

**Buncombe County Planning Board  
May 2, 2016**

The Buncombe County Planning Board met on May 2, 2016 in the meeting room at 30 Valley Street. Members present were Gene Bell, Nancy Waldrop, David Rittenberg, Parker Sloan, Robert Martin, Bob Taylor, Thad Lewis, and Dusty Pless. Also present were Michael Frue, Vince Hyatt, and Brandon Freeman, Staff Attorneys; Jon Creighton, Planning Director; and Gillian Phillips, Debbie Truempy, and Shannon Capezzali, Planning staff.

**Call to Order**

Gene Bell called the meeting to order at 9:30 am.

**Approval of Agenda**

David Rittenberg made a motion to approve the agenda. The motion was seconded by Bob Taylor and passed unanimously.

**Approval of Minutes (April 18, 2016)**

Dusty Pless made a motion to approve the minutes. The motion was seconded by Nancy Waldrop and the motion passed unanimously.

**Public Comment**

There was no public comment.

**Public Hearing**

***ZPH2016-00010: Chris Day from Civil Design Concepts sought to rezone two parcels from R-1 residential to R-2 residential located at tax lot PIN #'s 9659-20-1099 (85 Piney Mountain Drive) and 9658-29-2204 (south of 85 Piney Mountain Drive).***

The Board was provided with GIS maps (Attachment A), the map amendment application (Attachment B) and the staff recommendation (Attachment C) prior to the meeting. Debbie Truempy reviewed the proposed rezoning to the Board. Lue Bisset, William Morris, and Chris Day were present to represent the application and answer questions from the Board and the public. Gene Bell opened public comment:

- Ms. Boscardin, Secretary of the Condominium Association of a nearby property, stated that a 2013 attempt to develop a nearby property on Piney Mountain had encountered problems related to soil stabilization, which she feels is evidence that development will be problematic.
- Sandra Leslie, resident of a nearby condominium, stated that the previous HOA President had stated that a study had been done on a nearby parcel during the construction of the condos and it was found that the site was only suitable for a single dwelling unit. She expressed concern that no similar study had been done on the site being considered for development.
- In response to a public question about why the property had never been developed, the owner of the parcel stated that there had never been plans to develop it and family members had planned to be buried on the site.
- Melvin Hines from Asheville stated that nearby properties have experienced soil instability and erosion as well as hydrostatic pressure at the street level. He stated that the developer should provide guarantees that the site is stabilized.
- Billy Kelley, HOA President, requested information about the price of the units, and stated that the neighborhood would like to encourage property values to rise. He also expressed concern

about soil stabilization and flooding. The developer of Bella Vista condos did not repair the roads as promised, and also did not clean up much of the trash along the road.

- Jed Douglas, Pastor of a nearby church and a local property owner, stated that the plan to cluster development at the bottom is a good choice. The construction of the condos has caused water runoff issues and nearby traffic is problematic. He requested that the developer build something reasonable.
- Anne Serpa, resident of a nearby condominium, stated that the crime rate in the area is currently low and expressed concern that more development will bring a higher crime rate.
- Kevin Schwartz, resident of the area, requested that the developer go twice as far in evaluating the soil stability issue as required, and to provide less of an impact.
- Ron Gould of Swannanoa, and an adjacent property owner, pointed out that the geotechnical analysis would only be required for development within the overlay zones.

Staff and the applicant addressed questions from public comment and from Planning Board members:

- Chris Day, from Civil Design Concepts, provided background information on the neighboring development which had encountered soil issues. County regulations require a geotechnical analysis on development within steep slope and protected ridge overlay areas, and that analysis would help determine the maximum amount of units allowed. A soil test will not be conducted until after the rezoning is approved and a specific preliminary layout has been drafted.
- William Morris, developer, stated that the project will be apartments for rent, and a detailed plan for pricing and unit sizes has not been created. His company constructs Class A multi-family communities. They will construct a development that will be an investment for the community and will remain managed by the developing company. They have experience building in Greenville and environmentally-sensitive sites such as near wetlands. They are committed to obtaining as much local information about the site and soil stability as possible.
- Debbie Truempy stated if the property remained at the current R-1 zoning, the maximum amount of units allowed would be based on the minimum requirement of 8,000 SF per lot for lots with public water and sewer access. R-1 zoning does not allow clustering through a Planned Unit Development, and as a result, the full area of the parcel could be developed with single-family residences as opposed to clustering all development outside overlay areas. The public hearing is to review the rezoning request, and not for the review of the proposed development. No geotechnical analysis is required for development outside of the overlay districts. Chris Day confirmed that Kessel Engineering is scheduled to do the geotechnical analysis even though no development is planned within the overlays.

Gene Bell closed public hearing.

Parker Sloan made a statement in support of the proposed development, saying that the property is close to downtown Asheville and ideal for development. The community did not respond favorably to the previous three rezoning requests from R-1 to R-2. The disparity between R-1 and R-2 zoning may necessitate the creation of a third residential zoning district to allow for more choice.

Parker Sloan made a motion to recommend approval of the rezoning as it is consistent with the Land Use plan, reasonable, and in the public interest. The motion was seconded by Bob Taylor and passed unanimously.

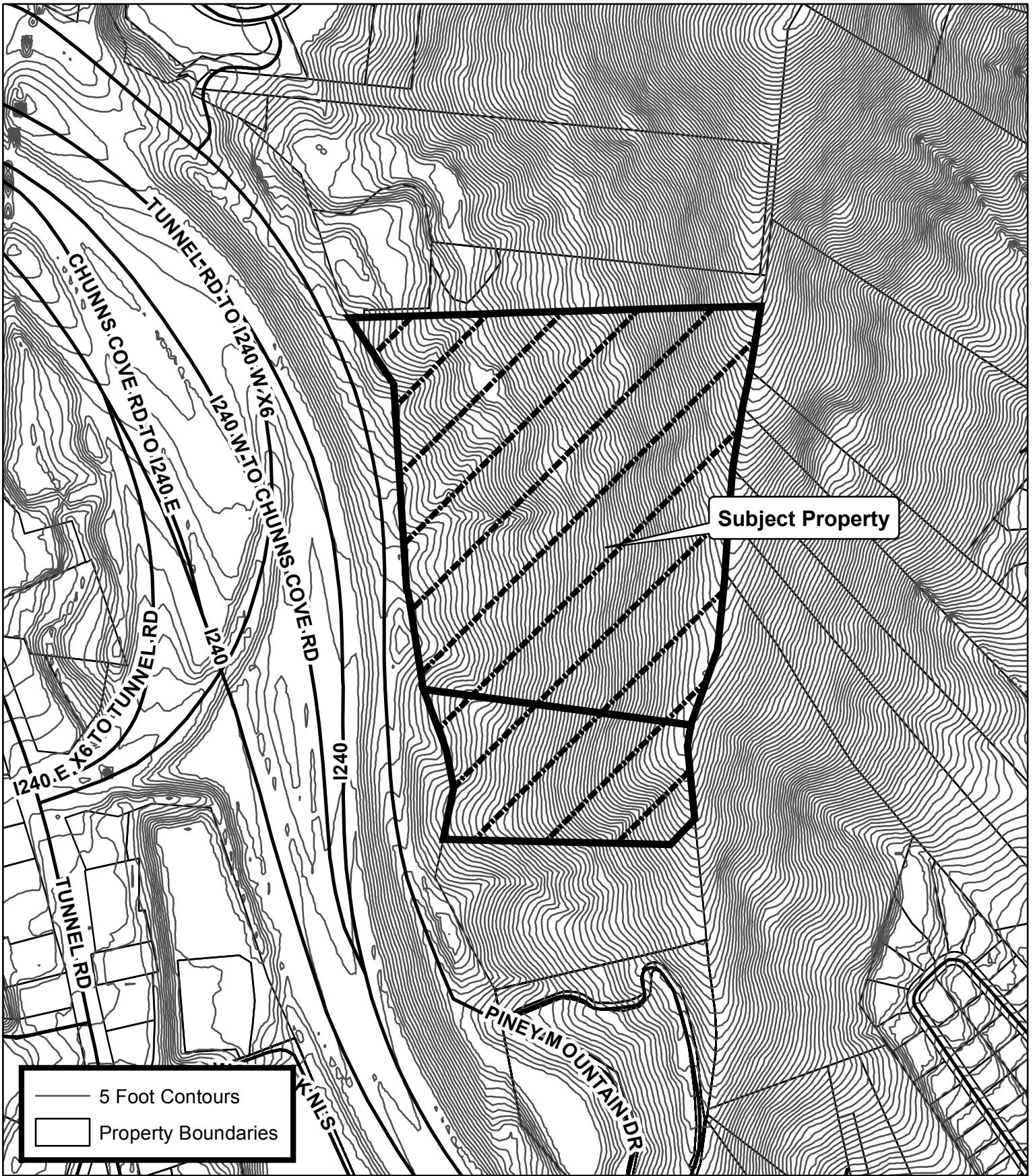
**ZPH2016-00018:** *Discussion of proposed revisions to the Buncombe County Land Development and Subdivision Ordinance.*

Gillian Phillips continued the review of the proposed Subdivision Ordinance text amendments which had begun at a previous meeting. Board Members specifically discussed hillside developments, density bonuses, and the requirements for a geotechnical analysis.

Jon Creighton contacted NCDOT to request they provide information at a Planning Board meeting, but has not yet received a response. Staff hopes to have a representative at a future meeting. Gillian Phillips contacted the NC Cooperative Extension regarding a question about dumping of trash and other items on farms throughout the county. The Extension office indicated that this has not been an issue that they are aware of.

**Adjourn**

The meeting was adjourned at 11:03am.



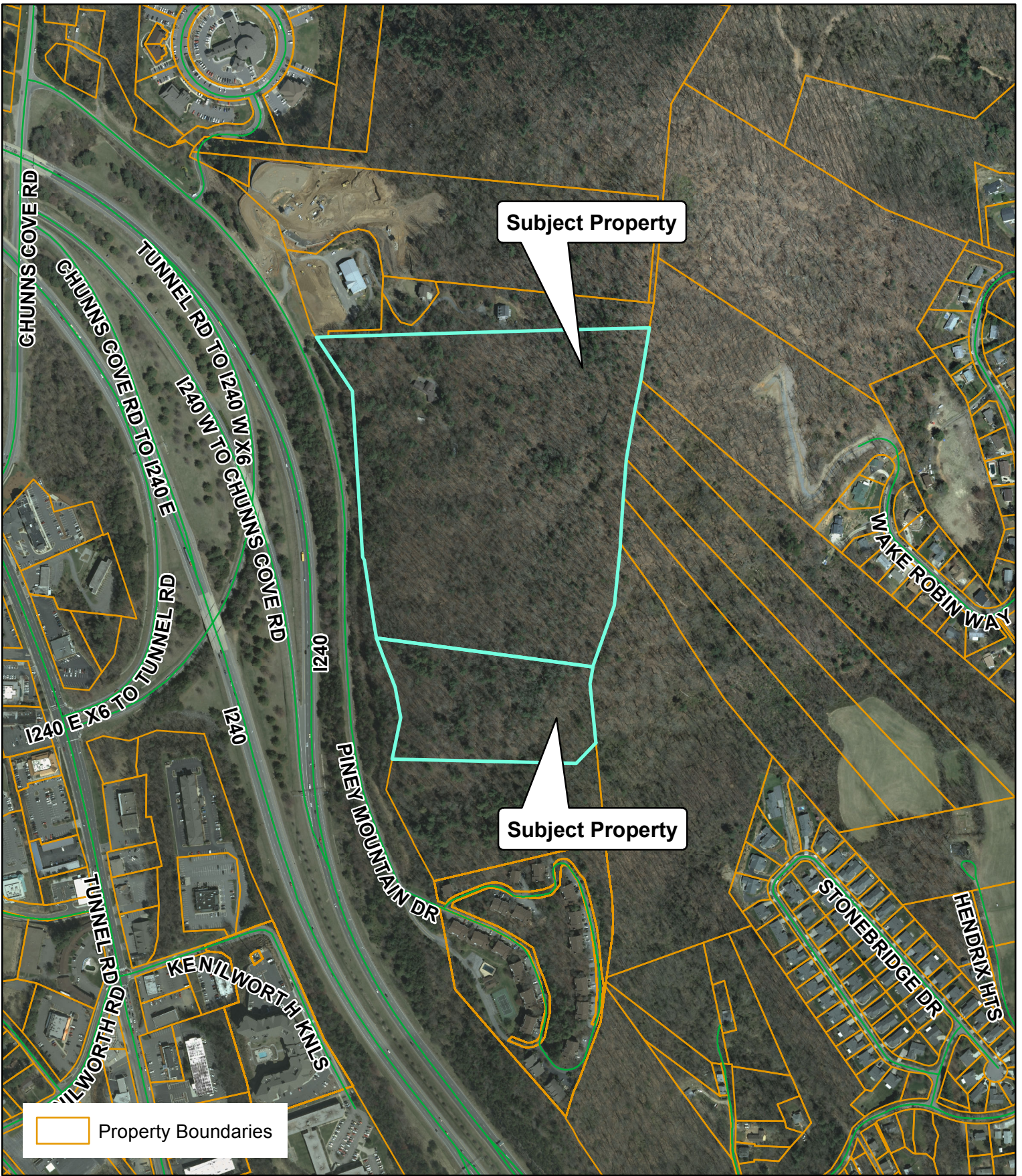
**Arlington Properties, Inc.**  
**Rezoning Application**

Case Number: ZPH2016-00010  
 Approximate Property Size: 38.88 acres  
 Application Date: February 19, 2016  
 PB Hearing Date: May 2, 2016



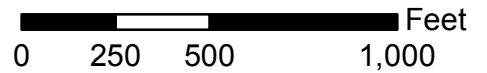
**ATTACHMENT A**

Created By: Buncombe Co. Planning  
 Date: April 20, 2016

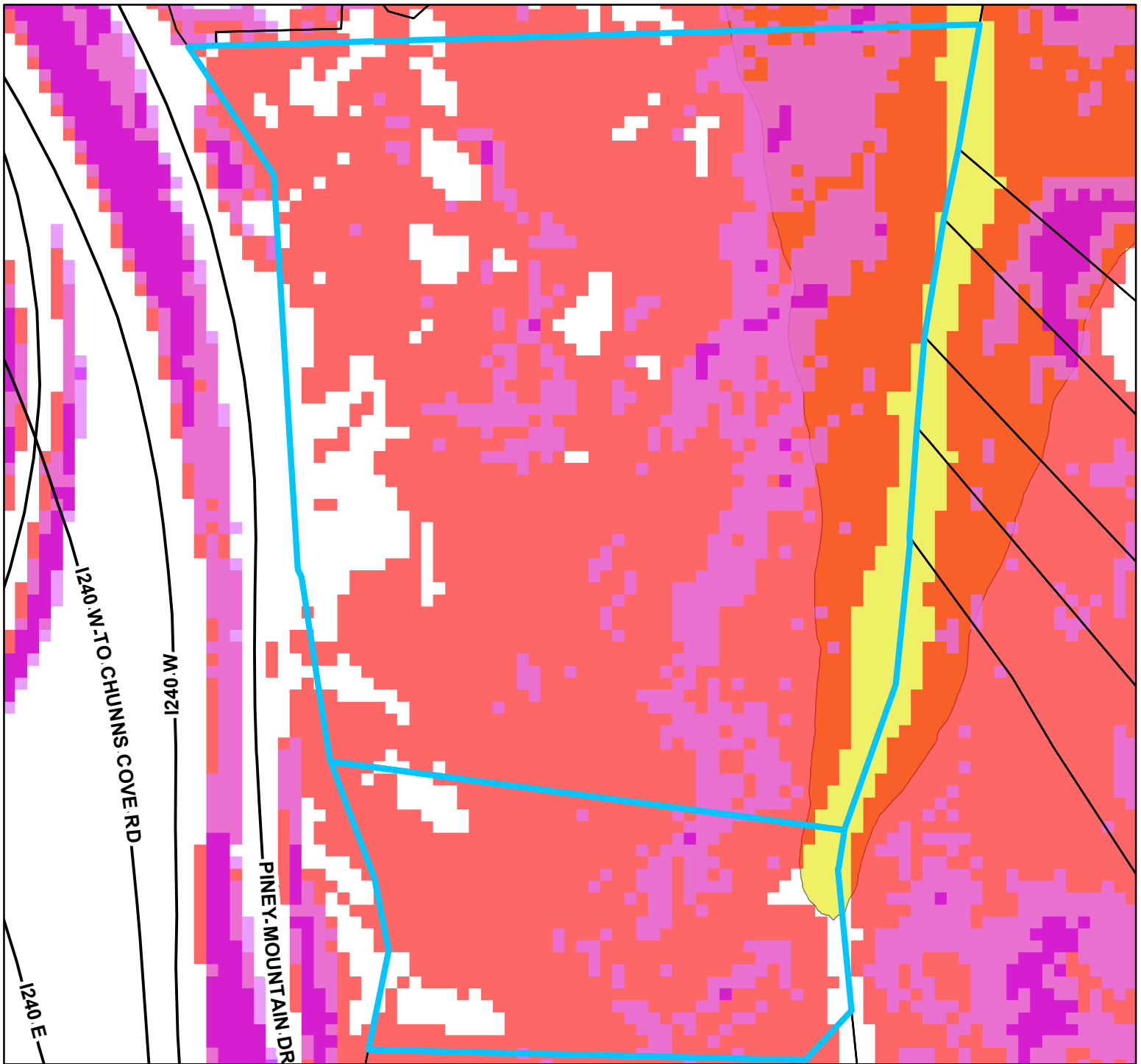
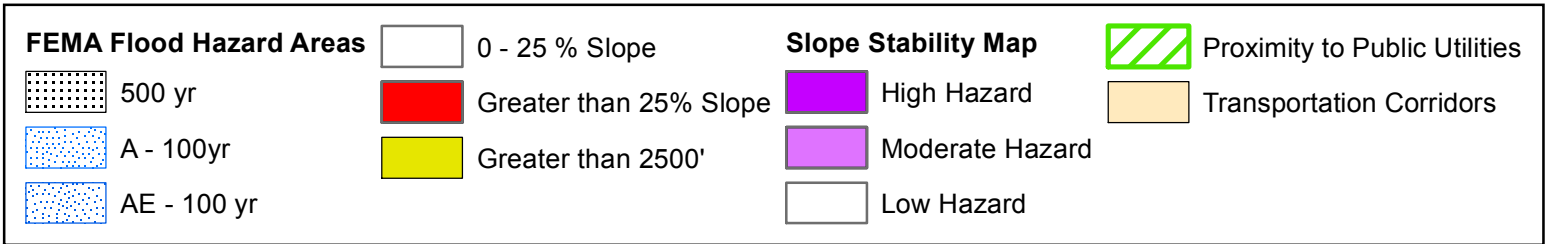


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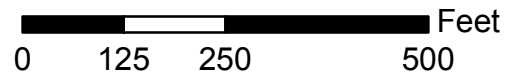


Created By: Buncombe Co. Planning  
 Date: April 20, 2016

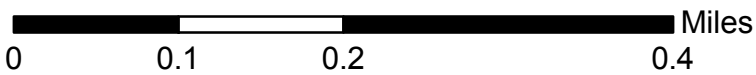
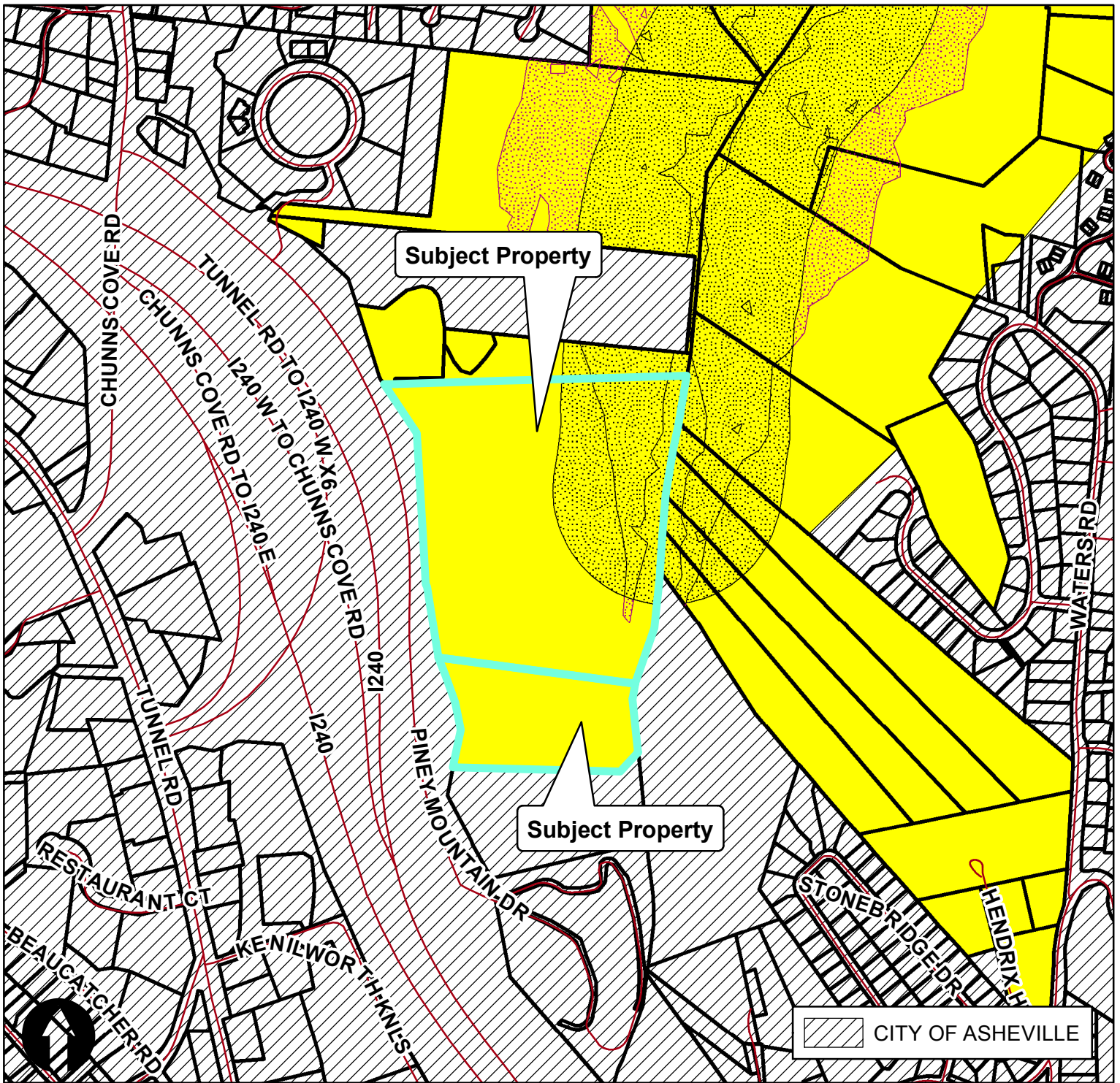


**Arlington Properties, Inc.**  
**Rezoning Application**

Case Number: ZPH2016-00010  
 Approximate Property Size: 38.88 acres  
 Application Date: February 19, 2016  
 PB Hearing Date: May 2, 2016



Created By: Buncombe Co. Planning  
 Date: April 20, 2016



# Arlington Properties, Inc. Rezoning Application

Case Number: ZPH2016-00010  
 Approximate Property Size: 38.88 acres  
 Application Date: February 19, 2016  
 PB Hearing Date: May 2, 2016

Created By: Buncombe Co. Planning  
 Date: April 20, 2016

|  |                               |  |     |  |      |
|--|-------------------------------|--|-----|--|------|
|  | 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 Government ATTACHMENT B  
Application to Amend the Buncombe County Zoning Map**

Planning and Development  
www.buncombecounty.org

46 Valley Street  
Asheville, NC 28801  
Telephone (828) 250-4830  
Fax (828) 250-6086

**OFFICE USE ONLY:**

Case Number: ZPH 2016 - 00010 Date Received: initial submittal February 19, 2016  
Scheduled Planning Board Hearing Date: May 2, 2016

**Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as pertains to the following properties:**

**Property description:**

- Property Identification Number(s): 9659-20-1099; 9658-29-2204
- Address(es) of Property : 85 Piney Mountain Drive
- Total Acreage of Property: 38.89 AC

**Zoning Classification(s):**

Current zoning district(s): R-1 Requested zoning district(s)\*: R-2

*\*If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

**Please answer the following questions (if necessary attach a separate sheet of paper):**

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

See Attached

2. Describe how the proposed rezoning is consistent with Buncombe County's Comprehensive Land Use Plan (available at www.buncombecounty.org/planning):

See Attached



3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

See Attached

4. Is/are the applicant(s) listed below the owner(s) of the property?  Yes  No

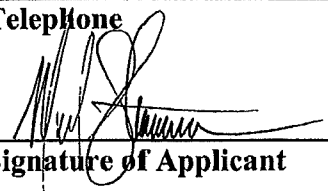
*If the applicant(s) listed below are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit should be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.*

**Contact information:**

ARLINGTON PROPERTIES, INC - MARK STUERMANN, U.P.  
Applicant Name(s) (please print)

2117 SECOND AVENUE NORTH, BIRMINGHAM, AL, 35203  
Mailing Address (including town/city, state, and zip)

205-397-6039 Telephone MSTUERMANN@ARLINGTONPROPERTIES.NET Email Address

  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

*Withdrawal of an application after notice has been made will result in forfeiture of any application fees associated with said application.*

## **85 Piney Mountain Rezoning**

### **Revised Application Responses:**

- 1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:**

The two parcels are a ±29 acre and a ±9.8 acre tract of Buncombe County R-1 land that are adjacent to existing City of Asheville multi-family zoning. The parcels have road frontage on Piney Mountain Road which is located adjacent to Interstate 240 and serves as access to the adjacent church as well as Centre Park Office complex, a Senior Living Facility and a multi-family condominium community.

- 2. Describe how the proposed rezoning is consistent with the Buncombe County's Comprehensive Land Use Plan:**

Rezoning the property to R-2 is consistent with the Comprehensive Land Use Plan:

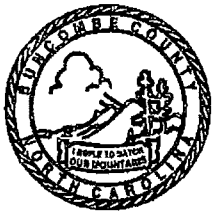
- Recommended Strategy #15 (Section 4) – Allow a cluster development option as a means to promote compact development while preserving open space, particularly in areas where the physical conditions of the site warrant a concentration of development on a portion of the site.
- Consolidated Plan Priority #2 (Section 5) – coordinate housing development with transportation, jobs, and services and make efficient use of available land and infrastructure by exploring strategies including higher density construction near transit corridors.

- 3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.**

A rezone of this property would provide much needed housing in the Tunnel Road and surrounding areas. The properties are located along Piney Mountain Road which provides access to commercial and multi-family uses. The properties are directly across from Interstate 240 and acts as a transition to R-1 property to the north/east. The properties are adjacent to existing City of Asheville multi-family zoning. The properties are protected from overdevelopment by County overlays which restricts the upper portions and cluster development to the lower portion of the site along Piney Mountain.

The existing infrastructure and uses in the vicinity meet the Zoning Ordinance definition of R-2:

*The R-2 Residential District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. These areas will usually be adjacent to R-1 Single-Family Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks*



# Application to Amend the Buncombe County Zoning Map: Owners' Affidavit

Planning and Development  
www.buncombecounty.org

46 Valley Street  
Asheville, NC 28801  
Telephone (828) 250-4830  
Fax (828) 250-6086

## OWNERS' AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and affirm that they are the legal owners of the property located at:  
85 Piney Mountain Drive - Asheville, NC

PIN(s) # 9659201099

The persons listed below do hereby give authorization and permission to:

Louis Bissette of Arlington Properties  
(Name of Representative/Agent) (Name of Organization)

to submit to Buncombe County a request to amend the zoning map for the above listed properties from:

Current zoning district: R1 Requested zoning district: R2

This application will be submitted to be heard by the Planning Board in a public hearing on 5/2, 2016 and to be subsequently heard by the Commissioners.

| <u>Owner's Name (Print)</u> | <u>Owner's Signature</u>  | <u>Date</u>    |
|-----------------------------|---------------------------|----------------|
| <u>Teri Glenn Gentile</u>   | <u>Teri Glenn Gentile</u> | <u>4/13/16</u> |
| <u> Pamela E. SIMONS</u>    | <u>Pamela E. Simons</u>   | <u>4-13-16</u> |
| _____                       | _____                     | _____          |
| _____                       | _____                     | _____          |
| _____                       | _____                     | _____          |

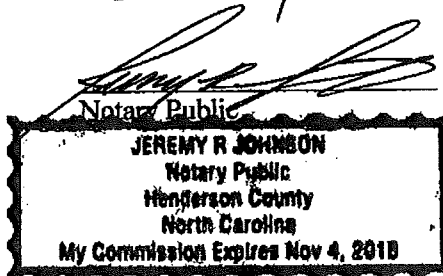
STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Jeremy R Johnson, a Notary Public of the County and State aforesaid, certify that Teri Glenn Gentile, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 13 day of April, 2016

My Commission Expires:

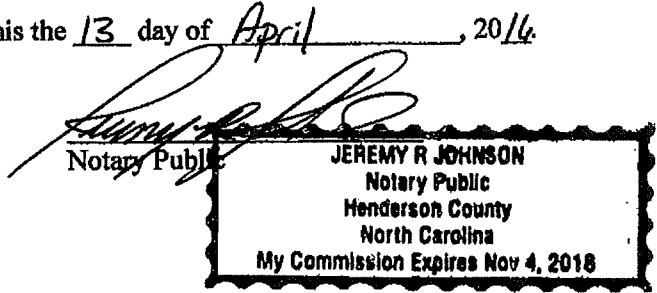
Nov 4, 2018



STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, Jeremy R Johnson, a Notary Public of the County and State aforesaid, certify that  
Pamela E Simons, PROPERTY OWNER, personally appeared before me this day and voluntarily  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 13 day of April, 2014.



My Commission Expires: Nov 4, 2018

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that  
\_\_\_\_\_, PROPERTY OWNER, personally appeared before me this day and voluntarily  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that  
\_\_\_\_\_, PROPERTY OWNER, personally appeared before me this day and voluntarily  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:



Application to Amend the Buncombe County Zoning Map:
Owners' Affidavit

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

OWNERS' AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and affirm that they are the legal owners of the property located at:

Piney Mountain Drive - Asheville, NC

PIN(s) # 9658292204

The persons listed below do hereby give authorization and permission to:

Louis Bisette

of

Arlington Properties

(Name of Representative/Agent)

(Name of Organization)

to submit to Buncombe County a request to amend the zoning map for the above listed properties from:

Current zoning district: R1

Requested zoning district: R2

This application will be submitted to be heard by the Planning Board in a public hearing on 5/2, 2016 and to be subsequently heard by the Commissioners.

Table with 3 columns: Owner's Name (Print), Owner's Signature, Date. Row 1: Ashley Scott Properties, [Signature], April 15, 2016.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Leigh Dudrow, a Notary Public of the County and State aforesaid, certify that Chris Young, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 15th day of April, 2016

Leigh Dudrow
Notary Public

My Commission Expires:



Application to Amend the Buncombe County Zoning Map:
Owners' Affidavit

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

APPLICANT'S AFFIDAVIT:
CERTIFICATION TO THE BOARD OF COMMISSIONERS OF NOTICE

I, Peter U-Kanipe, Attorney for, the undersigned applicant, do hereby certify that
Ashley Scott Properties, Inc. and Jerald & Frances Gentile
[name(s) of owner(s)] has/have received actual notice of the proposed amendment and a copy of the
notice of public hearing for the

Planning Board/Board of Commissioners (circle one) meeting scheduled for May 2, 2016
pursuant to the North Carolina General Statutes, for consideration of rezoning for property located at:

85 Piney Mountain Drive & Piney Mtn Drive (9658-28-2841), Asheville, NC, 28805
PIN(s) # 9658-28-2841 & 9659-20-1099

Current zoning district: R-1 Requested zoning district: R-2

Notice was provided in the following manner (check one; if a variety methods were utilized to reach
multiple applicants please provide a separate form for each method):

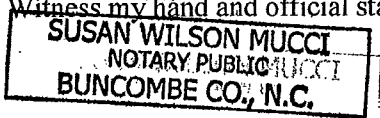
- [X] Certified mail with return receipt (return receipts will be forwarded to the Planning Department
upon receipt). - Fedex - see receipts attached
[ ] Personal delivery on \_\_\_\_\_, 20\_\_\_\_, at
(location): \_\_\_\_\_
[ ] Service processor (service processor receipt enclosed).

Handwritten signature

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Susan Wilson Mucci, a Notary Public of the County and State aforesaid, certify
that Peter U. Kanipe, APPLICANT, personally appeared before me this day and
voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 28th day of April, 2016.



Susan Wilson Mucci
Notary Public

My Commission Expires: 8/12/2018



April 28,2016

Dear Customer:

The following is the proof-of-delivery for tracking number **776211196407**.

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**Delivery Information:**

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|                          |   |                           |  |
|--------------------------|---|---------------------------|--|
| <b>Status:</b>           | Delivered                               | <b>Delivered to:</b>      | Residence                              |
| <b>Signed for by:</b>    | Signature not required                  | <b>Delivery location:</b> | 60 POSEYVILLE ROAD<br>BREMEN, GA 30110 |
| <b>Service type:</b>     | FedEx Standard Overnight                | <b>Delivery date:</b>     | Apr 28, 2016 12:22                     |
| <b>Special Handling:</b> | Deliver Weekday<br>Residential Delivery |                           |  |

**NO SIGNATURE REQUIRED**

Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

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**Shipping Information:**

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|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 776211196407 | <b>Ship date:</b> | Apr 27, 2016   |
|                         |              | <b>Weight:</b>    | 0.5 lbs/0.2 kg |

**Recipient:**  
Christopher Young  
Ashley Scott Properties, Inc.  
90 Poseyville Road  
BREMEN, GA 30110 US

**Shipper:**  
Jenna E. Spain  
McGuire Wood and Bissette, PA  
48 Patton Avenue  
Asheville, NC 28801 US

**Reference** 103221.01

Thank you for choosing FedEx.





April 28,2016

Dear Customer:

The following is the proof-of-delivery for tracking number **776211168451**.

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**Delivery Information:**

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|                          |   |                           |   |
|--------------------------|---|---------------------------|---|
| <b>Status:</b>           | Delivered                                   | <b>Delivered to:</b>      | Residence                                   |
| <b>Signed for by:</b>    | Signature not required                      | <b>Delivery location:</b> | 85 PINEY MOUNTAIN DR<br>ASHEVILLE, NC 28805 |
| <b>Service type:</b>     | FedEx Standard Overnight                    | <b>Delivery date:</b>     | Apr 28, 2016 13:10                          |
| <b>Special Handling:</b> | Deliver Weekday<br><br>Residential Delivery |                           |   |

**NO SIGNATURE REQUIRED**

Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

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**Shipping Information:**

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|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 776211168451 | <b>Ship date:</b> | Apr 27, 2016   |
|                         |              | <b>Weight:</b>    | 0.5 lbs/0.2 kg |

**Recipient:**  
Gentile Jolerd and Frances  
85 Piney Mountain Dr  
ASHEVILLE, NC 28805 US

**Shipper:**  
Jenna E. Spain  
McGuire Wood and Bissette, PA  
48 Patton Avenue  
Asheville, NC 28801 US

**Reference** 103221.01

Thank you for choosing FedEx.

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2016-00010  
 PROPOSED ZONING CHANGE : R-1 TO R-2  
 LOCATION : 85 PINEY MOUNTAIN DRIVE  
 PIN(s) : 9659.20.1099; 9658.29.2204

APPLICANT : ARLINGTON PROPERTIES, INC

OWNERS : JOLERD & FRANCES GENTILE, PAMELA  
 SIMONS, ASHLEY SCOTT PROPERTIES

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 two (2) parcels comprising approximately 29.05 acres (Gentile property) and 9.83 (Ashley Scott property) from R-1 (Residential District) to R-2 (Residential District). The subject properties are contiguous and located along Piney Mountain Drive. The Gentile property, located at 85 Piney Mountain Drive, contains an existing single-family residence while the Ashley Scott property to the south is currently vacant and unaddressed. Both properties have direct road frontage along Piney Mountain Drive which is maintained by the North Carolina Department of Transportation (NCDOT). Properties to the north of the Gentile property contain single-family residences and a church zoned R-1 while property to the south of the Ashley Scott property contains an existing condominium complex, is located in the City of Asheville and zoned RM-6 which is a multi-family district. Both properties are bordered by the I-240 interstate corridor and Piney Mountain Drive to the west (located in the City of Asheville, and not zoned). To the east, a portion of the Gentile property is bordered by a stretch of vacant parcels zoned R-1 and separated by a steep ridge line. The Gentile property contains roughly 10 acres of land that is located in the steep slope and protected ridge overlays and is situated within the northeast quadrant of the property. Approximately half of the bordering property to the east of the southern portion of the Gentile property and all of the Ashley Scott property is located in the City of Asheville and zoned RS-2 and RM-6. Both of the subject properties were located in the now defunct City of Asheville Extra-Territorial jurisdiction (ETJ).

The applicant is planning to construct an apartment complex on the Gentile property. This use would be reviewed as a separate conditional use permit (CUP) application by the Board of Adjustment if the rezoning request to R-2 is approved by the Board of Commissioners. The applicant has proposed to cluster development along Piney Mountain Drive thereby preserving the more environmentally sensitive areas (steeper sloped property and preservation of all property located the steep slope and protected ridge overlays) of the property.

The proposed map amendment is consistent with Section 78-640(c) Residential District (R-2) of the Zoning Ordinance of Buncombe County which states that the R-2 residential district is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. 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 properties are not directly adjacent to a transportation corridor but are directly accessed by Piney Mountain Road (an NCDOT maintained road), and located within 1/4 mile of Tunnel Road/US 70 which is a transportation corridor and an NCDOT maintained road.
- The subject properties are located within the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps and nearby multi-family developed properties to the north (Bella Vista Retirement Living) and south (Pine Cliff Condominiums) are served by both public water and sewer.
- The subject properties are primarily located in areas identified as steep slope (greater than 25%) with smaller pockets along Piney Mountain Road that are located outside of this designation. However, and as mentioned above, only a 10 acre section of the Gentile property is located in the steep slope and protected ridge overlays.
- The eastern perimeter of the Gentile property along the ridge line and a small portion of the Ashley Scott property confined to the northeast corner is located in an area containing high elevations (greater than 2,500 feet), pockets of moderate to high slope stability hazard area are located along the upslope of the ridge but taper off along the ridge line area.
- 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 higher density development be located outside of steep slope areas (greater than 25%) and outside of high elevations (greater than 2,500 feet). Future development plans propose to cluster development along Piney Mountain Drive as mentioned above thereby limiting the development impact within the most environmentally sensitive portions of the property. Further, the plan “highly suggests” that mixed use development be located outside of slope stability and flood hazard areas and “highly suggests” that this type of development be located outside of steep slope 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 subject properties were part of the now defunct City of Asheville ETJ and are within close proximity to multi-family developed properties located in the City of Asheville. The Belle Vista Retirement multi-family development to the north was reviewed by the City of Asheville as a conditional zoning request when the property was located in the ETJ and later voluntarily annexed by the City around 2010-2011. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with surrounding multi-family zoned properties (located within the City) and is readily accessed by an NCDOT maintained road that is within close proximity to the City of Asheville and a major transportation corridor – Tunnel Road (US 70) and can be served by public utilities (water/sewer).

## 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 properties are not directly adjacent to a transportation corridor but is directly accessed by Piney Mountain Road (an NCDOT maintained road), and is located within 1/4 mile of Tunnel Road/US 70 which is a transportation corridor and an NCDOT maintained road.
- The subject properties are located within the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps and nearby multi-family developed properties to the north (Bella Vista Retirement Living) and south (Pine Cliff Condominiums) are served by both public water and sewer.
- The subject properties are primarily located in areas identified as steep slope (greater than 25%) with smaller pockets along Piney Mountain Road that are located outside of this designation. As mentioned above, a 10 acre section of the Gentile property is located in the steep slope and protected ridge overlays.
- The eastern perimeter of the Gentile property along the ridge line and a small portion of the Ashley Scott property confined to the northeast corner is located in an area containing high elevations (greater than 2,500 feet), pockets of moderate to high slope stability hazard area are located along the upslope of the ridge but taper off along the ridge line area.
- 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 higher density development be located outside of steep slope areas (greater than 25%) and outside of high elevations (greater than 2,500 feet). Future development plans propose to cluster development along Piney Mountain Drive as mentioned above thereby limiting the development impact within the most environmentally sensitive portions of the property. Further, the plan “highly suggests” that mixed use development be located outside of slope stability and flood hazard areas and “highly suggests” that this type of development be located outside of steep slope 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 subject properties were part of the now defunct City of Asheville ETJ and are within close proximity to multi-family developed properties located in the City of Asheville. The Belle Vista Retirement multi-family development to the north was reviewed by the City of Asheville as a conditional zoning request when the property was located in the ETJ and later voluntarily annexed by the City around 2010-2011. Therefore, the requested zoning would **be reasonable and in the public interest**.

**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 technically located outside of an identified transportation corridor.
- The subject property contains areas that are sloped in excess of 25%.

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 a

major transportation corridor and “highly suggested” outside of steep slope areas greater than 25% and high elevation areas of greater than 2500 feet. Therefore the proposed map amendment would be inconsistent as the subject properties are primarily located in areas containing slopes of greater than 25%. Therefore, the requested zoning would **not be reasonable and in the public interest.**