



<p style="text-align: center;">LOCATION MAP</p>	<p>CASE NUMBER: ZPH2019-00031</p> <p>A. PROPERTY INFORMATION</p> <p>PIN(s): 963446535600000 & 963446634600000 Addresses: 1854 Brevard Road Owner(s): Glen Higgins</p> <p>B. REZONING REQUEST</p> <p>Applicant: Rebecca Regal, Novellife LLC Existing Zoning: R-2 Residential Proposed Zoning: EMP Employment</p> <p>C. PUBLIC NOTICE</p> <p>PB Notice in AVL Citizen Times legal ad: 7/5/19 PB Notice mailed to owners within 1,000 ft: 7/3/19 PB Physical posting: 7/2/19 PB Notice on BC Website: 7/2/19 PB Hearing: 07/15/2019 BOC Notice in AVL Citizen Times legal ad: TBD BOC Notice mailed to owners within 1,000 ft: TBD BOC Physical posting: TBD BOC Notice on BC Website: TBD BOC Hearing: TBD</p>
<p>NOTE TO THE BOARD: N/A</p>	

<p>D. STAFF RECOMMENDATION</p>
<p>APPROVAL (see Section K, below)</p>

<p>E. SUMMARY OF REQUEST</p>
<p>ZPH2019-00031: Applicant requests rezoning of two parcels from R-2 to EMP.</p>

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT:

Sec. 78-640 (c) Residential District (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 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.

PROPOSED ZONING DISTRICT:

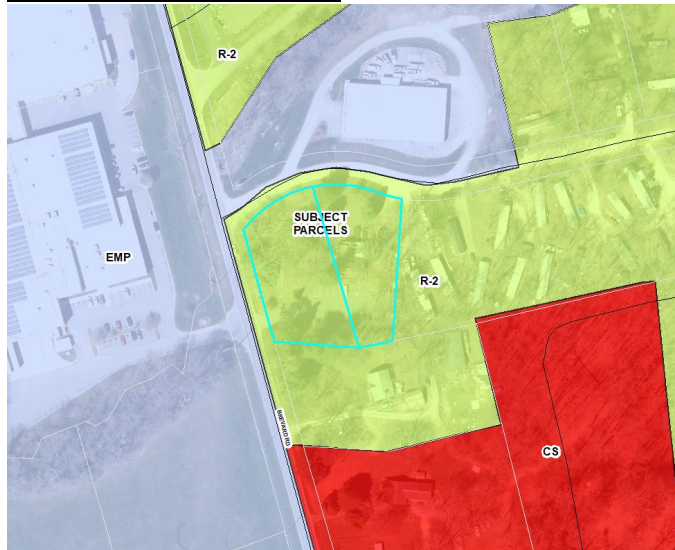
Sec. 78-640 (g) Employment District (EMP)

The EMP Employment District is primarily intended to provide appropriately located sites for employment concentrations primarily for office uses, industrial uses, storage and warehousing, and wholesale trade. Such locations should currently have public water and sewer services available or be expected to have these services in the future. Only those manufacturing uses will be allowed which meet all local, state and federal environmental standards, and do not involve obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazards, or other objectionable conditions which would be detrimental to the health, safety, and general welfare of the community. These areas will also include sites suitable for supportive activities such as community service, commercial service, and residential uses.

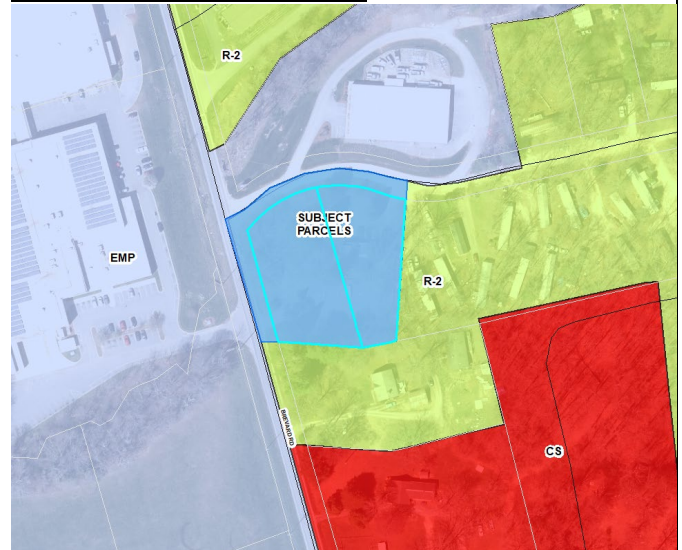
G. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the property is contiguous to existing NS zoning along the southern boundary.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICT



H. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject properties contain one, commercial / restaurant use (Ivory Road Café & Kitchen) Adjacent and nearby land uses include single family residential homes, apartments, and commercial / industrial land uses.

2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

Rezoning the parcels from R-2 to EM zoning would continue to allow single family, duplex, and multi-family development while also allowing a broad range of intense commercial and manufacturing land uses. See the allowable use table, below.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

See below for district comparison:

	Existing District:	Proposed District:
	R-2 Residential	NS Neighborhood Service
Minimum Lot Size	30,000 SF well & septic 10,000 SF public water / septic 6,000 SF public water & sewer	30,000 SF well & septic 10,000 SF public water / septic 5,000 SF public water & sewer
Max dwelling units per acre	12	12
Setbacks (Front/Side/Rear)	20/10/20 well & septic 10/7/15 public water & sewer	20/10/20 well & septic 10/7/15 public water & sewer
Max height	35 feet	90 feet

4. NEIGHBORHOOD CONSISTENCY:

The subject parcels are located at a distinct transition point between medium / high-density residential uses, and commercial / industrial uses. The proposed rezoning would continue the ongoing evolution of the immediate area from a residential area to one dominated by commercial / industrial land uses.

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

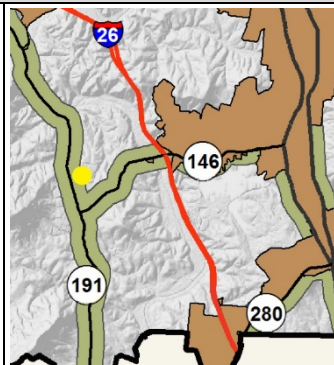
1. LAND USE PLAN RECOMMENDATIONS: The following is an analysis of the rezoning proposal in context of Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update:*

Within Reasonable proximity to major transportation corridors

Intense Commercial: "Highly Suggested"

Manufacturing: "Highly Suggested"

The subject parcels are adjacent to adjacent to a major transportation corridor



<p>Within Reasonable proximity to infrastructure (combined water / sewer service area)</p> <p>Intense Commercial: “Highly Suggested”</p> <p>Manufacturing: “Highly Suggested”</p> <p>The subject parcels are within the Combined Water / Sewer Service Area.</p> <p>Water & sewer services are adjacent & / or proximate to the subject parcels.</p>	
<p>Outside of steep slope areas (25% +)</p> <p>Intense Commercial: “Highly Suggested”</p> <p>Manufacturing: “Highly Suggested”</p>	<p>The subject parcels are located completely outside of the Steep Slope Overlay District (slopes greater than 35%), and steep slopes greater than 25%.</p>
<p>Outside of high elevations (2500' +)</p> <p>Intense Commercial: “Highly Suggested”</p> <p>Manufacturing: “Highly Suggested”</p>	<p>The subject parcels are located completely outside of areas of elevation 2,500' or greater.</p>
<p>Outside of moderate and high slope stability hazards</p> <p>Intense Commercial: “Highly Suggested”</p> <p>Manufacturing: “Highly Suggested”</p>	<p>The subject parcels are located completely outside of areas of moderate and high slope stability hazards.</p>
<p>Outside of flood hazard areas</p> <p>Intense Commercial: “Suggested”</p> <p>Manufacturing: “Suggested”</p>	<p>The subject parcels are completely outside of any Special Flood Hazard Area.</p>
<p>Separation from low-density residential uses</p> <p>Intense Commercial: “Highly Suggested”</p> <p>Manufacturing: “Suggested”</p>	<p>The subject parcels abut medium and high-density zoning and land uses to the south and east.</p>

<p>2. CONSISTENT: The change is <u>consistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>Intense Commercial and Manufacturing land uses...</p> <p>“Within Reasonable proximity to major transportation corridors” is “Highly Suggested” [<i>The subject parcels are adjacent to adjacent to a major transportation corridors</i>].</p> <p>“Within Reasonable proximity to infrastructure (combined water / sewer service area)” is “Highly Suggested” [<i>The subject parcels are within the Combined Water / Sewer Service Area</i>].</p> <p>“Outside of steep slope areas (25% +)” is “Highly Suggested” [<i>The subject parcels are located completely outside of the Steep Slope Overlay District (slopes greater than 35%), and steep slopes greater than 25%</i>].</p> <p>“Outside of high elevations (2500’ +)” is “Highly Suggested” [<i>The subject parcels are located completely outside of areas of elevation 2,500’ or greater</i>].</p> <p>“Outside of moderate and high slope stability hazards” is “Highly Suggested” [<i>The subject parcels are located completely outside of areas of moderate and high slope stability hazards</i>].</p> <p>“Outside of flood hazard areas” is “Suggested” [<i>The subject parcels are completely outside of any Special Flood Hazard Area</i>].</p> <p>“[Separated] from low-density residential uses” is “Highly Suggested” [Intense Commercial]; and “Suggested” [Manufacturing] [<i>The subject parcels abut medium and high-density zoning and land uses to the south and east</i>].</p>
<p>3. INCONSISTENT: The change is <u>inconsistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>Not Applicable.</p>

<p>J. OTHER COMPATIBILITY</p>
<p><u>BC Strategic Priorities:</u></p> <p>Not Applicable.</p>

<p>K. STAFF RECOMMENDATION COMMENTS:</p>
<p>Staff recommends approval as presented.</p>

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 Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update*, specifically:

- Intense Commercial and Manufacturing land uses "Within Reasonable proximity to major transportation corridors" is "Highly Suggested" [*The subject parcels are adjacent to adjacent to a major transportation corridors*].
- Intense Commercial and Manufacturing land uses "Within Reasonable proximity to infrastructure (combined water / sewer service area)" is "Highly Suggested" [*The subject parcels are within the Combined Water / Sewer Service Area*].
- Intense Commercial and Manufacturing land uses "Outside of steep slope areas (25% +)" is "Highly Suggested" [*The subject parcels are located completely outside of the Steep Slope Overlay District (slopes greater than 35%), and steep slopes greater than 25%*].
- Intense Commercial and Manufacturing land uses "Outside of high elevations (2500' +)" is "Highly Suggested" [*The subject parcels are located completely outside of areas of elevation 2,500' or greater*].
- Intense Commercial and Manufacturing land uses "Outside of moderate and high slope stability hazards" is "Highly Suggested" [*The subject parcels are located completely outside of areas of moderate and high slope stability hazards*].
- Intense Commercial and Manufacturing land uses "Outside of flood hazard areas" is "Suggested" [*The subject parcels are completely outside of any Special Flood Hazard Area*].
- Intense Commercial land uses "[Separated] from low-density residential uses" is "Highly Suggested"; and Manufacturing land uses "[Separated] from low-density residential uses" is "Suggested" [*The subject parcels abut medium and high-density zoning and land uses to the south and east*].
- 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 Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update*, specifically:

Staff has identified no policy basis for denial of the proposed rezoning. If the Planning Board elects to recommend denial, it should articulate its basis for doing so.

The proposed map amendment **would be** detrimental to the owners, adjacent neighbors, and surrounding community as it **does not** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update.

Therefore, the requested zoning **would not be reasonable and in the public interest.**