

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2015-000001  
 PROPOSED ZONING CHANGE : CS TO R-3  
 LOCATION : 12 AVERY WOOD DRIVE  
 PINS : 9699.11.2699 AND 9699.21.5507  
 APPLICANT : MACK PADGETT  
 OWNER : MACK PADGETT

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 located requesting the rezoning of two parcels totaling 8.0 acres from CS (Commercial Service District) to R-3 (Residential District). The subject properties are located on US Highway 70, to the east of the intersection of Whitson Avenue and US Highway 70. The properties currently contain several mobile homes and some storage buildings. The northern property lines are bordered by the Swannanoa River. The area is characterized by commercial and industrial development along US Highway 70, with Interstate 40 located to the south, and residential development located to the north.

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 area is completely within a flood hazard area.
- The subject property contains a small amount of area above 25% slope.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that commercial and industrial uses be located outside flood hazard areas and areas above 25% slope. Additionally rezoning the parcels to R-3 would decrease the allowed density on the property and eliminate outside storage as a use which can be an issue within flood hazard areas during a flood event. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it reduces the potential intensity of development within a flood hazard area. 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:

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**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 area has reasonable proximity to public utilities
- The area has reasonable proximity to a transportation corridor.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that commercial uses allowed in the CS zoning district have reasonable proximity to public utilities and reasonable proximity to a transportation corridor. Therefore the proposed map amendment would not be consistent as the subject property is located in an area appropriate for commercial development and US Highway 70 is characterized by commercial development. Therefore, the requested zoning would **not be reasonable and in the public interest**.