Agenda for
Buncombe County Planning Board - Amended
November 20, 2023 at 9:30 a.m.
Public Meeting will be at 30 Valley St. Asheville, NC  28801

- Call to Order
- Announcements - Nancy Waldrop
- Roll Call of Board Members
- Approval of Agenda
- Approval of Minutes – October 16, 2023
- Public Comment
- Public Hearings
  - ZPH2023-00027: Biltmore Farms LLC has applied to rezone two (2) parcels of land identified as tax lot PINs  9635-54-4215 and 9635-37-0439 (176 E Frederick Law Olmsted Way and an unaddressed parcel on Brevard Road) which are zoned R-3 (Residential) R-LD (Residential), NS (Neighborhood Service) and CS (Commercial Service) to EMP (Employment) with the portion of PIN 9635-54-4215 that is currently zoned R-LD remaining R-LD (Continued from the October 16, 2023 meeting)
- Follow Up Discussion: Planning Board by-laws/attendance policy
- Adjourn
The Buncombe County Planning Board met on October 16, 2023, at 30 Valley St., Asheville, NC 28801.

Planning Board members present were Nancy Waldrop, John Noor, Tim Collins, Ken Kahn, Eric Robinson, Anthony Coxie and Mike Fisher. Absent members were Billy Taylor.

Also present were Gillian Phillips, Shannon Capezalli, Terri Rogers Planning Staff and Curt Euler, County Attorney.

**Call to Order**
Chair Ms. Waldrop called the meeting to order at 9:32 am.

**Announcements**
Ms. Waldrop read the public comment statement to the attendees of this meeting.

**Roll Call of Board Members**
Complete.

**Approval of Agenda**
Mr. Collins made a motion to approve the agenda as submitted. The motion was seconded by Mr. Noor, and it passed unanimously.

**Approval of Minutes (September 18, 2023)**
Mr. Fisher made a motion to approve the September 18, 2023, meeting minutes. The motion was seconded by Mr. Coxie and passed unanimously.

**Public Comment**
Dede Williams spoke to the board about the need for steep slope regulations to be more restrictive due to the amount of water not naturally flowing into the valleys.

**Vote on Planning Board Procedures**
The past few meetings have been utilized to renew and update the Planning Board Rules of Procedure. A motion was made to approve these by Mr. Noor, seconded by Mr. Collins and passed unanimously.

**Chair and Vice Election**
Mr. Noor nominated Ms. Waldrop to continue as Chair. She accepted the nomination, Mr. Collins nominated Mr. Kahn as Vice Chair, he accepted the nomination. Mr. Fisher made a motion to accept the nominations and was seconded by Mr. Coxie. Unanimous vote for both officers.
**Public Hearings**
Mr. Noor stated to the board that he must recuse himself from this first public hearing due to the professional work he has with the attorney in this case. Ms. Waldrop accepted his request, and the vote was unanimous.

**ZPH2023-00027**: Biltmore Farms LLC applied to rezone two (2) parcels of land identified as tax lot PINs 9635-54-4215 and 9635-37-0439 (176 E Frederick Law Olmsted Way and an unaddressed parcel on Brevard Road) which are zoned R-3 (Residential) R-LD (Residential), NS (Neighborhood Service) and CS (Commercial Service) to EMP (Employment) with the portion of PIN 9635-54-4215 that is currently zoned R-LD remaining R-LD.

Ms. Phillips shared the planner review and presentation of application for rezoning. Staff recommends that the rezoning of the two parcels be approved as it conforms to the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, an analysis of neighborhood consistency, and the equity analysis.

Mr. Oast, Attorney for Biltmore Farms LLC, presented to the board the study of that property and how it meets the regulatory requirements of the Comprehensive Plan that was recently approved by the county. They would like to rezone the property to EMP and currently have no specific plans for development.

Questions from the board varied from what the building height in that zoning with the Parkway Overlay would be that is on the section of property, whether there was water, sewer and gas availability, and what roads would be built. Mr. Oast stated that without having any plans of development some questions are not ones he can answer.

Tracy Swartout, Blue Ridge Parkway Superintendent presented public comment of this zoning request and raised concerns about how the rezoning could impact the Blue Ridge Parkway and specifically the French Broad Overlook. She pointed out, that even with the Parkway Overlay in place it still could have an impact depending on the heights of structures and proximity to the overlay. The Board asked Biltmore Farms LLC if they had reached out to the Blue Ridge Parkway offices to discuss development with them. Ms. Swartout mentioned that she had not been contacted by Biltmore Farms, LLC until Friday October 13, 2023, after she called the County Zoning office to inquire about speaking at this meeting. The Planning Board requested the applicant’s attorney contact the Blue Ridge Parkway regarding the rezoning prior to the next Planning Board meeting which is scheduled for November 20th, 2023, and then the Board continued the case to a date certain, November 20, 2023.

**ZPH2023-00031**: Myron Gottfried of Justice Ridge Farm, LLC applied to rezone four (4) parcels of land identified as tax lot PINs 8697-85-0315, 8697-85-1233, 8697-84-1531, and 8697-84-1538 (215 and Unaddressed Justice Ridge Road, and 1 and 5 Clara Parker Drive) which are zoned R-1 and R-2 Residential to CS Commercial Service.
Ms. Waldrop stated to the board that she must recuse herself from this second public hearing due to the personal relationship she has with property owners in this case. Mr. Kahn accepted her request, and the vote was unanimous.

Ms. Capezzali, the planner assigned to this case, shared what the staff report states, and that the recommendation is approval upon the board’s review. Mr. Myron Gottfried, owner of the property shared with the board that the reasoning for the zoning change was to get all his surrounding properties zoned the same way because he has an event location there along with short term rental homes on the properties. He indicated that he and his wife’s main home was located there until it was destroyed in a fire last year. Mr. Gottfried indicated that the neighboring properties will not be impacted because there is no change of use to the property.

Mr. Collins made a motion to approve the recommendation, seconded by Mr. Coxie, the vote was unanimous.

Public Hearings closed at this time.

**Further Discussion**

Mr. Noor asked about prioritizing the Blue Ridge Parkway Overlay in the upcoming set of text amendments that were part of the implementation of the County’s comprehensive plan. Ms. Phillips stated that they are currently working on modules of text amendments for the planning board to review. Ms. Phillips indicated while the Blue Ridge Parkway Overlay was not planned to be in the first set of proposed text amendments, it could be prioritized if the Board wished so.

Mr. Robinson asked about the Rules of Order and the section regarding attendance, he noticed that some members have not been there for months. The Board discussed this issue. The vacant position on the Board was also discussed.

**Adjourn**

Mr. Noor motioned to adjourn the meeting, this was seconded by Mr. Coxie, and was unanimously accepted. The meeting adjourned at 11:10 A.M.
### Location Map

![Location Map](image)

### A. Case

<table>
<thead>
<tr>
<th>ZONING MAP AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAFF ANALYSIS</td>
</tr>
<tr>
<td>Legislative Hearing</td>
</tr>
</tbody>
</table>

**ZPH2023-00027**

Biltmore Farms - Frederick Law Olmsted Way

### B. Property Information

- **PIN(s):** 9635-37-0439, 9635-54-4215
- **Addresses:** 179 E. Frederick Law Olmsted Way; unaddressed parcel on Brevard Rd.
- **Owner(s):** Biltmore Farms LLC
- **Acreage:** 764.52 total acres
- **Utilities:** Public water and sewer
- **Access Road:** Frederick Law Olmsted Way and Brevard Road

### C. Rezoning Request

**Summary:** Biltmore Farms LLC has requested to rezone two parcels of land from R-3, NS and CS to EMP (Employment) and R-LD. The applicant is requesting that the portion of the property ending in PIN 4215 that is currently zoned R-LD remain so.

**Existing:** R-3, R-LD, NS, and CS; Blue Ridge Parkway Overlay

**Proposed:** EMP – Employment (with the portion of the PIN ending in 4215 remains R-LD).

### D. Public Notice

<table>
<thead>
<tr>
<th>Planning Board</th>
<th>Board of Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen Times and BC website:</td>
<td>10/6/23</td>
</tr>
<tr>
<td>Mailed to owners within 1,000 ft:</td>
<td>10/6/23</td>
</tr>
<tr>
<td>Physical posting on site:</td>
<td>10/6/23</td>
</tr>
<tr>
<td>Hearing Date:</td>
<td>10/16/23</td>
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<td></td>
<td>TBD</td>
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### E. Staff Recommendation & Summary of Consistency Review

**APPROVAL**

Staff recommends that the rezoning of the two parcels be approved as it conforms to the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, an analysis of neighborhood consistency, and the equity 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).

1. Staff Analysis of spot zoning:
The subject acreage is adjacent to property currently zoned EMP, and is additional an extremely large parcel. Based on the nature of the request, Staff does not have concerns related to spot zoning.

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):

1. FLUM CATEGORY DESCRIPTION
The proposed rezoning is consistent with the Character area description of ‘Mixed Use II’ where this parcel is located.

2. WASTEWATER & POTABLE WATER TYPE/OTHER INFRASTRUCTURE
The parcel has access to public water and sewer. Duke Energy recently constructed a new substation in support of and adjacent to the newly built Pratt & Whitney plant.

3. DENSITY
The proposed zoning district has a maximum density of up to 12 units an acre which is consistent with the Character area recommendations.

4. PRIMARY AND SECONDARY LAND USES
The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.

PLAN POLICIES AND ACTIONS:

5. Proximity to Transportation Corridor (Transportation Action 4)
All parcels are less than 0.5 miles from a major transportation corridor, Brevard Road. A newly constructed bridge (Fredrick Law Olmsted Way and Brevard Road intersection) now provides a means to cross the French Broad River and provide access directly to the Pratt and Whitney plant and future development opportunities. NCDOT was recently funded to construct a new I-26 interchange. Once built this will provide interstate access from I-26 to Brevard Road via Fredrick Law Olmsted Way.
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)*  
The proposed rezoning would not increase the amount of residential density allowed for the majority of the property.  

7. **Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county’s existing biodiversity** *(Env. Conserv. Action 3)*  
The property is currently vacant, with a sewer easement running through it. A small portion of the property which borders the French Broad River is within the floodway and floodplain, but the majority of the property is not.  

8. **Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration** *(Env. Conserv. Action 3)*  
This rezoning would not cause the fragmentation of a large forest block. The property is currently divided by the Blue Ridge Parkway.  

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.** *(Economic Dev. Action 2)*  
The rezoning of these parcels will increase the land use options for the existing and future property owners.  

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** *(Economic Dev. Action 3)*  
Parcels are not within one of the listed Character Areas.  

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** *(Health Action 7)*  
The parcels are not in an area identified on the red lining map of Asheville. They are within a low Equity Index Rank on the Community Index Map. Equity Analysis is recommended for these parcels.  

<table>
<thead>
<tr>
<th>ENVIRONMENTAL:</th>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
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<tbody>
<tr>
<td>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>13. Regulated Flood Hazard Areas</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>14. High or Moderate Hazard Stability Areas</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
## H. NEIGHBORHOOD CONSISTENCY

### 1. CURRENT DEVELOPMENT TYPES

Subject acreage has the following adjacent zonings and uses:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ZONING</th>
<th>ADJACENT USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>CR Confrence Center Resort</td>
<td>Biltmore Estate</td>
</tr>
<tr>
<td>EAST</td>
<td>CR; CS Commercial; R1 Residential</td>
<td>Biltmore Estate; Residential Development; Commercial Development</td>
</tr>
<tr>
<td>SOUTH</td>
<td>R1; EMP; PS Public Service; R3 Residential;</td>
<td>Residential, Office, Industrial, Institutional</td>
</tr>
<tr>
<td>WEST</td>
<td>EMP; NS: CS OU Open Use: City of Asheville Zoning</td>
<td>French Broad River, Pisgah National Forest; Undeveloped land owned by Buncombe County; Residential Development</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
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</table>

### 2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? (Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)

The rezoning of the property will cause an increase in the types and intensity of uses allowed on the properties. However, the property is surrounded by a mix of uses, including residential, commercial, and office/industrial. Additionally, the Blue Ridge Parkway, French Broad River, and I-26 Corridor create natural transition areas.

### 3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area?

The proposed zoning district allows a variety of uses but is primarily intended for employment-related uses such as office and industrial sites. The area currently contains a mix of uses and zoning districts, but the Blue Ridge Parkway, French Broad River, and I-26 Corridor create natural transition areas.

### 4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the EMP district that are not currently allowed in the underlying zoning district. The most notable use not allowed in the underlying zoning district is industrial uses.
5. **DENSITY & DIMENSIONAL STANDARDS COMPARISON:**

<table>
<thead>
<tr>
<th>Min. Lot Size</th>
<th>Existing Districts:</th>
<th>Proposed District:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-LD (Residential)</td>
<td>EMP (Employment)</td>
</tr>
<tr>
<td></td>
<td>R-3 (Residential)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NS (Neighborhood Service)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CS (Commercial Service)</td>
<td></td>
</tr>
<tr>
<td>No Public Sewer</td>
<td>43,560 SF</td>
<td>30,000 SF</td>
</tr>
<tr>
<td>Public Sewer/No Water</td>
<td>30,000 SF</td>
<td>10,000 SF</td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>10,000 SF</td>
<td>5,000 SF</td>
</tr>
<tr>
<td></td>
<td>5,000 SF</td>
<td>5,000 SF</td>
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</tbody>
</table>

| Max. dwelling units per acre | 12 |
| Setbacks (Front/Side/Rear)   | 10/10/20 |
|                              | 10/7/15 with public sewer |
| Max. height                  | 35 feet |
|                              | 50 feet |

| Max. dwelling units per acre | 12 |
| Setbacks (Front/Side/Rear)   | 20/10/20 |
| Max. height                  | 90 |

6. **PREVIOUS/FUTURE ZONING ACTIONS & RELEVANT SITE HISTORY:**
The properties are currently undeveloped, a tract surrounded by the parcel ending in 0439 is the site of the Pratt and Whitney plant. AB-Tech and Buncombe County are partnering to build a new satellite campus providing specialized manufacturing instruction in support of the Pratt and Whitney and future spin-off industry workforce.

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

**EXISTING ZONING DISTRICT – R-3, R-LD, N-S, and C-S**
The R-LD Low-Density Residential District is primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development. These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. These are environmentally sensitive areas that are characterized by one or

**PROPOSED ZONING 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
more of the following conditions: Steep slopes, fragile soils, or flooding.

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.

The NS Neighborhood Service District is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS Neighborhood Service District should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

The CS Commercial Service District is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for suitable noncommercial land uses. Such locations should currently have water and sewer services or be expected to have such services available in the future. This CS Commercial Service District may be applied to suitable areas adjacent to existing commercial concentration to allow for their expansion.
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:

These parcels are in an area of the county (Census tracts 21.01 and 22.04) that has a low Equity Index Rank of the Community Index Map, meaning that this is 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 is no anticipated negative consequences from this action.

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 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

Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

L. 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.

M. ATTACHMENTS

- Application
- Maps
- Power Point Presentation
ZPH2023-00027
Biltmore Farms- E Frederick Law Olmsted
Map Amendment

Created By: Buncombe Co. Planning
Date: 9/29/2023
ZPH2023-00027
Biltmore Farms - E Frederick Law Olmsted Map Amendment

Aerial Map

Created By: Buncombe Co. Planning
Date: 9/22/2023
ZPH2023-00027
Biltmore Farms- E Frederick Law Olmsted
Map Amendment

Zoning Map

Created By: Buncombe Co. Planning
Date: 9/22/2023
ZPH2023-00027
Biltmore Farms- E Frederick Law Olmsted Map Amendment

Topo Map

Created By: Buncombe Co. Planning
Date: 9/22/2023
ZPH2023-00027
Biltmore Farms-
E Frederick Law Olmsted
Map Amendment
Hazard Map
Created By: Buncombe Co. Planning
Date: 9/22/2023
September 1, 2023

Ms. Gillian Phillips
Buncombe County Planning and Development Department
46 Valley Street
Asheville, NC 28801

RE: Application for Rezoning/Biltmore Farms, LLC

Dear Gillian:

Attached to this letter please find the Application for a Zoning map Amendment, by Biltmore Farms, LLC, for the rezoning of its property located off of E. Frederick Law Olmsted Way and Brevard Road (parts of PINs 9635-37-0439 and 9635-54-4215). We appreciate the assistance provided by you and Shannon Capezzali in the preparation of the Application, and the process for submittal. Also attached is an Owner’s Affidavit authorizing Lou Bissette and me, of McGuire, Wood & Bissette, to act as authorized representatives of Biltmore Farms in this matter. We can provide the signed originals of the Application and the Owner’s Authorization if needed.

It is our understanding that this matter will be scheduled for the October 16, 2023 meeting of the Buncombe County Planning Board.

We also understand that you will let us know what the fee for filing this application is, and we will make payment promptly. If anything else is needed in order to complete this Application, or if you have any questions or need any further information, please let me know.

Again, thank you for your assistance; we look forward to working with you on this matter.

Sincerely,

[Signature]

Robert W. Oast, Jr.

CC: Ben Teague, Vice President, Biltmore Farms LLC
A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT IS REQUIRED PRIOR TO SUBMITTAL.

A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

<table>
<thead>
<tr>
<th>PIN(s):</th>
<th>9635-37-0439 (partial) Tract #1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address(es):</td>
<td>176 E. Frederick Law Olmsted Way</td>
</tr>
<tr>
<td>Acreage:</td>
<td>108</td>
</tr>
<tr>
<td>Available Utilities:</td>
<td>☑ Public water ☑ Public MSD Sewer</td>
</tr>
</tbody>
</table>

B. Zoning Classification

Current zoning district(s): R-3/CS  
Requested zoning district(s)*: EMP

*If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.

C. Applicant Contact Information

<table>
<thead>
<tr>
<th>Biltmore Farms, LLC</th>
<th>Property Owner Contact Information (If different)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company/Corporate Name (if applicable)</td>
<td>Owner's Name</td>
</tr>
<tr>
<td>Biltmore Farms, LLC</td>
<td>Mailing Address</td>
</tr>
<tr>
<td>Applicant's Name</td>
<td>City, State, and Zip Code</td>
</tr>
<tr>
<td>Post Office Box 5355</td>
<td>City, State, and Zip Code</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>( ) 209-2000</td>
</tr>
<tr>
<td>Asheville, NC 28813</td>
<td>Telephone</td>
</tr>
<tr>
<td>( 828 )</td>
<td>Email</td>
</tr>
<tr>
<td>209-2000</td>
<td><a href="mailto:bteague@biltmorefarms.org">bteague@biltmorefarms.org</a></td>
</tr>
</tbody>
</table>

OFFICE USE ONLY

Case Number: ZPH

Date Received: ________________

Owner's Affidavit Submitted: □ Yes □ No

Pre-Submittal meeting with: ____________________

Planning Board Hearing Date: ____________________

Page 2 of 8
A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT IS REQUIRED PRIOR TO SUBMITTAL.

### A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

**PIN(s):** 9635-54-4215 (partial) Tract #2

**Address(es):** 99999 Brevard Road

**Acreage:** 343

**Available Utilities:**
- ☑ Public water
- ☑ Public MSD Sewer
- ☐ Private well
- ☐ Private septic

### B. Zoning Classification

**Current zoning district(s):** R-3/NS

**Requested zoning district(s):** EMP

*If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.

See Attached Map

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<tbody>
<tr>
<td>Biltmore Farms, LLC</td>
</tr>
<tr>
<td>Applicant’s Name</td>
</tr>
<tr>
<td>Post Office Box 5355</td>
</tr>
<tr>
<td>Mailing Address</td>
</tr>
<tr>
<td>Asheville, NC 28813</td>
</tr>
<tr>
<td>City, State, and Zip Code</td>
</tr>
<tr>
<td>(828) 209-2000</td>
</tr>
<tr>
<td>Telephone</td>
</tr>
<tr>
<td><a href="mailto:bteague@biltmorefarms.org">bteague@biltmorefarms.org</a></td>
</tr>
<tr>
<td>Email</td>
</tr>
</tbody>
</table>

| Owner’s Name                                               |
| Mailing Address                                           |
| City, State, and Zip Code                                 |
| Telephone                                                 |
| Email                                                     |

**OFFICE USE ONLY:**

<table>
<thead>
<tr>
<th>Date Received:</th>
<th>Case Number: ZPH</th>
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</thead>
<tbody>
<tr>
<td>Pre-Submittal meeting with:</td>
<td>Owner’s Affidavit Submitted:</td>
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<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Planning Board Hearing Date:</td>
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</tbody>
</table>
D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

See Attached

2. Describe how the proposed rezoning is consistent with the Growth, Equity, and Conservation Framework from Buncombe County's 2043 Comprehensive Plan (available on the BC Planning Department website, section starts on page 46 in the Plan).

See Attached

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

See Attached
D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

1. **Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:**

   The area proposed for rezoning ("Subject Area") encompasses 2 larger tracts of land, separated from each other by the Blue Ridge Parkway, as it runs East to West. These 2 tracts are further delineated and separated from other tracts in the area by the French Broad River along the southern/western/northern boundaries and I-26 to the East. This proposed rezoning does not include any part of the Blue Ridge Parkway, or the right of way on either side of it, which is owned by the federal government. The northern tract (Tract 1) consists of approximately 108 acres, and is part of a larger tract of 345 acres (PIN 9635-37-0439), owned by the Applicant, of which a substantial part is already zoned EMP. Rezoning is requested for the parts of Tract 1 that are currently zoned R-3 and CS.

   The southern tract, Tract 2, consists of 343 acres and is currently zoned R-3 on the West, and NS on the East. This tract is also part of a larger tract of 419 acres (PIN 9635-54-4215), owned by the Applicant. There is a strip along the northern bank of the French Broad River that is zoned R-LD, which will remain. Rezoning is requested for the part of this property zoned R-3 or NS, but not for the R-LD strip. Together Tracts 1 and 2 comprising the Subject Area, total 451 acres in size.

   The Subject Area is surrounded by properties of various sizes including the 100 acre parcel on which the Pratt and Whitney facility is located. While there are some smaller residential lots in the area, none of these lots directly abuts the Subject Area. In addition, all other properties in the larger geographic area are separated from the subject property by I-26 or the French Broad River. There should be no concern about spot zoning arising from the size of the Subject Area.

2. **Describe how the proposed rezoning is consistent with the growth, equity, and conservation framework from Buncombe County’s 2043 Comprehensive Plan.**

   The proposed rezoning is consistent with the growth, equity and conservation framework in the 2043 Comprehensive Plan in several ways:

   1. **Growth:** As discussed in more detail below the Subject Area is designated in the 2043 Comp Plan as Mixed-Use Area II, which signifies that it has been found suitable for more intensive land uses, such as industrial and industrial/office flex uses, offices, other commercial, and medium density residential uses. The Subject Area is also well served by transportation facilities, electricity and natural gas, and water and sewer facilities (existing and proposed). Tract 1 of the Subject Area is currently accessible from Brevard Road via a bridge across the French Broad River, and an interchange (proposed exit 35) is currently under construction that will provide direct access from I-26. Access to Tract 2 is via Schenck Parkway through Biltmore Park. Moreover, many economic development prospects are looking for larger tracts of land. Due to the size of the Subject Area, the potential for these tracts to be created, and
the range of uses allowed in the EMP zoning classification, the potential for major economic development is greatly increased.

2. Equity: The Subject Area is not currently developed and is not in use for residential purposes. No historically disadvantaged groups will be displaced by development of the Subject Area, and no housing will be lost. Rather, the rezoning from R-3 to EMP will substantially increase the residential density, and will reduce the potential for large lot single family zoning, allowing for a mixture of housing types. This will facilitate the provision of "missing middle" housing, and provide multiple housing opportunities for those households working within this proposed EMP area. In addition, zoning the Subject Area to allow for the types of development contemplated by the Mixed-Use Area II Comp Plan designation will increase the potential for higher than average wage employment opportunities in the area, including jobs in the STEM fields.

3. Conservation: The proposed rezoning would not affect the Blue Ridge Parkway or its right of way, which traverses the Subject Area. The proposed rezoning would also not affect the Blue Ridge Parkway Overlay, which would remain in effect, limiting development within a quarter of a mile on either side of the Parkway. The proposed rezoning also does not include the strip along the northern Bank of the French Broad River, which will remain zoned R-LD.

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

The proposed rezoning is reasonable and consistent with the public interest in several ways. As noted above, the Subject Area is designated in the 2043 Comp Plan as Mixed-Use Development II, which signifies its suitability for growth-oriented land use; and it identifies and supports such development as the preferred outcome. The Subject Area and the adjoining areas are separated from other properties in the area by the French Broad River and I-26, both of which are major geographical features that limit the impact of any development within the Subject Area to that of the larger geographic area surrounding the Subject Area. Moreover, where residential uses come closest to the Subject Area, along the French Broad River, the R-LD strip will provide additional protection.
4. Is/are the applicant(s) listed below the owner(s) of the property? □ Yes □ No

If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 3 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

GPU I hereby certify that I am the owner, authorized agent of the owner, or have provided legal notification to the owner, and the above information is correct to the best of my knowledge and hereby make application for a Zoning Map Amendment. Any information given that is incorrect will cause this application to become null and void.

GPU I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

______________________________  ________________________________
Signature of Applicant            Signature of Owner John F.A.V. Cecil, President
                                   Biltmore Farms, LLC

______________________________  ________________________________
Signature of Applicant            Signature of Owner

______________________________  ________________________________
Signature of Applicant            Signature of Owner

______________________________  ________________________________
Signature of Applicant            Signature of Owner

______________________________  ________________________________
Signature of Applicant            Signature of Owner

______________________________  ________________________________
Signature of Applicant            Signature of Owner
E.1.2. Contact Information and Certification of All Owners of Above-Referenced Property or Properties.

By signing this document, I hereby certify that I am the owner of the property or properties referenced herein. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing the request. I hereby authorize the Applicant referenced below, to act as my representative for the purpose of this request.

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Corporate Title (if applicable)</th>
<th>Mailing Address</th>
<th>Telephone Number</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biltmore Farms, LLC</td>
<td>President</td>
<td>Post Office Box 5355</td>
<td>828-209-2000</td>
<td><a href="mailto:jccecil@bilmoresfarms.org">jccecil@bilmoresfarms.org</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Asheville, NC 28813</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Owner Signature: 8/31/2023

Applicant/Designated Representative: Name: Robert W. Oxley, Date: 8/31/2023

Signature: [Signature]

Owner Signature: Date: 8/31/2023

Applicant/Designated Representative: Name: [Name]

Signature: [Signature]

Date: [Date]

Owner Signature: Date: [Date]

Applicant/Designated Representative: Name: [Name]

Signature: [Signature]

Date: [Date]

Owner Signature: Date: [Date]

Applicant/Designated Representative: Name: [Name]

Signature: [Signature]

Date: [Date]
Application to Amend the Buncombe County Zoning Map: Owners’ Affidavit

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

OWNERS’ AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and affirm that they are the legal owners of the property located at:

176 E. Frederick Law Olmsted Way and 99999 Brevard Road, Asheville, NC

PIN(s) # 9635-37-0439, 9635-54-4215

The persons listed below do hereby give authorization and permission to:

W. Louis Bissette, Jr. and Robert W. Oast, Jr. of McGuire Wood & Bissette, PA
(Name of Representative/Agent)

(Name of Organization)

to submit to Buncombe County a request to amend the zoning map for the above listed properties from:

Current zoning district: R-3/NS/CS
Requested zoning district: EMP

This application will be submitted to be heard by the Planning Board in a public hearing on October 2, 2023 and to be subsequently heard by the Commissioners.

Owner’s Name (Print) Owner’s Signature Date
John F.A.V. Cecil, President

Biltmore Farms, LLC

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Dina DeSantis, a Notary Public of the County and State aforesaid, certify that John F.A.V. Cecil, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 31st day of August, 2023

My Commission Expires: 01/14/25

Dina DeSantis
Notary Public

Page 1 of 2
October 2, 2023

Buncombe County Planning Board
30 Valley Street
Asheville, NC  28801

RE: Rezoning of Property at 176 E. Frederick Law Olmsted Way and Brevard Road (ZPH 2023-00027)

Dear Planning Board Members:

We represent Biltmore Farms, LLC, which has submitted an application to rezone approximately 451 acres of its property situated on East Frederick Law Olmsted Way and Brevard Road, on the north and east side of the French Broad River. We are requesting that this property be rezoned from the current mix of CS-Commercial Services, R-3-Residential, and NB-Neighborhood Business to EMP-Employment. The application is scheduled for a public hearing at the Planning Board’s regular meeting on October 16, 2023. For the reasons set out in our application, this requested rezoning is consistent with the County’s recently-adopted Comprehensive Plan 2043, and is in the public interest.

We plan to make a short presentation at the meeting, and will of course respond to any questions that you might have. Attached to this letter are some pages from the Comprehensive Plan 2043 to which we will be referring during our presentation. If you have any questions or need any additional information in advance of the meeting, please let your Planning staff know, and they can pass the request on to us for a response.

Thank you,

W. Louis Bissette, Jr.

Robert W. Oast, Jr.
public and private tools. Priority conservation areas using a variety of tools. Growth will be directed away from hazardous areas and the more resilient development designs that lessen climate and corsors through mixed-use and clustered lands in key growth areas and transportation

New development will maximize developable 

recreational and create centers for shopping, dining, and business protection from displacement and gentrification.

Historically disadvantaged neighborhoods and local workforce and job opportunities for residents for residents and job

Growth will result in sustainable development

GOAL: Growth, Equity, Conservation, Equity, Conservation
**Approach to Potable Water:** Public potable water

**Approach for Wastewater:** Public sanitary sewer

- Encourage mixing of land uses
- Implementing shared parking solutions to reduce impervious
- Improving flexibility around parking locations and
- Encouraging and activating stormwater
- Incorporating design for transit access
- Developing pedestrian and bicycle connectivity
- Encouraging connectivity to adjacent properties

**Include:**

- Some considerations in Mixed Use Area 2 development

include mixed land uses.

are envisioned to be compact, walkable, and well-connected and

concentrated in the center. Development in this category

concentrates on individual development and

increases the likelihood of development in these areas will focus

on areas that support the employment uses and allow workers

industrial (manufacturing or warehousing) or office/industrial flex

large-scale and more intensive economic development such as

**General Character Description:** These are lands intended to serve

**MIXED USE AREA 2**

GROWTH, EQUITY & CONSERVATION CATEGORIZATION
Location of mixed use area 2

- Community participant
  - and natural resources
  - Pressure on infrastructure development to reduce
  - housing near job opportunities and other
  - Invest in high-quality affordable

Example land uses

Secondary land uses: Multi-family residential, limited retail that supports surrounding employment and residential uses, recreational campuses, and manufacturing centers.

Primary land uses: Industrial parks, large commercial or business

General residential density: 10 to 18 dwelling units per acre, up
View of downtown Asheville and the surrounding communities.

With growing population, there is naturally occurring gentrification and need for affordable housing. The current and other neighborhoods and rural communities have been historically disadvantaged by displacement and development. Workforce housing is needed to ensure that workers live where they work.

Identified areas where there is naturally occurring gentrification and need for affordable housing are: the current workforce housing and other neighborhoods that are at risk of displacement.

In the future, the County will be preparing small business and workforce housing in the future. The current workforce housing and other neighborhoods that are at risk of displacement.

Policy Intent: Utilizing the Growth, Equity, and Conservation Framework Map and small area plans in land use and development decisions will help Buncombe to achieve this Plan's Goals.

Guide land use decisions using the Growth, Equity, and Conservation Framework Map and small area plans in land use and development decisions.
Sports Park.

Soccer fields under construction at the Buncombe County Sports Park.

Community facilities, and businesses or commercial uses.

Uses that support everyday life such as civic spaces, street trees, greenways, and provide a mix of land uses.

Mixed-use neighborhoods provide a mix of housing types, support walkability with sidewalks, small block sizes, and development of the development of mixed use neighborhoods where they are supported by infrastructure and utilities.

Promote the development of mixed use neighborhoods.

Areas and will utilize mixed-use and clustered development.

Increase density and mix of housing types in growth areas.

Maximize new development in growth areas to mitigate growth pressures in the protection and conservation of agricultural and environmentally sensitive lands.

Development, preserving rural communities, and conserving some areas means that other lands can be safeguarded from higher density development.

Transportation, and other services in mixed use neighborhoods.

Buncombe County by promoting the development of housing.

Policy Intent

Commercial areas will offer the services, amenities, and infrastructure to meet the needs of all residents.

Mixed-use neighborhoods, walkable destinations, centers, employment hubs, and transportation.

Buncombe will direct development away from conservation areas and toward growth areas.

Promote the development and enhancement of communities in identified growth areas.

Policy 2
Infrastructure and nature-based solutions

Align development decisions with the Policies and Actions

- Align development decisions with the Policies and Actions.
- Infrastructure building through regulations and incentives.
- Industrial, commercial, residential, and all-electric, fossil fuel-free commercial/residential, and incentives.
- Promote the construction of
- and use with private developments through regularity.
- and use within private developments through regularity.
- Promote the development of renewable energy generation.
- Creating more resilient and sustainable designs.
- Expanding the development of sustainable designs as a basis for
- existing buildings (such as logistical constraints).
- Strongly encourage developments to be designed to use
- Some objectives of this policy are to:
- will support private developments in achieving these objectives.
- and more resilient siting and construction of buildings.
- The County generates more sustainable development patterns and designs.
- New and existing developments provide an opportunity for

Policy Intent

Promote sustainable and resilient development

Buncombe County will encourage the use of sustainable and resilient designs in all future development.

Policy 5
such as vocational or living skills courses, with a broad spectrum of skills through new programs, achievement and reduce the racial achievement gap. Support school districts in efforts to enhance academic school campuses. The County will also coordinate and coordinate and resiliency efforts, such as supporting more sustainable and resilient Asheville City Schools, and other educational partners. The County will partner with Buncombe County's schools, and revise regulatory barriers to business development.

The County will evaluate land use policies to identify opportunities for residents, promoting living wage or higher wage worker ownership models in historically disadvantaged communities, and building capacity within the local workforce through collaboration with local workers. Support equitable access to employment, and help meet quality of life needs of residents such as adaptable economy of living wage industries that employ Buncombe County will be home to a diverse and

GOAL:

EDUCATION, JOBS, DEVELOPMENT, ECONOMIC

Chapter 05
Supporting and expanding existing small businesses is an economic driver for our community and focus on providing support for employee-owned, small businesses, ATech, and other organizations.

Workforce development partners (such as NCMWorks, ABTech, and other organizations) are important to identify sites suitable for the expansion needs of firms.

Create spaces for small-batch manufacturing and healthcare in other higher-wage industries, such as advanced focused work and outdoor recreation (and expand environmentally centered job talents, such as climate- and sustainable careers).

Build upon the region’s natural resources or economic development, while securing important lands for recreation amenities, while securing important lands for balance of competing needs for housing, commercial, and recreational expansion and expansion of targeted industries.

Professional offices and information technology, life sciences, advanced manufacturing, and high-tech industries (e.g., advanced manufacturing, high-performance aerospace) are key employers in the region's economic development.

Identify and preserve land for job creation and specifically

Some objectives of this policy are to:

- Create higher-wage opportunities across the county.
- Support a high quality of living in Buncombe County.
- Build a diverse workforce with career-growth opportunities that pay more than the county's average wage.

The intent of this policy is to build a diverse workforce with career-growth opportunities that pay more than the county's average wage.

Build opportunities to provide more jobs and higher than average wages.

Policy
Construction of an ADA ramp through a local park.

Program

- Forecast housing needs with large-scale economic development changes, such as manufacturing or industrial employment centers. Project naturally occurring affordable housing hubs for those who live and work in Buncombe County.
- Prioritize accessibility of housing closer to employment opportunities.
- Offer a diversity of housing options to meet the needs of all income levels in Buncombe County.

Some objectives of this policy are:

- Support development of housing infrastructure and have affordable and safe living working at local businesses so that they move and live closer to choices and an adequate supply of housing units for employees.

The intent of this policy is to support development of housing opportunities.

Policy Intent

In order to meet the housing needs of the current and future workforce, Buncombe County will prioritize housing access in alignment with economic development changes in target industries.

The needs of economic development opportunities.

Provide adequate housing options for all income levels to meet economic development opportunities.

Policy 2