

**Buncombe County Planning Board
March 6, 2017**

The Buncombe County Planning Board met on March 6, 2017 in the meeting room at 30 Valley Street. Members present were Gene Bell, Nancy Waldrop, Bob Taylor, Thad Lewis, Robert Martin, Parker Sloan, and Dusty Pless. Also present were Michael Frue, Staff Attorney; Jon Creighton, Planning Director; and Debbie Truempy, Gillian Phillips, and Shannon Capezzali, Planning staff.

Call to Order

Gene Bell called the meeting to order at 9:30 am.

Approval of Agenda

Robert Martin made a motion to approve the agenda. The motion was seconded by Nancy Waldrop and passed unanimously.

Approval of Minutes (January 23, 2017)

Dusty Pless made a motion to approve the January 23, 2017 meeting minutes. The motion was seconded by Nancy Waldrop and passed unanimously.

Public Hearing (Zoning Map Amendment)

ZPH2017-00006: *David Hill of Hill Ventures, LLC applied to rezone one (1) parcel further identified as tax lot PIN # 9699-45-0630 (northwest of 220 Pine Hill Drive) which is currently zoned Low-Density Residential District (R-LD) to Residential District (R-1).*

Debbie Truempy presented the rezoning analysis and staff recommendations. Staff recommended approval of the rezoning request as it was consistent with the Comprehensive Land Use Plan. The applicant, Jesse Gardner of Civil Design Concepts, provided information about the application and local site conditions. Debbie Truempy provided information about allowable uses and dimensional requirements for R-1 zoning compared to R-LD zoning.

There was the following public comment. Jerri Mitchell, a resident of Grovemont, expressed concern about the number of units to be constructed, and concern that runoff from development will have a negative impact on her property. Jeff Danford, resident of Grovemont, expressed concern about tree removal and responsible development practices. Steve Sheldon, resident of Grovemont, expressed concern about stormwater runoff and questioned why the property needed to be changed to R-1. Herb Wagner stated that water and sewer lines end with the road, and expressed concern about drainage and additional traffic. Charles Shelton, resident of Park Ridge, stated that he has had issues with water runoff in the past which required him to dig a ditch on the old logging road to mitigate the issue, and worried further development will increase runoff. Dede Styles, resident of Swannanoa, stated that she lives in a similar type of area where water runoff causes issues after a heavy rain. She stated that the stormwater and erosion requirements are complaint-driven, so issues are not addressed until after they have happened, and asked that the Board consider how the weather is changing with heavier rains and increased drought. Leonard Gamble, resident of Pine Hill Drive, expressed concern that the existing road has no ditches or water control, so water runs directly onto his lot without intervention. He does not support rezoning the property, and would like upgrades to the road to address the existing stormwater. Ehiennette McMahan, resident of Pine Hill Drive, stated that she has a stream down her driveway from runoff when it rains, and believes that the road, which is not wide enough for 2 cars to pass, cannot handle any more traffic and would become unsafe for children.

Debbie Truempy provided information about the Buncombe County Stormwater Ordinance and how those regulations affect development. She also provided information about the legal requirements for a rezoning, and the process for development approval. Jesse Gardner provided additional information about the slope percent and development restrictions based on site conditions.

Bob Martin asked how often the Stormwater Ordinance is updated. Debbie Truempy stated it is not updated frequently, and thought it was around 12 years old. Parker Sloan stated that he does not see any reason to increase the density due to the topography of the site. Bob Martin stated that on his property he sees changes in the weather, and is concerned that the ordinance is not restrictive enough. Debbie Truempy stated that the requirement of the ordinance is that post-development runoff cannot be greater than pre-development runoff. Nancy Waldrop asked what would happen if the property were left at R-LD zoning.

Parker Sloan made a motion to deny the rezoning application as it is inconsistent with the Land Use Plan. The motion was seconded by Robert Martin and passed by a vote of four to three (Dusty Pless, Thad Lewis, and Bob Taylor opposed).

Discussion Items

The Planning Board discussed the proposed amendments to the text of the Zoning Ordinance regarding Conservation Development Subdivisions and impoundment lots or tow yards. Debbie Truempy provided information about the proposed changes. The Planning Board will move forward with a public hearing on these proposed changes.

Thad Lewis expressed concern about the County's GIS data being incorrect in the slope calculation layers, and would like to make that information more accurate. Debbie Truempy stated that she does not believe it is possible to make that information more accurate without going out and doing a site-specific survey, which is provided by the developer. Gillian Phillips stated that every major subdivision application includes a slope analysis map showing slope percent categories. Dusty Pless stated that the proposed development from the rezoning application could have improved the water runoff situation due to stormwater and erosion control requirements for new developments.

The Planning Board discussed the proposed amendment to the text of the Land Development and Subdivision Ordinance regarding Alternative Path Hillside Development Subdivisions. Gillian Phillips provided information about the proposed change. The Planning Board will move forward with a public hearing on the proposed change.

Public Comment

Dede Styles, resident of Swannanoa, stated that evergreen trees that grow slowly are expensive, and the quick growing trees are the less expensive and are more likely to be the ones chosen by developers when evergreens are required.

Adjourn

The meeting was adjourned at 11:30 a.m.

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

CASE NUMBER : ZPH2017-00006
 PROPOSED ZONING CHANGE : R-LD TO R-1
 LOCATION : PROPERTY TO THE NORTHWEST OF 220
 PINE HILL DRIVE
 PIN(s) : 9699-45-0630
 APPLICANT : DAVID HILL (HILL VENTURES, LLC)
 OWNERS : DAVID HILL (HILL VENTURES, LLC)

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 one (1) parcel comprising approximately 6.85 acres (property northwest of 220 Pine Hill Drive) from R-LD (Low Density Residential District) to R-1 (Residential District). The subject property is currently vacant and located at the terminus of Pine Hill Drive. Property to the north of the subject parcel is a large estate lot which is moderately to steeply sloped, contains a single-family residence and is zoned R-LD. Properties to the east, west and south have been developed as single-family homes within an established neighborhood (Grovemont) consisting of smaller lots and exclusively zoned R-1. Access to the subject property is afforded via Pine Hill Drive which is maintained by the NCDOT (SR 2449). The surrounding neighborhood is serviced by NCDOT maintained roads and public sewer and water utilities. The applicant is seeking a rezoning request in order to extend the single-family neighborhood pattern that is prevalent in the surrounding neighborhood by extending road, sewer and water services into the subject property. Further, survey grade slope analysis has been conducted to assure that future subdivision development will not trigger hillside subdivision standards which require larger lots and contain average natural slope areas of greater than 25%.

The proposed map amendment is consistent with Section 78-640(b) Residential District (R-1) of the Zoning Ordinance of Buncombe County which states, “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.” Additionally, the developable characteristics of the subject property are less closely aligned with the intent of the R-LD district which is reserved for areas not likely to have public utilities and more directly impacted by environmentally sensitive constraints.

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 is accessible via a series of NCDOT maintained roads within an established neighborhood and located within one (1) mile of US 70 which is an identified transportation corridor.
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve adjacent residential properties to the south, west and east of the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, the applicant has demonstrated through topographical survey data performed by a licensed surveyor that the bulk of the property does not exceed the 25% slope threshold.
- The bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.
- The subject property is **not** located within a FEMA Flood Hazard Area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies single-family/duplex development as “suggested” within reasonable proximity to major transportation corridors and within reasonable proximity to combined water/sewer service areas. The Plan “suggests” that single-family/duplex development be located outside of steep slope areas (greater than 25%), and outside of high elevations (greater than 2,500 feet). The Plan “highly suggests” single-family/duplex development be located outside of moderate and high slope stability areas and outside of flood hazard areas. The proposed map amendment would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with the development pattern of the surrounding residential neighborhood and is readily accessed by NCDOT maintained roads, and can be served by public water and sewer.

LAND USE PLAN CONSISTENCY STATEMENTS

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 is accessible via a series of NCDOT maintained roads within an established neighborhood and conveniently located within one (1) mile of US 70 which is an identified transportation corridor.
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve adjacent residential properties to the south, west and east of the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, the applicant has demonstrated through topographical survey data performed by a licensed surveyor that the bulk of the property does not exceed the 25% threshold.
- The bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.
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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 bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update suggests that single-family/duplex development be located outside of high elevations

(greater than 2,500 feet). The Plan “highly suggests” single-family/duplex development be located outside of moderate and high slope stability areas. Therefore the proposed map amendment would be inconsistent as the subject property contains an area that exceeds 2500 feet in elevation and may be prone to slope stability hazards as identified above. Therefore, the requested zoning would **not be reasonable and in the public interest.**