

Chatham-Cary Joint Land Use Plan

**Chatham-Cary Joint Issues Committee
Meeting #21
April 12, 2012**

Agenda

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes of Oct 28, 2011

Plan Discussion

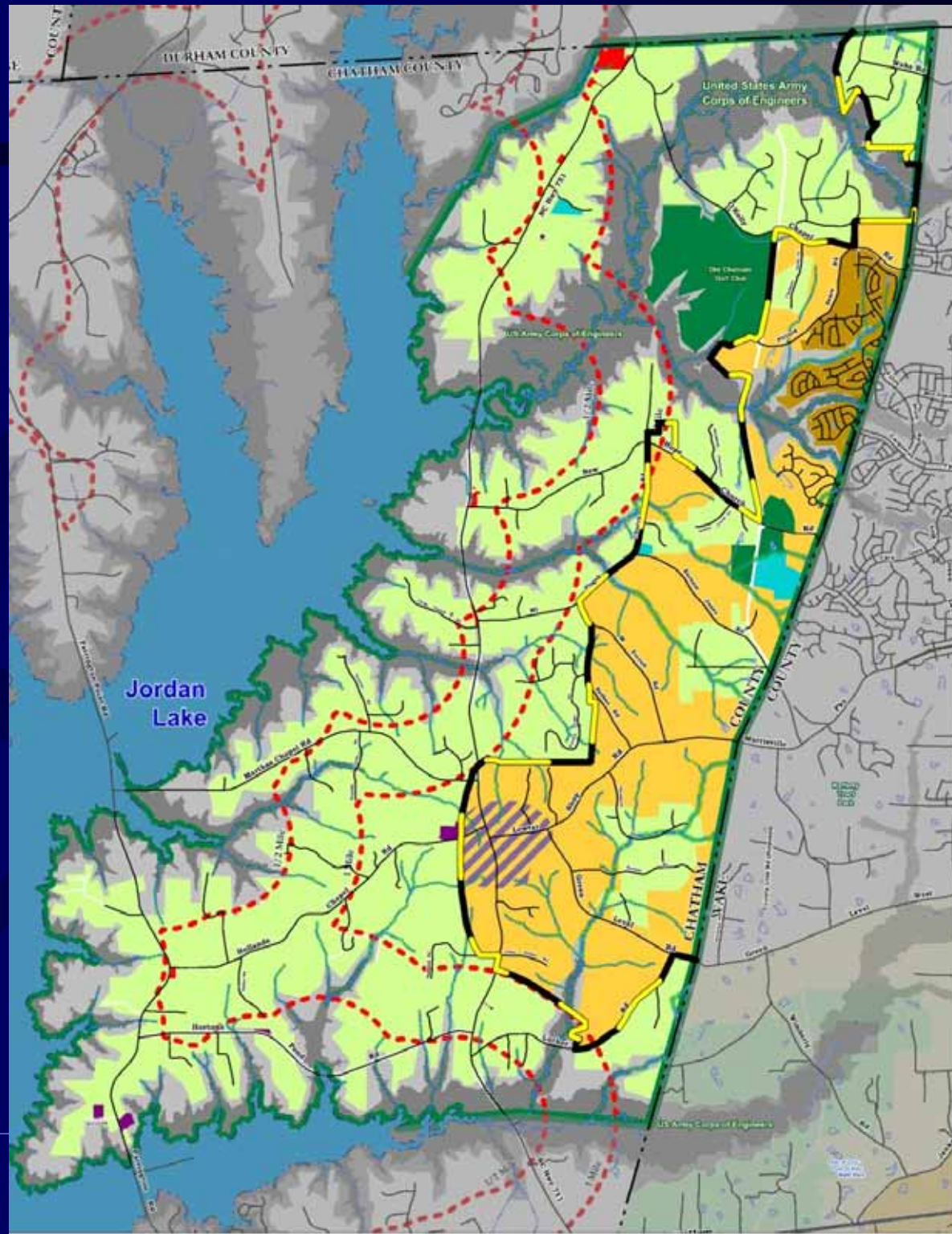
- IV. Staff Presentation
- V. Committee Discussion

Other Issues

- VI. Future Meeting Schedule (If Needed)
- VII. Adjournment

Chatham-Cary Joint Land Use Plan

Public Hearing Draft



Distribution Of Plan's Land Uses, Excluding Corps Of Engineers' Reservoir Land

Land Use	Acres	% of Tot.
VLDR - Very Low Density Residential	7,641	63.4%
LDR - Low Density Residential	2,935	24.3%
MDR - Medium Density Residential	316	2.6%
Golf, Open Space, Parks	486	4.0%
Office or Institutional	69	0.6%
Commercial/Retail	28	0.2%
Light Industrial	24	0.2%
Public Roads ROW	556	4.6%
Total	12,055	100%

Public Hearings

1. Jan. 17 – Chatham County Board of Commissioners
2. Jan. 24 – Cary Town Council
3. Feb. 20 – Cary Planning & Zoning Board

Additional Planning Board Discussion

1. Feb. 7 – Chatham Planning Board
2. Feb. 13 – Cary Planning Board Work Session
3. Mar. 6 – Chatham
4. Apr. 3 – Chatham Planning Board

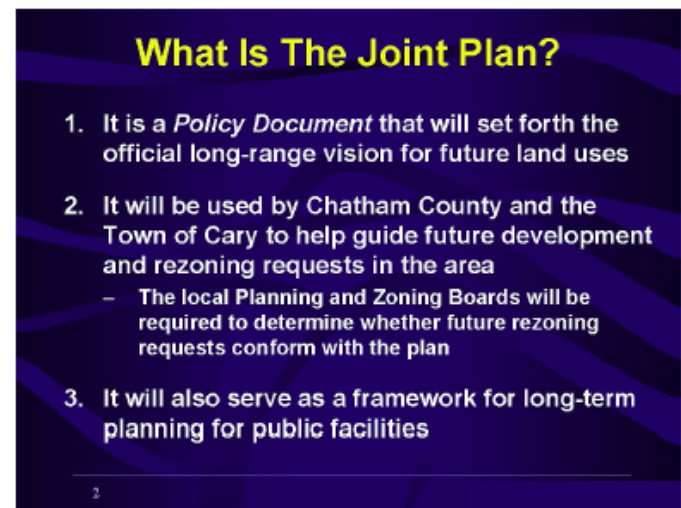
Committee Materials:

Minutes of Jan. 17 Chatham County Board of Commissioners' Public Hearing

Proposed Chatham-Cary Joint Land Use Plan: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners for a public hearing on the proposed Chatham-Cary Joint Land Use Plan

Commissioner Kost asked how long each citizen would be allowed to speak stating that the Town of Cary was holding a public hearing and speakers would be allowed to speak for five minutes. Chairman Bock stated that each speaker would be allowed to speak for three minutes.

Ben Howell, Assistant Planner, explained the specifics of the request on the proposed Chatham-Cary Joint Land Use Plan with a PowerPoint as follows:



Committee Materials:

Oral Comments Received At Cary Town Council Public Hearing

Oral Public Hearing Comments on Chatham-Cary Joint Land Use Plan

Cary Town Council Public Hearing, January 24, 2012

Person	Comment
1. Peggy Buckingham	<p>Ms. Buckingham spoke regarding her family's 33-acre property at the SW corner of Pittard Sears Road & O'Kelly Chapel Road (PIN#0726327074).</p> <p>She asks the property be designated as MDR, not LDR. In support of her request, she cited the parcel's proximity to RTP, the existing Amberly/Del Webb community being built on the opposite side of Pittard Sears Road (as MDR).</p> <p>She also noted that the property has a regulatory streaming running north-south near the western side of her property, which would be subject to stream buffers, thereby forming a substantial buffer between MDR on the eastern buildable portion of the parcel, and the large-lot county subdivision to the west (Chatham Glen).</p>
2. Pennie Coussit	<p>Ms. Coussit also spoke regarding her family's 33-acre property at the SW corner of Pittard Sears Road & O'Kelly Chapel Road (PIN#0726327074).</p> <p>She also asked that the property's land use designation be changed from LDR to MDR.</p> <p>Stated that the land needs utilities.</p> <p>The land was in the family for generations, and has now passed to the heirs since her mother died. The family was late to participate in the early stages of plan development, during which her mother was in ill-health and declining.</p> <p>Ms. Coussit acknowledge the goal of having a density transition east to west, but also noted that Amberly is on the opposite side of Pittard Sears Rd., across from her property, as MDR.</p> <p>She provided a handout map for Council that shows how a stream runs north-south near the western side of her property, which would be subject to stream buffers, thereby forming a substantial buffer between MDR on the eastern buildable portion of the parcel, and the large-lot county subdivision to the west (Chatham Glen). She said the buffer could be about 350 ft.</p> <p>Ms. Coussit said that the Lester family also wish the plan to be changed to MDR for their 20-acre parcel immediately south of their parcel.</p>
3. Tom Hankins, representing Marquis Homes	<p>Marquis Homes owns the 1.5-acre parcel immediately north of the Coussit property.</p> <ul style="list-style-type: none"> • They would also like their parcel designation changed from LDR to MDR. • They support the Coussit/Buckingham request.

Committee Materials:

Oral Comments Received At Cary Planning Board Public Hearing

Person (* - also spoke at TC Hearing)	Comments
1. Tom Kost*	<p>Mr. Kost described development that has occurred in Amberly PDD, and felt that the buffers provided adjacent to The Peninsula subdivision were very good, but that the buffers next to Del Webb's Carolina Preserve project were less substantial. He would like future development to use deep buffers.</p> <p>Mr. Kost expressed opposition to the LDR designation for land on the southeast quadrant of the intersection of New Hope Church Road and Mt. Pisgah Church Road, north and west of the Woods of Chatham subdivision. He requested that the LDR area be changed to VLDR.</p> <p>Mr. Kost also asked that the Plan Document be amended to remove having institutional and civic uses (churches and schools) as part of the definitions for LDR and VLDR.</p>
2. Larry Ballas	<p>Mr. Ballas felt that overall it is a good plan. He feels that development in Cary's Northwest Area is polluting Jordan Lake. He also had concerns about the cost of providing schools in the study area, and felt that all Chatham taxpayers would be supporting schools in the area.</p> <p>Mr. Ballas felt that the land designated as LDR on the southeast quadrant of the intersection of New Hope Church Road and Mt. Pisgah Church Road should be changed to VLDR.</p>
3. Eileen Evans*	<p>Ms. Evans expressed opposition to the LDR designation for land on the southeast quadrant of the intersection of New Hope Church Road and Mt. Pisgah Church Road, north and west of the Woods of Chatham subdivision. She requested that the LDR area be changed to VLDR. Ms. Evans felt that the current LDR designation did not fit with the surrounding area, and that it presented too abrupt of a density transition from the surrounding VLDR.</p> <p>She also expressed concerns for the safety of horseback riders in the area, due to the increasing levels of traffic, and the potential conflicts with riders along the roadside.</p>
4. Lynn Contant Fass*	<p>Ms. Fass lives in Markham Plantation. She expressed opposition to the LDR designation for land on the southeast quadrant of the intersection of New Hope Church Road and Mt. Pisgah Church Road, north and west of the Woods of Chatham subdivision. She felt that LDR was not compatible with the very large lots in Markham Plantation.</p> <p>She also expressed concerns about potential school impacts and public safety impacts. She also stated concerns about traffic on New Hope Church Road, and does not want to see the road become 4 lanes or more. Ms. Fass also stated concerns about potential impacts on the existing property owners' wells.</p>

Pennie Coussit (emails to Chatham and Cary)

email of Dec. 28, 2011:

I am writing to you regarding the planned density of my parcel #19946, because I have some new information about my land that I hope will enable you to increase its proposed density on the Public Hearing Draft Map. There is a stream that runs about 200 to 225 feet from the western border of my property. It was examined by Mr. Fred Royal in Chatham County about two years ago, and he sent me a Preliminary Buffer Map. It showed that the lower half of the western 1/3 of my property is subject to stream buffers of 100 feet, and the remaining 2 upper half of the stream has a 50 foot buffer. The end of the stream is maybe 300 feet from the O Kelly Chapel Rd north border of the parcel. I have attached a copy of my parcel, and a copy of the stream buffer map.

I have recently been talking with Matthew Danielson of TowerCo about leasing a spot, possibly in the northwest corner of my land, to build a stealth cell phone tower. (Matthew plans to apply for annexation of my property into the Town of Cary as part of the tower building process, which I am in favor of.) After several visits to the wooded land to find a possible location for a cell tower (which will be disguised as a pine tree if we agree to the lease), I have realized that, due to existing stream buffers as well as setbacks required around the tower, this means that the entire western 1/3 of my property could never have any houses built on it, and there would be a green space buffer (zero density) of 300 to 325 feet running all along the western side. Due to this large natural stream buffer, if you could please zone my parcel as Medium Density, we would be better able to sell our land to a developer, thus increasing the tax base.

A similar Medium Density would also be a good use for parcel 88557, which is a small 1.5 acre parcel at the top right (Northeast) corner of my parcel, owned by Tom Hankins, who is in favor of my suggested Medium Density. His small corner which borders my land has already been annexed into Cary. Mr. Hankins was instrumental in getting my uncle's land across Pittard Sears Rd annexed into Cary and prepared to become the newest phase of Carolina Preserve. If my land is ever sold for development, Tom's parcel will possibly need to be part of the deal, as you can see from the attached map.

My siblings and I inherited this land three years ago when our mother passed away, so we are fairly recent interested parties regarding the joint plan. Since learning about the joint plan, we have attended some town meetings, and have been told that it had already been decided that the density would "taper down" from the medium density across Pittard Sears Rd to the lower density of the parcels on Chatham Glen Rd, which is to the west of my land. I just learned a few weeks ago about the effect my stream buffers would have on developing my parcel, as a result my doing a lot of hiking and researching while looking for a possible cell tower site. Since I realized that the stream buffers are so wide, I realized it might be worth having you look at my proposed density again, since the stream buffers could be the "taper down" part of the density.

We would very much like to be able to sell our land to a developer as our relatives and neighbors have been able to do in the past few years. We have contacted a few developers recently, since the real estate "building market" appears to be doing a little better in recent months. I am being told that since my land is not very close to any Chatham County schools, it would probably need to be developed for Active Adult living (age 55+ houses). However, the proposed density of 2 houses per acre makes my property less attractive to potential developers than the Carolina Preserve land across the street with density of 4 houses per acre.

Committee Materials:

All Written Comments Received By Chatham And/Or Cary

Materials: Summary Of Planning Boards' Recommendations

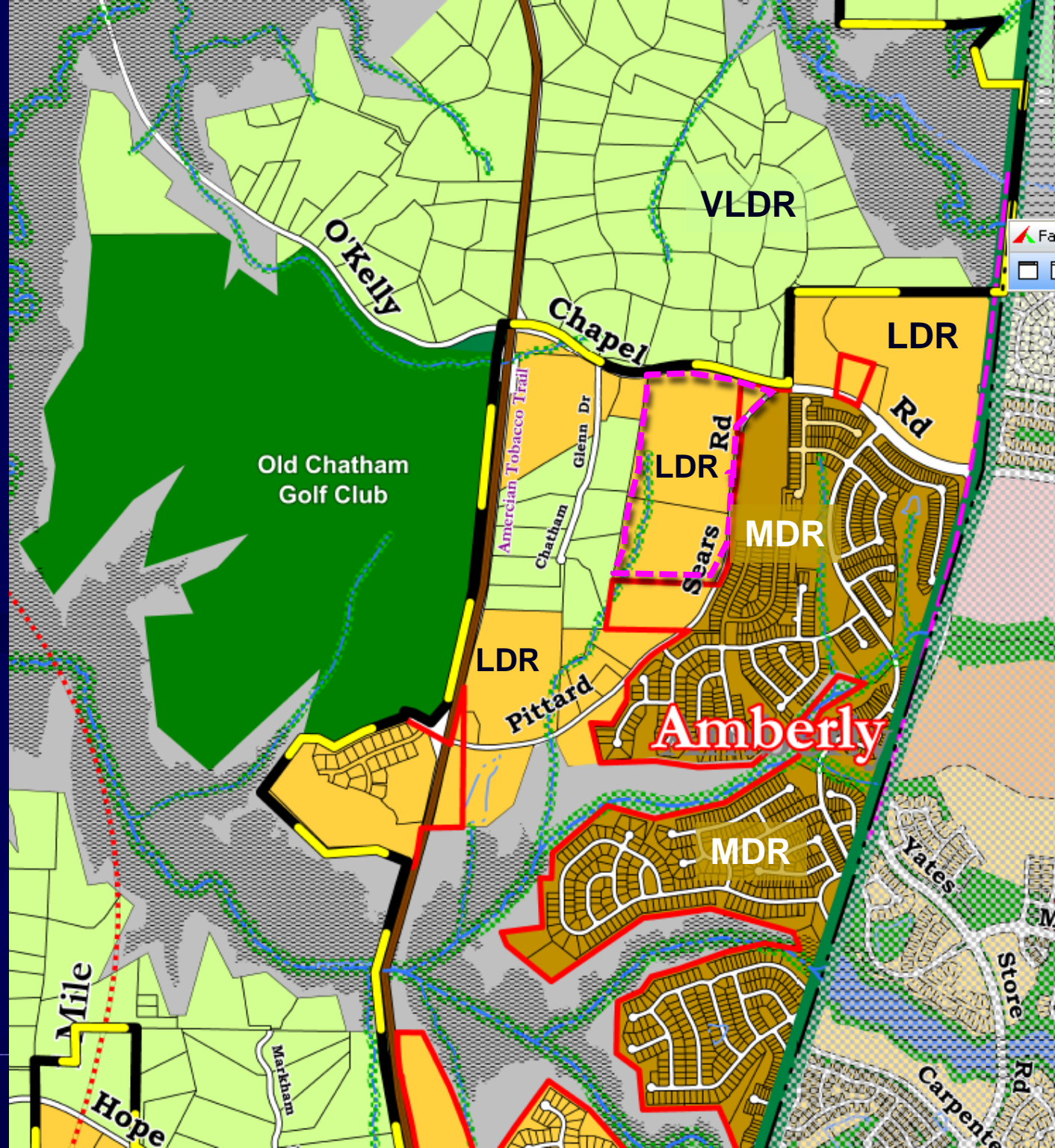
Summary from the Cary and Chatham Planning Board Motions

Cary Planning Board Motion	Chatham Planning Board Motion
<p>The Board Recommended Approval of the Joint Plan, with the following Map amendments:</p> <ul style="list-style-type: none"> • Change the “Horil/Hodge” LDR area to VLDR • Move the MXD Node striped symbol off of Mr. Sears’ parcel to extent possible. 	<p>The Board Recommended Approval of the Joint Plan, with the following Map amendments:</p> <ul style="list-style-type: none"> • None
<p>And with the following document amendments:</p> <ul style="list-style-type: none"> • As recommended by the joint staff, the second paragraph of Section 2.2 should state that the Plan includes one potential Mixed Use Node (currently reads two). • As recommended by the joint staff, Section 3.2 – Add “utility” in the last sentence of the Low-Density Residential and Very Low Density Residential categories: “Institutional, utility and civic uses that are compatible and complimentary to the surrounding neighborhood may also be considered such as churches, parks, schools, libraries and daycare facilities.” 	<p>And with the following document amendments:</p> <ul style="list-style-type: none"> • As recommended by the joint staff, the second paragraph of Section 2.2 should state that the Plan includes one potential Mixed Use Node (currently reads two). • As recommended by the joint staff, Section 3.2 – Add “utility” in the last sentence of the Low-Density Residential and Very Low Density Residential categories: “Institutional, utility and civic uses that are compatible and complimentary to the surrounding neighborhood may also be considered such as churches, parks, schools, libraries and daycare facilities.” • Remove Implementation Step 6.4 – Extra-Territorial Jurisdiction; reiterate that no ETJ should be granted • Remove restrictions on placement of rural water by the county • A sewer rescue should stipulate that there will be no density increase <p>...and with the following comments:</p> <ul style="list-style-type: none"> • A plan is needed for the area • Discuss implementation steps
<p>Board Action: The Board voted 7-1 for the overall plan with the listed text amendments and MXD node change; 8-0 to keep Coussitt property on Pittard Sears Road as is; and 7-1 to change Horil/Hodge area from LDR to VLDR.</p>	<p>Board Action: The Board voted 5 – 1 in favor of these recommendations, with 1 member abstaining. 4 members were absent.</p>

Map Comments/Requests

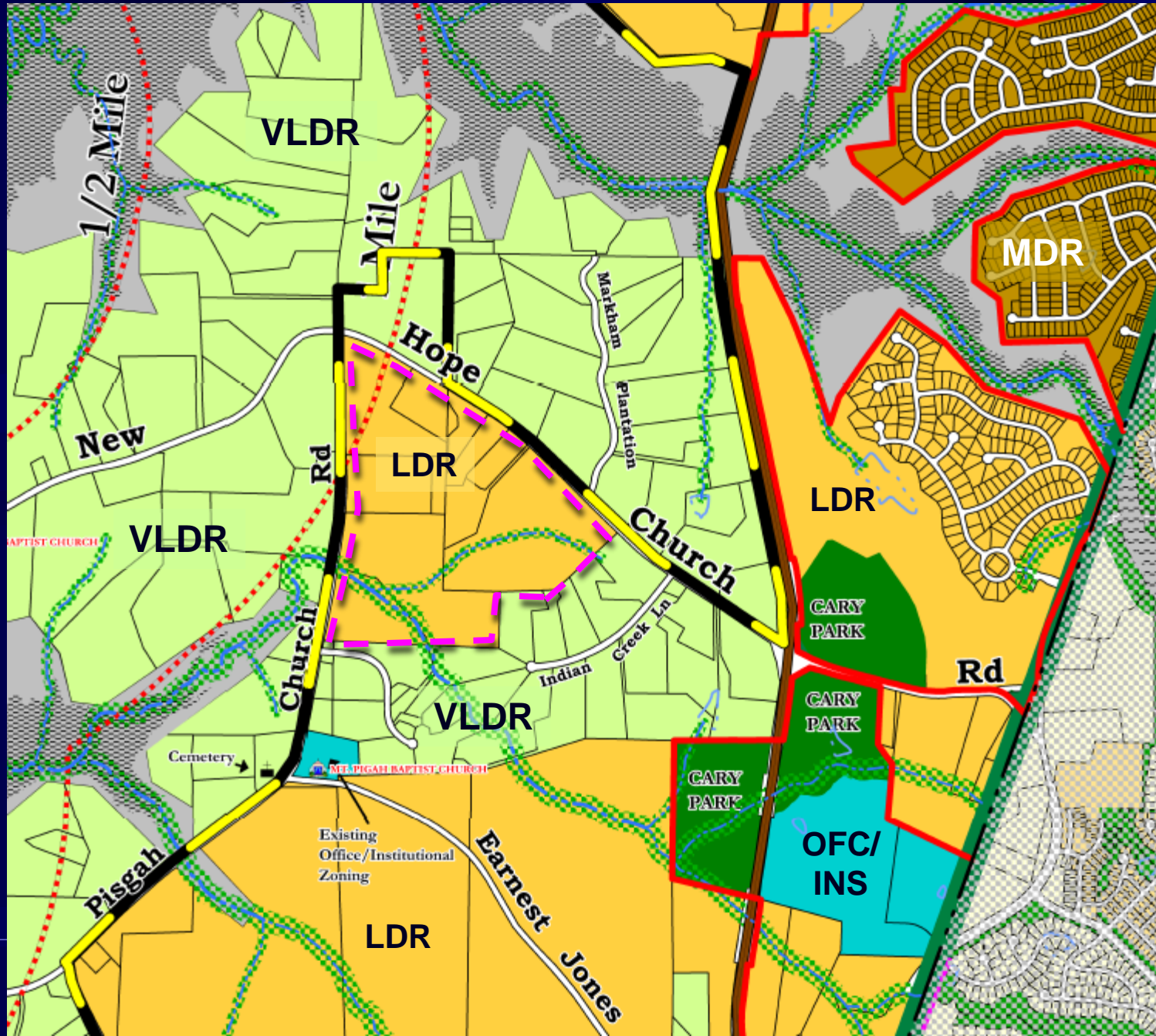
Pittard Sears Road Area

- Property Owners Requested MDR Instead Of LDR
- Both Planning Boards Elected To Keep Map As Is (LDR)



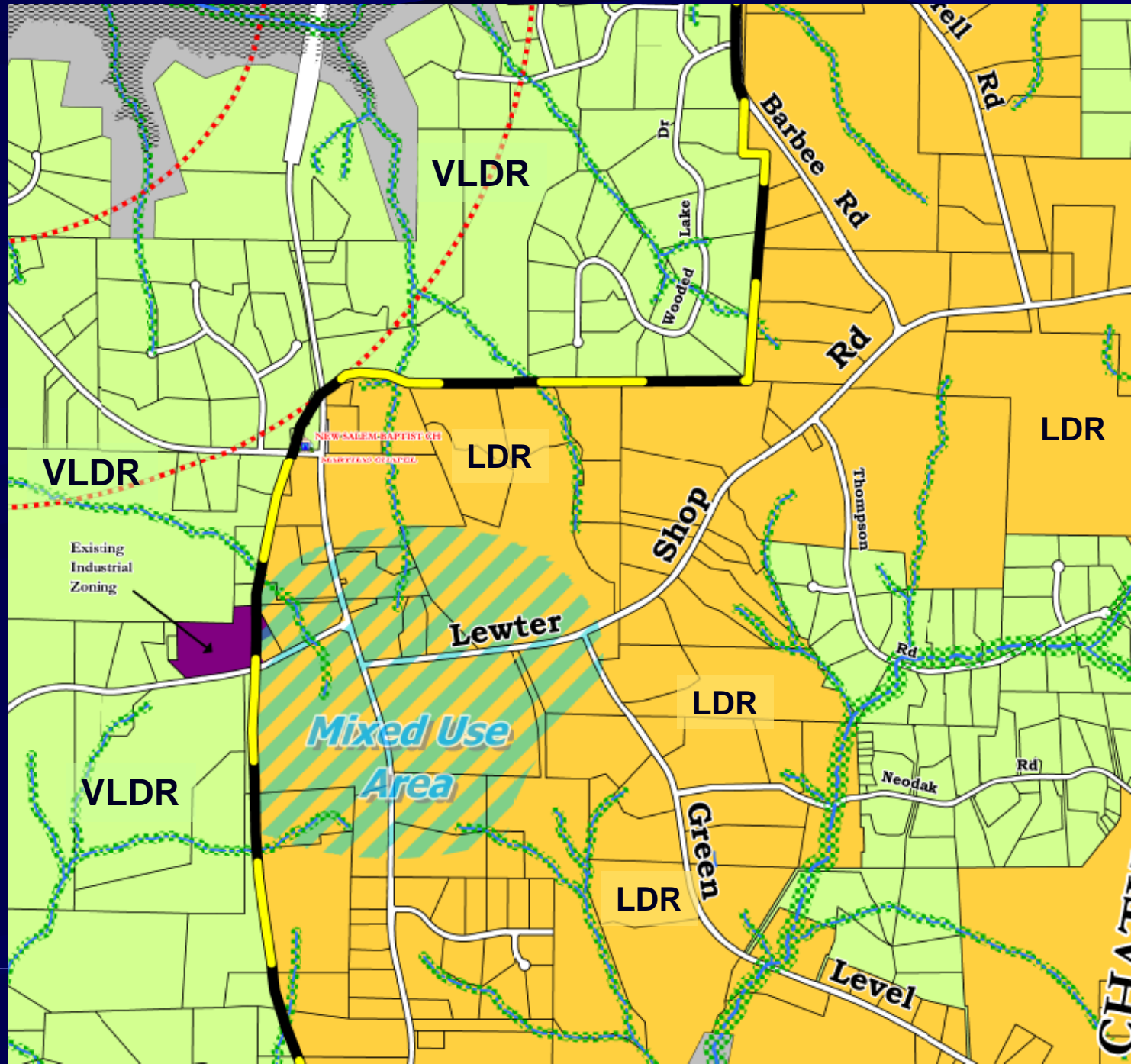
Vicinity of Horil/Hodge Properties

- Cary Planning Board Recommended Changing Area From LDR To VLDR
- Chatham Planning Board Did Not Recommend A Map Change



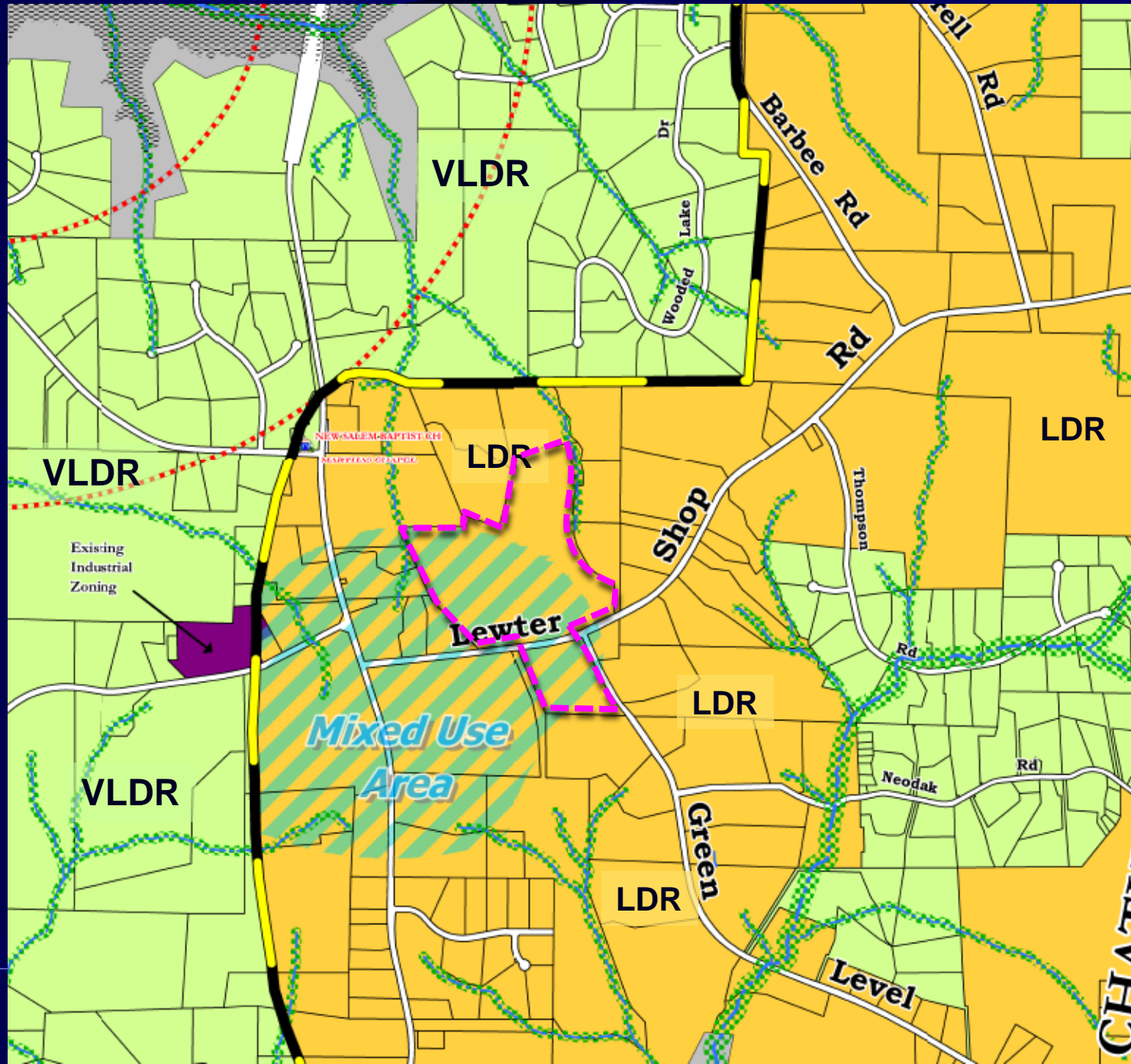
Mixed Use Node

- Cary Planning Board Recommended Shifting Node Shading Off Of Robert Sears' Property



Mixed Use Node

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Planning Boards' Recommendations: Plan Document

Cary Planning Board Motion	Chatham Planning Board Motion
As recommended by the joint staff, the second paragraph of Section 2.2 should state that the Plan includes one potential Mixed Use Node (currently reads two).	As recommended by the joint staff, the second paragraph of Section 2.2 should state that the Plan includes one potential Mixed Use Node (currently reads two).

2.2 Overall Plan Vision

In order to serve the daily needs associated with potential future development, and in order to encourage strategic nodes of economic development, the Plan includes ~~two~~one potential Mixed Use Nodes to allow for neighborhood-scale commercial uses, employment center(s) and higher-density residential.

Planning Boards' Recommendations: Plan Document

Cary Planning Board Motion	Chatham Planning Board Motion
As recommended by the joint staff, Section 3.2 – Add “utility” in the last sentence of the Low-Density Residential and Very Low Density Residential categories.	As recommended by the joint staff, Section 3.2 – Add “utility” in the last sentence of the Low-Density Residential and Very Low Density Residential categories.

3.2 Land Use Category Definitions

Low-Density Residential (LDR):

Institutional, [utility](#) and civic uses that are compatible and complimentary to the surrounding neighborhood may also be considered such as churches, parks, schools, libraries and daycare facilities.

Very Low Density Residential (VLDR):

Institutional, [utility](#) and civic uses that are compatible and complimentary to the surrounding neighborhood may also be considered within any VLDR areas, such as churches, parks, schools, libraries, and daycare facilities.

Planning Boards' Recommendations: Plan Document

Cary Planning Board Motion	Chatham Planning Board Motion
	Remove Implementation Step 6.4 – Extra-Territorial Jurisdiction; reiterate that no ETJ should be granted

~~6.4 Extra-Territorial Jurisdiction~~

~~Once the Plan is adopted, the Town and County should research and discuss the feasibility of granting the Town ETJ authority in the Plan area east of the Rural Buffer Boundary Line.~~

Planning Boards' Recommendations: Plan Document

Cary Planning Board Motion	Chatham Planning Board Motion
	Remove restrictions on placement of rural water by the county

4.1 The Rural Buffer Boundary

Areas west of the boundary line should not be eligible to receive public water or sewer utilities, ~~regardless of provider.~~ provided by the Town of Cary. This includes all ~~municipal, county,~~ and municipal and private providers, as well as water or sewer authorities or agencies. This area is, however, eligible to receive public water provided by Chatham County.

Planning Boards' Recommendations: Plan Document

Cary Planning Board Motion	Chatham Planning Board Motion
	A sewer rescue should stipulate that there will be no density increase

4.3 Utility Rescue Policies

Public utilities may be provided west of the Rural Buffer Boundary when necessary to "rescue" a property having a failed private water or sewage treatment system, provided that both the Town of Cary and Chatham County agree to the rescue. Such rescues could also apply to an entire subdivision if a portion of the subdivision lots experience a failure. No increase in density shall be permitted by any utility rescue west of the Rural Buffer Boundary without a Plan amendment.

V. Committee Discussion

- a) Discuss Public Hearing Comments**
- b) Discuss Planning Boards' Recommendations**
- c) Identify Any Amendments to the Joint Plan Map or Document**
- d) Endorsement of Final Version to be Sent for Adoption**
- e) Procedure for Adopting the Joint Plan**

e) Procedure for Adopting the Joint Plan

- **Mentioned At The Oct. 28 Joint Committee Meeting**
- **Possible Options:**
 1. **Adopt The Plan Concurrently With A Joint Resolution**
 2. **Adopt The Plan Concurrently With An Inter-local Agreement**

e.g., A Joint Resolution Or Interlocal Agreement Might Specify Or Clarify:

- 1. Policy Status Of The Plan**
 - 2. Official Implementation Of The Rural Buffer Boundary**
 - 3. The Process For Amending The Plan, Including Distinctions Between Major And Minor Amendments**
 - 4. Create A Clear Interlocal Understanding Regarding The Rights And Expectations Of The Governments Re.:**
 - Rezoning In The Plan Area**
 - Annexation Requests In The Plan Area**
 - Review Of Development Plans In The Plan Area**
 - 5. Expectations For Timely Plan Implementation**
 - 6. Duration Of The Plan; Sunset, Renewal, Termination**
 - 7. Process For Periodic Updates**
-

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