



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=FL5rVwyo38>.

Members Present:

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

City Staff Present:

Ashley Ownbey, Development Director	Franz Holt, City Engineer
Briana Perkins, City Planner	Cliff Ayscue, Inspections Director
Rachel Gaffney, City Planner	Chuck Smith, Public Works Director
Kirk Montgomery, IT Director	Kyle Smith, Utilities Director
Preston Mitchell, Assistant City Manager	Dennis Hodge, Water Resources Director
Lawson Brown, City Attorney	John Dodson, Water Resources Director

1. Call to Order

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

2. Approval of October 9, 2023, Meeting Minutes

Judy Taylor 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 unanimously approved the special use permit for a concrete plant on Mattress Factory Road and the conditional rezoning for a rail transload facility at the North Carolina Industrial Center.

4. Request to rezone six (6) properties totaling +/- 40.69 acres and located at 635 Corregidor Street, 636 Corregidor Street, and five unaddressed properties (GPINs 9815517346 (portion), 9815417138, 9815417249, 9815417653, 9815417854, and 9815414381) from R-20 to LM by the City of Mebane.

AND



5. Request for a Special Use Permit to allow for a Water Resource Recovery Facility on five (5) properties totaling +/- 23.35 acres and located at 635 Corregidor Street and four unaddressed properties (GPINs 9815517346 (portion), 9815417138, 9815417249, 9815417653, and 9815414381) by the City of Mebane.

The City of Mebane is requesting approval to rezone six (6) properties totaling +/- 40.69 acres and located at 635 Corregidor Street, 636 Corregidor Street, and five unaddressed properties (GPINs 9815517346 (portion), 9815417138, 9815417249, 9815417653, 9815417854, and 9815414381) from R-20 (Residential District) to LM (Light Manufacturing). The Mebane Public Works Complex and the Water Resource Recovery Facility are located on the larger property and are nonconforming uses in the current zoning district. The City of Mebane is also requesting approval for a Special Use Permit to allow for a Water Resource Recovery Facility on five (5) properties totaling +/- 23.35 acres and located at 635 Corregidor Street and four unaddressed properties. There is an existing Water Resource Recovery Facility on the subject property that was developed prior to the adoption of the current development ordinance. Approval of the special use permit request will allow for an expansion of the facility that will improve the City's ability to provide wastewater services.

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

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

Franz Holt, City of Mebane Engineer, provided a detailed history of the current site and the general rezoning request to LM, Light Manufacturing. The rezoning request includes no waivers or conditions. He explained that the rezoning would correct a historic non-conforming use, meeting current UDO requirements, and being consistent with all other adopted Planning Documents.

Franz Holt stated that for the expansion of the site, a preliminary report was completed in 2009 that showed an expansion of the wastewater treatment plant was necessary based on growth projections for Mebane. He also provided that the information from the report was incorporated into the City of Mebane's Long Range Utility Plan created in 2016 and necessary renovations outlined in the plan for the existing site were completed this year in October.

Doug Chapman, McGill & Associates, provided that within the last 10-20 years 2,500 jobs have been created through the several industrial companies operating in Mebane. He explained that the City planned for a balanced growth directed by several policies and plans such as the Comprehensive Land Development Plan, Long Range Utility Plan, "paper" flow policy, and the Unified Development Ordinance (UDO). He explained the "paper" flow policy that requires phasing of residential development to manage wastewater flow in a controlled manner.



Doug Chapman went on to provide that the State provides guidelines on how much flow to allocate for a house, restaurants, and other businesses, but large-scale projects were measured per capita. He stated that the expansion required going through the State to modify the discharge permit. He explained that the State required an alternative analysis looking at other options for the expansion. He said the first step was to consider connection to existing public sewer systems in which Mebane may connect to Graham or Burlington. Neither system had the capacity to carry Mebane. He said that there was the idea of land application to direct the wastewater to, public access reuse, and expanding surface discharge to Moadams Creek. He also explained that there were several pump stations around Mebane that could be upgraded for higher capacities pumping to the Water Resource Recovery Facility (WRRF) so continuing with the existing site was easier than relocating all the current force mains to a new location.

Doug Chapman then showed the expansion of the site showing the new facilities and explained that some of the old facilities would still be used since they had been recently updated. He explained the processes required to meet Jordan Lake Rules by maintaining the maximum daily load in pounds of nitrogen and phosphorus. He also provided that the new expansion would be using the existing pipe that discharges into Moadams Creek.

Doug Chapman presented the four findings of fact for the Special Use Permit.

- 1) The project would not materially endanger the public health or safety.
 - Doug Chapman explained the new renovations to the old plant and the new operations of the expansion would reduce the odor compared to older equipment. He then reviewed noise associated with the operations and explained how noise pollution would also be reduced from the previous operations with the renovations and newer technology for the expansion. He said that the new facilities would improve treatment to meet new discharge permit requirements of the State. He also said that the new site would be in compliance with the current stormwater requirements and that the site would be secured with fencing for safety.
- 2) The project would not substantially injure the value of adjoining or abutting property.
 - Tom Taylor, an appraiser from Taylor and Associates, said he had researched similar situations throughout the State as well as areas located near landfills that may have more odor or noise. He presented that he found that as long as the site was properly secured and buffered, the use did not diminish property values in the area. He stated that the proposal would not substantially injure the value of adjoining or abutting property.
- 3) The project would be in harmony with the area in which it is to be located.
 - Doug Chapman explained that there was a wastewater facility already in operation on the site, buffers abutting residential property would be maintained, there was similar



zoning within the area to promote the use type, and most of the abutting property to the north and south were already owned by the City.

- 4) The project would be in general conformity with the land use plan or other plans and policies officially adopted by the City Council.
 - Doug Chapman provided that the UDO, Comprehensive Land Development Plan, Long Range Utility Plan, and the “paper” flow policy were all considered in the design of the expansion. He stated that the new expansion would be in compliance with all of the plans and policies listed.

Doug Chapman said that a neighborhood meeting had been held on Wednesday, November 1, 2023, at 6:00 p.m. He said that out of the 86 property owners within a 300-foot radius of the site, eight community members attended the meeting. He said that some of the questions mentioned in the meeting included concerns about what impact there would be on local streets, construction impacts with more wastewater going to the plant, noise impacts, and an increase in odors which they had addressed at the meeting.

Susan Semonite asked if the creek could accommodate the increase in discharge from the facility. Franz Holt responded that the current pipe size would not change, and the base flow for the creek with the measurement of millions of gallons divided into cubic feet per second the creek would still be able to handle the flow.

Colin Cannell asked why the zoning had not been done before now for the existing wastewater facility. Franz Holt said that he was unsure as to why the property had not been rezoned previously. He said that since they were adding property for the expansion now, the City wanted to make sure that the zoning would be compliant.

Colin Cannell asked about the linear growth model. Franz Holt said that when creating the Long-Range Utility Plan, they found the future growth to be more parabolic in nature. He said that the City in response to that projection, started considering the impact of 500 building permits per year. He said that last year there were less than 300 permits issued, and this year there would be around 300. Franz Holt said that although several projects have been preliminarily approved, that most would be about a 10-year build-out. He said that the linear growth projection was based on all the limiting factors of policies and plans that the City had put in place for balanced growth.

Colin Cannell asked about the water capacity for the City based on the growth. Franz Holt responded that the water treatment plant had a 6 million gallons per day capacity as opposed to the current wastewater facility with only a 2.5 million gallons per day capacity.

Janet Foust, 530 Smith Drive, asked if there was anything else planned about the smell. She stated that currently the odor from the plant was coming in her house and she was concerned about the possible additional smell from the expansion.



Franz Holt responded that the current facility had just been renovated with new diffusers that have significantly reduced the odor nuisance and the expansion would incorporate the new technology to minimize odor impacts.

Kurt Pearson asked about how long ago the recent upgrade was completed. Dennis Hodge, Water Resources Director, replied that the upgrades were completed about the second week of October which would be about a month ago. Kurt Pearson also asked if there was any scientific test that could measure the odor. Franz Holt replied that he was not aware of one and relied on the “nose” test.

William Chapman asked if there was a way to go to some of the neighbor’s homes to check on the odor impact. Franz Holt responded that he would be happy to visit with the neighbors.

Kurt Pearson commented about his experience living in the Brookhollow neighborhood, noting he had experienced the odor in the past, but had not noticed it more recently.

Jolie Ann Foust, from Greensboro, commented that her family owns land in the area and asked if there were any other odor tests that were done for the neighbors on Smith Drive. Franz Holt responded that there might be tests the State does when they process the permit for the expansion but he was not aware of any scientific test to measure odor. He expressed again that he was willing to visit the neighbor’s home to do a “nose” test and that most of the employees who worked at or near the plant have noticed a significant improvement in order since renovations have been completed.

David Scott made a motion to approve the general rezoning as follows:

Motion to approve the LM 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 a property within the City’s G-4 Secondary Growth Area and partly within the City’s G-1, Mixed Use Growth Area (NC-119 Bypass and US-70) and is generally industrial in nature (Mebane CLP, p. 66;70).*

Kurt Pearson seconded the motion, which passed unanimously.

Judy Taylor made a motion to approve the Special Use Permit as follows:

Motion to approve the Special Use Permit as presented.

Motion to find that the application is consistent with the objectives and policies for growth and development in the City’s 2017 Comprehensive Land Development Plan Mebane By Design, Long Range Utility Plan, or other plans officially adopted by the City Council. It is both reasonable and in the public interest because it has been found that the request:

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

Kurt Pearson seconded the motion, which passed unanimously.



Chair Tulauskas noted that the requests will go to the City Council on December 4, 2023, at 6:00 p.m.

6. Text Amendment to Section 5-3 of the Mebane Unified Development Ordinance

Ashley Ownbey presented a mandatory amendment to Unified Development Ordinance, Article 5, Section 5-3 required by passage of Session Law 2023-108 (House Bill 488) that limits the bond amount for maintenance of stormwater devices to ten percent of the final construction costs and allows an owner or developer five years from the date of the final construction approval, within which to deposit the same in a segregated account held by the owner/developer, as opposed to the City.

Colin Cannell asked how often the City had used the bonds. Ashley Ownbey replied that she was not sure about in the past, but since she had been hired three years ago, the City had not utilized any bonds for stormwater maintenance.

Kurt Pearson asked if there was anything else the Board needed to know about the amendment. Ashley Ownbey replied that it was a mandatory amendment from the General Assembly.

A motion was made by David Scott to amend the City of Mebane Unified Development Ordinance as presented. Kurt Pearson seconded the motion, which passed unanimously.

Chair Tulauskas noted that the text amendment will go to the City Council on December 4, 2023, at 6:00 pm.

7. Updates to the Bylaws and Rules of Procedure of the Mebane Planning Board

Ashley Ownbey presented that there was a Board member who had suggested some revisions to the proposal included in the agenda packet. She reviewed the suggested revisions.

Revision #1 – Section 2 (Officers)

A staff member of the City's Planning Department shall serve as the Secretary. The Secretary shall keep full and accurate minutes of the board's proceedings.

Colin Cannell asked why this statement was vague as to who would appoint the Secretary. Ashley Ownbey replied that she preferred to keep the statement vague to maintain flexibility as to who from the Planning Department may serve in the role.

Revision #2 – Section 3 (Meetings)

The board shall hold regular meetings on the second Monday of each month; provided, however, the meeting date shall not conflict with a meeting of the Mebane City Council nor a legal holiday. When a scheduling conflict occurs, the regular meeting shall be held at the same time on the next Monday. The meeting shall be held in the Glendel Stephenson Municipal



Building and begin at 6:30 p.m., unless proper notice is given of a change in location or meeting time.

Revision #3 – Section 3 (Meetings)

As required by the Mebane Unified Development Ordinance, a quorum shall consist of a majority of the board's actual membership, excluding vacant seats, and is necessary for the board to take official action. A voting member who has withdrawn from a meeting without being recused by a majority vote of the remaining voting members present shall be counted as present for purposes of determining whether or not a quorum is present.

Judy Taylor asked why Section 4, Conduct of Meetings, (8) To defer Consideration had a specific limit of thirty days. Ashley Ownbey replied that General Statute allows a request to continue to the City Council without a recommendation from the Planning Board if a decision is not made within thirty days.

Revision #4 – Section 3 (Meetings)

The board is a public body and shall meet in accordance with the North Carolina Open Meetings Law [[hyperlinked](#)] and any other laws established by the State of North Carolina governing the conduct of meetings by public bodies.

Ashley Ownbey explained that a hyperlink to the North Carolina Open Meetings Law would be added since the document would be posted on the City's website. She also explained that reference to the link would be written out for any printed versions.

Kurt Pearson asked if the Planning Board term length was removed. Ashley Ownbey replied that the section had been removed.

A motion was made by David Scott to approve the Bylaws and Rules of Procedure of the Mebane Planning Board as presented with the proposed revisions.

Kurt Pearson seconded the motion, which passed unanimously.

8. Proposed 2024 Regular Meeting Calendar

Ashley Ownbey presented the regular meeting schedule for 2024, with a change from the calendar in the packet to hold the November meeting on the 18th instead of the 11th due to the Veterans Day holiday. She also explained that staff had recommended January 22, 2024, since the City Council would be moving their meeting to January 8 due to New Years Day and the following Monday would be the Martin Luther King Jr. holiday.

Kirk Montgomery also informed the Board that due to renovations within the chambers, the Planning Board meetings for January and February are likely to be held in a different location.

Colin Cannell suggested changing the January date since the 22nd would be too close to the February meeting date.



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November 13, 2023, 6:30 p.m.

Susan Semonite suggested Tuesday, January 16, 2024. The Board unanimously approved holding the January meeting on the 16th as proposed.

Kurt Pearson asked about the status of Buc-ee's. Ashley Ownbey replied that the project was still in the Technical Review Committee (TRC) process. Kurt Pearson also asked when Buc-ee's will be on the Planning Board agenda. Ashley Ownbey responded that she would not know definitively until after the TRC meeting on November 14. She noted there is a chance of Buc-ee's being on the December 11, 2023, agenda of the Planning Board.

9. New Business

Ashley Ownbey informed the Board of a US 70 Multi-Modal Corridor Study Community Meeting on Sunday, November 19 at 2:00 p.m. at City Hall. She also reminded the Board that the City offices would be closed on Thursday, November 23 and Friday, November 24 in observance of Thanksgiving.

10. Adjournment

Chair Tulauskas adjourned the meeting at approximately 7:39 p.m.

