

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00065
 PROPOSED ZONING CHANGE : EMP TO CS
 LOCATION : 441 Airport Road
 PIN : 9643.75.9542
 ACREAGE : 1.34 acres

APPLICANT/OWNER: JESSE GARDNER
 CIVIL DESIGN CONCEPTS
 200 SWANNANOA RIVER ROAD
 ASHEVILLE, NC 28805

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 1.34 acres from EMP (Employment District) to CS (Commercial Service District). The subject property is located on the northeast corner of Airport Road and Brian Blvd. The property currently contains a gas station and convenience store, which is an allowed use in the CS zoning district. The area is characterized by commercial development zoned EMP within the County and HB (Highway Business) within the City of Asheville. While the property is not adjacent to property within the County zoned CS, it is adjacent to HB within the City of Asheville, which is very similar to CS zoning. To the south of the subject property is additional commercial development within Henderson County.

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:

- Reasonable proximity to a transportation corridor
- Reasonable proximity to public utilities
- Outside of high elevations.
- Outside of slopes greater than 25% slope
- Outside of areas or high or moderate slope stability hazards
- Outside of flood hazard areas

Therefore, the proposed map amendment would be suitable for commercial development as indicated on the suitability matrix within the update.

The subject property is adjacent to property zoned for commercial development with the City of Asheville and there is an established commercial corridor along Airport Road. The proposed CS zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties and supported by the Buncombe County Land Use Plan. 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:

- Reasonable proximity to a transportation corridor
- Reasonable proximity to public utilities
- Outside of high elevations.
- Separated from low-density residential uses
- Outside of slopes greater than 25% slope
- Outside of areas or high or moderate slope stability hazards
- Outside of flood hazard areas

Therefore, the proposed map amendment would be suitable for commercial development as indicated on the suitability matrix within the update. As the subject property is adjacent to property zoned for commercial development with the City of Asheville and there is an established commercial corridor along Airport Road the proposed map amendment is appropriate and is therefore reasonable and in the interest of the public.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive 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:

- Near moderate and high slope stability hazards
- Not separated from low density residential uses

Therefore, the proposed map amendment would not be suitable for commercial development as indicated on the suitability matrix within the update. The proposed CS zoning would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding area. Therefore, the requested zoning would not be reasonable and in the interest of the public.