

Buncombe County Planning Board
March 18, 2013

The Buncombe County Planning Board met March 18, 2013 in the meeting room at 30 Valley Street. Members present were Jim Young, Bud Sales, Josh Holmes, Vice–Chairman Bernie Kessel, Michelle Wood, Chairman Tom Alexander, and Catherine Martin. Also present were Mason Scott and Debbie Truempy, Planning staff; and Jon Creighton, Assistant County Manager/Planning Director.

Call to Order

Chairman Alexander called the meeting to order at 9:35 am.

Approval of Agenda

Mr. Holmes made a motion to approve the agenda. Ms. Wood seconded the motion and the motion passed unanimously.

Approval of Minutes (March 4, 2013)

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

Public Hearing (Zoning Text Amendment)

ZPH2013-00003: Stacy Ogle has applied to amend §78-641, Permitted Use Table, of the Zoning Ordinance of Buncombe County, to make “motor sport facility” a conditional use in the Commercial Service (CS) and Employment (EMP) Districts.

The Board was provided with the application (Attachment A) and staff recommendation prior to the meeting (Attachment B).

Albert Sneed, attorney, was present to represent the application to the board. Mr. Sneed stated that there are currently no places in Buncombe County to practice motor sports and that those participants in motor sports must drive to South Carolina or other out-of-state facilities if they wish to practice. He indicated that the applicant has been working to identify parcels that would be suitable for this use, but that such parcels have only been found in districts where the use is not permitted or there is a lack of suitable access. Mr. Sneed stated that the amendment to the permitted use table would be appropriate because the use would remain conditional and approval of any motor sport facility would still be pursuant to a permit application. He further indicated that “motor sports facility” could include a wide range of development options, but that by maintaining the use as conditional, any outlandish uses should be precluded through the application process. Mr. Sneed indicated that the applicant and other motor sports participants needed to balance access with suitable size and topography when selecting a parcel, thus the request to amend the use as conditional in more districts. He stated that the requested amendment was not intended for development of competition areas, but that the need was for a practice area. Mr. Sneed presented the Board with a letter from the owner of

MR Motor Sports in favor of the text amendment. Ms. Truempy noted to the Board that the staff recommendation was for denial of the amendment, as denial is most consistent with the County's comprehensive land use plan.

There was discussion among the Board about how the use would primarily be operated after school and on weekends, and should be classified as a commercial use, which would be consistent with use definitions.

Mr. Ogle stated that he has been looking for a suitable location for a motor sports facility within the County for approximately three years. Chairman Alexander asked if any specific property had been identified. Mr. Ogle responded that they had identified approximately eight acres of land adjacent to US 70 Highway in Swannanoa, in the general area of the Ingles warehouse. He stated that this was suitable largely because of the heavy commercial uses already present in the area.

Gary Aiken, President of the Swannanoa Business Association, was also present to speak on behalf of the application. Mr. Aiken stated that the business community is in support of facilities such as this to offer youth more options for safe activity. He reiterated that the applicant and others in the area have been looking for a facility for some time. He indicated that development of such a facility would also lead to opportunities for further growth in Swannanoa. Chairman Alexander noted that no matter what districts the facilities were allowed in, they would have to remain a conditional use.

Mr. Young indicated that he was aware of a sports facility in the Weaverville area and asked if the applicant had considered making use of this facility. Mr. Ogle indicated that he was not aware if that facility was currently open to public use, and that part of the purpose of the amendment request was to develop a facility with proper ownership controls for maintenance and security. He further indicated that this facility was only open to non-motorized bicycles. Ms. Wood noted that in her participation in greenway development meetings, she noticed that a lot of issues arose in the County due to use of bicycle trails by motorized vehicles. She commented that there is obviously a need for expressly motor sport facilities. She indicated that noise is obviously a factor and will be one of the main challenges for the use, but that the sport has already been established. Mr. Ogle indicated that the facility he had in mind would allow the use of both motorcycles and ATVs, and that riders would be grouped by age and ability. Ms. Wood indicated that safety should also be considered as part of the conditions for the use. She indicated that she would like to find a way to ensure a safe place is available for enthusiasts to participate in the sport. She noted that the Open Use district can be challenging when considering development sites for accessibility, convenience and visibility.

Chairman Alexander commented that there would need to be a very specific set of conditions attached to the use.

Ms. Martin noted that this might be a means to ensure this business came to Buncombe County instead of another area or state.

Mr. Kessel indicated that previously, access to riding opportunities were more available, but that finding safe, open locations has become much more difficult. He reiterated the thought that the use should remain conditional. He asked Mr. Sneed and the applicant if they were really only interested in a practice facility and if this specific wording would be included in the text amendment. Mr. Ogle responded that the facility would likely not have enough space to hold any competitive events and that this was not the purpose of the request. Ms. Wood asked staff if the wording for the proposed amendment includes practice and events. Mr. Ogle stated that he had no objection to conditions being included that specified the use for practice facilities only. Ms. Truempy indicated that the wording for the proposed amendment does not currently preclude any particular uses for a motor sports facility. She stated that the staff objection to the amendment was based on a lack of suggested conditions. Mr. Young voiced concern that approval of the amendment may create further issues that would be difficult to resolve in the future. He noted that there is no way to be certain of existing uses surrounding proposed parcels for this use and that there are likely better potential areas in the Open Use district. Ms. Truempy clarified that the Board should consider more than this specific case. Mr. Sneed stated that areas in the Open Use district may be more sensitive to this use because there is still residential development in those areas, but with less buffering. He indicated that the amendment would allow them to find dense, industrial areas where residents are already in support of the use. There was general discussion among the Board about if decibel levels could be included in the conditions for the use. Mr. Creighton stated that the Board should also consider how the conditions would be applied and enforced in all sites and situations. He noted that sound can carry a long way.

Public Comment

Austin Brigman, Weaverville. Mr. Brigman stated that he was at the meeting to represent riders of all ages and skill levels. He spoke about the difficulty of travelling out of state to find a practice facility with others of the same ability level. He asked the Board to equate this use to other sports that have leagues available in the area. He noted that it is difficult to take day trips just for practice. He stated that noise should also be of minimal concern when considering what other options youth have to stay occupied.

Bill Newell, Candler. Mr. Newell stated that he is not affiliated with anyone in attendance at the meeting, but has been part of motor sports for years. He stated that he believes the proposed amendment is a great idea as he believes a facility is needed where people of all ages can learn safe and appropriate motorcycle operation.

Cindy Brickadelhi, Candler. Ms. Brickadelhi stated that she is concerned about the constant noise potentially created by a motor sport facility that may affect property values. She noted that she understands that the proposal is intended to guide the use toward more industrial areas and that it would provide good learning opportunities for kids, but the potential noise is a real concern.

Dede Styles, Swannanoa. Ms. Styles noted that a motor sports track already exists in the Lytle Cove area. She stated that the track is extremely noisy, especially on weekend afternoons. She noted that the track is located in the same area as some homes and noise can even be heard higher up in the mountains because of the track's location in the valley. She stated that riders do not always stay on the track because of the rural nature of its location. She noted that motor sports are an extremely dusty use and that a church and daycare are currently located in the area identified by Mr. Ogle as a potential site. She stated that she has seen people riding bikes in the former stump dump and that there have been previous efforts by residents in the area to have the existing, grandfathered track removed. Mr. Ogle noted to the Board that the grandfathered track in Swannanoa can only be used seven hours per week and that this amendment would effectively allow a new facility to replace that one.

Jeff Lewis, Swannanoa. Mr. Lewis stated that he is a new resident in Buncombe County, but owns a motorcycle business and has children that participate in motor sports. He stated that allowing motor sports facilities as a conditional use should cut down on "outlaw tracks" or other outlets where people are seeking a place to ride in-lieu of areas with proper regulation. He also stated that the amendment should be good for the local economy. He believes that it would increase sales of motor sports retailers in the area. He indicated that this would mean more taxable income for the County. He stated that conditions would have to be set on case-by-case basis, but that that sets the framework to allow areas that would be contained, controlled and safe.

There being no others present that wished to speak on the matter, Chairman Alexander closed public comment at 10:09 am.

Discussion

Mr. Young stated that this is a hard case to consider. He stated that he applauds the idea of the amendment and any potential for more taxable income for the County is good, but it seems that there is much more open land further out in the County that would be available and suitable. He indicated that there are too many questions on enforceability of the conditions and that the use seems overall better suited for the Open Use district.

Ms. Martin commented that there are obvious concerns, but because the use would be conditional, it will have to come back before a board for approval of any specific project. She stated that it is a good idea for kids and makes sense as a use, but conditions must be crafted.

Ms. Truempy noted that the staff recommendation is for denial of the proposed amendment. She indicated that the Open Use district is the most appropriate place for the use because of the many potential nuisances associated with the use. She also noted that no suggested conditions have been provided by the applicant.

Mr. Young asked staff if the proposed amendment could be resubmitted with the addition of proposed conditions. He stated his concerns that the County might be inundated by conditional use requests for the use if the currently ambiguous language was approved. Mr. Alexander

stated that “motor sports” is still a fairly broad definition and that it may be difficult to write broad enough conditions to be applicable to all variations of the use. Ms. Truempy noted that, at minimum, approval of the amendment would need conditions outlining the nuisances which would need to be mitigated. Ms. Wood asked staff if conditions outlining nuisance abatement were currently provided for other heavy impact uses. Ms. Truempy responded that most, but not all, uses with heavy impact do have these conditions, and that staff is working to provide them for all such uses in the future. Mr. Sneed commented that the amendment was intended to move the use toward more industrial areas and to mitigate some nuisances via proximity to industry. There was discussion among the Board as to how broad the current definition provided in the amendment is and how difficult it would be for conditions to be addressed by the Board of Adjustment on a case-by-case basis. Ms. Wood asked staff if the Board of Adjustment is required to consider any conditions not specifically included in the ordinance when reviewing a specific case. Ms. Truempy affirmed that the Board is only required to consider elements specifically included in the ordinance, so anything not expressly written may not be addressed. Mr. Young noted that including further conditions at this stage could help potential applicants narrow their search for suitable land for this use. Ms. Wood asked the applicant why they were asking to apply the amendment to both the Commercial Service and Employment districts. Mr. Sneed responded that the parcel the applicant is currently considering for development is located within the Commercial Service district.

Mr. Alexander discussed with staff what further options would be for review of this case. Ms. Truempy noted that if the case was continued for the applicant to come up with conditions, this might merit re-advertisement of the hearing.

Ms. Martin made a motion to approve the amendment as originally submitted. Mr. Kessel seconded the motion. Following further discussion amongst the Board, Ms. Martin and Mr. Kessel withdrew their original motion.

There was discussion amongst the Board on the provision of conditions before the Board made a final decision. Mr. Kessel asked staff if the conditions applied in the amendment would also be applied in the Open Use district once adopted. Ms. Truempy indicated that they would. Mr. Sneed stated that the applicant is in favor of using the conditions for development that are already provided by the Zoning Ordinance. Mr. Young stated that conditions more specific to the use were needed to keep future applications reasonable. There was further discussion among the Board regarding the need for more specific conditions. Mr. Alexander asked staff if it would be reasonable to come up with more specific conditions for review at one of the April meetings. Ms. Truempy responded that she would have to check on requirements for re-advertisement of the hearing, but that this seems reasonable.

Ms. Martin made a motion to continue the hearing on the amendment so staff could develop conditions to be attached to the use. Mr. Kessel seconded the motion, and the motion passed unanimously.

ZPH2013-00005: Reverend Scott Rogers of ABCCM has applied to rezone tax lot PINs 8697-73-6467 (located on the Southern side of Smokey Park Highway between the intersections of Gossett Road and Candler Heights Road) and 8697-73-4449 (located at the Southeast corner of the intersection of Smokey Park Highway and Gossett Road), which are currently zoned Single Family Residential District (R-1) to Neighborhood Service District (NS).

The Board was provided with the applications (Attachment C), GIS maps (Attachment D), and staff recommendation prior to the meeting (Attachment E). Ms. Truempy described the proposed zoning map amendment to the Board.

Reverend Scott Rogers was present to represent the case to the Board. Mr. Rogers stated that ABCCM has been providing community support to the Candler community since 2000 out of Hominy Baptist Church. He stated that the parcels under consideration for rezoning have already been donated to ABCCM. He stated that the new crisis ministry would include a charitable clinic to serve both uninsured residents and Medicaid recipients. Reverend Rogers indicated that research by ABCCM shows this area to be one of the most underserved relative to Medicaid recipients. He indicated that ABCCM has a longstanding track record of fitting in residential areas, and that although there was already some existing buffering on the proposed site, more would likely be added. He stated that security is a major concern due to the proximity of the school. He stated that the location would not be used as a homeless shelter. Mr. Holmes asked Reverend Rogers to clarify where the parcels are actually located. Reverend Rogers responded that the parcels are approximately $\frac{3}{4}$ miles past Boone's Corner.

Public Comment

Pat Colgrove, Candler. Ms. Colgrove stated that there are homeless in the area of proposed rezoning. She noted that rezoning the parcels creates the possibility of a shelter being built in the future if ABCCM vacates the property. She stated that "crisis" refers to more than just a need for food, clothing, and medicine, and that she is concerned about the types of people coming to make use of the facility and its proximity to residences and schools. Ms. Colgrove indicated the rezoning and property would increase safety concerns in the area. She stated that she supports the overall mission of ABCCM, but feels this use is not appropriate in a residential area. She noted that there is currently no space for the addition of shelter at existing (Hominy Baptist) location, but that there would be sufficient area for expansion on the rezoned parcels.

Vicky Davis, Candler. Ms. Davis stated that her concern is for the area around the parcels to be rezoned. She stated that it is primarily a residential area, within walking distance of Candler Elementary School, and that the area does not need another commercial use. She stated that a crisis intervention clinic means that individuals in crisis will be brought into the area.

Dede Styles, Swannanoa. Ms. Styles stated that she is familiar with the work of ABCCM as well as those who need care but do not have access. She stated that the clinic would be good for those without access to a regular care facility. She stated that even a shelter would be better than allowing those homeless to stay on the street in the area. She stated that the County

should welcome ABCCM's efforts to extend help to the area, especially as the parcels are already under the control of ABCCM.

Linda Poss, Candler. Ms. Poss asked the Board and staff if a more detailed description of the Neighborhood Services district could be provided and what the adjacent parcels are currently zoned. Ms. Truempy indicated that the Neighborhood Services district allows a mix of uses, but is intended to be less intense than traditional commercial uses in proximity to residential areas. She also noted that the majority of the adjacent parcels are currently zoned R-1 (Single Family Residential District), but there are several existing non-conforming parcels.

Bill Newell, Candler. Mr. Newell stated that there is currently a mix of commercial business and residential parcels in the area of the proposed rezoning. He stated that this mix of uses includes a bar and a church, and that he sees no issue with the proposal.

There being no others present that wished to speak on the matter, Chairman Alexander closed public comment.

Discussion

Ms. Wood asked Reverend Rogers why ABCCM felt that R-3 (Residential District) would not be a sufficient rezoning for the intended use. She also asked, given the need in the area, what would keep ABCCM from moving to another location in the same area after services have outgrown the proposed facility. Mr. Rogers indicated that he was not aware of the full reasoning, but that the NS (Neighborhood Service) rezoning had been suggested by others. Mr. Holmes noted that rezoning the parcels as R-3 would add another layer of approval if the use is conditional. Mr. Young commented that it seems the greatest concern is a potential shelter in the area. Ms. Wood noted that another concern is what other uses will be allowed on the parcels after rezoning has taken place and ABCCM has vacated the property. Mr. Alexander noted that the property is likely to change hands at some point in the future and questioned what the potential ramifications might be. Ms. Wood stated that the Board should consider the need of the area and the location of the parcels. She noted that residential development is not likely to take place on the parcels. Mr. Young asked Reverend Rogers what kinds of development were directly adjacent to the parcels. Reverend Rogers responded that there are construction and storage businesses on one side, and there is an apartment complex on the other.

Mr. Kessel made a motion to approve the rezoning as submitted with the provided statement that the proposed map amendment is consistent with the Buncombe County Land Use Plan. Mr. Holmes seconded the motion, and the motion passed 6 to 1, with Ms. Wood voting against.

Public Comment

Dede Styles, Swannanoa. Ms. Styles stated that she wished to make comment regarding manufactured homes as they related to discussion of the Land Use Plan update. She stated that she understands the desire of homeowners in R-1 to protect their property values from decreasing due to the placement of manufactured homes in the area. She stated that the other side of the argument is that property values can be increased by the proximity of high-end

development. She noted that an increase in property values is good if one is selling or borrowing money, but it can make it difficult for established property owners to pay increased property taxes. She stated that protection of property values should be balanced.

There being no others present that wished to make general public comment, Chairman Alexander closed the public comment period at 11:03 am.

Adjournment

There being no further business on the agenda and no further motions for discussion, Chairman Alexander formally closed the meeting at 11:03 am.



Buncombe County Government
Application for Amending the Buncombe County Zoning

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

Application is hereby made to the Board of Commissioners of Buncombe County to amend:

- () the Zoning Map (complete sections A and C below)
- (x) the text of the Zoning Ordinance (complete sections B and C below)

A. If the application to amend the Zoning Map, provide the following:

1. Property description:

- (a) Property Identification Number(s): _____
- (b) Address of Property(s) : _____
- (c) Acreage of Property: _____

2. Zoning Classification:

Current zoning district: _____ Requested zoning district: _____

3. Please answer the following questions (if necessary attach a separate sheet of paper):

(a) Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

(b) Describe how the proposed re-zoning is consistent with Buncombe County's Comprehensive Land Use Plan (available on the County website):

(c) Describe how the proposed re-zoning would affect surrounding properties and uses:

(d) Describe the benefits and/or detriments of the proposed re-zoning to the following groups:

- o Owner(s):

Buncombe County
Planning and Development
Received

FEB 6 2013

46 Valley Street
Asheville, N C 28801
828-250-4830

o Adjacent Neighbors:

o Surrounding Community:

B. If the application is to amend the text of the Zoning Ordinance, provide the following (if necessary attach a separate sheet of paper):

1. Specific section(s) of the Zoning Ordinance affected:

Table "Permitted Uses" Section 78-641.

2. Description of requested change (including proposed changes to text):

Amend table to show "Motor Sport Facility" to be allowed as a conditional use in Employment and Commercial Service Districts.

3. Reason(s) for the requested amendment(s):

See attached.

C. Contact information

Stacy Ogle 43 Lytle Cove Rd. Ext., Swannanoa, NC 28778
Owner's/Applicant's Name Mailing Address (including town/city, state, and zip)

828-768-2713
Telephone

Cindy Frizzell @ charter.net
Email Address

Stacy Ogle
Signature of Owner/Applicant

Withdrawal of an application after notice has been made will result in forfeiture of any application fees associated with said application.

OFFICE USE ONLY:	
Date received: <u>2/6/2013</u>	 Staff Recommendation
Case number: <u>2PH2013-00003</u>	<input type="checkbox"/> approval
Scheduled Planning Board Hearing Date: <u>3/18/2013</u>	<input type="checkbox"/> denial
Scheduled Board of Commissioners Hearing Date: _____	

There are a large number of youth in Buncombe County that participate in youth motocross riding competitions. There is no adequate facility for practice located in Buncombe County. As a result, parents and grandparents have to drive the youth to practice facilities one to two hours away to allow any practice at all. Current zoning allows these facilities only in the Open Use Zone. Open Use Zones are not centrally located. All of the areas, except the most remote locations, create conflicts with adjacent residential users and traffic concerns for access. Despite significant efforts, supporters have been unable to find suitable land to support this activity in Buncombe County. Commercial Service and Employment Districts are more centrally located and therefore afford more convenient access. Objections associated with residential uses are less likely in these districts. Thus, this change in the ordinance would increase the amount of land available for this use with less likelihood of objections from residential users. As this change only allows a use as a conditional use, no actual location would be approved by this change and any future application would have to go through the conditional use approval process before the Board of Adjustment.

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
TEXT AMENDMENT ANALYSIS

CASE NUMBER : ZPH2013-00003
TEXT AMENDMENT REQUESTED : AMEND TABLE TO SHOW “MOTOR SPORTS
: FACILITY” AS A CONDITIONAL USE IN EMP
: AND CS

APPLICANT/OWNER: STACY OGLE
43 LYTTLE COVE ROAD EXT.
SWANNANOVA, NC 28778

DEPARTMENT RECOMMENDATION: **DENIAL**

TEXT AMMENDMENT ANALYSIS: The applicant requests that the permitted use table be revised to allow “motor sports facility” as a Conditional Use in EMP (Employment District) and CS (Commercial Service District). The use is currently allowed in the OU (Open Use District). Staff feels that current allowance of the use within in the OU zoning district is appropriate given the noise and nuisances associated with this use, and that it would not be appropriate to allow the use in more densely populated areas of the County, as this use tends to be disruptive to adjoining property owners.

Additionally staff feels, that the applicant did not address these concerns regarding this land use by providing additional conditions for allowing it within the two proposed zoning district, and did not address how the noise, dust, security concerns, and lighting typically associated with this use would be addressed. Therefore the Buncombe County Department of Planning and Development recommends **DENIAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

NOT CONSISTENT: The proposed text amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 Update indicated that “the EMP employment district is primarily intended to provide appropriately located sites for employment concentrations primarily for office type uses, industrial uses, storage and warehousing, and wholesale trade” (Buncombe County Comprehensive Land Use Plan 2006 Update VII-4)) and the update to the plan also indicates that “the CS commercial service district is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries” (Buncombe County Comprehensive Land Use Plan 2006 Update VII-4). The proposed text amendment would not be consistent with either district, as the noise and nuisances associated with this use would disturb other uses within the districts. Additionally, no conditional use standards were proposed to mitigate any specific nuisances associated with this type of use. The proposed amendments to the text are not reasonable or in the public interest as motor sports facilities are a more appropriate use in the more rural parts of the county, away from densely developed areas.

CONSISTENT: The proposed text amendment is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 Update indicated that “the EMP employment district is primarily intended to provide appropriately located sites for employment concentrations primarily for office type uses, industrial uses, storage and warehousing, and wholesale trade” (Buncombe County Comprehensive Land Use Plan 2006 Update VII-4)) and the update to the plan also indicates that “the CS commercial service district is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries” (Buncombe County Comprehensive Land Use Plan 2006 Update VII-4). The proposed text amendment would be consistent with either district, as more intense uses are located within these districts. The proposed amendments to the text are reasonable and in the public interest as motor sports facilities are an appropriate use in the more densely developed commercial areas in the county.



Buncombe County Government
Application for Amending the Buncombe County Zoning

ATTACHMENT C

Planning and Development
 www.buncombecounty.org

46 Valley Street
 Asheville, NC 28801
 Telephone (828) 250-4830
 Fax (828) ~~250-6086~~ **County Planning and Development**

Application is hereby made to the Board of Commissioners of Buncombe County to amend:

Received
FEB 14 2013

- the Zoning Map (complete sections A and C below)
- the text of the Zoning Ordinance (complete sections B and C below)

A. If the application to amend the Zoning Map, provide the following:

46 Valley Street
Asheville, N C 28801
828-250-4830

- 1. Property description:**
 - (a) Property Identification Number(s): 8697-73-6467
 - (b) Address of Property(s): 8697-73 4449
 - (c) Acreage of Property: 1.946 ACRES

- 2. Zoning Classification:**
 Current zoning district: R-1 Requested zoning district: NS

3. Please answer the following questions (if necessary attach a separate sheet of paper):

- (a) Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

THE 2 ACRES IS WELL BUFFERED WITH PLANTINGS AND AN ALLY-WAY EASEMENTS SURROUNDING PROPERTY.

- (b) Describe how the proposed re-zoning is consistent with Buncombe County's Comprehensive Land Use Plan (available on the County website):

IT IS CONSISTENT WITH A CONTIGUOUS NS PROPERTY DIAGONALLY ACROSS THE ROAD. THE HIGHWAY HAS MULTIPLE COMMERCIAL SERVICES AROUND IT

- (c) Describe how the proposed re-zoning would affect surrounding properties and uses:

POSITIVE IMPACT FROM ESSENTIAL NEIGHBORHOOD SERVICES OFFERED. INGRESS/EGRESS WOULD BE IN HWY 19-23. ALLYWAYS AND STREETS PROVIDE MORE THAN ADEQUATE BUFFERING FROM RESIDENTIAL NEIGHBORS

- (d) Describe the benefits and/or detriments of the proposed re-zoning to the following groups:

o Owner(s):

BENEFITS BY BRING ESSENTIAL SERVICES TO NEIGHBORS AND SURROUNDING COMMUNITY

- o Adjacent Neighbors: NO CHANGES

NO IMPACT FROM TRAFFIC OR ACTIVITIES DURING REGULAR BUSINESS HOURS 8-5 PM; NO EVENING SERVICES PLANNED

- o Surrounding Community: NO CHANGES

CREATES BETTER ACCESS TO ESSENTIAL SERVICES FOR FOOD, MEDICAL CARE ALONG MAJOR HIGHWAY CORRIDOR

B. If the application is to amend the text of the Zoning Ordinance, provide the following (if necessary attach a separate sheet of paper):

1. Specific section(s) of the Zoning Ordinance affected:

2. Description of requested change (including proposed changes to text):

3. Reason(s) for the requested amendment(s):

C. Contact information

ABCCM by Rev. Scott Rogers 30 Cumberland Ave, Asheville, NC 28801
Owner's/Applicant's Name Mailing Address (including town/city, state, and zip)

828-259-5300 Telephone scott.rogers@abccm.org Email Address

Rev. Scott Rogers
Signature of Owner/Applicant

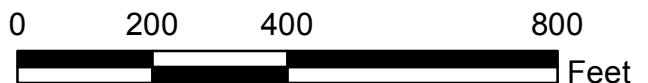
Withdrawal of an application after notice has been made will result in forfeiture of any application fees associated with said application.

OFFICE USE ONLY:	
Date received: <u>17-Feb-2013</u>	Staff Recommendation
Case number: <u>2042013-00005</u>	<input type="checkbox"/> approval
Scheduled Planning Board Hearing Date: <u>18-Mar-13</u>	<input type="checkbox"/> denial
Scheduled Board of Commissioners Hearing Date: _____	

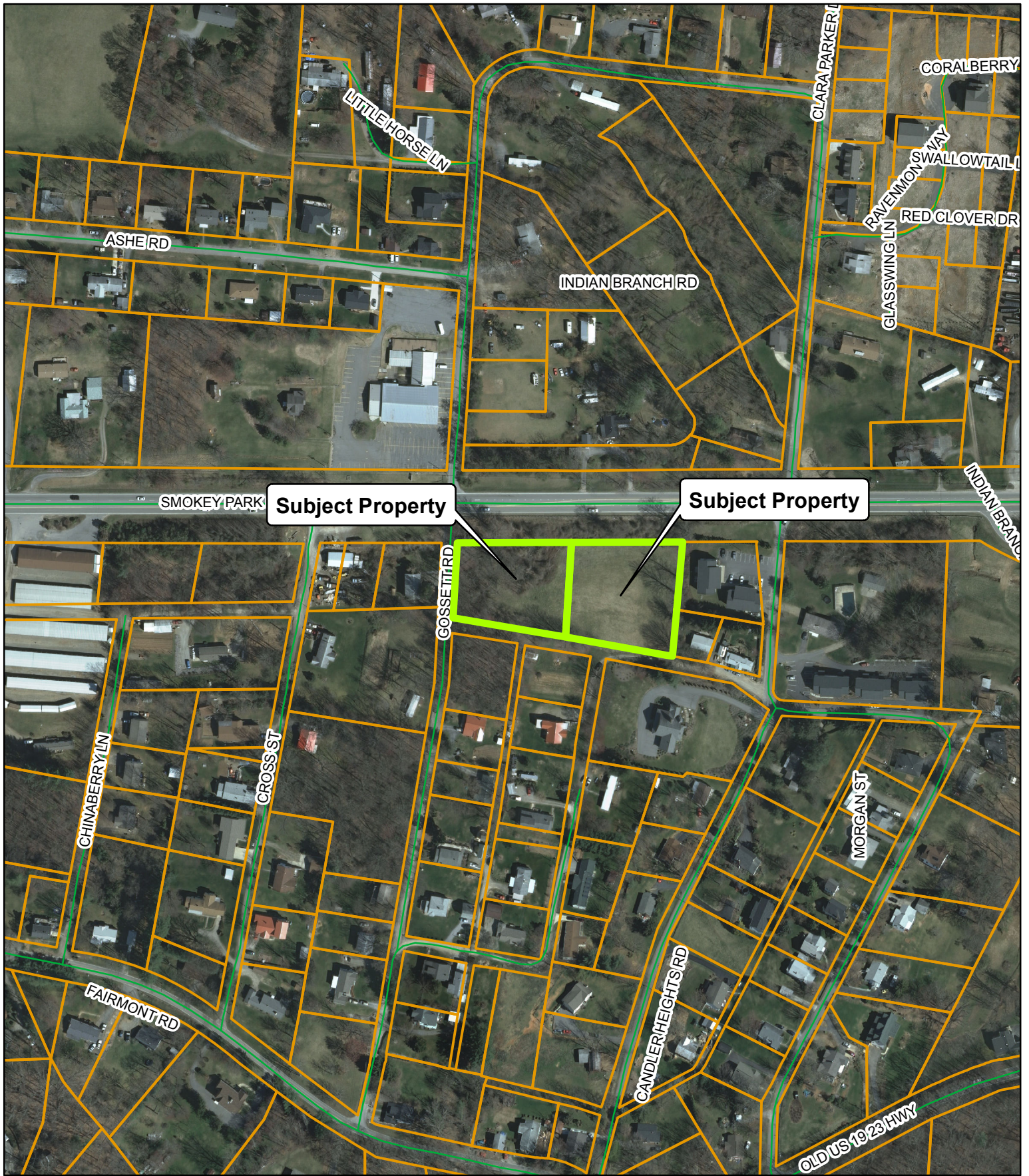


ABCCM
Map Amendment

Case Number: ZPH2013-00005
Total Property Size: Approximately 1.78 acres
Application Date: February 14, 2013
Planning Board Hearing Date: March 18, 2013

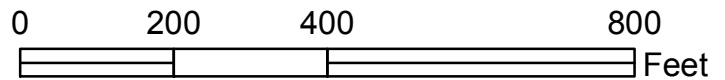


Created By: Buncombe County Planning
Date: February 27, 2013

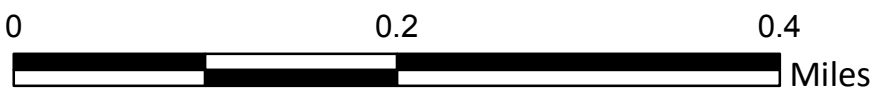
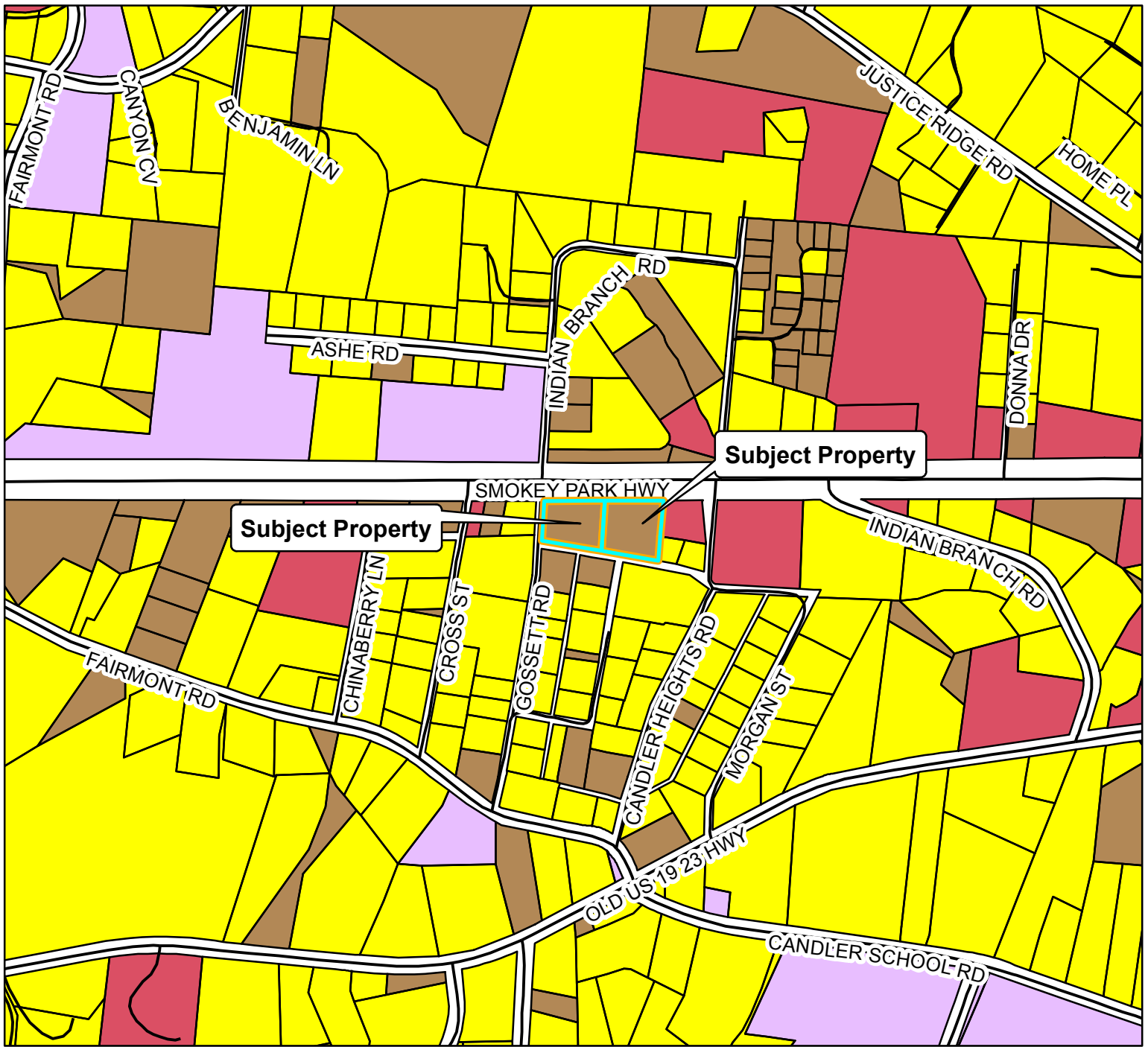


**ABCCM
Map Amendment**

Case Number: ZPH2013-00005
 Total Property Size: Approximately 1.78 acres
 Application Date: February 14, 2013
 Planning Board Hearing Date: March 18, 2013



Created By: Buncombe County Planning
 Date: February 27, 2013



**ABCCM
Map Amendment**

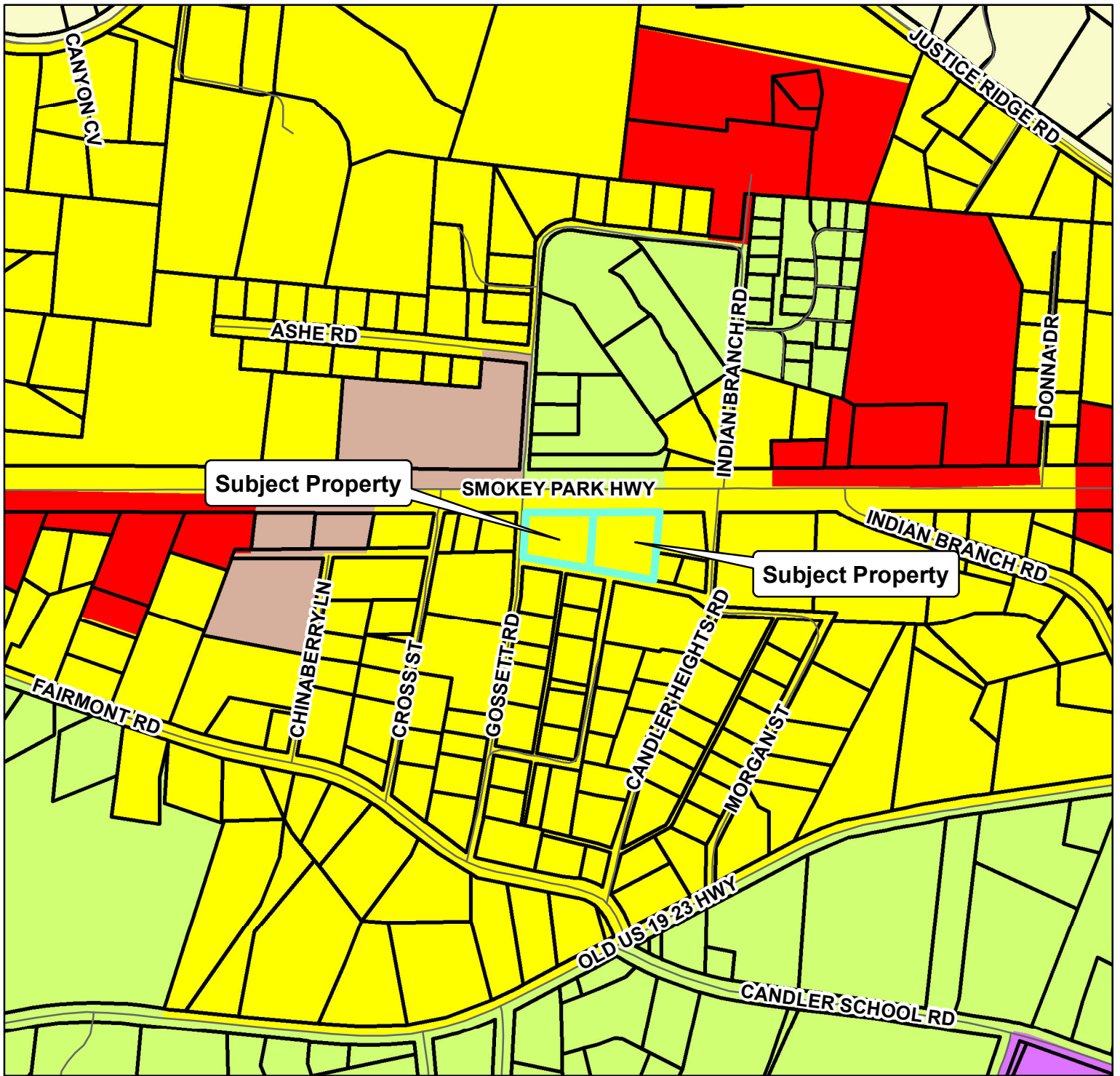


Case Number: ZPH2013-00005
 Total Property Size: Approximately 1.78 acres
 Application Date: February 14, 2013
 Planning Board Hearing Date: March 18, 2013

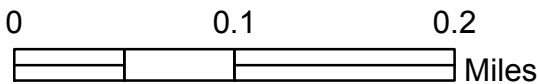
Created By: Buncombe County Planning
 Date: February 27, 2013

Assessed Use

- Forestry, Conservator, Parks
- Agricultural
- Public Services
- Community Services
- Recreational, Entertainment
- Industry
- Commercial
- Vacant Land
- Residential



ABCCM Map Amendment



Zoning Districts

- BDM
- CS
- EMP
- NS
- OU

Zoning Overlays

- PS
- R-1
- R-2
- R-3
- R-LD
- Blue Ridge Parkway Overlay
- Protected Ridge Overlay
- Protected Ridge & Parkway
- Steep Slope/High Elev.
- Steep Slope/High Elev. & Pkwy

Case Number: ZPH2013-00005
 Total Property Size: Approximately 1.78 acres
 Application Date: February 14, 2013
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BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00005
PROPOSED ZONING CHANGE : R-1 TO NS
LOCATION : 1359 US HWY 19-23
PINs : 8697.73.6467 AND 8697.73.4449
ACREAGE : 1.78 ACRES

APPLICANT: ABCCM
SCOTT ROGERS
30 CUMBERLAND AVE
ASHEVILLE NC 28801

OWNER: ARTHUR & JOAN MCELRATH
219 ALTA VISTA DRIVE
CANDLER NC 28715

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 requests the rezoning of approximately 1.78 acres from R-1 (Single-Family Residential District) to NS (Neighborhood Service District). The subject property is located at the southeast corner of the intersection of Gossett Road and Smokey Park Highway (US Hwy. 19-23). The tract is currently vacant. The surrounding area is comprised of a mixture of uses, including residential uses and commercial uses along Smokey Park Highway. While residential uses are directly adjacent to the subject property, commercial uses zoned CS and NS lie to the east and west of the subject property on the north and south side of Smokey Park Hwy. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that NS “is designed to allow for a mix of residential, commercial, business and service uses in limited areas at key intersections leading to residential neighborhoods” (Buncombe County Comprehensive Land Use Plan Update, VII-4). The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the property currently zoned NS to the northwest of the subject property on Smokey Park Highway. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS*CONSISTENT:*

The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the 2006 Buncombe County Comprehensive Land Use Plan Update indicates that NS “is designed to allow for a mix of residential, commercial, business and service uses in limited areas at key intersections leading to residential neighborhoods” (VII-4). The requested zoning would be reasonable and in the public interest as it would allow for a commercial business in an area that allows a wide variety of commercial uses.

NOT CONSISTENT:

The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the 2006 Buncombe County Comprehensive Land Use Plan Update indicates that “the type of uses allowed and the standards established for development in this NS district should be compatible with the residential character of the area and should neither add to traffic congestion; cause obnoxious noise, dust, odors, fire hazards or lighting objectionable to surrounding residences; nor visually detract from overall appearance of the neighborhood” (VII-4). The requested zoning would not be reasonable or in the public interest as it would allow for a commercial business in an area that includes a large amount of residential development.