

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00013  
 PROPOSED ZONING CHANGE : CS to CR  
 LOCATION : The Biltmore Estate  
 PIN : 9637.94.4030, 9635.98.5386, and 9636.47.9770  
 ACREAGE : 6713.50 acres

APPLICANT/OWNER: Biltmore Company and West Range LLC c/o  
 Roberts & Stevens, P.A.  
 P.O. Box 7647  
 Asheville, NC 28802

DEPARTMENT RECOMMENDATION: **APPROVAL**

**BOARD CONSIDERATIONS:** The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the “product of a complex of factors.” Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

**REZONING ANALYSIS:** The applicant requests the rezoning of approximately 6713.50 acres from Commercial Service District (Commercial Service District) to CR (Conference Center/Resort District). The subject property encompasses a large property which fronts on both I-40 and I-26. The site currently contains the Biltmore Estate and its related uses.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as within the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that large conference centers and recreation facilities be zoned more appropriately through a Conference Center/Resort District. The plan indicated that the facilities considered for this zoning should be 100 acres or more and managed through a common entity (Buncombe County Comprehensive Land Use Plan, 2013 Update, pg 78). Therefore, the proposed map amendment would be suitable as indicated within the update.

The subject property is appropriate for the Conference Center/Resort District and supported by the Buncombe County Land Use Plan. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

**LAND USE PLAN CONSISTENCY STATEMENTS**

**CONSISTENT:** The proposed map amendment is consistent with the Buncombe County Land Use Plan as within the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends are that large conference centers and recreation facilities be zoned more appropriately through a Conference Center/Resort District. The plan indicated that the facilities considered for this zoning should be 100 acres or more and managed through a common entity (Buncombe County Comprehensive Land Use Plan, 2013 Update, pg 78). Therefore, the proposed map amendment would be suitable as indicated within the update. The proposed map amendment is appropriate and is therefore reasonable and in the interest of the public.

**NOT CONSISTENT:** The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Has areas of moderate and high slope stability hazards
- Has areas of FEMA Flood Hazard

Therefore, the proposed map amendment would not be suitable for the Conference Center/Resort District as indicated on the suitability matrix within the update. Development within these environmental sensitive areas would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding area. Therefore, the requested zoning would not be reasonable and in the interest of the public.