

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00001
 PROPOSED ZONING CHANGE : R-LD & R-1 to CS
 LOCATION : 374 OLD COUNTY HOME ROAD
 PINs : 9629.15.7269 AND 9629.24.1922
 ACREAGE : APPROX. 11.7 ACRES

APPLICANT/OWNER: MATTHEW LYERLY
 374 OLD COUNTY HOME ROAD
 ASHEVILLE, NC 28806

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 11.7 acres from R-LD (Low-Density Residential District) and R-1 (Single-Family Residential District) to CS (Commercial Service District). The subject property is located at the intersection of Old County Home Road and New Leicester Highway. The tract currently contains a single family home and undeveloped property. The surrounding area within i the City and the County is comprised of residential development and commercial development along New Leicester Highway. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 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 requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the commercially zoned property adjacent to the subject property and surrounding property. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

CONSISTENT: The map amendment is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 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 2006 Update, VII-4). The proposed map amendment would be consistent with the surrounding commercial development along New Leicester Highway. The requested zoning would be reasonable and in the public interest as commercial development exists along New Leicester Highway.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 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 2006 Update, VII-4). The proposed map amendment could lead to strip commercial development along the New Leicester Highway Corridor. The requested zoning would not be reasonable nor in the public interest and would be detrimental to the adjacent neighbors and surrounding community as it might lead to strip commercial development.