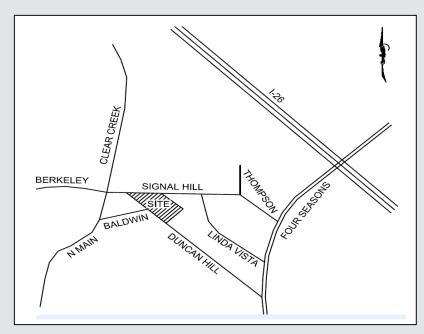
# REZONING: CONDITIONAL REZONING - DUNCAN TERRACE (P21-79-CZD) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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- Project Name & Case #:
  - o Duncan Terrace
  - o P21-79-CZD
- Applicant & Property Owner:
  - Leah Bergman of Lee Ray Berman LLC. [Applicant]
  - Lee Ray Berman LLC [Owner]
- Property Address:
  - o 710 Duncan Hill Road
- Project Acreage:
  - o 8.66 Acres
- Parcel Identification (PIN):
  - 0 9569-95-7758
  - 0 9569-95-5941
  - 0 9569-96-4013
- Current Parcel Zoning:
  - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Proposed Zoning:
  - Planned Residential Development Conditional Zoning District (PRD-CZD)
- Requested Uses:
  - o Residential dwelling, multi-family
- Neighborhood Compatibility Meeting:
  - o December 9th, 2021
- Future Land Use Designation:
  - o High Intensity Neighborhood

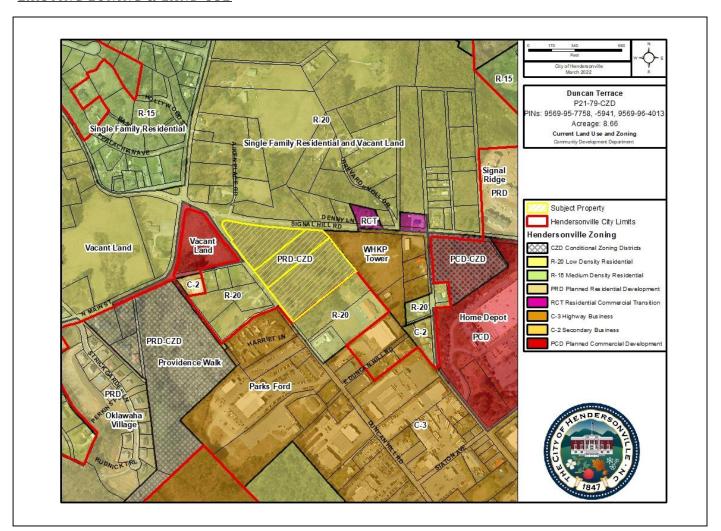


SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a conditional rezoning from Leah Bergman of Lee Ray Bergman LLC. The applicant is requesting to rezone the subject property, PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 and located between Duncan Hill Road and Signal Hill Road, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 132 apartment units on approximately 8.66 acres. This equates to a density of 15.24 units per acre.

The site plan shows 6 - 3-story multi-family structures, a club house and a pool. The total footprint of buildings is 52,242 Sq Ft. The total Gross Floor Area proposed is 150,636 Sq Ft. This includes 12 - 3-bedroom units, 72 - 2-bedroom units and 48 - 1-bedroom units.

The site plan proposes access from Duncan Hill Road and Signal Hill Road.



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Planned Residential Development Conditional Zoning District. The parcel is surrounded by a variety of zoning classifications and uses. The residential uses in this area range from single family neighborhoods to a mobile home community. The Commercial uses in this area range from a telecommunication tower to a UPS distribution center.

Parcels to the north, across Signal Hill Rd and Berkeley Rd are zoned R-15 Medium Density Residential, R-20 Low Density Residential and RCT- Residential Commercial Transition. This area is largely made up of single-family lots, vacant land and single-family homes converted into commercial uses. Parcels to the east primarily contain commercial uses. This area contains the Home Depot, WHKP radio tower and the under-construction Signal Hill Mini Storage. Parcels to the south are mostly comprised of commercial uses and C-3 zoning. Parcels to the west are zoned PCD, Planned Commercial Development (Eastside Meadows — which was never constructed but an NCM has been held for a potential multifamily development on this site), PRD Planned Residential Development (Providence Walk and Oklawaha Village) and R-20 Low Density Residential.



View of existing single-family home on the site (710 Duncan Hill Road) \*To be demolished, if approved\*



View from the southern point of the property looking northwest



Interior view of the site looking northeastward



View of the WHKP tower from the property



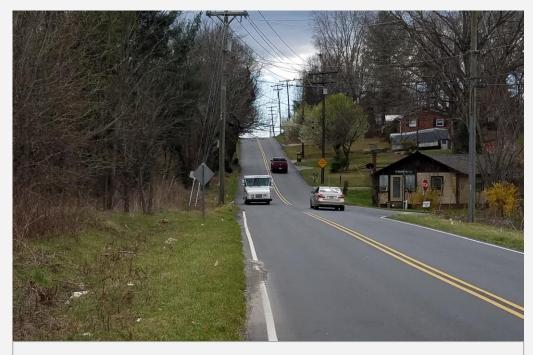
Interior view of the site looking westward



View from where the subject property abuts Signal Hill Road looking westward



View from the intersection of Signal Hill and Duncan Hill Roads looking southeast along Duncan Hill Road



View of Baldwin Hill Avenue and Duncan Hill Road intersection

Prior Rezoning	Summary of Prior Petition	Status
Approved March 4 <sup>th,</sup> 2021 P20-48-CZD R-20 Low Density Residential to PRD-CZD Planned Residential Development Conditional Zoning District	8.66 acres multi-family development containing 84 units. The project was tied to a Low-Income Housing Tax Credit application that did not receive tax credits.	Preliminary plan approved by City Council- Final site plan never submitted for staff review.

Minutes from the City Council meeting: <a href="https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-56eb57685a524f15a2cf7030399c3f70.pdf">https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-56eb57685a524f15a2cf7030399c3f70.pdf</a>

# **Duncan Terrace**

Units/Building- 84 units. 9.7 Units per acre.

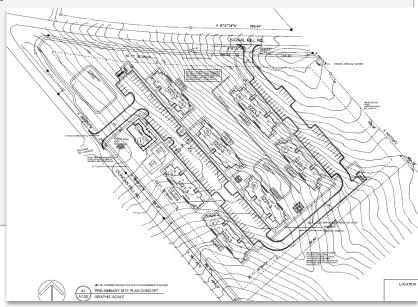
- 7 3-story multi-family buildings. Each building contained 12 units.
- 1 Community Center
- 40,977 Sq Ft of Building Footprint
- 105,776 Sq Ft of GFA

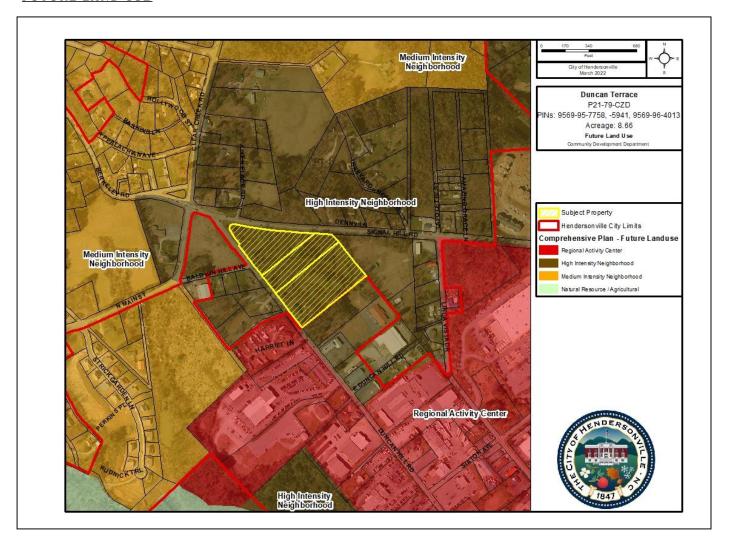
# Conditions of Approval:

- The Duncan Hill Road entrance/exit will be realigned to match Baldwin Hill Ave.
- Make all reasonable efforts to preserve the three (3) existing trees in front of the existing single-family home at 710 Duncan Hill Road.
- Exterior site lighting should be in accordance with the International Dark Sky Association's recommendations subject to any ADA and the North Carolina Housing Finance Agency requirements.

#### Uses:

- Residential dwellings, multifamily
- Accessory structures
- Parks
- Home Occupations
- Customary accessory uses





City of Hendersonville Future Land Use Map

The site is designated as High Intensity Neighborhood. This designation is due to this parcel being located between a Regional Activity Center (Duncan Hill Road and US 64) and Medium Intensity Neighborhood (Clear Creek Road) This area is intended to serve as a transition between the high intensity commercial uses along the US 64 corridor and the single-family neighborhoods to the north (Windsor Hills). And to serve as a node of higher density residential around an intersection of minor thoroughfares.

Parcels to the north are designated as Medium Intensity Neighborhood and High Intensity Neighborhood. Other than the Signal Ridge Apartments, most parcels designated as High Intensity Neighborhood do not currently reflect the goals or strategies for this designation. This area is largely comprised of single-family homes and vacant land that reflect the current R-20 zoning. Parcels to the east are designated as High Intensity Neighborhood and Regional Activity Center. This area has a mix of housing types and commercial use. The parcels to the south are designated as Regional Activity Center and High Intensity Neighborhood. Parcels to the west are designated as High Intensity Neighborhood and Medium Intensity Neighborhood.

COMPREHENSIVE PLAN CONSISTENCY				
Future Land Use	Goal LU-7 High Intensity Neighborhood:  "Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods"  [CONSISTENT]  Strategy LU-7.1. Locations:			
	<ul> <li>Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT]</li> <li>Priority infill development areas where high-density development is desirable and/or expected, including:         <ul> <li>Areas surrounding Regional Activity Centers [CONSISTENT]</li> </ul> </li> </ul>			
	Strategy LU-7.2. Primary recommended land uses:  Single-family attached and multi-family residential [CONSISTENT]  Planned Residential Developments [CONSISTENT]  Open space [CONSISTENT]			
	Strategy LU-7.3. Secondary recommended land uses:  • Recreational amenities [CONSISTENT]			
	<ul> <li>Strategy LU-7.4. Development guidelines:</li> <li>Eight or more units per gross acre [CONSISTENT]</li> <li>Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT]</li> <li>At least 60% open space in new residential developments greater than three acres [CONSISTENT]</li> <li>Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT (elevations not required)]</li> <li>Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2 [CONSISTENT]</li> </ul>			
Land Use & Development	The property is designated as a " <b>Priority Infill Area</b> " on the Growth Management Map (Map 8.3a). "Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties". [CONSISTENT]			
	A portion of the project area is identified as a " <b>Development Opportunity</b> " in the Comprehensive Plan's Map 8.2b: Development Framework. This includes vacant land, agricultural land, and single-family residential properties greater than five acres. [CONSISTENT]			

GENERAL REZO	NING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY
Population & Housing	Strategy PH-1.1 Promote compatible infill development.
	<ul> <li>Goal PH - 2 Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.</li> </ul>
	<ul> <li>Strategy PH - 2.2. Encourage provision of affordable housing units in new developments.</li> <li>Action PH 2.2.1 Develop performance standards and/or density bonuses that encourage at least 10% of new housing units sold in a new development to be affordable to people making up to 80% of the area median household income.</li> <li>Action PH-2.2.2. Support development proposals that mix subsidized housing with market rate housing</li> <li>Strategy PH-3.1 Establish neighborhood design guidelines that promote safe walkable and bikeable neighborhoods while accommodating the automobile.</li> <li>Action PH 3.1.2 Encourage public space design features that calm traffic and provide space for pedestrian gathering and circulation.</li> </ul>
Natural & Environmental Resources	<ul> <li>Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment.</li> <li>Action NR-2.1.1 Maintain density bonuses that allow additional density in return for open space preservation.</li> </ul>
	<ul> <li>Strategy NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.</li> <li>Action NR-2.3.1 Continue to encourage tree preservation by providing existing tree preservation credit toward landscaping requirements.</li> <li>Action NR-2.3.2 Continue to allow the Tree Board to review and provide recommendations for tree preservation for Special Use Permit projects.</li> <li>Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management.</li> </ul>
Cultural & Historic Resources	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	<ul> <li>Strategy CF-6.1 Encourage community open-space or play areas in new or redeveloped residential neighborhoods.</li> <li>Action CF-6.1.1 Incorporate recreational amenity requirements and/or incentives in the Planned Residential Development District.</li> <li>Action CF-6.1.2 Maintain open space set-aside standards and incentives in the Planned Residential Development District</li> </ul>
Water Resources	• Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management.
Transportation & Circulation	<ul> <li>Strategy TC-1.2. Identify and prioritize needed pedestrian connections within the community</li> <li>Strategy TC-3.4. Improve roadways as needed to implement the land use vision and meet level-of-service requirements. (Duncan Hill Road is included)</li> </ul>

GENERAL REZONING STANDARDS			
JEHLINAL KLZ	Is the proposed rezoning compatible or incompatible with surrounding uses?		
Compatibility	Two apartment complexes are currently within 0.25 miles of the subject property (Signal Ridge and Oklawaha Village).  - Signal Ridge Multi-family- 72 units on 7 acres- 10.29 units per acre.  - Oklawaha Village Multi-family- 78 units on 6.43 acres- 12.13 units per acre.  This area is designated to serve as a high-density transition between commercial uses and single-family neighborhoods in the Comprehensive plan.  An 84-unit apartment complex with a similar layout and design is already permitted on this site with conditions.  Much of the existing development northeast of the site is single-family detached housing.		
	Highlight any changed conditions, on surrounding property, etc. that suggest a		
Changed Conditions	The site is currently associated with a Conditional Zoning District that approved 84 multi-family units. The previous project was associated with Low-Income Housing Tax Credits and did not get funding. The current developer does not want to develop in accordance with the previously approved Conditional Zoning District. They are also not pursuing LIHTC funding.  Additionally, 93 single-family homes off on N. Main St (Providence Walk) were approved in 2021 and site work has begun on this project.		
	Are there public interests or benefits that would be derived for the greater population from the rezoning?		
Public Interest	This project is proposing to be a mix of market rate (87 units) and "affordable" (80% AMI) apartments (45 units).  Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. Between 1,389 – 1,682 units within the gap are specifically needed to satisfy incomes ranging from <50%-80%. Over the last 3 years, the City of Hendersonville has approved 346 rental units (286 market rate / 60 affordable). An additional 792 (including this project) are seeking entitlements to construct rental housing. If all projects are approved, the recently-approved rental units would total 1,138. Of the 792-units seeking approval, 175 units will target income levels at or below 80% AMI. It should be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in this 1,650 to 2,008-unit gap, exist for those income levels greater than 120%.		
	Are there public facilities that can support the proposed rezoning, water, wastewater, fire and police, schools, and transportation?		
Public Facilities	<ul> <li>The development is proposing to use City of Hendersonville water and sewer. A sewer lift station is proposed. A water-sewer availability request has not been issued for this project. The Water-Sewer Dept has indicated that a pump station would not be permitted for this site.</li> <li>The site is also accessed by 2 NCDOT maintained roads.</li> <li>The developer is extending sidewalks off their property on Duncan Hill and Baldwin Hill Roads in order to meet Density Bonus requirements and to foster better pedestrian connections. They will also be providing internal sidewalks and sidewalks along some frontages.</li> <li>The property will be served by City Police and Fire</li> </ul>		
	Would the proposed amendment result in "significantly adverse impacts" on the natural environment?		
Effect on Natural Environment	Some of the site is currently greenfield, new development reflects a significant increase in impervious surfaces.  The site is currently wooded. A significant number of mature trees would be lost if developed.  The developer will have to provide stormwater control measures for the site.		

The petition is found to be **consistent** with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The High Intensity Neighborhood designation calls for multi-family residential, Planned Residential Developments and open space as primary recommended land uses. The proposed project satisfies a majority of design guidelines under LU-7.4.

We [find/do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

# DRAFT [Rationale for Approval]

- The development would provide 33 "affordable" rental units (for 15 years) for those with household incomes at 80% AMI or less. These units would help to fill the need for affordable housing which currently has a projected gap (shortage) of approximately between 1,329 1,622 units in Henderson County according to the 2021 Housing Needs Assessment (Bowen Study).
- The development would provide 99 "market-rate" rental units. These units would help reduce the rental housing gap estimated to be between 1,364 and 1,722 units needed within Henderson County to satisfy demand according to the 2021 Housing Needs Assessment (Bowen Study).
- The applicant is dedicating +/- 0.59 Acres of right of way at the intersection of Signal Hill and Duncan Hill Road to facilitate future NCDOT road improvements.
- The area in proximity to the subject property includes similar and comparable development, including multi-family residential within 0.25 miles of the project.
- This development would serve as a transition between the US-64 commercial corridor and the lower density residential northeast of Signal Hill Rd / Berkeley Rd.

# DRAFT [Rational for Denial]

- The requested revisions to the TIA have not been completed and additional clarity of impacts would be required to determine the potential mitigation needed to offset development impacts.
- The proposed site is wooded. If developed as proposed, it would not result in clustered development which preserves significant existing mature trees / woodlands which serve as a community-defining natural feature.

# PROPOSED REQUEST DETAILS

- o The site plan accompanying this petition contains the following provisions:
  - 132-Unit Apartment Development on 8.66 Acres (Density = 15.24 Units/Acre)
  - 6 3-story buildings (34.67' Height\*)
     \*measurement not based on zoning code standards
  - o 150,636 Sq Ft of Gross Floor Area
  - Bedroom units
    - 48 I-Bedroom Units
    - 72 2-Bedroom Units
    - 12 3-bedroom Units
- Requested Uses:
  - o Residential, Multi-Family
- Developer Conditions:
  - Developer Proposed Concessions:
    - Dedicate +- 0.59 Acres of land to NCODT as depicted on the site plan to permit future road upgrades to Duncan Hill and Signal Hill Roads.
    - Make 25% of rental units available to residents at or below 80% Aera Median Income (AMI) for the initial 15 years that the buildings are in service. The developer shall provide an annual report to the City of Hendersonville to prove compliance with this requirement.
  - Developer Proposed Conditions:
    - The developer is requesting that a Density Bonus be granted by City Council for this project in accordance with section 5-14-5 Density Bonus of the Zoning Ordinance. [see comments below]
    - Developer shall be granted permission to serve the development with a sanitary sewer lift station to pump to gravity lines at the crest of Duncan Hill Road. Once sewer has been run to the site, developer will tie into City sewer. [Water-Sewer Dept policy does not permit lift stations, subject to certain hardships]

#### **OUTSTANDING ISSUES & PROPOSED CONDITIONS:**

## **COMMUNITY DEVELOPMENT**

## **Site Plan Comments**

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Planned Residential Development (5-14) and Site Plan Review (7-3) with the following exceptions:
  - Parking spaces are 9'x20' exceeding the minimum site requirements.
     [resolved]
  - Some plants on the proposed landscaping plan are not on the City's recommended species list. [resolved]

- The height is not measured correctly to the mean point of the gabled roof from the average elevation at the base of the structures. If accurate height measurement exceeds 35' then a height exemption will be needed. [resolved]
- The developer is requesting a density bonus. City Council can grant a density bonus if the following standards are met.
  - The property on which the development is proposed to be situated shall be located in close proximity to a thoroughfare designated as such in the Comprehensive Transportation Plan.
    - Duncan Hill Road is a minor throughfare on the comprehensive transportation plan. [standard satisfied]
  - Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the Comprehensive Transportation Plan.
    - Duncan Hill Road is a minor throughfare. [standard satisfied]
    - Signal Hill Road is designated as a local street on the comprehensive plan [see staff recommended condition].
    - The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service of such roadway. [Please see the City of Hendersonville Traffic Consultant comments].
    - The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities.
      - The developer is fostering pedestrian access to places of employment by extending sidewalks off their site down Duncan Hill Road to connect with existing sidewalks. A plan for this is shown in your packet. [standard satisfied]
    - The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by Section 6-16-2, below, or 1% of the land area of the development for each dwelling unit per acre proposed.
      - The developer is required to provide 15.23%. they are providing 18.1%. [standard satisfied]
    - Any density authorized by City Council pursuant to this section shall not exceed 18 dwelling units per acre.
      - The developer is proposing 15.23 units per acre. [standard satisfied]

# **Proposed City-Initiated Conditions:**

- Allow a right in, right out access onto Signal Hill Road even though Signal Hill Road is not designated as a boulevard or throughfare as required in section 5-14-5 (b) Density Bonus. [Developer Agreed]
- Allow the developer to construct sidewalks along Baldwin Hill Avenue to tie into Providence Walk's future sidewalk network instead of constructing sidewalks

between the driveway accesses on Duncan Hill and Signal Hill Roads due to the probability of those sidewalks being removed when NCDOT makes improvements to Duncan Hill and Signal Hill Roads. [Developer Agreed]

#### CITY ENGINEER

# Site Plan Comments:

o None

# **Proposed City-Initiated Conditions:**

o None

#### **WATER & SEWER**

## **Site Plan Comments:**

- The Site Plan indicates that a Private Lift Station is proposed for this site.
- An Availability Request was received on May 3, 2022 and is currently under review.
- The following comments were provided in regard to the previously approved project at this site:
  - The City requires that all development be served by gravity sewer instead
    of pump stations, where feasible. It appears gravity sewer service is feasible
    for this project. On the water side, if the plan is to master meter the
    development, a public water main extension should not be required.
  - The parcels do affirmatively have frontage that abuts ductile iron water mains on Signal Hill Rd (8" DIP) and Duncan Hill Rd (12" AC). Obtaining water service for these parcels may not require an extension. The parcels do not have frontage that abuts a public sewer main and would require an extension for service. There is an 8" public gravity main approximately 2,100 ft to the west along Halford Dr. Connection to sewer may require the owner to apply for voluntary annexation.

# Response to Developer-Proposed Condition:

A lift station will not be permitted at this site.

#### FIRE MARSHAL

#### **Site Plan Comments**

o Final site plans will require location of FDC's and hydrants.

# **Proposed City-Initiated Conditions:**

None

#### STORMWATER ADMINISTRATOR

#### **Site Plan Comments:**

None

## **Proposed City-Initiated Conditions:**

o None

#### FLOODPLAIN ADMINISTRATOR

#### Site Plan Comments:

o None

# **Proposed City-Initiated Conditions:**

o None

#### **PUBLIC WORKS DIRECTOR:**

#### **Site Plan Comments:**

o None

# **Proposed City-Initiated Conditions:**

None

#### NCDOT

#### Site Plan Comments:

- o Increase island size for the right in, right out to deter people from turning left [Address at Final Site Plan].
- Will need a sidewalk encroachment from NCDOT

# **Proposed City-Initiated Conditions:**

None

#### TRANSPORTATION CONSULTANT

The proposed development is anticipated to generate 1,123 Daily Trips, 72 AM peak hour trips, and 87 PM peak hour trips per the ITE Trip Generation Manual, 10<sup>th</sup> Edition. The daily trips calculation triggered the threshold of 1,000 daily trips to require a TIA (Section 6-18). The City's Transportation Consultant (Jonathan Guy, Kimley-Horn) provided the following feedback on the TIA submitted by the development team:

Based on a technical review of the TIA report submitted by the applicant on March 8<sup>th</sup> 2022, the City's traffic consultant provided his formal review which required revisions on behalf of the applicant. Those revisions were submitted on April 13. The revised TIA was reviewed and comments were again received by the City's Transportation Consultant. Due to the nature of the TIA, many of the revisions were technical in nature, the comments ranged from low, moderate and high impact. You may find the Technical Memo from Kimley-Horn in the agenda packet. Below are the Conclusions and recommended mitigation measures from that Memo.

## Technical Observation Conclusions - Kimley-Horn:

Based on a technical review of the TIA as submitted, there are still several items that are outstanding that have not been addressed within the TIA. Therefore, the following measures are recommended to mitigate the impact of the proposed development.

- Duncan Hill Road at Site Access #1
  - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper.
- Signal Hill Road at Access #2 RIRO

• Provide for an Eastbound right turn lane with 25 ft of full width storage and an appropriate taper.

The improvements recommended above would be in lieu of the recommended mitigation of a 75 ft long right turn lane at the intersection of N. Main Street and Signal Hill Road as well as the turn lane need shown in the turn lane warrants for Access #1.

# **Proposed City-Initiated Conditions:**

- o Revise TIA to address outstanding comments [Developer Agreed]
- Require the developer construct the proposed traffic mitigations from the TIA.
  - Site Access #1
    - Construct Access I as with shared left/right egress lane and one ingress lane. [Developer Agreed]
  - Duncan Hill Road at Site Access #1
    - Provide for a Northbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]
  - Signal Hill Road at Access #2 (RIRO)
    - Provide for a Eastbound right turn lane with 25 ft of full width storage and an appropriate taper. [Developer Agreed]

#### TREE BOARD

#### Site Plan Comments & Recommended Conditions:

See attached Tree Board Summary