

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AN AMENDMENT 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 17-19, 2-3, BLOCK G; LOTS 19-21, BLOCK D OF MARSHALL RIDGE PHASE I SOUTH, A RESIDENTIAL DEVELOPMENT CONSISTING OF 47 RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS, LOCATED ON APPROXIMATELY 25.166 ACRES OF LAND, ON THE SOUTH SIDE OF RIDGE POINT PARKWAY, APPROXIMATELY 1,790 FEET EAST OF THE NORTH MAIN STREET (U.S. HWY 377) AND RIDGE POINT PARKWAY INTERSECTION, AND ZONED PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL - 15,000 SQUARE FOOT MINIMUM (PD-SF-15), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, David Auginbaugh, Meritage Homes of Texas, LLC, Owner/Applicant/Developer (Meritage); submitted a Tree Preservation Plan appeal application (TB-18-0002) requesting additional advanced grading and tree removal at Marshall Ridge Phase I South; and

WHEREAS, Meritage shall mitigate 73 caliper-inches of the 421 caliper-inches by planting trees on the remaining 9 lots; and

WHEREAS, Meritage shall upsize 25 trees from three-inch caliper to four-inch caliper trees; and

WHEREAS, Meritage shall utilize 60 previously banked caliper-inches; and

WHEREAS, Meritage shall pay \$43,200 into the Tree Reforestation Fund for the remaining 288 of the 421 caliper-inches; and

WHEREAS, On June 10, 2019, the Planning and Zoning Commission unanimously recommended denial of the Tree Preservation Plan by a vote of 7 to 0 based on their opposition to further tree removal and additional and/or larger retaining walls;

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 an amendment 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 17-19, 2-3, Block G; Lots 19-21 & 23, Block D of Marshall Ridge Phase 1 South, a residential development consisting of 47 residential lots and 3 open space lots, located on approximately 25.166 acres of land, on the south side of Ridge Point Parkway, approximately 1,790 feet east of the North Main Street (U.S. HWY 377) and Ridge Point Parkway Intersection, and zoned Planned Development - Single Family Residential-15,000 square foot minimum (PD-SF-15), 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 as presented with tree plantings, upsizing of required trees in the remaining 9 residential lots, applying sixty (60) banked caliper inches, and payment of \$43,200.00 into the Tree Reforestation Fund.

AND IT IS SO RESOLVED.

Passed by a vote of _ to _ on this the 2nd day of July, 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