



CITY COUNCIL CONSENT AGENDA ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 02, 2023

AGENDA TOPIC: Approval of the Front Gate Unit 6 Updated Tree Preservation Plan

DATE: March 02, 2023

DEPARTMENT: Public Works

PRESENTED BY: Consent Agenda - Katie Schweitzer, P.E., Engineering Services

INTRODUCTION/BACKGROUND:

On December 12, 2022, an updated Tree Preservation Plan for Front Gate Unit 6 was submitted to the Public Works Department by Vickrey and Associates, Inc. This Tree Preservation Plan consists of an additional Heritage Tree to be removed due to its declined health status.

Regarding the submission of a Tree Preservation Plan, currently vested under the City's previous subdivision ordinance, Article II, Section 1 (C, 13) of said ordinance states, "The submittal shall conform to the requirements of Article III, Section 6 of this ordinance." This section contains a requirement by the Tree and Habitat Protection ordinance which states: "City Council approval is required prior to removal of any tree which is twenty-four inches (24") caliper in size or larger (heritage tree). The tree caliper is to be measured at 4-1/2 feet above the ground."

The submitted Tree Plan shows the following heritage trees:

Tree #700 – 28" Oak – To Be Saved

Tree #701 – 36" Oak – To Be Removed

Tree #727 – 32" Oak – To Be Saved

Tree #728 – 28" Oak – To Be Saved

Tree #770 – 37" Oak – To Be Saved

Tree #783 – 62" Oak – To Be Removed – *Previously To Be Saved*

Tree #832 – 30" Oak – To Be Saved

Tree #837 – 27" Oak – To Be Saved

Tree #843 – 30" Oak – To Be Saved

To mitigate, an additional three (3) trees with a caliper of at least two and one half - inches (2.5") will be planted; a grand total of six (6) trees to be planted. The applicant has been informed that the heritage trees will require City Council approval prior to removal.

During their February 9, 2023 meeting, the Planning and Zoning Commission recommended approval of the updated Front Gate Unit 6 Tree Preservation Plan. The motion passed unanimously with a vote of 7-0.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article III Section 6(A) of the previous subdivision ordinance states:

“It shall be unlawful for any person to remove, destroy, or cause the removal or destruction of any tree which is nine - inches (9") caliper in size or larger (protected tree) and which is located on an undeveloped tract of land within the city limits or extraterritorial jurisdiction (ETJ) without submitting a Tree Removal and Preservation Plan with the preliminary plat. City Council approval is required prior to removal of any tree which is twenty-four inches (24") caliper in size or larger (heritage tree). The tree caliper is to be measured at 4-1/2 feet above the ground.”

Furthermore, item “D” of the same section states the following:

“The Public Works Department shall review and recommend approval of the Plan if:

1. The tree(s) is located within ten feet of the perimeter of, the proposed building footprint, the area over a septic tank, areas necessary for site access, or within areas designated for the construction or installation of public facilities such as streets or utilities; or
2. The application demonstrates that the denial of the request for tree removal will affect a hardship prohibiting the development of the property in otherwise compliance with the regulations of the City of Fair Oaks Ranch; and
3. The application demonstrates that three (3) trees with a caliper of at least two and one half - inches (2.5") will be planted on the site or at another approved location for each tree removed that has a caliper of twenty-four - inches (24") or larger (heritage tree).”

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

Not Applicable

RECOMMENDATION/PROPOSED MOTION:

Staff has reviewed the updated Front Gate Unit 6 Tree Preservation Plan and recommends approval based on conformance with the City’s previous subdivision ordinance Article III, Section 6.

Consent Agenda - I move to approve the Front Gate Unit 6 Updated Tree Preservation Plan.