

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

CASE NUMBER : ZPH2017-00063  
 PROPOSED ZONING CHANGE : R-2 to CS  
 LOCATION : 620 New Leicester Highway  
 PIN(s) : 9629-07-0982  
 APPLICANT : Christian John Albers  
 OWNER(S) : Christian John Albers

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 .95 acres located at 620 New Leicester Highway and currently zoned Residential District (R-2) to Commercial Service (CS). The subject property is currently developed with a single-family home that has fallen into disrepair and is currently vacant. The property has direct access to New Leicester Highway via an existing driveway along the eastern portion of the property. Property to the west contains the Veterans of Foreign Wars meeting hall, parking lot and a telecommunication tower zoned R-2 ; properties to the east and south contain a restaurant, retail center and self-storage facility zoned CS; property to the north is developed as a manufactured home park, separated by New Leicester Highway, and zoned CS. The applicant is seeking the rezoning in order to renovate the existing structure for use as a commercial entity.

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 New Leicester Highway – NC 63 (an identified major transportation corridor) which is maintained by the NCDOT.
- The subject property is located within the combined water/sewer service area and is currently served by public water and sewer.
- The subject property does contain an area identified as steep slope (greater than 25%) parallel to and sloping up from New Leicester Highway; however, this area has been previously disturbed likely dating back to the time of New Leicester Highway widening and has been maintained by mowing activity. The existing house site is located outside of the sloped area.
- The subject property is located outside of high elevations greater than 2500 feet.
- The subject property contains a small strip of moderate slope stability hazard area likely due to historic grading above the sloped area along New Leicester Highway in order to accommodate the house site.
- 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 moderate and intense scale commercial development as “highly suggested” within reasonable proximity to major transportation corridors and within combined water/sewer service areas. The Plan “highly suggests” that moderate and intense scale commercial 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 suggested 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 plan to renovate and adaptively reuse a vacant structure that has an existing access drive is a sustainable practice and is consistent with the surrounding commercial corridor of New Leicester Highway. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding commercial development, is adjacent to contiguous properties currently zoned CS, 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 New Leicester Highway – NC 63 (an identified major transportation corridor) which is maintained by the NCDOT.
- The subject property is located within the combined water/sewer service area and is currently served by public water and sewer.
- The subject property does contain an area identified as steep slope (greater than 25%) parallel to and sloping up from New Leicester Highway; however, this area has been previously disturbed likely dating back to the time of New Leicester Highway widening and has been maintained by mowing activity. The existing house site is located outside of the sloped area.
- The subject property is located outside of high elevations greater than 2500 feet.
- The subject property contains a small strip of moderate slope stability hazard area likely due to historic grading above the sloped area along New Leicester Highway in order to accommodate the house site.
- 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 moderate and intense scale commercial development as “highly suggested” within reasonable proximity to major transportation corridors and within combined water/sewer service areas. The Plan “highly suggests” that moderate and intense scale commercial 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 suggested 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 plan to renovate and adaptively reuse a vacant structure that has an existing access drive is a sustainable practice and is consistent with the surrounding commercial corridor of New Leicester Highway. Therefore, the requested zoning would **be reasonable and in the public interest** as it is compatible with surrounding commercial development, is adjacent to contiguous properties currently zoned CS, 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 does contain an area identified as steep slope (greater than 25%) parallel to and sloping up from New Leicester Highway; however, this area has been previously disturbed likely dating back to the time of New Leicester Highway widening and has been maintained by mowing activity. The existing house site is located outside of the sloped area.
- The subject property contains a small strip of moderate slope stability hazard area likely due to historic grading above the sloped area along New Leicester Highway in order to accommodate the house site.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies moderate and intense commercial development as highly suggested outside of steep slope areas (greater than 25%) and moderate slope stability hazard areas. The subject parcel

contains portions of property that meet these criteria and therefore, the requested zoning would **not be reasonable and in the public interest.**