

## SPECIAL USE PERMIT INFORMATION

### **What is a Special Use?**

The Buncombe County Zoning Ordinance provides a list of land use types that may be permitted in each Zoning District within the County. Most allowable land uses can be approved administratively, by Planning Department Staff. However, the Buncombe County Board of Commissioners has determined that, due to potential impacts on the surrounding neighborhood, certain land uses must undergo a higher level of permitting review; these are “Special Uses.” To determine whether a use requires a Special Use Permit, please reference *Section 78-641(a) - Permitted Uses* table of the Zoning Ordinance for a complete list.

### **Who decides if I will get a Special Use Permit?**

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

### **When will my Special Use Permit be decided?**

The Board of Adjustment meets the second Wednesday of every month at 12 noon. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board of Adjustment meeting.

### **What is the process for obtaining a Special Use Permit?**

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the information of the proposed development.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice:** Public notice procedures for the public hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing:** The Board of Adjustment will hear a summary of the application by Staff, information presented by the applicant, statements by the public, and will approve or deny the application. In some cases the application may be continued to the next meeting.
5. **Building Permit:** After approval of the SUP, apply for your regular building, zoning, and other required permits.
6. **Inspections:** Inspections may be made during construction and a final inspection after construction is complete will be made to ensure that the SUP has been constructed according to the approved plan.

### **Is the Board’s decision the final step?**

No. Approval of a SUP application grants permission for Staff of the Planning Department to administratively review a proposed land use. Board approval does not waive applicable building, zoning, and other ordinance standards.

### **What else should I know?**

Sometimes an application is continued to another meeting due to a lack of a quorum, insufficient information, or for other reasons. If this occurs, you will be notified of the new meeting date. Special Use Permit proposals which have been denied by the Board of Adjustment may not be resubmitted for additional review, unless the proposal is substantially different from that which was previously denied.



**BUNCOMBE COUNTY**  
**PLANNING & DEVELOPMENT**  
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 www.buncombecounty.org/planning

# Application for a SPECIAL USE PERMIT

**DO NOT USE FOR  
PUD APPLICATIONS**

**PLEASE NOTE: A PRE-SUBMITTAL CONFERENCE WITH THE ZONING  
ADMINISTRATOR IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION.**

## A. Property Information

**PIN(s):** 9760-47-0169

**Address(es):** 9999 Parker Road or 0000 Shope Road

**Project Name:** Windy Wood Bike Park

**Acreage:** 152.73

## B. Application for Special Use Permit

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

The project will be a pay to ride mountain bike park with roughly 10 miles of trails. Type text here

## C. Applicant Contact Information

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

Hartwell Carson

**Applicant's Name**

253 S French Broad

**Mailing Address**

Asheville NC 28801

**City, State, and Zip Code**

( 828 ) 817-5258

**Telephone**

hartwell.carson@gmail.com

**Email**

## D. Owner Contact Information (If different)

Brooks Family Trust - Ed Brooks

**Owner's Name**

1035 Charlotte Hills Road

**Mailing Address**

Beech Mountain, NC 28604

**City, State, and Zip Code**

( 352 ) 459-1907

**Telephone**

ed.brooks@outlook.com

**Email**

### OFFICE USE ONLY:

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

Pre-Submittal Conference with: \_\_\_\_\_

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

Case Number: ZPH \_\_\_\_\_ - \_\_\_\_\_

Application fee paid: ☐ Yes ☐ No

RECEIVED: Digital copy of development plan

**E. SPECIAL USE PERMIT APPLICATION CHECKLIST**

***The Zoning Administrator reserves the right to waive checklist requirements which are not applicable for the project.***

**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:**

- ☒ 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. 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 Special Use Permit as provided for in §78-677(g) *Procedures for obtaining a Special Use Permit, Conditions for granting approval*. The Board of Adjustment has limited discretion in deciding whether to grant a Special Use Permit.

*Answers must be provided in the spaces below, not as an attachment. Applicants may submit additional documentation, or expand on questions through an attachment, however the majority of your answer must be contained on this application. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved SUP 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 SUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed SUP:

### APPLICANT NARRATIVE

The CUP is only triggered by recreation uses within the steep slope areas. The others uses shown on the site plan are use by right. The project will protect almost the entirety of the property, only adding mostly narrow 3-6ft wide single track mountain bike trails on the vast majority of the property. The trails will largely avoid stream crossing and the trails will be stabilized as they are built, leaving almost no risk for erosion issues to local waterways. Trails will also be maintained by a full time profession trail crew and maintained to the scientifically proven Forest Service and International Mountain Biking Association (IMBA) standards. Parking and camping areas will be constructed on flatter portions of the site and will be stabilized using current construction techniques as well as additional ground cover and buffering to prevent runoff from leaving the site. Access into the property for vehicular travel will utilize existing gravel roads. Hours for the trails will be typical daylight hours which should cause minimal disturbance to neighboring property owners and the camping activities will be similar in that there will be limited activity after dark.

### STAFF REVIEW

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

### APPLICANT NARRATIVE

By protecting almost the entire property, the viewshed and stormwater will be protected. Also, based on current zoning standards, steep slope requirements, and ridge overlay at least 100 homes could be built on the property, which would result in a much larger development scale than the currently proposed bike park and camping options. While we will have over 150 parking spaces we don't anticipate needing that much parking the majority of the time. Based on user numbers from Kanuga Bike Park, a very similar park in Hendersonville, NC, we anticipate about 100 cars on weekend days in the peak season, 30-40 cars during weekdays in the peak season and about 15-25 cars a day during non peak season. Finally, the property has access from Shope Road as well as Parker Road and we are committed to doing more than our fair share to maintain these roads, as well as improve them to prevent runoff and improve traffic flow.

### STAFF REVIEW

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

APPLICANT NARRATIVE

Motorized use will not be allowed, only non-motorized biking and hiking. About 95% of the property will be protected. The only trees that will be removed are a small amount for parking and camping areas and hazard trees. From a distance, the upper reaches of the property will remain as they are, a forested area below the management perimeter of the Blue Ridge Parkway. Any openings created by proposed amenities for the project will be conducted at lower elevations and will be minimally visible to the surrounding area. We believe this will complement the transitional mosaic of farmland, residential development and forested areas in the valley.

There will be a campground host on site and quiet hours after 9pm will be strictly enforced. The biking will close before dark, so there will be no after hours noise from biking. We will have a bike patrol that will help monitor visitors, check passes and provide help as needed.

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

Parking areas have been placed as close to the entry points as possible with the intent that once a visitor arrives to the site, they will leave their car and be able to enjoy hiking and biking in areas that will not allow motor vehicles. Accessibility for persons with disabilities will be provided as part of the access to the retail and rental activities as well.

All roads within the property will be 16ft wide with a turnaround of 74ft diameter cul-de-sac at the end of the tent camping road and 40ft T turnaround at the end of the other camping area. Shope Road will be improved as needed, within the 60ft right of way to help accommodate traffic. Ample signage will be posted to encourage slow driving and on each guest's pass purchase, waiver, and on the website there will be very visible information to again encourage slow, safe driving.

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

There will be no off street parking or loading zones

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

Water and wastewater will be handled through the use of well & septic within the project boundary and proper permitting will be completed through Buncombe County. Power services would be extended from existing infrastructure just outside the property boundary. These services would be typical of the type of development in the surrounding area and, therefore, not applicable to the conditional use permit.

STAFF REVIEW

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

APPLICANT NARRATIVE

There will be a 50ft forested buffer on all property lines and a 40- 50ft forested stream buffer from new parking areas.

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

Signs may be proposed at critical road intersections approaching the project from major thoroughfares. Off premise sign permits will be applied for any of these signs. Approaching the site, any signs would be of typical size found in the area and will be as minimal as possible. The goal of the hiking, biking and camping activities provided at the site will be to get people out in nature to disconnect for mostly day-use activities. Minimal lighting will be provided in the commercial/retail/bathroom areas for safety, with the approval of a commercial lighting plan. All proposed fixtures will meet the minimum county requirements for dark sky compliance. There will be no lighting on the trails for after dark uses. There will be very minimal traffic after dark, which will greatly limit light from car headlights.

STAFF REVIEW

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 SUP or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The goal of the project itself is to create an outdoor recreation experience for a variety of ages and experience levels. Trails will be designed for use by a wide range users and ability levels. Outside of the 20-30 acres of development, the remainder of the property will remain open space and will function similar to a national forest setting. Landscaping may be installed in key areas to provide interest or to provide separation between uses. With the vehicular access areas limited within the property, the majority of the site will allow for unobstructed pedestrian flow throughout the site.

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

Minimal vertical construction is proposed as part of this project. We plan to provide facilities for bike rentals, a small retail space, a snack bar/beverage space, overlooks and required restroom facilities. Our current planning contemplates the use of three shipping containers and two small stick built platforms at the top corners of the property to provide services and shelter. These areas will have minimal impact on the surrounding area due to their size. We anticipate less than 1,500 s.f. for the commercial activities. Bathroom facilities will service the retail area and the camping area. We will meet all standards required by Buncombe County concerning number of stalls, showers, and other necessary standards.

STAFF REVIEW

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 SUP:

APPLICANT NARRATIVE

Trail hiking and biking activities will be allowed during daylight hours and will close at dusk which would be typical of other activities that may occur in the surrounding community. The camping facilities will act similar to most backcountry or forest service campgrounds where most people arrive during daylight hours for set-up and then activities after dark will be limited. There will also be a campground host on site and quiet hours after 9pm will be strictly enforced. The biking will close before dark, so there will be no after hours noise from biking. We will have a bike patrol that will help monitor visitors, check passes and provide help as needed.

STAFF REVIEW

## G. ADDITIONAL SPECIAL USE STANDARDS

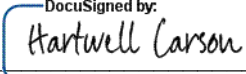
Before issuance of a Special use permit for one of the specific uses listed in §78-678(b) *Special Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. **The petitioner shall be required to submit an additional form** specific to the use, in order to assure these conditions are met. An application for a use listed in §78-678(b) shall not be deemed complete without the additional form.

If you are applying for one of the uses listed below, you must submit an additional form:

- ☐ Bed and Breakfast
- ☐ Day Nursery and Private Kindergarten
- ☐ Junkyard
- ☐ Kennels
- ☐ Travel Trailer Parks
- ☐ Utilities and Towers
- ☐ Vacation Rental Complex/Rooming Board
- ☐ Manufactured Home Parks
  
- ☐ Planned Unit Development **(Please do not use this form for a PUD. There is a separate combined PUD Special Use Permit application)**

## 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 Special 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.

DocuSigned by:  
  
 Signature of Petitioner  
 6/17/2021  
 \_\_\_\_\_  
 Month                      Day                      Year