



PLANNING

To: Mayor and Town Council

From: David Hoover, AICP, Director of Development Services

Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager

Re: Removal of Historic Tree at Legacy Garden Phases 3-4

Town Council Meeting – August 13, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon a request for the removal of an historic tree on Legacy Gardens, Phases 3-4, on 136.1± acres, located on the southwest corner of Shawnee Trail and Frontier Parkway.

Description of Agenda Item:

The developer of the third and fourth phases of Legacy Gardens is requesting approval from the Town Council to remove a 42-caliper inch ash tree for the development of a residential subdivision. Per the Town's Zoning Ordinance, a tree exceeding a 40-caliper inch diameter is classified as an historic tree. These trees require Town Council approval to be removed. Currently, the historic tree leans heavily to the south due to the north side of the tree being trimmed, presumably by a power line company (see attached photo). The tree's growth interferes with existing power lines and power line companies typically trim the parts of tree canopies that conflict with their lines. Additionally, the historic tree is in the future right-of-way for Frontier Parkway. Eventually, the tree would be removed due to the anticipated expansion of the major thoroughfare. For all these reasons, it has been determined that the historic tree will not survive in the years to come. Historic trees are required to be mitigated at a rate of 400 percent. Per the breakdown below, this would require the developer to replace the tree with 56 trees or pay a \$29,400 fee in lieu of replacement.

Mitigation Breakdown:

42 (Historic Tree Caliper Inches) x 4 (400% Mitigation Rate) = 168 (Caliper Inches Required)
168 (Caliper Inches Required) / 3 (Average Caliper Inches for Tree) = 56 (Replacement Trees)
168 (Caliper Inches Required) x 175 (Rate) = 29,400 (Fee In Lieu of Tree Replacement)

Budget Impact:

There is no budgetary impact affiliated with this item.

Attachments:

1. Request Letter
2. Tree Survey
3. Future Frontier Right-Of-Way Exhibit
4. Tree Exhibit

Town Staff Recommendation:

Town Staff recommends approval of the request.

Proposed Motion:

I move to approve/deny a request for the removal of an historic tree on Legacy Gardens, Phases 3-4, on 136.1± acres, located on the southwest corner of Shawnee Trail and Frontier Parkway.