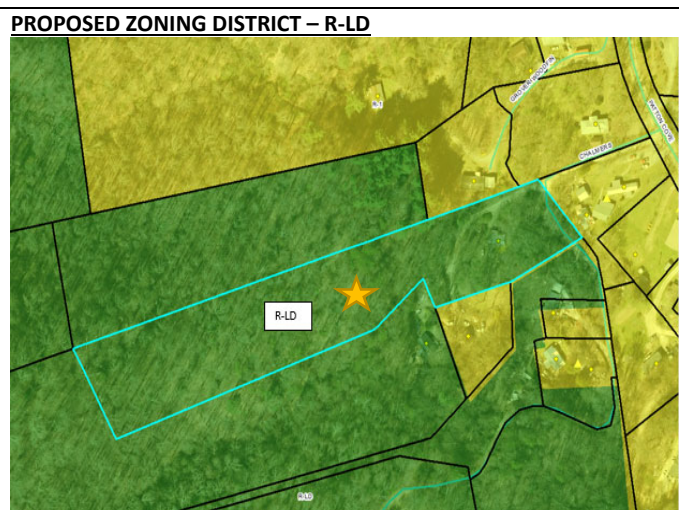
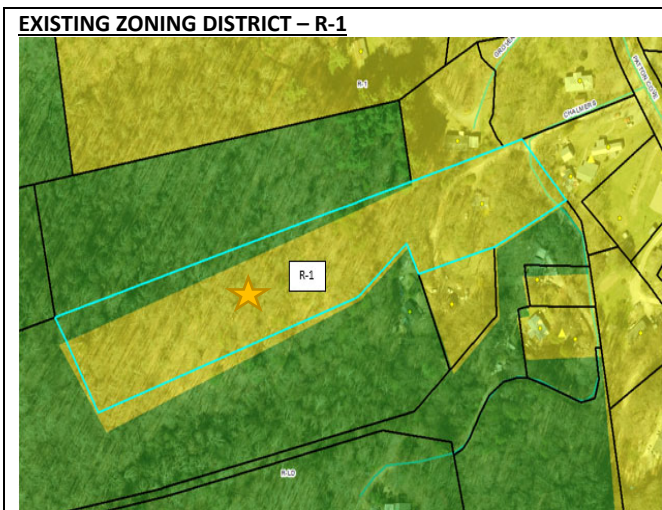




LOCATION MAP		CASE NUMBER: ZPH2021-00011	
		A. PROPERTY INFORMATION	
		PIN(s): 9688.66.6035 Addresses: 9 Chalmers Way Owner(s): Gregory Brown	
		B. REZONING REQUEST	
		Applicant / Agent: Angela Kent Existing Zoning: R-1 (Residential District) Proposed Zoning: RL-D (Low-Density Residential) Total Parcels & Acreage: One (1), +/- 4.59 acres	
		C. PUBLIC NOTICE	
		Planning Board Notice in AVL Citizen Times legal ad: 3/24/2021 Planning Board Notice mailed to owners within 1,000 ft: 3/24/2021 Planning Board Physical posting: 3/24/2021 Planning Board Notice on BC Website: 3/24/2021 Planning Board Hearing # 1: 4/05/2021 Planning Board Hearing # 2: 4/19/2021 BOC Notice in AVL Citizen Times legal ad: 4/21 and 4/28/2021 BOC Notice mailed to owners within 1,000 ft: 4/21/2021 BOC Physical posting: 4/21/2021 BOC Notice on BC Website: 4/21/2021 BOC Hearing: 5/04/2021	
D. SUMMARY OF REQUEST			
Angela Kent, on behalf of Gregory Brown has requested to rezone one (1) parcel of land from R-1 to R-LD.			
E. RECOMMENDATION			
APPROVAL (see Section J, below)			
F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT			
EXISTING ZONING DISTRICT(S):		PROPOSED ZONING DISTRICT:	
<i>Residential District (R-1)</i> The R-1 Residential <i>District</i> is primarily intended to provide locations for single-family and two-family 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. This <i>district</i> is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this <i>district</i> does not allow manufactured home parks.		<i>Low-Density Residential District (R-LD)</i> The R-LD Low-Density Residential <i>District</i> is primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development. These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. These are environmentally sensitive areas that are characterized by one or more of the following conditions: Steep slopes, fragile soils, or flooding.	
G. SPOT ZONING ANALYSIS			
This map amendment application requests that one (1) parcel of approximately 4.59 acres be rezoned from R-1 to R-LD. Staff has no concern as it relates to the potential for a spot zoning challenge due to adjacency of other parcels zoned R-LD. Given the size and topography of the existing parcel, the requested zoning district is more compatible given the attributes of the surrounding neighborhood.			



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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					
— 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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- Further alignment with the Comprehensive Plan related to the need to accommodate HUD labeled manufacture homes is discussed on page 67 of the plan. Expanding existing land use policies and regulations to adjust for changes in land use patterns and demands is another important objective which is discussed at length throughout the plan.
- Under the foundational focus area of Equity in the Buncombe County Strategic Plan 2020-2025, the goal of ensuring that policies and practices to eliminate barriers to allow for equitable opportunity is discussed on page 31 of the plan.

Resources:

<https://www.buncombecounty.org/common/planning/land-use-plan-update-2013.pdf>

<https://www.buncombecounty.org/governing/commissioners/strategic-plan.aspx>

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

“Reasonable proximity to major transportation corridors” [highly suggested] – **The subject property is located near Patton Cove Road (an NCDOT maintained road) in close proximity to I-40. This is not required to be evaluated due to the fact that the application is a down zoning request.**

“Reasonable proximity to infrastructure (combined water / sewer service area)” [highly suggested] – **Due to the low density residential nature of the request, this is not required to be evaluated. However, an existing (now demolished) manufactured home was previously served by well and septic systems. New construction will be similarly served.**

	<p>“Outside of steep slope areas (25%+)” [highly suggested] <u>Not required to be evaluated – future development is proposed to take place on the same footprint as the demolished structure.</u></p> <p>“Outside of high elevations (2500+)” [highly suggested] <u>See above.</u></p> <p>“Outside of moderate and high slope stability hazards” [highly suggested] <u>See above.</u></p> <p>“Outside of flood hazard areas” [suggested] <u>In compliance.</u></p> <p>“Separation from low-density residential uses” [suggested] <u>Not applicable.</u></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>None noted.</p>

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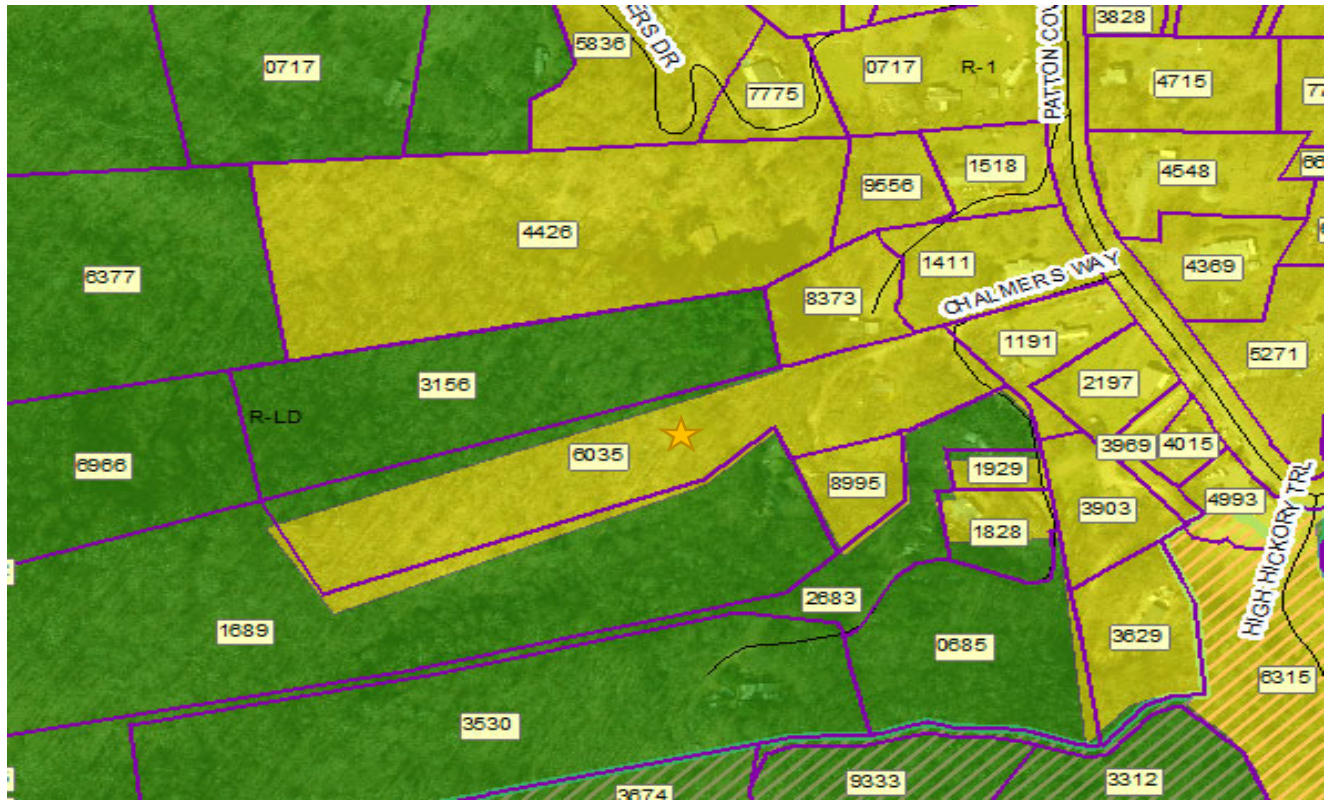
I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject property consists of one (1) individual parcel (approximately 4.59 acres) currently zoned R-1.

The subject parcel is located in a cove with a surrounding development pattern of manufactured homes and low-density single-family homes largely clustered along the Patton Cove Road corridor. The surrounding topography rises steeply on each side of the road corridor.

Surrounding Land Uses and Zoning



2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning is a down zoning request and is typically more restrictive than the current R-1 zoning district. While specific development plans cannot be evaluated as part of a standard rezoning request, the owner has stated that they would like to place a manufactured home in the same footprint where the former manufactured home was demolished.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

	Existing District:	Existing/Proposed District:
	R-1 Residential	R-LD Residential
Minimum Lot Size	30,000 SF (No Public Water and Sewer)	43,560 SF
Max dwelling units per acre	10 (no more than 2 per lot)	2 (no more than 2 per lot)
Setbacks (Front/Side/Rear)	20/10/20 (Septic)	20/10/20 (Septic or Sewer)
Max height	35 feet	35 feet

4. PREVIOUS ZONING ACTIONS/INFRASTRUCTURE/FUTURE LAND USE:

Site History – A single-section manufactured home was previously demolished onsite. The remainder of the site is wooded and contains steep slope.

Access – Access to the site is provided via Chalmers Way – a private shared driveway from the public way (Patton Cove Road).

Utilities – As discussed above in the comprehensive plan consistency section, the property will be served by a private well and septic systems.

Future Development – As discussed above, development potential is limited as this is a down zoning request.

J. STAFF RECOMMENDATION COMMENTS:

Staff recommends **approval** of the rezoning request as submitted.

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, their 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)

1. 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.

2. ATTACHMENTS

- Application
- Maps
- Power Point Presentation