



**BUNCOMBE COUNTY**  
**PLANNING & DEVELOPMENT**  
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**STAFF ANALYSIS**  
**CONDITIONAL USE PERMIT**  
*Quasi-Judicial Hearing*

**CASE NUMBER:** ZPH2021-00027

**PROJECT:** Crescent Hill PUD

**A. PROPERTY INFORMATION**

**Application Submitted:** 5/6/2021

**PIN(s):** 9653-36-3639, 9653-37-7780, 9653-37-6279, 9653-36-5719, 9653-36-3297

**Addresses:** 180, 184, 188, and an unaddressed lot on Crescent Hill Drive located to the west of PIN 9653-47-2637, & an unaddressed lot on Watson Road located to the west of PIN 9653-36-6226

**Owner:** Triangle Westbury Springs, Inc., Triangle Real Estate of Gastonia, Inc.

**Applicant:** William Ratchford, Southwood Realty Company

**Agent:** Thomas Jones of WGLA Engineering

**Zoning:** R-2 Residential (no Overlay, Flood, Watershed)

**Current Land Use:** Vacant

**Utilities:** Public water and sewer extensions

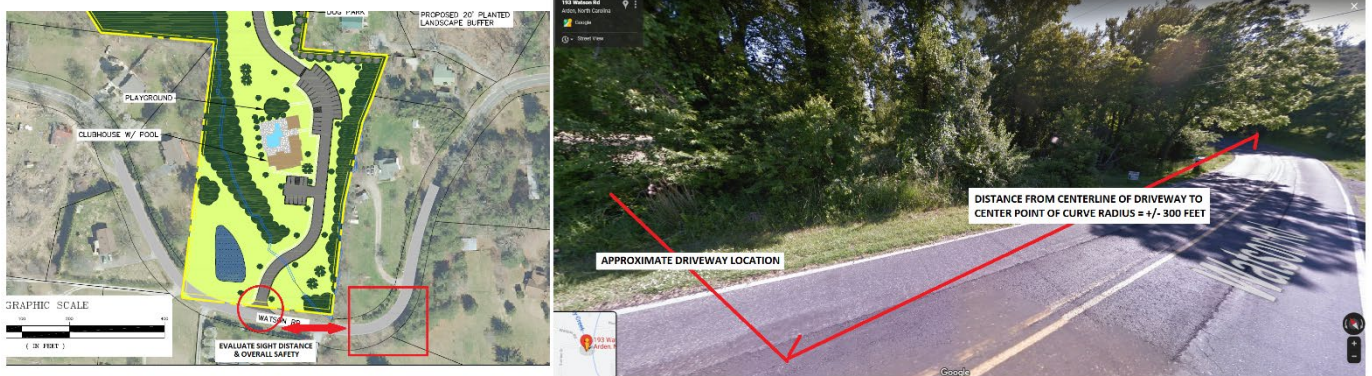
**B. PROJECT SUMMARY:**

Applicant specifically 252 residential apartments within ten multi-family structures, a clubhouse and pool, and four garage structures.

**C. STAFF COMMENTS**

1. Application indicates 252 apartments within 10 multi-family structures. Staff observes only 9 multi-family structures upon the Site Plan. Applicant clarify: Does the 10 count include the clubhouse?
2. Applicant requests approval of a 46' 9" maximum building height, as opposed to 35' as required within the R-2 zoning district. The Board has the authority to grant such request if consistent with findings of fact.
3. At this time, this project is not proposed for subdivision of land or sale of individual dwelling units. Subsequent proposals to do so would precipitate a revised SUP/PUD review before the BOA.

4. Staff is concerned about sight distance and overall visibility at the project entrance off Watson Road. See graphic, below, for specific points of concern. Staff encourages the BOA to carefully evaluate the project in the context of this intersection and existing conditions along Watson Road and impose reasonable conditions as necessary to support findings of fact and protect public safety. Note that Staff does not have knowledge as to the status of NCDOT's review of the TIS.



5. Staff is concerned about vehicle & pedestrian safety along Crescent Hill Drive and at the intersection of Crescent Hill Drive & Hendersonville Hwy (US HWY 25); such intersection is currently unsignalized and left-hand turning movement, in current conditions, will require turning movements across three full lanes of travel. Staff encourages the BOA to carefully evaluate the project in the context of this intersection and existing conditions along Crescent Hill Drive and impose reasonable conditions as necessary to support findings of fact and protect public safety. Note that Staff does not have knowledge as to the status of NCDOT's review of the TIS.





6. Note that the Site Plan proposes to install a pedestrian sidewalk from the project site to Watson Road, which is appropriate for the protection of pedestrians within the project and sets the stage for connecting to future public pedestrian infrastructure along Watson Road. Note that Staff is not aware of any plans for a Watson Road sidewalk at the present time.
7. The Site Plan does not indicate a sidewalk along Crescent Hill Drive, to Hendersonville Highway. Such a sidewalk would substantially improve pedestrian safety to & from the site along Crescent Hill Drive, improve pedestrian safety for existing residences, businesses, and institutions along Crescent Hill Drive, and set the stage for future pedestrian infrastructure along US HWY 25.

#### D. BOARD OPTIONS

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

#### E. CONDITIONS FOR GRANTING APPROVAL

In granting a conditional use permit, the board of adjustment may designate such conditions in connection therewith as will, in its opinion, ensure that the proposed use will conform to the requirements and spirit of this article. If at any time after a conditional use permit has been issued the board of adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a conditional use permit, the permit shall be terminated and the operation of such use discontinued.

If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held. Before any conditional use permit is issued, the board of adjustment shall make written findings certifying compliance with the specific rules governing the individual conditional use and that satisfactory provision and arrangement has been made for at least the following, where applicable.

Staff recommends, if the Project is approved, that the following **Conditions of Approval** be included in the Board's Order:

1. A playground shall be provided within the project site, in a location that is accessible to all residents and guests. Such playground, which shall be constructed prior to issuance of a certificate of compliance for the first apartment building, shall be designed to serve elementary school age children and be designed in accordance with the best practices of the American with Disabilities Act, the American Society for Testing and Materials (ASTM), and the U.S. Consumer Product Safety Commission.
2. Prior to commencement of land disturbance and construction activity within the Project, the Applicant / Owner / Developer shall obtain all necessary permits and approval from Buncombe County, including but not limited to, E911 Address assignment, Zoning, Erosion Control, Stormwater, and Floodplain Development. The Applicant shall also provide a copy of approved permits from the United States Army Corps of Engineers and the North Carolina Department of Environmental Quality, where applicable to the Project.
3. The requirements and conditions of any North Carolina Department of Transportation ("NCDOT") Driveway Permit or Encroachment Agreement, which may be issued or granted for the Project,

shall be conditions of this Conditional Use Permit. The County shall not issue final zoning approval or a certificate of compliance for any structure within the Project until such time as all off-site roadway improvements, as required by NCDOT, are completed, approved, and accepted in writing by the NCDOT.

4. Applicant shall construct a 5', ADA-compliant, NCDOT-compliant pedestrian sidewalk along Crescent Hill Drive, from the sidewalk that is shown upon the Site Plan as terminating adjacent to Building # 08, along Crescent Hill Drive to Hendersonville Highway. Such a sidewalk shall be approved by the Buncombe County and NCDOT, installed & inspected prior to the issuance of a Certificate of Compliance for Building # 8. Upon completion and prior to issuance of Certificate of Compliance, Applicant shall provide the Zoning Administrator a copy of documentation from NCDOT that confirms that the sidewalk is constructed in compliance with NCDOT specifications, approving and closing out the associated encroachment agreement. Acquisition of such easements &/or rights-of-way to support the sidewalk, shall be the responsibility of the Applicant.
5. The requirements and conditions of any permit or approval, which may be issued or granted for land disturbance or improvements within the Project, including but not limited to those referenced in this document, shall be conditions of this Conditional Use Permit.
6. The Applicant shall submit lighting plan for consideration as part of the permitting process for construction within the Project. Such plan shall demonstrate that outdoor lighting, including street lighting, will be in compliance with Sec. 78-668 of the Buncombe County Zoning Ordinance.
7. The site plan, which is attached hereto and incorporated herein by reference as Exhibit B, and the general layout of roads, structures, and other improvements as depicted thereon, and the general height, mass, shape and size of structures as depicted thereon, is a condition of this CUP. However, any sketches or architectural renderings of the proposed structures are illustrative only and are not binding architectural designs.
8. Landscaping and Buffering:
  - a. The Applicant shall submit a landscape and tree protection plan for consideration as part of the permitting process for construction within the Project.
  - b. Such landscaping shall serve to provide substantial green space within the developed areas of the Project site, and to provide substantial buffers between the Project site and adjacent properties.
  - c. Generally, landscaping shall be provided throughout the site. At least 10 percent of the Project area, exclusive of perimeter buffers and areas utilized for stormwater detention, shall be landscaped with a mix of large shade trees, small trees, large shrubs, and smaller shrubs to provide variable height screening, and a variety of plantings and seasonal color.
  - d. Newly installed trees and landscaping shall, to the maximum extent possible, be comprised of native species.
  - e. Buffering along the perimeter of the Project, and parking lot landscaping within the Project, shall be in general compliance with *Sec. 78-667. Buffering and parking lot landscaping*, of the Buncombe County Zoning Ordinance or its successor standard. Existing vegetation within the buffer, including existing canopy trees, shall be preserved. The Zoning Administrator may approve removal of existing canopy trees within the buffer

when removal is necessitated by the installation of infrastructure, to protect life or property, or to improve the overall health and functionality of the buffer.

2. Other conditions of approval as may be identified by the Board and agreed upon by the Applicant.