

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

CASE NUMBER : ZPH2017-00032
 PROPOSED ZONING CHANGE : R-1 to PS
 LOCATION : 18 Patton Cemetery Road
 PIN(s) : 9689-82-4640
 APPLICANT : Tim and Katherine Tolar
 OWNER(S) : Tim and Katherine Tolar

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 one (1) parcel comprising approximately 1.64 acres located at 18 Patton Cemetery Road and currently zoned Residential District (R-1) to Public Service (PS). The subject property is currently developed with a manufactured home and a single-family home that are utilized as residences and a day care facility with direct access to Patton Cemetery Road. Of the three properties to the north of the subject parcel, one is vacant and the other two are developed with single-family residences and are zoned R-1; properties to the west are vacant and are zoned R-1; Properties to the east, separated by Patton Cemetery Road, include single-family residences and are zoned R-1. The property to the south and southeast contains the W.D. Williams Elementary School separated by Patton Cemetery Road and zoned PS. The applicant is seeking the rezoning in order to expand enrollment of their existing child daycare facility.

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 property is directly accessed by Patton Cemetery Road which is maintained by the NCDOT and is located less than ½ mile from US 70 – an identified major transportation corridor.
- The subject property is located within the combined water/sewer service area and is currently served by public water and sewer.
- The subject property is located outside of areas identified as steep slope (greater than 25%).
- The subject property is located outside of high elevations greater than 2500 feet.
- The subject property does not contain any moderate or high slope stability hazard areas.
- 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 public service development as “highly suggested” within reasonable proximity to major transportation corridors and within combined water/sewer service areas. The Plan “highly suggests” that public service development be located outside of steep slope areas (greater than 25%),

outside of high elevations (greater than 2,500 feet), outside of moderate and high hazard slope stability areas, and outside FEMA flood hazard 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 current and proposed expanded use of the day care is more closely aligned with institutional uses customarily found within the PS zoning district. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding public service oriented development (W.D. Williams Elementary School and Community High School), is adjacent to contiguous properties currently zoned PS, is served by public water and sewer, and is readily accessed by an NCDOT maintained road.

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 property is directly accessed by Patton Cemetery Road which is maintained by the NCDOT and is located less than ½ mile from US 70 – an identified major transportation corridor.
- The subject property is located within the combined water/sewer service area and is currently served by public water and sewer.
- The subject property is located outside of areas identified as steep slope (greater than 25%).
- The subject property is located outside of high elevations greater than 2500 feet.
- The subject property does not contain any moderate or high slope stability hazard areas.
- 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 public service development as “highly suggested” within reasonable proximity to major transportation corridors and within combined water/sewer service areas. The Plan “highly suggests” that public service development be located outside of steep slope areas (greater than 25%), outside of high elevations (greater than 2,500 feet), outside of moderate and high hazard slope stability areas, and outside FEMA flood hazard 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 current and proposed expanded use of the day care is more closely aligned with institutional uses customarily found within the PS zoning district. Therefore, the requested zoning would **be reasonable and in the public interest** as it is compatible with surrounding public service oriented development (W.D. Williams Elementary School and Community High School), is adjacent to contiguous properties currently zoned PS, is served by public water and sewer, and is readily accessed by an NCDOT maintained road.

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 directly located on a transportation corridor, but is located within ½ mile from US 70.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies public service development as highly suggested within reasonable proximity to major transportation corridor. The subject property is ½ mile from the nearest corridor and therefore, the requested zoning would **not be reasonable and in the public interest**.