

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00068  
 PROPOSED ZONING CHANGE : R-3 to CS  
 LOCATION : North Ridge Commons Parkway  
 PIN : 9732.78.9228

APPLICANT/OWNER: JOHN KILBY  
 164 NEIGHBORLY DRIVE  
 LAKE LURE, NC 28746

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 R-3 (Residential District) to CS (Commercial Service District). The subject property is located at the end of North Ridge Commons Parkway. The property is currently vacant and undeveloped. The property borders Future I-26 to the east, large tracts of residential property (zoned R-3) to the south and west. To the north is land within the North Ridge Commons shopping center zoned C-2 (General Business District) and I-1 (Light Industrial District) by the town of Weaverville.

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:

- A portion of the property is greater than 25% slope
- The property is located outside of high elevations (2,500'+)
- A portion of the property contain areas of moderate and high slope stability hazards

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that the commercial uses allowed in CS be outside high elevations, outside areas with steep slopes (only a portion of the property lies within an area with a slope greater than 25% ), and outside areas of moderate and high slope stability (only of portion of the property lies within this area) the property could be suitable for commercial development. Additionally, although not within the mapped reasonable proximity to a transportation corridor, the property is only approximately 1000 feet from such a corridor and although not within the mapped reasonable proximity to combined water and sewer service, the property is only approximately 400 feet from such service. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and the surrounding community as it is consistent with the surrounding properties, given it is accessed through an existing commercial shopping center and is bordered on one side by Future I-26 and on another side by commercial property within the

Town of Weaverville. 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:

- A portion of the property is greater than 25% slope
- The property is located outside of high elevations (2,500'+)
- A portion of the property contain areas of moderate and high slope stability hazards

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that the commercial uses allowed in CS be outside high elevations, outside areas with steep slopes (only a portion of the property lies within an area with a slope greater than 25% ), and outside areas of moderate and high slope stability (only of portion of the property lies within this area) the property could be suitable for commercial development. Additionally, although not within the mapped reasonable proximity to a transportation corridor, the property is only approximately 1000 feet from such a corridor and although not within the mapped reasonable proximity to combined water and sewer service, the property is only approximately 400 feet from such service. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and the surrounding community as it is consistent with the surrounding properties, given the property is accessed through an existing commercial shopping center and is bordered on one side by Future I-26 and on another side by commercial property within the Town of Weaverville. 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 not located within reasonable proximity to a transportation corridor
- The property is not located within reasonable proximity to infrastructure (combined water/sewer service area)
- The property is not located outside of flood hazard areas
- The property is adjacent to existing lower-density residential uses

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update, recommends that the commercial uses be located within reasonable proximity to a transportation corridor, be located within reasonable proximity to infrastructure (combined water/sewer service area), be located outside of flood hazard areas, and not be located adjacent to existing lower-density residential use, it would not be suitable for the proposed CS zoning or commercial development. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.