

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

CASE NUMBER : ZON2010-00016
 PROPOSED ZONING CHANGE : R-LD to NS
 LOCATION : CHARLOTTE HIGHWAY
 PIN NUMBER : 9677-21-2227
 ACREAGE : 10.95 ACRES

APPLICANT/OWNER: WNC MOUNTAIN LAND CORPORATION
 PO BOX 954
 FAIRVIEW, NC 28730

DEPARTMENT RECOMMENDATION: DENIAL

REZONING SUMMARY: The applicant requests rezoning of 10.95 acre tract from R-LD (Low Density Residential District) to NS (Neighborhood Service District). The subject property is located at the southeast corner of the intersection of Charlotte Highway and Cedar Mountain Road. The property is currently wooded and undeveloped.

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.

DEPARTMENT CONSIDERATIONS

SIZE OF THE PROPOSED TRACT: The surrounding area is comprised of other tracts of large undeveloped land and residential development. The subject property does not include a large amount of land in relation to the surrounding area, and does not include a large number of property owners.

CONSISTENCY WITH BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN: The requested zoning is not consistent with the Buncombe County Comprehensive Land Use Plan. The Buncombe County Comprehensive Land Use Plan and the Update to the Land Use Plan call for the concentration of commercial development in Hubs to discourage strip commercial corridors. The proposed property is currently not located near the Hubs proposed along Charlotte Highway, as shown in the Update to the Comprehensive Land Use Plan, and could lead to strip development along Charlotte Highway.

AFFECT ON SURROUNDING PROPERTIES AND USES: The requested zoning would not be consistent with surrounding uses, which are primarily residential in nature, and consist of single family homes on large tracts of land, and undeveloped residentially zoned property. The surrounding property is all zoned for residential uses. While commercially zoned property does exist in the area it is approximately 2000 feet to the east and west of the subject property. Approval of the subject property as a commercial zoning could lead to the encroachment of commercial uses along Charlotte Highway.

BENEFITS AND/OR DETRIMENTS THE REZONING WILL HAVE ON OWNERS, ADJACENT NEIGHBORS, AND THE SURROUNDING COMMUNITY: The requested zoning would be detrimental to the owner, adjacent neighbors, and surrounding community as the property is currently surrounded by residential uses and residential zoning. Approval of the property as a commercial zoning could lead to the encroachment of a commercial use into an established residential area.

SUMMARY: In conclusion, the requested rezoning is not consistent with the Buncombe County Land Use Plan and could lead to the encroachment of a commercially zoned property into an area that is characterized by low density residential uses. The accepting of the requested rezoning would result in less strict zoning requirements for the subject property and thus promote a land use that is not in harmony with the surrounding area. Additionally, the proposed zoning could lead to the encroachment of commercial uses along Charlotte Highway. Therefore the Buncombe County Department of Planning and Development recommends DENIAL of the request.