

Chatham County – Town of Cary Joint Land Use Plan

10 Year Assessment

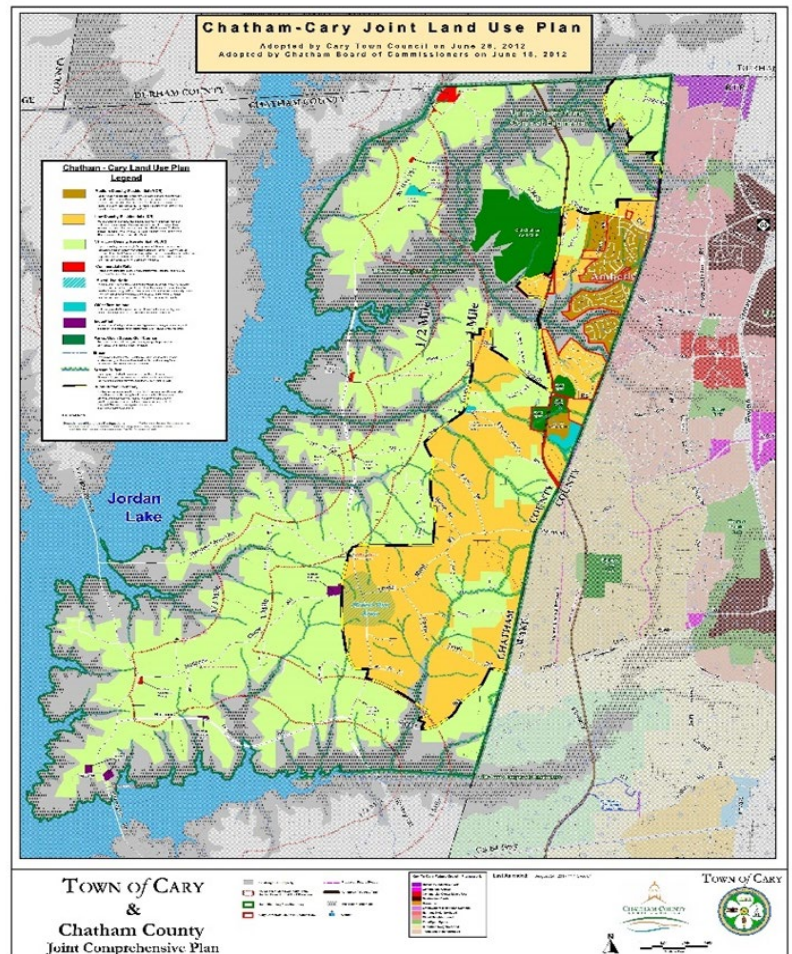
Background:

The Chatham-Cary Joint Land Use Plan covers over 18,000 acres located east of Jordan Lake in Chatham County. The area is bordered by White Oak Creek to the south, Wake County to the east, Durham County to the north and Jordan Lake to the west. The Plan is an official policy document adopted by the Chatham County Board of Commissioners and Cary Town Council meant to guide future land use regulations, public infrastructure improvements and development.

The County and Town started work on a Joint Land Use Plan when county residents became concerned about Cary annexing an increased number of properties in Chatham County. One of the developments that triggered these concerns was the Amberly development, shown in brown on the joint plan map. The joint planning effort was formalized in December 2005 when the boards for both jurisdictions adopted a resolution to work cooperatively to draft a plan for the area.

The Plan includes a land use map that designates two land use categories for most of the Plan area and the potential location of a mixed-use area. The area generally along and west of NC 751 is designated as Very Low Density Residential, with lot sizes ranging from 1 – 5 acres. The area generally east of NC 751 is designated Low Density Residential, which allows smaller lots if public utilities are extended from the Town. The map also includes a Rural Buffer Boundary line running north-south through the Plan area. This line is used to indicate the limits of where public utilities (water, sewer) may be extended to serve future growth. The recommended land use designations are:

- Medium Density Residential (up to 4 dwelling units per acre and this only applies to areas that were annexed prior to the joint planning process)
- Low Density Residential (up to 2 dwelling units per acre)



- Very Low Density Residential (up to 1 dwelling unit per acre)
- Commercial/Retail (applies to properties that were zoned commercial/retail by the county prior to 2005)
- Mixed Use Node (provides for a mix of residential and non-residential uses and examples are provided in the plan. This node is located at the intersection of NC 751 and Lewter Shop Road)
- Office/Institutional (applies to properties that were zoned office/institutional by the county prior to 2005)
- Industrial (applies to properties that were zoned industrial by the county prior to 2005)
- Rural Buffer Boundary (Prohibits the construction or extension of sewer or wastewater treatment by either jurisdiction west of the boundary).

Development Activity / Rezoning and Annexations - Town of Cary

Voluntary annexation, also called owner-initiated annexation, involves a property owner requesting a municipality to expand its corporate limits to include their specific property. Property owners most often request voluntary annexation to receive municipal services, such as water, sewer, police, and fire protection. This is the procedure that is used by the Town by the property owners in Chatham County for all annexations by the Town into the County. When property owners request voluntary annexation, they are generally responsible for the cost of extending any municipal utilities, and the land is developed according to the municipal land use regulations. Since the last review of the plan, the Town of Cary has received and approved several voluntary annexation requests. All of the annexations are accompanied by a rezoning request for development projects like the ones below:

**Rezoning Cases - Chatham Co.
1/1/2017 - 7/1/2022**

Rezoning Status

- Approved
- In Process
- Withdrawn

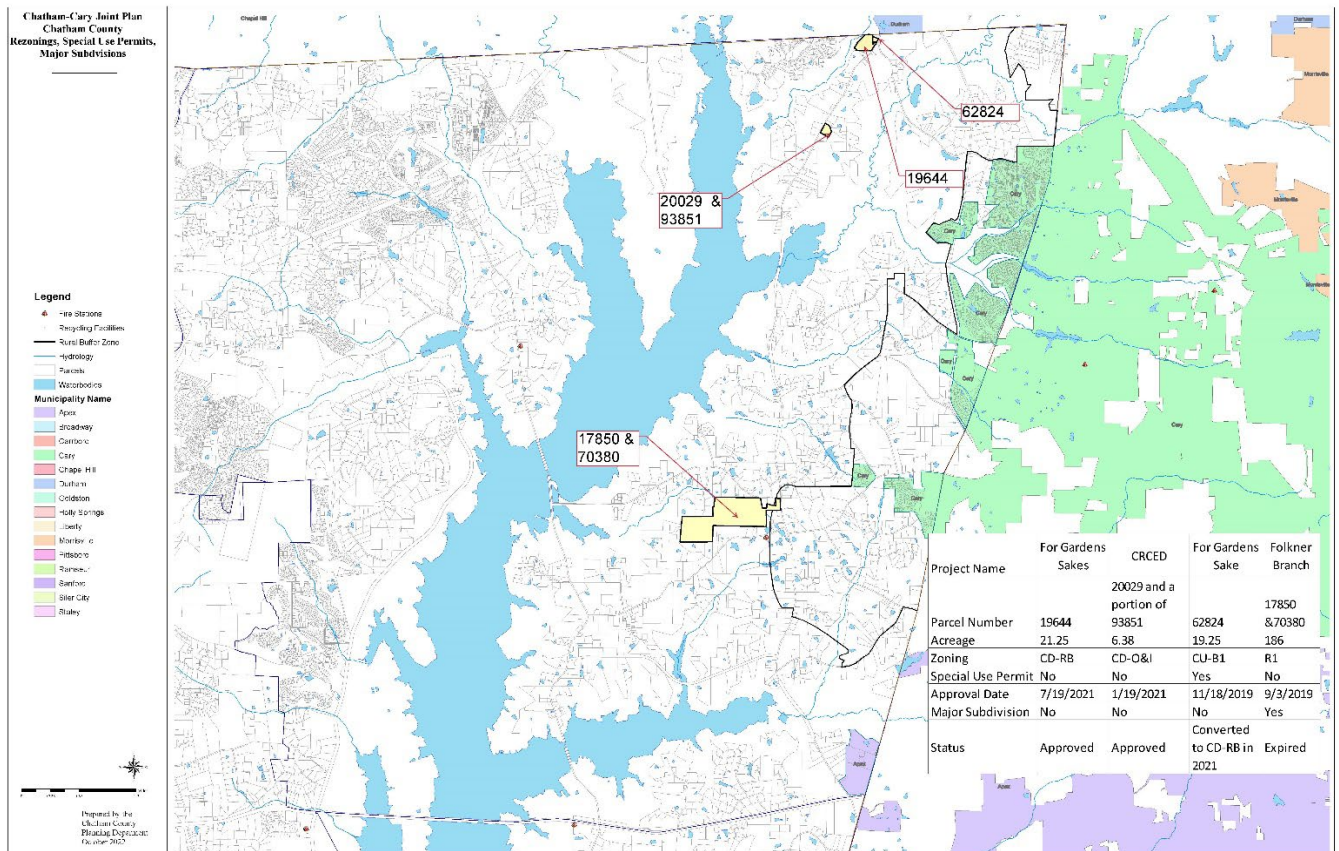
Case Id	Name	Proposed Zoning	Status	Approval Date
16-REZ-26	Davis Res Property at Pittard Seams Road	TR-CU/TR-CU	Approved	1/24/2017
17-REZ-13	Weldon Ridge PDD Amendment Tracts SF-6 and S-1	PDD (Major)	Withdrawn	<Null>
19-REZ-18	Young Property	TR-CU	Approved	8/20/2020
19-REZ-26	Mt. Pisgah Rezoning	R40-CU/TR-CU	Withdrawn	<Null>
21-REZ-15	109 Appaloosa Trail Rezoning	R40-CU	Approved	5/26/2022
21-REZ-17	Destin Phase 3 Rezoning	R12-CU	In Process	<Null>
22-REZ-03	1309 Batchelor Rd and 1009 Knotty Oaks Dr	R12-CU	In Process	<Null>
22-REZ-13	Kanoy Property	R8-CU	In Process	<Null>
22-REZ-16	Barbee Estates	R8-CU	In Process	<Null>

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- **Young Tract- Rezoning and Subdivision (19-REZ-18)** - 190 lots on 91.93 acres and the site plan straddles the Chatham/Wake county line. Based on the current JLUP rezoned Chatham County portions of this site will have a net density of 2 dwelling units per acre. The site abuts Woodhall which is completely within Chatham County with 2 dwelling units per acre.
- **Hogan Annexation/109 Appaloosa Trail Rezoning (21-REZ-15)** - 8.92 Acres to be annexed into the Town. Total area to be rezoned is 7.02 acres with, the remainder of the area being the American Tobacco Trail. The applicant has offered the following conditions on the rezoning. The front dwelling must be no more than 200' from the road and the driveway can be no more than 1,000' feet from the fire hydrant. One dwelling unit is proposed.
- **Goodwin Annexation / Destin Phase 3 Rezoning (21-REZ-17)** - This is an application for annexation into the Town and Rezoning Residential-12-Conditional use (R-12-CU). The site is 31.67 acres and will have 40 lots. This property has the Low-Density Residential designation (LDR) in the Chatham-Cary Joint Land Use Plan (JLUP) which supports 1-2 dwelling units per acre. This project will be 1.3 dwelling units per acre.
- **Batchelor Road (22-REZ-03)** – Annexation and rezoning applications have been submitted for these properties and the proposed development is located within Chatham and Wake Counties with the majority of the development within Chatham. The development is proposed for 30 dwelling units on 19.35 acres.
- **Kanoy Tract (22-REZ-13)** – Annexation and rezoning applications have been submitted to the town for these properties consisting of 100.88 acres. The requested dwelling unit count has decreased from 1.8 dwelling unit per acre to 1.65 dwelling units per acre and will have approximately 166 lots.
- **Barbee Estates (22-REZ-16)** – This development is proposed on 81.47 acres and is still under staff review with the Town of Cary staff.

One of the guiding principles of the Joint Land Use Plan is to focus intense development close to the eastern boundary of the plan area and lower density uses westward toward Jordan Lake. Another is to preserve the rural character of the bulk of the land area, while allowing for balanced growth. The projects mentioned above have been determined to conform to these principles. The majority of the land in the plan area is designated as very low and low density residential. For a complete list of development

projects currently underway in the plan area use the interactive development map accessible here: <https://www.townofcary.org/projects-initiatives/maps/interactive-development-map>



Development Activity / Rezoning and Annexations – Chatham County

- For Garden's Sake conditional use permit amendment to add an additional use (2019)
- CRDED Treatment Office & Institutional rezoning for an expansion of an existing treatment facility (2020)
- For Garden's Sake conditional district rezoning to add the O'Kelly Chapel Church property to the existing nursery property (2021)
- Folkner Branch Subdivision- Approval has expired. Was approved for 40 lots on 186 acres off of Marthas Chapel Rd.

For a complete list of development projects currently underway in the plan area use the interactive development map accessible here: - <https://chathamncgis.maps.arcgis.com/apps/Shortlist/index.html?appid=668c124c3e524538b727364c14995856>)

Interlocal Agreement and Plan Amendments

An interlocal agreement was also adopted in conjunction with the joint plan and provides more detail about the use of the plan, how plan amendments (minor and major) are processed, plan interpretations, determining rezoning and site or subdivision plan conformity, information sharing between jurisdictions, 5-year plan assessment, and plan termination or modification provisions. Planning staff from both jurisdictions routinely share rezoning and major subdivision applications to determine plan conformity.

In December 2020 there was an amendment to map to extend the commercial/retail designation on property adjoining For Garden's Sake Nursery to incorporate the former O'Kelly Chapel Church building into the nursery site. The plan amendment process requires that applications be submitted to both jurisdictions and follow their respective procedures for submission, review, and adoption of a land use plan amendment. The County must take final action before the Town can act and both boards must approve the amendment for it to pass.

Concerns of Residents and Public Comments

Over the last two years several major development applications and annexations have caused some concerns from residents living in and around the Joint Plan area. The main questions and concerns are related to the efficacy of the plan and what it actually does for residents who live in the plan area. Some residents in the plan area have voiced concerns over the perceived increase in annexations and development. One typical question is: what is the process for public comment and notifications for new developments? Town of Cary staff are responsive to concerns from residents in the plan area and their rezoning process includes a community meeting which is facilitated by town staff. Most of the development activity occurring in the plan area triggers public hearing notifications which are the same as county land use regulations. Adjoining and nearby property owners are notified via mail and there are also public hearing signs posted on the properties, e-notifications, development tracking online, and other resources which are listed below.

- Follow cases on Cary's rezoning webpage: <https://www.townofcary.org/connect-engage/transparency/public-hearings/public-hearing-cases/rezoning-cases>
- Sign up to receive email notifications on rezoning cases: <https://www.townofcary.org/business-development/rezoning-case-update-email-signup>
- Track development activity using Cary's Interactive Development Map: <https://www.townofcary.org/projects-initiatives/maps/interactive-development-map>
- Follow Cary's public hearing and legal notices webpage: <https://www.townofcary.org/connect-engage/transparency/public-hearings/public-hearing-notices>

Residents have also questioned the density and minimum lot sizes for new developments. There is concern that developments being approved by Cary have higher densities than is recommended in the plan. The interlocal agreement requires that all rezoning and major subdivision applications be shared with the other jurisdiction to determine plan conformity, which is in place and occurs for each new project. The land use classification for new developments that have been annexed by Cary does have a minimum lot, but does have a maximum allowable density of 2 dwelling units per acre. This allows developers the option to reduce lot sizes below ½ of an acre while still remaining below 2 dwelling units per acre.

Schools

Staff from both jurisdictions receive questions from residents in the joint plan area about future planning for school sites. The Chatham County Board of Education has a process for evaluating new school sites and information about that was provided by the Assistant Superintendent for Operations which follows.

At the present time there are not enough students living in the area east of the lake to justify building new schools in that area.

1. We look at this situation each year through OREd (Operations Research Education Laboratory from NC State) and have been doing so for a very long time.
2. The three schools that serve this area are good capacity wise through the end of the next ten years per our current OREd projections. (North Chatham, Pollard Middle, Seaforth HS)
3. The land use study OREd is doing for us (will be finished in January, 2023) includes this part of the county and will alert us to any impending capacity issues in this area.
4. Wake County Schools is the agency that decides if these folks can enroll their students in the “closer” Wake County Schools. However, unless it has changed, Wake County does not grant discretionary admissions to students other than WCPSS employees. (to clarify the typical difference in driving time to WCPSS schools and CCS schools is 10 to 20 minutes. School siting experts say this should not be a factor in building a new school.)
5. Here are the 2022/2019 numbers for CCS students living on the eastern side of Jordan Lake. This area is currently growing but not fast enough to schedule building a new school. We will however, continue to monitor this and do so when it is time.

East of Jordan Lake/ North of 64 (July 2022)

K-5 (NCE) 124

6-8 (Pollard) 57

9-12 (Seaforth/Northwood) 79

East of Jordan Lake/South of 64 (July 2022)

K-5 (Moncure) 79
6-8 (Moncure) 70
9-12 (Seaforth/Northwood) 105

Here is what this looked like in 2019

East of Jordan Lake/ North of 64 (July 2019)

K-5 (NCE) 96
6-8 (Pollard) 50
9-12 (Northwood) 101

East of Jordan Lake/South of 64 (July 2019)

K-5 (Moncure) 134
6-8 (Moncure) 87
9-12 (Northwood) 114

A new 750 student elementary school will likely cost around \$40 million
A new 750 student middle school will likely cost around \$60 million

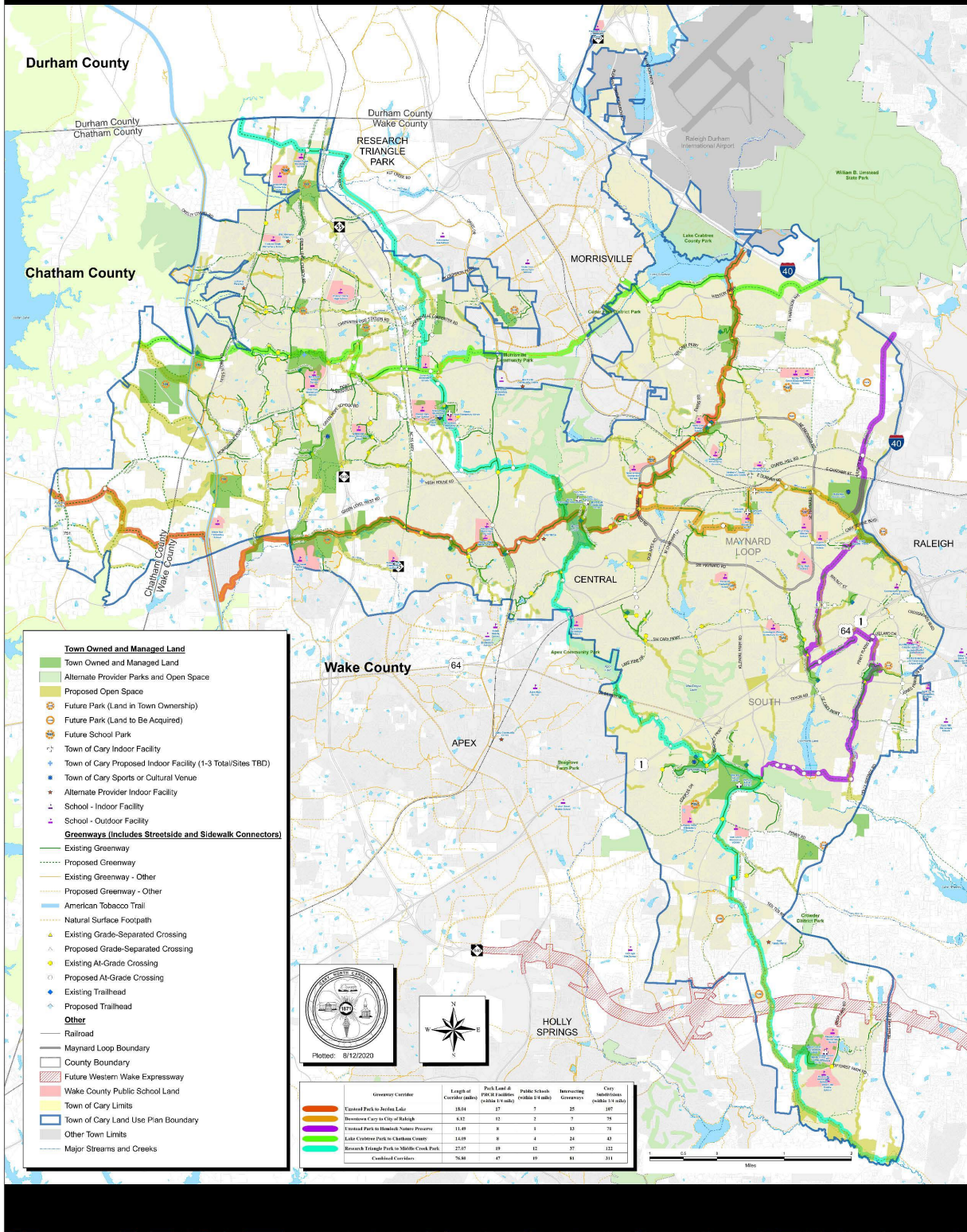
Environmental Quality Regulations

The Town of Cary and Chatham County have similar Environmental Quality Regulations, and in some cases the Towns regulations surpass those of Chatham. A stormwater plan is required if a development is going to disturb greater than 12,000 square feet in Cary, whereas in Chatham the threshold is the 20,000 square feet both of which are more stringent than minimum state requirements. Also, the Town of Cary does not allow residential lots to be platted/recorded in riparian buffers, except for when a buffer is dedicated as a permanent conservation easement. The Town and the County have the same riparian buffer requirements for streams and wetlands. Stormwater Nitrogen and TSS rules are the same for both the county and the town.

Parks and Recreation

In October 2022, the Cary Town Council adopted an addendum to their Parks, Recreation and Cultural Resources Master Plan which is one of the implementation steps in section 6.8 of the joint plan. County Recreations & Parks and Planning staff were invited to participate in this process and attended several community meetings and staff level meetings to discuss the plan recommendations. This plan can be viewed on the following website - <https://www.townofcary.org/services-publications/plans-publications-reports/2012-parks-recreation-and-cultural-resources-master-plan>

TOWN OF CARY, NORTH CAROLINA PARKS, RECREATION & CULTURAL RESOURCES MASTER PLAN



In August 2020 the town purchased a 217.07 acre farm in the joint plan area that will eventually be used for recreation and open space preservation.

This parcel adjoins existing Town of Cary parks property that also connects to the American Tobacco Trail. More information about this land acquisition is available on the following website - <https://www.townofcary.org/projects-initiatives/project-updates/facilities-projects/the-property-at-ernest-jones-road> .

Joint Assessment of the Plan

Every five years planning staff from the county and town come together to participate in an assessment of the plan and provide information about land use activities in the plan area. If the governing boards determine an update is needed it could follow the process used during the initial adoption. Staff from both planning departments have participated in regular meetings to discuss the required five-year assessment of the plan, including discussions with the Managers for both jurisdictions. Chatham County planning staff used said meetings to create this memo and evaluate the efficacy of the plan.

The Chatham Cary joint land use plan serves a purpose for the residents of the county. The area in the joint plan is experiencing significant growth which is reflective of development activity in the region. The plan map has specific density standards which are designed to preserve the rural character of the county as much as possible. The Plan envisions the western two-thirds of this area remaining rural with large-lot single family development, with lot sizes ranging from one to five acres or larger, but the overall area averaging no more than one dwelling per acre in density. In the eastern third of the plan area, uses transition to smaller residential lots moving east as public utility services are extended. The Plan Map includes a *Rural Buffer Boundary Line* that divides the western two-thirds from the eastern third of the plan area. The boundary establishes the area where utility extensions are allowed (eastern side) and prohibited (western side).

Attachments

Updated Comparison of Chatham County, Town of Cary, and State Environmental Regulations

2017 Joint Plan 5-year Assessment Presentation