

Buncombe County File No. ZPH2020-00024

November 17, 2020

Supplement to application for rezoning of Parkway Lane property from R-1 to PS

The applicant for this rezoning, Whitaker Investment Group, LLC, submits the following in further support of its application to rezone the property 40, 55, and 58 Parkway Lane (PINs 9635-62-7864, 9635-72-1875, and 9635-63-8087) from R-1 to PS—Public Service.

Whitaker Investment Group, has an option to purchase the property that is the subject of this rezoning request (herein “Subject Property”). Mr. Brett Turner is a manager of the LLC. He has over 30 years experience in developing and operating master planned communities, and first class vacation rentals in Savannah and St. Simons Island. Whitaker Investment Group is represented in the matter by Bob Oast, of McGuire Wood & Bissette.

Reasons for the request to rezone: The Subject Property is currently being used for vacation rental cabins; it has been used for that purpose for the last several years. It was previously used as mobile home park. Mr. Turner and Whitaker Investment Group wish to continue and expand the vacation rental use, and improve the property in several significant ways, including ways that would be helpful to the County. Because the current zoning does not allow that use—the current use is non-conforming—this rezoning is needed.

Characteristics of the Subject Property: The County does not use conditional zoning, and the structure of the County’s ordinance will not allow the applicant to present detailed plans for the development of the property in connection with this rezoning request, so we are limited in what we can show the Board of Commissioners. This is frustrating—for the developer, the neighbors, and the Board--because it does not allow the developer to truly show the potential for this property, while providing assurances to the neighbors and the Board that the use will not be incompatible.

Nevertheless, there are other factors that limit the use of the Subject Property. The topography and other features of the property, such as the limited vehicular access, reliance on well-water, and location in the flood plain, make it uniquely suited for vacation rental cabins or a similar type of low intensity use. The property is unsuited to the more intensive uses allowed in the PS zone, and much of it is unsuited to residential use, due to its location in the floodplain. Any use that could go on the Subject Property is unlikely to generate much traffic.

The grade differential of some 50 - 60 feet between the Subject Property and the adjacent residential neighbors provides a natural buffer on the south, and the French Broad River is on the north. Mr. Turner is working with the adjacent residential neighbors to address their concerns, and is committed to operating the property in a responsible manner.

Land uses and zoning in the surrounding area: The zoning classifications and land uses in the area, and up and down Clayton Road, are a true mixture, perhaps reflecting the area’s history

of being either unzoned, or in the City of Asheville's ETJ. Zoning includes EMP (Employment), Residential, and PS. In fact, the requested PS zoning is the same as the property immediately adjacent to the west, and the same as the second property over to the east. There are major apartment complexes in the area, as well as major institutional and industrial uses. All of this was noted in the Planning Staff Analysis.

Appropriateness of PS zoning: The purpose statement of the PS—Public Services—zoning classification, as set out in Sec. 78-640 (h) of the County's zoning ordinance, is:

(h) Public Service District (PS). The PS Public Service District is intended to be a district that includes, but is not limited to, governmentally owned properties; schools and large college properties; recreation parks and facilities; emergency services; and community clubs. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

(Emphasis added.) As the Staff analysis notes, the lack of a public water supply is not a barrier to rezoning the Subject Property to PS, and preliminary investigation shows that a well system is more than adequate to support the proposed use. The current use is served by the old septic system. However, there is a sewer line that crosses the property, so sewer service is not a problem. Access to the property is secured by an easement, 30 feet in width. The attached Power Point presentation, which is an edited version of what was used at the Planning Board, shows many characteristics of the property, as well as some concepts for how it could be improved.

Consistency with County land use plans: With this information clearly appearing, the basis for the Planning Board's recommendation for denial is puzzling. The reasons given in the consistency statement were the location of a major part of the Subject Property in the flood hazard area, and its adjacency to residential property. Yet the Planning staff, who undertook a thorough and detailed analysis of this request, and who hold professional certifications in the fields of planning and floodplain management, and who knew of Whitaker Investment Group's plans for the property, recommended in favor of it, and the reasons for that recommendation were sound and represent good planning practice.

The Planning Staff Analysis also noted the "unique opportunity" that this request presented "to enhance an existing site through adaptive reuse.

These reasons are set out in the Staff Analysis, and a copy of the page stating those reasons is attached.

Supported by Strategic Plan: This rezoning request is also consistent with the Buncombe County Strategic Plan 2020-2025 goal of preserving farmland and environmentally sensitive tracts of land by encouraging growth and development activities "in areas where appropriate infrastructure is available."

This request to rezone the Subject Property is consistent with the County's land use plan for all of the reasons stated in the Planning staff's analysis, and is also supported in the Strategic Plan. We respectfully request that the Subject Property be rezoned to PS—Public Services.

If you have any questions or need any further information, please do not hesitate to contact Bob Oast at 828-254-8800 or Brett Turner of Whitaker Investment Group, at 912-658-0549.

<p>2. CONSISTENT: The change is <u>consistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>“Reasonable proximity to major transportation corridors” [suggested / highly suggested] – <u>the property is located in close proximity to Clayton Road. Clayton Road is located approximately 1 mile from Long Shoals Road, and both roads are maintained by the NCDOT.</u></p> <p>“Reasonable proximity to infrastructure (combined water / sewer service area)” [suggested / highly suggested] – the property is served by MSD sewer and onsite water is provided via a system of existing and soon to be upgraded wells. <u>Public water via the City of Asheville is located along Clayton Road and the applicant is in the process of negotiating a water line easement with the adjacent property to the west to bring public water to the subject property.</u></p> <p>“Outside of steep slope areas (25%+)” [highly suggested] <u>In compliance with suggestion.</u></p> <p>“Outside of high elevations (2500+)” [highly suggested] <u>In compliance with suggestion.</u></p> <p>“Outside of moderate and high slope stability hazards” [highly suggested] <u>In compliance with suggestion.</u></p> <p>“Outside of flood hazard areas” [suggested] <u>Somewhat in compliance with suggestion. See below for more detail.</u></p> <p>“Separation from low-density residential uses” [suggested / highly suggested] <u>Separation is achieved through natural topographical changes and an existing vegetative buffering that separates the site from the adjacent single-family neighborhood to the south.</u></p>
<p>3. INCONSISTENT: The change is <u>inconsistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>Not Applicable.</p>
<p>4. OTHER COMMENT:</p>	<p>The subject property meets the Land Use Plan criteria for both residential and commercial future land use categories.</p> <p>The Board should consider the need to evaluate this map amendment based on changes in land use patterns/demands in the area and the unique opportunity to enhance an existing site through adaptive reuse.</p>

I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject property consists of three (3) individual parcels that contain a mix of structures. The property has transitioned over the years as noted in Section G. above. The surrounding neighborhood contains a mixture of uses including residential, institutional and commercial components. The subject property is bounded to the north by the French Broad River, to the east by a single-family home and vacant property, to the south by a single family neighborhood and to the west by a large parcel owned by the Asheville Firefighters Association that is used for assembly and civic engagement purposes.

Parkway Lane Rezoning

Information about the Subject Property

1

Parkway Lane Rezoning

- Current Use: Asheville River Cabins
 - 8 separate units (and owner's residence) arranged in a motor court fashion around a central field
 - On the south bank of the French Broad River; south of Asheville
 - Previous use (circa 2006) appears to have been a mobile home park

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3

Parkway Lane Rezoning

- Property slopes steeply downhill from south to north; flattens out along river; 1000 feet of river frontage
- Zoning in surrounding area includes residential, commercial and institutional
- Uses in area include manufacturing, multi-family, institutional, landscape

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Photos illustrating slope of property

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Parkway Lane Rezoning

Surrounding zoning



6

Parkway Lane Rezoning

- Applicant wishes to continue and expand current use
 - Experienced developer (30+ years) of master plan community development and vacation rentals
 - Current zoning of R-1 does not allow proposed use; current use is non-conforming
 - PS zoning needed to allow proposed use

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Parkway Lane Rezoning

Applicant plans to:

- Renovate existing units and add new units, targeted to couples
- Add landscaping and gardens for each unit and the community; enhance connection with river
- Engage professional, on-site management to ensure a harmonious environment



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Parkway Lane Rezoning

Passive improvements to riverfront area



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Parkway Lane Rezoning

Buncombe County Zoning Ordinance Sec. 78-640

- (h) *Public Service District (PS)*. The PS Public Service District is intended to be a district that includes, but is not limited to, governmentally owned properties; schools and large college properties; recreation parks and facilities; emergency services; and community clubs. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

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Parkway Lane Rezoning

- Public water service available in Clayton Road
 - Property currently served by well; well system is sufficient for current and proposed expanded use
- MSD Collector traverses property; connection available
 - Units currently connected to old septic system

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