



Buncombe County Planning & Development

Application for a Conditional Use Permit (CUP)

PLEASE NOTE:

A PRE-SUBMITTAL CONFERENCE WITH THE ZONING ADMINISTRATOR IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION FOR A CONDITIONAL USE PERMIT

Please complete all sections of the application.

Application Fee: \$250 plus \$25 per additional lot plus
\$200 per each additional 25 acres

A. Property Information

PIN(s): 9627-79-7125; 9627-89-6780

Address(es): 20 S. Bear Creek Road

Project Name: Crossroads at West Asheville

Acreage: 68

B. Application for Conditional Use Permit

Application is hereby made to the Board of Adjustment to issue a Conditional Use Permit for use of the property described above as a (please provide a brief description of the use):

Mixed use development of multi-family, office, commercial, cottages, senior living, and vacation rentals buildings

C. Applicant Contact Information

Civil Design Concepts, PA

Company/Corporate Name (if applicable)

Warren Sugg, PE

Applicant's Name

168 Patton Avenue

Mailing Address

Asheville, NC 28801

City, State, and Zip Code

(828) 252-5388

Telephone

wsugg@cdego.com

Email

D. Owner Contact Information (If different)

Catalyst Capital Partners

Owner's Name

1600 Camden Road, Suite 200

Mailing Address

Charlotte, NC 28203

City, State, and Zip Code

(704) 231-4882 Beau McIntosh

Telephone

Email

OFFICE USE ONLY:

Date received: 9/9/19

Case number: ZPH2019-00044

Scheduled BOA Hearing: 10/9/19

Pre-Submittal Conference Date:

Buncombe Zoning Administrator/Designee Signature



Transmittal

Date: September 9, 2019
Project Name: Catalyst Bear Creek
CDC Project: 11925
Permit #:

To: Joshua Freeman
Buncombe County Planning and Zoning
46 Valley St.
Asheville, NC 28801

Via: ☐ Mail ☐ Overnight ☒ Hand Delivered ☐ Pick up @ CDC Office ☐ Digital

Copies	Date	Description
1	09/09/19	BOA Fee \$2,000
1	09/09/19	Application for a Conditional Use Permit
1	09/09/19	Additional Conditional Use Standards: RPUD
1	09/09/19	Property Deed
1	09/09/19	Allocations (Water & Sewer)
1	09/09/19	TIA Summary
1	09/09/19	CD with Plan PDF
1	09/09/19	Development Plans – Full Size (24"x36")
11	09/09/19	Development Plans (11"x17")

Remarks:

Michael Driscoll

Mailing Address: P.O. Box 5432, Asheville, NC 28813

168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365

52 Walnut Street – Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455

E. CONDITIONAL USE PERMIT APPLICATION CHECKLIST

I, the petitioner, submit a site-specific development plan containing the following information (Please mark 'NA' by any requirement that is not applicable and provide a brief statement as to why it is not applicable. Failure to submit a complete application will result in removal from the Board of Adjustment agenda):

☐ Development Plans:

- ☒ One full sized copy of the development plan to scale and dated.
- ☒ 11 copies of the development plan reduced to either 11"x 17" or 8.5"x 11".
- ☒ A digital version of the development plan in pdf format.
- ☒ A statement of present and proposed ownership.
- ☒ Development schedule indicating approximate beginning and completion dates of the development, including any proposed stages.
- ☒ Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
- ☒ Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, gross residential densities, and the total amount of open space.
- ☒ Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.
- ☒ For commercial structures in CPUDs and RPUDs, architectural renderings of all principal buildings, drawn to a known scale. Elevation renderings of the site, to scale, for any retaining wall system proposed to provide a cumulative vertical relief in excess of 10' in height showing landscaping, vegetative screening, and the top and bottom of the wall at grade.

☐ Site Conditions:

- ☒ Existing site conditions including the following if applicable: contours, watercourses, identified flood hazard areas, and any unique natural or manmade features.
- ☒ Boundary lines of the proposed development, lot lines, and plot design.
- ☒ Proposed location and use of all existing and proposed structures, including the location of any proposed retaining walls. The maximum height of any retaining wall shall be shown on the proposed site plan.
- ☒ Location and size of all areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, and similar public and semipublic uses.
- ☒ Locations and/or notation of existing and proposed easements and rights-of-way.
- ☒ Zoning district in which the project is located.

☐ Infrastructure:

- ☒ Existing and proposed street system, including the location and number of off-street parking spaces, service areas, loading areas, and major points of access to the public right-of-way.
- ☒ Notation of the proposed ownership of the street system (*public or private*).
- ☒ Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services.
- ☒ Approximate location of proposed utility systems, including documentation of water and sewer availability.
- ☒ Documentation of pre-application conferences with the Sedimentation and Erosion Control and Stormwater Management offices (*where required*).

☐ Perimeter and Adjacent Uses:

- ☒ Proposed treatment of the development's perimeter including materials/techniques (*ex: screens, fences, walls*).
- ☒ Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

F. CONDITIONAL USE PERMIT BURDEN OF PROOF

In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the Conditional Use Permit as provided for in §78-677(g) *Procedures for obtaining a Conditional Use Permit, Conditions for granting approval*. The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Conditional Use Permit.

If necessary please provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply. If this is a revision to a previously approved Conditional Use Permit and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate how the proposed CUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed CUP:

see attached

2. Indicate how the proposed CUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed CUP:

see attached

3. Indicate how the proposed CUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

see attached

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed CUP:

see attached

5. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed CUP:

see attached

6. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed CUP:

see attached

7. Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed CUP:

see attached

8. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed CUP:

see attached

9. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed CUP or how the items listed are not applicable to the proposed CUP:

see attached

10. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed CUP:

see attached

11. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed CUP:

see attached

G. ADDITIONAL CONDITIONAL USE STANDARDS

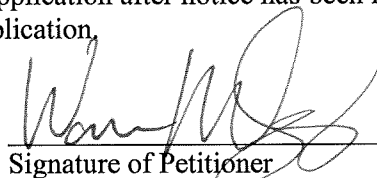
Before issuance of a conditional use permit for one of the specific uses listed in §78-678(b) *Conditional Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met.

The petitioner shall be required to submit an additional form specific to the use, in order to assure these conditions are met. An application for a use listed in §78-678(b) shall not be deemed complete without the additional form.

Failure to submit the complete additional form(s) required for specific conditional uses will result in removal from the Board of Adjustment agenda

H. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a conditional use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.



Signature of Petitioner

SEPT 9 2019
Month Day Year

SIGN HERE



Crossroads at West Asheville – Buncombe County
Conditional Use Permit Application Supplement
September 9, 2019

FACTORS RELEVANT TO THE ISSUANCE OF A CONDITIONAL USE PERMIT:

1. Indicate how the proposed CUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed CUP:

The proposed project will provide safe access, municipal water and sewer, stormwater management and outdoor amenities for proposed residents and businesses.

2. Indicate how the proposed CUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed CUP:

The proposed multi-use project is a mix of uses, all of which are allowed within the PS Zoning District. The project will be served by existing public infrastructure and proposes improvements to the existing public infrastructure and additional proposed private infrastructure, as reviewed and recommended by a Traffic Impact Analysis (TIA) and in accordance with NC DOT standards.

3. Indicate how the proposed CUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

The proposed multi-use project is largely residential multi-family with a mix of housing unit types, similar to much of the area surrounding the project. As such, this proposed project will have a similar use and not adversely affect the surrounding properties via on-going noise, vibration, odor or glare. The project will maintain as much vegetation as possible surrounding the newly constructed structures to sustain the existing natural setting and act as natural buffering of noise, vibration, odor and glare.

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed CUP:

Ingress and egress to the property is proposed via a private road, with 2 proposed access points off South Bear Creek Road. A Traffic Impact Analysis (TIA) has been provided with this submittal. Roadway improvements along South Bear Creek Road as recommended in the traffic impact study have been indicated on the master plan. A separate pedestrian pathway will be provided along the road within the private right-of-way to give safe access throughout the development.

5. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed CUP:

Proposed parking layout and associated calculations are shown on the Site Plan. Parking areas will provide landscaping as required by Zoning Ordinance. Project proposes an average of 1.42 spaces per residential unit and proposes to meet Buncombe County code for the commercial space parking. Due to the commercial and residential units having offset parking uses we propose a shared parking agreement across the commercial parking which would provide a total parking ratio of 1.72 spaces per residential unit.

6. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed CUP:

The proposed project will connect and extend public water and public sewer to serve the project. Water will be provided by the City of Asheville from South Bear Creek Road and sewer will be provided by MSD of Buncombe County that currently runs through the parcel. Current on-site capacity for both water and sewer has been confirmed to be adequate to serve the uses and density of the proposed project, per water and sewer allocations.

7. Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed CUP:

The project is surrounded by a river to the north and west, a freeway to the south, and a church to the east; for these reasons perimeter buffering is not required by the Zoning Ordinance. The project proposes to maintain the existing parcel's buffering, along with supplemental building and parking landscaping to enhance and buffer the development. Existing trees and undisturbed areas along the perimeter also provide a natural vegetated buffer. Landscaping in the form of trees and shrubs will be provided throughout the site to improve the amenity areas and provide buffering. Parking landscaping will be provided in accordance with the Zoning Ordinance.

8. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed CUP:

The project proposes an identifying monument sign at the entrances to the project. Exterior lighting will be provided for safety in accordance to the Zoning Ordinance. Final lighting design will be completed by lighting professionals at the time of construction drawings and will be designed to meet all code requirements regarding glare, traffic safety, and economical effect to be compatible and harmonious with surrounding properties as well as those users of the development.

9. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed CUP or how the items listed are not applicable to the proposed CUP:

The proposed project will have neighborhood service retailers, open public green amenity areas, extended public walkways, public parking, pet walk areas, public trails, public greenway park along Hominy Creek, and fitness centers and community clubhouse and pools for the residential buildings. Pedestrian paths are located within the project and around the buildings as well as throughout existing natural areas.

10. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed CUP:

The proposed buildings will vary in height from 1-story to 4-story. Structure heights will max out at approximately 55' to peak of roof pitch. The increase in height from 50' to 55'-8" is to allow for pitched roof systems instead of flat roof systems. This height also allows for the proposed buildings to in keeping with similar building types throughout the market.

11. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed CUP:

The project consists a mix of residential apartment buildings and community commercial. The expected times of operation would be typical of residential apartment developments and not applicable to requirements regarding hours of operation. The community commercial buildings would be expected to be in operation during the normal weekday office hours for the office building and normal neighborhood services business hours for the retails spaces.

CONDITIONAL USE PERMIT INFORMATION SHEET

What is a Conditional Use?

A use which is permitted in specified zoning districts only after approval by the Board of Adjustment and found to meet specific conditions and procedures set forth in the Zoning Ordinance.

When is a Conditional Use Necessary?

A conditional use is necessary when a landowner wishes to use his/her property in a way that may affect the public through increased use, appearance, hours of operation, lighting, etc.

Who decides if I will get a Conditional Use Permit?

The decision is made by the Buncombe County Board of Adjustment. No conditional use shall be granted by the Board of Adjustment unless all standards for specific uses are followed according to the requirements in the Zoning Ordinance *Section 78-678(b) Conditional Use Standards*. Standards have been established to ensure that the use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare. The full list of conditions for granting approval can be found in *Sections 78-677(g) and 78-678(b)*.

When will my Conditional Use Permit be decided?

The Board of Adjustment meets the second Wednesday of every month at 12 noon.

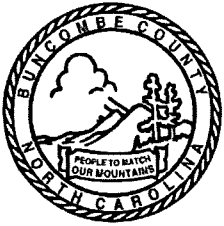
Applications must be received by the Zoning Administrator 30 days prior to the scheduled Board of Adjustment meeting to be processed. If a scheduled meeting falls on a Buncombe County Government observed holiday, the meeting will be scheduled for the following Wednesday.

What is the process for obtaining a Conditional Use Permit?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the basic information of the proposed development.
2. **Submit Application:** At least 30 days prior to the public hearing date, submit all completed application and supporting documents to the Zoning Administrator.
3. **Public Notice:** Public notice procedures for the public hearing will be conducted by County staff.
4. **Public Hearing:** The Board of Adjustment will hear the presentation of the application and statements by the public, and will approve or deny the CUP application.
5. **Building Permit:** After approval of the CUP, apply for your regular building, zoning, and other required permits.
6. **Inspections:** Inspections may be made during construction and a final inspection after construction is complete will be made to ensure that the CUP has been constructed according to the approved plan.

What are the fees for a Conditional Use Permit?

Conditional Use Permit application fee	\$250, and
More than One Lot	\$25 per each additional lot, and
More than 25 Acres	\$200 per each additional 25 acres



Buncombe County Planning & Development
Application for Additional Conditional Use Standards:
Residential or Mixed Use Planned Unit Development
(RPUD)

Please complete all sections of the application.

A. Property Information

PIN(s): 9627-79-7125; 9627-89-6780

Address(es): 20 S. Bear Creek Road

Project Name: Crossroads at West Asheville

Acreage: 68

B. Application for a Residential or Mixed Use Planned Unit Development

Application is hereby made to the Board of Adjustment to issue a Conditional Use Permit for a Residential or Mixed Use Planned Unit Development (*please provide a brief description of the project*):

Mixed use development of multi-family, office, commercial, cottages, senior living, and vacation rentals buildings

C. Applicant Contact Information

Civil Design Concepts, PA

Company/Corporate Name (if applicable)

Warren Sugg, PE

Applicant's Name

168 Patton Avenue

Mailing Address

Asheville, NC 28801

City, State, and Zip Code

(828) 252-5388

Telephone

wsugg@cdcgo.com

Email

D. Owner Contact Information (If different)

Catalyst Capital Partners

Owner's Name

1600 Camden Road, Suite 200

Mailing Address

Charlotte, NC 28203

City, State, and Zip Code

(704) 231-4882 Beau McIntosh

Telephone

Email

OFFICE USE ONLY:

Date received: _____ Case number: _____

Scheduled BOA Hearing: _____

E. RESIDENTIAL OR MIXED USE PLANNED UNIT DEVELOPMENT BURDEN OF PROOF

Before issuance of a conditional use permit for one of the specific uses listed in §78-678(b) *Conditional Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the Conditional Use Permit as provided for in §78-678(b)(6) *Conditional Use Standards, Residential or Mixed Use Planned Unit Developments (RPUD)*. The Board of Adjustment does not have unlimited discretion in deciding whether to grant a Conditional Use Permit for a RPUD.

If necessary provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply. If this is a revision to a previously approved Conditional Use Permit for a RPUD and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate ownership of the subject property. The land in a RPUD shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

see attached

2. Indicate the total number of residential dwelling units and dwelling units per acre. There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the RPUD (dwelling units per acre as shown in Section 78-642) shall conform to that permitted in the district in which the development is located. If the RPUD lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the RPUD that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire RPUD. When the RPUD is a community oriented development, the allowed density shall be in accordance with Sec. 78-650.

see attached

3. Indicate all proposed uses. A mixture of land uses shall be allowed in any RPUD. However, within residential districts, nonresidential uses shall not constitute the primary use in the RPUD, and nonresidential uses shall be carefully designed to complement the residential uses within the RPUD. All RPUDs must be compatible with and not violate the intent of the zoning district; however, said uses may include uses not permitted under Sec. 78-641 within the zoning district(s) within which the project is located, provided that the Board of Adjustment finds that nonresidential uses do not disrupt the character of the community.

see attached

-
4. Lot size and setbacks shall be shown on the submitted site plan. The normal minimum lot size and requirements for interior setbacks are hereby waived for the RPUD, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

see attached

5. Indicate the height of all structures. The normal maximum structure height may be waived for the RPUD, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. Additionally, RPUDs in excess of the normal maximum height require that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment. RPUDs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.

see attached

6. Indicate distances between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

see attached

7. Indicate how the development provides reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings shall be located within a RPUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

see attached

8. Indicate conformance with perimeter setbacks. Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

see attached

9. Indicate the number of parking spaces proposed. Parking requirements may be waived for the RPUD, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

see attached

10. Indicate proposed conveyance and maintenance mechanisms. Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

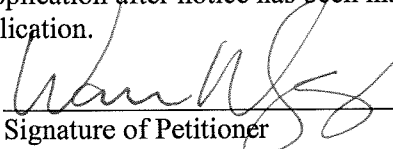
see attached

11. Building envelopes shall be shown on the submitted site plan. Where flexibility in design of residential units is desired, the building envelope shall indicate the maximum expanse of the proposed footprint of the structure.

see attached

F. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Conditional Use Permit for a RPUD. Any incorrect information will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.


Signature of Petitioner

SEPT
Month

9
Day

2019
Year

SIGN HERE



Crossroads at West Asheville – Buncombe County
Application for Additional Use Standards RPUD Supplement
September 9, 2019

FACTORS RELEVANT TO THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A
RPUD:

1. Indicate ownership of the subject property. The land in a RPUD shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

The project consists of multi-use development that will be developed and managed by Catalyst Capital Partners, LLC, a Charlotte, NC real estate development and investment company. Catalyst is currently under contract to purchase the property and will close and take title to the property prior to development construction beginning.

2. Indicate the total number of residential dwelling units and dwelling units per acre. There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the RPUD (dwelling units per acre as shown in Section 78-642) shall conform to that permitted in the district in which the development is located. If the RPUD lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the RPUD that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire RPUD. When the RPUD is a community oriented development, the allowed density shall be in accordance with Sec. 78-650.

The proposed development is located in the PS Zoning District. The standard density of the district is 12 units per acre and the project complies with this density. The project area is 68 acres allowing 816 units.

3. Indicate all proposed uses. A mixture of land uses shall be allowed in any RPUD. However, within residential districts, nonresidential uses shall not constitute the primary use in the RPUD, and nonresidential uses shall be carefully designed to complement the residential uses within the RPUD. All RPUDs must be compatible with and not violate the intent of the zoning district; however, said uses may include uses not permitted under Sec. 78-641 within the zoning district(s) within which the project is located, provided that the Board of Adjustment finds that nonresidential uses do not disrupt the character of the community.

The project will consist of multiple uses, including multi-family apartments, office, commercial, cottages, senior living, and vacation rentals. These are all acceptable uses in the PS zoning district.

4. Lot size and setbacks shall be shown on the submitted site plan. The normal minimum lot size and requirements for interior setbacks are hereby waived for the RPUD, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

The proposed development is designed to comply with the requirements of the district. The project is presented to show that the required exterior setbacks are ample for the site and reductions shall not be needed.

5. Indicate the height of all structures. The normal maximum structure height may be waived for the RPUD, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. Additionally, RPUDs in excess of the normal maximum height require that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment. RPUDs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.

The proposed buildings will vary in height from 1-story to 4-story. Structure heights will max out at approximately 55' to peak of roof pitch. The increase in height from 50' to 55'-8" is to allow for pitched roof systems instead of flat roof systems. This height also allows for the proposed buildings to in keeping with similar building types throughout the market.

6. Indicate distances between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

The proposed project buildings are all a minimum of 20' apart.

7. Indicate how the development provides reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings shall be located within a RPUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

The proposed project will provide extensive greenspace, landscaping, natural foliage and tree canopies, and expansive open space, as well as constructed retaining walls and barriers, walkways and other amenities typically found in similar multi-use developments. Project buildings have been placed as far away from adjacent structures to the extent possible while working with the existing site topography and overall natural layout and elements of the property to protect neighboring privacy and the beauty of the natural setting.

8. Indicate conformance with perimeter setbacks. Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

The proposed buildings meet all exterior setbacks as outlined in the PS district.

9. Indicate the number of parking spaces proposed. Parking requirements may be waived for the RPUD, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

Proposed parking layout and associated calculations are shown on the Site Plan. Parking areas will provide landscaping as required by Zoning Ordinance. Project proposes an average of 1.42 spaces per residential unit and proposes to meet Buncombe County code for the commercial space parking. Due to the commercial and residential units having offset parking uses we propose a shared parking agreement across the commercial parking which would provide a total parking ratio of 1.72 spaces per residential unit.

10. Indicate proposed conveyance and maintenance mechanisms. Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

The proposed project consists of buildings with exterior land as amenity open space area as well as various other amenities. The property and private right-of-ways will be owned and managed by the developer. The proposed project will have neighborhood service retailers, open green amenity areas, extended public walkways, pet walk areas, public trails, a public greenway park along Hominy Creek, and fitness centers and community clubhouses and pools for the residential buildings. Pedestrian paths are located within the project and around the buildings as well as throughout existing natural areas. All areas within the proposed project, even if open to the public, will be owned, operated, and maintained by the developer.

11. Building envelopes shall be shown on the submitted site plan. Where flexibility in design of residential units is desired, the building envelope shall indicate the maximum expanse of the proposed footprint of the structure.

Site Plan as submitted shows anticipated extents of buildings.