

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2016-00010
 PROPOSED ZONING CHANGE : R-1 TO R-2
 LOCATION : 85 PINEY MOUNTAIN DRIVE
 PIN(s) : 9659.20.1099; 9658.29.2204

APPLICANT : ARLINGTON PROPERTIES, INC

OWNERS : JOLERD & FRANCES GENTILE, PAMELA
 SIMONS, ASHLEY SCOTT PROPERTIES

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 two (2) parcels comprising approximately 29.05 acres (Gentile property) and 9.83 (Ashley Scott property) from R-1 (Residential District) to R-2 (Residential District). The subject properties are contiguous and located along Piney Mountain Drive. The Gentile property, located at 85 Piney Mountain Drive, contains an existing single-family residence while the Ashley Scott property to the south is currently vacant and unaddressed. Both properties have direct road frontage along Piney Mountain Drive which is maintained by the North Carolina Department of Transportation (NCDOT). Properties to the north of the Gentile property contain single-family residences and a church zoned R-1 while property to the south of the Ashley Scott property contains an existing condominium complex, is located in the City of Asheville and zoned RM-6 which is a multi-family district. Both properties are bordered by the I-240 interstate corridor and Piney Mountain Drive to the west (located in the City of Asheville, and not zoned). To the east, a portion of the Gentile property is bordered by a stretch of vacant parcels zoned R-1 and separated by a steep ridge line. The Gentile property contains roughly 10 acres of land that is located in the steep slope and protected ridge overlays and is situated within the northeast quadrant of the property. Approximately half of the bordering property to the east of the southern portion of the Gentile property and all of the Ashley Scott property is located in the City of Asheville and zoned RS-2 and RM-6. Both of the subject properties were located in the now defunct City of Asheville Extra-Territorial jurisdiction (ETJ).

The applicant is planning to construct an apartment complex on the Gentile property. This use would be reviewed as a separate conditional use permit (CUP) application by the Board of Adjustment if the rezoning request to R-2 is approved by the Board of Commissioners. The applicant has proposed to cluster development along Piney Mountain Drive thereby preserving the more environmentally sensitive areas (steeper sloped property and preservation of all property located the steep slope and protected ridge overlays) of the property.

The proposed map amendment is consistent with Section 78-640(c) Residential District (R-2) of the Zoning Ordinance of Buncombe County which states that the R-2 residential district is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. The Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update illustrate the following conclusions regarding the subject property:

- The subject properties are not directly adjacent to a transportation corridor but are directly accessed by Piney Mountain Road (an NCDOT maintained road), and located within 1/4 mile of Tunnel Road/US 70 which is a transportation corridor and an NCDOT maintained road.
- The subject properties are located within the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps and nearby multi-family developed properties to the north (Bella Vista Retirement Living) and south (Pine Cliff Condominiums) are served by both public water and sewer.
- The subject properties are primarily located in areas identified as steep slope (greater than 25%) with smaller pockets along Piney Mountain Road that are located outside of this designation. However, and as mentioned above, only a 10 acre section of the Gentile property is located in the steep slope and protected ridge overlays.
- The eastern perimeter of the Gentile property along the ridge line and a small portion of the Ashley Scott property confined to the northeast corner is located in an area containing high elevations (greater than 2,500 feet), pockets of moderate to high slope stability hazard area are located along the upslope of the ridge but taper off along the ridge line area.
- The subject property is **not** located within a FEMA Flood Hazard Area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies infill/higher density development as “suggested” within reasonable proximity to major transportation corridors and “highly suggested” within combined water/sewer service areas. The Plan “highly suggests” that higher density development be located outside of steep slope areas (greater than 25%) and outside of high elevations (greater than 2,500 feet). Future development plans propose to cluster development along Piney Mountain Drive as mentioned above thereby limiting the development impact within the most environmentally sensitive portions of the property. Further, the plan “highly suggests” that mixed use development be located outside of slope stability and flood hazard areas and “highly suggests” that this type of development be located outside of steep slope areas. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update. The subject properties were part of the now defunct City of Asheville ETJ and are within close proximity to multi-family developed properties located in the City of Asheville. The Belle Vista Retirement multi-family development to the north was reviewed by the City of Asheville as a conditional zoning request when the property was located in the ETJ and later voluntarily annexed by the City around 2010-2011. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding multi-family zoned properties (located within the City) and is readily accessed by an NCDOT maintained road that is within close proximity to the City of Asheville and a major transportation corridor – Tunnel Road (US 70) and can be served by public utilities (water/sewer).

LAND USE PLAN CONSISTENCY STATEMENTS

Consistent: The proposed map amendment is consistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject properties are not directly adjacent to a transportation corridor but is directly accessed by Piney Mountain Road (an NCDOT maintained road), and is located within 1/4 mile of Tunnel Road/US 70 which is a transportation corridor and an NCDOT maintained road.
- The subject properties are located within the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps and nearby multi-family developed properties to the north (Bella Vista Retirement Living) and south (Pine Cliff Condominiums) are served by both public water and sewer.
- The subject properties are primarily located in areas identified as steep slope (greater than 25%) with smaller pockets along Piney Mountain Road that are located outside of this designation. As mentioned above, a 10 acre section of the Gentile property is located in the steep slope and protected ridge overlays.
- The eastern perimeter of the Gentile property along the ridge line and a small portion of the Ashley Scott property confined to the northeast corner is located in an area containing high elevations (greater than 2,500 feet), pockets of moderate to high slope stability hazard area are located along the upslope of the ridge but taper off along the ridge line area.
- The subject property is **not** located within a FEMA Flood Hazard Area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies infill/higher density development as “suggested” within reasonable proximity to major transportation corridors and “highly suggested” within combined water/sewer service areas. The Plan “highly suggests” that higher density development be located outside of steep slope areas (greater than 25%) and outside of high elevations (greater than 2,500 feet). Future development plans propose to cluster development along Piney Mountain Drive as mentioned above thereby limiting the development impact within the most environmentally sensitive portions of the property. Further, the plan “highly suggests” that mixed use development be located outside of slope stability and flood hazard areas and “highly suggests” that this type of development be located outside of steep slope areas. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update. The subject properties were part of the now defunct City of Asheville ETJ and are within close proximity to multi-family developed properties located in the City of Asheville. The Belle Vista Retirement multi-family development to the north was reviewed by the City of Asheville as a conditional zoning request when the property was located in the ETJ and later voluntarily annexed by the City around 2010-2011. Therefore, the requested zoning would **be reasonable and in the public interest**.

Inconsistent: The proposed map amendment is inconsistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property is technically located outside of an identified transportation corridor.
- The subject property contains areas that are sloped in excess of 25%.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies infill/higher density development as “suggested” within reasonable proximity to a

major transportation corridor and “highly suggested” outside of steep slope areas greater than 25% and high elevation areas of greater than 2500 feet. Therefore the proposed map amendment would be inconsistent as the subject properties are primarily located in areas containing slopes of greater than 25%. Therefore, the requested zoning would **not be reasonable and in the public interest.**