

Buncombe County Planning Board
January 26, 2015

The Buncombe County Planning Board met January 26, 2015 in the meeting room at 30 Valley Street. Members present were Tom Alexander, Jim Young, Bernie Kessel, Greg Phillips, Josh Holmes, and Michelle Wood. Also present were Michael Frue, Staff Attorney, and Debbie Truempy and Mila White, Planning staff. Leigh DeForth, Planning staff, and Josh O'Conner, Zoning Administrator, were present for portions of the meeting.

Call to Order

Chairman Alexander called the meeting to order at 9:33am.

Approval of Revised Agenda

Mr. Kessel made a motion to approve the agenda as revised. Mr. Holmes seconded the motion and the motion was approved by unanimous vote.

Approval of Minutes (December 15, 2014)

Mr. Kessel made a motion to approve the minutes as submitted. Mr. Holmes seconded the motion and the motion passed unanimously.

Public Comment

There was no one wishing to make public comment.

Public Hearings

ZPH2014-00074: Numerous applicants applied to rezone numerous properties within the former Weaverville ETJ from Residential District R-2 to Single Family Residential District R-1.

The Board was provided with GIS maps (Attachment A) and the staff recommendation (Attachment B). Ms. Truempy reviewed the case for the Board, and indicated that the staff could not confirm that every owner involved in the map amendment had received notice of the request. Ann Bolinger was present to represent the case to the Board. Ms. Bolinger reviewed the steps the applicants had taken to inform their neighbors and the reasons the proposed map amendment had been requested. She indicated that she had only gotten a response from one neighbor indicating they did not agree with the rezoning. Chairman Alexander then opened up public comment. The following individuals spoke on behalf of the proposed map amendment:

- Fred Flaxman
- Anne Callison Stokley
- Sarah Faulkner
- Connie Kallback
- Doris Rigsby
- Keith Cook
- Julian Palien

Roya Shahrokh raised concerns with how the Planning Department stays in contact with community members and suggested that the Planning Department follow the process Weaverville follows. The Board discussed how the community was informed by the Planning Department. Chairman Alexander closed the public hearing. The Board discussed the case. Mr. Young made a motion to recommend approval of the proposed map amendment with the consistency statement provided by Attachment B, and Mr. Kessel seconded the motion and the motion carried unanimously.

ZPH2014-00075: *James A. White applied to rezone tax lot PINs 9733-40-3457 (21 Hope Rd), 9733-40-3096 (5 Hope Rd), 9733-40-0500 (33 Hope Rd), 9733-40-3296 (15 Hope Rd), 9733-40-0109 (32 Hope Rd), 9733-40-1052 (6 Hope Rd), 9733-30-8188 (40 Hope Rd), 9733-40-1232 (14 Hope Rd), 9733-30-8550 (41 Hope Rd), and 9733-40-1580 (27 Hope Rd), which are currently zoned Residential District R-3 to Single Family Residential District R-1.*

The Board was provided with GIS maps (Attachment C) and the staff recommendation (Attachment D). Ms. Truempy reviewed the case for the Board. Mr. White was present to represent the case. He indicated that the proposed R-1 zoning was consistent with the Johnson Farm Subdivision's private restrictions. There being no one wishing to make public comment, Chairman Alexander closed the public hearing. Mr. Kessel made a motion to recommend approval of the proposed map amendment with the consistency statement provided by Attachment D. Mr. Holmes seconded the motion and the motion passed unanimously.

ZPH2014-00081: *Lifeway Christian Resources & Ridgecrest Camps applied to rezone tax lot PINs 0629-58-6654 (Southeast of 14 Balsam Rd) and 0629-58-7538 (Northwest of 10 Balsam Rd), which are currently zoned Single Family Residential District R-1 to Conference Center/Resort District CR.*

The Board was provided with GIS maps (Attachment E) and the staff recommendation (Attachment F). Ms. Truempy reviewed the case for the Board. Phil Berry was present to represent the application. Mr. Berry indicated that the organization was trying to make the zoning of the subject property consistent with the other land owned by Lifeway Christian Resources and Ridgecrest Camps. He indicated that nothing large would be constructed on the property, and that additional buffering would be provided as to not impact the neighboring property owners. Mr. Berry indicated that at this time they planned to use the property for staff parking. Chairman Alexander opened the public hearing. Maureen O'Grady was present and wished to make public comment. Ms. O'Grady, who resides across the street from the subject property, raised concerns regarding the proposed map amendment. She indicated that traffic during the season the camp was open was an issue, and that she did not understand why the camp had to expand onto the properties in question. Mr. Berry indicated that the camp had addressed the neighbors' concerns regarding traffic and that campers would be dropped off in a different location this season. There was discussion regarding what buffers would be required. The Board further discussed the proposed map amendment. Ms. Wood made a motion to recommend approval of the map amendment with the consistency statement

provided in Attachment F. Mr. Phillips seconded the motion and the motion passed unanimously.

ZPH2014-00079: *William F. Church applied on behalf of Songbird Development Group, LLC to rezone tax lot PINs 9743-13-7139 (35 Monticello Rd) and 9743-13-7072 (33 Monticello Rd), which are currently zoned Residential District R-3 to Commercial Service District CS.*

ZPH2014-00082: *Bruce C. Jones applied on behalf of the Ada E. Gibbs Estate to rezone tax lot PIN 9743-13-7520 (31 Monticello Rd), which is currently zoned Residential District R-3 to Commercial Service District CS.*

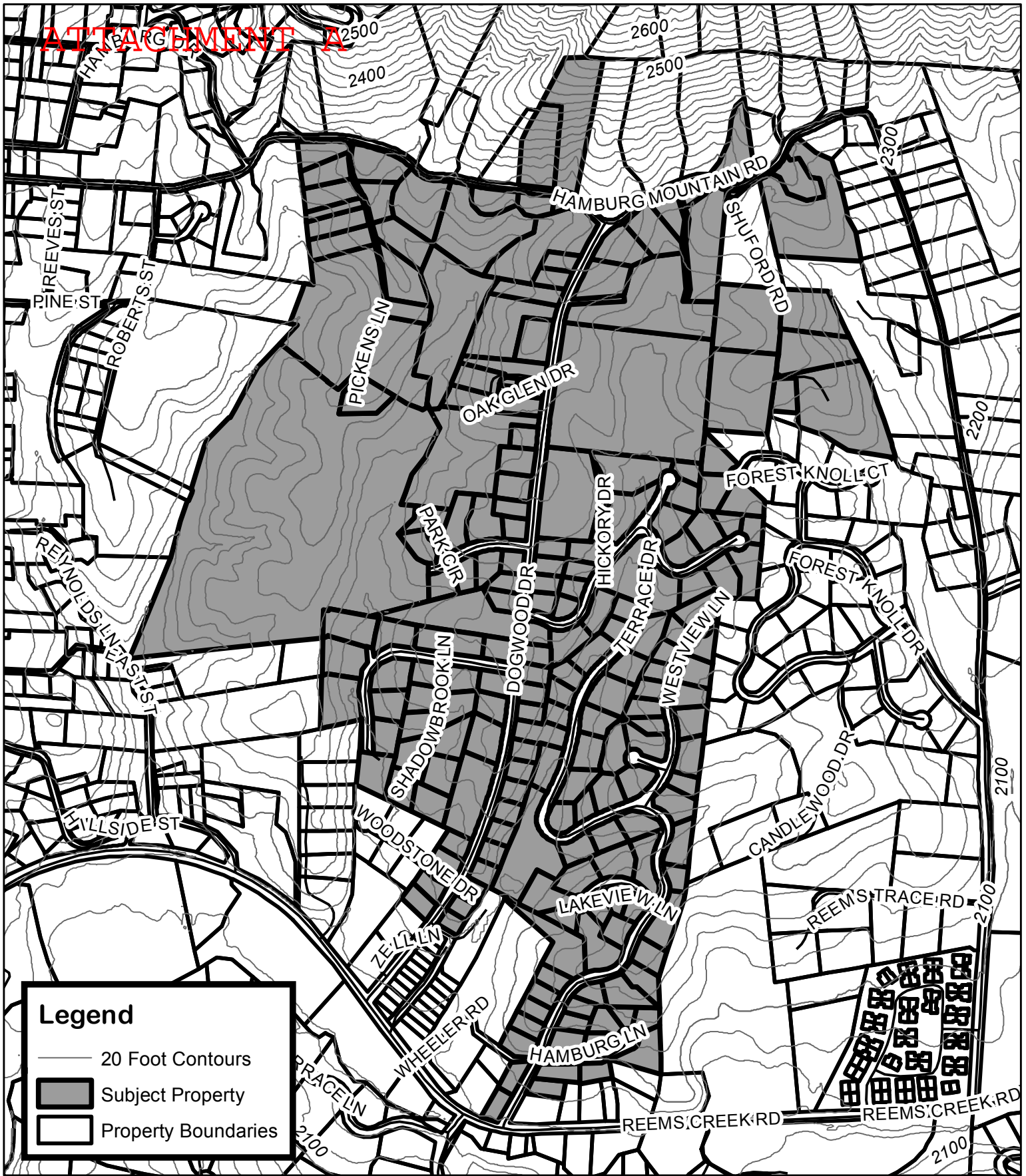
The Board was provided with GIS maps (Attachment G) and the staff recommendation (Attachment H). Ms. Truempy reviewed the case for the Board. William F. Church and Bruce Jones were present to represent the applications. Mr. Church indicated that they wished to use the property to the highest and best use. Mr. Jones indicated that he wished to use the property for a mixed use development. Chairman Alexander opened the public hearing. Diane Vanderlin was present and indicated that she would like to speak. She stated that she wished to see a plan for what exactly they wished to construct. She stated that she had a large problem with the property adjacent to hers being zoned commercial. Robert Hensley was present and indicated that he agreed that the Songbird Development property and the front part of the Gibbs property should be commercial but that the back part of the Gibbs tract should not be rezoned. As there was no one else wishing to speak, Chairman Alexander closed the public hearing. The Board discussed the two proposed rezonings. Mr. Phillips commented that the front section of the Gibbs property could be rezoned and the back part of the property could remain R-3. After further discussion of rezoning a portion of the Gibbs property or the whole tract, Chairman Alexander indicated that if the Board desired to do something other than what the application states, the applicant would have to submit a new application. Mr. Holmes said the Board should go back to looking at this as two separate applications. The Board could approve Songbird Development so that they could move forward and consider Gibbs Estate separately. Chairman Alexander confirmed that it was the desire of the Board to consider the items separately. Mr. Jones expressed the desire to be considered at the same time as the Songbird application.

Mr. Phillips made a motion to recommend approval of ZPH2014-00079 with the consistency statement provided in Attachment H. Mr. Holmes seconded the motion, and the motion passed unanimously.

Mr. Holmes made a motion to recommend approval of ZPH2014-00082 with the consistency statement provided in Attachment H. Mr. Young seconded the motion. Prior to calling for a vote, Chairman Alexander polled the members as to their intention to approve or deny. Seeing that the motion to recommend approval would fail, Mr. Jones asked to table the application. Mr. Holmes withdrew his motion to approve and Mr. Young agreed to the withdrawal. Mr. Holmes then made a motion to table the application until the first Planning Board meeting in March. Mr. Young seconded the motion, and the motion passed unanimously.

Adjournment

There being no further business, Mr. Holmes made a motion to adjourn the meeting. Mr. Kessel seconded the motion and the motion passed unanimously. The meeting was adjourned at 11:10 am.



Former Weaverville ETJ, Various Applicants

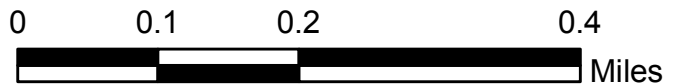
Map Amendment

Case Number: ZPH2014-00074

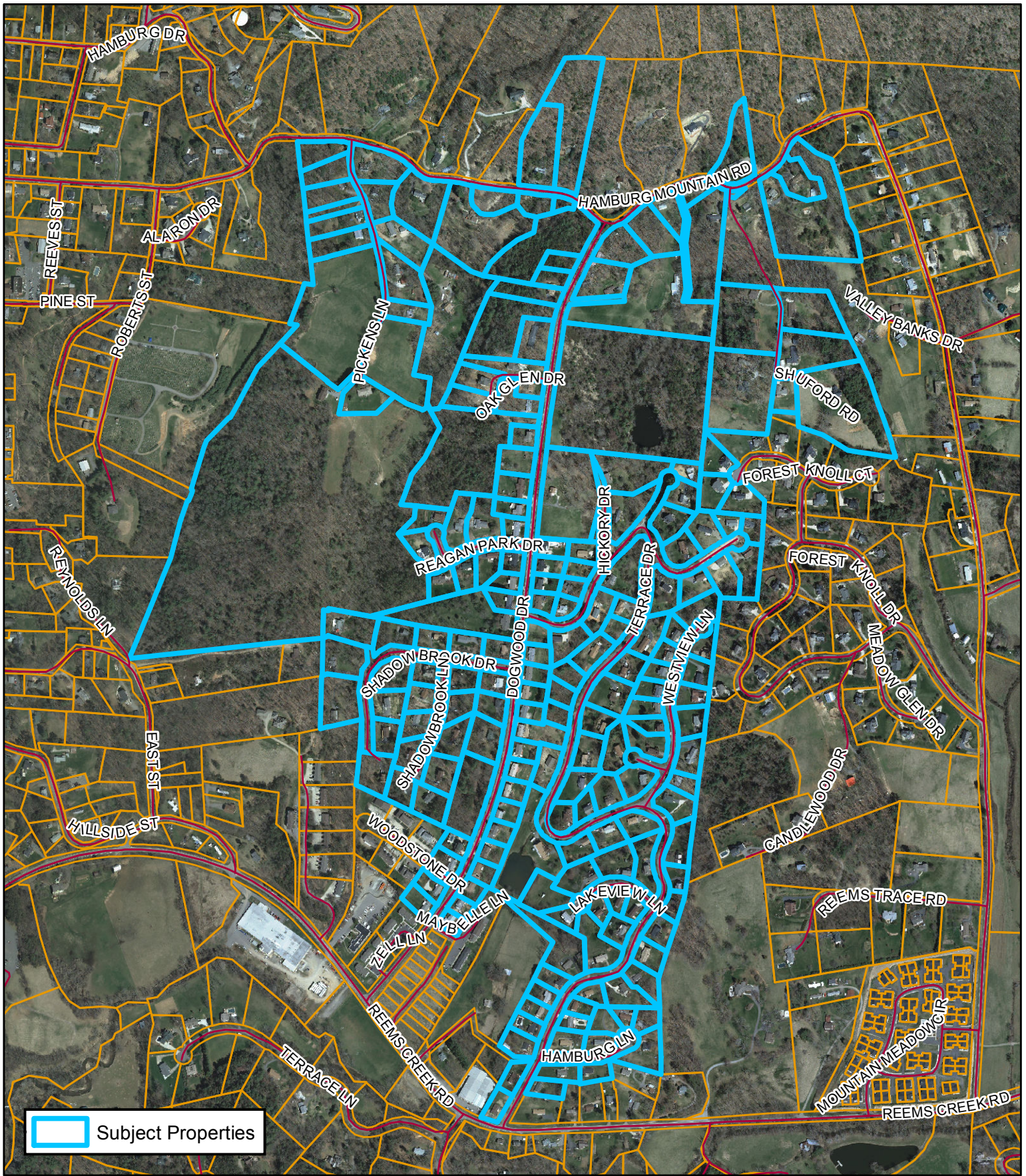
Approximate Property Size: 253.29 acres

Application Date: October 14, 2014

Planning Board Hearing Date: January 26, 2015



Created By: Buncombe County Planning
Date: January 13, 2015



**Former Weaverville ETJ, Various Applicants
Map Amendment**

Case Number: ZPH2014-00074

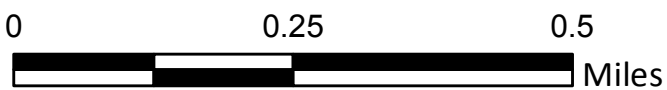
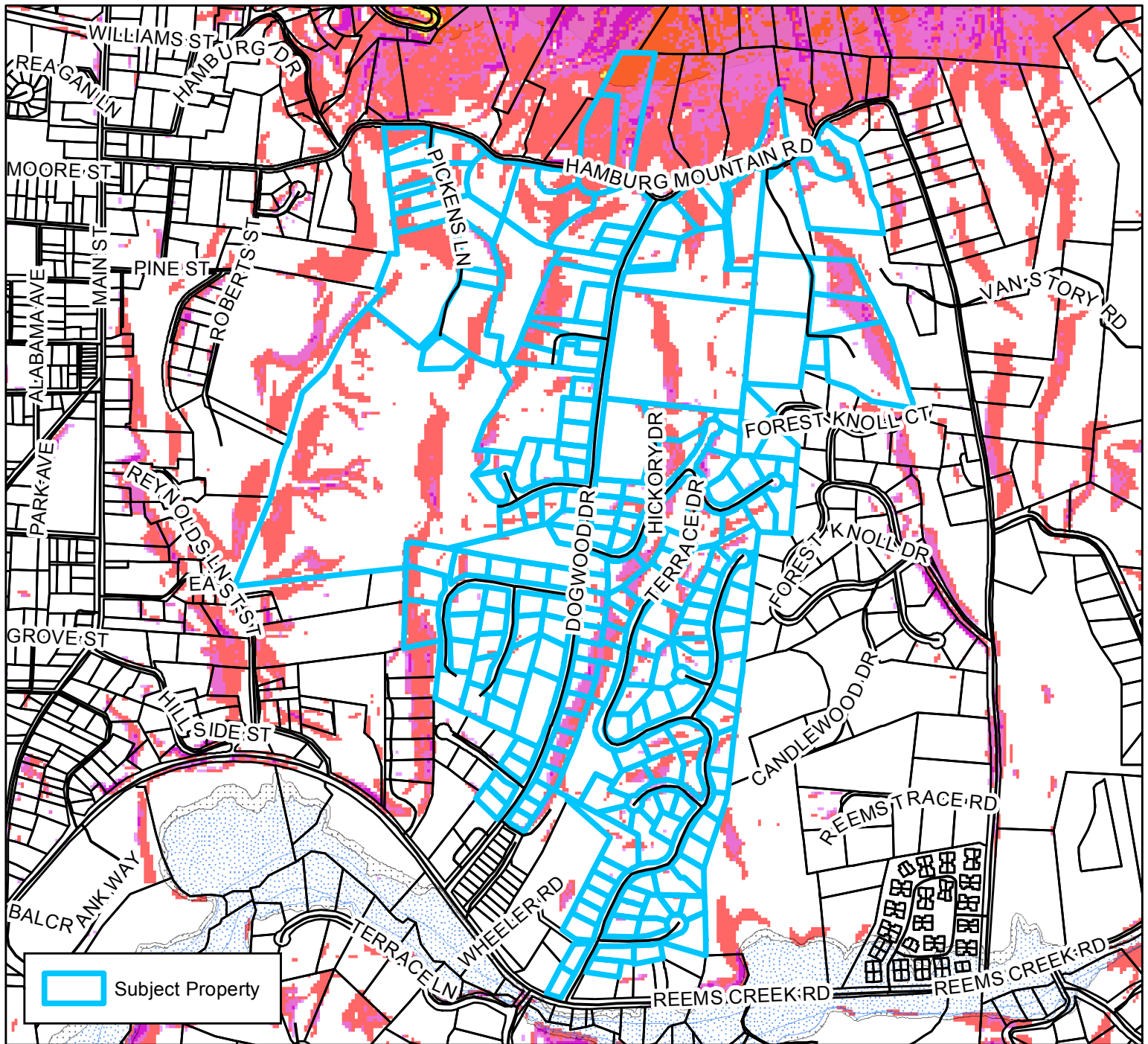
Approximate Property Size: 253.29 acres

Application Date: October 14, 2014

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Created By: Buncombe County Planning
Date: January 13, 2015

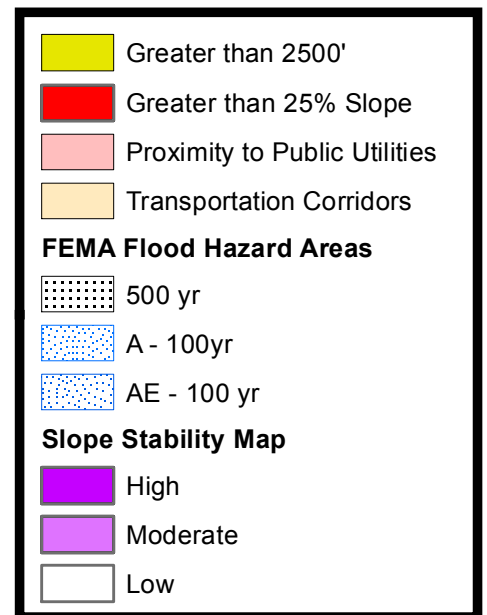


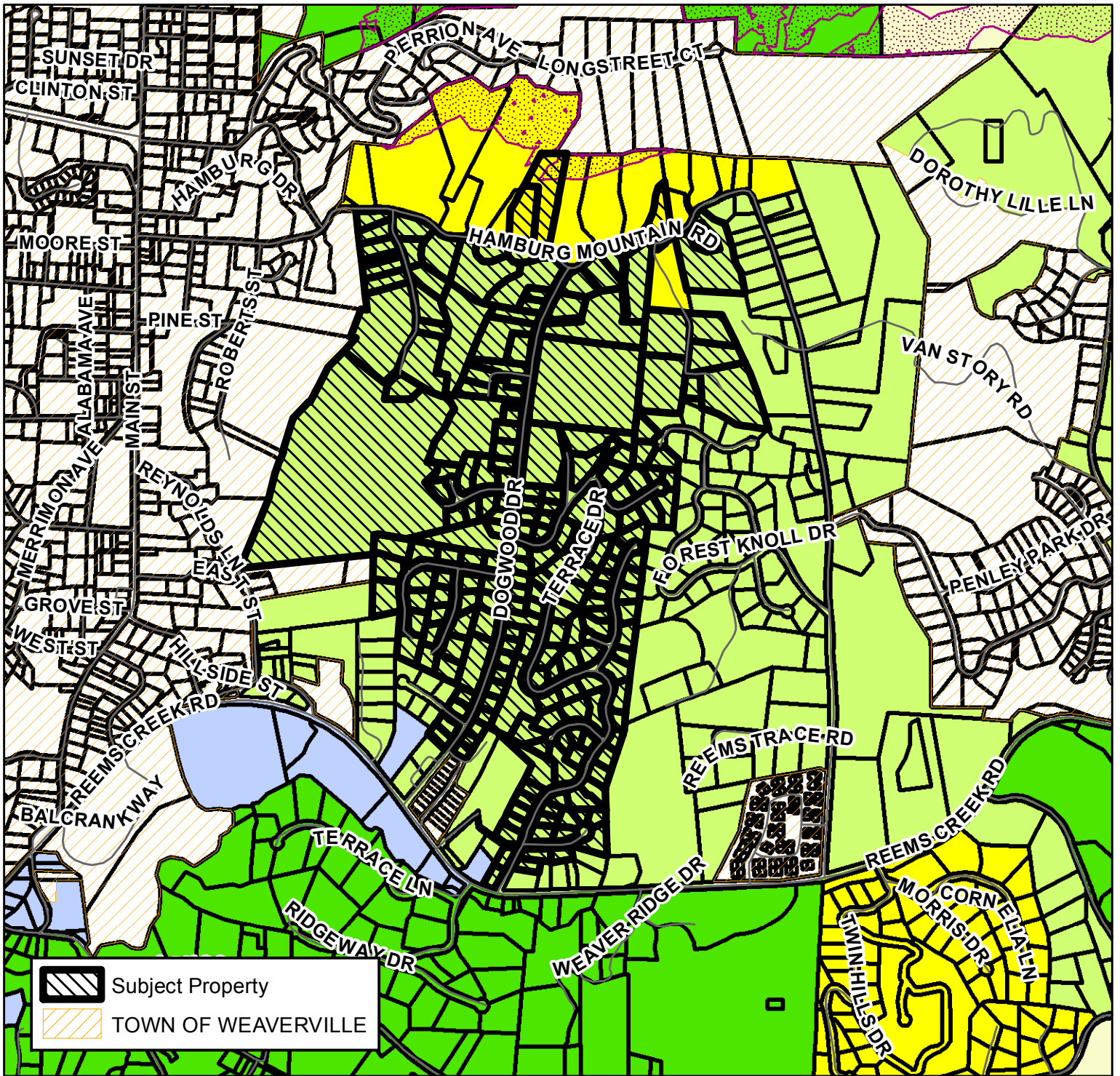
Former Weaverville ETJ, Various Applicants Map Amendment

Case Number: ZPH2014-00074
 Approximate Property Size: 253.29 acres
 Application Date: October 14, 2014
 Planning Board Hearing Date: January 26, 2015



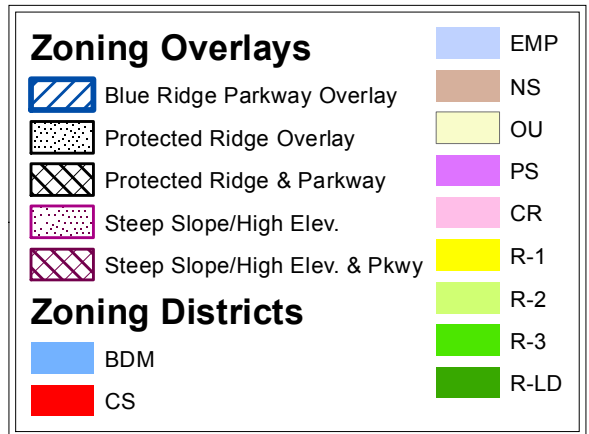
Created By: Buncombe County Planning
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Former Weaverville ETJ, Various Applicants Map Amendment

Case Number: ZPH2014-00074
 Approximate Property Size: 253.29 acres
 Application Date: October 14, 2014
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Created By: Buncombe County Planning
 Date: January 13, 2015

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00074
 PROPOSED ZONING CHANGE : R-2 TO R-1
 LOCATION : FORMER WEAVERVILLE ETJ/
 : REEMS CREEK ROAD (SEE GIS MAPS)
 PINS : SEE AGENDA
 APPLICANTS : VARIOUS (SEE AGENDA)
 OWNERS : SEE FILE

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 applicants are requesting the rezoning of 215 parcels from R-2 (Residential District) to R-1 (Single-Family Residential District). The subject area was previously within the Town of Weaverville's Extra Territorial Jurisdiction. The subject area contains a variety of residential uses and undeveloped property.

Staff has recommended the approval of the request with the caveat that detailed information is not available on each parcel and several property owners did not provide consent to the application submitted, this recommendation should be weighed carefully against the acknowledgement and consent of individual land owners to account for the fact that on-the-ground assessments of individual parcels could contradict the findings within this recommendation.

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:

- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.
- The area is characterized by lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be outside high elevations (2,500' +), has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps, is not

within a flood hazard area, and is characterized by lower-density residential uses. Additionally, the majority of the lots currently contain low density residential uses. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY 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:

- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.
- The area is characterized by lower-density residential uses.

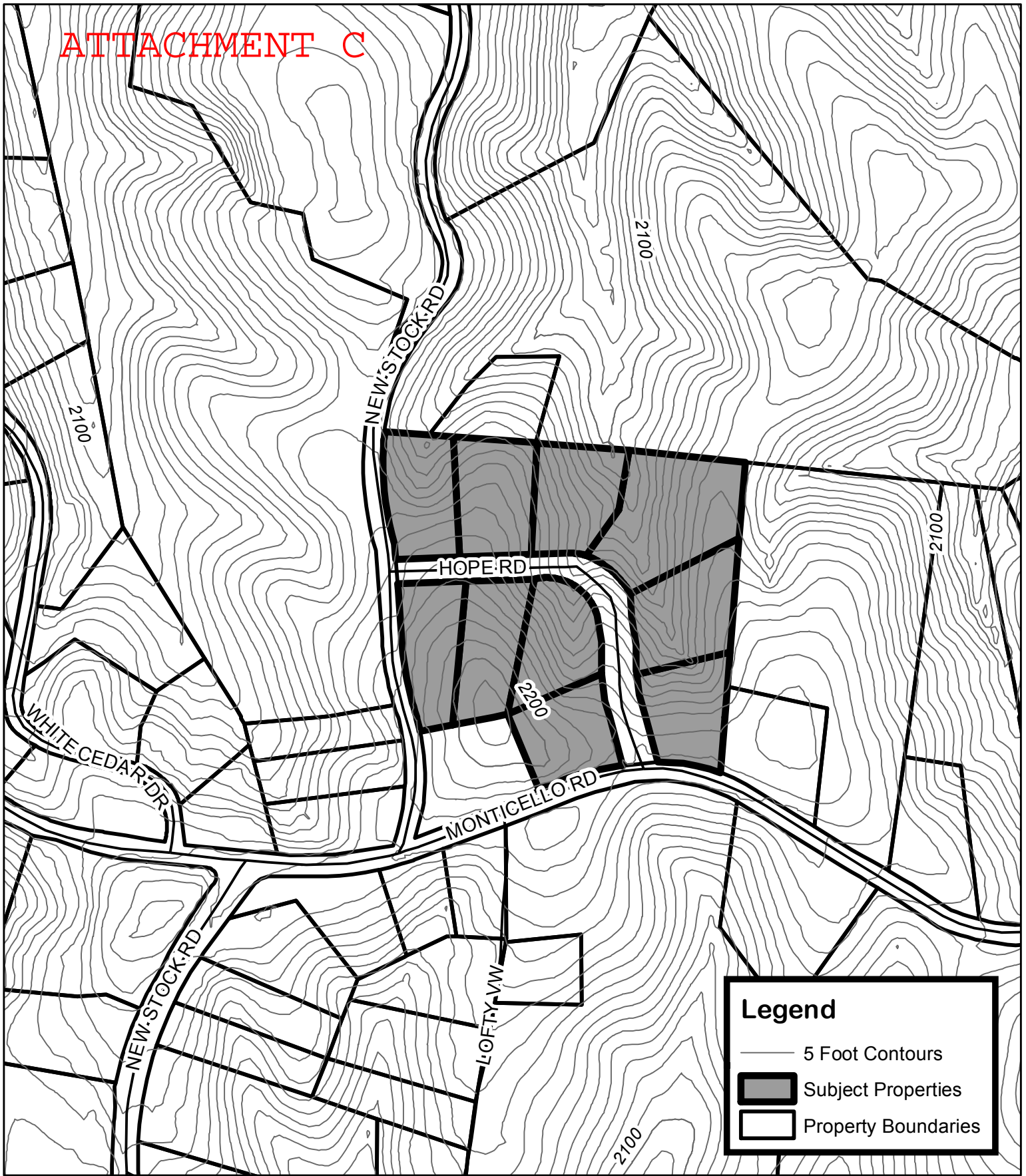
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Consistent (denial): The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.
- The area is characterized by lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be outside high elevations (2,500' +), has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps, is not within a flood hazard area, and is characterized by lower-density residential uses. Therefore the proposed map amendment could be appropriate, however the proposed zoning would be inconsistent with surrounding property zoned R-2. The proposed map amendment would also be detrimental to the owners, adjacent neighbors, and surrounding community as the proposed zoning is not consistent with the surrounding properties. Therefore, the requested zoning would **not be reasonable and in the public interest**.

ATTACHMENT C



James A. White Map Amendment

Case Number: ZPH2014-00075
Approximate Property Size: 8.79 acres
Application Date: December 3, 2014
Planning Board Hearing Date: January 26, 2015

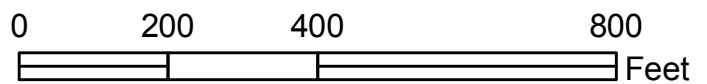


Created By: Buncombe County Planning
Date: December 30, 2014

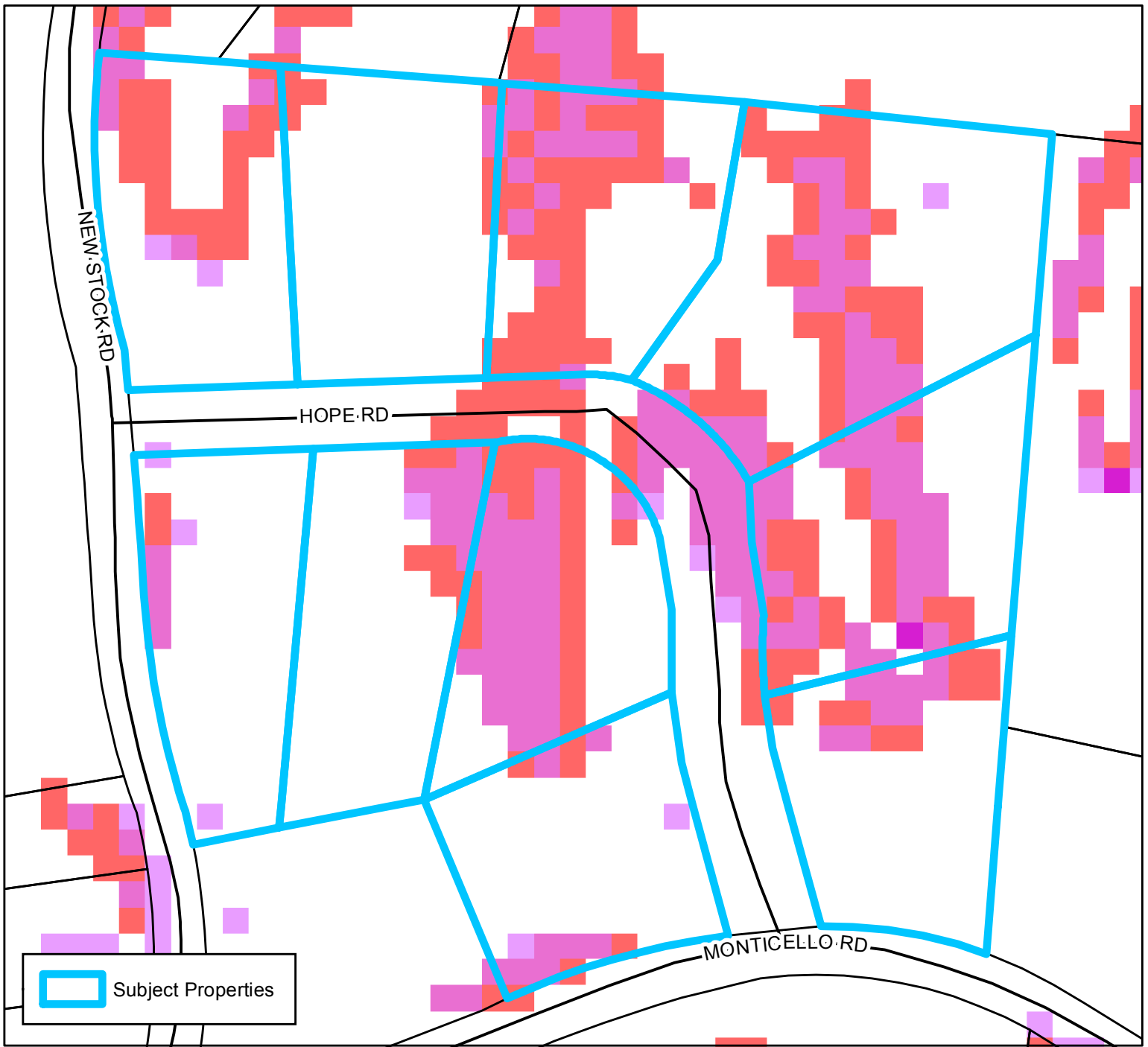



James A. White
Map Amendment

Case Number: ZPH2014-00075
Approximate Property Size: 8.79 acres
Application Date: December 3, 2014
Planning Board Hearing Date: January 26, 2015



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

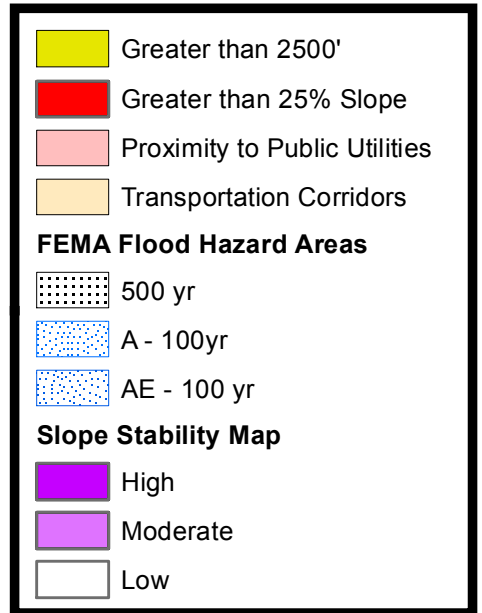


 Subject Properties

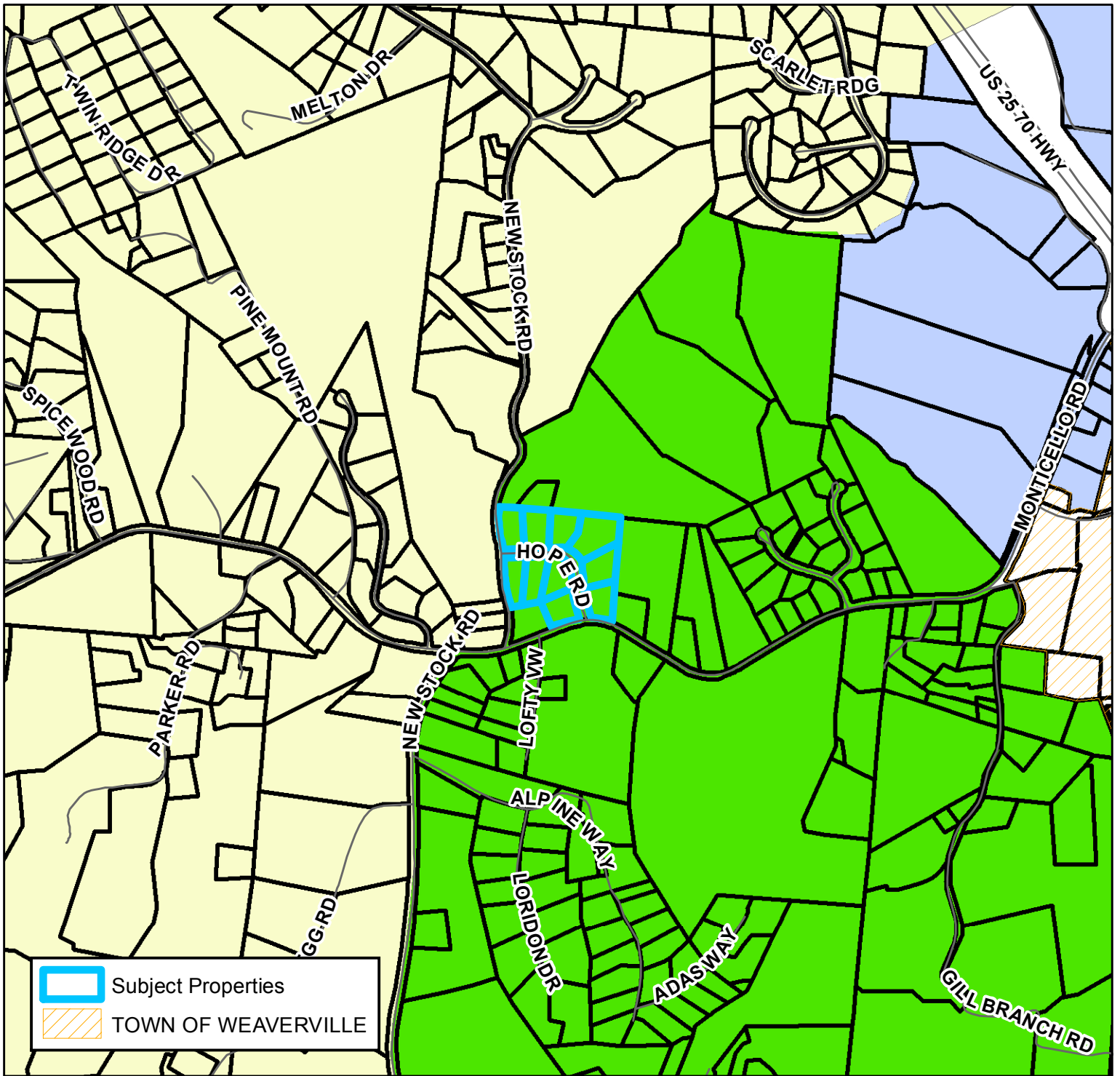


**James A. White
Map Amendment**

Case Number: ZPH2014-00075
 Approximate Property Size: 8.79 acres
 Application Date: December 3, 2014
 Planning Board Hearing Date: January 26, 2015

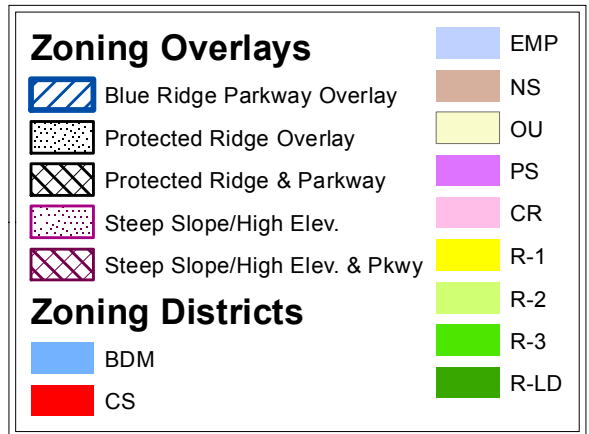
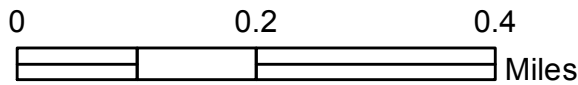


Created By: Buncombe County Planning
 Date: December 30, 2014



James A. White Map Amendment

Case Number: ZPH2014-00075
 Approximate Property Size: 8.79 acres
 Application Date: December 3, 2014
 Planning Board Hearing Date: January 26, 2015



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

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00075
 PROPOSED ZONING CHANGE : R-3 to R-1
 LOCATION : Hope Road
 PINs : See Agenda

APPLICANT: James A White
 27 Hope Road
 Weaverville, NC 28787

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 10 parcels from R-3 (Residential District) to R-1 (Single-Family Residential District). The subject property was previously within the Town of Weaverville's Extra Territorial Jurisdiction. The subject property makes up the homes within the Johnson Farm Subdivision. The properties currently contain single family homes.

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:

- The property is not within high elevations (2,500'+).
- The property is not within flood hazard areas.
- The property is comprised of lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be located outside of the flood hazard area and not within high elevations. Additionally, the lots currently contain low density residential uses. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY 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:

- The property is not within high elevations (2,500'+).
- The property is not within flood hazard areas.
- The property is comprised of lower-density residential uses.

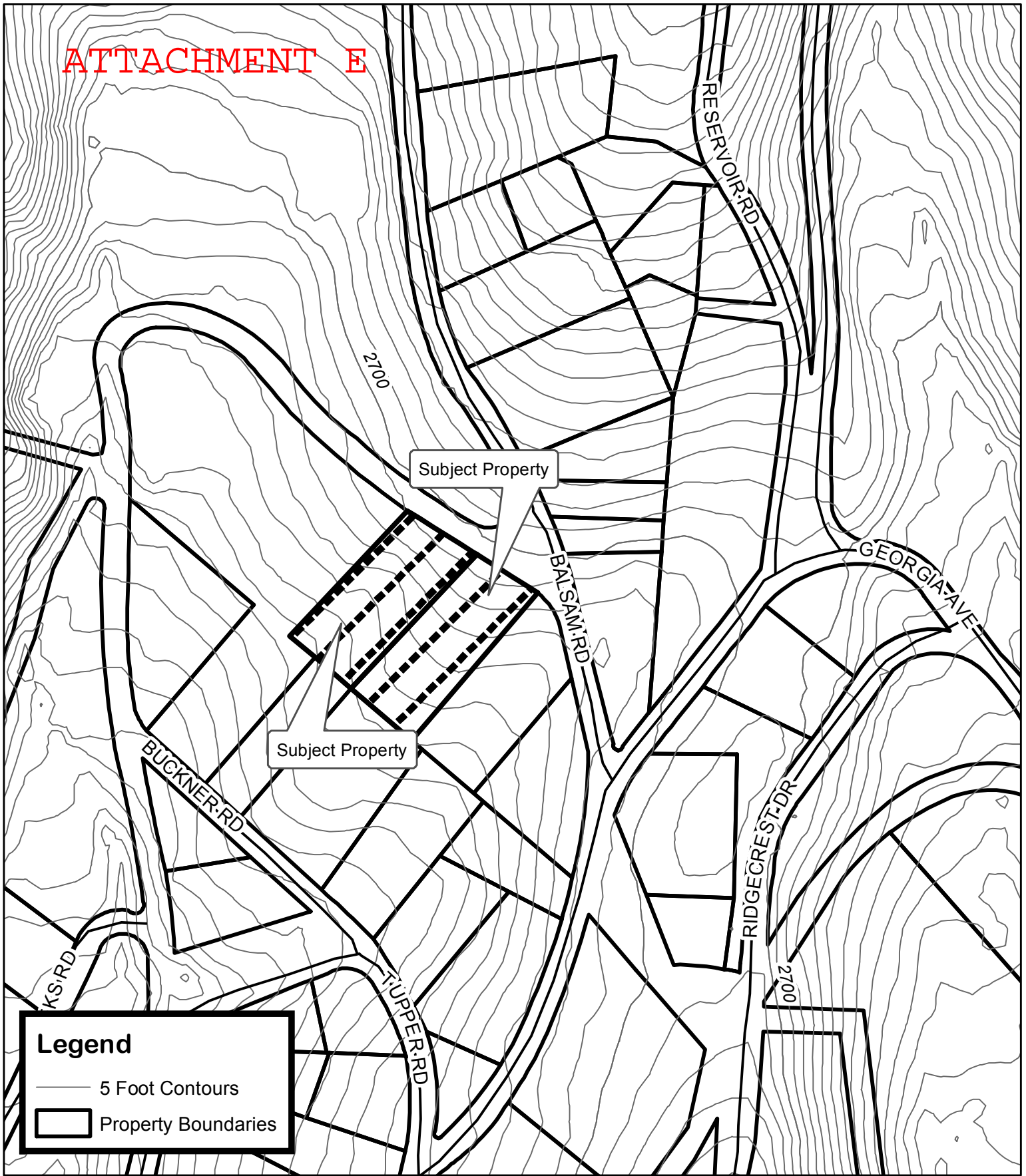
As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be located outside of the flood hazard area and not within high elevations. Additionally, the lots currently contain low density residential uses. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore, the requested zoning would be **reasonable and in the public interest**.

Consistent (denial): 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:

- The property is not within high elevations (2,500'+).
- The property is not within flood hazard areas.
- The property is comprised of lower-density residential uses.

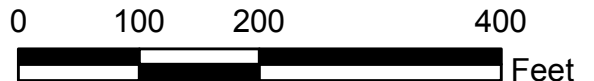
As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be located outside of the flood hazard area and outside flood hazard areas. Additionally, the lots currently contain low density residential uses. Therefore the proposed map amendment could be appropriate. However, the proposed zoning would be inconsistent with surrounding property zoned R-3. The proposed map amendment would also be detrimental to the owners, adjacent neighbors, and surrounding community as the proposed zoning is not consistent with the surrounding properties. Therefore, the requested zoning would **not be reasonable and in the public interest**.

ATTACHMENT E



Lifeway Christian Resources Map Amendment

Case Number: ZPH2014-00081
Approximate Property Size: 1.02 acres
Application Date: December 18, 2014
Planning Board Hearing Date: January 26, 2015



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



Lifeway Christian Resources

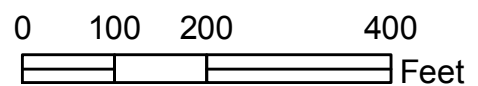
Map Amendment

Case Number: ZPH2014-00081

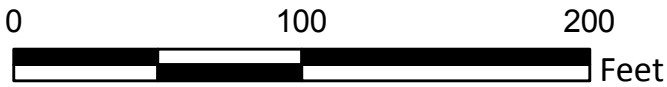
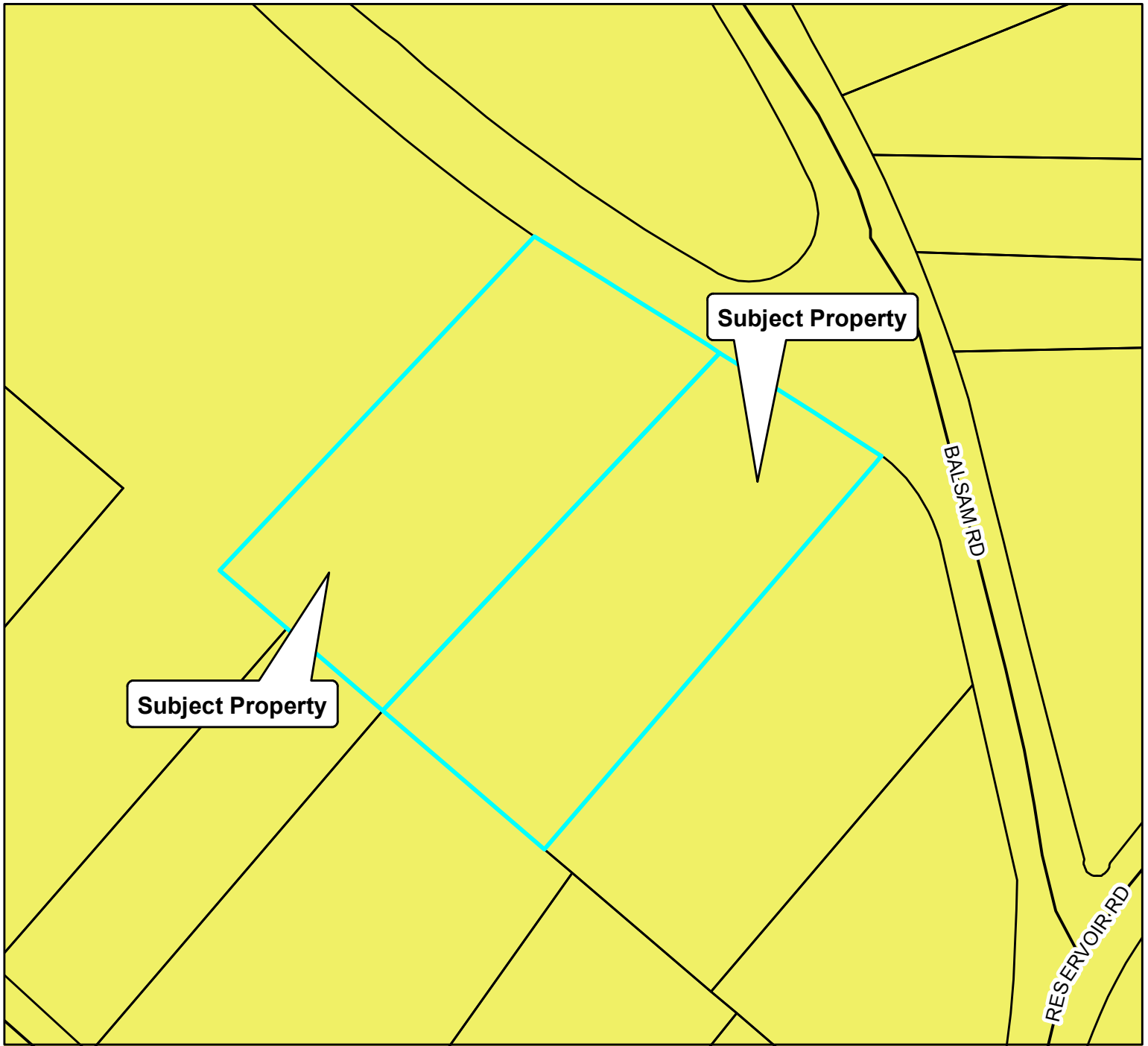
Approximate Property Size: 1.02 acres

Application Date: December 18, 2014

Planning Board Hearing Date: January 26, 2015



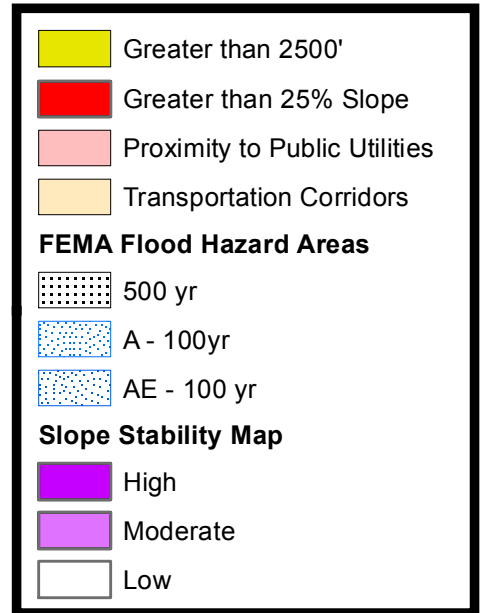
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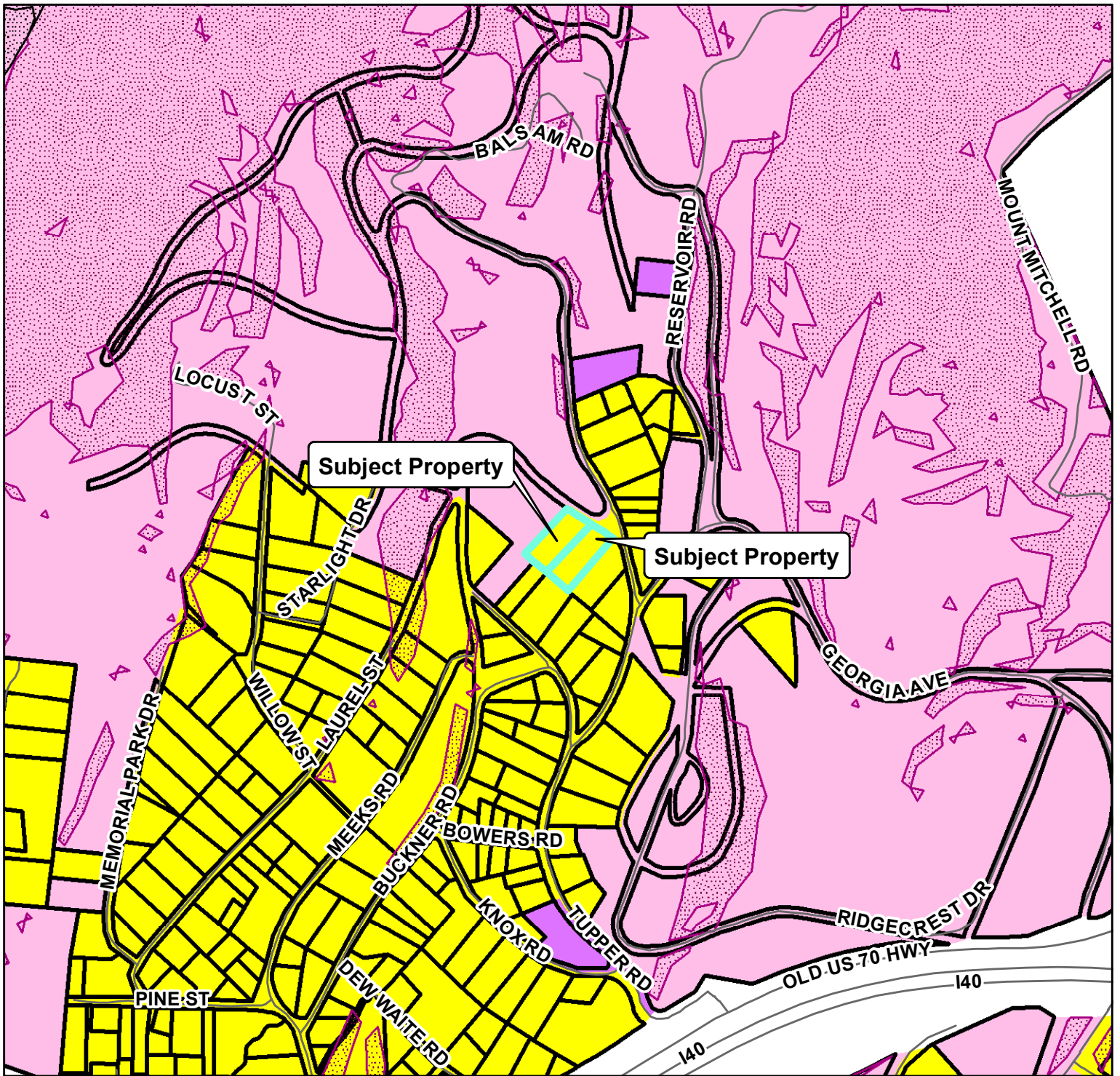


Lifeway Christian Resources Map Amendment

Case Number: ZPH2014-00081
 Approximate Property Size: 1.02 acres
 Application Date: December 18, 2014
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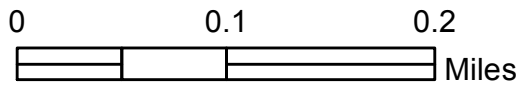
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Lifeway Christian Resources Map Amendment

Case Number: ZPH2014-00081
 Approximate Property Size: 1.02 acres
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Zoning Overlays		Zoning Districts	
	Blue Ridge Parkway Overlay		EMP
	Protected Ridge Overlay		NS
	Protected Ridge & Parkway		OU
	Steep Slope/High Elev.		PS
	Steep Slope/High Elev. & Pkwy		CR
	BDM		R-1
	CS		R-2
			R-3
			R-LD

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

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00081
PROPOSED ZONING CHANGE : R-1 to CR
LOCATION : Balsam Road
PINs : 0629-58-6654
: 0629-58-7538

APPLICANT/OWNER: Lifeway Christian Resources
1 Lifeway Plaza
Nashville, TN 37234

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 from R-1 (Single-Family Residential District) to CR (Conference Center/Resort District). The subject property is located on Balsam Road. The property is currently vacant. The property is located within the Ridgecrest Conference Center and is surrounded by uses within the conference center and some single family homes owned by individual property owners.

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:

- The property is outside moderate and high slope stability hazards.
- The property is outside flood hazard areas.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that conference centers allowed in the CR zoning district be located outside of the flood hazard area and outside moderate and high slope stability hazards the proposed map amendment could be appropriate. Additionally, the Buncombe County Comprehensive Land Use Plan, 2013 Update indicated that the Resort/Conference center district should be created for the accommodation of large-scale resort, retreat, or conference centers and their unique land uses (Buncombe County Comprehensive Land Use Plan, 2013 Update, Section 6: Issues and Recommendations, pg 70). The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties and adjacent to the CR zoning district. Therefore the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY 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:

- The property is outside moderate and high slope stability hazards.
- The property is outside flood hazard areas.

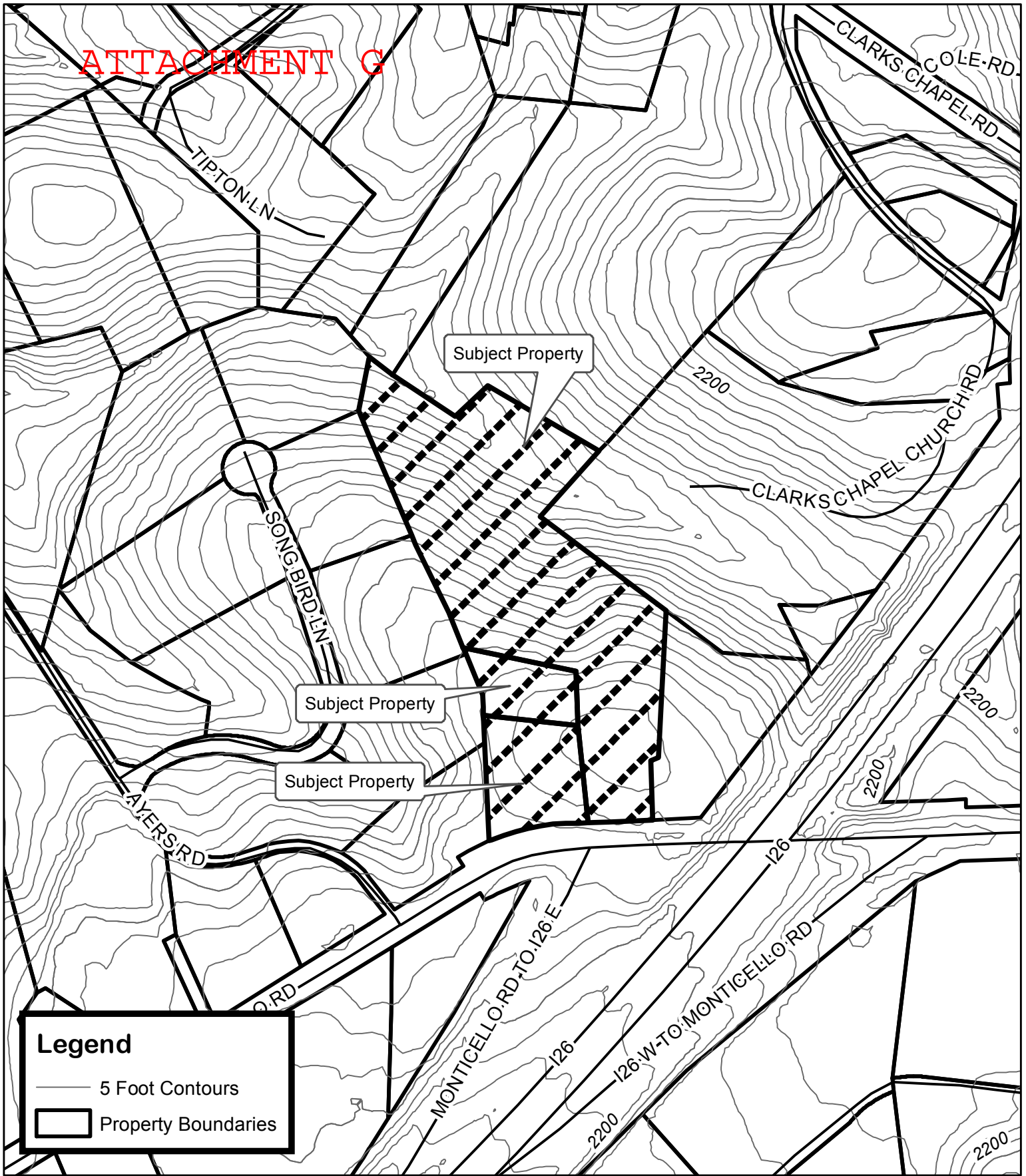
As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that conference centers allowed in the CR zoning district be located outside of the flood hazard area and outside moderate and high slope stability hazards the proposed map amendment could be appropriate. Additionally, the Buncombe County Comprehensive Land Use Plan, 2013 Update indicated that the Resort/Conference center district should be created for the accommodation of large-scale resort, retreat, or conference centers and their unique land uses (Buncombe County Comprehensive Land Use Plan, 2013 Update, Section 6: Issues and Recommendations, pg 70). The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with surrounding community and adjacent to the CR zoning district. Therefore, the requested zoning would be **reasonable and in the public interest**.

Not Consistent: The proposed map amendment is **not 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:

- The property is not located within reasonable proximity to a transportation corridor
- The property is not located outside of high elevations (2,500'+)
- The property is not located within reasonable proximity to infrastructure (combined water/sewer service area)

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that conference centers allowed within the CR zoning district have proximity to infrastructure, proximity to a designated transportation corridor, and be located outside higher elevations, the proposed map amendment would not be appropriate. It would also be detrimental to the owners, adjacent neighbors, and surrounding community as it is not consistent with the surrounding residential properties. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.

ATTACHMENT C



Songbird Development Group, LLC & Bruce C. Jones Map Amendment

Case Number: ZPH2014-00079 & -00082
Approximate Property Size: 6.95 acres
Application Date: December 15 & 23, 2014
Planning Board Hearing Date: January 26, 2015



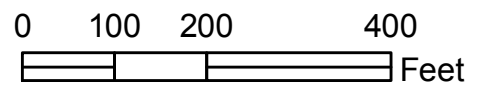
Created By: Buncombe County Planning
Date: December 30, 2014



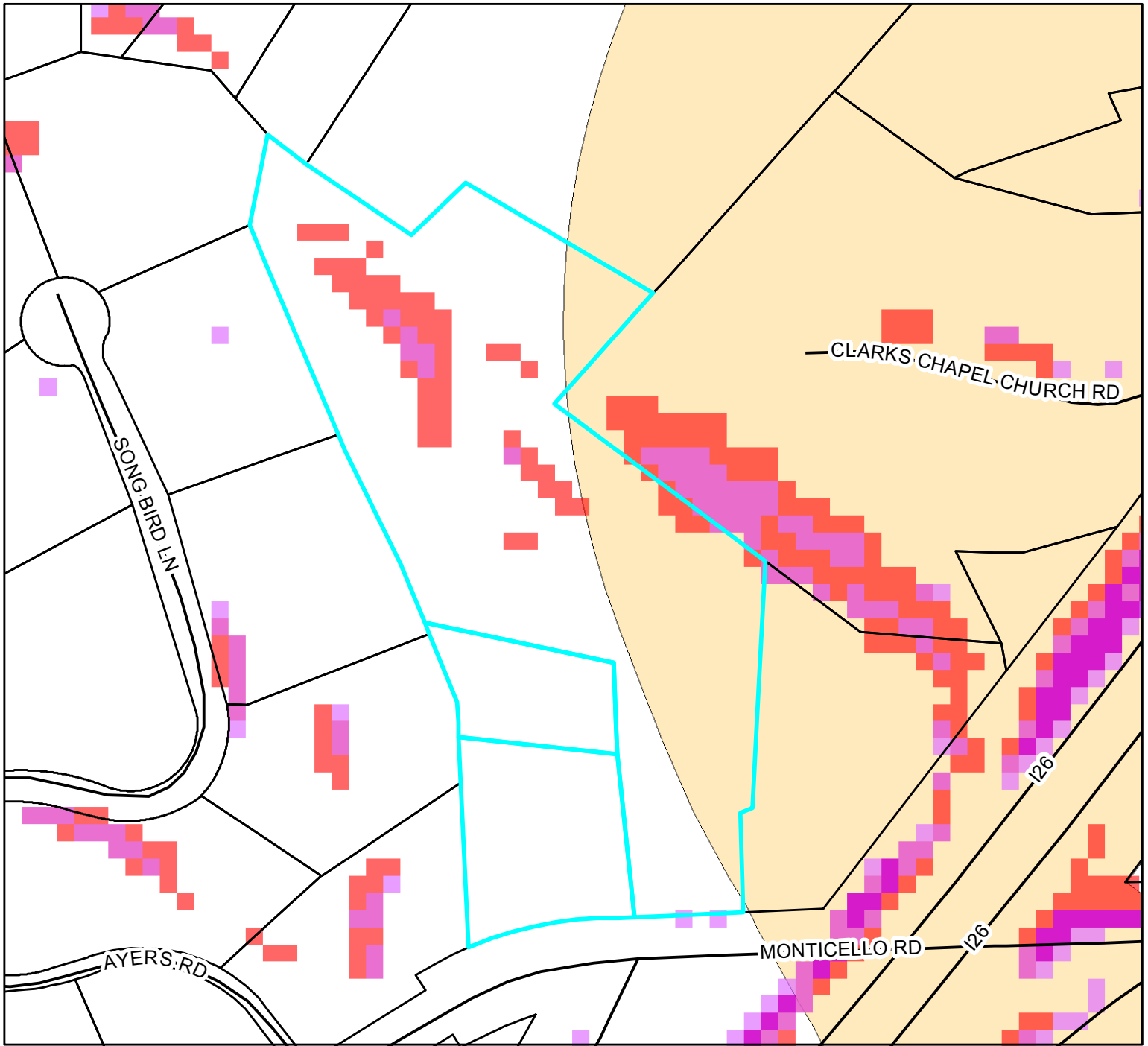
Songbird Development Group, LLC & Bruce C. Jones

Map Amendment

Case Number: ZPH2014-00079 & -00082
Approximate Property Size: 6.95 acres
Application Date: December 15 & 23, 2014
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Created By: Buncombe County Planning
Date: December 30, 2014

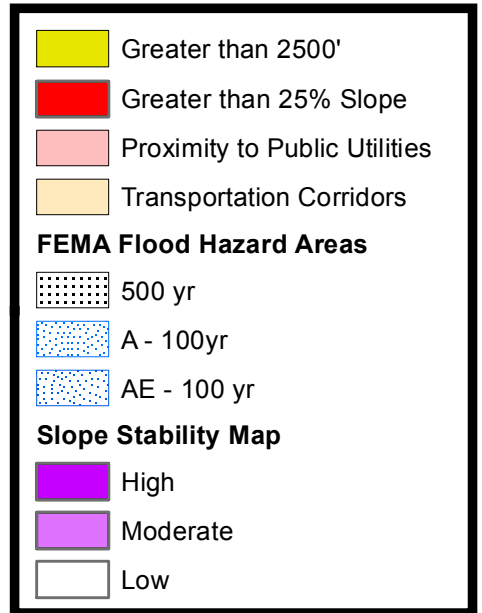


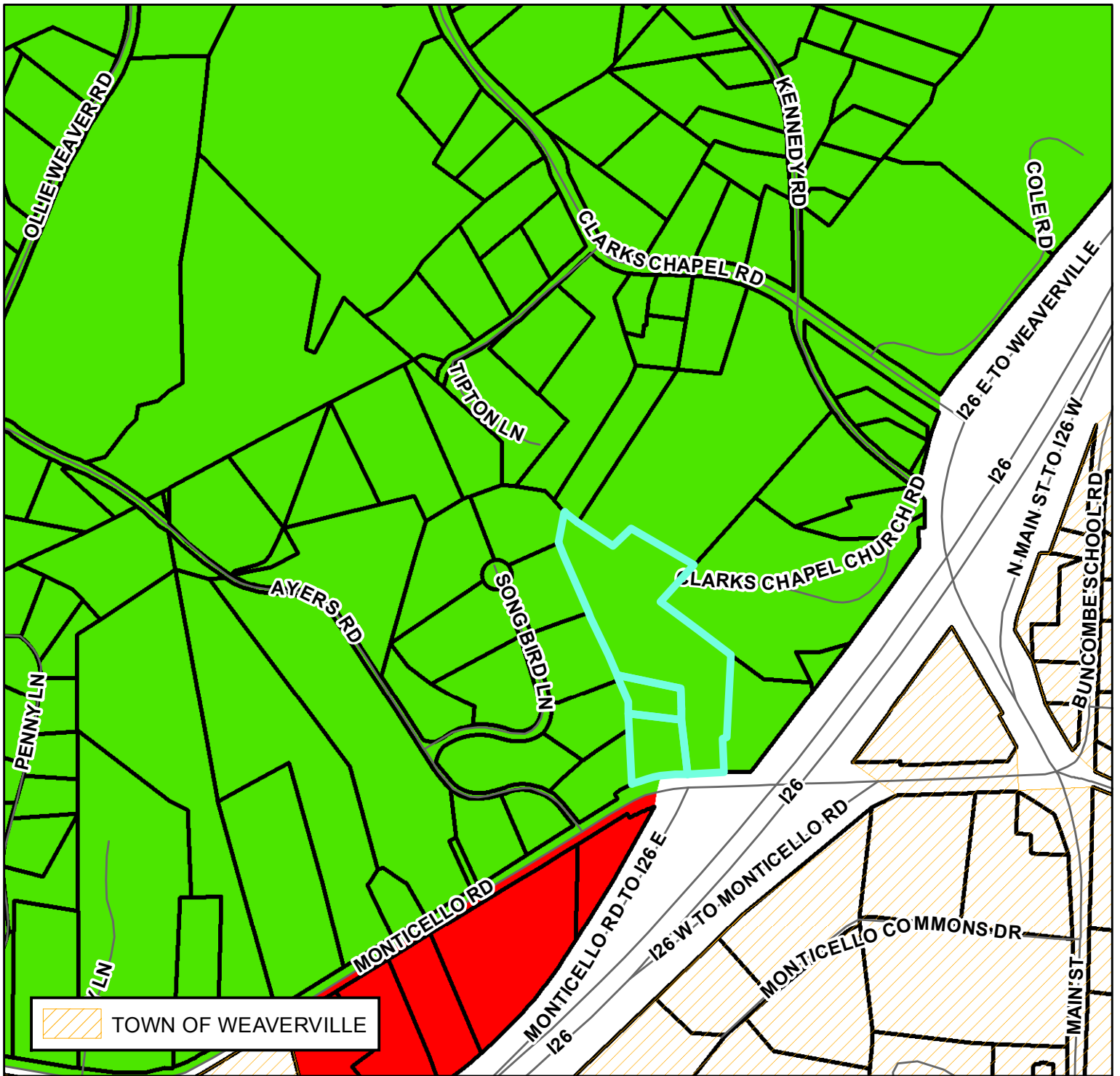
**Songbird Development Group, LLC
& Bruce C. Jones
Map Amendment**

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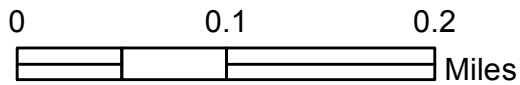


Created By: Buncombe County Planning
 Date: December 30, 2014





Songbird Development Group, LLC & Bruce C. Jones Map Amendment



Case Number: ZPH2014-00079 & -00082
 Approximate Property Size: 6.95 acres
 Application Date: December 15 & 23, 2014
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Zoning Overlays		Zoning Districts	
	Blue Ridge Parkway Overlay		EMP
	Protected Ridge Overlay		NS
	Protected Ridge & Parkway		OU
	Steep Slope/High Elev.		PS
	Steep Slope/High Elev. & Pkwy		CR
	BDM		R-1
	CS		R-2
			R-3
			R-LD

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

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00079 AND ZPH2014-00082
PROPOSED ZONING CHANGE : R-3 TO CS
LOCATION : 31, 33, AND 35 MONTICELLO ROAD
PINS : 9743-13-7139
: 9743-13-7072
: 9743-13-7520

APPLICANTS: BRUCE C JONES FOR ADA F GIBBS ESTATE
WILLIAM F. CHURCH

OWNERS: SONGBIRD DEVELOPMENT GROUP LLC
PO BOX 220
WEAVERVILLE, NC 28787

RUDENA G LIGON
1121 OAKLAND ROAD
FOREST CITY, NC 28403

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 are requesting the rezoning from R-3 (Residential District) to CS (Commercial Service District). The subject property is 3 tracts toatling 6.95 acres located on the north side of Monticello Road near its intersection with I-26. The properties currently contain a manufactured home, a warehouse building, and a single family home. The area is characterized by residential development to the north with commercial development zoned R-3 and CS along Monticello Road.

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:

- The property is within a transportation corridor.
- The property is not within high elevations (2,500' +).
- The property is not within a flood hazard area.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the commercial uses allowed in the CS zoning district be within a transportation corridor, located outside of the flood hazard area, and outside high elevations. Therefore,

the proposed map amendment could be appropriate. Additionally, the property is adjacent to an office building zoned R-3 and near a commercial area adjacent to I-26. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore, the Buncombe County Department of Planning and Development recommends approval of the request.

LAND USE PLAN CONSISTENCY 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:

- The property is within a transportation corridor.
- The property is not within high elevations (2,500' +).
- The property is not within a flood hazard area.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that the commercial uses allowed in the CS zoning district be within a transportation corridor, located outside of the flood hazard area, and outside high elevations. Therefore, the proposed map amendment could be appropriate. Additionally, the property is adjacent to an office building zoned R-3 and near a commercial area adjacent to I-26. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with surrounding the community. Therefore, the requested zoning would be **reasonable and in the public interest**.

Not Consistent: The proposed map amendment is **not 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:

- The property does not have reasonable proximity to infrastructure (combined water/sewer service area).
- The property does contain moderate and high slope stability hazards.
- The property is adjacent to lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends commercial uses allowed in the CS zoning district have proximity to infrastructure, be outside moderate and high slope stability hazards, and be separated from low density residential uses, the proposed map amendment would not be appropriate. It would also be detrimental to the owners, adjacent neighbors, and surrounding community as it is not consistent with the surrounding residential properties. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.