

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00082
 PROPOSED ZONING CHANGE : R-3 TO CS
 LOCATION : 31 MONTICELLO ROAD
 PINS : A PORTION OF 9743-13-7520

APPLICANT: BRUCE C JONES FOR ADA F GIBBS ESTATE

OWNER: RUDENA G LIGON
 1121 OAKLAND ROAD
 FOREST CITY, NC 28403

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 of approximately 2.67 acres of a parcel from R-3 (Residential District) to CS (Commercial Service District). The subject property is located on the north side of Monticello Road near its intersection with I-26. The property is currently vacant. The area is characterized by residential development to the north with commercial development zoned R-3 and CS along Monticello Road.

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 within a transportation corridor.
- The property is not within high elevations (2,500'+).
- The property is not within a flood hazard area.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the commercial uses allowed in the CS zoning district be within a transportation corridor, located outside of the flood hazard area, and outside high elevations. Therefore, the proposed map amendment could be appropriate. Additionally, the property is near a commercial area adjacent to I-26. The proposed map amendment 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 within a transportation corridor.
- The property is not within high elevations (2,500' +).
- The property is not within a flood hazard area.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the commercial uses allowed in the CS zoning district be within a transportation corridor, located outside of the flood hazard area, and outside high elevations. Therefore, the proposed map amendment could be appropriate. Additionally, the property is near a commercial area adjacent to I-26. The proposed map amendment 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 does not have reasonable proximity to infrastructure (combined water/sewer service area).
- The property is adjacent to lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends commercial uses allowed in the CS zoning district have proximity to infrastructure, be outside moderate and high slope stability hazards, and be separated from low density residential uses, 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 residential properties. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.