



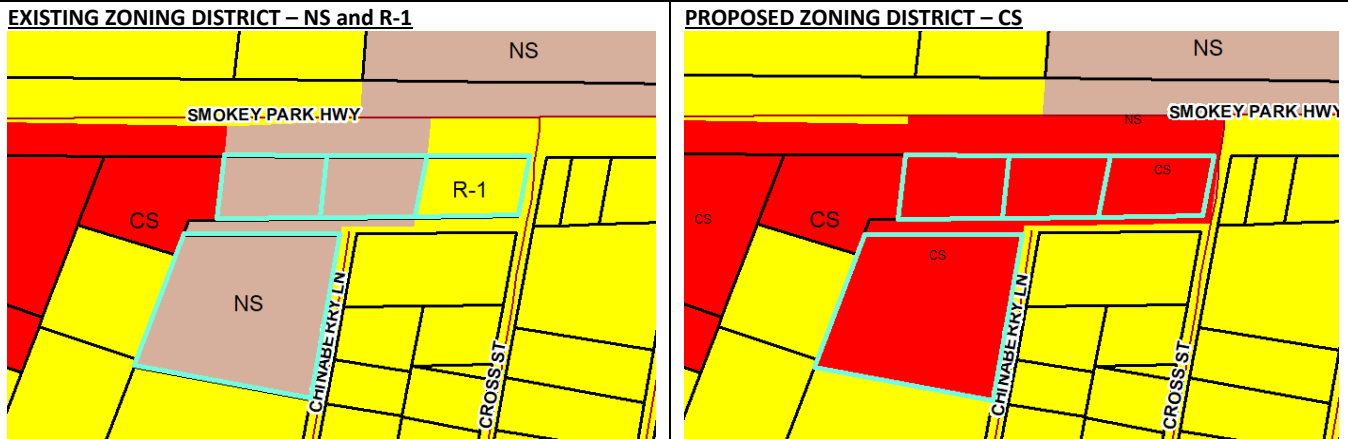
LOCATION MAP		CASE NUMBER: ZPH2021-00021	
		A. PROPERTY INFORMATION	
		<p>PIN(s): 8697-63-5541; 8697-63-7531; 8697-63-9521; and 8697-63-4277</p> <p>Addresses: 1952 Smokey Park Hwy and Unaddressed parcels</p> <p>Owner(s): L&R PROPERTIES INC, SHARP JUDITH M, and COGBURN (HEIRS) MAX O; COGBURN FAMILY PROPERTIES LLC</p>	
		B. REZONING REQUEST	
		<p>Applicant / Agent: Kane Investment Group, LLC</p> <p>Existing Zoning: NS – Neighborhood Service, and R-1 Residential</p> <p>Proposed Zoning: CS- Commercial Service</p> <p>Total Parcels & Acreage: 4 parcels; 0.96, 0.5, 0.53, and 2.17 acres</p>	
C. PUBLIC NOTICE			
<p>Planning Board:</p>	<p>Citizen Times legal ad and BC website: 4/7/2021 Mailed to owners within 1,000 ft: 4/7/2021 Physical posting: 4/9/2021 Hearing Date # 1: 4/19/2021 Hearing Date # 2: 5/3/2021</p>	<p>BOC:</p>	<p>Citizen Times legal ad and BC website: TBD & TBD Mailed to owners within 1,000 ft: TBD Physical posting: TBD BOC Hearing: TBD</p>
D. SUMMARY OF REQUEST			
<p>Kane Investment Group, LLC, on behalf of L&R Properties Inc, Judith M Sharp, and Cogburn Family Properties LLC, has applied to rezone four (4) parcels of land from NS and R-1, to CS-Commercial Services.</p>			
E. RECOMMENDATION			
<p>APPROVAL</p>			

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F. SPOT ZONING ANALYSIS

The request is for four parcels to be rezoned from NS and R-1 to CS-Commercial Service. Staff has no concern as it relates to the potential for a spot zoning challenge due to the existing CS zoning to the west, and to the current zoning of NS on three of the four parcels.

The transition from the current zoning to CS is in line with the Statement of Intent for CS districts as it relates to the expansion of commercial uses into areas adjacent to existing commercial uses and zoning along major transportation arteries.



G. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT(S):

Neighborhood Service District (NS). Primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS neighborhood service district should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

Residential District (R-1). 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 district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.

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.

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

BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN 2013		SECTION 6: ISSUES AND RECOMMENDATIONS					
— Not Required	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
☐ Suggested							
★ Highly Suggested							
COMMERCIAL							
Neighborhood-Scale Commercial	☐	☐	★	★	★	☐	☐
Moderate Commercial	★	★	★	★	★	☐	★
Intense Commercial	★	★	★	★	★	☐	★

<p>1. CONSISTENT: The change is <u>consistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update:</p>	<p>a) “Reasonable proximity to major transportation corridors” [highly suggested]: <u>The subject properties are directly adjacent to Smokey Park Hwy which is a designated Transportation Corridor.</u></p> <p>b) “Reasonable proximity to infrastructure (combined water / sewer service area)” [highly suggested]: <u>Public water lines exist along Smokey Park Hwy adjacent to these properties. Public sewer is roughly 0.15 miles to the east of the property. This portion of Smokey Park highway is listed as part of the Combined Water and Sewer priority area in the Land Use plan.</u></p> <p>c) “Outside of steep slope areas (25%+)” [highly suggested]: <u>In compliance with suggestion.</u></p> <p>d) “Outside of high elevations (2500'+)” [highly suggested]: <u>In compliance with suggestion.</u></p> <p>e) “Outside of moderate and high slope stability hazards” [highly suggested]: <u>In compliance with suggestion. Minimal high and moderate hazard slopes exist along the property lines likely due to man-made grading activities related to the existing development of the site.</u></p> <p>f) “Outside of flood hazard areas” [suggested]: <u>In compliance with suggestion.</u></p>
<p>2. INCONSISTENT: The change is <u>inconsistent</u> with the following recommendations:</p>	<p>a) “Separation from low-density residential uses” [suggested]: <u>The parcels ending in -7531, -9521, and - 4277 are adjacent to single-family residential developments which are zoned R-1.</u></p>

STRATEGIC PLAN 2020-2025 GOALS:

One of the objectives of the Community Focus Area of Environmental & Energy Stewardship is to “encourage growth and development activities in areas where appropriate infrastructure is available” (*Page 21 of the Strategic Plan*). The rezoning of these four parcels along a major transportation corridor with access to public water, and anticipated future access to public sewer, creates the potential for higher intensity development in areas where that type of development is more appropriate.

I. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The subject property consists of three (3) parcels zoned NS-Neighborhood Service, and one (1) parcel zoned R-1, all proposed to be rezoned to CS-Commercial Service. Two parcels (roughly 3.13 acres) have a current use as a self-storage facility consisting of multiple structures. The self-storage buildings existed prior to zoning being adopted and is considered a legal, non-conforming use. The remaining two parcels (roughly 1.03 acres) are vacant land.

Adjacent uses include a mix of commercial, residential, and vacant commercially zoned properties. Immediately across the street are two churches and multi-family residential. This section of Smokey Park Highway is characterized by low to medium density commercial, industrial uses, and a mix of lower density residential types. This portion of Smokey Park Highway is listed as part of the Combined Water and Sewer area, making it appropriate for higher density and commercial style developments. It also serves as a direct route to Haywood County.

2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the CS district that are not currently allowed in the R-1 or NS districts. For example, some types of uses that the CS district would allow which is not currently allowed includes multi-family residential, commercial Planned Unit Developments, animal hospitals, banks, health care facilities, hotels, restaurants, and a host of other possible uses based on the Permitted Use table of the Buncombe County Zoning Ordinance, Table 1.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

	Existing Districts:		Proposed District:
	R-1 Residential	NS Neighborhood Svc	CS Commercial Svc
Minimum Lot Size (SF)	8,000 Public Water/Sewer 30,000 Private Septic	5,000 SF Public Water/ Sewer 30,000 Private Septic	5,000 SF Public Water/ Sewer 30,000 Private Septic
Max dwelling units per acre	10 (Max 2 units per lot)	12	12
Setbacks (Front/Side/Rear)	10/7/15 (Sewer) 20/10/20 (Septic)	10/7/15 (Sewer) 20/10/20 (Septic)	10/10/10
Max height	35 feet	35 feet	50 feet

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

Site History – Two parcels were developed as a self-storage facility in 1993, while the remaining two are vacant.

Access – Access is provided directly from Smokey Park Highway, a state road and transportation corridor.

Utilities – Public water lines exist along Smokey Park Hwy adjacent to these properties. Public sewer is roughly 0.15 miles to the east of the property. This portion of Smokey Park highway is listed as part of the Combined Water and Sewer priority area in the Land Use plan.

Future Development – The Land Use Plan describes the CS district as, “primarily intended to provide areas for clustered commercial development, and to encourage the concentration of commercial activities near major traffic arteries” (Page 63). Smokey Park Hwy continues to see clustered commercial growth, and is anticipated to continue growing as a primary commercial corridor as the surrounding areas continue to develop and urbanize.

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)*

2. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning, as presented.
- b. Recommend approval of a portion of the proposed rezoning.
- c. Recommend denial of the proposed rezoning, as presented.

L. ATTACHMENTS

- Application
- Maps
- Power Point Presentation