



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

File #: [22-0022] **Version:** 2 **Name:**

Type: Consent **Status:** Passed

File created: 12/13/2021 **In control:** Town Council

On agenda: 1/12/2022 **Final action:** 1/12/2022

Title: Assign Exclusive Planning and Development Regulation Jurisdiction over Two Parcels to Orange County.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition, 2. A RESOLUTION APPROVING ASSIGNING THE EXCLUSIVE PLANNING AND DEVELOPMENT REGULATION JURISDICTION OVER TWO PARCELS TO ORANGE COUNTY (2022-01-12/R-2)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 1/12/2022 | 2 | Town Council | adopted | Pass |

Assign Exclusive Planning and Development Regulation Jurisdiction over Two Parcels to Orange County.

Staff:

Colleen Willger, Director
Judy Johnson, Assistant Director

Department:

Planning Department

| | | |
|---|---|--|
| PROPERTY ADDRESS Homeplace Drive and Old Lystra Road | BUSINESS MEETING DATE January 12, 2022 | PETITIONER Paul Dubbeling on behalf of Mendall, LLC |
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★ **Recommendation(s):**

After reviewing and discussing petition request, staff believes that the Council could adopt the attached resolution which would assign to Orange County the exclusive planning and development regulation jurisdiction.

PROCESS

Under North Carolina General Statutes 160D-203, when a parcel lies within the planning and development jurisdiction of more than one local government, those governments may agree to assign that parcel to the exclusive jurisdiction of one of them. The request does not change the jurisdictional boundaries. Instead, by mutual agreement (with written consent of the landowner) the two governments assign the specific parcel of land to the exclusive planning and development regulations of one of them.

DECISION POINTS

The attached resolution would assign these parcels, PINS 9787-32-6186 and 9787-42-0000, to Orange County for planning and development regulations. In order for the assignment to be complete, the applicant will be responsible for obtaining a corresponding resolution by Orange County.

If the Council chooses to adopt the Resolution, the property owner will submit a formal request for a subdivision to Orange County. The proposed subdivision exhibit is attached.

PROJECT OVERVIEW

A petition was submitted at the November 17, 2021 Council meeting and was referred to the Mayor and Town

Manager.

The petition request indicates the property owner is interested in pursuing a subdivision under Orange County's regulations. The portion of the property within Chapel Hill's jurisdiction would be dedicated as open space for the project.

The parcel identified as 9787-42-0000 is almost entirely within Orange County's jurisdiction with a portion extending into the Joint Planning Area (JPA) as shown on Exhibit A of the petition.

The parcel identified as 9787-32-6186 is partially within the JPA and the Town's jurisdiction as shown on Exhibit A of the petition.

 **Attachments:**

- Resolution
- Petition

A RESOLUTION APPROVING ASSIGNING THE EXCLUSIVE PLANNING AND DEVELOPMENT REGULATION JURISDICTION OVER TWO PARCELS TO ORANGE COUNTY (2022-01-12/R-2)

WHEREAS, on November 17, 2021, Paul Dubbeling on behalf of Mendall, LLC petitioned the Town of Chapel Hill Council; and

WHEREAS, recent changes to the North Carolina General Statutes 160D-203, when a parcel lies within the planning and development jurisdictions of more than one local government, those governments may agree to assign that parcel to the exclusive jurisdiction of one of them; and

WHEREAS, the assignment of jurisdictional review as per 160D-203 does not change the jurisdictional boundaries; and

WHEREAS, the petitioner represents ownership of two parcels that straddle the jurisdiction limits of the Town of Chapel Hill and Orange County; and

WHEREAS, the petitioner requests the Town Council consider the exclusive planning and development regulation jurisdiction for parcels identified as Parcel Identifier Numbers 9787-32-6186 and 9787-42-0000; and

WHEREAS, the petition requests that the Chapel Hill Town Council assign the exclusive planning and development regulation jurisdiction of these two parcels to Orange County; and

WHEREAS, the property owner has consented in writing to this assignment; and

WHEREAS, the property owner will pursue a similar process through Orange County and be responsible for obtaining Orange County agreement for this request; and

WHEREAS, the property owner has expressed interest in pursuing a subdivision under Orange County's regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council assigns the exclusive planning and development regulation jurisdiction for PINs 9787-32-6186 and 9787-42-0000 to

Orange County.

This the 12th day of January, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council assigns to Orange County the exclusive planning and development regulation jurisdiction for the property on Homeplace Drive and Old Lystra Road.