

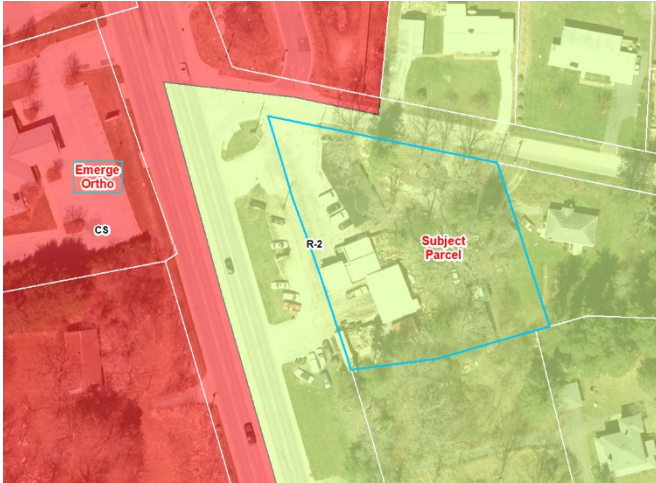


LOCATION MAP		CASE NUMBER: ZPH2019-00039	
		A. PROPERTY INFORMATION	
		PIN(s): 965357252000000 Addresses: 2586 & 2592 Hendersonville Road Owner(s): Mary Ann & John E. Satta	
		B. REZONING REQUEST	
		Applicant / Agent: Terry Peterson NAI Beverly-Hanks & Associates Existing Zoning: R-2 Residential Proposed Zoning: CS Commercial Service	
		C. PUBLIC NOTICE	
		PB Notice in AVL Citizen Times legal ad: 9/25/2019 PB Notice mailed to owners within 1,000 ft: 9/25/2019 PB Physical posting: 9/27/2019 PB Notice on BC Website: 9/25/2019 PB Hearing: 10/07/2019 BOC Notice in AVL Citizen Times legal ad: 10/21 & 11/12/2019 BOC Notice mailed to owners within 1,000 ft: 10/23/2019 BOC Physical posting: 10/25/2019 BOC Notice on BC Website: 10/21/2019 BOC Hearing: 11/5/2019	
D. RECOMMENDATION			
APPROVAL (see Section K, below)			
E. SUMMARY OF REQUEST			
Terry Peterson, on behalf of Mary Ann & John E. Satta requests to rezone one (1) parcel of land from R-2 Residential to CS Commercial Service. The 0.8 acre parcel is located at 2586 & 2592 Hendersonville Road (US HWY 25), approximately 0.5 miles north of the Henderson County border.			
F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT			
EXISTING ZONING DISTRICT:		PROPOSED ZONING DISTRICT:	
<i>Residential District (R-2)</i>		<i>Commercial Service District (CS)</i>	
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.		The CS Commercial Service District is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for suitable noncommercial land uses. Such locations should currently have water and sewer services or be expected to have such services available in the future. This CS Commercial Service District may be applied to suitable areas adjacent to existing commercial concentration to allow for their expansion.	

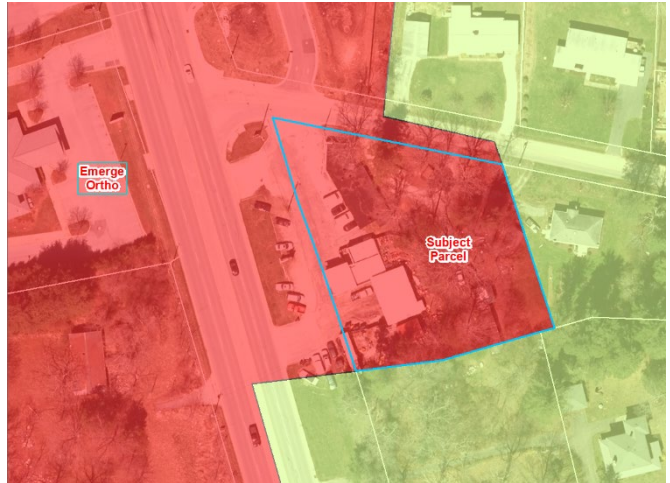
G. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the property is contiguous to existing CS zoning along the northern and western boundaries.

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:*

BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN 2013		SECTION 6: ISSUES AND RECOMMENDATIONS					
	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
— Not Required							
👉 Suggested							
★ Highly Suggested							
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	👉	👉	★	★	★	👉	★

Figure 20. Appropriate Development Types

<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>“Reasonable proximity to major transportation corridors” (suggested / highly suggested)</p> <p>“Reasonable proximity to infrastructure (combined water / sewer service area)” (suggested / highly 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> <p>“Separation from low-density residential uses” (suggested / highly suggested)</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>

I. NEIGHBORHOOD CONSISTENCY

1. **CURRENT DEVELOPMENT TYPES:**
 The subject parcel is currently developed for commercial / nonresidential uses, which is consistent with other, nearby properties fronting Hendersonville Highway / US Highway 25.

2. **ALLOWED DEVELOPMENT TYPES AFTER CHANGE:**
 The proposed rezoning would permit a broad range of commercial / nonresidential uses (see Attachment A). CS would continue to permit a maximum of 12 residential dwelling units per acre. See allowable use table, below.

3. **ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:**

	Existing District: R-2 Residential	Proposed District: CS Residential
Minimum Lot Size	30,000 SF (Septic System) 10,000 SF (Public Sewer)	30,000 SF (Septic System) 10,000 SF (Public Sewer)
Max dwelling units per acre	12 3600 sf/unit after 2 nd unit	12
Setbacks (Front/Side/Rear)	10/7/15 (Septic System) 20/10/20 (Public Sewer)	10/10/10 (Water/sewer) 10/10/10 (Septic)
Max height	35 feet	50 feet

4. **NEIGHBORHOOD CONSISTENCY:**
 The subject parcel is currently developed with commercial / nonresidential uses, which is consistent with other, nearby properties fronting Hendersonville Highway / US Highway 25.
 R-2 zoned properties to the east of the subject property are developed with medium-density residential uses.

J. STAFF RECOMMENDATION COMMENTS:

Staff recommends approval as presented.

Planning Board recommends approval as presented.

K. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

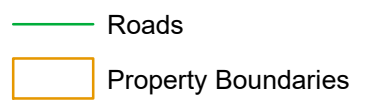
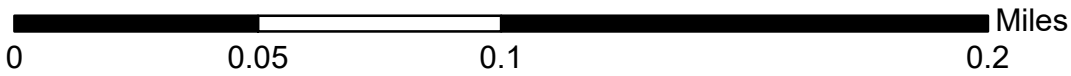
The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- 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)*

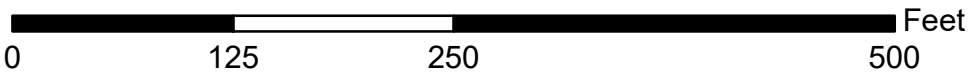
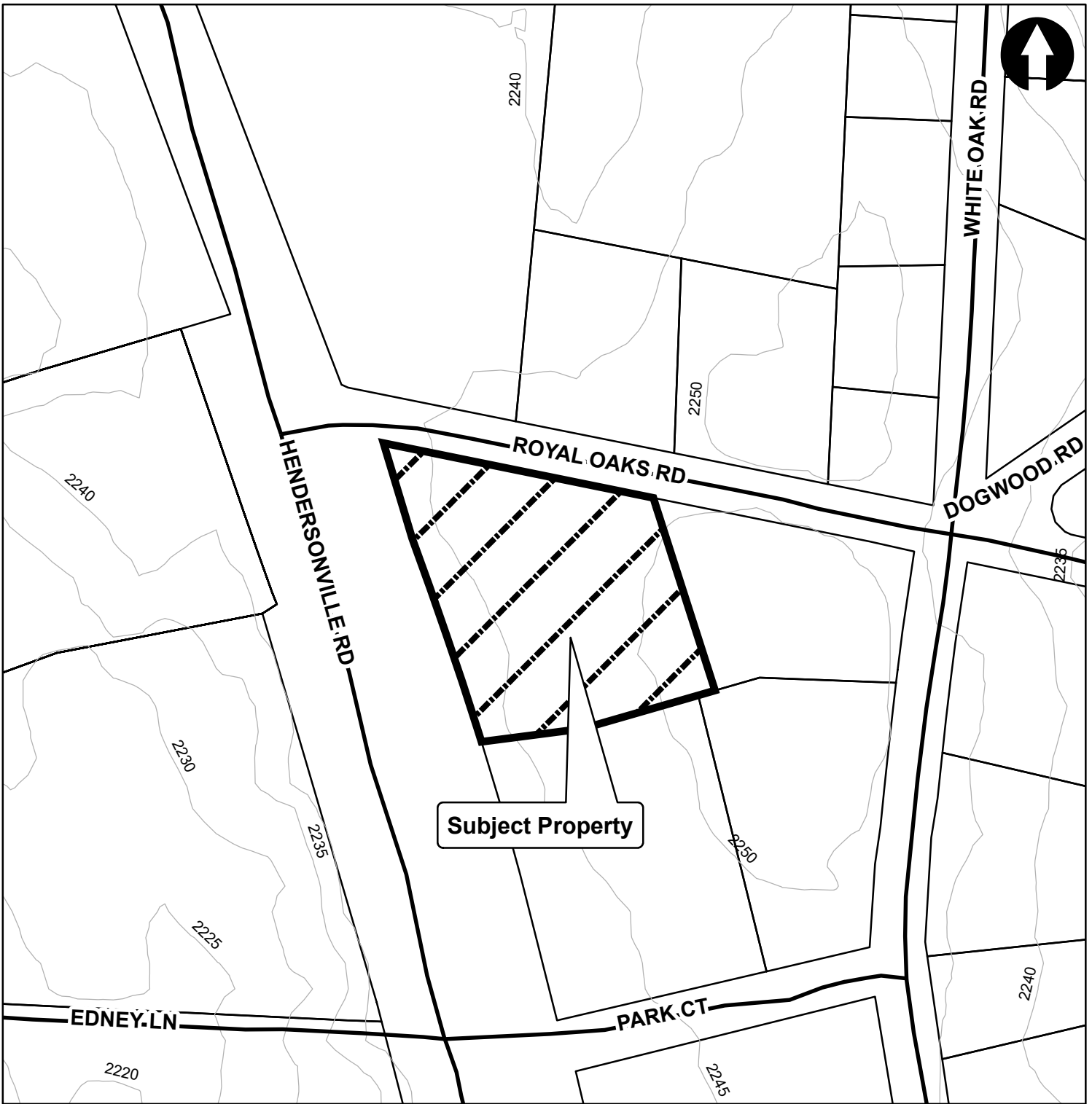
2. CONSISTENCY STATEMENT: See draft consistency statement, attached.




3. RESOLUTION: See draft resolution, attached.



Satta Map Amendment

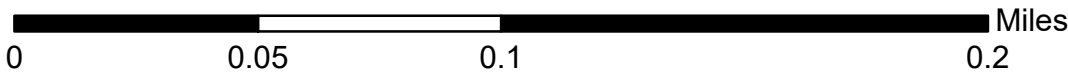
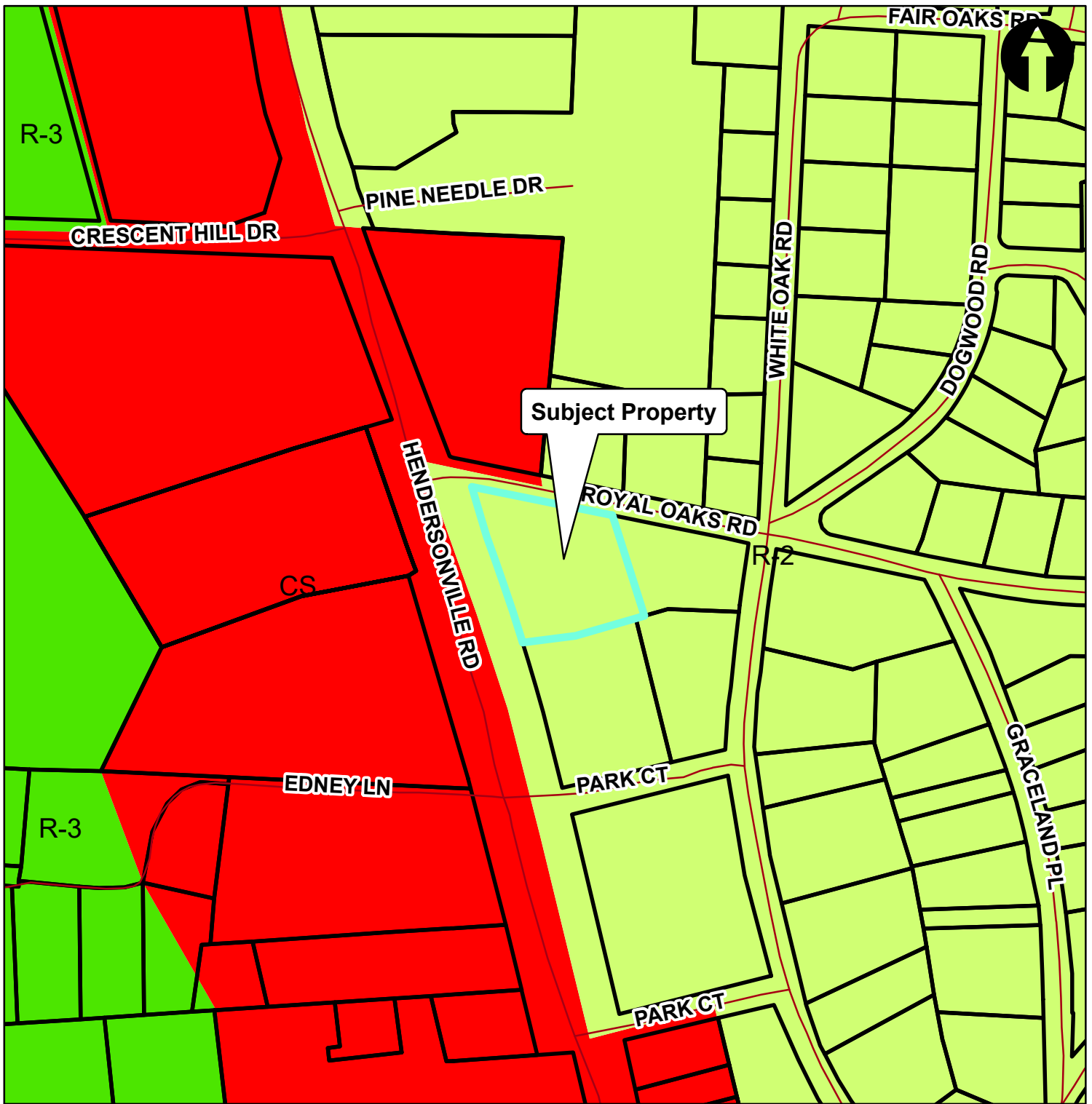
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 PIN Number: 9653-57-2520
 Approximate Property Size: 0.8 acres
 Application Date: August 20, 2019
 Hearing Date: November 5, 2019
 Created By: Buncombe Co. Planning
 Date: 9/9/2019



-  Roads
-  5 Foot Contours
-  Property Boundaries


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 AI	 EMP	 R-1
 BDM	 NS	 R-2
 CR	 OU	 R-3
 CS	 PS	 R-LD

Chapter 78, Code of Ordinances, Buncombe County

The Zoning Ordinance of Buncombe County, North Carolina



- EXCERPT -

Initially Adopted December 1,

2009 As Amended April 2, 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-2	CS
Single-family residential dwelling, including modular	P	P
Two residential dwelling units (attached or detached)	P	P
Community oriented developments	P	P
Multifamily residential dwelling units (no more than eight units in no more than four buildings)	P	P
HUD-labeled manufactured homes- Residential	SR	
Manufactured home parks (8 units or fewer)		
Manufactured home parks (more than 8 units)		
Planned unit developments, level I	C	C
Planned unit developments, level II		C
Subdivisions	P	P
Subdivisions, alternative path hillside development	P	P
Subdivisions, conservation development	P	P
Accessory buildings	P	P
Adult Entertainment Establishments		C
Airports		
Amusement Parks		C
Animal hospitals and veterinarian clinics		P
Asphalt Plants		
Aviation-related services and facilities		
Banks and other financial institutions		P
Bed and breakfast inns (10 occupants or less)	SR	P
Bed and breakfast inns (more than 10 occupants)	C	P
Cargo/freight terminals, operations and activities		P
Cemetery	P	P
Chip Mills		
Places of worship	P	P
Clubs or lodges		P
Concrete Plants		
Day nursery and private kindergarten (up to 8 students)	SR	P
Day nursery and private kindergarten (more than 8 students)	C	P
Family care home	P	
Funeral homes		P
Government protective services	P	P
Greenhouses, commercial (nursery, lawn and garden products)		P
Group homes	C	P
Hazardous Waste Facilities		
Health care facilities	C	P
Home occupations	P	P
Hotels and motels		P
Incinerators		
Junkyards		

Kennels		P
Laundry and dry cleaning services		P
Libraries	P	P
Manufacturing and processing operations		P
Medical Clinics		P
Mining and Extraction Operations		
Motor Sport Facilities		
Motor vehicles maintenance and repair		P
Motor vehicles impoundment lot or tow yard		SR
Motor vehicles sales and rental		P
Motor vehicles service stations (fueling stations)		P
National Guard and Reserve Armories		P
Nightclubs, bars and pubs		P
Personal Landing Strips		C
Physical fitness centers		P
Postal and parcel delivery services		P
Printing and lithography		P
Professional and business offices and services		P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	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
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	C	P
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C
Radio, TV and telecommunications towers		C
Recreation use, governmental	P	P
Recreation use, non- governmental	C	P
Repair services (electrical and appliances)		P
Restaurants, eating establishments and cafés		P
Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)		P
Retail trade, commercial services, sales and rental of merchandise and equipment		P
Rooming house	C	P
Schools, public and private	C	P
Schools--Vocational, business and special schools		P
Shooting Ranges – Outdoor Commercial		
Slaughtering Plants		
Solid Waste Facilities– Landfills, Transfer Stations, Materials Recovery		
Storage and warehousing		P
Theaters		P
Travel trailers (no more than 180 days per calendar year)		
Travel trailer parks		
Vacation rentals	P	P
Vacation rental complex		C
Wholesale sales		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	Side Yard	Rear Yard	Front Yard	Side Yard	Rear Yard	
				Public Sewer	Public Sewer	Public Sewer				
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
CS Commercial Service	Same as NS	Same as NS	12	10	10	10	10	10	10	50

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.