



LOCATION MAP		A. CASE	
		<p>ZPH2023-00019 Long Shoals Business Center Rezoning</p>	
		B. PROPERTY INFORMATION	
		<ul style="list-style-type: none"> PIN(s): 9634-75-3609 Addresses: 565 Long Shoals Rd Owner(s): Long Shoals Business Center LLC Acreage: 4.97 acres Utilities: The parcel is currently served by both public water and sewer. Access Road: Long Shoals Road (NCDOT State Maintained) 	
C. REZONING REQUEST			
<p>Summary: Long Shoals Business Center, LLC has requested to rezone one (1) parcel of land from NS (Neighborhood Service) to CS (Commercial Service).</p>		<p>Existing: NS Neighborhood Service</p>	
		<p>Proposed: CS – Commercial Service</p>	
D. PUBLIC NOTICE		Planning Board	Board of Commissioners
<p>Citizen Times and BC website: Mailed to owners within 1,000 ft: Physical posting on site: Hearing Date:</p>		<p>7/5/23 7/5/23 7/7/23 7/17/23</p>	<p>8/4/23 8/4/23 8/4/23 8/15/23</p>
E. STAFF RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW			
<p>COUNTY STAFF: APPROVAL PLANNING BOARD: APPROVAL</p>		<p>Staff recommends approval of the rezoning application and finds it conforms to many of the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, an analysis of Neighborhood consistency, and the equity analysis. See sections below for detailed analysis.</p>	

F. SPOT ZONING ANALYSIS

Spot Zoning: A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." *Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*

CONSISTENT

POTENTIAL
SPOT
ZONING

1. Staff Analysis of spot zoning:

The subject parcel is adjacent to property currently zoned CS along Long Shoals Road. Based on the nature of the request, Staff does not have concerns related to spot zoning.

X

G. 2043 COMPREHENSIVE PLAN CONSISTENCY

PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):

CONSISTENT

NOT
CONSISTENT

1. FLUM CATEGORY DESCRIPTION

The proposed rezoning from NS to CS is inconsistent with the Character description of the Mixed Use Residential area where this parcel is located.

X

2. WASTEWATER & POTABLE WATER TYPE

The parcel has access to public water and sewer.

X

3. DENSITY

The CS zoning district has a maximum density of up to 12 units an acre and the Character area recommends up to 30.

X

4. PRIMARY AND SECONDARY LAND USES

The CS zoning districts allows for a higher intensity of uses than those recommended in the Character Framework for the Mixed Use Residential area.

X

PLAN POLICIES AND ACTIONS:

CONSISTENT

NOT
CONSISTENT

5. Proximity to Transportation Corridor (Transportation Action 4)

The parcel is within 1 mile of a major transportation corridor.

X

6. Support higher density residential development near job centers and amenities (Transportation Action 4)

The proposed rezoning would not change the amount of residential density allowed per acre. Not applicable.

N/A

7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and

X

<p>increase the capacity to sustain the county’s existing biodiversity (<i>Env. Conserv. Action 3</i>) This parcel does not constitute an in-tact habitat.</p>		
<p>8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (<i>Env. Conserv. Action 3</i>) This rezoning would not cause the fragmentation of a large forest block.</p>	X	
<p>9. Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc. (<i>Economic Dev. Action 2</i>) The parcel has transportation access, is in close proximity to the Brevard Road economic corridor, is on public utilities, and has the potential to attract labor and community synergies with the growing number of surrounding apartment complexes.</p>	X	
<p>10. Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map (<i>Economic Dev. Action 3</i>) Parcel is not within one of the listed Character Areas. Not Applicable.</p>	N/A	
<p>11. Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA’s Environmental Justice Screening Tool (<i>Health Action 7</i>) The parcel is not located in an Equity Opportunity Area (EOA). This rezoning will most likely not improve air, water, or land quality.</p>	N/A	
ENVIRONMENTAL:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not located in the Steep Slope/ High Elevation and Protected Ridge Overlay district.</p>	X	
<p>13. Regulated Flood Hazard Areas The parcel is not located within a regulated flood hazard area.</p>	X	
<p>14. High or Moderate Hazard Stability Areas This parcel is not in a high or moderate hazard stability area.</p>	X	

H. NEIGHBORHOOD CONSISTENCY			<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
1. CURRENT DEVELOPMENT TYPES: Subject parcel is located along a mixed use corridor, with the following adjacent zonings and uses:			X	
DIRECTION	ZONING	ADJACENT USES		
NORTH	NS Neighborhood Service	Vacant Commercial land and warehouse/storage		
EAST	NS Neighborhood Services	Medical office		
SOUTH	R-2 Residential	Multiple residential		
WEST	CS Commercial Service	Residential		
2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? <i>(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)</i> The rezoning of the property to CS next to an R2 district would not allow for a transition area between zoning districts. However, the zoning ordinance does require buffering and tree screening standards for commercial projects.				X
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? The proposed rezoning would allow for additional uses that are not currently allowed. Most of these types of uses are not located in this area. However, the current use of the subject parcel is warehouse storage, along with the property to the north, and the property to the east is a medical office which are consistent with the CS zoning district.			X	
4. DENSITY & DIMENSIONAL STANDARDS COMPARISON:				
	Existing Zoning District:		Proposed District:	
	NS Neighborhood Service		CS Commercial Service	
Min. Lot Size (SF)	30,000 SF No Public Sewer 10,000 SF Public Sewer/No Water 5,000 SF Public Water and Sewer		30,000 SF No Public Sewer 10,000 Public Sewer/No Water 5,000 SF Public Water/Sewer	
Max. dwelling units per acre	12		12	
Setbacks (Front/Side/Rear)	10/7/15 w/sewer 20/10/20 no sewer		10/10/10	
Max. height	35 feet		50 feet	

5. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses that are not currently allowed in the NS district. Examples of uses that would be allowed after the rezoning include Commercial Planned Unit Developments, manufacturing and processing operations, motor vehicle impoundment yard, cargo/freight terminals, operations, and activities, storage and warehousing, health care facilities, etc.

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

There has not been a change of use or zoning for this property.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – NS

The NS Neighborhood Service District is 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.

PROPOSED ZONING 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.

J. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff's Equity Analysis for this rezoning:

This parcel is in an area of the county that has a low Equity Index Rank on the Community Index Map, meaning that it is not identified as an Equity Opportunity Area (EOA) where BIPOC or other historically disadvantaged communities live or work. While there are no specific projects being reviewed, an anticipated positive outcome will be that an existing non-conforming use will become conforming with the rezoning.

2. 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 the adopted 2043 Comprehensive 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.

3. ATTACHMENTS

- Application
- Maps
- Power Point Presentation