

Buncombe County Planning Board
June 16, 2014

The Buncombe County Planning Board met June 16, 2014 in the meeting room at 30 Valley Street. Members present were Jim Young, Joe Sechler, Josh Holmes, Vice Chairman Bernie Kessel, Michelle Pace Wood, Catherine Martin, and Greg Phillips. Also present were Curt Euler, Staff Attorney; Josh O'Conner, Zoning Administrator; and Gillian Phillips, Planning staff.

Call to Order

Vice-Chairman Kessel called the meeting to order at 9:30 am.

Approval of Agenda

Ms. Wood made a motion to approve the agenda as submitted. Mr. Kessel seconded the motion and the motion passed unanimously.

Approval of Minutes (May 19, 2014)

Mr. Holmes made a motion to approve. Ms. Wood seconded the motion and the motion passed by unanimous vote.

Public Comment

There was no public comment; Vice-Chairman Kessel closed the public comment portion of the agenda.

Public Hearings (Zoning Map & Text Amendments):

ZPH2014-00032: *Elizabeth K. Buckner applied to rezone tax lot PIN 9634-28-5983 (North of 256 Ball Gap Rd), which is currently zoned Single Family Residential District R-1 to Residential District R-3.*

The Board was provided with the GIS maps (**Attachment A**) and the staff recommendation (**Attachment B**) prior to the meeting. Mr. O'Conner presented the case to the Board. Mr. Larry Blair presented the application to the Board on behalf of the owner. He provided maps and pictures to the Board (**Attachment C**), and indicated that Ms. Buckner had owned the land (3.15 acres inclusive of the land, easement, and driveway) since 1930. He indicated that there was a driveway easement to the property, and that he had pulled permits with Environmental Health for septic and well systems on the property. He indicated that the area was surrounded by still undeveloped land, and that Ms. Buckner would like to improve the property and area. Discussion of the right of way occurred and Mr. Blair indicated that Ms. Buckner owned the property in front of the property in question as well. Mr. Blair reviewed the pictures he provided for the Board, and indicated that he did not feel that the R-1 zoning was appropriate for the property as it was adjacent to R-3 property. He indicated that Ms. Buckner would like for her family to be able to live on the property.

Mr. Kessel asked if there was public comment. There being none, he closed the public hearing. Ms. Wood discussed the need for allowances for manufactured homes on larger lots where public infrastructure was not available. Ms. Wood made a motion to recommend approval with the provided consistency statement in **Attachment B**. Mr. Young seconded the motion and the motion passed by unanimous vote.

ZPH2014-00033: *Josh O’Conner, Buncombe County Zoning Administrator, initiated a proposal to rezone a portion of tax lot PIN 9643-52-1970 (61 Terminal Dr) and tax lot PINs 9643-27-0951 (74 Pinner Rd); 9643-27-6465 (South of 70 Pinner Rd); 9643-28-5196 (East of 74 Pinner Rd); 9643-35-1731 (36 Bran Rick Ln); 9643-36-0063 (North of 36 Bran Rick Ln); 9643-36-1531 (East of 63 Mountain View Dr); 9643-36-2031 (North of 36 Bran Rick Ln); 9643-36-2590 (East of 63 Mountain View Dr); 9643-36-2924 (East of 78 Pinner Rd); 9643-37-0462 (Southeast of 70 Pinner Rd); 9643-37-3995 (located in between 9 & 70 Pinner Rd); 9643-38-0006 (East of 70 Pinner Rd); 9643-38-8413 (South of 9 Pinner Rd); 9643-48-6540 (Southwest of the intersection of Glenn Bridge Rd and Hidden Creek Rd); 9643-54-7075 (40 Lindbergh Ln); 9643-55-9071 (231 Wright Brothers Way); and 9643-62-1636 (162 Wright Brothers Way), which are currently zoned Public Service District (PS) to Airport Industry District (AI).*

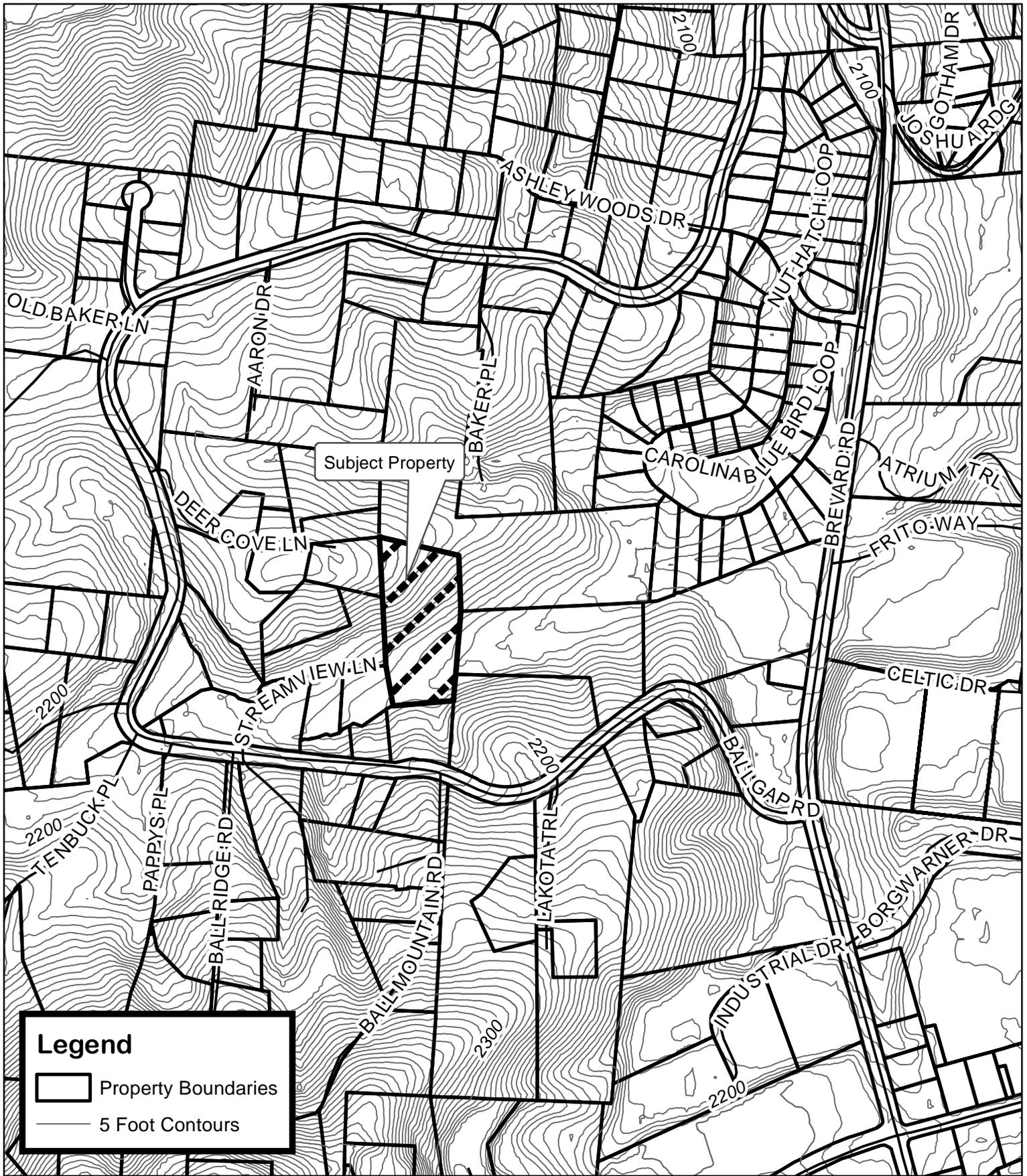
The Board was provided with the GIS maps (**Attachment D**) and the staff recommendation (**Attachment E**) prior to the meeting. Mr. O’Conner presented the case to the Board. Mr. Kessel asked if there was public comment. There being none, he closed the public hearing. Mr. Young made a motion to recommend approval with the provided consistency statement in **Attachment E**. Mr. Phillips seconded the motion and the motion passed by unanimous vote.

ZPH2014-00034: *Text amendment to the Zoning Ordinance of Buncombe County to list “Professional and business offices and services” as a permitted use in the CR District.*

The Board was provided with the staff recommendation at the meeting (**Attachment F**). Mr. O’Conner presented the case to the Board. Mr. Kessel asked if there was public comment. There being none, he closed the public hearing. Ms. Wood made a motion to recommend approval with the provided consistency statement in **Attachment F**. Mr. Young seconded the motion and the motion passed by unanimous vote.

Adjournment

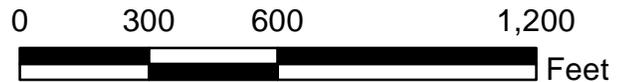
There being no further discussion, Ms. Wood made a motion to adjourn, which was seconded by Mr. Young. The meeting was adjourned by unanimous vote at 9:46 am.



Elizabeth Buckner

Map Amendment

Case Number: ZPH2014-00032
 Approximate Property Size: 3.51 acres
 Application Date: May 16, 2014
 Planning Board Hearing Date: June 16, 2014



Created By: Buncombe County Planning
 Date: May 18, 2014



Elizabeth Buckner

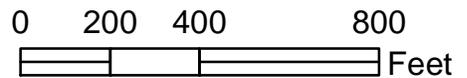
Map Amendment

Case Number: ZPH2014-00032

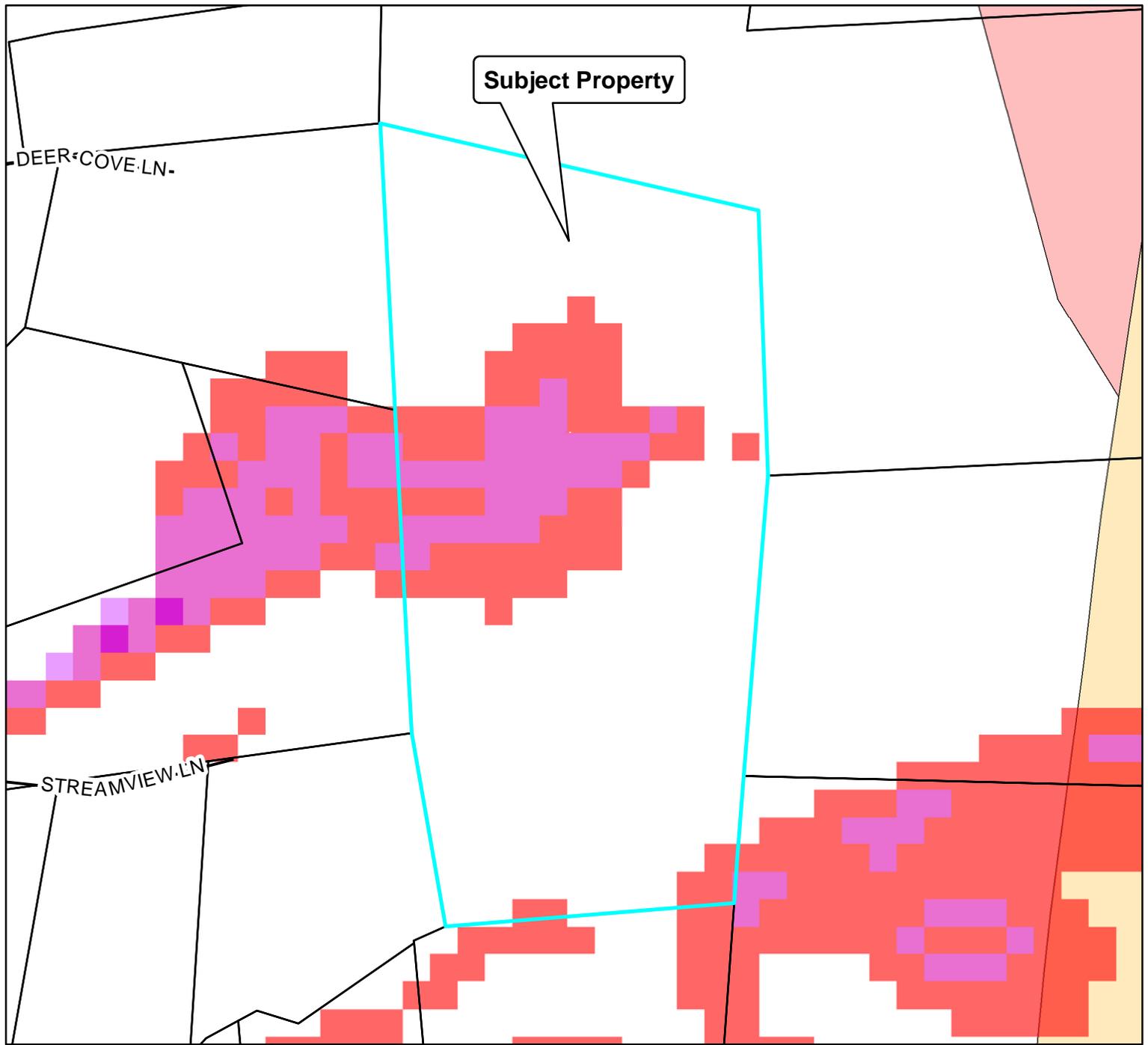
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Subject Property

DEER COVE LN.

STREAMVIEW LN.



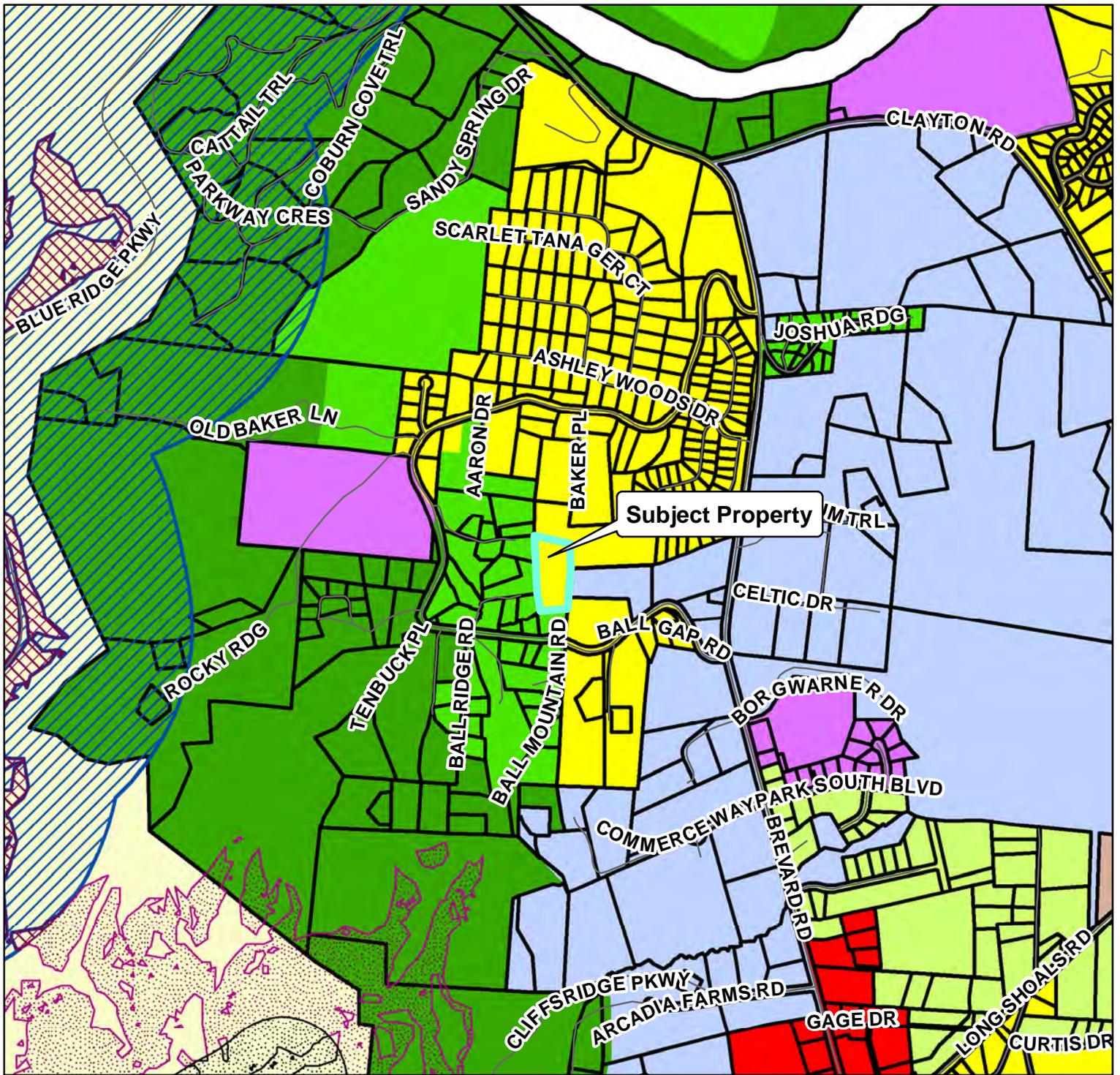
**Elizabeth Buckner
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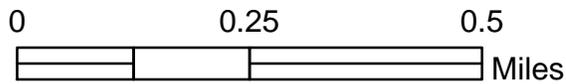


	Greater than 2500'
	Greater than 25% Slope
	Proximity to Public Utilities
	Transportation Corridors
FEMA Flood Hazard Areas	
	500 yr
	A - 100yr
	AE - 100 yr
Slope Stability Map	
	High
	Moderate
	Low

Created By: Buncombe County Planning
 Date: May 18, 2014



Elizabeth Buckner Map Amendment



Zoning Districts		Zoning Overlays	
BDM	CR	Blue Ridge Parkway Overlay	Protected Ridge Overlay
CS	R-1	Protected Ridge & Parkway	Steep Slope/High Elev.
EMP	R-2	Steep Slope/High Elev. & Pkwy	
NS	R-3		
OU	R-LD		

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ZPH2014-00032

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00032
 PROPOSED ZONING CHANGE : R-1 TO R-3
 LOCATION : Ball Gap Road
 PINs : 9634.28.5983
 ACREAGE : 3.51 acres

APPLICANT/OWNER: ELIZABETH K BUCKNER
 256 BALL GAP ROAD
 ARDEN, NC 28704

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 requests rezoning of approximately 3.51 acres from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property is located on the north side of Ball Gap Road. The property is currently undeveloped. The surrounding area is comprised of other tracts of undeveloped land and residential development including single family homes, and manufactured homes. Existing manufactured homes are located to the north, south and west of the subject, additionally there is property zoned R-3 adjacent to the subject property. Given the mix of housing types in the area and the adjacent R-3 district, the requested zoning would be consistent with surrounding uses. The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 update show the following regarding the subject property:

- Has reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor
- Outside Flood Hazard Areas

Therefore, the proposed map amendment would be suitable for the higher intensity uses allowed in the R-3 zoning district as indicated on the suitability matrix within the update. The proposed R-3 zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be reasonable and in the interest of the public.

LAND USE PLAN COMPLIANCE STATEMENTS

CONSISTENT: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 update show the following regarding the subject property:

- Has reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor
- Outside of Flood Hazard Areas

Therefore, the proposed map amendment would be suitable for the higher intensity uses allowed in the R3 zoning district as indicated on the suitability matrix within the update. The proposed R3 zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be reasonable and in the interest of the public.

NOT CONSISTENT: The requested map amendment would not be consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 update show the following regarding the subject property:

- Contains areas greater than 25% slope.
- Contains areas classified as high hazard areas on the Slope Stability Index Map

The requested zoning would not be reasonable and in the interest of the public as the property to the north of the subject property is zoned R-1.

Buncombe County, North Carolina



This map has been developed for use by the tax assessment process, and is not of survey quality.

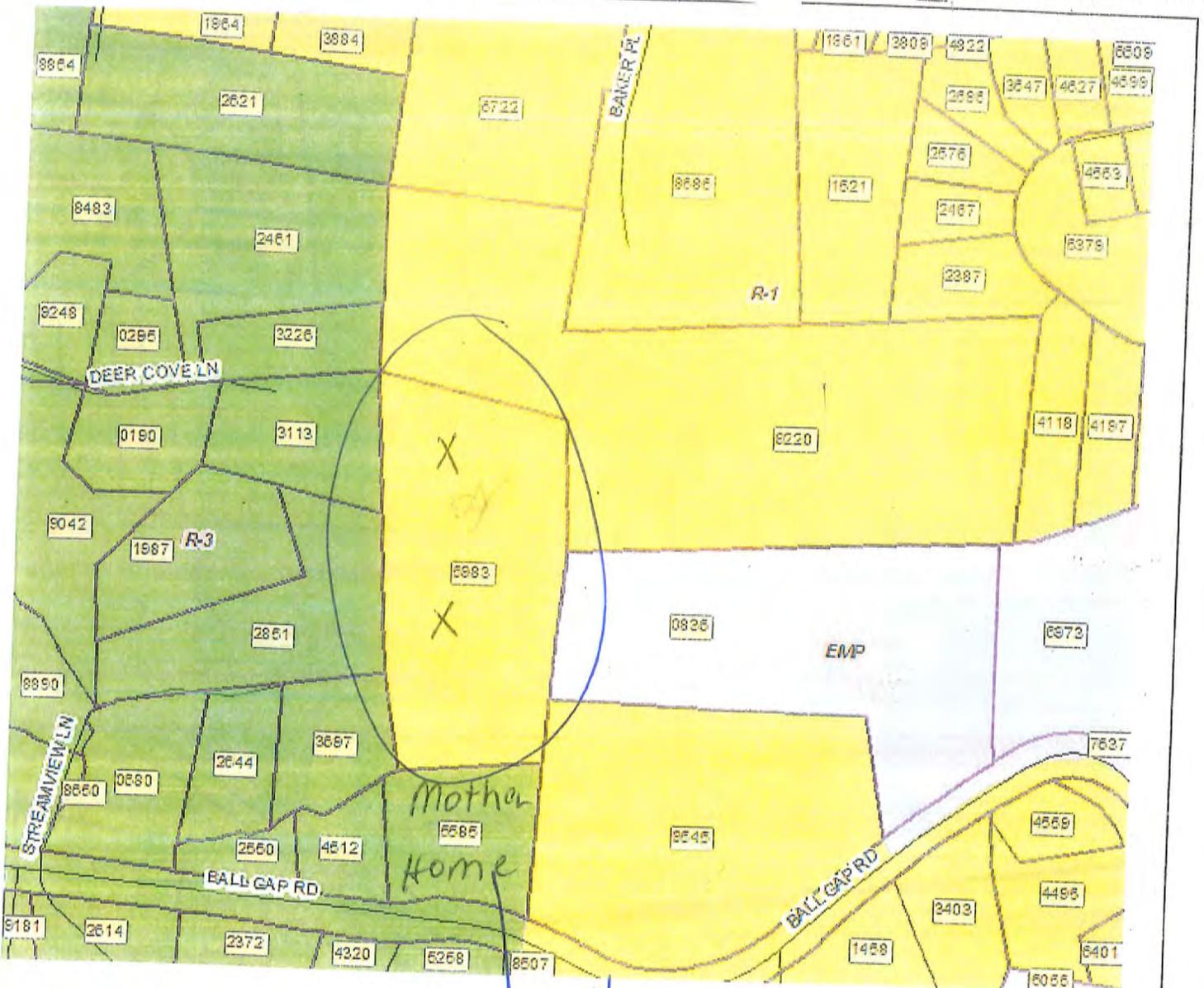
This property map is not a survey and should NOT be used as a survey.



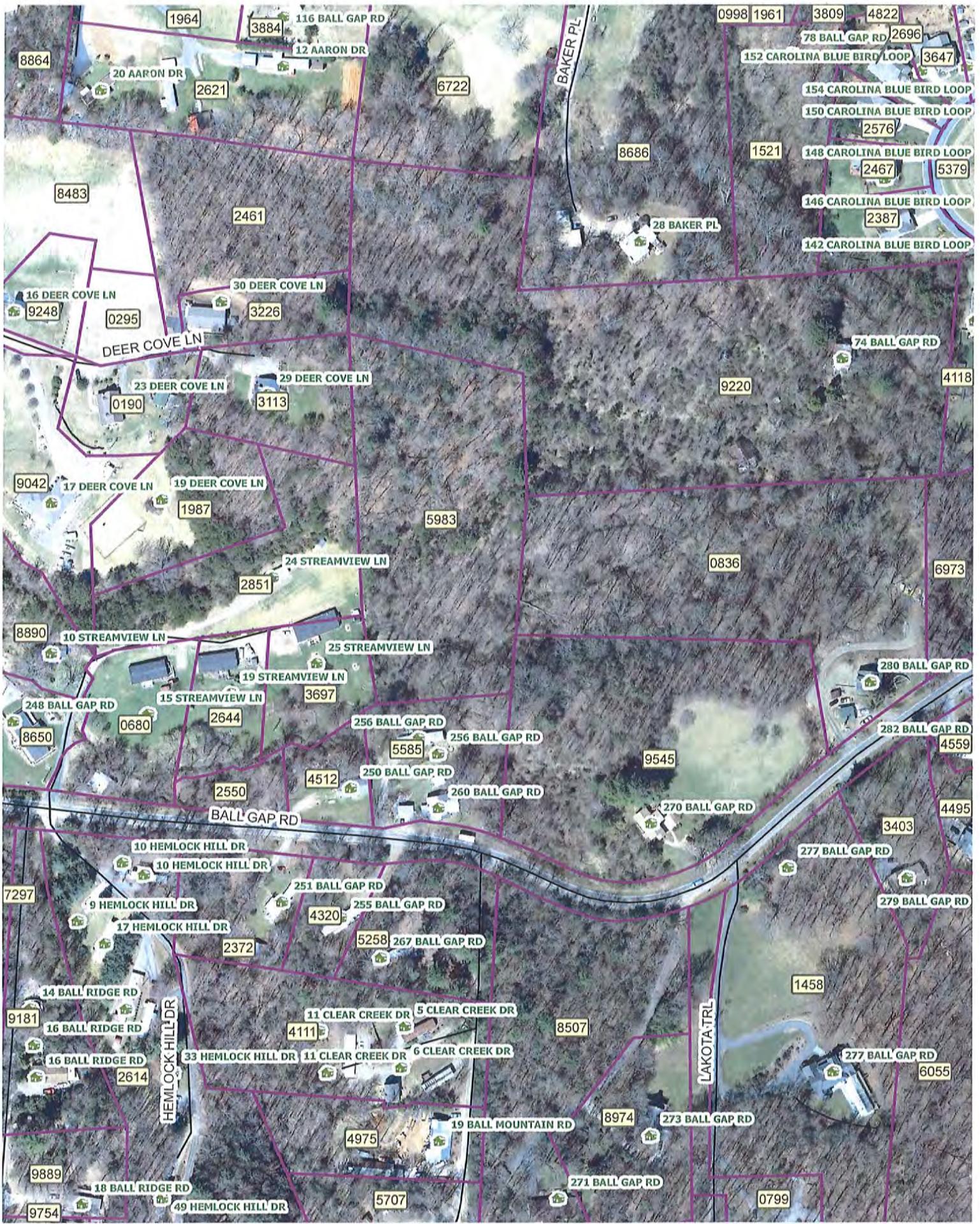
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9634-28-5983-00000

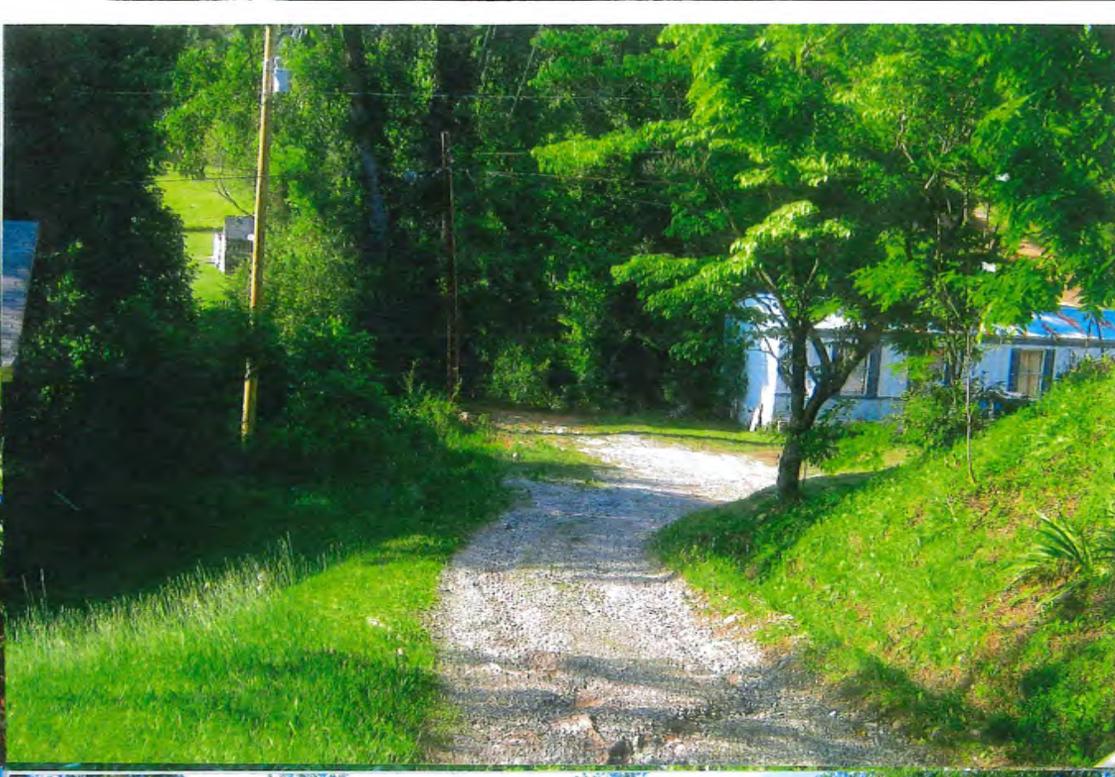
5/8/2014 10:46 am

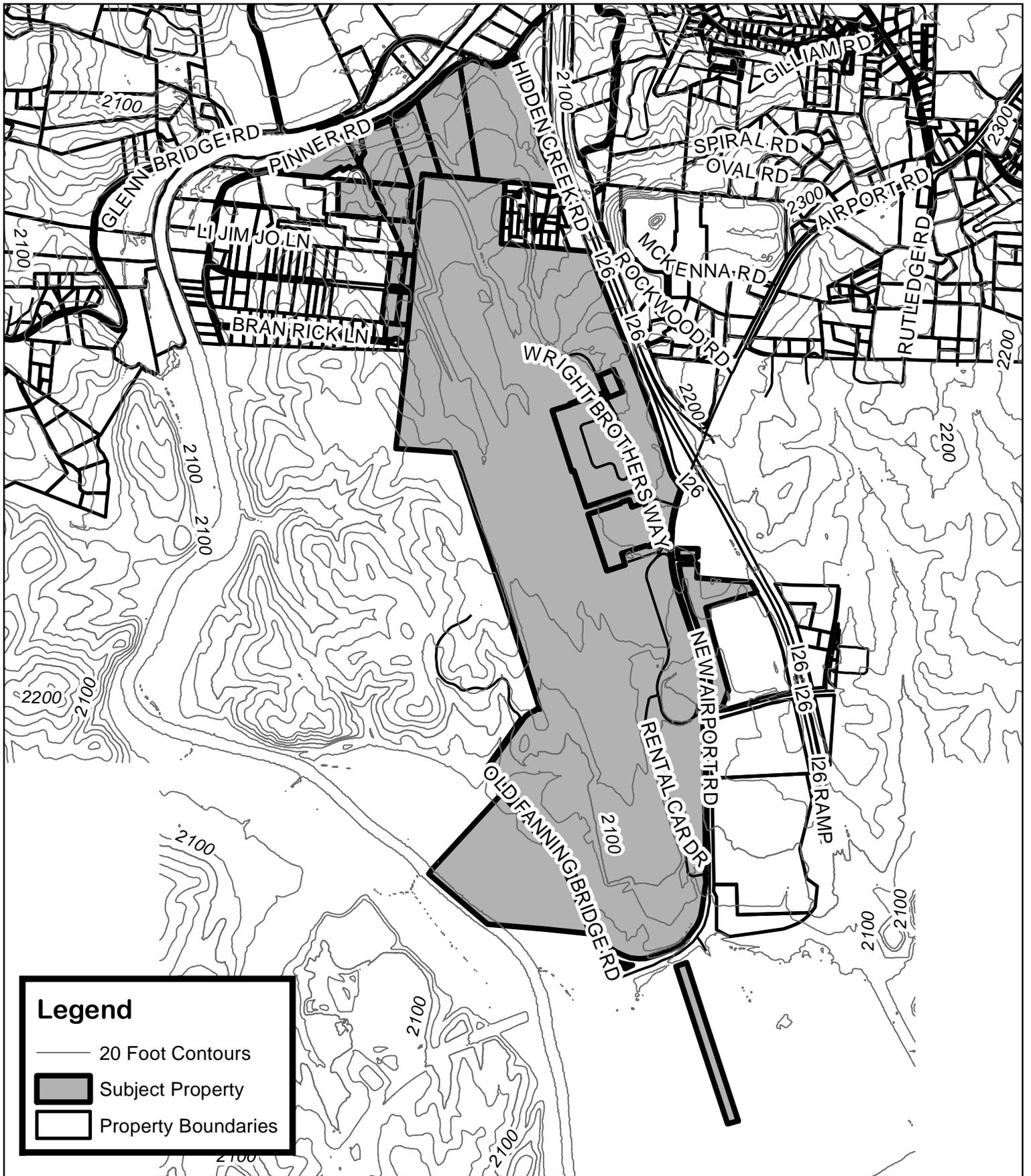


Elizabeth Buckner



R1
 Erosion control permit required if grading \geq 1 acre.





Zoning Administrator

Map Amendment

Case Number: ZPH2014-00033

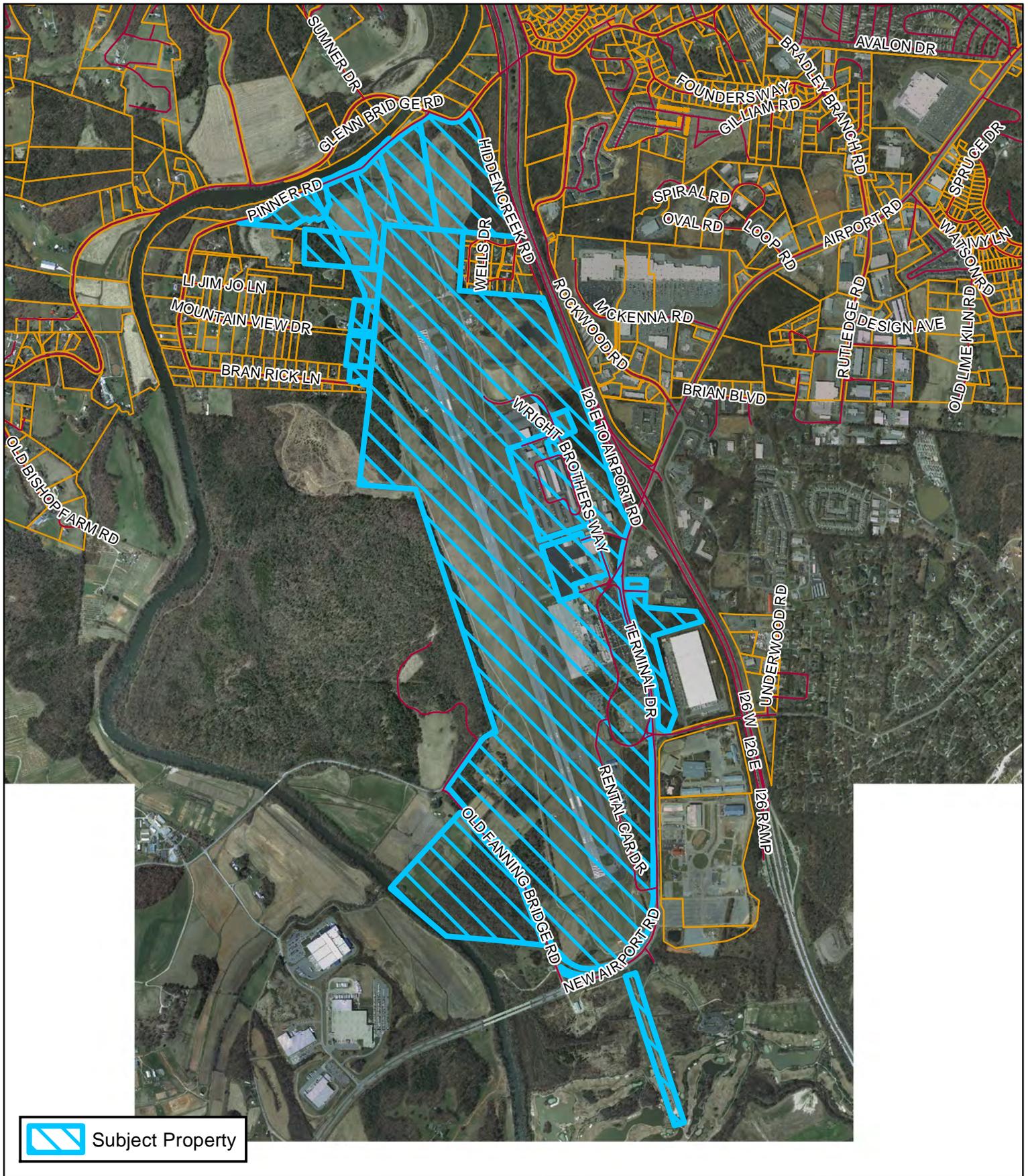
Approximate Property Size: 748.71 acres

Application Date: May 15, 2014

Planning Board Hearing Date: June 16, 2014



Created By: Buncombe County Planning
 Date: May 30, 2014



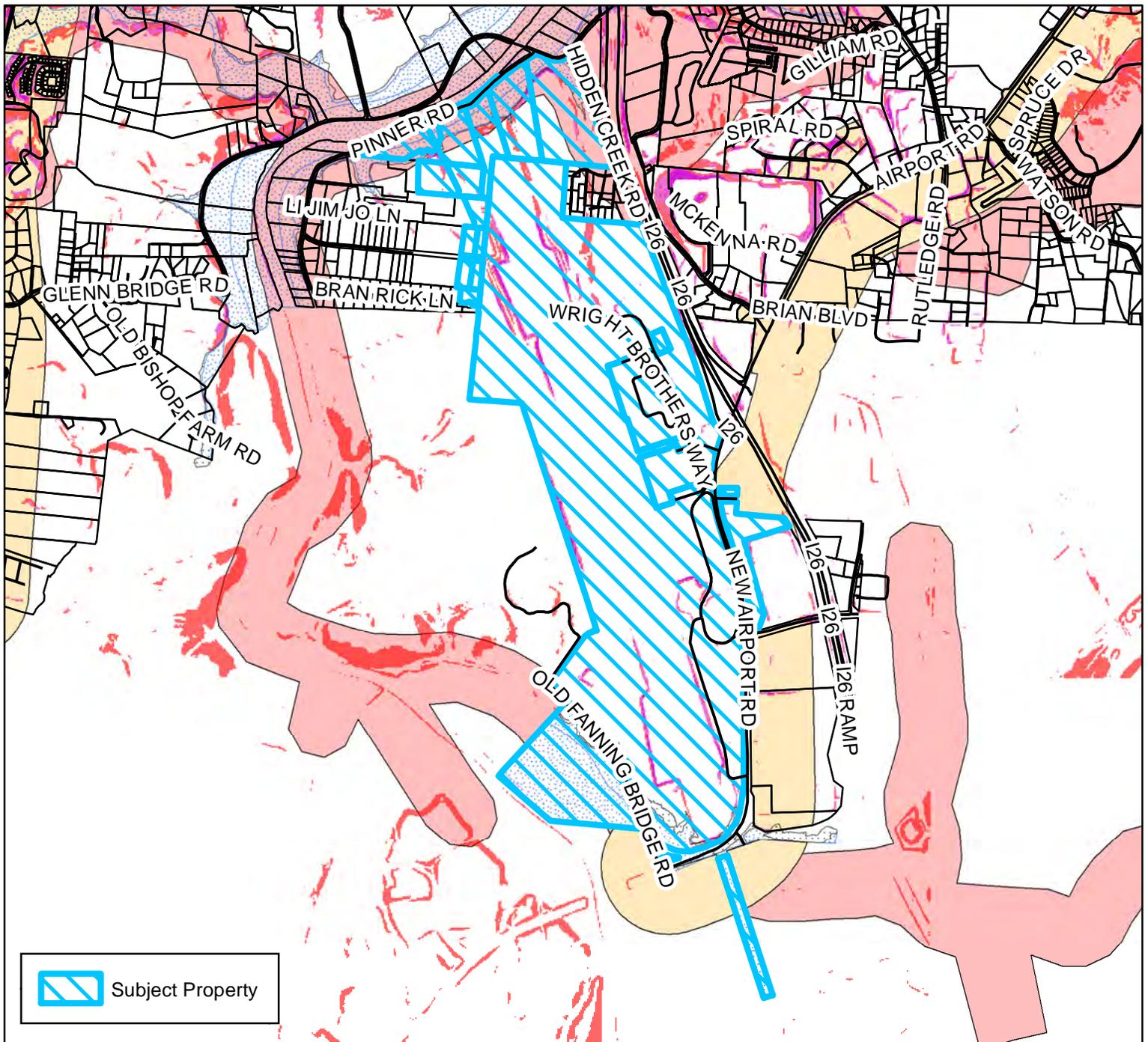
Zoning Administrator

Map Amendment

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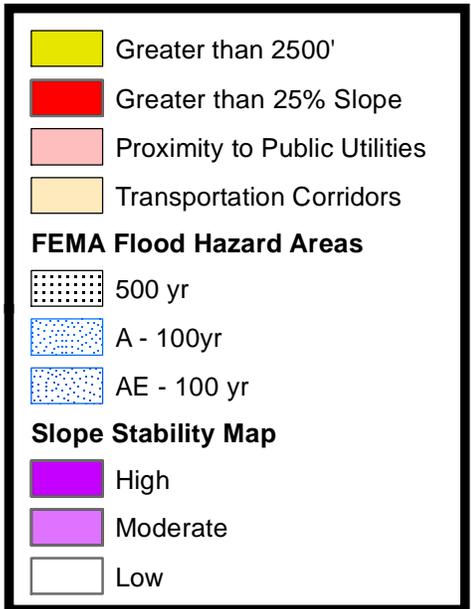


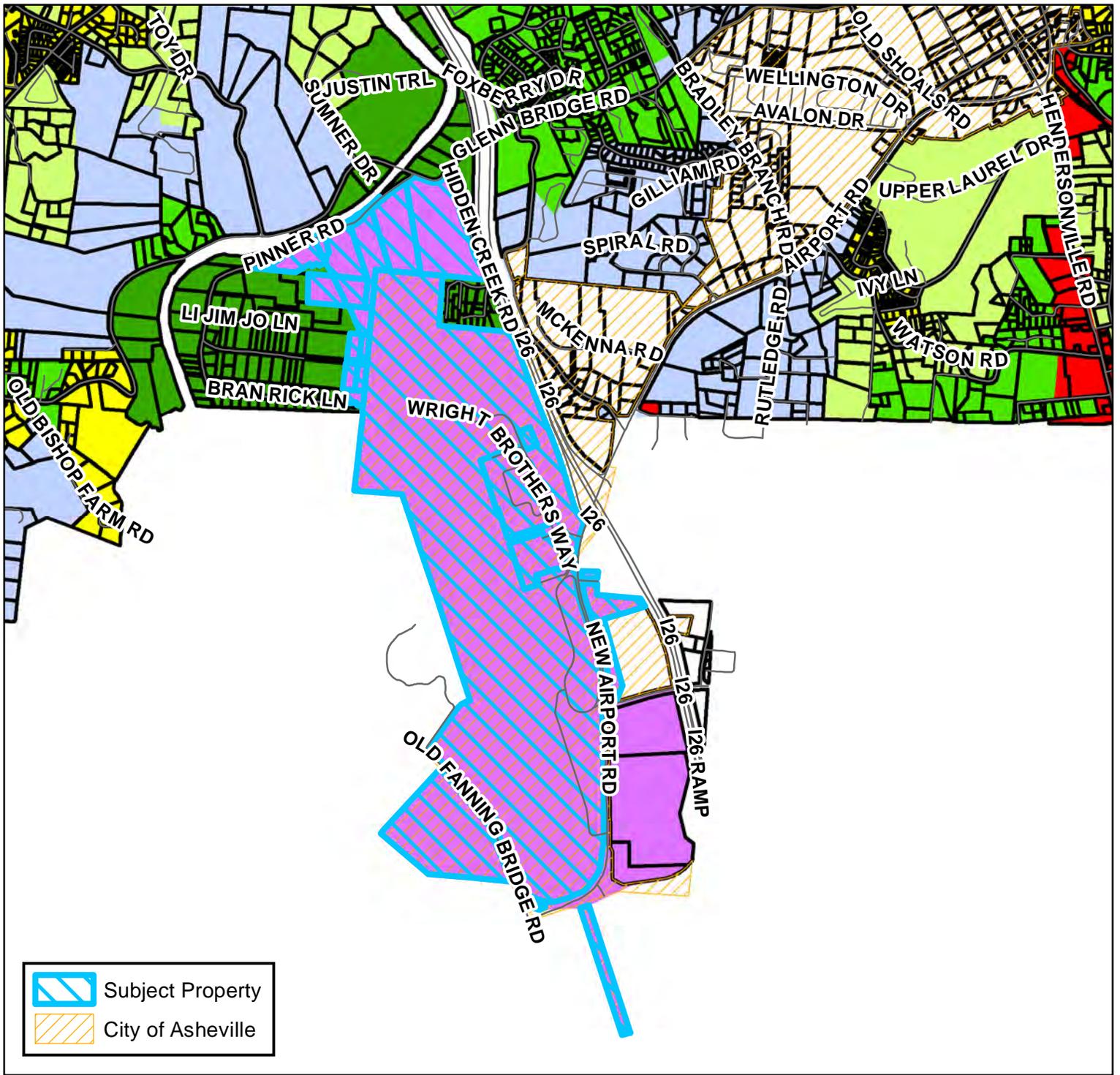
Created By: Buncombe County Planning
 Date: May 30, 2014



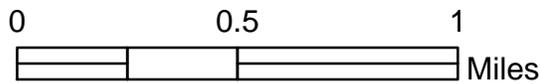
**Zoning Administrator
Map Amendment**

Case Number: ZPH2014-00033
 Approximate Property Size: 748.71 acres
 Application Date: May 15, 2014
 Planning Board Hearing Date: June 16, 2014





Zoning Administrator Map Amendment



Zoning Districts		Zoning Overlays	
	BDM		Blue Ridge Parkway Overlay
	CS		Protected Ridge Overlay
	EMP		Protected Ridge & Parkway
	NS		Steep Slope/High Elev.
	OU		Steep Slope/High Elev. & Pkwy
	CR		
	R-1		
	R-2		
	R-3		
	R-LD		
	PS		

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Created By: Buncombe County Planning
 Date: May 30, 2014

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : **ZPH2014-00033**
PROPOSED ZONING CHANGE : PS to AI
LOCATION : ASHEVILLE REGIONAL AIRPORT
PIN : See agenda

APPLICANT: Josh O’Conner
 Buncombe County Zoning Administrator
 46 Valley Street
 Asheville, NC 28801

OWNER: City of Asheville
 PO Box 7148
 Asheville, NC 28802

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 ANALYSIS: The applicant is requesting the rezoning of the Asheville Regional Airport from PS (Public Service District) to AI (Airport Industry District).

The proposed map amendments are consistent with the Buncombe County Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the airport and surrounding property be zoned more appropriately through an Airport Industrial District. The Plan indicated that the district would allow for the land use needs of the Asheville Regional Airport, while allowing industrial and commercial uses which are related to the operation of an airport (Buncombe County Comprehensive Land Use Plan, 2013 Update Section 6 Issues and Recommendations). The proposed map amendments would be suitable as indicated within the Update. Therefore the Buncombe County Planning and Development Department recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

CONSISTENT: The proposed map amendments are consistent with the Buncombe County Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the airport and surrounding property be zoned more appropriately through an Airport Industrial District. The Plan indicated that the district would allow for the land use needs of the Asheville Regional Airport, while allowing industrial and commercial uses which are related to the operation of an airport (Buncombe County Comprehensive Land Use Plan, 2013 Update Section 6 Issues and Recommendations). Therefore, the proposed map amendments would be suitable as indicated within the Update. The proposed map amendments are appropriate and therefore reasonable and in the interest of the public.

NOT CONSISTENT: The map amendments are not consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject properties:

- Has FEMA Flood Hazard Areas

Therefore, the proposed map amendments would not be suitable for the Airport Industry District as indicated on the suitability matrix within the Update. Development within these environmentally sensitive areas would be detrimental to the owners, adjacent neighbors, and surrounding communities as they are not consistent with the surrounding area. Therefore, the requested zonings would not be reasonable and in the interest of the public.

Consistency with the Comprehensive Land Use Plan

Recommendation of Approval

- The proposed amendment to modify the Permitted Use Table so that the use “Professional and business offices and services” is listed as a permitted use in the Conference Center/Resort District (CR) , **is consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2013 update (Section 6) recommended that:**
 - “A Resort/Conference Center Zoning District should be developed in order to accommodate large-scale resort, retreat, or conference facilities. This District should be targeted toward those facilities which are 100 acres and more (referring to the total collection of adjacent properties) and managed through a common entity. The District should account for the unique needs of conference centers and resorts providing flexibility while still ensuring the protection of surrounding residential properties.”
- The proposed amendment to the text is **reasonable and in the public interest** as it promotes a balance between the public safety interests, community interests, and the unique type of development encompassed by the proposed District.