

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00054
 PROPOSED ZONING CHANGE : R-3 and CS to CS
 LOCATION : Brevard Road
 PIN : 9635.08.1175
 ACREAGE : 42.60 acres

APPLICANT/OWNER: BILTMORE FARMS INC
 PO BOX 5355
 ASHEVILLE, NC 28813

DEPARTMENT RECOMMENDATION: **APPROVAL**

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING ANALYSIS: The applicant requests the rezoning of approximately 42.60 acres from R-3 (Residential District) and CS (Commercial Service District) to CS (Commercial Service District). The subject property is located on the east side of Brevard Road, to the north of the intersection of Brevard Road and the Blue Ridge Parkway. The property also contains a small portion of the Blue Ridge Parkway Overlay. The property is currently undeveloped. To the east, the property is adjacent to property within the City of Asheville zoned for industrial uses, owned by Henderson County. Additionally, the subject property surrounds Bent Creek Baptist Church. There is an established commercial corridor along Brevard Road to the north of the subject property.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Reasonable proximity to a transportation corridor
- Reasonable proximity to public utilities
- Outside of high elevations.
- Separated from low-density residential uses

Therefore, the proposed map amendment would be suitable for commercial development as indicated on the suitability matrix within the update.

The subject property is adjacent to property zoned for industrial development, the property is partially zoned CS, and there is an established commercial corridor along Brevard Road. The proposed CS zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent

with the surrounding properties and supported by the Buncombe County Land Use Plan. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

CONSISTENT: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Reasonable proximity to a transportation corridor
- Reasonable proximity to public utilities
- Outside of high elevations.
- Separated from low-density residential uses

Therefore, the proposed map amendment would be suitable for commercial development as indicated on the suitability matrix within the update. As the property is partially zoned CS and is near an established commercial corridor on Brevard Road, the proposed map amendment is appropriate and is therefore reasonable and in the interest of the public.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Not outside of steep slope areas
- Not outside of moderate and high slope stability hazards
- Not outside of flood hazard areas

Therefore, the proposed map amendment would not be suitable for commercial development as indicated on the suitability matrix within the update. As the property is adjacent to property zoned for low density residential uses, the proposed CS zoning would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding area. Therefore, the requested zoning would not be reasonable and in the interest of the public.