

2. [Consider a recommendation of an appeal to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, and Tree Preservation, Section 8.18, Tree and Natural Feature Preservation, amending Resolution No. 3769, to allow advanced tree removal and lot grading for residential, Lots 1-4 and Lots 8-18, Block D, Lots 1-3 and Lots 20-18, Block E, and Lots 11-13 and Lots 18-20, Block F, Marshall Ridge Phase 3D, a portion of residential development consisting of forty-eight \(48\) residential lots, and one \(1\) open space lot, located on approximately 19.636-acres of land, located on the west side of Marshall Ridge Parkway and, approximately 1,000 feet north of Mount Gilead Road, and zoned as PD-SF-12 \(Planned Development-Single Family Residential-12,000 square foot minimum\) and PD-SF-15 \(Planned Development-Single Family Residential-15,000 square foot minimum\). Meritage Homes of Texas, LLC, owner/applicant. \(TB-17-0002\)](#)

Michele Berry, Senior Planner, gave staff's presentation and professional opinion. Ryan Joyce, representative for Meritage Homes, was present for questions.

Additional discussion was held regarding erosion control.

Commissioner Stansell made a motion to approve Item E-2 as presented, with the following conditions:

1. Approve the tree preservation plan as presented with additional planting, upsizing of required trees in the residential lots, escrowing \$56, 800 with the City to be refunded at the final approval of the 45th lot/ home or when the final caliper inches are planted. Beginning at two (2) years from the effective date of final acceptance of public improvements, five (5) building permits must be pulled within the previous six (6) months and five (5) building permits must be pulled every subsequent six (6) months, or the obligation of the developer will be considered unmet, the escrowed funds would be forfeited to the City's Tree Reforestation Fund, less the mitigated amount (installation of the additional trees) to date in Marshall Ridge Phase 3D. The CC&Rs for Marshall Ridge Phase 3D shall include this recommendation for tree mitigation as approved by the City.
2. The developer shall have a ninety (90) day period from date of approval by City Council to determine how many caliper inches may be planted within the Marshall Ridge subdivision open spaces. An escrow of \$196, 750 shall be made to the City, a portion of which may be refunded to the applicant in the amount of mitigation trees planted in the open space areas. The remaining amount after completion of

installation of mitigation trees in the Marshall Ridge open space areas shall be forfeited to the City's Tree Reforestation Fund.

3. Grading shall be permitted to develop streets, utilities and easement areas, but limited to residential lot prep (including tree removal, earthwork, and retaining walls) up to twenty-one (21) of the forty-eight (48) lots in Sub-Phase 1 as shown on the attached Exhibit "A".
4. Additional erosion control measures as shown in the attached Exhibit "A" shall be installed for those lots prepped in Sub-Phase 1 . Staff shall establish a recurring on-site meeting with the developer on a monthly basis to evaluate the effectiveness of the additional erosion control measures installed.
5. **Eliminate this condition in its entirety: Lots 14-18, Block D shall be excluded from Sub-Phase 2 grading and shall only be graded at time of release of building permits for these lots.**
6. **Sub-Phase II (remaining twenty-two (22) lots), will commence development upon final acceptance of Sub-Phase 1 by City staff and the effectiveness of the additional erosion control measures has meet the requirements approved by Resolution No 3769.**

Commissioner Reid seconded and the motion carried unanimously (7-0)