STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

## PETITION REQUESTING A CONTIGUOUS ANNEXATION
(G.S. 160A-31)

Date: 5/30/2023

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.

2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

**Transylvania County Property Identification Number(s):** 8597-11-0513-000
8597-01-8529-000; 8597-01-6950-000; 8597-02-9059-000; 8597-12-0348-000
8597-11-0886-000; 8597-11-1969-000
**Street Address:** intersection - Lambs Creek Rd : Hwy 64

**(ATTACH A METES AND BOUNDS PROPERTY DESCRIPTION AS "ATTACHMENT A")**

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)

4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Property Owner(s): Do you declare vested rights? Yes X No___
(Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

**Property Owners Contact Information** (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name _____
Address _____
_____
Telephone _____ Email _____

Signature _____

b. Name _____
Address _____
_____
Telephone _____ Email _____

Signature _____

c. Name _____
Address _____
_____
Telephone _____ Email _____

Signature _____

**Property Ownership by Corporation or LLC:** (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name Pisgah Hospitality
Address 204 Lois St.
GREENVILLE SC 29601
Telephone 864 915 8301 Email bjb.sc.usa@gmail.com

By: MATTHEW L. GRANDY – MEMBER
Type or Print Name and Title (President / Managing Member)

Signature _____

b. Name _____
Address _____
_____
Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

c. Name _____
Address _____
_____
Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

* * * * * * * * * *

AGENT:
Name: _____
Address: _____
_____
Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of $500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712

2022005367
TRANSYLVANIA CO, NC FEE $26.00.
STATE OF NC REAL ESTATE EXTX
$1200.00
PRESENTED & RECORDED:
08-23-2022 10:25:47 AM
BETH C LANDRETH
REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS
BK: DOC 1050
PG: 151-153

# NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $1,200.00 AM 8-23-22

Parcel Identifier No. _____ Verified by Transylvania County on the ____ day of _____,20___

By: _____

Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712

This instrument was prepared by: MICHAEL K. PRATT ( No title search performed by preparer)

Brief description for the Index: _____

THIS DEED made this 4th day of August, 2022, by and between

| GRANTOR | GRANTEE |
|---|---|
| GAYLE E. RAMSEY, Executor of the Estate of Esther M. Severs | PISGAH HOSPITALITY, LLC, a South Carolina limited liability company |
| 35 North Gaston Street<br>Brevard, NC 28712 | 204 Lois Street<br>Greenville, SC 29601 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed _____ does ___X___ does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Estate of Esther M. Severs

By: _____ (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 10 day of August, 2022.

Alisa L. Bell NOTARY PUBLIC Transylvania County

_____
Signature of Notary Public

ALISA L. BELL
Printed or typed name of Notary Public

My commission expires: 4/20/26

## EXHIBIT "A' TO A DEED FROM SEVERS ESTATE TO THE STAYTION, LLC

Tract 1 and Tract 2 totaling 9.11 acres, more or less, shown on a survey prepared by by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022 , thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Compainies, dated 1-10-2003, to the extent that it covers the billboards which now remain on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10. 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

2022006615
TRANSYLVANIA CO, NC FEE $26.00
NO TAXABLE CONSIDERATION
PRESENTED & RECORDED:
10-20-2022 01:46:29 PM
BETH C LANDRETH
REGISTER OF DEEDS
BY: D REE MCCALL
DEPUTY REGISTER OF DEEDS
BK: DOC 1057
PG: 393-395

# NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $0.00*

Parcel Identifier No. _____ Verified by Transylvania County on the 20 day of October, 2022
By: CQ

Mail/Box to: JONES, GILLASPIA & LOYD, LLP 5 Park Place East # 201, Brevard, NC 28712

This instrument was prepared by: MICHAEL K. PRATT ( No title search performed by preparer)

Brief description for the Index: Lots 3, 4, 5 & 6, totaling 6.87 acres

THIS DEED made this 20 day of October, 2022, by and between

| GRANTOR | GRANTEE |
|---|---|
| GAYLE E. RAMSEY, Executor of the Estate of Esther M. Severs | PISGAH HOSPITALITY, LLC, a South Carolina limited liability company |
| 35 North Gaston Street<br>Brevard, NC 28712 | 204 Lois Street<br>Greenville, SC 29601 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Brevard, Brevard Township, Transylvania County, North Carolina and more particularly described as follows:

BEING ALL OF THE SAME LAND DESCRIBED ON THE PAGE WHICH IS ATTACHED HERETO, DESIGNATED AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

All or a portion of the property herein conveyed ____ does X does not include the primary residence of the Grantor.

*The Excise tax is $600.00 but has already been collected by the Transylvania County Register of Deeds Office prior to the recording of this deed.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Exceptions and reservations contained in this deed and/or in instruments referenced herein.
Easements and rights of way for public and private roads and utilities, of public record.
Lien of ad valorem taxes for the current year and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Estate of Esther M. Severs

By: Gayle E. Ramsey (SEAL)
GAYLE E. RAMSEY, Executor

STATE OF NORTH CAROLINA, COUNTY OF TRANSYLVANIA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: GAYLE E. RAMSEY

WITNESS my hand and Notarial Seal, this the 18 day of October, 2022.

Alisa L. Bell NOTARY PUBLIC Transylvania County

Alisa L. Bell
Signature of Notary Public

ALISA L. BELL
Printed or typed name of Notary Public

My commission expires: 4/26/26

**EXHIBIT "A" TO A DEED FROM THE ESTATE OF ESTHER M. SEVERS 2006-E-143 TO PISGAH HOSPITALITY, LLC**

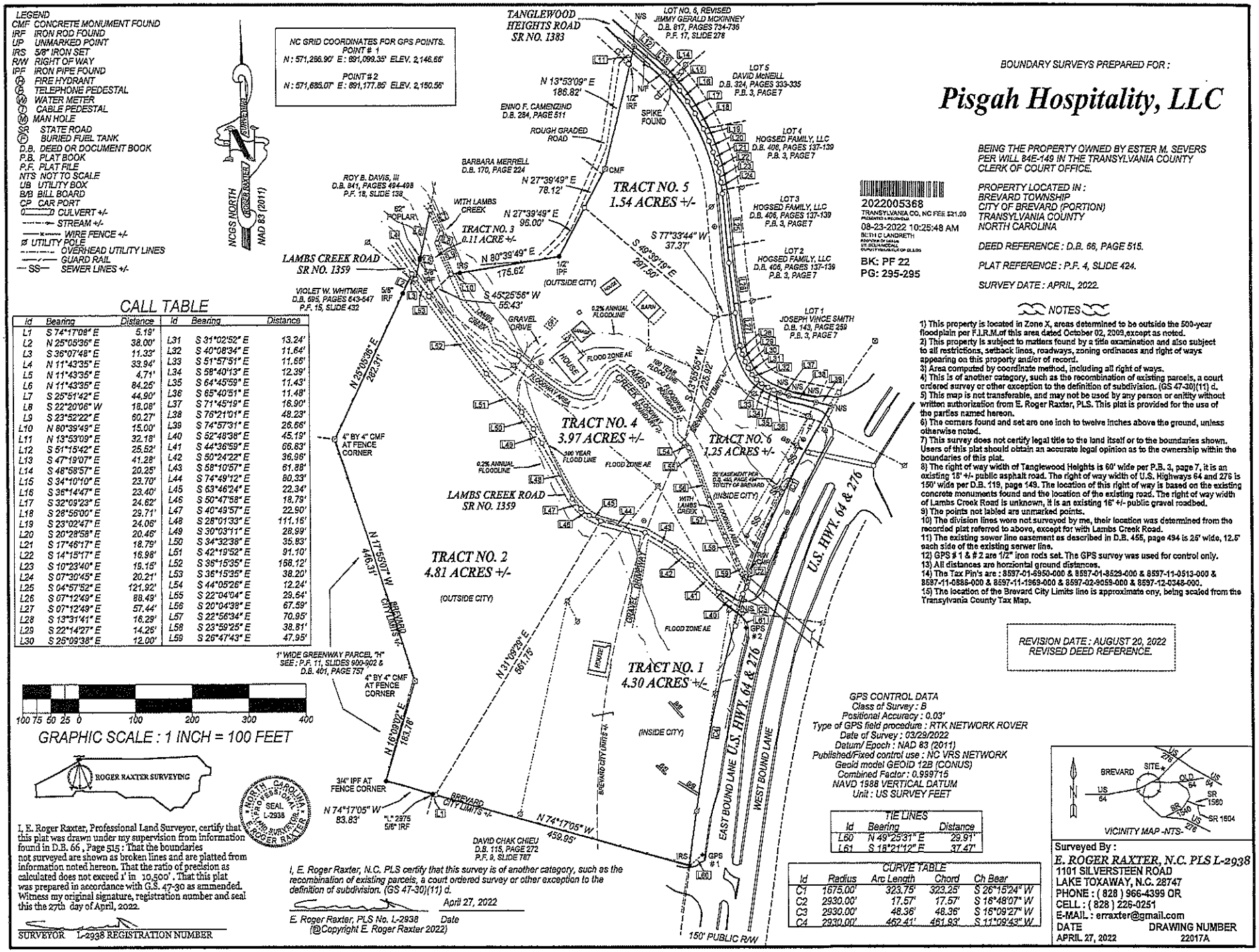
Tracts 3, 4, 5 and 6 totaling 6.87 acres, more or less, shown on a survey prepared by by E. Roger Raxter for Pisgah Hospitality, LLC, dated April 27, 2022 , thereof recorded in Plat File 22, Slide 295, Records of Plats for Transylvania County, and being also a part of that property described in Deed Book 66, page 515.

Also conveyed herewith is all of Seller's right, title and interest in and to that certain Lease Agreement between Esther Severs and the Lamar Compainies, dated 1-10-2003, to the extent that it covers any billboards which are now located on the subject property. This conveyance is made subject to that Lease Agreement.

Esther M. Severs died on May 27, 2006. The Grantor is authorized and directed to sell the subject property by item Three of the Last Will and Testament of Esther M. Severs, dated December 10. 1997, which has been filed for probate with the Office of the Clerk of Superior Court for Transylvania County, File Number 2006 E 143.

22, 295

Plat File 22, 295




## CALL TABLE

| Id | Bearing | Distance | Id | Bearing | Distance |
|---|---|---|---|---|---|
| L1 | S 74°17'08" E | 5.19' | L31 | S 31°02'52" E | 13.24' |
| L2 | N 25°05'36" E | 38.00' | L32 | S 40°08'34" E | 11.64' |
| L3 | S 36°07'48" E | 11.33' | L33 | S 51°57'51" E | 11.66' |
| L4 | N 11°43'35" E | 33.94' | L34 | S 58°40'13" E | 12.39' |
| L5 | N 11°43'35" E | 4.71' | L35 | S 64°45'59" E | 11.43' |
| L6 | N 11°43'35" E | 84.25' | L36 | S 65°40'51" E | 11.48' |
| L7 | S 25°51'42" E | 44.90' | L37 | S 71°45'19" E | 16.90' |
| L8 | S 22°20'06" W | 18.08' | L38 | S 76°21'01" E | 48.23' |
| L9 | S 23°52'22" E | 60.27' | L39 | S 74°57'31" E | 26.66' |
| L10 | N 80°39'49" E | 15.00' | L40 | S 52°48'38" E | 45.19' |
| L11 | N 13°53'09" E | 32.18' | L41 | S 44°36'59" E | 66.83' |
| L12 | S 51°15'42" E | 25.52' | L42 | S 50°24'22" E | 36.96' |
| L13 | S 47°19'07" E | 41.28' | L43 | S 58°10'57" E | 61.88' |
| L14 | S 46°58'57" E | 20.25' | L44 | S 74°49'12" E | 80.33' |
| L15 | S 34°10'10" E | 23.70' | L45 | S 63°46'24" E | 22.34' |
| L16 | S 36°14'47" E | 23.40' | L46 | S 50°47'58" E | 18.79' |
| L17 | S 32°09'23" E | 24.62' | L47 | S 40°49'57" E | 22.90' |
| L18 | S 28°56'00" E | 29.71' | L48 | S 28°01'33" E | 111.15' |
| L19 | S 23°02'47" E | 24.06' | L49 | S 30°03'11" E | 28.59' |
| L20 | S 20°28'58" E | 20.46' | L50 | S 34°32'38" E | 35.83' |
| L21 | S 17°46'17" E | 18.79' | L51 | S 42°19'52" E | 91.10' |
| L22 | S 14°15'17" E | 16.98' | L52 | S 36°15'35" E | 168.12' |
| L23 | S 10°23'40" E | 19.15' | L53 | S 36°15'35" E | 38.20' |
| L24 | S 07°30'45" E | 20.21' | L54 | S 44°05'26" E | 12.24' |
| L25 | S 04°57'52" E | 121.92' | L55 | S 22°04'04" E | 29.64' |
| L26 | S 07°12'49" E | 88.49' | L56 | S 20°04'38" E | 67.59' |
| L27 | S 07°12'49" E | 57.44' | L57 | S 22°56'34" E | 70.95' |
| L28 | S 13°31'41" E | 16.29' | L58 | S 23°59'25" E | 38.81' |
| L29 | S 22°14'27" E | 14.26' | L59 | S 26°47'43" E | 47.95' |
| L30 | S 25°09'38" E | 12.00' | | | |

## TIE LINES

| Id | Bearing | Distance |
|---|---|---|
| L60 | N 49°25'31" E | 29.91' |
| L61 | S 18°21'12" E | 37.47' |

## CURVE TABLE

| Id | Radius | Arc Length | Chord | Ch Bear |
|---|---|---|---|---|
| C1 | 1675.00' | 323.75' | 323.25' | S 26°15'24" W |
| C2 | 2930.00' | 17.57' | 17.57' | S 16°48'07" W |
| C3 | 2930.00' | 48.36' | 48.36' | S 16°09'27" W |
| C4 | 2930.00' | 462.41' | 461.93' | S 11°09'43" W |

BOUNDARY SURVEYS PREPARED FOR :

# Pisgah Hospitality, LLC

BEING THE PROPERTY OWNED BY ESTER M. SEVERS PER WILL 84E-149 IN THE TRANSYLVANIA COUNTY CLERK OF COURT OFFICE.

PROPERTY LOCATED IN :
BREVARD TOWNSHIP
CITY OF BREVARD (PORTION)
TRANSYLVANIA COUNTY
NORTH CAROLINA

2022005368
TRANSYLVANIA CO, NC FEE $21.00
PRESENTED & RECORDED
08-23-2022 10:25:48 AM
BEVERLY C LANDRETH
REGISTER OF DEEDS
BY: DEPUTY/ASSISTANT REGISTER OF DEEDS

BK: PF 22
PG: 295-295

DEED REFERENCE : D.B. 66, PAGE 515.

PLAT REFERENCE : P.F. 4, SLIDE 424.

SURVEY DATE : APRIL, 2022.

## NOTES

1) This property is located in Zone X, areas determined to be outside the 500-year floodplain per F.I.R.M.of this area dated October 02, 2009,except as noted.
2) This property is subject to matters found by a title examination and also subject to all restrictions, setback lines, roadways, zoning ordinances and right of ways appearing on this property and/or of record.
3) Area computed by coordinate method, including all right of ways.
4) This is of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision. (GS 47-30)(11) d.
5) This map is not transferable, and may not be used by any person or entity without written authorization from E. Roger Raxter, PLS. This plat is provided for the use of the parties named hereon.
6) The corners found and set are one inch to twelve inches above the ground, unless otherwise noted.
7) This survey does not certify legal title to the land itself or to the boundaries shown. Users of this plat should obtain an accurate legal opinion as to the ownership within the boundaries of this plat.
8) The right of way width of Tanglewood Heights is 60' wide per P.B. 3, page 7, it is an existing 18' +/- public asphalt road. The right of way width of U.S. Highways 64 and 276 is 150' wide per D.B. 119, page 149. The location of this right of way is based on the existing concrete monuments found and the location of the existing road. The right of way width of Lambs Creek Road is unknown, it is an existing 16' +/- public gravel roadbed.
9) The points not labled are unmarked points.
10) The division lines were not surveyed by me, their location was determined from the recorded plat referred to above, except for with Lambs Creek Road.
11) The existing sewer line easement as described in D.B. 455, page 494 is 25' wide, 12.5' each side of the existing serwer line.
12) GPS # 1 & # 2 are 1/2" iron rods set. The GPS survey was used for control only.
13) All distances are horzional ground distances.
14) The Tax Pin's are : 8597-01-8950-000 & 8597-01-8529-000 & 8597-11-0513-000 & 8597-11-0868-000 & 8597-11-1969-000 & 8597-02-9059-000 & 8597-12-0348-000.
15) The location of the Brevard City Limits line is approximate ony, being scaled from the Transylvania County Tax Map.

REVISION DATE : AUGUST 20, 2022
REVISED DEED REFERENCE.

GPS CONTROL DATA
Class of Survey : B
Positional Accuracy : 0.03'
Type of GPS field procedure : RTK NETWORK ROVER
Date of Survey : 03/29/2022
Datum/ Epoch : NAD 83 (2011)
Published/Fixed control use : NC VRS NETWORK
Geoid model GEOID 12B (CONUS)
Combined Factor : 0.999715
NAVD 1988 VERTICAL DATUM
Unit : US SURVEY FEET




I, E. Roger Raxter, Professional Land Surveyor, certify that this plat was drawn under my supervision from information found in D.B. 66 , Page 515 : That the boundaries not surveyed are shown as broken lines and are platted from information noted hereon. That the ratio of precision as calculated does not exceed 1' in 10,500' . That this plat was prepared in accordance with G.S. 47-30 as ammended. Witness my original signature, registration number and seal this the 27th day of April, 2022.

SURVEYOR L-2938 REGISTRATION NUMBER

I, E. Roger Raxter, N.C. PLS certify that this survey is of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision. (GS 47-30)(11) d.

April 27, 2022

E. Roger Raxter, PLS No. L-2938 Date

(©Copyright E. Roger Raxter 2022)

Surveyed By :
E. ROGER RAXTER, N.C. PLS L-2938
1101 SILVERSTEEN ROAD
LAKE TOXAWAY, N.C. 28747
PHONE : ( 828 ) 966-4399 OR
CELL : ( 828 ) 226-0251
E-MAIL : erraxter@gmail.com

DATE APRIL 27, 2022
DRAWING NUMBER 22017A

*LEGAL DESCRIPTION OF AREA TO BE ANNEXED INTO THE CITY OF BREVARD, N.C. FOR :*

## *PISGAH HOSPITALITY, LLC, a South Carolina limited liability company*

*Beginning on an unmarked point in the existing City of Brevard City Limits, being located in the North boundary line of the property of David Chak Chieu per Deed Book 115, Page 272 and as shown on a plat recorded in Plat File 9, Slide 787. Said point also being located N 74°17'02" W, 164.95' from an iron rod set at the Northeast corner of the noted Chieu property. Thence running with the Chieu property line and with the existing City of Brevard City Limits two calls: N 74°17'06" W, 295.00' and N 74°17'08" W, 5.19' to an existing 5/8" iron rod found.Thence running N 74°17'05" W, 83.83' to an existing 3/4" iron pipe found at a fence corner. Thence running with the Eastern boundary of a 1' wide greenway area per Plat File 11, Slides 900-902 and generally with an existing wire fence and existing City Limits for two calls: N 16°09'02" E, 183.78' to an existing concrete monument found at a fence corner and N 17°55'07" W, 446.31' to an existing concrete monument found at a fence corner. Thence leaving the existing City Limits boundary and running generally with an existing wire fence and with the Violet W. Whitmire property per Deed Book 695, Pages 643-647 two calls: N 25°05'36" E, 282.31' to an existing 5/8" iron rod and N 25°05'36" E, 38.00' to an unmarked point in the center of Lambs Creek Road, State Road No. 1359. Thence running with the center of Lambs Creek Road, S 36°07'48" E, 11.33' to an unmarked point. Thence leaving Lambs Creek Road and running with the boundary of Roy B. Davis, III per Deed Book 841, Pages 494-498 for three calls: N 11°43'35" E, 33.94' to an existing 5/8" iron rod found, N 11°43'35' E, 4.71' to a 62" poplar tree and N 11°43'35" E, 84.25' to an unmarked point in the center of Lambs Creek, thence running down and with the center of Lambs Creek for three calls to unmarked points: S 25°51'42" E, 44.90', S 22°20'06" W, 18.08' and S 23°52'22" E, 60.27'. Thence running with the property of Barbara Merrell per Deed Book 107, Page 224 for four calls: N 80°39'49" E, 15.00' to an iron rod set, N 80°39"49" E, 175.62' to a 1/2" iron pipe found, N 27°39'49" E, 96.00' to an unmarked point and N 27°39'49" E, 78.12' to a concrete monument found. Thence running with the Enno F. Camenzind property per Deed Book 284, Page 511 for two calls: N 13°53'09" E, 186.82' to a 1/2" iron pipe found and N 13°53'09" E, 32.18' to a nail set in the center of Tanglewood Heights Road, State Road No. 1383.Thence generally running with the center of Tanglewood Height Road, S 51°15'42" E, 25.52' to a nail found and S 47°19'07" E, 41.28' to a nail found and S 48°58'57" E, 20.25' to a spike found and still running generally with the center of Tanglewood Heights Road for thirteen calls to unmarked points: S 34°10'10" E, 23.70' and S 36°14'47" E, 23.40' and S 32°09'23" E, 24.62' and S 28°56'00" E, 29.71' and S 23°02'47" E, 24.06' and S 20°28'58" E, 20.46' and S 17°46'17" E, 18.79' and S 14°15'17" E, 16.98' and S 10°23'40" E, 19.15' and S 07°30'45" E, 20.21' and S 04°57'52" E, 121.92' and S 07°12'49" E, 88.49' and S 07°12'49" E, 57.44' to an unmarked point in Tanglewood Heights Road in the City of Brevard City Limits and then running with the City Limits boundary on a curve running in a Southwestern direction with a radius of 1,495.00' and an arc length of 918.81' with a cord bearing and cord distance of S 16°10'08' W, 904.42' to the unmarked point at the Point of Beginning. Containing 12.23 acres +/- and as shown on a plat recorded in Plat File 22 at Slide 295. Being a portion of the property owned by : PISGAH HOSPITALITY, LLC, a South Carolina limited liability company per Document Book 1050, Pages 151-153 and Document Book 1057 Pages 6-8 and Document Book 1057, Pages 393-395.*

| PIN | OWNER_NAME | ADDRESS_1 | CITY | STATE | ZIP_CODE | ACRES | LEGAL_ADDR |
|---|---|---|---|---|---|---|---|
| 8597-01-6950-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 4.55295923 | TR-2 Lambs Creek Rd |
| 8597-01-8529-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 2.409 | pt of TR-1 Lambs Creek Rd |
| 8597-02-9059-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 3.34645335 | TR 3 & pt of TR4 Lambs CreekRd |
| 8597-11-0513-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 2.167 | pt of TR-1 Lambs Creek RD |
| 8597-11-0886-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 0.356 | pt of TR-4 Lambs Creek Rd |
| 8597-11-1969-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 1.102 | TR-6 Lambs Creek Rd |
| 8597-12-0348-000 | Pisgah Hospitality LLC | 204 Lois St | Greenville | SC | 29601 | 1.094 | TR-5 Lambs Creek Rd |

**ORDINANCE NO. 2022-26**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD TO ESTABLISH THE COMPO BREVARD CONDITIONAL ZONING DISTRICT**

**WHEREAS,** the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS,** in response to an application for rezoning filed by TR Hospitality for the property described as PINs 8597-11-0513-000, 8597-01-8529-000 8597-01-6950-000, 8597-02-9059-000, 8957-12-0348-000, 8597-11-0886-000, and 8597-11-1969-000 (hereafter "Subject Properties" or "Project Area") to be rezoned to Neighborhood Mixed Use Conditional Zoning District, the City of Brevard Planning Board considered REZ-22-003 on April 26, 2022, and unanimously recommended approval; and

**WHEREAS**, the Brevard Planning Board has determined that the application for rezoning all of these properties is consistent with the following polices and goals of the 2015 Comprehensive Plan:

1. OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
    a. POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
2. OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.
    a. POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
    b. POLICY 4.1.G: Modify development ordinances and regulations in incorporate design standards and guidelines that respect existing community character while allowing greater residential density of nonresidential development within mixed use zoning districts.
3. OBJECTIVE 4.4: Creation of new opportunities for citizens and visitors to experience recreation and nature.

and Council finds that this Ordinance is also consistent therewith; and

**WHEREAS,** the Brevard Planning Board has determined that the application for rezoning these properties is inconsistent with the 2002 Future Land Use Map, and Council concurs and also finds that this Ordinance is inconsistent therewith; and

**WHEREAS,** in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the proposed uses are reasonable and consistent within the context of the new zoning district and the prevalence of uses in the vicinity of the properties due to the following factors:

1. The conditional district provides the opportunity for crafting a site-specific zoning code that allows for context-sensitive considerations to protect the residential and camp uses along Lambs Creek Road from commercial uses which are appropriate to be located along the Asheville Highway frontage.
2. A nature-oriented destination site will help ensure the sensitive mountain slopes, the trout stream, and its associated floodplain will be protected and even enhanced, as they are an asset to the proposed project rather than an obstacle.
3. The preliminary master plan shows higher-intensity land uses adjacent to Asheville Highway, away from neighboring residential uses.

and

**WHEREAS,** a public hearing was held on May 16, 2022, in consideration of rezoning of the Subject Properties to Neighborhood Mixed Use Conditional Zoning District; and

**WHEREAS,** the City Council, after hearing all persons wishing to comment on this request, desires to approve said request.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:**

**Section 1.** The Official Zoning Map of the City of Brevard is hereby amended to establish the Compo Brevard Conditional Zoning District with the Neighborhood Mixed Use Base District as described in Exhibit A attached hereto and incorporated herein.

**Section 2.** The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

**Section 3.** Development and use of lands within the District shall occur in accordance with the approved Preliminary Master Plan, which is attached to this ordinance and incorporated herein as Exhibit B, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on the TR Hospitality LLC, its heirs and assigns.

**Section 4.** List of Conditions.

A. Except as set forth in Section 4.C, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,

1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within Neighborhood Mixed Use Districts
2. Chapter 62. Streets, Sidewalks, and Other Public Ways
3. Chapter 70. Utilities

B. Any and all unique architecture and building types shall fully conform to all applicable North Carolina State Building Codes.

C. The following may be permitted within the District:

1. The base zoning district shall be Neighborhood Mixed Use.
2. The tabled of allowed uses in the District shall follow that of Neighborhood Mixed Use, with the following alterations:

| Use | Removed from base NMX | Added to NMX-CD |
|---|---|---|
| Hotels/Motels/Inns | — | P |
| Rental Cottage/Cabins[1] | PS | P |
| Animal Services | P | — |
| Banks, Credit Unions, Financial Services | P | — |
| Drive Thru Service | SUP | — |
| Funeral Homes | PS | — |
| Group Care Facility | P | — |
| Kennels | SUP | — |

| | | |
|---|---|---|
| Landscaping Services | SUP | — |
| Medical Services – Doctor Office | P | — |
| Vehicle Services – Minor Maintenance/Repair | SUP | — |
| Alcoholic Beverage Sales Store | SUP | — |
| Bar/Tavern/Night Club | SUP | P[2] |
| Gas Station | SUP | — |
| Vehicle/Heavy Equipment Sales – Indoor | PS | — |
| Metal Products Fabrication, Machine or Welding Shop | SUP | — |
| Cemeteries | PS | — |
| Jail | SUP | — |
| Public Safety Station | P | — |
| Schools – Elementary and Secondary | P | — |
| Schools – Vocational/Technical | P | — |
| Human Crematories | PS | — |
| 1 As a stand-alone use.<br>2 Only bar/tavern; night club is not an allowed use. | | |

3. The maximum residential dwelling unit density shall be 4 dwelling units per acre. This density limit shall not be applied to lodging units.
4. Minimum setbacks from property lines shall follow those shown on the attached master plan.
5. Ground floor of each principal structure shall be a maximum of 30,000 square feet of gross heated area (does not include unheated or unenclosed floor area such as terraces and structured parking).
6. Maximum building height shall be limited as shown in the attached master plan. Building height shall be calculated as defined in the UDO Section 5.18.
7. The hours of operation for any outdoor event space shall be from 8:00 AM to 10:00 PM.
8. Buffer areas adjacent to General Residential districts shall be 40 feet in width.
9. The Developer shall explore placing buffer areas and unbuildable areas of the project site into a conservation easement in coordination with a non-profit land trust, such as Conserving Carolina, within 10 years.
10. The Developer shall construct a fence along the boundary of the Tanglewood Heights side of the project where feasible given existing slope conditions. Such fence shall be constructed before final zoning inspection approval of any development of Zone D.
11. Final master plans shall include a detailed stormwater management plan for that particular phase controlling for the net increase of impervious surface of that phase and demonstrating compliance with Chapter 6 of the UDO as certified by the City's consultant hydraulic

engineer. The stormwater infrastructure shall be installed prior to the issuance of final zoning approval and certificate of occupancy for any development activity of the particular phase.

12. Demolition and remediation of structures in close proximity to Lambs Creek, including but not limited to residential structures, underground storage tanks, and creek channelization or retention structures, shall be done in coordination with, and according to all requirements and/or best practices of, the US Army Corps of Engineers and the North Carolina Department of Environmental Quality.

13. Interior private access roads may follow Low Impact Design standards for streets.

14. Due to the low impact nature of this development, Zone B as shown on the attached master plan shall not be limited by existing slope. All other zones shall follow the typical slope standards per the UDO.

15. The minimum amount of open space shall be 1.5 acres, across the entire District.

16. All billboards on the project properties shall be removed.

D. Minor modifications to the approved master plan may be approved by the Administrator as follows:

1. A deviation of up to 10% or 24 inches, whichever is greater, from the approved setbacks.

2. A reduction of up to 25% in the number of parking spaces.

3. A reduction of up to 20% in the minimum required distance between driveways and cuts, and between cuts and intersections.

4. Any other modifications shall be done in accordance with the limitations and procedures prescribed in the UDO.

**Section 5.** The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use Map consistent with this Ordinance.

**Section 6.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

**Section 7.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved this the 20th day of June 2022.

CITY OF BREVARD N.C.

Maureen Copelof
Mayor

ATTEST:

Jill Murray, CMC
City Clerk

ACCEPTED BY:

Brice Bay, TR Hospitality LLC
Property Owner

APPROVED AS TO FORM:

Mack McKeller
City Attorney

**EXHIBIT A**

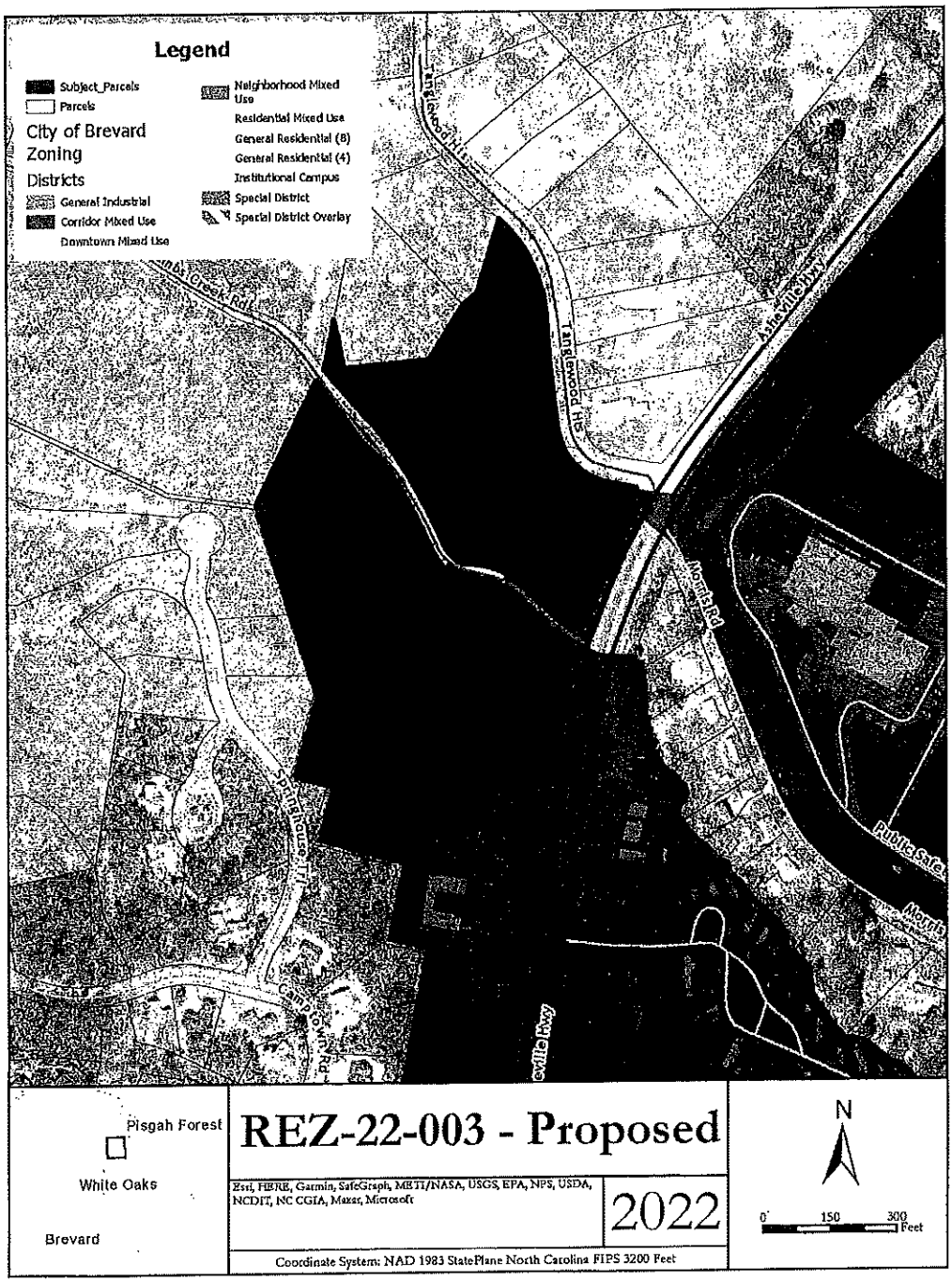
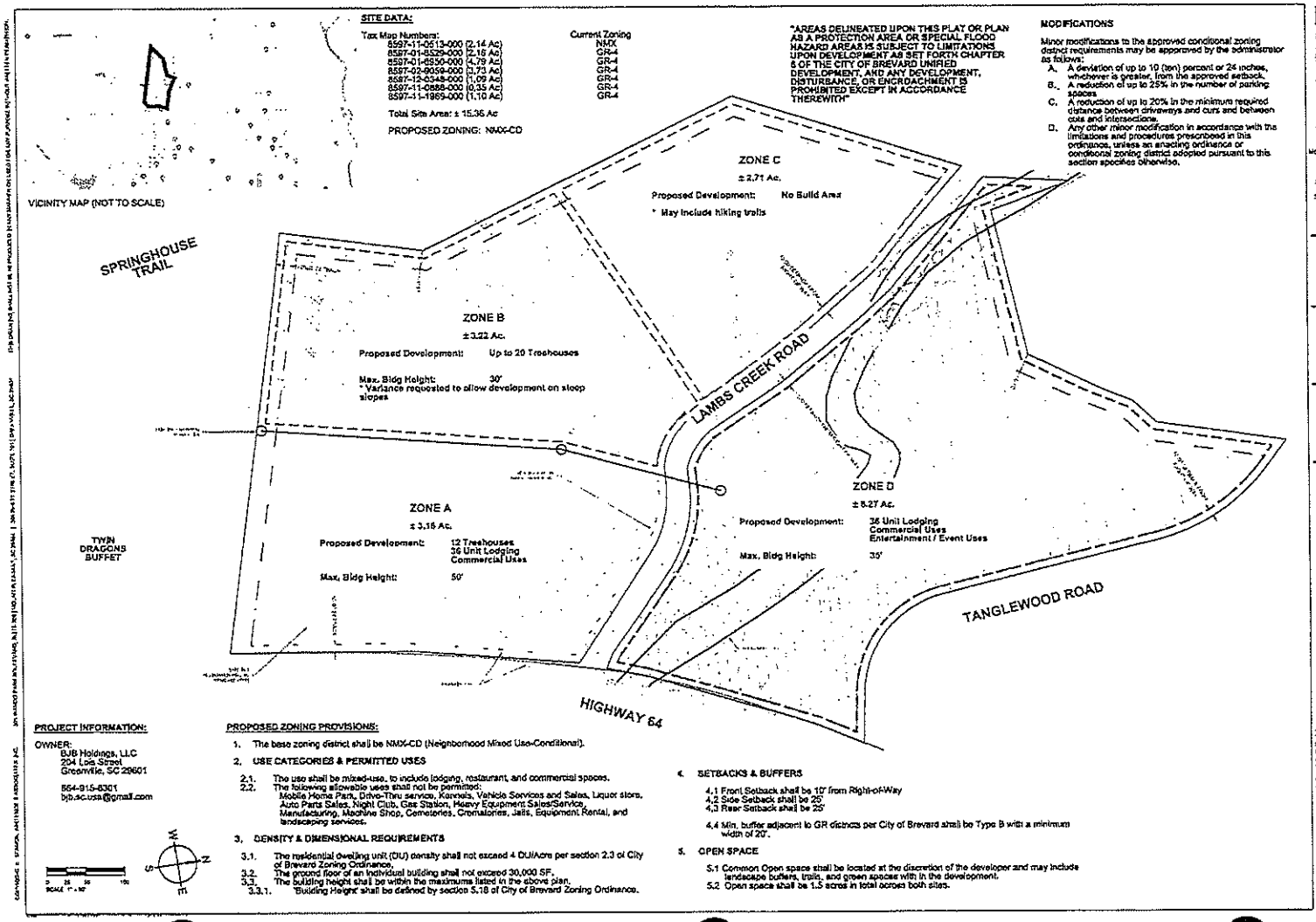

Legend
Subject_Parcels
Parcels
City of Brevard Zoning Districts
General Industrial
Corridor Mixed Use
Downtown Mixed Use
Neighborhood Mixed Use
Residential Mixed Use
General Residential (8)
General Residential (4)
Institutional Campus
Special District
Special District Overlay
Pisgah Forest
White Oaks
Brevard
REZ-22-003 - Proposed
Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, NCDIT, NC CGIA, Maxar, Microsoft
2022
Coordinate System: NAD 1983 StatePlane North Carolina FIPS 3200 Feet
N
0
150
300
Feet

EXHIBIT B


SITE DATA:
Tax Map Numbers: Current Zoning
8597-11-0613-000 (2.14 Ac) NMX
8597-01-0329-000 (2.16 Ac) GR4
8597-01-9350-000 (4.79 Ac) GR4
8597-02-9059-000 (3.73 Ac) GR4
8597-12-0348-000 (1.09 Ac) GR4
8597-11-0888-000 (0.35 Ac) GR4
8597-11-1969-000 (1.10 Ac) GR4
Total Site Area: ± 15.36 Ac
PROPOSED ZONING: NMX-CD
"AREAS DELINEATED UPON THIS PLAT OR PLAN AS A PROTECTION AREA OR SPECIAL FLOOD HAZARD AREAS IS SUBJECT TO LIMITATIONS UPON DEVELOPMENT AS SET FORTH CHAPTER 6 OF THE CITY OF BREVARD UNIFIED DEVELOPMENT, AND ANY DEVELOPMENT, DISTURBANCE, OR ENCROACHMENT IS PROHIBITED EXCEPT IN ACCORDANCE THEREWITH"
MODIFICATIONS
Minor modifications to the approved conditional zoning district requirements may be approved by the administrator as follows:
A. A deviation of up to 10 (ten) percent or 24 inches, whichever is greater, from the approved setback.
B. A reduction of up to 25% in the number of parking spaces.
C. A reduction of up to 20% in the minimum required distance between driveways and curs and between cuts and intersections.
D. Any other minor modification in accordance with the limitations and procedures prescribed in this ordinance, unless an enacting ordinance or conditional zoning district adopted pursuant to this section specifies otherwise.
VICINITY MAP (NOT TO SCALE)
SPRINGHOUSE TRAIL
ZONE C
± 2.71 Ac.
Proposed Development: No Build Area
* May include hiking trails
ZONE B
± 3.22 Ac.
Proposed Development: Up to 20 Treehouses
Max. Bldg Height: 30'
* Variance requested to allow development on steep slopes
LAMBS CREEK ROAD
ZONE A
± 3.16 Ac.
Proposed Development: 12 Treehouses
36 Unit Lodging
Commercial Uses
Max. Bldg Height: 50'
ZONE D
± 6.27 Ac.
Proposed Development: 36 Unit Lodging
Commercial Uses
Entertainment / Event Uses
Max. Bldg Height: 35'
TWIN DRAGONS BUFFET
TANGLEWOOD ROAD
HIGHWAY 64
PROJECT INFORMATION:
OWNER:
BJB Holdings, LLC
204 Lois Street
Greenville, SC 29601
864-915-8301
bjb.sc.usa@gmail.com
PROPOSED ZONING PROVISIONS:
1. The base zoning district shall be NMX-CD (Neighborhood Mixed Use-Conditional).
2. USE CATEGORIES & PERMITTED USES
2.1. The use shall be mixed-use, to include lodging, restaurant, and commercial spaces.
2.2. The following allowable uses shall not be permitted:
Mobile Home Park, Drive-Thru service, Kennels, Vehicle Services and Sales, Liquor store, Auto Parts Sales, Night Club, Gas Station, Heavy Equipment Sales/Service, Manufacturing, Machine Shop, Cemeteries, Crematories, Jails, Equipment Rental, and landscaping services.
3. DENSITY & DIMENSIONAL REQUIREMENTS
3.1. The residential dwelling unit (DU) density shall not exceed 4 DU/Acre per section 2.3 of City of Brevard Zoning Ordinance.
3.2. The ground floor of an individual building shall not exceed 30,000 SF.
3.3. The building height shall be within the maximums listed in the above plan.
3.3.1. "Building Height" shall be defined by section 5.18 of City of Brevard Zoning Ordinance.
4. SETBACKS & BUFFERS
4.1 Front Setback shall be 10' from Right-of-Way
4.2 Side Setback shall be 25'
4.3 Rear Setback shall be 25'
4.4 Min. buffer adjacent to GR distinct per City of Brevard shall be Type B with a minimum width of 20'.
5. OPEN SPACE
5.1 Common Open space shall be located at the discretion of the developer and may include landscape buffers, trails, and green spaces with in the development.
5.2 Open space shall be 1.5 acres in total across both sites.
SCALE 1" = 50'
SEAMON WHITESIDE
COMPO BREVARD
REVISION HISTORY
CONDITIONAL REZONING MASTER PLAN
C1.0

# CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

March 23, 2023

Mr. Bay and Mr. Grandy,

This letter is in response to your request for a modification to your existing conditional zoning district to extend the deadline for submitting a final master plan for the development, or any phase thereof, from one year to two years from the date of the enactment of the ordinance. In light of this request, I make the following determinations:

- The Compo Brevard Conditional Zoning District was established by Ordinance 2022-26, adopted and approved by City Council on June 20, 2022.
- Section 16.9.F of the City of Brevard's Unified Development Ordinance authorizes the Planning Director to review and approve administratively minor modifications to approved conditional zoning districts, so long as the minor modification does not:
    - Involve a change in uses permitted or the density of overall development permitted; and
    - The minor modification does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
    - The minor modification meets all other ordinance requirements.
- This modification request has been determined to be a "minor" modification.

Given that this request does not involve a change of use or density, does not increase the impacts generated by the development on traffic, stormwater runoff or similar impacts beyond what was projected for the original development, and it meets all other ordinance requirements, specifically, not exceeding five years, I hereby approve the request. Accordingly, the date that a final master plan for your development, or phase thereof, must be submitted on or before is now June 20, 2024.

Sincerely,

Paul C. Ray

Paul C. Ray
Planning Director
City of Brevard

CITY OF BREVARD
CASH RECEIPT

Receipt No: 662991
Date: 3/14/2024
Time: 11:20:54AM

Received From:
PISGAH HOSPITALITY LLC

Received: 500.00

For
ZONING ADMIN 500.00
S

Check 500.00
1022
RECEIVED BY WINDOW