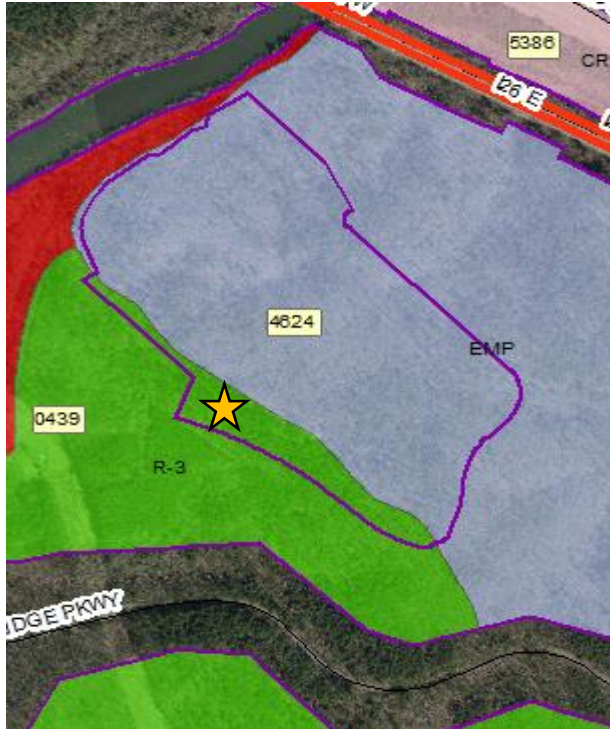




LOCATION MAP



CASE NUMBER: ZPH2021-00005

A. PROPERTY INFORMATION

PIN(s): 9635.38.4624
Addresses: Unaddressed 100 Acre Parcel East of Brevard Rd.
Owner(s): Biltmore Farms, LLC

B. REZONING REQUEST

Applicant / Agent: Buncombe County/Biltmore Farms
Existing Zoning: EMP (Employment), R-3 (Residential District)
Proposed Zoning: EMP (Employment)
Total Parcels & Acreage: One (1), +/- 11.57 acres to be Rezoned

C. PUBLIC NOTICE

Planning Board Notice in AVL Citizen Times legal ad: 2/3/21
 Planning Board Notice mailed to owners within 1,000 ft: 2/3/21
 Planning Board Physical posting: 2/5/21
 Planning Board Notice on BC Website: 2/3/21
 Planning Board Hearing # 1: 2/15/21
 Planning Board Hearing # 2: 3/1/21
 BOC Notice in AVL Citizen Times legal ad: 3/3 and 3/10/21
 BOC Notice mailed to owners within 1,000 ft: 3/3/21
 BOC Physical posting: 3/5/21
 BOC Notice on BC Website: 3/3/21
 BOC Hearing: 3/16/21

D. SUMMARY OF REQUEST

The Buncombe County Planning Department, on behalf of Biltmore Farms, LLC has requested to rezone a portion of one (1) parcel of land from R-3 to EMP.

E. RECOMMENDATION

APPROVAL (see Section J, below)

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT(S):

Residential District (R-3)

The R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.

PROPOSED ZONING DISTRICT:

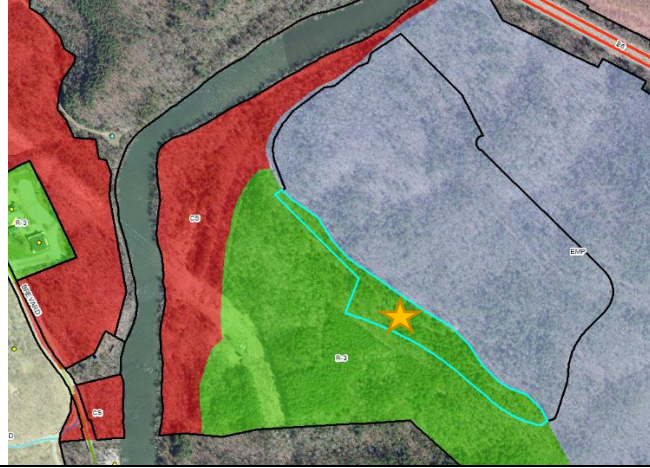
Employment District (EMP)

The EMP Employment District is primarily intended to provide appropriately located sites for employment concentrations primarily for office uses, industrial uses, storage and warehousing, and wholesale trade. Such locations should currently have public water and sewer services available or be expected to have these services in the future. Only those manufacturing uses will be allowed which meet all local, state and federal environmental standards, and do not involve obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazards, or other objectionable conditions which would be detrimental to the health, safety, and general welfare of the community. These areas will also include sites suitable for supportive activities such as community service, commercial service, and residential uses.

G. SPOT ZONING ANALYSIS

The map amendment request represents a small portion (approximately 11.57 acres) of a contiguous 100 acre property that is requested to be rezoned from R-3 to EMP. Staff has no concern as it relates to the potential for a spot zoning challenge due to the expanse of existing EMP zoning to the east.

EXISTING ZONING DISTRICT – EMP and R-3



PROPOSED ZONING DISTRICT – EMP (Entire Parcel)



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H. COMPREHENSIVE LAND USE PLAN CONSISTENCY (See Figure 20 on page 4)

1. **LAND USE PLAN RECOMMENDATIONS:** The following is an analysis of the rezoning proposal in context of Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013:*

BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN 2013				SECTION 6: ISSUES AND RECOMMENDATIONS			
— Not Required ☺ Suggested ★ Highly Suggested	Reasonable proximity to major transportation corridors	Reasonable proximity to infrastructure (combined water/ sewer service area)	Outside of steep slope areas (25% +)	Outside of high elevations (2500' +)	Outside of moderate and high slope stability hazards	Outside of flood hazard areas	Separation from low-density residential uses
RESIDENTIAL							
Low-Density Residential	—	—	—	—	—	★	N/A
Single-Family/Duplex	☺	☺	☺	☺	★	★	N/A
Multi-Family	★	★	☺	☺	★	★	☺
PLANNED COMMUNITY OR DEVELOPMENT							
Mixed Use Development	★	★	★	★	★	☺	☺
Infill/ Higher Density	☺	★	★	★	★	★	—
Large Lot/Lower Density	☺	☺	☺	☺	★	★	N/A
Commercial/Industrial	★	★	★	★	★	★	★
RECREATIONAL							
Resort	☺	☺	☺	☺	☺	★	—
Conference Centers	☺	☺	☺	☺	☺	★	—
Outdoor Recreation	—	—	—	—	—	☺	★
OTHER							
Institutional	★	★	★	★	★	☺	☺
Public Service	★	★	★	★	★	☺	☺
COMMERCIAL							
Neighborhood-Scale Commercial	☺	☺	★	★	★	☺	☺
Moderate Commercial	★	★	★	★	★	☺	★
Intense Commercial	★	★	★	★	★	☺	★
INDUSTRIAL							
Manufacturing	★	★	★	★	★	☺	☺
Mining/Extracting/Refining	★	★	★	★	★	☺	★
Other Intense Uses	☺	☺	★	★	★	☺	★

Figure 20. Appropriate Development Types

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- Further alignment with the Comprehensive Plan related to the need retain opportunities for advanced manufacturing and industrial development are discussed on pages 12-14 of the plan. Additionally, advanced manufacturing and science and technology are two industry clusters that are included in the AVL 5X5 Strategy in partnership with the Economic Development Coalition (EDC) and Asheville Area Chamber of Commerce. The plan seeks to add 5,000 new jobs and \$500 million in capital investment within the five industry target clusters.
- Under the community focus area of Vibrant Economy in the Buncombe County Strategic Plan 2020-2025, the goal of increasing total employment in the region's targeted industries is discussed on page 28 of the plan.

<https://www.buncombecounty.org/common/planning/land-use-plan-update-2013.pdf>

<https://www.ashevillechamber.org/economic-development-strategy/avl-5x5-strategy/>

<https://www.buncombecounty.org/governing/commissioners/strategic-plan.aspx>

2. **CONSISTENT:** The change is consistent with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:

"Reasonable proximity to major transportation corridors" [highly suggested] – **the subject property is less than ½ mile from Brevard Road and will be connected by a future road and bridge. In addition to this, it is anticipated that a future interchange will be constructed to the east along I-26. Brevard Road is identified as transportation corridor in the comprehensive plan.**

"Reasonable proximity to infrastructure (combined water / sewer service area)" [highly suggested] – **Public water and sewer service will**

	<p>be provided to the subject property pursuant to the recently approved Pratt and Whitney manufacturing facility conditional use permit approved by the BC Board of Adjustment.</p> <p>“Outside of steep slope areas (25%+)” [highly suggested] <u>Largely 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 – only de minimis remnant pieces of the parcel within the requested rezoning area are slightly within these confines.</u></p> <p>“Outside of flood hazard areas” [suggested] <u>In compliance with suggestion.</u></p> <p>“Separation from low-density residential uses” [suggested] <u>In compliance with suggestion.</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>None noted.</p>

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I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject property consists of one (1) individual parcel – with only a narrow strip (approximately 11.57 acres) of R-3 zoning requested to be rezoned to EMP.

The 100 acre site is fairly isolated from other outlying uses and is surrounded by a much larger 345 acre parent parcel which is also owned by Biltmore Farms. The site is currently vacant with only minor infrastructure improvements including a series of large MSD transmission lines and Duke Energy high voltage power lines which run approximately parallel to Brevard Road. Further, the subject parcel is south and east of the French Broad River, west of I-26 and north of the Blue Ridge Parkway which bifurcates the balance of the 345 acre Biltmore Farms parcel from another parcel owned by Biltmore Farms to the south.

Surrounding Land Uses and Zoning



2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the EMP district that are not currently allowed in the R-3 district. However, additional development is not planned in this area at this time. A training center in collaboration with Pratt and Whitney, Buncombe County and AB-Tech will be positioned on the subject parcel in the future, but it is not known at this time if any portion of the building will be located in the area requested to be rezoned. The primary purpose of this rezoning request is to remove a section of R-3 zoning from a majority zoned EMP parcel for a site that has received a Conditional Use Permit to construct an advanced manufacturing facility.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

	Existing District:	Existing/Proposed District:
	R-3 Residential	EMP Employment
Minimum Lot Size	6,000 (Public Water and Sewer)	5,000 SF (Public Water and Sewer)
Max dwelling units per acre	12	12
Setbacks (Front/Side/Rear)	10/7/15 (Sewer)	10/7/15 (Sewer)
Max height	35 feet	90 feet*

*Subject to applicable overlays and the underlying Conditional Use Permit for Pratt and Whitney

4. PREVIOUS ZONING ACTIONS/INFRASTRUCTURE/FUTURE LAND USE:

Site History – None noted on the subject parcel. The 100 acre parcel was recently created from the remaining (balance) of the 345 acre Biltmore Farms parcel.

Access – Ingress and egress to the subject property will take place via a new bridge and roadway connecting to Brevard Road. Brevard Road as mentioned above is an NCDOT maintained Road and an identified transportation corridor as noted in the Buncombe County Comprehensive Land Use Plan, 2013 Update.

Utilities – As discussed above in the comprehensive plan consistency section, public water via the City of Asheville is located along Long Shoals Road, and public sewer will be extended from the MSD transmission lines that are currently located on the adjacent Biltmore Farms parent parcel.

Future Development – the subject parcel has already received conditional use permit approval from the Buncombe County Board of Adjustment and is subject to a site specific plan for an advanced manufacturing facility. As noted above, a future worker training facility will be included on a “to be determined” site on the subject parcel.

J. STAFF RECOMMENDATION COMMENTS:

Staff recommends approval of the rezoning request as submitted.

K. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with existing Comprehensive Land Use Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: *Good Neighbors of South Davidson v. Town of Denton*, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

1. BOARD OPTIONS

The following options are available to the Board:

- Recommend approval of the proposed rezoning, as presented.
- Recommend denial of the proposed rezoning, as presented.

2. ATTACHMENTS

- Application
- Maps
- Power Point Presentation

