

# **Town of Carrboro**

*301 W. Main St., Carrboro, NC 27510*



## **Meeting Agenda - Final**

**Thursday, April 20, 2023**

**7:00 PM**

**Joint Public Hearing with Orange Co., Town of Chapel Hill and  
Town of Carrboro- Joint Planning Land Use Plan Amendment  
Whitted Building, 300 West Tryon St., Hillsborough, NC 27278**

**Town Council**

**Joint Planning Public Hearing**

*Public Hearing with Orange County Board of Commissioners, Chapel Hill Town Council, Carrboro Town Council*

1. [23-134](#) Joint Planning Public Hearing with Orange County Board of Commissioners, Chapel Hill Town Council and Carrboro Town Council.

**Attachments:** [Attachment A- Joint Planning Public Hearing Agenda Packet](#)



## Town of Carrboro

301 W. Main St., Carrboro,  
NC 27510

### Agenda Item Abstract

**File Number:** 23-134

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**Agenda Date:** 4/20/2023

**File Type:** Agendas

**In Control:** Town Council

**Version:** 1

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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](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

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**DEPARTMENT:** Planning and Inspections

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**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>

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**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

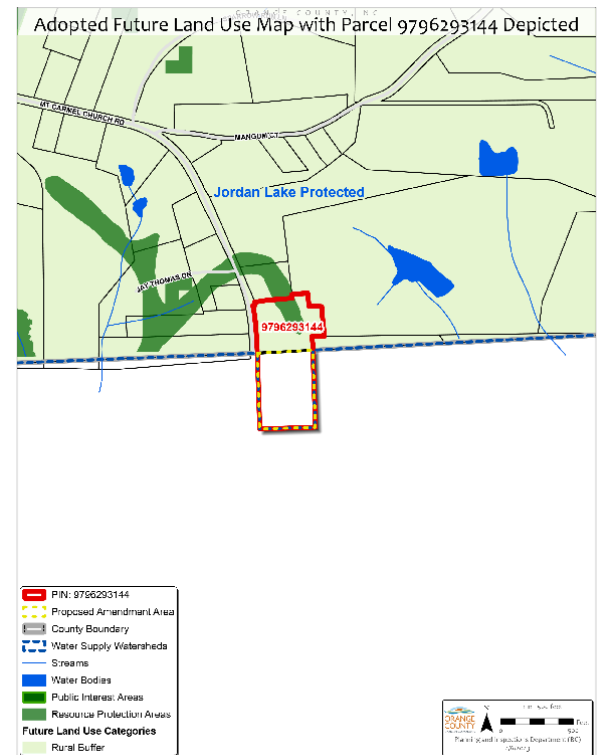
## Zoning Atlas Amendment – Conventional District

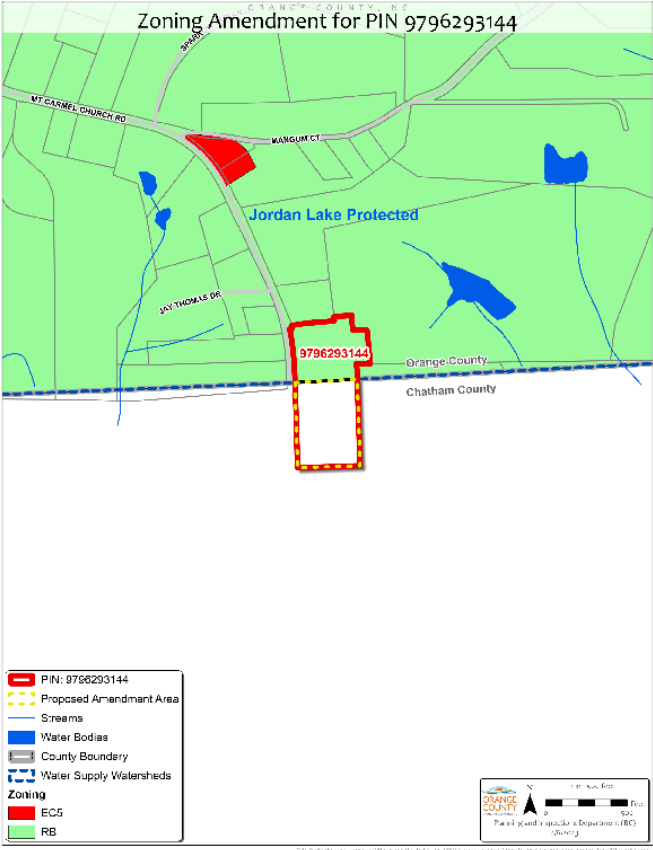


### Parcel Information

	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.



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

### 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.

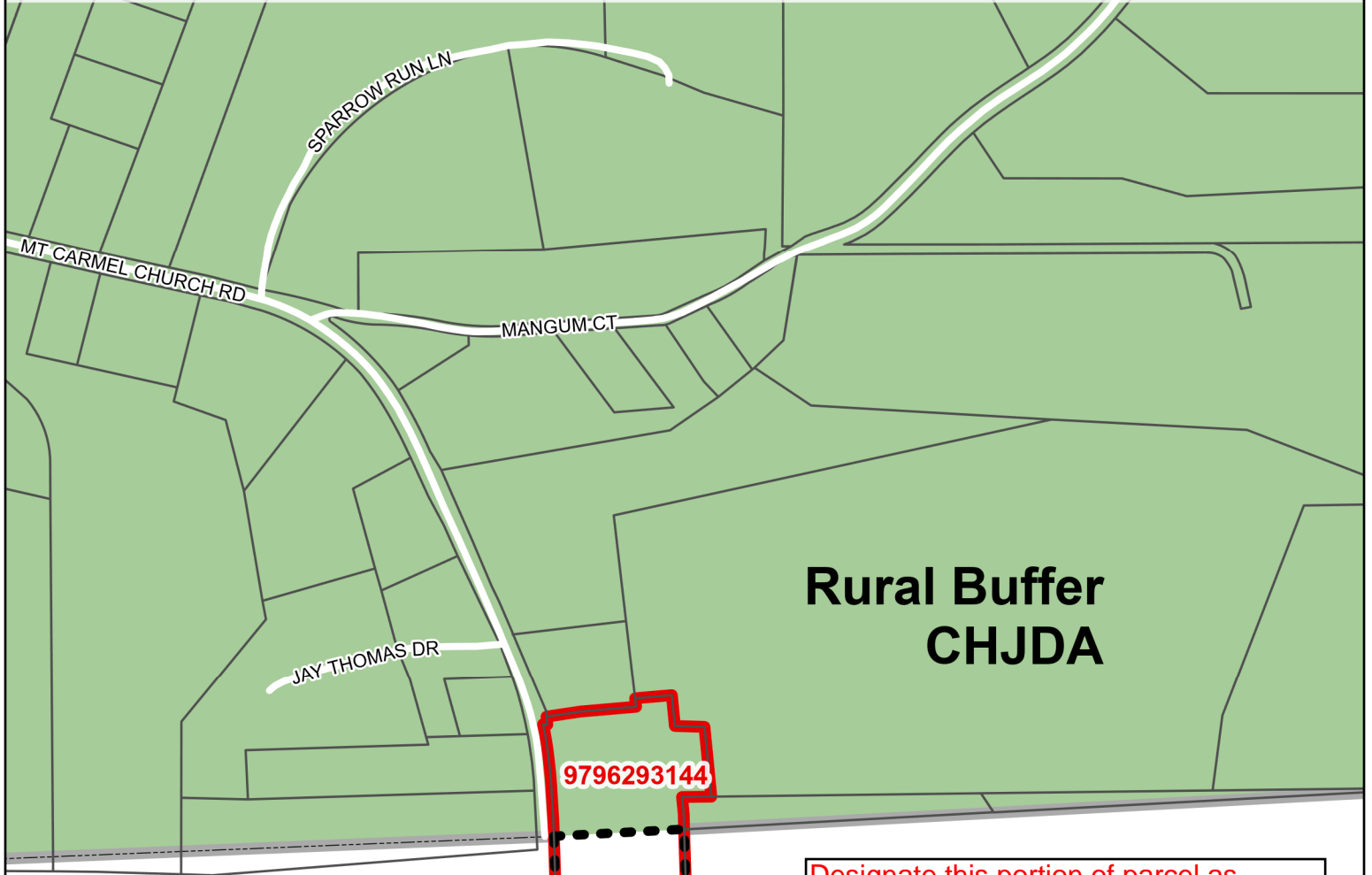
I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2023 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in 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 Area<sup>11</sup> 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



**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: April 20, 2023**

**Action Agenda  
Item No. E.1**

**SUBJECT:** 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

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENTS:**

1. Application (*available at link below*)
2. Staff Report
3. Notification Materials and Certification
4. Excerpt of Approved Planning Board Minutes and Signed Statement of Consistency
5. Statement of Consistency
6. Ordinance to Amend the Orange County Comprehensive Plan and Zoning Atlas

Link to Application:

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

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**INFORMATION CONTACT:**

Perdita Holtz, Deputy Director – Long-Range  
Planning & Administration, (919) 245-2578  
Cy Stober, Director, (919) 245-2592

**PURPOSE:** To 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.

**FINANCIAL IMPACT:** This request has been reviewed by various County departments which have determined that the approval of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including meeting and public hearing notice and mailings, are covered by the application fee.

**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:** The Manager recommends the Board:

- 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 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.

# Staff Report

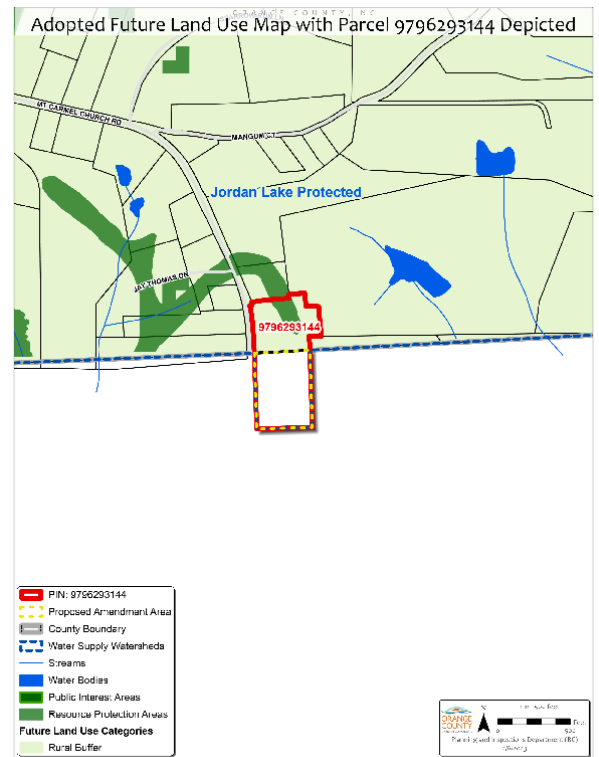
## Zoning Atlas Amendment – Conventional District



### 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.



<p><b>Zoning Amendment for PIN 9796293144</b></p> <p>Legend:</p> <ul style="list-style-type: none"><li>PIN: 9796293144</li><li>Proposed Amendment Area</li><li>Streams</li><li>Water Bodies</li><li>County Boundary</li><li>Water Supply Watersheds</li><li>Zoning: EC5, RB</li></ul> <p>Scale: 0 to 100 Feet</p> <p>North Arrow</p> <p>Orange County, NC</p> <p>Chatham County</p>	<p><b>Current Zoning District</b></p>	<p>None – newly annexed land from Chatham County.</p> <p>[Land was zoned “Residential District 1” (R-1) (Chatham County regulations) prior to being annexed into Orange County.]</p>
	<p><b>Requested Zoning District</b></p>	<p>RB (Rural Buffer)</p>
	<p><b>Requested Zoning District Consistent with Appendix F of 2030 Comprehensive Plan</b></p>	<p>Yes</p>
	<p><b>Existing Zoning Overlay Districts</b></p>	<p>None – newly annexed land from Chatham County.</p>
	<p><b>Amendments Proposed for Overlay Districts (Y/N)</b></p>	<p>Yes – area will be within the Jordan Lake Protected Watershed Overlay District</p>

### 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.



PLANNING *and* INSPECTIONS

---

 Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

**CERTIFICATION OF MAILING  
COMPREHENSIVE PLAN FUTURE LAND USE MAP AND  
ZONING ATLAS AMENDMENT  
ORANGE COUNTY, NORTH CAROLINA**

I, Perdita Holtz, Deputy Director, Long-Range Planning & Administration, with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Sections 2.3.5 and 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of the Public Hearing to be held regarding Future Land Use Map and Zoning Atlas amendments proposing to apply a Land Use classification and Zoning district for the first time to a portion of a parcel of property located at 2106 Mount Carmel Church Road, within the Chapel Hill Township of Orange County (PIN 9796-29-3144).

The owners were identified according to the Tax Records, as required by Sections 2.3.5 and 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notices specified the date, time, place and subject of the Public Hearing.

WITNESS my hand, this 5<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Perdita Holtz, AICP  
Deputy Director, Long-Range Planning &  
Administration



PLANNING and INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 |  
919.245.2575

April 5, 2023

## **NOTICE OF PUBLIC HEARING**

Dear Property Owner:

This notice is to inform you of the April 20, 2023, public hearing, at which an application to amend three regulatory documents will be reviewed. The review is in connection to applications to apply an Orange County Land Use classification and Zoning district for the first time to property that was annexed into Orange County from Chatham County. The subject property is 4.66 acres of an 8.14 acre parcel at 2106 Mount Carmel Church Road, Chapel Hill (PIN: 9796-29-3144).

This notification is occurring in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO). **You are receiving this notice because you own property located within 1,000-feet of the affected parcel.**

### **YOUR PROPERTY IS NOT PROPOSED FOR REZONING.**

The regulatory documents proposed for amendment are:

1. The Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan
2. The Orange County Comprehensive Plan – Future Land Use Map
3. The Orange County Zoning Atlas

Property Information	
<b>Parcel ID Number (PIN)</b>	9796-29-3144
<b>Owner / Applicant</b>	Mount Carmel Baptist Church of Chapel Hill, North Carolina
<b>Agent</b>	Charles Gordon Brown of Brown & Bunch, PLLC
<b>Location</b>	2106 Mount Carmel Church Rd., Chapel Hill, NC 27517
<b>Acreage</b>	+/- 4.66 acres of an +/- 8.14 acre parcel
<b>Current Land Use Designation</b>	None for the 4.66 annexed acres; the remainder of the parcel is designated Rural Buffer
<b>Current Zoning</b>	None for the 4.66 annexed acres; the remainder of the parcel is zoned RB (Rural Buffer)
<b>Watershed Designation</b>	None for the 4.66 annexed acres, but located in the Jordan Lake Protected Watershed

The requested designations for the Joint Land Use Plan and Orange County Future Land Use Map is "Rural Buffer." The requested zoning district is RB (Rural Buffer). Additionally, the Jordan Lake Protected Watershed zoning overlay district will be applied due to the property's location within the protected watershed.

Additional information is available on the Orange County Planning Department's website: <https://www.orangecountync.gov/3038/Active-Development-Projects>

The public hearing will begin at **7:00 p.m. on April 20, 2023, at the Whitted Meeting Facility (300 West Tryon Street, Hillsborough, NC)**. There will be two agenda items regarding the proposed amendments:

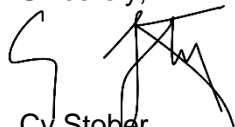
- A Joint Public Hearing by the elected officials of Orange County, Chapel Hill, and Carrboro on the Joint Planning Land Use Plan;
- A County Public Hearing on the Comprehensive Plan Future Land Use Map and Zoning Atlas.

All interested persons are invited to address the Boards with their comments regarding the applications.

The Orange County Planning Board and Chapel Hill Planning Commission reviewed the proposed amendments at their respective March meetings and both advisory boards voted unanimously to recommend approval of the proposed amendments. The Carrboro Planning Board will review the amendments at a meeting after the public hearing and make its recommendation at that time.

If you cannot attend the Public Hearing and the website does not answer your questions about the applications, you may call (919) 245-2575 during regular business hours and you will be directed to a staff person who can assist you.

Sincerely,



Cy Stober  
Planning & Inspections Director

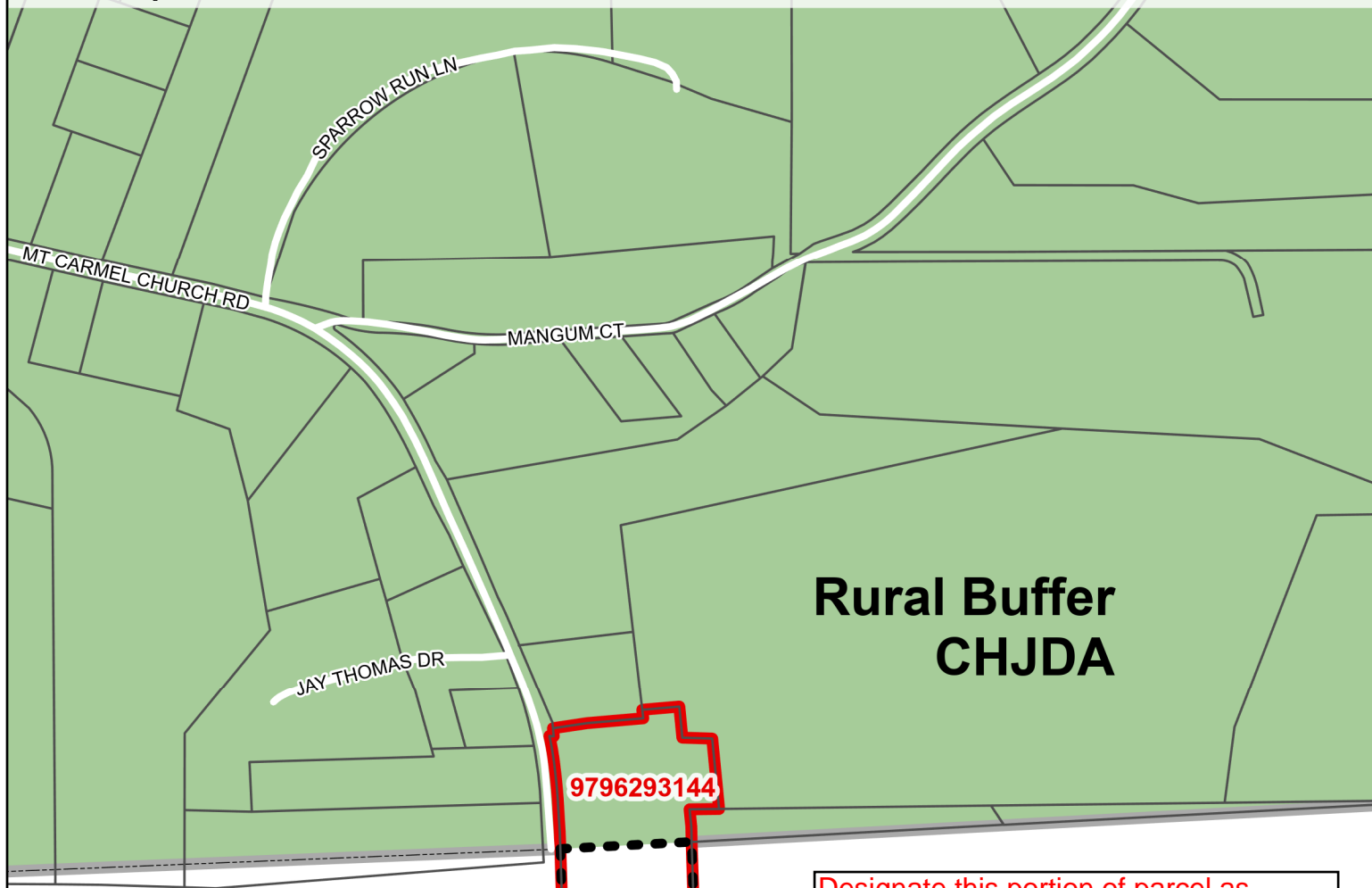
Enclosures (3 maps and Aerial Image of Meeting Location)



# Whitted Building (300 W. Tryon St.) – Public Hearing Location<sup>12</sup>

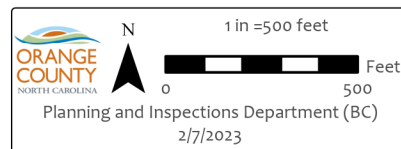
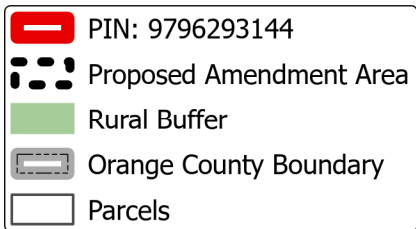


# Orange County-Chapel Hill-Carrboro Joint Planning Area Proposed Land Use Plan and Joint Review Area Amendments



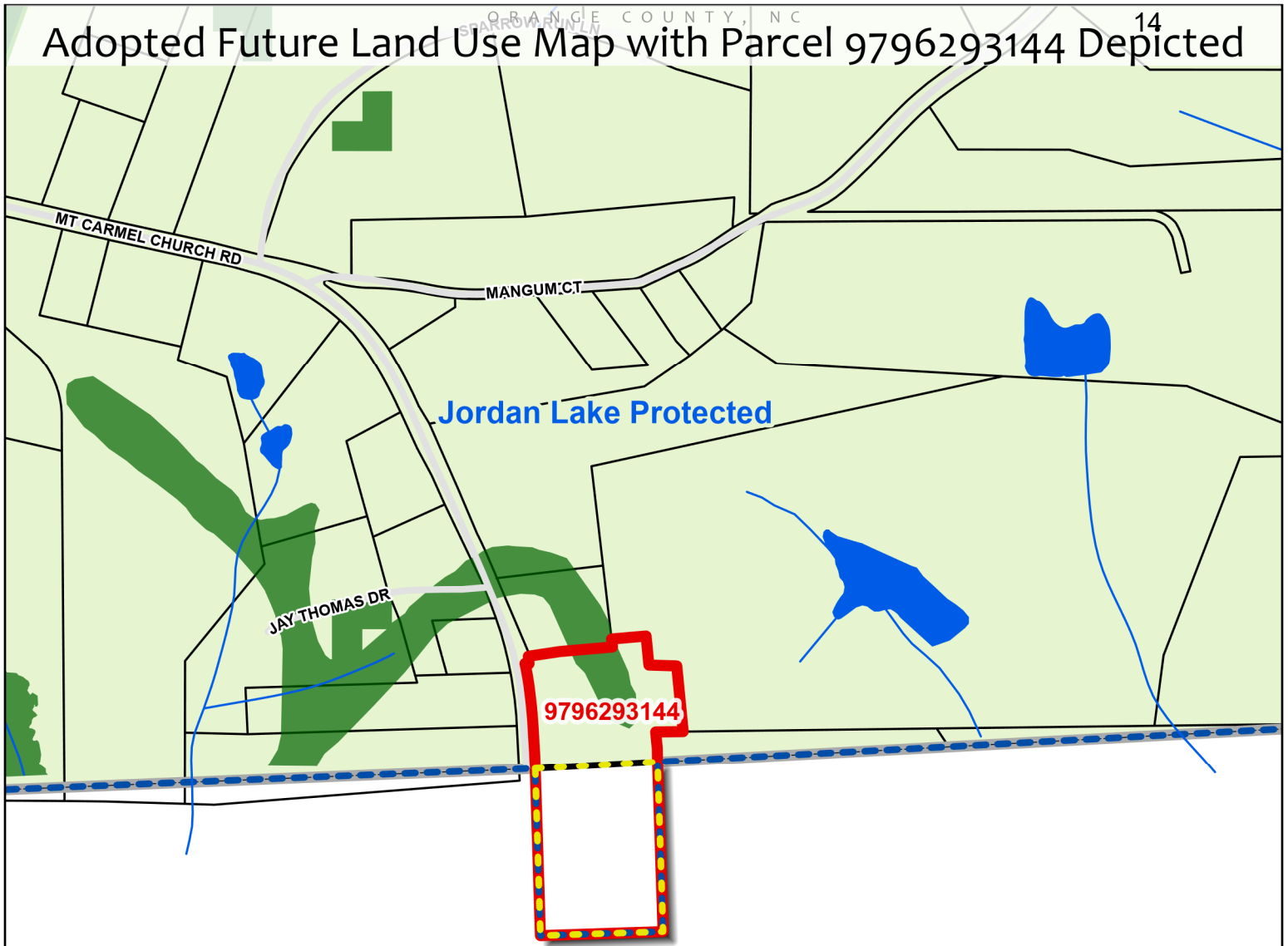
9796293144










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





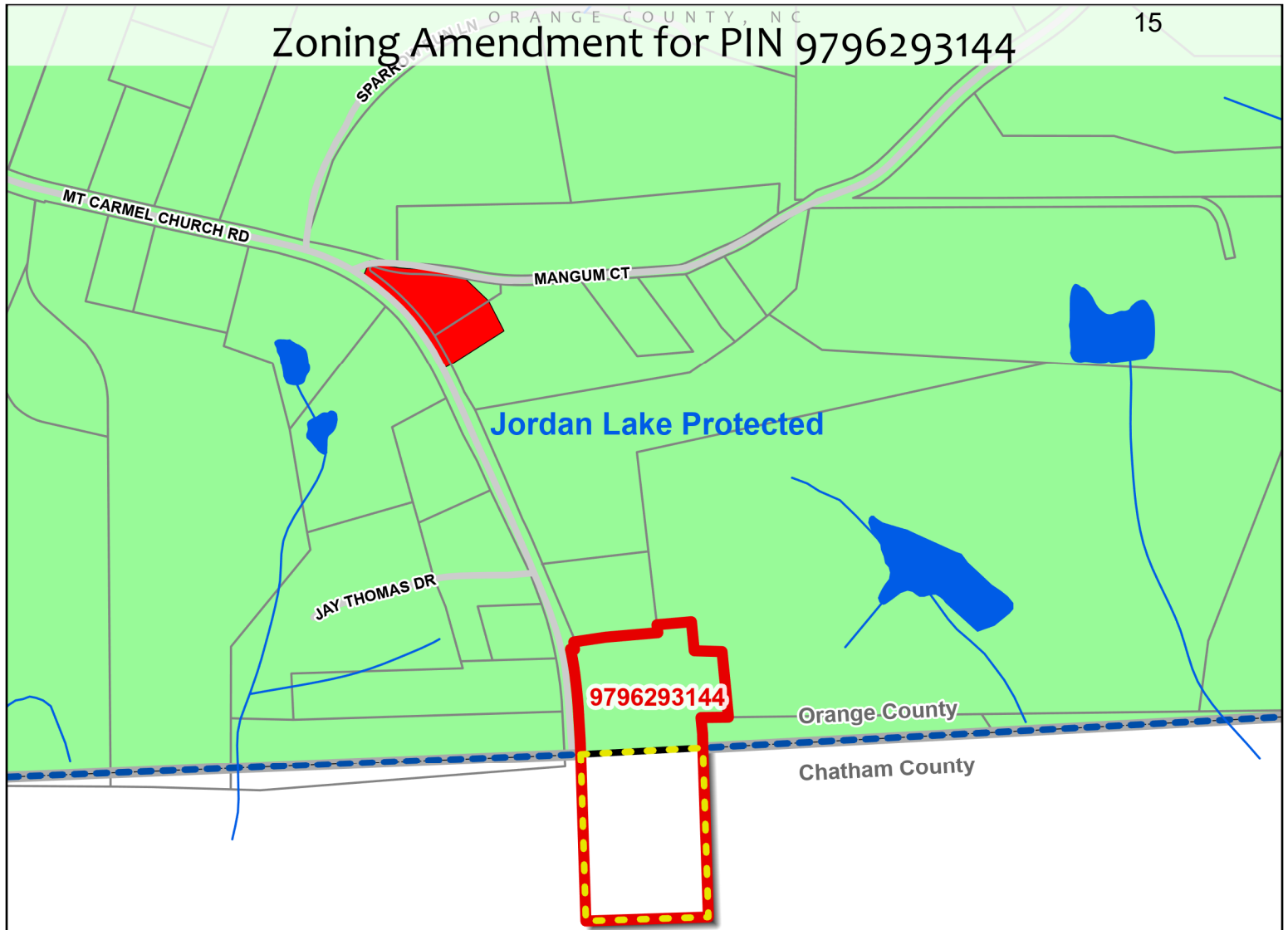
# Adopted Future Land Use Map with Parcel 9796293144 Depicted





-  PIN: 9796293144
-  Proposed Amendment Area
-  County Boundary
-  Water Supply Watersheds
-  Streams
-  Water Bodies
-  Public Interest Areas
-  Resource Protection Areas
- Future Land Use Categories**
-  Rural Buffer


# Zoning Amendment for PIN 9796293144


15





 PIN: 9796293144

 Proposed Amendment Area


 Streams


 Water Bodies


 County Boundary

 Water Supply Watersheds

**Zoning**

 EC5

 RB

 N

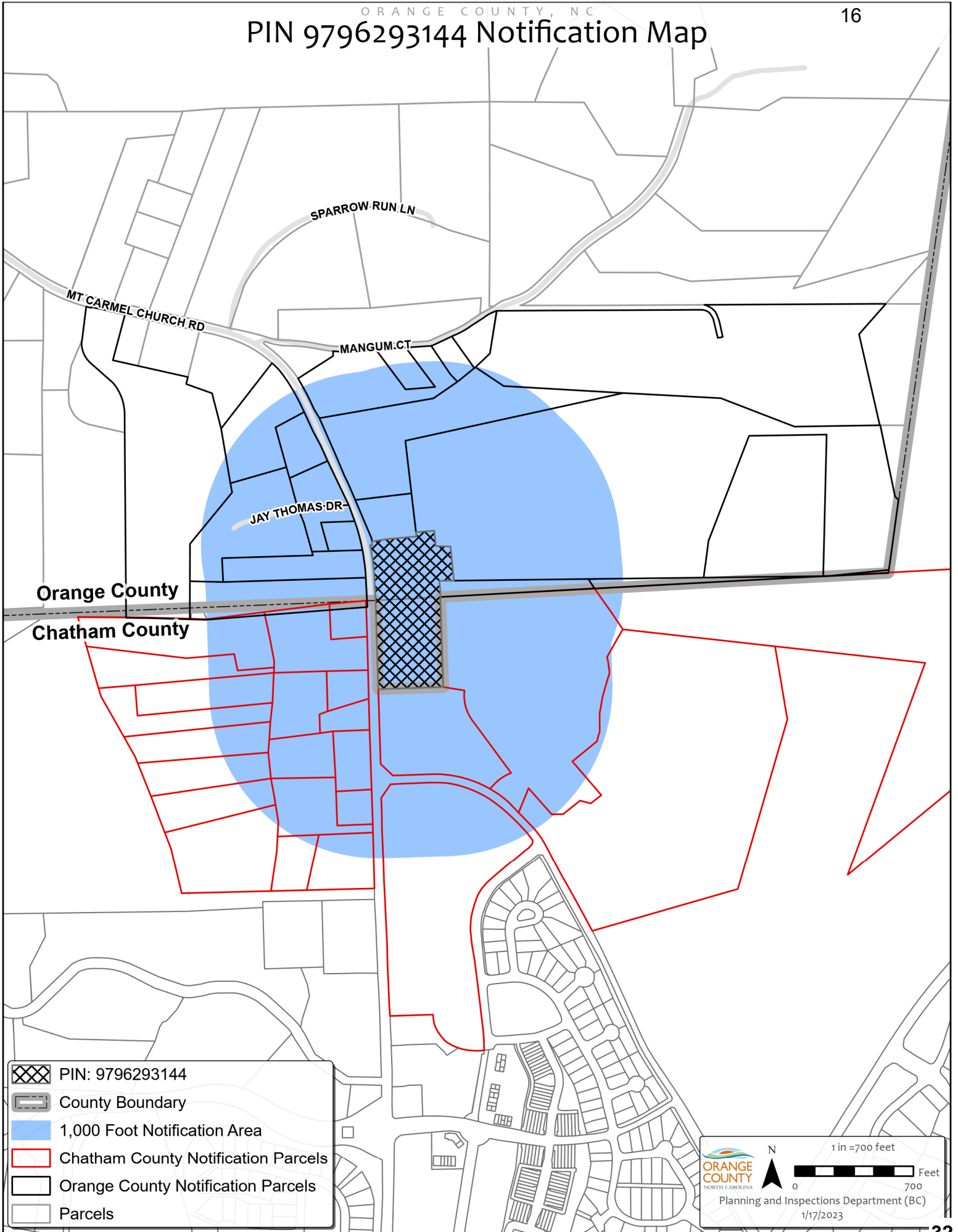
1 in = 500 feet







0 500 Feet


Planning and Inspections Department (BC)

2/6/2023


# PIN 9796293144 Notification Map




-  PIN: 9796293144
-  County Boundary
-  1,000 Foot Notification Area
-  Chatham County Notification Parcels
-  Orange County Notification Parcels
-  Parcels



N



1 in = 700 feet



0 700 Feet

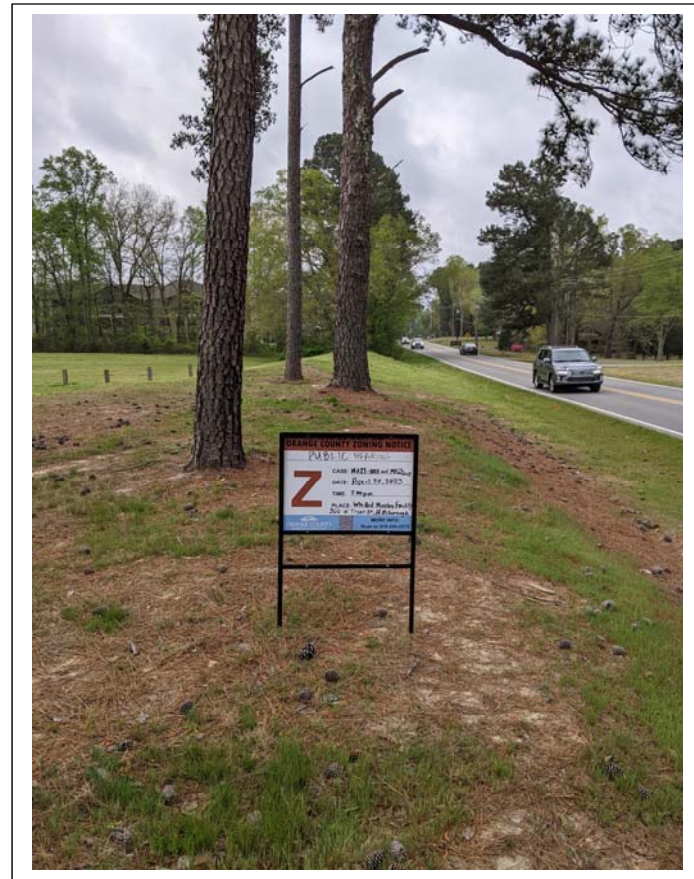
Planning and Inspections Department (BC)  
1/17/2023



PIN	OWNER1_FIRST	OWNER1_LAST	OWNER2_FIRST	OWNER2_LAST	ADDRESS1	CITY	STATE	ZIPCODE
9796196140	CHAPEL HILL NORTH CAROLINA INC	MOUNT CARMEL BAPTIST CHURCH OF			2016 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27514
9797203235	SAVANNAH L	LABO	CHRISTOPHER T	LABO	1916 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27517
9797207475	THERESA C	ARICO			2001 MANGUM CT	CHAPEL HILL	NC	275149234
9796098770	CAROL P TRUSTEE ET AL	WILLIAMS	CLARA R TRUSTEE	ROSS	109 W FRANKLIN ST SUITE 1	ROCKINGHAM	NC	28379
9796194308	<Null>	MOUNT CARMEL BAPTIST CHURCH	<Null>	<Null>	2016 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27514
9796290405	CHAPEL HILL NC INC	MOUNT CARMEL BAPTIST CHURCH OF	<Null>	<Null>	2016 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27514
9796293144	CHAPEL HILL NC INC	MOUNT CARMEL BAPTIST CH OF	<Null>	<Null>	2016 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27517
9796290637	FREDERICK RAY	HUBBARD	KAREN SUMMERVILLE	HUBBARD	1937 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27517
9796291368	CHAPEL HILL NC INC	MOUNT CARMEL BAPTIST CHURCH OF	<Null>	<Null>	2016 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27514
9796292414	<Null>	L SHORT LLC	<Null>	<Null>	P O BOX 150	CHAPEL HILL	NC	27514
9797107003	CHARLES C III	DANIEL	MYRA	DANIEL	222 ROBERTSON RD	ROXBORO	NC	275748510
9797207103	LARRY T	SHORT			2002 MT CARMEL CH RD	CHAPEL HILL	NC	27517
9797208593	THERESA C	ARICO			2001 MANGUM CT	CHAPEL HILL	NC	275149234
9796199911	NORMAN JAMES	HORTON			1923 MT CARMEL CH RD	CHAPEL HILL	NC	27514
9796281089	WILLIAM D	GOODRICH			1175 MT CARMEL CHURCH RD	CHAPEL HILL	NC	27517
9796383969	MEADOWS	CAROLINA			100 CAROLINA MEADOWS	CHAPEL HILL	NC	275178505
9796396529	<Null>	L SHORT LLC	<Null>	<Null>	P O BOX 150	CHAPEL HILL	NC	27514
9797205340	PEDRO RAMIREZ ET AL	BARTOLO	<Null>	<Null>	1931 MANGUM CT	CHAPEL HILL	NC	27517
9797401314	<Null>	BUCKNER FAMIY FARM TRUST	<Null>	<Null>	109 W FRANKLIN ST SUITE 1	ROCKINGHAM	NC	283793543

Full_AKPAF	OwnerName1	OwnerName2	OwnerAddre	OwnerAdd	OwnerCity	OwnerStat	OwnerZip
19387	CORVERA NERIZ FIDEL		1145 MOUNT CARMEL CHURCH RD		CHAPEL HII NC		27517-8031
19408	CAROLINA MEADOWS INC		100 CAROLINA MDWS		CHAPEL HII NC		27517-8501
19409	CAROLINA MEADOWS INC		100 CAROLINA MDWS		CHAPEL HII NC		27517-8501
19410	CAROLINA MEADOWS INC		100 CAROLINA MDWS		CHAPEL HII NC		27517-8501
19413	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
20039	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
64734	CAROLINA MEADOWS INC		100 CAROLINA MDWS		CHAPEL HII NC		27517-8501
72756	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
76273	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
73471	CSP COMMUNITY OWNER LP		PO BOX 27329		HOUSTON TX		77227
77726	UNITED STATES OF AMERICA		C/O US ARMY CORPS OF ENGINEERS	PO BOX 14	MONCURE NC		27559-0141
20042	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
64812	MCCAMPBELL ROCKY	MCCAMPBELL KIMBERLEIGH	11310 GOVERNORS DR		CHAPEL HII NC		27517
20041	CHEEK BEN FORD		1130 MADISON WOMBLE WAY		CHAPEL HII NC		27514
93487	SPARROW CAROL C		204 GRADUATE CT		DURHAM NC		27713-6021
20037	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
93488	CHEEK BEN FORD		1130 MADISON WOMBLE WAY		CHAPEL HII NC		27514
19423	SPARROW CAROL C		204 GRADUATE CT		DURHAM NC		27713-6021
20040	TCG SINGER ENTERPRISES	FUND 1 LP	9073 NEMO ST		WEST HOLI CA		90069-551
60693	CARLYLE GROUP INC THE		9073 NEMO ST		LOS ANGEL CA		90069
20048	CHEEK BEN FORD		1130 MADISON WOMBLE WAY		CHAPEL HII NC		27514
63618	CARLYLE GROUP INC THE		9073 NEMO ST		LOS ANGEL CA		90069
20033	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501
74450	CAROLINA MEADOWS INC		100 CAROLINA MEADOWS		CHAPEL HII NC		27517-8501

### Pictures of Posted Notification Sign for Public Hearing (posted April 6, 2023)



**NOTICE OF JOINT PUBLIC HEARING  
ORANGE COUNTY BOARD OF COMMISSIONERS  
CHAPEL HILL TOWN COUNCIL  
CARRBORO TOWN COUNCIL**

The Orange County Board of Commissioners and Town Councils of Chapel Hill and Carrboro will hold a joint public hearing at the Whitted Meeting Facility, 300 West Tryon Street, 2nd Floor, Hillsborough, North Carolina, on Thursday, April 20, 2023 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following item:

1. **Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan Amendment:** In accordance with the provisions of Section 2.6(A) of the *Joint Planning Agreement*, an amendment to add 4.66 acres of an 8.14 acre parcel to the Joint Planning Area Land Use Plan has been proposed as a result of North Carolina Legislative action that annexed the property into Orange County from Chatham County (Session Law 2021-67). The property is located at **2106 Mount Carmel Church Road**, within Chapel Hill Township. The Parcel Identification Number (PIN) is 9796-29-3144. The proposed land use classification is Rural Buffer. The Chapel Hill Joint Development Review Area (CHJDA) designation is proposed to be applied to the annexed acreage.

The Orange County Planning Board reviewed the proposed amendment at its March 8, 2023 regular meeting and voted unanimously to recommend approval of the amendment. Agenda materials from this meeting can be viewed at: <https://www.orangecountync.gov/AgendaCenter/Planning-Board-26>.

The Chapel Hill Planning Commission reviewed the proposed amendment at its March 21 regular meeting and voted unanimously to recommend approval of the amendment. Agenda materials from this meeting can be viewed at: <https://www.townofchapelhill.org/Home/Components/Calendar/Event/20638/15>

The Town of Carrboro's review process includes its Planning Board after the public hearing so a recommendation has not yet be made by this Board.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. The full text of the joint public hearing item may be obtained no later than April 14, 2023 on the County website ([www.orangecountync.gov](http://www.orangecountync.gov)) at the County Commissioners Agendas link. Information is also available from the Orange County Planning Department (contact information below).

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 and you will be directed to a staff member who will answer your questions or you may e-mail questions to [planningdept@orangecountync.gov](mailto:planningdept@orangecountync.gov).

If you cannot attend the hearing in person, written comments to the Board of County Commissioners can be sent via e-mail to [ocbooc@orangecountync.gov](mailto:ocbooc@orangecountync.gov). Written comments can also be dropped off at the Planning Department offices at 131 W. Margaret Lane, 2<sup>nd</sup> floor, Hillsborough, NC during normal office hours or mailed to the Planning Department at P.O. Box 8181, Hillsborough, NC 27278. All written comments are considered public records and are subject to public disclosure.

Interpreter services and/or special sound equipment are available on request by calling 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.

PUBLISH: The Herald Sun  
 April 5, 2023  
 April 12, 2023

News of Orange  
 April 5, 2023  
 April 12, 2023

## NOTICE OF PUBLIC HEARING ORANGE COUNTY BOARD OF COMMISSIONERS

The Orange County Board of Commissioners will hold a public hearing at the Whitted Meeting Facility, 300 West Tryon Street, 2nd Floor, Hillsborough, North Carolina, on Thursday, April 20, 2023 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the following item:

1. **Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments:** In accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments* and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, an applicant has applied to have a land use classification and zoning district affixed to 4.66 acres of an 8.14 acre parcel that were annexed into Orange County, from Chatham County, by North Carolina Legislative action (Session Law 2021-67). The property is located at **2106 Mount Carmel Church Road**, within Chapel Hill Township. The Parcel Identification Number (PIN) is 9796-29-3144.

Proposed land use classification: Rural Buffer

Proposed zoning district: RB (Rural Buffer)

Proposed zoning overlay district: Jordan Lake Protected Watershed

Additional information regarding the applications (MA23-0001 and MA23-0002) is available at: <https://www.orangecountync.gov/3038/Active-Development-Projects>

The Orange County Planning Board reviewed the proposed amendments at its March 8, 2023 regular meeting and voted unanimously to recommend approval of the amendment. Agenda materials from this meeting can be viewed at: <https://www.orangecountync.gov/AgendaCenter/Planning-Board-26>.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. The full text of the joint public hearing item may be obtained no later than April 14, 2023 on the County website ([www.orangecountync.gov](http://www.orangecountync.gov)) at the County Commissioners Agendas link. Information is also available from the Orange County Planning Department (contact information below).

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 and you will be directed to a staff member who will answer your questions or you may e-mail questions to [planningdept@orangecountync.gov](mailto:planningdept@orangecountync.gov).

If you cannot attend the hearing in person, written comments to the Board of County Commissioners can be sent via e-mail to [ocbocc@orangecountync.gov](mailto:ocbocc@orangecountync.gov). Written

comments can also be dropped off at the Planning Department offices at 131 W. Margaret Lane, 2<sup>nd</sup> floor, Hillsborough, NC during normal office hours or mailed to the Planning Department at P.O. Box 8181, Hillsborough, NC 27278. All written comments are considered public records and are subject to public disclosure.

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PUBLISH: The Herald Sun  
April 5, 2023  
April 12, 2023

News of Orange  
April 5, 2023  
April 12, 2023

Excerpt of Approved  
Minutes

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
MARCH 8, 2023  
REGULAR MEETING

**MEMBERS PRESENT:** Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; David Blankfard, Hillsborough Township Representative; Melissa Poole, Little River Township Representative; Beth Bronson, At-Large Representative; Randy Marshall, At-Large Representative; Charity Kirk, At-Large Representative; Susan Hunter, Chapel Hill Township Representative; Statler Gilfillen, Eno Township Representative; Whitney Watson, At-Large Representative; Delores Bailey, At-Large Representative; Steve Kaufmann, Bingham Township Representative;

**STAFF PRESENT:** Cy Stober, Planning & Inspections Director; Perdita Holtz, Deputy Director – Long Range Planning and Administration; Patrick Mallett, Deputy Director; Development Services Division Taylor Perschau, Current Planning and Zoning Supervisor; Brian Collie, Planner II; Tina Love, Administrative Support

**OTHERS PRESENT:** George Barnes, Applicant; Bob Hornik, Attorney for Applicant; Brent Purdum, Engineer/Architect; Vernon Davis, Property Owner; Preston Mason, Rob Jamison, John Cecil, Pat Cecil, Susan Walser, Marilee McTigue, Steve O'Daniel, Carol Rigsbee, Deanna Smith, Greg Tilley, Sally Jo Slushen, Chris McCord, Diantha Rau, Jessica Ostrowski, Sadie Rapp, Isa Cheren, Elly Schopler, Amanda Griffin, John Griffin, Peter Moyers, Katie Engel, Tony Blake, Jayne Jackson, Robert Pollock, Jake Bialos, Rev, Cory Oliver, Tammre Lindsey, Rebecca Teer, Chris Hagenberger, Jesus Bravo, Lisa Dumain, Eric Dumain, Dr. Anndal Narayanan, Kevin Reese, Clare Steech-Julich,

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

Chair Adam Beeman called the meeting to order

\*\*\*\*\*

**AGENDA ITEM 8: PROPOSED AMENDMENT (ADDITION) TO THE ORANGE COUNTY – CHAPEL HILL – CARRBORO JOINT PLANNING LAND USE PLAN (JPLUP), THE ORANGE COUNTY COMPREHENSIVE FUTURE LAND USE MAP (FLUM), AND THE ORANGE COUNTY ZONING ATLAS -** To review and make a recommendation to the BOCC on an applicant-initiated amendment to the JPLUP, 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). A joint public hearing will be scheduled for this item, date is to be determined.

**PRESENTER:** Perdita Holtz, Deputy Director – Long Range Planning and Administration

*Perdita Holtz reviewed the proposed amendments then answered questions.*

*Applicant Gordon Brown, Chapel Hill attorney representing Mt. Carmel Baptist Church, gave brief comments about the history of the church property. The property, before 1777 was considered Orange County. Then it was changed to Chatham County. Two hundred forty-four years later it changed back to Orange County but was unzoned at that time. It has been difficult at times to do everyday projects or building projects and deal with two jurisdictions. The property is 4.66 acres and has been in continuous church use. There will be no change to the regular use of the church.*

Charity Kirk: I'm just curious why you are trying to get into Orange County rather than Chatham County, because it seems like the zoning is easier in Chatham.



Gordon Brown: The church picked Orange. Most of its physical facility is in Orange and has been.

Charity Kirk: Now there's going to be this strange bump on the county line. I was just wondering why Orange County was the choice rather than Chatham.

Gordon Brown: They just chose Orange.

Charity Kirk: Okay, trying to consolidate into a single county.

Gordon Brown: Yes, in the Mother County.

Charity Kirk: Okay.

Beth Bronson: I just wanted to confirm if you had applied for a building program in Chatham County?

Gordon Brown: No. There's no building program applied for now. There's got to be planning and fundraising and lots of stuff. There's lots going on, but nothing happens before it comes back through this county, assuming we get zoned. If you're not zoned, you don't take the next step, right?

Beth Bronson- I was just wondering what's the congregation membership?

Ralph Taylor, Church Committees member: The membership is 400-500 with normal Sunday attendance around 200.

Delores Bailey: Why is Carrboro involved in this?

Perdita Holtz: Because Carrboro is part of the Joint Planning Land Use Plan which is an agreement between three local governments, Orange County, Chapel Hill, and Carrboro. Any land use map amendment has to be approved by all three local governments.

Perdita Holtz: The Planning Director's recommendation is to receive the multi-part application, to deliberate on the proposal as desired, consider the Planning Director's recommendation, and to make a recommendation to the County Commissioners on the three documents, Attachments 4, 5 & 6.

**MOTION BY** Charity Kirk to approve the Resolution to Amend the Joint Planning Land Use Plan, the Statement of Consistency indicating the zoning atlas amendment is reasonable and in the public interest and the Ordinance amending the Orange County Comprehensive Plan's Future Land Use Map and Zoning Atlas. Seconded by Statler Gilfillen.

**MOTION PASSED UNANIMOUSLY**

\*\*\*\*\*

**STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS MAP AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

<b>Parcel Identification Number (PIN)</b>	<b>Township</b>	<b>Owner of Record</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
9796-29-3144  (4.66 acres of 8.14 acre parcel)	Chapel Hill	Mount Carmel Baptist Church of Chapel Hill, North Carolina	<ul style="list-style-type: none"> <li>• None (property was annexed into Orange County from Chatham County)</li> </ul>	<ul style="list-style-type: none"> <li>• RB (Rural Buffer)</li> <li>• Jordan Lake Protected Watershed Overlay District</li> </ul>


The Planning Board hereby finds:

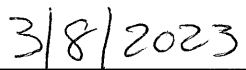
- a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
- c. The amendment is consistent with applicable plans because it supports the following:
  - 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.
  - 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 amendment 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.

- d. The amendment is also consistent with the adopted Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan which established the area in which the property is located as “Rural Buffer”.
- e. The amendment is reasonable and in the public interest because it assigns a Zoning district for the first time to property that was annexed into Orange County; the proposed Zoning district is consistent with adjacent and nearby properties.

The Planning Board hereby adopts this Statement of Consistency and the findings expressed herein and recommends the Board of County Commissioners consider adoption of the proposed Zoning Atlas Amendment.

  
Adam Beeman, Chair

  
Date

**STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS MAP AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9796-29-3144  (4.66 acres of 8.14 acre parcel)	Chapel Hill	Mount Carmel Baptist Church of Chapel Hill, North Carolina	<ul style="list-style-type: none"> <li>None (property was annexed into Orange County from Chatham County)</li> </ul>	<ul style="list-style-type: none"> <li>RB (Rural Buffer)</li> <li>Jordan Lake Protected Watershed Overlay District</li> </ul>

The Board of County Commissioners hereby finds:

- a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment is **consistent** with the adopted 2030 Comprehensive Plan.
- c. The amendment is consistent with applicable plans because it supports the following:
  - 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.
  - 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 amendment 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.

- d. The amendment is also consistent with the adopted Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan which established the area in which the property is located as “Rural Buffer”.
- e. The amendment is reasonable and in the public interest because it assigns a Zoning district for the first time to property that was annexed into Orange County; the proposed Zoning district is consistent with adjacent and nearby properties.

The Board of County Commissioners hereby adopts this Statement of Consistency and the findings expressed herein.

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Jamezetta Bedford, Chair

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Date

**AN ORDINANCE AMENDING THE  
ORANGE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP AND  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed applications seeking to amend the Orange County Comprehensive Plan's Future Land Use Map and the Orange County Zoning Atlas, as established in Sections 1.7 and 1.2, respectively, of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, these applications seek to establish an Orange County Land Use classification and Zoning district for the first time on property annexed into Orange County on June 30, 2021, via North Carolina Session Law 2021-67, and

WHEREAS, the annexed piece of property is 4.66 acres of an 8.14 acre parcel of property with Parcel Identification Number (PIN) 9796-29-3144, and

WHEREAS, the annexed piece of property is described as:

Formerly lying and being in Williams Township, Chatham County, North Carolina, and now lying and being in Chapel Hill Township, Orange County, North Carolina, and described more fully as follows:

BEGINNING at an iron pipe set, a new corner for Chatham – Orange County, in the western property line of Carolina Meadows, Inc., (Deed Book 477, Page 8 Chatham County Registry) bearing NAD 83 (2011) N.C. Grid Coordinate values of North 768,963.87 U.S. survey feet, East 1,992,521.14 U.S. survey feet; thence with Carolina Meadows, Inc., South 01° 52' 01" East, 532.37 feet to an existing concrete monument with a broken top, a new corner for Chatham – Orange County, also being a corner of Carolina Meadows, Inc., (Deed Book, 706, Page 237 Chatham County Registry); thence with Carolina Meadows, Inc. South 88° 08' 00" West, 384.37 feet to a disturbed existing iron pipe (reset), a new corner for Chatham – Orange County, on or near the eastern maintenance right of way line of Mt. Carmel Church Road (NCSR 1008); thence North 01° 51' 57" West, 524.41 feet to an iron pipe set, a new corner for Chatham – Orange County, on or near the eastern maintenance right of way line of Mt. Carmel Church Road (NCSR 1008); thence with the former county line North 87° 40' 20" East, 0.80 feet to former county line monument #3 as shown on Plat Slide 2004-425, Chatham County Registry (PID AB2055); thence continuing with the former county line North 86° 56' 43" East, 383.65 feet to the BEGINNING, containing 4.6623 acres more or less (203,091 square feet more or less) as shown on a map prepared by Smith & Smith, Surveyors, P.A. entitled "Final Plat of a Partial Resurvey of the Chatham – Orange County Line," dated September 16, 2020.

The above-described was annexed into Orange County by Act of the North Carolina General Assembly, Session Law 2021-67 effective June 30, 2021 and recombined with that certain 3.4730 acre parcel of land as shown on that certain "Final Plat of a Partial Resurvey of the Chatham-Orange County Line" dated September 16, 2020 prepared by Smith & Smith, Surveyors, P.A., and recorded in the Orange County Registry in Plat Book 124, Page 74.

WHEREAS, the requirements of Sections 2.3 and 2.8 of the UDO have been deemed complete, and

WHEREAS, the proposals have been found to be internally consistent with the 2030 Orange County Comprehensive Plan or part thereof including, but not limited to, the following:

- **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.
- **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.

and

WHEREAS, the proposals have been found to be consistent with the Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan. Specifically, the accompanying Joint 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, and

WHEREAS, the Board has found the proposed Land Use classification of “Rural Buffer” and Zoning district of RB (Rural Buffer) to be reasonable and in the public interest, and

WHEREAS, the property lies within the Jordan Lake Protected Watershed delineated by the NC Department of Environmental Quality Water Supply Watershed program and is thereby consistent with that same zoning overlay district, as established in Section 4.2 of the UDO.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Comprehensive Plan’s Future Land Use Map and the Orange County Zoning Atlas is hereby amended to apply the Land Use classification of “Rural Buffer,” the Zoning District of RB (Rural Buffer), and the Zoning Overlay District of Jordan Lake Protected Watershed to the aforementioned piece of property.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance 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