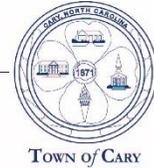


Staff Report for Town Council



Meeting Date: January 10, 2019

Technical Correction to the Zoning Map for Property Previously Shown as Right-of-way for Palmetto Drive

Purpose: Conduct a public hearing and consider action on a technical correction to the zoning map

Prepared by: Wayne Nicholas, Planning and Development Services

Speaker: Katie Drye, Planning and Development Services

Executive Summary: This is a staff-initiated request to make a technical correction to the Town of Cary Official Zoning Map to reflect the proper zoning district for property that was previously shown on the Zoning Map as street right-of-way for a portion of Palmetto Drive. In accordance with Land Development Ordinance Section 3.4.1(I), the repair of zoning map errors may be corrected through approval of the Town Council after conducting a public hearing.

Recommendation: *That Council adopt the attached Resolution authorizing staff to correct the Town of Cary Official Zoning Map to reflect the zoning designation Residential 40 (R-40) for the subject property as described in this staff report.*

Background: Staff has identified a discrepancy on the Official Town of Cary Zoning Map and is proposing that Council correct this inconsistency pursuant to Land Development Ordinance Section 3.4.1(I). The correction would reflect the proper zoning on property that was previously shown as right-of-way for a portion of Palmetto Drive. A more detailed explanation of the background associated with this map discrepancy and the proposed correction is provided below.

While conducting research associated with the review of a rezoning case (16-REZ-24) for property located on Trimble Avenue, staff determined that property previously conveyed to the Town was incorrectly shown on Wake County tax maps as road right-of-way. The subject property (Wake County Real Estate ID 0456351), shown as area A in Figure 1, consists of approximately 0.27 acres and is located between Trimble Avenue and the western terminus of Palmetto Drive. Previously, this property was part of the adjacent parcel to the south, shown as area B in Figure 1.



Figure 1

In September 1995, Bethel Baptist Church conveyed Area A to the Town in fee simple by deed recorded in the Wake County Register of Deeds Book 6689, Page 948. Area A has never been designated by the Town as right-of-way and the paved portion of Palmetto Drive does not extend across Area A to Trimble Avenue.

Prior to 1995, the Town's Zoning Map did not depict the right-of-way for Palmetto Drive extending west to connect with Trimble Avenue, and the larger, undivided property owned by the church was zoned R-30. In October 1995, after the conveyance of Area A to the Town, the Zoning Map depicted the right-of-way for Palmetto Drive extending through to Trimble Avenue (shown in Figure 2).



Figure 2: 1995 Zoning

As explained above, during the review of a rezoning case in 2017, staff researched the history of Area A and determined that the conveyance was in fee simple and, further, that Area A has never been designated by the Town as right-of-way. Following this determination, staff informed the Wake County tax mapping office about this research and requested that the tax maps be corrected to accurately reflect the property conveyance. The tax maps were subsequently corrected and Area A is now depicted as a parcel of property and not right-of-way (as shown in Figure 1).

Since the Town Zoning Map is based on the tax maps, Area A does not depict a zoning designation since it was previously shown as right-of-way. As noted above, Area A was previously shown on the Zoning Map with R-30 zoning. In 2003, with the adoption of the Land Development Ordinance (LDO), the R-30 zoning district was eliminated from the map. Staff proposes that the Zoning Map be changed to reflect a zoning designation of R-40 for Area A as this would have been the zoning of the property if it had not been shown as right-of-way when the Zoning Map was changed in 2003.

Discussion:

Land Development Ordinance (LDO) Section 3.4.1(l) allows the council to correct map errors such as that described above through a single public hearing and only requiring published notice. Pursuant to the LDO, following the public hearing, Town Council will not need to refer this item to the Planning and Zoning Board and may take action to correct the Town of Cary Official Zoning Map in accordance with the official records.

Next Steps:

If the proposed map correction (as described in this staff report) is approved by Council, staff will amend the Town of Cary Official Zoning Map to reflect the change.

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