

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2012-00051
 PROPOSED ZONING CHANGE : R-3 TO CS
 LOCATION : LOWER GRASSY BRANCH ROAD
 PINs : 9668.76.8496
 ACREAGE : 3.32

APPLICANT: CARL H RICKER JR
 PO BOX 9527
 ASHEVILLE, NC 28815

OWNER: CARL H RICKER
 1300 TUNNEL ROAD
 ASHEVILLE, CN 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 3.32 acres from R-3 (Residential District) to CS (Commercial Service District). The subject property is located on the east side of Lower Grassy Branch Road near the intersection of Lower Grassy Branch Road and Tunnel Road. The tract is currently vacant. The surrounding area is comprised of a mixture of uses including mobile home parks, a residential apartment building, and commercial uses along Tunnel Road. The commercial uses along Tunnel Road are zoned Highway Business District within the City of Asheville. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 Update indicates that CS is "primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas with access to major traffic arterials, to discourage strip commercial development, and to allow for suitable noncommercial land uses" (Buncombe County Comprehensive Land Use Plan Update, VII-4). The proposed map amendment would be consistent as the area to the south is a concentration of commercial activity along a major traffic arterial. The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the property currently zoned HB to the south of the subject property within the City of Asheville along a major traffic arterial. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

CONSISTENT: The map amendment is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 Update indicates that CS is “primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas with access to major traffic arterials, to discourage strip commercial development, and to allow for suitable noncommercial land uses” (Buncombe County Comprehensive Land Use Plan 2006 Update, VII-4). The proposed map amendment would be consistent, reasonable, and in the public interest as the area directly to the south is comprised of a concentration of commercial activity along a major traffic arterial, and is zoned Highway Business (HB) by the City of Asheville.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan 2006 Update indicates that CS is “primarily intended to provide suitable locations for clustered commercial development to encourage concentration of commercial activity in those specified areas” and “discourage strip commercial development” (Buncombe County Comprehensive Land Use Plan 2006 Update, VII-4). The proposed map amendment could lead to strip commercial development along the Tunnel Road/US 70 Corridor. The requested zoning would not be reasonable nor in the public interest and would be detrimental to the adjacent neighbors and surrounding community as it might lead to strip commercial development.