<u>REZONING: CONDITIONAL REZONING – 1202 GREENVILLE HIGHWAY</u> <u>APARTMENTS (P22-111-CZD)</u>

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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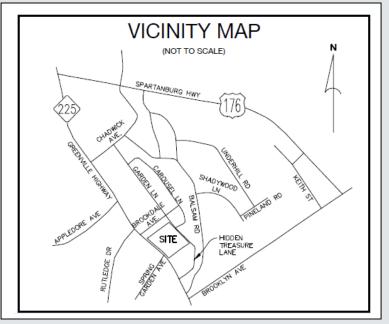
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PROJECT SUMMARY

- Project Name & Case #:
 - o 1202 Greenville Highway Apartments
 - P22-111-CZD
- Applicant & Property Owner:
 - David Gorman Lock 7 Development [Applicant]
 - Ann & Brooke Ferguson [Owner]
- Property Address:
 - \circ 1202 Greenville Highway
- Project Acreage:

o 6.91 Acres

- Parcel Identification (PIN):
 9578-01-3440
- Current Parcel Zoning:
 O GHMU
- Requested Zoning:
 O GHMU-CZD
- Requested Uses:
 Residential, Multi-Family
- Future Land Use Designation:
 - o High Intensity Neighborhood
 - o Medium Intensity Neighborhood
- Neighborhood Compatibility Meeting:
 December 14, 2022



SITE VICINITY MAP

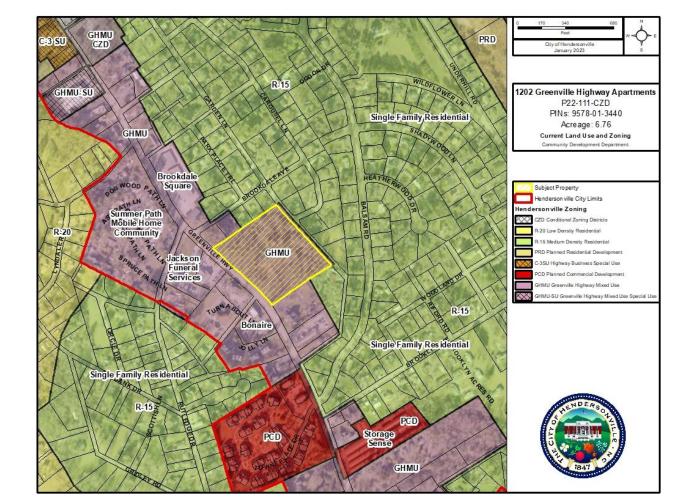
The City of Hendersonville is in receipt of an application for a Conditional Rezoning from David Gorman of Lock 7 Development, applicant, and Ann & Brooke Ferguson, property owner. The applicant is requesting to rezone the subject property (PIN 9578-01-3440) located at 1202 Greenville Highway from GHMU (Greenville Highway Mixed Use) to GHMU-CZD (Greenville Highway Mixed Use) conditional Zoning District) for the construction of 165 multi-family units on approximately 6.91 acres of forested land. This equates to a density of 24 units/acre.

The proposal includes the addition of 11-3-story multifamily structures and a clubhouse with a pool totaling 273,113 Sq Ft of Gross Floor Area. The apartment buildings propose to be 45' tall – with a condition exceeding the 42' height limit by 3'. Additionally, the development proposes 214 parking spaces at a rate of 1.3 spaces / unit.

The Site Plan meets the minimum requirements for Common Space (10%) and Open Space (40%). Of the 507 trees (12" dbh+) surveyed on the site, the proposal intends to preserve 195 (38%) and remove 312 (62%). A blue line stream is present in the north corner of the site. Wetlands are also present along the northwest side of the subject property.

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EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned Greenville Highway Mixed Use (GHMU). The length of the western boundary fronts along Greenville Highway (Major Thoroughfare). Parcels fronting along this corridor are primarily Zoned GHMU. A mix of residential, retail, restaurant and professional services are present along this corridor along with varying levels of intensity. While there are a mix of uses, the corridor has a unique local character partially due to the lack of chain stores, with a few exceptions.

Parcels abutting the property to the north, east and southeast are zoned R-15. This is a low-density zoning that represents the Brookland/Brookdale neighborhood, a single-family neighborhood primarily constructed during the 1950s, 60s, & 70s with some homes built in the early 20th century.

The existing tree canopy, creek, wetlands and wet weather drainage areas on the site are the defining natural characteristics. The heavily wooded site also features a dilapidated single-family home that is proposed to be demolished.

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SITE IMAGES



View along Greenville Highway facing northwest from current driveway point.





View of "Wetland Area B" as noted on survey at property line with Linkous property.



View of "Wetland Area A" and unnamed creek in north corner of subject property

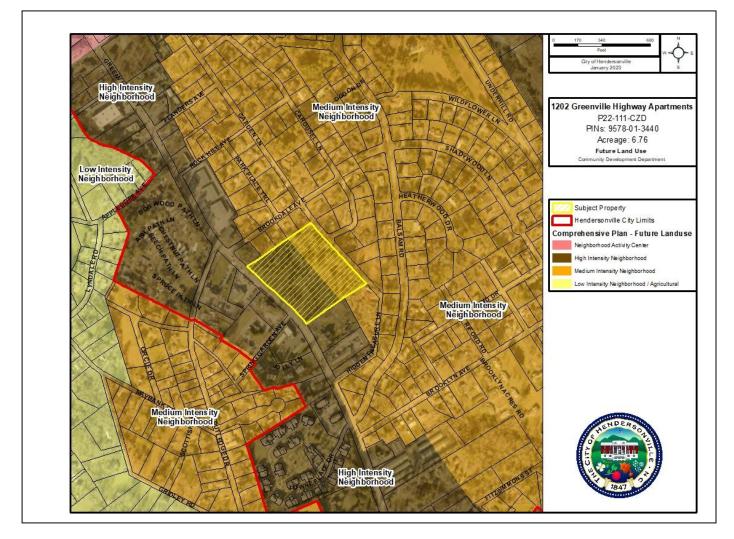
SITE IMAGES



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City of Hendersonville Future Land Use Map

The subject property is designated as both High Intensity Neighborhood and Medium Intensity Neighborhood in the 2030 Comprehensive Plan's Future Land Use map and fronts on a Major Thoroughfare. The two future land use designations for the subject property are also the dominant designations throughout the vicinity of the subject property. The High Intensity Neighborhood stretches along both sides of Greenville Highway. While the Medium Intensity Neighborhood designation is found primarily in the Brookland residential area, which is setback from and situated between Greenville Highway and Spartanburg Highway.

Traveling north on Greenville Highway, the subject property is located a 3/4 mile distance (15 min walk) from the Activity Node at S. Main St/Church St at the southern edge of downtown. This area contains a mix of commercial uses including four supermarkets. The subject property is also located 1 mile from the Activity Node associated with Spartanburg Hwy at the intersections of Brooklyn Ave and Shepherd St (no pedestrian facilities to this node).

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GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY		
Future Land Use	REAR OF SITE: Goal LU-6 - Medium Intensity Neighborhood: Provide a transition between High and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods. Strategy LU-6.2 Primary Land Uses: • Single Family attached and detached [INCONSISTENT]	
	• Open Space [CONSISTENT]	
	 Strategy LU-6.3 Secondary Land Uses: Limited multi-family residential along roadways designated as Boulevards or Major Throughfares on the Future Land Use Map [CONSISTENT] 	
	 Strategy LU-6.4 Development Guidelines: 2 to 8 Units per gross acre [INCONSISTENT - 24 Units/Acre proposed] At least 60% Open Space [INCONSISTENT - 40% Open Space proposed] Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing) [CONSISTENT] Encouragement of walkable neighborhood design, as described under Goal 	
	PH-3 in Chapter 2. [CONSISTENT] FRONT OF SITE:	
	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	
	Strategy LU-7.1. Locations: • Existing or planned high-density housing neighborhoods (greater than eight units per acre) [CONSISTENT]	
	• Priority infill development areas where high-density development is desirable	
	and/or expected, including: o Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT]	
	o Neighborhoods near Downtown, excluding historic neighborhoods [CONSISTENT] Strategy LU-7.2. Primary recommended land uses: • Multi-family residential [CONSISTENT]	
	 Strategy LU-7.4. Development guidelines: Eight or more units per gross acre [CONSISTENT] 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] • At least 60% open space in new residential developments greater than three acres	
	(e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [CONSISTENT]	Page 9
	 Encouragement of walkable neighborhood design, [CONSISTENT] 	

Land Use & Development	Growth Management (Map 8.3a): Designated as a "Priority Infill Area" (front of site near Greenville Hwy) and "Preservation & Enhancement Area" (rear of site off of Greenville Hwy) <u>Priority Infill Area</u> - 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] <u>Preservation/Enhancement Areas</u> - Developed areas in which few significant changes are expected, or undeveloped areas that are not considered a high priority for growth. The City should respond to development or redevelopment in these areas by maintaining and enhancing existing neighborhood character and maintaining consistency with Comprehensive Plan goals and strategies [INCONSISTENT] The project area is identified as a "development opportunity" 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] Goal LU-I . Encourage infill development that utilizes existing neighborhoods. [CONSISTENT] Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a. [PARTIAL/SPLIT] Infill development: Development that takes place within existing neighborhoods, making maximum use of the existing infrastructure instead of building on previously undeveloped land. -Centers for Disease Control and Prevention, Healthy Places Terminology Examples of opportunities for infill development include: • Scattered vacant lots • Underutilized commercial properties
Population & Housing	 Strategy PH-1.1 – Promote Compatible infill development Action PH-1.1.1 – Develop design guidelines for infill development Action PH-1.1.2 – Implement zoning map and/or text amendments as needed in the Priority Infill AreasAmendments will bring zoning standards in line with desired form and land uses. Action PH-1.5.6 – Promote installation of street trees through private redevelopment. Strategy PH-2.2 – Encourage provision of affordable housing units in new
	developments. Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services. Action PH-3.2.1 - Encourage pedestrian-friendly design features in residential developments, such as rear parking lots and front entrances in multi-family developments.
Natural & Environmental Resources	Goal NR-1Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat. Strategy NR-1.2 Protect land adjacent to streams to protect water quality, reduce erosion and protect wildlife habitat. Strategy NR-1.3 Encourage restoration of natural habitat and drainage patterns in developed areas. Strategy NR-1.5 - Continuously assess development and preservation efforts within areas planned as Natural Resources/Agricultural on the Future Land Use Map (Map 8.3b in Chapter 8) based on their conservation value

	Goal NR-2. - Provide a variety of quality open space, distributed equitably throughout Hendersonville, that can be used for recreational opportunities and aesthetic enhancements
	Strategy NR-2.1 Encourage clustered development that preserves open space while allowing a return on investment.
	Strategy NR-2.3Promote preservation of woodlands
	Strategy NR-2.4 Promote the location and design of open space areas within developments so that they contribute to and link individual homes to the City's green infrastructure network.
	Strategy NR-3.2. Enable and encourage Low-Impact Development practices in stormwater management
Cultural & Historic Resources	The subject property is less than 1/4 mile from a locally-designated historic landmark, the <u>Brookland Charles Edmondston House</u> at 299 Balsam Rd.
	The surrounding residential area appears to be a mix of pre and post-WWII early suburban development.
	No Goals, Strategies or Actions are directly applicable to this project.
Community Facilities	No Goals, Strategies or Actions are directly applicable to this project.
Water Resources	Strategy WR-2.1. Continue to fund and operate the City's stormwater management program. This program, as required through Phase II of the Federal Clean Water Act, includes the following elements: Action WR-2.1.5 Continue to require the control of post construction runoff through the City's stormwater regulations.
	Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff.
	Strategy WR-2.3. Enable and encourage Low-Impact Development practices in stormwater management
Transportation & Circulation	Strategy TC-1.1 Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.
	Strategy TC-1.4. Encourage pedestrian connections between dead end streets and adjacent neighborhoods.
	Strategy TC-2.2. Preserve and expand the public greenway system as a core component of the bicycle and pedestrian transportation system

GENERAL REZONING STANDARDS		
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –	
	The subject property is currently vacant with a dilapidated single-family home and associated outbuildings. The site is heavily wooded and fronts on Greenville Highway (Major Thoroughfare). Greenville Highway presents a wide range of land uses with intensity increasing as you approach the intersection of Spartanburg Hwy. Despite the range of commercial uses, the corridor is primarily locally-owned businesses in 1-2 story structures. At the rear of the site is a well-established neighborhood defined by detached single-family homes. The density of the Brookland/Brookdale neighborhood is roughly 1.73 units/acre.	
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -	
	There have been two new single-family homes constructed to the rear of the subject property on Garden Ln. Beyond that development, no significant changes have occurred in the vicinity of the subject property. The approval of the Greenville Hwy Apartments at the corner of Chadwick Ave would add an additional 80 units to the area if constructed. No Final Site Plan has been submitted for that project.	
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -	
	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. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 2.837 units with rental units making up 1.936 of those units - 711 of these are under construction. If this project is approved, Hendersonville's recently-approved rental units would total 2.101. It should also 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 the '1,650 to 2,008-unit gap', exist for those income levels greater than 120% AMI.	
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment	
	The site will be served by City water and sewer service. Greenville Hwy is designated as a Major Thoroughfare in the Comprehensive Transportation Plan and is maintained by NCDOT. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.	

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Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	Of the total 507 trees on the site with DBH of 12" or greater, 312 trees are proposed to be cleared/removed (62%). Of the 196 trees that are slated for preservation, 38 of them are being reflected for a total of 101 Tree Credits – potentially offsetting the planting of 101 new trees that are required per zoning code for this project. In total, the developer proposes to plant 19 trees of the 120 trees required by the City's Zoning Ordinance. Clarification is still needed on this point. An ephemeral stream running through the center of the site is proposed to be piped. A creek that runs along the northern corner of the property is proposed to be buffered and remain undisturbed. There are two wetland areas on the site that should remained undisturbed with the exception of flood mitigation work that is proposed under Condition #6.

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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 petition aligns with the City's 2030 Comprehensive Plan's Goals for the 'High Intensity Neighborhood' & 'Medium Intensity Neighborhood' Future Land Use Designations to provide high density housing and compatible infill development on major thoroughfares.

We **[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 proposed density is appropriate along a Major Thoroughfare
- The petition proposes to provide additional housing to offset local rental demand.

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

The petition does not align with the City's 2030 Comprehensive Plan's Goals for the 'Medium Intensity Neighborhood' Future Land Uses Designation to provide density at a rate of 2 to 8 units per acre.

We **[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 [Rational for Denial]

- The scale of the development is out of character with the surrounding single-family neighborhood.
- The proposal fails to address compatibility as the site plan does not scale back in intensity/density as the site transitions from Greenville Highway to the R-15 Single-Family neighborhood.
- The extent of the proposed land disturbance would do excessive damage to urban forest land and natural drainage areas within the city limits.

PROPOSED REQUEST DETAILS

Site Plan Summary:

- \circ The site plan accompanying this petition contains the following provisions:
 - II multi-family apartment buildings + clubhouse totaling 91,697 Sq Ft (footprint) and 273,113 Sq Ft (gross floor area) with a density of 24 Units / Acre.
 - Apartment Buildings:
 - Covers 2 Acres (30%) of Site
 - Proposed Height = 45' (Max Height 42')
 - Buildings vary in size and unit count
 - First floor garages
 - Clubhouse 22' Tall building w/ mailroom
 - $\circ \quad \text{Other Amenities}-\text{Seating}$
 - Driveways and Parking:
 - Covers I.42 Acres (21%) of Site
 - Parking Provided: 214 Spaces (1.3 spaces / unit)
 - Common Space = .69 Acres (10% of Site)
 - Open Space = 2.76 Acres (40%% of Site)
 - Natural Features: Existing Trees, 30' Stream Buffer; 20' Transition Area; Delineated Wetlands
 - Disturbed Area = 5 Acres
 - Retaining Walls
 - Crosswalks, internal sidewalks, pedestrian connections to Greenville Hwy and Garden Ln
- Proposed Uses:
 - Residential, Multi-Family
- Developer Conditions:
 - Developer Proposed Concessions:
 - None
 - Developer Proposed Conditions:
 - Install I 2" caliper tree for every 500 Sq Ft of Common Space (59 Proposed Trees in addition to the saved trees and associated credits) & Install I – 1.5" caliper tree and 5 – I Gal. shrubs for every 4,000 Sq Ft of Open Space (29 Additional Trees and 147 Shrubs). All plantings will be distributed throughout the project
 - Staff Comment: The Zoning Code requires that Common Space trees be a minimum of 3" in caliper. Developer has provided research study which demonstrates that larger caliper tree plantings may not be as successful or productive as smaller caliper plantings. Tree Board reviewed this proposed condition and made a motion recommending 2-2.5" caliper plantings.

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- No Street Trees provided except for Greenville Highway. A mix of existing trees and 2 new trees will serve to satisfy street tree requirements for Greenville Highway.
 - Staff Comment: Entry Corridor standards require Street Trees along Greenville Highway every 50'. The standards allow for the use of existing trees when of sufficient size and in good health.
- No sidewalk will be constructed along Garden Lane or Hidden Treasures Lane rights-of-way.
 - Staff Comment: City standards require sidewalks be constructed along existing streets/public rights-of-way. Fee-inlieu should be considered if sidewalk requirement is waived.
- Building Height of 45'
 - Staff Comment: Exceeds Max Height Standard for GHMU by 3' (42' Max)

OUTSTANDING ISSUES & PROPOSED CONDITIONS

COMMUNITY DEVELOPMENT

Site Plan Comments:

The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Greenville Highway Mixed Use (5-22) & the Entry Corridor (5-18) with the following exceptions:

- o Identify trees on tree survey and provide corresponding list [resolved].
- Illustrate 20' "transition zone" from stream buffer and shift building out of transition zone. [resolved].
- Update landscaping plan to show required plantings for Entry Corridor, Common Space & Mixed Use Developments and/or requested Tree Credits [resolved].
- Add sight triangles [resolved]
- Add dimensions of all buildings [resolved]
- Provide Elevations for all 4 sides of building [resolved]
- 50% of Vehicular Use Area Landscaping must be in islands [resolved]
- Planting Strip required [resolved]
- Provide 12'x40' Loading Zone [outstanding]
- Clarify if Tree Credits are being used. If not, landscaping plan to be updated to reflect location and species of required tree plantings [outstanding]

Additional Comments:

The 2007 French Broad River MPO Comprehensive Transportation Plan identifies the Greenville Highway Corridor as "needing improvement". This improvement has a priority ranking of "medium" and involves adding turn lanes, widening shoulder and improving geometrics, possible multi-lanes (see p. 143). Given the status of the corridor, the City has the authority to require the dedication of right-of-way to accommodate the needs of future improvements per Section 6-15-2 of the Zoning Code.

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Proposed City-Initiated Conditions:

 Due to Greenville Highway (NC 225) having been identified as a corridor "needing improvement" in the French Broad River MPO's Comprehensive Transportation Plan and in accordance with Section 6-15 of the Zoning Code, the developer shall dedicate right-of-way, from property line to property line, 50' from Centerline of Greenville Highway in order to accommodate future improvements. [outstanding]

CITY ENGINEER

Site Plan Comments:

- No easement needed for water. [resolved]
- Relocate stormwater outfall so not directed at manhole [resolved]
- Shift sewer line so not impacted by retaining wall [resolved]
- Driveway aprons to be 6" thick concrete [resolved]

Proposed City-Initiated Conditions:

o None

WATER / SEWER

Site Plan Comments:

• RPZ needs to be installed as close to meter as possible and above ground in a heated enclosure. [resolve at final site plan]

Proposed City-Initiated Conditions:

o None

FIRE MARSHAL

Site Plan Comments:

- Relocate Fire Hydrant towards main drive aisle [resolved]
- Sprinkler system required in all buildings. Provide flow calculations for the system if RPZ is needed. Backflow/hotbox and FDC locations will need to be provided prior to site construction [resolve at final site plan]

Proposed City-Initiated Conditions:

o None

STORMWATER ADMINISTRATOR

Site Plan Comments:

- Under current conditions there are existing residential flooding issues related to the function of a privately owned 24" stormwater pipe running along the northern border of the development site and;
- The development plan, as proposed, would increase the volume of water being discharged upstream of this pipe compared to current conditions and;
- \circ The discharge of stormwater would be concentrated to a single discharge point
- \circ Developer to submit all finalized permits for stream/wetland impact from the

state or army corps before City grants approval of the Final Site Plan. [outstanding]

Proposed City-Initiated Conditions:

- Developer to provide a plan to alleviate the flooding on the NE corner of the development site by: [Developer Agreed]
 - a) restoring the function of the existing 24" pipe
 - b) replacing the existing 24" pipe behind 106 Brookdale utilizing a temporary construction easement,
 - c) installing additional on-site drainage infrastructure adjacent to the existing 24" pipe to mitigate flooding, or
 - d) daylighting the existing piped section of the stream behind 106 Brookdale
- Design the post-construction stormwater management system to retain the 25year 24-hour storm event. [Developer Agreed]

FLOODPLAIN ADMINISTRATOR

Site Plan Comments:

- Separate stormwater system from water/sewer system [resolved]
- Show clean outs, service should be a minimum of 90 degrees from downstream [resolve at final site plan]

Proposed City-Initiated Conditions:

o None

PUBLIC WORKS

Site Plan Comments:

 Ensure proposed waste collection is adequate to meet City Standards [resolved]

Proposed City-Initiated Conditions:

o None

NCDOT

Site Plan Comments:

Driveway offset or aligned with opposing street intersection? [resolve at final site plan]

Proposed City-Initiated Conditions:

o None

HENDERSON COUNTY SOIL & EROSION CONTROL

Site Plan Comments:

• SESC Approval will be needed since project will have greater than I acre of land disturbance. [resolve at final site plan]

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Proposed Condition:

o None

TRANSPORTATION CONSULTANT

TIA Comments:

- An initial TIA was submitted on January 6, 2023.
- The TIA was deemed to be incomplete by the City's Transportation Consultant. This was due to a range of Technical Revisions that were enumerated in the review memo.
- A revised TIA was resubmitted on February 13. The revised TIA was reviewed and deemed complete. The 2-17-23 TIA Review Memo is provided in your packet.
- The expected Trip Generation for the proposed development is as follows:
 - 836 Daily Trips
 - 70 AM Peak Hour Trips
 - 72 PM Peak Hour Trips
- \circ The following intersections were included in the TIA:
 - I. NC 225 at US 176/Fresh Market (signalized)
 - 2. NC 225 at White Street/Walgreens (signalized)
 - 3. NC 225 at Chadwick Avenue/Chadwick Square Court (signalized)
 - 4. NC 225 at Spring Garden Avenue/Access #1 (unsignalized)
 - 5. NC 225 at Brooklyn Avenue (unsignalized)
 - 6. US 176 at Chadwick Avenue (unsignalized)
 - 7. US 176 at Brooklyn Avenue (signalized)
 - 8. NC 225 at Access #2 (unsignalized)

Recommendations:

- Access 2 should be configured in a manner that eliminates the offset left arrangement with the Hendersonville Family Dental. This configuration should be agreed up by NCDOT and the City of Hendersonville
- Should the Access #2 not be able to be configured in an acceptable manner that removes the overlapping left turns into the site and Hendersonville Family Dentist office, the driveway should be converted to a RIRO. Should a RIRO be implemented at Access 2, the relocated left-turns from Access 2 to Access I would, based on a review of turn lane warrants, justify the installation of a leftturn lane into the site at Access I with 25 ft of storage. Should a turn lane be installed it should be designed in accordance with NCDOT guidelines.

Proposed Condition:

 Developer to address/implement recommendations from City Transportation Consultant.

TREE BOARD

Recommended Conditions:

- See Tree Board Summary
- Developer Agreed to Tree Board conditions in full and in part details in summary.