



<b>LOCATION MAP</b>		<b>A. CASE</b>	
		ZPH2024-00015 Yates Ave Rezoning	
		<b>B. PROPERTY INFORMATION</b>	
		<ul style="list-style-type: none"> <li>• <b>PIN(s):</b> 0629763339</li> <li>• <b>Addresses:</b> 99999 Yates Ave</li> <li>• <b>Owner(s):</b> Seyed Hesam Sadeghian Motahar</li> <li>• <b>Acreage:</b> 1.78 acres</li> <li>• <b>Utilities:</b> Septic &amp; Well (plans to extend sewer)</li> <li>• <b>Access Road:</b> Yates Ave</li> </ul>	
<b>C. REZONING REQUEST</b>			
<b>Summary:</b> Seyed Hesam Sadeghian Motahar has requested to rezone one parcel of land from R-1(Residential) and CR (Conference Resort) to R-1 (Residential).		<b>Existing:</b> R-1 Residential and CR Conference Resort	
		<b>Proposed:</b> R-1 Residential	
<b>D. PUBLIC NOTICE</b>		<b>Planning Board</b>	<b>Board of Commissioners</b>
Citizen Times and BC website:		6/5/2024	7/3/2024
Mailed to owners within 1,000 ft:		6/5/2024	7/3/2024
Physical posting on site:		6/7/2024	7/5/2024
Hearing Date:		6/17/2024	7/16/2024
<b>E. RECOMMENDATION &amp; SUMMARY OF CONSISTENCY REVIEW</b>			
<b>STAFF: APPROVAL</b>  <b>PLANNING BOARD: APPROVAL</b>		Staff recommends that the rezoning of the parcel be approved as it conforms to the recommendations from the Comprehensive Plan’s GEC Character Map, the Plan Policies and Actions, and neighborhood consistency.	

## F. SPOT ZONING ANALYSIS

<p><b>Spot Zoning:</b> 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." <i>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).</i></p>	<u>CONSISTENT</u>	<u>POTENTIAL SPOT ZONING</u>
<p><b>1. Staff Analysis of spot zoning:</b> The subject acreage is adjacent to property currently zoned R-1. Based on the nature of the request, Staff does not have concerns related to spot zoning.</p>	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):	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p><b>1. FLUM CATEGORY DESCRIPTION</b> The proposed rezoning is consistent with the Character area description of 'Rural Community' where this parcel is located.</p>	X	
<p><b>2. WASTEWATER &amp; POTABLE WATER TYPE</b> The parcel is currently on septic and well which is consistent with low density residential such as R-1 zoning.</p>	X	
<p><b>3. DENSITY</b> The proposed zoning district has a maximum density of up to 10 units an acre with no more than two units per lot which is consistent with the Character area recommendations for Rural Community.</p>	X	
<p><b>4. PRIMARY AND SECONDARY LAND USES</b> The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.</p>	X	
PLAN POLICIES AND ACTIONS:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p><b>5. Proximity to Transportation Corridor (Transportation Action 4)</b> The parcel is located on a small residential street near the I-40 and Old US Hwy 70.</p>	X	
<p><b>6. Support higher density residential development near job centers and amenities (Transportation Action 4)</b> The rezoning from R-1 and CR to R-1 will result in a slight decrease in the allowable density from 12 units per acre in the CR portion to completely 10 units per acre in R-1. This parcel is located in 'Rural Community' on the GEC Map which is a conservation area.</p>	N/A	

<p><b>7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county’s existing biodiversity (Env. Conserv. Action 3)</b>  The applicant is requesting a down zoning in an area designated as Rural Community which is a conservation area. Decreasing the allowable density is consistent with the goals of the conservation areas.</p>	<b>X</b>	
<p><b>8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (Env. Conserv. Action 3)</b>  This rezoning would not cause the fragmentation of a large forest block. The parcel is in the steep slope/high elevation overlay. By decreasing the density and the allowable uses on the parcel, this rezoning may result in less landscape fragmentation.</p>	<b>X</b>	
<p><b>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. (Economic Dev. Action 2)</b>  This parcel is located in the Rural Community area on the GEC.</p>	<b>N/A</b>	
<p><b>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 (Economic Dev. Action 3)</b>  This rezoning is not located in one of the areas on the GEC mentioned above.</p>	<b>N/A</b>	
<p><b>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 (Health Action 7)</b>  This parcel has a high score on the Equity Index of the Community Index Map which indicates that may be an Equity Opportunity Area. The proposed rezoning is for a low density and low intensity residential zone. This poses a low risk for air, water, and land quality issues.</p>	<b>Equity Analysis is recommended for this parcel.</b>	
<b>ENVIRONMENTAL:</b>	<b><u>CONSISTENT</u></b>	<b><u>NOT CONSISTENT</u></b>
<p><b>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts</b>  The parcel is in the Steep Slope/High Elevation Overlay. The proposed R-1 zoning allows for limited types of development and lower density. This is consistent with the overlay.</p>	<b>X</b>	
<p><b>13. Regulated Flood Hazard Areas</b>  The parcel is not located within a regulated flood hazard area.</p>	<b>X</b>	
<p><b>14. High or Moderate Hazard Stability Areas</b>  The parcel does not contain hazard stability areas.</p>	<b>X</b>	

<b>H. NEIGHBORHOOD CONSISTENCY</b>			<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<b>1. CURRENT DEVELOPMENT TYPES:</b> Subject acreage has the following adjacent zonings and uses:			<b>X</b>	
<b>DIRECTION</b>	<b>ZONING</b>	<b>ADJACENT USES</b>		
NORTH	R-1 Residential	Low density residential		
EAST	R-1 Residential	Low density residential and Manufactured Home site		
SOUTH	R-1 Residential	Low density residential and residential building lot		
WEST	CR- Conference Resort	Low density residential		
<b>2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses?</b> <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>  Currently the parcel is partially zoned R-1 and partially CR. The rezoning will match the zoning of the neighbors on three sides, creating a more cohesive block of R-1 zoning.			<b>X</b>	
<b>3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area?</b>  The proposed zoning district allows for low density residential uses which is consistent with the neighboring properties.			<b>X</b>	
<b>4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:</b> The proposed rezoning is considered a down zoning. Less uses are permitted in the R-1 district than the CR district. However, R-1 would allow for HUD labeled Manufacture Homes with Special Requirements. Some examples of other uses that would be allowed after the rezoning include single family homes, duplexes, community oriented development, residential Planned Unit Developments, vacation rentals, etc.				

**5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:**

		Existing District:	Proposed District:
		CR Conference Resort	R-1 Residential
<b>Min. Lot Size</b>	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	12,000 SF	12,000 SF
	Public Water & Sewer	8,000 SF	8,000 SF
<b>Max. dwelling units per acre</b>		12	10
<b>Setbacks (Front/Side/Rear)</b>		20/10/20	10/7/15 with public sewer 20/10/20 septic system
<b>Max. height</b>		50 (plus 1 ft. additional for each additional 5 feet of setback from all property lines up to 100 ft. total)	35 feet

**6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:**

The parcel is currently vacant and there appears to be no former zoning actions taken on this property.

**I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT**

**EXISTING ZONING DISTRICT – CR**

The CR Conference Center/Resort District is intended to be a district that includes, but is not limited to large tourist-related facilities, summer/day camp properties, and conference centers held in single ownership or held collectively by related entities. Facilities within this district may include housing, hotels, retail shops, religious or secular retreats, and associated accessory uses. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

**PROPOSED ZONING DISTRICT – R-1**

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

## 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 (Census tract 22, Block 3) that is ranked higher (133 out of 154) on the Equity Index of the Community Index Map, meaning that it is a potential Equity Opportunity Area (EOA). EOAs are areas where community members might not be able to access essential resources, resources may not be available, or the available resources might not align with community needs. The Block group where these parcels are located has the following notable demographics:

- higher percentage of the population below the poverty line
- higher percentage of population that is housing cost burdened (meaning they spend more than 30% of income on housing)

A rezoning of land does not include a specific development proposal to consider, therefore the Board might consider how all of the types of uses allowed in the proposed district could impact any historically disadvantaged and/or resource disadvantaged communities within the area.

## 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 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)*

## L. 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.

## M. ATTACHMENTS

- Application
- Maps