

**CITY OF CONWAY
TREE BOARD MEETING
WEDNESDAY, JULY 13, 2022
Public Safety Building – 1600 Ninth Ave**

Present: Jacqueline Kurlowski, Duc Watts, McKenzie Jordan, Autry Benton, Gerry Wallace

Absent: Troy Roehm, Jamie McLain

Staff: Jessica Hucks, Planner; Anne Bessant, Planning Assistant; Katie Dennis Planning Concierge; Allison Hardin, Planning & Development Director; Wanda Lilly, City Arborist

Other: Hillary Howard, David Schwerd, Kathy Ropp, Rosa Van Pelt, George Van Pelt

I. CALL TO ORDER

Chairman Jordan called the meeting to order at approximately 4:10 p.m.

II. APPROVAL OF MINUTES

Benton made a motion to accept the minutes as written and seconded by Kurlowski to approve the June 8, 2022 minutes. The vote in favor was unanimous. The motion carried.

III. TREE REMOVAL REQUEST

- A. *Previously Deferred - 206 Lakeland Drive:*** The applicants, Rosa and George Van Pelt, are requesting retroactive permission to remove a Landmark Live Oak Tree from their property at 206 Lakeland Drive (PIN 339-09-01-0015).

Hucks stated that on 5/13/22, staff was alerted to tree removal activities in progress at 206 Lakeland Dr. Staff researched and found that no tree removal permits had been issued for the project, so a site visit was performed. Staff observed the remains of several large trees, including a large oak stump in the rear of the property.

Staff evaluated the stump and determined that it was a *Quercus virginiana* (Live Oak) with a D.B.H. of 32 inches. This measurement put the tree into the Landmark category. Per city code, only the Tree Board may approve the removal of a Landmark tree.

In discussion with the homeowner on site, they claim that the tree was leaning over the roof when they cut it down. Stump development indicates the tree had grown away from the house in the formative decades, and photo evidence is missing to show that it changed course to grow over the house.

The applicant has received tree removal permits before, on other properties they own, and were aware of the process in the City of Conway. The applicant had also received pruning advice from the city

arborist on previous occasions. They had not received a site visit from the city arborist to discuss pruning options, nor had they received permission to take the landmark tree down, prior to starting work the week of May 9-13, 2022.

Staff recommends that the board thoroughly review the request.

Hucks clarified that the fine is for 24 trees at \$450 each for a total of \$10,800 in mitigation fees, tripling the D.B.H. of the tree in question.

Hardin further explained the history of the request.

George Van Pelt, applicant was present and further explained the request with saying the tree was leaning over towards the house and would be in the way of a proposed addition. He said this was just an oversight due to his medical situation and the tree would have needed to come down or be trimmed anyway. He also provided a tree estimate and home inspection report regarding the tree to the board.

The board and applicant discussed the request in length.

Benton made a motion to deny the retroactive permission and hold the applicant responsible for paying \$10,800 in mitigation fees. Watts seconded the motion and the motion carried with Wallace voting no.

IV. TREE MITIGATION REQUESTS

- A. **Kingston Bay Subdivision:** The applicant, David Schwerd, representative for Diamond Shores, LLC, is requesting a reduction in the total amount of tree mitigation fees that have been assessed by the City Arborist for the Kingston Bay subdivision, located at the corner of Oak Street and Cultra Road (PIN 325-00-00-0012).

Hucks stated that the property in question is currently under review, to be developed as a single-family subdivision with approximately 156 lots. As part of the plan submittal, a tree survey is required. Staff reviewed a recent tree survey submitted by the applicant in March of this year. The tree survey included an updated inventory of trees that had been removed from the property during the land disturbance process. Based on the information provided, staff assessed the mitigation fees owed for removal of protected trees at ~~\$152,100~~ **\$148,950**, or that a minimum of 331 replacement trees at 4-inches in caliper be planted onsite (~~1,352"~~ **1,321"** total DBH). The applicant is appealing the fee to the Tree Board, requesting a reduction of the mitigation fee to \$50,000.

The applicant states the following in his application:

"We would like to reduce the tree mitigation fee from \$152,100 down to \$50,000. We have put a 47.19-acre conservation easement on the Kingston Bay project. This parcel is already partially wooded and will remain undisturbed - to be developed into a large urban forest. The area could be deeded to the city if they wished. The conservation easement will help the City of Conway by meeting the intent of the Tree Preservation Ordinance. The conservation easement area already has 1,540" DBH of large trees

* After review of existing pictures it appears that the board would not have approved the removal of the tree if giving the option prior to it being cut.

plus 600" DBH+ in the developed area."

Staff recommended that the board thoroughly review the request.

David Schwerd, applicant was present and further explained the request.

The board and applicant discussed the request in length.

Benton made a motion to approve the reduced mitigation fee of \$50,000 as requested. Wallace seconded the motion and the motion carried unanimously.

V. PUBLIC INPUT

None

VI. BOARD INPUT

None

VII. STAFF INPUT

None

VIII. ADJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting at 5:12 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this 27th day of July, 2022.



McKenzie Jordan, Chairperson