

## Item H-3

Consider a resolution approving an appeal to the City of Keller Unified Development Code, Article 10, Tree Preservation, Section 10.01, Tree and Natural Feature Preservation for three lots within the Winding Creek subdivision, on 12.21 acres of land on the south side of Johnson Road, approximately 1,800 feet southwest from the intersection of Johnson Road and North Pearson Road, Lots 3, 5 and 6, Block A of the Winding Creek Addition, zoned Single-Family Residential 36,000 square-foot minimum lot sizes or greater (SF-36), and addressed 532, 516, and 508 Winding Creek Lane. Cary Clarke, Devane Clarke Partnership, Ltd., Applicant/Owner. (ATP-2602-0002)

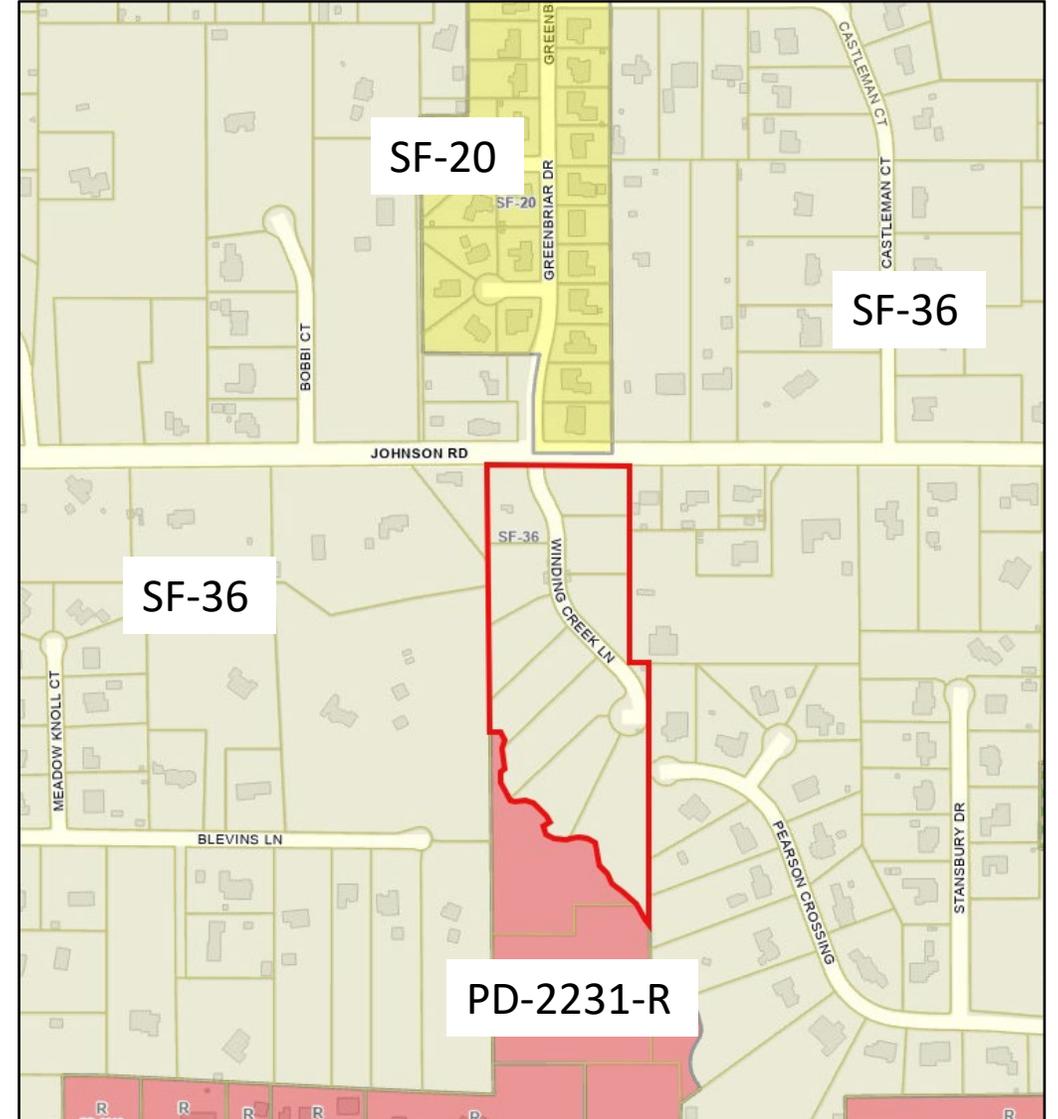
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## Aerial Map



Zoned:  
SF-36

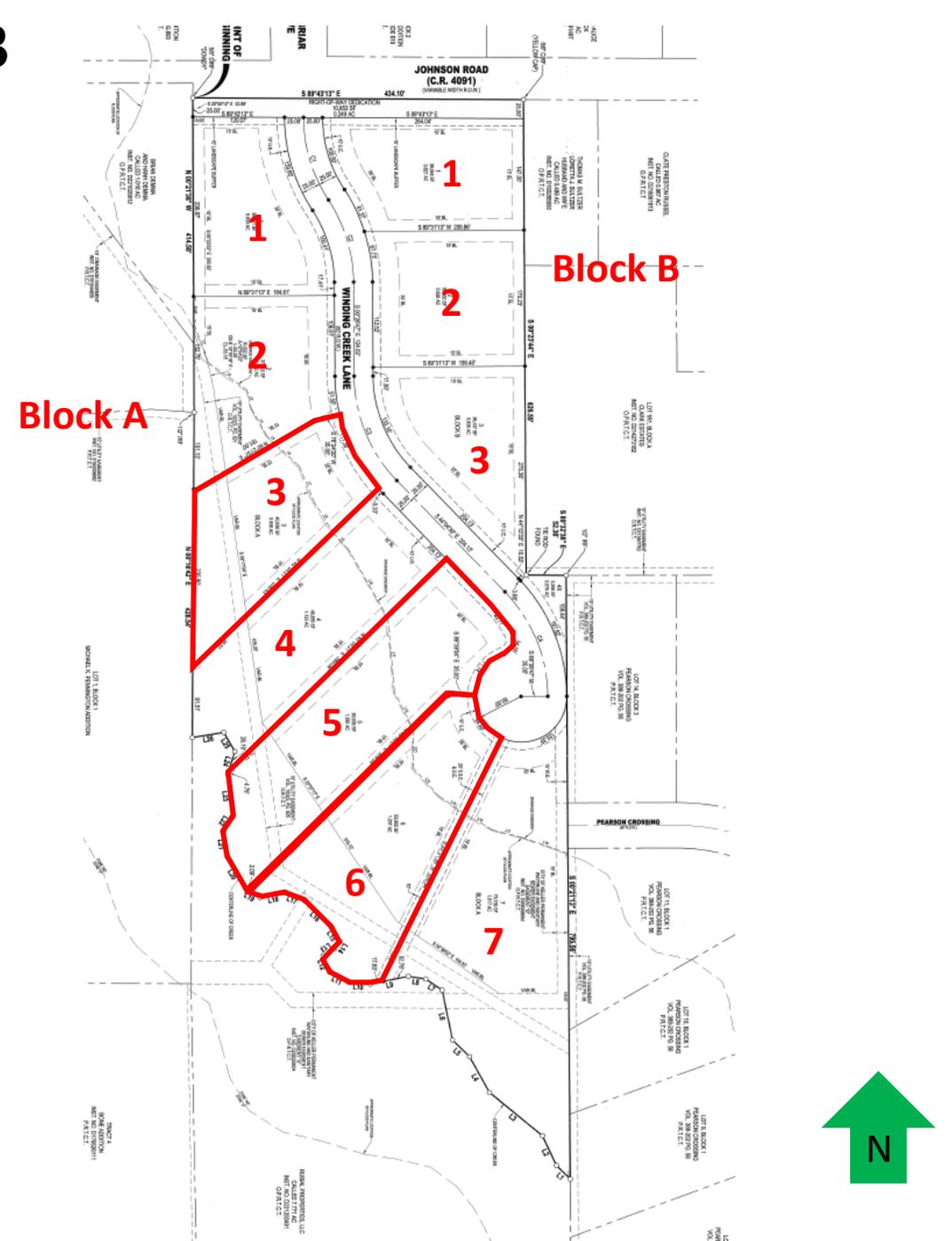
## Zoning Map



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## Background:

- May 21, 2024: City Council approved a final plat with 5 variances for the Winding Creek Addition, a development consisting of 10 single-family lots, and 1 open space lot. The variances were related to lot depth, width and front yard setbacks.
- The plat included a condition that building permits could not be issued for Lots 3-7, Block A until the applicant completed the Letter of Map Revision (LOMR) process through FEMA due to the floodplain impact on those properties.
- The Applicant is nearing the end of the LOMR process and wishes to remove trees and grade the lots in advance of the building permit issuances for Lots 3, 5 and 6, Block A.



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### **Exempt Trees:**

UDC Section 10.01 (I)(1):

All trees within street rights-of-way, utility or drainage easements as shown on an approved final plat/construction plan...shall be exempt from the tree protection and replacement requirements specified herein.

“All other tree removal activity shall be in conjunction with a building permit for individual lots and shall conform to the requirements of this Code.”

UDC Section 10.01 (C)(2)(c):

Upon submission of a building permit, the trees within the proposed building pad, as defined in this Code, including driveway and public sidewalk, as shown on a site plan approved by the City, are exempt, along with 20% of the remaining quality trees per the UDC.

### **Advance Grading:**

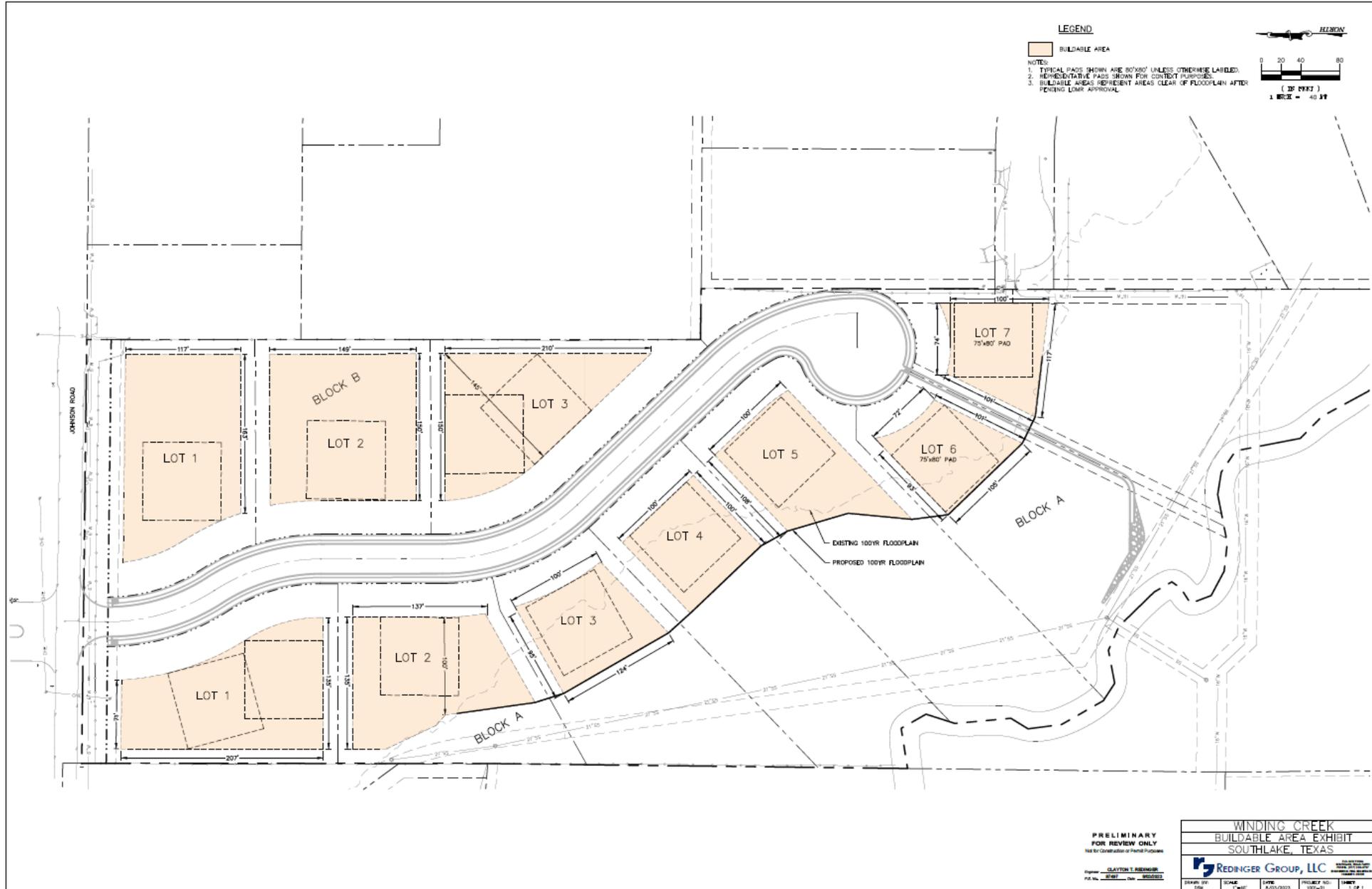
UDC Section 10.01 (C)(1)(e) states “In cases of severe drainage issues related to the site, the City Staff and/or the developer may request from the Commission to perform lot grading and pad site preparation in conjunction with or following the clearing of rights-of-way and easements but prior to the issuance of building permit(s)...”







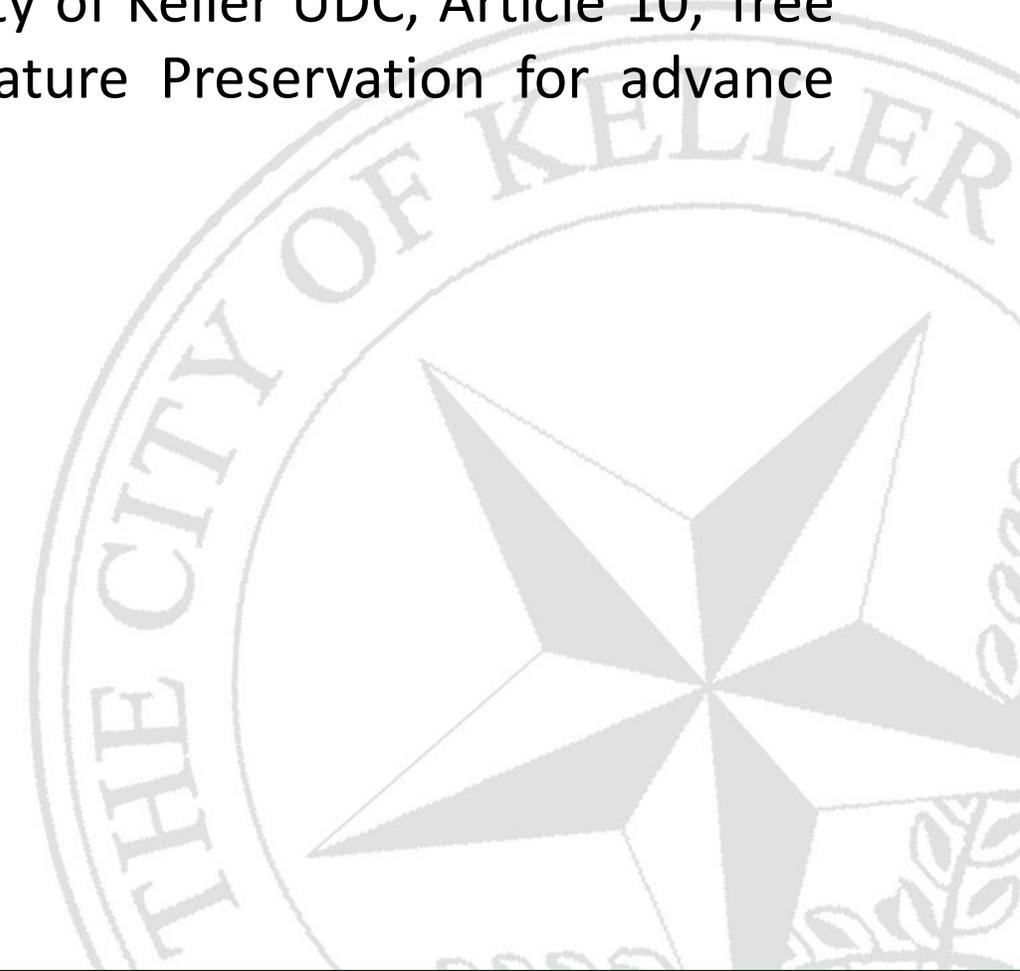
# Buildable Area



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### **Request:**

Consider a recommendation of an appeal to the City of Keller UDC, Article 10, Tree Preservation, Section 10.01, Tree and Natural Feature Preservation for advance grading of the Winding Creek subdivision.

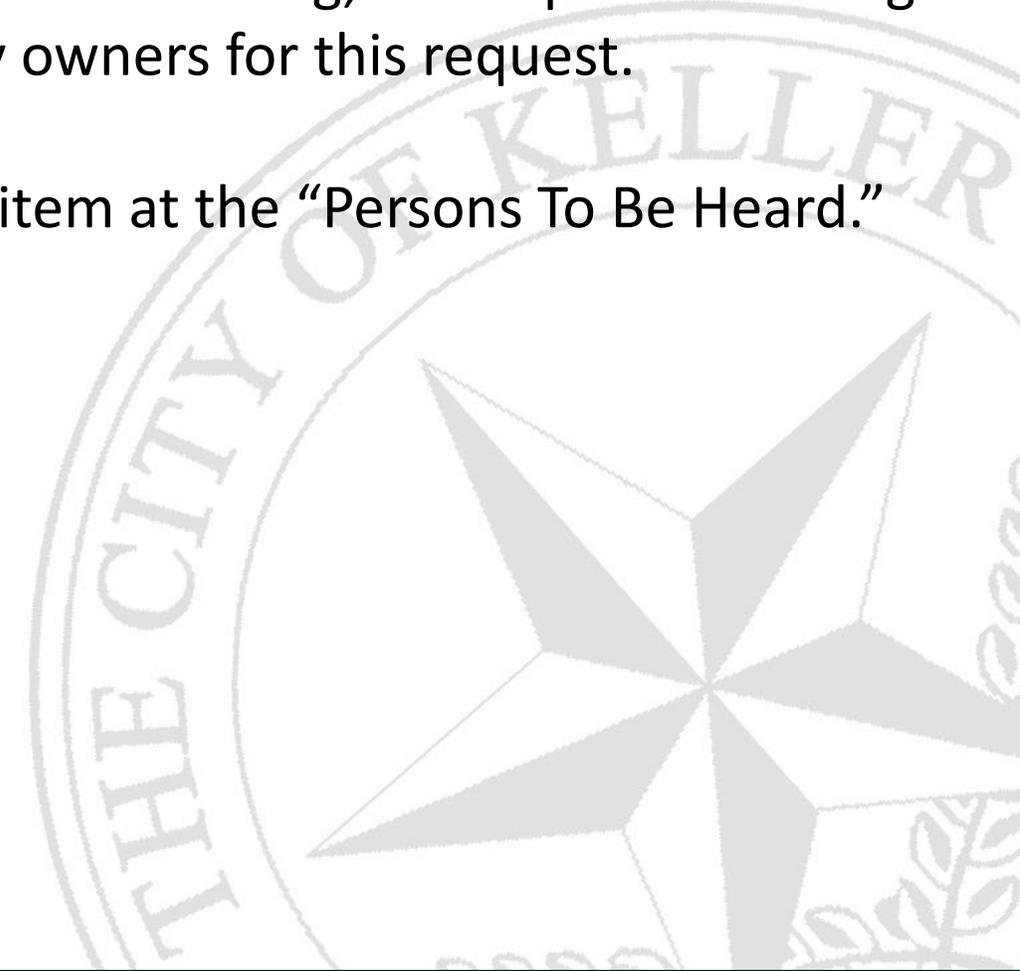


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### **Citizen Input:**

An appeal to the Tree Ordinance does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request.

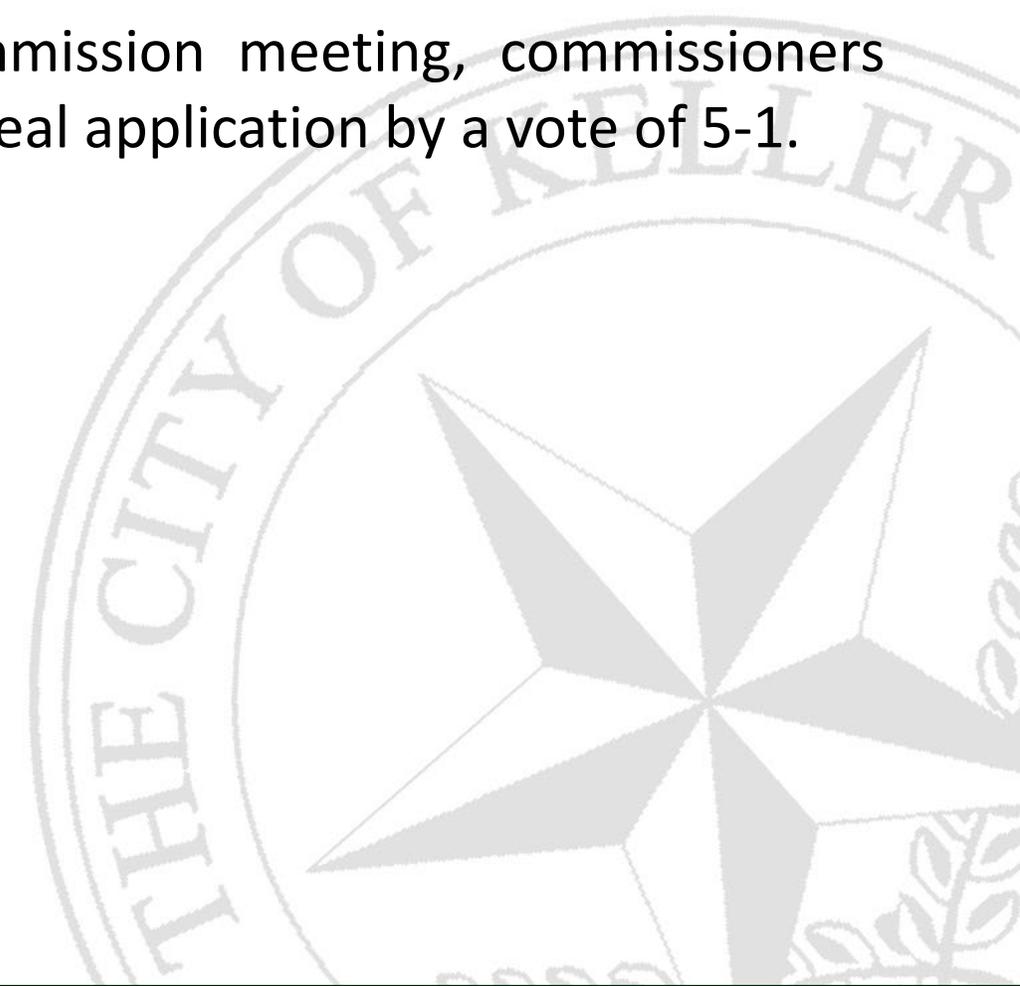
The public had an opportunity to speak on this agenda item at the “Persons To Be Heard.”



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### **Planning and Zoning Commission Recommendation:**

At the March 10, 2026, Planning and Zoning Commission meeting, commissioners recommended approval of the Tree Preservation Appeal application by a vote of 5-1.



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The City Council has the following options when considering a recommendation for an appeal to the Tree Ordinance:

- Approve as submitted
- Approve with modifications or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



**Questions?  
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817-743-4130**