



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-134

Agenda Date: 4/20/2023

File Type: Agendas

In Control: Town Council

Version: 1

Joint Planning Public Hearing with Orange County Board of Commissioners, Chapel Hill Town Council and Carrboro Town Council.

The entire agenda packet for this Joint Planning Public Hearing can be found at this link:

https://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/_04202023-1747

The entire agenda packet is also included as an attachment to this file as Attachment A.

For a link to each agenda item as a separate file, please use this link:

<http://server3.co.orange.nc.us:8088/WebLink/0/fol/69780/Row1.aspx>

**ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
CARRBORO TOWN COUNCIL**

**JOINT PLANNING PUBLIC HEARING and
ORANGE COUNTY PUBLIC HEARING
April 20, 2023
7:00 P.M.
Donna S. Baker Meeting Room
Whitted Building
300 West Tryon Street
Hillsborough, NC 27278**

**NOTE: Information is available on-line
at the “BOCC Agendas” link at:
<http://www.orangecountync.gov/>
and also in the Orange County
Planning Department or the County
Clerk’s Office**

Compliance with the “Americans with Disabilities Act” - Interpreter services and/or special sound equipment are available on request. Call the County Clerk’s Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager’s Office at (919) 245-2300 or TDD# 919-644-3045.

A. OPENING REMARKS FROM THE CHAIR AND MAYORS

B. PUBLIC CHARGE

The Board and Councils pledge their respect to all present. The Board and Councils ask those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, staff and the elected officials. At any time should a member of the Board, Councils, or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The Board and Councils ask that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

C. JOINT PUBLIC HEARING

- 1. Amendment to the Joint Planning Land Use Plan (JPLUP)** – Amend the JPLUP to apply a Land Use classification to a portion of a parcel that was annexed into Orange County from Chatham County in 2021. The annexed portion is 4.66 acres in size; the full parcel is 8.14 acres. The requested Land Use classification is Rural Buffer. The parcel’s address is 2106 Mount Carmel Church Road in the Chapel Hill Township (PIN 9796-29-3144).

D. ADJOURNMENT OF JOINT PUBLIC HEARING

5 Minute break to allow for departure of Town Councilors

E. ORANGE COUNTY PUBLIC HEARING

- 1. Amendments to the Orange County Comprehensive Plan Future Land Use Map (FLUM) and the Orange County Zoning Atlas** – Amend the FLUM and Zoning Atlas to apply a Land Use classification and Zoning District to a portion of a parcel that was annexed into Orange County from Chatham County in 2021. The annexed portion is 4.66 acres in size; the full parcel is 8.14 acres. The requested Land Use classification is Rural Buffer and the requested Zoning district is RB (Rural Buffer). The parcel's address is 2106 Mount Carmel Church Road in the Chapel Hill Township (PIN 9796-29-3144).

F. ADJOURNMENT OF ORANGE COUNTY PUBLIC HEARING

**ORANGE COUNTY BOARD OF COMMISSIONERS
TOWN OF CHAPEL HILL COUNCIL
TOWN OF CARRBORO COUNCIL
JOINT PLANNING AREA (JPA) JOINT PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT
Meeting Date: April 20, 2023**

**Action Agenda
Item No. C.1**

SUBJECT: Amendments to the Joint Planning Land Use Plan – 2106 Mount Carmel Church Road within the Chapel Hill Township

DEPARTMENT: Planning and Inspections

ATTACHMENTS:

1. Application for Related County Future Land Use Map Amendment and Zoning Atlas Amendment (**available at link below**)
2. Staff Report for Related Orange County Future Land Use Map and Zoning Atlas Amendments
3. Draft Resolution to Amend the Joint Planning Land Use Plan

INFORMATION CONTACT:

Perdita Holtz, Deputy Director – Long-Range Planning & Administration, Orange County, (919) 245-2578
Cy Stober, Planning Director, Orange County, (919) 245-2592
Judy Johnson, Assistant Planning Director, Town of Chapel Hill, (919) 969-5078
Trish McGuire, Planning Director, Town of Carrboro, (919) 918-7327

Link to Application (Attachment 1):

<https://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/03082023-1719>

PURPOSE: To receive public comment on a proposed amendment to the Joint Planning Land Use Plan to apply the Rural Buffer Land Use designation and assign the “Chapel Hill Joint Development Review Area” (CHJDA) designation to a portion of a parcel (4.66 acres of an 8.14 acre parcel) that was annexed into Orange County from Chatham County in 2021. The parcel is located at 2106 Mount Carmel Church Road (PIN: 9796-29-3144), within the Chapel Hill Township of Orange County.

BACKGROUND: In January 2023, Orange County received applications (Attachment 1) to amend the County’s Comprehensive Plan’s Future Land Use Map and Zoning Atlas to apply Orange County designations to 4.66 acres of an 8.14 acre parcel of property that had been annexed into Orange County, from Chatham County, by the North Carolina Legislature in 2021 (see Session Law 2021-67 contained in Attachment 1). The county line had previously split the parcel, and that area already in Orange County is designated as Rural Buffer land use by the Joint Planning Land Use Plan (JPLUP). The Staff Report in Attachment 2, completed for the related Orange County Future Land Use Map and Zoning Atlas amendments, contains additional information, maps, and analysis.

Because this parcel is located within a geographic area subject to the [Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan](#), all three local governments must review and approve amendments to the plan and a joint public hearing of all three elected boards must be held, per Section 2.6(A) of the Joint Planning Agreement (contained in the linked document).

The draft Resolution to Amend the Joint Planning Land Use Plan (Attachment 3) is the resolution and accompanying map each governing board will consider for eventual adoption (see below for expected schedule). The Resolution will be tailored somewhat to match the conventions of each of the three governing boards.

Review Cadence / Schedule of Actions

The Planning Board (or Commission) of each jurisdiction reviews amendments to the JPLUP and makes a recommendation to the governing board (commission or council), following the review cadence of each jurisdiction. In Orange County and Chapel Hill, the Planning Board/Commission reviews projects prior to the formal public hearing. In Carrboro, the Planning Board reviews following the referral of an item by the Town Council. The review cadence for this action is expected to be as follows:

Board	Date / Expected Date
Orange County Planning Board (recommendation)	March 8, 2023 (recommended approval – unanimous)
Chapel Hill Planning Board (recommendation)	March 21, 2023 (recommended approval – unanimous)
Joint Public Hearing (elected boards)	April 20, 2023
Carrboro Planning Board (recommendation)	May 4, 2023
Chapel Hill Council (decision)	May 10, 2023
Carrboro Council (decision)	May 16, 2023
Orange County Board of Commissioners (decision) (last because of related County-only actions)	June 6, 2023

Public Notifications: Notice of the joint public hearing was included in the notice mailed for the related County actions (also being heard on April 20 at a County public hearing; the notification materials are included as an attachment to the materials for the County public hearing item). In accordance with Section 2.8.7 of the County’s Unified Development Ordinance (UDO), notices were mailed via first class mail to property owners within 1,000 ft. of the subject parcel, including those in Chatham County. These notices were mailed on April 5, 2023 – 15 days before the hearing. Staff also posted the subject parcel with a sign on April 6, 2023 – 14 days before the hearing. Additionally, the required legal advertisement was run in two local newspapers on April 5 and 12.

FINANCIAL IMPACT: There is no financial impact in adding recently annexed property to the Joint Planning Land Use Plan.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Planning Staffs recommend:

1. The governing boards receive public comment on the proposed amendment to the Joint Planning Land Use Plan.
2. The governing boards close the public hearing.
3. The Carrboro Town Council refer the matter to its Planning Board for a recommendation.
4. The governing boards consider deciding on the matter in accordance with the Review Cadence / Schedule of Actions detailed above in this abstract.

Staff Report

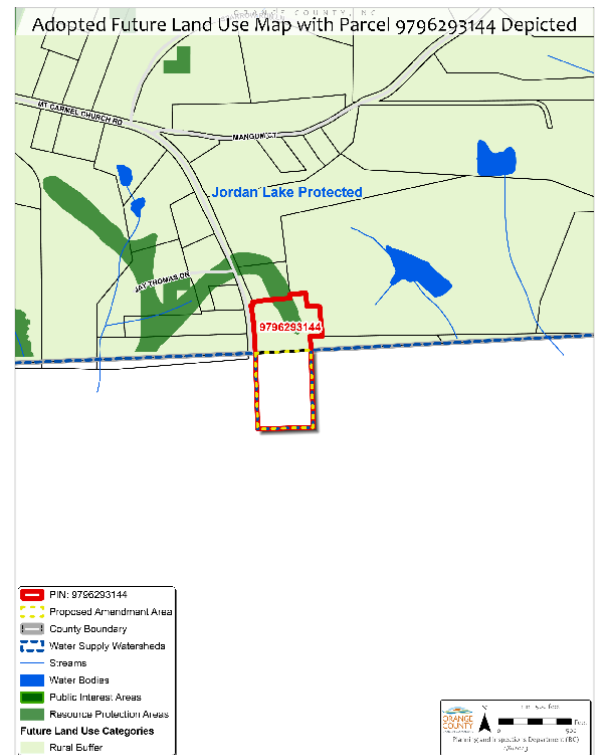
Zoning Atlas Amendment – Conventional District



Parcel Information

	Parcel Address	2016 Mt. Carmel Church Rd. Chapel Hill 27517
	Parcel Identification Number (PIN)	9796-29-3144
	Applicant Name and Address	Mt. Carmel Baptist Church of Chapel Hill, NC 2016 Mt. Carmel Church Rd. Chapel Hill, NC 27517
	Property Owner Name and Address (if different from Applicant)	Same as Applicant
	Agent(s), if applicable	Charles Gordon Brown Brown & Bunch, PLLC 101 N. Columbia St., Suite 100 Chapel Hill, NC 27514

Parcel Size	4.6623 acres – affected area 8.1353 acres – total parcel
Future Land Use Map (FLUM) Designation	None – newly annexed land from Chatham County. Portion of parcel that has always been within Orange County is designated Rural Buffer
FLUM Overlay(s)	Resource Protection Area (on northern portion of parcel not included in proposed action)
Growth Management System Designation	Rural
Definition of FLUM Designation (from Article 10 of UDO)	No existing designation for subject area. Rural Buffer definition: Designated lands in the Comprehensive Plan that are adjacent to an urban or transition area that is rural in character and which should remain rural and not require urban services.



Zoning Amendment for PIN 9796293144 Legend: - PIN: 9796293144 - Proposed Amendment Area - Streams - Water Bodies - County Boundary - Water Supply Watersheds - Zoning: EC5, RB Scale: 0 to 1.0 Miles North Arrow Orange County, NC Chatham County	Current Zoning District	None – newly annexed land from Chatham County. [Land was zoned “Residential District 1” (R-1) (Chatham County regulations) prior to being annexed into Orange County.]
	Requested Zoning District	RB (Rural Buffer)
	Requested Zoning District Consistent with Appendix F of 2030 Comprehensive Plan	Yes
	Existing Zoning Overlay Districts	None – newly annexed land from Chatham County.
	Amendments Proposed for Overlay Districts (Y/N)	Yes – area will be within the Jordan Lake Protected Watershed Overlay District

Surrounding Land Uses and Zoning

North	Church building is located on the northern portion of the parcel. A single-family residence on a 1.73 acre parcel is located to the north of the Church's parcel. All are zoned RB (Rural Buffer).
South	Multi-story attached residences associated with Carolina Meadows Retirement Community. Chatham County R-1 zoning.
East	Attached residences (quadplexes) associated with Carolina Meadows Retirement Community. Chatham County R-1 zoning.
West	Single-family residences on lots ranging from 1 to 4 acres in size. Chatham County R-1 zoning.

Existing Roads

North	None
South	None
East	None
West	Mt. Carmel Church Rd.



Existing Conditions/Physical Features

The affected portion of the parcel currently supports a large, flat, grassed field that appears to be used for field sports such as soccer; a gravel parking area; a fenced community garden; and a fenced children's playground. These uses occupy most of the affected area.

Public Water and Sewer

The Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) does not designate this area as a Primary Service Area for water and sewer services. As such, private well and septic systems are used in this area.

Review Milestones

Application Submittal Date	January 11, 2023, with clarifying information received January 30, 2023
Orange County Development Advisory Committee (DAC) Review	February 16, 2023
Note: the DAC is a staff/agency committee, established in Section 1.9 of the Unified Development Ordinance.	

Joint Planning Review

The subject parcel is located in a portion of the county included in the [Orange-County – Chapel Hill – Carrboro Joint Planning Land Use Plan](#). All three jurisdictions must approve amendments to the Land Use Map, following a joint public hearing by all three governing bodies. The date for the joint public hearing is still to be determined but is expected to be on either April 20, May 4, or May 30.

Jurisdiction	Anticipated Planning Board Review Date	Anticipated Governing Board Decision Date
Orange County	March 8, 2023	After Joint Public Hearing
Town of Chapel Hill	March 21, 2023	After Joint Public Hearing
Town of Carrboro	After Joint Public Hearing	After Joint Public Hearing

Analysis

Staff Analysis

As required under Section 2.8.5 of the UDO, the Planning Director shall cause an analysis to be made of the application. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of Section 2.8.3 of the UDO;
2. The proposal appears consistent with the various goals outlined within the Orange County Comprehensive Plan concerning development, including:
 - a. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*
 - b. Objective LU-2.1: Maintain the rural, low-density land surrounding Chapel Hill and Carrboro Transition Areas as Rural Buffer land, as designated on the Future Land Use Map. Future consideration should be given to designating Rural Buffer areas around other municipalities where such interest exists.

The proposal is consistent with this goal and objective because it will assign a Zoning district for the first time to property that was annexed into Orange County. The proposed RB (Rural Buffer) Zoning district is consistent with adjacent and nearby properties.

3. The proposal appears consistent with the Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan. Specifically, the Land Use Plan amendment will apply the “Rural Buffer” land use classification to a portion of a parcel that was annexed into Orange County, from Chatham County, in 2021. The Rural Buffer classification is consistent with adjoining and nearby lands in Orange County.

**A RESOLUTION AMENDING
THE ORANGE COUNTY – CHAPEL HILL – CARRBORO
JOINT PLANNING LAND USE PLAN
TO ADD 4.66 ACRES TO THE RURAL BUFFER**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort detailed within the Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan (hereafter 'Joint Planning Land Use Plan'), adopted October 13, 1986, and amended from time to time, and

WHEREAS, on June 30, 2021, North Carolina Session Law 2021-67 annexed 4.66 acres of land from Chatham County into Orange County, and

WHEREAS, a Land Use classification and a Zoning district must be applied to the annexed property by Orange County, and

WHEREAS, the property owner has filed applications to amend the Orange County Comprehensive Plan's Future Land Use Map and the Zoning Atlas to affix the "Rural Buffer" Land use classification and RB (Rural Buffer) zoning district to the property, and

WHEREAS, the annexed property is part of a parcel of land subject to the Joint Planning Land Use Plan and staff has determined that it should be added to said Plan for continuity and regulatory purposes, and

WHEREAS, Section 2.6.A of the Joint Planning Agreement, which is part of the Joint Planning Land Use Plan, requires that amendments to the Joint Planning Area Land Use Map must be adopted by all parties to the Joint Planning Land Use Plan, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan amendment was held on April 20, 2023, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Board of Commissioners of Orange County hereby resolves that the Joint Planning Land Use Plan be amended as shown on the attached page.

BE IT FURTHER RESOLVED THAT the amendment to the Joint Planning Land Use Plan shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this _____ day of _____, 2023.

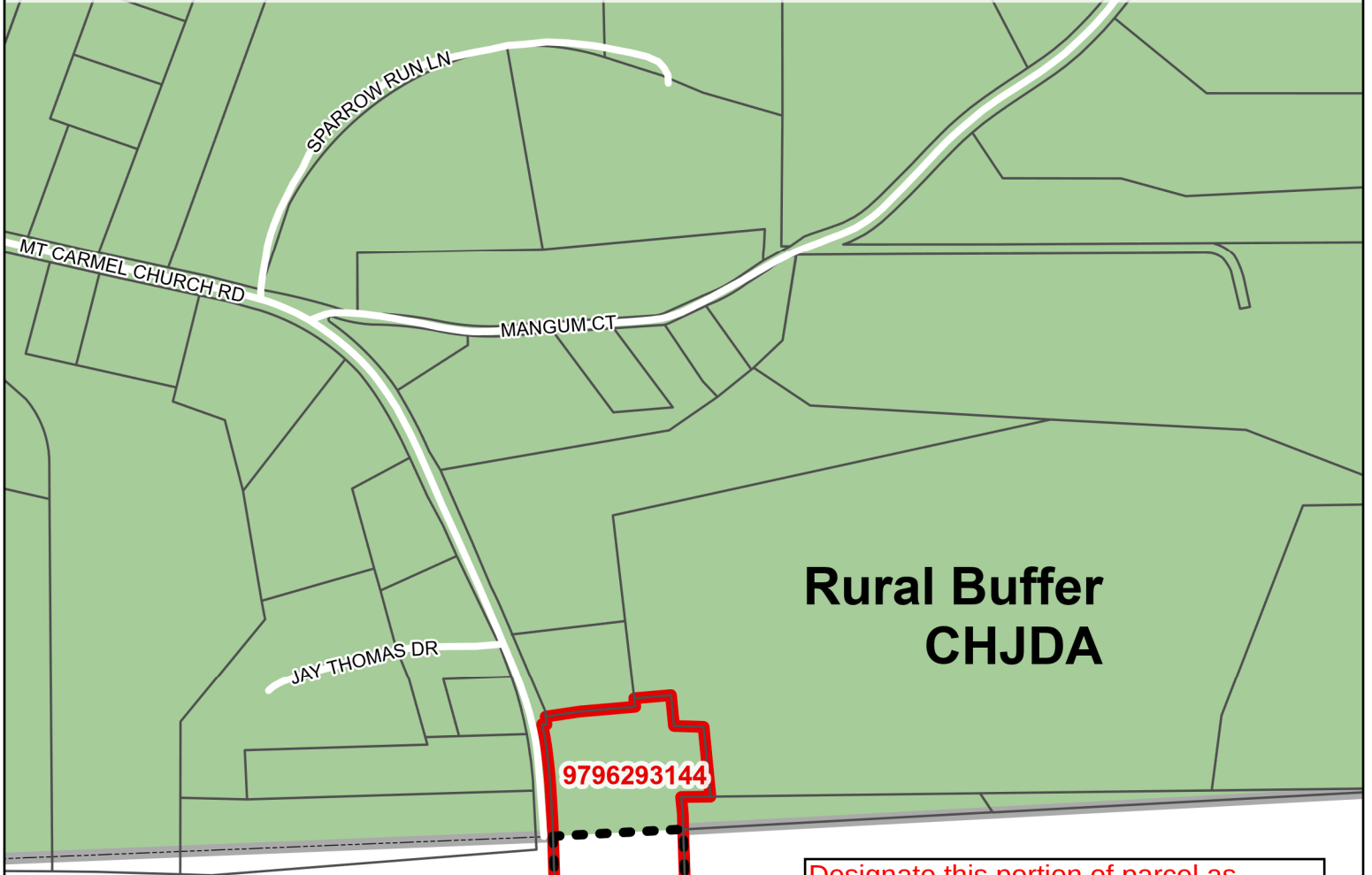
I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2023 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2023.

SEAL

Clerk to the Board of Commissioners

Orange County-Chapel Hill-Carrboro Joint Planning Area¹¹ Proposed Land Use Plan and Joint Review Area Amendments



Designate this portion of parcel as "Rural Buffer."
Also, it will be located in the "Chapel Hill Joint Development Review Area" (CHJDA)

-  PIN: 9796293144
-  Proposed Amendment Area
-  Rural Buffer
-  Orange County Boundary
-  Parcels

ORANGE COUNTY
NORTH CAROLINA

N

1 in = 500 feet

0 500 Feet

Planning and Inspections Department (BC)
2/7/2023