

Agenda Item

To: Reagan Parsons, Town Manager

Via: Chris Kennedy, Assistant Town Manager

From: B.J. Grieve, Senior Planner
Cindy Williams, Planning Technician

Subject: AX-01-18: Request for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 1.480 Acres; Petitioner, Mill Creek Partners, II, LLC

Date: March 13, 2018

I. SUMMARY OF APPLICATION REQUEST:

The petitioner, Mill Creek Partners, II, LLC, is requesting voluntary contiguous annexation of 1.480 acres. The subject property is currently outside of Town of Southern Pines corporate limits but it is located within the Town's Extraterritorial Jurisdiction (ETJ). The subject property is a portion of a larger parcel identified by the following: PIN: 858300271917 (PARID: 20070990). Per the Moore County Tax records, the property owner is listed as Mill Creek Partners, II, LLC.

II. PROJECT INFORMATION:

A. Physical Address:

NC Highway 22
Southern Pines, NC 28387

B. Owner:

Mill Creek Partners II, LLC
P.O. Box 1511
Pinehurst, NC 28374

C. Applicant:

Mill Creek Partners II, LLC
P.O. Box 1511
Pinehurst, NC 28374

D. Property Identification Number (PIN) & Parcel Identification:

PIN: 858300271917 (PARID: 20070990)

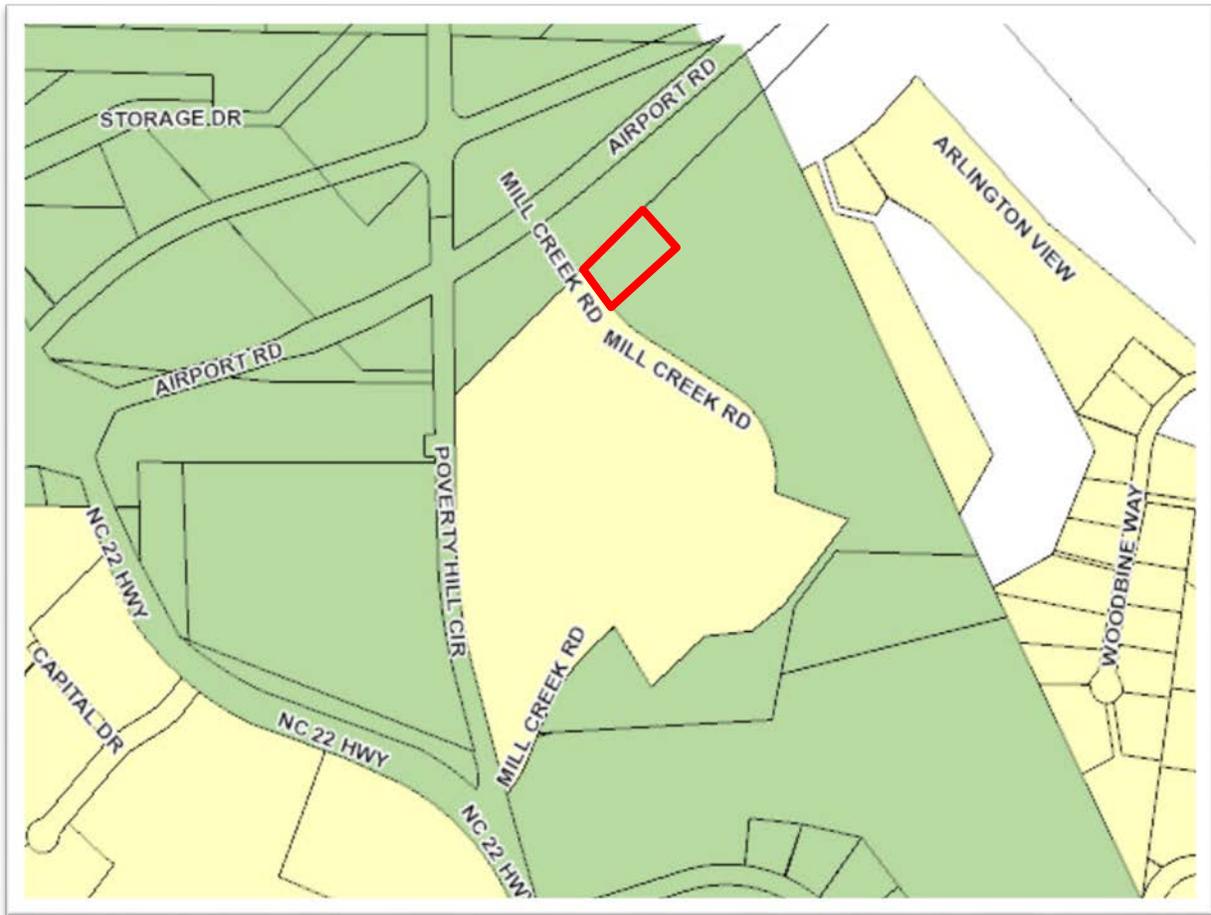
E. Size of Property:

Total Current Acreage: 1.480 Acres

F. Staff Comments:

- The applicant has submitted an annexation petition accompanied by a boundary line survey and written metes and bounds description.
 - The subject property is identified as Parcel B1 on a plat entitled “A Subdivision of Revised Parcel B, Mill Creek Partners, LLC, Mill Creek Partners II, LLC and Pinehurst Area Realty, Inc., Recombination of Parcels A, B, C, D and New Easements,” which plat is to be recorded.
- The GIS jurisdiction map depicts the address of NC Highway 22.
- The request is a voluntary request for a contiguous annexation as the adjacent property is within the corporate limits of the Town of Southern Pines (see Figure 1).
- The surrounding property is presently zoned GB-CD (General Business-Conditional District) (see Figure 2).
- The purpose of this agenda item is to direct the Town Clerk to investigate the efficacy of annexing this property and to set a future public hearing to consider the annexation request.

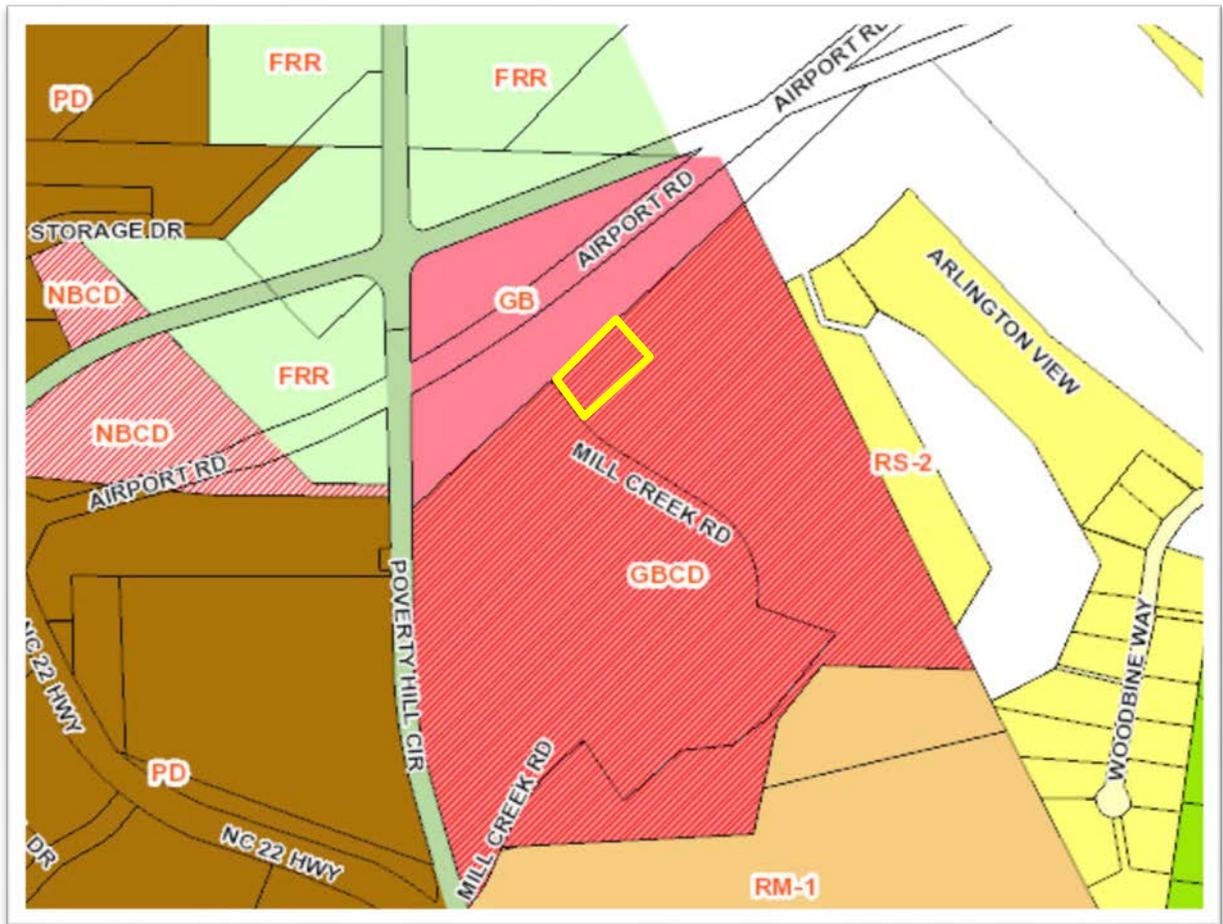
Figure 1: Adjacent Properties (Area to be Annexed Outlined in Red)



 Town of Southern Pines Corporate Limits

 Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Yellow)

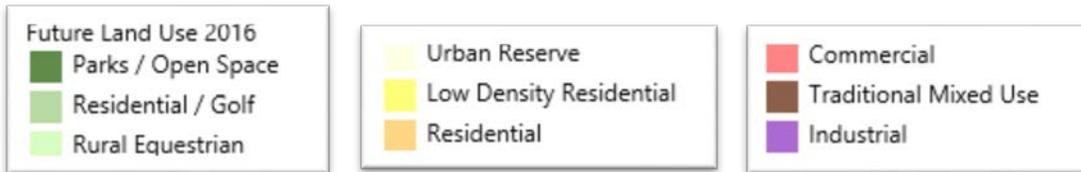
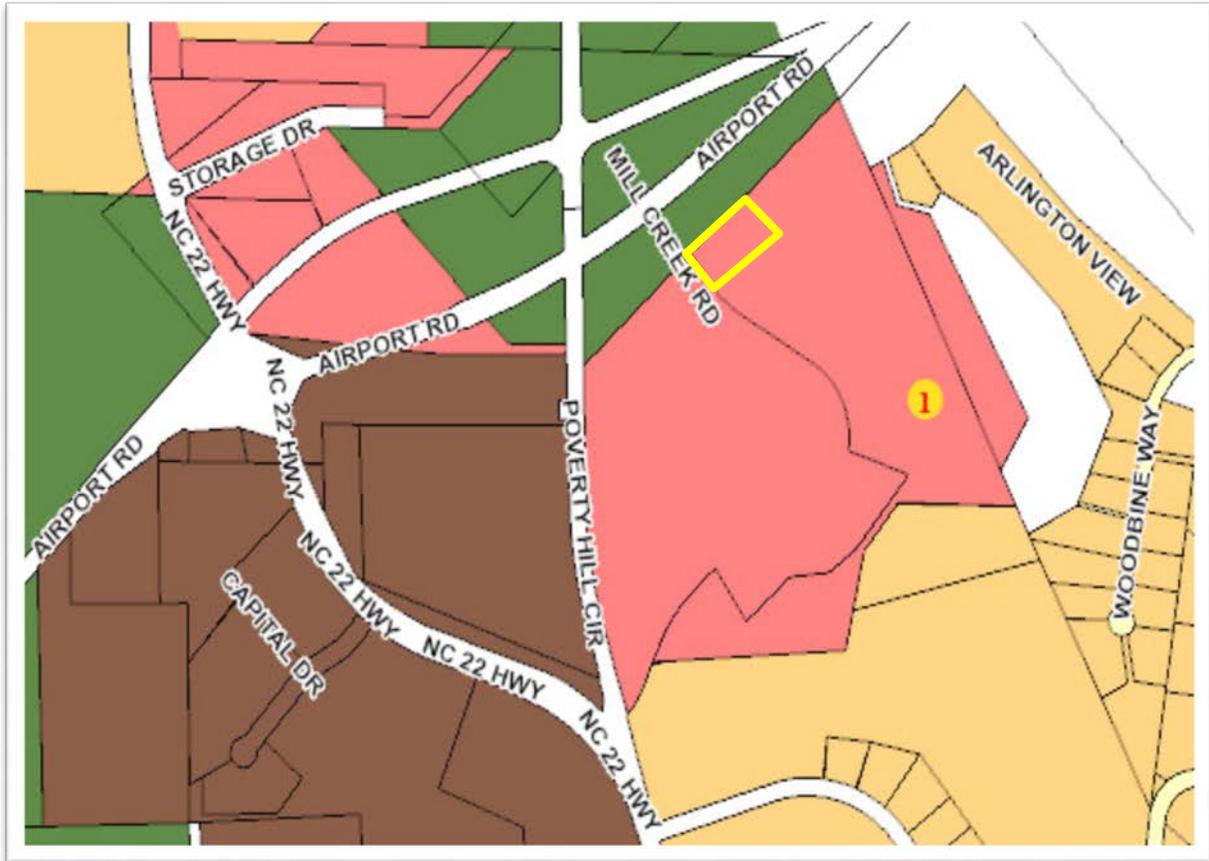


G. Comprehensive Long Range Plan Analysis:

- The subject property is identified as “Commercial” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

***Commercial:** The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Yellow)



III. ATTACHMENTS:

- Application
- Written Metes and Bounds Description
- Survey of Subject Property

IV. TOWN COUNCIL ACTION:

Before holding a public hearing and deciding upon a *Voluntary Annexation* request, the Town Council must first direct the Town Clerk to investigate the request and then the Town Council must select a date for the public hearing for the annexation request. The Town Council may choose one of the following motions or any alternative they wish:

1) I move to adopt the resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-01-18 and to adopt a resolution establishing April 10, 2018 as the date of the public hearing for the annexation request.

-Or-

2) I move to not adopt the resolution directing the Town Clerk to investigate a petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-01-18 and to not adopt a resolution establishing the date of a public hearing for the annexation request.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**

Town of Southern Pines
JAN 10 2018
Administration

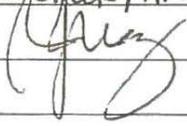
1/10, 2018

**TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH
CAROLINA:**

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**
- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

MILL CREEK PARTNERS II LLC


Address of Owner

P.O. BOX 1511 PINEHURST NC
28374

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

HARRIS TEETER PROPERTIES, LLC
Store #212 (Southern Pines)
1.480 Acres
Mill Creek Road
McNeill Township, Moore County, NC

RECORD LEGAL DESCRIPTION:

FEE TRACT

That certain tract or parcel of land situated, lying and being near the Town of Southern Pines in McNeill Township, Moore County, North Carolina, and being more particularly described as follows:

BEGINNING at a new nail at the common corner between Revised Parcel A and Revised Parcel B as shown on the plat titled "Mill Creek Partners, LLC, Mill Creek Partners II, LLC & Pinehurst Area Realty, Inc. Recombination of Parcels A, B, C, D, and New Easements" as recorded in Plat Cabinet 14, Page 868 of the Moore County Public Registry, said nail being on the southerly line of the County of Moore property as described in Deed Book 697, Page 58 of said Registry, said nail being furthermore located South 21°26'16" East, a distance of 3,796.66 feet (ground distance) from North Carolina Geodetic Survey Control Monument "MOR 34" (NAD 83-2011 Coordinates N: 541,883.68 feet; E: 1,880,156.32 feet; Combined Grid Factor: 0.99985590), and runs thence from said BEGINNING point with the southerly line of the County of Moore property as referenced above North 46°28'11" East a distance of 337.72 feet to a new iron rod; thence with a new line through Revised Parcel B as referenced above the following two (2) courses and distances: 1.) South 43°31'49" East a distance of 172.00 feet to a new iron rod; 2.) South 46°28'11" West a distance of 351.26 feet to a new iron rod on the common line between Revised Parcel B and Revised Parcel A, both as shown on the plat referenced above recorded in Plat Cabinet 14, Page 868 of said Registry; thence with the common line between Revised Parcel B and Revised Parcel A the following two (2) courses and distances: 1.) with the arc of a circular curve to the right having a radius of 366.00 feet for an arc distance of 71.37 feet (chord: North 39°38'09" West 71.26 feet to a new iron rod; 2.) North 38°36'14" West a distance of 101.28 feet to the point and place of BEGINNING; containing 59,399 square feet or 1.364 acres, more or less, as shown on a survey by James Mauney & Associates, P.A. dated October 21, 2016 (Map File F-1631), and being part of Revised Parcel B as shown on the plat titled "Mill Creek Partners, LLC, Mill Creek Partners II, LLC & Pinehurst Area Realty, Inc. Recombination of Parcels A, B, C, D, and New Easements" as recorded in Plat Cabinet 14, Page 868 of the Moore County Public Registry.

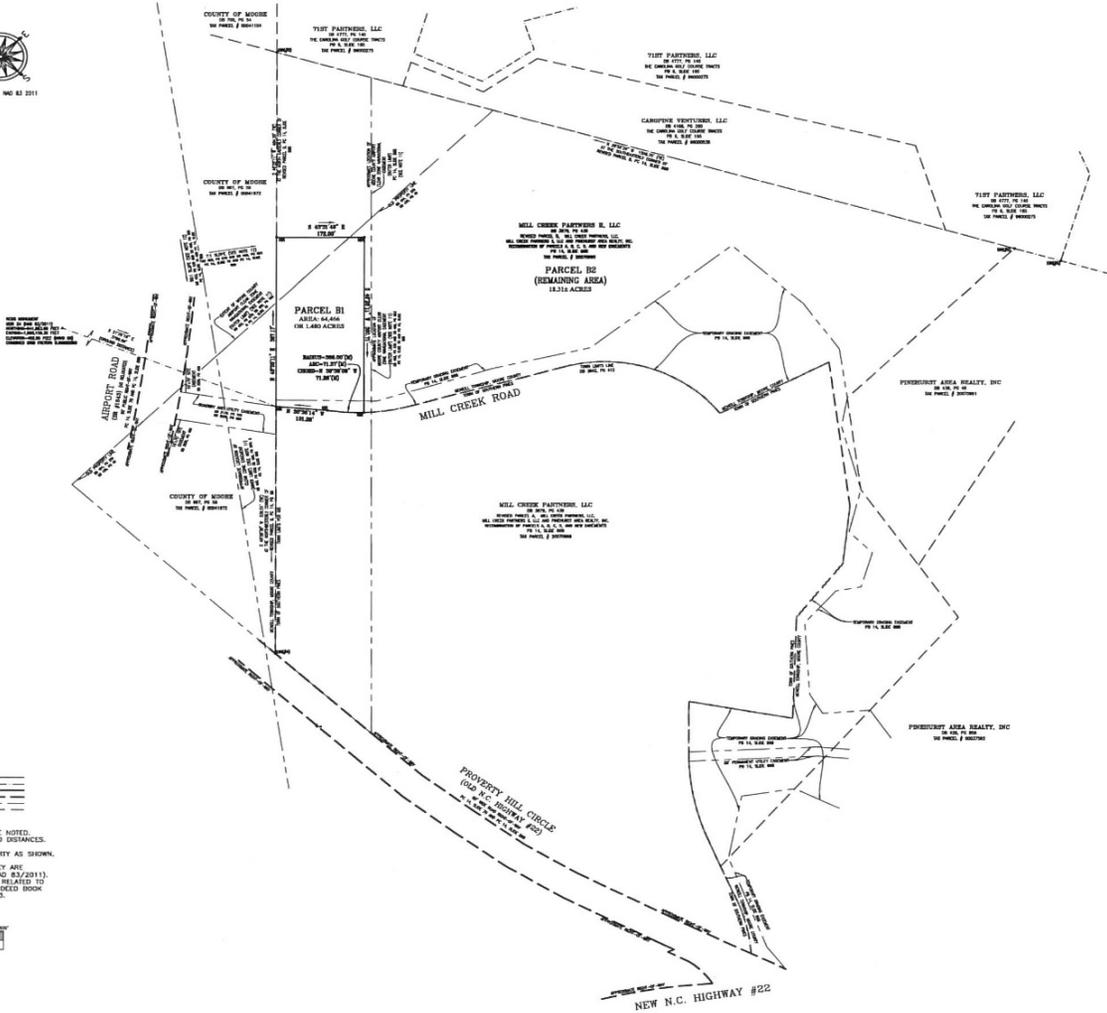
EASEMENT TRACT

TOGETHER WITH easements contained or conveyed in that certain Easement Agreement by and between Mill Creek Partners, LLC and Harris Teeter Properties, LLC recorded in Book _____, page _____, Moore County Registry.

AS-SURVEYED LEGAL DESCRIPTION:

That certain tract or parcel of land situated, lying and being near the Town of Southern Pines in McNeill Township, Moore County, North Carolina, and being more particularly described as follows:

BEGINNING at a new nail at the common corner between Revised Parcel A and Revised Parcel B as shown on the plat titled "Mill Creek Partners, LLC, Mill Creek Partners II, LLC & Pinehurst Area Realty, Inc. Recombination of Parcels A, B, C, D, and New Easements" as recorded in Plat Cabinet 14, Page 868 of the Moore County Public Registry, said nail being on the southerly line of the County of Moore property as described in Deed Book 697, Page 58 of said Registry, said nail being furthermore located South 21°26'16" East, a distance of 3,796.66 feet (ground distance) from North Carolina Geodetic Survey Control Monument "MOR 34" (NAD 83-2011 Coordinates N: 541,883.68 feet; E: 1,880,156.32 feet; Combined Grid Factor: 0.99985590), and runs thence from said BEGINNING point with the southerly line of the County of Moore property as referenced above North 46°28'11" East a distance of 367.17 feet to a new iron rod; thence with a new line through Revised Parcel B as referenced above the following two (2) courses and distances: 1.) South 43°31'49" East a distance of 172.00 feet to a new iron rod; 2.) South 46°28'11" West a distance of 380.71 feet to a new iron rod on the common line between Revised Parcel B and Revised Parcel A, both as shown on the plat referenced above recorded in Plat Cabinet 14, Page 868 of said Registry; thence with the common line between Revised Parcel B and Revised Parcel A the following two (2) courses and distances: 1.) with the arc of a circular curve to the right having a radius of 366.00 feet for an arc distance of 71.37 feet (chord: North 39°38'09" West 71.26 feet to a new iron rod; 2.) North 38°36'14" West a distance of 101.28 feet to the point and place of BEGINNING; containing 64,466 square feet or 1.480 acres, more or less, as shown on a survey by James Mauney & Associates, P.A. dated October 21, 2016, as revised (Map File F-1631), and being part of Revised Parcel B as shown on the plat titled "Mill Creek Partners, LLC, Mill Creek Partners II, LLC & Pinehurst Area Realty, Inc. Recombination of Parcels A, B, C, D, and New Easements" as recorded in Plat Cabinet 14, Page 868 of the Moore County Public Registry.

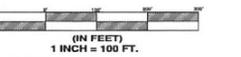


SITE DATA
 TAX PARCEL NO. 20070900
 ZONING CLASSIFICATION: TDR-20
 SITE AREA: 11.148 ACRES (GROSS TOTAL)
 TOTAL ACRES THIS MAP: 11.148 ACRES (DEVELOPED)
 TOTAL AC. OF PROPOSED LOTS: 11.148 ACRES
 NUMBER OF LOTS: 3
 MINIMUM LOT AREA: 3.716 ACRES
 MINIMUM LOT WIDTH: 112.00 FT.
 SETBACKS:
 FRONT: 10 FT.
 SIDE: 10 FT.
 REAR: 10 FT.

TEXT LEGEND
 TP: TOWN PLAT
 LP: LOT PLAT
 MP: METEORIC
 NP: NEW PLAT
 PL: PLAT
 PL: PLAT
 PL: PLAT
 PL: PLAT

LINE LEGEND
 PROPERTY LINE (NOT SURVEYED)
 BOUNDARY LINE (NOT SURVEYED)
 EASEMENT LINE (NOT SURVEYED)
 TOWN LINE

NOTES:
 1. BEARINGS AT ALL CORNERS UNLESS OTHERWISE NOTED.
 2. ALL DISTANCES SHOWN ARE HORIZONTAL CHORD DISTANCES.
 3. THE SUBJECT PROPERTY IS ZONED TDR-20.
 4. PURPOSE OF THIS MAP IS TO SUBDIVIDE PROPERTY AS SHOWN.
 5. AREA COMPUTED BY COORDINATE METHOD.
 6. HORIZONTAL ORIENTATION SHOWN ON THIS SURVEY ARE REFERENCED TO NCEM MONUMENT "NOR 34" (DAD 83/2011).
 7. PROPERTY IS SUBJECT TO HEIGHT RESTRICTIONS RELATED TO THE MOORE COUNTY AIRPORT AS DESCRIBED IN DEED BOOK 48A, PAGE 530 AND DEED BOOK 48B, PAGE 293.



PLAT CERTIFICATION
 THIS IS CERTIFICATE THAT SUBJECT PROPERTY IS NOT SUBJECT TO A PRELIMINARY PLAT (AS ACCORDING TO THE CURRENT PLAT PERFORMANCE RATE MAP).
 DATED: 12/21/2018
 APPROVED BY: JAMES H. 208
 DRAWING NO. 1

Actual Official Certification
 State of North Carolina
 County of Moore

Actual Official of Moore County North Carolina, certify that the map or plat with this certification is what meets all statutory requirements for recording.

Recorder Office _____ Date _____

Certificate of Ownership
 I hereby certify that on the date of the property shown and described herein, I have verified that the addition, modification, or deletion of Moore County, North Carolina, and that I have duly kept the plan of subdivision.

Owner _____ Date _____

Owner _____ Date _____

Voluntary Agricultural Priority Statement
 These parcels are located near or on land that is presently used for agricultural purposes. Normal agriculture operations may conflict with residential land use. NC Law (General Statutes Section 105-701) provides some protection for existing agricultural operations against residential uses.

Public Water Supply Withdrawal Protection Certificate
 I certify that the plat shown hereon complies with the Moore County Withdrawal Protection Act as required to record on behalf of the Moore County Board for recording in the Moore County Register of Deeds Office.

Subdivision Administrator _____ Date _____

Certificate of Minor Subdivision Plat Approval
 I hereby certify that the minor subdivision shown on this plat does not involve the creation of any public streets or any change in existing public streets or change in existing utility, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat may be recorded. I do not have any other information to be filed herewith in the Moore County Registry within sixty days of the date hereon.

Subdivision Administrator _____ Date _____

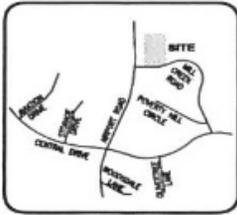
Utility Certificate
 I hereby certify that the improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina, and that a performance bond or other sufficient security has been posted to secure completion of the installed improvements.

Signature of Authorized Agent _____ Date _____

I, James P. Cameron, certify that this plat was drawn under my supervision from an actual survey made under my personal direction and in accordance with the provisions of the Subdivision Regulations of Moore County, North Carolina, and that I have duly kept the plan of subdivision. I do not have any other information to be filed herewith in the Moore County Registry within sixty days of the date hereon.



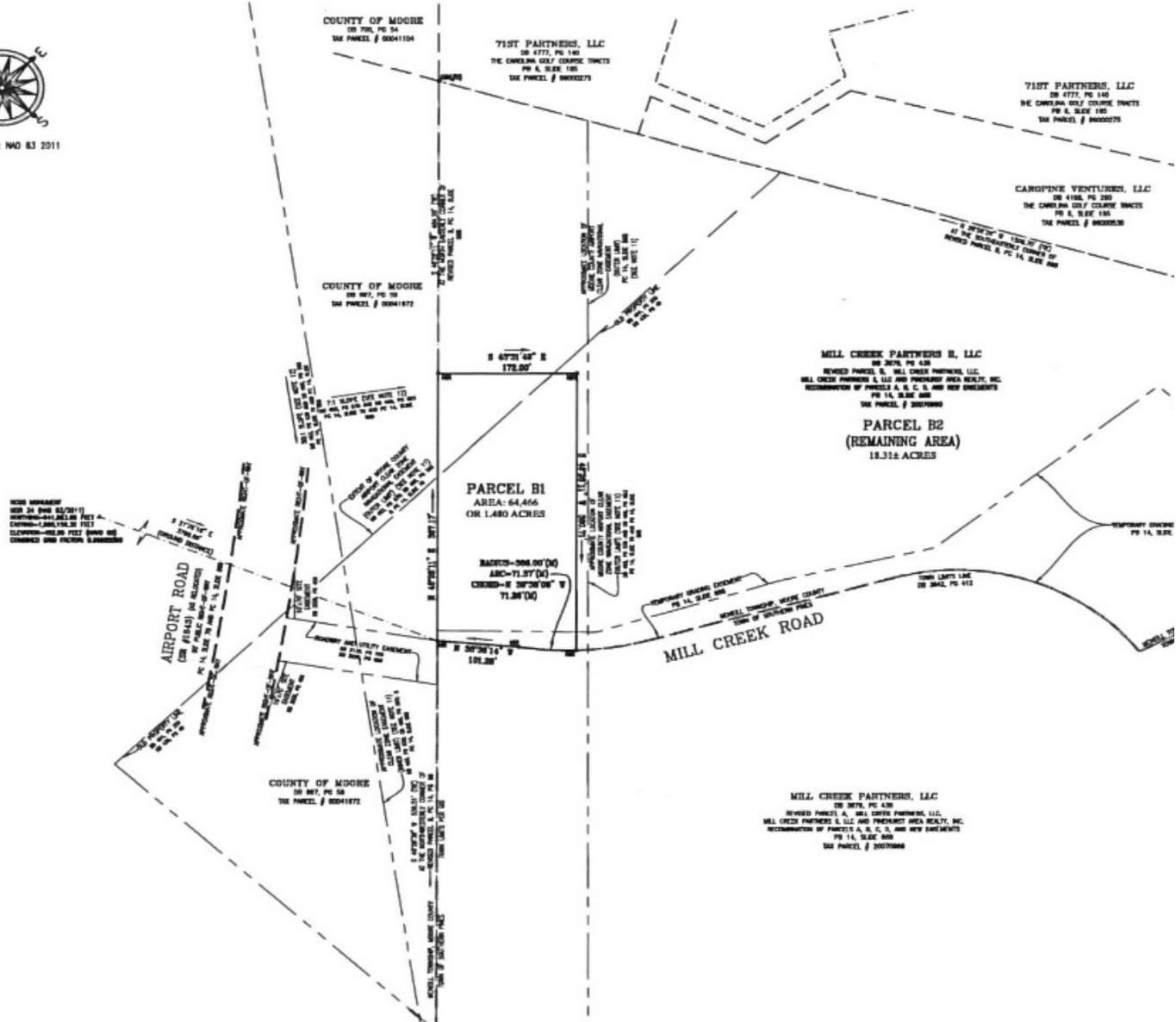
REVISIONS	APPROVED BY: JAMES H. 208 DATE: 12/21/2018	REVISIONS OF: REVISED PARCEL B, MILL CREEK PARTNERS, L.L.C., MILL CREEK PARTNERS II, L.L.C. AND PROPERTY AREA REALTY, INC. RECOMMENDATION OF PARCELS A, B, C, D, AND NEW EASEMENTS MOORE COUNTY, NORTH CAROLINA PART OF TAX PARCEL: 20070900 REFERENCE PLAT: PLAT CAMBET 14, SLICE 80B REFERENCE DEED: 3819, PAGE 430 JAMES H. 208 PROFESSIONAL SURVEYOR/REG. 4408 WILKINSON BLVD., SUITE 101, MOORE COUNTY, NC 27558 TEL: (919) 857-2121 FAX: (919) 857-8928 JPC
DATE	BY	SCALE
12/21/2018	JPC	1"=100'



VICINITY MAP
(NOT TO SCALE)



REFERENCE: NAD 83 2011



SITE DATA
 TAX PARCEL NOs. 20070990
 ZONING CLASSIFICATION: "GBRD"
 SITE ACREAGE: ***** ACRES (GROSS TOTAL)
 TOTAL ACREAGE THIS MAP: *** ACRES (DEVELOPED)
 TOTAL NO. OF PROPOSED LOTS: ****
 NUMBER OF LOTS THIS MAP: ***
 MINIMUM LOT AREA: ***
 MINIMUM LOT WIDTH: ***
 SETBACKS:
 FRONT: ****
 SIDE: ****
 REAR/STREET: ****