

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00056 and ZPH2014-00058
PROPOSED ZONING CHANGE : R-3 TO EMP
LOCATION : MONTICELLO ROAD
PIN : 9733.60.4909, 9733.60.9546, 9733.61.5435, AND
: 9733711175
ACREAGE : 31.17 acres

APPLICANT/OWNER: DON K ROBERTS, TRUSTEE
DON L ROBERST ESTATE
285 LONGS CHAPLE ROAD
WEAVERVILLE, NC 28787

HMVHN-3VHM LLC
521 E MOREHEAD STREET SUITE 400
CHARLOTTEE, NC 28202

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 31.17 acres from R-3 (Residential District) to EMP (Employment District). The subject property is located on the west side of Monticello Road to the south of the intersection of Monticello Road and Weaverville Highway. The property currently contains a single family home and undeveloped property. The subject property is adjacent to commercial development along Weaverville Hwy and at the intersection of Monticello Road and Weaverville Highway. Additionally, portions of the property were previously commercially zoned while they were within the Town of Weaverville's jurisdiction.

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
- Outside of flood hazard areas

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

The proposed EMP 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 show the following regarding the subject property:

- Reasonable proximity to a transportation corridor
- Outside of flood hazard areas

Therefore, the property would be suitable for commercial development as indicated on the suitability matrix within the update. As the property is near an established commercial development, 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

Therefore, the property 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 residential uses, the proposed EMP 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.