

**Buncombe County Planning Board
June 18, 2018**

The Buncombe County Planning Board met on June 18, 2018 in the meeting room at 30 Valley Street. Members present were Gene Bell, Nancy Waldrop, David Rittenberg, Parker Sloan, Robert Martin, Dusty Pless, and Thad Lewis. Also present were Brandon Freeman, Staff Attorney; Debbie Truempy and Savannah Gibson, Planning staff.

Call to Order

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

Approval of Agenda

Dusty Pless made a motion to approve the agenda. The motion was seconded by David Rittenberg and passed unanimously.

Approval of Minutes (June 4, 2018)

David Rittenberg made a motion to approve the June 4, 2018 meeting minutes. The motion was seconded by Dusty Pless and passed unanimously.

Subdivision Review – Preliminary Plan Approval:

SUB2018-00196:

Mike Lovoy of Advantage Civil Engineering, on behalf of Jeff Tacy of Delta Express, Inc. was seeking major subdivision approval of 95 lots for the project identified as Lance Road Subdivision and located on tax lot PIN 9633-98-0985 and 9633-99-7123 (Ledbetter Rd).

Debbie Truempy presented the application and staff conditions to the Board. Mike Lovoy of Advantage Civil Engineering and Jeff Tacy of Delta Express were present to answer Board questions. Information was provided about grading, infrastructure, maintenance, buffering, vegetation, right-of-way, Avery Creek itself, as well as the construction timeline. Additionally, information was provided about the existing bridge to the property and work with DWQ and FEMA. Gene Bell opened the meeting to public comment.

Public comment

- Cindy Dearman of Arden spoke on behalf of nearby property owners. She related that neighbors are concerned about wildlife protection, traffic flow, noise pollution, and buffering.
- Mary Rollins lives on a farm adjacent to the property and was concerned about traffic in and out of the development.
- Clay Vick, a nearby property owner, wondered how construction equipment would get in and out of the development. Mike Lovoy assured that they would minimize construction impact.

Nancy Waldrop made a motion to approve the preliminary plan with staff conditions. The motion was seconded by Dusty Pless and passed unanimously.

Public Hearing – Zoning Map Amendment:

ZPH2018-00025:

Nathan Best of She-Can, LLC applied to zone one (1) parcel identified as tax lot PIN 9633-61-6102 (southeast of 9 Entrekin Ln) which is currently unzoned and to rezone one (1) parcel identified as tax lot PIN 9633-61-2496 (9 Entrekin Ln) which is currently zoned Employment (EMP) to Residential (R-3).

Debbie Truempy presented the application and staff recommendation of approval. John Kinnaird and Nathan Best were present to answer Board questions. They said that the existing manufactured home park was zoned out of conformance when the County was zoned 10 years ago. They want to add additional manufactured home spaces and be brought into compliance. They provided information about housing and affordable living as well as infrastructure. Gene Bell opened the meeting to public comment.

Public Comment

- Roxanna Vess who resides in the manufactured home park expressed safety concerns for people who live there as well as access to the new lots. Both Nathan Best and John Kinnaird said that there would most likely be another road to access the new lots and to bring in equipment and that the existing roads would stay safe.

Parker Sloan made a motion to recommend approval of the application as it is consistent with the Comprehensive Land Use Plan. The motion was seconded by Dusty Pless and passed unanimously.

Adjourn

The meeting was adjourned at 10:26 a.m.

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

CASE NUMBER:	ZPH2018-00025
PROPOSED ZONING CHANGE:	EMP to R-3
LOCATION:	Entrekin Ln.
PIN:	9633-61-6102 & 9633-61-2496
APPLICANT:	Nathan Best
OWNER:	She-Can, 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 zoning of one (1) parcel comprising approximately 2.0 acres located southeast of 9 Entrekin Lane which is currently unzoned and the rezoning of one (1) parcel comprising approximately 18.8 acres located at 9 Entrekin Lane which is currently zoned Employment (EMP) to Residential District (R-3). The property currently contains a 50 space manufactured home park. The parcel to the north of the subject property contains a single-family residence zoned Employment (EMP) and Neighborhood Service (NS). The properties to the east and south are located in Mills River and contain a mix of industrial, agricultural, and HUD labeled manufactured and site-built residential uses zoned MR-MU, which is similar to Buncombe County's Open Use District. Properties to the west contain a single-family home and a gas station zoned NS. Properties located across Brevard Road contain single-family homes zoned R-1 and a vacant tract zoned NS. The applicant is seeking to zone the subject parcels to R-3 in order to bring the existing manufactured home park into compliance with the Zoning Ordinance and to ultimately expand the park in the future.

The subject parcels are not currently adjacent to R-3 Zoning, but given the fact that the property contains a nonconforming use for its current zoning designation, a portion of the property is unzoned, and the property is adjacent to the MR-MU designation within Mills River, staff feels that the request is appropriate. Additionally, the downzoning would allow an expansion of a residential use while limiting any future commercial/industrial development.

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 located on an identified major transportation corridor.
- The subject property is not located within the combined water/sewer service area, but is served by a wastewater treatment system approved by NCDEQ Water Resources.

- The subject property does contain an area near the southern property line identified as steep slope (greater than 25%).
- The subject property is located outside of high elevations greater than 2500 feet.
- The subject property does contain areas near the southern property line identified as moderate or high slope stability hazards.
- 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 higher density planned communities as “suggested” within reasonable proximity to major transportation corridors and “highly suggested” within combined water/sewer service areas, outside of steep slope areas (greater than 25%), outside of high elevations (greater than 2,500 feet), outside moderate and high slope stability hazards, and outside 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 application as it will bring the existing non-conforming manufactured home park into compliance within the Zoning Ordinance, is compatible with surrounding properties developed with manufactured homes, is located on an identified major transportation corridor, is outside high elevations greater than 2500 feet, and is outside FEMA Flood Hazard Areas.

LAND USE PLAN CONSISTENCY STATEMENTS

The following consistency statements are provided to support the Board’s findings to approve or deny an application.

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 located on an identified major transportation corridor.
- The subject property is located outside of high elevations greater than 2500 feet.
- 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 higher density planned communities as “suggested” within reasonable proximity to major transportation corridors and “highly suggested” outside of high elevations (greater than 2,500 feet) and outside 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 requested zoning would be **reasonable and in the public interest** as it will bring the existing non-conforming manufactured home park into compliance within the Zoning Ordinance, is compatible with surrounding properties developed with manufactured homes, is located on an identified major transportation corridor, is outside high elevations greater than 2500 feet, and is outside FEMA Flood Hazard Areas.

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 is not located within the combined water/sewer service area.
- The subject property does contain an area near the southern property line identified as steep slope (greater than 25%).
- The subject property does contain areas near the southern property line identified as moderate or high slope stability hazards.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies higher density planned communities as “highly suggested” within combined water/sewer service areas, outside steep slope areas (greater than 25%), and outside moderate and high slope stability hazard areas. Therefore, the requested zoning would **not be reasonable and in the public interest**.