

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 Planning & Development Department to review the information of the proposed development. This is an informal meeting to go over questions.
2. **TRC Review:** Your conceptual site plan will be reviewed by the County’s Technical Review Committee to provide you with comments and revision requests prior to your official application.
3. **Submit Application:** At least 30 days prior to the public hearing date.
4. **Public Notice:** Public notice for the public hearing will be completed by County staff. Staff will notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements.
5. **Public Hearing:** The Board of Adjustment will hear a summary of the application by Staff, information presented by the applicant, information presented by anyone with legal standing, and will approve or deny, or continue the application to a future meeting date.
6. **Permits to Construct:** After approval of the SUP, apply for your Site Plan Review (SPR) permit, which starts the process for obtaining zoning approval and beginning the building permit application process.
7. **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 to administratively review a proposed development. 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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**Application for a
SPECIAL USE PERMIT
PLANNED UNIT DEVELOPMENT
Level 1 (PUDI)**

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

A. Property Information

PIN(s): 9616-23-3399
Address(es): 99999 Reeves Cove Road, Candler, NC 28715
Project Name: Wilderness Ridge at Biltmore Lake Acreage: 60.66
Zoning District: OU Average Natural Slope: ±32 % Elevation: ±2,430 FT above sea level
Current Land Use(s): Vacant Utilities: MSD & City of Asheville Water
☐ Floodplain ☐ Steep Slope/High Elevation ☐ Protected Ridge ☐ Watershed ☐ BR Pkwy

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

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)*:

74-Unit Residential Development (Condominiums)

Number of units/structures		Design Information	
Residential units:	74	Community meeting date (Or indicate no meeting):	N/A
Residential Structures:	35	Min. distance between buildings (In feet):	20'
Accessory Structures:	N/A	Smallest Internal property line Setback:	N/A
Single Family units:	N/A	Height of tallest structure (shortest side to roof peak):	45'
Townhome units:	N/A	Height of tallest retaining wall:	N/A
Condo units:	74	Total lots creating through a subdivision:	3
Apartment units:	N/A	Smallest lot size proposed:	7.84 AC
For Sale Units:	74	Will this project use public funding (fed./state/local)?	NO
For Rent Units:	N/A	Total impervious area for full project buildout:	4.75 AC
Short term Rent Units:	N/A	Total disturbance for full project buildout:	15.5 AC
Commercial units:	N/A	Total commercial Sq. Ft. of all buildings:	N/A
Commercial structures:	N/A	Size of largest commercial building in Sq. Ft.:	N/A

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 deviate from:

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

OFFICE USE ONLY: Date received:

Case: ZPH20

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 to be deviated from, and agreed to by the Board. PUD's which intend to subdivide must submit a subdivision application.

Applicant Contact Information (Developer of this project)

Wilderness Ridge, LLC

Company/Corporate Name (if applicable)

Kevin Kerr

Applicant's Name

P.O. Box 2239

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

(828) 242-5437

Telephone

kevinskerr@gmail.com

Email



Signature

4-5-22

Date

Additional emails, not listed elsewhere on this page, to receive correspondence about the application/meeting:

kevin@obsidiannc.com

ugarrison@aceasheville.com

D. Authorized Representative (If different)

E. Owner (If different)

Company/Corporate Name (if applicable)

Applicant's Name

Mailing Address

City, State, and Zip Code

()

Telephone

Email

Signature

Date

Owner's Name

Mailing Address

City, State, and Zip Code

()

Telephone

Email

Signature

Date

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.):

☒ **Site Plan: Digitally submitted PDF plan with the following items printed on the plan:**

- ☒ PIN number(s) and address(es) of all associated parcels
- ☒ Total number and type of commercial units, buildings, parcel size, and gross residential densities.
- ☒ Existing conditions including contours, watercourses, flood hazard areas, and any unique natural or manmade features.
- ☒ Building footprints, and use of all existing and proposed structures.
- ☒ Location of any retaining walls. Maximum height shall be shown on the site plan for each wall.
- ☒ 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.
- ☒ 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.
- ☒ Zoning district in which the project is located.
- ☒ Approximate location of proposed utility systems.
- ☒ Indicate whether street lights, or other exterior lighting is proposed on the site.
- ☒ Approximate location and types of stormwater treatment areas.

Roads and Parking:

- ☒ Existing and proposed street system, including the major points of access to the public right-of-way.
- ☒ Location and number of parking spaces, service areas, and loading areas.
- ☒ Show approved road names on plan. Contact the Addressing Coordinator for approval.
- ☒ Notation of the proposed ownership of the street system (*public or private*).

Perimeter and Adjacent Uses:

- ☒ Boundary lines of the proposed development, lot lines, and plot design.
- ☒ Proposed location and type of any screening buffers, privacy fences, landscaped berms, or other perimeter treatments.
- ☒ Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

☒ **Additional Application Documents:**

- ☒ **Renderings:** For commercial structures, architectural renderings of all principal buildings, drawn to a known scale.
- ☒ **Fire Marshal Approval:** Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services.
- ☒ **Utility Availability:** Public systems: Water and Sewer Availability/Allocation Letters; Private systems: Soil investigation report, septic test, or other documentation showing the site can support the proposed development.
- ☒ **Retaining Walls:** Elevation renderings showing the anticipated scale of any walls which exceed 10 feet in height after grading, including proposed landscaping, vegetative screening, and top and bottom of the wall at grade.
- ☒ **Business Plans:** One page letter containing the following information:
 - Statement of present and proposed ownership.
 - Development schedule indicating approximate beginning and completion dates, including any proposed stages.
 - Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
 - Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.

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 74 proposed residential condo units are the same 'use' (residential) as surrounding properies. All units to be served by public, converting to regulated private water system as well as a public sewer system regulated by MSD.

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

No property or public improvements will be effected negatively in the proposed neighborhood of the proposed SUP as all structural and utility construction on subject property is proposed (new) and permitted through specific regulatory agencies. Furthermore, the project will not be detrimental to the public welfare as the development is self contained and will not adversely effect surrounding properties in a negative way.

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 development is accessed by a private drive which will carry a speed limit of +/-15 mph. Once the development is constructed the noise should be minimal. The development also has a vertical separation from adjacent homes of +/-115'. Vibration and glare effects should be zero. No septic systems are being proposed so the odor should be negligible.

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

There is a proposed 20' wide private drive which is to be built to Buncombe County standards and specifications to serve the proposed residential units. The access apron on Reeves Cove Road is to be built to NCDOT standards and specifications. The entrance is designed at 5% for the first 50'. A NCDOT driveway application will be submitted to obtain the necessary permit. Each unit fronts the proposed private drive.

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

Public water is available at the end of Buckhorn Gap Road and an LOC from the City of Asheville has been issued and approved for connection. A private water system is to be designed per NCDEQ standards and specifications to serve all 74 residential units. A booster pump will be required. Public sanitary sewer is available at the end of Buckhorn Gap Road as well and an allocation application has been submitted to MSD and approved to serve all 74 units. Duke Energy has confirmed elec. power to be 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

Signage being proposed will be a modest 'development name' entrance sign constructed of natural materials such as wood and or stone to blend with the natural environment of the development property. As well, street and traffic signs will be purchased and installed per NCDOT standards and specifications. No street lighting is being proposed at this time.

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

5.75 acres of "common space" is being proposed. The existing site is heavily wooded and part of the project program is to disturb as little of the natural forest as possible thus not creating "open space". The common space is intended to be used for recreation with many existing hiking trails. The common space is to be conveyed via deeded restrictive covenant and maintained by an HOA board. The common space is accessible to all directly from the end of both roads. Each unit will have a small front and rear yard for landscaping and gardening.

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

Each proposed residential unit consist of a two car garage on street level with two additional stories above. Each unit consist of roughly 2,850 heated sq/ft. The exterior of the units will be constructed of natural materials such as a combination of wood and stone which will blend with the natural environment of the developments property. Each unit abuts one of the proposed private drives.

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

"Hours of operation" are not applicable to the proposed SUP as this is a residential development.

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 subject property is owned by 'Wilderness Ridge, LLC.' at 190 Broadway Street, Suite #201, Asheville, NC 28801.

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 total number of proposed residential dwelling units is 74. This calculates to 2.8 dwelling units per acre as the proposed subject parcel for the PUD1 is 26.25 acres in size.

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 singular use is to be residential.

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 existing parcel consist of 60.66 acres and is to be subdivided in to 3 lots. Lot 1 is where the PUD1 is being proposed which consist of 26.25 acres. Lot 2 consist of 26.57 acres and lot 3 consist of 7.84 acres. The property is zoned OU (open use) and no interior setbacks are being proposed.

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 building height for each unit is +/-35'.

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 distance between buildings is a minimum of 20'.

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 subject property is heavily wooded. A mature stand of mixed hardwood trees and understory plants are to remain around the proposed PUD residential development creating a buffer between adjacent properties. The buffer exceeds 200' from the proposed units to the property line around two-thirds of the units. The buffer behind the southern units along Majestic View Train will vary from 48' to 14' at the most narrow point. All units will be well insulated and landscaping will help provide acoustic privacy. As well, landscaping and the existing natural forest buffer will will protect and enhance the aesthetics of the property and the privacy of its occupants.

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 property is zoned OU and has no setback requirements per the Buncombe County Zoning Ordinance. All units are off the property line a minumium of 14'.

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 proposed unit has a two car garage and its own driveway designed to accomodate two automobiles and each is located perpendicular to the one of the proposed private drives. Each driveway (per unit) is designed to accomodate 2 automobiles and is to be a minimum of 18' wide and 20' in depth. No loading areas are being proposed as this is strictly a residential development.

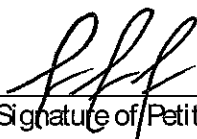
19. Indicate proposed conveyance and maintenance mechanisms. Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

APPLICANT NARRATIVE

Restrictive covenances will be drafted and recorded and an HOA board will be created.

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

4
Month

5
Day

2022
Year