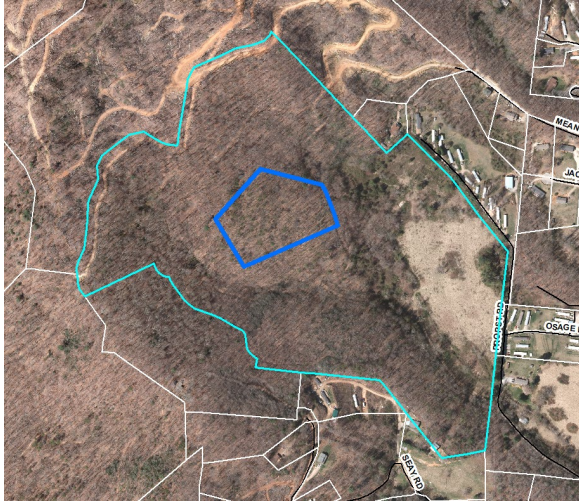




LOCATION MAP



CASE NUMBER: ZPH2019-00027

A. PROPERTY INFORMATION

PIN(s): 9618-06-6464
Addresses: Off Propst Road
Owner(s): Freedom in Christ, Inc.

B. REZONING REQUEST

Applicant: Peter Radichshin
Existing Zoning: R-LD Residential Low Density & R-3 Residential
Proposed Zoning: R-3 Residential

C. PUBLIC NOTICE

PB Notice in AVL Citizen Times legal ad: 8/7/2019
 PB Notice mailed to owners within 1,000 ft: 8/7/2019
 PB Physical posting: 8/9/2019
 PB Notice on BC Website: 8/7/2019
 PB Hearing: 08/19/2019
 BOC Notice in AVL Citizen Times legal ad: 10/04 & 10/11/2019
 BOC Notice mailed to owners within 1,000 ft: 10/02/2019
 BOC Physical posting: 10/04/2019
 BOC Notice on BC Website: 10/02/2019
 BOC Hearing: 10/15/2019

D. RECOMMENDATION

APPROVAL (see Section K, below)

E. SUMMARY OF REQUEST

Peter Radichshin, on behalf of Freedom in Christ, Inc., requests to rezone a portion of one (1) parcel of land from R-LD Residential Low Density, to R-3 Residential.

F. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT:

Residential Low Density (R-LD)
Low-Density Residential District (R-LD). The R-LD Low-Density Residential District is primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development. These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. These are environmentally sensitive areas that are characterized by one or more of the following conditions: Steep slopes, fragile soils, or flooding.

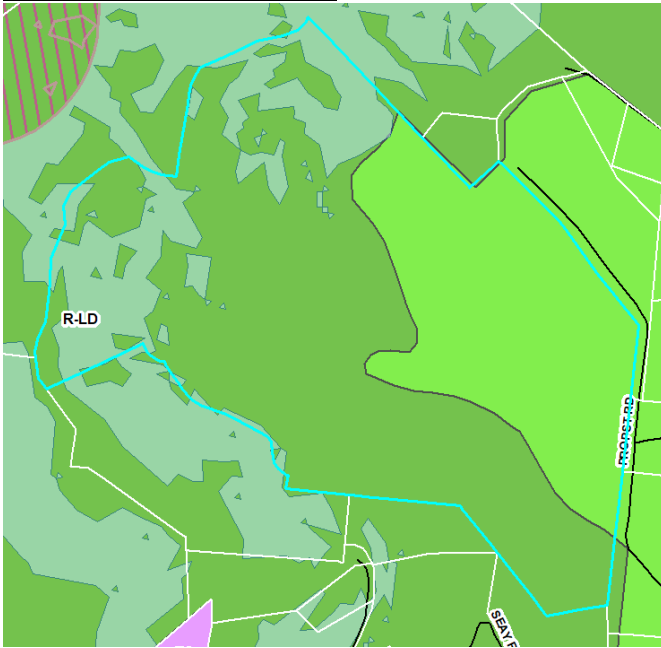
PROPOSED ZONING DISTRICT:

Residential District (R-3).
 The R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.

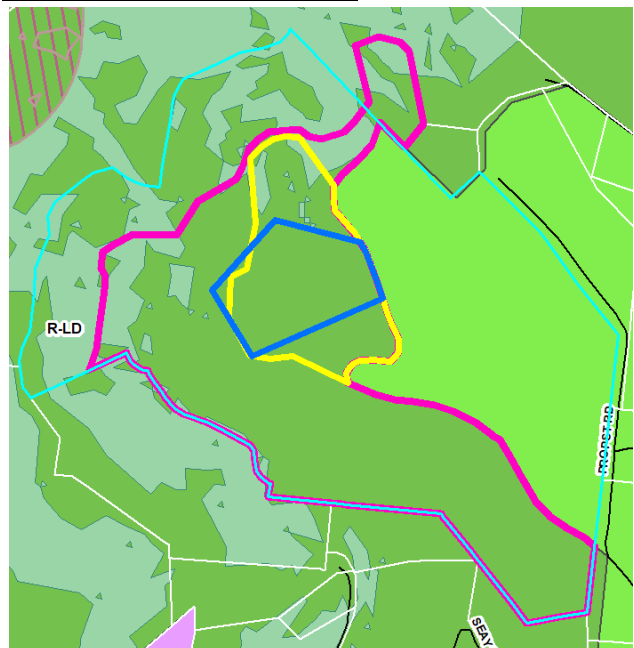
G. SPOT ZONING ANALYSIS

Staff has no concerns with spot zoning, given that the property is contiguous to existing R-1 zoning along the southern boundary.

EXISTING ZONING DISTRICT



PROPOSED ZONING DISTRICT



Pink = Original Proposal

Yellow = First, Revised Proposal

Blue = Second, Revised Proposal & the Subject of Board of Commissioners Public Hearing!!

H. COMPREHENSIVE LAND USE PLAN CONSISTENCY (See Figure 20 on page 4)

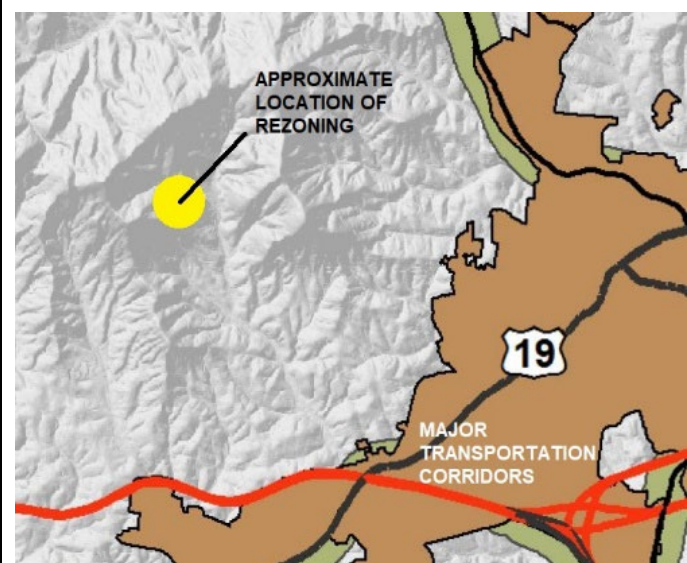
1. **LAND USE PLAN RECOMMENDATIONS:** The following is an analysis of the rezoning proposal in context of Figure 20. *Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013:*

Within Reasonable proximity to major transportation corridors

Single-family development: "Suggested"

Multi-family development: "Highly Suggested"

Rezoning area is approximately 1.5 miles from major transportation corridors



**Within Reasonable proximity to infrastructure
(combined water / sewer service area)**

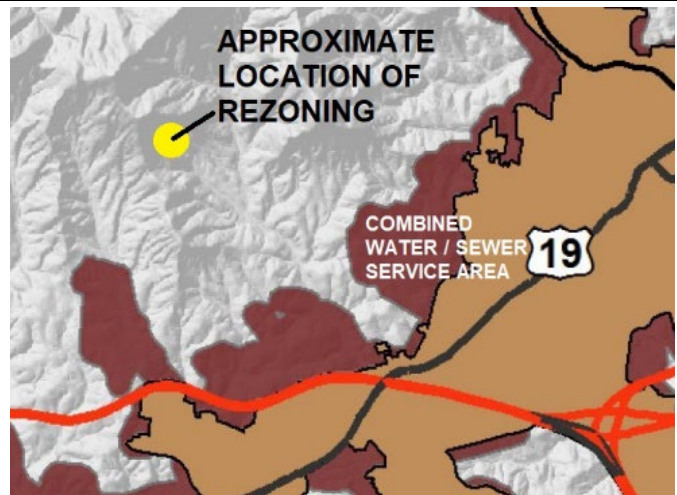
Single-family development: "Suggested"

Multi-family development: "Highly Suggested"

The revised rezoning area is outside Combined Water / Sewer Service Area.

Public water is available at the site.

Septic service will be necessary for wastewater.

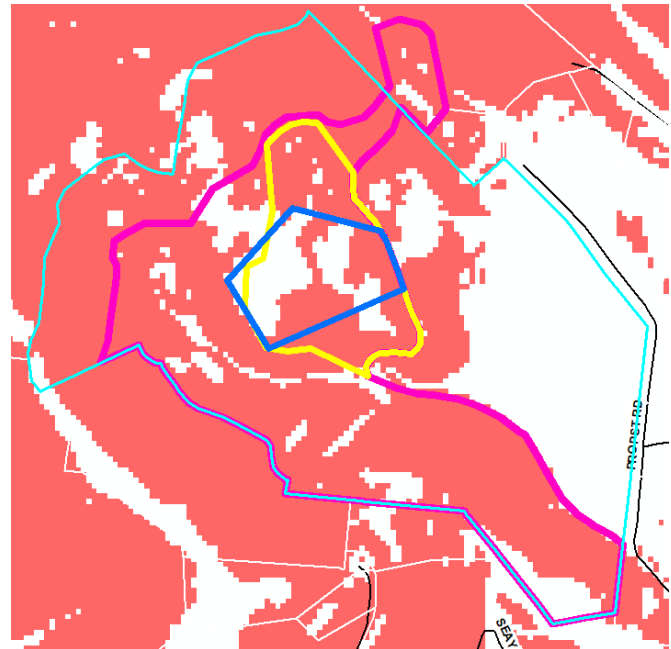


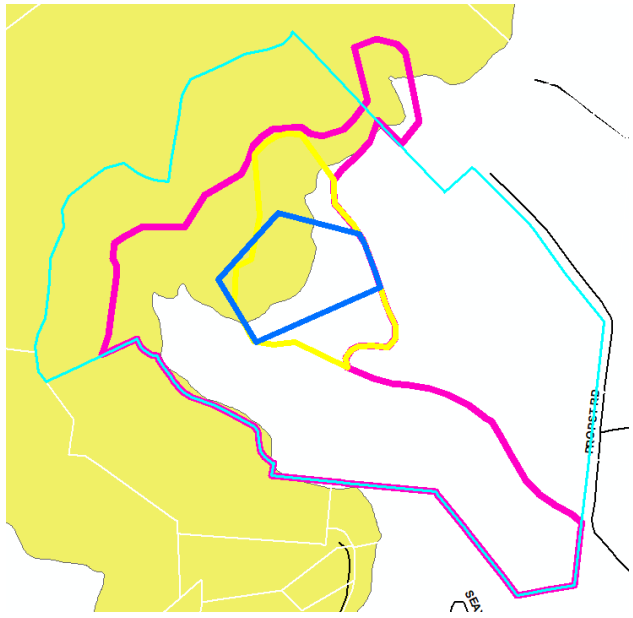
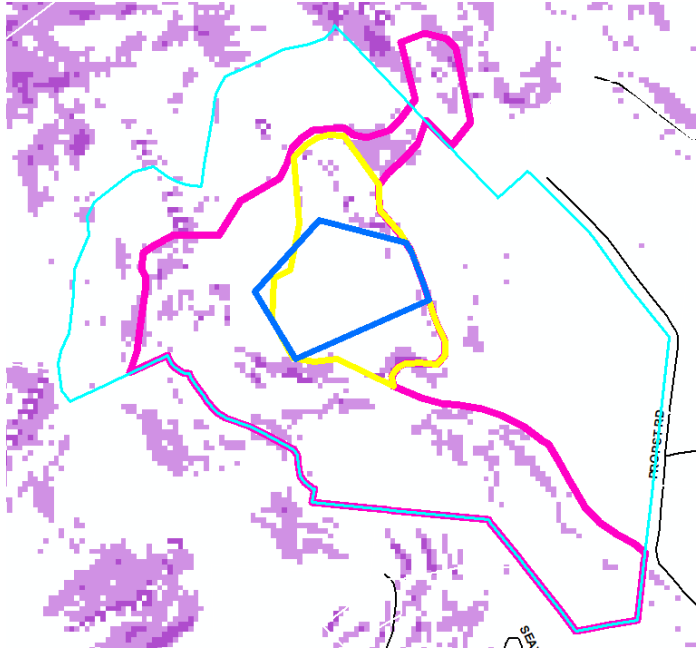
Outside of steep slope areas (25% +)

Single-family development: "Suggested"

Multi-family development: "Suggested"

Approximately ½ of the rezoning area contains slopes greater than 25%.



<p>Outside of high elevations (2500' +)</p> <p>Single-family development: "Suggested"</p> <p>Multi-family development: "Suggested"</p> <p>Approximately ½ of the rezoning area is over 2,500' above sea level.</p>	
<p>Outside of moderate and high slope stability hazards</p> <p>Single-family development: "Highly Suggested"</p> <p>Multi-family development: "Highly Suggested"</p> <p>The revised zoning area is largely devoid of High and Moderate Hazard Slopes.</p>	
<p>2. CONSISTENT: The change is <u>consistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>Location of single-family & Multi-family development is "Highly Suggested" outside of moderate and high slope stability hazards.</p> <p>Location of single-family development is "Suggested" within reasonable proximity to infrastructure (combined water / sewer service area).</p>

<p>3. INCONSISTENT: The change is <u>inconsistent</u> with the following recommendations of the Comprehensive Land Use Plan 2013 Update as outlined below:</p>	<p>Location of single-family development is “Suggested” within reasonable proximity to major transportation corridors.</p> <p>Location of single-family & Multi-family development is “Suggested” outside of steep slope areas (25%+).</p> <p>Location of single-family & Multi-family development is “Suggested” outside of high elevations (2500’+)</p> <p>Location of multi-family development is “Highly Suggested” within reasonable proximity to major transportation corridors.</p> <p>Location of multi-family development is “Highly Suggested” within reasonable proximity to infrastructure (combined water / sewer service area).</p>
---	---

I. OTHER COMPATIBILITY

Not Applicable.

J. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:

The rezoning area is currently vacant. Adjacent and nearby land uses include single family residential homes, and vacant/undeveloped land in a medium-density development pattern.

2. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

Rezoning the parcels from R-LD to R-3 zoning would continue to allow single family homes. The change would allow for the creation of multi-family residential and planned unit development projects by CUP, bed and breakfasts by right, vacation rental complexes by CUP, family care and group homes by right, and a range of other “light institutional” uses. See allowable use table, attached.

3. ALLOWABLE DENSITY / DIMENSIONAL STANDARDS AFTER CHANGE:

The change would reduce the minimum lot size from 1 acre, to 30,000 square feet for septic, or as low as 6,000 square feet for lots on public water and sewer.

	Existing District: R-LD Residential	Proposed District: R-3 Residential
Minimum Lot Size	43,560 SF	30,000 (no public sewer) 10,000 (public sewer no public water) 6,000 (public water & sewer)
Max dwelling units per acre	2	12
Setbacks (Front/Side/Rear)	10/10/20	10/7/15 (Water/sewer) 20/10/10 (Septic)
Max height	35 feet	35 feet

4. NEIGHBORHOOD CONSISTENCY:

In terms of land use types, R-3 development patterns within the rezoning area would be consistent with the neighborhood character of the adjacent R-3 zoned area located east of the subject property.

In terms of density and lot sizes, R-3 zoning would be inconsistent with development patterns north and west of the subject property, within the R-LD district in which the subject property is currently located. However, the second, revised proposed rezoning is greatly reduced in size and is situated at a lower elevation, as compared to the original proposal, and future development enabled by the proposed rezoning would be isolated from R-LD land uses located north & west of the subject property.

K. STAFF RECOMMENDATION:

The Planning Board considered the proposed rezoning on three occasions, and offered the following recommendations:

- 6/17/2019: The Board considered the original proposal and offered comments that implied the Board would recommend denial based upon nonconformance with the Land Use Plan. Based upon these comments, the Applicant withdrew and submitted a revised rezoning proposal.
- 7/1/2019: Meeting cancelled due to lack of quorum.
- 7/15/2019: The Board considered the first, revised rezoning proposal and recommended denial in a 5/1 vote based upon nonconformance with the Land Use Plan.
- 8/19/2019: The Board considered the second, revised rezoning proposal and a motion to recommend that the Buncombe County board of Commissioners approve the proposed map amendment failed to pass by a vote of 3 to 3.

The revised portion of property that is being requested to be rezoned represents a small percentage (approximately 3%) of the overall subject parcel. The applicant has worked with Planning Staff to carefully consider an area that will meet their future campus needs while avoiding any areas of the property that are located within the steep slope and protected ridge overlays. Based on this effort, Staff recommends approval of the application.

COMPARISON OF ALLOWABLE USES

Sec. 78-641. - Permitted uses.

(a) *Permitted use table.* Uses are permitted in the various zoning districts pursuant to Table 1.

P = Permitted

C = Allowed as Conditional Use

SR = Permitted with Special Requirements

Blank Space = Not Permitted

Table 1—Permitted Use Table

Uses	R-LD	R-3
Single-family residential dwelling, including modular	P	P
Two residential dwelling units (attached or detached)	P	P
Community oriented developments		P
Multifamily residential dwelling units (no more than eight units in no more than four buildings)		P
HUD-labeled manufactured homes—Residential	P	P
Manufactured home parks (8 units or fewer)		P
Manufactured home parks (more than 8 units)		C
Planned unit developments, residential or mixed use		C
Planned unit developments, commercial		
Subdivisions	P	P
Subdivisions, alternative path hillside development	P	P
Subdivisions, conservation development	P	P
Accessory buildings	P	P
Adult entertainment establishments		
Airports		
Amusement parks		
Animal hospitals and veterinarian clinics		
Asphalt plants		
Aviation-related services and facilities		
Banks and other financial institutions		
Bed and breakfast inns (10 occupants or less)	SR	P
Bed and breakfast inns (more than 10 occupants)	C	P
Cargo/freight terminals, operations and activities		
Cemetery	P	P
Chip mills		
Clubs or lodges		P
Concrete plants		
Day nursery and private kindergarten (up to 8 students)	SR	SR

Uses	R-LD	R-3
Day nursery and private kindergarten (more than 8 students)		C
Family care home	P	P
Funeral homes		
Government protective services		P
Greenhouses, commercial (nursery, lawn and garden products)		
Group homes		P
Hazardous waste facilities		
Health care facilities		C
Home occupations	P	P
Hotels and motels		
Incinerators		
Junkyards		
Kennels		C
Laundry and dry cleaning services		
Libraries		P
Manufacturing and processing operations		
Medical clinics		C
Mining and extraction operations		
Motor sport facilities		
Motor vehicles impoundment lot or tow yard		
Motor vehicles maintenance and repair		
Motor vehicles sales and rental		
Motor vehicles service stations (fueling stations)		
National guard and reserve armories		
Nightclubs, bars and pubs		
Personal landing strips		C
Physical fitness centers		C
Places of worship	P	P
Postal and parcel delivery services		
Printing and lithography		
Professional and business offices and services		
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	P	P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	C	C

Uses	R-LD	R-3
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C
Radio, TV and telecommunications towers	C	C
Recreation use, governmental	P	P
Recreation use, non-governmental	C	C
Repair services (electrical and appliances)		
Restaurants, eating establishments and cafés		
Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)		
Retail trade, commercial services, sales and rental of merchandise and equipment		
Rooming house		P
Schools, public and private		C
Schools—Vocational, business and special schools		
Shooting ranges—Outdoor Commercial		
Slaughtering plants		
Solid waste facilities—Landfills, transfer stations, materials recovery		
Storage and warehousing		
Theaters		
Travel trailers (no more than 180 days per calendar year)		P
Travel trailer parks		C
Vacation rentals	P	P
Vacation rental complex		C
Wholesale sales		