19-A-06 Timothy G. Howard Annexation

**Purpose:** Conduct public hearing and consider action on requested annexation.

**Prepared by:** Gillian White, Planning and Development Services

**Speaker:** Wayne Nicholas, Planning and Development Services

**Executive Summary:** The owner of properties located at 7005 and 7009 Carpenter Fire Station Road (approximately 1,600 feet west of Carpenter Fire Station Road and NC 55 Highway intersection) has petitioned for annexation of the properties in connection with a development plan under review. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

**Associated Case(s):** 19-DP-0263 (Carpenter Pointe Townhomes)

**Recommendation:** That Council conduct a public hearing and consider action on the requested annexation.

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 to establish initial Town zoning designation upon annexation.

**Discussion:**

The owners of the following property filed an annexation petition with the Town on May 9, 2019.
This annexation is associated with development plan 19-DP-0263 (Carpenter Pointe Townhomes) which proposes to subdivide the subject property to allow for the development of 41 townhomes and subdivide the adjacent property to the east, which is already within the Town’s corporate limits, to allow for development of an additional 48 townhomes. The
development plan also proposes greenway connections from the townhome development to the adjacent property to the east and a future Town park to the west. The subject site is zoned Transitional Residential Conditional Use (TR-CU) and was previously rezoned (case 18-REZ-05) to allow for townhome use. The development plan is currently in the review process and, based on the number of proposed dwelling units and the provisions of the Land Development Ordinance (LDO), can be approved administratively by staff when it is determined that the plan meets all applicable requirements of the LDO. 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. On June 27, 2019, the Town Council adopted a Resolution calling for the public hearing to be held on July 18, 2019.

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

**ZONING & PROPOSED USE:**
**Current Zoning:** Transitional Residential Conditional Use (TR-CU)
**Acreage:** 4.258 plus 0.0 adjacent right of way = 4.258 total acres
**Contiguous to Primary Corporate Limits:** Yes; 85.4% contiguous (excluding satellite town limits)
**Existing Use:** Detached residential
**Proposed Use:** Townhomes (subdivision)

**UTILITIES:**
**Water:** Adjacent to site
**Sewer:** Adjacent to site

**DISTRICTS & TAX VALUE:**
**Fire District:** Morrisville Fire District
**Voting District:** A
**Tax Value:** $ 889,740 (entire property)

The ordinance that Council will consider for adoption at this meeting is attached.

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