

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING A REQUEST TO AMEND  
THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY,  
CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,  
THE ZONING ORDINANCE OF BUNCOMBE COUNTY

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WHEREAS, pursuant to N.C. Gen. Stat. §153A-340, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;

WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;

WHEREAS, pursuant to N.C. Gen. Stat. §153A-323, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;

WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone a portion of the parcel identified as follows, and shown herein as Exhibit A:

PIN(s): 9667-25-9972, 9667-35-1863, 9667-35-3757, and 9667-36-0420  
Addresses: Charlotte Hwy, and 1 and 2 Fernwood MHP Drive  
Owner(s): David Holdredge (ETAL) and Paul Murray (ETAL)  
Applicant: David Day of LCV Venture, LLC

WHEREAS, the applicant is requesting that the zoning designation for the property be changed from the R-3 Residential to the CS Commercial Service District as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference; and,

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on October 21, 2019, at which meeting a motion to recommend that the Buncombe County Board of Commissioners deny the proposed map amendment passed by a vote of 6 to 1; and,

WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

- Section 1. This Board hereby finds and concludes as follows pertaining to the requested amendment to the Zoning Map:
- a. Said zoning change is inconsistent with Figure 20. Appropriate Development Types, of the Buncombe County Comprehensive Land Use Plan and Updates because:
    - 1. The rezoning area contains steep slope areas (commercial development outside of these areas is “Highly Suggested”).
    - 2. The rezoning area contains areas of moderate and high slope stability hazards (commercial development outside of these areas is “Highly Suggested”).
    - 3. The rezoning area is severely encumbered by floodplain and floodway (commercial development outside of these areas is “Suggested”).
    - 4. The rezoning area is not separated from low-density residential uses (separation of commercial uses from low-density residential uses is “Suggested” and “Highly Suggested”).
  - b. Said zoning change is therefore **unreasonable** and is **not in the public interest** as it **does not** meet certain goals of the Buncombe County Comprehensive Land Use Plan Update;
- Section 2. This Board does hereby deny the request to rezone PINs 9667-25-9972, 9667-35-1863, 9667-35-3757, & 9667-36-0420 from the R-3 Residential District to the CS Commercial District, as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference;
- Section 3. This resolution is effective upon adoption.

Read, approved and adopted this the 7<sup>th</sup> day of January, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

BY \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney

Exhibit A

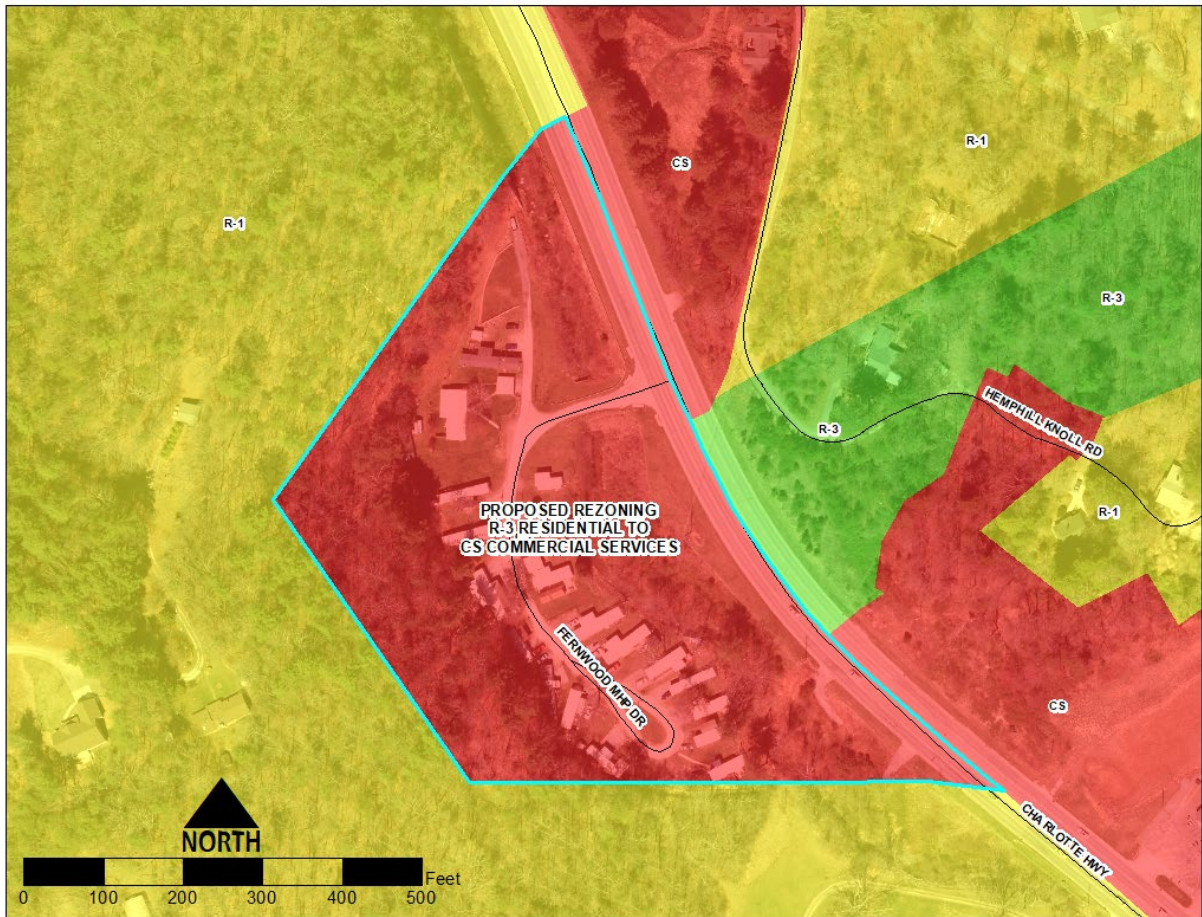


Exhibit B

PLAN CONSISTENCY STATEMENT  
ZONING MAP AMENDMENT  
INCONSISTENT WITH PLAN

Pursuant to N.C. Gen. Stat. §153A-340(b)(1) the Buncombe County Board of Commissioners hereby approves and adopts the following Plan Consistency Statement for the rezoning of tax lot PIN 9667-25-9972, 9667-35-1863, 9667-35-3757, and 9667-36-0420 (Charlotte Hwy, and 1 and 2 Fernwood MHP Drive, Buncombe County, North Carolina) from the R-3 Residential District to the CS Commercial Service District. The Board finds the following:

- 1) The subject property and proposed rezoning:
  - a) Contains steep slope areas (commercial development outside of these areas is “Highly Suggested”).
  - b) Contains areas of moderate and high slope stability hazards (commercial development outside of these areas is “Highly Suggested”).
  - c) Is severely encumbered by floodplain and floodway (commercial development outside of these areas is “Suggested”).
  - d) Is not separated from low-density residential uses (separation of commercial uses from low-density residential uses is “Suggested” and “Highly Suggested”).
- 2) 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 be **unreasonable** and **not in the public interest**.

Upon a motion that the application is **inconsistent** with the Comprehensive Land Use Plan, the motion was seconded and passed on a vote of \_\_\_\_\_ to \_\_\_\_\_.

Read, approved and adopted this the 7<sup>th</sup> day of January, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

BY \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney