



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=TpqAZWK7Tx0>.

Members Present:

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

Members Absent:

Edward Tulauskas, Chair

City Staff Present:

Ashley Ownbey, Development Director
Briana Perkins, City Planner
Chad Cross, IT Specialist

1. Call to Order

At 6:30 p.m. Vice-Chair Taylor called the meeting to order.

2. Approval of July 17, 2023, Meeting Minutes

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

3. City Council Actions Update

Ashley Ownbey informed the Board that the City Council had approved the rezoning request for Evolve at Mebane Oaks, which was revised after Planning Board. Revisions included: a reduction from 320 apartments to 294; the loss of one single-family lot; the addition of a pocket park with a playground, pickle ball court, pavilion, walking trails, cornhole, and community garden; payment in lieu of outstanding public recreation space; and the loss of a connection to the Arbor Creek subdivision.

4. Request to rezone four properties totaling +/- 27.16 acres located along Mebane Oaks Road and Old Hillsborough Road (GPINs: 9824112921, 9824123324, 9824120532, and 9824124332), from R-20 and B-2 to R-8 (CD) and B-2 (CD) for a development consisting of five commercial parcels and 90 townhomes by Deep River Partners.

Deep River Partners is requesting to rezone four properties totaling +/- 27.16 acres located along Mebane Oaks Road and Old Hillsborough Road (GPINs: 9824112921, 9824123324, 9824120532, and 9824124332), from R-20 and B-2 to R-8 (CD) and B-2 (CD) for a development consisting of five commercial parcels and 90 townhomes. The property is in Alamance County in Mebane's Extra - Territorial Jurisdiction (ETJ) and requires a petition for annexation before connecting to City utilities.



The current use of the property is single-family residential, forested, and vacant. The surrounding uses include the Mebane Fire Station 3, churches, commercial, single-family residential, and The Meadows subdivision. According to the City of Mebane's Comprehensive Land Development Plan, *Mebane by Design*, the property is in the Secondary Growth Strategy Area and Jones Drive and South Mebane Oaks Residential Growth Area, which supports a mix of residential and light commercial uses. The applicant proposed the following conditions as part of the conditional rezoning request:

Requested Conditions

- Minimum 30-foot building separation between townhome buildings, with no side yards.
- An alternative landscaping plan.
- Provide +/- 1.06 acres of private recreation and request to consider townhome backyards to reach the required 2.07 acres.
- Provide a payment in lieu of public recreation to be used for off-site pedestrian improvements.
- Provide commercial lots with driveway access from Wilson Road, cross-access between the lots, and a restriction of commercial uses.
- Provide multi-modal improvements with a 5-foot sidewalk along Mebane Oaks Road and a 10-foot multi-use path along Old Hillsborough Road.

The Technical Review Committee (TRC) reviewed the site plan six times, and the applicant revised the plan to reflect the comments.

The site-specific plan and staff report are provided in the meeting agenda packet available [here](#).

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

Tom Boney Jr. asked for the amount of the payment in lieu for public recreation. Ashley Ownbey replied the payment was over \$135,000. Mr. Boney asked what the calculation was to determine the amount. Ms. Ownbey replied that the calculation was based on the current assessed value of the land.

Mike Fix, attorney with Tuggle Duggins and representing Deep River Partners, introduced Steen Spove and Brian Pierce with Deep River Partners, Andrew Christ the civil engineer, and Dionne



Brown the traffic engineer. He highlighted that the site is a mixed-use development with commercial uses along Mebane Oaks Road. He stated that the commercial parcels would be accessed internally via Wilson Road, lessening the impact on Mebane Oaks Road. He said the commercial is complemented by the moderate density residential development of the townhomes which are in high demand. Mr. Fox explained that the site had challenges with wetlands on the back portion of the site and many of the proposed conditions of the site came from the constraints of the property. He also provided that there would be sidewalks throughout the development creating walkability and a 10' wide multi-use path. Mr. Fox reported that Deep River Partners held a neighborhood meeting on August 30, 2023, with about 21 invitations distributed. He said that they had five responses to the invitation and two neighbors who attended the meeting.

Brian Pierce, with Deep River Partners, provided background of Deep River Partners. Mr. Pierce explained that they plan to leverage some of the business connections to attract development to Mebane. He reviewed his experience with residential developments, including one in Swepsonville called Autumn Trace. He remarked that the townhome development was a good transition from the existing residential to the commercial uses on Mebane Oaks Road.

Mike Fox explained some of the constraints of the development and the construction of a portion of Wilson Road. Mr. Fox described how the developers worked closely with NCDOT to consider pedestrian and traffic safety. He explained the market for townhome units and commented on coordination with City staff on the private recreation component. Mr. Fox reviewed that the developer is committed to assisting with flood prevention, stream preservation, and wildlife management as possible, which were concerns of neighbors. He presented townhome inspirations, noting that an exact design had not been decided, and offered the following architectural commitments: façade elevations featuring 25% or more brick or stone; slab on grade construction; single-car garages; 30-year architectural shingles; projected eaves; minimum 1,400 square feet; where vinyl siding is used, differentiation and variety of textures and muted colors.

Tom Boney Jr. asked staff if there was any precedent on using the backyard as part of the private recreation area. Ashley Ownbey responded that the Mebane Unified Development Ordinance (UDO) requires private recreation when the dwelling unit is for rent, and this is one of the first projects staff have encountered with rental townhome units. A prior project proposed in August of 2020 included townhomes for rent, but she was uncertain of the private recreation commitments. Ms. Ownbey explained that this development and others have caused staff to take a closer look at recreation requirements and more research will likely follow.

Don Windsor, 4253 Old Hillsborough Road, asked about the new Wilson Road. Brian Pierce explained that their development would be building another portion of the current Wilson Road. Judy Taylor commented that there was already a portion built behind Wendy's and Chick-fil-A and it would eventually be extended all the way down to Old Hillsborough Road as shown on the Mebane Oaks



Road Small Area Plan. Brian Pierce said that they would have entrances to both Old Hillsborough and Mebane Oaks Road with the Wilson Road eventually being connected all the way to Old Hillsborough.

Don Windsor asked if the bridge on Old Hillsborough would be addressed with the development since it seemed unsafe for heavy truck travel. Mike Fox replied that the NCDOT had only required improvements in the scope of their development and the NCDOT had the bridge improvements on their schedule. Judy Taylor commented that the bridge improvements were not part of the Deep River traffic impact analysis, and the neighbors could present concerns about the bridge to the NCDOT.

Don Windsor then asked if the developer was filling in the floodplain. Brian Pierce replied that a flood study would have to be done and FEMA permits applied for, but they were only impacting a small percentage of the floodplain. Don Windsor asked if it was legal to fill in a floodplain. Brian Pierce replied that they would have to go through the State and proper channels before they could develop.

Robert Workman, 4129 Old Hillsborough Road, asked if the new turn lanes will be on the north end of Old Hillsborough Road or if they were extending the whole road. Brian Pierce responded that he could not fully answer at this time since the design was not complete and Deep River had committed to a turn lane on Old Hillsborough Road. Mr. Workman expanded upon his concerns with additional widening of Old Hillsborough Road.

Don Windsor commented on the commercial building on the corner of Old Hillsborough Road and Mebane Oaks Road, which is owned by his uncle. He noted that if the road is widened on the left side of the road, then the building would lose parking space completely. Mike Fox responded that the development could not take land on the other side of the road and would only follow what the NCDOT required for their development. He said the NCDOT might acquire right-of-way for improvements.

David Scott asked what the estimated rental rates were for the townhomes. Brian Pierce replied that the rates had not been determined. Mr. Scott asked how many bedrooms per unit and if there would be any bedrooms on the lower level. Mr. Pierce replied that all units would have three bedrooms that are upstairs. He said that he would love bedrooms downstairs, but with the constraints of the topography, they were limited in width allowance.

Colin Canell asked to clarify where the backyards were on the site plans. Brian Pierce replied that on the site plan the unit was the shaded area, and the dotted box was the backyard area. Mr. Canell asked if the yards would be separated in any way. Brian Pierce replied that there would be a partition between backyards. The yards would not be enclosed in order to allow for maintenance. Mr. Canell



commented that he had lived in similar townhomes and felt that the natural inclination of renters would be that they would get quiet enjoyment in the partitioned yard. He said that it seemed there was a discrepancy between what would be perceived as their private recreation area and what the UDO was describing as a shared recreation area. Judy Taylor commented that staff had alluded to that discrepancy earlier with the rental townhome development being new to Mebane and how recreation for this type of development differs from what is defined in the UDO, typically for apartments. Mike Fox added that it would be clearly defined in the lease what a renter's area would be.

Colin Canell asked for clarification on what Deep River's plans were for the floodplain since it looked like units 3,4,5, and 6 were within the 100-year floodplain. Andrew Christ, civil engineer for the project, replied that there was a procedure to fill in the floodplain and the slabs of the units would be approximately 20 feet higher than the stream. Mr. Canell asked if that meant that these units would not be required to have flood insurance. Mr. Christ replied that the units would not need flood insurance since the floodplain line would be moved away from the units.

Susan Semonite asked about the commercial properties and if some of the uses would be able to fit on the proposed lots with parking requirements. Brian Pierce replied that as retailers are identified, site plans will be generated and some of the internal lines may have to be adjusted to accommodate requirements. He said moving the internal lines would not affect any of the land use and staff would have to approve those changes. Ms. Semonite explained that she wanted to ask since most of the proposed conditions seemed to be about the constraints of the property and she wanted to make sure that users would not propose more exceptions. Mike Fox replied that most of the proposed exceptions were for the exterior of the lot and that the topography of the site provided most of the development constraints. He said there was a clear transition between the residential and commercial uses with Wilson Road.

Judy Taylor asked about the amount of parking provided since there was minimal overflow parking shown. Brian Pierce replied that there would be a single-car garage with a driveway that could fit one or two cars. Ashley Ownbey stated that there were 47 overflow parking spaces shown on the site plan and the development met parking requirements. Mr. Pierce commented that extra spaces were provided to keep cars off the street.

Tom Boney, Jr. asked if Deep River Partners had any commercial commitments yet. Brian Pierce responded that there had been expressed interest, but the project was premature in the process for any commercial commitments to be made.

Colin Canell discussed some of his concerns with the private recreation including the backyards and suggested the requirement could be met by removing units 23-25. Ashley Ownbey said the intent of the UDO requirement was to address dwelling units that lacked a backyard. She added that the



request was for a conditional zoning district, which allows applicants to craft conditions specific to their project. She clarified that the backyards would be private and a walking trail is shown to access other recreation areas.

David Scott made a motion to approve the *R-8 (CD) and B-2 (CD)* zoning request from Deep River Partners as follows:

Motion to approve the R-8 (CD) and B-2 (CD) zoning as presented.

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, the request:

- *Is for properties within the City's G-4, Secondary Growth Area and G-2, Jones Drive and South Mebane Oaks Road Residential Growth Area and proposes a mix of residential and light commercial uses (Mebane CLP, p. 78).*
- *Encourage a variety of uses in growth strategy areas and in the downtown, promote/encourage a village concept that supports compact and walkable environments, consistent with Growth Management Goal 1.1 (Mebane CLP, p. 17 & 82)*
- *Allows for more commercial development to be pedestrian-friendly supporting walking between different land uses, consistent with Growth Management Goal 1.6 (Mebane CLP, p. 17 & 84)*
- *Improves safety and pedestrian access across major streets such as Mebane Oaks Road, consistent with Public Facilities and Infrastructure Goal 2.1 (Mebane CLP, p. 17 & 84)*

William Chapman seconded the motion. There was a 4-4 vote, with Keith Hoover, Colin Canell, Susan Semonite, and Gale Pettiford in opposition.

David Scott asked why those voting against the motion were concerned. Gale Pettiford described her concerns about the private recreation space.

David Scott provided an example of the a townhome unit he owns in Hawfields Crossing, which is owner-occupied and has a similar setup with backyards owned and maintained by the HOA and separated by a partition. He shared there will likely be restrictions with the proposed development about what can be placed in the backyards to allow for proper maintenance by property management and landscaping. Keith Hoover asked to change his vote considering the new information.

Vice-Chair Taylor called for a new vote to be taken. Kurt Pearson asked if as acting Chair, if the Vice-Chair had a vote. Ashley Ownbey replied that the first motion died, and a new motion would be considered. Tom Boney Jr. asked for clarification on whether the Chairman or Vice-Chairman of the Planning Board could vote, citing that only Mayor is a non-voting member. Ashley Ownbey replied



Mr. Boney is correct and that all Planning Board members, including the Chair, are required to vote.

David Scott made a motion to approve as presented previously. William Chapman seconded the motion, which passed by a vote of 6-2. Susan Semonite and Gale Pettiford voted in opposition.

Vice-Chair Taylor noted that the request will go to the City Council on October 2, 2023, at 6 p.m.

5. New Business

Ashley Ownbey commented that staff had included markup to the “Bylaws and Rules of Procedure” in the Planning Board packet. She requested members of the Planning Board provide comments to staff by Friday, September 29. Staff will compile the comments and discussion will occur at the October meeting of the Planning Board. After the October meeting, staff will discuss the proposed changes with the City Attorney and a final document will be presented at a later meeting.

Kurt Pearson asked what type of comments staff expected. Ashley Ownbey explained the document is outdated and this update allows the Planning Board the opportunity to comment on any changes to meeting procedures. She said staff could provide rules of procedure from other communities.

Judy Taylor asked if it was possible to request developers provide meeting notes from their neighborhood meetings. Ashley Ownbey responded that the UDO does allow Planning Board to make this request.

6. Adjournment

Vice -Chair Taylor adjourned the meeting at approximately 7:34 p.m.