

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00070
 PROPOSED ZONING CHANGE : CS to R3
 LOCATION : 111 FRANKLIN ROAD
 PIN : 9689-50-7662

APPLICANT/OWNER: Eugene and Phyllis Dodd
 440 Patton Cove Road
 Swannanoa, NC 28778

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 is requesting the rezoning from CS (Commercial Service District) to R3 (Residential District). The subject property is located on Franklin Road, to the north of the intersection of US 70 Hwy and Franklin Road. The property is currently vacant. The subject property borders residential property zoned R-3 to the north and, vacant property zoned commercial to the west and developed commercial property to the south and east.

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:

- The property is located within reasonable proximity to a transportation corridor
- The property is located outside of high elevations (2,500' +)
- The property is located within reasonable proximity to infrastructure (combined water/sewer service area)
- The property is located outside of flood hazard areas

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher intensity residential uses allowed in R-3 have proximity to infrastructure, proximity to a designated transportation corridor, be located outside of the flood hazard area, and be located outside higher elevation, the proposed map amendment could be appropriate. It would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. 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:

- The property is located within reasonable proximity to a transportation corridor
- The property is located outside of high elevations (2,500' +)
- The property is located within reasonable proximity to infrastructure (combined water/sewer service area)
- The property is located outside of flood hazard areas

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher intensity residential uses allowed in R-3 have proximity to infrastructure, proximity to a designated transportation corridor, be located outside of the flood hazard area, and be located outside high elevation, the proposed map amendment could be appropriate. It would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore, the requested zoning would be **reasonable and in the public interest**.

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 show the following regarding the subject property:

- The property is located within reasonable proximity to a transportation corridor
- The property is located outside of high elevations (2,500' +)
- The property is located within reasonable proximity to infrastructure (combined water/sewer service area)
- The property is located outside of flood hazard areas

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that commercial development allowed within the CS zoning district have proximity to infrastructure, proximity to a designated transportation corridor, be located outside of the flood hazard area, and located outside higher elevations, the proposed map amendment would not be appropriate. It would also be detrimental to the owners, adjacent neighbors, and surrounding community as it is not consistent with the surrounding commercial properties. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.