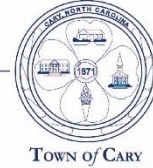


Staff Report for Town Council

Meeting Date: June 14, 2018



18-A-03 Geneva Lloyd Baker Heirs Annexation

Purpose: Conduct public hearing and defer action on requested annexation to a future council meeting.

Prepared by: Wayne Nicholas, Planning

Speaker: Desmond Corley, Planning

Executive Summary: The owners of property located at 917 Waldo Rood Boulevard, (approximately 250 feet west of the Davis Drive and Waldo Rood Boulevard Intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

Associated Case(s): **Development Plan 18-DP-0479** (Pet Palace Waldo Rood Boulevard) and **18-SU-001** (Special Use Permit)

Recommendation: That Council conduct a public hearing and defer action on the requested annexation to a future council meeting to allow final vote on the annexation to coincide with final vote on the associated special use permit and development plan.

The documents that Council will review at this meeting are attached.

Background:

Owners of property located outside of the corporate limits of the Town that desire to develop using Town utilities or that otherwise desire to be located in the corporate limits must first petition to be annexed, pursuant to the requirements of either NCGS Chapter 160A, Article 4, Part 1, when their property is contiguous to the corporate limits, or to NCGS Chapter 160A, Article 4, Part 4, when their property is not contiguous to the corporate limits. In either case, Council must conduct a public hearing on the annexation request prior to taking action. At the public hearing on a request for contiguous annexation, such as this, the owner may speak and allege that the Petition contains an error, and any Town resident may speak and question the necessity for the annexation.

Once property is annexed, the property and its citizens become subject to all the laws, ordinances, and regulations of the Town and are entitled to receive the services the Town provides (fire and police protection; solid waste; utilities; etc). If the annexed property is located in an area served by a rural fire department, the Town may also be required to assume a proportionate share of any debt related to equipment or facilities of the rural fire department. If the property is located outside of the Town's extraterritorial jurisdiction, the property owner must also submit a rezoning application in order to establish initial Town zoning designation upon annexation.

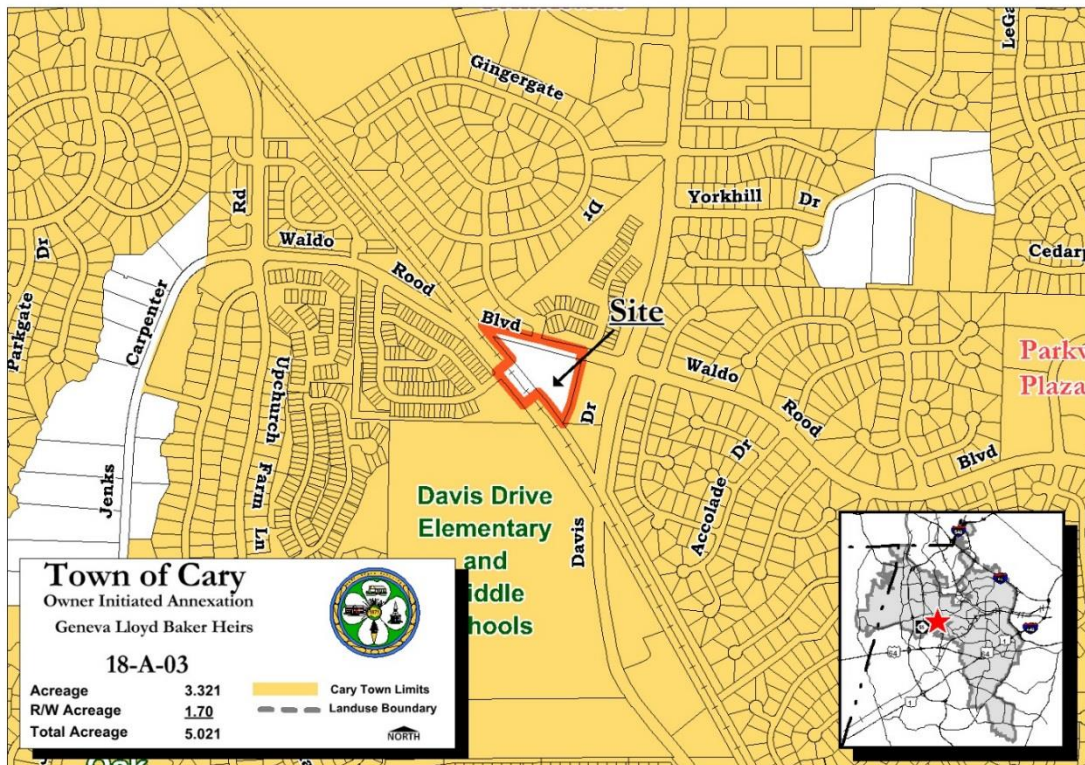
Discussion:

The owners of the following property filed an annexation petition with the Town on **1/11/2018**.

OWNER(S) AND PARCEL INFORMATION:

Property Owner(s) Address List	Property Location	Wake Parcel Number (10-digit)	Wake Real Estate ID	Acreage
Geneva Lloyd Baker Heirs 3025 Pleasant Plains Road Apex, NC 27502	917 Waldo Road Boulevard	0743495627	0003452	3.321
			Adjacent Right-of-Way	1.700
			Total Acres	5.021

VICINITY MAP



[Click the map to see surrounding development activity.](#)

This annexation is associated with a development plan (18-DP-0479) that proposes a 16,700 square-foot kennel/boarding facility, and an application for special use permit (18-SU-001) for outdoor activity area associated with the kennel use. The site was rezoned to Office and Institutional Conditional Use (OI-CU) in December 2015. Although a kennel is an allowed use under the existing zoning, an outdoor area/activity associated with the kennel is only permitted upon approval of a special use permit by the Town Council. The special use request and associated development plan are currently being reviewed by staff with regard to the requirements of the Land Development Ordinance (LDO), and will be presented to the Council for their review and consideration later this year. In accordance with the LDO, the property must be annexed into the corporate limits before a development plan can be approved.

As required by statute, the Town Clerk has certified that the petition is valid. The Town Council initially adopted a Resolution calling for a public hearing on the petition to be held on 4/26/2018. That meeting did not convene and, subsequently, on 5/3/2018 the Town Council adopted an Amended Resolution calling for a public hearing on the petition to be held on 6/14/2018.

The following information may inform Council's decisions on this matter.

ZONING & PROPOSED USE:

Current Zoning: Office and Institutional Conditional Use (O&I-CU)

Acreage: 3.321 plus 1.7 adjacent right of way = 5.021 total acres

Contiguous to Primary Corporate Limits: Yes; 100. % (excluding satellite town limits)

Existing Use: Detached Residential

Proposed Use: Kennel indoor/outdoor

UTILITIES:

Water: 60 Feet East

Sewer: Adjacent to Site

DISTRICTS & TAX VALUE:

Fire District: Morrisville

Voting District D

Tax Value: \$1,366,577

DRAFT Ordinance

18-A-03

Geneva Lloyd Baker Heirs

**AN ORDINANCE ANNEXING LANDS CONTIGUOUS TO THE MUNICIPAL BOUNDARIES
OF THE TOWN OF CARY**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below in Section 1 (the "Annexation Area"); and

WHEREAS, the Annexation Area is contiguous to existing Town limits; and

WHEREAS, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **5/3/2018**, the Town Council of the Town of Cary adopted an Amended Resolution ordering a public hearing on the question of said annexation and Notice of a Public Hearing was published as required by law, which publication may have been on the Town of Cary website; and

WHEREAS, the matter came for public hearing before the Town Council of the Town of Cary on **6/14/2018**, at which time the owner of the Annexation Area and all Town residents were allowed to be heard; and

WHEREAS, the Town Council finds that the Petition above mentioned meets all the requirements of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cary, North Carolina that:

Section 1. The Annexation Area described below is hereby annexed to and made a part of the Town of Cary, effective on the date written below with a condition that the property owner connect to Town of Cary utilities based upon the Town's policy(ies) in place on the effective date of this ordinance.

ANNEXATION AREA:

Wake Parcel Identification #0743495627

METES AND BOUNDS:

LEGAL DESCRIPTION FOR ANNEXATION

ALL THOSE CERTAIN LOTS OR PARCELS OF LAND SITUATED IN THE TOWN OF CARY, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA; BOUNDED ON THE NORTH BY WALDO ROOD BOULEVARD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); ON THE EAST BY NOW OR FORMERLY PARSHVANATH, LLC DEED BOOK 15661, PAGE 403, WAKE COUNTY REGISTRY; AND THE SOUTH BY CSX RAILROAD (100' PRIVATE RIGHT OF WAY), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ¾" OUTSIDE DIAMETER (O.D.) PIPE SET ON THE SOUTHERN RIGHT OF WAY OF WALDO ROOD BOULEVARD (VARIABLE WIDTH RIGHT OF WAY), SAID POINT BEING THE NORTHEAST CORNER OF THE SUBJECT PROPERTY HAVING A NORTHING COORDINATE OF 739,742.32 AND AN EASTING COORDINATE OF 2,044,737.20 AS REFERENCED TO THE NORTH CAROLINA GRID COORDINATE SYSTEM ADJUSTMENT 1983, REALIZATION 2011, AND THEN FROM SAID POINT OF BEGINNING ALONG THE EASTERN PROPERTY LINE, COMMON LINE WITH NOW OR FORMERLY PARSHVANATH, LLC DEED BOOK 15661, PAGE 403 WAKE COUNTY REGISTRY, THE FOLLOWING TWO CALLS AND DISTANCES; SOUTH 13 DEGREES 08 MINUTES 38 SECONDS WEST A DISTANCE OF 295.00 FEET TO A ¾" OUTSIDE DIAMETER (O.D.) EXISTING IRON PIPE, THENCE SOUTH 22 DEGREES 56 MINUTES 07 SECONDS WEST A DISTANCE OF 135.88 FEET TO A DISTURBED ¾" OUTSIDE DIAMETER (O.D.) EXISTING IRON PIPE, SAID PIPE ALSO BEING ON THE NORTHERN RIGHT OF WAY OF CSX RAILROAD (100' PRIVATE RIGHT OF WAY). THENCE ALONG SAID CSX RAILROAD RIGHT OF WAY THE FOLLOWING THREE CALLS: 143.93 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 3040.84 FEET, CHORD BEARING NORTH 38 DEGREES 00 MINUTES 06 SECONDS WEST AND CHORD DISTANCE OF 143.92 FEET TO A ¾" OUTSIDE DIAMETER (O.D.) EXISTING IRON PIPE, THENCE NORTH 39 DEGREES 21 MINUTES 27 SECONDS WEST A DISTANCE OF 567.97 FEET TO A ¾" OUTSIDE DIAMETER (O.D.) PIPE SET ON THE SOUTHERN RIGHT OF WAY OF SAID WALDO ROOD BOULEVARD (VARIABLE WIDTH PUBLIC RIGHT OF WAY), THENCE NORTH 39 DEGREES 21 MINUTES 27 SECONDS WEST A DISTANCE OF 52.90 FEET TO A COMPUTED POINT INSIDE THE RIGHT OF WAY OF SAID WALDO ROOD BOULEVARD (VARIABLE WIDTH PUBLIC RIGHT OF WAY), THENCE WITH THE FEE DEED CENTER OF THE ROAD THE FOLLOWING FOUR CALLS; SOUTH 74 DEGREES 46 MINUTES 47 SECONDS EAST A DISTANCE OF 16.98 FEET TO A COMPUTED POINT, THENCE SOUTH 73 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 100 FEET TO A COMPUTED POINT, THENCE SOUTH 75 DEGREES 21 MINUTES 22 SECONDS EAST A DISTANCE OF 100 FEET TO A COMPUTED POINT, THENCE SOUTH 76 DEGREES 51 MINUTES 22 SECONDS EAST A DISTANCE OF 411.00 FEET TO A COMPUTED POINT, THENCE LEAVING SAID FEE DEED CENTER OF ROAD SOUTH 13 DEGREES 08 MINUTES 38 SECONDS WEST A DISTANCE OF 30.00' TO A ¾" OUTSIDE DIAMETER (O.D.) PIPE SET, THE POINT OF BEGINNING. CONTAINING 3.321 GROSS ACRES WITH 0.392 ACRES WITHIN THE RIGHT OF WAY OF WALDO ROOD BOULEVARD.

The Annexation Area also includes all intervening streets, street rights-of-way, creeks, rivers, rights-of-way of any railroad or other public service corporation, or lands owned by the State of North Carolina or any of its political subdivisions. The annexation includes 1.70 acres of adjacent right-of-way.

Section 2. That from and after the effective date of this ordinance, the Annexation Area and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Cary, and shall be entitled to the same privileges and benefits as other parts of the Town. The Annexation Area shall be subjected to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Cary shall cause an accurate map of the newly annexed territory together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds of Wake or Chatham County, whichever is applicable to the annexed property, and in the Office of the Secretary of State of North Carolina.

Section 4. Pursuant to G.S. 160A-22, the Town Clerk is directed to update the Official Town Map ("Map") by drawing in the territory annexed, or setting out the boundaries in a written description, or showing the current Town boundaries by a combination of these techniques.

Section 5. Pursuant to G.S. 160A-23, the boundaries of Electoral District D are hereby revised to account for and include the territory annexed, and the Official Town Map of Electoral Wards is hereby amended to include the annexed territory in the said Electoral District. A copy of the Map shall be delivered to the Wake County Board of Elections or Chatham County Board of Elections, whichever is applicable to the annexed property, as required by G.S. 163-288.1.

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