



LOCATION MAP		
A. CASE		
ZPH2024-00034 Hitching Post Ln Rezoning		
B. PROPERTY INFORMATION		
<ul style="list-style-type: none"> • PIN(s): 9619-86-2572 • Addresses: 14 Hitching Post Ln. • Owner(s): Harry & Marjorie Clay • Acreage: 10.35 acres of a 19.68 acre tract • Utilities: Public water and sewer • Access Road: New Leicester Hwy 		
C. REZONING REQUEST		
<p>Summary: Barney Danzansky of Equity Development Group LLC has requested to rezone a portion of one parcel of land from R-2(Residential) to CS (Commercial Service).</p> <p>Refer to the Maps exhibit for area of property to be rezoned.</p>	<p>Existing: R-2 Residential</p>	
	<p>Proposed: CS- Commercial Service</p>	
D. PUBLIC NOTICE		
	Planning Board	Board of Commissioners
Citizen Times and BC website:	12-4-24	1-10-25
Mailed to owners within 1,000 ft:	12-6-24	1-10-25
Physical posting on site:	12-6-24	1-10-25
Hearing Date:	12-16-24	1-21-25
E. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW		
STAFF: APPROVAL	<p>Staff recommends that the rezoning of the parcel be approved as it is consistent with the recommendations from the Comprehensive Plan for utility types, density, proximity to transportation corridor, location outside of overlay districts and high/moderate hazard stability areas, and is located in close proximity to other CS zoned areas along the same corridor. While not completely consistent with the G.E.C. map, this area could be appropriate for more intense development as Leicester Hwy emerges as a commercial corridor.</p>	

F. SPOT ZONING & STATEMENT OF REASONABLENESS

<p>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." <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>1. Staff Analysis of spot zoning: The subject acreage to be rezoned exceeds 10 acres in size and is adjacent to a major transportation corridor. Based on the nature of the request, Staff does not have concerns related to spot zoning.</p>	X	
<p>Statement of Reasonableness: When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:</p>	<u>CONSISTENT</u>	<u>IN-CONSISTENT</u>
<p>1. The size, physical conditions, and other attributes of the area proposed to be rezoned</p>	X	
<p>2. The benefits and detriments to the landowners, the neighbors, and the surrounding community</p>	X	
<p>3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment</p>		X
<p>4. Will the action taken is in the public interest</p>	X	
<p>5. Any changed conditions warranting the amendment</p>	N/A	

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>1. FLUM CATEGORY DESCRIPTION The proposed rezoning is not consistent with the Character area description of 'Mixed Use Neighborhood' where this parcel is located.</p>		X
<p>2. WASTEWATER & POTABLE WATER TYPE The parcel has access to public water and sewer.</p>	X	
<p>3. DENSITY The proposed zoning district has a maximum density of up to 12 units an acre which is the same as the current zoning district.</p>	X	

<p>4. PRIMARY AND SECONDARY LAND USES The uses allowed in the proposed zoning district include uses which are not recommended in the Character Framework for this area, some of which may be incompatible with the intent of the Growth, Equity, and Conservation Framework.</p>		X
<p>PLAN POLICIES AND ACTIONS:</p>	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>5. Proximity to Transportation Corridor (<i>Transportation Action 4</i>) The parcel is located on a major transportation corridor, New Leicester Hwy</p>	X	
<p>6. Support higher density residential development near job centers and amenities (<i>Transportation Action 4</i>) The rezoning from R-2 to CS will not result in any change to the allowable density. Most of the development in the area is low density residential sprawl.</p>	N/A	
<p>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 (<i>Env. Conserv. Action 3</i>) This parcel is in the Mixed Use Neighborhood area on the GEC Map. This is a growth area and so this question does not apply.</p>	N/A	
<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 rezoning of this parcel will increase the land use options for the existing and future property owners. It is located on New Leicester Hwy., a major transportation corridor.</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>) Rezoning the subject parcel to CS would not necessarily result in the creation of more place-based community gathering destinations in the Mixed Use Neighborhood area where it is located.</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 (Health Action 7) The parcel is not in an area identified on the red lining map of Asheville and does not score high on the Buncombe County Community Index Map Equity Index.</p>	<p>Equity Analysis is not suggested for this parcel.</p>	
<p>ENVIRONMENTAL:</p>	<p><u>CONSISTENT</u></p>	<p><u>NOT CONSISTENT</u></p>
<p>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.</p>	<p>X</p>	
<p>13. Regulated Flood Hazard Areas The parcel is partially located within a regulated flood hazard area.</p>		<p>X</p>
<p>14. High or Moderate Hazard Stability Areas The parcel does not contain significant hazard stability areas.</p>	<p>X</p>	

<p>H. NEIGHBORHOOD CONSISTENCY</p>			<p><u>CONSISTENT</u></p>	<p><u>NOT CONSISTENT</u></p>
<p>1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:</p>				<p>X</p>
<p>DIRECTION</p>	<p>ZONING</p>	<p>ADJACENT USES</p>		
<p>NORTH</p>	<p>R-2 Residential</p>	<p>Residential and Vacant Lots</p>		
<p>EAST</p>	<p>R-2 Residential</p>	<p>Residential Apartments and single-family homes</p>		
<p>SOUTH</p>	<p>R-2 Residential and R-LD</p>	<p>Single-family homes and vacant land</p>		
<p>WEST</p>	<p>R-LD Residential low density</p>	<p>Single-family homes and vacant land</p>		
<p>2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? (Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.) The rezoning of the property from R-2 to CS could cause a measurable increase in the types and intensity of uses allowed on the property compared to the current zoning. However, it is in close proximity, though not adjacent, to CS zoned areas along the same corridor, as well as some higher density residential apartments to the west.</p>				<p>X</p>

<p>3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area?</p> <p>The proposed zoning district allows a variety of uses from residential to commercial, and warehousing. The existing uses in the immediate area includes single-family residential and vacant residential land.</p>		<p>X</p>
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4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:
 The proposed rezoning would allow additional uses in the CS district that are not currently allowed in the R-2 districts. Examples of uses that would be allowed after the rezoning include commercial planned unit developments, veterinary clinics, banks, cargo and freight terminals, commercial greenhouses, Hotels and motels, kennels, manufacturing operations, medical clinics, vehicle impoundment, repair, and sales lots, gas stations, fitness centers, business offices, restaurants, retail, business schools, warehousing and mini-storage, vacation rental complexes, and more.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		R-2 Residential	CS Commercial Service
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF
	Public Water & Sewer	6,000 SF	5,000 SF
Max. dwelling units per acre		12	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/10/10
Max. height		35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:
 There are currently two residential structures on the portion of the lot being proposed for the rezoning, with a third residential home being accessed from a private driveway through the subject property.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT	
<p><u>EXISTING ZONING DISTRICT – R-2</u> The R-2 District is primarily intended to provide locations for 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. These areas will usually be adjacent to R-1 Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.</p>	<p><u>PROPOSED ZONING DISTRICT – CS</u> 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.</p>

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:

Based on this parcel's ranking on the Community Index Map, this parcel is not located in an equity opportunity 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.
 - i. *Motion:* The Board approves the rezoning of the subject property as it is consistent with the Buncombe County 2043 Comprehensive Plan.
- b. Recommend approval of a portion of the proposed rezoning.
 - i. *Motion:* The Board approves this portion [describe portion] of the rezoning of the subject property as it is consistent with the Buncombe County 2043 Comprehensive Plan.
- c. Recommend denial of the proposed rezoning, as presented.
 - i. *Motion:* The Board denies the rezoning of the subject property as it is NOT consistent with the Buncombe County 2043 Comprehensive Plan.

M. ATTACHMENTS

- Application
- Maps