Call to Order

Announcements - Nancy Waldrop

Roll Call of Board Members

Approval of Agenda

Approval of Minutes – September 18, 2023

Public Comment

Vote on Planning Board Rules of Procedure– Discussion of proposed Planning Board Procedures for the Buncombe County Planning Board (Curt Euler, Senior Attorney II)

Chair and Vice Chair Election

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.

- ZPH2023-00031: Myron Gottfried of Justice Ridge Farm, LLC has 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.

Adjourn
The Buncombe County Planning Board met on September 18, 2023, at 30 Valley St., Asheville, NC  28801

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

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

**Call to Order**
Chair Ms. Waldrop called the meeting to order at 9:31 A.M.

**Announcements**
Buncombe County has received two awards for the Comprehensive Plan from the North Carolina Chapter of the American Planning Association.

**Roll Call of Board Members**
Complete.

**Approval of Agenda**
Mr. Kahn made a motion to approve the agenda as submitted. The motion was seconded by Mr. Fisher and passed unanimously.

**Approval of Minutes (August 21, 2023)**
Mr. Fisher made a motion to approve the August 21, 2023, meeting minutes. The motion was seconded by Mr. Kahn and passed unanimously.

**Discussion of Planning Board Procedures**
Mr. Euler led a continued discussion of the Planning Board Procedures. Each section of these Operating Procedures for the Planning Board where reviewed and draft edits made today will be shared with the Board and come back to the board at next month’s meeting for approval.

**Public Comment**
Dede Styles made a public comment on the continued development in the steep slope areas of the county and how that development affects and compromises our water supply when it comes to water flowing to our creeks and reservoirs.

**Adjourn**
Mr. Kahn motioned to adjourn the meeting seconded by Mr. Noor. Meeting adjourned at 11:10 A.M.
I. **Purpose:** To establish the rules of procedure for Buncombe County Planning Board in compliance with state law and county regulations.

II. **Procedure Statement:**

A. **Name and Office**

   The name of this organization is the Buncombe County Planning Board (hereinafter “Board”). The principal office of the Board is located at the Buncombe County Planning & Development Department 46 Valley Street, Asheville, NC 28801.

B. **Membership**

   The Board shall be composed of nine (9) members appointed by the Buncombe County Board of Commissioners. All members of the Board shall be residents of Buncombe County pursuant to the Buncombe County Board of Commissioners.

C. **Terms**

   Planning Board members may serve three (3) year terms and may be reappointed by the Buncombe County Board of Commissioners. There are no term limits.
D. Officers

1. Chair and Vice-Chair

The Board members shall elect a Chair and Vice-Chair by majority vote upon the initial passage of these rules and then each year thereafter at the first full meeting of the Board each fiscal year.

2. Secretary

The Planning and Development Director shall serve as Secretary to the Board, but the Secretary is not a member of the Board. The Planning and Development director may delegate the duties of the Secretary that are set forth in these rules to an appropriate Planning and Development Department employee.

E. Board Meetings

1. Regular Schedules

The Board shall hold a regular meeting on the third Monday of each month. The meeting shall be held in the Board Room located at 30 Valley Street, Asheville, NC 28801. Meeting date, location and time shall be posted on the county website and public notice shall be given prior to each meeting.

2. Special Meetings

a) The Chair or three of the members of the Board may at any time call a special meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chair and all the Board members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the principal bulletin board of the Board or at the door of its usual meeting room or on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons
who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Agenda

The Secretary shall be responsible for preparing the agenda for regular meetings. Any individual who is not a member of the Board or group that wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Chair and Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter. The final agenda for each meeting will be approved by the Chair, and in their absence the Vice-Chair.

4. Presiding Officer

The Chair of the Board shall preside at Board meetings if they are present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of Board designated by a majority vote of members present at the meeting shall preside. Presiding Officer shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order a motion patently offered for obstructive or dilatory purposes.
- To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground.
- To call a brief recess at any time.
- To adjourn in an emergency.

5. Attendance

Regular attendance is critical to the success of the Board’s business and purpose. All appointed Board members are expected to attend a minimum of 75% of all regular scheduled meetings each year. Failure to meet this attendance requirement may result in a recommendation by the Board to the Board of Commissioners that the Board Member be removed.

6. Quorum
A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

7. Voting

- No vote may be taken without a quorum being present.
- Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a regular meeting by teleconference or other electronic means and vote on any matter coming before the Board at such meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum.

8. Minutes
The Secretary shall prepare minutes of each Board meeting. Copies of the minutes shall be made available to each Board member before the next regular Board meeting at which the minutes are to be proposed for approval. At each regular meeting where the approval of minutes is included on the Agenda the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board meeting minutes at the Planning and Development Department, 46 Valley Street, Asheville, NC 28801. The minutes are also available on the Buncombe County website.

9. Public Comment Period

- A public comment period after the adoption of the minutes at every regular meeting.
- The time limit for any individual or representative addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time. A group which is represented by at least 4 people in the audience may elect one representative to speak for 10 minutes of time can be awarded that representative if at least 4 people in the audience relinquish any rights to speak on the issue.
• Each speaker during the public comment period shall be limited to one appearance at each regular meeting of the Board.
• The Board is not expected to comment on matters brought to the Board during public comment.
• Any individual speaking during public comment shall only address the entire Board and any polling of the Board is inappropriate for public comment.
• Persons addressing the Board are expected to observe the decorum of the Chamber, to be respectful of the Board and the public, to refrain from the use of profanity or foul language and to refrain from making disclosures prohibited by the Personnel Act with respect to any County employee.
• The Chairperson may rule out of order any comments made during this part of the agenda that are rude, inappropriate, or intended to harass any person or group of people or that are not addressed to the entire Board and is authorized to take reasonable and appropriate measures to ensure compliance with these rules, unless a majority of the Board agrees to overrule the Chair’s determination.

F. Amendments to Rules of Procedure

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

G. Other Procedural Matters

1. Action by the Board

a) The Board shall proceed by motion. Any member, including the Chair, may make a motion.

b) All motions require a second before the motion can be discussed.

c) A member may make only one motion at a time.

d) A substantive motion is out of order while another substantive motion is pending.
e) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

f) The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to these general principles:

i. The introducer (the member who makes the motion) is entitled to speak first;

ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;

iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive motions, the following procedural motions shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:

a) To Adjourn. The motion may be made at any time by a member of the Board and would require a majority vote.

b) To Take a Recess.

c) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived. This motion does not require a second and is not debatable.

d) To Suspend the Rules. The motion requires a vote to equal a 2/3 majority of the members present

e) To Divide a Complex Motion and consider it by Paragraph.

f) To Defer Consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

g) Call of Previous Question. The motion is not in order until every member of the Board has had at least one opportunity to speak.

h) To Postpone to a Certain Time or Day.

i) To Refer to a Committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motions, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chair.

k) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.

l) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.

m) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. Approval of the motion prevents a motion from being reconsidered for six months.

n) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

o) **Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time before a vote.

p) **Duty to Vote.** Once a meeting has been convened, every member, including the Chair, must vote unless they have a conflict of interest or are excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. The Board may excuse a member from voting, but only upon the member answering questions concerning the reason for the request to be excused which can include questions concerning the member’s own financial interest or his official conduct or on matters on which the member is prohibited from voting due to conflict of interest under N.C. Gen. Stat. §160D-109. For purposes of this rule, the question of the compensation and allowances of members of the Board does not involve a member’s own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

H. **Compliance with North Carolina Law**

In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public record
laws, personnel laws and the laws setting forth the powers and duties of local planning boards. To assist the Board in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members on request.

I. Conflicts of Interest

A member shall not vote on any motion or matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a person with which the member shares a close familial relationship. A member shall also not vote on any proposed zoning map or ordinance amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associated relationship.

If an object is raised to a member’s participation at or prior to the hearing or vote on a particular matter or motion and that member does not recuse him or herself, the remaining members of the Board shall by majority vote rule on the objection.

For the purposes of these rules, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes step, half, and in-law relationships.

III. Reference to Robert’s Rules of Order:

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert’s Rules of Order for unresolved procedural questions.

Pursuant to N.C. Gen. Stat.§ 160D-308 these rules shall be posted in a prominent place on the Board’s website.

These rules of procedure were initially adopted on October 16, 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
Application for a Zoning MAP AMENDMENT (Rezoning)

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): 9635-37-0439 (partial) Tract #1

Address(es): 176 E. Frederick Law Olmsted Way

Acreage: 108 Available Utilities: ☑ Public water ☑ Public MSD Sewer

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

Biltmore Farms LLC
Company/Corporate Name (if applicable)

Biltmore Farms, LLC
Applicant’s Name

Post Office Box 5355
Mailing Address
Asheville, NC 28813

City, State, and Zip Code (828) 209-2000
Telephone
bteam@biltmorefarms.org
Email

Property Owner Contact Information (If different)

Owner’s Name

Mailing Address

City, State, and Zip Code

( ) Telephone

Email

OFFICE USE ONLY:

Date Received:
Pre-Submittal meeting with:

Case Number: ZPH
Owner’s Affidavit Submitted: ☐ Yes ☐ No
Planning Board Hearing Date:
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>9635-54-4215 (partial) Tract #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address(es):</td>
<td>99999 Brevard Road</td>
</tr>
<tr>
<td>Acreage:</td>
<td>343</td>
</tr>
<tr>
<td>Available Utilities:</td>
<td>☒ Public water</td>
</tr>
<tr>
<td></td>
<td>☒ Public MSD Sewer</td>
</tr>
</tbody>
</table>

## 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

## C. Applicant Contact Information

<table>
<thead>
<tr>
<th>Company/Corporate Name (if applicable)</th>
<th>Bitmore Farms, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Name</td>
<td>Bitmore Farms, LLC</td>
</tr>
<tr>
<td>Post Office Box</td>
<td>8355</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>Asheville, NC 28813</td>
</tr>
<tr>
<td>City, State, and Zip Code</td>
<td>( 828 ) 209-2000</td>
</tr>
<tr>
<td>Telephone</td>
<td><a href="mailto:bteague@bitmorefarms.org">bteague@bitmorefarms.org</a></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

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

**OFFICE USE ONLY:**

Date Received: 
Pre-Submittal meeting with: 

Case Number: ZPH 
Owner’s Affidavit Submitted: □ Yes □ No 
Planning Board Hearing Date: 

Page 2 of 8
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 I 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 5 days prior to the hearing date. Sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

➢ 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.

➢ 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 Applicant

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Signature of Applicant

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Signature of Applicant

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Signature of Applicant

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Signature of Owner

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Signature of Owner

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Signature of Owner

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Signature of Owner

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Signature of Owner

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Signature of Owner

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Signature of Owner

______________________________
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, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this request.

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Corporate Title</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:jcecil@billmorefarms.org">jcecil@billmorefarms.org</a></td>
</tr>
</tbody>
</table>

Owner Signature: [Signature] Date: 8/31/2023

2

Owner Signature: [Signature] Date: [Date]

3

Owner Signature: [Signature] Date: [Date]

4

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

Planning and Development
www.buncombecounty.org

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: 2/14/25

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 
to hazards, Growth will be directed away from 
environmental impacts and are more resilient 
development designs that lessen climate and 
corridors through mixed-use and clustered 
lands in key growth areas and transportation 
New development will maximize developable 

recycling, and create centers for shopping, dining, and 
businesses from displacement and gentrification, 
historically disadvantaged neighborhoods and 

opportunities for the local workforce, provide 
income housing options for residents and job 
patents that expand affordable and middle 

Growth will result in sustainable development 

GOAL: 

& CONSERVATION 

GROWTH, EQUITY, 

Chapter 02
Approach to Potable Water: Public potable water system.
Approach for Wastewater: Public sanitary sewer system.
- Encouraging mixing of land uses
- Implementing shared parking solutions
- Reducing impervious surfaces
- Improving pedestrian and bicycle connectivity
- Developing pedestrian and bicycle connections
- Encouraging connectivity to adjacent properties

Inclusion:
Some design considerations in Mixed Use Area 2 Development:
- Include mixed land uses
- Are envisioned to be compact, walkable, and well-connected and
- Promotes internal connectivity and
- campus-style development
- Also support jobs and allow workers to live close to work
- Include mixed-use commercial and medium-density housing
- Industrial and manufacturing or warehousing or office/industrial
- 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 CATEGORIES
Community participant and natural resource pressure on infrastructure development to reduce housing near job opportunities and other "Invest in high-quality affordable uses supports surrounding employment and residential uses, recreational campuses, and manufacturing centers"

Secondary Land Uses: Multi-family Residential, Individual Retail, Limited Retail

Primary Land Uses: Industrial parks, large commercial or business

Ordinance is updated to include this requirement: percentage or more of affordable housing units to be determined as to 30 dwelling units per acre for projects that include a certain General Residential Density: 10 to 18 dwelling units per acre, up
View of downtown Asheville and the surrounding communities.

Policy Intent

Utilizing the Growth, Equity, and Conservation Framework Map and small area plans, development decisions will help Buncombe to achieve this Plan’s Goals.

Guide land use decisions using the Growth, Equity, and Conservation Framework Map and future small area plans.

Recommended Action Categories:

- Growth areas that include the most suitable lands for future growth for needed housing and employment
- The Growth, Equity, and Conservation Framework Map and small area plans
- Engage community and local land use categories for the County.
- Identified Corridors
- Opportunity Areas
- Growth Areas
- Rural and Conservation areas

In the future, the County will be preparing small business. Needed identified places where the level planning analysis is.

Growth areas include places where there is naturally occurring growth need, to critically manage change. These areas incude places where the level growth need is.

Equity Opportunity areas where Buncome will

and Rural Community categories.

maintained such as the Conservation Working Lands that will be preserved, and rural character that will be.

will be limited, agricultural, and environmental lands.

Rural and Conservation areas where development development will not be developed.

such as in Mixed Use Neighborhoods.

growth areas and should be leveraged to maximize development.
Soccer fields under construction at the Buncombe County Sports Park.

- 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 areas.
- Increase density and mix of housing types in growth areas.

Some objectives of this policy are:

- Agricultural and environmental lands.
- Development pressures in rural communities, and conserving development by protecting the development of housing.
- Encourage and support walkability and small block types.
- Support well-defined, visually attractive bikeways, small block types, and other growth categories.
- Promote development of mixed use neighborhoods, walkable destinations, and other growth categories.
- Using policies to decrease the development of housing.

The intent of this policy is to enhance the livability of

### Policy Intent

Commercial and retail activities will offer the services, amenities, and infrastructure to meet the needs of all residents. Commercial areas will offer the services, amenities, and infrastructure to meet the needs of all residents. Mixed use neighborhoods will add walkable destinations, hubs, and other growth categories. Higher density developments in mixed use neighborhoods will provide a mix of housing types supported by infrastructure and walkability, and where they are supported by infrastructure and walkability.

Promote the development of mixed use neighborhoods in growth areas.
Infrastructure and nature-based solutions.
Align development decisions with the Policies and Actions.
Green infrastructure, building, and planning.

- Align development decisions with regulations.
- Align development decisions with incentives.
- Promote the development of renewable energy generation.
- Promote the development of resilient communities.

Resilient Transportation Facilities.
California Department of Transportation standards for new development, potentially aligning with North. Explore green and resilient infrastructure speculations.

- Continues to limit development on steep slopes and ridge lines.
- Discourages development at high elevations and ridge lines.
- Continues to limit development on steep slopes and ridge lines.

Policy Intent

Some objectives of this policy are:

- Promote sustainable and resilient development.
- Encourage the use of sustainable and resilient designs in all future development.
- Support private developments in achieving these objectives.
- Promote 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, achieve greater and reduce the racial achievement gap.
Support school districts in efforts to enhance academic achievement. The County will also coordinate and support more sustainable and resilient schools and school campuses. The County will also partner with Asheville City Schools, A-B Tech, and other educational partners.
The County will partner with Buncombe County Schools, and revise regulatory barriers to business development.
The County will evaluate land use policies to identify opportunities for residents.

Promoting and expanding living wage or higher wage worker-ownership models in historically disadvantaged economic development partners, building capacity within the local workforce through collaboration with access to childcare, and improve equitable access to address inequalities.

Buncombe County will be home to a diverse and sustainable economy of living wage industries that employ equitable wages.

GOAL:

EDUCATION, JOBS, DEVELOPMENT, ECONOMIC

Chapter 05
Supporting and expanding existing small businesses, as an economic driver for our community and focus on workforce development and expansion of targeted industries. Identify sites suitable for the expansion needs of businesses aligned with redevelopment or infill goals. Create spaces for small batch manufacturing and healthcare. Build upon the region’s natural resources of recreation amenity, while securing important lands for recreation amenity, while securing important lands for recreation amenity.

- Recruit and expand of targeted industries, educational levels and professional interests through educational offices and Information Technology.
- Provide job opportunities available to a wide range of industries, including advanced manufacturing, niche and specialty fields.
- Identify and preserve land for job creation and specifically higher-than-average wage employers in the region.

The goal is to build a diverse workforce with career opportunities, higher than average wages.

**Policy Intent**

In order to create higher wages and career opportunities, Buncombe County will recruit and expand industry opportunities while supporting workforce needs and building opportunities to provide more jobs and economic development.

**Policy 1**
Construction of an ADA ramp through a local repair program.

- Forecast housing needs with large-scale economic development changes, such as manufacturing or industrial employment centers. Project naturally occurring affordable housing in key opportunity areas to avoid displacement.
- Prioritize accessibility of housing closer to employment hubs for those who live and work in Buncombe County.
- Offer a diversity of housing options to meet the needs of all income levels in Buncombe County.
- Some objectives of this policy are to:

  - Improve employment locations 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.

Policy Intent

The intent of this policy is to support development of housing 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 larger industries.

Policy 2

Provide adequate housing options for all income levels to meet the needs of economic development opportunities.
## ZONING MAP AMENDMENT
### STAFF ANALYSIS
#### Legislative Hearing

### A. CASE

<table>
<thead>
<tr>
<th>ZPH2023-00027</th>
<th>Biltmore Farms -Frederick Law Olmsted Way</th>
</tr>
</thead>
</table>

### 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.

<table>
<thead>
<tr>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3, R-LD, NS, and CS; Blue Ridge Parkway Overlay</td>
<td>EMP – Employment (with the portion of the PIN ending in 4215 remains R-LD).</td>
</tr>
</tbody>
</table>

### 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: 10/6/23</td>
<td>10/6/23 10/16/23</td>
</tr>
<tr>
<td>Mailed to owners within 1,000 ft: 10/6/23</td>
<td>TBD</td>
</tr>
<tr>
<td>Physical posting on site: 10/6/23</td>
<td></td>
</tr>
<tr>
<td>Hearing Date: 10/6/23</td>
<td></td>
</tr>
</tbody>
</table>

### 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).*

<table>
<thead>
<tr>
<th>1. Staff Analysis of spot zoning:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

### 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):**

<table>
<thead>
<tr>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>FLUM CATEGORY DESCRIPTION</strong></td>
<td></td>
</tr>
<tr>
<td>The proposed rezoning is consistent with the Character area description of ‘Mixed Use II’ where this parcel is located.</td>
<td>X</td>
</tr>
<tr>
<td>2. <strong>WASTEWATER &amp; POTABLE WATER TYPE/OTHER INFRASTRUCTURE</strong></td>
<td></td>
</tr>
<tr>
<td>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 &amp; Whitney plant.</td>
<td>X</td>
</tr>
<tr>
<td>3. <strong>DENSITY</strong></td>
<td></td>
</tr>
<tr>
<td>The proposed zoning district has a maximum density of up to 12 units an acre which is consistent with the Character area recommendations.</td>
<td>X</td>
</tr>
<tr>
<td>4. <strong>PRIMARY AND SECONDARY LAND USES</strong></td>
<td></td>
</tr>
<tr>
<td>The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.</td>
<td>X</td>
</tr>
</tbody>
</table>

**PLAN POLICIES AND ACTIONS:**

<table>
<thead>
<tr>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. <strong>Proximity to Transportation Corridor (Transportation Action 4)</strong></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>X</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>ENVIRONMENTAL:</th>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<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>

#### 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>No Public Sewer</td>
<td>30,000 SF</td>
<td></td>
</tr>
<tr>
<td>Public Sewer/No Water</td>
<td>10,000 SF</td>
<td></td>
</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>5,000 SF</td>
<td></td>
</tr>
<tr>
<td>43,560 SF</td>
<td>10,000 SF</td>
<td>50 feet</td>
</tr>
<tr>
<td>30,000 SF</td>
<td>10,000 SF</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>10/10/20</td>
<td>10/7/15 with public sewer</td>
<td>10/10/10</td>
</tr>
<tr>
<td>35 feet</td>
<td>35 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

Max. dwelling units per acre

<table>
<thead>
<tr>
<th>Setbacks (Front/Side/Rear)</th>
<th>Max. height</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10/20</td>
<td>35 feet</td>
</tr>
<tr>
<td>10/7/15 with public sewer</td>
<td>50 feet</td>
</tr>
<tr>
<td>10/7/15 with public sewer</td>
<td>50 feet</td>
</tr>
<tr>
<td>10/10/10</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

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

176 E Frederick Law Olmsted Way
PINs 9635-37-0439 & 9635-54-4215
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
Application for a Zoning MAP AMENDMENT (Rezoning)

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): 869785031500000; 869785123300000; 869784153100000; 869784153800000

Address(es): 215 Justice Ridge Rd, 1 Clara Parker Dr, 5 Clara Parker Dr., Candler NC 28715

Acreage: 1; 5.16; .13; .17

Available Utilities: ☐ Public water ☐ Private well
☐ Public MSD Sewer ☐ Private septic

B. Zoning Classification

Current zoning district(s): R-1; R-2

Requested zoning district(s)*: CS

*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

Justice Ridge Farm, LLC
Company/Corporate Name (if applicable)
Myron Gottfried
Applicant’s Name
215 Justice Ridge Rd
Mailing Address
Candler, NC 28715
City, State, and Zip Code
(828) 667-0666 ext 300
Telephone
business@thefaramevents.com
Email

Property Owner Contact Information (If different)

Owner’s Name
Mailing Address
City, State, and Zip Code
(______) __________________________
Telephone
Email

OFFICE USE ONLY:

Case Number: ZPH __________________________
Owner’s Affidavit Submitted: ☐ Yes ☐ No
Planning Board Hearing Date: __________________________
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:
   We own 16.37 acres of land that primary access via Justice Ridge Rd. We are requesting a change for 215 Justice Ridge Rd (PIN 86978503150000 and 86978512330000) which consists of 6.16 acres. One side of the property fronts Justice Ridge Rd. The rest of our property is zoned CS. the two parcels are currently zoned R-1 and is where our primary residence was located. Our home was lost due to fire last October. We believe that this change makes sense because our surrounding property is already CS and we no longer live on the property. We are also seeking a change in designation for 1 and 5 Clara Parker Dr, which are currently zoned R-2 (PIN 86978453100000 and 869784153800000 (please 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).
   The properties included in this application are located in the Mixed Use Area 2 of the Comprehensive Plan. As previously stated, 9.61 acres of our property are already zoned CS. Our property is used for events (weddings, primarily) and short term rentals mostly occupied by event guests. Including the proposed designation changes in this application, our property is well below the 16-24 units per acre outlined in the General Residential Density Section of the Plan. We have a total of seven (7) units on 16.07 acres. Our property is already serviced by public water and sewer which (please 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.
   We believe that our request is reasonable because the majority of our property is already zoned CS. Additionally, our property has been used as an event space since 2003. Existing neighbors will not be impacted because we do not contemplate any changes of the use of our property. The property that fronts Justice Ridge Rd is adjacent to CS zoning already. Finally, we believe that the request to rezone the R-1 parcel to CS is warranted since these tracts are no longer used for our personal residence. No changes for the use of the R-2 properties are contemplated. The R-2 properties are bordered by CS, common area and on R-2. We have a privacy fence that separates our property from our neighbors (see attached photos). The R-2 properties have been a part of our operations since 2017.
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:

... respectively). These properties comprise approximately .30 acre. One (1) and 5 Clara Parker are adjacent to one another. Two sides of the property are zoned CS. We are proposing that the designation to be changed to CS for these two parcels.

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).

...which addresses that section of the Plan. Finally, tangentially supporting the secondary land use, we have had and continue to support the local community by hosting events for the local community. Examples include YMCA leadership events, state and local business associations and year end events for local schools such as proms.
4. Is/are the applicant(s) listed below the owner(s) of the property?  
☐ Yes  ☐ No

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; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

➢ 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.
➢ 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 Applicant

Signature of Applicant

Signature of Applicant

Signature of Applicant

Signature of Applicant

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner

Signature of Owner
**E. CERTIFICATION**

E.1. **Required Information:** Each property owner who is participating in this rezoning application must complete this form. Each owner or group of owners (corporation, LLC, trust, or similar) should provide their information on a separate form. Owners of multiple properties within the rezoning area may use one form to list all affected properties. Use additional forms if necessary.

<table>
<thead>
<tr>
<th>Physical E-911 Address</th>
<th>Street number, name, city, state, zip code. You may verify your E911 Address at <a href="https://discover.buncombecounty.org">https://discover.buncombecounty.org</a></th>
<th>PIN Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 215 Justice Ridge Rd., Candler NC 28715</td>
<td>8697850315000000</td>
<td></td>
</tr>
<tr>
<td>2 215 Justice Ridge Rd., Candler NC 28715</td>
<td>8697851233000000</td>
<td></td>
</tr>
<tr>
<td>3 1 Clara Parker Dr., Candler NC 28715</td>
<td>8697841531000000</td>
<td></td>
</tr>
<tr>
<td>4 5 Clara Parker Dr., Candler NC 28715</td>
<td>8697841538000000</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
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<td>6</td>
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<td>10</td>
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<tr>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### E.12. 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, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning 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>Myron Gottfried</td>
<td>Member Manager</td>
<td>215 Justice Ridge Rd.</td>
<td>828-667-0666</td>
<td><a href="mailto:business@thefarmevents.com">business@thefarmevents.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Candler NC 28715</td>
<td>Ext 300</td>
<td></td>
</tr>
<tr>
<td>Owner Signature:</td>
<td></td>
<td>Applicant/ Designated Representative</td>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td>Signature:</td>
<td>Date:</td>
<td></td>
</tr>
<tr>
<td>Beverly Gottfried</td>
<td>Member</td>
<td>215 Justice Ridge Rd.</td>
<td>828-667-0666</td>
<td><a href="mailto:business@thefarmevents.com">business@thefarmevents.com</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Candler, NC 28715</td>
<td>Ext. 300</td>
<td></td>
</tr>
<tr>
<td>Owner Signature:</td>
<td></td>
<td>Applicant/ Designated Representative</td>
<td>Name: Beverly J. Gottfried</td>
<td>Date: Beverly J. Gottfried</td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td>Signature:</td>
<td>Date:</td>
<td></td>
</tr>
<tr>
<td>Owner Signature:</td>
<td></td>
<td>Applicant/ Designated Representative</td>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td>Signature:</td>
<td>Date:</td>
<td></td>
</tr>
<tr>
<td>Owner Signature:</td>
<td></td>
<td>Applicant/ Designated Representative</td>
<td>Name:</td>
<td></td>
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<tr>
<td>Date:</td>
<td></td>
<td>Signature:</td>
<td>Date:</td>
<td></td>
</tr>
<tr>
<td>Owner Signature:</td>
<td></td>
<td>Applicant/ Designated Representative</td>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td>Signature:</td>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>
Subject Property
Subject Property
Subject Property

ZPH2023-00031
Justice Ridge Farm
Map Amendment

Proposed Zoning Map

Created By: Buncombe Co. Planning
Date: 9/13/2023
ZPH2023-00031
Justice Ridge Farm
Map Amendment

Aerial Map

Created By: Buncombe Co. Planning
Date: 9/13/2023
ZPH2023-00031
Justice Ridge Farm
Map Amendment

Zoning Map

Created By: Buncombe Co. Planning
Date: 9/13/2023

215 Justice Ridge Rd, 1 & 5 Clara Parker Dr
PINs 8697-85-0315, 8697-85-1233, 8697-84-1538, 8697-84-1531
ZPH2023-00031
Justice Ridge Farm
Map Amendment

Topo Map

Created By: Buncombe Co. Planning
Date: 9/13/2023

Subject Property

215 Justice Ridge Rd, 1 & 5 Clara Parker Dr
PINs 8697-85-0315, 8697-85-1233, 8697-84-1538, 8697-84-1531
ZPH2023-00031
Justice Ridge Farm Map Amendment

Hazard Map

Created By: Buncombe Co. Planning
Date: 9/13/2023
## ZONING MAP AMENDMENT

### STAFF ANALYSIS

**Legislative Hearing**

### LOCATION MAP

![Zoning Map](image_url)

### A. CASE

**ZPH2023-00031**

Justice Ridge Farm Rd Rezoning

### B. PROPERTY INFORMATION

- **PIN(s):** 8697-85-0315, 8697-85-1233, and 8697-84-1531, 8697-84-1538
- **Addresses:** 215 and Unaddressed Justice Ridge Rd, and 1 and 5 Clara Parker Dr.
- **Owner(s):** Myron and Beverly Gottfried and Justice Ridge Farm LLC.
- **Acreage:** 6.46 total acres
- **Utilities:** Public water and sewer
- **Access Road:** Justice Ridge Rd. and Clara Parker Dr.

### C. REZONING REQUEST

**Summary:** Myron Gottfried of Justice Ridge Farm LLC has requested to rezone four parcels of land from R-1 and R-2 (Residential) to CS (Commercial Service).

<table>
<thead>
<tr>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 and R-2 Residential</td>
<td>CS – Commercial Service</td>
</tr>
</tbody>
</table>

### 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: 10/6/23</td>
<td>TBD</td>
</tr>
<tr>
<td>Mailed to owners within 1,000 ft: 10/6/23</td>
<td></td>
</tr>
<tr>
<td>Physical posting on site: 10/6/23</td>
<td></td>
</tr>
<tr>
<td>Hearing Date: 10/16/23</td>
<td></td>
</tr>
</tbody>
</table>

### E. STAFF RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

**APPROVAL**

Staff recommends that the rezoning of the four parcels be approved as it conforms to the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, and is currently being used for a commercial use.
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).

<table>
<thead>
<tr>
<th>1. Staff Analysis of spot zoning:</th>
<th>CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>The subject acreage is adjacent to property currently zoned CS. Based on the nature of the request, Staff does not have concerns related to spot zoning.</td>
<td>X</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):</th>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. FLUM CATEGORY DESCRIPTION</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The proposed rezoning is consistent with the Character area description of ‘Mixed Use II’ where this parcel is located.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. WASTEWATER &amp; POTABLE WATER TYPE</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The parcel has access to public water and sewer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. DENSITY</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The proposed zoning district has a maximum density of up to 12 units an acre which is consistent with the Character area recommendations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. PRIMARY AND SECONDARY LAND USES</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PLAN POLICIES AND ACTIONS:</th>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Proximity to Transportation Corridor <em>(Transportation Action 4)</em></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>All parcels are less than 0.5 miles from a major transportation corridor, Smokey Park Highway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Support higher density residential development near job centers and amenities <em>(Transportation Action 4)</em></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The proposed rezoning would increase the amount of residential density allowed in the R-1 zoned parcels (currently allows 10 units/acre) to allow up to 12 units per acre. The parcels to be rezoned from R-2 to CS would have no change in density.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 parcels are currently in use as a Vacation Rental Complex and for an event center.

<table>
<thead>
<tr>
<th>ENVIRONMENTAL:</th>
<th>CONSISTENT</th>
<th>NOT CONSISTENT</th>
</tr>
</thead>
<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>

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.

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 higher Equity Index Rank on the Community Index Map and will be further analyzed in the Equity Analysis Section.

   Equity Analysis is recommended for these parcels.
H. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES – PARCELS -0315 & -1233 (NORTH):
Subject acreage has the following adjacent zonings and uses:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ZONING</th>
<th>ADJACENT USES</th>
<th>CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>OU Open Use</td>
<td>Vacant residential land</td>
<td>X</td>
</tr>
<tr>
<td>EAST</td>
<td>R-1 Residential</td>
<td>Single family residential</td>
<td></td>
</tr>
<tr>
<td>SOUTH</td>
<td>CS Commercial Service</td>
<td>Commercial clubhouse</td>
<td></td>
</tr>
<tr>
<td>WEST</td>
<td>R-1 Residential</td>
<td>Single family residential</td>
<td></td>
</tr>
</tbody>
</table>

2. CURRENT DEVELOPMENT TYPES – PARCELS 1538 & 1531 (SOUTH):
Subject acreage has the following adjacent zonings and uses:

<table>
<thead>
<tr>
<th>DIRECTION</th>
<th>ZONING</th>
<th>ADJACENT USES</th>
<th>CONSISTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>CS Commercial Service</td>
<td>Single family residential / vacation rental complex</td>
<td>X</td>
</tr>
<tr>
<td>EAST</td>
<td>R-2 Residential</td>
<td>Single family common open space</td>
<td></td>
</tr>
<tr>
<td>SOUTH</td>
<td>R-2 Residential</td>
<td>Single family residential</td>
<td></td>
</tr>
<tr>
<td>WEST</td>
<td>CS Commercial Service</td>
<td>Single family residential</td>
<td></td>
</tr>
</tbody>
</table>

3. 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 from R-1 / R-2 to CS will cause an increase in the types and intensity of uses allowed on the properties. However, the property is currently part of an events facility, which is a lower intensity use than what is allowed in the CS zoning district. There will be no transition between the high intensity zoning of CS and the low to medium intensity residential zoning of R-1 and R-2.

4. 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 from residential to commercial and light industrial. The existing uses in the area includes single-family residential and vacation rentals.

5. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:
The proposed rezoning would allow additional uses in the CS district that are not currently allowed in the R-1 or R-2 districts. Examples of uses that would be allowed after the rezoning include multi-family residential, commercial planned unit developments, veterinary clinics, banks, cargo terminals, commercial greenhouses, hotels or motels, manufacturing facilities, restaurants, retail, warehousing, vacation rental complexes, and more.
6. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

<table>
<thead>
<tr>
<th></th>
<th>Existing District:</th>
<th>Proposed District:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-2 Residential</td>
<td>R-1 Residential</td>
</tr>
<tr>
<td>Min. Lot Size</td>
<td>No Public Sewer</td>
<td>30,000 SF</td>
</tr>
<tr>
<td></td>
<td>Public Sewer/No Water</td>
<td>10,000 SF</td>
</tr>
<tr>
<td></td>
<td>Public Water &amp; Sewer</td>
<td>6,000 SF</td>
</tr>
<tr>
<td>Max. dwelling units per acre</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>Setbacks (Front/Side/Rear)</td>
<td>10/7/15 with public sewer</td>
<td>20/10/20 septic system</td>
</tr>
<tr>
<td>Max. height</td>
<td>35 feet</td>
<td></td>
</tr>
</tbody>
</table>

7. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:
The parcels are part of a larger group of properties operating under an existing business on lot PINs 8697-84-1942 and 8697-74-9782. The current use is an event center. The second use is for a vacation rental complex of multiple short term rentals. The business has not received permits to operate the vacation rental complex and requires the rezoning as part of several steps to correct the zoning violation.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1 & R-2

The R-1 District is primarily intended to provide locations for single-family and two-family 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. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.

The R-2 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 – CS

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 tract 25.03, Block 1) that is ranked higher on the Equity Index of the Community Index Map, meaning that it is a potential Equity Opportunity Area (EOA) where BIPOC or other historically disadvantaged communities live or work. The Block group where these parcels are located has the following notable demographics:

- population with no high school diploma is higher than for the zip code
- gross rent as a percent of income is higher than for the zip code
- median household income is 16% lower than for the county average
- % Hispanic or Latino is 15.7% of the population, which is the second highest for the zip code

A rezoning of land does not include a specific development proposal to consider, therefore the Board might consider how all of the types of uses allowed in the proposed district could impact any historically disadvantaged communities within the area.

The Board may also want to consider how rezoning the two single-family homes to Commercial Service may impact the availability of housing and affordability in the area. However, these two homes are currently fenced in within the event facility as a whole and are being used for lodging on the site.

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

References: 

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