

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00009 AND ZPH2015-00012  
PROPOSED ZONING CHANGE : R-3 to CS  
LOCATION : 2700 US Hwy 70  
PIN : 9699-70-0426 (ZPH2015-00009)  
: 9699-60-0264 (ZPH2015-00009)  
: 9699-60-8454 (ZPH2015-00012)

APPLICANTS: ZACH PENLAND (ZPH2015-00009)  
2700 US HWY 70  
SWANNANOVA, NC 28778

DEBBIE TRUEMPY (ZPH2015-00012)  
BUNCOMBE COUNTY ZONING ADMINSTRATOR  
46 VALLEY STREET  
ASHEVILLE, NC 28801

OWNERS: GERALD PENLAND (ZPH2015-00009)  
PO BOX 691  
SWANNANOVA, NC 28778

CHARLES MCGUINN AND GERALD PENLAND (ZPH2015-00009)  
PO BOX 835  
SWANNANOVA, NC 28778

DEMETRE AND DEBORAH THEODOSSIS (ZPH2015-00012)  
1100 MCMINN ROAD  
HENDERSONVILLE, NC 28792

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 applicants are requesting to rezone property from R-3 (Residential District) to CS (Commercial Service District). The subject properties are located on the north and south sides of US Hwy 70 near the intersections of US Hwy 70 and Tanglewood Park Drive and Us Hwy 70 and Old Lytle Cove Road. Two of the lots currently contain commercial buildings while one of the tracts is undeveloped. The surrounding area is characterized by commercial uses, manufactured home parks, and some undeveloped area. The area along US Hwy 70 consists of properties zoned EMP (Employment District) and CS, with some areas zoned R-3.

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 close proximity to a transportation corridor.
- The property is within reasonable proximity to infrastructure (combined water/sewer service area).

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the type of commercial developments allowed in the CS zoning district be located within close proximity to a transportation corridor within reasonable proximity to infrastructure the proposed map amendment could be appropriate. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties, adjacent to the CS zoning district, 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 Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends the following in regard to the constraints mapped within the Land Use Plan Maps:

- The property is within close proximity to a transportation corridor.
- The property is within reasonable proximity to infrastructure (combined water/sewer service area).

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the type of commercial developments allowed in the CS zoning district be located within close proximity to public utilities and within reasonable proximity to infrastructure the proposed map amendment could be appropriate. The proposed CS zoning would not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties, adjacent to a CS zoning, and supported by the Buncombe County Land Use Plan. 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 Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends the following in regard to the constraints mapped within the Land Use Plan Maps:

- The property is not located outside of moderate and high slope stability hazards.
- The property is not located outside the flood hazard areas.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the type of commercial developments allowed in the CS zoning district be located outside of areas of moderate and high slope stability hazard and not located outside the flood hazard area. The proposed rezoning would therefore not be appropriate. The proposed CS zoning would be detrimental to the owners, adjacent neighbors, and surrounding community as it is not consistent with the surrounding properties and supported by the Buncombe County Land Use Plan. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.