BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00025 Edins Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9653-57-2381

ADDRESS: 2596 Hendersonville Rd

OWNER: Kevin Edins

ACREAGE: 0.92 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: Hendersonville Rd.

D. REZONING REQUEST

Summary: Kevin Edins has requested to rezone one parcel from R-2 Residential to CS Commercial.

Existing: R-2 Residential

Proposed: CS Commercial Services

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website:	8-8-25	9/24/2025
Mailed to owners within 1,000 ft:	8-8-25	9/24/2025
Physical posting on site:	8-8-25	9/24/2025
Hearing Date:	8-18-25	10/7/2025

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.
PB: APPROVAL	Planning Board voted unanimously to recommend approval at their meeting on 8/18/2025

G. SPOT ZONING & STATEMENT OF REASONABLENESS		
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." 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).*	**CONSISTENT**	**POTENTIAL SPOT ZONING**
1. Staff Analysis of spot zoning: The subject parcel is approximately 0.92 acres in size. It is adjacent to CS zoning to the North and there is CS zoning across Hendersonville Rd. to the west. The parcel adjoins other R-2 parcels to the east that the owner also owns, and to the south. Most of the parcels along this portion of Hendersonville Rd. are zoned CS. Staff does not consider this request a spot zoning.	**X**	
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:*	**CONSISTENT**	**IN-CONSISTENT**
1. The size, physical conditions, and other attributes of the area proposed to be rezoned	**X**	
2. The benefits and detriments to the landowners, the neighbors, and the surrounding community	**X**	
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	**X**	
4. The action taken is in the public interest	**X**	
5. Any changed conditions warranting the amendment	**X**	

H. 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):	**CONSISTENT**	**NOT CONSISTENT**
1. **FLUM CATEGORY DESCRIPTION** The proposed rezoning is consistent with the Character area description of 'Mixed Use I" where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels are intended to be served by public water and MSD.	**X**	
3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre, which is the same as the current R-2 zoning also allows 12 units per acre.	**X**	

4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district include additional uses which are recommended in the Character Framework for this area.	**X**	
PLAN POLICIES AND ACTIONS:	**CONSISTENT**	**NOT CONSISTENT**
5. **Proximity to Transportation Corridor** *(Transportation Action 4)* The parcel is located on Hendersonville Rd, this is a major transportation corridor in the County.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change since the allowable density is the same in R-2 and CS.	**N/A**	
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** *(Env. Conserv. Action 3)* This parcel is in the Mixed Use I area on the GEC map which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**N/A**	
8. **Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration** *(Env. Conserv. Action 3)* This does not apply to this parcel.	**N/A**	
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.** *(Economic Dev. Action 2)* This property has the potential to attract a larger variety of commercial, mixed-use, and residential developments with the change from R-2 to CS.	**X**	
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** *(Economic Dev. Action 3)* This parcel is designated as a Mixed Use I on the GEC map. CS could allow for commercial opportunities that can be accessed from the surrounding neighborhood.	**X**	
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 however is has a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.	**Equity Analysis is suggested for this parcel.**	

ENVIRONMENTAL:	CONSISTENT	NOT CONSISTENT
12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.	X	
13. Regulated Flood Hazard Areas The parcel is not within a regulated flood hazard area.	X	
14. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	X	

I. NEIGHBORHOOD CONSISTENCY	CONSISTENT	NOT CONSISTENT
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:	X	

DIRECTION	ZONING	ADJACENT USES
NORTH	CS	Commercial Service
EAST	R-2	Low density residential
SOUTH	R-2	Park Area
WEST	CS	Commercial Vacant

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-2 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. R-2 zoning is intended for low to medium density housing. CS allows for higher intensity commercial uses. While there will be no transition from CS to R-2 for the property adjacent to the east of the subject parcel, the zoning ordinance requires that a buffer be established between commercial and residential uses.		X
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Much of the the land along this part of Hendersonville Rd is already zoned CS and the majority of the uses are commercial service as well. The uses in the CS zoning district are compatible with the current uses in the area and with Hendersonville Rd. as a major transportation and commercial corriodor.	X	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Veterinarian Clinics, Banks, Greenhouses, Kennels, Dry cleaners, Medical clinics, Retail, Gas stations, Nightclubs/Bars, Gyms, Post Office, PUD II, Schools, Storage and Warehousing, Theaters, etc.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

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

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

In 2010 this parcel was the subject of a rezoning request from R-2 to CS. The Planning Board recommended approval stating that the rezoning was **consistent** with the Update to the Land Use Plan. The Board of Commissioners denied the rezoning stating that the rezoning was **inconsistent** with the Update to the Land Use Plan. Hendersonville Rd. has continued to change over the last 15 years and has become an established commercial corridor. Currently, the rezoning aligns with the Buncombe 2043 Comprehensive Plan and the development pattern in the area.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-2	**PROPOSED ZONING DISTRICT – CS**
The R-2 Residential 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 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.	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 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.

K. 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 located in an equity opportunity area. This parcel is in a Census Tract that ranks at 136 out of 153. The higher the number on the index, means that that the area faces more equity challenges. Equity Opportunity Areas fall between rankings of 94-153. Here are some factors to consider that contribute to the high ranking on the Equity Index:

- **18% of the population is Below the Poverty Line.**
- **14.7% of the population experiences Food Insecurity**
- **41.5% of the population identifies as Hispanic/Latino**
- **26.5% of the population speaks Spanish at home.**

The Planning Board and Board of Commissioners should consider how the proposed rezoning will impact the surrounding neighborhoods and residents. The Staff notes that this property is within an established commercial corridor and continues a development pattern of commercial uses along Hendersonville Road. While adjacent to residential uses, regulations within the Zoning Ordinance would require buffering adjacent to existing residential uses.

L. 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)

M. 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 consitent with the Buncombe County 2043 Comprenhensive Plan.
c. Recommend denial of the proposed rezoning, as presented as it is inconsistent with the Buncombe County 2043 Comprehensive Plan.

N. ATTACHMENTS

- Application
- Maps