

PLANNING BOARD'S WRITTEN RECOMMENDATION TO THE BUNCOMBE COUNTY BOARD
OF COMMISSIONERS TO APPROVE APPLICATION ZPH2021-00021
REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING MAP

WHEREAS, the Zoning Administrator for Buncombe County has received an application (ZPH2021-00021 Smokey Park MAP AMENDMENT) requesting an amendment to The Official Zoning Map of Buncombe County on the parcel(s) depicted in the map attached hereto as "Exhibit A" and identified as follows:

PIN(s): 8697-63-5541; 8697-63-7531; 8697-63-9521; and 8697-63-4277
Addresses: 1952 Smokey Park Hwy, and Unaddressed parcels along Smokey Park Hwy
Owner(s): L&R PROPERTIES INC, SHARP JUDITH M, and COGBURN (HEIRS) MAX
O;COGBURN FAMILY PROPERTIES LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject properties be changed from the R-1 Residential District and NS Neighborhood Services 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. § 160D-604(b) all proposed amendments to the Zoning Map shall be submitted to the Planning Board for review and comment; and

WHEREAS, the Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed map amendment by a vote of **5 to 0, with 2 recused**.

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

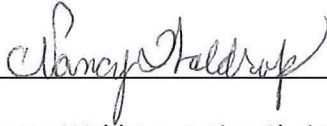
1. The Planning Board recommends that the Buncombe County Board of Commissioners **APPROVE** the proposed Zoning Map amendment as presented in Exhibit A.

Read, approved and adopted this the 3rd day of May, 2021.

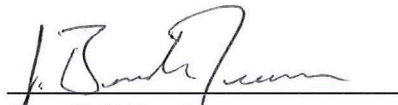
ATTEST


Savannah Gibson, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Acting Chair

APPROVED AS TO FORM


County Attorney
J. BRANDON FREEMAN

Consented to **(YES/NO)**:

Planning Board Members:

Nancy Waldrop, Acting Chair- **YES**
John Noor- **RECUSED**
Cindy Weeks- **YES**
Alan Coxie- **RECUSED**
David Rittenberg- **YES**
Tim Collins- **YES**
Mike Fisher- **ABSENT**
Billy Taylor - **YES**
Ken Kahn- **YES**

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s): 8697-63-5541; 8697-63-7531; 8697-63-9521; and 8697-63-4277
Addresses: 1952 Smokey Park Hwy, and Unaddressed parcels along Smokey Park Hwy
Owner(s): L&R PROPERTIES INC, SHARP JUDITH M, and COGBURN (HEIRS) MAX O;COGBURN FAMILY PROPERTIES LLC

PROPOSED ZONING DISTRICT - CS

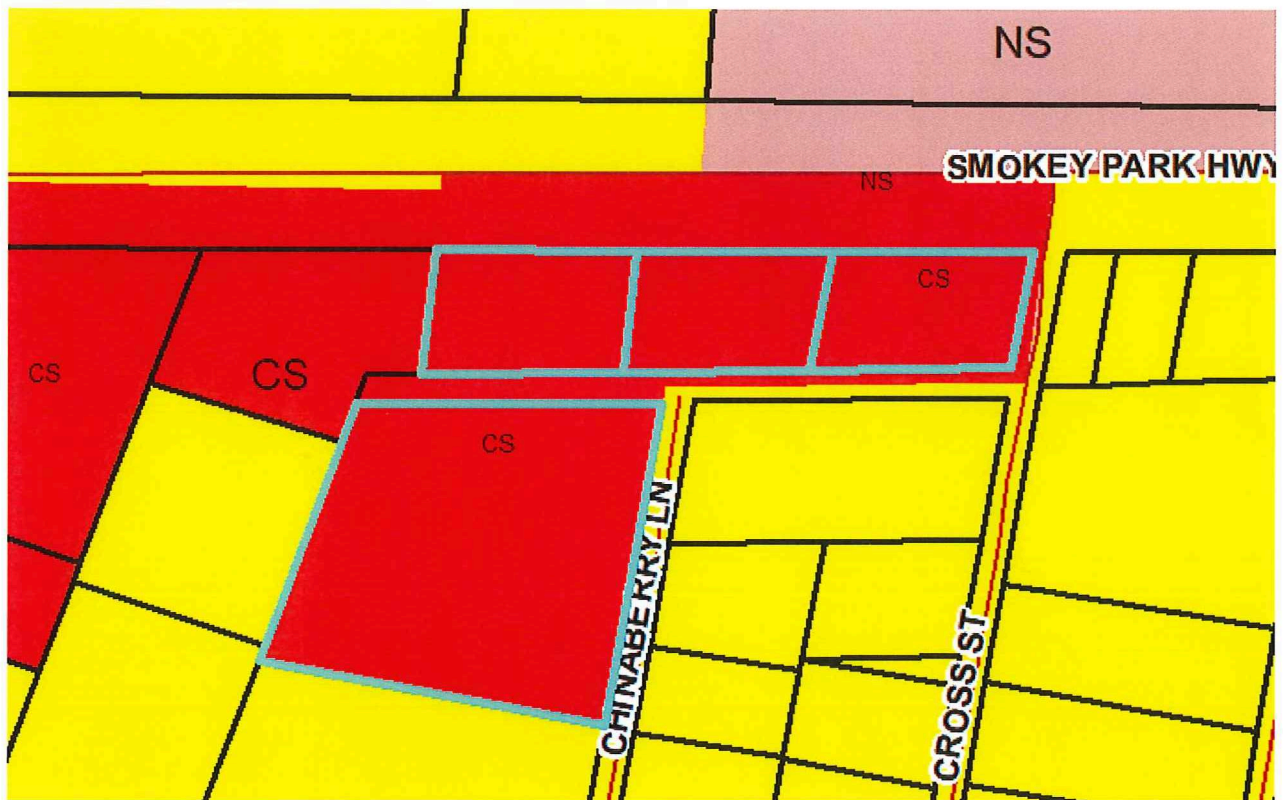


Exhibit B

PLAN CONSISTENCY STATEMENT

ZONING MAP AMENDMENT
CONSISTENT 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(s) 8697-63-5541; 8697-63-7531; 8697-63-9521; and 8697-63-4277 and 1952 Smokey Park Hwy, and Unaddressed parcels along Smokey Park Hwy, from the R-1 Residential District and NS Neighborhood Service District, to the CS Commercial Service District. The Board finds the following:

1. The proposed rezoning of the subject property is consistent with the Buncombe County Comprehensive Land Use Plan in that the property is:
 - A. Within "[reasonable] proximity to major transportation corridors."
 - B. Within "[reasonable] proximity to infrastructure (combined water / sewer service area)."
 - C. "Outside of steep slope areas (25%+)."
 - D. "Outside of high elevations (2500'+)."
 - E. "Outside of moderate and high slope stability hazards."
 - F. "Outside of flood hazard areas."
2. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan.

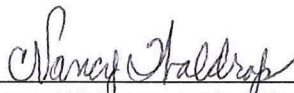
Therefore, the requested zoning would be **reasonable and in the public interest**.

Approved and adopted this the 3rd day of May, 2021.

ATTEST


Savannah Gibson, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Acting Chair