

STAFF ANALYSIS

CONDITIONAL USE PERMIT

Quasi-Judicial Hearing

CASE NUMBER: ZPH2019-00044 **PROJECT:** CROSSROADS PLANNED UNIT DEVELOPMENT

A. PROPERTY INFORMATION

PIN(s): 962779712500000, 962789678000000
Addresses: 20 South Bear Creek Road
Owner: CROSSROADS ASSEMBLY FKA WEST ASHEVILLE ASSEMBLY OF GOD & GATEWAY AVL LLC
Applicant: Catalyst Capital Partners
Agent: Warren Sugg, PE, Civil Design Concepts, PA
Zoning: PS Public Service; Special Flood Hazard Area & Floodway
Current Land Use: Place of Worship / Vacant
Utilities: Public water, public wastewater
Acres: 68 acres
Disturbed Area: 40 acres

B. PUBLIC NOTICE

PB Notice in AVL Citizen Times legal ad: 10/30/2019
PB Notice mailed to owners within 1,000 ft: 10/30/2019
PB Physical posting: 11/1/2019
PB Notice on BC Website: 10/30/2019
PB Hearing: 11/13/2019

C. CUP REQUEST

Applicant seeks a Conditional Use Permit to establish a Planned Unit Development (Level 1) consisting of an existing place of worship, 802 residential units, approximately 120,000 square feet of retail, office, and self-storage space.

The 11/13/2019 hearing is in continuation of the 10/09/2019 hearing.

A revised site plan is provided, which provides a more clear delineation of the Special Flood Hazard Area.

A revised traffic impact analysis is provided, which includes in its analysis, a proposed Wendover Road / Bear Creek Road / South Bear Creek Road / Sand Hill Road intersections.

D. CUP FINDINGS OF FACT ANALYSIS

Sec. 78-677. - Procedure for obtaining a conditional use permit.

(g) Conditions for granting approval. In granting a conditional use permit, the board of adjustment may designate such conditions in connection therewith as will, in its opinion, ensure that the proposed use will conform to the requirements and spirit of this article. If at any time after a conditional use permit has been issued the board of adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a conditional use permit, the permit shall be terminated and the operation of such use discontinued. If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held. Before any

conditional use permit is issued, the board of adjustment shall make written findings certifying compliance with the specific rules governing the individual conditional use and that satisfactory provision and arrangement has been made for at least the following, where applicable:

FINDINGS OF FACT:	APPLICANT NARRATIVE	STAFF REVIEW / RESPONSE
<p>(1) The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.</p>	<p>(1) The proposed project will provide safe access, municipal water and sewer, storm water management and outdoor amenities for proposed residents and business.</p>	<p>Proposed development may impact streams and wetlands, in which case permitting will likely be required from the US Army Corps of Engineers & NCDEQ. Copies of approved USACE / NCDEQ permits must be provided, as applicable, prior to issuance of any development permits by the County.</p>
<p>(2) The proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.</p>	<p>(2) 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 recommend by a Traffic Impact Analysis (TIA) and in accordance with NC DOT standards.</p>	<p>Staff suggests that any approval of Crossroads PUD be conditioned upon the installation, by the Applicant, of a traffic signal at the Wendover Road / Bear Creek Road / South Bear Creek Road / Sand Hill Road intersections. This should be subject to the guidance and concurrence of NCDOT.</p> <p>Staff suggests that any approval of Crossroads PUD be conditioned upon the installation, by the Applicant, of those off-site improvements, which are recommended by the Traffic Impact Study (“TIS”).</p> <p>The conditions of any NCDOT encroachment agreement or driveway permit should be conditions of approval of the Crossroads PUD.</p> <p>Reference suggested conditions, below.</p>
<p>(3) The proposed use will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects.</p>	<p>(3) The proposed multi-use projects 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.</p>	<p>Staff has no concerns regarding to noise, vibration, odor, or glare effects.</p>
<p>(4) Satisfactory ingress and egress for the proposed use of the property and proposed structures has been provided. Particular attention has been paid to automotive and pedestrian safety and convenience, traffic flow and control.</p>	<p>(4) 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.</p>	<p>Particular concerns relate to exacerbation of existing traffic conditions at the Wendover Road / Bear Creek Road / South Bear Creek Road / Sand Hill Road intersections.</p> <p>Staff suggests, as a condition of approval, the installation, by the Applicant, of a traffic signal at the Wendover Road / Bear Creek Road /</p>

		<p>South Bear Creek Road / Sand Hill Road intersections.</p> <p>Staff suggests, as a condition of approval, construction & dedication, by the Applicant, of a public greenway along Hominy Creek in furtherance of the Buncombe County Greenway Masterplan.</p> <p>See suggested conditions, below.</p>
<p>(5) Provision of off-street parking and loading areas where required, with particular attention to the items in section 78-658.</p>	<p>(5) Proposed parking layout and associated calculations are shown on the Site Plan. Parking areas will provide landscaping as required by the Zoning Ordinance. Project proposes an average of 1.67 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 1.67 spaces per residential.</p>	<p>Proposed Parking: 1.67 spaces per DU 1 space / 300 sf retail 1 space / 300 sf office Parking sharing for non-residential uses</p> <p>Minimum parking required for residential uses is 1.75 parking spaces per DU.</p> <p>The BOA may approve plans for reduced parking.</p> <p>Staff has no concerns regarding the parking system as proposed. However, specific parking plans shall be considered by Staff on a phase-by-phase basis, and shared parking agreements shall be required, as applicable.</p>
<p>(6) Provision of adequate and proper utilities, with reference to locations, availability, and compatibility.</p>	<p>(6) 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.</p>	<p>Water & wastewater allocation letters provided.</p>
<p>(7) Provision of buffering, if deemed necessary, with reference to type, location, and dimensions. The board of adjustment shall exercise ultimate discretion as to whether adequate buffering has been provided.</p>	<p>(7) 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.</p>	<p>Given the scale of the project and the presence of regulated wetlands, floodplains, and streams upon the site, Staff suggests, as a condition of approval, that a landscape plan and tree protection plan be developed for each project phase.</p> <p>Reference suggested conditions, below.</p>
<p>(8) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility</p>	<p>(8) The project proposes an identifying monument sign at the entrance 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</p>	<p>Signage and lighting will be though zoning permits at the time of construction, for each phase.</p>

<i>and harmony with properties in the district.</i>	<i>effect to be compatible and harmonious with surrounding properties as well as those users of the development.</i>	
<i>(9) Playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways, with reference to location, size, and suitability.</i>	<i>(9) The proposed project will have neighborhood service retailers, open public green amenity areas, extended public walkway, 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 round the buildings as well as throughout existing natural areas.</i>	Refer to master plan. Staff suggests, as a condition of approval, construction & dedication of a public greenway and associated easements along Hominy Creek in furtherance of the Buncombe County Greenway Masterplan. Reference suggested conditions, below.
<i>(10) Buildings and structures, with reference to location, size, and use.</i>	<i>(10) 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 building to in keeping with similar building types throughout the market.</i>	PS allows 50' building height. Applicant requests 55'8" building height. An 8 inch modification to the 50' height limitation is requested by the Applicant. The BOA may approved deviations from the maximum height limitation. Staff has no concerns, provided that sufficient buffering, including the preservation of canopy trees, is provided on site. Reference suggested conditions, below.
<i>(11) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.</i>	<i>(11) 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 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 retail spaces.</i>	Future businesses must comply with Noise Ordinance requirements.

E. PUD STANDARDS ANALYSIS

Sec. 78-678. - Uses by right subject to special requirements and conditional use standards. (b) Conditional use standards. (6) Residential or mixed use planned unit developments.

a. Purpose. The purpose of this section is to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building siting, mixtures of housing types, and land use. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features.

STANDARDS	APPLICANT NARRATIVE	STAFF REVIEW / RESPONSE
<i>b. Land development standards. The following land development standards shall apply for all RPUDs. RPUDs may be</i>	Applicant's Narrative. Application for Conditional Use & Planned Unit	

<p>located in the relevant districts as conditional uses, subject to a finding by the board of adjustment that the following conditions are met:</p>	<p>Development Permit ZPH2019-00044; Crossroads at West Asheville</p>	
<p>1. <i>Ownership control. 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.</i></p>	<p><i>The project consist 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.</i></p>	<p>Application is compliant.</p>
<p>2. <i>Density requirements. 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 section 78-650.</i></p>	<p><i>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.</i></p>	<p>Proposed density is 11.79 dwelling units per acre. Allowable density is 12 dwelling units per acre. Proposed density complies PS requirements.</p>
<p>3. <i>Land 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 section 78-641 within the zoning district(s) within which the project is located, provided that the board of adjustment finds that the nonresidential uses do not disrupt the character of the community.</i></p>	<p><i>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.</i></p>	<p>Proposed uses are in compliance with the Zoning Ordinance. The Applicant has proposed to remove vacation rentals from the list of allowable land uses. See suggested, allowable use table, below.</p>
<p>4. <i>Minimum requirements. Minimum requirements for land development are as follows:</i> <i>a. 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 board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.</i></p>	<p><i>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.</i></p>	<p>Application is compliant. No setback modifications requested.</p>
<p>4. <i>Minimum requirements. Minimum requirements for land development are as follows:</i> <i>b. Height limitations. 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.</i></p>	<p><i>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'-55'-8" is to allow for pitched roof systems instead of flat roof system. This height also allows for the proposed buildings to [be]</i></p>	<p>PS allows 50' building height. Applicant requests 55'8" building height. An 8 inch modification to the 50' height limitation is requested by the Applicant.</p>

<p>The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section. RPUDs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.</p>	<p>in keeping with similar building types throughout the market.</p>	<p>The BOA may approved deviations from the maximum height limitation.</p> <p>Staff has no concerns, provided that sufficient buffering, including the preservation of canopy trees, is provided on site.</p> <p>Reference suggested conditions, below.</p>
<p>4. Minimum requirements. Minimum requirements for land development are as follows:</p> <p>c. Required distance 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.</p>	<p>The proposed project buildings are all a minimum of 20' apart.</p>	<p>Application is compliant.</p>
<p>5. Privacy. Each development shall provide 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.</p>	<p>The proposed project will provide extensive greenspace, landscaping, natural foliage and tree canopies, and extensive 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.</p>	<p>Given the scale of the project and the presence of wetlands, floodplains, and streams upon the site, Staff recommends that a preliminary landscape plan and tree protection plan be provided for review, prior to approval of the Crossroads PUD, and that a final plan be developed for each project phase.</p> <p>Reference suggested conditions, below.</p>
<p>6. Perimeter requirements. Perimeter requirements are as follows:</p> <p>a. 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.</p>	<p>The proposed buildings meet all exterior setbacks as outlined in the PS district.</p>	<p>Application is compliant.</p>
<p>7. Parking. 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. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.</p>	<p>Proposed parking layout and associated calculations are shown on the Site Plan. Parking areas will provide landscaping as required by the Zoning Ordinance. Project proposes an average of 1.67 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</p>	<p>Proposed Parking:</p> <p>1.67 spaces per DU</p> <p>1 space / 300 sf retail</p> <p>1 space / 300 sf office</p> <p>Parking sharing for non-residential uses</p> <p>Minimum parking required for residential uses is 1.75 parking spaces per DU.</p>

	total parking ratio of 1.67 spaces per residential.	The BOA may approve plans for reduced parking. Staff has no concerns regarding the parking system as proposed. However, specific parking plans shall be considered by Staff on a phase-by-phase basis, and shared parking agreements shall be required, as applicable.
8. 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 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.	Maintenance of open space and recreational areas will be the sole responsibility of the Owner / Developer. Staff suggests, as a condition of approval, construction & dedication of a public greenway and associated along Hominy Creek in furtherance of the Buncombe County Greenway Masterplan. Reference suggested conditions, below.
9. Building envelopes. 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.	The submitted development plan shows anticipated extents of building footprints.

F. SUMMARY OF STAFF COMMENTS & SUGGESTED CONDITIONS

Staff Suggests the Following BOA Actions Prior to Approval:

- Staff recommends that the BOA require the Applicant to provide the following:
 - A preliminary landscape plan and tree protection plan.
 - An affidavit expressing acceptance of the conditions outlined above.

Staff Suggests the Following BOA Actions After Approval (if approved):

See Attachment A: Suggested Conditions of Approval. Staff proposes these conditions of approval as a means of addressing project concerns (see findings of fact and staff review / response, above).

Should the BOA choose to approve the Crossroads PUD, Staff recommends that the suggested conditions of approval (Attachment A) be incorporated into the approval order.

The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the PUD application, or (b) approve it without the disputed condition.

G. BOARD OPTIONS

The following options are available to the Board:

- Approval as presented. *Note: An approval decision must be substantiated in the Board's findings of fact.*
- Approval with conditions. *Note: Conditions of approval must directly relate to the impacts of the project as substantiated in the findings of fact. The Applicant must indicate in writing, their acceptance of these conditions. Should the Applicant indicate an unwillingness to accept certain conditions, then the BOA must (a) deny the PUD application, or (b) approve it without the disputed condition.*
- Denial as presented. *Note: A denial decision must be substantiated in the Board's findings of fact.*
- Continuance to a date certain. *Note: A continuance should serve a specific purpose, such as to provide a party of standing (the Applicant, the County, an adjacent property owner, etc.) sufficient time to gather and provide additional documentation or information.*

H. ADDITIONAL INFORMATION

Refer to the attachments in this packet, particularly including:

- Draft, Suggested Conditions of Approval
- Revised Application
- Revised Site Plan
- Revised Traffic Impact Study

ZPH2019-00044
SUGGESTED CONDITIONS OF APPROVAL

In the Matter of:

ZPH2019-00044
20 South Bear Creek Road
Crossroads Planned Unit Development

If the Board of Adjustment moves to approve the Crossroad PUD, then Staff suggests the following conditions of approval:

a. Transportation:

i. Permits:

1. Prior to issuance of zoning and other land development permits, the Applicant / Owner / Developer shall provide documentation confirming North Carolina Department of Transportation (“NCDOT”) approval of the following:
 - a. Driveway permit
 - b. Encroachment agreements, as applicable

ii. Traffic Signal and Crosswalks:

1. The Applicant shall provide for the signalization and the installation of pedestrian crosswalks at the Wendover Road, Bear Creek Road, South Bear Creek Road, and Sand Hill Road intersections, subject to the guidance and concurrence of the North Carolina Department of Transportation (“NCDOT”).
2. The Applicant shall provide for the installation of those off-site improvements, which are recommended by the Traffic Impact Study (“TIS”), as well as other improvements as may be required by NCDOT.
3. Such improvements shall be completed, and approved and accepted by NCDOT, prior to the issuance of a certificate of occupancy (“c.o.”) for the first multi-family or commercial structure constructed within the Crossroads PUD.

4. The conditions of any NCDOT encroachment agreement or driveway permit shall be conditions of approval of the Crossroads PUD.

iii. Parking

1. The following parking system is approved:

- a. A minimum of 1.67 parking spaces shall be provided for each dwelling unit.
- b. A minimum of 1 parking space shall be provided for each 300 square foot of retail space.
- c. A minimum of 1 parking space shall be provided for each 300 square foot of office space.
- d. Shared parking agreements may be employed within the Crossroads PUD.
- e. The general arrangement and configuration of parking, as depicted upon Exhibit B: Crossroads Site Plan, is approved.
- f. The Applicant shall submit a detailed, site specific parking plan for each phase, which shall be considered by Staff as part of an overall development plan for each phase. Executed, shared parking agreements shall be required, as applicable.

iv. Public Greenway:

1. The Applicant shall construct and dedicate to Buncombe County, at the Applicant's expense, a public greenway along Hominy Creek in furtherance of the Buncombe County Greenway Masterplan.
2. Such greenway shall be constructed in accordance with design standards proffered by the Buncombe County Recreation Services Director but shall, at a minimum, have an eight-inch minimum aggregated base course (ABC) No. 7 stone and shall be a minimum width of 12 feet. The Recreation Services Director shall have the authority to approve reasonable adjustments to the greenway design based upon site constraints including, but not limited to, natural features such as rock outcroppings or wetlands, regulatory constraints such as compliance with US Army Corps of Engineers or Buncombe County floodplain development regulations.
3. The general alignment shall be as presented upon the Crossroads PUD site plan, and the final alignment and design details shall be determined by mutual agreement of the Applicant and the Director of Parks & Recreation.

4. The Applicant shall dedicate a 20 foot wide, permanent easement or right-of-way, and a 30 foot wide, temporary construction easement.
5. Such easement shall be dedicated to Buncombe County prior to issuance of a Certificate of Occupancy for the first structure to be permitted and constructed under the PUD site plan.
6. The greenway may be constructed in phases, in accordance with a timeline which shall be determined by mutual agreement of the Applicant and the Recreation Services Director. Such phasing and timeline shall be included in the greenway easement dedication document.

b. Building Height

- i. Structures shall not exceed a maximum height of 55'8", as measured from the highest point of the structure (excluding chimneys) to the adjacent surface of the earth on the structure's shortest side.

c. Landscaping:

- i. The Applicant shall prepare a final landscape plan and tree protection plan be provided for review, prior to approval of each project phase.
- ii. Such landscaping shall serve to provide substantial green space within the developed areas of the project site, and to provide substantial buffers between the project site and adjacent properties.
- iii. Both overstory and understory species shall be provided.
- iv. No single species shall comprise more than 50 percent of the overstory or understory species planted.
- v. Overstory species shall be planted no less than 20 feet apart and no more than 40 feet apart.
- vi. Understory species shall be planted no less than ten (10) feet apart and no more than 25 feet apart.
- vii. Overstory and understory species shall not be planted in a row and shall not be evenly spaced.

- viii. Existing trees that are located within the project area, if left intact and that appear in good health, may be credited toward the overstory planting requirement. The following credit system will be observed:

Tree Dimensions	Credits
2.5" to 4" DBH (minimum 8' tall)	1 tree
4" to 8" DBH (minimum 15' tall)	1.5 trees
8" or greater DBH (minimum 20' tall)	2 trees

d. Environmental Protection:

i. Floodplain Development:

1. Floodplain Development Permit Applications shall be required for any future development activity within the Special Flood Hazard Area or the Regulatory floodway. Site plans shall clearly depict the limits of the Special Flood Hazard Area, Regulatory floodway, proposed changes in grade elevations (current and proposed), building footprints with estimated finished floor elevation in comparison with the Base Flood Elevation, and proposed roads and infrastructure. Site plans shall include a reference to the applicable FEMA map number.
2. Individual Floodplain Development Applications shall be required for each phase of the project. Building permits shall not be issued until the associated site work, which was authorized by the floodplain development permit for the particular phase, is complete and has received final approval from the Floodplain Development Administrator.
3. Each Floodplain Development Application shall indicate the size of the flood fringe, and the amount of the flood fringe proposed to be developed.
4. For each building proposed in the Special Flood Hazard Area, a Floodplain Development Application shall be required prior to the issuance of the building permit.
5. A flood study shall be required prior to the issuance of any disturbance or proposed improvements in the floodway.

ii. Wetlands, Streams and Stormwater:

1. Development Applications for development proposing disturbance of an existing wetland or alterations to a stream shall include a copy of approved US Army Corps of Engineers and North Carolina Department of Environmental Quality permits, as applicable.

2. Prior to issuance of zoning and other land development permits, the Applicant shall secure stormwater permits, as applicable.

e. Erosion Control:

- i. Prior to issuance of zoning and other land development permits, the Applicant shall secure erosion control permits, as applicable.
- ii. Ongoing compliance of such permit(s) is a condition of this Conditional Use Permit.
- iii. Prior to commencement of land disturbing activities, the Applicant shall install flagging and fencing to clearly delineate property boundaries. Such measures shall be maintained at all times and until closure of the associated Sedimentation / Erosion Control Permit(s).

f. Addressing:

- i. Prior to the issuance of development approval for the first phase, the Applicant shall secure road name approval for the primary loop road within the Crossroads PUD.
- ii. Prior to issuance of development approval for each phase, the Applicant shall secure road name approval for each lateral road proposed therein, as applicable.
- iii. Prior to issuance of development approval for each phase, and prior to issuance of permits for any structure, the Applicant shall secure assignment of E911 property addresses.

g. Land Uses:

- i. The Applicant shall obtain a Zoning Permit prior to the establishment of any new use of land or the construction of any new structure within the Crossroads PUD.
- ii. Certain generalized, future land uses within the Crossroads PUD are limited as follows:
 1. A maximum of 802 residential units.
 2. A maximum of 120,400 square feet of retail, office, and self-storage space.
- iii. Specific land uses may be permitted within the Crossroads PUD in accordance with Exhibit A. Table of Allowable Uses, which is attached hereto and incorporated herein by reference.

- h. The project site plan, and the general configuration of proposed improvements including building location and mass as depicted thereupon, is a condition of this CUP.
- i. All on-site and off-site conditions of issuance any permit for the Crossroads PUD, are conditions of this Conditional Use Permit.
- j. Violations of these conditions shall be a violation of this Conditional Use Permit and of the Buncombe County Zoning Ordinance.
- k. The regulations prescribed in the Buncombe County Code of Ordinances, except as specifically by modified by these conditions, shall apply.

DRAFT DOCUMENT

EXHIBIT A
ZPH2019-00044
TABLE OF PERMITTED USES

“P” means permissible by zoning permit.

“C” means permissible by conditional use permit.

LAND USES	PERMITTED
Accessory buildings	P
Animal hospitals and veterinarian clinics	P
Banks and other financial institutions	P
Bars, Pubs, Nightclubs	P
Bed and breakfasts	P
Breweries, less than 10,000 square feet of developed area	P
Clubs or lodges	P
Community oriented developments	P
Day nursery and private kindergarten (more than 8 students)	P
Day nursery and private kindergarten (up to 8 students)	P
Family care home	P
Funeral homes	P
Group homes	P
Health care facilities	P
Home occupations	P
Hotels and motels	P
Kennels (daycare, no overnight stay)	P
Kennels (overnight stay)	C
Laundry and dry cleaning services	P
Libraries	P
Medical Clinics	P
Multifamily residential dwelling units (no more than eight units in no more than four buildings)	P
Physical fitness centers	P
Places of worship	P
Planned unit developments	P
Postal and parcel delivery services	P
Printing and lithography	P
Professional and business offices and services	P
Public utility stations and substations, pumping stations, water and sewer	C
Radio, TV and telecommunications towers	P
Recreation use	P
Repair services (electrical and appliances)	P
Restaurants, eating establishments and cafés	P
Retail trade, commercial services, sales & rental of merchandise and equipment (inside building, no outside sales storage)	P
Rooming house	P
Schools, public and private	C
Self-Storage	P
Single-family residential dwelling, including modular	P
Subdivisions	P
Theaters	P
Two residential dwelling units (attached or detached)	P
Utility stations and substations, pumping stations, water and sewer plants, water storage tanks	P
Vacation rental complex	P
Vacation rentals	P

**EXHIBIT B
ZPH2019-00044
APPROVED SITE PLAN**

SITE PLAN TO BE INSERTED UPON APPROVAL BY THE BOARD OF ADJUSTMENT.

DRAFT DOCUMENT