



# 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): 9627-30-6785; 9626-49-1410

Address(es): 543-545 Pond Road

Project Name: The Farm at Pond Road

Acreage: 83

### 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 including residential development of multi-family,  
single family lots, and townhomes

### 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)*

Fall Line Development, Inc.

Owner's Name

P.O. Box 754

Mailing Address

Summerfield, NC 27358

City, State, and Zip Code

( 336 ) 698-6750 Brian Wise

Telephone

Email

### OFFICE USE ONLY:

Date received: \_\_\_\_\_

Case number: \_\_\_\_\_

Scheduled BOA Hearing: \_\_\_\_\_

Pre-Submittal Conference Date: \_\_\_\_\_

Buncombe Zoning Administrator/Designee Signature

Buncombe County Planning & Development, 46 Valley Street, Asheville, NC 28801

P (828) 250-4830 / [www.buncombecounty.org](http://www.buncombecounty.org)

## 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

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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

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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

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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

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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

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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

February      3      2020  
Month                      Day                      Year





The Farm at Pond Road – Buncombe County  
Conditional Use Permit Application Supplement  
February 10, 2020

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 patrons. The project proposes no use or development standards that would adversely affect the health or safety of persons residing or working in the neighborhood of the proposed CUP.**

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 project is a mix of residential uses (multi-family apartments, single family lots, and townhomes), all of which are allowed within the EMP 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 NCDOT 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 project is a mix of residential 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 or excessive noise, vibration, odor or glare. The project will maintain as much vegetation as possible surrounding the newly graded building pads 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 new public road, with a second private access point off of Pond Road. A Traffic Impact Analysis (TIA) has been provided with this submittal. Roadway improvements along Pond Road as recommended in the traffic impact study have been**

indicated on the master plan. A separate pedestrian pathway will be provided within the development to give safe access throughout.

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 1.7 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 Pond 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 residential in nature and therefore not required by the Zoning Ordinance to provide perimeter buffers. The project proposes to supplement as necessary a visual pleasing buffer along the neighboring parcels' boundaries. 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 open public green amenity areas, greenways, walkways, pet walk areas, and trails ; as well as fitness centers and community clubhouse and pools for the residential buildings. Pedestrian paths will be located within the project and around the buildings as well as throughout existing natural areas. Final mix of active and passive items will be determined by HOA/apartment complex managers.**

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 multi-family buildings will vary in height from 3-story to 4-story (with 1-story clubhouses). These structure heights will be restricted by the zoning maximums. The proposed single-family lots will have multi-story single-family homes, whose heights will be restricted by the zoning maximums. The proposed multi-unit townhome buildings will vary in height from 2-story to 4-story. These structure heights will be restricted by the zoning maximums.**

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 is a residential and therefore not applicable to requirements regarding hours of operation.**





**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):** 9627-30-6785; 9626-49-1410

**Address(es):** 543-545 Pond Road

**Project Name:** The Farm at Pond Road

**Acreage:** 83

**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 including residential development of multi-family,  
single family lots, and townhomes

**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)**

Fall Line Development, Inc.

**Owner's Name**

P.O. Box 754

**Mailing Address**

Summerfield, NC 27358

**City, State, and Zip Code**

( 336 ) 698-6750 Brian Wise

**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

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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

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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

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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

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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

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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

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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

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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

February      3      2020  
Month                      Day                      Year

SIGN HERE



The Farm at Pond Road – Buncombe County  
Application for Additional Use Standards RPUD Supplement  
February 10, 2020

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 Fall Line Development, Inc. Fall Line Development 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 EMP Zoning District. The standard density of the district is 12 units per acre and the project complies with this density. The project area is 83 acres allowing 996 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 residential uses, including multi-family apartments, single family lots, and townhomes. These are all acceptable uses in the EMP 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 EMP zoning 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 multi-family buildings will vary in height from 3-story to 4-story (with 1-story clubhouses). These structure heights will be restricted by the zoning maximums. The proposed single-family lots will have multi-story single-family homes, whose heights will be restricted by the zoning maximums. The proposed multi-unit townhome buildings will vary in height from 2-story to 4-story. These structure heights will be restricted by the zoning maximums.**

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 multi-family and townhome 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, walls, 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 greenspace, landscaping, natural foliage and tree canopies, and open space; as well as constructed retaining walls and barriers, walkways and other amenities typically found in similar 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 EMP 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 1.7 spaces per residential unit and proposes to meet Buncombe County code for the commercial space parking.**

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 open public green amenity areas, greenways, walkways, pet walk areas, and trails; as well as fitness centers and community clubhouse and pools for the residential buildings. Pedestrian paths will be located within the project and around the buildings as well as throughout existing natural areas. Final mix of active and passive items will be determined by HOA/apartment complex managers.**

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.**