

**Minutes of the Chatham County/Cary Joint Issues Committee Meeting
August 31, 2009
Cary Fire Station #7
6900 Carpenter Fire Station Road, Cary
Noon**

Present: Co-Chairs Sally Kost and Julie Robison and Members George Lucier, Jennifer Robinson and Ervin Portman

Cary Staff Present: Town Manager Ben Shivar, Assistant Town Manager Mike Bajorek, Public Information Officer Susan Moran, Planning Director Jeff Ulma, Engineering Director Tim Bailey, Planner Philip Smith, Planner Scott Ramage, and Town Clerk Sue Rowland

Chatham County Staff Present: County Manager Charlie Horne, Director of Sustainable Communities Development Cynthia Van Der Wiele, Public Works Director David Hughes, and Assistant Planning Director Jason Sullivan

The proposed agenda follows.

I. Approval of the agenda

II. Approval of the August 14, 2009 minutes

III. Report on progress since the August 14, 2009 meeting:

a. Discussion about the Chatham County community meeting results and impacts to the joint land use plan

b. Discussion about the economic development analysis and impacts to the joint land use plan

IV. Discussion and recommendation on a Joint Land Use Plan (Options 4a and 4b were developed specifically for the August 31, 2009 meeting (attached to and incorporated herein as **Exhibit A**); past options considered are available for comparison purposes: Option 1, Option 2a, Option 2b, Option 2c, and Option 3 (refer to prior committee minutes for these exhibits). A comparison document explains the history and the plan options in detail, which is attached to and incorporated herein as **Exhibit B**.)

V. Western Wake Treatment Facility

VI. Transfer of Development Rights (TDR) Legislation for Chatham County

VII. Discussion of the September 17, 2009 full joint Board meeting

The chair called the meeting to order at 12:15 p.m.

ACTION: Portman moved and Lucier seconded the approval of the amended agenda to include discussion on the status of this committee. Committee unanimously approved the motion.

ACTION: Robinson moved and Lucier seconded the approval of the August 14, 2009 committee meeting minutes. Committee unanimously approved the motion.

ACTION: By unanimous consensus the committee agreed to extend the committee for a couple of months to address outstanding issues of mutual interest.

Progress since 8/14 meeting:

a. Chatham County community meeting results and impacts to draft joint land use plan:

The Chatham County public comment period is still open, so staff has not conduct analysis to-date. Some comments pertained to design standards.

Chatham noted they would like a look similar to Fearrington Village. They also like no curb and gutter with meandering ways pushed away from the road with attractive streetscapes (similar to Greystone). Chatham will ask their staff to work on design standards and an overlay area district after the land use plan is adopted.

The committee agreed to the following decision point: Chatham County will drive the design standards process and will work with the Cary Town Council on the development. Cary will adopt the same design guidelines as Chatham County in this joint plan area.

b. Economic develop analysis and impacts to draft joint land use plan

Below is material provided by Cary staff based on their conversations with others:

- Hwy 751 and 64 has the best opportunity for some density in the near future of all the intersections
- Probably the best bet for a grocery anchored center in the not too distant future – say 2-3 years, but does not necessarily lend itself to mixed use.
- More appropriate route could be multi-use with some low density office or flex space, and depending on the size of the parcel, on another corner or adjacent to the neighborhood center
- Could support some residential component adjacent to the corner parcels, typically behind the commercial, but not necessarily fronting either 751 or 64, and certainly not vertically integrated.
- Something like the Community Activity Center (CAC) designation.
- As to the 751 / Lewter Shop intersection area, with proper alignment of the intersection with Martha's Chapel, that could one day serve as a mixed use area.
- Don't box yourselves with specific use or overlay today, just allow the four corners some limitations on density and let the market determine the demand there.
- With Streets of Southpoint so close, you are not going to see any regional activity level of development there either, and likely won't even rise to a community-scale designation.
- But those levels might be achievable someday, and since it is about 3 miles from 751 and 64, the more prominent intersection, Lewter Shop will take a while to develop out.
- Remember that retail development, especially neighborhood grocery sites, is driven by traffic counts and density. You will need about 40,000 people in a trade area (typically 5-7 miles, but closer depending on competition, location, etc.), just to justify a grocery store. Given the population projections on the table, this is VERY long term planning.
- The mixed-use support center is viable on a somewhat small scale.
- With 20,000 population area and approx 3 miles to the nearest retail (larger), a neighborhood retail center with grocer and an additional 60,000 to 100,000 SF of retail (including outparcels) should be viable once a good number of the rooftops are in place.
- Office space would tend to be small, local users and professional space. I would predict a demand of 100,000 to 200,000 SF max for office. This location will not be strong for office.

Below is information provided by Chatham officials:

- Most thought a business type approach would work better than a commercial center based on the proximity to RTP.

- A denser development in this vicinity with a rural buffer would be appropriate , with a mixed use component to the business campus type approach.

A Cary member proposed:

- Excluding the big box development and focusing on mixed use, since mixed use necessitates utilities.
- The focus should be employment based with the mixed use nature of some residential and the support services necessary to support the employment and residential.

The committee focused on Plan 4a.

Chatham questioned the population project on page 7 of the comparison handout (on the 218 acres 3,379 dwelling units and 7,577 people with 655 students), and they want this number reduced. Staff referred to footnote 17 on page 8 of the handout. To come up with this number the staff allocated ¼ of the land to townhomes, ¼ to patio homes, ¼ to garden style apartments, and ¼ to more urban style higher density apartments. This is just a starting point, and it can be changed.

Chatham suggested that the 218 acres average eight units per acre and that the market determine the housing style. There is 218 acres set aside for mixed use office/business, and this is sufficient, with a small amount of neighborhood commercial use. The mixed use residential would be 1,744 dwelling units instead of the 3,379 currently shown.

The committee discussed whether it's better for the map to show defined areas with designations running with parcels or leave it "floating". Members thought an overlay area around Lewter Shop Road and 751 would protect the lake, noting that the use cannot drift into the green designation on the map. Members think it's important to put an upper limit on the acreage and define general parameters and the upper bounds. A con of this floating method is that it might confuse people. Members concurred that Plan 4a is best, with clarifying that the boundaries do not necessarily run with parcels and are actually decided based on market conditions.

The group restated their consensus with the committee's following decision points: The group is focused on Plan 4a. The blue mixed use area shown on the map is comprised of 24 acres of commercial, 218 acres of mixed use employment with mixed use services to support the neighborhood and 218 acres of mixed use residential. The residential will average eight 8 units per acre on the 218 acres. The design standards will provide more specificity. The plan should include a note that the area is comprised of 460 acres; the actual boundaries will ultimately be market driven.

Decision point: The committee concurred with allowing staff to smooth out the transitions to clean up the map and align things with the road.

Chatham brought up the issue of a rural buffer zone, which protects the rural character, prohibits certain uses, protects agricultural uses in lower density areas, and ultimately protects the lake and would not change anything on the map. Chatham noted that Chapel Hill and Orange County have agreed there will be no infrastructure services extended beyond their rural buffer boundary line, and property within this area is at the one unit per five-acre designation.

Decision point: The committee concurred with removing the green triangle in the vicinity of Amberly (Pittard Sears Road) and the Turtle Creek Subdivision from the rural buffer area. They agreed that everything else in green will be rural buffer area (one unit per five acres). Land with this designation shall not be provided with public utilities by the Town of Cary, except for such areas located north of Panther Branch or immediately adjacent to the Chatham/Wake County line.

Decision point: The committee agreed with a 200 foot of buffer adjacent to the American Tobacco Trail.

Chatham raised the issue of transfer of development rights (TDR) and proposed changing the areas shown as two units per acre to one unit per acre but allowing the land use to be increased if TDR is used.

Cary committee members questioned adopting a land use plan and including TDR provisions without first having the legislative authority for TDRs.

The group took a short recess.

Decision point: Chatham noted that Chatham County buffers ephemeral streams and Cary does not. They suggested backing them out from the buildable acreage and allowing two units per acre. This applies to the orange area on the map. Ephemeral streams will have a 30 foot buffer. Everyone concurred.

Decision point: All committee members agreed that both units of government will seek a local bill that requires both parties to agree to future amendments to the land use plan.

The chair restated the various decision points for which the committee agreed:

A. Recommend that the Chatham Board of Commissioners and the Cary Town Council pursue adoption of **Plan Option 4a** including the following notes, changes, or further actions.

1. **Boundaries of land use designations.** Include a note on the plan map or in a supporting text document that the boundaries of any land use category shown on the plan map are general in nature and are not intended to be absolutely “fixed” on the exact property lines or locations shown.
2. **Definition of “mixed use area.”** Include a note on the plan map or in a supporting text document that defines the characteristics of the mixed use area generally as follows:
 - Approximately 460 acres in size
 - Is appropriate for residential, office/employment, or neighborhood commercial support uses
 - Shall consist of approximately 24 acres of commercial uses, 218 acres of office/employment uses, and 218 acres of residential uses
 - Residential uses shall average 8 dwelling units per acre, with the total number of dwellings not to exceed approximately 1744 units
3. **Design standards.** Include an action item to develop appropriate design standards that seek to protect the character of this portion of eastern Chatham County. Preparation of such standards shall be led by Chatham County staff and the Board of Commissioners with the intent to have them adopted by both the Cary Town Council and the Chatham Board of Commissioners.
4. **Map edits and transitions.** Make appropriate map edits and changes, as identified by the subcommittee, to yield smoother and more logical transitions between land uses (e.g., the area north of Panther Branch between Pittard-Sears Road and the Old Chatham Golf Club).
5. **Rural buffer zone.** Include a note on the plan map or in a supporting text document that the rural land use designation (i.e., the five-acre minimum lot size) adjacent to Jordan Lake shall serve as an “urban service limit” and shall not be provided with public utilities by the Town of Cary, except for such areas located north of Panther Branch or immediately adjacent to the Chatham/Wake County line.

6. Protection of “ephemeral streams.” Adopt development requirements that stipulate a 30 foot natural area as a buffer on both sides of ephemeral streams as measured from the top of bank of said streams within the two-dwelling units/acre land use designation in the easternmost portion of the planning area.

7. Buffer adjacent to the American Tobacco Trail. Include a plan note to require a 200 foot natural buffer adjacent to both sides of the American Tobacco Trail (ATT).

B. Further, the subcommittee recommends that any future changes to the plan map or design standards, once adopted, be approved jointly by both boards. Both elected bodies agree that this bilateral amendment mechanism should be included in local legislation that both elected bodies will agree to support and present to the North Carolina General Assembly.

ACTION: Robinson moved to recommend for approval the joint land use plan 4a with the seven elements listed by the chair (above, as part of A, 1-7). Lucier provided the second. The committee unanimously approved the motion.

ACTION: Lucier moved to approve the recommendation that (1) the future amendments to the design standards and the land use plan require approval by both Cary and Chatham County, and (2) this should be embodied in a local bill. Robison provided the second. The committee unanimously approved the motion.

The chair adjourned the meeting at 2:49 p.m.