

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00028 and ZPH2014-00029
PROPOSED ZONING CHANGE : EMP TO PS
LOCATION : 1245 Sand Hill Road and Jacob Holm Way
PINs : 9617-82-1692 and 9617-72-4466
ACREAGE : 24.43acres

APPLICANTS/OWNERS: Tony Baldwin
The Buncombe County Board of Education
175 Bingham Road
Asheville, NC 28806

Josh O’Conner
Buncombe County Zoning Administrator
46 Valley Street
Asheville, NC 28801

City of Asheville
PO Box 7148
Asheville, NC 28802

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 SUMMARY: The applicants are requesting rezoning of 24.43 acres from EMP (Employment District) to PS (Public Service District). The subject property is located on the north side of Sand Hill Road, within the Fletcher Partners Industrial Park. The properties are currently undeveloped. The surrounding area is comprised of tracts of undeveloped land, residential development, and commercial uses within the existing industrial park. The area surrounding the subject property within the park is zoned EMP, and while it does not border property zoned PS, the subject property is a large enough tract of land that a classification as a spot zoning would be unlikely.

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:

- Has reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor

Therefore, the proposed map amendment would be suitable for public service or institutional development as indicated on the suitability matrix within the update.

The subject property is within an established industrial park with existing infrastructure, has access to public utilities and a major transportation corridor and would not be considered a spot zoning given the size of the tract. The proposed PS zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with 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 show the following regarding the subject property:

- Has reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor

Therefore, the proposed map amendment would be suitable for public institutional development as indicated on the suitability matrix within the update. The proposed PS zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be reasonable and in the interest of the public.

NOT CONSISTENT: The proposed map amendment is not 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:

- Not outside of slopes greater than 25% slope
- Not outside of areas of high or moderate slope stability hazards

Therefore, the proposed map amendment would not be suitable for public institutional development as indicated on the suitability matrix within the update. The subject property is not adjacent to property zoned PS, and is near residentially developed property. Therefore the requested map amendment is not reasonable and in the interest of the public.