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
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a SPECIAL USE PERMIT
PLANNED UNIT DEVELOPMENT Level 2 (PUDII)

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

A. Property Information

PIN(s): 0646-29-3329, 0647-20-6750

Address(es): 99999 Major Mountain Road

Project Name: Bel Air Asheville Acreage: 104.19

Zoning District: OU Average Natural Slope: 28.3 % Elevation: 2,688 FT above sea level

Current Land Use(s): Vacant Utilities: Well, Septic

☐ Floodplain ☒ Steep Slope/High Elevation ☐ Protected Ridge ☐ Watershed ☐ BR Pkwy

B. Application for Special Use Permit for a Level 2 - PUDII

Application is hereby made to the Board of Adjustment to issue a Special Use Permit for a Level 2 Planned Unit Development for use of the property as a (*please provide a brief description of the use*):

A spa with 65 glamping units and 8 on site employee housing units.

Number of units/structures		Design Information	
Commercial units:	73	Community meeting date *(Or indicate no meeting held):*	TBD
Commercial structures:	16	Height of tallest retaining wall:	16'
Total size of all buildings in SF:	73,000	Total lots creating through a subdivision:	0
Size of largest building in SF:	2,000	Smallest lot size proposed:	n/a
Min. distance between buildings:	20'	Will this project use public funding *(federal/state/local)?*	No
Smallest Internal PL Setback:	n/a	Total proposed impervious area for full project buildout:	7.5 acres
Height of tallest structure *(shortest side to roof peak)*:	15'-0"	Total proposed disturbance for full project buildout:	25.0 acres

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

External setback requirements cannot be waived by a SUP application: ☒ Confirm

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)*

Bel Air Resorts Group
Company/Corporate Name (*if applicable*)

Eric Harari
Applicant's Name

11900 Biscayne Blvd, Suite 620; North Miami, FL 33181
Mailing Address *(Street number, Street name, City, State, Zip Code)*

(786) 543-4831 — **Telephone**

ericharari@gmail.com — **Email**

Signature **Date** 9/6/2023

Additional emails, not listed elsewhere on this page, to receive correspondence about the application/meeting:
dcosslett@rviplanning.com dja@asklawnc.com

D. Authorized Representative *(If different)*

Brooks Engineering Associates, PA
Company/Corporate Name (if applicable)

John Kinnaird
Applicant's Name

15 Arlington Street
Mailing Address

Asheville, NC 28801
City, State, and Zip Code

(828) 232-4700
Telephone

jkinnaird@brooksea.com
Email

9/7/23
Signature **Date**

E. Owner *(If different)*

Chateaux Partners, LLC
Owner's Name

3023 Leanne Ct
Mailing Address

Clearwater, FL 33759
City, State, and Zip Code

727.366.6732
Telephone

bmjones211@gmail.com
Email

Brian Jones docloop verified 09/01/23 9:00 PM EDT UQHF-UPDT-QDRX-PW2J
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 mailbox unit for mail delivery. Coordinate review and approval with servicing USPS post office.
- ☒ 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.

Stormwater & Erosion Control:

- ☒ Designated trout streams on site: Show a 25 foot undisturbed buffer from top of stream banks.
- ☒ Other streams on site: Show 30 foot vegetated setback from top of stream banks.
- ☒ Approximate location and type of stormwater control measures (SCMs).
- ☒ Approximate location of proposed concentrated stormwater discharges from project property and SCMs.
- ☒ Statements from Design Professional indicating the following: Drainage basins to discharge points will not change (or demonstrate on plans); Indicate whether site will meet low-density or high-density water quality regulations; If High Density, indicate if runoff volume match or treatment method will be used; If Runoff Treatment method, include plans showing runoff from net added impervious areas can be captured via stormwater systems, convenance, and grading.

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 2 approval as provided for in *§78-678(b)(7) Special Use Standards, Planned Unit Developments, Level II (PUDII)***.**

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 not impact the neighborhood as it is very rural and there are few neighbors. The project is designed as a minimally intrusive glamping resort that will highlight the existing natural environment, spacious views, and tranquility of the surrounding rural area.

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 planned unit development will meet or exceed all applicable environmental, safety, and other regulations. All NCDOT recommendations will be implemented pursuant to a Traffic Impact Analysis.

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 project will not impact the neighborhood as it is very rural and there are few neighbors. The project will also maintain as much existing vegetation on site as possible, and will be appropriately designed, constructed, and landscaped such that any off-site effects will be further minimized. Additionally, the project is designed as a minimally intrusive glamping resort that will highlight the existing natural environment, spacious views, and tranquility of the surrounding rural area.

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

Primary ingress and egress to the property is proposed via Major Mountain Road. The developer intends to implement all traffic safety measures recommended by NCDOT.

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

The proposed project provides adequate parking as shown in the site plans.

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

The proposed project will have adequate and proper utilities, including wells and septic fields, as shown on the site plans.

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

The proposed project will provide landscaping, barriers, walkways, and other amenities typically found on similar properties. Project buildings have been placed away from adjacent structures to the extent possible, while working with the existing topography and streams, such that reasonable acoustical privacy is maintained among the units and the surrounding community. Buffering will primarily be accomplished by retaining the existing natural vegetation.

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

The project proposes identifying monument signs. Exterior lighting will be provided for safety in accordance with the Zoning Ordinance

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 project proposes a number of amenities as shown on the site plans, including spas, a grocery store, a pickleball court, gym, zen garden, community farm, community outdoor theatre, and community garden.

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

The planned unit development will have buildings and structures as shown on the site plans that are designed to be minimally intrusive and compatible with the surrounding environment.

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

The hours of operation are not applicable to the proposed SUP.

PLANNED UNIT DEVELOPMENT STANDARDS:

12. Indicate ownership of the subject property. The land in a PUD 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 property is currently owned by Chateaux Partners, LLC. The land in the PUD shall be under single ownership or management by the applicant before final approval and construction.

13. Indicate all proposed uses. PUDIIs must include only non-residential uses.

APPLICANT NARRATIVE

The planned unit development will be used as a glamping resort with various uses such as hiking trails, a farm with a community farm and community garden, and other amenities as described herein and as shown onthe site plans. The purpose of the development will be to highlight the existing natural environment,spacious views, and tranquility of the surrounding rural area.

14. Indicate the height of all structures. The normal maximum structure height may be waived for the PUDII, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. Additionally, PUDIIs in excess of the normal maximum height require that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment. PUDIIs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.

APPLICANT NARRATIVE

The height of the structures will be in compliance with the Zoning Ordinance.

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 the approximate distances as shown on the site plans and stated elsewhere herein. The units will be designed to ensure adequate light, air, privacy, and space for emergency vehicles.

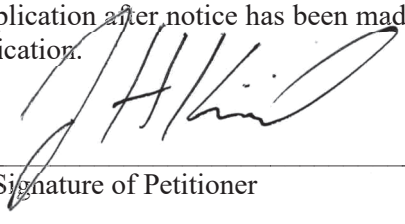
16. Indicate number of parking and loading spaces proposed. Parking requirements may be waived for the PUDII, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

APPLICANT NARRATIVE

The proposed project will provide landscaping, barriers, walkways, and other amenities as shown on the site plans. The number of parking and loading spaces shall be in compliance with the Zoning Ordinance.

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 for a PUDII. 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

9/7/2023

Month Day Year