

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBERS : ZPH2015-00023 AND ZPH2015-00008
PROPOSED ZONING CHANGE : R-LD to R-2
LOCATION : AVERYS CREEK ROAD
PINs : A PORTION OF 9634-14-6580 (ZPH2015-00023)
AND 9634-23-4768 (ZPH2015-00008)

APPLICANTS: AVERY’S CREEK, LLC (ZPH2015-00023)
106 WILLIAMS ROAD
FLETCHER, NC 28232

ZONING ADMINSTRATOR (ZPH2015-00008)

OWNERS: CLIFFS RIDGE, LLC (ZPH2015-00023)
ATTN: MR. FREDERICK B. SPIEGEL
21 PALM AVENUE
MIAMI BEACH, FL 33139
This owner has ownership of the portion of the PIN not under rezoning application.

AVERY’S CREEK, LLC (ZPH2015-00023)
ATTN: MR. FREDERICK B. SPIEGEL
21 PALM AVENUE
MIAMI BEACH, FL 33139
This owner has purchased the portion of the property under rezoning application, and has quit-claimed the property listed under ZPH2015-00008 which remains listed in the below owner’s name.

LONGVIEW LAND COMPANY (ZPH2015-00008)
PO BOX 1549
TRAVELERS REST, SC 29690

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 the rezoning of 34.7 acres from R-LD (Low-Density Residential District) to R-2 (Residential District). The property is currently undeveloped. The property is located on the North side of Avery Creek Road. To the East is industrial development zoned EMP (Employment District). To the North is property within the Cliffs at Walnut Cove zoned R-LD and OU (Open Use District). To the West are vacant and residential tracts zoned R-2 and R-LD.

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 has reasonable proximity to public utilities.
- The property does not contain high elevations (2,500'+).
- The majority of the property does not contain areas of slope greater than 25%.
- The majority of the property is outside areas of high and moderate hazards on the landslide stability index map.
- The property is outside of flood hazard areas.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district have proximity to public utilities, be outside flood hazard areas, be outside high and moderate hazards on the landslide stability index map, and be outside high elevations. 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. 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 area has reasonable proximity to public utilities.
- The property does not contain high elevations (2,500'+).
- The majority of the property does not contain areas of slope greater than 25%.
- The majority of the property is outside areas of high and moderate hazards on the landslide stability index map.
- The property is outside of flood hazard areas.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district have proximity to public utilities, be outside flood hazard areas, be outside high and moderate hazards on the landslide stability index map, and be outside high elevations. 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. 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 within reasonable proximity to a transportation corridor.
- The property contains a small area of slope greater than 25%.
- The property contains a small area of high and moderate hazards on the landslide stability index map.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district be located outside slopes greater than 25%, moderate and high slope stability hazards, and within reasonable proximity to a transportation corridor. The proposed map amendment would be detrimental to the owners, adjacent neighbors, and surrounding community. Therefore, the requested zoning would **not be reasonable and in the public interest**.