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PLANNING DEPARTMENT

CITY OF CONWAY

TREE BOARD MEETING AGENDA

Wednesday, April 12, 2023 | 4:00 p.m.

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

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES – December 14, 2022**
- III. TREE APPEALS**
 - A. 1528 Fourth Ave (Dollar General):** The applicant, G3 Engineering & Surveying, is appealing the tree mitigation amount that has been assessed by the City Arborist for tree mitigation (fee-in-lieu) for the property located at 1528 Fourth Ave (PIN 368-03-03-0010).
- IV. PUBLIC INPUT**
- V. BOARD INPUT**
- VI. STAFF INPUT**
- VII. ADJOURN**

**CITY OF CONWAY
TREE BOARD MEETING
MONDAY, DECEMBER 19, 2022
Via ZOOM**

Present: Jacqueline Kurlowski, McKenzie Jordan, Troy Roehm, Autry Benton, Gerry Wallace, Jamie McLain
Absent: Duc Watts
Staff: Jessica Hucks, Planning Director; Anne Bessant, Planning Assistant; Wanda Lilly, City Arborist
Other: Kathy Ropp, Louis Coraci

I. CALL TO ORDER

Chairman Jordan called the meeting to order at approximately 4:50 p.m.

II. APPROVAL OF MINUTES

Kurlowski made a motion to accept the minutes as written and seconded by McLain to approve the October 26, 2022 minutes. The vote in favor was unanimous. The motion carried.

III. TREE MITIGATION REQUESTS

- A. **1463 Whooping Crane Drive:** The applicant, Louis Coraci, is appealing the tree mitigation amount that has been assessed by the City Arborist for tree mitigation on the property located at 1463 Whooping Crane Drive (PIN 384-07-04-0009).

Hucks stated that the arborist visited the property and assessed the tree mitigation for the trees proposed to be removed that are in the building footprint of the proposed home. Based on the total DBH, the arborist determined that 25 trees, a minimum of 4-inch caliper (each) would need to be replanted or a mitigation fee of \$18,750.00 could be paid in lieu of planting the mitigated trees.

Note: these trees are only proposed for removal, and a protected tree removal permit can be issued. This request is different from appeals for fines for trees that were removed without a tree removal permit or appeals to remove protected / landmark trees. The arborist has stated that a tree removal permit could be issued; however, mitigation, as specified below, would be required.

Trees proposed for removal on lot:

- 15” Maple
- 18” Laurel Oak
- 14” Laurel oak
- 12” Maple
- Cluster Maple – 14”, 12” and 12”

Total DBH proposed for removal: 97 inches.

97 inches divided by 4 inches DBH (minimum caliper of tree proposed for mitigation): 24.25 (rounded up to 25 trees), or pay mitigation fee in lieu of \$18,750.00

Staff supports the recommends that the board thoroughly review the request.

Louis Coraci, applicant was present and further explained the appeal.

The board, Staff, and the applicant discussed the appeal in length.

McLain made a motion that the applicant plant 6 canopy tree per the ordinance and pay a tree mitigation fee of \$9,975. Kurlowski seconded the motion and the motion carried unanimously.

~~**B.** 1307 Collins Park Street: The applicant, Duane Brown, is appealing the decision of the Arborist to deny a tree permit to remove a protected/landmark tree from the property located at 1307 Collins Park Street (PIN 338-11-03-0027). Withdrawn by the applicant.~~

IV. DISCUSSION

A. Discussion regarding moving the Tree Board to be under the purview of the Board of Zoning Appeals (BZA).

Hucks gave the board an overview of possible changes regarding the tree board.

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 approx. 5:33 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this _____ day of _____, 2023.

McKenzie Jordan, Chairperson

DATE: APRIL 12, 2023

AGENDA ITEM: III.A

ISSUE:

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).

BACKGROUND:

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**

Attachments:

Tree Survey;

Original approved landscape plan showing trees to be planted onsite to satisfy mitigation along with other landscaping requirements;

Revised landscape plan showing required landscaping, protected trees to remain, and protected trees that were approved for removal.

City of Conway Tree Preservation Ordinance:

Section 3-4-8 – Tree Preservation

The removal or destruction of any tree as referenced below within the city limits of Conway without the necessary tree removal permit shall be prohibited. No person shall intentionally damage, cut, carve, transplant, or remove ... any portion of any tree listed in the protected tree table in *Section 3-4-8(a)*. All trees required for preservation shall be in addition to any landscaping required by the City's landscaping ordinance as part of the overall development of the site. The proposed removal of any tree listed above may be subject to mitigation of trees approved for removal, Section 3-4-10.

(a) Protected trees (*only those proposed for removal included below*):

5. Live Oak (*Quercus virginiana*): 8" d.b.h. or greater
11. All Oak Species (*Quercus*): 14" d.b.h. or greater

Section 3-4-9 – Tree Permits Required

(a) Protected tree removal permit. This permit is necessary to remove any protected tree on any lot within the City of Conway. Requests to remove protected trees shall be reviewed on a case-by-case basis by the city arborist. Prior to the issuance of a tree removal permit for a protected tree, the city arborist shall determine that one (1) or more of the following conditions exist:

- (1) The tree is considered hazardous per the definition in *section 3-4-6(8)*;
- (2) The tree is dead or in irreversible decline as determined by the city arborist;
- (3) The tree has an untreatable disease or insect pest problem as certified by a registered forester, certified arborist, or by the city arborist;
- (4) The tree or its root system is causing visible damage to structures, and/or areas used for pedestrian and vehicular traffic;
- (5) The tree or its root system is causing damage to structures or underground utilities, as certified by a structural engineer;
- (6) Trees within power line easements that cannot be properly pruned by the local utility company;
- (7) Trees, after proper pruning, which remain classed as hazard trees;

(8) The tree is located in the footprint of a proposed addition or expansion, and there are no practical alternative locations on the lot for the addition or expansion or practical means to build around the tree.

Protected trees may only be removed with the written approval of the city arborist. All protected tree removal permits are valid for six (6) months from the date of issue.

Sec. 3-4-10 - Mitigation of trees approved for removal.

In cases where any type of tree removal permit is issued, mitigation planting may be required to compensate for the loss of the removed tree(s). The species of replacement trees shall be selected from one (1) of the following sources:

- (1) Shade trees or ornamental trees listed in the recommended plant list of the Conway ~~zoning ordinance (section 11.1115)~~ **Unified Development Ordinance (UDO), Article 9**;
- (2) Trees listed as protected trees in *section 3-4-8(a)* of this chapter;
- (3) Other trees as approved by the city arborist.

All mitigation tree selections shall be reviewed and approved by the city arborist or the Conway tree board. An effort should be made to include a diversity of species when planting mitigation trees.

(a) Mitigation for trees removed with any approved protected or landmark tree removal permit. Table below shall be used to calculate mitigation tree requirements for protected and landmark trees removed *with* a permit.

Table 1.

Diameter of Tree Removed (d.b.h.) rounded up	Number of Replacement	Min. Caliper of Replacement	Alternate Fee
4" through 6"	Equal to number of d.b.h. inches removed	2"	Current nursery market value for required replacement plus associated installation costs
7" or greater	Same as above	4"	Same as above

All required mitigation trees must be planted within 12 months of the issuance of the removal permit.

(b) Mitigation for property unable to retain the required number of trees with any approved tree cutting permit.

- (1) If a property owner obtains a tree cutting permit to remove any tree planted or retained to meet the City of Conway landscape requirements from the ~~zoning ordinance~~ **Unified Development Ordinance (UDO)**, he/she shall be required to replant the minimum landscape requirements for the use as stated in the Conway ~~zoning ordinance~~ **UDO**.
- (2) If a property owner / applicant cannot preserve or if there is less than a minimum of 10 trees (min. 6" d.b.h.) or 60 inches of d.b.h. per actual acre, the property owner / applicant shall re-establish the number of 3-inch d.b.h replacement trees necessary to meet the 60 d.b.h. per acre requirement. If the site is less than an acre in size, the fractional requirement (rounded up to the nearest whole number) shall prevail.
- (3) **A property owner may apply to the Tree Board for relief from the tree mitigation requirements. The tree board may waive the tree mitigation requirements if the applicant illustrates that there are unique topographic conditions that prevent the planting of the replacement trees. In this case, the tree board may require that payment of a fine in the amount equal to the current nursery market value for the required replacement trees plus associated costs of installation for as many three (3) inch d.b.h. to meet the total required d.b.h. inches of the site.**
- (4) All mitigation trees required as a condition of a tree cutting permit must be installed prior to the issuance of a certificate of occupancy of any commercial building or residential home or the recording of a final plat on any proposed major development. The property owner or developer may post a financial guarantee for mitigation trees in accordance to the standards of ~~Section 11.1105 of~~ the landscape requirements of the Conway ~~zoning ordinance~~ **UDO**.

Current nursery values used for 4" trees are \$750 each (mitigation fees (fee-in-lieu of planting mitigated trees) do not include installation costs).

RECOMMENDATION:

Staff recommends that the board thoroughly review the request.