City Council Agenda Item Request
Submit to Clerk's Office
No later than 30 days before proposed Council meeting

1. **Date submitted to Clerk's Office:** Sep 5, 2025

2. **Primary contact person and Department requesting agenda item:** Sam Starr-Baum, AICP, Planning & Urban Design

3. **Requested Council meeting date:** Oct 14, 2025 - Applicant requested public hearing be moved to October 28, 2025

4. **Subject:** Conditional zoning amendment application for property located at 767 New Haw Creek Rd to amend site plan and conditions for the existing Residential Expansion - Conditional Zone (RES-EXP).

5. **Action Requested:** Public hearing to consider a conditional zoning amendment for 27.05 acres at 767 New Haw Creek Road for the purpose of building 49 new single-family housing units and 35 townhome units.

6. **Note if time sensitive, and why:** Not time sensitive.

7. **Potential fiscal impact(s) - if known by staff at time of request:** Not Applicable

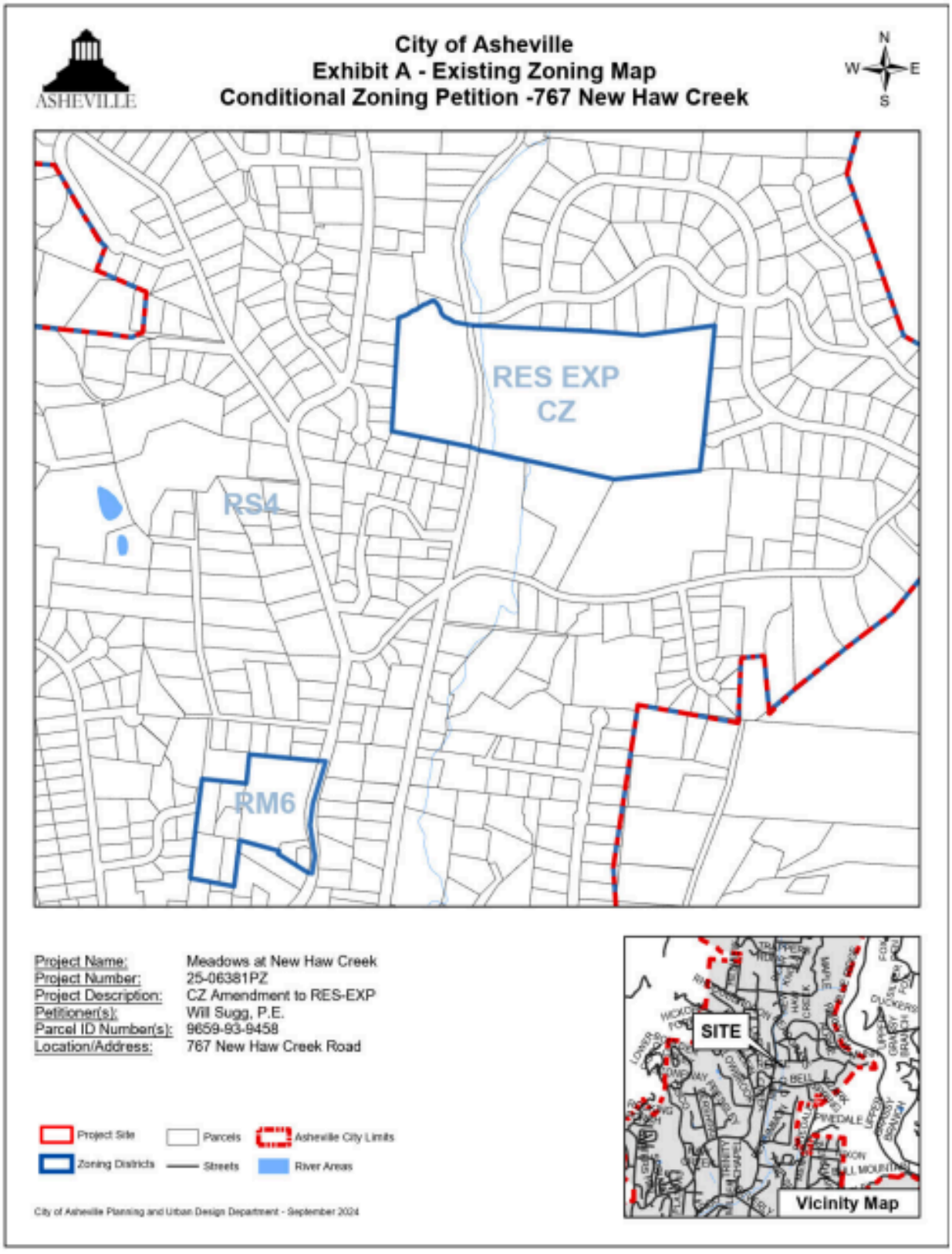
8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE).** Not Applicable - no vendors.

9. **Identify all Boards, Commissions and Council Committees with tentative dates - add in the vote and recommendation from each Board:**
    - Technical Review Committee - 8/18/25 - Approve with Conditions
    - Planning and Zoning Commission - 9/4/25 -approve 5-0

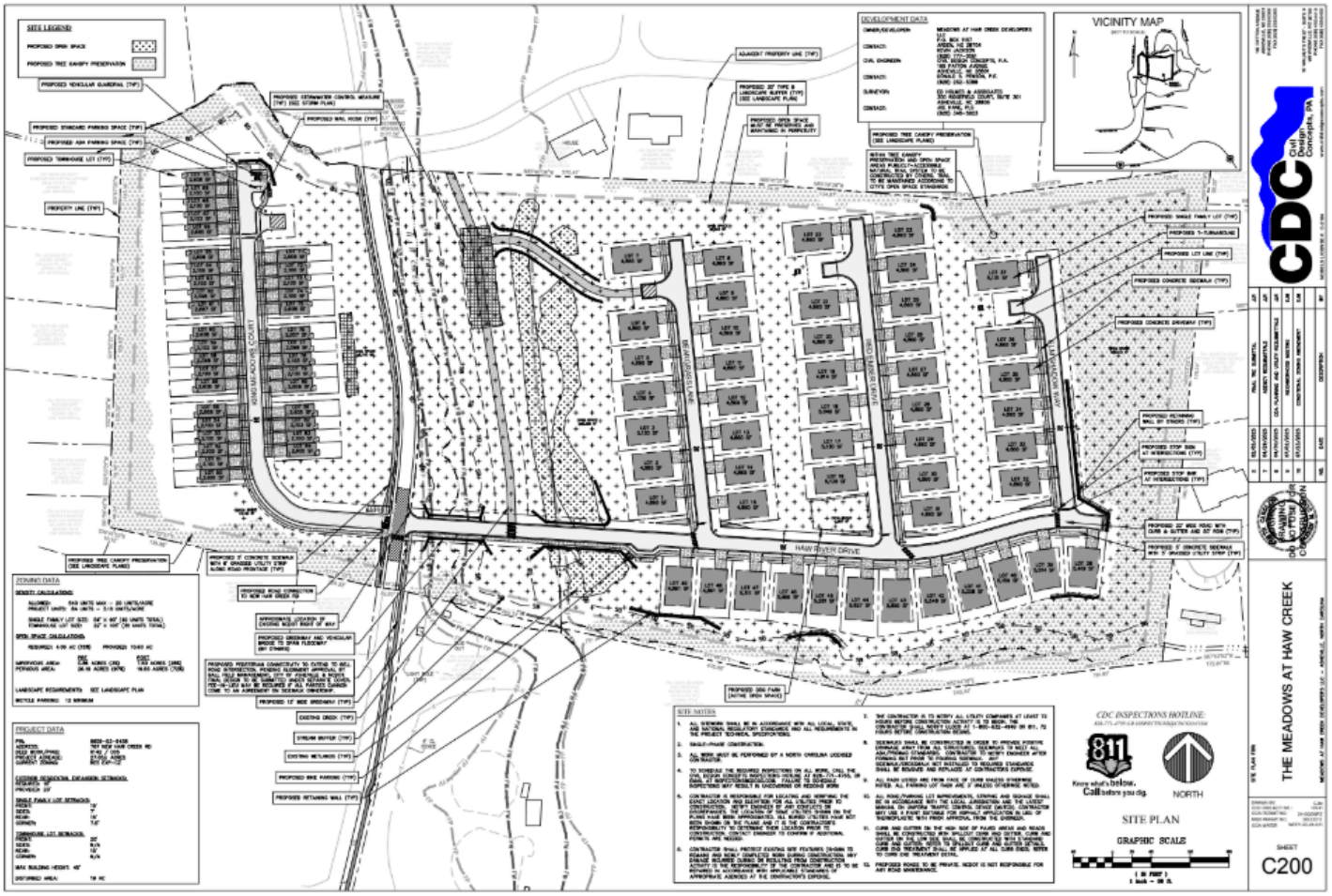
10. **Identify key issues:**
    - Applicant Kevin Jackson and Agent Warren Sugg of Civil Design Concepts submitted the application for a conditional zoning amendment after registering the required neighborhood meeting, and attending additional community meetings.
    - The site plan that was attached to Ordinance 5094 had site access from Sleepy Hollow Drive.
    - The conditional zoning amendment seeks to retain development rights for the existing entitled project, and also have an option where access for the site is from New Haw Creek Drive.
    - The project includes 84 new residential units, with 49 being single-family residences, and 35 townhome units.
    - The project is mostly technically compliant but is requesting technical modifications through the conditional zoning process for:
        1. Street trees along the east side of New Haw Creek Road are spaced greater than 65' at the intersection of Haw River Drive.
        2. Type B buffer to be achieved primarily through protection of existing undisturbed vegetation.
        3. Plantings to be provided per UDO requirements where existing vegetation does not meet standard.
        4. No sidewalk will be built along the east side of New Haw Creek Road

5. A 5’ minimum sidewalk with a 5’ grass strip to be built on one side of Beargrass Lane, Red Ember Drive, and Elm Shadow Way.

Existing zoning map and vicinity:


City of Asheville
Exhibit A - Existing Zoning Map
Conditional Zoning Petition -767 New Haw Creek
ASHEVILLE
N
W
E
S
RES EXP
CZ
RS4
RM6
Project Name: Meadows at New Haw Creek
Project Number: 25-06381PZ
Project Description: CZ Amendment to RES-EXP
Petitioner(s): Will Sugg, P.E.
Parcel ID Number(s): 9659-93-9458
Location/Address: 767 New Haw Creek Road
Project Site
Parcels
Asheville City Limits
Zoning Districts
Streets
River Areas
City of Asheville Planning and Urban Design Department - September 2024
SITE
Vicinity Map

Site Plan:


SITE LEGEND
PROPOSED OPEN SPACE
PROPOSED TREE CANOPY PRESERVATION
PROPOSED VEHICULAR GUARDRAIL (TYP)
PROPOSED STANDARD PARKING SPACE (TYP)
PROPOSED ADA PARKING SPACE (TYP)
PROPOSED TOWNHOUSE LOT (TYP)
PROPERTY LINE (TYP)
PROPOSED TREE CANOPY PRESERVATION (SEE LANDSCAPE PLANS)
PROPOSED 5' CONCRETE SIDEWALK WITH 6' GRASSED UTILITY STRIP ALONG ROAD FRONTAGE (TYP)
PROPOSED ROAD CONNECTION TO NEW HAW CREEK RD
APPROXIMATE LOCATION OF EXISTING RIGHT-OF-WAY
PROPOSED GREENWAY AND VEHICULAR BRIDGE TO SPAN FLOODWAY (BY OTHERS)
PROPOSED PEDESTRIAN CONNECTIVITY TO EXTEND TO ADJ. PROP. DEVELOPMENT. PEDWAY ALIGNMENT APPROVAL BY ROAD DESIGN AUTHORITY REQUIRED. FINAL DESIGN TO BE SUBMITTED UNDER SEPARATE S.D.A.R. FEE-IN-LIEU MAY BE REQUIRED IF ALL PARTIES CANNOT COME TO AN AGREEMENT ON TECHNICAL DIRECTION
PROPOSED 12' WIDE GREENWAY (TYP)
EXISTING CREEK (TYP)
STREAM BUFFER (TYP)
EXISTING WETLANDS (TYP)
PROPOSED BIKE PARKING (TYP)
PROPOSED RETAINING WALL (TYP)
ADJACENT PROPERTY LINE (TYP)
PROPOSED 20' TYPE B LANDSCAPE BUFFER (TYP) (SEE LANDSCAPE PLAN)
PROPOSED OPEN SPACE AS 20' WIDE PATHWAYS AND MAINTAINED IN PERPETUITY
DEVELOPMENT DATA
OWNER/DEVELOPER:
MEADOWS AT HAW CREEK DEVELOPERS LLC
CONTACT:
ANDREW S. DEYOR
KERRY JACKSON
PHONE: 000-000-0000
CIVIL ENGINEER:
CIVIL DESIGN CONCEPTS, P.A.
160 PATTON AVENUE
ASHEVILLE, NC 28801
CONTACT:
DONALD C. PENNOCK, P.E.
PHONE: 252-1098
SURVEYOR:
CD SURVEYS & ASSOCIATES
1000 HENDERSONVILLE COURT, SUITE 301
ASHEVILLE, NC 28803
CONTACT:
JOE S PAPE, P.L.S.
PHONE: 540-5803
PROPOSED TREE CANOPY PRESERVATION (SEE LANDSCAPE PLANS)
WITHIN TREE CANOPY PRESERVATION AND OPEN SPACE AREAS PUBLICLY-ACCESSIBLE GREENWAY TRAILS TO BE CONSTRUCTED AND TRAILS TO BE MAINTAINED ACCORDING TO CITY'S OPEN SPACE STANDARDS
VICINITY MAP
NOT TO SCALE
PROPOSED SINGLE FAMILY LOT (TYP)
PROPOSED T-TURNAROUND
PROPOSED LOT LINE (TYP)
PROPOSED CONCRETE SIDEWALK (TYP)
PROPOSED CONCRETE DRIVEWAY (TYP)
PROPOSED RETAINING WALL BY OTHERS (TYP)
PROPOSED STOP SIGN AT INTERSECTIONS (TYP)
PROPOSED STOP BAR AT INTERSECTIONS (TYP)
PROPOSED 22' WIDE ROAD WITH CURB & GUTTER AND 27' ROW (TYP)
PROPOSED 5' CONCRETE SIDEWALK WITH 5' GRASSED UTILITY STRIP (TYP)
BEAUTIFUL VIEW WAY
HAW CREEK WAY
HAW RIVER DRIVE
HAW MEADOWS COURT
PROPOSED 30' WIDE ROAD WITH CURB & GUTTER AND 50' ROW (TYP)
PROPOSED 350 FT.±/- (ACTIVE OPEN SPACE)
ZONING DATA
DENSITY CALCULATIONS:
ALLOWED: 543 UNITS MAX = 20 UNITS/ACRE
PROJECT UNITS: 514 UNITS = 3.16 UNITS/ACRE
SINGLE FAMILY LOT SIZE: 50' X 90' (45 UNITS TOTAL)
TOWNHOUSE LOT SIZE: 22' X 100' (29 UNITS TOTAL)
OPEN SPACE CALCULATIONS:
REQUIRED: 4.09 AC (15%) PROVIDED: 10.60 AC
IMPERVIOUS AREA: PRE 7.36 ACRES (3%) POST 13.9 ACRES (5%)
PERVIOUS AREA: 24.16 ACRES (97%) 19.65 ACRES (73%)
LANDSCAPE REQUIREMENTS: SEE LANDSCAPE PLAN
BICYCLE PARKING: 12 MINIMUM
PROJECT DATA
PIN: 9659-53-9458
ADDRESS: 167 NEW HAW CREEK RD
EXIST ZONING: R-1 / OS
PROJECT ACREAGE: 27.062 ACRES
CURRENT ZONING: RM-8 CD
LOCATION BOUNDARY, DRAINAGE, SETBACKS, REQUIRED: 30'
PROVIDED: 30'
SINGLE FAMILY LOT SETBACKS:
FRONT: 15'
SIDES: 5'
REAR: 15'
CORNER: 7.5'
TOWNHOUSE LOT SETBACKS:
FRONT: 20'
SIDES: N/A
REAR: 15'
CORNER: N/A
MAX BUILDING HEIGHT: 40'
DISTURBED AREA: 19 AC
SITE NOTES
1. ALL GRADING SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATORY STANDARDS AND ALL REQUIREMENTS OF THE PROJECT SOILS/GEOTECHNICAL SPECIFICATIONS.
2. SINGLE PHASE CONSTRUCTION.
3. ALL WORK MUST BE PERFORMED BY A NORTH CAROLINA LICENSED CONTRACTOR.
4. TO PRESERVE THE REQUIRED INSPECTIONS ON ALL WORK, CALL THE CITY, BUILDING & DEVELOPMENT SERVICES AT 828-259-5705, OR THE CITY ENGINEERING DIVISION AT 828-259-5703, 48 HOURS IN ADVANCE. FAILURE TO CALL FOR REQUIRED INSPECTIONS MAY RESULT IN UNCOVERING OR REDOING WORK.
5. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING THE EXACT LOCATION AND ELEVATION FOR ALL UTILITIES PRIOR TO CONSTRUCTION. THE LOCATIONS OF UTILITIES SHOWN ON THE CONSTRUCTION PLANS, OR LOCATION OF OTHER UTILITY SYSTEMS ON THE PLANS HAVE BEEN APPROXIMATED. ALL BURIED UTILITIES HAVE NOT BEEN SHOWN ON THE PLANS AND IT IS THE CONTRACTORS RESPONSIBILITY TO DETERMINE THEIR LOCATION PRIOR TO CONSTRUCTION. CONTACT ENGINEER TO CONFIRM IF ADDITIONAL POWERLINE NEEDED.
6. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES (TO REMAIN) AND NEWLY COMPLETED WORK DURING CONSTRUCTION. ANY DAMAGE TO SUCH FEATURES SHALL BE REPAIRED OR REPLACED AS NEEDED AT THE CONTRACTOR'S EXPENSE. ALL DISTURBED AREAS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION OR BETTER AS APPROPRIATE AS AGREED AT THE CONSTRUCTION MEETING.
7. THE CONTRACTOR IS TO NOTIFY ALL UTILITY COMPANIES AT LEAST 72 HOURS BEFORE CONSTRUCTION ACTIVITY IS TO BEGIN. THE CONTRACTOR SHALL NOTIFY CLOSE AT 1-800-632-4949 OR 811, 72 HOURS BEFORE CONSTRUCTION BEGINS.
8. SIDEWALKS SHALL BE CONSTRUCTED IN ORDER TO PROVIDE CONTINUOUS SIDEWALK ALONG ALL CONSTRUCTED ROADWAYS TO MEET ADA/PROWAG STANDARDS. CONTRACTOR TO NOTIFY ENGINEER AFTER FORMING BUT PRIOR TO POURING SIDEWALK. ANY SIDEWALK/CROSSWALK NOT INSTALLED TO REQUIRED STANDARDS SHALL BE REMOVED AND REPLACED BY CONTRACTOR'S EXPENSE.
9. ALL ANGLES USED ARE FROM FACE OF CURB UNLESS OTHERWISE NOTED. ALL PARKING LOT FACES ARE 3' UNLESS OTHERWISE NOTED.
10. ALL ROAD/PARKING LOT IMPROVEMENTS, LIGHTING AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE LOCAL JURISDICTION AND THE LATEST EDITION OF THE MUTCD. CONTRACTOR SHALL NOTIFY ENGINEER IF ANY USE IS FOUND TO BE NON-CONFORMING AND OBTAIN A PAINT SAMPLE FOR ASPHALT APPLICATION IN LIEU OF THERMOPLASTIC WITH PRIOR APPROVAL FROM THE ENGINEER.
11. CURB AND GUTTER ON THE HIGH SIDE OF PAVED AREAS AND ROADS SHALL BE TERMINATED WITH A TRANSITION TO FLUSH CURB AND GUTTER AT THE LOW POINT. REFER TO DETAILS FOR FLUSH CURB AND GUTTER, CURB AND GUTTER, AND CURB DIA TREATMENT DETAIL.
12. PROPOSED ROADS TO BE PRIVATE. NCDOT IS NOT RESPONSIBLE FOR ANY ROAD MAINTENANCE.
CDC INSPECTIONS HOTLINE:
811 Know what's below. Call before you dig.
NORTH
SITE PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
CDC Civil Design Concepts, PA
160 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 PHONE (828) 252-1098 FAX (828) 252-0095
NO. DATE DESCRIPTION BY
1 05/01/2020 PRELIM. SUBMITTAL JLR
2 06/30/2020 AGENCY RESUBMITTAL JLR
3 08/10/2020 CDA PLANNING AND UTILITY RESUBMITTAL JLR
4 09/03/2020 NEIGHBORHOOD MEETING KLM
5 10/01/2020 CONDITIONAL ZONING SUBMITTAL KLM
NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS
CERTIFICATE OF AUTHORIZATION
C-1776
THE MEADOWS AT HAW CREEK
MEADOWS AT HAW CREEK DEVELOPERS LLC — ASHEVILLE, NORTH CAROLINA
SITE PLAN FOR
DRAWN BY: JLR
CHECKED BY: KLM
SCALE: 1"=60'-0"
PROJECT NO.: 20-0220PZ
ISSUE DATE: 10/01/2020
SHEET
C200