THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: December 14, 2021

Subject: Voluntary Annexation Petition - 99999 Sweeten Creek Rd.

Staff Resource(s): Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director, Shannon Tuch, RLA, Principal Planner

Action Requested: Adopt an ordinance for the voluntary annexation of 10.88 acres of city owned property located at 99999 Sweeten Creek Rd. in south Asheville.

Background:

- The City of Asheville purchased 10.88 acres located off of Sweeten Creek Rd. and identified in the Buncombe County tax records as PIN 9656-23-4325.
- Acquiring this land will enable the City of Asheville to provide future parks and recreation facilities in a part of the city that is currently underserved with these facilities.
- This property is located in Buncombe County but contiguous to the City of Asheville.
- It is preferred that city owned property be located within the city's jurisdiction; therefore, an annexation of the subject property is proposed.
- Based on guidance from the North Carolina School of Government, a petition for annexation is not required for city owned property and, as such, a Certificate of Sufficiency is not required.
- The property is described in the attached ordinance and petitioner's Exhibit A, and qualifies for annexation by petition as set forth in the North Carolina General Statutes 160A-31 and NC General Assembly Session Law 2005-139.
- Resolution 21-237 was adopted on November 9, 2021 setting the public hearing for December 14, 2021.
- Pursuant to NCGS 160A-31, a public hearing must be held prior to adopting an ordinance for voluntary annexation.
- Should the annexation be approved, there is a 60 day transition period during which the city must assign a zoning designation to the property.
- A separate report recommending a zoning assignment of RS-4 has been submitted.
- There is a separate but related council report addressing the assignment of zoning (see attachments).

Council Goal(s):

- A well-planned & livable community

Committee(s):

- None

Pro(s):

- Ensures that city owned property and city facilities are located within the city's own jurisdiction, simplifying permitting for future work.

Con(s):

- None

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that it will:
  1) support non-residential development that is compatible with surrounding neighborhoods and that can enhance opportunities for future residential infill (pp. 345-347), and
  2) Promote access to well-maintained parks and open space for all (pp.74-75 & 212-213).

Fiscal Impact:

- None.

Recommendation:

- Staff recommends approval of the voluntary annexation request for the reasons stated above.

Suggested Motion:

- I move to adopt the ordinance approving the voluntary annexation of 10.88 acres located at 99999 Sweeten Creek Road.

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Attachment(s)

- Exhibit A - Boundary Description
- Exhibit B - Recorded Survey
- Resolution 21-237
- Ordinance
- CC Staff Report - Initial Zoning