



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

**Application for a
 SPECIAL USE PERMIT
 PLANNED UNIT DEVELOPMENT
 Level 1 (PUDI)**

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

A. Property Information

PIN(s): 965744978500000, 965744684700000, and 965744665700000

Address(es): 17 Pinnacle View Road, 21 Pinnacle View Road, 99999 Chestnut Ter

Project Name: Pinnacle View Rental Units Acreage: 6.53

Zoning District: R-2 Average Natural Slope: 16.88 % Elevation: 2180 FT above sea level

Current Land Use(s): Single family homes Utilities: COA Water

Floodplain Steep Slope/High Elevation Protected Ridge Watershed BR Pkwy

B. Application for Special Use Permit for a Level 1 PUD

1. Application is hereby made to the Board of Adjustment to issue a Special Use Permit for a Level I Planned Unit Development for use of the property as a *(please provide a brief description of the use)*:
73 rental units will be placed on the property as well as landscaping, and associated infrastructure.

2. List the number of each type of **Commercial** unit/structure:
 Commercial units: _____ Commercial structures: _____ Commercial Sq. Ft.: _____

3. List the number of each type of **Residential** unit/structure:
 Residential units: 73 Residential structures: 14
 Single Family units: _____ Townhome units: 73 Condo units: _____ Apartment units: _____
 Units for Sale: _____ Units for Rent: 73 Units for Short term/Vacation rental: _____

C. Land Development Standards

Are you proposing any deviations from the Zoning Ordinance standards through this PUD? Yes No
 If yes, check which standards you are requesting to amend:

Lot size Land use types Maximum building height Parking
 Commercial density Interior setbacks Distances between buildings Other

Are you subdividing lots? If so, how many: No Smallest lot size proposed: N/A SF
 Min. distance between buildings: 15 FT Max. shortest side building heights: 28.5 FT
 Min. Internal Setbacks: N/A FT External setbacks cannot be waived: Confirm

OFFICE USE ONLY: Date received: _____ Fee Paid: \$ _____ Case: ZPH20 _____ - _____
 Pre-Submittal Conference with/date: _____
 Scheduled BOA Hearing: _____
 Scheduled PB Hearing for Subdivision: _____

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application and agreed to by the Board. PUD's which intend to subdivide lots must also submit a subdivision application.

Applicant Contact Information (Developer of this project)

Trilogic TR 31 Pinnacle View, LLC

Company/Corporate Name (if applicable)

Douglas Styles and Wendy Styles

Matt Colton

Applicant's Name

26 Milton Ave, Alpharetta GA 30009

Mailing Address (Street number, Street name, City, State, Zip Code)

(704) 706-7858

Telephone

~~XXXXXXXXXX~~ matt@trilogic.com

Email

[Handwritten Signature]

Signature

6/9/22

Date

D. Authorized Representative (If different)

TR 31 Pinnacle View, LLC

Company/Corporate Name (if applicable)

John Boniface

Applicant's Name

26 Milton Ave

Mailing Address

Alpharetta, GA 30009

City, State, and Zip Code

(352) 425-3356

Telephone

john@trilogic.com

Email

[Handwritten Signature]

Signature

6/9/22

Date

E. Owner (If different)

Douglas E Styles and Wendy Styles Pumphrey

Owner's Name

17 Pinnacle View Road

Mailing Address

Asheville, NC 28803

City, State, and Zip Code

(828) 273-1706

Telephone

Email

DocuSigned by: Douglas Styles
DocuSigned by: Wilma Styles 6/9/2022

Signature

6/9/2022

Date

OFFICE USE ONLY:

APPLICABLE ORDINANCE SECTIONS

Sec. 78-677, Procedure for obtaining a Special use permit
Sec. 78-678 (b)(6), Uses by right subject to special requirements and Special use standards – Planned Unit Developments, Level I

PUBLIC NOTICE

Notice in AVL Citizen Times legal ad:
Notice mailed to owners within 1,000 feet:
Physical posting:
Notice on BC Website:
Hearing Date:

Notes:

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application and agreed to by the Board. PUD's which intend to subdivide lots must also submit a subdivision application.

Applicant Contact Information (Developer of this project)

Project: TR 31 Pinnacle View, LLC

Company/Corporate Name (if applicable)

Matt Cotton

Applicant's Name

26 Milton Ave, Alpharetta GA 30009

Mailing Address (Street number, Street name, City, State, Zip Code)

(704) 706-7858

Telephone

matt@trilogic.com

Email

Signature

Date

[Handwritten Signature]

6/9/22

D. Authorized Representative (If different)

TR 31 Pinnacle View, LLC

Company/Corporate Name (if applicable)

John Boniface

Applicant's Name

26 Milton Ave

Mailing Address

Alpharetta, GA 30009

City, State, and Zip Code

(352) 425-3356

Telephone

john@trilogic.com

Email

Signature

Date

[Handwritten Signature] 6/9/22

E. Owner (If different)

Morton Mary Ruth G

Owner's Name

P.O. Box 11064

Mailing Address

Charlotte NC 28220

City, State, and Zip Code

(704) 604-1617

Telephone

Email

DocuSigned by: Mary Morton - Shanna Simpson, PBA 6/9/2022

Signature

Date

OFFICE USE ONLY:

APPLICABLE ORDINANCE SECTIONS

Sec.78-677, Procedure for obtaining a Special use permit
 Sec. 78-678 (b)(6), Uses by right subject to special requirements and Special use standards – Planned Unit Developments, Level I

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G. BURDEN OF PROOF

The Board of Adjustment will approval or deny an application based on the facts and testimony offered in the public hearing. The burden of proof lies with the applicant to demonstrate that all requirements have been 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 Special Use Permit as provided for in §78-677(g) *Procedures for obtaining a Special Use Permit, Conditions for granting approval*, and the Planned Unit Development Level 1 approval as provided for in §78-678(b)(6) *Special Use Standards, Planned Unit Developments, Level I (PUDI)*.

Answers must be provided in the space below, do not submit answers on a separate form. 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'.

SPECIAL USE PERMIT STANDARDS:

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 zoning for the Subject Property is R2 – Residential- which permits all of the uses proposed residential Planned Unit Development (herein "Project"). The Subject Property is completely surrounded by Residential Districts (R-2). The uses proposed for the Project are consistent with other uses in the area. The proposed SUP- which is entirely rental housing – will not adversely affect the health or safety of persons living or working in the neighborhood.

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

For all of the same reasons provided in response to #1, above, the proposed SUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. As will be shown by a qualified expert, the value of the surrounding property will not be negatively affected by the project.

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

There are no uses in the Project that are expected to generate noise, odor, vibration, or glare at levels that would have adverse effects on surrounding properties. The Project includes only housing. It is in the applicant's own interest not to allow for uses that are incompatible with each other. The Project will comply with the County's lighting ordinance.

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

Ingress and egress will be onto Pinnacle View Road, which is a road in the State Highway System, at a point near SR 3052 (School Road E). The Project is required to obtain approval from NCDOT in order to connect to Pinnacle View Road. A traffic study is not required due to the number of units in the Project.

5. 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

The Project will require water and sewer main to be extended to the site. Allocation commitments have been obtained from the appropriate agencies. The water main will be extended from the current line along (School Road E). Sewer will be collected by a private system that will connect to MSD's system at the manhole located at the intersection of Hazel Hill Street and Rex Road. Electrical service from Duke Energy Progress is also available.

6. 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

This Property is zoned to a residential district similar to other properties in the area. Signs and exterior lighting will comply with Buncombe County requirements and will be similar to the surrounding properties.

7. 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 Project as a whole will contain substantial open space, and pedestrian ways, as shown on the site plan.

8. 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

See the attached drawings and renderings. The buildings in the Project proposed are similar in design and appearance to other rental units in the area.

9. 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

The Project contains entirely residential units, so hours of operation are not applicable.

PLANNED UNIT DEVELOPMENT STANDARDS:

10. 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.

APPLICANT NARRATIVE

The Project is made up of three parcels, the first parcels PID is 9657-44-6657 and is owned by Mary Ruth G Morton. The second parcel is 9657-44-6847 and is also owned by Mary Ruth G Morton. The third parcel is 9657-44-9785 is owned by Douglas S Styles and Wendy Styles Pumphrey. Prior to the beginning of construction, the parcels will be sold to Trilogy Inc.

11. 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.

APPLICANT NARRATIVE

The proposed development tract is 6.53 acres and located in the R-2 district. The adjacent lots are zoned R-2. The maximum allowable residential density of 12 units per acre totaling 78 units allowable. To achieve the proposed residential density (73 rental units) no modification is required to the tract to allow for this use.

12. 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.

APPLICANT NARRATIVE

Proposed use is 73 rental units. The use is permitted within the R-2 zoning district. The Project consists entirely of residential units.

13. 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. Please address how proposed lot sizes and interior setbacks comply with the spirit and intention of the Zoning district.

APPLICANT NARRATIVE

The Project has been designed to comply with all required, minimum, exterior setbacks. There will be no interior lot lines all of the buildings on the property will be under single ownership.

14. 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. PUDIs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district. Indicate the height of the tallest structure, as measured on the shortest side of the building. For structures within the Steep Slope/High Elevation or Protected Ridge Overlay, provide the average height. Please address how proposed height of the buildings complies with the spirit and intention of the Zoning district.

APPLICANT NARRATIVE

Rental units: 28.5 Feet as measured from the highest ground level at the structure foundation to the uppermost point of the roof.

15. 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.

APPLICANT NARRATIVE

The proposed minimum distance between buildings is 15 ft. Placing buildings closer together than the 20 ft. default minimum fits with the nature of a townhome development, and is a reasonable and efficient use of space in this context. The building design and site layout maintains adequate air, light, privacy, and space for emergency vehicles.

16. (SUP) Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed SUP. (PUD) 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 ocSUPants, 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 ocSUPants of such low-rise buildings.

APPLICANT NARRATIVE

The Project provides reasonable visual and acoustical privacy for all dwelling units. Landscaping, walkways, and the orientation of buildings have been considered to ensure appropriate protection from noise and objectional views. Buncombe County landscaping standards for retaining walls have also been met.

17. 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 district.

APPLICANT NARRATIVE

The project has been designed to comply with the perimeter setback requirements for the R-2 district, as shown on the provided site plans.

18. 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. Include 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.

APPLICANT NARRATIVE

Each rental unit will have a one car garage, and a driveway for parking , as well as 7 additional parking spaces for a total of 155 parking spaces.

19. 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.

APPLICANT NARRATIVE

All common, open space, and communally owned facilities will be maintained by a property owners association or other mechanism for the conveyance and maintenance of these facilities.

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.

Matthew Cotton

Signature of Petitioner

June 23 2022
Month Day Year

F. 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.):

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.
- 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.
- Show proposed road names on plan.
- Building footprints on the site plan, and architectural renderings for all buildings, drawn to a known scale (*the Administrator may approve standard drawings for single family residential projects*).
- 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."

N/A
74 Units

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.

N/A single
Ownership

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*).
- NCDOT Driveway permit approved (*Other documentation may be approved by the Administrator*).

N/A DOT will
approve once
plans further
developed

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.