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PLANNING DEPARTMENT

CITY OF CONWAY

TREE BOARD MEETING AGENDA

Wednesday, April 26, 2023 | 4:00 p.m.

City of Conway Planning & Building Dept. – 196 Laurel Street

- I. CALL TO ORDER**
- II. ELECTION OF OFFICERS**
- III. APPROVAL OF MINUTES – April 12, 2023**
- IV. TREE APPEALS**
 - A. 1841 Spivey Ave:** The applicant, requests approval to remove a Landmark Live Oak tree from the property located at 1841 Spivey Ave (PIN: 368-02-03-0133).
- V. PUBLIC INPUT**
- VI. BOARD INPUT**
- VII. STAFF INPUT**
- VIII. ADJOURN**

**CITY OF CONWAY
TREE BOARD MEETING
WEDNESDAY, April 12, 2023**

Present: Jacqueline Kurlowski, McKenzie Jordan, Autry Benton, Gerry Wallace, Duc Watts
Absent: Jamie McLain, Troy Roehm
Staff: Jessica Hucks, Planning Director; Katie Dennis, Planning Concierge; Wanda Lilly, City Arborist
Other: None

I. CALL TO ORDER

Chairman Jordan called the meeting to order at approximately 4:23 p.m.

II. APPROVAL OF MINUTES

Watts made a motion to accept the minutes as written and seconded by Benton to approve the December 14, 2022 minutes. The vote in favor was unanimous. The motion carried.

III. TREE MITIGATION REQUESTS

- A. 1463 Whooping Crane Drive:** The applicant, G3 Engineering & Surveying, is appealing the tree mitigation amount that has been assessed by the arborist for tree mitigation (fee in lieu of planting mitigated trees) for the property (proposed Dollar General) located at 1528 Fourth Ave (PIN 368-03-03-0010).

Hucks stated that the subject property is proposed to have a Dollar General constructed onsite. During civil plan review, the applicant submitted a landscape plan showing the existing trees onsite, including ones proposed for removal. The original intent was to plant the required number of trees that were required to satisfy mitigation, as reflected on the original approved landscape plan. A tree survey is also included in your packet, showing the protected trees that existed on this site.

After reviewing the plans and visiting the site, the arborist assessed the required tree mitigation for the property, for the protected trees to be removed that are within the proposed building footprint. Based on the total DBH to be removed (116 inches), a total of 29 trees, a minimum of 4-inch caliper (each) would need to be replanted, OR a mitigation fee of \$21,750.00 could be paid in lieu of planting the mitigated trees. The applicants originally intended to plant the required number of trees to satisfy mitigation requirements, but due to lot constraints, the applicant has opted to pay the fee in lieu. The applicant is seeking a reduction in the amount that has been assessed, based on the lot size limitations. A revised landscape plan is included in this packet as well. The trees for which mitigation is based are outlined in red.

The civil plans have been approved and in conjunction with the approval of the civil plans, protected tree removals were also approved. Mitigation must be satisfied prior to a Certificate of Occupancy being issued, in accordance with the ordinance.

Protected Trees approved for removal:

- 28” Live Oak
- 20” Pin Oak
- 14” Turkey Oak
- 14” Water Oak
- 22” Live Oak
- 18” Live Oak

Total DBH proposed for removal: 116 inches.

116 inches divided by 4 inches DBH (minimum caliper of tree proposed for mitigation): 29 trees, or pay mitigation fee in lieu of **\$21,750.00**

The applicant was not present to further explained the appeal.

The board and staff discussed the appeal in length.

Kurlowski made a motion that the item be deferred until the applicant can meet with the city arborist and provide a better landscape plan for tree mitigation. Benton seconded the motion and the motion carried unanimously.

IV. PUBLIC INPUT

None

V. BOARD INPUT

Watts informed the board of a different town’s mitigation fee for informational purposes.

VI. STAFF INPUT

Hucks informed the board that the election of officers would take place at the next meeting, and briefly updated the Board on the updates to the Tree Preservation Ordinance.

VII. ADJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting at approx. 4:43 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this _____ day of _____, 2023.

McKenzie Jordan, Chairperson

DATE: APRIL 26, 2023
AGENDA ITEM: IV.A

ISSUE:

The applicant, Charles Kemper, requests approval to remove a Landmark Live Oak Tree from the property located at 1841 Spivey Ave (PIN 368-02-03-0133).

BACKGROUND:

The tree in question is a *Quercus virginiana* (Live Oak) with a D.B.H. of 50-inches.

The tree is a Landmark Live Oak that is located in the middle left of the parcel. The tree has been struck by lightening in the past. Due to this, the majority of the tree's limbs are dead and the remainder are dying.

The lot is proposed to be developed (residential).

The tree will not recover from the lighting strike(s), as there are no maintenance and/or cultural methods that can correct the issue.

The arborist recommends removal of the tree.

City of Conway Tree Preservation Ordinance:

Section 3-4-8 – Tree Preservation

- (b) Landmark trees. The following trees shall be considered landmark trees and shall not be removed from any lot in the city limits of Conway without a landmark tree removal permit:
- 1) All live oak trees designated on the map entitled "*The Oaks of Conway, South Carolina*," researched and prepared by Evelyn Snider, Joseph N. Pinson, Jr., and Eugene Holbert;
 - 2) Any live oak tree equal to or in excess of 30 inches d.b.h.;
 - 3) Any tree that city council designates as a landmark tree.

The proposed removal of any tree listed above shall be subject to mitigation of trees approved for removal, *Section 3-4-10*.

Section 3-4-9 – Tree Permits Required

- (b) Landmark Tree Removal Permit. This permit is necessary to remove any landmark tree on any lot within the City of Conway. Requests to remove landmark trees shall be reviewed on a case-by-case basis by the city arborist; then by the Conway Tree Board. The Conway Tree Board may authorize the city arborist to issue a landmark tree removal

permit for the removal of a landmark tree provided the board determines one or more of the following:

- 1) **The tree is classed as a hazard tree, is in irreversible decline, and cannot be properly pruned to alleviate such condition;**
- 2) The tree is diseased or infectious as certified by a registered forester or certified arborist or the city arborist and cannot be properly treated or pruned to alleviate such condition;
- 3) The tree is located on an undeveloped lot in such a position that the lot cannot be developed in a reasonable and prudent manner. In this instance, the tree board shall consider a request for a variance from a particular zoning requirement if it would alleviate the need to remove such landmark tree; and if so determined, initiate such request with the board of zoning appeals. In this instance, if no alternative to the removal of the landmark tree can be obtained, the tree board may attach any conditions to the permit the tree board deems necessary to ensure compliance with the intent of this chapter;
- 4) The tree is causing visible structural damage to a building and no feasible alternative other than removal of such tree exists, as certified by a structural engineer.

All landmark tree removal permits are valid for 6 months from the date of issue.

A condition of the landmark tree removal permit shall be mitigation as defined in *Section 3-4-10*.

Section 3-4-15 – Appeals

(b) Denial of landmark tree removal permit. Any person denied a landmark tree removal permit by the tree board may appeal to Conway City Council. An appeal must be filed in writing within 10 working days of the denial of the permit to the city arborist.

RECOMMENDATION:

Approve the applicant's request to remove the tree.

