

**Buncombe County Planning Board**  
**June 15, 2015**

The Buncombe County Planning Board met on June 15, 2015 in the meeting room at 30 Valley Street. Members present were Nancy Waldrop, David Rittenberg, Thad Lewis, Dusty Pless, Joan Walker, Robert Martin, Gene Bell, Parker Sloan, and Bob Taylor. Also present were Curt Euler, Staff Attorney; Jon Creighton, Planning Director/Assistant County Manager; Debbie Truempy, Zoning Administrator; and Gillian Phillips, Planning staff.

**Call to Order**

The meeting was called to order at 9:34 am.

**Approval of Revised Agenda**

The Board voted to approve the revised agenda as submitted.

**Public Comment**

No one present wished to make public comment.

**Terry Gentry, Deputy Fire Marshal**

Terry Gentry was present to discuss Emergency Management review of proposed subdivision access point. The Board disused with Mr. Gentry when he required two entrances for a subdivision. Mr. Gentry discussed topography in the County and how this sometimes made two access points to a subdivision impractical. The Board discussed alternative means of fire protection with Mr. Gentry, and the lack of authority he had over roads that were in the purview of the North Carolina Department of Transportation (NCDOT). Mr. Gentry indicated that he worked with local Fire Chiefs and Planning staff in regards to the review of road construction in the county.

**SUB2015-00005:** *Drew Norwood of Windsor Aughtry is seeking approval for a revision to the approved preliminary plan of Maple Trace Subdivision, which is located off of Reems Creek Road Southwest of the intersection with Parker Cove Road (PINs 9752-34-6142 and 9752-33-9212).*

The Board was provided with the submitted site plan (Attachment A), approved NCDOT driveway permit (Attachment B), and proposed staff conditions (Attachment C) prior to the hearing. Ms. Truempy reviewed the case for the Board. Will Buie was present and discussed the proposed change for the Board. Mr. Buie reviewed the change in access and reviewed the approved NCDOT driveway permit. Jason Peltz, a local attorney, was present to represent Windsor Aughtry, and reviewed the purview for which the Board approves or denies a preliminary subdivision plan. The Board discussed the proposal and asked questions regarding access, the location of the proposed waterline and sewer lines, the NCDOT requirements for the driveway permit, and the required flood development permit. Ms. Truempy reviewed the staff proposed conditions for the Board. Chairman Belle asked if anyone would like to make public comment. The following people spoke regarding the proposed development:

- Janet Polosy raised concerns regarding traffic and the existing NC DOT bridge.
- Phyliss Ray indicated that it would destroy the rural nature of the area, and raised concerns regarding NCDOT approval of the driveway permit.
- Ken Young raised concerns regarding traffic.

- Eileen Pullus indicated that she thought there should be two entrances, and raised concerns regarding safety.
- George Patalia indicated that he thought there should be two entrances.
- Nancy Nehls Nelson raised concerns regarding safety, and the erosion of the rural character of the area.
- Jeff Ballard raised concerns regarding the bridge and road safety.
- State Representative John Ager was present and indicated that he would speak to the NCDOT regarding their review process.

The Board further discussed the application including how the proposed open space was evaluated. Mr. Lewis made a motion to approve the application as submitted. Mr. Pless seconded the motion. Mr. Wietenberg amended the motion to send a letter to the NCDOT stating the Board's preference that the bridge be upgraded prior to the second or third phase. The Board further discussed the purview of the Planning Board and the concerns the neighborhood had raised. The Board then granted the revised plans preliminary approval with the conditions recommended by staff.

#### **Public Hearings (Zoning Map Amendments)**

***ZPH2015-00029: Harry Coates & Ricky L. Coates applied to Modify §78-641. Table 1. Permitted Use Table, to permit travel trailers and travel trailer parks in the Commercial Service (CS) District.***

The Board was provided with and the proposed staff prepared Land Use Plan Consistency Statement (Attachment D) prior to the meeting. Ms. Truempy reviewed the proposal for the Board and indicated that staff recommended denial of the text amendment request. Mr. Coates indicated that there were many appropriate spots for a travel trailer park in the community. The Board discussed the proposal with staff. Chairman Bell asked for public comment. Jim Hues and Sherri Parham were present and indicated that they opposed the proposal. Chairman Bell closed the public hearing. Mr. Sloan made a motion to deny the application pursuant the consistency statement provided by staff. Ms. Walker seconded the motion and the motion passed with a vote of eight to one, with Mr. Pless voting against it.

***ZPH2015-00030: Ricky L. Coates applied to rezone tax lot PINs 8697-44-0610 (located in between 5 Stone Valley Ln and 25 Stoneridge Dr) and 8697-34-8516 (5 Stone Valley Ln), which are currently zoned Single Family Residential District R-1 to Residential District R-3.***

The Board was provided the GIS map (Attachment E) and staff recommendations (Attachment F) prior to the meeting. Ms. Truempy reviewed the case for the Board. Mr. Coats then withdrew the map amendment.

***ZPH2015-00021: Continued discussion of possible revisions to the text of the Blue Ridge Parkway Zoning Overlay District***

The Board and staff discussed the proposed changes. The Board was provided with recommended language from staff (Attachment G). The Board discussed lighting standards, height limitations, and adding suggestive language to the existing overlay standards.

#### **Adjournment**

The meeting was adjourned to 11:35 am.





**WGLA Engineering, PLLC**  
 CONSULTING ENGINEERS & LAND PLANNERS  
 HENDERSONVILLE, NORTH CAROLINA

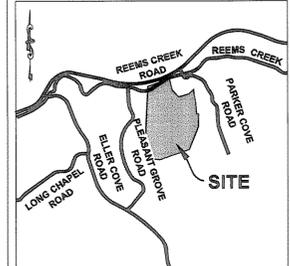
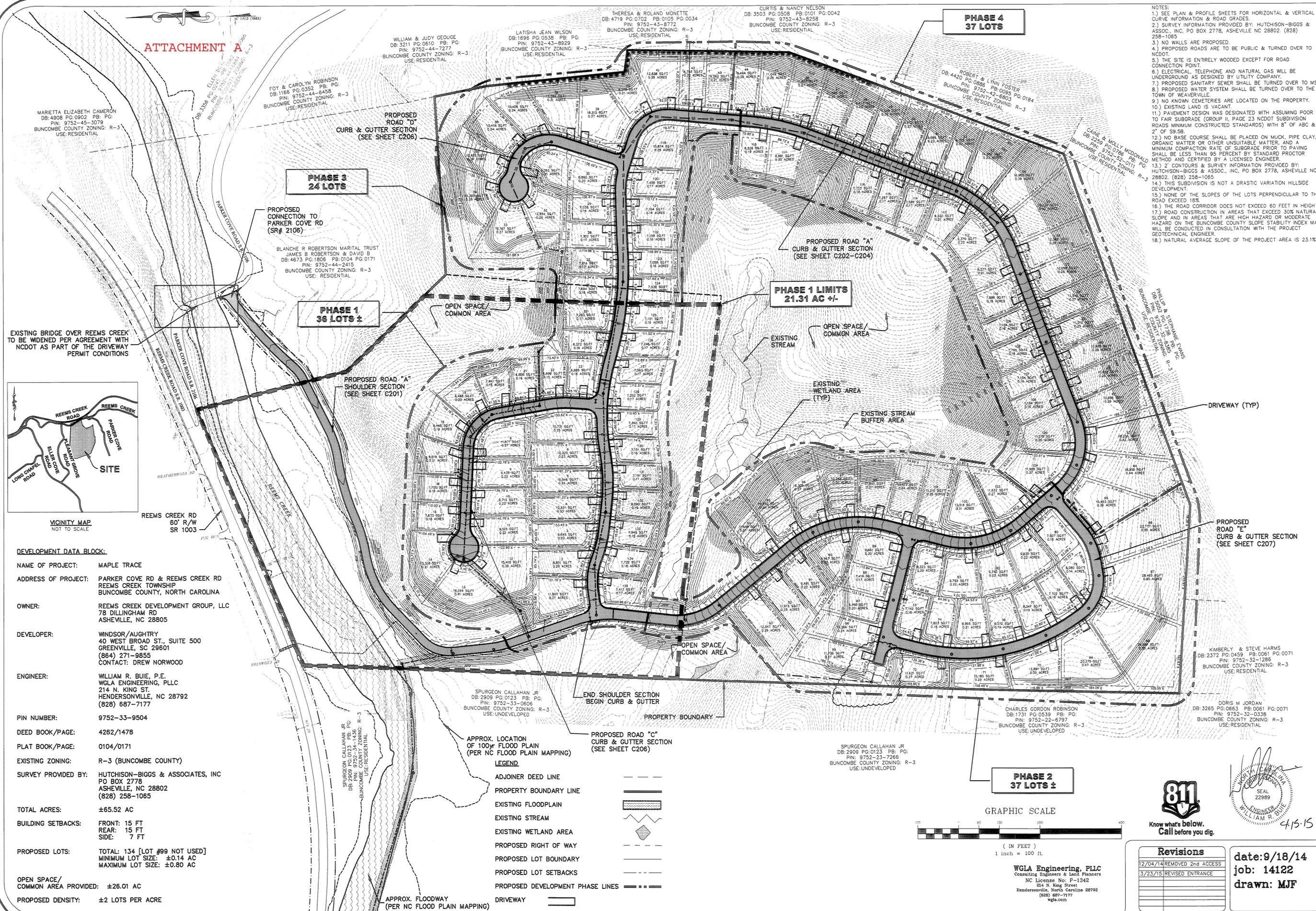
MAPLE TRACE  
 REEMS CREEK TOWNSHIP  
 BUNCOMBE COUNTY  
 NORTH CAROLINA

PRELIMINARY  
 SITE PLAN

sheet  
 C-200

- NOTES:
- 1.) SEE PLAN & PROFILE SHEETS FOR HORIZONTAL & VERTICAL CURVE INFORMATION & ROAD GRADES.
  - 2.) SURVEY INFORMATION PROVIDED BY: HUTCHISON-BIGGS & ASSOC., INC. PO BOX 2778, ASHEVILLE NC 28802. (828) 258-1065
  - 3.) NO WALLS ARE PROPOSED.
  - 4.) PROPOSED ROADS ARE TO BE PUBLIC & TURNED OVER TO NCDOT.
  - 5.) THE SITE IS ENTIRELY WOODED EXCEPT FOR ROAD CONNECTION POINT.
  - 6.) ELECTRICAL, TELEPHONE AND NATURAL GAS WILL BE UNDERGROUND AS DESIGNED BY UTILITY COMPANY.
  - 7.) PROPOSED SANITARY SEWER SHALL BE TURNED OVER TO MDO.
  - 8.) PROPOSED WATER SYSTEM SHALL BE TURNED OVER TO THE TOWN OF WEAVERVILLE.
  - 9.) NO KNOWN CEMETERIES ARE LOCATED ON THE PROPERTY.
  - 10.) EXISTING LAND IS VACANT.
  - 11.) PAVEMENT DESIGN WAS DESIGNATED WITH ASSUMING POOR TO FAIR SUBGRADE (GROUP II, PHASE 2) NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTED STANDARDS) WITH 8" OF ABC & 2" OF S9.58.
  - 12.) NO BASE COURSE SHALL BE PLACED ON MUCK, PIPE CLAY, ORGANIC MATTER OR OTHER UNSUITABLE MATTER, AND A MINIMUM COMPACTION RATE OF SUBGRADE PRIOR TO PAVING SHALL BE LESS THAN 95 PERCENT BY STANDARD PROCTOR METHOD AND CERTIFIED BY A LICENSED ENGINEER.
  - 13.) 2' CONTOURS & SURVEY INFORMATION PROVIDED BY: HUTCHISON-BIGGS & ASSOC., INC. PO BOX 2778, ASHEVILLE NC 28802. (828) 258-1065
  - 14.) THIS SUBDIVISION IS NOT A DRASTIC VARIATION HILLSIDE DEVELOPMENT.
  - 15.) NONE OF THE SLOPES OF THE LOTS PERPENDICULAR TO THE ROAD EXCEED 18%.
  - 16.) THE ROAD CORRIDOR DOES NOT EXCEED 60 FEET IN HEIGHT.
  - 17.) ROAD CONSTRUCTION IN AREAS THAT EXCEED 30% NATURAL SLOPE AND IN AREAS THAT ARE HIGH HAZARD OR MODERATE HAZARD ON THE BUNCOMBE COUNTY SLOPE STABILITY INDEX MAP WILL BE CONDUCTED IN CONSULTATION WITH THE PROJECT GEOTECHNICAL ENGINEER.
  - 18.) NATURAL AVERAGE SLOPE OF THE PROJECT AREA IS 23.1%.

**ATTACHMENT A**



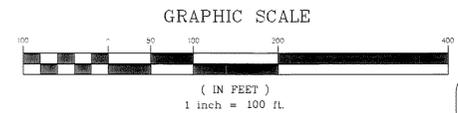
VICINITY MAP  
 NOT TO SCALE

**DEVELOPMENT DATA BLOCK:**

**NAME OF PROJECT:** MAPLE TRACE  
**ADDRESS OF PROJECT:** PARKER COVE RD & REEMS CREEK RD  
 REEMS CREEK TOWNSHIP  
 BUNCOMBE COUNTY, NORTH CAROLINA  
**OWNER:** REEMS CREEK DEVELOPMENT GROUP, LLC  
 78 DILLINGHAM RD  
 ASHEVILLE, NC 28805  
**DEVELOPER:** WINDSOR/AUGHTRY  
 40 WEST BROAD ST., SUITE 500  
 GREENVILLE, SC 29601  
 (864) 271-9855  
 CONTACT: DREW NORWOOD  
**ENGINEER:** WILLIAM R. BUIE, P.E.  
 WGLA ENGINEERING, PLLC  
 214 N. KING ST.  
 HENDERSONVILLE, NC 28792  
 (828) 687-7177  
**PIN NUMBER:** 9752-33-9504  
**DEED BOOK/PAGE:** 4262/1478  
**PLAT BOOK/PAGE:** 0104/0171  
**EXISTING ZONING:** R-3 (BUNCOMBE COUNTY)  
**SURVEY PROVIDED BY:** HUTCHISON-BIGGS & ASSOCIATES, INC  
 PO BOX 2778  
 ASHEVILLE, NC 28802  
 (828) 258-1065  
**TOTAL ACRES:** ±65.52 AC  
**BUILDING SETBACKS:** FRONT: 15 FT  
 REAR: 15 FT  
 SIDE: 7 FT  
**PROPOSED LOTS:** TOTAL: 134 [LOT #99 NOT USED]  
 MINIMUM LOT SIZE: ±0.14 AC  
 MAXIMUM LOT SIZE: ±0.80 AC  
**OPEN SPACE/  
 COMMON AREA PROVIDED:** ±26.01 AC  
**PROPOSED DENSITY:** ±2 LOTS PER ACRE

APPROX. LOCATION OF 100yr FLOOD PLAIN (PER NC FLOOD PLAIN MAPPING)

- LEGEND**
- ADJOINER DEED LINE
  - PROPERTY BOUNDARY LINE
  - EXISTING FLOODPLAIN
  - EXISTING STREAM
  - EXISTING WETLAND AREA
  - PROPOSED RIGHT OF WAY
  - PROPOSED LOT BOUNDARY
  - PROPOSED LOT SETBACKS
  - PROPOSED DEVELOPMENT PHASE LINES
  - DRIVEWAY



Know what's below.  
 Call before you dig.

DATE: 4/15/14  
 SEAL  
 22989  
 WILLIAM R. BUIE  
 ENGINEER

**Revisions**

12/04/14	REMOVED 2nd ACCESS
3/23/15	REVISED ENTRANCE

date: 9/18/14  
 job: 14122  
 drawn: MJF

**PHASE 2  
 37 LOTS ±**

**PHASE 1 LIMITS  
 21.31 AC ±**

**PHASE 3  
 24 LOTS**

**PHASE 1  
 36 LOTS ±**

**PHASE 4  
 37 LOTS**

KIMBERLY & STEVE HARMS  
 DB: 2372 PG: 0459 PB: 0051 PG: 0071  
 PIN: 9752-32-1286  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

DORIS M JORDAN  
 DB: 3265 PG: 0663 PB: 0061 PG: 0071  
 PIN: 9752-32-0338  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

SPURGEON CALLAHAN JR  
 DB: 2909 PG: 0123 PB: PG:  
 PIN: 9752-23-7266  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: UNDEVELOPED

CHARLES GORON ROBINSON  
 DB: 1731 PG: 0539 PB: PG:  
 PIN: 9752-22-6797  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: UNDEVELOPED

SPURGEON CALLAHAN JR  
 DB: 2909 PG: 0123 PB: PG:  
 PIN: 9752-33-0606  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: UNDEVELOPED

END SHOULDER SECTION  
 BEGIN CURB & GUTTER

PROPOSED ROAD "C"  
 CURB & GUTTER SECTION  
 (SEE SHEET C206)

PROPOSED ROAD "A"  
 CURB & GUTTER SECTION  
 (SEE SHEET C202-C204)

PROPOSED ROAD "D"  
 CURB & GUTTER SECTION  
 (SEE SHEET C206)

PROPOSED CONNECTION TO  
 PARKER COVE RD  
 (SR# 2106)

PROPOSED ROAD "A"  
 SHOULDER SECTION  
 (SEE SHEET C201)

BLANCHE R ROBERTSON MARITAL TRUST  
 JAMES B ROBERTSON & DAVID B  
 DB: 4673 PG: 1806 PB: 0104 PG: 0171  
 PIN: 9752-44-2415  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

FOY & CAROLYN ROBINSON  
 DB: 1166 PG: 0352 PB: PG:  
 PIN: 9752-44-6458  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

WILLIAM & JUDY GEORGE  
 DB: 3211 PG: 0610 PB: PG:  
 PIN: 9752-44-7277  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

LATISHA JEAN WILSON  
 DB: 1696 PG: 0538 PB: PG:  
 PIN: 9752-43-8939  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

THERESA & ROLAND MONETTE  
 DB: 4719 PG: 0702 PB: 0105 PG: 0034  
 PIN: 9752-43-8772  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

CURTIS & NANCY NELSON  
 DB: 3503 PG: 0508 PB: 0101 PG: 0042  
 PIN: 9752-43-8258  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

ROBERT & LYNN FOSTER  
 DB: 4420 PG: 0886 PB: 0085 PG: 0184  
 PIN: 9752-42-6803  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

CAROL & MOLLY WOODWARD  
 DB: 2265 PG: 0786 PB: PG:  
 PIN: 9752-42-0338  
 BUNCOMBE COUNTY ZONING: R-3  
 USE: RESIDENTIAL

DRIVEWAY (TYP)

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 DB: 3265 PG: 0663 PB: 0061 PG: 0071

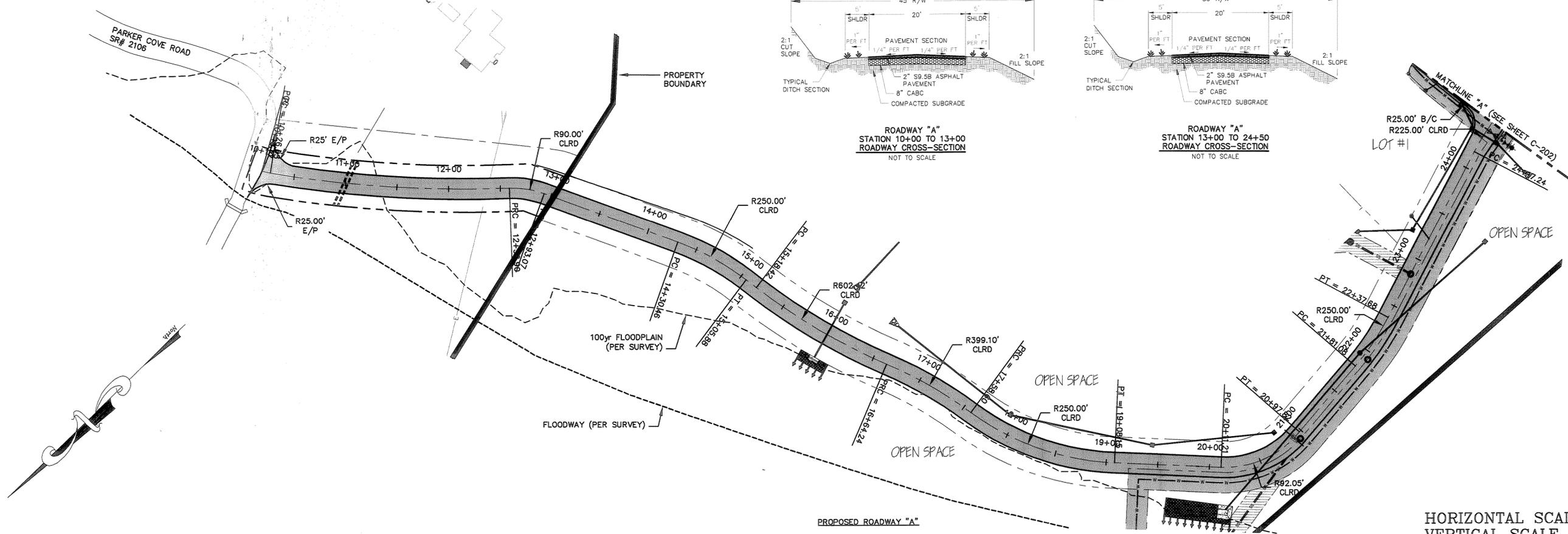
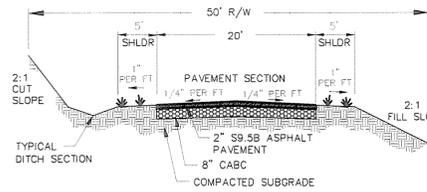
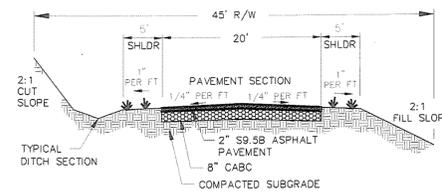


WGIA Engineering, PLLC  
CONSULTING ENGINEERS & LAND PLANNERS  
HENDERSONVILLE, NORTH CAROLINA

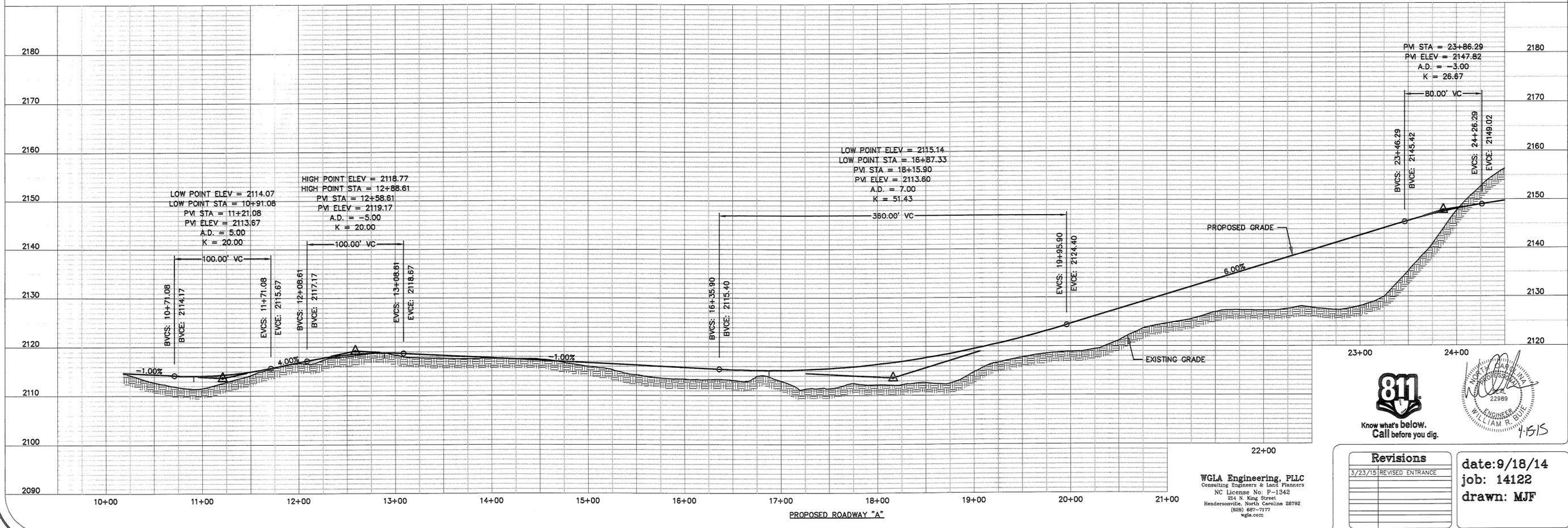
MAPLE TRACE  
REEMS CREEK TOWNSHIP  
BUNCOMBE COUNTY  
NORTH CAROLINA

ROADWAY "A" PLAN AND PROFILE  
STATION 10+00 TO 24+50

sheet  
C-201



HORIZONTAL SCALE 1"=50'  
VERTICAL SCALE 1"=10'



**811**  
Know what's below.  
Call before you dig.

Revisions	date
3/23/15 REVISED ENTRANCE	9/18/14
	job: 14122
	drawn: MJF

WGIA Engineering, PLLC  
Consulting Engineers & Land Planners  
NC License No. P-1342  
214 N. King Street  
Hendersonville, North Carolina 28752  
(828) 687-7177  
wgia.com

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MAY 18 2015

46 Valley Street  
Asheville, NC 28801  
828-250-4830

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

April 27, 2015

Windsor Built Homes, Inc.  
C/O WGLA Engineering, PLLC  
Hendersonville, NC 28792

SUB 2015 - 0 0 0 0 5

Subject: Driveway Permit Approval – Buncombe County Access to: SR 2106 for a proposed 134 lot subdivision. (Maple Trace)

Drive #1: 400 feet southeast of the intersection of SR 1003 and SR 2106 toward dead end.

Dear Applicant:

We are attaching hereto your copy of a driveway permit and provisions approved by this office. Please contact us when the job is completed so that we may inspect the same to ensure that all work has been done according to specifications.

**Permit approved subject to the following conditions:**

- **Developer/owner is required to widen the existing NCDOT Bridge #231 to accommodate two lanes of traffic between Phases 3 and 4 of Construction estimated to be \$125,000 plus or minus.**
- **A reimbursable agreement will be required to accomplish this work. Please contact Division Bridge Engineer at 828-298-1128 to facilitate this agreement before work begins.**
- **A paved turnout is required for the access point.**
- **No parking , storage, fencing, etc. allowed on NCDOT Right of Way**
- **The driveway shall be graded with a low point that is located directly over the driveway pipe to prevent water from being shed on to the NCDOT maintained roadway.**
- **The developer shall provide and install all signs and pavement markings within this project.**
- **All signs and pavement markings provided and installed by the developer on State maintained roadways, within State maintained intersections, and on any private driveway approach to a State maintained roadway shall be manufactured and installed in accordance to the Department’s standard specifications. This includes the Manual on Uniform Traffic Control Devices, traffic signal plans, roadway plans, and approved**

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
POST OFFICE BOX 3279  
ASHEVILLE, NC 28802

TELEPHONE: (828) 298-2741  
FAX: (828) 299-3747

WEBSITE: [WWW.NCDOT.GOV](http://WWW.NCDOT.GOV)

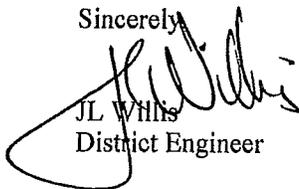
LOCATION:  
DISTRICT OFFICE  
11 OLD CHARLOTTE HIGHWAY  
ASHEVILLE NC, 28803

developer plans.

- **The developer's pavement marking contractor shall be pre-approved to perform work for the Department and must submit a copy of their certification card to the District office.**
- **The developer's signing contractor shall be pre-approved to perform work for the Department.**
- **The developer shall be required to ensure adequate sight distance on both approaches to the driveway meets minimum MUTCD requirements for stopping sight distance.**

If you have any questions concerning this permit, please call Greg Benton of this office at (828) 298-2741.

Sincerely,



JL Willis  
District Engineer

JLW: GEB

Attachments

cc: J. J. Swain, Jr., P.E., Division Engineer w/atts  
County Maintenance Engineer w/atts

# ATTACHMENT C

Buncombe County Planning Board Meeting  
Recommended Staff Conditions

**SUB2015-00005**

**PREVIOUS CASE: SUB2014-00278**

**June 12, 2015**

**Maple Trace**

If approved by the Buncombe County Planning Board, the applicant shall provide the following information (on a revised set of plans if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Provide proof of approval of E-911 addressing or indicate approved addresses and road names on final plat.
2. Proof of acceptance of the water lines into the Town of Weaverville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
3. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.
4. Final plat shall not be recorded or guarantee of improvement shall not be released until flood development permit is finalized.
5. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until a Buncombe County Erosion Control permit is obtained.*
6. Provide a written statement from the Buncombe Stormwater Ordinance Administrator stating that a Stormwater Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Stormwater Control permit is obtained.*
7. Indicate linear feet of roads on submitted plans.
8. Indicate approximate delineation of wooded and open spaces areas.
9. Provide updated property owner information.

10. Provide list of updated PINs.
11. Provide recommendations from a geotechnical engineer for road construction in areas of a tract in excess of 30 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map. *No grading shall occur on the site until the report is provided.* Certification by the geotechnical engineer shall be required certifying that the recommendations were followed during construction.

## Inconsistency with the Comprehensive Land Use Plan

### ***Planning Department Recommendation of Denial:***

- The proposed amendments to permit travel trailers and travel trailer parks in the Commercial Service (CS) District **are inconsistent with the Buncombe County Comprehensive Land Use Plan and updates, as:**
  - **the 2006 update (Section VII. Implementation Strategies) recommended that:**  
“The CS commercial service district is primarily intended to provide suitable locations for clustered commercial development and 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.” By expanding the allowed uses in the CS District to include the provision of travel trailers and travel trailer parks, recreational and seasonal residential uses may be allowed to take up areas of the County which are designated as higher-traffic sites prime for commercial and mixed-use development.
- The proposed amendments to the text are **neither reasonable nor in the public interest** as in no case should travel trailers be used as a permanent dwellings, as these homes do not meet NC Building Code. Through the addition of districts where travel trailers and travel trailer parks are allowed, the use of travel trailers as longer-term housing solutions is promoted, in spite of the hazards to health and public safety that their construction may pose.

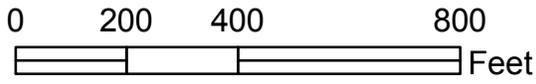


Subject Property

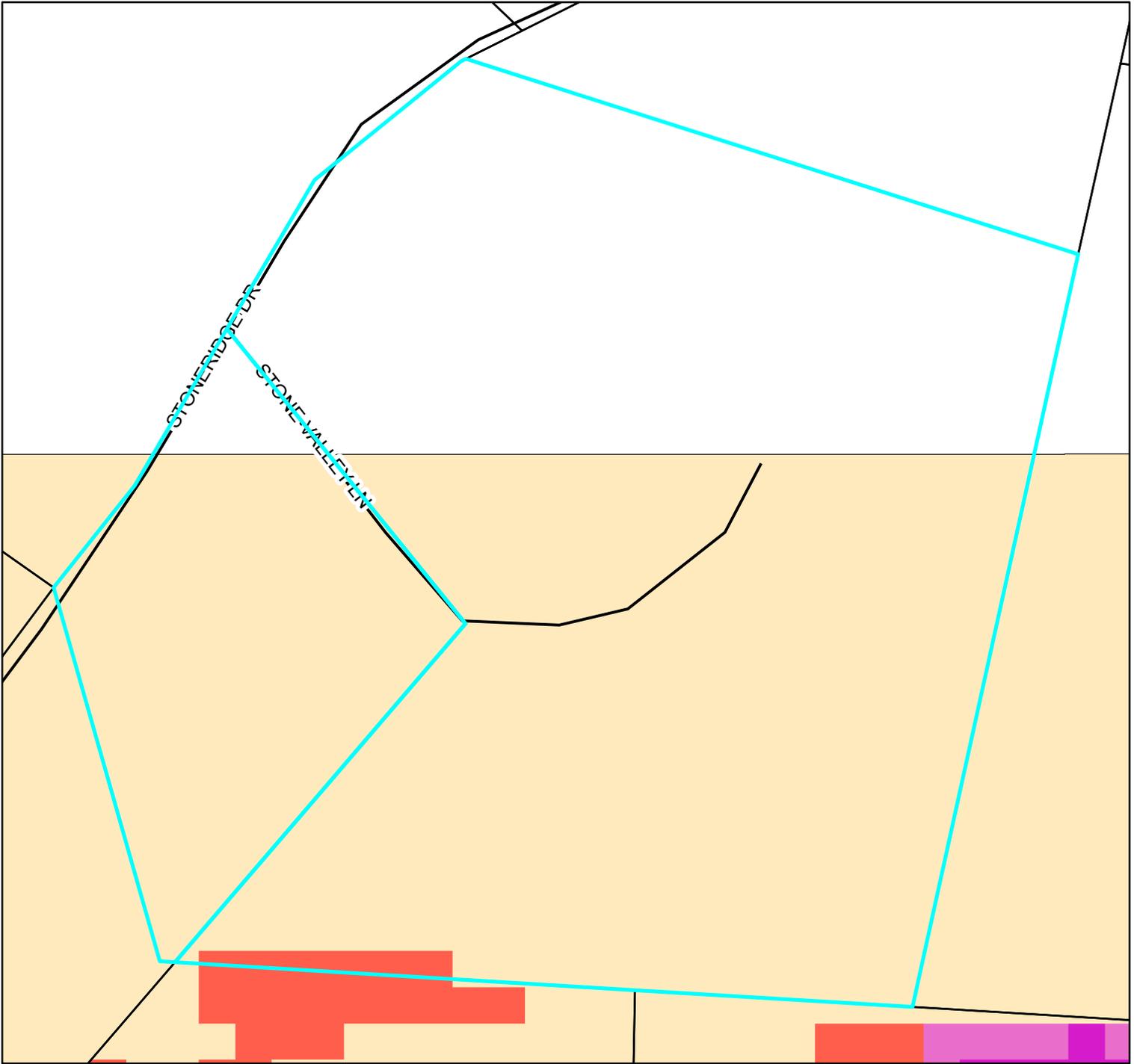
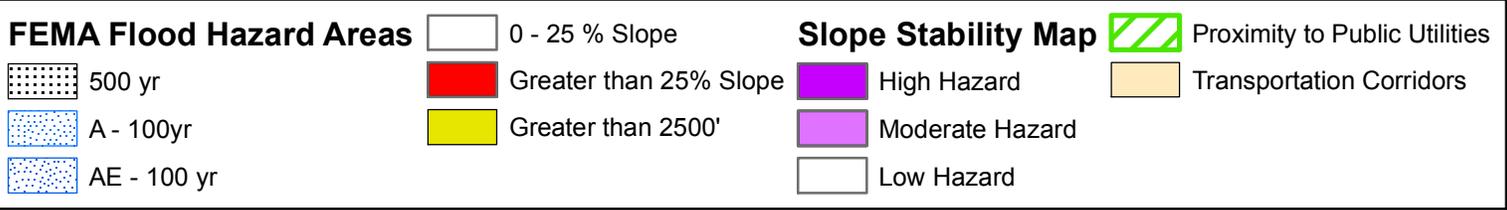
Subject Property

**Ricky L. Coates**  
**Map Amendment**

Case Number: ZPH2015-00030  
 Approximate Property Size: 5.12 acres  
 Application Date: May 15, 2015  
 Planning Board Hearing Date: June 15, 2015



Created By: Buncombe County Planning  
 Date: May 27, 2015



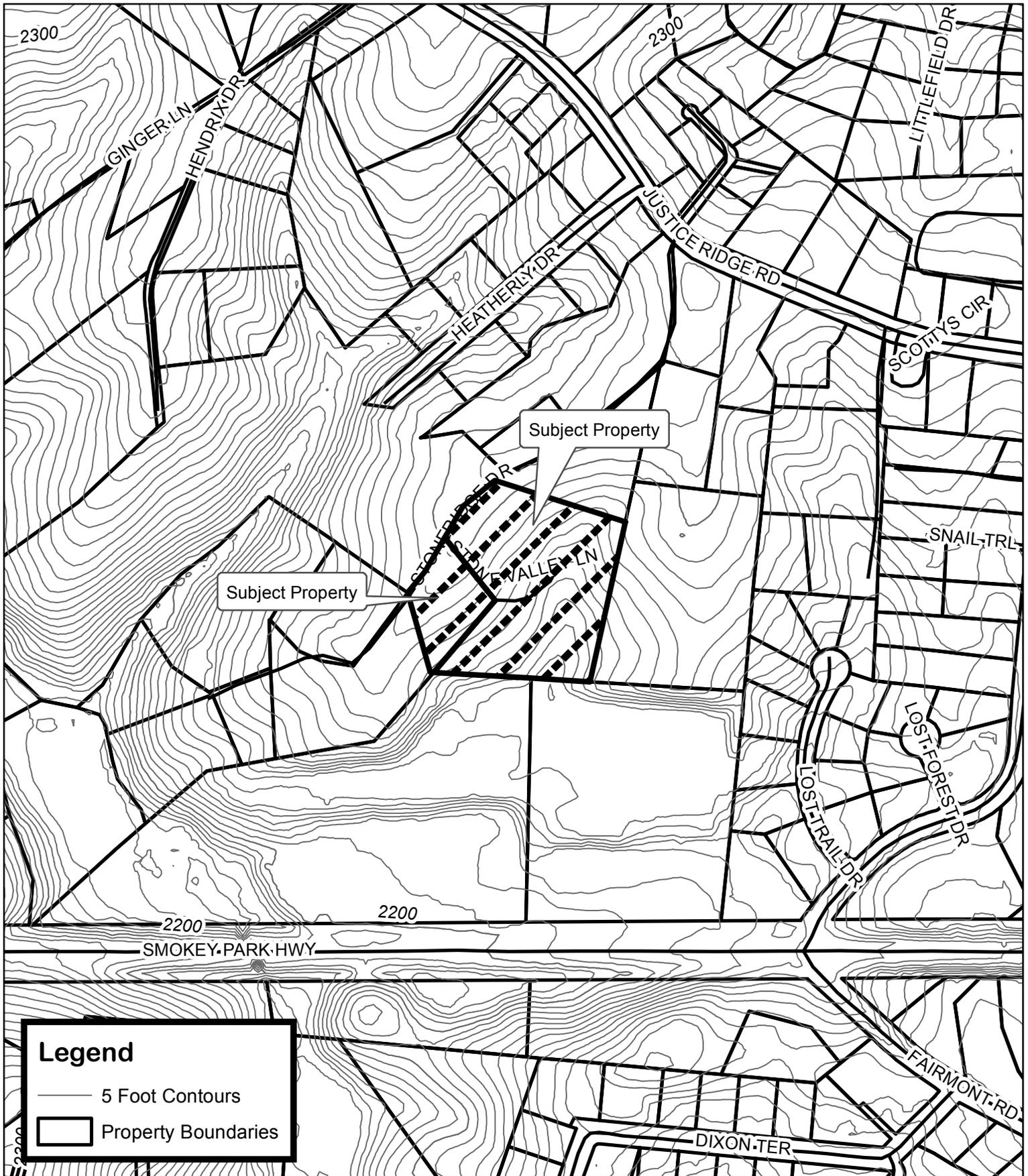
**Ricky L. Coates  
Map Amendment**



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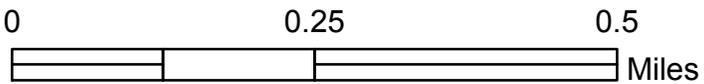
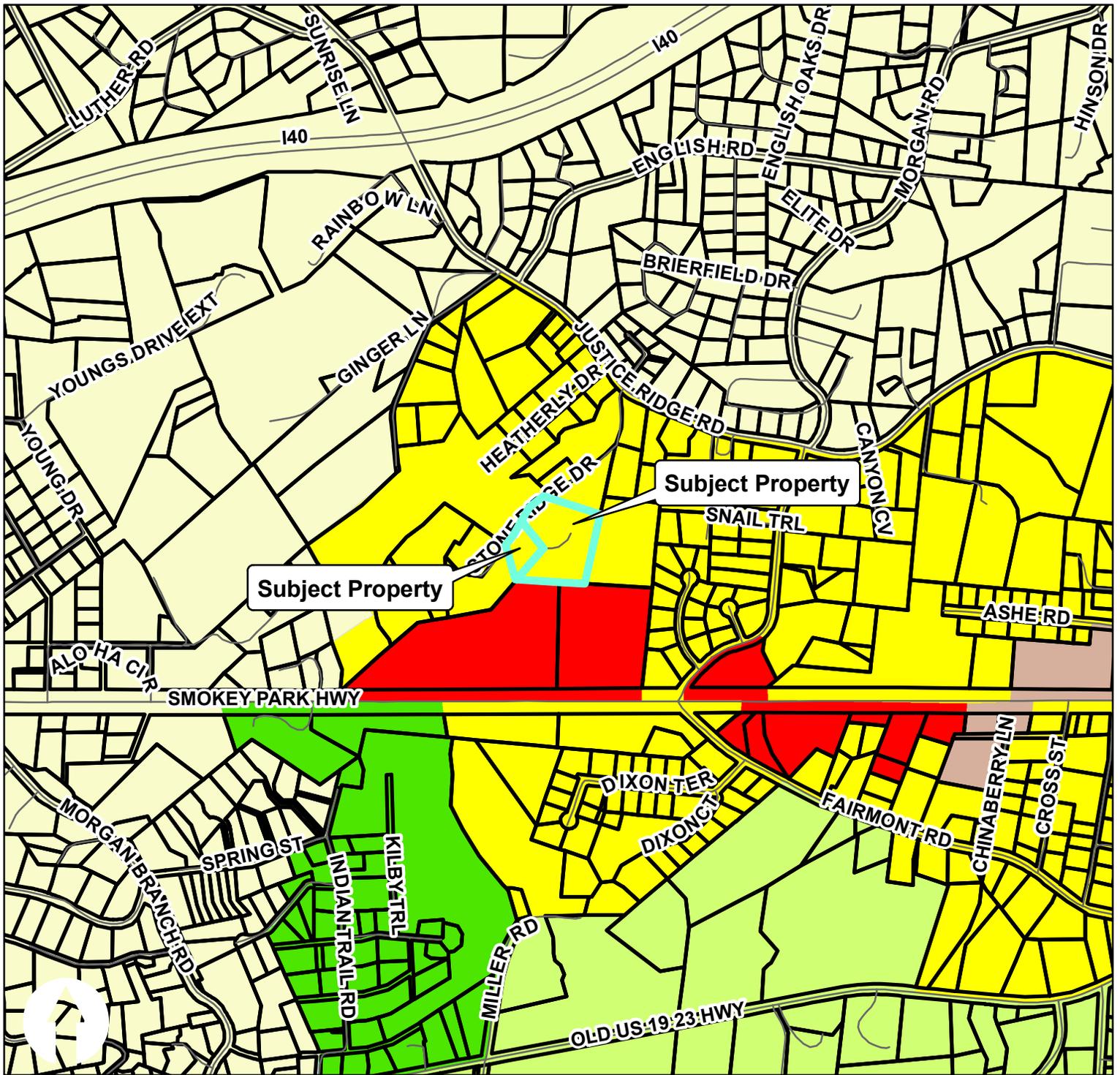


**Ricky L. Coates**  
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Case Number: ZPH2015-00030  
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Created By: Buncombe County Planning  
 Date: May 27, 2015



# Ricky L. Coates Map Amendment

Case Number: ZPH2015-00030  
 Approximate Property Size: 5.12 acres  
 Application Date: May 15, 2015  
 Planning Board Hearing Date: June 15, 2015

Created By: Buncombe County Planning  
 Date: May 27, 2015

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

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00030  
 PROPOSED ZONING CHANGE : R-1 TO R-3  
 LOCATION : 5 STONE VALLEY LANE  
 PINs : 8697.34.8516 & 8697.44.0610

APPLICANT/OWNER: RICKY L COATES  
 103 S BEAR CREEK ROAD  
 ASHEVILLE, NC 28806

DEPARTMENT RECOMMENDATION: **DENIAL**

**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 two (2) parcels comprising approximately 5.12 acres from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property is currently vacant and maintained as pasture land. The subject property is located along Stoneridge Drive/Stone Valley Lane to the south of Justice Ridge Road (SR 1208). The properties to the north, east and west are characterized by single family residential development, zoned R-1. The subject property is located to the north of two properties zoned CS (Commercial Service District) along Smokey Park Highway which are currently utilized for mobile home sales, outdoor storage and retail/service uses. The subject property shares little relationship with the commercially zoned properties along Smokey Park Highway and is largely separated/buffered from these properties and the Smokey Park transportation corridor by topography and dense existing vegetation. An existing unimproved driveway appears to access the subject property from the commercially zoned properties to the south; however, primary access to the property is provided from Stone Valley Lane via Stoneridge Drive.

The proposed map amendment is inconsistent with Section 78-640(d) Residential District (R-3) of the Zoning Ordinance of Buncombe County which states that the R-3 District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services (not available to the subject property - see below). Those areas without these services will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. The current zoning designation of the subject property (R-1) is intended to protect existing single-family subdivisions from encroachment of incompatible land uses, and the district does not allow manufactured home parks. Section 6 of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that denser development be directed to areas with existing infrastructure. The Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update illustrate the following conclusions regarding the subject property:

- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).

- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property is not located within the combined water/sewer service area as indicated on the applicable land use constraint maps. Public water is available along Justice Ridge Road and Smokey Park Highway, however; public sewer does not extend to this area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within areas that have a combined water/sewer service area. Further, the Plan “suggests” that multi-family development be separated from low-density residential uses. The proposed map amendment would be detrimental to the adjacent neighbors, and surrounding community as it is inconsistent with the zoning of surrounding properties and would allow the encroachment of a higher density zoning district within an existing low density residential area. Therefore the proposed map amendment is not appropriate.

Given, that the proposed map amendment would represent an intensification to allowable residential density where combined water and sewer utilities are not available and the application of the R-3 Zoning District would be inconsistent with the surrounding single-family residential development pattern in the area, the Buncombe County Department of Planning and Development recommends **denial** of the request.

## LAND USE PLAN CONSISTENCY STATEMENTS

**Inconsistent:** The proposed map amendment is inconsistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).
- The subject property is not located within a FEMA Flood Hazard Area.
- The subject property is not located within the combined water/sewer service area as indicated on the applicable land use constraint maps. Public water is available along Justice Ridge Road and Smokey Park Highway, however; public sewer does not extend to this area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within areas that have a combined water/sewer service area. Further, the Plan “suggests” that multi-family development be separated from low-density residential uses. The proposed map amendment would be detrimental to the adjacent neighbors, and surrounding community as it is inconsistent with the zoning of surrounding properties and would allow the encroachment of a higher density zoning district within an existing low density residential area. Therefore, the requested zoning would **not be reasonable and in the public interest**.

**Consistent:** The proposed map amendment is consistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property has reasonable proximity to a transportation corridor.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies multi-family development as “highly suggested” within areas that have a reasonable proximity to major transportation corridors. The proposed map amendment would not be detrimental to the adjacent neighbors, and surrounding community as it is consistent with the zoning of surrounding properties. Therefore, the requested zoning would be **reasonable and in the public interest**.

## Blue Ridge Parkway Overlay Draft

### Sec. 78-643. Blue Ridge Parkway Overlay District.

(a) *Purpose.* Realizing the importance of the Blue Ridge Parkway to the economy of Asheville, Buncombe County, and western North Carolina, the Blue Ridge Parkway Overlay District is created to protect and preserve the unique features of this asset to the city, the county, and the region. The standards established in this district will protect the scenic quality of the Blue Ridge Parkway and reduce encroachment on its rural setting.

(b) *Applicability.* The provisions set forth in this section for the Blue Ridge Parkway Overlay District shall apply to all properties within 1,320 feet of the centerline of the Blue Ridge Parkway located within Buncombe County's zoning jurisdiction. Both privately and publicly owned property shall be subject to the requirements set forth herein.

(c) *Development standards.*

(1) *Setback requirements.*

a. *Principal buildings.* Principal buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 50 feet from the boundary of property owned by the United States government and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.

b. *Accessory buildings.* Accessory buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 30 feet from the boundary of property owned by the United States government and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.

(2) *Building heights.* No building or structure shall be constructed with a height in excess of 40 feet within 1,000 feet of the centerline of the Blue Ridge Parkway, if visible from the centerline of the Blue Ridge Parkway roadway.

~~(3) *Buffering requirements.* A buffer for development of any type, other than single-family residential, which is to be located adjacent to the Blue Ridge Parkway within 1,000 feet of the centerline of the Blue Ridge Parkway and which will be visible between April and October from the Blue Ridge Parkway roadway, shall be provided according to the following specifications:~~

~~a. A minimum bufferyard width of 30 feet measured from the property line is required and shall be located within the required setback.~~

~~b. Total number of plants: Ten plants per 100 linear feet are required, of which five should be evergreen trees (min. six feet at planting), three should be large deciduous trees (min. two-inch caliper, ten to 12 feet at planting), and two should be small deciduous trees (min. 1.5-inch caliper, eight to ten feet at planting). The preservation of existing trees within the bufferyard is encouraged.~~

(6) *Screening standards.* The following screening regulations shall be required within the Blue Ridge Parkway Overlay District for all new structures and any

modification to an existing structure exceeding 50 percent of the appraised value of the structure, if the buildings and structures are visible from the Blue Ridge Parkway roadway.

The surfaces of the structure which are oriented to the Blue Ridge Parkway must be screened at a ratio of one tree of 1.5 inch diameter measured 6 inches above the root ball for every 200 square feet of planar surface. Planar surface is defined as the combined exterior surface area of all vertical surfaces within a single face of the structure. Trees planted to achieve the required ratio must be planted no greater than 50 feet from the furthest extending portion of the structure (measured perpendicularly). Trees must be of varying, native species, as defined by the Natural Resource Conservation Service of the United States Department of Agriculture, and no single species shall comprise more than 50 percent of the trees planted. Trees shall be spaced no less than 10 feet but no greater than 30 feet apart.

Existing trees within the area of allowed disturbance which are left intact and that appear in good health can be credited toward the required ratio. The following credit system will be observed:

<u>Tree Dimensions</u>	<u>Credits</u>
<u>2.5" to 4" DBH (minimum 8' tall)</u>	<u>1 tree</u>
<u>4" to 6" DBH (minimum 15' tall)</u>	<u>1.5 trees</u>
<u>6" to 10" DBH (minimum 20' tall)</u>	<u>2 trees</u>
<u>10" to 16" DBH (minimum 25' tall)</u>	<u>2.5 trees</u>
<u>16" or greater (minimum 30' tall)</u>	<u>3 trees</u>

Trees to be credited shall be marked using flagging tape prior to site disturbance in order to ensure their health throughout site development.

(d) Notice of proposed development. The planning department shall assure that the National Park Service is notified and given an opportunity to make recommendations concerning major subdivisions, rezonings, conditional uses, and variances proposed within the Blue Ridge Parkway Overlay District.