15'	Rate: 1 per 40 LF 5/5 (note 5 existing)	Rate: 1 per 20 LF 9/9 (note 7 proposed and 2 existing)	Rate: 1 per 6 LF 32/36
Staff Requested Fifth Street Evergreen Shrub plantings - rate 1/10' - plantings required / provided -			O / G

Plants along shopping center entrance and S. fifth street are provided but are not required plantings.
 **Note: Shrubs proposed to provide additional parking lot screening and are only required in areas adjacent to parking lot.
 Small Lot Landscaping provision - Application to Existing Small Developments and Lots UDO Article 6 - Section: G-3.A.3.f

LANDSCAPING SPECIES SELECTION
 The contractor shall supply the City with the proposed plant list for approval prior to planting, as applicable plantings may change due to the season and time of planting.

- CONTRACTOR NOTES:**
- The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
 - The City of Mebane shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction.
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Plan Prepared for:
 PT Greenland LLC
 1648 Memorial Drive
 Burlington, NC 27215

BROOKHOLLOW TOWNHOUSES HOA, INC
 GPIN: 9814768568
 CITY OF MEBANE
 ZONING: R-8
 USE: TOWNHOMES

S. 5th Street (NC Hwy. 119)
 (60' R.O.W.)

SAMUEL J PARKER III
 LEIGH H PARKER
 GPIN: 9814860345
 CITY OF MEBANE
 ZONING: B-2(CD)
 USE: OFFICE

KEYSTONE AT MEBANE OAKS LLC
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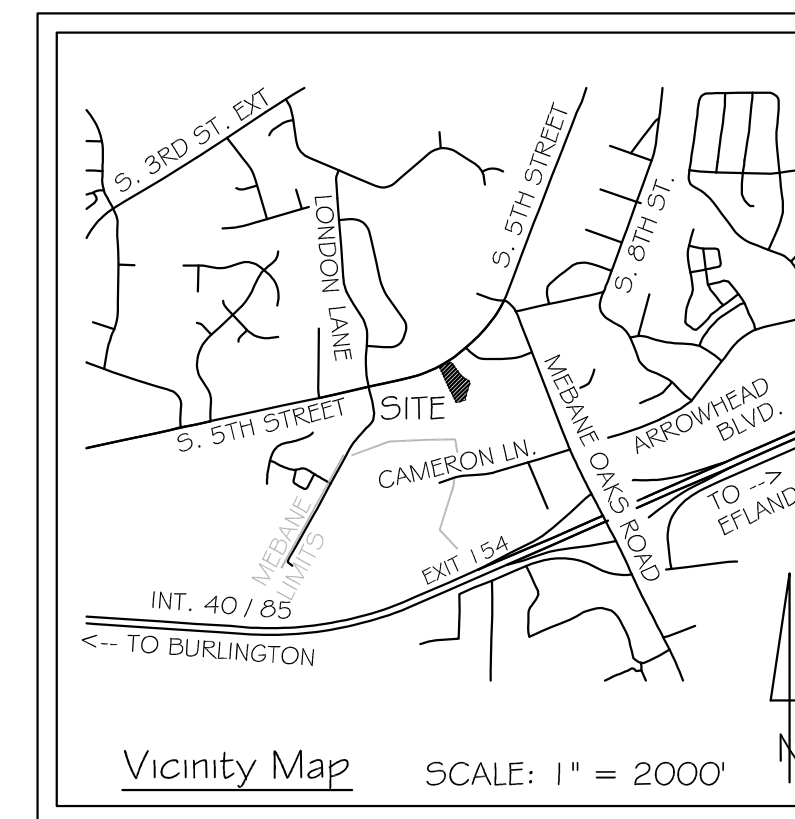
Site Soils Classification:
 Unclassified. Classification of near surface soils shall be made per Owner's geotechnical engineering recommendations based on the evaluation of exposed subgrade soils.

Additional Borrow / Waste Note:
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LANDSCAPE LEGEND

- CANOPY TREE
- UNDERSTORY TREE
- SHRUB

Open Space Calculation:
 18,700 sf. open space
 67,063 sf. parcel area
 27.8% Open Space



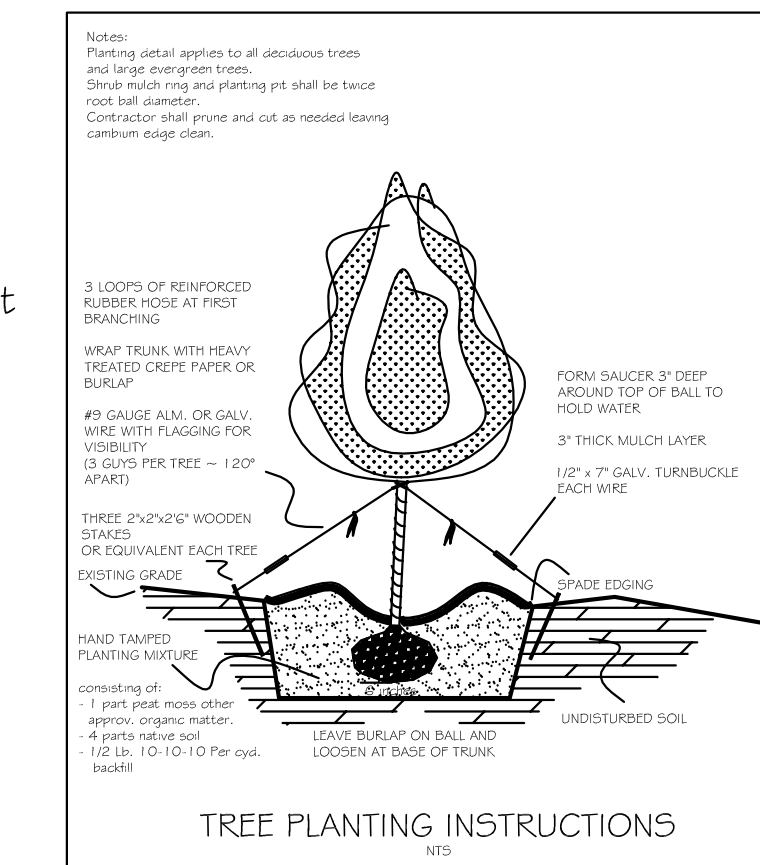
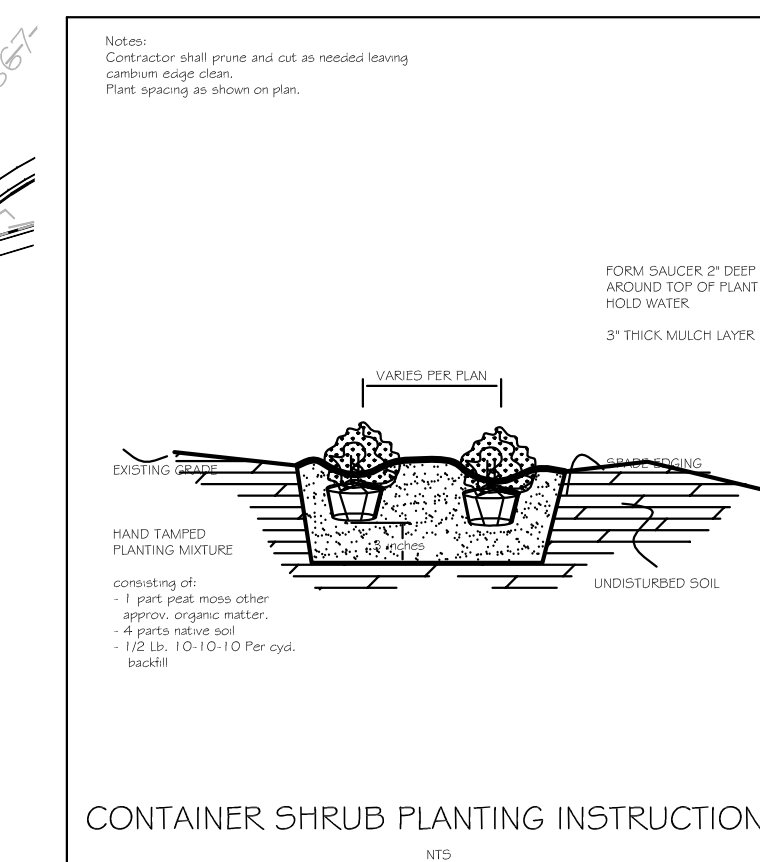
SEA INVESTMENTS LLC
 202 FIELDDALE ROAD
 MEBANE, NC 27302
 GPIN: 9814864426
 CITY OF MEBANE
 ZONING: B-2w/ SUP
 USE: OFFICE

SURVEYOR'S LEGEND

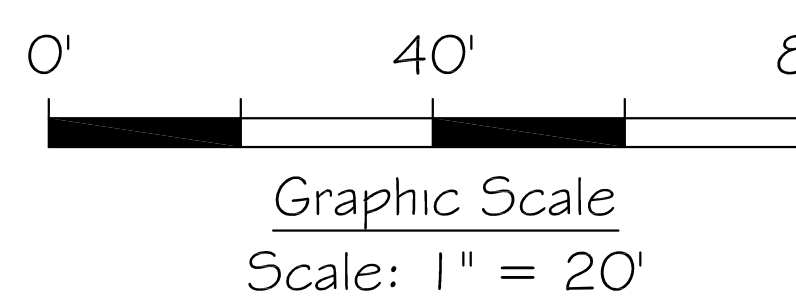
- NP (New Iron Pipe)
- EP (Existing Iron Pipe)
- WV Water Valve
- MH Man Hole
- YI (Y1) Catch Basin (C.B.)
- CO Clean Out (CO)
- FH Fire Hydrant
- * Calculated Point

Line Table		
Line	Bearing	Distance
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L2	S 28°13'56" E	21.80'
L3	S 16°14'07" E	16.30'

Curve Table				
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5 / 8

8-24-20

1" = 20'

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Landscaping Plan

12-2021

MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.
 505 EAST DAVENPORT STREET
 BURLINGTON, NC 27215
 Tel: (336) 225-9977
 Fax: (336) 225-9977
 Land Engineering And Development Services

NOTES

- All construction methods and materials shall conform to the North Carolina Sediment Control Practice Standards and Specifications and City of Mebane Standard Specifications.
- All erosion control practices shall be placed in the best location based on field conditions.
- Existing Conditions are shown based on field surveys and best available record. Any discrepancies shall be reported to the engineer immediately.

NARRATIVE

This project is located in Mebane, Alamance County, North Carolina. The subject property is currently undeveloped. The site is open grassy land, with slopes from 0 to 5%. The site is being cleared and graded to provide for a shopping center and associated parking as shown on the site plan. Drainage on the subject parcel flows towards the southeast, as shown by the existing topography. Adjacent property is owned by various individuals, shown as adjacent owners on the plan. Clearing and stripping operations beginning upon permitting. Near surface soils are composed of USCS type CL and ML. Anticipated rough grading completion date: Not Known. Management Practices to remain in place until all contributing denuded areas have been stabilized or practices can be replaced with permanent structures.

MAINTENANCE PLAN

- All erosion control measures shall be inspected once every 7 calendar days or after a rainfall event having precipitation greater than 1/2 inch in any 24 hour period. The inspection shall be documented in writing, and damaged or ineffective measures be repaired or replaced as needed.
- A self-inspection must be made of the project after each phase and documented in writing. This self inspection will be performed in addition to the NPDES self monitoring report required by the General Permit as described above.
- All erosion and sediment control devices shall be properly maintained during all phases of construction until the completion of all construction activities and / or contributing areas have been stabilized. Existing measures may require adjustment or modification and additional control measures may be required in order to control erosion and/or off-site sedimentation if determined necessary by on site inspection.
- Sediment shall be removed from traps when storage capacity has been reduced to approximately 50% design capacity.
- All seeded areas shall be fertilized, reseeded and mulched according to specifications in the vegetative plan to maintain a vigorous, dense vegetative cover.

RESPONSIBILITY

- All installation & maintenance of erosion and sediment control practices is the responsibility of the owner.
- Contractor grading site shall be responsible for maintenance of erosion control measures unless arranged otherwise by the owner.
- Vegetative stabilization on all exposed areas during construction shall be implemented in accordance with the 'NEW STABILIZATION TIMEFRAMES' as shown in the table below.
- Permanent vegetative cover shall be installed within (14) working days or (90) calendar days (whichever is shorter) following completion of construction or development.

NEW STABILIZATION TIMEFRAMES		
SITE AREA DESCRIPTION	STABILIZATION	TIMEFRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES SLOPES	7 DAYS	NONE
HIGH QUALITY WATER FLOW ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 10' OR LESS IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED.
SLOPES 3:1 OR FLATTER	14 DAYS	7 DAYS FOR SLOPE GREATER THAN 50' IN LENGTH
ALL OTHER AREAS WITH SLOPES FLATTER THAN 4:1	14 DAYS	NONE, EXCEPT FOR PERIMETERS AND HOW ZONES

SEEDING SCHEDULE (SEASONAL)

AREA	DESCRIPTION	SEASON	SEEDING MIXTURE	SEEDBED PREP.	SEEDING METHOD	MULCH	MAINTENANCE	NOTES
1.	Steep Slope Area	Fall (8-20 to 10-25)	Tall fescue 100lb/ac Kobbe lespedeza 10lb/ac Bahagrass 25lb/ac Rye grain 40lb/ac	SP-1	SM-1	MU-1	MA-1	
2.	Low Mt. Area	Fall (8-20 to 10-25)	Tall fescue 100lb/ac Kobbe lespedeza 10lb/ac Bahagrass 25lb/ac Rye grain 40lb/ac	SP-4	SM-2	MU-2	MA-1	
1.	Steep Slope Area	Winter (10-25 to 1-31)	Rye grain 120lb/ac	SP-4	SM-2	MU-1	MA-1	
2.	Low Mt. Area	Winter (10-25 to 1-31)	Rye grain 120lb/ac	SP-4	SM-2	MU-2	MA-1	
1.	Steep Slope Area	Spring (02-1 to 04-15)	Tall fescue 100lb/ac Kobbe lespedeza 10lb/ac Bahagrass 25lb/ac Rye grain 40lb/ac	SP-1	SM-1	MU-1	MA-1	
2.	Low Mt. Area	Spring (02-01 to 04-15)	Tall fescue 100lb/ac Kobbe lespedeza 10lb/ac Bahagrass 25lb/ac Rye grain 40lb/ac	SP-4	SM-2	MU-2	MA-1	
1.	Steep Slope Area	Summer (04-15 to 08-20)	German millet 40lb/ac	SP-2	SM-2	MU-1	MA-5	
2.	Low Mt. Area	Summer (04-15 to 08-20)	Fall fescue 100lb/ac Kobbe lespedeza 10lb/ac Bahagrass 25lb/ac German Millet 10lb/ac	SP-4	SM-2	MU-2	MA-1	

Inspection of Erosion Control Measures Note:
Perimeter measures (e.g. silt fence with outlets, construction entrance) to be installed and seeded prior to any remaining grading operation. Completed perimeter measures must be observed by erosion control representative prior to additional grading operations.

VEGETATIVE PLAN

Seedbed Preparation (SP):

- SP-1 Fill slopes 3:1 or steeper to be seeded with a hydraulic seeder (permanent seedings)
- 1. Leave Last 4-6 inches of fill loose and uncompacted, allowing rocks, roots, large clods and other debris to remain on the slope.
- 2. Roughen slope faces by making grooves of 2 to 3 inches deep, perpendicular to the slope.
- 3. Spread lime evenly over slopes at rates recommended by soil tests.

SP-4 Gentle or flat slopes where topsoil is not used.

- Remove rocks and debris.
- Apply lime and fertilizer at rates recommended by soil test; spread evenly and incorporate into the top 6" with a disk, chisel plow, or rotary tiller.
- Break up large clods and rake into a loose, uniform seedbed.
- Rake to loosen surface just prior to applying seed.

Seeding Methods (SM):

- SM-1 Fill slopes 3:1 or steeper (permanent seedings)
- Use hydraulic seeding equipment to apply seed and fertilizer, a wood fiber mulch at 45lb/1,000 sf., and mulch tackifier.

SM-2 Gentle or flat slopes or temporary seedings.

- Broadcast seed at the recommended rate with cyclone seeder, drop spreader, or cultipacker seeder.
- Rake seed into the soil and lightly pack to establish good contact.

- Mulch (MU):**
- MU-1 Slopes 3:1 or steeper
 - In mid-summer, late fall or winter, apply 100lb/1,000 sf. grain straw, cover with netting and staple to the slope. In spring or early fall use 45lb/1,000 sf. wood fiber in a hydroseeder slurry.
 - MU-2 Temporary Seedings
 - Apply 90lb/1,000sf. grain straw and tack with 1 1/2 gal/1,000sf. asphalt.
 - Maintenance (MA):**
 - MA-1 Refertilize in late winter or early spring and mow as desired.
 - MA-5 Topdress with 50lb/ac nitrogen in March. If cover is needed through the following summer, overseed with 50lb/ac Kobe lespedeza.

Yearly Temporary Seeding Schedule

Winter and Early Spring (December 1 to February 28):
Fertilizer: 10-10-10 at 700-1,000 lb/ac
Seed: Rye (gram) 120 lb/ac and Annual lespedeza 50 lb/ac
Mulch: 4,000 lb/ac straw

Summer (March 1 to September 5):
Fertilizer: same and add 2,000 lb/ac agricultural limestone
Seed: German Millet 40 lb/ac
Mulch: same

Fall (September 6 to November 30):
Seed: Rye (gram) 120 lb/ac
Fertilizer: same
Mulch: same

CONSTRUCTION SCHEDULE

- Obtain plan approval and other applicable permits.
- Flag clearing limits, limits of disturbance, and designate tree save areas (if any) as needed.
- Hold pre-construction meeting one week prior to initiation of any work.
- Install construction entrance as shown.
- Clear only the areas needed to install silt fencing as shown prior to the initiation of clearing, grubbing, and grading activities. Install silt fence and silt fence outlets as shown on the approved erosion control plan.
- Contact the Erosion Control Inspector for perimeter measures inspection before continuing with remainder of site cleaning and grading.
- Complete site cleaning and grubbing activities, and strip topsoil only in current phase or as directed by engineer.
- Rough grade, construct drives and building pad, and manure all slopes.
- Leave surface slightly roughened and vegetate and mulch immediately, or stabilize with erosion control materials per slope protection schedule.
- Complete fine grading and construct parking lot per minimum pavement sections as specified by project's geotechnical engineer.
- Install landscape berms, etc., permanently vegetate, mulch and landscape all disturbed areas. Call for inspection as needed to complete each phase or section.
- Upon approval from the erosion control inspector, remove all temporary sediment control measures, repair disturbed areas, and permanently vegetate, or rip rap and place permanent structures.
- Call project engineer for inspection.

EROSION CONTROL MEASURES DETAILS (NTS.)

6 / 8

8-24-20

NTS

BSB/CDH

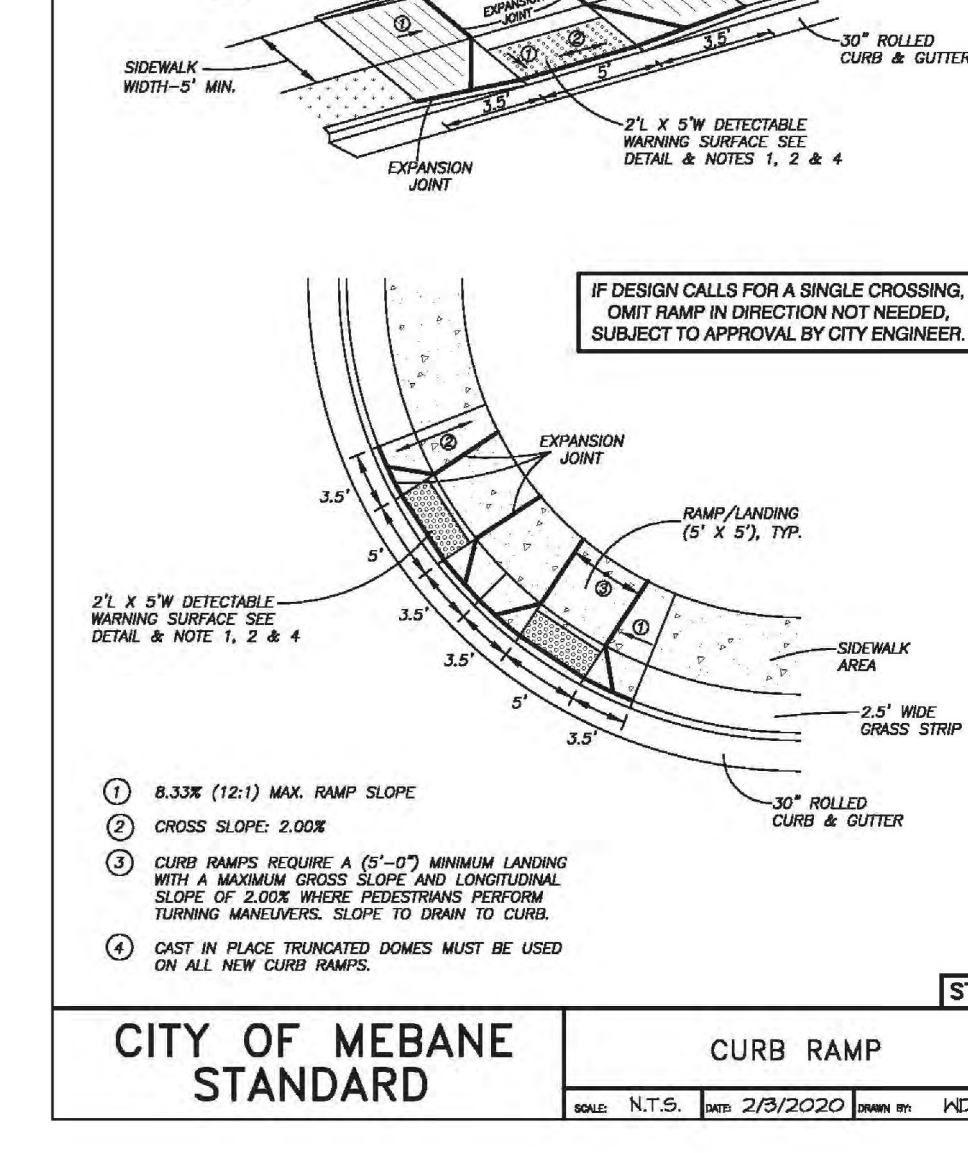
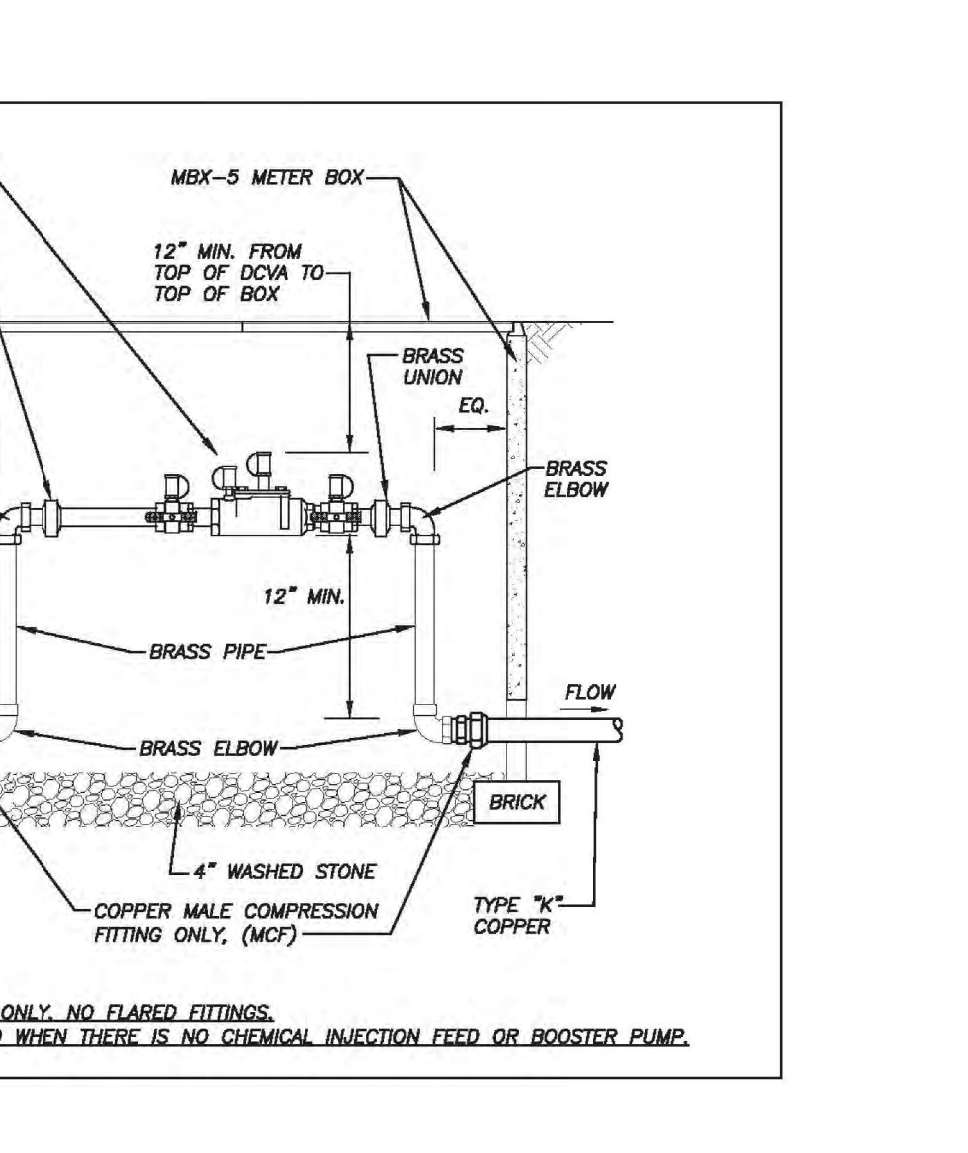
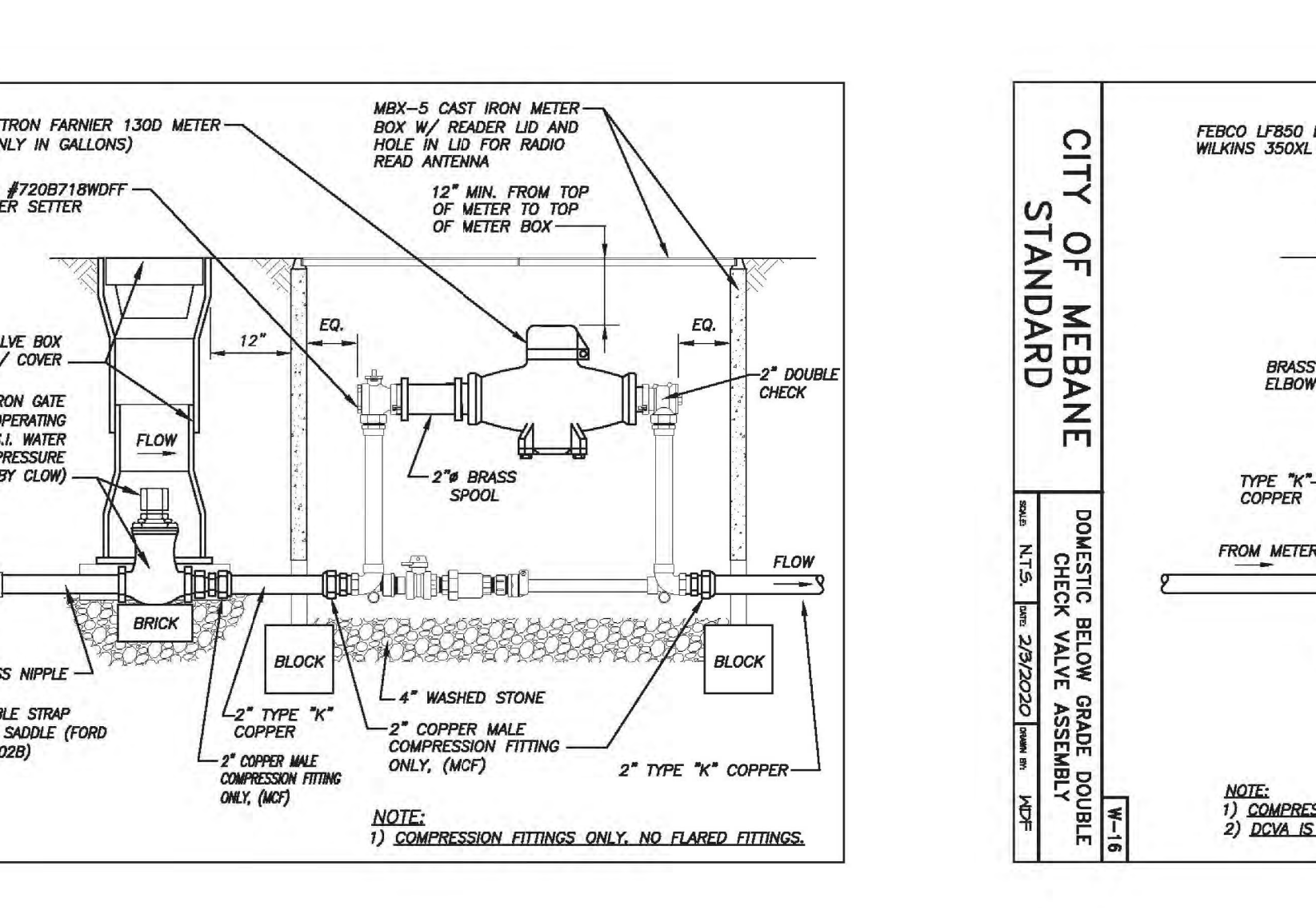
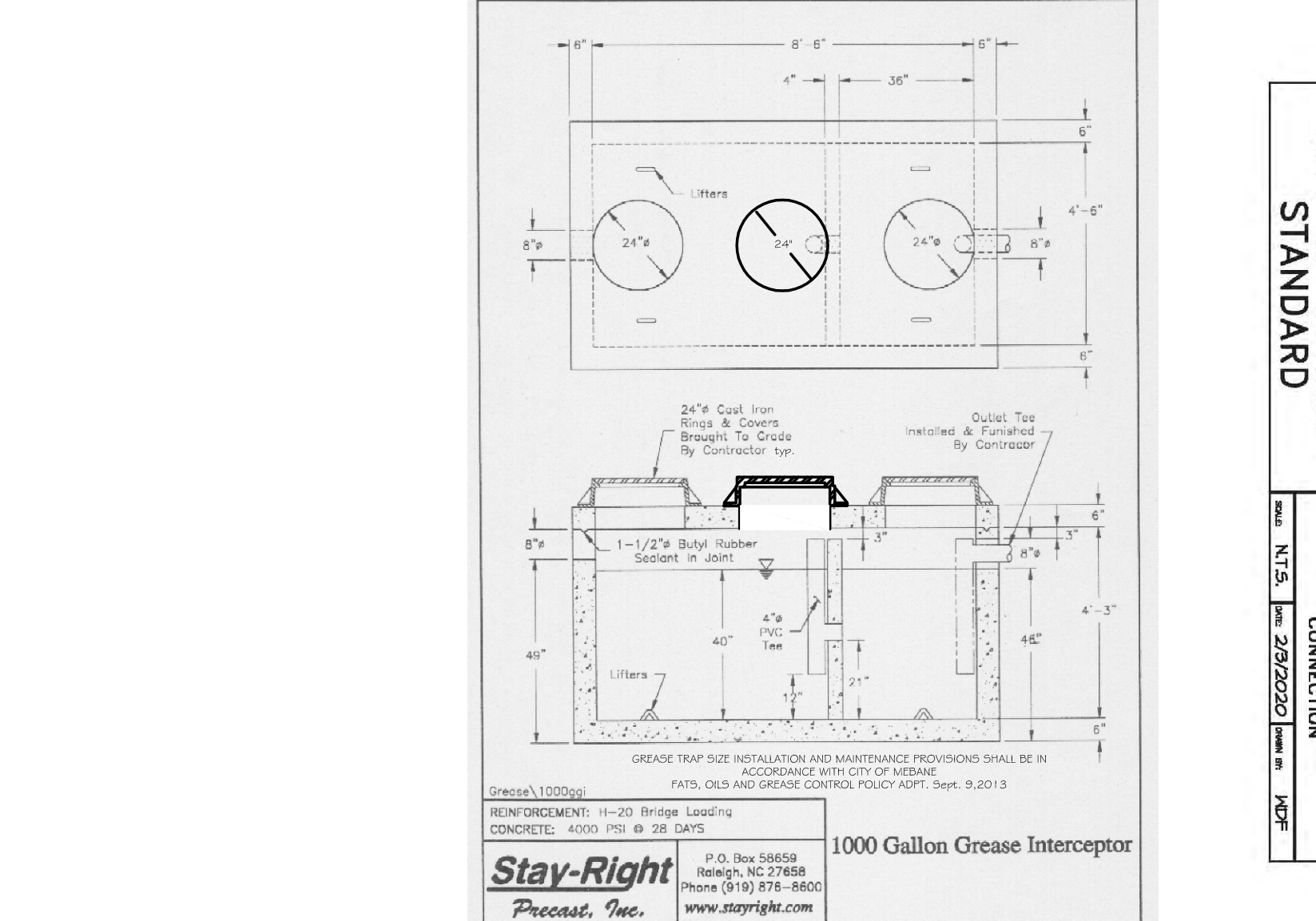
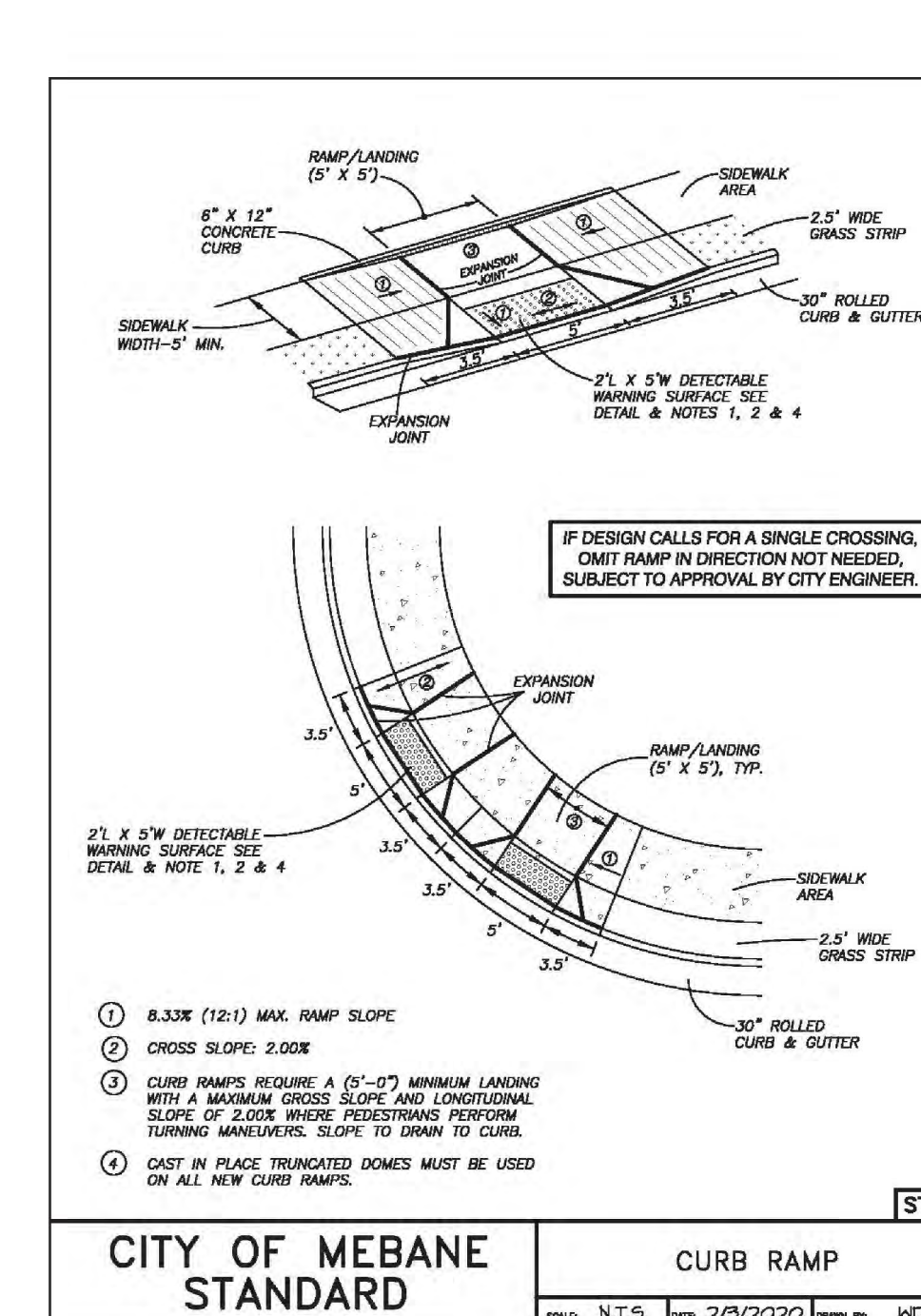
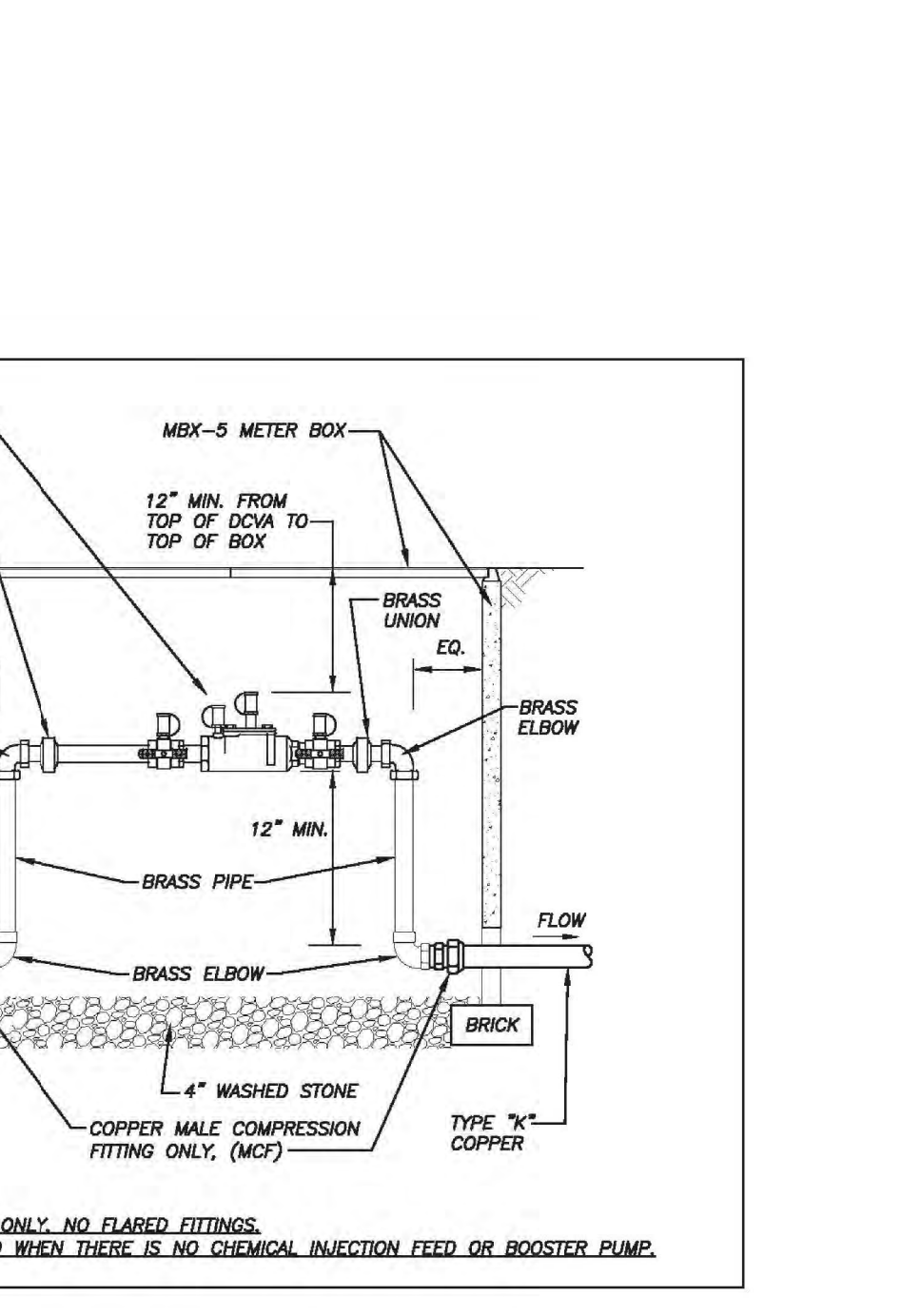
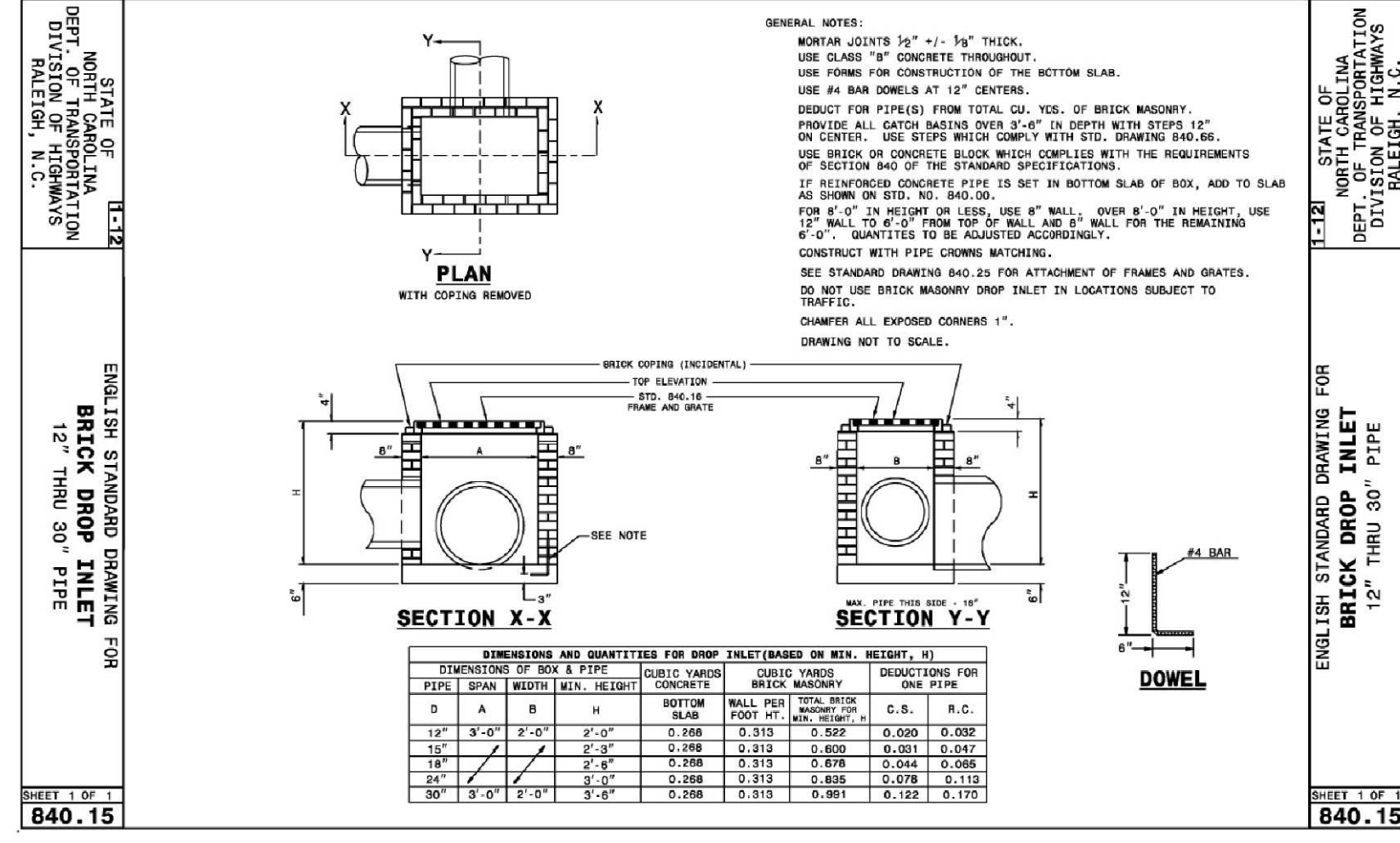
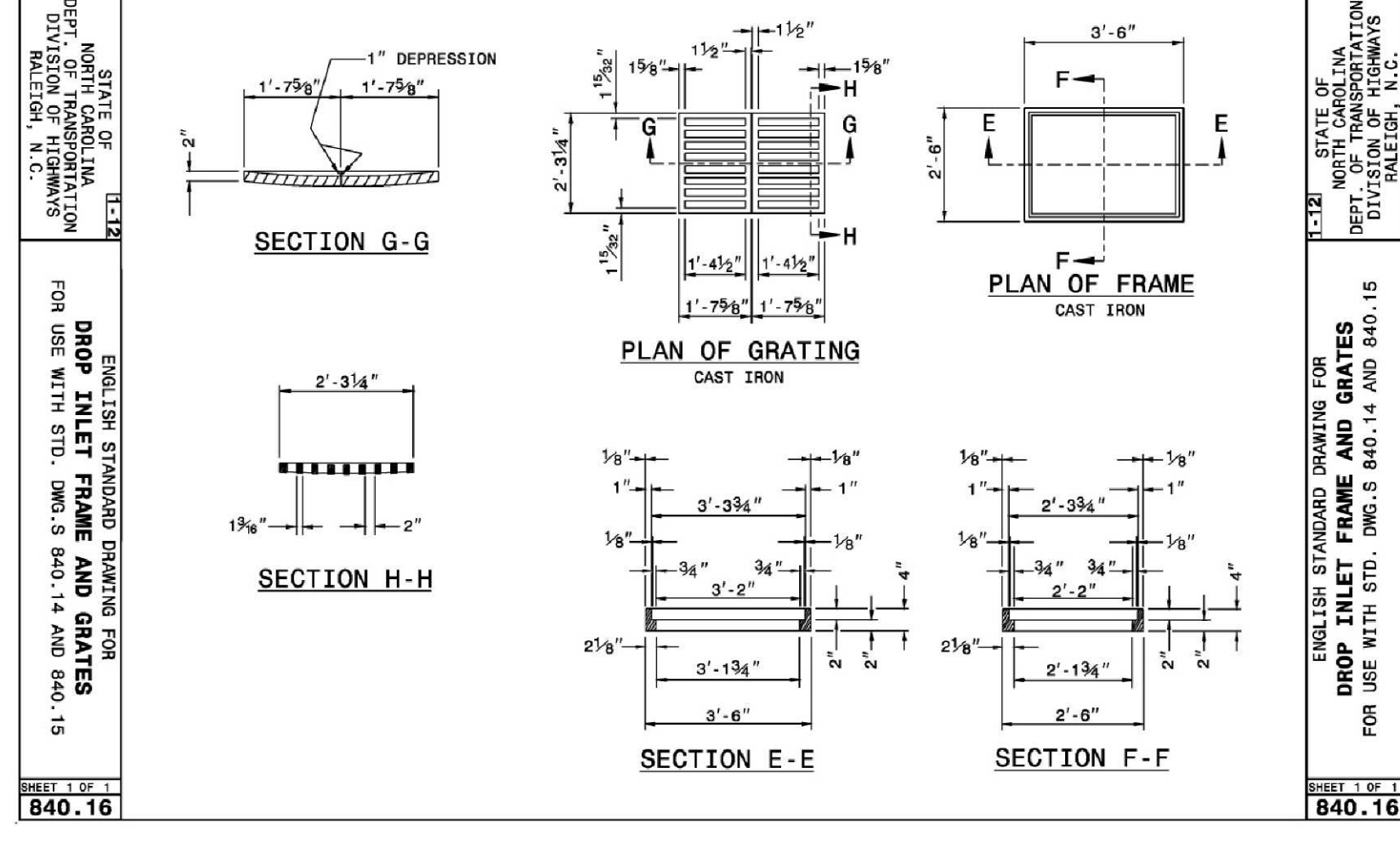
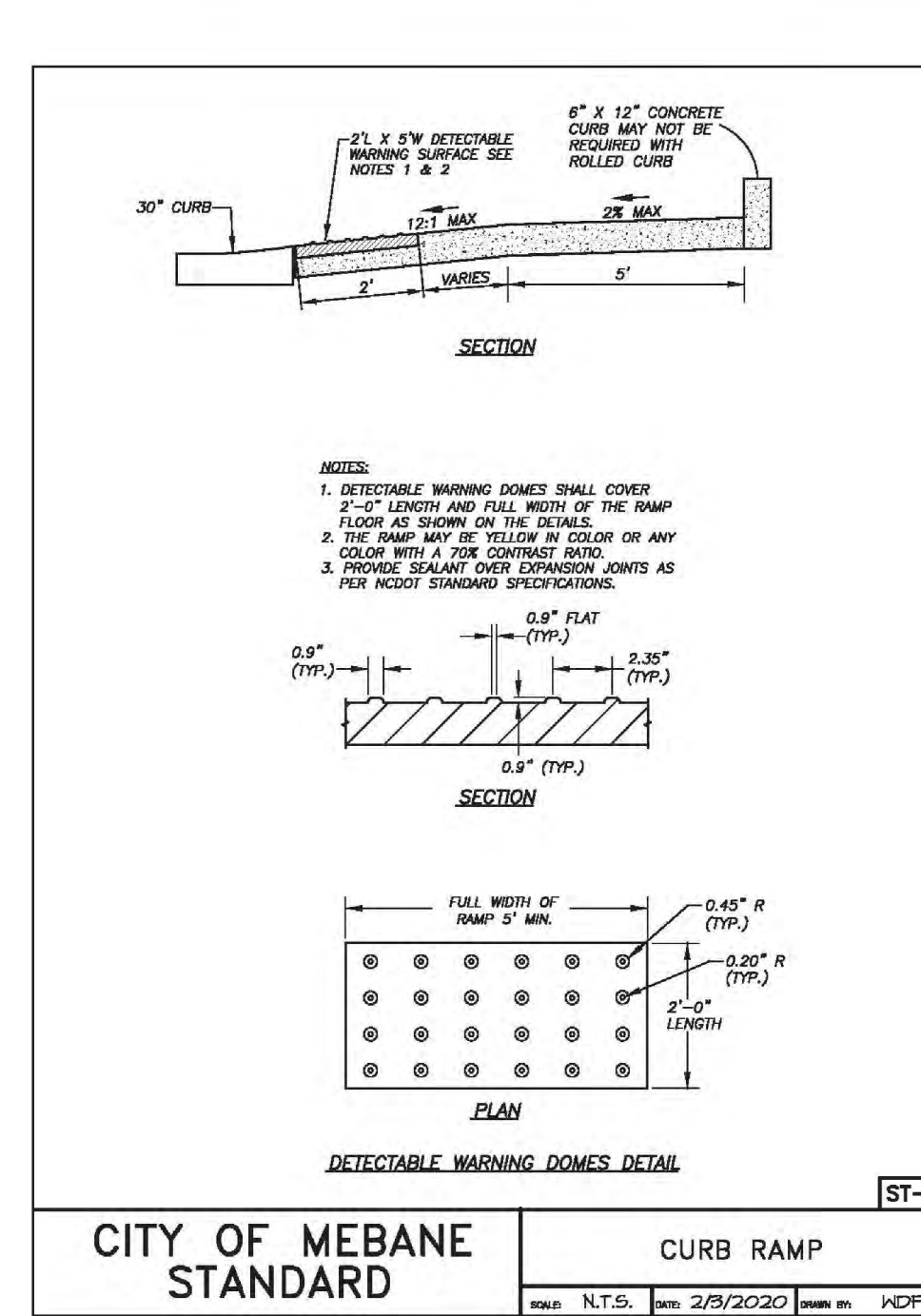
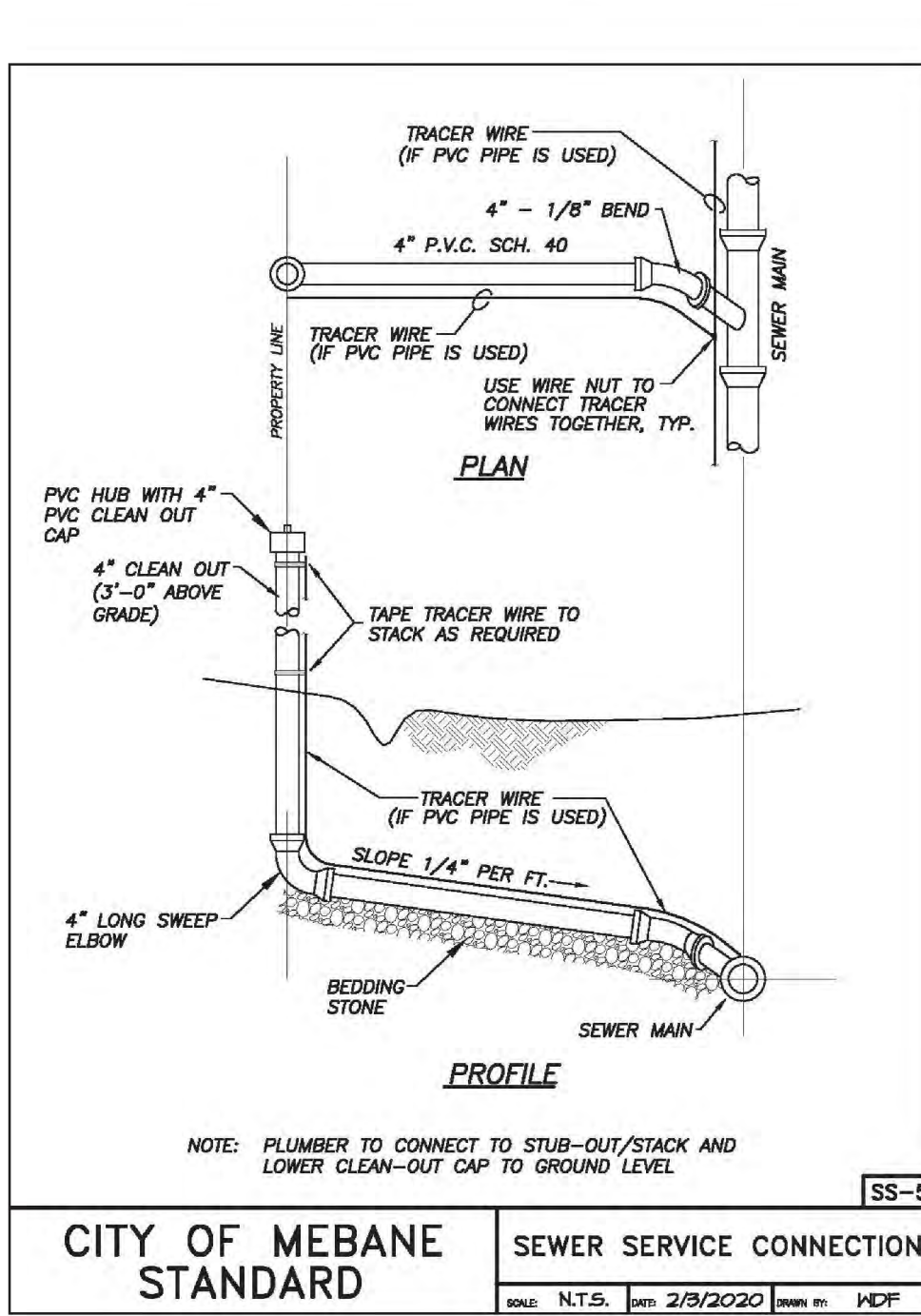
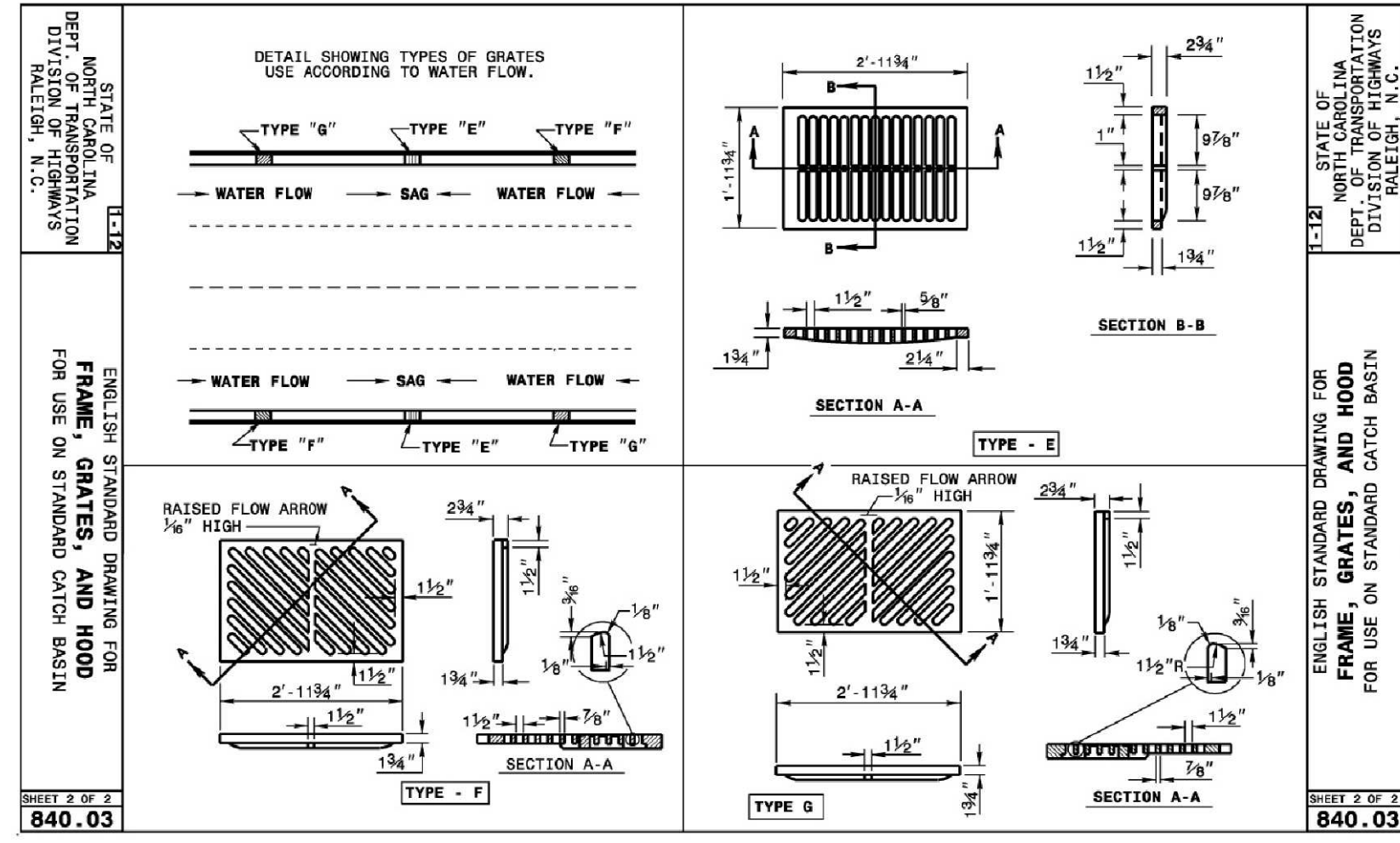
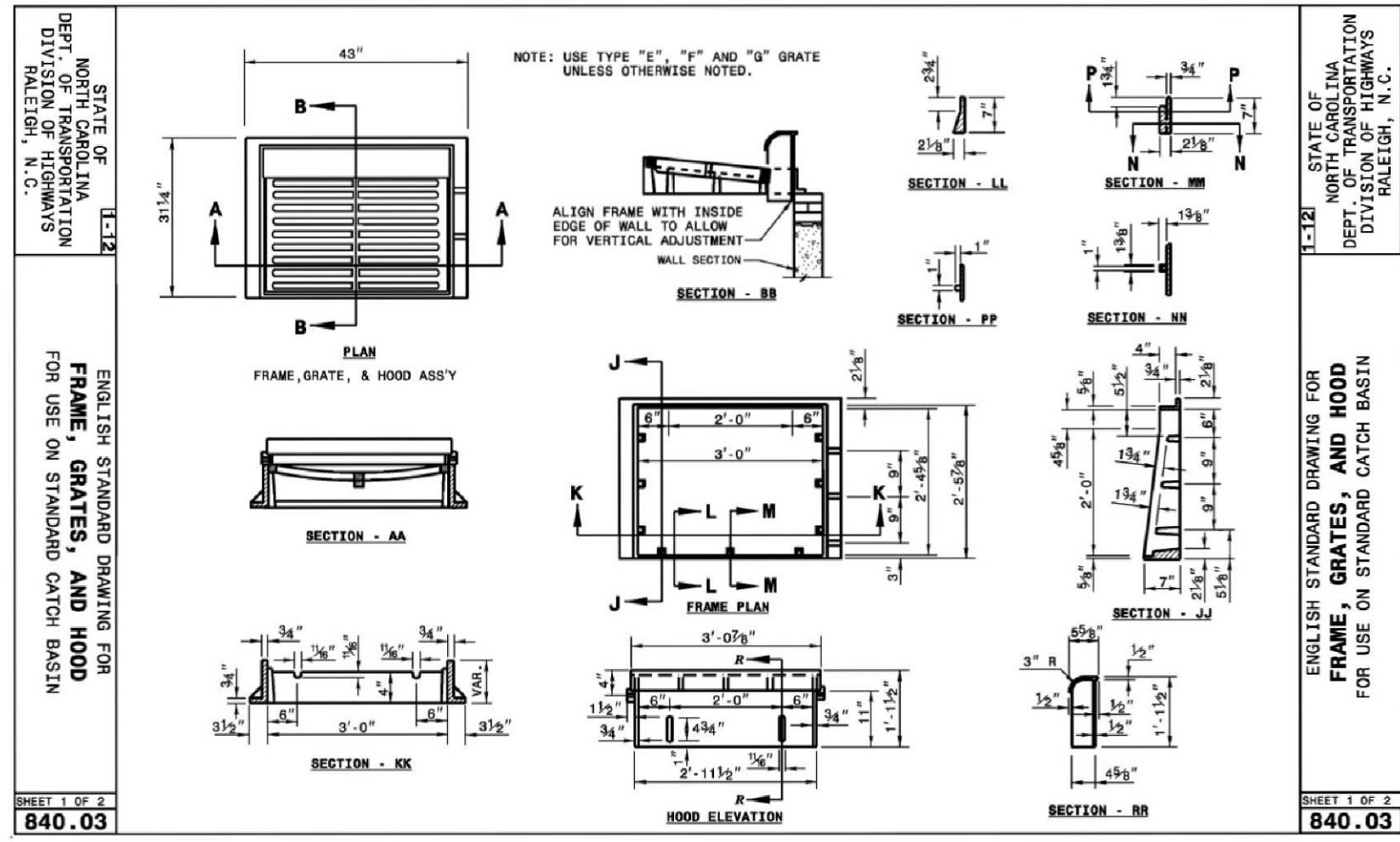
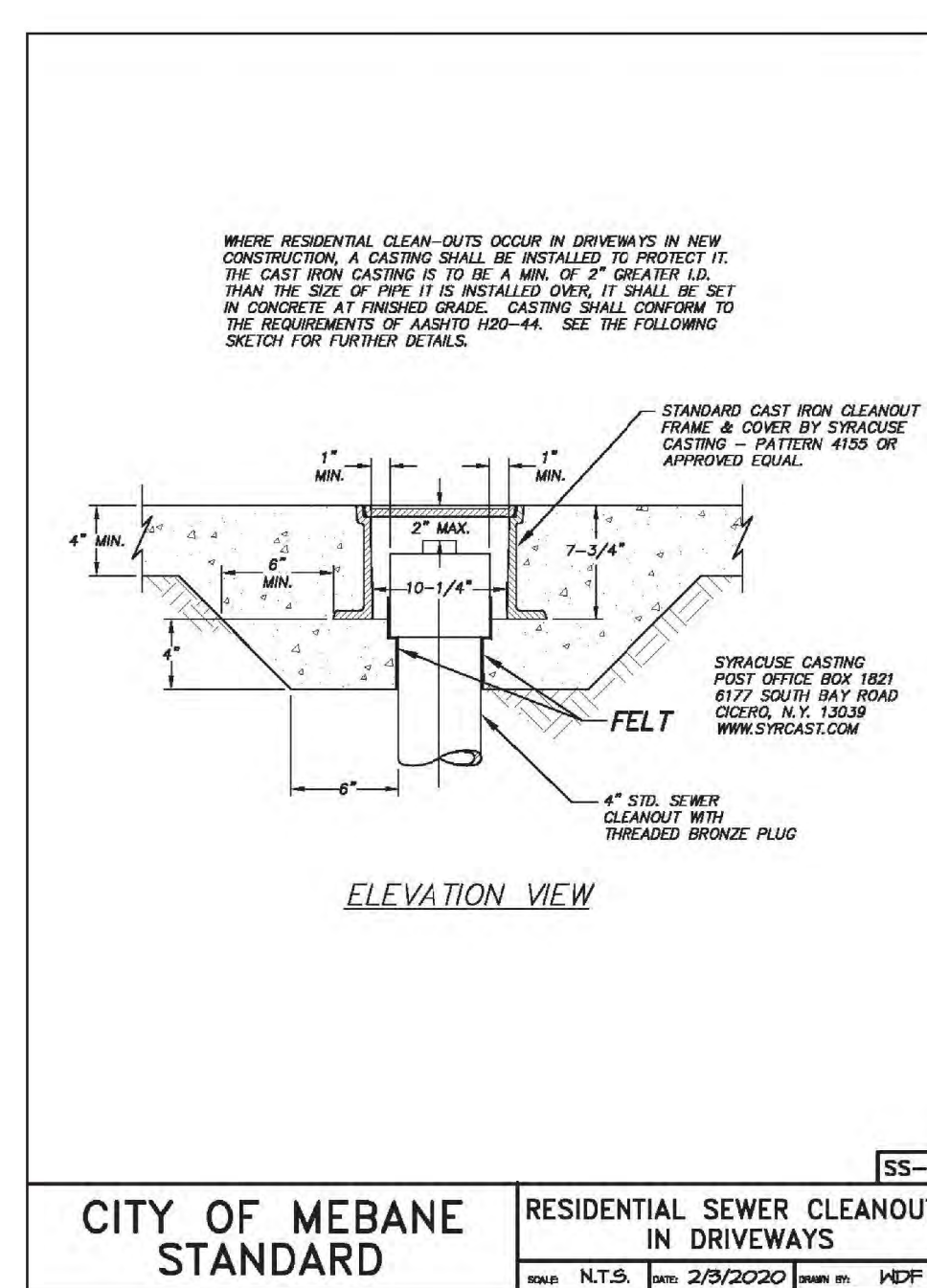
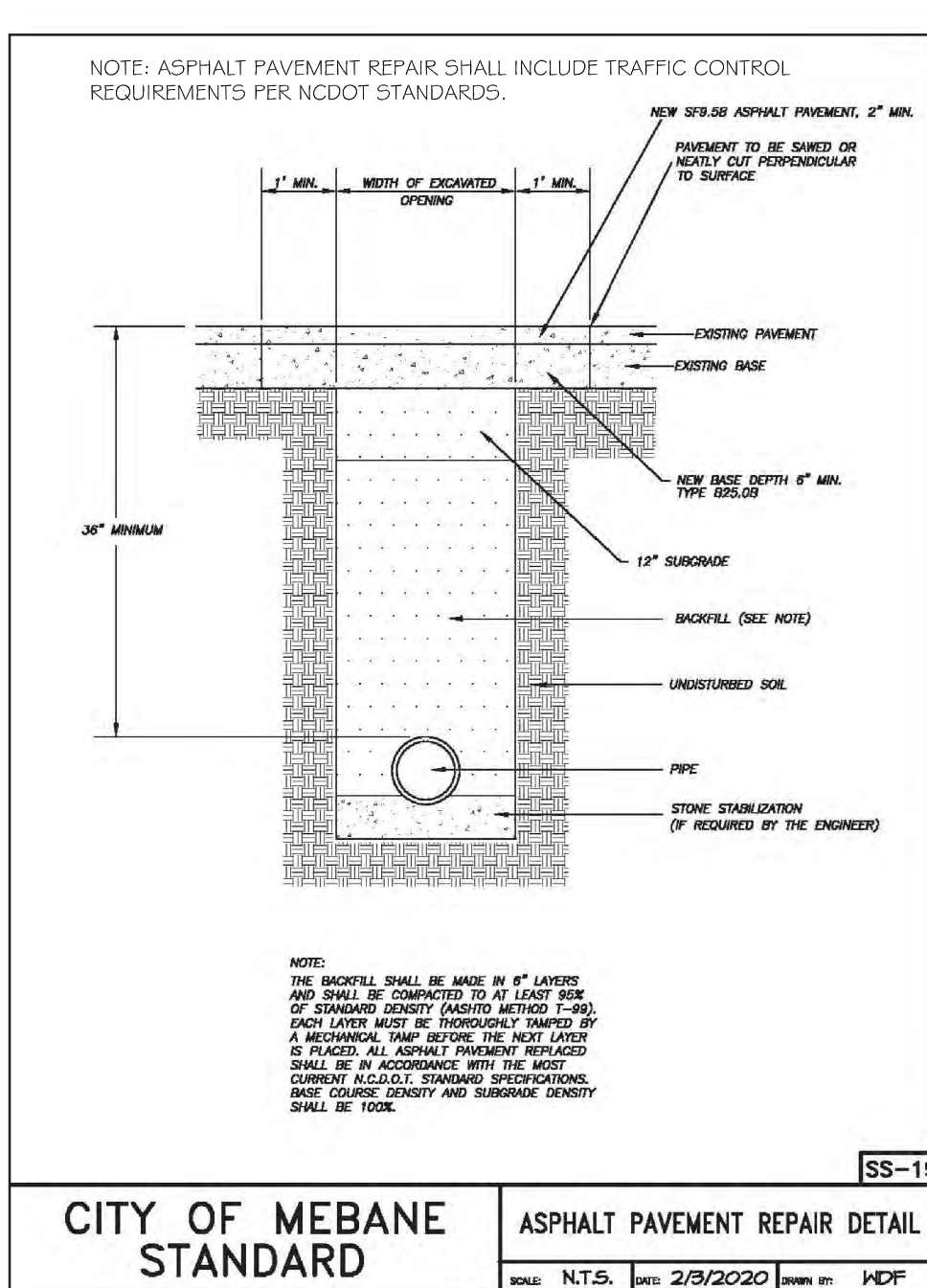
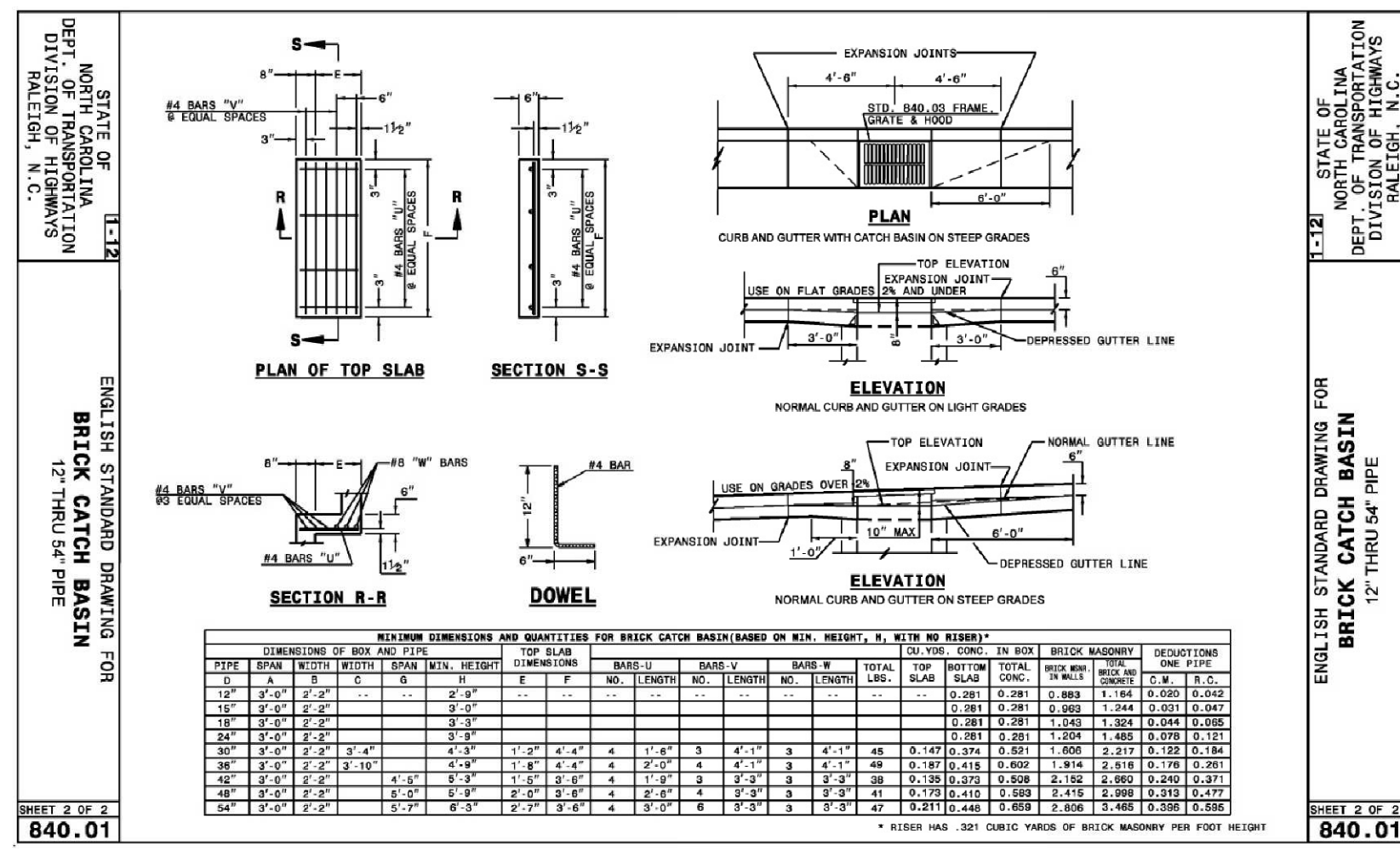
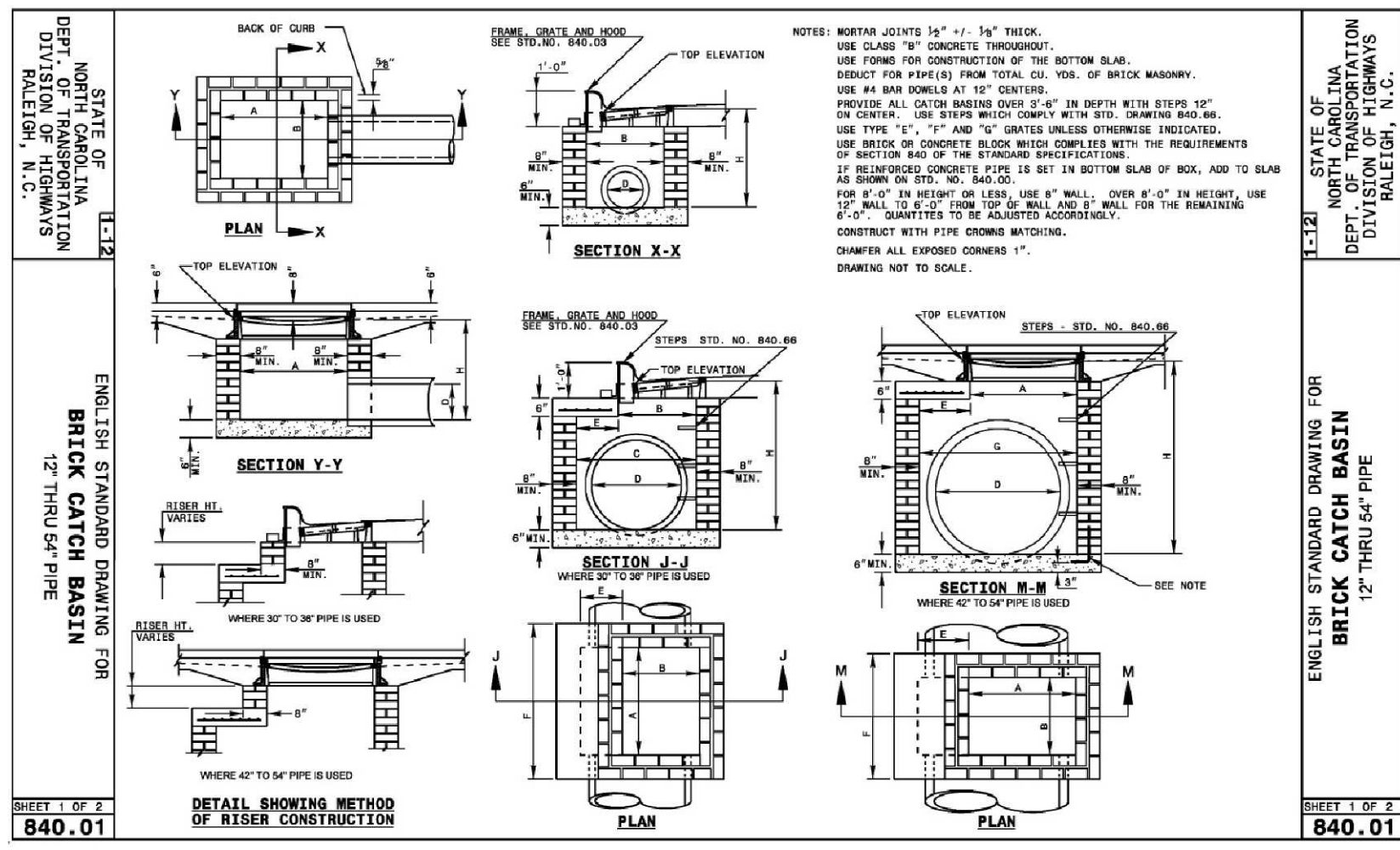
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Erosion Control Details

12-2024

MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.



7/8

8-24-20

NTS

BSP/CDH

DESIGNED BY USA

1-20-1025

Construction Details

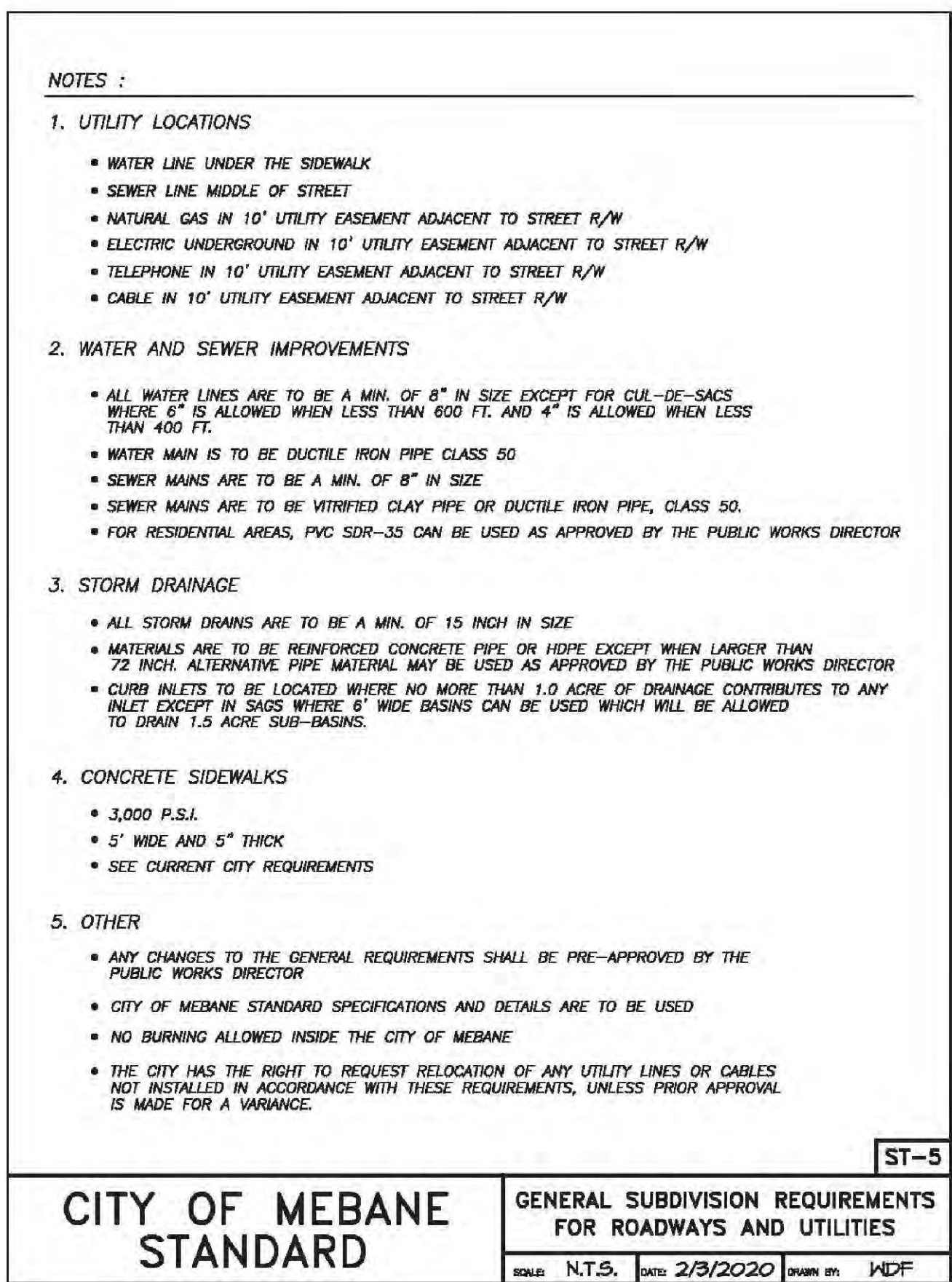
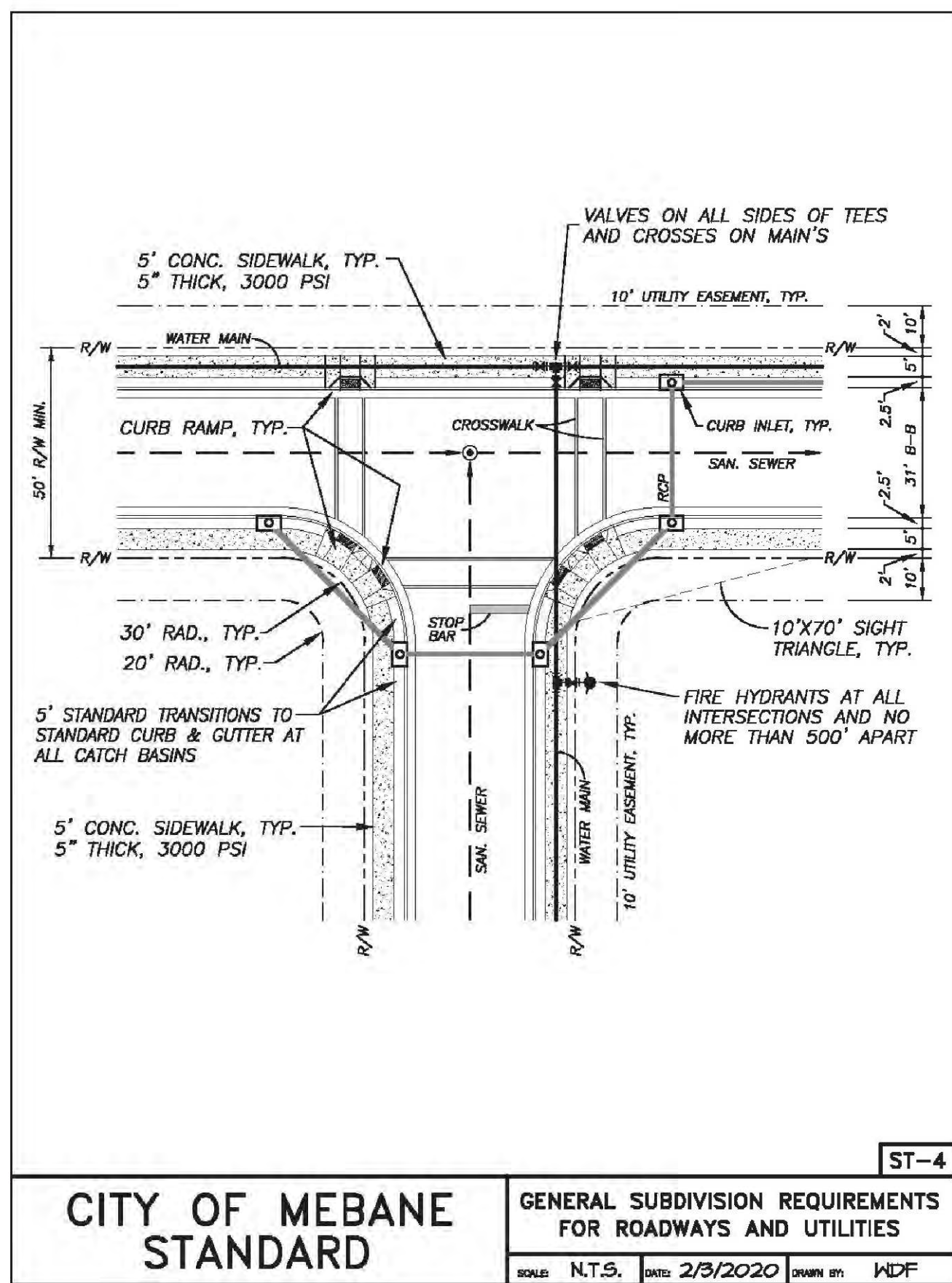
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MEBANE 5TH STREET SHOPPING CENTER

THE L.E.A.D.S. GROUP, P.A.

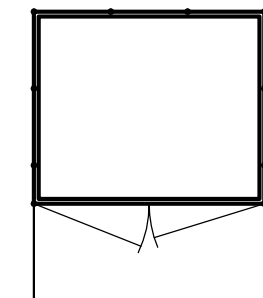
505 EAST DUNKER STREET
BRUNSWICK, NC 27815
Tel: (919) 222-9917
Fax: (919) 222-9917

Land Engineering And Development Services

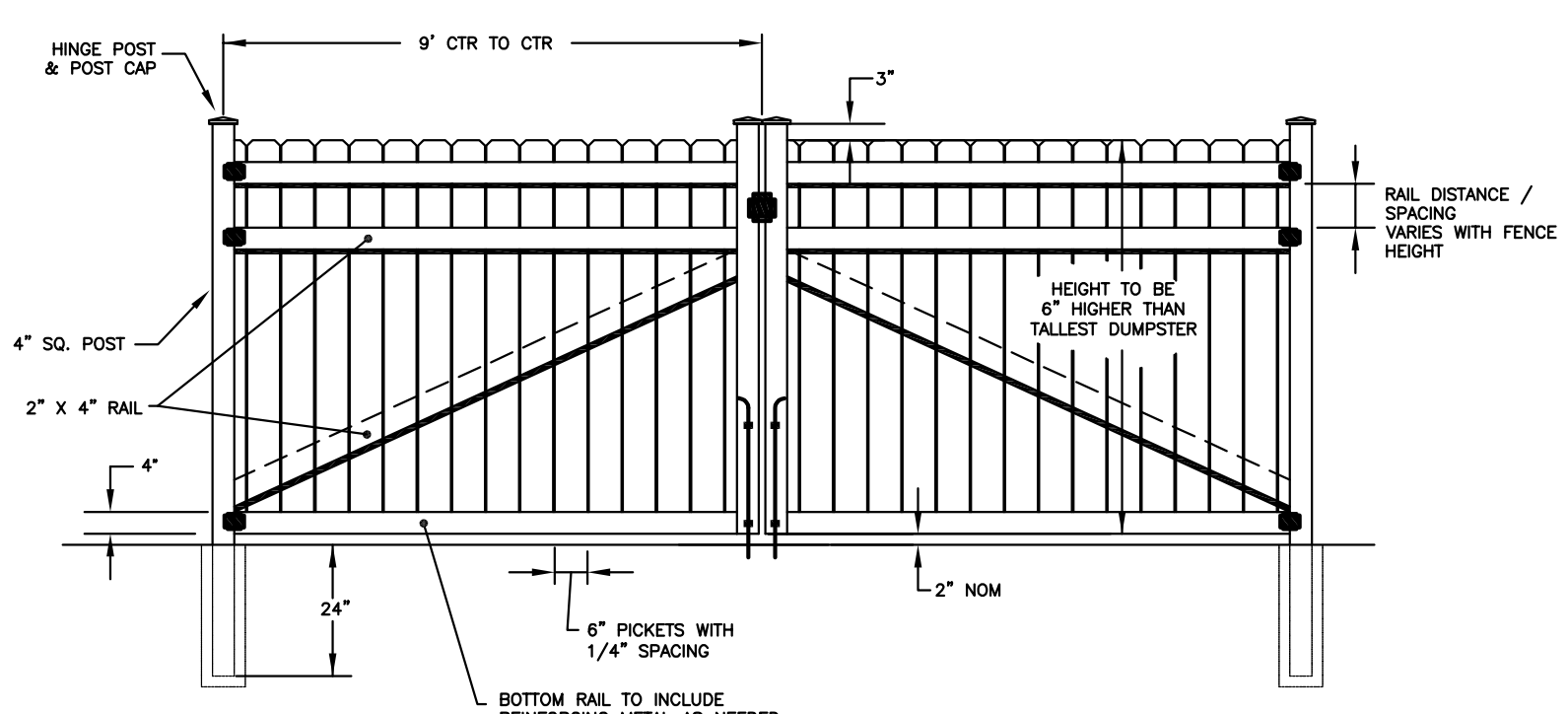


UTILITY SCREENING NOTE:
ALL ROOF MOUNTED UTILITIES SHALL BE
SCREENED FROM THE PUBLIC RIGHT OF WAY

GARBAGE ENCLOSURE PLAN VIEW (info)
See plan for dumpster pad area.
Concrete Slab Minimum 8\"/>

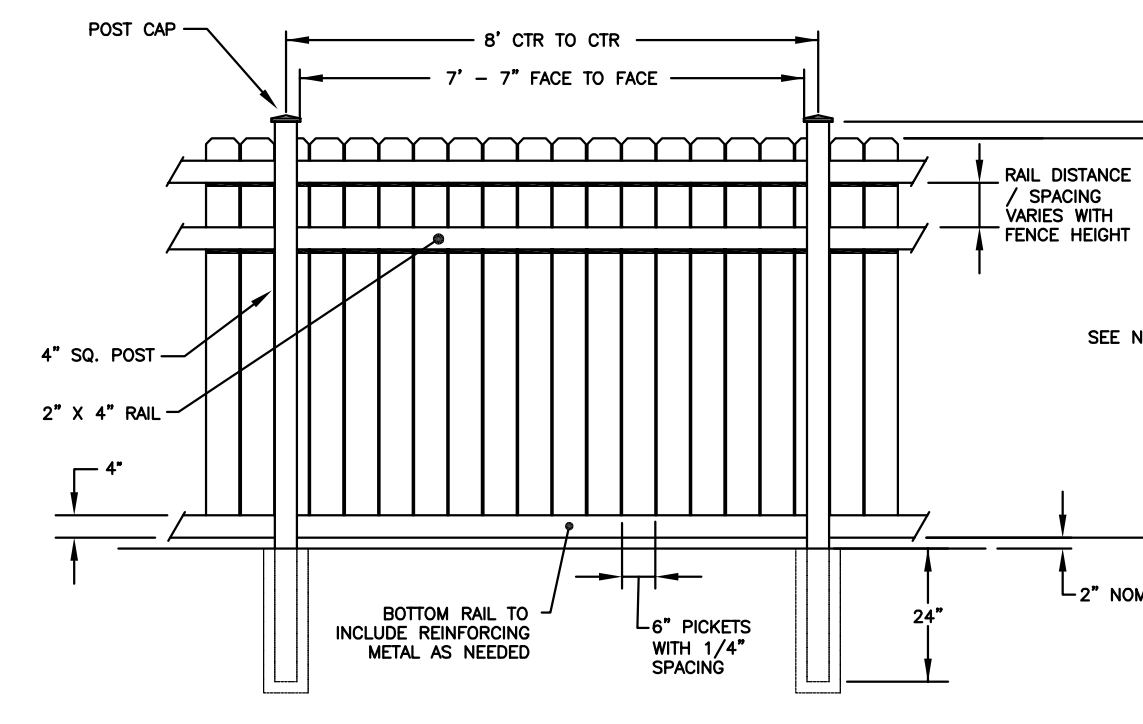


See plan for landing or approach area.
Concrete Slab Minimum 8\"/>



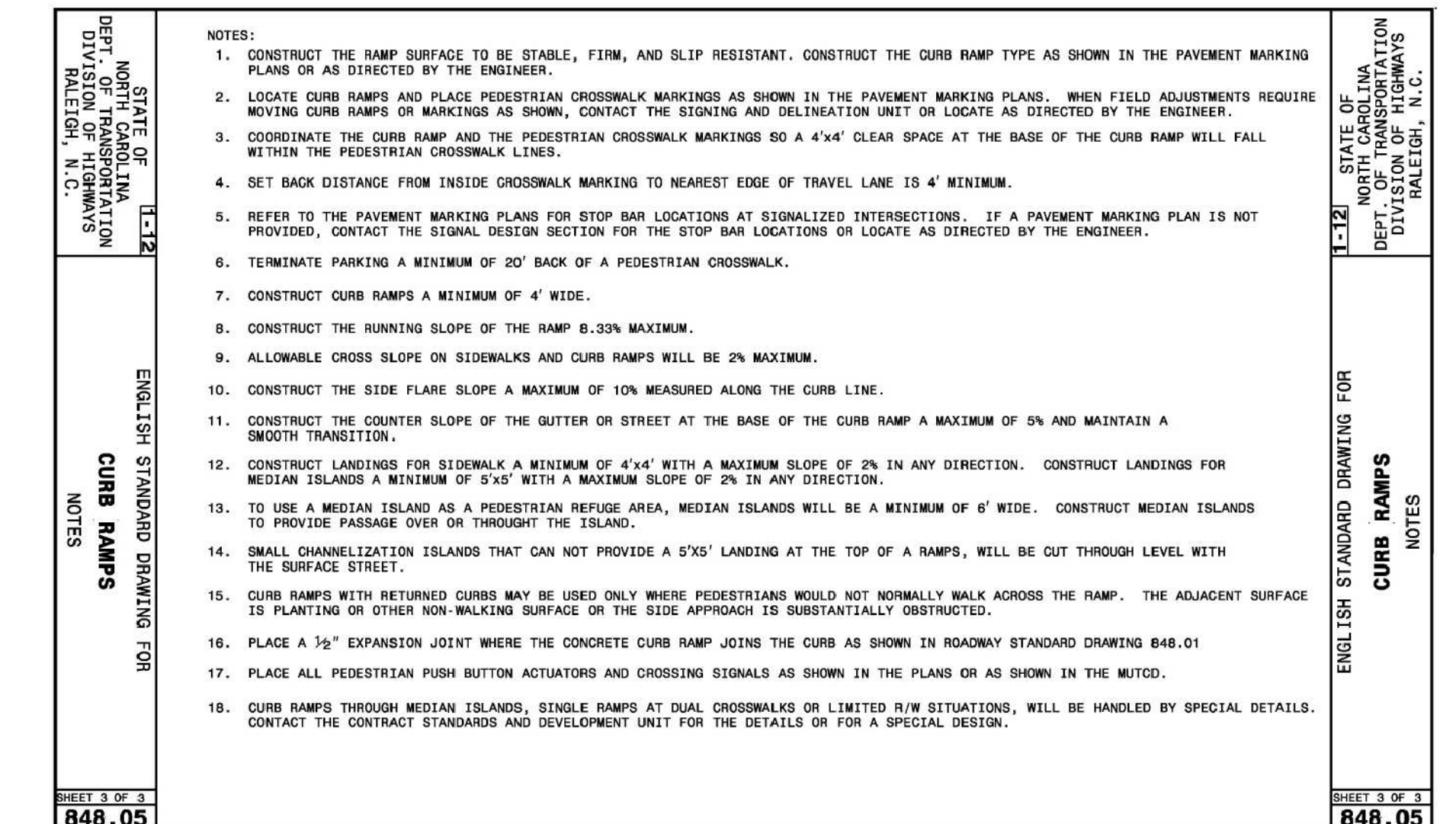
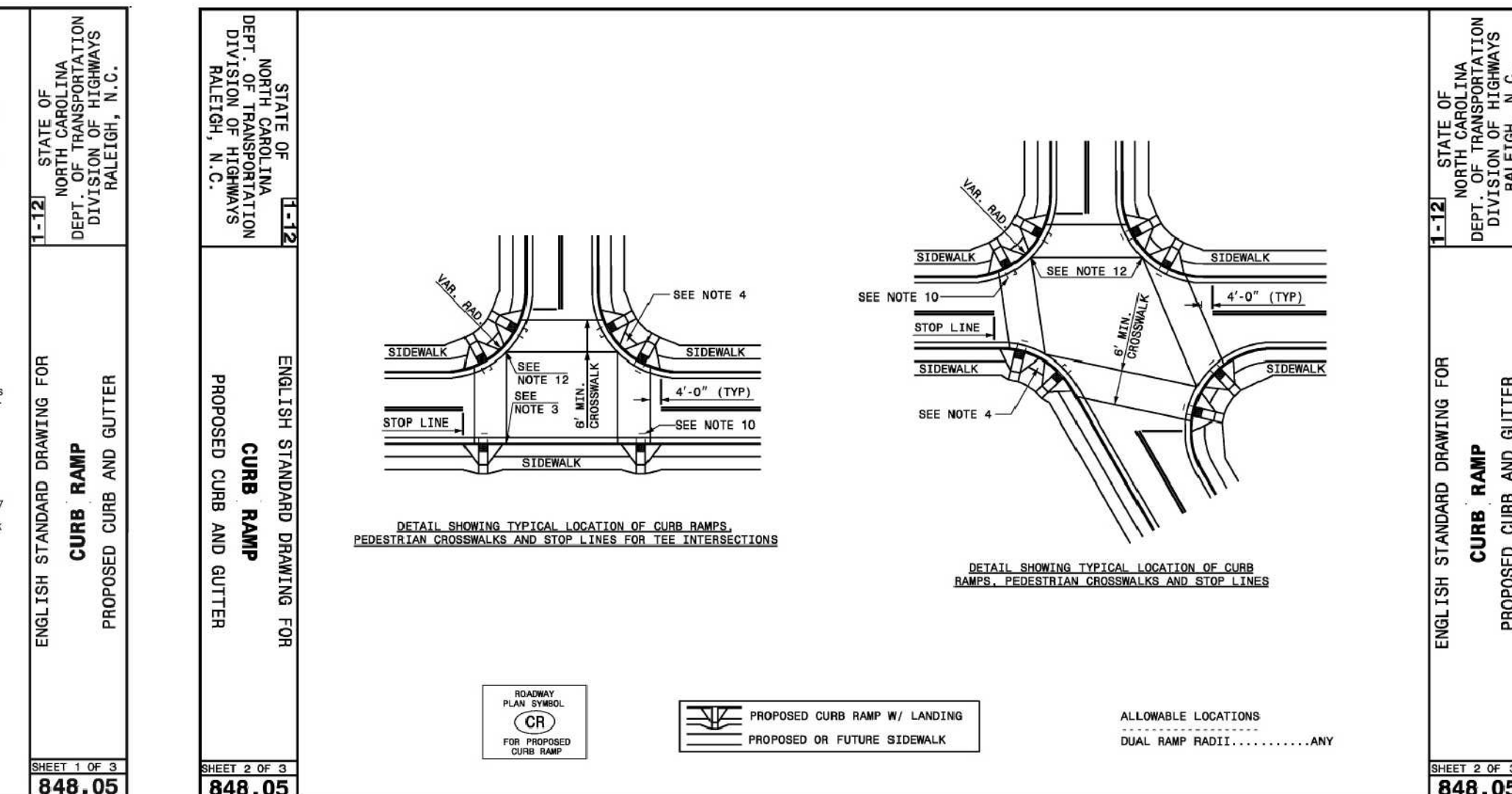
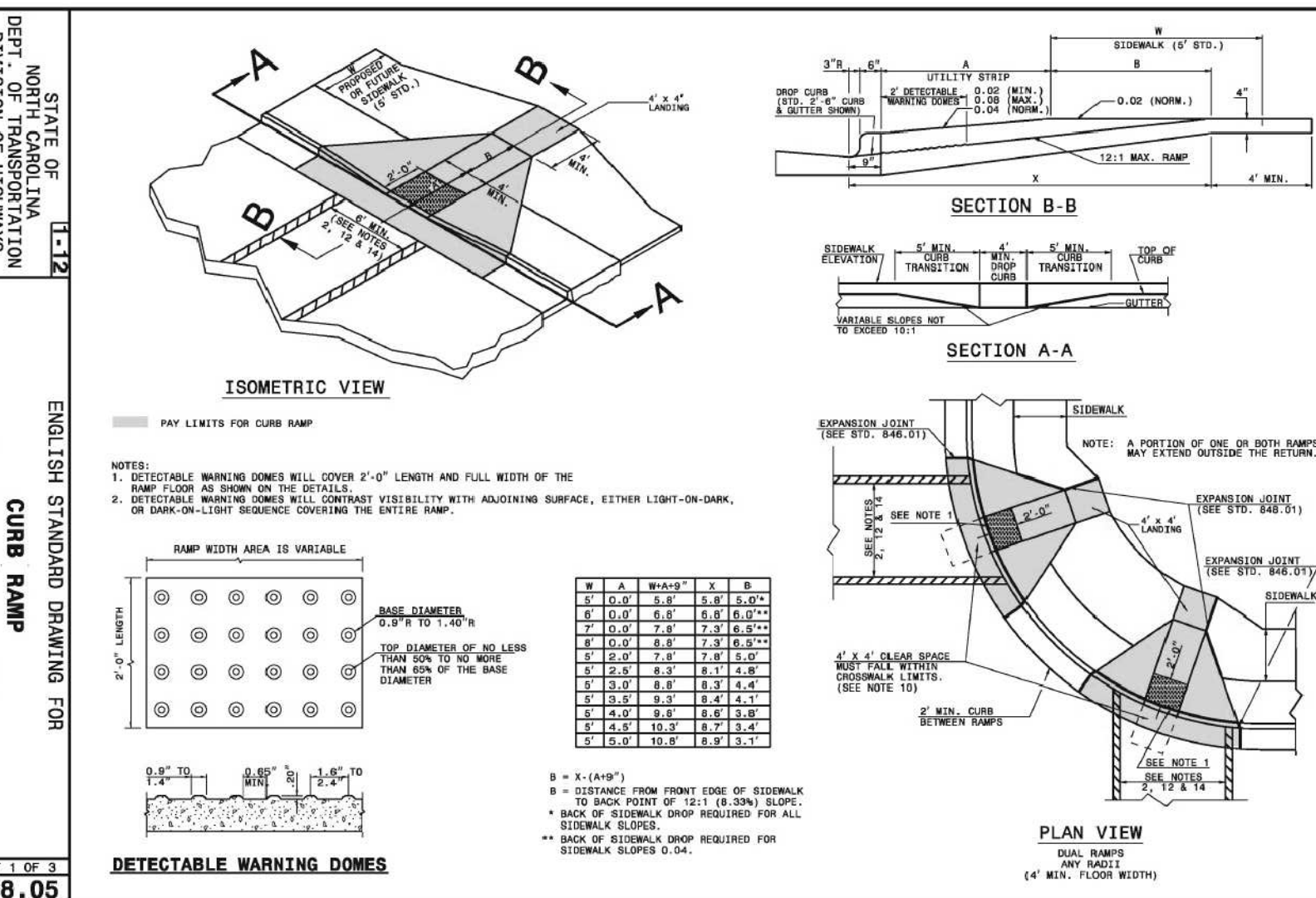
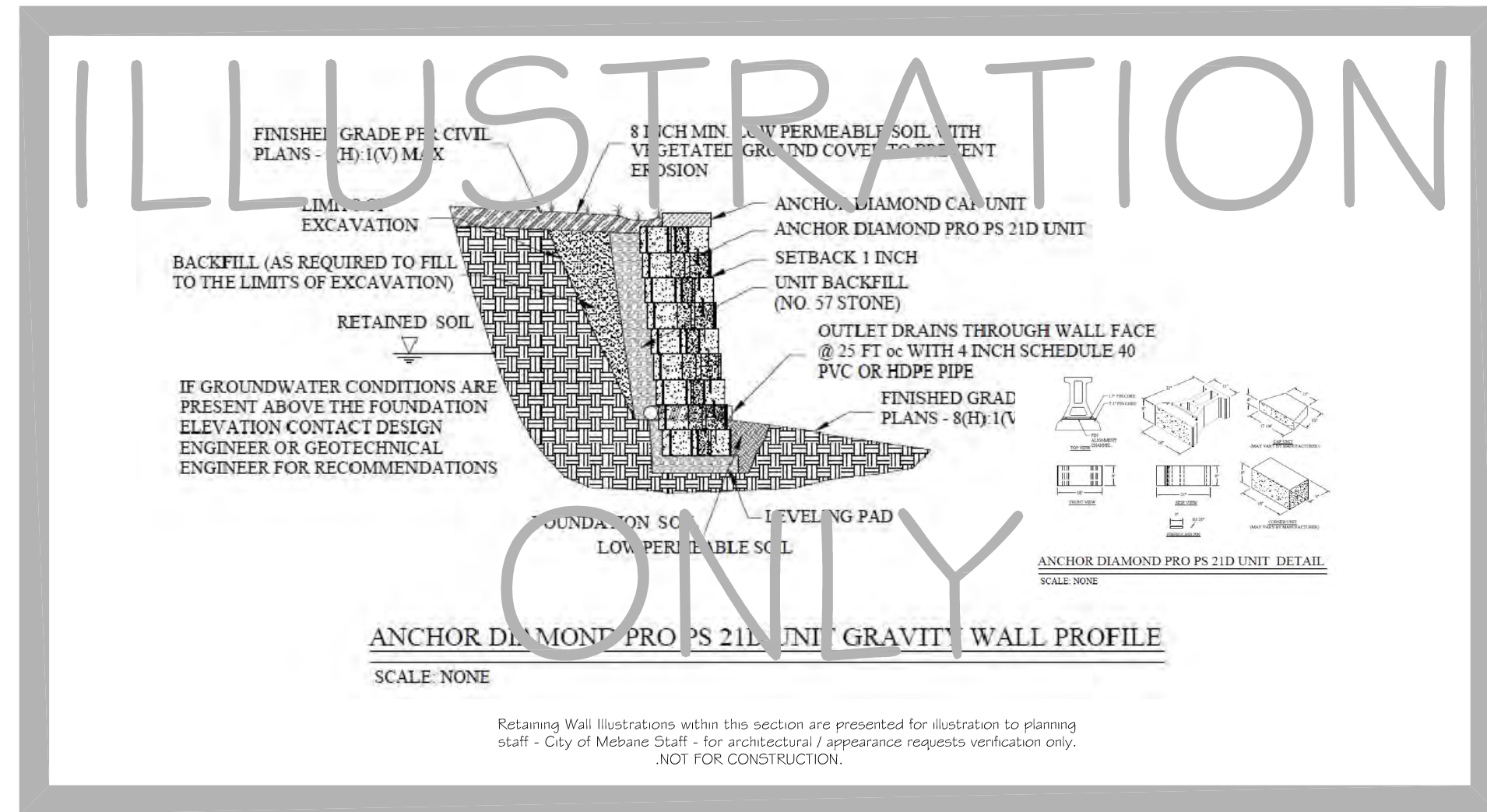
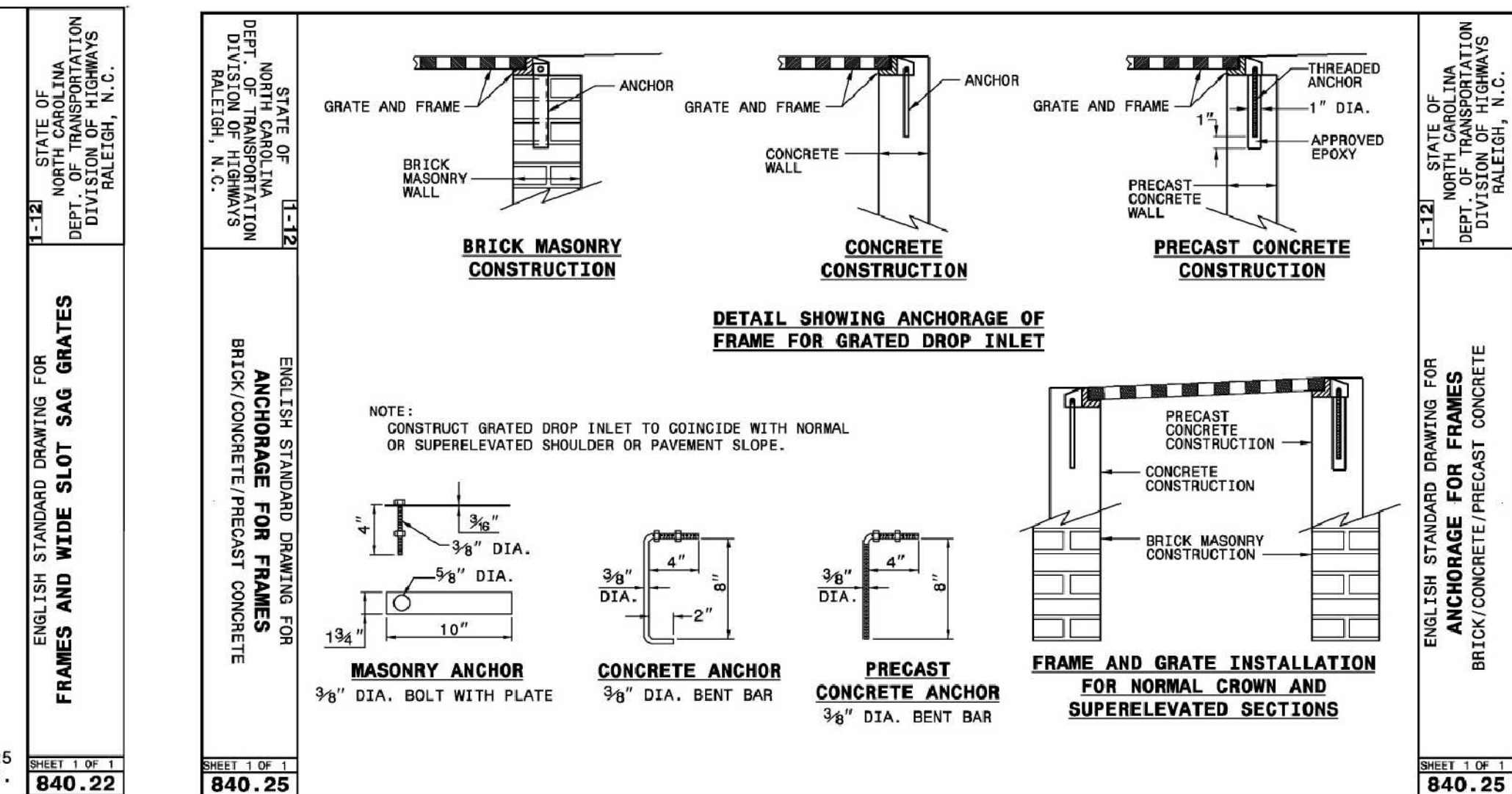
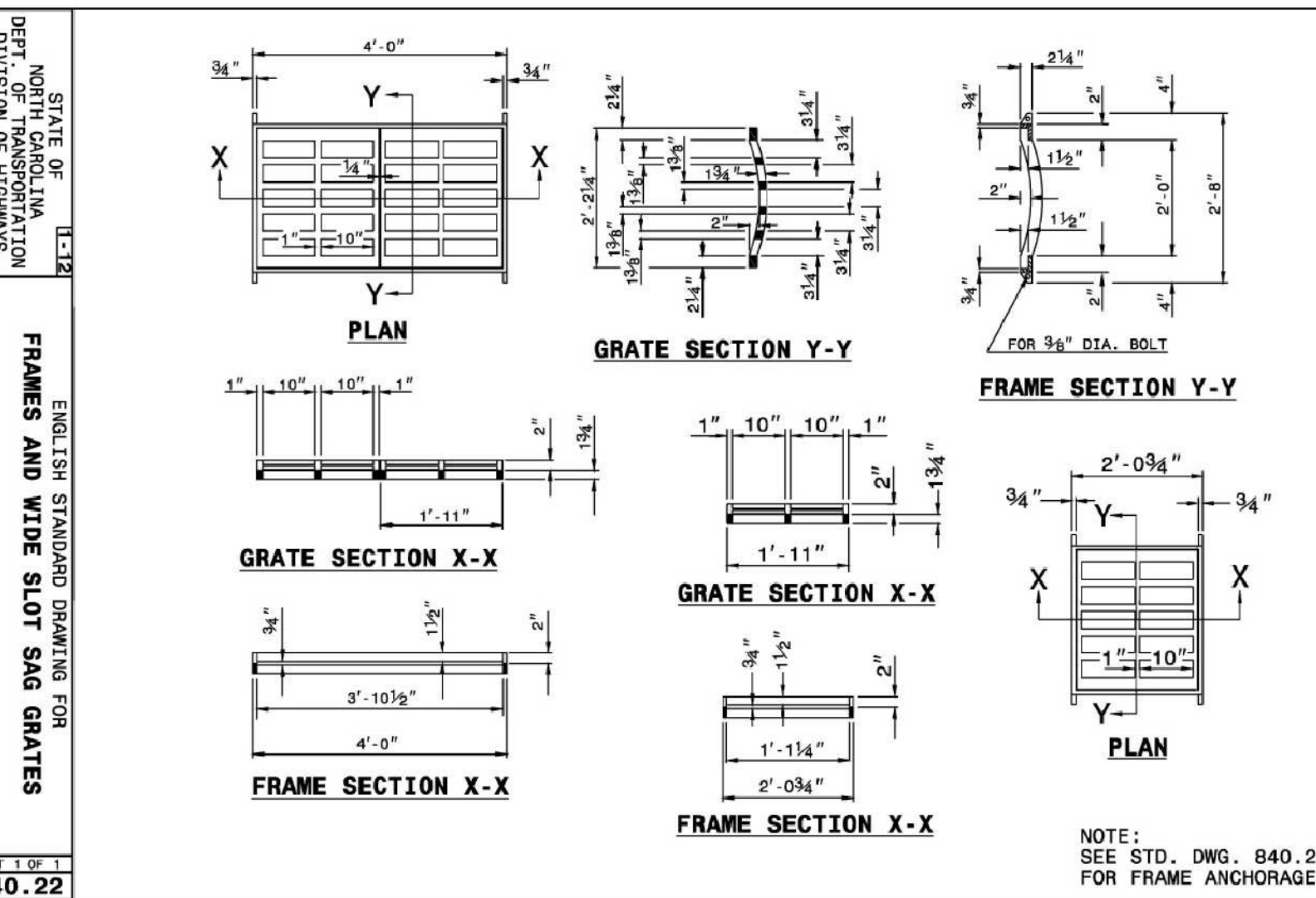
- NOTES:
1. FOOTING WIDTH TO BE (2X) POST WIDTH. MINIMUM DEPTH 24"
 2. ENCLOSURE SHALL BE OPAQUE & 24" HIGHER THAN THE DUMPSTER

Dumpster Enclosure
Gate Section Elevation (Or Approved Equivalent)
NTS



- NOTES:
1. FOOTING WIDTH TO BE (2X) POST WIDTH. MINIMUM DEPTH 24"
 2. ENCLOSURE SHALL BE OPAQUE & 24" HIGHER THAN THE DUMPSTER OR MECHANICAL EQUIPMENT

Dumpster Enclosure
Fence Section Elevation (Or Approved Equivalent)
NTS



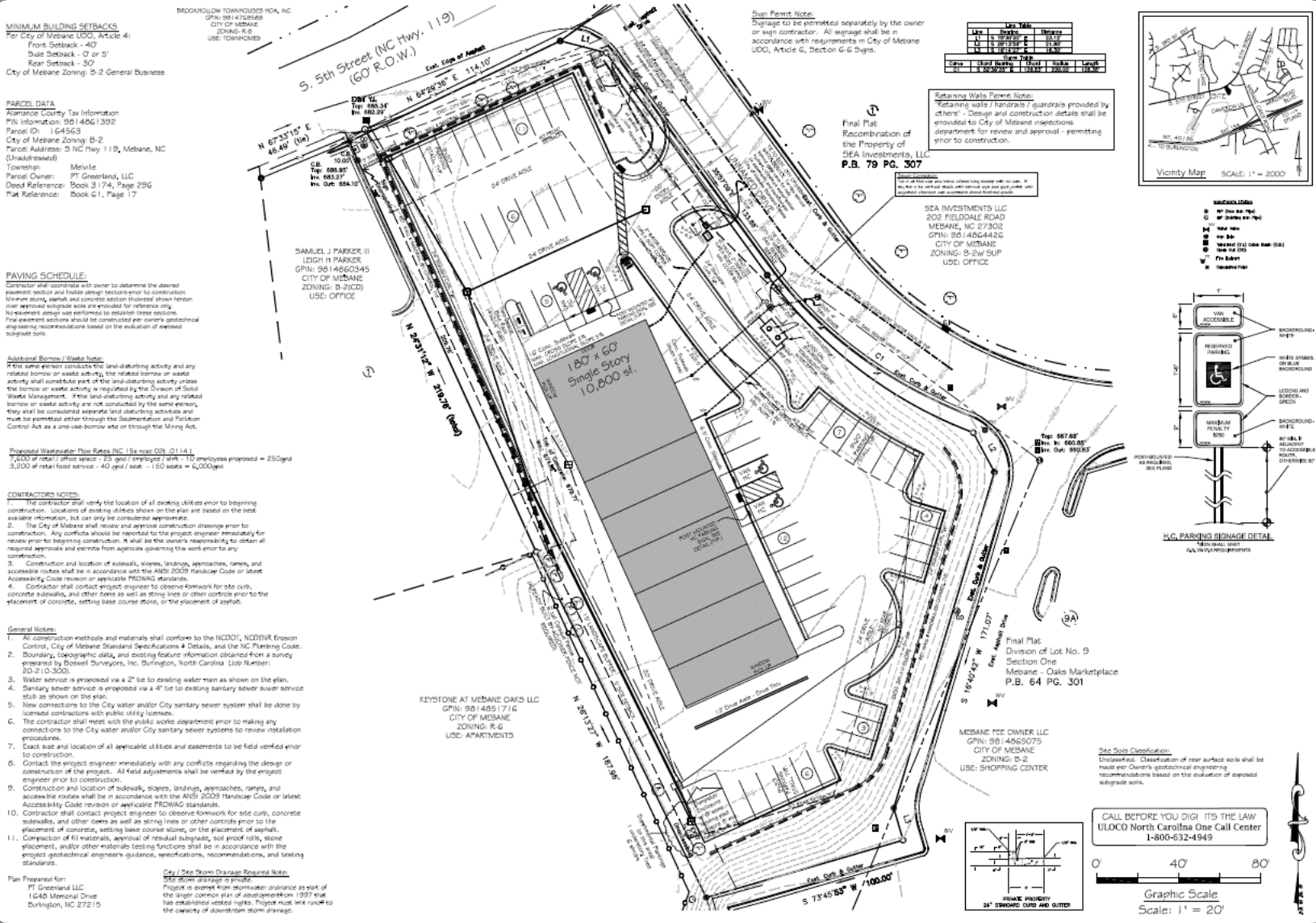


PLANNING PROJECT REPORT

DATE	01/29/21
PROJECT NAME	Mebane 5 th Street Shopping Center Rezoning Request
PROJECT NUMBER	RZ 21-01
APPLICANT	PT Greenland LLC 1648 Memorial Drive Burlington, NC 27215

CONTENTS

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LAND USE REPORT	PAGE 5
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STAFF ZONING REQUEST RECOMMENDATION	PAGE 8



MINIMUM BUILDING SETBACKS
Per City of Mebane UDO, Article 4:
Front Setback - 40'
Side Setback - 0' or 5'
Rear Setback - 30'
City of Mebane Zoning: B-2 General Business

PARCEL DATA
Nanance County Tax Information
PIN Information: 9914061392
Parcel ID: 164563
City of Mebane Zoning: B-2
Parcel Address: 5 NC Hwy 119, Mebane, NC
(Unaddressed)
Township: Meville
Parcel Owner: PT Greenland, LLC
Deed Reference: Book 3174, Page 296
Map Reference: Book G1, Page 17

PAVING SCHEDULE:
Contractor shall coordinate with owner to determine the desired pavement surface and finish design sequence prior to construction. Minimum paving schedule shall be coordinated with owner. All approved subgrade soils are provided for reference only. No pavement design will be performed by the engineer. Final pavement sections should be constructed per owner's geotechnical engineering recommendations based on the evaluation of approved subgrade soils.

Additional Borrow / Waste Notes:
If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated by the Division of Solid Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate and distinct activities and must be permitted either through the Subdivision and Partition Control Act as a one-use borrow area or through the Mining Act.

Proposed Wastewater Flow Rates (NC 15A road OR 0114):
7,500 gpd of retail / office space - 25 gpd / employee / sq ft - TD employees proposed = 250 gpd
4,500 gpd of retail / office space - 40 gpd / seat - 150 seats = 6,000 gpd

CONTRACTOR NOTES:
1. The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
2. The City of Mebane shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction.
3. Construction and location of sidewalks, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2009 Handbook Code or latest Accessibility Code revision or applicable PDMAW standards.
4. Contractor shall contact project engineer to observe framework for the curbs, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
5. Contractor shall contact project engineer to observe framework for the curbs, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.

General Notes:
1. All construction methods and materials shall conform to the NCDOT, NCDENR Erosion Control, City of Mebane Standard Sections & Details, and the NC Planning Code.
2. Boundary, topographic data, and existing feature information obtained from a survey prepared by Boosted Surveyors, Inc. Burlington, North Carolina (Job Number: 90-210320).
3. Water service is proposed via a 2" tie to existing water main as shown on the plan.
4. Sanitary sewer service is proposed via a 4" tie to existing sanitary sewer service as shown on the plan.
5. New connections to the City water and/or City sanitary sewer system shall be done by licensed contractors with public utility licenses.
6. The contractor shall meet with the public works department prior to making any connections to the City water and/or City sanitary sewer systems to review installation procedures.
7. Exact size and location of all applicable utilities and easements to be field verified prior to construction.
8. Contact the project engineer immediately with any conflicts regarding the design or construction of the project. All field adjustments shall be verified by the project engineer prior to construction.
9. Construction and location of sidewalks, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2009 Handbook Code or latest Accessibility Code revision or applicable PDMAW standards.
10. Contractor shall contact project engineer to observe framework for site curbs, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
11. Connection of all materials, approval of residual subgrade, soil erosion rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
PT Greenland LLC
1645 Mebane Blvd
Durham, NC 27715

City / State Storm Drainage Required Note:
USE storm drainage as private.
Project is exempt from stormwater ordinance as part of the larger common plan of development 1997 and has established vested rights. Project must not exceed the capacity of downstream storm drainage.

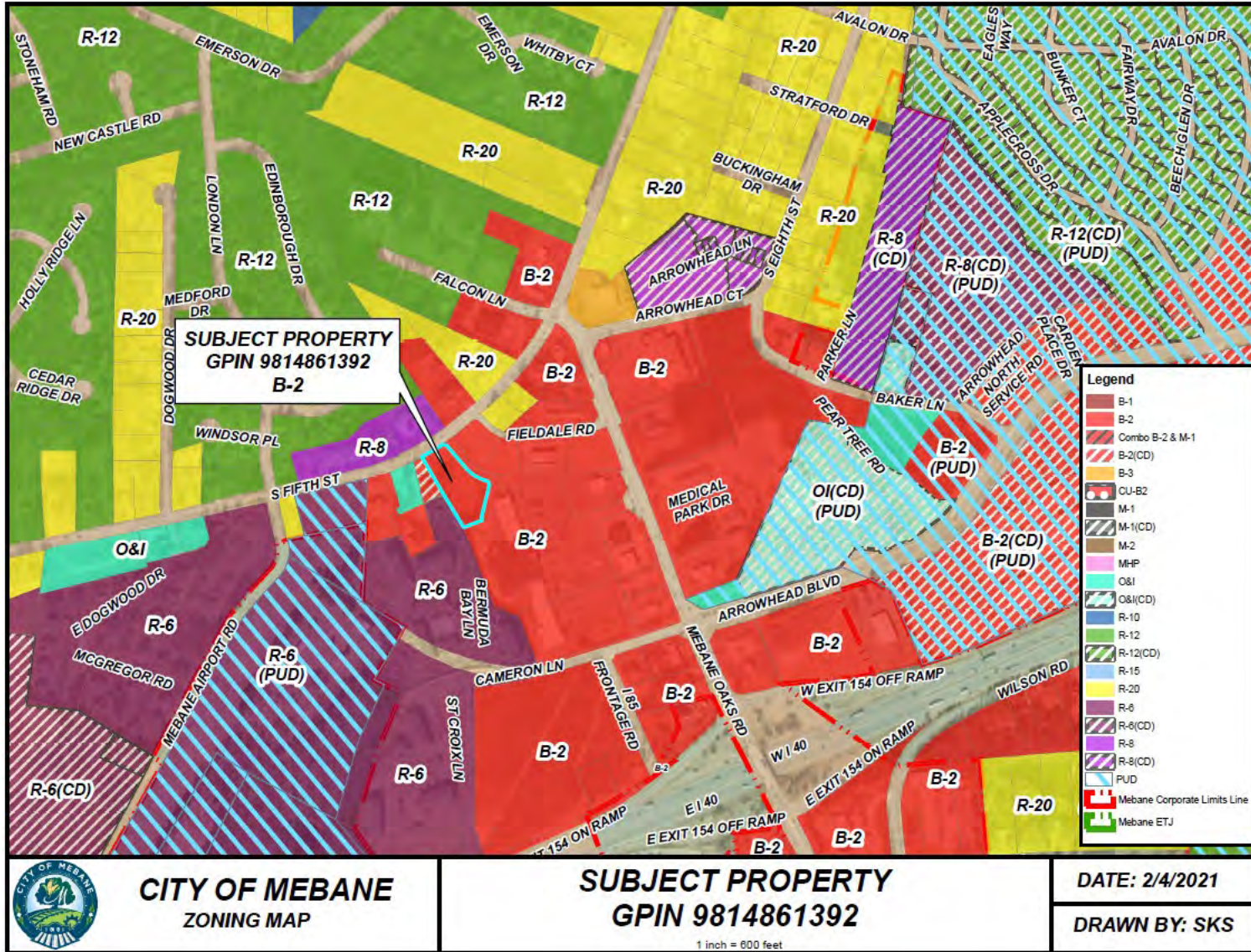
Sign Permit Note:
Signage to be permitted separately by the owner or sign contractor. All signage shall be in accordance with requirements in City of Mebane UDO, Article 6, Section G-G Signs.

Lot	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	1,200.00	1,200.00	1,200.00
2	1,200.00	1,200.00	1,200.00
3	1,200.00	1,200.00	1,200.00
4	1,200.00	1,200.00	1,200.00
5	1,200.00	1,200.00	1,200.00
6	1,200.00	1,200.00	1,200.00
7	1,200.00	1,200.00	1,200.00
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79	1,200.00	1,200.00	1,200.00
80	1,200.00	1,200.00	1,200.00
81	1,200.00	1,200.00	1,200.00
82	1,200.00	1,200.00	1,200.00
83	1,200.00	1,200.00	1,200.00
84	1,200.00	1,200.00	1,200



ZONING REPORT

EXISTING ZONE	B-2 (General Business)
REQUESTED ACTION	Rezoning to B-2(CD)
CONDITIONAL ZONE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CURRENT LAND USE	Vacant
PARCEL SIZE	+/-1.54 ac
PROPERTY OWNERS	PT Greenland LLC 1648 Memorial Drive Burlington, NC 27215 GPIN 9814861392
LEGAL DESCRIPTION	<p>A +/-1.54-ac parcel at the southern side of the driveway to the Mebane Oaks Village Shopping Center is petitioning the City of Mebane for rezoning from B-2 (General Business) to B-2(CD) (General Business, Conditional) district to allow for a Multi-tenant Building (aka "Neighborhood Shopping Center") complying with all development standards identified in the Mebane UDO 4-7.8.I and allowing for the following four (4) otherwise restricted uses: Laundromat, Coin-Operated or Card, Restaurant (drive-in or take-out window only), Restaurant (with drive-through), and Physical Fitness Center, Training Center. The submitted site plan will apply to the property.</p>
AREA ZONING & DISTRICTS	<p>The property is located along NC 119 (South Fifth Street), which is predominantly Business and Office uses on the south side and residential on the north side. The property immediately to the west is a B-2(CD) district with restricted uses and a small footprint of a reappropriated residence. The properties to the northeast and east are B-2 zoning districts with Special Use Permits to allow for a two-story Planned Multiple Occupancy Group and a Regional Shopping Center, respectively. The property to the north across NC 119 is a R-8 zoning district featuring townhomes. The property to the southwest is a R-6 zoning district with a Special Use Permit to allow Keystone Apartments.</p>
SITE HISTORY	Property historically vacant or used for agriculture.
STAFF ANALYSIS	
CITY LIMITS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PROPOSED USE BY-RIGHT?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SPECIAL USE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
EXISTING UTILITIES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
POTENTIAL IMPACT OF PROPOSED ZONE	<p>The property is already zoned B-2. The site-specific zoning and restriction of uses on the property is to allow for multiple uses on a single property that include four uses otherwise prohibited for a Neighborhood Shopping Center, which would be allowed by-right. The impact is not anticipated to be more significant than any one of these four uses occupying the entire property.</p>



CITY OF MEBANE
 ZONING MAP

SUBJECT PROPERTY
 GPIN 9814861392

1 inch = 600 feet

DATE: 2/4/2021
 DRAWN BY: SKS



LAND USE REPORT

EXISTING LAND USE	Vacant, Forested
PROPOSED LAND USE & REQUESTED ACTION	A +/-1.54-ac parcel at the southern side of the driveway to the Mebane Oaks Village Shopping Center is petitioning the City of Mebane for rezoning from B-2 (General Business) to B-2(CD) (General Business, Conditional) district to allow for a Multi-tenant Building (aka “Neighborhood Shopping Center”) complying with all development standards identified in the Mebane UDO 4-7.8.1 and allowing for the following four (4) otherwise restricted uses: Laundromat, Coin-Operated or Card, Restaurant (drive-in or take-out window only), Restaurant (with drive-through), and Physical Fitness Center, Training Center. The other 32 uses prohibited for a Neighborhood Shopping Center would be restricted from use on this property. The submitted site plan will apply to the property.
PROPOSED ZONING	B-2(CD)
PARCEL SIZE	+/-1.54 ac
AREA LAND USE	The property sits at the entrance driveway to the Mebane Oaks Village Shopping Center and will have a driveway off this entrance driveway. The property across the entrance driveway is the Graham Dermatology two-story building that is currently partly occupied. The property to the west is a reappropriated two-story residence being used for offices and businesses. The property to the immediate north is a townhome development. The property to the southwest is Keystone Apartments.
ONSITE AMENITIES & DEDICATIONS	N/A
WAIVER REQUESTED	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DESCRIPTION OF REQUESTED WAIVER(S)	Reduction of 15’ streetscape by 4’ to accommodate existing sidewalk.



CONSISTENCY WITH *MEBANE BY DESIGN* STRATEGY

LAND USE GROWTH STRATEGY DESIGNATION(S)

G-1 Mixed Use (III) Primary Growth Area “Cameron Lane”

OTHER LAND USE CONSIDERATIONS

Reliance on use of Mebane Oaks Village entrance driveway for site access
 Qualifies for Small Lot Exemption requiring 5’ minimum and 15’ average aggregate landscape buffering along property perimeters with residentially-zoned and -used properties, which only applies to Keystone Apartments.

***MEBANE BY DESIGN* GOALS & OBJECTIVES SUPPORTED**

GROWTH MANAGEMENT 1.1
 Encourage a variety of uses in growth strategy areas and in the downtown, promote/encourage a village concept that supports compact and walkable environments.

GROWTH MANAGEMENT 1.6
 Require that commercial development be pedestrian-friendly, supporting walking between differing land uses while also reducing parking requirements.

***MEBANE BY DESIGN* GOALS & OBJECTIVES NOT SUPPORTED**



G-1 Mixed Use (III) Primary Growth Area is
“neighborhood-scale retails and commercial development and entertainment... [and provides]...internal roadways that require interconnectivity between different development projects.”





UTILITIES REPORT

AVAILABLE UTILITIES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PROPOSED UTILITY NEEDS	Per the memorandum from Franz Holt of AWCK, the project is estimated to require 6,000 gallons per day of water and sewer service. The water will be supplied by a 6" DIP line that connects to the 8" municipal water line. A 4" PVC pipe will provide service to connect to the City's 4" sewer line. A 1,000 gallon grease trap will intercept the site's restaurant waste.
UTILITIES PROVIDED BY APPLICANT	Applicant has pledged to provide all on-site utilities, as described in AWCK's Technical Memo.
MUNICIPAL CAPACITY TO ABSORB PROJECT	The City has adequate water & sewer supply to meet the domestic and fire flow demands of the project.
CONSISTENCY WITH MEBANE LONG RANGE UTILITY PLAN?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADEQUATE STORMWATER CONTROL?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
INNOVATIVE STORMWATER MANAGEMENT?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

TRANSPORTATION NETWORK STATUS

CURRENT CONDITIONS	NC 119 is a NCDOT State Highway that hosts 10,500 average daily trips. It has a Level Of Service LOS E and a Safety Score of 0. There have been 3 recent, non-fatal crashes along this stretch of NC 119, though the intersection with Mebane Oaks Road has had at least 65 crashes since 2015. NC 119 is projected to be relieved of traffic volume and congestion by U-3109A/B, the "NC 119 Bypass" project, set for completion in 2021. I-5711, the Mebane Oaks Road Interchange Improvements project is also estimated to improve conditions on NC 119, though it will likely route greater volumes onto NC 119 when it begins construction Summer 2021. NC 119 will also be widened immediately to the west of the project site, as required by the special use permit approved for Mebane Towne Center by the City Council.
TRAFFIC IMPACT ANALYSIS REQUIRED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DESCRIPTION OR RECOMMENDED IMPROVEMENTS	A driveway and vehicular use area complying with the City's UDO standards for drive-through restaurants has been provided.
CONSISTENCY WITH THE MEBANE BICYCLE AND PEDESTRIAN TRANSPORTATION PLAN?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
MULTIMODAL IMPROVEMENTS PROVIDED BY APPLICANT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

DESCRIPTION OF MULTIMODAL IMPROVEMENTS	Applicant is providing high-visibility pedestrian crossing at the Mebane Oaks Village shopping center driveway. Applicant is extending a sidewalk from the site to the existing sidewalk network. Applicant is providing bike racks.
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STAFF RECOMMENDATION

STAFF ZONING RECOMMENDATION	<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE
STAFF SPECIAL USE FINDING	<input type="checkbox"/> CONSISTENT <input type="checkbox"/> NOT CONSISTENT.....WITH <i>MEBANE BY DESIGN</i>
RATIONALE	The proposed development RZ 21-01 is consistent with the guidance provided within <i>Mebane By Design</i> , the Mebane Comprehensive Land Development Plan. In particular, it meets the description and goals of the G-1 Mixed Use (III) Primary Growth Area and is consistent with Growth Management Goals 1.1 and 1.6.



February 4, 2021

Mr. Charles D. Huffine, PE
The L.E.A.D.S. Group, P.A.
505 East Davis Street
Burlington, NC 27215

Subject: Mebane 5th Street Shopping Center – Water and Sewer System

Dear Mr. Huffine:

Regarding the subject project and in accordance with paragraph 7-4.3 A.3.a. in the UDO, this letter is provided to indicate that I have reviewed the preliminary water and sewer system layout and find it acceptable and meets City standards based on the following:

1. Water system – The project is proposed to be served by tapping an existing City of Mebane 8-inch DIP water line and extending a 6-inch DIP water line on site and setting a new fire hydrant. A new 2-inch copper water service will then be connected to the hydrant leg where a 2-inch water meter and RPZ backflow device will be installed. A 2-inch copper water service will then be extended to the building with all new water line and service extension being installed to City of Mebane requirements (testing and materials). The estimated water use for this project has been estimated at 6,000 gallons per day based on anticipated uses. The City has adequate water capacity available to meet the project's daily domestic demand and fire flow requirements.
2. Sanitary Sewer system – The project is proposed to be served by connecting to an existing 4-inch sewer service. A 1,000 gallon grease trap is shown for service to the restaurant component of the proposed building. All grease trap and 4-inch PVC sewer service piping will be installed to City of Mebane requirements (testing and materials). The estimated sewer use for this project is 6,000 gallons per day based on anticipated uses. The City has adequate wastewater capacity available at the Farrar Lane Pump Station and at the WRRF to meet this demand.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Franz K. Holt".

Franz K. Holt, P.E. City Engineer

CC: Audrey Vogel, Planner
Cy Stober, Development Director
Kyle Smith, Utilities Director



Technical Memorandum

Date: February 4, 2021

To: Audrey Vogel, Planner

From: Franz K. Holt, P.E. *FH*

Subject: Mebane 5th Street Shopping Center – City Engineering review

City Engineering has reviewed the Site and Utility Plans and provides the following technical comments for the Mebane 5th Street Shopping Center sealed January 12, 2021 by Charles D. Huffine, P.E. with The L.E.A.D.S. Group, P.A.

A. General Summary

The proposed Mebane 5th Street Shopping Center is an approximately 10,800 square foot building located on 1.54 acres.

One access point is proposed to connect to the Mebane–Oaks Marketplace (Village) shopping center’s driveway connection with S. Fifth Street and being further connected to Mebane Oaks Road and Cameron Lane through the Mebane-Oaks Marketplace (Village).

Site storm drainage is private and exempt from the stormwater ordinance as being part of a larger common plan with established vested rights.

Water and sewer service is provided by connecting to existing water and sewer mains in the Mebane – Oaks Marketplace (Village).

B. Availability of City Water and Sewer

Water system – The project is proposed to be served by tapping an existing City of Mebane 8-inch DIP water line and extending a 6-inch DIP water line on site and setting a new fire hydrant. A new 2-inch copper water service will then be connected to the hydrant leg where a 2-inch water meter and RPZ backflow device will be installed. A 2-inch copper water service will then be extended to the building with all new water line and service extension being installed to City of Mebane requirements (testing and materials). The estimated water use for this project has been estimated at 6,000 gallons per day based on anticipated uses. The City has adequate water capacity available to meet the project’s daily domestic demand and fire flow requirements.

Sanitary Sewer system – The project is proposed to be served by connecting to an existing 4-inch sewer service. A 1,000 gallon grease trap is shown for service to the restaurant component of the proposed building. All grease trap and 4-inch PVC sewer service piping will be installed to City of Mebane requirements (testing and materials). The estimated sewer use for this project is 6,000 gallons per day



based on anticipated uses. The City has adequate wastewater capacity available at the Farrar Lane Pump Station and at the WRRF to meet this demand.

C. Watershed Overlay District and Phase II Stormwater Requirements

Watershed Overlay District requirements are provided under Sec. 5.2 of the UDO. These requirements in the UDO are for the Back-Creek Watershed, which includes the Graham-Mebane Lake. The project is tributary to the Little Haw Creek; a Class V watershed and the Watershed Overlay District requirements do not apply to this project. This type of watershed classification (Class V) does not have density restrictions or built upon restrictions as required for the Graham Mebane Lake watershed.

Phase II Stormwater Post Construction Ordinance - Sec. 5.4 in the UDO provides standards for Storm Water Management and 5.4.F requires compliance with the Mebane Post Construction Runoff Ordinance (which is a stand-alone ordinance titled the Phase II Stormwater Post Construction Ordinance (SPCO)). The standards in the UDO are general standards as the Ordinance itself provide detailed standards. The SPCO does not apply to this project as this 1.54 acre lot is part of a larger common plan with vested rights.

D. Storm Drainage System

Sec. 5-4. D. in the UDO provides requirements for storm drainage systems. The preliminary site plans include a preliminary piping layout that indicates certain pipe locations, inlets, and discharge points. Stormwater flows from these pipes will be transported to the existing storm drainage system in Mebane-Oaks Marketplace (Village) and then to the existing stormwater detention device serving this lot and the larger shopping center.

E. Street Access

This project will include one access point proposed to connect to the Mebane–Oaks Marketplace (Village) shopping center’s driveway connection with S. Fifth Street and being further connected to Mebane Oaks Road and Cameron Lane through the Mebane-Oaks Marketplace (Village).

F. Construction Plan Submittal

Sec. 7-6.7. A. in the UDO indicates that construction plans for all street facilities, including water and sewer facilities, shall be submitted following preliminary plat or site plan approval; therefore, construction plans are not required as a part of the site plan review. However, the plans as submitted meet the level of work required for construction drawings and in my opinion are in substantial compliance with the UDO.



AGENDA ITEM #4

FOR DISCUSSION ONLY

Overview and Discussion of UDO Revisions

Presenter

Cy Stober, Development Director

Public Hearing

Yes No

Summary

Staff is in the process of updating the City of Mebane Unified Development Ordinance (UDO) to include the 160D statutory amendments, adopted into law by the NC General Assembly in 2019. Staff is taking this opportunity to introduce additional potential revisions to improve the ordinance. The revisions will be presented to the Planning Board and City Council in phases.

Phase 1 will include: the required 160D revisions, new zoning map, and environmental amendments to Article V. Phase 2 will include revisions that are not required by NC General Statutes but have been identified by staff as needed to meet the growing demand for development in Mebane, including Dimensional Standards, Signs, Open Space & Rec Area, Buffers and Landscaping. The City is also exploring a Phase 3 amendments that would feature overlay districts; however, hands-on public engagement is valuable to this more intensive effort and we await post-pandemic conditions.

Staff is seeking input and guidance from the Planning Board on these proposed revisions, including additional areas and items that warrant attention and revision.

Background

In July 2019, the North Carolina General Assembly adopted the new Chapter 160D of the North Carolina General Statutes, established under [Session Law 2019-111](#)¹. 160D consolidates current city- and county-enabling statutes for development regulations into a single, unified chapter and organizes these statutes into a more logical, coherent structure. The new legislation does not make major policy changes or shift the scope of authority granted to local governments, but it provides several clarifying amendments and consensus reforms that must be incorporated into local development regulations. Local governments shall adopt the necessary ordinance amendments to comply with Chapter 160D have by July 1, 2021. At that date, the rules and procedures of Chapter 160D will apply regardless of if the local ordinance has been updated.²

The State's objectives for creating Chapter 160D include consolidating and improving the organization rules for all local jurisdictions under one chapter heading (previously Chapters 153A and 160A), clarifying specific

¹ Session Law 2019-111, <https://www.ncleg.gov/BillLookup/2019/S355>

² Chapter 160D: A New Land Use Law for North Carolina, Adam Lovelady, David W. Owens, Ben Hitchings. UNC School of Government. <https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019>

areas of authority for local governments where uncertainty has existed, and modernizing the tools for development regulation based on newer best practices. Resources from the UNC School of Government outline the following major topic areas of key changes required by state law:

- Terminology and Definitions
- Rules for Boards and Commissions
- Substance of Development Regulations
- Comprehensive Plans
- Procedures for Land Use Decisions (Legislative, Quasi-Judicial and Administrative)
- Vested Rights and Permit Choice
- Judicial Review of Land Use Decisions

Further information is available through the UNC School government, including a checklist of changes, which is provided as an attachment and a series of free online modules available [at this link](#). Additionally, amendments are needed to Article V “OVERLAY, ENVIRONMENTAL, AND SPECIAL PURPOSE REGULATIONS” to feature the Falls Lake Nutrient Management Strategy, the Upper Eno River Water Supply (II) Watershed, and import the City’s Stormwater and Stream Buffer regulations from the City Ordinance, in order to comply with NC General Statutes and Rules. Staff will be bringing a comprehensive list of the aforementioned UDO amendments that bring the City into compliance with Chapter 160D at the April 12, 2021, Planning Board meeting.

In the past few years, staff, Planning Board, and the City Council have voiced dissatisfaction with the existing draft of the Mebane UDO for an array of reasons but all generally apply to the UDO’s inability to serve the goals and objectives of the City’s Comprehensive Land Development Plan (CLP) *Mebane By Design*. Several elements (e.g. Downtown Overlay District) require significant focus on gathering public event, ideally at interpersonal venues such as charettes, as they will focus more on architectural form than traditional development standards such as setbacks and parking dimensions. Such needs are scheduled to begin discussion in 2021 but staff is hopeful that the covid-19 pandemic has abated enough to allow for these events that rely on interactions among many people. Phase 2 is scheduled to be formally presented to the Planning Board for recommendation Summer 2021 and will focus on:

- 1) Entirely new Sign standards, possible separated into a distinct article for ease of use by the public and staff;
- 2) Substantial revisions to the Recreation Area and Open Space standards to better protect environmental features, provide residents of dense developments with enhanced recreation features, and removing stormwater ponds from open space crediting;
- 3) Revision of Table 4-2-2, Dimension Standards, to make the minimum lot dimensions and setbacks more consistent with those seen in other growing communities, which allow for smaller road frontages and greater structure placement on lots to increase the use of unusual and smaller lots;

- 4) Revision to the City's landscape buffer standards to better allow for non-residential development adjacent to residential parcels while better protecting residential properties; and
- 5) Revision to the parking standards to align with the parking dimensions more commonly seen throughout North Carolina and in Mebane's peer communities, as identified in *Mebane By Design*.

Financial Impact

N/A

These revisions are being handled by City Planning Staff and the City Attorney including all public notice costs and staff time will be associated with future public hearings.

Recommendation

Staff will be formally presenting proposed UDO amendments that bring the City into compliance with Chapter 160D at the April 12, 2021, Planning Board meeting; and the additional proposed UDO revisions to the Planning Board at a Summer 2021 meeting to be determined.

Suggested Motion

N/A

Attachments

1. **G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices.** *David W. Owens and Adam S. Lovelady, August 2020, School of Government. The University of North Carolina at Chapel Hill.*
<https://www.sog.unc.edu/sites/www.sog.unc.edu/files/160D%20Checklist%20Aug%2020%20update.pdf>
-

G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

August 2020 Update

This checklist outlines provisions in the new Chapter 160D of the North Carolina General Statutes (hereinafter G.S.) as well as related statutory changes that will be incorporated into Chapter 160D. The changes to the statutes affect the language of local ordinances, the options for local decision processes, and the administrative practices related to development regulations.

This checklist is one piece of a larger set of resources and training materials, including an explanatory book, *Chapter 160D: A New Land Use Law for North Carolina*. Each item on this checklist is described more thoroughly in those additional resources. Section headers in this checklist note the corresponding chapter and section of the Chapter 160D book [in brackets]. Check nc160D.sog.unc.edu for additional resources and training.

The checklist has specific notations, which are accompanied by specific icons, as follows:

- Denotes legislative changes for which local governments **must** take action (statutory citations are in parentheses) (Many changes may already be reflected in the local ordinance. If so, no additional change is necessary for the ordinance.)
- Denotes permissive legislative changes for which local governments **may** take action
- △ Denotes notable legislative changes that do not require local action but of which local governments must **be aware**

Session Law 2020-25 (S.B. 720) amended Chapter 160D to incorporate other legislative changes from 2019 and make technical corrections. Those changes are noted in this updated checklist with new language underlined and cut language shown with strikethrough. Notably, S.L. 2020-25 altered the effective date of Chapter 160D. All powers and actions authorized under Chapter 160D are available as of June 19, 2020 (local ordinances may be updated and made effective immediately), but local governments have until July 1, 2021, to update local ordinances and policies to comply with the requirements of Chapter 160D. For that reason, the asterisks from the original checklist are removed. For the time before a local government amends its ordinances to comply with Chapter 160D, the rules and requirements of Chapter 160A (for municipalities) or Chapter 153A (for counties) will effectively remain controlling for that local government.

~~*For items noted with an asterisk, local governments do not have authority for the change until January 1, 2021, unless legislation authorizes earlier effectiveness. Noted changes may be incorporated into ordinances and policies, but they must not be effective until 2021. All other changes may be adopted and effective immediately.~~

I. Terminology and Citations [Chapter 1, Section III]

- Must** update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.)
- Must** align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (See G.S. 160D-102.)
- Must** ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (G.S. 160D-706; S.L. 2019-111, § 1.17.)
- May** align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative decision*, *legislative hearing*, *planning and development regulation jurisdiction*, and *quasi-judicial decision*. (G.S. 160D-102.)

II. Geographic Jurisdiction [Chapter 2, Section I]

- For extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).)
- Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)
- For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)
- In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)
- For counties, the county **may** apply zoning and subdivision regulations to all or part of the county's planning and development regulation jurisdiction. Cities with zoning must apply zoning jurisdiction-wide. (G.S. 160D-201; S.L. 2020-25.)

III. Boards [Chapter 2, Section II]

A. In General

- Must** adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)
- Must** keep minutes of proceedings of each board. (G.S. 160D-308.)
- Must** have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)

- Must** update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)
- Must** provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)
- May** have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.)
- May** establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.)
- May** establish additional advisory boards related to development regulations. (G.S. 160D-306.)

B. Planning Board

- May** assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.)
- May** assign planning board to serve as preliminary forum for review and comment on quasi-judicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board. (G.S. 160D-301.)

C. Board of Adjustment

- May** assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)
- May** assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)

IV. Land Use Administration [Chapter 2, Section III]

A. In General

- Must** incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)
- Must** maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)
- Must** maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)

- **May** enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)
- **May** charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).)

B. Enforcement

- **Must** issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)
- If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- **May** perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).)
- **May** perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)
- **May** require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for work requiring a building permit. (G.S. 160D-403(g).)
- **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)
- **May** continue to use general enforcement methods, including civil penalties, fines, court ordered actions, and criminal prosecution. (G.S. 160D-404(c).)
- △ **Be aware** that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)
- △ **Be aware** that a local government must comply with existing rules for uses that were previously nonconforming situations. If a use loses its nonconforming status, by amortization or change of use or otherwise, the local government must bring an enforcement action within ten years of the loss of nonconforming status. (160D-1405(c1); established prior to Chapter 160D.)

V. Substance of Zoning Ordinance [Chapter 3, Section I]

- Must** maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.)
- Must** eliminate conditional use district zoning; existing conditional use district zoning converts to conditional district ~~on January 1, 2021~~ upon adoption of updated local ordinances or July 1, 2021. (G.S. 160D-703; S.L. 2020-25; S.L. 2019-111, § 2.9(b).)
- Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code.** (G.S. 160D-703; S.L. 2019-174.)
- May** incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)
- May** require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
- May** use form-based codes. (G.S. 160D-703(a)(3).)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)
- May** apply zoning standards jurisdiction-wide, not just on a zoning district by zoning district basis. (G.S. 160D-703(d).)
- May** regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

VI. Substance of Other Development Ordinances [Chapter 3, Section II]

- Must** conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), ~~to be incorporated into G.S. Chapter 160D-~~)
- Must** conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)
- Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided.** (G.S. 160D-804; S.L. 2019-174.)

- Must** exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)
- Must** not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)
- Must** follow standardized process for housing code enforcement to determine owner’s abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)
- May** adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)
- Municipalities may petition court to appoint a receiver for vacant structures. (160D-1130.)

A. Historic Preservation

- Must** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)
- Must** frame preservation district provisions as “standards” rather than “guidelines.” (G.S. 160D-947(c).)
- May** choose for appeals of preservation commission decisions to go to board of adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)

B. Development Agreements

- Must** process a development agreement as a legislative decision. (G.S. 160D-105.)
- Must** have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)
- May** consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).)
- May** address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)
- May** mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)
- May** include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an

injunction to enforce a development agreement. (G.S. 160D-1008.)

VII. Comprehensive Plan [Chapter 4, Section I]

- Must** adopt a comprehensive plan or land-use plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)
- Must** adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)
- Must** reasonably maintain a plan. (G.S. 160D-501(a).)
- May** coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
- May** coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

VIII. Legislative Decisions [Chapter 4, Section II]

A. Notice

- Must** follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)
- For zoning map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)
- For zoning map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)
- For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
- For zoning map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

B. Planning Board Comment

- Must** refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)

- Must** have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)
- May** refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).)

C. Plan Consistency

- When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) *(This eliminates the 2017 requirement that statements take one of three particular forms.)*
 - May** adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)
 - May** meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)
 - May** concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)
- Must** note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) *(This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)*
- For a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process. (G.S. 160D-501.)
- Must** adopt a statement of reasonableness for zoning *map* amendments; for such statements, **may** consider factors noted in the statutes; **may** adopt a statement of reasonableness for zoning *text* amendments. (G.S. 160D-605(b).)
 - May** consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement. (G.S. 160D-605(c).)

D. Voting

- Must** permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)

E. Certain Legislative Decisions

- Must** prohibit third-party down-zonings; **may** process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.)
- Must** obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)
- With applicant's written consent, **may** agree to conditional zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification: by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

IX. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

- Must** follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)
- Must** hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.)
- Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).)
- Must** allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)
- May** continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)

- **May** distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)
- **May** have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing, but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)
- **May** require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)
- △ **Be aware** that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)

B. Certain Quasi-Judicial Decisions

- **Must** not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)
- **Must** obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- **May** adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)
- **May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

X. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

- Must** provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).)
- Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)
- Must** provide that development approvals run with the land. (G.S. 160D-104.)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- May** require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)
- May** set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) Building permits expire after six months, as under prior law (no change to building permits). (G.S. 160D-1111.)
- May** extend expiration for development approvals for which construction is commenced and then is discontinued; default rule is that such approvals are valid for 24 months after discontinuation. (G.S. 160D-108(d).) Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits). (G.S. 160D-1111.) ~~**May** set expiration of development approvals if work is discontinued; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)~~
- May** authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define “minor modifications” by ordinance and **must** not include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d); -703(b); -705(c).)

B. Determinations

- Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)
- May** designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)

- **May** require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)

C. Appeals of Administrative Decisions

- **Must** allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building code and housing code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- **Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)
- **Must** pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)
- **May** assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)
- **May** designate that appeals be filed with the local government clerk *or* another official. (G.S. 160D-405.)

XI. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

- **Must** recognize that building permits are valid for six months, as under prior law. (G.S. 160D-1111 ~~G.S. 160D-108(d)(1).~~)
- **Must** recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule ~~adjusted by statute or local rule.~~ (G.S. 160D-108(d)(2).)
- **Must** identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 ~~G.S. 160D-108(d)(3); 108(f).~~)
- **Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c)(~~d~~)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)
- **May** provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(h)(~~e~~), -405.)

- △ **Be aware** that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration. (G.S. 160D-108(h); 160D-405(c).)
- △ **Be aware** that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(i)(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

- **Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)
- △ **Be aware** that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
- △ **Be aware** that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

XII. Judicial Review [Chapter 5., Section II]

A. Declaratory Judgments

- △ **Be aware** that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401; G.S. 160D-1403.1)
- △ **Be aware** that other civil actions may be authorized—G.S. Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

B. Appeals of Quasi-Judicial Decisions

- **Must** update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)
- **Must** provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)
- △ **Be aware** that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)

- △ **Be aware** that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)
- △ **Be aware** that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(l).)
- △ **Be aware** that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
- △ **Be aware** of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (G.S. 160D-1402(k); S.L. 2019-111, § 1.9.)

C. Subdivision Decisions

- **May** establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)
- △ **Be aware** that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)
- △ **Be aware** that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

D. Attorneys' Fees

- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice ~~and vested rights~~ statutes. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *may* award attorneys' fees in other matters of local government litigation. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

E. Additional Judicial Rules

- △ **Be aware** that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari. (G.S. 160D-1402(m).)

- △ **Be aware** that a local government **must** not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing. (G.S. 160D-1403.2; S.L. 2020-25; S.L. 2019-111, Pt. I.)

- △ **Be aware** that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (G.S. 160D-1402(j1); S.L. 2019-111, Pt. I.)