



Planning Board

Minutes to the Meeting
March 13, 2023, 6:30 p.m.

The Planning Board meeting was held at the Glendel Stephenson Municipal Building located at 106 E. Washington Street, Mebane, NC 27302 and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=XI-uJ54tBhc>.

Members Present:

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

Members Absent:

Jason VanBuren

City Staff Present:

Ashley Ownbey, Development Director
Rachel Gaffney, City Planner
Briana Perkins, City Planner

Kirk Montgomery, IT Director
Chad Cross, IT Specialist

1. Call to Order

At 6:28 p.m. Chairman Tulauskas called the meeting to order.

2. Approval of November 14, 2022, Meeting Minutes

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

3. City Council Actions Update

Ashley Ownbey, Development Director, introduced David Scott as a new Planning Board member, filling the vacant ETJ position for Alamance County. She then introduced Rachel Gaffney and Briana Perkins as new City Planners. She also provided an update on the City Council's action at their December 2022 meeting, which included four rezoning requests.

4. Text amendments to Sections 6-5 and 6-7 of the Mebane Unified Development Ordinance.

Ashley Ownbey presented the second phase of amendments to the Mebane Unified Development Ordinance (UDO), which includes updates to Section 6-5 – Parking, Stacking, and Loading, and Section 6-7 – Signs.

The UDO update timeline, Section 6-5 proposed changes, and Section 6-7 proposed changes are provided in the meeting agenda packet available [here](#).

Ashley Ownbey began her presentation with the changes to Section 6-5 Parking, Stacking, and



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Loading. She reviewed minimum parking requirements by land use categories, beginning with residential uses.

Kurt Pearson asked about data gathered for the proposed change of the parking requirement for one- and two-bedroom apartments, particularly if staff had considered data that indicates people are using less cars. Ashley Ownbey responded staff had considered peer requirements, and most other communities have the same parking requirement for one- and two-bedroom apartments. She suggested staff could consider any parking studies associated with apartment use.

Judy Taylor asked how the requirements consider parking for amenities and guests. Kurt Pearson also expressed his concern that some developments with most two-bedroom apartments will not have enough parking. Susan Semonite agreed with the need for visitor parking. Ashley Ownbey replied staff could complete more research.

Ashley Ownbey continued with the proposed minimum parking changes, reviewing proposed changes in requirements for Recreational Uses, Educational and Institutional Uses, and Business, Professional, and Personal Services. She mentioned the conversation for reducing parking requirements for hotels and motels began when a former Planning Board member considered the request for the Lowes Boulevard Hotel Development Special Use modification. Additionally, she added the reduced parking requirement for medical, dental, and related offices was informed by a recent submittal from Duke Health.

Ashley Ownbey reviewed proposed changes to minimum parking requirements, describing changes for Retail Trade, Wholesale Trade, Transportation, Warehousing & Utilities, and Manufacturing & Industrial Uses.

David Scott asked if any developer had a problem with the proposed change in calculating the minimum parking for industrial users. Ashley Ownbey replied that the new proposed change is consistent with the industry standards for developers.

Gale Pettiford asked if anyone had contacted the Postmaster about the requirements for the post office. Ashley Ownbey responded that staff had not but could contact them and do some further research.

Judy Taylor asked if the required parking for industrial uses should be reduced for automated uses since the number of employees would be reduced. Ashley Ownbey said that staff had proposed language to allow for parking reductions if an industrial user is known and language could be proposed that considers the type of business or technology being used.

Susan Semonite commented that the hotel reduction would be concerning if two hotels shared parking and may have customers competing for parking spaces. David Scott also asked if the hotel research only came from Apex. Ashley Ownbey replied that the research came from several peer communities.



Ashley Ownbey concluded the presentation on Section 6-5 and reviewed changes to Section 6-7, Signs. She also introduced Ben Hitchings from Green Heron Planning, LLC, a consultant helping with the updates to the sign ordinance. Ashley Ownbey reviewed that amendments to the sign standards in the UDO largely serve to improve the readability of this section, incorporate findings from peer research and public engagement, and address changes in the evolving federal legal framework for sign regulations. Key revisions include a reorganization of the sign standards, selected revisions and additions to sign definitions, a reworking of the standards for temporary signs, reformatting of the sign table, reduction in the allowable area, height, and location of freestanding pole signs, clarification of the standards for advertising in murals, and introduction of new sign types, such as gasoline canopy signs and window signs.

David Scott asked if “snipe signs” had always been out of compliance. Ashley Ownbey replied that enforcement is currently taken to remove these types of signs.

David Scott asked about multiple temporary signs prior to elections and if there was already a start date prior to elections that signs could be put up. Ashley Ownbey replied that the City currently allowed for 45 days prior, and the State regulates the political signs in DOT rights-of-way, but local jurisdictions can regulate elsewhere.

Susan Semonite asked if the State regulated when the election signs came down. Ashley Ownbey replied that the State does regulate that political signs must come down after an election. Susan Semonite also asked what the gas-filled signs were. Ashley Ownbey explained that blow-up signage could be air- or gas-filled.

Tom Boney Jr., Editor and Publisher for The Alamance News, asked if the City was still allowed to regulate time periods for political signs. Ben Hitchings replied that with the 2015 court case and the new 2022 court case *City of Austin v. Reagan National Advertising of Austin, LLC*, the ruling still allowed local jurisdictions to regulate time, place, and manner standards. He stated that he would send the new regulations to a UNC School of Government colleague to take a second look.

Tom Boney Jr. also asked if the new changes had been approved by the City Attorney. Ashley Ownbey replied that the City Attorney had been part of the process from the beginning. She said that they had discussed the temporary sign allowance with the Attorney and a residential property owner could use their one temporary sign allowance for a political sign at any point of the year, but multiple signs are only allowed around elections.

David Scott asked to clarify where the 45-day prior rule would be included. Ashley Ownbey replied the updates to the sign ordinance would establish the 45-day prior rule on political signs. Ben Hitchings clarified that the new language allowed for multiple temporary signs on private property and did not state they had to be political.

David Scott asked if billboards were included in the decrease of display area for pole signs. Ashley



Ownbey responded that billboards had separate standards from freestanding pole signs.

Susan Semonite asked if the existing pole signs would have to adhere to the new standards of having a ground sign if pole signs were prohibited. Ashley Ownbey replied that the UDO had a provision for non-conformities and that only structurally altering or relocating a pole sign would result in adhering to the new approved standards. Susan Semonite also asked if sign face changeouts would also require bringing the sign into conformity. Ashley Ownbey said a sign face change out would not constitute a major change.

Chairman Tulauskas opened the floor for public comments.

Mary McFarland of 307 North Wilba Road, asked about signage at her business located at 303 West Ruffin Street. Ashley Ownbey reviewed the zoning for Ms. McFarland's property and stated the City is proposing that property zoned B-2, General Business could have pole signs, but she could not confirm Ms. McFarland's sign would be classified as a pole sign without further review.

Ed Priola of 747 South Eighth Street, commented that he did not hear a full answer to Mr. Boney's question about limiting free speech and having a 45-day limit on signs on private property which was concerning. He said that having temporary signs on private property was the only way people could express themselves in a political sense. He asked how the City could even limit how many signs were allowed on personal property and would like to see a more legal answer. He said that he liked the change of at least allowing one political sign year-round but would like to understand how they could limit signs at all on private property with the 45-day limit. Chairman Tulauskas replied that these standards were not finalized and the City was going to research the legalities more before bringing the final proposed changes to City Council.

Tom Boney, Jr. commented that he recalled that there was a finding from the UNC School of Government staff against local jurisdictions putting a time limit on signs. Ben Hitchings replied that he was not aware of the exact item Mr. Boney was referencing. He stated that he would check with Adam Lovelady who was one of the Land Use Development faculty regarding the temporary sign standards.

Tom Boney, Jr. asked how many changes to proposed parking requirements began with inquiries or requests from developers. Ashley Ownbey replied that for certain uses, including hotels, industrial uses, and medical offices, staff began noting concerns as projects were reviewed. No developer had made a specific request.

Tom Boney, Jr. asked if parking could be offset with increased landscaping. Ashley Ownbey replied that Phase 3 of the UDO updates would address landscaping and any incentives to use with parking.

Judy Taylor asked if the square footage allowed for a pole sign would be per side or the total amount. Ashley Ownbey replied the square footage would be per side, with a maximum of two sides. David Scott commented that the Ruby Tuesday's sign that had three sides would only count



the two advertising sides and not the third side.

Mary McFarland commented that it was hard to find things when the signs are ground signs. She said that sometimes growing communities have so many signs that putting everything on the ground makes it hard to see.

Ashley Ownbey informed the Planning Board that staff would research further the topics that had come up in discussion and bring new information to the next Planning Board meeting.

5. Proposed Text Amendment to the City of Mebane Unified Development Ordinance Article 4 (“Use Regulations, Density, and Dimensional Standards, Development Standards for Individual Uses”), Table 4-1-1 (Table of Permitted Uses) and Section 4-7.7, D, to allow Equipment Rental and Leasing (with outside storage) by Special Use Permit in the B-2 General Business District by 3S Investments, LLC.

3S Investments, LLC, requested a text amendment to allow Equipment Rental and Leasing (with outside storage) by Special Use request in the B-2 Zoning District. Ashley Ownbey stated that the use had general development standards in place to protect residential neighbors. She also stated that the request would be generally consistent with City of Mebane’s Comprehensive Plan, *Mebane by Design* and would still afford protection of residential neighbors through the process of a Special Use Permit.

Chad Huffine, representing 3S Investments LLC, presented that the Equipment Rental and Leasing (with outside storage) would provide another option for business growth in the B-2 zoning district. He also said that the text amendment would still require a Special Use Permit, which would go through staff, Planning Board, and City Council for approval. Mr. Huffine stated that there were other businesses in the B-2 zoning district that he thought would also benefit from having the outside storage option.

Kurt Pearson asked Ashley Ownbey if staff would still be looking at screening and standards. Ashley Ownbey replied that staff would still review the general standards and each case would be reviewed by Planning Board and City Council as part of the Special Use Permit process.

Tom Boney Jr. asked where the business is that was requesting the text amendment. Chad Huffine replied that the text amendment was in general for all businesses in the B-2 zoning district who fall under the use of Equipment Rental and Leasing (with outside storage).

Tom Boney Jr. asked why the specific business could not ask for a waiver instead of a text amendment. Ashley Ownbey replied that a text amendment is necessary in order to allow the use to be permitted in the underlying zoning district. Staff could not consider a waiver for a use not allowed.



Kurt Pearson made a motion to approve the text amendment for Equipment Rental and Leasing (with outside storage) in the B-2 zoning district with a Special Use Permit as follows:

Motion to approve the text amendment as presented; and

Motion to find that the application is consistent with the objectives and policies for growth and development in the Comprehensive Land Development Plan, Mebane by Design.

Keith Hoover seconded the motion, which passed unanimously.

6. Request to rezone the +/- 6.19-acre property located on Wilson Road and Forest Oaks Lane (PIN 9824046036), from R-20 to B-2 (CD) to allow for a farm supplies and equipment retail use by Hendon Properties, LLC.

Hendon Properties, LLC requested approval to conditionally rezone a property totaling +/- 6.19 acres located on the corner of Forest Oaks Lane and Ben Wilson Road (GPIN 9824046036) from R-20 to B-2 (CD) to allow for a Farm Supplies and Retail use. The property is located in Alamance County in the Extra-Territorial Jurisdiction (ETJ) and would need to petition for annexation into the City to connect to City utilities. The property is currently vacant with a gravel overflow parking lot for Chick-Fil-A and a stormwater pond. According to City of Mebane's Comprehensive Land Development Plan, *Mebane by Design*, the property is located in the secondary growth area and generally commercial in nature. The applicant also proposes to subdivide the parcel into three separate lots with one lot as the Farm Supplies and Retail use, the second lot for future development and overflow parking, and the third lot as the stormwater retention area.

The site-specific plan, proposed multi-modal improvements, and proposed conditions are provided in the meeting agenda packet available [here](#).

Rachel Gaffney provided a more detailed overview and PowerPoint presentation of the request.

Keith Hoover asked if this development would open up Wilson Road. Rachel Gaffney responded that one of the conditions of approval was to build out to the North Carolina Department of Transportation stub road associated with the widening of Mebane Oaks Road instead of conducting a TIA study.

David Scott asked if the applicant must have easement agreement before approval. Ashley Ownbey responded right-of-way must be acquired and legally recorded before construction plans are approved.

Keith Hoover asked if all of the affected neighbors were notified since very few had shown up for the meeting. Rachel Gaffney responded that the applicant held neighborhood meetings and the City notified all property owners within a 300-mile radius as well as posting signs to the property.

The following individuals attended the meeting to represent the zoning request:

Mark Tiller of Hendon Properties, LLC



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Matt Lowder, a civil engineer with Bowman North Carolina Ltd.

Mark Tiller commented Ms. Gaffney had presented all of the details of his request but would answer any specific questions the Board or public may have.

Kurt Pearson asked if a community meeting had been held. Mark Tiller replied that he did have community meetings and had placed packets in neighbors' mailboxes to inform them when the meetings would be held. He said he had held one meeting on Zoom and another at Wendy's. Mr. Tiller commented he only spoke with about 4 of the 21 notified property owners.

David Scott asked Mr. Tiller if any of those he spoke to had asked for additional buffering on the back side of the property that abuts the residential development. Mark Tiller replied that no one had brought up landscaping, but he did hear many concerns about the water drainage with the current stormwater pond, the water down Forest Oaks Lane, and the overflow of the stream.

Kurt Pearson asked about how many times Mark Tiller had presented to the Mebane Technical Review Committee (TRC). Mark Tiller responded that he had been through the process about three times. Kurt Pearson also asked if the TRC asked to increase the buffer. Mark Tiller replied that the TRC had required the standard Type B buffer per the Mebane UDO.

Susan Semonite asked if the current stormwater area was to remain. Mark Tiller replied that the current pond would be enlarged and improved.

Susan Semonite also asked if the second driveway was primarily just for loading. Mark Tiller replied that the second driveway would be used primarily for deliveries. Keith Hoover asked if the road would be wide enough to accommodate large trucks. Mark Tiller replied that the opening was a little wider for the large trucks to make the turn. Matt Lowder also commented that Forest Oaks Lane would be widened with curb and gutter added to accommodate the larger trucks as well.

Matt Lowder presented that the new plans will have a 100-year stormwater pond that the TRC had proposed to reduce the amount of water on Forest Oaks Lane. He stated that the 100-year rain event pond was a higher standard than required for the use but was a recommendation from the TRC to address the drainage concerns in the area.

David Scott asked if there was new curb and gutter on both sides of Forest Oaks Lane. Matt Lowder responded that there would be curb and gutter added to both sides for the increase of traffic. David Scott asked if other properties affected by the road improvements would have to contribute funding. Matt Lowder replied that there would be no costs for the other property owners and that all costs would be covered by the developer.

Judy Taylor asked what the road widening would be. Matt Lowder replied that the road would have a new turn lane added and the second driveway would have a wider radius for trucks to turn into.



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Susan Semonite asked if the gravel area that Chick-Fil-A uses for overflow parking would be kept. Matt Lowder replied that they planned to have a paved parking area for Chick-Fil-A to use as their overflow parking. Kurt Pearson asked if that parking would go away when that property was developed. Mark Tiller responded that they plan to have an agreement with Chick-Fil-A to keep that parking area even if that property was developed in the future.

Keith Hoover asked why the two driveways had been moved from Wilson Road to Forest Oaks Lane as originally shown on the plans. Matt Lowder replied that during TRC review, it was suggested to move the driveways to Forest Oaks Lane which made more sense with the traffic pattern. Keith Hoover also asked about the stub being continued on Wilson Road. Matt Lowder replied that the developer would construct Wilson Road to the NCDOT stub, which provides an additional connection to Mebane Oaks Road.

Keith Hoover wanted to clarify that the stormwater pond was still going to remain. Matt Lowder replied that it would basically remain but would be elongated and enlarged to create the 100-year retention pond as requested by the TRC.

Tom Boney Jr. asked what the timeframe was for constructing the Tractor Supply. Mark Tiller replied that they were hoping to start in late Spring with Council approval and TRC approval.

Chairman Tulauskas opened the floor for public comments.

Jared Schumann of 3987 Forest Oaks Lane stated that he had conducted research in 2014 when he first purchased his property that the stormwater pond was not to be enlarged, but the proposed site plan showed the tree line being removed. He expressed concern that his property value would decrease when Tractor Supply was constructed since the second driveway was only about 100 feet from his driveway. He also asked when the Tractor Supply was planned to be finished. Mark Tiller replied that they were looking at construction being completed by the end of the year.

Jared Schumann also asked if the power line would be fixed since it was currently entangled in trees. He indicated he was originally planning to have some of those trees cut back to improve the situation. Susan Semonite asked why he was personally fixing it. Mr. Schumann replied that Duke had told him that they would not clear the trees. Mr. Schumann believed was one tree away from having a power outage. He asked if the landscaping proposed would be removing trees. Mark Tiller replied the intent was to keep as much existing vegetation as possible. Mr. Tiller also remarked that usually Duke is receptive to clearing power lines and he would be open to calling Duke himself to see if they would clear the power line.

Susan Semonite asked if the planned buffer included existing trees. Matt Lowder replied the plan is to keep approximately twenty feet of buffer of existing vegetation and add additional landscaping to meet the 50-foot buffer requirements.



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Mary McFarland asked if the new Tractor Supply would have a dog washing station. Mark Tiller responded that it was slated to have one. Ms. McFarland also commented that 89 parking spaces was a lot for a Tractor Supply store and asked about UDO requirements. Ashley Ownbey replied the development was meeting requirements for retail sale of bulky items and considering both indoor and outdoor retail space.

Kurt Pearson made a motion to approve the B-2 (CD) zoning request from Hendon Properties, LLC as follows:

*Motion to approve the B-2 (CD) zoning as presented; and
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 specifically for the property being within the City's G-4 Secondary Growth Area generally commercial in nature (Mebane CLP, p.66).*

David Scott seconded the motion, which passed unanimously.

7. New Business

Ashley Ownbey updated the Planning Board of ways to provide input for the US 70 multi-modal corridor study.

8. Adjournment

Chairman Tulauskas adjourned the meeting at approximately 8:12 p.m.