

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00014
 PROPOSED ZONING CHANGE : R-2 to CS
 LOCATION : US Hwy 70
 PIN : A Portion of 9678.78.0100 and all of 9678.68.9411

OWNER Margaret and Everett Mills (9678.68.9411)
 804 North Graycroft Avenue
 Madison, TN 37115

Lucy and Everette Mills (9678.78.0100)
 804 North Gracroft Avenue
 Madison, TN 37115

APPLICANT Thomas Montgomery
 293 Fairview Road
 Asheville, NC 28803

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 a portion of two parcels totaling 7.9 acres from R-2 (Residential District) to CS (Commercial Service). The subject property is located on the north side of US Hwy 70 to the east of the intersection of Sylvester Way and US Hwy 70. The subject property is mostly undeveloped with one single family home on the property. While the area surrounding the subject property is characterized by undeveloped land and residential development, commercial development does exist along US Hwy 70. Additionally, the applicant has revised their application from the original submittal not to include the northernmost portion of the property, which contains the greatest amount of land over 25% slope. The surrounding area is characterized by commercial zoning concentrated along US Hwy 70 (CS and EMP (Employment District)) with residential zoning [(R-1 (Single Family Residential District), R-2 and R-3 (Residential District))] in the surrounding areas.

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 commercial development 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, across US 70 from CS zoning, 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 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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- The property is within reasonable proximity to infrastructure (combined water/sewer service area).

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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 property contains areas of high and moderate hazards on the slope stability index map.
- The property contains areas of slope greater than 25%.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that commercial development be located outside areas of high and moderate hazard on the slope stability index map and areas of slope greater than 25%. Therefore, the proposed map amendment would 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 development pattern in the area, the subject property contains environmentally sensitive areas that could be inappropriate for commercial development, and the proposed zoning is not supported by the Buncombe County Land Use Plan. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.