



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): 9653-85-9992; 9653-86-8484; 9653-86-6796; 9653-87-6184; 9653-87-2129

Address(es): 145 Sheehan Rd; 183 Sheehan Rd; 231 Sheehan Rd; 99999 Sheehan Rd; 99999 Baldwin Rd

Project Name: Hawthorne - Sheehan Road Acreage: 28.49

Zoning District: EMP Average Natural Slope: 10.08 % Elevation: 2150 FT above sea level

Current Land Use(s): Vacant and Residential Utilities: City of Hendersonville Water and MSD Sewer

☐ 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)*:

260 unit multi-family development

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: 260 Residential structures: 7

Single Family units: _____ Townhome units: _____ Condo units: _____ Apartment units: 260

Units for Sale: _____ Units for Rent: 260 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: 20 FT Max. shortest side building heights: 71'-4" FT

Min. Internal Setbacks: n/a FT External setbacks cannot be waived: ☒ Confirm

OFFICE USE ONLY: Date received: 7/14/22 Fee Paid: \$ 3150 Case: ZPH20 22 - 00022
Pre-Submittal Conference with/date: _____
Scheduled BOA Hearing: tbd
Scheduled PB Hearing for Subdivision: n/a

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)

Hawthorne Residential Partners

Company/Corporate Name (if applicable)

Philip M Payonk

Applicant's Name

806 Green Valley Road, Suite 311, Greensboro, NC 27408

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

(336) 553-1700

Telephone

Email

Signature

Date

Philip M Payonk

7-7-2022

D. Authorized Representative (If different)

E. Owner (If different)

Civil Design Concepts

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

Signature

Date

Warren Sugg

7/7/22

Robert Wilson

Owner's Name

P.O. Box 1301

Mailing Address

Fletcher, NC 28732

City, State, and Zip Code

(828) 398-8080

Telephone

rlw2832@gmail.com

Email

Authentisign

Robert Wilson

6/28/2022 2:17:06 PM GMT

Signature

06/28/2022

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:

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(828) 252-5388

Telephone

wsugg@cdcgo.com

Email

Warren Sugg

Signature

7/7/22

Date

Eldon Lee Anderson Jr. and Peggy Anderson

Owner's Name

145 Sheehan Road

Mailing Address

Fletcher, NC 28732

City, State, and Zip Code

(828) 777-6191

Telephone

justintime4a@aol.com

Email

E.L. Anderson

Signature

06/29/2022

Date

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168 Patton Avenue

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Asheville, NC 28801

City, State, and Zip Code

(828) 252-5388

Telephone

wsugg@cdcgo.com

Email

Signature

Date

E. Owner (If different)

Stone Haven Farms Estate LLC

Owner's Name

416 Stone Haven Drive

Mailing Address

Waynesville, NC 28786

City, State, and Zip Code

()

Telephone

theriver1950@att.net

Email

Thomas Morgan

Signature

06/28/2022

Date

OFFICE USE ONLY:

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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."

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

☒ 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.

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 proposed project will continue to provide safe access, municipal water and sewer, stormwater management, and outdoor amenities for residents.

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

The proposed multi-family use is approved for the EMP Zoning District. The project will be served by public infrastructure.

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

The proposed multi-family project will maintain as much existing vegetation on site to reduce the effects of noise, vibration, odor, and glare.

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

Ingress and egress to the property is proposed via Shehan Road. Traffic impact study has been provided with this submittal.

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 proposed project will tie into City of Hendersonville public water and MSD Buncombe County public sewer. Water connection requires a water extension along Sheehan Road to the line that ties into the existing line on Cane Creek Road. A gravity sewer line extension is required from the tie in point of the existing MSD line in the project's northwest corner.

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

The project proposes an identifying monument sign near the driveway connection from Sheehan Road. Exterior lighting will be provided for safety in accordance with the Zoning Ordinance and for the safety of the community.

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 proposes a number of amenities, including an outdoor grilling area, community clubhouse and pedestrian paths throughout.

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

The proposed multi-family buildings will be 3-story, 3/4 splits, and 4 story. Maximum structure heights will be approximately 71'-4" from the highest adjacent grade.

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

Requirements for hours of operation are not applicable to proposed residential apartments.

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 consists of multi-family apartments that will be developed and managed by the developer, and is currently under contract to purchase the property prior to development construction beginning.

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 is located in the EMP Zoning District. The standard density of the district is 12 units per acre. The project area is 28.49 acres, which would allow 341 units per zoning. The residences proposed are 260 units.

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

The project will consist of residential development for multi-family use. This is an acceptable use in the EMP Zoning District.

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 proposed development is designed to comply with the requirements of the district. The project is presented to show that the required setbacks are ample for the site.

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

The proposed multi-family buildings will be 3-story, 3/4 splits, and 4 story. Maximum structure heights will be approximately 71'-4" from the highest adjacent grade.

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 project buildings will be a minimum of 20' apart.

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 proposed project will provide landscaping, barriers, walkways, and other amenities typically found in similar communities. Project buildings have been placed away from adjacent structures to the extent possible while working with the existing topography and streams.

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 proposed buildings meet all exterior setbacks as outlined in the EMP Zoning District.

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

The proposed project provides a minimum of 1.75 parking spaces per residential unit.

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

The proposed project consists of multi-family buildings with exterior land as amenity open space area, as well as other amenities. The property will be owned and managed by the developer.

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.



Signature of Petitioner

  

Month Day Year