



LOCATION MAP



CASE NUMBER: ZPH2019-00003

PROPERTY INFORMATION

PIN(s): 9720-30-4443 and 9720-30-6440
Addresses: 65 and 67 Lees Creek Rd
Owner(s): Liberty Corner Enterprises

REZONING REQUEST

Applicant: Matthew Siegel, Ampersand Ellipsis LLC
Existing Zoning: R-1 Residential
Proposed Zoning: PS Public Service

PUBLIC NOTICE

Notice in AVL Citizen Times legal ad: 2/20/19
 Notice mailed to owners within 1,000 ft: 2/22/19
 Notice on BC Website: 2/22/19

STAFF RECOMMENDATION

APPROVAL

SUMMARY OF REQUEST

Matthew Siegel of Ampersand Ellipsis, LLC, on behalf of Liberty Corner Enterprises, Inc., has applied to rezone two (2) parcels of land identified as tax lot PINs 9720-30-4445 and 9720-30-6440 (65 and 67 Lees Creek Rd) which are currently zoned Residential (R-1) to Public Service (PS). The properties are approximately 3.2 acres in size.

A. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT:

Residential District (R-1).

The R-1 Residential District is primarily intended to provide locations for single-family and two-family 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. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.

PROPOSED ZONING DISTRICT:

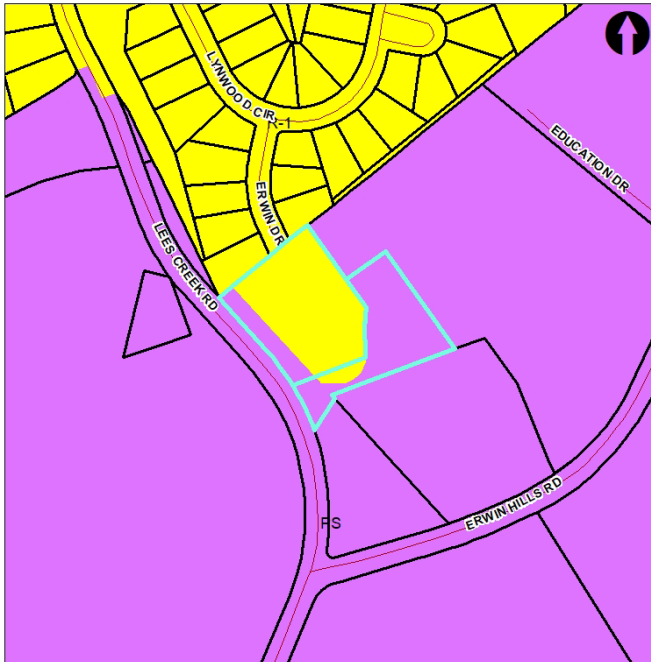
Public Service District (PS).

The PS Public Service District is intended to be a district that includes, but is not limited to, governmentally owned properties; schools and large college properties; recreation parks and facilities; emergency services; and community clubs. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

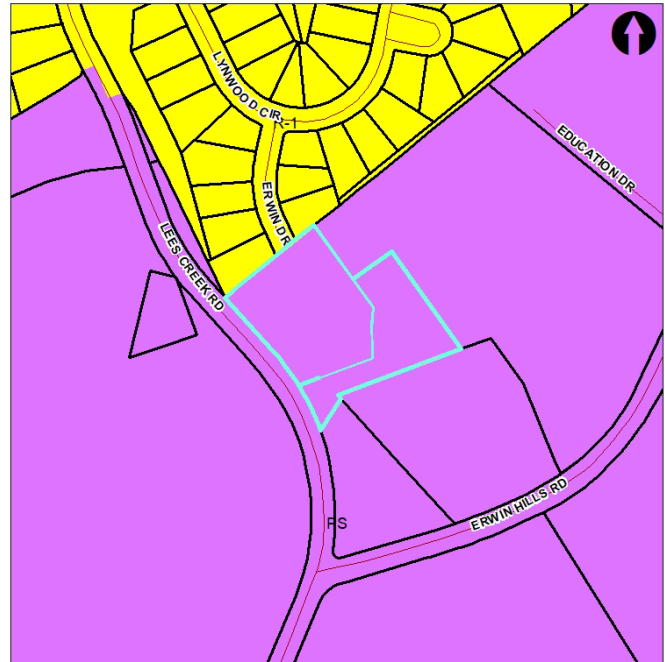
B. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the properties are contiguous to an existing, Public Services Zoning District along their southeastern boundaries. The parcels abut R-1 along their northwestern boundaries.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICT



C. COMPREHENSIVE LAND USE PLAN CONSISTENCY (See Figure 20 on page 4)

1. **CONSISTENT:** The change is consistent with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:

- The subject property is located within the combined water/sewer service area.
- The subject property is not identified as steep slope (greater than 25%).
- The subject property is not located in an area of high elevation greater than 2,500 feet.
- The subject property is not located within high or moderate slope stability hazard area.
- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property is within a reasonable proximity to major transportation corridors: it is within 1 mile of New Leicester Highway.
- The subject property is separated from low-density residential uses.

The proposed zoning map amendment would **not** be detrimental to the owners, adjacent neighbors, and surrounding community as it does adhere to the aforementioned guidance from the Buncombe County Comprehensive Land Use Plan Update. Staff recommends **approval** of the proposed zoning map amendment.

2. **INCONSISTENT:** The change is inconsistent with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:

- None identified.

D. OTHER COMPATIBILITY

BC Strategic Plan &/or Other Plan Priorities:

Not Applicable.

E. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject properties are currently developed as single family residence and a multifamily residential structure. Adjacent land uses include Clyde A. Erwin High School, to the west and south; Buncombe County Emergency Management offices and facilities to the south and east; medium density single family residential homes to the north.

2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

Rezoning the subject parcels from R-1 to PS will significantly change the range of potentially allowable land uses. PS is Buncombe County’s most conservative, commercial / institutional zoning district. Retail, and other more intensive land use types, are either not allowed, or require a conditional use permit. The range of allowable, residential land uses within PS is essentially identical to those allowed in R-1. The preponderance of non-residential uses that are permissible in PS by-right, are institutional in nature – medical offices, day-cares, professional offices, and similar.

3. NEIGHBORHOOD CONSISTENCY:

Potentially allowable, non-residential uses under PS would be compatible with the character of the surrounding, non-residential neighborhood to the south, and generally compatible with, and potentially an enhancement to, the character of the residential neighborhood to the north.

F. DISTRICT DIMENSIONAL STANDARD COMPARISON

	Existing District:	Proposed District:
	R-1 Residential	PS-Public Service
Minimum Lot Size	8,000 SF (Public water/sewer) 12,000 (Public sewer, well) 30,000 SF (Septic system)	6,000 SF (Public water/sewer) 30,000 SF (Septic system)
Max Density	2 dwellings per parcel	Minimum lot size shown in column two plus 0 for first additional unit Plus: 3,500 for each additional
Setbacks (Front/Side/Rear)	10/7/15 (Water/sewer) 20/10/20 (Septic)	20/10/20
Max height	35 feet	50 feet

Figure 20. Buncombe County Comprehensive Land Use Plan, Section 6: Issues and Recommendations Page

— Not Required ☑ Suggested ★ Highly Suggested	Reasonable proximity to major transportation corridors	Reasonable proximity to infrastructure (combined water/sewer service area)	Outside of steep slope areas (25% +)	Outside of high elevations (2500' +)	Outside of moderate and high slope stability hazards	Outside of flood hazard areas	Separation from low-density residential uses
RESIDENTIAL							
Low-Density Residential	—	—	—	—	—	★	N/A
Single-Family/Duplex	☑	☑	☑	☑	★	★	N/A
Multi-Family	★	★	☑	☑	★	★	☑
PLANNED COMMUNITY OR DEVELOPMENT							
Mixed Use Development	★	★	★	★	★	☑	☑
Infill/ Higher Density	☑	★	★	★	★	★	—
Large Lot/Lower Density	☑	☑	☑	☑	★	★	N/A
Commercial/Industrial	★	★	★	★	★	★	★
RECREATIONAL							
Resort	☑	☑	☑	☑	☑	★	—
Conference Centers	☑	☑	☑	☑	☑	★	—
Outdoor Recreation	—	—	—	—	—	☑	★
OTHER							
Institutional	★	★	★	★	★	☑	☑
Public Service	★	★	★	★	★	☑	☑
COMMERCIAL							
Neighborhood-Scale Commercial	☑	☑	★	★	★	☑	☑
Moderate Commercial	★	★	★	★	★	☑	★
Intense Commercial	★	★	★	★	★	☑	★
INDUSTRIAL							
Manufacturing	★	★	★	★	★	☑	☑
Mining/Extracting/Refining	★	★	★	★	★	☑	★
Other Intense Uses	☑	☑	★	★	★	☑	★

BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with existing Comprehensive Land Use Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, his neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002); Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

LAND USE PLAN CONSISTENCY STATEMENTS

The following consistency statements are provided to support the Board’s findings to approve or deny an application.

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, specifically:

- Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update lists institutional, public service, neighborhood-scale commercial, and moderate commercial land uses as being “suggested” or “highly suggested” within reasonable proximity to major transportation corridors and water / sewer services; and outside of steep slope areas, high elevation areas, areas of moderate to high slope stability hazard areas; and separated from low-density residential areas.
- The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update.
- 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, specifically:

- None identified