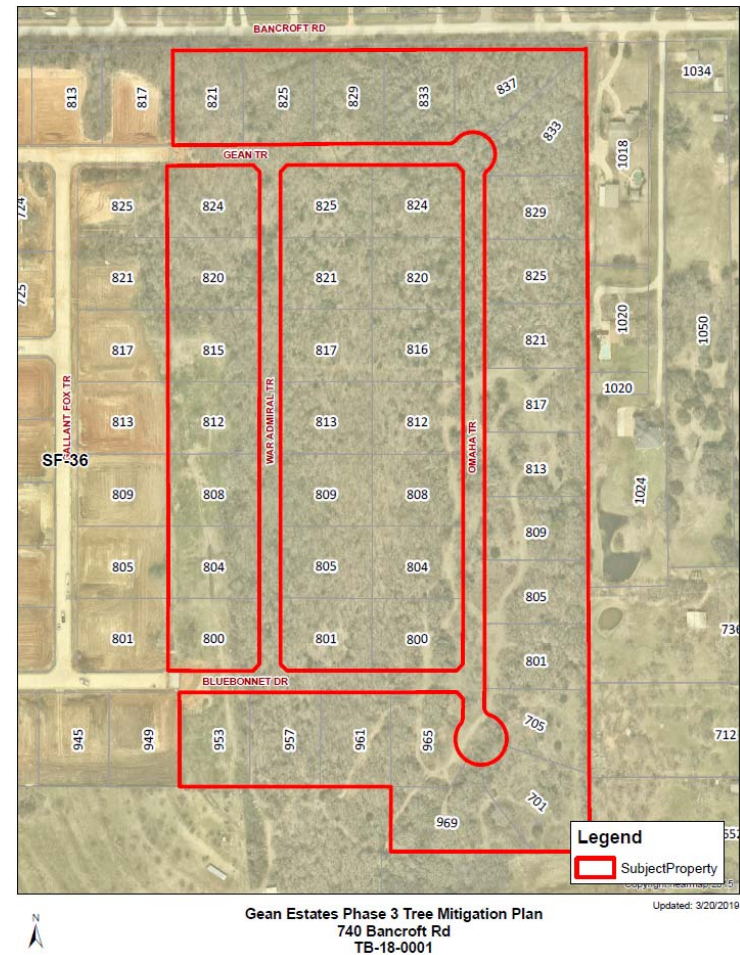
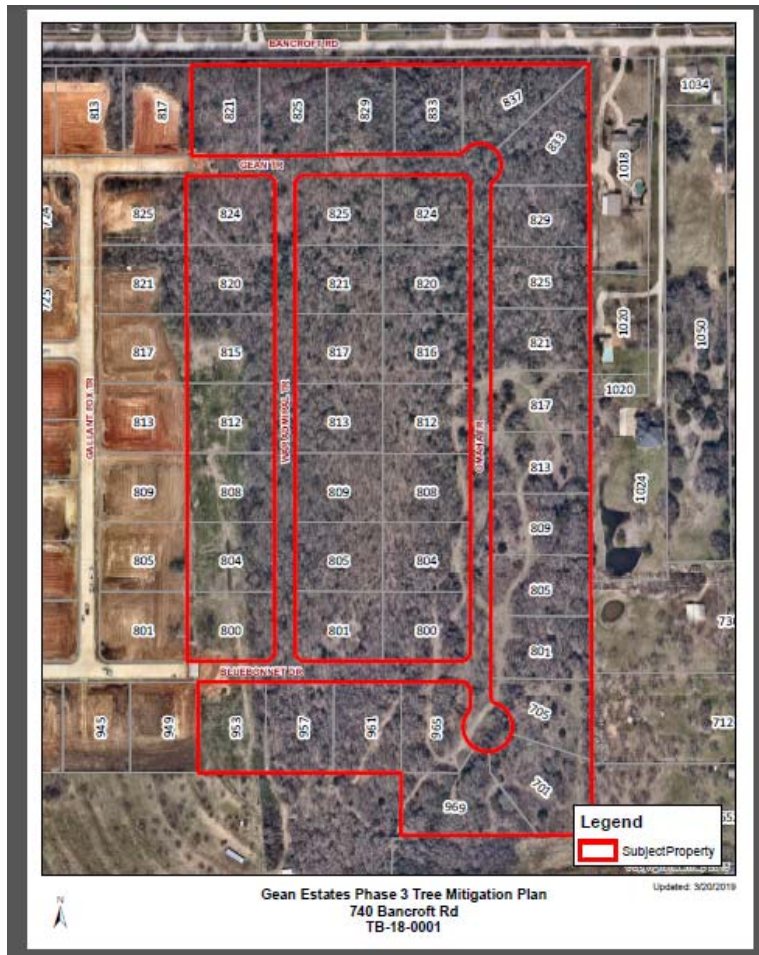


## H-1

Consider a recommendation for the approval of 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, a residential development 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). Lennar Homes of Texas Land and Construction, owner/applicant. LJA Engineering, Inc., Engineer. (TB-18-0001).

## H-1: Aerial and Zoning Map



## H-1: Background

- The P & Z Commission (“Commission”) approved the preliminary plat for Gean Estates on December 8, 2014. The preliminary plat provided a layout for a residential neighborhood consisting of 104 residential lots, seven open space lots, and one amenity center lot to be developed in three phases.
- Phase 1 and Phase 2 both submitted Tree Appeals - approved by City Council - for the advanced grading and tree removal on 51 of 63 lots for both phases.
- Gean Estates Phase 1 has homes on 30 of the 37 lots. Phase 2 is averaging, according to the builder, two houses per month. At this rate, Phase 2 could build-out as early as the end of the calendar year.
- A final plat for Gean Estates Phase 3 (consisting of 41 residential lots and two open space lots) was approved by the Commission on May 22, 2017. Construction plans for Gean Estates Phase 3 were approved on November 15, 2018.

## H-1: Background

- For Phase 3, the developer is requesting to remove 648 healthy trees from 40 of the residential lots and from one of the two open space lots that are not exempt from tree mitigation requirements - not in the building pads, easements, rights-of-way, nor the additional 20% permitted to account for topography and drainage.
- The total mitigation required for Phase 3 of Gean Estates is 2,250.4 caliper inches.



## H-1: Background

- The developer's proposal to mitigate the 2,250.4 caliper inches is the following:
  - Reflection of Actual Trees to be Planted (800.4 caliper inches):
    - Plant 100 additional trees on all 41 lots for a total of 500 caliper inches
    - Upsize 100 trees to be planted on lots from 3 caliper inches to 5 caliper inches for a total of 200 caliper inches
    - Utilize the remaining 100.4 caliper inches from the Mitigation Bank ("banked" from previous planting in Phase 1)
  - Reflection of Payment of \$150 per caliper inch of Remaining 1,450 Caliper Inch
    - Pay \$217,500 into the Tree Restoration Fund

## H-1: Background

### Mitigation Bank Procedure:

If a developer mitigates more than is required in one phase of a multi-phase development, they may “bank” the extra caliper inches (cal/in) and reserve them to be used in a later phase in the same development. Such banking must be approved by City Council as part of the Tree Plan.

## H-1: Background

### Gean Estates Mitigation Banking

#### Gean Estates Phase 1:

- 37 Lots, 6 Open Spaces, and 1 Amenity Center Lot
- Tree Caliper Inches to be Mitigated: 324.8 cal/in
- Mitigation Resulted in “Banking” 211 cal/in

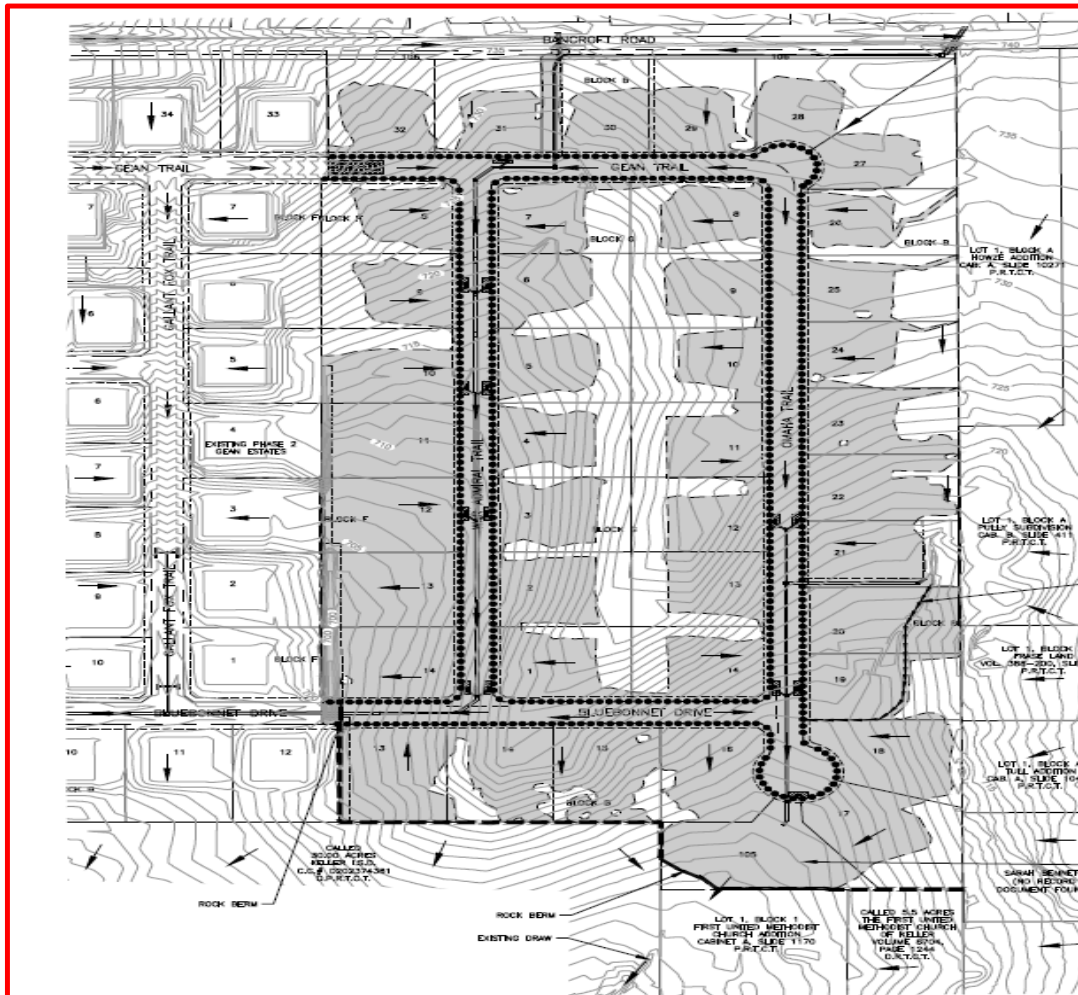
#### Gean Estates Phase 2:

- 26 Lots and 2 Open Spaces
- Tree Caliper Inches to be Mitigated: 558.6 cal/in
- Used 110.6 cal/in out of the Mitigation Bank; Left 100.4 cal/in remaining in Mitigation Bank

#### Gean Estates Phase 3:

- 41 Lots, 2 Open Spaces
- Tree Caliper Inches to be Mitigated: 2,250.4 cal/in
- Mitigation proposed will utilize the balance of the remaining 100.4 cal/in in the Mitigation Bank

## Item H-1



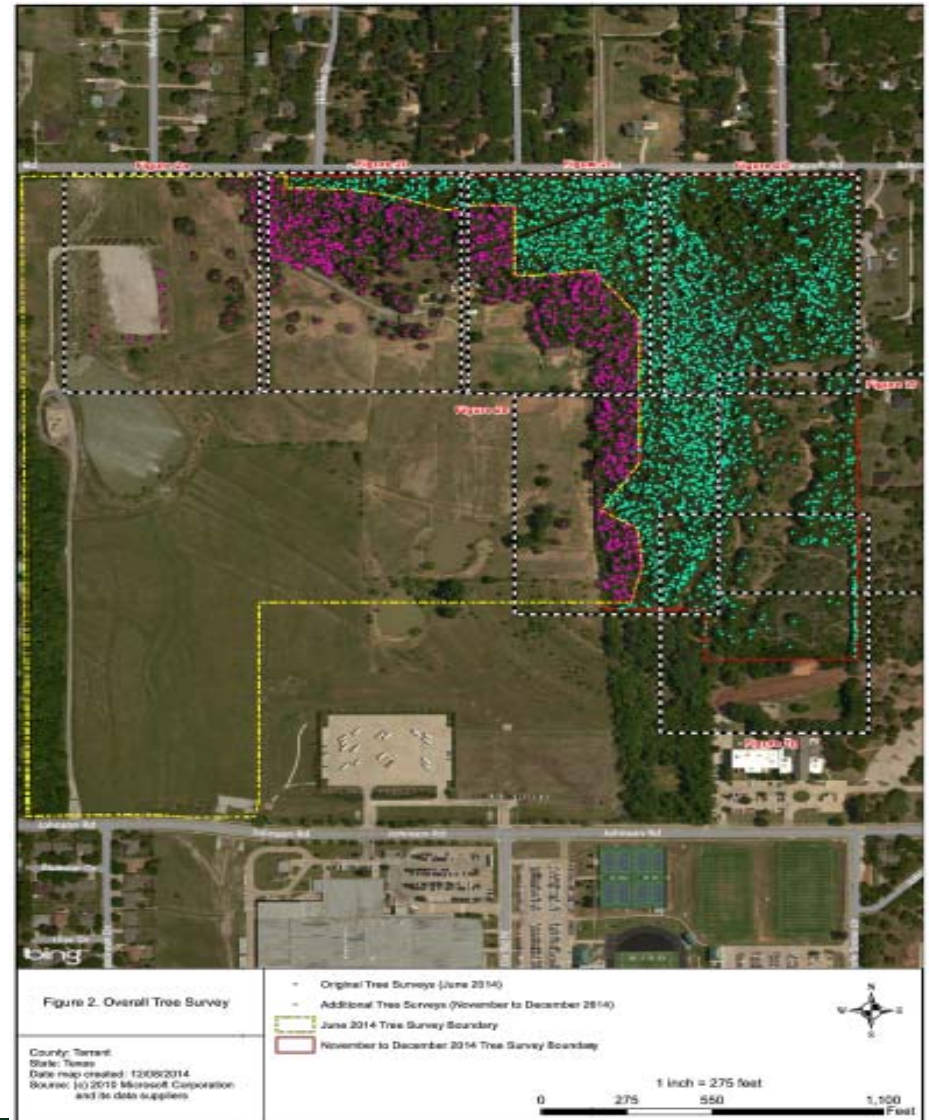
In the shaded gray area are the locations of lots and one open space. 648 Healthy Non-Exempt Trees will be removed from these areas.



## H-1: Aerial Photo Of Phase 3

The red displays what was included in the original tree survey completed June 2014.

The green shows additional tree survey completed November to December 2014.



## H-1: Mitigation Required

Lot	Block	Mitigation Required
13	B	0
14	B	94.8
15	B	66.1
16	B	0
17	B	0
18	B	0
19	B	83.8
20	B	235.9
21	B	57.4
22	B	0
23	B	0
24	B	57.7
25	B	20.4
26	B	0
27	B	0
28	B	0
29	B	0

30	B	37.4
31 **	B	0
32	B	132.9
8	F	46.6
9	F	34.5
10	F	16.2
11	F	195.5
12	F	106.4
13	F	0
14	F	50.9
1	G	111.5
2	G	89.9
3	G	103.4
4	G	80.6
5	G	54.0
6	G	148.1
7	G	49.1
8	G	0
9	G	26.5
10	G	0
11	G	98.8
12	G	20.0
13	G	26.6
14	G	69.6
<b>Total</b>		<b>2,250.4</b>

## H-1: Tree Regulations

- Protected quality trees are defined by the UDC as a tree that has a diameter of six inches (6”) or greater measured at four and one-half feet (4.5’) above the ground. The 28 species of trees protected per the UDC and considered “quality trees” include Oak (all species), Pecan, Cedar Elm, American Elm, Texas Hickory, Texas Ash, Red Cedar, and Black Walnut.
- Trees within the street, rights-of-way, utility or drainage easements, building pads, driveways, and fire lanes as shown on an approved Site Plan may be removed and shall be exempt from tree protection and replacement requirements specified within the UDC. An additional 20% of remaining quality trees can be removed without penalty for parking lots or drainage and grading purposes.
- If a protected tree is removed, the party removing the tree shall be required to replace the protected tree being removed with quality trees. A sufficient number of trees shall be planted to equal or exceed the number of caliper inches of trees removed. Replacement trees shall be a minimum of three caliper inches and seven feet in height when planted.

## H-1 Mitigation Recap

- The developer is proposing to remove 648 trees (non-exempt) healthy trees - **2,250.4 cal/in.**

Mitigation Method	Caliper Inches
Upsizing Required Planting	200
Additional Planting	500
Banked Inches	100.4
Payment into the Tree Restoration Fund (\$217,000)	1,450
Total	2,250.4

## **Item H-1 Planning and Zoning Commission Recommendation**

The Commission unanimously approved the following recommendation:

Approval of this Tree Mitigation Plan shall be approved as presented with additional tree plantings, upsizing of required trees in the residential lots, payments of \$217,500 into the Tree Restoration Fund, applying the remaining balance of one-hundred point four (100.4) “banked” caliper inches set aside with the Gean estates Phase 1 and 2 Tree Mitigation Plans, escrowing \$105,000 with the City to be refunded at the final completion of the 41<sup>st</sup> lot/home or when the final caliper inches are planted, obtaining five building permits within eighteen months of subdivision acceptance, and including the Tree Mitigation Plan as approved by the City in the Gean Estates Covenants, Conditions and Restrictions (CC&Rs).



## Item H-1 City Council Action

The City Council has the following options when considering this appeal to the UDC Tree Preservation requirements:

1. Adopt the Planning and Zoning Recommendation as approved with amendments to the developer's request for approval of the Tree Plan.
2. Recommend approval of the Tree Plan as originally presented by the developer or with additional amendments and/or modifications to meet the mitigation requirement of 2,250.4 caliper-inches.
3. Table the agenda item to a specific date with clarification of intent and purpose.
4. Denial.