

**BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS**

CASE NUMBER : ZPH2016-00031
 PROPOSED ZONING CHANGE : R-3 TO CS
 LOCATION : 30 COLE RD & ADJACENT LOT
 PIN(s) : 9743-24-5707; 9743-24-8619

APPLICANT : GEORGE BOWMAN, RANDY AND SUE
 HINTZ

OWNERS : PROPERTIES ON MAIN LLC

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 3.9 acres (property at intersection of Kennedy Road and Clarks Chapel Road) and 3.72 acres (property located at 30 Cole Road) from R-3 (Residential District) to CS (Commercial Service District). The subject properties are vacant, contiguous parcels and located along Kennedy Road (SR 1734), Clarks Chapel Road (SR 1733) and Cole Road (SR 1820). Both properties have direct road frontage along the aforementioned roads and the roads are maintained by the North Carolina Department of Transportation (NCDOT). The property to the north of the subject parcels contains two single-family homes and is zoned R-3 while property to the south of the subject property contains the Michael Hatch Glass Studio separated by Clarks Chapel Road and is zoned R-3. Property to the east is the controlled access off-ramp for I-26 to Weaverville, maintained by the NCDOT and un-zoned. Properties to the west contain a mix of single-family home types including manufactured homes and are zoned R-3. The subject parcels are located adjacent to the I-26 eastbound interchange to Weaverville and both of the subject properties were located in the now defunct Town of Weaverville Extra-Territorial jurisdiction (ETJ).

The now abolished Weaverville ETJ was similarly zoned R-3 within this area. When Weaverville’s ETJ was still intact, a Conditional Zoning request was approved from R-3 (General Residential District**) to (Conditional Zoning District**) to facilitate the construction of the Michael Hatch Glass Studio on February 24, 2014.¹ The applicants are seeking a rezoning request in order to accommodate similar uses (i.e. pottery studio and landscaping/grading business) within this area west of the I-26 interchange node.

The proposed map amendment is consistent with Section 78-640(f) Commercial Service District (CS) of the Zoning Ordinance of Buncombe County which states that the CS Commercial Service District is

¹ **Town of Weaverville action (prior to abolition of ETJ by NCGA)

primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries to discourage strip commercial development, and to allow for suitable noncommercial land uses. 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 located within close proximity to multiple transportation corridors including Clarks Chapel Road/N Main Street and US 25 (approximately 1 mile) and are adjacent to the I-26 Weaverville interchange.
- The subject properties are located slightly outside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. While sewer service is not currently available on the west side of the interstate, Town of Weaverville water lines are present along Clarks Chapel Road.
- The subject properties are primarily located outside of areas identified as steep slope (greater than 25%); however, the northwest section (along a stream bed) of the subject parcel ending in PIN #5707 and a small amount of perimeter property on the parcel ending in PIN #8619 contain areas of greater than 25% slope, but these areas are likely not suitable for development. Parcel #5707 does contain a large section of developable land along Clarks Chapel Road that once accommodated a manufactured home park (now removed).
- The subject properties are located outside of high elevations greater than 2500 feet.
- A section of property within the area identified above on the parcel ending in PIN #5707 and a small amount of perimeter property on the parcel ending in PIN #8619 are located in areas containing moderate and high slope stability hazards, but as previously described, these areas are likely not suitable for development.
- The subject properties are **not** located within a FEMA Flood Hazard Area.
- Future commercial uses will largely be separated from low-density residential uses. Both parcels contain previously graded areas of flat topography that are conducive for development along existing road corridors while preserving existing vegetation and topographical features that will screen existing and adjacent lower-density residential development.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies moderate commercial development as “highly suggested” within reasonable proximity to major transportation corridors and “highly suggested” within combined water/sewer service areas. The Plan “highly suggests” that moderate commercial development be located outside of steep slope areas (greater than 25%), outside of high elevations (greater than 2,500 feet) and outside of moderate and high slope stability areas. Both properties contain previously graded areas of flat topography along existing road corridors that are conducive for development. Moderate commercial development is suggested outside of flood hazard areas. Further, the Plan “highly suggests” moderate commercial development be separated from low-density residential uses which can be achieved by focusing development on previously disturbed portions of property away from naturally occurring vegetation and topographical features as described above. 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 Town of Weaverville ETJ and are within close proximity to an interstate interchange and the Town of Weaverville. Similar scale development (Michael Hatch Glass Studio) was approved as a conditional zoning request when the property was located in the Weaverville ETJ in 2014. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding commercial development and is readily accessed by multiple NCDOT maintained roads that are within close proximity to an I-26 interstate interchange and the Town of Weaverville, and can be served by public water.

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 located within close proximity to multiple transportation corridors including Clarks Chapel Road/N Main Street and US 25 (approximately 1 mile) and are adjacent to the I-26 Weaverville interchange.
- The subject properties are located slightly outside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. While sewer service is not currently available on the west side of the interstate, Town of Weaverville water lines are present along Clarks Chapel Road.
- The subject properties are primarily located outside of areas identified as steep slope (greater than 25%); however, the northwest section (along a stream bed) of the subject parcel ending in PIN #5707 and a small amount of perimeter property on the parcel ending in PIN #8619 contain areas of greater than 25% slope, but these areas are likely not suitable for development. Parcel #5707 does contain a large section of developable land along Clarks Chapel Road that once accommodated a manufactured home park (now removed).
- The subject properties are located outside of high elevations greater than 2500 feet.
- A section of property within the area identified above on the parcel ending in PIN #5707 and a small amount of perimeter property on the parcel ending in PIN #8619 are located in areas containing moderate and high slope stability hazards, but as previously described, these areas are likely not suitable for development.
- The subject properties are **not** located within a FEMA Flood Hazard Area.
- Future commercial uses will largely be separated from low-density residential uses. Both parcels contain previously graded areas of flat topography that are conducive for development along existing road corridors while preserving existing vegetation and topographical features that will screen existing and adjacent lower-density residential development.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies moderate commercial development as “highly suggested” within reasonable proximity to major transportation corridors and “highly suggested” within combined water/sewer service areas. The Plan “highly suggests” that moderate commercial development be located outside of steep slope areas (greater than 25%), outside of high elevations (greater than 2,500 feet) and outside of moderate and high slope stability areas. Both properties contain previously graded areas of flat topography along existing road corridors that are conducive for development. Moderate commercial development is suggested outside of flood hazard areas. Further, the Plan “highly suggests” moderate commercial development be separated from low-density residential uses which can be achieved by focusing development on previously disturbed portions of property away from naturally occurring vegetation and topographical features as described above. 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 Town of Weaverville ETJ and are within close proximity to an interstate interchange and the Town of Weaverville. Similar scale development (Michael Hatch Glass Studio) was approved as a conditional zoning request when the property was located in the Weaverville ETJ in 2014. 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 not currently served by sewer.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies moderate commercial development as “highly suggested” within reasonable proximity to infrastructure (combined water/sewer service areas). Therefore the proposed map amendment would be inconsistent as the subject properties are located outside of areas served by sewer. Therefore, the requested zoning would **not be reasonable and in the public interest.**