

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

CASE NUMBER : ZPH2017-00044
 PROPOSED ZONING CHANGE : R-1 to R-3
 LOCATION : Portion of property to the north and east
 of 50 Hemphill Knoll Road
 PIN(s) : 9667-46-2555
 APPLICANT : Brad Howell, Agent
 OWNERS : J and J Holdings of Western Carolina 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 a portion of one (1) parcel comprising approximately 4 acres (portion of property to the north and east of 50 Hemphill Knoll Road) from R-1 (Residential District) to R-3 (Residential District). The subject property (portion) is currently vacant and part of a larger contiguous tract comprised of portions that are zoned R-1, R-3 and CS with direct frontage and access to Charlotte Highway (US 74). While the potential for direct access from Charlotte Highway exists, the property is currently accessed from Hemphill Knoll Road. The portion of property subject to the rezoning request is only partially accessible via the remnants of a former logging road. Of the two properties to the north of the subject parcel, one is vacant and the other contains a manufactured home and both are zoned R-1. Properties to the east are developed with single family homes, one tract is vacant and all properties are zoned R-1. Property to the south is vacant and is split-zoned CS along Charlotte Highway and R-3 along the upper portion to the north and east. Properties to the west are clustered around Hemphill Knoll Road and include a mix of single-family homes zoned R-1 and R-3.

The applicant is seeking a rezoning of a portion of R-1 property (see exhibit maps) in order to accommodate/cluster future multi-family development within an area of the property that is part of a natural knoll and contains relatively relaxed terrain that would be more conducive to development than other sections of the property that are subject to more extreme natural slope. In order to accommodate this type of development, the applicant will extend an access road to this portion of the property by utilizing the former bed of the abandoned logging road and extend public water and sewer services which are available along Charlotte Highway. As part of this rezoning application, the applicant is seeking to preserve more environmentally sensitive areas of the property (steeper sloped areas) through the use of deed restrictions or a preservation easement. It is important to note that this rezoning application is not inclusive of a development plan, however; future development will likely meet the threshold for review by the Board of Adjustment.

The proposed map amendment is consistent with Section 78-640(d) Residential District (R-3) of the Zoning Ordinance of Buncombe County which states, “The R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.”

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 located along a major transportation corridor (US 74).
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve some of the adjacent residential and commercial properties within the area. The bulk of these properties are located on the other side of US 74, but lateral connections provide service to some properties along the east side of US 74 including the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, a wide swath of area within the portion of property that is the subject of the rezoning request contains areas less than 25% slope.
- The subject property is located outside of high elevations greater than 2500 feet. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains areas of moderate slope stability hazard. The larger of the two applicable areas would likely remain unaltered given that it is the downslope of a section that would divide the developable envelope from a new access road.
- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property would be separated from low-density residential uses by retaining buffer areas of R-1 zoning to the north and east of the portion of property proposed to be rezoned.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within reasonable proximity to major transportation corridors and within reasonable proximity to combined water/sewer service areas. The Plan “suggests” that multi-family development be located outside of steep slope areas (greater than 25%), and outside of high elevations (greater than 2,500 feet). The Plan “highly suggests” multi-family development be located outside of moderate and high slope stability areas and outside of flood hazard areas. Finally, The Plan “suggests” that multi-family development be separated from low-density residential uses. 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. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as the application seeks to cluster development within a portion of the subject property, is located along a major transportation corridor, can be served by public water and sewer, and is adjacent to the R-3 Zoning District.

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 located along a major transportation corridor (US 74).
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve some of the adjacent residential and commercial properties within the area. The bulk of these properties are located on the other side of US 74, but lateral connections provide service to some properties along the east side of US 74 including the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, a wide swath of area within the portion of property that is the subject of the rezoning request contains areas less than 25% slope.
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- The subject property contains areas of moderate slope stability hazard. The larger of the two applicable areas would likely remain unaltered given that it is the downslope of a section that would divide the developable envelope from a new access road.
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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 does contain areas identified as steep slope according to GIS data (greater than 25%); however, a wide swath of area within the portion of property that is the subject of the rezoning request contains areas less than 25% slope.
- The subject property contains areas of moderate slope stability hazard. The larger of the two applicable areas would likely remain unaltered given that it is the downslope of a section that would divide the developable envelope from a new access road.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update “suggests” that multi-family development be located outside of steep slope areas (greater than 25%). The Plan “highly suggests” multi-family development be located outside of moderate and high slope stability areas. Therefore the proposed map amendment would be inconsistent as the subject property contains areas that exceed 25% slope and are classified as moderate hazard slope stability areas. Therefore, the requested zoning would **not be reasonable and in the public interest.**