



ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

LOCATION MAP



CASE NUMBER: ZPH2019-00029

A. PROPERTY INFORMATION

PIN(s): 963476027100000 & 963465988200000
Addresses: 569 & 571 Long Shoals Road, Arden
Owner(s): GARY S & LOIS INGLE MCDONALD

B. REZONING REQUEST

Applicant: McDonald, Lois I., Gary S., Ila V., Janet T., & Sharon L.
Existing Zoning: R-2 Residential
Proposed Zoning: NS Neighborhood Service

C. PUBLIC NOTICE

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: 7/26/19 & 8/2/19
BOC Notice mailed to owners within 1,000 ft: 7/24/19
BOC Physical posting: 7/26/19
BOC Notice on BC Website: 7/24/19
BOC Hearing: 8/6/19

NOTE TO THE BOARD: N/A

D. STAFF RECOMMENDATION

APPROVAL (see Section K, below)

E. SUMMARY OF REQUEST

ZPH2019-00029: McDonald, Lois I., Gary S., Ila V., Janet T., and Sharon L., have applied to rezone two (2) parcels of land identified as tax lot PINs 9634-76-0271 and 9634-65-9882 (569 and 571 Long Shoals Rd) which are currently zoned R-2 Residential to NS-Neighborhood Service.

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT:

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:

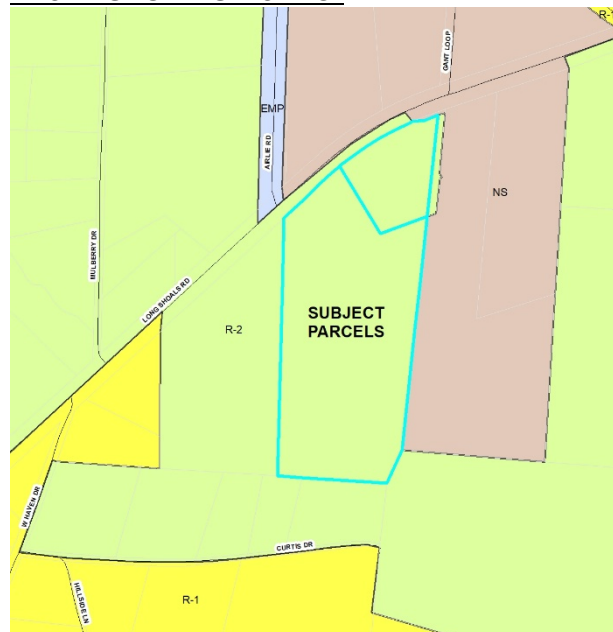
Neighborhood Service District (NS)

The NS Neighborhood Service District is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS neighborhood service district should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

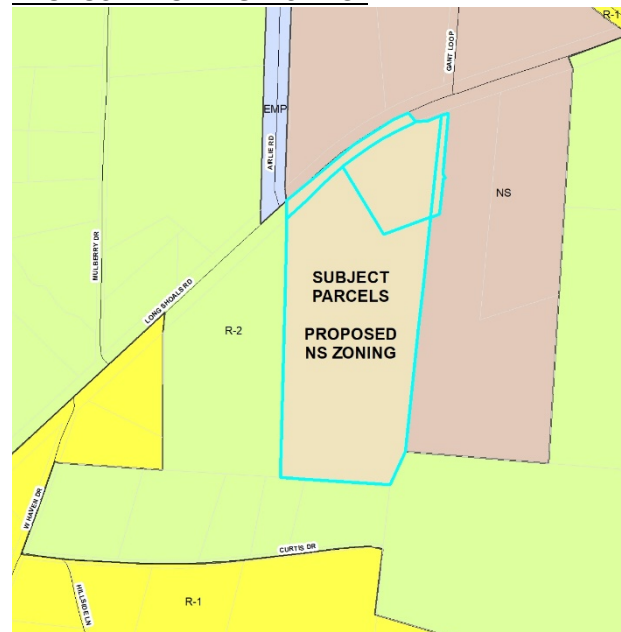
G. SPOT ZONING ANALYSIS

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

EXISTING ZONING DISTRICT

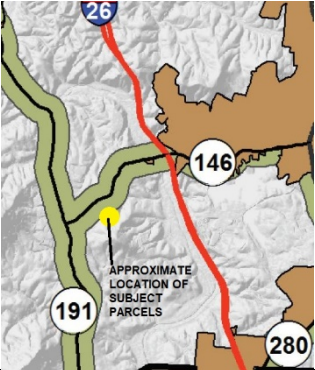
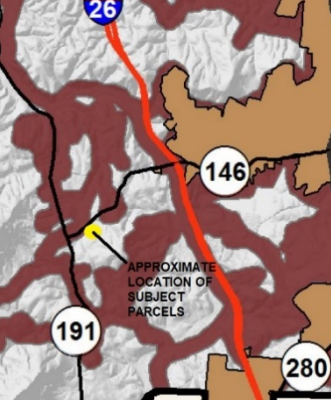


PROPOSED ZONING DISTRICT



H. 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:*

<p>Within Reasonable proximity to major transportation corridors</p> <p>Neighborhood-Scale Commercial: “Suggested”</p> <p>The subject parcels are adjacent to adjacent to a major transportation corridors</p>	
<p>Within Reasonable proximity to infrastructure (combined water / sewer service area)</p> <p>Neighborhood-Scale Commercial: “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>Neighborhood-Scale Commercial: “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>Neighborhood-Scale Commercial: “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>The subject parcels are located completely outside of areas of moderate and high slope stability hazards.</p>

Neighborhood-Scale Commercial: “Highly Suggested”	
Outside of flood hazard areas Neighborhood-Scale Commercial: “Suggested”	The subject parcels are completely outside of any Special Flood Hazard Area.
Separation from low-density residential uses Neighborhood-Scale Commercial: “Suggested”	The subject parcels abut low-density development on the west and south sides thereof.
2. CONSISTENT: The change is <u>consistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:	<p>Within Reasonable proximity to major transportation corridors “Suggested.”</p> <p>Within Reasonable proximity to infrastructure (combined water / sewer service area) “Suggested.”</p> <p>Outside of steep slope areas (25% +) “Highly Suggested.”</p> <p>Outside of high elevations (2500’ +) “Highly Suggested.”</p> <p>Outside of moderate and high slope stability hazards “Highly Suggested.”</p> <p>Outside of flood hazard areas “Suggested.”</p>
3. INCONSISTENT: The change is <u>inconsistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:	Separation from low-density residential uses “Suggested.” [The subject parcels abut low-density development on the west and south sides thereof.]

I. OTHER COMPATIBILITY

BC Strategic Priorities ¹:

Buncombe County lists Affordable Housing as one of its Strategic Priorities. The current R-2 zoning district limits all development to 30,000 square foot minimum lot sizes. Rezoning the parcel to NS would allow lot sizes as small as 5,000 square feet for lots on public water and sewer, and would permit a broad range of multi-family options.

¹ <https://www.buncombecounty.org/common/commissioners/strategic-priorities/Affordable-Housing.pdf>

J. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject properties contain one, non-residential business. Adjacent and nearby land uses include single family residential homes, and vacant/undeveloped land to the south and west, and commercial uses to the east.

2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

Rezoning the parcels from R-2 to NS zoning would continue to allow single family and duplex development while also allowing a broad range of multi-family and light commercial 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	35 feet

4. NEIGHBORHOOD CONSISTENCY:

NS allowances for residential development are very similar to those of R-2. However, NS allows a broad range of nonresidential uses that are not currently permissible in R-2. However, there are a number of nonresidential uses adjacent to, and in close proximity to, the subject parcels. The rezoning would constitute a substantial addition to an existing cluster of nonresidential uses and NS zoning at the intersection of Long Shoals Road, Morris Road, and Spring Valley Drive.

K. STAFF RECOMMENDATION COMMENTS:

Staff recommends approval as presented.

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:

- Neighborhood-Scale Commercial is "Suggested" within reasonable proximity to major transportation corridors.
- Neighborhood-Scale Commercial is "Suggested" reasonable proximity to infrastructure (combined water / sewer service area).
- Neighborhood-Scale Commercial is "Highly Suggested" outside of steep slope areas (25% +).
- Neighborhood-Scale Commercial is "Highly Suggested" outside of high elevations (2500' +).
- Neighborhood-Scale Commercial is "Highly Suggested" outside of moderate and high slope stability hazards.
- Neighborhood-Scale Commercial is "Suggested" outside of flood hazard 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 Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update*, specifically:

- Neighborhood-Scale Commercial separation from low-density residential uses is "Suggested."
- 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.**

The Zoning Ordinance of Buncombe County, North Carolina



- EXCERPT -

Initially Adopted December 1, 2009

As Amended May 1, 2018

Sec. 78-641. Permitted uses.

(a) *Permitted use table.* Uses are permitted in the various zoning districts pursuant to Table 1.

Table 1 – Permitted Use Table												
Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P		P	P
Two residential dwelling units (attached or detached)	P	P	P	P	P	P	P	P	P			P
Community oriented developments		P	P	P	P	P	P	P	P			
Multifamily residential dwelling units (no more than eight units in no more than four buildings)			P	P	P	P	P	P	P			P
HUD-labeled manufactured homes-Residential	P			P			P					P

Table 1 – Permitted Use Table

Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Manufactured home parks (8 units or fewer)				P								P
Manufactured home parks (more than 8 units)				C								P
Planned unit developments, level I		C	C	C	C	C	C	C	C			C
Planned unit developments, level II						C	C	C	C	C		C
Subdivisions	P	P	P	P	P	P	P	P	P	P	P	P
Subdivisions, alternative path hillside development	P	P	P	P	P	P	P	P	P			P
Subdivisions, conservation development	P	P	P	P	P	P	P	P	P			P
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P	P
Adult Entertainment Establishments						C	C					C
Airports										C		
Amusement Parks						C	C	C	C			C
Animal hospitals and veterinarian clinics					P	P	P			P		P
Asphalt Plants							C					C
Aviation-related services and facilities										P		
Banks and other financial institutions					P	P	P	P	P	P		P
Bed and breakfast inns (10 occupants or	SR		SR	P	P	P	P	P	P			P

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	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
less)												
Bed and breakfast inns (more than 10 occupants)	C		C	P	P	P	P	P	P			P
Cargo/freight terminals, operations and activities						P	P			P		P
Cemetery	P		P	P		P		P	P			P
Chip Mills												C
Places of worship Church	P	P	P	P	P	P	P	P	P		P	P
Clubs or lodges				P	P	P	P	P	P	P		P
Concrete Plants							C					C
Day nursery and private kindergarten (up to 8 students)	SR	SR	SR	SR	P	P	P	P	P	P		P
Day nursery and private kindergarten (more than 8 students)			C	C	P	P	P	P	P	P		P
Family care home	P	P	P	P				P	P		P	P
Funeral homes						P	P	P	P			P
Government protective services			P	P	P	P	P	P	P	P		P
Greenhouses, commercial (nursery, lawn and garden products)					P	P	P	P	P	P		P
Group homes			C	P	P	P	P	P	P			P
Hazardous Waste Facilities												C

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Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Health care facilities			C	C		P	P	P	P			P
Home occupations	P	P	P	P	P	P	P	P	P		P	P
Hotels and motels						P	P	P	P	P		P
Incinerators												C
Junkyards							C					C
Kennels				C	P	P	P			P		P
Laundry and dry cleaning services					P	P	P	P	P	P		P
Libraries			P	P	P	P	P	P	P			P
Manufacturing and processing operations						P	P			P		P
Medical Clinics				C	P	P	P	P	P	P		P
Mining and Extraction Operations							C					C
Motor Sport Facilities												C
Motor vehicles maintenance and repair					C	P	P	P	P	P		P
Motor vehicles impoundment lot or tow yard						SR	SR	SR				SR
Motor vehicles sales and rental						P	P			P		P
Motor vehicles service stations (fueling stations)					P	P	P	P	P	P		P
National Guard and Reserve Armories						P	P	P		P		P
Nightclubs, bars and					P	P	P		P	P		P

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Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
pubs												
Personal Landing Strips				C		C	C	C	C	C		C
Physical fitness centers				C	P	P	P	P	P	P		P
Postal and parcel delivery services					P	P	P	P	P	P		P
Printing and lithography						P	P			P		P
Professional and business offices and services					P	P	P	P	P	P		P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	P	P	P	P	P	P	P	P	P	P	P	P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C	C	C	C	C	C	C	C	C	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	C	C	C	C	P	P	P	P	P	P	C	P
Public utility stations and substations, pumping stations, water and sewer	C	C	C	C	C	C	C	C	C	C	C	C



Table 1 – Permitted Use Table

Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
plants, water storage tanks (2 acres or greater in total footprint)												
Radio, TV and telecommunications towers	C			C		C	C	C	C	P		P
Recreation use, governmental	P	P	P	P	P	P	P	P	P	P	P	P
Recreation use, non-governmental	C	C	C	C	C	P	P	P	P	P	C	P
Repair services (electrical and appliances)					P	P	P			P		P
Restaurants, eating establishments and cafés					P	P	P	P	P	P		P
Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)					P	P	P	C	P	P		P
Retail trade, commercial services, sales and rental of merchandise and equipment						P	P		P	P		P
Rooming house			C	P	P	P	P	P	P			P
Schools, public and private			C	C	C	P		P	P			P
Schools--Vocational, business and special schools						P	P	P	P	P		P

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Uses	P = Permitted C = Allowed as Conditional Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Shooting Ranges – Outdoor Commercial									C			C
Slaughtering Plants												C
Solid Waste Facilities – Landfills, Transfer Stations, Materials Recovery							C	C		C		C
Storage and warehousing						P	P	P	P	P		P
Theaters						P		P	P			P
Travel trailers (no more than 180 days per calendar year)				P				P	P			P
Travel trailer parks				C				SR	SR			SR
Vacation rentals	P	P	P	P	P	P	P	P	P		P	P
Vacation rental complex				C	C	C	C	C	C		C	C
Wholesale sales						P	P		C	P		P

(b) *Uses governed by other ordinances.* The following uses may be allowed but also will be governed by the specified ordinances adopted by the board of commissioners:

- (1) Adult entertainment establishments: Subject to compliance with section 14-121 et seq. of this Code, as may be amended;
- (2) Communication towers: Subject to compliance with chapter 72 of this Code, as may be amended;
- (3) Junkyards: Subject to compliance with chapter 26, article III of this Code, as may be amended;
- (4) Manufactured home parks: Subject to compliance with chapter 46, article III, of this Code, as may be amended;

- (5) Off-premise signs: Subject to compliance with chapter 78, article V, of this Code, as may be amended.
- (6) Subdivisions: Subject to compliance with chapter 70 of this Code, as may be amended.

Sec. 78-642. Dimensional requirements.

The dimensional requirements for structures and land in the various zoning districts shall be in accordance with Table 2.

Table 2. Dimensional Requirements										
Districts	Minimum Lot Size 1,2,4,5 (Square Feet)	Density^{2,4}		Minimum Yard Setback Requirements in Feet ^{3,4}						Maximum Height (Feet)
		Minimum Land Area Per Dwelling Unit (multiple units on a single lot) (square feet)	Maximum Number Dwelling Units Per Acre	Front Yard Public Sewer	Side Yard Public Sewer	Rear Yard Public Sewer	Front Yard	Side Yard	Rear Yard	
R-LD Residential	43,560	No more than 2 units per lot	2 (no more than 2 units per lot)	10	10	20	10	10	20	35
R-1 Residential	30,000 (no public sewer) 12,000 (public sewer no public water) 8,000 (public water and sewer)	No more than 2 units per lot	10 (no more than 2 units per lot)	10	7	15	20	10	20	35
R-2 Residential	30,000 (no public sewer) 10,000 (public sewer no public water) 6,000 (public water and sewer)	Minimum lot size shown in column two plus 0 for first additional unit Plus: 3,600 for each additional unit	12	10	7	15	20	10	20	35
R-3 Residential	Same as R-2	Same as R-2	12	10	7	15	20	10	20	35
NS Neighborhood Service	30,000 (no public sewer) 10,000 (public sewer no public water)	Minimum lot size shown in column two plus 0 for first additional unit Plus: 3,600 for	12	10	7	15	20	10	20	35

Table 2. Dimensional Requirements

Districts	Minimum Lot Size 1,2,4,5 (Square Feet)	Density ^{2,4}		Minimum Yard Setback Requirements in Feet ^{3,4}						Maximum Height (Feet)
		Minimum Land Area Per Dwelling Unit (multiple units on a single lot) (square feet)	Maximum Number Dwelling Units Per Acre	Front Yard Public Sewer	Side Yard Public Sewer	Rear Yard Public Sewer	Front Yard	Side Yard	Rear Yard	
	5,000 (public water and sewer)	each additional unit								
CS Commercial Service	Same as NS	Same as NS	12	10	10	10	10	10	10	50
EMP Employment	Same as NS	Same as NS	12	20	10	20	20	10	20	90
CR Conference Center/Resort	30,000 (no public sewer) 12,000 (public sewer no public water) 8,000 (public water and sewer)	Minimum lot size shown in column two plus 0 for first additional unit Plus: 3,500 for each additional unit	12	20	10	20	20	10	20	50 (plus 1ft additional for each additional 5 feet of setback from all property lines up to 100ft total).
PS Public Service	Same as NS	Same as NS	12	20	10	20	20	10	20	50
AI Airport Industry	Same as NS	NA	NA	20	10	20	20	10	20	50
BDM Beaverdam	See Footnote 6 and 8	See Footnote 6 and 8 No more than 1 unit per lot	See Footnote 6 and 8 No more than 1 unit per lot	See Footnote 7 and 8	15	25	See Footnote 7 and 8	15	25	35
OU Open Use		No dimensional requirements except as applied to conditional uses.								

Footnote 1--The minimum land area for lots not served by public water and/or sewer shall be subject to approval by the county health department to ensure the proper operation of septic tanks and wells. In no case shall minimum lot areas be less than those specified in this table.

Footnote 2--The minimum land area shall be calculated based on that portion of the lot which is under control of and deeded to the property owner, exclusive of road rights-of-way.

Footnote 3—All above ground portions of the structure, including but not limited to decks, stairs, overhangs which extend 24 inches or greater outside of the footprint of the structure, and other attached heated or unheated spaces must meet the dimensional requirements as set forth in this Chapter. Any structure abutting two or more highways, roads, or streets shall maintain minimum “front yard” setbacks on any side of the structure which abuts a street, road, or highway in accordance with the provisions of the district in which the property is situated. The location of the primary entrance of the structure, as determined by the Zoning Administrator, shall be considered the front, and shall also maintain minimum “front yard” setbacks.