THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: June 13, 2023

Subject: Inter-Local Agreement between the City of Asheville and the County of Buncombe regarding the zoning jurisdiction for a parcel at 1310 Fanning Bridge Road

Staff Resources: Chris Collins, AICP, Planning & Development Manager;
Ben Woody, AICP, Assistant City Manager/Interim Planning Director
Mark Matheny, Interim Development Services Director

Action Requested: Adoption of a resolution authorizing the City Manager to execute an Interlocal Agreement with Buncombe County for zoning review of 1310 Fanning Bridge Road.

Background:

- The parcel known as 1310 Fanning Bridge Road is within the City limits of Asheville.
- In 2012, this parcel was owned by the Airport and then removed from the City's zoning jurisdiction by the North Carolina General Assembly.
- The parcel currently exists partially within the City of Asheville's zoning jurisdiction and partially within Buncombe County's zoning jurisdiction.
- In accordance with GS §160D-203 and § 160A-461, local governments may, by mutual agreement and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under Chapter 160D of the North Carolina General Statutes for the entire parcel to any one of those local governments when a parcel of land lies within the planning and development regulation jurisdiction of more than one local government.
- City and County staff agree that Asheville should have exclusive planning and development regulation jurisdiction for the entire parcel and the landowner has provided its written consent by signing the Inter-Local Agreement.
- The parcel was previously zoned *Industrial* within the city and will retain that zoning designation.

Council Goal(s):

- Improve/Expand Core Services

Committee(s):

- N/A

Pro(s):

- Improves the consistency in application of zoning regulations on a single, combined parcel that exists fully within the City limits of Asheville.

Con(s):

- None

Fiscal Impact:

- This action requires no City resources and has no fiscal impact.

Staff Recommendation:

- Staff recommends approval of the Resolution authorizing the City Manager to execute an Interlocal Agreement with Buncombe County for zoning review of 1310 Fanning Bridge Road.

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to execute an Interlocal Agreement with Buncombe County for zoning review of 1310 Fanning Bridge Road as creates consistent application of zoning regulations within the City limits of Asheville.

Attachment(s)

- Resolution
- Draft Interlocal Agreement

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE REGARDING A PARCEL IN SPLIT JURISDICTION ON FANNING BRIDGE ROAD

WHEREAS, Minkles, LLC has owned a 25.09 acre property at 1310 Fanning Bridge Road since 2002; and

WHEREAS, this 25.09 acres is in the Asheville city limits and subject to Asheville planning and zoning regulations; and

WHEREAS, Minkles is planning to expand its operations at the facility and purchased an adjacent 2.91 acre parcel in 2022 which has been combined with the remaining Minkles property by recombination plat recorded in Plat Book 230, Page 36 Buncombe County Registry; and

WHEREAS, the 2.91 acre parcel is subject to Buncombe County planning and zoning regulations although it is in the city limits of Asheville due to Session Law 2012-121; and

WHEREAS, direct access to the 2.91 acres is exclusively within the City limits; and

WHEREAS, the Parties are authorized to execute and enter into this Interlocal Agreement pursuant to GS. §160D-203 and § 160A-461; and

WHEREAS, Minkles, as landowner, has provided its written consent for the City of Asheville to have exclusive planning and development regulation jurisdiction for the entire parcel; and

WHEREAS, the the City Council is of the opinion that it is in the best interest of the parties involved to enter into this Interlocal Agreement with Buncombe County;

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

The City Manager is hereby authorized to execute the attached Inter-Local Agreement between the City of Asheville and the County of Buncombe.

Read, approved and adopted this the 13th day of June, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney