





**Analysis:**

In May of this year, the petitioner presented a Concept Plan to the Commission, to discuss the development of an industrial park on these properties, consisting of 11 lots. There are several existing buildings and businesses on the properties, which as a result of the subdivision, would be on individual lots. The remaining lots would continue to be vacant.

Before moving forward with plans for that subdivision, the petitioner is proposing to perform tree removal and grading activities on the properties. The project area consists of 152 acres, of which 43.65 acres are considered to be covered by tree canopy. A tree inventory has been submitted and removal of 4.83 acres (11.06%) of tree canopy is proposed.

Per Chapter 27 Section 27-71

- (a) Tree removal associated with construction or development activities. On tracts of land that are equal to or greater than two (2) acres in size, a tree permit, as issued by the director of planning and development, is required to remove or destroy ten thousand (10,000) square feet or more of tree canopy coverage within a five-year period (from the date the permit is issued) on each individual tract of that size. The removal of diseased, or dead trees, and trees that are a public nuisance is exempt. The property owner or developer must apply for and secure the tree permit before any removal or destruction commences. An application for a tree removal permit shall be submitted to the office of the director of planning and development and pursuant to this section, and shall include the following:
  - (1) Tree preservation plan, site plan and a landscape plan prepared by a certified arborist, certified forester, landscape architect or other professional as approved by the city engineer, for approval by the planning and zoning commission and tree board.
  - (2) A surety or cash escrow for the benefit of the city to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage within a one-year period after the issuance

of the final occupancy permits. The amount of the surety required shall be in the amount of two thousand five hundred dollars (\$2,500.00) for each acre (or fraction there of) of the tree preservation area, or five thousand dollars (\$5,000.00) whichever is greater. (The escrow shall not be required for applicants building on single-family residential zoned lots.)

- (c) Required tree protection. On tracts of land equal to or greater than two (2) acres in size, no more than seventy (70) percent of the existing tree canopy coverage may be cleared or developed. The remaining thirty (30) percent shall be maintained without disturbing the roots of trees in the protected area. Any valued trees removed during development that exceeds the thirty (30) percent canopy protection provision are subject to the replacement provisions outlined in subsection (d).
- (d) Required tree replacement. Replacement of trees is required when the tree protection requirements in subsection (c) cannot be met. Tree replacement shall occur in a sufficient quantity to create tree canopy coverage on the site equal to thirty (30) percent of the existing tree canopy coverage. New trees to be planted shall be no less than two (2) inches in caliper and no greater than four (4) inches in caliper unless otherwise approved by the director of planning and development. Each newly planted tree shall account for four hundred (400) square feet of tree canopy coverage towards the required replanting. If sufficient space on-site is not available for replanting the required number of trees, the owner/developer may either provide replacement trees for planting on city property where the city permits or, in lieu thereof, may make a payment to the city at a monetary value of one hundred dollars (\$100.00) per tree with a cap of two thousand five hundred dollars (\$2,500.00) per acre.

These properties are affected by 100 year floodplain and a floodplain development permit is required for any construction, grading or filling activity. Additionally, US Army Corps of Engineers, MSD approval and a land disturbance permit from the City are required. To date, approval has been issued by the Corps of Engineers and the City for land disturbance activities. MSD applications have been submitted but not yet approved.

Future development of a subdivision would require:

1. A change of zoning for the areas that are currently zoned NU;
2. A preliminary development plan;
3. A final development plan.

**Staff recommendation:**

Based on the information provided by the petitioner, staff is recommending approval of this petition. Tree removal is required for the proposed grading activity. A Tree Preservation Plan requires a meeting and approval by the Planning & Zoning Commission and the Park Commission. No action is required by the Board of Aldermen.

**\*Update**

On July 17, the Planning & Zoning Commission approved this petition.