

**BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS**

CASE NUMBER : ZPH2012-00053
 PROPOSED ZONING CHANGE : R-1 TO R-2
 LOCATION : OLD COUNTY HOME ROAD
 : JOHNSTON SCHOOL ROAD
 : MILL CREEK LOOP
 PIN NUMBER : 9629.22.7650, 9629.22.7443, 9629.32.0159,
 : AND 9629.22.8397
 ACREAGE : 5 ACRES

APPLICANT: MAYFAIR PARTNERS LLC
 PO BOX 19378
 ASHEVILLE NC 28815

OWNER: MAYFAIR PARTNERS LLC AND
 MILL CREEK CONDOMINIUM UNIT OWNERS
 PO BOX 19378
 ASHEVILLE NC 28815

DEPARTMENT RECOMMENDATION: **APPROVAL**

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING SUMMARY: The applicant has requested the rezoning of 5 acres from R-1 (Single-Family Residential District) to R-2 (Residential District). The properties have frontage on Johnson School Road and Old Country Home Road. The property currently contains the Mill Creek Condominium development, with Mill Creek Loop serving the development. Although the majority of the property within the County, surrounding the development, is zoned R-1 and OU (Open Use District), the property to the south and east of the subject property lies within the RM-6 zoning district within the City of Asheville. The RM-6 zoning district within the City allows similar densities and development types as allowed in the R-2 zoning district. The surrounding area is characterized by commercial and residential uses along Old County Home Road, with more intense commercial development along New Leicester Hwy. Given the mix of

uses in the area and the adjacent property zoned RM-6 the requested zoning would be consistent with surrounding uses. The Buncombe County Comprehensive Land Use Plan Update indicated that higher density development, which includes multifamily residential units and planned unit developments, would be appropriate in the R-2 zoning district (Buncombe County Comprehensive Land Use Plan Update, VII-3). The proposed R-2 zoning would be consistent with the surrounding area and adjacent zoning within the city limits of Asheville. The requested zoning would be not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN COMPLIANCE STATEMENTS

CONSISTENT: The requested map amendments would be consistent with surrounding uses as The Buncombe County Comprehensive Land Use Plan Update indicated that higher density development, which includes multifamily residential units and planned unit development, would be appropriate in the R-2 zoning district (Buncombe County Comprehensive Land Use Plan Update, VII-3). The requested zoning would be reasonable and in the interest of the adjacent neighbors as the surrounding area includes higher intensity development and property zoned RM-6 within the City of Asheville.

NOT CONSISTENT: The requested map amendments would not be consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-2 is suitable for higher density uses (Buncombe County Comprehensive Land Use Plan, VII-3). The requested zoning would not be reasonable and in the interest of the adjacent neighbors as the property surrounding the subject property is zoned R-1.