



TREE BOARD RECOMMENDATION  
UPWARD ROAD RESTAURANT (P22-15-CZD)  
APRIL 19, 2022

PETITION REQUEST: Conditional Rezoning: Central Highway Mixed Use - Conditional Zoning District (CHMU-CZD)

APPLICANT/PETITIONER: Dennis Terry (applicant) / Philip Wilson, NC Hendersonville Upwards Road LLC (owner)

**TREE BOARD ACTION SUMMARY:**

The developer presented to the Tree Board at a regular meeting on April 19, 2022. The following Tree Board members were present: Mark Madsen, Mary Davis, Andy Crawford, and Glenn Lange. The following Members were absent: Mac Bracket, Landon Justice, and Pat Christie.

After a discussion with the developer regarding the proposed site layout and the impact of the proposed retaining wall and proposed stormwater management system, the Tree Board made the following motion:

**MOTION**

The motion was made by Glenn Lange:

Based on the following guiding city code documents (the Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section I.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-1, Strategy 1.2 and Goal NR-2, Strategy 2.3) and the City Council's adoption (Feb., 2021) of core values and beliefs as guiding principles as they apply to protection of natural resources and the prioritization of existing tree canopy, the Tree Board recommends the following development conditions be placed on this property:

1. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit. **[Developer Counter: Preserved trees shall be protected to the extent feasible with respect to required construction activities]**
2. Of the proposed trees depicted on the review documents (7) and those required for the Type B buffer (4 per 100 feet), 25% must be large maturing trees and 25% must be medium maturing trees as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects. **[Developer Agreed]**
3. Eradicate invasive plant species throughout the property as listed in the Recommended Landscape Species List for Street Trees and Land Development Projects. **[Developer Agreed]**
4. Recommend shortening of northern end of the retaining wall and to shift the location of the northern end of the retaining wall toward the drive-thru lane to minimize impact to the existing trees. **[Developer Agreed]**

**BOARD ACTION**

Motion: Lange

Yeas: All

Nays: None

Recused: None