

Chatham County/Cary Joint Issues Committee Meeting Minutes
July 19, 2011
9:30 a.m.
Fire Station #7, 6900 Carpenter Fire Station Road, Cary, NC

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

The agenda for the meeting is incorporated in the text of the minutes.

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

I. Call to Order

Bock called meeting to order at 9:40 a.m.

II. Approval of Agenda

Bock requested to add a discussion of future joint issues to the end of the agenda.

ACTION: Robison moved to approve the amended agenda; Robinson provided the second; the committee approved the motion by unanimous consensus.

III. Approval of June 29, 2011 Minutes

Staff advised that the minutes are not yet prepared; they will be on the next committee agenda for approval.

IV. Designation of Cary Co-Chair

Former Cary Council Member Portman resigned from the Town Council effective July 5, 2011 to fill a vacancy on the Wake County Commission. The Cary co-chair position is vacant.

ACTION: Robison moved to nominate Robinson as the Cary co-chair. The committee granted unanimous approval.

V. Staff Presentation

- a. **Staff overview of comments received at June 29, 2011 public input session**
- b. **Staff presentation of Map Option C (including changes based on June 29 discussion)**

Refer to Pages 1 to 15 of Exhibit A for the staff presentation.

VI. Committee Discussion

- a. **Map changes based on input received June 29**

Lost Corners (Exhibit A, Pages 11-12): After discussion the committee agreed to show this area as Very Low Density Residential (VLDR), with no map note about clustering, and with any future request for a plan amendment going to both boards for consideration and action. They also agreed that this area will remain inside the rural buffer boundary.

Pittard Sears Road (Exhibit A, Page 10): Discussion points included:

- Robinson does not think commercial in this area is a good transition. She thinks the best land use for this property is residential, and she would support a medium to low density mix.
- Bock does not want all the commercial mixed use on the Wake County side.
- Robison is curious about any future plans for redeveloping the Old Chatham golf course, which would create more demand for neighborhood type services.
- Currently the land is zoned Chatham County R-1, and the landowner would need to seek an amendment to develop anything other than residential up to one unit per acre.

Committee agreed to leave this area as shown on Map B.

Horil/Hodge properties (Exhibit A, Pages 8-9): Discussion points included:

- Committee discussed that assisted living facilities may be more appropriate in a mixed use area.
- Bock thinks the current proposal for this land is the best compromise.
- Stewart read from a letter she received from a property owner of 1489 New Hope Church Road who believes this property should be included in the urban service boundary. Staff replied that sewer drains south, and the idea is to minimize use of pump stations. A pump station would cost between \$250,000 and \$400,000, and would be the property owner's expense. This is in addition to ongoing maintenance costs. It would also be difficult to maintain a generator for 20 homes. Staff is concerned with making an exception, because it opens the whole issue of the rural buffer area. The Committee stated if the property owner at 1489 New Hope Church Road is willing to bear the costs, then are will take that under consideration.
- Robison believes the environmental considerations are important since this area is close to the Corps boundary.
- Petty suggested leeway to consider case-by-case requests.

At the Committee's direction, the staff will develop a joint letter to the property owner of 1489 New Hope Church Road. The letter will include details about why this property is not included in the urban service boundary, and will explain the costs associated with future development if they were to be included. The letter will make it clear that if the property owner is willing to take on these costs, then the committee will review this issue at a future meeting. The committee asked staff to include a deadline in the letter by which the property owner should reply if they are interested in taking on the costs. Staff added they will bring options to the next committee meeting for the property to the north if the homeowner wishes to pursue the cost.

Mixed Use Nodes (Exhibit A, Page 6): Discussion points included:

- Petty stated property owners submitted comments after the public input session indicating their interests were not represented at that session.
- Bock does not want Chatham County to lose out by not having the mixed use node. At the public input session, speakers were against the mixed use nodes. Since then, property owners have indicated their support of the mixed use nodes. He stated with this additional input, he now supports the mixed use nodes.
- Stewart is now hearing from numerous people that they want to be part of the mixed use node and even expand that area.
- Bock stated property owners will not have mixed use on their property unless they sell it.
- Stewart has heard a petition will be submitted from property owners who want mixed use mainly at Highway 751 and the Holland Chapel area.
- Staff stated Map B indicates west of 751 can only be serviced with gravity sewer. If the committee wants to expand this area and allow more non-residential west of Highway 751, it would be a significant map change and would need additional discussion.

- Robinson stated the mixed use is an overlay. Homeowners can live and develop under the base guidelines. She wants to ensure that everyone who wants to be part of the mixed use area is incorporated during this process.
- Bock is sensitive to rights of property owners within reason. He thinks the overlay is a good idea instead of being prescriptive with specific parcels.
- Stewart stated all interests must be considered and protected.
- Robinson stated people will make property decisions based on the map that is adopted.
- Stewart stated future property owners need to be able to rely on the map to make decisions about purchasing property.
- Robinson suggested anyone not in the dashed line area (as shown on the map as the mixed use area) will need to request a plan amendment.
- Bock thinks this will have an important financial impact to Chatham County.
- Robison has heard that more information is forthcoming on a petition. At that point with more specific information the committee may look at this in more detail with the idea to include additional property owners who want the mixed use designation for their property.
- Robinson wants to hear more from staff whether a higher density project justifies a pump station in this area.
- Bock and Petty do not want to move the rural buffer boundary.
- Stewart stated people to the west of the proposed mixed use like that the mixed use area provides accessibility to their property. These homeowners are not necessarily proponents of extending the mixed use all the way to Holland Chapel; rather, it makes the Very Low Density Residential community better because of the access.
- Robison wants utility staff to be part of future discussions to share implications.

Committee concurred with removing the eastern-most mixed use node from the map and just focusing on the mixed use in the area near 751. Committee directed staff to obtain more information from property owners in the area. There may be a desire to allow the mixed use overlay to go further west; however, the rural buffer boundary will remain in its current location. Any land to the west of the rural buffer boundary that would be developed in the future under the mixed use node would have to be privately served to connect to Cary utilities along Highway 751.

b. Document changes based on input received June 29

Staff stated the plan uses gross acreage and not net. The Committee agreed with keeping gross acreage in the plan.

Staff stated the closest zoning category Chatham County has to match the Very Low Density Residential (VLDR) areas west of the Rural Buffer Boundary is R-5. The draft plan recommends rezoning this area to R-5 as Implementation Task 6.2 in Plan Chapter 6. If the recommended rezoning were to be adopted, then any existing lots in the new R-5 VLDR area that are smaller than what's allowed by the R-5 designation would be nonconforming. Property owners would still be allowed to use the lot and sell the lot. This is compatible with current practices. Staff recommends clarifying in the plan document that existing lots and subdivisions are grandfathered. Staff noted that adoption of the plan itself will not automatically downzone property. The Committee concurred.

Staff stated the State Wildlife Resources Commission recommends that houses not be within 150 yards of the Corps of Engineers' property, because this property is leased as NC hunting and game lands. In addition, the state has controlled burn areas they use to reduce fire hazards, and they do not want houses within ½ mile of these areas. Staff recommends clarifying these state recommendations in the plan document and explaining they are information only items. Nothing implements these recommendations, and people in this vicinity may use their property. The Committee supported staff's recommendation and suggested that realtors be required to disclose this information to potential buyers. Staff stated another implementation step after the plan is

adopted might be Chatham County staff creating notification requirements for new developments in these areas that these situations exist.

Staff stated public input speakers were split on the design standards issue. Staff supports the current Committee direction to stay very general. Staff stated the document includes design standards as an implementation step. The plan currently says: "The County has design guidelines that only apply to non-residential development while the Town of Cary has design guidelines that apply to broader ranging uses. The County and Town may want to further study whether specific design guidelines are needed for the plan area or if each jurisdiction should update their individual guidelines. If the Town and County decide to develop specific design guidelines for development in this area, they should include guidance on transition between uses and densities as described in Chapter 3 of this plan." Staff recommends further study to determine if we need more detailed design guidelines or whether existing guidelines are sufficient. The Committee's discussion points follow:

- Robison stated design guidelines ensure the protection of the area.
- Robinson stated if land is in the municipal boundary, then Cary's guidelines should be used. She thinks the issue of transition should be reviewed in Cary's standards.
- Stewart wants to ensure property is not clear-cut.
- Robinson suggested that someone update Chatham County officials on Cary's ordinances that prohibit clear-cutting and mass grading.
- Robison wants staff to consider sustainable practices in this process.
- Stewart stated the NC State University environmental sciences department has good sustainability ideas.

Staff stated the associated plan implementation task anticipates joint study the idea of design guidelines, and that task will include an initial determination as to whether the boards should adopt something jointly or if both boards should update individual jurisdiction guidelines. This will not delay the joint plan process. The Committee concurred.

Staff stated the document includes general discussions about managing transitions. The document includes four options to deal with transition, but these are only a menu of options that may be used. It does not mean that all four options must be used. He stated staff will clarify this in the document language. The Committee concurred.

Staff recommends amending the document to clarify the plan is not an annexation document and to clarify that annexations are done voluntarily. Staff will add the legal framework section back to the plan to cover the issues of annexation and taxation to resolve confusion. The Committee concurred.

Staff has tried to cover the issue of stream impact as a result of development in a broad manner. There are federal, state, county and municipal requirements that apply. Instead of summarizing all these rules, staff recommends providing links. Staff could also amend the plan document to address and clarify facts about stream runoff in the area, including an explanation of turbidity vs. siltation. The Committee decided not to include an explanation of turbidity vs. siltation in this document. The concurred with the other staff recommendation.

Staff recommends including information in the document to clarify that the plan does not grant ETJ and/or recommend the granting of ETJ as an implementation step. Staff could add this to the legal framework section of the document. The Committee concurred.

Staff brought up the issue of the 200 foot American Tobacco Trail buffer. The Committee decided to keep this as is in the plan.

VII. Discussion of future schedule for Committee

The Committee directed staff to schedule the next meeting on August 30 in the morning, and the meeting should conclude by 11:45 a.m. Staff will determine the location.

VIII. Future Issues

Bock stated there is a parking problem on O'Kelly Road associated with the American Tobacco Trail, and the NC Department of Transportation is not helping. Robinson added that the signs are not effective. Staff noted that County Manager Horne and Town Manager Shivar are discussing what to do about this issue. More information will be forthcoming.

Bock would like to have future discussions about Chatham County having input in Cary's voluntary annexations in Chatham County, specifically the non-contiguous annexations.

IX. Adjournment

The meeting concluded at 11:54 a.m.