

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AN APPEAL TO THE CITY OF KELLER UNIFIED DEVELOPMENT CODE, ARTICLE 8, ZONING DISTRICTS, DEVELOPMENT STANDARDS, AND TREE PRESERVATION, SECTION 8.19, TREE AND NATURAL FEATURE PRESERVATION TO ALLOW ADVANCED TREE REMOVAL AND LOT GRADING FOR RESIDENTIAL LOTS 13-32, BLOCK B; LOTS 8-14, BLOCK F; LOTS 1-14, BLOCK G, AND ONE OPEN SPACE LOT OF GEAN ESTATES PHASE 3, LOCATED ON APPROXIMATELY 40.73 ACRES OF LAND, ON THE SOUTH SIDE OF BANCROFT ROAD, APPROXIMATELY 2,550 FEET EAST OF THE BANCROFT AND BOURLAND ROAD INTERSECTION, AT 740 BANCROFT ROAD, AND ZONED SINGLE-FAMILY RESIDENTIAL-36,000 SQUARE- FOOT MINIMUM (SF-36), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, Kyle Dickerson, Lennar Homes of Texas Land and Construction, Owner/Applicant/Developer ("Owner"); submitted a tree preservation appeal and mitigation plan ("Tree Mitigation Plan") application (TB-18-0001) to grade and remove trees at Gean Estates Phase 3 ("Phase 3"), and

WHEREAS, The current topography and large number of trees in Phase 3 makes it very difficult and potentially more disruptive if grading occurred one lot at a time in a haphazard manner rather than in a coordinated manner for the entire phase, and

WHEREAS, The advanced lot grading and tree removal shall be mitigated by upsizing 64 trees from three-inch caliper to five-inch caliper trees on 32 lots, and

WHEREAS, The Tree Mitigation Plan also provides 100 additional, five-inch caliper trees on 41 lots, and

WHEREAS, The Owner shall utilize 100.4 banked caliper-inches remaining from Phase 1 and 2, and the Owner shall also pay \$217,000 into the Tree Reforestation Fund, and

WHEREAS, The Owner shall escrow \$105,000 with the City of Keller to be refunded at the final approval of the 41st developed lot/home or when the final trees required by the Tree Mitigation Plan are planted, and

WHEREAS, The Owner shall forfeit the \$105,000 escrow fund if five building permits have not been obtained by the

Owner within 18 months from the date of final acceptance of the public improvements, and

WHEREAS, The Covenants, Conditions and Restrictions for Gean Estates shall include the requirements of the Tree Mitigation Plan, approved by the City, and

WHEREAS, On March 25, 2019, the Planning and Zoning Commission unanimously recommended City Council approve the Tree Appeal and Tree Mitigation Plan

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the City Council of the City of Keller, Texas, hereby approves the Tree Appeal and Tree Mitigation Plan to allow advanced tree removal and lot grading for residential Lots 13-32, Block B; Lots 8-14, Block F; Lots 1-14, Block G, and one open space lot of ("Phase 3"), consisting of forty-one (41) residential lots and two (2) open space lots, located on approximately 40.73 acres of land, on the south side of Bancroft Road, approximately 2,550 feet east of the Bancroft and Bourland Road Intersection, at 740 Bancroft Road, and zoned Single Family Residential-36,000 square foot minimum (SF-36), attached hereto as "Exhibit A," and incorporated herein as if fully set forth, with the following conditions:

1. The City Council grants this Tree Mitigation Plan plan as presented with additional tree plantings, upsizing of required trees in the residential lots, payment of \$217,000 into the Tree Reforestation Fund, applying one hundred point four (100.4) banked caliper inches set aside with the Gean Estates Phase 2 Tree Appeal, and escrowing \$105,000 with the City to be refunded at the final approval of the 41st lot/home or when the final caliper inches are planted.
2. If 18 months from the effective date of the final acceptance of public improvements five (5) building permits are not obtained, the escrowed

funds would be forfeited to the City less any mitigated amount (installation of the additional trees).

3. The Covenants, Conditions and Restrictions (CC&Rs) for Gean Estates shall include requirements of the Tree Mitigation Plan as approved by the City.

AND IT IS SO RESOLVED.

Passed by a vote of__ to ____ on this the 16th day of April, 2019.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney