ORDINANCE NO. 3921

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT SMOKY PARK HIGHWAY AND SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project provides a mix of uses on an infill site in an appropriate location to be a regional commerce location
b. The proposal includes extensive environmental remediation of a former derelict industrial site (brownfield program)
c. This project includes the re-use of closed landfill for recreational fields
d. The design includes a significant portion of the Hominy Creek Greenway (a portion to be constructed by the developer with the remaining length dedicated in an easement)
e. The design retains and incorporates the historic ENKA clock tower.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9617.34-9076; 9617.32-2081; 9617.43-0440; 9617.52-4184 & -9908; 9617.54-1808; 9617.53-6939; 9617.44-7442 & -9841 from CI (Commercial Industrial), HB (Highway Business) and RS-2 (Residential Single-Family Low Density) to CI-CZ (Commercial Industrial-Conditional Zone) district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of November, 2010.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report.

3. All site lighting must comply with the City's Lighting Ordinance and be equipped with full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

5. The building design, construction materials and orientation on the site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

6. This Project will undergo final review by the TRC prior to issuance of any required permits.

7. This Project will incorporate "share the road" signage on the main entryway bridge and internal roadways.

8. An easement for a greenway (shown as "Future Enka Greenway Trail" on Conceptual Master Plan) will be provided along the portion of Hominy Creek within the Subject Property. The portion of the greenway from the main entryway bridge southwest to the point where it leaves the Subject Property will be constructed (or funding for its construction provided for); final location and other features to be determined pursuant to the Buncombe County Greenway Master Plan.

9. A completed petition for voluntary annexation shall be submitted contemporaneously with the application for construction permit for each phase.

10. Land will be dedicated or otherwise set aside for recreational purposes as shown on the conceptual master plan.

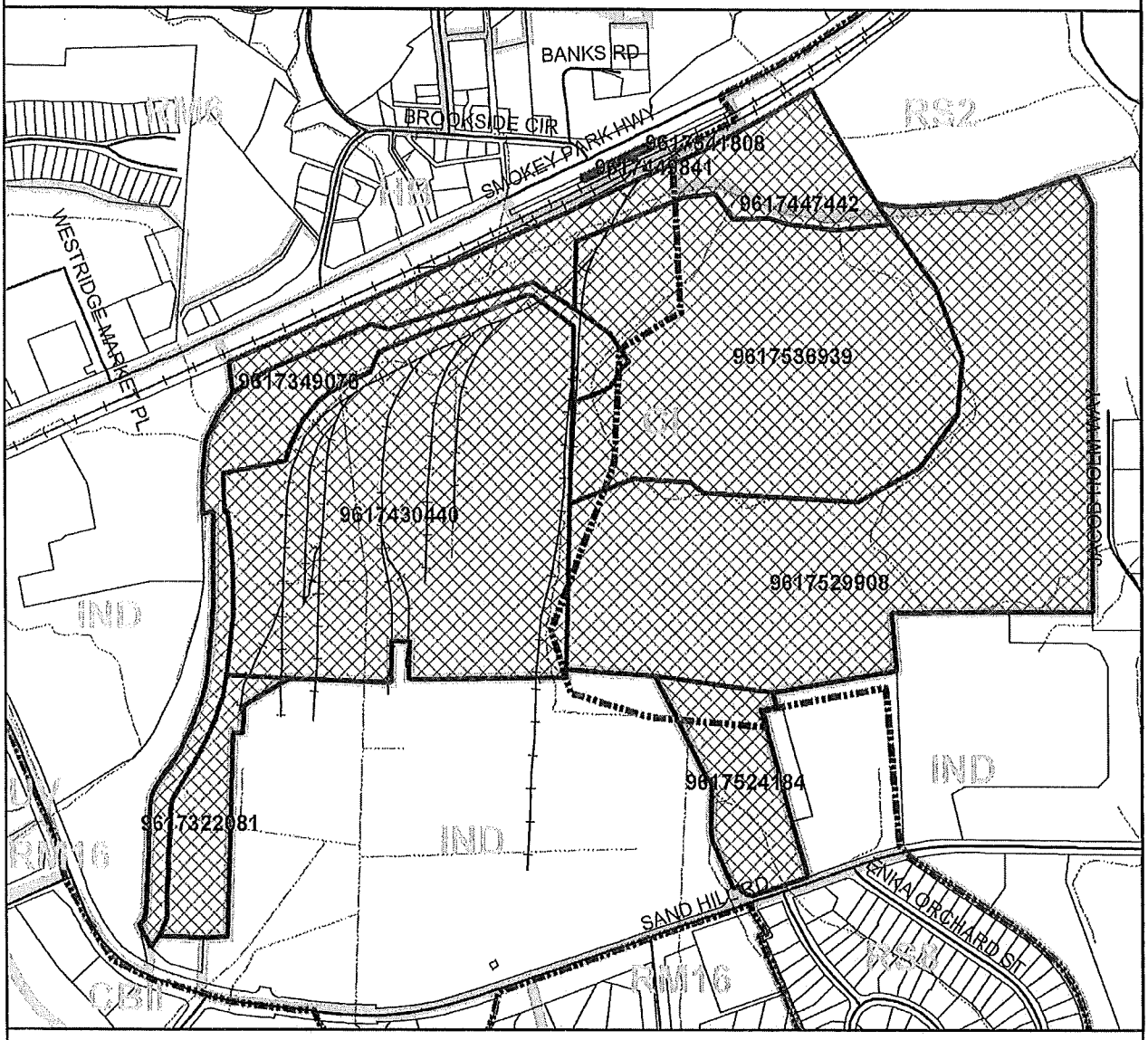
11. The Project shall be developed in substantial compliance with the plans and elevation drawings submitted in support of the application, and incorporated herein by reference. A copy of the Conceptual Master Plan is attached hereto as Exhibit B-2.

MODIFICATIONS

1. Modification to allow parking in required set back is allowed.

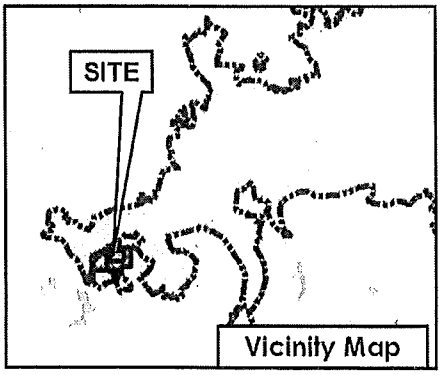
2. Modification to allow bike lanes to be incorporated into wider outside travel lanes on main entryway bridge is allowed.

City of Asheville - Exhibit A Map
Conditional Zoning Petition (CI CZ)



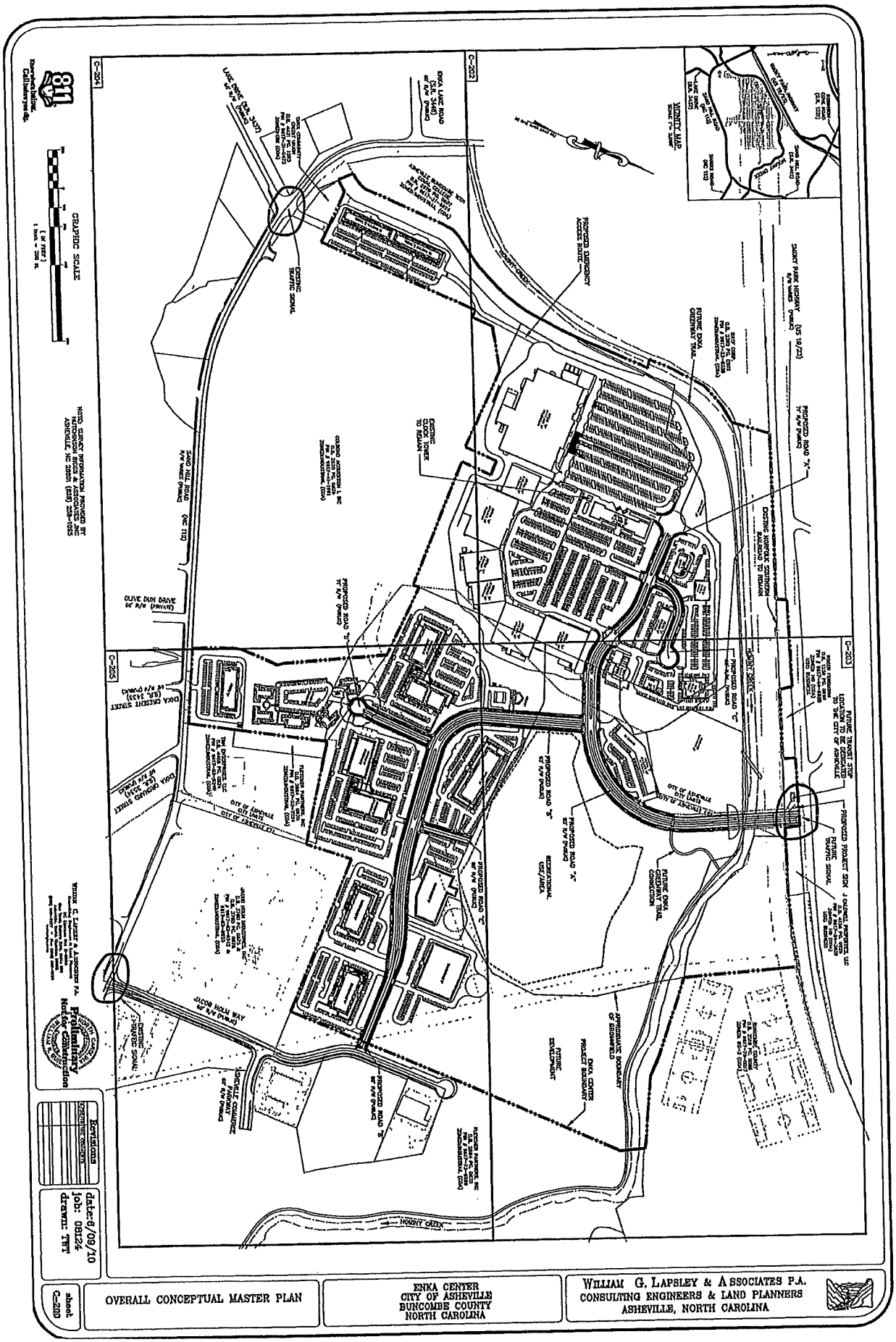
Project Name:	Enka Center
Project Number:	CZ 10 - 51 - 004
Project Description:	Conditional zoning : CI, RS-2 & HB to CI-CZ
Petitioner(s):	Will Buie
Parcel ID Number(s):	9617.34-9076; 9617.32-2081; 9617.43-0440 9617.52-4184 & -9908; 9617.54-1808; 9617.53-6939; 9617.44-7442 & 9841
Location/Address:	Smokey Park Hwy / Sand Hill Rd

Project Site | Zoning Districts | Streets
Parcels | Asheville City Limits | Streams



City of Asheville Planning and Development Department - June 18, 2010

EXHIBIT B-2


OVERALL CONCEPTUAL MASTER PLAN
ENKA CENTER
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
WILLIAM G. LAPSLEY & ASSOCIATES P.A.
CONSULTING ENGINEERS & LAND PLANNERS
ASHEVILLE, NORTH CAROLINA
Preliminary
Not for Construction
Revisions
date: 6/09/10
job: 08124
drawn: TWT
sheet
C-200
GRAPHIC SCALE
1 inch = 300 ft.
ENKA LAKE ROAD
SCENIC HIGHWAY (US 19/23)
PROPOSED ROAD "A"
PROPOSED ROAD "B"
PROPOSED ROAD "C"
PROPOSED ROAD "D"
PROPOSED ROAD "E"
PROPOSED ROAD "F"
PROPOSED ROAD "G"
PROPOSED ROAD "H"
PROPOSED ROAD "I"
PROPOSED ROAD "J"
PROPOSED ROAD "K"
PROPOSED ROAD "L"
PROPOSED ROAD "M"
PROPOSED ROAD "N"
PROPOSED ROAD "O"
PROPOSED ROAD "P"
PROPOSED ROAD "Q"
PROPOSED ROAD "R"
PROPOSED ROAD "S"
PROPOSED ROAD "T"
PROPOSED ROAD "U"
PROPOSED ROAD "V"
PROPOSED ROAD "W"
PROPOSED ROAD "X"
PROPOSED ROAD "Y"
PROPOSED ROAD "Z"
PROPOSED PROJECT SIGN
EXISTING TRAFFIC SIGNAL
PROPOSED TRAFFIC SIGNAL
FUTURE TRAFFIC SIGNAL
PROPOSED EMERGENCY ACCESS ROADWAY
EXISTING ROADWAY TO REMAIN
EXISTING ROADWAY TO BE REMOVED
PROPOSED GREENWAY TRAIL
FUTURE GREENWAY TRAIL
RECREATIONAL USE AREA
FUTURE ENKA CONDOMINIUM
FUTURE DEVELOPMENT
ENKA CENTER PROJECT BOUNDARY
APPROXIMATE BOUNDARY OF GROUNDFIELD
HORNY CREEK
C-201
C-202
C-203
C-204
C-205