

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

CASE NUMBER : ZPH2017-00069  
 PROPOSED ZONING CHANGE : CS to R-3  
 LOCATION : 62 Old US 19/23 Highway  
 PIN(s) : 9607-12-2859  
 APPLICANT : Troy Muse/Robbie Kirkpatrick  
 OWNER(S) : Troy Muse

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 5.97 acres located at 62 Old US 19/23 Highway and currently zoned Commercial Service (CS) to Residential District (R-3). The subject property is currently vacant but does contain the remnants of an old residential structure towards the center of the property and is directly accessed by Old US 19/23 Highway. Property to the north of the subject parcel is classified as vacant, but has been used in the past to facilitate a firewood splitting and sales business, is directly accessed by Smokey Park Highway and is zoned CS; of the two (2) properties to the west, one has direct access to Smokey Park Highway and is vacant, the other located along Old US 19/23 contains a single-family residence and both properties are zoned CS; property to the south is currently developed as a manufactured home park separated by Old US 19/23 and is zoned R-3; and the property to the east contains a manufactured home and is zoned CS. The applicant is seeking to rezone the subject parcel to R-3 in order to accommodate a proposed manufactured home park. This use is currently **not** permitted in the CS zoning district. Manufactured home parks of greater than eight (8) units are reviewed as a Conditional Use Permit within the R-3 zoning district while those of less than the above mentioned threshold are permitted as of right but are still subject to the standards contained within the Manufactured Home Park Ordinance of Buncombe County.

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 Old US 19/23 Highway which is maintained by the NCDOT and is located less than ¼ mile from Smokey Park Highway – an identified major transportation corridor.
- The subject property is located within the combined water/sewer service area. A public sewer line is located across Old US 19/23 Highway and serves the manufactured home park to the south, a 6 inch public water line (verified by the City of Asheville) is located within the 19/23 public right-of-way.
- 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 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 infill/higher density 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 hazard slope stability areas and 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. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding properties developed with manufactured home parks, adjacent to other R-3 zoned properties to the south, served by public water and sewer, and is readily accessed by an NCDOT maintained road and transportation corridor.

**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 Old US 19/23 Highway which is maintained by the NCDOT and is located less than ¼ mile from Smokey Park Highway – an identified major transportation corridor.
- The subject property is located within the combined water/sewer service area. A public sewer line is located across Old US 19/23 Highway and serves the manufactured home park to the south, a 6 inch public water line (verified by the City of Asheville) is located within the 19/23 public right-of-way.
- 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.
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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 is located ¼ mile away from a major transportation corridor.

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. Therefore, the requested zoning would **not be reasonable and in the public interest**.