

## Chatham County-Cary Joint Issues Committee Meeting

February 16, 2011

9:00 AM

Jordan Lake Visitor's Center  
280 State Park Road  
Apex, North Carolina

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Members Present: Brian Bock (Chatham County); Walter Petty (Chatham County); Pam Stewart (Chatham County); Julie Robison (Cary); and Jennifer Robinson (Cary)

Absent: Erv Portman (Cary)

The PowerPoint presentation for the meeting is attached to and incorporated herein as **Exhibit A**.

### I. Call to Order

Councilwoman Robison called the meeting to order at 9:07 AM and welcomed those in attendance.

### II. Approval of Agenda

**ACTION:** Robinson moved to approve the agenda. Bock provided the second; members unanimously approved.

### III. Approval of Minutes

**ACTION:** Bock moved to approve the January 13, 2011 Committee minutes; Petty provided the second; members unanimously approved the motion.

### IV. Designation of Committee Co-Chairs

**ACTION:** Bock agreed to Co-Chair the Chatham County-Cary Joint Issues Committee Meeting. Members unanimously approved

### V. Discussion of Joint Land Use Plan Draft map #5 and Citizen Response

- a. Staff provides overview of Draft Map #5
- b. Review of prior Committee response to citizen comments (subsequent Draft Maps)

- c. Committee discussion of citizen comments and Draft Map #5
- d. Committee provides direction to staff on level of detail and changes for next Draft Map

Refer to Exhibit A.

Bock asked for clarification of Cary's Utility Extension Policy, as it relates to the rural boundary line and the Hills of Rosemont Subdivision.

Cary Engineering Director Bailey explained Cary's Extension Policy and stated that the practice is to require annexation to receive utilities; however, Cary will extend utilities to unincorporated areas, but charge triple rates for the utilities. Ultimately the Town Council makes the final decision on this.

Stewart asked about traffic with regard to the mixed use nodes.

Howell clarified that there were prior discussions, but the issue was deferred. Petty stated that two nodes might split up the traffic load in that area. The Committee continued to discuss the mixed use nodes and citizen response.

Cary Principal Planner Ramage discussed the staff-proposed density swap along Luther Road in the southeastern area of the plan, and stated the reasons for the proposed swap were the proximity to the Apex ETJ and the goal of no net gain of high-density area.

Robinson responded that the staff should find out what Apex has planned for that area.

The Committee discussed changes to the rural boundary line shown on Draft Map #5.

Bock stated that he is inclined, with regard to the rural boundary line, to keep it to the east of the Hills of Rosemont Subdivision, and to the south draw the rural boundary line to follow New Hope Church and Mt. Pisgah Church Roads.

Robinson asked if that means that Markham Plantation Subdivision would be to the east of the rural boundary line. Bock responded he would prefer the line to follow the New Hope Church Road and exclude Markham Plantation.

Chatham County Planner Howell asked the Committee to clarify the proposed changes to the location of the rural boundary line.

**ACTION: Bock moved to keep the rural boundary line to the east of the Hills of Rosemont and to follow O'Kelly Chapel Road to the ATT, down the ATT to New Hope Church Road to Mt. Pisgah Church Road. Robinson provided the second. Members unanimously approved the motion.**

**ACTION: Bock moved to ask staff to prepare two maps for the next meeting to show the two proposed mixed use node areas. Robinson provided the second.**

Committee discussion ensued about the proposed location and boundaries of the two mixed use nodes. Chatham County Planner Howell asked to clarify the level of detail the Committee would like on these maps. Robinson stated her concern with regard to asking the public for comment on two different maps. Stewart pointed out that many of the negative comments to the original location of the mixed use node came from parcels that were still within the new location of the mixed use node at 751.

Further Committee discussion ensued about the mixed use nodes. Chatham County Planner Howell reminded the Committee of the previous discussion to provide less detail in the maps and asked if the Committee would prefer to show the mixed use nodes as more of an overlay with less specific boundaries.

**ACTION: Bock amended his motion to direct staff to bring back a generalized overlay district with approximate composition of uses developed as a mixed node or employment center. Robison provided the second to the amended motion.**

Committee discussion ensued with regard to the locations of the overlay districts and whether two motions were needed because there are two locations for the overlay districts. Councilwoman Robison agreed.

**ACTION: Bock amended his amendment to direct staff to bring back a generalized overlay district with approximate composition of uses developed as a mixed node or employment center in the vicinity of Lewter Shop Road and 751 intersection. Robison provided the second to the amended motion. Members unanimously approved the motion.**

**ACTION: Bock moved to direct staff to bring back two generalized overlay districts with approximate composition of uses developed as a mixed node or employment center in the vicinities of Lewter Shop Road-751 intersection and Lewter Shop Road at the Chatham-Wake Boundary. Petty provided the second to the motion. Members unanimously approve the motion.**

Bock asked staff to change the map labeling style to clarify the new maps proposed by the current Committee.

Robinson asked about the proposed density swap along Luther Road. Chatham County Planner Howell stated that if the Committee agreed, staff would revisit the location of the rural boundary line to ensure that areas shown within the

boundary can actually be served, which may solve this and similar situations. By consensus, the Committee agreed.

## **VII. Revised Project Schedule**

- a. Committee discussion Joint Land Use Plan project schedule
- b. Committee direction to staff on revision of the project schedule

Robison asked staff how much time would be needed to make the revisions to the plan map discussed today.

Chatham County Planner Howell stated that staff would prefer two months. By consensus, the Committee agreed to reconvene in two months and directed the clerks to work together to schedule the meeting in approximately two months.

Chatham County Planner Howell stated that at that time, staff would bring an updated proposed project schedule back to the Committee for approval. Robison asked for a draft schedule to be sent to the Committee for review in the meantime.

## **VIII. Next Steps**

Bock stated that there was interest from the Chatham County Board to add a fourth representative to the Committee.

Robison asked if either of the Managers or the Town Attorney have any comments/suggestions. Cary Town Attorney Chris Simpson stated that it would be best to take this request back to the full Council and Mayor since the Town representatives were appointed by the Mayor and Council.

Cary Assistant Town Manager Bajorek stated that it would be best if this request were made by the full Chatham County Board to the Cary Town Council.

Bock agreed and stated that the Chatham County Board of Commissioners will discuss this issue and forward a decision to the Cary Town Council.

Robison stated that Cary Town Manager Shivar asked the Committee to discuss the name and future of the Committee. By consensus, the Committee agreed to add this as a topic to the next agenda.

## **IX. ADJOURNMENT**

Robison adjourned the meeting at 11:28 AM.

# EXHIBIT A

## Chatham-Cary Joint Issues Committee

February 16, 2011

1

## Agenda

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes
- IV. Designation of Committee Co-Chairs

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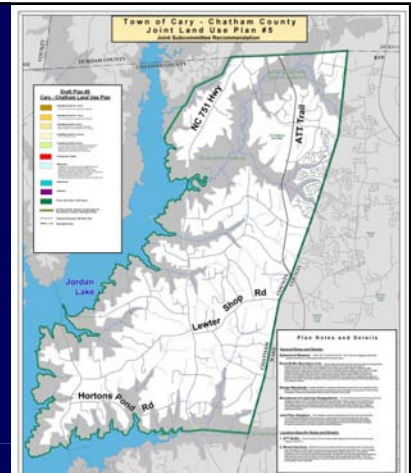
## V. Discussion of Joint Land Use Plan Draft Map #5

### Background & Context

3

### The Joint Plan Boundaries

Corps: 6,082 ac.  
Other: 12,052 ac.  
-----  
Total: 18,134 ac.



4

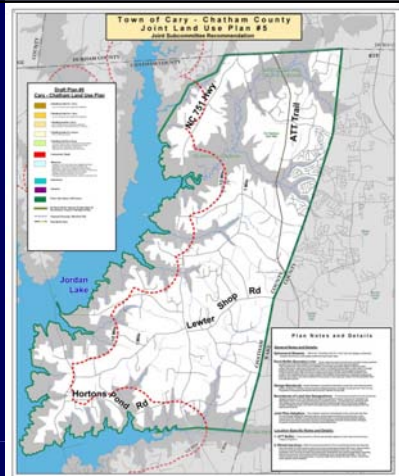
## State 1/2 Mile Critical Area

Jordan Lake Is A WS-IV Water Supply

Within The 1/2 Mile Critical Area:

**Low Density Option:**  
1 du / 1/2 ac. or 24% impervious

**Hi Density Option:**  
24-50% impervious



5

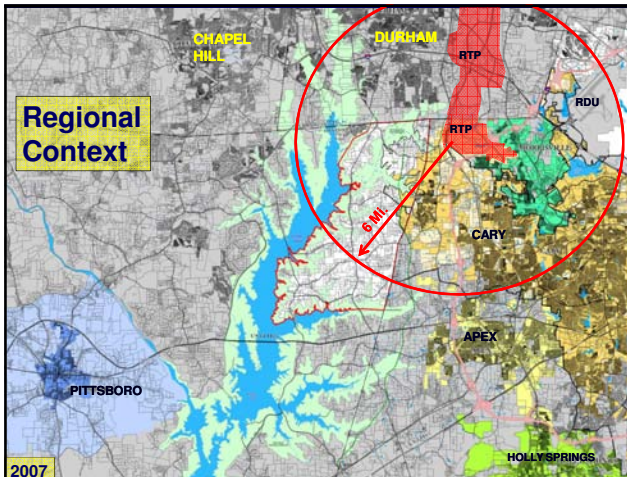
## Existing Conditions

- Most of Study Area Zoned R1 (c. 2007)



6

## Regional Context

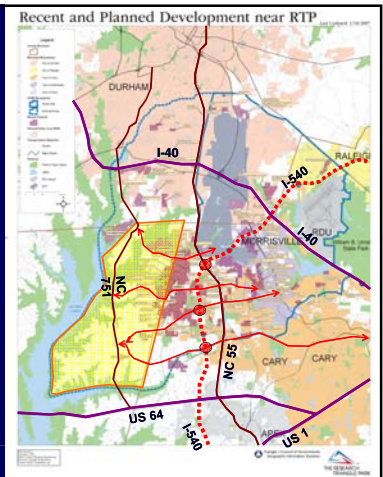


2007

## Transportation Context

- RTP Web Map →
- I-40
- NC Hwy 55
- US Hwy 1 & 64
- NC Hwy 751
- Future I-540 / Western Wake Pkwy
- Thoroughfare Connections

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**2006 Information From NC Wildlife Resources Commission**

- ⇒ Nature Conservancy EcoRegional Portfolio Adjacent to Game Lands
- ⇒ 150-Yard Hunting Buffer Next To NC Game Lands
- ⇒ Jordan Game Land Burn Blocks and ½ Mi. Buffer
- ⇒ Natural Heritage Inventory Sites
- ⇒ ATT Wildlife Corridor

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**2006 Feedback From NC WRC**

- **Density Transitions**
- ⇒ Use “Zoning Extremes,” e.g.:
- ⇒ 5-10 ac. lots near lake, then...
- ⇒ ...“Jump” to Higher Densities Going East

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Agenda

**V. Discussion of Joint Land Use Plan Draft Map #5**

**a. Overview of Draft Map #5...**

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**Elements of Joint Plan #5**

The Map 5 Framework Began With Identification Of ...

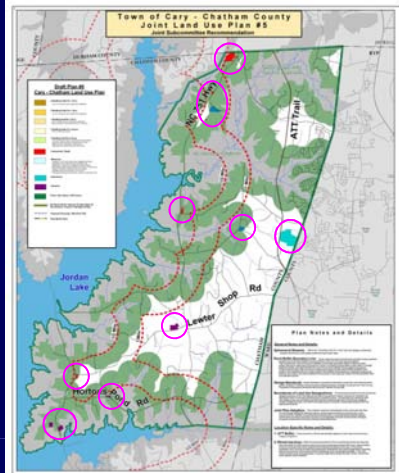
- Corps Land (6,082 ac. in Study Area)
- ½ Mi. Lake Buffer
- 1 Mi. Lake Buffer
- ¼ Mile Buffer Around the COE Buffer Property.

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**Elements of Joint Plan #5**

JIC 1<sup>st</sup> Decided That Plan #5 Would Reflect Areas Where Up-Zonings Had Already Occurred.

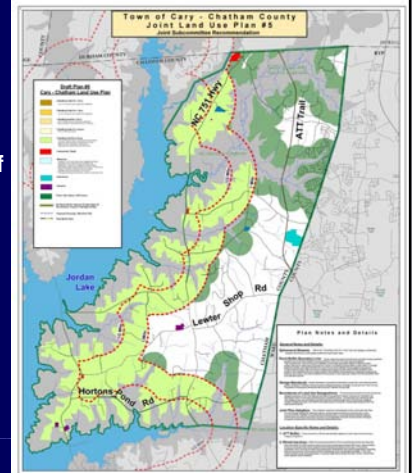


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**Elements of Joint Plan #5**

The Designation Of 1 Dwelling per 5 Acres Was Extended To The 1 Mile Buffer.

(totals 4,687 ac.)



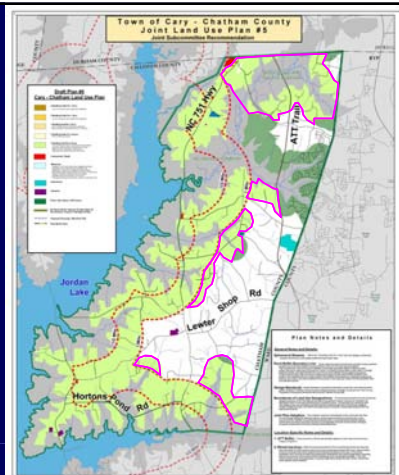
14

**Elements of Joint Plan #5**

The 1 Dwelling / 5 Ac. Designation Was Extended To Most Of The Land Within ¼ Mile Of COE Property.

(Except For Existing Cary Limits, Old Chatham Golf Club)

(+1,646 ac.)

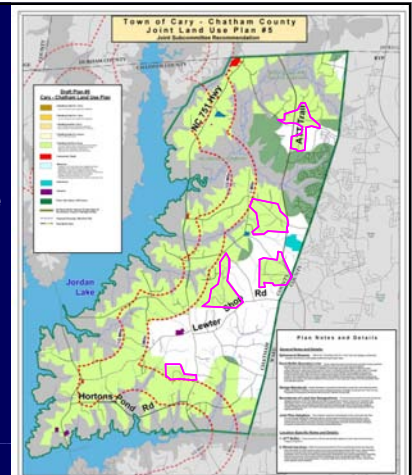


15

**Elements of Joint Plan #5**

Other Large-Lot Subdivisions Were Also Designated 1 Dwelling per 5 Acres

(+ 962 ac.)

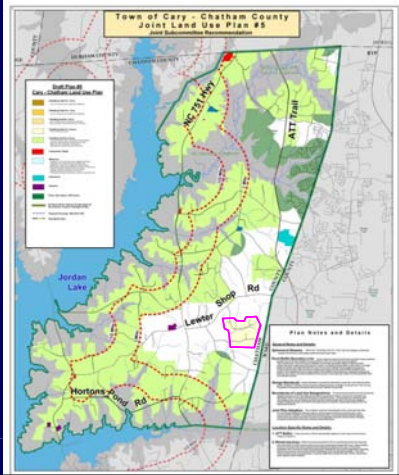


16

**Elements of Joint Plan #5**

Another Existing Large-Lot Subdivision Was Designated 1 Dwelling per 3 Acres.

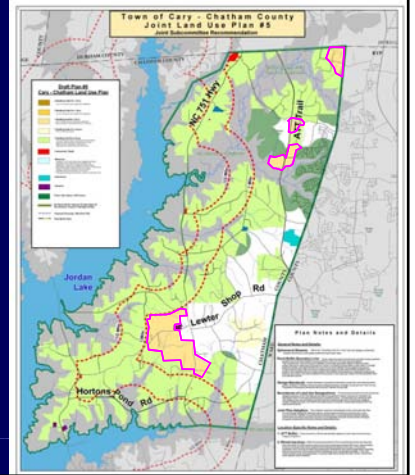
(213 ac.)



**Elements of Joint Plan #5**

Transition Areas Were Designated 1 Dwelling per 1 Acre

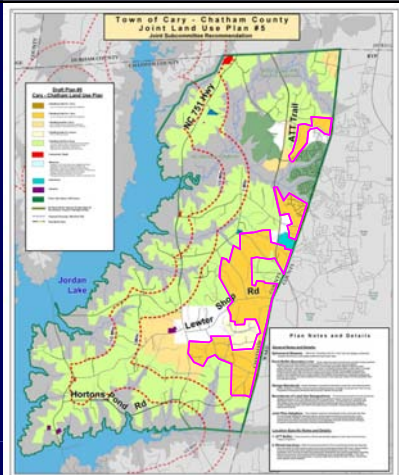
(761 ac.)



**Elements of Joint Plan #5**

Eastern-most Areas Were Designated 2 Dwellings/Ac.

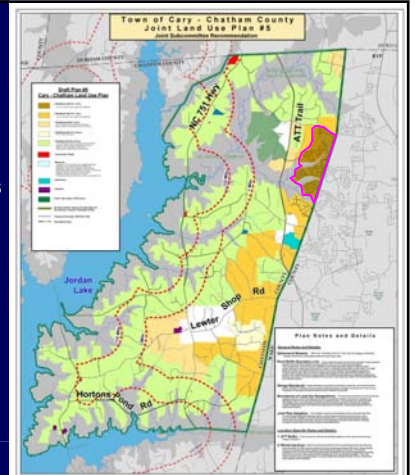
(1,857 ac.)



**Elements of Joint Plan #5**

Part Of Amberly Was Designated As 4 Dwellings/Ac. To Reflect Zoning

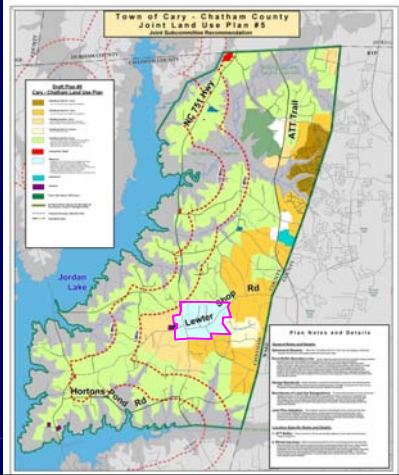
(335 ac.)



**Elements of Joint Plan #5**

A Mixed-Use Node Was Placed At NC 751 And Lewter Shop Road

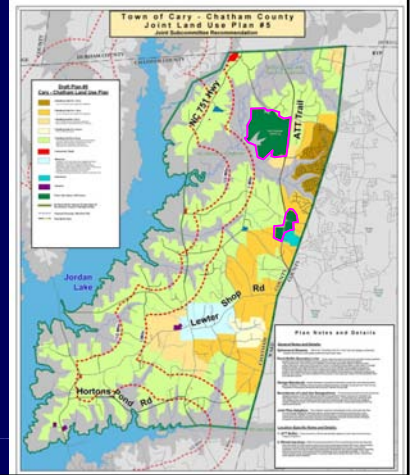
(452 ac.)



**Elements of Joint Plan #5**

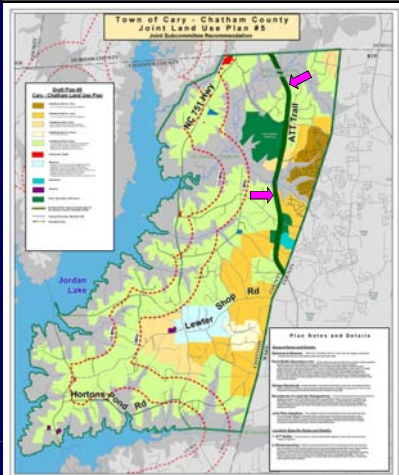
Golf Course and Town Parks Were Shown As Open Space

(482 ac.)



**Elements of Joint Plan #5**

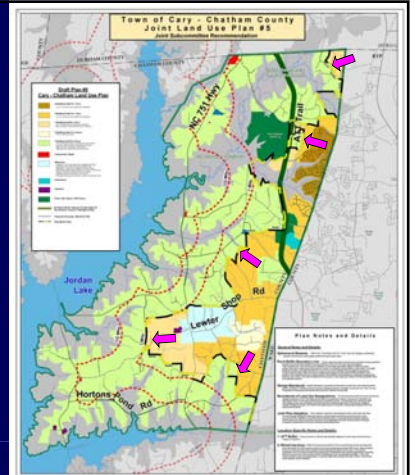
A 200 Ft. Buffer Was Designated Along the ATT (400 Ft. Total Width)



**Elements of Joint Plan #5**

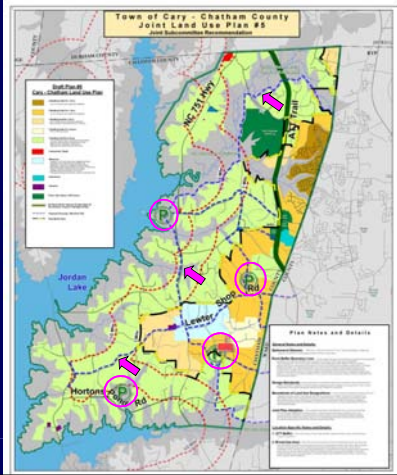
A "Rural Buffer Line" Was Placed At The 1 DU/5AC Boundary

(13,465 ac. West of Buffer, 4,669 ac. East of Buffer)



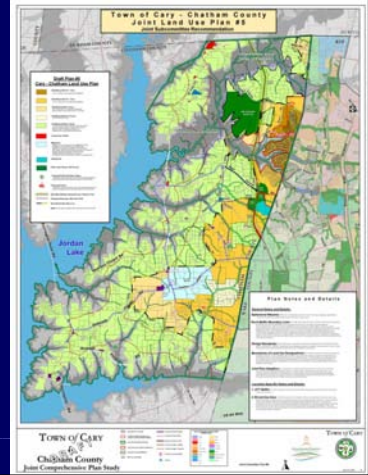
## Elements of Joint Plan #5

Finally, Parks, Schools, and Greenways Were Added



25

Land Use	Acres
Corps Land	6,082
1 du/5 ac.	7,295
1 du/3 ac.	213
1 du/ac.	761
2 du/ac.	1,857
4 du/ac.	335
Parks, O/S	482
MXD	452
Road ROW	657
<b>Total</b>	<b>18,134</b>



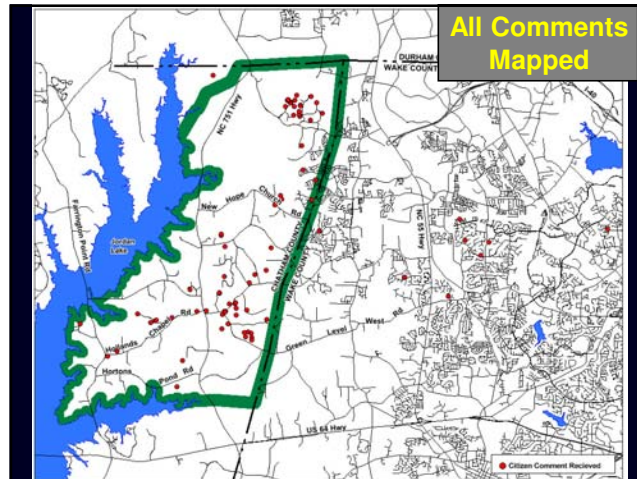
26

## Agenda

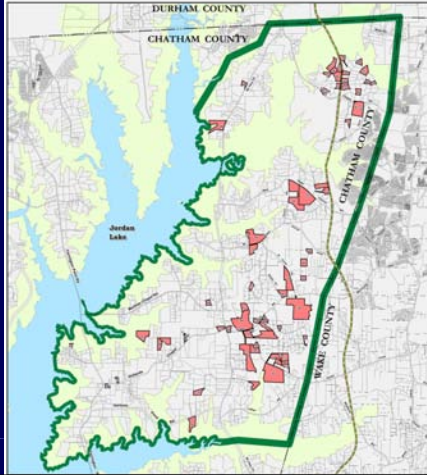
### V. Discussion of Joint Land Use Plan Draft Map #5

#### a. ... Citizen Responses to Draft Map #5

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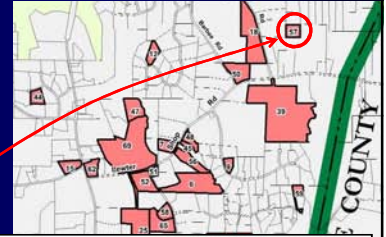


## Commenting Properties



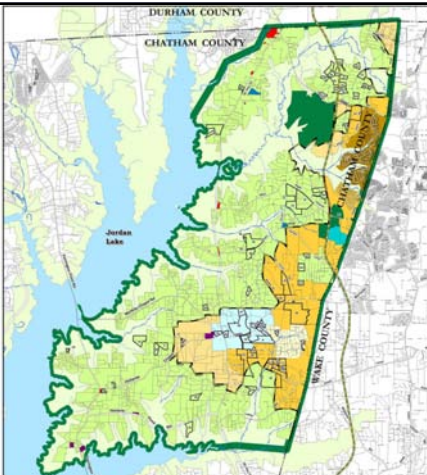
29

## Commenting Properties



Map Index Number	Owner Name	Approx. Acreage	Physical Address	Requested Land Use Changes (For Respondent's Property)	Requested Land Use Changes (For Other Property)	Mixed Use (MUD) Node	ATT
55	Steve ...	4	601 E. ...	Opposed to ATT Buffer on his property.			Opposed to ...
56	W. Tama	8.9	184 Leader Ship Rd.	Do not want my land designated as MUD node use or Joint Land Use Plan.			Do not want my land designated as MUD node use or Joint Land Use Plan.
57	Web Underwood	5.2	107 Turtle Creek Farm Rd.		Move the school and park away from Turtle Creek Farm subdivision. Light trails, noise will impact our neighborhood. Move park to a more distant area, where we won't be had to use illegal drinking because of a nearby school. Property is designated as 1-Green Ac. For properties surrounding park, opposed to school on Green Level Rd.		
58	Jane Warburton	6	354 Green Level Rd., Apex	Change from 2-du-att to 1-du-att as per Beer property.			Opposed to MUD node.
59	Joseph White	3.5	163 Nixdale Rd., Apex				My property is 1-du-att, but the adjacent is 2-du-att. This is too great a transition. Please zone buffer.

## Commenting Properties



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## Agenda

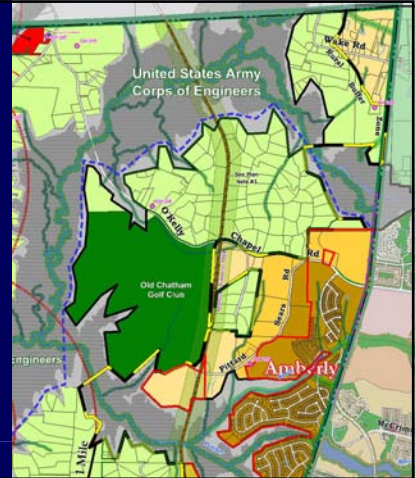
- V. Discussion of Joint Land Use Plan Draft Map #5
  - b. Review of Prior JIC Responses to Citizen Change Requests

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## ATT Buffer

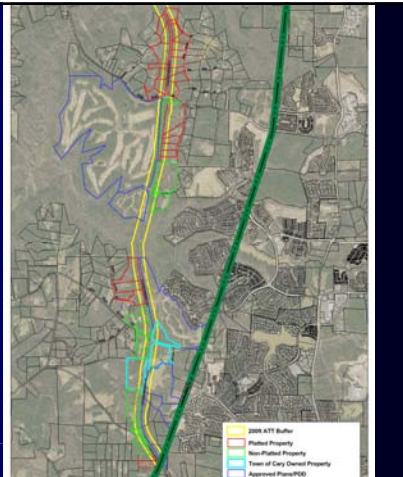
### Draft Map #5

“There should be a 200 ft. natural buffer adjacent to both sides of the ATT”



34

### ATT 200 Ft. Buffer Analysis, Feb. 2010



35

### Draft Map #5

“There should be a 200 ft. natural buffer adjacent to both sides of the ATT”

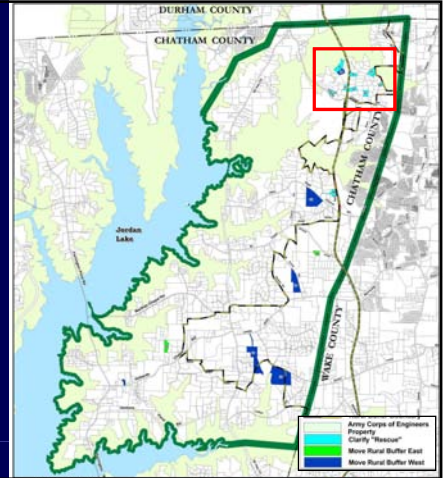
### Proposed Revision

“There should be a 50 ft. natural buffer adjacent to both sides of the ATT. Approved and/or platted subdivision lots, and approved Planned Unit Developments, are exempt.”

36

**Hills of Rosemont Comments  
Re.  
Well & Septic Rescue Policy**

**Rural  
Buffer and  
System  
Rescue  
Comments**

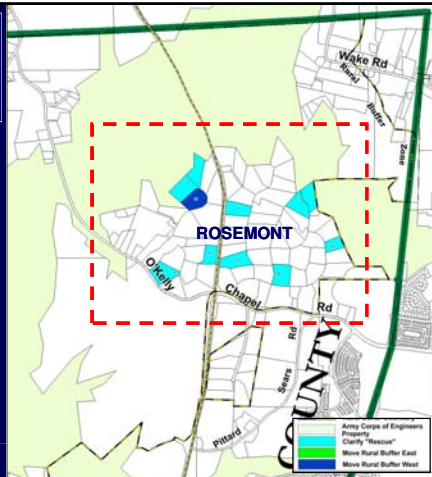


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**Hills of  
Rosemont**

Rural Buffer Line  
And/Or Rescue  
Policy Change  
Requests

(Comments also  
submitted by the  
HOA for the entire  
subdivision)

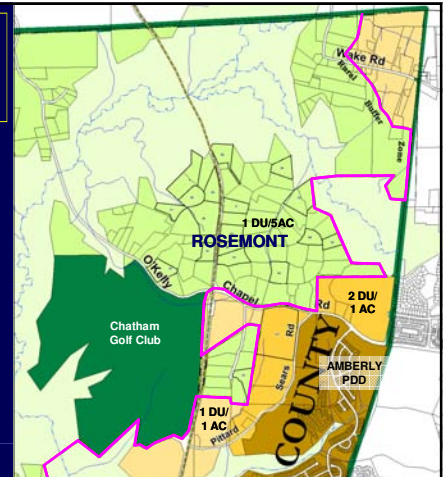


39

**Hills of  
Rosemont**

Current Draft  
Plan:

Rural Buffer  
Excludes  
Rosemont



40

## Rural Buffer: Plan Map's Definition

- Public water and sewer should not be provided to any properties west of the Rural Buffer line, by either Cary or Chatham.
- **Public utilities may be provided west of the line to "rescue" a property "having a failed private water or sewage treatment system, provided that both Chatham and Cary agree to the rescue."**
- Certain types of utility infrastructure may be located west of the buffer line, provided that no properties are served. Examples: Pump Stations, Force Mains, Interceptors, Storage...

41

## Clarifications To Water/Sewer "Rescue" Policy

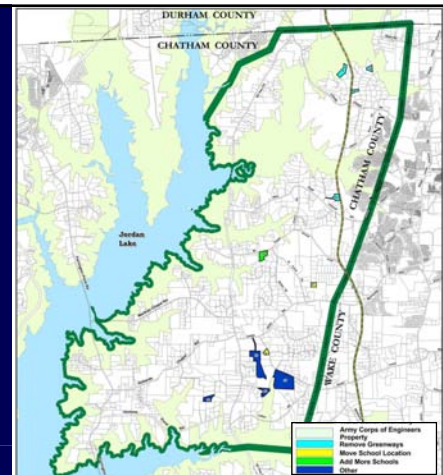
- An entire subdivision west of the Boundary can be considered for public utilities even if some of the lots in the subdivision have not yet failed.
- An entire subdivision or individual lot west of the Boundary can be considered for a public utilities rescue...
  - ... even if it is technically possible to repair the well/septic failures, if the cost of repair exceeds the cost of public connection;
  - ...for public safety reasons such as fire suppression
- Both Boards must agree to a rescue request

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## Schools, Parks, Greenways Comments

## Misc. Comments

- Schools
- Parks
- Greenways



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## Schools and Parks

- Difficult To Identify Precise Locations
- Actual Final Sites Will Likely Vary
- School And Parks Staff Generally Prefer Not To Show Target Areas
- Map Symbols May Imply More Certainty Than Exists

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## Schools and Parks

- Committee Decision:
  - Remove School and Park Symbols from Map
  - Address School And Park Recommendations in Plan Document, Incl. Timing, Size, Type -- But In Very General Terms
  - Include An Implementation Task To Pursue Parks & Schools Planning More Deeply

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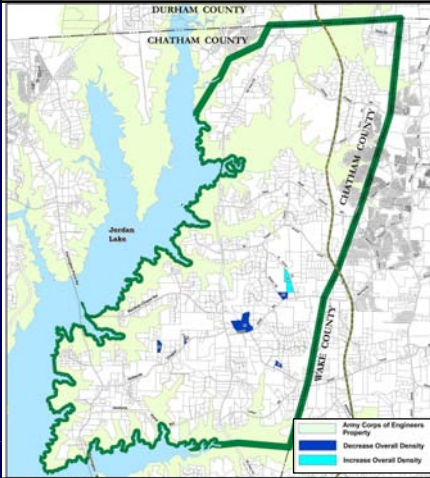
## Greenways & Trails

- Proposed Greenways Date From 2006
- Draft Plan Map Has Evolved Since 2006
- Committee Decision:
  - Remove The Greenways From Plan Map
  - Add a Recommendation in Plan Document to Develop A Greenways Master Plan As A Post-Adoption Implementation Step
  - Allows Greenways To Be Planned In Context Of Adopted Land Use Plan

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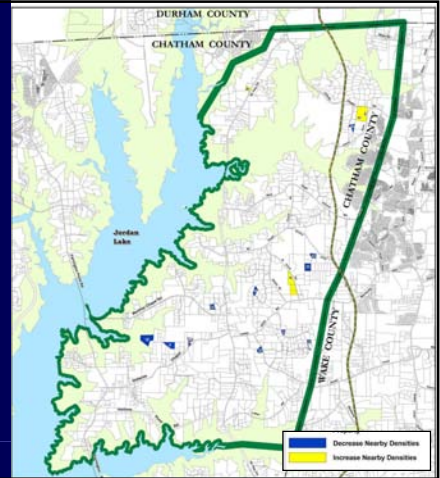
## Land Use or Density Change Requests

**Requests to Change The Overall Density of Entire Plan**



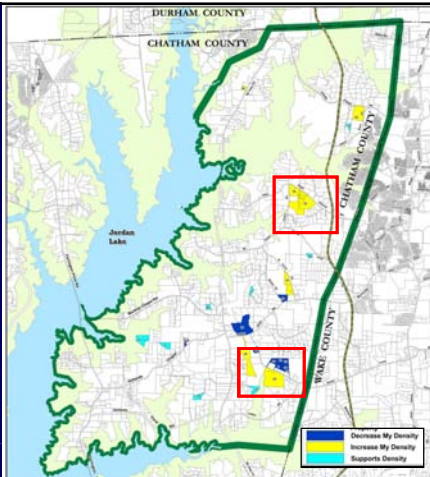
49

**Requests From Owners to Change Nearby Densities**



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**Owners Requesting A Density Change for Their Property**



51

**Verde Road Subdivision**

**Verde Rd. Subdivision**

Draft Plan #5:  
2 homes / acre

Owners Requested A Lower Density Designation

53



**Verde Rd. Subdivision**

Revision:

(1) Extend 1 du/3ac area south to cover subdivision only;  
(2) keep 2 du/ac along Green Level West Rd.

55

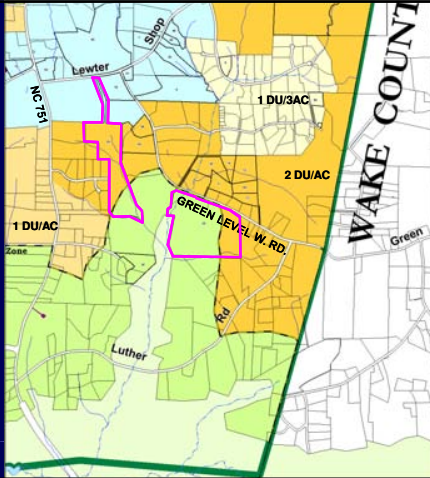
**Ferrell Family Properties**

**Ferrell Family Properties**

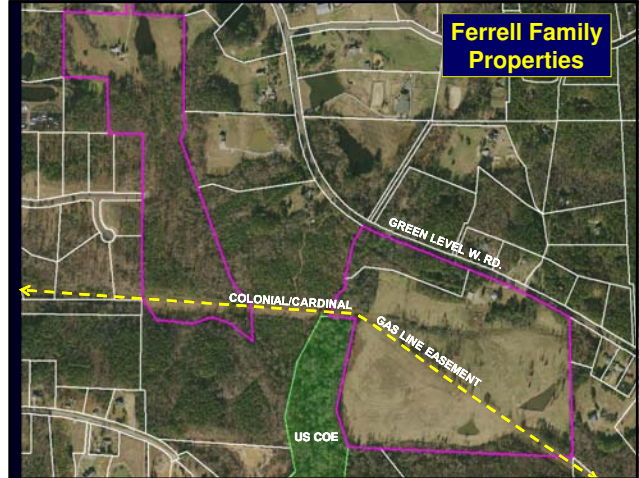
**Draft Plan #5:**  
 Properties Split Between  
 2 DU/1AC and  
 1 DU/5AC

**Owners Requested That  
 The 2 DU/AC Portion Be  
 Extended (Increased) On  
 The Properties**

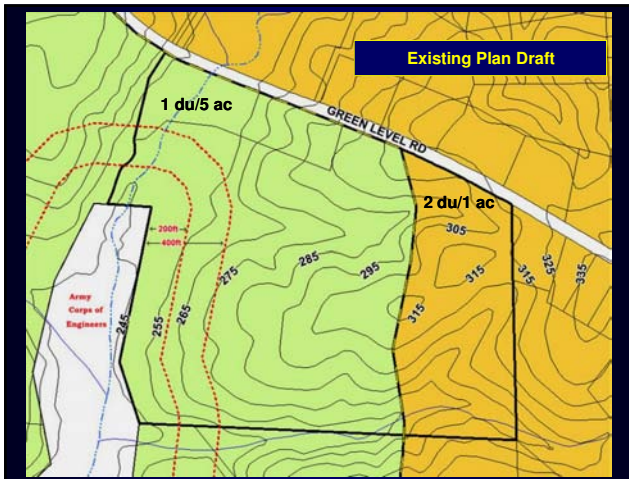
57



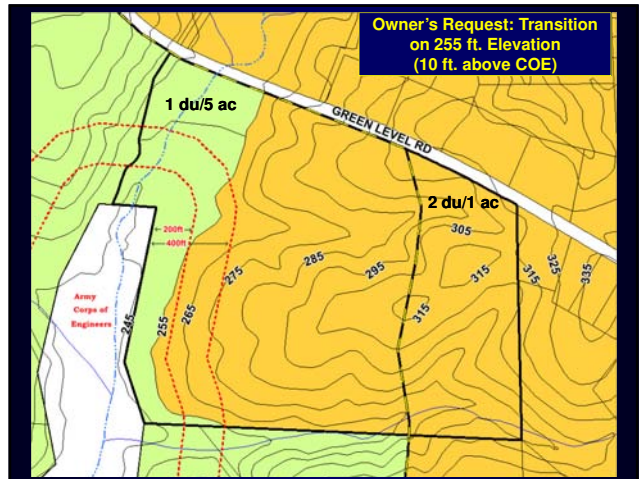
**Ferrell Family Properties**

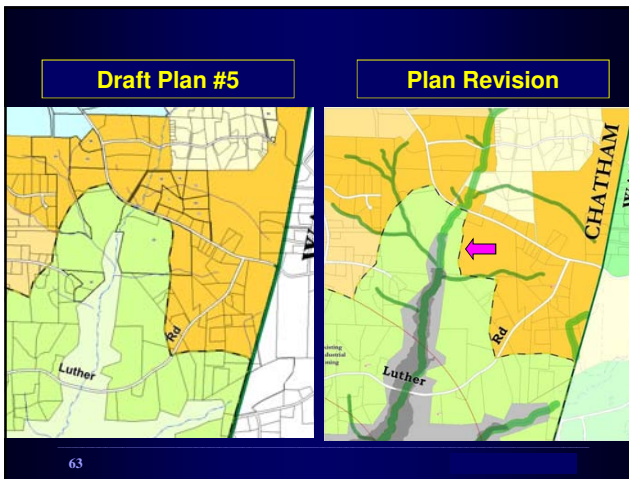
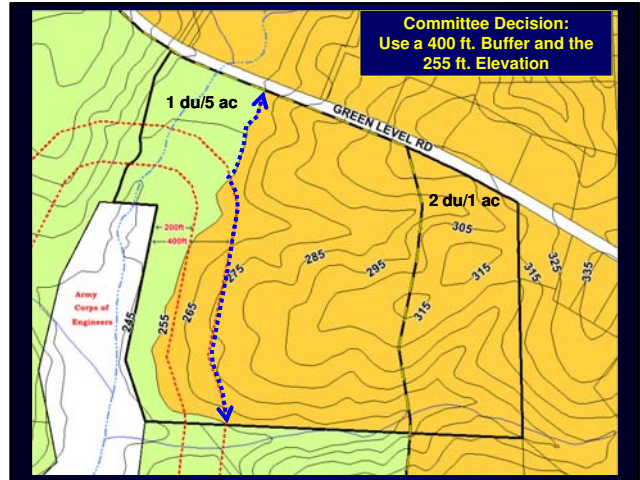
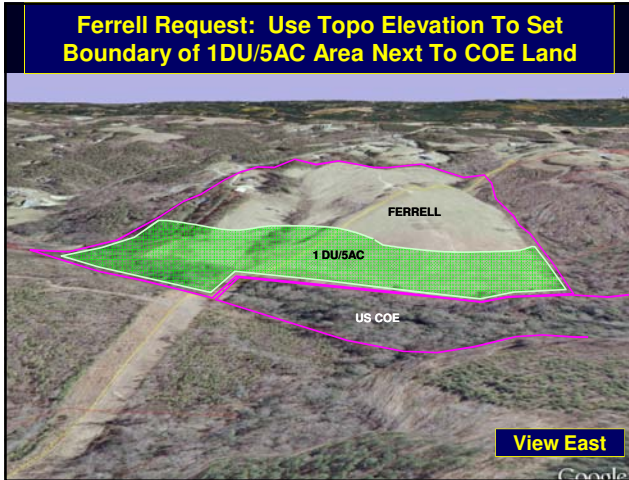


**Existing Plan Draft**



**Owner's Request: Transition  
 on 255 ft. Elevation  
 (10 ft. above COE)**





**End Of Committee Consensus Responses To Citizens' Map Change Requests.**

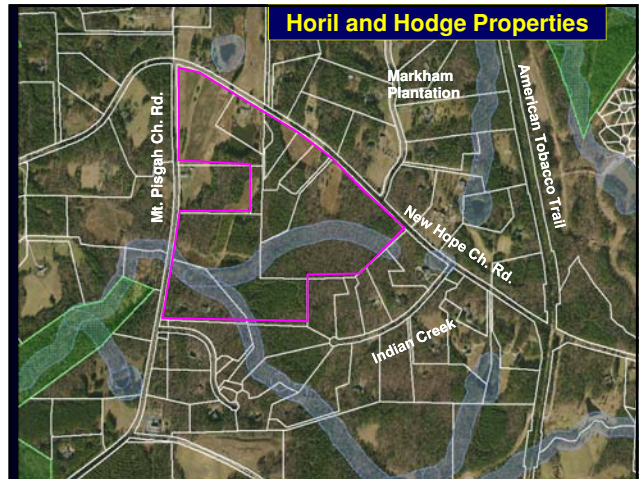
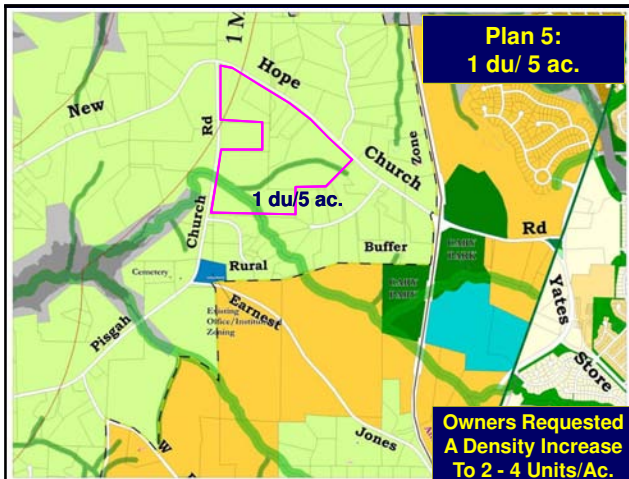
- **Committee Discussion:**
  - Affirm Or Revise The Changes Presented
  - If Committee Wishes To Revisit One Of The Changes:
    - Direct The Joint Staff Team To Prepare Recommendations?
    - Have The Committee Propose Revisions?

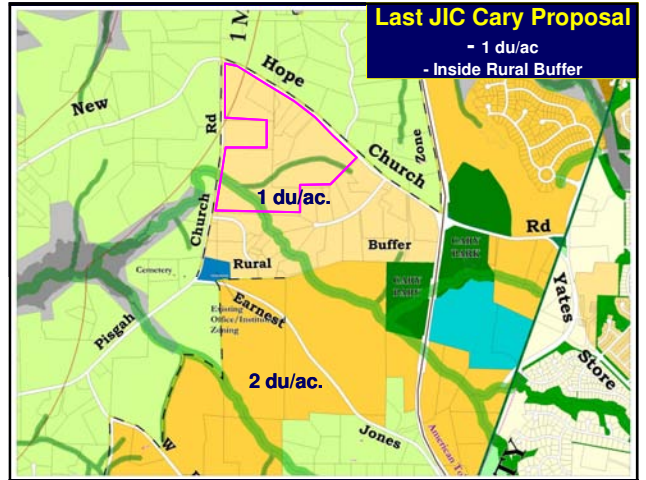
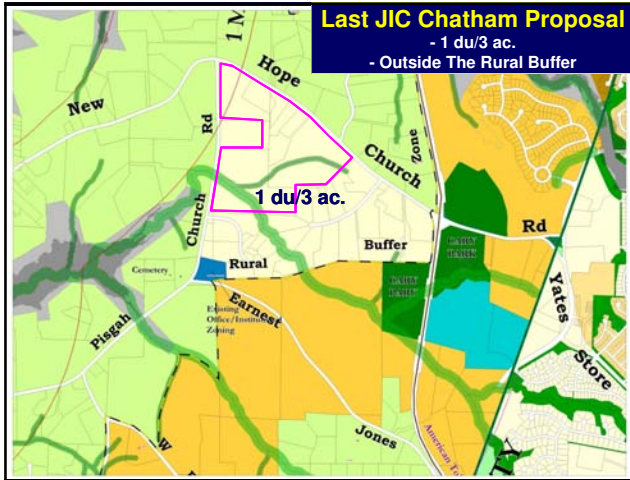
## Unresolved Comments & Change Requests

- Horil and Hodge Properties
- Mixed Use Node
- Map Changes That Depend On MXD Node Decision
- Rural Buffer/Urban Services Boundary
- Miscellaneous JIC and Joint Staff Questions

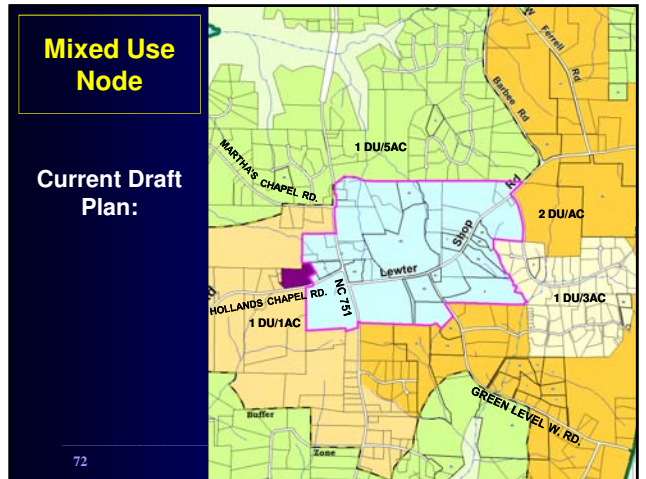
65

## Horil and Hodge Family Properties

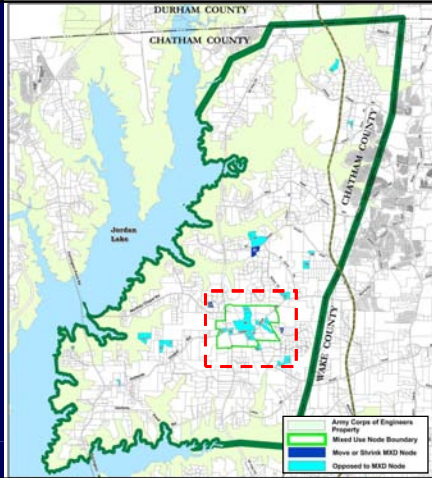




**Mixed Use Node**

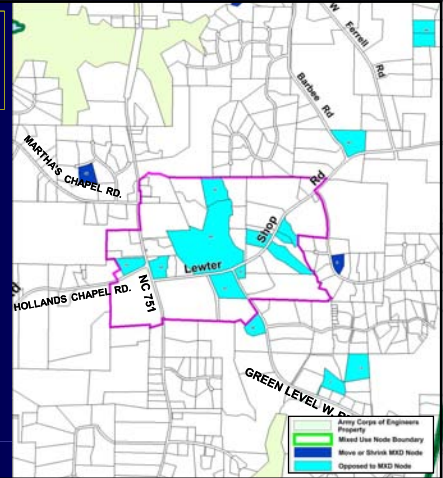


## Mixed Use Node Comments



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## Mixed Use Node



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## Mixed Use Node, Plan #5

- Current Draft Plan:
  - ~ 460 Acre "Node" located around NC 751 and Lewter Shop Road Area
  - ~ 24 Acres for Neighborhood Commercial/Retail
  - ~ 218 Acres for Medium-High Density Residential (Avg. 8 Dwelling Units/Acre; Max 1,744 Units)
  - ~ 218 Acres for Office/Employment Center

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## Mixed Use Node, Plan #5

- ~ 460 Acre "Node" located around NC 751 and Lewter Shop Road Area

### Office/Employment

Acres	218
Floor Space	1,661,814
Employees	6,315

### Commercial/Retail

Acres	24
Floor Space	188,179
Employees	470

### Residential

Acres	218
Max. Dwellings	1,744
Max. Density	8 du/ac
Population	4,888
K-12 Students	506

76 Floor Space given in square feet.



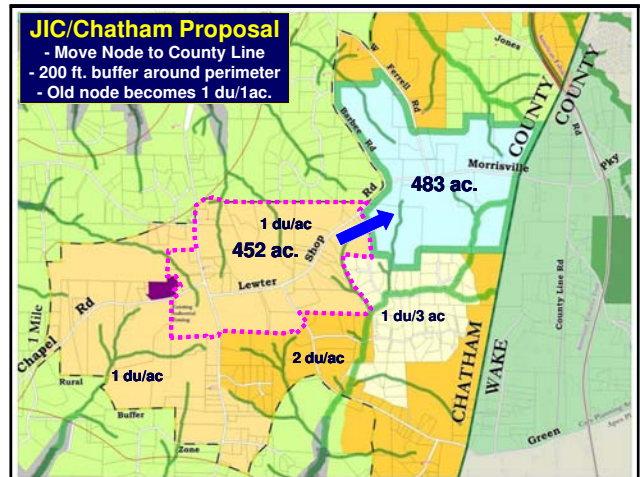
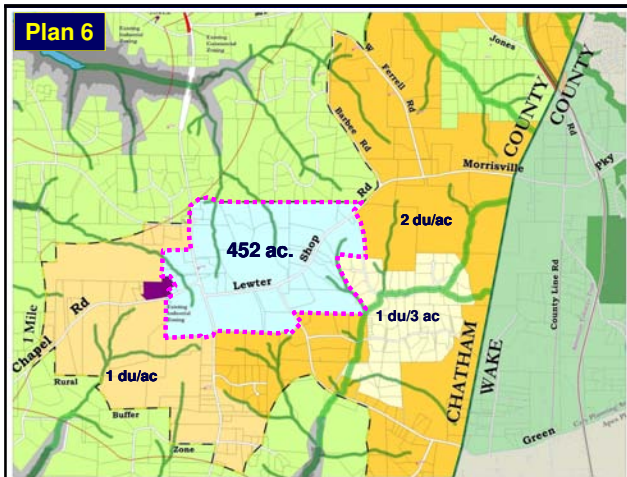
## Mixed Use Node Questions

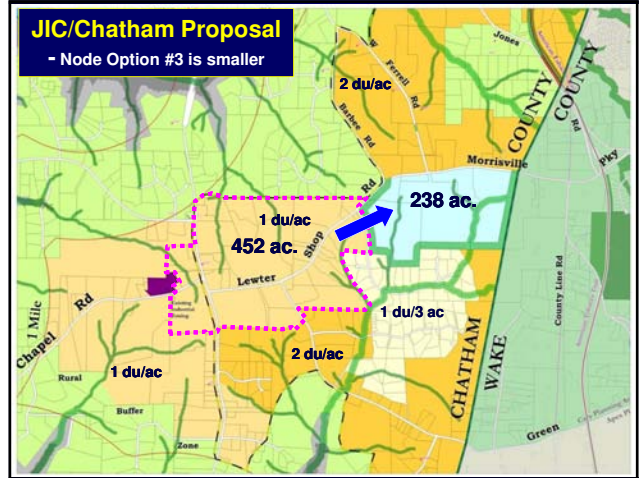
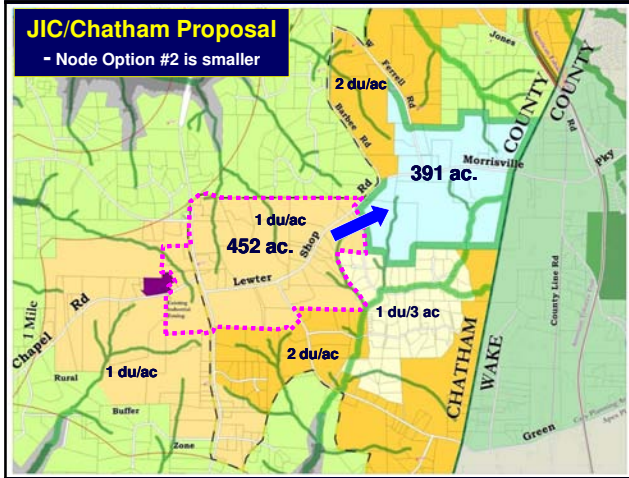
- Should a Node be in the Plan? YES
- Should it be renamed? ("Employment Center" Proposed by Chatham members)
- Should the Node be moved or split?
- Should the size of Node be changed?
- Should the mix of uses be changed?
- Should the total amount, type, intensity/density of any uses be changed?
- Should the node boundary be "floating" or fixed?
- If "floating," how is map interpreted, applied?

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## JIC - Chatham Proposal (May 2010)

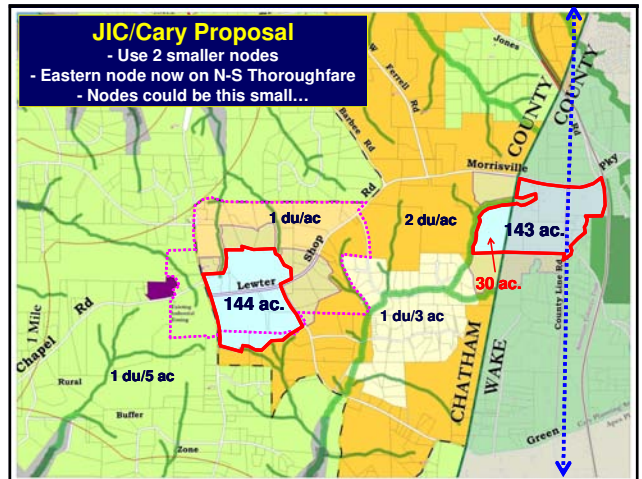
78

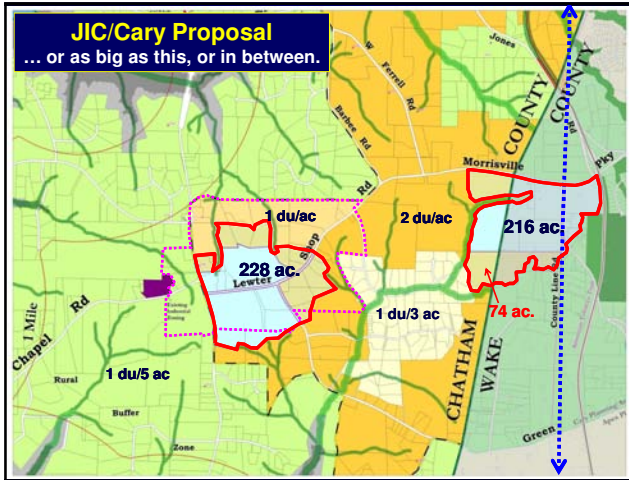




**JIC – Cary Proposal**  
(May 2010)

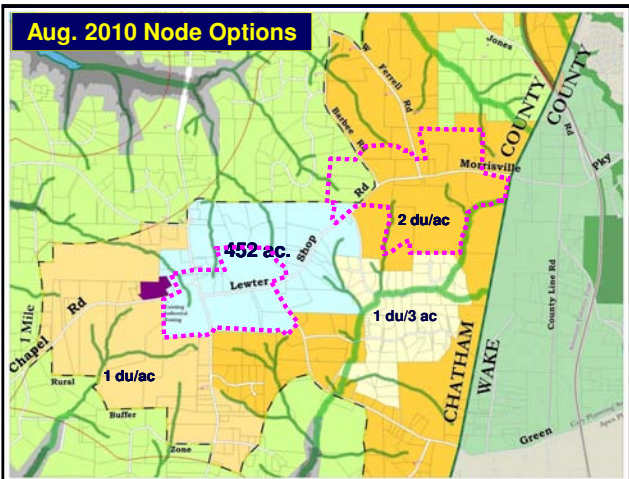
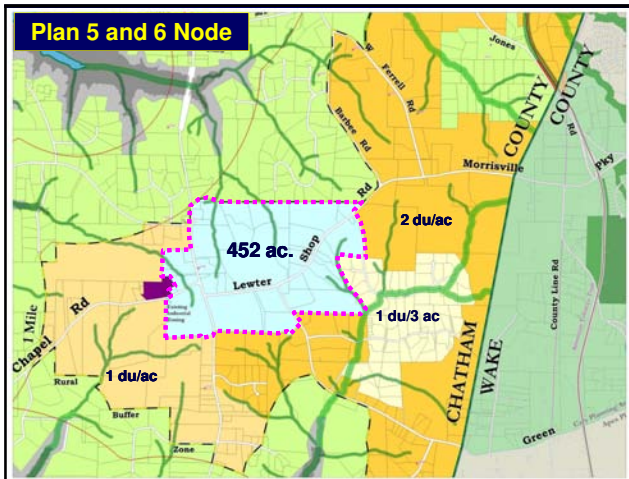
83





**JIC – Revised Joint Proposal  
For Community Feedback  
(June-Aug 2010)**

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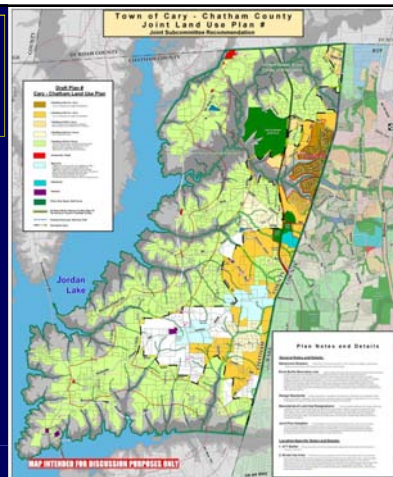
## Resolving The Two Nodes

- In Aug. 2010, JIC Proposed Taking Two Draft Plans To A Community Meeting For Feedback On Node Options. One Plan Would Show Only The Eastern Node, The Other Plan Would Show Both Nodes. Suggested To Also Show A Plan With Just The Western Node.
- Does Committee Still Wish To Do That? Would Committee Prefer To Develop Greater Closure On The Proposed Mixed Use Node(s), And Hold A Meeting After Resolution Of Entire Package Of Change Requests?

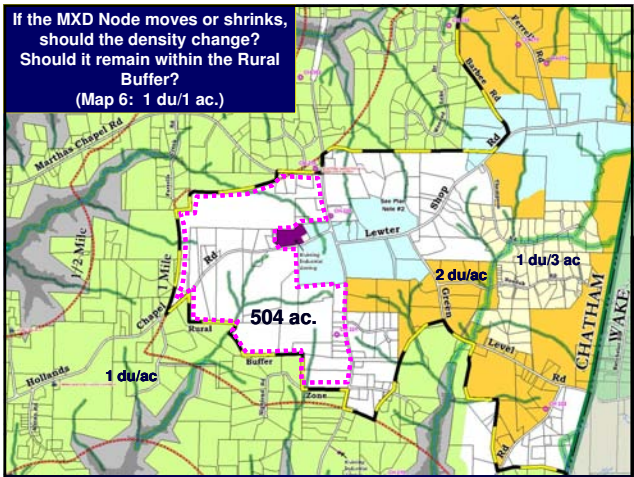
89

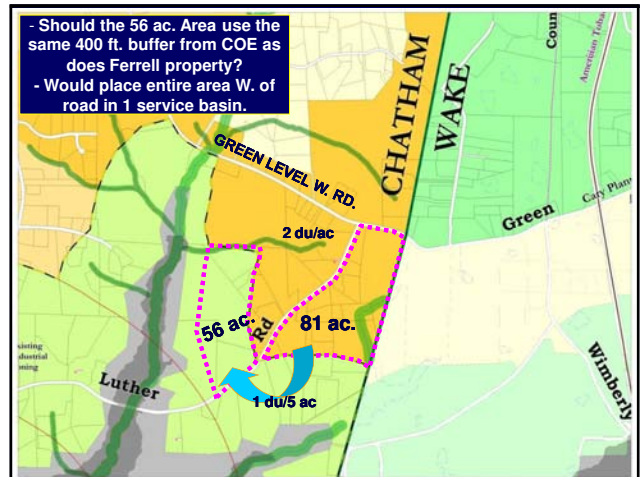
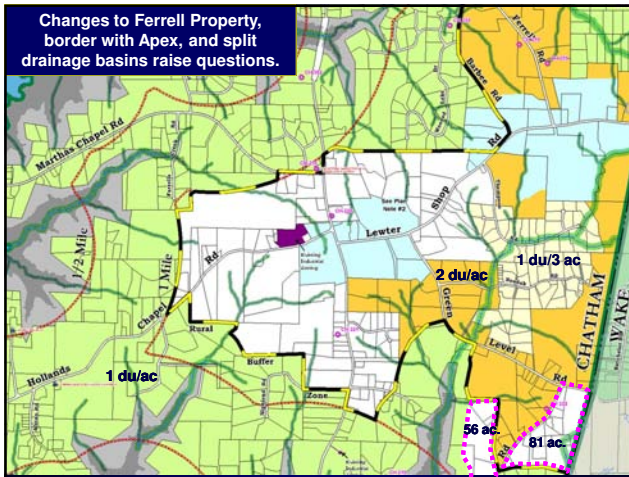
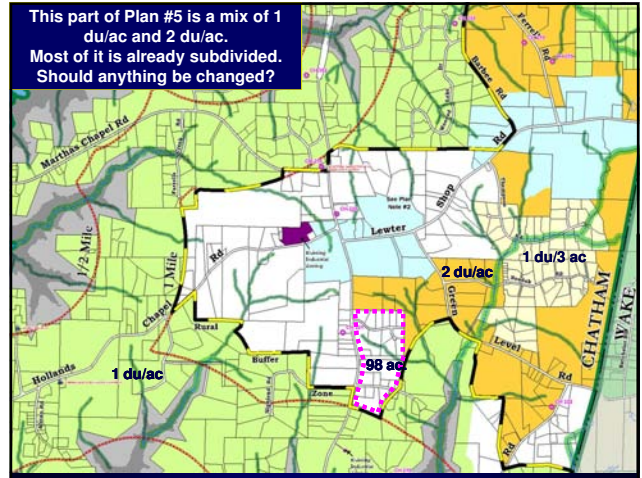
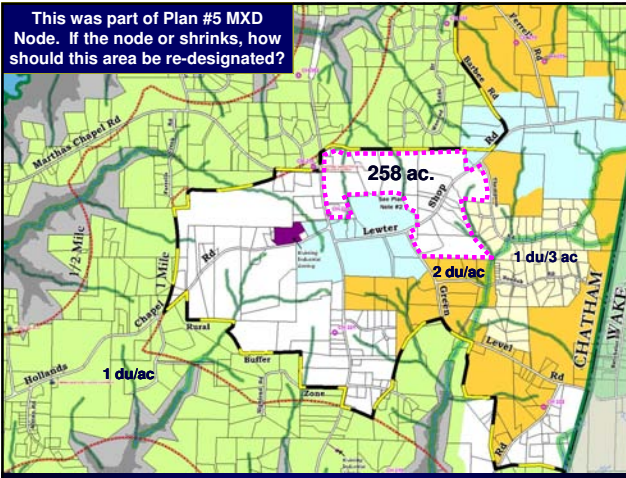
## Other Unresolved Map Issues

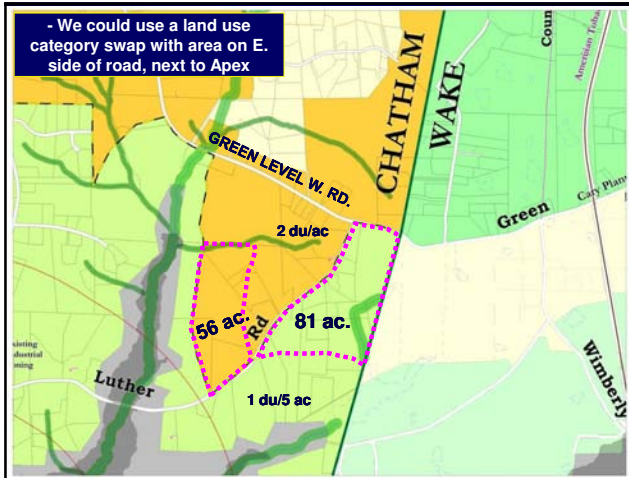
### Discussion Draft From Aug. 2010



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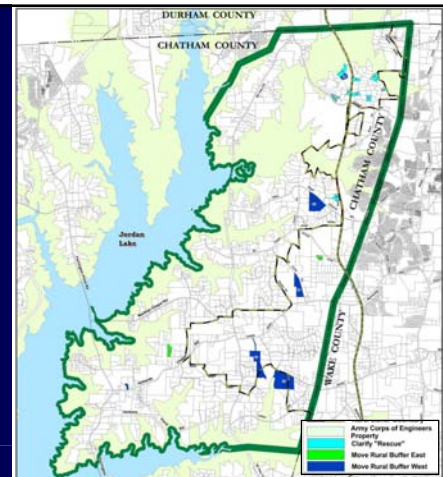
## Ferrell Property Response And Luther Road Proposal Raises Other Questions

- Significant Amounts Of Land Within ¼ Mile Of COE Are Already Cleared, In Active Agriculture
- COE Land Already Provides The Buffer Around The Lake, So The ¼ Mile Buffer Is A Buffer Of The Buffer
- Should Staff Team Review The Map For Any Other Areas Where It Might Be Advisable To Revisit The ¼ Mile Coe Buffer, Esp. For Efficient Utility Provision Within Drainage Sub-basins?

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## Rural Buffer Issue, Continued

## Rural Buffer Comments



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## Rural Buffer: Background Information

- The Buffer Line deals with property eligibility for public utilities, not annexation
- Properties east of Buffer Line:
  - Are not obligated to connect to utilities
  - Are eligible to request Cary utilities, but Cary is not obligated to agree to requests
  - Are not guaranteed to have major service lines within close proximity; no planned extensions
- Cost of utility extension borne by property owner
- Cary usually requests annexation in order to receive utilities, but there are exceptions

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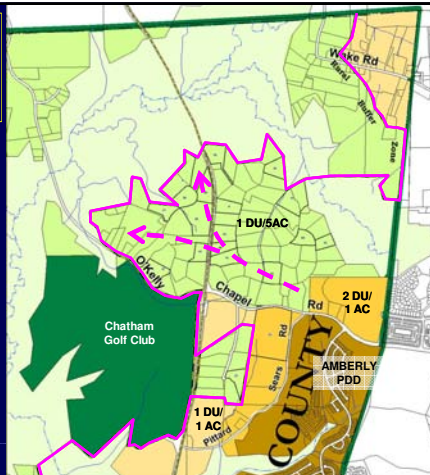
## Rural Buffer/Urban Services Boundary

- Committee Heard Presentation On Long-Range Utilities Planning At Aug. 2010 Meeting
- Discussion About Ability To Provide Utility Rescues In Areas Not Included In Long Range Plans
- Some Committee Members Wished To Revisit The Overall Rural Buffer Boundaries, Purpose, And Need

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## Rural Buffer Proposal

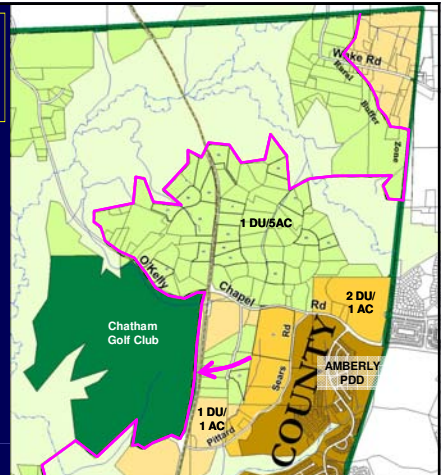
Extend Rural Buffer to Include Rosemont  
(Not Resolved)



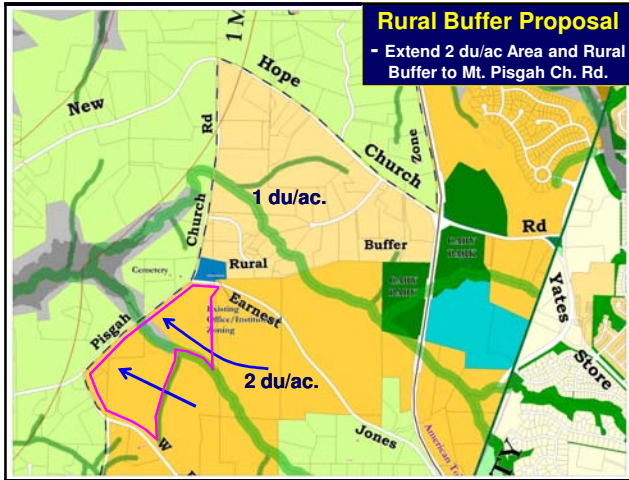
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## Rural Buffer Proposal

Also Extend Rural Buffer to Also Include all of Chatham Glen Drive/Subdiv.  
(Not Resolved)



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**End Of Major Unresolved Map Issues**

- **Committee Discussion:**
  - Direct The Joint Staff Team To Prepare Recommendations For These Issues, For The Committee’s Consideration?
  - Have The Committee Propose Revisions?