

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2011-00087  
 PROPOSED ZONING CHANGE : R-1 TO CS  
 LOCATION : 1910 US 70 HIGHWAY  
 PIN NUMBER : 9678.78.9474  
 ACREAGE : 1.27

APPLICANT/OWNER: NORRIS MAX CLUBB  
 20 MARK TWAIN ROAD  
 ASHEVILLE NC 28805

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 requests the rezoning of approximately 1.27 acres from R-1 (Single-Family Residential District) to CS (Commercial Service). The subject property is located on US 70 Highway, west of the intersection of Warren Wilson Road and US 70 Highway. The tract currently contains a single family home. The surrounding area is comprised of residential development and various commercial uses. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that CS is “primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas with access to major traffic arterials, to discourage strip commercial development, and to allow for suitable noncommercial land uses” (Buncombe County Comprehensive Land Use Plan Update, VII-4). The subject property is within the vicinity of a mix of commercial uses along US 70 Highway including a car dealership, gas station, and offices. The requested zoning would be consistent with surrounding uses. Additionally, the adjacent property, 1916 US 70 Highway, was rezoned to CS in 2011. The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the developing commercial area along this section of US 70 Highway. Therefore the Buncombe County Department of Planning and Development recommends APPROVAL of the request.

**LAND USE PLAN COMPLIANCE STATEMENTS**

**CONSISTENT:** The map amendment is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that CS is “primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas with access to major traffic arterials, to discourage strip commercial development, and to allow for suitable noncommercial land uses” (Buncombe County Comprehensive Land Use Plan Update, VII-4). The proposed map amendment would be consistent as the surrounding area is a concentration of commercial activity along a major traffic arterial. The requested zoning would be reasonable and in the interest of the adjacent neighbors as the surrounding area is a concentration of commercial activity along a major traffic arterial.

**NOT CONSISTENT:** The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that CS is “primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas” and “discourage strip commercial development” (Buncombe County Comprehensive Land Use Plan Update, VII-4). The proposed map amendment could lead to strip commercial development along US 70 Highway. The requested zoning would not be reasonable and would be detrimental to the adjacent neighbors and surrounding community and the public interest as it might lead to strip commercial development.