

Chatham County/Cary Joint Issues Committee Meeting Minutes
April 13, 2011
Bond Park Community Center, Maple Room
801 High House Road, Cary, NC

Present: Brian Bock and Walter Petty (Chatham County), and Ervin Portman, Julie Robison and Jennifer Robinson (Cary)

Absent: Pam Stewart (Chatham County)

The PowerPoint Presentation shown at the meeting is attached to and incorporated herein as **Exhibit A**.

I. Call to Order

The meeting began at 9:03 a.m.

II. Approval of the Agenda

ACTION: *Robison moved to approve the agenda (which is incorporated in these minutes). Portman provided the second, and committee unanimously approved.*

III. Approval of Minutes of February 16, 2011

ACTION: *Petty moved to approve the February 16, 2011 minutes; Robinson provided the second; committee unanimously approved.*

IV. Designation of Cary Co-Chair

ACTION: *Robison nominated Portman as Cary's co-chair; Robinson provided the second; committee unanimously approved.*

V. Revised Project Schedules

- a. Staff provides overview of proposed project schedules (Option A, Option B and Option C)**
- b. Committee discussion of options and adoption of revised project schedule**

Committee decided to revisit the project schedule at the conclusion of the meeting.

VI. Discussion of New Joint Land Use Plan Draft Map Prepared by Staff

- a. Staff provides overview of new draft map**
- b. Committee discussion of draft map**
- c. Committee provides direction to staff on changes to draft map**

Staff outlined the new Plan Map A, which is included in Exhibit A. Staff noted the following:

- The map is now a road-based map.
- The notes and details box is removed; some of this information is now in the legend or the plan document.
- The legend includes descriptive text for the land use categories; the legend text is now more general, including the text about the mixed use node.
- The node locations are more general.
- The rural buffer boundary is modified in several locations based on drainage basins in an attempt to use geographic boundaries for served boundaries to minimize the number of required pump stations. There is no net gain in served area.
- Several land use categories are consolidated.

- The American Tobacco Trail buffer is not shown on the map; rather, this will be addressed in the plan document.
- Changes are shown near the Apex urban service boundary adjacent to Chatham County.
- Most of the historic inventory properties are not shown on the map.
- There has been a net gain in the more rural portions of the map.

Planning Department staff members explained the new plan map (refer to Exhibit A).

Committee discussion

Portman wants to ensure the term “mixed use” will yield uses for living, working and shopping. Staff stated the plan document will provide more detail on the mixed use area, and measures will be implemented to ensure the area does not develop solely as commercial.

Bock stated very low residential is scattered throughout the map because these properties are existing and zoned in this manner. He asked if consideration can be given to note on the plan that this can match low density. Chatham County Planner Howell stated the committee made a decision earlier in the process to show the existing large lot subdivisions to the east as such. He stated previous maps showed them as one dwelling unit per three acres. Staff is happy to entertain a change proposed by the committee. Howell stated this type of change could allow for redevelopment of the subdivisions if current property owners ever wanted to redevelop. Howell stated staff has received public input from some property owners indicating they want the map to show them at the lower density.

Bock does not think it makes sense to have the very low density designations in the middle of the map. He stated this change would not force anyone to change anything. He stated the map rationale is to have more dense development to the east and less dense development closer to the lake.

Portman stated anyone who wants to change the map must go through the rezoning process. He has seen instances in Cary where similar changes have allowed property owners to sell off lots and redevelop with smaller homes. However, a rezoning must occur for this to happen. Howell stated this land in Chatham County is currently zoned Residential-1; if the designation is changed to a low density color then technically if the subdivisions do not have existing covenants, then they would only need to get subdivision approval from Chatham County; they would not need to go through the rezoning process. He stated if they wanted urban services, then they would have to go through the annexation process with Cary.

Bock wants to ensure if this change is made that it will not result in property owners quickly subdividing their property. He wants to make sure they would still have to come to one or both governing boards for approval. Howell stated most of these existing lots would likely go through Chatham County’s minor subdivision process to divide the parcel into two or three lots, and the commissioners are not involved in that staff approval process.

Robinson thinks the map offers a good transition as a whole. She is not concerned with the way the existing large lot subdivisions are categorized on the map.

Portman stated both boards could use their comprehensive plan and have the properties shown as all orange on the map, and when the base rezoning is done the orange category could be defined as one to two dwelling units, and the base zoning could be capped at one unit per acre without the property owner going through the rezoning process.

Cary Planner Ramage stated the committee might decide to use language “*up to two units per acre*”. He stated any rezoning would then be up to the elected bodies to decide the density on a case-by-case basis. The committee voiced their approval of this change.

Robinson spoke about staying off Corps of Engineer land and suggested making it orange on the map up to the urban service boundary with a plan note that states all property must stay off Corps of Engineer land by a set distance. Howell stated this could be moved into the plan document as policy to require a certain buffer abutting Corps property. Robinson prefers this be a note on the map for all parcels abutting Corps property. Ramage stated a note may provide more flexibility for exceptional circumstances. Portman stated over time exceptional situations will arise. He thinks it is important for the governing bodies to be open to listening to logical arguments.

Bock informed committee members that he received a letter from the Malcolm Rigsbee family, who reside at 1429 New Hope Church Road. They think their property should be included in the urban service boundary. They believe the current plan map will restrict future use of the property and will have a negative economic impact on the property by not having access to potential future services.

Portman stated this property is within the one-mile boundary of the lake. Robinson believes this is a good general guideline that might be flexible based on the circumstances.

Ramage stated New Hope Church Road is the ridge line where rainwater and sewage flows to the north towards Panther Creek.

Committee directed staff to look at this situation and provide information at the next committee meeting.

Ramage stated a couple of years ago a property owner from Markham Plantation asked the potential of connecting to water and sewer. He stated this area is also outside the urban service area.

Ramage raised a question about the very low density residential category, which is currently one unit per three to five acres. Based on the committee's prior discussion, he asked if they wanted to change the wording to be in line with the wording change for low density. Robinson suggested no more than one unit to three acres. Staff will work on the wording.

The committee decided that their next meeting will be a public input meeting with speakers speaking at a podium to the committee members. It will be held in the evening, and staff will determine the location. Staff will mail notices to property owners in this area. The map will be available at the meeting. There will be a staff presentation prior to the public comment period that explains what the plan document will include. People will have a specific amount of time to make their comments.

Staff summarized the map changes from this meeting:

- Update the legend to clarify residential densities
- Check on changing the density of the Rigsbee property
- Change the Corps buffer so it's a map note and not a different density

Staff asked if the committee wants to continue showing the existing subdivisions inside the boundary line in green or change them to be all one color. Committee decided to keep it as is.

The committee decided to conduct a follow-up committee meeting about two weeks after the public input session.

VII. Discussion of Plan Document

- a. Staff provides overview of Plan Document to be adopted with Plan Map**
- b. Staff reviews proposed Plan Document Outline from February 2010**
- c. Staff reviews current proposed Plan Document Outline (April 13, 2011)**
- d. Committee provides direction to staff on changes to Plan Document Outline**

Staff outlined information about the plan document (begins on Page 35 of Exhibit A).

Mrs. Robinson asked why a new document must be created instead of applying existing Cary plans to the Cary portion and existing Chatham plans to the Chatham portion. Cary Planning Director Ulma stated existing plans do not necessarily cover this geographic area. Mrs. Robinson suggested including this area in plan updates currently underway.

Chatham County Planner Ben Howell stated policies will not be in this plan; rather there may be an implementation chapter that outlines the other plans that both jurisdictions have and what needs to be changed in those plans. He clarified there will not be two separate, duplicative plans.

Bock asked the status of the design principles. Ramage stated the original plan was that Chatham County staff would draft them and both boards would adopt them. Portman stated Cary has design principles that would apply in the Cary portion of this plan. He stated it might be prudent for Cary to share their design principles with Chatham County and allow Chatham staff to communicate issues about these principles to the committee to request potential changes.

Howell stated staff removed the design principles from the plan document table of contents. He stated the committee may discuss overarching design principles, but he stated Chatham County does not have the expertise to work in detail with design principles. He stated the more generalized map will not require specific design principles. The committee concurred. Robison stated it can be covered in the plan introduction and plan vision section with general guiding principles.

Robinson suggested pulling this into the southwest area plan so it's consistent with the land to east. Portman suggested the committee direct staff to start with Cary's southwest area plan; see if there's anything in this plan that committee members do not like and communicate those issues to the committee. Chatham County members stated they need to review Cary's southwest area plan.

Howell noted the Jordan Lake Rules apply in the plan area, but the Chatham County rules are more stringent. Ramage stated Cary staff needs to consult with the town attorney to learn more about the legal authority Cary has to go beyond the state rules. Robison stated if it's determined that Cary has the authority to adopt rules that are more strict than the state rules, then she wants to know what Cary needs to do to change its ordinances to match Chatham County. Staff will research this issue and report back to the committee.

The committee concurred with the overall plan document outline dated April 13, 2011 (as outlined in Exhibit A).

The committee decided to schedule the public input session in June so staff has time to prepare a draft plan document and share that with the map at the public input session. Staff will provide the committee the draft plan document a couple of weeks prior to the public input session so committee members may communicate concerns to staff prior to the public input session.

ACTION: *At 10:47 a.m. Portman moved to adjourn. Robison provided the second; committee unanimously approved.*