



City of Keller

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Legislation Text

File #: 20-151, **Version:** 1

To: Mark Hafner, City Manager
From: Julie Smith, Community Development Director

Subject:

Consider a resolution approving 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 for a portion of Lot 2, Block A of Milestone Church Addition for a parking lot expansion, located on 10.78-acres of land, situated between Ridge Point Parkway and Mount Gilead Road at 201 and 301 Mount Gilead Road. Milestone Church, Owner/Applicant. Halff Associates, Engineer. (TB-20-0001)

Background:

Milestone Church was constructed in 2017. Due to an increase in patrons attending their services, the need for additional parking has significantly increased. Consequently, Milestone Church is requesting to expand their parking to the north of their building and immediately east of the Atmos/Trail easement along the eastern property line. The total expansion would impact 10.78-acres.

Tree Replacement Regulations:

The City of Keller's UDC does not anticipate construction of just a parking lot expansion. Normally, a parking lot is built simultaneously with a building. Under such a scenario, parking lots are given a small allowance (20% of the related building footprint) for tree mitigation. Though Milestone Church's proposed parking lot expansion is not tied to a particular building but rather current as well as future parking needs, the Church has worked with staff to meet the intent of the Tree Mitigation Ordinance. They are proposing to submit a site plan showing build-out of the entire site, create trail connections, and also dedicate a Conservation Easement - the first for the City of Keller.

The Code is clear in terms of what species and sizes of trees are to be protected. Protected quality trees per the UDC are trees that have a diameter of six inches (6") or greater measured at four and one-half feet (4.5') above the ground. Protected trees include Oak (all species), Pecan, Cedar Elm, American Elm, Texas Hickory, Texas Ash, Red Cedar, and Black Walnut.

Section 8.19 (I.1) of the UDC speaks to the intent of tree replacement:

"In the event that it is necessary to remove a protected tree as specified in this Code, the party removing the tree shall be required to replace the protected trees being removed with quality trees as defined herein (see Section 8.20 - Exhibit I). A sufficient number of trees shall be planted to equal or exceed the diameter (measured at eighteen inches (18") above ground level of each tree removed. This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected. Said replacement trees shall be a minimum of three-inch (3")

diameter (measured at eighteen inches [18"] above ground) and seven feet (7') in height when planted."

Tree Mitigation Plan:

The proposed Site Plan Amendment indicating the expansion of the parking lot, the main building, and general placement of future buildings also shows the proposed 5.1-acre Conservation Easement. If the City Council approves the Church's proposal, these 5.1 acres will be preserved in perpetuity and also offset the entire amount of mitigation required. (See calculation, below.) By considering the proposal as a project (conservation easement, trail connections, and present and future parking lot) rather than only a current parking lot expansion, Staff believes it would be appropriate to provide a 20% offset as would normally occur with a building. The 3% of diseased trees was calculated by a City-hired arborist and extrapolated across the entire canopy. Rights-of-way are not included in mitigation calculations per the UDC and so were deducted. The final reduction relates to the four proposed buildings along the eastern property line. These buildings will eventually be using the proposed new parking lot, so Staff is recommending applying the 20% allowance now with the caveat that when the plans are submitted for these buildings, any additional parking required for them will not be given an additional 20% allowance.

Mitigation Calculation:

Total caliper inches to be removed	17,292.5"
20% deduction (20%x17292.5)	-3,458.5" Balance: 13,834"
3% diseased trees (3%x13834)	-415" Balance: 13,419"
ROW	-4,349.5" Balance: 9,069.5"
20% four-building reduction (in the future, the applicant cannot ask for 20% allowance for any additional parking lots associated with these four eastern buildings)	-889" Balance: 8,180.5"
TOTAL Mitigation Required	8,180.5"

Conservation Easement of 5.1-acres holds approximately 8,181 caliper inches.

Citizen Input:

In September 2019, Staff received an opposition petition in regards to the removal of trees and advanced grading on the east side of the lot as it relates to the parking lot expansion. However, the Conservation Easement was not proposed at that time. (Please see Exhibit B.) Because of the concerns expressed by Marshall Ridge residents, the Church elected to locate a majority of the Conservation Easement along the eastern property line to ensure a large buffer between the Church and the Marshall Ridge residents.

No citizens attended the March 10, 2020, Planning and Zoning Commission meeting nor submitted and comments of concerns.

An appeal to the Tree Ordinance does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. The public will have an opportunity to speak on this agenda item during the "Persons To Be Heard".

Planning and Zoning Recommendation:

On March 10, 2020, the Planning and Zoning Commission made a unanimous recommendation to City Council to approve the Tree Preservation Appeal application for Milestone Church. The Commission expressed their enthusiasm for the 5.1-acre Conservation Easement and significant appreciation of the Church's willingness to dedicate the first Conservation Easement in the City of Keller. The Commission did ask the Church to reach out to its closest neighbors along the southeast corner to address any concerns they may have had regarding noise and the proximity of the parking lot. Pastor Little readily agreed to do so.

Alternatives:

The City Council has the following options when considering a Tree Preservation Appeal application:

- Approve as submitted.
- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.