

Buncombe County Planning Board
June 1, 2015

The Buncombe County Planning Board met on June 1, 2015 in the meeting room at 30 Valley Street. Members present were Nancy Waldrop, Thad Lewis, Dusty Pless, Joan Walker, Gene Bell, David Rittenberg, Parker Sloan, Robert Martin and Bob Taylor. Also present were Curt Euler, Staff Attorney; Debbie Truempy, Zoning Administrator; and Nathan Pennington, Planning staff.

Call to Order

Chair Bell called the meeting to order at 9:30 A.M. Chair Bell polled the Board in regards to the possibility of a retreat to be held with planning staff. Ms. Truempy indicated that she would send out an e-mail with possible dates and times for next week.

Discussion with David Gantt

Mr. Gantt provided an overview of the roles and responsibilities of the Planning Board. Mr. Gantt asked that the Board consider the recommendations of the Planning Staff as they relate to the proposed Blue Ridge Overlay District and associated development regulations along the Blue Ridge Parkway. In closing, Mr. Gantt asked that the Board consider the implications of future construction of Duke Energy substations.

Approval of Minutes (May 18, 2015)

Mr. Rittenberg asked that the minutes correctly reflect the spelling of his last name. Mr. Pless made a motion to approve the minutes with the correction noted by Mr. Rittenberg and Ms. Waldrop seconded. The motion passed unanimously.

Public Comment

No one present wished to make public comment.

Approval of Agenda

Mr. Lewis made a motion to approve agenda. Ms. Walker seconded the motion and the motion passed unanimously.

SUB2015-00005: *Drew Norwood of Windsor/Aughtry is seeking approval for a revision to the approved preliminary plan of Maple Trace Subdivision, which is located off of Reems Creek Road Southwest of the intersection with Parker Cove Road (PINs 9752-34-6142 and 9752-33-9212).*

The Board was provided with the submitted site plan (Attachment A), approved NCDOT driveway permit (Attachment B), and proposed staff conditions (Attachment C) prior to the hearing. Ms. Truempy reviewed the case for the Board. Mr. Buie (agent) requested a motion to table the item due to the developer (Mr. Norwood) not being present. Mr. Rittenberg made a motion to table the item and Mr. Taylor seconded. The motion passed unanimously.

Public Comment:

- **Ilene Poolis** – represented a group of adjacent property owners concerned about residential density in the Parker Cove area. Further concerns included traffic and access

- **Jim Young** – voiced concerns that the proposed development represents a life/safety issue. Mr. Young understands that the County does not have a requirement for two (2) ingress/egress points for the subdivision, but would like to see that as an added condition
- **Larry Loomis** – requested a revised plan from the developer that proposes a separate access point
- **Chris Sacko** – existing access to Parker Cove is already a challenge, secondary access is needed
- **Ken Yaunt** – traffic concerns, recommended developer meet with community before returning to Planning Board for review
- **Nancy Nelson** – traffic and access concerns, disconnect between County review process and NCDOT driveway permitting

Public Hearings (Zoning Map Amendments)

ZPH2015-00022: John J. Landgrover and Brenda A. Landgrover, Trustees, of the Brenda Landgrover Revocable Trust have applied to rezone tax lot PINs 9742-47-8027 (44 Pickens Ln) and 9742-57-8371 (located in between 44 Pickens Ln and Dogwood Dr), which are currently zoned Single Family Residential District R-1 to Residential District R-2.

The Board was provided the GIS map (Attachment D) and staff recommendations (Attachment E) prior to the meeting. Ms. Truempy reviewed the proposal for the Board and recommended approval of the request. Mr. Taylor requested clarification in regards to the current zoning of surrounding properties. The Board discussed recent zoning actions within Weaverville and Buncombe County and the proximity of public utilities including water and sewer. A large number of properties were initially zoned R-2 after the dissolution of the Weaverville ETJ but were later rezoned to R-1 (inclusive of Mr. Langrover's property). The applicant (Mr. Landgrover) contended that he was unaware of the rezoning request to R-1 and was also unaware that a rezoning could be initiated without his consent. The Board briefly discussed that the request was not consistent with the existing pattern of single-family home development and surrounding R-1 zoning. Mr. Taylor inquired as to why the approval of the rezoning request would be in the public's interest. Mr. Rittenberg made a motion to deny the rezoning request from R-2 to R-1 and Ms. Walker seconded. The motion to deny carried 7-2 with Mr. Lewis and Mr. Pless opposed.

Public Comment:

- **Anne Calles Stokely** – spoke against the request and provided an overview of the history surrounding the rezoning of area properties after the dissolution of the Weaverville ETJ
- **Ted Glenn** – spoke against the rezoning request
- **Roya Sharoke** – property will be negatively impacted, traffic, noise, property value concerns
- **Connie Kallback** – seeks to preserve community through lower density zoning and is concerned about added traffic if the rezoning is approved
- **Gary Kallback** – distributed maps/information packet to the Board, voiced concerns related to density, incompatible development and traffic hazards
- **Betty Choheve** – voiced concerns as they relate to high density and added traffic
- **William Hutt** – voiced concerns related to increased cut through traffic on Dogwood Road, erosion of existing single-family residential neighborhood from multi-family development, traffic accidents
- **Gary West** - area roads are not equipped to handle increased capacity

- **Anne Bolinger** – feels that Mr. Landgrover was adequately informed of the bulk rezoning request from R-2 to R-1. The rezoning advertisement and notifications were in compliance with Buncombe County and State requirements
- **Bill Grandstat** – voiced concern about speeding and traffic on Dogwood Road
- **Jim Stokely** – asked the Board to consider a moratorium on large scale development in the Reems Creek Valley until NCDOT upgrades are made at key intersections including Dogwood Drive and Reems Creek Road
- **Sarah Faulkner** – would request that sewer availability be demonstrated rather than just proximity to utilities evaluated
- **Linda Craft** – voiced concerns as they relate to traffic and area wildlife
- **Mr. Landgrover** – offered a rebuttal to some of the concerns that were raised by the surrounding neighborhood
- **Barry Matheson** – invited the Board to witness the traffic and posted speeds within the area

ZPH2015-00023: *Matthew R. King has applied on behalf of Avery's Creek, LLC to rezone a portion of tax lot PIN 9634-14-6580 (located on the North side of Avery Creek Rd across from Comer Dr), which is currently zoned Low-Density Residential District R-LD to Residential District R-2.*

ZPH2015-00008: *The Buncombe County Zoning Administrator has initiated a proposal to rezone tax lot PIN 9634-23-4768 (located within the Southeast portion of the above tax lot PIN for ZPH2015-00023), which is currently zoned Low-Density Residential District R-LD to Residential District R-2.*

The Board was provided the GIS map (Attachment F) and staff recommendations (Attachment G) prior to the meeting. Ms. Truempy reviewed the proposals for the Board and recommended approval. Fred Spiegel (Manager – Avery's Creek, LLC) provided a rationale that the request was consistent with the surrounding community character and public utilities were available. No one present wished to make public comment.

ZPH2015-00023: - Mr. Pless made a motion to approve the request and Ms. Waldrop seconded. The motion was approved unanimously.

ZPH2015-00008: - Ms. Walker made a motion to approve the request and Ms. Waldrop seconded. The motion was approved unanimously.

ZPH2015-00021: *Continued discussion of possible revisions to the text of the Blue Ridge Parkway Zoning Overlay District*

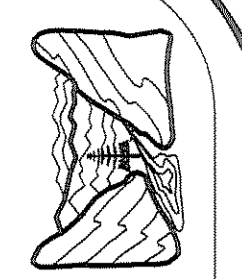
Mr. Martin made a motion to table further discussion of the overlay district until a workshop is held with Planning Staff, Ms. Waldrop seconded and the motion was passed unanimously. Mr. Sloan requested a series of maps be prepared by Planning Staff to assist with the workshop.

Public Comment:

- **Didi Styles** – requested consideration of the long term care of newly planted landscaping

Adjournment

Mr. Bell made a motion to adjourn the meeting. No one seconded the motion and the meeting was adjourned at 11:35 am.



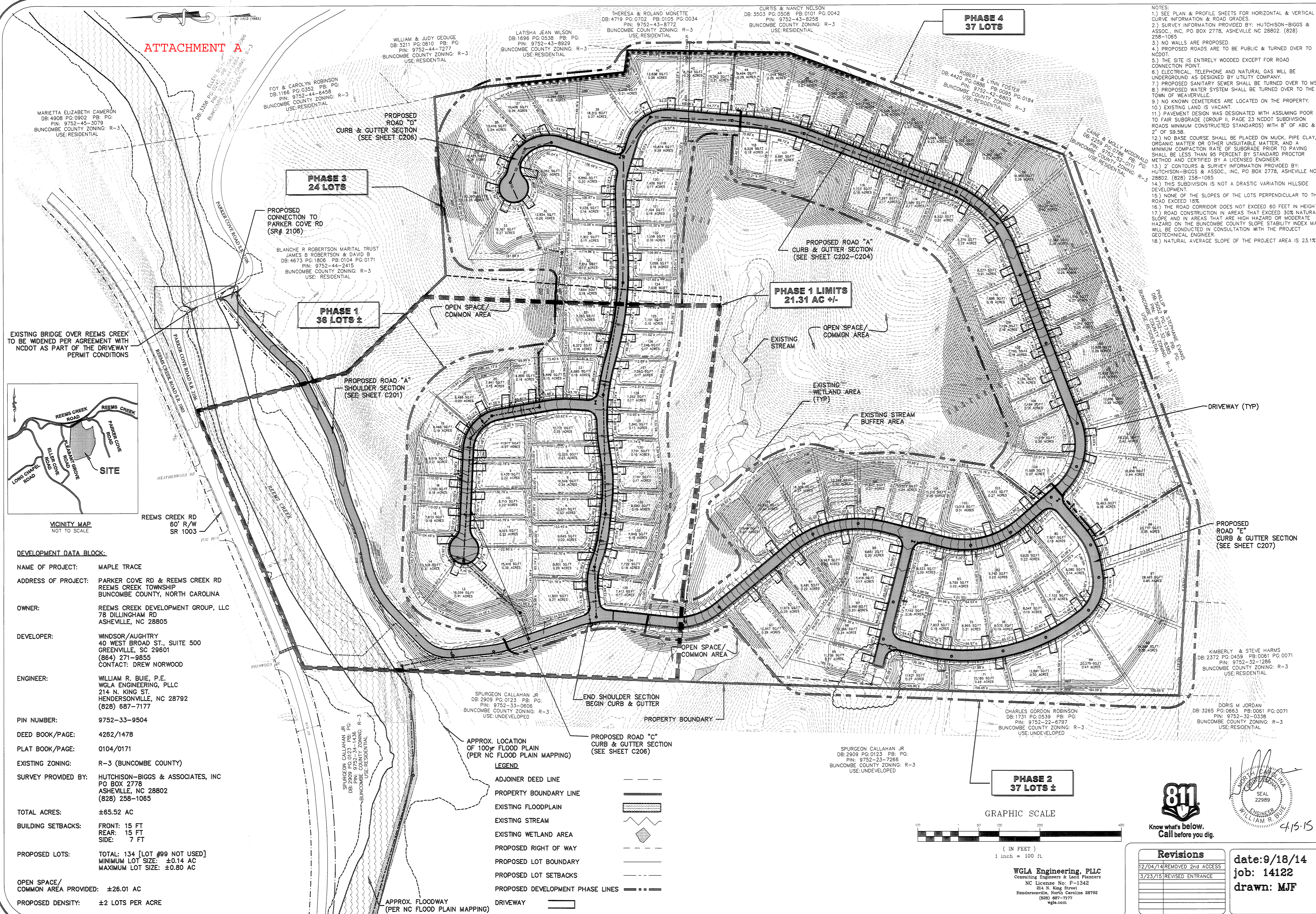
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA

MAPLE TRACE
REEMS CREEK TOWNSHIP
BUNCOMBE COUNTY
NORTH CAROLINA

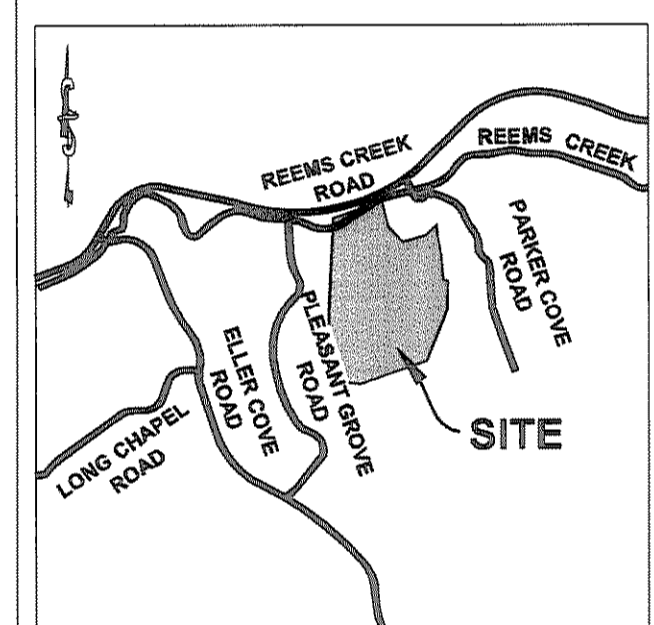
PRELIMINARY
SITE PLAN

- NOTES:
- 1.) SEE PLAN & PROFILE SHEETS FOR HORIZONTAL & VERTICAL CURVE INFORMATION & ROAD GRADES.
 - 2.) SURVEY INFORMATION PROVIDED BY: HUTCHISON-BIGGS & ASSOC., INC. PO BOX 2778, ASHEVILLE NC 28802. (828) 258-1065
 - 3.) NO WALLS ARE PROPOSED.
 - 4.) PROPOSED ROADS ARE TO BE PUBLIC & TURNED OVER TO NCDOT.
 - 5.) THE SITE IS ENTIRELY WOODED EXCEPT FOR ROAD CONNECTION POINT.
 - 6.) ELECTRICAL, TELEPHONE AND NATURAL GAS WILL BE UNDERGROUND AS DESIGNED BY UTILITY COMPANY.
 - 7.) PROPOSED SANITARY SEWER SHALL BE TURNED OVER TO MDO.
 - 8.) PROPOSED WATER SYSTEM SHALL BE TURNED OVER TO THE TOWN OF WEAVERVILLE.
 - 9.) NO KNOWN CEMETERIES ARE LOCATED ON THE PROPERTY.
 - 10.) EXISTING LAND IS VACANT.
 - 11.) PAVEMENT DESIGN WAS DESIGNATED WITH ASSUMING POOR TO FAIR SUBGRADE (GROUP II, PHASE 23 NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTED STANDARDS) WITH 8" OF ABC & 2" OF S9.58.
 - 12.) NO BASE COURSE SHALL BE PLACED ON MUCK, PIPE CLAY, ORGANIC MATTER OR OTHER UNSUITABLE MATTER, AND A MINIMUM COMPACTION RATE OF SUBGRADE PRIOR TO PAVING SHALL BE LESS THAN 95 PERCENT BY STANDARD PROCTOR METHOD AND CERTIFIED BY A LICENSED ENGINEER.
 - 13.) 2' CONTOURS & SURVEY INFORMATION PROVIDED BY: HUTCHISON-BIGGS & ASSOC., INC. PO BOX 2778, ASHEVILLE NC 28802. (828) 258-1065
 - 14.) THIS SUBDIVISION IS NOT A DRASTIC VARIATION HILLSIDE DEVELOPMENT.
 - 15.) NONE OF THE SLOPES OF THE LOTS PERPENDICULAR TO THE ROAD EXCEED 18%.
 - 16.) THE ROAD CORRIDOR DOES NOT EXCEED 60 FEET IN HEIGHT.
 - 17.) ROAD CONSTRUCTION IN AREAS THAT EXCEED 30% NATURAL SLOPE AND IN AREAS THAT ARE HIGH HAZARD OR MODERATE HAZARD ON THE BUNCOMBE COUNTY SLOPE STABILITY INDEX MAP WILL BE CONDUCTED IN CONSULTATION WITH THE PROJECT GEOTECHNICAL ENGINEER.
 - 18.) NATURAL AVERAGE SLOPE OF THE PROJECT AREA IS 23.1%.

ATTACHMENT A



EXISTING BRIDGE OVER REEMS CREEK TO BE WIDENED PER AGREEMENT WITH NCDOT AS PART OF THE DRIVEWAY PERMIT CONDITIONS



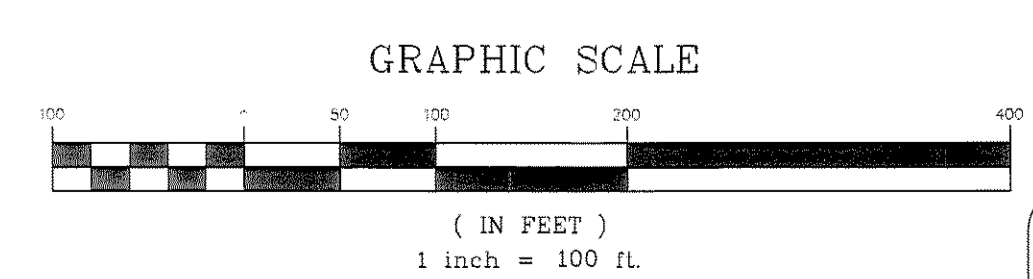
VICINITY MAP
 NOT TO SCALE

DEVELOPMENT DATA BLOCK:

NAME OF PROJECT: MAPLE TRACE
ADDRESS OF PROJECT: PARKER COVE RD & REEMS CREEK RD
 REEMS CREEK TOWNSHIP
 BUNCOMBE COUNTY, NORTH CAROLINA
OWNER: REEMS CREEK DEVELOPMENT GROUP, LLC
 78 DILLINGHAM RD
 ASHEVILLE, NC 28805
DEVELOPER: WINDSOR/AUGHTRY
 40 WEST BROAD ST., SUITE 500
 GREENVILLE, SC 29601
 (864) 271-9855
 CONTACT: DREW NORWOOD
ENGINEER: WILLIAM R. BUIE, P.E.
 WGLA ENGINEERING, PLLC
 214 N. KING ST.
 HENDERSONVILLE, NC 28792
 (828) 687-7177
PIN NUMBER: 9752-33-9504
DEED BOOK/PAGE: 4262/1478
PLAT BOOK/PAGE: 0104/0171
EXISTING ZONING: R-3 (BUNCOMBE COUNTY)
SURVEY PROVIDED BY: HUTCHISON-BIGGS & ASSOCIATES, INC
 PO BOX 2778
 ASHEVILLE, NC 28802
 (828) 258-1065
TOTAL ACRES: ±65.52 AC
BUILDING SETBACKS: FRONT: 15 FT
 REAR: 15 FT
 SIDE: 7 FT
PROPOSED LOTS: TOTAL: 134 [LOT #99 NOT USED]
 MINIMUM LOT SIZE: ±0.14 AC
 MAXIMUM LOT SIZE: ±0.80 AC
OPEN SPACE/COMMON AREA PROVIDED: ±26.01 AC
PROPOSED DENSITY: ±2 LOTS PER ACRE

APPROX. LOCATION OF 100' FLOOD PLAIN (PER NC FLOOD PLAIN MAPPING)

- LEGEND**
- ADJOINER DEED LINE
 - PROPERTY BOUNDARY LINE
 - EXISTING FLOODPLAIN
 - EXISTING STREAM
 - EXISTING WETLAND AREA
 - PROPOSED RIGHT OF WAY
 - PROPOSED LOT BOUNDARY
 - PROPOSED LOT SETBACKS
 - PROPOSED DEVELOPMENT PHASE LINES
 - DRIVEWAY

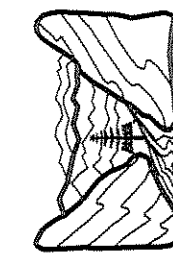


Revisions

12/04/14	REMOVED 2nd ACCESS
3/23/15	REVISED ENTRANCE

date: 9/18/14
job: 14122
drawn: MJF

sheet
C-200

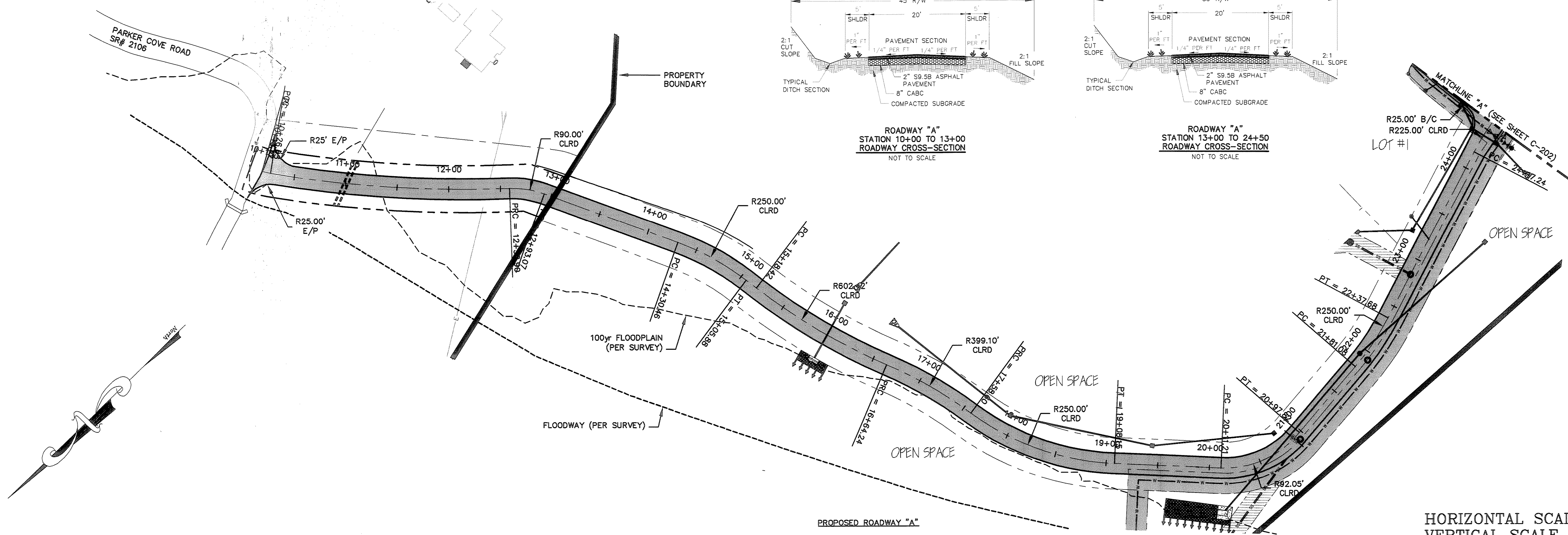
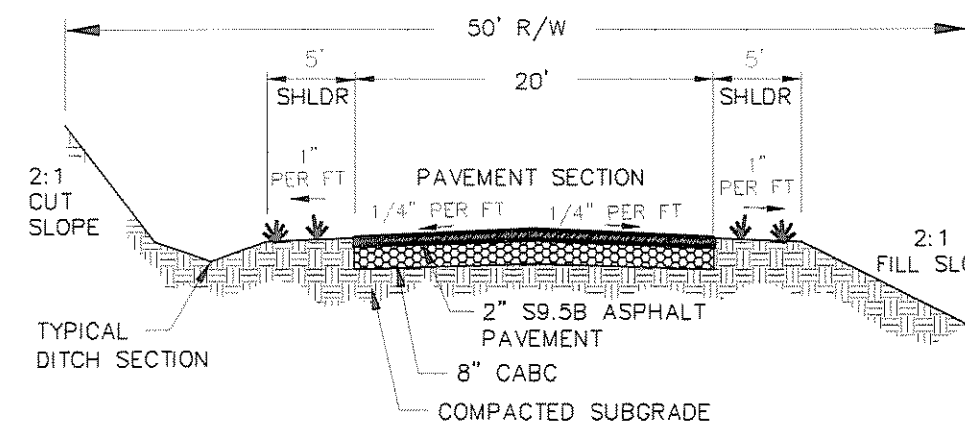
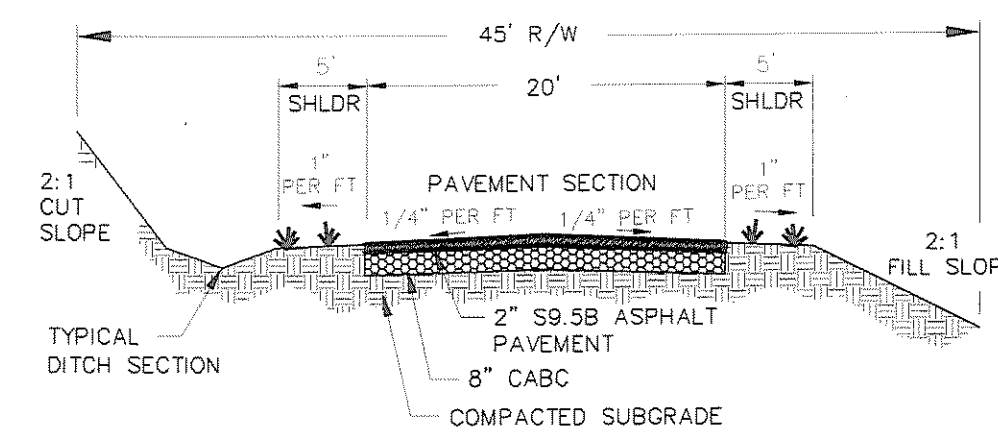


WGIA Engineering, PLLC
 CONSULTING ENGINEERS & LAND PLANNERS
 HENDERSONVILLE, NORTH CAROLINA

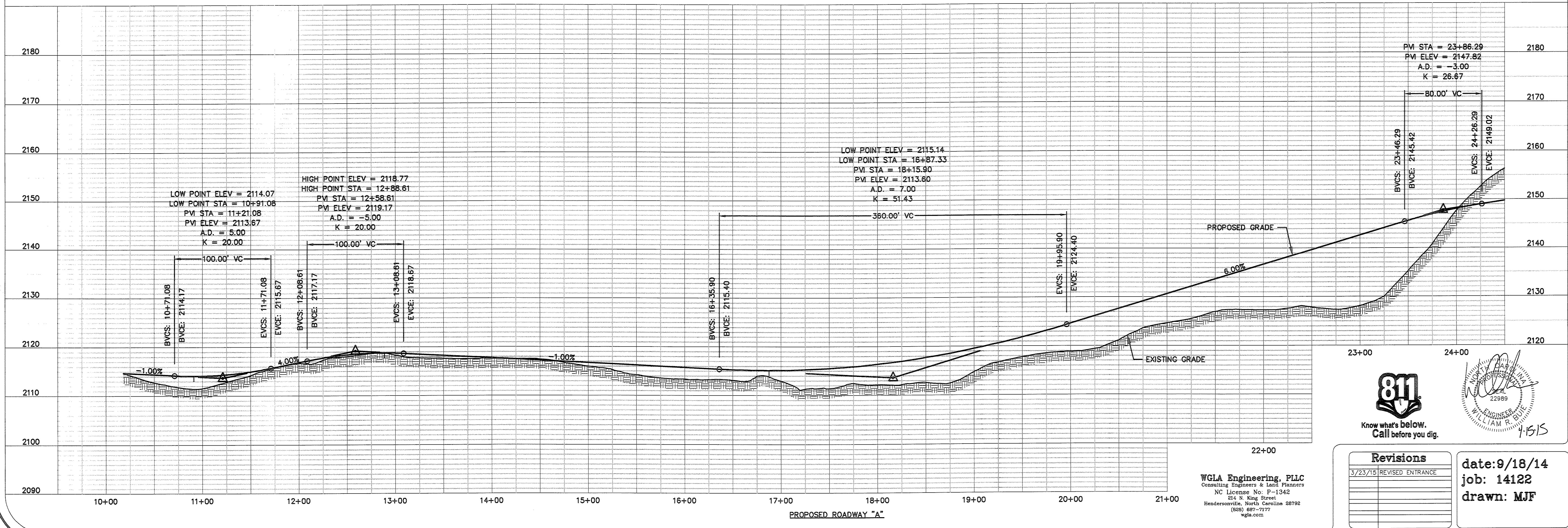
MAPLE TRACE
 REEMS CREEK TOWNSHIP
 BUNCOMBE COUNTY
 NORTH CAROLINA

ROADWAY "A" PLAN AND PROFILE
 STATION 10+00 TO 24+50

sheet
 C-201



HORIZONTAL SCALE 1"=50'
 VERTICAL SCALE 1"=10'



811
 Know what's below.
 Call before you dig.

WILLIAM R. BLUE
 ENGINEER
 22989
 4-15-15

Revisions	date
3/23/15 REVISED ENTRANCE	9/18/14
	job: 14122
	drawn: MJF

WGIA Engineering, PLLC
 Consulting Engineers & Land Planners
 NC License No. P-1342
 214 N. King Street
 Hendersonville, North Carolina 28792
 (828) 687-7177
 wgia.com

F:\USER\W\Projects\Windsor\Aughry - Maple Trace\Reems Creek\Project\MapleTrace\MapleTrace201_Rd P&P.dwg, 4/15/2015 11:15:56 PM, 1:50,0008



MAY 18 2015

46 Valley Street
Asheville, NC 28801
828-250-4830

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

April 27, 2015

Windsor Built Homes, Inc.
C/O WGLA Engineering, PLLC
Hendersonville, NC 28792

SUB 2015 - 0 0 0 0 5

Subject: Driveway Permit Approval – Buncombe County Access to: SR 2106 for a proposed 134 lot subdivision. (Maple Trace)

Drive #1: 400 feet southeast of the intersection of SR 1003 and SR 2106 toward dead end.

Dear Applicant:

We are attaching hereto your copy of a driveway permit and provisions approved by this office. Please contact us when the job is completed so that we may inspect the same to ensure that all work has been done according to specifications.

Permit approved subject to the following conditions:

- **Developer/owner is required to widen the existing NCDOT Bridge #231 to accommodate two lanes of traffic between Phases 3 and 4 of Construction estimated to be \$125,000 plus or minus.**
- **A reimbursable agreement will be required to accomplish this work. Please contact Division Bridge Engineer at 828-298-1128 to facilitate this agreement before work begins.**
- **A paved turnout is required for the access point.**
- **No parking , storage, fencing, etc. allowed on NCDOT Right of Way**
- **The driveway shall be graded with a low point that is located directly over the driveway pipe to prevent water from being shed on to the NCDOT maintained roadway.**
- **The developer shall provide and install all signs and pavement markings within this project.**
- **All signs and pavement markings provided and installed by the developer on State maintained roadways, within State maintained intersections, and on any private driveway approach to a State maintained roadway shall be manufactured and installed in accordance to the Department’s standard specifications. This includes the Manual on Uniform Traffic Control Devices, traffic signal plans, roadway plans, and approved**

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
POST OFFICE BOX 3279
ASHEVILLE, NC 28802

TELEPHONE: (828) 298-2741
FAX: (828) 299-3747

WEBSITE: WWW.NCDOT.GOV

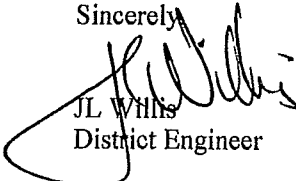
LOCATION:
DISTRICT OFFICE
11 OLD CHARLOTTE HIGHWAY
ASHEVILLE NC, 28803

developer plans.

- **The developer's pavement marking contractor shall be pre-approved to perform work for the Department and must submit a copy of their certification card to the District office.**
- **The developer's signing contractor shall be pre-approved to perform work for the Department.**
- **The developer shall be required to ensure adequate sight distance on both approaches to the driveway meets minimum MUTCD requirements for stopping sight distance.**

If you have any questions concerning this permit, please call Greg Benton of this office at (828) 298-2741.

Sincerely,



JL Willis
District Engineer

JLW: GEB

Attachments

cc: J. J. Swain, Jr., P.E., Division Engineer w/atts
County Maintenance Engineer w/atts

ATTACHMENT C

Buncombe County Planning Board Meeting
Recommended Staff Conditions

SUB2015-00005

PREVIOUS CASE: SUB2014-00278

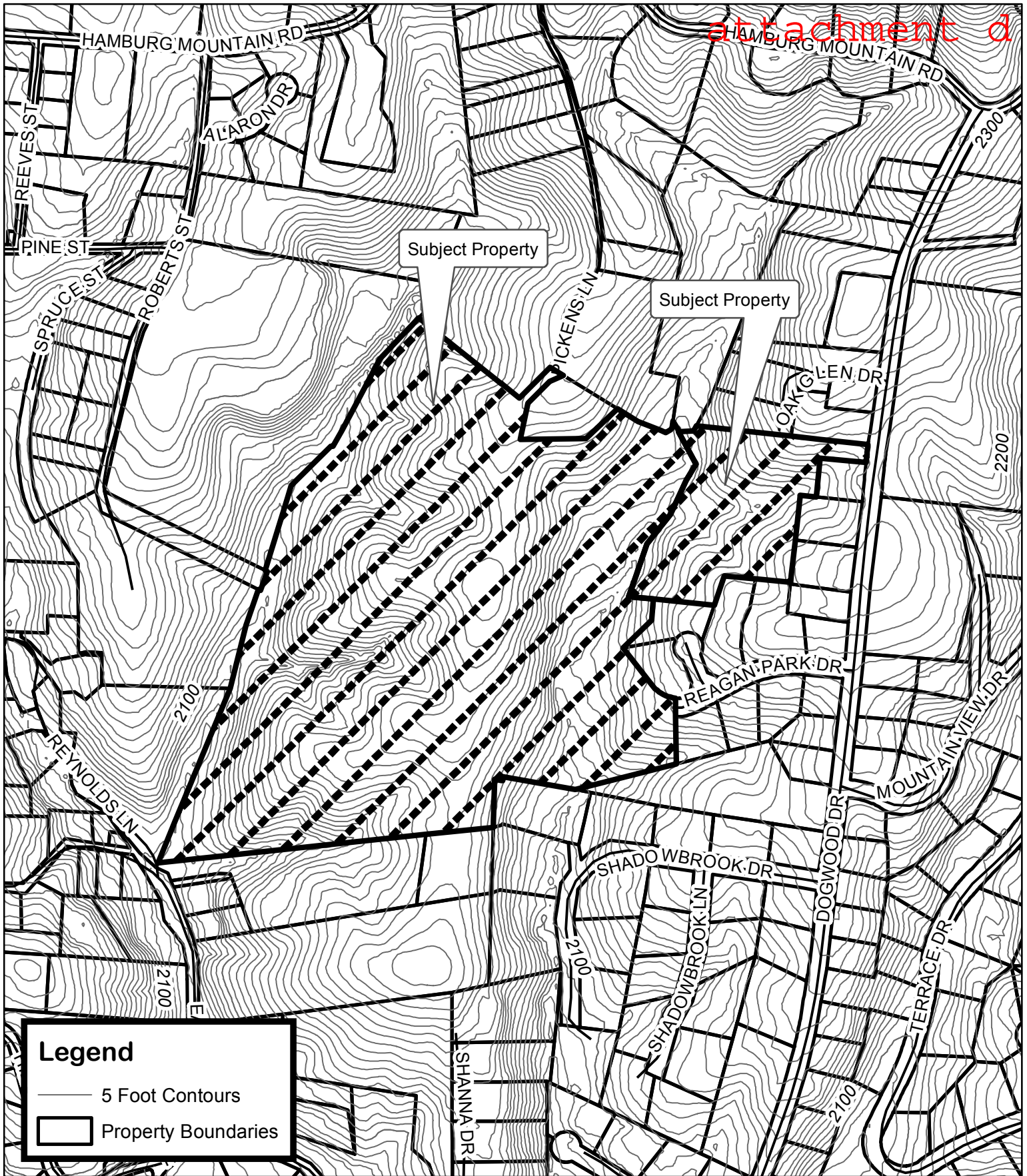
June 12, 2015

Maple Trace

If approved by the Buncombe County Planning Board, the applicant shall provide the following information (on a revised set of plans if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Provide proof of approval of E-911 addressing or indicate approved addresses and road names on final plat.
2. Proof of acceptance of the water lines into the Town of Weaverville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
3. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
4. Final plat shall not be recorded or guarantee of improvement shall not be released until flood development permit is finalized.
5. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until a Buncombe County Erosion Control permit is obtained.*
6. Provide a written statement from the Buncombe Stormwater Ordinance Administrator stating that a Stormwater Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Stormwater Control permit is obtained.*
7. Indicate linear feet of roads on submitted plans.
8. Indicate approximate delineation of wooded and open spaces areas.
9. Provide updated property owner information.

10. Provide list of updated PINs.
11. Provide recommendations from a geotechnical engineer for road construction in areas of a tract in excess of 30 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map. *No grading shall occur on the site until the report is provided.* Certification by the geotechnical engineer shall be required certifying that the recommendations were followed during construction.



John J. & Brenda A. Landgrover

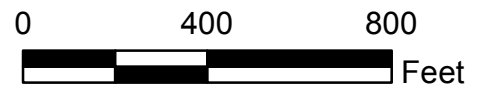
Map Amendment

Case Number: ZPH2015-00022

Approximate Property Size: 47.45 acres

Application Date: May 1, 2015

Planning Board Hearing Date: June 1, 2015

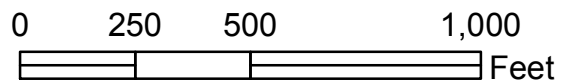


Created By: Buncombe County Planning Board
Date: May 5, 2015

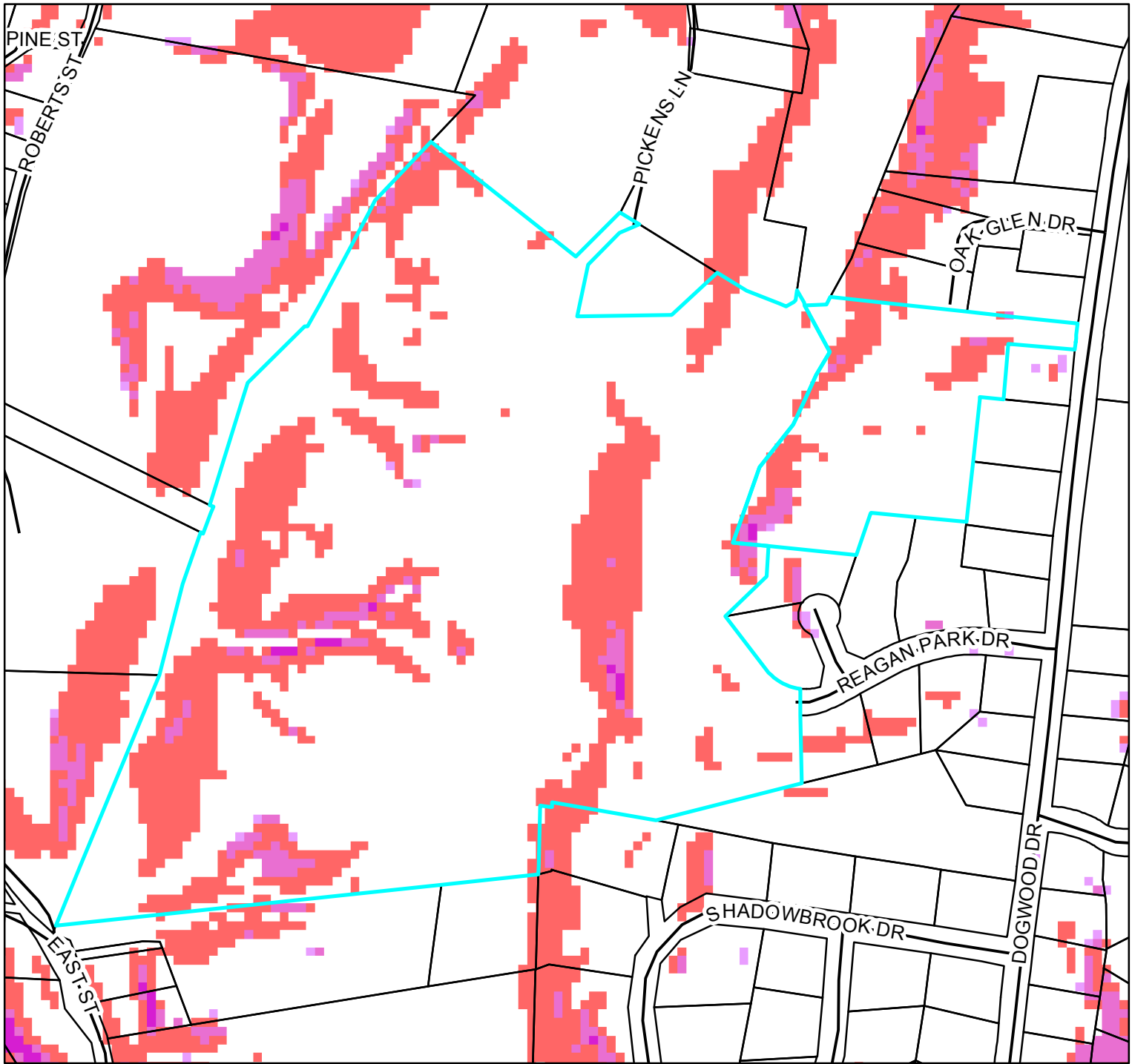
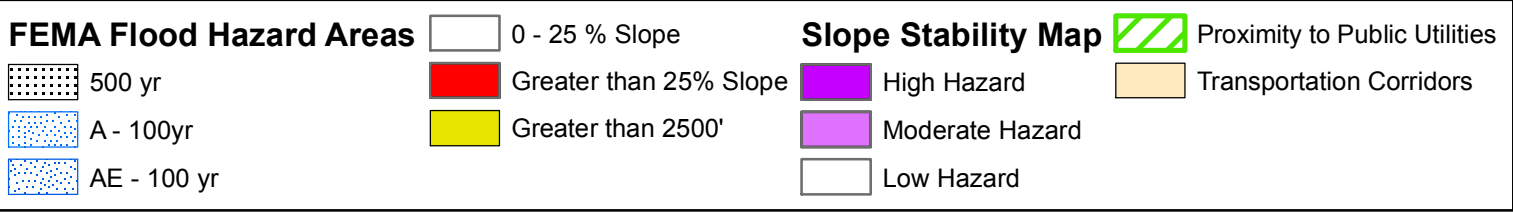


**John J. & Brenda A. Landgrover
Map Amendment**

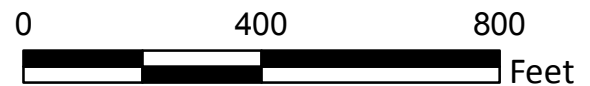
Case Number: ZPH2015-00022
 Approximate Property Size: 47.45 acres
 Application Date: May 1, 2015
 Planning Board Hearing Date: June 1, 2015



Created By: Buncombe County Planning
 Date: May 6, 2015



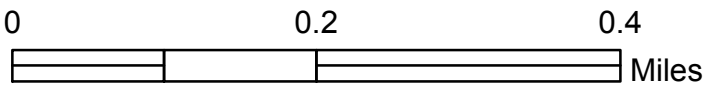
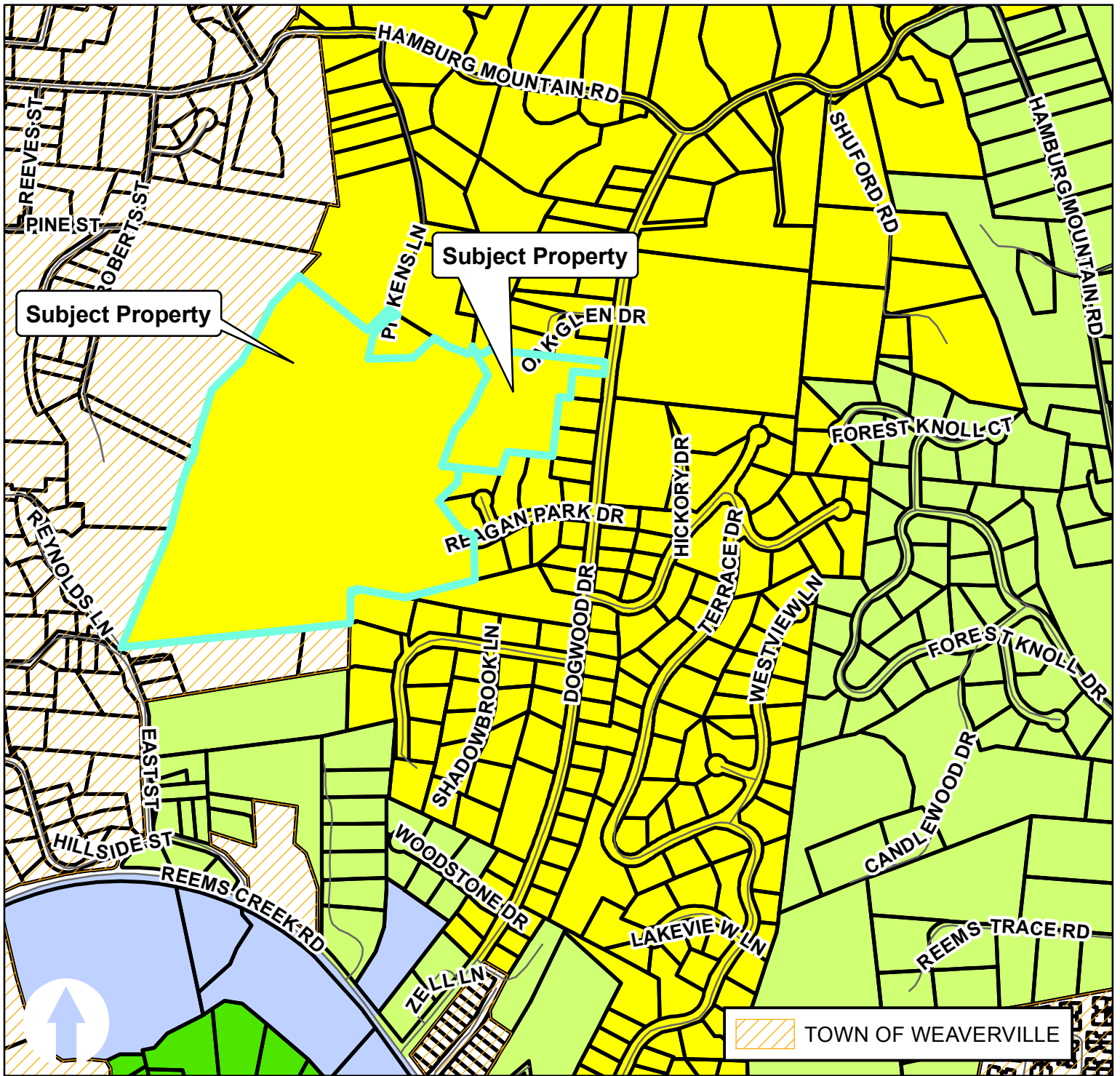
**John J. & Brenda A. Landgrover
Map Amendment**



Case Number: ZPH2015-00022
 Approximate Property Size: 47.45 acres
 Application Date: May 1, 2015
 Planning Board Hearing Date: June 1, 2015



Created By: Buncombe County Planning
 Date: May 5, 2015



John J. & Brenda A. Landgrover Map Amendment

Case Number: ZPH2015-00022
 Approximate Property Size: 47.45 acres
 Application Date: May 1, 2015
 Planning Board Hearing Date: June 1, 2015

Created By: Buncombe County Planning
 Date: May 4, 2015

	AI		EMP		R-1
	BDM		NS		R-2
	CR		OU		R-3
	CS		PS		R-LD
	Blue Ridge Parkway Overlay				
	Protected Ridge Overlay				
	Protected Ridge & Parkway				
	Steep Slope/High Elevation				
	Steep Slope/High Elev. & Pkwy				

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00022
 PROPOSED ZONING CHANGE : R-1 TO R-2
 LOCATION : 44 PICKENS LN AND DOGWOOD DR
 PINs : 9742-47-8027 AND 9742-57-8371

APPLICANT/OWNER: BRENDA LANDGROVER REVOCABLE TRUST
 309 KYFIELDS
 WEAVERVILLE, NC 28787

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 applicants are requesting the rezoning of 47.45 acres from R-1 (Single Family Residential District) to R-2 (Residential District). The property is largely undeveloped, with one single family home on the property. The property is located on the west side of Dogwood Drive to the south of the intersection of Dogwood Drive and Hamburg Mountain Road. The surrounding area is characterized by single family residential development zoned R-1 and R-2, and land within the Town of Weaverville's municipal limits.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area is outside high elevations (2,500'+)
- The area is not within a flood hazard area.
- The area has reasonable proximity to the Town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that residential uses allowed in the R-2 zoning district be outside high elevations (2,500'+), have reasonable proximity to utilities (Weaverville's water system is available but it is not within the combined water/sewer service area mapped on the constraint maps), and not be within a flood hazard area. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore the proposed map amendment could be appropriate.

Additionally, the subject property was part of a large map amendment application of 215 parcels (ZPH2014-00074) initiated by members of the community in question. The Board of Commissioners approved the map amendment to rezone the 215 parcels from R-2 to R-1 in March of this year. While staff sent notices to all the property owners of record, and the applicants for ZPH2014-0074 tried to contact all property owners involved, the Landgrovers have indicated that they did not receive notification and did not wish their property to be rezoned to R-1. Given, that the proposed map amendment is consistent with the Buncombe County Land Use plan, the development pattern in the area, and the circumstances in which it came to be rezoned to R-1, the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

Consistent: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

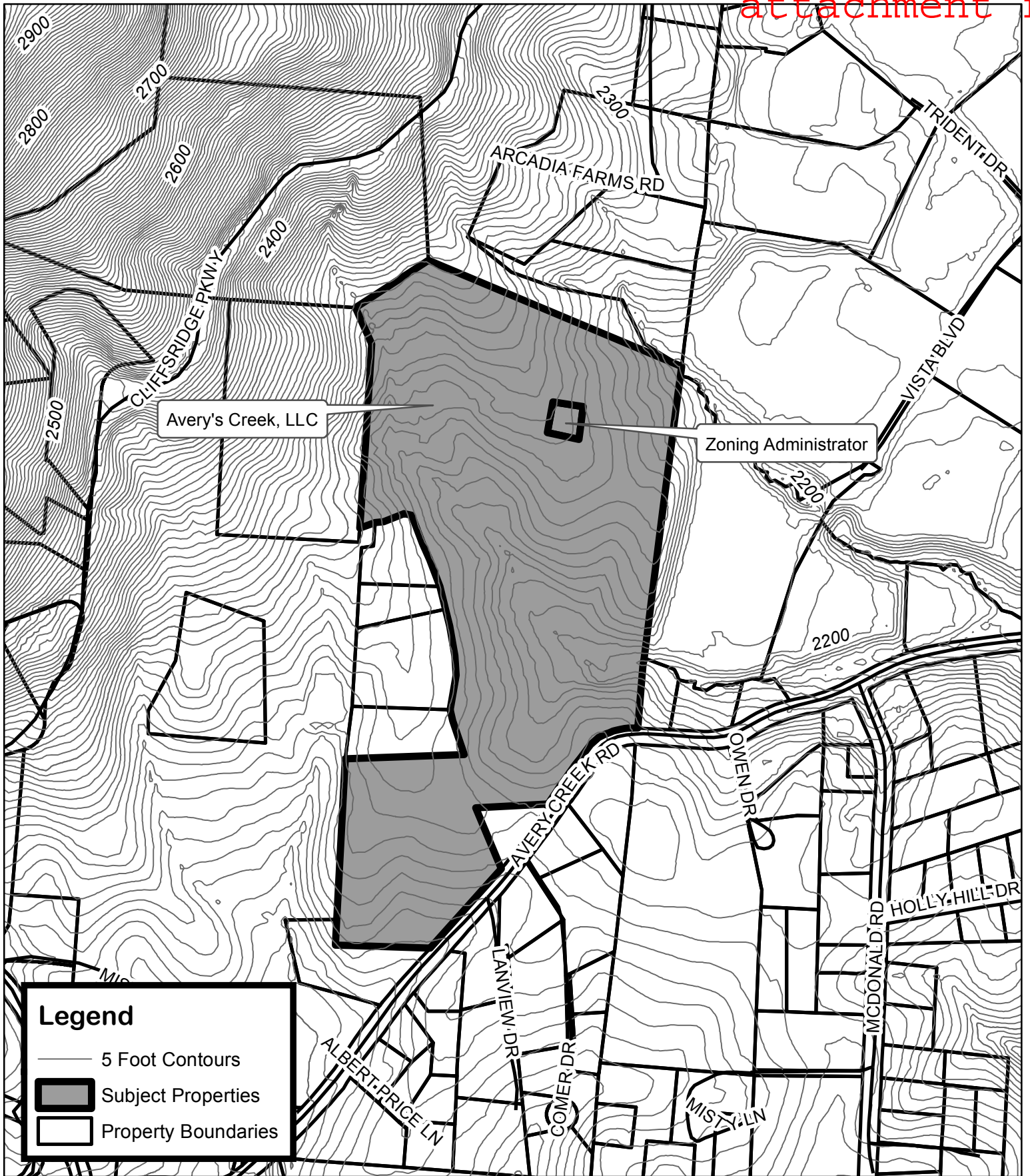
- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the Town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the residential uses allowed in the R-2 zoning district be outside high elevations (2,500' +), have reasonable proximity to utilities (it is located in reasonable proximity Weaverville's water system as well as MSD lines but is not within the combined water/sewer service area mapped on the constraint maps), and not be located within a flood hazard area. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore, the requested zoning would be **reasonable and in the public interest**.

Consistent (denial): The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

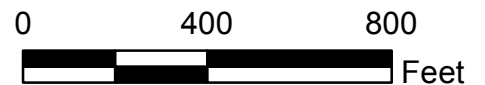
- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the Town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the residential uses allowed in the R-2 zoning district be outside high elevations (2,500' +), has reasonable proximity to utilities (it is located in reasonable proximity Weaverville's water system as well as MSD lines but is not within the combined water/sewer service area mapped on the constraint maps) and not be located within a flood hazard area. Therefore the proposed map amendment could be appropriate, however the proposed zoning would be inconsistent with surrounding property zoned R-1. The proposed map amendment would also be detrimental to the owners, adjacent neighbors, and surrounding community as the proposed zoning is not consistent with the surrounding properties. Therefore, the requested zoning would **not be reasonable and in the public interest**.



**Avery's Creek, LLC & Zoning Administrator
Map Amendment**

Case Number: ZPH2015-00008 & -00023
 Approximate Property Size: 34.47 acres
 Application Date: February 26 & May 1, 2015
 Planning Board Hearing Date: June 1, 2015

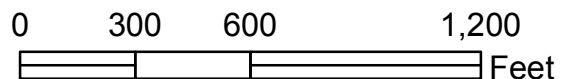


Created By: Buncombe County Planning
 Date: May 11, 2015

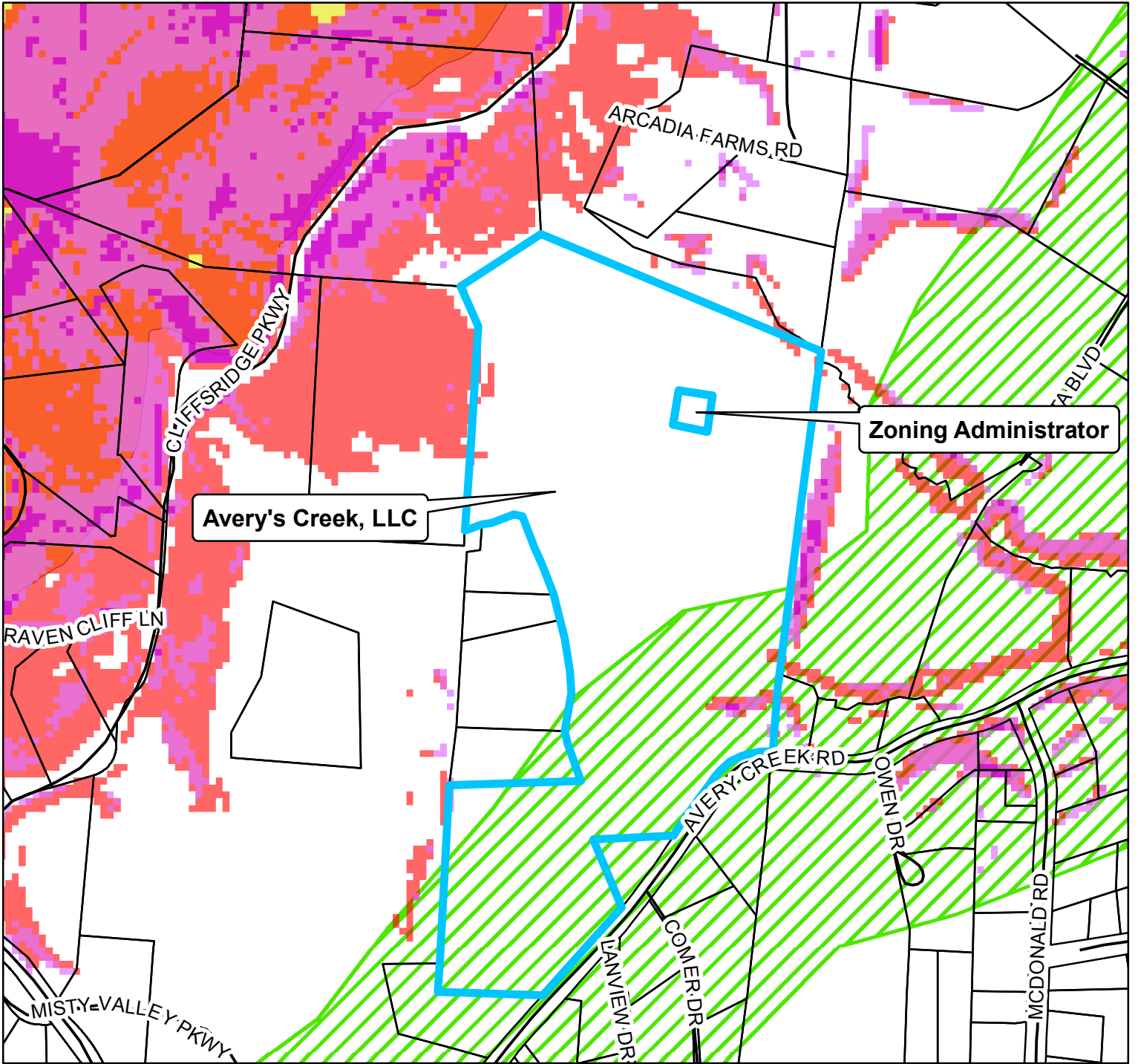
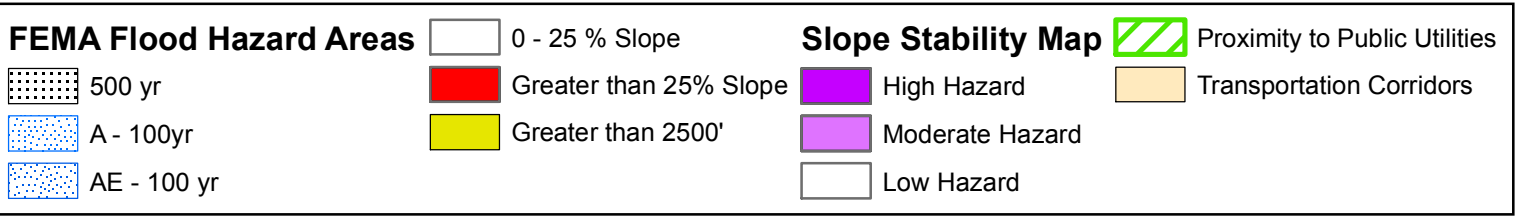


Avery's Creek, LLC & Zoning Administrator Map Amendment

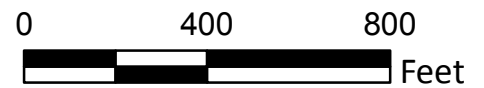
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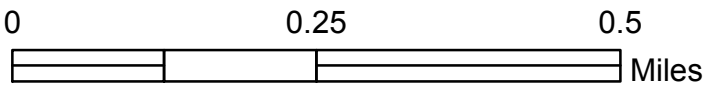
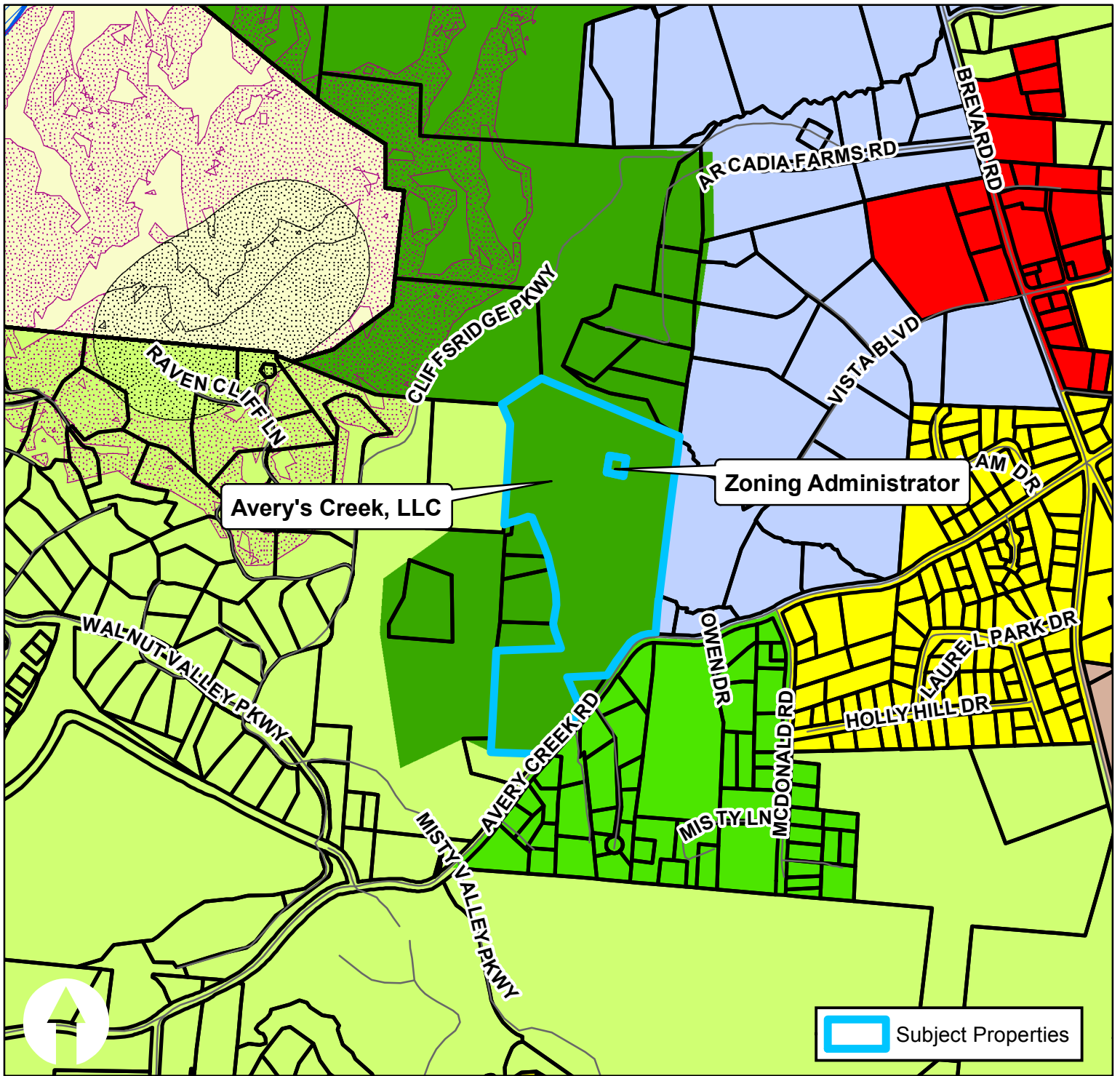
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	AI		EMP		R-1
	BDM		NS		R-2
	CR		OU		R-3
	CS		PS		R-LD
	Blue Ridge Parkway Overlay				
	Protected Ridge Overlay				
	Protected Ridge & Parkway				
	Steep Slope/High Elevation				
	Steep Slope/High Elev. & Pkwy				

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBERS : ZPH2015-00023 AND ZPH2015-00008
PROPOSED ZONING CHANGE : R-LD to R-2
LOCATION : AVERYS CREEK ROAD
PINs : A PORTION OF 9634-14-6580 (ZPH2015-00023)
AND 9634-23-4768 (ZPH2015-00008)

APPLICANTS: AVERY’S CREEK, LLC (ZPH2015-00023)
106 WILLIAMS ROAD
FLETCHER, NC 28232

ZONING ADMINSTRATOR (ZPH2015-00008)

OWNERS: CLIFFS RIDGE, LLC (ZPH2015-00023)
ATTN: MR. FREDERICK B. SPIEGEL
21 PALM AVENUE
MIAMI BEACH, FL 33139
*This owner has ownership of the portion of the PIN not
under rezoning application.*

AVERY’S CREEK, LLC (ZPH2015-00023)
ATTN: MR. FREDERICK B. SPIEGEL
21 PALM AVENUE
MIAMI BEACH, FL 33139
*This owner has purchased the portion of the property
under rezoning application, and has quit-claimed the
property listed under ZPH2015-00008 which remains
listed in the below owner’s name.*

LONGVIEW LAND COMPANY (ZPH2015-00008)
PO BOX 1549
TRAVELERS REST, SC 29690

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 applicants are requesting the rezoning of 34.7 acres from R-LD (Low-Density Residential District) to R-2 (Residential District). The property is currently undeveloped. The property is located on the North side of Avery Creek Road. To the East is industrial development zoned EMP (Employment District). To the North is property within the Cliffs at Walnut Cove zoned R-LD and OU (Open Use District). To the West are vacant and residential tracts zoned R-2 and R-LD.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area has reasonable proximity to public utilities.
- The property does not contain high elevations (2,500'+).
- The majority of the property does not contain areas of slope greater than 25%.
- The majority of the property is outside areas of high and moderate hazards on the landslide stability index map.
- The property is outside of flood hazard areas.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district have proximity to public utilities, be outside flood hazard areas, be outside high and moderate hazards on the landslide stability index map, and be outside high elevations. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community. Therefore, the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

Consistent: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area has reasonable proximity to public utilities.
- The property does not contain high elevations (2,500' +).
- The majority of the property does not contain areas of slope greater than 25%.
- The majority of the property is outside areas of high and moderate hazards on the landslide stability index map.
- The property is outside of flood hazard areas.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district have proximity to public utilities, be outside flood hazard areas, be outside high and moderate hazards on the landslide stability index map, and be outside high elevations. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be **reasonable and in the public interest**.

Not Consistent: The proposed map amendment is not consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The property is not within reasonable proximity to a transportation corridor.
- The property contains a small area of slope greater than 25%.
- The property contains a small area of high and moderate hazards on the landslide stability index map.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the higher density residential development allowed within the R-2 zoning district be located outside slopes greater than 25%, moderate and high slope stability hazards, and within reasonable proximity to a transportation corridor. The proposed map amendment would be detrimental to the owners, adjacent neighbors, and surrounding community. Therefore, the requested zoning would **not be reasonable and in the public interest**.