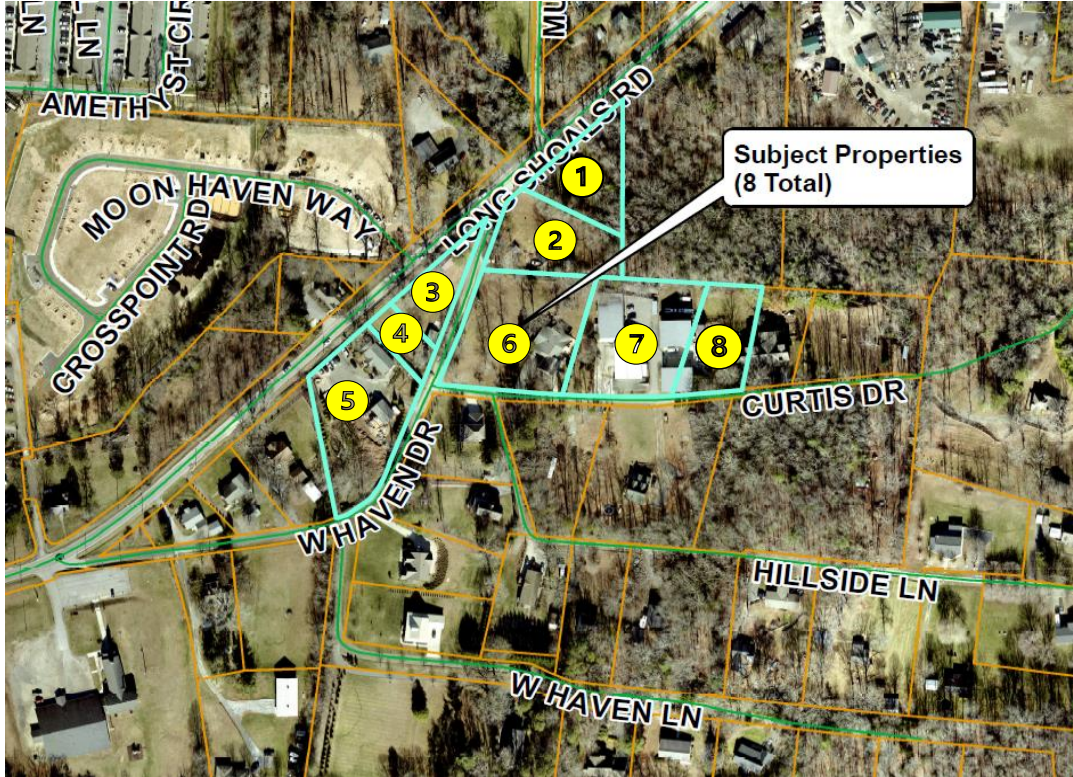




A. CASE

ZPH2024-00039 Long Shoals Rd. Rezoning

LOCATION MAP



B. PROPERTY INFORMATION

Lot #	PIN	Address	Owner	Acreage	Utilities	Access Road
1	9634654608	589 Long Shoals Rd.	Bobby Haney	0.57	City Water & Septic	Long Shoals Rd.
2	9634653566	611 Long Shoals Rd.	Jewel Gilbert	0.69	City Water & Septic	W Haven Dr.
3	9634651454	621 Long Shoals Rd.	Outdoor Impressions LLC	0.29	City Water & Septic	Long Shoals Rd.
4	9634650386	99999 Long Shoals Rd. (Unaddressed)	Outdoor Impressions LLC	0.25	City Water & Septic	Long Shoals Rd.
5	9634650212	631 Long Shoals Rd.	Michael Schmitt	1.1	City Water & Septic	Long Shoals Rd.
6	9634653308	5 W Haven Dr.	Sharon Tolley	1.24	City Water & Septic	Curtis Dr.
7	9634655316	5 Curtis Dr.	Sharon Tolley	1	City Water & Septic	Curtis Dr.
8	9634656376	99999 Curtis Dr. (Unaddressed)	Sharon Tolley & Kermit Tolley	0.56	City Water & Septic	Curtis Dr.

C. REZONING REQUEST

<p>Summary: Bobby Haney, Suzanne Mossburg, Outdoor impressions LLC, Michael Schmitt, Sharon Anderson Tolley, and Kermit Tolley have requested to rezone five parcels from R-1(Residential) to CS (Commercial Service) and three parcels from R-2 (Residential) to CS (Commercial Service).</p> <p>Refer to the Maps exhibit for area of property to be rezoned.</p>	<p>Existing: R-1 and R-2 Residential</p>
	<p>Proposed: CS- Commercial Service</p>

D. PUBLIC NOTICE

	Planning Board	Board of Commissioners
Citizen Times and BC website:	1-15-25	
Mailed to owners within 1,000 ft:	1-15-25	
Physical posting on site:	1-15-25	
Hearing Date:	1-27-25	

E. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

<p>STAFF: APPROVAL</p>	<p>Staff recommends that the rezoning of the parcels be approved as it is consistent with the recommendations from the Comprehensive Plan for potable water, density, proximity to transportation corridor, location outside of overlay districts, high/moderate hazard stability areas, floodplain and is located in close proximity to other CS zoned areas along the same corridor. While not completely consistent with the G.E.C. map, this area could be appropriate for more intense development as Long Shoals Rd emerges as a commercial corridor. This rezoning would resolve an ongoing code violation for the parcel located at 631 Long Shoals Rd and align with the pre-existing non-conforming commercial uses on the parcels located at 5 Curtis Dr. and 99999 Curtis Dr.</p>
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F. SPOT ZONING & STATEMENT OF REASONABLENESS

<p>Spot Zoning: A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." <i>Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).</i></p>	<u>CONSISTENT</u>	<u>POTENTIAL SPOT ZONING</u>
<p>1. Staff Analysis of spot zoning: The eight (8) subject parcels to be rezoned are a combined total of 5.7 acres in size. Three (3) out of the eight parcels requesting rezoning are adjacent to a parcel currently zoned Commercial Service (CS). The subject parcels are adjacent or in close proximity to a transportation corridor. Based on the nature of the request, Staff does not have concerns related to spot zoning.</p>	X	
<p>Statement of Reasonableness: When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:</p>	<u>CONSISTENT</u>	<u>IN-CONSISTENT</u>
<p>1. The size, physical conditions, and other attributes of the area proposed to be rezoned</p>	X	
<p>2. The benefits and detriments to the landowners, the neighbors, and the surrounding community</p>	X	
<p>3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment</p>	X	
<p>4. The action taken is in the public interest</p>	X	
<p>5. Any changed conditions warranting the amendment</p>	N/A	

G. 2043 COMPREHENSIVE PLAN CONSISTENCY

PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.

GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>1. FLUM CATEGORY DESCRIPTION The proposed rezoning is not consistent with the Character area description of 'Mixed Use Neighborhood' where this parcel is located. However, this group of parcels is in close proximity, about an eighth of a mile, to the Mixed Use II FLUM category at the corner of Long Shoals Rd. and Brevard Rd. which aligns with the commercial services zoning district.</p>		X

<p>2. WASTEWATER & POTABLE WATER TYPE The parcels have access to public water but are currently on septic. The subject parcels are within reasonable proximity to existing sewer infrastructure. As the parcels develop and the need arises, MSD may be an option in the future.</p>	X	
<p>3. DENSITY The proposed zoning district has a maximum density of up to 12 units an acre which is the same as the current zoning district.</p>	X	
<p>4. PRIMARY AND SECONDARY LAND USES The uses allowed in the proposed zoning district include uses which are not recommended in the Character Framework for this area.</p>		X
PLAN POLICIES AND ACTIONS:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>5. Proximity to Transportation Corridor (<i>Transportation Action 4</i>) The parcels are located on or near a transportation corridor, Long Shoals Road. Long Shoals Rd. has seen several rezonings from residential to commercial over the last few years, which is indicative of its progression to a commercial corridor.</p>	X	
<p>6. Support higher density residential development near job centers and amenities (<i>Transportation Action 4</i>) The rezoning from R-1 and R-2 to CS will not result in any change to the allowable density.</p>	N/A	
<p>7. Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county's existing biodiversity (<i>Env. Conserv. Action 3</i>) This parcel is in the Mixed Use Neighborhood area on the GEC Map. This is a growth area and so this question does not apply.</p>	N/A	
<p>8. Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration (<i>Env. Conserv. Action 3</i>) This rezoning would not cause the fragmentation of a large forest block.</p>	X	
<p>9. Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc. (<i>Economic Dev. Action 2</i>) The rezoning of this parcel will increase the land use options for the existing and future property owners. It is located on Long Shoals Rd., a transportation corridor with the potential to be a future economic corridor.</p>	X	
<p>10. Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map (<i>Economic Dev. Action 3</i>) Rezoning the subject parcel to CS would not necessarily result in the creation of more place-based community gathering destinations in the Mixed Use Neighborhood area where it is located.</p>	N/A	

<p>11. Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA’s Environmental Justice Screening Tool (Health Action 7) The parcel is not in an area identified on the red lining map of Asheville and does not score high on the Buncombe County Community Index Map Equity Index.</p>	Equity Analysis is not suggested for this parcel.	
ENVIRONMENTAL:	<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.</p>	X	
<p>13. Regulated Flood Hazard Areas The parcel is not located within a regulated flood hazard area.</p>	X	
<p>14. High or Moderate Hazard Stability Areas The parcel does not contain significant hazard stability areas.</p>	X	

H. NEIGHBORHOOD CONSISTENCY			<u>CONSISTENT</u>	<u>NOT CONSISTENT</u>
<p>1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:</p>			X	
DIRECTION	ZONING	ADJACENT USES		
NORTH	R-2 Residential	Residential low density		
EAST	CS Commercial Service	Multi-Use Commercial		
SOUTH	R-1 Residential	Single Family Homes and Manufactured home		
WEST	R2- Residential	Single-family home, Office, and vacant land		
<p>2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? (Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.) The rezoning of the properties from R-1 and R-2 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. If all parcels are rezoned together they would be adjacent to a CS zoned parcel to the northeast. Any future commercial development would be required by zoning to establish and/or maintain a buffer between adjacent properties with residential uses.</p>				X

<p>3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area?</p> <p>The proposed zoning district allows a variety of uses from residential to commercial, and warehousing. The existing uses in the immediate area includes single-family residential, multifamily residential, office, and multi-use commercial.</p>	<p>X</p>	
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4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:
 The proposed rezoning would allow additional uses in the CS district that are not currently allowed in the R-1 and R-2 districts. Examples of uses that would be allowed after the rezoning include commercial planned unit developments, veterinary clinics, banks, cargo and freight terminals, commercial greenhouses, hotels and motels, kennels, manufacturing operations, medical clinics, vehicle impoundment, repair, and sales lots, gas stations, fitness centers, business offices, restaurants, retail, business schools, warehousing and mini-storage, vacation rental complexes, and more.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Existing District	Proposed District:
		R-1 Residential	R-2 Residential	CS Commercial Service
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF	10,000 SF
	Public Water & Sewer	8,000 SF	6,000 SF	5,000 SF
Max. dwelling units per acre		10	12	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/7/15 with public sewer 20/10/20 septic system	10/10/10
Max. height		35 feet	35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:
 The parcels located at 5 Curtis Dr. and 99999 Curtis Dr. are pre-existing non-conforming commercial use (vehicle repair). The parcel located at 631 Long Shoals Rd. is being used as a landscaping business as a home occupation. The rezoning would be consistent with these uses and would help rectify the current inconsistencies.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

<u>EXISTING ZONING DISTRICT – R-1</u>	<u>EXISTING ZONING DISTRICT – R-2</u>	<u>PROPOSED ZONING DISTRICT – CS</u>
<p>The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future.</p>	<p>The R-2 District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. These areas will usually be adjacent to</p>	<p>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, to discourage strip commercial development, and to allow for</p>

<p>This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.</p>	<p>R-1 Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.</p>	<p>suitable noncommercial land uses. Such locations should currently have water and sewer services or be expected to have such services available in the future. This CS Commercial Service District may be applied to suitable areas adjacent to existing commercial concentration to allow for their expansion.</p>
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J. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff’s Equity Analysis for this rezoning:

Based on this parcel’s ranking on the Community Index Map, this parcel is not located in an equity opportunity area.

K. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

L. BOARD OPTIONS

The following options are available to the Board:

- a. Recommend approval of the proposed rezoning as it is consistent with the Buncombe County 2043 Comprehensive Plan, as presented.
- b. Recommend approval of a portion of the proposed rezoning as it is consistent with the Buncombe County 2043 Comprehensive Plan.
- c. Recommend denial of the proposed rezoning, as presented as it is inconsistent with the Buncombe County 2043 Comprehensive Plan.

M. ATTACHMENTS

- Application
- Maps