



<b>LOCATION MAP</b>		<b>A. CASE</b>	
		ZPH2023-00021 Warren Wilson Rezoning	
		<b>B. PROPERTY INFORMATION</b>	
		<ul style="list-style-type: none"> <li>• <b>PIN(s):</b> 9679-54-4937</li> <li>• <b>Addresses:</b> 111 Upper College Road, Swannanoa</li> <li>• <b>Owner(s):</b> Warren Wilson College</li> <li>• <b>Acreage:</b> 4.5+/- acres for rezoning area</li> <li>• <b>Utilities:</b> Public water and sewer</li> <li>• <b>Access Road:</b> Warren Wilson Road (State road)</li> </ul>	
<b>C. REZONING REQUEST</b>			
<p><b>Summary:</b> Warren Wilson College has requested to rezone a roughly 4.5 acre portion of a 1,000+ acre parcel of land from R-2 (Residential) to PS (Public Service). The majority of the parcel is currently zoned PS.</p>		<b>Existing:</b> R-2 Residential	
		<b>Proposed:</b> PS – Public Service	
<b>D. PUBLIC NOTICE</b>		<b>Planning Board</b>	<b>Board of Commissioners</b>
Citizen Times		7/5/23	8/2/23 and 8/9/23
Mailed to owners within 1,000 ft:		7/5/23	8/4/23
BC website:		7/5/23	8/4/23
Physical posting on site		6/29/23	8/4/23
Hearing Date:		7/17/23	8/15/23
<b>E. RECOMMENDATION &amp; SUMMARY OF CONSISTENCY REVIEW</b>			
COUNTY STAFF: <b>APPROVAL</b>  PLANNING BOARD: <b>APPROVAL</b>		Staff recommends approval of the rezoning application as it conforms to many of the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, an analysis of neighborhood consistency, and the equity analysis. See the sections below for detailed analysis.	

## F. SPOT ZONING ANALYSIS

**Spot Zoning:** A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." *Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*

CONSISTENT

POTENTIAL  
SPOT  
ZONING

### 1. Staff Analysis of spot zoning:

The subject acreage is adjacent to property currently zoned PS on three sides. Based on the nature of the request, Staff does not have concerns related to spot zoning.

X

## G. 2043 COMPREHENSIVE PLAN CONSISTENCY

**PLEASE NOTE:** If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

### GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):

CONSISTENT

NOT  
CONSISTENT

#### 1. FLUM CATEGORY DESCRIPTION

The proposed rezoning is consistent with the Character area description of 'Institutional' where this parcel is located.

X

#### 2. WASTEWATER & POTABLE WATER TYPE

The parcel has access to public water and sewer.

X

#### 3. DENSITY

The proposed zoning district has a maximum density of up to 12 units an acre and the Character area recommends low density development.

X

#### 4. PRIMARY AND SECONDARY LAND USES

The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.

X

### PLAN POLICIES AND ACTIONS:

CONSISTENT

NOT  
CONSISTENT

#### 5. Proximity to Transportation Corridor (*Transportation Action 4*)

The parcel is less than 1 mile from a major transportation corridor, US Hwy 70. The section of the parcel for rezoning is roughly 2 miles away.

X

#### 6. Support higher density residential development near job centers and amenities (*Transportation Action 4*)

The proposed rezoning would not change the amount of residential density allowed per acre. In addition, the Institutional Character Land Use does not recommend higher density development in these areas. Not applicable.

N/A

#### 7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and

X

<p><b>increase the capacity to sustain the county’s existing biodiversity</b> (<i>Env. Conserv. Action 3</i>)</p> <p>This parcel is currently an established college and working farm. The area to be rezoned has been previously used for farming and residential structures.</p>		
<p><b>8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration</b> (<i>Env. Conserv. Action 3</i>)</p> <p>This rezoning would not cause the fragmentation of a large forest block. The area around this acreage is already zoned PS.</p>	X	
<p><b>9. Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.</b> (<i>Economic Dev. Action 2</i>)</p> <p>The rezoning of this portion of the acreage will increase the land use options for the existing college in an area that was historically used for farming and residential homes. This rezoning is consistent with the GEC Character recommendations for an Institutional use.</p>	X	
<p><b>10. Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map</b> (<i>Economic Dev. Action 3</i>)</p> <p>Parcel is not within one of the listed Character Areas. Not Applicable.</p>	N/A	
<p><b>11. Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA’s Environmental Justice Screening Tool</b> (<i>Health Action 7</i>)</p> <p>The parcel is not in an area identified on the red lining map of Asheville and has a low Equity Index Rank on the Community Index Map.</p>	N/A	
<b>ENVIRONMENTAL:</b>	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p><b>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts</b></p> <p>The acreage to be rezoned is not within an Overlay District.</p>	X	
<p><b>13. Regulated Flood Hazard Areas</b></p> <p>The acreage to be rezoned is not located within a regulated flood hazard area.</p>	X	
<p><b>14. High or Moderate Hazard Stability Areas</b></p> <p>The acreage to be rezoned does not contain hazard stability areas.</p>	X	

<b>H. NEIGHBORHOOD CONSISTENCY</b>			<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<b>1. CURRENT DEVELOPMENT TYPES:</b> Subject acreage has the following adjacent zonings and uses:			<b>X</b>	
<b>DIRECTION</b>	<b>ZONING</b>	<b>ADJACENT USES</b>		
NORTH	PS Public Service	Residential and vacant		
EAST	PS Public Service	Vacant		
SOUTH	PS and R-2 Residential	Warren Wilson College and multi-family residential		
WEST	PS Public Service	Warren Wilson College		
<b>2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses?</b> <i>(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)</i>  The rezoning of the property from R-2 to PS will make the acreage consistent with the surrounding parcel's zoning.			<b>X</b>	
<b>3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area?</b>  The existing use of the parcel is for a college. Rezoning this acreage will allow the parcel to be zoned consistently.			<b>X</b>	
<b>4. DENSITY &amp; DIMENSIONAL STANDARDS COMPARISON:</b>				
	<b>Existing Zoning District:</b>		<b>Proposed District:</b>	
	<b>R-2 Residential</b>		<b>PS Public Service</b>	
<b>Min. Lot Size (SF)</b>	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 6,000 SF Public Water and Sewer		30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer	
<b>Max. dwelling units per acre</b>	12		12	
<b>Setbacks (Front/Side/Rear)</b>	10/7/15 w/sewer 20/10/20 no sewer		20/10/20	
<b>Max. height</b>	35 feet		50 feet	
<b>5. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:</b> The proposed rezoning would allow additional uses in the PS district that are not currently allowed in the R-2 district. Examples of uses that would be allowed after the rezoning include Commercial Planned Unit Developments, banks, lodges, commercial greenhouses, hotels, medical clinics, motor vehicle maintenance or sales, business offices, telecommunication towers, restaurants, retail trade, schools, storage and warehousing, travel trailer parks, and vacation rental complexes.				

**6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:**

This property is the current home of Warren Wilson College, the majority of which is zoned PS. A roughly 4.5 acre portion was originally zoned R-2 Residential as it contained faculty housing.

**I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT**

**EXISTING ZONING DISTRICT – R-2**

The R-2 Residential District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future.

These areas will usually be adjacent to R-1 Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.

**PROPOSED ZONING 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.

**J. EQUITY ANALYSIS**

**1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff’s Equity Analysis for this rezoning:**

This parcel is in an area of the county that has a low Equity Index Rank on the Community Index Map, meaning that it is not identified as an Equity Opportunity Area (EOA) where BIPOC or other historically disadvantaged communities live or work. As the majority of the parcel is already zoned PS, there are no anticipated negative consequences from this action.

## 2. 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 the adopted 2043 Comprehensive 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)*

## 2. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend approval of a portion of the proposed rezoning.
- c. Recommend denial of the proposed rezoning, as presented.

## 3. ATTACHMENTS

- Application
- Maps
- Power Point Presentation