

**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
JOINT PLANNING PUBLIC HEARING  
AND  
ORANGE COUNTY PUBLIC HEARING  
April 20, 2023  
7:00 p.m.**

The Orange County Board of Commissioners met for a joint planning public hearing with the Carrboro Town Council and the Chapel Hill Town Council, followed by an Orange County Public Hearing on Thursday, April 20, 2023 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

**COUNTY COMMISSIONERS PRESENT:** Chair Jamezetta Bedford and Commissioners Amy Fowler, Sally Greene, Jean Hamilton, and Phyllis Portie-Ascott

**COUNTY COMMISSIONERS ABSENT:** Vice-Chair Earl McKee and Commissioner Anna Richards

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen (All other staff members will be identified appropriately below)

**CARRBORO TOWN COUNCIL MEMBERS PRESENT:** Mayor Damon Seils, Mayor Pro Tem Susan Romaine, and Council Members Danny Nowell, and Eliazar Posada

**CARRBORO TOWN COUNCIL MEMBERS ABSENT:** Council Members Barbara Foushee, Randee "Haven-O'Donnell, and Sammy Slade

**CARRBORO TOWN STAFF PRESENT:** Town Manager Richard J. White III

**CHAPEL HILL TOWN COUNCIL MEMBERS PRESENT:** Mayor Pam Hemminger, and Council Members Camille Berry, Tai Huynh, Paris Miller-Foushee, Michael Parker, Amy Ryan, and Adam Searing

**CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT:** Mayor Pro Tem Karen Stegman and Council Member Jessica Anderson

**CHAPEL HILL TOWN STAFF PRESENT:** Interim Town Manager Chris Blue

Chair Bedford called the meeting to order at 7:00 p.m.

Chair Bedford welcomed the members of the Carrboro Town Council and Chapel Hill Town Council. Commissioners, Council Members, and staff introduced themselves.

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

The Board of County Commissioners and the Town Council Members will 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.

A motion was made by Chapel Hill Town Council Member Camille Berry, seconded by Chapel Hill Mayor Pam Hemminger, to open the public hearing.

**VOTE: UNANIMOUS**

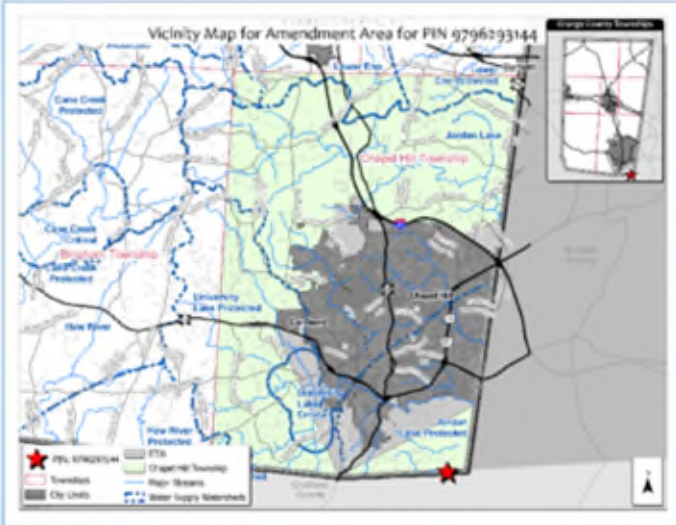
Perdita Holtz, Deputy Director, Long-Range Planning and Administration, made the following presentation:

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## GENERAL LOCATION & APPLICANT



**Applicant/  
Property  
Owner:** Mount  
Carmel Baptist  
Church of  
Chapel Hill,  
North Carolina

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## PURPOSE

- Apply Orange County Land Use classification and Zoning District for the first time on a portion of a parcel that was annexed into Orange County from Chatham County by action of the State Legislature.  
– Session Law 2021-67

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## PARCEL LOCATION



**Address:** 2016 Mount Carmel Church Road, Chapel Hill

**Affected Acreage:** 4.66 acres of 8.13 acre parcel

**Existing Uses on Affected Acreage:** Children's playground; community garden; gravel parking area; open, flat, grassed field that appears to be used for sports (soccer)

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## MULTIPLE AFFECTED PLANS/REGULATIONS

- Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan
  - Apply Land Use classification
  - Joint action of all 3 local governments needed

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## MULTIPLE AFFECTED PLANS/REGULATIONS

- Orange County Comprehensive Plan Future Land Use Map (FLUM)
  - Apply Land Use classification
  - Orange County only
- Orange County Zoning Atlas
  - Apply Conventional Zoning District and Watershed Protection Overlay District
  - Orange County only

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## JOINT PLANNING LAND USE PLAN (JPLUP)



- Located in a portion of the county included in the JPLUP.
- Nearby parcels designated "Rural Buffer"
- General area is within the Chapel Hill Joint Development Review Area (CHJDA)
- Proposed designation is for Rural Buffer land use designation and for CHJDA.

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## Applicant's Presentation



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4 Gordon Brown, applicant, thanked the Board and Town Councils for all of their  
5 work. He said this piece of land was historically part of Orange County, later became  
6 part of Chatham and Orange, and is now fully in Orange County again. He said  
7 consolidating the parcel into one county with one set of rules makes sense. He shared  
8 some of the history of the congregation on the site. He said he hopes the property will  
9 be designated as Rural Buffer to be consistent with surrounding properties. He thanked  
10 Orange County Planning staff for their assistance with this process.

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12 Perdita Holtz continued her presentation:

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## PUBLIC NOTIFICATION

- Notices of Public Hearings mailed to property owners within 1,000-feet of the affected parcel on April 5.  
– (Both Orange and Chatham).
- Sign posted on property on April 6.
- Legal Advertisements run April 5 and 12.
- No inquiries or comments received to date.



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## REVIEW CADENCE / SCHEDULE

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 Commission (decision) (last because of related County-only actions)	June 6, 2023



## Slide #11

## RECOMMENDATION FOR TONIGHT

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 within the abstract.





## Slide #12

**Procedural Reminder**

(Any elected official can make the motion / second and all must vote.)

- After hearing from any persons signed up to speak, need motion / second / vote to close Joint Public Hearing
- Need motion / second / vote on Recommendation
- Need motion / second / vote to adjourn Joint Public Hearing
- Town Councilors may then depart.



There was no one signed up to speak for the public hearing.

A motion was made by Chapel Hill Town Council Member Tai Huynh, seconded by Carrboro Town Council Member Eliazar Posada, to close the joint public hearing.

**VOTE: UNANIMOUS**

A motion was made by Carrboro Town Council Member Elizar Posada, seconded by Carrboro Town Council Member Danny Nowell, to refer the matter to the Carrboro Planning Board for a recommendation.

**VOTE: UNANIMOUS**

A motion was made by Chapel Hill Mayor Pam Hemminger, seconded by Chapel Hill Town Council Member Tai Huynh, to adopt the schedule of actions detailed in the abstract.

**VOTE: UNANIMOUS**

A motion was made by Chapel Hill Town Council Member Tai Huynh, seconded by Chapel Hill Town Council Member Camille Berry, to adjourn the joint public hearing at 7:22 p.m.

**VOTE: UNANIMOUS**

**Application for Amendments to the 2030 Comprehensive Plan's Future Land Use Map and Zoning Atlas – 2106 Mount Carmel Church Road within the Chapel Hill Township**

The Board of County Commissioners will hold a public hearing, receive the Planning Board/staff recommendation and public comment, close the public hearing, and defer action to a later date on applicant-initiated amendments to the 2030 Comprehensive Plan's Future Land Use Map and Zoning Atlas to apply the Rural Buffer (RB) Land Use classification and Zoning district 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, an application (Attachment 1) was received proposing to amend the Comprehensive Plan's Future Land Use Map and the Zoning Atlas. In 2021, Session Law 2021-67 (contained in Attachment 1) annexed 4.66 acres of an 8.14 acre parcel of property into Orange County, from Chatham County. The county line had previously split the parcel, and that area already in Orange County is zoned RB and designated as Rural Buffer land use classification on the Future Land Use Map. The Staff Report in Attachment 2 contains additional information, maps, and analysis.

Because this parcel is located within an area of the county 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. This is a related action on the April 20 public hearing agenda.

Basic Review Process: The cadence for review of this application is:

- **FIRST ACTION** – Submission of an application with required supporting documents by the property owner.  
**Staff Comment** – The applicant submitted an application and documents on January 12, 2023 and clarifying information was submitted on January 30.
- **SECOND ACTION** – The Planning Board reviews the application at a regular meeting and makes a recommendation to the BOCC.  
**Staff Comment** – The Planning Board reviewed the applications on March 8, 2023.
- **THIRD ACTION** – The BOCC receives the Planning Board and staff recommendations at an advertised public hearing.  
**Staff Comment** – The public hearing is scheduled for April 20, 2023. Generally, the BOCC considers a decision at the conclusion the hearing but, because there is a related amendment to the Joint Planning Land Use Plan that has a different review cadence, a decision will be deferred to a subsequent BOCC meeting date.

Conventional District Rezoning: Zoning promotes development of land uses that can co-exist in proximity to one another consistent with the promotion of the public health, safety, and general welfare. Regulations establish opportunities/constraints associated with land development in an attempt to ensure one person's 'reasonable use' of property does not impact another person's ability to make reasonable use of their property.

The RB (Rural Buffer) zoning district is a "conventional district". As such, the applicant is not required to define what type of development or land use is anticipated. If approved, all land uses permitted within the RB district could be developed on the property, consistent with applicable regulations. The current religious use of the property conforms with the RB zoning district standards. Conventional district rezoning applications are legislative decisions based on the BOCC's determination as to whether the request is reasonable and in the public interest and consistent with the purpose and intent of the Comprehensive Plan.

A formal site plan, reviewed and approved by staff in accordance with Section 2.5 of the Unified Development Ordinance (UDO), must be submitted and approved prior to any new development activity on the parcel. The property's current land use does not introduce any non-conformities to the county.

Public Notifications: In accordance with Section 2.8.7 of the UDO, notices of the Public Hearing were mailed via first class mail to property owners within 1,000 ft. of the subject parcel. 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. See Attachment 3 for the notification materials.

Planning Board Recommendation: The Planning Board reviewed the proposed amendments at its March 8, 2023 regular meeting. At this meeting the Board voted **unanimously** to recommend **approval** of the Statement of Consistency (Attachment 5) and the proposed Ordinance (Attachment 6).

Excerpts of the minutes from the meeting, as well as the Board's signed statement of consistency, are included in Attachment 4. Agenda materials from the meeting can be viewed at: <https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26>.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Consistency (Attachment 5) indicating the Zoning Atlas amendment is reasonable and in the public interest.
2. Ordinance amending the Orange County Comprehensive Plan's Future Land Use Map and Zoning Atlas, as contained in Attachment 6.

A motion was made by Commissioner Hamilton, seconded by Commissioner Fowler, to open the public hearing.

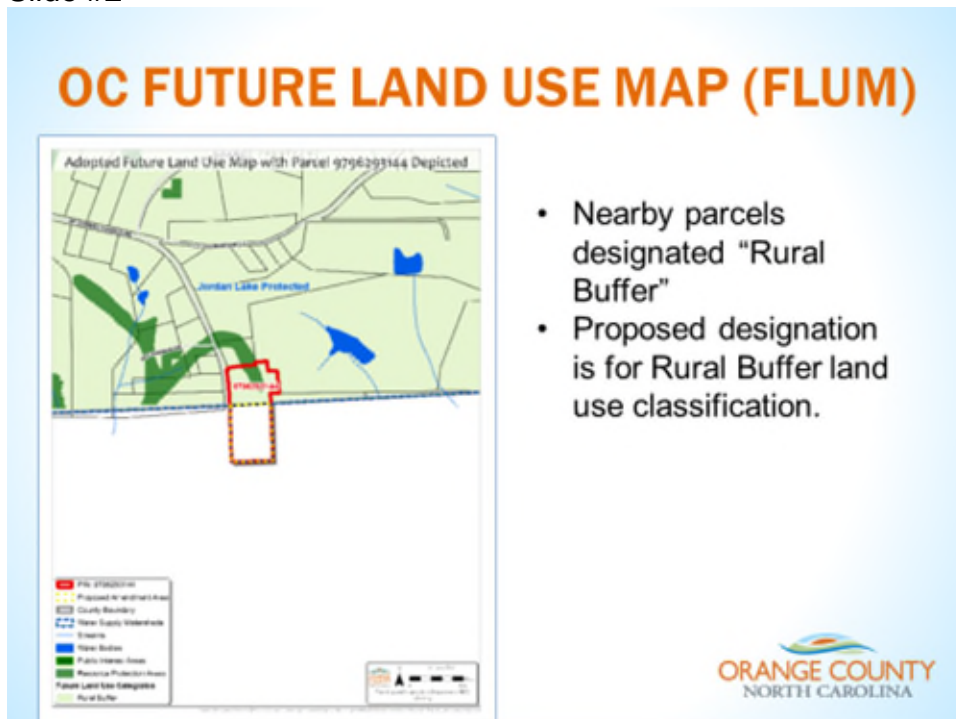
**VOTE: UNANIMOUS**

Perdita Holtz made the following presentation:

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## OC ZONING ATLAS (BASE DISTRICT)



- Nearby parcels zoned Rural Buffer (RB) (conventional zoning district).
- Proposed zoning is Rural Buffer (RB).

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## OC ZONING ATLAS (OVERLAY DISTRICT)



- Located in "Jordan Lake Protected" overlay district, as defined by State of North Carolina Water Supply Watershed protection rules.
- This overlay district will also be applied to the property.

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## PUBLIC NOTIFICATION

- Notices of Public Hearings mailed to property owners within 1,000-feet of the affected parcel on April 5.
  - (Both Orange and Chatham).
- Sign posted on property on April 6.
- Legal Advertisements run April 5 and 12.
- No inquiries or comments received to date.

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## STAFF ANALYSIS

- Contained in staff report (Attachment 2 of agenda packet)
- Application is consistent with the listed goal and objective from the OC Comprehensive Plan.
- Application appears consistent with the JPLUP.

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## Applicant's Presentation



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4 Ralph Taylor, Mt. Carmel Baptist Church member, addressed the Board. He said  
5 he is available for any questions regarding Gordon Brown's earlier comments.

6 The Board had no comments or questions.

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8 Perdita Holtz continued her presentation from before the applicant's presentation:

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## PLANNING BOARD & STAFF RECOMMENDATIONS

- Planning Board reviewed at March 8 meeting and voted unanimously to recommend approval.
- The Planning Director recommends approval of the:
  - Statement of Consistency indicating the Zoning Atlas amendment is reasonable and in the public interest.
  - Ordinance amending the Orange County Comprehensive Plan's Future Land Use Map and Zoning Atlas.



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## RECOMMENDATION FOR TONIGHT

1. Conduct the public hearing and receive the Planning Board and staff recommendations and public comments;
2. Close the public hearing; and
3. Defer a decision on the applications until the June 6, 2023 meeting date to allow for conclusion of the review cadence for the related amendment to the Joint Planning Land Use Plan.



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## Procedural Reminder

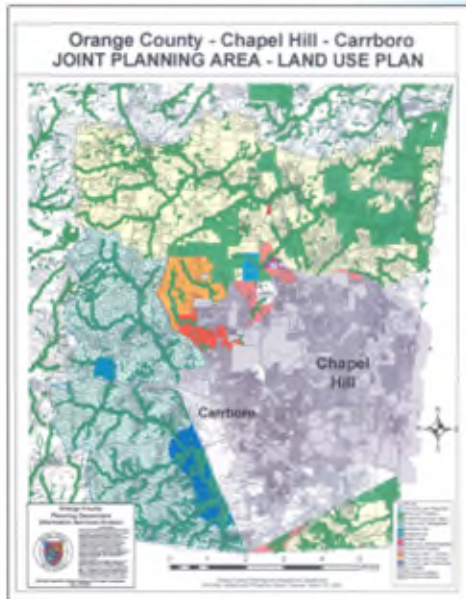
- After hearing from any persons signed up to speak, need motion / second / vote to close the Public Hearing.
- Need motion / second / vote on recommendation.
- Need motion / second / vote to adjourn the Public Hearing



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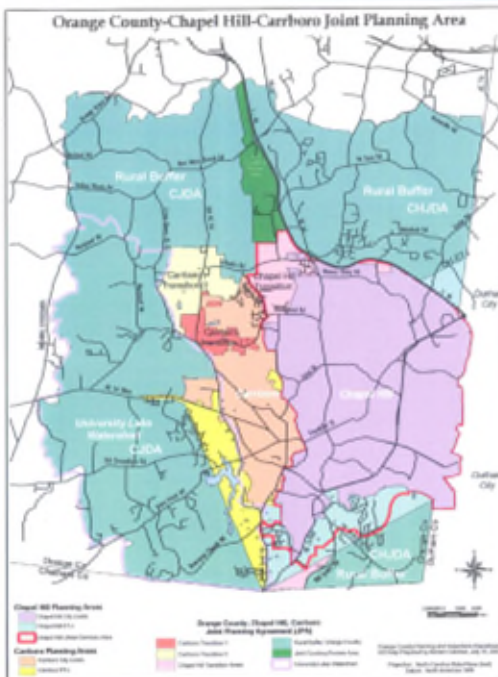
## Orange-County – Chapel Hill – Carrboro Joint Planning Land Use Plan and Agreement (JPA) (1984/1986)

- Established:
  - a Land Use Plan, including
    - The Rural Buffer
    - Transition Areas for the two Towns
- Joint Courtesy Review Areas
- Joint Process to Amend the Plan text and/or map
- Agreement (Appendix of Plan) enumerating processes



Slide #12

## Joint Courtesy Review Areas



There was no one signed up to speak for the public hearing.

A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to close the public hearing.

**VOTE: UNANIMOUS**

A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to defer a decision on the applications until the Board's June 6, 2023 Business meeting to allow for conclusion of the review cadence for the related amendment to the Joint Planning Land Use Plan.

**VOTE: UNANIMOUS**

A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to adjourn the meeting at 7:28 p.m.

**VOTE: UNANIMOUS**

Jamezetta Bedford, Chair

Recorded by Tara May, Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board