



TREE BOARD RECOMMENDATION
1202 Greenville Highway (P22-111-CZD)
Meeting Date: January 17, 2023

PETITION REQUEST: Rezoning: GHMU - Conditional Zoning District (GHMU-CZD)

APPLICANT/PETITIONER: David Gorman, Lock 7 Inc. [Applicant]
Ann & Brooke Ferguson, Inc [Owners]

TREE BOARD ACTION SUMMARY:

The developer presented to the Tree Board at a regular meeting on Tuesday January 17, 2023. The following Tree Board members were present: Mary Davis, Mac Brackett, Becca Doll, and Joe Peiso.

SUMMARY

The subject property is a heavily wooded site. Of the total 507 trees on the site (with dbh of 12" or greater), 312 trees are proposed to be removed (62%). At the time of the Tree Board meeting, the developer's landscaping plan was lacking a minimum of 90 required tree plantings. There was also significant concern from the Tree Board members that the tree survey information submitted by the applicant lacked sufficient detail to effectively evaluate the impact of the proposed development on the existing tree canopy. Staff has agreed to bring the revised Site Plan/Landscaping Plan back to the Tree Board prior to this item proceeding to City Council.

Also of note to the Tree Board was the presence of drainage basins and wetlands on the site.

PUBLIC COMMENT

Four members of the public spoke to the Tree Board in opposition to the development. Those speaking included: Lynne Williams, David Thomas, Joe Stancarisels, and Heather Starr. Their concerns related to the following: lack of information submitted by applicant, amount of tree loss proposed, lack of complete/accurate landscaping plan, concerns related to buffering light from the site and the need for stronger ordinances/protection of tree canopy.

MOTION

1. All areas outside of the limits of disturbance shall be maintained in as natural a vegetative state as possible with the following exceptions: control of invasive plant species and planting native vegetation to enhance wildlife habitat and/or improving the tree canopy. No turf grasses shall be planted in this area.[Developer Agreed]

2. If the final site plan varies in a way that reduces the number of trees intended for preservation (as noted on submitted plans of 01/06/23) by more than 10%, then it shall trigger a major modification and require a new CZD process, including that it be reviewed by the Tree Board again before proceeding to City Council. [Developer Agreed and added the following language:

“Arborist to have final review of existing trees to determine those that are in good health; trees that are not in good health can be removed for safety without counting against final preservation count.”]

3. All preserved trees shall be protected from grading and construction activities as prescribed in the zoning code Section 15-4 regardless of use as tree credits. [Developer agreed in part, providing this alternative language as a condition: “All preserved trees shall be protected from grading and construction activities as directed by certified arborist; all saved and removed trees will be at the final recommendation of the arborist.”]

4. Invasive trees, shrubs and ground cover shall be removed, particularly English Ivy, throughout the site, especially in the areas where trees are preserved. Care shall be taken to not substantively disturb the root systems of preserved trees. Invasive trees and shrubs can be cut off at ground level and the stump treated to kill the roots. Control of English Ivy shall be confined to the recommendations found in the North Carolina Extension publication “Controlling English Ivy in Urban Landscapes” [Developer Agreed]

5. A 40 foot no disturbance zone shall be maintained around the delineated wetland found on the site. [Developer Agreed to 20’ no disturbance zone with exception of sewer connection and stormwater release]

The Tree Board’s recommendations, above, are based on the following guiding city code documents: Municipal Code, Chapter 46, Article IV, Division I, Trees & Shrubs, Section 46, 116 & 117; the Zoning Code, Article XV Buffering, Screening & Landscaping Sections 15-1, A & C and 15-4 A; the Subdivision Ordinance, Purpose and Intent, Section 1.04, Part H; and the Comprehensive Plan, Vision Statement and Section 3.3, Goal NR-2, Strategy 2.3) and the City Council’s adoption (Feb., 2021) of Core Values and Beliefs as guiding principles as they apply to the prioritization of existing tree canopy.

BOARD ACTION

Motion/Second: *Davis / Peiso*

Yeas: *All*

Nays: *None*

Recused: *None*

Full Minutes of the Tree Board Meeting are available upon request