



Memo

To: Buncombe County Board of Adjustment

Attn: Joshua Freeman

From: Crossroad at West Asheville Design Team

Date: November 19, 2019

Re: Program Clarification

To clarify the program associated with the proposed Crossroads at West Asheville please accept this memorandum.

Below is the list of program elements and quantities:

- 802 Multi-Family Units
- 14,400 square feet of Retail
- 50,400 square feet of Office
- 64,000 square feet of Self-Storage

The traffic impact analysis has been updated to reflect the above program elements.

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
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MEMORANDUM

To: Nathan Pennington, Director of Planning, Buncombe County
Brandon Freeman, Assistant County Attorney

FROM: Robert W. Oast, Jr., attorney for Applicant

DATE: November 20, 2019

RE: Crossroads at West Asheville Conditions

This will clarify the purpose of the proposed conditions submitted by the Applicant, Catalyst Capital Partners, LLC, in support of its application for a Conditional Use Permit for the Crossroads at West Asheville Planned Unit Development on South Bear Creek Road. A copy of those proposed conditions is attached.

With regard to conditional use permits, NC law, NCGS 153A-340 (c1), provides that the board of adjustment may impose "reasonable and appropriate conditions" in connection with any conditional use permit. As an extension of this, the Buncombe County zoning ordinance provides in Sec. 78-677 (b) that the applicant and the County zoning administrator must have a pre-application conference regarding the proposed plan. Catalyst has attended several meetings with County Planning staff and has met and had discussions with community stakeholders about the project.

The conditions that were submitted in support of the application are proposed conditions that were developed through multiple conversations with multiple community stakeholders, including the County Planning Staff, to address concerns that were identified in those conferences, meetings and discussions; they are in no way intended to foreclose further discussion or negotiation. Catalyst recognizes that further meetings and discussions, and the public hearing itself, may bring other information to light, leading to the development of different or additional conditions, and that the Board of Adjustment has the final authority as to any conditions.

Please let me know if there are any questions, or if further information is needed

**EXHIBIT A
ZPH2019-00044
CONDITIONS OFFERED**

In the Matter of:

ZPH2019-00044
20 South Bear Creek Road
Crossroads Conditional Use Permit & Planned Unit Development

Crossroads PUD shall, upon approval, be subject to the following conditions of approval:

a. In General:

- i. Prior to commencement of land disturbance and construction activity within the Crossroads Planned Unit Development (hereinafter, "Crossroads PUD"), the Applicant / Owner / Developer shall obtain all necessary permits and approval from Buncombe County, including but not limited to Building, Fire Prevention, Zoning, Erosion Control, Stormwater, and Floodplain Development.
- ii. Exhibit C. Crossroads Site Plan (hereinafter, "site plan"), which is attached hereto and incorporated herein by reference, and the general layout of roads, structures, and other improvements as depicted thereon, and the general height, mass, shape and size of structures as depicted thereon, is a condition of this CUP.
- iii. Future land disturbance and construction within the Crossroads PUD shall occur in substantial compliance with the site plan.
- iv. Deviations from the site plan shall be considered in accordance with *Sec. 78-677. Procedure for obtaining a conditional use permit, (j) Changes; limitations*, of the Buncombe County Zoning Ordinance or its successor standard.

b. 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 permits
 - b. Encroachment agreements, as applicable

ii. **Traffic Signal and Crosswalks:**

1. **The Applicant shall provide for the following, subject to NCDOT approval:**
 - a. **Signalization of the intersection of South Bear Creek Road and Sand Hill Road.**
 - b. **Signalization of the intersection of Bear Creek Road, Wendover Road, and Sand Hill Road.**
 - c. **Installation of pedestrian signals, crosswalks, and other necessary pedestrian amenities at the Bear Creek Road, Wendover Road and Sand Hill Road intersection.**
2. **Such improvements shall be designed, constructed, completed, approved and accepted by NCDOT, prior to the issuance of a certificate of occupancy for the first structure constructed within the Crossroads PUD.**
3. **Except as provided in paragraph ii.1, above, or otherwise specifically agreed to by the Applicant, the Applicant shall not be required to construct or install any improvements or facilities on property not belonging to the Applicant.**
4. **All on-site and off-site conditions of issuance of NCDOT's driveway permits for the Crossroads PUD are conditions of this Conditional Use Permit.**

iii. **Public Greenway:**

1. **Given existing conditions and proposed development elements, the Applicant shall construct and provide an easement to Buncombe County, at the Applicant's expense, for a public trail along Hominy Creek in furtherance of the Buncombe County Greenway Masterplan.**
2. **The Applicant agrees to cooperate with the Buncombe County Recreation Services Department to identify the most appropriate alignment for such trail, and to dedicate a minimum 20-foot-wide permanent easement right-of-way and any associated temporary construction easements associated with such trail.**
3. **The Applicant shall construct such trail in accordance with design standards proffered by the Buncombe County Recreation Services Director, but the trail shall, at a minimum, have an eight-inch minimum aggregated base course (ABC) No. 7 stone and shall be a minimum width of eight feet wide where existing conditions allow. Where existing conditions currently limit the ability to construct a trail that is 8 feet in width (two locations for a total length of approximately 500 linear feet**

as depicted upon the Trail Exhibit of Exhibit C), the Applicant shall construct a trail that is a minimum of 6 feet in width.

4. The general trail alignment, design details, and dedicated easement shall be mutually agreed upon by the Applicant and the Buncombe County Recreation Services Department and presented on the Crossroads PUD site plan.
5. The Applicant agrees to cooperate with the Buncombe County Recreation Services Department to establish a mutual agreement for trail construction phasing to be included with the dedicated easement documentation prior to issuance of a Certificate of Occupancy for the first structure to be permitted and constructed under the PUD site plan.

c. Landscaping and Buffering:

- i. The Applicant shall submit a landscape and tree protection plan for consideration as part of the zoning permitting process for each phase of the Crossroads PUD.
- 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 Crossroads PUD project site and adjacent properties.
- iii. Buffering along the perimeter of the Crossroads PUD, and parking lot landscaping within the Crossroads PUD, shall be in general compliance with *Sec. 78-667. Buffering and parking lot landscaping*, of the Buncombe County Zoning Ordinance or its successor standard.
- iv. Perimeter buffering shall comply with the following, minimum requirements:
 1. Both overstory and understory species shall be provided.
 2. No single species shall comprise more than 50 percent of the overstory or understory species planted.
 3. Overstory species shall be planted no less than 20 feet apart and no more than 40 feet apart.
 4. Understory species shall be planted no less than 10 feet apart and no more than 25 feet apart.
 5. Overstory and understory species shall not be planted in a row and shall not be evenly spaced.

6. 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 will 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 permit applications shall be required for each phase of the project and for each building proposed in the 100-year floodplain and / or the regulatory floodway as applicable under the Buncombe County Flood Damage Prevention Ordinance (or its successor standard) or regulations proffered by the United States Federal Emergency Management Agency or the North Carolina Department of Public Safety, Risk Management Section- NC Floodplain Mapping Program. 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 Administrator.
3. Applications for development within any phase proposing disturbance of an existing wetland shall include a copy of an approved US Army Corps of Engineers and / or North Carolina Department of Environmental Quality permit for the wetland disturbance.
4. Each Floodplain Development Application shall indicate the size of the flood fringe, and the amount of the flood fringe proposed to be developed (i.e., any manmade change to improved or unimproved real estate).
5. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted within the floodway unless:

- a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of the floodplain development permit, or
 - b. Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - ii. Wetlands, Streams and Stormwater:
 1. Prior to issuance of zoning and other land development permits, the Applicant shall secure stormwater permits.
 2. Proposed development may impact streams and wetlands, in which case permitting may be required from the US Army Corps of Engineers. Such permits must be issued prior to issuance of any Stormwater Permits.
 - iii. Erosion Control:
 1. Prior to issuance of zoning and other land development permits, and following the Stormwater permit issuance, the Applicant shall secure erosion control permits.
 2. Prior to commencement of land disturbing activities, the Applicant shall install flagging and fencing to clearly delineate property boundaries as necessary to protect adjacent properties. Such measures shall be maintained at all times and until closure of the associated Erosion Control Permit.
 - iv. The Applicant may cooperate with various community organizations to fund and execute streambank restoration projects along Hominy Creek, subject to compliance with applicable Federal, State, and County regulations and the issuance of all necessary permits and approvals.
- e. Addressing:
 - i. Prior to issuance of zoning approval for the first phase or structure, the Applicant shall secure road name approval for the primary loop road as depicted upon the site plan.
 - ii. Applicant shall secure assignment of E911 property addresses and additional road name approval as part of the zoning permitting process for each project phase of the Crossroads PUD.
- f. Land Uses:

- i. The Applicant shall obtain a Zoning Permit prior to the establishment of any new use of land 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 14,400 square feet of commercial and retail space.
 - 3. A maximum of 50,400 square feet of office space.
 - 4. A maximum of 64,000 square feet of self-storage space.
- iii. Specific land uses may be permitted within the Crossroads PUD in accordance with Exhibit B. Table of Allowable Uses, which is attached hereto and incorporated herein by reference.
- g. The requirements and conditions of any permit or approval, which may be issued or granted for land disturbance or improvements within the Crossroads PUD, including but not limited to those referenced in this document, shall be conditions of this Conditional Use Permit.
- h. Exhibit C. Crossroads Site Plan (hereinafter, "site plan"), which is attached hereto and incorporated herein by reference, is a condition of this CUP.
- i. Violations of these conditions shall be a violation of this Conditional Use Permit and of the Buncombe County Zoning Ordinance or its successor standard.
- j. The regulations prescribed in the Buncombe County Code of Ordinances, except as specifically modified by these conditions, shall apply.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.

k. Consent

I, Andrew Klenk [PRINTED NAME], am authorized to enter into legally binding agreements on behalf of APPLICANT, Catalyst Capital Partners. I hereby consent to conditions of approval of ZPH2019-00044, which are set forth above.

Andrew Klenk [PRINTED NAME]

Manager [TITLE]

Andrew Klenk [SIGNATURE]

11/11/2019 [DATE]

WITNESS:

KEVIN CHRISTIANSEN [PRINTED NAME]

ASSOCIATE [TITLE]

[Signature] [SIGNATURE]

11/11/2019 [DATE]

EXHIBIT B
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, lodges, and other places of assembly, public & private	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
Kennels (daycare, no overnight stay)	P
Kennels (overnight stay)	C
Laundry and dry cleaning services	P
Libraries	P
Medical Clinics	P
Physical fitness centers	P
Places of worship	P
Postal and parcel delivery services	P
Printing and lithography	P
Professional and business offices and services	P
Radio, TV and telecommunications towers	P
Recreation use	P
Repair services (electrical and appliances)	P
Residential, Apartment structures and units, Townhome structures and units, & condominium structures and units	P
Residential, Multifamily structures and dwelling units	P
Residential, Single-family residential dwelling, including modular	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	P
Self-Storage	P
Subdivisions	P
Theaters	P
Utilities: water, wastewater, electrical, natural gas, communications equipment serving development within the PUD	P

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

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