

RESOLUTION NO. 4135

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 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 of 2,252.4 caliper inches shall be mitigated;

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 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 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), as follows and incorporated herein as if fully set forth:

The advanced lot grading and tree removal of 2,252.4 caliper-inches shall be mitigated by:

1. Upsizing 100 trees from three-inch caliper to five-inch caliper trees on 32 lots (200 caliper-inches); and
2. Adding 100, five-inch caliper trees on 41 lots (500 caliper-inches); and
3. Planting 242, three-inch caliper trees in open space in Gean Estates Phase 1 (726 caliper-inches); and
4. Utilizing the remaining 100.4 banked caliper-inches from Phase 1 and 2; and
5. Developer will provide additional trees for individual homeowners in Phase I to be planted no later than December 31, 2019. Remaining caliper-inches shall be mitigated by payment at \$150.00 per caliper-inch into the Tree Restoration Fund; and
6. Escrowing \$213,900 (for 1,426 caliper-inches) 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
7. If 18 months from the effective date of the final acceptance of public improvements five (5) building permits have not been obtained, the escrowed funds would be forfeited to the City less any mitigated amount for the installation of trees; and
8. The Covenants, Conditions and Restrictions for Gean Estates shall include the requirements of the Tree Mitigation Plan as approved by the City.

AND IT IS SO RESOLVED.

Passed by a vote of 7 to 0 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