
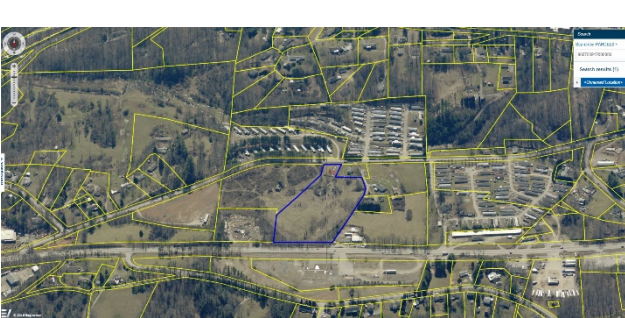




ZONING MAP AMENDMENT

STAFF ANALYSIS

Legislative Hearing

LOCATION MAP	CASE NUMBER: ZPH2020-00011
	A. PROPERTY INFORMATION PIN(s): 960703917000000 Addresses: Unaddressed property off Old US HWY 19/23 & Smokey Park Highway, Candler, NC Owner(s): WI / Indian Branch, LLC
	B. REZONING REQUEST Applicant / Agent: Rick Wrenn Existing Zoning: CS Commercial Service Proposed Zoning: R-3 Residential
	C. PUBLIC NOTICE Planning Board Notice in AVL Citizen Times legal ad: 6/24/2020 Planning Board Notice mailed to owners within 1,000 ft: 6/22/2020 Planning Board Physical posting: 6/24/2020 Planning Board Notice on BC Website: 6/22/2020 Planning Board Hearing # 1: 7/6/2020 Planning Board Comment Period Deadline: 7/7/2020 Planning Board Hearing # 2 (continued from previous): 7/20/2020 Board of Commissioners Notice in AVL Citizen Times legal ad: 8/7 and 8/14/20 Board of Commissioners Notice mailed to owners within 1,000 ft: 8/5/2020 Board of Commissioners Physical posting: 8/7/2020 Board of Commissioners Notice on BC Website: 8/5/2020 Board of Commissioners Hearing # 1: 8/18/2020

D. SUMMARY OF REQUEST

Rick Wrenn, on behalf of WI / Indian Branch LLC, requests to rezone one (1), 5.94 acre parcel of land from CS Commercial Service to R-3 Residential.

E. RECOMMENDATION

APPROVAL (see Section J, below)

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING 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.

PROPOSED ZONING DISTRICT:

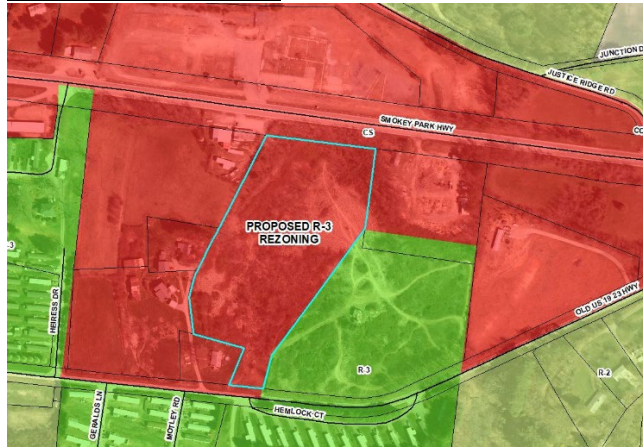
Residential District (R-3)

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.

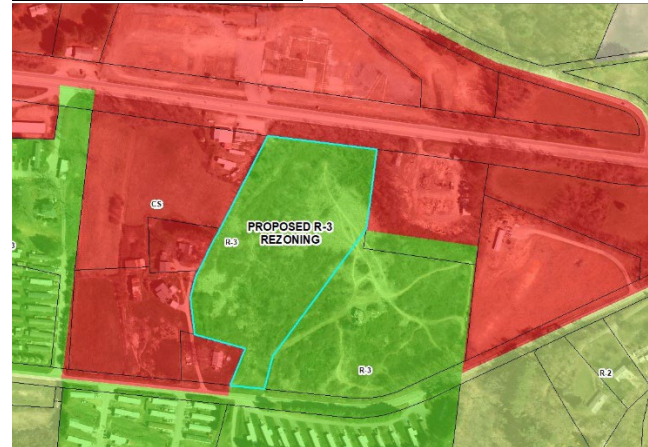
G. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the property is contiguous to existing R-3 zoning along south-eastern boundary and would prevent the intrusion of commercial uses into a residentially developed area.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICT



H. COMPREHENSIVE LAND USE PLAN CONSISTENCY

- 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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<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" [NA / 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>
<p>4. OTHER COMMENT:</p>	<p>The subject property meets the Land Use Plan criteria for both residential and commercial future land use categories.</p> <p>The Board should consider both the need for additional housing, and the appropriateness of at least the northern portion of the property for nonresidential development.</p>

I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject parcel is currently vacant. It abuts Old US Hwy 19/23 on the south, and Smokey Park Highway on the north. On its Smokey Park Highway frontage, it is proximate to a number of nonresidential land uses. The remainder of the property abuts both low and medium density residential uses.



2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would greatly restrict the range of nonresidential uses (see Zoning Ordinance Excerpt, attached). However, R-3 would permit manufactured home parks, which is a predominant land use type in the general area surrounding the subject property.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

	Existing District:	Proposed District:
	CS Residential	R-3 Residential
Minimum Lot Size	30,000 SF (Septic System) 10,000 SF (Public Sewer)	30,000 SF (Septic System) 10,000 SF (Public Sewer) 6,000 SF (Public Sewer & Water)
Max dwelling units per acre	12	12
Setbacks (Front/Side/Rear)	10/10/10 (Water/sewer) 10/10/10 (Septic)	10/7/15 (Public Sewer) 20/10/20 (Septic System)
Max height	50 feet	35 feet

4. NEIGHBORHOOD CONSISTENCY:

The subject parcel is currently vacant. It abuts Old US Hwy 19/23 on the south, and Smokey Park Highway on the north. On its Smokey Park Highway frontage, it is proximate to a number of nonresidential land uses. The remainder of the property abuts both low and medium density residential uses.

The R-3 Zoning District, and the land uses which are permissible therein, is a more appropriate zoning designation for the majority of the subject property. Under its current CS designation, a broad range of intensive, nonresidential land uses could be constructed, which would be disruptive to the surrounding residential land uses.

J. STAFF RECOMMENDATION COMMENTS:

Staff recommends rezoning the subject property to R-3 as proposed. See illustration in Section G., above.

K. PLANNING BOARD RECOMMENDATION

On July 20, 2020, the Buncombe County Planning Board unanimously (6-0) voted to recommend approval of the proposed rezoning, as presented.

L. BOARD OF COMMISSIONERS OPTIONS

The following options are available to the Board:

- Approve the proposed rezoning, as presented.
- Deny the proposed rezoning, as presented.
- Approve the rezoning with modifications as otherwise identified by the Board. Certain modifications may require additional review by the Planning Board.

M. ATTACHMENTS

- ZONING ORDINANCE EXCERPT, attached.
- PLANNING BOARD RESOLUTION, attached.
- CONSISTENCY STATEMENT: See draft consistency statement, attached.
- BOARD OF COMMISSIONERS 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

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

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
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

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
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

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
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

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
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)	= 0.69 ac		10	7	15	20	10	20	35
	12,000 (public sewer no public water)	= 0.28 ac								
	8,000 (public water and sewer)	= 0.18 ac								
R-2 Residential	30,000 (no public sewer)	= 0.23 ac		10	7	15	20	10	20	35
	10,000 (public sewer no public water)	Minimum lot size shown in column two plus 0 for first additional unit								
	6,000 (public water and sewer)	Plus: 3,600 for each additional unit = 0.14 ac								
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)	Minimum lot size shown in	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	
	10,000 (public sewer no public water) 5,000 (public water and sewer)	column two plus 0 for first additional unit Plus: 3,600 for 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.

Footnote 4--The Minimum Yard Setback Requirements for interior lots and Minimum Lot Size Requirements for all lots may be reduced and Density may be increased from that listed in Table 2 above through the approval of an Alternative Path Hillside Development Subdivision, a Conservation Development Subdivision, or a Community Oriented Development.

Footnote 5--The dimensional requirements for HUD-labeled manufactured homes (not including manufactured homes in manufactured home parks) are further described in section 78-678(b)(5). ⁴

Footnote 6--The Minimum Lot Size Requirements listed in Table 2 above shall not apply to lots created for the provision of infrastructure and/or utilities only; cemetery lots or burial plots; or lots to be permanently dedicated as open space or common area.

Footnotes 7--9: Applicable to Beaverdam Low-Density Residential District (BDM) Only

Footnote 7--Beaverdam Only Development standards:

% Natural Slope	Lot Frontage (Feet)*	Minimum Lot Size (Acres)	Maximum Disturbed	Maximum Impervious Cover (Acres)
0-9.99 with public water and sewer	100	0.5	<i>If lot is < 0.75 Acres: 80% of lot</i>	0.375
			<i>If lot is 0.75 - 1 Acres: 75% of lot</i>	
			<i>If lot is >1 Acre: 0.75 acres</i>	
0-9.99 no public water and sewer	100	1.1	0.75 Acres	0.375
10-14.99 with or without public utilities	100	1.1	0.75 Acres	0.375
15-19.99 with or without public utilities	100	1.5	0.75 Acres	0.375
20-24.99 with or without public utilities	150	2	0.75 Acres	0.375
25-29.99 with or without public utilities	150	2	0.75 Acres	0.375
30-34.99 with or without public utilities	175	2.5	0.75 Acres	0.375

⁴ Section added April 2, 2019 via Ordinance No. 19-04-07; ZPH2018-00048

35-39.99 with or without public utilities	175	3	0.75 Acres	0.375
40+ with or without public utilities	200	5	0.75 Acres	0.375
*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.				

Footnote 8--Beaverdam Only

% Natural Slope	Minimum Yard Setback Requirements		
	Front Yard From Edge of Road (Feet)	Side Yard (Feet)	Rear Yard (Feet)
0-39.99	35	15	25
40+	15	15	25

Footnote 9--Beaverdam Only

- a. The natural slope is calculated using the following formula:

$$S\% = \frac{0.0023 \times I \times L}{A}$$

Where:

S = Average natural slope of parcel in percent

I = Contour interval of map in feet, with said intervals to be five feet or less

L = Total length of the contour lines within the parcel in feet

A = Area of the parcel in acres

0.0023 = Constant which converts square feet into acres

- b. In addition, applicants may submit an alternate method of slope calculation for consideration. These methods may include, but are not limited to, the following methods: weighted average, slope mapping, other field based techniques, etc.