



**BUNCOMBE COUNTY**  
**NORTH CAROLINA**  
**PLANNING & DEVELOPMENT**  
(828) 250-4830 - PlanningInfo@BuncombeCounty.org  
www.buncombecounty.org/planning

## Application for a CONDITIONAL USE

**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.*

### A. Property Information

**PIN(s):** 9658-29-2204

**Address(es):** Piney Mountain Drive

**Project Name:** Enclave - Phase II

**Acreage:** 9.82 Acres

### 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)*:

116-units multi-family residential development

### C. Applicant Contact Information

Civil Design Concepts, P.A.

#### Company/Corporate Name (if applicable)

Warren Sugg, P.E.

#### 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)

McCall Capital, LLC

#### Owner's Name

531 S. Main Street, Suite 207

#### Mailing Address

Greenville, SC 29601

#### City, State, and Zip Code

( 864 ) 370-0037

#### Telephone

mm@mccallcap.com

#### Email

#### OFFICE USE ONLY:

Date received: 10/16/20

Pre-Submittal Conference with:

Scheduled BOA Hearing: 12/9/20

Case Number: ZPH 20 - 00032

Application fee paid: Yes No

RECEIVED: Full size site plan

14 copies of reduced size site plan  
Digital copy of development plan

## 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.
- ☒ 14 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 PUDs, 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.
- ☒ For developments of more than 75 residential units, a traffic impact study meeting the guidelines for traffic impact studies provided in the North Carolina Department of Transportation's "Policy on Street and Driveway Access to North Carolina Highways."

### ☐ 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 has limited 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 and why. 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

Oct. 8, 2020  
Month Day Year



Enclave-Phase II– Buncombe County  
Conditional Use Permit Application Supplement  
October 19, 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.**

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-family use is approved for the R-2 Zoning District. Project will be served by existing public infrastructure.**

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 buildings are clustered at the lower portion of the property along Piney Mountain Drive, similar to the existing approved development to the north. Existing topography and vegetation will provide reasonable visual and acoustical privacy for properties to the east and south.**

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 Piney Mountain Drive. Pedestrian walkways are provided within the project and around the buildings.**

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 area will provide landscaping as required by Zoning Ordinance. Project proposes 1.5 spaces per residential unit to provide sufficient parking without additional paved areas.**

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:

**Existing public water and public sewer infrastructure to serve the project. Previous sewer and water availability letters are submitted with this application along with updated allocations requested to each entity.**

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, however, the project proposes to cluster along Piney Mountain Drive to provide approximately 5 acres of undisturbed area to the east. Landscaping in the form of trees and shrubs will be provided throughout the site to improve the amenity areas. 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 entrance drive to the project. Exterior lighting will be provided for safety and to comply with applicable portions of the Zoning Ordinance.**

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 include community amenities to the residents within Phase I. Pedestrian paths will be located within the project and around the buildings.**

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 are adjacent to Piney Mountain Drive. The proposed buildings have a height of 62' from highest adjacent grade to roof peak to create a smaller development footprint and minimize impact to the site.**

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 apartment building and therefore not applicable to requirements regarding hours of operation.**



Application for  
Additional Conditional Use Standards:  
**Planned Unit Development**  
**Level 1 (PUDI)**

*Please complete all sections of the application.*

**A. Property Information**

**PIN(s):** 9658-29-2204

**Address(es):** Piney Mountain Drive

**Project Name:** Enclave - Phase II

**Acreage:** 9.82 Acres

**B. Application for a Level I Planned Unit Development**

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

116-unit multi-family residential development

Total number of units: 116 Minimum distance between buildings: 25 FT

Min. Internal Setbacks: n/a FT External Setbacks: 20'/10'/20' FT Max. Shortest side Height: 62 FT

☐ Single Family ☐ Townhome ☐ Condo ☒ Apartments ☐ Other

**C. Applicant Contact Information**

Civil Design Concepts, P.A.

**Company/Corporate Name (if applicable)**

Warren Sugg, P.E.

**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)**

McCall Capital, LLC

**Owner's Name**

531 S. Main Street, Suite 207

**Mailing Address**

Greenville, SC 29601

**City, State, and Zip Code**

( 864 ) 370-0037

**Telephone**

mm@mccallcap.com

**Email**

**OFFICE USE ONLY:**

Date received: Case number:

Scheduled BOA Hearing:



## E. ADDITIONAL SITE PLAN REQUIREMENTS

1. Indicate location of cluster mail box unit for mail delivery. Developer is responsible for coordinating the review, approval, and construction of the cluster box unit through the servicing post office of the USPS.

Mailboxes will be depicted on the site plan and will be coordinated with USPS before construction is done.

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## F. LEVEL I 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, Planned Unit Developments, Level I (PUDI)*. The Board of Adjustment has limited discretion in deciding whether to grant a Conditional Use Permit for a PUDI.

*If necessary provide the information on a separate sheet of paper. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved Conditional Use Permit for a PUDI 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 PUDI 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 PUDI (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 PUDI lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the PUDI that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire PUDI. When the PUDI 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 PUDI. However, within residential districts, nonresidential uses shall be carefully designed to complement the residential uses within the PUDI. All PUDIs 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 PUDI, 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 PUDI, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. Additionally, PUDIs 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. PUDIs 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 PUDI 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 PUDI, 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

## G. 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 PUDI. 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

Oct. 8, 2020

Month

Day

Year



Enclave-Phase II– Buncombe County  
Application for Additional Use Standards RPUD Supplement  
October 19, 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 two multi-family apartment buildings that will be developed and managed by McCall Capital, LLC.**

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 R-2 Zoning District. The allowable density of the district is 12 units per acre. The project proposes 116 units on 9.82 acres for a proposed density of 11.8 units per acre.**

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 proposes a residential development for multi-family use. This is an acceptable use in the R-2 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 in regards to property line setbacks.**

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 R-2 district allows for a maximum height of 35'. The project proposes a maximum height of 62' from highest adjacent grade to roof peak to achieve a smaller developed footprint. Due to the existing natural slope the proposed height increase will greatly reduce the proposed grading and limits of disturbance.**

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 minimum proposed separation for this project is greater than 20' and will meet all North Carolina Building Codes for separation. The separation and layout have been approved by the Fire Marshall.**

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 buildings are clustered at the lower portion of the property along Piney Mountain Drive similar to the existing senior living facility to the north. Existing topography and vegetation will provide reasonable visual and acoustical privacy for properties to the north and south.**

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 setbacks as outlined in the R-2 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.

**Parking is provided at 1.5 spaces per unit based on information collected for similar projects. This parking ratio will reduce the amount of built upon area and allow for greater open space.**

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 two multi-family buildings and associated parking and common areas. Property maintenance to be the responsibility of the management company.**

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.**



**LETTER OF COMMITMENT FOR WATER AVAILABILITY**

**City of Asheville Water Resources**  
**Post Office Box 7148**  
**Asheville, North Carolina 28802**

P.O. Box 7148  
Asheville, NC 28801

Office: (828)259-5403  
[www.ashevillenc.gov](http://www.ashevillenc.gov)

Issue Date: July 1, 2020

**Applicant:** Civil Design Concepts  
168 Patton Ave  
Asheville, NC 28801

**Purpose:** Enclave Phase II @ Piney Mountain

**Location:** Piney Mountain Drive

**PIN #:** 9658-29-2204

**ENGINEERING PROJECT #:** WPFY-19-20-072

<b>Commitment Provided:</b>	Maximum Gallons Per Minute:	269
	Maximum Gallons Per Day:	46,400
	Method of Metering to be Determined	

**Customer's Next Step:**

Submit water system extension plans and supporting documentation to the Engineering Division of the Water Resources Department

**Requirement to Issue Certificate of Occupancy:**

Accepted water system extension and release of water meter.

**Fire Flow Needed by Applicant:**

1000 gpm (stated on application)

**Fire Flow Available at Nearest Hydrant During Review of Application:**

Static Pressure: 132 psi    Residual Pressure: 117 psi    Flow: 1582 gpm

**Water Pressure Fluctuation**

The conducted flow test represents only a momentary sample of the water pressure and flow available at the project location. The Applicant is hereby advised that water pressure fluctuations are normal within the

City of Asheville water system. The magnitude of these fluctuations is affected by location, time of year and time of day. Water System pressures can also be affected by fire fighting activities and routine or emergency Water System operations. The Applicant / Customer is expected to install control devices as required to protect and/or enhance their private plumbing systems from these normal pressure fluctuations.

**Effective Period of Commitment:**

This Letter of Commitment permits the Applicant to extend the public Water System as defined herein provided that engineering plans are approved with the issuance of an Authorization to Construct by the Water Resources Department by June 9, 2021 and provided issuance of Certificate of Acceptance of construction by the Water Resources Department occurs within one year following the date of Authorization to Construct.

**Approval of this Letter of Commitment is conditioned as follows and failure to comply with the following conditions shall be sufficient grounds for the City of Asheville to deny the requested water service.**

**Special Conditions**

1. This phase of the project will be required to use the proposed phase 1 master meter and pump station.

**Extension of Public Water System:**

1. **All fireline connections to our water system constitute and extension of our water system.** The nearest location of the existing Water System appears to be an existing 8-inch waterline on the west side of Piney Mountain Drive at the subject property. The Applicant is required to extend the public Water System from the point of connection to serve the subject project. This extension of the Water System must be designed by a North Carolina licensed professional engineer retained by the Applicant and constructed by a North Carolina licensed utility contractor retained by the Applicant in accordance with Water Resources Design and Construction Manual. Questions regarding the process for extending the Water System may be directed to the Water Resources Department at 828-232-4589.
2. The extension of the Water System shall be designed such that there is a minimum of 40 psi at each meter during periods of peak water demand and 20 psi during a fire flow event.
3. Prior to the expiration date of this Letter, the Applicant shall submit engineering plans under the seal of a registered professional engineer to the City of Asheville Water Resources Department along with an Application for Approval of Plans. The Applicant's engineer shall also prepare calculations to support how the sizing of the water mains and facilities were determined in order to exceed the minimum flow and pressure conditions stated in this Letter.
4. The City of Asheville Water System Management Plan (WSMP.10-01179) and the Engineer's Report No. 00-00139, both of which are on file with the North Carolina Public Water Supply Section, have been determined to be applicable to the Water System extension proposed for this project and may be referenced when submitting the application for Approval of Plans.
5. The approved method of extending the Water System at the point of connection to the existing system will be determined during plan review. If a tap is required, the Applicant's utility contractor shall furnish all material, including the tapping sleeve and valve, and shall prepare the trench for this tap, but only personnel of the City Water Maintenance Division may furnish the tapping machine and complete the tap installation.



The Applicant will be charged the current tap fee for the completion of the tap by the Water Maintenance Division, which shall be paid by the time of the PreConstruction Conference.

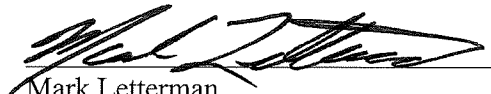
**Water Service Connection:**

1. Based on the information provided by the Applicant, the City of Asheville reserves a commitment to the Applicant to provide 269 gallons per minute / 46,400 gallons per day for the proposed development of the property described above.
2. Application for Service Connections should be made at least 30 days but not more than 180 days in advance of the date activation of water service is desired.
- 3 The Applicant shall install a backflow device downstream of the domestic water meter and on any proposed fire service connection. Inspection and approval of the backflow device is required before a water meter can be activated and will be inspected by the Cross-Connection Control Division. For specific information regarding the type and location of this required backflow preventer, contact our Cross-Connection Control Division at 259-5977. **The meter will be installed following installation and inspection of the required backflow preventer.**
4. This Letter does not constitute a standing commitment of any specified flow for fire protection; however, water capacity available in the Water System at time of need is available for fire protection. The Applicant specified a fire flow requirement of 108 gallons per minute at a residual pressure of 20 psi, and a recent fire hydrant flow test conducted by the Water Resources Department (copy attached) concluded that the available flow in the Water System at the time of the test exceeded this requirement. When the available flow in the Water System does not meet the Applicant's fire flow requirement, it is the Applicant's responsibility to reduce the fire flow requirement through changes in the design of the proposed building(s) or to extend the Water System to meet the fire flow needed

Upon your review of this Letter of Commitment, please do not hesitate to contact the Water Resources Department at 828-232-4589 if you have any questions or need additional assistance.

Prepared by:

Approved by:

  
Mark Letterman  
Water Engineering

  
William C. Pierce, PE  
Water Engineering Manager

cc: David Melton, Director  
Chad Pierce, PE  
Tim Burdine, W/M Supt.  
Project File

Enclave Phase II @ PineyMountain LOC



## City of Asheville Hydrant Flow Test Information

Date of Flow:	6/1/20	General Flow Area:	East Asheville
Time of Test:	10:30 AM	Reason for Flowing:	LOC

Project Name:	Enclave Phase 2 WPFY 19-20-072
Distance to Project Site:	Nearest Hydrants

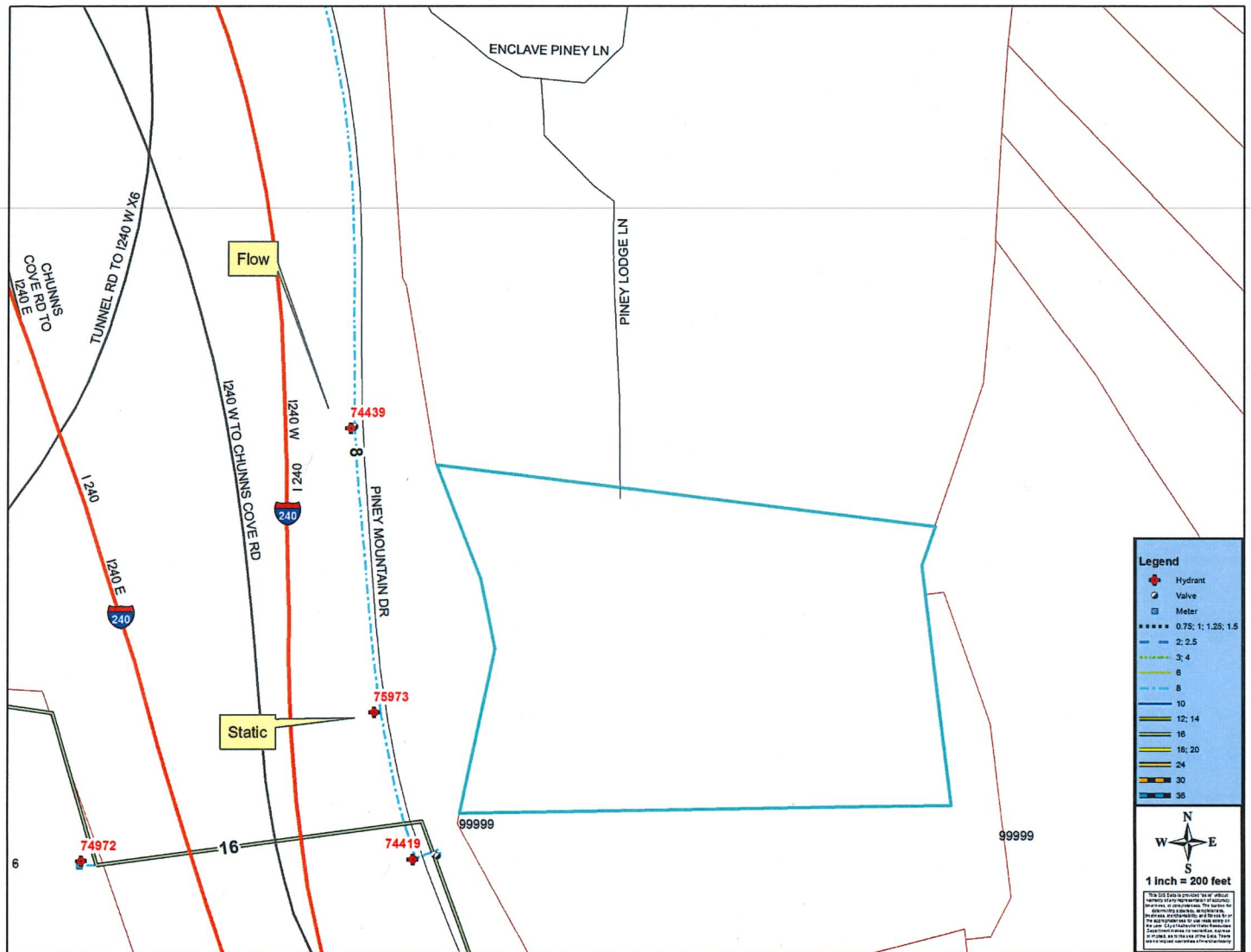
Contact:	Michael Munsell
Project Address:	Refer to Map

Hydrant #:	75973	Hydrant #:	74439
Elevation:	2160	Elevation:	2180
Address:	Piney Mountain Rd	Address:	Piney Mountain Rd

Hydrant Make:	Clow	Hydrant Make:	Clow
Hydrant Model:	2000	Hydrant Model:	2000
Hydrant Valve:	Yes	Hydrant Valve:	Yes

Static (in PSI):	132	Flow (in PSI):	89
Residual (in PSI):	117	Flow (in GPM):	1582

Line Size & Material:	8" Ductile Iron Pipe
Location of Water Line:	Refer to map





# Metropolitan Sewerage District

of Buncombe County, North Carolina

## Allocation Approval

**This approval is not to be used to obtain a building permit  
and is for gravity sewer extension only.**

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Applicant:	Warren Sugg, P.E.
Company:	Civil Design Concepts, PA
Mailing Address:	168 Patton Avenue, Asheville, NC 28801
Phone:	828-252-5388 (H)
Project #:	2020085
Project Name:	Enclave - Phase II
Project Location:	Piney Mountain Rd
PIN:	9658292204

---

MSD of Buncombe County has approved your request for **34,800 GPD**

The connection point (manhole #) will be **Private Pump Station**

The project will consist of **(116) 3 bed/2 bath**

**Your final approval is contingent upon compliance of the items below:**

- This project will require a private sewer extension permit from NC DEQ. MSD will require a copy of this permit prior to release of building permits. MSD also requires a copy of engineer's certificate of completion required by NCDEQ along with a copy of private system as-built prior to release of certificates of occupancy. Please contact Kevin Johnson at MSD for additional requirements for this project at (828)-254-9646.
- This phase of the system will connect to the private system permitted and constructed for Phase 1 under the conditions required. Please complete sewer service application(s) after issuance of private system permit and MSD staff will contact you about applicable fees.

**Comments:**

- \* Please note that this phase of the project is only being approved on the condition that this parcel be combined with the phase 1 parcel. MSD will only allow private systems for single parcels.
- \* Please note that MSD will only allow the private system if a public gravity sewer is extended to the Phase 1 property line.

The North Carolina Department of Environmental Quality (NCDEQ) requires MSD to issue this approval based on line condition/capacity of the receiving sewer and remaining plant capacity.

This allocation approval will expire on **07/13/2021** if no construction has started.

If you have any questions, please contact MSD.

  
\_\_\_\_\_  
Kevin Johnson  
MSD Planning and Development

Type: CONSOLIDATED REAL PROPERTY  
Recorded: 10/6/2017 2:45:26 PM  
Fee Amt: \$1,526.00 Page 1 of 3  
Revenue Tax: \$1,500.00  
Buncombe County, NC  
Drew Reisinger Register of Deeds

BK 5598 PG 544 - 546

There are no delinquent taxes that are a lien  
the parcel(s) described in the deed which the  
Buncombe County Tax Collector is charged  
with collecting.

10-06-2017                            
Date                      Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,500.00  
Parcel Identifier No. 9658-28-2841 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: 9658-29-2204 and a portion of 9658-29-2204

Mail/Box to: \_\_\_\_\_

This instrument was prepared by: James W. Kirkpatrick, III, PA, 37 Branner Avenue, Waynesville, NC 28786

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 6th day of October, 2017, by and between

GRANTOR	GRANTEE
Ashley Scott Properties, Inc., a Georgia Corporation P.O. Box 1363 Bremen, GA 30110	Enclave Asheville II, a North Carolina Limited Liability Company <u>531 S. Main Street, Suite 207</u> <u>Greenville, SC 29601</u>

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of \_\_\_\_\_, \_\_\_\_\_ Township, \_\_\_\_\_ Buncombe County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

TITLE NOT CHECKED BY PREPARER

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5345 page 944.  
All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.  
A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.