

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

- Meeting Date:** December 15, 2005
- Subject:** Set Public Hearing on Rezoning Application #R-2005-06, Hendersonville Relinquishing ETJ Action
- Attachments:**
1. Letter from City of Hendersonville
 2. Vicinity / Current Zoning Map

SUMMARY OF REQUEST:

Planning Staff has learned that three parcels split zoned by a County R-15 (Medium-Density Residential) zoning district and a City of Hendersonville R-15 (Low-Density Residential) zoning district, has been requested to be removed from City of Hendersonville's Extra Territorial Jurisdiction (ETJ) for the (See Attachment 1). These three parcels, totaling approximately 40.27 acres, are located adjacent to Stoney Mountain Estates off of US Highway 25 North, and have access off View Rock Lane (See Attachment 2). According to the City of Hendersonville, a request has been filed by the property owners to remove these three parcels (the "Subject Area") from its ETJ. This means that the entire portion of the Subject Area will be placed back under the County's jurisdiction and would result in a portion of the properties being unzoned. As a result, rezoning application #R-2005-06, was initiated by County Staff to rezone the remaining portion of the Subject Area to a County R-15 zoning district if the Subject Area is removed from the ETJ for the City of Hendersonville.

Our records indicate that CR Wilkes Inc., Thomas L Tatham Farm Inc., and Deborah Cobb Baldwin own the three parcels in question. Per Henderson County tax records, the Subject Area contains the following parcels:

- CR Wilkes Inc. – PIN 9660113349
- Thomas L. Tatham Farm Inc. – PIN 9660009720
- Deborah Cobb Baldwin – PIN 9660105646

The Hendersonville City Council's will hold a public hearing on relinquishing the Subject Area from the City of Hendersonville's ETJ on Thursday, January 5, 2006, and it is anticipated that they will make a decision at that meeting. The Henderson County Planning Board will review the rezoning application #R-2005-06 at its regular monthly meeting on Tuesday, December 20, 2005, and it is also anticipated that the Planning Board will make its decision at that meeting. In order to prepare for the possibility that the Subject Area will be removed from the ETJ for the City of Hendersonville and will be left unzoned, Staff is proposing that the Board of Commissioners schedule a public hearing on rezoning application #R-2005-06 for Wednesday, January 18, 2006, at 11:00 A.M. In addition, Staff is working in cooperation with the City of Hendersonville to have the effective date of the order that will relinquish the Subject Area from the ETJ be the same date the Commissioners schedule a public hearing on rezoning application #R-2005-06 for the Subject Area.

COUNTY MANAGER'S RECOMMENDATION / BOARD ACTION REQUESTED:

I recommend that the Board of Commissioners schedule a public hearing on rezoning application #R-2005-06 for Wednesday, January 18, 2006, at 11:00 A.M., or schedule a special called meeting.

Attachment 1

MEMORANDUM

TO: Honorable Mayor and Members of City Council
FROM: Planning Department
RE: Public Hearing: Request to Amend City's Boundary of Extraterritorial Jurisdiction
DATE: December 8, 2005

The Planning Department has received a request from C. R. Wilkes, Inc., Thomas L. Tatum Farms, Inc., Ann Stepp Johnson and Deborah E. Cobb Baldwin seeking an amendment to the City's boundary of extraterritorial jurisdiction (ETJ). This request from the property owners concerns a total of three lots, either completely or partially within the area of extraterritorial jurisdiction. These lots are situated on the northern ETJ boundary, generally equidistant from Asheville Highway and Stoney Mountain Road. Refer to the map attached to this memorandum.

The applicants are planning to sell these properties to a developer who proposes to build on the land a conventional single-family subdivision. The southern portion of this cluster of lots is currently subject to zoning and subdivision regulations of the City, while the northern portion is subject to zoning and subdivision regulations of Henderson County. The amounts of land in each jurisdiction are approximately equally divided.

The subdivision planned for the property will have as its primary entrance, perhaps its only entrance, off Randy Drive, which is in the County's jurisdiction. Further, compliance with two differing sets of development regulations can be problematic for developers. As a consequence the property owners have requested that the City relinquish its extraterritorial jurisdiction over the southern portion of these lots.

This requested action is not without precedent. The City has adjusted the extraterritorial jurisdiction boundary in the past for various reasons, the most comparable being the relinquishing of a small area of ETJ in the vicinity of the Hendersonville Airport in September, 2000.

A copy of the Ordinance Amending the Ordinance Establishing Extraterritorial Jurisdiction Boundaries is attached to this memorandum.

Suggested Motions:**For Approval:**

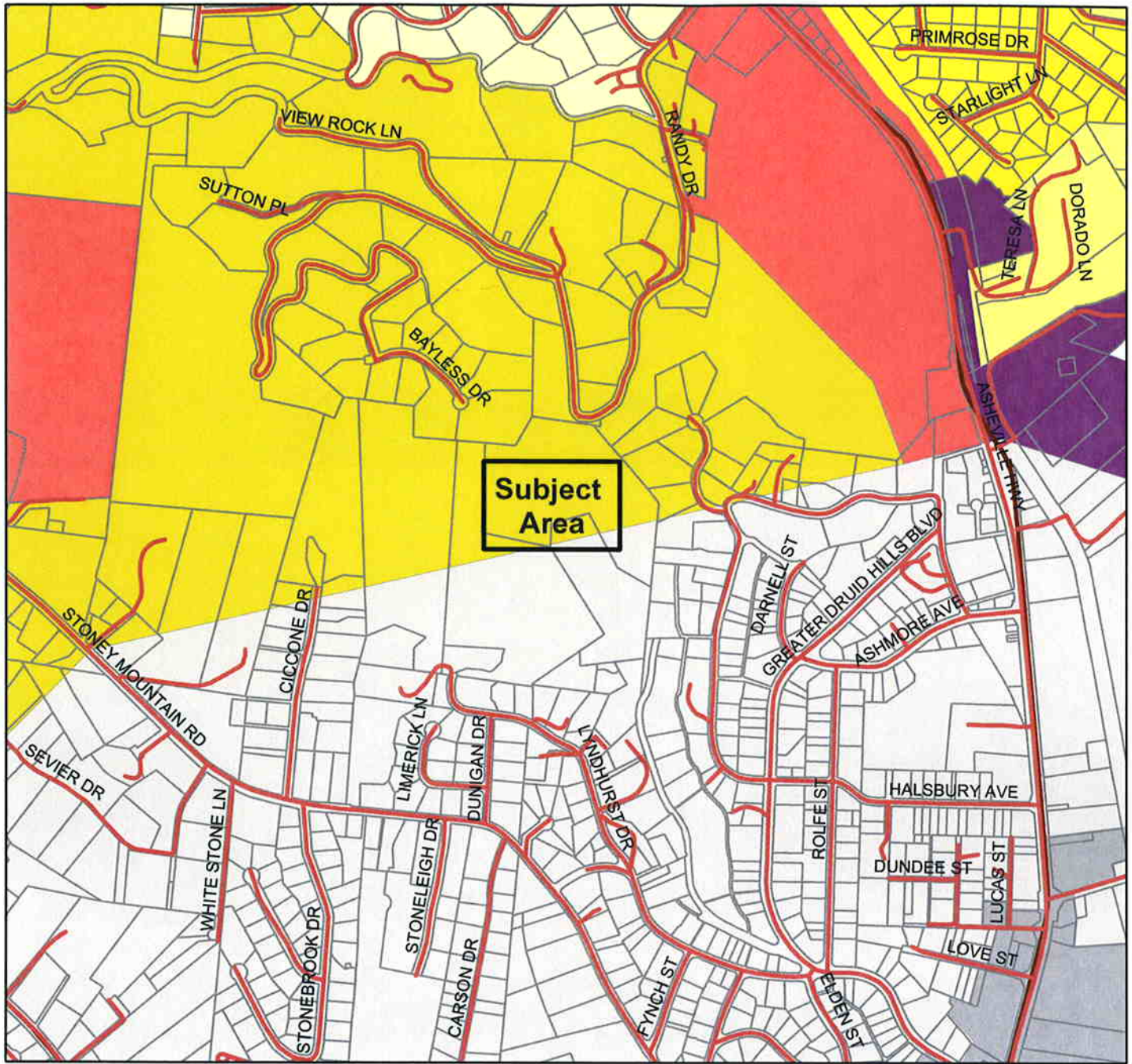
I move Council to approve "An Ordinance Amending the Ordinance Establishing Extraterritorial Jurisdiction Boundaries For the City of Hendersonville".

For Denial:

I move Council to deny approval of "An Ordinance Amending the Ordinance Establishing Extraterritorial Jurisdiction Boundaries For the City of Hendersonville".

H:etj ord.amend.memo

Vicinity / Current Zoning Map



Legend

Parcels	R-15
Streets	C-2
Subject Area	I-2
R-40	OPEN USE
R-30	HENDERSONVILLE CITY
R-20	HENDERSONVILLE ETJ

**Rezoning Application
#R-2005-06
Hendersonville Relinquishing ETA Action**

