



BUNCOMBE COUNTY

PLANNING & DEVELOPMENT

Agenda

Buncombe County Planning Board

June 16, 2024

30 Valley Street, Asheville, NC 28801

1. Call to Order

2. Announcements – Nancy Waldrop

3. Roll Call of Board Members

4. Approval of Agenda

5. Approval of Minutes

- a. April 1, 2024
- b. April 22, 2024

6. Public Comment

7. Public Hearing:

ZPH2024-00015: Seyed Hesam Sadeghian Motahar has requested to rezone one (1) parcel of land identified as tax lot PIN 0629-76-3339 (99999 Yates Ave) from R-1(Residential) and CR (Conference Resort) to R-1 (Residential).

- i. Staff Presentation
- ii. Applicant Presentation
- iii. Public Hearing
- iv. Planning Board Discussion
- v. Planning Board Vote and Consistency Statement with the Buncombe County Comprehensive Plan

8. Adjournment

Buncombe County Planning Board Work-Session
200 College St. Asheville, NC 28801
April 1, 2024, Minutes

The Buncombe County Planning Board met on April 1, 2024, at 200 College St., Asheville, NC 28801

Planning Board members present were Nancy Waldrop-Chairperson, Ken Kahn-Vice Chair, Tim Collins, Anthony Coxie, Karl Koon, and Jay Marino.

Also, present were Terri Rogers, Gillian Phillips, Shannon Capezzali, Planning Staff, Nathan Pennington-Planning Director and Curt Euler, County Attorney.

Call to Order

Chair Ms. Waldrop called the meeting to order at 9:31 am.

Announcements

Public Comments protocol was shared.

Roll Call of Board Members

Complete.

Approval of Agenda

Mr. Kahn made a motion to revise the agenda and to move the Public Comment agenda item, this motion was seconded by Mr. Coxie and passed unanimously.

Approval of Minutes (March 4, 2024, and March 18, 2024)

Mr. Kahn made a motion to approve the March 4, 2024, meeting minutes. The motion was seconded by Mr. Coxie and passed unanimously.

Mr. Collins made a motion to approve the March 18, 2024, meeting minutes. The motion was seconded by Mr. Koon and passed unanimously.

Discussion of Public Comment

Mr. Collins made a motion to not have public comment at today's meeting due to this being a work session. Mr. Kahn seconded the motion, all in favor.

Comprehensive Plan Implementation

Ms. Waldrop shared her thoughts about the current text amendment for STR regulations, she also requested that the other members present share their thoughts on the current draft of the STR regulations.

Ms. Waldrop discussed the Comprehensive Plan and the consensus that there continues to be a strong quality of life within communities in Buncombe County. She indicated that regulation of short-term rentals was one of many future text amendments that would help retain the quality of life within the County. Ms. Waldrop then went on to indicate she wished for some clarifications to be made in the current draft of the Ordinance.

Mr. Kahn shared many of the same thoughts as Ms. Waldrop, he stated that the goal of the text amendment is to minimize, prevent and eliminate disruption to neighborhoods and communities. Mr. Kahn also stated he felt that we needed to encourage affordable housing where there is most likely to be tourism because that is where people work. He also brought up that more code compliance staff may be needed to enforce the proposed regulations. Mr. Kahn indicated that while he does feel sympathetic to people that are wanting to pump the breaks on this amendment, at the same time he feels that the Board has responsibility to address the input provided as part of the comprehensive planning process, which they supported as a board, and the input from those that showed up with input for the comprehensive plan was arguably a different subset of people that showed up for this topic, which both carry weight.

Mr. Coxie indicated that the Planning Board had listened to residents at the listening sessions for the STR text amendment but has also listened to the input on the comprehensive plan where people addressed the need for housing, affordability to own housing rather than renting apartments, and the difficulty of finding affordable housing. They also heard from people that operate an STR to help offset the cost to maintain current housing. He stated his support of what the staff has recommended when it comes to the text amendment addressing STR regulations. He shared his experiences walking through neighborhoods to see how many STR's are in those areas and was moved that the number of STR's are sitting empty during the week that could very well be deemed as affordable homes. Mr. Coxie stated that they cannot allow a situation where we are constantly addressing the needs of tourists and not addressing the needs of our own people.

Mr. Marino spoke to the fact that he is catching up on this subject of STR regulations and he is concerned about the residential side of it compared to the commercial side of it. Open use zoning is an area he feels is one that individuals that live on properties that are zoned that way and have acreage that they would like to, down the road in retirement, add another structure to rent out as STR. Unlike other commercial businesses that would be placing numerous structures in a permitted use. He indicated that these scenarios were important to him, and that regulations need to be reasonable. He also indicated that he felt the process needed to be slowed down and given more time.

Mr. Collins is supportive of the proposal, he has also been in many meetings over the past years concerning the comprehensive plan, the text amendment proposal, read many hundreds of emails from the community in support of and against the recommendations. He also feels that the commissioners know this would require supporting code enforcement efforts.

Mr. Koon mentioned that he is new on this current board, although he had served on the Board when the county wide Zoning Ordinance was passed. He indicated that was very contentious and one of the selling points of that was the Open Use zoning district where regulations are less restrictive. Much of what I see in the current text amendment will put limits on zoning, which is somewhat of a concern. Mr. Koon stated that he also served on the Comprehensive Plan Steering Committee and had seen the input on that end of the spectrum. He said the grandfathering of STR's brings up questions about properties or transfers to family members and how that grandfathering will affect them.

Ms. Waldrop thanked everyone for the input by members and thanked the planning staff for their efforts in the number of emails they have received and shared with us and just the work done up to this point.

Mr. Kahn asked Mr. Euler for some clarification on Schroeder vs. City of Wilmington and having to apply for permitting of an STR vs registering a property with one. Mr. Euler shared that there is a section in chapter 160D, section 1207 that talks about local governments cannot require individuals to apply for a permit or register before renting long or short-term properties. What was happening in Wilmington was they were requiring permission from the city. The proposed regulation would require someone to get a zoning permit when you change the use of property or when you do new construction, and all that zoning approval says is that you are in compliance with county zoning regulations. Mr. Pennington gave some insight into the Iredell County lawsuit and indicated that one of the findings talked about building codes enforcement on minimum housing codes. Prior to 160D many cities had minimum housing codes, minimum housing code departments, so that would have made homes that you were renting be required to get an inspection and receive a certificate of occupancy before you rent it, that was largely dismantled. Mr. Pennington indicated that requiring a zoning permit is basically the way to keep track of use of property, and it would be difficult to enforce the proposed regulations without the requirement of a zoning permit. The requirement of a zoning permit is a grey area, as it has not been tested.

ZPH2023-00038 Module 1: Short Term Rentals:

Ms. Phillips began the presentation of the 3rd draft of the text amendment with planning board language and language based on public input that the board needs to review so the final draft will be ready for the Planning Board Public Hearing on April 22, 2024. (Note: that draft is part of these minutes).

Ms. Phillips shared that an added type of short-term rental has been proposed, it is referred to as Rural Short Term Rental and that would be in the Open Use district. This will have restrictions such as a 2-acre minimum lot size and there must be a primary dwelling unit on the property. This is found in the table of permitted uses on page 2. Also, the 2-night rental status once every 180 days has been changed to 2-night rental status in one calendar year.

Another section that was discussed was the owner/operator/manager being 50 miles radius or one hour time frame from STR. Staff indicated that it would be much more difficult to regulate a time frame as opposed to a distance.

Under the Unit size in the draft plan there have been discussions about the maximum square footage of the structure. The draft language now has a total heated gross floor area not to exceed 4,000 square feet when located on a parcel less than 1-acre and 8,000 square feet when parcel is over an acre. Additional discussions about this section were reviewed and one question was if this would apply to those grandfathered, or new ones. Ms. Phillips said that this would only apply to new STR's. It was suggested by the Planning Board members that the larger square footage to 9,000 rather than 8,000.

Under the prohibitions section of the draft the section related to Attached dwellings and not permitting duplexes to be used as short-term rentals is going to be discussed and evaluated with staff per Mr. Pennington a bit more and that the recommendation on those will be addressed.

With no additional discussion about the draft text amendment, Ms. Phillips said they would create the draft with today's changes. Staff indicated that the next meeting would be the public Hearing on April 22, 2024, located at Ferguson Auditorium on the campus of AB Tech at 5:30pm.

Adjourn

Mr. Coxie motioned to adjourn the meeting, and it was seconded by Mr. Collins. The meeting was adjourned at 11:00 A.M.

Buncombe County Planning Board
Special Meeting Minutes
April 22, 2024
A-B Tech, Ferguson Auditorium

The Buncombe County Planning Board met on April 22, 2024, at A-B Tech Ferguson Auditorium on April 22, 2024. Planning Board members present were Nancy Waldrop-Chairperson, Tim Collins, Jay Marino, Eric Robinson, Mike Fisher, Karl Koon and Anthony Coxie. Board members Ken Kahn-Vice Chair and John Noor were not able to attend. Also, present were the following County staff; Terri Rogers, Gillian Phillips, Shannon Capezzali, Brittain Sluder, Mila White, Haylee Madfis, Nathan Pennington (Planning Director), and Curt Euler (County Attorney).

Call to Order

Chair Ms. Waldrop called the meeting to order at 5:30 pm.

Announcements

A motion was made to keep public comments to 2 minutes a person and 10 minutes for a person speaking for a group of 4 by Mr. Coxie. The motion was seconded by Mr. Koon and passed unanimously. Chair Ms. Waldrop shared public comment protocol and conflict of interest protocol.

Roll Call of Board Members

Completed.

Approval of Agenda

A motion, made by Mr. Fisher and seconded by Mr. Koon, to approve the agenda was made and passed unanimously.

Ms. Waldrop shared her comments about the work done by Planning staff and the interest from the community that have attended to share their comments. She indicated that everyone brought valid issues concerning the text amendment, and she hoped that a policy could be reached to address the issues with short-term rentals.

Public Hearing: ZPH2023-00038 Short-Term Rental Text Amendments: The Board will consider amendments to Chapter 78 (The Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances, and more specifically, Sections 78-581 Definitions, 78-641 Permitted Uses, 78-644 Steep Slope/High Elevation Overlay District, 78-645 Protected Ridge Overlay District, 78-657 Nonconforming Uses, 78-658 Off-Street Parking and 78-678 Uses by Right Subject to Special Requirements and Special Use Standards. The amendments propose to further regulate the provision of short-term rentals throughout the County.

Staff Presentation

Mr. Pennington opened the presentation by sharing where the Planning Board was in the process, and the history of the numerous meetings that the Planning Board had held to discuss this issue. He indicated that what was presented to the Board tonight was a result of the numerous work sessions and public listening sessions the Planning Board had held regarding this issue. Mr. Pennington then shared the Planning Board's options for action regarding the text amendment. Ms. Phillips gave a presentation

of the current highlights of the text amendment such as the grandfathering of STR's, definitions of STR's, Permitted use tables, Standards for New STR's and Prohibitions of STR's. Ms. Phillips opened any discussion with the Board, no one had additional questions about the presentation.

Planning Board Discussion

Chair Ms. Waldrop asked the board if they wanted to continue to public hearing. A motion was made by Mr. Marino and seconded by Mr. Koon to open the public hearing. All members were in favor of the opening of the public hearing. The Planning Board then discussed the proposed amendment.

Chair Ms. Waldrop shared her opinion of tabling the amendment to allow for further study and evaluation, she stated that there are two new board members that she felt needed to have more time to review and catch up on the discussions surrounding this amendment. She also indicated that there was a large amount of misinformation regarding the text amendment, which had caused a part of the community to be concerned regarding it. Chair Ms. Waldrop indicated support for regulation of STRs in the overlay districts and manufactured home parks. She stated she thought the issue needed to be discussed slower.

Mr. Koon stated being new to the board and not having the opportunity to be up to speed on the topic would like to support Nancy's recommendation to slow down the recommendation. Mr. Marino agreed with Mr. Koon, as he is also the other new member of the board. He supports waiting and giving more review time.

Mr. Collins also indicated support for slowing down the recommendation and giving more time to make the necessary amendments to the ordinance. He indicated that he has attended every public comment session and read every email they have received.

Chair Ms. Waldrop then read comments from Mr. Kahn, who could not attend the meeting:

He observed that the majority of feedback received from the Real estate/developer community is not in favor of STR regulations but yet the comments from the residents in neighborhoods are the opposite and in favor of them. He also indicated that during the Comprehensive Plan process many people attended the public meetings and workshop, and residents comments and concerns were used to shape the 20 year plan. The plan indicates support for regulation of STRs. Mr. Kahn stated that he suspects that the realtors or STR owners did not participate in the public input sessions that gathered data for the Comprehensive Plan and now that revenue is on the table the interest has all suddenly materialized. He states that there seems to have been a well-organized stream of public comments and propaganda that have little to no credence or weight to the effect STRs have on neighborhoods. Mr. Kahn would ask that the realtors or STR owners be prepared to treat the full-time residents as equals in the community and that their concerns have equal weight in the discussion and concerns in regards to STR regulations. He also indicated he would like to pump the breaks and have more time to review the text amendment.

Chair Ms. Waldrop read the comments of Mr. Noor who was not able to attend due to a conflict meeting in another county. Mr. Noor felt that after 5 months of considering the regulations of STR's he feels progress has been made and there are certain areas where additional regulations are necessary. He indicated he would like to see a task force of some sorts come together and have representatives from STR owners, community groups (such as the Emma community), realtors' association and other relevant interest groups to work on this topic.

Mr. Coxie agrees with Mr. Noor's comments about the items needed such as steep slope and protected ridge overlays and the obvious regulations about sanitation, emergency services, etc. He would agree that slowing down the recommendation and even breaking the ordinance into specific sections as proposals to the commissioners.

Public Comments

See attached spreadsheet noting public comments made by community members.

Closing of Public Hearing

Ms. Waldrop Closed the Public hearing portion of the meeting.

Planning Board Discussion and Vote

Ms. Waldrop asked if there was a motion to defer the text amendment, Mr. Marino made the motion, Mr. Collins seconded the motion, Ms. Waldrop asked for all in favor, vote was unanimously made to Defer the amendment for 100 days. Curt Euler, County Attorney explained they would only have 100 days to review this and then could extend it or make a decision on rules that have already been adopted.

Adjourn

The meeting was adjourned at 7:22 P.M.

Jorge Cure	n			1													
Dana Cure	n			1													
Trishann Couvillion	n	1															
Chris Spalding	n																
Seth Solesbee	n		1														
Laura Garcia	y							1									
Sonia Delgado	y					1		1	1								
Patty Guerra	y							1									
Johnathan Palma	y									1							
Gaby Escobar	y							1	1			1	1	1			
Lila Guajardo	y							1									
Abel Gonzalez	y					1	1										
Rocio Alviter	y							1	1						1		
Hermelinda Miller	y					1		1	1								
Sonia Kay	y							1		1							
Itzel Palma	y							1									
Lillian Ramirez	y							1									
Dulce Morales	y							1	1						1		
Roberto Corona	y									1							
Thomas Tocoa	y							1						1			
Andrea Golden	y																
Dede Styles	y																
Stephanie Biziwski	y			1											1		
Terri Kennedy	y			1											1		
Grace Barron	y							1								1	
Andrew Fletcher	y							1									
Ben Williamson	y																
Steven Marascalco	y																
	Total #'s	7	20	12	2	3	15	5	3	2	7	2	3	2	1		8

Supports STR Changes	23
Does NOT support STR Changes	31



ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

LOCATION MAP		A. CASE	B. PROPERTY INFORMATION
<img alt="Aerial map showing the location of the zoning amendment. A cyan polygon highlights the property in question, which is a 1.78-acre parcel on Yates Ave. A yellow star marks the exact location of the rezoning request. Surrounding streets include Holly St, Weston Dr, and Yates Ave. Other parcels are labeled with addresses like 133, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 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F. SPOT ZONING ANALYSIS

<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." <u>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).</u></p>	CONSISTENT	POTENTIAL SPOT ZONING
<p>1. Staff Analysis of spot zoning: The subject acreage is adjacent to property currently zoned R-1. Based on the nature of the request, Staff does not have concerns related to spot zoning.</p>	X	

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):	CONSISTENT	NOT CONSISTENT
<p>1. FLUM CATEGORY DESCRIPTION The proposed rezoning is consistent with the Character area description of 'Rural Community' where this parcel is located.</p>	X	
<p>2. WASTEWATER & POTABLE WATER TYPE The parcel is currently on septic and well which is consistent with low density residential such as R-1 zoning.</p>	X	
<p>3. DENSITY The proposed zoning district has a maximum density of up to 10 units an acre with no more than two units per lot which is consistent with the Character area recommendations for Rural Community.</p>	X	
<p>4. PRIMARY AND SECONDARY LAND USES The uses allowed in the proposed zoning district match those recommended in the Character Framework for this area.</p>	X	
PLAN POLICIES AND ACTIONS:	CONSISTENT	NOT CONSISTENT
<p>5. Proximity to Transportation Corridor (Transportation Action 4) The parcel is located on a small residential street near the I-40 and Old US Hwy 70.</p>	X	
<p>6. Support higher density residential development near job centers and amenities (Transportation Action 4) The rezoning from R-1 and CR to R-1 will result in a slight decrease in the allowable density from 12 units per acre in the CR portion to completely 10 units per acre in R-1. This parcel is located in 'Rural Community' on the GEC Map which is a conservation area.</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 (Env. Conserv. Action 3)</p> <p>The applicant is requesting a down zoning in an area designated as Rural Community which is a conservation area. Decreasing the allowable density is consistent with the goals of the conservation areas.</p>	X	
<p>8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (Env. Conserv. Action 3)</p> <p>This rezoning would not cause the fragmentation of a large forest block. The parcel is in the steep slope/high elevation overlay. By decreasing the density and the allowable uses on the parcel, this rezoning may result in less landscape fragmentation.</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. (Economic Dev. Action 2)</p> <p>This parcel is located in the Rural Community area on the GEC.</p>	N/A	
<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 (Economic Dev. Action 3)</p> <p>This rezoning is not located in one of the areas on the GEC mentioned above.</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)</p> <p>This parcel has a high score on the Equity Index of the Community Index Map which indicates that may be an Equity Opportunity Area. The proposed rezoning is for a low density and low intensity residential zone. This poses a low risk for air, water, and land quality issues.</p>	Equity Analysis is recommended for this parcel.	
ENVIRONMENTAL:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts</p> <p>The parcel is in the Steep Slope/High Elevation Overlay. The proposed R-1 zoning allows for limited types of development and lower density. This is consistent with the overlay.</p>	X	
<p>13. Regulated Flood Hazard Areas</p> <p>The parcel is not located within a regulated flood hazard area.</p>	X	
<p>14. High or Moderate Hazard Stability Areas</p> <p>The parcel does not contain hazard stability areas.</p>	X	

H. NEIGHBORHOOD CONSISTENCY			CONSISTENT	NOT CONSISTENT
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:				
DIRECTION	ZONING	ADJACENT USES		
NORTH	R-1 Residential	Low density residential		
EAST	R-1 Residential	Low density residential and Manufactured Home site	X	
SOUTH	R-1 Residential	Low density residential and residential building lot		
WEST	CR- Conference Resort	Low density residential		
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.) Currently the parcel is partially zoned R-1 and partially CR. The rezoning will match the zoning of the neighbors on three sides, creating a more cohesive block of R-1 zoning.			X	
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? The proposed zoning district allows for low density residential uses which is consistent with the neighboring properties.			X	
4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE: The proposed rezoning is considered a down zoning. Less uses are permitted in the R-1 district than the CR district. However, R-1 would allow for HUD labeled Manufacture Homes with Special Requirements. Some examples of other uses that would be allowed after the rezoning include single family homes, duplexes, community oriented development, residential Planned Unit Developments, vacation rentals, etc.				

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:			
		Existing District:	Proposed District:
		CR Conference Resort	R-1 Residential
Min. Lot Size	No Public Sewer Public Sewer/No Water Public Water & Sewer	30,000 SF 12,000 SF 8,000 SF	30,000 SF 12,000 SF 8,000 SF
Max. dwelling units per acre		12	10
Setbacks (Front/Side/Rear)		20/10/20	10/7/15 with public sewer 20/10/20 septic system
Max. height	50 (plus 1 ft. additional for each additional 5 feet of setback from all property lines up to 100 ft. total)		35 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

The parcel is currently vacant and there appears to be no former zoning actions taken on this property.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – CR	PROPOSED ZONING DISTRICT – R-1
The CR Conference Center/Resort District is intended to be a district that includes, but is not limited to large tourist-related facilities, summer/day camp properties, and conference centers held in single ownership or held collectively by related entities. Facilities within this district may include housing, hotels, retail shops, religious or secular retreats, and associated accessory uses. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.	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.

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:

This parcel is in an area of the county (Census tract 22, Block 3) that is ranked higher (133 out of 154) on the Equity Index of the Community Index Map, meaning that it is a potential Equity Opportunity Area (EOA). EOAs are areas where community members might not be able to access essential resources, resources may not be available, or the available resources might not align with community needs. The Block group where these parcels are located has the following notable demographics:

- higher percentage of the population below the poverty line
- higher percentage of population that is housing cost burdened (meaning they spend more than 30% of income on housing)

A rezoning of land does not include a specific development proposal to consider, therefore the Board might consider how all of the types of uses allowed in the proposed district could impact any historically disadvantaged and/or resource disadvantaged communities within the 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)

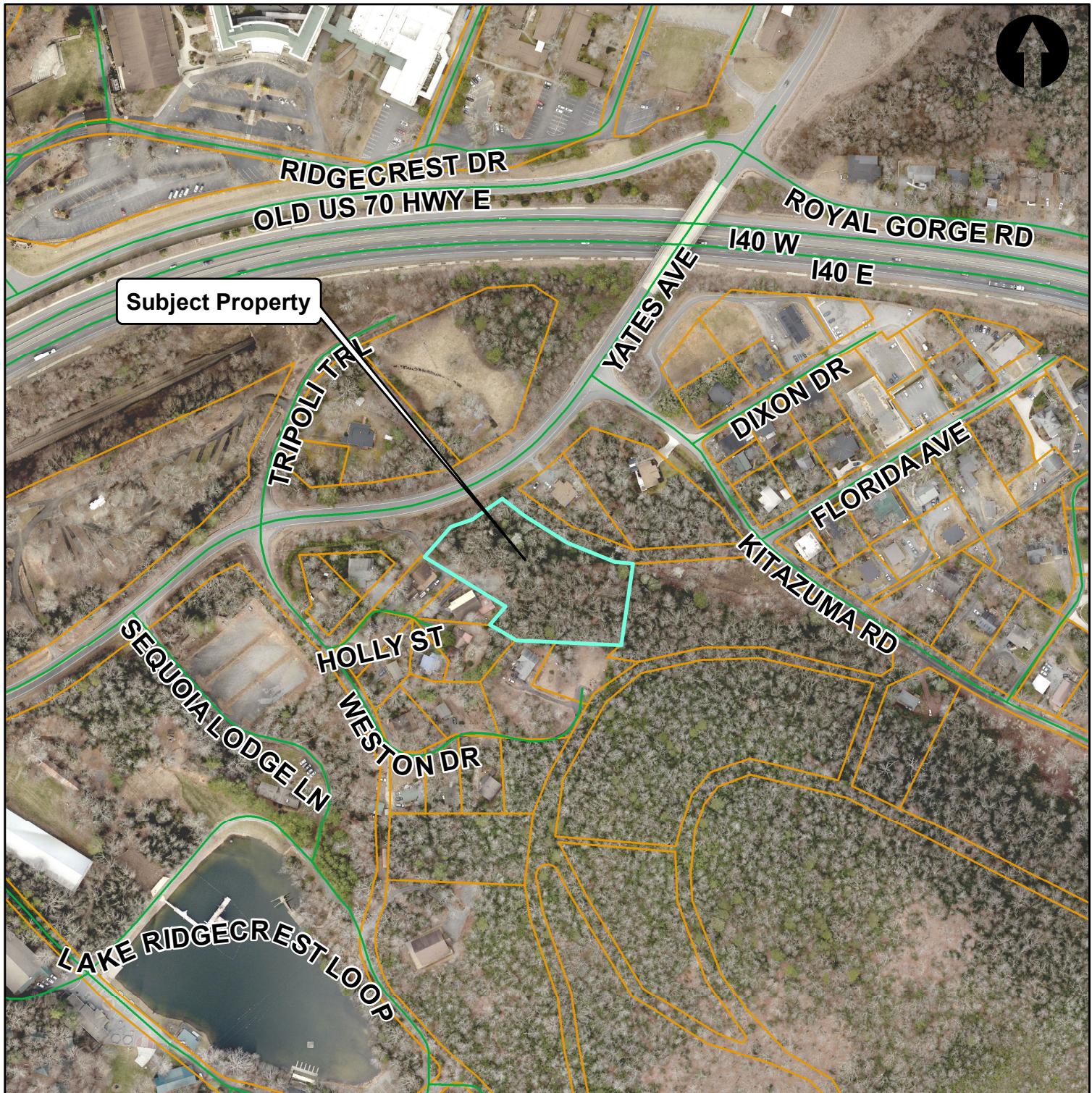
L. BOARD OPTIONS

The following options are available to the Board:

- Recommend approval of the proposed rezoning, as presented.
- Recommend approval of a portion of the proposed rezoning.
- Recommend denial of the proposed rezoning, as presented.

M. ATTACHMENTS

- Application
- Maps



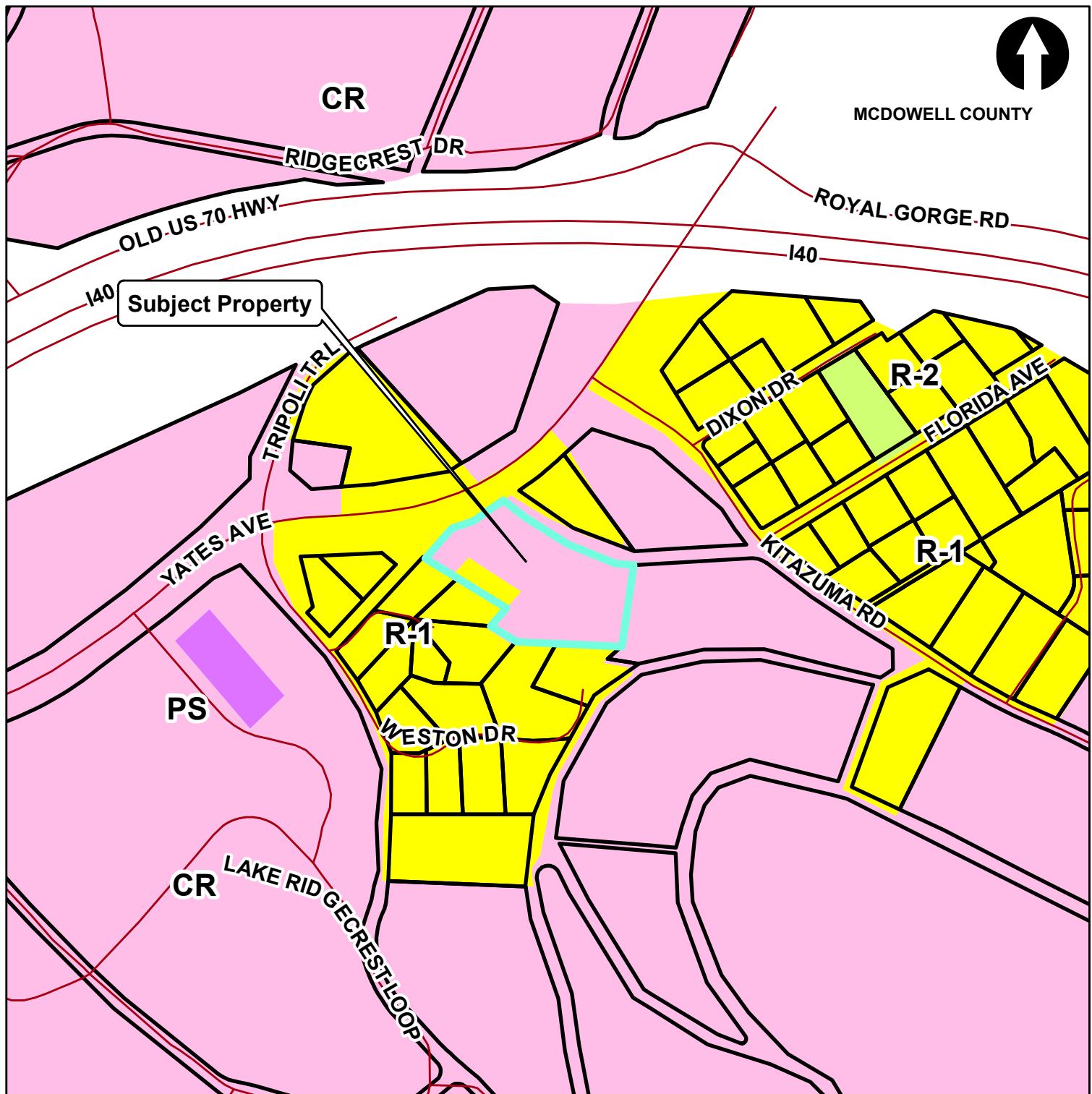
0 0.05 0.1 Miles

99999 Yates Ave
PIN 0629-76-3339

ZPH2024-00015
Sadeghianmotahar
Map Amendment

Aerial Map

Roads
 Property Boundaries

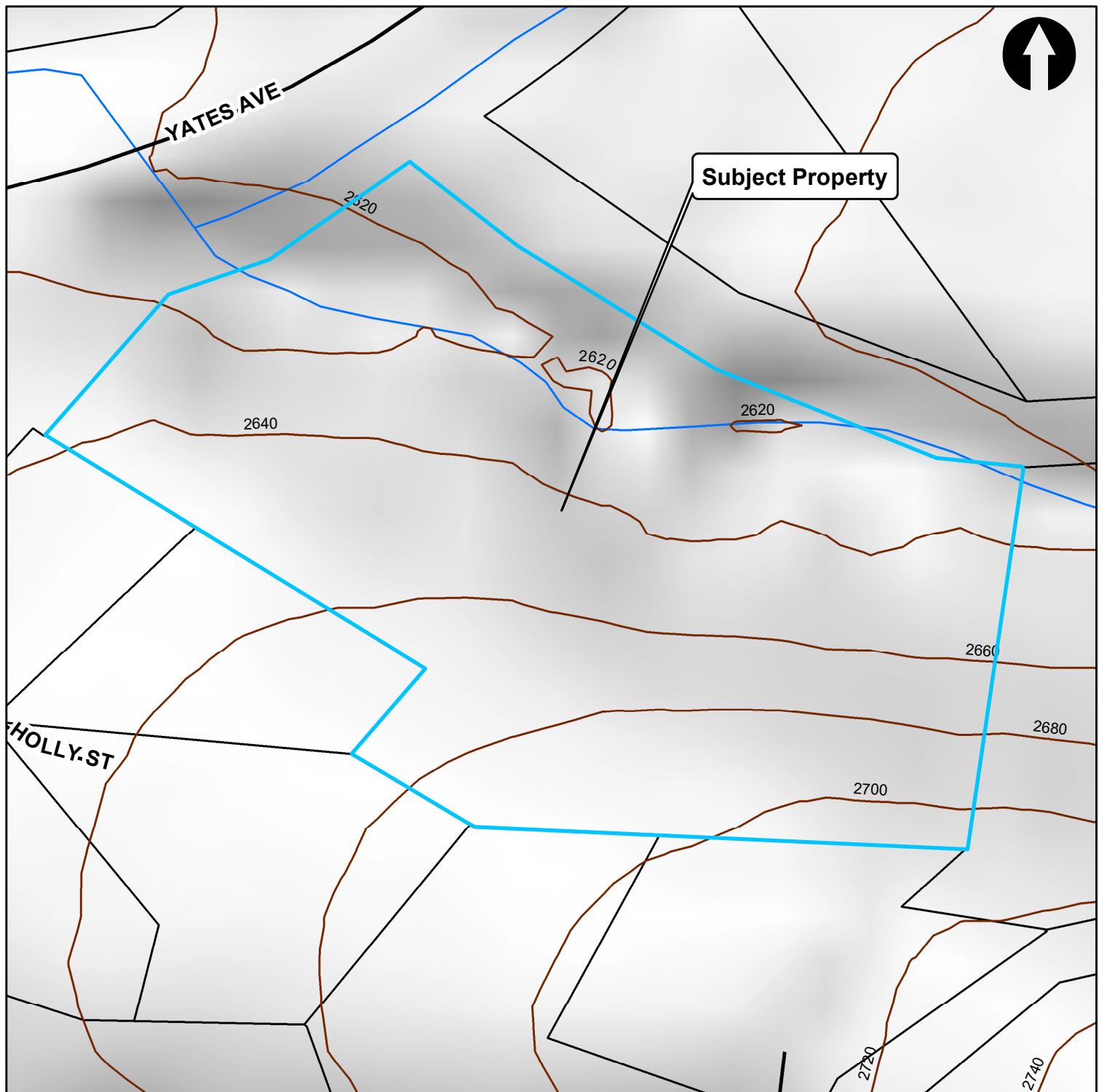


ZPH2024-00015
Sadeghianmotahar
Map Amendment

Zoning Map

Created By: Buncombe Co. Planning
 Date: 5/29/2024

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD



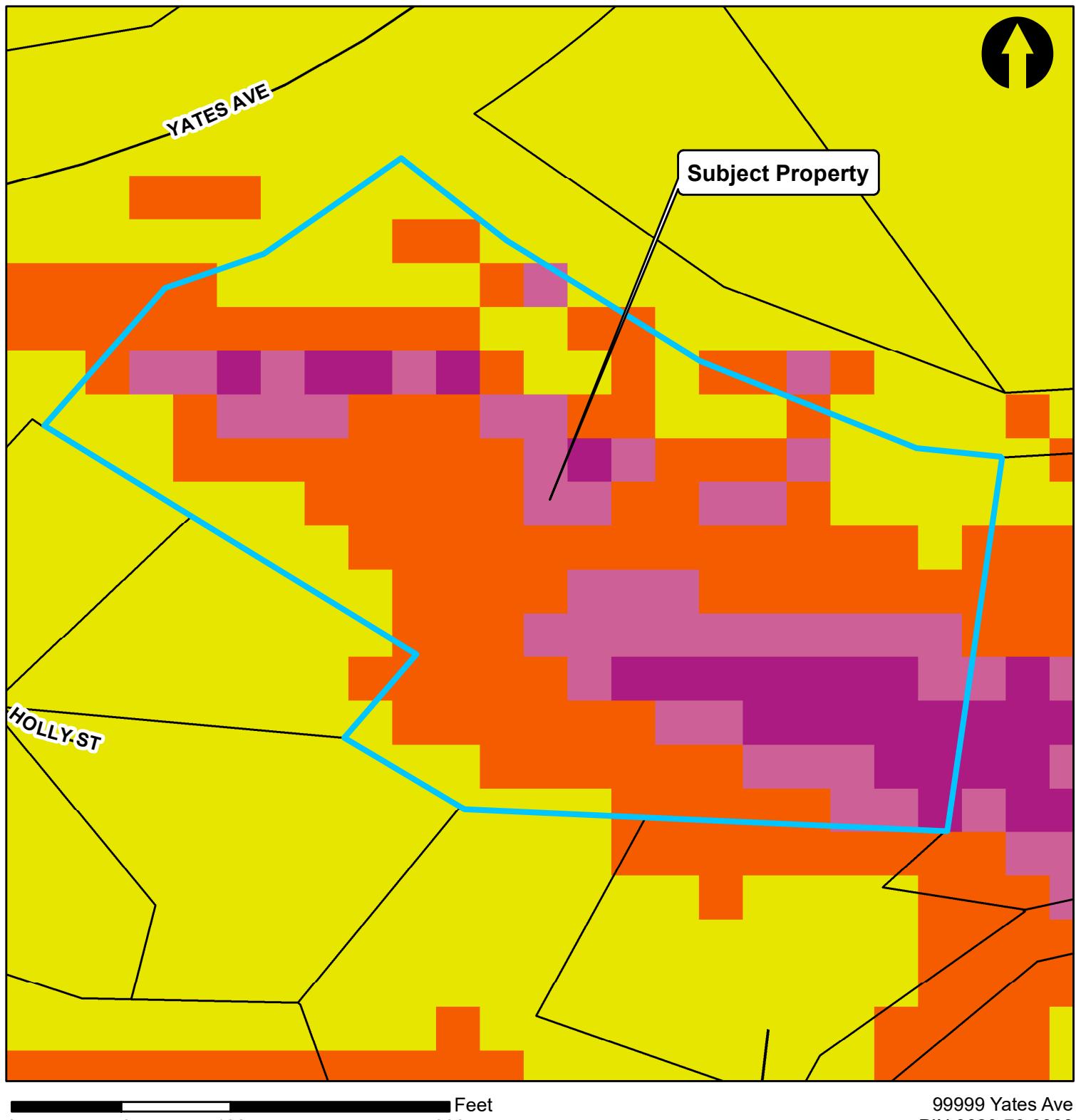
99999 Yates Ave
PIN 0629-76-3339

ZPH2024-00015
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Map Amendment

Topo Map

Created By: Buncombe Co. Planning
Date: 5/29/2024

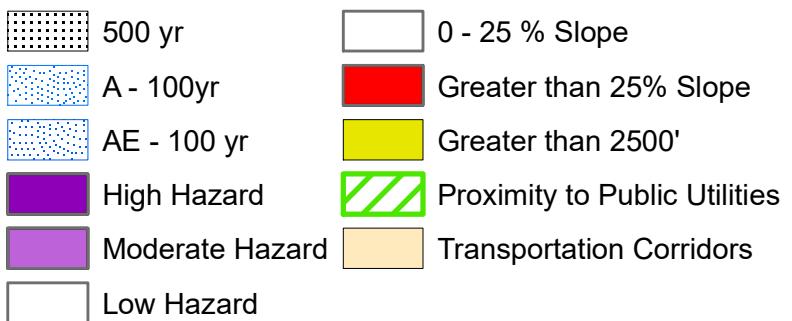
- Roads
- 20 Foot Contours
- Property Boundaries

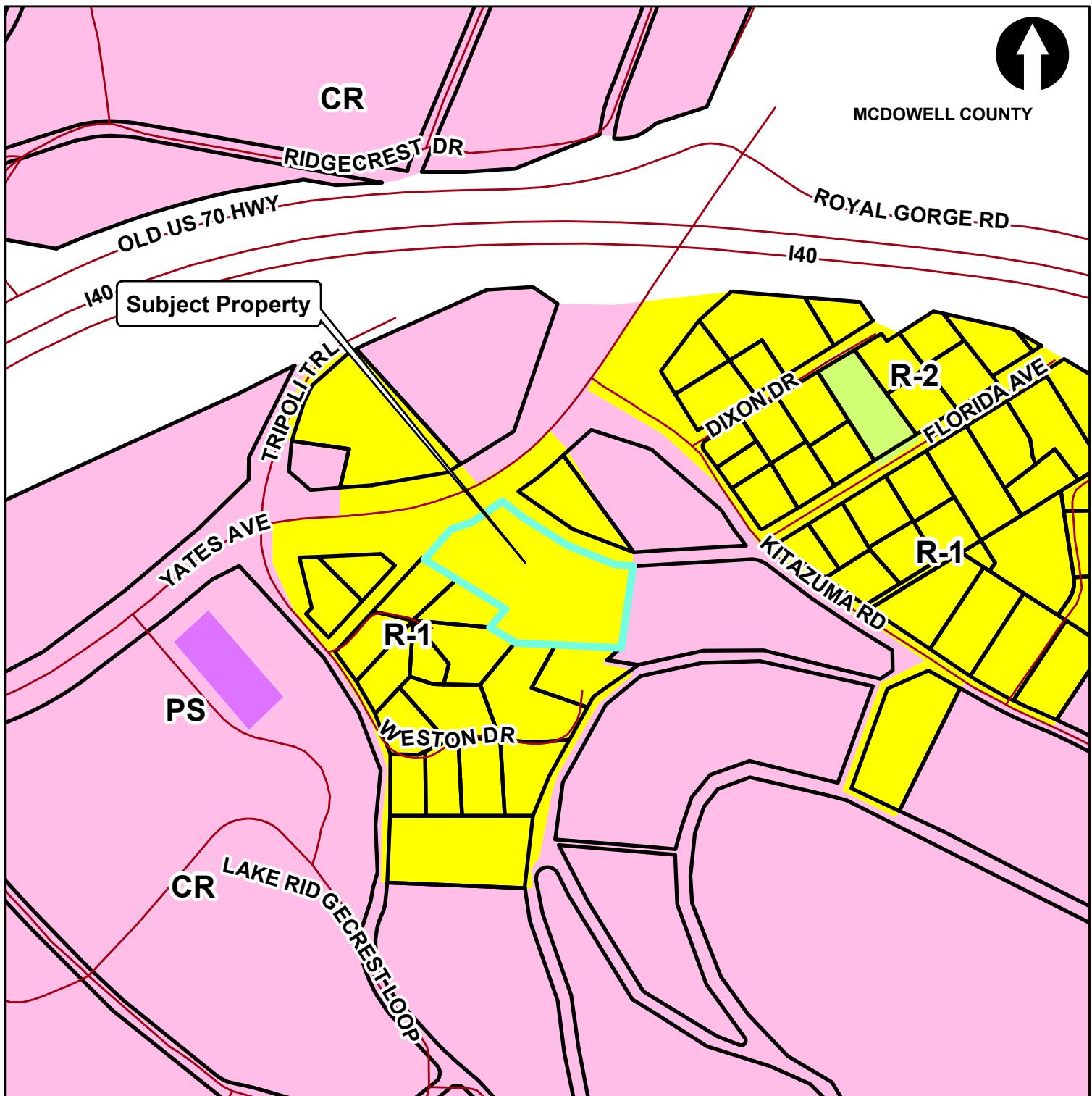


ZPH2024-00015 Sadeghianmotahar Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 5/29/2024





99999 Yates Ave
PIN 0629-76-3339

ZPH2024-00015
Sadeghianmotahar
Map Amendment

Proposed Zoning Map

Created By: Buncombe Co. Planning
Date: 5/29/2024

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD