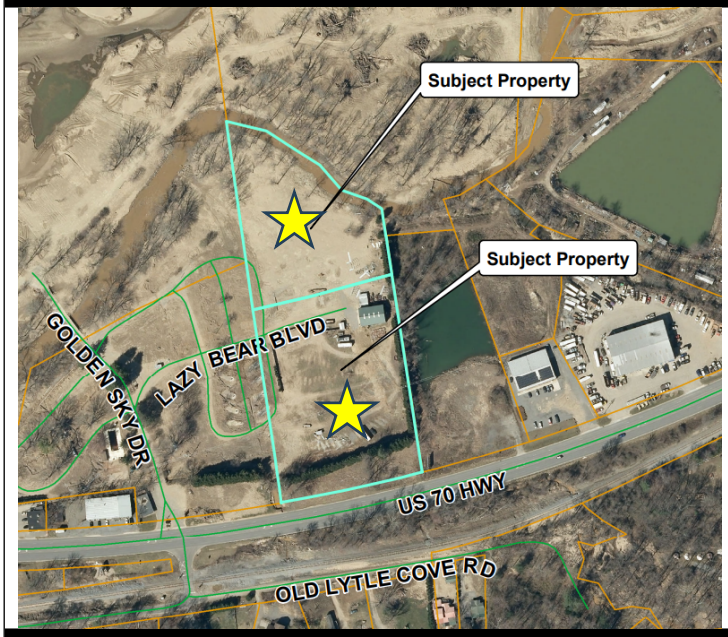
BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2026-00024 KOA Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9699-70-6736, 9699-71-5166

ADDRESS: 517 Lazy Bear Blvd, unaddressed parcel US 70 Hwy

OWNER: Kampgrounds of America Inc.

ACREAGE: 6.77 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: Lazy Bear Blvd. and Happy Camper Way

D. REZONING REQUEST

Summary: Kampgrounds of America have requested to rezone two (2) parcels of land from CS Commercial to R-3 Residential.	**Existing:** CS Commercial
	Proposed: R-3 Residential

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website:	7-8-26	8-5-26
Mailed to owners within 1,000 ft:	7-8-26	8-5-26
Physical posting on site:	7-8-26	8-7-26
Hearing Date:	7-20-26	8-18-26

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL **PB: APPROVAL**	Staff and Planning Board recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

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 parcels are approximately a combined 6.77 acres in size. They are adjacent to R-3 zoning to the West. 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 Neighborhood" where the unaddressed parcel is located and is consistent with the Character description of 'Mixed Use Area I' where the parcel at 517 Lazy Bear Blvd is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE**	**X**	

The parcels are served by public water and MSD.		
3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre, which is the same as the current CS zoning.	**X**	
4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district align with the primary and/or secondary uses outlined in both the land use designations.	**X**	
PLAN POLICIES AND ACTIONS:	**CONSISTENT**	**NOT CONSISTENT**
5. **Proximity to Transportation Corridor** *(Transportation Action 4)* The parcel at 517 Lazy Bear Blvd. is directly adjacent to US Hwy 70 and the unaddressed parcel is located about 150 feet off the edge of the road.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change.	**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)* These parcels are in the Mixed Use Neighborhood and Mixed Use Area I land use type 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 these parcels.	**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)* These properties have the potential to be developed at a slightly higher residential intensity if rezoned to R-3. This would include manufactured home parks and multi-family residential.	**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)* While there are more options for gathering space type uses in the CS zoning district, the proposed rezoning to R-3 could support uses that create gathering destinations. Some examples are: clubs or lodges, community oriented developments, libraries, manufactured home parks, places of worship, and recreation use, governmental.	**X**	
11. **Integrate impact 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)*	**Impact Analysis is suggested for this parcel.**	

The parcels are not in an area identified on the red lining map of Asheville however they have a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.		
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 with the PIN: 9699-71-5166 is located in the regulated 100 year floodplain		**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 vacancy
EAST	CS	Commercial vacancy
SOUTH	EMP	Manufactured Home Site
WEST	R-3	Commercial vacancy & RV park

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.)* There is currently R-3 residential adjacent to these CS Commercial parcels. If these parcels become R-3, they will be adjacent to R-3 to the west and commercial to the north and east. Since R-3 is a higher intensity residential district this is appropriate.	**X**	
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Most of the properties immediately adjacent to the subject parcels are commercial vacancy and manufactured home sites. The uses allowed in R-3 align with these current uses.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow for manufactured homes and manufactured home parks as well as travel trailers and travel trailer parks which are not currently allowed in the CS zoning district. Many commercial uses permitted in CS will no longer be permitted after the change to R-3. Examples of some of these use: Retail trade, night clubs, restuarants, storage and warehousing, manufacturing and processing, and hotels and motels.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		CS Commercial	**R-3 Residential**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF
	Public Water & Sewer	5,000 SF	6,000 SF
Max. dwelling units per acre		12	12
Setbacks (Front/Side/Rear)		10/10/10	10/7/15 with public sewer 20/10/20 septic system
Max. height		50 feet	35 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

None.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – CS

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.

PROPOSED ZONING 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.

K. IMPACT ANALYSIS

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

Based on these parcles' ranking on the Community Index Map, the parcels are located in an impact opportunity area. The parcels are in a Census Tract that ranks at 134 out of 153. The higher the number on the index, means that that the area faces more challenges faced by the residents in that area. Here are some factors to consider that contribute to the high ranking on the Community Index:

- **35% of the population is Below the Poverty Line.**
- **9.45% of the population experiences Food Insecurity**
- **38.5% No HS Diploma**
- **49.5% of the population identifies as Hispanic/Latino**
- **22.05% 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.

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