



ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

<p>LOCATION MAP</p> 	<p>CASE NUMBER: ZPH2020-00006</p> <p>A. PROPERTY INFORMATION</p> <p>PIN(s): 968960444200000, 968960448400000, 968960448400000, 968960545800000</p> <p>Addresses: 2254 & 2256 US HWY 70, & two unaddressed properties off US HWY 70 & Riverwood Road</p> <p>Owner(s): Mary June Pate Watkins</p> <p>B. REZONING REQUEST</p> <p>Applicant / Agent: Mary June Pate Watkins</p> <p>Existing Zoning: R-3 Residential</p> <p>Proposed Zoning: CS Commercial Service</p>
	<p>C. PUBLIC NOTICE</p> <p>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: 16/22/2020 Planning Board Hearing # 1: 7/6/2020 Planning Board Comment Period Deadline: 7/7/2020 !NEW STEP! Planning Board Hearing # 2 (continued from previous): 7/20/2020 !NEW STEP! Board of Commissioners Notice in AVL Citizen Times legal ad: TBD Board of Commissioners Notice mailed to owners within 1,000 ft: TBD Board of Commissioners Physical posting: TBD Board of Commissioners Notice on BC Website: TBD Board of Commissioners Hearing # 1: 8/18/2020 [TENTATIVE]</p> <p>NOTE: ADDITIONAL STEPS NECESSARY IF BOC MEETING IS VIRTUAL</p>

D. SUMMARY OF REQUEST

Mary June Pate Watkins requests to rezone four (4) parcels of land from R-3 Residential to CS Commercial Service.

E. RECOMMENDATION

APPROVAL (see Section J, below)

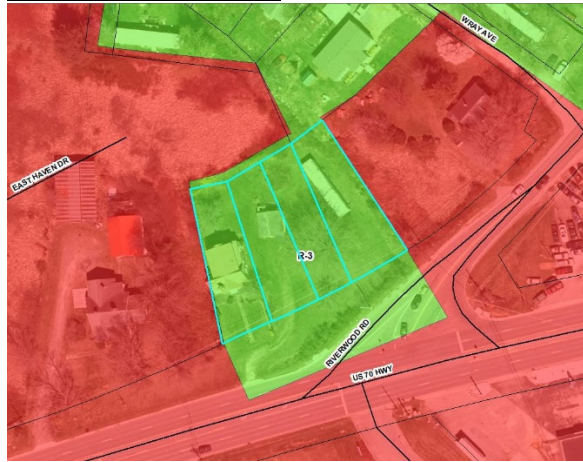
F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

<p>EXISTING ZONING DISTRICT:</p> <p><i>Residential District (R-3)</i></p> <p>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.</p>	<p>PROPOSED ZONING DISTRICT:</p> <p><i>Commercial Service District (CS)</i></p> <p>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.</p>
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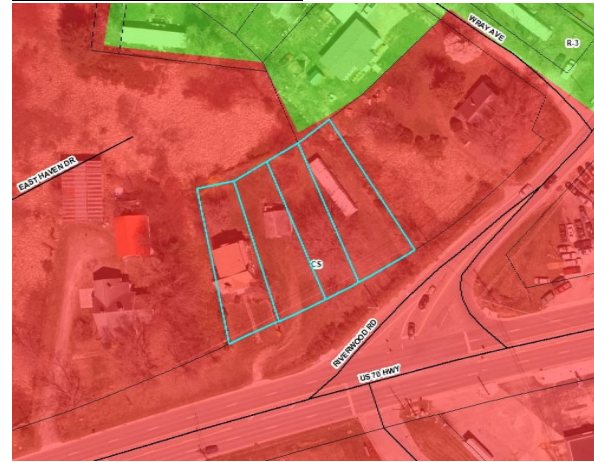
G. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the property is contiguous to existing CS zoning along all boundaries. The rezoning would eliminate a pocket of R-3 that is surrounded by CS.

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								
RESIDENTIAL															
— Not Required															
👉 Suggested															
★ Highly Suggested															
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 parcels are currently developed with residential uses.

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) 10,000 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 commercial uses along its southern and eastern boundaries, including Ingles Grocery on the south side of US Highway 70; and East Haven Apartments on its western and northern boundaries. Highway 70 on its southern boundary.

J. STAFF RECOMMENDATION COMMENTS:

Staff recommends approval of the proposed rezoning 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. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend denial of the proposed rezoning, as presented.
- c. Recommend approval of the proposed rezoning with modifications as identified by the Board.

Please Note: Upon closing today's public hearing, the Board may deliberate upon its recommendation. However, a Board vote upon a final recommendation may not occur until the Board's July 20, 2020 meeting.

L. ATTACHMENTS

1. ZONING ORDINANCE EXCERPT, attached.
2. CONSISTENCY STATEMENT: See draft consistency statement, attached.
3. RESOLUTION: See draft resolution, attached.