



BUNCOMBE COUNTY

PLANNING & DEVELOPMENT

STAFF ANALYSIS

ZONING MAP AMENDMENT

Legislative Hearing

A. PROPERTY INFORMATION

ZPH2019-00045 FERNWOOD REZONING

PIN(s): 9667-25-9972, 9667-35-1863, 9667-35-3757, & 9667-36-0420
Addresses: Unaddressed Property off Charlotte Hwy, & 1 & 2 Fernwood MHP Drive
Owner(s): John Carpenter & David Holdredge (ETAL) & Paul Murray (ETAL)
Area: 6.36 Acres

B. REZONING REQUEST

Applicant / Agent: David Day of LCV Venture, LLC.
Existing Zoning: R-3 Residential
Proposed Zoning: CS Commercial Service

C. PUBLIC NOTICE

BOC Notice in AVL Citizen Times legal ad: 12/20 and 12/27
BOC Notice mailed to owners within 1,000 ft: 12/18
BOC Physical posting: 12/17
BOC Notice on BC Website: 12/20
BOC Hearing: 1/7/20

D. RECOMMENDATION

APPROVAL (see Section K, below)

E. SUMMARY OF REQUEST

Applicants request to rezone four (4) parcels of land from R-3 Residential to CS Commercial Service.

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT:

Residential District (R-3).

The R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.

PROPOSED ZONING DISTRICT:

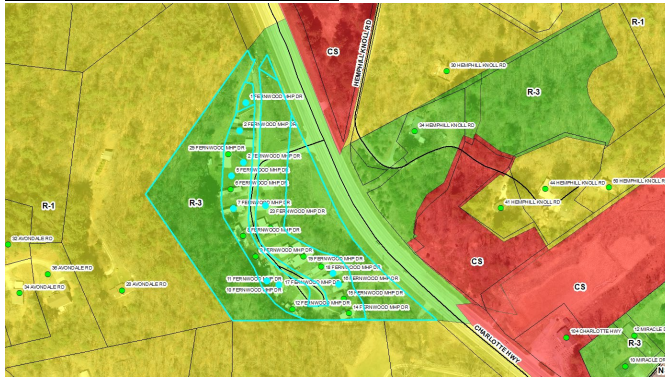
Commercial Service District (CS)

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.

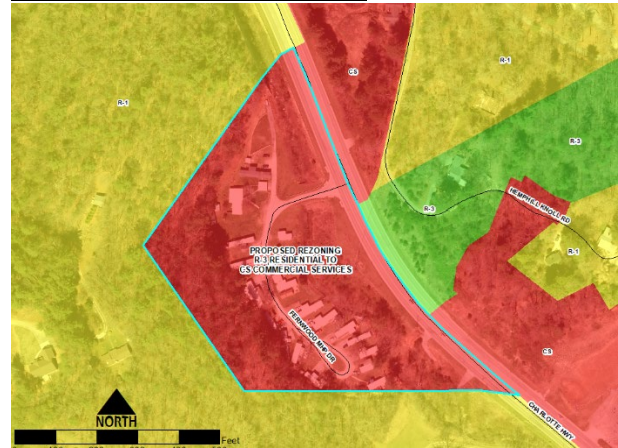
G. SPOT ZONING ANALYSIS

Subject property is adjacent to existing CS zoning. As such, Staff has no concerns regarding spot zoning.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICT



H. COMPREHENSIVE LAND USE PLAN CONSISTENCY

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			
— 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	👉	👉	★	★	★	👉	★

Figure 20. Appropriate Development Types

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

Subject property is within reasonable proximity to major transportation corridors (adjacent to US Highway 74) ("Suggested" and "Highly Suggested").

	<p>Subject property is within reasonable proximity to water and sewer service (served by both) (“Suggested” and “Highly Suggested”).</p> <p>Subject property is outside of high elevation areas (“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>Subject property contains steep slope areas (“Highly Suggested”).</p> <p>Subject property contains areas of moderate and high slope stability hazards (“Highly Suggested”).</p> <p>Subject property is severely encumbered by floodplain and floodway (outside “Suggested”).</p> <p>Subject property not separated from low-density residential uses (“Suggested” and “Highly Suggested”).</p>

I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

Fernwood Manufactured Home Park contains approximately 17 dwelling units. The park has been impacted by flooding on multiple occasions.

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:	Proposed District:
	R-3 Residential	CS Residential
Minimum Lot Size	30,000 SF (Septic System) 12,000 SF (Public Sewer) 6,000 SF (Public Sewer & Water)	30,000 SF (Septic System) 10,000 SF (Public Sewer)
Max dwelling units per acre	12	12
Setbacks (Front/Side/Rear)	10/7/15 (Public Sewer) 20/10/20 (Septic System)	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 residential uses. It abuts residential uses along its northern, western, and southern boundaries; commercial uses along its northern, western, and southern boundaries; US Highway 74A on its eastern boundary; and commercial and residential uses east of US Highway 74A.

J. PLANNING BOARD RECOMMENDATION

At its October 21, 2019, the Buncombe County Planning Board, by a vote of 6 to 1, recommended denial of the proposed rezoning. The Planning Board offered the following rationale:

- 1) The proposed rezoning is inconsistent with some elements of the Land Use Plan, as noted in the attached Planning Board resolution and consistency statement.

K. STAFF RECOMMENDATION / COMMENTS:

Staff recommends approval of the proposed rezoning as presented. Staff offers the following rationale:

- 1) Approximately 47% of the proposed rezoning area, and 16 of 20 manufactured homes within Fernwood Manufactured Home Park (MHP), is (are) located within the Special Flood Hazard Area. Homes within Fernwood MHP have been damaged, and emergency services have provided rescue / evacuation assistance to Fernwood residents, during prior flooding events. Current development in Fernwood MHP does not fully comply with Buncombe County's Flood Damage Prevention Ordinance. New development must comply with current floodplain development regulations.

The proposed rezoning would expand opportunities to redevelop the rezoning area in ways that are more resilient to property damage and loss of life during future flood events.

- 2) The proposed rezoning is consistent with elements of the Land Use Plan as noted in sections H & I, above.

L. BOARD OF COMMISSIONERS DECISION

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)

M. ADDITIONAL INFORMATION

1. CONSISTENCY STATEMENT: See draft consistency statement, attached.
2. PLANNING BOARD RESOLUTION: See Planning Board resolution, attached.
3. BOC RESOLUTION: See draft resolution, attached.

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-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	SR	SR	P			P				SR	P

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	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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	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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	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



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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
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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	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

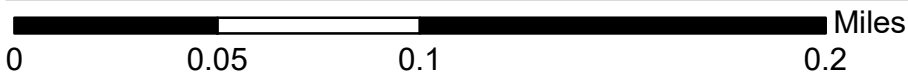
Table 2. Dimensional Requirements

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.



- Roads
- Property Boundaries

Fernwood Map Amendment

Case Number: ZPH2019-00045

PIN Number: 9667-25-9972, 9667-35-1863, 9667-35-3757, 9667-36-0420

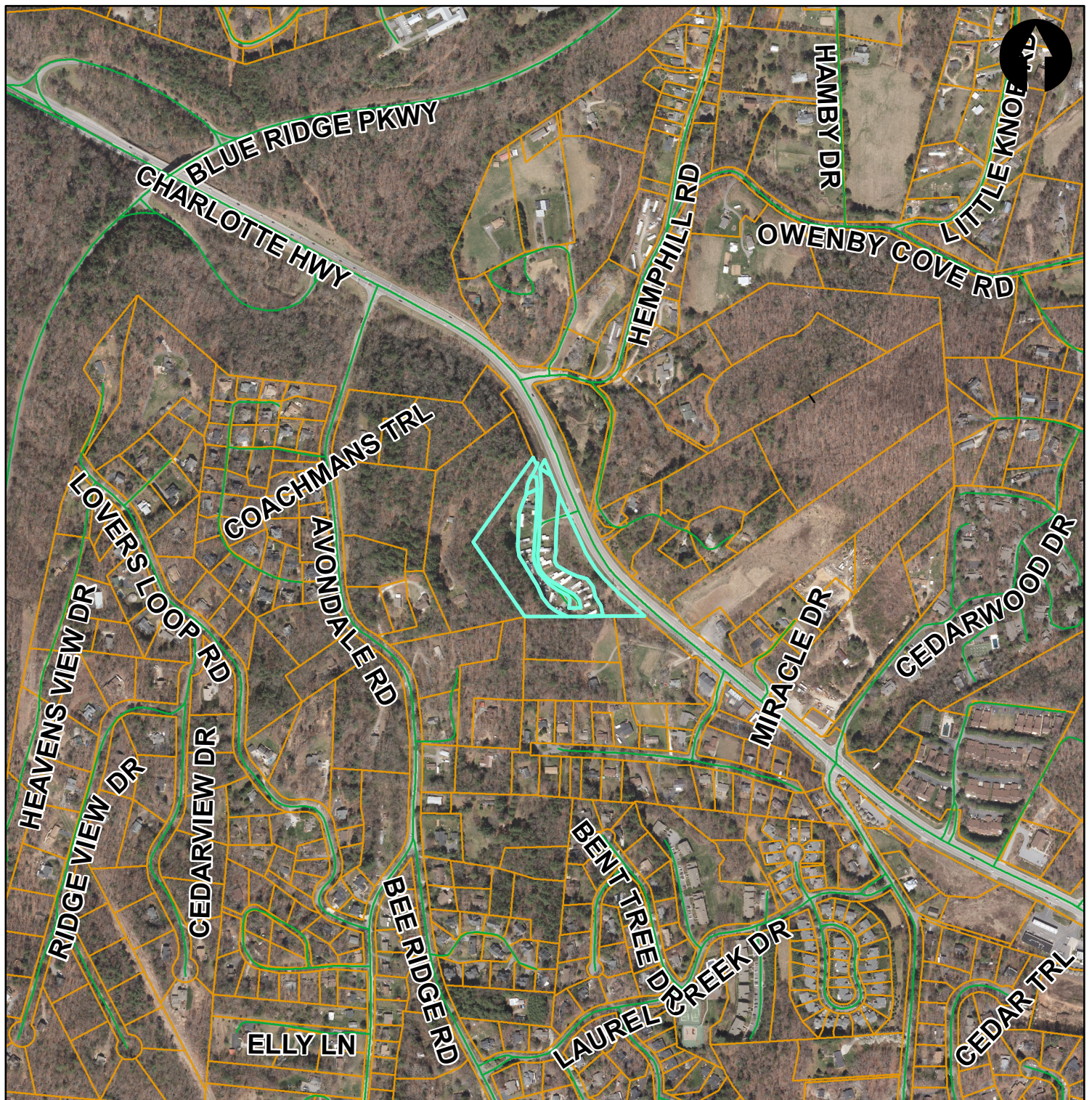
Approximate Property Size: 6.36 acres

Application Date: September 20, 2019

Hearing Date: October 21, 2019

Created By: Buncombe Co. Planning

Date: 9/24/2019



0 0.125 0.25 0.5 Miles

— Roads
 □ Property Boundaries

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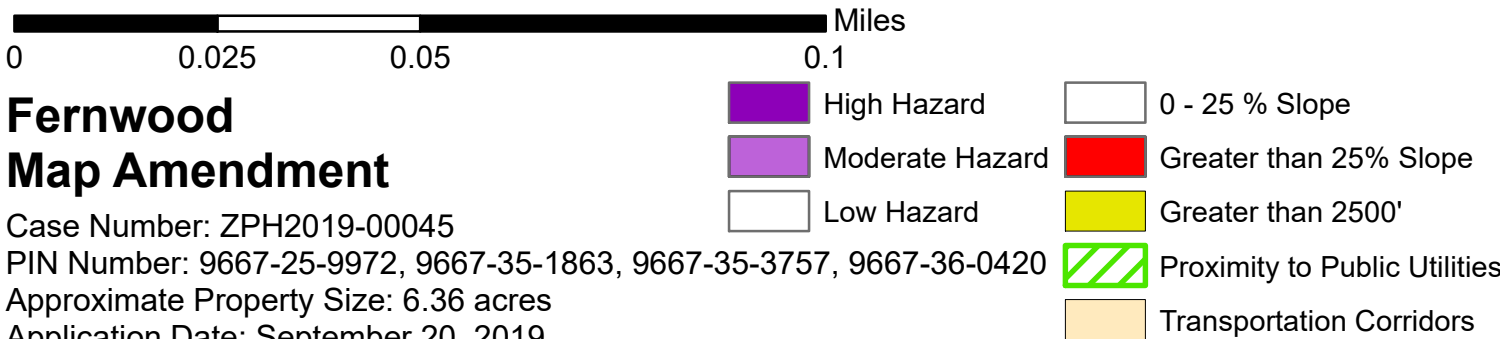
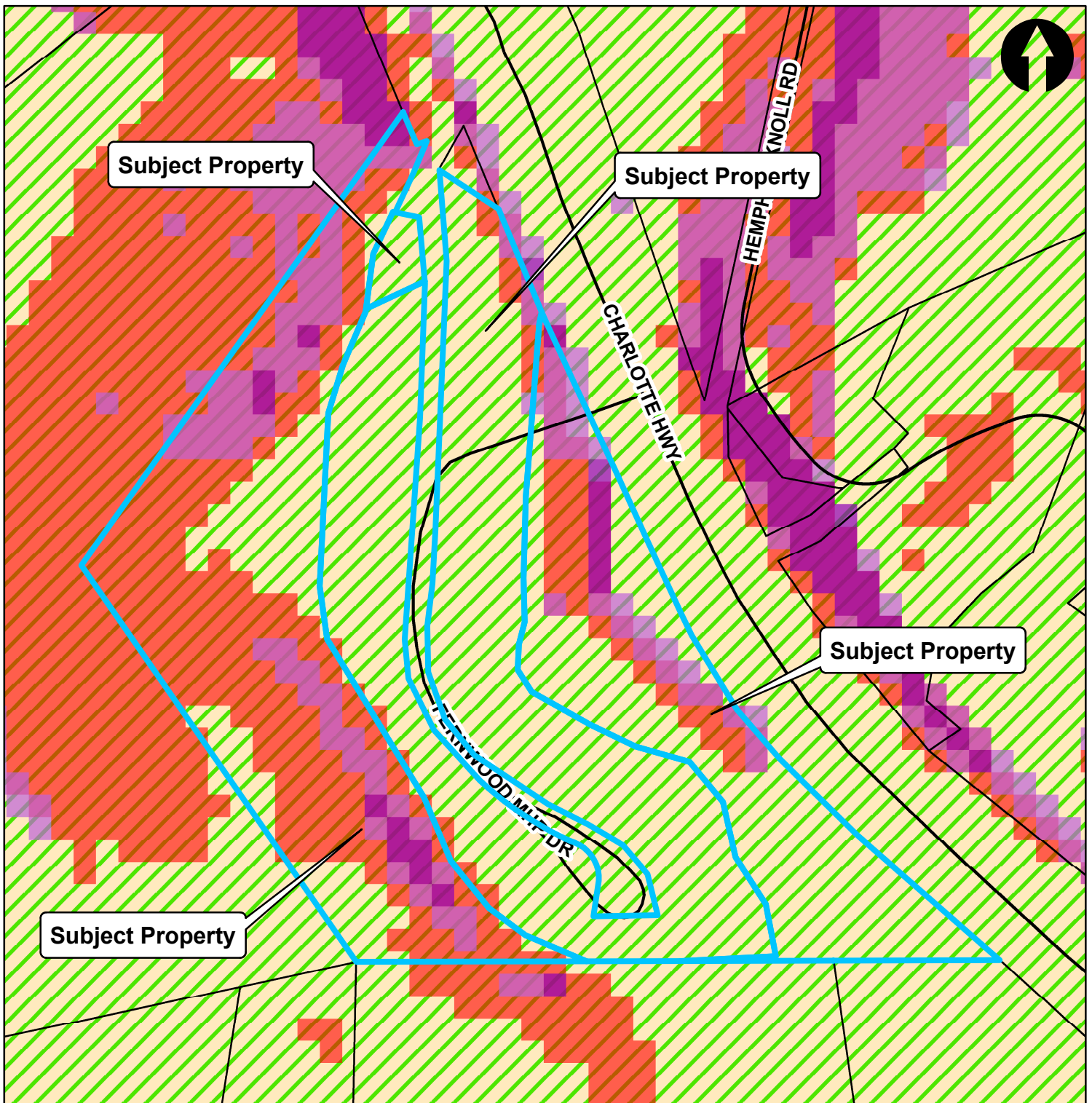
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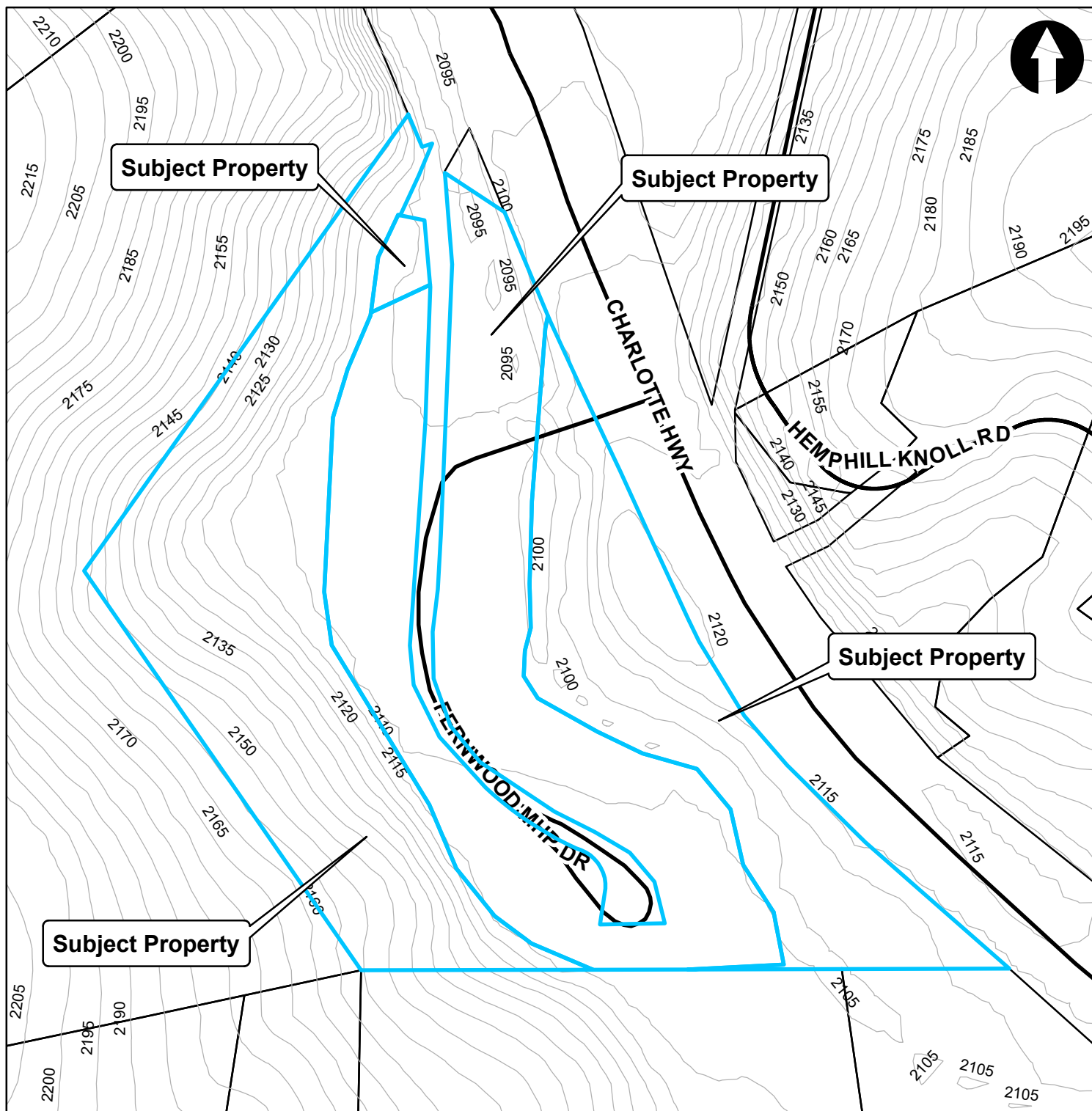
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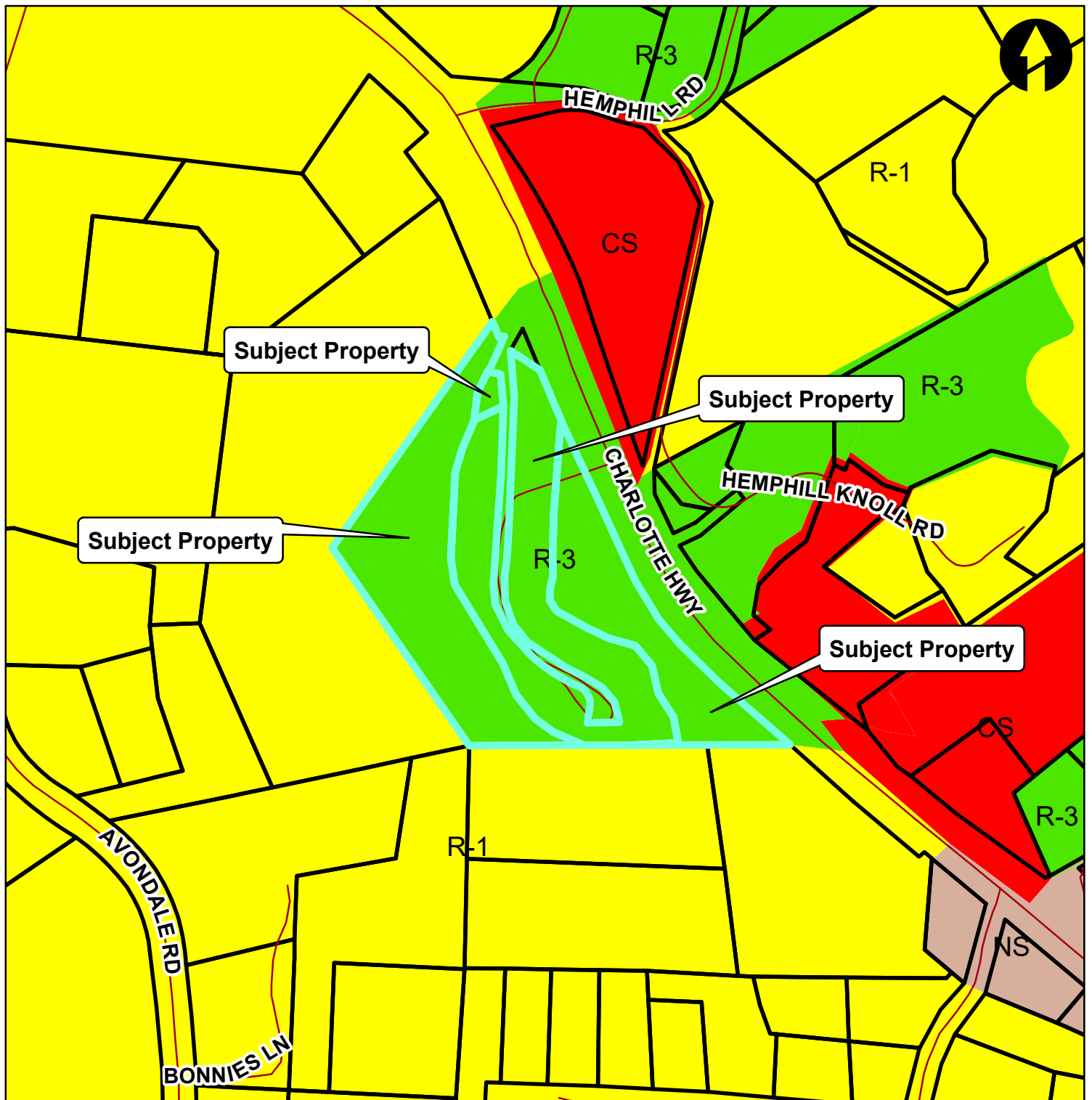
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- Roads
- 5 Foot Contours
- Property Boundaries



0 0.05 0.1 0.2 Miles

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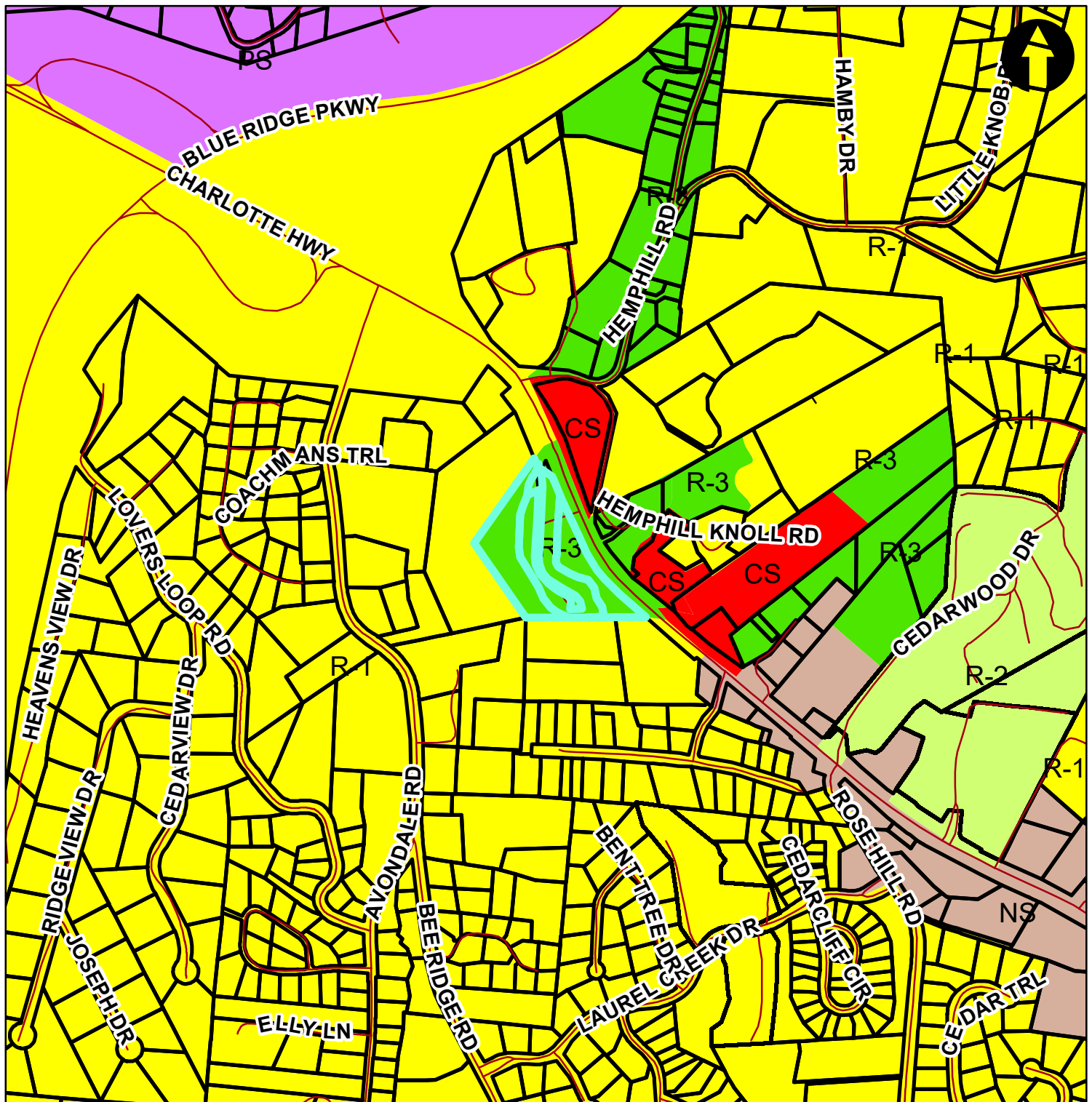
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AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD



0 0.125 0.25 0.5 Miles

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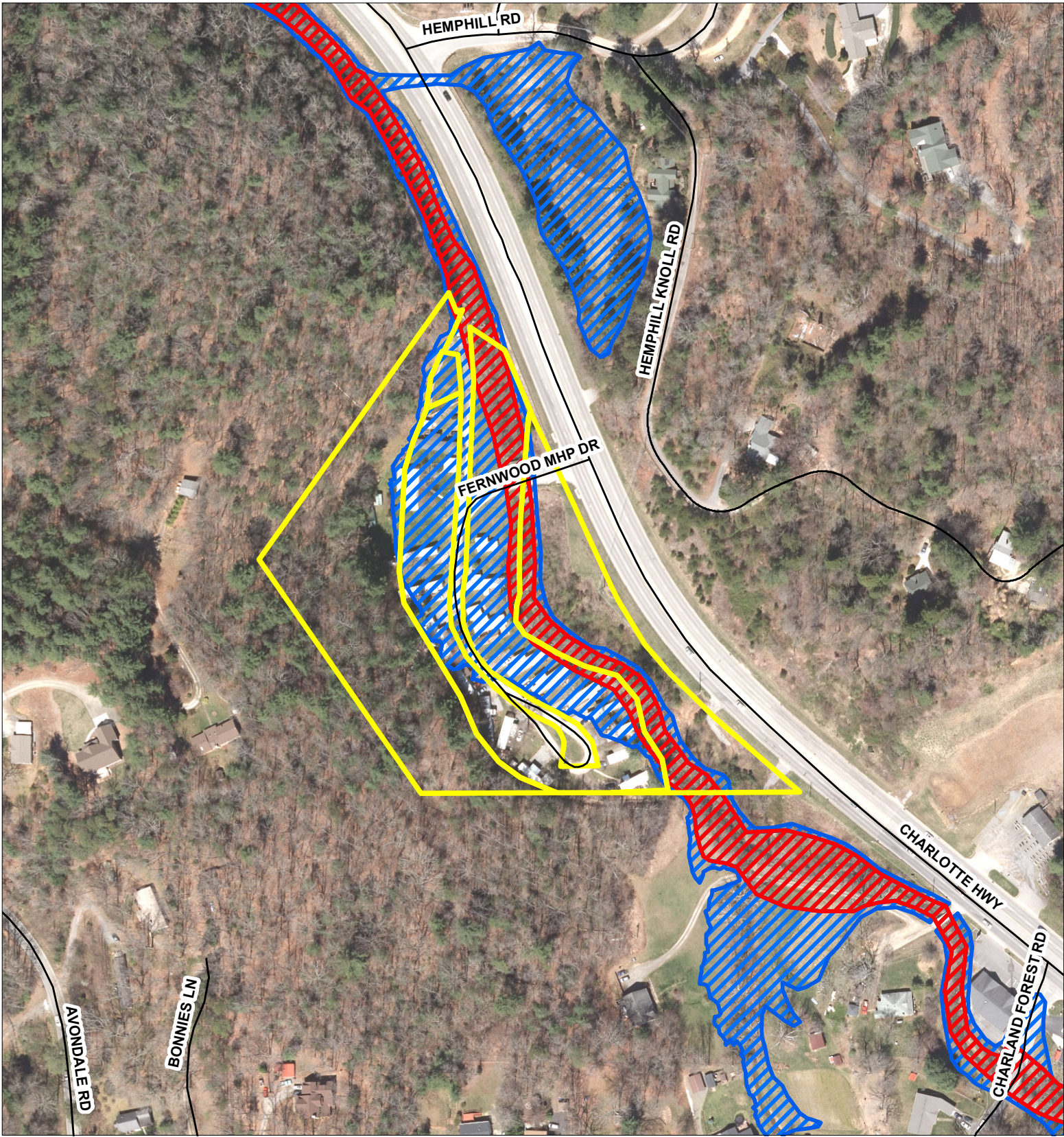
Application Date: September 20, 2019



Hearing Date: October 21, 2019

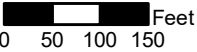
Created By: Buncombe Co. Planning

Date: 10/17/2019

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



 Subject_Parcel  Floodway  100-Year Floodplain (Zone_AE)



1 inch = 200 feet

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BUNCOMBE COUNTY
BOARD OF COMMISSIONERS TO DENY APPLICATION ZPH2019-00045
REQUESTING AN AMENDMENT TO THE ZONING MAP

WHEREAS, the Zoning Administrator for Buncombe County has received an application (ZPH2019-00045) requesting an amendment to The Official Zoning Map of Buncombe County on the parcel depicted in the map attached hereto as "Exhibit A" and identified as follows:

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; and

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this application was considered have been properly mailed to members of the Planning board, the applicant(s), owner(s), and all adjoining property owners at least ten (10) days prior to the meeting; public notice of the meeting has been properly published in a newspaper having general circulation in the County; and notices of the public hearing concerning this zoning map amendment have been prominently posted as required; 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 Planning Board duly advertised and held a public hearing to consider the proposed amendment; and

WHEREAS, pursuant to Buncombe County Code of Ordinances Sec. 78-717, the Planning Board has advised and commented on "whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable" and has provided "a written recommendation to the board of county commissioners" concerning the same (said written recommendation is attached hereto as "Exhibit B"); and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-344(a), the Planning Board "shall make a written recommendation regarding adoption of the ordinance to the board of commissioners." and

WHEREAS, the Planning Board recommends that the Buncombe County Board of Commissioners deny the proposed map amendment by a vote of **6** to **1**.

NOW, THEREFORE, THE BUNCOMBE COUNTY PLANNING BOARD HEREBY RECOMENDS AS FOLLOWS:


1. The Planning Board recommends that the Buncombe County Board of Commissioners deny the proposed Zoning Map amendment as presented in Exhibit A.

Read, approved and adopted this the 21st day of October, 2019.

ATTEST


Savannah Gibson, Clerk

APPROVED AS TO FORM


County Attorney

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Gene Bell, Chairperson

Consented to:

Planning Board Members:

Gene Bell, Chairperson

Nancy Waldrop, Vice-Chairperson

Robert Martin

Parker Sloan

Joan Walker

David Rittenberg

Billy Taylor

Exhibit A

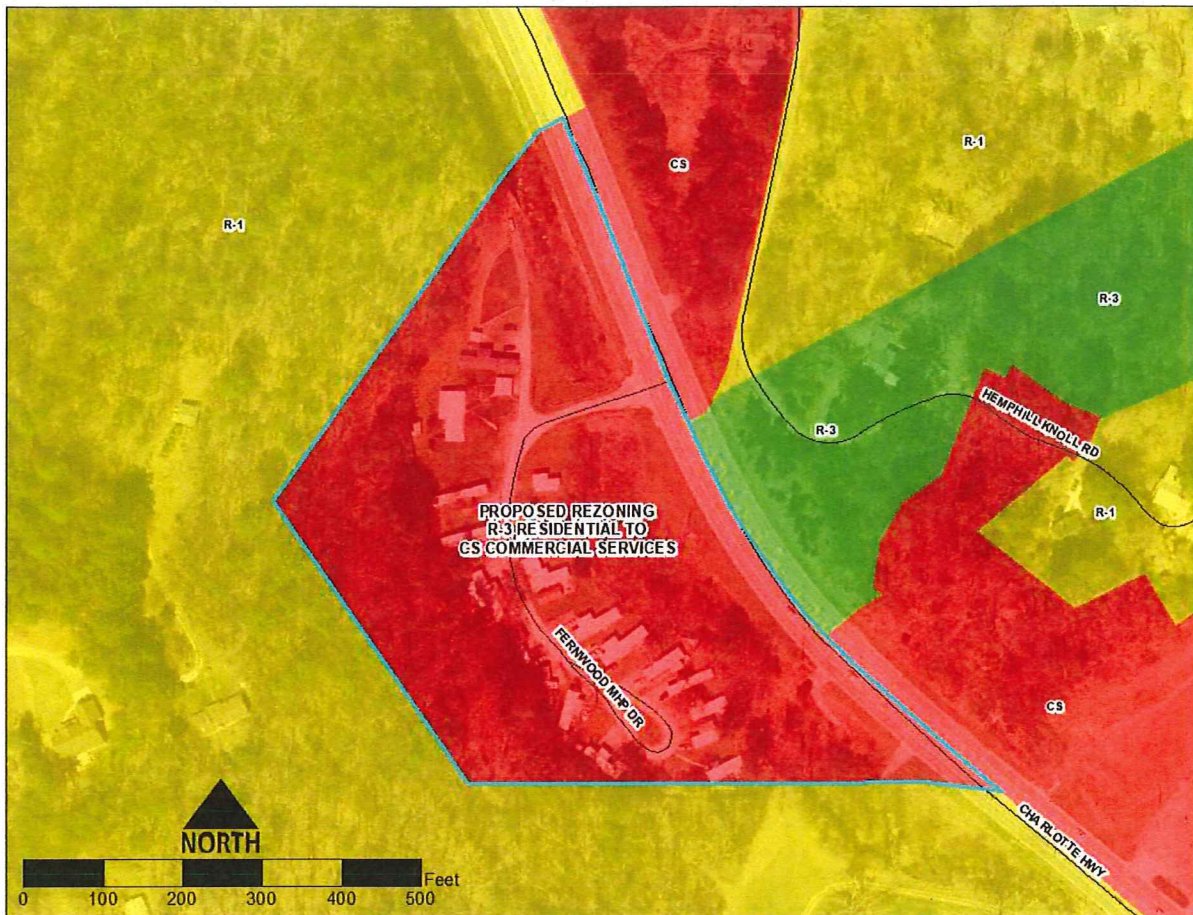


Exhibit A

PLAN CONSISTENCY STATEMENT

ZONING MAP AMENDMENT
INCONSISTENT WITH PLAN

Pursuant to N.C. Gen. Stat. §153A-340(b)(1) the Buncombe County Planning Board 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 ("Highly Suggested"). Within reasonable proximity to water and sewer service (served by both) ("Suggested" and "Highly Suggested").
 - b. Contains areas of moderate and high slope stability hazards ("Highly Suggested").
 - c. Is severely encumbered by floodplain and floodway (outside "Suggested").
 - d. Is not separated from low-density residential uses ("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 **6 to 1**.

Approved and adopted this the 21st day of October, 2019.

ATTEST


Savannah Gibson, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Gene Bell, Chairperson

**Buncombe County Planning Board
October 21, 2019
Minutes**

The Buncombe County Planning Board met on October 21, 2019 in the meeting room at 30 Valley Street.

Planning Board members present were Gene Bell, Nancy Waldrop, Parker Sloan, David Rittenberg, Robert Martin, Joan Walker and Billy Taylor. Also present were Nathan Pennington, Planning Director, Joshua Freeman, Zoning Administrator, Gillian Phillips, Planning Staff, Savannah Gibson, Clerk to the Board, and Michael Frue, County Attorney.

Call to Order

Chair Mr. Bell called the meeting to order at 9:30 A.M.

Approval of Agenda

Mr. Martin made a motion to approve the agenda as submitted. The motion was seconded by Ms. Waldrop and passed unanimously.

Approval of Minutes (October 7, 2019)

Mr. Sloan made a motion to approve the October 7, 2019 meeting minutes. The motion was seconded by Ms. Waldrop and passed unanimously.

Public Hearings – Zoning Map Amendments

ZPH2019-00045: David Day of LCV Venture, LLC, on behalf of John Carpenter and David Holdredge (ETAL) and Paul Murray (ETAL), have applied to rezone four (4) parcels of land identified as tax lot PINs 9667-25-9972, 9667-35-1863, 9667-35-3757, and 9667-36-0420 (Charlotte Hwy, and 1 and 2 Fernwood MHP Dr) which are currently zoned R-3 to CS-Commercial Service.

Mr. Bell opened the public hearing. Mr. Freeman presented information about the application and staff analysis (Attachment A). Staff recommended approval of the rezoning as revised. Staff expressed concern about the rezoning due to the displacement of residents of the existing manufactured home park in light of the lack of affordable housing in Buncombe County. However, Staff supports the rezoning as the future commercial development will reduce life safety issues on the property due to the presence of the floodplain. Marty Kocot was present to represent the application and rezoning as revised, and answered questions from the Board. Mr. Kocot provided additional information about the floodway and floodplain on the property and how that would fit into the development.

Ms. Walker raised concerns on how the construction would affect the watershed and the natural stream on the property. Mr. Freeman stated that all development would need to comply with stormwater, zoning, erosion, and flood regulations.

Mr. Holdredge believes the pricing of the property is negatively impacted by granting allowances of dealing with residences of the park, hence the rezoning. He has spoken with the developer about what relocation could mean for the residents.

The applicant, Mr. Day, was present to answer questions from the board. Mr. Day approached the property owner(s) of the mobile home park about redevelopment, and spoke with a realtor about compensation for displaced tenants. He believes the long term use of the property would be better suited for commercial businesses since there is a life safety issue with the current mobile home park.

Public Comment

Sherry Barret, adjacent land owner, raised concerns about changing the natural landscape into built-upon surface, traffic and road access, flooding issues, including the swift water rescue team in the park, as well as debris from current development in streams already. She also expressed concern about 20 people being displaced when affordable housing in the area is extremely limited. She asked why the property needs to be zoned CS in order for the development in the back to be connected to this one.

Tracy Dotson, nearby resident, understands that Charlotte Highway is becoming a commercial corridor, but would like a more comprehensive plan for it instead of going about commercialism through rezoning. Mr. Dotson is not against commercial, but instead for planning for the long term.

Mr. Bell closed the public hearing at 10:31am.

Board Discussion

Mr. Martin asked if the zoning would allow for a hotel. It would.

Ms. Walker asked if the tenants owned their homes. They do. She pointed out that they could not relocate those homes which predate HUD standards. Ms. Walker and Ms. Waldrop stated that they do not support the rezoning.

Mr. Rittenberg stated that the rezoning does not fit the comprehensive plan and is concerned about steep slopes.

Mr. Rittenberg made a motion that the application is inconsistent with the Comprehensive Land Use plan as described in the staff report. The motion was seconded by Ms. Walker and passed 6 to 1, with Mr. Taylor voting against the motion. Ms. Walker made a motion to recommend denial of the map amendment. The motion was seconded by Mr. Sloan and passed 6 to 1, with Mr. Taylor voting against the motion.

General Public Comment

Louis Correra has lived in the mobile home park of the property in question for 2 years. He has spoken with a lot of residents, who live from paycheck to paycheck, and who cannot afford to relocate. Mr. Correra's parents have also lived in the park for 10 years as well. He bought the property in order to raise a family. He understands that it is not his property and they can do what they want with it.

Adjourn

The meeting was adjourned at 10:44 am.